

**MONTEREY COUNTY BOARD OF SUPERVISORS**

<b>MEETING:</b>	January 25, 2011 – Consent	<b>AGENDA NO.:</b>
<b>SUBJECT:</b>	<ul style="list-style-type: none"> <li>a. Accept the Freeman Minor Subdivision Water System Improvement Project (PLN 070032) as complete and direct the Director of Health to execute and record the proposed Notice of Completion;</li> <li>b. Approve release of a portion of the Faithful Performance Security in the amount of \$35,114.46 held in Comerica Bank Certificate of Deposit account 890750000012503, retaining the amount of \$12,615.09 in the Certificate of Deposit for the Warranty Security; and</li> <li>c. Approve release of the Labor and Materials Security in the amount of \$23,864.78 held in Comerica Bank Certificate of Deposit account 890750000012503 after at least 60 days have elapsed since recordation of the proposed Notice of Completion in accordance with Government Code section 66499.7(h), if no liens have been filed.</li> </ul>	
<b>DEPARTMENT:</b>	Health – Environmental Health Bureau	

**RECOMMENDATIONS:**

It is recommended that the Board of Supervisors:

- a. Accept the Freeman Minor Subdivision Water System Improvement Project (PLN 070032) as complete and direct the Director of Health to execute and record the proposed Notice of Completion;
- b. Approve release of a portion of the Faithful Performance Security in the amount of \$35,114.46 held in Comerica Bank Certificate of Deposit account 890750000012503, retaining the amount of \$12,615.09 in the Certificate of Deposit for the Warranty Security; and
- c. Approve release of the Labor and Materials Security in the amount of \$23,864.78 held in Comerica Bank Certificate of Deposit account 890750000012503 after at least 60 days have elapsed since recordation of the proposed Notice of Completion in accordance with Government Code section 66499.7(h), if no liens have been filed.

**SUMMARY/DISCUSSION:**

The Board of Supervisors approved the Final Map and Subdivision Improvement Agreement (Agreement) for the Freeman Minor Subdivision on January 12, 2010 (Attachment 1). The Agreement required provision of a Faithful Performance Security, and a Labor and Materials Security in an amount totaling \$71,594.33 to secure the completion of water infrastructure improvements for the subdivision. Security was provided by a Comerica Bank Certificate of Deposit account 890750000012503 (CD).

The subdivider has completed the water infrastructure improvements required by the Agreement. The subdivider's consulting engineer has inspected the infrastructure improvements and has certified that completion is in conformance with the approved plans (Attachment 2). The final documentation for proof of completion, in the form of as-built water system improvement plans (Attachment 3), was submitted to Environmental Health on November 29, 2010. If approved by the Board, \$35,114.46, representing the Faithful Performance Security portion of the CD, can now be released in accordance with Government Code Section 66499.7(a) of the Subdivision Map Act. An amount of \$12,615.09 must be retained to cover the Warranty Security required by the Agreement.

This Warranty Security balance of \$12,615.09 is 20% of total Water System Costs (Attachment 4) and will remain in the CD with Comerica Bank or will be replaced with another approved security in the same amount and filed with the Clerk to the Board of Supervisors as specified in the Agreement. Any interest paid to the account is the property of the owner. The Warranty Security will be released after the period of one (1) year from the date of completion of the improvements if the water system improvements continue to function satisfactorily.

If approved by the Board, the Labor and Materials Security portion of the CD in the amount of \$23,864.78 can be released, providing at least 60 days have elapsed since recordation of the proposed Notice of Completion (Attachment 5) in accordance with Government Code section 66499.7(h) of the Subdivision Map Act, and if no liens have been filed.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed the Board Report and associated documents.

**FINANCING:**

There is no Net County Contribution of discretionary funds resulting from this Board action. The cost of security release processing is funded with developer fees.

Prepared by:



Ted Pinson 796-1297  
Management Analyst I

Date:

1/13/11

Approved by:



Ray Bullick  
Director of Health

Date:

1-13-11

Attachment 1 – Subdivision Improvement Agreement – on file with the Clerk of the Board of Supervisors

Attachment 2 – Consulting Engineer Inspection Letter – on file with the Clerk of the Board of Supervisors

Attachment 3 – As-Built Water System Improvement Plans – on file with the Clerk of the Board of Supervisors

Attachment 4 – Water System Costs – on file with the Clerk of the Board of Supervisors

Attachment 5 – Proposed Notice of Completion – on file with the Clerk of the Board of Supervisors

cc: Lew Bauman, County Administrative Officer  
Charles J. McKee, County Counsel  
Michael Miller, Auditor Controller

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

- a. Accept the Freeman Minor Subdivision Water System Improvement Project (PLN 070032) as complete and direct the Director of Health to execute and record the proposed Notice of Completion; )
- b. Approve release of a portion of the Faithful Performance Security in the amount of \$35,114.46 held in Comerica Bank Certificate of Deposit account 890750000012503, retaining the amount of \$12,615.09 in the Certificate of Deposit for the Warranty Security; and )
- c. Approve release of the Labor and Materials Security in the amount of \$23,864.78 held in Comerica Bank Certificate of Deposit account 890750000012503 after at least 60 days have elapsed since recordation of the proposed Notice of Completion in accordance with Government Code section 66499.7(h), if no liens have been filed..... )

Upon motion of Supervisor Salinas, seconded by Supervisor Armenta and carried by those members present, effective January 25, 2011, the Board hereby;

- a. Accepted the Freeman Minor Subdivision Water System Improvement Project (PLN 070032) as complete and direct the Director of Health to execute and record the proposed Notice of Completion;
- b. Approved release of a portion of the Faithful Performance Security in the amount of \$35,114.46 held in Comerica Bank Certificate of Deposit account 890750000012503, retaining the amount of \$12,615.09 in the Certificate of Deposit for the Warranty Security; and
- c. Approved release of the Labor and Materials Security in the amount of \$23,864.78 held in Comerica Bank Certificate of Deposit account 890750000012503 after at least 60 days have elapsed since recordation of the proposed Notice of Completion in accordance with Government Code section 66499.7(h), if no liens have been filed.

**PASSED AND ADOPTED** this 25th day of January 2011, by the following vote, to wit:

**AYES:** Supervisors Armenta, Calcagno, Salinas, Parker, Potter  
**NOES:** None  
**ABSENT:** None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on January 25, 2011.

Dated: January 26, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

WHEN RECORDED RETURN TO:

Monterey County
Environmental Health
1270 Natividad Rd
Salinas CA 93906

**FREEMAN MINOR SUBDIVISION WATER SYSTEM IMPROVEMENTS**  
**NOTICE OF COMPLETION**  
(Health – Environmental Health)

NOTICE IS HEREBY GIVEN:

That the work described as **FREEMAN MINOR SUBDIVISION WATER SYSTEM IMPROVEMENTS** was constructed for a minor subdivision, PLN070032, located at 9999 Moro Road, Salinas, California, pursuant to a contract between the COUNTY OF MONTEREY, a political subdivision of the State of California, whose address is 168 West Alisal Street, Salinas, California 93901, and DAVID H. FREEMAN, TRUSTEE OF THE DAVID FREEMAN TRUST, owner in fee, whose address is 2628 El Camino Real North, Salinas, California 93907, and the date of completion of said work, as certified by Grice Engineering and Geology, Inc, was January 25, 2011, which was the date the County of Monterey accepted said work or structures.

COUNTY OF MONTEREY

\_\_\_\_\_  
RAY BULLICK  
DIRECTOR OF HEALTH

Dated: \_\_\_\_\_

**VERIFICATION**

I, Ray Bullick, do hereby certify that I am the Director of Health of the County of Monterey; that I am authorized to verify the foregoing notice; that I have read same; and that it is true of my knowledge.

I certify under penalty of perjury that the foregoing is true and correct.

Subscribed at \_\_\_\_\_, California, this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
RAY BULLICK  
DIRECTOR OF HEALTH