

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
JANUARY 18, 2007**

ITEM 8

SUBJECT

[1] DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR, OR THE DEPUTY DIRECTOR (FORMERLY KNOWN AS CHIEF) OF THE DIVISION OF FINANCIAL ASSISTANCE (DFA), OR DESIGNEE TO MAKE CERTAIN PRELIMINARY FINANCIAL ASSISTANCE COMMITMENTS

[2] DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR, OR THE DEPUTY DIRECTOR OF DFA TO EXECUTE CERTAIN FINANCIAL ASSISTANCE AGREEMENTS AND AMENDMENTS

[3] DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR TO RESOLVE CERTAIN DISPUTES

DISCUSSION

From time to time the State Water Resources Control Board (State Water Board) delegates certain routine and non-controversial duties to the Executive Director, Deputy Directors, and designees. Under two prior delegations, Resolutions 2003-0042 and 2002-0105, the Deputy Director for the Division of Administrative Services (DAS) has been authorized to execute certain financial assistance agreements. These agreements are prepared by DFA and reviewed by the Office of Chief Counsel (OCC). Other than executing the grant agreements, the role of DAS in the financial assistance grant process is strictly administrative, consisting of confirming availability of funds and establishing accounting records. All reviews to ensure consistency with law and program rules are performed at DFA and OCC.

The proposed resolution would shift authority to execute certain financial assistance agreements and amendments from the Deputy Director of DAS to the Deputy Director of DFA, or specified designee. This action would improve efficiency and reduce time to process grants, while maintaining proper separation of responsibilities and other accounting standards.

POLICY ISSUE

Should the State Water Board shift delegated authority to execute certain financial assistance agreements and amendments from the Deputy Director of DAS to the Deputy Director of DFA or designee?

FISCAL IMPACT

No fiscal impact

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

Staff recommends adopting the proposed Resolution delegating authority to the Executive Director, the Chief Deputy Director, the Deputy Director of DFA, or designee authority to execute certain financial assistance agreements and amendments.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION 2007 -**

[1]
DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR,
THE CHIEF DEPUTY DIRECTOR, THE
DEPUTY DIRECTOR (FORMALLY KNOWN AS CHIEF) OF THE DIVISION OF FINANCIAL
ASSISTANCE (DFA), OR DESIGNEE
OF THE STATE WATER RESOURCES CONTROL BOARD (STATE WATER BOARD)
TO MAKE CERTAIN PRELIMINARY
FINANCIAL ASSISTANCE COMMITMENTS

[2]
DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR,
THE CHIEF DEPUTY DIRECTOR, THE
DEPUTY DIRECTOR OF DFA, OR DESIGNEE TO
EXECUTE CERTAIN FINANCIAL ASSISTANCE AGREEMENTS AND AMENDMENTS

[3]
DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR
TO RESOLVE CERTAIN DISPUTES

WHEREAS:

1. The State Water Board wishes to delegate authority to execute financial assistance agreements and amendments pursuant to the Clean Water Bond Laws of 1970, 1974, 1978, and 1984; the Clean Water and Water Conservation Bond Law of 1978; the Water Conservation and Water Quality Bond Law of 1986; the Clean Water and Water Quality Bond Law of 1988, the federal Clean Lakes Program; the Safe Clean Reliable Water Supply Act of 1996 (Prop 204); the Costa-Machado Water Act of 2000 (Prop 13); the Watershed, Clean Beaches, and Water Quality Act (Prop 40); the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Prop 50); The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop 84) (collectively referred to as the Bond Acts); Section 319(h) of the Clean Water Act; and the State Revolving Fund loan program;
2. Many financial assistance approvals scheduled for consideration at State Water Board meetings are routine and are noticed as non-controversial items on the agenda. For the orderly and efficient management of such programs, it is appropriate and desirable to delegate to the Deputy Director of DFA the authority to approve and issue preliminary commitments for routine loans, grants, installment sales agreements, and other such financial assistance agreements that are consistent with internal policies and any applicable agreements with federal agencies, that do not exceed the funds available, and that do not raise significant issues requiring consideration at a Board meeting. It is likewise appropriate and desirable to delegate the authority to execute agreements for such financial assistance grants to the Executive Director, the Chief Deputy Director, the Deputy Director of DFA, or designee;

3. For the orderly and efficient administration of such agreements, it is desirable to designate appropriate staff to make a final agency determination concerning any dispute arising out of such agreements or relating to the performance thereof.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board hereby authorizes the Executive Director, the Chief Deputy Director, the Deputy Director of DFA, or designee to make preliminary financial assistance commitments for loans, grants, installment sales agreements, and other such financial assistance agreements for routine, non-controversial projects that are (1) consistent with those policies, regulations, and agreements that the State Water Board has adopted or will adopt governing the internal management of those financial assistance projects managed by DFA, and (2) on a priority funding list adopted by the State Water Board;
2. The State Water Board hereby authorizes the Executive Director, the Chief Deputy Director, the Deputy Director of DFA, or designee to execute, for and on behalf of the State Water Board, agreements and amendments described herein and to perform all acts and to do all things necessary and convenient to implement such agreements. This delegation shall be limited to approval of the execution of agreements and amendments with municipalities and other eligible applicants for financial assistance if (1) the State Water Board has approved a preliminary financial assistance commitment at a Board meeting, or (2) a preliminary financial assistance commitment has been approved pursuant to therefore No. 1;
3. The Executive Director, Chief Deputy Director, the Deputy Director of DFA, or designee are directed in exercising the authority vested in them by this resolution, without restricting the authority specified, to bring to the attention of the Board Members at Board Meetings, or by other appropriate communication, any matters that are of a unique, controversial, or unusual nature or that appear to depart from the policies of the State Water Board;
4. Except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director's designee shall be the duly authorized representative of the State Water Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any agreements to which the State Water Board is a party;
5. This authorization shall not be construed to eliminate the necessity of required approval or concurrence of any other state agency;
6. The Deputy Director of DFA may delegate her responsibilities herein to an Assistant Division Deputy Director authorized to act as a designee in the Division Deputy Director's absence;
7. To the extent this resolution is inconsistent with Resolutions 2002-0105, this resolution supersedes Resolutions 2002-0105; and

8. This resolution supersedes and rescinds Resolution 2003-0042; and
9. That this authorization shall remain in full force and effect until modified or revoked by the State Water Board.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly January 18, 2006.

Song Her
Clerk to the Board