

**CONSIDERATION OF A RESOLUTION DELEGATING
AUTHORITY TO THE DIRECTOR**

Agenda Item: 7

Meeting Date: 8-14-03

Summary: The attached resolution would delegate to the Director the authority to carry out administrative activities, to appoint and hire staff, to execute certain contracts and agreements, and perform other activities as provided, and permit the Director to delegate some functions to other staff members when appropriate.

Recommended Action: Adopt Resolution 03-08-01.

Staff Recommendation: Staff recommends that the Authority adopt the resolution. Delegating routine, administrative activities to the Director will allow the Authority to concentrate on its broad policy and oversight role, and allow the Director and staff to carry out administrative functions between Authority meetings.

Background

The California Bay-Delta Authority Act provides that the Authority may delegate administrative functions to its staff. The Act also provides for the appointment of a Director by the Governor and authorizes the Director to administer the affairs of the Authority and appoint, hire, and direct staff, as necessary. The Act also requires the Director to prepare an annual State proposed budget for each of the program elements and the Authority's oversight and coordination duties.

Numerous agreements and documents must be executed in order to carry out the Authority's business. Presentation of each and every matter to the Authority requires extensive time and effort on the part of both the Authority members and the staff. The Authority meets infrequently. If matters which arise between meetings must await an Authority meeting for approval, necessary activities may be delayed. The major responsibility of the Authority is to oversee the coordinated implementation of the California Bay-Delta Program. In order to concentrate on its oversight and coordination role, the Authority may delegate the authority to carry out certain functions to the Director, and allow him to subdelegate matters to appropriate staff members.

The proposed delegation authorizes the Director to carry out administrative activities, to execute certain contracts and agreements, to prepare a budget, and perform other activities, as enumerated.

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It specifies limits to the dollar amount and duration of contracts, interagency agreements, and amendments that the Director may execute under the proposed delegation. These limits are the same as those applicable to the delegation of contracting authority granted by the State Water Resources Control Board to its Executive Director.

Fiscal Information

Not applicable

List of Attachments

None

Contact

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CALIFORNIA BAY-DELTA AUTHORITY
RESOLUTION NO. 03-08-01

CONSIDERATION OF A RESOLUTION DELEGATING AUTHORITY TO THE DIRECTOR

WHEREAS, the primary responsibility of the California Bay-Delta Authority (“Authority”) is to oversee the coordinated implementation of the California Bay-Delta Program, to develop policies and to make decisions at program milestones; and

WHEREAS, in order to carry out the responsibilities, commitment, and administration of the Authority, numerous routine agreements and documents must be executed, and other administrative actions taken, for and on behalf of the Authority; and

WHEREAS, the time for presentation to, and action by, the Authority for each and every such matter is extensive for both the Authority and staff, and often delays the Authority’s receipt of essential goods and services, and detracts from the orderly and efficient day-to-day administration of the Authority; and

WHEREAS, the Authority desires to focus its energies and efforts on the responsibilities with which it alone has been charged by the Governor and the Legislature, namely exercising oversight and coordination of the California Bay-Delta Program; and

WHEREAS, the California Bay-Delta Authority Act authorizes the Authority is authorized to delegate administrative matters to the staff of the Authority; and

WHEREAS, the Act provides that the Governor, in consultation with the Secretary of the Interior, shall appoint a Director who shall serve at the pleasure of the Authority; and

WHEREAS, the Act authorizes the Director to administer the affairs of the Authority and to appoint, hire, and direct staff as necessary to administer the affairs of the Authority, and to organize Authority staff in a manner best suited to administer the affairs of the Authority; and

WHEREAS, for the orderly and efficient administration of the Authority, it is therefore desirable to delegate authority to the Director to execute certain routine agreements and documents and take certain actions as specified herein;

NOW, THEREFORE, BE IT RESOLVED that the Director is hereby delegated the authority in administering the affairs of the Authority, to do the following:

1. Undertake administrative actions including, but not limited to, noticing Authority meetings, managing the staff, meeting with other agency officials and stakeholders, applying for

Authority credit cards for necessary, operational expenses, and implementing the Authority's policies and regulations.

2. Subject to compliance with State contracting law, to award and execute contracts, grants, interagency agreements and purchase orders with public or private entities and individuals that individually amount to no more than \$500,000, and have an initial term of no greater than three years; to execute change orders or amendments thereto, that do not have the effect of increasing the total value to more than \$500,000 or extending the term by an additional three-year period; and to perform all acts and to do all things necessary and convenient to implement such contracts, grants, interagency agreements, and purchase orders.
3. Award and execute task orders and work assignments for all previously approved contracts and interagency agreements.
4. Award and execute amendments to previously approved contracts, grants, and interagency agreements, including changes in term, funding and minor changes in scope, and to execute or accept assignments of existing contracts, grants, or interagency agreements and to perform all acts and to do all things necessary and convenient to implement such amendments or assignments. This authority is limited to those amendments that do not have the effect of making any interagency agreement, contract or grant, as amended, involve more than \$500,000 or of extending the term more than an additional three-year period.
5. Initiate rulemaking proceedings by developing regulatory language, drafting and releasing notices and other activities undertaken in compliance with the procedural requirements of the California Administrative Procedure Act for submission of rulemaking files to the Office of Administrative Law, subject to adoption of any such rules by the Authority.
6. Prepare, sign, and file all notices, certifications, and environmental documents prepared pursuant to the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), with the State Clearinghouse and other agencies, as appropriate, at the direction of the Authority as necessary. Such actions shall be exercised in conformity with regulations of the Secretary of the Resources Agency.
7. Respond to Public Record Act requests.
8. Reimburse Bay-Delta Public Advisory Committee members for necessary travel expenses incurred by the members in the performance of their duties.
9. Further delegate the powers and duties specified above, in writing, as the Director deems appropriate.

IT IS FURTHER RESOLVED THAT in exercising the authority herein delegated, the Director is directed, without restricting the authority specified, to bring the following matters to the attention of the members of the Authority at a meeting or by other appropriate communication:

- a. Matters of a unique or unusual nature;
- b. Matters that appear to depart from the policies of the Authority;
- c. Matters involving significant policy questions;
- d. Highly controversial matters;
- e. Matters that involve a substantial risk of litigation;
- f. Any matter that a member of the Authority requests to be brought to the attention of the Authority; and
- g. Any matter that, in the judgment of the Director, should be brought to the attention of the Authority.

IT IS FURTHER RESOLVED that this delegation of authority, approved by the Authority, upon signature by the Assistant to the Authority, is effective as of July 1, 2003, and shall remain in full force and effect until modified or revoked by the Authority.

CERTIFICATION

The Assistant to the Authority of the California Bay-Delta Authority does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Authority held on August 14, 2003.

Dated:

Heidi Rooks
Assistant to the California Bay-Delta Authority