



Date: January 12, 2023
To: Board of Directors
From: Ann Danforth, General Counsel
Subject: Board President Appointment of *Ad Hoc* Advisory Committees

Recommendation

Discuss:

1. Creation of *ad hoc* advisory committees to advise the Board of Directors regarding (i) Police Department + District Office Permanent Location Committee and; and (ii) Kensington Park Re-Planting Strategy Committee.
2. Determine expected duration of the *ad hoc* committees;
3. Discuss interest from Board members to serve on such committees; and
4. Appoint committee members.

Note that Items 1, 2 and 4 lie within the Board President's discretion.

Rationale for Recommendation

The committees would gather information and make recommendations to the Board regarding two pressing matters that require resolution in the near term.

Background and Analysis

The Brown Act allows the District to form or "*ad hoc*," i.e., temporary committees composed solely of less than a quorum of Board members to advise the Board on discrete matters of importance. Such committees are more nimble than the Board itself because their meetings are not subject to the Brown Act's normal requirements. *Ad hoc* committees frequently assist their legislative bodies by investigating the options available for specific problems.

Section 4020.1 of the District's Policy and Procedures Manual ("PPM") authorizes the Board president to create temporary advisory committees as that person deems necessary or advisable. President Alexandra Aquino-Fike has advised staff that she intends to form *ad hoc* committees to address three pressing issues now facing the District: the search for a permanent location for District personnel and operations, a park replanting plan and emergency preparedness. These committees

would develop recommendations to the Board on their respective issues. The President should state the expected duration of the committees at the time of their appointment.

Related Matters

President Aquino-Fike has also expressed interest in forming standing advisory committees. These committees provide advice to the Board regarding on-going subject matters. The Board may create such committees under PPM Section 4020.1.1. Any two directors may request the creation of a standing committee; the Board would decide whether to create the committee at a public meeting as part of the agenda. Meetings of standing committees are subject to Brown Act requirements.

A standing committee may include non-directors. State law does not prescribe a particular process for special districts to select members of the public to serve on committees. The law does prescribe a process for general law cities for this purpose. When the Board decides whether to create a standing committee with non-directors, I will provide information on the city process.

Fiscal Impact

The fiscal will depend on the extent to which the *ad hoc* committees require staff support. Typically, these committees do not demand significant staff time because they are not required to publish agendas for their meetings.

Exhibits

- Police Department + District Office Permanent Location Committee
- Kensington Park Re-Planting Strategy Committee
- Policy + Procedure Manual Citation

Police Department + District Office Permanent Location Committee

Committee Members:

- President Aquino-Fike
- Vice-President Gough

Purpose:

To investigate and recommend a permanent location for the police and district offices within the borders of Kensington. The Committee will consider, inter alia:

1. available commercial, land, and residential properties within Kensington's border
2. architecture plans submitted by Bart Jones
3. architecture plans submitted by Jim Watt

**The Committee will not consider properties located within Kensington Park, the Arlington Avenue parking lot, or in any other city/municipality's borders.*

Deliverables:

1. The Committee will provide public updates at regular monthly board meetings until a location is identified or the committee dissolves.
2. The Committee will provide a recommendation, including a thorough cost-benefit analysis of the top 2 location options, no later than 12 months from the committee formation date.

Limitations:

1. The Committee's final recommendation will be presented in a public board meeting. No vote or action will occur for at least 14 days following the public presentation to allow opportunity for board and community input.
2. No Committee member will commit to any contract or expenditure on behalf of the District without prior approval by the GM or the full board.
3. Committee members will direct all requests for information from staff through the GM, and will endeavour to keep all such requests to a minimum.

Timing:

The Committee will dissolve once a permanent location has been voted on by the full board or no later than 18 months from the committee formation date if no location has been approved.

Kensington Park Re-Planting Strategy Committee

Committee Members:

- Vice-President Gough
- Director Duggan

Purpose:

In recognition of our changing climate and limited District resources, this Committee is created to provide a thoughtful approach to future re-plantings and care of Kensington Park. An approach that considers our modest park budget, but also the climate and soil as it is today and likely will be in the future, including: drought, warmer temperatures, and wildfires.

Therefore, the Committee is tasked with exploring different approaches to restoring and rehabilitating the land of Kensington Park, particularly those areas most impacted by the tree removal, and then recommending a course of action for the Board.

In researching various approaches, the Committee will seek input from relevant experts, including but not limited to:

- Local indigenous partners
- Academics with expertise in sustainable/restorative landscapes
- Professional landscape architects focused on drought tolerant and fire safe designs
- Soil experts
- Fire experts
- Kensington Park's landscape team (Fernando Herrera + Team)

Deliverables:

The Committee will present a clearly articulated strategy for re-planting in the park, with specific recommendations for: timing, costs, funding options, community engagement, and partnerships. The recommendation should also address the primary concerns of sustainability, safety, and limited District funding. The Committee's recommendation will be presented in a public board meeting no later than July 2023.

Limitations:

1. The Committee will not propose a specific landscape plan. Rather, the Committee will recommend a strategy for re-planting in Kensington Park that, if approved by the board, would be implemented by the GM, staff, and hired contractors.
2. No Committee member will commit to any contract or expenditure on behalf of the District without prior approval by the GM or the full board.
3. Committee members will direct all requests for information from staff through the GM, and will endeavour to keep all such requests to a minimum.

Timing:

The Committee will be dissolved once a final strategy has been approved and voted on by the full board, or within 18 months, whichever is sooner.

Policy + Procedure Manual Citation

4020.1 Temporary Advisory Committees: The Board President shall appoint any such temporary advisory committees as may be deemed necessary or advisable by the President or the Board. The purpose of a temporary advisory committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. A temporary advisory committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

Background

A temporary advisory committee (sometimes called an “ad hoc committee”) can be a helpful tool for delegating board responsibility for certain time-sensitive, high priority tasks. These committees are not subject to the Brown Act’s public meeting and notice requirements and allow no more than 2 board members (only) to sit on them. The designated board directors are charged with handling a particular issue and then distilling any information learned into actionable recommendations for the full board. In this way, these limited purpose committees can promote more informed and efficient policy decision-making by the board without excessively burdening staff. They also can invite community input even though only board members may sit on the committees. Notably, these temporary committees do not preclude the establishment of future standing committees, in which residents participate as committee members.

Therefore, given the number of high priority items of the District, the President establishes the following temporary/ad hoc committees:

New Ad Hoc Committees

1. Police Department + District Office Permanent Location
2. Kensington Park Re-Planting Strategy

Contact Information

All committee descriptions and the appointed board members’ contact information are available on the www.kppcsd.org web site. Please reach out to the designated directors with any questions or comments related to their committee assignments.