

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PUBLIC WORKS DIRECTOR, OR HIS OR HER DESIGNEE, TO ACT ON COUNCIL'S BEHALF IN ACCEPTING THE FINAL PUBLIC WORKS CONSTRUCTION CONTRACT AMOUNT, WITH APPROVED CHANGES, AND FILING ALL NOTICES OF COMPLETION (NOC) WITH THE COUNTY CLERK RECORDER, INCLUDING ALL CURRENT PUBLIC WORKS CONSTRUCTION CONTRACTS PENDING ACCEPTANCE BY THE CITY

WHEREAS, Title 15, Works of Improvement, Civil Code Sections 3082-3267 (Title 15) authorizes certain claimants, including but not limited to mechanics, materialmen, laborer, subcontractors and other persons and laborers providing labor, equipment and services to a public works construction project, to file a claim against a public agency for payment of unpaid debts of the original contractor to the public works construction contract;

WHEREAS, Title 15 authorizes such claimants to exercise a Stop Notice (Stop Notice) remedy against a public agency which, if properly served, requires a local agency to withhold sufficient project funds from disbursement to the contractor as security for the alleged unpaid debt of the contractor;

WHEREAS, an effective Stop Notice must be served on the public agency within 90 (ninety) days of the completion date of a public works construction project unless a Notice of Completion (NOC) has been recorded with the County Clerk Recorder, in which case, an effective Stop Notice must be served on the public agency within thirty (30) days or recordation of the NOC;

WHEREAS, Title 15, Section 3086, provides that the completion date of a public works construction project is the date upon which a public agency accepts the public works construction project as complete;

WHEREAS, the Council of the City of Santa Barbara is not prohibited either by state statute, the City Charter or the Municipal Code, from authorizing another person or Department to deem a public works construction project complete for purposes of Title 15;

WHEREAS, a Notice of Completion must be filed with the County Clerk Recorder within 10 (ten) days after a public works construction project is deemed complete; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the Public Works Director, or his or her designee, is authorized to act on Council's behalf in accepting final Public Works construction contract amount, with approved changes, and filing all Notices of Completion (NOC) with the County Clerk Recorder, including all current Public Works construction contracts pending acceptance by the City.