

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
16	06/23/14	Open	Information	06/03/14

Subject: Adopting Article XIV of the Administrative Code Regarding General Manager Authority

ISSUE

Whether to add Title XIV to the Sacramento Regional Transit District's Administrative Code to provide the General Manager/CEO authority to approve and execute specified agreements not otherwise governed by Title I (RT's Procurement Ordinance) or Title VII (regarding Real Property) of RT's Administrative Code.

RECOMMENDED ACTION

Information item only; staff will return with Title XIV for adoption at the Board's next meeting.

FISCAL IMPACT

None.

DISCUSSION

RT regularly encounters the need to enter into types of agreements with other public, private, and non-profit entities that do not fall within either the Procurement Ordinance or Property Management-related provisions of the Administrative Code (e.g. sponsorship MOUs, technology evaluation agreements, data collection agreements, non-disclosure agreements, powers of attorney). Except as otherwise provided in RT's enabling legislation, the General Manager/CEO's authority to approve and enter into agreements is limited to authority delegated by the Board; absent such delegation, these agreements, documents, and forms must be submitted to the Board for approval and authorization for execution.

Many of these agreements have relatively short approval periods and nominal, if any, costs. The preparation and submittal of Board meeting items requires substantial staff time, even for such routine matters. Given the uncertain and irregular need for such agreements, scheduling for meetings is often problematic. Providing the General Manager/CEO with the authority to execute these routine, low value agreements will streamline the approval process and eliminate the burden placed on staff time needed to take these agreements to the Board for approval.

The Board has previously delegated authority to the General Manager/CEO to approve and enter a number of such miscellaneous agreements on an ad-hoc, resolution-by-resolution basis (e.g. community sponsorship agreements (2012), non-disclosure agreements related to confidential information (2012), CALPERS agreements for data extracts (2011), and an agreement with the City of Sacramento for installation of detectable warning tiles (2010)). While the Board can continue to delegate signature authority to the General Manager/CEO on an ad-hoc basis, delegating such authority through a specific Administrative Code title provides a more efficient,

Approved:

Presented:

Final 06/18/14

General Manager/CEO

Chief Counsel

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transparent, and trackable process. Rather than search for individual delegations, the authority would be consolidated at a single location which can be updated as necessary.

Therefore, staff proposes adding a new title to RT's Administrative Code that would grant the General Manager/CEO contracting authority over specified agreements that are generally low risk and low dollar value. The dollar-value of such agreements is consistent with the General Manager/CEOs existing contracting authority established under Titles I and VII of RT Administrative Code. Approval of such miscellaneous agreements would still require review and approval by the Chief Counsel and an annual summary of such agreements would be provided to the Board.

The proposed new title (Title XIV) is attached for the Board's consideration. Staff anticipates returning to the Board at its July 28, 2014 meeting to request approval of the new Title XIV.

Attachment 1

**TITLE XIV – GENERAL MANAGER/CEO APPROVAL AND EXECUTION OF
SPECIFIED AGREEMENTS, DOCUMENTS AND FORMS**

CHAPTER 1

INTRODUCTION

§14.111 PURPOSE

The purpose of this Title is to provide the General Manager/CEO with the authority to approve and execute certain specified types of agreements.

§14.112 SCOPE

Subject to review and approval of the Chief Counsel, the General Manager/CEO is authorized to approve and execute the following types of agreements, forms and documents:

- A. Agreements to provide data extracts and other disclosures required for regulatory or business purposes;
- B. Non-disclosure agreements required by bidders, proposers, manufacturers, service providers, vendors or other third-parties for confidential materials;
- C. OPEB implementation documents consistent with approved collective bargaining agreements or employment related MOUs;
- D. Collective bargaining agreements integrating final arbitration awards;
- E. Memoranda-of-understanding with public entities, non-profit organizations and local chambers of commerce;
- F. Letters-of-intent;
- G. Customs powers-of-attorney and other forms that may be required for the receipt of shipped materials and supplies procured by RT;
- H. Assessor's Office forms;
- I. Forms and documents required by the Internal Revenue Service or the California Franchise tax Board or the taxing authority of any state, territory or country;
- J. Grant term certifications and acceptance documents;
- K. Sponsorship agreements;
- L. Technology evaluating agreements;
- M. Agreements related to the purchase of radio, television, and other media buys;
- N. Any document, form, or agreement that is not listed above and is not addressed in Title 1 Procurement Ordinance or Title VII Real Estate of the Administrative Code that does not commit RT to expend or accept an amount greater than \$100,000 and that the Chief Counsel has determined does not expose RT to significant risk of liability.

§14.113 REPORTING REQUIREMENT

At least once annually, the General Manager/CEO must provide the Board with a report listing all of the agreements, forms and documents approved and executed by the General Manager/CEO under the authority granted herein. The report must include the type of

agreement, the term, and the amount received or expended. The General Manager/CEO may provide this report either during his/her General Manager/CEO's report at a regularly scheduled meeting of the RT Board of Directors, or he/she may submit a written report to the Board containing such information.