

## RESOLUTION NO. 21-165

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 170063, 2017 STORM DAMAGE REPAIRS ON ORR SPRINGS ROAD, COUNTY ROAD 223, MILEPOST 36.84 (UKIAH AREA)**

WHEREAS, by Resolution Number (No.) 17-110 adopted August 1, 2017, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 170063; and

WHEREAS, on April 22, 2021, DOT awarded DOT Contract No. 170063 to Coleman Environmental Engineering, Inc., of Upper Lake, California (CONTRACTOR), for the 2017 Storm Damage Repairs on Orr Springs Road, County Road 223, Milepost 36.84; 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. 170063 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, Coleman Environmental Engineering, Inc., 85 East Highway 20, Upper Lake, CA 95485, pursuant to the provisions of DOT Contract No. 170063 executed May 19, 2021; 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. 107369723, in the amount of \$94,589.20 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 Payment Bond No. 107369723 in the amount of \$94,589.20 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183.

The foregoing Resolution introduced by Supervisor McGourty, seconded by Supervisor Haschak, and carried this 9<sup>th</sup> day of November, 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

  
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Deputy

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel

  
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DAN GJERDE, 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