

RESOLUTION 2020-04

A RESOLUTION PERMITTING THE EXECUTIVE DIRECTOR OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT COMMISSION (“the Commission”) TO ENTER INTO WRITTEN AGREEMENTS AND AUTHORIZE EXPENDITURES UNDER CERTAIN CONDITIONS

WHEREAS, the Commission is a body corporate and politic in the STATE OF INDIANA;

WHEREAS, the Commission has primary responsibility for Kankakee River and Yellow River flood control under IC 14-13-9;

WHEREAS, the Commission employs an Executive Director to carry out its priorities, directives, and policies;

WHEREAS, the Commission routinely authorizes and funds repairs and projects within its exclusive easement;

WHEREAS, some of this work is performed under emergency conditions that pose an immediate risk to human safety or property; and

WHEREAS, some work requires immediate modification due to onsite conditions, observations, and discoveries;

NOW THEREFORE, BE IT ORDAINED that in order to ensure the timely, responsive, and effective delivery of Commission services, the Commission authorizes its Executive Director to enter into emergency written agreements and to authorize the expenditure of funds for work modifications under the following circumstances:

1. If emergency conditions are present, the Executive Director may enter into a written agreement to procure services in response to such emergency provided that, prior to the execution of the agreement, the Executive Director obtain verbal authorization from at least two (2) of the following:
 - a. The Chair of the Commission;
 - b. The Vice Chair of the Commission;
 - c. The Secretary of the Commission; and
 - d. The Treasurer of the Commission.

2. If three (3) or more of the persons listed above are unavailable or incapacitated, any other member of the Commission may grant authorization if efforts to contact the members listed above have been reasonably exhausted. In all cases, verbal authorization must be granted by at least two members.

3. Any written agreements entered into by the Executive Director under emergency conditions shall be considered and ratified by the Commission at its next public meeting.

4. For cases in which the Commission has previously authorized funds for a work project, the Executive Director may authorize certain work modifications that would increase the authorized project cost by up to ten-percent (10%) or \$10,000, whichever is lower. Reasons for such Executive Director authorizations include:
 - a. The identification of a hazard that would force the modification of work plans;
 - b. Compliance with a regulatory standard that was not previously identified in the work plans;
 - c. The avoidance of set-up costs for reasonably anticipated future work in the immediate project area;
 - d. Necessary adaptation to weather conditions or other natural conditions;
 - e. Unintended work stoppages or delays that are outside the control of those performing the work; and
 - f. Other unforeseen circumstances directly related to the fulfillment of the authorized work.

5. The Executive Director shall report such cost modifications to the Commission at the first public meeting after such authorization is made. The Commission shall then consider the authorization for final approval.

Adopted this 8th day of October, 2020

By:

	, Chair	John R. McNamara
Signature	Title	Printed Name

On Behalf of the Kankakee River Basin and Yellow River Basin Development Commission