



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

August 28, 2024
AGENDA ITEM #13

Discuss and consider amending
Mobility Policy Code § 101.038 to
authorize the Executive Director to
negotiate and execute certain
settlement agreements for certain
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. In June 2024 the board approved the incorrect version of the draft policy code amendment.

Financing: Not applicable

Action requested/Staff Recommendation: Staff recommends approval of the correct version of the policy code amendment which is 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, at the June 26, 2024 Board Meeting, amendments to Section 101.038 of the Policy Code delegating authority to the Executive Director to negotiate and execute certain settlement agreements were approved by the Board; and

WHEREAS, an incorrect version of the draft amendments to Policy Code Section 101.038 was inadvertently provided to the Board for consideration at the June 26, 2024 Board Meeting; and

WHEREAS, the Executive Director recommends that the Board reconsider the action taken in June 2024 and approve the correct version of the proposed amendments to Policy Code Section 101.038 to authorize the Executive Director to execute certain settlement agreements on behalf of the Mobility Authority as shown in Exhibit A.

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 28th 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) from the provider to the Mobility Authority for a design error omission. The Executive Director shall submit a report to the board on the resolution of any such claim that involved a Change Order requiring the approval of the Board. ; 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.

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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) ~~from the provider to the Mobility Authority by the authority for a design errors and/or omission, s 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 ~~d~~Director shall submit a report any such settlement in excess of \$50,000 to the board on the resolution of any such claim that involved a

Change Order requiring the approval of 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.