



# Agenda

Board of Directors  
Kensington Police Protection  
and Community Service District  
**Special & Regular Meetings**  
**Thursday, March 10, 2022**  
Via Teleconference  
**6:00 p.m.**

[www.kppcsd.org/2022-03-10-kppcsd-board-meeting](http://www.kppcsd.org/2022-03-10-kppcsd-board-meeting)

The page at the URL above will have instructions on how to join the online meetings.

*On September 16, 2021, the Governor signed into law AB 361. AB 361 added Section 54953(e) to the California Open Meetings Act, California Government Code 54950 et seq. (“The Brown Act”). Section 54953(e) allows District’s legislative body, the Board of Directors, to hold meetings by teleconferences during a proclaimed state of emergency subject to the Board making findings specified in Section 54953(e)(2). The Board may continue to hold teleconferenced meetings during the state of emergency so long as at least every 30 days, the Board reconsiders the state of emergency to determine if remote meetings are warranted under Section 54953(e)(3). When holding teleconferenced meetings, the Board must comply with the notice, access, public comment and other procedure requirements of Section 54953(e)(2).*

## **Special Meeting – 6:00 p.m.**

### **Call to Order**

### **Roll Call**

### **Special Meeting Agenda Item Public Comments**

*Individuals wishing to address the Board of Directors concerning any Special Meeting agenda items or on matters not already on the agenda are invited to make oral comments of up to three minutes. Please raise your hand via Zoom. When you are called on by the Board President, you will be unmuted and you can address the Board of Directors. Please state your name clearly for the audio recording. You are requested to address your comments to the President and Board of Directors and not to staff and/or the audience. By state law, the Board is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Board, please mail or email it to the Clerk of the Board at 917 Arlington Ave., Kensington, CA 94707 or [llewis@kppcsd.org](mailto:llewis@kppcsd.org).*

### **1. Teleconference Meetings During State of Emergency**

Recommended Action: Adopt Resolution Determining That Current Circumstances Continue To Warrant Holding Meetings By Teleconference.

Contact: Ann Danforth, General Counsel, [adanforth8@outlook.com](mailto:adanforth8@outlook.com)

### **Adjournment to Closed Session**

## **Special Meeting (Closed Session)**

1. **Recruitment of Permanent General Manager** (Government Code § 54957(b))  
Recommended Action: Receive information and discuss potential candidates  
Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)
2. **Conference with Labor Negotiator**  
District designated representative: Interim General Manager Richard J. Benson  
Employee organization: Kensington Police Officers Association  
Unrepresented: Chief of Police and Police Lieutenant  
Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)

## **Regular Meeting - 7:00 p.m.**

### **Call to Order**

### **Announcement from Closed Session**

### **Roll Call**

### **Public & Consent Calendar Comments**

*All matters on the Consent Calendar are considered routine and are approved by one motion and vote, unless Board Member or General Manager first requests that a matter be removed for separate discussion and action. Individuals wishing to address the Board of Directors concerning Consent Calendar items or on matters not already on the agenda are invited to make oral comments of up to three minutes. Please raise your hand via Zoom. When you are called on by the Board President you will be unmuted and can address the Board of Directors. Please state your name clearly for the audio recording. You are requested to address your comments to the President and Board of Directors, and not to staff and/or the audience. By state law, the Board is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Board, please mail or email it to the Clerk of the Board at 217 Arlington Ave., Kensington, CA 94707 or [llewis@kppcsd.org](mailto:llewis@kppcsd.org).*

### **Consent Calendar**

1. **Meeting Minutes for the Special and Regular Meetings of February 10, 2022**  
Recommended Action: Approve meeting minutes.  
Contact: Lynelle Lewis, District Clerk, [llewis@kppcsd.org](mailto:llewis@kppcsd.org)
2. **January 2022 & Revised December 2021 Financial Reports**  
Recommended Action: Receive and accept financial reports.  
Contact: Lisa Mundis, Finance Director, [lmundis@kppcsd.org](mailto:lmundis@kppcsd.org)

**3. Contract with FJ&I Engineering for Storm Drain Repairs**

Recommended Action: Approve contracting with FJ&I Engineering to repair the storm drain at 92 Highland Blvd in an amount not to exceed \$21,000 and authorize Interim Manager to sign a contract contingent upon approval by District Counsel.

Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)

**Discussion and Action**

**4. Elsie Nielson Park**

Recommended Action: Name the corner lot at Arlington Avenue and Coventry Road, Elsie Neilson Park in recognition of her gift of this land to the citizens of Kensington as a park.

Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)

**5. Update on Rollout of New Waste Collection Procedures**

Recommended Action: Receive report

Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)

**6. Ordinance Mandating Organic Waste Disposal Reduction**

Recommended Action: Adopt motion to ready by title only and waive further reading; introduce Ordinance No. 2022-01 An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction.

Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)

**7. Temporary Relocation of District Offices**

Recommended Action: Approve entering into negotiations with the City of El Cerrito to lease property and appoint Richard J. Benson, Interim General Manager, as real estate negotiator for the property located at 10900 San Pablo Ave., El Cerrito, California.

Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)

**8. Housing for the KPPCSD**

Recommended Action: Receive a report on possible options for relocating the District's facilities and consider relocating the KPPCSD into Building E and providing the KCC with facilities at the site of the Annex Building.

Contact: Director Chris Deppe & Director Sherris-Watt

**Comments & Reports**

**9. Director Comments**

**10. General Manager Comments**

**11. Board Correspondence**

- KCC Report

## **Adjournment**

The next regular meeting is scheduled for April 14, 2022.

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## **General Information**

- All proceedings of the Open Session will be audio and video recorded if possible.
- Upon request, the Kensington Police Protection and Community Services District will provide written agenda materials in appropriate alternative formats or disability-related modification of disabilities to participate in public meeting. Please send written request, including your name, mailing address, phone number, and a brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two days before the meeting. Requests should be sent to Kensington Police Protection & Community Service District, 217 Arlington Ave, Kensington, CA 94707.
- To be added to the Board Agenda Mailing List, complete and submit the form at <https://www.kppcsd.org/agenda-mailing-list> or by notifying the Clerk of the Board at [llewis@kppcsd.org](mailto:llewis@kppcsd.org).

## **Posted Agenda**

Public Safety Building – Colusa Food – Arlington Kiosk and at [www.kppcsd.org](http://www.kppcsd.org). Complete agenda packets are available at the Public Safety Building at 217 Arlington Avenue, Kensington, CA 94707.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Service District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the **District offices, 217 Arlington Ave, Kensington, CA 94707** at the same time that those records are distributed or made available to a majority of the Board.





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Date: March 10, 2022  
To: Board of Directors  
From: Ann Danforth, General Counsel  
Subject: Resolution for the Board to Continue Holding Remote Meetings

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**Recommendation:**

Review, discuss, amend (as necessary) and adopt the attached Resolution.

**Rationale for Recommendation:**

The State has adopted Assembly Bill 361, which amends the Brown Act (also known as the California Open Meetings Law) with respect to conducting remote meetings by teleconferencing. Staff believes that the present circumstances meet the criteria for continuing teleconferencing meetings. Adoption of the resolution will authorize the Board of Directors to continue that practice.

**Background, Discussion and Analysis:**

AB 361, codified as Government Code Section 54953(e)(1), authorizes teleconferenced meetings during a proclaimed state of emergency under the circumstances and criteria discussed at the Board's special meeting on September 28, 2021.<sup>1</sup> At that meeting, the Board determined that the then-current circumstances met those requirements, adopting Resolution 2021-19.

Section 54953(e)(3) limits the duration of each such determination to 30 days. If the state of emergency remains active or state or local officials have imposed or recommended measures to promote social distancing, the Board must reconsider the circumstances of the state of emergency within 30 days and determine either that the state of emergency continues to directly impact the ability of the members to meeting safely in person or that state or local officials have imposed or recommended measures to promote social distancing. Accordingly, on October 14, 2021, the Board re-considered the circumstances of the state of emergency and adopted Resolution No. 2021-20, deciding to continue to hold meetings remotely. The Board came to a similar decision on November 11, 2021, December 9, 2021, January 13, 2022, and February 10, 2022, adopting Resolutions 2021-21, 2021-22, 2022-01 and 2022-2

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<sup>1</sup> As also discussed at that meeting, the Brown Act also allows teleconferencing under Section 54954(b), but the restrictions are significantly more burdensome.

respectively.

To continue holding teleconferenced meetings during the Covid 19 threat without calling special meetings when the interval between regular meetings exceeds once a month, the Board must regularly reconsider its decision to meet remotely. The attached draft Resolution 2022-03 will authorize continued teleconferenced meetings.

According to some sources, the Omicron variant surge is beginning to abate. However, the CDS continues to recommend wearing masks, especially indoors. See <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>. As of February 28, 2022, the Contra Costa County Health Services Department indicates that the daily case rate in the County is decreasing but continues to strongly recommend wearing masks indoors. <https://www.coronavirus.cchealth.org/>. Even vaccinated persons are vulnerable to Covid's Delta and Omicron variants and can spread the infection to others, although they tend to be less likely to become seriously ill and are infectious for a shorter period of time (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>). Moreover, as of the writing of this report, the Center for Disease control continues to recommend social distancing for unvaccinated persons and masks in some circumstances (see <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> as does Contra Costa County (see, e.g., <https://www.coronavirus.cchealth.org/prevention>, <https://www.coronavirus.cchealth.org/safer-social-interactions>).

The Bay Area generally enjoys a strong vaccination rate. However, in Contra Costa County, barely 50% have received the recommended booster shot. <https://www.coronavirus.cchealth.org/>. In addition, the District cannot assume that all meeting attendees are vaccinated. We do know that many Board meeting attendees are over 65 and therefore considered more vulnerable to Covid. Given all of these factors, and the fact that Governor Newsom's 2020 declaration of a state of emergency remains in effect, staff recommends that the Board continue to meet remotely.

**Fiscal Impact:**

There is no fiscal impact from approving the Resolution.

**Exhibits**

- Letter from Contra Costa Health Services – Recommendations for Safely Holding Public Meetings
- Resolution No. 2022-03, Making Findings and Electing to Continue to Meet Remotely



## RECOMMENDATIONS FOR SAFELY HOLDING PUBLIC MEETINGS

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are strongly recommended as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important in light of the current community prevalence rate as of March 1, 2022. Our current trends as of March 1, 2022 in Covid-19 case rate, Covid-19 test positivity, and Covid-19 hospitalizations are decreasing, but cases rates remain high with the Omicron variant of Covid-19 being the predominant variant identified, the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 3-1-2022

*Sefanit Mekuria*

Sefanit Mekuria, MD, MPH  
Deputy Health Officer, Contra Costa County



**RESOLUTION NO. 2022-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
KENSINGTON POLICE PROTECTION AND COMMUNITY  
SERVICES DISTRICT MAKING FINDINGS AND DETERMINING A  
NEED TO CONTINUE HOLDING REMOTE MEETINGS BY  
TELECONFERENCE**

**WHEREAS**, the Board of Directors of the Kensington Police Protection and Community Services District (“District”) is committed to preserving public access and participation in Board of Directors’ meetings; and

**WHEREAS**, all meetings of the District’s Board are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

**WHEREAS**, Government Code section 54953(e)(1) of the Brown Act, allows a legislative body to hold a teleconference meeting, without compliance with the requirements of Government Code section 54953(b)(3), under any of the following conditions:

- A. State or local officials have imposed or recommended measures to promote social distancing.
- B. The meeting is for the purpose of determining, by majority vote, whether because of the emergency, meeting in person would present imminent risks to the health or safety of attendees
- C. The legislative body has determined, by majority vote, that, because of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, to meet by teleconference under Government Code section 54953(e), the Governor must have proclaimed a state of emergency under the California Emergency Services Act (Govt. Code § 8625 *et. seq.*); the legislative body must reconsider the circumstances of the state of emergency every thirty days; and the legislative body must find that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing; and

**WHEREAS**, if the legislative body does not make the above findings every thirty days, it must again determine whether the conditions specified in Government Code section 54953(e)(1) still pertain before holding further teleconferenced meetings under that subsection; and

**WHEREAS**, on September 28, 2021, October 14, November 11, 2021, December 9, 2021, January 13, 2022, and February 10, 2022, the Board held a special meeting in which it found that then-current circumstances met the criteria of Government Code Section 54953(e)(1)(A) and (C); and

**WHEREAS**, on March 10, 2022, the Board reviewed the evidence in the records and determined the following by majority vote:

- A. The state of emergency proclaimed by Governor Newsom on March 4, 2020, continues to exist;
- B. State or local officials continue to impose or recommend measures to promote social distancing.

- C. Because of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- D. The state of emergency continues to directly impact the ability of the members to meet safely in person

**WHEREAS**, many persons who regularly attend Board meetings are over the age of 65 and therefore considered particularly vulnerable to COVID-19; and

**WHEREAS**, the District provides in the public notices and agendas for all public meetings the online and telephone options for participation in public meetings, protecting the right of the public to address their local officials and to participate in public meetings, and posts this information on the District’s website, including instructions on how to access the public meeting remotely.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors has reconsidered the circumstances of the state of emergency; and be it

**FURTHER RESOLVED**, that the Board finds that State or local officials continue to impose or recommend measures to promote social distancing and that State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Board members, staff, and the public to meet safely in person; and, be it

**FURTHER RESOLVED**, that the Board finds that because of the aforesaid declared State of Emergency, meeting in person would present an imminent risk to the health or safety of meeting attendees; and be it

**FURTHER RESOLVED**, that the Board authorizes and directs the General Manager to place on the Board’s agenda, at least once monthly, reconsideration of the State of Emergency to determine whether circumstances warrant continuing to meet by teleconference under Government Code section 54953(e)(3); and be it

**FURTHER RESOLVED**, that the Board authorizes and directs the General Manager to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

**PASSED AND ADOPTED** by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by President Sylvia Hacaj, seconded by Vice-President Logan, on Thursday, the 10<sup>th</sup> day of March, 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

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Sylvia Hacaj  
President, Board of Directors

HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the Special Meeting of said Board held on Thursday, the 10<sup>th</sup> day of March 2022.

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Lynelle M. Lewis  
District Clerk of the Board

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Richard J. Benson  
Interim General Manger

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## BOARD OF DIRECTORS MEETING MINUTES

Thursday, February 10, 2022

Via Teleconference

Draft

### Special Closed Session Meeting

#### Call to Order [TS 6:59]

President Sylvia Hacaj called the meeting to order at 6:04 p.m.

#### Roll Call [TS 7:09]

Director Chris Deppe, Vice-President Mike Logan, Director Eileen Nottoli, Director Rachelle Sherris-Watt and President Sylvia Hacaj were present.

Staff present included Interim General Manager Richard J. Benson, General Counsel Ann Danforth, Police Chief Mike Gancasz, and Clerk of the Board Lynelle M. Lewis.

#### Public Comment [TS 7:30]

None.

#### 1. **Teleconference Meetings During State of Emergency** [TS 1:19:16]

Action on this item was carried over to the Regular Meeting session.

- Motion by Director Sherris-Watt, seconded by Director Deppe, to adopt the resolution determining that current circumstances continue to warrant holding meetings by teleconference, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

**Resolution No. 2022-02** – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Making Findings And Determining A Need To Continue Holding Remote Meetings By Teleconference.

#### Adjournment to Closed Session [TS 8:04]

The Board adjourned to Closed Session to consider cconference with real property negotiators, recruitment of a permanent General Manager, and conference with labor negotiators.

### Regular Meeting

#### Call to Order [TS 1:05:49]

President Hacaj called the meeting to order at 7:02 p.m.

**Announcement from Closed Session** [[TS 1:05:54](#)]

President Hacaj announced that the Board continued to give direction to its lead negotiator regarding 303 Arlington and the Board was unable to get to one item which will be carried over.

**Roll Call** [[TS 1:18:49](#)]

Director Chris Deppe, Vice-President Mike Logan, Director Eileen Nottoli, Director Rachelle Sherris-Watt, and President Sylvia Hacaj were present.

Staff present included Interim General Manager Richard J. Benson, General Counsel Ann Danforth, Police Chief Mike Gancasz, and Clerk of the Board Lynelle M. Lewis.

**Public & Consent Calendar Comments** [[TS 1:20:43](#)]

- The following persons addressed the Board: 1) Danielle Madugo asked about Kensington joining the Recycle More Program so that Kensington residents could drop off household hazardous waste; and 2) Mari Metcalf asked the Board to look into training the Police Department on domestic abuse reporting protocols.

**Consent Calendar** [[TS 1:28:04](#)]

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt the meeting minutes (Item 1) on the Consent Calendar, carried unanimously (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

**1. Meeting Minutes for the Special and Regular Meetings of January 13, 2022 and January 24, 2022.**

Approved meeting minutes.

**2. December 2021 Financial Reports**

- Item 2 was pulled for from the Consent Calendar, The Board requested that staff provide clarification of the details in report. Staff will report back next month.

**Discussion and Action**

**3. Mid-Year Budget Review** [[TS 1:34:13](#)]

Interim General Manager Richard Benson presented an update on the mid-year budget as of December 31, 2021. He also presented a request for two mid-year budget adjustments that include: (1) replacement of the District server in the amount of is \$14,000 plus an additional \$5,000 for installation, data-transfer, and software updates; and (2) additional funds in the amount of \$15,000 for the purchase of nonlethal weapons and rifles for the Police Department.

The Board discussed the request for budget adjustments and offered suggestions.



- Addressing the Board were the following persons: 1) A. Stevens Delk who asked for a written clarification of non-lethal weapons, and 2) Jim Watt asked for clarification on the “other monies received” category under the revenue section and asked about the status of receiving the WW grant monies.
- Motion by President Hacaj, seconded by Director Logan, that we receive the Mid-Year Budget report and approve the two budget transfer requests which are related to the need to replace the server, plus installation, data-transfer, and software updates in an amount up to \$19,000 and the request for additional funds for the purchase of nonlethal weapons and rifles in the amount of \$15,000; and that the Board approve a budget transfer in the amount of \$19,000 from budget line item 502 (Salaries) to budget line item 969 (Capital Expenses-Computer Equipment) and approve a budget transfer in the amount of \$15,000 from budget line item 502 (Salaries) to budget line item 571 (Departmental Expense). Director Deppe offered a friendly amendment asking that the General Manager come back with details on these numbers as soon as expedient. The motion carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

#### 4. **Relocation of District Offices** [[TS 2:12:20](#)]

Interim General Manager Richard Benson reported on possible options for relocating the District's facilities and reviewed actions taken thus far.

- Addressing the Board were the following persons: 1) Gail Feldman commented that the KPPCSD should have worked with the Kensington Fire Protection District (KFPD) on relocation, suggested additional relocation options, and requested a report on the financial impacts; 2) Danielle Madugo commented that the KPPCSD and KFPD should share the Public Safety Building and suggested other locations; 3) KFPD Director Kevin Padian suggested that the Board listen to Police Chief Gancasz for its needs, and urged the Board to find a suitable location as the KFPD must move forward because construction costs and interest rates continue to rise.
- Motion by President Hacaj, seconded by Director Deppe, to establish an Ad Hoc Committee to work with the General Manager that would specifically look at District-owned properties, in particular Building E and the Annex, to consist of Directors Deppe and Sherris-Watt, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.
- Motion by President Hacaj, seconded by Director Logan, to establish an Ad Hoc Committee to work with the General Manager that would specifically look at the East Bay Municipal Utility District properties in Kensington, to consist of Directors Nottoli and Logan, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

There was Board consensus for the General Manager to investigate other properties including 388 Colusa Circle, 153 Oakview Avenue, and 131 Lawson Road. The Board gave direction to the General Counsel to research the pros and cons of the eminent domain process and report back to the Board.

**5. Permanent District Manager Position** [[TS 3:06:08](#)]

Interim General Manager Richard Benson presented various enhancements for the Board to consider that would make the recruitment of the permanent General Manager position more attractive. The Board gave direction to Interim General Manager Benson to continue investigating the options and report back to the Board.

**Comments & Reports**

**6. Director Comments.** [[TS 3:19:37](#)]

None.

**7. Police Chief Report.** [[TS 3:19:50](#)]

Police Chief Mike Gancasz reported on the hiring of the following three new employees: Officers Megan Farley, Dustin Siebert, and Jason Haynes. He reported on efforts to dispose of old weapons at the District.

**8. General Manager Comments.** [[TS 3:23:47](#)]

Interim General Manager Benson reported that staff is back up to speed.

**Adjournment** [[TS 3:24:55](#)]

President Hacaj adjourned the meeting at 8:36 p.m.

The next regular meeting is scheduled for Thursday, March 10, 2022.

SUBMITTED BY:

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Lynelle M. Lewis, District Clerk of the Board

APPROVED: March 10, 2022

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Richard J. Benson, Interim General Manager

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Sylvia Hacaj, President of the Board



KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING**

**March 10, 2022**

**ITEM 2**

**FINANCIAL REPORTS FOR THE MONTH OF JANUARY 2022**

**SUMMARY OF RECOMMENDATION**

Receive financial reports for the month ending January 2022.

**ATTACHMENTS**

1. Summary Balance Sheet as of January 31, 2022.
2. Budget vs. Actual Snapshot through January 31, 2022.
3. Revenue and Expense Report Detail through January 31, 2022.

**SUBMITTED BY:**

*Lisa Mundis*

Lisa Mundis

Finance Director

# Kensington Police Protection & Community Services District

## Summary Balance Sheet

As of January 31, 2022

	Jan 31, 22
<b>ASSETS</b>	
Current Assets	
Checking/Savings	2,312,481.02
Accounts Receivable	1,498,615.12
Other Current Assets	146,074.01
Total Current Assets	3,957,170.15
Fixed Assets	5,403,160.00
Other Assets	3,543,501.52
<b>TOTAL ASSETS</b>	12,903,831.67
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	(144.00)
Credit Cards	(11,421.68)
Other Current Liabilities	10,942.27
Total Current Liabilities	(623.41)
Long Term Liabilities	10,434,102.76
Total Liabilities	10,433,479.35
Equity	2,470,352.32
<b>TOTAL LIABILITIES &amp; EQUITY</b>	12,903,831.67

# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July 2021 through January 2022

	Jul '21 - Jan 22	YTD Budget	\$ Over Budget (Under Budget)	% of Budget	Annual Budget
Ordinary Revenue/Expense					
Revenue					
400 · Police Activities Revenue					
401 · Levy Tax	2,097,146.02	2,100,040.00	(2,893.98)	99.86%	2,100,040.00
402 · Special Tax-Police	685,470.00	685,710.00	(240.00)	99.97%	685,710.00
403 · Misc Tax-Police	0.00	0.00	0.00	0.0%	0.00
404 · Measure G Supplemental Tax Rev	620,988.44	621,207.00	(218.56)	99.97%	621,207.00
410 · Police Fees/Service Charges	640.00	875.00	(235.00)	73.14%	1,500.00
411 · Kensington Hilltop Srvcs Reimb	0.00	0.00	0.00	0.0%	0.00
412 · Special Assignment Revenue	0.00	0.00	0.00	0.0%	0.00
413 · West County Crossing Guard Reim	0.00	0.00	0.00	0.0%	0.00
414 · POST Reimbursement	0.00	0.00	0.00	0.0%	0.00
415 · Grants-Police	117,009.82	72,916.69	44,093.13	160.47%	125,000.04
416 · Interest-Police	0.00	500.00	(500.00)	0.0%	1,000.00
418 · Misc Police Revenue	2,702.13	2,916.69	(214.56)	92.64%	5,000.04
<b>Total 400 · Police Activities Revenue</b>	<b>3,523,956.41</b>	<b>3,484,165.38</b>	<b>39,791.03</b>	<b>101.14%</b>	<b>3,539,457.08</b>
405 · Restricted Lost/Found/Misc	158,358.00				
420 · Park/Rec Activities Revenue					
423 · Misc Tax-Park/Rec	15.14				
424 · Special Tax-L&L	0.00	42,184.00	(42,184.00)	0.0%	42,184.00
427 · Community Center Revenue	11,686.58	5,000.00	6,686.58	233.73%	30,000.00
438 · Tennis Court Revenue	649.10	1,166.69	(517.59)	55.64%	2,000.04
439 · Contributions for Community Ctr	0.00	0.00	0.00	0.0%	0.00
<b>Total 420 · Park/Rec Activities Revenue</b>	<b>12,350.82</b>	<b>48,350.69</b>	<b>(35,999.87)</b>	<b>25.54%</b>	<b>74,184.04</b>
440 · District Activities Revenue					
448a · Franchise Fees Gross	44,625.58	48,000.00	(3,374.42)	92.97%	110,000.00

# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July 2021 through January 2022

	Jul '21 - Jan 22	YTD Budget	\$ Over Budget (Under Budget)	% of Budget	Annual Budget
448b · less Franchise Fees Paid Out	(17,222.06)	(20,650.00)	3,427.94	83.4%	(47,300.00)
449 · District Revenue	2.20				
456 · Interest-District	0.00	866.67	(866.67)	0.0%	2,600.01
458 · Misc District Revenue	6,168.22	195,972.00	(189,803.78)	3.15%	335,952.00
<b>Total 440 · District Activities Revenue</b>	<b>33,573.94</b>	<b>224,188.67</b>	<b>(190,614.73)</b>	<b>14.98%</b>	<b>401,252.01</b>
<b>Total Revenue</b>	<b>3,728,239.17</b>	<b>3,756,704.74</b>	<b>(28,465.57)</b>	<b>99.24%</b>	<b>4,014,893.13</b>
<b>Gross Revenue</b>	<b>3,728,239.17</b>	<b>3,756,704.74</b>	<b>(28,465.57)</b>	<b>99.24%</b>	<b>4,014,893.13</b>
<b>Expense</b>					
500 · Police Sal & Ben					
502 · Salary - Officers	511,403.65	631,635.69	(120,232.04)	80.97%	1,082,804.04
504 · Vacation Pay	0.00	0.00	0.00	0.0%	0.00
506 · Overtime	93,706.32	70,000.00	23,706.32	133.87%	120,000.00
508 · Salary - Non-Sworn	8,596.60	0.00	8,596.60	100.0%	0.00
509 · Hiring Bonus	4,000.00				
516 · Uniform Allowance	4,648.99	5,250.00	(601.01)	88.55%	9,000.00
518 · Safety Equipment	0.00	1,312.50	(1,312.50)	0.0%	2,250.00
521-A · Medical/Vision/Dental-Active	72,803.12	100,907.31	(28,104.19)	72.15%	172,983.96
521-R · Medical/Vision/Dental-Retired	110,951.67	94,072.44	16,879.23	117.94%	161,267.04
521-T · Medical/Vision/Dental-Trust	0.00	(29,166.69)	29,166.69	0.0%	(50,000.04)
522 · Insurance - Police	3,764.81	3,477.81	287.00	108.25%	5,961.96
523 · SocialSecurity/Medicare-Police	8,951.76	10,173.94	(1,222.18)	87.99%	17,441.04
524 · Social Security - District	3,508.32	0.00	3,508.32	100.0%	0.00
527 · PERS - District Portion	98,178.80	108,963.75	(10,784.95)	90.1%	186,795.00
528 · PERS - Officers Portion	0.00	5,826.31	(5,826.31)	0.0%	9,987.96
529 · Pension Obln Bond Payment	214,199.50	298,399.00	(84,199.50)	71.78%	298,399.00
530 · Workers Comp	31,606.64	26,307.00	5,299.64	120.15%	26,307.00
540 · Advanced Industrial Disability	0.00	0.00	0.00	0.0%	0.00
541 · Consultant/Operational Audit	0.00	0.00	0.00	0.0%	0.00
<b>Total 500 · Police Sal &amp; Ben</b>	<b>1,166,320.18</b>	<b>1,327,159.06</b>	<b>(160,838.88)</b>	<b>87.88%</b>	<b>2,043,196.96</b>

# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July 2021 through January 2022

	Jul '21 - Jan 22	YTD Budget	\$ Over Budget (Under Budget)	% of Budget	Annual Budget
550 · Other Police Expenses					
552 · Expendable Police Supplies	7,427.76	4,958.31	2,469.45	149.8%	8,499.96
553 · Range/Ammunition Supplies	0.00	0.00	0.00	0.0%	0.00
554 · Traffic Safety	1,540.95	2,916.69	(1,375.74)	52.83%	5,000.04
560 · Crossing Guard	8,883.11	10,642.94	(1,759.83)	83.47%	18,245.04
561 · Vehicle Fuel	8,988.70	7,700.00	1,288.70	116.74%	13,200.00
562 · Vehicle Operation	12,555.60	8,388.31	4,167.29	149.68%	14,379.96
563 · Vehicle Lease	23,166.78	27,291.81	(4,125.03)	84.89%	46,785.96
564 · Communications	143,762.71	139,537.20	4,225.51	103.03%	157,104.00
566 · Radio Maintenance	9,720.00	11,503.31	(1,783.31)	84.5%	19,719.96
567 · Alarm	580.78	583.31	(2.53)	99.57%	999.96
568 · Prisoner/Case Exp./Booking	0.00	0.00	0.00	0.0%	0.00
569 · Storage	0.00	0.00	0.00	0.0%	0.00
570 · Training	452.81	5,833.31	(5,380.50)	7.76%	9,999.96
571 · Records	3,533.62	8,105.44	(4,571.82)	43.6%	13,895.04
572 · Hiring	7,023.38	9,333.31	(2,309.93)	75.25%	15,999.96
574 · Reserve Officers	596.70	2,333.31	(1,736.61)	25.57%	3,999.96
576 · Misc. Dues, Meals & Travel	3,089.62	933.31	2,156.31	331.04%	1,599.96
578 · POST - Reimburse	0.00	0.00	0.00	0.0%	0.00
580 · Utilities - Police	5,179.91	5,833.31	(653.40)	88.8%	9,999.96
581 · Bldg Repairs/Maint.	1,836.54	1,166.69	669.85	157.42%	2,000.04
582 · Expendable Office Supplies	883.47	0.00	883.47	100.0%	0.00
587 · IT Contract	12,469.33	12,112.31	357.02	102.95%	20,763.96
588 · Telephone	19,922.13	17,640.00	2,282.13	112.94%	30,240.00
590 · Janitorial	3,511.86	3,733.31	(221.45)	94.07%	6,399.96
591 · General Liability Insurance	31,893.37	31,893.00	0.37	100.0%	31,893.00
592 · Publications	750.00	3,208.31	(2,458.31)	23.38%	5,499.96
593 · Volunteer Programs	0.00	1,458.31	(1,458.31)	0.0%	2,499.96
594 · Community Policing	200.00	1,750.00	(1,550.00)	11.43%	3,000.00

# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July 2021 through January 2022

	Jul '21 - Jan 22	YTD Budget	\$ Over Budget		Annual Budget
			(Under Budget)	% of Budget	
595 · Legal/Consulting - Police	7,472.37	14,583.31	(7,110.94)	51.24%	24,999.96
596 · CAL I.D.	0.00	0.00	0.00	0.0%	0.00
599 · Police Taxes Measure G Admin	3,109.59	2,345.56	764.03	132.57%	4,020.96
<b>Total 550 · Other Police Expenses</b>	<b>318,551.09</b>	<b>335,784.67</b>	<b>(17,233.58)</b>	<b>94.87%</b>	<b>470,747.52</b>
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	0.00	0.00	0.00	0.0%	0.00
602 · Custodian	2,550.00	0.00	2,550.00	100.0%	0.00
623 · Social Security/Medicare - Dist	0.00	0.00	0.00	0.0%	0.00
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<b>2,550.00</b>	<b>0.00</b>	<b>2,550.00</b>	<b>100.0%</b>	<b>0.00</b>
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
641 · General Maintenance	2,500.00	3,535.00	(1,035.00)	70.72%	6,060.00
642 · Utilities-Community Center	13,519.75	4,935.56	8,584.19	273.93%	8,460.96
643 · Janitorial Supplies	350.00	253.75	96.25	137.93%	435.00
644 · Landscaping	11,575.00	4,672.50	6,902.50	247.73%	8,010.00
645 · General Liab./Workers Comp	8,252.70	7,973.04	279.66	103.51%	7,973.04
646 · Community Center Repairs	5,082.94	875.00	4,207.94	580.91%	1,500.00
647 · Rental	0.00	291.69	(291.69)	0.0%	500.04
648 · Community Center Equip Maint	0.00	583.31	(583.31)	0.0%	999.96
649 · Interest Expense	0.00	0.00	0.00	0.0%	0.00
640 · Community Center Expenses - Other	0.00	19,670.00	(19,670.00)	0.0%	33,720.00
<b>Total 640 · Community Center Expenses</b>	<b>41,280.39</b>	<b>42,789.85</b>	<b>(1,509.46)</b>	<b>96.47%</b>	<b>67,659.00</b>
650 · Park					
651 · General Maintenance	19,341.00	18,433.31	907.69	104.92%	31,599.96
652 · Repairs	10,260.19	8,012.69	2,247.50	128.05%	13,736.04
653 · Landscaping	43,725.00	10,902.50	32,822.50	401.06%	18,690.00
654 · Janitorial Supplies	0.00	291.69	(291.69)	0.0%	500.04
655 · Rental	0.00	0.00	0.00	0.0%	0.00
656 · Utilities	(48.68)	7,637.00	(7,685.68)	(0.64%)	13,092.00



# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July 2021 through January 2022

	\$ Over Budget				
	Jul '21 - Jan 22	YTD Budget	(Under Budget)	% of Budget	Annual Budget
657 · General Liab/Workers Comp	7,973.35	7,973.04	0.31	100.0%	7,973.04
658 · Levy Administration	4,381.39	3,266.69	1,114.70	134.12%	5,600.04
659 · Misc	2.73	54,834.50	(54,831.77)	0.01%	94,002.00
<b>Total 650 · Park</b>	<b>85,634.98</b>	<b>111,351.42</b>	<b>(25,716.44)</b>	<b>76.91%</b>	<b>185,193.12</b>
660 · Annex Expenses					
665 · Annex General Maintenance	0.00	0.00	0.00	0.0%	0.00
666 · Annex Repairs	0.00	0.00	0.00	0.0%	0.00
667 · Annex Landscaping	0.00	0.00	0.00	0.0%	0.00
668 · Misc Annex Expenses	0.00	0.00	0.00	0.0%	0.00
669 · Misc Projects	0.00	0.00	0.00	0.0%	0.00
<b>Total 660 · Annex Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>	<b>0.00</b>
672 · Kensington Park O&M	0.00	0.00	0.00	0.0%	0.00
674 · Tennis Courts (new title)	0.00	0.00	0.00	0.0%	0.00
678 · Misc Park/Rec Expense	3,040.00	2,916.69	123.31	104.23%	5,000.04
<b>Total 635 · Park/Recreation Expenses</b>	<b>129,955.37</b>	<b>157,057.96</b>	<b>(27,102.59)</b>	<b>82.74%</b>	<b>257,852.16</b>
800 · District Expenses					
807 · Salaries	161,067.04	224,291.69	(63,224.65)	71.81%	384,500.04
808 · Payroll Taxes	13,475.62	17,158.19	(3,682.57)	78.54%	29,414.04
809 · Benefits	0.00	16,359.00	(16,359.00)	0.0%	28,044.00
810 · IT Contract	14,128.67	9,537.50	4,591.17	148.14%	16,350.00
815 · Admin Communications	2,009.86	3,099.60	(1,089.74)	64.84%	5,313.60
816 · Office Supplies	877.37	802.06	75.31	109.39%	1,374.96
817 · Postage	357.10	595.00	(237.90)	60.02%	1,020.00
818 · Mileage	212.57	466.69	(254.12)	45.55%	800.04
819 · Dues/Subscriptions	7,731.87	4,230.94	3,500.93	182.75%	7,253.04
820 · Copier Contract	2,977.72	2,782.15	195.57	107.03%	4,769.40
825 · Board Continuing Ed/Conferences	(2,798.69)	3,704.75	(6,503.44)	(75.54%)	6,351.00
826 · Board Meetings	0.00	0.00	0.00	0.0%	0.00
830 · Legal (District/Personnel)	25,112.81	35,480.69	(10,367.88)	70.78%	60,824.04

# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July 2021 through January 2022

	Jul '21 - Jan 22	YTD Budget	\$ Over Budget		Annual Budget
			(Under Budget)	% of Budget	
835 · Consulting	5,588.12	12,250.00	(6,661.88)	45.62%	21,000.00
840 · Accounting	47,333.00	15,545.81	31,787.19	304.47%	26,649.96
850 · Insurance	31,893.37	31,893.00	0.37	100.0%	31,893.00
851 · Workers Comp	72.05	8,769.00	(8,696.95)	0.82%	8,769.00
860 · Election	0.00	0.00	0.00	0.0%	0.00
861 · LAFCO	1,660.50	1,166.69	493.81	142.33%	2,000.04
865 · Police Bldg. Lease	24,402.00	21,351.75	3,050.25	114.29%	36,603.00
870 · County Expenditures	7,232.94	14,466.69	(7,233.75)	50.0%	24,800.04
890 · Waste/Recycle	0.00	0.00	0.00	0.0%	0.00
891 · COVID	1,113.86	4,526.69	(3,412.83)	24.61%	7,760.04
898 · Misc. Expenses	(2,606.88)	2,916.69	(5,523.57)	(89.38%)	5,000.04
800 · District Expenses - Other	(144.00)				
<b>Total 800 · District Expenses</b>	<b>341,696.90</b>	<b>431,394.58</b>	<b>(89,697.68)</b>	<b>79.21%</b>	<b>710,489.28</b>
<b>950 · Capital Outlay</b>					
965 · Personal Police Equipment-Asset	0.00	0.00	0.00	0.0%	0.00
966 · Police Traffic Equipment	0.00	0.00	0.00	0.0%	0.00
968 · Office Furn/Eq	462.39	0.00	462.39	100.0%	0.00
969 · Computer Equipment	0.00	4,083.31	(4,083.31)	0.0%	6,999.96
971 · Park Land	0.00	0.00	0.00	0.0%	0.00
972 · Park Buildings Improvement	0.00	0.00	0.00	0.0%	0.00
974 · Other Park Improvements	0.00	129,758.09	(129,758.09)	0.0%	222,442.44
975 · Community Center Loan Repayment	0.00	30,617.00	(30,617.00)	0.0%	30,617.00
982 · Police Building Cap Projects	20,000.00	14,583.31	5,416.69	137.14%	24,999.96
985 · Comm. Ctr Renovation (Cap Fund)	0.00	0.00	0.00	0.0%	0.00
<b>Total 950 · Capital Outlay</b>	<b>20,462.39</b>	<b>179,041.71</b>	<b>(158,579.32)</b>	<b>11.43%</b>	<b>285,059.36</b>
<b>Total Expense</b>	<b>1,979,535.93</b>	<b>2,430,437.98</b>	<b>(450,902.05)</b>	<b>81.45%</b>	<b>3,767,345.28</b>
Net Ordinary Revenue	1,748,703.24	1,326,266.76	422,436.48	131.85%	247,547.85
Other Revenue/Expense					
Other Expense					

# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July 2021 through January 2022

	Jul '21 - Jan 22	YTD Budget	\$ Over Budget (Under Budget)	% of Budget	Annual Budget
700 · Bond Issue Expenses					
701 · Bond Proceeds	0.00	0.00	0.00	0.0%	0.00
710 · Bond Admin.	3.00	0.00	3.00	100.0%	0.00
715 · Bond Interest Revenue	(186.99)	0.00	(186.99)	100.0%	0.00
720 · Bond Principal	0.00	0.00	0.00	0.0%	0.00
730 · Bond Interest	0.00	0.00	0.00	0.0%	0.00
Total 700 · Bond Issue Expenses	(183.99)	0.00	(183.99)	100.0%	0.00
Total Other Expense	(183.99)	0.00	(183.99)	100.0%	0.00
Net Other Revenue	183.99	0.00	183.99	100.0%	0.00
	1,748,887.23	1,326,266.76	422,620.47	131.87%	247,547.85

Kensington Police Protection & Community Services District  
**Revenue & Expense Report - Detailed**  
 July 2021 through January 2022

	<u>Jul '21 - Jan 22</u>
Ordinary Revenue/Expense	
Revenue	
400 · Police Activities Revenue	
401 · Levy Tax	2,097,146.02
402 · Special Tax-Police	685,470.00
404 · Measure G Supplemental Tax Rev	620,988.44
410 · Police Fees/Service Charges	640.00
415 · Grants-Police	117,009.82
418 · Misc Police Revenue	2,702.13
Total 400 · Police Activities Revenue	3,523,956.41
405 · Restricted Lost/Found/Misc	158,358.00
420 · Park/Rec Activities Revenue	
423 · Misc Tax-Park/Rec	15.14
427 · Community Center Revenue	11,686.58
438 · Tennis Court Revenue	649.10
Total 420 · Park/Rec Activities Revenue	12,350.82
440 · District Activities Revenue	
448a · Franchise Fees Gross	44,625.58
448b · less Franchise Fees Paid Out	(17,222.06)
449 · District Revenue	2.20
458 · Misc District Revenue	6,168.22
Total 440 · District Activities Revenue	33,573.94
Total Revenue	3,728,239.17
Gross Revenue	3,728,239.17
Expense	
500 · Police Sal & Ben	
502 · Salary - Officers	511,403.65
506 · Overtime	93,706.32
508 · Salary - Non-Sworn	8,596.60
509 · Hiring Bonus	4,000.00
516 · Uniform Allowance	4,648.99
521-A · Medical/Vision/Dental-Active	72,803.12
521-R · Medical/Vision/Dental-Retired	110,951.67
522 · Insurance - Police	3,764.81
523 · SocialSecurity/Medicare-Police	8,951.76
524 · Social Security - District	3,508.32
527 · PERS - District Portion	98,178.80
529 · Pension Obln Bond Payment	214,199.50
530 · Workers Comp	31,606.64

Kensington Police Protection & Community Services District  
**Revenue & Expense Report - Detailed**  
 July 2021 through January 2022

	<u>Jul '21 - Jan 22</u>
Total 500 · Police Sal & Ben	1,166,320.18
550 · Other Police Expenses	
552 · Expendable Police Supplies	7,427.76
554 · Traffic Safety	1,540.95
560 · Crossing Guard	8,883.11
561 · Vehicle Fuel	8,988.70
562 · Vehicle Operation	12,555.60
563 · Vehicle Lease	23,166.78
564 · Communications	143,762.71
566 · Radio Maintenance	9,720.00
567 · Alarm	580.78
568 · Prisoner/Case Exp./Booking	0.00
570 · Training	452.81
571 · Records	3,533.62
572 · Hiring	7,023.38
574 · Reserve Officers	596.70
576 · Misc. Dues, Meals & Travel	3,089.62
580 · Utilities - Police	5,179.91
581 · Bldg Repairs/Maint.	1,836.54
582 · Expendable Office Supplies	883.47
587 · IT Contract	12,469.33
588 · Telephone	19,922.13
590 · Janitorial	3,511.86
591 · General Liability Insurance	31,893.37
592 · Publications	750.00
594 · Community Policing	200.00
595 · Legal/Consulting - Police	7,472.37
599 · Police Taxes Measure G Admin	3,109.59
Total 550 · Other Police Expenses	<u>318,551.09</u>
600 · Park/Rec Sal & Ben	
602 · Custodian	<u>2,550.00</u>
Total 600 · Park/Rec Sal & Ben	<u>2,550.00</u>
635 · Park/Recreation Expenses	
640 · Community Center Expenses	
641 · General Maintenance	2,500.00
642 · Utilities-Community Center	13,519.75
643 · Janitorial Supplies	350.00
644 · Landscaping	11,575.00
645 · General Liab./Workers Comp	8,252.70
646 · Community Center Repairs	<u>5,082.94</u>
Total 640 · Community Center Expenses	<u>41,280.39</u>
650 · Park	
651 · General Maintenance	19,341.00
652 · Repairs	10,260.19

Kensington Police Protection & Community Services District  
**Revenue & Expense Report - Detailed**  
 July 2021 through January 2022

	Jul '21 - Jan 22
653 · Landscaping	43,725.00
656 · Utilities	(48.68)
657 · General Liab/Workers Comp	7,973.35
658 · Levy Administration	4,381.39
659 · Misc	2.73
Total 650 · Park	85,634.98
678 · Misc Park/Rec Expense	3,040.00
Total 635 · Park/Recreation Expenses	129,955.37
800 · District Expenses	
807 · Salaries	161,067.04
808 · Payroll Taxes	13,475.62
810 · IT Contract	14,128.67
815 · Admin Communications	2,009.86
816 · Office Supplies	877.37
817 · Postage	357.10
818 · Mileage	212.57
819 · Dues/Subscriptions	7,731.87
820 · Copier Contract	2,977.72
825 · Board Continuing Ed/Conferences	(2,798.69)
830 · Legal (District/Personnel)	25,112.81
835 · Consulting	5,588.12
840 · Accounting	47,333.00
850 · Insurance	31,893.37
851 · Workers Comp	72.05
861 · LAFCO	1,660.50
865 · Police Bldg. Lease	24,402.00
870 · County Expenditures	7,232.94
891 · COVID	1,113.86
898 · Misc. Expenses	(2,606.88)
800 · District Expenses - Other	(144.00)
Total 800 · District Expenses	341,696.90
950 · Capital Outlay	
968 · Office Furn/Eq	462.39
982 · Police Building Cap Projects	20,000.00
Total 950 · Capital Outlay	20,462.39
Total Expense	1,979,535.93
Net Ordinary Revenue	1,748,703.24
Other Revenue/Expense	
Other Expense	
700 · Bond Issue Expenses	
710 · Bond Admin.	3.00
715 · Bond Interest Revenue	(186.99)
Total 700 · Bond Issue Expenses	(183.99)
Total Other Expense	(183.99)

Kensington Police Protection & Community Services District  
Revenue & Expense Report - Detailed  
July 2021 through January 2022

	<u>Jul '21 - Jan 22</u>
Net Other Revenue	<u>183.99</u>
Net Revenue	<u><u>1,748,887.23</u></u>



KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING**

**March 10, 2022**

**ITEM 2**

**\*Revised\* FINANCIAL REPORTS FOR THE MONTH OF DECEMBER 2021**

**SUMMARY OF RECOMMENDATION**

Receive financial reports for the month ending December 2021.

**ATTACHMENTS \*Revised on February 16, 2022**

1. Summary Balance Sheet as of December 31, 2021.
2. Budget vs. Actual Snapshot through December 31, 2021.
3. Revenue and Expense Report Detail through December 31, 2021.

**SUBMITTED BY:**

*Lisa Mundis*

Lisa Mundis

Finance Director



# Kensington Police Protection & Community Services District

## \* Revised Budget to Actual Snapshot

July through December 2021

	Actuals		\$ Over Budget		Annual Budget
	Jul - Dec 21	YTD Budget	(Under Budget)	% of Budget	
Ordinary Revenue/Expense					
Revenue					
400 · Police Activities Revenue	3,491,096	3,472,957	18,139	100.5%	3,539,457
405 · Meas WW Grant	158,358				
420 · Park/Rec Activities Revenue	724	43,184	(42,460)	1.7%	74,184
440 · District Activities Revenue	41,940	194,193	(152,253)	21.6%	401,252
Total Revenue	<u>3,692,118</u>	<u>3,710,334</u>	<u>(18,216)</u>	<u>99.5%</u>	<u>4,014,893</u>
Gross Revenue	3,692,118	3,710,334	(18,216)	99.5%	4,014,893
Expense					
500 · Police Sal & Ben	1,058,213	885,552	172,661	119.5%	2,043,197
550 · Other Police Expenses	304,308	308,792	(4,484)	98.5%	470,748
600 · Park/Rec Sal & Ben	2,550	0	2,550	100.0%	0
635 · Park/Recreation Expenses	119,597	136,899	(17,302)	87.4%	257,852
800 · District Expenses	310,171	375,576	(65,404)	82.6%	710,489
950 · Capital Outlay	20,462	127,221	(106,759)	16.1%	285,059
Total Expense	<u>1,815,302</u>	<u>1,834,041</u>	<u>(18,739)</u>	<u>99.0%</u>	<u>3,767,345</u>
Net Ordinary Revenue	1,876,816	1,876,293	523	100.0%	247,548
Other Revenue/Expense					
Other Expense					
700 · Bond Issue Expenses	(75)	0	(75)	100.0%	0
Total Other Expense	<u>(75)</u>	<u>0</u>	<u>(75)</u>	<u>100.0%</u>	<u>0</u>
Net Other Revenue	75	0	75	100.0%	0
Net Revenue	<u><u>1,876,891</u></u>	<u><u>1,876,293</u></u>	<u><u>598</u></u>	<u><u>100.0%</u></u>	<u><u>247,548</u></u>

Kensington Police Protection & Community Services District

\*Revised Revenue & Expense Report - Detailed

July through December 2021

Jul - Dec 21

Ordinary Revenue/Expense

Revenue

400 · Police Activities Revenue	
401 · Levy Tax	2,093,733
402 · Special Tax-Police	685,470
404 · Measure G Supplemental Tax Rev	620,988
415 · Grants-Police	88,851
418 · Misc Police Revenue	2,053

Total 400 · Police Activities Revenue 3,491,096

405 · Restricted Lost/Found/Misc 158,358

420 · Park/Rec Activities Revenue

423 · Misc Tax-Park/Rec	15
427 · Community Center Revenue	100
438 · Tennis Court Revenue	609

Total 420 · Park/Rec Activities Revenue 724

440 · District Activities Revenue

448a · Franchise Fees Gross	42,009
448b · less Franchise Fees Paid Out	(1,484)
449 · District Revenue	2
458 · Misc District Revenue	1,412

Total 440 · District Activities Revenue 41,940

Total Revenue 3,692,118

Gross Revenue 3,692,118

Expense

500 · Police Sal & Ben	
502 · Salary - Officers	450,242
506 · Overtime	80,920
508 · Salary - Non-Sworn	5,252
509 · Hiring Bonus	4,000
516 · Uniform Allowance	3,864
521-A · Medical/Vision/Dental-Active	63,182
521-R · Medical/Vision/Dental-Retired	97,091
522 · Insurance - Police	3,523
523 · SocialSecurity/Medicare-Police	7,858
524 · Social Security - District	2,185
527 · PERS - District Portion	94,291
529 · Pension Obln Bond Payment	214,200
530 · Workers Comp	31,607

Total 500 · Police Sal & Ben 1,058,213

550 · Other Police Expenses

552 · Expendable Police Supplies	7,314
554 · Traffic Safety	1,541
560 · Crossing Guard	7,363
561 · Vehicle Fuel	7,450

Kensington Police Protection & Community Services District  
**Revenue & Expense Report - Detailed**  
 July through December 2021

	Jul - Dec 21
562 · Vehicle Operation	11,406
563 · Vehicle Lease	19,857
564 · Communications	143,763
566 · Radio Maintenance	9,720
567 · Alarm	581
568 · Prisoner/Case Exp./Booking	0
570 · Training	3,462
571 · Records	2,625
572 · Hiring	6,752
574 · Reserve Officers	597
576 · Misc. Dues, Meals & Travel	2,990
580 · Utilities - Police	4,234
581 · Bldg Repairs/Maint.	1,837
582 · Expendable Office Supplies	883
587 · IT Contract	7,693
588 · Telephone	16,577
590 · Janitorial	3,103
591 · General Liability Insurance	31,893
592 · Publications	750
594 · Community Policing	200
595 · Legal/Consulting - Police	7,472
599 · Police Taxes Measure G Admin	2,061
550 · Other Police Expenses - Other	2,186
<b>Total 550 · Other Police Expenses</b>	<b>304,308</b>
600 · Park/Rec Sal & Ben	
602 · Custodian	2,550
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<b>2,550</b>
635 · Park/Recreation Expenses	
640 · Community Center Expenses	
641 · General Maintenance	2,500
642 · Utilities-Community Center	11,576
643 · Janitorial Supplies	350
644 · Landscaping	11,575
645 · General Liab./Workers Comp	8,253
646 · Community Center Repairs	4,789
<b>Total 640 · Community Center Expenses</b>	<b>39,043</b>
650 · Park	
651 · General Maintenance	15,136
652 · Repairs	9,955
653 · Landscaping	41,500
656 · Utilities	(49)
657 · General Liab/Workers Comp	7,973
658 · Levy Administration	2,996
659 · Misc	3
	<b>3</b>

Kensington Police Protection & Community Services District  
**Revenue & Expense Report - Detailed**

July through December 2021

	<u>Jul - Dec 21</u>
Total 650 · Park	77,514
678 · Misc Park/Rec Expense	3,040
Total 635 · Park/Recreation Expenses	<u>119,597</u>
800 · District Expenses	
807 · Salaries	135,320
808 · Payroll Taxes	11,506
810 · IT Contract	12,113
815 · Admin Communications	1,810
816 · Office Supplies	877
817 · Postage	357
818 · Mileage	201
819 · Dues/Subscriptions	7,732
820 · Copier Contract	2,239
825 · Board Continuing Ed/Conferences	(2,799)
830 · Legal (District/Personnel)	19,561
835 · Consulting	6,885
840 · Accounting	47,333
850 · Insurance	31,893
851 · Workers Comp	72
861 · LAFCO	1,661
865 · Police Bldg. Lease	21,352
870 · County Expenditures	7,131
891 · COVID	1,456
898 · Misc. Expenses	3,616
800 · District Expenses - Other	<u>(144)</u>
Total 800 · District Expenses	310,171
950 · Capital Outlay	
968 · Office Furn/Eq	462
982 · Police Building Cap Projects	20,000
Total 950 · Capital Outlay	<u>20,462</u>
Total Expense	<u>1,815,302</u>
Net Ordinary Revenue	1,876,816
Other Revenue/Expense	
Other Expense	
700 · Bond Issue Expenses	
710 · Bond Admin.	1
715 · Bond Interest Revenue	(76)
Total 700 · Bond Issue Expenses	<u>(75)</u>
Total Other Expense	<u>(75)</u>
Net Other Revenue	75
Net Revenue	<u><u>1,876,891</u></u>

Kensington Police Protection & Community Services District

\*Revised Summary Balance Sheet

As of December 31, 2021

	<u>Dec 31, 21</u>
ASSETS	
Current Assets	
Checking/Savings	2,446,253
Accounts Receivable	1,497,889
Other Current Assets	146,074
Total Current Assets	<u>4,090,216</u>
Fixed Assets	5,403,160
Other Assets	3,545,590
TOTAL ASSETS	<u><u>13,038,966</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	(144)
Credit Cards	(3,649)
Other Current Liabilities	10,300
Total Current Liabilities	<u>6,507</u>
Long Term Liabilities	10,434,103
Total Liabilities	<u>10,440,609</u>
Equity	2,598,356
TOTAL LIABILITIES & EQUITY	<u><u>13,038,966</u></u>



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Date: March 10, 2022  
To: Board of Directors  
From: Rick Benson, Interim General Manager  
Subject: Contract for Storm Drain Repair, FJ&I Engineering

---

**Recommendation:**

Approve contracting with FJ&I Engineering to repair the drainage inlet at 92 Highland Boulevard in an amount not to exceed \$21,000 and authorize the Interim Manager to sign a contract contingent upon review and approval of District Counsel.

**Rationale for Recommendation:**

The drainage inlet requires repairs and is the responsibility of the District.

**Background:**

Due to erosion, there is a large hole in the road at the drainage inlet located on Highland Boulevard, near the school. This situation has existed for some time. Currently, there is a metal plate covering the site.

Although the circumstances are rather unusual, upon investigation, it has been determined that maintenance of this drainage inlet is the responsibility of KPPCSD. It is, therefore, incumbent upon the District to make the necessary repairs as soon as possible.

**Discussion**

The District was made aware of the need to repair the drainage inlet prior to the beginning of this fiscal year. As result, an appropriation of \$17,000 for the work was approved in the 2021-2022 fiscal year budget.

Initially, a request was made to Contra Costa County to perform the repair work and bill the District. The County declined to do so. Afterwards, bids were solicited for the repairs from qualified contractors through the Bay Area Builders Exchange. Three proposals were received with the low bidder being FJ&I Engineering in the amount of \$19,320.

FJ&I Storm Drain Repair

March 10, 2022

Page 2

**Fiscal Impact:**

The cost of the project is not to exceed \$21,000. \$17,000 is budgeted with the remainder of the funds to come from general maintenance.

Attachment: Bid from FJ&I Engineering

**FJ&I ENGINEERING INC.**  
1981 21<sup>ST</sup> ST SAN PABLO CA 94806

---

**PROPOSAL FOR : 92 highland blvd Kensington ca.**

Description of the project and the significant material & equipt. To be used

**This proposal is for the installation of a new storm drain & sidewalk repair**

**-Work order-**

**Mobilization** – traffic control, signage, excavator, skid steer, steel plates.

**Demo :**

- Saw cut and demo 2 existing sidewalk & curb 270sf
- Saw cut and demo 150sf of asphalt  
Demo existing storm drain.

**Construction:**

- Furnish and install a 2x2 storm drain box with a new grate
- Furnish and install 270sf of side walk per city specs
- Furnish and install 150sf of hot mix with slope to DI.

**Grant total \_\_\_ \$19,320.00**

**General**

01- *This proposal is bid with California state prevailing wages.*

02- *two mobilizations are included in this proposal . additional mobilization and overtime are excluded but can be priced out separately to accommodate a shorter turn around.*

03—*work hours are Monday thru Friday 7:00 am to 5:00 pm*

04-- *care will be taken to avoid damage to underground services . FJ&I will contact underground USA when machine excavationis required.*

05—*this proposal is contingent on access to all areas on scheduled star date.*

06-- *water, water meter,and electrical for irrigation system to be provided by others and in operation condition prior to the star of construction . otherwise agreed upon.*

07—*adequate staging area for storing material , equipment , and tools to be provide on site. Adjacent to work area.*  
08—*all structural , mechanical and erosion control measures, including hydro-seed, jute mesh, waddles, slit fence, and straw, are excluded.*

09 -- *traffic control is will be applied.*

10—*If subsurface or otherwise concealed site conditions are encountered that cause FJ&I additional cost or delay, an equitable adjustment in the contract price , an extension of the completion date, or both will be provided by change order or t&m tag.*

**Fj&I Eng. Would like to thank you for considering this quote and look forward in working for you in the near future.**





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Date: March 10, 2022  
To: Board of Directors  
From: Board Directors Nottoli and Sherris-Watt  
Subject: Elsie Neilson Park

---

**Recommendation:**

This is a recommendation to name the corner lot at Arlington Avenue and Coventry Road, **Elsie Neilson Park** in recognition of her gift of this land to the citizens of Kensington as a park. This lot has occasionally been referred to in meetings of the KPPCSD (2018-2022) as the “gore” or “Gore” Lot or Kensington Corner.

**Background:**

Ms. Neilson, a longtime resident of Kensington, granted the land to the Kensington Community Services District in 1959. The KPPCSD recently voted to allow improvement of the property by the Kensington Improvement Club, while retaining rights of ownership and liability. In addition, we propose that the Board budget up to \$1000 for the creation of signage for the property. Please see attached Grant Deed.

**Financial Impact:**

Up to \$1000 in fiscal year 2021-22.

**Attachments:**

- Grant Deed

Excess R/W  
Arlington Blvd. #1451

Grant Deed

UBER 3451 PAGE 181

CONTRA COSTA COUNTY, a political subdivision of the State of California,

Grants to KENSINGTON COMMUNITY SERVICES DISTRICT,

the real property situated in the \_\_\_\_\_ County  
of Contra Costa State of California, described as follows;

for the purpose of park, parkway, and recreation:

Beginning at a point on the westerly line of Arlington Avenue at the northeast corner of Lot 1, Block 2 as said Avenue and lot are shown on the map entitled "Kensington Park, Contra Costa County, California", filed May 2, 1911 in Map Book 5 at page 103, Contra Costa County, California; thence from said point of beginning along the westerly line of said Arlington Avenue North 10° 36' 10" West, 65.00 feet; thence leaving said westerly line North 74° 00' West, 14.39 feet to the easterly line of Coventry Road, as said road is shown on above mentioned map; thence along said easterly line of said Coventry Road southerly along the arc of a curve to the right, with a radius of 495.00 feet, the center of which bears North 75° 52' 20" West, an arc distance of 73.98 feet to the northwest corner of said Lot 1; thence leaving said easterly line and along the north line of said Lot 1, North 87° 54' East, 50.33 feet to the point of beginning.

Containing an area of 0.048 acres of land, more or less.

Being a portion of the parcel of land described in the deed from Elsie Neilson to Contra Costa County dated August 13, 1957 and recorded September 6, 1957 in Book 3040 of Official Records at page 123.

Dated: September 1, 1959

CONTRA COSTA COUNTY

By: *W. T. Paasch*  
Chairman, Board of Supervisors  
ATTEST: W. T. Paasch, Clerk

By: *Natalie Welby*  
Deputy

STATE OF CALIFORNIA  
COUNTY OF CONTRA COSTA

On September 1, 1959  
before me, George T. Derana, a Notary  
Public in and for said Contra Costa County and  
State, personally appeared *W. G. Buchanan and*

*Natalie Welby* known to me to be the Chairman and  
Deputy Clerk respectively, of the Board of  
Supervisors of the County of Contra Costa, State  
of California;

known to me to be the persons whose names are subscribed to the  
within instrument and acknowledge that said CONTRA COSTA COUNTY  
executed the ~~same~~ within instrument pursuant to a Reso-  
lution of said Board of Supervisors as required by  
law.

(SEAL) *George T. Derana*  
Notary Public

My Commission Expires: April 21, 1962

Return to:  
Address:

Application No.:

RECORDING DATA

RECORDED AT REQUEST OF  
GRANTEE

SEP 26 1959  
11:25 AM  
CONTRA COSTA COUNTY RECORDS

W. T. PAASCH  
COUNTY RECORDER

SEE 1117

END OF INSTRUMENT



Date: March 10, 2022  
To: Board of Directors  
From: Rick Benson, Interim General Manager  
Subject: Update on New Waste Collection Procedures

---

**Recommendation:**

Receive the following report regarding the rollout of new waste collection procedures.

**Background:**

In September 2016 the California legislature approved and the Governor signed Senate Bill 1383. The purpose of this bill is to reduce the amount of greenhouse gases produced by the California waste stream by diverting most organic materials away from California landfills. All California communities are required to comply with this legislation.

On November 11, 2021 your Board approved an amendment to the Franchise Agreement to bring the Kensington community into compliance with the law. Doing so involved several changes to the waste collection practices in Kensington.

**Discussion:**

As of February 1, 2022, Bay View Refuse instituted new procedures for the collection of solid waste within Kensington. All customers were provided with collection bins as required by the new law. Everyone now has a gray bin, a green bin and a blue bin. Previously, the green bin was used exclusively for yard waste. Now, in addition to green waste, the green bin is used for the collection of all organic materials. Primarily, this change means that kitchen food waste is also placed in the green bin. The blue bin is used for most recyclable items such as paper, plastic containers and cans while the gray bin is for all other waste.

Bay View began the rollout on January 24. Over a 10-day period, hundreds of old cans and bins were collected and several hundred new bins were distributed. Bay View reports that while there were many questions to be answered, the community was extremely supportive and cooperative.

All organic waste is now being diverted from landfills and being processed in accordance with the new regulations.

**Future Actions:**

Other aspects of the new process will be forthcoming. There will be periodic household hazardous waste collections provided to Kensington residents. Bay View is also planning to bring compost to Kensington for the public to pick up and use.

Administratively, another amendment to the franchise agreement will be necessary. That amendment will mandate that Bay View transport all organic waste to a properly designated location for processing. The amendment will also formally charge Bay View with responsibility to check that customers are properly disposing of their waste as required by the new legislation and notify the district of any instances of noncompliance.



---

Date: March 10, 2022

To: Board of Directors

From: Rick Benson, Interim General Manager

Subject: Ordinance Mandating Organic Waste Disposal Reduction

---

**Recommendation:**

Adopt motion to ready by title only and waive further reading and; introduce Ordinance No. 2022-01 An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction.

**Rationale for Recommendation:**

SB 1383 requires that all jurisdictions adopt an enforceable ordinance or similar mechanism requiring compliance with various SB 1383 requirements. The proposed ordinance before your Board was adapted from the model ordinance provided by CalRecycle.

Failure to adopt an ordinance in conformance with the law will subject the district to possible fines from CalRecycle

**Background:**

In September 2016 the California legislature approved and the Governor signed Senate Bill 1383. The purpose of this bill is to reduce the amount of greenhouse gases produced by the California waste stream by diverting most organic materials away from California landfills. All California communities are required to comply with this legislation.

**Discussion and Analysis:**

The proposed ordinance defines what both residential and commercial customers are required to do in order to comply with the law. In short, waste generators must segregate organic waste and recyclables from other trash. Each category of waste must be placed in the proper receptacle for collection.

The ordinance also has an enforcement aspect. In practice, waste disposal spot checks are required. Any waste generator found to be out of compliance will be reported to the district general manager. The ordinance also provides a mechanism to promote compliance by way of fines.

**Fiscal Impact:**

Enactment of Ordinance 2022-01 is expected to have no fiscal impact. Inspection of waste disposal will be conducted by the franchise hauler through the franchise agreement at no additional cost. It is highly unlikely that significant, if any, revenues will be collected via fines for noncompliance.

**Attachment:**

- Ordinance 2022-01 An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction

## **Ordinance No. 2022-01**

### **An Ordinance Of The Board of Directors Of The Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction**

#### **Section 1. Purpose and Findings**

The Kensington Police Protection & Community Services District ("District") finds and declares:

- (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires subject public agencies to implement a Mandatory Commercial Recycling program.
- (c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires subject public agencies to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires subject public agencies to implement a Mandatory Commercial Organics Recycling program.
- (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including subject public agencies, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food

Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

- (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires subject public agencies to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.
- (f) Requirements in this ordinance are consistent with other adopted goals and policies of The District.

## **Section 2. Definitions**

- (a) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- (b) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on subject agencies (and others).
- (c) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (d) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- (e) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (f) “Compliance Review” means a review of records by the District to determine compliance with this ordinance.
- (g) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one



time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

- (h) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- (i) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- (j) “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (k) “C&D” means construction and demolition debris.
- (l) “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:
  - (1) The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.
    - (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility”.
  - (2) The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.
    - (A) If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section

17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility.” For the purposes of this ordinance, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).

- (m) “Designee” means an entity that the District contracts with or otherwise arranges to carry out any of The District’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (n) “District” means the Kensington Police Protection & Community Services District.
- (o) “District Enforcement Official” means the District General Manager or that person’s designee.
- (p) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (q) “Enforcement Action” means an action of The District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (r) “Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from The District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District’s or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through The District’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by District or its Designee for collection services.

- (s) “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (t) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (u) “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (v) “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
  - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
  - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- (w) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (x) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (y) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

- (z) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- (aa) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- (bb) “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- (cc) “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- (dd) “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- (ee) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (ff) “Hauler Route” means the designated itinerary or sequence of stops for each segment of The District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (gg) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (hh) “Inspection” means a site visit where a public agency reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (ii) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when

being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.

- (jj) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance
- (kk) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(
- (ll) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (mm) “MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.
- (nn) “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- (oo) “Non-Local Entity” means the following entities that are not subject to The District’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
  - (1) Special district(s) located within the boundaries of The District, including the East Bay Municipal Utility District.
- (pp) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- (qq) “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

- (rr) “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (ss) “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (tt) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (uu) “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (vv) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for The District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for The District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- (ww) “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (xx) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (yy) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- (zz) “Regional Agency” means regional agency as defined in Public Resources Code Section 40181.
- (aaa) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers,

and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

- (bbb) “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- (ccc) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (ddd) “Route Review” means a visual inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- (eee) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- (fff) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (ggg) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (hhh) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (iii) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and

semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
  - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
  - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- (jjj) “Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- (kkk) “Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).
- (lll) “Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- (mmm) “Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- (nnn) “State” means the State of California.
- (ooo) “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery,



canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(ppp) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

(qqq) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

(rrr) “Uncontainerized Green Waste and Yard Waste Collection Service” or “Uncontainerized Service” means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator’s house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

(sss) "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

### **Section 3. Requirements for Single-Family Generators**

Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 12 of this ordinance:

- (a) Shall subscribe to District's Organic Waste collection services for all Organic Waste generated as described below in Section 4(b). District shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by The District. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Shall participate in The District's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.

Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

### **Section 4. Requirements for Commercial Businesses**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- (a) Subscribe to District's three-container collection services and comply with requirements of those services as described below in Section 6(b), except Commercial Businesses that meet the Self-Hauler requirements in Section 12 of this ordinance.
- (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section 12 of this ordinance, participate in The District's Organic Waste collection service(s) by placing designated materials in designated containers as described below.

Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable

Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

- (c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 6(d)(1) and 6(d)(2) below) for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 12.
- (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business.
  - (1) A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (e) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 6(d) pursuant to 14 CCR Section 18984.9(b).
- (f) To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per The District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 12.
- (g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

- (h) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- (i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- (j) Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 16 of this ordinance to confirm compliance with the requirements of this ordinance.
- (k) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 12 of this ordinance.
- (l) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

## **Section 5. Requirements for Haulers and Facility Operators**

- (a) Exclusive Franchise Hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within The District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with The District to collect Organic Waste:
  - (1) Through written notice to The District annually on or before June 1, 2022 identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
  - (2) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - (3) Obtain approval from The District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 13 of this ordinance, and District's C&D ordinance.
  - (4) Exclusive Franchise Hauler authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements

contained within its franchise agreement, permit, license, or other agreement entered into with District.

- (b) Requirements for Facility Operators and Community Composting Operations:
  - (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon District request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by The District shall respond within 60 days.
  - (2) Community Composting operators, upon District request, shall provide information to The District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by The District shall respond within 60 days.

## **Section 6. Self-Hauler Requirements**

- (a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in The District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by The District. The records shall include the following information:
  - (1) Delivery receipts and weight tickets from the entity accepting the waste.
  - (2) The amount of material in cubic yards or tons transported by the generator to each entity.
  - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-

Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

- (d) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 12(c).

### **Section 7. Inspections and Investigations by DISTRICT**

- (a) District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow Jurisdiction to enter the interior of a private residential property for Inspection.
- (b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- (c) Any records obtained by District during its Inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- (e) District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

### **Section 8. Enforcement**

- (a) Violation of any provision of this ordinance shall constitute an infraction as a first offense, punishable by criminal citation.
- (b) For subsequent offenses, other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor. District may pursue civil actions in the California courts to seek recovery of unpaid citations. District may choose to delay court action until such time as a sufficiently large number of violations, or

cumulative size of violations exist such that court action is a reasonable use of District staff and resources.

(c) Responsible Entity for Enforcement

- (1) Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official.

(d) Process for Enforcement

- (1) The District Enforcement Official will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 16 establishes District's right to conduct Inspections and investigations.
- (2) District may issue an official notification to notify regulated entities of its obligations under the ordinance.

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

(f) Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

- (1) The nature, circumstances, and severity of the violation(s).
- (2) The violator's ability to pay.
- (3) The willfulness of the violator's misconduct.
- (4) Whether the violator took measures to avoid or mitigate violations of this chapter.
- (5) Evidence of any economic benefit resulting from the violation(s).
- (6) The deterrent effect of the penalty on the violator.
- (7) Whether the violation(s) were due to conditions outside the control of the violator.

(g) Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 17 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and The District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(h) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with District's procedures in The District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(i) Education Period for Non-Compliance

Beginning May 15, 2022 and through December 31, 2023, District will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(j) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if The District determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 17, as needed.



**Section 9. Effective Date**

This Ordinance shall be effective commencing on May 14, 2022.



Date: March 10, 2022  
To: Board of Directors  
From: Rick Benson, Interim General Manager  
Subject: Temporary Relocation of District Offices

---

**Recommendation:**

It is recommended that your Board approve entering into negotiations with the City of El Cerrito to lease property for the temporary relocation of the District and Police Department offices and appoint Richard J. Benson, Interim General Manager, as real estate negotiator for the property located at 10900 San Pablo Ave., El Cerrito, California.

**Justification for Recommendation**

This property may be available for the District's use. In order to pursue this space as a possible temporary location it is necessary to name a negotiator.

**Background:**

One of the most pressing issues facing the KPPCSD is the need to identify a new location to house District and Police Department offices. This became necessary when the Kensington Fire Department made the decision to upgrade the Public Safety Building on Arlington Avenue and determined that they could no longer accommodate the CSD and the police staff. The Fire Department intends to begin their renovations in late summer or early fall of this year.

**Discussion and Analysis:**

While KPPCSD has been diligently searching for a new home it is unlikely that a permanent facility will be identified and ready for occupancy within the timeline required to allow the Fire Department to begin their renovations. District staff was recently notified that the City of El Cerrito has two modular buildings located on their property that are currently not being used. Furthermore, city staff has indicated a willingness to discuss making one or both of these buildings available for KPPCSD use.

City staff was kind enough to give Chief Gancasz and myself a tour of the facility. We are both in agreement that this location is well suited for the district to use on a temporary basis.

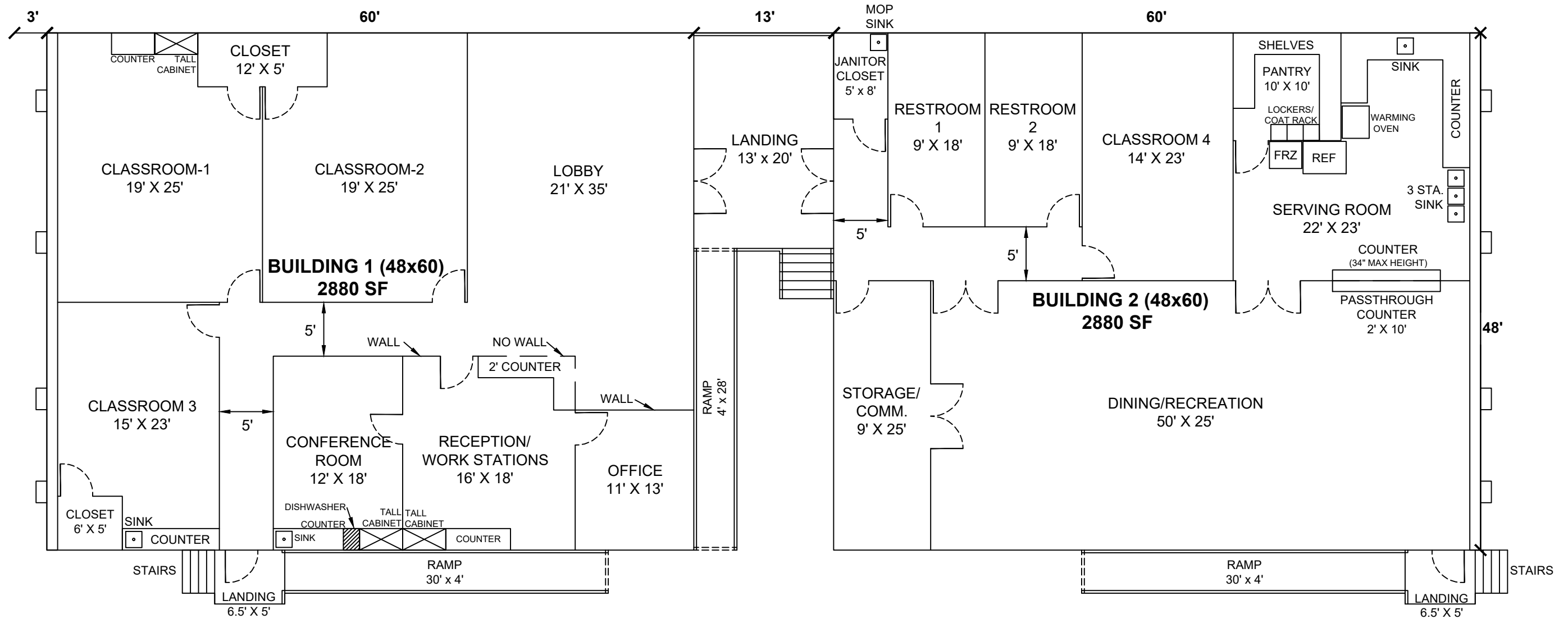
The property is located adjacent to El Cerrito Fire Station #71 at 10900 San Pablo Avenue. Each building has approximately 3000 ft.<sup>2</sup> of space. This exceeds the space we have currently. Therefore, only one building would be necessary for our purposes. Each building has phone and electric service and one building has water and restroom facilities. The buildings are immediately available.

Although located outside of Kensington, Chief Gancasz is confident that utilizing the space on a temporary basis will have no impact on the department's ability to provide services to the public. At any given time most of the patrol vehicles are on the streets of Kensington. They are rarely dispatched out of the Public Safety Building. While some interaction with the public takes place at the current location. Most of the work of the District is accomplished by phone and/or email. While we believe this space could serve us well, everyone involved is anxious for us to find a permanent location within Kensington's boundaries.

Assuming the City Council is amenable it would be in KPPCSD's best interest to take advantage of this opportunity and begin the process as soon as possible.

**Financial Impact**

The cost of moving into and leasing one of these buildings on a temporary basis is not known at this time. It will be based upon the final rent negotiated. However, the cost is expected to be more than competitive with any other temporary location the District could identify.



**DUAL 48' X 60' BUILDINGS**



**PROPOSED TEMPORARY BUILDING LAYOUT**

TEMPORARY SENIOR CENTER SITE

SCALE: 1" = 10'



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Date: March 10, 2022

To: Board of Directors

From: Board Directors Deppe and Sherris-Watt

Subject: Housing for the KPPCSD

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**Background** – The Kensington Fire Protection Board has determined that it will no longer provide space for housing the Kensington Police Department and administrative staff of the KPPCSD in the Public Safety Building at 217 Arlington Avenue after July 2022. In response, the KPPCSD has been looking at other possibilities for permanent housing for the District’s employees.

The KFPD began a survey of needs in 2015 and until March of 2020, it seemed that the KFPD and KPD could remain in a renovated Public Safety Building. While the KPPCSD Board still hoped for this resolution throughout 2021, the KFPD voted against this option and has determined they will go forward in a single use space.

### **Sites considered**

**Commercial Properties** – The KPPCSD has considered several commercial spaces throughout Kensington. Details of these searches can be found in the recordings of meetings in 2021, and January and February of 2022. While these sites provide enough square footage, there are significant disadvantages, including substantial cost increases over the current space in 217, and lack of ownership by the District.

The General Manager continues to research possibilities in the event that another space can be procured for long-term leasing. This option has the advantage of providing housing to the KPD within a shorter timeline than the options listed below.

**EBMUD** – East Bay Municipal Utility District holds significant portions of land in Kensington, both above and below the Arlington. The General Manager and two Board Directors are looking into the possible acquisition of a small portion of property that would allow the District to build a permanent police station.

While this is a permanent solution, it would require temporary housing of the KPPCSD for an extended period.

**Private Residences** – The District is exploring whether a private residence located along a centrally located corridor in Kensington is available for purchase. This property would then be renovated to house the KPD and possibly administrative offices of the KPPCSD. This planning would involve possible rezoning and agreement by the County.

**Kensington Park, New Construction** – From 2015-2018, the KFPD considered this the most promising solution to housing both fire and police in Kensington. The KPPCSD Board has not supported this idea due to the prohibitive cost (\$12 million estimated in 2018) and desire to preserve public park land.

**Kensington Park, Current Buildings** – Within Kensington Park, (located at Arlington Avenue and Kensington Park Road, Kensington) there are three permanent buildings. These include the Kensington Community Center, aka Youth Hut, at 59 Arlington Avenue, and two buildings commonly referred to as the Annex at Kensington Park Road across from the tennis courts, and Building E, approximately at 7 Windsor Ave, near the meadow. The Kensington Community Center was renovated in 2020 and offers around 4,000 square feet. This space is not ideal for administrative offices or a police department due to its location in the park and largely open floor plan. It should remain a meeting and rental space ideal for civic groups, a place for recreation programs and Kensington community events.

**The Annex** – The Annex is a 1772 square foot one story building. It is estimated that it was built around 1950 for use by Kensington Hilltop School. The property was first leased to the District in 1963 and purchased in 1995. The building was rented to Neighborhood School from 1985-2006. The Kensington Community Council (KCC) had offices in the space until 1999. In 2006, the GM/COP determined that the building had water damage and left it vacant. The tenants moved up the hill to property on the kindergarten yard of Kensington School.

The floor structure is slab on grade. While minerals have surfaced through the vinyl flooring (typical of a concrete slab) no water damage has been observed or smelled by observers from 2016 – present date. The building offers a 660 square foot northern classroom, and 750 additional square feet that is partitioned into 2-spaces of approximately 250/500 square feet. Two bathrooms and a large sink are at the northern end of the building. It has three front entrances, two back entrances, a concrete front porch and access to a handicapped parking space.

The construction, while needing to be evaluated for seismic strength and the inclusion of hazardous materials, has quite a bit of charm. It is open and naturally well lit. The placement of entrances, exits and bathrooms is logical and similar to what is found in the Community Center. An existing overhang provides a place to wait for students in inclement weather. We would recommend exploring renovation before committing to removal of the existing structure.

**Building E** – Building E is the remaining structure from the original Kensington School buildings (A-H), that were built prior to 1945. An architect's educated guess dates the building to the late 1930's. It was remodeled by the KCC in 1999. The contract between the KPPCSD and the KCC had the latter providing for all the renovations to the building and then an established rent of \$1/year, as long as

the KCC provided adult and child recreation programs. This has been the case for the last 22 years. The KCC has also taken care of repairs to the building during this time.

Situated up a small rise at the end of Windsor Avenue, Building E has 2605 square feet, close to an ideal amount for the KPPCSD. Its location to available parking and street access makes it the best fit for supplying a police station to Kensington residents. Officers on patrol would not need to drive through Kensington Park, an area with heavy foot traffic and playing children during weekday afternoons. This location has easy foot access to Highland Avenue and Hilltop School. With the proposed addition of a driveway from the parking pad to Arlington Avenue, police officers would have quick access to Kensington's busiest thoroughfare. This location also has better access to telephone lines necessary for the evolving technological needs of policing.

Notes – The documents prepared by Muller & Caulfield in 2012, contains some assumptions that are disagreed with by the writers of this report. We believe additional study would be required to determine information that is factual for 2022.

The Annex is referred to as having "E" occupancy in the Muller & Caulfield report, this is not to be confused with Building E.

**Recommendation** – Given the current needs of the KPPCSD and the KPD, the desire to keep excellent recreational programming for the citizens of Kensington and the students of Kensington Hilltop school, with acknowledgement of budgetary and time constraints and the added weight of public opinion generally against adding additional buildings to Kensington Park, we recommend pursuing relocation of the headquarters of the KASEP recreation program and classroom spaces to The Annex and moving the Kensington Police Department and the administrative offices of the KPPCSD into Building E.

These buildings both require renovation to make them ideal. The KPD and KASEP programmers must be active partners and advisors in determining the necessary upgrades to make spaces that meet the needs of their users and adhere to legal and safety requirements.

The best timeline, should excellent temporary quarters be available for the KPD, is to begin acquiring all the necessary studies, including studying zoning regulations and environmental impact in order to make final cost predictions and allow the Board to determine feasibility.

We acknowledge that this plan has negative aspects, but feel it is the best suggestion for the long-term housing of the KPD, the continuation of community services and the maintenance and protection of Kensington Park.

Housing for the KPPCSD

March 10, 2022

Page 4 of 4

	<b>The Annex</b>	<b>Building E</b>
Year of Construction	1950 (estimate)	1938 (estimate) Year of renovation – 1999
Square Footage	1772	2605
Seismic Analysis	needed	prepared for Hilltop in 2008, should be redone for renovation
Pest Report	completed 2019, approximately \$28,000	needed
Zoning	zoned for the scope of recreation programs	To be determined
Bathrooms	2, neither currently ADA	2, 1 of which is ADA
Parking	handicapped space adjacent	handicapped space adjacent, possibility for additional spaces in the turnaround below the building
Architectural Drawings	needed based on proposed use	needed based on proposed use
Costs	unknown	unknown
Additional recommendations	Creating a concrete retaining wall and adding a roomy rear porch for recreational activities. Additional space could be garnered by extending the south wall or improving the meadow side with a concrete pad and adding picnic tables.	Exploring the possibility of a driveway that extends from the turnaround at the end of Windsor to Arlington Avenue for police vehicles. This would run along the outside boundary of Kensington Park and provide quick access during emergencies.

**Attachments:**

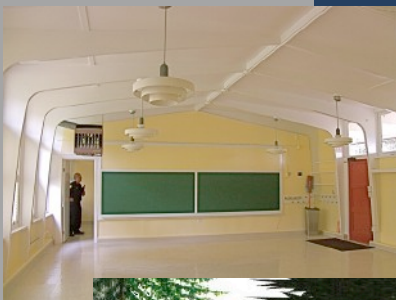
- Muller & Caulfield Kensington Park Buildings Master Plan March 8, 2021
- Kensington Park Screen Shot
- Pest Report 59 Arlington





**Kensington Park Buildings  
Master Plan  
Kensington, CA**

**March 8, 2012**





## Annex



Front of Annex with covered porch, as seen from parking lot.

### History and Current Conditions

The date of original construction of the Annex building is unknown, although an educated guess would put the construction in the late 1940's or early 1950's. The building was presumably constructed to house two classrooms for use by Kensington School, before the entire school moved up the hill to its current site in the 1950's. The school district leased the property to KCS D in 1963, along with the land now occupied by the tennis courts and play area. It was purchased by KCS D, along with a cluster of ten other small buildings (buildings A through K), in 1995.

KCS D leased the building to a day care provider (the Neighborhood School) from 1985-2006. The KCC offices were also in the building until the renovation of Building E was completed in 1999. The building has been vacant since 2006.

The Annex can be described as a "modular" building, but because it is slab on grade it is not a "portable".

The building is currently divided into two classrooms, with an office and entrance in the center. Bathrooms at the north end of the building appear to have been added after the original construction. The office in the center was also partitioned off from the south classroom, perhaps at the same time.

No original drawings of the building or of the bathroom addition are available.



Annex interior, with painted wood arches. Large windows face east; high windows face the covered walkway.



Construction date	Unknown. Educated guess: 1945-1955. Date of bathroom addition is unknown.
Architect	Unknown original architect. Jason Kaldis, proposed 2008 remodel Jack Griffith, 2008 plans for site improvements (not built)
Building size	1772 sq. ft, one-story
Meeting/ activity rooms	660 sq ft north classroom (22.5' x 29') 500 sq ft south classroom South classroom could be 750 sq ft if partition removed.
Occupancy	E (education) Proposal to convert the building to A-3
Floor structure	Slab on grade.
Floor finishes	Vinyl tile typical. Tile and mastic contain asbestos..
Walls	End walls: stud construction. Side walls: post and beam single-wall



*Above: The front porch. The closest door gives direct access to a bathroom.*

*Below: View from the back yard, showing variety of types of glazing.*



Wall finishes	<p>construction, with plywood sheathing spanning between structural arches. No studs.</p> <p>Exterior is wood shingles with 12" to the weather, except south wall has standard replacement shingles.</p> <p>Interior: Painted plywood or tack board.</p>
Roof	Unknown. Assume composition roof.
Roof structure	Three-hinged shaped arches spaced 4' apart. 2-3/4" thick, glu-laminated wood. No joists between arches.
Ceiling	Structure unknown, but must be thick enough to span 4' between arches. 2x roof sheathing? 1-1/8" plywood?
Heating	Suspended gas space heaters.
Insulation	No insulation?
Ventilation	Operable windows No mechanical ventilation.
Windows	Wood frame, some fiberglass replacement windows. Glazing is a random combination of clear glass, acrylic, and fiberglass.
Exterior doors	Solid, no vision panels

**Issues:**

**Aesthetics:** Although the interior spaces are attractive, with the exposed arches and large window areas, the exterior of the building as seen from the parking area is not appealing. The solid doors and high windows preclude any views into the building and make the building look forbidding; the overall form is so simple as to be uninteresting; the painted shingle siding looks dated; the overall composition of doors, windows, and siding is not pleasing. Lack of "curb appeal" has probably reduced demand for potential rentals of the building. If the building is to be remodeled, these aesthetics issues should be addressed.

The existing window glazing is a seemingly random combination of clear glass and patterned glazing. Aesthetics will be improved by replacing all the glass with clear glazing.

**Function:** The bathrooms are at the north end of the building, entered from inside the north classroom. This configuration makes it difficult to use the building for two independent activities at the same time, since students from one classroom would need to disrupt activities in the other classroom in order to get to the bathroom. Consideration should be given to moving the bathrooms to a more central location, especially since they will need to be reconfigured in any case to satisfy the need for accessibility.



Potential users of the building have noted that the building has no kitchen or kitchenette, which also limits some potential uses.

**Change of Occupancy:** The building was built as classrooms, and presumably still keeps this “E” occupancy in the eyes of the building department, with a calculated occupant load of 70 occupants. Continued use for a day care facility or for KCC classes would not constitute a change of use. Use of the building primarily for community events would constitute a change of occupancy to “A-3”, or assembly occupancy. The building occupant load would increase to 94 to 104 occupants if seated at tables as many as 200 occupants if seated theater style in chairs. Since this is a higher number of occupants than the current 70, the building would need to be brought up to code as applicable for the higher occupancy.

Change of occupancy will trigger code requirements for a number of upgrades to the building, from seismic to mechanical, electrical, and energy efficiency. Additional toilet facilities would be needed for the higher number of occupants. Three toilets for women are required by the 2010 California Building Code; one toilet plus a urinal is required for the men.

**Accessibility:** The existing bathrooms are not accessible. See the list of other accessibility issues in the Appendix.

**Seismic:** It is not known if it was built in compliance with the Field Act, which requires schools to resist earthquakes. The Field Act requiring seismically safe schools was passed in 1933. However, its application to temporary portable/ modular classrooms evolved over the years and may not have applied to this structure.

At first glance, this building appears to have little or no seismic resistance. If it was built to Field Act standards, it might be better than it seems. In any case, previous shear walls may have been compromised by later additions, such as the exterior bathroom door to the front porch in what was formerly a shear wall.

**Foundations and Settlement:** No original plans of the building have been located, and the dimensions of existing foundations are not known. Investigation will be needed to determine the capacity to resist seismic loads.

The slab on grade interior floor is not noticeably cracked or out of level. The porch slab (under the overhang), however, is tilted, cracked, and pulling away from the building. This causes a problem for wheelchair access to the main entrances to the building. Since the slab has settled, it could be repaired by pouring a new topping slab to make it match the level of the slab inside, with a 1% slope away from the building for drainage.

**Drainage:** Various problems have been noted with the drainage on the uphill side of the building. Water comes down the hillside and must be led away by the underground drains around the building foundation that were installed (?) about 10 years ago. These drains, assuming they exist, are apparently clogged or overloaded, since water was noted seeping through the floor slab after a rainstorm in September 2011. A retaining wall at the existing back yard fence line, with drainage above it, could help to divert the hillside water before it gets to the building drain.



*Above: Aftermath of water intrusion, winter 2011.*

*Below: Single-wall construction. Insulated stud walls could be added between the existing arches.*



There is also a downspout at the NE corner of the building that is not connected to the building drain that could contribute to the problem.

**Entry Stairs:** The parking lot is about 8' lower than the building porch at the north end, sloping up to match the porch grade to the south of the building. Original stairs leading to the center of the porch were recently removed because they were unsafe. New stairs should be provided as part of any remodel of the building.

The design of the new stairs and associated landings and railings can be treated as an opportunity to improve the appearance of the front of the building.

**Remodel or tear-down?** If the building is to have a major remodel, the value of the current building is that it provides a foundation, floor slab, and structural shell that could be used as a framework for new construction. Studs, insulation, electrical wiring, etc. can be added between the existing wood arches to make a more permanent and energy-efficient building.

If the building is to remain in use as classrooms or day care, then a limited remodel such as the one described below may be sufficient. In either case, the cost of a remodel should be compared to the cost of new construction, since the existing building may not provide much value and remodel costs are typically higher than new construction costs.

#### **Annex Plans 2008**

Plans were drawn by Jason Kaldis for limited repairs necessary to re-occupy the building as a child care center, including expanding the bathrooms to meet accessibility requirements and electrical upgrades to meet code. The cost estimate was about \$140,000 (or about \$80 per square foot). This cost estimate did not include the necessary site work, nor did it include the additional costs, such as prevailing wages, required for a publicly bid project.

Additional insulation and other energy conservation measures will be required in addition to work shown in these plans to comply with the new California Energy Code, which went into effect in 2010.

## Building E



### History and Current Conditions

Building E is currently leased and used exclusively by the Kensington Community Council (KCC), a non-profit organization which publishes the **Outlook** and runs the Kensington After School Enrichment Program (KASEP) as well summer cay camp and other classes for adults and children. The building contains the KCC office as well as three classroom spaces.

The date of original construction of Building E is unknown. An educated guess would put the construction between 1933 and 1945, based on the fact that diagonal wood boards were used instead of plywood. The 1999 plans label the former use of the rooms as a library and school offices.

The building was essentially rebuilt when it was remodeled in 1999-2000. KCC reports that the building is currently “very functional”, with only some minor problems with the floor tiles.

Construction date	Unknown. Educated guess: 1933-1945.
Architect	Unknown original architect. Deborah Lane, 1999 remodel (assisted by volunteer architect Bart Jones).
Building size	2605 sq. ft, one-story
Meeting/ activity rooms	840 sq ft classroom “A” (23’ x 36.5’) 670 sq ft classroom “B/C” 345 sq. ft. classroom “D” 321 sq ft office.
Occupancy	E (education)
Floor structure	Wood frame over crawl space.
Floor finishes	Vinyl tile typical.
Walls	Stud construction.
Wall finishes	Exterior horizontal wood siding. Interior: Painted gypsum wall board.
Roof	Composition shingles.
Roof structure	Wood frame. Small attic space.
Ceiling	Flat gyp board, 12’ high
Heating	2- forced air furnaces in attic space..
Insulation	Insulated. Plans specify R-11 walls, R-18 ceiling, R-19 floors.
Ventilation	Operable windows Furnaces provide ventilation.
Windows	Aluminum framed, double glazed.
Exterior doors	

**Seismic:** Seismic upgrade was done as part of 1999 remodel. Added shear plywood to cripple walls, hold downs, etc. Structural plans appear very complete. It seems reasonable to assume complete seismic upgrade was done per the code at the time, and building is basically OK.

## *Fault Zone*

“Cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard. If the city or county finds that no undue hazard of this kind exists, based on information resulting from studies conducted on sites in the immediate vicinity of the project and of similar soil composition to the project site, the geotechnical report may be waived”

From the Alquist-Priolo Fault Zoning Act

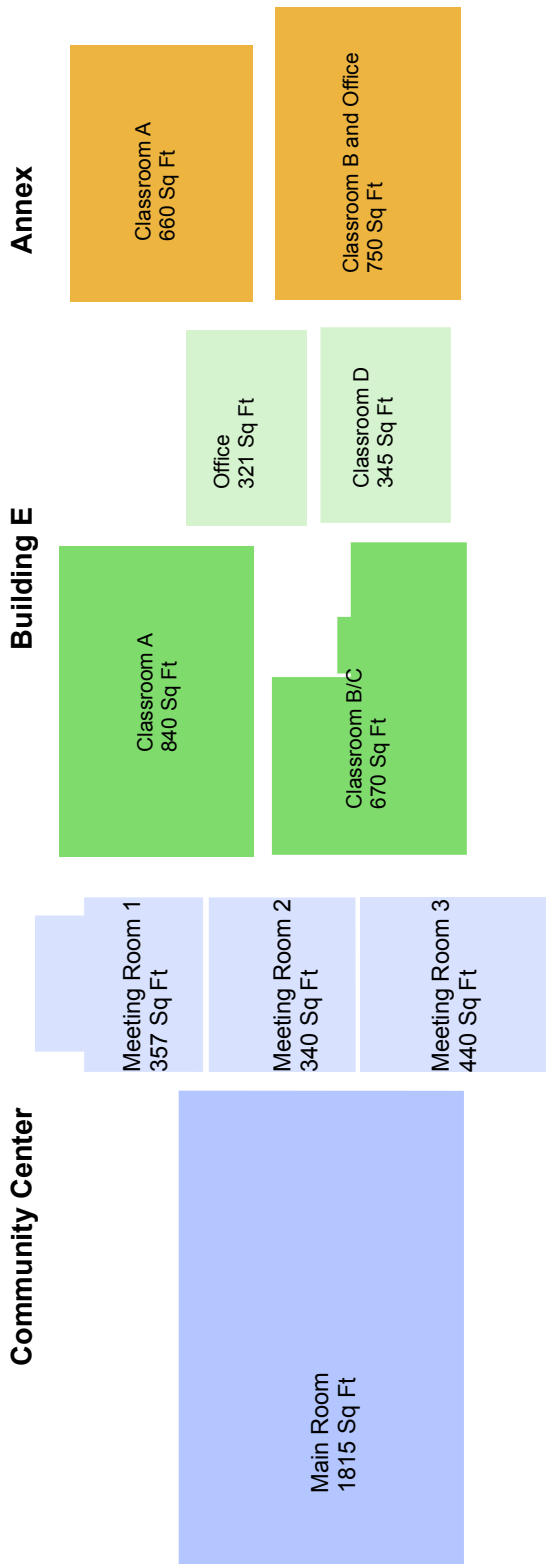
All three of the park buildings are located within the Alquist-Priolo seismic hazard zone (“Fault Zone”), due to proximity to the Hayward fault. The Fault Zone is a strip of land, typically about 1000’ wide, defined by the California State Geologist as being above or adjacent to a known trace of an active earthquake fault. The goal of the Alquist-Priolo legislation is to prevent buildings from being built on top of active fault traces, since fault movement below a building will tear any structure in two, regardless of its structural design.

Appendix A includes copies of maps included in the March 31, 2008 report by Alan Kropp prepared for Kensington Elementary School, which is adjacent to Kensington Park. These maps show the eastern edge of the fault zone roughly along the property line between the park and the school.

The reason that fault zones include approximately 500’ on each side of the known fault is that additional, previously unknown active fault traces frequently occur in the immediate area of a currently mapped trace. Current state law requires a special geotechnical investigation and report for any new building in the fault zone, as well as for any remodel that exceeds 50 percent of the value of the structure or adds more than 50 percent of the existing floor area of the structure. The purpose of this investigation is to show there are no active faults below the existing building, and to preclude any new construction on top of an active fault.

A subsurface investigation and geotechnical report was done in 1988 for the youth hut expansion, which found no active faults in the immediate area of the youth hut. This investigation may be sufficient to allow new remodeling of the building without additional study. It is also possible that the 1988 investigation could be extrapolated to apply to a new structure to replace the Annex, since the Annex is in the immediate vicinity. The County building department would need to approve this.

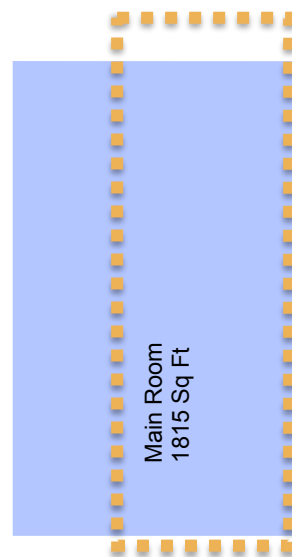
## Room Size Diagram



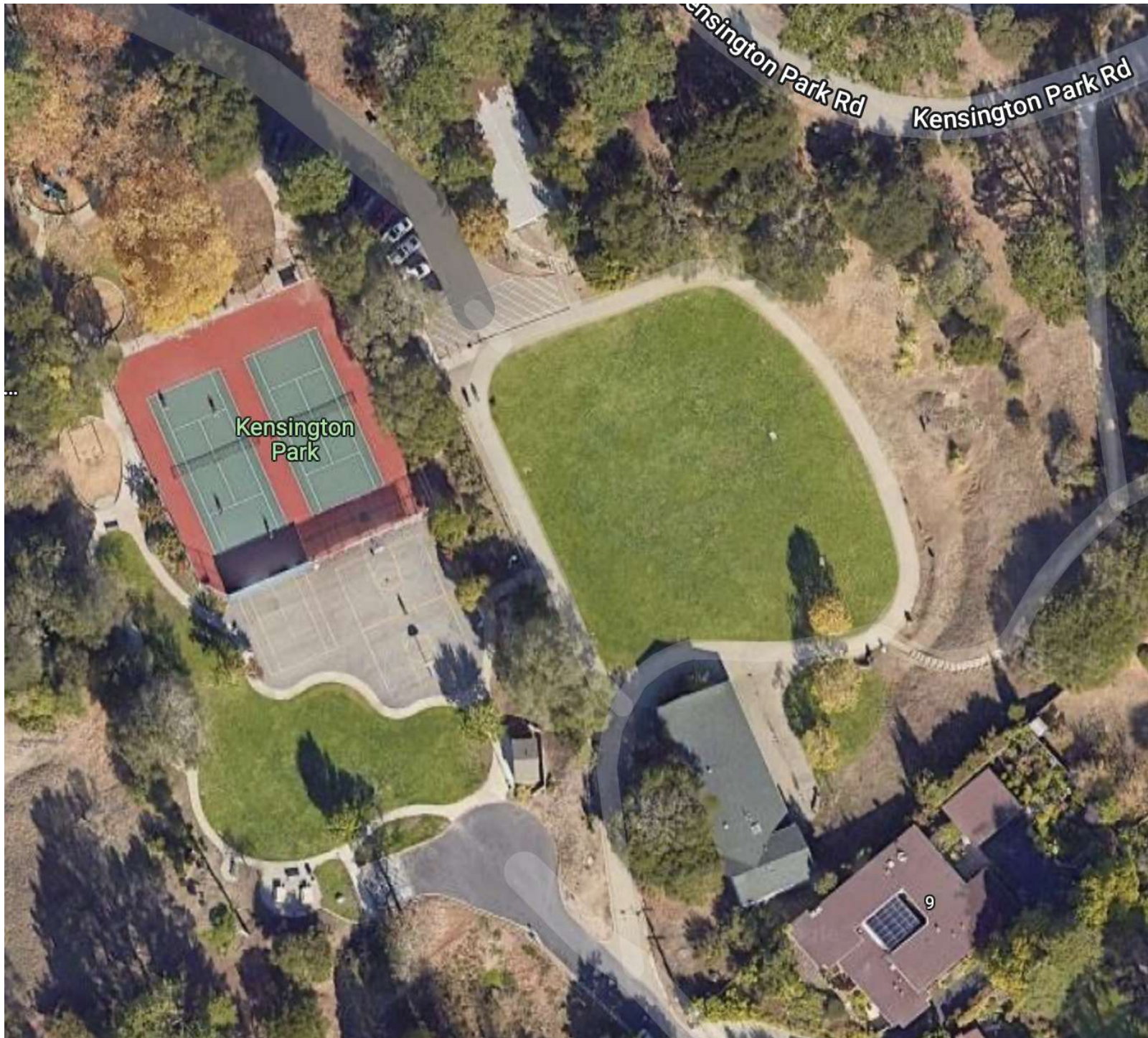
The diagram at left illustrates the relative sizes of the meeting and classrooms spaces available in each of the park buildings. The rectangle for each room represents the actual proportions of the room as well as its relative size. Dimensions are net of closets and full height storage cabinets.

This can be a useful tool, for example, in deciding if a given activity in the Community Center could be accommodated instead in the Annex.

*Annex as single 1410 sq ft room compared to 1815 sq ft main room of Community Center.*







Kensington  
Park

Kensington Park Rd

Kensington Park Rd

9

# WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT

BUILDING NO. 59	STREET, CITY, STATE, ZIP Arlington Avenue, Kensington CA 94707	Date of Inspection 11/5/2019	No. of Pages 8
<b>McDonald Termite Control</b> <b>230 F Street</b> <b>Martinez, CA 94553</b> <b>Tel: (510) 525-2202 or (510) 714-7302</b> <b>Email: john@mcdonaldtermite.com</b>			
Firm Registration No. PR 6526	Report No. 7982	Escrow No.	
Ordered By: KPPCSD 59 Arlington Avenue Kensington, CA 94707	Property Owner/Party of Interest c/o Tony Constantorous 217 Arlington Avenue Kensington, CA 94707	Report Sent To: KPPCSD 59 Arlington Avenue Kensington, CA 94707	
COMPLETE REPORT <input checked="" type="checkbox"/>	LIMITED REPORT <input type="checkbox"/>	SUPPLEMENTAL REPORT <input type="checkbox"/>	REINSPECTION REPORT <input type="checkbox"/>
General Description: One story structure utilized for school classrooms constructed on a concrete slab floor with wood rustic and wood shingled exteriors		Inspection Tag Posted: Utility closet marked item JM/TS	
		Other Tags Posted: none to date	
An inspection has been made to the structure(s) shown on the diagram in accordance with the Structural Pest Control Act. Detached porches, detached steps, detached decks and any other structures not on the diagram were not inspected.			
Subterranean Termites <input checked="" type="checkbox"/> Drywood Termites <input type="checkbox"/> Fungus/Dryrot <input checked="" type="checkbox"/> Other Findings <input type="checkbox"/> Further Inspection <input checked="" type="checkbox"/>			
If any of above boxes are checked, it indicates that there were visible problems in accessible areas. Read the report for details on checked items.			

NOTE: DIAGRAM IS DISPLAYED ON PAGE 2

*Tracey Schwartz*

*John McDonald*

Inspected by John McDonald/Tracey Schwartz State License No. OPR8701/OPR13370 Signature \_\_\_\_\_

You are entitled to obtain copies of all reports and completion notices on this property reported to the Structural Pest Control Board during the preceding two years. To obtain copies contact: Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815.

NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control board at (916) 561-8708, or (800) 737-8188 or www.pestboard.ca.gov.



59

Arlington Avenue, Kensington CA 94707

11/5/2019

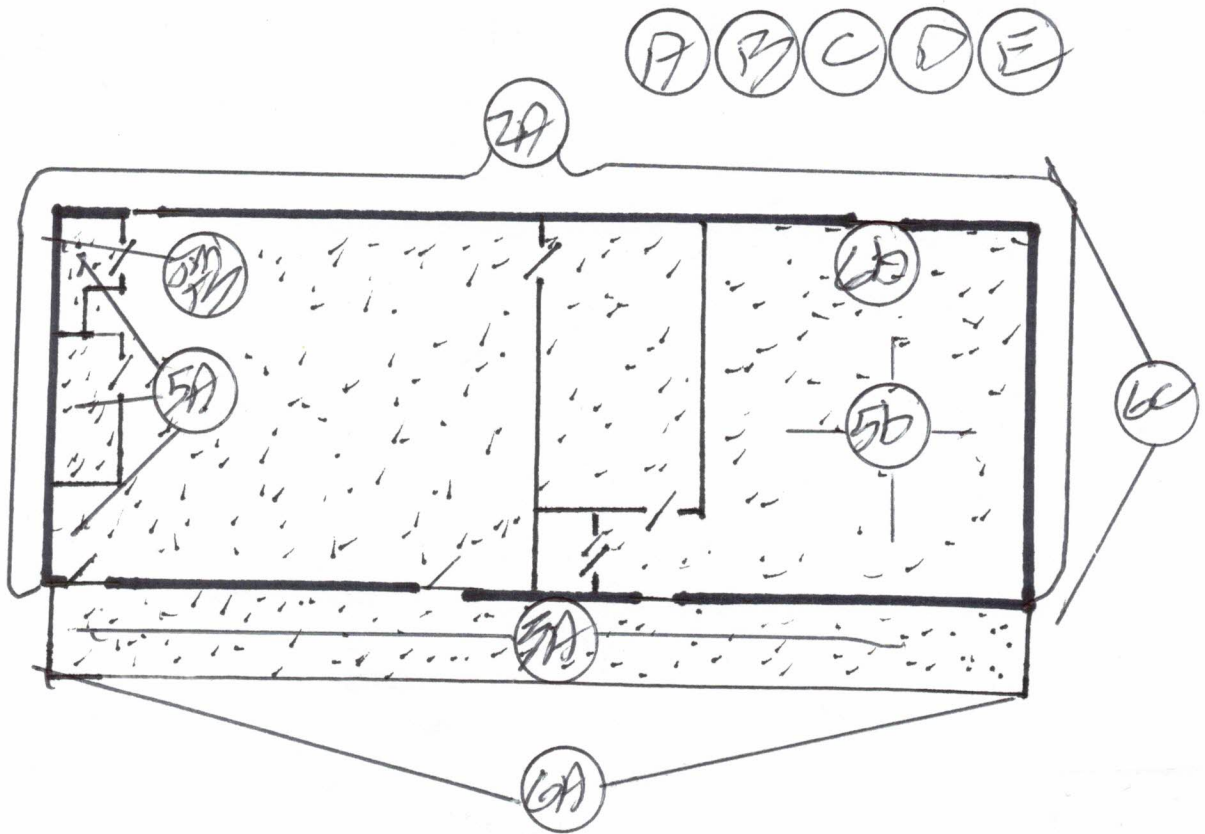
7982

BUILDING NO.

STREET, CITY, STATE, ZIP

INSPECTION DATE

REPORT NO.



59

Arlington Avenue, Kensington CA 94707

11/5/2019

7982

BUILDING NO.

STREET, CITY, STATE, ZIP

INSPECTION DATE

REPORT NO.

THIS IS A STRUCTURAL PEST CONTROL REPORT: NOT A BUILDING INSPECTION REPORT THEREFORE NO OPINION IS BEING RENDERED REGARDING THE STRUCTURAL INTEGRITY OF THIS BUILDING

A Wood Destroying Pest & Organism Inspection Report contains findings as to the presence or absence of evidence of wood destroying insects or organisms in visible and accessible areas on the date of inspection, and contains recommendations for correcting any infestation, infections, or conditions found. The contents of Wood Destroying Pest & Organism Inspection Reports are governed by the Structural Pest Control Act and its rules and regulations.

The Structural Pest Control Act requires inspection of only those areas which are visible and accessible at the time of inspection. Some areas of the structure are not accessible to inspect, such as inaccessible attics or portions thereof; the interior of hollow walls; spaces between a floor or porch deck and the ceiling or soffit below; such structural segments as enclosed bay windows, buttresses, and similar areas to which there is no access without defacing or tearing out lumber, masonry or finished work; built in cabinet work; floors beneath coverings, areas where storage conditions, furnished interiors or locks make inspection impracticable. These areas will be inspected if they are made accessible by the owner at his expense.

NOTE: It is not economically feasible to open and check areas mentioned above and similar enclosed conditions. These areas are excluded from this report. Also, detached wooden fences, garden trellises, and similar detached appendages are not part of this report. This inspection covers the structure indicated on the diagram.

Showers over ceilings are not water tested unless water stains are evident below. In which case, recommendations will be made for further testing.

THE EXTERIOR SURFACE OF THE ROOF WILL NOT BE INSPECTED. IF YOU WANT THE WATER TIGHTNESS OF THE ROOF DETERMINED, YOU SHOULD CONTACT A ROOFING CONTRACTOR WHO IS LICENSED BY THE CONTRACTOR'S STATE LICENSE BOARD.

This property was not inspected for the absence of health related molds or fungi. By California law we are neither qualified or authorized, nor licensed to inspect for health related molds or fungi. If you desire information about the presence or absence of health related molds, you should contact an industrial hygienist.

NOTE: WE DO NOT REMOVE FLOOR COVERINGS AT THE TIME OF OUR INSPECTION. WE ASSUME NO RESPONSIBILITY FOR ANY DAMAGE DETECTED TO ANY WOOD FLOORS AFTER THE FLOOR COVERINGS HAVE BEEN REMOVED. THESE AREAS WILL BE INSPECTED IF THEY ARE MADE ACCESSIBLE PRIOR TO OUR INSPECTION.

Thank you for calling McDonald Termite. For any questions regarding this report, please contact our office at (510)525-2202 or e-mail [john@mcdonaldtermite.com](mailto:john@mcdonaldtermite.com)

NOTICE: REPORTS ON THIS STRUCTURE PREPARED BY VARIOUS COMPANIES SHOULD LIST THE SAME FINDINGS (I.E. TERMITE INFESTATION, TERMITE DAMAGE, ETC...) HOWEVER RECOMMENDATIONS TO CORRECT THESE FINDINGS MAY VARY FROM COMPANY TO COMPANY...YOU...HAVE A RIGHT TO SEEK A SECOND OPINION...FROM ANOTHER COMPANY.

#### When Work Is Recommended

McDonald Termite Control agrees to use all reasonable care in the performance of our work, but we cannot assume any responsibility should any damage occur to plumbing pipes, electrical pipes imbedded in the ground or overhead, roof or other facilities, plants and shrubs, or for injuries or death of animals.

Pesticides are the products McDonald Termite Control uses to control the target pests listed in your inspection. Pesticides make a better life for all of us. They help control disease carriers thus protecting your health and property. When properly used, pesticides pose no problem to man or the environment. Your mcdonald termite



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Control technician is a state certified applicator and is constantly being upgraded by our training sessions. If you have any questions please call the following number at (510)525-2202 or e-mail john@mcdonaldtermite.com

NOTE: It is recommended that building permits be obtained for all work requiring permits, prior to beginning the recommended repairs. For information concerning the building department and permit requirements, contact the local building department. Work performed as required under a permit from the building department should be approved, accepted and signed off by the department prior to considering such work to be completed. Building department may require installation of smoke/heat detectors as a condition of obtaining a building permit.

This company will re-inspect repairs done by others within four(4) months of our original inspection. A charge, if any, cannot be greater than the original inspection fee for each re-inspection. The re-inspection must be done within ten (10) working days of the request. The re-inspection is a visual inspection, and, if inspection of concealed areas are desired, inspection of work in progress will be necessary. Any guarantees must be received from parties performing repairs.

NOTE: The charge for services that this company subcontracts to another licensed company may include the companies charges for arranging and administering such services in addition to the direct costs associated with paying the sub contractor. You may accept McDonald Termite Control bid, or you may contract directly with another licensed company. McDonald Termite Control will not be responsible for any act or omission in the performance of work that you directly contract with another to perform.

NOTE: If any infestation, infection or damage is discovered in a concealed area during the course of performing any recommendations on this report, or any remodel work, this company will file a supplemental report. This company is not responsible for controlling such infestation or infections nor responsible for controlling such damage. If the additional work is within the scope of this companies operation a cost will be provided with the supplemental report.

All payments are due upon completion of work. In the event an attorney is employed to enforce payment, the under-signed agrees to pay reasonable attorney fees and other costs of collection. Any balance after thirty(30)days will be subject to a 1 1/2% finance charge on the unpaid balance.

Under California Mechanics lien law, any structural pest control operator who contracts to do work for any contractor, subcontractor, laborer, supplier or their person who helps to improve your property, but has not paid for his work or supplies, has a right to enforce a claim against your property. This means that after a hearing, your property could be sold by a court officer and the proceeds of the sale use to satisfy the debt. This can happen even if you have paid your contractor in full, if the subcontractors, laborers, or suppliers remain unpaid. We reserve the right to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are required to provide you with a document entitled "Preliminary Notice". General contractors and laborers for wages do not have to provide this notice. A preliminary notice is not a lien against the property. It's purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

This is a seperated report; it is defined as Section 1 and Section 2 conditions evident on the date of inspection.

Section 1: Contains items where evidence exists of active infestation, infection or condition that have resulted in or from infestation or infection.

Section 2: Contains items deemed likely to lead to infestation or infection, but where no visible evidence of such was found.

Further Inspection: Contains items defined as recommendations to inspect area(s) which, during the original inspection, did not allow the inspector access to complete the inspection and cannot be defined as Section 1 or Section

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**FOUNDATIONS:**

ITEM 2A The foundation around the perimeter of this building was faulty with exterior grade levels which is resulting in earthwood contacts and decay and termites to the lower wood shingles.

RECOMMENDATION: Trim up shingles to a higher elevation, installing metal flashing and pouring a steel reinforced concrete curb wall around the perimeter of this building to reestablish a proper grade.

**\$28,800.00**

\*\*\*\*\* This is a Section 1 Item \*\*\*\*\*

**PORCHES-STEPS-DECKS-PATIOS:**

ITEM 3A The front concrete porch landing was noted to be cracked and settled, pulling away from the structures slightly.

RECOMMENDATION: Interested parties should engage the services of an appropriate concrete contractor to evaluate and to repair or replace if necessary.

**Refer out**

\*\*\*\*\* This is a Section 2 Item \*\*\*\*\*

**INTERIORS-BATHROOMS-ATTICS:**

ITEM 5A The vinyl floor covering surfaces in the two half-bath and utility room areas were noted to be buckled and lifted.

RECOMMENDATION: Interested parties are to engage a licensed floor firm to remove and replace with a new commercial grade vinyl.

**Refer out**

\*\*\*\*\* This is a Section 2 Item \*\*\*\*\*

ITEM 5B Some evidence of water stains or past leakage noted to the ceiling surface at this area of the structure.

RECOMMENDATION: interested parties are to engage the services of a licensed roofing contractor to evaluate roof covering surfaces, gutters and downspouts and to make any necessary recommendations, repairs or replacements if needed. Also, interested parties to engage a painting contractor to scrape, seal and repaint the ceilings. Further inspection recommended.

**Refer to roofer**

\*\*\*\*\* Unknown Further Inspection Recommended \*\*\*\*\*

**EXTERIORS-ABUTMENTS:**

ITEM 6A Metal gutter at the front of the building was badly rusted and corroded.

RECOMMENDATION: Interested parties to engage a roofing or guttering contractor to remove and replace this gutter.

**Refer out**

\*\*\*\*\* This is a Section 2 Item \*\*\*\*\*



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**EXTERIORS-ABUTMENTS:**

ITEM 6B This rear exterior entry door was buckled and decayed.

RECOMMENDATION: Remove this door and door sill and replace with a new prime painted exterior entry door and a new wooden door sill.

**\$800.00**

\*\*\*\*\* This is a Section 1 Item \*\*\*\*\*

ITEM 6C Evidence of Subterranean Termite activity noted along this area where others have installed old plywood up against the structure, which was noted to be decayed and termite infested. RECOMMENDATION: After the repairs as outlined in 2A have been performed, recommend drilling and rod treating and injecting the soil around the entire perimeter of this building with the Termicide for the control of Subterranean Termites. Brush down all accessible migratory termite tubes. Chemically treat the exterior soil around the entire perimeter of the foundation and locally treat interior soil as necessary with Termidor for the control of subterranean termites. NOTE Interested parties should be aware that sometimes while drilling and treating through concrete slab floors, driveways, sidewalks, etc., there is the possibility of hitting hidden plumbing or wiring. Should it become necessary to repair plumbing or electrical systems hidden in concrete slabs, owners will need to obtain the services of the appropriate tradesperson to repair same. THIS IS NOT INCLUDED IN OUR COST ESTIMATE. **\$1475.00**

\*\*\*\*\* This is a Section 1 Item \*\*\*\*\*

TERMIDOR SC Active Ingredients Fipronil 5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-(1,R,S)-trifluoromethylsulfinyl)-1-H-pyrazole-3-carbonitrile 9.1%

**NOTE:** For any reason should we need to alter our method of chemical treatment for the control of subterranean termites, Tim-Bor or Premise Foam will be used in lieu of Premise 75 or Termidor. The main reason for the use of Tim-Bor or Premise Foam, especially during adverse weather conditions, is that our method of treatment is to inject chemical into the soil and this will not work with the soil being saturated. Another reason would be plumbing or unseen drainage systems. Tim-Bor or Premise Foam would be applied per label instructions and our guarantee would still apply. NOTE: AS AN ALTERNATIVE, ADVANCE TERMITE BAIT STATIONS ARE AVAILABLE UPON REQUEST. ADVANCE: ACTIVE INGREDIENT DIFLUBENZURON 0.25%

Statement of Treatment Policy and Instructions

For every chemical application, we will need to have access to the following--  
Must have a water source, electricity outlet, sub area access with areas unlocked and accessible. Area around the exteriors **must be clear of all debris at least 2 ft. from the exterior wall surfaces.** All gates to be open, unlocked for gaining access to all back areas if needed. These noted items are so we can chemically treat the sub area, and exteriors as needed. **Any debris or personal stored items must be removed or the treatment will have to be cancelled and re-scheduled -- additional fees may be applied.**

GENERAL CONDITIONS

A. Our inspection is limited to visible and accessible areas only. Should interested parties desire a further inspection of any inaccessible area it would be done upon request and for an additional cost.

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B. This structure was constructed on a concrete slab floor with finished walls and ceilings. At this time, other than what was indicated, no outward indication or damage could be detected. this report is limited to visible and accessible areas.

C. Interior and exterior surfaces around the perimeter of this structure will need to be kept well sealed and painted. Water prone wall and floor areas also need to be kept well sealed and grouted as part of general property maintenance.

D. The roof covering, gutters and downspouts were not inspected and no guarantees are given to same and further information or guarantees being desired should be obtained from a licensed roofing contractor.

E. No representations will be made by this firm regarding plumbing, heating or electrical systems except as pointed out in the body of this report. Further information being desired concerning the above should be obtained from the appropriate trades.

NOTE: There may be health related issues associated with the findings reflected in this report. We are not qualified to and do not render any opinion concerning such health issues. The inspection reflected by this report was limited to visible and accessible areas only. Questions concerning health related issues, which may be associated with the findings or recommendations reflected in this report, the presence of mold and the release of mold spores or concerning indoor air quality should be directed to a Certified Industrial Hygienist.

WARNING: Repairs by this company to residences built before 1978 may disturb materials containing lead-based paint and may release debris or dust containing lead. Lead is a chemical known to the State of California to cause cancer and birth defects or other reproductive harm. (This notice is provided in compliance with Californias Proposition 65). For further information, contact your health care provider or an industrial hygienist. A licensed pest control inspector is not an expert in lead, lead-based paint, or exposure to lead. This report is not intended to identify the presence or absence of lead or lead-based paint in the building inspected. Whether lead-based paint is present can be determined only by a certified lead inspector. For a list of certified lead inspectors call the California Department of Health Services Lead-Related Construction information Line at (800) 597-5323 or (510) 869-3953).

PRIOR TO WORK BEING PERFORMED ALL PAINTED SURFACES OF HOMES BUILT BEFORE 1978 WILL BE TESTED FOR LEAD. SHOULD THE PAINTED SURFACES CONTAIN LEAD THERE WILL BE FURTHER TESTING BY A HYGIENIST FOR LEAD BASED PAINT. ADDITIONAL CHARGES FOR THESE TESTS WILL BE GIVEN UPON REQUEST. THERE WILL ALSO BE ADDITIONAL CHARGES FOR REPAIRS SHOULD THE PAINT CONTAIN ANY LEAD.



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OCCUPANTS CHEMICAL NOTICE

MC DONALD TERMITE CONTROL will use pesticide chemical(s) specified below for the control of wood destroying pests or organisms in locations identified in the Structural Pest Control report as indicated above.

(1) The pest(s) to be controlled:

\_\_\_ SUBTERRANEAN TERMITES \_\_\_ DRYWOODS \_\_\_ BEETLES \_\_\_ FUNGUS/DRYROT

(2) The pesticide(s) proposed to be used and the active ingredient(s).

- \_\_\_ A. VIKANE GAS: Active ingredient:Sulfuryl Fluoride. Lethel gas (POISON)
- \_\_\_ B. PREMISE 75 AND/OR PREMISE FOAM: Active ingredients: Imidaclopid, 1-(6-chloro-3-pyridinyl) methyl-N-Nitro-2-imidazolidinimine 75.%
- \_\_\_ C. ALTRISSET: Active ingredient:Chlorantraniliprole,3-Bromo-N-[4-chloro-2-methyl-6-[(methylamino) carbonyl]phenyl]-1-(3-chloro-2pyridinyl)-1H-pyrazole5-carboxamide.
- \_\_\_ D. TERMIDOR SC: Active ingredients: Fipronil:5-amino-1-(2,6-dichloro-4(triflouromethyl)phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile.....9.1%
- \_\_\_ E. TIMBOR: Active ingredients: (Disodium Octoborate Terahydrate)

\_\_\_ F. TERMIDOR FOAM: Fipronil [5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile]:

(3) "State Law requires that you be given the following information: CAUTION-PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the U.S. Environmental Protection Agency. Registration is granted when the state finds that, based on existing scientific evidence there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized." "If within 24 hours following application you experience any of the following symptoms, contact your physician or poison control center and your pest control company immediately."

\_\_\_ Nausea, vomiting, diarrhea, skin irritation, abdominal cramps, eye irritation, ringing in ears, excitability, difficulty in breathing, lung irritation, respiratory irritation, pulmonary edema, fatigue, chest pain, dizziness, unconsciousness cyanosis, central nervous system effects.

\_\_\_ Nausea, vomiting, diarrhea, skin irritaion, nose & throat irritation, sweating, abdominal cramps, headache, eye irritation, excitability, shortness of breath, drowsiness, involuntary shaking, abdominal cramps, irritability, blurred vision.

For further information, contact any of the following:

MCDONALD TERMITE CONTROL ..... (510) 525-2202  
Poison Control Center ..... (800) 876-4766  
Structural Pest Control Board..... (916) 561-8700  
2005 Evergreen Street, Suite #1500 Sacramento, CA 95815

Contra Costa Agricultural Dept.....(925) 646-5250  
2366 Stanwell Circle, Concord, Ca 94520

Alameda County Agricultural Dept.....(510)670-5232  
224 W. Winton Avenue Suite #184, Hayward, Ca 94544

Persons with respiratory or allergic conditions, or others who may be concerned about their health relative to this chemical treatment, should contact their physician concerning occupancy during and after chemical treatment prior to signing this NOTICE.

NO CHEMICAL APPLICATION WILL BE PERFORMED UNTIL SUCH TIME THAT THIS NOTICE IS RETURNED HAVING READ THE INSTRUCTIONS, I, THE UNDERSIGNED, WILL ACCEPT RESPONSIBILITY FOR ALL THE AFFOREMENTIONED.

OWNER/OCCUPANT

DATE

## WORK AUTHORIZATION CONTRACT

Address of Property: 59 Arlington Avenue, Kensington CA 94707  
 Inspection Date: 11/5/2019  
 Report #: 7982  
 Title Co. & Escrow #:

SECTION 1	SECTION 2	FURTHER INSPECTION
2A \$28800.00	3A Refer out	5B Roofer
6B \$ 800.00	5A Refer out	
6C \$ 1475.00	6A Refer out	

We Authorized the Following  
Section 1 Items to be Performed.

2A, 6B, 6C

We Authorized the Following  
Section 2 Items to be Performed.

3A, 5A, 6A

We Authorized the Following  
Items for Further Inspection.

5B

Proposed Cost Section 1: \$31,075.00

Proposed Cost Section 2: \$0.00

Proposed Cost Fur.Insp.: \$0.00

Permits and Fees \$ 3400.00

**Total:** \$34,475.00

**NOTICE TO OWNERS:** Under California Mechanics Lien Law any structural pest control company which contracts to do work for you any contractor, subcontractor, laborer, supplier or other person who helps to improve your property but is not paid for his other work or supplies has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by the court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full, if the subcontractor, laborer, or supplier remains unpaid. To preserve their right to file a claim or lien against your property, certain claimants such as contractors or materials suppliers are required to provide you with a document entitled "Preliminary Notice." A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

I have read this work authorization contract and WDO inspection report it refers to.

**SIGNED WORK AUTHORIZATION CONTRACT MUST BE RECEIVED BEFORE WORK WILL BE SCHEDULED.**

I have read and understand the terms of this work authorization contract and hereby agree to all

APPROVED AND READ BY: \_\_\_\_\_

DATE \_\_\_\_\_

ACCEPTED FOR: \_\_\_\_\_

DATE \_\_\_\_\_

MCDONALD TERMITE CONTROL



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## WORK AUTHORIZATION CONTRACT

Address of Property: 59 Arlington Avenue, Kensington CA 94707  
Inspection Date: 11/5/2019  
Report #: 7982  
Title Co. & Escrow #:

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### CUSTOMER INFORMATION

The total amount of this contract is due and payable upon completion of the work listed above unless otherwise specified. Only the work specified in the contract is being done at this time due to owners wishes. ANY WORK PERFORMED AGAINST AN EXISTING TITLE ESCROW WILL BE THE FINANCIAL RESPONSIBILITY OF THE PARTY ORDERING THE INSPECTION REPORT, IN THE EVENT OF A CANCELLED TITLE ESCROW.

Work completed (LABOR) by operator shall be guaranteed for a period of one year from completion. Toilet plumbing(parts supplied by this firm), showers, floors or any measures for the control of moisture are guaranteed for (30) days only. Chemical treats are guaranteed for two years. Only the areas treated are guaranteed.

Customer agrees to hold company harmless for any damage which may occur to plant life, wiring, trees, vines, pets, tile roofs, plumbing leaks, or changes beyond control of the company which may occur during the performance of this work. In case of non-payment by owner, reasonable attorney's fees and costs of collection shall be paid by the owner, whether suit be filled or not. A SERVICE CHARGE OF 1-1/2 PERCENT, PER MONTH WILL BE CHARGED ON ALL BALANCES OVER (30) DAYS. THE 1-1/2 PERCENT, PER MONTH, EQUALS 18 PERCENT PER ANNUM ON THE UNPAID BALANCES.

Any additional damage found while work is being performed will be supplemented by a report as to additional findings and costs.

All repairs performed by others must be re-inspected by OUR COMPANY before a CERTIFICATION will be issued. We do not guarantee work completed by others. Any repairs completed by others must be guaranteed in writing and submitted to OUR COMPANY before a CERTIFICATION will be issued. This firm does not make statements concerning workmanship. Workmanship is only determinable by those paying for or receiving those services.

If at the time of repairs to decks, the damage is found to be more extensive, a Supplemental report will be given along with a bid for any other corrections that maybe necessary.

A re-inspection of specific items on the report or of any other conditions pertaining to this structure can be done at an ADDITIONAL COST PER TRIP. The re-inspection must be done within (4) months of the original inspection.

Our inspectors are not equipped with 40 ft. ladders therefore all two story building will not be inspected at the eaves unless requested.

NOTE: Inspection fee is billed separately above any work costs.

**MOLD DISCLAIMER:** There may be health related issues associated with the structural repairs reflected in the inspection report referenced by this Work Authorization Contract. These health issues include but are not limited to the possible release of mold spores during the course of repairs. We are not qualified to and do not render any opinion concerning such health issues or any special precautions. Any questions concerning health issues or any special precautions to be taken prior to or during the course of such repairs should be directed to a Certified Industrial Hygienist before any such repairs are undertaken.

BY EXECUTING THIS WORK AUTHORIZATION CONTRACT, CUSTOMER ACKNOWLEDGES THAT HE OR SHE HAS BEEN ADVISED OF THE FOREGOING AND HAS HAD THE OPPORTUNITY TO CONSULT WITH A QUALIFIED PROFESSIONAL.

# **Office Report prepared by Jenny Parks**

## **Kensington Community Council**

### **March 5th, 2022**

#### **KASEP:**

Spring KASEP registration is set for Tuesday March 8<sup>th</sup> at 7pm. Information is up on our website and has been sent home in the Hilltop Thursday packet. We have added a few new classes. Yoga for kindergarten and grades 1-3 with Lori Heiss from Way to Glow Yoga and KASEP teacher April Schlanger has also added a Paper Creations class on Wednesdays. Kim Roots will be teaching a Chess class on Tuesdays.

Storytelling and Pickle ball will not continue in spring session but will be back for Summer Camp. Skyhawk Sports is scheduled to return in the Fall 2022.

The KASEP Advisory Board is set to help walk kids down the first two week of the new KASEP session.

Beginning Monday, March 7<sup>th</sup> KASEP will follow with Hilltop School mask protocol and not require masks for outdoor activities. Masks will still be required for indoor classes at this time.

#### **KCC SUMMER CAMP:**

Summer Camp registration opened on March 1<sup>st</sup>. The first and last week of camp are almost full at 56 campers. The rest of the weeks are about 70% full. Many of the camp councilors from previous years have shown interest in returning and we have been getting some new applicants as well.

Summer Camp runs for 9 weeks, starting June 13<sup>th</sup> and ending August 12<sup>th</sup>. Enroll by the week; camp day is 9-5 with the option of morning and after care. The cost of the camp will be \$375 per week. Campers must be entering first through 6 grades, in the fall 2022.

#### **KCC:**

The 2022 Kensington senior class photo will be in person, taken on Sunday May 1<sup>st</sup> at 3:30pm at the Recreation Building. There will also be an option to submit individual photos for those who cannot make the date. Open to any class of 2022 senior who lives or has lived in Kensington or attended Kensington Hilltop School.

Blood Drive is scheduled for Tuesday June 7<sup>th</sup> at the Community Center 10:00am -3:00pm. Register with Vitalant.

#### **ADULT CLASSES:**

Tai Chi with Nobuo Nishi remains on Fridays 9:30-11am. Drop in fee of \$15. Looking to start some new adult classes in the coming months.

#### **TENNIS COURTS:**

Tennis Court reservations are required for weekends by calling the KCC office at 525-0292. A fee increase as of August 1st to \$7 residents and \$10 non-resident for 1 hour of court time; checks can be made out to KPPCSD and left in the KCC office mail box. Weekdays are on a first come first serve basis except during KASEP Tennis classes.