

ORDINANCE NO. 701

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA AMENDING SECTIONS 2.17.040 AND 2.17.110 OF THE CARPINTERIA MUNICIPAL CODE TO ADJUST THE BOND AMOUNTS FOR SMALL DEVELOPMENTS AND AUTHORIZE THE CITY MANAGER TO RELEASE CERTAIN BONDS

WHEREAS, Carpinteria Municipal Code, Chapter 2.17 provides direction and policy to the City with respect to the form, type and other conditions relating to bonds required to provide a guarantee of performance to the City by those required to provide such guarantee; and

WHEREAS, Section 2.17.040 of the Carpinteria Municipal Code specifies how bond amounts are determined; and

WHEREAS, adjusting the required bond amounts will allow the City to assist small development while still protecting the public interest; and

WHEREAS, Section 2.17.110 of the Carpinteria Municipal Code states that bonds may be released only in the sole discretion of the City Council upon recommendation of the City Engineer or City Manager; and

WHEREAS, authorizing the City Manager to release bonds within the specified range will provide efficient use of staff time and will expedite project closeouts; and

WHEREAS, the Department of Public Works recommends adjusting the bond amount requirements for small developments and authorizing the City Manager to release bonds of one hundred thousand dollars or less;

NOW, THEREFORE, THE CARPINTERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. AMENDMENT OF SECTION 2.17.040 OF THE CARPINTERIA MUNICIPAL CODE

Section 2.17.040 of the Carpinteria Municipal Code is hereby amended in its entirety to read as follows:

2.17.040 – Amounts of bonds.

The amount of bonds to be posted shall be in an amount determined by the City Manager on the advice of the City Engineer based on one hundred percent of the estimated cost of the obligations for which a bond is required. Bonds for

developments with eight units or less shall be based on one hundred percent of the Engineer's cost estimate for public improvements and on-site grading and based on fifty percent of the Engineer's cost estimate for all other improvements. Ten percent of the total bond amount or thirty five thousand dollars, whichever is less shall be in a cash bond, and the balance of the total bond may be in an approved surety bonds or additional cash bond.

SECTION 3. AMENDMENT OF SECTION 2.17.110 OF THE CARPINTERIA MUNICIPAL CODE

Section 2.17.110 of the Carpinteria Municipal Code is hereby amended in its entirety to read as follows:

2.17.110 – Release of bonds.

Bonds may be partially released from time to time by the City Council or by the City Manager when the bond amount is one hundred thousand dollars or less, upon recommendation of the City Engineer or City Manager, as the case may be. No bond shall be fully released until the purpose for which the bond has been proposed has been completely fulfilled and any obligation performed in connection therewith has been accepted by the City Council or the City Manager.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the ordinance; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6. CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines §15060(c)(3) (this activity is not a "project" as defined in §15378).

SECTION 7. LIMITED EFFECT

Except as explicitly provided herein, all other provisions of Chapter 2.17 shall remain unchanged and in full force and effect.

PASSED, APPROVED AND ADOPTED this 27th day of April 2015, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 27th day of April 2015.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown, on behalf of
Brownstein Hyatt Farber Schreck, LLP
Acting as City Attorney of the City of Carpinteria