

RESOLUTION NO. 21-038

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 180038, 2017 STORM DAMAGE REPAIRS ON LAYTONVILLE DOS RIOS ROAD, COUNTY ROAD 322, MILEPOST 3.34, 3.66, AND 4.19 (LAYTONVILLE AREA)

WHEREAS, by Resolution Number (No.) 17-065 adopted May 16, 2017, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 180038; and

WHEREAS, on August 22, 2019, DOT awarded DOT Contract No. 180038 to Bouthillier's Construction, Inc., of Willits, California (CONTRACTOR), for the 2017 Storm Damage Repairs on Laytonville Dos Rios Road, County Road 322, milepost 3.34, 3.66, and 4.19; 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.

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. 180038 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, Bouthillier's Construction, Inc., 1571 South Main Street, Willits, CA 95490, pursuant to the provisions of DOT Contract No. 180038 executed September 11, 2019; 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. 107137157) in the amount of \$446,107.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183; and

4. 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 Labor and Materials Bond (No. 107137157) in the amount of \$446,107.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183.

The foregoing Resolution introduced by Supervisor McGourty, seconded by Supervisor Williams, and carried this 23rd day of March, 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, 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:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy