

ORDINANCE NO. 1342

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOLSOM ADDING
SUBSECTION D TO SECTION 2.36.050 OF THE FOLSOM MUNICIPAL CODE
PERTAINING TO DESIGN IMMUNITY**

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to add subsection D to Section 2.36.050, “Authority and duties”, of the Folsom Municipal Code to formally document and preserve design immunity in lawsuits involving public works projects. This Ordinance confirms and ratifies past City practices of preserving and asserting the defense of design immunity in lawsuits where said immunity was raised and asserted by the City.

SECTION 2 ADDITION TO CODE

Section 2.36.050(D) is hereby added to the Folsom Municipal Code to read as follows:

2.36.050 Authority and duties.

D. The Public Works Director and City Engineer are authorized to approve plans or designs for purposes of design immunity pursuant to Government Code Section 830.6 for all public works projects approved by the City. Nothing in this section is intended to, nor will it, preclude the City Council from separately or additionally approving plans or designs for purposes of design immunity pursuant to Government Code Section 830.6.

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 5 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on January 23, 2024, and the second reading occurred at the regular meeting of the City Council on February 13, 2024.

On a motion by Councilmember Rodriguez seconded by Councilmember Chalamcherla, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 13th day of February, 2024 by the following roll-call vote:

AYES: Councilmember(s): Rodriguez, Rohrbough, Chalamcherla, Aquino

NOES: Councilmember(s): None


ABSENT: Councilmember(s): Kozlowski

ABSTAIN: Councilmember(s): None

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Sarah Aquino, VICE MAYOR

ATTEST:

DocuSigned by:

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Christa Freemantle, CITY CLERK