

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING May 23, 2019

ITEM XXX

PUBLIC HEARING

RESOLUTION 2019-05 OF THE BOARD OF DIRECTORS OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT, CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE KENSINGTON PARK ASSESSMENT DISTRICT FOR FISCAL YEAR 2019/20

BACKGROUND

The Kensington Police Protection and Community Services District is required to approve annually resolutions prepared by NBS that initiate the process of collecting the park tax assessment. This is pursuant to the Landscaping and Lighting Act of 1972 that established the Kensington Park Assessment District.

To initiate the process, the following three resolutions were adopted at the April 25, 2019 Board Meeting:

1. Resolution 2019-02: Approval to initiate the proceedings for the Kensington Park Assessment District for Fiscal-Year 2019/2020.
2. Resolution 2019-03: Approval of the Annual Report for the Kensington Park Assessment District for the Fiscal-Year 2019/2020
3. Resolution 2019-04: The Board declaring its intention to levy and collect assessments for the Kensington Park Assessment District for Fiscal-Year 2019/2020 and to set the public hearing for Thursday, May 23, 2019, at 7:30 P.M.

Resolution 2019-04 was required to be published in a local newspaper at least 10 days prior to the May 23, 2019 public hearing. The resolution was published in the East Bay Times on May 10, 2019.

The total assessment to most dwelling units will be \$17.85, which is an increase from \$17.24 last year, with a total of 2,188 parcels to be assessed. The total balance to levy will be \$40,212.70. This revenue may be used only for maintenance of the "New Park."

The final step in the process will be to hold a public hearing and to approve Resolution 2019-05, which is a resolution of the KPPCSD Board to declare its intention to levy and collect assessments for the Kensington Park Assessment District for fiscal year 2019/2020.

RECOMMENDATION:

1. Open the public hearing and receive comments;
2. Close the public hearing; and
3. Adopt Resolution 2019-05

FISCAL IMPACT: Anticipated revenue of \$40,212.70.

ATTACHMENTS: Resolution 2019-04 & Resolution 2019-05

SUBMITTED BY: Anthony Constantouros, General Manager

RESOLUTION NO. 2019-04

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT,
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR
THE KENSINGTON PARK ASSESSMENT DISTRICT
FOR FISCAL YEAR 2019/20**

The Board of Directors of the Kensington Police Protection and Community Services District (hereafter referred to as the "Board of Directors") does resolve as follows:

WHEREAS, the Board of Directors previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the Kensington Park Assessment District (the "Assessment District"); and

WHEREAS, the Board of Directors has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS, AS FOLLOWS:

- 1. Intention:** The Board of Directors hereby declares its intention to levy and collect assessments within the Assessment District to pay the costs of the Improvements for the fiscal year commencing July 1, 2019 and ending June 30, 2020. The Board of Directors finds that the public's best interest requires such action.
- 2. Improvements:** The improvements within the District include, but are not limited to: the operating, maintaining and servicing of all public landscaping improvements, consisting of landscaping and grass. Operating, maintaining and servicing include, but are not limited to: personnel, materials, electrical energy and water. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous, and satisfactory condition.
- 3. Assessment District Boundaries:** The boundaries of the Assessment District are as shown by the assessment diagram filed in the offices of the Secretary, which map is made a part hereof by reference.
- 4. Annual Report:** Reference is made to the Annual Report prepared by NBS, on file with the Secretary, for a full and detailed description of the improvements, the boundaries of the Assessment District and the zones therein, and the proposed assessments upon assessable lots and parcels of land within the Assessment District.
- 5. Notice of Public Hearing:** The Board of Directors hereby declares its intention to conduct a Public Hearing concerning the levy of assessments in accordance with Section 22629 of the Act. All objections to the assessment, if any, will be considered by the Board of Directors. The Public Hearing will be held on **Thursday, May 23, 2019 at 7:00 pm** or as soon thereafter as is feasible in the meeting place of the Board of Directors located at 59 Arlington Avenue, Kensington, CA. The Board of Directors further orders the Secretary to publish notice of this resolution in accordance with Section 22626 of the Act.
- 6. Increase of Assessment:** The maximum assessment is not proposed to increase from the previous year above that previously approved by the property owners (as "increased assessment" is defined in Section 54954.6 of the Government Code).

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PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on Thursday, the 24th day of May, 2019, by the following vote to wit:

AYES: Eileen Nottoli
Eileen Nottoli, President

NOES: Sylvia Hacaj
Sylvia Hacaj, Vice President

ABSENT: Rachel Sherris-Watt
Rachelle Sherris-Watt, Director

Christopher Deppe
Christopher Deppe, Director

Cyrus Modavi
Cyrus Modavi, Director

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 24th day of May, 2019.

Christy Pastorek
District General Manager

RESOLUTION NO. 2019-05

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT,
CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR
THE KENSINGTON PARK ASSESSMENT DISTRICT
FOR FISCAL YEAR 2019/20**

The Board of Directors of the Kensington Police Protection and Community Services District (hereafter referred to as the "Board of Directors") does resolve as follows:

WHEREAS, the Board of Directors previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the Kensington Park Assessment District (the "Assessment District"); and

WHEREAS, the Board of Directors has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the Board of Directors has, by previous resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, a Public Hearing has been held and concluded and notice thereof was duly given in accordance with Section 22626 of the Act; and

WHEREAS, at the time and place specified in the Resolution of Intention the Board of Directors conducted such hearing and considered all objections to the assessment.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS, AS FOLLOWS:

- 1. Confirmation of Assessment and Diagram:** The Board of Directors hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the Secretary.
- 2. Levy of Assessment:** Pursuant to Section 22631 of the Act, the adoption of this resolution shall constitute the levy of an assessment for the fiscal year commencing July 1, 2019 and ending June 30, 2020.
- 3. Ordering of the Levy:** The Board of Directors hereby orders NBS to prepare and submit the levy of assessments to Contra Costa County for placement on the Fiscal Year 2019/20 secured property tax roll.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on _____, the ____ day of _____, 2019, by the following vote to wit:

AYES:

Eileen Nottoli, President

NOES:

Sylvia Hacaj, Vice President

ABSENT:

Rachelle Sherris-Watt, Director

Christopher Deppe, Director

Cyrus Modavi, Director

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 _____, the ____ day of _____, 2019.

District General Manager