



# COUNTY *of* VENTURA

GENERAL SERVICES AGENCY  
**David J. Sasek, P.E.**  
Agency Director

**Craig Clutts, P.E., CEM**  
Chief Deputy Director  
Facilities & Materials

**Cliff Chroust, CPPO**  
County Chief Procurement Officer  
Deputy Director

**Greg Bergman, CPA**  
Administrative Services Director

**Christopher Melton, M.L.T.M.**  
Fleet Services Deputy Director

**J. Colter Chisum, P.E.**  
Parks Department Deputy Director

January 23, 2024

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**SUBJECT: Authorize the Purchasing Agent to Waive Policy in Administrative Policy Manual Chapter VI-1 Against Provisions for Attorney's Fees, Payment of Interest by the County and Governing Law and Venue Outside of California in County Contracts for Contracts Costing \$30,000 or Less Per Year.**

## **RECOMMENDATIONS:**

Authorize the Purchasing Agent to waive the policy in Administrative Policy Manual chapter VI-1 against inclusion in County contracts of provisions for payment of attorney's fees, for payment of interest by the County, or specifying governing law or venue outside California where the cost of the contract is \$30,000 or less per year.

## **FISCAL/MANDATES IMPACT:**

There are no County costs associated with Board item.

## **STRATEGIC PLAN**

This delegation of authority aligns with the County Strategic Priority of Fiscal Responsibility and Economic Vitality goal of implementing cost-saving measures. This authorization will provide for efficient handling of small purchases that would otherwise require action by your Board.

## **DISCUSSION:**

The policy in Administrative Policy Manual chapter VI-1, adopted by your Board, provides in part that County contracts shall not:

- include provisions for the payment of attorney's fees by one party to the other party;
- include provisions for the payment of interest by the County; or
- specify that the laws of a state other than California govern the contract or that venue for any legal proceedings or disputes shall be in a state other than California.

For certain small purchases, such as a purchase of inexpensive software made online, the vendor's terms and conditions of the sale may contain one or more of the prohibited provisions, the terms are not subject to negotiation, and the exposure created by the prohibited provisions is low. Waiver of the subject policy in those cases is a minor matter that does not justify the delay and resources required to request a waiver from your Board. Therefore, staff recommends your Board delegate authority to the Purchasing Agent to waive the aforementioned prohibitions in contracts of less than \$30,000 per year. Contracts subject to this delegation would remain subject to review by County Counsel pursuant to Administrative Policy Manual chapter VI-1.

This letter has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions regarding this item, please contact Cliff Chroust at (805) 654-3718.

A handwritten signature in black ink, appearing to read "D.J. Sasek", written over a horizontal line.

for

David J. Sasek, P.E.  
Director

cc: Cliff Chroust, General Services Agency, County Chief Procurement Officer