



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of
Supervisors

105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Executive
Office
Department No.: 012
For Agenda Of: September 20, 2011
Placement: Administrative
Estimated Tme: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
Board of Directors, Flood Control and Water Conservation District
Board of Directors, Laguna County Sanitation District

FROM: Department Director: Chandra Wallar, County Executive Officer, 568-3400

Contact Info: Dennis Bozanich, Assistant County Executive, 568-3107

SUBJECT: Authorize the Public Works, General Services, and Parks Directors to Approve and Execute Notices of Completion and Notices of Cessation for Construction Projects

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors/Directors:

- A. Approve and authorize the Chair to execute a Resolution to authorize the Directors of Public Works, General Services, and Parks to act as “agent” on behalf of the Board of Supervisors, and to authorize the Director of Public Works to act as “agent” on behalf of the Board of Directors of the Laguna County Sanitation District and the Santa Barbara County Flood Control and Water Conservation District to approve and execute the Notices of Completion and Notices of Cessation for all Construction projects;
- B. Find that the proposed actions do not constitute a “Project” within the meaning of California Environmental Quality Act, pursuant to 14 CCR 15378(b)(2), as it consists of general policy and procedure making

Summary Text:

Currently, the Public Works, General Services, and Parks Departments bring Notices of Completion and, if required, Notices of Cessations to the Board for approval for each construction project that is in excess of \$125,000. By designating the respective Department Heads as the “agent” for the Board of Supervisors, the County would streamline these two actions. The streamlined process would:

- Reduce the number of items on the Board’s agendas, and
- Conform to the current Civil Code statutes requiring that a public entity file a Notice of Completion within ten (10) days after a project is completed and the future requirement of filing the Notice of Completion within fifteen (15 days) that will become effective on January 1, 2012.

Civil Code Section 3093 allows the Board to authorize the Directors of Public Works, General Services, and Parks to act as the Board’s “agent” to approve and execute Notices of Completion for Public Works, General Services, and Parks Departments, Santa Barbara County Flood Control and Water Conservation District, and Laguna County Sanitation District Construction projects, effective until July 1, 2012 and after July 1, 2012 Civil Code Section 9204 will allow this action. The designation of assigning an agent for the filling of a Notice of Cessation is made pursuant to Civil Code Section 3092 until July 1, 2012 and Civil Code Section 9202 after July 1, 2012.

Staff recommends that the Board adopt the attached Resolution authorizing the Directors of Public Works, General Services, and Parks to act as “agent” on behalf of the County Board of Supervisors; and authorizing the Director of Public Works to act as “agent” on behalf of the 2) the Santa Barbara County Flood Control and Water Conservation District; and 3) the Laguna County Sanitation District to approve and execute Notices of Completion and Notices of Cessation for Construction projects, as well as authorize the Clerk of the Board to record the fully executed Notices of Completion.

Background:

Notices of Completion and Notices of Cessation are the legal mechanisms that provide official notification to all vendors, laborers, material suppliers, contractors, and subcontractors of project completion. Subcontractors and suppliers have thirty days after recording of a Notice of Completion and ninety days after recording of a Notice of Cessation, in which to file a stop notice claim, according to Civil Code Sections 3184 and 9356. Stop notices may not be filed after those periods have passed. Until Notices of Completion and Notices of Cessation are recorded and the thirty-day or ninety-day period is complete, the project funds are at risk of being claimed against, which could have a negative fiscal impact on the Department and the County. Project payment and completion bonds are held in place and not released in order to protect against any unpaid obligations during the statute of limitations period after the Notices of Completion and Notices of Cessation are recorded.

Fiscal and Facilities Impacts:

Budgeted: N/A

Narrative: N/A

Staffing Impacts:

Legal Positions:
None

FTEs:
None

Approve and Execute Notices of Completion and Notices of Cessation

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Special Instructions:

Please return six (6) original certified stamped Minute Orders and one copy of the fully executed Resolution to Public Works, Transportation, Attention: Gena Valentine Felix, x3064, and file the original Resolution with the Clerk of the Board.

Attachments:

Resolution

Authored by:

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Dacé Morgan, Deputy Director, Public Works – Transportation Division, 568-3064

Eric Pearson, Construction Section Manager; 681-5686