



Agenda

Board of Directors
Kensington Police Protection
and Community Service District
Special & Regular Meetings
Thursday, April 14, 2022
Via Teleconference

www.kppcsd.org/2022-04-14-kppcsd-board-meeting

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

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

Special Meeting – 6:00 p.m.

Call to Order

Roll Call

Special Meeting Agenda Item Public Comments

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

1. Teleconference Meetings During State of Emergency

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

Contact: Ann Danforth, General Counsel, adanforth8@outlook.com

Adjournment to Closed Session

Special Meeting (Closed Session)

1. **Recruitment of Interim and Permanent General Manager** (Government Code § 54957(b))
Recommended Action: Receive information and discuss potential candidates
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org
2. **Conference with Labor Negotiator**
District designated representative: Interim General Manager Richard J. Benson
Employee organization: Kensington Police Officers Association
Unrepresented: Chief of Police and Police Lieutenant
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org
3. **Conference with Real Property Negotiator** (Government Code § 54956.8)
Consider matters related to properties: Adjacent to 10900 San Pablo Ave., El Cerrito
Agency negotiator: Interim General Manager Richard J. Benson
Under negotiation: price, terms of payment, space available.
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

Regular Meeting - 7:00 p.m.

Call to Order

Announcement from Closed Session

Roll Call

Public & Consent Calendar Comments

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

Consent Calendar

1. **Meeting Minutes for the Special and Regular Meetings of March 10, 2022**
Recommended Action: Approve meeting minutes.
Contact: Lynelle Lewis, District Clerk, llewis@kppcsd.org

2. February 2022 Financial Reports

Recommended Action: Receive and accept financial reports.

Contact: Lisa Mundis, Finance Director, lmundis@kppcsd.org

3. Amendment #3 to Bay View Refuse Agreement

Recommended Action: Approve the proposed amendment to the Franchise Agreement with Bay View Refuse and Recycling Services and authorize the Board president to sign.

Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

4. Add and Delete Fiscal Support Positions

Recommended Action: Delete the Accountant position and add an Account Clerk position to the comprehensive salary schedule and approve the Account Clerk job description

Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

5. Dispatch Services

Recommendation: Authorize the Police Chief and General Manager to enter into negotiations with the Contra Costa Sheriff's Department in pursuit of an agreement to provide dispatch and warrant services.

Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

6. Computer Server

Recommended Action: Authorize the Interim General Manager to purchase a computer server in the amount of \$17,456.

Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

Discussion and Action

7. Neilson Park Improvement Project

Recommended Action: Approve the project by the Kensington Improvement Committee and authorize work to commence.

Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

8. Presentation by Kensington Community Council (KCC)

Representatives of KCC will update the Board on the organization's activities.

Recommended Action: Receive the report.

9. Compliance with AB 506, Child Abuse Reporting and Background Check

Recommended Action: Direct staff to prepare an ordinance requiring all Youth Service Organizations using District facilities to comply with AB 506 and provide District with confirmation.

Contact: Directors Sherris-Watt and Eileen Nottoli

10. Termination of Agreement with the Kensington Community Council

Recommended Action: Terminate the 2016 and 2002 agreements with the Kensington Community Council effective July 1, 2022 and authorize the Board President to sign the letter.

Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

11. Ordinance Mandating Organic Waste Disposal Reduction

Recommended Action: Adopt motion to read by title only and waive further reading, and adopt Ordinance No. 2022-01 An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction.
Contact: Richard J. Benson, Interim General Manager, rbenson@kppcsd.org

Comments & Reports

12. Director Comments

13. General Manager Comments

14. Board Correspondence

- KCC Report

Adjournment

The next regular meeting is scheduled for May 12, 2022.

General Information

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

Posted Agenda

Public Safety Building – Colusa Food – Arlington Kiosk and at www.kppcsd.org. Complete agenda packets are available at the Public Safety Building at 217 Arlington Avenue, Kensington, CA 94707.

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



Date: April 14, 2022
To: Board of Directors
From: Ann Danforth, General Counsel
Subject: Resolution for the Board to Continue Holding Remote Meetings

Recommendation:

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

Rationale for Recommendation:

On September 16, 2021, the State of California adopted Assembly Bill 361, which amends the Brown Act (also known as the California Open Meetings Law) with respect to conducting remote meetings by teleconferencing. Staff believes that the present circumstances meet the criteria for continuing teleconferencing meetings. Adoption of the resolution will authorize the Board of Directors to continue that practice.

Background, Discussion and Analysis:

AB 361, codified as Government Code Section 54953(e)(1), authorizes teleconferenced meetings during a proclaimed state of emergency under the circumstances and criteria discussed at the Board's special meeting on September 28, 2021.¹ At that meeting, the Board determined that the then-current circumstances met those requirements, adopting Resolution 2021-19.

Section 54953(e)(3) limits the duration of each such determination to 30 days. If the state of emergency remains active or state or local officials have imposed or recommended measures to promote social distancing, the Board must reconsider the circumstances of the state of emergency within 30 days and determine either that the state of emergency continues to directly impact the ability of the members to meeting safely in person or that state or local officials have imposed or recommended measures to promote social distancing. Accordingly, on October 14, 2021, the Board re-considered the circumstances of the state of emergency and adopted Resolution No. 2021-20, deciding to continue to hold meetings remotely. The Board came to a similar decision on November 11, 2021, December 9, 2021, January 13, 2022, February 10, 2022 and March 10, 2022, adopting Resolutions 2021-21, 2021-22, 2022-01, 2022-02 and 2202-03 respectively.

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

To continue holding teleconferenced meetings during the Covid 19 threat without calling special meetings when the interval between regular meetings exceeds once a month, the Board must regularly reconsider its decision to meet remotely. The attached draft Resolution 2022-04 will authorize continued teleconferenced meetings.

The current level of Covid in Contra Costa County is low. <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>. However, as of April 10, 2022, the CDS continues to recommend wearing masks, especially indoors and especially for the medically vulnerable. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>. Contra Costa County Health Services Department also recommends wearing masks indoors. <https://www.coronavirus.cchealth.org/prevention>. Even vaccinated persons are vulnerable to Covid's Delta and Omicron variants and can spread the infection to others. <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>.

The Bay Area generally enjoys a strong vaccination rate. However, in Contra Costa County, less than 52% have received the recommended booster shot. <https://www.coronavirus.cchealth.org/>. In addition, the District cannot assume that all meeting attendees are vaccinated. We do know that many Board meeting attendees are over 65 and therefore considered more vulnerable to Covid. Given all of these factors, and the fact that Governor Newsom's 2020 declaration of a state of emergency remains in effect, staff recommends that the Board continue to meet remotely.

Fiscal Impact:

There is no fiscal impact from approving the Resolution.

Exhibits

- Resolution No. 2022-04, Making Findings and Electing to Continue to Meet Remotely

RESOLUTION NO. 2022-04

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

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

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

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

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

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

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

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

WHEREAS, on April 14, 2022, the Board reviewed the evidence in the records and determined the following by majority vote:

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by _____, seconded by _____, on Thursday, the 14th day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Sylvia Hacaj
President, Board of Directors

HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the Special Meeting of said Board held on Thursday, the 14th day of April 2022.

Lynelle M. Lewis
District Clerk of the Board

Richard J. Benson
Interim General Manger

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, March 10, 2022

Via Teleconference

Draft

Special Closed Session Meeting

Call to Order [TS 5:39]

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

Roll Call [TS 5:49]

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

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

Public Comment [TS 6:12]

None.

1. **Teleconference Meetings During State of Emergency** [TS 6:33]

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

Resolution No. 2022-03 – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Making Findings And Determining A Need To Continue Holding Remote Meetings By Teleconference.

Adjournment to Closed Session [TS 15:03]

The Board adjourned to Closed Session at 6:13 p.m. to consider two items.

Regular Meeting

Call to Order [TS 1:18:49]

President Hacaj called the meeting to order at 7:15 p.m.

Roll Call [[TS 1:19:02](#)]

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

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

Announcement from Closed Session [[TS 1:19:20](#)]

President Hacaj announced that the Board gave direction to its lead negotiator on the issue of the Memorandum of Agreement for the police contract.

Public & Consent Calendar Comments [[TS 1:10:41](#)]

- The following persons addressed the Board: 1) Catherine DeNeergaard expressed concerns about the lack of police patrols, response to the community, and about partnering with organizations managing coyotes; and 2) A. Stevens Delk asked about new lids for trash containers in Kensington park.

Consent Calendar [[TS 1:24:26](#)]

- Motion by Director Sherris-Watt, seconded by Vice-President Logan, to approve Items 1 and 2 on the Consent Calendar, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

1. Meeting Minutes for the Special and Regular Meetings of February 10, 2022.

Approved the meeting minutes.

2. January 2022 & Revised December 2021 Financial Reports.

Received and accepted the financial reports.

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

Item 3 was pulled for discussion. Interim General Manager Benson summarized the recommended action to approve contracting with FJ&I Engineering to repair the storm drain at 92 Highland Blvd. in an amount not to exceed \$21,000.

- Motion by President Hacaj, seconded by Director Deppe, directing the Interim General Manager to request in writing the surveyor's opinion on where the drain lies, and if it is affirmed that the drain is on KPPCSD property, authorize the General Manager to negotiate and execute a contract with FJ&I Engineering to repair the storm drain at 92 Highland Blvd., carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

Discussion and Action

4. Elsie Neilson Park [[TS 1:40:14](#)]

Director Sherris-Watt presented background on the recommended action to name the corner lot at Arlington Avenue and Coventry Road, Elsie Neilson Park in recognition of her gift of this land to the citizens of Kensington as a park. This lot has occasionally been referred to as the “Gore” Lot or Kensington Corner.

- Addressing the Board were the following persons: 1) Lisa Caronna suggested having a plaque in the park recognizing the donation of Mrs. Neilson’s gift; 2) Linnea Due pointed out the misspelling of “Neilson” on the agenda (should be “ei” not “ie”); and 3) Linda Lipscomb suggested having a plaque for Mrs. Neilson that directs people to the location.
- Motion by Director Sherris-Watt, seconded by Director Nottoli, to name the donated property listed in the Grant Deed on the corner of Arlington Avenue and Coventry Road as Elsie Neilson Park and that we budget up to \$1,000 for signage, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

5. Update on Rollout of New Waste Collection Procedures [[TS 1:56:06](#)]

Interim General Manager Richard Benson provided an update on the rollout of new waste collection procedures noting that it had been successful. Bayview Refuse & Recycling President Greg Christie commented on the changeover process and provided updates on future composting and hazardous waste recycling plans.

- Addressing the Board were the following persons: 1) Danielle Madugo asked about hazardous waste drop off; 2) Linda Lipscomb applauded Bayview on their process for green waste removal; 3) Linnea Due asked about costs for hazardous waste disposal; 4) Gail Feldman asked about Bayview’s collection of plastic bags; 5) David Spath thanked Bayview for the excellent roll out and asked about hazardous waste collection fees; and; 6) Shelly Simirin commented on the Berkeley Recycling Center’s hazardous waste collection.

6. Ordinance Mandating Organic Waste Disposal Reduction [[TS 2:19:56](#)]

Interim General Manager Benson introduced the recommended action to adopt a motion to read by title only and waive further reading and to introduce Ordinance No. 2022-01 An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction.

- Addressing the Board were the following persons: 1) Gail Feldman commented on KPPCSD’s ability for enforcement and suggested additional review; and 2) Elaine Stelton commented that the inspection and enforcement provisions are an invasion of privacy and questioned how it will be enforced.

General Counsel Ann Danforth reviewed the procedure which governs enactment of an ordinance by a governing body.

- Motion by President Hacaj, seconded by Vice-President Logan, to adopt a motion to read by title only and waive further reading of Ordinance No. 2022-01 An Ordinance by the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.
- Motion by President Hacaj, seconded by Director Sherris-Watt, to introduce by title Ordinance No. 2022-01 An Ordinance by the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction and propose to adopt and pass this first reading, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

7. Temporary Relocation of District Offices [[TS 2:41:27](#)]

Interim General Manager Benson presented the recommended actions to approve entering into negotiations with the City of El Cerrito to lease property for temporary relocation of District offices, and to appoint Interim General Manager Richard J. Benson as real estate negotiator for the property located at 10900 San Pablo Ave., El Cerrito, California. He noted that this is only a temporary move. There was Board discussion and questions were raised about the timeline and costs to make the building suitable for the staff and the Police Department.

- Addressing the Board were the following persons: 1) Linda Lipscomb commented that the negotiations should clarify that there will be independence between the functions of the KPPCSD and the El Cerrito Police Department; 2) Kensington Fire Protection District (KFPD) General Manager Bill Hansel provided an update on their schedule for temporary relocation and renovation of Public Safety Building (PSB), and on the proposal of financial assistance until KPPCSD finds a permanent location; 3) Jim Watt commented on the location's impact on response times and future costs for a permanent location; 4) Paul Dorrah summarized comments submitted to the Board by Vita Dorrah regarding squeezing out the KPPCSD from the PSB, spending community money on a Fire Department only building, displacement of the recreation department, and investigating an alternative site in the park adjacent to the library.
- Motion by President Hacaj, seconded by Vice-President Logan, to approve entering into negotiations with the City of El Cerrito to lease property for the temporary location of the District staff and Police Department offices, and to appoint Interim General Manager Richard Benson as the real estate negotiator for the property located at 10900 San Pablo Avenue in El Cerrito, California, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

The Board took a five-minute break. [[TS 3:13:32](#)]

8. Housing for the KPPCSD [[TS 3:21:08](#)]

Directors Deppe and Sherris-Watt presented an overview of several sites under consideration for relocating the District's facilities which include: commercial property, East Bay Municipal

Utility District property, private residences, Kensington Park (new construction), and Kensington Park (The Annex and Building E). They recommended we recommend pursuing relocation of the headquarters of the KASEP recreation program and classroom spaces to The Annex and moving the Kensington Police Department and the administrative offices of the KPPCSD into Building E. There was Board discussion about costs, timelines, and architectural analysis.

- Addressing the Board were the following persons: 1) Danielle Madugo commented on moving from the PSB and suggested having new locations in the park for both the KFPD and the KPPCSD; 2) Steve Simirin asked about changes to the roadways to support access for the police and about parking; 3) Gail Feldman, speaking on behalf of the Kensington Property Owners' Association, commented on their concerns around costs and impacts to the community, and suggested both boards undertake a combined financial analysis before moving forward; 4) Paul Dorroh commented that the District needs to look at whether the corner of the park land by the library is seismically sound for a new building and determine what the community wants and can afford; 5) Linda Lipscomb commented that the two boards need to think about the community's desires and move forward with greater cooperation; 6) KFPD General Manager Bill Hansell commented on reasons for not pursuing building at the park land; 6) David Spath commented that there was no public polling about building in the park and supported both boards preparing a joint financial plan; and 7) John Gaccione commented that construction costs to make the site work at the of the corner of park would be enormous.
- At 9:50 p.m. it was moved by President Hacaj and seconded by Director Sherris-Watt to extend the meeting to at least 10:30 p.m., carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

Directors responded to the questions and viewpoints of the public commenters. General Manager Benson provided an update on the feasibility of possible EBMUD locations and a private residence.

- Motion by Director Sherris-Watt, seconded by President Hacaj, to direct the General Manager to explore the possibilities of using Building E and The Annex for housing of recreation services, the police, and administrative staff, and that he take the action to hire consultants to analyze and prepare reports for the Board to make assessments, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj; and (NOES) None.

Comments & Reports

9. Director Comments. [\[TS 4:23:36\]](#)

None.

10. General Manager Comments [\[TS 4:23:49\]](#)

None.

11. Board Correspondence [\[TS 4:24:01\]](#)

Interim General Manager Benson reported that the KCC had submitted its March report.

Adjournment [[TS 4:24:21](#)]

President Hacaj adjourned the meeting at 10:21 p.m.

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

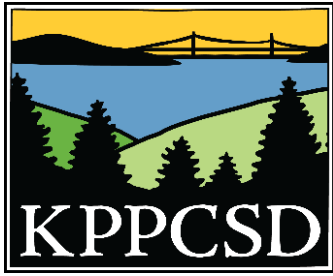
SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: April 14, 2022

Richard J. Benson, Interim General Manager

Sylvia Hacaj, President of the Board



KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING

April 14, 2022

ITEM 2

FINANCIAL REPORTS FOR THE MONTH OF FEBRUARY 2022

SUMMARY OF RECOMMENDATION

Receive financial reports for the month ending February 2022.

ATTACHMENTS

1. Summary Balance Sheet as of February 28, 2022.
2. Budget vs. Actual Snapshot through February 28, 2022.
3. Revenue and Expense Report Detail through February 28, 2022.

SUBMITTED BY:

Lisa Mundis

Lisa Mundis

Finance Director

Kensington Police Protection & Community Services District
Summary Balance Sheet
As of February 28, 2021

	<u>Feb 28, 21</u>
ASSETS	
Current Assets	
Checking/Savings	1,692,253
Accounts Receivable	1,539,914
Other Current Assets	<u>146,074</u>
Total Current Assets	3,378,241
Fixed Assets	5,404,780
Other Assets	<u>5,417,529</u>
TOTAL ASSETS	<u><u>14,200,550</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	<u>12,524</u>
Total Current Liabilities	12,524
Long Term Liabilities	<u>11,941,184</u>
Total Liabilities	11,953,708
Equity	<u>2,246,842</u>
TOTAL LIABILITIES & EQUITY	<u><u>14,200,550</u></u>

Kensington Police Protection & Community Services District

Budget to Actual Snapshot

July 2021 through February 2022

	Actuals		\$ Over Budget		Annual Budget
	Jul '21 - Feb 22	YTD Budget	(Under Budget)	% of Budget	
Ordinary Revenue/Expense					
Revenue					
400 · Police Activities Revenue					
401 · Levy Tax	2,097,146	2,100,040	(2,894)	100%	2,100,040
402 · Special Tax-Police	685,470	685,710	(240)	100%	685,710
403 · Misc Tax-Police	0	0	0	0%	0
404 · Measure G Supplemental Tax Rev	620,988	621,207	(219)	100%	621,207
410 · Police Fees/Service Charges	640	1,000	(360)	64%	1,500
414 · POST Reimbursement	0	0	0	0%	0
415 · Grants-Police	117,010	83,333	33,677	140%	125,000
416 · Interest-Police	0	500	(500)	0%	1,000
418 · Misc Police Revenue	2,702	3,333	(631)	81%	5,000
Total 400 · Police Activities Revenue	3,523,956	3,495,123	28,833	101%	3,539,457
405 · Restricted Lost/Found/Misc	158,358				
420 · Park/Rec Activities Revenue					
423 · Misc Tax-Park/Rec	15	0	15	100%	0
424 · Special Tax-L&L	0	42,184	(42,184)	0%	42,184
427 · Community Center Revenue	11,687	10,000	1,687	117%	30,000
438 · Tennis Court Revenue	649	1,333	(684)	49%	2,000
439 · Contributions for Community Ctr	0	0	0	0%	0
Total 420 · Park/Rec Activities Revenue	12,351	53,517	(41,166)	23%	74,184
440 · District Activities Revenue					
448a · Franchise Fees Gross	44,626	52,000	(7,374)	86%	110,000
448b · less Franchise Fees Paid Out	(17,222)	(22,650)	5,428	76%	(47,300)
449 · District Revenue	2	0	2	100%	0
456 · Interest-District	0	1,733	(1,733)	0%	2,600
458 · Misc District Revenue	6,168	223,968	(217,800)	3%	335,952
Total 440 · District Activities Revenue	33,574	255,051	(221,477)	13%	401,252
Total Revenue	3,728,239	3,803,691	(75,452)	98%	4,014,893
Gross Revenue	3,728,239	3,803,691	(75,452)	98%	4,014,893

Kensington Police Protection & Community Services District

Budget to Actual Snapshot

July 2021 through February 2022

Expense	Actuals		\$ Over Budget		Annual Budget
	Jul '21 - Feb 22	YTD Budget	(Under Budget)	% of Budget	
500 · Police Sal & Ben					
502 · Salary - Officers	603,444	721,869	(118,425)	84%	1,082,804
504 · Vacation Pay	0	0	0	0%	0
506 · Overtime	120,134	80,000	40,134	150%	120,000
508 · Salary - Non-Sworn	14,016	0	14,016	100%	0
509 · Hiring Bonus	8,000	0	8,000	100%	0
516 · Uniform Allowance	5,532	6,000	(468)	92%	9,000
518 · Safety Equipment	0	1,500	(1,500)	0%	2,250
521-A · Medical/Vision/Dental-Active	79,983	115,323	(35,340)	69%	172,984
521-R · Medical/Vision/Dental-Retired	124,812	107,511	17,301	116%	161,267
521-T · Medical/Vision/Dental-Trust	0	(33,333)	33,333	0%	(50,000)
522 · Insurance - Police	4,451	3,975	476	112%	5,962
523 · SocialSecurity/Medicare-Police	10,758	11,627	(869)	93%	17,441
524 · Social Security - District	5,525	0	5,525	100%	0
527 · PERS - District Portion	116,006	124,530	(8,524)	93%	186,795
528 · PERS - Officers Portion	0	6,659	(6,659)	0%	9,988
529 · Pension Obln Bond Payment	214,200	298,399	(84,199)	72%	298,399
530 · Workers Comp	31,607	26,307	5,300	120%	26,307
Total 500 · Police Sal & Ben	1,338,468	1,470,367	(131,899)	91%	2,043,197
550 · Other Police Expenses					
552 · Expendable Police Supplies	7,537	5,667	1,870	133%	8,500
553 · Range/Ammunition Supplies	0	0	0	0%	0
554 · Traffic Safety	1,541	3,333	(1,792)	46%	5,000
560 · Crossing Guard	10,251	12,163	(1,912)	84%	18,245
561 · Vehicle Fuel	10,776	8,800	1,976	122%	13,200
562 · Vehicle Operation	13,855	9,587	4,268	145%	14,380
563 · Vehicle Lease	26,476	31,191	(4,715)	85%	46,786
564 · Communications	143,763	143,051	712	100%	157,104
566 · Radio Maintenance	9,720	13,147	(3,427)	74%	19,720

Kensington Police Protection & Community Services District

Budget to Actual Snapshot

July 2021 through February 2022

	Actuals		\$ Over Budget		Annual Budget
	Jul '21 - Feb 22	YTD Budget	(Under Budget)	% of Budget	
567 · Alarm	814	667	147	122%	1,000
568 · Prisoner/Case Exp./Booking	0	0	0	0%	0
569 · Storage	0	0	0	0%	0
570 · Training	917	6,667	(5,750)	14%	10,000
571 · Records	4,263	9,263	(5,000)	46%	13,895
572 · Hiring	7,023	10,667	(3,644)	66%	16,000
574 · Reserve Officers	597	2,667	(2,070)	22%	4,000
576 · Misc. Dues, Meals & Travel	3,090	1,067	2,023	290%	1,600
578 · POST - Reimburse	0	0	0	0%	0
580 · Utilities - Police	5,793	6,667	(874)	87%	10,000
581 · Bldg Repairs/Maint.	1,870	1,333	537	140%	2,000
582 · Expendable Office Supplies	883	0	883	100%	0
587 · IT Contract	14,101	13,843	258	102%	20,764
588 · Telephone	23,403	20,160	3,243	116%	30,240
590 · Janitorial	3,981	4,267	(286)	93%	6,400
591 · General Liability Insurance	31,893	31,893	0	100%	31,893
592 · Publications	750	3,667	(2,917)	20%	5,500
593 · Volunteer Programs	0	1,667	(1,667)	0%	2,500
594 · Community Policing	200	2,000	(1,800)	10%	3,000
595 · Legal/Consulting - Police	7,652	16,667	(9,015)	46%	25,000
596 · CAL I.D.	0	0	0	0%	0
599 · Police Taxes Measure G Admin	3,110	2,681	429	116%	4,021
Total 550 · Other Police Expenses	334,259	362,782	(28,523)	92%	470,748
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	0	0	0	0%	0
602 · Custodian	2,550	0	2,550	100%	0
623 · Social Security/Medicare - Dist	0	0	0	0%	0
Total 600 · Park/Rec Sal & Ben	2,550	0	2,550	100%	0
635 · Park/Recreation Expenses					
640 · Community Center Expenses					

Kensington Police Protection & Community Services District

Budget to Actual Snapshot

July 2021 through February 2022

	Actuals		\$ Over Budget		Annual Budget
	Jul '21 - Feb 22	YTD Budget	(Under Budget)	% of Budget	
641 · General Maintenance	2,500	4,040	(1,540)	62%	6,060
642 · Utilities-Community Center	14,006	5,641	8,365	248%	8,461
643 · Janitorial Supplies	350	290	60	121%	435
644 · Landscaping	11,575	5,340	6,235	217%	8,010
645 · General Liab./Workers Comp	8,253	7,973	280	104%	7,973
646 · Community Center Repairs	5,083	1,000	4,083	508%	1,500
647 · Rental	0	333	(333)	0%	500
648 · Community Center Equip Maint	0	667	(667)	0%	1,000
649 · Interest Expense	0	0	0	0%	0
640 · Community Center Expenses - Other	0	22,480	(22,480)	0%	33,720
Total 640 · Community Center Expenses	41,767	47,764	(5,997)	87%	67,659
650 · Park					
651 · General Maintenance	21,891	21,067	824	104%	31,600
652 · Repairs	10,260	9,157	1,103	112%	13,736
653 · Landscaping	45,950	12,460	33,490	369%	18,690
654 · Janitorial Supplies	0	333	(333)	0%	500
655 · Rental	0	0	0	0%	0
656 · Utilities	(49)	8,728	(8,777)	(1%)	13,092
657 · General Liab/Workers Comp	7,973	7,973	0	100%	7,973
658 · Levy Administration	4,381	3,733	648	117%	5,600
659 · Misc	3	62,668	(62,665)	0%	94,002
Total 650 · Park	90,409	126,119	(35,710)	72%	185,193
660 · Annex Expenses					
665 · Annex General Maintenance	0	0	0	0%	0
666 · Annex Repairs	0	0	0	0%	0
667 · Annex Landscaping	0	0	0	0%	0
668 · Misc Annex Expenses	0	0	0	0%	0
669 · Misc Projects	0	0	0	0%	0
Total 660 · Annex Expenses	0	0	0	0%	0
672 · Kensington Park O&M	0	0	0	0%	0

Kensington Police Protection & Community Services District

Budget to Actual Snapshot

July 2021 through February 2022

	Actuals		\$ Over Budget		Annual Budget
	Jul '21 - Feb 22	YTD Budget	(Under Budget)	% of Budget	
674 · Tennis Courts (new title)	0	0	0	0%	0
678 · Misc Park/Rec Expense	3,040	3,333	(293)	91%	5,000
Total 635 · Park/Recreation Expenses	135,216	177,216	(42,000)	76%	257,852
800 · District Expenses					
807 · Salaries	194,517	256,333	(61,816)	76%	384,500
808 · Payroll Taxes	16,035	19,609	(3,574)	82%	29,414
809 · Benefits	0	18,696	(18,696)	0%	28,044
810 · IT Contract	16,145	10,900	5,245	148%	16,350
815 · Admin Communications	2,540	3,542	(1,002)	72%	5,314
816 · Office Supplies	1,045	917	128	114%	1,375
817 · Postage	357	680	(323)	53%	1,020
818 · Mileage	213	533	(320)	40%	800
819 · Dues/Subscriptions	7,732	4,835	2,897	160%	7,253
820 · Copier Contract	3,408	3,180	228	107%	4,769
825 · Board Continuing Ed/Conferences	(2,799)	4,234	(7,033)	(66%)	6,351
826 · Board Meetings	0	0	0	0%	0
830 · Legal (District/Personnel)	28,150	40,549	(12,399)	69%	60,824
835 · Consulting	11,588	14,000	(2,412)	83%	21,000
840 · Accounting	70,343	17,767	52,576	396%	26,650
850 · Insurance	31,893	31,893	0	100%	31,893
851 · Workers Comp	72	8,769	(8,697)	1%	8,769
860 · Election	0	0	0	0%	0
861 · LAFCO	1,661	1,333	328	125%	2,000
865 · Police Bldg. Lease	27,452	24,402	3,050	112%	36,603
870 · County Expenditures	7,233	16,533	(9,300)	44%	24,800
890 · Waste/Recycle	0	0	0	0%	0
891 · COVID	1,114	5,173	(4,059)	22%	7,760
898 · Misc. Expenses	(2,607)	3,333	(5,940)	(78%)	5,000
800 · District Expenses - Other	(144)				
Total 800 · District Expenses	415,948	487,211	(71,263)	85%	710,489

Kensington Police Protection & Community Services District

Budget to Actual Snapshot

July 2021 through February 2022

	Actuals		\$ Over Budget		Annual Budget
	Jul '21 - Feb 22	YTD Budget	(Under Budget)	% of Budget	
950 · Capital Outlay					
965 · Personal Police Equipment-Asset	0	0	0	0%	0
966 · Police Traffic Equipment	0	0	0	0%	0
968 · Office Furn/Eq	462	0	462	100%	0
969 · Computer Equipment	0	4,667	(4,667)	0%	7,000
971 · Park Land	0	0	0	0%	0
972 · Park Buildings Improvement	0	0	0	0%	0
974 · Other Park Improvements	0	148,295	(148,295)	0%	222,442
975 · Community Center Loan Repayment	0	30,617	(30,617)	0%	30,617
982 · Police Building Cap Projects	38,606	16,667	21,939	232%	25,000
985 · Comm. Ctr Renovation (Cap Fund)	0	0	0	0%	0
Total 950 · Capital Outlay	39,068	200,246	(161,178)	20%	285,059
Total Expense	2,265,509	2,697,822	(432,313)	84%	3,767,345
Net Ordinary Revenue	1,462,730	1,105,869	356,861	132%	247,548

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

	Jul '21 - Feb 22
Ordinary Revenue/Expense	
Revenue	
400 · Police Activities Revenue	
401 · Levy Tax	2,097,146
402 · Special Tax-Police	685,470
404 · Measure G Supplemental Tax Rev	620,988
410 · Police Fees/Service Charges	640
415 · Grants-Police	117,010
418 · Misc Police Revenue	2,702
Total 400 · Police Activities Revenue	3,523,956
405 · Restricted Lost/Found/Misc	158,358
420 · Park/Rec Activities Revenue	
423 · Misc Tax-Park/Rec	15
427 · Community Center Revenue	11,687
438 · Tennis Court Revenue	649
Total 420 · Park/Rec Activities Revenue	12,351
440 · District Activities Revenue	
448a · Franchise Fees Gross	44,626
448b · less Franchise Fees Paid Out	(17,222)
449 · District Revenue	2
458 · Misc District Revenue	6,168
Total 440 · District Activities Revenue	33,574
Total Revenue	3,728,239
Gross Revenue	3,728,239

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

	Jul '21 - Feb 22
Expense	
500 · Police Sal & Ben	
502 · Salary - Officers	603,444
506 · Overtime	120,134
508 · Salary - Non-Sworn	14,016
509 · Hiring Bonus	8,000
516 · Uniform Allowance	5,532
521-A · Medical/Vision/Dental-Active	79,983
521-R · Medical/Vision/Dental-Retired	124,812
522 · Insurance - Police	4,451
523 · SocialSecurity/Medicare-Police	10,758
524 · Social Security - District	5,525
527 · PERS - District Portion	116,006
529 · Pension Obln Bond Payment	214,200
530 · Workers Comp	31,607
	1,338,469
550 · Other Police Expenses	
552 · Expendable Police Supplies	7,537
554 · Traffic Safety	1,541
560 · Crossing Guard	10,251
561 · Vehicle Fuel	10,776
562 · Vehicle Operation	13,855
563 · Vehicle Lease	26,476
564 · Communications	143,763
566 · Radio Maintenance	9,720
567 · Alarm	814
568 · Prisoner/Case Exp./Booking	0
570 · Training	917
571 · Records	4,263
572 · Hiring	7,023
574 · Reserve Officers	597

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

	Jul '21 - Feb 22
576 · Misc. Dues, Meals & Travel	3,090
580 · Utilities - Police	5,793
581 · Bldg Repairs/Maint.	1,870
582 · Expendable Office Supplies	883
587 · IT Contract	14,101
588 · Telephone	23,403
590 · Janitorial	3,981
591 · General Liability Insurance	31,893
592 · Publications	750
594 · Community Policing	200
595 · Legal/Consulting - Police	7,652
599 · Police Taxes Measure G Admin	3,110
	334,260
Total 550 · Other Police Expenses	
600 · Park/Rec Sal & Ben	
602 · Custodian	2,550
	2,550
Total 600 · Park/Rec Sal & Ben	
635 · Park/Recreation Expenses	
640 · Community Center Expenses	
641 · General Maintenance	2,500
642 · Utilities-Community Center	14,006
643 · Janitorial Supplies	350
644 · Landscaping	11,575
645 · General Liab./Workers Comp	8,253
646 · Community Center Repairs	5,083
	41,766
Total 640 · Community Center Expenses	

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

	Jul '21 - Feb 22
650 · Park	
651 · General Maintenance	21,891
652 · Repairs	10,260
653 · Landscaping	45,950
656 · Utilities	(49)
657 · General Liab/Workers Comp	7,973
658 · Levy Administration	4,381
659 · Misc	3
Total 650 · Park	90,410
678 · Misc Park/Rec Expense	3,040
Total 635 · Park/Recreation Expenses	135,216
800 · District Expenses	
807 · Salaries	194,517
808 · Payroll Taxes	16,035
810 · IT Contract	16,145
815 · Admin Communications	2,540
816 · Office Supplies	1,045
817 · Postage	357
818 · Mileage	213
819 · Dues/Subscriptions	7,732
820 · Copier Contract	3,408
825 · Board Continuing Ed/Conferences	(2,799)
830 · Legal (District/Personnel)	28,150
835 · Consulting	11,588
840 · Accounting	70,343
850 · Insurance	31,893
851 · Workers Comp	72
861 · LAFCO	1,661
865 · Police Bldg. Lease	27,452

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

	Jul '21 - Feb 22
870 · County Expenditures	7,233
891 · COVID	1,114
898 · Misc. Expenses	(2,607)
800 · District Expenses - Other	(144)
Total 800 · District Expenses	415,949
950 · Capital Outlay	
968 · Office Furn/Eq	462
982 · Police Building Cap Projects	38,606
Total 950 · Capital Outlay	39,068
Total Expense	2,265,512
Net Ordinary Revenue	1,462,727
Other Income/Expense	
Other Expense	
700 · Bond Issue Expenses	
710 · Bond Admin.	3
715 · Bond Interest Revenue	(187)
Total 700 · Bond Issue Expenses	(184)
Total Other Expense	(184)
Net Other Revenue	184
Net Revenue	1,462,911



Date: April 14, 2022

To: Board of Directors

From: Rick Benson, Interim General Manager

Subject: Amendment #3 to Bay View Franchise Agreement

Recommendation:

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

Rationale for Recommendation:

The proposed amendment designates Bay View Refuse as the District's agent to monitor the organic waste stream for contamination thereby relieving District staff from that responsibility. The amendment also requires Bay View to identify where the organic waste will be transported as further required by law.

Background:

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

On November 11, 2021 your Board approved an amendment to the Franchise Agreement to bring the Kensington community into compliance with the law. On January 13, 2022 the agreement was further amended in order to clarify wording regarding commercial customers.

Discussion and Analysis:

Under SB 1383 the District is required to assure that the organic waste stream is monitored for contamination. Through this proposed amendment Bay View is contracted to be responsible for monitoring on the District's behalf.

SB 1383 also requires the franchise agreement to include a provision whereby the contractor shall identify, in writing to the District, the designated source separated organic waste recycling facilities to which they will transport organic waste. That provision is also included in this amendment.

Amendment #3 to Bay View Refuse Agreement
April 14, 2022
Page 2 of 2

Fiscal Impact:

Amendment #3 to the Franchise Agreement has no fiscal impact.

**AMENDMENT NO. 3 TO FRANCHISE AGREEMENT FOR SOLID
WASTE, RECYCLABLE MATERIALS, AND ORGANIC MATERIALS
COLLECTION SERVICES BETWEEN THE KENSINGTON POLICE
PROTECTION AND COMMUNITY SERVICE DISTRICT AND BAY
VIEW REFUSE AND RECYCLING SERVICES, INC.**

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

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

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

WHEREAS, on January 13, 2022, the parties further amended the Agreement to clarify services to be provided to commercial customers; and

WHEREAS, effective January 1, 2022, Title 14, Division 7, Chapter 12 of the California Code of Regulations imposes new regulations on jurisdictions responsible for Solid Waste Services, relating to the collecting, monitoring and disposal of Short-Lived Climate Pollutants (“SB 1383 Regulations”); and

WHEREAS, District and Contractor desire to further amend the Agreement to assure conformance with SB 1383 and SB 1383 Regulations regarding collection, monitoring and disposal of Short-Lived Climate Pollutants.

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

Effective April 15, 2022:

- A. Contractor shall, at its sole expense, perform the Solid Waste Services in compliance with applicable state and federal law, including, without limitation, the SB 1383 Regulations.
- B. Without limiting Section A of this Amendment 3 to the Franchise Agreement, Contractor shall conduct hauler route reviews for prohibited container contaminants in collection containers in a manner deemed safe by Contractor. Said review shall be conducted in a manner as outlined in Attachment ‘A’ incorporated into this agreement by this reference. The hauler routes are to be reviewed, at a minimum, annually and in conformance with the requirements of 14 CCR Section 18984.5, et. seq.
- C. On or before June 2, 2022, and annually thereafter, Contractor shall identify in writing to District the designated source separated organic waste recycling facilities to

which they will transport Organic Waste, including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste. Contractor will only transport the source separated organic waste collection stream to facilities so identified to the District.

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

BAYVIEW REFUSE AND RECYCLING, INC.

KENSINGTON POLICE PROTECTION
AND COMMUNITY SERVICES
DISTRICT
A California Special District

Greg Christie
President

Sylvia Hacaj
President, Board of Directors

APPROVED AS TO FORM:

Ann R. Danforth
District General Counsel

ATTACHMENT A

CONTAMINATION MONITORING

Contractor shall conduct Hauler Route reviews that include inspection of the contents of Customer Collection Containers for Prohibited Container Contaminants in a manner such that the greater of a minimum of twenty percent (20%) of Containers per container type on each and every Hauler Route are inspected annually. The Containers shall be randomly selected by a method proposed by Contractor and approved by District.

If District and/or CalRecycle notifies Contractor that the methodology is inadequate to meet the requirements of 14 CCR Section 18984.5(b). Contractor shall revise its methodology and after obtaining District or CalRecycle's approval, conduct additional Hauler Route reviews, increased Container inspections, or implement other changes using the revised procedure. District's contract administrator may request modifications to the schedule to permit greater inspections.

If Prohibited Container Contaminants are found in a Container, Contractor shall follow the protocols outlined below.

Contractor shall maintain records and report to District on Contamination Monitoring activities, Route reviews and action taken.

CONTAMINATION MONITORING PROCEDURES

This Section presents inspection methods under for Prohibited Contaminants to be used by Contractor in conducting contamination monitoring.

Container Inspection Method

When Contractor Hauler Route personnel dismounts from Collection Vehicles to empty a container, such personnel shall lift the Container lid and observe the contents. Upon finding Prohibited Container Contaminants in a Container, Contractor shall follow the contamination procedures and contaminated Container handling protocols set forth below (Contamination Monitoring).

ACTIONS UPON IDENTIFICATION OF PROHIBITED CONTAINER CONTAMINANTS.

1. Record Keeping. The driver or other Contractor representative shall record each event of identification of Prohibited Container Contaminants in a written log or Daily Route Sheet, including date, time, Customer's address, type of Container and, if practicable, maintain photographic evidence. This record shall be submitted to the Contractor Customer Service Department, which shall update the Customer's account record to note the event. This same information shall be transmitted to the District via quarterly reports.

2. Identification of Excluded Waste. If Contractor's personnel observe Excluded Waste in an uncollected Container, said personnel shall issue a non-Collection Notice for this Container and shall not Collect the Discarded Materials. Contractor personnel shall record the observation as above. If the contents of the uncollected Container is suspected to include hazardous Waste, then this shall be investigated by the Supervisor within one (1) Business Day, or sooner, if this hazardous waste may cause immediate danger.
3. Courtesy Pick-Up Notices. Upon identification of Prohibited Container Contaminants in Customer's Container, Contractor shall provide the Customer a courtesy pick-up notice. The courtesy pick-up notice shall (1) inform the Customer of the presence of Prohibited Container Contaminants; (2) include the date and time the Prohibited Container Contaminant was observed; (3) include information on the Customer's requirement to properly separate materials into the appropriate Containers, and the acceptable and prohibited materials for Collection in each Container; (4) inform the Customer of the courtesy pick-up on this non-Collection notice; and (5) shall, if possible, include photographic evidence. This notice shall be left on the Container, or gate or door or delivered by email, text or another electronic message. Thereafter, Contractor shall Collect the contaminated Container (or materials at the discretion of Contractor) and transport the material to the Approved Facility.
4. Non-Collection Notices. Upon identification of Prohibited Container Contaminants in a Customer's Container in excess of standards agreed upon by the Parties or Excluded Waste, Contractor shall provide a Non-Collection notice to the Generator, which at a minimum include (1) inform the Customer of the reason(s) for non-Collection; (2) include the date and time the notice was left or issued; (3) notify Customer to correct Contamination; (4) a telephone number at which the Customer may contact Contractor. For notice placement, see information at 3, above.
5. Communication with Customer. Whenever a Container at the premises of a Commercial or multi-Family Customer is not Collected, Contractor shall contact the Customer on the scheduled Collection Day or within forty-eight (48) hours of the scheduled Collection Day by telephone, email, text, or other verbal or electronic message to explain why the Container was not Collected. Whenever a Container is not Collected because of Prohibited Container Contaminants, a Customer service representative shall contact the Customer to discuss and encourage the Customer to adopt proper Discarded materials preparation and separation procedures.
6. Contractor Return for Collection. Upon request from Customer, Contractor shall Collect Containers that received non-Collection notices, per the above, within one (1) Working Day of Customer's request if the request is made at least two (2) Working Days prior to the regularly scheduled Collection Day.

Disposal of Contaminated Materials. If Contractor observes Prohibited Contaminants in a Generator's Containers(s), Contractor may Dispose of the Container contents, provided notice required under Record keeping, above.



Date: April 14, 2022
To: Board of Directors
From: Rick Benson, Interim General Manager
Subject: Add and Delete Fiscal Support Positions

Recommendation:

Delete the Accountant position and add an Account Clerk position to the comprehensive salary schedule and approve the Account Clerk job description with a starting salary of \$30 per hour.

Rationale for Recommendation:

Changes in technology have changed the District's fiscal support staffing needs.

Discussion and Analysis:

Until recently the District has relied upon the services of a financial manager, accountant and an outside accounting firm to process financial transactions and maintain financial records. In February of this year our accountant terminated her employment. This led to a review of our accounting practices.

The District's financial transactions primarily revolve around accounts payable and payroll. With payroll being the most critical and complicated, the District relies on specialized software to assure that the payroll function is handled properly. Over the years, software manufacturers have improved their products to the point where processing payroll is more a function of data entry. Therefore, we have determined that rather than needing the services of an accountant we can efficiently process our payroll and accounts payable with an account clerk operating in a half-time position.

Fiscal Impact:

It is anticipated that this change will result in savings of at least \$22,000 annually.

Attachment:

- Classification Specification - Account Clerk

CLASSIFICATION SPECIFICATION

Kensington Police Protection
& Community Service District

Date: April 2022

CLASS TITLE: Account Clerk

FLSA STATUS: Non-exempt

REPORTS TO: Finance Director

HIRING STATUS: At Will

JOB SUMMARY:

Under supervision, to perform a wide variety of fiscal support activities requiring previous fiscal experience. Incumbents might perform activities utilizing QuickBooks and Excel related to: processing payroll; processing accounts payable; processing billings; collecting money and preparing deposits; providing customer service; creating databases; and, conducting research.

DUTIES:

Verifies and processes a variety of financial documents.

Performs general clerical duties, which may include: preparing mailings; opening, sorting, and distributing mail; maintaining office supplies; filing; and performing other fiscally related activities.

Analyzes and reconciles a variety of financial account activities.

Utilizing QuickBooks and Excel, compiles and maintains financial and statistical data records; prepares and distributes related reports.

Enters a variety of fiscally-related information into databases; maintains fiscal records and files.

Assists in preparing complex financial documents, which may include proposals and analytical documents.

Responds to requests for information and inquiries related to programs, policies, and/or other related information.

Performs other duties of similar nature or level as required.

EMPLOYMENT STANDARDS:

High School Diploma, G.E.D. or equivalent

AND

Two (2) years of fiscal support, bookkeeping, accounting support or experience related to the area of assignment; one year of bookkeeping training in an approved vocational training program or completion of 30 semester or 45 quarter units with coursework in accounting/bookkeeping at an accredited college or university may substitute for one year of experience or, an equivalent combination of education and experience sufficient to obtain the knowledge and skill to successfully perform the essential duties of the job.

ADDITIONAL REQUIREMENTS:

Knowledge of: Cash handling techniques; processes and procedures in general accounting, payroll, collections, bookkeeping principles; standard office equipment and procedures; data entry techniques; customer service principles; filing techniques.

Skill in: Using computers and related software applications including proficiency in QuickBooks and Excel; performing mathematical calculations; balancing financial accounts; preparing reports; filing and maintaining records; keyboarding; using standard office equipment; providing customer service; operating a

Classification Specification

Account Clerk

Page 2 of 2

10 key; and, communicating both orally and in writing sufficient to exchange or convey information and to receive work direction.

SUPPLEMENTAL:

A background check will be conducted for this classification.



Date: April 14, 2022

To: Board of Directors

From: Rick Benson, Interim General Manager

Subject: Dispatch Services

Recommendation:

Authorize the Police Chief and General Manager to negotiate with the Contra Costa Sheriff's Department in pursuit of an agreement to provide dispatch and warrant services.

Rationale for Recommendation:

If the District and the Sheriff are able to successfully negotiate an agreement, it is anticipated that the District will be able to receive a higher level of service at a lower cost.

Background:

Since 2017, KPPCSD has contracted with the City of Albany for police dispatch services. Albany has consistently provided the District with a high level of service.

Discussion and Analysis:

Because Albany sits outside of Contra Costa County, there are numerous inherent operational challenges brought about in contracting with them to provide dispatch services. There are legal constraints that cause problems processing warrants and limit access to the CLETS system, which is the backbone of law enforcement information throughout California. This can and has hindered our department when processing suspects. Very soon, Albany will be changing their radio encryption protocol. This will ripple through to our department and require a substantial capital expense to keep communications working.

For these reasons and other operational concerns, the Chief has been exploring other options for dispatch services. The Contra Costa Sheriff's Department has expressed a willingness to provide services to KPPCSD. One immediate benefit is that this will eliminate the CLETS problem. The District will experience much smoother processing of warrants and contracting with the Sheriff will cost less than what we are currently paying Albany. While the County's dispatch system is a natural fit, we would also be able to forgo the expense of converting our radio system to meet Albany's new encryption protocol, although changes of a similar nature could be expected in the future.

At this time, it is requested that you authorize the Chief and General Manager to proceed with negotiations with Contra Costa County for these services. This is not a commitment to contract with the County but, assuming the negotiations go smoothly, we would expect to present an agreement for your Board's consideration in May or June.

Fiscal Impact

Annual savings are expected to be in excess of \$22,500.



Date: April 14, 2022
To: Board of Directors
From: Rick Benson, Interim General Manager
Subject: Computer Server Purchase

Recommendation:

Authorize the Interim General Manager to purchase a computer server in the amount of \$17,456.

Rationale for Recommendation:

The district is in need of a new computer server. Funds for this purpose were appropriated at the midyear budget review.

Background:

At your February 10, 2022 meeting your Board approved an appropriation of \$19,000 for this purpose and directed staff to explore possible alternatives to purchasing a new server. Specifically, it was requested that the District review a cloud-based option.

Discussion and Analysis:

The Police Chief contacted the Department of Justice and reviewed their requirements for converting to a cloud-based system. It's been determined that at the present time this is not a viable option for our department. Essentially, to be allowed to utilize a cloud storage system would require a much more sophisticated operation. There are several safeguards which must be in place that are currently beyond the means of the District. Undoubtedly, moving to a cloud-based system will happen someday, but for now an in-house server is still required.

In addition to the server proposal brought forward by the District's IT provider, staff shopped for a server from other vendors. We found that the proposal from Rubiconn, provided us with the lowest cost option.

Fiscal Impact:

The cost of the new server, with installation, is \$17,456. \$19,000 was appropriated through a budget transfer at your February Board meeting.

Attachment:

- System price quote



Rubiconn, LLC
 5424 Sunol Blvd #175
 Pleasanton, CA 94566

Estimate

Date	Estimate #
12/27/2021	3260

Name / Address
Kensington Police Department 217 Arlington Avenue Kensington, CA 94707

Project

Description	Qty	Rate	Total
Supermicro Superserver SYS-7049GP TRT 2 X ® Xeon® Silver 4215 Processor 8- Core 2.5GHz 11MB Cache (85W) 12x 8GB PC4-21300 2666MHz DDR4 ECC RDIMM 1x 512GB M.2 PCIe NVME Drive 3x 6.4TB Micron 9300 MAX Series U.2 PCIe 3.1 x4 NVMe SSD (Install 2 + 1 Spare) 1x Supermicro AOC-SLG3-4E4T-O NVME AOC 3x NVMe version of 3.5" HDD Tray (Convert 3.5" to 2.5" for 747/936/938) 3 year warranty	1	13,750.00	13,750.00T
Layer 3, PoE switch with (48) GbE RJ45 ports, including (40) 802.3at PoE+ ports and (8) 802.3bt PoE++ ports, and (4) 10G SFP+ ports. (For enhanced security and control of network hardwired devices)	1	1,099.00	1,099.00T
		Subtotal	
		Sales Tax (9.25%)	
		Total	



Rubiconn, LLC
 5424 Sunol Blvd #175
 Pleasanton, CA 94566

Estimate

Date	Estimate #
12/27/2021	3260

Name / Address
Kensington Police Department 217 Arlington Avenue Kensington, CA 94707

Project

Description	Qty	Rate	Total
<p>APC NetShelter 12U Wallmount Rack Enclosure Cabinet Switch Depth Wall-Mountable server and network equipment rack</p> <p>Reversible Door & Security Upgrade Option The cabinet's door is reversible and is compatible with APC's Netbotx security upgrade to provide remote access, video surveillance, and environmental monitoring (sold separately).</p> <p>Ventilated Wall Rack Cable and Accessories Optional 120V fan tray can be top or bottom mounted (sold separately) Both the top and bottom feature knockouts of 1/2U mounting space for accessories. And several APC Smart-UPS models low-profile provide easy UPS integration and mounting</p> <p>Specifications 12U Wall mount cabinet, mounting depth range of 2.87 to 12.95 inches, 200lb weight capacity, 19" rack width, ships fully assembled, ventilated with accessory integration options, 5 year APC warranty</p>	1	442.50	442.50T
<p>Delivery, installation and configuration of server and OS. Migration of servers from old platform to new. Testing and security configuration</p>	1	750.00	750.00
Subtotal			\$16,041.50
Sales Tax (9.25%)			\$1,414.46
Total			\$17,455.96



Date: April 14, 2022
To: Board of Directors
From: Rick Benson, Interim General Manager
Subject: Approval of Neilson Park Improvement Project

Recommendation:

1) Approve the project by the Kensington Improvement Committee (KIC) to improve the landscaping at Neilson Park located at the intersection of Coventry Road and Arlington Avenue and; 2) Authorize work to commence contingent upon meeting indemnification and insurance requirements approved by District Counsel.

Rationale for Recommendation:

Members of the Kensington Improvement Committee have developed a proposal to make aesthetic improvements to the lot. They have enlisted the services of a professional landscape designer. It is their desire to add plants and trees and make improvements to the wooden steps. All of the work will be done professionally with funds raised by the KIC. In coordination with the KIC project, a handrail will be installed at District expense. Subsequently, the District will be responsible for ongoing maintenance and water.

In order to proceed, it is necessary for your Board to give the project final approval and authorize work to begin subject to the contractor meeting indemnification and insurance requirements. Detailed drawings are attached for your Board's review.

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

Background:

At your January 13, 2022 Board meeting KIC members introduced the project and received approval, in concept. Since that time the committee has been raising funds and finalizing plans.

At one time there were three large trees on the site. It was a meeting place which provided passersby with shade and a generally pleasant environment. Since the trees were removed, the corner is now somewhat barren and unattractive.

Fiscal Impact:

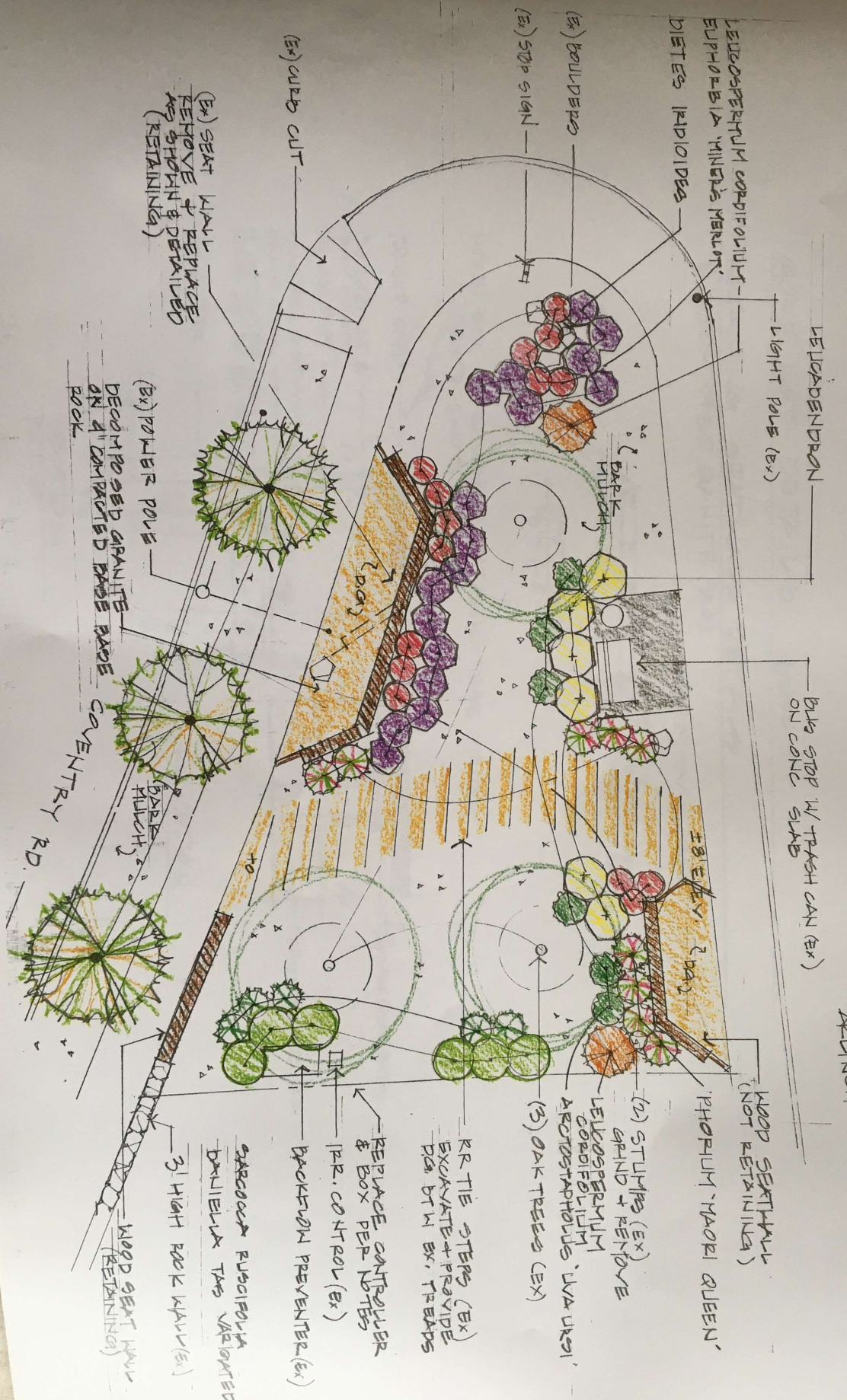
The full cost of the improvements is nearly \$22,000 and is being provided by KIC. The project has been reviewed by district staff and it is estimated that the additional maintenance and water costs to be less than \$600 annually.

Attachment:

Project Drawings



GORE LOT - LANDSCAPE PLAN 1/8" = 1'-0" (APPROXIMATE) APRIL 2012



LEUCOSPHERUM CORDIFOLIUM -
EUPHORBIA MINOR'S VARIETY
DIETES RAPIDIDES

LEUCABENDRON

LIGHT PALS (EX)

BUS STOP W/ TRASH CAN (EX)
ON CONC SLAB

APLINGTON AVE

WOOD SEATWALL
(NOT RESTAINING)

PHORIUM 'MAORI QUEEN'

(2) STUMPS (EX)
GRIND + REMOVE

LEUCOSPHERUM
CORDIFOLIUM
ARCTOSTAPHYLOS 'VIA UCESI'

(3) OAK TREES (EX)

RR TIE STEPS (EX)
EXCAVATE + PROVIDE
DIA. BTM EX. TREADS

REPLACE CONTROLLER
& BOX PER NOTES
PR. CONTROL (EX)

BACKGROUND PREVENTER (EX)

SPACED RUBICOLA
DIA. BTM TYS VARIOATED

3' HIGH ROCK WALL (EX)

WOOD SEAT WALL
(RESTAINING)

(EX) SEAT WALL
REMOVE + REPLACE
AS SHOWN & DETAILED
(RESTAINING)

(EX) CURB CUT

(EX) Boulders

(EX) STOP SIGN

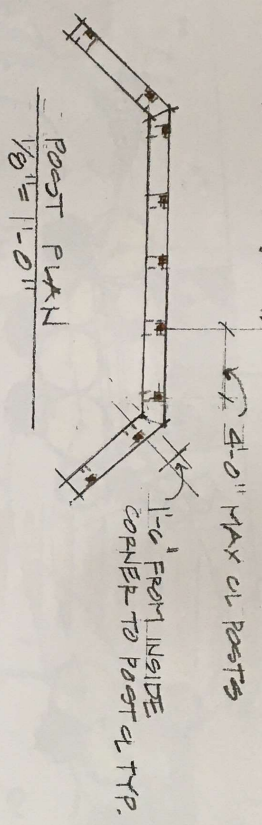
(EX) POWER POLE

DECOMPOSED GRANITE
ON 4" COMPACTED BASE BASE
ROCK

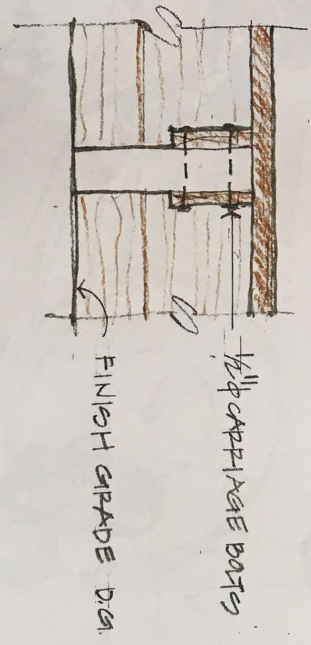
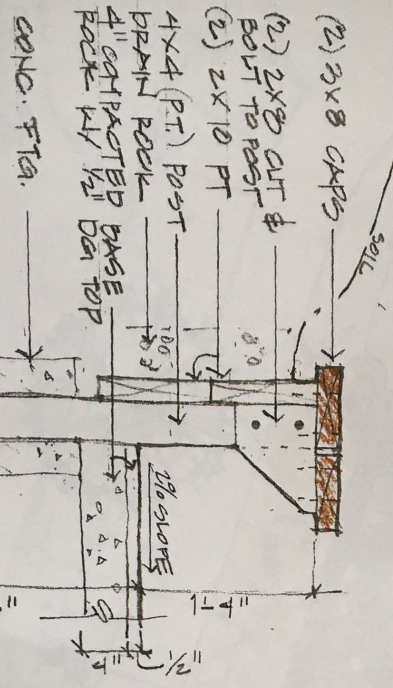
COVENTRY RD.

GORE LOT DETAILS 4/2022

RETAINING SEATWALL DETAILS
 & DECOMPOSED GRANITE (D.G.)



NOTE: FOR NON-RETAINING SEAT/BENCH @ SE CORNER
 DELETE 2X10 PT WOOD





KCC: a Facilities Briefing

Presented to the KPPCSD Board of Directors By
The Kensington Community Council
April 2022

Partners in Community Service Since 1960: KPPCSD and KCC



- Kensington is an unincorporated area of Contra Costa County, having no municipal government.
- We have a “Fire District” and a “Police Protection and Community Services District” (KPPCSD). KCC has always managed the recreation and community-building programs of the KPPCSD.
- KCC is a 501(c)(3) nonprofit funded by contributions from the community through an annual fund drive and class and camp fees. KCC has been a contracted partner with KPPCSD since 1960.
- Kensington’s KCC-sponsored programs – after school, summer camp, and adult – operate out of KPPCSD’s Building E and the Community Center, in Kensington Park. KCC’s community-building movie nights, picnic and other events are also held in Kensington Park and the Community Center.

For generations, KCC's programs have supported Kensington with:

- **After school and adult enrichment classes** to foster fun, learning, and friendship. Adjacent to Kensington Elementary School, requiring no parent transportation from school to classes.
- **Exercise and sports activities** for children and adults.
- **Popular summer camps** at some of the most affordable rates in the area.



Current Enrollment

- **KASEP Spring Session 2022:** 54 weekly class periods with 441 spaces filled (about 200 individual students; many take more than one class).
- **Summer Camp 2022:** Nine one-week sessions, currently open for enrollment. Up to 540 campers can be accommodated over the summer.
- **Adult Classes:** Currently rebuilding this program after the long pandemic shutdown. Tai Chi is offered once a week at present.



Where does KCC hold classes and camp?

- **Building E, the “Recreation Building.”**

A former school, Building E was saved from the wrecking ball by visionary citizens. In the 1990s KCC made it what it is today, spending over \$300,000 to restore and customize Building E, providing a permanent home for Kensington’s recreation program.
- **The Kensington Community Center, including its lawn and amphitheatre.**

Kensington’s Community Center was remodeled and enlarged in 1987 with contributions from the community and KCC, and KCC contributed \$465,000 to the building’s more recent remodel.
- **Tennis Courts, Meadow, and other park areas.**



What is the financial arrangement for use of facilities?



- KPPCSD owns Building E, the Annex and the Community Center on behalf of all community members.
- KCC pays to KPPCSD \$1 per year, plus a monthly Community Center maintenance fee (currently about \$17,000 per year). All expenses, maintenance costs and improvements to Building E (exception: the roof, per contract) are managed and paid for by KCC.

Current KCC Staff in Kensington Park buildings

- Recreation Director, Office Assistant
- Nine teaching employees
- Six contracted teachers
- Summer Camp Director, Counselors and CITs, contractors
(between 20 and 30 total summer camp staff for 2022)



What must happen to ensure continuity of KCC's programs in Kensington?



As of April 2022, KPPCSD is considering converting Building E, KCC's hub, into Kensington's new police station.

- Since families rely on KCC's programs year-round, **there is no time of year when KCC can function without dedicated, specialized space.**
- Even a temporary relocation of KASEP classes and summer camps out of the immediate vicinity of Kensington Park would be a huge burden upon parents.
- Therefore, **the removal of KCC could not proceed until construction had been completed on adequate new or renovated space for KCC, in Kensington Park.**

If moved from Building E to another space, KCC would require the following, at minimum, to preserve its programs:

- 3 classrooms - two larger size that can be used for indoor sports class, carpentry, art
- At least one industrial size sink, preferred sink in each classroom
- Office space for 2 or 3 staff with space for confidential files, storage and windows
- Hydration station, water fountain, 2 Bathrooms, ADA compliant facilities
- Lead, asbestos & mold free facilities
- Lighting, alarm, camera, auto locking main door
- Storage - each classroom will need to have cabinets for supplies
- Larger storage for summer camp supplies, ping pong tables, tetherball, etc.
- Janitorial Closet
- Internet & phone service





Why does the Recreation Program need an office?

KCC's Director and Office Assistant manage and run all programs and KCC business out of the KCC office in Building E. This includes payroll and hiring; community events sponsored by KCC; liaising with Kensington Elementary; all (non-roof) maintenance and repairs on Building E .

The KCC office cannot be separated from the primary classroom complex. Much like the office in an elementary school, its functions are more varied and numerous than most people can comprehend, without having worked there! In addition to desks, files and equipment, in KCC's office you will find:

Kiddos not feeling well and/or needing bandaids (LOTS of bandaids); kiddos awaiting delayed/forgotten pickup (DAILY); kids needing a 'time out'; random kids from the park who need adult assistance; phones ringing all day long; teachers needing copies, supplies, or someone to watch kids during a bathroom break; lost and found.

Building E: KCC's home since 1999

The presentation of this briefing, in a spirit of cooperation and transparency, should not be interpreted as an endorsement of any proposal to displace KCC from our beloved Building E.

Beautifully suited to KCC's mission, and conscientiously maintained for over thirty years by KCC, and with its location in the heart of Kensington Park – fronting the meadow and steps from Kensington School – Building E, we believe, is already being put to its right and best use: as the home base for community service and recreation in Kensington.





Date: April 14, 2022

To: Board of Directors

From: Board Directors Sherris-Watt and Eileen Nottoli

Subject: Ordinance Requiring Youth Service Organization Compliance with Child Abuse Reporting and Background Check

Recommendation:

That staff prepare an ordinance to be considered by the Board to (1) require all Youth Service Organizations using District facilities to attest in writing before using District facilities that their employees, volunteers and administrators over the age of 18, who operate in Kensington, are in compliance with AB 506, (2) periodically update the attestation, and (3) provide that any youth service organization that fails to comply will be immediately prohibited from using District premises until the District has received written notification that the organization is in full compliance.

Background:

Assembly Bill 506 became law on September 16, 2021. The bill added a new Section 18975 to the California Business and Professions Code, requiring any administrator, employee, or regular volunteer of a youth service organization, to (1) complete child abuse and neglect reporting training and (2) undergo an administrative background check. The youth service organizations must also develop and implement policies to (1) ensure the reporting of suspected child abuse pursuant to California Penal Code Section 11165.9 and to outside organizations, and (2) require to the greatest extent possible the presence of at least two mandated reporters whenever administrators, employees or volunteers are in contact with children,

Discussion and Detail:

The new law, which has no grace period, requires administrators, employees and regular volunteers (persons over 18 and working more than 16 hours per month or 32 hours per year with direct contact with children) to (1) complete training in child abuse and neglect identification and reporting and (2) undergo an administrative background check pursuant to

California Penal Code 11105.3. The youth service organization must also develop policies to (1) ensure the reporting of suspected incidents of child abuse to outside organizations including required reporting pursuant to California Penal Code Section 11165.9, and (2) require, to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees or volunteers are in contact with children.

The District contracts with the Kensington Community Council to provide a variety of recreation programs, including programs for children. Other organizations also contract with the District to provide children's programming. The District is not responsible for ensuring that these groups comply with Section 18975 but does have an interest in maintaining a safe environment for children participating in programs on District property. Future contracts with users of District property should require a written commitment to comply with Section 18975. The new ordinance would impose that requirement on groups covered by existing contracts and would also apply to groups that do not directly contract with the District.

Financial Impact:

Staff time to prepare the ordinance

Attachments:

- Link to Mandatory Training:
https://mandatedreporterca.com/training/volunteers/mc_cid/662ddd9f44/mc_eid/dcbe03b405
- [California Business and Professions Code Section 18975 \(AB 506\)](#)
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB506
- Penal Code Section 11165.7
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=11165.7



Date: April 14, 2022

To: Board of Directors

From: Rick Benson, Interim General Manager

Subject: Termination of Agreement with the Kensington Community Council (KCC)

Recommendation:

Terminate the 2016 agreement and the 2002 agreement with the Kensington Community Council effective July 1, 2022 and authorize the Board President to sign the letter notifying KCC of the termination.

Rationale for Recommendation:

There are aspects of the 2016 agreement with KCC which warrant review and renegotiation. In order to do so, it is necessary to terminate the prior agreement.

Background:

The Kensington Police Protection & Community Services District entered into an agreement with the Kensington Community Council commencing July 1, 2016 in order to provide programs of recreational and educational activities to Kensington residents. Among the terms of that agreement KPPCSD agreed to make available the Community Center, tennis courts, Building E and other recreation property. The district further agreed to maintain these facilities and grounds in a safe usable condition. Concurrently, KCC agreed to a contribution of \$15,000 to the KPPCSD adjusted annually to reflect increases in the Bay Area Consumer Price Index. These funds were to be used exclusively towards the maintenance of the recreational facilities.

Discussion and Analysis:

The agreement automatically renews annually unless either party chooses to terminate and gives the other party a 45-day notice prior to the commencement of the next fiscal year. The agreement also calls for a review every three years. The terms of the financial commitment from KCC included a renegotiation of the base rate in 2021.

The agreement has achieved the intended results. Both organizations have worked well together in offering services to the public. However, many circumstances have changed since 2016 and the agreement is in need of revisions. The current agreement lacks clarity in several areas that should be addressed. The agreement does not adequately provide for indemnification of the District nor does it

clearly spelled out insurance requirements. In general, the agreement is vague on specific responsibilities of each party. Therefore, a review and renegotiation of the agreement is warranted. This requires a formal termination of the current agreement, with the intent to negotiate a new agreement.

In researching the current agreement, it was discovered that an agreement entered into in 2002. Although, by all appearances, the 2016 agreement was intended to be the successor, it was never formally terminated. Counsel has advised that it is in the best interest of the District to formally terminate that agreement at this time, as well

Fiscal Impact:

Unless a new agreement is put into place, the potential loss to the District is in excess of \$15,000 annually. The actual fiscal impact of the termination will depend upon the terms of the new agreement.

Attachment:

- Termination Letter



April 14, 2022

Kensington Community Council
59 Arlington Ave.
Kensington, CA 94707

Dear Council Members:

In accordance with the terms of the agreement between the Kensington Police Protection & Community Services District (KPPCSD) and the Kensington Community Council (KCC) dated January, 2017 this letter is to serve as notice of the intention of the KPPCSD to terminate the agreement effective July 1, 2022. Additionally, this will also serve as formal notice to terminate the agreement entered into in March 2002.

We look forward to continue working with the KCC in developing a new agreement which will be beneficial to both organizations and, more importantly, to the young people and all citizens of Kensington.

Sincerely,

Sylvia Hacaj
President
Kensington Police Protection & Community Services District



Date: April 14, 2022

To: Board of Directors

From: Rick Benson, Interim General Manager

Subject: Ordinance Mandating Organic Waste Disposal Reduction

Recommendation:

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

Rationale for Recommendation:

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

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

Background:

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

On March 10, 2022 your Board introduced the proposed ordinance and scheduled final consideration for this date.

Discussion and Analysis:

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

Ordinance Mandating Organic Waste Disposal Reduction

April 14, 2022

Page 2 of 2

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

Fiscal Impact:

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

Attachment:

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

Ordinance No. 2022-01

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

Section 1. Purpose and Findings

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

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

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

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

Section 2. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Requirements for Single-Family Generators

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

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

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

Section 4. Requirements for Commercial Businesses

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

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

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

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

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

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

Section 5. Requirements for Haulers and Facility Operators

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

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

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

Section 6. Self-Hauler Requirements

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

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

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

Section 7. Inspections and Investigations by DISTRICT

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

Section 8. Enforcement

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

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

(c) Responsible Entity for Enforcement

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

(d) Process for Enforcement

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

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows:

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

(f) Factors Considered in Determining Penalty Amount

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

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

(g) Compliance Deadline Extension Considerations

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

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

(h) Appeals Process

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

(i) Education Period for Non-Compliance

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

(j) Civil Penalties for Non-Compliance

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

Section 9. Effective Date

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

Office Report prepared by Jenny Parks Kensington Community Council April 1st, 2022

KASEP:

Spring KASEP registration opened on March 8th. Several classes filled up in record time. Most classes filled up so we had to cancel a few of the later classes due to low enrollment. We started the spring session with 54 classes and 440 students enrolled in classes each week. Masks remain optional for outside time and on April 15th we will follow Kensington Hilltops protocols and begin masks optional but strongly recommended for indoor classes. There will be no KASEP classes during Spring Break, April 4-8th and the KASEP offices will be closed.

Fall KASEP registration is set to open August 30th, 2022.

KCC SUMMER CAMP:

Summer Camp registration opened on March 1st. Many of the camp weeks are full but we still have space in the July weeks. We will start Counselor and CIT interviews the 3rd week of April. Many of last year's counselors plan to return.

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

KCC:

KCC submitted the Statement of Information to the Secretary of State and completed the Registry of Charitable Trusts which are both due each year.

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

The Community Center was equipped with keyless remote entry. The door keys still work on the exterior doors.

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

ADULT CLASSES:

Tai Chi with Nobuo Nishi remains on Fridays 9:30-11am. Drop in fee of \$15.

TENNIS COURTS:

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