

RESOLUTION NO. 99-040

**ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF
SACRAMENTO**

ON DATE OF **NOV 30 1999**

**CONSOLIDATION AND MODIFICATIONS OF THE
AUTHORITIES OF THE EXECUTIVE DIRECTOR TO
ENTER INTO AGREEMENTS AND EXPEND FUNDS**

BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF
SACRAMENTO:

Section 1. Subject to the provisions of this resolution, the Executive Director is authorized to enter into contracts and undertake activities on behalf of the Agency obligating the Agency to expend sums that do not exceed \$100,000. For purposes of this resolution, "Agency" shall mean the Sacramento Housing and Redevelopment Agency, the Redevelopment Agency of the City of Sacramento, the Redevelopment Agency of the County of Sacramento, the Housing Authority of the City of Sacramento, and the Housing Authority of the County of Sacramento, jointly or individually as the context may indicate and "governing board" shall mean the governing board of the respective individual Agency.

- a. If the Executive Director enters into a contract that gives the Agency the election to renew at the same terms, each renewal shall be considered an individual contract for purposes of determining the Executive Director's authority to enter into it. In any event, the Executive Director is not authorized, without the approval of the governing board, to enter into any contract that permits more than four renewals.
- b. The Executive Director is authorized to take all lawful, usual and customary and commercially reasonable actions that are necessary to carry out the terms of any duly authorized Agency contract and to enforce such contract, by its terms. This provision shall apply to all Agency contract, including without limitation, a services and supplies contracts, disposition and development agreements, owner participation agreements, loans, grants and subrecipient agreements. Such actions may include without limitation, the issuance of approvals and consents contemplated by the contract, and the waiver of terms if the affect of the waiver does not materially adversely affect the rights of the Agency as determined by Agency counsel.
- c. In any event the Executive Director is not authorized to enter any contract for a term of more that 10 years, irrespective of the amount of the Agency's contract liability.

Section 2. The Executive Director is authorized to enter into amendments of duly executed Agency contracts, which contracts have not previously been approved by action of the governing board, provided that the aggregate amounts of the original Agency contract and all

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such amendments do not exceed \$100,000. The Executive Director is authorized to enter into amendments to duly executed Agency contracts previously approved governing board action, provided that the aggregate amounts of the original Agency contract and all such amendments do not exceed 115% of the approved contract amount (in other words, the original contract amount plus fifteen percent in excess of the original contract amount).

Section 3. The Executive Director is authorized to enter into change orders in construction contracts, whether or not made after claim has been filed or litigation commenced; provided that aggregate amount of such change orders does not exceed the greater of 115% the contract amount (in other words, the original contract amount plus fifteen percent in excess of the original contract amount) or the unencumbered Agency budget allocation for the project. As used in this resolution, "change order" means a change in the amount or work to be done or materials to be used in a construction contract. In any event, the Executive Director is not authorized, without approval of the governing board, to enter into a proposed change order that adds new work. For purposes of this Section 3, "new work" is work having a value of \$5000 or more which requires drawings, plans and specifications not included in the original bid, unless such new work is solely necessary (i) as a result of the discovery of unknown conditions, (ii) to meet code requirements in work otherwise included in the contract, (iii) to protect Agency persons or property or (iv) to realize a savings in work otherwise included in the contract.

Section 4. The Executive Director is authorized, without approval of the governing board, to enter into contracts for the acquisition, disposition, lease or sublease of real and personal property if the cost of the property interest leased, sold or acquired does not exceed \$50,000, and in the event of a lease, has a term which does not exceed one year. The Executive Director is authorized to make grants of easements to utility companies, railroad companies and public agencies for the purpose of constructing, using and maintaining roads, utilities or other public amenities and provided that such easements do not materially affect the Agency's present and future use and enjoyment of the property.

Section 5. Upon the recommendation of Agency Counsel, the Executive Director is authorized to settle claims, whether or not litigation has commenced, that do not exceed \$50,000. In any event, the Executive Director is authorized to pay judgments and awards against the Agency, to the extent of the self-insurance fund in the Agency budget exclusive of monetary limits of 0.

Section 6. The Executive Director is authorized to purchase insurance for the Agency, including without limitation comprehensive liability, workers compensation, employee liability, directors and officers liability, property, flood and earthquake insurance, and enter into agreements with risk retention pools or other similar organizations, provided that insurance obtained is usual and customary and the requirements, coverage and terms are commercially reasonable and provided that the cost does not exceed amounts allocated in the Agency budget exclusive of the monetary limits of 0.

Section 7. The Executive Director is authorized to submit all reports required by law to be filed on behalf of the Agency with any public agency.

Section 8. The Executive Director is authorized to submit grant applications for any and all activities within the jurisdiction of the Agency, provided that the application is made contingent upon City Council approval (i) if an Agency budget amendment requiring City

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Council approval is required or (ii) if the Agency activity required by the grant constitutes a Project. The Executive Director is authorized to accept award of such grants and enter into the related grant agreements, unless (i) a Agency budget amendment requiring City Council approval is required or (ii) the Agency activity required by the grant constitutes a Project.

Section 9. The Executive Director is authorized amend the Agency budget in the following regard, subject to bond covenants:

- a. The Executive Director is authorized to increase or decrease Agency operating budget appropriations and contingency reserves by not more than \$100,000 in any one transaction.
- b. The Executive Director is authorized to increase or decrease Agency budget appropriations for a Project or other Agency activity by not more than \$50,000 in one Agency budget year.
- c. The Executive Director is authorized to amend the Agency budget to receive funds that the Executive Director is otherwise authorized to accept and to allocate such funds as appropriate.
- d. The Executive Director is authorized to make transfers of fund balances to accommodate reserve requirements and to allocate and transfer any available fund balances to accounts held for future projects or reduce Agency budget shortfalls in any other fund balances, provided that the proposed use of such funds is in accordance with applicable law and funding source requirements.
- e. The Executive Director is authorized to amend the Agency budget to receive revenues of revolving loan funds and to allocate and appropriate such funds in accordance with the applicable loan program.
- f. The Executive Director is authorized to amend the Agency budget to reflect Projects as approved by the City Council, including without limitation contract obligations and debt service payments.
- g. The Executive Director is authorized to transfer Project appropriations among fund groups, as for example, within a redevelopment project area, as necessary to meet current need.
- h. The Executive Director is authorized to make internal administrative loans and loans between Agency managed funds as necessary to assure and maximize receipt of anticipated redevelopment tax increment revenues.
- i. With regard to any matters not listed in this 0, the Executive Director shall have the same authority as the City Manager of the City of Sacramento to make Agency budget transfers and amendments, and the allocation and expenditure of funds, as such authority may be amended from time to time.

Section 10. Notwithstanding a general grant of authority, the Executive Director is not authorized to do the following without the approval of the governing board:

- a. The Executive Director is not authorized to take any action unless it is within the authority of the Agency.

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- b. The Executive Director is not authorized to take any action unless and until the funds are available for such action in the Agency budget.
- c. The Executive Director is not authorized to enter into any commitment for a "Project" without approval of the governing board. In determining all delegations of authority, an action shall be considered a "Project" if it is a development project not included in an adopted Agency program (by way of example a development loan under an adopted loan program would not be considered a project), if it involves the joint operation of any Agency activity with any third party, or if it commits the Agency to a significant course of action or establishes a policy or program, directly or indirectly. Examples of projects include bond issues, disposition and development agreements, owner participation agreements, loans not made under an adopted Agency loan program, new loan products or programs, loan guarantees or lender agreements not contemplated by an adopted program, and property condemnation or acquisition (including leaseholds for terms greater than one year).
- d. The Executive Director is not authorized to enter into contracts with auditors for required audits; provided, however, that the Executive Director may enter into contracts with auditors for the purpose of internal review of the performance and processes of individual agency programs.

Section 11. With regard to any matters not listed in this resolution, the Executive Director shall have the same authority as the City Manager of the City of Sacramento may have with regard to like matters.

Section 12. The Executive Director is authorized to codify Agency's adopted policies, programs and guidelines; provided that codification accurately and completely restate the same, as approved by Agency Counsel.


Section 13. The Executive director may undertake any action not otherwise authorized by this resolution if the action is expressly authorized by action of the governing board.

Section 14. In the event of a conflict with applicable law, the foregoing provisions shall be construed in a manner which complies with law and which most closely meets their intended purpose.

Section 15. All prior general grants of authority to the Executive Director are rescinded and are replaced in full by this resolution. Additional or expanded authorities granted with respect to specific programs or activities are not rescinded by this resolution and remain in full force and effect. The organizational documents of the Agency are amended to the extent of the matters contained in this resolution, subject to approval of all governing bodies whose approval is required.



 ACTING CHAIR

ATTEST:


 SECRETARY

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