

**RESOLUTION NO. 070308**

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

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**RESOLUTION DELEGATING TO THE COUNTY MANAGER THE AUTHORITY: (1) TO TERMINATE COUNTY "BOARD LEVEL" AGREEMENTS FOR UNAVAILABILITY OF STATE OR FEDERAL FUNDING, AND/OR (2) TO EXECUTE AMENDMENTS TO COUNTY BOARD-LEVEL AGREEMENTS, WHICH AMENDMENTS REDUCE THE LEVEL OF SERVICES PROVIDED BY CONTRACTOR(S) AND MAKE CORRESPONDING REDUCTION IN PAYMENTS TO CONTRACTOR(S), IF AND WHEN SAID AMENDMENTS ARE NECESSITATED BY SAID UNAVAILABILITY OF STATE OR FEDERAL FUNDING**

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

**WHEREAS**, the County Purchasing Agent is authorized to sign and terminate agreements up to \$100,000, agreements of more than \$100,000 are required to be approved by the Board of Supervisors; and

**WHEREAS**, the standard format for County "Board level" agreements provides that the agreement may be terminated by Contractor or County department heads or their designees at any time without a requirement of good cause upon thirty (30) days' written notice to the other party; and

**WHEREAS**, standard County "Board level" agreements also provide that the County may terminate the agreement or a portion of the services provided under the agreement, based upon unavailability of Federal, State, or County funds, by providing written notice to Contractor as soon as is reasonably possible after the County learns of

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said unavailability of outside funding; and

**WHEREAS**, in light of the current economic downturn and the state budget crisis, this board wishes to authorize the County Manager or the Manager's designee to terminate County "Board level" agreements or a portion of the services provided under any County agreement based upon unavailability of Federal funds, State funds, County funds, grant funds, or any funds that were anticipated at the time the agreement was approved, but have subsequently become unavailable to support all services that were to have been provided under the agreement, and/or to execute amendments to agreements which reduce services provided by contractors and include corresponding reduction in payments to contractors, if and when said amendments are necessitated by the unavailability of funding; and

**WHEREAS**, the authority delegated under this resolution includes, but is not limited to, the unavailability of funds caused by the State of California's reallocation of property tax or any other revenues that would otherwise be used to fund the services provided under this agreement, and/or the County's decision to re-allocate funds to different County program(s) or contract(s).

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:**

1. This Board delegates to the County Manager or the Manager's designee the authority: (1) to terminate County "Board level" Agreements or a portion of the services provided under any County Board level agreement, based upon

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unavailability of federal funds, state funds, County funds, grant funds, or any funds that were anticipated at the time the agreement was approved, but have subsequently become unavailable to support all services that were to have been provided under the agreement, and/or (2) to execute amendments to County Board level agreements, which amendments reduce the level of services provided by contractor(s) and make corresponding reduction in payments to contractor(s), if and when said amendments are necessitated by said unavailability of funding.

2. The authority delegated under this resolution includes but is not limited to the unavailability of funds caused by the State of California's reallocation of property tax or any other revenues that would otherwise be used to fund the services provided under this agreement, and/or the County's decision to re-allocate funds to different County programs or contracts.
3. Termination for unavailability of funds shall be accomplished by providing written notice to Contractor as soon as is reasonably possible after the County Manager learns of said unavailability of funding, but in no event upon less than fifteen (15) days' notice.
4. The County Manager shall submit to the Board of Supervisors a monthly report of any and all agreements terminated and/or amended under this resolution.

\* \* \* \* \*

Regularly passed and adopted this 4<sup>th</sup> day of August, 2009.

*AYES and in favor of said resolution:*

*Supervisors:*

MARK CHURCH

CAROLE GROOM

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

*NOES and against said resolution:*

*Supervisors:*

NONE

*Absent Supervisors:*


RICHARD S. GORDON



*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.*



*Marie L. Peterson, Deputy  
Clerk of the Board of Supervisors*

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