

EXECUTIVE OFFICER SUMMARY REPORT  
July 9, 2004

ITEM: 7

SUBJECT: **DELEGATION OF AUTHORITY TO EXECUTIVE OFFICER**  
The Board will discuss and consider adoption of tentative Resolution 04-06 entitled "*Administrative and Operational Responsibilities: Delegation of Authority to Executive Officer*". This item will include a discussion of the SDRC's potential role in regulatory issues.  
(Deborah Jayne)

PURPOSE: Discuss the proposed delegated authorities and dollar amount limitations in the tentative Resolution. Discuss the Conservancy's role in addressing issues before regulatory agencies. Consider adoption of tentative Resolution 04-06, "*Administrative and Operational Responsibilities: Delegation of Authority to Executive Officer*".

DISCUSSION: The enabling statute directs the SDRC Governing Board to appoint an Executive Officer, and other necessary staff persons, to "execute the powers and duties of the Conservancy"...(Public Resources Code section 32641).

The purpose of tentative Resolution 04-06 is to delegate to the Executive Officer the authority to carry out the regular and day-to-day administrative responsibilities of the Conservancy. As described in the Resolution, the Delegation of Authority serves to: (1) facilitate the conduct of Conservancy operations; (2) clarify the roles of the Executive Officer and the Governing Board; (3) provide a mechanism for prompt action; (4) authorize the Executive Officer to comment on Non-Regulatory and Regulatory issues within stated limitations; and (5) streamline Agency operations while preserving the Governing Board's authority over all policy matters.

Although the Delegation of Authority does not preclude the Executive Officer from bringing any issue before the Governing Board, it provides the Executive Officer with the flexibility to conduct many aspects of day-to-day operations without further specific Conservancy authorization. Tentative Resolution 04-06, is comparable in content and scope to the Delegation of Authority under which the Executive Officers of the Tahoe Conservancy and the Coastal Conservancy currently operate.

Several authorities in the tentative Delegation are limited by dollar amounts. For example, under section 3, the Executive Officer would be authorized to execute contracts with public agencies for amounts up to \$200,000. Contracts in excess of \$200,000 would require prior approval by the Governing Board.

Comments on Non-Regulatory and Regulatory Issues

Sections 6 and 7 of the Delegation authorize the Executive Officer to comment on non-regulatory and regulatory issues within or related to the jurisdiction and authority of the San Diego River Conservancy. Non-regulatory issues are defined as those issues not within the purview of a regulatory agency. For example under section 6, the Executive Officer would be authorized to write a letter of support for the grant application efforts of the Regional Workbench Consortiums<sup>1</sup>.

Under section 7, the Executive Officer would be authorized to provide comments on regulatory issues of a general or regional nature, but would be precluded (on her own discretion) from commenting on specific properties located within the jurisdiction and authority of the San Diego River Conservancy that are under, or may be under, consideration for acquisition. Accordingly, section 7 would authorize the Executive Officer to comment on regulatory issues such as the Regional Board's Basin Plan, Clean Water Act section 303(d) List of Impaired Waters, or the San Diego Municipal Storm Water (MS4) Permit. However, to comment on a specific cleanup site, such as the Kinder Morgan Tank Farm in Mission Valley, the Executive Officer would first need to bring the issue to the Governing Board for approval and direction.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING  
DOCUMENTS: Tentative Resolution 04-06

RECOMMENDATION: Adopt tentative Resolution 04-06.

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<sup>1</sup> The Regional Workbench Consortium is an organization of academic, non-profit, for profit, and government entities, working in conjunction with UCSD's SuperComputer, to develop advanced technologies to address quality of life issues. The Consortium is currently working on urban development and runoff issues in the San Diego River Watershed.