

## **RESOLUTION NO. 18-186**

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 170049, 2017 STORM DAMAGE REPAIRS ON BRANSCOMB ROAD, COUNTY ROAD 429, MILEPOST 17.21 (LAYTONVILLE AREA)**

WHEREAS, by Resolution Number (No.) 17-064 adopted May 16, 2017, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 170049; and

WHEREAS, on February 2, 2018, DOT awarded DOT Contract No. 170049 to Bouthillier's Construction of Willits, California, for 2017 Storm Damage Repairs on Branscomb Road, County Road 429, Milepost 17.21; 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; and

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. 170049 and file it with the County Recorder.
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, 1571 South Main Street, Willits, CA 95490, pursuant to the provisions of DOT Contract No. 170049 executed March 12, 2018.
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. 106832603) in the amount of \$360,730.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183.

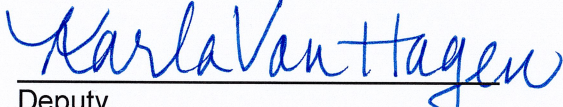
4. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of the recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Labor and Materials Bond (No. 106832603) in the amount of \$360,730.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor McCowen, and carried this 4<sup>th</sup> day of December, 2018, by the following vote:

AYES: Supervisors Brown, McCowen, and Croskey  
NOES: None  
ABSENT: Supervisors Gjerde, and Hamburg

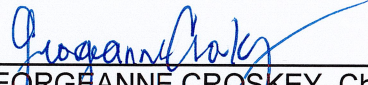
WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

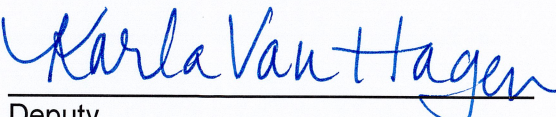
APPROVED AS TO FORM:  
KATHARINE L. ELLIOTT  
County Counsel

  
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GEORGEANNE CROSKEY, 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

  
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Deputy