



# Agenda

Board of Directors  
Kensington Police Protection  
and Community Service District  
**Regular Meeting**  
**Thursday, November 10, 2022**  
Via Teleconference

[www.kppcsd.org/2022-11-10-kppcsd-board-meeting](http://www.kppcsd.org/2022-11-10-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).*

## **NOTICE:**

On Monday, November 21, Professional Tree Care will begin removing 22 diseased Monterey pine trees below Highland Boulevard and behind Hilltop and above the Community Center as well as ten diseased or dead trees near Windsor and an oak on the hillside below the walkway to Building E and above the restroom. This work was approved by the Board of Directors on October 13.

**Special Meeting (Closed Session) – 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 on the agenda are invited to make oral comments of up to three minutes. Please raise your hand via Zoom. When the Board President calls on you, you will be unmuted and you can address the Board of Directors. Please state your name clearly for the audio recording. Please 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 it to the Clerk of the Board at 10940 San Pablo Avenue, Building B, El Cerrito, CA 94530 or email to [llewis@kppcsd.org](mailto:llewis@kppcsd.org).*

**1. Teleconference Meetings During State of Emergency**

Recommended Action: Adopt Resolution No. 2022-27 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.

Contact: Ann Danforth, General Counsel, [adanforth8@outlook.com](mailto:adanforth8@outlook.com)

**2. Appoint Real Property Negotiator**

Recommended Action: Appoint Interim General Manager Tony Constantouros to negotiate for the sale or lease of the northern portion of parking lot on the east side of Arlington Avenue between Arlmont Drive and Kensington Road.

Contact: Ann Danforth, General Counsel, [adanforth8@outlook.com](mailto:adanforth8@outlook.com)

**Adjourn to Closed Session**

**1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 1 case

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: Northern portion of parking lot on the east side of Arlington Avenue between Arlmont Drive and Kensington Road.

Agency Negotiator: Interim General Manager Tony Constantouros

Negotiating parties: Arlington Community Church

Under negotiation: price and terms of payment

**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 the Board President calls on you, you will be unmuted and can address the Board of Directors. Please state your name clearly for the audio recording. Please 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 to the Clerk of the Board at 10940 San Pablo Ave., Building B, El Cerrito, CA 94530), or email it to [llewis@kppcsd.org](mailto:llewis@kppcsd.org).*

## **Consent Calendar**

### **1. Meeting Minutes for October 13, 2022**

Recommended Action: Approve meeting minutes.

Contact: Lynelle Lewis, District Clerk, [llewis@kppcsd.org](mailto:llewis@kppcsd.org)

### **2. Financial Reports**

Recommended Action: Receive and accept financial reports.

Contact: Lisa Mundis, Finance Director, [lmundis@kppcsd.org](mailto:lmundis@kppcsd.org)

## **Discussion and Action**

### **3. Protocols for In-person and/or Hybrid Meetings**

Recommended Action: Review the recommended suggestions for running in-person or hybrid meetings that provide safety and security for staff, Board Directors and Kensington residents. Consider adopting protocols and requirements for all attendees.

Contact: Tony Constantouros, Interim General Manager, [tconstantouros@kppcsd.org](mailto:tconstantouros@kppcsd.org)

### **4. Recommendations for Kensington Park Improvements**

Recommended Action: Review, discuss, amend (as necessary) and approve the attached improvements to Kensington Park. Rank the improvements with a priority of A, B, or C to address as resources permit.

Contact: Directors Eileen Nottoli ([enottoli@kppcsd.org](mailto:enottoli@kppcsd.org)) and Rachelle Sherris-Watt ([rsherriswatt@kppcsd.org](mailto:rsherriswatt@kppcsd.org))

### **5. Possible Location of District Offices**

Recommended Action: Approve negotiations with property owners to purchase or lease properties for the location of District Police Department and Administrative Offices and appoint the Interim General Manager, as real estate negotiator for the following properties:

- Temporary location of Kensington Fire Department at the UUCB parking lot at the end of Craft Avenue
- Lot at the corner of Santa Fe and Oak View Ave. (Possible Address 151 Oakview Ave., Kensington)
- Property South of the Library that is owned by the District as part of the park
- 385 Colusa Ave (formerly Narsai's Restaurant)
- Lot behind St. Jerome's Church. St. Jerome's address is 305 Carmel Ave., El Cerrito
- Lot located on Colusa Ave between Carmel Ave. and San Carlos Ave., El Cerrito
- 401 Colusa Ave.

Contact: Anthony Constantouros, Interim General Manager, [tconstantouros@kppcsd.org](mailto:tconstantouros@kppcsd.org)

### **6. Community Facility District**

Recommended Action: Explore the possibility of forming a Community Facility District with the 2023/24 budget process.

Contact: Anthony Constantouros, Interim General Manager, [tconstantouros@kppcsd.org](mailto:tconstantouros@kppcsd.org)

**7. General Counsel Rate Increase**

Recommended Action: Authorize the General Manager to execute an amendment to the Contract for legal services with the Renne Public Law Group increasing the hourly rate for the General Counsel by \$25/hour to \$250/hour effective January 1, 2023.

Contact: Anthony Constantouros, Interim General Manager, [tconstantouros@kppcsd.org](mailto:tconstantouros@kppcsd.org)

**8. KCC Contract**

Recommended Action: Discuss status and extension of the contract.

Contact: Anthony Constantouros, Interim General Manager, [tconstantouros@kppcsd.org](mailto:tconstantouros@kppcsd.org)

**Comments & Reports**

**9. Director Comments.**

**10. General Manager's Report.**

**11. Board Correspondence.**

- KCC Recreation Office Report

**Adjournment**

The next regular meeting is scheduled for December 8, 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, **10940 San Pablo Ave., Building B, El Cerrito, CA 94530.**
- 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](mailto:llewis@kppcsd.org).

**Posted Agenda**

Public Safety Building – Colusa Food – Arlington Kiosk and at [www.kppcsd.org](http://www.kppcsd.org). Complete agenda packets are available at the Kensington Police Protection & Community Service District, **10940 San Pablo Ave., Building B, El Cerrito, CA 94530.**

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, 10940 San Pablo Ave., Building B, El Cerrito, CA 94530** at the same time that those records are distributed or made available to a majority of the Board.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## BOARD OF DIRECTORS MEETING MINUTES

Thursday, October 13, 2022

Via Teleconference

**Draft**

### Special Meeting – 6:00 p.m.

#### **Call to Order** [6:41]

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

#### **Roll Call** [6:52]

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

Staff present included Interim General Manager Anthony Constantouros, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

#### **Special Meeting Agenda and Public Comments** [TS7:40]

– Addressing the Board was Cassandra Duggan who asked about a plan for hybrid meetings.

#### 1. **Teleconference Meetings During State of Emergency.** [TS 9:08]

General Counsel Danforth highlighted the recommended action. Director Logan said KPPCSD needed to begin meeting in person. Director Sherris-Watt said that the Board should establish protocols for hybrid meetings to guarantee safety of the staff, Board, and the community.

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Resolution No. 2022-24 to continue holding remote meetings by teleconference, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**Resolution No. 2022-24** – 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 16:53]

The Board adjourned to Closed Session at 6:31 p.m. for a conference with its labor negotiator.

## **Regular Meeting - 7:00 p.m.**

### **Call to Order** [TS [1:09:06](#)]

President Sylvia Hacaj called the meeting to order at 7:05 p.m.

### **Roll Call** [TS [1:09:17](#)]

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 Anthony Constantouros, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

### **Announcement from Closed Session**

President Hacaj reported that the Board adjourned at 6:55 p.m. The Board gave direction to its General Counsel.

### **Public & Consent Calendar Comments** [TS [1:09:38](#)]

– No public comment.

### **Consent Calendar** [TS [1:10:22](#)]

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

#### **1. Meeting Minutes for September 8, 2022.**

Approved meeting minutes.

#### **2. Financial Reports.**

Received and accepted the financial reports for July 1-August 31, 2022.

### **Discussion and Action**

#### **3. Strategic Plan.** [TS [1:20:14](#)]

Interim General Manager Tony Constantouros reported that the Board discussed the Draft Plan in January 2022 and recommended updating the plan in 2023. Martin Rauch, of Martin Rauch & Associates, stated that the Plan is complete but needs timelines and responsibilities. Board members made comments about addressing the updates.

- Addressing the Board was the following person: 1) Pat Gillette supported postponing consideration of the Plan at this time.

There was Board consensus to schedule a session in 2023 to review the Plan once the new Board members and a new General Manager are in place.

4. **Adopt Amendment to Conflict of Interest Code.** [TS [1:29:27](#)]

General Counsel Danforth presented the recommended action to adopt a resolution amending Appendix A to Policy 1000 to comply with the state law requirement to biennially review and update as necessary the District's list of officials required to disclose their financial interests. She pointed out that since 2020, the District's organization has experienced the following changes that affect the positions named in the current List of Required Filers: 1) In 2021, the Board eliminated the Finance Committee, and 2) The District recently changed the name of the "Business and Finance Manager" position to "Finance Director."

- Motion by President Hacaj, seconded by Vice-President Logan, to adopt Resolution No. 2022-24 amending its Conflict of Interest Code by adding a new Appendix A to Policy 1000 of the Policies and Procedures Manual, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**Resolution No. 2022-24** – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Amending Its Conflict Of Interest Code By Adding A New Appendix A To Policy 1000 Of The Policies And Procedures Manual.

5. **Fiscal Year 2022-23 Budget Amendment #1.** [TS [1:32:35](#)]

Interim General Manager Tony Constantouros presented the recommended actions to adopt Resolution No. 2022-25 Adopting Amended Budget For Fiscal Year 2022-23 and highlighted the key items in this budget amendment. He introduced Adam Benson, who has assisted the KPPCSD with financial analysis in the formulation of the budget amendment.

Board members commented on several line items (i.e. staffing positions, reserves, overtime costs, salary savings, park improvements, building upgrades, board conferences, general fund reserves, and OPEB Trusts costs) to identify savings.

- Addressing the Board were the following persons: 1) A. Stevens Delk commented on park and recreation and waste management positions, and asked about the 2021 audit; 2) Jim Watt commented on the 2019 audit completion and expressed concerns about use of Bayview Refuse funds; 3) Cassandra Duggan expressed concern about the 2021 audit, Bayview set aside funds, and money for the new police building; and 4) David Spath, on behalf of the Kensington Police Officers Association, read comments submitted to the Board regarding their concerns about the amended budget .
- Motion by President Hacaj, seconded by Vice-President Logan, to adopt the amended budget with the following amendments: Line 647 remove \$15,000 from that expense, Line 825 remove \$7,000 from that expense, Line 521T remove \$61,683 of expense, add a line under the police salaries which indicates a vacancy savings of \$72,417 which would create a balanced budget,



carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**6. Approve Kensington Police Officers Association Memorandum of Agreement (MOU).**

[TS [2:45:54](#)]

Renne Public Law Group Attorney John Holtzman highlighted the changes to the Memorandum of Understanding (MOU) with the Kensington Police Officers Association (KPOA).

- Motion by Director Sherris-Watt, seconded by Vice-President Logan, to approve a three-year MOU with the KPOA effective July 1, 2022 and authorize the General Manager to sign the agreement, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**7. Employment Agreement with Michael Gancasz.** [TS [2:55:03](#)]

Renne Public Law Group Attorney John Holtzman highlighted the changes in the at-will employment agreement with Chief of Police Michael Gancasz.

- Motion by Vice-President Logan, seconded by President Hacaj, to approve an at-will employment agreement effective July 1, 2022 with Chief Michael Gancasz and authorize the Interim General Manager to sign, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**8. Administrative Staff Compensation Adjustments.** [TS [3:02:56](#)]

Interim General Manager Tony Constantouros presented the recommended action for the Board to consider approving a 7 ½% increase to the compensation of two specified non-represented staff.

- Motion by President Hacaj, seconded by Director Nottoli, to approve the General Manager's recommendation for a 7.5 percent cost of living increase to the compensation of specified non-represented staff that include the Finance and Business Manager and the District Clerk of the Board effective July 1, 2022, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**9. Extension of Interim General Manager Employment Agreement.** [TS [3:07:22](#)]

General Counsel Ann Danforth presented the recommended action to approve an extension of Interim General Manager Tony Constantouros' employment agreement. She reported that the District retained Tony Constantouros as its Interim General Manager on May 22, 2022 and this contract expires on October 31, 2022. The District has not yet hired a permanent General Manager and we believe that we are unlikely to have a candidate ready to start work for the District until after the holidays. Accordingly, staff recommended that the Board renew Mr. Constantouros' employment until January 31, 2023. There was Board discussion about the end date.



- Motion by Director Sherris-Watt, seconded by President Hacaj, to approve the extension of Interim General Manager Tony Constantouros' employment agreement through February 17, 2022, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**10. Contract for Removal of Diseased, Distressed or Dead Trees in Kensington Park.**

[TS [3:14:21](#)]

Director Nottoli presented a proposal to negotiate and execute a contract with Professional Tree Care Company for removal of specified diseased, distressed or dead trees in the park. The Board asked questions about tree removal, a tree replacement plan, the schedule, and coordination of outreach with the school, the KCC and to the whole community.

- Motion by Director Nottoli, seconded by Director Sherris-Watt, to approve a contract with Professional Tree Care Company as proposed in the staff report, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**Comments & Reports**

**11. Director Comments.** [TS [3:29:39](#)]

Director Sherris-Watt presented a draft report outlining several Kensington Park improvements project for the Board to review and prioritize in the future. The Board will have conversations about the improvements in the future.

- Addressing the Board were the following persons: 1) A. Stevens Delk who commented on the use of the waste franchise fees; and 2) Sylvia Elsbury pointed out that KCC gave the District a check for \$15,000 and asked whether it could be used for some park improvement projects.

President Hacaj thanked her colleagues for the work they have done. She also thanked the Police Department staff for their work to make the relocation successful.

**12. General Manager's Report.** [TS [3:44:33](#)]

Interim General Manager commented that the October 6<sup>th</sup> test hybrid meeting went well. Police Chief Gancasz presented a status update on the relocation of the Police Department from the Public Safety Building to the new location at 10940 San Pablo Avenue, Building B, in El Cerrito. He reported that in-house staff completed the move and it came in under budget. Additionally, he reported that the move would result in long-term operational cost savings, the PD have additional resource, and staff morale was high. Board members commended the Chief and staff on the job they did.

- Addressing the Board was Bill Hansell, KFPD General Manager, who thanked the KPD on behalf of the Fire District and said it was a great cooperative effort.

**13. Board Correspondence.**

- Filed with the Board was the KCC Recreation Office Report – October 2022.

[[TS 1:12:03](#)] Director Sherris-Watt requested clarification on the KCC report listing the blessing of animals on October 23. Following Board discussion about whether this is a public or a religious event, they directed the General Manager to contact KCC to determine the distinction and report back to the Board.

**Adjournment** [[TS 3:54:16](#)]

President Hacaj adjourned the meeting at 9:51 p.m.

The next regular meeting is scheduled for November 10, 2022.

SUBMITTED BY:

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Lynelle M. Lewis, District Clerk of the Board

APPROVED: November 10, 2022

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Tony Constantouros, Interim General Manager

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Sylvia Hacaj, President of the Board



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Date: November 10, 2022  
To: Board of Directors  
From: Rachelle Sherris-Watt, Director  
Subject: Protocols for in-person and/or hybrid meetings

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### **Recommendation**

Review the recommended suggestions for running in-person or hybrid meetings that provide safety and security for staff, Board Directors and Kensington residents. Adopt protocols that attendees must abide by.

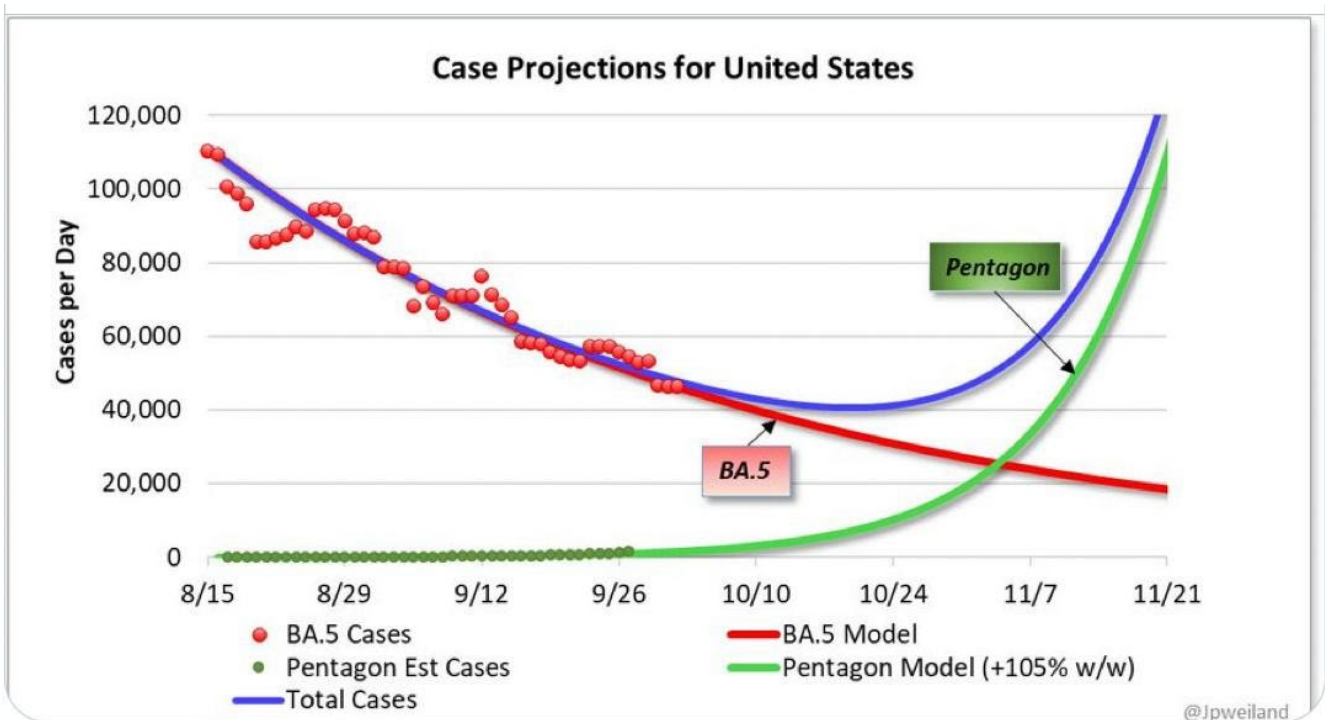
### **Background**

In March 2020, due to the Covid 19 pandemic, the KPPCSD began conducting meetings remotely via Zoom. With the development of vaccines, advancing knowledge in how the airborne virus is transmitted, and changes made to our physical meeting space, the Board feels that in-person or hybrid meetings may be attempted without catastrophic impact to our constituents and employees. We are in the business of public safety in all its forms. Advancing safety procedures and practices are part of the mission of our District.

### **Discussion and Analysis**

Our community, like most, has been negatively affected by the pandemic. Having lost loved ones, experienced illness and infection ourselves, we know that this illness is not a “cold”, but “possibly the most contagious illness ever known to mankind with a conservative R.t of 5.” It infects more rapidly than measles (R.t 15) in an unvaccinated population due to its short incubation period. (Weiland)

The good news is that there are fewer cases than this past spring. The bad news is BA.2.75.2, has been doubling every week since early September, and there are new variants that “have significant growth advantage & more immune evasion.” These are termed “Pentagon” cases by J.P Weiland & Cornelius Roemer. Weiland produced the following case projection for the U.S.



Roemer is a Cambridge and MIT trained physicist. Weiland is a scientist that does disease modeling.

**Suggested Meeting Protocols:**

- Masks must be worn over the mouth and nose throughout the meeting. An N95 or surgical mask is required. Cloth masks, gaiters and bandanas are not acceptable.
- Masks must be worn regardless of vaccination status by all meeting attendees.
- Masks will be provided upon request.
- Surfaces will be sanitized between meetings.
- Sanitary wipes will be available for use at the podium.
- Rows of chairs will be set up with 6-foot distancing.
- You are welcome to sign the attendance log. Attendees who do so will be notified if a Board or staff member or community member (who notifies us) contracts Covid within 4 days of the meeting. No names or personal information will be shared.
- Please no eating or drinking during the meeting. If you must eat or drink, please do so outside the Community Center.
- Outside doors will be open throughout the meeting, please dress appropriately.

- If you are ill, please stay home and engage electronically.
- Vaccination/boosters for Covid-19 and the flu are recommended for those eligible.

**Fiscal Impact**

Cost of masks, sanitary wipes, and staff time, approximately \$100/meeting. The fiscal impact of not having these policies in place could be far greater. A staff member made ill at a public meeting could cost the District thousands in lost time.

**Exhibit (s)**

None



Date: November 7, 2022  
To: Board of Directors  
From: Eileen Nottoli and Rachelle Sherris-Watt, Directors  
Subject: Recommendations for Kensington Park Improvements

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### **Recommendation**

Review, discuss, amend (as necessary) and approve the attached improvements to Kensington Park. Rank the improvements with a priority of A, B, or C to address as resources permit. Incorporate these expenses into the 2022-23 Budget during the mid-year budget review process and direct staff to oversee and report on progress and completion during the 22-23 fiscal year.

### **Background**

Since 2016, the Board began a dramatic series of improvements to Kensington Park. The Community Center was brought to current seismic safety standards and renovated for better functionality and aesthetic appeal. The tennis court was resurfaced and the backboard repaired and repainted. Netting inside the courts was replaced. The fencing of the tennis court was repaired (twice) due to vehicle damage. The playground woodchips have been replenished on a consistent basis. Swings have been repaired. Benches were cleaned and replaced as needed.

For the first time, diseased or dangerous limbs and trees were preemptively removed. Poison oak removal occurred on an annual basis. The staircase from Highland to Building E was replaced, and the storm drain on Highland running into the park was repaired. In collaboration with the Boy Scouts, the staircase from the parking lot to the Community Center was repaired and a handrail and new lighting added. Most recently, the grass area in front of the Community Center has been renovated with the installation of hardware cloth to prevent moles/gophers, new irrigation, and new sod. Garbage service was increased and the dumpster hidden from view (built in 2015).

Additionally, needed upgrades would make the Park more attractive, usable and safe. As Park usage increases after a few years of Covid and intensely smokey autumns, it seems a good time to invest further in our park.

### **Discussion and Analysis**

In general, the Park lacks signage, clear boundaries for the separation of activities and a few misplaced items that could pose safety concerns. The proposed improvements are listed by category in rough order as you travel from Arlmont to Windsor, from north to south.

Attached is a table of these items with estimated costs to assist in assigning a priority to each item.

### **Fiscal Impact**

Included in exhibits.

### **Exhibit (s)**

- Proposed Improvements By Category
- List of Recommended Park Improvements
- Bollards #1
- Bollards #2



**Proposed Improvements**  
**Listed by Category**  
**Rough Order - from Arlmont to Windsor, from north to south.**

**Signage:** Our Park signs are limited, not controlled by the KPPCSD, and/or in need of repair. The Park should have at least two (2) new main signs. One sign should be at the entrance or on Kensington Park Road, possibly directing people to various Park buildings. A second main sign should be a sign at the entrance of the Park on Windsor Avenue.

There should be a covered bulletin board controlled by the KPPCSD near the picnic tables by the playground and by the picnic area closest to Windsor. This would allow for reservations and notices to be posted. A bulletin board attached to the tennis court fencing would be helpful.

There should be at least four (4), "Dogs must be on a leash," signs posted throughout the Park. One at the bottom of the stairs on Highland, one near Building E by the meadow, one at the entrance or near the Community Center lawn. A fourth sign would be at/near the Windsor entrance. There should also be signs requesting that dogs not relieve on planted areas. This includes the newly landscaped area by the Community Center and at Neilson Park (Coventry and Ardmore).

Two (2) handicapped parking signs should be replaced near the Community Center and above the tennis courts.

Two (2) rules for tennis and/or pickle ball courts signs should be created.

Ten (10) dog relieving signs

Cost estimate: \$5000-\$5200 (bulletin boards \$2125, new sign \$2000, metal signs \$550, other \$500).

**Branch Removal:** A branch that runs vertically over the Community Center pathway and blocks the view of the flagpole needs to be removed. Mr. Herrera can complete this project.

Cost estimate: \$400.

**Flagpole Improvement:** With the removal of the branch mentioned above, a local Boy Scout troop has offered to repair the flagpole. It is badly in need of repair and fresh paint. The work will involve carefully lowering the pole, sanding it, replacing hardware, and repainting it.

Cost estimate: \$500-1000 for materials for Scouts if done this year.

**Planter Improvement:** Planters surrounding the Community Center lawn are made of crumbling blocks and will be replaced with an enclosure that also integrates bench seating. Mr. Herrera can complete this project.

Cost estimate: \$2500-\$5000.

**Bark Replacement and Plantings:** Bark should be replaced in front of the Community Center and alongside the chain link fencing that runs alongside the path around the meadow.

Cost estimate: \$200-\$400.

**Community Center:** Interior door handles were never replaced during the renovation and nine (9) new lever hardware would improve function and fit more securely. Five (5) need to have locking mechanisms with keys, four (4) should not lock.

Cost estimate: \$250-\$500 / 9 handles.

**Parking Lot Painting:** Restriping of parking spaces, red curbs and a refreshing of the designation on handicapped spaces is needed for the area across from the Annex and adjacent to the meadow and the turnaround area at the end of Windsor Avenue.

This improvement would ideally be completed in conjunction with the addition of safety bollards.

Cost estimate: \$1100, exact estimate needs to be obtained.

**Bollards for Safety:** In the last few years, two cars overran the parking area above the tennis court and plunged down the hillside. Luckily, no one has been injured, but the tennis court fencing was damaged both times and a bench was destroyed had a person been walking on the pathway or a child reading on the bench, serious injury or death could have resulted. Seventeen (17) bollards would be placed to protect the picnic and playground area. We suggest the addition of at least eleven (11) bollards across the parking and turnaround area.

Cost estimate: \$14,761 for twenty-eight (28), \$17,613 for thirty-four (34) bollards. Installation is estimated at \$150-200/bollard depending on the width of the hole needed. Thus, the estimate for the installation cost for 28 bollards ranges from \$4,200 to \$5,600 for a grand total of \$21,813 to \$23,213.

**Stairs by Annex:** The stairs that run from the fire access road (adjacent to Hilltop) to Kensington Park Blvd are in need of complete replacement. The distance between stairs is no longer uniform and stairs jut out at unpredictable angles.

Cost estimate: The cost to replace the stairs on Highland was \$19,000. With an approximate run of 65 feet, we predict that the replacement would be approximately \$20,000-22,000.

**Stairs from Fire Road to Building E.** The run of the stairs from the Fire Road to Building E become slick in rail. The dirt needs to be dug and out to 5" depth and base rock installed and compacted.

Cost estimate: \$30,000

**Electrical Outlet:** Next to the tennis court an exposed electrical outlet sits adjacent to the baby swings. Mr. Herrera is securing the outlet immediately, but it should either be removed or covered in a way that prevents access without authorization. There is also an outlet on the outside of Building E that should be secured in a similar manner.

Cost estimate: The estimated cost for removal by a qualified electrician: \$500-\$1000.

**Tennis Court Bulletin Board / Court Roller:** The bulletin board outside the tennis court is worn and could be replaced with a longer lasting selection that matches other notice boards in the Park. The court roller is cracking and damaged.

Cost estimate: Court Roller - \$50 - \$120. Bulletin board included with other signs, but estimate alone is \$350 small, \$500 large.

**Pickle Ball Courts:** Pickle Ball has fast been growing as a recreational pastime. Currently, some recreational classes use portable nets to turn a tennis court into a pickle ball court. As the demand grows, it seems that repurposing the backside of one of the tennis courts, currently used only for a backboard, with a functional pickle ball court will expand the use of Kensington Park.

The following is from usapickleball.org

The USA Pickleball Rule Book states that “a total playing surface 30’X60’ is the minimum size that is recommended. A total size of 34’X64’ feet is preferred.” The actual playing lines measure 20’ x 44’. Whenever possible, a north-south orientation should be maintained to minimize the angle of the sun in the player’s eyes.

Asphalt or Concrete both provide an acceptable base for pickleball courts. Make sure to review surfacing requirements before having the base installed, as there are recommended specifications for slope, drainage, and surface finish, and overall construction.

Acrylic playing surfaces are low-maintenance. Outdoor courts benefit from the wind and rain, and very rarely need cleaning. If visible dirt, debris, or organic growth is spotted, cleaning may be performed. Trees, shrubs, and shade can increase the amount of organic growth on a court surface. Surface pressure washers or a push behind floor scrubber may be used, as needed, to clean court surfaces.

Cost of Pickle Ball Court: The estimate is anywhere from \$15-40/square foot.

Cost estimate: Given that we have a level surface, access to power and water, we would predict that our costs would be in the middle of that range suggested, approximately \$25,000-27,000.

**Basketball Court:** The basketball hoops and backboards are useable, but not in pristine shape. The court should be restriped however. The 3-point line is embarrassing, and unacceptable to anyone who lives in the same state as Stephen Curry.

This could presumably be completed at the same time as other parking lot painting.

Cost estimate: included with parking lot painting.

**BBQ Removal:** A BBQ is bizarrely placed at the bottom of the staircase leading from the pathway around the meadow to the basketball court. It should be removed and the concrete filled.

Cost estimate: \$200.

**Bench Replacement:** Two benches sit alongside the basketball court. Broken plastic planks were removed in 2018, but new benches should be placed. This is probably the least vital suggestion of this list, but should not be forgotten.

Cost estimate: \$1500-\$3000.

**Concrete Hillside:** The hillside below the pathway around the meadow is held up with a combination of concrete staircase and wire mesh and concrete encasement. This strange encasement is beginning to show holes and wear.

Cost estimate: A rough estimate to install wire and anchor it to existing wiring, add and compact soil, and spray on concrete.

Cost estimate: \$12,000.

**Dog Park:** Many evenings, the meadow in front of Building E is being used as an off-leash dog area. This has created a few problems. First, owners are not always waiting for the recreation classes or camps to conclude. Off leash dogs have been running amongst the kids. Secondly, we have received complaints of dogs physically injuring children. (See meeting archives). Parts of the meadow have holes after being dug out due to dogs going after gophers. Lastly, a few dog owners are leaving waste for other park users to step in. All of Kensington Park is dog friendly, but the dog must be leashed. This is in compliance with the laws of Contra Costa County.

In order to support all Park users, Kensington should build a dog park. There is an area adjacent to Windsor Avenue and below the picnic area that could be used. There could be a 25 by 115-foot fenced park for large dogs, a 25 by 40-foot fenced park for small dogs, and a 10 foot-wide fenced corridor between the two dog parks. There would be two gates into the corridor and a gate into each dog park; each gate would be four feet wide. We suggest a 6-foot-high cyclone fence. The site is accessible to water and electricity. By adding benches, a watering station and disposal containers, the dog park could be a major community asset.

A discussion with Kensington residents who are dog owners would be advised. While we understand that some might not see the need for dramatic change, with social media, a space that is used casually can go from unknown to inundated with one viral post. It seems prudent to be proactive.

Director Sherris-Watt raised this issue with Board and community members in 2015 and it was seen as undesirable at that time.

Mr. Herrera prepared and fenced the Bruce King Memorial Dog Park in El Cerrito. We would want him to oversee all areas of this project.

Cost estimate: Based solely on linear feet and not having visited the site, Oakland Fence Company estimates the fencing at \$24,00 and gates at \$4,000 for a total estimate of \$30,000 for materials and installation. The estimate is \$4,000 for installation of two water fountains, \$3,400 for benches, \$2,000 for garbage containers including concrete slab, and \$5,000 repairs to the stairs and installation of a handrail. The total cost estimate is \$44,400

**Stairs from BBQ to Dog Park:** Stairs need to be rebuilt in the area that runs from the two picnic tables to the proposed dog park. It is a distance of approximately 15 feet. Mr. Herrera could complete this work.

Cost estimate: Included with dog park estimate.

**Meadow:** The meadow has several gopher holes which pose a safety concern. The meadow should be renovated by removing existing grass, installing hardware cloth throughout the area, install irrigation, and replant with sod.

Cost estimate: \$9,000.

**Building E Repairs:** There is water damage on the west side of the building resulting from prior window replacement that did not include flashing. The roof has been leaking and is in need of repair. The bathroom door may not close correctly. The entire structure should be assessed and repaired as necessary. The new proposed contract with KCC has the KPPCSD taking over responsibility for maintaining the building in order to ensure compliance with government requirements including paying prevailing wages.

Cost estimate: \$36,000–\$75,000.

**Removal of Diseased, Distressed and Dead Trees:** Approved at the October 13, 2022, meeting and to be completed in 2022-23.

**Links:**

<https://www.recsupply.com/display-boards-message-centers>

<https://usapickleball.org/wp-content/uploads/2013/06/court-layout-print-version.pdf>

<https://pickleballspots.com/cost-of-installing-pickleball-court/>

<http://el-cerrito.org/Facilities/Facility/Details/Bruce-King-Memorial-Dog-Park-22>

Establishing a dog park: <https://images.akc.org/pdf/GLEG01.pdf>

### List of Recommended Park Improvements

Item	Estimated Cost	Priority
Signage (bulletin board, dog signs, tennis rules, handicap parking)	\$5,000-5,200	
Branch removal over Community Center pathway	\$400	
Flagpole improvement	\$500-1,000	
Community Center Planter Improvement	\$2500-\$5000	
Community Center bark replacement and plantings	\$200-\$400	
Community Center door handles	\$250-500	
Parking lot painting	\$1,100	
Bollards for safety	\$21,813 to \$23,213	
Stairs by Annex	\$20,000-22,000	
Stairs from Fire Road to Building E	\$30,000	
Electrical Outlet Repair`	\$500-1,000	
Tennis Court Bulletin Board/Court roller	\$400-\$620	
Pickle Ball Court	\$25,000-27,000	
Basketball Court re-stripping	Incl. in parking lot	
BBQ Removal	\$200	
Bench replacement by basketball court	\$1,500-3,000	
Concrete Hillside	\$12,000	
Dog park	\$44,000	
Meadow by Building E	\$9,000	
Building E repairs	\$36,000-75,000	



Date: November 7, 2022  
To: Board of Directors  
From: Tony Constantouros, Interim General Manager  
Subject: Possible Locations for District Offices

---

### **Recommendation**

1. Appoint the KPPCSD General Manager as a negotiator for properties under consideration for possible permanent locations for the KPPCSD. An updated list of potential locations is included below.
2. Utilize a commercial broker related to evaluate properties operated for business/commerce
3. Screen suggested properties and identify a short list of locations to focus on.

### **Background**

Evaluating possible locations to house the District's police operations and administrative offices has been studied by the KPPCSD for a lengthy period. This year a number of potential sites were listed at the February 10, 2022, Board Meeting. At the July 14, 2022, Board Meeting, Mr. George Miers presented the pros and cons of site options, including three sites on the Arlington Parking Lot. At the Sept. 8, 2022, meeting Mr. Miers prepared an updated summary chart that was reviewed and discussed. Also considered at that meeting was the possibility of utilizing a Commercial Real Estate Broker.

### **Discussion and Analysis**

No site thus far has emerged to meet both District requirements and a willingness to sell/lease by a property owner. As a result, some additional locations have emerged for consideration. In addition, previous sites are also being listed for possible reevaluation.

### **Possible locations**

- Temporary location of Kensington Fire Department at the UUCB parking lot at the end of Craft Avenue
- Lot at the corner of Santa Fe and Oak View Ave. (Possible Address 151 Oakview Ave., Kensington)
- Property South of the Library that is owned by the District as part of the park
- 385 Colusa Ave (formerly Narsai's Restaurant)



Possible Locations for District Offices

November 10, 2022

Page 2 of 2

- Lot behind St. Jerome's Church. St. Jerome's address is 305 Carmel Ave., El Cerrito
- Lot located on Colusa Ave between Carmel Ave. and San Carlos Ave., El Cerrito
- 401 Colusa Ave.

Background news articles on some properties are referenced below for information

**Fiscal Impact**

None at this time

**Exhibit (s)**

<https://patch.com/california/elcerrito/whats-up-with-ailing-colusa-circle-development>

[https://kensingtoncommunitycouncil.org/kensington-outlook/issues/outlook\\_jul\\_aug\\_07.pdf](https://kensingtoncommunitycouncil.org/kensington-outlook/issues/outlook_jul_aug_07.pdf)



---

Date: November 7, 2022  
To: Board of Directors  
From: Tony Constantouros, Interim General Manager  
Subject: Community Facility District

---

### **Recommendation**

Explore the possibility of forming a Community Facility District with the 2023/24 budget process.

### **Background**

The Kensington Park Assessment District is a Landscape and Lighting District that was created on December 6, 1994, by the Kensington Police Protection and Community Services District (KPPCSD). The Park Assessment District was formed pursuant to the Landscaping and Lighting Act of 1972 in order to levy an assessment intended to fund park maintenance and care of the park. Since that time, the KPPCSD has been levying and collecting special assessments to pay for maintaining and servicing improvement. The Parks and Recreation Fund provided by the Park Assessment District has not been sufficient to fund the maintenance and care of the park and has been regularly supplemented through the general Fund.

An alternative option is a Community Facility District (CFD). CFD's are a Special Tax District and were established in 1982. They may provide improved options to properly fund and address the needs of the park.

### **Discussion and Analysis**

Over the past several years, the Parks and Recreation Fund has functioned with an operating deficit that has been backfilled by the District's General Fund. Historically, the tax revenues cover a small portion of the budgeted expenses. As expenses have continued to increase, the tax assessment revenue has not kept pace with expenditures and the maintenance needs of the park and its facilities. Without the support of the KPPCSD's General Fund there would be insufficient funding for Kensington Park and the Community Center.

For example, in the current Fiscal Year 2022/2023, Parks and Recreation District expenses were projected at \$177,814 The Parks and Recreation Fund provided total of \$44,360 in tax revenue.

### **Fiscal Impact**

None at this time.



---

Date: November 7, 2022  
To: Board of Directors  
From: Tony Constantouros, Interim General Manager  
Subject: General Counsel Rate Adjustment

---

### **Recommendation**

Authorize the General Manager to execute an amendment to the Contract for legal services with the Renne Public Law Group increasing the hourly rate for the General Counsel by \$25/hour to \$250/hour effective January 1, 2023.

### **Background**

Ann Danforth has served as General Counsel of the KPPCSD since April 13, 2017 and has provided consistent and valued legal guidance to the District for over 5 ½ years.

### **Discussion and Analysis**

The last rate increase for the General Counsel was on January 1, 2021. The recommended increase reflects the current cost of living increases and the lack of an adjustment for the General Counsel last year. There are sufficient funds available in the approved budget.

### **Fiscal Impact**

The 2022/23 budget for General Counsel is [\\$79,000](#). The additional annual cost of a \$250/hour rate effective 1/1/23, a \$25/hour increase, is [\\$4,389](#).

### **Exhibit**

Current Agreement for legal services with Renne Public Law Group (4/7/20)



350 Sansome Street | Suite 300  
San Francisco, CA 94104

Jonathan V. Holtzman  
415.848.7235  
jholtzman@publiclawgroup.com

April 7, 2020

**Via E-mail & U.S. Mail**

Christopher Deppe  
Board President  
Kensington Police Protection & Community Services District  
217 Arlington Ave  
Berkeley, CA 94707

**Re:** Legal Services Agreement

Dear Mr. Deppe:

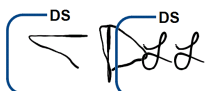
Thank you for continuing to retain Renne Public Law Group (“RPLG”), LLP, to provide legal and consulting services to Kensington Police Protection & Community Services District (hereinafter, “District”).

This letter sets forth our proposed agreement beginning April 1st, 2020 (“Effective Date”) concerning the legal and consulting services we will provide and our fee and expense reimbursement arrangements for those services.

1. **Assumption of Services.** As you know, Ann Danforth, who has served as the District’s General Counsel since April 2017, recently became affiliated with RPLG as Of Counsel. The General Counsel services Ms. Danforth previously provided to the District through the Law Offices of Ann Danforth will be provided instead through RPLG as of the Effective Date.
2. **Scope of Engagement.** The District hereby retains and authorizes RPLG to represent the District and provide the following legal and consulting services as may be requested orally or in writing, by authorized representatives of the District:

**(A) General Counsel Services:**

Ann Danforth shall continue to serve as General Counsel to the District. She will continue to perform any and all basic General Counsel duties and functions entrusted to her by the District including, without limitation, attendance at Board Meetings and other District meetings as requested; regular office hours; provision of legal advice on District matters, including without limitation by email or phone; preparation of ordinances, resolutions, contracts, and other legal documents pertaining to District affairs; preparation



Christopher Deppe, Kensington Police Protection and Community Services District  
Page 2

of opinions regarding District matters as requested by appropriate District officials, and management of other law firms retained to provide legal services to the District.

As she has previously, Ms. Danforth shall continue to personally perform most of the required General Counsel services for the District. Other RPLG attorneys may continue to be assigned by Ms. Danforth to provide back-up and additional general counsel services, as required. Ms. Danforth will continue to have the discretion to determine whether particular services require the attention of a legal specialist or other outside counsel. Prior to retaining outside counsel on the District's behalf, General Counsel will continue to obtain permission from the General Manager for matters within the General Manager's contract authority and the Board for all other matters. Ms. Danforth will be the coordinator of all services provided to the District with other RPLG attorneys or other outside counsel, as appropriate.

**(B) Employment & Personnel Related Services:** RPLG will continue to provide legal services pertaining to the District's employment and personnel issues on an as needed basis, including, but not limited to:

1. the preparation of employment and settlement documents;
2. advisory services related to general employment matters;
3. advisory services or representation during personnel investigations, disciplinary matters, administrative hearings, and arbitrations.

**(C) Labor Relations & Negotiations:** RPLG will provide legal and consulting services to the District related to the negotiations of successor Memoranda of Understanding with the Kensington Police Officers Association (hereinafter, "KPOA") an as needed basis, including but not limited to:

1. providing reports and/or presentations to the Board of Directors regarding the status of negotiations; and
2. assisting with necessary fact research for negotiations, guiding the District's formulation and preparation of cost analyses of management and union proposals.

RPLG will also provide legal advice related to labor law and the enforcement of Memoranda of Understanding with the KPOA.

**(D) Litigation and Other Services**

RPLG may, under the terms of this agreement, provide additional legal or consulting counsel services, including representation of the District in litigation involving the District; provided, however, that such additional services shall be provided only upon the request of the District Board or General Manager, without involvement by the designated General Counsel in determining whether to make such a request.

Christopher Deppe, Kensington Police Protection and Community Services District  
Page 3

RPLG's legal services will not include matters in which RPLG has a conflict of interest that precludes RPLG from representing District, members of the District Board, officers or employees of District. If RPLG has a conflict of interest or lacks expertise to handle a particular assignment, RPLG shall, following consultation with the General Manager, provide the District with a recommendation to hire outside counsel.

3. **Fees and Personnel.** The District shall compensate RPLG for our services as set forth in this section:

(A) **Services Provided by Ann Danforth:** Any General Counsel Services performed individually by Ms. Danforth shall be provided at the same rates the District paid for her services immediately prior to the Effective Date. Those rates are as follows:

1. For General Counsel Services provided individually by Ms. Danforth, the District shall pay \$210 (two hundred ten dollars) per hour ("Base Hourly Rate"), except that the District shall pay \$158 (one hundred fifty-eight dollars) per hour for the first four hours Ms. Danforth individually spends per month attending meetings of the District Board ("Discounted Meeting Rate"). Any time Ms. Danforth individually spends attending meetings of the District Board in excess of four hours per month shall be compensated at the Base Hourly Rate.
2. Beginning on January 1, 2021, the Base Hourly Rate shall increase to \$225 (two hundred twenty-five dollars) and the Discounted Meeting Rate shall be discontinued.

(B) **Services Provided by Other Individuals:** For services performed by individuals at RPLG other than Ms. Danforth, District shall pay RPLG based on the firm's 2019 hourly rate schedule through the end of 2020:

STAFFING	HOURLY RATE
Jonathan V. Holtzman, Partner	\$385
Teresa L. Stricker, Partner	\$350
Randy Riddle, Of Counsel	\$350
Vicki Clayton, Of Counsel	\$350

If other attorneys, consultants, paralegals or legal assistants are assigned to work on your matter, then the 2019 hourly rates of those individuals will be utilized, which are attached as **ATTACHMENT A**, through the end of 2020. Our rates may be increased annually on or about January 1, 2021, and each January 1 thereafter, by the greater of 3% or the relevant local CPI increase over the prior 12 month period, rounded to the nearest \$5.

Christopher Deppe, Kensington Police Protection and Community Services District  
Page 4

In the unlikely event of a dispute over fees, the parties agree that the dispute will be submitted to arbitration pursuant to the State Bar's Mandatory Fee Arbitration Program.

- 4. Billing and Payment Responsibilities.** We will send monthly statements which are due within 30 days of receipt. If you have any questions about an invoice, please promptly telephone or write me so that we may discuss these matters. Billing is done in 1/10 of an hour increments.

We charge an administrative fee of 5% to cover overhead expenses such as photocopying, phone calls or computer-assisted research. The Firm charges separately for disbursements to third parties made on the client's behalf. Such costs and disbursements include, for example, the following: travel-related expenses, transcription, overnight delivery, and messenger services.

Our Statement of Fee and Billing information, which sets forth the details of our disbursement and expense policy, is attached on **ATTACHMENT B**.

- 5. Termination of Services.** You may terminate RPLG's services at any time by written notice. After receiving such notice, we will cease providing services. We will cooperate with you in the orderly transfer of all related files and records to your new counsel.

RPLG may terminate its services for any reason upon 30 days' written notice (or sooner with the District's consent) or for good cause immediately upon written notice, consistent with the Rules of Professional Responsibility. If we terminate our services, you agree to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination.

Termination of our services, whether by you or by us, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

- 6. No Guarantee of Outcome.** Any comments made by us about the potential outcome of this matter are expressions of opinion only and are not guarantees or promises about any outcome or results.
- 7. Government Law.** This agreement shall be governed by and construed in accordance with the laws of the State of California.
- 8. Entire Agreement; Full Understanding; Modifications in Writing.** This letter contains our entire agreement about our representation. Any modifications or additions to this letter agreement must be made in writing.
- 9. Joint Representation.** Our firm maintains Of Counsel agreements with certain legal specialists. Because these individuals are deemed independent contractors under the applicable provisions of the tax laws and not employees of the firm, it is necessary that



Christopher Deppe, Kensington Police Protection and Community Services District  
Page 5

you consent to dual representation by the firm and the specialist in the event the matter which you have engaged us to handle requires the use of that specialist. This arrangement has no effect whatsoever on the cost of your legal services, rather it is an ethical requirement that we disclose this fact and that you consent. You are consenting by signing this letter.

Very truly yours,

Jonathan V. Holtzman

cc: Ann Danforth  
Angie Perez, RPLG Billing Department

These terms are accepted and agreed to as of the date of this letter.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by Director Nottoli, seconded by Director Hacaj, on Thursday, the 14<sup>th</sup> day of May, 2020, by the following vote to wit:

AYES: Directors Sherris-Watt, Nottoli, Hacaj, and Deppe  
NOES: Director Modavi  
ABSENT: None  
ABSTAINED: None

DocuSigned by:  
  
0BF8EABC150E473...  
Chris Deppe  
President, Board of Directors  
5/29/2020

I 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 regular meeting of said Board held on Thursday, the 14<sup>th</sup> day of May, 2020.

DocuSigned by:  
  
8483B78934AA4FC...  
Lynelle M. Lewis  
District Clerk of the Board  
5/29/2020

**ATTACHMENT A**  
**PUBLIC SECTOR FEE SCHEDULE**  
**EFFECTIVE JANUARY 1, 2019 TO DECEMBER 31, 2019**

Partners:	\$325 - \$450
Of Counsel:	\$295 - \$395
Associates:	\$220 - \$345
Law Clerks:	\$145
Paralegals:	\$105 - \$175
Analysts:	\$95 - \$160
Consultants:	\$160 - \$350

Our rates adjust every January by the greater of 3% or the relevant local CPI increase over the prior 12 month period, rounded to the nearest \$5.

Christopher Deppe, Kensington Police Protection and Community Services District  
Page 7

## ATTACHMENT B

### RENNE PUBLIC LAW GROUP STATEMENT OF FEE AND BILLING INFORMATION

The following is a general description of our fee and billing policies. These general policies may be modified by the specific engagement letter or agreement to which this summary is attached.

**Professional Fees.** Our fees for professional services are based on the fair value of the services rendered. To help us determine the value of our services, our attorneys and paralegals maintain time records for each client and matter. Our attorneys and paralegals are assigned hourly rates which are based on years of experience, specialization, training and level of professional attainment. We adjust our rates periodically (usually at the beginning of each year) to take into account inflation and the increased experience of our professional personnel.

To keep professional fees at a minimum, legal work that does not require more experienced attorneys will be performed, where feasible, by attorneys with lower billing rates. Of course, the quality of the work is paramount, and we do not sacrifice quality to economy.

Before undertaking a particular assignment, we will, if requested, provide you with a fee estimate to the extent possible. Estimates are not possible for some matters, however, and cannot be relied on in many others because the scope of our work will not be clear at the outset. When a fee estimate is given, it is only an estimate; it is not a maximum or minimum fee quotation. The actual fee may be more or less than the quoted estimate.

**Billing and Payment Procedures.** Unless other arrangements are made at the time of the engagement, invoices will be sent monthly. Invoices for outside services exceeding \$100 may be billed separately. Occasionally, however, we may defer billing for a given month or months if the accrued fees and costs do not warrant current billing or if other circumstances would make it appropriate to defer billing.

Our invoices contain a brief narrative description of the work performed; if requested, the initials of the attorney who performed the work will appear on the statement. The invoice will include a line item reflecting in-house administrative costs. The firm's in-house administrative costs include duplicating, facsimile charges, telephone charges, e-mail, postage, mileage and other administrative expenses.

We normally charge an administrative fee of 5% to cover overhead expenses such as photocopying, phone calls or computer-assisted research. The Firm charges separately for disbursements to third parties made on the client's behalf. Such costs and disbursements include, for example, the following: travel-related expenses, transcription, overnight delivery, and messenger services.

Christopher Deppe, Kensington Police Protection and Community Services District  
Page 8

If you have any questions regarding an invoice, the Billing Coordinator or Accounting Manager is available to answer your questions. For any unresolved matters, the Bar Association has an arbitration mechanism that can be used to resolve such matters.



Date: November 7, 2022  
To: Board of Directors  
From: Tony Constantouros, Interim General Manager  
Subject: KCC Contract Discussion

---

**Recommendation:**

Discuss status and extension of contract.

**Background:**

In January of 2017, the District and KCC entered into an agreement for the KCC to provide recreational services to the Kensington community on District-owned property. The District Board decided to terminate the current contract and negotiate a new one at its meeting of April 14, 2022. The contract has been previously extended, and a new extension will now expire on November 18, 2022.

**Overview:**

The Board can discuss the status of the draft contract and whether to consider an additional extension. A new Board will be seated at the next Board Meeting on December 8, 2022. This item was placed on the agenda to allow the Board to express any viewpoints or directions related to the negotiations.

**Fiscal Impact:**

None

**Exhibit (s)**

None



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Item # 10

**Date:** November 10, 2022

**To:** Board of Directors

**From:** Anthony Constantouros, Interim General Manager

**Subject:** General Manager's Report

---

The following is an update on issues that are not on the agenda but may be of general interest to the Board of Directors and members of the public.

**1. Tree Work**

A reminder that on November 21, Professional Tree Care will begin removing diseased Monterey pine trees and dead trees in various locations. A notice has been included on the front page of this agenda and on the KPPCSD webpage. We will also utilize Nixle to get the word out.

**2. Auditor's Report**

The auditors report for the fiscal year ending June 30, 2021 has been completed. The current plan is to present the report at the December 8 Board Meeting. A copy is attached.

### **3. Human Resources**



We are exploring the concept of utilizing part-time assistance from an HR firm. The District could use some limited assistance in a number of capacities. For example, this could include salary administration, recordkeeping, benefits management, performance evaluations and on-boarding new employees. We will research this concept further.

### **4. Seating of New Board Members/Hybrid Meeting**

Based on the current election results, three new Board of Directors will be seated at the December 8 Meeting. We will arrange to administer the oath of office before the December 8 meeting. The new Board Members will be seated and fully participate at the meeting.

This meeting will be a hybrid meeting – both in-person and zoom. Any protocol changes will need to be finalized in advance of the meeting.





**KENSINGTON POLICE PROTECTION  
AND COMMUNITY SERVICES DISTRICT  
FINANCIAL STATEMENTS  
AND  
INDEPENDENT AUDITORS' REPORT  
For the Fiscal Year Ended  
June 30, 2021  
(With Comparative Information as of June 30, 2020)**

**NIGRO & NIGRO<sup>PC</sup>**

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

*For the Fiscal Year Ended June 30, 2021*

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***Financial Section***

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## INDEPENDENT AUDITORS' REPORT

Board of Directors  
Kensington Police Protection and Community Services District  
Kensington, California

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and the general fund of Kensington Police Protection and Community Services District (District) as of and for the fiscal year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the general fund, of the District as of June 30, 2021, and the respective changes in financial position for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

Jeff Nigro, CPA, CFE | Elizabeth Nigro, CPA | Shannon Bishop, CPA | Peter Glenn, CPA, CFE | Paul J. Kaymark, CPA

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**Other Matters***Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, schedule of proportionate share of the net pension liability, schedule of pension contributions, schedule of changes in the District's net OPEB liability and related ratios, schedule of contributions – other post-employment benefits (OPEB) plan, and the notes to the required supplementary information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

**Prior-Year Comparative Information**

The financial statements include partial prior-year comparative information. Such information does not include sufficient detail to constitute a presentation in accordance with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the District's financial statements for the year ended June 30, 2020, from which such partial information was derived.

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued a separate report dated May 31, 2022, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.



Walnut Creek, California  
May 31, 2022

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Management's Discussion and Analysis (Unaudited)*  
*For the Fiscal Year Ended June 30, 2021*

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Management's Discussion and Analysis (MD&A) offers readers of Kensington Police Protection and Community Services District's financial statements a narrative overview of the District's financial activities for the fiscal year ended June 30, 2021. This MD&A presents financial highlights, an overview of the accompanying financial statements, an analysis of net position and results of operations, a current-to prior year analysis, a discussion on restrictions, commitments and limitations, and a discussion of significant activity involving capital assets and long-term debt. Please read in conjunction with the financial statements, which follow this section.

**FINANCIAL HIGHLIGHTS**

- The District's net position increased \$1,288,920 or 100.06% as a result of this year's operations.
- Total revenues from all sources increased \$219,279 or 6.16%, from \$3,556,875 to \$3,776,154, from the prior year, primarily due to an increase of \$95,399 in property taxes received, as well as a \$119,057 operating transfer in from the closeout of the Fiduciary Fund.
- Total expenses for the District's operations decreased by \$1,171,162 or 32.01%, from \$3,658,396 to \$2,487,234, from the prior year, primarily due to large decreases in non-cash employee benefit expenses as a result of the districts reductions in pension and OPEB liabilities.
- The District purchased new capital assets during the year in the amount of \$372,687. Depreciation expense was \$140,142.

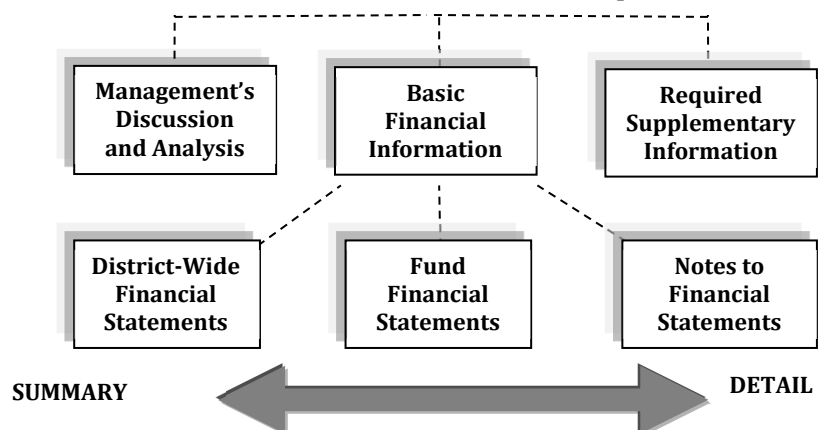
**OVERVIEW OF THE FINANCIAL STATEMENTS**

This annual report consists of three parts – management discussion and analysis (this section), the basic financial statements, and required supplementary information. The basic financial statements include two kinds of statements that present different views of the District:

- *District-wide financial statements* provide both short-term and long-term information about the District's overall financial status.
- *Fund financial statements* focus on individual parts of the District, reporting the District's operations in more detail than the district-wide statements.
  - The *governmental funds* statements tell how basic services were financed in the short term as well as what remains for future spending.

**Figure A-1. Organization of Kensington Police Protection and Community Services District's Annual Financial Report**

The financial statements also include *notes* that explain some of the information in the statements and provide more detailed data. Figure A-1 shows how the various parts of this annual report are arranged and related to one another.



**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Management's Discussion and Analysis (Unaudited)*  
*For the Fiscal Year Ended June 30, 2021*

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**OVERVIEW OF THE FINANCIAL STATEMENTS (continued)**

Figure A-2 summarizes the major features of the District's financial statements, including the portion of the District's activities they cover and the types of information they contain.

**Figure A-2. Major Features of the District-Wide and Fund Financial Statements**

<b>Type of Statements</b>	<b>District-Wide</b>	<b>Governmental Funds</b>	<b>Fiduciary Fund</b>
<i>Scope</i>	Entire District	The activities of the District that are not proprietary or fiduciary, such as public safety services	Instances in which the District administers resources on behalf of someone else, such as retirement benefits
<i>Required financial statements</i>	<ul style="list-style-type: none"> <li>• Statement of Net Position</li> <li>• Statement of Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Balance Sheet</li> <li>• Statement of Revenues, Expenditures &amp; Changes in Fund Balances</li> </ul>	<ul style="list-style-type: none"> <li>• Statement of Fiduciary Net Position</li> <li>• Statement of Changes in Fiduciary Net Position</li> </ul>
<i>Accounting basis and measurement focus</i>	Accrual accounting and economic resources focus	Modified accrual accounting and current financial resources focus	Accrual accounting and economic resources focus
<i>Type of asset/liability information</i>	All assets and liabilities, both financial and capital, short-term and long-term	Only assets expected to be used up and liabilities that come due during the year or soon thereafter; no capital assets included	All assets and liabilities, both short-term and long-term; The District's funds do not currently contain nonfinancial assets, though they can
<i>Type of inflow/outflow information</i>	All revenues and expenses during year, regardless of when cash is received or paid	Revenues for which cash is received during or soon after the end of the year; expenditures when goods or services have been received and payment is due during the year or soon thereafter	All revenues and expenses during the year, regardless of when cash is received or paid

The remainder of this overview section of management's discussion and analysis highlights the structure and contents of each of the statements.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Management's Discussion and Analysis (Unaudited)*  
*For the Fiscal Year Ended June 30, 2021*

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**OVERVIEW OF THE FINANCIAL STATEMENTS (continued)**

**District-Wide Statements**

The district-wide statements report information about the District as a whole using accounting methods similar to those used by private-sector companies. The Statement of Net Position includes all of the District's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two district-wide statements report the District's net position and how it has changed. Net position – the difference between the District's assets and deferred outflows of resources and liabilities and deferred inflows of resources – is one way to measure the District's financial health, or *position*.

- Over time, increases and decreases in the District's net position are an indicator of whether its financial position is improving or deteriorating, respectively.
- To assess the overall health of the District, you need to consider additional nonfinancial factors such as changes in the District's demographics and the condition of buildings and other facilities.
- In the district-wide financial statements, the District's activities are categorized as *Governmental Activities*. Most of the District's basic services are included here, such as weed abatement, landscape maintenance, and administration. State and local programs finance most of these activities.

**Fund Financial Statements**

The fund financial statements provide more detailed information about the District's most significant funds – not the District as a whole. Funds are accounting devices the District uses to keep track of specific sources of funding and spending on particular programs. Some funds are required by State law and by grantor requirements.



**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Management's Discussion and Analysis (Unaudited)*  
*For the Fiscal Year Ended June 30, 2021*

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**FINANCIAL ANALYSIS AND CONDENSED FINANCIAL INFORMATION**

**Analysis of Net Position**

**Table A-1: Condensed Statement of Net Position**

	<u>June 30, 2021</u>	<u>June 30, 2020</u>	<u>Change</u>
<b>Assets:</b>			
Current assets	\$ 2,293,417	\$ 2,232,816	\$ 60,601
Non-current assets	16,983	-	16,983
Capital assets, net	<u>5,626,907</u>	<u>5,394,362</u>	<u>232,545</u>
<b>Total assets</b>	<u>7,937,307</u>	<u>7,627,178</u>	<u>310,129</u>
<b>Deferred outflows of resources</b>	<u>3,581,136</u>	<u>5,681,318</u>	<u>(2,100,182)</u>
<b>Liabilities:</b>			
Current liabilities	299,569	285,409	14,160
Non-current liabilities	<u>5,189,917</u>	<u>11,119,527</u>	<u>(5,929,610)</u>
<b>Total liabilities</b>	<u>5,489,486</u>	<u>11,404,936</u>	<u>(5,915,450)</u>
<b>Deferred inflows of resources</b>	<u>3,451,885</u>	<u>615,408</u>	<u>2,836,477</u>
<b>Net position:</b>			
Net investment in capital assets	5,248,560	5,165,379	83,181
Unrestricted	<u>(2,671,488)</u>	<u>(3,877,227)</u>	<u>1,205,739</u>
<b>Total net position</b>	<u>\$ 2,577,072</u>	<u>\$ 1,288,152</u>	<u>\$ 1,288,920</u>

At the end of fiscal year 2021, the District shows a positive balance overall for its net position of \$2,577,072. The increase of the net investment in capital assets represents the amount of capital asset additions over depreciation expense, along with an increase in capital related financing. Unrestricted net position increased due to the utilization of \$1,238,245 less in funds for the purchase of capital assets, compared with fiscal year 2020.

**Analysis of Revenues and Expenses**

**Table A-2: Condensed Statements of Activities**

	<u>June 30, 2021</u>	<u>June 30, 2020</u>	<u>Change</u>
<b>Program revenues</b>	\$ 1,544,610	\$ 1,501,511	\$ 43,099
<b>Expenses</b>	<u>(2,487,234)</u>	<u>(3,658,396)</u>	<u>1,171,162</u>
<b>Net program expense</b>	(942,624)	(2,156,885)	1,214,261
<b>General revenues</b>	<u>2,231,544</u>	<u>2,055,364</u>	<u>176,180</u>
<b>Change in net position</b>	1,288,920	(101,521)	1,390,441
<b>Net position:</b>			
<b>Beginning of year</b>	<u>1,288,152</u>	<u>1,389,673</u>	<u>(101,521)</u>
<b>End of year</b>	<u>\$ 2,577,072</u>	<u>\$ 1,288,152</u>	<u>\$ 1,288,920</u>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Management's Discussion and Analysis (Unaudited)*  
*For the Fiscal Year Ended June 30, 2021*

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**FINANCIAL ANALYSIS AND CONDENSED FINANCIAL INFORMATION (continued)**

**Analysis of Revenues and Expenses (continued)**

The statement of activities shows how the government's net position changed during the fiscal year. In the case of the District, the operations of the District increased its net position by \$1,288,920.

**Table A-3: Total Revenues**

	<u>June 30, 2021</u>	<u>June 30, 2020</u>	<u>Increase (Decrease)</u>
<b>Program revenues:</b>			
Special assessments:			
Public safety	\$ 685,710	\$ 681,750	\$ 3,960
Measure "G" public safety	598,396	588,398	9,998
Recreation	41,529	40,195	1,334
Charges for services	17,533	11,207	6,326
Operating grants and contributions	181,025	168,743	12,282
Capital grants and contributions	15,400	5,000	10,400
Other revenue	5,017	6,218	(1,201)
<b>Total program revenues</b>	<u>1,544,610</u>	<u>1,501,511</u>	<u>43,099</u>
<b>General revenues:</b>			
Property taxes	2,053,113	1,957,714	95,399
Franchise fees, net	61,857	58,256	3,601
Investment earnings	(2,483)	48,164	(50,647)
Transfers in(out)	119,057	(8,770)	127,827
<b>Total general revenues</b>	<u>2,231,544</u>	<u>2,055,364</u>	<u>176,180</u>
<b>Total revenues</b>	<u>\$ 3,776,154</u>	<u>\$ 3,556,875</u>	<u>\$ 219,279</u>

Total revenues from all sources increased \$219,279 or 6.16%, from \$3,556,875 to \$3,776,154, from the prior year, primarily due to an increase of \$95,399 in property taxes received, as well as a \$119,057 operating transfer in from the closeout of the Fiduciary Fund.

**Table A-4: Total Expenses**

	<u>June 30, 2021</u>	<u>June 30, 2020</u>	<u>Increase (Decrease)</u>
<b>Expenses:</b>			
Salaries and wages	\$ 1,617,029	\$ 1,270,854	\$ 346,175
Employee benefits	(299,289)	985,166	(1,284,455)
Materials and services	840,005	958,116	(118,111)
Interim police chief contract	-	240,997	(240,997)
Depreciation expense	140,142	74,171	65,971
Interest expense	189,347	9,500	179,847
Cost of debt issuance	-	119,592	(119,592)
<b>Total expenses</b>	<u>\$ 2,487,234</u>	<u>\$ 3,658,396</u>	<u>\$ (1,171,162)</u>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Management's Discussion and Analysis (Unaudited)*  
*For the Fiscal Year Ended June 30, 2021*

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**FINANCIAL ANALYSIS AND CONDENSED FINANCIAL INFORMATION (continued)**

**Analysis of Revenues and Expenses (continued)**

Total expenses for the District's operations decreased by \$1,171,162 or 32.01%, from \$3,658,396 to \$2,487,234, from the prior year, primarily due to large non-cash decreases in employee benefit expense as a result of the districts reductions in pension and OPEB liabilities.

**FINANCIAL ANALYSIS OF THE DISTRICT'S FUNDS**

The financial performance of the District as a whole is reflected in its governmental funds as well. As the District completed this year, its governmental funds reported a fund balance of \$2,231,448, which is above last year's ending fund balance of \$2,170,875. The primary cause of the increased fund balance is due to a reduction in total expenditures related to post-employment benefits and capital outlay.

**General Fund Budgetary Highlights**

The final budgeted expenditures for the District at year-end were \$440,937 less than actual. The variance is principally due to the \$327,571 increase in capital outlay expenditures. Actual revenues were greater than the anticipated budget by \$128,540, primarily because of increased property tax revenues provided.

**CAPITAL ASSET AND DEBT ADMINISTRATION**

**Capital Assets**

By the end of 2020-21 the District had invested \$372,687 in new capital assets, related to building improvements and equipment purchases. (More detailed information about capital assets can be found in Note 3 to the financial statements). Total depreciation expense for the year was \$140,142.

**Table A-5: Capital Assets at Year End, Net of Depreciation**

	<b>Balance</b>	<b>Balance</b>
	<b><u>June 30, 2021</u></b>	<b><u>June 30, 2020</u></b>
<b>Capital assets:</b>		
Non-depreciable assets	\$ 2,808,347	\$ 2,808,347
Depreciable assets	4,299,975	3,927,288
Accumulated depreciation	<u>(1,481,415)</u>	<u>(1,341,273)</u>
<b>Total capital assets, net</b>	<b><u>\$ 5,626,907</u></b>	<b><u>\$ 5,394,362</u></b>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Management's Discussion and Analysis (Unaudited)*  
*For the Fiscal Year Ended June 30, 2021*

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**CAPITAL ASSET AND DEBT ADMINISTRATION (continued)**

**Long-term Debt**

Capital related debt was being repaid in fiscal year 2020-21. (See note 5 for further information)

**Table A-6: Long-term Debt at Year End**

	<u>Balance</u> <u>June 30, 2021</u>	<u>Balance</u> <u>June 30, 2020</u>
<b>Long-term debt:</b>		
Loan payable	\$ 207,168	\$ 228,983
Capital lease Payable	<u>171,179</u>	<u>-</u>
<b>Total long-term debt</b>	<u><u>\$ 378,347</u></u>	<u><u>\$ 228,983</u></u>

**FACTORS AFFECTING CURRENT FINANCIAL POSITION**

Management is unaware of any item that would affect the current financial position.

**CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT**

The District's basic financial statements are designed to present users with a general overview of the District's finances and to demonstrate the District's accountability. If you have any questions about the report or need additional information, please contact the District's General Manager at 217 Arlington Avenue, Kensington, CA 94707 or (510) 526-4141.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Statement of Net Position

June 30, 2021 (With Comparative Information as of June 30, 2020)

<u>ASSETS</u>	<u>Governmental Activities</u>	
	<u>2021</u>	<u>2020</u>
<b>Current assets:</b>		
Cash and cash equivalents (note 2)	\$ 2,059,807	\$ 1,969,692
Accrued interest receivable	1,144	5,844
Accounts receivable	4,441	31,289
Property taxes receivable	22,214	23,094
Other receivables	61,285	68,584
Prepaid items	<u>144,526</u>	<u>134,313</u>
<b>Total current assets</b>	<u>2,293,417</u>	<u>2,232,816</u>
<b>Non-current assets:</b>		
Net pension asset (note 10)	16,983	-
Capital assets – not being depreciated (note 3)	2,808,347	2,808,347
Capital assets, net – being depreciated (note 3)	<u>2,818,560</u>	<u>2,586,015</u>
<b>Total non-current assets</b>	<u>5,643,890</u>	<u>5,394,362</u>
<b>Total assets</b>	<u>7,937,307</u>	<u>7,627,178</u>
<b><u>DEFERRED OUTFLOWS OF RESOURCES</u></b>		
Deferred amounts related to net OPEB liability (note 9)	420,721	346,812
Deferred amounts related to net pension asset (note 10)	<u>3,160,415</u>	<u>5,334,506</u>
<b>Total deferred outflows of resources</b>	<u>3,581,136</u>	<u>5,681,318</u>
<b><u>LIABILITIES</u></b>		
<b>Current liabilities:</b>		
Accounts payable and accrued expenses	61,969	61,941
Long-term liabilities – due in one year:		
Compensated absences (note 4)	47,897	31,653
Loan payable (note 5)	22,644	21,815
Capital lease payable (note 6)	37,059	-
Pension obligation bonds payable (note 7)	<u>130,000</u>	<u>170,000</u>
<b>Total current liabilities</b>	<u>299,569</u>	<u>285,409</u>
<b>Noncurrent liabilities:</b>		
Long-term liabilities – due in more than one year:		
Compensated absences (note 4)	47,896	31,653
Loan payable (note 5)	184,524	207,168
Capital lease payable (note 6)	134,120	-
Pension obligation bonds payable (note 7)	4,244,000	4,374,000
Net other post-employment benefits obligation (note 9)	579,377	2,371,365
Net pension liability (note 10)	<u>-</u>	<u>4,135,341</u>
<b>Total noncurrent liabilities</b>	<u>5,189,917</u>	<u>11,119,527</u>
<b>Total liabilities</b>	<u>5,489,486</u>	<u>11,404,936</u>
<b><u>DEFERRED INFLOWS OF RESOURCES</u></b>		
Deferred amounts related to net OPEB liability (note 9)	507,406	315,686
Deferred amounts related to net pension liability (note 10)	<u>2,944,479</u>	<u>299,722</u>
<b>Total deferred inflows of resources</b>	<u>3,451,885</u>	<u>615,408</u>
<b><u>NET POSITION</u></b>		
Net investment in capital assets (note 11)	5,248,560	5,165,379
Unrestricted (Deficit) (note 12)	<u>(2,671,488)</u>	<u>(3,877,227)</u>
<b>Total net position</b>	<u>\$ 2,577,072</u>	<u>\$ 1,288,152</u>

The notes to financial statements are an integral part of this statement.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

*Statement of Activities*

*For the Fiscal Year Ended June 30, 2021*

*(With Comparative Information for the Year Ended June 30, 2020)*

	<u>Governmental Activities</u>	
	<u>2021</u>	<u>2020</u>
<b>Expenses:</b>		
Public safety and recreation:		
Salaries and wages	\$ 1,617,029	\$ 1,270,854
Employee benefits	(299,289)	985,166
Materials and services	840,005	958,116
Interim police chief contract	-	240,997
Depreciation expense	140,142	74,171
Interest expense	189,347	9,500
Cost of debt issuance (note 6)	-	119,592
<b>Total expenses</b>	<u>2,487,234</u>	<u>3,658,396</u>
<b>Program revenues:</b>		
Special assessments:		
Public safety	685,710	681,750
Measure "G" public safety	598,396	588,398
Recreation	41,529	40,195
Charges for services	17,533	11,207
Operating grants and contributions	181,025	168,743
Capital grants and contributions	15,400	5,000
Other revenue	5,017	6,218
<b>Total program revenues</b>	<u>1,544,610</u>	<u>1,501,511</u>
<b>Net program expense</b>	<u>(942,624)</u>	<u>(2,156,885)</u>
<b>General revenues:</b>		
Property taxes	2,053,113	1,957,714
Franchise fees, net	61,857	58,256
Investment earnings	(2,483)	48,164
Transfers in(out)	119,057	(8,770)
<b>Total general revenues</b>	<u>2,231,544</u>	<u>2,055,364</u>
<b>Change in net position</b>	1,288,920	(101,521)
<b>Net position:</b>		
Beginning of year	<u>1,288,152</u>	<u>1,389,673</u>
End of year	<u>\$ 2,577,072</u>	<u>\$ 1,288,152</u>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Balance Sheet – Governmental Funds*  
*June 30, 2021 (With Comparative Information as of June 30, 2020)*

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	<u>General Fund</u>	
<u>ASSETS</u>	<u>2021</u>	<u>2020</u>
<b>Assets:</b>		
Cash and cash equivalents	\$ 2,059,807	\$ 1,969,692
Accrued interest receivable	1,144	5,844
Accounts receivable	4,441	31,289
Property taxes receivable	22,214	23,094
Other receivables	61,285	68,584
Prepaid items	<u>144,526</u>	<u>134,313</u>
<b>Total assets</b>	<u>\$ 2,293,417</u>	<u>\$ 2,232,816</u>
<b><u>LIABILITIES AND FUND BALANCE</u></b>		
<b>Liabilities:</b>		
Accounts payable and accrued expenses	\$ 61,969	\$ 61,941
<b>Total liabilities</b>	<u>61,969</u>	<u>61,941</u>
<b>Fund balance: (note 13)</b>		
Nonspendable	144,526	134,313
Committed	-	955,825
Assigned	95,793	63,306
Unassigned	<u>1,991,129</u>	<u>1,017,431</u>
<b>Total fund balance</b>	<u>2,231,448</u>	<u>2,170,875</u>
<b>Total liabilities and fund balance</b>	<u>\$ 2,293,417</u>	<u>\$ 2,232,816</u>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position*  
*June 30, 2021 (With Comparative Information as of June 30, 2020)*

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	<u>2021</u>	<u>2020</u>
<b>Fund Balance of Governmental Funds</b>	<u>\$ 2,231,448</u>	<u>\$ 2,170,875</u>
Amounts reported for governmental activities in the statement of net position are different because:		
Other long-term assets are not available to pay for current period expenses and accordingly are not reported as fund assets. Other long-term assets are reported in the statement of net position as follows:		
Net pension asset	16,983	-
Capital assets used in governmental activities are not current financial resources and, therefore, are not reported in the governmental funds balance sheet. However, the statement of net position includes those assets as capital assets.	5,626,907	5,394,362
Deferred outflows of resources used in governmental activities are not current financial resources and, therefore, are not reported in the governmental funds balance sheet. However, the statement of net position includes those deferred outflows of resources.	3,581,136	5,681,318
Long-term liabilities applicable to the District are not due and payable in the current period and accordingly are not reported as fund liabilities. All liabilities, both current and long-term, are reported in the statement of net position as follows:		
Compensated absences	(95,793)	(63,306)
Loan payable	(207,168)	(228,983)
Lease Payable	(171,179)	-
Pension obligation bonds payable	(4,374,000)	(4,544,000)
Net other post-employment benefits obligation	(579,377)	(2,371,365)
Net pension liability	-	(4,135,341)
Deferred inflows of resources used in governmental activities are not current financial resources and, therefore, are not reported in the governmental funds balance sheet. However, the statement of net position includes those deferred inflows of resources.	(3,451,885)	(615,408)
<b>Total adjustments</b>	<u>345,624</u>	<u>(882,723)</u>
<b>Net Position of Governmental Activities</b>	<u><u>\$ 2,577,072</u></u>	<u><u>\$ 1,288,152</u></u>



**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT***Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds  
For the Fiscal Year Ended June 30, 2021**(With Comparative Information for the Year Ended June 30, 2020)*

	<u>General Fund</u>	
	<u>2021</u>	<u>2020</u>
<b>Revenues:</b>		
Property taxes	\$ 2,053,113	\$ 1,957,714
Franchise fees, net	61,857	58,256
Special assessments:		
Public safety	685,710	681,750
Measure "G" public safety	598,396	588,398
Recreation	41,529	40,195
Charges for services	17,533	11,207
Operating grants and contributions	181,025	168,743
Capital grants and contributions	15,400	5,000
Investment earnings	(2,483)	48,164
Other revenue	5,017	6,218
<b>Total revenues</b>	<u>3,657,097</u>	<u>3,565,645</u>
<b>Expenditures:</b>		
Current operations:		
Salaries and wages	1,584,542	1,288,183
Employee benefits	708,364	5,291,915
Materials and services	840,005	958,116
Interim police chief contract	-	240,997
Capital outlay	372,687	1,610,932
Debt service:		
Principal payment	210,636	21,017
Interest payment	189,347	9,500
<b>Total expenditures</b>	<u>3,905,581</u>	<u>9,420,660</u>
<b>Excess of revenues over expenditures</b>	<u>(248,484)</u>	<u>(5,855,015)</u>
<b>Other financing sources(uses):</b>		
Transfers in(out)	119,057	(8,770)
Debt principal issued	190,000	4,544,000
Cost of debt issuance	-	(119,592)
<b>Total other financing sources(uses)</b>	<u>309,057</u>	<u>4,415,638</u>
<b>Change in fund balance</b>	60,573	(1,439,377)
<b>Fund Balance:</b>		
Beginning of year	<u>2,170,875</u>	<u>3,610,252</u>
End of year	<u>\$ 2,231,448</u>	<u>\$ 2,170,875</u>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

*Reconciliation of the Governmental Funds Statement of Revenues, Expenditures, and Changes  
in Fund Balances to the Statement of Activities*

*For the Fiscal Year Ended June 30, 2021*

*(With Comparative Information for the Year Ended June 30, 2020)*

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	<u>2021</u>	<u>2020</u>
<b>Net Change in Fund Balance – Governmental Funds</b>	<u>\$ 60,573</u>	<u>\$ (1,439,377)</u>
Amount reported for governmental activities in the statement of activities are different because:		
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense:		
Capital outlay	372,687	1,610,932
Depreciation expense	(140,142)	(74,171)
Some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenses in governmental funds as follows:		
Net change in compensated absences	(32,487)	17,329
Net change in net OPEB liability and related deferred resources	1,674,177	269,884
Net change in net pension liability and related deferred resources	(666,524)	4,036,865
Principal repayment of long-term debt is reported as an expenditure in governmental funds. However, principal repayments reduce liabilities in the statement of net position and do not result in expenses in the statement of activities.	210,636	21,017
The issuance of long-term debt provides current financial resources to governmental funds, while issuing debt increases long-term liabilities in the statement of net position	<u>(190,000)</u>	<u>(4,544,000)</u>
<b>Total adjustments</b>	<u>1,228,347</u>	<u>1,337,856</u>
<b>Change in Net Position of Governmental Activities</b>	<u>\$ 1,288,920</u>	<u>\$ (101,521)</u>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT***Statements of Fiduciary Net Position**June 30, 2021 (With Comparative Amounts as of June 30, 2020)*

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	<b>Kensington Park Reassessment District 2004-1 Bond Trust Fund</b>	
<b><u>ASSETS</u></b>	<b><u>2021</u></b>	<b><u>2020</u></b>
<b>Current assets:</b>		
Cash and cash equivalents	\$ -	\$ 188,168
Accrued interest receivable	-	341
Special assessments receivable	-	146,074
<b>Total assets</b>	<b>\$ -</b>	<b>\$ 334,583</b>
<b><u>LIABILITIES AND NET POSITION</u></b>		
<b>Current liabilities:</b>		
Accrued interest payable	\$ -	\$ 2,134
Bonds payable (note 7)	-	150,647
<b>Total liabilities</b>	<b>-</b>	<b>152,781</b>
<b>Net position:</b>		
Held in trust for debt service	-	181,802
<b>Total net position</b>	<b>\$ -</b>	<b>\$ 181,802</b>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT***Statements of Changes in Fiduciary Net Position**For the Fiscal Year Ended June 30, 2021 (With Comparative Amounts as of June 30, 2020)*

	<b>Kensington Park Reassessment District 2004-1 Bond Trust Fund</b>	
	<b>2021</b>	<b>2020</b>
<b>Additions:</b>		
Special assessments	\$ -	\$ 176,936
Investment earnings	448	1,925
<b>Total additions</b>	<b>448</b>	<b>178,861</b>
<b>Deductions:</b>		
Bond principal	-	149,166
Bond interest	-	7,460
Bond administration	63,193	29,530
<b>Total deductions</b>	<b>63,193</b>	<b>186,156</b>
<b>Other:</b>		
Transfers in(out)	(119,057)	8,770
<b>Change in net position</b>	<b>(181,802)</b>	<b>1,475</b>
<b>Net position:</b>		
Beginning of year	181,802	180,327
End of year	\$ -	\$ 181,802

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 1 – DESCRIPTION OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES

#### A. Description of Organization

The Kensington Police Protection and Community Services District (District) provides police protection services, parks and recreation services as well as waste management services to the unincorporated area of Kensington in Contra Costa County, California. The District is governed by five unpaid board members elected into office by the community to serve staggered four-year terms. Board meetings are held once a month on the second Thursday of the month.

#### B. Reporting Entity

A reporting entity is comprised of the primary government, component units, and other organizations that are included to ensure the financial statements are not misleading. The primary government of the District consists of all funds, departments, and agencies that are not legally separate from the District.

Component units are legally separate organizations for which the District is financially accountable. Component units may also include organizations that are fiscally dependent on the District, in that the District approves their budget, the issuance of their debt or the levying of their taxes. In addition, component units are other legally separate organizations for which the District is not financially accountable but the nature and significance of the organization's relationship with the District is such that exclusion would cause the District's financial statements to be misleading or incomplete.

The District has identified no organizations that are required to be reported as component units.

#### C. Basis of Presentation, Basis of Accounting

##### 1. Basis of Presentation

##### **Government-Wide Financial Statements**

The statement of net position and the statement of activities display information about the primary government (the District) and its component units. These statements include the financial activities of the overall government. Eliminations have been made to minimize the double-counting of internal activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the District's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

##### **Governmental Funds**

The District maintains the following governmental funds:

**General Fund:** This fund is used to account for all financial resources of the District except those required to be accounted for in another fund. Included are transactions for charges for services, property taxes, and investment earnings. The general fund balance is available to the District for any purpose provided it is expended.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 1 – DESCRIPTION OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (continued)

#### C. Basis of Presentation, Basis of Accounting (continued)

##### 1. Basis of Presentation (continued)

###### Governmental Funds (continued)

**Fiduciary Fund:** The Kensington Park Reassessment District 2004-1 Bond Trust Fund, issued in June 2004 in defeasance of the 1994 special assessment bonds, has been determined to be an agency fund since the District is not obligated to repay the debt. (See Note 7)

##### 2. Measurement Focus, Basis of Accounting

###### Government-Wide Financial Statements

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the District gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, entitlements, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year in which all eligibility requirements have been satisfied.

###### Governmental Fund Financial Statements

Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. Capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and financing from capital leases are reported as other financing sources.

##### 3. Revenues - Exchange and Non-Exchange Transactions

Revenue resulting from exchange transactions, in which each party gives and receives essentially equal value, is recorded on the accrual basis when the exchange takes place. On a modified accrual basis, revenue is recorded in the fiscal year in which the resources are measurable and become available. Available means that the resources will be collected within the current fiscal year. Generally, available is defined as collectible within 60 days.

Non-exchange transactions, in which the District receives value without directly giving equal value in return, include property taxes, certain grants, entitlements, and donations. Revenue from property taxes is recognized in the fiscal year in which the taxes are received. Revenue from certain grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied. Eligibility requirements include time and purpose requirements. On a modified accrual basis, revenue from non-exchange transactions must also be available before it can be recognized.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 1 – DESCRIPTION OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (continued)

#### D. Budgetary Data

The District follows these procedures in establishing budgetary data reflected in the Required Supplementary Information – Budgetary Comparison Schedule:

The District Manager submits to the Board of Directors a proposed operating budget at the May Board meeting for the ensuing year. The annual budget is a complete financial plan for the ensuing budget year and consists of an operating, capital and debt repayment budget. The General Fund is the only fund for which an annual budget is legally adopted on a basis consistent with the modified accrual basis of accounting. The Board then considers the proposed budget at its regular meeting in June, which is open to the public. The budget represented in the required supplementary information was the final budget for the fiscal year.

#### E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position

##### 1. Cash and Cash Equivalents

For purposes of the statement of cash flows, the District considers all highly liquid investments with a maturity of three months or less, when purchased, to be cash equivalents. Cash deposits are reported at carrying amount, which reasonably estimates fair value.

##### 2. Investments

Investments are reported at fair value except for short-term investments, which are reported at cost, which approximates fair value. Cash deposits are reported at carrying amount, which reasonably estimates fair value. Investments in governmental investment pools are reported at fair value based on the fair value per share of the pool's underlying portfolio.

In accordance with fair value measurements, the District categorizes its assets and liabilities measured at fair value into a three-level hierarchy based on the priority of the inputs to the valuation technique used to determine fair value. The fair value hierarchy gives the highest priority to quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3).

If the inputs used in the determination of the fair value measurement fall within different levels of the hierarchy, the categorization is based on the lowest level input that is significant to the fair value measurement.

Financial assets and liabilities recorded on the balance sheet are categorized based on the inputs to the valuation techniques as follows:

Level 1 – Inputs that reflect unadjusted quoted prices in active markets for identical investments, such as stocks, corporate and government bonds. The District has the ability to access the holding and quoted prices as of the measurement date.

Level 2 – Inputs, other than quoted prices, that are observable for the asset or liability either directly or indirectly, including inputs from markets that are not considered to be active.

Level 3 – Inputs that are unobservable. Unobservable inputs reflect the District's own assumptions about the factors market participants would use in pricing an investment, and is based on the best information available in the circumstances.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 1 – DESCRIPTION OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (continued)

#### E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position (continued)

##### 3. Capital Assets

Capital assets are stated at cost or at their estimated fair value at date of donation. It is the District's policy to capitalize assets costing over \$5,000. The provision for depreciation is computed using the straight-line method over the estimated service lives of the capital assets.

Estimated service lives for the District's classes of assets are as follows:

Description	Estimated Lives
Buildings and improvements	10-30 years
Machinery and equipment	5-10 years
Furniture and office equipment	6 years
Vehicles	5 years

##### 4. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position reports a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period and will not be recognized as an inflow of resources (revenue) until that time.

##### 5. Compensated Absences

The liability for compensated absences reported in the government-wide statements consists of unpaid, accumulated vacation leave balances. The liability has been calculated using the vesting method, in which leave amounts for both employees who currently are eligible to receive termination payments and other employees who are expected to become eligible in the future to receive such payments upon termination are included.

##### 6. Pensions

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the District's California Public Employees' Retirement System (CalPERS) plan and addition to/deductions from the Plans fiduciary net position have been determined on the same basis as they are reported by CalPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

The following timeframes are used for pension reporting:

Valuation Date June 30, 2019  
Measurement Date June 30, 2020  
Measurement Period July 1, 2019 to June 30, 2020



# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Financial Statements

June 30, 2021

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## NOTE 1 – DESCRIPTION OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (continued)

### E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position (continued)

#### 6. Pensions (continued)

Gains and losses related to changes in total pension liability and fiduciary net position are recognized in pension expense systematically over time. The first amortized amounts are recognized in pension expense for the year the gain or loss occurs. The remaining amounts are categorized as deferred outflows and deferred inflows of resources related to pensions and are to be recognized in future pension expense. The amortization period differs depending on the source of the gain or loss. The difference between projected and actual earnings is amortized straight-line over 5 years. All other amounts are amortized straight-line over the average expected remaining service lives of all members that are provided with benefits (active, inactive and retirees) as of the beginning of the measurement period.

#### 7. Postemployment Benefits Other Than Pensions (OPEB)

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the District's Retiree Benefits Plan ("the Plan") and additions to/deductions from the Plan's fiduciary net position have been determined on the same basis as they are reported by the Plan. For this purpose, the Plan recognizes benefit payments when due and payable in accordance with the benefit terms. Investments are reported at fair value, except for money market investments which are reported at cost.

The following timeframes are used for OPEB reporting:

Valuation Date June 30, 2018

Measurement Date June 30, 2020

Measurement Period July 1, 2019 to June 30, 2020

#### 8. Net Position

Net position is classified into three components: investment in capital assets; restricted; and unrestricted. These classifications are defined as follows:

- **Net investment in capital assets** - This component of net position consists of capital assets net of accumulated depreciation and reduced by the outstanding balances of any borrowings that are attributable to the acquisition, construction, or improvement of those assets.
- **Unrestricted net position** - This component of net position consists of net position that does not meet the definition of "net investment in capital assets" or "restricted".

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 1 – DESCRIPTION OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (continued)

#### E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position (continued)

##### 9. Fund Balances

The fund balance for governmental funds is reported in classifications based on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent.

**Nonspendable:** Fund balance is reported as nonspendable when the resources cannot be spent because they are either in a nonspendable form or legally or contractually required to be maintained intact. Resources in nonspendable form include inventories and prepaid assets.

**Assigned:** Resources that are constrained by the District's intent to use them for a specific purpose, but are neither restricted nor committed, are reported as assigned fund balance. Intent may be expressed by either the Board, committees (such as budget or finance), or officials to which the Board has delegated authority.

**Unassigned:** Unassigned fund balance represents fund balance that has not been restricted, committed, or assigned and may be utilized by the District for any purpose. When expenditures are incurred, and both restricted and unrestricted resources are available, it is the District's policy to use restricted resources first, then unrestricted resources in the order of assigned, and then unassigned, as they are needed.

#### F. Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reported period. Actual results could differ from those estimates.

#### G. Property Taxes

Property taxes attach as an enforceable lien on property as of January 1, each year. Secured property taxes are levied on July 1 and are payable in two installments, on December 10 and April 10. The Contra Costa County Assessor's Office assesses all real and personal property within the County each year. Property tax in California is levied in accordance with Article 13A of the State Constitution at one (1%) of countywide assessed valuations. The Contra Costa County Treasurer-Tax Collector's Office remits an undisclosed portion of the one (1%) current and delinquent property tax collections to the District throughout the year.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 2 – CASH AND INVESTMENTS

Cash and investments as of June 30, were classified on the statement of net position and statement of fiduciary net position as follows:

<u>Description</u>	<u>Balance</u>
<b>Governmental funds:</b>	
Cash and cash equivalents	\$ 2,059,807
<b>Fiduciary funds:</b>	
Cash and cash equivalents	-
<b>Total cash and cash equivalents</b>	<u>\$ 2,059,807</u>

Cash and investments at June 30, 2021, are reported at fair value and consisted of the following:

<u>Description</u>	<u>Balance</u>
Cash on hand	\$ 100
Demand deposits with financial institutions	20,309
Deposits with Contra Costa County Treasury Pool	469,163
Deposits with Local Agency Investment Fund (LAIF)	<u>1,570,235</u>
<b>Total cash and cash equivalents</b>	<u>\$ 2,059,807</u>

#### **Demand Deposits**

At June 30, 2021, the carrying amount of the District's demand deposits was \$20,309 and the financial institutions balances totaled \$20,309.

#### **Custodial Credit Risk – Deposits**

Custodial credit risk is the risk that in the event of a bank failure, the Authority's deposits may not be returned to it. The District does not have a policy for custodial credit risk for deposits. Cash balances held in banks are insured up to \$250,000 by the Federal Depository Insurance Corporation (FDIC) and are collateralized by the respective financial institutions. In addition, the California Government Code requires that a financial institution secure deposits made by State or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under State law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110 percent of the total amount deposited by the public agencies. California law also allows financial institutions to secure public deposits by pledging first trust deed mortgage notes having a value of 150 percent of the secured public deposits and letters of credit issued by the Federal Home Loan Bank of San Francisco having a value of 105 percent of the secured deposits.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 2 – CASH AND INVESTMENTS (continued)

#### **Contra Costa County Treasury Pool**

The District is a voluntary participant in the Contra Costa County Treasury Pool (Pool) pursuant to Government Code Section 53694. The cash flow needs of participants are monitored daily to ensure that sufficient liquidity is maintained to meet the needs of those participants. At the time deposits are made, the Contra Costa County Treasurer may require the depositing entity to provide annual cash flow projections or an anticipated withdrawal schedule for deposits in excess of \$1 million. Projections are performed no less than semi-annually. In accordance with Government Code Section 27136, all request for withdrawal of funds for the purpose of investing or deposits the funds elsewhere shall be evaluated to ensure the proposed withdrawal will not adversely affect the principal deposits of the other participants. Pool detail may be obtained from the Contra Costa County Treasurer-Tax Collector's office at 625 Court Street, Suite 100, Martinez, CA 94553.

The Contra Costa County Treasury Pool is not categorized under the fair value hierarchy established by GAAP as it is held at an amortized cost basis. For financial reporting purposes, the District considers the funds held in the Pool as cash equivalents due to their highly liquid nature and dollar-in dollar-out amortized cost methodology. As of June 30, 2021, the District held \$469,163 in the Pool.

#### **Local Agency Investment Fund (LAIF)**

The California State Treasurer, through the Pooled Money Investment Account (PMIA), invests taxpayers' money to manage the State's cash flow and strengthen the financial security of local governmental entities. PMIA policy sets as primary investment objectives safety, liquidity and yield. Through the PMIA, the Investment Division manages the Local Agency Investment Fund (LAIF). The LAIF allows cities, counties and special districts to place money in a major portfolio and, at no additional costs to taxpayers, use the expertise of Investment Division staff. Participating agencies can withdraw their funds from the LAIF at any time as LAIF is highly liquid and carries a dollar-in dollar-out amortized cost methodology.

The District is a voluntary participant in LAIF. The fair value of the District's investment in this pool is reported at an amount based upon the District's pro-rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of the of that portfolio). The balance available for withdrawal is based on the accounting records maintained by LAIF. LAIF is not categorized under the fair value hierarchy established by GAAP as it is held at an amortized cost basis and it is Not Rated under the current credit risk ratings format. For financial reporting purposes, the District considers LAIF a cash equivalent due to its highly liquid nature and dollar-in dollar-out amortized cost methodology. As of June 30, 2021, the District held \$1,570,235 in LAIF.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Notes to Financial Statements*  
 June 30, 2021

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**NOTE 3 – CAPITAL ASSETS**

Changes in capital assets for the year ended June 30, 2021, were as follows:

	<u>Balance July 1, 2020</u>	<u>Additions/ Transfers</u>	<u>Deletions/ Transfers</u>	<u>Balance June 30, 2021</u>
Non-depreciable capital assets:				
Land	\$ 2,808,347	\$ -	\$ -	\$ 2,808,347
Construction-in-progress	-	171,302	(171,302)	-
Total non-depreciable capital assets	<u>2,808,347</u>	<u>171,302</u>	<u>(171,302)</u>	<u>2,808,347</u>
Depreciable capital assets:				
Buildings and improvements	3,424,327	-	171,302	3,595,629
Machinery and equipment	123,761	6,465	-	130,226
Furniture and office equipment	86,666	4,920	-	91,586
Vehicles	292,534	190,000	-	482,534
Total depreciable capital assets	<u>3,927,288</u>	<u>201,385</u>	<u>171,302</u>	<u>4,299,975</u>
Accumulated depreciation:				
Buildings and improvements	(925,329)	(90,702)	-	(1,016,031)
Machinery and equipment	(86,965)	(12,073)	-	(99,038)
Furniture and office equipment	(46,636)	(7,301)	-	(53,937)
Vehicles	(282,343)	(30,066)	-	(312,409)
Total accumulated depreciation	<u>(1,341,273)</u>	<u>(140,142)</u>	<u>-</u>	<u>(1,481,415)</u>
Total depreciable capital assets, net	<u>2,586,015</u>	<u>61,243</u>	<u>171,302</u>	<u>2,818,560</u>
<b>Total capital assets, net</b>	<u>\$ 5,394,362</u>	<u>\$ 232,545</u>	<u>\$ -</u>	<u>\$ 5,626,907</u>

**NOTE 4 – COMPENSATED ABSENCES**

Changes to compensated absences balances for the year ended June 30, 2021, were as follows:

<u>Balance July 1, 2020</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance June 30, 2021</u>	<u>Current Portion</u>	<u>Long-term Portion</u>
\$ 63,306	\$ 119,415	\$ (86,928)	\$ 95,793	\$ 47,897	\$ 47,896

**NOTE 5 – LOAN PAYABLE**

Changes to the loan payable balance for the year ended June 30, 2021, was as follows:

<u>Balance July 1, 2020</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance June 30, 2021</u>	<u>Current Portion</u>	<u>Long-term Portion</u>
\$ 228,983	\$ -	\$ (21,815)	\$ 207,168	\$ 22,644	\$ 184,524

## KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Financial Statements

June 30, 2021

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### NOTE 5 - LOAN PAYABLE (continued)

#### Community Center Loan

In 2019, the District secured a \$250,000 10-year at 3.80% construction loan to complete the improvements to the District's Community Center. Principal and interest payments are due in June of each year. The loan is payable until June 2029. Future remaining payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 22,644	\$ 7,873	\$ 30,517
2023	23,505	7,012	30,517
2024	24,398	6,119	30,517
2025	25,325	5,192	30,517
2026	26,287	4,230	30,517
2027	27,286	3,231	30,517
2028	28,323	2,194	30,517
2029	29,400	1,117	30,517
<b>Total</b>	207,168	<u>\$ 36,968</u>	<u>\$ 244,136</u>
<b>Current</b>	<u>(22,644)</u>		
<b>Long-term</b>	<u>\$ 184,524</u>		

### NOTE 6 - CAPITAL LEASE PAYABLE

Changes in capital lease payable amounts for the year ended June 30, 2021, were as follows:

<u>Balance</u> <u>July 1, 2020</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance</u> <u>June 30, 2021</u>	<u>Current</u> <u>Portion</u>	<u>Long-term</u> <u>Portion</u>
<u>\$ -</u>	<u>\$ 190,000</u>	<u>\$ (18,821)</u>	<u>\$ 171,179</u>	<u>\$ 37,059</u>	<u>\$ 134,120</u>

On November 24, 2020, the District entered into a tax-exempt lease purchase agreement with U.S. Bancorp Government Leasing and Finance, Inc. for three Police Vehicles and related equipment in the amount of \$190,000. The lease term is five years with an interest rate of 1.75%. Principal and interest payments are due monthly in the amount of \$3,309.54, with the final payment due in December 2025.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Notes to Financial Statements*  
 June 30, 2021

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**NOTE 6 – CAPITAL LEASE PAYABLE (continued)**

Future remaining payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 37,059	\$ 2,656	\$ 39,715
2023	37,713	2,002	39,715
2024	38,378	1,337	39,715
2025	39,055	660	39,715
2026	18,974	72	19,046
<b>Total</b>	171,179	<u>\$ 6,727</u>	<u>\$ 177,906</u>
<b>Current</b>	<u>(37,059)</u>		
<b>Long-term</b>	<u>\$ 134,120</u>		

**NOTE 7 – PENSION OBLIGATION BONDS**

Changes in pension obligation bonds amounts for the year ended June 30, 2021, were as follows:

<u>Balance</u> <u>July 1, 2020</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance</u> <u>June 30, 2021</u>	<u>Current</u> <u>Portion</u>	<u>Long-term</u> <u>Portion</u>
<u>\$ 4,544,000</u>	<u>\$ -</u>	<u>\$ (170,000)</u>	<u>\$ 4,374,000</u>	<u>\$ 130,000</u>	<u>\$ 4,244,000</u>

On June 18, 2020, the District issued 2020 Taxable Pension Obligation Bonds in the amount of \$4,544,000. The 2020 bonds were placed with Capital One Public Funding, LLC. The bonds were issued to (a) finance \$4,424,408 of the District's unfunded accrued liability to the California Public Employees' Retirement System (CalPERS) for the benefit of the District's employees and to pay a portion of current normal costs, and (b) pay \$119,592 of the costs incurred in connection with the issuance of the bonds. The bonds bear interest at 3.850% and are payable semiannually on January 1 and July 1 of each year, commencing January 1, 2021 until maturity or earlier redemption. The bonds mature in fiscal year 2040. Total principal and interest remaining on the bonds as of June 30, 2021 is \$6,265,970.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Notes to Financial Statements*  
 June 30, 2021

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**NOTE 7 – PENSION OBLIGATION BONDS (continued)**

Future remaining payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 130,000	\$ 168,399	\$ 298,399
2023	168,000	163,394	331,394
2024	174,000	156,926	330,926
2025	181,000	150,227	331,227
2026-2030	1,014,000	641,102	1,655,102
2031-2035	1,226,000	430,238	1,656,238
2036-2040	1,481,000	181,684	1,662,684
<b>Total</b>	4,374,000	\$ 1,891,970	\$ 6,265,970
<b>Current</b>	(130,000)		
<b>Long-term</b>	\$ 4,244,000		

**Bond Provisions**

The obligations of the District under the bonds, including the obligation to make all payments of interest and principal when due, are obligations of the District imposed by law and are absolute and unconditional, without any right of set-off or counterclaim. The bonds do not constitute an obligation of the District for which the District is obligated to levy or pledge any form of taxation. Neither the bonds nor the obligations of the District to make payments on the bonds constitute an indebtedness of the District, the State of California, or any of its political subdivisions in contravention of any constitutional or statutory debt limitation or restriction. For the purpose of paying the principal of and interest on the bonds, the District's council has covenanted under the trust agreement, to take such actions annually as are necessary or appropriate to cause the debt service on the bonds due in any fiscal year to be included in the budget for such fiscal year and to make the necessary appropriations therefor from any legally available funds to ensure that sufficient sums are available to pay the annual principal of and interest on the bonds as the same become due.

**NOTE 8 – SPECIAL ASSESSMENT DEBT**

Changes to the special assessment debt balance for the year ended June 30, 2021, was as follows:

<u>Balance</u>			<u>Balance</u>
<u>July 1, 2020</u>	<u>Additions</u>	<u>Deletions</u>	<u>June 30, 2021</u>
150,647	-	(150,647)	-

***Kensington Park Reassessment District 2004-1 Refunding Bonds***

The original 1994 Limited Obligation Improvement Bonds were issued pursuant to the provisions of the Improvement Bond Act of 1915 to finance costs of acquisition of land to be used as a park and installation of certain recreational improvements.



# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Financial Statements

June 30, 2021

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## NOTE 8 – SPECIAL ASSESSMENT DEBT (continued)

### ***Kensington Park Reassessment District 2004-1 Refunding Bonds (continued)***

The bonds are limited obligations of the District and are equally and ratably secured by unpaid assessments on certain parcels of property located within the Kensington Park Assessment District. The Kensington Park Assessment District was created by the District pursuant to the Landscaping and Lighting Act of 1972 specifically to finance the park landscaping and lighting project. The unpaid assessments represent fixed liens on each assessed parcel. Annual installments of the unpaid assessments together with interest thereon, sufficient to meet the scheduled debt service, are included in the tax bills for the assessed properties and the receipts are deposited into a redemption fund used to pay interest and principal on the bonds as they come due. The District is in no way liable for the repayment of the improvement bonds. The District is only acting as an agent for the property owners in collecting the assessments, forwarding the collections to bondholders, and initiating foreclosure proceedings.

On June 17, 2004, the District issued \$1,868,600 of 2004 Limited Obligation Improvement Bonds for the purpose of refunding the \$2,050,000 of outstanding 1994 Limited Obligation Improvement Bonds. The refunding took advantage of lower interest rates which were available and resulted in reductions in debt service requirements over the life of the new debt. The net proceeds of \$1,868,600 from these bonds were transferred to a trustee and placed in an irrevocable trust to redeem the 1994 Limited Obligation Improvement Bonds. These funds were invested in U.S. government securities to provide for the redemption price and interest through the call date. The 2004 bond bears annual interest at a fixed rate of 4.25%. The bond was issued as a fully registered note in a single denomination of \$1,868,600. Interest on the bond becomes payable commencing March 2, 2005, and semiannually thereafter on each September 2 and March 2 until maturity. The bond maturity date is September 2, 2020. On September 2, 2020, the special assessment debt was paid-in-full.

## NOTE 9 – OTHER POSTEMPLOYMENT BENEFITS (OPEB)

### **Summary**

The following balances on the balance sheet will be addressed in this footnote as follows:

<u>Description</u>	<u>2021</u>
OPEB related deferred outflows	\$ 420,721
Net other post-employment benefits obligation	579,377
OPEB related deferred inflows	507,406

### **A. General Information about the OPEB Plan**

#### **Plan description**

The District provides lifetime retiree medical coverage to eligible police (safety) employees who retire at age 50, along with their dependents. The medical plan benefits are contracted with the California Public Employees' Retirement System under the Public Employees' Medical and Hospital Care Act (PEMHCA).

Eligible retirees may enroll in any of the plans available through the CalPERS Program. The District contributes the entire cost of post-employment medical coverage up to a cap of the Kaiser Bay Area rates for the coverage selected. Also, the District contributes the entire cost of post-employment dental and vision premiums for retirees.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

*Notes to Financial Statements*

*June 30, 2021*

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**NOTE 9 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (continued)**

**A. General Information about the OPEB Plan (Continued)**

**Plan Members**

	<u>2020</u>
Inactive plan members or beneficiaries currently receiving benefit payments	15
Inactive plan members entitled to but not yet receiving benefit payments	-
Active plan members	<u>7</u>
Total	<u><u>22</u></u>

**Funding Policy**

The contribution requirements of plan members and the District are established and may be amended by the District and/or the District’s Board of Directors. Currently, contributions are not required from plan members. The District has been typically funding this OPEB plan on a pay-as-you-go basis; however, recently contributions have been made to an OPEB Trust.

**Contributions**

Benefit provisions and contribution requirements are established and may be amended through agreements and memorandums of understanding between the District and its employees. The plan does not require employee contributions. Administrative costs of this plan are financed by the District. For fiscal year ended June 30, 2020, the measurement period, the District’s contributions totaling \$460,959 included \$247,036 placed in its CalPERS CERBT OPEB Trust, \$174,115 in current year premium payments, and an implied subsidy of \$39,808.

**Accounting for the Plan**

The other post-employment benefit trust is prepared using the accrual basis of accounting. Employer contributions to the plan are recognized when due and the employer has made a formal commitment to provide contributions. Benefits are recognized when due and payable in accordance with the terms of each plan.

**Method Used to Value Investments**

Investments are reported in the accompanying financial statements at fair value, which is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measure date. Securities for which market quotations are not readily available are valued at their fair value as determined by the custodian with the assistance of a valuation service.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

### NOTE 9 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (continued)

#### B. Net OPEB Liability

The District's total OPEB liability was measured as of June 30, 2020 and was determined by an actuarial valuation as of June 30, 2019. A summary of the principal assumptions and methods used to determine the total OPEB liability is shown below.

#### Actuarial Assumptions

The total OPEB liability in the June 30, 2020 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified:

Valuation Date	June 30, 2019
Measurement Date	June 30, 2020
Actuarial Cost Method	Entry age normal, level percentage of payroll
Asset Valuation Method	Market value of assets as of the measurement date
Actuarial Assumptions:	
Discount Rate	
Long-Term Expected	
Rate of Return on Investments	7.28%
Inflation	2.01%
Payroll increases	2.75%
Healthcare Trend Rates	Pre-65 - 6.85% trending down to 5.0% by 2027 Post-65 - 5.0% constant to 2027
Morbidity	CalPERS 2017 Study
Mortality	CalPERS 2017 Study
Disability	Valued
Retirement	2017 CalPERS Police 3%@50 for actives hired before 1/1/13 and 2.7%@57 for actives hired after 1/1/13.
Percent Married	100% of future retirees would enroll a spouse

The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of OPEB plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of the arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-term Expected Real Rate of Return
CERBT Strategy 1 investment policy:		
Equity	60.00%	5.49%
Fixed income	32.00%	1.65%
REITs	8.00%	5.06%
Cash	0.00%	0.00%
<b>Total</b>	<b>100.00%</b>	

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

### NOTE 9 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (continued)

#### B. Net OPEB Liability (continued)

##### Discount Rate

The discount rate used to measure the total OPEB liability was 7.28%. The projection of cash flows used to determine the discount rate assumed that the District's contributions will be made at rates equal to the actuarially determined contribution rates. Based on those assumptions, the OPEB plan's fiduciary net position was projected to be available to make all projected OPEB payments for current active and inactive employees and beneficiaries. Therefore, the long-term expected rate of return on OPEB plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

#### C. Changes in the Net OPEB Liability

The changes in the total OPEB liability are as follows:

	Increase (Decrease)		
	Total	Plan Fiduciary	Net
	OPEB Liability	Net Position	OPEB Liability
<b>Balance at July 1, 2020 (Measurement date July 1, 2019)</b>	<b>\$ 3,872,141</b>	<b>\$ 1,500,776</b>	<b>\$ 2,371,365</b>
<b>Changes for the year:</b>			
Service cost	97,806	-	97,806
Interest	282,144	-	282,144
Differences in experience	(277,547)	-	(277,547)
Changes in assumption	(293,401)	-	(293,401)
Changes in benefit terms	(1,204,143)	-	(1,204,143)
Employer contributions	-	343,527	(343,527)
Net investment income	-	54,053	(54,053)
Benefit payments	(192,057)	(192,057)	-
Administrative expenses	-	(733)	733
Net changes	(1,587,198)	204,790	(1,791,988)
<b>Balance at June 30, 2021 (Measurement date June 30, 2020)</b>	<b>\$ 2,284,943</b>	<b>\$ 1,705,566</b>	<b>\$ 579,377</b>

##### Changes of Assumptions

In fiscal year 2019-20, the measurement period there were no changes to the actuarial assumptions.

##### Change of Benefit Terms

In fiscal year 2019-20, the measurement period, there were the following changes to the benefit terms:

The plan was amended effective October 31, 2019 to cap employer share of costs at 90% of 2020 Kaiser Bay Area rates for every coverage level and Medicare eligibility status for employees hired prior to December 12, 2019. In addition, there is a mandatory \$125 minimum monthly contribution per retiree. Future employees whose date of hire is on or after December 12, 2019 will receive the PEMHCA minimum only.

##### Subsequent Events

There were no subsequent events that would materially affect the results presented in this disclosure.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

*Notes to Financial Statements*

June 30, 2021

**NOTE 9 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (continued)**

**C. Changes in the Net OPEB Liability**

**Sensitivity of the Total OPEB Liability to Changes in the Discount Rate**

The following presents the total OPEB liability of the District, as well as what the District’s total OPEB liability would be if it were calculated using a discount rate that is 1-percentage point lower (6.28%) or 1 percentage point higher (8.28%) than the current discount rate:

	<u>1% Decrease</u> <u>6.28%</u>	<u>Discount Rate</u> <u>7.28%</u>	<u>1% Increase</u> <u>8.28%</u>
<b>Net OPEB Liability</b>	<u>\$ 810,572</u>	<u>\$ 579,377</u>	<u>\$ 384,887</u>

**Sensitivity of the Total OPEB Liability to Changes in Medical Trend Rates**

The following presents the total OPEB liability of the District, as well as what the District’s total OPEB liability would be if it were calculated using medical trend rates that are 1-percentage point lower:

	<u>Healthcare Cost</u>		
	<u>5.85%</u>	<u>6.85%</u>	<u>7.85%</u>
<b>Net OPEB Liability</b>	<u>\$ 462,865</u>	<u>\$ 579,377</u>	<u>\$ 730,685</u>

**D. OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB**

For the year ended June 30, 2021, the District recognized OPEB expense of (\$1,306,779). At June 30, 2021, the District reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

<u>Account Description</u>	<u>Deferred Outflows</u> <u>of Resources</u>	<u>Deferred Inflows</u> <u>of Resources</u>
OPEB contributions made after the measurement date	\$ 367,399	\$ -
Changes in assumptions	-	(256,222)
Differences between expected and actual experience	-	(251,184)
Differences between projected and actual earnings on OPEB plan investments	53,322	-
<b>Total Deferred Outflows/(Inflows) of Resources</b>	<u>\$ 420,721</u>	<u>\$ (507,406)</u>

The differences between projected and actual earnings on plan investments is amortized over five years. The District reported \$367,399 as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability in the year ending June 30, 2021. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized as OPEB expense as follows:

<u>Amortization Period</u> <u>Fiscal Year Ended June 30</u>	<u>Deferred</u> <u>Outflows/(Inflows)</u> <u>of Resources</u>
2022	\$ (294,309)
2023	(170,470)
2024	(1,422)
2025	12,117
<b>Total</b>	<u>\$ (454,084)</u>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Notes to Financial Statements*  
*June 30, 2021*

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**NOTE 10 – NET PENSION LIABILITY AND PENSION PLAN**

**Summary**

The following balances on the balance sheet will be addressed in this footnote as follows:

<u>Description</u>	<u>2021</u>
Net pension asset	\$ 16,983
Pension related deferred outflows	3,160,415
Pension related deferred inflows	2,944,479

Qualified employees are covered under a multiple-employer defined benefit pension plan maintained by agencies of the State of California known as the California Public Employees' Retirement System (CalPERS), or "The Plan".

**A. General Information about the Pension Plan**

**The Plan**

The District has engaged with CalPERS to administer the following pension plans for its employees (members):

	<u>Safety Plans</u>	
	<u>Classic Tier 1</u>	<u>PEPRA Tier 2</u>
Hire date	Prior to <u>January 1, 2013</u>	On or after <u>January 1, 2013</u>
Benefit formula	3.0% @ 50	2.7% @ 57
Benefit vesting schedule	5-years of service	5-years of service
Benefits payments	monthly for life	monthly for life
Retirement age	50 - 55 & Up	50 - 57 & Up
Monthly benefits, as a % of eligible compensation	3.00%	2.0% to 2.7%
Required member contribution rates	9.000%	12.000%
Required employer contribution rates – FY 2020	21.927%	13.034%

**Plan Description**

The District contributes to the California Public Employees' Retirement System (CalPERS), a cost-sharing multiple-employer defined benefit pension plan. CalPERS acts as a common investment and administrative agent for participating public entities within the State of California. A full description of the pension plan, benefit provisions, assumptions (for funding, but not accounting purposes), and membership information are listed in the June 30, 2020 Annual Actuarial Valuation Report. This report and CalPERS' audited financial statements are publicly available reports that can be obtained at CalPERS' website under Forms and Publications.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

### NOTE 10 – NET PENSION LIABILITY AND PENSION PLAN (continued)

#### A. General Information about the Pension Plan (continued)

##### Plan Description (continued)

At June 30, 2020, the following members were covered by the benefit terms:

Plan Members	Safety Plans		Total
	Classic Tier 1	PEPRA Tier 2	
Active members	4	3	7
Transferred and terminated members	11	1	12
Retired members and beneficiaries	30	-	30
<b>Total plan members</b>	<b>45</b>	<b>4</b>	<b>49</b>

All qualified permanent and probationary employees are eligible to participate in the District's cost-sharing multiple-employer defined benefit pension plans administered by the California Public Employees' Retirement System (CalPERS). Benefit provisions under the Plans are established by state statute and District resolution. CalPERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions, and membership information that can be found on the CalPERS website.

#### Benefits Provided

CalPERS provides service retirement and disability benefits, annual cost of living adjustments, and death benefits to Plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full-time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. All members are eligible for nonindustrial disability benefits after five years of service. The death benefit is one of the following the Basic Death Benefit, the 1957 Survivor Benefit, or the Optional Settlement 2W Death Benefit. The cost-of-living adjustments for each Plan are applied as specified by the Public Employees' Retirement Law.

#### Contributions

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for both Plans are determined annually on an actuarial basis as of June 30 by CalPERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The District is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

Contributions for the year ended June 30, 2021, (Measurement Date June 30, 2020) were as follows:

Contribution Type	Safety Plans		Total
	Classic Tier 1	PEPRA Tier 2	
Contributions – employer	\$ 114,481	\$ 65,040	\$ 179,521
Contributions – members	43,521	62,913	106,434
<b>Total contributions</b>	<b>\$ 158,002</b>	<b>\$ 127,953</b>	<b>\$ 285,955</b>

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Notes to Financial Statements*  
*June 30, 2021*

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**NOTE 10 – NET PENSION LIABILITY AND PENSION PLAN (continued)**

**A. General Information about the Pension Plan (continued)**

**Proportionate Share of Net Pension Liability and Pension Expense**

The District’s net pension liability for each Plan is measured as the proportionate share of the net pension liability. The net pension liability of each of the Plans is measured as of June 30, 2020, and the total pension liability for each Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2019, rolled forward to June 30, 2020, using standard update procedures. The District’s proportionate share of the net pension liability was based on a projection of the District’s long-term share of contributions to the pension plans relative to the projected contributions of all participating employers, actuarially determined.

The following table shows the District’s proportionate share of the risk pool collective net pension liability over the measurement period for the Plan for the fiscal year ended June 30, 2020 (Measurement Date):

<u>Plan Type and Balance Descriptions</u>	<u>Plan Total Pension Liability</u>	<u>Plan Fiduciary Net Position</u>	<u>Change in Plan Net Pension Liability</u>
<b>CalPERS – Safety Plan:</b>			
Balance as of June 30, 2019 (Measurement Date)	\$ 15,277,324	\$ 11,141,983	\$ 4,135,341
Balance as of June 30, 2020 (Measurement Date)	\$ 15,608,014	\$ 15,624,997	\$ (16,983)
<b>Change in Plan Net Pension Liability</b>	<b>\$ 330,690</b>	<b>\$ 4,483,014</b>	<b>\$ (4,152,324)</b>

The District’s proportionate share percentage of the net pension liability for the June 30, 2020, measurement date was as follows:

	<u>Percentage Share of Risk Pool</u>		<u>Change Increase/ (Decrease)</u>
	<u>Fiscal Year Ending June 30, 2021</u>	<u>Fiscal Year Ending June 30, 2020</u>	
Measurement Date	June 30, 2020	June 30, 2019	
Percentage of Risk Pool Net Pension Liability	-0.000255%	0.066245%	-0.066500%
Percentage of Plan (PERF C) Net Pension Liability	-0.000156%	0.040356%	-0.040512%



**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Notes to Financial Statements*  
 June 30, 2021

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**NOTE 10 – NET PENSION LIABILITY AND PENSION PLAN (continued)**

**B. Pension Liabilities, Pension Expenses, and Deferred Outflows/Inflows of Resources Related to Pensions (continued)**

For the year ended June 30, 2021, the District recognized pension expense of \$73,642. At June 30, 2021, the District reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

<u>Account Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Pension contributions made after the measurement date	\$ 179,521	\$ -
Difference between actual and proportionate share of employer contributions	2,945,983	(105,963)
Adjustment due to differences in proportions	36,228	(2,838,204)
Differences between expected and actual experience	(1,317)	-
Differences between projected and actual earnings on pension plan investments	-	(369)
Changes in assumptions	-	57
<b>Total Deferred Outflows/(Inflows) of Resources</b>	<b><u>\$ 3,160,415</u></b>	<b><u>\$ (2,944,479)</u></b>

The deferred outflows of resources related to pensions resulting from District contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the subsequent fiscal year. The deferred outflows/(inflows) of resources related to the difference between projected and actual earnings on pension plan investments will be amortized over a closed five-year period. The deferred outflows/(inflows) of resources related to the net change in proportionate share of net pension liability, changes of assumptions, and differences between expected and actual experience in the measurement of the total pension liability will be amortized over the Expected Average Remaining Service Life (EARSL) of all members that are provided benefits (active, inactive, and retirees) as of the beginning of the measurement period. The EARSL for the measurement period is 3.8 years.

An amount of \$179,521 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ending June 30, 2022. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as a reduction to pension expense as follows:

<u>Amortization Period Fiscal Year Ended June 30</u>	<u>Deferred Outflows/(Inflows) of Resources</u>
2022	\$ (12,423)
2023	18,657
2024	30,365
2025	(184)
<b>Total</b>	<b><u>\$ 36,415</u></b>

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

### NOTE 10 – NET PENSION LIABILITY AND DEFINED BENEFIT PENSION PLAN (continued)

#### B. Pension Liabilities, Pension Expenses, and Deferred Outflows/Inflows of Resources Related to Pensions (continued)

##### Actuarial Methods and Assumptions Used to Determine Total Pension Liability

For the measurement period ending June 30, 2020 (the measurement date), the total pension liability was determined by rolling forward the June 30, 2019, total pension liability. The June 30, 2020, total pension liability was based on the following actuarial methods and assumptions:

Actuarial Cost Method	Entry Age Normal in accordance with the requirement of GASB Statement No. 68
Actuarial Assumptions:	
Discount Rate	7.15%
Inflation	2.50%
Salary Increases	Varies by Entry Age and Service
Investment Rate of Return	7.00% Net of Pension Plan Investment and Administrative Expenses; includes Inflation
Mortality Rate Table	Derived using CalPERS' Membership Data for all Funds. The mortality table used was developed based on CalPERS' specific data. The table includes 20 years of mortality improvements using Society of Actuaries Scale BB.
Post Retirement Benefit Increase	Contract COLA up to 2.50% until Purchasing Power Protection Allowance Floor on Purchasing Power applies, 2.50% thereafter

##### Long-term Expected Rate of Return

The long-term expected rate of return on pension plan investments was determined using a building-block method in which expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Using historical returns of all the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11+ years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the rounded single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equal to the single equivalent rate calculated above and adjusted to account for assumed administrative expenses. The table below reflects long-term expected real rate of return by asset class.

Investment Type	New Strategic Allocation	Real Return Years 1 - 10 <sup>1</sup>	Real Return Years 11+ <sup>2</sup>
Global Equity	50.0%	4.80%	5.98%
Fixed Income	28.0%	1.00%	2.62%
Inflation Assets	0.0%	0.77%	1.81%
Private Equity	8.0%	6.30%	7.23%
Real Estate	13.0%	3.75%	4.93%
Liquidity	1.0%	0.00%	-0.92%
	<u>100.0%</u>		

<sup>1</sup> An expected inflation rate-of-return of 2.5% is used for years 1-10.

<sup>2</sup> An expected inflation rate-of-return of 2.9% is used for years 11+.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

*Notes to Financial Statements*

*June 30, 2021*

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**NOTE 10 – NET PENSION LIABILITY AND DEFINED BENEFIT PENSION PLAN (continued)**

**B. Pension Liabilities, Pension Expenses, and Deferred Outflows/Inflows of Resources Related to Pensions (continued)**

**Discount Rate**

The discount rate used to measure the total pension liability was 7.15%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current member contribution rates and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on those assumptions, the Plan’s fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

**Subsequent Events**

There were no subsequent events that would materially affect the results in this disclosure.

**Sensitivity of the Net Pension Liability to Changes in the Discount Rate**

The following presents the net pension liability/(asset) of the Plan as of the measurement date, calculated using the discount rate of 7.15%, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.15%) or 1 percentage-point higher (8.15%) than the current rate:

<u>Plan's Net Pension Liability/(Asset)</u>		
<u>Discount Rate - 1%</u>	<u>Current Discount</u>	<u>Discount Rate + 1%</u>
<u>6.15%</u>	<u>Rate 7.15%</u>	<u>8.15%</u>
<u>2,102,644</u>	<u>\$ (16,983)</u>	<u>\$ (1,756,336)</u>

**Pension Plan Fiduciary Net Position**

Detailed information about the pension plan’s fiduciary net position is available in the separately issued CalPERS financial report and can be obtained from CalPERS’ website under Forms and Publications.

**C. Payable to the Pension Plans**

At June 30, 2021, the District reported no payables for outstanding contributions to the CalPERS pension plan required for the year ended June 30, 2021.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Notes to Financial Statements*  
*June 30, 2021*

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**NOTE 11 – NET INVESTMENT IN CAPITAL ASSETS**

At June 30, 2021, the net investment in capital assets was calculated as follows:

<u>Description</u>	<u>Balance</u>
<b>Net investment in capital assets:</b>	
Capital assets – not being depreciated	\$ 2,808,347
Capital assets, net – being depreciated	2,818,560
Loan payable – current portion	(22,644)
Loan payable – non-current portion	(184,524)
Capital lease payable – current portion	(37,059)
Capital lease payable – non-current portion	<u>(134,120)</u>
<b>Total</b>	<u>\$ 5,248,560</u>

**NOTE 12 – UNRESTRICTED NET POSITION (DEFICIT)**

As of June 30, 2021, the District had an unrestricted net position deficit of (\$2,671,488).

The unrestricted net position deficit resulted from the reporting of the District’s pension obligation bonds and the related deferred inflows of resources per GASB No. 68. At June 30, 2021, the District’s pension obligation bonds amounted to \$4,374,000 and the related deferred inflows of resources related to the pension amounted to \$2,944,479, which totals \$7,318,479. As well as reporting of the District’s net OPEB liability and the related deferred inflows of resources – deferred amounts related to net OPEB liability per GASB No. 75. At June 30, 2021, the District’s net OPEB liability amounted to \$579,377 and the related deferred inflows of resources related to net OPEB liability amounted to \$507,406, which totals \$1,086,783. These combined related liabilities of \$8,405,262 have resulted in the District’s unrestricted net position deficit.

The District will continue to make its actuarial determined pension and OPEB contributions as well as its healthcare administrative costs towards its pension and OPEB plans and annually review its outstanding net pension liability and net OPEB obligation funding requirements for future periods to reduce the District’s deficit position.

**NOTE 13 – FUND BALANCES**

At June 30, 2021, fund balances of the District’s governmental funds were classified as follows:

<u>Description</u>	<u>General Fund</u>
<b>Nonspendable:</b>	
Prepaid items	\$ 144,526
<b>Assigned:</b>	
Compensated absences	<u>95,793</u>
<b>Unassigned</b>	<u>1,991,129</u>
<b>Total fund balances</b>	<u>\$ 2,231,448</u>

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## Notes to Financial Statements

June 30, 2021

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### NOTE 14 – RISK MANAGEMENT

The District is exposed to various risks of loss related to torts, theft of, damage to and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The District is a member of the Special District Risk Management Authority (SDRMA), an intergovernmental risk sharing joint powers authority created to provide self-insurance programs for California special districts. The purpose of the SDRMA is to arrange and administer programs of self-insured losses and to purchase excess insurance coverage.

<b>A. Entity</b>	SDRMA
<b>B. Purpose</b>	To pool member contributions and realize the advantages of self-insurance
<b>C. Participants</b>	As of June 30, 2020 – 505 member agencies
<b>D. Governing board</b>	Seven representatives employed by members
<b>E. District payments for FY 2021:</b>	
<b>Property/Liability policy</b>	\$53,330
<b>Workers' compensation policy</b>	\$52,385
<b>F. Condensed financial information</b>	June 30, 2020
<b>Statement of net position:</b>	<b>June 30, 2020</b>
<b>Total assets</b>	<u>\$ 130,676,871</u>
<b>Deferred outflows</b>	<u>595,599</u>
<b>Total liabilities</b>	<u>70,083,643</u>
<b>Deferred inflows</b>	<u>246,193</u>
<b>Net position</b>	<u>\$ 60,942,634</u>
<b>Statement of revenues, expenses and changes in net position:</b>	
<b>Total revenues</b>	\$ 82,459,850
<b>Total expenses</b>	<u>(77,881,779)</u>
<b>Change in net position</b>	4,578,071
<b>Beginning – net position</b>	<u>56,364,563</u>
<b>Ending – net position</b>	<u>\$ 60,942,634</u>
<b>G. Member agencies share of year-end financial position</b>	Not Calculated

At June 30, 2021, the District participated in the liability and property programs of the SDRMA as follows:

- General and auto liability, public officials and employees' errors and omissions: Total risk financing self-insurance limits of \$2,500,000, combined single limit at \$2,500,000 per occurrence. The District purchased additional excess coverage layers: \$10,000,000 for general, auto and public official's liability, which increases the limits on the insurance coverage noted above.

## **KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

### *Notes to Financial Statements*

*June 30, 2021*

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#### **NOTE 14 – RISK MANAGEMENT (Continued)**

In addition to the above, the District also has the following insurance coverage:

- Employee dishonesty coverage up to \$400,000 per loss includes public employee dishonesty, forgery or alteration and theft, disappearance and destruction coverage.
- Property loss is paid at the replacement cost for property on file, if replaced within three years after the loss, otherwise paid on an actual cash value basis, to a combined total of \$1.0 billion per occurrence, subject to a \$2,000 deductible per occurrence.
- Boiler and machinery coverage for the replacement cost up to \$100 million per occurrence, subject to a \$1,000 deductible per occurrence.
- Public official's personal liability up to \$500,000 each occurrence, with an annual aggregate of \$500,000 per each elected/appointed official to which this coverage applies, subject to the terms, with a deductible of \$500 per claim.

The District maintains workers' compensation coverage and employer's liability coverage in accordance with the statutory requirements of the State of California.

Settled claims have not exceeded any of the coverage amounts in any of the last three fiscal years. There were no reductions in insurance coverage in fiscal year 2021, 2020, and 2019. Liabilities are recorded when it is probable that a loss has been incurred and the amount of the loss can be reasonably estimated net of the respective insurance coverage. Liabilities include an amount for claims that have been incurred but not reported (IBNR). There were no IBNR claims payable as of June 30, 2021, 2020, and 2019.

#### **NOTE 15 – COMMITMENTS AND CONTINGENCIES**

##### **Grant Awards**

Grant funds received by the District are subject to audit by the grantor agencies. Such audit could lead to requests for reimbursements to the grantor agencies for expenditures disallowed under terms of the grant. Management of the District believes that such disallowances, if any, would not be significant.

##### **Litigation**

In the ordinary course of operations, the District is subject to claims and litigation from outside parties. After consultation with legal counsel, the District believes the ultimate outcome of such matters, if any, will not materially affect its financial condition.

#### **NOTE 16 – CURRENT AND SUBSEQUENT EVENTS**

The District has evaluated subsequent events through May 31, 2022, the date which the financial statements were available to be issued.

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***Required Supplementary Information***

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**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Budgetary Comparison Schedule – General Fund*  
*For the Fiscal Year Ended June 30, 2021*

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
<b>Revenues:</b>			
Property taxes	\$ 2,008,935	\$ 2,053,113	\$ 44,178
Franchise fees, net	57,000	61,857	4,857
Special assessments:			
Public safety	681,750	685,710	3,960
Measure "G" public safety	594,872	598,396	3,524
Recreation	41,500	41,529	29
Charges for services	24,500	17,533	(6,967)
Operating grants and contributions	100,000	181,025	81,025
Capital grants and contributions	-	15,400	15,400
Investment earnings	20,000	(2,483)	(22,483)
Other revenue	-	5,017	5,017
<b>Total revenues</b>	<u>3,528,557</u>	<u>3,657,097</u>	<u>128,540</u>
<b>Expenditures:</b>			
Current:			
Salaries and wages	1,533,250	1,584,542	(51,292)
Employee benefits	731,440	708,364	23,076
Materials and services	860,305	840,005	20,300
Capital outlay	45,116	372,687	(327,571)
Debt service:			
Principal payment	191,815	210,636	(18,821)
Interest payment	102,718	189,347	(86,629)
<b>Total expenditures</b>	<u>3,464,644</u>	<u>3,905,581</u>	<u>(440,937)</u>
<b>Excess of revenues over(under) expenditures</b>	<u>63,913</u>	<u>(248,484)</u>	<u>(312,397)</u>
<b>Other financing sources(uses):</b>			
Transfers in(out)	-	119,057	119,057
Debt principal issued	-	190,000	190,000
<b>Total other financing sources(uses)</b>	<u>-</u>	<u>309,057</u>	<u>309,057</u>
<b>Change in fund balance</b>	<u>\$ 63,913</u>	<u>60,573</u>	<u>\$ (3,340)</u>
<b>Fund balance:</b>			
Beginning of year		<u>2,170,875</u>	
End of year		<u>\$ 2,231,448</u>	



**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Schedule of Proportionate Share of the Net Pension Liability*  
*For the Fiscal Year Ended June 30, 2021*

**Last Ten Fiscal Years\***

**California Public Employees' Retirement System (CalPERS) Miscellaneous Plan**

<b>Measurement Date</b>	<b>District's Proportion of the Miscellaneous Plan's Net Pension Liability</b>	<b>District's Proportionate Share of the Net Pension Liability</b>	<b>District's Covered Payroll</b>	<b>District's Proportionate Share of the Net Pension Liability as a Percentage of Covered Payroll</b>	<b>Plan's Fiduciary Net Position as a Percentage of the Plan's Total Pension Liability</b>
June 30, 2014	0.04113%	2,559,571	\$ 963,888	265.55%	79.75%
June 30, 2015	0.04025%	3,059,855	945,713	323.55%	87.25%
June 30, 2016	0.03796%	3,821,324	974,432	392.16%	84.00%
June 30, 2017	0.03893%	3,860,944	879,501	438.99%	78.83%
June 30, 2018	0.03955%	3,811,481	686,340	555.33%	79.56%
June 30, 2019	0.04036%	4,135,341	701,270	589.69%	72.93%
June 30, 2020	-0.00016%	(16,983)	780,224	-2.18%	100.11%

**Notes to Schedule:**

**Benefit Changes:**

There were no changes in benefits.

**Changes in Assumptions:**

**From fiscal year June 30, 2015 and June 30, 2016:**

GASB 68, paragraph 68 states that the long-term expected rate of return should be determined net of pension plan investment expense but without reduction for pension plan administrative expense. The discount rate of 7.50% used for the June 30, 2014, measurement date was net of administrative expenses. The discount rate of 7.65% used for the June 30, 2015, measurement date is without reduction of pension plan administrative expense.

**From fiscal year June 30, 2016 to June 30, 2017:**

There were no changes in assumptions.

**From fiscal year June 30, 2017 to June 30, 2018:**

The discount rate was reduced from 7.65% to 7.15%.

**From fiscal year June 30, 2018 to June 30, 2019:**

There were no significant changes in assumptions.

**From fiscal year June 30, 2019 to June 30, 2020:**

There were no significant changes in assumptions.

**From fiscal year June 30, 2020 to June 30, 2021:**

There were no significant changes in assumptions.

\*Fiscal year 2014 was the first measurement date year of implementation; therefore, only seven years are shown.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Schedule of Pension Contributions*  
*For the Fiscal Year Ended June 30, 2021*

**Last Ten Fiscal Years\***

**California Public Employees' Retirement System (CalPERS) Miscellaneous Plan**

<b>Fiscal Year</b>	<b>Actuarially Determined Contribution</b>	<b>Contributions in Relation to the Actuarially Determined Contribution</b>	<b>Contribution Deficiency (Excess)</b>	<b>Covered Payroll</b>	<b>Contributions as a Percentage of Covered Payroll</b>
June 30, 2014	\$ 356,745	\$ (356,745)	\$ -	\$ 963,888	37.01%
June 30, 2015	384,301	(384,301)	-	945,713	40.64%
June 30, 2016	369,564	(369,564)	-	974,432	37.93%
June 30, 2017	478,607	(478,607)	-	879,501	54.42%
June 30, 2018	293,014	(293,014)	-	686,340	42.69%
June 30, 2019	330,361	(330,361)	-	701,270	47.11%
June 30, 2020	382,475	(4,806,883)	(4,424,408)	780,224	616.09%
June 30, 2021	179,521	(179,521)	-	1,140,973	15.73%

**Notes to Schedule:**

<b>Fiscal Year</b>	<b>Valuation Date</b>	<b>Actuarial Cost Method</b>	<b>Asset Valuation Method</b>	<b>Inflation</b>	<b>Investment Rate of Return</b>
June 30, 2014	June 30, 2012	Entry Age	Market Value	2.75%	7.65%
June 30, 2015	June 30, 2013	Entry Age	Market Value	2.75%	7.65%
June 30, 2016	June 30, 2014	Entry Age	Market Value	2.75%	7.65%
June 30, 2017	June 30, 2015	Entry Age	Market Value	2.75%	7.65%
June 30, 2018	June 30, 2016	Entry Age	Market Value	2.75%	7.15%
June 30, 2019	June 30, 2017	Entry Age	Market Value	2.50%	7.15%
June 30, 2020	June 30, 2018	Entry Age	Market Value	2.50%	7.15%
June 30, 2021	June 30, 2019	Entry Age	Market Value	2.50%	7.15%

<b>Amortization Method</b>	Level percentage of payroll, closed
<b>Salary Increases</b>	Depending on age, service, and type of employment
<b>Investment Rate of Return</b>	Net of pension plan investment expense, including inflation
<b>Retirement Age</b>	50 years (3.0%@50), 52 years (2.7%@57)
<b>Mortality</b>	Mortality assumptions are based on mortality rates resulting from the most recent CalPERS Experience Study adopted by the CalPERS Board.

\*Fiscal year 2014 was the first measurement date year of implementation; therefore, only seven years are shown.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Schedule of Changes in the District's Net OPEB Liability and Related Ratios*  
*For the Fiscal Year Ended June 30, 2021*

Fiscal Year Ended	Last Ten Fiscal Years*			
	<u>June 30, 2021</u>	<u>June 30, 2020</u>	<u>June 30, 2019</u>	<u>June 30, 2018</u>
Measurement Date	<u>June 30, 2020</u>	<u>June 30, 2019</u>	<u>June 30, 2018</u>	<u>June 30, 2017</u>
<b>Total OPEB liability:</b>				
Service cost	\$ 97,806	\$ 93,148	\$ 171,680	\$ 171,679
Interest	282,144	270,617	303,635	287,783
Changes of assumptions	(293,401)	-	(349,558)	-
Differences between expected and actual experience	(277,547)	(6,903)	(291,717)	(68,601)
Changes of benefit terms	(1,204,143)	-	-	-
Benefit payments	(192,057)	(213,923)	(204,377)	(142,894)
<b>Net change in total OPEB liability</b>	<b>(1,587,198)</b>	<b>142,939</b>	<b>(370,337)</b>	<b>247,967</b>
<b>Total OPEB liability - beginning</b>	<b>3,872,141</b>	<b>3,729,202</b>	<b>4,099,539</b>	<b>3,851,572</b>
<b>Total OPEB liability - ending</b>	<b>2,284,943</b>	<b>3,872,141</b>	<b>3,729,202</b>	<b>4,099,539</b>
<b>Plan fiduciary net position:</b>				
Contributions - employer	343,527	460,959	466,839	238,762
Net investment income	54,053	78,934	69,586	76,726
Administrative expense	(733)	(265)	(481)	(383)
Benefit payments	(192,057)	(213,923)	(204,377)	(142,894)
<b>Net change in plan fiduciary net position</b>	<b>204,790</b>	<b>325,705</b>	<b>331,567</b>	<b>172,211</b>
<b>Plan fiduciary net position - beginning</b>	<b>1,500,776</b>	<b>1,175,071</b>	<b>843,504</b>	<b>671,293</b>
<b>Plan fiduciary net position - ending</b>	<b>1,705,566</b>	<b>1,500,776</b>	<b>1,175,071</b>	<b>843,504</b>
<b>District's net OPEB liability</b>	<b>\$ 579,377</b>	<b>\$ 2,371,365</b>	<b>\$ 2,554,131</b>	<b>\$ 3,256,035</b>
<b>Plan fiduciary net position as a percentage of the total OPEB liability</b>	<b>74.64%</b>	<b>38.76%</b>	<b>31.51%</b>	<b>20.58%</b>
<b>Covered-employee payroll</b>	<b>\$ 1,026,275</b>	<b>\$ 730,130</b>	<b>\$ 686,340</b>	<b>\$ 879,501</b>
<b>District's net OPEB liability as a percentage of covered-employee payroll</b>	<b>56.45%</b>	<b>324.79%</b>	<b>372.14%</b>	<b>370.21%</b>

**Notes to Schedule:**

**Benefit Changes:**

Measurement Date June 30, 2017 – There were no changes in benefits  
 Measurement Date June 30, 2018 – There were no changes in benefits  
 Measurement Date June 30, 2019 – There were no changes in benefits  
 Measurement Date June 30, 2020 – There were no changes in benefits

**Changes in Assumptions:**

Measurement Date June 30, 2017 – There were no changes in assumptions  
 Measurement Date June 30, 2018 – All eligible employees will be required to contribute at least \$125 monthly, regardless of the level of coverage selected. The \$125 monthly amount is assumed not to increase in future years.  
 Measurement Date June 30, 2019 – There were no changes in assumptions  
 Measurement Date June 30, 2020 – All employees hired prior to December 12, 2019 will have the employer share of costs capped at 90% of the 2020 Kaiser Bay Area rates for every coverage level and Medicare eligibility status. In addition, there is a mandatory \$125 minimum monthly contribution per retiree. Employees hired on or after December 12, 2019 will receive the PEMHCA minimum only.

\* Fiscal year 2018 was the first year of implementation; therefore, only four years are shown.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
*Schedule of Contributions – Other Post-Employment Benefits (OPEB) Plan*  
*For the Fiscal Year Ended June 30, 2021*

Fiscal Year Ended	Last Ten Fiscal Years*			
	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018
Actuarially determined contribution	\$ 303,615	\$ 433,330	\$ 418,693	\$ 404,577
Contributions in relation to the actuarially determined contributions	(343,527)	(460,959)	(466,839)	(238,762)
Contribution deficiency (excess)	\$ (39,912)	\$ (27,629)	\$ (48,146)	\$ 165,815
Covered payroll	\$ 1,026,275	\$ 730,130	\$ 686,340	\$ 879,501
Contributions as a percentage of covered payroll	33.47%	63.13%	68.02%	27.15%

**Notes to Schedule:**

Valuation Date	June 30, 2020	June 30, 2019	June 30, 2017	June 30, 2017
<b>Methods and Assumptions Used to Determine Contribution Rates:</b>				
Actuarial cost method	Entry Age	Entry Age	Entry Age	Entry Age
Amortization method	(1)	(1)	(1)	(1)
Amortization period	20-years	20-years	20-years	20-years
Asset valuation method	Market Value	Market Value	Market Value	Market Value
Discount rate	7.28%	7.28%	7.28%	7.28%
Inflation	2.01%	2.26%	2.26%	2.26%
Payroll increases	2.75%	3.25%	3.25%	3.25%
Mortality	(2)	(2)	(2)	(2)
Morbidity	(3)	(3)	(3)	(3)
Disability	Valued	Valued	Valued	Valued
Retirement	(4)	(4)	(4)	(4)
Percent Married	100%	100%	100%	100%
Healthcare trend rates	(5)	(5)	(5)	(5)

- (1) Closed period, level percent of pay  
(2) CalPERS 2017 Study  
(3) CalPERS 2017 Study  
(4) CalPERS Public Agency Safety 3.0%@55 and 2.7%@57  
(5) Pre-65 - 6.85% trending down to 5.00% in 2027 and later  
Post-65 - 5.00% consistent to 2027

\* Fiscal year 2018 was the first year of implementation; therefore, only four years are shown.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## *Notes to the Required Supplementary Information*

*For the Fiscal Year Ended June 30, 2021*

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### **NOTE 1 – PURPOSE OF SCHEDULES**

#### **Budgetary Comparison Schedules**

The District follows specific procedures in establishing the budgetary data reflected in the financial statements. Each year the District prepares and submits an operating budget to the Board of Directors no later than June of each year. The basis used to prepare the budget does not differ substantially from the modified accrual basis of accounting. The adopted budget becomes operative on July 1. The Board of Directors must approve all supplemental appropriations to the budget and transfers between major accounts.

#### **Schedule of Proportionate Share of the Net Pension Liability**

This schedule is required by GASB Statement No. 68 and is required for all employers in a cost-sharing pension plan. The schedule reports the following information:

- The proportion (percentage) of the collective net pension liability (similar to the note disclosure)
- The proportionate share (amount) of the collective net pension liability
- The employer's covered-employee payroll
- The proportionate share (amount) of the collective net pension liability as a percentage of the employer's covered-employee payroll
- The pension plan's fiduciary net position as a percentage of the total pension liability

#### **Schedule of Pension Contributions**

This schedule is required by GASB Statement No. 68 and is required for all employers in a cost-sharing pension plan. The schedule reports the following information:

- If an employer's contributions to the plan are actuarially determined or based on statutory or contractual requirements: the employer's actuarially determined contribution to the pension plan (or, if applicable, its statutorily or contractually required contribution), the employer's actual contributions, the difference between the actual and actuarially determined contributions (or statutorily or contractually required), and a ratio of the actual contributions divided by covered-employee payroll.

#### **Schedule of Changes in the District's Net OPEB Liability and Related Ratios**

This schedule is required by GASB Statement No. 75 and is required for all employers in a cost-sharing OPEB plan. The schedule reports the following information:

- The employer's proportion (percentage) of the collective net OPEB liability
- The employer's proportionate share (amount) of the collective net OPEB liability
- The employer's covered-employee payroll
- The employer's proportionate share (amount) of the collective net OPEB liability as a percentage of the employer's covered-employee payroll
- The OPEB plan's fiduciary net position as a percentage of the total OPEB liability.

#### **Schedule of Contributions – Other Post-Employment Benefits (OPEB) Plan**

This schedule is required by GASB Statement No. 75 and is required for all employers in an OPEB plan. The schedule reports the following information:

- If an employer's contributions to the plan are actuarially determined or based on statutory or contractual requirements: the employer's actuarially determined contribution to the OPEB plan (or, if applicable, its statutorily or contractually required contribution), the employer's actual contributions, the difference between the actual and actuarially determined contributions (or statutorily or contractually required), and a ratio of the actual contributions divided by covered-employee payroll.

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***Other Independent Auditors' Report***

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**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

Board of Directors  
Kensington Police Protection and Community Services District  
Kensington, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and the general fund of Kensington Police Protection and Community Services District (District) as of and for the fiscal year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated May 31, 2022.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) as a basis for designing audit procedures to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the District's financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in blue ink that reads "Nigro & Nigro, PC". The signature is written in a cursive style.

Walnut Creek, California  
May 31, 2022



# **Office Report prepared by Jenny Parks Kensington Community Council November 1st, 2022**

## **KASEP:**

Fall KASEP classes are underway. The winter KASEP brochure will be out November 28<sup>th</sup> and the winter session of KASEP begins January 3<sup>rd</sup>. Registration for winter KASEP is set for Tuesday December 6<sup>th</sup> at 7:00pm for kindergarten and 7:30pm for grades 1-6.

There will be no KASEP classes Tuesday, November 1<sup>st</sup>, Friday the 11<sup>th</sup> and the week of Thanksgiving.

## **KCC:**

On Sunday, October 23, KCC brought back the annual Kensington Fall Picnic after a hiatus of two years. Hundreds of picnic lunches were served at the Community Center, where the entertainment included two bands and a "Bubble Master." The picnic was made possible by sponsors including Mechanics Bank and Red Oak Realty. Volunteers included members of various Kensington groups such as KIC and the Hilltop School Dads' Club, Directors from KFPD and KPPCSD. It was a picture perfect day of community spirit in Kensington, and we look forward to many more.

\*Voting in the Community Center all day November 8<sup>th</sup>.

\*KPPCSD tree removal around the park is scheduled for November 21st, 22nd & 23rd.

\*Blood Drive at the Community Center scheduled for November 23<sup>rd</sup>. 10-2:30 sign up at [Vitalant.org](http://Vitalant.org).

## **ADULT/OTHER CLASSES:**

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

Strength & Balance Yoga with Anja Brogstrom Tuesdays 8:30am and Gentle Yoga Thursdays 11:30am Drop in fee of \$20.

Family Yoga will continue in the park near the Recreation Building on Saturdays.

10:00-10:45 (kids aged 2 to 5) and @ 11:00-11:45 (kids aged 6 to 12)

Beeswax on Canvas Art class Saturday November, 12<sup>th</sup> 2-4, Recreation Building Room B. KCC adult classes continue to have low enrollment. We will have more art classes coming in December.

## **TENNIS COURTS:**

Tennis Court reservations are required for weekends by calling the KCC office at 510-525-0292.

\$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/Summer camp tennis classes.

Date: Thu 11/10/2022 10:23 AM

From: Andrew Reed [ajr@sonic.net](mailto:ajr@sonic.net)

Subject: Time to Pause Search for Police Locations

To: Sylvia Hacaj <[SHacaj@kppcsd.org](mailto:SHacaj@kppcsd.org)>; Eileen Nottoli <[ENottoli@kppcsd.org](mailto:ENottoli@kppcsd.org)>; Rachelle Sherris-Watt <[rsherriswatt@kppcsd.org](mailto:rsherriswatt@kppcsd.org)>; Christopher Deppe <[cdeppe@kppcsd.org](mailto:cdeppe@kppcsd.org)>; Mike Logan [MLogan@kppcsd.org](mailto:MLogan@kppcsd.org)

CC: Lynelle Lewis [llewis@kppcsd.org](mailto:llewis@kppcsd.org)

Board Members:

I urge you to cease any immediate efforts to determine a long-term location for the police department. Given the recent KPPCSD election results, and the commitment of the newly elected KPPCSD board candidates to keep the police in the PSB, it would be against the will of your constituents to do otherwise.

Most of the locations proposed by your Interim General Manager are known to be unfeasible. The only way forward is a compromise design for the Public Safety Building that allows our protection services to share the space, stay local and stay out of the park. This is what the people said in their resounding vote just two days ago.

Surely, the newly configured KPPCSD board will immediately act to set up a joint task force with the Fire Board. This new task force will revise the building effort to reflect the will of Kensington residents.

Thank you.

Andrew Reed