

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION 2002 - 0105

[1]

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR,  
THE CHIEF DEPUTY DIRECTOR, OR THE  
CHIEF OF THE DIVISION OF CLEAN WATER PROGRAMS  
OF THE STATE WATER RESOURCES CONTROL BOARD (SWRCB OR BOARD)  
TO MAKE CERTAIN PRELIMINARY  
LOAN AND GRANT COMMITMENTS

[2]

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR,  
THE CHIEF DEPUTY DIRECTOR, OR THE  
CHIEF OF THE DIVISION OF ADMINISTRATIVE SERVICES TO

- (a) EXECUTE CERTAIN LOAN AND GRANT CONTRACTS AND AMENDMENTS
- (b) EXECUTE CERTAIN INTERAGENCY AGREEMENTS AND CONTRACTS,  
AND CERTAIN AMENDMENTS

[3]

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR TO RESOLVE  
CERTAIN CONTRACTUAL DISPUTES

[4]

RESCINDS SWRCB RESOLUTION 90-14

WHEREAS:

1. The SWRCB wishes to delegate authority to execute loan and grant contracts and amendments 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, the federal Clean Lakes Program; the Safe Clean Reliable Water Supply Act of 1996; and the Costa-Machado Water Act of 2000 (collectively referred to as Bond Acts).
2. The SWRCB has adopted policies that govern the internal management of the following loan and grant programs funded through the Bond Acts: the State Revolving Fund, the Small Communities Grants Program, the Water Recycling Program, and the Seawater Intrusion Control Program. In addition, the State Revolving Fund program operates pursuant to an Operating Agreement with the federal Environmental Protection Agency. Many loan and grant approvals scheduled for consideration at Board meetings are routine and are noticed as noncontroversial. For the orderly and efficient management of such programs, it is appropriate and desirable to delegate to the Chief of the Division of Clean Water Programs the authority to approve and issue preliminary commitments for routine loans and grants that are consistent with the adopted policies and any applicable agreements with federal agencies, that do not exceed the funds available, and that do not raise significant issues requiring consideration at a Board meeting. It is likewise appropriate and desirable to delegate the authority to execute contracts for such loan

and grant contracts to the Executive Director, the Chief Deputy Director, and the Chief of the Division of Administrative Services.

3. Many routine interagency agreements and contracts with public and private entities not involving loans or grants must be executed for and on behalf of the SWRCB and the nine RWQCBs. These noncontroversial contracts involve the transaction of routine agency business and do not involve significant policy concerns meriting the consideration at a Board meeting. The SWRCB has developed procedures and policies in accordance with the State Contracting Manual in order to govern the administration of these contracts.
4. For the orderly and efficient administration of such contracts, it is 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.

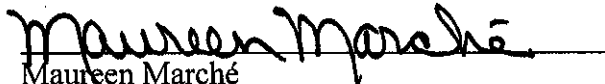
THEREFORE BE IT RESOLVED:

1. That the SWRCB hereby authorizes the Executive Director, the Chief Deputy Director, or the Chief of the Division of Clean Water Programs to make preliminary loan and grant commitments for loans and grants under Whereases Nos. 1 and 2 for routine, noncontroversial projects that are (1) consistent with those policies, regulations, and agreements that the SWRCB has adopted or will adopt governing the internal management of those loan and grant projects managed by the Division of Clean Water Programs, and (2) on a priority funding list adopted by the SWRCB.
2. That the SWRCB 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 SWRCB, contracts and amendments described herein and to perform all acts and to do all things necessary and convenient to implement such contracts. This delegation shall be limited to the following actions:
  - 2.1 Approval of the execution of contracts and amendments with municipalities and other eligible applicants for loans and grants under Whereas Nos. 1 and 2 if (1) the SWRCB has approved a preliminary loan or grant commitment at a Board meeting, or (2) a preliminary loan or grant commitment has been approved pursuant to Therefore No. 1.
  - 2.2 Execution for and on behalf of the SWRCB and/or RWQCBs interagency agreements and contracts with public and private entities that do not involve the loans or grants programs specified in Whereas Nos. 1 and 2 and that individually involve no more than \$500,000 or three years duration.
  - 2.3 Execution of amendments to interagency agreements or contracts authorized by this resolution or by special resolution of the SWRCB that do not involve the loans or grants programs specified in Whereas Nos. 1 and 2. This authority is limited to those amendments that do not have the effect of making any interagency agreement or contract, as amended, involve more than \$500,000 or three years duration unless no cost to the state will be incurred as a result of a longer extension and such extension does not appear to depart from any SWRCB policy and would not unduly impede other activities of the SWRCB.

3. 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 Board meeting.
4. That the Executive Director, Chief Deputy Director, the Chief of the Division of Administrative Services, and the Chief of the Division of Clean Water Programs are directed in exercising the authority vested in them by this resolution, without restricting the authority specified, to bring to the attention of the Board Members at workshop or by other appropriate communication any matters that are of a unique, controversial, or unusual nature or that appear to depart from the policies of the SWRCB.
5. That 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.
6. That this authorization shall not be construed to eliminate the necessity of required approval or concurrence of any other state agency.
7. That the Chiefs of the Division of Administrative Services and the Division of Clean Water Programs may redelegate their responsibilities herein to an Assistant Division Chief authorized to act in the Division Chief's absence.
8. That this authorization shall remain in full force and effect until modified or revoked by the SWRCB.
9. That SWRCB Resolution 90-14 is revoked.

#### 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 May 16, 2002.

  
Maureen Marché  
Clerk to the Board