

RESOLUTION NO. 19-339

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 180100, 2017 FIRE DAMAGE REPAIRS POTTER VALLEY ROADS (POTTER VALLEY AREA)

WHEREAS, by Resolution Number (No.) 18-199 adopted December 18, 2018, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT contract No. 180100; and

WHEREAS, on May 20, 2019, DOT awarded DOT Contract No. 180100 to Wylatti Resource Management, Inc. of Covelo, California, for 2017 Fire Damage Repairs on Potter Valley Roads including Eel River Road County Road (CR) 240B; Main Street, CR 245; Hawn Creek Road, CR 245A; Gibson Lane, CR 246; Busch Lane, CR 247; North Busch Road, CR 247A; West Side Potter Valley Road, CR 248; and Powerhouse Road, CR 248A; 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. 180100 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, Wylatti Resource Management Inc., 23601 Cemetery Lane, Covelo CA 95428, pursuant to the provisions of DOT Contract No. 180100 executed June 6, 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. 54-222229) in the amount of \$607,829.00 issued by the Financial Pacific Insurance Company, Sacramento, CA 95829; and

4. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Payment Bond (No. 54-222229) in the amount of \$607,829.00 issued by the Financial Pacific Insurance Company, Sacramento, CA 95829.

The foregoing Resolution introduced by Supervisor Haschak, seconded by Supervisor Williams, and carried this 10th day of September, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, 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



Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel






CARRE BROWN, Chair
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO
Clerk of the Board



Deputy