

RESOLUTION NO. 16-09-756

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF MOJAVE AIR AND SPACE PORT
AMENDING THE ADMINISTRATIVE CODE REGARDING
GENERAL MANAGER AUTHORITY AND CONTRACTS**

Whereas, Mojave Air and Space Port (“District”) has adopted an Administrative Code that addresses, inter alia, the General Manager’s authority and public works contracts; and

Whereas, the District desires to amend these sections to clarify the General Manager’s authority to pay certain obligations of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mojave Air and Space Port that the Administrative Code provision regarding the General Manager’s authority and public works contracts is amended as provided in Exhibit 1 attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that except as provided herein the Administrative Code (Resolution No. 99-1-585) is reaffirmed and readopted.

PASSED, APPROVED, AND ADOPTED on September 6, 2016:

Ayes:
Noes:
Abstain:
Absent:



David Evans, President

ATTEST


Jimmy R. Balentine, Secretary

EXHIBIT 1

Section 2-2.02 General Manager

(a) The office of General Manager is established. The General Manager shall be appointed by the Board on the basis of administrative and executive ability and qualifications and shall hold office at the pleasure of the Board.

(b) The General Manager shall receive such annual compensation as the Board shall from time-to-time determine. In addition, the General Manager shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. The performance of the General Manager shall be reviewed annually by the board.

(c) The General Manager shall be the administrative head of the District under the direction and control of the Board. The General Manager shall be responsible for the efficient administration of affairs of the District. The General Manager shall also have the authority to:

- (1) enforce rules and regulations and see that franchises, contracts, permits and privileges are faithfully observed;
- (2) control, order and give directions to subordinate officers and employees;
- (3) appoint, remove, promote and demote officers and employees, subject to all applicable personnel resolutions, rules and regulations except the Secretary, Treasurer, District Counsel and the Auditor;
- (4) appoint the Finance Director with the advice and consent of the Board;
- (5) recommend to the Board measures and resolutions;
- (6) attend board meetings unless excused by the President or the Board;
- (7) keep the Board fully advised as to the financial condition and needs of the District;
- (8) file monthly financial statements at the second regular meeting of each month;
- (9) exercise general supervision over buildings, and other property under the control and jurisdiction of the District;
- (10) periodically report upon Federal Grant and Aid programs; and
- (11) approve and make payments up to \$25,000.00 for the following District obligations: routine and ordinary utility expenses, contracts approved by the General Manager, contracts approved by the Board within the scope of the contract, employee expense reimbursement, refunds, change orders approved by the General Manager, credit cards, routine maintenance, temporary labor, and employee benefits.

(d) The Board and its members shall deal with the administrative services of the District only through the General Manager. Except for the purpose of inquiry, the Board and directors shall not give orders or instructions to any subordinate of the General Manager. The General Manager shall take orders and instructions from the Board only when sitting in a duly convened meeting of the Board, and no individual Director shall give any orders or instructions to the General Manager.

(e) Subordinate officers and the Secretary, Treasurer, District Counsel and the Auditor shall assist the General Manager in administering the affairs of the District efficiently and harmoniously.

Section 3-3.01 Contracts

(a) Public works contracts entered into by the District shall contain provisions required by state and federal law and regulation. Contract documents shall be prepared by District Counsel to ensure compliance with such laws and regulations. Reference is particularly made to the Davis-Bacon Act (40 USC SS 276(a) et seq.) and to the Energy Policy and Conservation Act (42 USC SS 6201 et seq.).

(b) The Secretary shall publish and post notices required by such laws and regulations.

(c) In the event of conflict between state and federal requirements, the federal requirement shall prevail unless both requirements can be followed.

(d) The General Manager may approve amendments to contracts up to 15% of the original contract amount, not to exceed \$25,000.00, and as authorized by law.