

Edwards Aquifer Authority Proposed Bylaw Amendments

5.01 Duties of the General Manager

(a) The Board shall hire a General Manager to be the chief executive officer of the Authority. The General Manager shall be responsible for general and active management of the business of the Authority and shall have all those duties and responsibilities delegated by the Board. The “General Manager” is equivalent to the “executive director” referenced in the Act.

(b) Except as provided by Sections 5.08, 5.09, 5.10, and 5.11, all contractors and employees of the Authority, shall be selected and hired by the General Manager and shall conduct their work under the General Manager’s supervision and direction. The General Manager may hire on behalf of the Authority all such employees and consultants for which allocation has been made in the annual budget. The General Manager may execute on behalf of the Authority, without further authorization by the Board, any contract for a project involving the expenditure of an amount no greater than ~~fifty-one hundred~~ thousand dollars (~~\$50,000~~100,000) for which general allocation for such type of contract has been made in the annual budget. This limit also applies to multiple contracts for the same project. Unless the expenditure is necessary in order to perform a procedural requirement mandated by law for the Authority to implement one of its activities, the General Manager may not execute on behalf of the Authority, without further authorization by the Board, multiple contracts totaling more than ~~one-two~~ hundred thousand dollars (~~\$100,000~~200,000) with the same party for different projects in one calendar year. The General Manager shall execute other contracts, obligations, undertakings, conveyances and other instruments when so authorized and directed by the Board.

5.08 Legal Consultant Services

General counsel services for the Board will be approved by the Board. The General Manager may retain special counsel for contested cases. The Board shall hire all legal consultants. The Board shall authorize the General Manager to develop procedures for reviewing, evaluating, selecting, and managing agreements for such services. All agreements shall be conducted in accordance with the following guidelines:

(a) “Legal consultants” – shall include the Authority’s outside counsel of record and all other outside individual attorneys or law firms engaged by the Authority.

11.02 Award of Certain Contracts

(a) The General Manager is authorized to enter into, or amend, on behalf of the Authority, certain contracts without further Board authorization as follows:

(1) Any purchase order, agreement, contract, or any other procurement instrument, for which the total dollar amount is ~~\$50,000~~100,000 or less, provided general allocation for the expenditure has been made in the annual budget;

(2) Any combination of multiple purchase orders, agreements contracts, or any other procurement instruments for separate and distinct projects (whether similar in nature or not), for which the cumulative total dollar amount with an individual vendor is ~~\$100,000~~200,000 or less, provided general allocation for the expenditure has been made in the annual budget;

(3) Any amendment to an authorized procurement instrument provided:

(A) general allocation for the amount of such amendment has been made in the annual budget;

(B) the cumulative estimated value of all amendments is less than 25% of the original contract amount; and

(C) the total contract amendment does not exceed the General Manager's authority.

(4) Any emergency contract or contract amendment where the total dollar amount exceeds the General Manager's authorization. An "emergency" shall be defined as cases resulting from reasonable unforeseen circumstances in which postponing action until the next meeting of the Board will result in loss of property, danger to life or health, or have a major adverse effect on Authority activities. In cases of emergency, the General Manager is required to request ratification of these actions at the next scheduled Board meeting.

(b) All purchases, agreements, and contracts that individually require an expenditure of more than ~~\$50,000~~100,000, but do not exceed ~~\$100,000~~200,000, shall be approved by oral motion, duly seconded and passed, during a Board meeting. All purchase orders, agreements and contracts that exceed ~~\$100,000~~\$200,000 shall only be approved by written resolution of the Board adopted during a Board meeting.