

## Kensington Police Protection and Community Services District

### **BOARD OF DIRECTORS MEETING**

**March 26, 2020**

Consider Authorization of Special Powers

#### **BACKGROUND**

On Monday, March 16, 2020, the Contra Costa County Public Health Officer ordered all county residents to shelter in place, with limited exceptions. The County acted in concert with the Counties of Alameda, Marin, San Francisco, San Mateo and Santa Clara. The Governor issued an Executive Order to the same effect on March 19, 2020.

These orders preclude the Board from holding its normal meetings. This problem is ameliorated to a large degree by the Governor's March 17, 2020 Executive Order. This order waives certain portions of the Brown Act and authorizes public agencies to hold meetings entirely by telephonic or other electronic means. However, staff anticipates that the Board may have difficulty convening during this time and realizes that District residents may not have the same access to meetings that they normally enjoy and expect.

The District is already confronted with one short-term problem. CalPERS has directed that District Manager Tony Constantouros cease working for the District at the end of this month, to avoid conflict with post-retirement employment restrictions. Arguably, this letter is superseded by CalPERS circular letter 200-15-20, which waives many CalPERS work restrictions during the declared state of emergency. However, the circular does not expressly address Mr. Constantouros' situation. Moreover, once the Governor lifts the state of emergency, the District could find itself without a general manager on very short notice.

To ensure that the District can maintain essential administrative functions and responsibilities, staff recommends that the Board grant the following authority:

1. Grant the General Manager spending authority up to \$20,000 if the interests of the District require an expenditure in excess of his usual \$5000 limit before the Board can convene a meeting.
2. Authorize the General Manager to make expenditures in excess of \$20,000 with the concurrence of the President and Vice President of the Board, if the interests of the District such an expenditure before the Board can convene a meeting.
3. Authorize the retention of Bill Lindsay as interim General Manager.
4. If the need arises to appoint another interim General Manager before the Board can convene a meeting, authorize the President and Vice President to appoint another individual as GM for a maximum of two months, at a salary equivalent to that paid to Mr. Lindsay.

Staff further recommends that the Board direct that staff review existing and potential new policies to address future emergencies of a similar nature.

**RECOMMENDATION**

That the Board take public testimony regarding the measures suggested above and enact a motion to grant such authorizations as it deems appropriate.,

**ATTACHMENTS**

N/A

**Submitted By:** Ann R. Danforth, General Counsel