

**Background Report**  
**Consent Agenda Items 2a-d**  
**May 15, 2009**  
**Commission Delegation of the Final Approval of Acquisition Agreements exceeding**  
**\$250,000.00 to the Executive Director, upon notice to the Commission,**  
**until the September 2009 Commission Meeting.**  
**Consent Agenda Item 4**  
**May 15, 2009**

This delegation is being sought in order to avert potential problems with ongoing negotiations in our land acquisition process caused by the long hiatus between the June and September Commission meetings. This delegation will temporarily expand our existing delegation that allows the Executive Director to approve acquisition agreements for \$250,000.00 or less, to allow the Executive Director to approve acquisition agreements above the present delegation threshold. Currently, staff is negotiating the acquisition of several projects, and it is feasible that we will be successful in at least one of these negotiations. If an acquisition agreement for one of these projects were executed in May, June, or July, Commission approval of the agreement would be delayed until the September Commission meeting, postponing Governor and Cabinet consideration of the agreement. A delay for this length of time would not only be unfair to the seller, it could compromise the acquisition.

In an effort to keep the Commission informed of pending actions on acquisition agreements, staff would provide the Commission with an information package about the proposed acquisition prior to the Executive Director's final approval which is in keeping with the practice used for the standing delegation to approve acquisition agreements amounting to \$250,000.00 or less. This will give each member of the Commission an opportunity to review the proposed acquisition and to express any concerns about the project. If any member of the Commission objects to the project, the final approval would be reserved for Commission action in September.

This delegation is consistent with previous delegations granted by the FWC to the Executive Director at June Commission meetings authorizing the Executive Director to approve acquisition agreements until the September Commission meeting. Previous delegations were also conditioned upon each Commission member receiving an information package, and having the opportunity to raise objections prior to final approval. Therefore, staff recommends that the FWC delegate the final approval of acquisition agreements exceeding \$250,000.00 to the Executive Director, upon notice to the Commission, until the September 2009 Commission meeting.