

## **RESOLUTION NO. .**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**RESOLUTION: A) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT (DISTRICT) TO PROVIDE ENGINEERING AND ADMINISTRATIVE SERVICES FOR THE CONTINUATION OF OPERATIONS AND MAINTENANCE OF THE FLOOD CONTROL SUB-ZONES AND TO SUPPORT THE DISTRICT'S LONG-TERM OPERATIONS, EXTENDING THE TERM BY ONE YEAR, FOR A TERM OF JULY 1, 2025 TO JUNE 30, 2026, WITH NO CHANGE TO THE NOT-TO-EXCEED AMOUNT; AND**  
**B) AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE NON-SUBSTANTIVE ADDITIONS, CLARIFICATIONS AND OTHER CHANGES AS THE DIRECTOR OF PUBLIC WORKS DEEMS NECESSARY OR ADVISABLE AFTER CONSULTATION WITH THE COUNTY ATTORNEY**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that:

**WHEREAS**, on September 12, 2019, Governor Newsom signed into law Assembly Bill 825 ("AB 825"), which renamed the San Mateo County Flood Control District as the San Mateo County Flood and Sea Level Rise Resiliency District (the "District"), changed the governing structure to an independent Board of Directors, and expanded its powers to specifically include "addressing and protecting against the impacts of sea level rise," effective January 1, 2020; and

**WHEREAS**, all assets, liabilities, obligations, and benefits held by the former San Mateo County Flood Control District were assumed by the District as of January 1, 2020; and

**WHEREAS**, on December 10, 2019, this Board adopted Resolution No. 077113 authorizing the execution of a Master Agreement (2019 Agreement) with the District to provide engineering, administrative, and fiscal services for the continuation of District operations and maintenance, and the expansion of flood-related projects and programs, for a term of January 1, 2020 to June 30, 2022, in an amount up to \$2,721,200 per year, for a total not-to-exceed amount of \$6,803,000, with an option to extend through June 30, 2023 at the same annual rate, upon mutual consent; and

**WHEREAS**, the Resolution No. 077113 also authorized the Director of Public Works, designee, or assignee, to execute contract amendments to the 2019 Agreement which modify the District's maximum fiscal obligation by no more than \$25,000 (in aggregate) and/or modify the contract term and/or services as long as the modified term or services is/are within the current or revised fiscal provisions; and

**WHEREAS**, on July 1, 2021, the County and District entered into Amendment No. 1 of the 2019 Agreement, which exercised the option to extend the term of providing services to the District for communication and community outreach by the County's Office of Sustainability to June 30, 2022; and

**WHEREAS**, on July 1, 2022, the County and District entered into Amendment No. 2 to the 2019 Agreement, which extended the term to June 30, 2023; and

**WHEREAS**, on July 1, 2023, the County and District entered into Amendment No. 3 to the 2019 Agreement, which extended the term to September 30, 2023; and

**WHEREAS**, on September 12, 2023, this Board adopted Resolution No. 079922, which authorized the Director of Public Works to execute an agreement (2023 Agreement) between the County of San Mateo and the District to provide engineering and administrative services for the continuation of operations and maintenance of flood control sub-zones and to support the District's long-term operations, for a term of October 1, 2023 to June 30, 2024 in an amount not to exceed \$4,870,000, with an option to extend through June 30, 2025, upon mutual consent; and

**WHEREAS**, on July 1, 2024, the County and District entered into Amendment No. 1 of the 2023 Agreement, which extended the term to June 30, 2025; and

**WHEREAS**, the District has requested that the County continue to provide engineering and administrative services for the continuation of operations and maintenance of the flood control sub-zones and to support the District's long-term operations through Amendment No. 2; and

**WHEREAS**, the Department of Public Works (Department) has determined that based on several factors, including the Department's current and future staffing, the number of years that the District has been in existence, the anticipated future needs of the District, and the work and vision of the District, that the Department will not be able to provide the same services that it has provided under the previously executed agreements and amendments; and

**WHEREAS**, the Department has met with the District and developed a mutually agreed upon scope of services and plan to transition the engineering, administrative, and operational services to the District, and

**WHEREAS**, the modified scope of services is included in Exhibit A to Amendment No. 2 to the 2023 Agreement, the Amendment is for a one year term of July 1, 2025 through June 30, 2026, and provides adequate time for the District to assume all responsibilities or work the Department has been performing under prior agreements and amendments while still receiving support from the Department during the transition; and

**WHEREAS**, the County is agreeable to providing the requested services under Amendment No. 2 through June 30, 2026; and

**WHEREAS**, this Board has considered and concurs with the recommendation of the Director of Public Works to execute Amendment No. 2 to the 2023 Agreement.

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

1. The Board of Supervisors authorizes and directs the Director of Public Works to execute Amendment No. 2 between the County of San Mateo and the San Mateo County Flood and Sea Level Rise Resiliency District to provide engineering and administrative services for the continuation of operations and maintenance of the flood control sub-zones and to support the District's long-term operations, for a term of July 1, 2025 to June 30, 2026.

2. The Board of Supervisors authorizes and directs the Director of Public Works to execute non-substantive additions, clarifications and other changes as the Director of Public Works deems necessary or advisable after consultation with the County Attorney.

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