



Topic: **Joint Authority Board & Reservoir  
Committee Agenda Item 2.1**

**2020 December 18**

Subject: **Final Delegation of Authority Matrix (Board to Project Team)**

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**Requested Action:**

Consider Approval of the Proposed Final Delegation of Authority Matrix.

**Detailed Description/Background:**

The interim strategic plan identified that clarifications were needed to delegation of decisions to improve efficiencies. The Authority Board (AB) and Reservoir Committee (RC) reviewed the draft delegation of authority matrix at last month's meetings and provided comments that have been considered and appropriately incorporated. The Final Delegation of Authority matrix is being presented for approval.

The delegation of authority matrix conforms to the current delegated authorities described in the JPA bylaws and Project Agreement except as noted. Also, in some cases as noted there are new procedures that will be required prior to implementing the delegated authority. These procedures are to be developed over the next 12 months and will in place prior to the authority being applied by the project team.

It should be noted that as the project continues to progress, further delegation of authority is expected to be appropriate to ensure efficiencies and reduced administrative burden. An annual revisit of the delegated authority with the RC and AB will be undertaken going forward.

The completion of the delegation of authority matrix finishes one of the follow-up tasks from the strategic planning and by approval will be incorporated into the final strategic plan under Goal 4 – Strengthen the Organization.

**Prior Action:**

November 2020: Reviewed and commented on the proposed 2020 Delegation of Authority Matrix.

**Fiscal Impact/Funding Source:**

The review conducted by Darling H2O was completed under the budgeted amounts for the work by about \$8000. Remaining funds will provide flexibility in case the consultant is needed during the planned Finance action plan review delegations from the AB to the RC to be conducted in the spring 2021.

**Staff Contact:**

Joe Trapasso

**Attachments:**

Attachment A: Final Draft Sites Project Delegated Authority Levels Matrix

## Sites Project Delegated Authority Levels (Working Draft for Discussion Purposes)

CATEGORY / DOCUMENT		Needs a Policy and Procedure	Legal	Project Agents	Executive Director	Budget and Finance	Reservoir Committee	Authority Board	Notes
<b>A. JEPA Agreement, Reservoir Project Agreements, Bylaws</b>									
1	<b>Fourth Amended and Restated Joint Exercise of Powers Agreement</b>		R		R			A	Effective March 23, 2017 (Version 4)
2	<b>JEPA Amendments</b>		R		R		R	A	AB approves with 75% or greater, each AB member signs
3	<b>JEPA Admission of a new member</b>		R		R		R	A	AB approves with 75% or greater, each AB member signs
4	<b>Calendaring for Board Agenda</b>			R	A				New. ED sets the calendar with input from Chairs of RC and AB. Board members have opportunity at each board meeting to bring up items for future agendas.
<b>B. Work Plans, Budget, Grants, Loans and MOUs</b>									
1	<b>Work Plan</b>			R	R	R	A	A	Most recent Amendment 2 approved August 26 2020.
2	<b>Work Plan Budget</b>			R	R	R	A	A	Most recent Amendment 2 approved August 26 2020.
3	<b>Budget Transfers</b>								
a.	Transfers up to \$100,000 between line items and no increase in approved budget	Yes		R	A	I			Consistent with 9/17/18 Bylaws Section 12.3.2 but modified from \$50,000 to \$100,000
b.	Transfers over \$100,000			R	R	R	A	IA	Consistent with 9/17/18 Bylaws Section 12.3.2 but modified from \$50,000 to \$100,000
c.	Use of Contingency up to \$100,000	Yes		R	A	I	I	I	New. Need to establish contingency in the budget that the ED has flexibility to use under certain conditions.
4	<b>Grants</b>								
a.	Application			R	R	R	A	A	Consistent with 9/17/18 Bylaws Section 4.1
b.	Execution and submittal of grant application			R	A	I			New. If agreement is different from application then have to go back to RC and AB.
c.	Execution and management of grant agreements		R	R	A	I	I	I	New, assumes no material change in key terms of agreement when approved for application
5	<b>Loans</b>								
a.	Application			R	R	R	A	A	Consistent with 9/17/18 Bylaws Section 4.1
b.	Execution and submittal of loan application			R	A	I	I	I	New - Needs to be an Authority Agenda Item
c.	Execution of loan agreements		R	R	R	R	A	A	New
d.	Acceptance and management of loan funds			R	A	I	I	I	New
6	<b>MOUs with Federal, State, Local Govts, Native American, Utilities</b>								
a.	MOU/Agreement Execution		R	R	R		A	A	New
b.	MOU/Agreement Management and reporting			R	A		I	I	New

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<b>C. Environmental Review and Permitting</b>									
1	<b>CA Environmental Quality Act (CEQA) Authority</b>							A	Sites AB adopted Section 15022(d) State CEQA Guidelines March 25, 2019
	a. Staff determines if a proposed action requires CEQA compliance document.								
	i. If no then prepare Exemption(s) if needed and CEQA Determination		R	R	R		R	A	Consistent with 9/17/18 Bylaws Section 4.1. Can be approved by consent if no controversy.
	ii. If yes and not covered by existing CEQA document, prepare an Initial Study and appropriate CEQA compliance documentation		R	R	R		R	A	Consistent with 9/17/18 Bylaws Section 4.1
	b. Board takes lead CEQA agency role			R	R		R	A	
	i. Makes and Adopts Findings and Determinations		R	R	R		R	A	Consistent with 9/17/18 Bylaws Section 4.1
	ii. Adopts project and mitigation measures		R	R	R		R	A	Consistent with 9/17/18 Bylaws Section 4.1
2	<b>Permit Applications (water rights, 404, 401, Biological Assessments, etc.) that commit the project to financial or legal/regulatory risk.</b>		R	R	R		R	A	Board authorizes ED to sign and submit. Consistent with 9/17/18 Bylaws Section 4.1
3	<b>Permit Applications that do not commit the project to financial or legal/regulatory risk.</b>		R	R	A		I	I	New
4	<b>Local Agency permits, land division &amp; GP Amendments that include financial or legal/regulatory risk.</b>		R	R	R		R	A	Board approves, ED signs and administers. Consistent with 9/17/18 Bylaws Section 4.1
5	<b>Local Agency permits, land division &amp; GP Amendments that do not include financial or legal/regulatory risk.</b>		R	R	A		I	I	New
<b>D. Administrative</b>									
1	<b>Purchases (supplies, materials &amp; equipment)</b>	Yes							
	a. Up to \$100,000			R	A	I	I	I	New
	b. Greater than \$100,000			R	R	R	A	A	New
2	<b>Administrative Procedures that include financial commitments or legal/regulatory risk.</b>		R	R	R	R	A	A	New
3	<b>Administrative Procedures that do not include financial commitments or legal/regulatory risk.</b>		R	R	A				New
4	<b>Agenda Item Submittal</b>								
	a. Recommendation to BOD - Action/Info. & Discuss		R	R	R	R	A	A	Current Practice
	b. Recommendation to BOD - Consent		R	R	R	R	A	A	Current Practice
5	<b>Response to Public Records Request</b>	Yes	R	R	A		I	I	New
6	<b>Travel Authorization Out of State</b>			R	R		A	A	
7	<b>Travel Authorization Within State</b>			A	I				

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<b>E. Professional Service Contracts</b>									
1	Decision to use outside consultants	Yes		R	A	I	I	I	New - No implementation of action or threshold to occur until procedures established.
2	Request for Qualifications	Yes		R	A	I	I	I	New - No implementation of action or threshold to occur until procedures established.
3	Request for Proposals	Yes		R	A	I	I	I	New, Selection panel to involve AB and RC members for contract/task orders above \$500,000 or critical service provider. No implementation of action or threshold to occur until procedures established.
4	Sole Source Professional Services up to \$500,000 within approved budget.	Yes	R	R	A	I	I	I	New - No implementation of action or threshold to occur until procedures established.
5	Sole Source Professional Services above \$500,000	Yes	R	R	R	R	A	A	
6	Authority to Negotiate Professional Service Contracts								
a.	Approve Master Service Agreements with terms but no scope or cost		R	R	A	I	I	I	Consistent with 9/17/18 Bylaws Section 11.2.
7	Professional Services Agreement	Yes							
a.	Up to \$500,000 within the approved budget		R	R	A	I	I	I	Consistent with 9/17/18 Bylaws Section 11.2. Modified to increase from \$100,000 for non MSA's to \$500,000.
b.	Up to \$500,000 NOT WITHIN budget with cost offset		R	R	A	I	I	I	Consistent with 9/17/18 Bylaws Section 11.2. Modified to increase from \$5,000 to \$50,000.
c.	Greater than \$500,000		R	R	R	R	A	A	Consistent with 9/17/18 Bylaws Section 11.2. Modified to increase from \$100,000 to \$500,000.
8	Professional Services Amendment including Legal Services	Yes							
a.	Within Contract/Task Order approved amount			R	A	I	I	I	New
b.	Reallocation of Task Budget Within Contract/Task Order			R	A	I			New
c.	Exceeds Remaining Contract/Task Order Amount			R	R	R	A	IA	New
d.	Adding Task Order to Initiate Litigation			R	R	R	A	A	New
9	Notice to Proceed								
a.	Professional Services			A	I				Current Practice
10	Progress Payments	Yes							This is the routine process. Advance Checks may be made per the approved policy.
a.	Invoice approval			A					Current Practice
b.	Preparation of Payment of Claims			A	I	I			New
c.	Check Issuance Authorization			R	R	R	A	A	Approval by RC is something will be discussed further

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d.	Electronic Signatures and Release of Checks	Yes		A		A		A	New -Final approved by Executive Committee. Need to explore electronic signatures and ACH payments, no printed signatures on live checks.
11	Service Completion and progress reports			A	I				New
12	Significant Schedule Changes			R	R	R	A	A	Significant as defined in Section 12. Material Change of 2018 Bylaws
<b>F. Construction Contracts (to be established as project nears construction)</b>									
<b>G. Land Easements and Leases</b>									
1	Temporary Right of Entry (TROE)/Land Access Agreements								
a.	TROE/Land Access Agreement with Landowner		R	R	A		I	I	Information to the Authority Ad Hoc Land Management Committee
b.	Check Request for TROE/Land Access Compensation			R	R	A	A	A	As outlined in the TROE Compensation Protocol. Payment as outlined in the Advance Check Policy.
<b>H. Personnel Issues TBD if Sites has employees</b>									
<b>I. Access to Sites-Project Facilities Maxwell and Satellite Project Offices</b>									
1	Electronic Access Cards	Yes							
a.	Initial Request for Card and Site Access			A					New
b.	Replacement of Lost Card			A					New
2	Mechanical Keys	Yes							
a.	Initial Request for Key(s)			A					New
b.	Replacement of Lost Key(s)			A					New