

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO,
CALIFORNIA, AMENDING SECTION 17.20.070 OF THE RIALTO
MUNICIPAL CODE RELATED TO THE AUTHORITY TO RELEASE
SUBDIVISION IMPROVEMENT SECURITIES**

WHEREAS, Section 17.20.070 provides for the release by the City of security instruments for public improvements completed as part of the development of a subdivision; and

WHEREAS, pursuant to Section 66499.7(j) of the Government Code, the City Council may authorize any public official or employee to release or reduce the security required for such improvements in accordance with the requirements of state law and any rules that the City Council may prescribe; and

WHEREAS, the City wishes to authorize the Public Works Director/City Engineer to release and reduce the security instruments required for public improvements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO FINDS
AND ORDAINS AS FOLLOWS:**

SECTION 1. The recitals set forth above are all true and correct and incorporated herein.

SECTION 2. Section 17.20.070 of the Rialto Municipal Code is hereby amended to read in full as follows (additions in ***bold italics***; deletions in ~~striketrough~~):

“The improvement security required hereunder shall be released in the following manner:

- A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work.
- B. Security given to secure payment to the contractor, his/her subcontractors and to persons furnishing labor, materials or equipment, ~~may~~ ***shall, after passage of the time within which claims of lien are required to be recorded pursuant to Section 8410 et seq. of the Civil Code (or any successor statute) and after acceptance of the work*** ~~six months after the completion and acceptance of the act or work~~, be reduced to an amount equal to the amount of all claims therefore filed and of which notice has

been given to the legislative body, plus an amount reasonably determined ~~by the director of community services~~ to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given. *If no claims have been recorded within the time stated above, the security shall be released in full.*

C. No security given for the guaranty or warranty of work shall be released until the expiration of the period thereof.

D. The public works director/city engineer is authorized accept the improvements and to reduce or release security under this section in accordance with the requirements of state law and any policies that may be established by the city council.”

SECTION 3. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in effect absent the provision held to be invalid, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the local newspaper or posted as required, and the same shall take effect thirty (30) days after its date of adoption.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2020.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA A. McGEE, City Clerk

APPROVED AS TO FORM:

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FRED GALANTE, City Attorney

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)
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5 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the
7 City of Rialto held on the ____ day of _____, 2020.

8 Upon motion of Council Member _____, seconded by Council Member
9 _____, the foregoing Ordinance No. _____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:
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15 **IN WITNESS WHEREOF**, I have hereunto set my hand and the Official Seal of the City
16 of Rialto this ____ day of _____, 2020.
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19 _____
20 BARBARA A. McGEE, City Clerk
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