



KENSINGTON FIRE PROTECTION DISTRICT

DATE: March 28, 2024
TO: Board of Directors
RE: Board Vacancy Interviews of Candidates and Appointment of New Board Member
SUBMITTED BY: Tim Barry, Interim General Manager

Recommended Action

Staff recommends the Board follow the Interview and Selection Process, to include any modifications made by a vote of the Board, and appoint a new Board Member.

Background

At the Board of Directors Meeting held on November 15, 2023, the Board determined that the following would serve as the Interview and Selection Process to appoint a new Board Member. This was reviewed by legal counsel and confirmed that there is no violation of first amendment rights since the purpose is to establish a process which was approved by the Board. The Board, at a Special Meeting held March 18, 2024, followed this process and the result was a 2-2 tie vote, thus not making an appointment. At their March 20, 2024 Board Meeting, the Board directed staff to schedule a Special Board meeting to again interview and select one of the two candidates for the vacant Board seat. There was some discussion of possibly modifying the interview process and this would be an opportunity to discuss and determine if any changes should be made by a vote of the board.

Interview and Selection Process on March 28, 2024. Unless Amended By The Board

1. Prior to interviews, place candidates in a random drawing to determine the order in which they will be interviewed. After the first question this will then rotate among the candidates where each candidate will have the opportunity to answer a question first.
2. Place Board Members in a random drawing to determine the order in which they will ask questions.
3. Candidates may be present during interviews of other candidates.
4. Board members will ask all candidates one question that has not been disclosed prior to the meeting for a total of four questions for each candidate. Board members are encouraged to bring a list of several questions to select from in the event their question is the same as or similar to another Board member's question.
5. Candidates may make a closing statement in the order established by the random drawing.
6. Members of the public will then be offered the opportunity to provide comment only.
7. The Board will have the opportunity to discuss and deliberate candidates.
8. Following discussion, each Board member will submit their nomination to the Board Clerk (email or preprinted ballot).
9. The Board Clerk will share the list of candidates displaying Board member nominations.
 - a. The Board would have the opportunity to motion that the candidate who received the most nominations be appointed to the Board vacancy followed by a second and voting.
 - b. If this motion does not receive a first/second, the nominations will continue until a motion is supported by a majority of the Board.

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New Board Member Interview/Selection Process
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- c. In the case above or if there is a tie, the Board will discuss followed by a second ballot.
- d. If no candidate receives more nominations than any other candidate after Board discussion and second ballot, any Board member may move to appoint one of the candidates to the Board vacancy which would then require a second and majority vote.
- e. The selected candidate will take the Oath of Office at the March 20, 2024 meeting.

Attachments: Applications Received for Appointment to Fill A Vacancy on the KFPD Board



KENSINGTON FIRE PROTECTION DISTRICT

Application For Appointment to Fill a Vacancy on the Kensington Fire Protection District (KFPD) Board

Application must be completed and submitted to KFPD by **March 12, 2024 at 2 p.m.**

Application Process:

1. Candidates are required to submit an application and may include a candidate statement (maximum words 500). Applications are required, or the candidate will be disqualified.
2. All communications with board members shall strictly adhere to all elements of the Brown Act.
3. Applications may be withdrawn at any time; however, if not withdrawn prior to the KFPD website publishing date (expected to be March 13, 2024) will remain on the website and not be removed.
4. Candidate interviews will be held in person at a special board meeting between March 13th and 20th, 2024 (to be determined soon). Board members will ask each candidate one question for a total of four questions. Candidates may make a closing statement.

Please complete the following information:

Date: 3/10/24

Name: THOMAS CUNNIFF

Home address: [REDACTED]

Business or Mailing address: SAME

Phone (daytime): [REDACTED] Phone (evening): [REDACTED]

Email: [REDACTED]

Are you currently at least 18 years of age, a registered voter, and residing in Kensington? Yes No

Note: Board members are subject to the Conflict of Interest Policy: [Policy 1040 Conflict of Interest](#)

Please answer the following questions on a separate page with a maximum of 350 words each:

1. Why did you decide to apply?
2. How do you consider the sufficiency of Fire District revenues for expenditures over the next five years?
3. What is your position on consolidating the two districts?
4. If appointed to the Board of Directors, what will be your priorities for the Fire District in the next year?
5. Consistent with the mission of the Fire District, what do you think needs to be done to prepare Kensington better for a catastrophic emergency (wildfire, earthquake, severe weather, landslide)?

I certify that the information contained in this application is true and correct.

Signature [Handwritten Signature] Date 3.10.24

1. I decided to apply to The Fire Protection Board due to my concern that our Kensington Fire Department is so far behind in informing people of the threat of wildfire in our district and the need to reduce vegetation on their properties. Furthermore, I would like to see Kensington and KFD directly demand of EBRPD that they take seriously the threat of wildfire to our town emanating from Tilden Park and radically reduce the abundance of dead vegetation contingent on Kensington properties.
2. The Fire District's five year plan indicates that available reserve funds will be steadily depleted due to the fact that expenditures will be outpacing revenues.
3. This will be a major focus of the study currently being undertaken by Ridgeline. I'm looking forward to the results to make determinations for future decisions.
4. To enlist KFD in becoming proactive in informing people of the threat of wildfire and initiating a plan, as Berkeley did last year, of reducing vegetation on their properties and also working with EBRPD to clear out dead vegetation on the slope below the school trail in Kensington.
5. The current guidelines for fire safety on individual properties must be elevated from mere suggestions to enforceable codes. Height restrictions and density of vegetation need to be clearly spelled out and assistance programs must be provided for people who can't initiate these measures on their own (such as Berkeley has provided in 2023). Roads must be designated for fire vehicles to come to the source of a fire outbreak and for residents to evacuate should that be necessary.



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4. Candidate interviews will be held in person at a special board meeting between March 13th and 20th, 2024 (to be determined soon). Board members will ask each candidate one question for a total of four questions. Candidates may make a closing statement.

Please complete the following information:

Date: 3/11/24

Name: Dean (Rick) Artis

Home address: _____

Business or Mailing address: as above

Phone (daytime): _____

Phone (evening): _____

Email: _____

Are you currently at least 18 years of age, a registered voter, and residing in Kensington? Yes No

Note: Board members are subject to the Conflict of Interest Policy: [Policy 1040 Conflict of Interest](#)

Please answer the following questions on a separate page with a maximum of 350 words each:

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I certify that the information contained in this application is true and correct.

Signature _____

Date 3/11/24

1. Why did you decide to apply?

I am applying for the vacant position of the Kensington Fire Protection District Board for two reasons. First, as a resident of Kensington for almost 28 years, living directly adjacent to both Kensington Hilltop School and Wildcat Canyon, I am acutely aware of the need for mitigation of fire risk and proper emergency planning – particularly along the ridgeline wildland-urban interface across most of upper Kensington. I have spent many days in maintenance of the trail north of the school, and supplemented vegetation management efforts in the adjacent park and school lands. I have appreciated the role the Fire District has played in highlighting such issues in Kensington. Based on the growing incidence of strong, late fire season winds from the east (an issue for all of Kensington), I would like to elevate discussion around this specific hazard as well as the potential fire risk to Hilltop School itself. Given the danger this could present for students and staff at the school (and as an alumnus of Hilltop myself), I would like to work to create a greater emphasis on mitigation and joint emergency planning involving both Kensington District Boards.

Second, I do so in the interest of good governance. The citizens of Kensington have overwhelmingly supported initiating a move to reorganize our local districts in the last election, and I support this process moving forward with integrity and in good faith. As a member of the former Kensington Ad-Hoc Committee on Governance and Operations Structure, I chaired the Consolidation subcommittee. We studied this issue deeply from financial, governance and public benefit perspectives; the current effort similarly appears to be following this approach. Now, as then, I am deeply committed to a process that allows the citizens of Kensington to fully and fairly consider the issue.

2. How do you consider the sufficiency of Fire District revenues for expenditures over the next five years?

As a part of the Ad-Hoc Committee's work, I carried out the first detailed analysis comparing both Kensington Districts' finances over a 20-year period from 1996-2015. In our report, we described the significant structural differences making up the Districts' revenues and examined trendlines for revenue and operating expense growth based on detailed accounting in each category. At that time, revenue projections for the Fire District suggested a slightly higher rate of growth than expenses; a fairly fragile state given the heavy dependence of the Fire District on ad valorem revenue. Between the last year the Committee studied and the most recent audited financial analysis for the Fire District (2022), increases in regular annual expenditures in aggregate and for the contract for Fire Services appear to have slightly outpaced growth in revenue on a percentage basis. The District has done little in the pursuit of grants to bridge this gap.

Financial projections, such as the recent 5-year model released by the District, can be done in a variety of ways, but accurate assumptions around revenue increases are challenging given current factors in the economy and in housing turnover in Kensington. Clearly if, as the District has modelled, property tax revenues were to only increase at a rate of 4% and the Fire Services contract with El Cerrito were to increase at a rate of 8% per year, the situation could eventually become unsustainable. However, a continued 8% increase in the costs of Fire Services within the city of El Cerrito would likely be budgetarily challenging for that city prior to becoming a major factor for Kensington. The Fire Services contract has been mutually beneficial for the parties, but from a cost control perspective the KFPD has little influence over the major cost drivers of the contract, and is exposed to significant CalPERS costs for unfunded liabilities through it, as well. Overall, this question highlights the need for appropriate financial modelling and a close working relationship with El Cerrito to understand that city's financial imperatives and the impact they will have on future cost increases in Kensington.

3. What is your position on consolidating the two districts?

I believe that reorganization is the most important local governance issue the citizens of Kensington have had to contemplate in many decades. As such, careful consideration and analysis should be our guideposts. The Consolidation Subcommittee subsection in the 2016 Final Report from the Ad-Hoc Committee (see: [AdHocCommitteeFinalReport](#)) contained a detailed set of historical and financial analyses, analysis of the legal landscape of the issue and an even-handed listing of pros and cons. It swept away a great deal of misinformation and facilitated a rational discussion that has led many in the community to favor such an option. Much of the report has stood up well, but it is of critical importance to update the financial analyses – currently the focus of the process for both the KPPCSD and the KFPD – since a lot has changed for both districts in the 7+ years following.

Since that time, my view of a reorganization has been influenced by our need for more effective overall governance in Kensington. One potential benefit of having single Board of Directors is that it would be accountable to the citizens of Kensington for all Public Safety agencies. This could be a boon to effectiveness, independent from the financial analysis, given the dysfunction between the Boards the community has experienced in recent years. In addition, flexibility and responsiveness to the priorities of the community could be enhanced – particularly in areas at the structurally challenging interface of Police and Fire responsibilities, such as prioritizing a high level of engagement between the departments on Evacuation Preparedness as part of Emergency Planning.

The pending financial analysis (that is, the first step of the process that could result in a reorganization) may reveal fiscal benefits possible in a combined district, such as reductions in administrative staff and the space to house them, but this remains to be seen. Budgetary flexibility may also improve, but constraints of different types for both revenues and expenses (e.g. Department specific revenue sources, the Fire Services contract and related reserves) may be quite limiting and will have to be analyzed in detail.

4. If appointed to the Board of Directors, what will be your priorities for the Fire District in the next year?

Given the partial-term nature of this appointment and current proximity to the next election, my first priority will be to engage fully and in good faith with the financial analysis of the two districts, and participate in a rational discussion with the community regarding next steps based on those results.

Second, I'd like to pursue a more detailed risk assessment of fire danger across the upper Kensington ridgeline in general and in the area down towards the canyon directly behind Kensington Hilltop in particular (since the latter region has not been studied in many years). I would like to join in with the Emergency Preparedness Committee and begin to understand better how planning for evacuation of the school has proceeded.

Third, I would like to enhance the transparency around Incident Response Reporting of our Fire Department on behalf of the community. I have, in the past, worked with Fire District personnel as a private citizen to independently audit and recapitulate the response time data statistics and summaries used by LAFCO in their Municipal Service Reviews for El Cerrito and Kensington. I was asked to provide comments for draft MSRs based on some of this work. I believe that this information is an important part of public accountability and that the community would benefit from seeing these statistics on a more regular basis. I would like to work with the Fire Department to set up more regular reporting along these lines.

5. Consistent with the mission of the Fire District, what do you think needs to be done to prepare Kensington better for a catastrophic emergency (wildfire, earthquake, severe weather, landslide)?

I'd like to see the District double down on facilitating Measure X grants for wildfire mitigation, and pursue a strategy of grant writing in general to enhance Emergency Preparedness. In addition, as one of the Directors of the Kensington Property Owners Association, I have been frustrated by how hard it is to work through an issue of emergency planning requiring deep coordination between Police and Fire Departments, not to mention the need to include the County after that. Something as simple as a conversation about whether and how to change parking patterns on Red Flag Days to enhance evacuation preparedness becomes mired in jurisdictional issues (much less planning for and coordinating a live evacuation drill). Short of a reorganization, I would like to see a joint effort of the KFPD and KPPCSD Boards – even a standing committee – with a specific focus on providing solutions for interdepartmental challenges of this type, perhaps with an agenda prepared in advance and framed by the Emergency Preparedness Committee.