

**RESOLUTION NO. 16-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 150023, 2015 ASPHALT CONCRETE (A.C.) OVERLY ON VARIOUS COUNTY MAINTAINED ROADS (WILLITS AND FORT BRAGG AREAS)**

WHEREAS, by Resolution No. 15-047 adopted March 17, 2015, the Mendocino County Board of Supervisors authorized DOT to advertise for bids and award DOT Contract No. 150023 to perform a 2015 A.C. Overlay on Various County Maintained Roads; and

WHEREAS, by Resolution No. 15-070 adopted May 5, 2015, the Mendocino County Board of Supervisors authorized DOT to award DOT Contract No. 150023 for an amount greater than previously authorized to Mendocino Construction Services, Inc. of Willits, California to perform a 2015 A.C. Overlay on Various County Maintained Roads; and

WHEREAS, the Notice of Completion was authorized by the Board of Supervisors on October 20, 2015 and was recorded on November 19, 2015 as Document No. 2015-15747 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 December 19, 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, Mendocino Construction Services, Inc., P.O. Box 1517, Willits, California, 95490, pursuant to the provisions of DOT Contract No. 150023 executed May 28, 2015.
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. 106283877) in the amount of \$2,340,376.00 issued by the Travelers Casualty and Surety Company of America, One Tower Square, Hartford, Connecticut 06183.

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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. 106283877) in the amount of \$2,340,376.00 issued by the Travelers Casualty and Surety Company of America, One Tower Square, Hartford, Connecticut 06183.

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

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DAN GJERDE, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
KATHARINE L. ELLIOTT, Acting County  
Counsel

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