

**THIRD AMENDMENT TO AGREEMENT FOR SERVICES
BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT
AND THE CITY OF EL CERRITO**

THIS THIRD AMENDMENT TO AGREEMENT FOR SERVICES BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT AND THE CITY OF EL CERRITO ("Third Amendment") is hereby entered into this 16th day of July 2019 by and between the City of El Cerrito, a municipal corporation ("CITY"), and Kensington Fire Protection District, a public agency ("DISTRICT").

RECITALS

A. CITY and DISTRICT are parties to an Agreement for Services, dated August 7, 1995, as amended by the First Amendment to said agreement, dated March 1, 2005, and the Second Amendment to said agreement, dated September 2009 ("the Agreement").

B. The parties desire to amend the Agreement pursuant to the terms and conditions set forth below.

NOW, THEREFORE, CITY and DISTRICT hereby agree as follows:

Section 1. Amendment to Subsection 1.A of the Agreement, Extension of Term and Option for Extension. Subsection 1.A. of the Agreement shall be replaced entirely by the following:

"A. The term of this agreement shall be until midnight June 30, 2030. The Agreement may be extended at any time by mutual agreement as provided in Section XVII. Unless the Agreement is terminated at an earlier date pursuant to Section XV, the parties will initiate negotiations to extend the contract on or before January 1, 2028."

B. The DISTRICT may extend the term of this contract for an additional five (5) years beyond the term stated in Subsection 1.A, as amended, by giving written notice to the CITY on or before December 31, 2027."

Section 2. Amendment to Subsection IV.A of the Agreement, District Fire Station, Fire Station Equipment, Furniture, Furnishings and Expendable Equipment. Subsection IV.A is amended to read as follows:

"A. The District shall provide the City and its personnel access to and use of the District fire station, fire station equipment, furniture, furnishings and expendable equipment as may be necessary or convenient for the City in the provision of the services provided for in this agreement. City shall lease from District the fire engine and other District fire fighting vehicles at a cost of \$1.00 per year.

Section 3. Amendment to Subsection VIII.B of the Agreement, Resolution of Disputes. Subsection VIII.B is amended to read as follows:

“B. In the event of a dispute, the disputing party shall submit to the other a writing describing the dispute and a proposed resolution. If the City is the disputing party, a writing shall be submitted to the President of the District board of directors. If the District is the disputing party, a writing shall be submitted to the City Manager. The disputing party shall submit the written reasons for the dispute and the proposed resolution within thirty days of the date the dispute arose.”

Section 4. Amendment of Section XVII, Services to Be Provided to City by District Pursuant to This Agreement. Section XVII is replaced entirely by the following:

XVII. ADMINISTRATIVE SUPPORT.

Either party may provide support through its employees for the other party's administrative functions not otherwise addressed by the services provision portions of this Agreement. The parties shall enter into a separate written memorandum of understanding or other agreement regarding the terms of such administrative support. Payment for administrative support may be reflected in the fee schedule paid by the District to the City for services pursuant to this Agreement.

Section 5. Replacement of Exhibits A and B. Exhibits A (Allocations of Total Expenditures) and B (Form of Annual Reconciliation of Costs and Fees) to the Agreement are hereby replaced with the Exhibits A and B attached hereto and incorporated by this reference. Exhibits A and B may henceforth be amended by mutual written agreement of the parties without an amendment to this Agreement.

Section 6. All other provisions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date and year first above written.

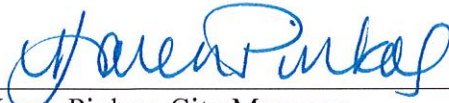
KENSINGTON FIRE PROTECTION DISTRICT

CITY OF EL CERRITO


Julie Stein, President


Rochelle Pardue-Okimoto, Mayor

Approved as to form:
DISTRICT COUNSEL


Karen Pinkos, City Manager


John Bakker


Holly Charléty, City Clerk

Approved as to form:
CITY ATTORNEY


Sky Woodruff

CITY OF EL CERRITO /KENSINGTON FIRE PROTECTION DISTRICT

EXHIBIT A

Contract Fee Template

LINE ITEM DETAIL BUDGET EXPENDITURES
101 GENERAL FUND

Proposed
Budget FYXX-XX

5100 SALARIES & BENEFITS			
51110 Salaries	27.75%	\$0.00	
51130 Temporary/Part-time Salaries	27.75%	\$0.00	
51140 Overtime Pay	27.75%	\$0.00	
51145 FLSA Overtime pay	27.75%	\$0.00	
51146 Non Suppression Overtime pay	27.75%	\$0.00	
51150 Special Pay	27.75%	\$0.00	
51210 PERS Contributions	27.75%	\$0.00	
51220 FICA/MEDICARE	27.75%	\$0.00	
51230 Benefits & Insurance	27.75%	\$0.00	
51240 Workers Compensation	27.75%	\$0.00	
51990 Salary Savings	27.75%	\$0.00	
TOTAL	\$0.00	\$0.00	
5200 PROFESSIONAL SERVICES			
52190 Misc Professional Services	33.33%	\$0.00	
52220 Medical Services	33.33%	\$0.00	
52230 Other Technical Services	33.33%	\$0.00	
TOTAL	\$0.00	\$0.00	
5300 PROPERTY SERVICES			
53110 Utilities	0.00%	\$0.00	
53230 Building Maintenance Services	33.33%	\$0.00	
53240 Landscape/Park Maint Svcs	0.00%	\$0.00	
53250 Vehicle/Equip Maint Svcs	25.00%	\$0.00	
53290 Misc R&M Svcs	33.33%	\$0.00	
53320 Vehicle & Equip Lease	0.00%	\$0.00	
53330 Vehic Replcmt Rental Charge	18.83%	\$0.00	
53910 Solid Waste Services	33.33%	\$0.00	
TOTAL	\$0.00	\$0.00	
5400 OTHER SERVICES			
54210 Telephone Expenses	20.00%	\$0.00	
54220 Mobile/wireless Expenses	20.00%	\$0.00	
54310 Legal Notices & Advertisements	25.00%	\$0.00	
54410 Printing and Binding	25.00%	\$0.00	
54610 Travel & Training	25.00%	\$0.00	
54910 Dues & Subscriptions	25.00%	\$0.00	
54990 Other Administrative Services	25.00%	\$0.00	
TOTAL	\$0.00	\$0.00	
5500 SUPPLIES			
55110 General Office Supplies	25.00%	\$0.00	
55120 Postage & Delivery	25.00%	\$0.00	
55130 Photocopying Charges	25.00%	\$0.00	
55210 Fuel	27.00%	\$0.00	
55230 Medical Supplies	30.00%	\$0.00	
55240 Clothing & Uniform Supplies	33.33%	\$0.00	
55250 Vehicle & Equipmt Supplies	25.00%	\$0.00	
55290 Other Operating Supplies	25.00%	\$0.00	
55520 Building Supplies	25.00%	\$0.00	
TOTAL	\$0.00	\$0.00	
5600 CAPITAL OUTLAY			
56310 Improvements, Not Buildings	0.00%	\$0.00	
56410 Office Equipment <\$10K	0.00%	\$0.00	
56710 Other Equipment < \$10K	0.00%	\$0.00	
56720 Other Equipment > \$10K	0.00%	\$0.00	
TOTAL	\$0.00	\$0.00	
5800 OTHER CHARGES			
58220 Licenses & Permits	25.00%	\$0.00	
TOTAL	\$0.00	\$0.00	
OVERHEAD CHARGES (9% of Personnel)	\$0.00	27.75%	\$0.00
GRAND TOTAL	\$0.00		\$0.00
TOTAL COMPENSATION COST SHARE	<input type="text" value=""/>	50.00%	\$0.00
UNRECONCILED CONTRACT AMOUNT			\$0.00
RECONCILIATION 20XX-20XX FY BUDGET TO ACTUAL			
COMPENSATION COST SHARE			
RECONCILIATION FY 20XX-20XX BUDGET TO ACTUAL			
PROPOSED EC CONTRACT FEE FY 20XX-20XX			\$0.00

KENSINGTON FIRE PROTECTION DISTRICT BUDGET

Prior Year Reconciliation

EXHIBIT B

<u>Account #</u>	<u>Description</u>	<u>20XX-XX Budgeted</u>	<u>20XX-XX Actual</u>	<u>Diff.</u>	<u>Percentag</u>	<u>Reconciliation</u>
51110-51990	SALARIES & BENEFITS			\$0.00	27.75%	\$0.00
	SERVICES					
52110	Administrative Services			\$0.00	33.33%	\$0.00
52190	Misc Professional Services			\$0.00	33.33%	\$0.00
52210	Laboratory Services			\$0.00	33.33%	\$0.00
52220	Medical Services			\$0.00	33.33%	\$0.00
52230	Other Technical Services			\$0.00	33.33%	\$0.00
52240	Misc Technical Services			\$0.00	33.33%	\$0.00
53110	Utilities			\$0.00	0.00%	\$0.00
53230	Building Services			\$0.00	33.33%	\$0.00
53240	Landscape Services (Weed Abatement)			\$0.00	0.00%	\$0.00
53250	Vehicle/Equipmt Services			\$0.00	25.00%	\$0.00
53290	Misc Repair and Maintenance Services			\$0.00	33.33%	\$0.00
53320	Vehicle & Equipment Lease			\$0.00	0.00%	\$0.00
53330	Vehicle Charge			\$0.00	18.83%	\$0.00
53910	Solid Waste Service			\$0.00	33.33%	\$0.00
54210	Telephone			\$0.00	20.00%	\$0.00
54220	Mobile Expense			\$0.00	20.00%	\$0.00
54230	Internet Expense			\$0.00	0.00%	\$0.00
54310	Legal Notices & Advertisements			\$0.00	25.00%	\$0.00
54410	Printing			\$0.00	25.00%	\$0.00
54610	Travel & Training			\$0.00	25.00%	\$0.00
54910	Dues & Subscriptions			\$0.00	25.00%	\$0.00
54990	Other Administrative Services			\$0.00	25.00%	\$0.00
	SUPPLIES					
55110	Office Supplies			\$0.00	25.00%	\$0.00
55120	Postage			\$0.00	25.00%	\$0.00
55130	Photocopy			\$0.00	25.00%	\$0.00
55210	Fuel			\$0.00	27.00%	\$0.00
55220	Safety Supplies			\$0.00	30.00%	\$0.00
55230	Medical Supplies			\$0.00	30.00%	\$0.00
55240	Clothing & Uniforms			\$0.00	33.33%	\$0.00
55250	Vehicle & Equipment Supplies			\$0.00	25.00%	\$0.00
55290	Other Operating Supplies			\$0.00	25.00%	\$0.00
55520	Building Supplies			\$0.00	25.00%	\$0.00
55590	Other Maintenance Supplies			\$0.00	25.00%	\$0.00
58220	Licenses & Permits			\$0.00	25.00%	\$0.00
58920	Misc Finance Expense			\$0.00	25.00%	\$0.00
	CAPITAL					
56310-56710	Property & Capital			\$0.00	0.00%	\$0.00
	TOTAL EXPENDITURES	\$0.00	\$0.00	\$0.00		\$0.00