

## **ORDINANCE NO. 2414**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ADDING A NEW SECTION 2.28.285 TO ARTICLE V, CHAPTER 2.28 OF TITLE 2 OF THE VICTORVILLE MUNICIPAL CODE DELEGATING APPROVAL OF PLANS AND DESIGNS TO THE CITY ENGINEER AND AMENDING SECTIONS 2.12.180 AND 2.19.010(b) OF SAID TITLE 2 TO CONFORM WITH CURRENT LAW**

**WHEREAS**, the City of Victorville (the “City”) is a charter city and a “public entity” with “public employees” as those terms are defined in Sections 811.2 and 811.4 of the California Government Claims Act, *Gov. Code §810 et seq.*, (the “Act”); and

**WHEREAS**, Section 830.6 of the Act (“**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; and

**WHEREAS**, to retain and preserve the City's design immunity protection under Section 830.6, the City Council desires to formally confer upon and delegate the authority to review and approve plans and designs for all of the City's public works, public improvement, and subdivision improvement projects to the City Engineer, or his/her qualified designees, by adoption of this Ordinance; and

**WHEREAS**, such delegation of design approval authority does not alter 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, such as design review and approval for conformance with discretionary permit requirements; and

**WHEREAS**, to facilitate administrative efficiency and maintenance of the Victorville Municipal Code (“VMC”), this Ordinance also amends Title 2 of the VMC by removing Section 2.12.180 relating to acceptance of gifts by Planning Commissioners (which has been superseded by the provisions of the State's Political Reform Act, *Gov. Code §81000 et seq.*) and correcting a scrivener's error in Section 2.19.010(b), relating to electronic filing of campaign statements and statements of economic interests.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

#### **Section 1. Recitals.**

The recitals set forth above are true and correct and are hereby incorporated by this reference as findings as if set forth in their entirety.

**Section 2.     Addition of New Section 2.28.285 to Article V, Chapter 2.28, Title 2 of the Victorville Municipal Code.**

**A NEW SECTION 2.28.285, TITLED “APPROVAL OF PLANS AND DESIGNS” IS HEREBY ADDED TO ARTICLE V OF CHAPTER 2.28 OF TITLE 2 OF THE VICTORVILLE MUNICIPAL CODE WHICH SECTION SHALL READ IN ITS ENTIRETY AS FOLLOWS:**

**Section 2.28.285 – Approval of plans and designs.**

(a)     The City Engineer, who must hold a valid registration as a Professional Engineer in the State of California (or his/her duly authorized designees, provided that such designees hold a valid registration as a Professional Engineer in the State of California and are employees of the City’s Engineering Department) is delegated the authority to exercise discretionary approval of plans, designs, and any design amendments or addenda within the meaning of California Government Code section 830.6 for public works, public improvements, or subdivision improvement projects. The plans and designs so approved shall be signed (and stamped, where applicable) by the City Engineer, or his/her duly authorized designees.

(b)     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 exercised by the Planning Commission or the Zoning Administrator (*e.g.*, design review and approval for conformance with discretionary permit requirements).

**Section 3.     Repeal of Section 2.12.180 of Chapter 2.12, Title 2 of the Victorville Municipal Code**

**SECTION 2.12.180, TITLED “ACCEPTANCE OF GIFTS” OF CHAPTER 2.12 OF TITLE 2 OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND SHALL READ AS FOLLOWS:**

**Section 2.12.180 – Reserved.**

**Section 4.     Correction of Scrivener’s Error in Section 2.19.010(b) of Chapter 2.19, Title 2 of the Victorville Municipal Code.**

**SUBSECTION (b) OF SECTION 2.19.010, TITLED “ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS” IN CHAPTER 2.19 OF TITLE 2 OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:**

(b) Any person holding a position listed in Government Code Section 87200 or designated in a local conflict of interest code adopted pursuant to California Government Code section 87300 shall be also be required to file his/her of statement of economic interests reports (Form 700) online or electronically with the city clerk using procedures established by the city clerk in compliance with this chapter.

**Section 5. Repeal of Conflicting Provisions.**

All the provisions of the Victorville Municipal Code heretofore adopted by the City Council of the City of Victorville that are in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**Section 6. Severability.**

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

**Section 7. CEQA Exemption.**

The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational, or administrative activity that will not result in direct or indirect changes in the environment.

**Section 8. Effective Date.**

This Ordinance shall take effect thirty (30) days after its final passage.


**Section 9. Certification.**

The City Clerk of the City of Victorville is hereby directed to certify to the passage and adoption of this Ordinance and to cause it to be published as required by law.


ORDINANCE NO. 2414

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON  
MARCH 4, 2021.

PASSED, APPROVED AND ADOPTED THIS 2<sup>ND</sup> DAY OF FEBRUARY 2021.

  
MAYOR OF THE CITY OF VICTORVILLE

ATTEST:

  
CITY CLERK

2/5/21  
DATE

APPROVED AS TO FORM:

  
CITY ATTORNEY

I, CHARLENE ROBINSON, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2414 which was introduced at a meeting held on the 19<sup>th</sup> day of January 2021 and duly adopted at a meeting held on the 2<sup>nd</sup> day of February 2021 by the following roll call vote, to wit:

AYES: Mayor Jones, Councilmembers Becerra, Gomez and Irving

NOES: None

ABSENT: Councilmember Ramirez

ABSTAIN: None

  
CITY CLERK OF THE CITY OF VICTORVILLE