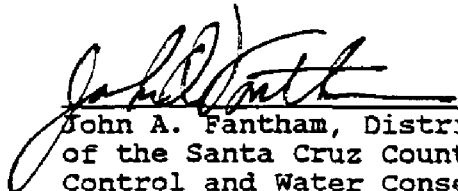


SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
REPORT OF THE CHIEF ENGINEER OF THE DISTRICT ON THE FORMATION  
OF ZONE 7 OF THE DISTRICT

DATED: APRIL 2, 1991  
REVISED: APRIL 29, 1991  
REVISED: OCTOBER 29, 1991

Issued pursuant to the provisions of Section 306 of Act 7390,  
Uncodified Acts of the California Water Code



John A. Fantham, District Engineer  
of the Santa Cruz County Flood  
Control and Water Conservation  
District

### DESIGNATION OF ZONE

It is proposed that the zone of benefit be designated as Zone No. 7 of the Santa Cruz County Flood Control and Water Conservation District.

### AREA PROPOSED FOR INCLUSION

The area proposed for inclusion in said Zone No. 7 is described as: All of the lands lying within the Pajaro Storm Drain Maintenance District, including those lands lying in the City of Watsonville, as shown on the map attached hereto.

### PURPOSE OF THE ZONE

The purpose for which the zone is to be created is be as follows:

1. To guarantee funding source for the local match share of the proposed Army Corps of Engineers flood control project on the Pajaro River, Salsipuedes Creek and Corralitos Creek.
2. To finance and provide administrative and engineering drainage services, including the replacement, upgrading and maintenance of drainage and flood control facilities including, but not limited to, open and closed drainage conduits, channels, levees, drainage structures, pumps and other appurtenances within the zone.
3. To provide services or projects consistent with Section 77-4 of the Flood Control and Water Conservation District's enabling legislation (Deerings Act 7390. Statutes 1955 c.1489).

### GOVERNING BOARD

In conformance with State law, Zone 7 shall be governed by a Board of Directors made up of seven voting members being the five Santa Cruz County Board of Supervisors, the Mayor of the City of Watsonville or their appointed representative, the Chairman of the Pajaro Valley Water Management Agency or their appointed representative. In addition there shall be four non-voting members who may attend all public meetings. All four of these members shall live within the boundaries of the Zone. Two of these members shall be appointed by the Watsonville City Council. One member shall be nominated by the incumbent District 4 County Supervisor and appointed by the County Board of Supervisors. The last additional member shall be nominated by the incumbent District 2 County Supervisor and appointed by the County Board of Supervisors.

GENERAL DESCRIPTION OF THE WORKS OF IMPROVEMENTS FOR WHICH ZONE  
IS TO BE FORMED

Continuous urbanization has increased the level of potential flood damage and the need for improved protection against such damage. This urbanization is increasing runoff volumes from additional impervious areas, as well as exposing a greater number of buildings and structures to potential flood damage. These conditions should be alleviated, and to do so, it is necessary to augment the current low level of funding for drainage and flood control services which are now provided by the Pajaro Storm Drain Maintenance District. The primary concern, however, for forming Zone 7 is the upgrading of the levee system on the Pajaro River, Salsipuedes Creek and Corralitos Creek; and all other purposes are secondary.

Specific problems and their proposed solutions are as follows:

Pajaro River, Salsipuedes Creek and Corralitos Creek

Problem: Existing levels of flood protection are inadequate to protect the urbanized, agricultural, and industrial properties within the City of Watsonville and the surrounding unincorporated areas. Presently there is only 22 year flood capacity within the Pajaro river levee system. For this type of area 100 year protection is desired.

Solution: The County and City in conjunction with the Pajaro River Task Force should solicit the Army Corps of Engineers for a new flood control project on these rivers and creeks. If approved, federal funding will provide 75% of the project costs, with the remaining 25% the responsibility of local funds. Formation of this zone 7 is the first step in the process by creating a source for the local match funds.

The following other construction projects are to be solely funded and constructed by Zone 7:

1. West Beach Road at Lee Road

Problem: The existing drainage facilities in the area of the intersection are inadequate to keep the intersection from flooding.

Solution: Construct new drainage inlets and culverts to carry the drainage away from the intersection.

2. Lee Road at Watsonville Slough

Problem: Existing culverts under Lee Road at Watsonville Slough are undersized. The capacity of these culverts is insufficient to convey peak flows, causing flooding to occur along Lee Road and upstream areas.

Solution: Replace the existing culverts with a larger drainage structure.

3. Shell Road Pumps & Culverts

Problem: Phase II and Phase III of the Shell Road pumps and culvert project have not been completed due to lack of funding.

Solution: Complete the Phase II and Phase III improvements which include rebuilding existing headworks at Shell Road and adding additional culverts at Beach Road.

4. Pajaro River Levee Pump Replacement

Problem: Several existing pump stations along the Pajaro River are severely undersized resulting in flooding to areas behind the river levees in the City of Watsonville area.

Solution: Replace the pumps with new pumps.

5. West Beach Road

Problem: Existing drainage facilities west of the Lee Road intersection are inadequate to contain storm water runoff in this area.

Solution: Replace the existing culvert to Watsonville Slough with a larger pipe system and construct a new storm drain on West Beach Road.

6. Harkins Slough Pumps

Problem: The existing pump station is severely dilapidated and the existing pumps are undersized to pump storm flows from Harkins Slough to Watsonville Slough.

Solution: Construct a new pump station with new pumps.

7. Pajaro River Lagoon Pump Systems

Problem: In order to avoid seasonal breaching of the Pajaro River mouth, the Pajaro River Task Force has recommended that a pump system be developed to control the level of the lagoon dry summer and low flow periods.

Solution: The lagoon management plan recommends constructing two pump systems that discharge out into the City of Watsonville's wastewater ocean outfall.

8. S.P.R.R. Crossing at Watsonville Slough

Problem: The twin 72 inch CMP's at the Southern Pacific Railroad crossing on Watsonville Slough (located just up-stream of the confluence of Watsonville Slough and Harkins Slough) restrict the flow coming down Watsonville Slough. The backwater created by the undersized culverts forms a large lake upstream of the railroad, submerging roads and property.

Solution: Line the existing culverts and construct one additional culvert.

9. Lee Road at Struve Slough

Problem: The road elevation is only 3 feet above the flowline of the channel at this crossing and overtopping of the road occurs almost annually.

Solution: Construct a new culvert and raise the road.

10. Harkins Slough Road at Struve Slough

Problem: The existing 36 inch culvert crossing under Harkins Slough Road at Struve Slough is undersized. Additionally, the elevation of Harkins Slough Road is only 4 feet above the flowline of the channel at this crossing and overtopping of the road occurs almost annually.

Solution: construct a new culvert and raise the road.

11. Freedom Lake and Jesus Creek

Problem: Flooding along Freedom Lake and Jesus Creek downstream of Freedom Lake.

Solution: Construct sedimentation basin, channel improvements and bridge improvements.

12. Coleman Avenue to Salsipuedes Creek

Problem: Flooding occurs along the westerly side of East Lake Avenue (Highway 152) at Coleman Avenue. Runoff from the surrounding agricultural area collects at this low point, crosses Highway 152 and then flows toward Salsipuedes Creek.

Solution: Construct a new storm drainage system on Coleman Avenue and across East Lake Avenue to Salsipuedes Creek.

13. College Road at College Lake

Problem: Existing culvert on College Road, at outlet of College Lake, is inadequate to convey the storm water runoff.

Solution: Replace existing culvert with a larger structure.

14. Green Valley Apartments

Problem: Open channel in the vicinity of the Green Valley Apartment complex.

Solution: Construct a new underground storm drain system.

15. Carey Avenue at Hillside Avenue

Problem: The existing 24-inch culvert under Carey Avenue to a small creek by Casillas Avenue is too small to handle the existing flows.

Solution: Construct a larger pipe system.

It should be noted that in the future, numerous other isolated installations and channel improvements will be required to drain roadways and intersections and to prevent erosion and damage to both public and private property. Such projects may be added to this list by mutual consent of the City of Watsonville City Council and the County of Santa Cruz Board of Supervisors and as determined and dictated by the District Board of Directors, and as funds become available.

#### NEED FOR FUTURE ENVIRONMENTAL REVIEW

- Each of the projects undertaken by Zone 7 and more specifically listed on page 7 and including the Corps of Engineers project shall be subject to environmental review, and may be deleted or modified in response to environmental and public review of the project.

#### MAINTENANCE AND MINOR CAPITAL PROJECTS

Zone 7 will have no maintenance capabilities. It is hereby proposed that the zone shall annually transfer funds identified in this report for maintenance to the Pajaro Storm Drain Maintenance District (PSDMD) for the maintenance of all drainage facilities in the unincorporated areas, more specifically as listed on the attached PSDMD list of maintained channels. Funds identified for maintenance shall also be transferred to the City of Watsonville Department of Public Works for the maintenance of the drainage facilities within the City limits and for the construction of minor projects administered by the City. Both agencies shall present their proposed Zone 7 funded program and budget to the Board of Directors for review. PSDMD shall receive a percentage of the annual maintenance funds equal to the percent of the revenue generated by county parcels but shall never be lower than 45% of the total maintenance appropriation in Zone 7 annually. The City of Watsonville shall receive a percentage of the annual maintenance funds equal to the percent of the revenue generated by the city parcels but shall never be lower than 45% of the total maintenance appropriation in Zone 7 annually. Both the City and PSDMD shall also report annually to the Board of Directors on their previous years actual program expenditures.

#### LAND, EASEMENTS AND RIGHTS-OF-WAY

There may be necessary land purchases and easement acquisitions in connection with the Corps of Engineers Flood Control project on the Pajaro river. At the time of formation of the zone the extent and location of these right-of-way concerns are not known. Various other minor drainage easements will also be required for the construction of the proposed projects.

#### ADMINISTRATION AND PUBLIC SERVICES

The annual administration and public services allocation may be raised annually by the Board of Directors by an amount not to exceed the cumulative C.P.I. increase from the date of formation. Costs associated to this category shall include annual accounting and auditing fees, tax collection and administration fees, staff time and other costs associated directly with the administration of the zone. Also, all staff time spent responding to inquiries of the public shall be charged against this fund. Not included in this allocation are future unknown uniform fees mandated by local, state or federal agencies. Such fees, when levied, will be added to this allocation during annual budgets.

## ESTIMATED COSTS

A preliminary estimated cost (including right-of-way, project engineering and administrative overhead) for the construction of the initial projects previously described are as follows:

### PRIORITY

1. West Beach Road at Lee Road	\$ 250,000.00
2. Lee Road at Watsonville Slough	100,000.00
3. Shell Road Pumps & Culverts	485,000.00
4. Pajaro River Levee Pump Replacement	360,000.00
5. West Beach Road	550,000.00
6. Harkins Slough Pump Station	350,000.00
7. Pajaro River Lagoon Pump System	400,000.00
8. SPRR Crossing at Watsonville Slough	150,000.00
9. Lee Road at Struve Slough	100,000.00
10. Harkins Slough Road at Struve Slough	80,000.00
11. Freedom Lake and Jesus Creek	1,000,000.00
12. Coleman Avenue to Salsipuedes Creek	1,125,000.00
13. College Road at College Lake	400,000.00
14. Green Valley Apartments	68,000.00
15. Carey Avenue at Hillside Avenue	<u>100,000.00</u>

ESTIMATED CONSTRUCTION COST \$5,518,000.00

ESTIMATED ANNUAL ADMINISTRATION  
AND PUBLIC SERVICES COST \$ 40,000.00  
(split 90% County, 10% City)

ESTIMATED ANNUAL CITY AND COUNTY  
MAINTENANCE AND MINOR CAPITAL PROJECT COST \$ 550,000.00

ESTIMATED LOCAL MATCH FUNDING REQUIREMENTS \$6,000,000.00



ESTIMATED 20 YEAR FUNDING REQUIREMENT

EST. LOCAL MATCH MONEY\* \$ 6,000,000.00 (MIN.)  
CONSTRUCTION \$ 5,518,000.00  
ADMINISTRATION AND PUBLIC SERVICES \$ 600,000.00  
CITY AND COUNTY MAINTENANCE  
AND MINOR CAPITAL PROJECTS \$ 7,400,000.00  
TOTAL \$19,518,000.00

\* It is anticipated that this allocation will provide the 25% local match for an Army Corps of Engineers flood control project on the Pajaro River, Salsipuedes Creek and Corralitos Creek. However, if more funds are needed for this match they will be deducted from the City and County Maintenance and Minor Capital Project funds.

ESTIMATED PERPETUAL ANNUAL FUNDING REQUIREMENTS

ADMINISTRATION AND PUBLIC SERVICES \$ 40,000.00  
CITY AND COUNTY MAINTENANCE  
AND MINOR CAPITAL PROJECTS \$ 550,000.00

Plus funding for any newly identified beneficial drainage projects as agreed upon by the County Flood Control and Water Conservation District and the Watsonville City Council.

SERVICE CHARGES

A fund shall be developed by collecting a service charge to be levied on each parcel in the zone based on parcel size and land use. This charge will begin at a starting level and increase annually for seven years as specified below. Thereafter this charge shall remain constant, except for annual inflation increases equal to the annual CPI adjustment up to a maximum of 4% as approved by the Board of Directors. It is anticipated that this fee schedule will provide sufficient revenue to construct the designated projects in approximately 20 years. Additional projects may from time to time be identified and approved for inclusion into the list of projects by the Board of Directors. Prior to inclusion, the new projects must first be approved jointly by the Watsonville City Council and the Santa Cruz County Flood Control and Water Conservation Districts Board of Directors. These fees will continue in order to finance these approved additional projects.

It is the intent of these service charges to generate sufficient revenue to finance the local match of a possible Corps of Engineers project, construct the other works of improvement, supplement the maintenance construction by the City of Watsonville and PSDMD and pay the administration costs associated with operating the zone.

Prior to the increased service charges as indicated in the Fee Schedule for year 6 (July 1997), the Watsonville City Council and the Santa Cruz County Flood Control and Water Conservation Districts Board of Directors and the Zone 7 Board of Directors shall vote on whether or not to continue the service charge increases, based on the status of the Army Corps project.

If all three agencies agree that sufficient progress has been made toward developing an acceptable Army Corps project and vote to continue to collect funds for a Army Corps project, then the fees shall continue from year 6 onward as indicated in the fee schedule. If a satisfactory Corps project has not been identified, and the agencies do not agree to continue pursuing such a project, then the service charge increases shall cease and service charges shall revert to the year 4 rates (as specified in the fee schedule) until the other construction projects have been constructed. In addition, if the agencies do not vote to continue collecting funds for an Army Corps project, all funds then held for the Army Corps project shall be distributed, on or before October 31, 1997, to the City of Watsonville and PSDMD for maintenance and minor capital projects according to the percentage distribution of which they were generated.

Further, at such time as the local match has been satisfied and all the other identified beneficial projects constructed, the fees shall be reduced to an amount necessary to finance the perpetual maintenance and administration services.

#### Fee Schedule

Year 1	Residential Property	\$12 per SFRU* per year
	Agricultural Acreage:	\$1.67 per acre per year
	Unimproved Acreage	\$0.17 per acre per year
	Commercial/Industrial Acreage	\$80 per acre per year

\*Single Family Residence Unit (SFRU) is defined below:

Single Family Residence	1 unit
2 SFR's on a single parcel	2 units
3-4 SFR's on a single parcel	3 units
Mobile Home Parks	0.67 units per space
Duplex	1.4 units
Triplex	1.7 units
Fourplex	2 units
Structures greater than four units are apartments and are charged as commercial acreage.	

Year 2	Residential Property	\$18/SFRU/year
	Agricultural Acreage	\$2.50/acre/year
	Unimproved Acreage	\$0.25/acre/year
	Commercial/Industrial Acreage	\$120/acre/year

Year 3	Residential Property	\$24/SFRU/year
	Agricultural Acreage	\$3.33/acre/year
	Unimproved Acreage	\$0.33/acre/year
	Commercial/Industrial Acreage	\$160/acre/year
Year 4	Residential Property	\$30/SFRU/year
	Agricultural Acreage	\$4.16/acre/year
	Unimproved Acreage	\$0.42/acre/year
	Commercial/Industrial Acreage	\$200/acre/year
Year 5	Residential Property	\$36/SFRU/year
	Agricultural Acreage	\$5.00/acre/year
	Unimproved Acreage	\$0.50/acre/year
	Commercial/Industrial Acreage	\$240/acre/year
Year 6	Residential Property	\$42/SFRU/year
	Agricultural Acreage	\$5.83/acre/year
	Unimproved Acreage	\$0.58/acre/year
	Commercial/Industrial Acreage	\$280/acre/year
Year 7	Residential Property	\$48/SFRU/year
	Agricultural Acreage	\$6.66/acre/year
	Unimproved Acreage	\$0.67/acre/year
	Commercial/Industrial Acreage	\$320/acre/year

From year 8-onward the Board of Directors may choose to annually increase the fee schedule by the annual CPI adjustment, up to a maximum of 4%.

Unimproved acreage includes all vacant parcels (Assessor Use Codes 010, 011, 015, 040, 050, 051, 052, 053, 054, 055, 056, 058, 058, 110, 300), Timberland Preserve Zone Land (Assessor Use Codes 500 and 501), California Land Conservation Act Property (Assessor Use Codes 510 and 511) and Open Space Easement Property (Assessor Use Codes 520 and 521).

It is the intent of the fees to charge the parcels the appropriate fee based on the current use of the property. County Assessor's use code information will be used to classify each parcel. On a case by case basis, property owners may appeal to the Zone Board of Directors to change their category if the actual property use is not consistent with the assessors use code. All such appeals must be applied for through the District Engineer.

In Zone 7 all greenhouses shall be categorized as agricultural acreage.

### FINANCIAL SUMMARY

Based on the current breakdown of parcels in the zone, the following revenues are projected.

Year 1	\$ 296,894.63
Year 2*	\$ 445,163.09*
Year 3*	\$ 593,431.53*
Year 4*	\$ 741,699.98*
Year 5	\$ 890,325.96
Year 6	\$ 1,038,594.61
Year 7	\$ 1,189,863.06
Years 8-20	<u>\$15,429,219.80</u>
Total	\$20,622,192.66

-- \*Represents years in which all, or a portion of, the revenue goes to the Local Match except for the Administration and Public Service allocation.

-- With the inclusion of interest payments, this should provide sufficient funding to carry out the programs identified in this report.

The generation of this revenue is distributed between the County and City at approximately the following rates based on the current distribution of parcels:

County of Santa Cruz	51%
City of Watsonville	49%

### REVENUE DISTRIBUTION

All revenue generated by Zone 7 shall only be used to finance the local match of the Corps of Engineers project, construct the other construction projects, supplement the maintenance construction by the City of Watsonville and PSDMD and pay the administration costs associated with operating the zone as delineated in this report.

Revenue from the first year up to \$300,000, except for the Administration and Public Service allocation, shall be allocated for performing increased County maintenance work on the Pajaro/Salsipuedes/Corralitos river system. Depending on the magnitude of maintenance work permitted by Federal, State and local agencies, all of this \$300,000 may be spent on clearing the river. Any funds that are not spent or allocated for identifiable work at the end of the first year shall be utilized in subsequent years for further increased maintenance of the Pajaro/Salsipuedes/Corralitos river system. All revenue for years 2 and 3, and that portion of year 4 necessary to guarantee the initial amount needed for the local match for the feasibility portion of the Army Corps project, except for the Administration and Public Service allocation, shall be placed in the local match fund for a possible Army Corps project. Beginning in the fourth year with those funds remaining after meeting the necessary match requirements for the feasibility study portion of the Army Corps

Project, and for each subsequent year, the annual revenue shall be broken down into the following components: \$40,000 + C.P.I. for Administration and Public Services, 23% (minimum) for Local Match Funding, 30% (minimum) for Other Construction Projects, with the balance split according to the distribution noted earlier between City and County Maintenance and Minor Capital Projects.

The percentage rates for the Local Match Fund, Maintenance and Construction allocations are a percentage of the revenue remaining after the Administration and Public Services allocation. Once the Army Corps project has been better defined by the completion of the Feasibility study, the allocation to the Local Match Fund may be increased if needed to support any bond issues. Zone 7 funds shall be segregated into their own accounts, and any interest raised by the zone 7 funds on deposit will be credited back to the fund that generated the interest.

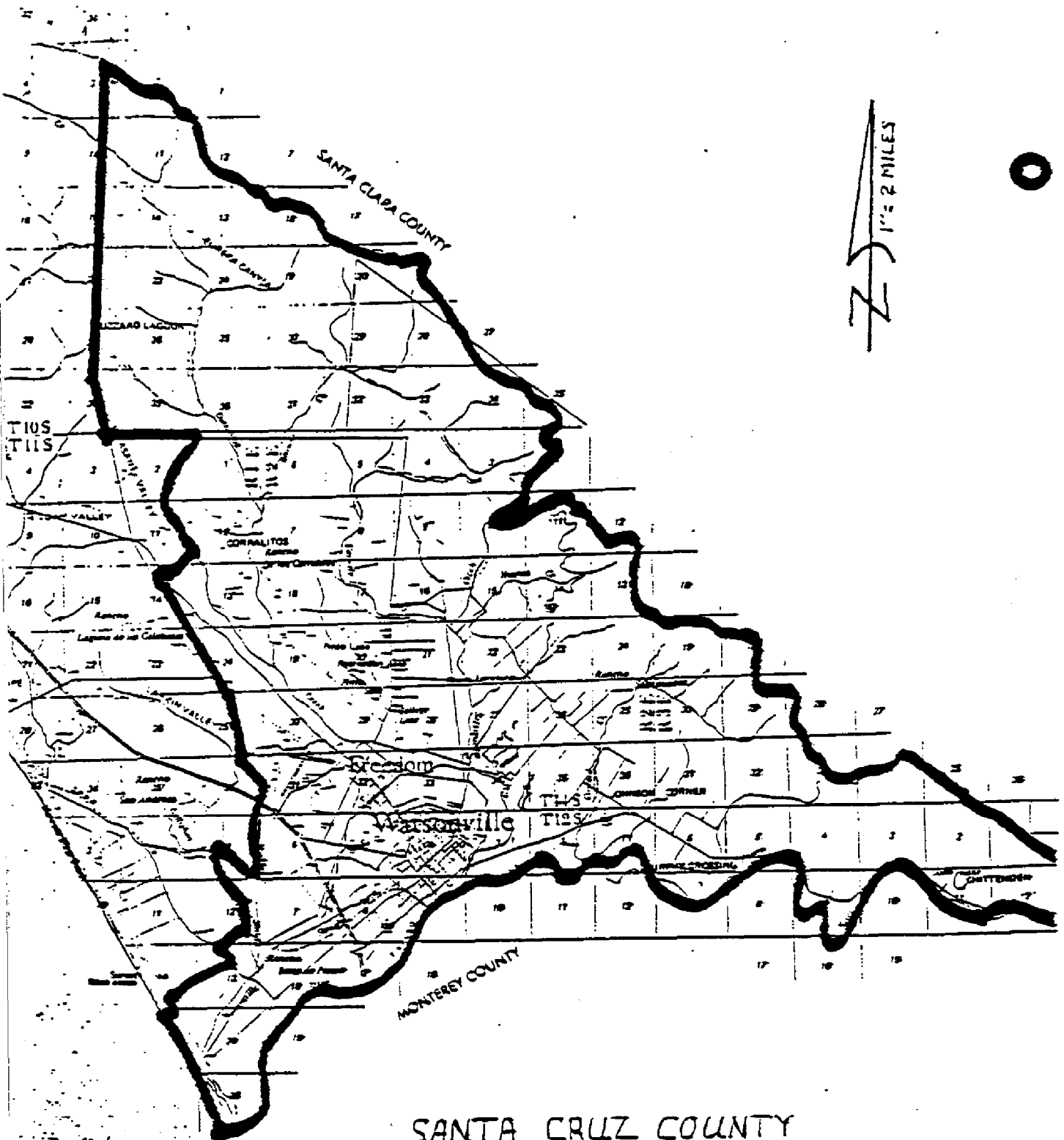
#### DESIGNATED PROJECTS (in order of construction)

1. West Beach Road at Lee Road
2. Lee Road at Watsonville Slough
3. Shell Road Pumps & Culverts
4. Pajaro River Levee Pump Replacement
5. West Beach Road
6. Harkins Slough Pump Station
7. Pajaro River Lagoon Pump Systems
8. SPRR Crossing at Watsonville Slough
9. Lee Road at Struve Slough
10. Harkins Slough Road at Struve Slough
11. Freedom Lake and Jesus Creek
12. Coleman Avenue to Salsipuedes Creek
13. College Road at College Lake
14. Green Valley Apartments
15. Carey Avenue at Hillside Avenue

It is the intent of this list of projects to state the current priority of projects as of the date of adoption of this report. This list shall be reviewed every five years by the Departments of Public Works for both the City of Watsonville and the County of Santa Cruz. Any mutually agreed upon changes to this list in regards to the order of construction shall be considered by the Zone 7 Board of Directors. Any addition or deletion of projects as recommended by both Public Works departments must have mutual consent of the Watsonville City Council, the Santa Cruz County Flood Control and Water Conservation District Board of Directors and the Zone 7 Board of Directors.

#### SPECIAL PROJECTS

1. Pajaro River Flood Control Project



SANTA CRUZ COUNTY  
FLOOD CONTROL AND  
WATER CONSERVATION  
DISTRICT - ZONE 7

P.S.D.M.D.

The Pajaro Storm Drain Maintenance District maintains those channels listed as Pajaro Storm Drain Maintenance District maintained channels, but also will respond to any emergency on any natural waterway within the Pajaro Storm Drain Maintenance District boundaries.

DEFINITIONS

A Pajaro Storm Drain Maintenance District maintained channel is a channel that receives periodic maintenance on a routine basis. Work performed includes herbicide spray program, bulldozer sand removal, willow planting, removal of large trees, stone riprap and metal revetments installed, levee restoration, mow grass, and any other work necessary to protect public and private property.

Those channels maintained by the Pajaro Storm Drain Maintenance District are listed below:

1. The Pajaro River

The levee channel and pump stations from the mouth to the Santa Cruz/Santa Clara County line.

2. Corralitos Creek

The channel from Salsipuedes Creek, State Highway 152, to the junction with Browns Creek.

3. Salsipuedes Creek

The levees and channels from the Pajaro River to Corralitos Creek.

4. McGrath Creek

The levees and channels from the Pajaro River to Carlton Road.

5. Martin Ditch

The channel from the Pajaro River to and along Coward Road.

6. Tynan Lake Outlet

The channel from Tynan Lake to Martin Ditch.

7. Coward Creek

The channel from Coward Road to Carlton Road.

8. Kelly Lake Ditch

The pipeline and channel from Salsipuedes Creek to Kelly Lake.

9. College Lake Ditch

The channel from Salsipuedes Creek to the pumping station at College Lake

10. Pinto Lake Ditch

The channel from Pinto Lake to College Lake Ditch.

11. Jesus Creek

The channel from Lake Freedom to Corralitos Creek.

12. Lake Freedom Ditch

The channel from Freedom Boulevard at Pleasant Valley Road to Lake Freedom.

13. Mark Ditch

The channel from the end of Mark Road down to Kern Lake and then to Jesus Creek.

14. Green Valley Creek

The channel from College Lake to Casserly Road.

15. Casserly Creek

The channel from Green Valley Creek to Gaffey Road.

16. Cunha Ditch

The channel from Green Valley Creek to Casserly Road.

17. Calabasas Creek

The channel from Calabasas Road to Buena Vista Drive.

18. Beach Road Ditch - East Side

The pipes and channels adjacent to Beach Road from their origin to the Watsonville Slough.



19. Beach Road Ditch - West Side

The pipes and channels adjacent to Beach Road from Lee Road to and along San Andreas Road to Watsonville Slough.

20. Traverse Pipeline

The pipeline from Beach Road to Watsonville slough.

21. Lee Road Pipeline

The pipeline from Beach Road to ditch along SPRR.

22. Industrial Road Ditch

The pipes and ditches from First Street to Beach Road.

23. Smith Creek

The channel from Green Valley Creek to Casserly Road

24. Bradley Ditch

The ditch running through the Bradley School.

25. Mesa Verde Ditch

The channel from Mesa Verde Drive to Casserly Road.

26. Dutch Flat Ditch

The pipes and channels from College Lake to Little Way Lane.

27. Watsonville Slough

The pipes, pump stations, and channels from the Pajaro River to Main Street thence up Marin Ditch to Freedom Boulevard, thence up Glenwood Ditch to the New State right of way for Route 152.

28. Harkins Slough

The pipes and channels from Watsonville Slough to approximately 850 feet south of Buena Vista Drive.

29. Gillighan Slough

The channel from Harkins Slough to approximately 1000 feet south of Buena Vista Drive.

30. Hanson Slough

The channel from Watsonville Slough to Harkins Slough Road.

31. West Branch Struve Slough

The channel from Struve Slough to Harkins Slough Road.

32. Struve Slough

The pipes and channels from Watsonville Slough to Airport Boulevard and Freedom Boulevard.

33. Corralitos Ditch

The pipes and channels from Hames Road across Blake Avenue to Corralitos Creek.

34. Southern Pacific Ditch

The channel from Watsonville Slough along the SPRR tracks to Lee Road.

WILD STATE WATERWAYS

Wild state waterways are creeks, sloughs and tributaries in their natural state that do not receive maintenance by the district unless some major problem exists; such problems would be log jams, fallen trees, flooding and erosion. All efforts are to be made to keep these waterways in their natural state.

Those creeks to be designated as wild State waterways are listed below:

A. Browns Creek

The creek from Corralitos Creek to the headwaters, including all tributaries contributing to the flow, such as Redwood Canyon, Ramsey Gulch, Gamecock Canyon, and others.

B. Corralitos Creek

The creek from its junction with Browns Creek to the headwaters, including all tributaries contributing to the flow; such as Mormon Gulch, Clipper Gulch, Eureka Gulch, Shingles Gulch, Rattlesnake Gulch, Diabls Gulch and others.

C. Rider Creek

The creek from Corralitos Creek to its headwaters.

D. Green Valley Creek

The creek from Casserly Road to its headwaters including all tributaries contributing to the flow.

E. McGrath Creek (Coward Creek)

The creek from Carlton Road to its headwaters.

F. Coward Creek

The creek from Carlton Road to its headwaters.

G. Casserly Creek

The creek from Gaffey Road to its headwaters.

H. Kelley Creek

The creek from Kelley Lake to its headwaters.

I. Tynan Creek

The creek from Tynan Lake to its headwaters.

J. Mattos Gulch Creek

The creek from the Pajaro River to its headwaters.

K. Atherton Creek

The creek from the Pajaro River to the headwaters, including all tributaries contributing to the flow.

L. Calabasitas Creek

The creek from Harkins Slough to Buena Vista Drive.

M. West Branch - Struve Slough

The slough from Harkins Slough to Airport Boulevard.

N. Murphy Creek

The creek from the Pajaro River to its end.

## DESIGNATION OF ZONE

It is proposed that the zone of benefit be designated as Zone No. 7 of the Santa Cruz County Flood Control and Water Conservation District.

## AREA PROPOSED FOR INCLUSION

The area proposed for inclusion in said Zone No. 7 is described as: All of the lands lying within the Pajaro Storm Drain Maintenance District, including those lands lying in the City of Watsonville, as shown on the map attached hereto.

## PURPOSE OF THE ZONE

The purpose for which the zone is to be created is be as follows:

1. To provide a funding source for the local match share of the proposed Army Corps of Engineers flood control project on the Pajaro River, Salsipuedes Creek and Corralitos Creek.
2. To finance and provide administrative and engineering drainage services, including the replacement, upgrading and maintenance of drainage and flood control facilities including, but not limited to, open and closed drainage conduits, channels, levees, drainage structures, pumps and other appurtenances within the zone.
3. To provide services or projects consistent with Section 77-4 of the Flood Control and Water Conservation District's enabling legislation (Deerings Act 7390. Statutes 1955 c.1489).

## GENERAL DESCRIPTION OF THE WORKS OF IMPROVEMENTS FOR WHICH ZONE IS TO FORMED

Continuous urbanization has increased the level of potential flood damage and the need for improved protection against such damage. This urbanization is increasing runoff volumes from additional impervious areas, as well as exposing a greater number of buildings and structures to potential flood damage. These conditions should be alleviated, and to do so, it is necessary to augment the current low level of funding for drainage and flood control services which are now provided by the Pajaro Storm Drain Maintenance District.

Specific problems and their proposed solutions are as follows:

### Pajaro River, Salsipuedes Creek and Corralitos Creek

Problem: Existing levels of flood protection are inadequate to protect the urbanized, agricultural, and industrial properties within the City of Watsonville and the surrounding unincorporated areas. Presently there is only 22 year flood capacity within the Pajaro river levee system. For this type of area 100 year protection is desired.

**Solution:** The County and City in conjunction with the Pajaro River Task Force should solicit the Army Corps of Engineers for a new flood control project on these rivers and creeks. If approved, federal funding will provide 75% of the project costs, with the remaining 25% the responsibility of local funds. Formation of this zone 7 is the first step in the process by creating a source for the local match funds.

The following other construction projects are to be solely funded and constructed by Zone 7:

1. West Beach Road at Lee Road

**Problem:** The existing drainage facilities in the area of the intersection are inadequate to keep the intersection from flooding.

**Solution:** Construct new drainage inlets and culverts to carry the drainage away from the intersection.

2. Lee Road at Watsonville Slough

**Problem:** Existing culverts under Lee Road at Watsonville Slough are undersized. The capacity of these culverts is insufficient to convey peak flows, causing flooding to occur along Lee Road and upstream areas.

**Solution:** Replace the existing culverts with a larger drainage structure.

3. Shell Road Pumps & Culverts

**Problem:** Phase II and Phase III of the Shell Road pumps and culvert project have not been completed due to lack of funding.

**Solution:** Complete the Phase II and Phase III improvements which include rebuilding existing headworks at Shell Road and adding additional culverts at Beach Road.

4. Pajaro River Levee Pump Replacement

**Problem:** Several existing pump stations along the Pajaro River are severely undersized resulting in flooding to areas behind the river levees in the City of Watsonville area.

**Solution:** Replace the pumps with new pumps.

5. West Beach Road

**Problem:** Existing drainage facilities west of the Lee Road intersection are inadequate to contain storm water runoff in this area.

#### MAINTENANCE AND MINOR CAPITAL PROJECTS

Zone 7 will have no maintenance capabilities. It is hereby proposed that the zone shall annually transfer funds identified in this report for maintenance to the Pajaro Storm Drain Maintenance District (PSDMD) for the maintenance of all drainage facilities in the unincorporated areas, more specifically as listed on the attached PSDMD list of maintained channels. Funds identified for maintenance shall also be transferred to the City of Watsonville Department of Public Works for the maintenance of the drainage facilities within the City limits and for the construction of minor projects administered by the City. PSDMD shall receive a percentage of the annual maintenance funds equal to the percent of the revenue generated by county parcels but shall never be lower than 45% of the total maintenance appropriation in Zone 7 annually. The City of Watsonville shall receive a percentage of the annual maintenance funds equal to the percent of the revenue generated by the city parcels but shall never be lower than 45% of the total maintenance appropriation in Zone 7 annually.

#### LAND, EASEMENTS AND RIGHTS-OF-WAY

There may be necessary land purchases and easement acquisitions in connection with the Corps of Engineers Flood Control project on the Pajaro river. At the time of formation of the zone the extent and location of these right-of-way concerns are not known. Various other minor drainage easements will also be required for the construction of the proposed projects.

#### ADMINISTRATION AND PUBLIC SERVICES

The annual administration and public services allocation may be raised annually by the Board of Directors by an amount not to exceed the cumulative C.P.I. increase from the date of formation. Costs associated to this category shall include annual accounting and auditing fees, tax collection and administration fees, staff time and other costs associated directly with the administration of the zone. Also, all staff time spent responding to inquiries of the public shall be charged against this fund. Not included in this allocation are future unknown uniform fees mandated by local, state or federal agencies. Such fees, when levied, will be added to this allocation during annual budgets.

ESTIMATED 20 YEAR FUNDING REQUIREMENT

LOCAL MATCH MONEY*	\$ 6,000,000.00
CONSTRUCTION	\$ 5,518,000.00
ADMINISTRATION AND PUBLIC SERVICES	\$ 600,000.00
CITY AND COUNTY MAINTENANCE AND MINOR CAPITAL PROJECTS	\$ 7,400,000.00
TOTAL	\$19,518,000.00

*More language  
on use of funds*

\* It is anticipated that this allocation will provide the 25% local match for an Army Corps of Engineers flood control project on the Pajaro River, Salsipuedes Creek and Corralitos Creek.

ESTIMATED PERPETUAL ANNUAL FUNDING REQUIREMENTS

ADMINISTRATION AND PUBLIC SERVICES	\$ 40,000.00
CITY AND COUNTY MAINTENANCE AND MINOR CAPITAL PROJECTS	\$ 550,000.00

Plus funding for any newly identified beneficial drainage projects as agreed upon by the County Flood Control and Water Conservation District and the Watsonville City Council.

SERVICE CHARGES

A fund shall be developed by collecting a service charge to be levied on each parcel in the zone based on parcel size and land use. This charge will begin at a starting level and increase annually for seven years as specified below. Thereafter this charge shall remain constant, except for annual inflation increases equal to the annual CPI adjustment up to a maximum of 4% as approved by the Board of Directors. It is anticipated that this fee schedule will provide sufficient revenue to construct the designated projects in approximately 16 years. Additional projects may from time to time be identified and approved for inclusion into the list of projects by the Board of Directors. Prior to inclusion, the new projects must first be approved jointly by the Watsonville City Council and the Santa Cruz County Flood Control and Water Conservation Districts Board of Directors. These fees will continue in order to finance these approved additional projects.

It is the intent of these fees to generate enough revenue to finance the local match of the Corps of Engineers project, construct the other construction projects, supplement the maintenance construction by the City of Watsonville and PSDMD and pay the administration costs associated with operating the zone. Further, once the local match has been satisfied and all the other identified beneficial projects constructed, the fees shall be reduced to an amount necessary to finance the perpetual maintenance and administration services.

Proposed Fee Schedule

Year 1	Residential Property	\$12 per SFRU* per year
	Vacant/Agricultural Acreage:	
	\$1.67 per acre/year for the first 10 acres	
	\$1.15 for each additional acre (or fraction) over 10 acres and less than 100 acres.	
	\$0.25 for each additional acre (or fraction) over 100 acres.	
	Commercial/Industrial Acreage	\$80 per acre per year
	*Single Family Residence Unit (SFRU) is defined below:	
	Single Family Residence	1 unit
	2 SFR's on a single parcel	2 units
	3-4 SFR's on a single parcel	3 units
	Mobile Home Parks	0.67 units per space
	Duplex	1.4 units
	Triplex	1.7 units
	Fourplex	2 units
	Structures greater than four units are apartments and are charged as commercial acreage.	
Year 2	Residential Property	\$18/SFRU/year
	Vacant/Agricultural Acreage:	
	\$2.50 per acre/year for the first 10 acres	
	\$1.73 for each additional acre (or fraction) over 10 acres and less than 100 acres.	
	\$0.38 for each additional acre (or fraction) over 100 acres.	
	Commercial/Industrial Acreage	\$120/acre/year
Year 3	Residential Property	\$24/SFRU/year
	Vacant/Agricultural Acreage:	
	\$3.33 per acre/year for the first 10 acres	
	\$2.30 for each additional acre (or fraction) over 10 acres and less than 100 acres.	
	\$0.50 for each additional acre (or fraction) over 100 acres.	
	Commercial/Industrial Acreage	\$160/acre/year
Year 4	Residential Property	\$30/SFRU/year
	Vacant/Agricultural Acreage:	
	\$4.16 per acre/year for the first 10 acres	
	\$2.88 for each additional acre (or fraction) over 10 acres and less than 100 acres.	
	\$0.63 for each additional acre (or fraction) over 100 acres.	
	Commercial/Industrial Acreage	\$200/acre/year



Year 5	Residential Property	\$90/SFRU/year
	Vacant/Agricultural Acreage:	
	\$5.00 per acre/year for the first 10 acres	
	\$3.45 for each additional acre (or fraction) over 10 acres and less than 100 acres.	
	\$0.75 for each additional acre (or fraction) over 100 acres.	
	Commercial/Industrial Acreage	\$240/acre/year
Year 6	Residential Property	\$42/SFRU/year
	Vacant/Agricultural Acreage:	
	\$5.83 per acre/year for the first 10 acres	
	\$4.03 for each additional acre (or fraction) over 10 acres and less than 100 acres.	
	\$0.88 for each additional acre (or fraction) over 100 acres.	
	Commercial/Industrial Acreage	\$280/acre/year
Year 7	Residential Property	\$48/SFRU/year
	Vacant/Agricultural Acreage:	
	\$6.66 per acre/year for the first 10 acres	
	\$4.60 for each additional acre (or fraction) over 10 acres and less than 100 acres.	
	\$1.00 for each additional acre (or fraction) over 100 acres.	
	Commercial/Industrial Acreage	\$320/acre/year

From year 8-onward the Board of Directors may choose to annually increase the fee schedule by the annual CPI adjustment, up to a maximum of 4%.

It is the intent of the fees to charge the parcels the appropriate fee based on the current use of the property. County Assessor's use code information will be used to classify each parcel. On a case by case basis, property owners may appeal to the Zone Board of Directors to change their category if the actual property use is not consistent with the assessors use code. All such appeals must be applied for through the District Engineer.

In Zone 7 all greenhouses shall be categorized as vacant/agricultural acreage.

## FINANCIAL SUMMARY

Based on the current breakdown of parcels in the zone, the following revenues are projected.

Year 1	\$ 290,016.22
Year 2	\$ 435,126.20
Year 3	\$ 579,992.98
Year 4	\$ 725,102.96
Year 5	\$ 870,009.20
Year 6	\$ 1,015,119.18
Year 7	\$ 1,159,985.96
Years 8-20	<u>\$15,079,817.48</u>
Total	\$20,155,170.18

With the inclusion of interest payments, this should provide sufficient funding to carry out the programs identified in this report.

The generation of this revenue is distributed between the County and City at approximately the following rates based on the current distribution of parcels:

County of Santa Cruz	51%
City of Watsonville	49%

### REVENUE DISTRIBUTION

All revenue generated by Zone 7 shall only be used to finance the local match of the Corps of Engineers project, construct the other construction projects, supplement the maintenance construction by the City of Watsonville and PSDMD and pay the administration costs associated with operating the zone as delineated in this report. Regardless of the actual revenue amounts in dollars, the annual revenue shall be broken down into the following components:

Administration and Public Services	\$40,000 + C.P.I.
Local Match Fund	30%
Other Construction	27%
City and County Maintenance and Minor Capital Projects	43%

The percentage rates for the Local Match Fund, Maintenance and Construction allocations are a percentage of the revenue remaining after the Administration and Public Services allocation. Zone 7 funds shall be segregated into their own accounts, and any interest raised by the zone 7 funds on deposit will be credited back to the fund that generated the interest.

DESIGNATED PROJECTS (in order of construction)

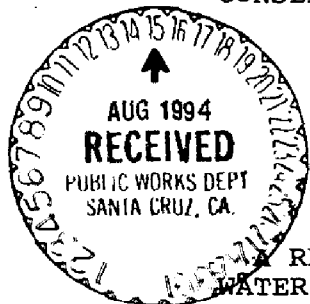
1. West Beach Road at Lee Road
2. Lee Road at Watsonville Slough
3. Shell Road Pumps & Culverts
4. Pajaro River Levee Pump Replacement
5. West Beach Road
6. Harkins Slough Pump Station
7. Pajaro River Lagoon Pump Systems
8. SPRR Crossing at Watsonville Slough
9. Lee Road at Struve Slough
10. Harkins Slough Road at Struve Slough
11. Freedom Lake and Jesus Creek
12. Coleman Avenue to Salsipuedes Creek
13. College Road at College Lake
14. Green Valley Apartments
15. Carey Avenue at Hillside Avenue

SPECIAL PROJECTS

1. Pajaro River Flood Control Project

BEFORE THE BOARD OF DIRECTORS  
OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT ZONE 7, SANTA CRUZ COUNTY, CALIFORNIA

RESOLUTION NO. 11-Z7



On the motion of Director Keeley  
duly seconded by Director Beautz  
the following resolution is adopted:

RESOLUTION OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT ZONE 7, OVERRULING PROTESTS AND  
CONFIRMING WRITTEN REPORT ON DRAINAGE SERVICE CHARGES FOR THE  
FISCAL YEAR 1994/95

WHEREAS, a written service charge report was filed on July 18, 1994 in the Department of Public Works, containing a description of each parcel of real property receiving services from the District and the amount of the service charges to be collected on the County Tax Roll for each parcel for the 1994/95 fiscal year; and

WHEREAS, on June 24, 1994, this Board appointed the time and place of public hearing on said report and directed notice, which notice was duly given in the manner provided by law as appears by the affidavits of publication on file in the office of the Clerk of the Board; and

WHEREAS, said matter came on regularly for hearing at the time and place fixed and all written protests and other communications were publicly read at said meeting and all persons desiring to be heard were fully heard.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED, as follows:

1. That objections to, and protests against, said report were not made by the owners of a majority of the separate parcels of property described in the report;
2. That all objections to and protests against said report have been heard by this Board and that said objections and protests be, and each of them is hereby overruled;
3. That said report be, and it is hereby adopted in full without revision and modification pursuant to Water Code Appendix Sections 28, 173 and 191, and Zone 7 Rules and Regulations Section 3.5, and that the charges as specified in said report shall be collected on the tax roll of the County of Santa Cruz, in the manner provided by law;

RESOLUTION NO. \_\_\_\_\_

Page -2-

4. That the Clerk of the Board be, and she is hereby directed to file with the County Auditor of Santa Cruz County, on or before the 10th day of August, 1994 a copy of said report, upon which shall be embossed over her signature a statement that the report has been finally adopted by the Board of Directors of the Santa Cruz County Flood Control and Water Conservation District Zone 7;
5. The County Auditor of Santa Cruz County shall, upon receipt of said report, enter the amounts of the charges against the respective lots or parcels as they appear on the assessment roll for the fiscal year 1994/95.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz County Flood Control and Water Conservation District, Zone 7, State of California, this 2nd day of August, 1994, by the following vote:

AYES: DIRECTORS Beautz, Symons, Belgard, Keeley, Bobeda and Kelly

NOES: DIRECTORS None

ABSENT: DIRECTORS Patton

ED KELLY

Chairperson of said Board

ATTEST: SUSAN ROZARIO  
Clerk of said Board

Approved as to form:

Samuel T. [Signature] 7/19/94  
Assistant County Counsel

Distribution: County Counsel  
Auditor-Controller  
Public Works

STATE OF CALIFORNIA	)	ss
COUNTY OF SANTA CRUZ	)	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said Board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on _____ 19____		
SUSAN A. MAURIELLO, County Administrative Officer		
By _____		Deputy

**FILE COPY**

BEFORE THE ZONE 7 BOARD OF DIRECTORS  
OF THE COUNTY OF SANTA CRUZ FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT STATE OF CALIFORNIA

RESOLUTION NO. 9-27

On the motion of Director Bobeda  
duly seconded by Director Belgard  
the following resolution is  
adopted:

A RESOLUTION ESTABLISHING SERVICE CHARGE RATES  
FOR THE 1994/95 FISCAL YEAR FOR ZONE 7,  
SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BE IT RESOLVED by the Board of Directors of the Santa  
Cruz County Flood Control and Water Conservation District that  
service charge rates for parcels within Zone 7 for the 1994/95  
fiscal year are as follows:

<u>LAND USE</u>	<u>1994/95 RATE</u> <u>\$ PER YEAR</u>
Residential Property	\$ 24.00 per SFRU* per year
Agricultural Acreage	\$ 3.33 per acre per year
Unimproved Acreage	\$ 0.33 per acre per year
Commercial/Industrial Acreage	\$160.00 per acre per year

\*Single Family Residence Unit (SFRU) is defined below:

Single Family Residence	1 unit
2 SFR's on a single parcel	2 units
3-4 SFR's on a single parcel	3 units
Mobile Home Parks	0.67 units per space
Duplex	1.4 units
Triplex	1.7 units
Fourplex	2 units

Structures greater than four units are apartments and are  
charged as commercial acreage.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz County Flood Control and Water Conservation District, State of California, this 24th day of June, 1994, by the following vote:

AYES: DIRECTORS Beautz, Symons, Belgard, Keeley, Bobeda and Patton  
NOES: DIRECTORS None  
ABSENT: DIRECTORS Kelly

EDWARD J. KELLY III

Chairperson of said Board

SUSAN M. ROZARIO

ATTEST: Clerk of said Board

Approved as to form:

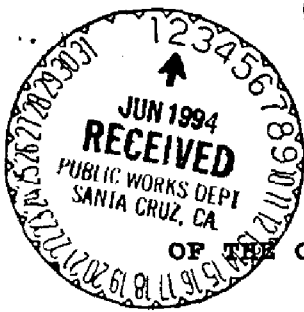
*Susan M. Rozario* 6/10/94  
Assistant County Counsel

Distribution: County Counsel  
Auditor-Controller  
Public Works

STATE OF CALIFORNIA ) ss  
COUNTY OF SANTA CRUZ )  
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 7-13 19 94.  
SUSAN A. MAURIELLO, County Administrative Officer  
By D. Rock Deputy

z7screp(doc)

NO.	ROUTE DATA	INFO	COPY	ATTACH	SIGN
1	DIRECTOR	✓	✓		✓
	ASST. DIR. CRR.				
	S.W. DRAINAGE				
	EQ. RD. MAINT.				
	SANITATION				
	TRAF. PERM.				
	CSA PARKING				
2	ASST. DIR. P.S.	✓	✓		✓
3	DRAINAGE		✓		✓
	CONSTRUCTION				
	SAN. ENCL.				
	SOLID WASTE				
	ASST. DIR. R.E.				
	DESIGN				
	SURV. PLAN REV.				
	R.D.A.				
	ROAD PLANNING				
4	CHIEF-ADM. SVC.	✓	✓		✓
	REAL PROPERTY				



0354

# FILE COPY

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 238-94

On the motion of Supervisor Keeley  
duly seconded by Supervisor Belgard  
the following resolution is adopted:

**RESOLUTION AUTHORIZING TRANSFER AND USE OF ZONE 7  
FUNDING FOR ADDITIONAL MAINTENANCE WORK AND  
MAINTENANCE PROGRAM DEVELOPMENT ON THE PAJARO RIVER**

WHEREAS, winter rains in January, 1993 caused dangerously high flow levels in the Pajaro River Channel; and

WHEREAS, the Army Corps of Engineers notified Santa Cruz County on February 12, 1993, and again on December 17, 1993, that the "Interim Maintenance Plan" as presented in the Pajaro River Corridor Management Plan, May, 1991, report was considered inadequate and further required the complete removal of existing vegetation, debris, and gravel bars found on the Pajaro River Channel bottom; and also that the benches be thinned of existing hanging vines and dead wood by May 1, 1996; and

WHEREAS, significant vegetation, debris, and gravel bars have been found to be impeding flow in the river channel; and

WHEREAS, the Army Corps of Engineers Reconnaissance Report, March, 1994, recommendation calls for going directly to the Preconstruction-Engineering-Design (PED) phase for the proposed Pajaro River Levee Project; and

WHEREAS, the Pajaro Storm Drain Maintenance District and Zone 7 of the Santa Cruz County Flood Control and Water Conservation District were specifically formed to perform maintenance functions on the Pajaro River; and

WHEREAS, sufficient funding is not presently budgeted to perform this work but could be available from other budgeted sources within Zone 7; and

WHEREAS, a transfer of funds would require approval of the Board of Supervisors of Santa Cruz County, City Council of Watsonville, and the Board of Directors of Zone 7 of the Santa Cruz County Flood Control and Water Conservation District;

004



NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Cruz, that funds previously budgeted for the Army Corps of Engineers Feasibility Study is hereby not necessary, and that \$616,500.00 be budgeted for fiscal year 1994/95 for maintenance work on the Pajaro River, and \$110,000.00 be budgeted for fiscal year 1994/95 for developing a detailed maintenance program and addressing the associated environmental issues on the Pajaro River, subject to approval by the Watsonville City Council, and the Board of Directors of Zone 7 of the Santa Cruz County Flood Control and Water Conservation District.

BE IT FURTHER RESOLVED that the transfer is a one-time transfer and that the funds are to be specifically used for maintenance purposes and related program development on the Pajaro River Channel.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 24th day of May, 1994, by the following vote:

AYES: SUPERVISORS Beautz, Symons, Belgard, Keeley and Patton  
 NOES: SUPERVISORS None  
 ABSENT: SUPERVISORS None

**GARY A. PATTON**

Chairperson of said Board

ATTEST: **SUSAN M. ROZARIO**  
 Clerk of said Board

Approved as to form:

*Samuel T. [Signature]* 5/17/94  
 Assistant County Counsel

Distribution: County Counsel  
 Public Works

STATE OF CALIFORNIA	)	SS
COUNTY OF SANTA CRUZ	)	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>5-31</u> 19 <u>94</u> .		
SUSAN A. MAURIELLO, County Administrative Officer		
By <u>[Signature]</u>		Deputy

NO.	ROUTE DATA	INFO	COPY	ATTACH	SUN
1	DIRECTOR				
2	ASST DIR OPPL				
	SW DRAINAGE				
	ED. RD. MAINT.				
	SANITATION				
	TRAP PERIA				
	CSAPARONG				
3	ASST DIR P.S.				
4	DRAINAGE				
	CONSTRUCTION				
	SAN. ENG.				
	SOLID WASTE				
	ASST DIR R.E.				
	DESIGN				
	SURV. PLAN REV.				
	R.D.A.				
	ROAD PLANNING				
	CHIEF AGH SVC				
	REAL PROPERTY				

Memo to John Pantham  
April 1, 1994  
Page 5

A number of churches have, however, sought and received significant reductions in their charges after a review of their individualized circumstances.

#### Retroactivity

Ordinance No. 1 of the Zone established a one-year statute of limitations for challenges to service charges (Section 1.05.030).

However, the Board is not necessarily limited to a one-year statute of limitations if it chooses to make a refund of charges beyond that time (Mitchell vs. Sanitation District (1957) 150 Cal.App.2d 366). In order to do so, the Board's action would need to further the District's purposes or have been in obvious error. For instance, if an error was made to include an area within the zone which was actually outside of the drainage area of the zone, it would be appropriate for the Board to refund all of the charges that had been paid by that property owner.

#### Process to Amend Service Charges

The resolution of consent adopted by the Watsonville City Council to permit Watsonville's inclusion in the Zone established a process for consideration of any changes to the service charge schedule in the Engineer's Report. Any changes would have to be approved first by the City of Watsonville and the County Board of Supervisors, prior to final confirming actions of such changes by the District Board of Directors. Either the City of Watsonville, the County or Zone 7 could initiate a request for a change in service charges. Should the Board desire to initiate a change in the fee schedule, the Board could initiate the process by Board directive to staff to initiate contacts with the City and County to consider the requested change.

ST:pf:ZONE7CH.5TM

cc: Jan Beautz, Board of Supervisors  
Walt Symons, Board of Supervisors  
Gary Patton, Board of Supervisors  
Ray Belgard, Board of Supervisors  
Fred Keeley, Board of Supervisors  
Betty Bobeda, Watsonville City Council  
Watsonville City Council  
Ed Kelly, Pajaro Valley Water Management Agency  
Pajaro Valley Water Management Agency  
Don Cooley, Churches Spokesperson  
Ray Amhrein, Churches Spokesperson  
Auditor-Controller  
CAO

Something more, however, is required for a "public purpose" than just a gift which will benefit the public in general. The County of Alameda, for example, could pay for a street improvement in the City of Oakland because the improvement of a street within the confines of the county was found to be a matter of such general county interest that county funds might properly be expended for it (City of Oakland vs. Garrison (1924) 194 Cal. 298). The donation must foster the purpose for which the agency (in this case, flood control or water conservation purposes) was created or the donation is unconstitutional (Santa Barbara Agency vs. All Persons (1957) 47 Cal.2d 699 at 707).

The district may certainly sell or exchange property it feels is no longer required for district purposes as this converts the useful property into other useful assets. However, giving property away, or anything of value (i.e., exemption from fees) is beyond the discretion of the board as a gift reduces the assets of the district and does not further the specific purposes of the district.

The service charges set by the Zone 7 Board are based on the runoff generated on a property and the need to finance ongoing maintenance and new construction projects including an Army Corps. flood control project. The representatives of the churches have not presented any evidence that they have reduced their runoff to justify a zero service charge. They also will receive benefit from the Army Corps project and the District's current improvements. Runoff from structures, buildings, and other impermeable surfaces do not differ depending upon whether the property and improvements are used for religious or non-religious purposes. Since the amount of runoff is a consideration in the setting of Zone 7 charges, to exempt property used for religious purposes would be subject to challenge.

The district does have the ability to "acquire and contract to acquire by purchase, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, right-of-way, easements, privileges, material and property of every kind within or without the district or county (Section 77-41).

The presentations made to the Board of Directors do not reveal any basis for granting a fee exemption to churches based on their past flood control and water conservation activities. Therefore, based on this office's review of the record, it does not appear that the Board can authorize such a retroactive exemption (California Constitution, Article XVI, Section 6; City of Oakland vs. Garrison (1924) 194 Cal. 298).

- b. Financing the maintenance of public storm drainage facilities or water conservation projects within the Zone as outlined in the Report of the Engineer of the District.

The Engineer's Report went on to reference various construction and maintenance projects and the nature of the Districts' involvement with those projects including how Zone 7 charges would finance such operations. This list included projects on the Pajaro River, Salsipuedes Creek, Corralitos Creek, and various other future and existing projects.

Service charges/Gift of Funds

A service charge schedule was approved based on the amount of runoff caused by a property's use or development and the benefits to be received from the District improvements. Categories were established to reflect types of runoff generated (residential, agricultural, unimproved, commercial).

Zone 7 is a special purpose district with a limited public purpose (contrast the general powers of an entity like the County of Santa Cruz or City of Watsonville which has general powers).

California Constitution Article XVI, Section 6 reads:

"...nor shall it [public entity] have the power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever..."

The general rule is that the governmental agencies and districts created pursuant to an enactment of the legislature cannot enlarge or diminish the powers granted to them by statute (Whitcomb Hotel Inc. vs. California Employment Commission (1944) 24 Cal.2d 753; Vol. 46 Ops.Cal.Atty.Gen. at pg. 139).

Zone 7 of the Santa Cruz County Flood Control and Water Conservation District created pursuant to special legislation falls within this principle and must find its powers in its statutory authority. This power must be interpreted in light of the constitutional prohibition against unauthorized gifts of public funds. The general rule is that a public agency does not violate this constitutional proscription as long as the donations it makes are pursuant to a public purpose (County of Alameda vs. Janssen (1940) 16 Cal.2d 276, 281).

Section 9 of the Act reads:

"The area of the district is subject to periodical floods during the rainy seasons precipitated by the water of the Pajaro and other rivers, which rivers are an important potential source of water for domestic, industrial and agricultural uses inside and outside the watersheds. During the dry season, said rivers would be without water if it were not for the foreign waters turned into the rivers. Recognizing this fact, the United States Army Engineers have made studies and recommendations for a proposed plan of improvement for flood control and allied purposes within the area of the district. The cost of adequate flood control and water conservation is beyond the means of the property owners and taxpayers of the district, and it is necessary to negotiate to obtain financial aid from the United States Government. It is recommended by the United States Government and it is desirable to immediately form a political entity to satisfactorily deal with the agency of the United States Government.

Investigation having shown conditions in the county to be peculiar to that county, it is hereby declared that a general law cannot be made applicable thereto and that the enactment of this special law is necessary for the conservation, development, control and use of said waters for the protection of life and property therein and for the public good."  
(emphasis added.)

Zone 7 of the Flood Control District was established on December 17, 1991, to finance the following works of improvement:

- a. Engineering, construction and financing of a storm drainage system of water conservation projects as outlined in the 10/29/91 Report of the Engineer of the Santa Cruz County Flood Control and Water Conservation District on the formation of Zone 7 of the District;

## COUNTY OF SANTA CRUZ

### INTER-OFFICE CORRESPONDENCE

DATE: April 1, 1994  
TO: John Fantham, Director of Public Works  
FROM: Samuel Torres Jr., Assistant County Counsel  
SUBJECT: Legality of Retroactive Exemption for Church Properties  
Used for Religious Purposes from Zone 7 Flood Control  
Water Conservation District Charges

---

At the March 16, 1994 meeting the Board of Directors of Zone 7 directed the Public Works Director and the County Counsel to return with the necessary resolutions and paperwork to exempt church properties used for religious purposes from Zone 7 Flood Control and Water Conservation District charges. The Board also sought the legal authority for such an exemption and what the process would be to provide for retroactivity to such a request.

#### Conclusion

As a special purpose district, the Zone 7 Board of Directors cannot exempt church properties used for religious purposes from Zone 7 charges and cannot do so retroactively unless to do so would further the purposes of the District (i.e., Flood Control and Water Conservation).

#### Discussion - District and Zone 7 Purposes

The Santa Cruz County Flood Control and Water Conservation District was formed by the statutes of 1955 (Chapter 1489, as subsequently amended, see Act 7390 Water Code Appendix). The objectives and purpose of the Act were:

"To provide, to the extent that the board may deem expedient or economical for water conservation, the control and disposition of flood, storm land other waters of the district, and to that end the district is hereby created to be a body corporate and politic and as such shall have powers herein provided." (Section 4 of the Act, emphasis added.)

BEFORE THE BOARD OF DIRECTORS  
OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT, ZONE 7, STATE OF CALIFORNIA  
RESOLUTION NO. \_\_\_\_\_

On the motion of Director  
duly seconded by Director  
the following resolution is adopted:

RESOLUTION AUTHORIZING IN CONCEPT THE AMENDMENT OF THE DISTRICT  
ENGINEER'S REPORT TO INCLUDE A SERVICE CHARGE CATEGORY  
AND FEE SCHEDULE FOR CHURCHES AND SCHOOLS

WHEREAS, the District's enabling Resolutions and  
Engineer's Report requires the approval by the Zone 7 Board of  
Directors, Watsonville City Council and County of Santa Cruz Board  
of Supervisors before making any changes to the service charge  
categories and fee schedules as established in the District  
Engineer's Report; and

WHEREAS, based on public input, the Board desires to  
modify the District's existing service charge categories and fee  
schedules;

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of  
the Santa Cruz County Flood Control and Water Conservation District  
Zone 7 that the District Engineer's Report be amended in concept to  
include a service charge category for churches and schools and the  
fee for this category be 75% of the fee charged for the  
commercial/industrial category.

PASSED AND ADOPTED by the Board of Directors of the Santa  
Cruz County Flood Control and Conservation District, Zone 7, State  
of California, this \_\_\_\_\_ day of  
\_\_\_\_\_, 1994, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

\_\_\_\_\_  
Chairman of said Board

ATTEST: \_\_\_\_\_  
Chairman of said Board

Approved as to form:

*Paul Tan* 1/7/94  
\_\_\_\_\_  
Assistant County Counsel  
Distribution: County Counsel  
Auditor-Controller  
Public Works

3035A

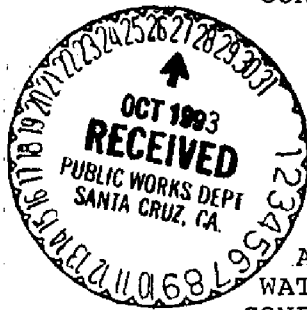
BEFORE THE BOARD OF DIRECTORS  
OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT ZONE 7, SANTA CRUZ COUNTY, CALIFORNIA

314

RESOLUTION NO. 6-27

On the motion of Director Belgard  
duly seconded by Director Bobeda  
the following resolution is adopted:

**FILE COPY**



A RESOLUTION OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT ZONE 7, OVERRULING PROTESTS AND  
CONFIRMING WRITTEN REPORT ON DRAINAGE SERVICE CHARGES FOR THE  
FISCAL YEAR 1993/94

WHEREAS, a written service charge report was filed on  
July 20, 1993 in the Department of Public Works, containing a  
description of each parcel of real property receiving services  
from the District and the amount of the service charges to be  
collected on the County Tax Roll for each parcel for the 1993/94  
fiscal year; and

WHEREAS, on June 18, 1993, this Board appointed the  
time and place of public hearing on said report and directed  
notice, which notice was duly given in the manner provided by  
law as appears by the affidavits of publication on file in the  
office of the Clerk of the Board; and

WHEREAS, said matter came on regularly for hearing at  
the time and place fixed and all written protests and other  
communications were publicly read at said meeting and all  
persons desiring to be heard were fully heard.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED, as  
follows:

1. That objections to, and protests against, said re-  
port were not made by the owners of a majority of  
the separate parcels of property described in the  
report;
2. That all objections to and protests against said  
report have been heard by this Board and that said  
objections and protests be, and each of them is  
hereby overruled;
3. That said report be, and it is hereby adopted in  
full without revision and modification pursuant to  
Water Code Appendix Sections 28, 173 and 191, and  
Zone 7 Rules and Regulations Section 3.5, and that  
the charges as specified in said report shall be  
collected on the tax roll of the County of Santa  
Cruz, in the manner provided by law;



4. That the Clerk of the Board be, and she is hereby directed to file with the County Auditor of Santa Cruz County, on or before the 10th day of August, 1993 a copy of said report, upon which shall be embossed over her signature a statement that the report has been finally adopted by the Board of Directors of the Santa Cruz County Flood Control and Water Conservation District Zone 7;
5. The County Auditor of Santa Cruz County shall, upon receipt of said report, enter the amounts of the charges against the respective lots or parcels as they appear on the assessment roll for the fiscal year 1993/94.

PASSED AND ADOPTED by the Board of Directors of the County of Santa Cruz, State of California, this 3rd day of August, 1993, by the following vote:

AYES: DIRECTORS Beautz, Symons, Patton, Belgard, Keeley, Bobeda and Kelly  
 NOES: DIRECTORS None  
 ABSENT: DIRECTORS None

ED KELLY

Chairman of said Board

ATTEST: SUSAN ROZARIO  
 Clerk of said Board

Approved as to form:

*Bamela Fife*  
 Assistant County Counsel

Distribution: County Counsel  
 Auditor-Controller  
 Public Works

NO.	ROUTE DATA	INFO	COPY	ATTACH	SECR
1	DIRECTOR	✓	✓		MF
	ASST DIR. OFPL				
	S.W.DRAINAGE				
	EQ. RD. MAINT.				
	SANITATION				
	TRAF. PERM.				
	CSA/PARKING				
2	ASST DIR. P.S.	✓	✓		✓
3	DRAINAGE		✓		8
	CONSTRUCTION				
	SAN. ENG.				
	SOLID WASTE				
	ASST DIR. P.E.				
	DESIGN				
	SURV. PLAN REV.				
	R.D.A.				
	ROAD PLANNING				
	CHEF-ADM SVC				
	REAL PROPERTY				

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 24th DAY OF SEP 1993  
 SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY *[Signature]*

3035A

BEFORE THE ZONE 7 BOARD OF DIRECTORS  
OF THE COUNTY OF SANTA CRUZ FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT STATE OF CALIFORNIA



RESOLUTION NO. 5-27

On the motion of Directors Belgard  
duly seconded by Directors Symons  
the following resolution is adopted:

A RESOLUTION ESTABLISHING SERVICE CHARGE RATES  
FOR THE 1993/94 FISCAL YEAR FOR ZONE 7,  
SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BE IT RESOLVED by the Board of Directors of the Santa  
Cruz County Flood Control and Water Conservation District that  
service charge rates for parcels within Zone 7 for the 1993/94  
fiscal year are as follows:

## FILE COPY

### LAND USE

1993/94 RATE  
\$ PER YEAR

Residential Property	\$ 18.00 per SFRU* per year
Agricultural Acreage	\$ 2.50 per acre per year
Unimproved Acreage	\$ 0.25 per acre per year
Commercial/Industrial Acreage	\$120.00 per acre per year

\*Single Family Residence Unit (SFRU) is defined below:

Single Family Residence	1 unit
2 SFR's on a single parcel	2 units
3-4 SFR's on a single parcel	3 units
Mobile Home Parks	0.67 units per space
Duplex	1.4 units
Triplex	1.7 units
Fourplex	2 units

Structures greater than four units are apartments and are charged as commercial acreage.

PASSED AND ADOPTED by the Board of Directors of the  
Santa Cruz County Flood Control and Water Conservation District,  
State of California, this 18th day of  
June, 1993, by the following vote:

AYES: DIRECTORS Beautz, Symons, Patton, Belgard, Keeley and Bobeda

NOES: DIRECTORS None

ABSENT: DIRECTORS Kelly

SUSAN M. ROZARIO

BETTY BOBEDA  
Chairman of said Board

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

  
Assistant County Counsel

Distribution: County Counsel  
Auditor-Controller  
Public Works

NO.	REQUIRE DATA	INFO	COPY	ATTACH	SIGN
1	DIRECTOR	✓	✓	✓	MF
	ASST. DIR. OPR.				
	S.W. DRAINAGE				
	EQ. MD. MAINT.				
	SANITATION				
	TRAF. PERM.				
	CSA/PARKING				
2	ASST. DIR. P.S.	✓	✓	✓	
3	DRAINAGE	✓	✓	✓	ST
	CONSTRUCTION				
	SAN. ENCL.				
	SOLID WASTE				
	ASST. DIR. P.L.				
	DESIGN				
	SURV. PLAN REV.				
	R.D.A.				
	ROAD PLANNING				
	CHIEF-ADM. SVC.				
	REAL PROPERTY				

BEFORE THE BOARD OF DIRECTORS  
OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT ZONE 7, SANTA CRUZ COUNTY, CALIFORNIA

RESOLUTION NO. 4-27



**FILE COPY**

On the motion of Director Patton  
duly seconded by Director Belgard  
the following resolution is adopted:

A RESOLUTION OF THE SANTA CRUZ COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT ZONE 7, OVERRULING PROTESTS AND  
CONFIRMING WRITTEN REPORT ON DRAINAGE SERVICE CHARGES FOR THE  
FISCAL YEAR 1992/93

WHEREAS, a written service charge report was filed  
July 14, 1992 in the Department of Public Works, containing a  
description of each parcel of real property receiving services  
from the District and the amount of the service charges to be  
collected on the County Tax Roll for each parcel for the 1992/93  
fiscal year; and

WHEREAS, on June 19, 1992, this Board appointed the  
time and place of public hearing on said report and directed no-  
tice, which notice was duly given in the manner provided by law  
as appears by the affidavits of publication on file in the of-  
fice of the Clerk of the Board; and

WHEREAS, said matter came on regularly for hearing at  
the time and place fixed and all written protests and other  
communications were publicly read at said meeting and all  
persons desiring to be heard were fully heard.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED, as  
follows:

1. That objections to, and protests against, said re-  
port were not made by the owners of a majority of the separate  
parcels of property described in the report;

2. That all objections to and protests against said  
report have been heard by this Board and that said objections  
and protests be, and each of them is hereby overruled;

3. That said report be, and it is hereby adopted in  
full without revision and modification pursuant to Water Code  
Appendix Sections 28, 173 and 191, and Zone 7 Rules and  
Regulations Section 3.5., and that the charges as specified in  
said report shall be collected on the tax roll of the County of  
Santa Cruz, in the manner provided by law;

74

4. That the Clerk of the Board be, and she is hereby directed to file with the County Auditor of Santa Cruz County, on or before the 10th day of August, 1992, a copy of said report, upon which shall be embossed over her signature a statement that the report has been finally adopted by the Board of Directors of the Santa Cruz County Flood Control and Water Conservation District Zone 7;

5. The County Auditor of Santa Cruz County shall, upon receipt of said report, enter the amounts of the charges against the respective lots or parcels as they appear on the assessment roll for the fiscal year 1992/93.

PASSED AND ADOPTED by the Board of Directors of the Santa Cruz County Flood Control and Water Conservation District Zone 7, State of California, this 28th day of July, 1992, by the following vote:

AYES: DIRECTORS Beautz, Levy, Patton, Belgard, Keeley, Bobeda, Kelly  
 NOES: DIRECTORS None  
 ABSENT: DIRECTORS None

Ed Kelly  
 Chairperson of said Board

SUSAN M. ROZASO  
 ATTEST: \_\_\_\_\_  
 Clerk of said Board

Approved as to form:

Jonathan Utthwa  
 Assistant County Counsel

Distribution: County Counsel  
 Auditor-Controller  
 Public Works

NO	ROUTE DATA	DIRECTOR	ASSISTANT DIR. TYPE	SOLID WASTE	DRAINAGE O	EQUIPMENT	ROAD MAINT	SANITATION	TRAFFIC / CSA	PERMITS	ASST DIR. ENG	DESIGN	SURVEY	DRAINAGE E	CONSTRUCTION	SAN. ENG	RDA	PARKING	FISCAL OFFICER	REAL PROPERTY
1																				
2																				
3																				
4																				
5																				

SCRp

STATE OF CALIFORNIA )  
 COUNTY OF SANTA CRUZ ) 89

I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by the Board of Supervisors of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 28th day of July, 1992.

SUSAN A. MAURIELLO, County Administrative Officer

7.