

ORDINANCE NO. 4040

TITLE: AN ORDINANCE AMENDING SECTION 15.04.060 OF THE ALBANY MUNICIPAL CODE, PROVIDING FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AND REDUCING THE PERIOD OF BOND REQUIRED FROM TWO YEARS TO ONE YEAR AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

That Section 15.04.060 of the Albany Municipal Code is amended to read as follows:

15.04.060 Construction. All designing, inspection and engineering work shall be done by the city.

Either of the following two methods for obtaining the construction of any one or all of the desired improvements may be adopted by the council:

Plan One: The resolution adopting the report, or the report as amended, of the city engineer, shall direct the city manager to proceed with obtaining prequalification statements from those persons who desire to bid on the improvement. The city engineer shall examine all prequalification statements and shall report to the city manager as to those persons or firms, if any, whom he believes are not qualified to bid. This recommendation shall be based upon past performance, experience, financial standing, and other factors which the city engineer deems material to the qualifications of a person or firm. The city manager shall proceed to advertise and obtain bids from those contractors who qualify.

Plan Two: After the adoption of the resolution approving the report of the city engineer, but before construction of the project, the property owner or owners who would be assessed for the project may elect to undertake construction of the improvement. In this event, the owner or owners must:

(1) Post a bond in an amount equal to the total estimated cost of the improvement. The bond shall state

in express terms that the entire face value of the bond shall be forfeited if the improvement, in the opinion of the city engineer, becomes faulty within one year of the completion date of the project; that the bond shall remain in force until final approval has been filed with the city recorder or until the bond is forfeited, whichever is the shorter period; that forfeiture of the bond shall take place if the city engineer files notice with the city recorder that the work is not satisfactory. The terms of this bond must be approved by the city manager.

(2) Pay to the city a sum equal to fifteen percent of the estimated cost of the improvement as determined by the city engineer, in the case of streets and sidewalks, and thirteen percent of said cost in the case of all other improvements.

Nothing herein shall prevent the council from authorizing public improvements by the city itself. (Ord. 2864 §6, 1959).

Section 2: EMERGENCY CLAUSE

WHEREAS, the peace, health, and safety of the people of the City of Albany require that this Ordinance become immediately effective, therefore, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its final passage by the Council and approval by the Mayor.

Passed by the Council:	<u>June 22, 1977</u>
Approved by the Mayor:	<u>June 22, 1977</u>
Effective Date:	<u>June 22, 1977</u>



Mayor

ATTEST:



City Recorder