

RESOLUTION NO. .

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA
ACTING AS THE COUNTY OF SAN MATEO AND THE GOVERNING BOARD OF THE
HARBOR INDUSTRIAL SEWER MAINTENANCE DISTRICT**

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RESOLUTION: A) AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BELMONT AND HARBOR INDUSTRIAL SEWER MAINTENANCE DISTRICT FOR SANITARY SEWER SERVICES AND SEWAGE TREATMENT CAPACITY; AND B) AUTHORIZING THE COUNTY EXECUTIVE OR DESIGNEE TO EXECUTE AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING WITH ANY NON-SUBSTANTIVE ADDITIONS, CLARIFICATIONS AND OTHER CHANGES AS THE COUNTY EXECUTIVE, OR DESIGNEE, DEEMS NECESSARY OR ADVISABLE AFTER CONSULTATION WITH COUNTY ATTORNEY

RESOLVED, by the Board of Supervisors acting as the Governing Board of the Harbor Industrial Sewer Maintenance District, that

WHEREAS, the Harbor Industrial Sewer Maintenance District (District) was formed on December 18, 1951 pursuant to Section 5820 et seq. of the Streets and Highways Code to provide sewer service to an unincorporated portion of the County commonly known as the Harbor Industrial Area (HIA) which is the Service Area of the District; and

WHEREAS, on January 5, 1982 this Board entered into a Sanitary Sewage Treatment Capacity Rights and Services Agreement (1982 Agreement) with the City of San Carlos (San Carlos) for the transport of District sewage through San Carlos and treatment at the Silicon Valley Clean Water (SVCW) treatment plant using San Carlos' capacity rights; and

WHEREAS, the District Service Area is within the sphere of influence of the City of Belmont (Belmont), as determined by the San Mateo Local Agency Formation Commission (LAFCo); and

WHEREAS, the 2017 Belmont General Plan Update and the Belmont City Council's Strategic Plan envision annexing the HIA and fully integrating it into the Belmont city limits, and Belmont is currently developing a Specific Plan for the HIA area in order to provide the land use framework for the future annexation; and

WHEREAS, in parallel with this effort, District and Belmont staff have been working to determine how to transfer public infrastructure to Belmont, including transitioning sanitary sewer services from the District to Belmont; and

WHEREAS, District does not have sufficient remaining undisputed sewage treatment capacity rights under the 1982 Agreement to serve additional development in the HIA; and

WHEREAS, since 2019, Belmont has approved several residential development applications for properties that were in the HIA and District Service Area and these projects proposed annexing to Belmont and detaching from the District, further reducing District's service area; and

WHEREAS, Belmont is currently reviewing a development application for 601 Harbor Boulevard which proposes the annexation of another project property to Belmont, and a Memorandum of Understanding (MOU) is necessary to address the details of the sewer issues related to current development proposals, and both short- and long-term approaches to servicing the HIA area; and

WHEREAS, the parties here proposed a MOU to set forth the process and timeline for the collaborative evaluation of the feasibility of Belmont assuming responsibility for sewer service to the HIA in conjunction with its annexation to Belmont, and the evaluation process will include examination of the District's assets and

liabilities, formulation of rate schedules for transferring District customers to Belmont's sewer service, negotiations with San Carlos to transfer the District's remaining treatment capacity allocation to Belmont, and collaboration on the application to LAFCo for various components of land or HISMD annexations; and

WHEREAS, the Director of Public Works and Department staff have reviewed the Memorandum of Understanding, and recommends executing it; and

WHEREAS, this Board has reviewed and considered said Memorandum of Understanding and the recommendation of the Director of Public Works and concurs with the Director's recommendation.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. The President of the Board of Supervisors is authorized to execute said Memorandum of Understanding for and on behalf of the District and signature of the Clerk of this Board shall attest thereto.
2. The Board of Supervisors authorizes and directs the County Executive, or designee, to execute non-substantive additions, clarifications and other changes as the County Executive, or designee, deems necessary or advisable after consultation with County Attorney.

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