

Board Policy No. 19 Delegation of Authority to the Executive Director

Summary

This policy establishes delegation of authority from the North County Transit District (NCTD, District) Board of Directors (Board) to the Executive Director, pursuant to Resolution No. 19-06 dated October 17, 2019.

Policy

As a recipient of public funds, NCTD is responsible for ensuring proper expenditure of funds for public purposes for which they are intended, adherence to all applicable standards and regulations as established by federal and state law, and full and open competition and equitable treatment in all transactions. The NCTD Board establishes the following delegation of authority to the Executive Director:

General Responsibilities

The Executive Director may:

1. Delegate functions delegated by the Board to NCTD staff when necessary and/or appropriate.
2. Execute a contract or contract change order within the parameters of the law and Board direction and/or as established in this Board Policy No. 19.
3. Ensure that written contracts and procurement procedures are developed in accordance with Federal Transit Administration (FTA) requirements delineated in the most current version of FTA Circular 4220.1, the FTA Best Practices and Lessons Learned Manual and Master Agreement, California Public Utilities Code §§125221, 125222, 125223, and 125224, and the California Public Contract Code §§20350, 20351, et seq.
4. Approve revisions to contracts and procurement policies and procedures, unless they are in conflict with procurement policies established in this Board Policy No. 19.
5. In the event of emergency or an exigent circumstance, take all necessary actions to prevent significant unnecessary loss to NCTD or a shut-down of public services, or to address a situation threatening the health and/or safety of persons or property, including, but not limited to, authorization to contract with a contractor or consultant on a sole source basis, consistent with applicable state or federal law without prior approval from the Board. In the event such an emergency or urgent need occurs, the Executive Director will consult with the Chair of the Board as necessary, and, regardless of contract value, the Executive Director will submit a report to the Board at its next regular meeting to obtain ratification for those actions, in accordance with all applicable provisions of law, including but not limited to the requirements of California Public Contract Code §22050.
6. Approve all design plans, specifications, and estimates for authorized capital projects.
7. Execute and accept associated payments for all right-of-way property transfer documents, including, but not limited to, rights of entry, licenses, leases, deeds, easements, escrow instructions, and certificates of acceptance.

Board Policy No. 19 – Delegation of Authority to the Executive Director

8. Reject all bids or proposals and suspend or cancel the competitive procurement process.
9. Provide the final determination to persons or firms filing a protest regarding NCTD procurement or contracting processes or procedures, including requests for reconsideration related to Disadvantaged Business Enterprises.
10. Execute a contract for services performed by District personnel of any value if the services are reimbursable and accept reimbursement from any entity for services performed by District personnel.
11. Award a contract if the initial contract value, including options, does not exceed \$500,000 and is consistent with the Board-adopted budget.
12. Award a revenue-generating contract if the initial contract value does not exceed \$500,000.
13. Authorize a contract modification/amendment (which includes contract change orders and supplemental agreements) of any value consistent with the Board-adopted budget if the modification/amendment does not exceed \$250,000, singular or cumulative in value, and if the modification/amendment does not involve a major change in scope, unless the modification/amendment costs are reimbursable by a third party and an agreement for reimbursement is in place, in which event, the modification/amendment may be of any value.
14. Award individual task orders to any task order-based contract under the basic scope of the contract, valued at not more than \$500,000.
15. Award contracts or purchase orders of any value when District funds are reimbursed by a third-party, the procurement was conducted in accordance with approved procedures, and an agreement for District reimbursement is in place.
16. Not amend a contract which was originally awarded at a value of \$500,000 or less if the amendment increases the contract value over \$500,000 in value unless Board approval for the amendment is provided.
17. Report contract actions and modifications made in accordance with this policy to the Board of Directors on a quarterly basis.
18. Execute a memorandum of understanding, memorandum of agreement, or interagency agreement along with General Counsel if the document involves ministerial business transactions and if the annual committed value does not exceed \$100,000 or, regardless of the value, if the expenditure of District funds is reimbursable.
19. In accordance with the California Government Code §935.4, approve settlements for liability and workers compensation claims that do not exceed \$50,000 and forward a claim of any amount to the Board of Directors for consideration and action as may be appropriate.
20. Execute all documents, applications, agreements, and claims required by any local, state, or federal agency that provide operating or capital funds for District use, including, but not limited to, Transportation Development Act (TDA), State Transit Assistance (STA) and State of Good Repair (SGR) Program, State Rail Assistance (SRA), State Transit and Intercity Rail Capital Program (TIRCP), State Low Carbon Transit Operations Program (LCTOP), State Trade Corridor Enhancement Program (TCEP), State Local Partnership Program (LPP), California Department of Transportation,

Board Policy No. 19 – Delegation of Authority to the Executive Director

Regional Transportation Improvement Program (RTIP) submittals, U.S. Department of Transportation (DOT), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA).

21. Award licensing, maintenance or support contract renewals for hardware or software to extend the coverage period from the original equipment manufacturer or intellectual property owner within the constraints of the Board-adopted annual budget. This applies to hardware or software licensing, maintenance or support agreements procured according to standard and approved procedures. Authorization for award of new procurements for hardware or software and the related licensing, maintenance and support, must comply in all respects with this Board Policy No. 19.
22. Pay bills for insurance premiums in an amount not-to-exceed the Board-adopted budget per year being renewed. This applies to insurance procured according to standard and approved procedures.
23. Pay bills for utilities, such as water, gas and electric services, and pass-through expenses in which only one provider of such services is available to the District, such as taxes, employee reimbursements and benefits, and intergovernmental transfers.
24. Authorize the distribution of complimentary transit passes to improve customer satisfaction, as a marketing tool to increase ridership, or on a case-by-case basis in accordance with Board Policy No. 20 – *Complimentary Transit Passes*.
25. Pay bills for diesel and unleaded fuel procured on a daily or weekly bid basis with an award to the lowest cost bidder, where NCTD does not have an existing Board-approved fixed-price contract to purchase fuel. Staff will provide the Board with a fuel procurement overview and recommendation on an annual basis in January of each year to determine whether a contract to purchase fuel is in the best interests of the District.
26. Implement and execute any agreements, reports or other documents required for the continued implementation of, and compliance with applicable storm water regulations, including but not limited to, the NCTD Phase II Non-Traditional MS4/NPDES permit (currently Order No. 2013-0001-DWQ), NCTD Construction General Permit (currently Order No. 2012-0006-DWQ) and/or Industrial General Permit (currently Order 2014-0057- DWQ, NPDES NO. CAS000001) as issued, amended or superseded by the State Water Resources Control Board (SWRQB) or any other necessary related order, law or regulation.

Other Duties and Responsibilities

The Executive Director shall be responsible for management of all aspects of NCTD operations on a day-to-day basis, subject only to the policy direction of the Board. The Executive Director's duties and responsibilities shall include:

1. Supervision of all executives, divisions, and employees (except for General Counsel, who reports directly to the Board) including authority, to hire and terminate NCTD employees in accordance with applicable law and NCTD Ordinance No. 4 – *Establishing A Personnel Merit System* policies, rules, and regulations;
2. Responsibility for overall management of employee relations matters;

Board Policy No. 19 – Delegation of Authority to the Executive Director

3. Establishment of a proposed set of short-range goals and a proposed action plan for developing and implementing medium and longer-term goals for the District, to be presented to the Board for review and consideration annually.
4. Assist the Board in community and public relations matters;
5. Monitoring, managing, and overseeing the District budget, revenues and expenses;
6. Oversee timely development and presentation to the Board of annual proposed budgets;
7. Assuming overall responsibility for management of staff and in guiding NCTD towards its Board-approved goals;
8. Assuring that NCTD's financial affairs are properly managed, accounted for, and audited, and that appropriate reports thereon are made to the Board and to others as required by law;
9. Confer with legislative liaisons regarding legislative matters; monitoring, reporting on, and making recommendations on legislative activities;
10. Attending all regular and special meetings of the Board and of Board committees and subcommittees as requested, assuming overall responsibility for preparation and presentation of all agendas and staff reports;
11. Meeting with the city councils and managers of each of the member agencies of NCTD, and with the County Board of Supervisors and its Chief Administrative Officer;
12. Represent the Board and staff in contacts and communications with the public, member agencies, and other outside agencies and organizations with respect to transit matters and NCTD issues, within the scope of Board policies and programs;
13. Such other and further activities as the Board may from time to time direct;
14. Such other and further activities as the Executive Director determines necessary to competently and professionally carry out his/her responsibilities in the best interest of NCTD.

For additional information on the Executive Director's responsibilities, please refer to NCTD Ordinance No. 4.

