


# M E M O

## *Alameda Corridor Transportation Authority*

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To: Governing Board

Meeting Date: June 20, 2024

From: Michael C. Leue, Chief Executive Officer 

Subject: APPROVE Modifications to ACTA Delegation of Authorities to the Chief Executive Officer

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### **Recommendation:**

Approve the delegation of certain authorities to the Chief Executive Officer (CEO) and authorization for the CEO to delegate said authorities to other ACTA Officers, as necessary, insofar as the following items are concerned. The purpose of this recommendation is to conform the authorities previously granted to the CEO. The entirety of the Delegation of Authorities has been included here so that it appears in one document. The Delegation of Authorities is presented as previously approved by the Governing Board (Nov 18, 1999; Aug 14, 2003; May 27, 2004, Apr 22, 2008) with the exception of modifications shown as bold items below or items to be removed as strikethrough.

### **Background:**

ACTA staff requests modifications to the Delegation of Authorities which has not been updated since November 1999. The Delegation of Authorities sets limits on the delegated authority granted by the Governing Board to ACTA the CEO.

The Consumer Price Index (CPI) has increased costs by 180% over the 25 years since the original delegation of authority was approved by the Governing Board, and moreover, the CPI tends to understate increases in engineering and construction costs. The current delegated authority limit of contracts and other actions not to exceed \$50,000 is recommended to be increased to \$100,000. The current delegated authority limit for purchases and other actions not to exceed \$100,000 is recommended to be increased to \$200,000. These recommended increases (shown in bold below) and certain authorities no longer needed (shown as strikethrough) to be incorporated into the Delegation of Authorities are submitted for approval by the Governing Board.

### **Delegation of Authority:**

1. Authorize the Chief Executive Officer to appoint ACTA officers as Acting-CEO in the temporary absence of the Chief Executive Officer.
2. Authorize the Chief Executive Officer to establish a succession of signature authority. Succession of authority shall be as follows: CEO, Chief Financial Officer (CFO), Chief Operating Officer (COO).
3. Authorize the Chief Executive Officer to execute purchase orders of up to **\$200,000**.
4. Authorize the Chief Executive Officer to execute professional service contracts of **\$100,000** or less without Board approval.
5. Authorize the Chief Executive Officer to extend the term of Governing Board approved contracts for up to one additional twelve-month period when no additional compensation is involved.

6. Authorize the Chief Executive Officer to hire and/or terminate ACTA employees and/or personnel positions.
7. Authorize the Chief Executive Officer to accept and execute Caltrans right-of-way project certifications.
8. Authorize the Chief Executive Officer to accept and consent to the recordation of real estate deeds or grants to or from ACTA made pursuant to authority for such deeds or grants as set forth in Governing Board approved agreements.
- ~~9. Authorize the Chief Executive Officer to adopt assurances and guarantees regarding fair and equitable treatment of property owners during the acquisition process.~~
- ~~10. Authorize the Chief Executive Officer to institute legal proceedings on matters relating to right of entry and unlawful detainer.~~
- ~~11. Authorize the Chief Executive Officer to establish just compensation based on appraised values.~~
- ~~12. Authorize the Chief Executive Officer to execute settlement agreements on behalf of ACTA for properties being acquired for the project.~~
- ~~13. Authorize the Chief Executive Office to approve the sale and disposal of Fixtures and Equipment (F&E), not exceeding **\$200,000** in value, per acquisition.~~
- ~~14. Authorize the Chief Executive Officer to execute rental agreements with property owners for units vacated prior to ACTA's acquiring the property.~~
- ~~15. Authorize the Chief Executive Officer to advertise for bids for building demolition and site remediation of right-of-way acquired for north end grade separations.~~
- ~~16. Authorize the Chief Executive Office to establish the Relocation Appeals Board and adoption of relocation appeals policy entitled "ACTA Grievance Procedures."~~
- ~~17. Authorize the Chief Executive Officer to submit Draft Relocation Plan to the State of California and to provide notice of the plan to affected occupants.~~
- ~~18. Authorize the Chief Executive Officer to approve relocation claims and relocation payments, not exceeding **\$200,000**.~~
- ~~19. Authorize the Chief Executive Officer to approve loss of business goodwill settlements, not exceeding **\$200,000**.~~
- ~~20. Authorize the Chief Executive Officer to provide notice for utility relocation and execute replacement utility licenses and permits necessary for Corridor construction.~~
- ~~21. Authorize the Chief Executive Officer to enter into settlement agreements with fiber optics companies for the relocation of fiber optics facilities.~~

**Budget Impact:**

The approval of ACTA's Delegation of Authorities will not directly impact ACTA's budget.

**Co-General Counsel Review:**

ACTA's Co-General Counsel has reviewed this Board Report and there are no legal issues at this time.

**Transmittals:**

Transmittal 1 – Delegation of Authorities