

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING

January 23, 2020

Consultation with KPPCSD Legal Counsel by attorney of KFPD

BACKGROUND

On May 23, 2019, the KPPCSD Board considered the proposal to share legal costs with the KFPD (Kensington Fire Protection District) on obtaining a legal opinion on the right of the KPPCSD to sell a portion of Kensington Park for the building of a public safety building. This proposal, which would have required a legal finding within 60 days of May, 8, 2019, was not acted upon by the Board.

Some members of the KFPD Board have continued to express desire to consider Kensington Park as a location of a future public safety building. In early 2019, KPPCSD approached their attorney, Ann Danforth, who determined that the direction of the 1998 bond was not entirely clear and would require further study. The KPPCSD has not authorized further legal work to dedicated bond counsel.

RECOMMENDATION

In order to provide greater clarity on the development of Kensington Park, the KPPCSD would authorize their attorney, Ann Danforth, to work with counsel chosen by the KFPD to clarify the rights and responsibilities given to each special district in developing lands acquired through bonds. Their attorney will also share all research done to date on this issue. This help would be limited to ten hours of time before August of 2020.

The KPPCSD is not indicating that development in the park is authorized, economically feasible, or of interest, but does allow the KFPD to pursue the question of legality under the authority rendered by the bond passage.

It is recommended that the Board agree to this action in order to possibly alleviate questions that have developed.

FISCAL IMPACT

Up to \$2100 for ten hours of clarification and communication with District counsel, Ann Danforth.

ATTACHMENTS

Letter to President Nottoli, dated, May 15, 2019

SUBMITTED BY: Director Sherris-Watt