

[REDACTED]

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**From:** Cyrus Modavi  
**Sent:** Thursday, February 14, 2019 12:12 PM  
**To:** Eileen Nottoli  
**Cc:** Tony Constantouros; Lynn Wolter; [REDACTED]  
**Subject:** RE: Winter Newsletter (MAJOR Legal Issue -- ALL should read)

Hi Eileen,

Who wrote up the Matrix section? Was that all Matrix itself, Staff, or a Director?

This is in regards to a legality/liability concern, given that CSDA states that it is best practice for staff to be the writer (with board input at best) -- see forwarded email below -- and with an ultra-neutral tone (see attachments from CSDA magazine) and not trying to argue or influence towards either side. Otherwise you open the District up to litigation over the accusation that the newsletter is lobbying/campaigning on the public's money.

Wasn't this the board that touted "best practices" and "avoiding unnecessary litigation risk"?

I also find it curious that this is the only topic for the newsletter (with all the white space left over), given we went through an election, the whole admin study, policy changes, and undertook park-related functions.

That said, the newsletter makes several statements that can be construed as leading/conjecture/opinion without any factual backing:

**e.g., How Do We Provide *Top Service with a Tight Budget?***

---> Your title utilizes slogan-like words that trigger emotion and also italicizing words as to emphasize them. It is well known and utilized in psychology that such elements subconsciously influence people. While "cute" or "hip", this is not appropriate for a professional government newsletter on such a critical issue.

**e.g. (first two bulletpoints)**

---> The KPD itself has actively questioned some of the context/veracity of facts related to Dispatch services and the interpretation of. Yet we continue to repeat them without any consider for actual fact-finding on our end (at least to anything that has been made publically available that I am aware of). As a board, we have a *duty* to do our own due diligence before publishing things under our own header and spreading it into the community in such an active form.

---> At the very least, if we are seeking to inform, the public should be aware of any such disagreement coming from the front-line people that utilize the Dispatch services and are on the streets.

**e.g., "Currently, KPPCSD is obligated to pay between \$354,893--\$527,758 per year for 15 years to pay down the current unfunded accrued liability."**

---> This is patently *incorrect*. Currently the KPPCSD is obligated on the 30 year amortization plan. The board has previously considered Mr. Watt's proposal to *voluntarily* try to meet the 15 year plan.

**e.g., "KPPCSD will have financial difficulty delivering best practice law enforcement at a reasonable**

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**and sustainable cost."**

---> What is the modeling basis of this? What assumptions are made? There is even no historical basis to buttress this *opinion* on given the history behind the special assessments.

---> What is "reasonable" and "sustainable" cost mean? This is very dependent a person's socioeconomic status. You can only give numbers or projections if you chose to responsibly make such statements.

---> I never saw this statement anywhere in the Matrix findings

**e.g. "The estimated costs for a full service contract and best-practices in-house police services are essentially equivalent."**

---> *Essentially* is an opinion, not a quantitative fact. Many things can be "essentially" the same depending on the order of magnitude or one's tolerances. State the differential and the direction of that differential then if you are so sure and let people make up their minds. Otherwise, you are presenting with bias.

**e.g. "The adjoining cities of Berkeley, Albany and El Cerrito were contacted regarding level of interest in providing full-service or partial "hybrid" police service delivery to Kensington."**

---> This is incomplete, as it fails to state afterwards who would actually be viable options based on the Matrix's own admittance/analysis from the Phase 2 draft information. Has something changed since then that I am not aware of?

**Finally, You do NOT provide a link to the source material or even obviously state that the website has the public reports and drafts...even when you have the space to do so. You essentially fail to inform the public of resources they need if they wish to better understand your summary and make informed opinions.**

---> This is a failure of journalistic, scientific, and transparency ethics at worst. Pour judgment and shoddy research/writing at best.

If you chose to go forward with this newsletter or fail to attempt stopping its dispersal after what I have pointed out, you will now be knowingly utilizing public money for *misinformation* while engaging in active *omission of critical information*.

I do not send this email lightly, but as a trained scientist who serves to educate the public for the greater good, I can not remain quiet. Nor should anyone else in the thread given your training and fiduciary duties to the citizens and the District.

Sincerely,  
Director Modavi

P.S.

I wish to reserve that this outbound communication email remain PRA-able (if possible). [REDACTED]

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**From:** Cassandra Strawn [cassandras@cstda.net]

**Sent:** Wednesday, February 13, 2019 5:57 AM

**To:** Cyrus Modavi

**Subject:** FW: California Special Districts Association Contact Us Form - (Best Practice Question) Regarding Newsletter Production

Hi Cyrus,

This could be a great question to ask your peers on CSDA's Open Forum.

I asked our legislative analyst and this is what he had to say –

It would be best for staff to write the newsletter, potentially with direction from a subcommittee or ad-

[REDACTED]

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**From:** Cyrus Modavi  
**Sent:** Tuesday, February 19, 2019 10:53 PM  
**To:** Eileen Nottoli; Tony Constantouros; Lynn Wolter  
**Subject:** RE: Winter Newsletter (Followup) -- [Responce Required]

Eileen, Tony, & Staff,

Following up on Thursday's meeting in which Director Sherris-Watt indicated this newsletter was produced by Matrix (without even so such as an attribution or disclaimer) and having had time to think over it, I feel it necessary to find answers to the following questions:

- **Was Director Sherris-Watt accurate in her statement that Matrix was the sole producer of this newsletter's article?**
- **Who else, if anyone, was involved in this newsletter's generation?**
- **What was the total cost of this work product? (printing and any other potential commission costs)**
- **Who signed off on the final payment(s) and authorization to begin printing?**

Sincerely,  
Director Modavi

[REDACTED]



[REDACTED]

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**From:** Cyrus Modavi  
**Sent:** Saturday, February 23, 2019 3:41 PM  
**To:** Eileen Nottoli  
**Cc:** Tony Constantouros; [REDACTED]  
**Subject:** Newsletter

Eileen & Tony,

**Regarding Interviews by Journalists:** In the future, please be aware that as a board we should all be aware of any communications with the press or other critical communications that occur with implications to the whole board and District's operations. In so far as you expect us to inform the full board of important unexpected events by one-way communication, the same expectation works from the President and the GM.

**Regarding the Newsletter:** I think I've already made most of my points on this clear previously. Though, it is even more concerning to hear that the Directors on the *finance committee* let such errors slip through. I will follow up with Staff on the costs.

I must point out that a newsletter that is failing to serve as an accurate and fair handed informational packet is not something that meets the principles of government transparency. As a public entity we serve the best interests of the public, which is not accomplished by simply printing whatever a private entity suggests we print to advance their narrative.

Thank you,  
Cyrus

(P.S. Please retain this component of the email thread as PRA-able document if possible in the name of transparency, unless General Council can argue otherwise why it is privileged or contains legally confidential discussion. [REDACTED])

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**From:** Eileen Nottoli  
**Sent:** Saturday, February 23, 2019 2:18 PM  
**To:** Cyrus Modavi  
**Cc:** Tony Constantouros; adanforth8@outlook.com  
**Subject:** Re: Tuesday at 3:30

There is always an open session for public comments on the agenda for a closed session.

Thomas Peele called me Tuesday afternoon and he did not say if or when the article would be printed. I saw the article on Wednesday morning as you did.

Rachelle and I made a few edits in the Matrix draft and Matrix concurred in these edits. As for costs, you will need to get that from Lynn.

A newsletter is one of the requirements for a transparency certificate.

Eileen Nottoli

[REDACTED]

