

CALIFORNIA EDUCATIONAL FACILITIES AUTHORITY
(Authority)

RESOLUTION OF THE CALIFORNIA EDUCATIONAL FACILITIES AUTHORITY
AUTHORIZING DELEGATION OF POWER TO ENTER INTO CONTRACTS AND
INTERAGENCY AGREEMENTS

Resolution No. 2022-04

August 25, 2022

PURPOSE OF THE REQUEST:

Staff is requesting the Authority authorize the Chair, any designee to the Chair, the Executive Director, and any designee to the Executive Director to enter into contracts and interagency agreements on behalf of the Authority for amounts not to exceed \$300,000.

BACKGROUND:

Education Code section 94125, which is part of the California Educational Facilities Authority Act (Ed. Code, §94100 et seq.) authorizes the Authority to delegate the power to the Executive Director or any other official or employee of the Authority to enter into contracts on behalf of the Authority.

Currently, the Authority authorizes the Chair, any designee to the Chair, and the Executive Director to enter into contracts on behalf of the Authority for amounts not to exceed \$300,000. In addition, the Deputy Executive Director or the Operations Manager are authorized to enter into contracts in limited circumstances when the Chair and Executive Director are unable or unavailable to exercise the delegated authority.

The Authority routinely enters into a variety of contracts in its ordinary course of business for its operation and program needs, including an interagency agreement with the State Treasurer's Office for administrative and other related services, and contracts with Financial Analyst, a Financial Advisor, an Auditor, and law firms for Issuer's counsel services on an as-needed basis.

State contracting laws require extensive time and multiple processes. Contracts are time sensitive, and thus, any improvement in the contracting process would have an immediate effect on operational efficiencies. Authorizing the Chair, any designee to the Chair, the Executive Director, and any designee to the Executive Director to enter into contracts and interagency agreements would improve the Authority's business operations' overall efficiency.

RECOMMENDATION:

Staff recommends the approval of Resolution No. 2022-04 to authorize the Chair, any designee to the Chair, the Executive Director, and any designee to the Executive Director to enter into and execute contracts and interagency agreements on behalf of the Authority for amounts not to exceed \$300,000.

RESOLUTION NO. 2022-04

**RESOLUTION OF THE CALIFORNIA EDUCATIONAL FACILITIES
AUTHORITY AUTHORIZING DELEGATION OF POWER TO ENTER INTO
CONTRACTS AND INTERAGENCY AGREEMENTS**

WHEREAS, the California Educational Facilities Authority (“the Authority”), a public instrumentality of the State of California, was created under the provisions of the California Educational Facilities Act (Ed. Code, §94100 et seq.) (the “Act”); and

WHEREAS, Education Code section 94125 of the Act authorizes the Authority to employ an Executive Director and any other persons as are necessary to enable the Authority to properly perform the duties imposed by the Act and to delegate to the Executive Director or any other official or employee of the Authority the power to enter into contracts on behalf of the Authority;

NOW, THEREFORE, BE IT RESOLVED by the California Educational Facilities Authority as follows:

SECTION 1. Without specific individual Authority approval, the Chair, any designee to the Chair, and the Executive Director, or any designee to the Executive Director, are delegated the responsibility to (1) enter into and execute external contracts and interagency agreements up to an amount of \$300,000, (2) amend contracts and interagency agreements that only extend the term of the contract up to an amount of \$300,000, (3) provide technical amendments that do not involve the encumbrance of Authority moneys, and (4) amend contracts and interagency agreements involving expenditures as long as the total amount of the contract over its full term does not exceed \$300,000.

SECTION 2. If the Executive Director is unavailable or unable to exercise the power delegated under Section 1, the Deputy Executive Director or the Operations Manager may serve as the Executive Director’s designee.

SECTION 3. The Executive Director or, in the Executive Director’s absence, the Deputy Executive Director shall report to the Authority at the next scheduled Authority meeting, any actions taken pursuant to Section 1 for any contract that has been entered into in an amount of \$10,000 up to \$300,000.

SECTION 4. This Resolution supersedes Resolution No. 2018-02 and takes effect immediately upon its adoption.

Date of Adoption: _____