

Memorandum

To : Honorable Carole Migden, Chairwoman
Honorable Claude Parrish, Vice Chairman
Honorable Bill Leonard
Honorable John Chiang
Honorable Steve Westly

Date : May 15, 2003

From : Jean Ograd
Acting Chief Counsel



Subject : **Resolution Conferring Powers on the Interim Executive Director
(May 28, 2003 Administrative Session)**

The retirement of Mr. James E. Speed as Executive Director necessitates the adoption of a new resolution conferring on Mr. Timothy W. Boyer the authority to act for and on behalf of the Board in the capacity of Interim Executive Director. To ensure an orderly transition, your approval of the attached resolution is requested.

JO: rar

Attachment

cc: Mr. Timothy W. Boyer

**Resolution Conferring Powers on the Interim Executive Director
Adopted by the Board May 28, 2003**

“Resolved, That Timothy W. Boyer, as Interim Secretary of this Board, is hereby designated to act as its chief executive officer on and after May 12, 2003, with the title “Interim Executive Director,”

“Resolved, That the Interim 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 Interim 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 Interim 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 Interim 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 Interim Executive Director may submit the documents as proposed:

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- (c) Execution of any and all contracts for materials, services, and supplies. Prior to the execution of such documents the Interim 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 Interim 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 Interim Executive Director, the authority vested in the Interim Executive Director by this resolution, or any other resolution now in effect or adopted hereafter by the Board, shall be exercised by the Interim Executive Director’s designee, or by the person named by the Board as Acting Executive Director.”