

## CONTRA COSTA LAFCO

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### Municipal Service Reviews (MSRs) Sphere of Influence (SOI)

#### Minutes of Meeting

April 8, 2009

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Ray Barraza, resident of Kensington, stated that he is concerned about the recommendation of consolidation. He added that, while he is not representing it, the Kensington Municipal Advisory Council is not taking a position at this time.

Ciara Wood, resident of Kensington, commented on the high fire severity zone in the area and urged retention of the status quo for KFPD.

Valerie Paola, resident of Kensington and a neighborhood block watch captain, urged retention of the status quo for both KFPD and Kensington Police Protection and Community Services District (CSD).

Jean Durham, resident of Kensington, feels consolidation of the two Kensington special districts would divert funds and urged retention of the status quo.

Gloria Morrison, resident of Kensington, couldn't find records of conversations regarding consolidation and fiscal problems, would not like to see consolidation without knowing that all appropriate parties have discussed this.

Lynn Wolter, resident of Kensington and former Kensington CSD board member, requested confirmation that no tax revenues would be lost if the two districts consolidated. If a consolidation were to go forward, the KFPD revenues, which are Kensington tax dollars,

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could go a long way toward helping stabilize the KCSD, which has revenue challenges currently.

John Bakker, with Meyers Nave and representing Kensington FPD, questioned the procedure for revised property tax allocations with regard to a proposed consolidation of the Kensington FPD and Kensington CSD.

Nina Ramsey, President of KFPD, urged the Commissioners to adopt the final draft of the MSR but defer any SOI actions until an in-depth review can be done.

Gilbert G. Bendix, P.E., Kensington resident and a fire protection engineer, pointed out the potential problems with Kensington's close proximity to Tilden Park, recommended that the MSR consider risk as a factor, be further vetted by fire experts, and urged the Commissioners to leave the KFPD as is.

Joan Gallegos, Kensington resident and former board member of Kensington CSD, stated that the KFPD has been extremely well run, that KCSD has yet to be reviewed, and that the KFPD should include a reserve of funds given Kensington's location in a high fire hazard zone and atop the Hayward Fault. She also commented on the EBMUD reservoir in the area.

Chuck Toombs, Kensington resident and new member of the KCSD board, asked Commissioners to adopt the MSR and defer acting on SOI options until the KCSD MSR is completed. All of the stakeholders should work together to determine what is best for the community.

Vince Wells, President of Firefighters Local 1230, thanked LAFCO for the review, wanted to remind Commissioners that this MSR is not just about governance but is also about fire protection service; the union is not against consolidation, but wants to make sure that

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firefighters are involved in the deliberation process to speak to compensation and safety particularly.

#### Fire and Emergency Medical Services SOI Updates

April 8, 2009

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#### Summary of Governance Structure and SOI Options and Recommendations

City of El Cerrito is a general law city and incorporated in 1917. The City has provided fire protection services since it incorporated. The City provides fire/EM services within the city limits, to adjacent portions of the City of Richmond and to the unincorporated East Richmond Heights community. In addition, since 1996, the City of El Cerrito has provided fire/EM services under contract to the Kensington Fire Protection District serving the unincorporated Kensington community. The City of El Cerrito relies on the City of Richmond for dispatch and specialized hazardous materials response services.

#### Fire and Emergency Medical Services SOI Updates

April 8, 2009

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Kensington Fire Protection District (KFPD) was formed in 1928 as an independent special district. Since 1996, KFPD has provided fire/EM services to the unincorporated Kensington community through a contract with the City of El Cerrito. The KFPD (and the Kensington community itself) are within the City of El Cerrito's SOI. With regard to SOI/boundary issues, since formation of the District, there have been several SOI and boundary

changes. The District's boundary and SOI are coterminous, and both exclude the EBMUD reservoir, resulting in an unserved pocket.

Recommendations: The MSR identified one boundary irregularity and two Governance Structure and SOI options for KFPD (see attached table).

The MSR consultant recommends adopting a zero SOI for KFPD in anticipation of a future consolidation. There is a potential for consolidation of west county fire service providers, and KFPD could be included in an overall consolidation.

There is also a potential for KFPD to consolidate with the Kensington Community Services District (KCSD) which provides law enforcement, solid waste collection and parks services to the Kensington community. The KCSD currently presently staffs its own police department. We understand that KCSD is facing ongoing fiscal challenges. Whereas, KFPD receives a higher share of the property tax revenue than all other fire service providers, has expenditures per capita higher than all other fire service providers (with the exception of MOFPD), has no debt other than the OPEB liability it is prefunding, and has adequate reserves.

The KFPD and KCSD currently share administrative offices.

Consolidation of the two districts would streamline local government, and offer potential administrative and governance cost saving opportunities.

LAFCO staff recommends deferring SOI action until completion of the West County Sub-regional MSR which includes a review of KCSD, and result of the recommended West County Ad Hoc Fire Service Committee effort.

#### Minutes of Meeting

April 22, 2009

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Gilbert Bendix, Kensington resident and a fire protection engineer, stated that he continues to be concerned about response time and related standards, pointing out that the response time should be calculated to the time when four firefighters are present. He also apologized to the consultant for comments made on April 8.

Ciara Wood, resident of Kensington, urged retention of the status quo for KFPD, stating that KFPD is well managed and its resources should not be siphoned off to support the Kensington Community Services District's needs.

Commissioner McNair noted that LAFCO does not have the authority to initiate annex of Kensington to the City of El Cerrito—a concern that has been expressed to him numerous times recently.

John Bakker, with Meyers Nave and representing Kensington FPD, asked about the procedure for revising property tax allocations with regard to a proposed consolidation of the Kensington FPD and Kensington CSD.

Commissioner Uilkema noted that LAFCO Legal Counsel had prepared a memo in response to this question, and that it would be addressed later in the meeting.

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Ciara Wood, resident of Kensington, supported the inclusion of Summit Reservoir in the KFPD SOI.

#### 8. Consolidations and Property Tax Allocations

LAFCO Legal Counsel presented a memo outlining his conclusions regarding the question of property tax allocations in the case of district consolidations and mergers. In the specific case of merging KFPD with KCSD, the taxes allocated to KFPD would probably be shifted to KCSD, and the KCSD would then have full discretion on the use of the funds.

Staff added that this would also depend on the source of the funds; if they come from a special assessment they would be so designated, but if they come from the 1% property tax they might be more flexible.

Legal Counsel emphasized that if any consolidations were to go forward, further legal and fiscal review would be required. In response to a question about the County attempting to "grab" a portion of the allocated tax funds in the consolidation process, Legal Counsel stated that he is unaware of this happening with other reorganizations; however, the County is responsible for negotiating per statute.

#### Minutes of Special Meeting

June 25, 2009

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Ciara Wood, resident of Kensington, spoke in support of the Kensington FPD's contract with the City of El Cerrito Fire Department noting efficiency and effectiveness.

Brenda Navellier, Administrator for the Kensington FPD, provided an overview of that district's history and operations. Of note was the fact that the district is suspending its special assessment (\$88 per property) for 2009-10; this will be reevaluated in a year.

Janice Kosel, Kensington FPD Board Member, emphasized that the district is satisfied with its contract with the City of El Cerrito for fire protection services, and that they are not interested in consolidation.

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Recommended clarifying to LAFCO that the committee does not support option item #24 (consolidation of Kensington FPD with Kensington CSD) (Piepho, McNair).

#### Minutes of Meeting

September 9, 2009

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Brenda Navellier, representing Kensington Fire Protection District, spoke in protest of the option of consolidating the Kensington FPD and the Kensington Police Protection and CSD, and referred Commissioners to the April 13

letter from Meyers Nave regarding this issue.

Bill McNab, resident of Kensington, spoke on behalf of the Kensington Police Protection and CSD, mentioning problems with liability insurance limitations on volunteer assistance to the district.

#### Minutes of Meeting

November 18, 2009

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Ciara Wood, resident of Kensington, spoke regarding the options presented in the MSR for the KPPCSD, which are similar to those proposed for the Kensington Fire Protection District. She reiterated that Kensington residents had already requested the removal of the consolidation option.

Jean Durham, resident of Kensington, concurred with Ciara Wood's comments

Lynn Wolter, resident of Kensington, pointed out that in 1995 when Kensington passed a special tax for this District, they did not calculate the CPI as part of the long-term plan, and that they intend to remedy this.

Joan Gallegos, Kensington resident, urged removing Kensington from the El Cerrito SOI, citing prior citizen votes.

Jean Durham, Kensington resident, pointed out that one area of the Richmond SOI, part of East Bay Regional Park District, is actually part of Kensington.

Upon motion of Schroder, second by M. Piepho, Commissioners unanimously determined that the cities of El Cerrito, Hercules and Pinole, and the Crockett and Kensington CSDs should retain their existing SOIs; that the SOIs of the cities of Richmond and San Pablo should be adjusted as per staff recommendations; determined that the SOI updates are exempt pursuant to 15061(b)(3) of CEQA Guidelines; and directed staff to execute the SOI update resolutions for the local agencies.

#### West County Sub-regional Municipal Services Review

November 18, 2009

Page 5-6

Oct 20, 2009 letter with comments to draft of West County Sub-regional Municipal Services Review

Page 7-9

18 March 2009 letter with comments to draft of Municipal Service Review.

[Both taking issue with recommendation for consolidation.]

#### West County Sub-Regional Municipal Services Review

FINAL November 2009

Page I-12-13

Kensington Police Protection and Community Services District: The SOI is contiguous with the boundaries of the District. Retaining the current coterminous SOI would be appropriate at this time.

The Fire and Emergency Medical Service Providers MSR7 identified consolidation of KFPD with the KPPCSD as an option. KPPCSD is organized under a principal act that would enable LAFCO to authorize the CSD to provide fire protection services. Consolidation could offer opportunities to the community in exercising greater control over the share of local property tax dollars spent on fire, emergency medical services, law enforcement, and other services. Consolidation of KFPD with KPPCSD could streamline local government, and possibly offer more options on allocating public safety funds within the community.

The KFPD is opposed to consolidation with the KPPCSD.<sup>8</sup>

In the April 22, 2009, hearing regarding the KFPD (and in a memo dated April 21, 2009, from Silvano Marchesi to the Commission<sup>9</sup>), LAFCO Legal Counsel provided a preliminary conclusion that it is likely that the property tax collected by the KFPD would be transferred to the KPPCSD, should those districts be combined. Furthermore, that if the KPPCSD were to begin providing fire protection services after such a combination, its KPPCSD Board of Directors probably would have the authority to allocate those transferred revenues in its sole discretion. Restriction of the use of such revenues exclusively for fire protection purposes might be accomplished by the formation of a zone within the CSD or by special legislation.

It would also be an appropriate recommendation, given the available information on the District, for the District to explore future contracts for service provision by other agencies; for instance, contracting police services to the City of El Cerrito.

#### VIII. KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Page VIII-1-11

[see file WestCountySubregionalMSR\_Final]

Page 20:

Of the 28 law enforcement-related agencies covered under this MSR, 13 have established citizen advisory committees to advise the PDs and the decision-making bodies regarding law enforcement and community issues. These include: Antioch PD, CSA P-2/ Zone A (Blackhawk), CSA P-2/Zone B (Alamo), CSA P-5 (Roundhill), CSA

P-6 (Discovery Bay only), Diablo CSD, El Cerrito PD, Hercules PD, Kensington PP&CSD, Lafayette PD, Orinda PD, Richmond PD, and San Pablo PD. Advisory Committees can assist in gauging community preferences and priorities, and in increasing transparency for public agencies.

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#### Consolidation of KFPD and KPPCSD

The consolidation of Kensington Fire Protection District (KFPD) and Kensington Police Protection and Community Services District (KPPCSD) was identified in two previous LAFCO MSR's -- Fire and West County Sub-Regional. At the time these two MSR's were prepared, the KPPCSD was having significant fiscal issues. Subsequently, KPPCSD successfully passed a special tax to remedy (at least in the short-term) their fiscal crisis. Consolidation of these two districts is still a governance/boundary option. However, until such time as the residents of Kensington are unwilling to fund high-level police and fire protection services, the status quo should remain. It is also noted that the Kensington Community is within the SOI of the City of El Cerrito, and that KPPCSD has the option of contracting for police services from El Cerrito, similar to the KFPD currently contracting with El Cerrito for fire protection services.

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Figure 3-2: Staffing Levels per 1,000 Residents (FY 10-11)  
[Kensington highest with 2.0]

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Figure 3-3: General Fund Expenditures Per Capita (FY 09-10)

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Figure 3-5: Total Crimes per 1,000 Population (CY 07-09)

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while the clearance rate for property crimes ranged from two percent for Kensington CSD to 35 percent for the Sheriff's Office.

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[Kensington summary]

November 18, 2009 (Agenda)

West County Sub-regional Municipal Services Review

Page 2

Ciara Wood, resident of Kensington, spoke regarding the options presented in the MSR for the KPPCSD, which are similar to those proposed for the Kensington Fire Protection District. She reiterated that Kensington residents had already requested the removal of the consolidation option.

Staff responded that it is not LAFCO's practice to remove options from MSR reports.

Jean Durham, resident of Kensington, concurred with Ciara Wood's comments.

In response to Commissioner McNair's questions about KPPCSD's deficit budgets, Greg Harman, District General Manager and Police Chief, responded that they have reduced the size of the police force and are evaluating other cost-saving measures that will close the deficit gap.

Lynn Wolter, resident of Kensington, pointed out that in 1995 when Kensington passed a special tax for this District, they did not calculate the CPI as part of the long-term plan, and that they intend to remedy this.

Page 3

Joan Gallegos, Kensington resident, urged removing Kensington from the El Cerrito SOI, citing prior citizen votes.

Jean Durham, Kensington resident, pointed out that one area of the Richmond SOI, part of East Bay Regional Park District, is actually part of Kensington.

Ciara Wood, Kensington resident, spoke against the option of consolidation of KPPCSD and Kensington Fire Protection District.

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KFD comments on draft review

Page 26-27

report KPPSCD

#### MINUTES OF MEETING

January 13, 2010

Page 2

10. Letter from Kensington Fire Protection District

The Executive Officer directed Commissioners to the letter in their agenda packets, written by John Bakker on behalf of Kensington FPD. The District expresses concern that the Commission took action recommending against consolidation with the Kensington Police Protection and Community Services District but such action was not recorded in the minutes from the October 14, 2009 meeting.

John Bakker, with Meyers Nave Riback Silver & Wilson, commented on behalf of his client that there is confusion and that the KFPD would like the Commission to confirm that the action they took at the October 14, 2009 meeting included a recommendation against consolidation.

Commissioner Schroder responded that he made the motion, and his intent was clearly not to take action on that item, as the staff recommendation was "no action."

Vince Wells, President of IAFF Local 1230, supported KFPD's assertion.

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Brenda Navellier, General Manager of KFPD, pointed out that they all listened to the audio recordings of the meeting and believe the Commission recommended against consolidation.

Lance Maples, City of El Cerrito Fire Chief and Chief of KFPD, asked what the Commissioners believe they approved.

The Commission affirmed its action of October 14, 2009, that it took no action on the option of consolidating the two Kensington districts.

Public Review Draft

Municipal Service Review

Law Enforcement Services

July 15, 2011

Page 288-296 [very good summary of operations]

Police Services SOI Update August 10, 2011 (Agenda) Page 9-10

**Kensington Police Protection and Community Services District (KPPCSD)** provides law enforcement, park and recreation, and solid waste collection services to the unincorporated community of Kensington. The District is funded through the 1% property tax allocation and special taxes/assessments.

The MSR report notes that consolidation of Kensington Fire Protection District (KFPD) and KPPCSD was identified in two previous LAFCO MSRs – *Fire and Emergency Services* and *West County Sub-Regional*. At the time these two MSRs were prepared, the KPPCSD was experiencing significant fiscal issues. Subsequently, KPPCSD successfully passed a special tax to remedy (at least in the short-term) their fiscal crisis. Consolidation of these two districts is still a governance/boundary option. However, until such time as the residents of Kensington are unwilling to fund high-level police and fire protection services, the *status quo* should remain.

It is also noted that the Kensington Community is within the SOI of the City of El Cerrito, and that KPPCSD has the option of contracting for police services from El Cerrito, similar to the KFPD currently contracting with El Cerrito for fire protection services.

*Recommendation:* The District's SOI was last updated in 2009 in conjunction with the *West County Sub-regional MSR*; no changes to the District's SOI are proposed at this time.

Fire Service Update

October 12, 2011 (Agenda)

Page 4-5

Thank you for your e-mail dated September 8, 2011. The City of El Cerrito Fire Department (ECFD) and the Kensington Fire Protection District (KFPD) are happy to provide you with an update regarding our agencies' activities as related to Fire and Emergency services, including service enhancements/ challenges, fiscal enhancements/challenges and related matters.

[more]