

Presented and Adopted: April 3, 2025

**Subject: Approval of Revised Delegation of Authority to the
CEO & General Manager**

**#25-15
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("DC Water") at the Board meeting held on April 3, 2025, upon consideration of a joint-use matter, decided by a vote of ten (10) in favor and none (0) opposed, to take the following action with respect to the revised delegations of authority to the CEO & General Manager.

WHEREAS, pursuant to Sections 203 General Powers of the Authority and 205 Duties of the Board of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 ("Act"), the Council of the District of Columbia ("Council") granted powers to the Authority and duties to the Board of Directors to carry out its functions; and

WHEREAS, pursuant to Section 206(a) of the Act, the CEO & General Manager is the "chief administrative officer of the Authority" who serves at the pleasure of the Board and required to "perform duties as determined by the Board;" and

WHEREAS, on September 4, 1997, through Resolution #97-89, the Board delegated contracting authority to the General Manager that had been granted to the Board pursuant to D.C. Official Code § 34-2202.03(10); and

WHEREAS, on September 4, 1997, through Resolution #97-91, the Board delegated certain authority to the General Manager that had been granted to the Board pursuant to D.C Official Code § 34-2202.03(1), (11), (12), (13), (14), (19), (20), (21), (26), and other duties; and

WHEREAS, on July 2, 1998, through Resolution #98-44, the Board delegated authority to the General Manager to accept EPA Grant Assistance Agreement/Amendments; and

WHEREAS, on January 10, 2024 and October 9, 2024, the Governance Committee met in executive session to discuss legal issues concerning the delegations of authority granted to the CEO & General Manager; and

WHEREAS, on January 8, 2025, the Governance Committee met to consider proposed revisions to the delegations of authority granted by Resolutions #97-89 and #97-91 and additional delegations not explicitly prescribed by the Board; and

WHEREAS, on January 8, 2025, upon consideration of the recommendations from the CEO & General Manager, the Governance Committee recommends Board approval of the revised delegation of authority.

WHEREAS, on April 3, 2025, the Board Chairperson and the General Manager presented their proposals to: 1) revise the delegation for Sections 203(5) & (7) for the acceptance of loans, gifts and grants of money from \$1 Million to \$10 Million as recommended by the Board Chairperson and 2) revise the delegation for Section 203(12) to refund overcharges from \$25,000 to \$50,000 to align with the authority delegated for the adjust or abate charges.

WHEREAS, after consideration of the proposed revisions, the Board approved the delegation of authority as revised.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors rescinds Resolutions #97-89 and #97-91, maintains Resolution #98-44, and approves the revised delegation of authority recommended by the Governance Committee and CEO & General Manager.
2. The Board of Directors delegates the following authority in Sections 203 and 205 of the Act to the CEO & General Manager as herein prescribed:

Section 203(1)	Initiate and provide for the defense of lawsuits served on DC Water if the lawsuit demands less than \$1 million, except that the Board's Executive Committee must approve in advance the response to a lawsuit involving the CEO and General Manager or the Chief Legal Officer in their individual capacity for a personnel action or employee relations matter.
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Section 203(4)	Appoint, or hire officers, employees, or other agents of DC Water assigned or delegated to the CEO and General Manager, including experts and fiscal agents, define their duties, and fix their compensation within the budget established by the Board of Directors. Operate a personnel system necessary to carry out the functions delegated to the CEO and General Manager.
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Sections 203(5) & (7)	Accept gifts, grants of money, materials, or property of any kind if the value of the gift or grant is less than \$10 million and the terms and conditions of the gift or grant to the extent that the terms and conditions are not inconsistent with the limitations and laws of the District and are within the powers of the Authority.
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Section 203(6)	Upon Board adoption and approval of rules and regulations, issue regulations and establish policies for contracting and procurement which are consistent with principles of competitive procurement.
Section 203(8)	Borrow money, not to exceed \$1 million, for any of its corporate purposes and to provide for the payment of the same, as may be permitted under the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; § 1-201.01 et seq.), and the laws of the District.
Section 203(10)	<p>1) The CEO and General Manager is hereby appointed the contracting officer of DC Water and is authorized to enter into, modify, and administer contracts necessary to perform the functions of DC Water if the value of the contract is less than \$1 million and any contract modification is less than \$500,000.</p> <p>2) The CEO and General Manager is delegated the authority to determine amounts to be retained from payments under partially or fully completed construction projects.</p> <p>3) The CEO and General Manager is authorized to determine the amount of liquidated damages which may be assessed, retained, remitted, or released.</p> <p>4) The CEO and General Manager is authorized to redelegate any of the authority delegated by this resolution to persons under the CEO and General Manager's supervision and control.</p> <p>5) The CEO and General Manager shall notify the appropriate board committee of such redelegation.</p>
Section 203(11)	Adjust or abate charges, not to exceed \$50,000, for services, facilities, commodities furnished or supplied by DC Water. Levy and collect charges for services, facilities, or commodities furnished or supplied by DC Water.
Section 203(12)	Refund overcharges, not to exceed \$50,000, for services, facilities, or commodities furnished or supplied by DC Water.
Section 203(13)	Undertake any public project, acquisition, construction,

or any other act necessary to carry out its purposes, not to exceed \$1 Million.

Section 203(14)	Select and hire necessary staff to maintain, repair, operate, extend, enlarge, investigate, design, construct, and improve the water distribution, sewer treatment facilities and disposal systems of the Authority.
Section 203(15)	Engage in activities, programs, and projects on its own behalf or, with the concurrence of the Mayor, jointly with other public bodies or political divisions or subdivisions of the District of Columbia, not to exceed \$1 Million.
Section 203(16)	Provide for the cost of activities, programs, and projects from grants, loans, the proceeds of bonds, or from other revenues available to the Authority for such purposes.
Section 203(17)	Exercise any power usually possessed by public enterprises or private corporations performing similar functions that is not in conflict with the District of Columbia Home Rule Act, or the laws of the District.
Section 203(18)	Upon Board adoption and approval of rules and regulations, implement all rules, regulations, and laws relating to the distribution of water and sewage collection, treatment, and disposal, other than those laws that impose a penalty of imprisonment
Section 203(19)	Shut off water and sewer service, after notice, for good and sufficient cause.
Sections 203(20) & (21)	Purchase and distribute potable water to the inhabitants of the District and other jurisdictions as provided by law.
Section 203(22)	Develop policies related to the proper use and distribution of water to households and public and private institutions during times of normal consumption and during emergency situations.
Section 203(23)	Construct water mains and sewers in any street, avenue, road, or alley in the District under conditions as the Mayor may prescribe.

Section 203(25)	Enter into contracts, including leases and lease-purchase agreements involving real property and personal property, if the value of the contract, lease, or lease-purchase agreement is less than \$1 million dollars.
Section 203(26)	Indicate in its records the existence and location of sewers and service sewers within DC Water's jurisdiction.
Section 203(27)	Determine whether potable water should be used for mechanical and manufacturing purposes, private fountains, and street and pavement washers;
Section 203(29)	Enter into a financing lease, a service agreement or other arrangement for contracted services; obligations with respect to credit facilities; and interest rate swaps, interest rate caps, interest rate floors and any other interest rate-related hedge agreements entered into by the Authority for the purpose of interest rate risk and asset management that are not in conjunction with the issuance of bonds or notes by the Authority if the value of the lease or agreement is less than \$1 million.
Section 203(30)	Do all things necessary or convenient to carry out the powers expressly delegated to the CEO and General Manager.
Section 203(32)	Collect and receive its revenues and disburse its necessary and reasonable expenses.
Section 203(33)	In collaboration with the Fire and Emergency Medical Services Department, inspect, repair, and maintain all public fire hydrants, and to ensure that each hydrant will provide adequate flow levels to all locations in the District of Columbia.
Section 205(a)(2)	Develop policies for the management, maintenance, and operation of water distribution and sewer collection, treatment, and disposal systems under the control of DC Water.
Section 205(a)(3)	Upon Board adoption and approval of rules and regulations, publish rules and regulations governing the operation of the water distribution and sewer collection, treatment and disposal systems under the control of DC Water.

Section 205(a)(4)

Upon Board adoption and approval of rules and regulations, develop and establish a personnel system and publish rules and regulations setting forth minimum standards for all employees, including pay, contract terms, leave, retirement, health, and life insurance, and employee disability and death benefits.

3. This resolution shall be effective immediately.

Michelle Rhodd
Secretary to the Board of Directors