

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION - DIVISION OF ADMINISTRATIVE SERVICES  
APRIL 21, 2015**

**ITEM 2**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION TO DELEGATE AUTHORITY TO THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR, OR THE DEPUTY DIRECTOR OF THE DIVISION OF ADMINISTRATIVE SERVICES TO EXECUTE CERTAIN CONTRACTS AND AMENDMENTS

**DISCUSSION**

The Division of Administrative Services administers routine service contracts with both public and private entities in support of State Water Resources Control Board (SWRCB) and Regional Board activities. The contracts are for non-controversial activities and involve the transaction of routine State business and do not involve significant policy decisions.

In 2002, the SWRCB delegated authority to the SWRCB Executive Staff for non-controversial contract approvals and amendments to no more than \$500,000.00 in monetary value and no more than three years in duration (SWRCB [Resolution No. 2002-0105](#)).

As costs of doing business have increased since 2002, the dollar value of contracts and amendments have also increased. To aid staff in fulfilling the mission of the SWRCB as efficiently as possible, an increase to the dollar threshold delegated is needed.

This agenda item requests the SWRCB approve a resolution granting authority to the SWRCB Executive Staff to approve contracts and amendments up to \$750,000.00 from the currently approved level of \$500,000.00. This increased authority will assist the Division of Administrative Services in streamlining contract and amendment processing by eliminating additional approval requirements from an already lengthy process.

The 2002 resolution also: (1) Directed the Executive Staff to require contracts involving state officers or employees who would not be acting as an expert witness in a civil case to be considered by the SWRCB at a Board meeting. This resolution maintains SWRCB oversight over these contracts. And, (2) Designated the Executive Director (or designee) to make final determinations of any disputes arising under SWRCB contracts. This resolution maintains that expectation.

In the 2002 resolution, the Deputy Director of the Division of Administrative Services was granted authority to redelgate that position's responsibilities under that resolution to the Assistant Division Chief, as appropriate. This resolution would allow redelegation of contract and amendment approval to Division of Administrative Services management, when appropriate, in order to improve contracting efficiency.

This resolution does not impact existing delegated authority to the Deputy Director of the Division of Financial Assistance for that Division's loans and grants programs.

**POLICY ISSUE**

Should the State Water Board approve a resolution to rescind SWRCB Resolution 2002-0105, and increase the delegated contracting authority for non-controversial contracting activities up to \$750,000.00 and three years in duration to the SWRCB Administrative Executive Staff?

**FISCAL IMPACT**

No fiscal impact.

**REGIONAL BOARD IMPACT**

None.

**STAFF RECOMMENDATION**

Staff recommends approval of this item as it will assist the Water Boards in reaching Goal 7 of the Strategic Plan Update: 2008-2012 to ensure that the Water Boards have access to information and expertise, including employees with appropriate knowledge and skills, needed to effectively and efficiently carry out the Water Boards' mission.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR, OR THE DEPUTY DIRECTOR OF THE DIVISION OF ADMINISTRATIVE SERVICES TO EXECUTE CERTAIN CONTRACTS AND AMENDMENTS

### WHEREAS:

1. The Division of Administrative Services administers routine service contracts and interagency agreements with both public and private entities in support of the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs). The contracts are for non-controversial activities, involve the transaction of routine State business, and do not involve significant policy decisions that would require the consideration of the SWRCB during publicly held Board meetings.
2. In [Resolution No. 2002-0105](#), the SWRCB delegated authority for such non-controversial contract approvals to SWRCB Executive Staff. This resolution limited such authority to execute contracts and amendments to contracts and amendments of no more than \$500,000.00 in value and no more than three years in length.
3. The SWRCB is seeking to streamline contract and amendment processing. Increasing the delegated authority amount for SWRCB Executive staff to approve contracts and amendments of up to \$750,000.00 from the currently approved level of \$500,000.00 will assist Executive Staff and the Division of Administrative Services in streamlining contracting processing.
4. The Division of Administrative Services ensures that the SWRCB conducts its contracting activities in compliance with State contracting laws, regulations, policies and procedures.

### THEREFORE BE IT RESOLVED THAT:

1. The State Water Board hereby authorizes the Executive Director, Chief Deputy Director, or the Deputy Director of the Division of Administrative Services to execute, for and on behalf of the SWRCB and RWQCBs, contracts, interagency agreements and amendments described herein and to perform all acts and to do all things necessary and convenient to implement such contracts, interagency agreements and amendments. This delegation shall be limited to the following actions:
  - 1.1. Execution for and on behalf of the SWRCB and RWQCBs contracts with public and private entities that do not involve loans or grants under the delegated authority of the Division of Financial Assistance, Deputy Director approved under [Resolutions Nos. 2003-0042](#), [2014-0013](#), [2014-0014](#), or [2014-0027](#), and that the contract or amendment individually involve no more than \$750,000.00 or three years in duration.
  - 1.2. Execution for and on behalf of the SWRCB and RWQCBs contract amendments with public and private entities that do not involve loans or grants under the delegated authority of the Division of Financial Assistance, Deputy Director approved under Resolutions 2003-0042, 2014-0013, 2014-0014, or 2014-0027. This authority is limited

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to those amendments that do not have the effect of making any contract, as amended, involve more than \$750,000.00 or three years in duration, unless: no cost to the state will be incurred as a result of a longer extension, such extension does not conflict with SWRCB policy, and would not unduly impede other activities of the SWRCB.

2. 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 SWRCB at a public Board Meeting.
3. Except as otherwise specifically provided by the SWRCB, the Executive Director, or the Executive Director's designee shall be the duly authorized representative of the SWRCB for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts to which the SWRCB is a party.
4. The Deputy Director of the Division of Administrative Services may redelgate his/her responsibilities herein as appropriate to managerial staff within the Division of Administrative Services.
5. This resolution will supersede Resolution 2002-0105; and
6. That this authorization shall remain in full force and effect until modified or revoked by the SWRCB.

## CERTIFICATION

The undersigned Clerk 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 April 21, 2015.

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Jeanine Townsend  
Clerk to the Board