

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: October 3, 2011

From: Randy Ferris 
Acting Chief Counsel

Subject: **Board Meeting, October 25-28, 2011**
Chief Counsel Matters - Item M
Resolution Conferring Powers on the Executive Director

The appointment of Ms. Kristine Cazadd as Executive Director necessitates the adoption of a new resolution conferring on Ms. Cazadd, the authority to act for and on behalf of the Board in the capacity of Executive Director. To ensure an orderly transition, your approval of the attached resolution is requested.

RMF:ek

Attachment: Resolution Conferring Powers on the Executive Director

cc: Kristine Cazadd MIC: 73

**POWERS CONFERRED ON THE EXECUTIVE DIRECTOR BY RESOLUTION
ADOPTED BY THE BOARD OCTOBER 25, 2011**

“Resolved, That Kristine Cazadd, as Secretary of this Board, is hereby designated to act as its chief executive officer on and after October 1, 2011, 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 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 which 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; 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.”

**STATEMENT OF INTENT REGARDING POWERS CONFERRED ON THE
EXECUTIVE DIRECTOR BY RESOLUTION ADOPTED BY THE BOARD ON
OCTOBER 25, 2011**

It is the intent of the Board that the Executive Director shall retain the authority to hire retired annuitants at the Career Executive Assignment (CEA) level, but only after informing the Board as required by Board of Equalization Administrative Manual section 1236.2.

STATE BOARD OF EQUALIZATION



BOARD Adopted the Resolution with Amendment to Subdivision (a)(2)

At the October 25, 2011 Board Meeting

Diane G. Olson
Diane G. Olson, Chief
Board Proceedings Division