

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 90-14

- (1) AUTHORIZES THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR, OR THE CHIEF OF THE DIVISION OF ADMINISTRATIVE SERVICES TO EXECUTE CONTRACTS AND AMENDMENTS WITH MUNICIPALITIES AND OTHER PUBLIC AGENCIES PURSUANT TO THE CLEAN WATER BOND LAWS OF 1970, 1974, 1978, AND 1984; THE CLEAN WATER AND WATER CONSERVATION BOND LAW OF 1978; THE WATER CONSERVATION AND WATER QUALITY BOND LAW OF 1986; THE CLEAN WATER AND WATER QUALITY BOND LAW OF 1988; AND THE FEDERAL CLEAN LAKES PROGRAM.
- (2) DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR TO EXECUTE CERTAIN AGREEMENTS AND DOCUMENTS AND RESOLVE CERTAIN CONTRACTUAL DISPUTES FOR AND ON BEHALF OF THE STATE BOARD AND/OR REGIONAL BOARDS
- (3) RESCINDS STATE BOARD RESOLUTION NOS. 76-10, 77-102, 79-12, 79-16, 80-81-99, 83-89, AND 86-15

WHEREAS:

1. The State Board wishes to delegate authority to execute contracts pursuant to the Clean Water Bond Laws of 1970, 1974, 1978, and 1984, the Clean Water and Water Conservation Bond Law of 1978, the Water Conservation and Water Quality Bond Law of 1986 and the Clean Water and Water Quality Bond Law of 1988;
2. That the State Board wishes to delegate authority to execute contracts with municipalities and other public agencies for funds available through federal Clean Lakes Program grants;
3. Many routine interagency agreements and contracts must be executed for and on behalf of the State Water Resources Control Board (State Board) and the nine Regional Water Quality Control Boards (Regional Boards);
4. For the orderly and efficient administration of such contracts, it may be proper and desirable to designate appropriate staff to make a final agency determination concerning any dispute arising out of such contracts or relating to the performance thereof.
5. All funding for the Nondesignated Area 208 Workplan Program has been expended and the Board does not anticipate additional funding.
6. All funding for the and Energy and Resources Fund Programs has been expended and the Board does not anticipate additional funding.

THEREFORE BE IT RESOLVED:

1. That the State Board hereby authorizes the Executive Director, the Chief Deputy Director, or the Chief of the Division of Administrative Services, to execute, for and on behalf of the State Board, contracts and amendments thereto with municipalities and other public agencies for loans and grants under WHEREAS Number 1 and to perform all acts and to do all things necessary and convenient to implement such contracts.
2. That the State Board hereby authorizes the Executive Director, the Chief Deputy Director, or the Chief of the Division of Administrative Services to execute, for and on behalf of the State Board, contracts and amendments thereto with municipalities and other public agencies for the expenditure of funds granted to the State pursuant to the federal Clean Lakes Program.
3. That the State Board hereby authorizes the Executive Director to execute for, and on behalf of, the Board and/or Regional Boards interagency agreements and contracts which individually involve not more than \$200,000 or three years duration, and to execute amendments to those interagency agreements or contracts provided that the amendments do not have the effect of making any interagency agreement or contract, as amended, involve more than \$200,000 or three years duration.
4. That the State Board hereby authorizes the Executive Director to execute, for and on behalf of the Board and/or Regional Boards, amendments to interagency agreements and contracts originally authorized by special resolution of the State Board, which in the aggregate will: (a) not exceed twenty-five (25) percent of the original monetary amount or exceed \$200,000, whichever is less; (b) not involve any substantial change in the work; or, (c) not extend the contract duration for a period greater than one (1) year so long as no cost to the state will be incurred as a result of such extension and such extension does not appear to depart from any State Board policy and would not unduly impede other activities of the State Board.
5. That the State Board hereby authorizes the Executive Director to execute, for and on behalf of the State Board and/or Regional Boards, Budget Act certifications regarding electronic data processing expenditures.
6. Notwithstanding the foregoing, all contracts with State officers or employees or appointed State officials, or with former State officers or employees or appointed State officials shall comply with the provisions of Public Contract Code Section 10410, et seq., and, except for any contract requiring a person's services as an expert witness in a civil case, shall require approval of the State Board.
7. That the Executive Director is directed in exercising the authority vested in him by this resolution, without restricting the authority specified, to bring any matters to the attention of the Board which are of a unique or unusual nature or which appear to depart from the policies of the Board. Any matter shall be brought before the Board upon request of any Board Member.

8. That, except as otherwise specifically provided by the State Board, the duly authorized representative of the State Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts, including, but not limited to, contracts administered by the Divisions of Water Quality, Water Rights, Loans, Tanks and Land Disposal, Administrative Services, Office of the Chief Counsel, Office of Legislative and Public Affairs, or any California Regional Water Quality Control Board, shall be the Executive Director or his designee.
9. That the authorization herein contained does not include authorization to make final determination of disputes related to discretionary actions or decisions of the Division of Loans, Tanks and Land Disposal in connection with construction related Clean Water Grant Contracts which are subject to review by the State Board, nor shall this authorization be construed to eliminate the necessity of required approval or concurrence of any other state agency.


That the Executive Director may redelegate to the Chief Deputy Director and/or to the Division Chief/Assistant Division Chief having authority over administration and the authorities delegated herein.

That this authorization shall remain in full force and effect until modified or revoked by this Board.

That State Board Resolution Nos. 76-10, 77-102, 79-12, 79-16, 80-88, 81-99, 83-89, and 86-15 are hereby rescinded.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, 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 State Water Resources Control Board held on February 15, 1990.


Maureen Marché
Administrative Assistant to the Board