

**ORDINANCE NO.****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A NEW SECTION 2.20.040 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE RELATING TO APPROVAL OF DESIGNS**

**WHEREAS**, California Government Code Section 830.6 provides that neither a public entity nor a public employee is liable for an injury caused by the plan or design of a construction of, or an improvement to, public property under certain conditions; and

**WHEREAS**, such conditions are that such plan or design must be approved in advance of the construction or improvement by the legislative body of the public entity, or by some other body or employee exercising discretionary authority to give such approval; and

**WHEREAS**, in order to preserve the City's design immunity protection under Section 830.6, the City Council now desires to confer upon and delegate the authority to approve plans and designs for all of the City's public improvement projects and subdivision improvement projects to the Public Works Director/City Engineer, or his or her designee, and memorialize this fact by way of this Ordinance; and

**WHEREAS**, such delegation of design approval authority does not change the City Council's discretion and authority to approve projects and appropriate project funding pursuant to other applicable City policies, procedures, and codes, or circumvent other established project design review and approval processes (e.g. design review and approval for conformance with discretionary permit requirements).

**NOW, THEREFORE**, the City Council of the City of San Clemente, California, hereby ordains as follows:

**Section 1:** Section 2.20.040 is hereby added to the San Clemente Municipal Code to read in its entirety as follows:

2.20.040. Approval of Plans and Designs

The Public Works Director/City Engineer (or his/her designee provided that such designee holds a valid registration as a Professional Engineer in the State of California) is delegated the authority to exercise discretionary approval of plans, designs and any design amendments or addenda for public improvement or

subdivision improvement projects. The plans and designs shall be signed by the Public Works Director/City Engineer or his/her designee.

**Section 2:** The foregoing is declarative of existing law.

**Section 3:** The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF SAN CLEMENTE )

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. \_\_\_\_\_ having been regularly introduced at the meeting of \_\_\_\_\_, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY