

REPORT OF GENERAL MANAGER

APPROVED
DEC 11 2008

NO. 08-322

DATE December 11, 2008

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 6 and 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: MARSON POCKET PARK (#1244A) (W.O. #E1904754), SOUTH BROADWAY POCKET PARK (#1109A) (W.O. #E1904755) - RELEASE OF FUNDS WITHHELD UNDER CONTRACT NOS. 3190 AND 3191 TO MERLE G. THOMSEN, DBA THOMSEN LANDSCAPE

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u>Dec 14 5</u>

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board release to Merle G. Thomsen, dba Thomsen Landscape funds in the amount of \$4,620.18 for the Marson Pocket Park (W.O. #E1904754) project and \$13,940.98 for the South Broadway Pocket Park (W.O. #E1904755) project, previously withheld to satisfy Stop Notice claims.

SUMMARY:

The Board of Recreation and Park Commissioners accepted the following Stop Notices filed against Merle G. Thomsen, dba Thomsen Landscape, under Department Contract Nos. 3190 and 3191 for the Marson Pocket Park (W.O. #E1904754) and the South Broadway Pocket Park (W.O. #E1904755) projects respectively:

<u>Acceptance Date</u>	<u>Claimant</u>	<u>Amount</u>
December 12, 2007	Built Rite Fence Company	\$ 4,620.18
December 12, 2007	Built Rite Fence Company	\$13,940.98

On January 23, 2008, the Board accepted the work on both projects as complete and Merle G. Thomsen, dba Thomsen Landscape was furnished with a letter of completion. Built Rite Fence Company was required to perfect their stop notice claims within 180 days of the Board's acceptance of the project and was notified in writing on September 30, 2008 to respond within 15 days as to whether their stop notices had been perfected.

REPORT OF GENERAL MANAGER

PG. 2 NO. 08-322

Built Rite Fence Company failed to respond; the 180-day period has expired and Civil Code Section 3210 requires that the funds withheld be paid to the contractor. Therefore, it is now in order to release the subject funds to Merle G. Thomsen, dba Thomsen Landscape.

FISCAL IMPACT STATEMENT:

Release of funds will have no impact on the Department's General Fund.

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