



STAFF REPORT

DATE: July 26, 2021
TO: Sacramento Regional Transit Board of Directors
FROM: Olga Sanchez-Ochoa, General Counsel
SUBJ: AMENDING AND RESTATING TITLE XIV OF THE SACRAMENTO REGIONAL TRANSIT ADMINISTRATIVE CODE

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

If the Board approves this action, the General Manager/CEO's contracting authority under Title XIV will increase from \$100,000 to \$150,000, which will be on par with the General Manager/CEO's contracting authority under Title I of the SacRT Administrative Code that governs procurements.

FISCAL IMPACT

There is no fiscal impact for this action.

DISCUSSION

On July 28, 2014, the SacRT Board of Directors adopted Title XIV of the SacRT Administrative Code. As a community partner that regularly works with many other local public agencies, local non-profits, and public/private local entities in the Sacramento region, SacRT regularly enters into agreements with those entities. Many of the agreements are short-term, low-dollar in value agreements that would normally fall within the chief executive's authority at a public agency like SacRT. However, up until 2014, such contracts, MOUs and similar agreements had to be approved by the Board of Directors because the General Manager/CEO did not have authority to approve such agreements. When Title XIV was adopted in 2014, it granted the General Manager/CEO the authority to enter into MOUs, contracts, agreements, and other such written commitments that were not covered by the contracting authority granted to the General Manager/CEO under Title I (Procurement Ordinance) or Title VII (Real Property) of the Administrative Code. At that time Title XIV was adopted, the General Manager/CEO had the authority to enter into procurement related contracts in an amount not to exceed \$100,000. The contract limit granted to the General Manager/CEO under Title XIV was set to mirror the General Manager/CEO's authority under Title I of the SacRT Administrative Code. Thus, the General Manager/CEO was authorized to enter into contracts, agreements, MOUs and other written commitments in an amount not to exceed \$100,000.

Since that time, the SacRT Board has increased the General Manager/CEO's contracting authority under Title I to \$150,000. However, the General Manager/CEO's authority under Title XIV has not increased. This discrepancy in contracting authority has created significant confusion and inefficiencies among staff. To ensure consistency, staff recommends that Title XIV be amended to increase the General Manager/CEO's contracting authority for agreements covered under Title XIV to \$150,000 and that the cap be set to increase any time the General Manager/CEO's authority under Title I is increased by the Board.

RESOLUTION NO. 21-07-0080

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

July 26, 2021

AMENDING AND RESTATING TITLE XIV OF THE SACRAMENTO REGIONAL TRANSIT ADMINISTRATIVE CODE

WHEREAS, SacRT regularly encounters the need to enter into agreements with other public, private and non-profit entities that do not fall within either Title I (Procurement Ordinance) or Title VII (Real Property) of the Administrative Code; and

WHEREAS, except as otherwise provided in SacRT's enabling legislation, the General Manager/CEO's authority to approve or enter into agreements is limited to authority delegated by the Board; absent such delegation, these agreements, documents, MOUs, and forms must be submitted to the Board for approval and authorized for execution; and

WHEREAS, 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, and given the uncertain and irregular need for such agreements, scheduling for meetings is often difficult; and

WHEREAS, on July 28, 2014, the SacRT Board of Directors adopted Title XIV of the SacRT Administrative Code, granting the General Manager/CEO the authority to approve MOUs, agreements, contracts, documents, forms and other written commitments not governed by Titles I and VII of the SacRT Administrative Code, with a contracting cap of \$100,000; and

WHEREAS, the Board desires to amend and restate Title XIV of the SacRT Administrative Code to increase the General Manager/CEO's contracting authority to \$150,000, and include language authorizing the cap to increase if the General Manager/CEO's contracting authority under Title I is increased by the Board.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, hereby repeals Resolution No. 14-07-0078, and adopts the amended and restated Title XIV of the Sacramento Regional Transit District Administrative Code, which has been modified to read as follows:

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 General 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 SacRT;
- 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 SacRT to expend or accept an amount greater than \$150,000 and that the General Counsel has determined does not expose SacRT to significant risk of liability. The General Manager/CEO's contracting authority under this Subsection N will increase and be equal to the General Manager/CEO's contracting authority under Title I, Procurement Ordinance of the SacRT Administrative Code, any time Title I is amended to increase the General Manager/CEO's contracting authority under Title I.

§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 SacRT Board of Directors, or he/she may submit a written report to the Board containing such information.

STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary