

**Kensington Police Protection and Community Services District
Resolution No. 2016-17 Approving Interim Appointment of Mr. Kevin Kyle to Interim
General Manager/Chief of Police Pursuant to Government Code Section 21221(h)**

The Governing Authority of the Kensington Police Protection and Community Services District
RESOLVES as follows:

SECTION 1. Findings and Declarations

- (a) In compliance with Government Code section 7522.66 and 21221(h) the Board of Directors must approve the appointment of a retired annuitant to fill a vacant position on an interim basis during a recruitment to permanently fill the vacant position.
- (b) The District's General Manager/Chief of Police position became vacant starting October 31, 2016. The District is actively recruiting to fill the General Manager/Chief of Police position. The General Manager/Chief of Police will have full responsibility for the District's police department, parks and recreation programs, and waste management/recycling services. The General Manager/Chief of Police will serve as the chief executive of a nearly \$3 million annual operating budget and will have full supervisory responsibility for approximately 12 employees, including 10 sworn law enforcement staff and 2 part-time civilians, among other part-time contract employees.
- (c) The District formed an Ad Hoc Committee for Governance and Operations Structure on August 11, 2015. Subsequently, the Ad Hoc Committee convened a subcommittee to explore bifurcating the General Manager/Chief of Police position. The Board of Directors is currently exploring whether it is operationally efficient and cost effective to separate the General Manager/Chief of Police position into two distinct functions. Historically, these positions have been consolidated into a single position. The District is required by Government Code section 61050 to have a General Manager, but there is no such requirement for a Chief of Police.
- (d) Kevin Kyle is the former Chief of Police for the City of Santa Clara and served as such for two years. He retired on September 29, 2012 and is able to serve in the position of General Manager/Chief of Police on an interim basis until the District is able to find and hire a qualified candidate to permanently fill the vacancy or vacancies, depending on whether the Board of Directors decides to bifurcate the position.
- (e) Mr. Kyle has the special skills necessary to perform the duties of the General Manger/Chief of Police. Mr. Kyle has been a law enforcement officer since 1982. Over his career he has held various senior management and executive leadership

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positions within the Santa Clara police department, including Assistant Chief of Police and Chief of Police. While serving as Chief of Police in Santa Clara, Mr. Kyle oversaw more than 200 sworn and civilian staff, with an annual operating budget of nearly \$45 million.

- (f) Government Code section 7522.56 and the 180-day waiting period are not applicable where, as here, the retired annuitant filling the General Manager/Chief of Police position on an interim basis is a public safety officer as defined by Government Code section 3301.
- (g) The District placed a position announcement on its website, has posted the open position in local newspapers. The District anticipates filling the position as soon as possible, if the Board approves the proposed contract referenced in Section 2 below.
- (h) CalPERS rules provide that the compensation paid to retired annuitants cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate.
- (i) The maximum base monthly salary for the position of General Manager/Chief of Police is \$12,083.33 and the hourly equivalent is \$69.71, and the minimum base rate for this position is \$10,833.33 and the hourly equivalent is 62.50.

SECTION 2. The entire employment document between Mr. Kyle has been reviewed by this body and is attached to this Resolution as Exhibit A. Mr. Kyle's employment shall be limited to 960 hours per fiscal year. The hourly rate paid to Kevin Kyle shall be \$69.71. Mr. Kyle has not and will not receive any other benefit, incentive, or compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

SECTION 3. THEREFORE, BE IT RESOLVED THAT the Board of Directors for the Kensington Police Protection and Community Services District hereby certifies the nature of the appointment and finds that this single interim appointment of Kevin Kyle is necessary to fill the critically needed position of General Manager/Chief of Police because the law requires the District to have a General Manager and the District requires leadership to prioritize work, respond to community incidents, implement board policies, appoint, supervise, discipline and dismiss employees, and

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supervise the District's facilities, services, and finances. As a small employer with only 12 employees (sworn and non-sworn part-time staff), the District has neither available nor qualified existing staff to fill this role on anything other than an extremely short-term basis.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on Thursday, the 10th of November, 2016, By the following vote to wit:

AYES: 4

Len Welsh
Len Welsh, President

NOES: 0

R Sherris Watt
Rachelle Sherris-Watt, Vice President

ABSENT: 1

Pat Gillette
Pat Gillette, Director

Chuck Toombs
Chuck Toombs, Director

Vanessa Cordova, Director