

MINUTE ITEM
This Calendar Item No. 35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 3
to 0 of its 5-1-91
meeting.

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CALENDAR ITEM

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DELEGATIONS OF AUTHORITY

PARTY:

State Lands Commission
1807 - 13th Street
Sacramento, California 95814

The State Lands Commission, in accordance with the law, provides for the redelegation of certain powers to the Executive Officer and staff of the State Lands Commission. A general redelegation of authority was last made by Minute Item 31, pages 1296-1301 of the October 29, 1975 Commission meeting.

Since these delegations were made, the Commission has undergone a reorganization and staff augmentation which makes these delegations obsolete and ineffective.

Therefore, it is recommended that the Commission rescind all former delegations and authorize a new comprehensive delegation of authority. This would grant specific authority to the Executive Officer with the provision that he may redelegate such of it as he may deem appropriate to various specified officers of the Commission, in writing.

This will provide a clear delineation of responsibilities and duties incumbent on each of these officers.

EXHIBIT:

A. Delegation of Authority

IT IS RECOMMENDED THAT THE COMMISSION:

1. RESCIND ALL PRIOR DELEGATIONS OF AUTHORITY.
2. AUTHORIZE DELEGATION OF AUTHORITY, AS SET FORTH IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

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I. General

A. Executive Officer

The Executive Officer shall generally represent the State Lands Commission ("the Commission") when it is not in session in all matters under its jurisdiction, subject, however, to the limitations hereinafter expressed. He shall be the chief administrative officer of the Staff of the State Lands Commission (SLC), and shall have supervision over all personnel, property, equipment, bank accounts, funds and records assigned to the SLC. He shall direct all operations and administer the sale and leasing of lands under the jurisdiction of the SLC in compliance with the provisions of law, the rules and regulations of the SLC and of its expressed policies and approvals.

B. Redelelegation by Executive Officer

The Executive Officer may redelegate authority delegated to him only as provided below. Such redelegations and revocations thereof may be made at the discretion of the Executive Officer and shall be in writing. Any such redelegation is subject to any and all limitations and conditions provided under statute or law.

C. Assistant Executive Officer

In the Executive Officer's absence from the State or during his inability to act, all the authority delegated to the Executive Officer is hereby delegated to the Assistant Executive Officer.

D. Chief, Legal Division

In the absence of both the Executive Officer and the Assistant Executive Officer, all the authority delegated to the Executive Officer is delegated to the Chief, Legal Division.

E. Delegate, San Francisco Bay Conservation and Development Commission

The Executive Officer shall serve as the delegate to the San Francisco Bay Conservation and Development Commission. He may redelegate the authority to serve as his alternate to the Associate Governmental Program Analyst (Title Settlements).

II. Administration

A. Budget and Fiscal

The Executive Officer shall prepare, or cause to be prepared, all budgets, budget revisions, contracts and other fiscal documents necessary for the SLC to carry out its activities subject to the following express provisions:

1. All contracts requiring approval of the Department of General Services shall be first approved by a resolution of the Commission.
2. All actions taken shall comply with statutory authority and the State Administrative Manual.
3. Budget revisions involving category changes or augmentation of funds from those budgets must be reviewed by the Executive Officer before being signed by another.

The Executive Officer may redelegate the above authority, or such of it as he may deem appropriate, to one or more of the following officers:

- o Assistant Executive Officer
- o Chief, Administration and Management Information Services Division

In addition to the above officers, the Executive Officer may redelegate in writing to Accounting Officers authority to sign purchase estimates, sub-purchase orders and supply orders, position changes (607's), claim schedules, contracts, and counter-sign checks drawn against any bank accounts maintained in the name of the SLC or counter-sign for release or deposit of securities held by the State Treasurer's Office.

B. Personnel

The Executive Officer shall have supervision over all personnel and payroll matters for SLC subject to the limits of the approved budget and all other statutes, rules and regulations governing State civil service employees. He may act as appointing power and take adverse actions against any

employee of the SLC as provided for in statute and the applicable State Personnel Board Laws and Rules.

The Executive Officer may redelegate any of the above functions to one or more of the following officers:

- o Assistant Executive Officer
- o Chief, Staff/Administrative Services and Mineral and Land Audits Division
- o Personnel Officer

III. Legal

The Executive Officer, in collaboration with the chief counsel for the SLC and the Office of the Attorney General, shall attend to all litigation brought by or against the SLC, and shall, as deemed advisable, request the chief counsel for the SLC and/or the Office of the Attorney General to consider instituting actions to protect the interests of the State which are under the jurisdiction of the SLC. Such authority comprehends but is not thereby limited to: Accepting legal process served upon the SLC, requesting opinions from the Attorney General, administering oaths, issuing subpoenas and conducting hearings as authorized by various statutes.

The Executive Officer at his discretion may redelegate the above authority or such of it as he may deem appropriate to one or more of the following officers:

- o Assistant Executive Officer
- o Chief, Environmental Planning and Management Division
- o Chief, Land Management Division
- o Chief, Legal Division
- o Assistant Chief, Legal Division
- o Chief, Marine Facilities Inspection and Management Division
- o Chief, Mineral Resources Management Division
- o Staff Counsel

In addition to the above enumerated officers, the Executive Officer may

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redelegate the authority to certify copies of minutes and other documents in the custody of the SLC (this includes certifications as required by Section 14756 of the Government Code in connection with the microfilming of records of the SLC) to any one or more of the following officers:

- o Chief, Administration and Management Information Division
- o Chief, Staff/Administrative Services and Mineral and Land Audits Division
- o Senior Accounting Officer (Fiscal Services - Long Beach)
- o Senior Land Agent (Supervisory) -- Title Unit
- o Senior Land Agent (Specialist) -- Title Unit
- o Records Management Coordinator

IV. Administration of the California Environmental Quality Act (CEQA)

The Executive Officer shall have the responsibility for ensuring the Commission's compliance with the provisions of the CEQA. He shall have the authority to carry out all responsibilities which may be delegated under the provisions of the CEQA and State CEQA Guidelines Section 15025(a), including but not limited to, the holding of public hearings to receive comments on environmental documents prepared under the authority of the Commission and requesting shortened public review periods for such documents. He shall also have the authority to take all actions necessary to cause the preparation of such documents. Such actions include the ability to: solicit requests for proposals (RFPs) for the preparation of environmental documents by contract; accept fees from project proponents to recover all costs incurred in the preparation of environmental documents and the monitoring of resultant mitigation measures directly or by contract; accept and evaluate bids for the preparation of environmental documents; and execute contracts for the preparation and review of environmental documents and mitigation monitoring.

The Executive Officer at his discretion may redelegate the above authority to the following officer:

- o Chief, Environmental Planning and Management Division

V. Mineral Resources Including Geothermal Resources and Oil and Gas

The Executive Officer shall have jurisdiction over all matters pertaining to operations of all kinds in all areas now devoted to or available for State leases, and to hold public hearings in connection with the consideration of oil and gas lease offers by the Commission as specified and authorized in Section 6873.2,

Public Resources Code, in those cases where the Commission has granted authority for the publication of notice of the proposed consideration for leasing lands in a specified area. He shall not have power, except as herein provided, to modify, amend, or abrogate any lease or agreement without specific authorization in each case.

The Executive Officer is authorized to execute all documents required for Commission-approved actions in connection with mineral resources including geothermal resources and oil and gas and may make technical or clerical corrections thereto.

At discretion, the Executive Officer may redelegate the above authority, or such of it as he may deem appropriate to one or more of the following officers;

- o Assistant Executive Officer
- o Chief, Mineral Resources Management Division
- o Assistant Chief, Mineral Resources Management Division

VI. Land Management

The Executive Officer shall have supervision over all matters pertaining to the management, sale, exchange, and leasing of lands under the jurisdiction of the SLC. This authorization shall be deemed to include executing indemnity selections and exchange applications filed by the State in accordance with federal laws, rules and regulations.

The Executive Officer is authorized to execute all documents required to give effect to Commission-approved actions in connection with land transactions not involving mineral resources and may make technical or clerical corrections thereto. He shall not have power, except as herein provided, to modify, amend, or abrogate any lease or agreement without specific authorization in each case.

At his discretion, the Executive Officer may redelegate the above authority or such of it as he may deem appropriate to one or more of the following officers:

- o Assistant Executive Officer
- o Chief, Land Management Division
- o Assistant Chief, Land Management Division

In addition to the above enumerated officers, the Executive Officer may redelegate the execution of recreational pier permits to the following officer:

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- o Supervising Land Agent

VII. Long Beach Operations

The Executive Officer may designate the "Acting Executive Officer" under the provisions of Section 5(g) of Chapter 138, Statutes of 1964, First Extraordinary Session, from among the following officers:

- o Assistant Executive Officer
- o Chief, Mineral Resources Management Division
- o Assistant Chief, Mineral Resources Management Division (upon specific approval of the Chief, Mineral Resources Management Division)

and may prescribe the conditions under which each shall act.

VIII. Oil Spill Prevention and Response

The Executive Officer shall have authority over all matters pertaining to prevention of and response to pollution of lands under the jurisdiction of the SLC, as provided under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (the Act) and amendments thereto. The Executive Officer shall represent the SLC and its Chairperson on all panels and committees convened for the purposes of pollution prevention and response, including, but not limited to, the State Interagency Oil Spill Committee (SIOSC) and the Review Subcommittee of SIOSC.

At his discretion, the Executive Officer may redelegate the above authority, such of it as he may deem appropriate, or any authority given directly to the Executive Officer under the Act to one or more of the following officers:

- o Assistant Executive Officer
- o Chief, Legal Division
- o Assistant Chief, Legal Division

At his discretion, the Executive Officer may redelegate the above authority, such of it as he may deem appropriate, or any authority given directly to the Executive Officer under the Act for all Marine Facilities except those within the Mineral Resources Management Program to one or more of the following officers:

- o Chief, Marine Facilities Inspection and Management Division

- o Assistant Chief, Marine Facilities Inspection and Management Division
- o Staff Counsel
- o Supervisor of Marine Terminal Inspections
- o Supervisor of Rules and Regulations and Contingency Planning

At his discretion, the Executive Officer may redelegate the above authority, such of it as he may deem appropriate, or any authority given directly to the Executive Officer under the Act for Marine Facilities constituting platforms and pipelines within the Mineral Resources Management Program:

- o Chief, Mineral Resources Management Division
- o Assistant Chief, Mineral Resources Management Division
- o Supervising Mineral Resources Engineer
- o Senior Mineral Resources Engineer
- o Petroleum Production Inspector I, II, and III