



KENSINGTON FIRE PROTECTION DISTRICT

DATE: February 21, 2024
TO: Board of Directors
RE: Authorize the General Manager/Interim General Manager to Enter Into Necessary Agreements to Allow Mr. Bakker, Who Intends to Join a New Law Firm in March, to Continue Serving as District Counsel
SUBMITTED BY: Mary A. Morris-Mayorga, General Manager

Recommended Action

Authorize the General Manager/Interim General Manager to enter into necessary agreements to allow Mr. Bakker, who intends to join a new law firm in March, to continue serving as District Counsel.

Background

The District's current legal counsel is provided by John Bakker with Meyer's Nave. Mr. Bakker has notified the District that he intends to join a new law firm in March and would like to continue serving as District Counsel. The District has a long relationship with Mr. Bakker as legal counsel and he along with his associates have a vast knowledge of District history that would be important to retain.

In order to continue serving as District Counsel once Mr. Bakker has joined the new law firm, the District would need to sign related agreements that are expected to be ready in March. *Board Policy 1180 – Legal Counsel and Auditor* does not specify the process required for signing agreements; therefore, these legal agreements would fall under the same requirements as other agreements which allow the General Manager to sign those for which funds are budgeted. Legal fees are included in the budget.

Given the critical role of the District Counsel function, legal counsel wanted to ensure the Board is aware and accepting of the transition prior to proceeding; therefore, it would be prudent to authorize the General Manager or Interim General Manager (depending upon timing) to sign the necessary agreements.

Fiscal Impact

There is no fiscal impact identified at this time as fees are anticipated to remain unchanged.

Attachment: *Board Policy 1180 – Legal Counsel and Auditor*

KENSINGTON FIRE PROTECTION DISTRICT POLICY HANDBOOK

POLICY TITLE: Legal Counsel and Auditor
POLICY NUMBER: 1180

1180.10 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

1180.20 Legal Counsel shall be the legal adviser of the District, including the Board as a whole and the Manager. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. Legal Counsel shall review all legal issues and Closed Session items that come before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

1180.21 The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District Manager for consultation on applicable issues and activities.

1180.30 The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting.

1180.31 The Finance Committee will oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law. The Manager and contract accountant will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.