

CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY (CPCFA)

Meeting Date: March 16, 2021

Request Approval of a Resolution Authorizing the Interim Executive Director and Deputy Executive Director to Execute Contracts and Interagency Agreements

Prepared by: *Janae Davis, Deputy Executive Director*

Summary. The California Pollution Control Financing Authority (the “Authority”) is authorized by statute to enter into contracts and interagency agreements. For contracts and interagency agreements at or below a certain dollar amount, the Authority has historically delegated this authorization to the Executive Director and, in the Executive Director’s absence, the Deputy Executive Director to enter into contracts on behalf of the Authority. This item requests delegation authority for the newly appointed Interim Executive Director to execute contracts and interagency agreements for amounts up to \$300,000.

Background. With the approval of the appointment of Interim Executive Director Derek Chernow it is necessary to provide Mr. Chernow, without specific individual Authority approval, with the authorization to: (1) execute certain contracts and interagency agreements and external contracts, 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 funds, and (4) amend contracts involving expenditures as long as the total amount of the contract over its full term does not exceed \$300,000.

Janae R. Davis, in the capacity as Deputy Executive Director, retains the authorization to execute contracts and interagency agreements for amounts up to \$300,000.

The blanket authorization amount of \$300,000 does not represent an increase in the Authority’s current delegated authorization level.

As part of the Interim Executive Director’s report, the Interim Executive Director of the Authority and, in the Interim Executive Director’s absence, the Deputy Executive Director will report to the Authority Board any contracts for amounts of \$10,000 up to \$300,000 that the Interim Executive Director has executed.

Staff Recommendation. Staff recommends the approval of the attached Resolution to authorize Interim Executive Director Derek Chernow and, in the Interim Executive Director’s absence, Deputy Executive Director Janae R. Davis to execute certain contracts and interagency agreements and certain amendments to contracts and interagency agreements on behalf of the Authority for amounts not to exceed \$300,000. This Resolution No. 21-04-002 will remain in effect until the Authority revokes this Resolution or approves a superseding resolution.

**RESOLUTION OF THE CALIFORNIA POLLUTION CONTROL FINANCING
AUTHORITY AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR
AND DEPUTY EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS
AND INTERAGENCY AGREEMENTS**

March 16, 2021

WHEREAS, the California Pollution Control Financing Authority (“Authority”) was created under the provisions of the California Pollution Control Financing Authority Act (Division 27 (commencing with Section 44500) of the Health and Safety Code); and

WHEREAS, Section 44522(c) of the Health and Safety Code provides that the Authority is authorized to “do all things generally necessary or convenient to carry out its powers and purposes”; and

WHEREAS, Section 44519 of the Health and Safety Code provides that the Authority may employ an Executive Director and any other persons as are necessary to enable it to properly perform the duties imposed upon the Authority by the California Pollution Control Financing Authority Act, and the Authority may delegate to the Executive Director the power to enter into contracts on its behalf; and

NOW, THEREFORE, BE IT RESOLVED by the California Pollution Control Financing Authority all of the following:

Section 1. The Interim Executive Director of the Authority and, in the Interim Executive Director’s absence, the Deputy Executive Director have demonstrated the ability to be accountable for the resources of the Authority and, without specific individual Authority approval, 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 or interagency agreement up to an amount of \$300,000, (3) provide technical amendments that do not involve the encumbrance of Authority funds, and (4) amend contracts involving expenditures as long as the total amount of the contract over its full term does not exceed \$300,000.

Section 2. The Interim Executive Director of the Authority and, in the Interim Executive Director’s absence, the Deputy Executive Director will report to the Authority any contracts that have been executed in amounts of \$10,000 up to \$300,000.

Section 3. This Resolution takes effect immediately upon its adoption.