

KPPCSD Kensington Path Ad-Hoc Sub-Committee Action Matrix

KPPCSD Kensington Path Sub-committee membership Bryce Nesbitt, Gloria Morrison, Chris Schelling, Nicki Kaiser, Ray Barraza, Gretchen Gillfillan, & Tony Lloyd (Chairman)

A/O June 2, 2011



Key Focus Activities	Steward(s)	Status	Committee Conclusions
Brown Act application review	Tony Lloyd	02/24/11 1. Committee reviewed, discussed, and committed to compliance	<ul style="list-style-type: none"> • Committee as structured will need to comply with guidelines found in the Brown Act governing public agency meetings.
Review KPPCSD resolution 2011-04 for understanding and clarity.	Committee	02/24/11 1. Committee reviewed resolution provided by KPPCSD board to align around the specific nature of the sub-committee charter.	<ul style="list-style-type: none"> • Committee is aligned around our primary charter focus which is to determine whether it is legally and economically sustainable and feasible for the district to exert any form of ownership and control over the paths. • Secondary focus is to ask the real property division of the county of Contra Costa to notify

			the District and KIC should any private party or landowner file papers to vacate any county rights to all or part of any path.
Ask the real property division of the county of Contra Costa to notify the District and KIC should any private party or landowner file papers to vacate any county rights to all or part of any path.	Unassigned	<p>02/24/11</p> <p>1. No action taken to date</p> <p>04/25/11</p> <p>1. Draft prepared for CSD Board President Comment before forwarding to County for action.</p> <p>05/02/11</p> <p>1. Request was forwarded to David Gehrig CSD legal counsel for comment.</p> <p>05/26/11</p> <p>1. Request for update sent to legal counsel through GM for status presentation and discussion at 6/2/11 meeting.</p> <p>06/02/11</p> <p>1. Comment from district legal A&C received Hanson Bridget. Question posed: Does the Kensington Police Protection & Community Services District have the legal authority to acquire and maintain various community walking paths within the District's</p>	06/02/11 Response: While no California court has considered this issue there is an argument that the District has legal authority to acquire and maintain various walking paths within the District's Boundaries pursuant to its authority to provide "public recreation" by


		boundaries? -	means of “parks, playgrounds, swimming pools, or recreation buildings” However, because the District’s purposes do not expressly include providing community walking paths, there is a risk of legal challenge.
Identify various potential legal liabilities and resource scenarios / issues	Unassigned	<p>02/24/11</p> <ol style="list-style-type: none"> 1. Various committee members have voiced their desire to better understand the legal ramifications and impacts of a KPPCSD ownership of the paths. <p>03/03/11</p> <ol style="list-style-type: none"> 1. Agreement was reached to begin list of various legal concerns regarding path ownership and to identify best sources with which to address. <p>06/02/11</p> <ol style="list-style-type: none"> 1. Group has been putting together list of concerns to run to ground which includes the following: <ol style="list-style-type: none"> a. Identify presence of county standards b. Who would be responsible for duty and care? 	<ul style="list-style-type: none"> • Committee agrees that this area is a high priority and necessary decision knowledge component.


		<ul style="list-style-type: none"> c. Fiduciary responsibilities (budget and impact) d. Options of ownership regarding capital and construction cost. e. Need to address all issues of chartered resolution and their cost impact. f. Issue of who benefits the most from paths g. If the service district would decide to own the paths could there be an enforceable commitment on behalf of the community volunteers to maintain. h. What are the pros and cons of public verses private ownership. 	
History of the paths	Bryce Nesbitt	<p>02/24/11</p> <ul style="list-style-type: none"> 1. In the first meeting the committee became acquainted with the significant reservoir of information Bryce can provide based on his past experience and work on the paths. He has been asked by many committee members to share this history as a basis for a foundation of our work. 	<ul style="list-style-type: none"> • Committee agrees that Bryce’s knowledge of the Kensington Paths and his involvement in other aspects of the path resurrection and maintenance is an invaluable asset to our assigned task. He has been asked and agreed to share his knowledge and experience with

			the group.
Possible Sub-division of tasks	Committee	<p>02/24/11</p> <ol style="list-style-type: none"> 1. The committee agrees that as we begin to identify specific work effort components, that it make sense to parse out the work efforts to optimize use of all of the committee resource. <p>03/03/11</p> <ol style="list-style-type: none"> 1. The committee has agreed to the first sub-division of task responsibilities in requesting various committee members to work together to begin a path by path inventory of similar characteristics and conditions for the Kensington Paths. 	<ul style="list-style-type: none"> • There is agreement that this effort will produce worthy results in the fact finding necessary for the committee to make recommendations and for future better understanding of the path assets and liabilities. • A straw team list of assignments has been agreed to with a next status date of approximately 3/24/11.
<p>Committee assessment, inventory, and survey of individual paths:</p> <p>Proposed Assigned Path Stewardship</p> <p>Ray: #1 #4 Nicki: #2 #3 Richard: #5, #6 Chris: #10 #11 Gloria: #12,13,14 Cathie: #7 #15 (#7 in coordination w/Ray and Chris)</p>	Bryce Nesbitt / Nicki Kaiser	<p>02/24/11</p> <ol style="list-style-type: none"> 1. A Kensington path inventory / survey was suggested by Bryce and strongly supported by Nicki. <p>03/03/11</p> <ol style="list-style-type: none"> 1. Bryce brought refined information and processes to the meeting to have the committee once again consider beginning the inventory / survey work. The committee voted to engage in the activity using Bryce's 	<ul style="list-style-type: none"> • Initially the committee as a whole felt that this activity at the time proposed was premature and decided not to proceed. • As a result of a modified process and output requirement the committee has agreed to engage in the path survey for the purpose of producing a quantified assessment of the physical status of each

<p>Bryce: #8 #9 #CSD Bus Stop Steps</p>		<p>proposed M & P</p> <p>04/14/11</p> <ol style="list-style-type: none"> 1. The online spreadsheet is a place to record the path survey data for the long term. Before it is presented to the public I will convert it to a printed document. 2. If you don't want to interact with the online spreadsheet, just send me paper, or a regular email, and I will record the data. Having the survey in the "database" form means it can be manipulated, updated, converted, and worked on by multiple people. I hope the paths will be vibrant for a second 99 years: ideally the records will make now will be available as a reference many years into the future. (Bryce) <p>04/23/11 (Path 1 & 4 update) –Ray Barraza comments:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Visual survey segment 1.doc</p> </div> <div style="text-align: center;">  <p>Visual survey segment 4.doc</p> </div> </div> <p>See Photos forwarded to WEB Site under</p>	<p>Kensington path from which a set of standards may be extruded.</p>
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		construction for public viewing.	
<p>Adopt a sub-committee series of path ownership scenarios by which final recommendations for action to the CSD board can be made regarding the committee's charter.</p> <p>Current Working List.</p> <ol style="list-style-type: none"> 1. No ownership action taken by CSD 2. County accepts dedication 3. KPPCSD acquires title 4. County accepts dedication, on condition of joint use agreement from KPPCSD 5. County transfers title to a suitable non-profit corporation 	Committee	<p>02/24/11</p> <ol style="list-style-type: none"> 1. Align around list of potential recommendation scenarios <p>03/03/11</p> <ol style="list-style-type: none"> 1. Continue to use the list of previously developed scenarios to help determine reasonability and feasibility of options available. Add to or subtract from list as more data becomes relevant. 	<ul style="list-style-type: none"> • Committee agrees with need for standard set of scenario options. • Committee agrees to add the potential of transfer of title by county to suitable non-profit is a viable option that could be considered.
Insurance Issues	Committee Nesbitt /	<p>4/1/11</p> <ol style="list-style-type: none"> 1. KPPCSD Service District Liability Insurance 	<ul style="list-style-type: none"> • Sent to CSD General Manager for resource

	Lloyd	<p>Information</p> <ol style="list-style-type: none"> a. As of 2011 / 12 fiscal budget what premium amounts does the CSD pay to SDRMA for our liability insurance annually? b. Record of claims filed in the past by KPPCSD with the SDRMA? c. How many of these claims have been paid and are the dollars available to publish publicly? d. Are the specifics of the KPPCSD coverage at the SMDRA Client website and if yes is special access required? e. How would we go about getting a cost quote to provide coverage for the Kensington Paths? f. What are the criteria for adding the paths for coverage and what restrictions if any exist? <p>2. Authority:</p> <ol style="list-style-type: none"> a. From an SMDRA perspective what approvals are required to allow 15 new parcels of land to be added to the applicable insurance coverage's under the KPPCSD parkland umbrella? 	<p>identification 4/25/11</p> <p>04/26/11 SMDRA Wendy Tucker (Representative)</p> <ul style="list-style-type: none"> • Indicates that adding the new parcels as paths would not have an effect on our liability cost of existing KP Recreation space.
County Meetings –Gioia 4/26/11	Nesbitt / KCC	<p>1.KIC has applied for encroachment permit to place</p> <div style="text-align: center;">  <p>CCC_Encroachment_Permit_Signs_04-201</p> </div> <p>signs at path entrances.</p>	<p>See attached permit and verbiage. Janice Kosel signs Fire Protection District Resolution supporting naming and signage for Kensington pathways. Resolution 11-02 on 3/9/2011.</p>

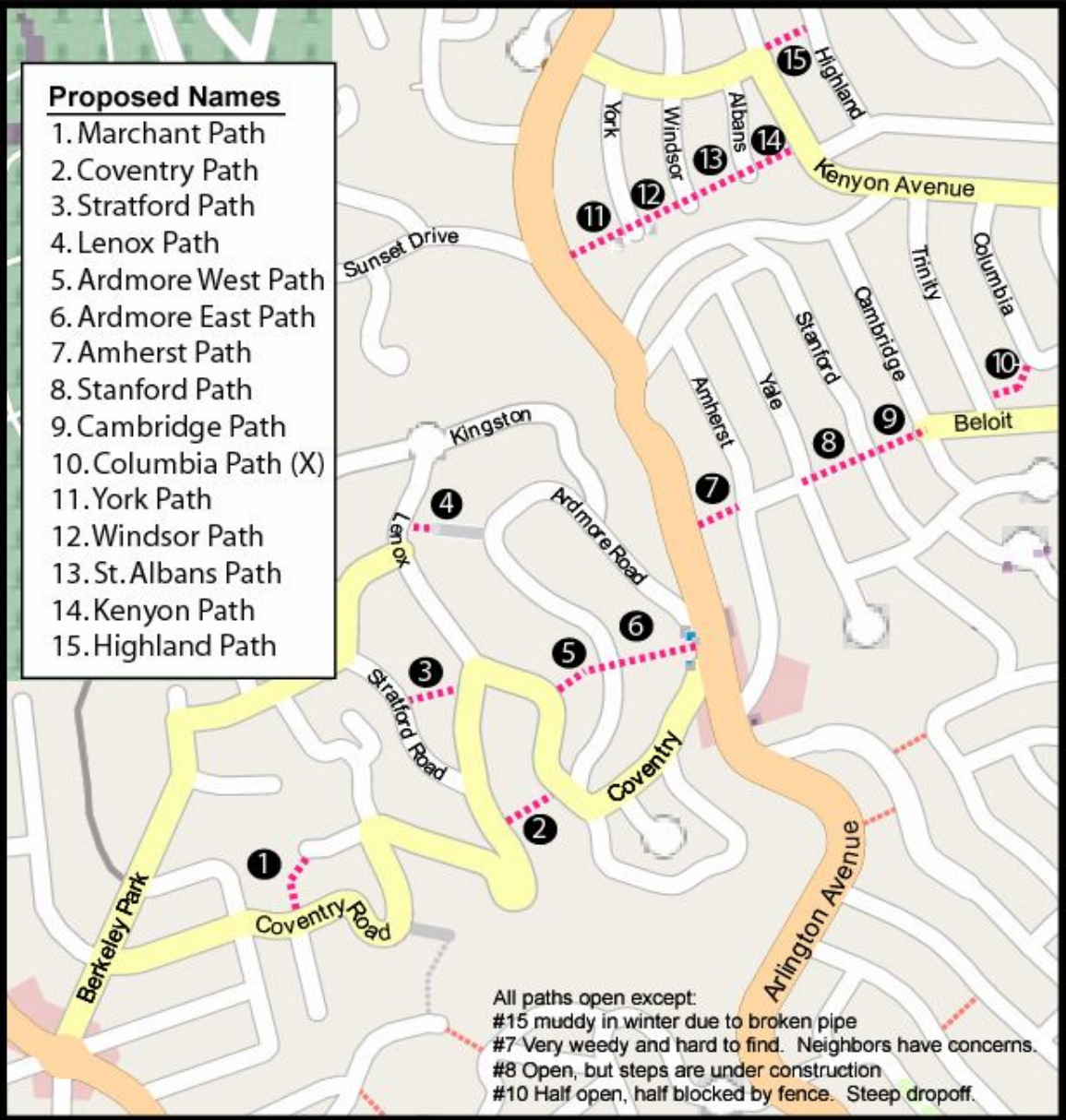
		 <p>Maps_Moran_Survey _Legal_Description_0</p> <ol style="list-style-type: none"> 2. KCC tells Gioia there is community sentiment that County should shoulder the pathway liability rather than KPPCSD. 3. Nesbitt informs Gioia that should the KPPCSD vote to seek land acquisition, his help will be crucial to keep the transfer costs reasonable. 	
<p>Should the CSD acquire 15 skinny parks under the recreation code, nothing at all obligates the CSD to improve the property</p>	<p>Nesbitt</p>	<p>04/26/11 Ad Hoc Committee Meeting Agenda Item # 3</p> <p>Such mini-parks could be used as paths, native grass reserves, mowed lawns, nature trails, community gardens, bocce ball courts, parking lots, whatever.</p> <p>Maintenance of <i>existing</i> facilities in general brings on no new requirements. However, when <i>new</i> construction occurs, this triggers requirements, standards and expectations. These vary depending on the type of facility. These rules can be complex. However the basic principles are that there is no requirement to do the "infeasible", and every requirement to achieve the "readily achievable".</p> <p>For example, if the CSD declared a particular parcel as a community garden, the lowest plot (nearest an existing accessible sidewalk) could and should be a priority spot for gardeners with mobility issues.</p>	<p>When it comes to contemplating maintenance of our pathways, we must operate in a constrained manner. Money and volunteer energy will always be limited.</p> <p><u>Draft Priority List for Maintenance and Improvement</u></p> <ol style="list-style-type: none"> 1. Significant new hazard found: mark the hazard, alert volunteers, remove the hazard, and/or close the area if justified. <i>Examples: tree limb falls on path, illegal dumping of hazardous waste, drainage pipe failure.</i> 2. Overgrowth significant enough to create fire hazard. 3. Overgrowth narrows travelway

		<p>The standards for recreational trails have been controversial (for example as of March 15th ATV's and Segways will be allowed on most trails, if the user claims a disability). But basically what we think of as trails have not been outlawed. The rules suggest certain signage, so an individual with a mobility issue can evaluate the suitability of the route. This could take the form of a sign or map documenting the slope and number of stairs to be found on each route.</p> <p>I showed an "ideal" trail sign from the ADA guidelines, which gives a detailed account of the slope and condition of a hypothetical trail. I'm certain for our paths that we don't need to go that far.</p>	<p>below 36".</p> <ol style="list-style-type: none"> 4. Mulch needs refreshing to prevent weed growth. 5. Missing street sign. 6. Minor debris on path. 7. Chipping on edge of concrete steps (patchable). 8. Large pavement heaves or irregularities in stairs. 9. Adding handrails. 10. Encouraging neighbors to add motion sensor lighting. 11. Adding wooden landscape steps. 12. Replacing deteriorated concrete walks with gravel or paving stone. 13. Converting wooden steps to concrete. 14. Reconstructing concrete steps or walkways.
Public Committee Meeting Comments	06/02/11	<p>Ray Barraza – Comments about the Amherst Path...To Bryce and Community Workers. Requesting no work is performed on this path until the work and findings of the Kensington Path Ad hoc committee had completed its task and made their recommendation to the CSD board.</p> <p>Nicki Kaiser – Commented about work on the path delays and its impact on fire safety grant from Diablo Fires Safe. She is concerned for the neighborhood safety on paths where combustible fuels are not being cleared away.</p> <p>Pointed out work has been completed path #2 several other paths not yet complete of clearing and brush removal. A</p>	

		<p>volunteer group completed the work to be done on path # 2</p> <p>Bryce – announced that the county has approved the designation of signage on the paths which for now will be just numbers. Final names to be determine later in the process.</p> <p>Question was raised is any of the path work activity being documented and as far as we can tell the ad hoc group along with Bryce Nesbitt’s private notes are the only documentation at this time.</p> <p>There one objection to path signage which was raised by Barbara Tapp who asked that it not be put up yet on the path next to her home.</p> <p>Another question raised had to do with which is the most controversial path we are dealing with. The answer is that it is the Amherst path.</p> <p>There was a debate between Bryce and Nicki as to how the paths will be used and therefore designated. The question was raised as to how the ‘Gore’ lot and its ownership would be different from the other paths</p>	
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Resource Appendix	Author / Source
Berkeley's path survey can be found at: http://www.berkeleypaths.org/paths/PathList.htm	Bryce Nesbitt

<p>El Cerrito's is at: http://www.el-cerrito.org/esd/pdf/el-cerrito-trail-list.pdf</p>	Bryce Nesbitt
<p>The prior Kensington survey is at: http://www.obviously.com/kensington/CCC_2007_Kensington_Path_Costs_Report-A.pdf</p>	Bryce Nesbitt
<p>http://www.obviously.com/kensington/KPPCSD_3_March_2011.pdf</p>	Bryce Nesbitt
<p>East Bay Trail Dogs</p>	
<p>http://www.obviously.com/kensington/KPPCSD_Feb_Paths_Part3.pdf</p>	
<p>Bryce Path Database https://spreadsheets.google.com/ccc?key=0ArRP5DaNavpldFBkTFUtUC1CNXh6WWNzR0d6UFNhTmc&hl=en&authkey=CND3wZgG</p>	Bryce Nesbitt
<p>Gloria and Ray's Path Photos http://www.obviously.com/kensington/path_photos/</p>	Bryce, Gloria, Ray



RESOLUTION NO. 1974-1110

RESOLUTION SUPPORTING KENSINGTON IMPROVEMENT CLUB EFFORTS TO
MAINTAIN AND REHABILITATE WALKING PATHS IN KENSINGTON

The Board of Directors of the Stege Sanitary District finds and determines as follows:

- A. The Kensington Improvement Club (KIC) has undertaken an effort to maintain and improve several pedestrian paths on public rights-of-way in the community of Kensington, and
- B. Walking paths in Kensington provide pedestrian access to stores, bus lines, libraries, schools and churches, and
- C. Walking paths may provide escape routes during fire events which have several times devastated areas of the east bay hills, and
- D. Walking paths provide a healthy alternative to driving, reducing our national dependence on imported oil, and
- E. The Stege Sanitary District has sewer lines underneath several public rights-of-way used for walking paths, and improved maintenance of these rights-of-way will improve Stege's access to these lines, and
- F. The volunteer efforts of the KIC cost the taxpayers nothing, but will reduce potential liability and improve Kensington and raise property values.

In consideration of the foregoing findings and determinations,

IT IS RESOLVED as follows:

- 1. The District Board of Directors of the Stege Sanitary District supports the concept of volunteer efforts to maintain and improve pedestrian paths on public rights-of-way in the Community of Kensington, and
- 2. Directs staff to work with KIC to ensure that any improvements do not harm District facilities or access thereto, and
- 3. Urges other governmental bodies such as the County of Contra Costa and the Kensington Police Protection and Community Services District to cooperate with KIC in its meritorious efforts to improve and maintain community walking paths.

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA)