

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 CRYSTAL SPRINGS COUNTY SANITATION DISTRICT**

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**RESOLUTION AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO
EXECUTE AN AMENDMENT TO THE SANITARY SEWAGE AGREEMENT
BETWEEN THE TOWN OF HILLSBOROUGH, CITY OF SAN MATEO, CRYSTAL
SPRINGS COUNTY SANITATION DISTRICT, AND COUNTY OF SAN MATEO FOR
COSTS ASSOCIATED WITH CONSTRUCTION OF THE CRYSTAL
SPRINGS/EL CERRITO TRUNK SEWER TRANSMISSION LINES WITH NON-
SUBSTANTIVE ADDITIONS, CLARIFICATIONS AND OTHER CHANGES AS THE
COUNTY MANAGER, OR HIS DESIGNEE, DEEMS NECESSARY OR ADVISABLE
AFTER CONSULTATION WITH COUNTY COUNSEL**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, acting as the County of San Mateo and the Governing Board of the Crystal Springs County Sanitation District, that

WHEREAS, the Town of Hillsborough (Hillsborough), City of San Mateo (San Mateo), Crystal Springs County Sanitation District (District), and the County of San Mateo (County) entered into a sanitary sewage agreement dated July 18, 1989 (1989 Agreement), which sets forth the parties' respective rights and obligations with respect to the use of sewage conveyance and treatment facilities jointly used by Hillsborough, San Mateo, District, and County; and

WHEREAS, the 1989 Agreement specifies that expenses related to repairs and upgrades to jointly used facilities will be proportionally shared based on each party's contribution of flow to the jointly used sewage conveyance and treatment facilities; and

WHEREAS, the 1989 Agreement also specifies that Hillsborough and San Mateo own the portions of the Crystal Springs/El Cerrito Trunk Sewer located within their jurisdiction and are responsible for making any necessary repairs, reconstruction, replacement, enlargement, or improvements to their sections of the sewer, subject to each party's obligation to make the proportional payments described above; and

WHEREAS, the California Regional Water Quality Control Board (San Francisco Bay Region) issued Cease and Desist Order R2-2009-0020 (CDO) on March 13, 2009 to Hillsborough, San Mateo and the District requiring that the parties undertake certain actions, studies, and projects to improve performance and capacity of sewer facilities, including the Crystal Springs/El Cerrito Trunk Sewer, which is subject to the 1989 Agreement; and

WHEREAS, this Board adopted Resolution No. 071055 on September 28, 2010, which approved execution of Amendment No. 1 to the 1989 Agreement providing for the allocation of the parties' shares of the environmental study and design costs related to the above-referenced CDO-mandated Crystal Springs/El Cerrito Trunk Sewer Improvements; and

WHEREAS, the costs estimated for the environmental study and design work included in Amendment No. 1 for the Crystal Springs/El Cerrito Trunk Sewer Improvements were not sufficient to complete the contemplated work; and

WHEREAS, this Board adopted Resolution No. 072459 on April 23, 2013, which approved execution of Amendment No. 2 to the 1989 Agreement providing an additional allocation of the parties' shares of the environmental study and design costs not included in Amendment No. 1 related to said projects; and

WHEREAS, the work subject to Amendment Nos. 1 and 2 is nearing completion and the next phase is the construction of the Crystal Springs/El Cerrito Trunk Sewer Improvements; and

WHEREAS, there has been presented to this Board a form of a third amendment to the 1989 Agreement (Amendment No. 3) providing for the allocation of the parties' shares of the estimated construction costs related to said projects; and

WHEREAS, Hillsborough and San Mateo have estimated the costs to construct the Trunk Sewer Improvements to be \$27,000,000. Based on this estimate and the prior amounts committed by the County and District by Amendment Nos. 1 and 2, the estimated financial commitment by the County and District for the construction costs are \$1,414,062 and \$8,720,049, respectively; and

WHEREAS, the Director of Public Works and Department staff have reviewed the Amendment No. 3 and have concluded that the proportional expenses reflected in the Amendment should be used as the basis for allocating the construction costs for the Crystal Springs/El Cerrito Trunk Sewer Improvements; and

WHEREAS, this Board has reviewed and considered said Amendment No. 3 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 Board of Supervisors authorizes and directs the County Manager, or his designee, to execute said Amendment No. 3 for and on behalf of both the County and the District and signature of the Clerk of this Board shall attest thereto.
2. The Board of Supervisors authorizes and directs the County Manager, or his designee, to execute non-substantive additions, clarifications and other changes as the County Manager, or his designee, deems necessary or advisable after consultation with County Counsel.

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