



Date: November 9, 2023

To: Board of Directors

From: David Aranda, Interim General Manager

Presented by: David Spath, Director and Committee Member of the Reorganization Committee

Subject: Approve a Request for Proposal Regarding a Financial Study of KPPCSD and KFPD for Reorganization Information

Recommendation

Approve the Request for Proposal (RFP) to obtain pricing from various vendors regarding a financial study of KPPCSD and KFPD in respect to reorganization.

Background

For many years, discussions have taken place about the benefits or lack of for the KPPCSD and KFPD to reorganize into one entity. The answer to that question this RFP, if approved, will be sent to those companies that specialize in determining that question.

Director Spath will briefly review the proposal that has been approved by the KFPD and answer questions.



Kensington Fire Protection District and
Kensington Police Protection and Community Services District

Request for Proposals

Fiscal Analysis Evaluating Reorganization of Kensington Special Districts

The Kensington Police Protection and Community Services District (KPPCSD) and the Kensington Fire Protection District (KFPD) (collectively “Districts”) invite qualified firms or individuals (“consultants”) to respond to this Request for Proposals (“RFP”) to develop a comprehensive fiscal analysis to evaluate the fiscal impact of reorganizing (via dissolution with annexation) the KFPD and KPPCSD into a single Community Services District.

RFP Schedule

Listed below are the events and target dates. The Districts reserve the right to change these events and dates at any time.

RFP issued	November 10, 2023
Proposals due	December 8, 2023, by 5:00 p.m.
Review of responses	December 20, 2023
Finalist notified	January 18, 2024
Contract awarded	February 1, 2024

BACKGROUND, SCOPE OF WORK, AND OBJECTIVES

Background

Kensington is an unincorporated community encompassing approximately one square mile in Contra Costa County. The population is estimated to be 5,288 according to the American Community Survey.¹

Kensington is served by two independent special districts: (1) The Kensington Police Protection and Community Services District (KPPCSD), founded in 1946 as a Police Protection District and reorganized as a CSD in 1953. The KPPCSD provides law enforcement, parks and recreation, and solid waste collection services; and (2) the Kensington Fire Protection District (KFPD), founded in 1928 and reorganized as an independent special district in 1937, provides fire protection and emergency medical services (EMS). Since 1995, the KFPD’s services are provided through a contract with the City of El Cerrito. While the KFPD contracts with El Cerrito for personnel and other services, it maintains ownership of the Kensington Public Safety Building, which contains a fire station, and associated fire engines, vehicles, and equipment. The Sphere of Influence of both the KPPCSD and KFPD are coterminous with their respective boundaries. The two districts’ boundaries are essentially the same except

¹ <https://censusreporter.org/profiles/16000US0638086-kensington-ca/>

that KPPCSD is one parcel larger, encompassing an East Bay Municipal Utilities District water distribution reservoir property.

The Contra Costa County Local Agency Formation Commission (LAFCO) has conducted and formally adopted several Municipal Service Reviews (MSRs) since 2009 (see Appendix A) that have recommended on and off that the Kensington special districts consider consolidation or reorganization as a governance option.

Reorganization by annexation of the KFPD by the KPPCSD, with dissolution of the KFPD is under consideration.

Both Districts understand from written LAFCO guidance that there is no specific requirement in the Cortese Knox Hertzberg Act (CKH Act) for a fiscal analysis for an annexation/dissolution or a consolidation. However, for any major boundary “reorganization” such as the contemplated Kensington reorganization, a fiscal analysis is recommended.

The recommended independent fiscal analysis should address all aspects of applicable government codes relevant to reorganization as well as the specific questions and concerns of individual directors and staff of both districts.

Scope Of Work

The Kensington Police Protection and Community Services District (KPPCSD) and the Kensington Fire Protection District (KFPD) seek a consultant to carry out all tasks related to the recommended fiscal analysis of dissolving and reorganizing the KFPD into the KPPCSD

The fiscal analysis should encompass the standard fiscal parameters in any LAFCO-commissioned MSR and be responsive to additional questions posted by each district in this RFP.

The period used in the fiscal analysis should be from five to ten years (“analysis period”), to be established in the scope of work at the discretion of the proposing consultant. Factors which may necessitate a longer range include tasks associated with locating the KPPCSD's police station, which may stretch on for a number of years as that process is only beginning.

If the KFPD and KPPCSD boards both, independently, vote to proceed with reorganization into a single special district via annexation with dissolution, this fiscal analysis will be used as part of the application to Contra Costa LAFCO. The analysis should be suitable for this purpose and include all information required by the application provisions of Government Code section 56653(b) and be responsive to points of concern or questions raised by staff and individual directors of both districts as set forth in this RFP. This analysis will also be used by the Districts’ respective Board of Directors to aid in determining if reorganization is an appropriate choice for Kensington.

Accordingly, it should include detail sufficient for LAFCO and for a District-wide public discussion of the benefits and shortcomings that reorganization could introduce.

Submission of a proposal shall constitute a firm offer to the KPPCSD and KFPD for 90 days from the date proposals are due to the Districts. By submitting the proposal, it is expected that the Proposer has carefully read and fully understands this RFP. A Proposer may withdraw its proposal at any time before the submittal deadline by delivering a written request for withdrawal signed by, or on behalf of, the Proposer.

Objectives

The consultant selected will be required to complete the following objectives:

Objective 1 – Conduct a Fiscal Analysis of the KPPCSD and the KFPD

The consultant shall prepare a fiscal analysis of each district as an independent special district based on current policies and circumstances, which may differ substantially from those in place during the various MSRs cited in the introduction. The analysis shall include an assessment of existing sources of revenue and the cost annually of existing levels of services, with a five-to-ten year projection, at the discretion of the proposing consultant, of the fiscal capacity of each district to provide the services for which it is presently authorized. The analysis should account for the present and future capital and operational needs of both districts and should explicitly include:

1. The projected cost of KPPCSD's requirement to secure a permanent police station located in Kensington. This should include an assessment of the opportunity cost versus benefit to both Districts, individually and combined, for:
 - a) the KPPCSD using its own assets of buildings and land versus purchasing land and procuring a new structure; and
 - b) the KPPCSD sharing space with KFPD in the Kensington Public Safety Building.
2. KFPD's contractually obligated reserves for the El Cerrito Fire Services contract.
3. KFPD's current reserve policy for fire engine replacement and battalion chief vehicle replacement.
4. Staffing costs and capital reserves required to manage and maintain the Kensington Public Safety Building.
5. For each district, a full accounting and disclosure of the CalPERS and OPEB obligations and liabilities for the past and the future during the analysis period, including existing or required OPEB trusts and OPEB obligation estimates, any unfunded accrued past and future pension liabilities.
6. Assessment of the borrowing capacity of each district individually assuming existing revenues and taxes, and whether a combined district would be fiscally stronger as a prospective borrower and be able to take on greater future

borrowing than the total of what the two existing districts could take on as separate entities.

Objective II – Conduct a Fiscal Analysis of the KPPCSD and KFPD as a Combined District

The consultant shall prepare a fiscal analysis of the two districts operating as a combined district, including those topics described in Objective I. The comprehensive analysis shall:

- Include an assessment of existing sources of revenue that would be available to a combined district and the cost of existing levels of services annually that would be provided by a combined district, including the impact on general fund balances, liquid cash reserves, and capital reserves for dedicated purposes.
- Include a five-to-ten year projection of the fiscal capacity of the new combined district to provide the services for which the two existing districts are presently authorized and explicitly include the full immediate and long-term cost of rehousing the Kensington Police Department in an essential service structure in Kensington.
- Identify any potential reduction or increase in costs that may accrue from reorganization as well as any potential impact of reorganization on the services presently provided. As the districts currently only employ part-time administrative staff, and the KFPD is not a CalPERS agency, the analysis should identify if full-time staff options, including staff positions that may become subject to CalPERS, would be beneficial from either a cost or service perspective. The analysis shall be consistent with those applicable portions of Government Code section 56653(b).

Objective III – Prepare a Report and Present the Fiscal Analysis separately to the Boards of the KPPCSD and KFPD and then, upon acceptance by each district board, to the public at a Public Townhall Meeting to be facilitated by the General Managers of each district.

The consultant shall prepare a report with findings and conclusions on the fiscal capacity of the districts to continue to provide existing services, to relocate the Kensington Police Department to Kensington, and to provide those services as a reorganized district. The consultant will prepare a draft report for review and comment by the staff and full boards of both districts. Upon resolution of any questions or concerns by both district boards and staff, the consultant shall develop presentation materials for final review and approval by the Boards of both districts (as warranted) and make a presentation of the fiscal analysis at a public town hall meeting.

Submittal Requirements

Each proposal shall include the following information:

1. Background information on the consultant, including details of experience with similar projects, all services offered, and a brief resume of the individual(s) assigned to this project.
2. A description of the approach to the project that demonstrates the proposer's understanding of the desired scope of work and objectives described in the Scope of Work.
3. A detailed scope of work that describes the research, analysis, and related tasks that the consultant will complete. *Note: if interviews with board members are planned, this should include an interview of all board members.*
4. A proposed timeline for the completion of all objectives and related activities described in the Scope of Work including the estimated time to complete those activities. The schedule shall also include an estimate of the time for review of the draft report by staff and the boards of both districts.
5. A fixed-fee or time-and-materials not-to-exceed budget that shows the proposed project cost by objective, task, or activity (as applicable) plus a description and listing of any reimbursable costs.
6. A listing of similar projects completed by the consultant that demonstrate the consultant's understanding of the operation, including housing requirements, for fire and police departments, fiscal projections for public services, including fire protection, emergency medical, and police services, and familiarity with the regional community context such as limitations for construction in a hazardous fire zone, an active earthquake zone, and/or a slide zone.
7. Three (3) references from jurisdictions/agencies for which consultant has provided similar services, including agency name, project name and date, name of contact person, title, email address and phone number, and type of deliverable prepared.
8. A listing of any exceptions requested to the standard contract terms listed in Attachment A.

Submit twelve (12) bound copies and electronic copies of your full proposal no later than 5 p.m., December 8, 2023, to:

Bound copies:

KPPCSD/KFPD
Attn: RFP for Fiscal Analysis
10940 San Pablo Avenue
El Cerrito, CA 94530

Electronic copies:

David Aranda
KPPCSD Interim General Manager

Mary Morris-Mayorga
KFPD General Manager

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Selection Process

The proposals submitted in response to this RFP will be used as a basis for selecting the consultant for this project. The consultant's proposal will be evaluated and ranked according to the criteria listed below:

- Responsiveness to this Request for Proposals
- Qualifications and experience of the individuals assigned to the project
- Experience with similar projects with an emphasis on the Bay Area and municipalities located in a high hazard zones (fire, earthquake, slide)
- Schedule and availability
- Cost of services
- Reference contact results

The Districts reserve the right to reject any or all responses, to waive any informality in any responses, and to select the consultant that best meets the Districts' needs. Responses must be submitted no later than the date and time stated in this request for proposals. Responses shall be reviewed and rated as set forth above. The Districts will then jointly determine and agree upon which consultant best meets the requirements of both Districts. The Districts reserve the right to negotiate final pricing with the most qualified consultant. All submitted proposals will be publicly available and shared with every member of the board of directors of both Districts before the final selection is made.

Consultants submitting proposals may be requested to make oral presentations as part of the evaluation process. Once submitted, the proposals will be the property of both districts. Submission of a proposal shall constitute a firm offer to the KFPD and KPPCSD for 90 days from the date proposals are due to the Districts. By submitting the proposal, it is expected that the consultant has carefully read and fully understands this RFP. A consultant may withdraw its proposal at any time before the submittal deadline by delivering a written request for withdrawal signed by, or on behalf of, the consultant.

Upon award of the contract, it is expected that the successful consultant will accept the agreement terms and conditions "as is" without modification. Any contract modifications are to be stated at the time of submittal. The consultant shall furnish the Districts with such additional information as they may reasonably require.

Questions about this Request for Proposals

Any questions about this RFP must be submitted to the Districts by no later than ten (10) days prior to the proposal due date. Questions may be sent via e-mail to the KPPCSD Interim General Manager and the KFPD General Manager.

Appendix A: Summary of all MSRS conducted by LAFCO that reference KPPCSD or KFPD

KFPD or KPPCSD during the period from August 2009 to June 2021 are listed below with a summary of the recommendations related to reorganization: (See, Appendix B for links to source documents.)

June 9, 2021: Final Parks and Recreation MSR (Second Round) (KPPCSD)

- Findings on governance structure, service delivery, or consolidation: None.

June 12, 2019: “City Services” MSR & SOI Study (2nd Round) (KPPCSD)

- Findings on governance structure, service delivery, or consolidation: None.

August 10, 2016: Fire/EMS MSR (2nd Round) (KFPD)

- Findings on governance structure, service delivery, or consolidation: None.

August 10, 2011: Law Enforcement Services MSR (KPPCSD)

- Findings on governance structure, service delivery, or consolidation: The status quo should remain.
 1. The consolidation of Kensington Fire Protection District (KFPD) and Kensington Police Protection and Community Services District (KPPCSD) was identified in two previous LAFCO MSRs, i.e., in 2009. At the time, the KPPCSD was having significant fiscal issues. Subsequently, KPPCSD successfully passed a special tax to remedy (at least in the short-term) their fiscal crisis. Consolidation of these two districts is still a governance/boundary option. However, until such time as the residents of Kensington are unwilling to fund high-level police and fire protection services, the status quo should remain.

November 18, 2009: West County Sub-Regional MSR (KPPCSD)

- Findings on governance structure, service delivery, or consolidation: (summary)
 1. Annexation [of KPPCSD] into the City of El Cerrito could provide further options for maintaining future levels of service in light of the District’s revenue constraints.
 2. Consolidation of KFPD with the KPPCSD is an option identified in the Fire and Emergency Medical Service Providers MSR (August 2009). Consolidation of KFPD with KPPCSD could streamline local government, and offer cost saving opportunities to the community by providing more options on allocating local property tax dollars spent on fire, emergency medical services, law enforcement, and other services.
 - a. It is likely that the property tax collected by the KFPD would be transferred to the KPPCSD, should those districts be combined. Further, it is likely that if the KPPCSD were to begin providing fire protection services after such a combination, its KPPCSD Board of

Directors probably would have the authority to allocate those transferred revenues in its sole discretion. Restriction of the use of such revenues exclusively for fire protection purposes might be accomplished by the formation of a zone within the CSD or by special legislation.

3. For the [KPPCS] District to explore future contracts for service provision by other agencies; for instance, contracting police services to the City of El Cerrito.

August 12, 2009: Fire and Emergency Medical Services MSR (KFPD)

- Findings on governance structure, service delivery, or consolidation: (summary)
 1. Annexation of territory served by KFPD at the EBMUD reservoir is a government structure option. The affected area is in a very high fire hazard severity zone.
 2. Consolidation of KFPD with the Kensington Community Services District (KCSD) is an option. Consolidation of KFPD with KCSD would streamline local government. Currently, KCSD is reported to face financing challenges in delivering adequate law enforcement services to the community. Consolidation would offer opportunities to the community in exercising greater control over the share of local property tax dollars spent on fire, EMS, law enforcement and other services.
 3. Consolidation among west county fire providers is an option to improve the efficiency of service areas, promote facility-sharing and improve service levels. This option has been entertained in the past, but encountered opposition from the cities of Richmond and El Cerrito.

Appendix B: Municipal Service Review (MSR) Source Document links

June 9, 2021: Final Parks and Recreation MSR (Second Round) (KPPCSD)

https://www.contracostalafco.org/municipal_service_reviews/parks-and-recreation-services/Final%20Parks%20and%20Recreation%20Services%20MSR%20-%20June%202021.pdf

June 12, 2019: “City Services” MSR & SOI Study (2nd Round) (KPPCSD)

https://www.contracostalafco.org/municipal_service_reviews/City-Services/City%20Services%20MSR%20Final%20Adopted.pdf

August 10, 2016: Fire/EMS MSR (2nd Round) (KFPD)

https://www.contracostalafco.org/municipal_service_reviews/fire_and_emergency_medical_services/FireEMS%20MSR%20Final%20Report%20with%20Attachments%208-10-16.pdf

August 10, 2011: Law Enforcement Services MSR (KPPCSD)

https://www.contracostalafco.org/municipal_service_reviews/law_enforcement/Final%20Law%20Enforcement%20MSR.pdf

November 18, 2009: West County Sub-Regional MSR (KPPCSD)

https://www.contracostalafco.org/municipal_service_reviews/west_county_sub-regional/WestCountySubregionalMSR_Final.pdf

August 12, 2009: Fire and Emergency Medical Services MSR (KFPD)

https://www.contracostalafco.org/municipal_service_reviews/fire_and_emergency_medical_services/CoCo%20Fire%20MSR%20Master%20-%20FINAL.pdf