

APPROVED

REPORT OF GENERAL MANAGER

NOV 04 2009

NO. 09-276

DATE November 4, 2009

BOARD OF RECREATION and PARK COMMISSIONERS

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LAFAYETTE PARK - RECREATION CENTER (W.O. #E170317F) - BOND TO RELEASE STOP NOTICE

R. Adams _____ J. Kolb _____
H. Fujita _____ F. Mok _____
S. Huntley _____ K. Regan _____
V. Israel _____ *M. Shull [Signature]

[Signature] General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

- 1. Accept the Bond to Release Stop Notice, filed by Western Alta Construction, Inc., general contractor for the Lafayette Park - Recreation Center Project (W.O. #E170317F); and
2. Direct the Board Secretary to notify the contractor, surety, and other appropriate parties.

SUMMARY:

At its meeting of October 21, 2009, the Board approved the acceptance of a Stop Notice filed by Calex Engineering Company, in the amount of \$63,408.17 for the subject project.

On September 24, 2009, the Department received the following Bond to Release Stop Notice, filed by Western Alta Construction, Inc.:

Table with 3 columns: Contract/CD, General Contractor, Surety, Stop Notice Claimant, Amount of Bond, Project Status, Project Impact.

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The Bond was filed in accordance with California Civil Code Section 3196, which states, if the original contractor or subcontractor disputes the correctness or validity or enforceability of any stop notice, the public entity may, in its discretion, permit the original contractor to file with the public entity a bond executed by a corporate surety, in an amount equal to 125 percent of the claim stated in the stop notice conditioned for the payment of any sum which the stop notice claimant may recover on the claim together with his costs of suit in the action, if he recovers therein. Upon the filing of such bond with the public entity, the public entity shall not withhold any money or bonds (where bonds are to be issued in payment for the work of improvement) from the original contractor on account of the stop notice.

FISCAL IMPACT STATEMENT:

Acceptance of the Bond and release of the funds will have no impact on the Department's General Fund, as monies were previously appropriated for this project.

This report was prepared by LaTonya D. Dean, Commission Executive Assistant.