

RESOLUTION NO. 2021-273

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY ENGINEER OR AUTHORIZED DESIGNEE TO APPROVE THE DESIGN OF PUBLIC WORKS PROJECTS AND STANDARDS; AUTHORIZING THE CITY ENGINEER TO SIGN AND VERIFY NOTICES OF COMPLETION FOR PUBLIC WORKS PROJECTS; AND AUTHORIZING THE CITY MANAGER TO AMEND THE ANNUAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM BY REDUCING THE REMAINING PROJECT BUDGET AUTHORITY TO ZERO FOR COMPLETED PROJECTS AND RETURNING ANY REMAINING FUNDS BACK TO THEIR RESPECTIVE FUND(S)

WHEREAS, California Government Code Section 830.6 provides that the plan or design of the construction of, or an improvement to public property may be approved in advance of the construction or improvement by the legislative body of the public entity or some other body, or employee exercising discretionary authority to give such approval: and

WHEREAS, California Public Contract Code Section 22039 provides that the governing body of a public entity or its designated representative shall adopt plans, specifications, and working details for all public projects exceeding the amount specified in California Public Contract Code Section 22032(c): and

WHEREAS, design approval occurs prior to advertising the project and the City typically advertises 20 or more public works projects each year; and

WHEREAS, California Civil Code Section 9204 provides that a notice of completion for public works of improvement shall be signed and verified by the public entity or its agent; and

WHEREAS, it is estimated that the Public Works Department prepares staff reports and resolutions for at least 20 notices of completion each year and staff has not received any public comment on these items for the past five years; and

WHEREAS, the Public Works Department provides quarterly status updates via staff report to City Council and provides an annual update with presentation of the draft five-year Capital Improvement Program (CIP), and the City website includes a Geographical Information System (GIS)-based webpage that provides the status of all capital projects, thereby keeping the City Council, stakeholders, and the public informed of the status of public works projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Authorizes the City Engineer or authorized designee to adopt plans, specifications, and working details for all public projects exceeding the amount specified in California Public Contract Code Section 22032(c) pursuant to California Public Contract Code Section 22039; and

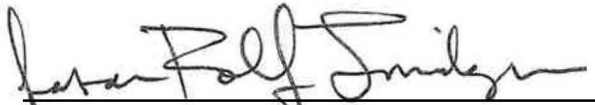
- 2) Authorizes the City Engineer or authorized designee to approve plans, standards, or designs for the construction of, or an improvement to, public property pursuant to California Government Code Section 830.6; and
- 3) Authorizes the City Engineer to sign and verify a notice of completion for public works of improvement pursuant to California Civil Code Section 9204; and
- 4) Authorizes the City Manager to amend the Annual Budget and Capital Improvement Program by reducing remaining project budget authority to zero for completed projects and returning any remaining funds back to their respective fund balance(s).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of September 2021



BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-273

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 22, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California