



**CENTRAL TEXAS
Regional Mobility Authority**

July 27, 2016
AGENDA ITEM #17

Consider amendmentS to the CTRMA Policy Code regarding the Executive Director's procurement and contracting authority

Strategic Plan Relevance: Regional Mobility
Department: N/A
Contact: Geoff Petrov, General Counsel
Associated Costs: N/A
Funding Source: N/A
Action Requested: Consider and act on draft resolution

Summary:

This item seeks amendments to Sections 101.038 and 101.040 of the CTRMA Policy Code regarding the Executive Director's procurement and contracting authority. In order to avoid delays in the commencement of procurement activities, it would be more efficient for the Executive Director to initiate procurements directly rather than seeking authorization at a Board Meeting. The proposed amendment requires the Executive Director to continue to conduct procurements in accordance with the procedures established in the Policy Code. Additionally, the Executive Director's contracting authority would be extended to include the execution of employment contracts. None of the proposed amendments would result in the expenditure of CTRMA funds without the prior approval of the Board.

Backup provided: Proposed draft policy amendment
Draft Resolution

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 16-XXX

AMENDING THE POLICY CODE TO

WHEREAS, by Resolution No. 12-016 dated February 29, 2012, the Board adopted the Mobility Authority Policy Code (“Policy Code”) as a non-substantive codification of all policy resolutions adopted by the Board since 2003; and

WHEREAS, subsequent to its initial adoption, the Board has amended the Policy Code from time to time in order to modify existing policies and incorporate new policies beneficial to the operation of the Central Texas Regional Mobility Authority; and

WHEREAS, the Executive Director recommends amending the Policy Code to allow for the initiation of procurements and execution of employment agreements, as set forth in the proposed amendment to Sections 101.038 and 101.040 attached hereto as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends Sections 101.038 and 101.040 of the Policy Code, each to read in its entirety as set forth in Exhibit 1.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 27th day of July, 2016.

Submitted and reviewed by:

Approved:

Geoffrey Petrov, General Counsel

Ray A. Wilkerson
Chairman, Board of Directors

EXHIBIT 1 TO RESOLUTION NO. 16-XXX

Article 3. ADMINISTRATION

Subchapter A. ADMINISTRATIVE STAFF

Administrators 101.037

- (a) The chief administrator of the authority shall be the executive director.
- (b) Other administrators may be appointed by the executive director with the consent of the board. All such administrators, except for the executive director, shall perform such duties and have such powers as may be assigned to them by the executive director or as set forth in board Resolutions.
- (c) Any administrator may be removed, with or without cause, at any time by the executive director.
- (d) All administrators will be reimbursed for expenses incurred in performance of their duties as approved by the executive director. Notwithstanding the foregoing, all expense reimbursements to the executive director shall be subject to the approval of the Executive Committee.

Executive Director 101.038

- (a) The executive director will be selected by the board and shall serve at the pleasure of the board, performing all duties assigned by the board and implementing all resolutions adopted by the board.
- (b) In addition, the executive director:
 - (1) shall be responsible for general management, hiring and termination of employees, and day-to-day operations of the authority;
 - (2) shall be responsible for preparing a draft of the Strategic Plan for the authority's operations, as described in Section 101.013;
 - (3) shall be responsible for preparing a draft of the authority's written Annual Report, as described in Section 101.013;
 - (4) at the invitation of a Commissioners Court of a county in the authority, shall appear, with representatives of the board, before the Commissioners Court to present the authority's Annual Report and respond to questions and receive comments regarding the Report or the authority's operations;
 - (5) may initiate procurements for goods and services, consulting and professional services, and construction services in accordance with the procedures established in this Policy Code, including soliciting proposals and advertising contracts for bids;
 - (6) may execute inter-agency and interlocal contracts, service contracts, and employment agreements provided that obligations assumed pursuant to such agreements are within limits specified in the most recent budget approved by the board;

(7) may execute contracts, contract supplements, contract change orders, and purchase orders not exceeding amounts established in Resolutions of the board; and

(8) shall have such obligations and authority as may be described in one or more Resolutions enacted from time to time by the board.

(c) The executive director may delegate the foregoing duties and responsibilities as the executive director deems appropriate, provided such delegation does not conflict with applicable law or any express direction of the board.

Interim Executive Director 101.039

The board may designate an interim executive director to perform the duties of the executive director during such times as the position of executive director is vacant. The interim executive director need not be an employee of the authority.

Termination of Employees 101.040

Employees of the authority shall be employees at will unless they are party to an employment agreement with the authority executed by the executive director or, in the case of an agreement with the executive director, executed by the chairman upon approval by the board. Employees may be terminated at any time, with or without cause, by the executive director subject to applicable law and the policies in place at the time of termination.

Article 3. ADMINISTRATION

Subchapter A. ADMINISTRATIVE STAFF

Administrators 101.037

- (a) The chief administrator of the authority shall be the executive director.
- (b) Other administrators may be appointed by the executive director with the consent of the board. All such administrators, except for the executive director, shall perform such duties and have such powers as may be assigned to them by the executive director or as set forth in board Resolutions.
- (c) Any administrator may be removed, with or without cause, at any time by the executive director.
- (d) All administrators will be reimbursed for expenses incurred in performance of their duties as approved by the executive director. Notwithstanding the foregoing, all expense reimbursements to the executive director shall be subject to the approval of the Executive Committee.

Executive Director 101.038

- (a) The executive director will be selected by the board and shall serve at the pleasure of the board, performing all duties assigned by the board and implementing all resolutions adopted by the board.
- (b) In addition, the executive director:
 - (1) shall be responsible for general management, hiring and termination of employees, and day-to-day operations of the authority;
 - (2) shall be responsible for preparing a draft of the Strategic Plan for the authority's operations, as described in Section 101.013;
 - (3) shall be responsible for preparing a draft of the authority's written Annual Report, as described in Section 101.013;
 - (4) at the invitation of a Commissioners Court of a county in the authority, shall appear, with representatives of the board, before the Commissioners Court to present the authority's Annual Report and respond to questions and receive comments regarding the Report or the authority's operations;
 - (5) may initiate procurement for goods and services, consulting and professional services, and construction services in accordance with the procedures established in this Policy Code including soliciting proposals and advertising contracts for bids;
 - (6) may execute inter-agency and interlocal contracts, ~~and~~ service contracts, and employment agreements provided that obligations assumed pursuant to such agreements are within limits specified in the most recent budget approved by the board.;
 - (7) may execute contracts, contract supplements, contract change orders, and purchase orders not exceeding amounts established in Resolutions of the board; and

(87) shall have such obligations and authority as may be described in one or more Resolutions enacted from time to time by the board.

(c) The executive director may delegate the foregoing duties and responsibilities as the executive director deems appropriate, provided such delegation does not conflict with applicable law or any express direction of the board.

Interim Executive Director 101.039

The board may designate an interim executive director to perform the duties of the executive director during such times as the position of executive director is vacant. The interim executive director need not be an employee of the authority.

Termination of Employees 101.040

Employees of the authority shall be employees at will unless they are party to an employment agreement with the authority executed by the executive director or, in the case of an agreement with the executive director, executed by the chairman upon approval by the board. Employees may be terminated at any time, with or without cause, by the executive director subject to applicable law and the policies in place at the time of termination.