



# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ  
FIRST DISTRICT

ELLEN PIRIE  
SECOND DISTRICT

MARDI WORMHOUDT  
THIRD DISTRICT

TONY CAMPOS  
FOURTH DISTRICT

MARK W. STONE  
FIFTH DISTRICT

AGENDA: 5/25/04

May 19, 2004

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

RE: PAJARO RIVER MAINTENANCE RELINQUISHMENT

Dear Members **of** the Board:

On February 25, 2003, the Board of Supervisors, the Santa Cruz County Flood Control and Water Conservation District, and the Pajaro Storm Drain Maintenance District initiated the process to relinquish the maintenance responsibilities for the Pajaro River to the State Department of Water Resources. This decision was driven by the County's desire to reduce future liability stemming from flooding events like those that occurred in **1995** and **1998**.

As our Board is aware, staff proceeded to fulfill the various State requirements to relinquish control over the project, including holding public hearings and filing the necessary documents with the State Department of Water Resources. Throughout this process, residents have continually expressed their strong opposition to relinquishing maintenance control of the river to a State agency due, primarily, to the following reasons:

1. **Loss** of local influence over maintenance decisions on the river; and
2. Relinquishment to the Department of Water Resources would greatly increase maintenance **costs** for resident property owners.

While there are abundant arguments being made on both sides of this issue, this letter is not the place to discuss those views. However, **I** believe that the people of Pajaro Valley are


BOARD OF SUPERVISORS  
May 19, 2004  
Page 2

completely united in their total opposition to this process. At this point, it is clear to me that relinquishment lacks the community support needed to justify the County resources and staff time needed to continue with this process.

I believe that we must continue working to identify avenues, other than relinquishment, to enable Santa Cruz County to shield itself from further liability. In order to consider other possibilities, we must abandon the relinquishment process. Further, the pending decision on the relinquishment hinders the channels of cooperation for other important projects such as the reconstruction of the levees. I believe that abandoning the relinquishment process would enable the community to consider other scenarios for governance and maintenance of the river, after the levees are reconstructed, which might meet our County's legal concerns.

Therefore, I recommend that the Board of Supervisors terminate the process to relinquish the County's maintenance responsibilities over the Pajaro River to the State Department of Water Resources and direct the Public Works Department to advise the appropriate agencies of this decision, as necessary.

Sincerely yours

  
TONY CAMPOS, Supervisor  
Fourth District

TC :pmp

cc: Public Works Department  
County Administrative Officer  
County Counsel

1474S4



# County of Santa Cruz

## DEPARTMENT OF PUBLIC WORKS

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

THOMAS L. BOLICH  
 DIRECTOR OF PUBLIC WORKS

### AGENDA: MAY 25 2004

May 20, 2004

BOARD SUPERVISORS  
 SANTA CRUZ COUNTY  
 701 Ocean Street  
 Santa Cruz, CA 95060

### SUBJECT: PAJARO RIVER RELINQUISHMENT AND THE NEED TO MITIGATE IUSKS

Members of the Board:

Your Board has set this time to consider a report on the status of relinquishment including whether to end the proceedings to relinquish maintenance of the Pajaro River Flood Control project to the State of California. Although we recognize that there has been little public support voiced for the relinquishment efforts, staff remains genuinely concerned about the County's exposure in continuing to undertake maintenance responsibilities on the Pajaro River and its tributaries until the project is rebuilt. We recognize that addressing these issues in the context of a newly rebuilt replacement project will be more straightforward to address, but the concern is addressing flood risks in the interim.

Clearly, the replacement project is the ultimate solution. Until that time aggressive, effective and responsible maintenance is the standard that we have set for the County. Yet, with the low level of flood protection offered by the current levee project -- 8 year storm level of protection on the main stem and less on the tributaries -- the best efforts of the County will not prevent future damage from mother nature's flood waters between now and the time the levees are rebuilt.

In light of these concerns, it is appropriate that the County consider appropriate approaches to minimize the loss of life and property and protect the community from foreseeable economic losses. Efforts should be considered to protect public agencies from being forced into the role of an unpaid insurer of losses sustained from floods occurring in the 100 year flood plain. **As** a result of the **1995** storms, the County is scheduled to pay \$22 million in damages to uninsured Monterey county property owners and residents, insurance companies and lawyers. The challenge is to avoid a recurrence of this unfortunate result.

In order to address these issues, staff recommends that the Board consider appropriate approaches to minimize risks in addition to the aggressive maintenance the County is already undertaking. Relinquishment is one method to reduce these risks. Allowing another agency to assume these responsibilities would be another alternative. Exploring other governance options along with the report on relinquishment would be prudent.

At many public meetings where the matter of relinquishment is discussed, the question has often been raised regarding how to better structure the governance of Pajaro River issues now overseen jointly by Santa Cruz and Monterey counties. The staff of the two counties recognize the need to consider the creation of a new entity to oversee maintenance of the existing project **as well as** the proposed reconstruction of the Pajaro River Flood Control Project. As is often evident, the existing two-county approaches to managing issues on the lower Pajaro River present substantial management challenges pertinent to the river.

The Arreola lawsuit, the estimated costs associated with reconstructing the Pajaro River Flood Control project, and the mounting costs associated with maintaining the old, existing project are the major reasons which have been cited to consider relinquishment. For example, Proposition 218 limits the County's ability to raise assessments to cover increasing maintenance and permitting costs. Changing maintenance practices in response to the Endangered Species Act and the difficulty in obtaining permits to do the maintenance are two key reasons your Board is considering relinquishing maintenance responsibility to the State of California, Department of Water Resources (DWR), who would be better able to obtain necessary permits and to recover the costs **of doing so**, whereas the two counties would face continued challenges and obstacles. Staff also assumes that the State is better positioned to address possible impacts to the Pajaro River Flood Control project area from activities in the upper watershed. For those reasons staff recommended beginning the process to relinquish Santa Cruz County's maintenance obligations to the State.

The relinquishment process has already produced tangible results for the County of Santa Cruz. **Your** Board's consideration of relinquishing maintenance and operations to the State has already required the County **of** Monterey to negotiate with the State **on** its contribution to an adequate level **of** maintenance. Presently Santa Cruz County is paying the vast majority of maintenance costs. The relinquishment process is likely to contribute a basis for allocating costs equitably between the two counties, and it has provided a non-legal recourse **to** negotiate shared maintenance costs with Monterey County.

While we have not yet received DWR's revised "Statement of Necessary Work" and the other relinquishment data needed to determine precise costs, nor have they held the required public hearings to establish the maintenance area boundary, the following is our preliminary estimates **from** the draft material which has been provided:

Pajaro River Relinquishment and Related Matters  
Page 3

Land Use Categories	Current Santa Cruz Annual Charges	DRW Proposed Annual Charges using a Reduced Flood plain
Residential	\$56.01	\$73
Agricultural	\$7.76 per acre	\$8.00 per acre
Commercial	\$373.40 per acre for 1162 acres	\$1,098 per acre for 294 acres


It is important that your Board understands that the DWR staff have indicated that their fiscal year 2004-2005 budget contains a request for trailer bill language to reduce the State's liability risks in forming new maintenance areas. The bill would, among other things, seek to give DWR discretion as to whether or not to form a maintenance area outside the Central Valley. Passage of this provision would greatly reduce the likelihood that the State would ever take over a maintenance area outside the Central Valley. This provision is being sought **as** a result of recent actions by the San Luis Obispo County Board of Supervisors and your Board's action to initiate relinquishment, along with the judgments reached in the 1986 Flood cases in the Sacramento Valley, where the State was found liable for damages to flood victims in the estimated amount totaling approximately **\$100** million in 1986 dollars plus interest and attorney's fees. Current estimates are that the State will be confronted with liability totaling \$1 Billion as a result of this flood, which occurred on a failed levee, maintenance of which was assumed by the State. Abandonment at this point, or substantially delaying the relinquishment process **risks** losing the ability to ever relinquish the maintenance back to the State.

As your Board may recall, the Proposed May Revision does include reductions for the County's Flood Districts equal to 25% **of** their allocated taxes. This is a substantial reduction for the cash constrained flood districts.

For all the above reasons it is recommended that your Board not end the relinquishment proceedings. You should direct staff to work with the community to develop options for a South County or joint County governance structure to accommodate maintenance until the levee system is rebuilt. **Staff** also feels that in light of the Arreola case, a new governance structure is necessary to protect county taxpayers as a whole from undue exposure to additional liability from possible future flood scenarios along the lower Pajaro River. This leaves the County in a very vulnerable position since it will be at least four more years before construction **can** begin. **Staff** would advise your Board to consider **working** with the community to explore a new governance structure in addition to continuing relinquishment proceedings until more appropriate maintenance and management arrangements can be secured.

It is therefore recommended that the Board of Directors direct staff to work with the community to evaluate the feasibility of developing alternative governance structures for the maintenance of the Pajaro River and return with a further status report on September 21, 2004.

Yours truly,

  
for - THOMAS L. BOLICH  
Director of Public Works

TLB:BLC:mg

RECOMMENDED FOR APPROVAL:

  
\_\_\_\_\_  
County Administrative Officer

**Copy to:** City of Watsonville  
California Department of Water Resources  
County Counsel  
CAO  
Public Works

Governmental Liaison

Parents United  
Padres Unidos

Community Activist

From the desk of: Dan Hernandez  
319 Second St.  
Watsonville, CA 95076  
April 28, 2004

Santa Cruz County Board of Supervisor  
701 Ocean Street  
Santa Cruz, Ca 95062


Honorable chairperson & Members of the Board of Supervisors

We at Parents United & Padres Unidos, who represent the working poor on both sides of the Pajaro river, would like you to know we are against the idea of the board relinquishing the leevy maintenance to the State. We are also against the notion of a private local entity to take over the maintenance.

Our reasoning, until a leevy flood project is chosen by both counties', we will not know what the costs of the maintenance will be. Once both counties agree on a project this will also have a restoration plan and costs as part of the overall leevy flood project.

Moving on the liability issue, our understandment is, that the counties will still be liable regardless of who has the maintenance. When you can answer Honestly, on which flood project you choose and restoration plan and let us not forget the liability issue then that will be the time, if a privet entity wanted to take on the job of the maintenance of the leevy.

Very truly yours,

  
Dan Hernandez  
Dan Hernandez

# General Farm Investment Co.

P.O. Box 247 • Salinas, CA 93902-0247 • Phone (831) 424-7923 Fax (831) 424-7812

May 3, 2004

Board of Supervisors,  
Santa Cruz County  
701 Ocean St. Ste 500  
Santa Cruz, CA 95060-4069

Dear Santa Cruz Board of Supervisors:

I am writing on behalf of the Bunn and Yuki families, owners of a ranch along the Pajaro River in Santa Cruz county. We have been dismayed to learn of the county's proposal to relinquish the Pajaro River levee maintenance and associated responsibilities. We request that you drop this effort to relinquish local control to the state. Passing the problem along to someone else, especially a larger entity like the state of California, will not solve the problems of the Pajaro Valley. It will only make matters worse.

Please continue to work with the landowners, growers and residents of the concerned area in the Pajaro Valley to develop a plan to maintain the Pajaro River in a responsible and responsive manner.

Sincerely yours,

GENERAL FARM INVESTMENT COMPANY



David Bunn

cc: Tom Bolich, Public Works Director  
Susan Mauriello, County Administrative Officer



# CITY OF WATSONVILLE

"Opportunity through diversity; unity through cooperation"

Copy To Each Super



**ADMINISTRATION BUILDING**  
215 Union Street  
Second Floor  
Fax 831.761.0736

**MAYOR & CITY COUNCIL**  
215 Union Street  
831.728.6006  
**CITY MANAGER**  
831.728.6011  
**CITY ATTORNEY**  
831.728.6013  
**CITY CLERK**  
831.728.6005  
**PERSONNEL**  
831.728.6012

**CITY HALL OFFICES**  
250 Main. St.

**COMMUNITY DEVELOPMENT**  
831.728.6018

Pax 831.728.6173

**FINANCE**  
831.728.6031

Fax 831.763.4066

**PUBLIC WORKS & UTILITIES**  
831.728.6049

Fax 831.728.4065

**PURCHASING**  
831.728.6029

Fax 831.763.4066

**REDEVELOPMENT & HOUSING**  
831.728.6014  
Fax 831.763.4114

**AIRPORT**  
100 Aviation Way  
831.728.6075  
Fax 831.763.4058

**FIRE**  
115 Second Street  
831.728.6060  
Fax 831.763.4054

**LIRRARY**  
310 Union Street  
831.728.6040  
Fax 831.763.4015

**PARKS & COMMUNITY SERVICES**  
30 Maple Avenue  
831.728.6081  
Fax 831.763.4078

May 17, 2004

The Honorable Mardi Wormhoudt  
Santa Cruz County Board of Supervisors  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

Subject: Santa Cruz County Relinquishment of Pajaro River Maintenance

Dear Chairperson Wormhoudt:

Unfortunately, I will be out of town and unable to attend the May 25th Board of Supervisors meeting regarding the relinquishment of Pajaro River maintenance responsibilities to the State.

However, the purpose of this letter is to urge your Board to vote to stop the relinquishment process. The relinquishment of Pajaro River maintenance to the State would be devastating to the businesses and residents located in the State-designated assessment area. To date, the State has indicated the following:

- Total maintenance costs will be higher than current costs.
- The number of properties assessed will be fewer.
- The level of maintenance will be the same or less than current levels.
- The State's ability to obtain resource agency permits will be no greater than that of the County and, in the near term, probably less.

The above factors will result in higher assessments against businesses and residents with no corresponding improvement in the level of maintenance.

In closing, I want to again urge your Board to vote to stop the relinquishment process. Thank you for your consideration.

Very truly yours,

Judy Doering-Nielson  
Mayor

c : Santa Cruz County Board of Supervisors

58

**Bay Village Homeowners Association  
P.O. Box 986  
Watsonville, CA 95077**

**May 20, 2004**

Honorable Mardi Wormhoudt, Chairperson  
Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

Dear Chairperson Wormhoudt and Board Members:

The Bay Village Homeowners Association consisting of 600 hundred homes in the 100 year floodplain, urges the Board of Supervisors to terminate the relinquishment process of the Pajaro River including the Salsipuedes Creek to the State of California.

The impact on the Senior Communities would be devastating and unjust. Many of us are barely able to stay in our homes and remain independent at this time, with the major cost of medication, fuel cost etc.. We must keep control and maintenance with the County of Santa Cruz.

We urge this Board to consider the unrealistic burden of approximately 2,400 parcels being made responsible for the major cost submitted by the State.

Please use your good judgment in addressing this matter on May 25, 2004 and terminate the relinquishment process.

Thanks you.

**Bay Village Homeowners Association**

By: *Lorraine E. Stucki*  
Lorraine E. Stucki, Representative

CC: Members of the Board  
Susan Mauriello, County Administrative Officer  
Tom Bolich, Public Works Director

58/59/60

**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Sunday, May 23, 2004 6:18 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 5/25/2004

**Item Number :** 58

**Name :** Robert Andrighetto

**Email :**  
www.randrighetto@aol.com

**Address :** 360 Oyster Point Blvd. #210 South San  
Francisco Ca.

**Phone :** 650-873-2684

**Comments :**

I appose the relinquishment for all reason of above in support of my neighbors.

**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Saturday, May 22, 2004 5:15 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 5/25/2004

**Item Number :** 58

**Name :** Jean Holmes

**Email :** holmesjean20@hotmail.com

**Address :** 23 Plover Circle  
Watsonville

**Phone :** Not Supplied

**Comments :**

I urge you to terminate consideration of relinquishment of maintenance of the Pajaro River. Losing control of the River and Creek will cause great harm to the Pajaro Valley and burdensome expense to the area.

**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Saturday, May 22, 2004 2:37 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date : 5/25/2004**

**Item Number : 58**

**Name :** Ron and Mabel Kehl

**Email :** rkehl@aol.com

**Address :** PO box 183, Watsonville  
87 Pellican Point

**Phone :** 831-768-7583

**Comments :**

We are against shifting this from local control to the state. It is totally unrealistic to believe the state can maintain this more efficiently and properly than can be accomplished locally. It is much better to maintain local control from a cost and safety issue.

Unfortunately we are unable to attend the meeting and voice our disagreement.

**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Saturday, May 22, 2004 9:13 AM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date : 5/25/2004**

**Item Number : 58**

**Name :** Barry Posner

**Email :** bposner@scu.edu

**Address :** 76 Puffin Lane  
Watsonville, Ca

**Phone :** Not Supplied

**Comments :**  
Board Members:

I know you will use your best judgment, however, there is very little that I have learned that convinces me that relinquishing control to the State for these services relinquishment will benefit the Pajaro Valley, or lead to lower costs, and the lack. This is another area where I believe that local control and oversight is in the public's best interest and I hope you will agree.

**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Friday, May 21, 2004 7:47 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date : 5/25/2004**

**Item Number : 58**

**Name :** Martin Katz

**Email :** leemarkatz@sbcglobal.net

**Address :** 68 Puffin lane  
Pajaro dunes  
Watsonville

**Phone :** 650-854-7053

**Comments :**

A terrible move. Passing control to state is almost as bad as sending to Washington.  
We will get less and it will cost more.  
The lack of local control spells disaster.  
Martin katz

**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Friday, May 21, 2004 4:55 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 5/25/2004

**Item Number :** 58

**Name :** Kay Schroer

**Email :** kschroer@sbcglobal.net

**Address :** Pelican 44  
2601 Beach Road

**Phone :** 650/941-1431

**Comments :**

Dear Supervisors,

I believe strongly that maintaining local control of the Pajaro River watershed by the County is in the best interest of the residents of the area for following reasons:

1. proximity to and knowledge of the area
2. cost - the state will charge more regardless of cost and pocket the excess
3. priorities - the state will take our money and use it for higher priorities

I do not support the notion of creating a new oversight Board (another bureaucracy to support) to manage the watershed as it will end up with little authority, will be more costly and it will likely be difficult to recruit good people to serve.

Please just accept your responsibility and get on with the task of managing the river.

Thank you for accepting my comments.

Sincerely,  
Kay & Bob Schroer



**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Friday, May 21, 2004 9:55 AM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 5/25/2004

**Item Number :** 58

**Name :** Carol Turley

**Email :** carol@pajarodunesassociation.com

**Address :** 2661 Beach Road  
Building 1  
Watsonville, CA 95076

**Phone :** 831 761 7744

**Comments :**

On behalf of the homeowners of Pajaro Dunes, I continue to oppose relinquishment. If the state takes over maintenance the costs will increase, the number of property owners paying for maintenance will dramatically decrease, and there will no more (and possibly less) maintenance than there is now.

**CBD BOSMAIL**

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**From:** CBD BOSMAIL  
**Sent:** Monday, May 24, 2004 5:42 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 5/25/2004

**Item Number :** 58

**Name :** Peter & Robin Frazier

**Email :** rnpfrazier@comcast.net

**Address :** 1260 Medfield Road  
Lafayette, Ca. 94549

**Phone :** 925-299-9019

**Comments :**

We own a house at Pajaro Dunes, and are very disturbed about the possibility of the County relinquishing control of the Pajaro River. We believe that local control is crucial for the Pajaro Valley. Once it is taken away, it will be very difficult to retrieve.