

PROPOSED

**OCEAN PROTECTION COUNCIL DELEGATIONS TO ITS
EXECUTIVE DIRECTOR**

June 28, 2013

Pursuant to ~~Public Resources~~ Contingent upon amendment of Code §§ 35605, 35615 and 35625 (~~as amended~~ pursuant to the Assembly Bill 77 (Chapter XX, Statutes of 2013, or any variation thereof), the Ocean Protection Council (Council) delegates to its Executive Director the authority to take the following actions as necessary or appropriate for operations of the Council, consistent with applicable law and the policies of the Council, without further, specific Council authorization:

1. Negotiate and execute administrative documents on behalf of the Council.
2. Negotiate grant and contract agreements, amendments and take other actions required to carry out formal and informal Council authorizations.
3. Negotiate and enter into contracts for technical and other services needed to develop and implement Council projects and programs, and costing no more than \$200,000.
4. Apply for funds from persons and entities for agency support and project work, make required representations, negotiate and enter into agreements to obtain funds, accept funds, assign and accept assignment of grant and similar applications and funds, and meet agreed conditions. However, this delegation shall not authorize the Executive Officer to expend funds accepted or implement grant-funded projects funded unless otherwise authorized by the Council.
5. Augment funds for Council-authorized expenditures by up to 15 percent.
6. Make administrative expenditures for personnel, equipment and services necessary or appropriate for operation of the Council.
7. Appoint and delegate tasks and functions to Council staff as appropriate.
8. Prepare, circulate and file all documents necessary under the California Environmental Quality Act (CEQA) in aid of Council authorization of the projects and programs, and determine if a proposed Council authorization is exempt from CEQA.
9. Prepare legislative reports and budget materials as required for administration of the program, sign fiscal status reports and certify the condition of the program's finances to the Department of Finance, the State Controller, and other control agencies; and to execute, subject to the Board's overall approval of the receipt and use of funds, all necessary budget revisions, Budget Change Proposals (BCPs), and other documents necessary in order to obtain authority for the receipt and expenditure of funds.
10. Place on the Council's consent calendar matters falling generally within the following parameters, provided that the Council reserves the right to remove any item from the consent calendar:

- a. Project amendments, augmentations, changes of grantee for a previously authorized project, or proposed redirections of funds.
 - b. Acceptance of funds from another entity.
 - c. Authorization to approve funding or modification of a previously authorized project.
 - d. Projects falling within a program or series of actions for which the Council has already granted formal or informal approval.
 - e. Items that require a minimum of discretion or judgment, including any items of this nature specified in detail in budget acts and other legislation.
 - f. Grants or other items involving the expenditure of no more than \$200,000, and about which no controversy is evident.
 - g. Contracts for services;
11. With respect to projects previously authorized by the Council, to accomplish the purposes of the authorization, and consistent with applicable law:
- a. Substitute grantees.
 - b. Redirect incoming or outgoing grants, grant applications and related instruments.
 - c. Modify or assign grant agreements and contracts.
 - d. Authorize Council grantees to accept from or convey to other appropriate entities on appropriate terms leases, licenses, options, offers to dedicate, and similar instruments and interests, and interests in land such as conservation easements.
12. Enter into any joint defense, indemnification or tort immunity agreement as is reasonable and lawful, but that no indemnification will be granted absent the Council Chair's prior approval and consent. This shall include, but not be limited to, executing any tort immunity agreement with any nonprofit organization seeking to own and/or manage property in the coastal zone for public coastal access or open space purposes, upon the Secretary's determination that the level of public access to be provided is appropriate for the property in question, and satisfies the requirements of Government Code Section 831.5."
13. Take any and all reasonable actions which may be necessary to ensure the policies and directions of the Council are furthered and defended during periods between regular Council meetings. This authorization shall include the ability to respond in writing to federal ~~or other~~ proposed legislation which could affect the decisions, policies or programs of the Council, and for which response the Council Chair has reviewed and approved.

These delegations consolidate and supersede all prior delegations of the Ocean Protection Council.