State of California

Board of Equalization
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Memorandum

To: Honorable Jerome E. Horton, Chairman
Honorable Michelle Steel, Vice-Chair
Honorable Betty T. Yee, First District
Senator George Runner, Second District
Honorable John Chiang, State Controller

Date: July 13, 2012

From: Randy Ferris
Chief Counsel

Subject: **Board Meeting, July 24-26, 2012**
Chief Counsel Matters - Item M1
Resolution Conferring Powers on the Executive Director

The appointment of Ms. Cynthia Bridges as Executive Director necessitates the adoption of a new resolution conferring on Ms. Bridges the authority to act for and on behalf of the Board in the capacity of Executive Director.

Government Code section 15604 authorizes the Board to appoint its secretary (Executive Director) and prescribe and enforce his/her duties. The attached resolution accomplishes this goal and delegates to the Executive Director specific duties, powers, and functions to be exercised under the general direction of the Board and in accordance with policies enunciated by the Board.

Government Code section 15623 provides, in relevant part, as follows:

> Each member of the State Board of Equalization elected by the voters of an equalization district shall investigate the administration, enforcement, and operation within the district from which he is elected of all laws, the administration and enforcement of which are vested in the board.

By adopting this resolution, the Board will implement the provisions of Section 15623 and confer all administrative and enforcement powers to the Executive Director, except for certain specified powers it has retained. Adoption of the attached resolution does not constitute the relinquishment of any power, jurisdiction or responsibility of the Board.

To ensure an orderly transition, your approval of the attached resolution is requested.

RMF:ek

Attachment: Resolution Conferring Powers on the Executive Director

cc: Ms. Kristine Cazadd MIC: 73

STATE BOARD OF EQUALIZATION

BOARD APPROVED

Item M1
July 24-26, 2012

At the July 25, 2012 Board Meeting

Joann Richmond, Chief

POWERS CONFERRED ON THE EXECUTIVE DIRECTOR BY RESOLUTION ADOPTED BY THE BOARD JULY 25, 2012

"Resolved, That Cynthia Bridges, as Secretary of this Board, is hereby designated to act as its chief executive officer on and after August 1, 2012, with the title "Executive Director,"

"Resolved, That the Executive Director shall have full authority to exercise, perform and discharge any and all duties, powers and functions vested in or imposed upon the Board by any provision of law or otherwise, unless (1) the duty, power or function is one that can only be exercised, performed or discharged by the Board in session expressly for that purpose or (2) the Board expressly reserves the delegation of the duty, power or function subject to the approval of the Board; and be it further

"Resolved, That all of the authority hereby delegated is to be exercised under the general direction of the Board and in accordance with policies enunciated by the Board, and that such delegation shall not constitute the relinquishment of any power, jurisdiction or responsibility of the Board; and be it further

"Resolved, That the authority hereby granted to the Executive Director shall include, but shall not be limited to, the following:

(a) Execution of any and all personnel documents as the appointing power. Prior to the execution of such documents, the Executive Director shall: (1) obtain Board approval for all appointments of personnel at the Career Executive Assignment (CEA) level; (2) obtain approval of the Board Member, at the Member's discretion, in whose District in which appointments are located for all District personnel appointments; (3) notice at least monthly the Board of all other personnel appointments; and (4) obtain Board approval for all position upgrades that result in a change of classification at the CEA level and above before such requests are submitted to the Department of Personnel Administration;

(b) Execution of any and all budgetary and fiscal documents for and on behalf of the Board. Prior to the submission of the annual budget and all Budget Change Proposals, the Executive Director shall obtain the explicit approval of the Board before submission to the Department of Finance, except that Board Staff may develop, without prior Board approval, Budget Change Proposals resulting from newly enacted legislation within the ten-day Department of Finance deadline. If the Board majority does not act or the Board vote results in a tie, the Executive Director may submit the documents as proposed;

(c) Execution of any and all contracts for materials, services and supplies. Prior to the execution of such documents, the Executive Director shall obtain Board approval for any contract in which the amount of the contract exceeds $1,000,000;

(d) Execution of any and all leases with respect to real and personal property. Prior to execution of such documents for any new office space, the Executive Director shall obtain approval of the Board Member in whose District such new office space is located and Board approval for all other new office space relating to the headquarters' operation;

(e) Execution of any and all releases of liens for which provision is made in those parts of the Revenue and Taxation Code wherein the Board is named as the administrative agency; this shall include the subrogation of such liens to other liens or encumbrances, as well as the determination for or on behalf of the Board of whether or not the taxes, interest and penalties secured by liens on property as to which liens are to be released or subordinated are sufficiently secured by a lien or liens on other property, as well as the determination for and on behalf of the Board that a release or subordination of any lien for which provision is made in the Revenue and Taxation Code will not endanger or jeopardize the collection of taxes, interest and penalties;

(f) Execution on behalf of the Board of any certificates for which provision is made by any part of the Revenue and Taxation Code with respect to the amount of taxes, interest and penalties that are due thereunder;

(g) Hiring of retired annuitants at the CEA level, but only after informing the Board as required by Board of Equalization Administrative Manual section 1236.2; and be it further

"Resolved, That in the absence of the Executive Director, the authority vested in the Executive Director by this resolution, or any other resolution now in effect or adopted hereafter by the Board, shall be exercised by the Executive Director's designee, or by the person named by the Board as Acting Executive Director."