

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE (DIVISION)
DECEMBER 4, 2007**

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION DELEGATING CERTAIN AUTHORITIES TO THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR, THE DEPUTY DIRECTOR OF THE DIVISION OF FINANCIAL ASSISTANCE, OR DESIGNEE FOR WATER RECYCLING FACILITIES PLANNING STUDY GRANTS

DISCUSSION

On January 8, 2007, the State Water Resources Control Board (State Water Board) adopted [Resolution 2007-0004](#), which delegated authority to the Executive Director, Chief Deputy Director, Deputy Director of the Division of Financial Assistance (Division), or designee to approve and issue Preliminary Funding Commitments for routine grants and other such financial assistance agreements and amendments for projects on a priority funding list adopted by the State Water Board. The Division's Water Recycling Funding Program (WRFPP) has a Competitive Project List (CPL) adopted by the State Water Board for the water recycling construction projects. There is no CPL or priority funding list for the water recycling facilities planning studies. Therefore, [Resolution 2007-0004](#) does not apply to the Water Recycling Planning Study Grants. These studies are generally routine and non-controversial, and the maximum grant awarded does not exceed \$75,000.

The Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act of 2000 (Proposition 13) allocated \$40,000,000 to the Water Recycling Subaccount to provide loans and grants for facilities planning, design, and construction of water recycling projects. Proposition 13 provided that a portion of the Water Recycling Subaccount may be used to provide grants to municipalities, not to exceed seventy-five thousand dollars (\$75,000), for facility planning studies for water recycling projects. The State Water Board adopted the WRFPP Guidelines on October 21, 2004 ([Resolution No. 2004-0064](#)). In accordance with the WRFPP Guidelines, the Water Recycling Facilities Planning Study Grants are provided to assist agencies in the preparation of water recycling projects using treated municipal wastewater and/or treated groundwater from sources contaminated due to human activities.

For the orderly and efficient management of the WRFPP, it is appropriate and desirable to delegate to the Executive Director, the Chief Deputy Director, the Deputy Director of the Division, or designee the authority to approve and issue Preliminary Funding Commitments and to execute Grant Agreements for routine Water Recycling Facilities Planning Studies that are consistent with internal policies and the WRFPP Guidelines, that do not exceed funds available, and are routine and non-controversial.

POLICY ISSUE

Should the State Water Board delegate the authority to approve and issue Preliminary Funding Commitments, and to execute financial assistance agreements and amendments, for Water Recycling Facilities Planning Studies to the Executive Director, the Chief Deputy Director, the Deputy Director of the Division, or designee?

FISCAL IMPACT

No fiscal impact.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends adopting the proposed Resolution delegating to the Executive Director, the Chief Deputy Director, the Deputy Director of Division, or designee the authority to approve and issue Preliminary Funding Commitments, and to execute financial assistance agreements and amendments, for the Water Recycling Facilities Planning Studies

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2007 -

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR, THE DEPUTY DIRECTOR OF THE DIVISION OF FINANCIAL ASSISTANCE, OR DESIGNEE WATER RECYCLING FACILITIES PLANNING STUDY GRANTS

WHEREAS:

1. The Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act of 2000 (Proposition 13) allocated \$40,000,000 to the Water Recycling Subaccount to provide loans and grants for facilities planning, design, and construction of water recycling projects;
2. Proposition 13 provided that a portion of the Water Recycling Subaccount may be used to provide grants to municipalities, not to exceed seventy-five thousand dollars (\$75,000) for Water Recycling Facility Planning Studies;
3. The State Water Resources Control Board (State Water Board) adopted the Water Recycling Funding Program (WRFP) Guidelines on October 21, 2004 ([Resolution No. 2004-0064](#));
4. The State Water Board wishes to delegate authority to make certain Preliminary Funding Commitments, and to execute certain financial assistance agreements and amendments, for Water Recycling Facilities Planning Studies pursuant to Proposition 13;
5. On January 8, 2007, the State Water Board adopted [Resolution 2007-0004](#), which delegated authority to the Executive Director, Chief Deputy Director, Deputy Director of the Division of Financial Assistance (Division), or designee to approve and issue Preliminary Funding Commitments for routine grants and other such financial assistance agreements and amendments for projects that are on a priority list adopted by the State Water Board. In accordance with the WRFP Guidelines, there is no priority funding list for the water recycling facilities planning studies;
6. Many water recycling planning study financial assistance approvals scheduled for consideration at State Water Board meetings are routine and are noticed as non-controversial items on the agenda. For the orderly and efficient management of such programs, it is appropriate and desirable to delegate to the Executive Director, the Chief Deputy Director, the Deputy Director of the Division, or designee the authority to approve and issue Preliminary Funding Commitments for routine grants and other such financial assistance agreements that are consistent with internal policies and the WRFP Guidelines, that do not exceed funds available, and are routine and non-controversial.
7. For the orderly and efficient administration of such agreements, it is desirable to designate appropriate staff to make a final agency determination concerning any dispute arising out of such agreements or relating to the performance thereof.

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THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director, the Chief Deputy Director, the Deputy Director of the Division, or designee to make Preliminary Funding Commitments, grants, and other such financial assistance agreements for water recycling facilities planning studies pursuant to Proposition 13. These Preliminary Funding Commitments, grants, and other such financial assistance agreements shall be for studies that are routine, non-controversial, and that are consistent with those policies, regulations, and agreements that the State Water Board has adopted or will adopt governing the internal management of those financial assistance projects managed by the Division;
2. Hereby authorizes the Executive Director, the Chief Deputy Director, the Deputy Director of the Division, or designee to execute for and on behalf of the State Water Board, agreements and amendments described herein, and to perform all acts and to do all things necessary and convenient to implement such agreements;
3. Except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director's designee shall be the duly authorized representative of the State Water Board for the purpose of making a final determination of any dispute arising under, or relating to, the performance of any agreements to which the State Water Board is a party;
4. The Executive Director, Chief Deputy Director, the Deputy Director of the Division, or designee are directed in exercising the authority vested in them by this Resolution, without restricting the authority specified, to bring to the attention of the Board Members at Board Meetings, or by other appropriate communication, any matters that are of a unique, controversial, or unusual nature, or that appear to depart from the policies of the State Water Board;
5. This authorization shall not be construed to eliminate the necessity of required approval or concurrence of any other State agency;

D R A F T

6. The Deputy Director of the Division may delegate the responsibilities granted herein to an Assistant Division Deputy Director authorized to act as a designee in the Division Deputy Director's absence.

CERTIFICATION

The undersigned, Acting Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 4, 2007.

Jeanine Townsend
Acting Clerk to the Board