



Legislation Text

File #: 14-0469, **Version:** 1

Recommendation to adopt resolution conferring upon and delegating to the City Engineer, or his or her designee, the authority to approve plans and designs for all Public Works projects, pursuant to the Design Immunity Provisions of California Government Code Section 830.6.

California Government Code Section 830.6 is a statutory defense available to a defendant public entity providing it with immunity against claims arising out of a design defect. The purpose of the defense is to prevent a jury from simply reweighing the same factors considered by the governmental entity which approved the design. One of the required elements of the defense is that the public entity must establish approval in advance of construction "by the legislative body of the public entity or by some other body or employee exercising discretionary authority to give such approval".

It is hereby requested that the Long Beach City Council delegate to the City Engineer, or his or her designee, the authority to approve plans and designs for all Public Works projects, in order to satisfy the defense immunity element discussed above. Other cities, such as San Diego, San Jose and Los Angeles, have taken similar action by delegating such approval authority to their city engineers for signing construction plans and specifications prepared for city projects to preserve their design immunity protection.

Approve recommendation.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CONFERRING UPON AND DELEGATING TO THE CITY ENGINEER, OR HIS OR HER DESIGNEE, THE AUTHORITY TO APPROVE PLANS AND DESIGNS FOR ALL PUBLIC WORKS PROJECTS, PURSUANT TO THE DESIGN IMMUNITY PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION 830.6

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