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Initiating Dept./Div.: Board of Directors/
Secretary of the District



BOARD POLICY

DELEGATION OF AUTHORITY TO GENERAL MANAGER

PURPOSE

The proper functioning of the Central Contra Costa Sanitary District (“Central San”) requires that the General Manager and his or her staff have adequate authority to carry out both the routine and reoccurring functions as well as the emergency functions of the District. With the exception of the Board’s delegation of authority and limitations on staff authority through the approval and adoption of the Budget as well as Board Policy No. BP 036 – *Informal Bidding*, this policy consolidates and clarifies the Board’s delegation of authority to the General Manager and his or her designee and helps to ensure the efficient operation of the District.

POLICY

The General Manager and his or her designee shall have the authority to carry out the functions of the District as follows:

1. General Authorization

The General Manager is authorized to execute all deeds, contracts, warrants, releases, receipts and similar documents for and on behalf of the District in accordance with California Health and Safety Code §6487, including all documents prepared and circulated as part of the public competitive bidding process. Nothing in this Section 1 is intended to alter or eliminate any other statutory or District Code procedural requirements which may exist.

2. Emergency Powers

Pursuant to California Public Contract Code (PCC) §22050(b)(1), the Board has delegated to the General Manager via Resolution No. 2020-002 the authority to order any emergency action pursuant to PCC §22050(a)(1) as follows:

- a. *Immediate Action in Emergencies*. The General Manager has the power to take any directly-related and immediate action required by an

emergency, as defined in PCC §1102, and to procure the necessary equipment, services, and supplies for those purposes, when the anticipated expenditures may exceed the lower limit of the threshold requiring bidding for a project under the amount specified by PCC §22032(a) (currently \$60,000), without giving notice for bids to let contracts.

- b. *Reporting to the Board.* In the event of an emergency, as defined, the General Manager shall report to the Board not later than 7 days after the action, or at its regularly scheduled meeting if that meeting will not occur later than 14 days after the action, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.
- c. *Regular Review Required.* In the event of an emergency, as defined, the Board shall initially review the emergency action as set forth in paragraph b. above, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the emergency action, unless the General Manager has terminated that action prior to the Board's review of that action.
- d. *Termination of Emergency.* Upon its review of the emergency action, the Board shall terminate that action at the earliest possible date that conditions warrant so that the remainder of the emergency action necessitated by the emergency may be completed by giving notice for bids to let contracts.

3. **Emergency Operations Plan**

- a. *Director of Emergency Services.* The General Manager is delegated the authority to appoint a Director of Emergency Services and has the authority set forth in Resolution No. 2020-003, or as set forth in the District's most recently adopted Emergency Operations Plan resolution or as amended by state law.
- b. *Proclamation of Local Emergency.* Under emergency conditions in which immediate action must be taken to protect lives and property, respond to emergencies, and to restore essential services for the public health and safety, the Director of Emergency Services may activate the District's Emergency Operations Plan and proclaim a local emergency.
- c. *Managing Emergency Operations.* Upon proclamation of a local emergency, the Director of Emergency Services will direct and manage all emergency operations and make decisions to allocate resources and expend funds as necessary to meet the needs of the emergency.

- d. *Ratification of Proclamation of Local Emergency.* The Board shall meet within seven (7) days of proclamation of the local emergency to ratify the proclamation by resolution and authorize continued emergency operations and recovery actions.
- e. *Duration of Proclamation.* The proclamation of local emergency shall remain in effect for fourteen (14) days from the date of ratification, unless terminated or extended by the Board.
- f. *Modifications to Emergency Operations Plan.* The Director of Emergency Services shall be authorized to make modifications to the Emergency Operations Plan and modify practices and procedures to maintain compliance with the California Emergency Services Act (CESA).

4. Use of Small Claims Court

The General Manager is authorized to pursue civil remedies against persons or entities in California Small Claims Court, including seeking judgments and any other remedies available within its jurisdiction.

5. Claims Handling

- a. *Rejection of Claims.* The General Manager is authorized to act on behalf of the Board pursuant to Government Code §§910, et seq. to reject, return as insufficient, or return as untimely any claims against it, and to provide any notices authorized under those statutes on behalf of the District.
- b. *Settlement/Payment of Claims.* Pursuant to Government Code §935.4 and Resolution No. 2020-004, the Board delegates the authority to the General Manager to allow, compromise or settle claims against the District not exceeding \$50,000, and to authorize payment of any such claims up to the stated limit. The term “claims” excludes District expenses, including emergency response costs, incurred as part of the claims adjusting process.
- c. *Reporting of Settlements.* All settlements greater than \$25,000 up to \$50,000 will be reported promptly to the Board as informational items at a publicly noticed Board meeting.

6. Easement Acquisitions, Leasing, and other Real Property

- a. *Acquisition of Easements.* The General Manager is authorized to negotiate for grants of easements or offers of dedication and, where required, purchase easements and offers of dedication in favor of the District. This delegation is limited to easement acquisitions or exchanges in amounts up to \$200,000 each when easement acquisitions are included in project budgets. Easement acquisitions or exchanges valued in excess of

\$200,000 require separate Board action. The General Manager shall also be authorized to prepare the documentation as may be required for recording the property rights with the County Recorder's Office, and to take other such action as may be required to implement the acquisition of said easements and offers of dedication. The General Manager will provide periodic reports to the Board on such purchases and expenditures.

- b. Easement Acceptances. Pursuant to Resolution No. 2023-002, the General Manager is authorized to accept, execute, and record with the County Recorder's Office easement acceptances as defined by District Code 7.02.

However, the Board has retained the sole power to accept, execute and authorize the recording of easement acceptances related to condemnation proceedings or where the District is obligated to pay for an easement.

- c. Rights of Entry, Encroachment Permits, Licenses, etc. The General Manager is authorized to purchase or otherwise obtain rights of entry and approve restoration agreements, encroachment permits, licenses, real property agreements, and similar documents affecting access to or use of real property deemed necessary or prudent for the carrying out of the District's activities. If recording of any such documents is required to create permanent rights and legal notice with regard to such real property matters, such documents will require Board approval for formal acceptance and authorization to record.

The General Manager is authorized to grant rights of entry and approve restoration agreements, encroachment permits, licenses, real property agreements, and similar documents affecting access to or use of the District's real property if such grant does not unreasonably restrict or impair the carrying out of Central San activities.

- d. Real Property Agreements. Pursuant to Resolution No. 2021-008, the General Manager is authorized to approve, execute, and record with the County Recorder's Office real property agreements intended to address any existing and/or proposed Class One encroachments as well as existing known and unknown Class Two encroachments as defined by District Code 7.15.010.

However, the Board has retained the sole power to approve, execute and authorize the recording of any real property agreements related to new Class Two encroachments, as defined by District Code 7.15.010. Any such proposed new Class Two encroachments shall continue to be presented to the Board for consideration.

- e. Funding. The General Manager is authorized to fund the purchase of easements, offers of dedication and similar real property-related rights, provided adequate funding is included in the District's Board-approved Capital Improvement Budget.
- f. Lease Agreements. The General Manager, in accordance with the provisions of Chapter 7.08 of the District Code, is authorized to execute agreements relating to the leasing out of Central San property which has been declared by the Board after a public hearing as not needed for the District's operations for the period covered by the lease term.

7. Joint Powers Agreements

- a. Board-approved Construction Projects. The General Manager is authorized to execute Joint Powers Agreements and similar cooperative agreements with cities, counties, special districts and other government entities relating to Board-approved construction projects, such as paving or landscaping, where the funds exchanged in the agreement do not exceed \$200,000.
- b. Other Construction Activities. The General Manager, or his or her designee, is authorized to execute Joint Powers Agreements under Board-approved projects designated to exchange funds related to construction activities, such as raising manhole covers, where the funds exchanged in the agreement do not exceed \$200,000.

8. Contracts for District Projects Not Exceeding the General Manager Public Works Delegation Limit

Pursuant to PCC §22034 (c), the General Manager's Public Works Delegation Limit is \$200,000 or the amount of the informal bid limit as established periodically by the State of California through Statute (PCC §22032(b)) related to the Uniform Public Construction Cost Accounting Act (UPCCAA).

The General Manager is authorized to take such actions as are statutorily provided to the Awarding Body for contracts for District Projects of not more than the General Manager's Public Works Delegation Limit provided legally appropriate bidding or procurement procedures have been undertaken.

See Exhibit A.

9. Professional Consulting, Technical Consulting and Professional Engineering Services Agreements

- a. New Agreement Authorization Limit. The General Manager is authorized to approve and execute services agreements for Professional Consulting, Technical Consulting and Professional Engineering that do not exceed \$200,000 in total cost.
- b. Agreement Amendments. The General Manager is authorized to amend services agreements for Professional Consulting, Technical Consulting and Professional Engineering as follows:
 - 1) Current Agreement - Any Amount. Amendments can be executed up to \$200,000 individually or in the aggregate without Board approval.
 - 2) Amendments Causing Agreement Total to Exceed \$200,000. Board approval is required to amend any agreement originally signed by the General Manager under this delegation of authority if the initial agreement and amendment(s) combined exceed \$200,000.

The above limits are cumulative.

- c. Reporting Requirement. Any professional consulting agreements entered into by the General Manager between \$50,000 and \$200,000 will be periodically included in an informational announcement to the Board.

See Exhibit A.

10. District Projects and Capital Improvement Program

- a. Capital Improvement Program Authorization Limits. The General Manager is authorized to expend funds available within the Capital Improvement Budget as set forth and limited by the amounts and other limitations set forth in Exhibit A.
- b. Change Orders. The General Manager is authorized to approve change orders (cumulatively) up to the construction contract contingency budget determined at time of award on all District Projects, limited by the authorizations defined in Exhibit A. As a guideline, typically the contract contingency shall not exceed 10 percent of the award amount. The percentage may be adjusted to a lower figure for larger projects or may be increased on projects where special circumstances are present. Such lower or higher contingency amount will be considered by the Board on a case-by-case basis.

- c. *Increase to Contract Contingency.* Board authorization is required to increase the contract contingency budget amount on contracts awarded by the Board after time of award.

See Exhibit A.

11. Contracts for Goods and Services

- a. *Limited by Annual Operating Budget.* The General Manager is authorized to award and enter into contracts and purchase orders for goods and services that are not “professional services” or “public works contracts,” such as routine repairs/maintenance services, equipment/vehicles, chemicals/fuel and other supplies so long as overall spending does not exceed the Board’s annual adopted operating budget, provided purchasing policy and procedures are adhered to.

12. Procurement Cards

The General Manager is authorized on behalf of the District to enter into credit card agreements and administer the credit card program on behalf of Central San.

13. Personnel Actions Otherwise Reserved to Board pursuant to District Code Chapter 4

Subject to the Board’s reservation of authority pursuant to Chapter 4 of the District Code, the General Manager is authorized to take the following personnel actions:

- a. *Adds/Cancels.* The addition or deletion of any permanent positions approved in the annual budget. (See Section 4.04.020 of the District Code.) These deletions and additions may not exceed the number of authorized positions and result in an increase in the District’s annual budgeted labor costs.
- b. *Classifications.* The establishment of new classifications and assignment of pay grade within the existing salary schedule, as well as any amendments to or the abolition of classification descriptions. These actions may not result in an increase of the District’s annual budgeted labor costs. (See Sections 4.12.010 and 4.12.040 of the District Code).
- c. *Manager Appointments.* The appointment of management-level positions (See Section 4.16.070(b) of the District Code.)

14. Other Personnel Actions

The General Manager is authorized to take the following actions without Board approval:

- a. Transitional Positions: Authorize up to five (5) General Manager “transitional positions” at any given time for up to 24 months to backfill positions vacated due to an extended leave of absence or as necessary to properly address succession planning. General Manager “transitional positions” are positions not necessarily authorized in the annual budget. The cost associated with these appointments cannot result in an increase in the District’s annual budget.
- b. Appointments/Disciplinary Actions. Make appointments and promotions, take disciplinary actions and take such other actions as required for the proper operation of the District, provided such actions are consistent with the then current Central San personnel rules and procedures, Memoranda of Understanding (MOU) and Board Policies.
- c. Employee Recognition. Grant administrative leave for employee recognition purposes, such as for safety awards or similar special recognitions for undertaking the District responsibilities outside of the employee’s existing job function. The granting of such leave will be evaluated by the General Manager on a case-by-case basis.
- d. Other Actions. Take any other actions as set forth in the Board approved MOUs with the District’s bargaining units.

15. Records Management Program

- a. Records Retention Schedules. Pursuant to Resolution No. 2019-051, the General Manager is authorized, in conjunction with District Counsel, to approve all revisions to the District’s Records Retention Schedules involving the following: changes in state law, changes in record keeping practices or operational needs, lengthening of retention periods, and changes determined by District Counsel to be of a ministerial nature. Board approval is required by resolution for changes to the Records Retention Schedules involving the following: shortening of retention periods, and changes determined by District Counsel to be substantive.

16. Approval vs. Signature

Consistent with objectives outlined in BP 040, the District strives to optimize electronic signature technology to improve the efficiency of business operations where feasible. While express Board authorization is required for all transactions exceeding the General Manager’s delegated authority outlined in this policy, the General Manager, or delegate appointee, is authorized to sign/execute all

documents necessary to effectuate a business matter once Board approval is obtained. This may be achieved via wet or digital signature as necessary.

The District's enterprise resource planning (ERP) system, the system of record for accounting and procurement transactions, leverages digital approvals and workflows for contract, purchase order, invoice, timecard, and other business transactions. For purposes of compliance with this policy regarding supplier agreements, contracts and purchase orders, the General Manager's digital approval within the ERP shall be equivalent to approval via a wet signature or digital signature.

The General Manager may establish, implement, and enforce administrative procedures to support this policy. Such administrative procedures may involve further delegation of authority to staff within the General Manager's Board authorized authorization limits.

[Original retained by the Secretary of the District]

EXHIBIT A
Capital Improvement Program Authorization Limits

Action		General Manager	Board
Approve Capital Improvement Plan and Budget (CIP/CIB)		None	No limit
Transfer funds to individual project budgets		\$500,000 or less ¹	Greater than \$500,000
Enter into Agreements	Professional Consulting Services	\$200,000 or less	Greater than \$200,000
	Technical Consulting Services		
	Professional Engineering Services		
Amend Agreements			
	Amend Agreements	\$200,000 or less ²	Greater than \$200,000
Transfer funds from CIB contingency account to projects <u>not</u> included in the CIB		\$200,000* or less per project ²	Greater than \$200,000*
Authorize purchase of individual equipment and vehicle items		Not to exceed the limit of the respective project budgets	No limit
Authorize supplemental funds to program budgets and contingency account		None	No limit
Award construction contracts ³		\$200,000* or less	Greater than \$200,000*
Authorize Construction Change Orders	Additive	\$200,000* or less	Greater than \$200,000*
	Deductive	No limit; if greater than \$200,000, informational announcement to Board	Not applicable
Authorize subcontractor substitutions		All substitutions unless protested by subcontractor	Substitutions protested by subcontractor
Accept construction projects		All projects	Informational announcement to Board
Close out projects		All projects	Memo provided to Board at fiscal year end
Acquire easements		\$200,000 or less	Greater than \$200,000

¹ Limited by the remaining balances of the applicable program and contingency account.

Limited by the remaining balance of the applicable contingency account.

Bid protests and rejection of all bids must go to Board with the exception of those under \$200,000 and which fall under the provisions of the Uniform Public Construction Cost Accounting Act (UPCCAA) (California Public Contract Code §§22042 and 22042.5).

* These limits shall be raised concurrently with changes to the UPCCAA (California Public Contract Code §22032(a), representing the threshold above which formal bidding is required.