



**SAN BERNARDINO COUNTY  
POLICY MANUAL**

No. **11-15**

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EFFECTIVE DATE January 14, 2025

**POLICY: APPROVAL PLANS AND SPECIFICATIONS,  
PERMITS, AND DETERMINE CEQA  
EXEMPTION**

**APPROVED**

Chair, Board of Supervisors

**POLICY STATEMENT AND PURPOSE**

The Board delegates authority to the Chief Executive Officer (CEO), Chief Operating Officer (COO), or an Assistant Executive Officer (AEO) to:

1. Review and approve plans and specifications for Public Works Projects, ensuring compliance with California Government Code section 830.6 and other applicable laws;
2. Advertise Public Works Projects for competitive bids following the approval of plans and specifications;
3. Sign permit applications, accept permits, and approve any modifications to the permit applications, and/or permits for Public Works Projects, as well as submit required permit related reports with Regulatory Agencies if:
  - (A) the estimated total cost of implementing the permit application, permit, or permit modification are within the amount of the initial or any amended Board approved project budget; and
  - (B) any proposed mitigation does not include a requirement to grant or acquire an interest in real property;
4. Determine whether a Public Works Project is exempt from the California Environmental Quality Act (CEQA).

Department Directors are also authorized to approve Item No. 3 above and Department Directors or designee are also authorized to approve Item No. 4 above.

This delegated authority includes verifying that the plans are designed to mitigate risks, meet legal standards, and adhere to environmental regulations. The policy aims to provide clear directives to streamline the review and approval process, ensuring efficient management of County resources.

By establishing this delegated authority, the County intends to expedite project approvals while complying with CEQA, acquiring all necessary and applicable permits from Regulatory Agencies, and maintaining the protections afforded by design immunity under Government Code section 830.6. The delegated authority is subject to compliance with all relevant laws and regulations, as well as consultation with appropriate County departments. Records of all approvals must be maintained by each County department. This policy supplements and does not supersede any other Board delegation of authority.

**DEPARTMENTS AFFECTED**

All County agencies, Departments, and Board-Governed Special Districts.

**DEFINITIONS**

“Board-Governed Special Districts” includes, but are not limited to, the San Bernardino County Fire Protection District, the San Bernardino County Flood Control District, and the special districts managed by the County’s Department of Public Works - Special Districts.

“Board” means the San Bernardino County Board of Supervisors, as well as the Board of Directors for all Board-Governed Special Districts.

“County” is defined as San Bernardino County and all Board-Governed Special Districts.

“Department Director” means the Director of the Public Works Department, Director of Project and Facilities Management, Chief Flood Control Engineer, or the Fire Chief.

“Public Works Project(s)” means the type of project defined in California Public Contract Code section 22002, subdivisions (c) or (d), including maintenance projects and Public Contract Code section 22032.

“Regulatory Agency” or “Regulatory Agencies” is/are any governmental agency with oversight and approval authority over a Public Works Project or a component of a Public Works Project, including, but not limited to, a public agency defined in Public Contract Code section 22002(a), a federal agency such as the United States Army Corps of Engineers and the United States Department of Fish and Wildlife, and a state agency such as the California Department of Fish and Wildlife, the California Department of Transportation, Federal Aviation Administration, Bureau of Land Management, Bureau of Reclamation, United States Department of Agriculture Forest Service, the California State and Regional Water Quality Control Boards, the California Air Resources Board, and local Air Districts.

**POLICY AMPLIFICATION**

**1. Delegated Authority to Approve Plans and Specifications and to Advertise for Competitive Bids**

The Board delegates the authority to the CEO, COO, or an AEO, to review and approve plans and specifications for Public Works Projects in compliance with California Government Code section 830.6 and other applicable laws. This delegation includes, but is not limited to, the following responsibilities:

- a. Reviewing and approving detailed plans and specifications for Public Works Projects, in advance of construction or improvement.
- b. Ensuring that the plans and specifications are reasonably designed to protect against any particular risk.
- c. Certifying that the plans and specifications have been approved and meet the standards set forth by applicable laws and regulations.
- d. Ensuring that following discretionary approval of plans and specifications, that such plans, specifications, or design is prepared in conformity with standards previously so approved.

It is the intent of the Board that all County and Board-Governed Special Districts Public Works Projects and improvements, whenever constructed, be covered by the design immunity provisions of Government Code section 830.6 or any successor sections thereto. Accordingly, the purpose of this policy is to delegate the authority to the CEO, COO, and an AEO, to approve plans and specifications for Public Works Projects pursuant to California Government Code section 830.6, thereby streamlining the approval process and ensuring efficient management of County and District resources. This policy is established in accordance with California Government Code section 830.6, which provides for the discretionary immunity of public entities and employees for the approval of plans and specifications that are reasonably designed to protect against a particular risk. Accordingly, this authority is subject to the following conditions:

- a. The plans and specifications must be prepared by a licensed professional engineer, architect, or other appropriate professional.
- b. The plans and specifications must be prepared in accordance with reasonable professional and engineering standards applicable at the time of review and approval.
- c. The CEO, COO, or an AEO, shall consult with appropriate County departments, as necessary, to ensure compliance and address any potential issues.
- d. The approval must be in writing.

Following the approval of plans and specifications for Public Works Projects over the amount set in Public Contract Code section 22032(c) (set at \$200,000 as of September 1, 2024), the CEO, COO, or AEO may authorize the Department Director to advertise the project for competitive bids pursuant to

the California Public Contract Code and other applicable laws and/or policies. Public Works Projects in an amount equal to or less than the amount set forth in Public Contract Code section 22032(a) (set at \$60,000 as of September 1, 2024) may be entered into pursuant to Section 14.0102 of the County Code or other applicable County policies. Public Works Projects in an amount equal to or less than the amount set forth in Public Contract Code section 22032(b) (set at \$200,000 as of September 1, 2024) may be entered into pursuant to Section 14.0114 of the County Code or other applicable County policies.

## **2. Delegated Authority to Sign Permit Applications, Accept Permits, and Approve Modifications**

Public Works Projects must comply with all applicable federal and state laws and regulations and receive all necessary Regulatory Agency permits and approvals.

Regulatory Agency permit applications are sometimes legally binding and the permits themselves are legally binding. Further, Regulatory Agency permit applications and permits sometimes include indemnification, insurance, and mitigation requirements.

To assist in a timely and cost-effective approach in procuring all applicable Regulatory Agency permits for Public Works Projects, this Policy authorizes the CEO, COO, AEO, or Department Directors to sign Regulatory Agency permit applications, accept permits and approve any modifications to the permit documents, as well as submit required permit related reports. This delegation of authority does not apply to permits that involve the right to use any Regulatory Agency property (for example, Caltrans encroachment permits).

Where indemnification and/or insurance language is present in the Regulatory Agency permit application or permit, before the the CEO, COO, AEO or Department Directors sign the permit application, accepts the permit, or approves any modifications to the permit documents, the CEO, COO, AEO, or Department Directors shall obtain County Counsel advice on the indemnification language. The CEO, COO, AEO, or Department Directors shall also have Risk Management review and provide input on the insurance requirements.

The affected department or entity shall estimate the initial and ongoing costs of any mitigation requirements, as well as any other costs associated with permit compliance (excluding the indemnification) and confirm the costs are within the amount of the initial or any amended Board approved project budget. In addition, if the permit application, permit, or the modification includes a mitigation requirement to grant or acquire an interest in real property (such as a conservation easement), then only the Board can approve the permit application, accept the permit, and approve any modification to the permit documents.

## **3. Delegated Authority for CEQA Review and Environmental Compliance**

The Board delegates the authority to the CEO, COO, AEO, or Department Director and staff to review and approve environmental documents, determinations, and exemptions as required by CEQA and other applicable laws and regulations. This delegation is authorized pursuant to Title 14 of California Code of Regulations section 15025, but limited to a review, determination, and filings specified pursuant Title 14 of California Code of Regulations sections 15061 and 15062 as to whether a project is exempt from CEQA and to the filing of a Notice of Exemption.

If a Public Works Project is found to be exempt under CEQA by the CEO, COO, AEO, or a Department Director and staff, the Director or designee of the affected County department or Board-Governed Special District shall file and post a Notice of Exemption in accordance with CEQA.

This policy does not delegate authority to the CEO, COO, AEO, or Department Director and staff to review any Public Works Project under CEQA that is a "project" as defined by CEQA, but does not fall under a CEQA exemption.

**4. Record Keeping & Documentation**

Each County department and each Board-Governed Special District shall maintain a record of all approved plans and specifications, environmental reviews, and permit applications, permits, and permit modifications including:

- a. Copies of the approved documents.
- b. Certification of approval.
- c. Any associated correspondence, review, or documentation.

Records shall be kept and maintained pursuant to the County's Record Retention Policy or the applicable Board-Governed Special District Records Retention Policy.

**LEAD DEPARTMENT**

County Administrative Office

**APPROVAL HISTORY**

**Adopted** January 14, 2025 (Item No. XX)

**REVIEW DATES**

January 2030