



## STAFF REPORT

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**DATE:** July 26, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Laura Ham, VP, Planning and Engineering  
**SUBJ:** DELEGATING AUTHORITY TO THE DIRECTOR, ENGINEERING AND CONSTRUCTION, OR THEIR DESIGNEE, TO APPROVE PLANS AND DESIGNS FOR ALL PUBLIC WORKS PROJECTS

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

Adopting the Resolution will provide authority to the Director, Engineering and Construction, or their designee to approve plans and designs for public works projects.

### FISCAL IMPACT

No Fiscal Impact.

### DISCUSSION

Under Government Code section 830.6, government agencies are provided “design immunity” for injuries caused by the plan or design for public works projects, if the plan or design has been approved in advance of construction by the legislative body or by an employee exercising discretionary authority to give such approval.

Prior to 2018, this requirement was satisfied by the Board’s approval to release an Invitation for Bid (IFB) for all public works projects. Under the 2018 revisions to the Procurement Ordinance, authority to release IFBs was transferred to the General Manager/CEO. After review, Staff believes it is most appropriate to have the Director, Engineering and Construction or their designee, who act as the licensed engineers "in responsible charge of professional engineering work for each branch of professional engineering practiced" for SacRT under the Business and Professions Code, provide discretionary approval specifically for the plans and design of public works projects.

The Director, Engineering & Construction, or a designee, will affirmatively approve plans and specifications before the IFB or Contract document is released.

RESOLUTION NO. 21-07-0085

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

July 26, 2021

**DELEGATING AUTHORITY TO THE DIRECTOR, ENGINEERING AND CONSTRUCTION, OR THEIR DESIGNEE, TO APPROVE PLANS AND DESIGNS FOR ALL PUBLIC WORKS PROJECTS**

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 facilitate efficiency in the review and approval of plans and designs for SacRT projects and to preserve SacRT's design immunity protection under Section 830.6, the Board now desires to confer upon and delegate the authority to approve plans and designs for all SacRT public works projects to the Director, Engineering and Construction, or their designee; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Board of Directors now confers upon and delegates to the Director, Engineering and Construction, or their designee, the authority to approve plans and designs, and all amendments and addenda thereto, in advance of construction or improvement of all public works projects.

THAT, Director, Engineering and Construction must attest his or her approval thereof, or cause or direct his or her designee to do so.

THAT, this resolution shall take effect immediately upon its adoption.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary