

Central Services  
**Joan Araujo, Director**

Engineering Services  
**James O'Tousa, Director**

Roads & Transportation  
**Anitha Balan, Director**

Water & Sanitation  
**Joseph Pope, Director**

Watershed Protection  
**Glenn Shephard, Director**

September 12, 2023

Board of Supervisors, County of Ventura  
Boards of the Ventura County Fire Protection District,  
Ventura County Waterworks Districts Nos. 1, 16, 17, 19 and 38,  
Ventura County Watershed Protection District,  
Ventura County Air Pollution Control District and  
Ventura County Library District  
800 South Victoria Avenue  
Ventura, CA 93009

**Subject: Adoption of a Resolution Delegating Discretionary Authority to the Director of the County Public Works Agency, Director of the General Services Agency, and the County Executive Officer to Approve Designs, Standards, Plans and Specifications, on Behalf of the County and Districts, for all Public Works and Public Improvement Projects.**

**Recommendation:**

Adopt the resolution, attached hereto, delegating discretionary authority to the Director of the County of Ventura (County) Public Works Agency, the County General Services Agency, and the County Executive Officer to approve designs, standards, plans and specifications, on behalf of the County and of the Ventura County Fire Protection District, Ventura County Waterworks Districts Nos. 1, 16, 17, 19 and 38, Ventura County Watershed Protection District, Ventura County Air Pollution Control District and Ventura County Library District (collectively, Districts), for all public works and public improvement projects.

**Fiscal/Mandates Impact:**

There is no fiscal impact.



**Discussion:**

Your Boards have adopted ordinances and resolutions delegating various authorities to the Director of Public Works Agency, the Purchasing Agent and the County Executive Officer (CEO) related to design and construction of County and District public works projects.<sup>1</sup> For example, for smaller projects, the County officials may hire architects, engineers, and construction contractors. On larger projects, the DPW and CEO manage design professionals, advertise for bids for construction contracts to be awarded by your Boards, and manage the projects, including issuing changes to the plans and specifications. The CEO may redelegate these authorities to other County agency and District officials to allow them to manage their own public works projects.<sup>2</sup> In addition, your Board awards master annual job order contracts (JOCs) of up to \$5,967,000 based on plans and specifications for typical work for repair, remodeling, or other repetitive work to be done according to unit prices. General Services Agency officials issue job orders for specific projects under those JOCs.

Government Code section 830.6 provides a defense to liability for a condition of public property, commonly known as “design immunity,” where the public entity establishes, among other elements, that it reasonably exercised its discretion to approve the design of the property at issue prior to its construction. The purpose of design immunity is to avoid a jury second-guessing the identical questions of risk previously considered and decided by the government officers who approved the plan or design of the property.

In many cases, your Board does not have the opportunity to exercise that discretion to approve the plans and specifications prior to construction. The proposed resolution would ensure that appropriate County officials have, and the County and Districts can show that they have, discretionary authority to approve designs, plans and specifications for public works and public improvement projects for the purposes of design immunity.

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<sup>1</sup> See Ord. Nos. 4179 (Fire Protection District), 4177 (County), 3940-3943 (Waterworks District Nos. 1, 16, 17 & 19), 3939 (Library Dist.), 3937 (Watershed Protection District) & 3935 (Air Pollution Control District). See, e.g., Resolution of the Ventura County Board of Supervisors Assigning Duties and Delegating Authority Concerning Construction Contracts, adopted Nov. 3, 1988; Resolution of the Ventura County Board of Supervisors Establishing Policy on Contracting for Professional Consulting Services, adopted Nov. 3, 1998.

<sup>2</sup> See, e.g., Ord. No. 4180.



This item has been reviewed by the County Executive Office, the General Services Agency, the Auditor-Controller's Office, and County Counsel.

If you have any questions concerning this item, please contact Brian D'Anna at (805) 654-2025.

Sincerely,

A handwritten signature in blue ink that reads "James O'Tousa". The signature is fluid and cursive, with a long horizontal stroke at the end.

James O'Tousa  
Director, Engineering Services

Attachments:

Exhibit 1 - Resolution Delegating Discretionary Authority to Approve Plans and Specifications for Public Works Projects to the Directors of the Public Works and General Services Agencies, and the County Executive Officer.

