



Agenda

Board of Directors
Kensington Police Protection
and Community Service District

Special & Regular Meeting
Thursday, January 13, 2022
Via Teleconference
6:00 p.m.

www.kppcsd.org/2022-01-13-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.

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

Adjournment to Closed Session

Special Meeting (Closed Session)

1. **Conference with Real Property Negotiators** (Government Code § 54956.8)
Consider matters related to properties: 303 Arlington Avenue
Agency negotiator: Interim General Manager Richard J. Benson
Under negotiation: price, terms of payment, space available.
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org
2. **Recruitment of Permanent General Manager** (Government Code § 54957(b))
Recommended Action: Receive and discuss a presentation by CPS HR Consulting.
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org
3. **Conference with Labor Negotiators**
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

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 917 Arlington Ave., Kensington, CA 94707 or llewis@kppcsd.org.

Consent Calendar

1. **Meeting Minutes for the December 9, 2021 Special and Regular Meetings and January 3, 2022 Special Meeting**
Recommended Action: Approve meeting minutes.
Contact: Lynelle Lewis, District Clerk, llewis@kppcsd.org
2. **November 2021 Financial Reports**
Recommended Action: Receive and accept financial reports.
Contact: Lisa Mundis, Finance Director, lmundis@kppcsd.org
3. **Contract with DMG Engineering for Survey Services**
Recommended Action: Approve contracting with DMG Engineering to conduct a survey of District owned property in an amount not to exceed \$19,000 and authorize Interim Manager to sign a letter of engagement.
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

Discussion and Action

4. **Review of Proposed Gore Lot (Kensington Corner) Improvement Project**
Recommended Action: Approve, in concept, the proposal from the Kensington Improvement Committee (KIC) to improve the landscaping on the gore lot located at the intersection of Coventry Road and Arlington Avenue.
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org
5. **Amendment #2 to Bay View Refuse Agreement**
Recommended Action: Approve the proposed amendment to the Franchise Agreement with Bay View Refuse and Recycling Services and authorize the Board president to sign.
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

Adjournment

The next regular meeting will be held on February 10, 2022.

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.

Posted Agenda

Public Safety Building – Colusa Food – Arlington Kiosk and at 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.



Date: January 13, 2022
To: Board of Directors
From: Ann Danforth, General Counsel
Subject: Resolution for the Board to Continue Holding Remote Meetings

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, 2021.¹ 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 and December 9, 2021, adopting Resolutions 2021-21 and 2021-22 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

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

reconsider its decision to meet remotely. The attached draft Resolution 2022-01 will authorize continued teleconferenced meetings.

In some respects, the Covid situation has worsened since the Board adopted its previous AB 361 resolutions. The new Omicron variant has proven to be even more infectious than previous variants. See <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>. On January 10, 2022, the Contra Costa County Health Services Department described the County transmission rate as high. <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, 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

Resolution No. 2022-01, Making Findings and Electing to Continue to Meet Remotely

RESOLUTION NO. 2022-01

**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, and December 9, 2021 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 January 13, 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 _____, seconded by Director _____, on Thursday, the 13th day of January, 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

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 13th day of January 13, 2022.

Lynelle M. Lewis
District Clerk of the Board

Richard J. Benson
Interim General Manger

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING MINUTES
Thursday, December 9 2021
Via Teleconference**

Draft

Special Closed Session Meeting

Call to Order

President Hacaj called the meeting to order at 6:02 p.m.

Roll Call

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

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

Public Comment

None.

1. Teleconference Meetings During State of Emergency

General Counsel Danforth presented the recommended action and rationale for adopting the resolution.

- Motion by President Hacaj, seconded by Director Sherris-Watt, 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.

Resolution No. 2021-21 – 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

The Board adjourned to Closed Session to consider two items.

Regular Meeting

Call to Order

President Hacaj called the meeting to order at 7:04 p.m.

Announcement from Closed Session

President Hacaj announced that the Board adjourned at 6:25 p.m. and gave direction to its negotiator.

Roll Call

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

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

Public & Consent Calendar Comments

- The following persons addressed the Board: 1) Larry Nagel, KFPD Director, wished everyone a Merry Christmas; 2) Daniell Madugo thanked the Kensington Police Department for their professional vacation watch service; and 3) A. Stevens Delk commented on the need for educating the community on the food waste program.

Consent Calendar

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Items 1 and 2 on the Consent Calendar, carried unanimously (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

1. Meeting Minutes for the November 11, 2021 Special and Regular Meeting.

Approved meeting minutes as presented.

2. October 2021 Financial Reports.

Received and accepted financial reports.

Discussion and Action

3. Policy & Procedure Manual.

General Counsel Ann Danforth introduced the item and highlighted changes to the draft Policy and Procedure Manual. The Board offered comments and suggested modifications for several policies in the Manual.

- Motion by President Hacaj, seconded by Director Deppe, to adopt the 2021 Policy and Procedures Manual Policy with the clarifications, corrections and additions provided by

the Board, carried unanimously (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

Resolution No. 2021-17 – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Adopting A New Policies And Procedures Manual.

4. **Board Elections.**

President Hacaj announced that it was time to elect 2022 President and Vice-President of the Kensington Police Protection and Community Services District Board of Directors to commence January 1, 2022.

- Motion by Director Sherris-Watt, seconded by President Hacaj, to elect Director Mike Logan as Vice-President of the Board for 2022, carried (4-0-1) by the following roll call vote: (AYES) Directors Deppe, Nottoli, Sherris-Watt and Hacaj; (NOES) None; and (ABSTAINED) Director Logan.
- Motion by Director Logan, seconded by Director Sherris-Watt, to elect Director Sylvia Hacaj as President of the Board for 2022, carried unanimously (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan Nottoli, Sherris-Watt and Hacaj.

Director Comments & Reports

5. **Director Comments.**

- Director Sherris-Watt thanked everyone for their hard work during the past year. She commended Chief of Police Gancasz and his staff for providing excellent service to the community.
- President Hacaj expressed her appreciation for the KPPCSD staff.

6. **General Manager Comments.**

- Interim General Manager Benson asked Chief of Police Gancasz to provide an update on police staffing. Chief Gancasz reported that 3 officers were hired (2 sworn and 1 part-time) along with part-time administrative help. Next, Interim General Manager Benson reported on efforts to begin taking reservations for the Community Center, and thanked Finance Director Mundis for her assistance in getting this accomplished. He also reported that a new temporary Administrative Assistant Rosa Ruiz had been hired and she would be helping with the Community Center reservations. In concluding, Mr. Benson reported that more information would be coming out regarding the transition to green waste collection.
- Chief of Police Gancasz provided updates on activities to ensure compliance with AB953 (The Racial and Identify Compliance Act), firearm safety efforts, and work on a Coyote Program.

Adjournment

President Hacaj adjourned the meeting at 8:12 p.m.

The next regular meeting is scheduled for Thursday, January 13, 2021.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: January 13, 2021

Richard J. Benson, Interim General Manager

Sylvia Hacaj, President of the Board

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, January 3, 2022

Via Teleconference

6:00 p.m.

Draft

Special Meeting

Call to Order [[TS 6:38](#)]

President Sylvia Hacaj called the Special Meeting to order at 6:03 p.m.

Roll Call [[TS 6:51](#)]

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, and Clerk of the Board Lynelle M. Lewis.

Public Comment [[TS 7:16](#)]

None.

Special Closed Session Meeting

1. Appointment of District Labor Negotiator, KPOA. [[TS 7:53](#)]

Interim General Manager Richard J. Benson reported that the Kensington Police Officer's Association had made a formal request to enter into contract negotiations. The recommended action is to appoint a District Labor Negotiator to negotiate with the KPOA. There was brief Board discussion about the process.

- Motion by President Hacaj, seconded by Vice-President Logan, to appoint Richard J. Benson, Interim General Manager, as District Labor Negotiator to negotiate with the Kensington Police Officers Association, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

2. Appointment of District Labor Negotiator, Chief & Lieutenant. [[TS 15:57](#)]

Interim General Manager Richard J. Benson reported that neither the Chief nor the Lieutenant of the Kensington Police Department have a formal contract with the District. In order to clarify the terms of their service, staff recommends that an employment contract be negotiated.

- Motion by President Hacaj, seconded by Vice-President Logan, to appoint Richard J. Benson, Interim General Manager, as District Labor Negotiator to negotiate with the Chief of Police and Police Lieutenant, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

Adjournment to Closed Session

Closed Session Meeting

The Board adjourned to Closed Session 6:16 p.m. to discuss two items: Conference with real property negotiators and conference with labor negotiators.

Announcement from Closed Session [[TS 1:28:56](#)]

President Hacaj announced that the Board adjourned from Closed Session at 7:24 p.m. She reported that the Board gave direction to its lead negotiator on both real property matters as well as labor matters.

Adjournment [[TS 1:29:22](#)]

President Hacaj adjourned the meeting at 7:26 p.m.

The next regular meeting is scheduled for Thursday, January 13, 2021.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: January 13, 2021

Richard J. Benson, Interim General Manager

Sylvia Hacaj, President of the Board



KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING

January 13, 2022

ITEM 2

FINANCIAL REPORTS FOR THE MONTH OF NOVEMBER 2021

SUMMARY OF RECOMMENDATION

Receive financial reports for the month ending November 2021.

ATTACHMENTS

1. Summary Balance Sheet as of November 30, 2021.
2. Budget vs. Actual Snapshot through November 30, 2021.
3. Revenue and Expense Report Detail through November 30, 2021.

SUBMITTED BY:

Lisa Mundis

Lisa Mundis

Finance Director

Kensington Police Protection & Community Services District

Budget to Actual Snapshot

July through November 2021

	Jul - Nov 21	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Revenue/Expense					
Revenue					
400 · Police Activities Revenue	3,391,413.96	3,386,998.70	4,415.26	100.13%	3,539,457.08
405 · Restricted Lost/Found/M	158,358.00				
420 · Park/Rec Activities Rever	724.24	43,017.35	(42,293.11)	1.68%	74,184.04
440 · District Activities Revenu	41,939.51	164,196.67	(122,257.16)	25.54%	401,252.01
Total Revenue	3,592,435.71	3,594,212.72	(1,777.01)	99.95%	4,014,893.13
Gross Profit	3,592,435.71	3,594,212.72	(1,777.01)	99.95%	4,014,893.13
Expense					
500 · Police Sal & Ben	730,938.39	742,344.90	(11,406.51)	98.46%	2,043,196.96
550 · Other Police Expenses	273,159.22	281,799.53	(8,640.31)	96.93%	470,747.52
600 · Park/Rec Sal & Ben	2,550.00	0.00	2,550.00	100.0%	0.00
635 · Park/Recreation Expense	103,666.92	116,740.28	(13,073.36)	88.8%	257,852.16
800 · District Expenses	246,803.06	319,756.70	(72,953.64)	77.19%	710,489.28
950 · Capital Outlay	20,462.39	106,017.65	(85,555.26)	19.3%	285,059.36
Total Expense	1,377,579.98	1,566,659.06	(189,079.08)	87.93%	3,767,345.28
Net Ordinary Revenue	2,214,855.73	2,027,553.66	187,302.07	109.24%	247,547.85
Other Revenue/Expense					
Other Expense					
700 · Bond Issue Expenses	(75.30)	0.00	(75.30)	100.0%	0.00
Total Other Expense	(75.30)	0.00	(75.30)	100.0%	0.00
Net Other Revenue	75.30	0.00	75.30	100.0%	0.00
Net Revenue	2,214,931.03	2,027,553.66	187,377.37	109.24%	247,547.85

Kensington Police Protection & Community Services District

Revenue Expense Report - Detailed

November 2021

	<u>Nov 21</u>
Ordinary Revenue/Expense	
Revenue	
400 · Police Activities Revenue	
401 · Levy Tax	(5,277.29)
415 · Grants-Police	88,851.17
418 · Misc Police Revenue	502.43
Total 400 · Police Activities Revenue	<u>84,076.31</u>
405 · Restricted Lost/Found/Misc	158,358.00
420 · Park/Rec Activities Revenue	
423 · Misc Tax-Park/Rec	15.14
427 · Community Center Revenue	100.00
438 · Tennis Court Revenue	112.00
Total 420 · Park/Rec Activities Revenue	<u>227.14</u>
440 · District Activities Revenue	
448a · Franchise Fees Gross	29,632.14
449 · District Revenue	2.20
Total 440 · District Activities Revenue	<u>29,634.34</u>
Total Revenue	<u>272,295.79</u>
Gross Profit	272,295.79
Expense	
500 · Police Sal & Ben	
502 · Salary - Officers	83,585.54
506 · Overtime	28,168.05
508 · Salary - Non-Sworn	749.28
509 · Hiring Bonus	4,000.00
516 · Uniform Allowance	666.65
521-A · Medical/Vision/Dental-Active	6,725.28
521-R · Medical/Vision/Dental-Retired	13,814.80
522 · Insurance - Police	1,902.02
523 · SocialSecurity/Medicare-Police	1,664.70
524 · Social Security - District	833.47
527 · PERS - District Portion	12,742.09
Total 500 · Police Sal & Ben	<u>154,851.88</u>
550 · Other Police Expenses	
552 · Expendable Police Supplies	2,199.05
560 · Crossing Guard	1,925.84
561 · Vehicle Fuel	1,380.39
562 · Vehicle Operation	8,019.66
563 · Vehicle Lease	3,309.54
567 · Alarm	232.89
570 · Training	1,094.00
571 · Records	334.62

Kensington Police Protection & Community Services District

Revenue Expense Report - Detailed

November 2021

	<u>Nov 21</u>
572 · Hiring	3,797.99
574 · Reserve Officers	146.70
576 · Misc. Dues, Meals & Travel	790.00
580 · Utilities - Police	991.82
581 · Bldg Repairs/Maint.	120.00
582 · Expendable Office Supplies	530.58
587 · IT Contract	19.95
588 · Telephone	3,265.32
590 · Janitorial	589.08
592 · Publications	750.00
594 · Community Policing	200.00
595 · Legal/Consulting - Police	165.38
Total 550 · Other Police Expenses	<u>29,862.81</u>
635 · Park/Recreation Expenses	
640 · Community Center Expenses	
642 · Utilities-Community Center	2,856.44
644 · Landscaping	3,825.00
646 · Community Center Repairs	4,575.00
Total 640 · Community Center Expenses	<u>11,256.44</u>
650 · Park	
651 · General Maintenance	3,750.00
652 · Repairs	305.20
653 · Landscaping	2,225.00
Total 650 · Park	<u>6,280.20</u>
Total 635 · Park/Recreation Expenses	17,536.64
800 · District Expenses	
807 · Salaries	24,758.09
808 · Payroll Taxes	1,893.99
815 · Admin Communications	349.98
817 · Postage	9.20
818 · Mileage	51.52
820 · Copier Contract	309.05
830 · Legal (District/Personnel)	6,378.76
865 · Police Bldg. Lease	3,050.25
891 · COVID	300.00
898 · Misc. Expenses	419.13
Total 800 · District Expenses	<u>37,519.97</u>
Total Expense	<u>239,771.30</u>
Net Ordinary Revenue	<u>32,524.49</u>
Net Revenue	<u><u>32,524.49</u></u>

Kensington Police Protection & Community Services District

Summary Balance Sheet

As of November 30, 2021

	Nov 30, 21
ASSETS	
Current Assets	
Checking/Savings	1,031,356.67
Accounts Receivable	3,282,314.42
Other Current Assets	146,074.01
Total Current Assets	4,459,745.10
Fixed Assets	5,404,780.39
Other Assets	5,648,057.92
TOTAL ASSETS	15,512,583.41
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	(144.00)
Credit Cards	12,448.84
Other Current Liabilities	11,737.91
Total Current Liabilities	24,042.75
Long Term Liabilities	11,919,369.13
Total Liabilities	11,943,411.88
Equity	3,569,171.53
TOTAL LIABILITIES & EQUITY	15,512,583.41



Date: January 13, 2022
To: Board of Directors
From: Rick Benson, Interim General Manager
Subject: Letter of Engagement, DMG Engineering

Recommendation:

Approve contracting with DMG Engineering to conduct a survey of District owned property in an amount not to exceed \$19,000 and authorize Interim Manager to sign a letter of engagement.

Rationale for Recommendation:

In order to prepare a Record of Survey, it is necessary to enlist the services of a professional surveyor. The proposal submitted by DMG Engineering is somewhat lower than the appropriated amount.

Background:

The property owned by the District encompassing the park, tennis courts and community center was acquired decades ago. Some of the land was deeded from the School District, while other portions go back to when the KPPCSD was founded. Unfortunately, records regarding the exact boundaries of the District's property are incomplete. The remedy is to obtain a survey with a legal description and have it recorded.

Discussion

Your Board was made aware of the lack of a proper description of the District's property prior to the beginning of this fiscal year. As result, an appropriation of \$20,000 for a Record of Survey was approved in the 2021-2022 fiscal year budget.

Several qualified surveyors were invited to submit a proposal to provide their services to the District. DMG Engineering was the only responsive professional with a proposal. The services include: prepare a survey drawing, prepare legal descriptions, set physical survey markers along all of the property lines/corners, and file the required Record of Survey with the County Surveyor.

Fiscal Impact:

The cost of the project is \$17,800 and is budgeted.



Date: January 13, 2022

To: Board of Directors

From: Rick Benson, Interim General Manager

Subject: Review of Proposed Gore Lot (Kensington Corner) Improvement Project

Recommendation:

Approve, in concept, the proposal from the Kensington Improvement Committee (KIC) to improve the landscaping on the gore lot located at the intersection of Coventry Road and Arlington Avenue.

Rationale for Recommendation:

Members of the Kensington Improvement Committee have developed a proposal to make aesthetic improvements to the lot. They have enlisted the services of a professional landscape designer. It is their desire to add plants and trees and make improvements to the wooden steps. All of the work will be done professionally with funds raised by the KIC. Other than ongoing maintenance and water there are no anticipated district expenses.

In order to proceed, it is necessary for your Board to approve the project, in concept. If approved, detailed drawings and work plans will be submitted. In the meantime, the committee will be able to engage in fundraising activities to assure that the project can be accomplished.

Members of the committee are present and will be able to further explain the project and answer any of your questions.

Background:

At one time there were three large trees on the gore lot at the corner of Coventry Road and Arlington Avenue. The site was a meeting place which provided passersby with shade and a generally pleasant environment. Since the trees were removed, the corner is now somewhat barren and unattractive. Additionally, debris tends to gather on the lot.

Fiscal Impact:

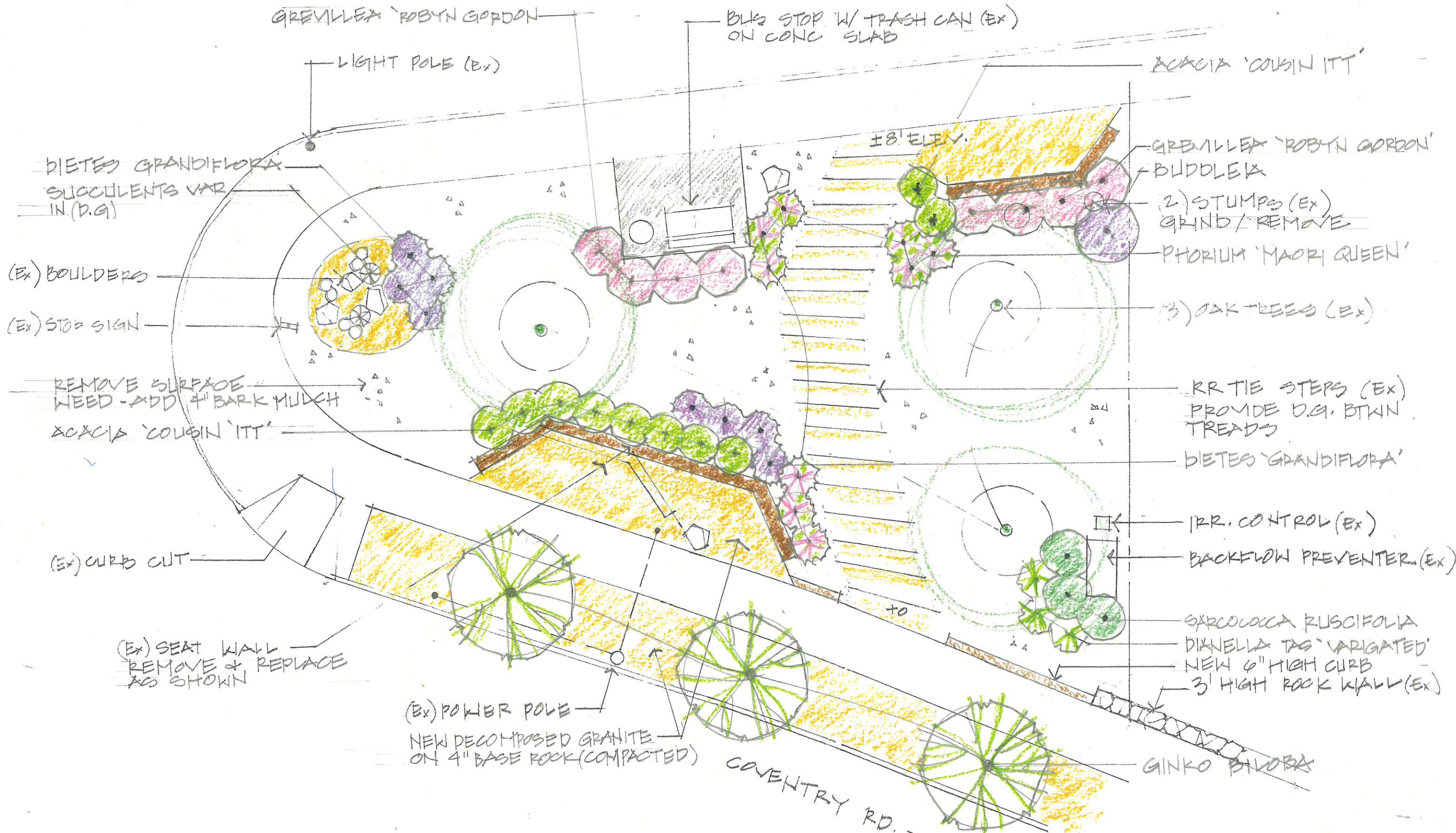
The full cost of the improvements is being absorbed by KIC. The project has been reviewed by district staff and it is anticipated that maintenance and water cost will run approximately \$2,400 annually.

Attachment:

Conceptual drawings.

GORE LOT - LANDSCAPE PLAN
 1/8" = 1'-0" (APPROX. NTS)

ARLINGTON AVE



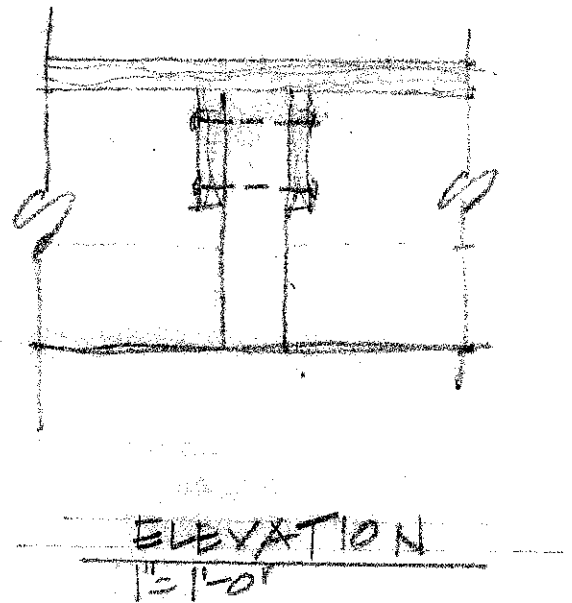
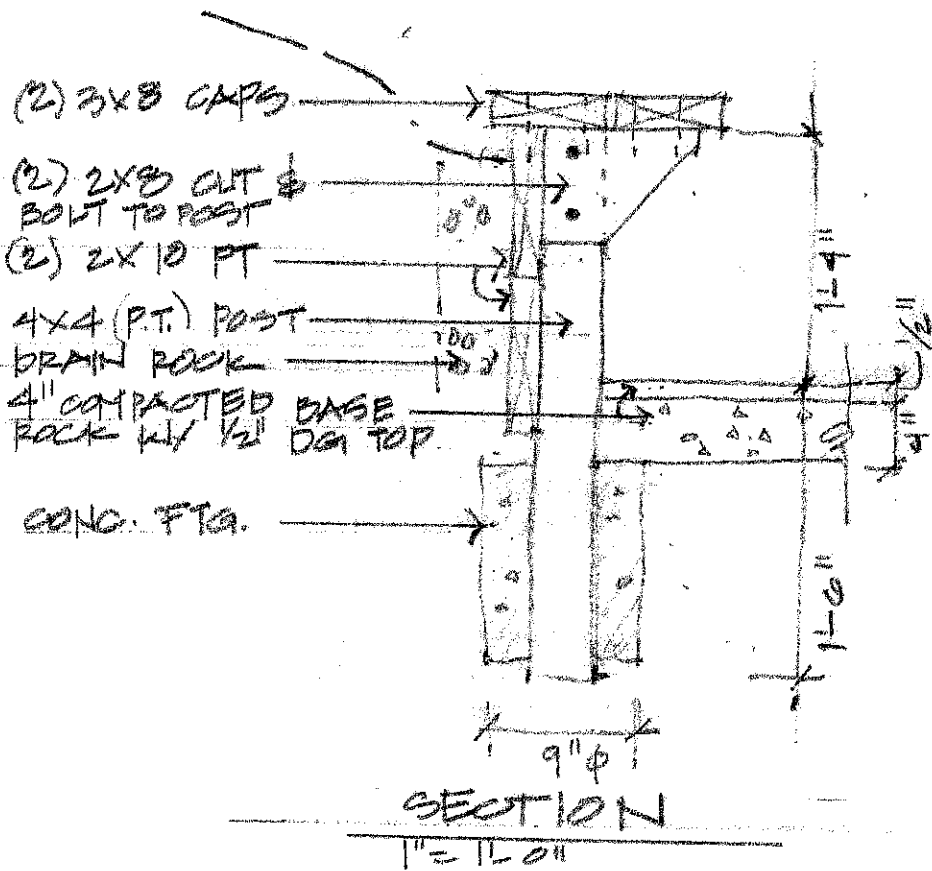
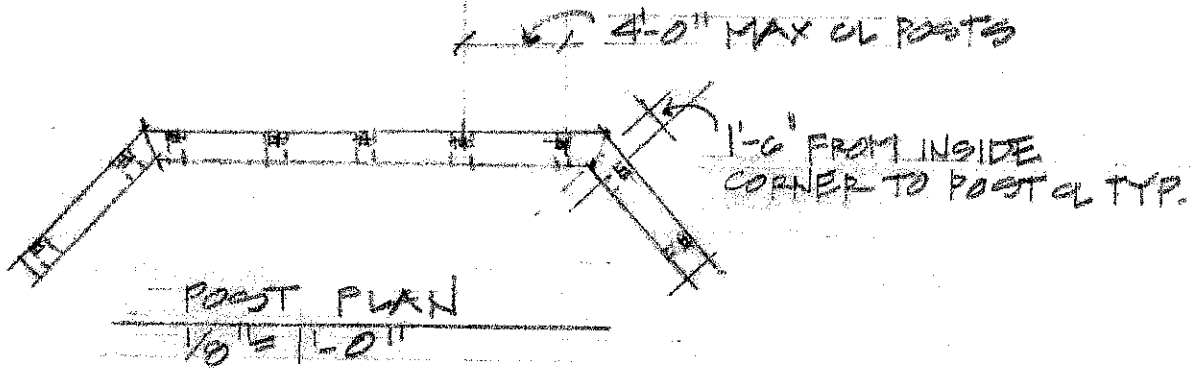
REMOVE SURFACE
 WEED - ADD 4" BARK MULCH
 ACACIA 'COUSIN ITT'

SARCOLOCCA RUSCIFOLIA
 DIKNELLA TAG 'VARIGATED'
 NEW 6" HIGH CURB
 3' HIGH ROCK WALL (Ex)

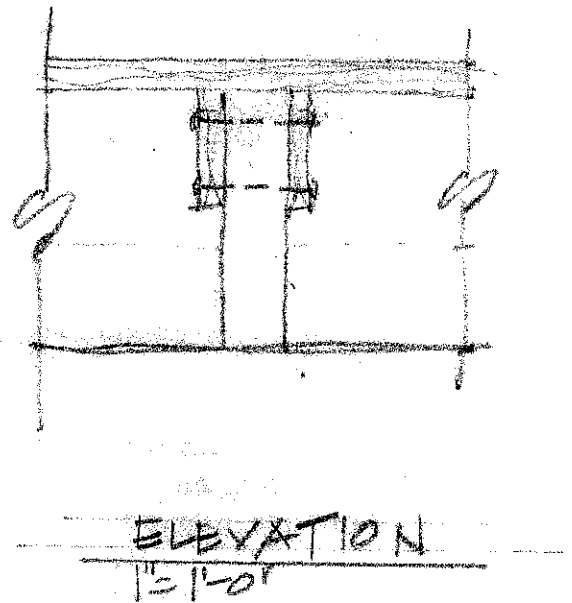
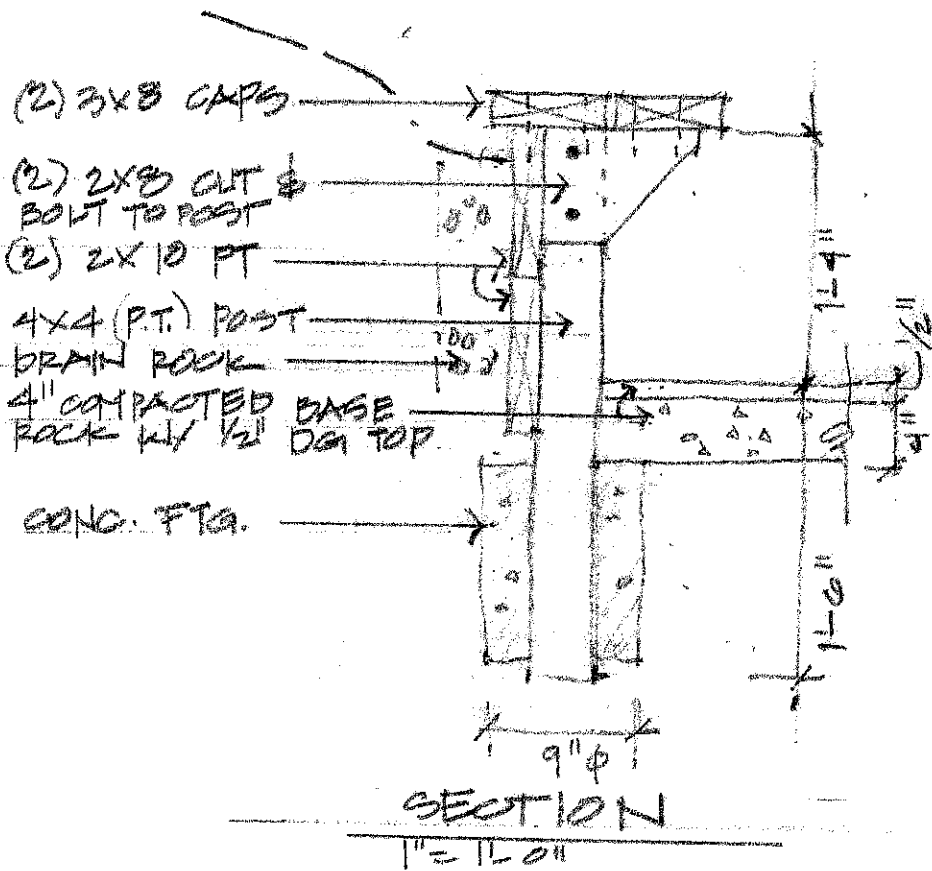
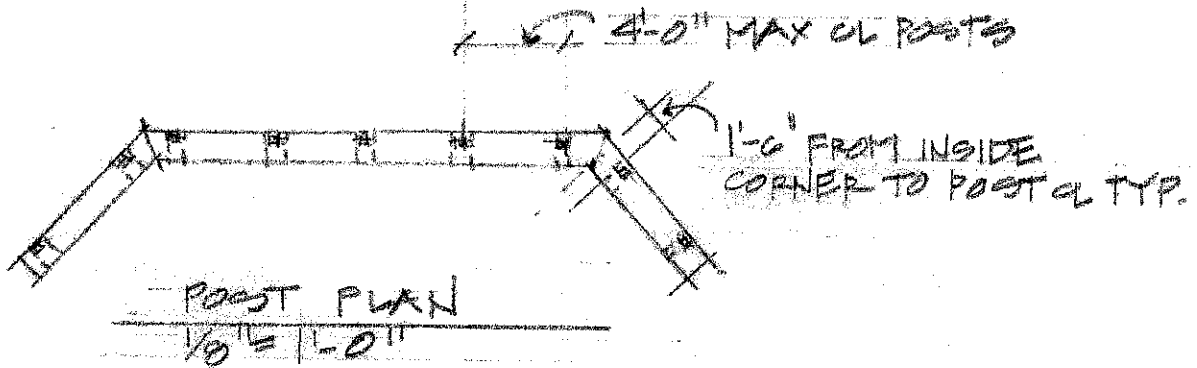
(Ex) POWER POLE
 NEW DECOMPOSED GRANITE
 ON 4" BASE ROCK (COMPACTED)

COVENTRY RD.

RETAINING SEATWALL DETAILS



RETAINING SEATWALL DETAILS





Date: January 13, 2022

To: Board of Directors

From: Rick Benson, Interim General Manager

Subject: Amendment #2 to Bay View Franchise Agreement

Recommendation:

Approve the proposed amendment to the Franchise Agreement with Bay View Refuse and Recycling Services and authorize the Board President to sign.

Rationale for Recommendation:

The proposed amendment clarifies wording in the Franchise Agreement allowing commercial customers in Kensington to comply with SB 1383 which requires all of California to divert organic waste away from landfills.

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. While that amendment was intended to address all issues regarding SB 1383, some wording regarding commercial customers was deemed to be ambiguous.

Discussion and Analysis:

Amendment #2 to the Franchise Agreement is intended to clarify the scope and type of services to be provided to the commercial customers within Kensington service by Bay View refuse.

Fiscal Impact:

Amendment #2 to the Franchise Agreement has no fiscal impact.

**AMENDMENT NO. 2 TO FRANCHISE AGREEMENT FOR SOLID WASTE,
RECYCLABLE MATERIALS, AND ORGANIC MATERIALS COLLECTION
SERVICES BETWEEN THE KENSINGTON POLICE PROTECTION AND
COMMUNITY SERVICE DISTRICT AND BAY VIEW REFUSE AND
RECYCLING SERVICES, INC.**

WHEREAS, The Kensington Police Protection Community Services District (“District”) has the responsibility and authority to provide solid waste handling services to District residents; and

WHEREAS, On October 23, 2014, the Kensington Police Protection Community Services District (“District”) and Bay View Refuse and Recycling Services, Inc. (“Contractor”) entered into a franchise agreement (“Agreement”) for solid waste, recyclable materials and organic materials collection services; and

WHEREAS, on November 11, 2021, the parties amended the Agreement to include additional services as required by SB 1383; and

WHEREAS, District and Contractor desire to further amend the Agreement to clarify services to be provided to commercial customers.

NOW, THEREFORE, the parties do hereby agree to amend the agreement as follows:

A. Section 4.2 A, is replaced as follows:

Solid Waste Collection Contractor shall collect solid waste in Contractor provided containers from commercial customers and transport all solid waste to an approved disposal facility for disposal. All containers shall be provided by contractor.

Container Sizes: Contractor shall provide each customer a GRAY cart for Solid Waste Collection, of the size, 32 gallon or 45 gallons, matching the customers selected collection quantity.

1- and 2-cubic yard bins shall be provided by Contractor when requested by the customer. Bins will be compliant with SB 1383 regulations.

Service Frequency: Up to five (5) times per week but not less than one (1) time per week, as requested by Customer.

Service location: Curbside or other Customer-selected service location mutually agreed to between Customer and Contractor.

Acceptable Materials: Solid Waste

Additional service: Contractor shall provide a bin exchange to any Commercial Customer for cleaning and maintenance one (1) time each year, upon Customer request.

Other Requirements: Contractor shall establish a minimum Service Level of 35 gallons per dwelling unit per week for Multi-Family customers.

B. Section 4.2 B, is replaced as follows:

Recyclable Materials Collection. Contractor shall collect single stream recyclable materials in contractor-provided containers not less than one time every week from commercial customers and transferred all single stream recyclable materials to an approved recyclable materials processing facility for processing. Contractor shall provide service up to five times per week upon customer's request, at no charge to customers subscribing to solid waste collection service.

Containers: Contractor shall provide the containers for Single Stream Recyclable Materials as follows:

- (a) Contractor shall provide each customer with a BLUE, 65-gallon cart.
- (b) Customer may request a 32-gallon cart in lieu of the 65-gallon cart if desired.
- (c) Contractor shall provide additional BLUE carts as needed for service quantity.

Service Frequency: Up to five (5) times per week but not less than one (1) time per week, as requested by Customer.

Service Location: Curbside or other Customer-selected service location mutually agreed to between Customer and Contractor

Acceptable Materials: Single Stream Recyclable Materials

Additional Service: None

C. Section 4.2 C is replaced as follows:

Green Waste and Organic Waste Collection: Contractor will collect all compostable organic materials (green waste mixed with food scraps or food waste) not less than one time per week from commercial customers that subscribe to service and shall transport all compostable organic materials to an approved organics processing facility. Contractor shall collect compostable organic materials in contractor provided containers and other green waste that is bundled, tied or placed in boxes or containers.

Containers: Contractor shall provide each Customer a GREEN 65-gallon cart for Compostable Organics.

Contractor shall provide each Customer a 32-gallon cart in lieu of the 65-gallon cart if requested.

Contractor shall provide additional GREEN carts as needed for service quantity.

Service Frequency: Collection frequency shall be a minimum of once per week.

Service Location: Curbside or other Customer selected service location mutually agreed to between Customer and Contractor.

D. Section 4.2.F. is deleted.

E. Except as amended herein, all terms and conditions set forth in the Agreement as previously amended shall remain in full force and effect.

BAYVIEW REFUSE AND RECYCLING, INC.
AND

KENSINGTON POLICE PROTECTION
COMMUNITY SERVICES DISTRICT
A California Special District

Greg Christie
President

Sylvia Hacaj
President, Board of Directors

APPROVED AS TO FORM:

Ann R. Danforth
District General Counsel