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PROCEEDINGS OF THE BOARD OF DIRECTORS
COUNTY OF SANTA CRUZ
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
GOVERNMENT CENTER BUILDING, ROOM 525
9:15 A.M.

September 21, 1999

- A . Roll Call
- B. Consideration of Late Additions
- C. Additions and Deletions

1. AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7,
approve minutes of June 17, 1999
- 1.1 AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7,
accept and file report on the Salsipuedes
Creek/Corralitos Creek/Pajaro River Army Corps Flood
Control Project, and take related actions
- 1.2 **AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7,**
accept and file report on the Pajaro River Four-County
Basin Study; authorize the Chairperson to write to
Governor Gray Davis in support of Assembly Bill 807;
and direct that a further status report be presented on
January 25, 2000
- 1.3 **AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7,**
accept report on Impervious Area Fees on New
Construction and direct Public Works to report back on
January 25, 2000, with a further status report

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JOHN A. FANTHAM
DISTRICT ENGINEER

County of Santa Cruz

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FLOOD CONTROL AND WATER CONSERVATION DISTRICT - ZONE 7

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 950604070
(931) 454-2160 FAX (631) 464-2366 TDD (931) 454-2123

AGENDA: September 21, 1999

September 7, 1999

BOARD OF DIRECTORS-ZONE 7
SANTA CRUZ COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: SALSIPUEDES CREEK/CORRALITOS CREEK/PAJARO RIVER
ARMY CORPS FLOOD CONTROL PROJECT

Members of the Board:

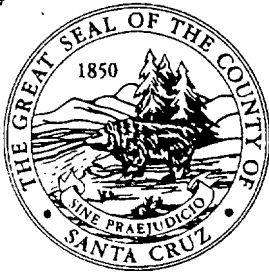
On June 17, 1999, your Board received a report (Attachment I) on the status of the efforts to move forward on the Army Corps flood control projects for Salsipuedes Creek, Corralitos Creek, and the Pajaro River. Your Board adopted the staff recommendations and directed that a further report be presented at this time.

STATUS OF APPROPRIATIONS:

Since the last report, County staff has continued to work closely with Congress Member Sam Farr and his staff to secure funding to allow the Army Corps to complete the design process for the Salsipuedes/Corralitos Creek Flood Control Project and to begin design work on the Pajaro River Flood Control Project. Congress Member Farr has successfully included a total of \$700,000 in the Energy and Water Appropriations Bill for the flood control design studies. The House/Senate Conference Committee is expected to convene after Labor Day to finalize a budget for the President's consideration prior to the end of the federal fiscal year on September 30, 1999. Until that time, it is uncertain if the necessary funding will be included in the final federal fiscal year 2000 budget. Staff will continue to work closely with our federal legislators in support of these appropriations.

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County of Santa Cruz 657



JOHN A. FANTHAM
DISTRICT ENGINEER

FLOOD CONTROL AND WATER CONSERVATION DISTRICT - ZONE 7

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(931) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

AGENDA: JUNE 17, 1999

June 4, 1999

BOARD OF DIRECTORS-ZONE 7
SANTA CRUZ COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
701 Ocean Street
Santa Cruz, California 95060

**SUBJECT: SALSIPUEDES/CORRALITOS CREEK ARMY CORPS
FLOOD CONTROL PROJECT**

Members of the Board:

On March 16, 1999, your Board received a report on the proposed Salsipuedes/Corralitos Creek Army Corps Flood Control Project. In response, your Board took a number of actions and directed staff to report back today.

As directed, staff wrote to the Army Corps in support of Option C, the 70 year National Economic Development (NED) plan. A copy of our letter transmitting your Board's comments together with technical comments is included as Attachment I. To date, we have received no written response to our questions and comments from the Army Corps.

Your Board also directed that staff continue working with the Army Corps and our local, State and Federal representatives to see that the General Reevaluation Report (GRR) is completed and that necessary Federal authorization and appropriations are approved for continuing the design process to provide flood control improvements for the Salsipuedes/Corralitos Creek levees. To accomplish this, staff has worked with the California Water Commission, the Army Corps San Francisco District and Congressman Farr's Office to insure that authorization and funding for this work continues to be made available in the year 2000 federal budget. A copy of correspondence to Congressman Farr in this regard is included elsewhere in today's agenda package. As authorized by your Board, staff is also contracting for assistance in both Washington D.C. and in Sacramento to allow us to better track and intercede in the appropriation/authorization process to insure that the Army Corps projects move forward expeditiously.'

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A letter was also sent to the Army Corps from the County Administrative Office to request clarification on the Corps' budget requests. A copy of this letter together with the Corps' recent response is included as Attachment II. Despite numerous verbal assurances to the contrary, (including those made to your Board in March) the Corps now indicates they did not include the necessary appropriations in their fiscal year 2000 budget request. If the Corps does not proceed in the next fiscal year, it will delay the Salsipuedes/Corralitos Creek Project by at least one year. This is completely unacceptable when area residents currently have only an estimated seven year level of protection from devastating flooding.

In response to this situation, Congressman Farr is assisting the County by scheduling a meeting with Lieutenant Colonel Peter Grass, San Francisco District Engineer, and Colonel Madsen, the South Pacific Region Commander to determine the reason for this situation and to put the project back on track. A meeting is also being scheduled with the Army Corps in Washington D.C. where this and other overall Army Corps levee improvement funding issues will be discussed. In addition, because of the County's appropriations request, Congressman Farr is already pursuing the necessary appropriations directly through the Congress. These efforts would be much easier, however, if the Corps had followed through as well.

Finally, your Board also directed staff to return on this date with a recommended make-up for a Steering Committee to coordinate with the Army Corps to address the many design and related concerns identified by your Board relative the preliminary Salsipuedes/Corralitos Creek Flood Control Project design. Due to staff efforts to address the many issues identified above, together with the many other Pajaro River projects and programs under way, staff was unable to fully complete recommendations of specific individuals for the Steering Committee. However, we do recommend that the Committee be limited to seven people with high level representatives from the Army Corps, the County, the City of Watsonville, the Pajaro Valley Water Management Agency, the State Department of Fish and Game, the Farm Bureau and a representative of the environmental community. The main goal of the Steering Committee would be to coordinate with the Army Corps to expeditiously develop a final project design plan for your Board's consideration which provides the requisite 70 year flood protection and integrates the various recreational aesthetic and environmental considerations identified by your Board and included in Attachment I. Clearly this goal would be pursued in a manner which would minimize any impacts to local match funding. As such, grant or other outside funding sources would also be pursued by the Steering Committee to assist with project funding.

It is therefore recommended that the Board of Supervisors take the following action:

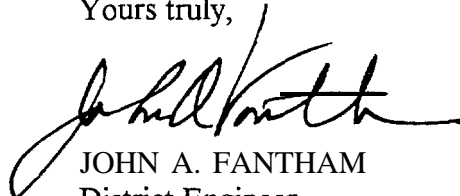
1. Accept and file this report.
2. Direct staff to continue working with the Army Corps and our local, State and Federal representatives to see that the necessary authorizations and appropriations are approved for continuing the design process to provide flood control improvements for the Corralitos/Salsipuedes Creek levees with a further status report to your Board on September 21, 1999.

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3. Direct staff to contact the agencies identified above to solicit representatives for the Steering Committee and to schedule a **first** meeting to develop a statement of goals, a meeting schedule and protocol with a report back to your Board on September 21, 1999.

Yours truly,



JOHN A. FANTHAM
District Engineer

PCR:rw

Attachments

RECOMMENDED FOR APPROVAL,:

County Administrative Officer

copy to: Zone 7 Board of Directors
 Congressmember Farr
 Carlos J. Palacios, Manager, City of Watsonville
 Public Works

SCACR

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County of Santa Cruz 660



COUNTY ADMINISTRATIVE OFFICE

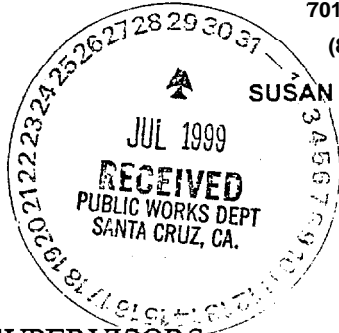
701 OCEAN STREET, SUITE 520, SANTA CRUZ, CA 95060-4073

(831) 454-2100 FAX: (831) 454-3420 TDD: (831) 454-2123

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

July 26, 1999

Agenda: August 3, 1999



BOARD OF SUPERVISORS

County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: **PAJARORIVERFLOODCONTROLPROJECT**

Members of the Board,

At your Board's direction, County staff has been working with our local, State and Federal elected representatives to aggressively address the ongoing flood threat resulting from the deficiencies in the Pajaro River Flood Control Project constructed by the US Army Corps of Engineers. These deficiencies of the Pajaro River Levee System expose residents of the City of Watsonville, the town of Pajaro and surrounding agricultural areas to a major ongoing threat of flooding.

As part of our effort to have the Army Corps reconstruct the Pajaro River Levee System Congress Member Farr scheduled a meeting in Washington D.C. with Assistant Secretary of the Army, Dr. Joseph Westphal on July 13, 1999. A copy of the agenda is attached as Exhibit "A". The meeting gave County staff the opportunity to present concerns about Pajaro River Flooding at the highest levels of the Army. Congress Member Farr was personally present at the meeting and provided an introduction underscoring the significance of the issue. A video (Exhibit "B", on file with the Clerk of the Board) documenting the history of Pajaro River flooding, providing information about the impacted community, identifying the deficiencies of the levee system and detailing the County's request for assistance was presented at the meeting and will also be shown to your Board today. A summary video narrative is attached as Exhibit "C".

Staff also presented a report which included past correspondence from Congress Member Farr, project location maps, a project chronology, a summary of Army Corps flood fight expenditures, a litigation summary, a statement of risk and the assistance request. A copy of the report is included as Exhibit "D", also on file with the Clerk of the Board.

At the conclusion of the meeting Dr. Westphal committed to scheduling a follow up briefing with the US Army Corps of Engineers San Francisco District to assist in formulating a response to the County's request. Dr. Westphal indicated that a written response from his office would be forthcoming.

SAM FARR
17TH DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES
MILITARY CONSTRUCTION
CHAIR, CALIFORNIA DEMOCRATIC
CONGRESSIONAL DELEGATION
CO-CHAIR, CONGRESSIONAL TRAVEL AND
TOURISM CAUCUS

Congress of the United States
House of Representatives
Washington, DC 20515-0517

EXHIBIT A

1221 LONGWORTH BUILDING
WASHINGTON, DC 20515-0517
(202) 225-2861
100 WEST ALisal
SALINAS, CA 93901
(831) 424-2229
701 OCEAN STREET
ROOM 318
SANTA CRUZ, CA 95060
(831) 429-1976
samfarr@mail.house.gov
www.house.gov/farr

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AGENDA
PAJARO RIVER FLOOD CONTROL PROJECT

Congress Member Farr / US Army Corps of Engineers / County of Santa Cruz

Date: July 13, 1999

Time: 2:30 p.m.

Location: Office of Congress Member Sam Farr

1. Introduction by Congress Member Farr

2. Background

- Video Presentation
- Recent Correspondence
- Project Location
- Project Chronology
- Flood Fight Efforts

3. Current Project Status

- Litigation Summary
- Summary of Risk

4. Request for Federal US Army Corps of Engineers Assistance



County of Santa Cruz

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COUNTY ADMINISTRATIVE OFFICE

701 OCEAN STREET, SUITE 520, SANTA CRUZ, CA 95060-4073

(831) 454-2100 FAX: (831) 4563420 TDD: (831) 4562123

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

PAJARO RIVER FLOOD CONTROL PROJECT

A Request for Federal Assistance

Located in Steinbeck Country in the heart of the Central California Coast, the Pajaro River drains a basin of over 1,300 square miles, emptying into the Monterey Bay National Marine Sanctuary six miles west of the City of Watsonville. The Basin is approximately 88 miles long and 30 miles wide and covers portions of four Counties including Santa Cruz, Monterey, San Benito and Santa Clara .

Normal annual precipitation ranges from 13 to 44 inches. Approximately 25% of the basin is cultivated, 45% is range land, 25% is covered by brush or forest and 5% is developed. Major tributaries to the Pajaro River include Corralitos and Salsipuedes Creeks, which have a basin area of approximately 57 square miles. The creeks drain the southern slopes of the Santa Cruz Mountains. They join with the Pajaro River in Watsonville. Less than 10% of the total Pajaro River Basin lies within Santa Cruz and Monterey Counties, yet the full basin runoff funnels through the City of Watsonville and the town of Pajaro bringing with it each winter the treat of more flooding and destruction.

There is a long history of flooding along the lower Pajaro River. In response to these recurring floods, the US Army Corps of Engineers in 1949 completed construction of approximately 13 miles of levees along both sides of the Pajaro River, Salsipuedes and Corralitos Creeks. Beginning at the Monterey Bay and progressing upstream, under a Congressional Authorization the levees were designed and constructed to provide 100 year protection to urban areas and 50 year protection to rural areas.

Despite construction of the levees, in 1955 the first of many subsequent flood events overtopped the levees resulting in major damage to the City of Watsonville and the surrounding agricultural areas. There have been a total of six separate flood events on the Pajaro River in the past half century. Three of these events have occurred between 1995 and 1998. The most recent flood events have resulted in litigation claims for damages approaching 50 million dollars. In addition, over 20 million dollars in federal US Army Corps of Engineers flood fight funds have been expended.

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In 1963 a US Army Corps of Engineers Report concluded that the Pajaro River Levee System was "inadequate". Despite the Congressional intent to provide 100 year flood protection to urban areas, the Army has concluded that the existing levee system only provides approximately 25 year protection along the Pajaro River and 7 year protection along Salsipuedes and Corralitos Creeks. Improvements to the Pajaro River Levee System are urgently needed. While current studies and discussions take place, local residents are living in fear. Each winter brings the treat of more evacuations, loss and destruction.

The County of Santa Cruz strongly believes **the Pajaro River Levee Project is deficient**. There are three key deficiencies:

- Levee System Capacity - The levee system is incapable of containing more than a 25 year storm on the Pajaro River and a 7 year storm on Salsipuedes and Corralitos Creeks.
- Levee composition - The existing levees are highly permeable and subject to erosion and washout.
- Levee Subgrade - Significant subsidence of the levees has occurred in many areas.

The local communities impacted by these flood events are economically disadvantaged and are not able to provide the estimated 50 million dollars in local match funds which would be required under current Army Corps cost share criteria. The Army Corps needs to make good on meeting the original authorization of Congress:

- Find the Pajaro River Flood Control Project to be deficient.
- Expeditiously redesign and reconstruct the project.
- Utilize the original (100% Federal) cost share criteria.

CURRENT ESTIMATED TIME LINES

Salsipuedes/Corralitos Creek Flood Control Project

Initial Appraisal
 Combined Recon/Feasibility Study
 Planning Engineering & Design (PED)
 Construction

1999	2000	2001	2002	2003	2004	2005	2006
complete							

Pajaro River Flood Control Project

Initial Appraisal
 Reconnaissance Study
 Feasibility Study
 Planning Engineering & Design (PED)
 Construction

1999	2000	2001	2002	2003	2004	2005	2006
complete							

Pajaro River Levee Flood Control System (Integrated Project)

Initial Appraisal
 Amended Recon/Feasibility Study
 Planning Engineering & Design (PED)
 Construction

1999	2000	2001	2002	2003	2004	2005	2006
complete							

Attachment III

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Attachment II

COUNTY OF SANTA CRUZ
REQUEST FOR TRANSFER OR REVISION
OF BUDGET APPROPRIATIONS AND/OR FUNDS

666

Department: PUBLIC WORKS

Date:

TO: Board of Supervisors / County Administrative Officer / District Board

I hereby request your approval of the following transfer of budget appropriations and/or funds in the fiscal year ending June 30, 19

AUDITORS USE ONLY							
DOCUMENT #		AMOUNT			L/N	T/C HASH	
JE	6, , ,						

BATCH #	
DATE	Keyed By:

		T/C	INDEX	SUBJECT	USER CODE	AMOUNT	ACCOUNT DESCRIPTION *
T R A N S F E R	T O	0,2,1	6,2,2,3,8,0	6,6,1,0		3,74,5,0,0,0	ARMY CORP FLOOD CONTROL
	F R O M	0,2,2	6,2,2,3,8,0	6,6,1,0		3,74,5,0,0,0	FLOOD CONTROL PROJECT
							ADVOCACY

Explanation: TO TRANSFER FUNDS FROM ARMY CORPS FLOOD CONTROL PROJECTS (26407) TO THE NEW BUDGET LINE ITEM FLOOD CONTROL PROJECT ADVOCACY (NEW NUMBER).

Name CAROL D. KELLY Title CHIEF OF ADMIN. SERVICES

Auditor-Controller's Action: I hereby certify that unencumbered balance(s) is/are available in the appropriations/funds and in the amounts indicated above.

Auditor-Controller, by Ronald J. Silva, Deputy Date 9/9/99

County Administrative Officer's Action: ☒ Recommended to Board ☒ Approved ☐ Not Recommended or Approved

County Administrative Officer _____ Date _____

State of California } As the Clerk of the Board of Supervisors of the County of Santa Cruz, I do hereby certify that the foregoing request for
County of Santa Cruz } ss. transfer was approved by said Board of Supervisors as recommended by the County Administrative Officer by an order
duly entered in the minutes of said Board on

_____, 19____, By _____, Deputy Clerk

(A-C)* Desc: _____ # _____ - Budget Transfer

Distribution: BRD. NAME AGENDA DATE ITEM NO.
White-Board of Supervisors
Yellow-Auditor-Controller Green-County Administrative Officer Goldenrod-Departmental Control Copy
Pink-Originating Department

A-C Review		

Attachment II a

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AMENDMENT TO AGREEMENT

The parties hereto agree to amend Purchase Order Number 45465 dated June 25, 1999, by and ~~between~~ the COUNTY OF SANTA CRUZ and HDRENGINEERING, INC., for additional hours needed to ~~carry out the~~ scope of services for the Army Corps of Engineers Pajaro River Flood Control Project as described in Exhibit "A" Scope of Services by increasing the amount ~~not-to-exceed \$35,500~~ **\$35,000** for fiscal year 1999/2000.

All other provisions of said contract shall remain the same

DATED: _____

COUNTY OF SANTA CRUZ

DISTRICT ENGINEER

CONTRACTOR:
HDR ENGINEERING, INC.

BY: DAVID A. PIVETTI
SENIOR VICE PRESIDENT

ADDRESS: 271 TURN PIKE DRIVE
FOLSOM, CA 95630

TELEPHONE: (916) 351-3800

Approved as to form;

D. Roe 9-10-99
Chief Assistant County Counsel

DISTRIBUTION: Auditor-Controller
Public Works
Contractor

JAM:rw

AMNDPRCH.DOC/SPRR

/./

Contract No. _____

668.

INDEPENDENT CONTRACTOR AGREEMENT

THIS CONTRACT is entered into this 25th day of June 1999, by and between the COUNTY OF SANTA CRUZ, hereinafter called COUNTY and HDR ENGINEERING, INC., 271 Turn Pike Drive, Folsom, CA 95630 hereinafter called CONTRACTOR The parties agree as follows:

1. DUTIES. CONTRACTOR agrees to exercise special skill to accomplish the following result: See attached Exhibit "A" Scope of Services.

2. COMPENSATION. In consideration for CONTRACTOR accomplishing said result, COUNTY agrees to pay CONTRACTOR as follows: See attached Exhibit "B" (Compensation) which includes 1999 Labor Billing Rates, as may be revised from time to time. Total contract amount not to exceed \$5,000.

3. TERM. The term of this contract shall be: July 1, 1999 through June 30, 2000.

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 paragraphs 5 and 6 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 it 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 negligent performance under the terms of this Agreement, excepting any liability arising out of the sole negligence of the COUNTY. CONTRACTOR'S indemnification is limited to the extent of CONTRACTOR'S negligent acts, errors or omissions or the negligent performance of this contract. 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 Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

6. INSURANCE. CONTRACTOR, at its sole cost and expense, for the full term of this Agreement (and any extensions thereof), shall obtain and maintain at a minimum compliance with all of the following insurance coverage(s) and requirements. Such insurance coverage shall be primary coverage as respects COUNTY and any insurance or self-insurance maintained by County shall be excess of CONTRACTOR'S insurance coverage and shall not contribute to it.

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If CONTRACTOR utilizes one or more subcontractors in the performance of this Agreement, CONTRACTOR shall obtain and maintain Independent Contractor's Insurance as to each subcontractor or otherwise provide evidence of insurance coverage for each subcontractor equivalent to that required of CONTRACTOR in this Agreement, unless CONTRACTOR and COUNTY both initial here _____/_____.

A Types of Insurance and Minimum Limits

(1) **Worker's** Compensation in the minimum statutorily required coverage amounts. This insurance coverage **shall** not be required if the CONTRACTOR has no employees and **certifies** to this fact by initialing here _____.

(2) Automobile Liability Insurance for each of CONTRACTOR's vehicles used in the performance of this Agreement, in&ding owned, non-owned (e.g. owned by CONTRACTOR's employees), leased or hired vehicles, in the minimum amount of \$500,000 combined single limit per occurrence for bodily injury and property damage. This insurance coverage shall not be required if vehicle use by CONTRACTOR is not a material part of performance of this Agreement and CONTRACTOR and COUNTY both certify to this fact by initialing here _____.

(3) Comprehensive or Commercial General Liability Insurance coverage in the minimum amount of \$1,000,000 combined single limit, including coverage for: (a) **bodily injury**, (b) **personal injury**, (c) **broad-form property damage**, (d) **contractual liability**, and (e) **cross-liability**.

(4) Professional Liability Insurance in the minimum amount of \$1,000,000.00 combined single limit, if, and only if, this Subparagraph is initialed by CONTRACTOR and COUNTY PC DAP

B. Other Insurance Provisions

(1) If any insurance coverage required **in** this Agreement is provided on a "Claims Made" rather than "Occurrence" form., CONTRACTOR agrees to maintain the required coverage for a period of three (3) years after the expiration of this Agreement (hereinafter "post agreement coverage") and any extensions thereof CONTRACTOR may maintain the required post agreement coverage by renewal or purchase of prior acts or tail coverage. This provision is contingent upon post agreement coverage being both available and reasonably affordable in relation to the coverage provided during the term of this Agreement. For purposes of interpreting this requirement, a cost not exceeding 100% of the last annual policy premium during the term of this Agreement in order to purchase prior acts or tail coverage for post agreement coverage shall be deemed to be reasonable.

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(2) All required Automobile and Comprehensive or Commercial General Liability Insurance shall be endorsed to contain the following clause:

“The County of Santa **Cruz**, its officials, employees, agents and volunteers are added as an additional insured as respects the operations and activities of, or on behalf of, the named insured performed under Agreement with the County of Santa CNZ.”

(3) All required insurance policies shall be endorsed to contain the following clause: _

“This insurance shall not be canceled until after thirty (30) days prior written notice has been given to:

Peter Cota-Robles
Santa **Cruz** County Public Works Department
701 Ocean Street
Room 410
Santa **Cruz**, CA 95060

(4) CONTRACTOR agrees to provide its insurance broker(s) with a full copy of these insurance provisions and provide COUNTY on or before the effective date of this Agreement with Certificates of Insurance for all required coverages. All Certificates of Insurance shall be delivered or sent to:

Peter Cota-Robles
Santa **Cruz** County Public Works Department
701 Ocean Street
Room 410
Santa **Cruz**, CA 95060

7. EOUAL EMPLOYMENT OPPORTUNITY. During and in relation to the performance of this Agreement, CONTRACTOR agrees as follows:

A. 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, pregnancy, sex, 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, transfer. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause.

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B. If this Agreement provides compensation in excess of \$50,000 to CONTRACTOR and if CONTRACTOR employs fifteen (15) or more employees, the following requirements shall apply:

(1) The CONTRACTOR shall, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all **qualified** applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, pregnancy, sex, sexual orientation, age (over 18), veteran status, or any other non-merit factor unrelated to job duties. In addition, the CONTRACTOR shall make a good faith effort to consider Minority/Women/Disabled Owned Business Enterprises in CONTRACTOR's solicitation of goods and services. Definitions for Minority/Women/Disabled Business Enterprises are available from the COUNTY General Services Purchasing Division.

(2) The CONTRACTOR shall furnish COUNTY Affirmative Action Office information and reports in the prescribed reporting format (PER 40 12) identifying the sex, race, physical or mental disability and job classification of its employees and the names, dates and methods of advertisement and direct solicitation efforts made to subcontract with Minority/Women/Disabled Business Enterprises.

(3) In the event of the CONTRACTOR'S non-compliance with the non-discrimination clauses of this Agreement or with any of the said rules, regulations, or orders said CONTRACTOR may be declared ineligible for further agreements with the COUNTY.

(4) The CONTRACTOR shall cause the foregoing provisions of this Subparagraph 7B. to be inserted in all subcontracts for any work covered under this Agreement by a subcontractor compensated more than \$50,000 and employing more than fifteen (15) employees, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

8. 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

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substantial rather than slight; (e) The CONTRACTOR rather than the COUNTY supplies the instrumentalities, tools and work place; (f) The length of time for which CONTRACTOR is engaged is of limited 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.

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

9. CONTRACTOR represents that its operations are in compliance with applicable County planning, environmental and other laws or regulations.

10. CONTRACTOR is responsible to pay prevailing wages and maintain records as required by Labor Code Section 1770 and following.

11. NONASSIGNMENT. CONTRACTOR shall not assign this agreement without the prior written consent of the COUNTY.

12. RETENTION AND AUDIT OF RECORDS. CONTRACTOR shall retain records pertinent to this Agreement for a period of not less than five (5) years after final payment under this Agreement or until a final audit report is accepted by COUNTY, whichever occurs first. CONTRACTOR hereby agrees to be subject to the examination and audit by the Santa Cruz County Auditor-Controller, the Auditor General of the State of California, or the designee of either for a period of five (5) years after final payment under this Agreement.

13. PRESENTATION OF CLAIMS. Presentation and processing of any or all claims arising out of or related to this Agreement shall be made in accordance with the provisions contained in Chapter 1.05 of the Santa Cruz County Code, which by this reference is incorporated herein.

14. ATTACHMENTS. This Agreement includes the following attachments:
Attachment "A" and "B"

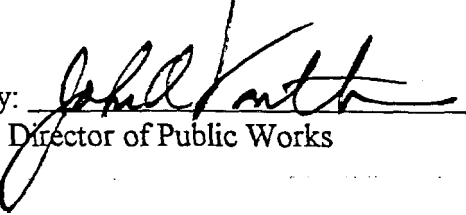
1.1

6.73

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

COUNTY OF SANTA CRUZ


By:


Director of Public Works

CONTRACTOR

HDR Engineering, Inc.

By:


David A. Fivetti
Senior Vice President

Address: 271 Turn Pike Drive
Folsom, CA95630

Telephone: 916-351-3800

APPROVED AS TO FORM:

By:

 7-21-97
~~Chief Assistant County Counsel~~

DISTRIBUTION: Auditor-Controller
Contractor
Public Works

PCR:mg

HDLM

1.1

EXHIBIT "A"

674

SCOPE OF SERVICES

1. RESPONSIBILITIES OF CONTRACTOR

1.1 Local Sponsor Advocacy.

CONTRACTOR will serve as advocate for the COUNTY with the Corps of Engineers and the Office of the Assistant Secretary of the Army (Civil Works) pertaining to the Corps' Pajaro River Basin California Investigation and other related studies (hereinafter the "Study"). In this regard CONTRACTOR will attend pertinent project meetings with the Corps and OASA (CW) as requested by the COUNTY, review and prepare related correspondence, and review and comment on Corps reports and related documents. CONTRACTOR will review Corps' regulations, directives, and other policies that may have a bearing on the Study and will advise COUNTY on matters relating to the Study.

1.2 Congressional Liaison.

CONSULTANT will maintain liaison with the COUNTY's Congressional delegation and will assist the delegation in any matters relating to the Study.

1.3 Coordination with Other Agencies.

At COUNTY's request, CONTRACTOR will represent COUNTY in related meetings with Federal, State, and local agencies and elected **officials**.

1.4 Project Alternatives and Preliminary Designs.

At COUNTY's request CONTRACTOR will develop project alternatives and preliminary designs and cost estimates.

1.5 Washington Assistant.

CONTRACTOR will operate a unit to act as a Washington office for the COUNTY in matters relating to the Study. CONTRACTOR will be responsible for filing reports pursuant to the Lobbying Disclosure Act of 1995.

1.6 Primary Representatives.

The primary consultant/subcontractor representatives shall be Ken Myers, PE and Carolyn Chaney.

2. RESPONSIBILITIES OF THE COUNTY

COUNTY will supply CONTRACTOR with copies of COUNTY's budgets, planning documents, regular reports, agenda and proceedings, newspapers, and other materials which will assist the CONTRACTOR in keeping current on the Study.

675

EXHIBIT "B"

COMPENSATION

This is a time and materials contract. Contractor shall perform those services defined in Exhibit "A" until the not-to-exceed amount in Contract Section 2 "Compensation."

Compensation for CONTRACTOR and ~~Subcontractor~~ services under this Agreement shall be on the basis of per diem. Compensation terms are defined as follows:

Per Diem shall mean an hourly rate to be paid as **total** compensation for each hour an employee and/or subconsultant works on the project, plus Reimbursable Expenses. Hourly rates are as follows:

1999 LABOR BILLING RATES

<u>Billing Category</u>	<u>Hourly Billing Rate</u>
Principal Engineer	\$160
S e n i o r E n g i n e e r	\$145
Project Engineer	\$125
Staff Engineer	\$ 85
Technician	\$ 70
Clerical	\$ 60

Note: Rates are adjusted January 1 of each year.

Reimbursable Expenses shall mean the actual expenses incurred directly or indirectly in connection with the Project for travel, ~~subconsultants~~, subcontractors, computer usage, telephone, telex, shipping and express, and other incurred expenses.

Request for Taxpayer
Identification Number and Certification

674
Give this form to the
County of Santa Cruz
Do NOT send to the IRS

Please print or type

Name (If joint names, list first and circle the name of the person or entity whose number you enter in Part I below. See instructions on page 2 if your name has changed.)

HDR ENGINEERING, INC.

Business name (Sole proprietors see instructions on page 2.)

Please check appropriate box:

☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☐ Other

Address (number, street, and apt. or suite no.)

271 TURN PIKE DR

City, state, and ZIP code

Folsom, CA 95630

YOU ARE PAID FOR:

- ☐ Health Care Service
☒ Other Service
☐ Rent ☐ Goods
☐ Freight ☐ Interest
☐ Other (Explain)

Part II For Payees Exempt From Backup Withholding (See Part II instructions on page 2)

Part I Taxpayer Identification Number (TIN)

Enter your RN in the appropriate box. For individuals, this is your social security number (SSN). For sole proprietors, see the instructions on page 2. For other entities, it is your employer identification number (EN). If you do not have a number, see How To Get a TIN below.

Social security number

| | + | + | |

OR

Employer identification number

417-0618105618

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Part III Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

Certification instructions.—You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, the acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (Also see Part III instructions on page 2.)

Sign Here

Signature

Patricia J. Underhill

Date

7/7/99

Section references are to the Internal Revenue Code.

Purpose of Form.—A person who is required to file an information return with the IRS must get your correct TIN to report income paid to you, real estate transactions, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA. Use Form W-9 to give your correct TIN to the requester (the person requesting your TIN) and, when applicable, (1) to certify the TIN you are giving is correct (or you are waiting for a number to be issued), (2) to certify you are not subject to backup withholding, or (3) to claim exemption from backup withholding if you are an exempt payee. Giving your correct TIN and making the appropriate certifications will prevent certain payments from being subject to backup withholding.

Note: If a requester gives you a form other than a W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

What Is Backup Withholding?—Persons making certain payments to you must withhold and pay to the IRS 31% of such

payments under certain conditions. This is called "backup withholding." Payments that could be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, your payments will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

- You do not furnish your TIN to the requester, or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
- You do not certify to the requester that you are not subject to backup withholding under 3 above (for reportable

interest and dividend accounts opened after 1983 only), or

5. You do not certify your TIN. See the Part III instructions for exceptions.

Certain payees and payments are exempt from backup withholding and information reporting. See the Part II instructions and the separate instructions for the Requester of Form W-9.

How To Get a TIN.—If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Number Card (for individuals), from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local IRS office.

If you do not have a TIN, write "Applied For" in the space for the TIN in Part I, sign and date the form, and give it to the requester. Generally, you will then have 60 days to get a TIN and give it to the requester. If the requester does not receive your TIN within 60 days, backup withholding, if applicable, will begin and continue until you furnish your TIN.

ACORDTM CERTIFICATE OF LIABILITY INSURANCE

06/01/00

DATE (MM/DD/YY)
07/27/99

PRODUCER

71

Lockton Companies
P.O. Box 419351
Kansas City Mo 64141-6351
(913) 676-9000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY, AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND, OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED 13132 HDR ENGINEERING, INC.
ATTN: LOUIS J. PACHMAN
8404 INDIAN HILLS DRIVE
OMAHA NE 68114-4049

INSURER A:	ZURICH INSURANCE COMPANY
INSURER D:	AMERICAN GUARANTEE & LIAB (ZURICH)
INSURER C:	HARTFORD FIRE INSURANCE COMPANY
INSURER0:	CONT CAS (VICTOR O. SCHINNERER)
INSURER E:	

COVERAGES

23A

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD, INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

SR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION Y1	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	CP08022044	06/01/99	06/01/00	EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV'N INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COM/CP PGG 4 1,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	BAP2292527 BAP8022045 TAP8024607	06/01/99	06/01/00	COMBINED SINGLE LIMIT (EA accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXXXXXXX
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO	NOT APPLICABLE			AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG 4
	EXCESS LIABILITY <input type="checkbox"/> OCCUR [C L A I M S] <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION	MADE NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXXXXXXX AGGREGATE \$ XXXXXXXXXXXXX \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	37WBRMX9752	06/01/99	06/01/00	<input checked="" type="checkbox"/> WC STATUS 1 OTH- TORY LIMIT 1 FR E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
D	OTHER ARCH & ENG PROFESSIONAL LIAB	PLN113978408	06/01/99	06/01/00	PER CLAIM: \$1,000,000 AGGREGATE: \$1,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT	SPECIAL PROVISIONS

THE COUNTY OF SANTA CRUZ, ITS OFFICIALS, EMPLOYEES, AGENTS & VOLUNTEERS ARE ADDED AS ADD'L INSUREDS AS RESPECTS GENERAL & AUTO LIABILITY IN REGARDS TO THE OPERATIONS & ACTIVITIES OF, OR ON BEHALF OF, THE NAMED INSURED PERFORMED UNDER AGREEMENT WITH THE COUNTY OF SANTA CRUZ.

CERTIFICATE HOLDER | **ADDITIONAL INSURED; INSURER LETTER:**

CANCELLATION

385177
SANTA CRUZ COUNTY PUBLIC WORKS DEPT.
ATTN: JULIE MCGOVEN
701 OCEAN STREET RM 410
SANTA CRUZ CA 95060

[illegible]

AUTHORIZED REPRESENTATIVE

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
07/19/1999

PRODUCER (301)229-1500 FAX (301)320-2458
enry A Latimer & Son Inc
701 Sangamore Rd. Suite S-250
ethesda, MD 20816

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

Insured: Jr., Richard La-timer

Ext:

COMPANY
A

Firemen's Ins. Co. of Wash. DC

Insured

Carolyn C. Chaney & Associates Inc.
1615 L Street NW
Suite 700
Washington, DC 20036

COMPANY
B

COMPANY
C

COMPANY
D

*PCR
ack
file*

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT	2001419	01/01/1999	01/01/2000	GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/CP AGG \$ 1,000,000 PERSONAL & ADV INJURY \$ 1,000,000 EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 50,000 MED EXP (Any one person) \$ 5,000
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> AU OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRE3 AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINE3 SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY, EA ACCIDENT \$ OTHER THAN AUTO ONLY: \$ EACH ACCIDENT \$ AGGREGATE \$
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
WORKERS COMPENSATION AND EMPLOYERS LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE <input type="checkbox"/> INCL <input type="checkbox"/> EXCL	WC8000399	01/01/1999	01/01/2000	<input checked="" type="checkbox"/> WC STATUTORY LIMITS EL EACH ACCIDENT \$ 100,000 EL DISEASE - POLICY LIMIT \$ 500,000 EL DISEASE - EA EMPLOYEE \$ 100,000
OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
iii Notify if Cancelled

CERTIFICATE HOLDER

Santa Cruz Redevelopment Agency
Attn: Joe Hall
323 Church Street
Santa Cruz,, CA 95060

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS W&EN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON ME COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Helen Horrocks/HELEN

[Signature]

ORD 25-S (1/95)

©ACORD CORPORATION 199

1.1

COUNTY OF SANTA CRUZ
REQUEST FOR APPROVAL OF AGREEMENT

Attachment IV (c)

679

TO: Board of Supervisors
County Administrative Officer
County Counsel
Auditor-Controller

FROM:

PUBLIC WORKS

(Dept.)

(Signature)

9-9-99

(Date)

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of the same.

COUNTY OF SANTA CRUZ

1. Said agreement is between the FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 7 (Agency)

and HDR ENGINEERING, 271 TURN PIKE DRIVE, FOLSOM, CA 95630 (Name & Address)

2. The agreement will provide FOR PROJECT ADVOCACY ON BEHALF OF FLOOD CONTROL AND WATER CONSERVATION DISTRICT - ZONE 7 WITH THE CORPS OF ENGINEERS AND THE OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY.

3. The agreement is needed BECAUSE THE WORK CAN BE HANDLED MOST EXPEDITIOUSLY BY CONTRACT

4. Period of the agreement is from BOARD APPROVAL to JUNE 30, 2000

5. Anticipated cost is \$ 35,000.00 (Fixed amount; Monthly rate; Not to exceed)

6. Remarks: CONTRACT: \$35,000.00; OVERHEAD: \$2,450.00 TOTAL CONTRACT: \$37,450.00

7. Appropriations are budgeted in 6 2 2 3 8 0 ! 26405 ! 6610 ! (Index#) 6 6 1 0 (Subobject)

NOTE: IF APPROPRIATIONS ARE INSUFFICIENT, ATTACH COMPLETED FORM AUD-74

Appropriations available and 9/9/99 mbered. Contract No. C091938 Date _____

GARY A. KNUTSON, Auditor - Controller

By Ronald J. Wilson Deputy.

PCR:rw

Proposal reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize the DISTRICT ENGINEER to execute the same on behalf of the DEPARTMENT OF PUBLIC WORKS (Agency).

Remarks:

(Analyst)

By

DBA

Date

9/15/99

Agreement approved as to form. Date _____

Distribution:

Bd. of Supv. • White
Auditor-Controller • Blue
County Counsel • Green •
Co. Admin. Officer • Canary
Auditor-Controller • Pink
Originating Dept. • Goldenrod

'To Orig. Dept. if rejected.

ADM - 29 (6/95)

State of California)
County of Santa Cruz) ss

I _____ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz,
State of California, do hereby certify that the foregoing request for approval of agreement was approved by,
said Board of Supervisors as recommended by the County Administrative Officer by an order duly entered
in the minutes of said Board on _____

County Administrative Officer

By _____ Deputy Clerk

COUNTY OF SANTA CRUZ

REQUEST FOR TRANSFER OR REVISION OF BUDGET APPROPRIATIONS AND/OR FUNDS

680

Department: PUBLIC WORKS

Date: _____

TO: Board of Supervisors / County Administrative Officer / District Board

I hereby request your approval of the following transfer of budget appropriations and/or funds in the fiscal year ending June 30, 19 _____

AUDITORS USE ONLY			
DOCUMENT #	AMOUNT	L/N	T/C HASH
JE 6			

BATCH #	
DATE	Keyed By:

		T/C	INDEX	SUBJECT	USER CODE	AMOUNT		ACCOUNT DESCRIPTION *	
TRANSFER	TO	0 2 1	6 2 2 3 8 0	6 6 1 0	I I I I I		3 7 4 5 0 0	0 ARMY CORP FLOOD CONTROL	
		I I	I I I I I	I I I	I I I I I		I I I I I		
	FROM	0 2 2	6 2 2 3 8 0	6 6 1 0			3 7 4 5 0 0	FLOOD CONTROL PROJECT	
									ADVOCACY

Explanation: TO TRANSFER FUNDS FROM ARMY CORPS FLOOD CONTROL PROJECTS (26407) TO THE NEW BUDGET LINE ITEM FLOOD CONTROL PROJECT ADVOCACY (NEW NUMBER).

Name CAROL D. KELLY Title CHIEF OF ADMIN. SERVICES

Auditor-Controller's Action: I hereby certify that unencumbered balance(s) is/are available in the appropriations/funds and in the amounts indicated above.

Auditor-Controller, by Ronald J. Silva, Deputy Date 9/9/99

County Administrative Officer's Action: ☒ Recommended to Board ☐ Approved ☐ Not Recommended or Approved

County Administrative Officer _____ Date _____

State of California } As the Clerk of the Board of Supervisors of the County of Santa Cruz, I do hereby certify that the foregoing request for
ss. transfer was approved by said Board of Supervisors as recommended by the County Administrative Officer by an order
County of Santa Cruz } duly entered in the minutes of said Board on

_____, 19____, BY _____, Deputy Clerk

(A-C)* Desc: _____ # _____ - Budget Transfer

Distribution: BRD. NAME AGENDA DATE ITEM NO.
White-Board of Supervisors Green-County Administrative Officer Goldenrod-Departmental Control Copy
Yellow-Auditor-Controller Pink-Originating Department

A-C Review		



JOHN A. FANTHAM
DISTRICT ENGINEER

County of Santa Cruz

681

FLOOD CONTROL AND WATER CONSERVATION DISTRICT -ZONE 7

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

AGENDA: SEPTEMBER 21, 1999

September 7, 1999

BOARD OF DIRECTORS-ZONE 7
SANTA CRUZ COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: PAJARO RIVER FOUR-COUNTY BASIN STUDY

Members of the Board:

On June 17, 1999, your Board received the last status report (Attachment I) on efforts to work cooperatively with Santa Clara, San Benito, and Monterey Counties to address flood control problems in the Pajaro River Basin. Your Board directed that another status report be presented today.

Since the last report, Assembly Bill 807 (AB 807), introduced by Assemblymember Fred Keeley, has cleared the full Assembly and the Senate Committee on Agriculture and Water Resources. Representatives from Santa Cruz and Monterey Counties have coordinated with Assemblymember Keeley and have testified in support of AB 807 at several hearings over the past few months. The Bill is now slated for consideration by the full Senate and ultimately the Governor.

AB 807 was amended in Committee in August 1999 to include a termination provision, which stipulates that it will become inoperative and will be automatically repealed if the four counties voluntarily act to implement certain requirements. It was amended again in early September 1999 to eliminate the City of Watsonville from the proposed Joint Powers Agency (JPA). At this time, AB 807 will terminate if a memorandum of understanding, meeting the provisions of the Bill, is entered into by the four counties before December 31, 1999, and a JPA is formed prior to June 30, 2000. If enacted, the Bill now calls for a JPA with an eight-member board. A copy of the amended AB 807 and the report to the Senate Committee which details the positions of the four counties and other affected agencies are included as Attachments II and III. Santa Cruz County, the City of Watsonville, Monterey County, and the Monterey County Water Resources Agency have all adopted resolutions of support for earlier versions of the legislation. Santa Clara County, San Benito County, and various agencies within these counties have taken positions opposing AB 807.

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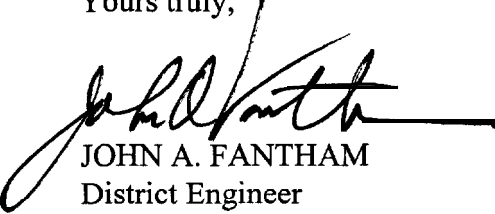
682

Staff will continue working with Assemblymember Keeley and his staff in support of AB 807. In addition, we continue to be available to work with neighboring counties to pursue drafting of a memorandum of understanding and a JPA agreement for consideration by your Board and the other jurisdictions in conformance with the provisions of the legislation,

It is therefore recommended that the Board of Supervisors take the following action:

1. Accept and file this report.
2. Authorize the Chairperson of the Board to write to Governor Gray Davis in support of AB 807.
3. Direct that a further status report be presented on January 25, 2000.

Yours truly,

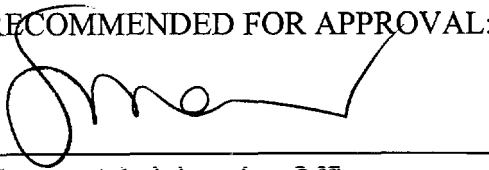


JOHN A. FANTHAM
District Engineer

PCR:mg

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: Zone 7 Board of Directors
Congress Member Sam Farr
Assemblymember Fred Keeley
Assemblymember Peter Frusetta
Carlos J. Palacios, Watsonville City Manager
Watsonville Public Works Department
Santa Clara County Public Works
San Benito County Public Works
Monterey County Public Works
Monterey County Water Resources Agency
Public Works

807M

1.2



JOHN A. FANTHAM
DISTRICT ENGINEER

County of Santa Cruz

FLOOD CONTROL AND WATER CONSERVATION DISTRICT -ZONE 7

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 950604070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

AGENDA: JUNE 17, 1999

June 4, 1999

BOARD OF DISTRICTORS-ZONE 7

Santa Cruz County Flood Control
and Water Conservation District
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: PAJARO RIVER FOUR-COUNTY BASIN STUDY

Members of the Board:

On March 16, 1999, your Board received the last status report on efforts to work cooperatively with Santa Clara, San Benito and Monterey Counties to address flood control problems in the Pajaro River Basin. Your Board directed that another status report be presented today.

Since the last report, the Board of Supervisors adopted a Resolution of Support for Assembly Bill 1986 introduced by Assembly Member Fred Keeley, which would create a Joint Powers Authority including the four counties. As indicated in our report accompanying the resolution (Attachment I), Assembly Member Keeley introduced this proposed legislation again this year because little progress has been made toward a unified flood control effort with our neighboring upstream counties. Monterey County and the City of Watsonville have also adopted resolutions of support for the legislation, while Santa Clara and San Benito Counties have taken positions opposing the legislation.

A representative of the Board of Supervisors, together with County staff, attended a meeting in Sacramento on April 29, 1999, with Assembly Members Keeley and Frusetta, Senator McPherson and representatives from the other counties. At that meeting the positions of the counties were discussed. Assembly Member Keeley indicated his intent to proceed with the legislation unless the counties acted to take steps obviating the need for the legislation prior to its adoption. Since that time, Santa Cruz County in concert with Monterey County has initiated informal discussions with representatives from the upstream counties, but they have shown little interest to date in formalizing a relationship to address the Pajaro River flood control issues. Staff will continue to coordinate with our legislative representatives and neighboring counties over the coming months.

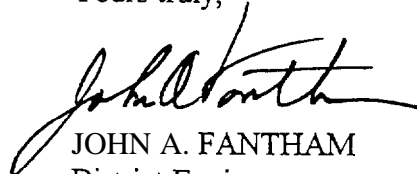
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As indicated in previous reports, staff is also coordinating with Congress Member Farr's office in support of federal appropriations in the fiscal year 2000 budget for an Army Corps Four-County Basin Study. If this funding is approved, it could greatly assist in facilitating cooperative Pajaro River flood control efforts.

Finally, County Planning Department and Public Works staff have begun to review and comment on environmental impact reports (EIRs) within the Pajaro River Basin in upstream counties (Attachment II). These EIRs, related to development and other projects which will impact Pajaro River flood flows, will be reviewed for their adequacy in identifying and mitigating downstream flood control and water quality impacts.

It is therefore recommended that your Board accept and tile this report on cooperative efforts with neighboring counties to address Pajaro River flood control and direct that a further status report be provided on September 21, 1999.

Yours truly,



JOHN A. FANTHAM
District Engineer

PCR:mg

RECOMMENDED FOR APPROVAL:

County Administrative Officer

copy to: Zone 7 Board of Directors
 Congress Member Sam Farr
 Assembly Member Fred Keeley
 City of Watsonville; Public Works
 City of Watsonville, City Manager
 Public Works Department

Attachment II

BILL NUMBER: AB 807 AMENDED
BILL TEXT

AMENDED IN SENATE SEPTEMBER 7, 1999
AMENDED IN SENATE SEPTEMBER 3, 1999
AMENDED IN SENATE AUGUST 25, 1999
AMENDED IN SENATE AUGUST 18, 1999
AMENDED IN SENATE JULY 8, 1999
AMENDED IN ASSEMBLY APRIL 6, 1999

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INTRODUCED BY Assembly Member Keeley

FEBRUARY 24, 1999

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Keeley. Pajaro River Watershed Flood Prevention Authority.

(1) Existing law authorizes specified entities to provide flood control benefits.

This bill would enact the Pajaro River Watershed Flood Prevention Authority Act, which would grant specified powers to the Pajaro River Watershed Flood Prevention Authority, as created under the act. The bill would designate the boards of supervisors of certain counties and the boards of directors of certain local districts as "appointing authorities." The bill would require the appointing authorities to appoint members to the board of the authority, thereby imposing a state-mandated local program on those specified local boards. The bill would specify boundaries, purposes, and governance of the authority. The bill would authorize the authority to undertake flood prevention and control projects within the boundaries of the Pajaro River Watershed, as prescribed. The bill would authorize the authority to levy and collect assessments and special taxes and to sell bonds in accordance with prescribed procedures. The bill would define terms and prescribe related matters.

The provisions of the bill would become inoperative on July 1, 2000, and would be repealed on January 1, 2001, upon the occurrence of certain specified events.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The Pajaro River Watershed consists of more than 1,400 square miles of land. Much of the watershed is prime agricultural and rangeland, providing a strong base for the region's economy. Much of the land within the watershed provides housing, employment, recreation, and education opportunities for central coast residents and visitors from throughout the state, nation, and world.

(b) The Pajaro River Watershed includes portions of San Benito, Santa Clara, Santa Cruz, and Monterey Counties, and each of those

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counties is concerned about the ability of its communities to sustain a high quality of life with regard to agriculture, housing, commerce, education, and environmental protection.

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(c) The Pajaro River Watershed includes numerous streams, creeks, rivers, wetlands, and estuaries that form the natural drainage system that directs rainwater to the ocean. The Pajaro River Watershed also includes numerous manmade water collection, drainage, and water disposal projects and systems that also direct rainwater to the ocean.

(d) The Pajaro River Watershed includes millions of square feet of impervious surfaces, such as roads, parking lots, homes, commercial and agricultural structures, schools and playgrounds, all of which reduce the amount of natural groundwater recharge that would otherwise be available to reduce rainwater runoff.

(e) The Pajaro River Watershed includes flood control structures, such as the Pajaro River levee system, that were designed and constructed, in most cases, nearly 50 years ago. Those flood control structures are now proving to be inadequate to protect the area's agricultural lands, commercial, residential, and public sector buildings, and environmental resources.

(f) The storms in the 1980's and 1990's have demonstrated that no jurisdiction within the Pajaro River Watershed has fully mitigated the impact of new construction on the existing drainage and flood control system.

(g) The lack of a local, intergovernmental, cooperative governance structure for the Pajaro River Watershed prevents a systematic, rational, cost-effective program of flood control and watershed management from being identified, funded, and implemented.

(h) It is the intent of the Legislature, through the enactment of this act, to provide the leadership necessary to enable the local governments and local residents of the Pajaro River Watershed to exercise appropriate powers to ensure that the human, economic, and environmental resources of the watershed are preserved, protected, and enhanced in terms of watershed management and flood protection.

SEC. 2. This section shall be known and may be cited as the Pajaro River Watershed Flood Prevention Authority Act. It is intended to supplement the Water Code and reads as follows:

PAJARO RIVER WATERSHED FLOOD PREVENTION AUTHORITY ACT

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

101. This act shall be known and may be cited as the Pajaro River Watershed Flood Prevention Authority Act.

CHAPTER 2. GENERAL PROVISIONS

201. (a) The need for coordinated planning, and the implementation of strategies, for flood prevention and control within the Pajaro River Watershed, and for the protection of public and private property from those waters may appropriately lead to the creation of the Pajaro River Watershed Flood Prevention Authority.

(b) The purpose of the Pajaro River Watershed Flood Prevention Authority is to identify, evaluate, fund, and implement flood prevention and control strategies in the Pajaro River Watershed, on an intergovernmental, cooperative basis.

CHAPTER 3. DEFINITIONS

301. "Appointing authority" means each of the following:

- (a) The Board of Supervisors of the County of Monterey.
- (b) The Board of Supervisors of the County of San Benito.
- (c) The Board of Supervisors of the County of Santa Clara.
- (d) The Board of Supervisors of the County of Santa Cruz.
- (e) The Board of Directors of the Zone 7 Flood Control District.

(f) The Board of Directors of the Monterey County Water Resources Agency.

(g) The Board of Directors of the San Benito County Water District.

(h) The Board of Directors of the Santa Clara Valley Water District.

~~(i) The City Council of the City of Watsonville.~~

~~(j) The City Council of Gilroy.~~

~~(k) The City Council of Morgan Hill.~~

302. "Authority" means the Pajaro River Watershed Flood Prevention Authority.

303. "Board" means the board of directors of the authority.

304. "Incidental expenses" includes all of the following:

(a) The cost of planning and designing projects pursuant to this act, including the costs of environmental evaluations and mitigation for those projects.

(b) The costs associated with the creation and administration of any financing arrangement authorized by this act, including, but not limited to, the costs of creating or modifying assessment or special tax districts, the costs of collecting assessments and special taxes, and the costs arising from the issuance and administration of any bonds issued under this act.

(c) Any other expenses incidental to the construction, completion, inspection, financing, or refinancing of any authorized project, including relocation costs.

305. "Local agency" means any local public entity.

306. "Pajaro River Watershed" means the watershed area of the Pajaro River and its tributaries as described in the General Map of the Pajaro River Basin (Plate 1), U.S. Army Corps of Engineers' "Interim Report for Flood Control, Pajaro River Basin, California and Appendices," dated June 1963.

307. "Project" means the acquisition, construction, maintenance, or operation of any flood control or prevention facility authorized under this act, including, but not limited to, the acquisition of any right-of-way and payment of incidental expenses. Participation in a project includes making payments or other contributions pursuant to any contract entered into with another governmental agency that requires the other governmental agency to perform work on a project.

PART 2. ORGANIZATION AND POWERS

CHAPTER 1. MEMBERSHIP, BOUNDARIES, AND GENERAL POWERS

401. (a) A board of directors consisting of ~~ten~~ eight members shall govern the authority. Each appointing authority shall appoint one member to the board, subject to all of the following:

(1) The Board of Supervisors of Monterey County shall be represented by the supervisor from the supervisorial district that is adjacent to the Pajaro River.

(2) The Board of Supervisors of Santa Cruz County shall be represented by the supervisor from the supervisorial district that is adjacent to the Pajaro River.

(3) The Zone 7 Flood Control District shall be represented by a person who resides in the portion of Santa Cruz County that is adjacent to the Pajaro River.

(4) The Monterey County Water Resources Agency shall be represented by a person who resides in the portion of Monterey County that is adjacent to the Pajaro River.

~~(5) The City Council of Gilroy and the City Council of Morgan Hill shall alternate in appointing one member to the board. Those appointing authorities shall determine, by lot, which appointing authority shall appoint the initial member to the board.~~

(b) On or before July 1, 2000, the appointing authorities shall appoint the initial members of the board.

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(c) At its discretion, an appointing authority may appoint one of its own members as a member of the board.

(d) To the extent feasible, it is the intent of the Legislature that the persons appointed to the board by the appointing authorities be broadly representative of the geographic, ethnic, racial, gender, and cultural diversity of the residents of the authority.

(e) To the extent feasible, it is the intent of the Legislature that the persons appointed to the board by the appointing authorities have knowledge and experience in one or more of the following fields: flood control, habitat conservation and restoration, land use planning and development, public finance economics, and water resources.

402. Except for the directors appointed to the initial board, the directors shall serve for terms of four years. The ~~ten~~

eight directors initially appointed shall determine, by lot, the expiration dates for their initial terms. The terms of ~~five~~ four directors shall expire on January 1, 2003. The terms of the ~~five~~

four other directors shall expire on January 1, 2005. Thereafter, each appointing authority shall appoint a person to replace its respective director. The respective appointing authority shall fill a vacancy on the board within 90 days immediately subsequent to its occurrence.

403. Each director may receive compensation in an amount set by the board, not to exceed fifty dollars (\$50) per day for each day's attendance at meetings of the board, not to exceed four meetings in any calendar month, together with actual, necessary, and reasonable expenses incurred in the performance of duties required or authorized by the board.

404. (a) At its first meeting and at its first meeting in January each year thereafter, the board shall elect a chair and vice-chair from among its members.

(b) ~~Six~~ Five members of the board shall constitute a quorum for the transaction of business.

(c) The board shall act only by ordinance, resolution, or motion. Except as specifically provided to the contrary by law, the affirmative vote of ~~six~~ five members of the board is required on each action.

405. The board may employ and appoint any agents, officers, employees, attorneys, and consultants as may be required, prescribe their duties, fix their compensation, and prescribe the terms and conditions of their employment.

410. The boundaries of the authority shall be coterminous with the Pajaro River Watershed. On or before December 1, 2001, the board shall file a description of the exterior boundary of the authority pursuant to Chapter 8 (commencing with Section 54900) of Part 2 of Title 5 of the Government Code.

420. (a) The authority may undertake flood prevention and control projects within the Pajaro River Watershed.

(b) The authority's activities, programs, and projects shall address the protection of life, public and private property, agricultural crops, watercourses, watersheds, environmental resources, and public highways within its boundaries from damage from flood and storm waters. In addition, to the maximum extent economically feasible and consistent with its flood protection and flood management requirements and with state and federal agreements, the authority shall comply with all applicable environmental laws and regulations. Nothing in this act is intended to amend, modify, or alter the jurisdiction or authority of the Department of Fish and Game or the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or any other state or federal laws whose purpose is to protect and preserve the natural environment.

421. In furtherance of its purposes, the authority may apply for

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and receive state and federal grants, loans, and other funding.

422. The authority may charge and each appointing authority shall pay the authority an amount sufficient to fund administrative costs associated with the operation of the authority, including, but not limited to, the costs of meeting notices, agendas, and other administrative functions.

423. Each local agency that includes territory within the Pajaro River Watershed shall notify the authority before undertaking any flood prevention and control activities, programs, and projects within that watershed.

PART 3. FINANCIAL PROVISIONS

CHAPTER 1. GENERAL FINANCIAL PROVISIONS

501. The authority may, in any year, levy assessments, reassessments, or special taxes and issue bonds to finance projects in accordance with, and pursuant to, the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), the Benefit Assessment Act of 1982 (Chapter 6.4 (commencing with Section 54703) of Part 1 of Division 2 of Title 5 of the Government Code), the Integrated Financing District Act (Chapter 1.5 (commencing with Section 53175) of Division 2 of Title 5 of the Government Code), the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code), and the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code).

502. Notwithstanding the provisions of any assessment act that the authority is authorized to use, any assessment diagram that any of those acts requires to be prepared prior to final approval of the authority need show only the boundaries of any assessment zones within the authority. The diagram may refer to the county assessor's maps and records for a detailed description of each lot or parcel.

503. (a) Notwithstanding any other provision of law, the authority may levy and collect assessments and reassessments in the same manner as provided in Article 3 (commencing with Section 51320) of Chapter 2 of Part 7 of Division 15 of the Water Code, for any or all of the following purposes:

(1) For the operation and maintenance of projects of the authority.

(2) For the satisfaction of liabilities arising from projects of the authority.

(3) For the administration costs of the authority.

(4) To accumulate a fund that may be used to advance the cost of projects of the authority. However, the advances shall be repaid, with interest as determined by the board, from assessments, reassessments, special taxes, or fees charged by the authority pursuant to this act.

(b) For purposes of this section, the board shall perform all the functions assigned by Article 3 (commencing with Section 51320) of Chapter 2 of Part 7 of Division 15 of the Water Code to the board of supervisors or the board of trustees.

(c) For purposes of this section, the board may order the creation of a separate assessment roll to pay the allowable expenses of any single project or any group or system of projects.

(d) An assessment, reassessment, or special tax may be imposed throughout the entire area of the authority, or within a portion of the area of the authority.

(e) The imposition of any assessment, reassessment, or special tax shall be in accordance with Articles XIIIIC and XIIID of the California Constitution.

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504. Notwithstanding any other provision of law, Division 4 (commencing with Section 2800) of the Streets and Highways Code does not apply to any assessment levied by the authority.

505. (a) Notwithstanding any other provision of law, all assessments, reassessments, and special taxes levied by the authority may be collected together with, and not separately from, taxes for county purposes. Any county that is located within the authority shall collect, at the request of the authority, all assessments, reassessments, and special taxes levied by the authority and shall deposit those revenues with the trustee appointed pursuant to Section 801 to the credit of the authority.

(b) Each county may require that the amount to be collected be increased to include a proportionate amount of the county's reasonable collection and administrative costs, not to exceed ten dollars (\$10) per installment for each lot or parcel, as reimbursement for expenses incurred by the county in collecting the assessment, reassessment, or special tax, if that action is in accordance with Articles XIIIIC and XIIID of the California Constitution.

506. Notwithstanding any other provision of law, any assessment or reassessment levied pursuant to this act shall be apportioned on a reasonable basis, as determined by the board, which may be based on land use category, proportionate storm water runoff, relative hazard of flooding, or infrastructure protection.

507. Notwithstanding any other provision of law, the board may include within the authority's annual budget a general unappropriated reserve fund not to exceed 25 percent of the total appropriations included in the authority's budget, exclusive of all items for bond interest and redemption, and the general appropriated reserve. The reserve fund may be used for emergencies, replacements, or other lawful purposes of the authority.

CHAPTER 2. SPECIAL CAPITAL ASSESSMENTS

Article 1. Formation of Zones

601. As an alternative or in addition to any other power available to the authority, the authority may, in any year, levy and collect assessments and sell bonds pursuant to this chapter for any project, if that action is in accordance with Articles XIIIIC and XIIID of the California Constitution. These assessments shall be levied within any zone determined by the board to particularly benefit from a given project. Assessment areas may overlap.

602. Before undertaking any assessment pursuant to this chapter, the authority shall adopt a resolution declaring its intention to do so, briefly describing the proposed project, specifying the exterior boundaries of the area to be assessed, and providing for the issuance of bonds, if any. The resolution shall briefly describe any existing or intended contract with any other governmental agency to share in financing **or** performance of the work on the project. The resolution shall also direct an officer of the authority to prepare a report pursuant to Section 603.

603. The report shall include all of the following:

(a) A general description of the project.

(b) A name for the proposed assessment zone, which **may** be in the form "Pajaro River Watershed Flood Prevention Assessment Zone Number _____."

(c) An estimate of the cost of the project. If part of the cost is expected to be paid from contributions from other governmental agencies, the report shall include an estimate of the expected total amount of those contributions.

(d) A plan for financing the project, including a brief description of the principal amount and maturities of any proposed bonds, and of any reserve or other special funds required. The plan shall include estimates of the annual revenue needed to pay debt service on bonds and to pay any other expenses arising in conjunction

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with the project, including any amounts needed to replenish reserve or other special funds.

(e) A specification of a method for annually apportioning the estimated annual costs of the project among the parcels in the area to be assessed, and a method for determining the rate of assessment. The apportionment shall be in proportion to the benefit received by each parcel, as determined pursuant to Section 506. The specification shall be in sufficient detail to allow any property owner within the district to determine the annual amount that he or she would have to pay.

604. When the report is filed with the authority, the board may at a public meeting, tentatively approve the report and schedule a hearing on it not earlier than 30 days and not later than 90 days after the date on which the report is tentatively approved. The hearing may be continued for a period not to exceed six months. Notice of the hearing shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation in the area proposed to be assessed, and the first publication shall occur not later than 20 days before the date of the hearing. The notice to be published shall be entitled "Notice of Flood Prevention Assessment Hearing" and shall include all of the following:

(a) The time and place of the hearing on the proposed assessments and bonds.

(b) A general description of the proposed project and the area proposed to be assessed.

(c) A statement that the authority is considering levying annual assessments on lots or parcels of property within the area of the proposed zone to pay for the project.

(d) A statement, if applicable, that the authority is considering issuing bonds to finance the local share of the cost of the proposed project.

(e) The name and telephone number of an employee of the authority from whom a copy of the report can be obtained and who can answer questions concerning the project and the hearing. The authority may charge the reasonable costs of reproduction for copies of the report, and shall make copies available for free public inspection at one or more public places within the area proposed to be assessed.

606. Upon approval in accordance with Articles XIIIC and XIIID of the California Constitution, and if the board determines to proceed with the levy and collection of assessments and, if applicable, the sale of bonds, it shall adopt a resolution confirming the report, as modified, and ordering the levy of the assessments and, if applicable, the sale of bonds.

607. (a) Upon adopting a resolution pursuant to Section 606, the authority shall record a notice of assessment whereupon the assessment shall attach as a lien on the property assessed.

(b) From the date of the recordation of the notice of assessment, each special assessment levied under this chapter is a lien on the land on which it is levied. This lien is paramount to all other liens, except prior assessments and taxation. Unless sooner discharged, the lien continues for 10 years from the date of the recordation or, if bonds are issued to represent the assessment, until four years after the date on which the last installment on the bonds or the last principal coupon attached to the bonds is due. All persons have constructive notice of this lien from the date of the recordation.

Article 2. Levy and Collection of Assessments

701. The validity of any assessment levied or bond issued under this chapter shall not be contested in any action or proceeding unless the action or proceeding is commenced within 60 days after the assessment is levied pursuant to Section 606. Any appeal from a final judgment in such an action or proceeding shall be perfected within 30 days after the entry of judgment.

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702. An action to determine the validity of any assessment or bonds pursuant to this chapter may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action, all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within 30 days after the findings or conclusions were made.

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703. After one or more zones have been created by the authority for the purpose of imposing assessments pursuant to this chapter, the board may, by resolution, provide for the levy of the assessments using the method for apportioning the assessment and for setting the rate of the assessment as set out in the report confirmed pursuant to Section 606. The clerk of the authority shall file a list of all parcels subject to assessments levied pursuant to this chapter and the amount of the assessment or assessments levied against each parcel, with the county auditor on or before August 10 of each tax year. The assessments shall be collected in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ad valorem taxes.

704. (a) In the event of nonpayment of any assessment levied pursuant to this chapter, and not later than four years after the due date of the last installment of principal, as a cumulative remedy, the amount when due and delinquent may, by order of the board, be collected pursuant to an action brought in the superior court to foreclose the lien.

(b) The lien of an assessment levied pursuant to this chapter on tax-deeded land may be foreclosed in the same manner as the foreclosure of other real property. The action shall be brought in the name of the authority.

(c) The costs of the action shall be fixed and allowed by the court and shall include reasonable attorney's fees, interest, penalties, and other charges and advances as provided by this chapter. The costs shall be included in the judgment. The amount of penalties, costs, and interest due shall be calculated up to the date of judgment.

(d) The court may adjudge and decree a lien against the lot or parcel of land covered by the assessment for the amount of the judgment and may order the premises to be sold on execution as in the sale of other real estate by the process of the court, with the same rights of redemption.

(e) The board may, by resolution adopted prior to the issuance of bonds, covenant for the benefit of bondholders to commence and diligently prosecute to completion any foreclosure action regarding delinquent installments of any assessments or reassessments that secure the bonds that are to be issued, or to employ a trustee to do so on behalf of the bondholders.

Article 3. Bonds

801. The board may sell bonds or notes of the authority to finance projects as set out in the report confirmed pursuant to Section 606. The board shall authorize the issuance of bonds by adoption of a resolution which provides for all of the following:

(a) The denominations, form, and registration provisions of the bonds.

(b) The manner of execution of the sale of the bonds.

(c) The par amount of the bonds to be sold.

(d) The appointment of one or more banks or trust companies within the state having the necessary trust powers as trustee, fiscal agent, paying agent, or bond registrar.

(e) The execution of a document or indenture securing the bonds.

(f) The pledge or assignment of the designated assessment revenues to the repayment of the bonds.

(g) The interest rate to be borne by the bonds.

(h) Any other terms and conditions determined to be necessary by the board.

802. The bonds shall be signed by the chairperson of the board, and countersigned by the trustee. The bonds may be authenticated by a paying agent selected by the board, and the signatures of the chairperson and trustee may be facsimile signatures. If any officer whose signature appears on the bonds ceases to be an officer at any time, the signature shall

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nevertheless be valid and sufficient for all purposes.

803. The board may sell bonds pursuant to this chapter at public or private sale at not less than 95 percent of par value. The proceeds of the sale of the bonds shall be placed on deposit with the trustee to the credit of the authority and the issuing assessment district, and the proper records of the transaction shall be placed upon the books of the authority. The bond proceeds shall be used exclusively to finance or refinance projects and to pay incidental expenses pursuant to the report confirmed pursuant to Section 606.

804. The board may include in the aggregate principal amount of the bonds to be issued an amount for a reserve fund for the payment of the bonds. The amount to be included for the reserve fund shall not exceed the amount permitted by law. The reserve fund and all interest earned on it shall either be used for the payment of debt service on the bonds, if there is a deficiency, and then only to the extent of the deficiency, or the funds may be transferred to the redemption fund for the bonds for advance or final retirement of the bonds. Notwithstanding any provision of this section, the amount and disposition of the reserve fund may conform to the provisions of the Internal Revenue Code or the regulations of the United States Department of the Treasury.

805. Any bonds or notes issued pursuant to this chapter may be refunded when and to the extent necessary as determined by the board.

PART 4. TERMINATION

Article 1. Repeal

901. If all of the following events occur, as described below, this act shall become inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute that is enacted before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed:

(a) The entities described in Section 301 attend regularly scheduled meetings for the purposes of subdivisions (b) and (c).

(b) Both of the following occur on or before December 31, 1999:

(1) All entities described in Section 301 enter into a memorandum of understanding that provides for the identification, evaluation, funding, and implementation of flood prevention and control strategies in the Pajaro River Watershed on an intergovernmental, cooperative basis.

(2) The memorandum described in paragraph (1) is submitted to the Chief Clerk of the Assembly and the Secretary of the Senate.

(c) On or before June 30, 2000, ~~all~~ both of the following occur:

(1) A joint powers agency is formed as authorized under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, pursuant to a joint powers agreement entered into by all entities described in Section 301, for the purpose of accomplishing the objectives listed in paragraph (1) of subdivision (a).

(2) Evidence of the formation of a joint powers agency pursuant to paragraph (1) is submitted to the Chief Clerk of the Assembly and the Secretary of the Senate.

~~(3) The Chief Clerk of the Assembly and the Secretary of the Senate notify the Secretary of State in writing that the provisions of this section are repealed, and this act is repealed.~~

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SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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| SENATE RULES COMMITTEE | AB 807 |
| Office of Senate Floor Analyses |
| 1020 N Street, Suite 524 |
| (916) 445-6614 Fax: (916) 1 |
1327-4478

THIRD READING

Bill No: AB 807
Author: Keeley (D)
Amended: 9/3/99 in Senate
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE : 5-1, 7/14/99
AYES: Johannessen, Johnston, Perata, Polanco, Rainey
NOES: Monteith
NOT VOTING: Baca

SENATE AG. & WATER RESOURCES COMMITTEE : 7-4, 8/24/99
AYES: Costa, Bowen, Johannessen, Ortiz, Peace, Perata,
Speier
NOES: Kelley, Monteith, Poochigian, Wright

SENATE APPROPRIATIONS COMMITTEE : Senate Rule 28.8

ASSEMBLY FLOOR : 43-29, 5/20/99 - See last page for vote

SUBJECT : Pajaro River Watershed Flood Prevention
Authority

SOURCE : Monterey County
Santa Cruz County

DIGEST : This bill creates the Pajaro River Watershed
Flood Prevention Authority with the power to undertake
flood prevention and control projects in the Pajaro River
Watershed, and becomes inoperative on July 1, 2000, and
would be repealed January 1, 2001, upon occurrence of
specified events. (See Analysis for specifics).

CONTINUED

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Senate Floor Amendments of 9/3/99:

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1. Expand the Pajaro River Watershed Flood Prevention Authority (Authority) board of directors from nine members to 10, allowing the city councils of Gilroy and Morgan Hill to alternately appoint the additional member.
2. Make conforming amendments to the requirements for a quorum and votes. Extend the May 1, 2000 deadline to June 30, 2000 that local agencies must form a joint powers agency to replace the Authority.

ANALYSIS : The Joint Exercise of Powers Act allows two or more public agencies to exercise their common powers. Public officials have voluntarily formed over 650 joint powers agencies (JPAs) to carry out common programs and projects.

The Pajaro River drains about 1,400 square miles in Monterey, San Benito, Santa Clara, and Santa Cruz counties.

Four times in the last dozen years, the Pajaro River has flooded farms, homes, and businesses. Existing flood control practices are inadequate to contain the water flowing through the Chittenden Pass into the Pajaro Valley.

Downstream officials say that residential and commercial developments in Santa Clara and San Benito counties cause much of the excess run-off and they want a comprehensive program for flood control. Upstream officials want to resolve flooding problems locally.

Meetings between state legislators and local officials last summer resulted in the adoption of formal resolutions committing the local officials to finding a local solution.

One meeting occurred in August but the others never happened.

This bill creates the Pajaro River Watershed Flood Prevention Authority with the power to undertake flood prevention and control projects in the Pajaro River Watershed.

Governance . By July 1, 2000, the governing bodies of 10 local agencies with responsibility for flood control must

AB 807
Page

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each appoint one member to the Pajaro River Watershed Flood Prevention Authority's Board of Directors:

Monterey County	Zone 7 Flood Control District
San Benito County	Monterey County Water Resources
Agency	
Santa Clara County	San Benito County Water District
Santa Cruz County	Santa Clara Valley Water District
	City of Watsonville

The City Councils of Gilroy and Morgan Hill alternate in appointing one member to the board. Those appointing

authorities determine, by lot, which appointing authority appoints the initial member to the board.

Six members of the board constitutes a quorum for transaction of business, and except as specifically provided to the contrary by law, the affirmative vote of six members of the board is required on each action.

The 10 local governing bodies can appoint one of their own members to the authority's board. The board members serve staggered four-year terms.

The authority's boundaries cover the Pajaro River Watershed as shown on a specified June 1963 Army Corps of Engineers map. The authority must file a description of its boundaries by December 1, 2001.

General Powers . Under this bill, the new Pajaro River Watershed Flood Prevention Authority:

- May undertake flood prevention and control projects within the watershed.
- Must address protection of life, property, crops, watercourses, watersheds, environmental resources, and public highways from flood damage.
- Must protect the environment by compliance with all applicable environmental laws and regulations.
- May apply for state and federal funding.

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- May assess local agencies for the authority's administrative costs.

Financing . The Pajaro River Watershed Flood Prevention Authority can levy assessments and special taxes, and issue bonds. The authority can levy and collect assessments just like reclamation districts to pay for project operation and maintenance, project liabilities, and administrative costs.

Assessments, reassessments, or special taxes must follow the constitutional requirements for landowner or voter approval. Officials must apportion assessments on a reasonable basis, which may be based on land use category, proportionate storm water runoff, relative hazard of flooding, or infrastructure protection.

Assessments and special taxes may be collected on the annual property tax bill, and each county can charge a maximum of \$10 per parcel for the cost of collection. The authority's board can levy assessments within districts or zones that benefit from projects, and assessment areas or zones may overlap. Before a hearing to approve assessments within a zone, the board must prepare a project report

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describing the project, providing cost estimates and a plan for financing the project, and the method for annually apportioning the costs among the parcels benefited.

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Repeal . This bill specifies that if all of the following events occur, as described, this bill becomes inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute that is enacted before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed:

1. The entities described in this bill attend regularly scheduled meetings for purposes described in this bill.
2. Both of the following occur on or before December 31, 1999:
 - a. All entities enter into a memorandum of understanding (MOU) that provides for the identification, evaluation, funding, and implementation of flood prevention and control strategies in the Pajaro River Watershed on an intergovernmental, cooperative basis.

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- b. The MOU is submitted to the Chief Clerk of the Assembly and the Secretary of the Senate.
3. On or before June 30, 2000, all of the following occur:
 - a. A joint powers agency is formed.
 - b. Evidence of formation of a joint powers agency is submitted to the Chief Clerk of the Assembly and the Secretary of the Senate.
 - c. The Chief Clerk of the Assembly and the Secretary of the Senate notify the Secretary of State in writing that the required provisions have been met and that the act is repealed.

Findings and Declarations . This **bill** makes legislative findings regarding the Pajaro River Watershed, including the Legislature's finding that the flood control structures in the Pajaro River watershed were, in many cases, designed nearly 50 years ago, and that those flood control structures are now proving to be inadequate.

This bill is the third attempt to set up a new agency to respond to the Pajaro River's floods. Last year the Senate Local Government Committee passed AB 1986 (Keeley, 1998), a measure which was later amended and used for another purpose. In 1995, after winter floods caused extensive losses in Monterey County, the Senate passed SB 11x (Mello, 1995) which would have required state and local agencies to cooperate with one another and federal agencies

to assure cleanup and maintenance of the Pajaro, Salinas, and Carmel Rivers. The 1995 bill died in the Assembly Appropriations Committee.

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FISCAL EFFECT : Appropriation: No Fiscal Corn.: Yes
Local: Yes

SUPPORT : (Verified 8/30/99) (Unable to re-verify Support
and

Opposition at time of writing)

Monterey County (co-source)

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Santa Cruz County (co-source)
City of Watsonville
Dairy Farmers of America
Monterey County Board of Supervisors
Monterey County Water Resources Agency
Clint Miller Farms, Inc.
Driscoll's Strawberry Association, Inc.
Watsonville Berry Co-op
Young's Tire Service, Inc.
Reiter Affiliated Companies
Latino Chamber of Commerce of Santa Cruz County
Uyematsu, Inc.
Pajaro/Sunny Mesa
Red Roof Inn
Landmark Real Estate Co., Inc.
Heritage Development Co.
California Strawberry Commission
Our Lady of Assumption Church
Pajaro Valley Chamber of Commerce

OPPOSITION : (Verified 8/30/99)

San Benito County
Santa Clara County
Regional Council of Rural Counties
Association of California Water Agencies
San Benito County Farm Bureau
San Benito County Water District
Santa Clara County Farm Bureau
Santa Clara Valley Water District
City of Hollister
Rural Council of Rural Cities

ARGUMENTS IN SUPPORT : Sponsors maintain that the Pajaro River Flood Control Authority (Authority) would be charged with addressing issues surrounding the periodic flooding of the Pajaro River, which runs through Monterey, Santa Cruz and San Benito Counties. They state that in the last six years, there have been two significant floods along the Pajaro River which caused millions of dollars in damage, and the Authority would be responsible for the management of the Pajaro River watershed, as well as being responsible



JOHN A. FANTHAM
DISTRICT ENGINEER

County of Santa Cruz 701

FLOOD CONTROL AND WATER CONSERVATION DISTRICT - ZONE 7

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 950604070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

AGENDA: SEPTEMBER 21, 1999

September 7, 1999

BOARD OF DIRECTORS-ZONE 7
SANTA CRUZ COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
701 Ocean Street
Santa Cruz, California

SUBJECT: IMPERVIOUS AREA FEES ON NEW CONSTRUCTION

Members of the Board:

On June 17, 1999, your Board considered the attached report on impervious area fees on new construction, directed staff to initiate formal discussions with the City of Watsonville about establishing such fees within Zone 7 and directed the Chairperson to write to neighboring counties asking if they had such fees, and if not, recommending that they be established.

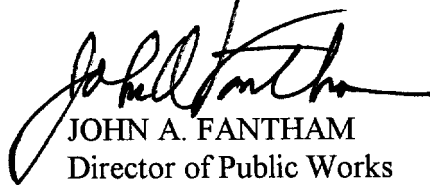
In response, a meeting has been scheduled between Zone 7 staff and City of Watsonville Public Works Department staff in early September. At this time it is too early to make a recommendation on an appropriate approach for establishing such fees within the City and County portions of Zone 7. However, staff continues to believe that such fees are worthy of consideration, particularly in view of the very large local match requirements for the Army Corps Pajaro River Levee System Flood Control Project.

It is currently unknown if neighboring counties have impervious area charges. As your Board is aware, Assemblymember Keeley is currently sponsoring Assembly Bill 807 (AB 807) which would establish a Joint Powers Agency (JPA) between the four Pajaro River basin counties. The issue of fees has been contentious in meetings related to AB 807. If the bill passes, the JPA would have the authority to establish fees. Staff recommends that Zone 7 wait until the legislative process is completed before pursuing this issue further with neighboring counties.

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It is therefore recommended that your Board accept this report and direct Public Works to provide a further status report on January 25, 2000.

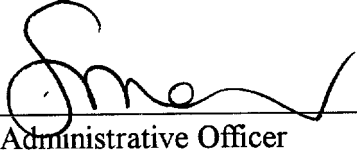
Yours truly,


JOHN A. FANTHAM
Director of Public Works

PCR:bbs

Attachment

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: Zone 7 Board of Directors
 Carlos J. Palacios, Manager, City of Watsonville
 City of Watsonville Public Works
 Public Works Department