

ORDINANCE NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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ORDINANCE: A) ADDING SECTION 2.10.100 “APPROVAL OF PLANS AND DESIGN” TO CHAPTER 2.10 OF TITLE 2 OF THE SAN MATEO COUNTY ORDINANCE CODE; AND B) AMENDING SECTION 2.50.010 “DUTIES OF DIRECTOR OF PUBLIC WORKS” OF CHAPTER 2.50 OF TITLE 2 OF THE SAN MATEO COUNTY ORDINANCE CODE

The Board of Supervisors of the County of San Mateo, State of California,

ORDAINS as follows:

SECTION 1. FINDINGS AND DETERMINATIONS.

- a) California Government Code Section 830.6 provides public agencies with a design immunity defense for any public works projects designed and constructed by the public agency, provided that the design was approved in advance of the construction by the agency’s legislative body or by an employee authorized by the legislative body to give such design approval.
- b) Public interest and convenience and the retention of the design immunity protection under Government Code Section 830.6 require the Board of Supervisors of the County of San Mateo to delegate by ordinance to the County Executive Officer, or designee, and the Director of Public Works the authority to approve plans and designs for County public improvement projects.
- c) Such delegation of design approval authority does not change the Board of Supervisor’s discretion and authority to approve projects and appropriate project funding pursuant to other applicable County policies, procedures and codes, or circumvent other established project design review and approval processes.

SECTION 2. AMENDMENT OF CODE.

Section 2.10.100 of Chapter 2.10 of Title 2, Administration, of the San Mateo County Ordinance Code is hereby added to read as follows:

Section 2.10.100 – Approval of Plans and Design

The County Manager may exercise directly or through their designee discretionary approval of plans, designs, and any design amendments or addenda for public improvement projects that fall below the cost threshold set forth in Section 2.55.030(c) as may be amended. The County Manager or their designee shall sign the plans and designs.

Section 2.50.010 of Chapter 2.50 of Title 2, Administration, of the San Mateo County Ordinance Code is hereby amended to read as follows:

Section 2.50.010 – Duties of Director of Public Works.

(a) The duties and responsibilities of the County Engineer set forth in state law and in this chapter shall be performed by the Director of Public Works or the Director's duly qualified representative. All references in state law and this code to "County Engineer" shall pertain to the Director of Public Works or the Director's duly qualified representative. The Director of Public Works or the Director's duly qualified representative shall be ex officio Surveyor and Road Commissioner. It shall be the duty and responsibility of the Director of Public Works to manage capital projects of the County as assigned by the County Manager.

(b) The Director of Public Works may exercise discretionary approval of plans, designs, and any design amendments or addenda for public improvement projects that fall below the cost threshold set forth in Section 2.55.030(c) as may be amended.

The Director of Public Works shall sign the plans and designs.

SECTION 3. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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