

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

734



SUBMITTAL DATE:
May 22, 2013

FROM: Economic Development Agency

SUBJECT: Palm Desert Library Renovation – Notice of Cessation

RECOMMENDED MOTION: That the Board of Supervisors:

1. Authorize the Chairman to execute the attached Notice of Cessation;
2. Direct the Clerk of the Board to record the executed Notice of Cessation with the Riverside County Clerk and Recorder's Office in accordance with Section 9202 of the Civil Code; and
3. Authorize the release of the remaining 5% retention of the project in accordance with the contract terms.

BACKGROUND: (Commences on Page 2)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 93,249	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

COMPANION ITEM ON BOARD AGENDA: No

SOURCE OF FUNDS: City of Palm Desert Redevelopment Agency, Library Improvement District Fund

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY: Jennifer L. Sargent

FORM APPROVED COUNTY COUNSEL
 DATE 4/30/13
 BY: MARSHAL VICTOR
 FISCAL PROCEDURES APPROVED
 PAUL ANGLIO, CPA, AUDITOR-CONTROLLER
 BY: J. Lettice Rose
 Department Concurrence
 5/21/13

Policy Policy
 Consent Consent
 Dep't Recomm.: Per Exec. Ofc.:

RECEIVED BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE CALIFORNIA
 MAY 21 11 58 AM '13
 RECEIVED COUNTY CLERK
 COUNTY OF RIVERSIDE CALIFORNIA
 MAY 21 11 58 AM '13

Prev. Agn. Ref.: 3.42 of 09/13/11; 3.16 of 04/26/11 | District: 4/4 | Agenda Number **3-9**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

BACKGROUND:

On September 13, 2011, the Board of Supervisors approved the construction agreement between the County of Riverside and The Sun Group of Costa Mesa, California for the renovation of the Palm Desert Library. The project is substantially complete and the library was re-opened to the public on January 25, 2013.

On February 14, 2013, notice was given to The Sun Group that the project was substantially complete and a request for a release of 50% retention was forwarded to the Board of Supervisors for consideration.

To date, six change orders have been issued in the cumulative amount of \$130,684, increasing the total contract value to \$1,864,684. The Sun Group has submitted additional change order requests on the project which the county disputes. A balance of \$80,000 will be held by the county pending resolution of the remaining change order requests.

A recorded Notice of Cessation begins the 35-day lien period after which no Stop Notices may be issued by The Sun Group's subcontractors, vendors and suppliers. In addition, it allows the county to release undisputed funds to The Sun Group and bars The Sun Group's right to claim interest on undisputed funds held by the county.

This Board action will release the remaining undisputed contract retention funds of \$93,249 to The Sun Group, provided all outstanding issues can be resolved by the county and the contractor without requiring additional Board action. The total approved contract is within the overall project budget, thus no net county costs will be incurred.

Attachment:

Notice of Cessation

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD
4080 LEMON STREET, 1ST FLOOR CAC
P O BOX 1147 – RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP #1010

RIVERSIDE COUNTY CLERK OF THE BOARD
P. O. BOX 1147 – RIVERSIDE, CA 92502

THIS SPACE FOR RECORDERS USE ONLY

NOTICE OF CESSATION

(California Civil Code §§ 9202 – Public Works)

To be recorded with County Recorder.

Notice is hereby given by the undersigned owner, a public entity of the State of California, that a public work of improvement has been completed, as follows:

Project title or description of work: Palm Desert Library Renovation (FM08110000005)

As of the 2 day of February, 2013, there has been a continuous cessation of labor upon the herein described work of improvement for at least 30 days and continuing until the date of recordation of this Notice of Cessation.

Nature of owner: Public Entity

Interest or estate of owner: In Fee

Address of owner: Clerk of the Board of Supervisors, County Administrative Center,
4080 Lemon St., Riverside, CA 92501

Name/address of direct contractor: Sun Construction Group, Inc. dba The Sun Group
3151 Airway Ave., Bldg. V, Costa Mesa, CA 92626

Street or legal description of site: 73300 Fred Waring Drive, Palm Desert, CA 92260

Dated:

Owner: County of Riverside
(Name of Public Entity)

By: _____
John J. Benoit, Chairman, Board of Supervisors

STATE OF CALIFORNIA)

ss

COUNTY OF RIVERSIDE)

I am the Chairman of the governing board of the County of Riverside, the public entity which executed the foregoing notice and on whose behalf I make this verification; I have read this notice, know its contents, and the same is true. I certify under penalty of perjury that the foregoing is true and correct.

ATTEST: Kecia Harper-Ihem, Clerk

Executed at Riverside, California on _____

By: _____
Deputy

John J. Benoit, Chairman, Board of Supervisors

FORM APPROVED COUNTY COUNSEL
BY: 44 Victor 4/30/13 DATE
MARSHAL VICTOR