



## RESOLUTION 2025-01

### **RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF THE KENSINGTON FIRE PROTECTION DISTRICT REQUESTING THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION INITIATE PROCEEDINGS FOR THE DISSOLUTION OF THE KENSINGTON FIRE PROTECTION DISTRICT AND TO AUTHORIZE THE KENSINGTON COMMUNITY SERVICES DISTRICT TO EXERCISE FIRE PROTECTION, RESCUE, HAZARDOUS MATERIALS EMERGENCY RESPONSE, AND EMERGENCY MEDICAL RESPONSE SERVICES**

**RESOLVED**, by the Board of Directors of the Kensington Fire Protection District (the "KFPD") that:

**WHEREAS**, the KFPD was formed pursuant to the Fire Protection District Law of 1987, commencing with Section 13800 of the Health and Safety Code, and the Kensington Community Services District ("KCSD") was formed pursuant to the Community Services District Act, commencing with Section 61000 of the California Government Code, both to serve the Kensington community; and

**WHEREAS**, the KFPD and KCSD have a history of collaboration and cooperation efforts, including community outreach, community risk reduction, and public safety initiatives; and

**WHEREAS**, the KFPD desires to initiate, jointly with KCSD, proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the Government Code, for reorganization that includes the dissolution of KFPD and the exercise by KCSD of the fire protection, rescue, hazardous materials emergency response, emergency medical response, and other services provided by KFPD; and

**WHEREAS**, the territory proposed to be reorganized is inhabited and encompasses the areas described in the map included in the Plan for Services attached and incorporated by reference as Exhibit A; and

**WHEREAS**, in accordance with Government Code section 56654(c), KCSD has given notice of its intent to adopt this Resolution of Application as "the district" that would exercise new or different services; and

**WHEREAS**, the reasons for the reorganization of KFPD and KPPCSD into one entity, the Kensington Community Services District, are to enhance the efficiency, effectiveness, and economy of the reorganized district, better meeting the fire, police, rescue, hazardous materials emergency response, and emergency medical response of the Kensington community, as described in the Plan for Services attached to this Resolution and incorporated by reference as Exhibit A; and

**WHEREAS**, KCSD has assumed Lead Agency status for this project for purposes of the California Environmental Quality Act (CEQA), commencing with California Public Resources Code Section 21000, on behalf of the two districts; and

**WHEREAS**, this reorganization is categorically exempt from CEQA pursuant to Class 20, Title 14, Chapter 3, Section 15320(b) of the California Code of Regulations as a change in organization of

local agencies and as a project determined not to have a significant effect on the environment;  
and

**WHEREAS**, the KFPD Board intends for this Resolution of Application to be substantially similar to the Resolution of Application adopted by the KCSD Board for this reorganization, consistent with Section 56853 of the California Government Code.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Kensington Fire Protection District, as follows:

1. Adoption of Resolution of Application. This Resolution of Application is hereby adopted and approved by the Board of Directors of the Kensington Fire Protection District. The Contra Costa Local Agency Formation Commission (“LAFCo”) is hereby requested to (1) dissolve the Kensington Fire Protection District; and (2) authorize the Kensington Community Services District to exercise the power to provide fire protection, rescue, hazardous materials emergency response and emergency medical response, and other services provided by Kensington Fire Protection District, pursuant to Government Code section 61100(d) and (n), according to the terms and conditions set forth below and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. Terms and Conditions. The Kensington Fire Protection District Board of Directors requests that, under Contra Costa County LAFCo’s conditioning powers under Government Code section 56886, the reorganization described above be subject to the following terms and conditions:
  - a. Successor Agency. Effective September 1, 2025, and contingent upon Contra Costa County LAFCo’s final and complete approval of the dissolution of the Kensington Fire Protection District and the Kensington Community Services District’s assumption of the duties and obligations of the Kensington Fire Protection District (the “Effective Date”), Kensington Community Services District shall be the successor to Kensington Fire Protection District. Upon the Effective Date, all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the Kensington Fire Protection District are to be transferred to the Kensington Community Services District as the successor to the Kensington Fire Protection District.
  - b. Maintenance of Reserve Accounts. Kensington Community Services District shall maintain the reserve accounts presently maintained by KFPD, including a capital outlay reserve for future rolling stock purchase and an El Cerrito contract projected 50% reserve.
  - c. Employees. No employees of the Kensington Fire Protection District will become employees of the successor Kensington Community Services District.
  - d. Retiree Health Benefits. From and after the Effective Date, the Kensington Community Services District, as the successor agency, shall ensure that all retirees of the Kensington Fire Protection District who retired prior to the Fire Protection Services Agreement with the City of El Cerrito continue to receive the same healthcare benefits, including medical, vision, and dental insurance, to which they were entitled prior to reorganization.
  - e. Latent Powers. Subject to LAFCO approval, the Kensington Community Services District’s power to provide fire protection, rescue, hazardous materials emergency response and emergency medical response, and other services shall automatically

activate within the Kensington Community Services District territory on the Effective Date, so that on the Effective Date, KCSD will provide the services previously provided by Kensington Fire Protection District, subject to Contra Costa County LEMSA regulation and oversight and subject to existing agreements.

- f. Revenue Transfer. Upon completion of the LAFCo proceedings and the recording of the LAFCo Certificate of Completion, Kensington Community Services District shall levy, collect, track, expend and administer all revenue, income, and previously authorized charges, fees, assessments, funds, and taxes currently in effect, levied, or collected by Kensington Fire Protection District, including, but not limited to, property and other taxes in accordance with the authorizing actions of such financial mechanisms.
- g. Board of Directors. On the Effective Date, the Kensington Community Services District Board of Directors shall be expanded to eleven members, in accordance with Government Code Section 61030(a). The Board will be composed of all five current Directors of the Kensington Fire Protection District and all five current Directors KPPCSD. The eleventh member shall be elected or appointed pursuant to Government Code section 1780 and shall serve until the 2026 general election. In 2026, the terms of seven of the eleven members will expire, and only three of those seven offices shall be available for election, reducing the Board size to seven members. In 2028, the terms of four members will expire, and only two of those offices shall be available for election, permanently reducing the Board size to five members.
- h. Standing Committees. The Kensington Fire Protection Districts' standing committees entitled, "The Finance Committee" and "The Emergency Preparedness Committee," shall continue in existence under the Kensington Community Services District, with the membership of those committees to be appointed by its full Board of Directors following the reorganization.
- i. Property Rights. The reorganization does not change the rights the Kensington Fire Protection District had in the lands in its respective territory immediately prior to the reorganization. Those rights run with the land and will become Kensington Community Services District rights as the successor agency. All Kensington Fire Protection District property, whether real or personal, shall be transferred to Kensington Community Services District.
- j. Use of Funds. The Kensington Community Services District will ensure all funds received from the Kensington Fire Special Tax derived from the territories of the former Kensington Fire Protection District are accounted for and expended within the geographic areas they were derived from, in compliance with applicable statutes and regulations.
- k. Preservation of Fund Balances. The Kensington Fire Protection District will ensure that any personnel-related expenses impacting the use of fund balance or reserve funds, beyond those approved prior to the date of this Resolution, are mutually agreed upon with Kensington Police Protection and Community Services District before any such funds are expended.
- l. Fire Station 65. The Kensington Community Services District shall operate the facility in accordance with the Fire Protection Services Agreement between the Kensington Fire Protection District and the City of El Cerrito.

- m. Organizational Structure and Bylaws. Upon reorganization, the organizational structure and bylaws adopted by the Kensington Community Services District Board of Directors shall include a mission statement and objectives that reflect the addition of fire protection, rescue, hazardous materials emergency response, emergency medical response, and other services to be provided by the Kensington Community Services District.
3. Other Acts. The officers and staff of the Kensington Fire Protection District are hereby authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents, which, in consultation with District Counsel, they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any and all such actions previously taken by such officers or staff members are hereby ratified and confirmed.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the Kensington Fire Protection District at a regular meeting thereof held on the [19th day of March], 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Daniel Levine, President**

\_\_\_\_\_  
**Dean Richard Artis, Secretary**

Attachments:

Exhibit A – Plan for Services