

Thank you, Mr. Toombs, But You have Done Enough

I first bought a home in Kensington 42 years ago. My two children grew up here. It was a community in which one sought to raise a family.

Our community is subject to management by the KPPCSD Board. I have gone through the KPPCSD Board's history over the past 8 years. In the past 8 years our community has been subject to financial mismanagement and community embarrassment, with the press having referred to Kensington as "lawless."

There is and has been one continuing influence on the Board over the past 8 years. That is Mr. Charles Toombs, who was first elected to the KPPCSD Board in 2008, and after 8 years on the KPPCSD Board, is running again. It has been under Mr. Toombs' 8 years of leadership of the KPPCSD Board that our community has been fractured by dissension and ill will, as we have not previously experienced.

During Mr. Toombs' 8 years of leadership of the KPPCSD Board, a great many Kensington residents have lost confidence in the current KPPCSD Board ability to manage the responsibilities the community had entrusted to them, as the manager of a "Community Services District." Under Mr. Toombs' 8 years of leadership of the KPPCSD Board, decorum, civility, transparency, and trust has been replaced by mean spiritedness, disrespect, obfuscation and suspicion. The ceaseless community acrimony and absence of trust in our elected Board majority, has resulted in many members of our community losing confidence and trust in what those in leadership over the past 8 years do or say, all to the moral and financial detriment of our community.

Regardless of possible good intentions, under Mr. Toombs' leadership over these past 8 years, the Board majority appears to have lost its "moral compass" and thus any legitimate claim for its authority to lead. In order to give our community a new opportunity to break with the failed legacy of these past 8 years under Mr. Toombs' leadership, and have a fresh start toward transparent accountable government, I ask Mr. Toombs to show his caring for the community by removing his name from candidacy for yet another 4 years of his dysfunctional leadership of the KPPCSD Board.

The following has occurred under Mr. Toombs' leadership of the KPPCSD Board:

- November 2008: Mr. Toombs is elected to the board for a term expiring December 2012 and during that term he is President of the Board.
- September 9, 2010: Board President Toombs signs a contract with Mr. Harman, extending Mr. Harman's contract through June 30, 2012. That contract was for Mr. Harman's joint services as General Manager of the District and also police chief.
- July 25, 2012: Board President Toombs signs a contract with Mr. Harman, extending Mr. Harman's contract through June 30, 2014. That contract was for Mr. Harman's joint services as General Manager of the District and also police chief.
- August 2012: Board President Toombs permitted a Board action which technically was taken

beyond the permissible time set by the Board's own policies for Board action. This eventually resulted in Kensington residents bringing suit against the Board and the Board bringing a counter suit against the plaintiffs. Many residents believe these unnecessary costs (financial and emotional damage to the community) could have been reasonably avoided by following the Board's own procedures, rather than acting out of a sense of entitlement and hubris

- Oct 5, 2012: In response to a constituent's inquiry about the apparent conflict of interest in having Mr. Harman serve District as both its legally required General Manager and discretionary employee "police chief," Board president Toombs writes (with a cc to the Office of Supervisor Gioia):

"This performance of these multiple duties by one person is entirely legal and permissible. There is no conflict of interest in having one person perform a number of different duties pursuant to an employment agreement, where that person reports to the District Board. "

Board President Toombs then adds:

"The Board provides all necessary oversight to the general manager/chief of police's operations of the District functions."

While lawyers may disagree in their legal opinions interpreting the law (and, with due respect for Mr. Toombs' opinion, I disagree with him that it is "legal and permissible" under the California Government Code requirements at 61050 et seq for a District to have the same person fulfill the requirement that a District have a "general manager" to supervise all District employees, while at the same time also serving as the District's employee police chief), Mr. Toombs, on behalf of the Board, accepted the responsibility for

"all necessary oversight to the general manager/chief of police's operations of the District functions."

Unfortunately for the community, as facts eventually came to light, the Board, under Board President Toombs' leadership, failed in Mr. Toombs' accepted and acknowledged responsibility of oversight of Mr. Harman.

- November 1, 2012: Correspondence with Board counsel confirms that Mr. Toombs, as President of the Board, was one of the only two Kensington officials who had access to legal counsel paid by the community—the other person being Mr. Harman. Other members of the Board requested access to "Board" counsel and claimed they had been denied access even though the counsel was "counsel to the Board."
- November 2012: Mr. Toombs is elected to a second 4-year term. That (current) term expires with the election of November 2016.
- 2014-2015: Mr. Toombs negotiates police service contract with now demoted Sargent Barrow. It is not known when it was that Mr. Toombs learned that the person with whom he was negotiating the police services contract for Kensington, had been placed under investigation by Mr. Harman.
- May 23, 2014: Sargent Barrow has incident with prostitute and loses his gun, handcuffs, ammunition, and badge to prostitute.
- July 2014: Harman writes in a July report to the Board that he was investigating an incident involving an off-duty officer (Barrow) for alleged dereliction of duty.
- July 2014 thru January 2015: Harman continued to report the investigation was ongoing.

Apparently, Mr. Toombs (who was negotiating the police contract with Sargent Barrow) failed ever to inquire as to the progress of the 9 month investigation.

- February 8, 2015: News story reports Sargent Barrow's prostitute incident of May 23, 2014, which took place 9 months before the news story broke.
- February 2015: Mr. Harman announces that Sargent Barrow had been suspended January 12, 2015, prior to the news report.
- February 2015: Board terminates police chief Harman.

Most recently, it appears that Mr. Toombs attempted –without success- to obtain the endorsement of an adjacent city's political club by providing that club with paid up new members who he expected would vote to endorse Mr. Toombs' Kensington candidacy. Despite such unseemly efforts at apparent influencing, Mr. Toombs failed to obtain the endorsement of that political club.

During the past 8 years our Kensington-elected public officials who were in control of the KPPCSD Board under Mr. Toombs' leadership, were entrusted with our community's governance. Under Mr. Toombs' watch, the KPPCSD Board majority permitted an environment of arrogance, entitlement and polarization to spread over what is an educated, cultured community of neighbors who were proud to say "we live in Kensington." Last year, the news media, from California to New York to even Nigeria, referred to Kensington as a "lawless" place.

Under Mr. Toombs' leadership, a Board majority culture of "we are in charge and no one can tell us what to do" appears to have replaced collegiality and collaboration. This "sense of entitlement," left unchecked under Mr. Toombs' leadership of the Board, like a cancer, then spread to the police force during the time that Mr. Toombs has been exercising the "oversight" that he acknowledged was his responsibility.

It is little wonder that a Kensington officer said to me with an air of braggadocio: "My experience is in dealing with LA gang violence." This is the ethos of "untouchability" that Mr. Toombs' example fostered.

Last year, at two Board meetings, in the presence of the community, the Board disclosed that the then newly elected Board members had not received the same information about the Barrows matter as had those directors—including Mr. Toombs—who have controlled the Board as a majority. The Toombs majority failed to provide the newly elected KPPCSD members with information that the Toombs' majority had.

On February 11, 2015 a constituent requested information from the Board. Mr. Toombs asked another member of the Board majority how to reply. He received the advice: "*My suggestion is to ignore him.*"

Once again, a marginalization by the Toombs majority: first, a marginalization of those newly elected by the Kensington community, and then a marginalization of the electorate when it seeks information from its elected officials. It is almost frightening to read from the Toombs exchanged message that was not intended to be seen by the public, that the attitudes of the

Toombs majority officials are to stonewall, ignore and withhold information - regardless of whether disclosure would be to other elected public officials or to constituents.

Under Mr. Toombs' 8 years of KPPCSD Board leadership our community has become polarized, our governance mistrusted, and constituents' and minority Board members' access to information obscured. This lack of transparency and absence of accountability under the 8 years of Mr. Toombs' leadership, has spread the sense of immunity from accountability to our community's safety leadership and apparently even into their ranks.

Under 8 years of Mr. Toombs leadership, many residents have lost trust in our elected officials and in the Board's ability or even its will to exercise sound moral and financial judgment and oversight to make certain that those we trust and pay to keep the community safe, do so in fact. This failure under Mr. Toombs 8 years of leadership, after writing that he acknowledged his responsibility of oversight, to, in fact, provide oversight of those hired to protect Kensington residents, culminated in an officer being disgraced, in the police chief being terminated, and in the community being embarrassed. This 8 year history, including the legal expenses forced upon the community, disqualifies Mr. Toombs from any legitimate claim to be worthy of the community's consideration of him for future trust as an elected public official.

Now after nearly 8 years in leadership on the KPPCSD Board, Mr. Toombs can add greatly to the process of our community having a fresh start with new community representatives and new leadership. Mr. Toombs can demonstrate his caring for our community by removing his name from candidacy as director of the KPPCSD Board. Thank you, Mr. Toombs, but you have done enough

A. Jan Behrsin, resident