

ORDINANCE NO. 1025

AN ORDINANCE OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING CHAPTER 3.08 (PURCHASING SYSTEM) OF THE RANCHO CUCAMONGA MUNICIPAL CODE REGARDING DESIGN APPROVAL AUTHORITY FOR PUBLIC IMPROVEMENT PROJECTS, AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. Recitals.

A. 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 where such plan or design has been approved in advance of the construction or improvement by the legislative body of a public entity or by some other body or employee exercising discretionary authority to give such approval or where such plan or design is prepared in conformity with standards previously so approved.

B. In furtherance of the public interest and convenience and the retention of the design immunity protection under Government Code Section 830.6, the City Council of the City of Rancho Cucamonga desires to delegate by ordinance to the City Manager, Public Works Director, City Engineer, or their designees the authority to approve plans and designs for City public improvement projects.

C. 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.

II. Findings.

A. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

III. Ordinance.

The City Council of the City of Rancho Cucamonga does ordain as follows:

SECTION 1. The above recitals and findings are all true and correct and incorporated into this Ordinance by reference.

SECTION 2. Section 3.08.110 (Bidding for Public Projects) of Chapter 3.08 (Purchasing System) of Title 3 (Revenue and Finance), is hereby amended to add a new subsection G "Delegation of Design Approval Authority" to read as set forth below:


3.08.110 Bidding for Public Projects

G. Delegation of Design Approval Authority. The City Manager, Public Works Director, City Engineer, or their designees are authorized to approve plans or designs for public projects for purposes of design immunity pursuant to Government Code Section 830.6. Nothing in this section is intended to, nor will it, preclude the City Council from separately or additionally approving plans or designs for purposes of design immunity pursuant to Government Code Section 830.6.

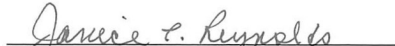
SECTION 3. Severability. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 3rd day of April, 2024.


L. Dennis Michael, Mayor

ATTEST:


Janice C. Reynolds, Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RANCHO CUCAMONGA)

I, **JANICE C. REYNOLDS**, City Clerk of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 20th day of March 2024, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 3rd day of April 2024.

- AYES:** Hutchison, Kennedy, Michael, Scott, Stickler
- NOES:** None
- ABSENT:** None
- ABSTAINED:** None

Executed this 4th day of April 2024, at Rancho Cucamonga, California.


Janice C. Reynolds, Clerk