

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held Thursday, December 8, 2011, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of this meeting will be tape recorded and video taped.

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Special Meeting November 4, 2011, Page 2
- b) Minutes of the Regular Meeting November 10, 2011, Page 4
- c) Profit & Loss Budget Performance for November 2011, Page 7
- d) Park Revenue & Expenses Report for November 2011, Page 12
- e) Board Member Reports- None
- f) Correspondence, Page 17
- g) Police Department Update, Page 18
- h) Monthly Calendar, Page 27
- i) Recreation Report, Page 29
- j) General Manager Update, Page 30

DISTRICT -- OLD BUSINESS

KPPCSD Director Tony Lloyd will provide the Board with the preliminary findings of the Paths Committee for initial Board review and discussion. This item will be continued at the Regular Meeting of the KPPCSD Board on January 12th for action. Page 32

DISTRICT - NEW BUSINESS

1. General Manager/ Chief of Police Greg Harman will present to the Board a request from Bay View Refuse for a 2009/10 CPI rate increase of 1% to be effective January 1, 2012. Board Action. Page 38
2. General Manager/ Chief of Police Greg Harman will present to the Board for discussion and action the opportunity to join in litigation with the City of Brentwood and several (21) other Contra Costa cities and Specials Districts in the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the County of Contra Costa in the allocating of the cost of a property tax refund to Chevron USA. Board Action. Page 41
3. Nominations for and the election of Board Officers for Calendar Year 2012. Board Action.
4. The Board President will ask for Board Member requests for assignments for Calendar Year 2012. Board Action.

ADJOURNMENT

General Information
Accessible Public Meetings

NOTE: UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS, PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILIARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District Secretary Anita Gardyne, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org

Complete agenda packets are available at the Public Safety Building and the Library.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1
BOARD OF DIRECTORS

Meeting Minutes for 11/04/2011

AGENDA

A special meeting of the Board of Directors of the Kensington Police Protection and Community Services District (KPPCSD) was held Friday, November 4, 2011, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guest/Presenter</u>
Charles Toombs, President	Lynn Wolter
Linda Lipscomb, Vice President	
Tony Lloyd, Director	
Mari Metcalf, Director	
Cathie Kosel, Director	
<u>Staff Members</u>	
Gregory E. Harman, General Manager/Chief of Police	
Anita Darden Gardyne, District Secretary	
Detective Corporal Keith Barrow	

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:00 PM. He stated that the Director Metcalf was in transit but would arrive shortly.

PUBLIC COMMENTS

None

BOARD COMMENTS

None

STAFF COMMENTS

None

President Toombs stated that the BOD would enter into closed session to discuss Labor Negotiations between KPPCSD representatives and the Kensington Police Officers Association.

While in the Community Center parking lot, Secretary Gardyne saw Director Metcalf entering the meeting room where the closed door session was held at approximately 7:07p

The meeting was reconvened at 8:27p. President Toombs stated that KPPCSD representatives will go back to the KPOA to clarify a few issues and then move forward to the next step.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2
BOARD OF DIRECTORS

MOTION: Director Kosel moved to end the meeting at about 8:28 PM. Vice President Lipscomb seconded this motion.

AYES: Toombs, Lipscomb, Lloyd, Metcalf, Kosel NOES: 0 ABSENT:0

ADJOURNMENT

General Information

Accessible Public Meetings

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KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1
BOARD OF DIRECTORS

Meeting Action Minutes for 11/10/2011

AGENDA

A regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, November 10, 2011, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>
Charles Toombs, President	Joan Gallegos
Linda Lipscomb, Vice President	John Stein
Tony Lloyd, Director	Gretchen Gillfillan
Cathie Kosel, Director	Lynn Wolter
	Joel Koosed
	Barbara Dilts
<u>Staff Members</u>	
Gregory E. Harman, General Manager/Chief of Police	
Anita Darden Gardyne, District Secretary	
Temporary Acting Sergeant Kevin Hui	

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:00 PM. He stated Director Metcalf would be absent with prior notice.

The public meeting was convened at about 7:00 PM.

PUBLIC COMMENTS

John Stein spoke.

BOARD COMMENTS

Director Kosel and President Toombs each spoke.

STAFF COMMENTS

None.

CONSENT CALENDAR

Note: Changes in appear in italics

Director Lipscomb asked that paragraph 4 of page 3 of the minutes be rewritten to read, "The drainage issue is a defect maintenance issue on the land *being used for drainage by the county*". Her second change to this section was to insert the word "entity" after the word separate in the final sentence of this

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2
BOARD OF DIRECTORS

paragraph. With this change, the sentence now reads, "He said the County's willingness to transfer the paths to a separate *entity* issue that is being worked through the Path's Committee".

MOTION: Director Kosel moved to approve the consent calendar. Vice President Lipscomb seconded this motion.

AYES: Toombs, Lipscomb, Lloyd, Kosel NOES: 0 ABSENT: Metcalf

DISTRICT – OLD BUSINESS #1 - General Manager/ Chief of Police Greg Harman will provide the Board with an update on the Paths Committee project and his conversation with County Supervisor John Gioia regarding the Highland/ Kenyon path drainage issue.

STAFF COMMENTS

GM/COP Harman provided a meeting summary.

BOARD COMMENTS

Directors Kosel, Lipscomb, Lloyd, and Toombs each spoke.

PUBLIC COMMENTS

None.

No BOD action was requested nor taken.

DISTRICT – NEW BUSINESS #1 - Board President Chuck Toombs will propose to the Board the formation of an Ad-Hoc Committee to review and update the KPPCSD Board Policy Manual. Board Action.

STAFF COMMENTS

None.

BOARD COMMENTS

President Toombs said that Directors Lloyd and Lipscomb, along with residents John Stein, Barbara Dilts, and Joan Gallegos will make up this committee. He said that they would have the support of the district's attorneys and that members of the public will have opportunities to participate. He directed Secretary Gardyne to gather the committee member's contact information and to share it amongst committee members.

President Toombs said that the BOD President can appoint this committee so no vote is needed.

PUBLIC COMMENTS

Gretchen Gillfillan spoke.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 3
BOARD OF DIRECTORS

DISTRICT – NEW BUSINESS #2 - General Manager/ Chief of Police Greg Harman will present to the Board KPPCSD Resolution 2011-016, a Resolution to Tax Defer CALPERS Member Paid Contributions/ Employer Pick-Up under the provisions of Section 414(h)(2) of the Internal Revenue Code. Board Action.

STAFF COMMENTS

GM/COP Harman spoke.

BOARD COMMENTS

Director's Kosel and Lipscomb spoke.

PUBLIC COMMENTS

Gretchen Gillfillan and Lynn Wolter spoke.

MOTION: Vice President Lipscomb moved to approve Resolution 2011-016. Director Lloyd seconded this motion.

AYES: Toombs, Lipscomb, Lloyd, Kosel NOES: 0 ABSENT: Metcalf

MOTION: Director Kosel moved to end the meeting at about 7:47 PM. Director Lloyd seconded this motion.

AYES: Toombs, Lipscomb, Lloyd, Kosel NOES: 0 ABSENT: Metcalf

ADJOURNMENT

General Information

Accessible Public Meetings

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KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2011

	<u>Nov 11</u>	<u>Budget</u>	<u>Jul - Nov 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
401 · Levy Tax	0.00		1,244,949.23	1,237,000.00	1,263,000.00
402 · Special Tax-Police	0.00		679,890.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00		0.00		50.00
404 · Measure G Supplemental Tax Rev	0.00		405,667.70	453,200.00	453,200.00
410 · Police Fees/Service Charges	145.00	155.00	770.00	980.00	2,000.00
414 · POST Reimbursement	0.00		4,870.19		
415 · Grants-Police	0.00		11,315.57		
416 · Interest-Police	0.00		0.00	750.00	3,000.00
418 · Misc Police Income	2,271.28	1,500.00	8,915.05	8,144.00	12,000.00
Total 400 · Police Activities Revenue	<u>2,416.28</u>	<u>1,655.00</u>	<u>2,356,377.74</u>	<u>2,380,074.00</u>	<u>2,413,250.00</u>
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L	0.00		31,679.36	30,000.00	30,000.00
426 · Park Donations	0.00		0.00		500.00
427 · Community Center Revenue	1,490.00	1,500.00	4,633.00	6,750.00	24,000.00
430 · KCC Monthly Wage Reimb	1,089.00		1,089.00		
435 · Grants-Park/Rec	0.00		0.00		100,000.00
436 · Interest-Park/Rec	0.00		0.00	50.00	200.00
438 · Misc Park/Rec Rev	206.00	100.00	206.00	200.00	500.00
Total 420 · Park/Rec Activities Revenue	<u>2,785.00</u>	<u>1,600.00</u>	<u>37,607.36</u>	<u>37,000.00</u>	<u>155,200.00</u>
440 · District Activities Revenue					
448 · Franchise Fees	0.00		6,708.70	7,000.00	21,000.00
456 · Interest-District	0.00		0.00	125.00	500.00
Total 440 · District Activities Revenue	<u>0.00</u>		<u>6,708.70</u>	<u>7,125.00</u>	<u>21,500.00</u>

KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2011

	<u>Nov 11</u>	<u>Budget</u>	<u>Jul - Nov 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Total Income	5,201.28	3,255.00	2,400,693.80	2,424,199.00	2,589,950.00
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	69,467.40	73,735.00	336,948.63	368,679.00	884,824.00
504 · Compensated Absences	0.00	0.00	15,402.59	0.00	10,000.00
506 · Overtime	4,896.42	3,333.33	37,609.83	16,666.69	40,000.00
508 · Salary - Non-Sworn	3,933.00	4,875.00	22,402.00	24,375.00	58,500.00
516 · Uniform Allowance	599.94	650.00	2,966.37	3,250.00	7,800.00
518 · Safety Equipment	0.00		925.28	1,250.00	2,500.00
521-A · Medical/Vision/Dental-Active	10,523.00	13,035.00	54,934.15	65,171.00	156,416.00
521-R · Medical/Vision/Dental-Retired	11,503.40	13,128.25	60,961.89	65,641.25	157,539.00
521-T · Medical/Vision/Dental-Trust	0.00		0.00		96,432.00
522 · Insurance - Police	666.67	1,000.00	7,567.57	5,500.00	12,500.00
523 · Social Security/Medicare	1,152.36	1,209.67	5,025.85	6,048.31	14,516.00
524 · Social Security - District	279.49	302.25	1,552.50	1,511.25	3,627.00
527 · PERS - District Portion	22,865.96	25,291.00	117,542.43	126,455.00	303,492.00
528 · PERS - Officers Portion	6,083.68	6,694.67	31,273.13	33,473.31	80,336.00
530 · Workers Comp	0.00		32,032.00	34,328.00	68,656.00
Total 500 · Police Sal & Ben	<u>131,971.32</u>	<u>143,254.17</u>	<u>727,144.22</u>	<u>752,348.81</u>	<u>1,897,138.00</u>
550 · Other Police Expenses					
552 · Expendable Police Supplies	0.00	150.00	1,693.22	750.00	1,800.00
553 · Range/Ammunition Supplies	0.00	333.33	619.40	1,666.69	4,000.00
560 · Crossing Guard	1,016.12	802.17	2,780.96	4,010.81	9,626.00
562 · Vehicle Operation	3,646.06	4,583.33	14,019.51	22,916.69	55,000.00
564 · Communications (RPD)	0.00		45,201.91	69,320.00	154,320.00
566 · Radio Maintenance	0.00	1,950.00	0.00	9,750.00	23,400.00

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KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2011

	Nov 11	Budget	Jul - Nov 11	YTD Budget	Annual Budget
568 · Prisoner/Case Exp./Booking	221.79	416.67	597.11	2,083.31	5,000.00
570 · Training	305.00	833.33	1,853.67	4,166.69	10,000.00
572 · Recruiting	0.00		388.00		
574 · Reserve Officers	0.00	166.67	1,164.44	833.31	2,000.00
576 · Misc. Dues, Meals & Travel	50.00	267.50	1,000.00	1,337.50	3,210.00
580 · Utilities - Police	0.00	666.67	2,500.96	3,333.31	8,000.00
581 · Bldg Repairs/Maint.	253.78		933.78	250.00	1,000.00
582 · Expendable Office Supplies	1,198.83	500.00	2,750.11	2,500.00	6,000.00
586 · Machine Maintenance	0.00		330.00		
588 · Telephone(+Rich. Line)	863.65	665.00	1,917.42	3,325.00	7,980.00
590 · Housekeeping	254.06	333.33	1,026.23	1,666.69	4,000.00
592 · Publications	0.00	250.00	108.02	1,250.00	3,000.00
594 · Community Policing	51.32	208.33	2,342.89	1,041.69	2,500.00
596 · WEST-NET/CAL I.D.	0.00		12,893.00	12,900.00	12,900.00
598 · COPS Special Fund	38.96		38.96	0.00	0.00
599 · Measure G Administration	0.00		1,588.22	1,500.00	3,200.00
Total 550 · Other Police Expenses	7,899.57	12,126.33	95,747.81	144,601.69	316,936.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	575.00	541.67	2,638.50	2,708.31	6,500.00
602 · Custodian	1,750.00	2,166.67	9,050.00	10,833.31	26,000.00
623 · Social Security/Medicare - Dist	0.00	41.42	0.00	207.06	497.00
Total 600 · Park/Rec Sal & Ben	2,325.00	2,749.76	11,688.50	13,748.68	32,997.00
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	224.77	396.33	1,168.34	1,981.69	4,756.00
643 · Janitorial Supplies	0.00	62.50	597.62	312.50	750.00
646 · Community Center Repairs	4,500.00		23,224.61	250.00	1,000.00

KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2011

	Nov 11	Budget	Jul - Nov 11	YTD Budget	Annual Budget
640 · Community Center Expenses - Other	0.00		172.06		
Total 640 · Community Center Expenses	4,724.77	458.83	25,162.63	2,544.19	6,506.00
660 · Annex Expenses					
662 · Utilities - Annex	739.88	83.33	2,020.54	416.69	1,000.00
660 · Annex Expenses - Other	160.10		160.10		
Total 660 · Annex Expenses	899.98	83.33	2,180.64	416.69	1,000.00
670 · Gardening Supplies	0.00	166.67	0.00	833.31	2,000.00
672 · Kensington Park O&M	2,050.00	5,151.67	17,911.45	25,758.31	61,820.00
678 · Misc Park/Rec Expense	1,334.20		3,769.14	250.00	1,000.00
Total 635 · Park/Recreation Expenses	9,008.95	5,860.50	49,023.86	29,802.50	72,326.00
800 · District Expenses					
810 · Computer Maintenance	0.00	2,502.83	12,464.85	12,514.19	30,034.00
820 · Cannon Copier Contract	431.42	513.33	2,277.45	2,566.69	6,160.00
830 · Legal (District/Personnel)	5,589.00	2,916.67	13,560.29	14,583.31	35,000.00
835 · Consulting	1,843.29		26,455.48	3,600.00	3,600.00
840 · Accounting	1,267.50	3,000.00	7,166.25	15,000.00	25,275.00
850 · Insurance	0.00		29,694.11	30,000.00	30,000.00
865 · Police Bldg. Lease	0.00		14,852.50	14,852.50	29,705.00
870 · County Expenditures	0.00		570.14	1,000.00	19,900.00
880 · KCC/Annex Agreement	0.00		6,021.00		
890 · Waste/Recycle	735.33	500.00	-933.47	7,100.00	17,500.00
898 · Misc. Expenses	0.00	886.75	5,284.18	4,433.75	10,641.00
Total 800 · District Expenses	9,866.54	10,319.58	117,412.78	105,650.44	207,815.00
950 · Capital Outlay					
963 · Patrol Car Accessories	0.00		0.00		

KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2011

	Nov 11	Budget	Jul - Nov 11	YTD Budget	Annual Budget
972 · Park Buildings Improvement	13,932.22		141,178.38	120,000.00	120,000.00
Total 950 · Capital Outlay	13,932.22		141,178.38	120,000.00	120,000.00
Total Expense	175,003.60	174,310.34	1,142,195.55	1,166,152.12	2,647,212.00
Net Ordinary Income	-169,802.32	-171,055.34	1,258,498.25	1,258,046.88	-57,262.00
<i>Other Income/Expense</i>					
Other Expense					
700 · Bond Issue Expenses					
710 · Bond Admin.	0.00		4,519.92		
720 · Bond Principal	0.00		108,916.14		
730 · Bond Interest	0.00		27,871.20		
Total 700 · Bond Issue Expenses	0.00		141,307.26		
Total Other Expense	0.00		141,307.26		
Net Other Income	0.00	0.00	-141,307.26	0.00	0.00
	-169,802.32	-171,055.34	1,117,190.99	1,258,046.88	-57,262.00

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Wednesday, November 30, 2011

Subject: Consent Calendar Item D- Park Revenue & Expenses

The KPPCSD Board and the Park Buildings Committee has requested a separate and detailed accounting of park revenues and expenses.

This information is obtained through our QuickBooks software. Revenue and expenses from July 1, 2011 through November 30, 2011 is attached to this memo.

6:21 PM
 11/29/11
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through November 29, 2011

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
424 · Special Tax-L&L						
General Journal	10/3/2011	JV08...	CCC Taxes-LLD	SP ASSESS ...	146 · Advance...	31,679.36
Total 424 · Special Tax-L&L						31,679.36
427 · Community Center Revenue						
Deposit	7/29/2011	1072		East Bay Coll...	112 · General ...	598.00
Deposit	7/29/2011	3133		CC Rental	112 · General ...	375.00
Deposit	7/29/2011	1247		CC Rental	112 · General ...	600.00
Deposit	7/29/2011	8168		CC Rental	112 · General ...	180.00
Deposit	9/23/2011	957		CC Rental	112 · General ...	600.00
Deposit	9/23/2011	154		CC Rental	112 · General ...	700.00
Deposit	9/23/2011	710		Wake Up to ...	112 · General ...	45.00
Deposit	9/23/2011	748		Wake Up to ...	112 · General ...	45.00
Deposit	11/4/2011			Extra hour for...	112 · General ...	100.00
Deposit	11/4/2011	731		AA Rent	112 · General ...	90.00
Deposit	11/4/2011	2252		Rental	112 · General ...	1,300.00
Total 427 · Community Center Revenue						4,633.00
430 · KCC Monthly Wage Reimb						
Deposit	11/4/2011	317		GPFF Oct 20...	112 · General ...	1,089.00
Total 430 · KCC Monthly Wage Reimb						1,089.00
438 · Misc Park/Rec Rev						
Deposit	11/4/2011	3408		Tennis Court ...	112 · General ...	40.00
Deposit	11/4/2011	3462		Tennis Court ...	112 · General ...	40.00
Deposit	11/4/2011	3202		Tennis Court ...	112 · General ...	120.00
Deposit	11/4/2011			Tennis Court ...	112 · General ...	6.00
Total 438 · Misc Park/Rec Rev						206.00
Total 420 · Park/Rec Activities Revenue						37,607.36
TOTAL						37,607.36

6:24 PM
 11/29/11
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through November 29, 2011

Type	Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben						
601 · Park & Rec Administrator						
Paycheck	7/15/2011		Di Napoli, Andrea		112 · General ...	151.00
Paycheck	7/29/2011		Di Napoli, Andrea		112 · General ...	222.00
Paycheck	8/15/2011		Di Napoli, Andrea		112 · General ...	307.25
Paycheck	8/30/2011		Di Napoli, Andrea		112 · General ...	291.25
Paycheck	9/14/2011		Di Napoli, Andrea		112 · General ...	307.50
Paycheck	9/29/2011		Di Napoli, Andrea		112 · General ...	281.25
Paycheck	10/13/2011		Di Napoli, Andrea		112 · General ...	240.50
Paycheck	10/27/2011		Di Napoli, Andrea		112 · General ...	262.75
Paycheck	11/14/2011		Di Napoli, Andrea		112 · General ...	305.00
Paycheck	11/29/2011		Di Napoli, Andrea		112 · General ...	270.00
Total 601 · Park & Rec Administrator						2,638.50
602 · Custodian						
Check	7/15/2011	13224	William Driscoll	July 1 - 15 se...	112 · General ...	875.00
Check	7/29/2011	13287	William Driscoll	July 16 - July ...	112 · General ...	875.00
Check	8/15/2011	13289	William Driscoll	August 1-15, ...	112 · General ...	875.00
Check	8/30/2011	13330	William Driscoll	August 16-31...	112 · General ...	875.00
Check	9/15/2011	13346	William Driscoll	Sept 1 - 15, 2...	112 · General ...	875.00
Check	9/30/2011	13414	William Driscoll	Sept 16 -30, ...	112 · General ...	875.00
Check	10/14/2011	13440	William Driscoll	Oct. 1-15, 2011	112 · General ...	875.00
Check	10/14/2011	13441	William Driscoll	restroom & s...	112 · General ...	300.00
Check	10/28/2011	13469	William Driscoll	Oct 16 - 31 cl...	112 · General ...	875.00
Check	11/15/2011	13495	William Driscoll	Nov 1 - 15 cle...	112 · General ...	875.00
Total 602 · Custodian						8,175.00
Total 600 · Park/Rec Sal & Ben						10,813.50
TOTAL						10,813.50

6:25 PM
 11/29/11
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through November 29, 2011

Type	Date	Num	Name	Memo	Split	Amount
635 - Park/Recreation Expenses						
640 - Community Center Expenses						
642 - Utilities-Community Center						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 - Accounts...	-164.53
Check	7/29/2011	13273	Pacific Telemanage...	Pay Phone C...	112 - General ...	78.00
Check	8/15/2011	13302	EBMUD	For 2 Arlmont	112 - General ...	329.06
Check	9/15/2011	13356	Pacific Telemanage...	Pay phone CC	112 - General ...	78.00
Check	9/30/2011	13396	Pacific Telemanage...	Pay phone C...	112 - General ...	78.00
Check	9/30/2011	13416	PG&E	59 Arlington ...	112 - General ...	144.61
Check	10/14/2011	13455	EBMUD	8-1-11 to 9-3...	112 - General ...	233.99
Check	10/28/2011	13485	PG&E	59 Arlington ...	112 - General ...	166.44
Check	11/15/2011	13502	Pacific Telemanage...	Pay phone C...	112 - General ...	78.00
Total 642 - Utilities-Community Center						1,021.57
643 - Janitorial Supplies						
Check	7/29/2011	13278	UBS	Community C...	112 - General ...	597.62
Total 643 - Janitorial Supplies						597.62
646 - Community Center Repairs						
Check	8/15/2011	13299	Kensington Home a...	Bill Driscoll	112 - General ...	17.61
Check	8/15/2011	13299	Kensington Home a...	Bill Driscoll C...	112 - General ...	74.37
Check	9/15/2011	13384	Cherokee Construct...	Job # 0911-3	112 - General ...	18,600.00
Check	10/28/2011	13484	Key Shack Inc.	community c...	112 - General ...	32.63
Total 646 - Community Center Repairs						18,724.61
640 - Community Center Expenses - Other						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 - Accounts...	-118.67
Check	8/15/2011	13291	PG&E	59 Arlington ...	112 - General ...	156.15
Check	8/30/2011	13325	PG&E	59 Arlington ...	112 - General ...	134.58
Total 640 - Community Center Expenses - Other						172.06
Total 640 - Community Center Expenses						20,515.86
660 - Annex Expenses						
662 - Utilities - Annex						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 - Accounts...	-155.00
Check	7/15/2011	13217	EBMUD	1 Windsor ee...	112 - General ...	155.00
Check	8/30/2011	13325	PG&E	Annex	112 - General ...	50.31
Check	9/15/2011	13371	EBMUD	1 windsor 7-1...	112 - General ...	1,018.00
Check	9/15/2011	13371	EBMUD	1 windsor 7-1...	112 - General ...	160.10
Check	9/30/2011	13416	PG&E	Annex	112 - General ...	27.83
Check	10/28/2011	13485	PG&E	Annex	112 - General ...	24.42
Check	11/15/2011	13509	EBMUD	8/29 - 10/28/...	112 - General ...	713.56
Total 662 - Utilities - Annex						1,994.22
660 - Annex Expenses - Other						
Check	11/15/2011	13509	EBMUD	8/29 - 10/28/...	112 - General ...	160.10
Total 660 - Annex Expenses - Other						160.10
Total 660 - Annex Expenses						2,154.32
672 - Kensington Park O&M						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 - Accounts...	-659.88
Check	7/15/2011	13213	NBS Government Fl...	LMD Admin l...	112 - General ...	1,080.59
Check	7/15/2011	13218	EBMUD	1 Windsor irri...	112 - General ...	659.88
Check	7/15/2011	13247	Summer Rain Land...	monthly maln...	112 - General ...	2,050.00
Check	8/15/2011	13300	Summer Rain Land...	August fee	112 - General ...	2,050.00
Check	8/15/2011	13300	Summer Rain Land...	Repair of woo...	112 - General ...	400.00
Check	9/15/2011	13352	Olivero Plumbing Co.	Backflow Tes...	112 - General ...	112.00
Check	9/15/2011	13373	Summer Rain Land...	removal of 2 l...	112 - General ...	3,100.00
Check	9/15/2011	13373	Summer Rain Land...	removal of tre...	112 - General ...	460.00

6:25 PM
 11/29/11
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through November 29, 2011

Type	Date	Num	Name	Memo	Split	Amount
Check	9/15/2011	13373	Summer Rain Land...	repair of hunt...	112 · General ...	185.00
Check	9/15/2011	13373	Summer Rain Land...	Sept 2011 m...	112 · General ...	2,050.00
Check	9/15/2011	13375	Summer Rain Land...	removal of 2 l...	112 · General ...	0.00
Check	9/15/2011	13375	Summer Rain Land...	removal of tre...	112 · General ...	0.00
Check	9/15/2011	13375	Summer Rain Land...	repair of hunt...	112 · General ...	0.00
Check	9/15/2011	13375	Summer Rain Land...	Sept 2011 m...	112 · General ...	0.00
Check	9/30/2011	13399	NBS Government Fi...	LMD Admin l...	112 · General ...	1,108.86
Check	10/14/2011	13450	Summer Rain Land...	October 2011	112 · General ...	2,050.00
Check	10/14/2011	13450	Summer Rain Land...	removal of br...	112 · General ...	380.00
Check	10/14/2011	13450	Summer Rain Land...	painting of wall	112 · General ...	280.00
Check	10/14/2011	13450	Summer Rain Land...	removal of so...	112 · General ...	340.00
Check	10/28/2011	13468	Summer Rain Land...	Work done O...	112 · General ...	215.00
Check	10/28/2011	13468	Summer Rain Land...	INv Dated Oc...	112 · General ...	0.00
Check	10/28/2011	13468	Summer Rain Land...	INv Dated Oc...	112 · General ...	0.00
Total 672 · Kensington Park O&M						15,861.45
678 · Misc Park/Rec Expense						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 · Accounts...	-184.01
Check	7/15/2011	13248	Steven Lee	Eagle Scout ...	112 · General ...	203.45
Check	8/15/2011	13290	BPXpress	Invoice#RI00...	112 · General ...	260.50
Check	9/15/2011	13360	Saviano Company I...	Tennis Court ...	112 · General ...	2,000.00
Check	10/28/2011	13477	California Park & Re...	paid thru Jan ...	112 · General ...	155.00
Check	11/15/2011	13496	Kensington Home a...	Martinez Offic...	112 · General ...	28.65
Check	11/15/2011	13505	Moran Engineering	Tmapping an...	112 · General ...	1,000.00
Total 678 · Misc Park/Rec Expense						3,463.59
Total 635 · Park/Recreation Expenses						41,995.22
TOTAL						41,995.22



U. S. Department of Justice
Drug Enforcement Administration
450 Golden Gate Avenue
P.O. Box 36035
San Francisco, CA 94102

www.dea.gov

NOV 18 2011

Chief Greg Harman
Kensington Police Department
217 Arlington Ave.
Kensington, CA 94707

Dear ^{Greg,} Chief Harman,

On behalf of the Drug Enforcement Administration (DEA), thank you for participating in the third National Take Back Initiative on October 29, 2011. The overall success of the program was due in a large part to the support and cooperation the DEA received from the many state and local law enforcement agencies, community groups, and national coalitions. This national initiative provided an opportunity for the public to surrender expired, unused, or unwanted controlled substances and pharmaceuticals accumulating in their homes that were a potential source of supply for the increasing abuse of pharmaceutical drugs in the United States. Through your valuable assistance, we were able to empty medicine cabinets around the country and dispose of over 377,000 pounds of pharmaceuticals.

This program is an integral component of DEA's mission to facilitate and strengthen cooperation between DEA and state and local law enforcement agencies as well as reaching out to the community to provide a much needed service. Having your assistance in this program sent a strong message to the public that we are united in our efforts to curtail prescription and controlled substance abuse.

DEA looks forward to your continued cooperation toward our mutual goal of preventing the diversion of pharmaceutical controlled substances.

Sincerely,

Anthony D. Williams
Special Agent in Charge

November 2011 Police Department Report

November 30, 2011

- Department Personnel
 - We are currently staffed at 9 sworn positions and 4 reserve officers. Unfortunately, Reserve Officer Jill Chandler has moved out of the area and will be resigning soon. There is a Special Closed Door Board Meeting scheduled for Monday, December 5th, for a disciplinary appeal hearing.

- Commendations and Correspondence- None this month

- Investigation of Alleged Misconduct

- Department Investigation #10-003 was initiated on November 11th, at the KPPCSD Board meeting, when Catherine de Neergaard made a formal complaint indicating, "That there is no fair, impartial, and reasonable police review procedure", after voicing her complaints regarding Chief Harman's policies and directions to the department were not being heard. This complaint was followed by an e-mail complaint received by Chief Harman on November 15th.

At the August 11th Board meeting, The KPPCSD Board agreed to hire Labor Law Attorney Lee Ann Wallace to investigate the allegations. Ms. Wallace has been provided all documentation however; Ms. de Neergaard has since ceased her interviews with Ms. Wallace. We are waiting for the final report.

- Department Investigation 2011-002 was initiated on June 5, 2011, on an allegation that an officer falsified an official police document. This investigation is being conducted by Sergeant Hull however; the officer in question is no longer employed by the District.
- Department Investigation 2011-003 was initiated on June 10, 2011, on allegations that an officer caused a hostile work environment, insubordination, conduct violations, and discrimination. The internal investigation was completed by Sergeant Hull on August 1st. A Skelly hearing was held September 7th. Discipline was administered and is pending appeal. The appeal hearing is scheduled for December 5, 2011.

- Department Investigation 2011-004 was initiated on July 5, 2011 on allegations that an officer violated department reporting procedures. This investigation is being conducted by Sergeant Hull.
- Citizen's Investigation 2011-005 was initiated on October 5, 2011, on allegations that an officer was rude while signing off on a fix it ticket. This investigation is being conducted by Sergeant Hull.

- 9-1-1 / Richmond Communication Center Information.

- The Ring Time Report for November has not been received as of this reporting date. The November Report will be reported in the December Monthly report.

- Communication Center Service Complaints- None this month

- Community Networking

- On 11-02-11, Chief Harman attended the West County Chief's meeting in Hercules.

In the afternoon, Chief Harman and KPPCSD Director Tony Lloyd attended the AB 109 Public Safety Realignment Forum hosted by Senator Mark DeSaulnier and held in Antioch.

- On 11-05-11, Chief Harman participated in the KIC Town Hall meeting.
- On 11-28-11, Chief Harman attended the KIC meeting.
- On 11-30-11, Chief Harman, Yolla Harman, Corporal Barrow, and Officer Stegman represented the Kensington Police Department at the funeral for Vallejo Police Officer James Capoot held in Vallejo.

- Community Criminal Activity

- This section of the Watch Commander's Reports are prepared by Sergeant Hull for Team One, Acting Sergeant Hui for Team Two, and Detective Barrow.

- Watch Commander Reports

- **Sergeant Hull**

TEAM #1 STATISTICS

Officer:	Turner (K46) (0600-1800)	Stegman (K32) (1800-0600)
Days Worked	15	15
Traffic Stops	106	13
Moving Citations	52	3
Parking Citations	2	2
Vacation/Security	92	62
Checks		
FI-Field Interview	0	0
Cases	5	2
Self Initiated Cases		
Arrests	2	0
Calls for Service	97	23

Reserve Armanino wrote 26 moving citations

Reserve Foley wrote 2 moving citations

BRIEFING/TRAINING:

- Reviewed KPD Policy 300 – Use of Force
- Reviewed KPD Policy 304 – Shooting Policy
- Reviewed Domestic Violence and its affect on Children
- Reviewed Domestic Violence Quick Reference Guide
- Reviewed KPD Policy 1004 – Promotional Process
- Reviewed Contra Costa County Ordinance
 - o Solicitors and Peddlers
 - o Intoxication
 - o Curfew
 - o Unleashed dogs
- Reviewed Ca. Jury Instruction Code
 - o Child Abduction
 - o Deprivation of Child Custody Rights

SERGEANT'S SUMMARY:

In the past few months several vehicles were found to have been entered by a criminal/s and its contents strewn throughout the cab area but nothing was stolen. On a few occasions coinage and an electronic toll pass was stolen. I would like to remind everyone to not leave valuable items in the vehicle in plain

sight. If you vehicle is alarmed please set the alarm to "on." There is some thought that leaving you vehicle unlocked will prevent the criminal/s from having to damage the vehicle to gain entry. I do not agree with this idea. I suggest that vehicles should be locked and all valuable items removed or covered if removal isn't feasible.

SIGNIFICANT EVENTS:

- 2011-7648 – Officer Turner responded to the 100 block of Purdue Ave. to a report of identity theft.
- 2011-7766 – Officer Stegman responded to the unit block of Arlington Ave. to assist ECFD examine a male adult who fell from a tree in the Kensington Park.
- 2011-7932 – Officer Turner responded to the 300 block of Colusa Ave. to mediate an on-going neighbor dispute.
- 2011-7976 – Officer Turner responded to the 400 block of Colusa Ave. to a report of vandalism.
- 2011-7985 – Officer Stegman responded to the 400 block of Berkeley Park Blvd. to a report of vehicle tampering.
- 2011-8093 – Officer Stegman responded to the 600 block of Oberlin Ave. to a report of vandalism.
- 2011-8155 – Officer Turner responded to the unit block of Edgecroft Rd. to a report of child abduction and a violation of a court order.
- 2011-8172 – Officer Turner arrested a parolee for possession of prescription medication in the 100 block of Colusa Avenue.
- 2011-8180 – Officer Turner responded to the unit block of Sunset Dr. to a report of a vehicle collision.
- 2011-8192 – Officer Turner responded to the 100 block of Colusa Ave. to a report of a threatening phone call.

**** Acting Sergeant Hui**

TEAM #2 STATISTICS

Officer:	Martinez (K31) (0600-1800)	Wilson (K38) (1800-0600)	Ramos (K41) (0730-1730)
Days Worked	16	11	15
Traffic Stops	44	11	39
Moving Citations	37	5	31
Parking Citations	1	8	1
Vacation/Security Checks	51	26	87
FI-Field Interview Cases	0	0	0
Self Initiated Cases	0	0	0
Arrests	0	0	0
Calls for Service	60	35	35

Officer Martinez recovered 4 hours of comp time.
Acting Sergeant Hui recovered 5.5 hours of comp time.

SIGNIFICANT EVENTS:

2011-7541 – On 11-1-2011, Officer Wilson responded to the 400 blk of Beloit Ave. to a report of a vehicle accident.

2011-7814 – On 11-10-2011, Officer Martinez responded to the 200 blk of Stanford Ave. to a report of a coroner's case.

2011-8204 – On 11/22/2011, Officer Ramos responded to the 200 blk of Trinity Ave on a report of a coroner's case.

2011-8405 – Officer Ramos responded to the 200 blk of Yale Ave. to a report of a missing person.

BRIEFING/TRAINING:

- o Reviewed traffic concerns on Arlington Ave.
- o Reviewed traffic concerns on Franciscan Way.
- o Reviewed KPD Policy #1004 – Promotional Process
- o Reviewed KPD Policy #1032 – Fitness for Duty
- o Reviewed KPD Policy #418 – Mental Illness Commitments

SERGEANT'S SUMMARY:

This past month, 12 of our residents graduated from the Kensington Police Department's first Citizen's Academy. I would like to congratulate them on their accomplishment and hard work. These residents gave up their Tuesday evenings for several months to attend Citizen's Academy classes. I had the opportunity to teach one of the lessons and found the experience very rewarding. I would encourage any residents who are interested in the Citizen's Academy to contact Officer Wilson for a future academy.

As we enter into the Holiday season, many cities often see an increase in theft of packages and burglaries. This is most often the result of an increase of gifts being delivered to residences, and gifts left in plain view. Many times, burglars will look for the brown cardboard box left on the door step. If you see people walking up to your or your neighbor's front door that you don't recognize and don't appear to be delivery personnel, please call KPD so that we can check to make sure they are supposed to be in the area. Piles of presents under the tree in plain view of the sidewalk or bags full of presents in the car are both very enticing to would be burglars. Please take this into consideration when storing your gifts. Let's make sure that your gifts are received by the right people.

RESERVE OFFICER STATISTICS

Reserve Officer:	Colon (K44)	Armanino (K47)
Days Worked	0	7
Traffic Stops	0	40
Moving Citations	0	21
Parking Citations	0	3
Vacation/Security Checks	0	11
FI-Field Interview	0	0
Cases	0	0
Self Initiated Cases	0	0
Arrests	0	0
Calls for Service	0	16

DISTRICT TRAFFIC ENFORCEMENT FOR NOVEMBER

60 citations were issued on Colusa Ave.
49 citations were issued on Arlington Ave.
35 citations were issued on Franciscan Wy.
9 citations were issued on Grizzly Peak Blvd.
3 citations were issued on Coventry Rd.
3 citations were issued on Berkeley Park Blvd.
2 citations were issued on Beloit Ave.
2 citations were issued on Amherst Ave.
1 citation was issued on Kenyon Ave.

•• **Detective Keith Barrow**

SIGNIFICANT EVENTS:

2011-8338 Identity Theft

On Monday, November 28, 2011, three Kensington merchants reported they had been the victims of identity theft. This case is under investigation.

2011-4621 Theft from a vehicle and unauthorized use of credit cards.

On Thursday, July 14, 2011, a purse was stolen from an unlocked vehicle in the 00 block of Highgate Road. Two suspects a White male adult and Hispanic female adult were captured on video using the victim's credit cards at numerous locations along San Pablo Avenue, in the cities of El Cerrito and San Pablo. **On 11/01/2011 both suspects in this case were arrested by Contra Costa County Sheriffs Deputies and have been linked to numerous thefts throughout multiple counties in the Bay Area. I have linked them to at least two Kensington thefts from vehicles resulting in numerous other criminal charges being filed against them. This investigation is on going**

due to the possibility of other victims being identified.

KPD INVESTIGATIONS INFORMATION:

2011-6641 2011-6669 Residential Burglary/Stolen Vehicle

On Saturday, October 1, 2011, Officers responded to a reported residential burglary. We were able to recover some of the victim's property out of another jurisdiction. Two days after this incident the victim's vehicle was stolen by who we believe to have been the suspect in the residential burglary. **The vehicle in this case has been located.** These cases are under investigation.

2011-7186 Residential Burglary

On Thursday, October 20, 2011, Officers responded to a reported residential burglary witnessed by a Kensington resident. We were able to identify potential suspects in this case and I'm still investigating.

2011-5504, 5580 Petty Theft

On Sunday August, 21 & 23, 2011, Officers took two reports of catalytic converters being stolen from vehicles on Purdue Avenue and Arlmont Road. **Pleasant Hill PD took two subjects into custody that may be linked to this case.** These cases are under investigation.

2011-1618 Homicide.

On 03-12-11, KPD Officers were dispatched to a possible dead body in the 00 block of Arlington Avenue. The individual was pronounced dead at the scene. This case is being investigated as a homicide.

KPD INVESTIGATIONS

- Made several court runs for filling cases, and retrieve court notifications.
- Updated the KPD residential burglary log.
- Updated the KPD stolen vehicle log.
- I'm currently assigned one day per week as a Field Training Officer.

On 11/12/2011, I attended the California Narcotic Officers' Association annual training. The training consisted of 40 hours of instruction in narcotics, sales, laws, gangs and other related criminal activity. This training was at no cost to the Kensington Police Department.

WEST-NET ASIGNMENT:

I am currently assigned to the West Contra Costa County Narcotic Enforcement Team (West-NET) one day per week.

While on this assignment I work with other West Contra Costa County law enforcement Officers and agencies. I participate and aid in the service of search

warrants, surveillance and on going narcotics investigations.

CRIME SUMMARY:

In the month of November the District of Kensington sustained:

- 0 Homicides
- 0 Robberies
- 0 Rapes
- 0 Assaults
- 2 Residential Burglaries
- 0 Attempted Residential Burglaries
- 0 Commercial Burglaries
- 0 Auto Burglaries
- 0 Stolen Vehicles
- 0 Grand Thefts
- 2 Petty Thefts
- 0 Thefts from Unlocked Vehicles
- 0 Frauds
- 0 Forgeries
- 2 Vandalisms
- 2 Identity Thefts
- 0 Injury Accidents
- 3 Non-Injury Vehicle Accidents
- 0 Injury Hit and Run Accident
- 0 Hit and Run Vehicle Accidents

.. Chief Harman

November 22nd was the graduation of the first Kensington Police Department Citizen's Academy. The eight week course provided participants instruction in police ethics and professional standards, community policing, officer safety, use of force issues, crime prevention, patrol procedures, disaster preparedness, emergency management, investigative procedures, crime scene investigations, property & evidence, traffic enforcement, and for the final class a traffic stop and building search scenario. Participants not only learned about the above information, but also had the opportunity to meet and speak with our officers that were the instructors for the classes.

Instructors for our first academy were:

- Officer Eric Stegman
- Officer Rodney Martinez
- Officer Juan Ramos
- Officer Chris Turner
- Detective Corporal Keith Barrow
- Acting Sergeant Kevin Hui

However, the biggest thanks has to go to Officer Doug Wilson, who not only pulled it all together and facilitated all the classes, but helped all the instructors get their lesson plans in order and kept the classes fun and interesting.

Congratulations to KPD Citizen's Academy Class #1:

Russell Brent
Lisa Coronna
William De Miranda
Marian Gade
Katie Gluck
Sandra Gutierrez
Nina Harmon
Nicole Kaiser
Peter Liddell
Jane McKelheer
Jerry Michaels
Shane Owens

All of our graduates have agreed to meet after the holidays to discuss possible volunteer opportunities with the Kensington Police Department.

Officer Wilson was so excited about the success of Class #1 that he wants to start accepting applications for Class #2 to be held in the spring or summer of 2012. Anyone interested in attending our next session should e-mail Doug at www.dwilson@kensingtoncalifornia.org to be put on the list!

December 2011

December 2011							January 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
25	18	19	20	21	22	23	29	22	23	24	25	26	27
26	12	13	14	15	16	17	30	15	16	17	18	19	20
27	5	6	7	8	9	10	31	8	9	10	11	12	13
28	1	2	3	4	5	6		1	2	3	4	5	6
29	1	2	3	4	5	6		7	8	9	10	11	12
30	2	3	4	5	6	7		13	14	15	16	17	18
31	3	4	5	6	7	8		19	20	21	22	23	24

Nov 27 - Dec 3	Dec 4 - 10	Dec 11 - 17	Dec 18 - 24	Dec 25 - 31
Sunday	Monday	Tuesday	Wednesday	Thursday
Nov 27	28	29	30	Dec 1
4	5	6	7	8
11:00am GC Rental, G	5:30pm KPPCSD Clc	6:30pm Path Meeting	5:00pm Winter Regis	7:00pm KPPCSD MITG
7:00pm Pack 82; CCN	7:00pm Pack 82; CCN	7:00pm Troop 100; C		6:30pm GC Rental, GC
7:30pm KCC Meeting				3:00pm GC Rental, GC
11	12	13	14	15
7:00pm Pack 82; CCN	7:00pm Pack 82; CCN	7:00pm Troop 100; C	7:00pm NLD Meeting	7:00pm 6:30pm ECH
7:30pm KARO; CC3			7:30pm GPFF; CCM	
5:00pm 5:10pm Rent			5:00pm 5:10pm 5:11	
7:15pm EBC; CCM &			Monthly Statistics D	
18	19	20	21	22
7:00pm Pack 82; CCN	7:00pm Pack 82; CCN	7:00pm Troop 100; C		
25	26	27	28	29
5:00pm 5:10pm Rent	7:00pm Troop 100; C	7:00pm Troop 100; C	7:00pm Troop 100; C	3:00pm GC Rental, C
2	3	4	5	6
Friday	Saturday			
3	10	17	24	31

January 2012

January 2012							February 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29			
29	30	31											

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jan 1 - 7	Jan 1, 12	2	3	4	5	6	7
		7:00pm Pack 82; CCA	7:00pm Troop 100; C		7:15pm EBC; CCM &		
Jan 8 - 14	8	9	10	11	12	13	14
		7:00pm Pack 82; CCA 7:30pm KCC Meeting 7:30pm KARO; CC3	7:00pm Troop 100; C	7:00pm KPCCSD MTG 7:30pm GPF; CCM	7:00pm KPCCSD MTG		
Jan 15 - 21	15	16	17	18	19	20	21
	Monthly Statistics D 8:00am CC-Rental	7:00pm Pack 82; CCA	7:00pm Troop 100; C		7:15pm EBC; CCM &		
Jan 22 - 28	22	23	24	25	26	27	28
	9:30am Kensington N	4:00pm Brownies; CC 7:00pm Pack 82; CCA 7:30pm KIC; CC3	7:00pm Troop 100; C				9:00am Kensington S
Jan 29 - Feb 4	29	30	31	Feb 1	2	3	4
		7:00pm Pack 82; CCA	7:00pm Troop 100; C 7:30pm KMAG; CC3				

DRAFT

KASEP:

Winter registration begins this Wednesday, December 7, at 6:45 pm for kindergarten students and 7:15 pm for grades 1-6. We are offering three new classes this winter session: Zoo Art for Kindergarteners, Printmaking and Trash to Treasure Recycle Art Classes for grades 1-3.

The KASEP winter holiday party and performance takes place on Thursday, December 15, at 5:00 pm. Our KASEP Drama class will perform their play, Chorus will lead us in holiday songs, Poetry Reading by students, and Hip Hop will entertain us with their dance routines. Work from carpentry, engineering, art and bookmaking, and jewelry design will be on exhibit.

The office will be closed during the school break, December 19- January 2, 2012.

KCC Classes and Events:

Friday, Dec. 2nd is the second annual Wreath Making Workshop; as of Nov. 29th there are 7 signed up to participate. Adult Watercolor Class took a break for the holiday season and will resume in January. Hoop Power is offering a 6-week session, beginning January 12th Thursday mornings at 8:45am.

KCC Administrative:

The Fall Fund Drive launched in November 2011, a later start compared to prior years. As of December 1, 2011, Fall Fund Drive received 145 donations compared to a total of 235 donations received in 2010. Dollars 2011 received are at about 66% of last year's total donation dollars.

Letters to each of the "K" groups will be mailed December 9th. This letter invites group members to attend KCC's January 9, 2012 Annual Meeting. "K" Group members are asked to come ready to present a short discussion on projects and/or issues each group is working on.

Spring Celebration organizers locked in a date and theme for the event: Saturday, February 11, 2012 for an evening of Dancing – pre-Valentines Day Celebration with child care provided. Planning details and discussions are work in progress.

General Manager

November 2011 Report

Budget

CALPERS CERBT

We have received our most recent actuarial report and I will be scheduling a meeting with the Finance Committee to review it in January, in order to make funding recommendations to the KPPCSD Board.

Kensington Park

Park Restroom

On Wednesday, October 5th, the park restroom was opened for business!

Congratulations and thank you to our volunteer project team of Andrew Mixer, Jack Griffith, and Italo Calpestri, who have been working on the project since July 2009.

Community Center & Annex

The District has contracted with Muller & Caulfield to obtain professional services in connection with an integrated building remodeling plan for the Kensington Park buildings.

The first Public Park Buildings Meeting held on Saturday, October 15th, between 1 and 4 PM. For more information regarding the meeting, the survey, and details on the next meeting Saturday, December 3rd, please go to the District website.

Emergency Preparedness

We now have the agenda and the minutes of the Public Safety Council posted on the KPPCSD web page for review.

The next meeting of the Kensington Public Safety Council will take place Monday, December 12th, at 6:30 PM at the Community Center Room #3. It is very important for those interested in Kensington's emergency preparedness to come to the meetings. The declining community interest in this group is placing this group's continued existence in jeopardy.

We were notified by the Kensington Amateur Radio Operators (KARO) that their emergency radio equipment was stolen from the storage shed located on Anson Way. This equipment was originally purchased by the District and is part of the District emergency plan. I am working with KARO on purchasing replacement equipment and identifying better security at the site.

Other District Items of Interest

Solid Waste

In response to Bay View's request for assignment of the contract to Republic Services, Inc. - Richmond Sanitary Services, the District sent requests for documents to Republic's attorney in early July and in August. The requests asked for audited financial statements, evidence of insurance and other information that must be analyzed in order to confirm the capability of the proposed assignee to satisfactorily perform the services required by the agreement. We have not yet received the requested documents for review.

However, at the December 8th meeting of the KPPCSD Board of Directors, the Board will be asked to approve a 1% CPI rate increase that was not made by Bay View in 2010. This CPI increase will be included with the 2.9% CPI increase that was approved for the 2011 fiscal year in October. For more details and rate information, please see the KPPCSD website for the complete agenda item regarding this increase.

Public Works

The County has installed the "temporary fix" of the broken drainage pipe that runs between Highland and Kenyon streets that is on the Highland/ Kenyon path. This temporary fix looks like it will take care of the flooding issues on the path and Kenyon Avenue giving the District time to come to a decision on the pathway.

The County is also moving forward with installing "one lane" traffic controls on Los Altos drive after recently "winterizing" the area in an attempt to stop the roadway from washing away. The permanent repair is being scheduled for the end of 2012.

Website

The Board packets, monthly reports, minutes, recordings of the KPPCSD Board Meetings, and our Bay View – County Solid Waste contracts are available for review on our website at:

www.kensingtoncalifornia.org.

Public Safety Building

While driving on the Arlington, you may have also noticed the Kensington Fire Protection District has completed the remodel of the Public Safety Building. To our neighbors, we apologized for the inconvenience the remodel has caused but the building does look good!

DISTRICT – OLD BUSINESS

1. KPPCSD Director Tony Lloyd will provide the Board with the preliminary findings of the Paths Committee for initial Board review and discussion. This item will be continued at the Regular Meeting of the KPPCSD Board on January 12th for action. Page 32

Status Report of the Kensington Path Ad-hoc Committee Findings for the December 8, 2018 KPPCSD Board Meeting.

Preliminary executive report of the findings of the Kensington Service District Board Ad-hoc Sub-committee re. Board resolution #2011-04 (accepting title to the Kensington paths which currently reside in the Contra Costa County inventory).

The report has been developed at the request of the Kensington Service District Board of Directors to assist the board in its assessment as whether to acquire rights to land currently in the Contra Costa County inventory but which is resident within the boundaries of Kensington California and known as the Kensington Paths. The committee was formed by order of the President of the service district and is made up of community residents and chaired by Service District Director R. W. (Tony) Lloyd.

The committee has been meeting since February of 2011 in an effort to determine what are the critical issues associated with acquiring the paths for the Kensington Service District that the Board of Directors need to consider in making a decision to move forward. The committee in this document presents these issues as findings for the board's consideration.

It is the conclusion of the Ad-hoc Path Sub-committee that based on their analysis and assessed findings, that there were not any findings that conclusively would indicate that making a decision to acquire the paths is not advisable. The findings do point out, that should the service district board decide to acquire the paths, that there are several different acquisition strategies / options they may want to consider and that each of which will have its own impact on acquisition financials, maintenance, risk and asset management,

Due to the logistics of meeting under the Brown Act requirements and the Thanksgiving Holidays that fell within the month of November, it became apparent that the entire findings report complete with executive summary, findings matrix, and a number of appendices could not be made available for the committee's final approval process, and still posted in compliance with the Brown Act in time for the December meeting. It was also felt that the CSD Board members should be given more adequate opportunity to review and digest the content of the findings as their acquisition decisions will be greatly influenced upon by information contained in this report.

The Ad-hoc Sub-committee consists of: Tony Lloyd (Chair); Ray Barraza; Gretchen Gilfillan; Nicki Kaiser; Gloria Morrison; Bryce Nesbitt; Chris Schelling

Committee Charter

“To determine whether it is legally and economically sustainable, reasonable and feasible for the District to exert any form of ownership and control over the existing Kensington paths. “

Additionally, the Board has expressed its support of efforts to i) legally establish title to the paths with the County of Contra Costa and/or such other agency as may be legally empowered and economically able to retain ownership, dominion and control over them; ii) to legally work to restore all of the paths and bring them into compliance with the legal requirements of Contra Costa County regarding their construction and renovation, taking into account the legitimate concerns of adjacent land owners and any other stakeholders for protection of their property during such renovation and future use; and iii) to support the legal efforts of KIC to establish a sustainable source of future funding to augment any sums that are available from the County for such maintenance, repair and improvement as will find public support in Kensington.

Over the past ten months, this ad hoc committee has spent considerable time researching various options for the Board to consider. Through this process, we have collected a significant amount of supportive information, which should facilitate the Board's acquisition decision-making. This information is based on 20 critical success findings the committee has identified.

The findings report focuses on the following key acquisition questions:

1. Acquisition of the Paths

- a. This effort included exploring the legality of acquiring and owning the paths
- b. The economic feasibility of acquiring the paths
- c. The most likely process for path acquisition.
- d. Financial models and district impact of path acquisition

2. Path Maintenance

Two scenarios of path maintenance evolved from the committee analysis

- a. An all-volunteer path support process
- b. All professional path maintenance
- c. There is also the very real potential of a blended solution of options a & b.

The clarity of how this would come about and function is more of a “downstream” concept.

3. Construction (of or on) the Paths was another area of primary analysis.

The committee completed a thorough evaluation of all paths currently in the Kensington system. A matrix of each path with details is included in the Appendix provided. Given the various conditions – ranging from very good to impassable – the committee recommends segmenting the paths into three categories based on condition and costs:

- a) Paths Requiring Little / No Construction
- b) Paths Requiring Repair

c) Paths with Major Capital Requirements

Beyond evaluating the Legality / Costs of Acquisition, and the Costs of Maintenance and Construction, the committee also considered the following:

4. Liability and Risk of acquisition

The committee had many discussions regarding potential liability and risks associated with ownership of the paths. We engaged the district subject matter experts soliciting the opinions of our insurance carriers, and district legal counsel, along with the opinions of our public safety representatives. In the course of our risk and liability assessment we also looked at a number of communities with similar public pathways.

5. Neighboring Property Owners

The committee also had many discussions regarding the rights of the neighboring property owners over the path governance. The committee finds that the Service District needs to discuss their views and understanding as to the property owner's rights to influence path acquisition board decisions. It is suggested that participating with the community in a "town hall" on the topic, may be an option of serious consideration for the board. The committee finds that this is particularly true where financial support of the path acquisition and ownership may require voter bond approval financing

6. Financial Support Grants

- a.) List of potential sources for grant money to fund development activities on the paths is included in one of the Appendices in the final findings report.

In conclusion, the committee has looked at a number of options that they felt needed to be properly evaluated to determine the best path forward in the interest of the community. It is our hope that we will have provided the Board on January 12th a solid foundation on which to arrive at decision criteria to acquire the paths, and have outlined the key considerations regarding the feasibility and sustainability of a viable path system for Kensington.

Kensington Path Ad-hoc Sub-committee December 8, status report.

Tony Lloyd – KPPCSD Director

DISTRICT - NEW BUSINESS

1. General Manager/ Chief of Police Greg Harman will present to the Board a request from Bay View Refuse for a 2009/10 CPI rate increase of 1% to be effective January 1, 2012. Board Action. Page 38

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager

FORWARDED TO:

Date: Thursday, December 08, 2011

Subject: Bay View Annual Rate Adjustment Request

ACTION

Staff recommends the Board consider authorizing Bay View Refuse and Recycling, Inc. ("Bay View") to increase its rates by 1% effective January 1, 2012 to reflect an increase in the Consumer Price Index for the 2009-10 year.

SIGNIFICANCE

Upon request submitted by each November 1, section 9.3 of the Franchise Agreement provides that Bay View is entitled to an annual rate adjustment based on an increase in the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose, published by the U.S. Department of Commerce, Bureau of Labor Statistics ("Index"). The new rate schedule will go into effect automatically provided the District concurs with Bay View's calculations.

Bay View submitted a request on October 26, 2011 for a 3.9% rate increase to be effective January 1, 2012 to reflect increases in the Index over the last two years. Staff has implemented a request for 2.9%, reflecting the Index increase for the 2010-11 year, but not the 2009-10 year. The Board is not obligated to authorize such an increase under the terms of the District's Franchise Agreement with Bay View as the request for an increase was not timely submitted by Bay View. However, at the time such a request would have been due, Bay View was separately pursuing an extraordinary increase under the process outlined in the Franchise Agreement, which the Board did not approve.

Granting an additional year's increase to reflect the Index growth from 2009 to 2010 exceeds the scope of the automatic annual increases set forth as the default annual increase in Section 9.3 of the Franchise Agreement. However, the Board may consider granting a one-time exception to the process outlined in the Franchise Agreement and authorize the additional 1% rate increase, reflecting the Index change for 2009-10, requested at this time, as illustrated below:

<u>Residential</u>	<u>2011 Rates</u>	<u>Authorized 2012 Rates (2.9% Increase)</u>	<u>Requested 2012 Rates (3.9% increase)</u>
1-32 gallon can, once a week	\$32.10	\$33.04	\$33.35
2-32 gallon cans, once a week	\$63.99	\$65.86	\$66.48
3-32 gallon cans, once a week	\$96.08	\$98.89	\$99.82
4-32 gallon cans, once a week	\$128.07	\$131.81	\$133.06
1-20 gallon can (mini), once a week	\$23.59	\$24.28	\$24.51
1-40 gallon can, once a week	\$72.23	\$74.34	\$75.04
1-45 gallon can, once a week	\$78.82	\$81.13	\$81.89
<u>Commercial</u>			
1 cubic yard – wet	\$35.42	\$36.46	\$36.80
1 cubic yard – dry	\$34.26	\$35.27	\$35.59
1-32 gallon can, once a week	\$33.35	\$34.33	\$34.65

BACKGROUND

In addition to annual rate adjustments allowed under Section 9.3 of the Franchise Agreement based on changes in the Index upon timely request by Bay View, Bay View is also entitled to seek increases: (1) in order to achieve a 12% pre-tax profit, following a quadrennial comprehensive review of revenues and expenses, and (2) in the event of extraordinary costs, events or changes in scope.

In November 2009, the District approved a rate increase following a comprehensive rate review, to be conducted every four years, as specified in Section 9.4 of the Agreement. On July 12, 2010, Bay View sent a request to the District requesting a rate increase for the last trimester of 2010. On December 1, 2010, Bay View rescinded that request and requested a 23% rate increase for the mini-can and a 6% increase in all other categories, effective January 1, 2011. Following a Proposition 218 hearing on June 9th, 2011, the Board did not approve the requested rate increase. During the time last year that Bay View tendered its request for a rate increase, it did not also request the annual rate adjustment based on changes in the Index to which it was contractually entitled.

Bay View now seeks to incorporate the Index change for 2009-10 in the 2012 rates. The increase already authorized for 2012 reflects a 2.9% increase in the Index for changes in 2010-11. The additional requested increase would reflect an additional 1.0% increase.

When the District considered a rate increase in 2009, the District followed the substantive and procedural requirements of Proposition 218. The Proposition 218 process, including the public notice procedures, assumed annual rate adjustments based on changes in the Consumer Price Index. Therefore, no additional procedures are required to adopt this rate adjustment, provided that Bay View provides customers notice of the changes in accordance with the Franchise Agreement.

DISTRICT - NEW BUSINESS

2. General Manager/ Chief of Police Greg Harman will present to the Board for discussion and action the opportunity to join in litigation with the City of Brentwood and several (21) other Contra Costa cities and Specials Districts in the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the County of Contra Costa in the allocating of the cost of a property tax refund to Chevron USA. Board Action.
Page 41

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Wednesday, November 30, 2011

Subject: New Business Item # 2- Petition for Writ of Mandate Litigation

On November 17th, I received the attached letter from Benjamin Fay of Jarvis, Fay, Doporto, & Gibson LLP, informing us of the litigation filed in Contra Costa County Superior Court against Contra Costa County by the City of Brentwood and 21 other cities and special districts in the County objecting to the method the County Auditor allocated the cost of a property tax refund to Chevron USA.

The judge assigned to the case, Judge Barry Goode, has asked that notice be provided to other entities in the County that may have an interest in joining the litigation. Judge Goode has requested that any parties interested in joining this litigation inform him of their interest by the initial case management conference, which is scheduled for December 13th.

The issues for our District to consider are one; is our District within the tax rate area, and therefore we should be charged for the refund? Two, would our District benefit (as well as what would be the consequences be) of our District joining in with litigation?

As it stands now, if the current litigation is unsuccessful, our District will lose \$10,775.51 in property tax revenue for the last and this current fiscal year, for a total of \$21,551.02. If the litigation is successful, and it is determined that our District is indeed in the tax rate area, our loss of property tax revenue will greatly increase to an undetermined amount to cover the amounts of the parties that will not be included in the refund.

Our attorney, David Gehrig of Hanson/ Bridgett, has been sent a copy of this petition and has been requested to provide an opinion on the above questions. His opinion was not ready by the date of this memo going out to the Board in the pre-meeting packet. I hope to have his opinion in time for the Board meeting December 8th.

JARVIS FAY DOPORTO & GIBSON, LLP

492 Ninth Street, Suite 310 / Oakland, CA 94607

Main: 510-238-1400 / Fax: 510-238-1404 / www.jarvisfay.com

November 15, 2011

Kensington Community Services District
217 Arlington Avenue
Kensington, CA 94707

Re: *City of Brentwood, et al. v. Campbell*
Contra Costa County Superior Court, Case No. N11-1029

Dear Sir or Madam:

Several cities and special districts in Contra Costa County have objected to the Auditor-Controller's method of allocating the cost of a property tax refund to Chevron USA for property taxes paid on Chevron's refinery in the City of Richmond. On June 23, 2011, a petition/complaint was filed in the Contra Costa County Superior Court challenging the Auditor-Controller's method of allocating the cost of this tax refund. A copy of the First Amended Petition/Complaint is enclosed.

I am sending you this petition because the judge assigned to the case, Judge Barry Goode, has asked that we provide notice of this lawsuit to the entities in the County that may have an interest in it. Judge Goode has asked that any parties who are interested in joining this litigation inform him of their interest by the initial case management conference, which is scheduled for 9:00 am on December 13, 2011, in Department 17.

Very truly yours,

JARVIS, FAY, DOPORTO & GIBSON, LLP



Benjamin P. Fay

Enclosure

c: Rebecca Hooley

FILED

2011 OCT -7 A 10:49

K. TERRY CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CALIF.

By: _____
C. S. Dean, Deputy Clerk

1 Benjamin P. Fay, SBN: 178856
JARVIS, FAY, DOPORTO & GIBSON, LLP
2 492 Ninth Street, Suite 310
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5 Attorneys for Petitioners and Plaintiffs
6 CITY OF BRENTWOOD, CITY OF SAN RAMON, TOWN OF
DANVILLE, CITY OF CONCORD, CITY OF ANTIOCH, CITY OF
7 MARTINEZ, CITY OF WALNUT CREEK, CITY OF OAKLEY,
CITY OF CLAYTON, SAN RAMON VALLEY FIRE PROTECTION
8 DISTRICT, CITY OF PLEASANT HILL, EAST CONTRA COSTA
FIRE PROTECTION DISTRICT, CITY OF PITTSBURG, RODEO-
HERCULES FIRE PROTECTION DISTRICT, CITY OF
9 LAFAYETTE, AMBROSE RECREATION AND PARK DISTRICT,
PLEASANT HILL RECREATION AND PARK DISTRICT,
10 CENTRAL CONTRA COSTA SANITARY DISTRICT, TOWN OF
MORAGA, CITY OF ORINDA, CITY OF HERCULES, and
11 MORAGA-ORINDA FIRE PROTECTION DISTRICT

12 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF CONTRA COSTA**

14 CITY OF BRENTWOOD, CITY OF SAN RAMON,
TOWN OF DANVILLE, CITY OF CONCORD,
15 CITY OF ANTIOCH, CITY OF MARTINEZ, CITY
OF WALNUT CREEK, CITY OF OAKLEY, CITY
16 OF CLAYTON, SAN RAMON VALLEY FIRE
PROTECTION DISTRICT, CITY OF PLEASANT
17 HILL, EAST CONTRA COSTA FIRE
PROTECTION DISTRICT, CITY OF PITTSBURG,
18 RODEO-HERCULES FIRE PROTECTION
DISTRICT, CITY OF LAFAYETTE, AMBROSE
19 RECREATION AND PARK DISTRICT,
PLEASANT HILL RECREATION AND PARK
20 DISTRICT, CENTRAL CONTRA COSTA
SANITARY DISTRICT, TOWN OF MORAGA,
21 CITY OF ORINDA, CITY OF HERCULES, and
MORAGA-ORINDA FIRE PROTECTION
22 DISTRICT

CASE NO. N11-1029

**FIRST AMENDED PETITION FOR
WRIT OF MANDATE AND
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

23 **Petitioners and Plaintiffs,**

24 v.

25 ROBERT CAMPBELL, in his official capacity as
Auditor-Controller of Contra Costa County, and
26 DOES 1 through 10, inclusive,

27 **Respondents and Defendants.**

1 The City of Brentwood, City of San Ramon, Town of Danville, City of Concord, City of Antioch,
2 City of Martinez, City of Walnut Creek, City of Oakley, City of Clayton, San Ramon Valley Fire
3 Protection District, City of Pleasant Hill, East Contra Costa Fire Protection District, City of Pittsburg,
4 Rodeo-Hercules Fire Protection District, City of Lafayette, Ambrose Recreation and Park District,
5 Pleasant Hill Recreation and Park District, Central Contra Costa Sanitary District, Town of Moraga, City
6 of Orinda, City of Hercules, and Moraga-Orinda Fire Protection District (hereinafter "the Petitioners")
7 petition and complain against Robert Campbell, in his official capacity as the Auditor-Controller of
8 Contra Costa County, (hereinafter "the Auditor-Controller" or "the Respondent") as follows:

9 PARTIES

10 1. The Petitioners City of Brentwood, City of San Ramon, Town of Danville, City of
11 Concord, City of Antioch, City of Martinez, City of Walnut Creek, City of Oakley, City of Clayton, City
12 of Pleasant Hill, City of Pittsburg, City of Lafayette, Town of Moraga, City of Orinda, and City of
13 Hercules are municipal corporations organized under the laws of the State of California and situated in
14 the County of Contra Costa. They are all "local agencies" as defined in subdivision (a) of section 95 of
15 the Revenue and Taxation Code.

16 2. The Petitioners San Ramon Valley Fire Protection District, East Contra Costa Fire
17 Protection District, Rodeo-Hercules Fire Protection District, and Moraga-Orinda Fire Protection District
18 are fire protection districts organized under the laws of the State of California and situated in the County
19 of Contra Costa. They are all "local agencies" as defined in subdivision (a) of section 95 of the Revenue
20 and Taxation Code.

21 3. The Petitioners Ambrose Recreation and Park District and Pleasant Hill Recreation and
22 Park District are recreation and park districts organized under the laws of the State of California and
23 situated in the County of Contra Costa. They are both "local agencies" as defined in subdivision (a) of
24 section 95 of the Revenue and Taxation Code.

25 4. The Petitioner Central Contra Costa Sanitary District is a sanitary district organized under
26 the laws of the State of California and situated in the County of Contra Costa. It is a "local agency" as
27 defined in subdivision (a) of section 95 of the Revenue and Taxation Code.

28 5. The Respondent Robert Campbell is currently the Auditor-Controller of Contra Costa

1 County. Robert Campbell is named in this action in his official capacity as the Auditor-Controller of
2 Contra Costa County.

3 6. The Petitioners do not know the true names or capacities of the respondents and
4 defendants sued in this action as Does 1 through 10, inclusive, and therefore sue those respondents and
5 defendants by such fictitious names. The Petitioners will amend this Petition and Complaint to allege
6 their true names and capacities when ascertained.

7 **FIRST CAUSE OF ACTION**

8 Petition for Writ of Traditional Mandamus (Code Civ. Proc. §§ 1085, 1086)

9 By all Petitioners against Robert Campbell, in his official capacity as

10 Auditor-Controller of Contra Costa County, and Does 1 through 10

11 7. On November 19, 2009, the Contra Costa County Assessment Appeals Board issued a
12 decision that reduced the assessed value of property owned by Chevron USA in Contra Costa County
13 (“the Chevron Property”) for the 2004-05, 2005-06, and 2006-07 fiscal years.

14 8. Based on this decision, it was determined that Chevron USA was entitled to a refund of
15 \$16,010,197 of the property taxes it had paid on the Chevron Property (“the Chevron Property Tax
16 Refund”).

17 9. Contra Costa County and Chevron USA entered into an agreement in which Chevron
18 USA agreed to cap the interest due on the refund at \$1,862,097, and the County agreed to pay the refund
19 in two installments.

20 10. Under the agreement, a first installment of \$6,000,000 was due on August 2, 2010, and a
21 second installment of \$11,872,295 is due August 1, 2011.

22 11. The Auditor-Controller is the chief accounting officer for the County.

23 12. The Auditor-Controller has a mandatory duty to allocate the property taxes collected in
24 Contra Costa County to the local agencies and school entities in the County that are entitled under state
25 law to receive a share of the property taxes. These local agencies and school entities in the County that
26 are entitled under state law to receive a share of the property taxes shall be referred to in this Petition as
27 “the Taxing Jurisdictions.”

28 13. The Auditor-Controller must make the property tax allocations according to the laws

1 enacted by the Legislature, and the property taxes so allocated must be paid over to the Taxing
2 Jurisdictions that are entitled to receive them.

3 14. Contra Costa County is subject to Division 1, Part 8, Chapter 3 of the Revenue and
4 Taxation Code (sections 4701 et seq.).

5 15. On June 23, 2010, the Auditor-Controller of Contra Costa County was Steven J. Ybarra.

6 16. On June 23, 2010, Steven J. Ybarra, in his official capacity as the Auditor-Controller of
7 Contra Costa County, sent a memorandum to all of the Taxing Jurisdictions in the County, including
8 each of the Petitioners, in which he notified them of the Assessment Appeals Board's decision and stated
9 that as a result of the decision Chevron would be receiving a \$17,872,294.70 property tax refund over
10 the next two fiscal years. The memorandum further explained that all of the Taxing Jurisdictions in the
11 County would have their property tax revenues reduced in order to pay for this property tax refund. The
12 memorandum stated that each "jurisdiction's property tax revenues will be reduced in each of the next
13 two fiscal years for [its] proportionate share of the refund." Enclosed with the memorandum was a list
14 of all of the Taxing Jurisdictions which identified the estimated amount that each Taxing Jurisdiction
15 will each be charged for the refund.

16 17. A copy of the Auditor-Controller's June 23, 2010 memorandum is attached hereto as
17 Exhibit A.

18 18. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
19 Brentwood will be charged \$96,341.76 for the cost of the refund. This number includes the amount to
20 be charged to the Brentwood Recreation and Park District fund.

21 19. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
22 San Ramon will be charged \$109,684.78 for the cost of the refund.

23 20. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner Town
24 of Danville will be charged \$64,526.67 for the cost of the refund.

25 21. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
26 Concord will be charged \$123,876.17 for the cost of the refund. This number includes the amount to be
27 charged to the Concord Kirkwood Maintenance 1 fund.

28 22. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of

1 Antioch will be charged \$94,782.34 for the cost of the refund. This number includes the amount to be
2 charged to the Antioch Parking Maintenance 1A fund.

3 23. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
4 Martinez will be charged \$60,372.77 for the cost of the refund. This number includes the amount to be
5 charged to the Martinez Parking District 1 fund.

6 24. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
7 Walnut Creek will be charged \$106,332.97 for the cost of the refund. This number includes the amount
8 to be charged to the Walnut Creek Service Area R-8 fund.

9 25. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
10 Oakley will be charged \$24,289.90 for the cost of the refund. This number includes the amount to be
11 charged to the Oakley Police Services fund.

12 26. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
13 Clayton will be charged \$10,464.68 for the cost of the refund. This number includes the amount to be
14 charged to the Clayton Light Maintenance 1 fund.

15 27. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner San
16 Ramon Valley Fire Protection District will be charged \$458,906.43 for the cost of the refund.

17 28. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
18 Pleasant Hill will be charged \$28,432.96 for the cost of the refund. This number includes the amount to
19 be charged to the Pleasant Hill Lighting District 1 fund and the Pleasant Hill-Diablo Vista Water fund.

20 29. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner East
21 Contra Costa Fire Protection District will be charged \$98,053.90 for the cost of the refund.

22 30. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
23 Pittsburg will be charged \$93,251.80 for the cost of the refund.

24 31. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner
25 Rodeo-Hercules Fire Protection District will be charged \$37,159.63 for the cost of the refund.

26 32. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
27 Lafayette will be charged \$31,989.54 for the cost of the refund. This number includes the amount to be
28 charged to the Lafayette Core Area Maintenance fund and the Lafayette Street Light Maintenance fund.

1 33. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner
2 Ambrose Recreation and Park District will be charged \$7,509.62 for the cost of the refund.

3 34. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner
4 Pleasant Hill Recreation and Park District will be charged \$27,252.25 for the cost of the refund.

5 35. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner Central
6 Contra Costa Sanitary District will be charged \$112,455.01 for the cost of the refund.

7 36. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner Town
8 of Moraga will be charged \$14,938.44 for the cost of the refund. This number includes the amounts to
9 be charged to the Service Area R-4 Moraga fund and the Moraga Street Light Maintenance 1 fund.

10 37. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
11 Orinda will be charged \$29,625.69 for the cost of the refund.

12 38. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner City of
13 Hercules will be charged \$15,833.41 for the cost of the refund.

14 39. According to the Auditor-Controller's June 23, 2010 memorandum, the Petitioner
15 Moraga-Orinda Fire Protection District will be charged \$142,068.70 for the cost of the refund.

16 40. The Auditor-Controller has already begun collecting the amounts identified in paragraphs
17 18 through 39 above by either making deductions from the Petitioners' funds on deposit in the County
18 treasury or by taking deductions from the Petitioners' property tax settlement payments.

19 41. The Chevron Property is not located within the geographical boundaries of any of the
20 Petitioners.

21 42. Subdivision (g) of section 95 of the Revenue and Taxation Code defines a "tax rate area"
22 as "a specific geographic area all of which is within the jurisdiction of the same combination of local
23 agencies and school entities for the current fiscal year."

24 43. The Chevron Property is located in the tax rate area that has been designated as tax rate
25 area 008-001.

26 44. The tax rate area in which the Chevron Property is located is not within the jurisdiction of
27 any of the Petitioners.

28 45. When the property taxes for the tax rate area in which the Chevron Property is located

1 were allocated for the 2004-05, 2005-06, and 2006-07 fiscal years pursuant to sections 96.1 and 96.5 of
2 the Revenue and Taxation Code, no property taxes from that tax rate area were allocated to, or received
3 by, any of the Petitioners.

4 46. No property taxes were allocated to, or received by, any of the Petitioners from the
5 property taxes paid by Chevron USA for the Chevron Property for the 2004-05, 2005-06, and 2006-07
6 fiscal years for the property tax allocations made pursuant to sections 96.1 and 96.5 of the Revenue and
7 Taxation Code.

8 47. Except for unitary taxes and supplemental taxes, under the property tax allocation
9 provisions of the Revenue and Taxation Code, property taxes are assessed by geographic location and
10 are allocated only to the local agencies and school entities with jurisdiction over the tax rate area from
11 which the tax is collected.

12 48. Except for unitary taxes and supplemental taxes, under the property tax allocation
13 provisions of the Revenue and Taxation Code, property taxes are not allocated to local agencies or
14 school entities that do not have jurisdiction over the tax rate area from which the tax is collected.

15 49. By allocating the cost of the Chevron Property Tax Refund to all of the Taxing
16 Jurisdictions in Contra Costa County, including the Petitioners, the Auditor-Controller is requiring the
17 Petitioners to pay to refund taxes that they were never allocated and that they never received.

18 50. Requiring the Petitioners to pay to refund taxes that they were never allocated and that
19 they never received violates the property tax allocation provisions of the Revenue and Taxation Code,
20 including, but not limited to, section 4707 of the Revenue and Taxation Code.

21 51. By allocating the cost of the Chevron Property Tax Refund to all of the Taxing
22 Jurisdictions in Contra Costa County, including the Petitioners, the Auditor-Controller is allocating
23 property taxes from the Petitioners' tax rate areas to the tax rate area in which the Chevron Property is
24 located.

25 52. Allocating property taxes from the Petitioners' tax rate areas to the tax rate area in which
26 the Chevron Property is located violates the property tax allocation provisions of the Revenue and
27 Taxation Code, including, but not limited to, sections 96.1 and 96.5 of the Revenue and Taxation Code.

28 53. On July 30, 2010, the Petitioner City of Brentwood sent a letter to Mr. Stephen Ybarra,

1 who was at that time the Auditor-Controller of Contra Costa County. In this letter the City objected to
2 the Auditor-Controller's plan to charge all of the Taxing Jurisdictions in Contra Costa County for the
3 cost of the Chevron Property Tax Refund.

4 54. In a letter dated August 27, 2010, Mr. Ybarra replied to the Petitioner City of
5 Brentwood's letter of July 30, 2010. In his letter, Mr. Ybarra stated that the plan to charge all of the
6 Taxing Jurisdictions in Contra Costa County for the cost of the Chevron Property Tax Refund was
7 correct under the law.

8 55. On December 1, 2010, the Petitioner City of Brentwood sent the Auditor-Controller a
9 copy of the June 2010 report of the audit of Humboldt County's property tax allocations prepared under
10 section 12468 of the Government Code by the Office of the State Controller. In this audit report, the
11 State Controller explained that when a taxpayer successfully appeals a prior year's assessment and is due
12 a property tax refund, under the Revenue and Taxation Code "only agencies within the tax rate area[] of
13 the successful appellant[] should be charged for the refund" and that agencies outside an appellant's tax
14 rate area should not be charged.

15 56. The Petitioners have asserted to Robert Campbell, the current Auditor-Controller of
16 Contra Costa County, their objections to the plan to charge all of the Taxing Jurisdictions in Contra
17 Costa County for the cost of the Chevron Property Tax Refund, and the Auditor-Controller continues to
18 assert that this plan is correct under the law.

19 WHEREFORE, the Petitioners seek a peremptory writ of mandate compelling the Auditor-
20 Controller to reallocate to each of the Petitioners the property taxes that have been deducted from each
21 of the Petitioners' property tax revenues in order to pay for the refund to Chevron USA.

22 **SECOND CAUSE OF ACTION**

23 Declaratory Relief (Code Civ. Proc. § 1060)

24 By all Petitioners against Robert Campbell, in his official capacity as
25 Auditor-Controller of Contra Costa County, and Does 1 through 10

26 57. The Petitioners hereby incorporate by reference the allegations contained in paragraphs 1
27 through 56 inclusive.

28 58. A dispute has arisen between the Petitioners on the one hand and the Auditor-Controller

1 on the other regarding the correct application of the property tax allocation laws when a taxpayer
2 successfully appeals the assessed value of the taxpayer's property and is therefore due a property tax
3 refund. The Petitioners contend that they should only be required to pay to refund property taxes that
4 were actually allocated to and received by them, and that except for supplemental taxes and unitary
5 taxes, the Petitioners are not allocated and do not receive taxes from tax rate areas that are not within
6 their jurisdictions. Because the tax rate area that contains the Chevron Property is not within the
7 jurisdiction of any of the Petitioners, the Petitioners should not be required to pay for the refund of any
8 property taxes for the Chevron Property, except for any unitary or supplemental taxes that might have
9 been collected from the Chevron Property.

10 59. The Auditor-Controller disagrees with the Petitioners' interpretation of the property tax
11 allocation laws and contends that all Taxing Jurisdictions in the county must share in the cost of
12 providing a property tax refund, regardless of whether the property that is the subject of the refund was
13 under the jurisdiction of the Taxing Jurisdictions that are being required to pay for the refund.

14 WHEREFORE, the Petitioners seek a declaration affirming the Petitioners' interpretation of the
15 property tax allocation statutes.

16 THIRD CAUSE OF ACTION

17 Injunctive Relief (Code Civ. Proc. §§ 526, 527)

18 By all Petitioners against Robert Campbell, in his official capacity as
19 Auditor-Controller of Contra Costa County, and Does 1 through 10

20 60. The Petitioners hereby incorporate by reference the allegations contained in paragraphs 1
21 through 59, inclusive.

22 61. The Auditor-Controller's improper reduction of the Petitioners' property tax allocations
23 to pay the property tax refund to Chevron USA irreparably injures the Petitioners by interfering with
24 their ability to provide essential government services.

25 62. An injunction prohibiting the Auditor-Controller from reducing the Petitioners' property
26 tax allocations to pay for the property tax refund to Chevron USA as well as an injunction requiring the
27 Auditor-Controller to reallocate to the Petitioners the property taxes that have already been deducted
28 from their property tax revenues to pay for the property tax refund to Chevron USA are therefore

1 warranted.

2 **PRAYER FOR RELIEF**

3 The Petitioners prays for judgment as follows:

4 1. For a peremptory writ of mandate compelling the Auditor-Controller to reallocate to the
5 Petitioners the property taxes that have been deducted from their property tax revenues to pay for the
6 property tax refund to Chevron USA.

7 2. For a declaration affirming the Petitioners' interpretation of the property tax allocation
8 laws;

9 3. For a preliminary injunction prohibiting the Auditor-Controller from reducing the
10 Petitioners' property tax allocations to pay for the property tax refund to Chevron USA;

11 4. For a permanent injunction prohibiting the Auditor-Controller from reducing the
12 Petitioners' property tax allocations to pay for the property tax refund to Chevron USA and requiring the
13 Auditor-Controller to reallocate to the Petitioners the property taxes that have already been deducted
14 from their property tax revenues to pay for the property tax refund to Chevron USA;

15 5. For their costs of suit; and

16 6. For such other relief that the Court considers just and proper.

17 Dated: October 3, 2011

JARVIS, FAY, DOPORTO & GIBSON, LLP

18
19 By: 

Benjamin P. Fay

20 Attorneys for Attorneys for Petitioners and Plaintiffs
21 CITY OF BRENTWOOD, CITY OF SAN RAMON,
22 TOWN OF DANVILLE, CITY OF CONCORD, CITY OF
23 ANTIOCH, CITY OF MARTINEZ, CITY OF WALNUT
24 CREEK, CITY OF OAKLEY, CITY OF CLAYTON, SAN
25 RAMON VALLEY FIRE PROTECTION DISTRICT,
26 CITY OF PLEASANT HILL, EAST CONTRA COSTA
27 FIRE PROTECTION DISTRICT, CITY OF PITTSBURG,
RODEO-HERCULES FIRE PROTECTION DISTRICT,
CITY OF LAFAYETTE, AMBROSE RECREATION
AND PARK DISTRICT, PLEASANT HILL
RECREATION AND PARK DISTRICT, CENTRAL
CONTRA COSTA SANITARY DISTRICT, TOWN OF
MORAGA, CITY OF ORINDA, CITY OF HERCULES,
and MORAGA-ORINDA FIRE PROTECTION DISTRICT

EXHIBIT A

Contra Costa County

Office of
COUNTY AUDITOR-CONTROLLER

625 Court Street
Martinez, California 94553-1282
Telephone (925) 646-2181
Fax (925) 646-2849



Stephen J. Ybarra
Auditor-Controller
Elizabeth A. Verigin
Assistant Auditor-Controller

June 23, 2010

To: All Taxing Jurisdictions
From: Stephen J. Ybarra, Auditor-Controller
Subject: Chevron Assessment Appeals Property Tax Refund

Dear Taxing Jurisdictions:

The Assessment Appeals Board rendered a decision resulting in a \$17,872,294.70 refund to Chevron for fiscal years 2004-05, 2005-06 and 2006-07. An agreement between the County and Chevron allows for the refund to be issued in two installments over the next two fiscal years. The first payment to Chevron will be made on August 2, 2010 in the amount of \$6,000,000.00 and the second payment will be issued on August 1, 2011 in the amount of \$11,872,294.70.

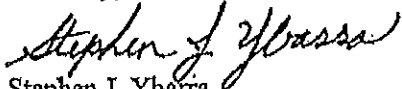
Your jurisdiction's property tax revenues will be reduced in each of the next two fiscal years for your proportionate share of the refund. Enclosed is the Auditor-Controller's estimated impact to each jurisdiction.

Jurisdictions with their funds in the County Treasury will see this refund adjustment (deduction) by their November finance reports. Jurisdictions with their funds outside the County Treasury will see the adjustment (deduction) with their property tax settlement payment.

Please be advised that Chevron is appealing the decision of the Assessment Appeals Board with the California Superior Court that may result in an additional property tax refund to be issued to Chevron. Additionally, Chevron has filed an assessment appeal for the fiscal years 2007-08, 2008-09, and 2009-10 assessed values.

Please contact Robert Campbell, Chief Accountant, at (925) 646-1403 or myself if you have any questions.

Sincerely,


Stephen J. Ybarra
Auditor-Controller

Enclosure

**ESTIMATED 1%
Impact to Taxing Jurisdictions
for the Chevron Refund**

<u>Fund</u>	<u>Jurisdiction</u>	<u>Estimated 1% Jurisdictional Share Of Chevron Refund</u>
100300	County General	1,844,853.75
120600	County Library	203,388.59
202000	CCC Fire Protection	914,674.28
202800	Crockett Carquinez Fire	3,846.89
206000	East Contra Costa Fire	98,063.90
240100	Service Area L-100	8,919.01
247000	Service Area M-1	260.52
247500	Service Area M-29	706.24
248800	Service Area M-16 Clyde	226.13
248900	Service Area M-17 Montalvin	1,513.99
249200	Service Area M-20 Rodeo	90.36
249400	Svc Area RD4Belhel Isle	74.03
249600	Svc Area M23 Blackhawk	15,996.40
250500	Flood Control CCC Water	25,791.46
252000	Flood Control Zone 3B	39,103.33
252100	Flood Cont Z1 Marsh Crk	14,966.64
252700	Flood Control Zone 7	1,183.28
253000	Flood Control Zone 8	222.37
253100	Flood Control Zone 8A	312.38
255000	Flood Cont Drainage 29D	15.45
255100	Flood Cont Drainage 300	35.96
255200	Flood Cont Drainage A13	2,141.46
255400	Flood Cont Drainage 10	2,492.08
256300	Flood Cont Drainage 127	201.13
258300	Flood Cont Drainage 16	542.15
265200	S/A Pl 2 Danville	62.73
265300	S/A Pl-2 Zone A	1,073.51
265500	S/A Pl 5 Round Hill	1,760.51
265600	S/A Pl 6	32,338.38
265700	S/A Pl-2 Zone B	1,263.81
270200	S/A Lib-2 El Sobrante	841.08
271000	S/A Lib-10 Pinole	10.60
271200	S/A Lib-12 Moraga	78.15
271300	S/A Lib-13 Ygnacio	983.90
275100	Svc Area R-4 Moraga	228.24
275800	Svc Area R-7 Zone A	7,440.87
282500	Co Co Co Water Agency	4,896.62
300500	San Ramon Valley Fire	458,906.43
300700	Kensington Fire	23,931.01
301100	Rodeo-Hercules Fire	37,159.63
307400	Moraga-Orinda Fire	142,068.70
310200	Co Co Resource Cons	2,002.74

**ESTIMATED 1%
Impact to Taxing Jurisdictions
for the Chevron Refund**

<u>Fund</u>	<u>Jurisdiction</u>	<u>Estimated 1% Jurisdictional Share Of Chevron Refund</u>
324000	Crockett Community Svcs	2,477.42
325500	Kensington Community Svc	10,775.51
326000	Diablo Community Svc	2,814.56
330100	CCC Mosquito Abate Dist1	39,540.20
340600	Central CC Sanitary	112,455.01
340900	Mt View Sanitary	2,660.65
341100	Ironhouse Sanitary	2,499.84
341400	Rodeo Sanitary	3,259.50
341600	West Sanitary	12,290.38
341800	Stege Sanitary	3,205.72
342200	Byron Sanitary	301.43
343000	Twn of Discovery Bay (Comm Svc Dist)	4,984.11
348000	Delta Diablo Z1 W Pittsburg	7,056.36
348100	Delta Diablo Z2 Pittsburg	12,670.07
348200	Delta Diablo Z3 Antioch	11,394.76
351500	Los Medanos Healthcare	14,135.42
352000	Mt Diablo Healthcare	2,807.87
352500	West CCC Healthcare	37,356.25
360100	Alamo-Lafayette Cemetery	2,061.71
360300	B B K Union Cemetery	4,420.10
370000	Ambrose Rec & Park	7,509.62
371500	Green Valley Rec & Park	351.28
373500	Pleasant Hill Rec & Park	27,252.25
374000	Rolling-Willart Rec&Park	266.86
377000	Bethel Isle Muni Imp	4,734.52
380300	Co Co Co Water	25,065.09
383000	Castle Rock Co-Water	99.53
400100	East Bay Muni Utility	110,332.13
400200	EBMUD Special District 1	2,995.61
400700	A-C Transit Spec Dist 1	89,175.70
400900	BART	92,948.72
401000	Bay Area Air Poll Cont	27,093.36
401600	Ed Phys Handic'd Elem	40.14
401800	Livermore Jt Unified	1,921.80
402000	Chabot-Las Positas Comm College	1,746.88
402200	Dev Ctr Handic'd Minor	7.19
402500	Dublin San Ramon Svc	3,783.76
402600	East Bay Regional Park	398,678.78
402900	Trainable M.R. Alameda	18.11
411000	Reclamation Dist 800 Exp	6,910.73
411100	Discovery Bay Recl/Dmg	385.40
418000	East Co Co Irrigation	24,646.30

**ESTIMATED 1%
Impact to Taxing Jurisdictions
for the Chevron Refund**

<u>Fund</u>	<u>Jurisdiction</u>	<u>Estimated 1% Jurisdictional Share Of Chevron Refund</u>
418100	Byron-Bethany Irrigation	9,194.89
420100	City of Clayton	10,159.21
420200	City of Concord	123,454.37
420300	City of Brentwood	79,816.40
420400	City of San Pablo	15,162.21
420500	City of El Cerrito	68,842.62
420600	City of Walnut Creek	102,145.47
420700	City of Pleasant Hill	23,411.46
420800	City of Martinez	69,905.79
420900	City of Antioch	94,408.86
421000	City of Pittsburg	93,251.80
421100	City of Hercules	15,833.41
421200	City of Pinole	33,074.04
421300	Richmond Tax District 1	276,708.91
421400	City of Lafayette	30,879.19
421500	Town of Moraga	13,684.92
421600	Town of Danville	64,526.67
421700	City of San Ramon	109,684.78
421800	City of Orinda	29,826.69
421900	City of Oakley	20,717.67
422700	Richmond Tax District 3	77,095.12
423000	Richmond Sewer 1	2,522.10
423100	Brentwood Rec & Park	16,525.36
423200	San Ramon M-29	17,211.63
424000	Pleasant Hill Lgi Dist 1	3,765.76
424100	Walnut Creek/Svc Area R-8	4,187.50
424800	Clayton Light Mice 1	305.47
425200	Martinez Pine Ridge Mice	54.46
425300	Martinez Parking Dist 1	466.98
426300	Lafayette Core Area Mtc	1,041.82
426400	Lafayette St Lt Mice Z1	68.53
427100	Concord Vly Terr St Lt Mtc	23.83
427200	Concord Kirkwood Mice 1	421.80
427400	Concord Blinn Terr St Lt	6.37
427500	Pt Hill- Diablo Vista Wtr	1,255.74
428000	Antioch Parking Mice 1A	373.48
428500	Moraga St Lt Mice 1	1,025.28
429400	Oakley Police Services	3,572.23
500100	Acalanes Union HI Gen	280,033.93
510100	Canyon Elementary Gen	545.04
520100	Lafayette Elementary Gen	107,708.56
530100	Moraga Elementary Gen	52,603.40

**ESTIMATED 1%
Impact to Taxing Jurisdictions
for the Chevron Refund**

<u>Fund</u>	<u>Jurisdiction</u>	<u>Estimated 1% Jurisdictional Share Of Chevron Refund</u>
540100	Orinda Elementary Gen	65,496.55
550100	Walnut Creek Elem Gen	138,144.05
600100	Liberty Union Hl Gen	212,019.94
610100	Brentwood Elem Gen	114,664.67
620100	Byron Elementary Gen	34,465.17
630100	Knighten Elementary Gen	11,984.09
640100	Oakley Elementary Gen	89,989.27
690100	County Schools Gen	230,594.20
699900	K-12 ERAF	1,885,271.34
710100	Antioch Unified Gen	275,551.33
720100	John Swett Unified Gen	54,361.37
740100	Martinez Unified Gen	148,111.89
750100	Mt Diablo Unified Gen	932,712.93
760100	Pittsburg Unified Gen	125,797.96
770100	West Contra Costa Unified Gen	722,105.91
780100	San Ramon Valley Unified Gen	1,021,745.27
790100	Co Co Comm College Gen	680,833.28
799900	Community College ERAF	280,703.96
Total Estimated 1% Tax Refund		13,869,544.23
Total Estimated General Obligation Debt Refund		4,002,760.47
Total Estimated Refund		17,872,294.70

DISTRICT - NEW BUSINESS

3. Nominations for and the election of Board Officers for Calendar Year 2012. Board Action.

DISTRICT - NEW BUSINESS

4. The Board President will ask for Board Member requests for assignments for Calendar Year 2012. Board Action.