

RESOLUTION NO. 25-067

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 240002, 2024 CORRECTIVE/PREVENTATIVE MAINTENANCE ON MOUNTAIN VIEW ROAD, CR 510, MILEPOST 0.00 TO 24.58

WHEREAS, By Resolution Number (No.) 24-052 (April 9, 2024), the Board of Supervisors (BOS) authorized Department of Transportation (DOT) to advertise for bids and award DOT Contract No. 240002 for the 2024 Corrective/Preventative Maintenance on Mountain View Road, County Road (CR) 510, Milepost 0.00 to 24.58; and

WHEREAS, on June 13, 2024, DOT awarded DOT Contract No. 240002 to American Pavement Systems Inc., of Modesto, CA, to perform the 2024 Corrective Preventative Maintenance Project; and

WHEREAS, final inspection and submission of contract records for the construction activity on the project was made pursuant to the Recommendation for Acceptance and filing of Notice of Completion accompanying this resolution; and

WHEREAS, Section 9204 of the California Civil Code provides that a public entity may record a notice of completion on or within 15 days after the date of completion of a work of improvement and Section 9200 provides that completion of a work of improvement occurs at the earlier of the acceptance of the work of improvement by the public entity or the cessation of labor on the work of improvement for a continuous period of 60 days; and

WHEREAS, Section 9356 of the California Civil Code provides that a stop payment notice is not effective unless given before the expiration of 30 days after the recordation of a Notice of Completion; and

WHEREAS, Section 9558 of the California Civil Code provides that a claimant may commence an action to enforce the liability on a payment bond no later than six months after the period in which a stop payment notice may be given under Section 9356 of the Civil Code.

WHEREAS, DOT is requesting the authority to issue acceptance of the contract for the purpose of grant funding claims, apart from the actions taken to comply with the above-referenced sections of the California Civil Code, which acceptance would occur following confirmation from the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against CONTRACTOR.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors

1. Accepts the completed work, approves the form of Notice of Completion, and authorizes the Director of Transportation to execute the Notice of Completion for DOT Contract No. 240002 and file it with the County Recorder; and
2. Authorizes and directs the Director of Transportation to release, in accordance with the following schedule, the contract bonds filed by the contractor, American Pavement Systems Inc., 1012 11th Street Suite 1000, Modesto, CA 95354, pursuant to the provisions of DOT Contract No. 240002 executed July 25, 2024; and
3. Authorizes and directs the Director of Transportation to release, thirty days from the date of recordation of Notice of Completion, upon confirmation with the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against same, the Performance Bond No. 107975020 in the amount of \$7,349,775.53 issued by Travelers Casualty and Surety

Company of America of Hartford, Connecticut; and

4. Authorizes and directs the Director of Transportation to accept DOT Contract No. 240002 for the purpose of grant funding claims, upon confirmation from the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against CONTRACTOR; and
5. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of the recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Payment Bond No. 107975020 in the amount of \$7,349,775.53 issued by Travelers Casualty and Surety Company of America of Hartford, Connecticut; and.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Cline, and carried this 8th day of April, 2025, by the following vote:

AYES: Supervisors Cline, Mulheren, Haschak, Norvell, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy