



Date: August 12, 2021

To: Board of Directors

From: Marti Brown, General Manager

Subject: **PROPOSED EMPLOYMENT OF RICHARD BENSON TO PROVIDE SERVICES AS INTERIM GENERAL MANAGER FOR KPPCSD; AND NEW URGENCY AGENDA ITEM (IF ADDITION APPROVED BY BOARD): APPOINTMENT OF GENERAL COUNSEL ANN DANFORTH AS ACTING GENERAL MANAGER FROM AUGUST 13, 2021 – AUGUST 23, 2021**

Recommendation:

1. Consider appointing Richard Benson as the Interim General Manager for the Kensington Police Protection and Community Services District.
2. Consider appointing General Counsel Ann Danforth as Acting General Manager until Mr. Benson's start date of August 23, 2021.

Rationale for Recommendation:

On July 15, 2021, General Manager Brown tendered her 30-day resignation. Her last day will be Friday, August 13, 2021. Since recruitment of a permanent replacement will likely take at least four to six months, staff strongly encourages the Board to appoint Mr. Benson as Interim General Manager and Ann Danforth, General Counsel, as Acting General Manager from August 14 to August 22, 2021.

Background:

In an effort to recruit an Interim General Manager, a job announcement was posted in July with an application deadline of Tuesday, August 3. At a special meeting on August 5, 2021, the Board of Directors interviewed five candidates in closed session. After checking references, the Board has offered the position to Richard Benson conditional on passing a background check.

Since Mr. Benson is not available to start in the Interim General Manager position until August 23, staff also recommends appointing Ann Danforth, General Counsel, as the Acting General Manager from August 14 to August 22.

Discussion and Analysis:**Proposed Terms – Interim General Manager**

While the proposed appointment does not require a written contract, the Board of Directors must approve the terms of Mr. Benson's employment. The proposed terms are as follows:

- Salary: \$105/per hour – no other benefits, no severance clause;
- Term: 8/23/21 – 2/25/22;
- Start date: 8/23/21;
- On-site: 2 times per month for no less than two days;
- Time-off: Employee has three-week vacation planned in November – already purchased; and
- The employment is "at-will" and may be terminated by the Board with or without cause.

Proposed Appointment – Acting General Manager

Mr. Benson cannot begin his service with the District until August 23, 2021, ten days after GM Brown's departure. The District will need a Acting General Manager during this period, to handle emergencies and routine matters. General Counsel Ann Danforth has agreed to accept this role for this limited period.

Purpose of Urgency Agenda Item

The agenda posted on Monday, August 9, 2021 and did not list the proposed appointment. Matters not agendized at least 72 hours before the agenda is posted cannot be considered by the Board unless the following has occurred:

1. The proposed matter did not come to the District's attention until after the agenda was posted.
2. Prior to adding the matter to the agenda, the Board finds by 2/3 vote that there is a need for immediate action that cannot reasonably wait for the next scheduled meeting.

Staff did not learn of the gap in coverage until Wednesday, August 11, 2021. Two days after staff posted the agenda. Should the Board not act tonight, the District will not have a General Manager, as required by law, for ten days. On these facts, the Board could make the required finding and add the matter to the agenda.

Fiscal Impact:

The adopted FY 2021-22 budget includes the cost of retaining the Interim General Manager and will accommodate the temporary and acting appointment of Ms. Danforth as necessary.