



Solano Local Agency Formation Commission

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

STAFF REPORT

DATE: February 15, 2023
TO: Local Agency Formation Commission
FROM: Rich Seithel, Executive Officer
SUBJECT: **LAFCO Project No. 2023-01 Dissolution of Reclamation District 2134**

Recommendation:

CONSIDER and ADOPT the attached LAFCO Resolution affirming that Reclamation District 2134 (RD 2134) is an inactive District, and;

INITIATE the dissolution of RD 2134 pursuant to Government Code (GC)§ 56879.

Executive Summary:

In November 2022, the Solano Local Agency Formation Commission (LAFCO) received a Notice of Inactive Special District from the State Controller's Office (SCO) (Attachment A) that identifies RD 2134 as an "inactive district" and, as such, should be considered for dissolution. If the Commission finds that the District is "inactive" the Commission is required to initiate RD 2134's dissolution using a streamlined process (SB 448).

Applying this method, the Commission can dissolve special districts with one public hearing following the adoption of a resolution initiating dissolution and forgo the conducting authority proceeding (protest hearing). In addition, LAFCOs are not required to identify a "successor agency" to assume any services.

In order to affirm that RD 2134 is inactive, the Commission must determine that all four of the following criteria are met (GC §56042):

1. The district is a special district as defined in Section 56036¹.
✓ *RD 2134 was formed as a District by LAFCO Resolution 2000-21, adopted on December 12, 2000.*
2. The special district has had no financial transactions in the previous fiscal year.
✓ *According to the SCO and Solano County ACO, RD 2134 reported no financial*

¹ Per Section 56036 a "District" or "special district" are synonymous and 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 Section 56133."

Commissioners

John Vasquez, Chair • Nancy Shopay, Vice-Chair • Ron Kott • Mitch Mashburn • Steve Bird

Alternate Commissioners

Robert Guerrero • Alma Hernandez • Wanda Williams

Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Aaron Norman, Analyst II • Mala Subramanian, Lead Legal Counsel

transactions in the previous year.

3. The special district has no assets and liabilities.
 - ✓ *The SCO, Solano County ACO, and, by resolution, the RD 2134 Board report no assets or liabilities SB 448 specifically eliminated the need for a successor agency.*
4. The district has no outstanding debts, judgments, litigation, contracts, liens, or claims.
 - ✓ *Staff can find no outstanding debts, judgments, litigation, contracts, liens, or claims against RD 2134. Furthermore, the District resolution declares none*

Based on the findings satisfying the four requirements, support from the RD 2134's Board of Directors (Attachment B), and that the landowners are still responsible for maintaining the levees, staff recommends that the Commission affirms that RD 2134 is inactive and initiates the dissolution.

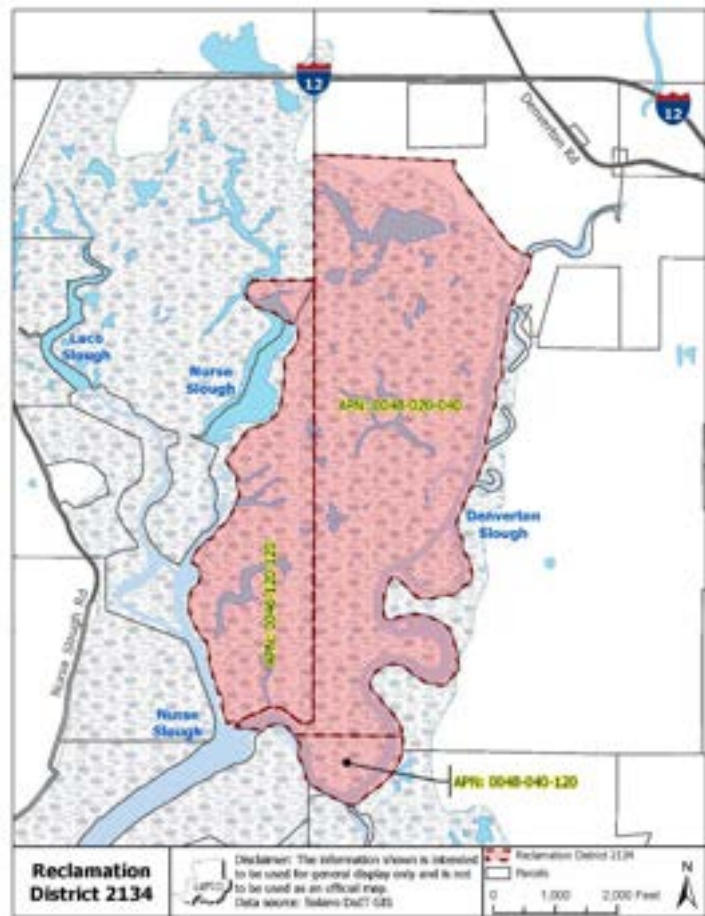
Following is a discussion including background, environmental determination, public notice, and conclusion.

I. **Background:**

RD 2134 was formed in 2000 as an independent public agency under the terms of the Reclamation District Law and is comprised of three parcels (APN 0046-120-120, APN 0048-020-040, and APN 0048-040-210) totaling approximately 852 acres. The District's primary property owner is the California Waterfowl Association (CWA Denverton LLC).

Additionally:

- RD 2134 is generally located within the Suisun Marsh bounded by Nurse and Denverton Sloughs.
- Landowners self-assess the cost of operating, repairing, and maintaining drainage facilities, roads, and levees within the boundaries of the District. The district receives no ad-valorem property tax.
- A primary reason for the District formation was to qualify for state and federal funding opportunities available to public agencies (i.e. FEMA).
- The land is designated as marshland and included within the Suisun Marsh Resource Conservation Overlay.



- There are no registered voters or residents within District boundaries and no expectations for growth or development of the District.

II. Environmental Determination:

The dissolution of RD 2134 is exempt from the California Environmental Quality Act (CEQA) under section 15320 "Changes in the organization of local agencies." The dissolution of a district that provides no services would have no direct or reasonably foreseeable indirect impact on the environment and is therefore not considered to be a project.

It is recommended that the Commission find the subject dissolution exempt from CEQA pursuant to Guidelines Section 15320 where the changes do not change the geographical area in which previously existing powers are exercised.

III. Public Hearing Notice

Pursuant to Government Code Section 56879(c), the Commission's action associated with this dissolution must occur following a public hearing. If found to be inactive, LAFCO will provide individual notice to the District landowners in accordance with State law and adopted Commission policies. (See Attachment C for copy of the notice). There are no registered voters residing within RD 2134 according to the information provided by the Registrar of Voters Office on December 22, 2022.

IV. Conclusion

RD 2134 meets all the inactive district criteria set forth in GC §56042. Pursuant to GC §56879, within 90 days of receiving the SCO notice, the Commission initiates a proposal for the dissolution of RD 2134. After the adoption of the resolution initiating dissolution, the dissolution will come back to the Commission for a public hearing and action by the Commission on April 10.

However, if the Commission finds that RD 2134 does not meet the inactive requirements, a letter advising the SCO of the Commission's decision not to initiate dissolution will be sent.

Attachments:

Action Item: Resolution Initiating Proceedings Dissolving the Inactive District of Reclamation District 2134 (RD 2134) (LAFCO Project 2023-01)

Attachment A – Letter from State Controllers' Office

Attachment B – Letter of Support from Board of Directors of Reclamation District 2134

Attachment C – Notice of Hearing to Landowners and Registered Voters

LAFCO RESOLUTION NO. 23-XX

**RESOLUTION INITIATING PROCEEDINGS DISSOLVING THE INACTIVE DISTRICT OF
RECLAMATION DISTRICT 2134 (RD 2134)
(LAFCO PROJECT 2023-01)**

WHEREAS, on November 11, 2022, the California State Controller notified the Solano LAFCO (Commission) pursuant to Government Code section (GC §) 56879 that Reclamation District 2134 (RD 2134) is an inactive district; and

WHEREAS, the Commission, pursuant to GC § 56879 shall initiate the dissolution of County Service Area #23 within 90 days of receipt of notice from the State Controller's Office unless the Commission finds that County Service Area #23 is not inactive as defined in GC § 56042; and

WHEREAS, the area proposed to be dissolved is legally uninhabited and includes the entirety of the boundaries of RD 2134 as depicted in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the Commission, as lead agency under the California Environmental Quality Act (CEQA), finds the dissolution to be statutorily exempt from CEQA pursuant to Public Resources Code Section 21080 (b)(l) and CEQA Guidelines Section 15268, as the initiation of the proposal was required by statute and, therefore, it is a ministerial action; and,

WHEREAS, terms and conditions will be determined by the Commission upon approval of the dissolution.

NOW, THEREFORE, the COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER that:

1. The Solano Local Agency Formation Commission serves as the lead agency under the California Environmental Quality Act (CEQA) and finds the initiation of dissolution to be statutorily exempt from CEQA pursuant to Public Resources Code Section 21080 (b)(l) and CEQA Guidelines Section 15268, as the initiation of the proposal was required by statute and, therefore, it is a ministerial action; and,
2. RD 2134 is an inactive district as defined in GC § 56042 and the proposal of dissolution of RD 2134, as depicted in Exhibit "A" attached hereto and made a part hereof, is initiated.
- 3.

[CONTINUED NEXT PAGE]

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of Solano County at a regular meeting, held on the 15th day of February 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Nancy Shopay, Chair
Solano LAFCO

ATTEST:

Christina Love, Clerk to the Commission



BETTY T. YEE
California State Controller

November 1, 2022

Rich Seithel
Solano LAFCO
675 Texas St. Suite 6700
Fairfield, CA, 94533

SUBJECT: Notification of Inactive Special Districts in County

Dear Rich Seithel:

Chapter 334, Statutes of 2017, also known as Senate Bill (SB) 448, added various provisions to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding special districts that are inactive. It requires the State Controller's Office (SCO) to create a list of inactive special districts based on information in the special district's Financial Transactions Report (FTR), to publish the list of inactive special districts on its website annually, and to notify the local agency formation commission in the county or counties in which the inactive special district is located.

Pursuant to Government Code (GC) section 56042, an "inactive special district" must:

- Meet the definition set forth in GC section 56036;
- Have no financial transactions in the previous fiscal year; and
- Have no assets, liabilities, outstanding debts, judgments, litigation, contracts, liens, or claims.

Pursuant to GC 56879, within 90 days of receiving this notice, the Commission is required to initiate dissolution of inactive special districts by resolution, unless the Commission determines that a district does not meet the criteria set forth in GC 56042. Additionally, the Commission is required to notify SCO if it determines that district does not meet the dissolution criteria in GC 56042. Once the dissolution process is complete, please inform SCO using the contact information on page 2.

Enclosed is a copy of the list of inactive California special districts. The list is determined by financial data in each special district's fiscal year 2020-21 FTR. The list of inactive California special districts may also be found at: https://www.sco.ca.gov/ard_local_rep_freq_requested.html.

Rich Seithel
November 1, 2022
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If you have any questions or need to notify us of a special district's status, please contact Derek Miller by telephone at (916) 322-5579, or by email at dmiller@sco.ca.gov.

Sincerely,



PHILLIP PANGILINAN
Manager
Local Government Reporting Section

Enclosure

California State Controller's Office
List of Inactive Districts per Chapter 334, Statutes of 2017 (SB 448)
 Source: Special Districts Financial Transactions Reports, Fiscal Year 2020-21

#	District Name	City	County
1	Willow Springs Water District	Plymouth	Amador
2	County Service Area No. 6 (Calaveras)	San Andreas	Calaveras
3	County Service Area No. 3 (Colusa)	Colusa	Colusa
4	Kern Valley Resource Conservation District	Bakersfield	Kern
5	Canby Community Services District	Canby	Modoc
6	County Service Area No. 32 (Santa Barbara)	Santa Barbara	Santa Barbara
7	County Service Area No. 54 (Santa Cruz)	Santa Cruz	Santa Cruz
8	Fall River Valley Irrigation District	Redding	Shasta
9	Reclamation District No. 2034	San Ramon	Solano
10	Reclamation District No. 2043	Fairfield	Solano
11	Reclamation District No. 2134	Roseville	Solano
12	Meridian Cemetery District	Yuba City	Sutter
13	County Service Area No. 56 (Yuba)	Marysville	Yuba
14	County Service Area No. 57 (Yuba)	Marysville	Yuba
15	County Service Area No. 58 (Yuba)	Marysville	Yuba
16	River Highlands Community Service District	Marysville	Yuba
17	Royal Pines County Service Area (Yuba)	Marysville	Yuba

Proof of Service by Mail

I declare: I am a citizen of the United States, over the age of 18 years, and not a party to this action. My business address is State Controller's Office, 3301 C Street, Suite 740, Sacramento, California 95816.

On the date set forth below, I served the following entitled document:

Notification of Inactive Special Districts in County


by placing a true copy thereof in a sealed envelope addressed to the person(s) named below at the address(es) shown and by placing said envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

Name: Rich Seithel
Solano Local Agency Formation Commission

Address: Solano LAFCO
675 Texas St. Suite 6700
Fairfield, CA 94533

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 01, 2022, at Sacramento, California.

Signature: 

Printed Name: Derek Miller

RECLAMATION DISTRICT 2134

DISSOLUTION RESOLUTION

WHEREAS, Reclamation District 2134 (the “District”) has no assets, financial activity, and no longer benefits the State of California or the Landowner it represents;

WHEREAS, the District has been inactive since 6/30/2020;

WHEREAS, the Trustees wish to cease operations and dissolve the District;

WHEREAS, the Trustees have consulted with representatives from LAFCO and the State Controller’s Office;

NOW THEREFORE BE IT RESOLVED, that the District dissolve.

AYES: Trustees Eddings, Messerli

NOS: None

ABSTAINS: None

Approved by:

Robert Eddings *Robert Eddings*
Robert Eddings (Aug 9, 2022 07:49 PDT)

Jake Messerli *JM*

Resolution Dissoving RD2134

Final Audit Report

2022-08-09

Created:	2022-08-09
By:	Jake Messerli (jmesserli@calwaterfowl.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXAbftWz6p3nUopt12gdsrUY5llzqcDNQ

"Resolution Dissoving RD2134" History

-  Document created by Jake Messerli (jmesserli@calwaterfowl.org)
2022-08-09 - 2:47:13 PM GMT- IP address: 69.4.146.58
-  Document emailed to reddings@calwaterfowl.org for signature
2022-08-09 - 2:47:35 PM GMT
-  Email viewed by reddings@calwaterfowl.org
2022-08-09 - 2:48:59 PM GMT- IP address: 73.189.227.8
-  Signer reddings@calwaterfowl.org entered name at signing as Robert Eddings
2022-08-09 - 2:49:30 PM GMT- IP address: 73.189.227.8
-  Document e-signed by Robert Eddings (reddings@calwaterfowl.org)
Signature Date: 2022-08-09 - 2:49:31 PM GMT - Time Source: server- IP address: 73.189.227.8
-  Agreement completed.
2022-08-09 - 2:49:31 PM GMT

Attachment C



Solano Local Agency Formation Commission

675 Texas St. Ste. 6700 • Fairfield, California 94533
(707) 759-3439 • FAX: (707) 438-1788

February 27, 2023

NOTICE OF HEARING

Notice is hereby given that the Solano Local Agency Formation Commission (LAFCO) will hold a hearing at **10:00 a.m. on Monday, April 10, 2023**, or as soon thereafter as possible, in the Board of Supervisors Chambers, County Administration Building, 675 Texas Street, Fairfield, CA, to consider the following item:

LAFCO Project No. 2023-01 Dissolution of Reclamation District 2134

Actions include adopting a Resolution approving the dissolution of Reclamation District 2134.

Reclamation District 2134 (RD 2134) consists of three parcels (APNs): 0046-120-120, APN 0048-020-040, and APN 0048-040-210 totaling approximately 852 acres, and is generally located within the Suisun Marsh bounded by Nurse Slough and the Denverton Slough. A map of RD 2134 is shown behind this notice.

On November 4, 2022, the Commission received notification from the State Controller Office identifying RD 2134 as being an inactive district in Solano County. Pursuant to Government Code (GC) 56879, the Commission is required to initiate the dissolution of inactive districts by resolution within 90 days of receiving notification from the State Controller Office, unless the Commission determines that a district does not meet the criteria set forth in GC 56042.

All interested parties will have an opportunity to speak to the Commission at the hearing and may submit written testimony prior to the hearing. Persons with disabilities may contact LAFCO staff at 707-439-3898 prior to the hearing to arrange for necessary accommodation so they may fully participate in the proceeding.

Note that if you or your agent have made a contribution of \$250 or more to any Commissioner or Alternate during the 12 months preceding the decision, you and the Commissioner are obligated to disclose the contribution and in the proceeding that Commissioner or Alternate must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner or Alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

Copies of the agenda and staff report will be available five days prior to the hearing date on the LAFCO website at www.solanolafco.com or at the LAFCO office during business hours.

