

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

November 10, 2016

Dear Mr. Kyle:

Due to the recent resignation of Kevin Hart, the Kensington Police Protection and Community Services District's current Interim General Manager/Chief of Police, the District has a temporary need for an individual to serve as the Interim General Manager/Chief of Police during the open recruitment process to permanently fill the vacancy. Mr. Hart resigned, effective October 31, 2016.

The District is required by law to have a General Manager appointed at all times. Based on your extensive skills and experience, the District believes that you are uniquely qualified to fill this role on an interim basis. The responsibilities of the Interim General Manager/Chief of Police include, but are not limited to, implementing board policies, appointing, supervising, disciplining and dismissing employees, and supervising the District's facilities, services, and finances. You will be responsible for managing an approximately \$3 million annual operating budget, and overseeing a staff of approximately 12 employees, including both sworn law enforcement officers and part-time civilian staff. For additional description of the job duties of the General Manager/Chief of Police, please see the attached job description and the posted job listing on the District's website.

The District would like to appoint you to work 960 hours per fiscal year, beginning November 14, 2016. The appointment will be subject to the condition that you pass a background investigation within eight (8) weeks of starting and maintain POST certification throughout the term of your appointment. You will start in the role of Interim General Manager only and be sworn in to carry out your duties as Interim Chief of Police once the District receives word of your passing the background investigation.

As you are aware, the District's Ad Hoc Committee for Governance and Operations Structure has convened a subcommittee to determine whether the General Manager/Chief of Police position should be bifurcated into two separate positions. Historically, these positions were consolidated and held by a single individual. Unless terminated earlier by you or the District your interim assignment will continue for the duration of the recruitment, but end no later than December 31, 2017, or upon the Board taking action to bifurcate the position and finding a permanent replacement.

This position is at-will. This means that you or the District have the right to terminate your appointment at any time, with or without advance notice and with or without cause.

Your rate of pay will be \$69.71 per hour, consistent with the District's published hourly maximum rate for the General Manager/Chief of Police. You will not be eligible for any other benefits, paid time off, incentives, compensation in lieu of benefits or other forms of compensation. The District will provide you with two sets of uniforms, which are required to be worn.

CalPERS enforces strict rules and guidelines related to working after retirement. Because this is an interim appointment to a vacant position for the duration of the recruitment, the District will be approving this appointment at a public meeting.

As a retired annuitant it is important that you be aware of potential consequences to you in the event that your assignment is determined to not meet the criteria under the Public Employees Retirement Law (PERL),

as amended. It is the dual responsibility of both the employer and the retired annuitant to ensure that the type of work performed falls within the new criteria. If CalPERS receives information that a retired annuitant may be performing work that is outside the restrictions of the Government Code Section, the following consequences may apply to the retired annuitant at CalPERS' discretion:

1. Reimbursing CalPERS for the retirement income received during the unlawful employment;
2. Reinstatement to employment;
3. Paying the employee share of retirement contribution, with interest, that would have otherwise been paid during the period of unlawful employment; and,
4. Paying CalPERS for administrative expenses incurred to investigate the situation if the retiree is determined to be at fault.

If you chose to work for other CalPERS agencies during this time, you agree that your work for the District will be your priority and that you will keep the District informed of the number of hours you work for other PERS agencies.

Please note that the CalPERS employer may also be penalized by being required to pay the employer share of retirement contributions, with interest, that should otherwise have been paid, plus administrative expenses if the employer is determined to be at fault. However, the consequences of doing work outside the statutory limitations are more severe for the retired annuitant than for a public employer. For discussion of other CalPERS rules related by retired annuitants, you may want to review the CalPERS publication "A Guide to CalPERS Employment After Retirement" available online at <https://www.calpers.ca.gov/docs/forms-publications/employment-after-retirement.pdf>. Please contact CalPERS or the District immediately if you have any questions or concerns to discuss related to your interim appointment.

Therefore, the retiree bears significant risk if he or she works as a retired annuitant under circumstances that do not comply with the new restrictions, as opposed to reinstating to regular employment in order to continue working for the agency.

By accepting this appointment, you warrant that you have reported your permanent separation date in the MyCalPERS system. Additionally, you warrant that you have not received unemployment insurance payments in the past twelve months for previous retired annuitant work with any other CalPERS employer. Failure to properly report the above may subject you to a finding that this appointment is improper.

If the terms of this letter agreement are satisfactory to you, please sign below indicating your agreement.

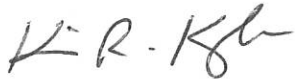
Thank you again for agreeing to assist the District. We look forward to working with you.

Sincerely,



Len Welsh, President
Kensington Police Protection and Community Services
District

Agreed:


_____

Kevin Kyle

Date

Attachments: General Manager/Chief of Police Job Description and District Website's Job Posting

APPENDIX A

JOB DESCRIPTION GENERAL MANAGER/CHIEF OF POLICE

GENERAL

The General Manager/Chief of Police (GM/COP) shall be responsible for all of the following:

- (a) The implementation of the policies established by the Board of Directors for the operation of the District.
- (b) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.
- (c) The supervision of the District's facilities and services.
- (d) The supervision of the District's finances.

The GM/COP is appointed by and serves under the direction of the Kensington Police Protection and Community Services District (KPPCSD) Board of Directors. The KPPCSD is responsible for providing police services and solid waste and recycling collection services within the Kensington community, and for managing the Kensington Park and its facilities. General responsibilities for managing District affairs and particular responsibilities for managing the different areas of District business are described separately.

DISTRICT AFFAIRS

The GM/COP shall be responsible for preparing the District Budget and for negotiating and maintaining all District records, District agreements, and District contracts.

The GM/COP shall be responsible for obtaining and preparing District Election material, as needed, and develop a working relationship with State and County legislators and be prepared to introduce or support legislation that affects the District's ability to serve the community. The GM/COP shall represent the District at State, County, and local public meetings.

The GM/COP shall prepare agendas for District Meetings, prepare and furnish Board Directors with all the appropriate information needed for Directors to conduct District meetings, and maintain a calendar of required events throughout the year.

The GM/COP shall prepare and submit all documents required by law and the Public Records Act, or other information in the public interest, to the public and/or appropriate agencies in a timely fashion.

POLICE DEPARTMENT

Authority: The GM/COP is the chief executive officer of the department and the final departmental authority in all matters of policy, operations and discipline. He/she exercises all lawful powers of his/her office and issues such lawful orders as are necessary to assure the effective performance of the department.

Responsibilities: Through the GM/COP the department is responsible for the enforcement of laws and ordinances coming within its legal jurisdiction. The GM/COP is responsible for planning, directing, coordinating, controlling, training, and staffing all activities of the department for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with Kensington citizens.

Functions: The GM/COP sets objectives for the department, makes plans, develops procedures, organizes and re-organizes, provides for staff and equipment, adopts rules and regulations for the administration of the department, sets policy, coordinates efforts and relationships, reports on departmental accomplishments, maintains public and employee relationships, develops the budget, directs departmental training activities, controls personnel files and investigates and properly disposes of citizen complaints regarding the actions of officers, performs annual performance evaluations of Sergeants, and provides direction to the department.

As circumstances require, the GM/COP shall also observe and investigate persons and situations which require attention that may affect enforcement of law or prevention of crime, perform miscellaneous services relative to public reports, testify in court, investigate crimes for the purpose of apprehension and prosecution of offenders and the recovery of stolen property.

SOLID WASTE HANDLING AND DISPOSAL

The KPPCSD provides services within the Kensington community to collect, transfer, and dispose of solid waste, and provide additional solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities. The GM/COP shall supervise the solid waste handling programs within Kensington by working with the solid waste hauler, county staff, community members, and designated Board Directors on the implementation of the Solid Waste Contract. In addition, the GM/COP shall be responsible for providing information to the Board of Directors regarding possible rate changes and for ensuring the District meets State and local mandates regarding waste reduction and recycling.

PARK AND RECREATIONAL SERVICES

The KPPCSD is responsible for providing recreational services to the community through the ownership of the Kensington Park and its facilities. The Kensington Community Council (KCC), a non-profit volunteer organization, provides and manages recreation programs in the park.

The GM/COP shall be responsible for managing the Kensington Park and its facilities with the assistance of the Park Administrator and oversee park development, maintenance and repair of recreation facilities, coordinating with the KCC and its staff when necessary. The GM/COP shall work with designated members of the Board of Directors to negotiate the agreement between the KCC and the KPPCSD as needed and work with designated members of the Board of Directors to negotiate lease or rental agreements for KPPCSD facilities and property.

QUALIFICATIONS

The GM/COP shall be a sworn police officer under section 832 of the Penal Code and have at least a Bachelor's degree from an accredited college or university. A Master's degree is preferred. The GM/COP shall have at least five to seven years of progressive supervisory, command experience in a law enforcement agency and a California POST Supervisory Certificate or higher. If the GM/COP does not have the required California POST certifications at the time of hire, they shall be obtained within two years. The GM/COP shall have demonstrated managerial and community involvement experience.

General Manager / Chief of Police



The Kensington Police Protection and Community Services District (KPPCSD) is seeking applicants to serve in the combined position of General Manager/Chief of Police ("GM/COP"). The GM/COP is appointed by and serves under the direction of the KPPCSD Board of Directors. The District is currently examining alternative staffing options that may result in the position being split into two, namely a GM and COP. This is an at-will position.

Duties

- Is on call, 24 hours per day and 7 days per week to respond to police emergencies.
- Appoints, supervises, disciplines and dismisses the District's employees. This is to be consistent with directives established by the Board of Directors.
- Supervises the District's facilities and oversees maintenance of capital assets.
- Prepares the yearly operating budget and supervises the District's finances.
- Maintains all District agreements and contracts.
- Supervises preparation and distribution of all agendas.
- Obtains and prepares District election material. Represents the District (as needed) at state, county and local public meetings.
- Supervises maintenance of a yearly operating calendar.
- Furnishes Board Directors with information needed to conduct District meetings and execute their role in the KPPCSD.
- Maintains excellent relationships with KPPCSD Attorneys and the KFPD General Manager and KFPD Chief.
- Maintains professionalism, diplomacy, sensitivity and tact to communicate with community members, the media, Board and staff.
- Prepares and submits all documents required by law and the Public Records Act, or other information in the public interest, to the public and/or appropriate agencies in the time required.
- Oversees Kensington Park, its development, maintenance and repair of recreation facilities.
- Coordinates with Kensington Community Council, as needed, and negotiates lease or rental agreements for KPPCSD facilities and property.
- Supervises the implementation of the Solid Waste Contract. Responsible for communicating changes in rates and ensuring that the District meets State and local mandates regarding waste reduction and recycling.
- Works with the Board to improve professional relationships, build morale and increase productivity of sworn and non-sworn staff.
- Serves as chief executive officer of the department and final authority in matters of policy, operations and discipline. The COP exercises all lawful powers of the office and issues lawful orders, as are necessary, to assure the effective performance of the office.
- Enforces laws and ordinances that come with the legal jurisdiction of the Kensington Police Department (KPD).
- Plans, directs, controls, coordinates and staffs all activities of the department for its continued and efficient operation.
- Enforces the rules and regulations within the department, setting a standard of excellence.
- Ensures the completion, maintenance and forwarding of reports and records as may be required by competent authority, local, state, and federal law.
- Sets objectives for the KPD, developing and administering procedures, rules and regulations for the successful function of the department.
- Directs departmental training activities.
- Controls personnel files, overseeing that they are secured and updated as mandated.
- Investigates and responds to citizen complaints regarding the actions of officers in a timely manner.

- Manages and resolves complex employee relations issues conducting in-depth, thorough, and objective inquiries into complaints.
- Performs annual performance evaluations of Sergeants.
- Investigates crimes, testifies in court, and prepares reports.
- Patrols the service area of the KPD, as needed.
- Maintains cordial and mutually beneficial relationships with other law enforcement agencies.
- Manages staff resources within the confines of the extant collective bargaining agreement and budget.
- Oversees the execution of grant proposals that provide funds to law enforcement or special districts.
- Keeps abreast of state of the art police standards and maintains them as appropriate throughout the department.

Qualifications

- Be a sworn police officer under section 832 of the Penal Code and have at least a Bachelor's degree from an accredited college or university. A Master's Degree is preferred.
- Have 5-7 years of progressive supervisory command experience in a law enforcement agency and a California POST Supervisory Certificate or higher.
- Have demonstrated managerial and community involvement experience.
- Meet background standards for the assignment.
- Possess or obtain a valid California driver's license and have an acceptable driving record.

Salary and Benefits

- The salary range is between \$130,000 - \$145,000/year, based on experience.
- The District provides a cell phone, uniform allowance, safety equipment reimbursement, life and disability insurance, paid sick and vacation leave.
- The KPPCSD is a member of CalPERS.

How to Apply

- Please send cover letter and resume to Lynn Wolter, District Administrator, via e-mail at lwolter@kensingtoncalifornia.org.
- The position is considered open until filled.