



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

June 26, 2024
AGENDA ITEM #18

Discuss and consider amending
Mobility Policy Code § 101.038
authorizing the Executive Director to
negotiate and execute certain
settlement claims by or against the
Mobility Authority

Strategic Plan Relevance:	Stewardship
Department:	Administration
Contact:	James Bass, Executive Director
Associated Costs:	Not Applicable
Funding Source:	Not Applicable
Action Requested:	Consider and act on draft resolution

Project Description/Background:

In its normal course of business, claims are brought upon the Mobility Authority. In some instances, it is in the best interest of the Mobility Authority to settle claims administratively rather than taking a claim through the court system. The proposed policy change seeks to streamline the process of claims settlement by delegating the authority for claims settlement to the Executive Director for claims that do not exceed \$50,000.

Errors and omissions by professional service providers (“providers”) occur on complex design and construction projects. While not ideal, these do occur on Mobility Authority projects, however, contract terms are in place to protect the Mobility Authority. As a part of the settlement process with providers, the Mobility Authority receives compensation to offset expenses related to the error or omission. In some cases, providers do request to be provided a release for any additional claims in the future related to the specific error or omission being addressed. These releases are very narrowly focused so that the provider is not released from any more liability than the specific issue being addressed. The proposed policy change seeks to streamline the settlement of errors and omissions to provide the Executive Director the authority to

execute and issue the settlement and release related to errors and omissions.

Previous Actions & Brief History of the Program/Project: The Mobility Authority's Policy Code was approved by the CTRMA Board of Directors in February 2012. Numerous amendments have been made since the Policy Code's adoption.

Financing: Not applicable

Action requested/Staff Recommendation: Staff recommends approval of a change to Article 3 of the *Mobility Authority Policy Code* regarding resolving claims and errors and omissions.

Backup provided: Draft Resolution Chapter 1, Article 3 of the Mobility Authority Policy Code

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

RESOLUTION NO. 24-0XX

AMENDING MOBILITY AUTHORITY POLICY CODE SECTION 101.038

WHEREAS, by Resolution No. 12-016 dated February 29, 2012, the Board of Directors adopted the Mobility Authority Policy Code (“Policy Code”); and

WHEREAS, subsequent to its initial adoption, the Board of Directors 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 (“Mobility Authority”); and

WHEREAS, throughout the Mobility Authority’s ordinary course of business, claims are brought by or against the Mobility Authority; and

WHEREAS, it is desirable to settle claims administratively rather than the judicial process; and

WHEREAS, the Executive Director recommends amending the Policy Code Section 101.038 as shown in Exhibit A to delegate the authority to negotiate and execute settlement claims by or against the Mobility Authority not exceeding \$50,000.00 to the Executive Director.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends Section 101.038 of the Mobility Authority Policy Code as shown in Exhibit A attached hereto.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 26th day of June 2024.

Submitted and reviewed by:

Approved:

James M. Bass
Executive Director

Robert W. Jenkins, Jr.
Chairman, Board of Directors

Exhibit A

101.038 Executive Director

(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;

(8) may negotiate and execute a settlement and release for a claim:

(a) by or against the authority that does not exceed \$50,000. Except as provided in (b) below, claims by or against the authority in excess of \$50,000 may be compromised or settled only with the approval of the board; or,

(b) by the authority for design errors and omissions that does not exceed the maximum amount for change orders that the executive director is authorized to issue for the project without board approval. The executive director shall report any such settlement in excess of \$50,000 to the board at or prior to the next board meeting following execution of the settlement and release; and

(9) 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.

101.038 Executive Director

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(8) may negotiate and execute a settlement and release for a claim:

(a) by or against the authority that does not exceed \$50,000. Except as provided in (b) below, claims by or against the authority in excess of \$50,000 may be compromised or settled only with the approval of the board; or,

(b) may negotiate and execute a settlement, from the provider to the Mobility Authority, by the authority for a claim arising from design errors and omissions that does not exceed the maximum amount for change orders that the executive director is authorized to issue for the project without board approval. The Executive Director shall will must submit a report any such settlement in excess

~~of \$50,000 to the board at or prior to the next board meeting following execution of the settlement and release to the Board on the resolution of any such claim that involved a Change Order requiring the approval of the Board may be compromised or settled by the executive director;~~ and

(98) 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.