

APPROVED

REPORT OF GENERAL MANAGER

SEP 02 2009

NO. 09-226

DATE September 2, 2009

BOARD OF RECREATION and PARK COMMISSIONERS

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: EVERGREEN RECREATION CENTER - CHILDCARE CENTER (W.O. #E170354F) - ACCEPTANCE AND RELEASE OF STOP NOTICES ON CONSTRUCTION CONTRACT

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Approved _____ Disapproved _____ Withdrawn _____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 following Stop Notice and direct staff to withhold the amount claimed in it, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amount of said funds are available, and to notify the contractor, sureties, and other interested parties that the amount of said claim plus 25% will be withheld; and,
2. Accept the following Release of Stop Notice.

SUMMARY:

ACCEPTANCE OF STOP NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 3103 and 3181, on the following contract:

Table with 2 columns: Contract details (Contract 3184, CD 14, Evergreen Recreation Center - Childcare Center (W.O. #E170354F), Project Status: 99% Complete, Project Impact: none) and Contractor details (General Contractor: HMI Construction Services, Claimant: Huntington Glazing, Inc., Amount: \$15,715.96)

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RELEASE OF STOP NOTICE:

The Department is in receipt of a Release of Stop Notice filed by the claimant below, which releases the Board from any and all liability for withholding funds from the general contractor or the sureties:

<u>Contract 3184</u>	CD 14		
Evergreen Recreation Center – Childcare Center (W.O. #E170354F)	General	Contractor:	HMI Construction Services
Project Status: 99% Complete		Claimant:	Huntington Glazing, Inc.
Project Impact: none		Amount:	\$15,715.96

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund, as funds have already been appropriated for this purpose.

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