

**KENSINGTON FIRE PROTECTION DISTRICT
AGENDA OF A MEETING OF THE
BOARD OF DIRECTORS**

Date of Meeting: May 8, 2019
Time of Public Meeting: 7:00 p.m.
Place of Meeting: **Building E in Kensington Park**
59 Arlington Avenue, Kensington, CA 94707

Please Note: Copies of the agenda bills and other written documentation relating to each item of business referred to on the agenda are on file in the office of the Kensington Fire Protection District Administration Office, 217 Arlington Avenue, Kensington, and are available for public inspection. A copy of the Board of Directors packet can be viewed on the internet at www.kensingtonfire.org/meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Manager, 510/527-8395. Notification 48 hours prior to the meeting will enable the Kensington Fire Protection District to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title 1).

7:00 p.m. **CALL TO ORDER**

1. **ADOPTION OF CONSENT ITEMS.** Items 3, 4, 5 & 6

All matters listed with the notation "CC" are consent items, which are considered to be routine by the Board of Directors and will be enacted by one motion. The Board of Directors has received and considered reports and recommendations prior to assigning consent item designations to the various items. Copies of the reports are on file in the Fire Protection District Administrative Office at 217 Arlington Avenue and are available to the public. The disposition of the item is indicated. There will be no separate discussion of consent items. If discussion is requested for an item, that item will be removed from the list of consent items and considered separately on the agenda. PLEASE NOTE: Public review copy of the agenda packet is available at the Directors' table at the Board meetings.

2. **ORAL COMMUNICATIONS.** (This place on the agenda is reserved for comments and inquiries from citizens and Board members concerning matters that do not otherwise appear on the agenda. Speakers shall be requested to provide their names and addresses prior to giving public comments or making inquiries.)

CC 3. **APPROVAL OF THE MINUTES.** Approval of the minutes of the regular meeting of April 10, 2019 (APPROVE)

CC 4. **APPROVAL OF MONTHLY FINANCIAL REPORT.** March/April 2019 (APPROVE)

CC 5. **ACCEPTANCE OF INCIDENT ACTIVITY REPORT.** April 2019 (ACCEPT)

CC 6. **APPROVAL OF MONTHLY TRANSMITTAL #11.** May 2019 (APPROVE)

7. **FIRE CHIEF'S REPORT**

- a. Review of operations.
- b. Regional issues and developments.

8. **PRESIDENT'S REPORT**

- a. Direction to staff to create a link under each regular Board meeting and standing committee meeting on the website to display the final approved version of the minutes for that meeting.
- b. Report on KPOA May 4, 2019 meeting.

9. **BOARD REPORTS PART 1**

Informational reports from Board members or staff covering the following assignments:

- a. Emergency Preparedness Committee (Padian, Nagel): See attached four page scope of work for proposed traffic study.
- b. Diablo Fire Safe Council Representative (Nagel, Staff)
- c. Kensington Pathkeepers Representative (Padian, Nagel)
- d. East Bay Regional Parks District Liaison (Nagel)
- e. Building Committee (Dommer, Nagel): See attached two page report.

OLD BUSINESS

10. Proposed Amendments to Policy 1140:20-50: Committees of the Board of Directors submitted by Padian (ACTION - Second reading for vote, Policy 1010.30)
11. Proposed new Board Policy 1190 for Social Media submitted by Kosel (ACTION - Second reading for vote, Policy 1010.30)

NEW BUSINESS

12. Funding Agreement between the Kensington Police Protection and Community Services District and the Kensington Fire Protection District for a Fire Alarm System at the Community Center (ACTION)
13. Request for the Board to Approve the Commencement of Planning for and Budgeting for a Public Forum to Update the Community on the Progress and Challenges for the Public Safety Building submitted by Stein (ACTION)
14. Consider making a formal request to the Kensington Police Protection and Community Services District to obtain a legal opinion on the possible use of Kensington Park for the proposed Public Safety Building, including sharing the costs of the opinion submitted by Stein (ACTION)

15. **BOARD REPORTS PART 2**

Informational reports from Board members or staff covering the following assignments:

- f. Demonstration Garden Committee (Kosel, Staff)
- g. California Special Districts Association Representatives:
 - i. County (Nagel): Report on April 15, 2019 meeting
 - ii. State Professional Development and Membership Services Committees (Kosel)
- h. Finance Standing Committee (Stein, Dommer): Next meeting 5/30/19, time & location to be determined
- i. Contract Negotiation Committee (Stein, Dommer)

ADJOURNMENT. The next regular meeting of the Board of Directors of the Kensington Fire Protection District will be held on Wednesday, June 12, 2019, at 7:00 p.m. at Building E in Kensington Park, 59 Arlington Avenue, Kensington, CA 94707.

The deadline for agenda items to be included in the Board packet for the next regular meeting of 6/12/19 is Wednesday, 5/29/19 by 1:00 p.m. The deadline for agenda-related materials to be included in the Board packet is Wednesday, 6/5/19 by 1:00 p.m., Fire Protection District Administration Office, 217 Arlington Ave., Kensington.

IF YOU CHALLENGE A DECISION OF THE BOARD OF DIRECTORS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE BOARD MEETING OR IN WRITTEN CORRESPONDENCE DELIVERED AT, OR PRIOR TO, THE BOARD MEETING

CONSENT CALENDAR

**MINUTES OF THE APRIL 10, 2019 MEETING OF THE BOARD OF DIRECTORS
OF THE KENSINGTON FIRE PROTECTION DISTRICT**

PRESENT: **Directors:** Don Dommer, Janice Kosel, Larry Nagel, Kevin Padian and Julie Stein
 Staff: Chief Michael Pigoni and Manager Brenda Navellier

CALL TO ORDER:

President Stein called the meeting to order at 7:00 p.m and called roll. All Directors and staff were present.

APPROVAL OF CONSENT ITEMS:

President Stein called for the approval of the consent calendar (items 3, 4, 5 & 6), consisting of approval of the minutes of March 13, 2019, approval of the February/March 2019 financial reports, acceptance of the March 2019 incident activity report, and approval of the monthly transmittal #10. Director Stein pulled item #3 – minutes of the March 13, 2019 meeting. Director Nagel made a motion to approve the Consent Calendar items 4, 5 and 6. Director Dommer seconded the motion. The motion passed unanimously.

AYES: Dommer, Kosel, Nagel, Padian, Stein
NOES: None
ABSTAIN: None

ORAL COMMUNICATIONS:

President Stein thanked Navellier for a nice job on *The Fire Plug* that was mailed in March. Stein also noted that the Board has a very full agenda and she would appreciate everyone attempting to limit their comments.

APPROVAL OF THE MARCH 13, 2019 MINUTES:

On page 5, third sentence from the end of the second paragraph, Director Stein proposed to delete “If KPPCSD says no to” and replace with “If the geological study is negative on”. Also the last three words of the sentence should be deleted completely - “or the opposite”. Director Nagel made a motion to accept the minutes as amended. Director Dommer seconded the motion.

AYES: Dommer, Kosel, Nagel, Padian, Stein
NOES: None
ABSTAIN: None

PRESENTATION ON NEIGHBORHOOD MAPPING FOR EVACUATION NOTIFICATION by Battalion Chief/Training Officer Joseph Grupalo:

Director Kosel noted that this project arose from Chief Pigoni’s Chief Report in March. Kosel requested a presentation from Grupalo at that meeting. B/C Grupalo introduced himself. He noted the San Francisco Chronicle article on Chief Winnacker and the Moraga-Orinda Fire Department. Chief Winnacker is sharing all the information he has about neighborhood mapping with Grupalo. Grupalo believes this program will be beneficial during a wildfire event with a Diablo wind condition where evacuation will be necessary. Grupalo made a Power Point presentation that was also included in the Board packet. The three conditions that lead to a “mega fire” are dry conditions, heavy fuel load, and Diablo winds. Compounding that are the road systems in Kensington. Temperatures are rising over time and large fire events are increasing. The fuel loads in Briones, Tilden, Wildcat are dense and if a fire starts in those areas it will push up against the wildland interface very fast. Grupalo explained Diablo winds and that they tend to happen in the fall when the fuel moisture is low. He reviewed the history of Diablo wind fire events. Lessons learned from previous Diablo wind fire events is that it overwhelms the decision making process, delayed notification and delayed evacuation because of the overload of information which equals an increase to life safety. MOFD is working with new technology to notify residents in a timely manner to increase survivability. MOFD is using sensors, drones, polygons, weather data, etc. all compiled into a computer program that will make recommendations. This system is still being tested. Grupalo is requesting that KFPD proceed with putting together the polygon foundation. Once that is in place the information would go to the County and the evacuation process can be approached systematically to avoid gridlock. Grupalo reviewed slides demonstrating the evacuation process with a fire. In order for the polygons to work, the District will need GIS data. Traffic data and

speed is a factor and varies on different streets. Since the District does not have a traffic study, a speed will be chosen for the model. The number of dwellings per polygon will be between 200 and 500 homes. Think of it as a watershed where all the traffic will continue to funnel downhill. We are trying to get residents to a safe place. The system identifies choke points so that information can be shared with the police department in directing traffic. All individuals have to be signed up on the Community Warning System to get the notifications. Kensington has the highest sign-up rate in the County per County statistics. Grupalo is only asking for the Board to proceed with the polygon portion at this time. Additional information can be layered into the program in the future. If the Board wants to proceed with a traffic study in the future, that information can be added and the model is even better. Director Kosel asked about the sensors and where they are placed. Grupalo said they could be hung on fences, trees or placed in the ground. He also discussed future plans the sensor company is considering. Director Stein reported that Chief Winnacker was a panelist on the California Council on Science and Technology. She found the information on Youtube and said that the panel was taking a higher level view about surveillance for fires across the state is being improved and also zoned in on what MOFD in particular is accomplishing including possible future personal apps for cell phones. Kosel asked Grupalo what the next step is? Grupalo said he is asking for a not-to-exceed budget of \$10,000 (agenda item 11) to develop GIS data mapping for the County system. He would like to take advantage of this opportunity since lots of cities are looking at this option. Director Dommer asked for more clarification on the traffic flow. Grupalo explained that MOFD had computer engineers put in a 15 mph speed. Grupalo said he attended the MOFD evacuation exercise in January. The computer is taking all the data in real time and making recommendations. The sensor module isn't perfected yet. Director Nagel asked about the proximity of the sensors to Kensington. Grupalo said he doesn't know what Winnacker has worked out with EBRPD or EBMUD. The sensors are not ready today. What is ready today is the polygon study and if the Board wants to pursue a traffic study later, that information can be layered in. Dommer asked where Contra Costa County Fire was on this project? Chief Pigoni said they are looking at it as well as several other jurisdictions in the County. Pigoni discussed the sensor development and how they need to be visually unobtrusive. First the mapping system needs to be accomplished. Director Padian said this is addressing pre-evacuation. Grupalo said the polygon system can have a real affect operationally right now since the County reports 4,561 people are signed up for Kensington alerts. Director Nagel said that CERT participants that are signed up will also alert their neighbors so the amount of people alerted multiplies. Grupalo reported that governor Newsom just allocated \$8 million dollars to try to get 320,000 additional Californians sign up for CERT. ECFD-KFPD is in line to get some CERT funding. Director Padian asked if El Cerrito was participating in the polygon model. Grupalo said he has not made the presentation to the City yet. His hope is that Berkeley, Richmond, etc. all join in. Pigoni said El Cerrito PD is looking at the program. They are working on evacuation maps for the City. It is important that neighboring jurisdictions eventually all tie together. Berkeley has evacuation maps but it does not appear they have addressed a "controlled evacuation". There is currently the ability to tell dispatch to evacuate certain streets only but that is more time consuming than polygons. Director Padian said mph will go out the window if people are frightened but the other part is that there will be the possibility of opening streets that can handle two lanes going downhill. Grupalo said the term is contra-flow. The value is giving people more time to get out. Pigoni said the polygon model can be used for other incidents than fire such as a police action, shelter in place, information after an earthquake, etc. Dommer asked how fire is working with the police department on this? Grupalo has had several conversations with ECPD and they in turn have reached out to KPD. Pigoni said it is very important for PD to be on board with this program, maybe through the committees working together? The County will develop the maps in a high resolution, that include hydrant locations, house addresses, etc. When the committee gets to the point to look at traffic flow, it can be added to the maps. The fire modeling programs predicting fire paths are available now and the future sensors will provide more information. Director Nagel said that Chief Hull announced at a KPPCSD meeting that he is working with ECPD on a joint September evacuation drill. Pigoni said ECPD will be working with CERT volunteers or citizen volunteers. He does not know if the mapping will be accomplished by then. Stein clarified that Grupalo's proposal is for the mapping—GIS data, road network data, etc., not for sensors. Stein also noted that MOFD is also mapping vegetation density along power lines since that is a very sensitive area and source of fire. Grupalo explained that is "lidar data" and the last time EBRPD did that was in 2008. He understands it is very expensive and doesn't know when EBRPD will be addressing that again but maybe communities along this ridgeline can start asking for an update. Grupalo explained that the operational piece he is asking KFPD to build at this time is managed by the Community Warning System of Contra Costa County. If the polygons need reprogramming in the future, KFPD would probably have to pay for that.

Per Item 11, Director Kosel made a motion to initiate the polygon program at a price not to exceed \$10,000. Director Nagel seconded the motion. Director Stein asked who would KFPD be paying? Pigoni said the majority would be the County but it will be various vendors. This data can be used for CERT also. David Spath asked if it was a contract with the County. Pigoni, said it will most likely just be invoices. Stein asked if there was a scope of work? Pigoni explained staff would be taking the data that the algorithm company would be providing (for free at this time as a demonstration community) and submitting it to the County for production and then going

to a printing company for hard maps. Mabry Benson thinks it would be important for Tilden Park to be monitored. She thinks a problem with the whole concept is will Kensington ever have enough police to direct the choke points? She is also concerned with how people will react. People will not necessarily wait to be told to leave if they know something is going on. Pigoni said KFPD cannot answer the police question but of course they will have access to mutual aid. He also said that people reacting because they know an incident is occurring, will happen with or without maps. The point is education and creating a zone by zone evacuation. If everyone panics, we will lose more lives but we can't control that. Director Padian said a program could be developed so that people who want to know if something is going on, no matter where they live, they could be informed. They may not want to wait for their polygon to be activated. Kensington has older people and infirmed people and they have to be able to leave as soon as we have information. Again, we are just trying to get the initial phase going at this time. Celia Concus suggested having volunteers in each polygon to assist with directing traffic. Pigoni said this could be CERT volunteers put people have to be willing to stay. Anthony Knight said parking is a special problem in Kensington. Will the mapping show the parking situations? Pigoni said any data can be included in the mapping in the future. The first stage is just notification. Further recommendations or direction from the various committees can be added later. Knight also asked about the paths. He plans on evacuating on his bicycle since he thinks there will be gridlock. Paths and places of safety can be added to the maps also.

AYES:	Dommer, Kosel, Nagel, Padian, Stein
NOES:	None
ABSTAIN:	None

FIRE CHIEF'S REPORT:

Chief Pigoni noted the call volume was down compared to the previous month. On April 1st, E65 was first in on what was reported as a structure fire in the 100 block of Arlington. It turned out to be the electronics on a dishwasher that had shorted out and caused smoke damage only. Berkeley FD, El Cerrito FD, and Richmond FD all responded also. El Cerrito has signed a contract to update its Emergency Operations Plan. The project will be starting soon and will take about three months to complete. The EOP will cover El Cerrito and Kensington and tie into the County's EOP. On March 30th, Fire Marshal Gibson put on a presentation titled "Mega Fire, the New Normal" at the Kensington Community Center. In addition, Gibson will present the same program in El Cerrito on 4/17 and 4/23 in the evening and also on a Saturday in May. Gibson will arrange for a second Kensington presentation at Arlington Community Church. The Type III chassis has arrived and fits into the station with about the same clearance as the previous engine. Pigoni said a notice was received from PG&E about their potential power shut downs due to weather and/or fires. If an individual has a PG&E on-line account, you can opt in to receive text and automated phone messages about power outages. Pigoni asked for the Board's permission to work with Linnea Due of the Outlook regarding an article on internet sites with fire education/information and the Contra Costa Warning System. Three Directors nodded approval.

President Stein asked if the development of the EOP will be integrated with the Kensington Police Dept? Chief Pigoni said Fire will get input from PD but this is the fire side of the EOP. Pigoni assumes that the CSD has their own EOP and if they don't some of that can be integrated into Fire's plan. The EOP will deal with command structure and recovery and logistics for Fire Command staff. Stein she was asking because the last plan utilized the community center for various functions of the fire department. Pigoni said the community center will not be listed as an EOC since it does not have a generator or the data lines. Station 65 would be the third alternative for an EOC. Mabry Benson thinks the community center has data. Pigoni said there still is no back-up power.

BOARD REPORTS:

Emergency Preparedness Committee (EPC): Director Padian reported that he and Director Nagel had met a couple of times. Padian also met with the Kensington Pathkeepers represented by David Spath, Lisa Caronna and Sarah Paul. They are associated with the El Cerrito Trail Trekkers and the Berkeley Path Wanderers. The Pathkeepers would like to make a presentation and request for action in the future. Padian and the Pathkeepers discussed ownership, liability issues, a 2012 KPPCSD report on the paths, right-of-way issues, how to work with the police and fire departments, public education, and how to work with the KFPD Board. Padian said he met with Berkeley City Council member, Susan Wengraff today. She has previously met with members of Kensington Neighbors for Wildfire Safety. Padian compared approaches with Wengraff to emergency notification and evacuation. Wengraff is advising that if you are over 60 yrs old and you receive a PG&E shut down warning, you should leave. Berkeley is also looking into sirens and has appointed a commission. Padian and Nagel discussed who they would like to have involved in the EPC if the Board approves it to be a standing committee. They discussed the possible process. Director Nagel reported he met with the Kensington Neighbors for Wildfire Safety

(KNWS). The KNWS met with a computer group from the University of Nevada, Las Vegas and the University of California, San Diego. That group is looking at putting remote cameras to monitor fire safety that will be connected to the internet. They also stated that the cameras could be integrated with any sensors that the District is considering. This is sophisticated technology that will help address early detection. Chief Pigoni reported that same computer group made a presentation to Contra Costa County Executive Chiefs. They already have two sites in the County – one on Mt. Diablo and one near Inspiration Point. Besides the ability to see the camera's view on the internet, they are working on artificial intelligence so that the camera recognizes a fire. Nagel said they are also working on sophisticated weather warning so that fire departments have time to move equipment around. This would involve wind sensors to predict Diablo winds. A resident said that these cameras are already in place in Marin and elsewhere. Anyone can go on the internet and see them. The cameras have infrared capability but you can't see that on the website. Director Padian said that Brandon Collins made a presentation at UC Berkeley yesterday. He is looking at a 10-year data set on fires in California. The study shows that human-caused fires have not risen in the past 10 years. The fuel load and the change in temperature is the problem. The density of forests is a factor. President Stein asked if the EPC had worked on a budget for FY19-20? It was submitted via email earlier in the day to Stein and Navellier. Stein asked for highlights. Padian said the goals are to do solidify the committee and to hire a part-time consultant to be a grant writer and coordinator at a cost of \$50,000. The other goal is to study the Kensington traffic patterns and Padian has been talking to the Institute of Transportation Studies at UCB and they are discussing a possible scope of work. He has requested a top number of \$20,000 for that. He pointed out that Chief Pigoni said that traffic information can be layered onto the polygon project. General items the committee wants to work on are evacuation preparation, emergency notification, hazard mitigation, agency articulation and education. Stein asked for more information on sirens which the committee members said would be part of evacuation preparation and emergency notification. She questioned whether all this work could be done for \$50,000. Padian said it is unclear at this time. The \$50,000 is for a grant writer who should have an extensive knowledge base to gain double benefit.

Diablo Fire Safe Council: Director Nagel reported that the March meeting was cancelled because the Department of Homeland Security feeder grant hasn't come through. There is a tentative meeting set for April 18.

Kensington Pathkeepers: See above.

East Bay Regional Park Liaison: Director Nagel attended the EBRPD Board meeting last week. There was nothing on the agenda about fuel reduction or fire preparation. Fuel reduction is supposed to be on the next agenda. Chief Pigoni said he was informed late this afternoon that EBRPD will begin their fuel reduction project in the El Cerrito-Kensington area tomorrow. Pigoni does not know if they will be working southward or northward. A resident said that the KNWS have been in contact with EBRPD to talk about them moving more expeditiously to address the fuel load. They are pleased with EBRPD's professionalism and understanding of the problem but they are not very happy with the resources allocated to it. He urged Nagel to please bring up the resource issue when fuel reduction comes up at the next meeting. Anthony Knight wanted to know if it would be possible to get an EBRPD representative to come to a meeting in Kensington to speak about what they are doing and provide a map. Knight wants to hear about EBRPD's works directly from them. He asked that KFPD send them an invitation and he requested a detailed presentation to a broad group of people showing where exactly the work is being done. Chief Pigoni said two meetings ago, he provided the maps that shows the fuel break is going from north Richmond Heights to Los Altos. He also provided the link to EBRPD's study and the same maps. Knight said he doesn't want it put back on him. He wants a presentation by someone who looks official, wears a uniform and is good at presentations. Kosel noted that EBRPD's Board members are district-elected. Pigoni said that topic would take up an entire Board meeting and it should be set up as an EBRPD community meeting. A resident said he thinks EBRPD would be very open to that idea and everyone should recognize they are being pulled in many directions. He understands Supervisor Gioia is planning two town hall meetings to respond to this issue and EBRPD would be one of the invitees. Kate Rauch of Gioia's office is organizing it. Padian said that EBRPD is concerned that community groups get information out on what they are trying to do because they feel it is hard to get information out in the communities. He agreed it would be helpful for someone to explain the whole picture. Meanwhile tons more money is coming into the state. Mabry Benson said it sounds like a lack of resources so groups should be approaching EBRPD to budget more funds. Maybe the Boards could send letters to EBRPD to consider the fuel load when planning their budgets. Padian said there's CalFire to think about--there's county money, parks money, State money, and FEMA money and it's a balancing act. Benson said then EBRPD should be looking at other resources to increase their funding. A resident said EBRPD's website has a plan that was developed after the Oakland Hills Fire that identifies very specific segments of fuel load reduction. They have to get environmental approvals and they were sued in the early age of the process. While they are on track now, they aren't keeping up with the fuel load. Chief Pigoni said the plan got started in 2010 and has taken nine years for them just to be able to work on the stretch behind El Cerrito-Kensington.

Building Committee: Directors Nagel and Dommer presented the same Power point that they presented to KPPCSD on 3/28/19. The presentation was also included in the KFPD Board packet. Nagel gave the prologue.

The point the committee is trying to drive home is that there aren't any good options. The District is in a time crunch. Every year that goes by, construction escalates 8 to 10% and we aren't getting that return on our investments. The current building will likely not survive a Richter 7.0 earthquake. It does not currently satisfy the requirements for an essential services building which it should. This is very troubling because personnel are in the building 24 hours a day. This is a life safety problem. It is unacceptable to have a non-essential services building serve as the community's fire house. The existing building is obsolete in functionality, seismic condition and building maintenance. The geographic study of the site showed a high probability of a spider fault 50 feet from the building. Present code does not allow the District to tear down the existing building and replace it, even on the same footprint. Dommer said someone asked about spending more than ½ the cost of the building to renovate it. In that case, the District would have to get approval from the state and bring the entire building up to current code. Nagel said if the District is going to look at building a new building, it is a fact of life that the park is the only available real estate. Nagel then reviewed the slides. There is seismic deficiency in the building and in an earthquake the building could become uninhabitable and the engines trapped in the apparatus bay – not very good emergency planning. For a modern facility, the site is too small for police and fire. If KFPD was forced to use the present site, it would be for the fire district only and KPPCSD would have to go somewhere else. Kosel asked if the District could purchase an adjoining lot? We would still be 50 feet from the fault in the back of the property and 100 feet from the fault in the front. Linnea Due asked about remodeling an adjacent property as a police station. That would be a change of occupancy. Kosel asked about housing the firefighters in an adjacent property. Director Dommer approached both adjacent neighbors in 2017 and neither desired to sell. Celia Concus suggested eminent domain. Nagel reviewed an aerial photo of the site. The current site could be possibly be renovated but there is still on-going deferred maintenance like the roof. The existing building is too small by about 3,500 s.f. for both agencies but it would be an acceptable size for fire only. It was not a good building from the beginning. Dommer and the fire chief of 20 years ago tried to find a different building site to build a new building so this has been an on-going problem. Dommer estimates \$2.5 million for a renovation, a new roof, new mechanical and to rearrange the interior space. The historical average to maintain the building has been about \$130,000 and if the District continues to pay that over 20 years, it's not a good investment as opposed to a new building. Because the community is built out there are very few choices. The location of the park site is half way between community lines north and south and is on the Arlington. It would mean building into a hillside just like the current building. The preferred site is close to the library. There are concerns about pedestrians and children but the engine makes about an average of one call per day. The police make a few more on average. Fire engines are often wired to the signal lights so they can stop the traffic. There has never been a problem with pedestrians at the existing site. Based on a preliminary look the geotechnical firm that the District used two years ago, thinks that site is sound but trenching would still need to take place to confirm. There is a question on whether a building could be built on the site since it was purchased with bonds. It could trigger legal problems. Dommer said communities are organic and things change all the time. The site has some difficulties to overcome but it is not impossible. The District has also looked at the north end of the parking lot/corner of Arlmont and the very south end of the park. Chief Pigoni commented on the grades at the parking lot corner, the parking lot flow that would change, and the current retaining wall already between the parking lot and the eastern neighbor. Building to the south of the park would also be a huge change to those neighbors immediately adjacent. Dommer said wherever the District ends up it will not be without compromises. Dommer said the width of the parking lot is wide enough to create a turnaround space. Kosel asked if the southern part of the park is as steep as currently being considered? The committee said it was. Anthony Knight asked if the committee was talking about a stand-alone fire station or combined police and fire? Nagel said, if we moved to the park there would be enough space for a combined building. Kosel said she thinks KPPCSD may prefer their own stand alone building even in the park with a connecting walkway. Dommer said that could be solved. KPPCSD currently has no privacy. Cyrus Modavi asked what kind of rocks would be excavated from the park site? Dommer said the geotech study has not been done yet. More discussion followed. The church owns the north end of the parking lot. Celia Concus asked if the north end of the parking lot is sufficiently wide to accommodate a public safety building or a fire station? Dommer said it would be very tight. Parking is always the hardest part. Dommer said when the project was estimated in 2017 it was about \$10 million total. Now it would be about \$12 million due to rising construction costs. The entire park is about 13 acres and a public safety building would need about ½ acre +/- Padian suggested that the committee budget to hire someone to look for sources outside of the District to help build it. There is a lot of money coming into the state to build projects like this. There are federally funded public buildings all over the state. Something as important as this in central area seems like it's worth paying someone part-time to research grants. Padian asked what could be done with the existing site if you can't build on it? Dommer said it could be torn down. Nagel and Kosel suggested making it a neighborhood park. Kosel said CSDA has a financing department that can discuss all of the financing possibilities with the District. Padian said KFPD doesn't need to save \$12 million up front. Mabry Benson said one of the issues that was brought up at KPPCSD's meeting was having KFPD indemnify them regarding the park site. They seemed convinced that there will be legal action against them if the park site is used. This will need to be addressed. Anthony Knight said the site next to the

library is currently unimproved and not being used for anything. Stein clarified that KPPCSD's attorney said the only case law she could find was when an entity built a building on its own land but she couldn't find anything when another district build something on land that didn't belong to them. KPPCSD will need to find a legal specialist or the other option would be for KFPD to indemnify KPPCSD. More discussion followed. Kosel said if KFPD were to build a public safety building and put up all the money, KFPD would need to require a long-term significant lease agreement in order to get financing. Stein asked if the committee was close to being ready to hold a public forum on the project to educate the broader community. The Police Board should be invited to attend and a community-wide discussion should start. Dommer agreed. David Spath asked if KFPD wouldn't want KPPCSD to at least get an opinion from bond counsel? If the bond counsel says it can't be done then there's no need for a public forum. More discussion. Stein said that leaves KFPD waiting on KPPCSD to get the legal opinion. Dommer said anyone can get the legal opinion. Padian said a deadline seems reasonable since costs keep going up. If KPPCSD can't or won't make a decision, each agency is on its own and that situation would be forced on the community by KPPCSD. Cyrus Modavi suggested splitting the costs of the legal opinion. Stein asked about a joint public Board meeting? This could go on forever and that way we could get a sense of what they are thinking and what a final solution could be. Kosel suggested Stein contact President Nottoli to ask her what the legal opinion timeline is. Celia Concus said KPPCSD cannot be stretched any more right now. Dommer said KPPCSD has stonewalled KFPD for two years and it has cost \$2 million in escalation. Nagel said he is not sensing a tremendous amount of enthusiasm on KPPCSD's part in regard to the project. We have personnel at risk. Sarah Paul said there is a sense of urgency and suggested a community meeting to raise awareness that the Public Safety Building could collapse in a 7.0 earthquake. The current cracks in the building are very visible. Stein will follow-up with Nottoli. More discussion followed. Kosel estimated that a legal opinion from bond counsel would be under \$5,000. Padian suggested KFPD split the cost with KPPCSD. Paul Dorroh agreed with Sarah Paul on the urgency of the issue and probably 98% of residents don't have any idea this is a looming problem. Either a community forum or some sort of communication plan needs to take place. The Building Committee will draft out a decision process for the next meeting.

President Stein moved the agenda to Item 12.

NEW BUSINESS:

Proposed Amendments to Policy 1140:20-50: Committees of the Board of Directors: Stein noted this was the fourth time this has been on the agenda and turned the discussion over to Director Padian. Padian reported on discussions with Director Nagel on the Brown Act and quorums. Padian is proposing a simple majority for the quorum. The only real change from the previous month is 1140.32. He said everything else is the same but he moved things to other places. Discussion with Mabry Benson followed since she was reading a previous version of the policy. Director Kosel reiterated that she supports Padian's efforts and has no objections to what he proposes to accomplish but she prefers not to amend the policy manual. She intends to vote "no" but that is not a reflection on her support of what Padian proposes to do; she doesn't think a policy manual amendment is necessary. Stein pointed out that the only standing committee in the policy manual is the Finance Committee. Kosel said there only needs to be a one sentence addition adding the Emergency Preparedness Committee as a standing committee. Stein said she is fine with that. Dommer said he would vote "yes" just because Padian has worked on it so diligently. Padian said he thinks if things are clarified it is better or someone might challenge adding public members to the committee. Mabry Benson objected to the use of the word "articulation" in 1140.60. She suggested "partner, cooperate or coordinate". Kosel suggested collaborate. Padian said it was a perfectly normal use of the term and this is what would be brought back next month for a second reading and vote.

Proposed new Board Policy for Social Media: Director Kosel said that KFPD's legal firm, Meyers Nave, will be hosting a webinar on first amendment issues and social media. She assumes KFPD will need to check with its legal counsel on whether the proposed policy is constitutional. The only comments she received from Board members were from President Stein. She drafted the policy very generally since there really is no enforcement mechanism other than indemnification. Padian agreed that the Board could wait until after the Meyers Nave webinar to see if anything is learned. Stein and Kosel agreed. The matter is not urgent. The webinar is on May 1 and participants must register first.

The agenda was moved back to Board Reports.

Correspondence: The Board received correspondence from resident Siv Sandler concerning the fuel break that Moraga-Orinda is working on. Navellier responded to Mr. Sandler letting him know his email was received and would be in the next packet. Kosel asked that Chief Pigoni respond to Sandler about his question. Stein will respond letting Sandler know that Pigoni will respond to him. Stein asked that in the future, Navellier forward any correspondence to the Board upon receiving it.

Contract Negotiation Committee: Stein reported that the committee met with the El Cerrito City Manager and Chief Pigoni last week. The committee presented them with the concepts they had come up with to clean up the language of the contract that had already been discussed. KFPD is to present El Cerrito with a new draft amendment as soon as possible.

ADJOURNMENT: The meeting was adjourned at 9:57 p.m.

MINUTES PREPARED BY: Brenda J. Navellier

These minutes were approved at the regular Board meeting of the Kensington Fire Protection District on May 8, 2019.

Attest:

Board Secretary

Kensington Fire Protection District
Balance Sheet
As of April 11, 2019

	Apr 11, 19
ASSETS	
Current Assets	
Checking/Savings	
Petty Cash	200.00
KFPD Revolving Acct - Gen Fund	15,783.30
General Fund	532,488.85
Special Tax Fund	6,768.48
Capital Fund	6,768.77
Total Checking/Savings	562,009.40
Accounts Receivable	
Due from County for Reimb.	18,434.01
Advance on Taxes	1,811,245.74
Advance on Supplemental Taxes	55,540.51
Total Accounts Receivable	1,885,220.26
Other Current Assets	
Prepaid Services - EC	513,154.96
Prepaid CERBT - Retiree Trust	1,104,815.16
Investments	
Capital Replacement Funds	3,754,173.00
Fire Protect. Contract Reserves	3,078,929.57
Investments - Other	-356,428.54
Total Investments	6,476,674.03
Total Other Current Assets	8,094,644.15
Total Current Assets	10,541,873.81
Fixed Assets	
Land	5,800.00
Equipment	1,446,911.62
Accumulated Depreciation-Equip	-746,593.15
Building and Improvements	2,391,581.26
Accumulated Depreciation - Bldg	-1,000,180.00
Current Capital Outlay	
Firefighters Qtrs/Equip	9,515.18
Computers/Furniture	2,001.30
Total Current Capital Outlay	11,516.48
Total Fixed Assets	2,109,036.21
TOTAL ASSETS	12,650,910.02
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Due to Revolving Acct - Gen Fnd	18,434.01
Due to Other - Issued by CCC	268,756.05
Total Accounts Payable	287,190.06
Other Current Liabilities	
El Cerrito Service Contract Pay	513,154.89
Wages & PR Taxes Payable	2,992.32
Total Other Current Liabilities	516,147.21
Total Current Liabilities	803,337.27
Long Term Liabilities	
CalPERS Settlement Payable	43,795.84
Total Long Term Liabilities	43,795.84

Kensington Fire Protection District
Balance Sheet
As of April 11, 2019

	Apr 11, 19
Total Liabilities	847,133.11
Equity	
Fund Equity - General	4,848,934.26
Fund Equity - Capital Projects	1,219,288.00
Fund Equity - Special Revenue	12,769.00
Fund Equity - Gen Fixed Asset	2,403,012.00
Fund Equity	1,835,922.75
Net Income	1,483,850.90
Total Equity	11,803,776.91
TOTAL LIABILITIES & EQUITY	12,650,910.02

**Kensington Fire Protection District
Revenue & Expense Prev Year Comparison**

July 1, 2018 through April 11, 2019

	Jul 1, '18 - Apr 11, 19	Jul 1, '17 - Apr 11, 18	\$ Change	% Change
Ordinary Income/Expense				
Income				
Property Taxes	4,040,321.76	3,819,755.73	220,566.03	5.8%
Special Taxes	200,453.30	200,395.20	58.10	0.0%
Other Tax Income	12,495.35	12,768.89	-273.54	-2.1%
Lease Agreement	26,884.77	26,801.03	283.74	1.1%
Interest Income	74,295.64	32,906.09	41,389.55	125.8%
Salary Reimbursement Agreement	52,933.84	43,347.28	9,586.56	22.1%
Miscellaneous Income	4,314.08	1,181.74	3,132.34	265.1%
Total Income	4,411,698.74	4,136,955.96	274,742.78	6.6%
Expense				
OUTSIDE PROFESSIONAL SERVICES				
LAFCO Fees	2,278.47	2,122.85	155.62	7.3%
Contra Costa County Expenses	35,505.98	33,946.26	1,559.72	4.6%
El Cerrito Contract Fee	2,565,774.65	2,120,180.40	445,594.25	21.0%
Fire Abatement Contract	665.00	0.00	665.00	100.0%
Fire Engineer Plan Review	403.50	1,092.50	-689.00	-63.1%
Risk Management Insurance	12,507.00	13,268.00	-761.00	-5.7%
Professional Fees				
Accounting	3,682.75	3,978.75	-296.00	-7.4%
Actuarial Valuation	0.00	5,500.00	-5,500.00	-100.0%
Audit	16,000.00	16,000.00	0.00	0.0%
Legal Fees	56,359.29	11,773.62	44,585.67	378.7%
Total Professional Fees	76,042.04	37,252.37	38,789.67	104.1%
Website Development/Maintenance	2,000.00	2,500.00	-500.00	-20.0%
Wildland Vegetation Mgmt	2,500.00	850.00	1,650.00	194.1%
Total OUTSIDE PROFESSIONAL SER...	2,697,676.64	2,211,212.38	486,464.26	22.0%
RETIREE MEDICAL BENEFITS				
PERS Medical	0.00	28,742.07	-28,742.07	-100.0%
Delta Dental	0.00	4,035.44	-4,035.44	-100.0%
Vision Care	0.00	1,292.40	-1,292.40	-100.0%
CalPERS Settlement	45,700.00	0.00	45,700.00	100.0%
Total RETIREE MEDICAL BENEFITS	45,700.00	34,069.91	11,630.09	34.1%
COMMUNITY SERVICE ACTIVITIES				
Public Education	7,849.10	8,346.63	-497.53	-6.0%
Comm. Pharmaceutical Drop-Off	371.40	1,108.79	-737.39	-66.5%
Vial of Life Program	0.00	98.91	-98.91	-100.0%
CERT Emerg Kits/Sheds/Prepared	0.00	3,833.00	-3,833.00	-100.0%
Open Houses	261.28	307.13	-45.85	-14.9%
Community Shredder	1,155.00	2,428.97	-1,273.97	-52.5%
DFSC Matching Grants	23,880.00	19,116.00	4,764.00	24.9%
Firesafe Planting Grants	0.00	178.00	-178.00	-100.0%
Demonstration Garden	6,147.11	2,400.00	3,747.11	156.1%
Community Sandbags	1,993.81	754.08	1,239.73	164.4%
Total COMMUNITY SERVICE ACTIVITI...	41,657.70	38,571.51	3,086.19	8.0%
DISTRICT ACTIVITIES				
Firefighter's Apparel & PPE	-336.74	0.00	-336.74	-100.0%
Firefighters' Expenses	1,195.50	3,341.31	-2,145.81	-64.2%
Staff Appreciation	1,275.32	805.11	470.21	58.4%
Professional Development	3,262.85	2,194.45	1,068.40	48.7%
Building Maintenance				
Needs Assess/Feasibility Study	0.00	23,127.42	-23,127.42	-100.0%
Janitorial Service	1,050.00	1,050.00	0.00	0.0%
Medical Waste Disposal	3,723.40	3,973.61	-250.21	-6.3%
Building alarm	1,264.44	1,379.44	-115.00	-8.3%
Gardening service	600.00	1,050.00	-450.00	-42.9%
Miscellaneous Maint.	5,326.40	10,642.89	-5,316.49	-50.0%
Total Building Maintenance	11,964.24	41,223.36	-29,259.12	-71.0%
Building Utilities/Service				
Gas and Electric	7,193.79	5,631.92	1,561.87	27.7%
Water/Sewer	1,527.79	2,259.07	-731.28	-32.4%
Total Building Utilities/Service	8,721.58	7,890.99	830.59	10.5%
Election	3,855.77	0.00	3,855.77	100.0%
Memberships	7,390.00	7,008.00	382.00	5.5%
Office				
Office Expense	2,599.97	2,346.82	253.05	10.8%
Office Supplies	1,829.41	1,181.53	647.88	54.8%
Telephone	4,777.54	5,855.72	-1,078.18	-18.4%
Total Office	9,206.92	9,384.17	-177.25	-1.9%
Total DISTRICT ACTIVITIES	46,535.44	71,847.39	-25,311.95	-35.2%
Staff				
Wages	71,310.06	64,828.26	6,481.80	10.0%
Longevity Pay	1,000.00	1,000.00	0.00	0.0%
Overtime Wages	1,474.14	810.32	663.82	81.9%

**Kensington Fire Protection District
Revenue & Expense Prev Year Comparison**

July 1, 2018 through April 11, 2019

	Jul 1, '18 - Apr 11, 19	Jul 1, '17 - Apr 11, 18	\$ Change	% Change
Medical/dental Ins compensation	7,542.00	6,142.50	1,399.50	22.8%
Retirement Contribution	5,419.44	4,926.86	492.48	10.0%
Payroll Taxes	6,375.46	5,875.75	499.71	8.5%
Workers Compensation/Life Ins	1,842.06	1,830.24	11.82	0.7%
Payroll Processing	1,314.90	1,251.68	63.22	5.1%
Total Staff	96,278.06	86,665.71	9,612.35	11.1%
Total Expense	2,927,847.84	2,442,366.90	485,480.94	19.9%
Net Ordinary Income	1,483,850.90	1,694,589.06	-210,738.16	-12.4%
Other Income/Expense				
Other Income				
Transfers In - Capital	577,843.12	767,874.00	-190,030.88	-24.8%
Transfers In - General	244,812.70	206,801.30	38,011.40	18.4%
Total Other Income	822,655.82	974,675.30	-152,019.48	-15.6%
Other Expense				
Transfers Out - Capital	29,781.82	16,801.30	12,980.52	77.3%
Transfers Out - Special	225,000.00	190,000.00	35,000.00	18.4%
Transfers Out - General	567,874.00	767,874.00	-200,000.00	-26.1%
Total Other Expense	822,655.82	974,675.30	-152,019.48	-15.6%
Net Other Income	0.00	0.00	0.00	0.0%
Net Income	1,483,850.90	1,694,589.06	-210,738.16	-12.4%

**Kensington Fire Protection District
Revenue & Expense Budget vs. Actual**

July 2018 through March 2019

	Jul '18 - Mar 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Property Taxes	4,046,049.87	3,985,570.00	60,479.87	101.5%
Special Taxes	200,453.30	200,453.00	0.30	100.0%
Other Tax Income	12,495.35	12,500.00	-4.65	100.0%
Lease Agreement	26,884.77	26,868.12	16.65	100.1%
Interest Income	72,733.14	26,250.00	46,483.14	277.1%
Salary Reimbursement Agreement	47,640.46	47,136.01	504.45	101.1%
Miscellaneous Income	4,314.08	0.00	4,314.08	100.0%
Total Income	4,410,570.97	4,298,777.13	111,793.84	102.6%
Expense				
OUTSIDE PROFESSIONAL SERVICES				
LAFCO Fees	2,278.47	2,200.00	78.47	103.6%
Contra Costa County Expenses	35,408.98	35,526.00	-117.02	99.7%
El Cerrito Contract Fee	2,309,197.19	2,309,197.50	-0.31	100.0%
Fire Abatement Contract	665.00	8,000.00	-7,335.00	8.3%
Fire Engineer Plan Review	403.50	1,499.99	-1,096.49	26.9%
Risk Management Insurance	12,507.00	14,500.00	-1,993.00	86.3%
Professional Fees				
Accounting	2,025.00	5,300.00	-3,275.00	38.2%
Actuarial Valuation	0.00	0.00	0.00	0.0%
Audit	16,000.00	16,000.00	0.00	100.0%
Legal Fees	56,359.29	53,250.03	3,109.26	105.8%
Total Professional Fees	74,384.29	74,550.03	-165.74	99.8%
Water System Improvements	0.00	10,000.00	-10,000.00	0.0%
Website Development/Maintenance	2,000.00	1,875.01	124.99	106.7%
Wildland Vegetation Mgmt	2,500.00	7,000.00	-4,500.00	35.7%
Total OUTSIDE PROFESSIONAL SER...	2,439,344.43	2,464,348.53	-25,004.10	99.0%
RETIREE MEDICAL BENEFITS				
PERS Medical	0.00	0.00	0.00	0.0%
Delta Dental	0.00	0.00	0.00	0.0%
Vision Care	0.00	0.00	0.00	0.0%
CalPERS Settlement	45,700.00	45,700.00	0.00	100.0%
Total RETIREE MEDICAL BENEFITS	45,700.00	45,700.00	0.00	100.0%
COMMUNITY SERVICE ACTIVITIES				
Public Education	7,849.10	9,850.00	-2,000.90	79.7%
Comm. Pharmaceutical Drop-Off	371.40	2,000.00	-1,628.60	18.6%
Vial of Life Program	0.00	200.00	-200.00	0.0%
CERT Emerg Kits/Sheds/Prepared	0.00	9,818.19	-9,818.19	0.0%
Open Houses	261.28	750.00	-488.72	34.8%
Community Shredder	1,155.00	2,750.00	-1,595.00	42.0%
DFSC Matching Grants	23,880.00	23,880.00	0.00	100.0%
Firesafe Planting Grants	0.00	2,000.01	-2,000.01	0.0%
Demonstration Garden	6,147.11	34,000.00	-27,852.89	18.1%
Community Sandbags	1,993.81	4,000.00	-2,006.19	49.8%
Community Center Fire Alarm	0.00	0.00	0.00	0.0%
Total COMMUNITY SERVICE ACTIVITI...	41,657.70	89,248.20	-47,590.50	46.7%
DISTRICT ACTIVITIES				
Firefighter's Apparel & PPE	-336.74	1,500.00	-1,836.74	-22.4%
Firefighters' Expenses	1,195.50	5,500.00	-4,304.50	21.7%
Staff Appreciation	1,275.32	1,250.00	25.32	102.0%
Professional Development	3,262.85	3,749.99	-487.14	87.0%
Building Maintenance				
Needs Assess/Feasibility Study	0.00	4,000.00	-4,000.00	0.0%
Janitorial Service	945.00	1,125.00	-180.00	84.0%
Medical Waste Disposal	3,723.40	3,800.00	-76.60	98.0%
Building alarm	1,264.44	1,500.00	-235.56	84.3%
Gardening service	480.00	1,375.00	-895.00	34.9%
Miscellaneous Maint.	1,393.40	9,750.01	-8,356.61	14.3%
Total Building Maintenance	7,806.24	21,550.01	-13,743.77	36.2%
Building Utilities/Service				
Gas and Electric	7,193.79	5,999.99	1,193.80	119.9%
Water/Sewer	1,527.79	1,643.34	-115.55	93.0%
Total Building Utilities/Service	8,721.58	7,643.33	1,078.25	114.1%
Election	3,855.77	3,900.00	-44.23	98.9%
Memberships	7,390.00	7,600.00	-210.00	97.2%
Office				
Office Expense	2,599.97	2,250.00	349.97	115.6%
Office Supplies	1,684.25	1,687.50	-3.25	99.8%
Telephone	4,634.29	5,999.99	-1,365.70	77.2%
Total Office	8,918.51	9,937.49	-1,018.98	89.7%
Total DISTRICT ACTIVITIES	42,089.03	62,630.82	-20,541.79	67.2%
Staff				
Wages	71,310.06	71,310.74	-0.68	100.0%

**Kensington Fire Protection District
Revenue & Expense Budget vs. Actual**

July 2018 through March 2019

	Jul '18 - Mar 19	Budget	\$ Over Budget	% of Budget
Longevity Pay	1,000.00	1,000.00	0.00	100.0%
Overtime Wages	1,474.14	1,181.25	292.89	124.8%
Vacation Wages	0.00	0.00	0.00	0.0%
Medical/dental ins compensation	7,542.00	7,542.00	0.00	100.0%
Retirement Contribution	5,419.44	5,419.49	-0.05	100.0%
Payroll Taxes	6,375.46	6,410.00	-34.54	99.5%
Workers Compensation/Life Ins	1,842.06	1,700.00	142.06	108.4%
Payroll Processing	1,248.65	1,233.76	14.89	101.2%
Total Staff	96,211.81	95,797.24	414.57	100.4%
Contingency General	0.00	18,750.01	-18,750.01	0.0%
Total Contingency	0.00	18,750.01	-18,750.01	0.0%
Total Expense	2,665,002.97	2,776,474.80	-111,471.83	96.0%
Net Ordinary Income	1,745,568.00	1,522,302.33	223,265.67	114.7%
Other Income/Expense				
Other Income				
Transfers In - Capital	577,843.12	0.00	577,843.12	100.0%
Transfers In - General	244,812.70	0.00	244,812.70	100.0%
Total Other Income	822,655.82	0.00	822,655.82	100.0%
Other Expense				
Depreciation Expense	0.00	0.00	0.00	0.0%
Transfers Out - Capital	29,781.82	0.00	29,781.82	100.0%
Transfers Out - Special	225,000.00	0.00	225,000.00	100.0%
Transfers Out - General	567,874.00	0.00	567,874.00	100.0%
<Gain>/Loss on Asset Disposal	0.00	0.00	0.00	0.0%
Total Other Expense	822,655.82	0.00	822,655.82	100.0%
Net Other Income	0.00	0.00	0.00	0.0%
Net Income	1,745,568.00	1,522,302.33	223,265.67	114.7%



EL CERRITO-KENSINGTON FIRE DEPARTMENT

10900 San Pablo Avenue • El Cerrito • CA • 94530

(510) 215-4450 • FAX (510) 232-4917

www.el-cerrito.org



May 1, 2019

TO: Kensington Fire Protection District Board Members

FROM: Michael Pigoni: Fire Chief

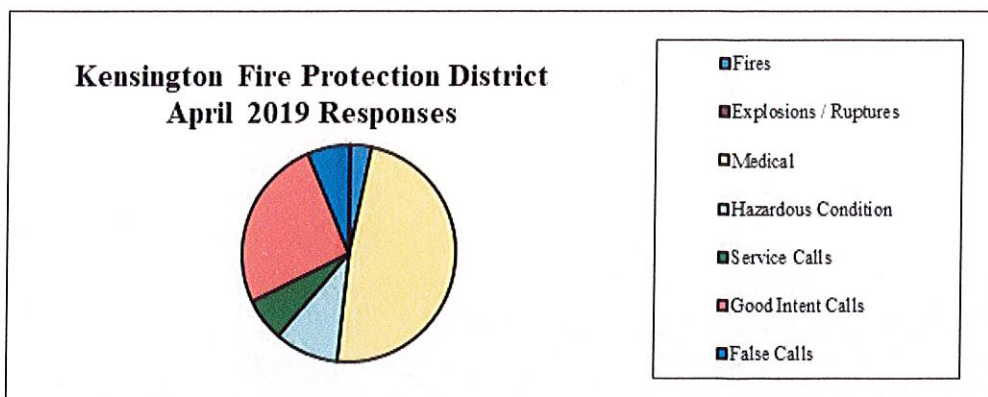
RE: Incident Activity Reports for the Month of April 2019

There were 31 incidents that occurred during the month of April in the community of Kensington. Please see the attached "Incident Log" for the dates and times, locations and incident type for these calls that the Fire Department responded to this past month. During this same time, Engine 65 responded to a total of 65 calls in all districts.

There was one structure fire in the 100 block of Arlington Avenue on April 1. Engines 71, 72, 65 and Battalion 71 responded along with an engine from Berkeley and Richmond as well as a truck and Battalion Chief from Richmond. The fire was isolated to a dishwasher panel that had shorted out and damage was limited with exception of smoke throughout most of the house. There were no injuries.

The chart below is broken down into NFIRS incident types. The following is a list of the response types, the number of responses for each type and the percentage of the total calls for each type for all the responses in the community of Kensington.

<u>Call Type</u>		<u>Incident Count</u>	<u>Percentages</u>
Fires	<i>(Structure, Trash, Vehicles, Vegetation Fires)</i>	1	3.23%
Explosions / Ruptures	<i>(Over Pressure/Ruptures, Explosions, Bombs)</i>	0	0.00%
Medical	<i>(EMS, Vehicle Accidents, Extrication Rescue)</i>	15	48.39%
Hazardous Condition	<i>(Chemical Spills, Leaks, Down Power Lines)</i>	3	9.68%
Service Calls	<i>(Distress, Water/Smoke/Odor Problems, Public Assists)</i>	2	6.45%
Good Intent Calls	<i>(Cancelled En Route, Wrong Location)</i>	8	25.81%
False Calls	<i>(Wrong Company/Unit Dispatched)</i>	2	6.45%
Totals		31	100.00%



Kensington Fire Protection District Response Log for April 2019

#	Incident Number	Date & Time	Address	City	Apparatus ID	Incident Type*
1	0019034001	01-Apr-19 21:45:47	105 Arlington AVE	Kensington	E165	111
2	0019034278	02-Apr-19 17:11:55	60 Arlington AVE	Kensington	E165	321
3	0019034405	03-Apr-19 03:23:16	63 Kingston RD	Kensington	E165	611M
4	0019035376	05-Apr-19 18:03:30	143 Arlington AVE	Kensington	E165	321
5	0019035655	06-Apr-19 13:21:15	44 Highgate RD	Kensington	E165	444
6	0019035800	06-Apr-19 20:18:28	26 Arlmont DR	Kensington	E165	321
7	0019036843	09-Apr-19 18:27:04	61 Arlington AVE	Kensington	E165	611M
8	0019037676	11-Apr-19 23:45:56	819 Coventry RD	Kensington	E165	321
9	0019038295	13-Apr-19 14:23:44	27 Edwin DR	Kensington	E165	700
10	0019038493	14-Apr-19 00:25:04	438 Beloit AVE	Kensington	E165	520
11	0019039016	15-Apr-19 14:15:32	Sunset DR	Kensington	E165	400
12	0019039115	15-Apr-19 19:31:27	100 York AVE	Kensington	E165	321
13	0019039617	17-Apr-19 07:43:07	Grizzly Peak BLVD	Kensington	E165	444
14	0019039655	17-Apr-19 09:32:28	673 Oberlin AVE	Kensington	E165	322
15	0019040137	18-Apr-19 13:26:20	560 Coventry RD	Kensington	E165	611
16	0019040211	18-Apr-19 16:40:19	11 Eldridge CT	Kensington	E165	321
17	0019040422	19-Apr-19 10:04:46	1550 Oakview AVE	Kensington	E165	611X
18	0019040572	19-Apr-19 16:40:33	50 Rincon RD	Kensington	E165	321
19	0019040656	19-Apr-19 20:59:31	136 Ardmore RD	Kensington	E165	611M
20	0019040745	20-Apr-19 06:20:24	17 Sunset CT	Kensington	E165	554
21	0019040882	20-Apr-19 14:12:35	44 Highgate RD	Kensington	E165	600
22	0019040994	20-Apr-19 19:16:39	254 Stanford AVE	Kensington	E165	321
23	0019042973	25-Apr-19 12:45:12	255 Stanford AVE	Kensington	E165	611
24	0019043078	25-Apr-19 17:22:33	25 Kingston RD	Kensington	E165	321
25	0019043555	26-Apr-19 19:56:25	418 Beloit AVE	Kensington	E165	700
26	0019044777	30-Apr-19 00:18:28	217 Arlington AVE	Kensington	E165	321
27	0019044861	30-Apr-19 08:52:09	12 Ardmore RD	Kensington	E165	321
28	0019045023	30-Apr-19 16:59:38	63 Kingston RD	Kensington	E165	321
29	0019045039	30-Apr-19 18:35:46	184 Purdue AVE	Kensington	E165	321
30	0019045073	30-Apr-19 19:32:33	23 Cowper AVE	Kensington	E165	611X

* See Attached Table for Incident Type Explanations

Type Series	Description
100	(Structure, Trash, Vehicle, Vegetation Fire)
200	(Over Pressure/Ruptures Explosions, Bombs)
300	(EMS, Vehicle Accidents, Extrication, Rescue)
400	(Chemical Spills, Leaks, Down power Lines)
500	(Distress, Water/ Smoke/Odor Problems, Public Assists)
600	(Cancelled En Route, Wrong Location)
700	(Wrong Company/Unit Dispatched)

Kensington Fire Protection District Engine 65 Response Log for April 2019

#	Incident Number	Date & Time	Address	City	Apparatus ID	Incident Type*
1	0019034001	01-Apr-19 21:44:59	105 Arlington AVE	Kensington	E165	111
2	0019034278	02-Apr-19 17:10:34	60 Arlington AVE	Kensington	E165	321
3	0019034325	02-Apr-19 19:36:56	823 Bates AVE	El Cerrito	E165	611X
4	0019034334	02-Apr-19 20:33:06	7425 Rockway AVE	El Cerrito	E165	5000
5	0019034405	03-Apr-19 03:22:32	63 Kingston RD	Kensington	E165	611M
6	0019035037	04-Apr-19 18:13:27	6034 El Dorado AVE	El Cerrito	E165	113
7	0019035216	05-Apr-19 09:19:44	148 Carmel AVE	El Cerrito	E165	554
8	0019035376	05-Apr-19 18:03:30	143 Arlington AVE	Kensington	E165	321
9	0019035655	06-Apr-19 13:20:18	44 Highgate RD	Kensington	E165	444
10	0019035800	06-Apr-19 20:15:26	26 Arlmont DR	Kensington	E165	321
11	0019035829	06-Apr-19 22:18:27	505 Village DR	El Cerrito	E165	321
12	0019036373	08-Apr-19 13:31:58	101 Colusa AVE	El Cerrito	E165	5000
13	0019036843	09-Apr-19 18:24:35	61 Arlington AVE	Kensington	E165	611M
14	0019036879	09-Apr-19 20:56:08	670 El Cerrito PLZ	El Cerrito	E165	611M
15	0019036884	09-Apr-19 21:16:28	300 Seaview DR	El Cerrito	E165	554
16	0019036898	09-Apr-19 22:27:31	6699 Fairmount AVE	El Cerrito	E165	311
17	0019037079	10-Apr-19 11:45:12	Wildcat Canyon RD	Orinda	E165	5000
18	0019037512	11-Apr-19 14:09:59	1305 Everett ST	El Cerrito	E165	500
19	0019037676	11-Apr-19 23:45:38	819 Coventry RD	Kensington	E165	321
20	0019037816	12-Apr-19 10:59:08	S Park DR	Berkeley	E165	321
21	0019037834	12-Apr-19 11:57:00	6400 Manila AVE	El Cerrito	E165	611M
22	0019038200	13-Apr-19 09:31:23	2000 El Cerrito PLZ	El Cerrito	E165	611X
23	0019038209	13-Apr-19 10:08:15	642 Lexington AVE	El Cerrito	E165	321
24	0019038276	13-Apr-19 13:25:57	0-0 Wildcat Canyon RD	Berkeley	E165	611M
25	0019038289	13-Apr-19 14:06:59	300 Key Route BLVD	El Cerrito	E165	321
26	0019038295	13-Apr-19 14:22:16	27 Edwin DR	Kensington	E165	700
27	0019038359	13-Apr-19 18:07:01	805 Kensington RD	El Cerrito	E165	743
28	0019038493	14-Apr-19 00:23:36	438 Beloit AVE	Kensington	E165	520
29	0019038668	14-Apr-19 15:45:34	0-0 Lake Anza RD	Berkeley	E165	611M
30	0019038884	15-Apr-19 09:01:10	2150 Pyramid DR	Richmond	E165	611M

31	0019038965	15-Apr-19 12:15:52	213 Behrens ST	Orinda	E165	611X
32	0019039016	15-Apr-19 14:15:06	Sunset DR	Kensington	E165	400
33	0019039115	15-Apr-19 19:30:37	100 York AVE	Kensington	E165	321
34	0019039381	16-Apr-19 15:37:35	Wildcat Canyon RD	Orinda	E165	611M
35	0019039617	17-Apr-19 07:42:27	Grizzly Peak BLVD	Kensington	E165	444
36	0019039655	17-Apr-19 09:31:49	673 Oberlin AVE	Kensington	E165	322
37	0019039686	17-Apr-19 11:07:30	174 El Cerrito PLZ	El Cerrito	E165	733
38	0019040078	18-Apr-19 11:05:05	7650 Terrace DR	El Cerrito	E165	622
39	0019040137	18-Apr-19 13:25:53	560 Coventry RD	Kensington	E165	611
40	0019040211	18-Apr-19 16:39:46	11 Eldridge CT	Kensington	E165	321
41	0019040268	18-Apr-19 19:33:44	936 Shevlin DR	El Cerrito	E165	611M
42	0019040422	19-Apr-19 10:03:44	1550 Oakview AVE	Kensington	E165	611X
43	0019040447	19-Apr-19 11:38:36	6699 Fairmount AVE	El Cerrito	E165	321
44	0019040572	19-Apr-19 16:37:25	50 Rincon RD	Kensington	E165	321
45	0019040656	19-Apr-19 20:58:20	136 Ardmore RD	Kensington	E165	611M
46	0019040745	20-Apr-19 06:18:38	17 Sunset CT	Kensington	E165	554
47	0019040882	20-Apr-19 14:11:01	44 Highgate RD	Kensington	E165	600
48	0019040994	20-Apr-19 19:15:26	254 Stanford AVE	Kensington	E165	321
49	0019041331	21-Apr-19 18:34:37	154 Carmel AVE	El Cerrito	E165	611M
50	0019041920	23-Apr-19 06:35:11	997 Leneve PL	El Cerrito	E165	321
51	0019042431	24-Apr-19 10:03:26	1350 Fitzgerald DR	Pinole	E165	611
52	0019042777	25-Apr-19 01:34:57	6699 Fairmount AVE	El Cerrito	E165	611M
53	0019042938	25-Apr-19 11:24:05	148 Carmel AVE	El Cerrito	E165	554
54	0019042973	25-Apr-19 12:44:35	255 Stanford AVE	Kensington	E165	611
55	0019042998	25-Apr-19 13:18:38	9800 San Pablo AVE	El Cerrito	E165	611M
56	0019043078	25-Apr-19 17:21:40	25 Kingston RD	Kensington	E165	321
57	0019043114	25-Apr-19 19:16:54	7504 Eureka AVE	El Cerrito	E165	311
58	0019043412	26-Apr-19 14:04:07	0-0 Wildcat Canyon RD	Berkeley	E165	611M
59	0019043555	26-Apr-19 19:55:37	418 Beloit AVE	Kensington	E165	700
60	0019044777	30-Apr-19 00:17:39	217 Arlington AVE	Kensington	E165	321
61	0019044861	30-Apr-19 08:51:22	12 Ardmore RD	Kensington	E165	321
62	0019045023	30-Apr-19 16:59:10	63 Kingston RD	Kensington	E165	321
63	0019045039	30-Apr-19 18:21:01	184 Purdue AVE	Kensington	E165	321
64	0019045073	30-Apr-19 19:31:18	23 Cowper AVE	Kensington	E165	321
65	0019045076	30-Apr-19 19:38:55	26 Highgate RD	Kensington	E165	611X
				Kensington	E165	321

* See Attached Table for Incident Type Explanations

Type Series	Description
100	(Structure, Trash, Vehicle, Vegetation Fire)
200	(Over Pressure/Ruptures Explosions, Bombs)
300	(EMS, Vehicle Accidents, Extrication, Rescue)
400	(Chemical Spills, Leaks, Down power Lines)
500	(Distress, Water/ Smoke/Odor Problems, Public Assists)
600	(Cancelled En Route, Wrong Location)
700	(Wrong Company/Unit Dispatched)

TRANSMITTAL - APPROVAL

TO: Auditor Controller of Contra Costa County.
Forwarded herewith are the following invoices and claims for goods and services received which have been approved for payment:

KENSINGTON FPD										PY/CY:
TRANSMITTAL - APPROVAL										BATCH #:
Invoices										DATE:
										LOCATION #:
										FILENAME:
VEND #	VENDOR NAME	INVOICE DATE	DESCRIPTION	FUND FORC	SUP ACCT	OP	ACTIVITY	ENCL	ACTIVITY	PAYMENT
										AMOUNT
50086	Hi-Tech	4/24/2019	163839 chassis prepayment	7840	2490					220,000.00
50126	Shred-It USA	4/30/2019	8127177535 spring shredding	7840	2490					1,140.00
50146	Delta Dental	5/1/2019	BE003360964 May dental	7840	1061					1,008.86
50147	KFPD Revolving Fund	5/3/2019	Reimburse revolving fund	7840	2490					17,662.33
50148	CalPERS	04/15/19	7072901257 June medical	7840	1061					7,664.22
50150	Vision Service Plan	04/19/19	001027770001 May vision	7840	1061					323.10
50151	City of El Cerrito	05/01/19	May fire protection	7840	2328					251,284.08
50131	Meyers Nave	04/12/19	1019030304/05/06 legal counsel	7840	2490					1,097.36
50171	360 Fitness Superstore	05/02/19	5219 dumbbell set/rack	7840	2490					1,868.35
TOTAL										502,048.30

Kensington FPD Approval

Date: 5/13/19
Frederick James

May 3, 2019

Attachment to Transmittal 050319

Kensington Fire Protection District Revolving Fund 01406

Detailed invoice for reimbursement to the Revolving Fund for payment of the following expenditures:

INVOICE		
DATE	DESCRIPTION	AMOUNT
4/7/2019	Russell - Jan/Feb/Mar accounting	1,657.75
4/4/2019	Canepa - landscape maint.	120.00
3/11/2019	Terminix - pest control	133.00
4/5/2019	AA Office - copier toner	145.16
4/17/2019	Payroll processing	66.25
4/17/2019	Payroll - 4/1-4/15/19	3,042.45
4/17/2019	Withholding payroll taxes 4/1-4/15/19	1,494.10
4/4/2019	CalPERS - settlement May	952.08
4/8/2019	Sprint - telephone	63.56
4/4/2019	Office Depot - office supplies	284.42
4/10/2019	EBMUD - water/wastewater	485.36
4/13/2019	Mighetto Electric - maint.	754.85
4/11/2019	PG&E - electric	803.49
4/5/2019	PG&E - gas	295.92
4/26/2019	Reimburse Director - training	55.00
4/11/2019	Mechanics Bank - newsletter postage, etc.	694.71
5/1/2019	Stericycle - medical waste	419.32
4/22/2019	Streamline - website	200.00
5/1/2019	ICMA-RC - Apr deferred comp	1,602.16
5/2/2019	Payroll processing	66.25
5/2/2019	Payroll - 4/16-4/30/19	2,913.13
5/2/2019	Withholding payroll taxes 4/16-4/30/19	1,413.37
	Total	17,662.33

Please complete the enclosed deposit ticket and mail in the attached envelope to The Mechanics Bank.

CHIEF'S REPORT



EL CERRITO-KENSINGTON FIRE DEPARTMENT

10900 San Pablo Avenue • El Cerrito • CA • 94530

(510) 215-4450 • FAX (510) 232-4917

www.el-cerrito.org



DATE: May 2, 2019

TO: Kensington Fire Protection District Board Members

FROM: Michael Pigoni: Fire Chief

RE: Fire Chief's Report for May 2019

Run Reports

There were 31 calls for service in the Kensington Community last month. This was slightly higher than last month. As reported out at the last meeting, there was a structure fire last month on Arlington Avenue. The fire was contained to the dishwasher and damage was very limited outside of the appliance.

Distinguished Service Award

On April 23rd, I attended an awards luncheon at the Round Hill Country Club in Alamo put on by the American Red Cross and numerous sponsors to receive an award for the Kensington Fire Protection District from the Red Cross. The Distinguished Service Award was in recognition of the dedication and service that the District has provided to the community. This award was tied into their kickoff luncheon for Sound the Alarm/Save a Life which is their new educational program to get smoke detectors installed in every home. As you are aware, the El Cerrito / Kensington Fire Department has been offering free smoke detectors for years to the community as well as we change out batteries for those that are not able to. At the same luncheon, the District also receive a Certificate of Special Congressional Recognition from Congressman Mark DeSaulnier's office for our support.

Emergency Operation Plan

The City of El Cerrito approved the contract with Tetra-Tech in Oakland to start the process of updating the Emergency Operations Plan for both El Cerrito and Kensington. The first meeting was held on May 1 and the representatives have started the work. Estimate time line is approximately 3 to 4 months to complete the initial project. Following then will be exercises and full EOC drills to train personnel.

Wild Fire Awareness

On May 11 at 10:00 am, Battalion Chief David Gibson will be making another presentation of the on wild land fire safety titled "**Mega Fire**" ...**The New Normal**. This is the same program that was hosted in Kensington on March 30th at the Community Center. This program will be at the Arlington Club House, 1120 Arlington Blvd in El Cerrito. The previous meetings have been well attended and the residents reported the information was very informative. Chief Gibson will cover many topics including the fire history of the area, what property owners can do to improve their survivability and provided a great comparison of the Tubbs Fire in 2017 and how it would compare to a fire in El Cerrito/Kensington. If interested in attending, please RSVP at 215-4450.

Fire Hazard Reduction Plan

On May 1st, the Fire Department started the annual Fire Hazard Reduction Program inspections for Kensington and El Cerrito. The Fire Prevention Officers will be inspecting all parcels in the community to check for compliance to the Vegetation Management Standards (see attached file). In the past there has been excellence cooperation from the property owners and the Fire Department is not anticipating many problems this year. This past winter storms have not only provided for higher and thicker than normal growth of the annual grasses, but a lot of limbs have been knocked down due to the rain and wind and are now dead fuel on the ground adding to the potential fuel in the event of a fire. Property owners and residents are encouraged to start early with the abatement of weeds and brush to meet the standards.

East Bay Parks Shaded Fuel Break

The work on the shaded fuel break between Kensington and East Bay Parks is continuing. This past month crews from the California Conservation Corps have been opening up a 20' path right behind the homes for surveyors to make access and determine the exact location of the property lines. Work is continuing with contractors to increase this up to 200'. Several dead and dying trees are being removed as well as a couple of groups of pine trees and eucalyptus trees. The work will continue throughout the summer.

Kensington Fire Protection District Fire Hazard Reduction Program

I. INTRODUCTION

A. Purpose of Vegetation Management Standards

Along with California's growth of population and expanding development, urban housing has interfaced with wildland areas. California communities have experienced devastating fire loss because of the severity of fires which occur in these interface areas. In these areas the risk of conflagration is increased further by homeowners who create uncontrolled landscaping of native and non-native plants on their properties. Thousands of homes are threatened by fire every year in California largely because of this heavy vegetation fuel load very near structures.

Almost the entire community of Kensington is considered to be a wildland interface area which increases the community's risk of loss from devastating fire. These areas have been identified by the California Department of Forestry (Cal Fire) and the Kensington Fire Protection District as a Very High Fire Hazard Severity (VHFHS) Zone. As specified by State Law AB 337, property owners within these zones must take special precautions with their property, including vegetation management, to reduce the risk of fire.

The buildup of unmanaged vegetation, whether native or non-native, steep hillsides with canyons, draws, and periods of extremely hot, dry weather all combine to create in Kensington the potential for catastrophic fire behavior such as occurred in the Oakland/Berkeley Hills Fire of October 1991. Catastrophic fires can destroy large numbers of homes, threaten public safety and severely damage the natural areas which contribute to our high quality of living.

A key goal of local community fire protection planning is to reduce the level of fire hazards in the Kensington wildland interface areas, designated as a VHFHS Zone. While it is not possible to eliminate all threats of catastrophic wildfire, fire hazards can be reduced to acceptable levels and still allow a "green" Kensington.

Vegetation management planning in the VHFHS Zone focuses on areas where fire poses the greatest risk to life and property. There are three specific goals of the program:

1. Keep all fires small. Small fires generally are cooler than large fires and are more easily extinguished.
2. Limit the speed with which any fire will grow. Fires need fuel to burn; if fuel is available, fires will continue to grow rapidly. Fuel must be limited or made unavailable to spreading fire.
3. Make it more difficult for fires to ignite and spread. Small fires can ignite progressively larger fuels. Small fuels are like kindling and are easily ignited. Reducing and separating kindling fuels from larger fuels reduces sources for ignition and the potential for fire spread.

Fires will continue to be a part of California urban living. By implementing vegetation management standards, Kensington residents can significantly reduce the potential that a small fire will grow into a catastrophic event involving one or more structures. The primary method of stopping fire spread is by increasing separation distances between combustible fuels. An important component of reducing the community's fire risk requires vegetation management to be practiced by property owners.

B. Fire Safe Vegetation Management Concepts

There are three basic methods employed to manage vegetation fuels: firebreaks, fuel breaks and ornamental landscaping. A firebreak eliminates all flammable vegetation and combustible growth. Appropriate ornamental landscaping is acceptable in this area. A fuel break reduces the fuel mass of flammable vegetation and combustible growth, thereby limiting the intensity of fire and slowing its rate of spread. Ornamental landscaping provides a yard or garden with decorative fire resistive plants that are

irrigated, maintained and arranged to be aesthetically pleasing, functionally useful and enhance fire safety. Refer to the definitions listed for these terms.

Within the VHFHS Zone, structures are to be protected from wildfire by creating firebreaks immediately surrounding structures and fuel breaks further out from structures. Within 30 feet of a structure a firebreak should be created which contains well-irrigated, maintained and appropriately spaced ornamental landscaping with fire resistant plants. All flammable vegetation and combustible growth in this area immediately surrounding a structure should be eliminated. This creates a safety margin of defensible space so that wildfire can be stopped before it reaches a structure.

A fuel break should be created from 30 feet to 100 feet from structures located within the VHFHS Zones. The heightened risk of wildfire within the VHFHS Zones makes it necessary to provide an added safety margin of defensible space for all structures and a fuel break will provide this extra protection. Fuel breaks are meant to reduce fire hazardous vegetation and maintain it to specified heights and arrangements, limiting fire intensity and impeding fire spread. The purpose of the fuel break is to deny any fire entering it sufficient fuel to sustain fire intensity and speed. By the time it reaches the firebreak area containing ornamental landscaping nearer the structure, the now low-intensity fire should be stopped easily by the firebreak surrounding the structure.

Ornamental landscaping with fire resistant plants is encouraged as a long term approach to maintain yard and garden vegetation in a fire safe manner. Landscaping with healthy, appropriately irrigated plants and ground cover provides a permanent reduction of the fire hazard adjacent to structures when such landscaping is maintained at regular intervals. Ornamental landscaping can enhance a firebreak by inhibiting the growth of weeds, grass, brush and similar fire hazardous vegetation. A list of fire resistant and highly flammable plants is available on the Diablo Firesafe Council website at <http://diablofiresafe.org/tolerance.html>.

C. Process

No person shall be prosecuted criminally under the provisions of Section 4 of the Kensington Fire Protection District Ordinance 95-1 until that person has received written notice of how that property violates these standards and until that person has had the reasonable opportunity to meet with District staff concerning the violation. Civil Enforcement of these guidelines as provided for in Section 5 of Ordinance 95-1, pursuant to California Health and Safety Code Section 14912 et. seq. Civil procedures for fire hazard abatement include providing the property owner with (1) written notice on how the property violates these guidelines, (2) reasonable opportunity to meet with District staff to discuss this matter and (3) opportunity to be heard before the Board of Directors of the Kensington Fire Protection District.

II. FIRE HAZARD REDUCTION GUIDELINES

Many factors combine to create a fire hazard on any specific property. It is difficult to single out a specific vegetation species or configuration to declare it either fire hazardous or completely fire safe in all situations. The Fire District has developed guidelines conforming to State Law and National Fire Protection Standards which address most situations found on private property within Kensington. Please read these guidelines along with the accompanying glossary. If you are still unsure of how to proceed please call the Fire District and we will work with you to develop a fire hazard reduction plan for your property.

A. Hazard Zones

Almost the entire area of the community of Kensington lies adjacent or near to large wildland areas containing steep slopes and naturally growing trees, brush and grasses. Every year under certain critical weather conditions, the neighborhoods near these wildland areas are at a heightened risk of a seasonal wildfire sweeping into the residential areas and burning homes. The area of Kensington at heightened risk of wildfire has been designated as a Very High Fire Hazard Severity (VHFHS) Zone. The small area remaining in Kensington faces a lesser risk of wildfire.

Fire hazard reduction measures common to the entire community of Kensington are required on both vacant and developed lots:

1. Property owners must ensure that all vegetation, native or non-native, shall be maintained so as not to constitute a fire hazard.
2. Property owners must maintain their property either by ornamental landscaping or by establishing a fuel break along the property line and adjacent to structures. For properties within the VHFHS Zone, there are additional requirements for firebreaks within 30 feet of structures and fuel breaks from 30 to 100 feet.
3. Property owners are responsible for clearance and maintenance of their own property only. Property owners will be required, however, to create fuel breaks on their property to protect neighboring structures. Dimensions of fuel breaks will depend on the proximity of neighboring structures and on whether the properties are within VHFHS Zone.
4. All brush, weeds, grass and fire hazardous vegetation within 10 feet of any usable road surface, public way or combustible fence shall be maintained in a non-hazardous condition with a fuel break.
5. Property owners must maintain their property free from all nuisances, including debris, garbage, rubbish and trash, hazardous materials, junk and noxious growth.

B. Ornamental Landscaping

Ornamental landscaping is encouraged throughout the community of Kensington to enhance fire safety. Ornamental landscaping consists of decorative plants growing within a tended garden or yard which are well watered, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control.

With the VHFHS Zone, ornamental landscaping in the 30 foot firebreak adjacent to structures must meet the following requirements:

1. Ornamental landscaping shall be maintained free of dead wood and litter, and trimmed of small twigs and branches at least two (2) feet or 1/3 of their height from the ground, whichever is less.
2. Ornamental landscaping must be healthy, pruned, adequately irrigated and regularly maintained so that plants and the area beneath them are free from dead or dying material.
3. Single specimen trees must be trimmed and maintained.
4. Ground cover may be used as part of ornamental landscaping provided it is kept green, free of dead wood and litter, and at a height so that they do not form a means of rapidly transmitting fire from native growth (located outside the firebreak) to any building or structure.

C. Vegetation Management Standards

Vegetation management standards exist for the entire community, including areas designated as a VHFHS Zone. Refer to the glossary for a definition of terms used in these standards.

1. **Properties within VHFHS Zone:**

- a. Firebreaks must be created and maintained in areas within 30 feet of any occupied dwelling.
- b. Fuel Breaks must be created and maintained in areas extending from 30 to 100 feet surrounding any structure.

- c. Fuel Breaks must be created and maintained on vacant lots 30 feet wide along the property line and 100 feet from neighboring structures.

2. **Properties outside VHFHS Zone:**

- a. Fuel Breaks must be created and maintained in areas within 30 feet of any structure.
- b. Fuel Breaks must be created and maintained on vacant lots to be 10 feet wide along the property line.

3. **Vegetation Management Standards for Firebreaks:**

- a. All flammable vegetation or combustible growth must be removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire.
- b. Adequately irrigated and maintained ornamental landscaping is not flammable vegetation or combustible growth, and is encouraged within a firebreak.
- c. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- d. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- e. All roof surfaces shall be maintained free of substantial accumulations of needles, twigs and any other combustible matter.
- f. All cut vegetation and debris must be disposed of either by hauling and dumping in a lawful manner, or by chipping and dispersing over the property in a manner and to a height which will not constitute a fire hazard.
- g. Chipped materials which are spread on the ground shall be of a size no greater than 1 inch by 1 inch by 3 inches.

4. **Vegetation Management Standards for Fuel Breaks:**

- a. Maintain ornamental landscaping in yards.
- b. All fire hazardous vegetation with the exception of weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.
- c. All weeds and grass shall be cleared and maintained at a height no greater than 6 inches above the ground.
- d. Remove from trees all vines, loose papery bark and dead branches.
- e. All cut vegetation and debris must be disposed of either by hauling and dumping in a lawful manner, or by chipping and dispersing over the property in a manner and to a height which will not constitute a fire hazard.
- f. Chipped materials which are spread on the ground shall be of a size no greater than 1 inch by 1 inch by 3 inches.

5. Additional Considerations for Vegetation Management:

- a. The Fire Hazard Abatement Program is intended to promote community fire safety by reducing the combustible vegetation fuel mass on private properties. Clearing vegetation by heavy construction methods, such as grading, discing, trenching or dozing shall require special permits from the County. **Disposal by burning is not permitted.**
- b. Any parcel where slope stability will be threatened by removal of plants may be exempt from treatment requirements or subject to alternate treatments. The property owner must submit a report documenting the probability of slope failure due to vegetation removal, prepared by a licensed civil, geotechnical or soils engineer. The report shall propose alternative methods to address fire hazards. The report will be reviewed by staff. Review and acceptance by the district of alternative treatment will supersede other requirements.
- c. Any parcel or lot which includes plant or animal species that are rare, endangered or of special concern may qualify for alternative plant treatment and spacing requirements. The property owner must submit a report from a qualified resource biologist or landscape architect describing the species and the actions required to preserve. The report will be reviewed by the district. Review and acceptance by the district of alternative treatment will supersede other requirements.

D. Planting Considerations

Any plant will burn if the conditions are right. Some plants are considered to be extremely flammable while other plants are considered to have some resistance to fire. Verifiable tests of fire exposure characteristics for all specific ornamental landscaping plants are not available.

The Vegetation Management Standards for Kensington utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

At the base of trees and shrubs, replace flammable vegetation with bark, mulch, rock, gravel or low-growing or more fire-resistant ground covers. This cover reduces the fire danger and minimizes weeds. Avoid placing medium-sized shrubs beneath trees or taller shrubs. By breaking up the available fuel mass in ornamental landscaping, a fire will be kept at lower intensity, flame lengths will be shorter and fire will be less likely to form a continuous line or front.

E. Structural Fire Safety

The District's roofing and vegetation management standards are designed to reduce the amount of airborne burning material, limiting fire spread. Once a fire starts, it is often accelerated by wind-borne burning material. Burning embers or brands are the main source of fire spread in mixed urban-wildland areas. The roof of a house is most vulnerable to this type of ignition followed by openings such as vents. Spark arresters with a maximum of ½" openings in the mesh are required over the outlet of every chimney. Class A is the top rating for fire resistive roofing, followed by Classes B and C. State law and District Ordinance requires that all roofing within the VHFHS Zone be Class B or better in new construction or replacement of more than 50% of the roof. It is recommended to cover vent openings with ¼ inch openings in the mesh to prevent flying embers from entering the structure.

III. GLOSSARY OF TERMS

The following terms are used to describe the vegetation management standards in California State Law and in the Kensington Fire Protection District's Fire Hazard Reduction Program.

Very High Fire Hazard Severity (VHFHS) Zones: Any geographic area designated per Government Code Section 51178 to contain the type and condition of vegetation, topography, weather and structure density to potentially increase the possibility of wildland conflagration fires. As a community adjacent to extensive wildland areas, almost the entire community of Kensington is designated as a VHFHS Zone. A map of this zone is available from the Fire District. Fire hazard reduction standards are more extensive for properties located within VHFHS Zone.

Defensible Space: A concept in landscape design for homes which provides a band of managed vegetation around a home that slows movement of fire by reducing or denying fuel and provides a space for firefighters to take a stand to protect the house.

Fire Resistant Plants: A relative term used to describe plants that are "more resistant" or "less resistant" than other plants to fire. Given enough heat, all vegetation will burn. Yet plants in fact differ in how fast they burn, how high a flame they produce and their ability to survive fire. Fire resistance is enhanced by higher amounts of moisture within twigs and foliage. Fire-resistant plants can lose this quality altogether if not properly maintained and irrigated. The Vegetation Management Standards for El Cerrito utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

Fire Hazardous Vegetation: Plants which can burn easily because they generate dry undergrowth, contain flammable oils or produce significant quantities of dead or dying material. Hazardous vegetation is fuel which must be removed or strictly maintained so as not to constitute a fire hazard by igniting easily and then contributing to rapid fire spread. Seasonally dry grass, weeds, brush, and unmaintained and unirrigated trees and ornamental vegetation are examples of fire hazardous vegetation. Properly chipped, mulched and disbursed material does not constitute fire hazardous vegetation. Fire hazardous vegetation is also known as **flammable vegetation and combustible growth.**

Ornamental Landscaping: Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

Firebreak: An area in which all flammable vegetation or combustible growth is removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire. Ornamental landscaping is permissible within a firebreak as long as it is adequately irrigated, maintained and spaced so as not to provide a means of rapidly transmitting fire. Compare to **fuel break.**

Fuel Break: An area in which all flammable vegetation or combustible growth is reduced and cleared away according to established standards, thereby limiting the mass and arrangement of fire hazardous vegetation fuels which can rapidly transmit fire. Appropriate ornamental landscaping is permissible within a fuel break. Fuel reduction standards for fuel breaks limit the height of certain vegetation (brush, native shrubs, weeds and grasses). Remove from trees any fuels which can ladder fire into the canopies, and provide adequate spacing between remaining plants. Compare to **firebreak.**

BOARD REPORTS

From: **Elizabeth A. DEAKIN** <edeakin@berkeley.edu>

Date: Tue, Apr 30, 2019 at 9:22 AM

Subject: Re: advice on a transportation problem

To: Kevin PADIAN <kpadian@berkeley.edu>

Hi, I drafted a quick statement of work for the students. Please take a look and see if you think this will get you what you need. If it is way off base let's talk.

There are three or four of them that are ready to go for the data collection if you can get them on board - then one or two (the PhD students) would take the lead in writing it up.

B

Statement of the Problem

Kensington, CA is a small (pop. ~5600, ~2300 households, ~1 sq. mi.) unincorporated community in Contra Costa County. The hillside community, bordering Berkeley, El Cerrito, and the Tilden Natural Area, is largely developed with single family detached homes. Small commercial districts are located along Arlington Avenue, a major arterial running through the community and linking to Berkeley and El Cerrito, and at Colusa Circle at the community's western edge.

Kensington's Fire District Board is interested in developing an evacuation plan in case of fire or other emergency. An evacuation plan would complement work being done by Kensington in cooperation with the East Bay Parks District, the El Cerrito Fire Department, and other neighboring jurisdictions. (See, e.g., https://www.ebparks.org/about/fire/be_prepared_wildfire_season_in_the_east_bay.htm.)

One issue that needs to be addressed is evacuation routes - which would differ depending on the direction of the threat. This is a particular concern in Kensington because many of the community's streets are cul de sacs or have limited connections to roads leading out of the community. While walking out is often a recommended evacuation strategy, Kensington poses challenges for walking: Sidewalks are lacking in parts of the community and pedestrian pathways cutting down the hills are not always maintained. In addition, the steepness of the hills can be a deterrent to walking for some of the residents - potentially including small children (residents under age 5 account for 4% of the population), some of those over 65 years of age (26% of the community's residents) as well as some of the 4% of those under 65 who have disabilities (US Census, 2010.) In addition, many of the streets in the area are narrow and parking along the street creates constrictions in some locations, potentially hampering vehicular evacuations as well as movement of emergency vehicles.

This work plan outlines the tasks that we propose to conduct to develop the data needed to support an emergency evacuation plan. The study team will document current conditions during peak parking periods (generally early mornings or after 5 pm in the afternoon) along the streets in Kensington, noting areas where parking, land cover / landscaping, fencing, or other conditions limit the practical width of the right of way. The study team will also document sidewalks or lack thereof and will note any other factors that may limit the use of particular routes. Because it is common for practical, on the ground right of way (ROW) to differ from legal right of way, due to property owner use of public space for parking, landscaping, fencing etc., the study team will compare on-the-ground ROW conditions to legal maps of ROW in potential bottleneck areas, if official ROW maps are available.

Tasks

Task 1. Meet with Fire Board member(s) to discuss the work plan and make revisions as needed.

Product: agreed-upon work program.

Task 2. Request information on street width / official street maps from Kensington and Contra Costa County officials.

Task 3. Network analysis. The study team will review the network connectivity of the streets in Kensington and identify key intersections through which traffic would have to pass. If Kensington has designated gathering points in the event of an evacuation, these destinations will be taken into account.

Product: map showing critical intersections.

Task 4. Field Study of Street Conditions. The study team will conduct a field survey of the streets in Kensington documenting the following:

1. Cars parked on each side for each block during peak periods of parking
2. Effective street width of each block during peak parking periods – number of effective lanes in each direction
3. Presence or absence of sidewalks
4. Traffic control devices (stop signs, signals, etc.) on each block.

The study team will use a windshield survey methodology to document conditions on each blockface and will create an Excel spreadsheet of number of cars parked, sidewalk presence or absence, street slope, and other key features affecting street width / walking path suitability.

The study team will flag and measure locations where the width of practical ROW is less than 20 ft. (two narrow lanes).

Products: Excel database and map of potential bottleneck locations.

Task 5. Analysis. The study team will analyze the data, comparing official ROW to practical ROW, considering conditions for both pedestrian and vehicular evacuations, and making recommendations on possible steps to take to improve conditions.

Products: Report (10-20 pages).

Schedule

Assuming a start approval in May 15, 2019, Tasks 1-4 will be accomplished by June 30, 2019 and Task 5 will be completed by Aug. 31, 2019.

Budget

Hourly rate: (salary and benefits included) = \$30

Task 1 4 hrs

Task 2 2 hrs

Task 3 24 hrs

Task 4 160 hrs

Task 5 160 hrs

Total Hours (est.) 350

350 hrs * 30 = \$10,500

Expenses

Car use for field work 500

Total budget \$11,000

*

5/01/19



EXISTING PUBLIC SAFETY AND PARK PRIORITY & SCHEDULE AND DECISIONS

EXISTING PUBLIC SAFETY BUILDING

The existing building at 5800 SF is obsolete with KFPD with administration and fire operations and KPPCSD administration and police operations fail to meet functional requirements. KFPD occupies about KFPD 3800 SF and KPPCSD 2000 SF.

PRIORITIES, SCHEDULE, DECISIONS TO BE MADE OR COMMENTS

1. The initial geological investigation found an earthquake fault within 50' of the building; this triggers the need to update the geological investigation to account for the closest fault. The existing building can be renovated but not replaced.

Require Board approval now for a structural engineering analysis fee estimated at \$20,000.

Schedule to complete 30 days. Requires Board approval.

2. The rough project budget is over \$2 to \$ 2.5 Million plus and maintenance which averages \$130,000 per year escalated at 5% increases costing \$ 2 M plus with inflation of 20 years. It is anticipated that life span of the improvements will last about 15-20 years and the value of construction cost would be realized.
3. It is not likely that a new building effort would take place for many years and given the tight quarters and the inadequate functionality for both KFPD and KPPCSD. It is under consideration that KFPD would displace KPPCSD's space and make major interior changes to better fit the fire operations and administration functional needs. Requires Board approval
4. Undertake preliminary interior designs and engineering services. Requires Board approval for design services and updated construction estimate
5. We propose a joint KPPCSD and KFPD Community Meeting to determine which direction to follow. In the case no clear decision can be reached, the KFPD will decide with KPPCSD input. Requires Board approval.
6. KFPD and KPPCSD AD Hoc meetings

PROPOSED NEW PUBLIC SAFETY BUILDING LOCATED IN THE PARK

A new, modern 10,000 SF Public Safety building program has been developed for the Park Site with KFPD having 5,300 SF, KPPCSD having 2,500 SF and 1,600 SF shared space at a cost of about \$12 M construction.

The only site for a new building possible for the new Public Building is in the Park. There are no large half acre (+/-) sites to build in Kensington which also meet the need for a central location to ensure optimal response time. Our preferred location is adjacent to the library facing Arlington Avenue.

We looked at the north end of the parking lot which is owned by the Community Church at the north end and KPPCSD at the south end land swatch. We dropped the site due to reduction of park capacity and fire operational and building design difficulties ensuing from a raised site, steep grades and a narrow street.

PRIORITIES, SCHEDULE, DECISIONS TO BE MADE OR COMMENTS

1. There are several issues to resolve before the site can be cleared for use:
 - KPPCSD has not shown any interest or helping or aiding making the site possible even through it would in their best interest.
 - The 13 acre park was purchased from the School District with a Bond Issue approved by the voters and some residents are strongly opposed to locating the proposed Public Safety Building in the Park. They have not budged from their original position even though we have no other options.
 - Although the Bond Issue language does not address future changes to the Park there is a need to get a legal opinion from a Bond Issue expert attorney if there any restrictions implied or not if a new public project is sited on public property. Requires Board approval
2. KFPD and KPPCSD AD Hoc meetings
3. With KPPCSD begin the preliminary planning approval process with Contra Costa County Department of Conservation and Development planning staff.
4. Retain a geological engineering firm to perform a geotechnical investigation for the proposed Park Site including seismic vault trenching north/south across park building footprint, soils sample and map possible soil slideage. Requires Board approval.
5. Joint KPPCSD and KFPD Community Meeting to present options for either the existing Public Safety Building or Park Site. Requires Board approval
6. We have partial cash on hand and will need a loan for the construction and soft costs.
7. The new building for both agencies would take 9 months or more for zoning and 18 months or more for construction .

End

OLD BUSINESS

Proposed Amendments to Kensington Fire Protection District (KFPD) Policy Handbook

POLICY TITLE: Committees of the Board of Directors

POLICY NUMBER: 1140

[What follows on these pages are, first, the present KFPD language for Policy 1140.20; second, proposed new language; and third, corresponding language in the KPPCSD manual, for purposes of consistency in review.]

The purposes of these proposed changes are to increase transparency of District operations, to improve public participation in District activities, to increase partnership capacity with the Kensington Police and Community Services District in areas of shared or synergistic responsibility, and to enhance the efficiency of District operations by incorporating the expertise and energy of Kensington's residents in a potentially more formal way than can be accommodated by the present language of the Policy 1140.]

I. PRESENT LANGUAGE OF KFPD POLICY 1140.20-1140.50

POLICY TITLE: Committees of the Board of Directors

POLICY NUMBER: 1140.20-1140.50

1140.20 The following shall be standing committees of the Board:

1140.21 A Finance Committee composed of two members of the Board of Directors.

1140.30 The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year at the Board's regular meeting in January, subject to approval of the Board.

1140.40 All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

1140.50 The Board's standing Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

II. PROPOSED CHANGES TO POLICY 1140.20-1140.50 (see track changes)

POLICY TITLE: Committees of the Board of Directors

POLICY NUMBER: 1140.20-1140.50

1140.20 The following shall be standing committees of the Board:

1140.21 A Finance Committee composed of two members of the Board of Directors.

1140.22 An Emergency Preparedness and Warning Systems Committee composed of two members of the Board of Directors, plus a supplemental number of members of the public as needed to fulfill the mission of the committee.

1140.30 The Board President shall appoint and publicly announce the Board members of the standing committees for the ensuing year at the Board's regular meeting in January, subject to approval of the Board.

1140.31 New standing committees may be formed and announced at any time during the calendar year, subject to approval of the Board.

1140.32 Standing committees attain a quorum when a simple majority of the committee members are present.

1140.33 The President may appoint or remove members of the public at any time, subject to approval of the Board.

1140.40 All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

1140.50 The Board's standing Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

1140.60. The Board's standing Emergency Preparedness Committee shall be concerned with (1) recommendations for allocations of effort and funding of initiatives to make Kensington safer from potential civic emergencies, using a multi-hazard approach; (2) identifying opportunities for articulation with community members and other agencies to reduce risk and enhance evacuation procedures and public safety; (3) development of public education initiatives to accomplish the first two goals; (4) articulation with the KPPCSD standing committee on Emergency Preparedness, as well as other Local, County, and State agencies, to achieve the previous goals.

III. CORRESPONDING LANGUAGE IN THE KPPCSD POLICY MANUAL

POLICY TITLE: Committees and Coordinators of the Board of Directors

POLICY NUMBER: 4060

4060.3 Standing Committees of the Board

Emergency Preparedness Committee;

Solid Waste Committee;

Finance Committee:

4060.3.1 The Board's Emergency Preparedness Committee shall be concerned with the development of a community emergency preparedness plan in cooperation with the Kensington Fire Protection District.

**KENSINGTON FIRE PROTECTION DISTRICT
POLICY HANDBOOK
DRAFT**

POLICY TITLE: Social Media
POLICY NUMBER: 1190

1190.10 Factual posts on social media and the District website shall be made only by the District Manager.

1190.20 Board members shall not post on social media about any matters within the jurisdiction of the District.

1190.30 Any Board member who violates this policy shall indemnify the Kensington Fire Protection District for any financial liability the District incurs.

NEW BUSINESS

**Funding Agreement Between the Kensington Police
Protection and Community Services District and the
Kensington Fire Protection District**

THIS AGREEMENT (“Agreement”) is made and entered into as of this May _____, 2019, by and between the Kensington Police Protection and Community Services District (“KPPCSD”), a California special district formed to provide police protection and other services, and the Kensington Fire Protection District (“Fire District”), a California special district formed to provide fire protection services,

RECITALS

WHEREAS, KPPCSD owns and maintains the Kensington Community Center (“KCC”) and is planning significant renovations and seismic upgrades to that property (“Project”); and

WHEREAS, FIRE DISTRICT has offered to provide funding for the Project in an amount not to exceed Thirty Five Thousand Dollars (\$35,000.00) in funds to install a fire alarm system in the KCC (the “FIRE DISTRICT Funds”); and

WHEREAS, on November 15, 2018, the KPPCSD Board of Directors approved a base scope of work for the Project; and

WHEREAS, the parties now wish to memorialize their respective commitments as set forth herein.

TERMS

NOW, THEREFORE, IT IS AGREED BY THE KPPCSD AND THE FIRE DISTRICT as follows:

1. **FUNDING.** Within thirty days of the execution of this agreement by both parties, the FIRE DISTRICT will deliver the FIRE DISTRICT Funds to the KPPCSD. In the event that the Project is abandoned or not completed for any reason, KPPCSD shall return the FIRE DISTRICT Funds to the FIRE DISTRICT.
2. **SCOPE OF WORK.** The KPPCSD intends to award a construction contract (“Final Contract”) for the Project based on the construction documents that the Board approved on November 15, 2018. In exchange for the FIRE DISTRICT Funding, KPPCSD will include a fire alarm system as mandated by applicable regulations. However, in all other respects, the KPPCSD reserves the right to modify the scope of work for the Project in its discretion based on proposals received, estimated costs and changes resulting from additional information and negotiations.

3. **FINAL ACCEPTANCE.** The final acceptance of the Scope of Work and all Deliverables required to complete performance shall be in the KPPCSD's sole discretion.
4. **TERM.** The term of this Agreement shall commence on the date first above written and shall expire at the completion of the Project. This Agreement may be terminated only as follows:
 - a. At any time by mutual agreement of the Parties upon such terms and conditions as may be agreed upon, or
 - b. If the Agreement is terminated pursuant to this Section, neither party may nullify obligations already incurred for performance of services prior to the date of notice or required to be performed through the effective date of termination. Any notice of termination will incorporate necessary transition arrangements, and the parties will comply with all such arrangements. This provision shall survive the termination of this Agreement.
 - c. Paragraph 7 (Indemnification) shall continue in full force and effect notwithstanding any termination of this Agreement.
5. **AMENDMENT.** Except as noted herein, any modification or amendment of this Agreement shall be effective only if mutually approved in writing by the governing boards of the KPPCSD and FIRE DISTRICT.
6. **INDEPENDENT CONTRACTOR; THIRD PARTY BENEFICIARIES.** Each party is an independent contractor in performing services under this agreement and the officers, agents and employees of either party are not, and shall not be deemed, employees for any purpose, including workers' compensation or employee benefits. Each party shall determine, in its sole discretion and at its own risk and expense, the method and manner by which duties imposed on it under this Agreement shall be performed. There are no third-party beneficiaries to this Agreement.
7. **INDEMNIFICATION.**
 - a. To the fullest extent permitted by law, KPPCSD shall defend, indemnify and hold harmless FIRE DISTRICT and its officers, agents and employees from any and all liability, claims, loss, damage, expense, and costs of every nature including without limitation personal injury (including death) and damage to property (collectively "Loss") arising out of or connected with the Project or out of any aspect of the performance by KPPCSD or its officers, agents, or employees, of activities or obligations required of KPPCSD under this Agreement. The KPPCSD's indemnity obligation pursuant to this Paragraph 7(a) shall not include Loss proximately caused by the negligent or reckless acts or omissions of FIRE DISTRICT and/or its officers, agents and employees.

- b. To the fullest extent permitted by law, FIRE DISTRICT shall defend indemnify and hold harmless KPPCSD and its elected and appointed officials, officers, attorneys, agents and employees from and against any and all Loss caused by FIRE DISTRICT's failure to perform its obligations under this Agreement or by the negligent or reckless acts or omissions of FIRE DISTRICT and/or its officers, agents and employees. FIRE DISTRICT's indemnity obligation pursuant to this Paragraph 7(b) shall not include Loss proximately caused by the negligent or reckless acts or omissions of KPPCSD and/or its officers, agents and employees.
8. **NO WAIVER.** The waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.
9. **NOTICES.** All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval or communication that either party desires to give the other party shall be addressed to the other party at the address set forth below. Either party may change its address by notifying the other party of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

KPPCSD
General Manager, KPPCSD
217 Arlington Avenue
Kensington, CA 94707

FIRE DISTRICT
Manager
Kensington Fire Protection District
217 Arlington Avenue
Kensington, A 94707

10. **INTERPRETATION.** The headings used herein are for reference. The terms of the Agreement are set out in the text under the headings. Each party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither party shall rely upon Civil Code section 1654 in order to interpret any uncertainty in the meaning of the Agreement.
11. **GOVERNING LAW AND VENUE.** The laws of the State of California shall govern this agreement. The venue for any legal action filed by either side in state court to enforce any provision of this Agreement shall be Contra Costa, California. The venue for any legal action filed by either side in federal court to

enforce any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California.

12. **SEVERABILITY.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement unless removal of such provision makes the remaining Agreement illusory or makes impractical the enforcement of any remaining major provision of the Agreement, in which case this Agreement shall terminate.
13. **AUTHORITY TO CONTRACT.** The parties each warrant hereby that they are legally permitted and otherwise have the authority to enter into and perform this Agreement.
14. **ATTORNEY'S FEES.** In the event that either party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.
15. **ENTIRETY OF CONTRACT.** This Agreement constitutes the entire agreement between the parties relating to the subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, the KPPCSD and the KFPD have executed this Agreement as of the date first above written.

KPPCSD

By: _____
Its: **General Manager**

**APPROVED AS TO FORM:
KPPCSD**

By: _____
Its: **General Counsel**

**KENSINGTON FIRE
PROTECTION DISTRICT**

By: _____
Its: **Manager**

**KENSINGTON FIRE
PROTECTION DISTRICT**

By: _____
Attorney for KFPD

May 1, 2019

To: KFPD Board Members

AGENDA ITEM

14

Fr: Julie Stein
Board President

Re: Request to KPPCSD re: legal opinion for possible Public Safety Building Site

Board members,

As KFPD continues to investigate resolving its Public Safety Building concerns and limitations, the one alternative site that has been identified in the Kensington community is an approximately .6 of an acre within the 13 acre Kensington Park with ingress/egress directly on Arlington Avenue (identification of proposed site is included in the Kensington Fire Facility Assessment and Master Plan dated June 2017).

After informal discussions, it appears that KPPCSD will entertain KFPD's request for a legal opinion on whether a public Safety Building can be built on this site only if a formal motion is made by KFPD's Board of Directors to request the legal opinion.

A proposed motion should authorize the Board President to (a) formally request that KPPCSD obtain a legal opinion addressing whether KPPCSD is prohibited by bond covenants, grant restrictions, or otherwise from allowing the development of a new Public Safety Building within Kensington Park and (b) enter into an agreement with KPPCSD to pay 50% of the costs of such an opinion, up to \$5,000, so long as the opinion is delivered within 60 days from the date of the request.