



Legislation Details (With Text)

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**Title:** RESOLUTION - Authorizing the Public Works Director to execute common use agreements of a routine nature with public utilities (Citywide)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 21-071 Resolution.pdf

Date	Ver.	Action By	Action	Result
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**REPORT TO THE CITY COUNCIL**

**January 7, 2021**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**THROUGH:** RANDALL W. MORRISON, PE, Assistant Director  
Public Works Department, Engineering Division

**BY:** JASON MILLER, PE, Supervising Professional Engineer  
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**SUBJECT**

RESOLUTION - Authorizing the Public Works Director to execute common use agreements of a routine nature with public utilities (Citywide)

**RECOMMENDATION**

Staff recommends the City Council adopt the Resolution clarifying the Director of Public Works' authority to execute routine Common Use Agreements with public utilities citywide.

**EXECUTIVE SUMMARY**

The proposed Resolution clarifies the Director's authority to execute routine common use agreements subject to approval as to form by the City Attorney's Office.

## **BACKGROUND**

On December 21, 2004, the Council adopted Resolution 2004-476 authorizing the Public Works Director to execute common use agreements of a routine nature with public utilities on behalf of the City. Common use agreements are routinely used for development projects requiring right-of-way to be dedicated. Such agreements are also used routinely where interests in real property are acquired or otherwise used in areas overlapping the rights of another public agency. The proposed Resolution clarifies that the Director's authority extends to all situations in which the City enters into routine common use agreements.

The proposed Resolution authorizes the Public Works Director to execute routine common use agreements with public utilities subject only to approval as to form by the City Attorney's Office. Adopting the Resolution will allow projects requiring a common use agreement to complete the right-of-way phase of the project and proceed into the construction phase without delay.

The City Attorney has reviewed and approved the Resolution as to form.

## **ENVIRONMENTAL FINDINGS**

This item is not a project pursuant to the definition provided in California Environmental Quality Act (CEQA) Guidelines Section 15378.

## **LOCAL PREFERENCE**

Local preference was not implemented, as this item does not include the bid or award of a construction, services, or consulting contract.

## **FISCAL IMPACT**

The adoption of the attached Resolution will have no impact on the General Fund.

Attachments:

Resolution