

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

PREPARED BY  
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FOR  
**SOLANO LAFCO**  
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December 10, 2018

# **SOLANO LOCAL AGENCY FORMATION COMMISSION**

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## District Profile

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

|                            |  |
|----------------------------|--|
| District Office:           | Reclamation District No. 2034<br>3170 Crow Canyon Place, Suite 260<br>San Ramon, CA 94583<br>Phone: (925) 866-2111   |
| Governing Body:            | Elected Board of Trustees  |
| Board of Trustees:         | Governing Board includes President, Secretary, and Treasurer<br>President: Art Anderson<br>Secretary: Currently Vacant (Mark Dawson serves as Acting Secretary)<br>Treasurer: Mark Dawson                |
| Staff:                     | No District Staff  |
| Date of Formation:         | April 7, 1919  |
| Enabling Act:              | California Water Code Section 50000 et. seq.<br>(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:           | Active   |
| 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

## TABLE OF CONTENTS

|  |    |
|--|----|
| SECTION 1: INTRODUCTION .....  | 1  |
| SECTION 2: LAFCO ROLE AND RESPONSIBILITIES .....                                 | 2  |
| 2.1 Purpose & Use of this Municipal Service Review .....                         | 2  |
| 2.2 Municipal Service Review Requirements – Seven Factors .....                  | 3  |
| 2.3 Sphere of Influence Requirements – Five Factors .....                        | 3  |
| 2.4 Suisun Marsh Local Protection Program .....                                  | 4  |
| 2.5 CEQA Requirements.....   | 4  |
| SECTION 3: RECLAMATION DISTRICT 2034 ANALYSIS.....                               | 5  |
| 3.1 District Description and Formation.....                                      | 5  |
| 3.2 District Purpose, Powers, & Responsibilities.....                            | 5  |
| 3.3 District Sphere of Influence .....   | 6  |
| 3.6 District Facilities/Services.....  | 9  |
| 3.7 District Assets/Liabilities .....  | 9  |
| SECTION 4: MUNICIPAL SERVICE REVIEW REQUIREMENTS ANALYSIS .....                  | 11 |
| 4.1 Growth and Population of the District .....                                  | 11 |
| 4.2 Location and Characteristics of Disadvantaged Unincorporated Communities ... | 11 |
| 4.3 Present and Planned Capacity of Services .....                               | 11 |
| 4.4 Financial Ability to Provide Services.....                                   | 12 |
| 4.5 Status and Opportunity for Shared Facilities .....                           | 13 |
| 4.6 Governance Structure & Accountability for Community Service Needs .....      | 13 |
| 4.7 Other Matters Affecting Efficient Service Delivery .....                     | 15 |
| SECTION 5::SPHERE OF INFLUENCE .....   | 16 |
| 5.1: Present and Planned Land Uses .....   | 16 |
| 5.2: Present and Probable Need for Public Facilities and Services.....           | 17 |
| 5.3: Present Capacity of Public Facilities and Adequacy of Public Services.....  | 17 |
| 5.4: Existence of Social or Economic Communities of Interest.....                | 17 |
| 5.5: Need for Public Facilities and Services for DUCs.....                       | 17 |
| SECTION 6: SUMMARY OF FINDINGS AND DETERMINATIONS .....                          | 18 |
| 6.1: Required Findings and Determinations for MSR.....                           | 18 |
| 6.2: Required Findings and Determinations for SOI Update .....                   | 20 |

|  |    |
|--|----|
| SECTION 7: OPTIONS AVAILABLE TO LAFCO .....  | 21 |
| SECTION 8: Detachment from Reclamation District 2034 .....                         | 22 |
| 8.1 Detachment Requirements and Procedures.....                                    | 22 |
| 8.2 Conducting Authority Proceeding (Protest Hearing) for Uninhabited Territory .. | 23 |
| SECTION 9: Options for Dissolution of Reclamation District 2034 .....              | 24 |
| 9.1 LAFCO Initiated Dissolution.....   | 24 |
| 9.2 District Landowner Petition for Dissolution .....                              | 24 |
| 9.3 LAFCO Responsibility for Dissolution of Inactive Special Districts .....       | 25 |
| 9.4 Recommended Dissolution Option .....   | 26 |
| References.....  | 27 |
| Appendices A thru P.....   | 28 |
| <br>   |    |
| <b>List of Tables</b>  |    |
| Table 1: Parcels Proposed for Detachment.....                                      | 1  |
| Table 2: Property Ownership.....   | 6  |
| Table 3: Zoning and Land Use Classification.....                                   | 16 |
| Table 4: Municipal Service Review Findings and Determinations .....                | 18 |
| Table 5: Sphere of Influence Findings and Determinations .....                     | 19 |
| Table 6: Assessed Value by Parcel .....  | 20 |
| Table A1: RD 2034 Property Ownership.....  | 29 |
| <br>   |    |
| <b>List of Figures</b>   |    |
| Figure 1: District Lands, Boundaries, & SOI .....                                  | 7  |
| Figure 2: Aerial Photo Showing District Boundaries .....                           | 8  |
| Figure 3: District Levee System .....  | 10 |
| Figure A1: Suisun Marsh Reclamation Districts .....                                | 31 |
| Figure A2: Suisun Marsh Protection Area.....                                       | 32 |
| Figure A3: FEMA Levee Map.....   | 33 |
| Figure A4: Location of West Pump.....  | 34 |

## 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 an evaluation of RD 2034 with consideration for either the detachment of property or the dissolution of the District. The consultant team's assessment and supporting documentation is laid out in the following sections: 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.



## 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>1</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.

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<sup>1</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>2</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 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, 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.

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<sup>2</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>3</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>4</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>3</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>4</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>5</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           | Chadbourne 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>5</sup> Secretary’s Certification of Resolutions Adopted by Reclamation District No. 2034 (see Attachment A2 in the Appendix)



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.

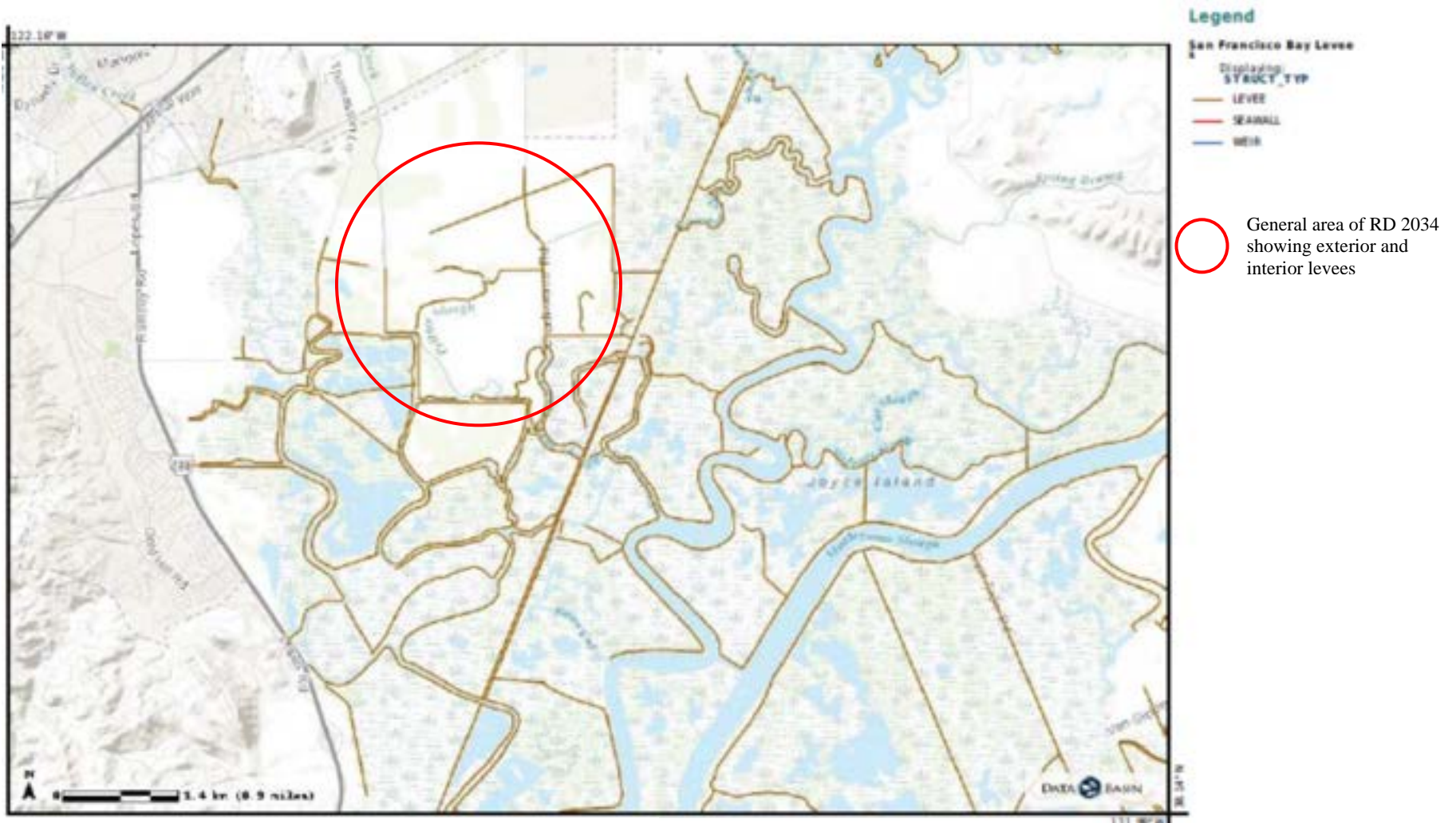
### 3.7 District Assets/Liabilities

**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>6</sup>

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<sup>6</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 growth.<sup>7</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 4.1 below). Any plan for development would require a change in 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 growth within the boundary of Reclamation District 2034.

### **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 1912 Agreement was recorded in the Solano County Book 7 of Agreements Page 466). Exterior levees,

<sup>7</sup> Conversation with Solano County Planning Department staff, Travis Kroger, Planning Technician on September 12, 2018

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>8</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. 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>9</sup>

<sup>8</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>9</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>10</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 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>11</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>10</sup> Secretary's Certification of Resolutions Adopted by Reclamation District No. 2034 (see Attachment A2 in the Appendix)

<sup>11</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 in 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

**Finding:**

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 is sufficient to maintain the habitat and ongoing commercial activities and there is no need for public facilities and services in the area.

**Finding:**

5.2.1 – The present system of levees, drainage channels, and pumping system appear to be sufficient to maintain the habitat and ongoing commercial activities of the landowners.

**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   | 4.1.1 – There are no current development proposals or expectations for growth within the boundary of Reclamation District 2034.  |
| 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 | 4.3.1 – Per a 1912 agreement, individual property owners are responsible for maintenance of the levees on their properties.<br>4.3.2 – All fourteen parcels are subject to the 1912 agreement regardless of whether they are within the boundaries of RD 2034.   |
| 4 | The financial ability of agencies to provide services   | 4.4.1 – District officers have not provided financial records upon multiple requests.<br>4.4.2 - There is no evidence to demonstrate the District’s financial conditions and activities.<br>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.<br>4.4.4 - RD 2034 may be subject to fines from SCO as outlined in GC §53895. |



|   |   |  |
|---|---|--|
| 5 | Status of, and opportunities for, shared facilities   | 4.5.1 – There is not a current opportunity for RD 203 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 meeting 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**

|   | Factors  | Findings and Determinations   |
|---|--|---|
| 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 appear to be sufficient to maintain the 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 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. |
| 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 district 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 found not to be in compliance, the Commission should consider dissolution of the District. 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
- Environmental documents required by the California Environmental Quality Act (CEQA)
- 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).

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.

### **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><br>Post Office Box 698<br>Fairfield, California 94553<br>Home: (707) 428-1362<br>Cell: (707) 287-5916<br>Email: <a href="mailto:wchadbourne@aol.com">wchadbourne@aol.com</a>   | 0046-320-190                                 | Unknown;<br>Family<br>Succession       | 57.42                     | 57.42                   | 3.89%                 |
| Anderson/Matthew Archer/Dunningan Hills Farming Co., Inc. | <b>Art Anderson/Matthew Archer/<br/>Dunningan Hills Farming Co., Inc.</b><br>34 Alamo Square, Suite 200<br>Alamo, California 94507<br>Cell: (925) 979-2599<br>Email: <a href="mailto:art@stonevalleyfarm.com">art@stonevalleyfarm.com</a>   | 0046-320-060<br>0046-320-080<br>0046-320-200 | 10/10/2012<br>10/10/2012<br>10/10/2012 | 29.00<br>29.00<br>99.50   | 157.50                  | 10.67%                |
| Grizzly Bay, LLC  | <b>Mark Dawson</b><br>Water Hole Land Company<br>3170 Crow Canyon Place, Suite 260<br>San Ramon, California 94583<br>Cell: (925) 202-9277<br>Email: <a href="mailto:mdawson@waterholeland.com">mdawson@waterholeland.com</a><br><br><b>Jeff Olberding</b><br>Olberding Environmental, Inc.<br>3170 Crow Canyon Place, Suite 260<br>San Ramon, California 94583<br>Cell: (408) 472-4343<br>Email: <a href="mailto:jeff@olberdingenv.com">jeff@olberdingenv.com</a> | 0046-050-080<br>0046-060-180<br>0046-060-210 | 04/09/2013<br>04/09/2013<br>04/09/2013 | 80.00<br>193.10<br>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><br><b>West Coast Home Builders, Inc. (“WCHB”)</b><br><b>Discovery Builders, Inc. (“DBI”)</b><br>Attention: Kathi Blackard<br>4021 Port Chicago Highway<br>Concord, California 94520<br>Office: (925) 602-7284<br>Email: <a href="mailto:kblackard@seenohomes.com">kblackard@seenohomes.com</a><br><br>Seecon Financial/DBI<br>Seecon Financial<br>Seecon Financial<br>Seecon Financial/DBI<br>WCHB/DBI<br>Seecon Financial/DBI<br>Seecon Financial | 0046-010-120<br>0046-010-160<br>0046-060-030<br>0046-060-040<br>0046-060-200<br>0046-320-090<br>0046-060-190 | 11/21/2006<br>04/01/2008<br>04/01/2008<br>11/21/2006<br>04/01/2008<br>11/21/2006<br>04/01/2008 | 171.30<br>103.85<br>158.49<br>78.92<br>238.80<br>47.91<br>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

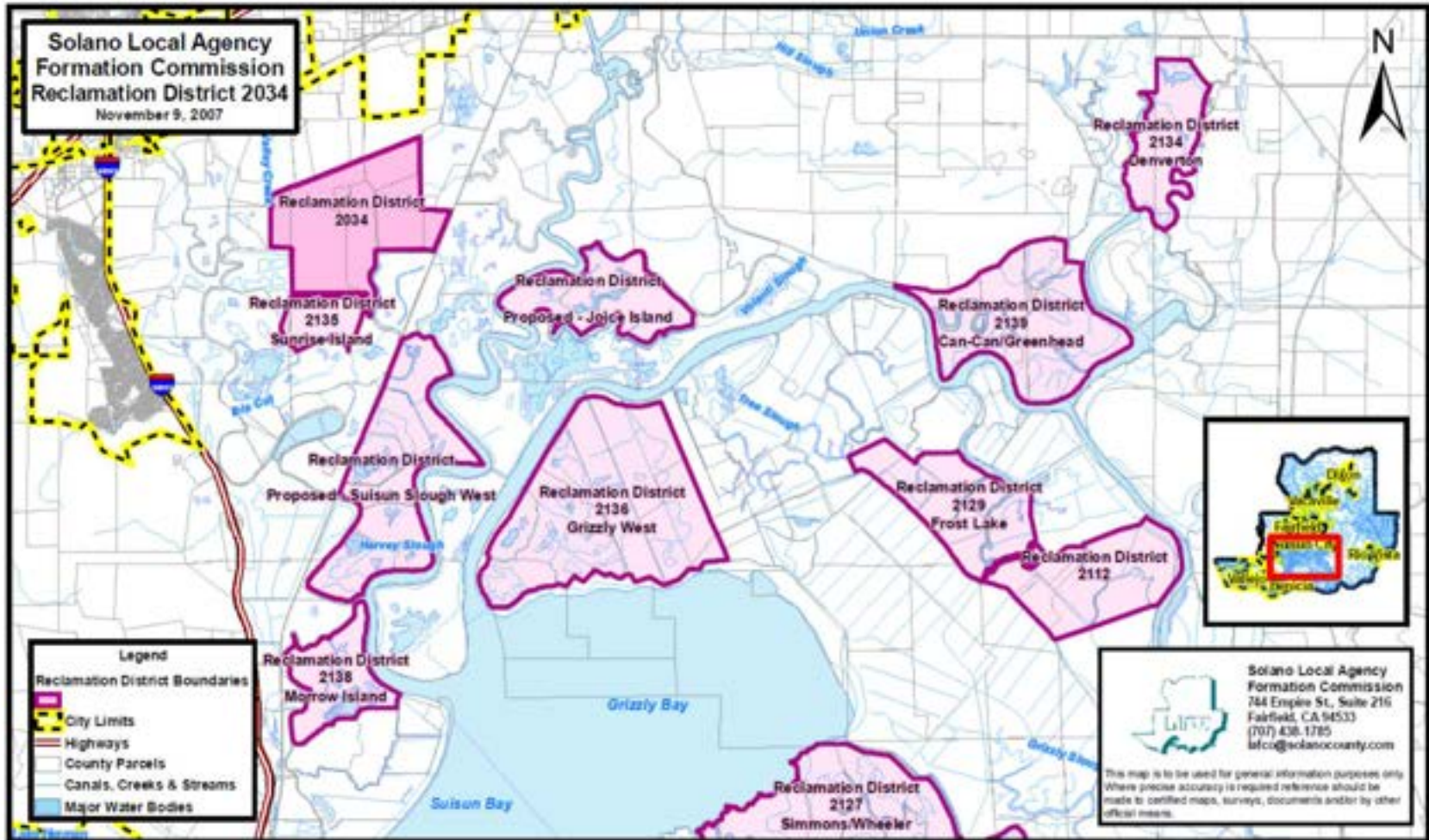


Figure A2: Suisun Marsh Protection Area

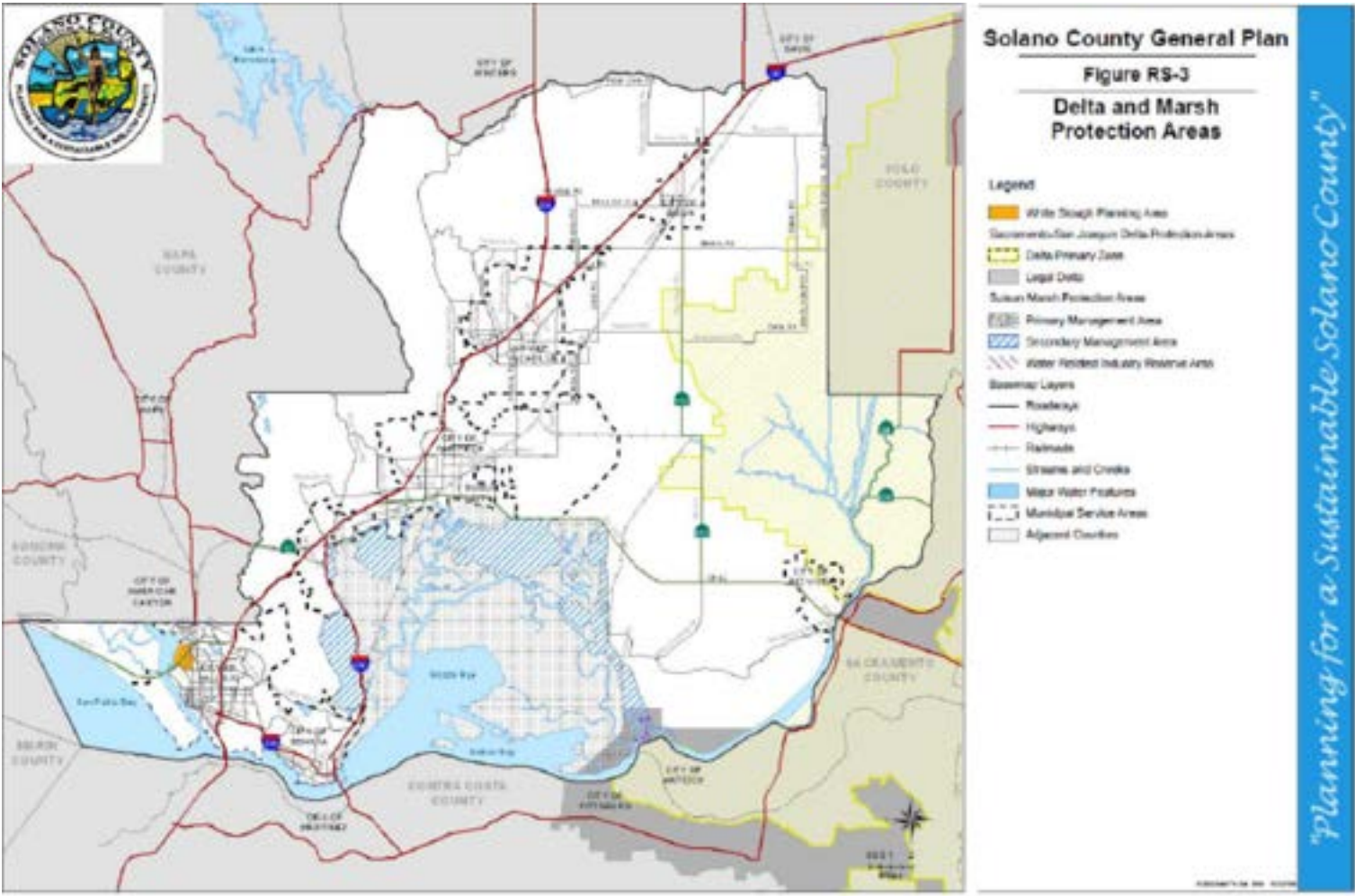
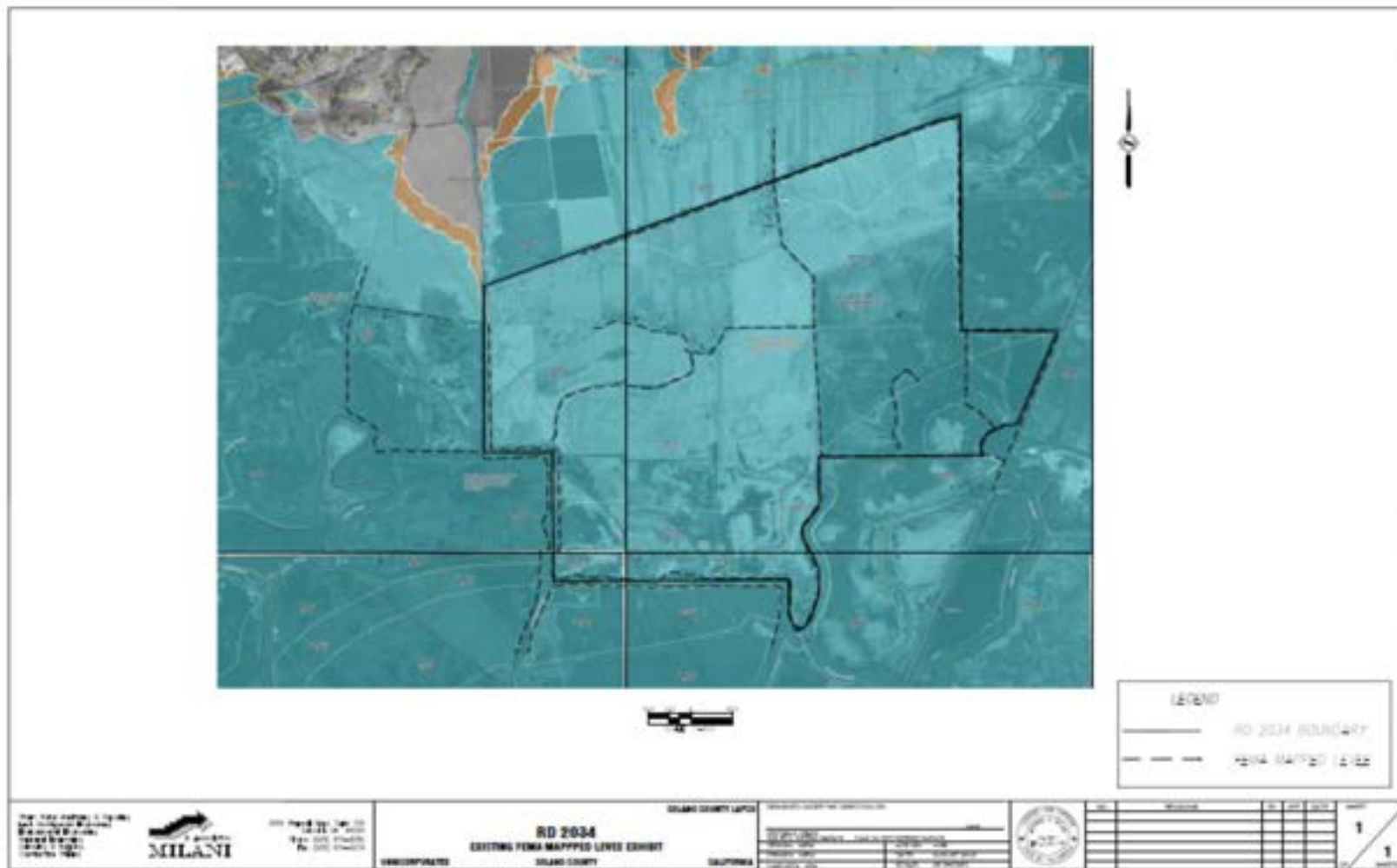


Figure A3: FEMA Levee Map



**Figure A4: Location of West Pump**





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

*File 277  
 (Reclamation District No. 1)*

MONDAY APRIL 7th, 1919.

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

D.M. Fleming  
 Chairman

G.S. Halliday  
 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.E. 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. 505, 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. 608; thence south 89° 45' west 20.00 chains to the southwest corner of Swamp and Overflowed Land Survey No. 608; 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 499, 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 Ebr. Dinkelapiel, Frank Mankey, F.A. Daroux and Mrs. Louise Harvey, made by E.H. 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 southeasterly about 900 feet to the south boundary of said Lot 13, thence south 89° 30' west 47.83 chains to the northwest corner of Lot 14, as shown and indicated on said map filed October 24th, 1910, as aforesaid; thence north 6° 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 Vandermallen Slough; thence up the middle of said slough westerly to land of Frank Maskey; thence north 0° 27' west 15.00 chains to the northeast corner of said land; thence south 69° 35' west 60.71 chains to the place of beginning, containing 1523.35 acres.

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

Attest

G.O. 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.O. Halliday*  
Clerk.

OFFICE OF THE COUNTY CLERK  
County of Solano  
State of California

I, NEIL CRAMFORD, 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.

Witness my hand and Seal of said Board this

10 day March 19 19 19

NEIL CRAMFORD, 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 16, 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

1  
2 WHEREAS, the Solano County Local Agency Formation Commission has duly considered the establishment of spheres of influence for Reclamation District No. 2034; and

3  
4 WHEREAS, the said Commission has reviewed the staff report and held a public hearing on the proposals on March 7, 1983; and

5  
6 WHEREAS, after due consideration, the said Commission has made the following findings in regard to the establishment of the said sphere of influence:

7  
8 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.

9  
10 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.

11  
12 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.

13  
14 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.

15  
16 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.

17  
18 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.

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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

Attachment C (continued)

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provision and does hereby adopt a sphere of influence for Reclamation District No. 2034 that is coterminous with its existing district boundaries.

I, RICHARD E. WATSON, Executive Officer of the Local Agency Formation Commission of Solano County, California, do hereby certify that the above and foregoing Resolution was regularly introduced, passed and adopted by said Commission at a regular meeting thereof held on March 7, 1983, by the following vote:

|            |                |                                 |
|------------|----------------|---------------------------------|
| AYES:      | COMMISSIONERS: | <u>Brann, Hewitt, Alt, Cog,</u> |
|            |                | <u>Jenkins, Chairman Hazel</u>  |
| NAYS:      | COMMISSIONERS: | <u>None</u>                     |
| ABSTAINED: | COMMISSIONERS: | <u>None</u>                     |
| ABSENT:    | COMMISSIONERS: | <u>Palati</u>                   |

WITNESS my hand for the said Local Agency Formation Commission on March 7, 1983.

RICHARD E. WATSON, Executive Officer  
Local Agency Formation Commission

By Geraldine L. Harper  
GERALDINE L. HARPER, Secretary

**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**



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>

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**Attachment K**  
**Correspondence Regarding West Pump Expenses**

**Art Anderson**

---

**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>

**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

1

**Attachment L**  
**Correspondence Regarding West Pump Expenses**

**Art Anderson**

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**From:** Kathi Blackard <KBlackard@seenoahomes.com>  
**Sent:** Tuesday, March 07, 2017 12:43 PM  
**To:** wchadboume@aol.com; art@stonevalleyfarm.com; mcawson@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  
Secon 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

1

## Attachment M PG&E Bills 2008-2015

|                                    |               |   |                            | RD 2034 Member Contributions to RD 2034 PG&E Bill |             |           |             |
|------------------------------------|---------------|---|----------------------------|---|-------------|-----------|-------------|
| Year                               | Bill Pay Date | Bank Stmt 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           | \$ 61,766.07  | \$ 242.24                  | \$ 9.51   | \$ 146.34   | \$ 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                               | 3/34          | \$ 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  | \$ 282.78                  | \$ 11.10  | \$ 170.70   | \$ 26.05  | \$ 74.90    |
| 2014                               | 10/34         | \$ 65,407.65  | \$ 219.49                  | \$ 8.62   | \$ 132.50   | \$ 20.22  | \$ 58.14    |
| 2014                               | 10/8          | \$ 65,627.14  | \$ 1,450.00                |   |             |           |             |
| 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   | \$ 128.83   | \$ 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                               | 4/31          | \$ 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)             |   |             |           |             |
| 2009                               | 9/30          | \$ 31,549.35  | \$ 159.09                  | \$ 64.82  | \$ 94.27    |           |             |
| 2009                               | 8/31          | \$ 31,748.44  | \$ 157.00                  | \$ 63.97  | \$ 93.03    |           |             |
| 2009                               | 7/28          | \$ 31,905.44  | \$ 157.89                  | \$ 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)             |   |             |           |             |
| 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                               | 5/7           | \$ 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 Rainer 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.

*JAC*  
*fac*  
*FW*  
*WPA*

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>12</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>13</sup>

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<sup>12</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>13</sup> FEMA Public Assistance Program and Policy Guide, April 2018