

RESOLUTION NO. 071571

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA
ACTING AS THE GOVERNING BOARD OF THE SAN MATEO COUNTY FLOOD
CONTROL DISTRICT

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RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE
AMENDMENT NUMBER ONE TO THE AGREEMENT FOR FUNDING OF THE
PLANNING AND DESIGN OF THE INITIAL CAPITAL PROJECT ON SAN
FRANCISQUITO CREEK BETWEEN EAST BAYSHORE ROAD AND SAN
FRANCISCO BAY WITH THE SAN FRANCISQUITO CREEK JOINT POWERS
AUTHORITY, THE SANTA CLARA VALLEY WATER DISTRICT, AND THE SAN
MATEO COUNTY FLOOD CONTROL DISTRICT

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of
California, acting as the governing body of the San Mateo County Flood Control District
(District), that

WHEREAS, the District is a member of the San Francisquito Creek Joint Powers
Authority (SFCJPA); and

WHEREAS, San Francisquito Creek (Creek) has a history of flooding the
communities in and around East Palo Alto, Menlo Park and Palo Alto; and

WHEREAS, the Army Corps of Engineers (Corps), working with the SFCJPA,
completed a Reconnaissance Study for San Francisquito Creek which indicated a
federal interest in developing a flood control project for San Francisquito Creek thereby
allowing the Corps to progress to the Feasibility Study (Study) phase provided a
Feasibility Cost Sharing Agreement (FCSA) with a local sponsor was executed; and

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WHEREAS, the SFCJPA was authorized to be the “Local Sponsor” for the Study and entered into a FCSA with the Corps; and

WHEREAS, the FCSA required the SFCJPA to contribute to the Corps, in cash or in-kind services, fifty percent (50%) of the cost of the Corps’ Study as defined in the FCSA; and

WHEREAS, the District and the Santa Clara Valley Water District, on behalf of themselves and the other members of the SFCJPA within their respective jurisdictions, entered into a Three Party Funding Agreement with the SFCJPA to provide up to \$1,500,000 each to fund the local share of Study costs prior to the execution of the FCSA; and

WHEREAS, the District’s funding contribution of a not-to-exceed amount of \$1,500,000 is being financed from the San Francisquito Creek Flood Control Zone; and

WHEREAS, given the inconsistent appropriations from the federal government for the Feasibility Study and associated affect on the Study timeline, the SFCJPA Board authorized the SFCJPA staff to evaluate upstream retention projects and downstream improvement projects that could also receive credit towards the local share of project(s) identified through the Study through Section 104 of the Water Resources Development Act of 1986; and

WHEREAS, based on the evaluation of upstream retention and downstream improvement projects, the SFCJPA Board approved the retention of consultants to perform planning and design services and environmental analysis for improvements to the section of San Francisquito Creek between East Bayshore Road and the San Francisco Bay as an Initial Capital Project; and

WHEREAS, the consultants' work and the SFCJPA costs above normal operating costs to administer the consultant contracts were estimated to cost approximately \$1,400,000, which was agreed to be financed by the District and the Santa Clara Valley Water District; and

WHEREAS, the Agreement - Funding for the Planning and Design of the Initial Capital Project on San Francisquito Creek East Bayshore Road to San Francisco Bay (Agreement) between the San Francisquito Creek Joint Powers Authority, the Santa Clara Valley Water District, and the San Mateo County Flood Control District provides for the District to fund \$400,000 and the Santa Clara Valley Water District to fund \$1,000,000 of the planning and design services and environmental analysis for the Initial Capital Project; and

WHEREAS, unanticipated design and project costs associated with the Initial Capital Project have been identified and require additional funding in order to complete design and environmental work; and

WHEREAS, these costs relate to issues encountered by the design consultant, PG&E engineering costs, design costs to reconfigure portions of the Palo Alto Golf

Course, and allowance for a contingency amount for additional services; and

WHEREAS, the Amendment Number One to the Agreement provides additional funding in the amount of \$652,252. The Amendment allows for the District to fund \$186,252 and the Santa Clara Valley Water District to fund \$466,000, which is consistent with the proportionate shares for from each entity pursuant to the Agreement; and

WHEREAS, the Director of Public Works has recommended that this Board execute said Amendment Number One on behalf of the District and this Board concurs in the recommendation of the Director of Public Works.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that:

The President of the Board of Supervisors is hereby authorized and directed to execute said Amendment Number One to the Agreement for Funding of the Planning, Design, and Environmental Analysis of the Initial Capital Project on San Francisquito Creek between East Bayshore Road and San Francisco Bay on behalf of the San Mateo County Flood Control District, and the Clerk of the Board of Supervisors be, and is hereby, authorized to attest to the President's signature thereon.

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Regularly passed and adopted this 9th day of August, 2011.

AYES and in favor of said resolution:

Supervisors:

DAVE PINE

CAROLE GROOM

DON HORSLEY

ROSE JACOBS GIBSON

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

ADRIENNE J. TISSIER

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*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

R. Romero

*Rebecca Romero, Deputy
Clerk of the Board of Supervisors*

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