



Date: May 13, 2021
To: Board of Directors
From: Katherine Korsak, Business & Finance Manager
Subject: Annual Resolutions for the Kensington Park Assessment District Levy

Recommendation:

Discuss and adopt the following resolutions in order to levy and collect assessments for the Kensington Park Assessment District pursuant to the Landscaping and Lighting Act of 1972:

1. Resolution of Initiation: No. 2021-03,
2. Resolution Approving Report: No. 2021-04, and
3. Resolution of Intention: No. 2021-05.

Rationale for Recommendation:

The Kensington Park Assessment District ('District') is a Landscape and Lighting District and, as such, it must follow the Landscaping and Lighting Act of 1972, which require governing board review and approval of the annual Engineer's Report including the proposed assessments to be levied upon each assessable lot or parcel within the District.

Background:

The District was formed on December 6, 1994 pursuant to the Landscaping and Lighting Act of 1972. At the time, the initial assessment was \$10.08 per single family dwelling with 2,099 parcels being assessed. An annual increase based on the Consumer Price Index (CPI) was included. In 1994-95, the estimated expenditures for park and facility maintenance totaled \$22,500.

In 2019-2020, the assessment per household was \$17.84 with 2,189 parcels being assessed. In the current 2020-21 tax year, the assessment is \$18.37 with 2,189 parcels also being assessed. The proposed assessment for the 2021-22 tax year is \$18.65, a \$0.28 increase from the previous year.

Discussion and Analysis:

Over the past several years, the Kensington Park Assessment District has functioned with an operating deficit that has been backfilled by the KPPCSD's General Fund. For the past 3 fiscal years, the parks district has used an average of \$60,000 of general fund dollars.

As expenses have steadily increased, the assessment revenue has not kept pace with expenditures and the maintenance needs of the park and its facilities. It's worth noting that without the support of the KPPCSD's General Fund, there would be insufficient funding for Kensington Park and the Community Center to remain open.

In FY 2021-22, staff will bring forward recommendations to the Board of Directors to conduct a study and analysis of the Assessment Districts revenues, expenditures, and long term maintenance needs in order to recommend a sustainable financing model that does not rely on the KPPCSD's General Fund to backfill future deficits. NBS, the District's Assessment District consultant, will attend the May 13 Board meeting to expand upon the financing options that are available for fully funding and supporting Kensington Park and its facilities.

Fiscal Impact:

The current preliminary Engineer's Report estimates \$121,564 in District expenses and a total of \$42,184 of income and revenue for fiscal year 2021-22. Staff recommends allocating \$79,000 of General Fund monies to the Assessment District to fill the shortfall in the budget. Should the board approve this recommendation, 65% of the financial support for the Assessment District would be derived from the General Fund and 35% of the budget would originate from the current levy assessment.

Attachments:

1. Resolution of Initiation: No. 2021-03
2. Resolution Approving Report: No. 2021-04
3. Resolution of Intention: No. 2021-05

RESOLUTION NO. 2021-03

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT,
INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR
THE KENSINGTON PARK ASSESSMENT DISTRICT
FOR FISCAL YEAR 2021/22**

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 Engineer's Report.

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

- 1. Engineer's Report:** The Board of Directors hereby orders NBS to prepare and file with the Secretary of the Board of Directors the Engineer's Report concerning the levy and collection of assessments within the Assessment District for the fiscal year commencing July 1, 2021 and ending June 30, 2022.
- 2. New Improvements or Changes to Existing Improvements:** There are no changes to existing improvements nor are there any items being added to the list of improvements previously approved at the formation of the Assessment District.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by Director _____, seconded by Director _____, on Thursday, the 13th day of May, 2021, by the following vote to wit:

AYES: Directors _____, _____, _____, _____, and _____

NOES: None

ABSENT: None

ABSTAINED: None

Sylvia Hacaj
President, Board of Directors

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 13th day of May, 2021.

Lynelle M. Lewis
District Clerk of the Board

Marti Brown
Interim General Manager

RESOLUTION NO. 2021-04

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT,
APPROVING THE ENGINEER'S REPORT FOR
THE KENSINGTON PARK ASSESSMENT DISTRICT
FOR FISCAL YEAR 2021/22**

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 Engineer's Report; and

WHEREAS, the Board of Directors has, by previous resolution, ordered NBS to prepare and file such Engineer's Report; and

WHEREAS, NBS has prepared and filed such Engineer's Report with the Secretary of the Board.

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

- 1. Approval of Report:** The Board of Directors hereby approves the Engineer's Report concerning the levy of assessments as submitted by NBS for the fiscal year commencing July 1, 2021 and ending June 30, 2022.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by Director _____, seconded by Director _____, on Thursday, the 13th day of May, 2021, by the following vote to wit:

AYES: Directors _____, _____, _____, _____, and _____

NOES: None

ABSENT: None

ABSTAINED: None

Sylvia Hacaj
President, Board of Directors

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 13th day of May, 2021.

Lynelle M. Lewis
District Clerk of the Board

Marti Brown
Interim General Manager

RESOLUTION NO. 2021-05

**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 2021/22**

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 Engineer's 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, 2021 and ending June 30, 2022. 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. **Engineer's Report:** Reference is made to the Engineer's 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, June 10, 2021 at 7:00 pm** or as soon thereafter as is feasible in the meeting place of the Board of Directors located at 52 Arlington Avenue, Kensington, CA; however, due to the COVID-19 Pandemic all meetings are being held virtually and all notices are published at www.kppcsd.org. 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).

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by Director _____, seconded by Director _____, on Thursday, the 13th day of May, 2021, by the following vote to wit:

AYES: Directors _____, _____, _____, _____, and _____

NOES: None

ABSENT: None

ABSTAINED: None

Sylvia Hacaj
President, Board of Directors

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 13th day of May, 2021.

Lynelle M. Lewis
District Clerk of the Board

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