

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA DELEGATING AUTHORITY TO EXERCISE  
DISCRETIONARY APPROVAL OF DESIGNS FOR PUBLIC  
WORKS AND PUBLIC IMPROVEMENT PROJECTS TO THE  
CITY ENGINEER OR DESIGNEE

WHEREAS, California Government Code section 830.6 provides limitations on liability for public entities for conditions of public property where the public entity exercises appropriate discretion in the planning and design of public improvements. This limitation of liability is commonly known as “design immunity”.

WHEREAS, California Government Code section 830.6 requires public entities to establish the following three elements to invoke design immunity protections: (1) discretionary approval of a design before construction; (2) substantial evidence supporting the reasonableness of a design; and (3) a causal relationship between the design and the harm claimed.

WHEREAS, the first element may be satisfied where the legislative body, or authorized designee, exercises discretionary authority to approve the plan or design of the improvement in advance of construction of the improvement.

WHEREAS, the City desires to minimize its liability exposure to conditions of public property related to the planning and design of public works and improvements by confirming the staff position, or designee, authorized to exercise discretionary authority to approve the plan or design of public improvements in advance of construction of the improvement.

WHEREAS, staff recommends adopting this resolution to delegate the discretionary authority to approve plans and designs for public works and public improvement projects to the City Engineer, or designee provided that such designee holds a valid registration as a Professional Engineer in the State of California.

WHEREAS, this resolution does not impact, affect, or change the City’s discretion or authority to approve projects.

WHEREAS, this resolution does not impact, affect, or change the City Council’s discretion or authority to appropriate or approve project funding.

WHEREAS, this resolution does not circumvent other established project design review or approval processes.

WHEREAS, this resolution is narrowly limited to approval of project designs for the purpose of supporting the City’s design immunity protections as provided by State law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it delegates the authority to the City Engineer, or designee provided that such designee holds a valid registration as a Professional Engineer in the State of California, to exercise discretionary approval of designs, including design amendments and addenda, for all public works and public improvement projects.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it delegates authority to the City Engineer, or designee provided that such designee holds a valid registration as a Professional Engineer in the State of California, to exercise discretionary approval of designs, including design amendments and addenda, prepared by consultants retained by the City.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that the approval of the City Engineer, or designee, of a design prepared by a consultant retained by the City to prepare such design is limited to an acceptance of the design as being in general conformance with applicable statutes, codes, standards, and guidelines and the responsibility and liability for the completeness, accuracy, and conformance of such will continue to reside with the Engineer of Record or Engineering Firm of Record that prepared that design.

Presented by

Approved as to form by

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William S. Valle  
Director of Department of Engineering and  
Capital Improvement Projects

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Glen R. Googins, City Attorney