



Midpeninsula Regional
Open Space District

R-17-30
Meeting 17-08
March 22, 2017

AGENDA ITEM 5

AGENDA ITEM

Repeal of Resolution 14-12

GENERAL MANAGER'S RECOMMENDATION

Adopt a resolution repealing Resolution 14-12, which authorized the General Manager or designee to approve claims up to \$25,000, in order to enable the District to be consistent with Public Resources Code 5549.

SUMMARY

On March 12, 2014, the Board of Directors adopted Resolution 14-12 authorizing the General Manager or designee to approve the payment of claims up to \$25,000. In 2015 Public Resources Code Section 5549 and Board policy 3.03 (*Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy*) were amended to increase the General Manager's expenditure authority to \$50,000. Repeal of Resolution 14-12 is needed to align current practice and General Manager authority to the previously approved Board policies.

DISCUSSION

The General Manager recommends repealing Resolution 14-12, which authorized the General Manager or designee to approve claims up to \$25,000. Repealing Resolution 14-12, allows the District to align with the change to Public Resources Code Section 5549 that increased the General Manager's or designee's authority to bind the District for payments up to \$50,000, effective January 1, 2016. Additionally, in order to carry out the Action Plan and Budget Committee's recommended changes to the claims process and associated revisions to Board policy 1.03 (*Board Agendas*), repeal of Resolution 14-12 is necessary to implement the streamlined process also to be considered for Board approval at the March 22, 2017 Board meeting.

FISCAL IMPACT

There is no fiscal impact associated with this action. Along with the other proposed changes to the claims process, repealing Resolution 14-12 will help reduce administrative time to process and approve invoices for payment.

BOARD COMMITTEE REVIEW

The Action Plan and Budget Committee discussed this item at its February 21, 2017 meeting and recommended repeal of Resolution 14-12 in order to reflect current practice, General Manager authority, and streamline the administration of District business.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If the Board adopts a resolution repealing Resolution 14-12, the General Manager will be authorized to approve claims over \$50,000 for which the Board has provided prior approval through an adopted budget and authorization to enter under contract or agreement.

Attachments

1. Resolution of the Board of Directors of Midpeninsula Regional Open Space District Repealing Resolution No. 14-12 in its Entirety
2. Resolution 14-12
3. Action Plan and Budget Committee draft minutes for February 21, 2017
4. Assembly Bill 495

Responsible Department Head:

Stefan Jaskulak, Chief Financial Officer/Administrative Services Director

Prepared by:

Jennifer Woodworth, District Clerk/Assistant to the General Manager

Contact person:

Stefan Jaskulak, Chief Financial Officer/Administrative Services Director

RESOLUTION NO. 17-__

**RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT REPEALING RESOLUTION NO.
14-12 IN ITS ENTIRETY**

WHEREAS, the Board of Directors adopted Resolution 14-12 on March 12, 2014 authorizing the General Manager to approve the payment of claims up to \$25,000; and

WHEREAS, Assembly Bill 495 amended California Public Resources Code Section 5549(b)(2) allowing the Board to raise the General Manager's expenditure authority for the payment of supplies, materials, labor, or other expenses to \$50,000; and

WHEREAS, pursuant to Public Resources Code section 5549(b)(2) of December 16, 2015 the Board approved revisions to Board Policy 3.03 "Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy" to increase the General Manager's expenditure authority to \$50,000; and

WHEREAS, the Board of Directors desires to authorize the General Manager or his/her designees to approve claims against the District without the prior specific approval of the Board, as provided in Public Resources Code 5549 and Board Policy 3.03.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of Midpeninsula Regional Open Space District hereby repeals Resolution 14-12 in its entirety.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2017, at a regular meeting thereof, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk

RESOLUTION 14-12
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING
THE GENERAL MANAGER TO APPROVE THE PAYMENT OF
CLAIMS UP TO \$25,000

WHEREAS, California Public Resources Code section 5549(b) empowers the Board to authorize the General Manager to bind the District, in accordance with Board policy, to enter into contracts under specified dollar amounts for specified purposes, provided that all such authorized expenditures are reported to the Board of Directors at its next regular meeting; and

WHEREAS, pursuant to Public Resources Code section 5549(b) the Board has expressly delegated authority to the General Manager to bind the District to contracts under the specified amounts for the specified purposes in the Board Policy entitled, "Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy," Rev. January 27, 2010; and

WHEREAS, the Board of Directors desires to authorize the General Manager or designees to approve claims against the District within the authorized expenditure authority, without the prior specific approval of the Board, as provided in said sections of the California Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District hereby authorizes the General Manager or designee to approve all claims against the District up to \$25,000, and directs the General Manager or designees to include these claims on the Claims Report for ratification by the Board at its next regular meeting.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on March 12, 2014, at a Regular Meeting thereof, by the following vote:

AYES: CYR, HARRIS, HASSETT, RIFFLE, SIEMENS

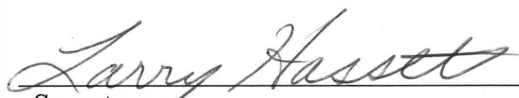
NOES: NONE


ABSTAIN: NONE

ABSENT: HANKO AND KISHIMOTO

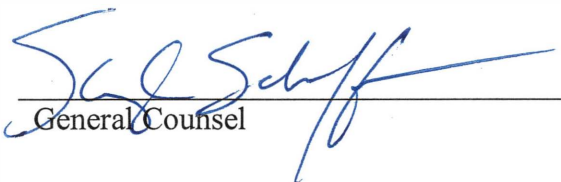
ATTEST:

APPROVED:


 Secretary
 Board of Directors

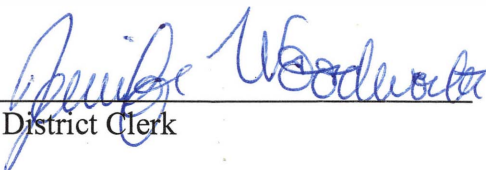

 President
 Board of Directors

APPROVED AS TO FORM:



General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.



District Clerk



Midpeninsula Regional
Open Space District

ACTION PLAN AND BUDGET COMMITTEE

Administrative Office
330 Distel Circle
Los Altos, CA 94022

February 21, 2017

DRAFT MINUTES

ROLL CALL

Director Kishimoto called the meeting to order at 2:32 p.m.

Members Present: Curt Riffle and Yoriko Kishimoto

Members Absent: Jed Cyr

Staff Present: General Manager Steve Abbors, Chief Financial Officer Stefan Jaskulak, General Counsel Sheryl Schaffner, District Clerk/Assistant to the General Manager Jennifer Woodworth; Procurement Specialist Janine Ward, Senior Accountant Andrew Taylor

ADOPTION OF AGENDA

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to adopt the agenda.

VOTE: 2-0-0 (Director Cyr absent)

ORAL COMMUNICATIONS

No speakers present.

COMMITTEE BUSINESS

1. Selection of Committee Chair for Calendar Year 2017

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to nominate Director Cyr as the Action Plan and Budget Committee Chair for calendar year 2017.

VOTE: 2-0-0 (Director Cyr absent)

2. Approve the April 19, 2016 Action Plan & Budget Committee Minutes.

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to approve the Action Plan and Budget Committee minutes for April 19, 2016.

VOTE: 2-0-0 (Director Cyr absent)

3. Review Proposed Enhancement to District's Accounts Payable Claims Process (R-17-25)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided the staff presentation summarizing the current process for authorizing expenditures and proposed changes to the process. Mr. Jaskulak described the various benefits to streamlining the invoice process, including using more efficient and secure electronic payments and decreasing administrative costs.

Director Riffle requested additional information regarding the proposed repeal of Resolution 14-12.

General Counsel Sheryl Schaffner explained repealing Resolution 14-12 is needed to align the District's current process with Board Policy 3.03 and Public Resources Code 5549, which allow the General Manager to enter into contracts up to \$50,000.

Director Riffle spoke in favor of streamlining the claims process and the additional enhancements proposed for the invoice process.

Director Kishimoto stated the Board would be able to ask questions regarding a contract's specifications and the recommended vendor when contracts over \$50,000 are approved by the Board of Directors.

Public comment opened at 3:07 p.m.

No speakers present.

Public comment closed at 3:07 p.m.

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to recommend to the full Board of Directors, for review and approval the following actions:

1. Authorize Accounts Payable staff to release payments over fifty thousand dollars (\$50,000) without holding for Board approval, but continue to provide the current claims report to the board for information.
2. Recommend Board approval of the revised Board Policy 1.03 – Board Agenda.

VOTE: 2-0-0 (Director Cyr absent)

4. Revised Board Policy 3.06 – Initial and Continuing Disclosures Relating to Bond Issuances (R-17-26)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided the staff presentation describing the history of current Board Policy 3.06 *Initial and Continuing Disclosures Relating to Bond Issuances* and proposed policy revisions.

Ms. Schaffner stated the proposed revisions to policy enhance the District's ability to comply with legal requirements and removed redundant steps.

Director Kishimoto requested a summary of the substantive changes to the revised policy.

Mr. Jaskulak explained several redundancies and templates were removed that required communication between the finance and disclosure group because they are largely the same staff members.

Public comment opened at 3:19 p.m.

No speakers present.

Public comment closed at 3:19 p.m.

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to recommend Board approval of revisions to Board Policy 3.06 for disclosures relating to District bond issuances.

VOTE: 2-0-0 (Director Cyr absent)

ADJOURNMENT

Director Kishimoto adjourned the meeting of the Action Plan and Budget Committee of the Midpeninsula Regional Open Space District at 3:24 p.m.

Jennifer Woodworth, MMC
District Clerk

Assembly Bill No. 495

CHAPTER 149

An act to amend Section 5549 of the Public Resources Code, relating to parks.

[Approved by Governor August 10, 2015. Filed with
Secretary of State August 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 495, Gordon. Regional park and open-space districts: general manager: powers.

Existing law authorizes the general manager of any park or open-space district, with district board approval, to bind the district, in accordance with board policy, and without advertising, for the payment of amounts not exceeding \$25,000 for supplies, materials, labor, or other valuable consideration for any purpose.

This bill would authorize the general managers of the East Bay Regional Park District and the Midpeninsula Regional Open Space District to bind those districts, with district board approval and in accordance with board policy, for the payment of supplies, materials, labor, or other valuable consideration for any purpose, in amounts not exceeding \$50,000.

This bill would make legislative findings and declarations as to the necessity of a special statute for the East Bay Regional Park District and the Midpeninsula Regional Open Space District.

The people of the State of California do enact as follows:

SECTION 1. Section 5549 of the Public Resources Code is amended to read:

5549. (a) The general manager has the following administrative and executive functions, powers, and duties. The general manager shall do all of the following:

- (1) Enforce this article and all ordinances and regulations of the district.
- (2) Appoint and remove subordinates, clerks, and other employees, and exercise supervision and control over all departments and offices of the district, subject to the personnel rules, civil service or merit system, and policies adopted by the board.
- (3) Attend all meetings of the board unless excused by the board.
- (4) Submit to the board for adoption any measures, ordinances, and regulations he or she deems necessary or expedient.

(5) Enforce all terms and conditions imposed in favor of the district or its inhabitants in any contract and report any violations to the board or the police department, as appropriate.

(6) Prepare and submit the annual budget to the board and perform all other duties imposed by this article or by the board.

(b) (1) With the approval of the board, the general manager may bind the district, in accordance with board policy, and without advertising, for the payment for supplies, materials, labor, or other valuable consideration for any purpose, including new construction of a building, structure, or improvement, in amounts not exceeding twenty-five thousand dollars (\$25,000). All expenditures shall be reported to the board of directors at its next regular meeting.

(2) Notwithstanding paragraph (1), with the approval of the board, the general manager of the East Bay Regional Park District and the general manager of the Midpeninsula Regional Open Space District may bind those districts, in accordance with board policy, and without advertising, for the payment of supplies, materials, labor, or other valuable consideration for any purpose, including new construction of a building, structure, or improvement, in amounts not exceeding fifty thousand dollars (\$50,000). All expenditures shall be reported to the board of directors at its next regular meeting.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique financial situations of the districts affected by this act.