

RESOLUTION NO. 16-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 140023, 2014 AUTOMATED WEATHER OBSERVATION SYSTEM WITH ALTIMETER AND VISIBILITY SENSORS (AWOS-AV), SECURITY FENCING AND ROTATING BEACON PROJECT AT LITTLE RIVER AIRPORT (LITTLE RIVER AREA)

WHEREAS, by Resolution No. 14-059 adopted May 6, 2014, the Mendocino County Board of Supervisors authorized DOT to advertise and award DOT Contract No. 140023; and

WHEREAS, on August 8, 2014, DOT awarded DOT Contract No. 140023 to Fort Bragg Electric, Inc. Fort Bragg, California for construction of an Automated Weather Observation System with Altimeter and Visibility Sensors AWOS-A/V, Security Fencing and Rotating Beacon; and

WHEREAS, the Notice of Completion on the project was authorized by the Board of Supervisors on October 6, 2015 and was recorded on October 13, 2015 as Document No. 2015-13866 in the Mendocino County Official Records; 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, the 30-day period from the date of recording the Notice of Completion, as prescribed in Section 9356 of the California Civil Code, did expire on November 12, 2015; 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. Authorizes and directs the Director of Transportation to release, in accordance with the following schedule, the contract bonds filed by the contractor, Fort Bragg Electric, Inc., 489 N. Harrison St. Fort Bragg, California, 95437, pursuant to the provisions of DOT Contract No. 140023 executed August 13, 2014.
2. Authorizes and directs the Director of Transportation to release, 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. Bda 740220) in the amount of \$288,296.00 issued by the AMCO Insurance Company, 1100 Locust Street, Des Moines, IA 50391.

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3. 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. Bda 740220) in the amount of \$288,296.00 issued by the AMCO Insurance Company, 1100 Locust Street, Des Moines, IA 50391.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:

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:
KATHARINE L. ELLIOTT, Acting County
Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy