



## Solano Local Agency Formation Commission

675 Texas St. Ste. 6700 • Fairfield, California 94533

(707) 439-3897 • FAX: (707) 438-1788

### *Public Hearing Item*

#### **Staff Report**

**DATE:** February 11, 2019

**TO:** Local Agency Formation Commission

**FROM:** Rich Seithel

**SUBJECT:** LAFCO Project No. 2016-02 SEECON Properties Detachment from Reclamation District 2034 (District). Public Draft Municipal Service Review (MSR) and Sphere of Influence (SOI) Update Study Presentation

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#### **RECOMMENDATION:**

**ADOPT** the Final Municipal Service Review, and;

**CONTINUE** the hearing and Sphere of Influence evaluation to allow District parcel owners to advance discussions regarding detachment issues and to discuss District's viability and reporting requirements.

#### **EXECUTIVE SUMMARY:**

The Commission received Reclamation District 2034's Public Review Draft (Draft) and opened a 30-day public review period on December 10, 2018. After receiving the Draft's findings and determination to entertain dissolution vs. detachment, and after receiving public comment, the Commission expressed concern regarding the District's non-compliance with special district requirements and the ripple effects of District dissolution.

Particularly concerning issues identified were the effects on: ability to apply for FEMA funding; Solano Irrigation District (SID) and RD 2034's maintenance agreement, and; issues raised concerning pumping (West Pump) and detachment.

Given these concerns, the Commission directed staff to: 1) validate FEMA concerns; 2) research SID agreement, and; 3) once again request District documentation to help inform the Commission's decision on the detachment application and the options identified in the Draft study.

#### **Commissioners**

Harry Price, Chair • Jim Spering, Vice-Chair • Ron Rowlett • Nancy Shopay • John Vasquez

#### **Alternate Commissioners**

Ron Kott • Shawn Smith • Skip Thomson

#### **Staff**

Rich Seithel, Executive Officer • Michelle McIntyre, Sr. Analyst • P. Scott Browne, Legal Counsel

Staff further researched the FEMA and SID agreement issues and staff sent a 30-day notice to District members requesting documentation (Attachment #1). Based on research and documentation received from, and discussion with, the District members, SID, and other interested parties, staff has determined/confirmed:

- District dissolution would damage District's FEMA eligibility;
- SID confirmed the RD 2034 maintenance agreement and expressed a keen interest in RD 2034 remaining viable, and;
- District members are expressing a willingness to address their non-compliance with state special district requirements.
- An agreement was reached on January 31, 2019 between Grizzly Bay and SEECON Properties (ADSCO) regarding the West Pump;

Given these findings, it is staff's recommendation that the Final Municipal Service Review Draft (Attachment #2) be adopted and that the Hearing be continued to better evaluate "Milani and Associates Key Findings and Determinations" option c (below): *Approve detachment and require remaining District to improve governance.*

### **BACKGROUND:**

On December 10, 2018, the Commission received Reclamation District 2034's Public Review Draft Municipal Service Review and Sphere of Influence Update Study. The Commission also opened a 30-day public review period.

The SOI Update is necessary to process a change in organization. RD 2034 consists of fourteen parcels totaling approximately 1,476 acres and 4 landowner groups. Geographically, RD 2034 is located approximately two miles southwesterly of the city of Suisun City (Township 4 North, Range 2 West, Mt. Diablo Base and Meridian). It is northwesterly of Grizzly Bay and north of the Sacramento River.<sup>1</sup>

In addition to opening the 30-day public comment period, the Commission received the following during the item discussion: I) Milani and Associates (consultant) findings and determinations and; II) public comment on the item.

### **Milani and Associates Key Findings and Determinations**

- Per a 1912 agreement, individual property owners are responsible for maintenance of the levees on their properties.
- Detachment/dissolution of RD 2034 does not relieve the 1912 agreement.
- District does not levy an assessment on property owners.
- The request for detachment would not change the current use of the property.
- District is non-compliant with Govt Code §53891 and §53893 requiring agencies to submit financial transaction reports, the Brown Act and Public Records Act.

These findings led to Milani and Associates recommending four options for consideration:

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<sup>1</sup> SEECON Financial & Construction Company (applicant), majority landowner, applied to detach seven parcels from Reclamation District 2034 (LAFCO Application # 2016-02). The seven parcels total approximately 808.37 acres.

- A) Deny detachment request;
- B) Deny detachment request, but condition governance improvement;
- C) Approve detachment and require remaining District to improve governance; and
- D) Dissolve the District.

Given these four options, Milani and Associates' recommended dissolution given that: this District is not in full compliance with current State laws governing special districts including: not having filed annual financial reports with the State Controller's Office; no annual operating budget; does not hold regular noticed meetings with agenda and minutes that are publicly available; and has no adopted plan for the ongoing maintenance, repair, operation or construction of supplemental works.

#### Public Comment

During the December 10 public discussion on the RD 2034 item, two of the four District land-owners requested that consideration be given to preserving the District agency either in whole or, if detachment occurs, for the remaining properties. Three primary issues were raised in conjunction with dissolution: Dissolution will inhibit ability to apply for FEMA funding in the event of an emergency: existing long-standing RD 2034/SID (Solano Irrigation District) agreement, and; District's reliance on main pump (a.k.a. "West Pump" or pump) located on proposed detachment property.<sup>2</sup>

In response, the Commission directed staff to: 1) validate FEMA concerns: 2) verify SID agreement with RD 2034, and; 3) once again request District documentation to help inform the Commission's decision on the detachment application and the options identified in the study.

#### 1) FEMA:

Dissolving the District may well inhibit the ability to apply for funding, funding which they have utilized in the past (see attachments #3 and #4).<sup>3</sup>

#### 2) SID Agreement:

SID submitted a letter confirming that they have a cost-sharing maintenance agreement in which RD 2034 is a party (Attachment #5/#5A). These agreements involve SID's Perry Drain, Raines Drain, and a RD 2034 drain at a point east from the Suisun Creek to the tide gates. Furthermore, Paul Fuchslin, Director of Engineering, SID advises RD 2034 dissolution would be problematic and require another party to succeed RD 2034's liability.

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<sup>2</sup> No additional comments were received during the 30-day comment period by the public or agencies.

<sup>3</sup> According to the FEMA Public Assistance Program and Policy Guide, April 2018: "Based on a federal major disaster declaration, state and local governments including certain reclamation districts may be eligible for federal disaster assistance and can apply for reimbursement of eligible costs due levee breaks and flooding caused by a major storm event. FEMA reimbursement covers emergency response costs, debris removal, emergency protective measures related to the floods, and the repair or replacement of damaged public facilities."

### 3) Follow-up Document/Information Request:

A follow-up 30-day request for District documentation was sent on December 21 (Attachment #1). LAFCO staff received the following documentation:

- Attachment #6, January 20, 2019 letter from Grizzly Bay LLC. stating no objection to SEECON Properties detachment but have an issue with pump status;
- Attachment #7, Robert Chadbourne's note claiming the pump is a District asset;
- Attachment #8, An April 13, 2017 District meeting agenda;
- 
- Attachment #9, May 2016 District Bank Statement;
- Attachment #10, January 19, 2016 District meeting minute notes;
- Attachment #11, E-mail exchanges between Mark Dawson, District member, and Solano County Auditor-Controller's office.

In addition to the three Commission directive updates above, because of the integral nature of pumping, staff has been discussing the West Pump issues with District members. District members have advised that discussions are taking place regarding settlement of the West Pump issue. A District meeting has been tentatively scheduled in the next month.

### **CONCLUSION:**

In conclusion, there are 5 significant factors influencing the recommendation to ADOPT the Final MSR and SOI Update Study and to CONTINUE the hearing:

1. District landowners submitted documentation indicating that RD 2034 has, to some degree, operated as a functioning district as recently as 2017;
2. District members stated desire to retain disaster assistance eligibility;
3. District expressing a willingness to address governance issues/reporting;
4. SID confirming agreement and interest in RD 2034's viability.
5. An agreement was reached on January 31, 2019 between Grizzly Bay and SEECON Properties (ADSCO) regarding the West Pump;

It is staff's recommendation that the Final Municipal Service Review be adopted and that the Hearing be continued to better evaluate option C listed in the above "Milani and Associates Key Findings and Determinations" section *to consider approving detachment and requiring remaining District to improve governance.*





## **Solano Local Agency Formation Commission**

675 Texas St. Ste. 6700 • Fairfield, California 94533  
(707) 439-3897 • FAX: (707) 438-1788

December 21, 2018

To: Reclamation District 2034, District Officers and Landowners

Subject: Request for District Documentation

On December 6, 2018 we emailed you the draft municipal service review (MSR) and sphere of influence (SOI) study for Reclamation District 2034. Based on public comments at the meeting, the Commission directed staff to once again request District documentation to help inform their decision on the detachment application and the options identified in the study. We are requesting the following documents from all landowners/District Officers:

1. Any and all ownership documentation with respect to the West Pump.
2. District records of FEMA or State disaster relief/public assistance funds.
3. District Financial Information including:
  - a. District bank statements
  - b. Agreements/Contracts/MOUs between the District and other public agencies or other property owners
  - c. Invoices to or from the District
  - d. List of District assets
  - e. List of District liabilities
  - f. Financial reports submitted to the State Controller's Office
  - g. Financial statement audits
4. District Governance Information including:
  - a. Bylaws
  - b. Meeting agendas from the last 2 years
  - c. Notices of meetings from the last 2 years
  - d. Meeting minutes from the last 2 years

Please provide any and all relevant documents you have to our office via mail or email at [mmcintyre@solanolafco.com](mailto:mmcintyre@solanolafco.com) and [rseithel@solanolafco.com](mailto:rseithel@solanolafco.com) by **January 21, 2019**. Please note the MSR/SOI study will most likely be included on the Commission's Feb 11, 2019 meeting agenda. Thank you in advance for your attention to this matter.

Sincerely,

Michelle McIntyre

### **Commissioners**

Harry Price, Chair • Jim Spering, Vice-Chair • Nancy Shopay • John Vasquez

### **Alternate Commissioners**

Ron Kott • Shawn Smith • Skip Thomson

### **Staff**

Rich Seithel, Executive Officer • Michelle McIntyre, Sr. Analyst • P. Scott Browne, Legal Counsel

**RECLAMATION DISTRICT 2034  
MUNICIPAL SERVICE REVIEW  
AND  
SPHERE OF INFLUENCE UPDATE STUDY  
FINAL DRAFT**

PREPARED BY  
MILANI & ASSOCIATES  
  
IN COLLABORATION WITH  
CRAFT CONSULTING GROUP AND  
MMS DESIGN

FOR  
**SOLANO LAFCO**  
675 TEXAS STREET, SUITE 6700  
FAIRFIELD, CA 94533  
707-439-3898

February 2019

## **SOLANO LOCAL AGENCY FORMATION COMMISSION**

### **Commission Members**

Harry Price, Chair, Mayor of Fairfield  
James Spering, Vice-Chair, Solano County Supervisor  
Nancy Shopay, Public Member  
Pete Sanchez, Mayor of Suisun City  
John Vasquez, Solano County Supervisor  
Len Augustine, Mayor of Vacaville (Alternate)  
Shawn Smith, Public Member (Alternate)  
Skip Thomson, Solano County Supervisor (Alternate)

### **Staff**

Rich Seithel, Executive Officer  
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## **CONSULTANT TEAM**

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Gary W. Craft, Craft Consulting Group, Economics & Planning  
Kevin Stichter, Craft Consulting Group, Economics & Planning  
Mike McGill, MMS Design, Civil Engineering & Land Planning

## District Profile

### **Reclamation District No. 2034**

District Office:	Reclamation District No. 2034 3170 Crow Canyon Place, Suite 260 San Ramon, CA 94583 Phone: (925) 866-2111
Governing Body:	Elected Board of Trustees
Board of Trustees:	Governing Board includes President, Secretary, and Treasurer President: Art Anderson Secretary: Currently Vacant (Mark Dawson serves as Acting Secretary) Treasurer: Mark Dawson
Staff:	No District Staff
Date of Formation:	April 7, 1919
Enabling Act:	California Water Code Section 50000 et. seq. (Originally formed under Article II of the California Political Code which was replaced by the addition of Division 15 of the Water Code in 1951)
Purpose:	Formed under general reclamation law for the purpose of constructing and maintaining levees and drainage system for land reclamation purposes
Type of District:	Land Owner District
Sphere of Influence:	Coterminous with District boundaries.
Area (APN acreage):	1,476 acres in unincorporated Solano County
Primary Land Use:	Agricultural, Range Land, Duck Hunting Clubs, Marsh Land
District Services:	Drainage, flood control, levee maintenance
Facilities/Assets:	Easements
Latent Powers:	The District has the right to construct, improve, maintain and operate levee and drainage systems and other reclamation works within the affected territory per 1912 Agreement and 1950 easement grants.
Operating Budget:	Indeterminate. Although requested, the District did not respond to several requests for annual operating budget.
Primary Revenue Source:	Cost sharing by District property owners
Fiscal Health:	Indeterminate. Although requested, the District did not submit any financial documents (i.e. financial statements or audits), and does not file annual reports with the State Controller's Office.
District Status:	Considered Active, but not fully compliant
Shared Facilities:	None
Population:	Uninhabited territory with no current expectation for growth
Disadvantaged Communities:	None

Information Sources: Site visit; review of District documents; meetings with district landowners and/or representatives; Solano County Assessors Office; Solano County Boards, Committees and Commissions website with list of Boards, Commissions and Committees including information on various organizations throughout the County of Solano found at: <http://bccweb.solanocounty.com/Open/Reports/boardDetail.asp>; Solano County Register of Voters; U.S. Census Bureau; Solano County LAFCO; Solano County Planning website; and other sources.

## **ACRONYMNS**

APN – Assessor Parcel Number

CDP – Census Designated Place

CEQA – California Environmental Quality Act

CKH - Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act)

DUC – Disadvantaged Unincorporated Community

GC – California Government Code

LAFCO – Local Agency Formation Commission

MHI – Median Household Income

MSR – Municipal Service Review

SB – California Senate Bill

SCO – California State Controller’s Office

SOI – Sphere of Influence

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## SECTION 1: INTRODUCTION

The Solano Local Agency Formation Commission (LAFCO) has received a petition of application from the majority landowner for a detachment of their lands from Reclamation District 2034 (RD 2034). See Attachment A: Detachment Application in the Appendix. For a landowner-voter district, pursuant to California Government Code Section (GC§) 56864(b), a petition for detachment may be initiated by a landowner (or owners) who own not less than 25 percent of the assessed value of land within the district. The applicant landowner meets this criterion. (See Table A1 in the Appendix)

RD 2034 is located approximately two miles southwesterly of the city of Suisun City (Township 4 North, Range 2 West, Mt. Diablo Base and Meridian). It is northwesterly of Grizzly Bay and north of the Sacramento River. Information obtained from the Solano County Assessor's Office shows District lands consist of fourteen parcels totaling approximately 1,476 acres, owned by four landowner groups (see Table 1 for property ownership and acreage). Seven (7) parcels, as noted on Table 1 below, are proposed for detachment on approximately 808.37 acres of land. Boundaries plotted from the District's formation geographical description are substantially in agreement with the Assessor's parcel information (see Figure 1 for map of the District's boundaries and parcels).

Table 1: Parcels Proposed for Detachment

Property	APN	Acreage	Owner*	Detachment Request
1	0046-050-080	80.00	Grizzly	No
2	0046-010-160	103.85	Seecon	Yes
3	0046-060-030	158.49	Seecon	Yes
4	0046-060-040	78.92	Seecon	Yes
5	0046-010-120	171.30	Seecon	Yes
6	0046-060-180	193.10	Grizzly	No
7	0046-060-190	9.10	Seecon	Yes
8	0046-060-200	238.80	Seecon	Yes
9	0046-060-210	179.70	Grizzly	No
10	0046-320-060	29.00	Dunnigan	No
11	0046-320-080	29.00	Dunnigan	No
12	0046-320-090	47.91	Seecon	Yes
13	0046-320-190	57.42	Chadbourne	No
14	0046-320-200	99.50	Dunnigan	No
<b>Total</b>		<b>1,476.09</b>		

Source: Solano County Assessor's Office Online Property Information and SEECON Application for Detachment.

\* See Table A1 in Appendix for more detailed ownership information.



In conducting the following MSR and SOI study, the consultant team requisitioned and reviewed available district documents, met with district landowners and/or their representatives, held a site visit, and researched and analyzed relevant information regarding the District and LAFCO statutory required determinations. In the course of the consultant's team research, it became apparent that RD 2034 may not be operating in accordance with the California Water Code and/or LAFCO statutes. Accordingly, the consultant team evaluated whether the District is eligible for dissolution based on criteria set forth in the State law.

This MSR and SOI study includes a detailed evaluation of RD 2034 (which was last evaluated as part of a multi-district MSR<sup>1</sup> in 2009) with consideration for either the detachment of property or the dissolution of the District. This MSR/SOI Study focuses exclusively on RD 2034. The consultant team's assessment and supporting documentation is laid out in the following sections that includes: 1) Introduction, 2) LAFCO's role and responsibilities, 3) Analysis of RD 2034, 4) Municipal Service Review requirements, 5) Sphere of Influence study requirements, 6) Summary of key findings and determinations, 7) Options available to LAFCO, 8) Analysis of Option #3 Detachment from RD 2034, and 9) Analysis of Option #4 Dissolution of RD 2034.

## SECTION 2: LAFCO ROLE AND RESPONSIBILITIES

Prior to considering the detachment petition, Solano LAFCO has the responsibility under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) to review and update the District's Sphere of Influence (SOI). However, in order to prepare and update the District's SOI, LAFCO must first conduct a Municipal Service Review (MSR) and make determinations prescribed by the CKH Act to support any LAFCO actions including a SOI update, and any subsequent boundary and/or governance changes. A MSR is defined by GC §56430 as "*a means of identifying and evaluating public services.*" A SOI is defined as "*a plan for the probable physical boundary and service area of a local agency or municipality.*" (GC§ 56076)

### 2.1 Purpose & Use of this Municipal Service Review

Under the CKH Act, LAFCO has a responsibility to conduct an analysis regarding the impact of the proposed detachment of land from RD 2034. The purpose of this MSR is to provide Solano LAFCO with an informational document and analysis of service provisions by RD 2034 and make determinations prescribed by the CKH Act to support LAFCO actions, including a SOI update and any potential boundary and/or governance changes. This MSR and SOI study includes:

1. Determinations on each of the seven MSR and five SOI factors as provided in and required by the CKH Act, and identified below;
2. An identification of required governance and operational functions of the District in accordance with the Reclamation District's Principal Act or Enabling Legislation;
3. Identification of opportunities for collaboration with alternative service providers;
4. Implications of possible boundary changes including: detachment and dissolution of the district; and
5. Analysis and recommendations for governance structure, enhancing services, efficiencies, and affordability.

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<sup>1</sup> Michael Brandman Associates, "*Municipal Service Review Solano County Water, Irrigation, Reclamation, and Flood Management Agencies*", April 13, 2009

## 2.2 Municipal Service Review Requirements – Seven Factors

In order to prepare and update a SOI, LAFCOs shall conduct a MSR in accordance with GC §56430 prior to, or in conjunction with, the update of a SOI and shall prepare a written statement of its determinations with respect to each of the following seven factors<sup>2</sup>:

- (1) Growth and population projections for the affected area;
- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence;
- (4) The financial ability of agencies to provide services;
- (5) Status of, and opportunities for, shared facilities;
- (6) Accountability for community service needs, including governmental structure and operational efficiencies; and
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy.

The MSR process does not require the LAFCO to initiate changes of organization based on service review conclusions; it only requires that LAFCO make determinations regarding the provision of public services per the provisions of GC §56430. However, LAFCO, local agencies, and the public may subsequently use the determinations and related analysis to consider whether to pursue changes to service delivery, government organization, or the SOI. No SOI can be updated unless the LAFCO first conducts a MSR.

## 2.3 Sphere of Influence Requirements – Five Factors

In accordance with GC §56425, when adopting, amending or updating a SOI, LAFCOs “*shall consider and prepare a written statement of its determinations with respect to each of the following five factors:*”

- (1) The present and planned land uses in the area, including agricultural and open space lands;
- (2) The present and probable need for public facilities and services in the area;
- (3) The present capacity of public facilities and adequacy of public services that the agency provides, or is authorized to provide;
- (4) The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency; and
- (5) The present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

In determining or updating a SOI, the commission may assess the feasibility of governmental reorganization and recommend reorganization when it is found to be feasible and if it will further the goals of orderly development and the efficient and affordable delivery of service. When adopting, amending, or updating a SOI for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts and may require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.

<sup>2</sup> Guide to the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000, December 2017

In fulfilling its legislative mandate, Solano LAFCO policy is *“to either: approve, approve with conditions or deny proposals for changes of organization or reorganization after considering a number of factors. Among the issues to be considered are: The Legislature’s policies and priorities for LAFCO, the proposal’s relationship to the affected agency’s Sphere of Influence; the application’s compliance with the California Environmental Quality Act (CEQA); and the submitted responses to Solano LAFCO’s Standards.”*<sup>3</sup>

## **2.4 Suisun Marsh Local Protection Program**

The land and property within the District are part of, and subject to the policies of, the Suisun Marsh Local Protection Program adopted by Solano LAFCO on February 4, 1980. This was in response to, and meets the requirements of, the California Suisun Marsh Preservation Act of 1977. This Act designates two implementation areas where the Solano LAFCO has responsibility to *“encourage continued long term agriculture and wildlife use of lands within the Marsh and to limit urban assessments against lands within the Marsh”* (see Figure A2 in the Appendix for Suisun Marsh Local Protection Program areas). Solano LAFCO’s policies related to the Marsh are to *“reclaim and maintain land that is at risk of flooding for a variety of purposes.”*

## **2.5 CEQA Requirements**

The California Environmental Quality Act (CEQA) is contained in Public Resources Code §21000, et seq. Under this law, public agencies are required to evaluate the potential environmental effects of their actions. Specifically, LAFCO is required to comply with CEQA (Bozung v. LAFCO (1975) 13 Cal.3d 263). Generally, LAFCO’s action to make findings and determinations relevant to a MSR is exempt from CEQA under a Class 6 categorical exemption. CEQA Guidelines §15306 state that “Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.”

However, in this case, LAFCO may act to update the District’s SOI. As the Lead Agency, pursuant to CEQA, Solano LAFCO finds the MSR/SOI study is exempt from further environmental review under §15061 (b)(3) which states, “The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Furthermore, §15320 states that “Class 20 actions consist of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.” Updating the District’s SOI, if property is detached, does not grant the District new or additional powers beyond what it has already been authorized at the time of formation, namely constructing and maintaining levees and drainage system for land reclamation purposes. Updating the District’s SOI does not allow landowners to apply for changes in land-use or land subdivision beyond what is already allowed for under Solano County’s General Plan. Therefore, LAFCO finds this study exempt from further CEQA review.

<sup>3</sup> Solano LAFCO Standards and Procedures guidelines, adopted March 1, 1999 as amended

## SECTION 3: RECLAMATION DISTRICT 2034 ANALYSIS

Reclamation districts are special districts that are responsible for managing and maintaining the levees, fresh water channels, sloughs, canals, pumps, and other flood protection structures within district boundaries. Each reclamation district is run autonomously by an elected board and funded by property owners in the district. Historically, a reclamation district represents wetlands that were "reclaimed" by the introduction of levee systems along with other flood control mechanisms to prevent flooding in wetland areas to allow land to be used for agricultural purposes.

### 3.1 District Description and Formation

RD 2034 is an Independent Special District within the unincorporated area of Solano County. The District was formed under the general reclamation district laws of the State of California with the petition for formation being approved by the Solano County Board of Supervisors on April 7, 1919 (see Attachment A in the Appendix)

The District consists of marsh and overflow lands that are diked to a sufficient height, with drainage channels to prevent flooding of the lands within district boundaries during a normal rainy season.<sup>4</sup> Tidal action permits the entry of fresh water to the land during the spring and early summer.

The levees were constructed under a 1912 cost-sharing agreement between the property owners for a levee system described as *"at least 30 feet wide on the bottom, five feet wide on the top, and five feet in height"* including floodgates and other works as may be necessary for the purpose of land reclamation. Maintenance and repair of the levee system was the responsibility of individual property owners with the cost of repairs and operation of the pumps to be shared in proportion to the acreage owned. In 1950, meeting minutes show that the District Board of Trustees took formal action to acquire and record grant deeds from the respective property owners for the *"rights-of-way for the construction, development, maintenance, operation and use of levees, drainage ditches, canals and other water ways and borrow pits and any other reclamation works and roads upon, along and over those parcels of lands."*<sup>5</sup>

### 3.2 District Purpose, Powers, & Responsibilities

RD 2034 was formed in 1919 under Article II of the California Political Code which was replaced by the addition of Division 15 of the Water Code in 1951. Reclamation districts in California now operate under the state's Water Code Section 50000 et seq. RD 2034 was formed for general reclamation purposes and operates as an Independent Special District as defined by Government Code §56044, which *"includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district, or whose members are appointed to fixed terms."* A District has the right to improve and maintain levee and drainage systems for flood control purposes and other reclamation works within the affected territory. Under California law, a reclamation district may do all things necessary or convenient for accomplishing the purposes for which it was formed. While responsibility for maintenance of the levees has been delegated to the individual property owners, the District as a whole retains the right to repair, maintain, and operate the levee and drainage system that is adequate for its original intended purpose.

<sup>4</sup> See FEMA requirements regarding eligibility for federal funding of levee repairs caused major storm events and levee standards for federal flood insurance in the Appendix.

<sup>5</sup> Minutes of Meeting of Board of Trustees of Reclamation District No. 2034, January 18, 1950

A Board of Trustees comprised of three eligible members, serve as the District's governing board. According to California Water Code §50602, Reclamation Governing Board members are elected for four-year terms and serve until their successors are elected and qualified. An eligible person is defined in Water Code Section 50014 as a district landowner or the appointed legal representative of a landowner. A vacancy on the governing board of a special district shall be filled pursuant to GC §1780. The governing board may waive an election to fill a vacancy and have the County Board of Supervisors appoint an eligible person to the Board. The Solano County Board of Supervisors appointed RD 2034's current board in 2014.<sup>6</sup> Since then one board member has stepped down leaving a vacancy on the district governing board.

Under Water Code §50630, the governing board of a reclamation district is responsible for electing its own officers, which must include a President and Secretary. RD 2034 has three officers who were elected in January 2014 (see Attachment B in the Appendix). The position of President and Treasurer are currently filled. The position of Secretary is currently vacant with the Treasurer acting as Secretary for the District. The Secretary is responsible for maintaining all minutes and correspondence records. The District has no employees.

### 3.3 District Sphere of Influence

The District's existing SOI adopted by Solano LAFCO in 1983 is coterminous with its boundary (see Figure 1 below for District/SOI Boundary Map and Attachment C in the Appendix for LAFCO Resolution adopting RD 2034 sphere of influence). All land area within the District is located in an unincorporated area of Solano County.

Table 2: Property Ownership

Property	APN	Acreage	Property Owner of Record *
1	0046-050-080	80.00	Grizzly Bay LLC
2	0046-010-160	103.85	Seecon Finan & Const Co Inc
3	0046-060-030	158.49	Seecon Finan & Const Co Inc
4	0046-060-040	78.92	Jacksnipe Duck Club LLC
5	0046-010-120	171.30	Seecon Finan & Const Co Inc
6	0046-060-180	193.10	Grizzly Bay LLC
7	0046-060-190	9.10	West Coast Home Builders Inc
8	0046-060-200	238.80	West Coast Home Builders Inc
9	0046-060-210	179.70	Grizzly Bay LLC
10	0046-320-060	29.00	Dunnigan Hills Farming Co Inc
11	0046-320-080	29.00	Anderson Arthur L
12	0046-320-090	47.91	Discovery Builders Inc.
13	0046-320-190	57.42	Chadbourn Robert J & W R TR
14	0046-320-200	99.50	Dunnigan Hills Farming Co Inc
<b>Total</b>		<b>1,476.09</b>	

Source: Solano County Assessor's Office Online Property Information, August 17, 2018

\* See Table A1 in the Appendix for ownership groups

<sup>6</sup> Secretary's Certification of Resolutions Adopted by Reclamation District No. 2034 (see Attachment A2 in the Appendix)



Figure 1: District Lands, Boundaries, & SOI

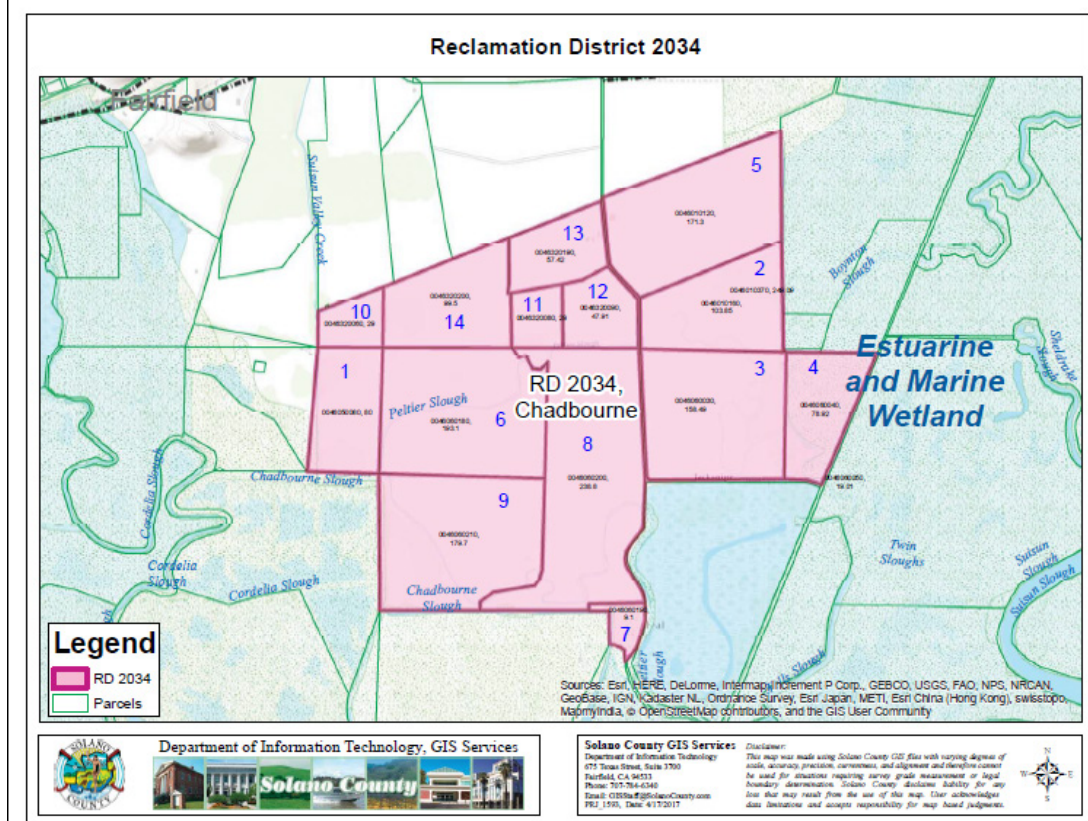
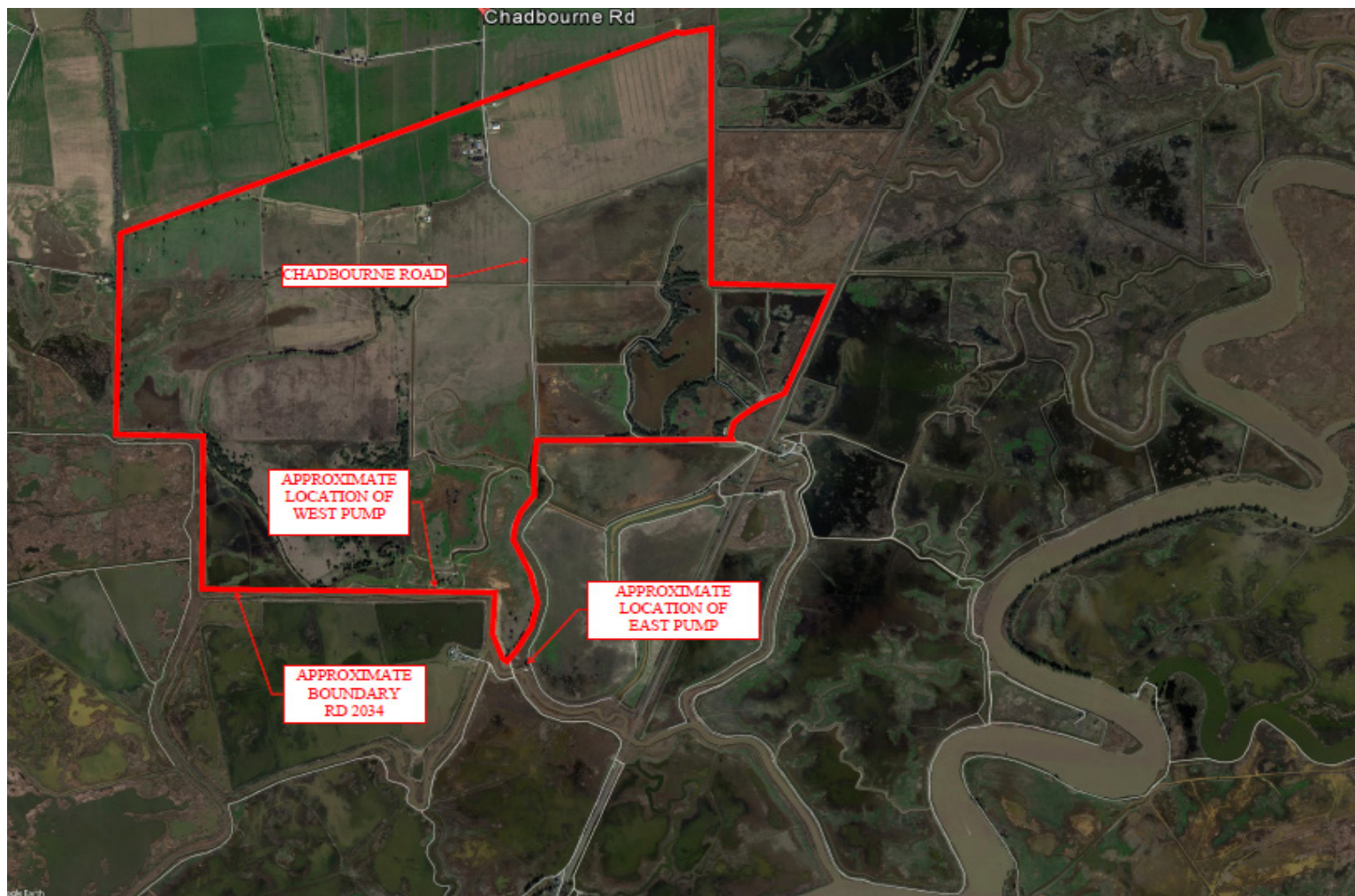


Figure 2: Aerial Photo Showing District Boundaries



### 3.6 District Facilities/Services

RD 2034 includes a levee system encircling the District (see Figure 3), originally constructed and paid for under a 1912 Agreement between the property owners. The levees were originally constructed to a height of five feet. No engineering surveys were conducted as part of the MSR to measure the current top of levee elevation. FEMA maps show lands lying below the 10-11 foot elevation mark are potentially subject to flooding. The 100-year flood event would be higher than the crown of the levees.

In addition to the levees, there are drainage channels and a pumping system to help manage flood waters. The drainage system collects storm water and channels it to a pumping station, which discharges the water into adjacent sloughs for ultimate disposal into Grizzly Bay and the Sacramento River. The pumping station, known as the "West Pump" is located along the southern boundary of the district on APN 0046-060-200. Regular inspection and ongoing maintenance is required to ensure the integrity of the levees and the operational capacity of the pump. Individual property owners are responsible for maintaining the levees and drainage system located on their respective properties. Inspection schedules and maintenance standards varies among the property owners. The levee system is monitored during periods of high water events for failures. The West Pump also requires regular inspection, maintenance and repair to remain in good working order and functional.

The West Pump is strategically located within the low point of the district to remove flood waters from district lands and discharge the water into the adjacent slough. District documents refer to a pump (or pumps) as being an integral part of the overall levee and drainage system. However, the research team was unable to secure written documentation on the ownership of the West Pump. Consequently, the consultant team is unable to determine whether or not the West Pump is a District asset.

### 3.7 District Assets/Liabilities

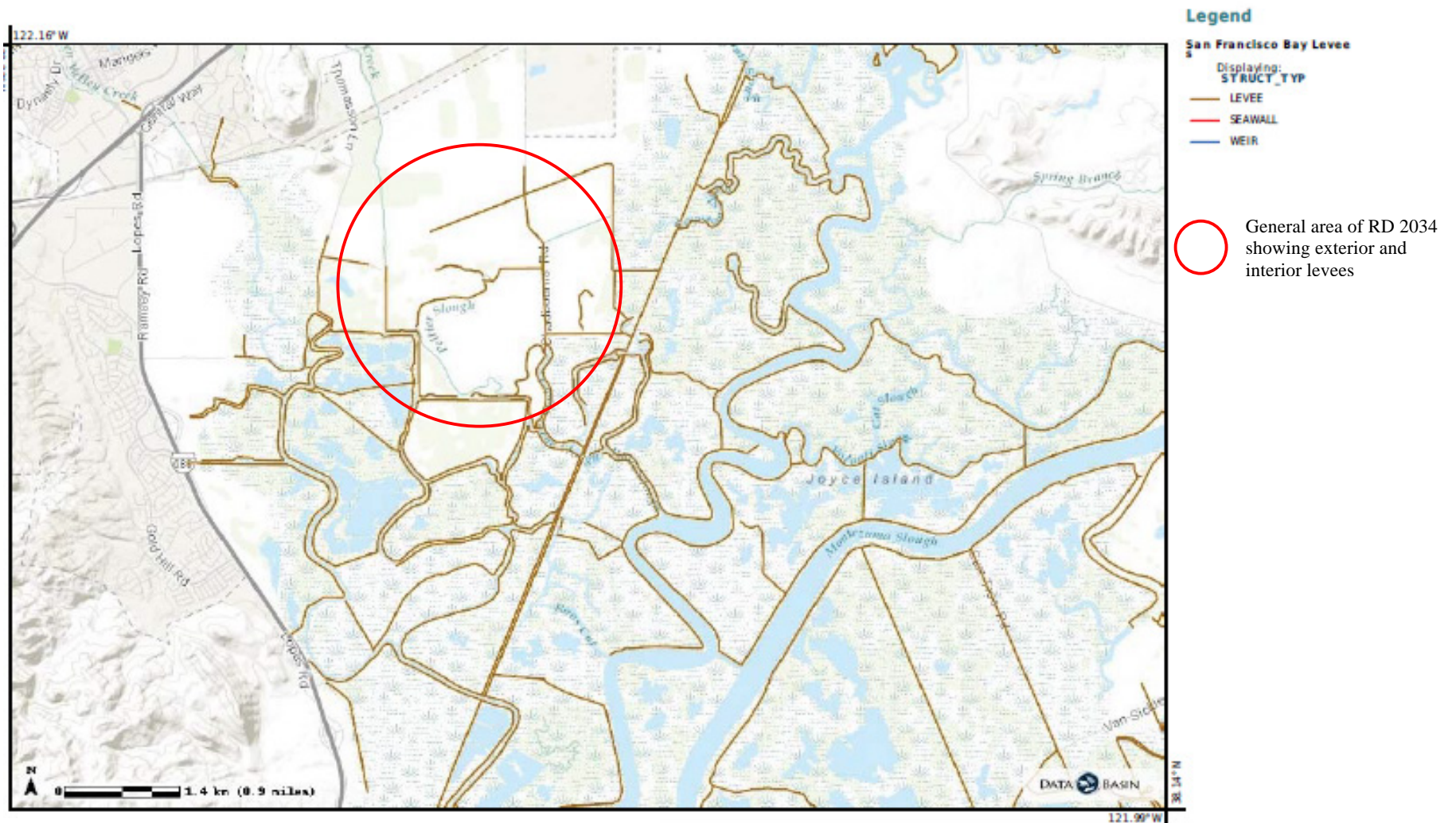
**Easements:** RD 2034 owns title to easements over the levees, which it acquired from district landowners in 1950. Grant Deeds from the respective landowners were executed and recorded in favor of RD 2034 for *"rights-of-way for the construction, development, maintenance, operation and use of levees, drainage ditches, canals, water ways and borrow pits, and any other reclamation works and roads upon, along and over those parcels of land."* Grant Deeds identified in District Board resolutions were recorded in January 1950 (see Appendix for Grant Deeds).<sup>7</sup>

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<sup>7</sup> Minutes of Meeting of Board of Trustees of Reclamation District 2034 dated January 18, 1950



Figure 3: District Levee System



Source: Pacific Institute, San Francisco Bay Levees,  
<https://databasin.org/maps/new#datasets=ed05b99c85e94df5befb6e619847e378>

## **SECTION 4: MUNICIPAL SERVICE REVIEW REQUIREMENTS ANALYSIS**

As outlined in Section 2.2 of this document, in considering the request for detachment, Solano LAFCO is required to conduct a MSR in accordance with Government Code Section 56430 and prepare a written statement of its determinations with respect to each of the following seven factors:

### **4.1 Growth and Population of the District**

According to the Solano County Planning Department there are no current development proposals or zoning changes for any of the parcels within the District and no expectations for increased population growth.<sup>8</sup> The Solano County General Plan shows the current land use designation for all property within the District to be agricultural and marshland and zoned A-SM 80 (Suisun Marsh Agricultural District) under the County's Zoning Ordinance (see Section 5.1 below). Any plan for development would require land use and development approval from the County.

Census block data (which is the smallest geographic area defined by the U.S. Census Bureau for purposes of enumeration) from the most recent American Community Survey (2016), shows no population residing in the District. Review of aerial photos and a site visit also found the District to be uninhabited except for living quarters of ranch hands and caretakers on the property.

#### **Finding:**

4.1.1 – There are no current development proposals or expectations for population growth within the boundary of Reclamation District 2034.

4.1.2 – Any proposed development must comply with the Solano County General Plan including the Solano County Component of the Suisun Marsh Local Protection Program.

### **4.2 Location and Characteristics of Disadvantaged Unincorporated Communities**

GC §56033.5 defines a disadvantaged unincorporated community (DUC) as an inhabited community (containing 12 or more registered voters) where the annual median household income (MHI) is less than 80 percent of the statewide annual MHI. Based on information from the Solano County Registrar of Voters, there is only one registered voter residing within the district. Therefore, RD 2034 is not a DUC as defined.

#### **Finding:**

4.2.1 – There are no disadvantaged unincorporated communities within or adjacent to the boundary of Reclamation District 2034.

### **4.3 Present and Planned Capacity of Services**

The District does not have an adopted plan for the ongoing maintenance, repair, operation or construction of supplemental works. While the District has the right to provide for the construction, development, maintenance, operation and use of levees, drainage ditches, canals and other waterways and borrow pits and any other reclamation works and roads upon, along and over district lands, property owners are responsible for maintaining the levees and drainage system on their respective properties under a 1912 Agreement, which serves as a binding covenant that runs with the land. The

<sup>8</sup> Conversation with Solano County Planning Department staff, Travis Kroger, Planning Technician on September 12, 2018

1912 Agreement was recorded in the Solano County Book 7 of Agreements Page 466). Exterior levees, drainage canals, and a pump located within the low point of the district removes flood waters from district lands and discharges the water into the adjacent slough sufficient for habitat management. A road over the top of the levees provides access for inspection and maintenance of the levees. Individual property owners have historically been responsible for levees on their own individual properties.

**Findings:**

4.3.1 – Per a 1912 Agreement, individual property owners are responsible for maintenance of the levees on their properties.

4.3.2 – All fourteen parcels are subject to the 1912 agreement regardless of whether they are within the boundaries of RD 2034

#### **4.4 Financial Ability to Provide Services**

Requests for financial information including financial statements (showing revenues/expenditures, assets/liabilities), budgets, and audit reports were made by Solano LAFCO staff or the consultant team on six different occasions beginning September 22, 2017 through October 29, 2018 (see Appendix). To date, District Officers have not provided any financial reports with annual financial statements of revenues and expenditures, operating budget, or audits. The Solano County Auditor has not audited RD 2034 nor received any audit reports from them (see Attachment D correspondence with the County Auditor's Office in the Appendix).<sup>9</sup> A review of the State Controller's Office website also did not find any financial statements for RD 2034.

GC §53891 and §53893 require local government agencies to submit specific financial transaction reports to the State Controller's Office within seven months of the close of each fiscal year. Furthermore, special districts are required to either post the financial report on their website or cause copies of the report to be prepared and the clerk of the legislative body to furnish a copy to any person requesting it. There are no records indicating RD 2034 has submitted financial transaction reports as required by State law. Nor have District officers responded to requests for financial information as required by State law.

Through the interview process it was identified that the only recurring monthly expense for the District property owner's is a monthly PG&E bill for electrical power to operate the West Pump. Landowners reportedly share the cost of operating and maintaining the pump based on their prorated share. West Pump expenses are typically submitted for periodic payment to district landowners (who are charged their prorated share on a per acre basis). Due to missed payments in the past PG&E invoices are now being billed directly to Discovery Builders, who is the owner of record for the parcel (APN 0046-060-200) on which the West Pump is located, and not sent to the District in order to avoid disruption of service. A breakdown of PG&E expenses for the period 2008-2015 is attached (see Attachment E in the Appendix for a summary of PG&E expenses). The District does not levy an annual assessment for operations and maintenance.<sup>10</sup>

<sup>9</sup> While the financing of small reclamation district is challenging, state law does grant reclamation districts the authority to levy and collect assessments on property within the district (through the county treasurer-tax collector's office), issue bonds and receive funds from state and federal agencies. Assessments can be levied to pay for operation and maintenance expenses or issue bonds to pay for capital improvements. All assessments are subject to Proposition 218 which requires a vote by the property owners benefiting from the activities paid by the assessment before it can be levied.

<sup>10</sup> A search of the Solano County Treasurer/Tax Collector/County Clerks office online tax bill assessment did not find any assessment for RD 2034 parcels.

**Findings:**

4.4.1 – District officers have not provided financial records upon multiple requests.

4.4.2 - There is no evidence to demonstrate the District’s financial conditions and activities.

4.4.3 – The District is **not** in compliance with CA Government Code Sections 53891 and 53893 requiring local government agencies to submit specific financial transaction report to the State Controller’s Office within seven months of the close of each fiscal year.

4.4.4 - RD 2034 may be subject to fines from SCO as outlined in GC §53895.

#### **4.5 Status and Opportunity for Shared Facilities**

The consultant team considered neighboring reclamation districts that could share facilities and/or services with RD 2034. RD 2135 (Sunrise Island) is contiguous to the southern boundary of RD 2034. Formed in 2006, RD 2135 consists of approximately 325 acres and has only one landowner, the Sunrise Island Duck Club. The District provides irrigation and drainage for habitat maintenance and enhancement. RD 2135 maintains the road and levee associated with the needs for water control, drainage, and irrigation to provide upkeep of the habitat within the district. RD 2135 is governed by a five-member board appointed to 4-year terms. There are no residents other than a caretaker and his family.

RD 2034 is not connected to the levee system of the neighboring district and does not share facilities, nor is there any need to share facilities given that the levee and drainage systems are unique to each district. It does not appear there would be an advantage to a consolidation of the two districts (unless the governance structure or record keeping of RD 2034 would be improved). There is no overlap in service delivery with other reclamation districts or any other agencies that provide similar services.

**Finding:**

4.5.1 – There is not a current opportunity for RD 2034 to share facilities with a neighboring Reclamation District.

#### **4.6 Government Structure & Accountability for Community Service Needs**

The governing board for RD 2034 is a three member Board of Trustees who are elected for four year terms and serve until their successors are elected and qualified. To be eligible to serve on the Board trustees must be property owners in the district or their designated representatives. Vacancies in the board shall be filled pursuant to Section 1780 of the Government Code. When no election is held pursuant to Water Code Section 50740 then the county board of supervisors appoint those nominated for the positions of trustee, and if no person has been nominated, the board of supervisors shall appoint any qualified person or persons. The Solano County Board of Supervisors appointed RD 2034’s current board in 2014 with terms expiring in 2019 and 2021.<sup>11</sup> Since then one board member has stepped down leaving a vacancy on the district governing board. Board members receive no compensation for their services, but are allowed reasonable and necessary expenses incurred in

<sup>11</sup> Secretary’s Certification of Resolutions Adopted by Reclamation District No. 2034 (see Attachment A2 in the Appendix)



attendance at meetings of the Board or when otherwise engaged in the work of the district at the direction of the Board of Trustees.

Under Water Code Section 50630, the governing board of a reclamation district is responsible for electing its officers, which must include a President and Secretary. RD 2034 has three officers who were appointed in January 2014 (see Attachment B in the Appendix).<sup>12</sup> The position of President and Treasurer are currently filled. The position of Secretary is currently vacant with the Treasurer acting as Secretary for the District.

The Board of Trustees does not meet on a regular basis nor does it appear to maintain an annual operating budget and financial statements. The District has no paid staff and labor requirements are met by individual landowners or contracted services.

It is important to note that all special districts in California are subject to the following:

1. **The Brown Act** – Requires agencies to post agendas containing a brief general description of each item to be discussed at the meeting in a location that is accessible to members of the public at least 72 hours before a regular meeting.
2. **The Public Records Act** – Requires inspection or disclosure of governmental records to the public upon request, unless exempted by law (GC §6250 through 6270.5). Also requires agencies to create a catalog of “enterprise systems” and post the list on their website or make it publicly available upon request. (SB 272)
3. **Compensation Report Filing** – Requires special districts to submit to the State Controller’s Office by April 30 each year, the annual compensation of its elected officials, officers, and employees.
4. **Financial Transaction Report Filing** - Requires local agencies to submit a specific financial transaction report the State Controller’s Office within seven months after the close of each fiscal year. Special districts are required to either post the financial report on its website or provide copies of the report upon request. Agencies who do not submit financial transaction reports are subject to financial penalties pursuant to GC §53895.

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<sup>12</sup> Secretary’s Certification of Resolutions Adopted by Reclamation District No. 2034 (see Attachment A2 in the Appendix)

**Findings:**

- 4.6.1 – The position of Secretary on the District’s Board, which is a statutory requirement, is currently vacant with the Vice President/Treasurer serving as acting secretary.
- 4.6.2 – The District is not in compliance with the Brown Act. There is no evidence that the District post agendas at least 72 hours before regular meetings as required by State law.
- 4.6.3 – The District is not in compliance with the Public Records Act as it did not or could not provide district records.
- 4.6.4 – The District is not in compliance with the State law requirement to submit annual compensation information to the State Controller’s Office. The District could note on the submittal that it does not have paid elected officials, officers, or employees.
- 4.6.5 – The District is not in compliance with the State law requirement to submit financial transaction report to the State Controller’s Office.

**4.7 Other Matters Affecting Efficient Service Delivery**

**Finding:**

- 4.7.1 - There are no Commission policies affecting efficient service delivery.

## SECTION 5: SPHERE OF INFLUENCE

### 5.1: Present and Planned Land Uses

Most of the land in RD 2034 is within a Williamson Act Contract and is currently used for farming, cattle grazing, privately owned duck hunting clubs, and wetlands mitigation purposes.

The Solano County General Plan shows the current land use designation as agricultural and marshland (see Table 4). Some of the property in the District is included in the Resource Conservation Overlay district (see Figure A2 in the Appendix), which is used to identify and protect areas with special resource management needs. All of the property within the District is presently zoned A-SM 80 (Suisun Marsh Agricultural District) under the County's Zoning Ordinance. The purpose and intent of the A-SM district is to preserve lands best suited for permanent agricultural use while limiting certain intensive agricultural practices, which may conflict with adjoining sensitive lands. A primary intent is to assure the retention of upland and lowland grasslands adjacent to the Suisun Marsh in uses compatible with its protection. Development within the Suisun Marsh is subject to obtaining a Marsh Development Permit. Based on existing land use and zoning designations, there are no current expectations for growth or development of land within the District. Conversations with the Solano County Planning Department indicated that there is no planned or proposed change in land use or zoning.

Table 3: Zoning and Land Use Classification

Property	APN	Acreage	Zoning	Ag Preserve & Marsh Protection	Use Code
1	0046-050-080	80.00	A-SM 80	AP/MP	6463 - Range Land
2	0046-010-160	103.85	A-SM 80	AP/MP	6400 - Range & Watershed Land
3	0046-060-030	158.49	A-SM 80	AP/MP	6401 - Range & Watershed Land
4	0046-060-040	78.92		AP/MP	6100 - Marsh Land
5	0046-010-120	171.30	A-SM 80	AP/MP	5000 - Agricultural Property
6	0046-060-180	193.10	A-SM 80	AP/MP	6463 - Range Land
7	0046-060-190	9.10	A-SM 80	AP/MP	6400 - Range & Watershed Land
8	0046-060-200	238.80	A-SM 80	AP/MP	6464 - Range Land
9	0046-060-210	179.70	A-SM 80	AP/MP	6465 - Range Land
10	0046-320-060	29.00	A-SM 80	AP/MP	6100 - Marsh Land
11	0046-320-080	29.00	A-SM 80	AP/MP	6100 - Marsh Land
12	0046-320-090	47.91	A-SM 80	AP/MP	6463 - Range Land
13	0046-320-190	57.42	A-SM 80	AP/MP	6100 - Marsh Land
14	0046-320-200	99.50	A-SM 80	AP/MP	6100 - Marsh Land
<b>Total</b>		<b>1,476.09</b>			

Source: Solano County Assessor's Office Online Property Information

AP - Williamson Act Contract

MP - Marsh Protection District

A-SM 80 Suisun Marsh Agricultural District

#### Findings:

5.1.1 - The Solano County General Plan shows the current land use designation as agricultural and marshland, there are no planned or proposed changes to land use.

5.1.2 – The request for detachment would not change the current use of the property.

**5.2: Present and Probable Need for Public Facilities and Services**

A system of levees, drainage channels, and pumping system are used to move floodwater off district lands and into the surrounding sloughs in order to maintain the habitat and current farming and ranching activities. The present system was designed to reclaim land for agricultural purposes and to maintain the habitat and ongoing recreational/commercial activities and there is no need for public facilities and services in the area. Modifications have been made by various property owners that may alter drainage flows. The impact, if any, on the District is unclear since no engineering studies have been conducted as part of this MSR.

**Finding:**

5.2.1 – The present system of levees, drainage channels, and pumping system was originally designed to maintain the habitat and ongoing commercial activities of the landowners. Circumstance have changed that may alter the original drainage flow patterns.

**5.3: Present Capacity of Public Facilities and Adequacy of Public Services****Finding:**

5.3.1 - The present levee and drainage system is adequate to meet the original intended purpose for which the District was established. Regular ongoing inspections and maintenance is required to ensure the integrity of the levees and pump.

**5.4: Existence of Social or Economic Communities of Interest**

The District has one registered voter and there are no known social or economic communities of interest within or contiguous to its boundaries or SOI.

**Finding:**

5.4.1 – There are no social or economic communities of interest within or adjacent to the boundary of RD 2034.

**5.5: Need for Public Facilities and Services for DUCs**

RD 2034 is uninhabited and there is no present or probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection. There are also no disadvantaged unincorporated communities within or contiguous to existing District boundaries or SOI.

**Finding:**

5.5.1 – There are no DUCs within or adjacent to the boundary of RD 2034.



## SECTION 6: SUMMARY OF FINDINGS AND DETERMINATIONS

### 6.1: Required Findings and Determinations for MSR.

Based on our review and analysis of RD 2034 information, the following findings and determinations are made as required by the CKH Act for a MSR and SOI study.

**Table 4: Municipal Service Review Findings and Determinations**

	Factors	Findings and Determinations
1	Growth and population projections for the affected area	<p>4.1.1 – There are no current development proposals or expectations for population growth within the boundary of Reclamation District 2034.</p> <p>4.1.2 – Any proposed development must comply with the Solano County General Plan including the Solano County Component of the Suisun Marsh Local Protection Program.</p>
2	The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence	4.2.1 – There are no disadvantaged unincorporated communities within or adjacent to the boundary of Reclamation District 2034.
3	Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence	<p>4.3.1 – Per a 1912 agreement, individual property owners are responsible for maintenance of the levees on their properties.</p> <p>4.3.2 – All fourteen parcels are subject to the 1912 agreement regardless of whether they are within the boundaries of RD 2034.</p>
4	The financial ability of agencies to provide services	<p>4.4.1 – District officers have not provided financial records upon multiple requests.</p> <p>4.4.2 - There is no evidence to demonstrate the District's financial conditions and activities.</p> <p>4.4.3 – The District is <b>not</b> in compliance with CA Government Code Sections 53891 and 53893 requiring local government agencies to submit specific financial transaction report to the State Controller's Office within seven months of the close of each fiscal year.</p> <p>4.4.4 - RD 2034 may be subject to fines from SCO as outlined in GC §53895.</p>

5	Status of, and opportunities for, shared facilities	4.5.1 – There is not a current opportunity for RD 2034 to share facilities with a neighboring Reclamation District.
6	Accountability for community service needs, including governmental structure and operational efficiencies	<p>4.6.1 – The position of Secretary on the District’s Board is currently vacant; the District Officers should request that the Board of Supervisors appoint a District Secretary.</p> <p>4.6.2 – The District is not in compliance with the Brown Act. There is no evidence that the District post agendas at least 72 hours before regular meetings as required by State law.</p> <p>4.6.3 – The District is not in compliance with the Public Records Act as it did not or could not provide district records.</p> <p>4.6.4 – The District is not in compliance with the State law requirement to submit annual compensation information to the State Controller’s Office. The District could note on the submittal that it does not have paid elected officials, officers, or employees.</p> <p>4.6.5 – The District in not in compliance with the State law requirement to submit financial transaction report to the State Controller’s Office.</p>
7	Any other matter related to effective or efficient service delivery, as required by commission policy	4.7.1 - There are no Commission policies affecting efficient service delivery

**6.2: Required Findings and Determinations for SOI Update**

As required by State law, Solano LAFCO is required to make written determinations related to the sphere of influence.

**Table 5: Sphere of Influence Findings and Determinations**

	<b>Factors</b>	<b>Findings and Determinations</b>
1	The present and planned land uses in the area, including agricultural and open space lands	5.1.1 - The Solano County General Plan shows the current land use designation as agricultural and marshland, there are no planned or proposed changes to land use.
2	The present and probable need for public facilities and services in the area	5.2.1 – The present system of levees, drainage channels, and pumping system were designed to maintain the agricultural activities, habitat and ongoing commercial activities of the landowners.
3	The present capacity of public facilities and adequacy of public services that the agency provides, or is authorized to provide	5.3.1 - The present levee and drainage system was originally designed for reclamation of land for agriculture and other purposes. Regular ongoing inspections and maintenance is required to ensure the integrity of the levees and pump.
4	The existence of any social or economic communities of interest in the area	Finding 5.4.1 – There are no social or economic communities of interest within or adjacent to the boundary of RD 2034.
5	The present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence	Finding 5.5.1 – There are no DUCs within or adjacent to the boundary of RD 2034.

## **SECTION 7: OPTIONS AVAILABLE TO LAFCO**

The consultant team analyzed various options available to LAFCO and concluded there are four options for the Commission's consideration. These include:

### **Option #1: No Change – Deny Detachment Request**

Option #1 would result in the denial of the request for detachment and allow the District to continue operating within its current boundaries as is.

### **Option #2: No Boundary Change - Deny Detachment Request with Conditions for the District to Improve Governance.**

Option #2 would result in the denial of the request for detachment and allow the District to continue operating within its current boundaries, but with conditions to improve governance. The Commission would impose conditions for RD 2034 to comply with State law. These include compliance with:

1. The Brown Act
2. The Public Records Act
3. Provide Compensation Report to the State Controller's Office.
4. Provide regular Financial Transaction Reports to the State Controller's Office.
5. Request current appointment for Secretary from the County Board of Supervisors.
6. Consider adoption of an assessment to pay District costs.
7. Consider creating a District website to promote transparency and to assist the District to comply with the above noted applicable State law.

Option #2 would allow RD 2034 to continue operating to serve its intended purpose of land reclamation and would improve its overall governance, accountability, and service delivery of the District. It is recommended the Commission allow the District one year to comply with the above requirements.

### **Option #3: Approve Detachment of Property and Improve Governance Structure**

The Commission could approve the request for detachment and require the District to improve its governance structure should the District wish to remain a public agency. If this option were approved the District would still continue to function as originally intended with conditions imposed by LAFCO to require governance improvements as outlined above. The detached property is still bound by the 1912 obligations. This option is explored further in Section 8.

### **Option #4: Dissolution of the District**

Dissolution should be considered given that this District is not in full compliance with current State laws governing special districts including not having filed annual financial reports with the State Controller's Office, no annual operating budget, does not hold regular noticed meetings with agenda and minutes that are publicly available, and has no adopted plan for the ongoing maintenance, repair, operation or construction of supplemental works. Should the District wish to remain a public agency, the District must be in compliance with applicable State laws. If the District is dissolved all properties would remain bound by the 1912 Agreement. This option is further explored in Section 9.

## SECTION 8: DETACHMENT FROM RECLAMATION DISTRICT 2034

### 8.1 Detachment Requirements and Procedures

#### (1) Petition Requirements

Reclamation District 2034 is a landowner-voter district, which is defined as a district whose principal act provides that owners of land within the district are entitled to vote. Landowners are able to petition LAFCO for detachment if the petition is signed by not less than 25% of the number of landowners who own not less than 25% of the assessed value of land within the affected territory (GC §56864).

As one of four property owners, the applicant meets the “not less than 25% number of landowners” requirement. Additionally, the applicant owns 56.26% of the total assessed value of land (see Table 6), and therefore meets the requirement of “own not less than 25% of the assessed value of land within the affected territory”.

**Table 6: Assessed Value by Parcel**

Property	APN	Acreage	Owner*	Detachment Request	Land Value	Percent of Land Value
1	0046-050-080	80.00	Grizzly	No	\$11,440	2.81%
2	0046-010-160	103.85	Seecon	Yes	\$26,585	<b>6.53%</b>
3	0046-060-030	158.49	Seecon	Yes	\$40,573	<b>9.96%</b>
4	0046-060-040	78.92	Seecon	Yes	\$78,821	<b>19.36%</b>
5	0046-010-120	171.30	Seecon	Yes	\$24,495	<b>6.02%</b>
6	0046-060-180	193.10	Grizzly	No	\$44,799	11.00%
7	0046-060-190	9.10	Seecon	Yes	\$3,880	<b>0.95%</b>
8	0046-060-200	238.80	Seecon	Yes	\$34,148	<b>8.39%</b>
9	0046-060-210	179.70	Grizzly	No	\$41,690	10.24%
10	0046-320-060	29.00	Dunnigan	No	\$7,424	1.82%
11	0046-320-080	29.00	Dunnigan	No	\$7,424	1.82%
12	0046-320-090	47.91	Seecon	Yes	\$20,601	<b>5.06%</b>
13	0046-320-190	57.42	Chadbourne	No	\$39,836	9.78%
14	0046-320-200	99.50	Dunnigan	No	\$25,472	6.26%
<b>Total</b>		<b>1,476.09</b>			<b>\$407,188</b>	<b>56.26%**</b>

Source: Solano County Assessor's Office Online Property Information and SEECON Application for Detachment.

\* See Table A1 in Appendix for more detailed ownership information.

\*\*Represents percentage of the total assessed value of land proposed for detachment.

#### (2) Other LAFCO Requirements for a Change of Organization

Prior to LAFCO considering a petition for a change of organization, it must first update the District's sphere of influence which is preceded by a current municipal service review. This MSR/SOI study complies with this requirement. Other petition requirements include, but are not limited to:

- Plan for providing services pursuant to GC §56653
- State the reason or reasons for the proposal
- CEQA evaluation and findings that the proposed action is exempt
- Map of the proposed area for detachment
- Geographic Description of the proposed detachment area

## **8.2 Conducting Authority Proceeding (Protest Hearing) for Uninhabited Territory**

Should the Commission approve the petition for detachment, the Commission is the Conducting Authority and must hold a noticed protest hearing within 35 days following adoption of the resolution approving the change of organization (GC §57002). (The Commission may waive the protest proceeding under specified circumstances pursuant to GC §56662 and §56663.) The possible outcome of the protest hearing is as follows:

- 1) The Commission shall terminate the proceeding if a majority protest exists. Majority is defined as, “50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district.” (GC §57075 and §57078)
- 2) The Commission shall order the change of organization if written protests have been filed and not withdrawn by owners of land who own less than 50% of the total assessed value of land within the affected territory. (GC §57075)

## SECTION 9: OPTIONS FOR DISSOLUTION OF RECLAMATION DISTRICT 2034

The consultant team evaluated options for Dissolution of Reclamation District 2034 available to the Commission including: 1) LAFCO initiated, 2) district landowner petition, and 3) inactive special district provisions.

### 9.1 LAFCO Initiated Dissolution

LAFCO's are given the legislative authority to dissolve special districts under specified circumstances (GC §56375). The Commission may initiate a proposal by resolution of application for dissolution of a special district if the dissolution is consistent with the recommendation(s) or conclusion of a study prepared under the following circumstances:

1. Existing governmental agency study. Pursuant to GC §56378 the Commission may initiate and make studies of existing governmental agencies including: special districts, counties, cities, school districts, community college districts, joint power authorities, joint power agencies, regional agencies, and state agencies and departments;
2. Sphere of influence study (GC §56425);
3. Municipal service review study (GC §56430).

Dissolution means the dissolution, disincorporation, extinguishment, and termination of the existence of a district, and the cessation of all its corporate powers, except as the commission may otherwise provide pursuant to GC §56886 for the purpose of winding up the affairs of the district.

**Initiation of Proceedings:** A commission may initiate a proposal for a change of organization if the proposed change is consistent with a recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430, and the commission makes the determinations specified in GC §56881(b).

LAFCO must make a determination pertaining to public service costs and the promotion of public access and accountability (GC §56881). In addition, the Commission is charged with conducting an authority proceeding (protest hearing) for LAFCO initiated dissolutions GC §57077.1.

**Commission Proceedings:** Pursuant to GC §57077.1 if a change of organization consists of a dissolution was initiated by the commission, the commission shall order the dissolution without confirmation of the voters. If the proposal was initiated by the commission and written protests have been submitted that meet the requirements of Section 57113 the commission shall order the dissolution subject to the confirmation of the voters. In the case of a LAFCO initiated dissolution, order the dissolution subject to confirmation of the voters if a petition is submitted signed by 10% of the landowners or voters within any affected district requesting an election (57113); or terminate proceedings if a majority protest exists in accordance with Section 57078. The Commission may also adopt terms and conditions for the dissolution pursuant to GC §56886.

**Concluding the Dissolved District's Affairs:** Sections 57450 - 57463 provide detailed information and procedures for successor agencies in concluding the affairs of a dissolved district. Pursuant to Section 57451(b), if the territory of the dissolved district is located entirely within the unincorporated territory of a single county, the county is the successor agency.

## 9.2 District Landowner Petition for Dissolution

LAFCO can also dissolve a landowner special district if three or more landowners within the landowner district signs a petition for dissolution (GC §56871) and by not less than 10 percent of the number of landowner-voters within the district who also own not less than 10 percent of the assessed value of land within the district (GC §86870). The Commission may dissolve a landowner special district if, in addition to the three signatures by landowners who own not less than 10 percent of the assessed value of land, all of the following conditions are met:

1. The district has been in existence for three years.
2. The corporate powers of the district have not been used.
3. One or more of the following conditions have existed or now exists:
  - a. There has not been a duly selected and acting quorum of the board of directors of the district.
  - b. The board of directors has not furnished or provided services or facilities of substantial benefit to residents, landowners, or property within the district.
  - c. The board of directors has not levied or fixed and collected any taxes, assessments, service charges, rentals, or rates or expended the proceeds of those levies or collections for district purposes.
  - d. That during the one-year preceding the date of the first signature upon the petition of the duly selected and acting board of directors has not met for the purpose of transacting district business.
  - e. That, upon the date of the first signature upon the petition, the district had no assets, other than money in the form of cash, investment or deposits.

As noted above, the petition of application that the Commission received to date is a detachment signed by one of the four land owners within the district who also owns the majority of the assessed value of the land. Given that GC §56871 specifically calls out the requirement of a petition for dissolution signed by three or more landowners within a landowner district, this option may not be presently available. In addition to the signature requirement, this process also requires the holding of a protest hearing.

## 9.3 LAFCO Responsibility for Dissolution of Inactive Special Districts

Senate Bill (SB) 448 (Weickowski) was passed in 2017 and became effective September 27, 2017 for the purpose of evaluating special districts and creating a streamlined process for LAFCOs to dissolve special districts whose audits show they are no longer performing. The new law specifies that November 1, 2018, and every year thereafter, SCO is required to create a list of inactive districts and shall notify the commission. The commission is then required to initiate dissolution of inactive districts by resolution within 90 days of receiving the notification from SCO unless the commission determines the special district(s) does not meet the criteria set forth in the inactive district definition. Applying this method the commission can dissolve special districts with one public hearing following the adoption of the resolution initiating dissolution (GC §56879). In effect this allows LAFCO to forgo initiating a study which can be costly and allows LAFCO to forgo the conducting authority proceeding, which can also be costly if an election is required.

A review of the District's status was conducted by the consultant team including an online search of the SCO's website. RD 2034 was not included on the list of inactive special districts for 2018 and there has been no notice given to Solano LAFCO regarding RD 2034's status. In 2017 SCO sent a letter to Solano



LAFCO identifying special districts that may be inactive. The 2017 letter only identified special districts that provided financial reports in the past, but have not reported financial reports since 2012. RD 2034 was not included in SCO's 2017 letter, but as noted in the report, there is no documentation RD 2034 provided financial reports to SCO in the past. Therefore, the streamlined process to dissolve RD2034 is not yet available to LAFCO, however; the consultant team evaluated RD 2034 against the criteria set forth in the district active/inactive definition.

In accordance with SB 448, an inactive district means a special district that meets all of the following criteria set forth in Section 56042:

- 1) The district is a special district as defined in Section 56036;

Special District is defined as, "an agency of the state, formed for general law or special act, for the performance of governmental or proprietary functions within limited boundaries and in areas outside the boundaries when authorized by LAFCO pursuant to GC 56133." RD 2034 was formed under the general reclamation district laws of the State of California with the petition for formation being approved by the Solano County Board of Supervisors on April 7, 1919.

- 2) The special district has had no financial transactions in the previous fiscal year;

The consultant team found no financial transactions in the previous fiscal year. A review of bills for the electrical power required to operate the West Pump from the last few years' show that the invoices are sent to the owner of the parcel with which the pump sits on, the bills are not sent to the District.

- 3) The special district has no assets and liabilities;

The consultant team found that the District owns various easements throughout the Reclamation District's boundary.

- 4) The special district has no outstanding debts, judgments, litigation, contracts, liens, or claims.

The consultant team found no outstanding debts, judgments, litigation, contracts, liens, or claims. In 1967 RD 2034 entered into an agreement with Solano Irrigation District for the installation and maintenance of a ditch at the intersection of the Reclamation District's drain, Suisun Creek, and the tide gates located east of Chadbourne Road. However, Solano Irrigation District staff does not currently believe this agreement is currently in place.

#### **9.4 Recommended Dissolution Option**

Upon analysis of the options available to the Commission to dissolve RD 2034, the consultant team recommends the Commission use the option available to them pursuant to the Sphere of Influence Section (G.C. §56425) and the Municipal Service Review Section (GC §56430), within LAFCO's Legislative Powers and Duties pursuant to GC §56375(a)(2)(B).

## References

1. Solano LAFCO Standards and Procedures guidelines, adopted March 1, 1999 as amended
2. Guide to the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000, December 2017
3. LAFCO Procedures Guide, San Diego LAFCO, 2013
4. Minutes of Meeting of Board of Trustees of Reclamation District No. 2034, January 18, 1950
5. Secretary’s Certification of Resolutions Adopted by Reclamation District No. 2034.
6. 1912 Agreement
7. Telephone conference call with Skip Chadbourne, September 4, 2018
8. Email from Mark Dawson dated April 6, 2017 re: Solano LAFCO Project #2016-02 Seecon Properties Detachment from RD 2034
9. Letter from Art Anderson dated January 18, 2017
10. Pacific Institute, San Francisco Bay Levees,  
<https://databasin.org/maps/new#datasets=ed05b99c85e94df5befb6e619847e378>
11. Solano County Assessor’s Office Online Property Information

## **Appendices**

Table A1

Figures A1 thru A4

Attachments A thru P

**Table A1: RECLAMATION DISTRICT 2034 Property Ownership  
Suisun Marsh Properties, Solano County, California**

Parcel(s)	Owner Information	APNs	Date Acquired	Acreage	Total Acreage Per Owner	Ownership Percentages
Chadbourne	<b>Skip &amp; Wendy Chadbourne</b> Post Office Box 698 Fairfield, California 94553 Home: (707) 428-1362 Cell: (707) 287-5916 Email: <a href="mailto:wchadbourne@aol.com">wchadbourne@aol.com</a>	0046-320-190	Unknown; Family Succession	57.42	57.42	3.89%
Anderson/Matthew Archer/Dunningan Hills Farming Co., Inc.	<b>Art Anderson/Matthew Archer/ Dunningan Hills Farming Co., Inc.</b> 34 Alamo Square, Suite 200 Alamo, California 94507 Cell: (925) 979-2599 Email: <a href="mailto:art@stonevalleyfarm.com">art@stonevalleyfarm.com</a>	0046-320-060 0046-320-080 0046-320-200	10/10/2012 10/10/2012 10/10/2012	29.00 29.00 99.50	157.50	10.67%
Grizzly Bay, LLC	<b>Mark Dawson</b> Water Hole Land Company 3170 Crow Canyon Place, Suite 260 San Ramon, California 94583 Cell: (925) 202-9277 Email: <a href="mailto:mdawson@waterholeland.com">mdawson@waterholeland.com</a>  <b>Jeff Olberding</b> Olberding Environmental, Inc. 3170 Crow Canyon Place, Suite 260 San Ramon, California 94583 Cell: (408) 472-4343 Email: <a href="mailto:jeff@olberdingenv.com">jeff@olberdingenv.com</a>	0046-050-080 0046-060-180 0046-060-210	04/09/2013 04/09/2013 04/09/2013	80.00 193.10 179.70	452.80	30.68%

**Table A1: RECLAMATION DISTRICT 2034 Property Ownership  
Suisun Marsh Properties, Solano County, California**

Parcel(s)	Owner Information	APNs	Date Acquired	Acreage	Total Acreage Per Owner	Ownership Percentages
Seeno	<b>Seecon Financial &amp; Construction Co., Inc.</b> <b>West Coast Home Builders, Inc. (“WCHB”)</b> <b>Discovery Builders, Inc. (“DBI”)</b> Attention: Kathi Blackard 4021 Port Chicago Highway Concord, California 94520 Office: (925) 602-7284 Email: <a href="mailto:kblackard@seenohomes.com">kblackard@seenohomes.com</a>  Seecon Financial/DBI Seecon Financial Seecon Financial Seecon Financial/DBI WCHB/DBI Seecon Financial/DBI Seecon Financial	0046-010-120 0046-010-160 0046-060-030 0046-060-040 0046-060-200 0046-320-090 0046-060-190	11/21/2006 04/01/2008 04/01/2008 11/21/2006 04/01/2008 11/21/2006 04/01/2008	171.30 103.85 158.49 78.92 238.80 47.91 9.10	808.37	54.76%
<b>GRAND TOTALS:</b>					<b>1,476.09</b>	<b>100%</b>

Source: Solano LAFCO

Figure A1: Suisun Marsh Reclamation Districts

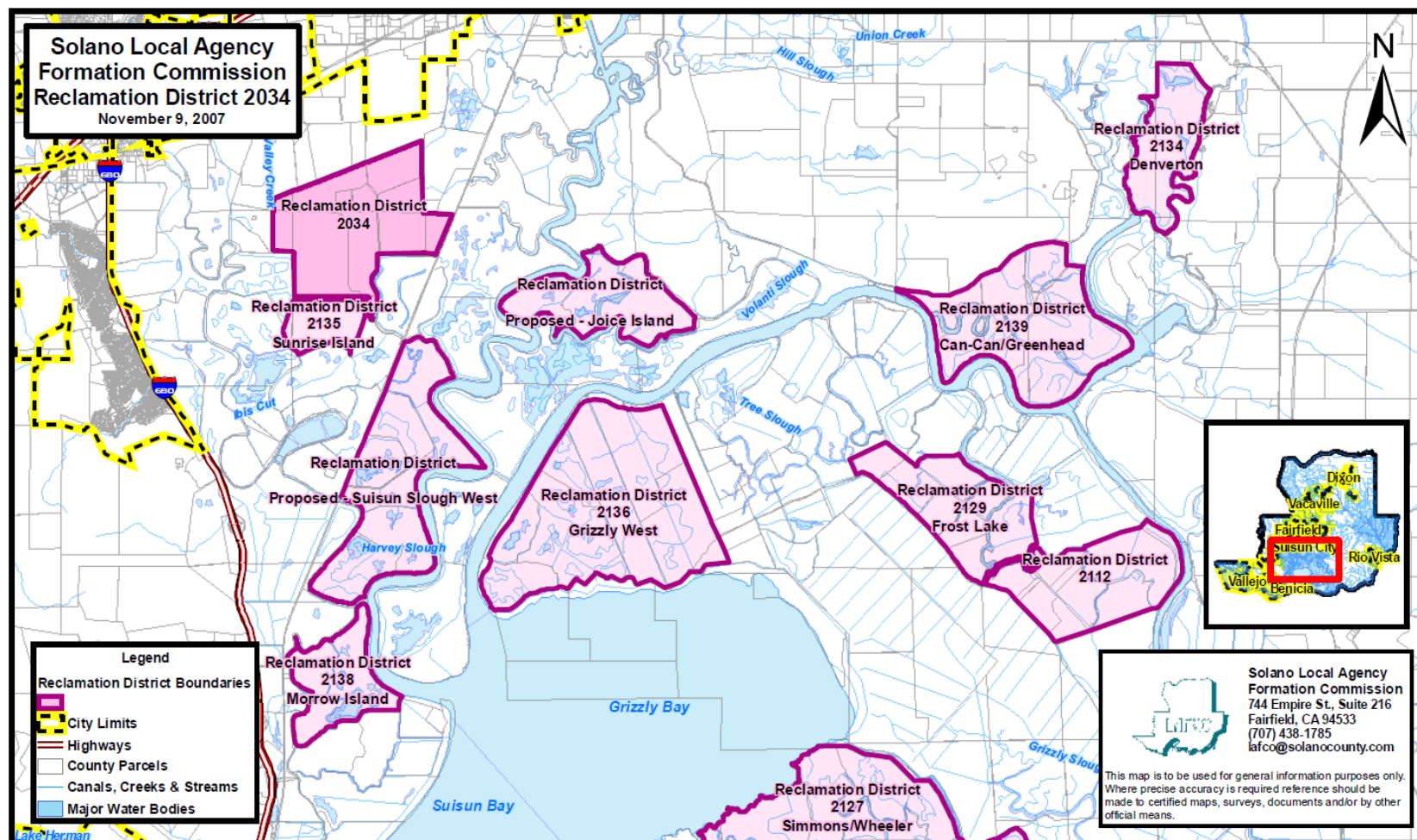
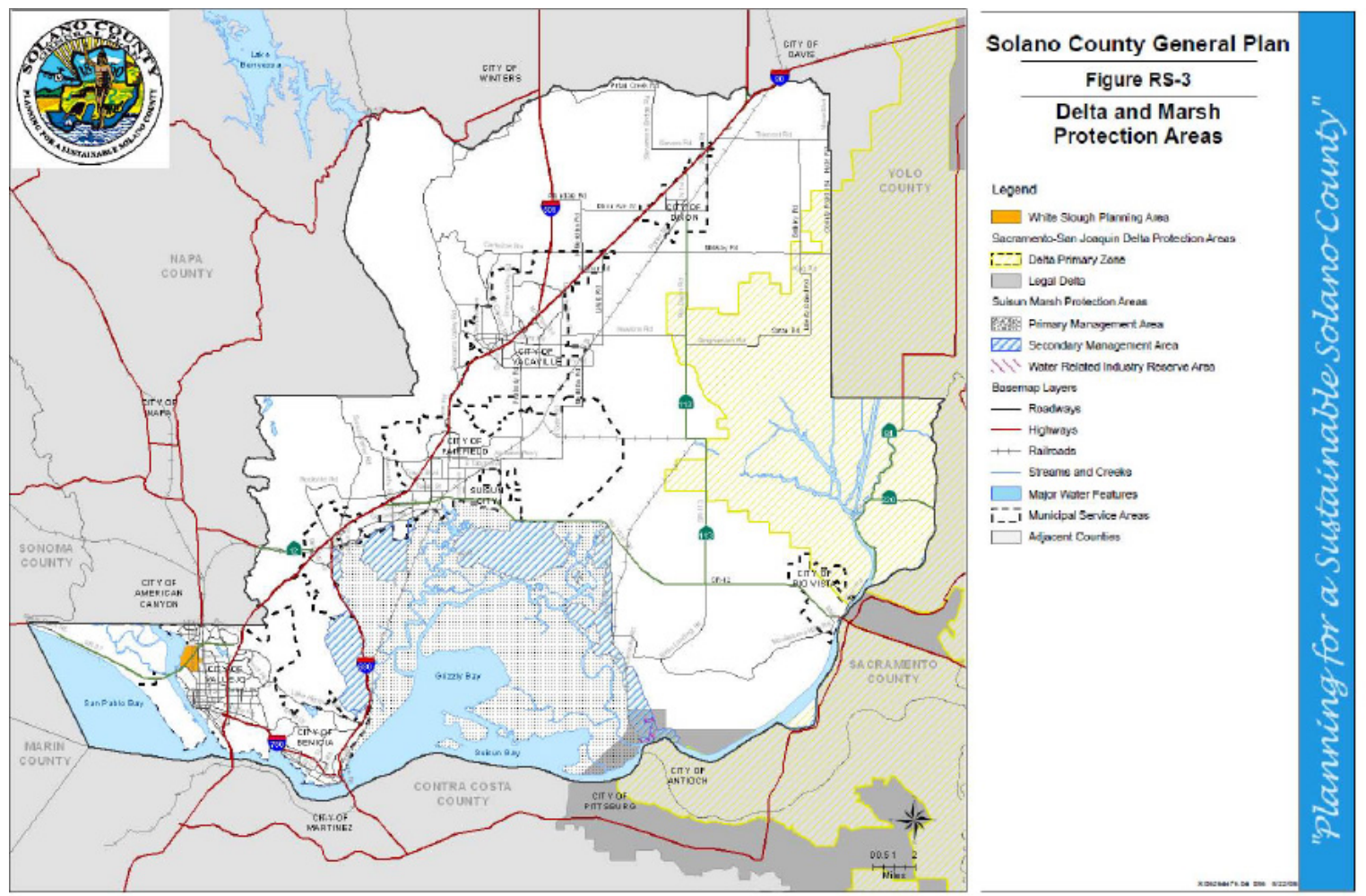
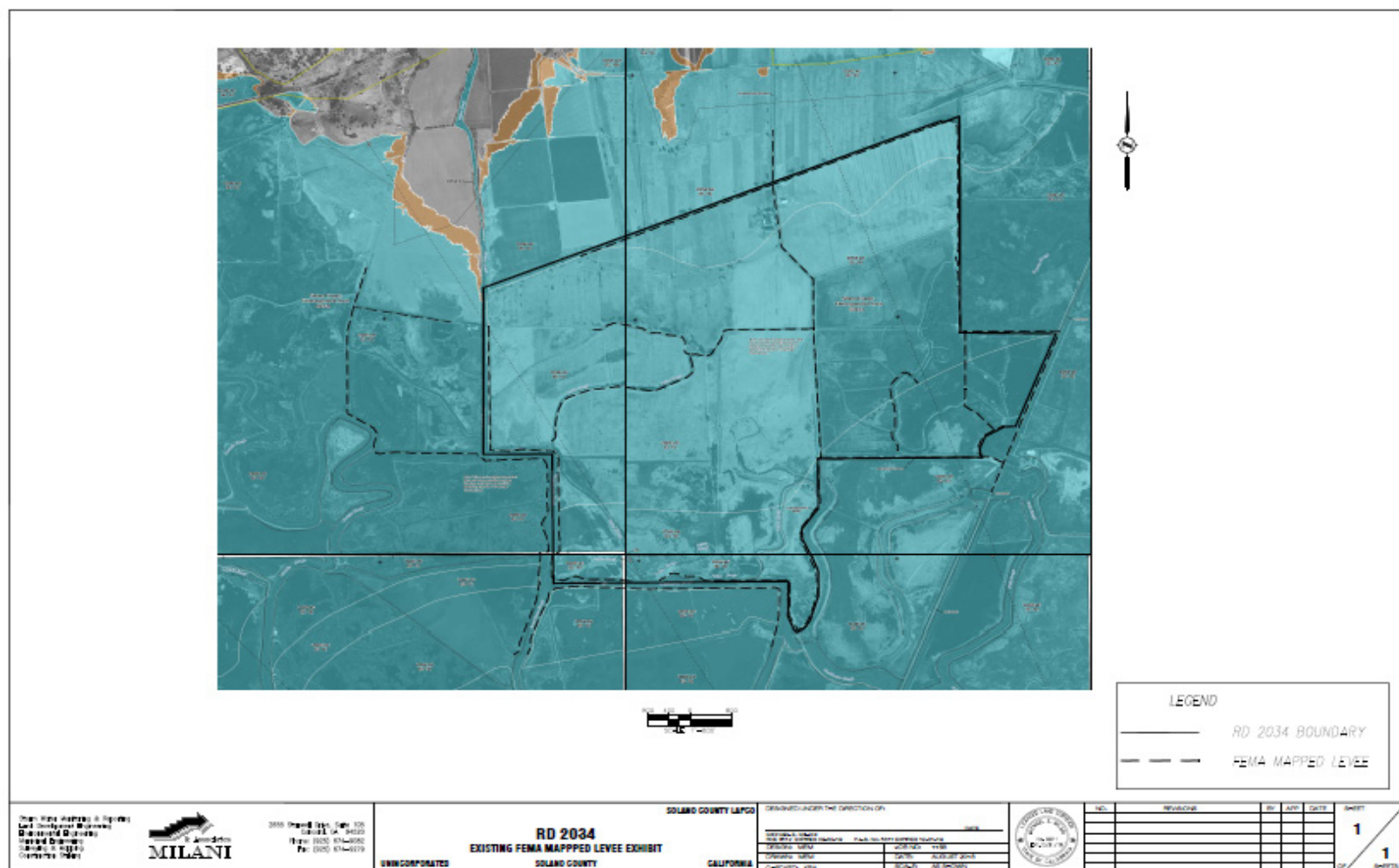


Figure A2: Suisun Marsh Protection Area





### Figure A3: FEMA Levee Map





**Figure A4: Location of West Pump**



# **Attachment A** **Board of Supervisors Approval of Petition for Formation of RD 2034**

*File 277  
 overflowed land No 1  
 (Reclamation)*

MONDAY APRIL 7th, 1919.

The Board of Supervisors met this day in regular monthly session, present, Chas. E. Clausen, W.B. Connelly, Thomas McCormack, W.D. Pennycook and D.M. Fleming.

D.M. Fleming  
 Chairman

G.G. Hallidgy  
 Clerk

IN THE MATTER OF THE ORDER APPROVING )  
 )  
 )  
 PETITION FOR FORMATION OF )  
 )  
 RECLAMATION DISTRICT )

*Reclamation  
 2034*

The petition of F.A. Chadbourne, F.A. Chadbourne Jr., and R.H. Chadbourne, for formation of a reclamation district having been presented to the Board of Supervisors on the seventh day of April, 1919, at the hour of ten o'clock A.M., accompanied by an affidavit of publication showing that a copy of said petition had been published as required by law, and on the hearing of said petition evidence was introduced before this Board and it appearing and this Board so finds that the statements contained in said petition are true and correct, it is hereby ordered that said petition be, and it is hereby approved.

The exterior boundaries of said district, as determined by this Board, are as follows;

That certain parcel of land situated in the County of Solano, State of California, described as follows;

Beginning at the southwest corner of Swamp and Overflowed Land Survey No. 583, Solano County, California, being the corner common to Sections 16, 17, 20 and 21, T.4 N., R.2 W., M.D.B. & M.; thence north 0° 30' west 40.00 chains to the northeast corner of Swamp and Overflowed Land Survey No. 508; thence south 89° 45' west 20.00 chains to the southwest corner of Swamp and Overflowed Land Survey No. 628; thence north 51.61 chains; thence north 68° 45' east 142.70 chains; thence south 21° 15' east 61 links; thence north 68° 45' east 5.30 chains; thence south 21° 15' east 30 links to a point which is south 68° 45' west 3.18 chains from the northeast corner of a tract of land of 172.7 acres, more or less, conveyed by Suisun Gun Club to F.A. Chadbourne by deed dated February 21st, 1919, and recorded on the 24th day of February 1919, in Book 234 of Deeds, page 459, in the records of the County recorder of said Solano

County; thence along the northerly side of ditch southerly about 250 feet thence along the westerly boundary of land of J.C. Peyton, south 0° 10' east 62.90 chains to the northwest corner of Lot 13 as shown and indicated on map of land of E.W. Dinkelspiel, Frank Maskey, F.A. Daroux and Mrs. Louise Harvey, made by E.N. Eager, Surveyor, September, 1907, which map was filed in the office of the County recorder of Solano County, California, on October 24, 1910, in Book 3 of Maps, page 32; thence south 89° 26' east 27.90 chains to the northeast corner of said Lot 13; thence along the westerly line of the right of way of the Southern Pacific Railroad Company south 22° 15' west 31.00 chains to a small slough; thence along the easterly side of a ditch southwesterly about 900 feet to the south boundary of said Lot 13, thence south 89° 30' west 47.63 chains to the northwest corner of Lot 14, as shown and indicated on said map filed October 24th, 1910, as aforesaid; thence south 0° 30' east 21.00 chains to the westerly bank of Wells Slough, thence along same southerly about 35 chains

Attachment A (continued)

395

MONDAY APRIL 7th, 1919.

to the mouth of Vandernailen Slough; thence up the middle of said slough westerly to land of Frank Maskey; thence north 0° 27' west 13.00 chains to the northeast corner of said land; thence south 89° 35' west 68.71 chains to the place of beginning, containing 1523.33 acres.

D.M. Fleming, President of the Board of Supervisors of the County of Solano, State of California.

Attest  
G.G. Halliday,  
Clerk of the Board of Supervisors  
of the County of Solano, State of California

seal

The Board now adjourns.

*D.M. Fleming*  
Chairman

*G.G. Halliday*  
Clerk.

OFFICE OF THE COUNTY CLERK  
County of Solano  
State of California

ss.

I, NEIL CRAWFORD, County Clerk of the County of Solano, and ex-officio clerk of the Board of Supervisors in and for said County, do hereby certify the within and aforesaid to be a full, true and correct copy of an order made and entered on the minutes of said Board Swampland Book No. 1, pages 394, 395. re dist. 2

Witness my hand and Seal of said Board this  
10 day March 19 69

NEIL CRAWFORD, Clerk  
By *Ellen Starnes*  
Deputy Clerk



**Attachment B**  
**2014 Appointment of District Board of Trustees & Officers**

**SECRETARY'S CERTIFICATION OF  
RESOLUTIONS ADOPTED BY  
RECLAMATION DISTRICT NO. 2034**

The undersigned, as Secretary of **RECLAMATION DISTRICT NO. 2034** (the "**District**"), does hereby certify that the following resolutions were adopted by the District on January 15, 2014, following publication of a "Notice of No Election" published in the Vacaville Reporter on December 27, 2012, as required by California Water Code Section 50740, et seq.:

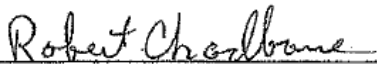
RESOLVED, that ROBERT J. CHADBOURNE is removed as President, Treasurer, and Secretary of the District and the authority previously granted to him to bind the Corporation in any way and all manners is hereby revoked in its entirety effective immediately.

FURTHER RESOLVED, that ARTHUR ANDERSON is hereby appointed President of the District and granted authority effective immediately to perform those offices on behalf of the District, and all actions lawfully taken by ARTHUR ANDERSON in his capacity as President of the District shall be the legally binding acts and obligations of the District.

FURTHER RESOLVED, that MARK DAWSON is hereby appointed Vice President and Treasurer of the District and granted authority effective immediately to perform those offices on behalf of the District, and all actions lawfully taken by MARK DAWSON in his capacity as Vice President and Treasurer of the District shall be the legally binding acts and obligations of the District.

FURTHER RESOLVED, that JOHN C. WILLSIE is hereby appointed Secretary of the District and granted authority effective immediately to perform those offices on behalf of the District, and all actions lawfully taken by JOHN C. WILLSIE in his capacity as Secretary of the District shall be the legally binding acts and obligations of the District.

IN WITNESS WHEREOF, the undersigned, as Secretary of the District, has executed and adopted the above resolutions as of the 15<sup>th</sup> day of January, 2014.

  
Robert J. Chadbourne  
Secretary

**Attachment C**  
**LAFCO Resolution Establishing RD 2034 SOI**

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF SOLANO COUNTY REGARDING ESTABLISHMENT OF THE  
SPHERE OF INFLUENCE FOR RECLAMATION DISTRICT NO. 2034

WHEREAS, the Solano County Local Agency Formation Commission has duly considered the establishment of spheres of influence for Reclamation District No. 2034; and

WHEREAS, the said Commission has reviewed the staff report and held a public hearing on the proposals on March 7, 1983; and

WHEREAS, after due consideration, the said Commission has made the following findings in regard to the establishment of the said sphere of influence:

1. Reclamation District No. 2034 presently provides drainage and levee maintenance services within its boundaries. The service area of the district is defined by the physical barriers of the levees and, accordingly, its potential for expansion is severely curtailed.

2. The district is located in an area designated on the General Plan as Extensive Agricultural. Therefore, it is projected that there will be minimal, if any, development or population growth in this area.

3. This area is dependent on its reclamation district for its agricultural productivity, and it seems reasonable to assume that the district will be able to provide an adequate level and range of necessary services for the foreseeable future.

4. Presently this area is being provided services by the County of Solano and the Suisun Fire Protection District. The services provided are primarily Sheriff patrols and fire protection, which are adequate for the existing level of land use.

5. Reclamation District No. 2034 is economically interdependent within its boundaries, but outside its boundaries there is no social or economic interdependence with the surrounding areas.

6. Reclamation District No. 2034 is completely in an agricultural preserve. Because the district exists to provide for the agricultural use of these lands, it is logical to assume that the physical and economic integrity of agricultural preserves within their borders will be maintained.

BE IT THEREFORE RESOLVED that the Solano County Local Agency Formation Commission does hereby declare the proposal to be exempt from CEQA requirements under the General Rule pro-

Attachment C (continued)

1 provision and does hereby adopt a sphere of influence for  
 2 Reclamation District No. 2034 that is coterminous with its  
 3 existing district boundaries.  
 4 -----  
 5 I, RICHARD E. WATSON, Executive Officer of the Local  
 6 Agency Formation Commission of Solano County, California, do  
 7 hereby certify that the above and foregoing Resolution was  
 8 regularly introduced, passed and adopted by said Commission at  
 9 a regular meeting thereof held on March 7, 1983, by the fol-  
 10 lowing vote:  
 11 AYES: COMMISSIONERS: Brann, Hewitt, Alt. Com.  
 12 Jenkins, Chairman Hamel  
 13 NOES: COMMISSIONERS: None  
 14 ABSTAINED: COMMISSIONERS: None  
 15 ABSENT: COMMISSIONERS: Palati  
 16 WITNESS my hand for the said Local Agency Formation Com-  
 17 mission on March 7, 1983.  
 18  
 19 RICHARD E. WATSON, Executive Officer  
 20 Local Agency Formation Commission  
 21 By Geraldine L. Harper  
 22 GERALDINE L. HARPER, Secretary  
 23  
 24  
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**Attachment D**  
**Correspondence with County Auditor's Office**

From: Starkey, Kirk [mailto:KStarkey@SolanoCounty.com]  
Sent: Thursday, November 10, 2016 2:28 PM  
To: LAFCO 2 (external)  
Subject: RE: Audit for RD2034

Hi Michelle –

We have not audited this entity and we have not received any audit reports from them either. If they happen to submit an audit report as part of their application could you please have them forward another copy to our office.

Thank you,  
Kirk

Kirk Starkey | Deputy Auditor-Controller, Internal Audits  
Solano County  
675 Texas St., Suite #2800 | Fairfield, CA 94533  
707.784.3057  
[kstarkey@solanocounty.com](mailto:kstarkey@solanocounty.com)

**From:** M McIntyre [mailto:mmcintyre@solanolafco.com]  
**Sent:** Thursday, November 10, 2016 11:35 AM  
**To:** Starkey, Kirk <KStarkey@SolanoCounty.com>  
**Subject:** Audit for RD2034

Hi Kirk,  
Do you know if your office has audited Reclamation District #2034? If yes, may I have a copy?  
I'm working on an application from one of the property owners.

Thank you,  
Michelle



**Attachment E**  
**Notice of Detachment Application & Request for Information**



**Solano Local Agency Formation Commission**

675 Texas St. Ste. 6700 • Fairfield, California 94533  
(707) 439-3897 • FAX: (707) 438-1788

November 7, 2017

Reclamation District 2034  
c/o Arthur Anderson, District President  
34 Alamo Square Ste. 200  
Alamo CA 94507

sent via Certified Mail

RE: SEECON Application for Detachment from Reclamation District 2034

Dear Mr. Anderson:

As we discussed on September 11, 2017, LAFCO has received an application for a detachment from property owners within the Reclamation District's boundary. In addition to applying for a detachment from the District, the applicant has indicated to LAFCO staff that Reclamation District 2034 is not an active district and should be dissolved by LAFCO.

In our prior conversation, you indicated that the District is providing services and that you would be providing evidence. In order for LAFCO to determine if the District is active, and as discussed previously, please provide the following:

- Meeting agendas and minutes
- Budgets/financial reports/audits
- List of expenses related to the District
- List of easements and other assets owned by the District
- Most recent required correspondence to the State Controller's Office regarding special district status

Please provide the above documents and any other information/documents you believe may be helpful to our office by Friday, December 1, 2017. Thank you in advance for your attention to this matter.

Sincerely,

Rich Seithel  
Executive Officer

**Commissioners**

Nancy Shopay, Chair • Harry Price, Vice-Chair • Pete Sanchez • Jim Spering • John Vasquez

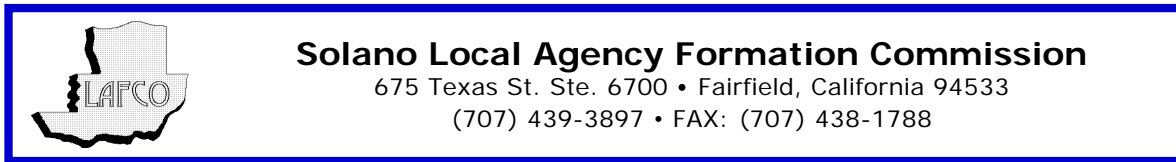
**Alternate Commissioners**

Len Augustine • Shawn Smith • Skip Thomson

**Staff**

Rich Seithel, Executive Officer • Michelle McIntyre, Analyst • P. Scott Browne, Legal Counsel

**Attachment F**  
**LAFCO Information Request & Detachment Status**



December 1, 2017

Reclamation District 2034  
c/o Arthur Anderson, District President  
34 Alamo Square Ste. 200  
Alamo CA 94507

RE: Information Request and SEECON Detachment Application from Reclamation  
District 2034

Dear Mr. Anderson:

This letter is to advise you that we received your e-mail and attachments regarding our information request and to update the status of the detachment application.

Our November 7 letter requested: meeting agendas and minutes; budgets, financial reports, or audits; a list of expenses related to the District, and; assets owned by the District. We received copies of PG&E invoices addressed to West Coast Home Builders from SEECON, Inc. We note that there were no documents addressing the issues outlined and information requested in our November 7 letter regarding RD 2034.

Concerning the detachment application outlined in our November 7 letter, in order to process changes of organizations and reorganizations, LAFCOs are required to have a current municipal service review (MSR) study and sphere of influence. In 2008, LAFCO hired a firm to conduct a MSR study for the District. The 2008 MSR must now be updated for LAFCO to process the application we received from SEECON. In the next few weeks, LAFCO will be issuing a request for proposal for a MSR study for RD 2034. We will advise the District when a firm has been hired and is ready to commence the MSR process.

Mr. Anderson, please contact me if you have any questions.

Sincerely,

Rich Seithel  
Executive Officer

cc: RD 2034 Landowners

**Attachment G**  
**Request for Information Regarding District Financial Information**

**Re: Follow Up Information for RD 2034**

From: **Gary Craft** [craft@craftconsulting.net](mailto:craft@craftconsulting.net)  
To: **Art Anderson** [art@stonevalleyfarm.com](mailto:art@stonevalleyfarm.com)  
Sent: **September 5, 2018**

Art

Thank you for taking time out of your busy schedule to meet with Mike Milani and myself in early August. In following up on our research we still have a need for additional information. It would be extremely helpful if you could take a few minutes to respond to the following questions:

1. Location and address of RD 2034 office
2. Copy of bank account statements for past year
3. Outstanding debts/liabilities
4. Annual revenue & expenses for past 3 years
5. Copy of District bylaws
6. Number & date of Board meetings held during past 3 years
7. Facilities/assets owned by District
8. Is the West Pump owned by the District, if so, is there any documentation

Sincerely

Gary Craft

**Attachment H**  
**Dawson Letter Regarding Detachment**

From: Mark Dawson [mailto:mdawson@waterholeland.com]  
Sent: Thursday, April 06, 2017 3:01 PM  
To: mmcintyre@solanolafco.com  
Subject: Solano LAFCO Project #2016-02 Seecon Properties Detachment from RD 2034

Hi Michelle,

Sorry for the delayed response, but you mentioned the application was deemed incomplete, so I figured I had some time.

As I mentioned on the phone, I am the managing member of Grizzly Bay, LLC, one of the property owners within RD 2034. We don't necessarily have any issue with the proposed detachment from the district in principal, but have some concerns/questions on how physically this will be implemented and that there be no resultant cost to us or impacts to our property:

1. Will the applicant construct a new levee between the detachment area and the remainder DR2034 properties at their own expense? If so, will this be wholly on the applicant's property and the applicant's responsibility at applicant's own cost to maintain it, with an easement to the district for maintenance in the event the applicant fails to maintain it?
2. The RD 2034 pump is currently located on the applicant's property, so how will the district continue to pump water out of the district after the detachment? Will the pump remain in place and the district maintains an access easement to the pump for maintenance and repair and operation – and if so, how will the district's water vs. the detachments water be accounted for, being pumped from the same pump? Or will the pump be relocated at applicant's cost into the RD 2034 upon the detachment – and if so will any grading and permitting to realign the district's drainage to the new location and any power line relocation/meter resetting etc. be paid for by the applicant? Or will the district obtain a separate pump within the district at applicant's expense (including all the expenses noted in the last sentence)?

These are a few preliminary questions of logistics if this is to move forward. The main concerns are that we should not be out of pocket on any costs associated with or resulting from the detachment, and that there should not be any impacts to our property as a result of the detachment.

Thanks.

Mark Dawson  
**Water Hole Land Company**  
3170 Crow Canyon Place, Suite 260  
San Ramon, CA 94583  
(925) 202-9277  
(925) 866-2126 fax  
[mdawson@waterholeland.com](mailto:mdawson@waterholeland.com)  
<http://waterholeland.com>

**Attachment I**  
**Anderson Letter Regarding Detachment**

January 18, 2017

Solano LAFCO

Attention: Michelle McIntyre

Thank you for taking the time to speak with me recently. As we discussed, I would very much appreciate being notified of any hearings or meetings that take place regarding Reclamation District 2034.

I have a number of concerns regarding detachment of the Seeno parcels from the district. There are various issues with my parcels remaining in the district without all of the current members. Currently, there is a blending of drainage systems between the Seeno and Grizzly Bay properties. In addition, there are common district pumps that discharge water from each parcel. These parcels, unlike mine, have extensive levies that need continuous monitoring during high water events.

While I fully respect Mr. Seeno's option to remove himself from the District, if he were to detach, I would also likely do so as there would be no benefit, only liability. As it stands currently, I do not own or control any of the levies, yet I am member of the district.

Again, I am not sure how I feel about all of this, but would like to be kept abreast of the situation so I can try to make an informed decision.

Thank you for your attention in this matter and please do not hesitate to call me at 925-997-2599 or email me at [art@stonevalleyfarm.com](mailto:art@stonevalleyfarm.com).

Respectfully,



Arthur Anderson

**Attachment J**  
**RD 2034 PG&E Bills**

>>> "Mark Dawson" <[mdawson@waterholeland.com](mailto:mdawson@waterholeland.com)> 2/29/2016 3:51 PM >>>

Kathi, attached is an excel spreadsheet of the PG&E billing paid by the RD2034 for the last couple of years (not including those bills paid by Mr Seeno for his duck pond flooding), and the average is around \$167/month. So we should use this number to be deducted from the bills previously paid by Mr Seeno to be prorated amongst the RD members retroactively.

Skip Chadbourne contacted me about getting his money out of the operating account again. I believe the way we left it at the last meeting was that you were going to review the pro rata acreages between the members as Skip says his is incorrect. Once this is resolved, I can resend the amounts due by each member in order to repay the PG&E expenditures, leave a buffer in the operating account, and repay Skip his personal money.

Finally, I have attached bills and notices from PG&E. The first page is the 12/23/15 bill in the amount of \$1,184.58 (the sum of the 11/21/15 bill that I gave you at our last meeting in the amount of \$1,128.23 to be paid by Mr Seeno, plus the current charge of \$56.35 - which I have paid). The second page is a 7-day notice and shows a balance due of \$633.18, because only 551.40 was paid to cover the previous \$1,128.23 bill dated 11/21/15. The 3<sup>rd</sup> page shows this is what happened and includes the new monthly charge of \$60.31. The 4<sup>th</sup> page is a 24hr notice requesting immediate payment of the \$576.83 balance due from the 11/21/15 bill. I will be paying the \$60.31 from the operating account, but can you please make sure the \$576.83 balance due from the 11/21/15 bill is paid asap.

Thanks.

Mark Dawson  
**Water Hole Land Company**  
3170 Crow Canyon Place, Suite 260  
San Ramon, CA 94583  
(925) 202-9277  
(925) 866-2126 fax  
[mdawson@waterholeland.com](mailto:mdawson@waterholeland.com)  
<http://waterholeland.com>

*This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message. Thank you.*

## Attachment K Correspondence Regarding West Pump Expenses

**Art Anderson**

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**From:** Mark Dawson <mdawson@waterholeland.com>  
**Sent:** Tuesday, November 07, 2017 1:47 PM  
**To:** "Art Anderson"  
**Subject:** FW: West Pump - RD 2034

Art, per this email from Kathi, we had a meeting January 19, 2016.

Thanks.

Mark Dawson  
**Water Hole Land Company**  
 3170 Crow Canyon Place, Suite 260  
 San Ramon, CA 94583  
 (925) 202-9277  
 (925) 866-2126 fax  
[mdawson@waterholeland.com](mailto:mdawson@waterholeland.com)  
<http://waterholeland.com>

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**From:** Kathi Blackard [mailto:KBlackard@seenohomes.com]  
**Sent:** Monday, February 1, 2016 4:47 PM  
**To:** wchadbourne@aol.com; art@stonevalleyfarm.com; mdawson@waterholeland.com  
**Cc:** John Willsie <JWillsie@seenohomes.com>  
**Subject:** West Pump - RD 2034

RD 2034 Members,

We recently discovered the West Pump is not working. We had an electrician check the fuses, the fuses aren't the problem. We have scheduled an evaluation to be performed with necessary repairs to be made. We will let you know the scope of work and repairs. All costs including our labor and support time will be billed to RD 2034. As discussed at our January 19th meeting, we are reviewing our records for costs incurred in the past for repairs made to West Pump. Those costs will also be billed to RD 2034.

On another note, we are going to contact PG&E to transfer West Pump PG&E service to our name with statements sent to our office. We will email West Pump PG&E statements to Mark Dawson for payment by RD 2034 (except for verified overage amounts resulting solely from our properties). Hopefully, this arrangement will prevent late payments to PG&E in the future.

We are confirming the acreage of each property in RD 2034 and following up on the other matters discussed at our January 19th meeting. We will be in touch with you further.

Please let us know any questions. Thank you.

Kathi

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## Attachment L Correspondence Regarding West Pump Expenses

**Art Anderson**

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**From:** Kathi Blackard <KBlackard@seenohomes.com>  
**Sent:** Tuesday, March 07, 2017 12:43 PM  
**To:** wchadbourn@aol.com; art@stonevalleyfarm.com; mdawson@waterholeland.com  
**Subject:** Reclamation District 2034 - West Pump  
**Attachments:** 2017-03-07 Billing to RD 2034 Members Re West Pump Costs Thru 02-28-17.pdf

Dear RD 2034 Members:

In prior communications we have advised you that we have been and continue to incur significant and extraordinary costs and expenses for maintenance, repair and operation of West Pump. Our initial billing for West Pump costs and expenses is attached. Our companies' prorata share of costs and expenses have been deducted from total costs and expenses incurred. The attached billing reflects the balance of West Pump costs and expenses due from you. Please note that we have used a reduced labor rate in calculating our employees' time for West Pump maintenance and repairs. Please remit your respective payment to our company within fifteen (15) days from today's date.

As you know, the California Water Code requires Reclamation Districts to hold regular Board of Directors meetings. We are not aware if such meetings have been held as we have not received notice of any such meetings. If they have taken place, please forward to my attention the minutes of such meetings. Please also send a copy of the signed Bylaws for RD 2034 and any amendments.

As a large stakeholder in RD 2034, we request that a Board of Directors meeting be scheduled to take place by mid-April, 2017 on a mutually acceptable date and at a mutually convenient location. Our conference room is available for the meeting if that is convenient for all of you. Please advise by reply email of available meeting dates for later this month or the first part of April.

We request that one of the items on the agenda for the Board meeting be the ongoing costs and expenses associated with the maintenance, repair and operation of West Pump. We would like the opportunity to discuss this matter with the Board to determine a fair and equitable means by which we can be reimbursed costs on a regular basis.

Thank you.

Kathleen M. Blackard  
 Legal Department/Special Projects  
 Seecon Financial & Construction Co., Inc., West Coast Home Builders, Inc.,  
 Discovery Builders, Inc.  
 The Seeno Companies  
 4021 Port Chicago Highway  
 Concord, CA 94520  
 (925) 671-7711, x387

CONFIDENTIAL COMMUNICATION

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# Attachment M PG&E Bills 2008-2015

				RD 2034 Member Contributions to RD 2034 PG&E Bill					
Year	Bill Pay Date	Bank Stmtnt Ending Bal	(1 mo pay delay) PG&E Bill	Chadbourne	Seeno	Anderson	Grizzly Bay		
				\$ -	\$ -	\$ -	\$ -		
2015	10/9	\$ 63,525.42	\$ 240.65	\$ 9.45	\$ 145.28	\$ 22.17	\$ 63.75		
2015	9/9	\$ 63,766.07	\$ 242.24	\$ 9.51	\$ 146.24	\$ 22.32	\$ 64.17		
2015	8/12	\$ 64,008.31	\$ 239.86	\$ 9.42	\$ 144.80	\$ 22.10	\$ 63.54		
2015	7/20	\$ 64,248.17	\$ 239.86	\$ 9.42	\$ 144.80	\$ 22.10	\$ 63.54		
2015	6/22	\$ 64,488.03	\$ 211.16	\$ 8.29	\$ 127.47	\$ 19.46	\$ 55.94		
2015	6/2	\$ 64,699.19	\$ 56.42	\$ 2.22	\$ 34.06	\$ 5.20	\$ 14.95		
2015	3/14	\$ 64,755.61	\$ 55.04	\$ 2.16	\$ 33.23	\$ 5.07	\$ 14.58		
2015	3/12	\$ 64,810.65	\$ 60.32	\$ 2.37	\$ 36.41	\$ 5.56	\$ 15.98		
2015	1/5	\$ 64,870.97	\$ 154.18	\$ 6.05	\$ 93.08	\$ 14.21	\$ 40.84		
2014	12/22	\$ 65,025.15	\$ 99.74	\$ 3.92	\$ 60.21	\$ 9.19	\$ 26.42		
2014	11/12	\$ 65,124.89	\$ 282.76	\$ 11.10	\$ 170.70	\$ 26.05	\$ 74.90		
2014	10/14	\$ 65,407.65	\$ 219.49	\$ 8.62	\$ 132.50	\$ 20.22	\$ 58.14		
2014	10/8	\$ 65,627.14	1,450.00						refund Skip's deposit from 2-9-07
2014	9/19	\$ 67,077.14	\$ 224.41	\$ 8.81	\$ 135.47	\$ 20.68	\$ 59.45		
2014	8/18	\$ 67,301.55	\$ 213.35	\$ 8.38	\$ 128.80	\$ 19.66	\$ 56.52		
2014	7/9	\$ 67,514.90	\$ 226.44	\$ 8.89	\$ 136.70	\$ 20.86	\$ 59.98		
2014	6/28	\$ 67,741.34	\$ 193.19	\$ 7.59	\$ 116.63	\$ 17.80	\$ 51.18		
2014	4/28	\$ 67,934.53	\$ 66.23	\$ 2.60	\$ 39.98	\$ 6.10	\$ 17.54		
2014	3/2	\$ 68,000.76	\$ 50.45	\$ 1.98	\$ 30.46	\$ 4.65	\$ 13.36		
2014	2/9	\$ 68,051.21	\$ 99.21	\$ 3.90	\$ 59.89	\$ 9.14	\$ 26.28		
2013	12/8	\$ 68,150.42	\$ 131.14	\$ 5.15	\$ 79.17	\$ 12.08	\$ 34.74		
2013	10/29	\$ 68,281.56	\$ 193.11	\$ 7.58	\$ 116.58	\$ 17.79	\$ 51.16		
2013	9/2	\$ 68,474.67	\$ 189.77	\$ 7.45	\$ 114.56	\$ 17.49	\$ 50.27		
2013	7/31	\$ 68,664.44	\$ 192.14	\$ 7.54	\$ 115.99	\$ 17.70	\$ 50.90		
2013	6/28	\$ 68,856.58	\$ 190.55	\$ 7.48	\$ 115.03	\$ 17.56	\$ 50.48		
2013	4/11	\$ 69,047.13	\$ 47.76	\$ 14.53	\$ 28.83	\$ 4.40			
2013	3/6	\$ 69,094.89	\$ 47.74	\$ 15.05	\$ 28.29	\$ 4.40			
2013	2/8	\$ 69,142.63	\$ 49.34	\$ 15.56	\$ 29.24	\$ 4.55			
2013	1/4	\$ 69,191.97	\$ 47.76	\$ 15.06	\$ 28.30	\$ 4.40			
2012	7/1	\$ 69,239.73	\$ 186.35	\$ 75.92	\$ 110.43				
2012	5/9	\$ 69,426.08	\$ 94.72	\$ 38.59	\$ 56.13				
2012	3/1	\$ 69,520.80	\$ 48.55	\$ 19.78	\$ 28.77				
2012	2/5	\$ 69,569.35	\$ 52.67	\$ 21.46	\$ 31.21				
2012	1/22	\$ 69,622.02	\$ 162.40	\$ 66.17	\$ 96.23				
2011	9/27	\$ 69,784.42	\$ 325.49	\$ 132.61	\$ 192.88				
2011	7/28	\$ 70,109.91	\$ 441.39	\$ 179.84	\$ 261.55				
2011	4/27	\$ 70,551.30	\$ 84.84	\$ 34.57	\$ 50.27				
2011	3/19	\$ 70,636.14	\$ 84.31	\$ 34.35	\$ 49.96				
2010	10/4	\$ 70,720.45	\$ 162.79	\$ 66.33	\$ 96.46				
2010	9/5	\$ 70,883.24	\$ 164.19	\$ 66.90	\$ 97.29				
2010	8/12	\$ 71,047.43	\$ 162.79	\$ 66.33	\$ 96.46				
2010	7/15	\$ 71,210.22	\$ 275.06	\$ 112.07	\$ 162.99				
2010	5/1	\$ 71,485.28	\$ 40.60	\$ 16.54	\$ 24.06				
2010	4/2	\$ 71,525.88	\$ 41.30	\$ 16.83	\$ 24.47				
2010	2/19	\$ 71,567.18	\$ 228.17	\$ 92.96	\$ 135.21				
2009	11/18	\$ 71,795.35	(40,206.00)						FEMA deposit
2009	9/30	\$ 31,589.35	\$ 159.09	\$ 64.82	\$ 94.27				
2009	8/31	\$ 31,748.44	\$ 157.00	\$ 63.97	\$ 93.03				
2009	7/28	\$ 31,905.44	\$ 157.69	\$ 64.25	\$ 93.44				
2009	7/3	\$ 32,063.13	\$ 167.52	\$ 68.25	\$ 99.27				
2009	6/3	\$ 32,230.65	\$ 107.37	\$ 43.75	\$ 63.62				
2009	5/3	\$ 32,338.02	\$ 50.54	\$ 20.59	\$ 29.95				
2009	3/14	\$ 32,388.56	\$ 38.50	\$ 15.69	\$ 22.81				
2009	1/13	\$ 32,427.06	(16,860.00)						FEMA deposit
2008	10/22	\$ 15,567.06	\$ 145.80	\$ 59.40	\$ 86.40				
2008	10/3	\$ 15,712.86	\$ 147.48	\$ 60.09	\$ 87.39				
2008	9/12	\$ 15,860.34	\$ 144.70	\$ 58.96	\$ 85.74				
2008	8/2	\$ 16,005.04	\$ 145.65	\$ 59.34	\$ 86.31				
2008	6/30	\$ 16,150.69	\$ 146.79	\$ 59.81	\$ 86.98				
2008	6/2	\$ 16,297.48	\$ 132.42	\$ 53.95	\$ 78.47				
2008	5/2	\$ 16,429.90	\$ 40.71	\$ 16.59	\$ 24.12				
2008 Apr		\$ 16,470.61							
Total Membership Contribution Due:				\$ 1,970.76	\$ 5,118.90	\$ 392.93	\$ 1,078.61		
				Chadbourne	Seeno	Anderson	Grizzly Bay		
Total	\$ 8,561.19	due from Members to reimburse Skip Chadbourne for PG&E bills							
Total	\$ 72,086.61	(includes \$8,561.19 PG&E bills paid) due to Skip Chadbourne for FEMA reimbursed expenses							

**Attachment N**  
**Audit for RD2034**

From: Starkey, Kirk [mailto:KStarkey@SolanoCounty.com]  
Sent: Thursday, November 10, 2016 2:28 PM  
To: LAFCO 2 (external)  
Subject: RE: Audit for RD2034

Hi Michelle –

We have not audited this entity and we have not received any audit reports from them either. If they happen to submit an audit report as part of their application could you please have them forward another copy to our office.

Thank you,  
Kirk

Kirk Starkey | Deputy Auditor-Controller, Internal Audits  
Solano County  
675 Texas St., Suite #2800 | Fairfield, CA 94533  
707.784.3057  
[kstarkey@solanocounty.com](mailto:kstarkey@solanocounty.com)

**Attachment O**  
**Maintenance Agreement with Solano Irrigation District**

MAINTENANCE AGREEMENT

THE SOLANO IRRIGATION DISTRICT, hereinafter referred to as "Irrigation District", and RECLAMATION DISTRICT 2034, hereinafter referred to as "Reclamation District" do enter into the following agreement:

WHEREAS, there exists a generally unfavorable drainage problem in the area bounded by Chadbourne Road, Interstate Highway No. 80, and Suisun Creek in Lower Suisun Valley; and

WHEREAS, the Irrigation District has prepared construction plans for the improvement and relocation of portions of the existing drainage channels which flow into a drain ditch constructed by the Reclamation District and shown on the accompanying location map and Dwg. No. M-2-275; and

WHEREAS, the Irrigation District will benefit from the aforesaid improvement of drainage facilities through the improvement of drainage on private property within the boundaries of the Irrigation District; and

WHEREAS, the Reclamation District will benefit from the aforesaid improvement of drainage facilities through the removal of surface water which aggravates the present high ground water condition along the north boundary of the Reclamation District,

NOW THEREFORE, it is hereby agreed as follows:

1. The Solano Irrigation District will provide the necessary labor and equipment for weed control work in the Reclamation District drain ditch from a point immediately east of Suisun Creek to the tide gates, as indicated on the

**Attachment O (continued)**

Solano Irrigation District Map No. M-2-275. The Reclamation District will pay the cost of any chemicals which may be required for control of aquatic growth within the channel.

2. The Solano Irrigation District agrees to share in the cost of maintenance and repair of the ditch and levee along the Reclamation District's drain between the intersection of the Reclamation District drain with the ~~Raines Drain~~ <sup>SUISUN CREEK</sup> as shown on the attached map, and the tide gates located east of Chadbourne Road. The Irrigation District's share of this cost shall not exceed 50% of the total, said participation by the Irrigation District in the maintenance and repair costs will be subject to advance approval by both districts of the extent and nature of the work to be performed and of the actual cost to be pro-rated to each district.

3. The Solano Irrigation District will install an additional flap gate at the tide gate location marked on the attached location map, M-2-275, to reduce the differential head across the present structure at high tides. The Irrigation District will also construct a concrete lined surface on the upstream and downstream slopes of the existing earth dam after additional pipe and flap gate have been installed. Cost of all modifications and additions described in this paragraph will be paid by Solano Irrigation District.

4. Both parties hereby agree that the tide gate structure east of Chadbourne Road will be jointly maintained by both parties with the cost of such maintenance to be shared equally.

## Attachment P FEMA Standards

### FEMA Flood Insurance

“The National Flood Insurance Program defines a levee system as a flood risk reduction system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices to protect a hydraulically distinct area. A levee is a manmade structure, usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee systems are designed to provide a specific level of protection. They can be overtopped or fail during flood events larger than those for which the system was designed. Levee systems also decay over time, which may increase the likelihood of failure. They require regular maintenance and periodic upgrades to retain their level of protection. When levees do fail, the resulting damage, including loss of life, may be much greater than if the levee system had not been built.

Any community and/or other party seeking recognition or continued recognition of a levee system on a Flood Insurance Rate Map must provide FEMA with data and documentation, certified by a registered professional engineer, showing that the levee system is expected to provide 1-percent-annual-chance (base) flood risk reduction.”<sup>13</sup>

### FEMA Disaster Assistance

Based on a federal major disaster declaration, state and local governments including certain reclamation districts may be eligible for federal disaster assistance and can apply for reimbursement of eligible costs due levee breaks and flooding caused by a major storm event. FEMA reimbursement covers emergency response costs, debris removal, emergency protective measures related to the floods, and the repair or replacement of damaged public facilities.<sup>14</sup>

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<sup>13</sup> FEMA, “*Meeting the Criteria for Accrediting Levee Systems on Flood Insurance Rate Maps: How-To Guide for Floodplain Managers and Engineers*,” May 18, 2016

<sup>14</sup> FEMA Public Assistance Program and Policy Guide, April 2018

**CALIFORNIA GOVERNOR'S  
OFFICE OF EMERGENCY SERVICES**



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

# Fact Sheet

**FEMA-4305-DR-CA: Late January 2017 Storms**

**Presidential Declaration for Grant Funding for the Late January 2017 Storms**

On March 16, 2017, President Donald J. Trump declared a major disaster making federal disaster aid available to 16 counties for the January 2017 Storms. This fact sheet contains information regarding the affected counties, available assistance, and Request for Public Assistance (RPA) application information

## Applicants Eligible for Assistance

The following local government entities and select private organizations are eligible for disaster assistance under this Presidential Declaration:

- State Agencies
- Cities
- Counties
- Special Districts
- School Districts
- Community College Districts
- Certain Private Non-Profit Organizations

## Eligible Private Non-Profit Reimbursement

An eligible private non-profit (PNP) applicant may receive state financial assistance as reimbursement for the performance of essential community services, provided such expenditures meet all of the eligibility requirements. PNP activities resulting from self-deployment will not be eligible for reimbursement.

## Important Disaster Information

*Name and Disaster Number:*

Late January 2017 Storms – FEMA-4305-DR-CA

The incident period is January 18 through 23, 2017.

The January 2017 Storms (FEMA-4305-DR-CA) makes **available federal funding** for eligible costs in the following counties:

**El Dorado, Kern, Los Angeles, Mendocino, Napa, Orange, Riverside, Sacramento, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Trinity, Tuolumne, and Yolo Counties.**

## Available Assistance – Public Assistance Program

Under the PA program, FEMA obligates 75 percent of the eligible costs of either Emergency Work or Permanent Work as illustrated below:

### EMERGENCY WORK

- Debris Removal (Category A)
- Emergency Response and Protective Measures (Category B)

### PERMANENT WORK

- Roads and Bridges (Category C)
- Water Control Facilities (Category D)
- Buildings and Equipment (Category E)
- Utilities (Category F)
- Parks, Recreational Facilities, Other Items (Category G)

## Important Application Information

The application package must contain the following:

- ✓ *Request for Public Assistance* form (FEMA Form 90-49)
- ✓ *Project Assurances for Federal Assistance* (Cal OES Form 89)
- ✓ *Designation of Applicant's Agent Resolution* (Cal OES Form 130)
- ✓ *List of Projects* (Cal OES 95)

Available at [www.caloes.ca.gov/cal-oes-divisions/recovery/forms](http://www.caloes.ca.gov/cal-oes-divisions/recovery/forms)

**RPA application packages must be received by the Public Assistance Division at the address below no later than Tuesday, April 11, 2017.**

Mr. David Gillings  
State Public Assistance Officer  
California Governor's Office of Emergency Services  
Public Assistance Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: FEMA-4305-DR-CA

Or by email at [DisasterRecovery@CalOES.ca.gov](mailto:DisasterRecovery@CalOES.ca.gov)





**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
RECOVERY BRANCH  
GRANTS PROCESSING SECTION  
3650 SCHRIEVER AVENUE  
MATHER, CALIFORNIA 95655  
PHONE: (916) 845-8110 FAX: (916) 845-8392**



January 4, 2010

Robert Chadbourne  
President  
Reclamation District #2034  
PO Box 698  
Fairfield, CA 94533

HM (PA)  
F ST DR: 1628  
Project # \_\_\_\_\_  
OES #: 095-91056  
A C G H  
M (S)  
Doc Date: 01/04/10 michce/

Dear Mr. Chadbourne:

**SUBJECT: FINANCIAL RECONCILIATION AND APPLICATION CLOSURE**  
FEMA-1628-DR-CA, P.A.# 095-91056  
CDAA/OES# 095-91056

The Governor's Office of Emergency Services has completed the financial reconciliation for this application and enclosed is a copy of your application history for your records. If a final payment is due, it will be issued by the State Controller's Office and should be received within 30 days. Please be advised that state warrants have a one year period of negotiability.

All records must be retained for three years from the date of the audit determination letter. For assistance regarding this financial reconciliation and application closure, please contact the Grants Processing Section at (916) 845-8110.

GRANTS PROCESSING SECTION

Enclosure



GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
RECOVERY BRANCH  
GRANTS PROCESSING SECTION  
3650 SCHRIEVER AVENUE  
MATHER, CALIFORNIA 95655  
PHONE: (916) 845-8110 FAX: (916) 845-8392



January 4, 2010

Robert Chadbourne  
President  
Reclamation District #2034  
PO Box 698  
Fairfield, CA 94533

Dear Mr. Chadbourne:

SUBJECT: AUDIT WAIVER FEMA-1628-DR-CA  
P.A.# 095-91056 CDAA/OES# 095-91056

The Governor's Office of Emergency Services has reviewed the final federal and state claims submitted and has determined an audit of your claimed expenditures is not warranted at this time. However, this does not release your organization from the federal audit requirements detailed in the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996. Please consult with your own financial staff to ensure compliance with the federal audit requirements. Additionally, the Federal Emergency Management Agency reserves the right to audit your claimed expenditures. All records must be retained for three years from the date of this letter.

If you have any questions regarding this audit waiver, please contact the Grants Processing Section at (916) 845-8110.

GRANTS PROCESSING SECTION

cc: FEMA OIG  
Federal Applicant File  
CDAA Applicant File



**STATE CALIFORNIA DISASTER ASSISTANCE ACT PROGRAM**

**PROJECT SUMMARY  
CERTIFICATION OF DOCUMENTATION**

(Must be submitted with attached CDAA4a Database Project Summary)

CDAA #: 095-91056 FEMA- 1628 -DR P.A. #: 095-91056

APPLICANT NAME: Reclamation Dist #2034

I HEREBY CERTIFY under penalty of perjury: That I am the duly authorized official of the herein named applicant; that the Project Summary (final claim) attached to this certification, is in all respects true, correct, and has not heretofore been paid, and is in accordance with law; that materials, supplies or services listed have been received or performed; that the materials, supplies or services for which payment was made were used or performed exclusively in connection and consistent with Disaster Assistance of the applicant in accordance with the California Disaster Assistance Act and applications approved by the Office of Emergency Services; that original contracts, invoices, vouchers or payrolls in support of this claim are on file in the office of the herein named applicant, that I have not violated any of the provisions of Sections 1090 to 1096 inclusive of the Government Code in incurring the items of expense referred to in this claim.

SEE FEMA P4 OR P4 ALTERNATE  
FOR CLAIMED AMOUNT AND  
COMPLETION DATES.

(Printed Name of Applicant's Agent and Title)

I certify that I am the fully qualified and authorized official of the herein applicant responsible for the examination and settlement of accounts; and that the accounts claimed have been paid by the herein named applicant:

SIGNATURE OF APPLICANT'S AGENT  
(Signature of Applicant's Agent)  
COST SHARE ONLY WITH FEMA

By \_\_\_\_\_  
(Auditor-Controller-Clerk of Applicant)

DATE 12/17/09 DATE 12/17/09 DATE 12/17/09

*This form must be completed and submitted with the CDAA Database Project Summary within sixty (60) days following completion of all work, to:*

Office of Emergency Services, Response and Recovery Division  
3650 Schriever Avenue, Mather, California 95655

(For Internal Use Only)

TOTAL APPROVED FINAL CLAIM.....\$ 137,902

Administrative Allowance.....\$ 13,790

Amount of Prior Advances.....\$ 151,692

AMOUNT OF FINAL PAYMENT.....\$ 0/-

Date 12/07/09 Reviewer A. H. Title PT-II

Date 12/17/09 Reviewer Andy Worman Title SSM1



## APPLICANT HISTORY REPORT - CDAA LEDGER

Dec/ Num: 1628 Fips Num: 095-91056 CDAA#: 095-91056 Applicant Name: Reclamation District #2034

Entry Date	Supp #	Full Obl Amt	Payment Amt	Entry Type	CS #	CS Date
08/31/06	0	50,938	4,631	STATE SUPPLEMENT	60600	10/14/06
08/31/06	0		926	PROJECT PAYMENT	60600	10/14/06
09/01/06	1	0	0	STATE SUPPLEMENT		
10/10/06	2	16,979	1,544	STATE SUPPLEMENT	60751	11/05/06
10/11/06	2		54,765	PROJECT PAYMENT	60751	11/05/06
04/18/07			0	PROJECT PAYMENT		
08/22/07	3	79,904	7,264	STATE SUPPLEMENT	70503	10/05/07
08/22/07	3		72,640	PROJECT PAYMENT	70503	10/05/07
11/04/08	4	4,437	403	STATE SUPPLEMENT	80734	11/13/08
11/04/08	4		4,034	PROJECT PAYMENT	80734	11/13/08
09/23/09	5	-566	0	STATE SUPPLEMENT		
09/25/09	5		5,485	PROJECT PAYMENT	90707	10/13/09
12/07/09			0	FINAL PAYMENT		
12/07/09			0	RETAINER		
Total:		151,692	151,692			

Balance: 0 Retention: 0 Available Balance: 0

# APPLICANT HISTORY REPORT - FEDERAL PA LEDGER

Decl Num: 1628 Fips Num: 095-91056 Applicant Name: Reclamation District #2034

Entry Date	Supp #	131 ID	Full Obl Amt	Payment Amt	Entry Type	CS #	CS Date
08/01/06	90		3,854	148	OBLIGATION	60464	09/23/06
08/09/06	90			3,706	PROJECT PAYMENT	60464	09/23/06
08/31/06	127		187,313	5,790	OBLIGATION	60654	10/21/06
08/31/06	127		0	0	PROJECT PAYMENT	60654	10/21/06
09/01/06	129		0	0	OBLIGATION		
08/22/07	231		223,731	5,810	OBLIGATION	70478	09/28/07
08/22/07	231			217,921	PROJECT PAYMENT	70478	09/28/07
11/04/08	332		12,423	322	OBLIGATION	80735	11/12/08
11/04/08	332			12,101	PROJECT PAYMENT	80735	11/12/08
09/23/09	372		-1,584	0	OBLIGATION		
09/25/09	372			34,721	PROJECT PAYMENT	90784	10/19/09
04/18/07				145,218	PROJECT PAYMENT	62027	05/10/07
12/07/09				0	FINAL PAYMENT		
12/07/09				0	RETAINER		

Total:

425,737

425,737

Balance: 0

Retention: 0

Available Balance: 0





**CALIFORNIA EMERGENCY MANAGEMENT AGENCY**  
RECOVERY BRANCH, PUBLIC ASSISTANCE SECTION  
3650 SCHRIEVER AVENUE  
MATHER, CALIFORNIA 95655  
PHONE: (916) 845-8200 FAX: (916) 845-8387



August 12, 2009

Mr. Robert Chadbourne, President  
Reclamation District #2034  
Post Office Box 698  
Fairfield, California 94533

**RECEIVED**

DEC 02 2009  
743556  
GRANTS PROCESSING SECTION

Subject: Federal Subgrantee Closeout  
FEMA-1628-DR, 2005-2006 Winter Storms  
Cal EMA ID: 095-91056 FEMA ID: 095-UYCOO-00  
Subgrantee: Reclamation District #2034  
Cal EMA Log: 317396.1 FEMA Log: 301397.7

Dear Mr. Chadbourne:

On July 3, 2009, the California Emergency Management Agency (Cal EMA) received the enclosed letter dated July 2, 2009, from the Federal Emergency Management Agency (FEMA). The purpose of the letter is to inform you that FEMA has reviewed the Reclamation District #2034 (district) Federal Final Inspection Report. As a result, FEMA has approved the total eligible funding for the district's disaster application in the amount of \$551,610. FEMA now considers this application closed. Please refer to the enclosed FEMA letter for specific details.

Because the district claimed an underrun in the amount of (\$14,077) for Project Worksheets (PW) 0333 and 3702, FEMA has adjusted the previously approved amount of funding. Cal EMA supports the funding adjustment, and a PW supplement package will be forwarded to the district under separate cover by Cal EMA's Grant Processing Section (GPS). If you have any questions regarding payments, please contact GPS at (916) 845-8110.

If you do not agree with FEMA's determination, please be informed that in accordance with *Title 44 of the Code of Federal Regulations, Section 206.206*, you have the right to appeal this decision. This appeal must be submitted to Cal EMA within sixty (60) days from the date of this letter. Federal regulations also require that appeals contain documented justification to support your position, including the monetary figure in dispute and an explanation of how FEMA's action is in conflict with federal laws, regulations or policy.

Cal EMA will now initiate the State California Disaster Assistance Act (CDAA) Final of the district's associated state application in accordance with CDAA. The district's final costs under CDAA will be based on FEMA's enclosed determination and any additional information or documentation on file with Cal EMA. You will be notified of Cal EMA's State CDAA final funding determination under separate cover.

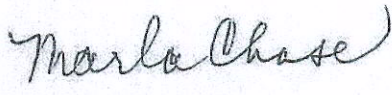
Mr. Robert Chadbourne

Page Two

August 12, 2009

If you require additional information related to this correspondence, please contact Mr. Bill Leversee, Area Coordinator, at (916) 845-8212 or Mr. Daniel Thorpe, Area Analyst, at (626) 431-3743.

Sincerely,

*for*   
MICHAEL BALDWIN  
Public Assistance Officer

Enclosure

det



Subject: Federal Subgrantee Closeout  
FEMA-1628-DR, 2005-2006 Winter Storms  
Cal EMA ID: 095-91056 FEMA ID: 095-UYCOO-00  
Subgrantee: Reclamation District #2034  
Cal EMA Log: 317396.1 FEMA Log: 301397.7

bc: Mr. Bill Leverage, Area Coordinator, Cal EMA /Enclosure  
Ms. Mahealani Nelson, Finals Analyst, Cal EMA /Enclosure

Mr. Charles Rabamad

Version Request, PW 333

FEMA-1628-DR-CA, P.A. ID: 095-UYCOO-00, FEMA Log: 301397.4

Page 2 of 2

cc: Robert Chadbourn, President  
Reclamation District No. 2034  
P.O. Box 698  
Fairfield, CA 94533

Date 03/04/2008

FEDERAL EMERGENCY MANAGEMENT AGENCY  
Project Completion and Certification Report (P.4)  
Disaster #: 1628

P.A. ID: 095.UYCOO-0 Applicant: RECLAMATION DISTRICT #2034

PW#	HF	Approved Proj Amt	Version	C S Cat	PKG	Work Done By	Projected Comp Date	Compl. at Insp.	%	Elig Amount	Actual Date Completed	Amt. Claimed by Applicant	Comments
333	N	\$280,561.00	1	N	D	231	12/13/2007	90		\$280,561.00	9/17/07	\$ 309,696.00	
			0	N	D	120	08/03/2007	0		\$0.00			
2171	N	\$4,941.89	0	N	B	90	08/03/2008	100		\$4,941.89	1/6/06	\$ 4,570.00	
3702	N	\$242,030.22	0	N	B	127	08/03/2008	52		\$242,030.22	10/11/06	\$ 239,972.00	
												\$ 551,178	
Total for 3 PWs													
Subgrantee Admin													
Grand Total:													

Date 03/04/2008

FEDERAL EMERGENCY MANAGEMENT AGENCY  
Project Completion and Certification Report (P.4)  
Disaster #: 1628

P.A. ID: 095-UYCOO-01 Applicant: RECLAMATION DISTRICT #2034

CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF  
ALL WORK AND COSTS CLAIMED ARE ELIGIBLE IN ACCORDANCE WITH THE  
GRANT CONDITIONS. ALL WORK CLAIMED HAS BEEN COMPLETED, AND ALL  
COSTS CLAIMED HAVE BEEN PAID IN FULL

SIGNED: Robert M. Malone DATE: 6/11/08  
APPLICANT'S AUTHORIZED REPRESENTATIVE

I CERTIFY THAT ALL FUNDS WERE EXPENDED IN  
ACCORDANCE WITH THE PROVISIONS OF THE FEMA-STATE  
AGREEMENT AND I RECOMMEND AN APPROVED  
AMOUNT OF \$

John E. H. Carr DATE: 8/4/08  
GOVERNOR'S AUTHORIZED REPRESENTATIVE

Agenda Item 8A  
**OFFICERS**CARY KEATEN  
GENERAL MANAGERJAMES S. DANIELS, P.E.  
DISTRICT ENGINEERMINASIAN, SPRUANCE,  
MEITH, SOARES & SEXTON  
ATTORNEYS**DIRECTORS**JOHN D. KLUGE  
PRESIDENT - DIV #1LANCE A. PORTER  
VICE PRESIDENT - DIV #2MICHAEL J. BARRETT  
DIV#3GUIDO E. COLLA  
DIV #4MIKE J. GERMAN  
DIV #5

January 29, 2019

Rich Seithel  
Executive Officer  
Solano LAFCO  
675 Texas St., Suite 6700  
Fairfield, CA 94533***Subject: Reclamation District 2034 Municipal Service Review***

Dear Mr.Seithel:

We understand that LAFCO, as part of recent legislation to review special districts' status to ensure they are "acting" as a district, may consider dissolution of Reclamation District (RD) 2034. The Solano Irrigation District (SID) currently has a Maintenance Agreement (attached) with RD 2034 for the cost sharing of maintenance activities for drainage facilities located within the RD 2034 boundary. Dissolution of RD 2034 would require that some responsible public agency take over the duty of administering, repairing and maintaining the drainage and levee facilities. Should dissolution of the District be pursued, a responsible public agency (acceptable to those parties) with the power to tax and charge the RD 2034 lands for their share of the benefit of maintenance and use of the drains would have to accept that responsibility.

Solano Irrigation District recommends RD 2034 remain a special district such that it may continue to perform the duties it was originally established and entered into agreement to do.

If you have any questions, please let me know.

Sincerely,

Paul Fuchslin, P.E.  
Director of Engineering

## Attachments:

- Maintenance Agreement

# MAINTENANCE AGREEMENT

THE SOLANO IRRIGATION DISTRICT, hereinafter referred to as "Irrigation District", and RECLAMATION DISTRICT 2034, hereinafter referred to as "Reclamation District" do enter into the following agreement:

WHEREAS, there exists a generally unfavorable drainage problem in the area bounded by Chadbourne Road, Interstate Highway No. 80, and Suisun Creek in Lower Suisun Valley; and

WHEREAS, the Irrigation District has prepared construction plans for the improvement and relocation of portions of the existing drainage channels which flow into a drain ditch constructed by the Reclamation District and shown on the accompanying location map and Dwg. No. M-2-275; and

WHEREAS, the Irrigation District will benefit from the aforesaid improvement of drainage facilities through the improvement of drainage on private property within the boundaries of the Irrigation District; and

WHEREAS, the Reclamation District will benefit from the aforesaid improvement of drainage facilities through the removal of surface water which aggravates the present high ground water condition along the north boundary of the Reclamation District,

NOW THEREFORE, it is hereby agreed as follows:

1. The Solano Irrigation District will provide the necessary labor and equipment for weed control work in the Reclamation District drain ditch from a point immediately east of Suisun Creek to the tide gates, as indicated on the

16947

-1-



BOOK 1474 PAGE 248



Solano Irrigation District Map No. M-2-275. The Reclamation District will pay the cost of any chemicals which may be required for control of aquatic growth within the channel.

2. The Solano Irrigation District agrees to share in the cost of maintenance and repair of the ditch and levee along the Reclamation District's drain between the intersection of the Reclamation District drain with the ~~Raines Drain~~ <sup>SUISUN CREEK</sup> as shown on the attached map, and the tide gates located east of Chadbourne Road. The Irrigation District's share of this cost shall not exceed 50% of the total, said participation by the Irrigation District in the maintenance and repair costs will be subject to advance approval by both districts of the extent and nature of the work to be performed and of the actual cost to be pro-rated to each district.

3. The Solano Irrigation District will install an additional flap gate at the tide gate location marked on the attached location map, M-2-275, to reduce the differential head across the present structure at high tides. The Irrigation District will also construct a concrete lined surface on the upstream and downstream slopes of the existing earth dam after additional pipe and flap gate have been installed. Cost of all modifications and additions described in this paragraph will be paid by Solano Irrigation District.

4. Both parties hereby agree that the tide gate structure east of Chadbourne Road will be jointly maintained by both parties with the cost of such maintenance to be shared equally.



IN WITNESS WHEREOF, the parties hereto have hereunto  
affixed their names this 18 day of Sept., 1967.

RECLAMATION DISTRICT 2034

WITNESS:

Arthur D. Taber

By: Fred A. Chadbourne

President

By: Harry W. Chadbourne

Secretary

SOLANO IRRIGATION DISTRICT

SEAL

By: H. Morris Rally

President

By: J. E. Higgins

Secretary

WITNESS ACKNOWLEDGEMENT

STATE OF CALIFORNIA) ss.  
COUNTY OF SOLANO )

On this 18th day of September, 1967, before me, the under-  
signed, a Notary in and for said County and State personally  
appeared Arthur D. Taber, known to me to be the person whose  
name is subscribed to the within agreement as a witness thereto,  
who being duly sworn, says: that his place of residence is  
Solano County, California, that he was present and saw Fred A.  
Chadbourne and Harry W. Chadbourne, personally known to him to  
be the persons whose names are subscribed to the within agreement,  
executed the same; and that affiant subscribed his name thereto  
as a witness to said execution.

WITNESS MY hand and Official Seal.



Joann Segura  
Notary Public in and for said County  
and State.

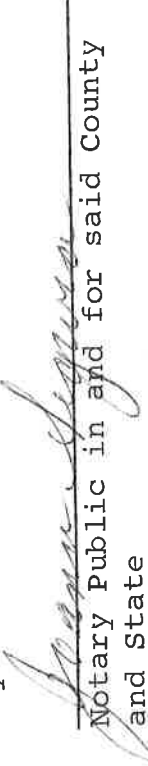
My Commission expires: March 25, 1968

ACKNOWLEDGEMENT

STATE OF CALIFORNIA ) ss.  
COUNTY OF SOLANO )

On this 18th day of September, 1967, before me, Joann Segura, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared W. Morris Dally, President and J. E. Wiggins, Secretary, known to me to be the persons described in and whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same.

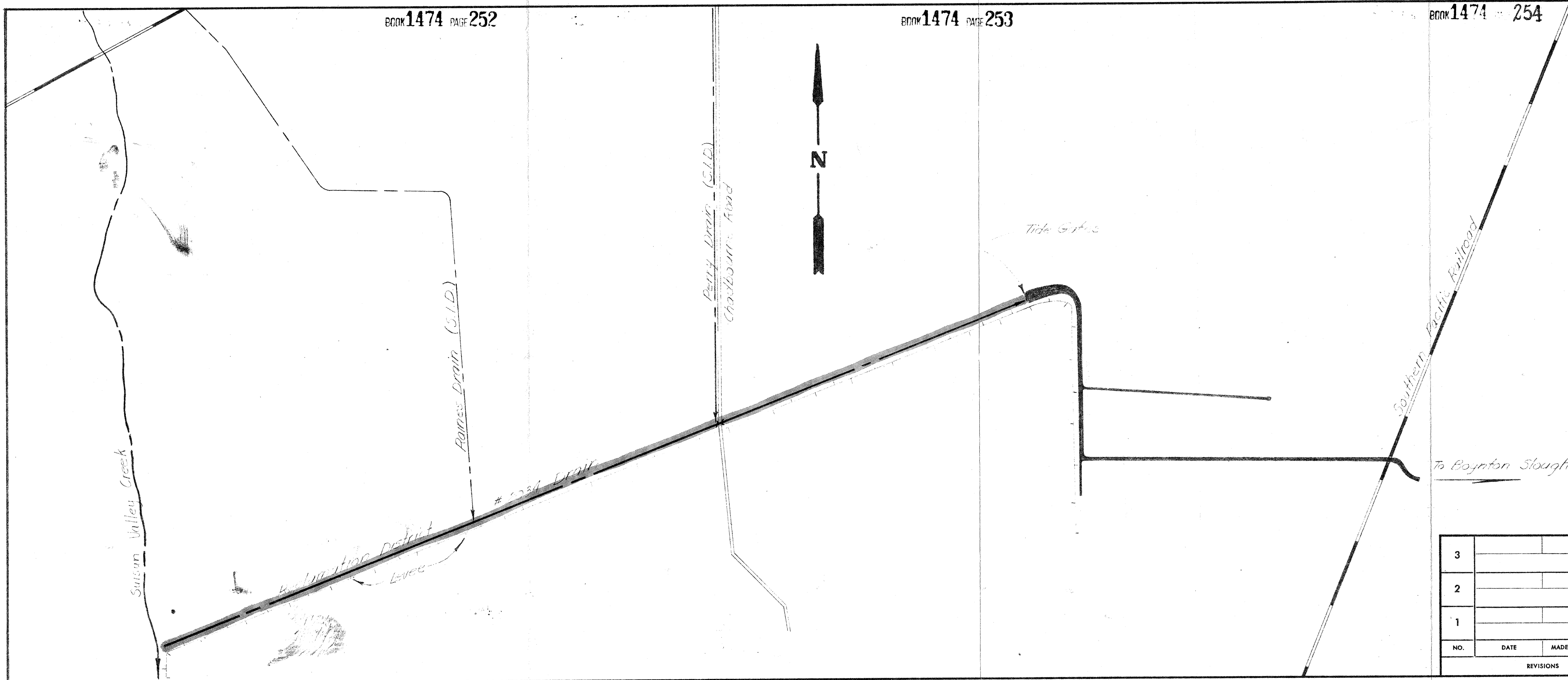
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

  
Notary Public in and for said County  
and State

My Commission expires: March 25, 1968



BOOK 1474 PAGE 251



3				
2				
1				
NO.	DATE	MADE	CHKD.	APPD.
REVISIONS				

<b>SOLANO IRRIGATION DISTRICT</b>	
VACAVILLE, CALIFORNIA	
Unit II Suisun Valley Drainage	
Location Map	
Lower Suisun Valley Drainage	
DATE <u>Aug. 23, 1965</u>	APPROVED _____
DRAWN BY <u>JH</u>	R. E. NO. _____
CHECKED BY <u>LSB</u>	DWG. NO. <u>M-2-275</u>

January 20, 2019

Mr. Rich Seithel  
Solano County Government Center  
Board of Supervisors Chambers  
675 Texas Street  
Fairfield, CA 94533

**SUBJECT: LAFCO Project No. 2016-02 SEECON Properties Detachment from Reclamation District 2034.**

Dear Mr. Seithel;

I represent Grizzly Bay, LLC one of the member of RD2034. As was recently discussed at the public meeting held on December 10<sup>th</sup>, we have no objection to Seecon Properties detachment from RD2034. However, we do have issue with Seecon Properties claim as to ownership of the District pump. A signed statement from Mr. Skip Chadbourne was provided at the public hearing identifying the pump as District property. Prior to the election of District Officers on January 15, 2014, Mr. Chadbourne served as President for over 27 years. His family was also responsible for the creation of the District.

Addition information sent to you on Friday January 18<sup>th</sup> included minutes written by then Secretary John Willsie, a Seecon employee (and attorney). During the Districts January 19, 2016 Board Meeting Mr. Chadbourne conveyed to all attendees that the District owns and is responsible for maintenance of the pump. This was written down by Mr. Willsie confirming his acknowledgment of the conversation and ownership of the pump (notes were provided).

Furthermore, RD2034 was established for the sole purpose of floodwater conveyance and removal from the properties as the District properties are located behind an extensive levee system. Floodwater removal is accomplished with a series of constructed facilities including channels and ditches which all lead to a single pump (West Pump). How would the District operate without a pump? The intent of the District was to maintain a water conveyance system which leads to a pump for flood water removal from the District Properties. Without the pump the District floods.

If Seecon Properties wishes to detach from the District they must provide just compensation for the replacement of the District Pump.

Additionally, Seecon Properties would need to be hydrologically separated from the remaining District properties. Currently, water used to flood duck ponds on the Seecon Properties has no physical barrier preventing flooding of the southern portion of the Grizzly Bay property. It should not be the responsibility of the District to remove water from the duck ponds.

If you have any questions please contact me at (916) 985-1188.

Thank you,

A handwritten signature in black ink, appearing to read "Jeff Olberding". The signature is fluid and cursive, with the first name "Jeff" and last name "Olberding" clearly distinguishable.

Jeff Olberding

CC: Mark Dawson, Grizzly Bay, LLC.

To Whom it May Concern

Reclamation district 2034 pump has belonged and been the district pump as far back as I can remember (1950).

I was president for 27 years until we reelected new officers and I am still a member of Reclamation District 2034.

Past President

Robert Chadbourne 12/16/17  
Robert Chadbourne

**Reclamation District 2034**

**Meeting Date & Time: Thursday, April 13, 2017 – 1:30 p.m.**

**Meeting Location: Seecon Office, 4021 Port Chicago Highway, Concord, CA**

**Meeting Agenda**

- 1. Identify and Seek Consensus on Board of Directors**
  - a) If no existing Board of Directors, establish procedure for nominations.**
- 2. Identify current officers of RD 2034**
  - a) Review Minutes electing current officers.**
- 3. Review Bylaws of RD 2034 (if other Members bring copies of Bylaws)**
  - a) If no Bylaws, establish procedure for drafting of Bylaws.**
- 4. Seeno Company Billing to RD 2034 Re West Pump**
  - a) Status of payment from each RD 2034 Member;**
  - b) Establish policy for ongoing maintenance and repairs if performed by Seeno Company and prompt payment of future billings.**
- 5. FEMA & CA-OES Relief for 2016-2017 Storms**

03/23/17





P.O. Box 2830, Omaha, NE 68103-2830

Agenda Item 8A

# Account Statement

May 1, 2016 - May 31, 2016

Page 1 of 6

&gt;000692 6447608 0001 008230 10Z

RECLAMATION DISTRICT NO 2034  
3170 CROW CANYON PL STE 260  
SAN RAMON CA 94583-1347

## At your service

bankofthewest.com

1-800-488-2265

1-800-659-5495 TTY/TDD

## Save on Your Mortgage Rate

As a Bank of the West customer, you can reduce your mortgage payments with our Relationship Pricing discount.\* For more information about mortgage loan options, contact a local mortgage banker at [bankofthewest.com/mortgage](http://bankofthewest.com/mortgage)

\* RP requires a Bank of the West personal checking account with debit card & automatic mortgage payments & is subject to terms in the RP Promotion Agreement. Not all loan types are eligible for the discount off the note rate.

Get prepared for your Summer travels. Visit your Bank of the West branch to get your Foreign Currency before you go. And when you get back, your Bank of the West banker can help you turn them back into Dollars.

## BASIC BUSINESS CHECKING 187-009691

RECLAMATION DISTRICT NO 2034

### ACCOUNT SUMMARY

<b>Beginning Balance</b>	<b>\$63,408.76</b>
0 Credits	0.00
0 Deposits	0.00
0 Withdrawals	0.00
1 Checks	-61,525.42
<b>Ending Balance</b>	<b>\$1,883.34</b>

### EARNINGS SUMMARY

Interest this statement period	\$0.00
Interest credited year-to-date	\$0.00
Annual percentage yield earned	0.00%
Average monthly balance	\$47,531.23

### For your protection:

Examine this statement promptly. Any discrepancy must be reported within 30 days. Consumer customers: A discrepancy regarding an electronic payment or line of credit must be reported within 60 days.

## Account Statement

May 1, 2016 - May 31, 2016

Page 2 of 6

### BASIC BUSINESS CHECKING xxx-xx9691 (continued)

#### ACCOUNT DETAIL

##### Checks Paid

<i>Number</i>	<i>Date paid</i>	<i>Amount</i>
1144	05/24	61,525.42
1 check paid for a total of \$61,525.42		



**BASIC BUSINESS CHECKING xxx-xx9691**

RECLAMATION DISTRICT NO 2034  
PO BOX 509  
FAIRFIELD, CA 94533

1144  
NO-79/1211

5/19/16

PAY TO THE ORDER OF Skip Chadbourne \$ 61,525.42

Six one thousand five hundred twenty five and 42/100 DOLLARS

BANK OF THE WEST

FOR partial PAMA reimbursement

11211007821 187009591 011144

CK# 1144 PAID 05/24/2016 AMT \$61,525.42



00692 6447608 001567 003133 0003/0003

**RECLAMATION DISTRICT 2034**

**January 19, 2016 Meeting at Seecon Office**

**Art Anderson, Skip Chadbourne, Mark Dawson, Jeff Olberding  
John Willsie, Kathi Blackard**

**Discussion Points:**

- 1) Confirm location of each Member's property(ies)**
- 2) Confirm location of East, West and any other pumps**
- 3) Confirm where PG&E bills for each pump are being sent to;  
transfer PG&SE service to Seeno for any pumps located on Seeno property  
but billed elsewhere**
- 4) Discuss request for contributions to Operating Account  
-- did these costs and any obligation to re-pay Chadbourne arise before  
Seeno's acquisition of property from Chadbourne?**
- 5) Mention Seeno's labor and hard costs in maintaining pumps, repairing levees, etc.  
-- Seeno Accounting evaluation to be performed**
- 6) Status of Members paying Seeno for PG&E bills paid**



**Mark Dawson**

---

**From:** Tracey Marquit <TMarquit@seenohomes.com>  
**Sent:** Tuesday, January 12, 2016 8:44 AM  
**To:** Skip & Wendy Chadbourne; John Willsie; Arthur Anderson; Mark Dawson  
**Cc:** Jeff Olberding; Kathi Blackard; Sherri Holt  
**Subject:** MEETING SET: Reclamation District 2034 Members

Dear Sirs,

The meeting between the members of Reclamation District 2034 has been set for next **Tuesday, January 19th, at 10:00 a.m. in our Concord office:**

4021 Port Chicago Highway  
Concord, CA 94520  
(925) 671-771

Please place this meeting on your calendars. If you have any questions, please let me know. Thank you for all of your prompt responses. Have a great week!

Tracey

>>> Tracey Marquit 1/11/2016 12:05 PM >>>  
Dear Sirs,

Unfortunately, there is a calendaring conflict so the meeting tentatively set for tomorrow (Jan. 12th) at 10:00 a.m. needs to be rescheduled.

Please provide me with your availability on each of the following dates:

Monday, January 18th  
Tuesday, January 19th  
Wednesday, January 20th

Please provide me with multiple times for each date. Once I have located a mutually convenient date and time, I will send a confirming email. Again, this meeting will take place in our office in Concord.

Please let me know if you have any questions. Thank you for your attention to this matter.

Tracey

>>> Mark Dawson <mdawson@waterholeland.com> 1/11/2016 9:21 AM >>>  
It's more important that Jeff Olberding be at this meeting than me so let's reschedule.

Thanks.

Mark Dawson  
(925) 202-9277  
Sent from iPhone



Rec. Dist. 2034 Mtg @ Sacra  
Skip Chadbourne, Art Anderson,  
Jeff Oberding, Mark Dawson,  
John Willsie, KMB

1/19/16

PSE bills

East pump put in by  
Fred Thomasini

West pump is Dist pump -

Forest Ranch drains to both pumps

when our <sup>deck</sup> pond is flooded  
we get West pump PSE bills -  
bills over \$300 per month

no water coming into their props.

sep. West & East Forest Ranch flow  
fm Forest Ranch by pulling in  
weir @ West Side Ranch



when West Pump was ~~down~~ down  
 (pumpeller was needed)  
 their props flow to East Pump -

West Pump has been operational  
 for ~~3 yrs.~~ - 2 yrs.  
 (we've been maintaining)  
 so we shouldn't have billed  
 East Pump for 2014 & 2015

level loggers on RD 2034 props  
 (theirs) to monitor spikes

no water in channels in their  
 props.

West Pump R&E also charges due  
 to tidal influences (props are below  
 sea level), etc.

2005-2006 storm events & RD 2034 floods  
 \$500K to dewater & repair levees  
 Claiborne contributed \$15  
 & FEMA repaid except \$  $\frac{x}{72,086.61}$



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**Subject:** Reclamation District #2034

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**From:** Jeff Olberding (jeff@olberdingenv.com)

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**To:** mmcintyre@solanolafco.com; rseithel@solanolafco.com;

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**Date:** Wednesday, January 23, 2019 4:22 PM

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**From:** Mark Dawson [mailto:mdawson@waterholeland.com]  
**Sent:** Friday, October 09, 2015 9:40 AM  
**To:** 'Wu, Victoria C.'  
**Cc:** 'JWillsie@seenohomes.com'; Anderson, Art (brooks@elwoodinv.com); Wendy Chadbourne (wchadbourne@aol.com)  
**Subject:** RE: Reclamation District #2034

Victoria,

To clarify my conversation with you: Grizzly Bay LLC acquired a portion of RD2034 a couple of years ago. Other members/property owners within the district now include the Chadbourne family (trust), Art Anderson, and Discovery Builders/West Coast Builders. Several years ago there was only one family (Chadbourne) that owned all the property within the district, so there was no formal organizational structure or financial accounting. There is no annual budget and no employees. The annual costs are the PG&E bill for a RD 2034 pump, the maintenance and replacement of the pump itself, and then each district member is responsible for the cost of maintenance and repair of the district levee located on their respective properties. Even though the members recently appointed themselves as officers of RD2034 (President, Secretary, Treasurer etc.) there are no bylaws or governing board of directors for the district. The district has a bank account, but no CPA doing annual accounting.

Please feel free to contact me if you have any further questions.

Thanks.

Mark Dawson

**Water Hole Land Company**

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**From:** Wu, Victoria C. [<mailto:VCWu@SolanoCounty.com>]

**Sent:** Tuesday, October 06, 2015 11:32 AM

**To:** [mdawson@waterholeland.com](mailto:mdawson@waterholeland.com)

**Subject:** Reclamation District #2034

Hello Mr. Dawson:

It was a pleasure speaking with you at first. The purpose of my original call was because Government Code §26909 requires special districts to undergo an audit conducted in accordance with the State Controller's Minimum Audit Requirements for California Special Districts.

The Code sections and the State Controller's Minimum Audit Requirements, call for the district to prepare annual financial statements and engage a certified public accountant to audit the district's financial records on an annual basis. Districts have 12 months from the fiscal year end to complete the audit requirements and submit audited financial statements to both the State Controller's Office and the Solano County Auditor-Controller's Office. Failure to comply with the requirements may result in fines, penalties, other action by the State Controller's Office.

Based on our earlier conversation, Grizzly Bay LLC acquired the District two years ago. The organizational structure was an informal one and only recently did the District formed a governing board. The District have no revenue sources and its only expenditures are maintenance expense and a PG&E bill.

Please confirm the above. If you have any questions or concerns, please feel free to contact me at the number below.

Thank you for your prompt attention to this.

Kind regards,

Victoria Wu

Accountant-Auditor | Internal Audit Division

Solano County Auditor-Controller's Office

675 Texas St., Suite #2800 | Fairfield, CA 94533

707.784.6555 (direct)

707.784.4809 (office)

707.784.9006 (fax)

[vwu@solanocounty.com](mailto:vwu@solanocounty.com) | [www.solanocounty.com](http://www.solanocounty.com)

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