

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BEFORE THE BOARD OF DIRECTORS OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

Initiative Ordinance

WHEREAS, a set of petitions proposing the adoption of an initiative measure was presented to the District on August 27, 2009; and

WHEREAS, the District's election official has certified that the petition has been signed by a sufficient number of registered voters and in all other respects satisfies the legal requirement for such a measure; and

WHEREAS, under applicable law, the Board of Directors must decide either to adopt the measure in the form presented or call for a special election; and

WHEREAS, the Board of Directors has decided to adopt the measure in the form presented.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Kensington Police Protection and Community Services District as follows:

Section I FINDINGS AND PURPOSE.

The maintenance of an independent police department staffed by peace officers, including a Chief of Police, employed directly by the District is in the best interests of the District and its residents. This ordinance is intended to ensure that no action can be taken to disband or eliminate the District's independent police department, or to subcontract, assign or delegate the District's police protection and law enforcement responsibilities, without prior voter approval.

Section II POLICE PROTECTION AND LAW ENFORCEMENT SERVICES; VOTER APPROVAL.

A. No ordinance by which the District would divest itself of its police protection and law enforcement power shall be adopted by the Board of Directors, and, except as provided in paragraphs B and C of this Section II, no contract or other arrangement between the District and any other agency of government, or non-governmental entity, pursuant to which all or any substantial part of the District's police protection and law enforcement functions would be performed by peace officers employed by the other agency or agencies or entity, shall be executed or become effective for any purpose, unless such ordinance, contract or other arrangement has first been approved by a majority of the votes cast in a duly called and conducted special or general election in which the ordinance, contract or other arrangement is submitted for voter approval.

B. Section II.A. does not apply to contracts or other arrangements for police protection and law enforcement support services such as, but not limited to, communications, information technology, and forensic science services, nor to any contract of employment between the District and any individual peace officer.

C. Section II.A. does not limit the Board's authority in case of emergency to accept temporary assistance from, or provide temporary assistance to, any other police agency pursuant to a contract or other arrangement for such temporary emergency assistance, provided, however, that the financial condition of the District shall not be considered to constitute an emergency.

D. Section II.A. does not limit the District Board's authority to determine appropriate levels of full-time, part-time and reserve staffing for the police department.


PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District at a regular meeting thereof held on the 8th day of October, 2009, by the following vote, to wit:

AYES:



Chuck Toombs, President

NOES: KOSEL




Patricia M. McLaughlin, Vice President

ABSENT:



Bill Wright, Director



Cathie Kosel, Director



John Stein, Director

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly passed and adopted by the Board of Directors of the Kensington Police Protection and Community Services District, at a regular meeting of said Board, held on Thursday, the 8th day of October, 2009.



District Secretary