

**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

<b>FINANCIAL DATA</b>	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

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

**C.E.O. RECOMMENDATION:**

APPROVE

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: June 4, 2013

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

13 MAY 28 11:33 AM  
Recorder, Auditor

13 MAY 21 04:35  
2013 MAY 21 04:35  
CLERK OF THE BOARD

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, 1<sup>ST</sup> 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

**DOC # 2013-0267153**

06/05/2013

**Customer Copy Label**

The paper to which this label is  
affixed has not been compared  
with the filed/recorded document

**Larry W Ward**

County of Riverside  
Assessor, County Clerk & Recorder

**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, 20 13, 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:** June 4, 2013

Owner: County of Riverside

(Name of Public Entity)

By:

John J. Benoit  
John J. Benoit, Chairman, Board of Supervisors

STATE OF CALIFORNIA )

ss

COUNTY OF RIVERSIDE )

**COPY**

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

By: Kecia Harper-Ihem  
Deputy

Executed at Riverside, California on 06/04/13

John J. Benoit  
John J. Benoit, Chairman, Board of Supervisors

06.04.13 369

FORM APPROVED COUNTY COUNSEL  
BY 44 Victor 4/30/13 04/2013  
MARSHAL VICTOR DATE



**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

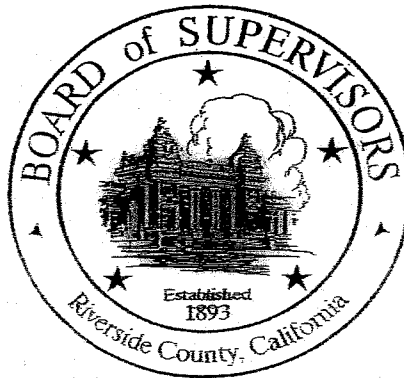
**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrcikrec.com>

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

6-4-13

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
to Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** G. GRANT

**Address:** 27028 JARVIS ST  
(only if follow-up mail response requested)

**City:** PERRIS **zip:** 92570

**Phone #:** \_\_\_\_\_

**Date:** JUNE 14 03 **Agenda #** 3.9

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

\_\_\_\_\_ **Support**      \_\_\_\_\_ **Oppose**      \_\_\_\_\_ **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

\_\_\_\_\_ **Support**      \_\_\_\_\_ **Oppose**      \_\_\_\_\_ **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

## **BOARD RULES**

### **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

### **Requests to Address Board on items that are "NOT" on the Agenda:**

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

### **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

### **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of three (3) minutes.** Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

### **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

### **Addressing the Board & Acknowledgement by Chairman:**

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.