

# county of Santa Cruz

SUSAN A. MAURIELLO, **J.D.**, COUNTY ADMINISTRATIVE OFFICER

701 OCEAN STREET, SUITE 520  
 SANTA CRUZ, CA 95060  
 (408) 454.2100 FAX: (408) 454.3420  
 TDD: (408) 454-2123

July 23, 1998

Agenda: August 4, 1998

BOARD OF SUPERVISORS  
 County of Santa Cruz  
 701 Ocean Street  
 Santa Cruz, CA 95060

## WATER RESOURCES MANAGEMENT

Dear Members of the Board:

On June 9, 1998 your Board received a report on Water Resources Management in Santa Cruz County. In response to that report, your Board took a number of actions including issuing a directive that additional time be provided to receive comment from local water districts on the management plan and that the County Administrative Officer return on August 11, 1998 with any comments received. The report back date was changed to August 4, 1998 during budget hearings.

Since that time two letters have been received by the County. One was addressed to Supervisor Almquist and is attached as Attachment I, together with the Supervisors response. As requested by the San Lorenzo Valley Water District, County staff from the Environmental Health Department met with the District to discuss the Water Resources Management report and related County activities.

The second letter, (Attachment 2), signed by all the local public water districts, was received by our office. As requested in that letter, the interdepartmental working group made up of the County Administrative Officer, Planning Director, Health Services Agency Administrator, County Counsel and key departmental staff, met with the water district representatives to further discuss the Water Resources Management Report and the questions identified in the agencies' letter.

The district representatives questioned the need and mechanisms for expanded surface water or groundwater management by the County and expressed a general support for increased County erosion control and monitoring efforts. They also requested reference citations on information contained in the "Fact Sheet" which was attached as Attachment 6 to the Water Resources Management Report. Finally, they agreed to seek authorization from their respective boards to participate in an interagency water resources working group with the County.

BOARD OF SUPERVISORS  
WATER RESOURCES MANAGEMENT

-2-

AGENDA: August 4, 1998

It was agreed that a follow-up meeting to review the fact sheet in detail would be held on August 31, 1998. In view of the above, the districts requested additional time (until early September) to prepare written responses to the Water Resources Management Report. Our office agreed to convey this request to your Board and also emphasized the need to expeditiously move forward in addressing the many serious concerns raised in the Water Resources Management Report.

Our office strongly supports continuing to work cooperatively with the water districts and proposes to continue doing so. At the same time, we feel the Water Resources Management Report presents compelling evidence of the need to continue moving forward both in providing additional erosion control and monitoring efforts, as well as coordinated regional water management activities. As you will recall, your Board approved appropriations for three new positions (two in Planning and one in Environmental Health) to address these needs. In addition, funds for legal services were also approved.

It is therefore RECOMMENDED that your Board take the following actions:

1. Direct the Personnel Department to complete the classification process for the three new positions; and
2. Direct the Departments of Planning and Environmental Health to proceed with filling the positions as soon as possible upon completion of the personnel classification process; and
3. Direct the Interdepartmental Working Group to continue working with the water district representatives and report back on September 15, 1998 with any further written comments from the Districts and related recommendations; and
4. Approve contract with Antonio Rossman in the amount of \$30,000 for legal services, as presented by County Counsel.

Very truly yours,



SUSAN A. MAURIELLO  
County Administrative Officer

SAM/PCR:mt/s:watermngt

Attachments

cc: Water Districts  
Planning  
Environmental Health

County Counsel  
Health Services Agency

## INDEPENDENT CONTRACTOR AGREEMENT

THIS CONTRACT is entered into this \_\_\_\_ day of \_\_\_\_\_ 1998, by and between the COUNTY OF SANTA CRUZ, hereinafter called COUNTY: and ANTONIO ROSSMANN, hereinafter called CONTRACTOR. The parties agree as follows:

1. **DUTIES.** CONTRACTOR agrees to exercise special skill to accomplish the following result: Provide professional legal services as requested by the COUNTY regarding water management issues.
  
2. **COMPENSATION.** In consideration for CONTRACTOR accomplishing said result, COUNTY agrees to pay CONTRACTOR as follows: The rate of \$225.00 per hour plus reimbursement for actual expenses including but not limited to reproduction charges, filing fees, reimbursement for travel expenses, not to exceed \$30,000, unless authorized by the Board of Supervisors.
  
3. **TERM.** The term of this contract shall be from July 1, 1998 until terminated.
  
4. **EARLY TERMINATION.** Either party hereto may terminate this contract at any time by giving 30 days written notice to the other party.
  
5. **INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS.** CONTRACTOR shall exonerate, indemnify, defend, and hold harmless COUNTY (which for the purpose of paragraph 5 shall include, without limitation, its officers, agents, employees and volunteers) from and against:
  - A. Any and all claims, demands, losses, damages, defense costs, or liability of any kind or nature which COUNTY may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property as a result of, arising out of, or in any manner connected with the CONTRACTOR's performance under the terms of this contract, excepting any liability arising out of the sole negligence of the COUNTY. Such indemnification includes any damage to the person(s) or property(ies) of CONTRACTOR and third persons.
  
  - B. Any and all Federal, State and Local taxes, charges, fees, or contributions required to be paid with respect to CONTRACTOR and CONTRACTOR's officers, employees and agents engaged in the performance of this contract (including, without limitation, unemployment insurance, social security and payroll tax withholding).

6. **EQUAL EMPLOYMENT OPPORTUNITY.** During ‘and in relation to the performance of this Agreement, CONTRACTOR agrees as follows:

The CONTRACTOR shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, sex, gender, pregnancy, sexual orientation, age (over 18), veteran status, or any other non-merit factor unrelated to job duties. Such action shall include, but not be limited to, the following: recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training (including apprenticeship) employment, upgrading, demotion, or transfer.

7. **INDEPENDENT CONTRACTOR STATUS.** CONTRACTOR and COUNTY have reviewed and considered the principal test and secondary factors below and agree that CONTRACTOR is an independent contractor and not an employee of COUNTY. CONTRACTOR is responsible for all insurance (workers compensation, unemployment, etc.) and all payroll related taxes. CONTRACTOR is not entitled to any employee benefits. COUNTY agrees that CONTRACTOR shall have the right to control the manner and means of accomplishing the result contracted for herein.

**PRINCIPAL TEST:** The CONTRACTOR rather than COUNTY has the right to control the manner and means of accomplishing the result contracted for.

**SECONDARY FACTORS:** (a) The extent of control which, by agreement, COUNTY may exercise over the details of the work is slight rather than substantial; (b) CONTRACTOR is engaged in a distinct occupation or business; (c) In the locality, the work to be done by CONTRACTOR is usually done by a specialist without supervision, rather than under the direction of an employer; (d) The skill required in the particular occupation is substantial rather than slight; (e) The CONTRACTOR rather than the COUNTY supplies the instrumentalities, tools and workplace; (f) The duration rather than indefinite; (g) The method of payment of CONTRACTOR is by the job rather than by the time; (h) The work is part of a special or permissive activity, program, or project, rather than part of the regular business of COUNTY; (i) CONTRACTOR and COUNTY believe they are creating an independent contractor relationship rather than an employer-employee relationship; and (j) The COUNTY conducts public business.

It is recognized that it is not necessary that all secondary factors support creation of an independent contractor relationship, but rather that overall there are significant secondary factors which indicate that CONTRACTOR is an independent contractor.

8. CONTRACTOR shall not assign this contract without the prior written consent of the COUNTY.

By their signature to this contract, each of the undersigned certifies that it is his or her considered judgment that the CONTRACTOR engaged under this contract is in fact an independent contractor.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

CONTRACTOR

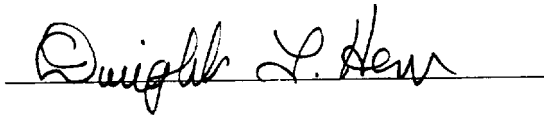


\_\_\_\_\_  
ANTONIO ROSSMANN  
380 Hayes Street, Suite 1  
San Francisco, CA 94 102-442 1

COUNTY OF SANTA CRUZ

\_\_\_\_\_  
DWIGHT L. HERR, County Counsel

Approved as to form:



DISTRIBUTION: County Administrative Office  
Auditor-Controller  
County Counsel

BOARD OF SUPERVISORS



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060-4069  
(408) 454.2200 ATSS E-64-2200 FAX (408) 454.3262 TDD (408) 454-2123

JANET K. BEAUTZ  
FIRST DISTRICT

WALTER J. SYMONS  
SECOND DISTRICT

MARDI WORMHOUDT  
THIRD DISTRICT

RAY BELGARD  
FOURTH DISTRICT

JEFF ALMQUIST  
FIFTH DISTRICT

June 30, 1998

RECEIVED

JUL 01 1998

ENVIRONMENTAL  
ADMINISTRATIVE

James A. Mueller, District Manager  
San Lorenzo Valley Water District  
13060 Highway 9  
Boulder Creek, CA 95006

RE: WATER RESOURCES MONITORING AND MANAGEMENT REPORT

Dear Jim:

Thank you for the invitation to meet with your Board on July 2, 1998. Unfortunately, I will be on vacation at that time. It is my understanding that John Ricker will attend that meeting to answer any questions that your Board might have. I have given him a copy of your letter, as I believe Al Haynes did.

On a related issue, it is my hope that the positive dialogue which has commenced between your Board and the Scotts Valley Board regarding a pilot project which will use Scotts Valley's recycled water will continue and will lead to some project that will be mutually beneficial to your two districts. I understand completely the concerns David Ross raised at our last Santa Margarita meeting regarding the need for there to be an economic benefit to your district in order for it to engage in such a project.

I appreciate the efforts that you and your Board made to promote the need for a more regional approach to planning for water resource development and management. It is my hope that through a full discussion of the need for and, hopefully, eventual implementation of, a project of the general type proposed by Joe Miller, coupled with efforts such as the creation of a technical task force which was approved by the Santa Margarita

June 30, 1998  
Page 2

Committee at its last meeting, that we can ineluctably, if slowly, move towards that goal.

Sincerely,

Handwritten signature of Jeff Almquist in cursive script.

JEFF ALMQUIST, Supervisor  
Fifth District

JA:lg

cc: Susan Mauriello, County Administrative Officer  
John Ricker, Environmental Health

1030B5



# SAN LORENZO VALLEY WATER DISTRICT

13060 Highway 9 • Boulder Creek, CA 95006 • (408) 338-2153

72

June 23, 1998

Supervisor Jeff Almquist  
SANTA CRUZ COUNTY BOARD OF SUPERVISORS  
701 Ocean Street, Room 525  
Santa Cruz, CA 95060

RE: Water Resources Monitoring and Management, June 4 **Staff** Report,  
April 14, 1998 **Draft** Report, An Evaluation of Water Monitoring  
and Management Efforts in Santa Cruz County

Dear Supervisor **Almquist**:

Our Board of Directors discussed the Water Resources **Monitoring** and Management Report and the June 4th **staff report** to your Board at our regular meeting of June 18, 1998. Although the report and the staff letter contain many positive recommendations that could improve water quality in the future, there were a number of troubling items on which our Board requested clarification in order to determine District policy toward the report and staff recommendations. Our Board will be conducting a workshop on this item prior to our next regular Board meeting on July 2, 1998. The workshop will convene **from** 5:00 p.m. to 7:00 p.m. after which our regular Board meeting begins. Our Staff thought that either yourself or informed senior County staff person such as the **CAO** might be able to attend our meeting or, minimally, respond in writing to the following issues and questions prior to July 2 in order to help our Board understand this complex report and resolve the uncertainties involving the expressed concerns.

The June 9, 1998 Staff report indicates that the development of funding mechanisms to support the County's increased watershed and resource management effort is a high priority. The District is concerned how proposed funding mechanisms may impact the District and our customers. What are the proposed alternatives for funding mechanisms?



The June 4 staff report contains a number of attachments including Attachment 6 Issues Fact Sheet, that have no references or citations. This was an issue that troubled water agencies earlier in commenting at the April 14th Board of Supervisors meeting on the WRMM draft report. County staff agreed to provide the information in subsequent reports. For example, Page 19 of the June 4th staff report refers at Number 6 to stream base flows which have been reduced 25% through direct stream diversions for water supply. What is the source of this information? We have no way to analyze this statement without the proper reference to the source of the information.

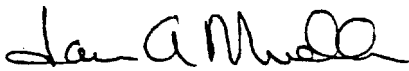
Within Attachment 8 of the June 4th staff report, Water Resources Management: Goals, Objectives and Strategies, Number 2, for the San Lorenzo Watershed/Scotts Valley Groundwater Basin states that "If existing agencies are unable to form a workable management structure within one year, pursue alternative approaches, including consolidation of water agencies by LAFCO, formation of a water management agency, and/or declaration of a groundwater emergency,"

San Lorenzo Valley Water District has been willing to meet and confer regularly concerning issues of groundwater depletion in the Scotts Valley area and in fact has done so and pushed aggressively to fashion a strong Santa Margarita Groundwater Management agreement. However, we cannot control the policy and direction of other agencies. Our Board was very concerned about this recommendation since our only problem within the boundaries of our District is the Pasatiempo unit of the Lompico Formation. This island service area serves about 500 connections in the Scotts Valley area. Our North System, which utilizes both surface and groundwater, has no supply problems or groundwater depletion problems. We would like the County to clarify and expand exactly why you would consider consolidating our agency under LAFCO as a solution to groundwater problems in Scotts Valley. Our Board found the recommendation in this section very troubling.

Supervisor Jeff Almquist  
June 23, 1998  
Page Three

The District would appreciate the opportunity to discuss the WRMM with you in order to properly evaluate the recommendations and formulate an appropriate response. Your consideration of this request will be greatly appreciated.

Sincerely,



James A. Mueller  
District Manager

JAM:dc  
cc: County Administrative Officer  
Susan Maurillo

:  
:  
:  
:

June 23, 1998

Ms. Susan A. Mauriello, J.D.  
County Administrative Officer  
County of Santa Cruz  
701 Ocean Street, Suite 520  
Santa Cruz, CA 95060

**S u b j e c t :** Request to Meet Regarding the Water Resources Management Report

Dear Ms. Mauriello:

The public water agency managers throughout the County are developing information for our respective governing bodies regarding the programs and funding proposals contained in the Water Resources Management report presented to the Board of Supervisors on June 9, 1998. We have met to discuss the report and collectively support much of what is being proposed. There are, however, a number of ambiguities and vague statements we would like clarified, particularly with respect to water supply management.

We believe it would be most expedient and beneficial for all of us to meet together with you, Dwight Herr and other appropriate County staff. We would also like to include Mr. Robert Bosso who serves as, general legal counsel for two of our agencies and is assisting our group to understand some of the legal authorities cited in the report.

In order to help you prepare for the meeting, following are the general issues we wish to have addressed:

1. How does the County intend to work cooperatively with water agencies on county-wide water resources management?
2. How were the general goals and timeframes listed on Attachment 8, page 24, established and determined feasible?
3. Clarify the priority 1 and 2 recommendations under Water Supply Management (Attachment 7, page 2 1) recommendations, how specific goals and objectives were developed and what they mean.
4. Clarify what functions would be assessed fees, who would pay them and what programs this revenue would support.
5. Clarify the roles and job duties of the proposed positions and the organizational structure.
6. What will be the role of the Water Advisory Commission?

Ms. Susan A. Mauriello, J.D.  
County of Santa Cruz  
June 23, 1998  
Page 2

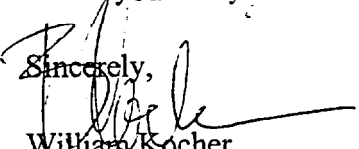
76


7. We are unfamiliar with many of the "facts" presented in Attachment 6. We also understand that a draft as opposed to the final version of this attachment was included in the report to the Board. We would like to receive copies of the corrected attachment with citations listed for each of the statements. (Listing the citations was agreed upon at the public working group meeting when the initial report was being developed.)
8. We would like to receive copies of Attachments 2 and 3 to review prior to the meeting. It is not clear whether there have been revisions to the April 10, 1998 Draft.

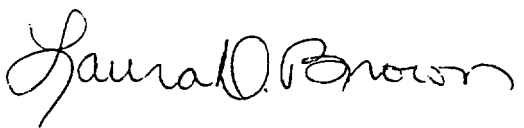
Given the continuance of this item to August 11 and the fact that our governing boards meet only monthly or semi-monthly, it is imperative that we schedule this meeting as soon as possible. We are also requesting your Board delay its reconsideration of this item in order that we may involve our Boards in response to this work. We are all available on Thursday, July 23 or the afternoon of Monday, July 20. Please advise Bill Kocher at City of Santa Cruz, Water Department, at (408) 429-3670 if either date is acceptable. We are open to convening at the location you designate.


Thank you for your anticipated cooperation on this matter.


Sincerely,

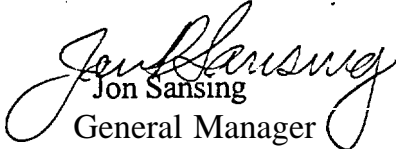
  
William Kocher  
Water Director  
City of Santa Cruz


  
Gayland K. Swain  
Senior Utilities Eng.  
City of Watsonville


  
Laura D. Brown  
General Manager  
Soquel Creek Water Dist.

  
Charles McNeish  
Interim General Manager  
Pajaro Valley Water Mgmt Agency

  
James Mueller  
General Manager  
San Lorenzo Valley Water Dist.

  
Jon Sansing  
General Manager  
Scotts Valley Water District

  
Michael Eggleston  
General Manager  
Lompico Co. Water Dist.

  
Clarke Wales  
General Mgr  
Central Water Dist.

  
Joe Rosa  
General Manager  
Pajaro Sunny Mesa C.S.D.



**SOQUEL CREEK  
WATER DISTRICT**

5180 SOQUEL DR  
P.O. BOX 158  
SOQUEL, CA 95073  
TEL 408-475-8500 / 408-688-2288  
FAX 408-475-4291

77

July 24, 1998

*DIRECTORS*

*DANIEL F. KRIEGE*  
President

*JAMES M BARGEJTO*

*JOHN W BEEBE*

*KRISTEN COZAD*

*GARY E. HAZELTON*

*LAURA D. BROWN*  
General Manager

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060-4069

Subject: Comments on Water Resources Management Program

Dear Members of the Board:

Thank you for allowing us the opportunity to comment on the Water Resources Management Report and recommendations presented at your June 9, 1998 Meeting. We look forward to building upon the constructive relationship we have developed with County representatives through our District's Integrated Resources Planning Process.

As a general comment on the County Staff Report and preliminary recommendations, we believe the Staff has succeeded in comprehensively identifying the myriad issues associated with water resources management. We generally support the recommendations given in the categories of **Streamflow Monitoring**, Groundwater Monitoring, Erosion Control, Watershed Management, Fishery Habitat, Water Quality, and Data Management and Coordination with the qualification that we do not have sufficient information on the level of effort, funding requirements and sources of funding at this time. We would like the opportunity to comment on these impacts prior to implementation of any specific programs.

We are concerned that several of the recommendations in the area of Water Supply Management are potentially duplicative or in conflict with the efforts and responsibilities of the various Water Agencies. This could potentially delay progress in solving the various critical water supply issues within the County. Soquel Creek Water District, like most other Water Agencies within the County, is diligently working on a solution to our present and future water supply needs. We, jointly with Central Water District, have adopted an **AB3030** Groundwater Management Plan. We have and will continue to invest tremendous resources in both time and money toward protecting the Soquel-Aptos Groundwater Basin and meeting future water supply needs. If the County is going to become involved at this point, it is vitally important that

10

Board of Supervisors  
County of Santa Cruz  
July 24, 1998  
Page 2

the involvement be directed as a positive move forward in support of Water Agency efforts and not as a set back. Communication, collaboration, and cooperation with the Water Agencies should be viewed as essential to any County involvement with water supply management.

Thus far, we are not at all clear about the County's intended role in water supply management. The Water Agency Managers provided specific questions on this subject to the County Administrative Officer hoping to receive clarification. At a meeting held on July 20 with the Water Agency Managers and numerous County Staff, the CAO stated in essence that the program is in the conceptual stage and details have not been worked out. She also stated that the job description for the proposed water management position has not been completed. She emphasized that the County wants to collaborate and cooperate with the Water Agencies on structuring the specifics of the Water Supply Management Program. Unfortunately, County Staffs lack of responsiveness to Water Agency requests for information and time extensions has not been at all reassuring that the intent is indeed to collaborate.

According to the CAO, the Water Resources Management Goals, Objectives and Strategies are conceptual, and she will be recommending that this document and the Issues Fact Sheet (which has numerous flaws) be revised in collaboration with the Water Agency Managers. We request that this collaboration precede any approval of additional positions. It is premature to hire personnel and appropriate funds for outside legal counsel when there is still such ambiguity about the County's goals and work program.

In conclusion, Soquel Creek Water District requests:

- 1) That approval of new positions and final acceptance of the Water Resources Management Goals, Objectives and Strategies and Issues Fact Sheet be deferred until at least September 15, 1998; and
- 2) That County Staff be directed to collaborate with the Water Agencies and seek consensus on revisions to the aforementioned documents and work program recommendations prior to any further action being taken by the Board.

Board of Supervisors  
County of Santa Cruz  
July 24, 1998  
Page 3

We appreciate your consideration of our comments and concerns.

Sincerely,

SOQUEL CREEK WATER DISTRICT

Handwritten signature of Daniel F. Kriege in cursive script, with the initials "by jfy" written below the signature.

Daniel F. Kriege, President  
Board of Directors

DFK:LDB:jjy

Cc: All Santa Cruz County Water Agencies

July 24, 1998

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060-4069

Subject: Request for Continuance on Further Action Concerning  
the Water Resources Management Report

Dear Members of the Board:

We appreciate the Board's consideration on June 9, 1998, to continue action on the recommendations contained in the Water Resources Management Report to August 11 for the purpose of enabling the various Water Agencies to review and comment. This letter is to request further continuance to at least September 15, 1998, in recognition of the Water Agencies' meeting schedules and need for additional clarification of the County's proposed role and approach to water supply management.

The Water Agencies have taken very seriously the opportunity to provide input to the County on this matter of vital importance to us. All of the Water Agency Managers met within days of receiving the report to discuss the County Staff's recommendations. We collectively have a number of questions and need clarification on some of the proposed work programs and County actions, specifically in the area of water supply management. We are also unclear about the role and function of the proposed new positions. We requested a meeting with County Staff so we could receive clarification to make accurate presentations to our respective Boards of Directors. The earliest date that everyone could meet was July 20, 1998.

At the July 20 Meeting, County Staff indicated that the Water Resources Management Goals, Objectives and Strategies and the Preliminary Work Program Recommendations as presented to the Board of Supervisors are drafts with many details still to be worked out. We were also informed that the job description for the proposed Water Resources Manager position is not yet available for review. Further, we were informed of the change to bring the proposed Water Resources Management Program back to the Board a week earlier than originally planned for action to approve allocation of funds for the proposed new positions and outside legal services.



Board of Supervisors  
 County of Santa Cruz  
 July 24, 1998  
 Page 2

Most of the Water Boards will not be meeting before August 4 so there is no opportunity for them to discuss the County's Report and submit comments- Also, County and Water Agency Staffs agreed to reconvene on August 31 to receive the recommended work program and staff responsibilities in a less confusing format and to collaborate on revisions to the draft documents.

As stated in prior communications, the Water Agencies believe there are many commendable and beneficial aspects of the Water Resources Management Program as recommended. We do, however, have some concerns that can be hopefully resolved with further clarification from and collaboration with County Staff.

We hope you, as elected officials, are sympathetic about the logistical need for an additional time extension due to Water Agency meeting schedules. We request your accommodation so that all of the other elected officials in Santa Cruz County who are directly responsible for water supply may have informed discussions and submit meaningful comments on the County's proposed program and funding appropriation.

Sincerely,



Clarke Wales  
 General Manager  
 Central WD



Michael Eggleston  
 General Manager  
 Lompico County WD



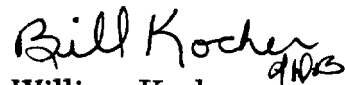
Joe Rosa  
 General Manager  
 Pajaro Sunny-Mesa CSD



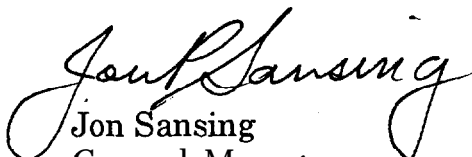
Charles McNeish  
 Interim General Manager  
 Pajaro Valley Water MA



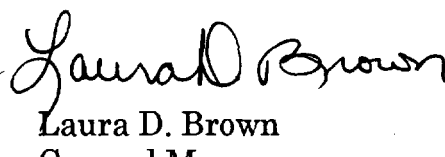
James Mueller  
 General Manager  
 San Lorenzo Valley WD



William Kocher  
 Water Director  
 City of Santa Cruz



Jon Sansing  
 General Manager  
 Scotts Valley WD



Laura D. Brown  
 General Manager  
 Soquel Creek WD



David Koch  
 Water Director  
 City of Watsonville