

RESOLUTION NO. 23-121

**A 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**

WHEREAS, certain County of Ventura (hereinafter, "County") Public Works and General Services Agency officials and the County Executive Officer each currently have and exercise various authorities to accomplish, manage, advertise for bids for, solicit proposals for, award and administer public works projects and contracts 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 (hereinafter, collectively, "Districts");

WHEREAS, Government Code section 830.6 provides a defense to liability, known as "design immunity," for conditions of public property where the public entity establishes: "(1) the entity's discretionary approval of the plan or design prior to construction; (2) a causal relationship between the plan or design and the accident; and (3) substantial evidence supporting the reasonableness of the plan or design." (*Martinez v. County of Ventura* (2014) 225 Cal.App.4th 364, 369.); and

WHEREAS, "The purpose of design immunity 'is to prevent a jury from second-guessing the decision of a public entity by reviewing the identical questions of risk that had previously been considered by the government officers who adopted or approved the plan or design.'" (*Ibid.*)

NOW, THEREFORE, BE IT RESOLVED that the County Board of Supervisors for the County and acting as the governing boards of the Districts hereby delegates discretionary authority to the Director of the County Public Works Agency, the Director of the County General Services Agency and the County Executive Officer, severally, to approve designs, standards, plans and specifications, on behalf of County and all Districts, for all public works and public improvement projects.

BE IT FURTHER RESOLVED that the Directors of the Public Works Agency, the Director of the General Services Agency and the County Executive Officer may designate appropriate officers or employees to exercise the discretionary authority granted to them above.

Upon motion of Supervisor Parvin, seconded by Supervisor Gorell and duly carried, the Board hereby adopts the foregoing on 9/12, 2023.

Matt LaVere
Matt LaVere, Chair
Board of Supervisors
County of Ventura

ATTEST: DR. SEVET JOHNSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Lou Key
Deputy Clerk of the Board

