



Municipal Service Review: Reclamation Services Final

Adopted July 8, 2009

Contra Costa Local Agency Formation Commission



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ACRONYMS

BOE:	State Board of Equalization
CEQA:	California Environmental Quality Act
Corps:	U.S. Army Corps of Engineers
DOF:	California Department of Finance
DPC:	Delta Protection Commission
DFG:	California Department of Fish and Game
DWR:	California Department of Water Resources
EBMUD:	East Bay Municipal Utility District
FEMA:	Federal Emergency Management Agency
FIRM:	Flood Insurance Rate Map
FY:	Fiscal year
HMP:	Hazard Mitigation Plan
ISD:	Ironhouse Sanitary District
JPA:	Joint Powers Authority
LAFCO:	Local Agency Formation Commission
MSR:	Municipal Service Review
NA:	Not applicable
NP:	Not provided
NR:	Not reported
NPDES:	National Pollutant Discharge Elimination System
RD:	Reclamation District
RWQCB:	Regional Water Quality Control Board
SOI:	Sphere of influence
USGS:	United States Geological Survey
WWTP:	Wastewater treatment plant

P R E F A C E

Prepared for the Contra Costa Local Agency Formation Commission (LAFCO), this report is a municipal service review—a state-required comprehensive study of services within a designated geographic area. This MSR focuses on local agencies and other municipal service providers providing reclamation services in Contra Costa County.

C O N T E X T

Contra Costa LAFCO is required to prepare this MSR by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000, et seq.), which took effect on January 1, 2001. The MSR reviews services provided by public agencies—cities and special districts—whose boundaries and governance are subject to LAFCO. In order to provide comprehensive information on service provision, other service providers—private companies and public agencies which are not subject to LAFCO—are included in this MSR.

C R E D I T S

The authors extend their appreciation to those individuals at many agencies that provided planning and financial information and documents used in this report. The contributors are listed individually at the end of this report.

Contra Costa LAFCO Executive Officer, Lou Ann Texeira, provided project direction and review. Credit for archival review and organization undertaking belongs to Lou Ann Texeira and her team, including LAFCO clerk Kate Sibley, County GIS staff Chris Howard, and consultant Alexander Hebert-Brown. Heather Kennedy and Chris Howard of the Contra Costa County Information Technology Department prepared maps and conducted GIS analysis.

This report was prepared by Burr Consulting, in conjunction with Baracco & Associates. Bruce Baracco and Alexander Hebert-Brown served as principal authors.

1. EXECUTIVE SUMMARY

This report is a countywide Municipal Service Review (MSR) of reclamation districts, prepared for the Contra Costa Local Agency Formation Commission (LAFCO). An MSR is a State-required comprehensive study of services within a designated geographic area, in this case, Contra Costa County. The MSR requirement is codified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.). Once MSR findings are adopted, the Commission will update the spheres of influence (SOIs) of reclamation districts in Contra Costa County. This report identifies and analyzes SOI options for the Commission's consideration.

SERVICE PROVIDERS

This report focuses on those special districts that provide levee maintenance and rehabilitation services in Contra Costa County and are under LAFCO jurisdiction, as shown in Table 1-1.

This report is the sole MSR in this cycle for each of the 13 reclamation districts (RDs); LAFCO will update these agencies' spheres of influence (SOIs) at the completion of this review.

Bethel Island Municipal Improvement District (BIMID) also provides levee maintenance and rehabilitation services in the County, but was reviewed in a separate sub-regional MSR adopted by the Commission in December 2008.

Table 1-1: Local Agencies Reviewed

District Name	Levee Maintenance	Flood Control	Internal Drainage	Levee Road Maint.	Weed Abatement	Slope Protection	Rodent Control	Levee Patrol	Flood Fighting	Ferry Service
RD 799 Hotchkiss Tract	●	●	●	●	●	●	●	●	●	
RD 800 Byron Tract	●	●	●	●	●	●	●	●	●	
RD 830 Jersey Island	○	○	○	○	○	○	○	○	○	
RD 2024 Orwood/Palm Tract	△	△	△	△	△	△	△	△	△	
RD 2025 Holland Tract	○	○	○	○	○	○	○	○	○	
RD 2026 Webb Tract	○	○	○	○	○	○	○	○	○	○
RD 2059 Bradford Island	●	●	●	●	●	●	●	●	●	○
RD 2065 Veale Tract	●	●	●	●	●	●	△	●	●	
RD 2090 Quimby Island	○	△	○	○	○	○	○	△	△	
RD 2117 Coney Island	○	○	○	○	○	○	○	△	△	
RD 2121 Bixler Tract	○	△	○	○	○	○	○	△	△	
RD 2122 Winter Island	●	●	●	●	●	●	○	●	●	
RD 2137	○	○	○	○	○	○	○	●	△	
Key:										
● indicates service provided directly by agency										
○ indicates service provided by contract with another service provider										
△ indicates service provided directly by agency and by contract with another provider										

INFRASTRUCTURE AND SERVICE ADEQUACY

In response to significant flood events in the early 1980s, the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers (Corps) and the State of California's Department of Water Resources (DWR) set new standards for non-project levees in the Delta. FEMA set a short-term Hazard Mitigation Plan (HMP) standard as an interim goal, with the long-term goal of upgrading all levees to the U.S. Army Corps of Engineers' Public Law (PL) 84-99

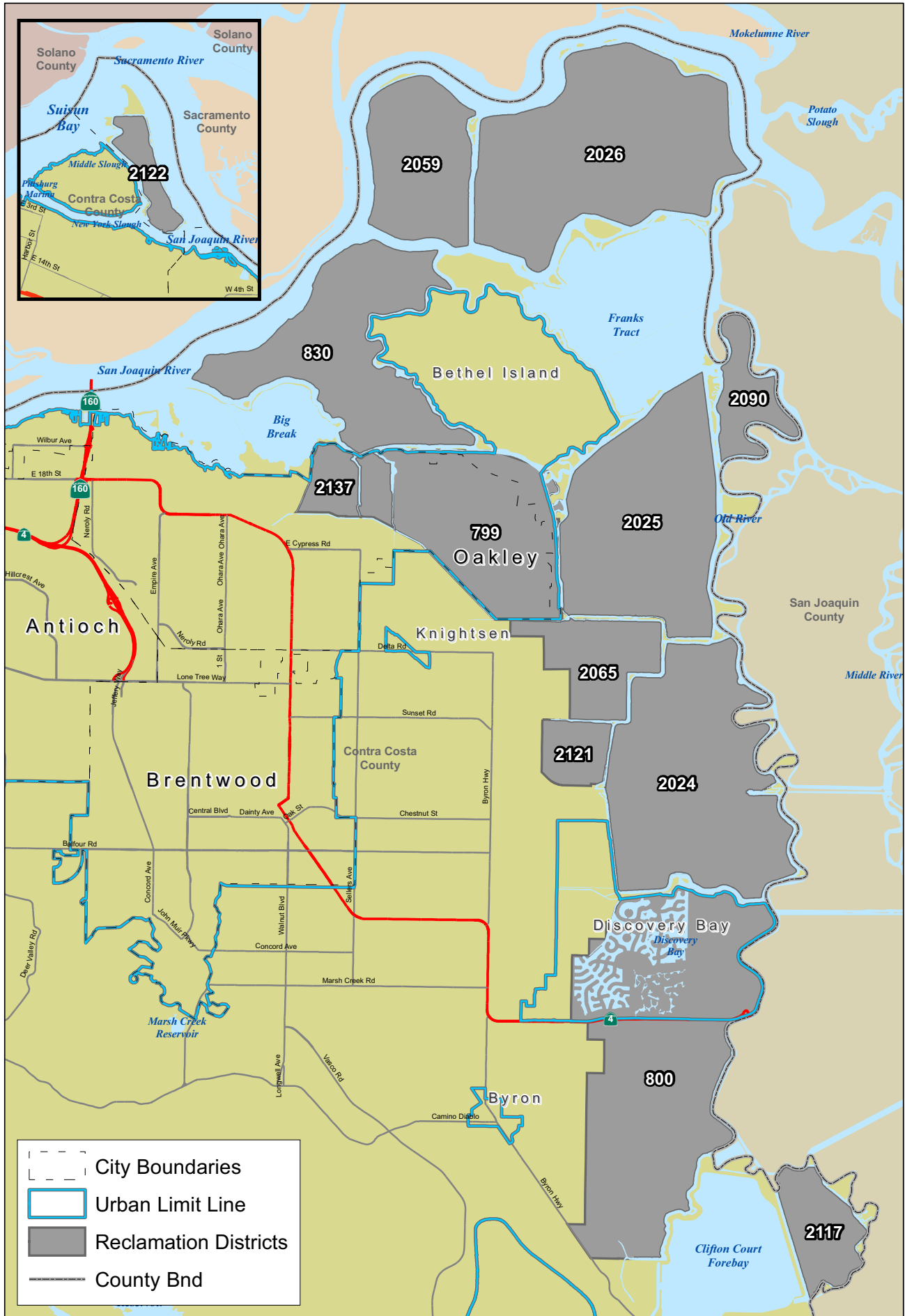
standard. DWR Bulletin 192-82 standards were established for work done through the DWR Special Flood Control Projects Unit, and are the most stringent standard used to classify Delta levees.

As an incentive for districts to upgrade levees, FEMA made the HMP standard a precondition to receiving disaster assistance for a levee breach after September 10, 1991. Reclamation districts not in compliance with this deadline are subject to denial of disaster assistance from FEMA. The HMP standard was not intended to be a long-term standard for the Delta, and is generally not considered an adequate standard to avoid flooding. None of the agricultural Delta levee standards (HMP, PL 84-99 or Bulletin 192-82) provide significant seismic capability, and none are considered to provide 100-year flood protection. Urban levee standards are achieved by FEMA 100-year and 200-year flood protection levees, as well as the Bulletin 192-82 urban standard. See Table 3-1 for more details on levee standards and specifications.

Table 1-2: Reclamation District and Levee System Overview

District	Name	Levee Miles	Levee Standard ¹	Surface Elevation	Base Flood Elevation
RD 799	Hotchkiss Tract	11.7	3.2 mi. at FEMA 5.2 mi. at HMP 3.3 mi. below HMP	-5 to 5 ft.	7 ft.
RD 800	Byron Tract	18.9	9.2 mi. at FEMA 9.7 mi. at PL-99	-4 to 13 ft.	< 1 ft.
RD 830	Jersey Island	16.0	6.3 mi. at HMP 9.7 mi. below HMP	0 to -15 ft.	7 ft.
RD 2024	Orwood/Palm Tracts	14.6	14.6 mi. at HMP	0 to -15 ft.	8 ft. (Orwood) 7 ft. (Palm)
RD 2025	Holland Tract	11.0	11.0 mi. at HMP	0 to -15 ft.	7 ft.
RD 2026	Webb Tract	12.9	12.9 mi. at HMP	-5 to -20 ft.	7 ft.
RD 2059	Bradford Island	7.5	4.0 mi. at HMP 3.5 mi. below HMP	-5 to -15 ft.	7 ft.
RD 2065	Veale Tract	5.1	4.2 mi. at HMP 0.9 mi. below HMP	-4 to 2 ft.	7 ft.
RD 2090	Quimby Island	7.0	7.0 mi. at HMP	-5 to -11 ft.	7 ft.
RD 2117	Coney Island	5.4	5.4 mi. at HMP	-5 to -10 ft.	8 ft.
RD 2121	Bixler Tract	2.0	2.0 mi. below HMP	-2 to 14 ft.	7 ft.
RD 2122	Winter Island	5.0	3.5 mi. at HMP 1.5 mi. below HMP	0 to 10 ft.	7 ft.
RD 2137		3.8	3.0 mi. at HMP 0.8 mi. below HMP	-10 to 10 ft.	7 ft.
Note: (1) HMP standard is the minimum standard for levee protection in the Delta. Districts must meet at least HMP standard to be eligible for FEMA disaster assistance funding. NR = Not reported. The repair after levee failure scenario was not modeled for all districts.					

Contra Costa County Reclamation Districts - Boundaries and Coterminous SOI



INFRASTRUCTURE NEEDS

Contra Costa reclamation districts face significant flood risk, but many would not even qualify for FEMA disaster assistance following a levee failure (due to non-compliance with HMP standards). None of the reclamation districts provide 100-year flood protection, with the exception of portions of levees maintained by RD 799 and RD 800 at FEMA 100-year flood standards.

Seven of the 13 reclamation districts have levees below HMP standards, nearly all reclamation districts have portions of the land surface below sea level, and all but one district are within the FEMA 100-year floodplain (RD 800 is between the 100-year and 500-year flood level), as shown in Table 1-2. Of the nearly 121 miles of levees maintained by the 13 reclamation districts, nearly 18 percent (approximately 22 miles) are at less than the minimum (HMP) standard, and nearly 82 percent (approximately 99 miles) require rehabilitation to achieve the PL 84-99 standard.

Comprehensive, long-term capital improvement strategies are necessary to adequately plan for proper levee care, and properly balance the tradeoff between the level of protection provided by the levee system with the uses of land and water enabled by the levee system.¹ From a purely economic standpoint, it will likely not be cost effective to repair some islands when their levees fail.² As subsidence proceeds and sea levels rise, optimal infrastructure strategies need reevaluation.

Water Code §12311 identifies protecting Bethel Island, Bradford Island, Holland Tract, Hotchkiss Tract, Jersey Island and Webb Tract as a priority. DWR gives priority to these western Delta islands for funding via the special projects program, as these islands have been determined to be critical to control of salinity in the Delta, protecting water quality to all water users in the state. Of these six islands, five are protected by reclamation districts, and one is protected by a municipal improvement district (Bethel Island Municipal Improvement District).

Although levee systems and related facilities are distinct entities on each island that cannot be shared, proper levee maintenance provides indirect benefits outside of district bounds. Because inundation of one or more islands would increase the effects of wind and wave erosion on neighboring levees, it is in the interest of all districts to ensure that the integrity of the levees be maintained and that infrastructure needs continue to be addressed.

FINANCING

Levee Maintenance

Routine levee maintenance expenditures are primarily financed by landowner assessments and subventions reimbursements from DWR.

Up to 75 percent of levee maintenance costs for Delta reclamation districts may be reimbursed each year through the DWR subventions program for districts that meet certain qualifications for eligibility and submit applications. However, the State program is not fully funded. In typical years,

¹ *Delta Vision Strategic Plan*, October 2008, p. 37.

² Public Policy Institute of California, *Levee Decisions and Sustainability for the Delta Technical Appendix B*, 2008, p. 31.

local agencies throughout the Delta requested an average of \$50 million in subventions reimbursements, but the State only had around \$6 million to award.³ In addition, the State makes \$15-\$20 million per year available for subventions-eligible projects in the Delta.⁴ In other words, there is a shortfall of \$24-29 million. Funds are too limited for all Delta levees to be equally subsidized by the State. Additional planning at the State level is needed to properly prioritize and allocate levee maintenance and rehabilitation funds to match areas where funds are needed most.

Levee Rehabilitation

Due to the significant expense associated with levee improvements, reclamation districts in Contra Costa County could not afford to rehabilitate levees without support from DWR. Funding for significant levee improvement projects comes primarily from DWR's Delta Levee Special Flood Control Projects (special projects) program.

The special projects program was originally established to address flooding on the eight western Delta islands of Bethel, Bradford, Holland, Hotchkiss, Jersey, Sherman, Twitchell, Webb, and the towns of Thornton, New Hope, and Walnut Grove. In 1996, the program was expanded to the entire Delta and to portions of the Suisun Marsh. In total, the project has funded over \$200 million in flood control and habitat projects in the Delta, with future funding significantly increased by the Proposition 1E and 84 bonds. For FY 08-09, DWR will have \$31 million available to fund special projects in the Delta via a competitive application process.

POLICY OPTIONS

The report identifies and describes various policy options for the Commission to consider as it updates the spheres of influence of the reclamation districts, including the following:

- Transferring responsibility for flood protection from Bethel Island Municipal Improvement District to RD 799 (Hotchkiss Tract) is an option due to the proximity and similar land use bases of the districts.
- Annexation of an 80-acre agricultural parcel on the west side of RD 800 (Byron Tract) that is within the dry land levee, but outside the District boundary; and detaching a 200-acre agricultural parcel outside the levee system adjacent to Byron Highway and Clifton Court Road.
- Annexation of the proposed Pantages Bays residential project (292 single-family dwellings) to RD 800 is an option that would likely be a development condition and project requirement.
- Transferring responsibility for flood protection from Discovery Bay Community Services District to RD 800 is an option. With LAFCO approval of DBCSD's requests

³ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 35.

⁴ Proposition 1E is a 10-year bond, and all funds must be used by FY 15-16. Proposition 84 is a five-year bond, although funding may be spent after the expiration of the bond in FY 10-11.

- in 2002 and 2003 to provide construction and operation of flood protection works and facilities, there are now similar services being provided by RD 800 and DBCSD.
- The Discovery Bay Drainage and Maintenance District currently operates under the umbrella of RD 800. An alternative approach would be to consolidate the Discovery Bay Drainage and Maintenance District into RD 800.
 - Consolidation of RD 2024 (Palm/Orwood Tract) with RD 2065 (Veale Tract) is an option. As RD 2024 is the larger and financially healthier of the districts, it would be logical for RD 2024 to be the successor agency and for RD 2065 to annex to RD 2024.
 - Consolidation of RD 2025 (Holland Tract) and RD 2026 (Webb Tract) in Contra Costa County with RD 759 (Bouldin Island) and RD 2028 (Bacon Island) in San Joaquin County was identified as an option, due to the long-term vision of the majority landowner to operate Bacon Island and Webb Tract as water storage facilities and Holland Tract and Bouldin Island as habitat mitigation sites.
 - Consolidation of RD 2059 (Bradford Island) with RD 2026 (Webb Tract) was identified as an option due to the proximity of RD 2026 (to the east), and the remote nature of both Districts (both islands rely on the ferry from Jersey Island for vehicular access).
 - Annexation of properties to the west of RD 2065 that benefit from District drainage and/or flood control services. Assessments would be levied on such properties in proportion to the benefits received from either or both services.
 - Options identified for RD 2090 (Quimby Island) and RD 2117 (Coney Island) include reorganization of these areas in the event of a future levee failure. If the levee system were to fail and the islands became inundated, an option would be to dissolve the district and annex the area to an adjacent reclamation district.
 - Dissolution of RD 2121 (Bixler Tract) was identified an option. It does not appear that the landowner considers the District to be a needed public agency, and appears that the District could be dissolved and the levee maintenance responsibilities be formally made the responsibility of the landowner. RD 2121 does not receive funds from DWR subventions to finance levee maintenance or rehabilitation activities, and the landowner did not identify any strategic value of reclaiming its lands with respect to impact on the Delta. Furthermore, the District does not file financial statements with the State Controller and the District Manager reported that the District is inactive.
 - Dissolution of RD 2137 was identified an option. RD 2137 land is primarily owned by DWR and is within the City of Oakley city limits. Restoration of the tract as part of the Dutch Slough Tidal Marsh Restoration Project, along with any necessary new levee construction or repair and maintenance of existing levees could become the responsibility of the State of California or the City of Oakley (or both). Construction of a new setback levee (along Jersey Island Road) could be financed by new urban development along the East Cypress Corridor Specific Plan area, which would provide FEMA 100-year flood protection to the new development, and separate and protect the habitat/tidal marsh restoration area closer to Dutch Slough.

- Consolidation of RD 2137 with the adjacent RD 799 was also identified as an option. A 436-acre portion of the Dutch Slough Tidal Marsh Restoration Project area (Burroughs Parcel) is located within RD 799. Under this option, RD 2137 would be dissolved and the area annexed to RD 799. This would place all of the Restoration Project area within a single reclamation district. A variation of this option would be to detach the Burroughs Parcel from RD 799 and annex that territory to RD 2137. This option would require the construction of the Jersey Island Road setback levee if existing levees within RD 2137 are breached for marshland restoration.

SOI UPDATES

This report identifies alternatives for LAFCO to consider as it updates the spheres of influence (SOIs) of the 13 reclamation districts, and offers preliminary recommendations. An SOI is a LAFCO-approved plan that designates an agency's probable future boundary and service area. The SOI essentially defines where and what types of government reorganizations, such as annexation, detachment, dissolution or consolidation, may be initiated. The governing bodies of local agencies and voters may initiate reorganizations so long as they are consistent with the SOIs. An SOI change neither initiates nor approves a government reorganization. If and when a government reorganization is initiated, there are procedural steps required by law, including a protest hearing and/or election by which voters may choose to approve or disapprove a reorganization.

The existing SOI for all 13 reclamation districts is coterminous with district bounds. The consultants' SOI recommendations are shown in Table 1-3.

Table 1-3: SOI Update Recommendations

District	Name	Recommendation
RD 799	Hotchkiss Tract	SOI reduction in the western portion of the District, between Jersey Island Road and Little Dutch Slough, to remove parcel in the Dutch Slough Tidal Marsh Restoration Project area.
RD 800	Byron Tract	SOI expansion to include an 80-acre parcel where District provides service outside bounds, and SOI reduction in the area of a 200-acre parcel that does not receive District services.
RD 830	Jersey Island	Retain existing coterminous SOI.
RD 2024	Orwood/Palm Tracts	Retain existing coterminous SOI.
RD 2025	Holland Tract	Retain existing coterminous SOI.
RD 2026	Webb Tract	Retain existing coterminous SOI.
RD 2059	Bradford Island	Retain existing coterminous SOI.
RD 2065	Veale Tract	Retain existing coterminous SOI and require the District to explore expansion of SOI/boundary to the west. RD 2065 is required to report back to LAFCO within 12 months regarding status.
RD 2090	Quimby Island	Retain existing coterminous SOI.
RD 2117	Coney Island	Retain existing coterminous SOI.
RD 2121	Bixler Tract	Zero SOI to allow dissolution to be initiated.
RD 2122	Winter Island	Retain existing coterminous SOI.
RD 2137		Zero SOI to allow dissolution to be initiated.

2. LAFCO AND MUNICIPAL SERVICE REVIEWS

This report is prepared pursuant to legislation enacted in 2000 that requires LAFCO to conduct a comprehensive review of municipal service delivery and update the spheres of influence (SOIs) of all agencies under LAFCO's jurisdiction. This chapter provides an overview of LAFCO's history, powers and responsibilities. It discusses the origins and legal requirements for preparation of the municipal service review (MSR). Finally, the chapter reviews the process for MSR review, MSR approval and SOI updates.

LAFCO OVERVIEW

After World War II, California experienced dramatic growth in population and economic development. With this boom came a demand for housing, jobs and public services. To accommodate this demand, many new local government agencies were formed, often with little forethought as to the ultimate governance structures in a given region, and existing agencies often competed for expansion areas. The lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service boundaries, and the premature conversion of California's agricultural and open-space lands.

Recognizing this problem, in 1959, Governor Edmund G. Brown, Sr. appointed the Commission on Metropolitan Area Problems. The Commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of local governmental jurisdictions. The Commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963, resulting in the creation of a Local Agency Formation Commission, or LAFCO.

The Contra Costa LAFCO was formed as a countywide agency to discourage urban sprawl and encourage the orderly formation and development of local government agencies. LAFCO is responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure. The Commission's efforts are focused on ensuring that services are provided efficiently and economically while agricultural and open-space lands are protected. To better inform itself and the community as it seeks to exercise its charge, LAFCO conducts service reviews to evaluate the provision of municipal services within the County.

LAFCO regulates, through approval, denial, conditions and modification, boundary changes proposed by public agencies or individuals. It also regulates the extension of public services by cities and special districts outside their boundaries. LAFCO is empowered to initiate updates to the SOIs and proposals involving the dissolution or consolidation of special districts, mergers, establishment of subsidiary districts, formation of a new district or districts, and any reorganization including such actions. Otherwise, LAFCO actions must originate as petitions or resolutions from affected voters, landowners, cities or districts.

Contra Costa LAFCO consists of seven regular members: two members from the Contra Costa County Board of Supervisors, two city council members, two independent special district members, and one public member who is appointed by the other members of the Commission. There is an alternate in each category. All Commissioners are appointed to four-year terms. The Commission members are shown in Table 2-1.

Table 2-1: Commission Members, 2009

Appointing Agency	Members	Alternate Members
Two members from the Board of Supervisors appointed by the Board of Supervisors.	Federal Glover Gayle Uilkema	Mary N. Piepho
Two members representing the cities in the County. Must be a city officer and appointed by the City Selection Committee.	Helen Allen, <i>City of Concord</i> Rob Schroder, <i>City of Martinez</i>	Don Tatzin <i>City of Lafayette</i>
Two members representing the independent special districts in the County. Must be a district governing body member and appointed by the independent special district selection committee.	Dwight Meadows, <i>Contra Costa Resource Conservation Dist.</i> David A. Piepho, <i>Discovery Bay Community Services Dist.</i>	George H. Schmidt, <i>West County Wastewater Dist.</i>
One member from the general public appointed by the other six Commissioners.	Martin McNair	Vacant

MUNICIPAL SERVICE REVIEW ORIGINS

The MSR requirement was enacted by the Legislature months after the release of two studies recommending that LAFCOs conduct reviews of local agencies. The “Little Hoover Commission” focused on the need for oversight and consolidation of special districts, whereas the “Commission on Local Governance for the 21st Century” focused on the need for regional planning to ensure adequate and efficient local governmental services as the California population continues to grow.

LITTLE HOOVER COMMISSION

In May 2000, the Little Hoover Commission released a report entitled *Special Districts: Relics of the Past or Resources for the Future?* This report focused on governance and financial challenges among independent special districts, and the barriers to LAFCO’s pursuit of district consolidation and dissolution. The report raised the concern that “the underlying patchwork of special district governments has become unnecessarily redundant, inefficient and unaccountable.”⁵

In particular, the report raised concern about a lack of visibility and accountability among some independent special districts. The report indicated that many special districts hold excessive reserve funds and some receive questionable property tax revenue. The report expressed concern about the lack of financial oversight of the districts. It asserted that financial reporting by special districts is inadequate, that districts are not required to submit financial information to local elected officials, and concluded that district financial information is “largely meaningless as a tool to evaluate the

⁵ Little Hoover Commission, 2000, p. 12.

effectiveness and efficiency of services provided by districts, or to make comparisons with neighboring districts or services provided through a city or county.”⁶

The report questioned the accountability and relevance of certain special districts with uncontested elections and without adequate notice of public meetings. In addition to concerns about the accountability and visibility of special districts, the report raised concerns about special districts with outdated boundaries and outdated missions. The report questioned the public benefit provided by health care districts that have sold, leased or closed their hospitals, and asserted that LAFCOs consistently fail to examine whether they should be eliminated. The report pointed to service improvements and cost reductions associated with special district consolidations, but asserted that LAFCOs have generally failed to pursue special district reorganizations.

The report called on the Legislature to increase the oversight of special districts by mandating that LAFCOs identify service duplications and study reorganization alternatives when service duplications are identified, when a district appears insolvent, when district reserves are excessive, when rate inequities surface, when a district’s mission changes, when a new city incorporates and when service levels are unsatisfactory. To accomplish this, the report recommended that the State strengthen the independence and funding of LAFCOs, require districts to report to their respective LAFCO, and require LAFCOs to study service duplications.

COMMISSION ON LOCAL GOVERNANCE FOR THE 21ST CENTURY

The Legislature formed the Commission on Local Governance for the 21st Century (“21st Century Commission”) in 1997 to review statutes on the policies, criteria, procedures and precedents for city, county and special district boundary changes. After conducting extensive research and holding 25 days of public hearings throughout the State at which it heard from over 160 organizations and individuals, the 21st Century Commission released its final report, *Growth Within Bounds: Planning California Governance for the 21st Century*, in January 2000.⁷ The report examines the way that government is organized and operates and establishes a vision of how the State will grow by “making better use of the often invisible LAFCOs in each county.”

The report points to the expectation that California’s population will double over the first four decades of the 21st Century, and raises concern that our government institutions were designed when our population was much smaller and our society was less complex. The report warns that without a strategy open spaces will be swallowed up, expensive freeway extensions will be needed, job centers will become farther removed from housing, and this will lead to longer commutes, increased pollution and more stressful lives. *Growth Within Bounds* acknowledges that local governments face unprecedented challenges in their ability to finance service delivery since voters cut property tax revenues in 1978 and the Legislature shifted property tax revenues from local government to schools in 1993. The report asserts that these financial strains have created governmental entrepreneurship in which agencies compete for sales tax revenue and market share.

⁶ Little Hoover Commission, 2000, p. 24.

⁷ The Commission on Local Governance for the 21st Century ceased to exist on July 1, 2000, pursuant to a statutory sunset provision.

The 21st Century Commission recommended that effective, efficient and easily understandable government be encouraged. In accomplishing this, the 21st Century Commission recommended consolidation of small, inefficient or overlapping providers, transparency of municipal service delivery to the people, and accountability of municipal service providers. The sheer number of special districts, the report asserts, “has provoked controversy, including several legislative attempts to initiate district consolidations,”⁸ but cautions LAFCOs that decisions to consolidate districts should focus on the adequacy of services, not on the number of districts.

Growth Within Bounds stated that LAFCOs cannot achieve their fundamental purposes without a comprehensive knowledge of the services available within its county, the current efficiency of providing service within various areas of the county, future needs for each service, and expansion capacity of each service provider. Comprehensive knowledge of water and sanitary providers, the report argued, would promote consolidations of water and sanitary districts, reduce water costs and promote a more comprehensive approach to the use of water resources. Further, the report asserted that many LAFCOs lack such knowledge and should be required to conduct such a review to ensure that municipal services are logically extended to meet California’s future growth and development.

MSRs would require LAFCO to look broadly at all agencies within a geographic region that provide a particular municipal service and to examine consolidation or reorganization of service providers. The 21st Century Commission recommended that the review include water, wastewater, and other municipal services that LAFCO judges to be important to future growth. The Commission recommended that the service review be followed by consolidation studies and be performed in conjunction with updates of SOIs. The recommendation was that service reviews be designed to make nine determinations, each of which was incorporated verbatim in the subsequently adopted legislation. The legislature since consolidated the determinations into six required findings.

MUNICIPAL SERVICE REVIEW LEGISLATION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO review and update SOIs not less than every five years and to review municipal services before updating SOIs. The requirement for service reviews arises from the identified need for a more coordinated and efficient public service structure to support California’s anticipated growth. The service review provides LAFCO with a tool to study existing and future public service conditions comprehensively and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are provided efficiently.

Effective January 1, 2008, Government Code §56430 requires LAFCO to conduct a review of municipal services provided in the county by region, sub-region or other designated geographic area, as appropriate, for the service or services to be reviewed, and prepare a written statement of determination with respect to each of the following topics:

- 1) Growth and population projections for the affected area;

⁸ Commission on Local Governance for the 21st Century, 2000, p. 70.

- 2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies;
- 3) Financial ability of agencies to provide services;
- 4) Status of, and opportunities for shared facilities;
- 5) Accountability for community service needs, including governmental structure and operational efficiencies; and
- 6) Any other matter related to effective or efficient service delivery, as required by commission policy.

SPHERES OF INFLUENCE

An SOI is a LAFCO-approved plan that designates an agency's probable future boundary and service area. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services, discourage urban sprawl and premature conversion of agricultural and open space lands, and prevent overlapping jurisdictions and duplication of services. Every determination made by a commission must be consistent with the SOIs of local agencies affected by that determination;⁹ for example, territory may not be annexed to a city or district unless it is within that agency's sphere. SOIs should discourage duplication of services by local governmental agencies, guide the Commission's consideration of individual proposals for changes of organization, and identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

Contra Costa LAFCO policies are that LAFCO discourages inclusion of land in an agency's SOI if a need for services provided by that agency within a 5-10 year period cannot be demonstrated. SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization. A change of organization or reorganization will not be approved solely because an area falls within the SOI of any agency. In other words, the SOI essentially defines where and what types of government reorganizations (e.g., annexation, detachment, dissolution and consolidation) may be initiated. If and when a government reorganization is initiated, there are a number of procedural steps that must be conducted for a reorganization to be approved. Such steps include more in-depth analysis, LAFCO consideration at a noticed public hearing, and processes by which affected agencies and/or residents may voice their approval or disapproval.

The Cortese-Knox-Hertzberg Act requires LAFCO to develop and determine the SOI of each local governmental agency within the county and to review and update the SOI every five years. LAFCOs are empowered to adopt, update and amend the SOI. They may do so with or without an application and any interested person may submit an application proposing an SOI amendment.

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines and practices

⁹ Government Code §56375.5.

of Contra Costa LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI:

- 1) Coterminous Sphere: The sphere for a city or special district that is the same as its existing boundaries.
- 2) Annexable Sphere: A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere.
- 3) Detachable Sphere: A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.
- 4) Zero Sphere: A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.
- 5) Consolidated Sphere: A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.
- 6) Limited Service Sphere: A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services.
- 7) Sphere Planning Area: LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency's SOI in the future to include territory not yet within its official SOI.
- 8) Provisional Sphere: LAFCO may designate a provisional sphere that automatically sunsets if certain conditions occur.

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years. In updating the SOI, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations. In addition, in adopting or amending an SOI, LAFCO must make the following determinations:

- Present and planned land uses in the area, including agricultural and open-space lands;
- Present and probable need for public facilities and services in the area;
- Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide; and
- Existence of any social or economic communities of interest in the area if the Commission determines these are relevant to the agency.

MSR AND SOI UPDATE PROCESS

The MSR process does not require LAFCO to initiate changes of organization based on service review findings, only that LAFCO identify potential government structure options. However, LAFCO, other local agencies, and the public may subsequently use the determinations to analyze prospective changes of organization or reorganization or to establish or amend SOIs. LAFCO may act with respect to a recommended change of organization or reorganization on its own initiative, at the request of any agency, or in response to a petition.

MSRs are exempt from California Environmental Quality Act (CEQA) pursuant to §15262 (feasibility or planning studies) or §15306 (information collection) of the CEQA Guidelines. LAFCO's actions to adopt MSR determinations are not considered "projects" subject to CEQA.

Once LAFCO has adopted the MSR determinations, it must update the SOIs for 13 reclamation districts. This report identifies preliminary SOI policy alternatives and recommends SOI options for each agency. Development of actual SOI updates will involve additional steps, including development of recommendations by LAFCO staff, opportunity for public input at a LAFCO public hearing, and consideration and changes made by Commissioners. A CEQA determination will then be made on a case-by-case basis once the proposed project characteristics are clearly identified.

The CKH Act stipulates several procedural requirements in updating SOIs. It requires that special districts file written statements on the class of services provided and that LAFCO clearly establish the location, nature and extent of services provided by special districts. Accordingly, each local agency's class of services provided is documented in this 2009 MSR. The MSR described the nature, location, and extent of functions or classes of services provided by existing districts, which is a procedural requirement for LAFCO to complete when updating SOIs.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

3. STUDY AREA: THE SACRAMENTO-SAN JOAQUIN DELTA

AREA OVERVIEW

The Sacramento-San Joaquin Delta is an area unlike any other. Consisting of 1,315 square miles at the confluence of the Sacramento and San Joaquin Rivers, it is the largest estuary on the west coast of North and South America. The Delta area is home to nearly 500,000 residents, 55 species of fish and 750 species of plants and wildlife, including more than 20 that are endangered.¹⁰ Nearly 1,000 miles of navigable waterways are a recreational draw from throughout the state.¹¹

The Delta Boundary

Table 3-1 Local Agencies by Delta Zone

The legal boundary of the Delta was established by the 1959 Delta Protection Act (California Water Code §12220), consisting of 738,239 acres. The 1992 Delta Protection Act refined the legal boundary of the Delta to include Primary and Secondary Zones. The Primary Zone of the Delta consists of about two-thirds of the Delta's area, and was defined as "land and water area of primary state concern and statewide significance situated within the boundaries of the Delta...but not within either the urban limit line or sphere of influence line of any local government's general plan or studies existing as of January 1, 1992."¹² The Secondary Zone of the Delta was defined as all Delta land and water area not included within the Primary Zone.¹³ The Primary Zone of the Delta was intended to "remain relatively free from urban and suburban encroachment to protect agriculture, wildlife habitat and recreation uses," and the Secondary Zone was "intended to include an appropriate buffer zone to prevent impacts on the lands in the Primary Zone."¹⁴

Primary Zone	
RD 830	RD 2090
RD 2024	RD 2117
RD 2025	RD 2121
RD 2026	RD 2122
RD 2059	
Secondary Zone	
RD 799	RD 800
RD 2137	BIMID
Both Zones	
RD 2065	

IMPORTANCE OF THE DELTA

Farming has played a central role in the land use of the Delta since the mid-1800s. Many of the Delta's 60 islands were carved by dredges, for the purpose of land reclamation for agricultural use,

¹⁰ *Delta Vision Strategic Plan*, October 2008, p. v.

¹¹ *Delta Vision Committee Implementation Report*, December 2008, p. 5.

¹² California Public Resources Code §29728.

¹³ Where the boundary between the Primary Zone and Secondary Zone is a river, stream, channel, or waterway, the boundary line was defined as the middle of that river, stream, channel, or waterway.

¹⁴ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 8.

more than 100 years ago.¹⁵ This process transformed the Delta from a vast network of tidally influenced marshland and sloughs to some of the most fertile agricultural land in the world. Today, agricultural land covers more than a half-million acres in the Delta, or in excess of two-thirds of the total Delta area.¹⁶ In Contra Costa County, farmland (including prime farmland) is found in all but one of the reclamation districts.¹⁷ Farming has thrived in the Delta due to the close proximity to a fresh water source.

The Delta islands keep fresh water from the Sacramento and San Joaquin Rivers from mixing with the salt waters of the San Francisco Bay. Fresh water from the Delta serves as a water source for 25 million Californians, including 87 percent of all municipal water used in the East Bay Area, and provides irrigation for a \$37 billion agricultural industry, consisting of nearly three million agricultural acres.¹⁸ Over 1,100 miles of levees protect the water quality, thousands of Delta residents and billions of dollars in infrastructure and agricultural land from flooding.¹⁹

Water Code §12311 identifies protecting eight western Delta islands as a priority. Of the eight islands, five are protected by reclamation districts in Contra Costa County (Bradford, Holland, Hotchkiss, Jersey, and Webb), and one is protected by a municipal improvement district (Bethel Island). DWR gives priority to these western Delta islands for funding via the special projects program, as these islands have been determined to be critical to control of salinity in the Delta, protecting water quality to all water users in the state.

DELTA RISKS

The threat of levee failure is nothing new in the Delta. Since 1900, levee failures have flooded Delta islands 166 times, including seven documented “sunny day” failures during summer low-flow periods.²⁰ There have been a total of 23 inundation occurrences in Delta areas of Contra Costa County since 1900, including 16 within Contra Costa reclamation districts, four within Bethel Island Municipal Improvement District and three on Franks Tract.²¹ Some flooded islands (such as Franks Tract) were never recovered, while others (such as Jones Tract in San Joaquin County) have been recovered at significant state expense.²² Levee failure and island inundation pose a significant threat to the health of the Delta, as the resulting flood waters would allow salt water to migrate from San

¹⁵ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 8.

¹⁶ *Ibid.*, p. 10.

¹⁷ California Department of Conservation Division of Land Resource Protection, *Contra Costa County Important Farmland 2006*, Farmland Mapping and Monitoring Program, 2007.

¹⁸ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 3.

¹⁹ *Delta Vision Committee Implementation Report*, December 2008, p. 5.

²⁰ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 12.

²¹ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

²² *DWR Completes Jones Tract Pumpout*, December 20, 2004.

Francisco Bay into the Delta, contaminating the fresh water supply that millions of Californians rely on for drinking water and agricultural irrigation.

Due to many years of controversy and inactivity, the long-term health and wellbeing of the Delta is more threatened now than ever. Most Delta levees do not meet the Federal Emergency Management Agency's (FEMA) levee standards, and do not provide 100-year flood protection to the adjacent lands.²³ Delta levees face increasing pressure from the combination of land surface subsidence, sea level rise and increased winter runoff, and seismic activity, which threaten the sustainability and reliability of the Delta for the future.

SUBSIDENCE

Land elevations vary throughout the Delta, from over 10 feet above sea level to more than 20 feet below sea level, and the Contra Costa County portion of the Delta is no exception.²⁴ Land subsidence in the Delta occurs primarily through the oxidization of peat soils.

Peat soils accumulated in the Delta over thousands of years as marsh vegetation died and accumulated in the swampy (oxygen deficient) environment. With reclamation and drainage of the Delta, peat soils were exposed to the oxygen-rich atmosphere, which favors microbial oxidation. Microorganisms such as bacteria and fungi have slowly consumed the rich organic peat soils, releasing the energy as carbon dioxide to the atmosphere, thus reducing the volume of organic material.²⁵ Studies on subsidence by the U.S. Geological Survey (USGS) and DWR found that the amount of carbon dioxide released is directly proportional to the amount of subsidence, with as much as 50 pounds of carbon dioxide released per acre per day from Delta peat soils.²⁶ According to DWR, roughly one-half of the peat soil that accumulated over 5,000 years in the Delta has disappeared over the last 150 years.²⁷

Between one-half to one and a half inches of soil loss per year is common in the Delta.²⁸ With current agricultural practices, as much as nine feet of additional subsidence is projected to occur in portions of the central Delta by 2100, with another nine feet of soil loss possible by 2200.²⁹ The amount of subsidence an area will experience depends on the depth of peat soils remaining, with subsidence slowing as land surfaces begin to reach underlying (non-peat) mineral soils.

Levees in areas experiencing subsidence require continual rehabilitation and overbuilding, in order to account for future subsidence. In addition, land subsidence increases the amount of water

²³ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 12.

²⁴ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 6.

²⁵ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 38.

²⁶ <http://www.water.ca.gov/floodmgmt/dsmo/bdlb/opp/subsidence.cfm>

²⁷ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 38.

²⁸ *Ibid.*, p. 38.

²⁹ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 12.

pressure exerted on the levees, making levees more susceptible to failure. Levee failure in a subsided area is exacerbated by the fact that the lower land surface elevation accommodates a greater inflow of salt water to the Delta, which degrades water quality and damages the ecosystem.³⁰

SEA LEVEL RISE AND INCREASED WINTER RUNOFF

Just as Delta levees constructed 100 years ago were not built to accommodate for subsidence, neither were they built to withstand the forces of rising sea level.³¹ In its natural state, Delta wetlands could naturally expand and contract to adjust to sea level changes. Since reclamation, Delta waterways are limited to fixed channels and sloughs that lack the ability to accommodate sea level changes. Increased water flows in the Delta have nowhere to go but up, increasing pressure for seepage through and under the levees, which can lead to levee failure.³²

Patterns of sea level change have been observed in both the long- and short-term. The geologic record shows that sea levels have been as much as 400 feet lower and 10 feet higher than today's levels over the last 130,000 years, with an average rate of sea level increase of 0.02 inches per year over the last 6,000 years.³³ Since 1920, the sea level has risen by over seven inches at San Francisco's Golden Gate.³⁴

While there is little debate that sea level rise has occurred in the past, the degree to which sea levels may continue to rise in the future is not as clear, due to uncertainty in the extent and rate of West Antarctic and Greenland ice sheet melting.³⁵ The Intergovernmental Panel on Climate Change predicts a sea level rise of between seven inches and nearly 23 inches over the next 100 years, with an additional six inches possible if the rate of Greenland ice-melt increases;³⁶ however, the CALFED Independent Science Board suggests that sea level is likely to rise at least 27 to 38 inches by 2100, with up to 78 inches possible if ice cap melting accelerates.³⁷ The Delta Vision Strategic Plan recommends "using an expected sea level rise of 55 inches by 2100 in making major policy and infrastructure decisions."³⁸

The trend of warmer global temperatures is anticipated to yield higher snow lines, which will increase storm runoff and peak flood events as more winter precipitation falls as rain rather than

³⁰ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 4.

³¹ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 40.

³² DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 5.

³³ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 40.

³⁴ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 10.

³⁵ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 40.

³⁶ *Ibid.*, p. 40.

³⁷ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 10.

³⁸ *Delta Vision Committee Implementation Report*, December 2008, p. 6.

snow.³⁹ In addition, short-term increases in water levels can be caused by ocean and atmospheric phenomena such as El Niño and high tide events.⁴⁰ Higher sea levels coupled with larger and more frequent flood flows to the Delta will further stress levees and increase the likelihood of levee failure.

SEISMIC ACTIVITY

Earthquakes pose the single greatest threat to the health of the Delta levee system, as six major fault lines are located in the vicinity of the Delta.⁴¹ Although no Delta levee has ever failed as a result of a major earthquake, the risk posed by a major earthquake is high.⁴² The USGS estimates that there is a 62 percent probability that the Bay Area will experience at least one major earthquake (6.7 or greater) by 2032.⁴³ Such a quake could cause multiple levee failures and widespread flooding, costing the state between \$30 billion to \$40 billion, while inundating thousands of agricultural acres, destroying homes, blocking shipping canals, damaging highways and utility lines, degrading the water supply, and disrupting water exports from the Delta.⁴⁴ Despite the significant risks posed by seismic activity in the Delta, virtually none of the existing Delta levees (and none of the agricultural Delta levee standards) address seismic risk.⁴⁵

THE IMPORTANCE OF CAPITAL PLANNING

Delta levees can fail for a number of reasons, including increased water pressure caused by island subsidence, rising water levels and increased winter runoff, and catastrophic events such as earthquakes. But levees can also fail due to years of neglect and deferred maintenance, brought about by erosion, seepage, vegetation growth, and burrowing of animals, among other causes. Unlike levees along rivers that only hold back floodwaters during high-flow periods, Delta levees are under constant stress from holding back water year-round, making continued maintenance and improvement all the more important. Comprehensive, long-term capital improvement strategies are necessary to adequately plan for proper levee care, and properly balance the tradeoff between the level of protection provided by the levee system with the uses of land and water enabled by the levee system.⁴⁶

³⁹ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 10.

⁴⁰ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 40.

⁴¹ DWR, *Final Delta Risk Management Strategy Phase 1 Report*, 2009, p. 2.

⁴² *Delta Vision Committee Implementation Report*, December 2008, p. 5.

⁴³ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 12.

⁴⁴ *Delta Vision Strategic Plan*, October 2008, p. 20.

⁴⁵ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 43.

⁴⁶ *Delta Vision Strategic Plan*, October 2008, p. 37.

LEVEE CLASSIFICATIONS AND STANDARDS

PROJECT VS. NON-PROJECT LEVEES

“Project levees” are levees which are part of an authorized federal flood control project of the Sacramento and San Joaquin River systems and are subject to U.S. Army Corps of Engineers certification and inspection. Of the 1,100 miles of levees in the Delta, approximately 400 miles (about 35 percent) are classified as project levees.⁴⁷ No project levees are maintained by reclamation districts in Contra Costa County.

“Non-project levees,” by contrast, are not part of an authorized federal flood control project, and are not subject to inspection or certification by the U.S. Army Corps of Engineers. In general, non-project levees are built and maintained by local landowners and reclamation districts to protect primarily agricultural lands, although the State of California has provided some supplemental financing for levee maintenance and emergency response to non-project levees since 1973. More than 700 miles (roughly 65 percent) of Delta levees are classified as non-project levees, including all levees maintained by Contra Costa County reclamation districts.⁴⁸

DELTA LEVEE STANDARDS

In response to significant flood events in the early 1980s, FEMA, the U.S. Army Corps of Engineers and DWR set new standards for non-project levees in the Delta. FEMA set a short-term Hazard Mitigation Plan (HMP) standard as an interim goal, with the long-term goal of upgrading all levees to the U.S. Army Corps of Engineers’ PL 84-99 standard.

As an incentive to upgrade levees, FEMA made the HMP standard a precondition to receiving disaster assistance for a levee breach after September 10, 1991. Reclamation districts not in compliance with this deadline have been denied disaster assistance from FEMA since 1991, and even today not all Delta levees have achieved HMP. HMP standard was not intended to be a long-term standard for the Delta, and is generally not considered an adequate standard to avoid flooding.

The PL 84-99 design standard is the minimum standard for project levees; however, non-project levees can become part of the PL 84-99 program if they meet all design standards and pass an initial eligibility inspection by the Corps. Levees certified as PL 84-99 are eligible for Corps emergency assistance, and for levee rehabilitation funds in the event of levee damage or a breach.

DWR Bulletin 192-82 standards were established for work done through the DWR Special Flood Control Projects Unit in 1982. Bulletin 192-82 agricultural standards are the most stringent standards used to classify agricultural levees.

Urban levee standards are achieved by FEMA 100-year and 200-year flood protection levees, as well as the Bulletin 192-82 urban standard.

⁴⁷ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 13.

⁴⁸ *Ibid.*

Table 3-2 Urban and Agricultural Delta Levee Standards

Levee Standard	Land Use				Freeboard	Crest	Exterior Slope	Interior Slope	Levee Toe Drain	Seismic Capability
	Wetlands	Agricultural	Populated	Infrastructure						
None	<				Varies	≤12 ft.	2H:1V	2H:1V	No	None
Hazard Mitigation Plan (HMP)	✓	✓	✓		1 ft. above 100-year flood	16 ft.	1.5H:1V	2H:1V	No	None
PL 84-99		✓	✓		1.5 ft. above 100-year flood	16 ft.	2H:1V	2H:1V to 5H:1V	Yes	None
Bulletin 192-82 (Agricultural)		✓	✓		1.5 ft. above 300-year flood	16 ft.	2H:1V	3H:1V to 7H:1V	Yes	Very Little
FEMA 100-year			✓	✓	3 ft. above 100-year flood	16 ft.	2H:1V	3H:1V to 5H:1V	Yes	Very Little
FEMA 200-year			✓	✓	3 ft. above 200-year flood	16 ft.	2H:1V	3H:1V to 5H:1V	Yes	Very Little
Bulletin 192-82 (Urban)			✓	✓	3 ft. above 300-year flood	16 ft.	2H:1V	3H:1V to 7H:1V	Yes	Very Little

Sources: *Delta Vision Strategic Plan*, 2008 and Department of Water Resources Flood Management Guidelines.

For the most part, Delta levees meet HMP standard, although some are below HMP and some meet PL 84-99 standard. Very few Delta levees meet a standard higher than PL 84-99. The vast majority of levees in Contra Costa County, and throughout the Delta in general, do not provide 100-year flood protection and provide no seismic capability.⁴⁹ Various reclamation districts in Contra Costa County have identified increasing their levees to PL 84-99 and above as goals within the next 10 years; however, this will only be possible with continued funding support from DWR.

DEMOGRAPHICS AND GROWTH

There are approximately 8,776 residents within reclamation districts in Contra Costa County, accounting for nearly one-third of the entire Delta islands population. Populations within the districts are generally small; 11 of the 13 districts have a population of less than 50 individuals, including eight with a population of less than 20.

The majority of residents within Contra Costa islands or tracts are located within RD 800 (87 percent), primarily in the unincorporated community of Discovery Bay, and an additional 11 percent live within RD 799, primarily along Dutch Slough. Residential populations are high in these districts due to the location of homes along waterways, and the inherent recreational appeal of living on the Delta. Bradford Island also has a significant residential population, but growth within the District has been limited due to its limited accessibility (a ferry must be taken to reach the island), and its large agricultural base. The remaining roughly two percent of the population within Contra Costa reclamation districts consists primarily of farmers, agricultural farm workers and district caretakers that reside within the district primarily for commercial purposes, not for a recreational lifestyle or seclusion.

⁴⁹ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 43.

Table 3-3 Population, Acreage and Primary Land Use by District

District	Name	Primary Land Use			Acres	Population ¹	Population per sq. mi.
		Residential	Agricultural	Wetlands			
RD 799	Hotchkiss Tract	✓	✓		3,100	969	200.0
RD 800	Byron Tract	✓	✓		6,933	7,656	706.8
RD 830	Jersey Island		✓		3,750	3 ²	0.5
RD 2024	Orwood/Palm Tract		✓		6,574	40 ²	2.9
RD 2025	Holland Tract		✓		4,090	27	4.2
RD 2026	Webb Tract		✓		5,500	0 ²	0.2
RD 2059	Bradford Island		✓		2,200	48	14.0
RD 2065	Veale Tract		✓		1,298	14 ²	6.9
RD 2090	Quimby Island		✓		769	8 ²	68.2
RD 2117	Coney Island		✓		935	4 ²	2.7
RD 2121	Bixler Tract		✓		584	5 ²	5.5
RD 2122	Winter Island			✓	453	0	0.0
RD 2137			✓		785	2 ²	1.6
Notes:							
(1) Population according to the 2000 Census, except where noted.							
(2) Population reported by District.							

GROWTH AND DEVELOPMENT

The 2000 population of the entire Delta-Suisun Bay region was about 470,000, according to DWR. Of this amount, approximately 26,000 were residents on Delta islands or tracts, with this amount expected to nearly triple by 2030.⁵⁰ The larger Delta-Suisun area faces even more pressure from population growth, with increases of between 600,000 to 900,000 by 2050, according to the Department of Finance and DWR.⁵¹ More people on Delta islands, and in the Delta-Suisun area in general, will increase the demand for recreation, transportation, utilities, and water supply, as well as create more urban runoff to the Delta.⁵²

Significant planned and proposed developments within Contra Costa reclamation districts are limited to Byron Tract and Hotchkiss Tract. Planned and proposed developments within RD 800 (Byron Tract) include the 292-unit Pantages Bays project and the 4,000 to 6,000-unit Cecchini Ranch project. Recently completed developments within RD 799 (Hotchkiss Tract) include the 62-unit Mariner Estates and the 12-unit Spinnaker Cove development. Currently under construction within RD 799 is the 1,700-unit Summer Lakes North and South development. Build out and absorption of these projects could potentially increase the population within Contra Costa reclamation districts

⁵⁰ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 46.

⁵¹ *Ibid.*, p. 47.

⁵² *Ibid.*, p. 46.

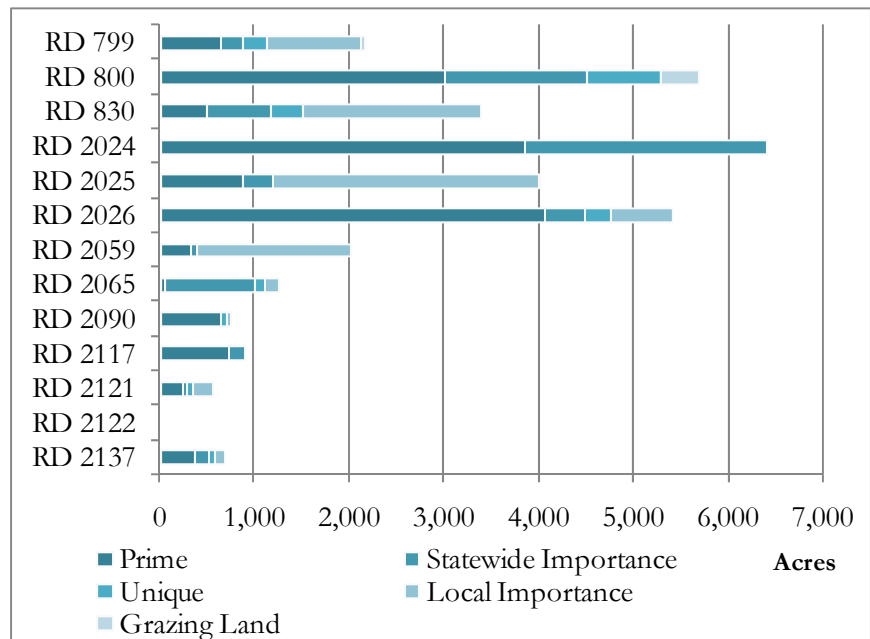
by over 21,600 individuals.⁵³ RD 799 anticipates growth to continue in the future, as the entire District is within the City of Oakley’s East Cypress Corridor Specific Plan area. The City of Oakley General Plan designates the East Cypress Corridor Specific Plan area for development of up to 5,763 residential dwelling units (including 544 existing residences), in addition to commercial, agricultural, recreation, and public facilities.⁵⁴

AGRICULTURAL LAND

The most productive agricultural lands in Contra Costa are located in the northeastern portion of the County, east of the cities of Oakley and Brentwood, and along the Delta waterways. There are approximately 30,000 acres of prime farmland located in the County, all of it located in this general area. Other productive categories of agricultural land include farmland of statewide importance (nearly 8,100 acres) and unique farmland (nearly 3,600) acres, also primarily located in the northeast of the County. Farmland of local importance is concentrated in the eastern half of the County, consisting of approximately 52,000 acres, and land suitable for grazing is located throughout the County, including nearly 169,000 acres.

Figure 3-1 Farmland Acreage Estimates by District and Type

Farmland is found in all but one of the reclamation districts in Contra Costa County, as shown in Figure 3-1.⁵⁵ Five reclamation districts have over 3,000 acres of farmland, including three with more than 5,000 acres of farmland. RD 2026 has the greatest amount of prime farmland, at over 4,000 acres. More than half of all prime farmland in Contra Costa County is located within reclamation districts, including over one-third located within RD 800, RD 2024 and RD 2026 alone.



⁵³ Based on 2.68 persons per household in unincorporated Contra Costa County, according to Department of Finance estimates for 2008, and a total of 8,066 residential units.

⁵⁴ City of Oakley, *East Cypress Corridor Specific Plan*, p. 1.3, 2006.

⁵⁵ California Department of Conservation Division of Land Resource Protection, *Contra Costa County Important Farmland 2006*, Farmland Mapping and Monitoring Program, 2007.

Table 3-4 Acres of Farmland Under Williamson Act Contracts

Farmland under Williamson Act contracts is located in five of the 13 reclamation districts, as shown in Table 3-4. Williamson Act lands are heavily concentrated in RD 2090 and RD 2117, where the entirety of both islands are enrolled under the Williamson Act. Approximately 45 percent of the farmland within RD 2024 is enrolled under the Williamson Act, and nearly 24 percent of all farmland within RD 2059 is under Williamson Act contract. Within RD 2026, just over two percent of farmland is under Williamson Act contract; however, this land is in non-renewal, and the contract is set to expire in November 2012.

District	Name	Acres of W.A. Farmland
RD 2024	Orwood/Palm Tract	2,800
RD 2026	Webb Tract	134
RD 2059	Bradford Island	481
RD 2090	Quimby Island	789
RD 2117	Coney Island	935

4. RECLAMATION DISTRICT SERVICES

This chapter provides an overview of the flood control and drainage services in Contra Costa County, including how these services are provided by the special districts and other providers not under LAFCO jurisdiction. The chapter addresses questions relating to growth and population projections, current and future service needs, infrastructure needs, service adequacy, and financing. Government structure options are identified for local agencies under LAFCO jurisdiction.

SERVICE PROVIDERS OVERVIEW

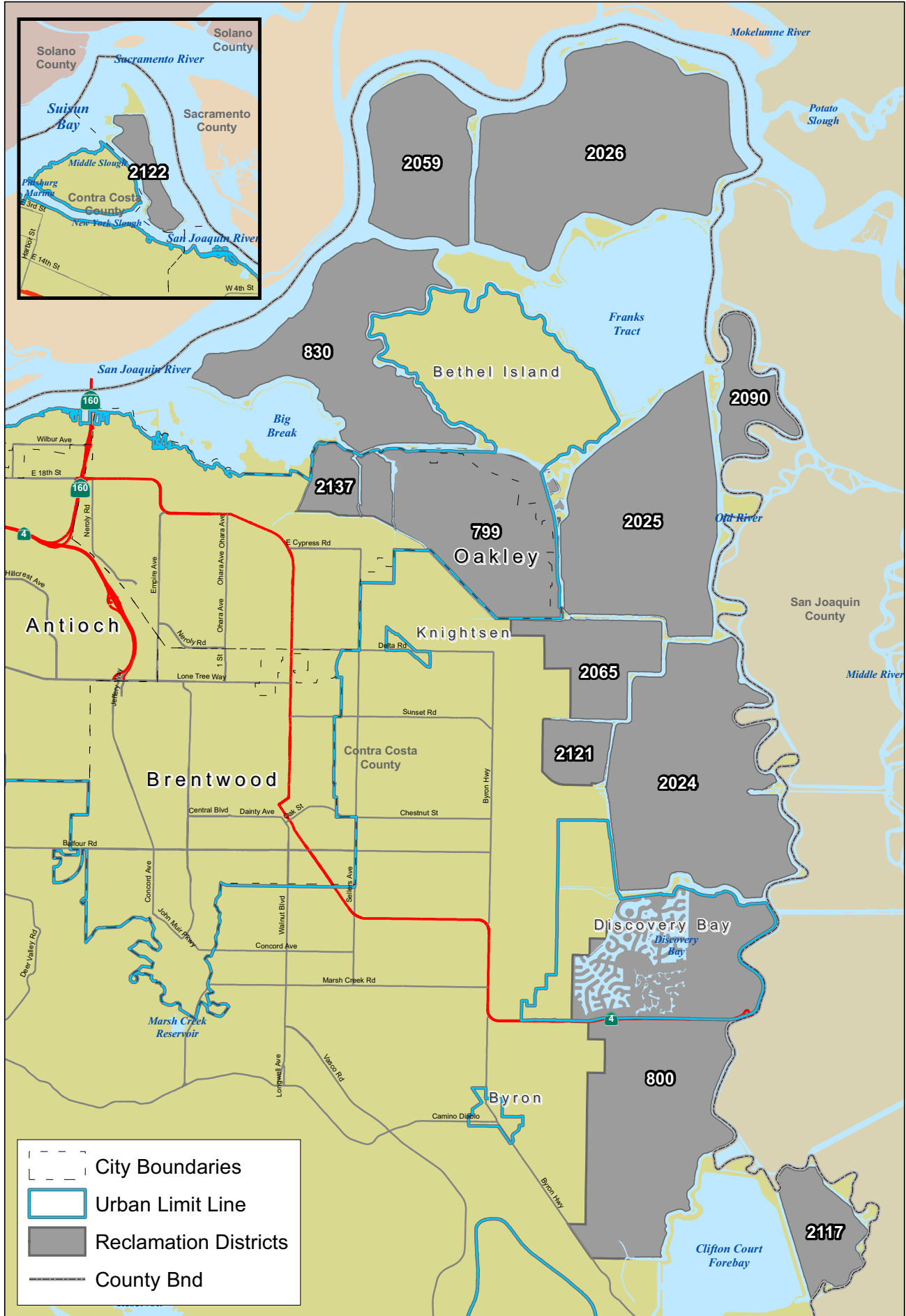
This section provides an overview of the 13 reclamation districts under Contra Costa LAFCO jurisdiction. Levee maintenance services are also provided by the Bethel Island Municipal Improvement District (BIMID) and the Contra Costa County Flood Control and Water Conservation District.

For the most part, reclamation districts in Contra Costa County are small operations, with most services provided by contract with another service provider. Some districts are staffed by full-time or part-time employees that provide services directly, while other districts are operated entirely by the volunteer board members.

Table 4-1: Local Agencies Reviewed

District Name	Levee Maintenance	Flood Control	Internal Drainage	Levee Road Maint.	Weed Abatement	Slope Protection	Rodent Control	Levee Patrol	Flood Fighting	Ferry Service
RD 799 Hotchkiss Tract	●	●	●	●	●	●	●	●	●	
RD 800 Byron Tract	●	●	●	●	●	●	●	●	●	
RD 830 Jersey Island	○	○	○	○	○	○	○	○	○	
RD 2024 Orwood/Palm Tract	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	
RD 2025 Holland Tract	○	○	○	○	○	○	○	○	○	
RD 2026 Webb Tract	○	○	○	○	○	○	○	○	○	○
RD 2059 Bradford Island	●	●	●	●	●	●	●	●	●	○
RD 2065 Veale Tract	●	●	●	●	●	●	Δ	●	●	
RD 2090 Quimby Island	○	Δ	○	○	○	○	○	Δ	Δ	
RD 2117 Coney Island	○	○	○	○	○	○	○	Δ	Δ	
RD 2121 Bixler Tract	○	Δ	○	○	○	○	○	Δ	Δ	
RD 2122 Winter Island	●	●	●	●	●	●	○	●	●	
RD 2137	○	○	○	○	○	○	○	●	Δ	
Key: ● indicates service provided directly by agency ○ indicates service provided by contract with another service provider Δ indicates service provided directly by agency and by contract with another provider										

Contra Costa County Reclamation Districts - Boundaries and Coterminous SOI



	City Boundaries
	Urban Limit Line
	Reclamation Districts
	County Bnd



RECLAMATION DISTRICTS

RD 799 – Hotchkiss Tract

Reclamation District No. 799 was formed in 1911 to provide maintenance services to non-project levees and internal drainage facilities protecting Hotchkiss Tract. RD 799 maintains nearly 12 miles of earthen levees—over four miles along Dutch Slough, two miles along the Contra Costa Canal, over one mile along Little Dutch Slough, nearly one mile along Rock Slough, and over three miles of internal ring levee. The District also maintains four pumping stations. The mileage of drainage ditches maintained was not provided by the District.

RD 800 – Byron Tract

Reclamation District No. 800 was formed in 1909 to provide levee maintenance, flood control and drainage, siltation dredging, and other specialized services on Byron Tract. RD 800 maintains nearly 19 miles of earthen levees—nearly 10 miles of agricultural levees along Indian Slough, Old River and Italian Slough, over six miles of urban levees within the original Discovery Bay development, and nearly three miles of dry land levee between SR 4 and Italian Slough. The District also maintains nine miles of drainage ditches and two pumping stations.

RD 830 – Jersey Island

Reclamation District No. 830 was formed in 1911 to provide maintenance services to non-project levees and internal drainage facilities protecting Jersey Island. RD 830 maintains 16 miles of earthen levees—over five miles along Dutch Slough, over four miles along the San Joaquin River and False River, and nearly six miles along Taylor Slough and Piper Slough. The District also maintains approximately 15 miles of drainage ditches and one pumping station.

RD 2024 – Orwood/Palm Tracts

Reclamation District No. 2024 was formed in 1918 to provide maintenance services to non-project levees and internal drainage facilities protecting Orwood Tract. In 1995, RD 2036 (Palm Tract) was dissolved and the area was annexed to RD 2024. RD 2024 maintains approximately 15 miles of earthen levees— 6.5 miles along Old River, 1.0 miles along Rock Slough, 4.5 miles along Werner Dredger Cut and 2.5 miles along Indian Slough. The District also maintains 13 miles of drainage ditches, six pumping stations and one flood gate.

RD 2025 – Holland Tract

Reclamation District No. 2025 was formed in 1918 to provide maintenance services to non-project levees and internal drainage facilities protecting Holland Tract. RD 2025 maintains 11 miles of earthen levees—over four miles along Sand Mound Slough, nearly four miles along Old River and Holland Cut, and over two miles along Rock Slough. The District also maintains eight miles of irrigation canals and three pumping stations.

RD 2026 – Webb Tract

Reclamation District No. 2026 was formed in 1918 to provide maintenance services to non-project levees and internal drainage facilities protecting Webb Tract. RD 2026 maintains nearly 13

miles of earthen levees—nearly six miles along the San Joaquin River, over four miles along False River, nearly two miles along Fisherman’s Cut, and approximately one mile along Old River. The District also maintains approximately eight miles of irrigation canals and two pumping stations.

RD 2059 – Bradford Island

Reclamation District No. 2059 was formed in 1921 to provide maintenance services to non-project levees and internal drainage facilities protecting Bradford Island. RD 2059 maintains over seven miles of earthen levees—nearly four miles along the San Joaquin River, over two miles along Fisherman’s Cut and over one mile along False River. The District also maintains approximately seven miles of drainage ditches and one pumping station.

RD 2065 – Veale Tract

Reclamation District No. 2065 was formed in 1923 to provide the reclamation of lands within the District. RD 2065 maintains 5.1 miles of earthen levees—2.6 miles along Rock Slough, 1.8 miles along Werner Dredger Cut, and 0.7 miles along Dead Dog Slough. The District also maintains 1.5 miles of drainage ditches and two pump stations.

RD 2090 – Quimby Island

Reclamation District No. 2090 was formed in 1918 to provide maintenance services to non-project levees and internal drainage facilities protecting Quimby Island. RD 2090 maintains seven miles of earthen levees—5.5 miles along Old River and 1.5 miles along Sheep Slough. The District also maintains over five miles of drainage ditches and two pumping stations.

RD 2117 – Coney Island

Reclamation District No. 2117 was formed in 1983 to provide maintenance services to non-project levees and internal drainage facilities protecting Coney Island. RD 2117 maintains over five miles of earthen levees— 3.8 miles along Old River and 1.6 miles along the West Canal. The District also maintains four miles of drainage ditches and one pumping station.

RD 2121 – Bixler Tract

Reclamation District No. 2121 was formed in 1984 to improve and maintain levee, drainage and irrigation systems on Bixler Tract. RD 2121 maintains two miles of earthen levees—one mile along the north side of Dead Dog Slough and one mile on the east side of Werner Dredger Cut. The District also maintains 4.3 miles of drainage ditches and one pumping station.

RD 2122 – Winter Island

Reclamation District No. 2122 was formed in 1984 to maintain, protect and repair existing levees and other reclamation works on Winter Island. RD 2122 maintains five miles of earthen levees—over two miles along Middle Slough, nearly two miles along Broad Slough, approximately one-half mile along New York Slough, and approximately one-half mile along the north of the Island. The District also maintains two tidal gates, used to obtain water levels necessary to maintain the island as wetlands.

RD 2137

Reclamation District No. 2137 was formed in 2003 to provide maintenance services to non-project levees and internal drainage facilities protecting the westerly portion of the Dutch Slough Tidal Marsh Restoration area. RD 2137 maintains nearly four miles of earthen levees—over one-half mile along Dutch Slough, nearly two miles along the east and west banks of Emerson Slough, and over one mile along Little Dutch Slough. The District also maintains 1.8 miles of drainage ditches.

OTHER SERVICE PROVIDERSBethel Island Municipal Improvement District

BIMID was formed in 1960 to provide various services to Bethel Island, including maintenance services of non-project levees and internal drainage facilities. BIMID maintains over 11 miles of earthen levees located along the perimeter of Bethel Island, as well as “various pump stations, pipelines and canals that are used to collect and dispose of storm water runoff and seepage water on the island.”⁵⁶

Contra Costa County Flood Control and Water Conservation District

CCFCWCD provide maintenance services to levees and internal drainage facilities throughout Contra Costa County. CCFCWCD maintains over one mile of levees in the Marsh Creek area (Zone 1), approximately seven miles of levees in Walnut Creek (Zone 3B), over one mile of levees in San Pablo Creek (Zone 6), approximately one mile of levees in Wildcat Creek (Zone 7), and less than one half of a mile of levees in Pinole Creek (Zone 9).

Discovery Bay Community Services District

DBCSD provides construction and operation of flood protection works and facilities within Discovery Bay West Villages 2, 3 and 4. A MSR and SOI Update for BDCSD were approved by LAFCO in May 2006.

Discovery Bay Drainage and Maintenance District

DBD&MD is a dependent benefit assessment district under the auspices of RD 800, as the RD 800 governing body serves as the board for DBRDMD. More detail on the services provided by DBRDMD is provided in the RD 800 agency profile (Chapter 6) of this MSR document.

Knightsen Town Community Services District

KCSD was formed by LAFCO in 2005 to provide flood control and drainage to the unincorporated community of Knightsen. A MSR and SOI Update for KCSD were approved by LAFCO in December 2008. As of the adoption of the MSR for KCSD, the agency had yet to begin providing flood control and drainage services.

⁵⁶ Contra Costa LAFCO, *East County Sub-Regional MSR*, 2008, p. VIII-4.

REGULATORY CONTEXT

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) defines which geographic areas are within floodplains and flood hazard areas, and administers the National Flood Insurance Program, which enables property owners to purchase flood insurance. FEMA identifies flood hazard areas by producing maps showing flood, flood hazard and floodway boundaries. Several areas of flood hazards are commonly identified on these maps. FEMA designates floodways where encroachment is prohibited to ensure that flood waters drain effectively. The special flood hazard area or high-risk area is defined as any land that would be inundated by a flood having a one percent chance of occurring in any given year (also referred to as the 100-year flood or base flood). Nearly every reclamation district in Contra Costa County is subject to 100-year flooding, as determined by FEMA.

FEMA is also responsible for financing flood disaster recovery efforts. In response to significant flood events in the early 1980s, FEMA set a short-term Hazard Mitigation Plan (HMP) standard as a minimum standard for the Delta, with the long-term goal of upgrading all levees to the U.S. Army Corps of Engineers' PL 84-99 standards. FEMA made the HMP standard a precondition to receiving disaster assistance for a levee breach after September 10, 1991.

U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (Corps) designed and constructed the Sacramento River Flood Control Project, and establishes standards for maintaining project levees. No reclamation districts in Contra Costa County maintain project levees; however, reclamation districts with levees meeting PL 84-99 standards may apply to the Corps for participation in the PL 84-99 program. In order to be accepted into the program, the district must pass an initial eligibility inspection by the Corps, and must submit to continuing eligibility inspections every two years thereafter in order to qualify for emergency assistance and rehabilitation funds from the Corps.

California Department of Water Resources

California Department of Water Resources (DWR) owns 1,600 miles of project levees in California and directly maintains 152 levee miles, with local reclamation districts maintaining the remainder of the project levees. DWR is responsible for annual inspections of project levees maintained by local reclamation districts. If maintenance of project levees is inadequate, DWR may form a maintenance area, conduct the maintenance directly and charge property owners for associated costs. There are no such maintenance areas presently in Contra Costa County, because there are no project levees maintained by reclamation districts in the County. DWR has no regulatory authority for the Delta non-project levee system.

Local reclamation districts are responsible for their levee system, and must conduct inspections and maintenance activities on their own schedule. Funding for such maintenance is primarily generated by landowner assessments; however, since 1973 the State of California has provided supplemental financing for maintenance and levee improvement projects on local levees through DWR's subventions and special projects programs. Delta reclamation districts that are eligible and choose to participate can submit applications for reimbursement of up to 75 percent of eligible

costs. DWR performs annual inspection of projects completed with State funding, but does not conduct overall levee inspections or ratings for non-project levee systems.

California Department of Fish and Game

The California Department of Fish and Game (DFG) regulates diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources. DFG reviews maintenance and rehabilitation plans submitted to DWR for funding, to ensure that plans are fully mitigated and do not result in a net long-term loss of riparian, fisheries, or wildlife habitat.

Delta Protection Commission

The Delta Protection Commission (DPC) was created by the 1992 Delta Protection Act. The goal of the DPC is to ensure orderly, balanced conservation and development of Delta land resources and improved flood protection. The 23-member DPC is made up of landowners, members of the Boards of Supervisors from each of the five Delta counties, a representative from each of the area councils of governments (Sacramento Area Council of Governments, San Joaquin Council of Governments and the Association of Bay Area Governments), high level leaders from various State agencies (DFG, Parks and Recreation, Boating and Waterways, Water Resources, Food and Agriculture, and the State Lands Commission), and Delta residents or landowners in the areas of production agriculture, outdoor recreation, and wildlife conservation.⁵⁷

The mission of the DPC is to “adaptively protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment consistent with the Delta Protection Act and the Land Use and Resource Management Plan for the Primary Zone.”⁵⁸ This includes, but is not limited to, agriculture, wildlife habitat, and recreational activities.

SERVICE DEMAND

FLOOD CONTROL

Most levee systems are subject to hydraulic pressure only during high-water or flood events. Delta levees, on the other hand, are subject to hydraulic pressure on a constant basis, as they withhold Delta waters 365 days a year. Delta levees face increasing pressure from a combination of factors—including land surface subsidence, sea level rise and increased winter runoff, and seismic activity—that threaten the sustainability and reliability of the Delta for the future. For more information on factors influencing service demand on Delta levees, see the “Delta Risks” section of Chapter 3.

⁵⁷ <http://www.delta.ca.gov/commission/default.asp>

⁵⁸ <http://www.delta.ca.gov/>

POPULATION GROWTH

Significant population growth within Contra Costa reclamation districts is limited to RD 799 (Hotchkiss Tract) and RD 800 (Byron Tract). Build out of these projects could potentially increase the population within Contra Costa reclamation districts by as many as 21,600 individuals. However, growth and development within the larger Delta-Suisun area indirectly impacts Contra Costa reclamation districts by increasing the demand for recreation, transportation, utilities, and water supply, as well as creating more urban runoff to the Delta. The year 2000 population of the entire Delta-Suisun Bay region was about 470,000, with projected population growth of between 600,000 to 900,000 by 2050, according to the Department of Finance and DWR.⁵⁹ For more information on population growth in Contra Costa County, see the “Demographics and Growth” section of Chapter 3.

INFRASTRUCTURE NEEDS OR DEFICIENCIES

In response to significant flood events in the early 1980s, FEMA set a short-term Hazard Mitigation Plan (HMP) standard as a minimum standard for the Delta, with the long-term goal of upgrading all levees to the U.S. Army Corps of Engineers’ PL 84-99 standards. FEMA made the HMP standard a precondition to receiving disaster assistance for a levee breach after September 10, 1991. Reclamation districts not in compliance with this deadline are subject to denial of disaster assistance from FEMA.

As shown in Table 4-2, seven of the 13 reclamation districts have levees below HMP standards, nearly all reclamation districts have portions of the land surface below sea level, and all but one district are within the FEMA 100-year floodplain (RD 800 is between the 100-year and 500-year flood level). Of the nearly 121 miles of levees maintained by the 13 reclamation districts in the County, nearly 18 percent (approximately 22 miles) are at less than the minimum (HMP) standard, and nearly 82 percent (approximately 99 miles) require rehabilitation to meet the long-term goal of achieving PL 84-99 standard.

Table 4-2 illustrates the significant infrastructure deficiencies within various districts. Contra Costa reclamation districts face significant flood risk, but many would not even qualify for FEMA disaster assistance following a levee failure (due to non-compliance with HMP standards). None of the reclamation districts provide 100-year flood protection, with the exception of portions of levees maintained by RD 799 and RD 800 at FEMA 100-year flood standards.

The HMP standard was not intended to be a long-term standard for the Delta, and is generally not considered an adequate standard to avoid flooding. HMP standards provides minimal freeboard for overtopping due to high river flows, high tides and high winds, and the peat foundation on which the levees are built is constantly subsiding, causing embankment cracking, loss of freeboard and continual maintenance.⁶⁰ In light of this, some districts (such as RD 2025 and RD 2026) had begun to improve levees beyond HMP standards as of the drafting of this report.

⁵⁹ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 47.

⁶⁰ RD 2026, Letter to U.S. Army Corps of Engineers, January 31, 2006.

Table 4-2: Levee System Infrastructure Overview and Flood Risk

District	Name	Levee Miles	Levee Standard ¹	Surface Elevation	Base Flood Elevation	Repair After Failure? ²
RD 799	Hotchkiss Tract	11.7	3.2 mi. at FEMA 5.2 mi. at HMP 3.3 mi. below HMP	-5 to 5 ft.	7 ft.	Yes
RD 800	Byron Tract	18.9	9.2 mi. at FEMA 9.7 mi. at PL-99	-4 to 13 ft.	< 1 ft.	NR
RD 830	Jersey Island	16.0	6.3 mi. at HMP 9.7 mi. below HMP	0 to -15 ft.	7 ft.	No
RD 2024	Orwood/Palm Tracts	14.6	14.6 mi. at HMP	0 to -15 ft.	8 ft. (Orwood) 7 ft. (Palm)	Yes
RD 2025	Holland Tract	11.0	11.0 mi. at HMP	0 to -15 ft.	7 ft.	No
RD 2026	Webb Tract	12.9	12.9 mi. at HMP	-5 to -20 ft.	7 ft.	No
RD 2059	Bradford Island	7.5	4.0 mi. at HMP 3.5 mi. below HMP	-5 to -15 ft.	7 ft.	No
RD 2065	Veale Tract	5.1	4.2 mi. at HMP 0.9 mi. below HMP	-4 to 2 ft.	7 ft.	NR
RD 2090	Quimby Island	7.0	7.0 mi. at HMP	-5 to -11 ft.	7 ft.	No
RD 2117	Coney Island	5.4	5.4 mi. at HMP	-5 to -10 ft.	8 ft.	No
RD 2121	Bixler Tract	2.0	2.0 mi. below HMP	-2 to 14 ft.	7 ft.	NR
RD 2122	Winter Island	5.0	3.5 mi. at HMP 1.5 mi. below HMP	0 to 10 ft.	7 ft.	NR
RD 2137		3.8	3.0 mi. at HMP 0.8 mi. below HMP	-10 to 10 ft.	7 ft.	NR

Note:
(1) HMP standard is the minimum standard for levee protection in the Delta. Districts must meet at least HMP standard to be eligible for FEMA disaster assistance funding.
(2) Public Policy Institute of California, *Levee Decisions and Sustainability for the Delta Technical Appendix B*, 2008. Repair after levee failure is according to simulations based on the cost of repair and restoration of the island following a failure against the land and asset value of the island.
NR = Not reported. The repair after levee failure scenario was not modeled for all districts.

Comprehensive, long-term capital improvement strategies are necessary to adequately plan for proper levee care, and properly balance the tradeoff between the level of protection provided by the levee system with the uses of land and water enabled by the levee system.⁶¹ As shown in Table 4-2, from a purely economic standpoint it will likely not be cost effective to repair some islands when their levees fail.⁶² Furthermore, funds are too limited for all Delta levees to be equally subsidized by the State, and rigorous planning at the State level must be done to properly prioritize and allocate levee maintenance and rehabilitation funds to match areas where it is needed most.

Water Code §12311 identifies protecting Bethel Island, Bradford Island, Holland Tract, Hotchkiss Tract, Jersey Island and Webb Tract as a priority. Of these six islands, five are protected by reclamation districts, and one is protected by a municipal improvement district (Bethel Island

⁶¹ *Delta Vision Strategic Plan*, October 2008, p. 37.

⁶² Public Policy Institute of California, *Levee Decisions and Sustainability for the Delta Technical Appendix B*, 2008, p. 31.

Municipal Improvement District). DWR gives priority to these western Delta islands for funding via the special projects program, as these islands have been determined to be critical to control of salinity in the Delta, protecting water quality to all water users in the state.

Although levee systems and related facilities are distinct entities on each island that cannot be shared, proper levee maintenance provides indirect benefits outside of district bounds. Because inundation of one or more islands would increase the effects of wind and wave erosion on neighboring levees, it is in the interest of all districts to ensure that the integrity of the levees be maintained and that infrastructure needs continue to be addressed.

SERVICE ADEQUACY

LEVEE STANDARDS

Table 4-3: Minimum FEMA Requirements for Levee Standards

Based on levee standards, most reclamation districts in Contra Costa County are providing only a minimum service level (HMP standard) to at least portions of the levee system, but more than half of all agencies are not in full compliance with FEMA requirements that the entire levee system be at or above HMP.

Reclamation districts in full compliance with FEMA’s minimum HMP requirement include RD 800, RD 2024, RD 2025, RD 2026, RD 2090, and RD 2117. Reclamation districts in partial compliance with FEMA’s minimum HMP requirement (providing minimum services levels to only portions of the district) include RD 799, RD 830, RD 2059, RD 2065, RD 2122, and RD 2137. The only agency in total non-compliance with the FEMA requirement is RD 2121, with the entire two-mile levee system below HMP standards.

Water Code §12311 identifies eight western Delta islands as critical to control of salinity in the Delta, protecting water quality to all water users in the state. Of these eight islands, five are protected by reclamation districts in Contra Costa County (Bradford, Holland, Hotchkiss, Jersey, and Webb). The MSR found that three of the five critical islands are only in partial compliance with minimum FEMA levee requirements. Funding for levee rehabilitation to meet minimum FEMA requirements can be applied for via the DWR special projects program. DWR gives priority to these islands for funding due to their importance in the Delta.

The only two agencies exceeding the minimum FEMA requirement as of the drafting of this report were RD 800 and RD 799, with portions of the levee system certified as FEMA 100-year

District	Name	Full Compliance	Partial Compliance	Non-Compliance
RD 799	Hotchkiss Tract		✓	
RD 800	Byron Tract	✓		
RD 830	Jersey Island		✓	
RD 2024	Orwood/Palm Tracts	✓		
RD 2025	Holland Tract	✓		
RD 2026	Webb Tract	✓		
RD 2059	Bradford Island		✓	
RD 2065	Veale Tract		✓	
RD 2090	Quimby Island	✓		
RD 2117	Coney Island	✓		
RD 2121	Bixler Tract			✓
RD 2122	Winter Island		✓	
RD 2137			✓	

flood levees. RD 2025 and RD 2026 reported being in the process of upgrading the levee system to PL 84-99 standards as of the drafting of this report.

LEEVE MAINTENANCE

Because DWR has no regulatory authority for the Delta non-project levee system, local reclamation districts must perform inspections and maintenance activities at their own discretion.⁶³ A summary of levee inspection practices by District is presented in Table 4-4.

Table 4-4: Levee Inspection Practices

District	Name	Levee Inspection Practices	Written Inspection Reports?
RD 799	Hotchkiss Tract	Levee patrols are performed on a daily basis by District staff.	Yes
RD 800	Byron Tract	Twice per day (once in each direction) by District staff.	Yes
RD 830	Jersey Island	The District does not conduct formal levee inspections, but levees are inspected informally by ISD employees on a daily basis. Levee inspections are performed daily during severe weather events.	No ¹
RD 2024	Orwood/Palm Tracts	Trustees monitor the levees on an informal (but regular) basis, and provide more frequent inspections during severe weather events.	No
RD 2025	Holland Tract	Levee inspections are performed on a daily basis by on-site farmers. Levee inspections are performed multiple times per day during severe weather events.	No
RD 2026	Webb Tract	Levee inspections are performed on a daily basis by on-site farmers. Levee inspections are performed multiple times per day during severe weather events.	No
RD 2059	Bradford Island	Informal levee inspections are performed by the Levee Superintendent at least once per week.	Yes
RD 2065	Veale Tract	Informal levee inspections performed by Trustees.	No
RD 2090	Quimby Island	Informal levee inspections are performed twice per day by on-site farmers.	No
RD 2117	Coney Island	Informal levee inspections are performed multiples times per week by Trustees.	No
RD 2121	Bixler Tract	Informal levee inspections are performed by District Trustees and on-site farmers.	No
RD 2122	Winter Island	Levees are inspected once per month during the dry season and more often during duck season (from October to January).	No
RD 2137		The District contracts with engineering firms for levee inspections.	No
Note:			
(1) RD 830 does not create written inspection reports, but does keep a log of completed inspection activities.			

Every reclamation district in Contra Costa County performs levee inspections. Levee inspections range in frequency from multiples times per day to once per month, and range in formality from documented reviews with written reports created to eyeballing levees for needed improvements. Levee inspection practices vary by the type and intensity of land use within the

⁶³ DWR performs annual inspection of projects completed with State funding, but does not conduct overall levee inspections or ratings for non-project levee systems.

District, with more frequent inspections performed by districts with full-time staff or those with maintenance agreements with on-site farmers, and less frequent inspections by districts relying on services performed by volunteer Trustees.

Only three of the 13 reclamation districts in Contra Costa County create written inspection reports based on the deficiencies and maintenance needs identified by the levee inspections.

MANAGEMENT

Staffing levels

Staffing levels vary by reclamation district, with larger districts tending to have more paid staff positions, and smaller districts tending to rely on contract or volunteer services, as shown in Table 4-5.

RD 800 has the highest staffing level of any reclamation district in the county, with the District directly staffing its full-time administrative and maintenance-related positions. RD 800 is the only district in the County that employs an administrative-related position on a full-time basis.

RD 799 directly employs a full-time maintenance worker and a part-time administrative position. Other districts with part-time administrative positions include RD 2059 (by contract) and RD 2090.

RD 800 and RD 799 are the only districts in the County to directly employ maintenance-related positions. All other districts in the County rely on maintenance services by contract with the landowner or on-site farmer, or rely on volunteer services performed by the District Trustees.

RD 800 is the only reclamation district in the County that compensates Trustees for services on the board.

Management Practices

While public sector management standards do vary depending on the size and scope of the organization, there are minimum standards. Well-managed organizations evaluate employees annually, prepare a budget before the beginning of the fiscal year, conduct periodic financial audits to safeguard the public trust, maintain relatively current financial records, adjust assessments for inflation, and plan and budget for capital needs.

Table 4-5: District Staffing by Type

District	Name	FT Admin	PT Admin	FT Maintenance	PT Maintenance	Compensated Board	Volunteer Board
RD 799	Hotchkiss Tract		D	D	D		✓
RD 800	Byron Tract	D		D		✓	
RD 830	Jersey Island				C		✓
RD 2024	Orwood/Palm Tracts				C		✓
RD 2025	Holland Tract				C		✓
RD 2026	Webb Tract				C		✓
RD 2059	Bradford Island		C		C		✓
RD 2065	Veale Tract				V		✓
RD 2090	Quimby Island		C		D		✓
RD 2117	Coney Island				C		✓
RD 2121	Bixler Tract				C		✓
RD 2122	Winter Island				V		✓
RD 2137	Cypress Corridor				C		✓
Notes:							
FT = Full-time		D = Direct		V = Volunteer (Trustees)			
PT = Part-time		C = By Contract					

An evaluation of the adequacy of management practices is shown in Table 4-6. The first four indicators are self-explanatory.

Table 4-6: Management Practices

	RD 799	RD 800	RD 830	RD 2024	RD 2025	RD 2026	RD 2059	RD 2065	RD 2090	RD 2117	RD 2121	RD 2122	RD 2137
Evaluate employees annually	A	A	A	×	×	×	A	×	×	×	×	×	×
Prepare timely budget	A	A	A	A	A	A	A	N	N	N	N	N	A
Periodic financial audits	A	A	A	A	A	A	A	A	A	A	N	A	A
Current financial records	A	A	A	A	A	A	A	A	A	A	N	A	A
Inflation-indexed assessment	A	N	A	N	N	N	A	N	N	N	N	N	N
Capital planning	P	A	P	P	P	P	P	P	P	P	N	P	P
Notes:													
A = Practiced adequately				N = Not practiced				× = Not relevant					
I = Practiced but improvement needed				P = In progress									

Inflation-indexed assessments means updating assessments with reasonable frequency to account for changes in the inflation rate. Capital planning involves the preparation of a multi-year capital improvement plan or comparable planning effort for flood control and drainage capital replacement and, if relevant, expansion.

All reclamation districts that directly employ staff conduct employee evaluations on at least an annual basis. RD 830 does not directly employ staff, but closely monitors and evaluates the work of part-time maintenance workers in conjunction with Ironhouse Sanitary District.

Every reclamation district in the County prepares periodic financial audits and maintains current financial records, with the exception of RD 2121. Most reclamation districts prepare an annual budget, although smaller districts tend not to, as there is no statutory requirement for them to do so.

With the exception of RD 799, RD 830 and RD 2059, reclamation districts tend to not have a standard assessment that increases with inflation, or is evaluated on an annual basis. Some districts report having a per-acre assessment amount in place that has not changed for many years, and some smaller districts (especially single-landowner entities) report that no per-acre assessment is charged at all. Instead, the landowner makes a yearly contribution corresponding to the level of service anticipated for that year.

Nearly every district reported that it was in the process of updating its capital improvement plan, in order to have it in place by FY 09-10 to meet new Department of Water Resources (DWR) requirements. Beginning in FY 09-10, DWR will require districts have a five-year levee rehabilitation plan in place in order to be eligible for special projects funding from the State. As of the drafting of this report, the only agency not on target to meet this requirement is RD 2121.

LOCAL ACCOUNTABILITY AND GOVERNANCE

Accountability of a governing body is signified by a combination of several indicators. The indicators chosen here are limited to: 1) constituent interest in the agency’s activities as indicated by the rate of contested elections, 2) agency efforts to engage and educate constituents through

SHARED FACILITIES

The reclamation districts share responsibility for maintaining levees along some of the same water bodies; however, the districts do not share levee systems or other facilities, and did not identify any significant reclamation-related facility-sharing opportunities.

A handful of reclamation districts gain efficiencies by cooperating with the primary landowner or on-site farmer for the purposes of levee maintenance. RD 830 gains efficiencies by collaborating and sharing equipment with Ironhouse Sanitary District, RD 2090 shares equipment with Ellis Island Farms, RD 2117 shares equipment with Coney Island Farms, and RD 2122 shares equipment with Winter Island Farms.

In terms of administration, RD 2025 and RD 2026 shares administrative facilities along with RD 756 and RD 2028 in San Joaquin County. RD 799 has also collaborated with BIMID on certain administrative matters.

Many districts reported that efficiencies are gained by having engineers and legal counsel that represent various reclamation districts throughout the Delta. A total of five engineers and six law firms represent the 13 reclamation districts in the County.

FINANCING

The financial ability of agencies to provide services is affected by available financing sources and financing constraints. This section discusses the major financing constraints faced by reclamation service providers and identifies the revenue sources currently available to the service providers. Finally, it assesses the financial ability of agencies to provide services.

FINANCING SERVICES

Most reclamation districts participate in the Delta Levee Subventions program (“subventions program”) or the Delta Levee Special Flood Control Projects program (“special projects program”), which are State programs that provide financial assistance to local levee maintaining agencies for the maintenance and rehabilitation of non-project levees.

Levee Maintenance

Routine levee maintenance expenditures are primarily financed by landowner assessments, and subventions reimbursements from DWR. The subventions program began in 1973, and provides supplemental financing for levee maintenance and improvement projects on local levees. In addition to the significant application, planning, engineering, State Department of Fish and Game (DF&G) review, environmental compliance, bookkeeping and records, and competitive bidding requirements, the subventions program operates on a “reimbursement” basis.

The subventions program is a fiscal year program, running from July 1 through June 30. To receive subventions reimbursement from DWR, an application and maintenance plan for the upcoming fiscal year must be filed with the State in May, and a final claim must be submitted in

October.⁶⁴ DWR processes and audits the claims in the fall and payments are typically sent out in March. Delays are caused either by issues related to the District not obtaining DF&G sign-off typically associated with needs for mitigating impacts associated with levee work, or more recent delays because of the State Budget crisis.

The maintenance plan filed with DWR must list each major activity and cost, the total maintenance cost for the year and must include a map, aerial photo or engineered drawing showing the locations where maintenance will occur. Local agencies are eligible for reimbursement of work completed under the maintenance plan once the agency has spent an average of \$1,000 per levee mile on qualifying expenses. Qualifying expenses include reasonable costs for engineering, labor, materials, equipment rental, and other capital costs, and the local agency may be reimbursed up to 75 percent of the costs incurred in excess of \$1,000 per levee mile.⁶⁵ (In other words, the total costs minus \$1,000 per levee mile, times 75% equals the reimbursement amount.) Routine maintenance is limited to a maximum of \$20,000 per levee mile, while levee rehabilitation is limited to \$100,000 per levee mile for work to comply with HMP standards. All work in excess of \$25,000 must be competitively bid and the contract awarded to the lowest responsive, responsible bidder.

Many reclamation districts must “save up” their revenues (assessments, charges, subventions reimbursements, subsidies, grants, fees, and property tax, if any) until sufficient funds are available to accomplish a project in a given fiscal year. Once a district is in the subventions program, it is important to continue to accomplish projects in order to maintain the reimbursement stream. However, excessive planning, engineering and environmental compliance costs may prevent a district from participating on an annual basis.

In recent years, local agencies requested an average of \$50 million in subventions reimbursements, but the State only had around \$6 million to award.⁶⁶ Propositions 1E and 84, passed in November of 2006, provided DWR with nearly \$5 billion in new flood management bond funds.⁶⁷ Of this amount, it is anticipated that roughly \$450-500 million will be available for levee improvement in the Delta.⁶⁸ Since the bond money became available, the State has made between \$15 and \$20 million per year available for subventions-eligible projects in the Delta.⁶⁹

⁶⁴ Levee maintenance and rehabilitation plans submitted to DWR must also be approved by the California Department of Fish and Game, to ensure that plans are fully mitigated and do not result in a net long-term loss of riparian, fisheries, or wildlife habitat.

⁶⁵ Ineligible costs for DWR subventions reimbursement include new construction or maintenance of drainage pumps and drainage ditches, pumping costs, or any ditch cleaning for agricultural or tail water.

⁶⁶ DWR, *Status and Trends of Delta-Suisun Services*, May 2007, p. 35.

⁶⁷ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p 25.

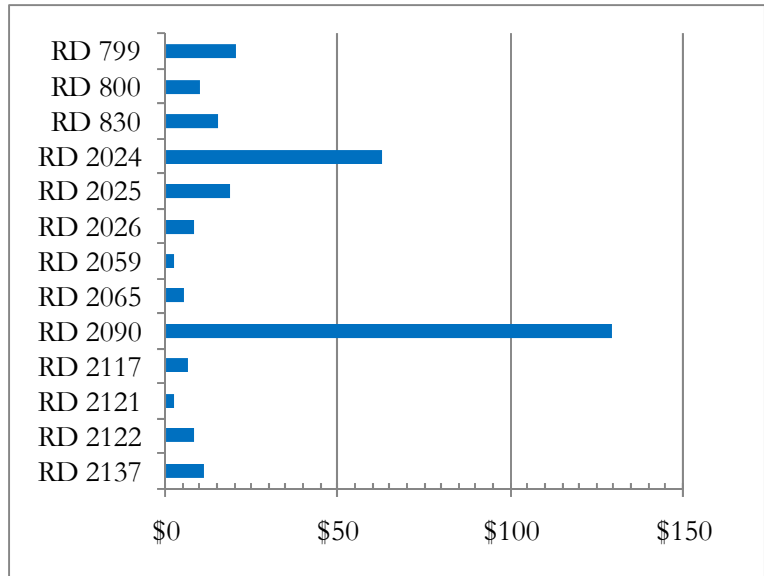
⁶⁸ Interview with Mike Mirmazaheri, Department of Water Resources, April 27, 2009.

⁶⁹ Proposition 1E is a 10-year bond, and all funds must be used by FY 15-16. Proposition 84 is a five-year bond, although funding may be spent after the expiration of the bond in FY 10-11.

OPERATING COSTS

Figure 4-1: Maintenance Costs per Levee Mile (in thousands), FY 07-08

In FY 07-08, the reclamation districts’ maintenance costs varied from a low of \$2,244 per levee mile in RD 2059 to a high of \$129,400 per levee mile in RD 2090, as shown in Figure 4-1. Maintenance costs are those expenditures related to maintaining the levee system to its existing standard, as opposed to expenses related to improving the levee system, which would be considered rehabilitation. The median cost of levee maintenance per mile was \$9,900 in FY 07-08.



Although official standards for levee maintenance costs are not available, certain “rules of thumb” developed by levee engineers indicate urban district costs per levee miles of approximately \$18,000 and \$9,000 for rural districts.⁷⁰ The maximum allowable expenditures for annual routine maintenance reimbursement under the DWR subventions program is \$20,000 per levee mile.

Levee Improvements

Whereas the emphasis of the subventions program is to fund projects that preserve or maintain the existing status of a levee, the primary purpose of the DWR special projects program is to fund levee projects that increase the level of protection. Due to the significant expense associated with levee improvements, reclamation districts in Contra Costa County could not afford to rehabilitate levees without support from DWR. Funding for significant levee improvement projects comes primarily from DWR’s special projects program.

The Delta Levee Special Flood Control Projects program was originally established in 1988, to address flooding on the eight western Delta islands of Bethel, Bradford, Holland, Hotchkiss, Jersey, Sherman, Twitchell, and Webb, and the towns of Thornton, New Hope, and Walnut Grove. In 1996, the program was expanded to the entire Delta and to portions of the Suisun Marsh. In total, the project has funded over \$200 million in flood control and habitat projects in the Delta, with future funding significantly increased by the Proposition 1E and 84 bonds. For FY 08-09, DWR will have \$31 million available to fund special projects in the Delta via a competitive application process. Projects eligible for special projects funds include levee evaluation, repair, or improvement;

⁷⁰ MBK Engineers, Bookman-Edmonston, MHM Engineers, and Kleinfelder, *Draft Final Yuba County Multi-Jurisdictional Multi-Hazard Mitigation Plan: Comprehensive Flood Study*, 2006, p. 66. “Rules of thumb” for maintenance costs per levee mile were based on analysis by MBK Engineers of RD 1000 budget and maintenance activities. The estimate for urban costs was supported by Peter Rabbon, General Manager of California’s Reclamation Board, in Robert Reid’s article, *Is California Next?*, Civil Engineering, Vol. 75, No. 11, November 2005, pp. 39-47,84-85.

setback levees; agency research and planning; engineering analysis or design studies; habitat projects; and emergency response planning and preparedness.⁷¹

Figure 4-2: Rehabilitation Cost per Levee Mile (in thousands), FY 07-08

Three reclamation districts conducted significant levee rehabilitation activities in FY 07-08, all funded by the DWR special projects program. The cost of levee rehabilitation per levee mile for each of the three reclamation districts is shown in Figure 4-2. Whereas the median level of levee maintenance expenditures per levee mile in FY 07-08 was under \$10,000, all three districts spent in excess of \$200,000 per levee mile in rehabilitation costs in FY 07-08, illustrating the significant expense involved in such capital improvement projects. For example, RD 830 anticipates that rehabilitation of its 10 miles of levees below HMP standard will cost at least \$1.0 million per levee mile. Such a large investment will only be possible through DWR special projects funds.

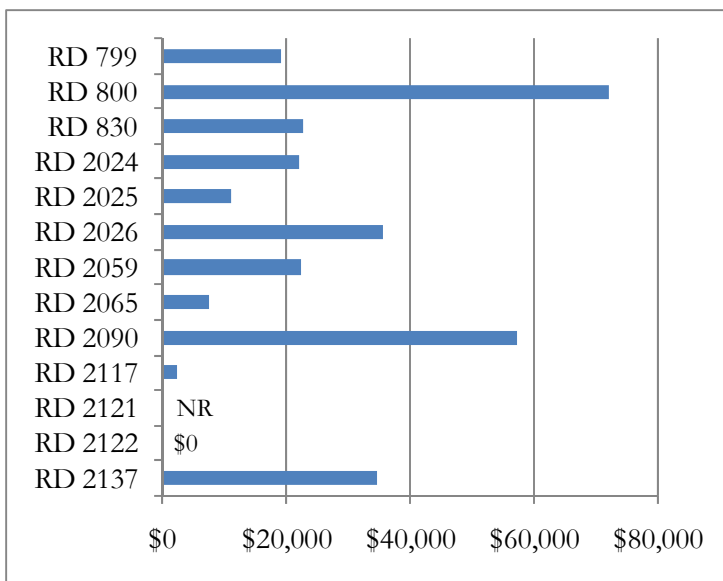


FINANCIAL ABILITY

Figure 4-3: Average Local Revenue per Levee Mile, FY 04-05 to FY 07-08

The financial ability of local agencies to provide services without assistance from DWR is severely limited. In general, the 13 reclamation districts do not have a broad enough local revenue base (assessments and property taxes) to fund significant improvements to the levee system.⁷²

As shown in Figure 4-3, more than half of the 13 reclamation districts received an average of greater than \$20,000 per levee mile in local revenue from FY 04-05 to FY 07-08; however, four districts received an average of less than \$10,000 per levee mile, including two which received no local revenue at



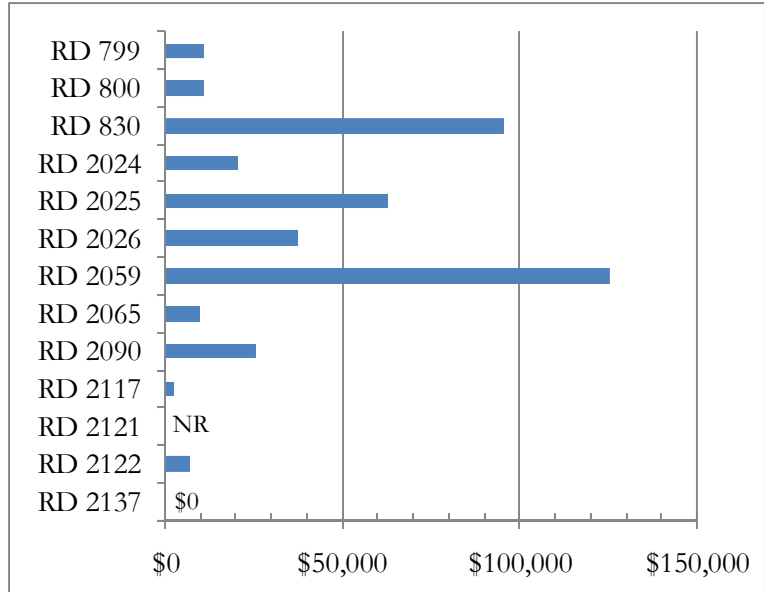
⁷¹ Ineligible projects include those directly related to work on agricultural, water supply and waste disposal facilities, including projects that support agricultural operations, such as repair of pumping stations or maintenance of drainage ditches.

⁷² RD 800 is the only reclamation district in Contra Costa County that collects revenue in the form of property taxes.

all (the inactive RD 2121 and RD 2122).⁷³ At these levels, even the most well-off districts (RD 800 and RD 2090) could only pay for basic levee maintenance services, and could not afford to undertake significant levee improvements or rehabilitation activities.

Figure 4-4: Average State Assistance per Levee Mile, FY 04-05 to FY 07-08

Figure 4-4 shows the average amount of state assistance to each of the districts from FY 04-05 to FY 07-08. Of the seven districts that received the highest average levels of state assistance, five correspond to critical islands identified in Water Code §12311, which is consistent with DWR’s policy of giving these islands priority funding for levee maintenance and rehabilitation activities.⁷⁴ RD 2137 was the only active reclamation district that received no state assistance over this time period, and RD 2121 was inactive.



Delta Levee Coalition

One measure to improve the financial ability of reclamation districts in Contra Costa County is the formation of the Delta Levee Coalition (DLC). The DLC is a partnership between Contra Costa County, the Contra Costa Council, East Bay Municipal Utility District, and Reclamation Districts 799, 830, 2024, 2025, 2026, 2059, and 2065, to help obtain funding for levee repairs from the State 1E levee bond.

MSR DETERMINATIONS

This section sets forth recommended findings with respect to the service-related evaluation categories based upon this review of municipal services for Contra Costa County.

LAFCO is required to identify governance options; however, LAFCO is not required to initiate changes and, in many cases, is not empowered to initiate these options. LAFCO is required by the State to act on SOI updates. The Commission may choose to recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations (Government Code §56425 (g)).

⁷³ From FY 04-05 to FY 07-08, RD 2122 revenues consisted entirely of State assistance.

⁷⁴ Islands prioritized by DWR in Contra Costa County are Bradford (RD 2059), Holland (RD 2026), Hotchkiss (RD 799), Jersey (RD 830), and Webb (RD 2026).

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND INFRASTRUCTURE NEEDS

- 1) Portions of the levees maintained by RD 799 and RD 800 afford 100-year flood protection. All other levees maintained by Contra Costa County reclamation districts do not provide 100-year flood protection.
- 2) Seven of the 13 reclamation districts have levees below HMP standards. Of the nearly 121 miles of levees maintained by the 13 reclamation districts in the County, nearly 18 percent (approximately 22 miles) are at less than the minimum (HMP) standard, and nearly 82 percent (approximately 99 miles) require rehabilitation to meet the long-term goal of achieving PL 84-99 standard.
- 3) Comprehensive, long-term capital improvement strategies are necessary to adequately plan for proper levee care, and properly balance the tradeoff between the level of protection provided by the levee system with the uses of land and water enabled by the levee system.

ADEQUACY OF PUBLIC SERVICES

- 4) Based on levee standards, most reclamation districts in Contra Costa County are providing only a minimum service level (HMP standard) to at least portions of the levee system.
- 5) More than half of all agencies are not in full compliance with FEMA requirements that the entire levee system be at or above HMP.
- 6) Every reclamation district in Contra Costa County performs levee inspections; however, only three of the 13 reclamation districts create written inspection reports based on the deficiencies and maintenance needs identified by the levee inspections.
- 7) The majority of reclamation districts in the County do not directly employ staff, and instead rely on part-time contract labor for maintenance activities.
- 8) All reclamation districts that directly employ staff conduct employee evaluations on at least an annual basis.
- 9) Every reclamation district in the County prepares periodic financial audits and maintains current financial records, with the exception of RD 2121.
- 10) All reclamation districts are on target to implement the DWR-required five-year plan by FY 09-10, with the exception of RD 2121.

GROWTH AND POPULATION PROJECTIONS

- 11) Significant population growth within Contra Costa reclamation districts is limited to RD 799 (Hotchkiss Tract) and RD 800 (Byron Tract). Build out of these projects could potentially increase the population within Contra Costa reclamation districts by as many as 21,600 individuals.

- 12) RD 799 anticipates future growth in conjunction within the City of Oakley's East Cypress Corridor Specific Plan area. The City of Oakley General Plan designates the East Cypress Corridor Specific Plan area for development of up to 5,763 residential dwelling units (including 544 existing residences), in addition to commercial, agricultural, recreation, and public facilities.
- 13) Growth and development within the larger Delta-Suisun area indirectly impacts Contra Costa reclamation districts by increasing the demand for recreation, transportation, utilities, and water supply, as well as creating more urban runoff to the Delta. The 2000 population of the entire Delta-Suisun Bay region was about 470,000, with population growth of between 600,000 to 900,000 by 2050, according to projects by the Department of Finance and DWR.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 14) The reclamation districts' maintenance costs varied from a low of \$2,244 per levee mile in RD 2059 to a high of \$129,400 per mile in RD 2090 in FY 07-08. The median cost of levee maintenance per mile was \$9,900 in FY 07-08.
- 15) Routine levee maintenance expenditures are primarily financed by landowner assessments and subventions reimbursements from DWR.
- 16) The amount of subventions money made available by DWR has increased dramatically following passage of propositions 1E and 84 in November of 2006, with \$20 million approved for FY 08-09.
- 17) Due to the significant expense associated with levee improvements, reclamation districts in Contra Costa County could not afford to rehabilitate levees without support from DWR. For FY 08-09, DWR will have \$31 million available to fund special projects in the Delta via a competitive application process.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 18) The reclamation districts share responsibility for maintaining levees along some of the same water bodies; however, the districts do not share levee systems or other facilities, and did not identify any significant reclamation-related facility-sharing opportunities.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS

- 19) Accountability is best ensured when contested elections are held for governing body seats, constituent outreach is conducted to promote accountability and ensure that constituents are informed and not disenfranchised, and public agency operations and management are transparent to the public.
- 20) All reclamation districts demonstrated accountability based on the measure of constituent outreach efforts.
- 21) Reclamation districts have little governing body and constituent interest as demonstrated by a lack of contested elections.

- 22) Agencies that did not provide information in a timely manner or demonstrate full accountability to LAFCO due to insufficient disclosure of information and participation include RD 2090, RD 2121, RD 2122 and RD 2137.

GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

Consolidation of all or several reclamation districts within Contra Costa County into one reclamation district is a governance alternative. A major obstacle to reclamation district consolidation relates to the liability associated with levee maintenance responsibilities. Larger districts, such as RD 799 and RD 800, are professionally staffed, but may be hesitant to accept such liabilities from smaller, less financially stable districts and are, therefore, unlikely to accept responsibility by becoming successor agencies. A second obstacle is simply the physical separation of districts from each other and the inability or difficulty of sharing facilities, equipment and personnel.

Another obstacle to consolidation is the rural, agricultural preference for lower assessments and service levels and the urban need for professionally staffed entities and higher service levels. Based on the unique characteristics within each district (population, land use, land and asset value, flood risk, etc.), districts do not necessarily share the same goals in terms of flood protection levels or other policies such as encroachments on or near levees, making widespread consolidation of districts difficult. Shifts in control from local landowners following consolidation with a larger agency was identified as a possible obstacle to consolidation.

An additional barrier to consolidation identified in the MSR process relates to the practical and administrative difficulty of establishing and maintaining an assessment roll for a single district responsible for separate drainage and flood control areas, given that landowner assessments must be proportional to the services that are provided. If the District spends legal, engineering or other expenses on a particular section of levee, landowners protected by a differing levee system do not receive a direct benefit, greatly complicating the day to day accounting and earmarking of district expenses.

Alternatively, the reclamation districts could pursue functional consolidation by creating a regional administrative and maintenance program to pool resources to hire staff to maintain the levees. This approach would offer professional staff with appropriate equipment that could be shared in levee maintenance within the County. The downside to this is it would result in increased costs in reclamation districts that presently rely on board members and volunteers for maintenance work. A successful approach would likely need to develop assessment financing that would allow agricultural uses to pay based on need and benefit.

5. RECLAMATION DISTRICT 799 (HOTCHKISS TRACT)

Reclamation District 799 (Hotchkiss Tract) provides maintenance services to non-project levees and internal drainage facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 799 was formed in 1911 as an independent special district. The District was formed to provide levee and drainage maintenance services.⁷⁵

The principal act that governs the District is the Reclamation District Act.⁷⁶ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,⁷⁷ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,⁷⁸ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,⁷⁹ and 4) retain an agricultural expert to advise landowners.⁸⁰ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.⁸¹

The District's boundary is located entirely within Contra Costa County. RD 799 is located in the eastern portion of the City of Oakley, at the intersection of East Cypress Road and Bethel Island Road, as shown in Map 5-1. The boundaries encompass approximately 3,100 acres, or approximately 4.8 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Secondary Zone of the Sacramento-San Joaquin Delta, and is within the countywide urban limit line (ULL).

⁷⁵ The year of formation was reported by the District. LAFCO records do not date back to District formation, and RD 799 does not file with the State Board of Equalization.

⁷⁶ California Water Code, Division 15, §50000-53903.

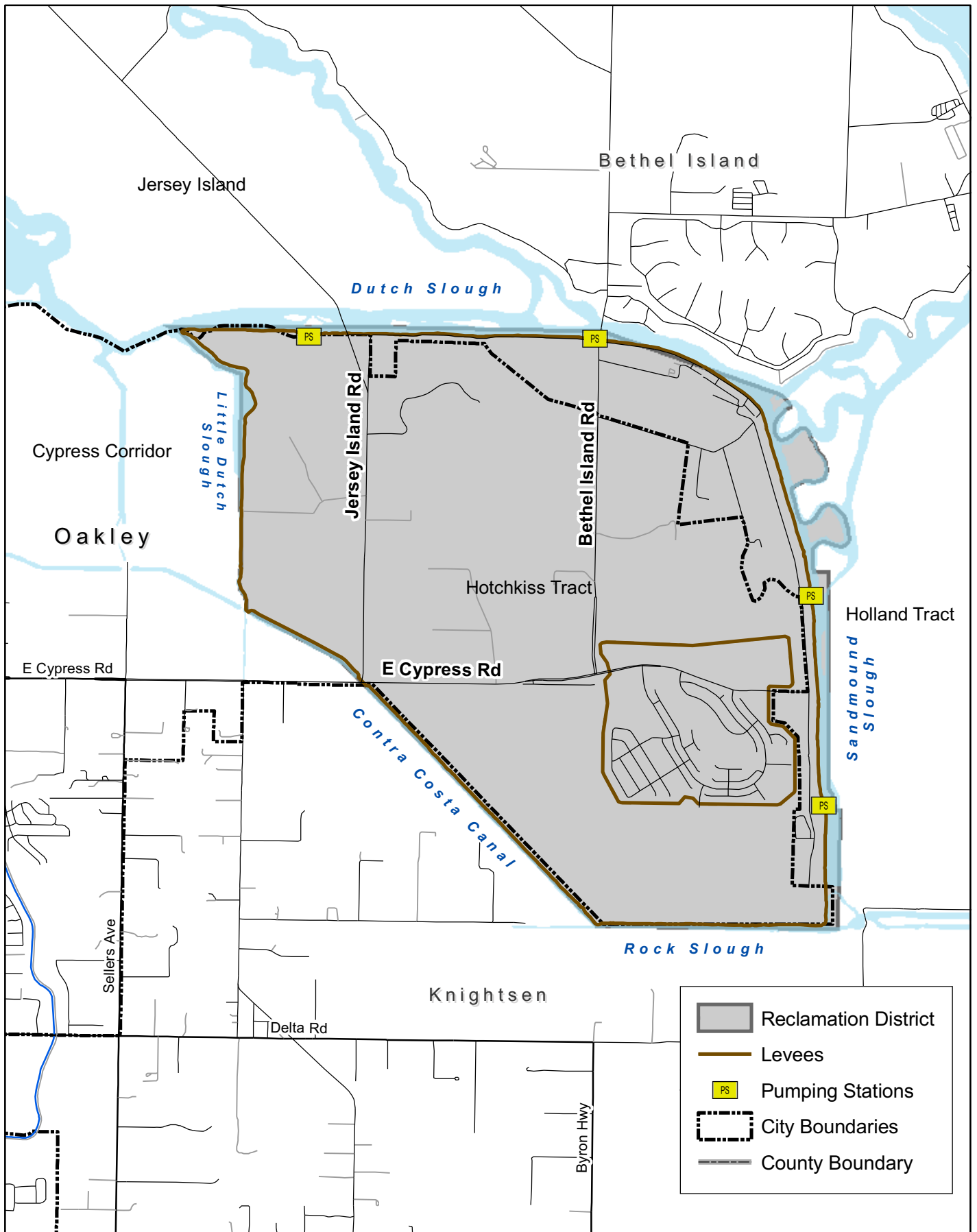
⁷⁷ California Water Code §50932.

⁷⁸ California Water Code §50910.

⁷⁹ California Water Code §50933.

⁸⁰ California Water Code §50952.

⁸¹ Government Code §56824.10.



	Reclamation District
	Levees
	Pumping Stations
	City Boundaries
	County Boundary



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.⁸² The SOI was amended on one occasion, to be consistent with a 2002 reorganization.⁸³

Boundary History

The LAFCO record for RD 799 consists of a single action. In 2002, a reorganization occurred that annexed 148 acres to the District (identified as the “Burroughs Properties”), and detached 81 acres from the District (identified as “Our Country Club and Contra Costa Canal” and “Duarte and Contra Costa Canal Properties”).⁸⁴ The purpose of the reorganization was to correct inaccuracies in the District’s service boundaries, by annexing areas receiving flood control protection and detaching areas “located outside the District’s levees and not receiving flood control protection.”⁸⁵

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a five-member board. For contested elections, board members are selected by landowners (via all-mail ballot) to staggered four-year terms, with each voter entitled to cast one vote per dollar of assessment paid to the District. The most recent contested election for a board seat occurred in 2005. Two vacancies on the District board were filled by appointment by the governing body in Spring 2009. The newly appointed board seats will be permanently filled by an all-mail ballot election in November 2009, when three other board seats are up for reelection. Uncontested vacancies on the governing body are filled by appointment by the Board of Supervisors. RD 799 board members serve on a volunteer basis and do not receive compensation.

The District’s constituent outreach activities consist of posting notices in public places throughout Bethel Island and Oakley, mailing and emailing notices to landowners, handing out information at emergency fairs, and producing a newsletter twice per year.

With regard to customer service, complaints may be filed at the District office, by phone, fax, mail or email. An ongoing customer service issue for the District pertains to 20.6 acres of land underwater, abutting landside lots, where there is an issue concerning property ownership.⁸⁶ The District reported that it was in the process of resolving the complaint as of the drafting of this report.

⁸² LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

⁸³ LAFCO Resolution No. 02-23.

⁸⁴ Ibid.

⁸⁵ LAFCO Executive Officer’s Report and Recommendation dated October 2, 2002, attached to Resolution No. 02-23.

⁸⁶ In 2000, the County quitclaimed these parcels to a District Trustee, who then arranged to sell the parcels to the adjacent landowners. Some landowners filed a complaint, stating that the transfer of the land to the District Trustee was improper. As of March 2009, the Trustee had resigned his position on the board and had made arrangements to quitclaim the parcels directly to the District. The District board passed a motion to allow the District attorney and engineers to work on easements for the landowners directly in front of the underwater lots.

Table 5-1: RD 799 Governing Body

Reclamation District 799 (Hotchkiss Tract)				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Ken Carver	Trustee	2005	2009
	Jane Lorie, D.V.M.	Trustee	2005	2009
	David Dal Porto	Trustee	2009	2011
	Diane Shipway	Chair	2009	2011
	Dale Wong	Trustee	2005	2009
<i>Manner of Selection</i>	Landowner elections			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: Last Thursday of each month at 2:00 p.m.	Location: 6325 Bethel Island Road, Bethel Island, CA 94511		
<i>Agenda Distribution</i>	Posted at District office, post office and other public areas			
<i>Minutes Distribution</i>	By request, and available at District office			
Contact				
<i>Contact</i>	District Administrator			
<i>Mailing Address</i>	PO Box 520, Bethel Island, CA 94511			
<i>Email/Website</i>	NA			

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO’s written questionnaires and cooperated with interview and document requests.

SERVICE DEMAND AND GROWTH

The District bounds encompass agricultural land for cattle grazing, residential and recreational land uses. The central portion of the District contains lower-density rural residential lands, with more compact residential development located along the periphery of the District closer to the Delta. Local business activities include small-scale commercial and various marinas and related facilities.

Farmland within the District consists primarily of farmland of local importance (approximately 980 acres), but also includes prime farmland (approximately 650 acres), farmland of statewide importance (approximately 220 acres), unique farmland (approximately 270 acres), and grazing land (approximately 50 acres). Prime farmland is located in the central and southwestern portion of the District, adjacent to the Contra Costa Canal. There is no Williamson Act contracted land within the District.

Access to the District is via East Cypress Road, which bisects the District from east to west. Jersey Island Road and Bethel Island Road run north-south, perpendicular from East Cypress Road. Dutch Slough Road and Sand Mound Boulevard run along the exteriors of the District facing the Delta.

The District considers its customer base to be 1,268 landowners within the District. There were 969 residents in the District, according to 2000 Census data. The District’s population density was 200 per square mile, compared with a countywide density of 1,318. The area has experienced significant recent growth, and anticipates growth to continue in the future as the entire District is

within the City of Oakley's East Cypress Corridor Specific Plan area. Significant development projects include the recently completed Spinnaker Cove (12 units) and Mariner Estates (62 units) projects, and the 1,700-unit Summer Lakes North and South development that is currently under construction. The City of Oakley General Plan designates the East Cypress Corridor Specific Plan area for development of up to 5,763 residential dwelling units (including 544 existing residences), in addition to commercial, agricultural, recreation, and public facilities.⁸⁷

Growth concerns identified by the District pertain to the increased need for flood protection and levee maintenance services. Service demand will be increased with the construction of Summer Lakes, as a new internal levee ring constructed around a portion of the development will require maintenance. RD 799 does not receive development impact fees; however, the District establishes reimbursement agreements with developers outlining development requirements, levee flood standards, and other rules and regulations. For new development, the District requires that new levees must be constructed to FEMA flood protection standards (three feet above the 100-year flood level).

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies. The County and City of Oakley Community Development Departments forwards subdivision applications within the District to RD 799 for comment. The District's engineers review applications, provide comments and give approval, then forward plans to the RD 799 board for comments, concerns, changes, or approval.

There have not been any recent changes in service provided by the District; however, the District reported that landowners on Dutch Slough Road requested that the District issue parking permits, in order to regulate automobiles parking on the waterside of the levee. The District had formed a Parking Committee to plan for providing the service, and reported that it was working on developing proper signage and vehicle stickers, as of March 2009. It is unclear whether the District is authorized to provide such a service under Water Code §50933, as districts "may construct, maintain, and operate...road systems, and related facilities to provide access to the district's levee...and to provide access to the lands within the district." If the District has not already done so, it would be prudent to consult its attorney to verify that providing permits for parking on the levee is consistent with its powers under the principal act.

MANAGEMENT

The District regularly employs one part-time secretary/manager (20 hours per week), one full-time levee superintendent and two part time laborers (32 hours per week). The full-time levee superintendent position was vacant as of the drafting of this report; however, the District reported that a District Trustee was serving as acting levee superintendent, and it planned to fill the position by Spring 2009.

The laborers report to the District manager and levee superintendent, and the manager and levee superintendent report to the District Board at monthly meetings. The District maintains written job descriptions for all staff. The District evaluates employee performance every six months, and the District manager conducts workload monitoring and oversees levee maintenance on a daily basis.

⁸⁷ City of Oakley, *East Cypress Corridor Specific Plan*, p. 1.3, 2006.

Laborers document their performance by regularly taking before and after pictures of levee maintenance work. In the past, the District has interacted with Bethel Island Municipal Improvement District to compare operations and conduct benchmarking between the agencies.

Levee patrols are performed on a daily basis by District staff. Every six months the levee superintendent and District engineer perform a written levee inspection report to document needed maintenance and rehabilitation activities. The most recent written levee inspection report provided by the District was from December 2008. In addition, RD 799 meets once per year with the Department of Water Resources (DWR) and the Department of Fish and Game to review projects completed with State funding in the previous year.

The District reported that it adopts an annual budget, and annually prepares audited financial statements. The most recent audited financial statement provided to LAFCO by the District was for FY 06-07.

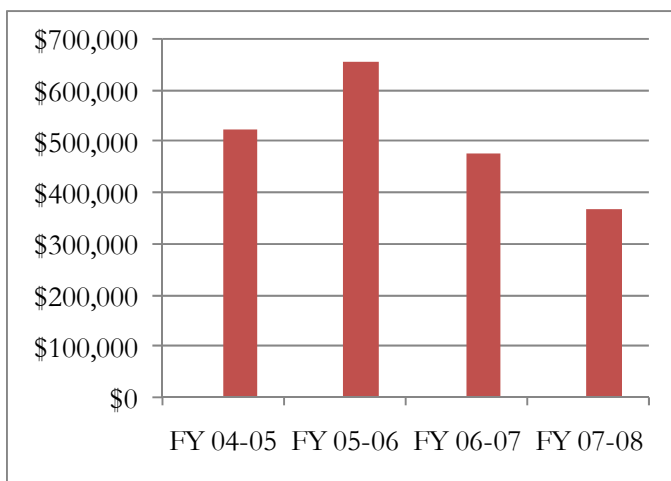
In addition to written levee inspection reports, the District reported that it was in the process of implementing a five-year capital improvement plan as of the drafting of this report, which it anticipated having in place by FY 09-10. Other planning efforts include emergency plans and protocols, which the District distributes to the public.

FINANCING

The District has demonstrated the financial ability to provide minimally adequate service to portions of the District. Berms do not meet minimum flood protection standards along the Contra Costa Canal, and levees meet only minimally adequate standards along the outer portions of the District (along Dutch Slough, Rock Slough and Sand Mound Slough). The District requires new development to construct new levees to FEMA 100-year flood protection standards (such as the ring levee at the Summer Lakes development), but lacks the financial ability to provide 100-year flood protection throughout the District.

Figure 5-1: RD 799 Expenditures, FY 04-05 through FY 07-08

District expenditures fluctuate year to year as capital needs and development projects vary by year, and are not regular, ongoing expenses. Expenditures were higher in FY 05-06 than in recent years due to increased maintenance activities performed that year. To a lesser extent, levee maintenance needs and efforts also fluctuate somewhat from year to year. Somewhat less maintenance occurred in FY 07-08 than in prior years, resulting in somewhat lower expenditures than usual. Revenue fluctuations have generally followed the expenditure trend, with higher intergovernmental revenues in FY 05-06 than subsequent years due to a greater volume of reimbursable capital projects that year.



The District received approximately \$550,500 in revenues in FY 07-08. RD 799 relies on assessments, intergovernmental revenues and developer reimbursements to fund services. Assessments generated 39 percent of operating revenue in FY 07-08, DWR subventions funds generated 33 percent, and development reimbursements generated 25 percent. Assessments vary by parcel location, acreage and land use type.⁸⁸ Special assessments are levied on parcels within the Summer Lakes development to fund higher service levels along the ring levee providing 100-year flood protection. The general and special assessment rate is increased five percent per year. Intergovernmental revenues consist of DWR subventions reimbursements for levee maintenance. The District does not charge development impact fees, but instead enters into agreements with individual developers for specific projects, some of which require the District be reimbursed for services. Capital projects associated with developments are constructed by the developer, and turned over to the District for maintenance.

Total expenditures for FY 07-08 were over \$367,000, 65 percent of which were for levee maintenance, 15 percent for administrative costs, and 10 percent for pumping station and canal maintenance and operations. An additional 10 percent of expenditures were spent on insurance, professional fees, and other miscellaneous purposes. The District spent approximately \$20,400 on maintenance costs per levee mile, compared to a countywide median level of \$9,900 per levee mile.

The District had no long-term debt at the end of FY 07-08. The District does not have a formal policy on maintaining financial reserves. The District had \$308,570 in unrestricted net assets of at the close of FY 06-07. In other words, RD 799 maintained over seven months of working reserves.

⁸⁸ In FY 07-08, the District levied an assessment rate of \$361.18 per residential parcel on Dutch Slough and Sand Mound Slough levees, \$180.60 per residential parcel in the interior of the District, \$451.48 per acre on industrial and commercial properties, and \$18.06 per acre on agricultural properties.

Table 5-2: RD 799 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
In FY 07-08, reclamation services were financed primarily by assessments (39%), intergovernmental revenues (33%) and development reimbursements (25%).					
Development Fees and Requirements					
Agricultural (per acre)	NA				
Residential (per unit)	Single Family:	NA	Multi-Family:	NA	
Non-residential (per 1,000 sq. ft.)	Commercial:	NA	Industrial:	NA	
Development Requirements:	For new development, the District requires that new levees must be constructed to FEMA flood protection standards (three feet above the 100-year flood level).				
RD 799 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08¹	Expenditures	FY 06-07	FY 07-08¹
Total	\$599,816	\$550,530	Total	\$476,420	\$367,194
Property Tax	\$0	\$0	Operations	\$329,160	\$276,041
Assessments	\$276,121	\$215,544	Drainage & Utilities ²	\$22,898	\$36,816
Intergovernmental Revenues	\$213,125	\$181,912	Levee Maintenance ³	\$306,262	\$239,225
Levee Maintenance	\$213,125	\$181,912	Capital Improvements ⁴	\$4,659	\$0
Capital Improvements	\$0	\$0	Administrative ⁵	\$56,317	\$53,742
Developer Reimbursements	\$101,701	\$140,139	Professional Fees ⁶	\$58,345	\$18,734
Interest	\$7,009	\$5,426	Insurance	\$26,021	\$17,559
Other Revenues	\$1,860	\$7,509	Miscellaneous	\$1,918	\$1,118
Note:					
(1) FY 07-08 financials are unaudited.					
(2) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(3) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(4) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(5) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(6) Legal and accounting services.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 799 provides levee maintenance and internal drainage services. The District conducts vegetation removal and weed abatement, ditch cleaning, rodent control, and upkeep of access roads as part of its routine levee maintenance work. The District is also responsible for flood fighting and levee patrol during high water events. Major levee rehabilitation projects are performed by contract.

LOCATION

RD 799 provides services within its boundary area, the entirety of Hotchkiss Tract. The District does not provide any services outside of Hotchkiss Tract.

The tract has been determined to be critical to the health of the Delta. Hotchkiss Tract is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state. The District provides statewide benefits outside its bounds.⁸⁹

INFRASTRUCTURE

Key infrastructure in the District includes over 11 miles of earthen levees and four pumping stations. The mileage of internal drainage ditches maintained by the District was not provided. The District reports that just over three miles of levees meet FEMA flood protection standards (three feet above the 100-year flood plain), over five miles of levees meet the Hazard Mitigation Plan (HMP) standard (one foot above the 100-year floodplain), and the remaining three miles of levees meet less than the HMP standard.⁹⁰ Levees meeting FEMA flood protection standards were constructed as part of the Summer Lakes South development, and turned over to the District in 2005.⁹¹ Under a November 2002 License Agreement among the U.S. Bureau of Reclamation (USBR), Contra Costa Water District (CCWD) and Reclamation District 799 (Contract No. 02-LC-20-7939), RD 799 may use and maintain the east bank of the unlined portion of the Contra Costa Canal for flood control purposes, secondary to water conveyance purposes. The Canal berms were built in the 1930's for water conveyance; they were not designed for flood protection and do not meet flood control standards.

According to DWR, there have been no inundation occurrences on Hotchkiss Tract since 1900.⁹² Surface elevations range from five feet above sea level in the southwestern portion of the District to between 5 feet below sea level in the northern and eastern portions of the District.⁹³ The base flood elevation, which is the anticipated water level in a 100-year flood occurrence, is seven feet above mean sea level. In other words, the entire island would be covered by 2-12 feet of water in a 100-year flood event. Hence, the entire island is presently classified by FEMA as being within the 100-year floodplain.

⁸⁹ Water Code §12311.

⁹⁰ For a detailed explanation of levee standards and specifications, please refer to chapter 4.

⁹¹ RD 799 Resolution No. 2005-10, dated August 25, 2005.

⁹² DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

⁹³ *Ibid.*, p. 6.

Figure 5-2: RD 799 Dutch Slough Levee

The District reported that subsidence appears to have occurred along the Dutch Slough levee, but this has not yet been confirmed by survey. The District did not specify whether it plans to conduct this research in the near future. Service challenges identified by the District pertain to the difficulty of conducting levee rehabilitation work on Dutch Slough levees due to the proximity and encroachments of existing homes.

The December 2008 inspection identified most levee segments as being in good condition, with normal maintenance repairs needed; however, these levees only meet HMP standard, which is a minimally acceptable standard that does not provide 100-year flood protection. Needed maintenance activities include vegetation removal, re-grading and adding riprap to exposed levee surfaces.

The primary infrastructure need identified in the District's December 2008 levee inspection is the rehabilitation of the berms along the Contra Costa Canal, which were identified as being in "poor to very poor" condition.⁹⁴ The inspection noted unstable berm conditions, evident by

⁹⁴ HDR, *RD 799 Levee Inspection & Evaluation*, December 17, 2008.

sloughing, cracking and erosion, and noted that “normal maintenance repairs would not be sufficient to stabilize the levee slope.” Berms along the east bank of the Contra Costa Canal are within RD 799; however, the District reported that it does not perform regular maintenance or rehabilitation activities in this area. RD 799 is authorized under the November 2002 License Agreement to maintain the berms, but is not required to do so. According to DWR, RD 799 is eligible to receive subventions reimbursements for maintenance activities performed along this segment of berm.⁹⁵

CCWD maintains the berms for purposes of water conveyance and routinely repairs significant damage from storms and other causes. However, improvements to raise the flood protection standard would be made at the discretion of RD799, consistent with the November 2002 License Agreement.⁹⁶ Long-term, these Canal berms will be eliminated as CCWD implements its Canal Replacement Project which replaces the unlined Canal with a buried pipeline. The timing of the Canal Replacement project along the berms subject to the License Agreement is uncertain, but is estimated to take place within the next 10 years. New development is planned next to the Canal in this area and would be required to provide appropriate flood protection.

Other upcoming improvements pertain to levee work that will be done in conjunction with the Contra Costa County Department of Public Works replacement of the current Bethel Island Bridge. During the course of the bridge replacement the District plans to stabilize the levee around the bridge with sheet pile. This project will be incorporated into the District’s upcoming five-year plan.

⁹⁵ Interview with Mike Mirmazaheri, Department of Water Resources, April 27, 2009.

⁹⁶ Interview with Mark Seedall, Senior Planner, Contra Costa Water District, March 19, 2009.

Table 5-3: RD 799 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Direct	Weed Abatement	Direct
Flood Control	Direct	Slope Protection	Direct
Drainage	Direct	Vector/Rodent Control	Direct
Upkeep of Levee Access Roads	Direct	Levee Patrol	Direct
Irrigation Water	None	Flood Fighting	Direct
District Overview			
Total Levee Miles	11.7	Surface Elevation	5 to -5 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	3.3	Dry Land Levee	0.0
HMP Standard	5.2	Urban Levee	3.2
PL-99/Bulletin 192-82 Standard	0.0	Agricultural Levee	8.5
FEMA Standard	3.2	Other	0.0
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	Yes - 4
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A22	Base Flood Elevation	7 ft.
Levee Inspection Practices			
Levee patrols are performed on a daily basis by District staff. The levee superintendent and District engineer perform a written levee inspection report every six months.			
Levee Inspection Reports			
Most Recent Written Inspection	12/17/2008	Inspection Rating	None ¹
Levee Segment	Description	Condition²	
Dutch Slough	North and east District boundaries	Good	
Rock Slough	Southern District boundary	Good	
Contra Costa Canal	Southwest District boundary	Poor to very poor	
Little Dutch Slough	Western District boundary	Good	
South Summer Lake Levee	Internal subdivision ring levee	Good	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.0	Miles Needing Rehabilitation	3.3
% Rehabilitated, FY 07-08	0%	% Needing Rehabilitation	28%
Rehabilitation Cost per Levee Mile ³	NA	Maintenance Cost per Levee Mile ⁴	\$20,447
Infrastructure Needs/Deficiencies			
Significant infrastructure needs were identified in levees along the Contra Costa Canal. The December 2008 levee inspection calls for the entire slope to be re-graded with imported embankment and armored with riprap to meet flood protection standards.			
Note:			
(1) The December 2008 levee inspection did not give an overall inspection rating, but did rate individual levee segments as shown below.			
(2) HDR, <i>RD 799 Levee Inspection & Evaluation</i> , December 17, 2008.			
(3) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of miles rehabilitated in FY 07-08.			
(4) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

A governance alternative for RD 799 involves Bethel Island Municipal Improvement District (BIMID). BIMID provides levee maintenance services to the levees surrounding Bethel Island. Both Districts have compatible land uses, including residential, recreational and marina facilities located along the waterfront at the periphery of the Districts, and agricultural land uses in the central portion of the Districts. RD 799 reported that it has a good working relationship with BIMID, and in the past has consulted with BIMID on administrative issues. Although certain accountability deficiencies were noted in the BIMID MSR, BIMID improvements in recent years were also identified in the MSR. For this reason, it does not appear that BIMID would offer an improvement over existing governance of RD 799. The BIMID MSR did not identify the governance option of transferring BIMID levee functions to RD 799; this option should be considered in the next MSR cycle.

The District generally expressed reluctance towards consolidation, indicating that it does not want to assume the risk of levee failure from another District. The residential population and significant residential development within RD 799 make it an unsuited match for consolidation with surrounding primarily agricultural districts, such as RD 2137, RD 830, RD 2065, and RD 2025.

Boundary reorganization in the western portion of the District was identified as a possible governance alternative. DWR owns approximately 436 acres in the western portion of RD 799, between Jersey Island Road and Little Dutch Slough, that it plans to maintain as part of the Dutch Slough Tidal Marsh Restoration Project. The Dutch Slough Tidal Marsh Restoration Project site also includes approximately 730 acres within RD 2137, also owned by DWR. Long-term plans for the site call for the restoration and preservation of the area as open space, habitat and recreational uses. One alternative allows breaching of the existing levees to establish water features within the preserve. Under such a scenario, urban flood protection within the City of Oakley's East Cypress Corridor Specific Plan would be provided by a new levee running north-south along Jersey Island Road, maintained by RD 799.⁹⁷ Detaching the DWR-owned property from RD 799 to officially cede maintenance responsibility to DWR would be appropriate once a Jersey Island Road setback levee has been constructed, and turned over to RD 799.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The residential population within the district was 969 residents according to 2000 Census data. The area has experienced significant recent growth, and anticipates growth to continue in the future.
- 2) Significant development projects include the recently completed Spinnaker Cove (12 units) and Mariner Estates (62 units) projects, and the 1,700-unit Summer Lakes North and South

⁹⁷ City of Oakley, *East Cypress Corridor Specific Plan*, 2006, p. 5.83.

development that is currently under construction. Other possible future development projects identified by the District include a shopping center and a mixed use commercial/residential development, and other projects consistent with the East Cypress Corridor Specific Plan.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 3) Hotchkiss Tract is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state.
- 4) Over three miles of levees meet FEMA flood protection standards (three feet above the 100-year floodplain), and provide 100-year flood protection. Other levees in the District do not provide 100-year flood protection, including over five miles of levees that meet the HMP standard and three miles that do not meet the HMP standard.
- 5) Service demand will be increased with build-out of the Summer Lakes development, as a new internal levee ring constructed around the development will require maintenance. The levee ring portion around Summer Lakes South was turned over to the District in 2005.
- 6) For new development, the District requires that new levees must be constructed to FEMA flood protection standards of three feet above the 100-year flood level.
- 7) Rehabilitation of the berms along the Contra Costa Canal to HMP or higher standards is a significant infrastructure need; however, RD 799 reported that it does not provide regular maintenance to these berms. Flood protection deficiencies include unstable berm conditions evident by sloughing, cracking and erosion.
- 8) The District reported that subsidence appears to have occurred along the Dutch Slough levee. Confirming the extent of the subsidence by engineer survey was reported as a need.
- 9) The District provides minimally adequate flood protection, based on levee standards. The District adequately maintains HMP levees along Dutch Slough and Sand Mound Slough, but does not provide adequate service to berms along the Contra Costa Canal, which do not meet HMP standards. The District's 2008 levee inspection report noted that routine maintenance activities are needed on HMP levees, and significant rehabilitation is needed to non-HMP berms along Contra Costa Canal.
- 10) The District spent approximately \$20,400 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.
- 11) The District reported that the most significant service challenge pertains to the difficulty of conducting levee rehabilitation work on Dutch Slough levees due to the proximity and encroachments of existing homes.
- 12) The District is in the process of implementing a five-year capital improvement plan, which it anticipates to have in place for FY 09-10.

- 13) The District reported that landowners on Dutch Slough Road requested that RD 799 issue parking permits as a new service, in order to regulate automobiles parking on the waterside of the levee. If the District has not already done so, it would be prudent to consult its attorney to verify that providing permits for parking on the levee is consistent with its powers under the principal act.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 14) The District has demonstrated the financial ability to provide minimally adequate service to portions of the District. Berms do not meet minimum flood protection standards along the Contra Costa Canal, and levees meet only minimally adequate standards along the outer portions of the District (along Dutch Slough, Rock Slough and Sand Mound Slough). The District requires new development to construct new levees to FEMA 100-year flood protection standards (such as the ring levee at the Summer Lakes development), but lacks the financial ability to provide 100-year flood protection throughout the District.
- 15) The District increases its assessment by five percent per year; however, assessments do not generate sufficient revenue to provide adequate levee maintenance throughout the District.
- 16) The District does not receive development impact fees; however, the District establishes reimbursement agreements with developers outlining development requirements, levee flood standards, and other rules and regulations.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 17) The District collaborates with BIMID to reduce certain administrative costs.
- 18) Consolidation with BIMID could offer opportunities to share facilities and equipment needed for levee maintenance. No other opportunities for shared facilities were identified.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 19) Accountability to local voters is achieved by the highly visible nature of the District. Public interest in serving on the governing body is high, as evidenced by the number of recently contested elections.
- 20) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 21) A government structure option is consolidation with BIMID.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The agency reported a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in the Municipal Service Review, three options are identified for the RD 799 SOI:

SOI Option #1 – SOI reduction in western portion of District

Reducing the SOI in the western portion of the District would signify that LAFCO anticipates that RD 799 may initiate detachment of the 436-acre parcel owned by DWR once a Jersey Island Road setback levee has been constructed and turned over to the District. Such a configuration would be consistent with the City of Oakley’s East Cypress Corridor Specific Plan, and would increase efficiency as the DWR-owned parcel in RD 799 is part of the larger 1,666-acre Dutch Slough Tidal Marsh Restoration Project.

SOI Option #2 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #3 – SOI expansion to Bethel Island

SOI expansion for RD 799 to include Bethel Island would signify that LAFCO anticipates that RD 799 should take over levee maintenance services from Bethel Island Municipal Improvement District.

RECOMMENDATION

SOI reduction in the western portion of the District, between Jersey Island Road and Little Dutch Slough, is recommended for RD 799. Such a configuration would be consistent with the City of Oakley’s East Cypress Corridor Specific Plan, and would increase efficiency as the DWR-owned parcel in RD 799 is part of the larger 1,666-acre Dutch Slough Tidal Marsh Restoration Project.

Table 5-4: RD 799 SOI Analysis

Issue	Comments
SOI update recommendation	SOI reduction in the western portion of the District, between Jersey Island Road and Little Dutch Slough.
Services provided	RD 799 provides maintenance services to non-project levees and internal drainage facilities.

<p>Present and planned land uses in the area</p>	<p>The District bounds encompass agricultural land for cattle grazing, residential and recreational land uses. The central portion of the District contains lower-density rural residential lands, with more compact residential development located along Dutch Slough and Sand Mound Slough. Residential land uses in the central portion of the District are increasing in density due to construction of the Summer Lakes South development. Other planned developments within the District are consistent with the City of Oakley’s East Cypress Corridor Specific Plan. Land use in the DWR-owned portion of the District is primarily agricultural.</p>
<p>Location of facilities, infrastructure and natural features</p>	<p>Levees protected by the District are located along Dutch Slough, Little Dutch Slough, Rock Slough, the Contra Costa Canal, and around Summer Lakes South. Pumping stations are located along the periphery of the District. Natural features that affect service provision are the Delta waterways, and surface and floodplain elevations.</p>
<p>Projected growth in the District/Recommended SOI</p>	<p>Projected growth within the District is largely contingent upon build-out of the 1,700-unit Summer Lakes development, and absorption rates of recently-built units in Spinnaker Coves and Mariner Estates.</p>
<p>Present and probable need for public facilities and services in the area</p>	<p>There is a present and probable need for levee maintenance services in the area, as the levee system has significant maintenance and rehabilitation needs. The growing population within the District exacerbates the need for increased flood protection.</p>
<p>Opportunity for infill development rather than SOI expansion</p>	<p>The recommended SOI update would be consistent with the City of Oakley’s East Cypress Corridor Specific Plan.</p>
<p>Service capacity and adequacy</p>	<p>The District provides minimally adequate flood protection, based on levee standards. There are significant improvements needed in the berm segment along the Contra Costa Canal, where berms do not meet HMP standard. Levees along Dutch Slough meet HMP standard, but require routine maintenance. These levees do not provide 100-year flood protection.</p>
<p>Social or economic communities of interest</p>	<p>Communities of interest include the 1,268 landowners within the District, the developers of Summer Lakes, Mariner Estates and Spinnaker Cover, and the City of Oakley.</p>
<p>Effects on other agencies</p>	<p>Reducing the SOI in the area between Jersey Island Road and Little Dutch Slough would have no direct impact on any other agencies; however, it would signal that LAFCO anticipates that RD 799 may initiate detachment of the 436-acre parcel owned by DWR once a Jersey Island Road setback levee has been constructed and turned over to the District.</p>
<p>Potential for consolidations or other reorganizations when boundaries divide communities</p>	<p>Potential for consolidating RD 799 with BIMID for levee maintenance purposes may be a governance option.</p>
<p>Willingness to serve</p>	<p>The District has demonstrated a willingness to serve by providing levee maintenance to Hotchkiss Tract since 1911.</p>

<p>Potential effects on agricultural and open space lands</p>	<p>Agricultural lands will be decreased with the development of the Dutch Slough Tidal Marsh Restoration Project; however, these losses will be offset by increases in the amount of open space and tidal marshland created by the project.</p>
<p>Potential environmental impacts</p>	<p>Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.</p>

6. RECLAMATION DISTRICT 800 (BYRON TRACT)

Reclamation District 800 (Byron Tract) provides levee maintenance and flood control, drainage services, siltation dredging, and other specialized services.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 800 was formed in 1909 as an independent special district. The District was formed to provide levee maintenance and flood protection services to land owned by the West-Wilhoit Company.⁹⁸

The principal act that governs the District is the Reclamation District Act.⁹⁹ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,¹⁰⁰ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,¹⁰¹ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,¹⁰² and 4) retain an agricultural expert to advise landowners.¹⁰³ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.¹⁰⁴

The District's boundary is located entirely within Contra Costa County, and consists of Byron Tract which is bisected by State Route 4 (SR 4) and is adjacent to the Contra Costa-San Joaquin County line at Old River, as shown in Map 6-1. The boundaries encompass approximately 6,933 acres, or approximately 10.8 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Secondary Zone of the Sacramento-San Joaquin Delta. That portion of the District north of SR 4 is within the countywide urban limit line (ULL), while the southern portion is outside the ULL.

⁹⁸ The formation date was reported by the District. LAFCO and BOE records do not date back to District formation.

⁹⁹ California Water Code, Division 15, §50000-53903.

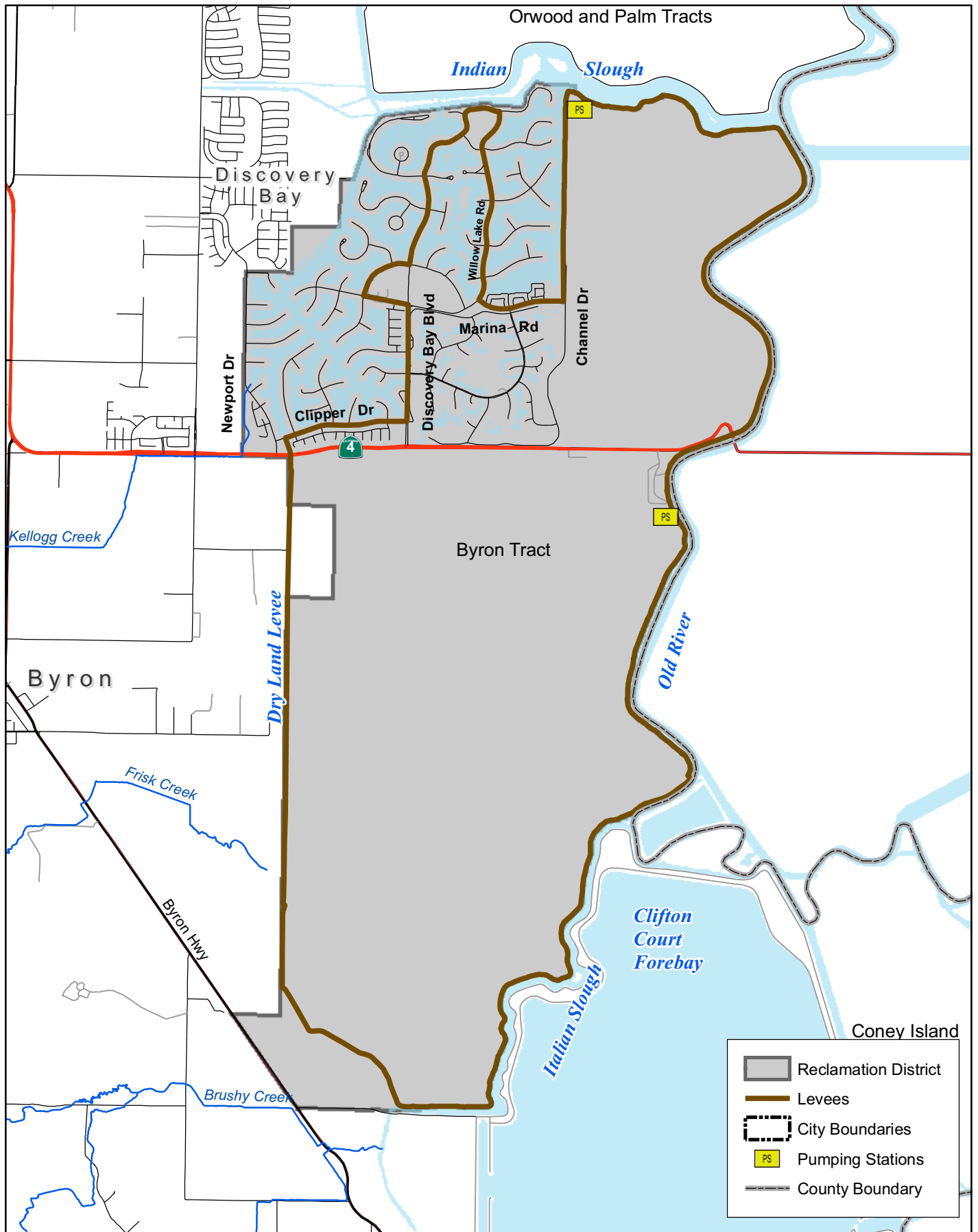
¹⁰⁰ California Water Code §50932.

¹⁰¹ California Water Code §50910.

¹⁰² California Water Code §50933.

¹⁰³ California Water Code §50952.

¹⁰⁴ Government Code §56824.10.



	Reclamation District
	Levees
	City Boundaries
	Pumping Stations
	County Boundary



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.¹⁰⁵

Boundary History

LAFCO and State Board of Equalization (BOE) records indicate that there have been no approved boundary changes for RD 800 since 1973.¹⁰⁶ The District reported it was unaware of earlier boundary changes.

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a five-member board. Board members are elected to staggered four-year terms, with votes based on landowner assessment values (\$140 per home/\$15 per acre for agricultural land). However, there have not been any contested elections, so vacancies on the governing body are filled by appointment of the County Board of Supervisors.

The Board of Trustees meets monthly on the first Thursday at 10:00 a.m. in the District office. Trustees receive a \$100 meeting stipend for up to three meetings per month.

Table 6-1: RD 800 Governing Body

Reclamation District 800 Byron Tract				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Bob Anderson	President	1993	2009
	Jeff Dawson	Member	2007	2011
	David Harris	Secretary	1999	2011
	Robert Lyman	Member	2005	2009
	Ray Tetreault	Member	2007 ¹	2009
<i>Manner of Selection</i>	Landowner elections based on assessment value. If uncontested, vacancies are filled by appointed of the County Board of Supervisors.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: First Thursday of each month at 10:00 a.m. Location: 1540 Discovery Bay Blvd, Suite A Discovery Bay, CA 94505			
<i>Agenda Distribution</i>	Posted in the office window; mailed by request; planning to post on website.			
<i>Minutes Distribution</i>	Distributed at Board meetings and by request; planning to post on website.			
Contact				
<i>Contact</i>	General Manager			
<i>Mailing Address</i>	PO Box 262, Byron, CA 94514			
<i>Email/Website</i>	jconway@RD800.org/www.RD800.org			
Note: (1) Trustee Tetreault is filling the remainder of a term that was vacated				

¹⁰⁵ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

¹⁰⁶ The BOE record for RD 800 begins in 1973 and shows no boundary changes since then. Contra Costa LAFCO records begin in 1965 and show no approved boundary changes to RD 800.

Since May of 1968, the Board has also governed the Discovery Bay Drainage and Maintenance District, which is not under LAFCO purview. The Maintenance District is a benefit assessment district established a number of years ago to provide drainage and maintenance services. The District is limited to a single tax rate area generally located north of River Lake Road and west of Willow Lake Road.

The District conducts constituent outreach activities by maintaining a District website (www.RD800.org), by publishing an occasional newsletter (Spring 2002, Spring 2003, Winter 2004, Summer 2007), and by encouraging the public to attend Board meetings. Board agendas are posted at the District office, and Board vacancies are posted at three locations in the Discovery Bay community. Voter participation is encouraged through newspaper public notices, articles, and signage. The District reported that it will soon post Board agendas and minutes to the District website.

With regard to customer service, complaints may be filed in writing to the District Manager, or by attending a Board meeting. Within FY 07-08 there were no complaints filed.

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO map inquiries and document requests.

SERVICE DEMAND AND GROWTH

Access to RD 800 is via SR 4 which traverses the District in an east-west direction. Private levee roads provide perimeter access for the agriculture levee along Indian Slough, Old River and Italian Slough. The urban levee through Discovery Bay is within a street section or adjacent to a street. Farm service roads provide access to the Dry Land Levee along the westerly side of the District. Interior access in the agricultural portion of the District is limited, primarily from Kellogg Creek Road via Bixler Road, and Rankin Road/Western Farms Ranch Road via Byron Highway. (Refer to Map 6-1)

The District bounds encompass a majority of the unincorporated community of Discovery Bay, surrounding agricultural land, and public facilities. The District provides flood protection to approximately 3,718 properties, including 3,390 residential parcels and 26 non-taxable parcels.

The predominate land use within the District is agricultural, although there are varied urban uses in the community of Discovery Bay. Within the District's 6,933 acres, approximately 1,150 acres are urban and 5,783 acres are agricultural, primarily alfalfa, corn and row crops. The State Farmland Mapping and Monitoring Program classifies agricultural land in the District as Prime Farmland (approximately 3,000 acres), Farmland of Statewide Importance (1,500 acres), Unique Farmland (800 acres), and Grazing Land (400 acres). There are no Williamson Act contracted lands within the District.

Public facilities outside the Discovery Bay area include the Discovery Bay Community Services District wastewater treatment facility, and the Contra Costa Water District Old River Water Intake Pumping Plant. A future site for a high school campus for the Liberty Union High School District has been designated on the south side of SR 4.

The Town of Discovery Bay, an unincorporated community, is a water recreation-oriented development consisting of: residential units, many of which have access from a series of ‘bays’ to Indian Slough and the Delta; a marina and yacht club; an 18-hole private golf course; neighborhood retail commercial and professional services; an elementary school; parks and recreation areas; and fire station and Sheriff’s Office sub-station. Municipal services (i.e., potable water, wastewater, park and recreation, limited street lighting, and flood protection within Discovery Bay West Villages 2, 3 and 4) are provided by the Discovery Bay Community Services District (DBCSD), whose boundaries are different than RD 800. A MSR and SOI Update for DBCSD were approved by LAFCO in May 2006.

While included as part of the Discovery Bay community, development along Bixler Road (including the community shopping center anchored by Safeway, and new residential development – Discovery Bay West, Lakeshore, The Lakes, Ravenswood) are not within the boundaries of RD 800.

The District considers its customer base to be landowners within the District, including Discovery Bay residents and several agricultural property owners. There were approximately 7,656 residents in the District (all except approximately 24 within Discovery Bay), according to 2000 Census Data, with another 1,325 residents adjacent to the District along Bixler Road. The District’s population density was 709 persons per square mile, compared with the 2000 countywide density of 1,318. The portion of Discovery Bay within the District boundary is significantly built out, with a few remaining residential lots and approximately 8-acres of vacant commercial land.

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies. The District does review planning and development proposals and provides comments to the Contra Costa Community Development Division on projects as they relate to the District. The proposed Pantages Bays project, consisting of 292 single-family dwellings on 172 acres and located along Kellogg Creek adjacent to the District boundary, is one such project.

The Cecchini Ranch, located between the Discovery Bay community and Old River, and north of SR 4 is within the District, and within the countywide urban limit line (ULL). New development projects have been proposed for this 1,121 acre area, including a master planned community by Private Island Homes that would include: 4,000 to 6,000 new homes, water-oriented, commercial and light industrial uses; plus parks, schools, trail system, open space, and interpretative center.

MANAGEMENT

The District employs four full-time employees: the District Manager, an Administrative Assistant and two Maintenance Workers. Legal, engineering and accounting services are provided by contract. Staff report to the General Manager who reports to the Board at monthly meetings. The District evaluates employee performance on an annual basis, with the District Manager evaluating the employees and the District Board evaluating the General Manager. Workload monitoring is accomplished through monitoring of time cards.

Other than routine maintenance which is conducted by District staff, projects involving levee maintenance, canal cleaning and pipe replacement are performed by contractors. Projects in excess of \$25,000 are competitively bid.

The District adopts an annual budget, does a five-year budget forecast, and annually has prepared a financial report by an independent auditor. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08.

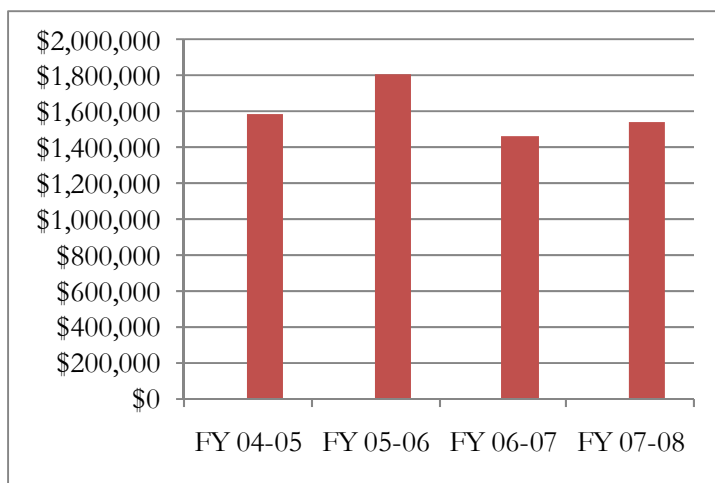
Capital improvement projects for significant levee improvements are budgeted each year, with projects accomplished as sufficient funding is accrued. As part of the long-term planning of the District, unreserved funds are designated for specific items as indicated in the Financing section.

FINANCING

The District’s financial ability to provide services appears to be adequate because it receives both property tax revenue and landowner assessment revenue. The District also participates in the State levee subvention program, which provides limited incremental revenue. The District has a healthy reserve and is able to allocate funds for specific tasks.

Figure 6-1: RD 800 Expenditures, FY 04-05 through FY 07-08

District expenditures are fairly consistent from year to year, with some variance due to the amounts expended for specific projects. However, these fluctuations are more a function of the costs incurred in a particular fiscal year than changes in annual revenues. Typically, the District accrues funds until sufficient revenues are available to pay for a particular project, be it levee rehabilitation, silt dredging, equipment replacement, or levee and lake maintenance.



The District utilizes a modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Property taxes, property assessments, State levee subventions, reimbursements, homeowners’ property tax relief and interest are all recognized as revenues in the current Fiscal Year. All other revenue items are considered to be measurable and available only when cash is received by the District. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

The District two major funds: 1) General Fund – which is established to account for resources devoted to financing the general services that the District performs; and 2) Special Revenue Fund – which is established to account for the proceeds of specific revenue sources other than special assessments or major capital projects. Included in the General Fund are property taxes, property assessments and other sources of revenue used to finance the fundamental operations of the District. Special Funds are generally funds that originate from State and Federal programs.

The District received \$1,909,155 in revenues in FY 06-07 and \$2,023,599 in FY 07-08. RD 800 relies primarily on property taxes and landowner assessments to fund services. While it varies from year to year, property tax comprises approximately 45 percent of the District’s revenues, while landowner assessments generate approximately 31 percent. The other revenue sources comprise the

remaining 24 percent and include State subventions and grants, and interest income. Details for FY 06-07 and FY 07-08 are provided in Table 6-2.

The current property tax rate for the District varies by Tax Rate Area (TRA) from 4.69 percent to 5.09 percent of the 1 percent countywide property tax. There is one TRA for the Discovery Bay Drainage and Maintenance District with a current tax rate of 1.08 percent that generates approximately \$45,000 per year in property tax revenue. The current landowner annual assessment for the District is \$140 per residential parcel and \$15 per acre for agricultural land.

Total expenditures for FY 06-07 were \$1,475,839 and for FY 07-08, a total of \$1,710,799. A majority of these costs were for capital improvements (37 percent), drainage and utilities (18 percent), levee maintenance (11 percent) and employee salaries and benefits (10 percent). Details are provided in Table 6-2. In FY 07-08, the District spent approximately \$9,900 on maintenance costs per levee mile, which was the median level of maintenance among all reclamation districts.

The District has unreserved funds, with a portion on deposit with the Contra Costa County Treasurer, and the majority invested with the California Local Agency Investment Fund (LAIF). At the beginning of FY 09-10, this account contained over \$3.6 million. The unreserved balance constituted 210 percent of annual expenditures in FY 07-08. The District Board has also designated the majority of these funds for specific longer term programs/projects. These include:

Equipment Replacement	\$1,149,915
Dredging Bio-filter Retention Pond Project	576,822
Archive Files and Mapping	20,000
Kellogg Creek Widening	61,369
Levee Rehabilitation	853,000
Willow Lake Maintenance	54,901
Total	\$2,716,007

The District has no long-term debt and relies on inter-fund transfers to balance short-term deficits.

All capital improvements on the levee system are coordinated through the District Manager with technical assistance from the District Engineer. Capital costs are funded by the subventions program, with specific projects budgeted and completed when funding is sufficient.

Table 6-2: RD 800 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
Reclamation services are financed primarily by property tax (45%) and landowner assessments (31%).					
Development Fees and Requirements					
Agricultural (per acre)		None			
Residential (per unit)	Single Family:	None	Multi-Family:	None	
Non-residential (per 1,000 sq. ft.)	Commercial:	None	Industrial:	None	
Development Requirements: New development must construct levees to PL 84-99 Standards.					
RD 800 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08	Expenditures	FY 06-07	FY 07-08
Total	\$1,909,155	\$2,023,599	Total	\$1,475,839	\$1,710,799
Property Tax	883,801	903,455	Operations	433,582	501,363
Assessments	624,778	625,210	Drainage & Utilities ¹	234,644	313,283
Intergovernmental Revenues	252,051	361,196	Levee Maintenance ²	205,518	188,080
Levee Maintenance	101,886	30,063	Capital Improvements ³	619,527	632,875
Capital Improvements	150,165	331,133	Administrative ⁴	283,864	292,611
Development Impact Fees	0	0	Professional Fees ⁵	68,419	103,610
Interest	143,843	133,738	Insurance	58,484	69,290
Other Revenues	4,682	0	Miscellaneous ⁶	5,383	111,050
Note:					
(1) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(2) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					
(6) Miscellaneous expenditures include captial outlay, navigation and education.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 800 provides a number of services relating to flood protection for agricultural and urban areas within Byron Tract, and waterway management in conjunction with the Discovery Bay development.

Traditional flood protection services include levee rehabilitation and reconstruction, levee maintenance, levee road repair and maintenance, levee slope surface protection, weed abatement, vector and rodent control, levee patrol and inspection, and flood fighting. The District also provides residents with information on flood insurance and emergency preparedness.

Within the Discovery Bay development are 20 ‘bays,’ 10 ‘coves,’ Willow Lake, and assorted waterways and channels. RD 800 is responsible for insuring that the waterways are navigable, and that water circulates properly and drains properly. This entails maintaining and operating two pump stations, and periodic dredging of the channels to eliminate silt build-up. The District also monitors water quality and maintains navigational aids (buoys and signs).

Routine maintenance and repair, weed abatement and vector/rodent control are carried out by the District maintenance workers. Activities such as levee improvements, pipe replacement, canal cleaning, and dredging are performed by contract.

LOCATION

RD 800 provides services within its boundary area, which comprises 6,933 acres. The District is somewhat unique in that both developed areas and agricultural areas are within the District boundary, but outside the levee system. (Refer to Map 6-1.) There is also an 80-acre parcel on the west side of the District that is within the dry land levee, but outside the District boundary; and an approximate 200-acre parcel near Byron Highway and Clifton Court Road that is outside the levee but within the District boundary.

Byron Tract is not identified as a critical asset by California Water Code §12311 with respect to sustaining the fresh water/saltwater balance and health of the Delta. However, with the significant investment in residential, recreational, commercial, and agriculture within the District, continued reclamation and protection of lands within the District is considered essential by the Board of Trustees.

INFRASTRUCTURE

The District provides direct services to three types of levees:

- Agricultural non-project levees 9.7 miles;
- Urban levees 6.5 miles; and
- Dry land levees 2.7 miles.

Figure 6-2: RD 800 Agricultural Levee



Agricultural non-project levees with rock rip rap on the water side extend from the northeast corner of the Discovery Bay development easterly along the south side of Indian Slough to Old River, then south along the west side of Old River to its intersection with Italian Slough on the south end of the District. These levees are in the State-funded Delta Levee Subventions Program. The District has participated in the subventions program since 1981. In 1990, the District undertook a comprehensive levee retrofit program to reconstruct all 9.7 miles of the agricultural levees to meet the PL 84-99 standard. The multi-phase project was financed by reimbursements from the subvention program; and the District completed the \$6 million project in 2001. The agricultural levees also meet the guidelines for 100-year flood protection certification, and the District has received notification from the Federal Emergency Management Agency (FEMA) that these levees qualify as Provisional Accredited Levees. The District Engineer reported that the District was in the process of documenting the levees for accreditation at the time this report was drafted.

Figure 6-3: RD 800 FEMA Urban Levee



An urban levee constructed to FEMA urban levee standards is located within the original Discovery Bay development area. The levee segments are integrated into the development, either as streets or adjacent to streets. (Refer to Map 6-1). The urban levee provides flood protection to the interior of the development (including the elementary school, the commercial areas, and those homes that do not have access to open water). Residential areas on the water side of the levee have been elevated above the flood level, or are built upon the levee itself. Several hundred feet of this levee need additional height to meet federal guidelines. The District is currently identifying potential improvements and costs.

A dry land levee which also meets FEMA urban levee standards runs along the western boundary of the District between SR 4 and Italian Slough.

Land within the District is within Flood Zone B, which indicates an area between the 100-year and 500-year flood limits (generally an average flood depth of less than one-foot). Open water within the Discovery Bay development is within Flood Zone A2 (with a base flood elevation of 8-feet above sea level). Ground elevations within the District range from: 00 (sea level) along the western District boundary; 4-feet below sea level in the agricultural portion of the District; to between 9 to 13 feet above sea level in the central portion of the Discovery Bay community. The goal of the District is to provide 200-year flood protection.

District levees are inspected twice per day (once in each direction) by District personnel. Inspection records are maintained in conjunction with employee time sheets, and with mapping to indicate where repairs are located. DWR inspects once per year as part of the subventions program. The Corps of Engineers (COE) conducts a formal inspection every four years as part of the Federal Rehabilitation and Inspection Program under Public Law 84-99. The District's most recent COE inspection was in August of 2006 and resulted in no deficiencies being noted and the District receiving an 'Acceptable' rating.

Subsidence is not an issue for Byron Tract, although some organic material (peat soil) exists on the Cecchini Ranch, with depths up to 10-feet. The urban levee is constructed on solid soil, and the agricultural levees were reconstructed with non-peat soils.

According to DWR, there have been no levee failures on Byron Tract in the 1967-2004 period.¹⁰⁷ Likewise no levee failures or breaches have occurred in the past four years.¹⁰⁸

In FY 2006-07, the District undertook routine levee maintenance, levee rehabilitation and environmental mitigation under the subventions program at a total cost of \$1,007,500. Routine levee maintenance in the amount of \$251,500 involved levee inspection, rodent control and filling burrows, repair and grading of levee patrol roads, repair of minor levee slip outs and erosion, hydro-seeding, controlling seepage and boils, cleaning drains and toe ditches adjacent to landside levee toe, repair of waterslide slope protection, levee vegetation control, and flood emergency planning and preparation.

Levee rehabilitation work in the amount of \$750,000 included construction of landside berms for stability, flattening waterside slopes to 2:1 and/or landside slopes to 3:1, and reconstruction of all-weather patrol roads.

Environmental mitigation in the amount of \$6,000 paid for Fish & Game permits, mitigation agreements, and levee enhancement and vegetation management.

One concern the District is dealing with is siltation from Kellogg Creek and developed areas west of the District. This requires additional dredging to keep the boat channels clear. One solution being proposed by the District is to construct a biofilter retention facility that would capture silts

¹⁰⁷ DWR &DFG, *Risks and Options to Reduce Risks to Fisheries and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008.

¹⁰⁸ Interview with Christopher Neudeck District Engineer on March 23, 2009.

before they enter the waterways. The District is working with the Regional Water Quality Control Board to develop a solution that would include District purchase of the land for the facility and grant funding to construct the facility.

Table 6-3: RD 800 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Direct	Weed Abatement	Direct
Flood Control	Direct	Slope Protection	Direct
Drainage	Direct	Vector/Rodent Control	Direct
Upkeep of Levee Access Roads	Direct	Levee Patrol	Direct
Irrigation Water	None	Flood Fighting	Direct
District Overview			
Total Levee Miles	18.9	Surface Elevation	-4 to 13 feet
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.0	Dry Land Levee	2.7
HMP Standard	0.0	Urban Levee	6.5
PL 84-99 Standard	9.7	Agricultural Levee	9.7
Bulletin 192-82 Standard	0.0	Other	0
FEMA Standard	9.2		
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	Yes - 2
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	B	Base Flood Elevation	Less than 1-foot
Levee Inspection Practices			
Twice per day (one in each direction) by RD 800 personnel.			
Levee Inspection Reports			
US Army Corps of Engineers	2006	Inspection Rating:	Acceptable
Levee Segment	Description		Condition
Dry Land Levee	West boundary of District south of Highway 4		Fair ¹
Urban Levee	Within the Discovery Bay community		Excellent ¹
Agricultural Levee	Indian Slough, Old River and Italian Slough		Good ¹
Levee Maintenance			
Miles Rehabilitated, FY 07-08	Selected Areas	Miles Needing Rehabilitation	0.9
% Rehabilitated	3%	% Needing Rehabilitation	5%
Rehabilitation Cost per Levee Mile ²	\$263,500	Maintenance Cost per Levee Mile ³	\$9,900
Infrastructure Needs/Deficiencies			
District levees will meet the 100-year flood protection standard in 2009, with levee upgrades to meet the 200-year flood protection standard currently being planned.			
Notes:			
(1) Source: field observations.			
(2) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of miles rehabilitated in FY 07-08.			
(3) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

Five governance options were identified.

Consolidation with other reclamation districts is an option. However, the District indicated that it would not be interested in consolidating with adjacent reclamation districts (such as RD 2024 or RD 2117), owing to the unique services that RD 800 provides, and its commitment to serve the residents of the Discovery Bay community. The District does not have an interest in consolidating with other reclamation districts whose levee protection standards are different than for Byron Tract. Neighboring reclamation districts provide services to agricultural activities only, and are not tasked with protecting urban development.

Another option includes annexation of an 80-acre agricultural parcel on the west side of the District that is within the dry land levee, but outside the District boundary and SOI; and detaching a 200-acre agricultural parcel outside the levee system adjacent to Byron Highway and Clifton Court Road that does not currently receive District services.

Annexation of the proposed Pantages Bays residential project (292 single-family dwellings) is an option that would likely be a development condition and project requirement.

Transferring responsibility for flood protection from RD 800 to Discovery Bay Community Services District is an option. With LAFCO approval of DBCSD's requests in 2002 and 2003 to provide construction and operation of flood protection works and facilities, there are now similar services being provided by RD 800 and DBCSD. With future urban development (Bixler Road corridor, Pantages Bays, Cecchini Ranch), the Community Services District may reach an economy of scale that allows for a more comprehensive provision of municipal services, including flood protection. Such an option would result in the dissolution of RD 800.

A sub-option would transfer flood protection from DBCSD so that only one agency (RD 800) provides flood protection. RD 800 has the experience and financial capability to provide this expanded service. Such a transfer would also allow DBCSD to concentrate on providing municipal services.

Because it currently operates under the umbrella of RD 800, consideration should be given to consolidating the Discovery Bay Drainage and Maintenance District into RD 800.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The 2000 residential population within the district was approximately 7,656. Absent any new development, this number is expected to remain fairly constant, given the significant build-out within the District portion of the Discovery Bay community, and the continuing agricultural operations in the remainder of the District.
- 2) There have been new development proposals contemplated that would affect RD 800. The Pantages Bays residential project (292 single-family dwellings; population of approximately

660) is adjacent to the District boundary and would require annexation and an SOI amendment. The Cecchini Ranch proposal (which is already within the District) would add between 4,000 and 6,000 new homes with a population of between 9,000 and 13,500 at build-out.

- 3) Additional vacant land exists within the countywide urban limit line (ULL), which if developed, may affect the operations of RD 800.
- 4) An existing 80-acre parcel on the west boundary (that is within the levee system but outside the District boundary) should be annexed to the District.
- 5) An approximate 200-acre portion of the District located adjacent to Byron Highway and Clifton Court Road is outside the levee system and does not receive District services. This area should be detached from the District.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 6) Levees currently provide 100-year flood protection. The goal of the District is to increase flood protection to meet the 200-year criteria.
- 7) The District has in place an ongoing levee maintenance and rehabilitation program based on engineering and geotechnical studies that identify areas that need improvements. The District expends considerable money (over a half million dollars in FY 06-07) on these efforts.
- 8) Municipal services to the unincorporated Discovery Bay community are provided by the Discovery Bay Community Services District. These include potable water, wastewater, park and recreation, limited street lighting, and flood protection within Discovery Bay West Villages 2, 3 and 4.
- 9) RD 800 provides adequate service to its customers and operates from a solid financial base. Operating revenues are sufficient to carry out a number of infrastructure improvements.
- 10) Among the 13 reclamation districts in the County, the RD 800 has the largest budget for both levee maintenance and rehabilitation activities and provides the highest service level to its constituents. For FY 07-08, the District expended approximately \$9,900 per levee mile for maintenance, which was the median level of maintenance among all reclamation districts.
- 11) The most significant service challenges for the District are maintaining the agricultural levees along Old River, and upgrading the dry land levee on the western boundary.
- 12) Infrastructure needs for the District include upgrading the levees to meet the 200-year flood protection criteria.
- 13) New development within the District is required to meet the FEMA 100-year flood protection standards.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 14) The District reported that the current level of financing is adequate to provide District services. Additional funding from the State subventions program will allow the District to further upgrade the levee system. Absent subvention monies, the District will be limited to its normal levee maintenance, pump maintenance and dredging activities.
- 15) Funds are sufficient for the agency to provide full-time staffing. No changes in the existing staffing level are anticipated.
- 16) RD 800 benefits from revenues generated by both property tax and landowner assessments. Under the County allocation, the District receives between 4.7 and 5.1 percent of the County's share of property tax, which accounts for 45 percent of the District budget.
- 17) The District currently assesses property owners \$140 per year for each residence and \$15 per acre for agricultural land. The District Board considers these assessments to be appropriate, and in keeping with the 'extra services' the District provides (channel maintenance, water quality monitoring, navigational aids, and educational programs).

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 18) The District does not practice significant facility sharing. There has been some coordination with Discovery Bay Community Services District with respect to drainage and treated effluent discharge to the District's drainage channels.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 19) Accountability to local voters is an important part of the Board's outreach activities. Adding Board agendas and minutes to the District website will enhance these outreach efforts.
- 20) The Board conducts Board meeting on a regular basis, and encourages residents to participate.
- 21) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 22) The District conducts community outreach through the District website, announcements, posters, and an occasional newsletter. More frequent publication of the newsletter would assist the outreach efforts.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The District indicated a desire to retain its existing coterminous SOI, noting future potential for an annexation and SOI amendment should the Pantages Bays project move forward.

SOI OPTIONS

Given the considerations addressed in the MSR, three options are identified for the RD 800 SOI:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.

SOI Option #2 – Adjust the current SOI

The 80-acre parcel adjacent to the dry land levee should be added to the District SOI and annexed to the district. The 200-acre parcel adjacent to Byron Highway and Clifton Court Road should be removed from the SOI and detached from the District.

SOI Option #3 – Add the Pantages Bays project area to the District SOI

In anticipation of approval of the 172-acre Pantages Bays project, add this area to the District SOI to allow the District to properly plan for services.

RECOMMENDATION

Adoption of Option #2 to adjust the SOI for RD 800 is recommended. The changes in the SOI can be implemented by LAFCO. Annexation of the 80-acre parcel and detachment of the 200-acre parcel would need to be initiated by RD 800.

Table 6-4: RD 800 SOI Analysis

Issue	Comments
SOI update recommendation	Adjust the SOI by adding an 80-acre parcel within the levee system and subtracting a 200-acre parcel that does not receive District services.
Services provided	Levee maintenance and flood control, drainage services, siltation dredging, and other specialized services on Byron Tract.
Present and planned land uses in the area	The community of Discovery Bay and 5,783 acres of agriculture. Potential for additional residential development along the District northwest boundary (Pantages Bays project), and large-scale water-oriented residential and mixed use development east of Discovery Bay and north of State Highway 4, and which is within the County Urban Limit Line.
Location of facilities, infrastructure and natural features	Levees protecting the District are located around the north, east and south sides of Byron Tract, within and around the Discovery Bay community, and with a dry land levee on the interior. Drainage facilities are located within the Discovery Bay community.

Projected growth in the District/Recommended SOI	There is the potential for significant growth within District if the Cecchini Ranch project comes to fruition.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee and drainage maintenance services within the District. Levee protection is critical to the continued protection of urban uses and the viability of agricultural lands.
Opportunity for infill development rather than SOI expansion	Opportunities for infill development are limited within the existing Discovery Bay community due to its significant built-out. New development projects such as Pantages Bays and Cecchini Ranch are already within the current SOI. SOI expansion to the north, east and south are constrained by water channels and adjacent reclamation districts/Clifton Court Forebay. SOI expansion to the west toward Byron is not constrained.
Service capacity and adequacy	The District is able to conduct an on-going levee maintenance and rehabilitation program (as well as other specialized services) due to its stable revenue base (property tax and landowner assessments). Participation in the State levee subvention program and special projects program add to the District's service capacity and adequacy.
Social or economic communities of interest	The economic community of interest is the Discovery Bay community, as well as the major agricultural land owners.
Effects on other agencies	Because of their proximity to each other, RD 800 and the Discovery Bay Community Services District may interface with respect to shared facilities, consolidated purchasing, and governance issues.
Potential for consolidations or other reorganizations when boundaries divide communities	At some point in the future, urban development (Bixler Road corridor, Pantages Bays, Cecchini Ranch) will reach an economy of scale that will benefit the Discovery Bay Community Services District. At that point, there may be some potential for the reclamation district to consolidate with the Community Services District. Factors such as increased municipal service needs and funding levels will likely dictate whether this change is feasible.
Willingness to serve	The District has demonstrated a willingness to serve its customers while transitioning from pure agriculture to mixed urban and agricultural uses. The Board of Trustees is committed to carrying out the District's mission, as has been the case since 1909.
Potential effects on agricultural and open space lands	Possible urban development within the Urban Limit Line has the potential to change agricultural and open space lands within the District.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should assist the Commission in making CEQA determinations.

7. RECLAMATION DISTRICT 830 (JERSEY ISLAND)

Reclamation District 830 (Jersey Island) provides maintenance services to non-project levees and internal drainage facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 830 was formed on March 11, 1911 as an independent special district. The District was formed to provide levee and drainage maintenance services to Jersey Island.¹⁰⁹

The principal act that governs the District is the Reclamation District Act.¹¹⁰ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,¹¹¹ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,¹¹² 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,¹¹³ and 4) retain an agricultural expert to advise landowners.¹¹⁴ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.¹¹⁵

The District's boundary is located entirely within Contra Costa County, consisting of an island northeast of the City of Oakley and west of Bethel Island, as shown in Map 7-1. The boundaries encompass approximately 3,500 acres, or approximately 5.5 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Primary Zone of the Sacramento-San Joaquin Delta, and is outside of the countywide urban limit line (ULL).

¹⁰⁹ The formation date was reported by the District. LAFCO records do not date back to District formation, and RD 830 does not file with the State Board of Equalization.

¹¹⁰ California Water Code, Division 15, §50000-53903.

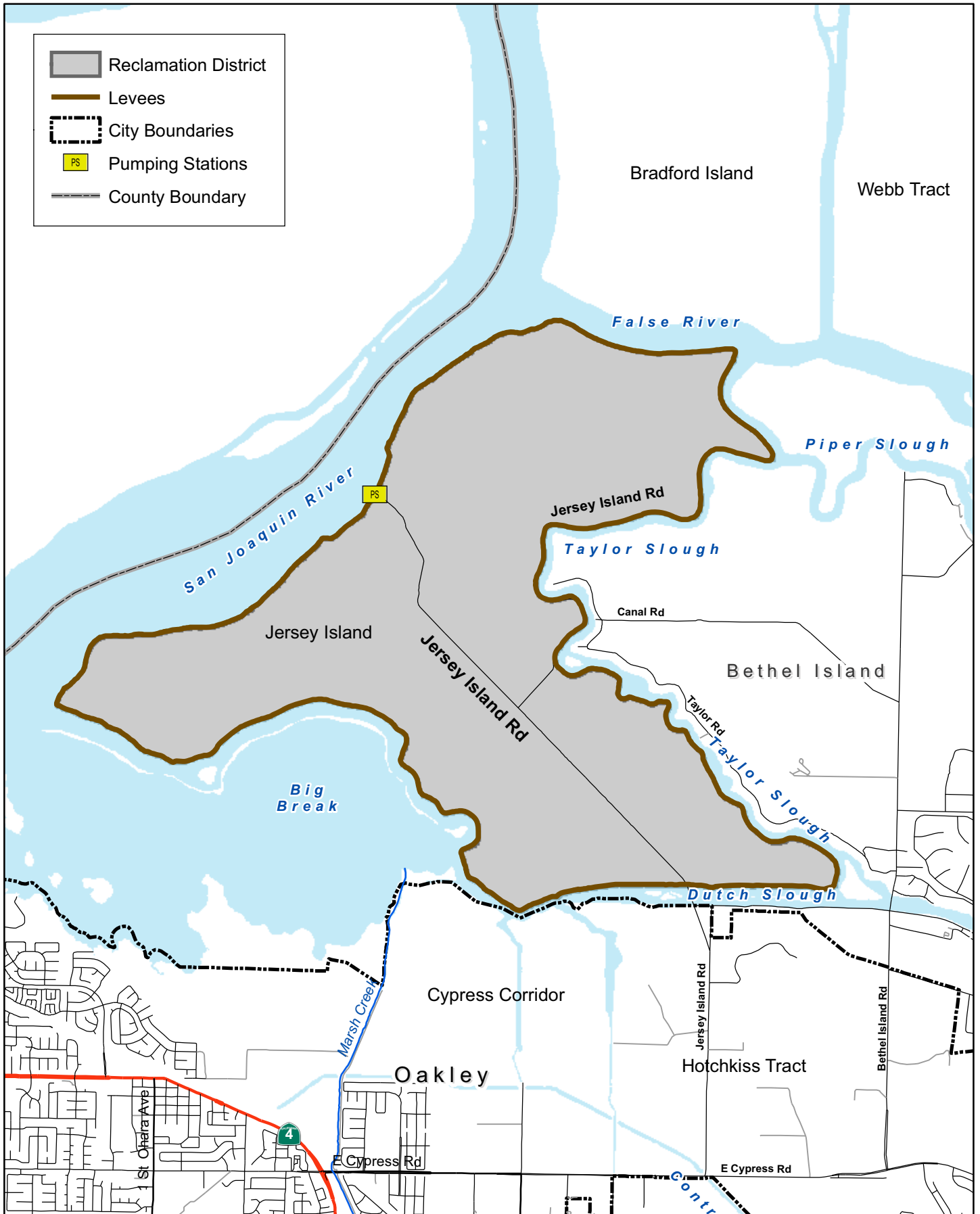
¹¹¹ California Water Code §50932.

¹¹² California Water Code §50910.

¹¹³ California Water Code §50933.

¹¹⁴ California Water Code §50952.

¹¹⁵ Government Code §56824.10.



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.¹¹⁶

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 830 since 1965.¹¹⁷

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a three-member board. For contested elections, board members are elected by landowners to staggered four-year terms, with each voter entitled to cast one vote per acre owned within the district. The District reported that there have been no recent contested elections. All board members are employees of Ironhouse Sanitary District (ISD), which is the majority landowner on Jersey Island, and are not compensated by RD 830.

Uncontested vacancies on the governing body are filled by appointment by the Board of Supervisors. The District meets on an as-needed basis, with between eight and 10 meetings held per year.

Table 7-1: RD 830 Governing Body

Reclamation District 830 (Jersey Island)				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Marc Haefke	Secretary	2005	2009
	Dennis Nunn	Treasurer	1995	2011
	Thomas Williams	President	2000	2011
<i>Manner of Selection</i>	Landowner elections			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed Location: 450 Walnut Meadows Drive Oakley, CA 94561			
<i>Agenda Distribution</i>	Posted on island and at office			
<i>Minutes Distribution</i>	At office and by request			
Contact				
<i>Contact</i>	Reclamation District Trustee			
<i>Mailing Address</i>	P.O. Box 1105, Oakley CA 94561			
<i>Email/Website</i>	NA			

The District’s constituent outreach activities consist of posting notices at Jersey Island (on the County road just over the bridge, and at the corner of Ferry Road and Jersey Island Road), and at the District office. The District does not maintain a website. Because there are only two landowners within the District, constituent outreach efforts are limited and complaints are rare. The District reported that no complaints were received in FY 07-08. Complaints would typically be raised and addressed at board meetings.

¹¹⁶ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

¹¹⁷ Contra Costa LAFCO records begin in 1965 and show no boundary changes to RD 830.

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with interview and document requests.

SERVICE DEMAND AND GROWTH

Access to the District is via Jersey Island Road. Jersey Island Road traverses the central portion of the District in a northwesterly direction, and the eastern boundary of the island adjacent to Taylor Slough, until ending at the ferry terminal in the northeast corner of the island. Private levee roads provide perimeter access around other portions of the island, and private agricultural service roads provide access to the interior of the island.

The District bounds encompass primarily agricultural and cattle grazing land uses. The majority of Jersey Island consists of farmland of local importance (approximately 1,860 acres), but also includes farmland of statewide importance (approximately 680 acres), prime farmland (approximately 500 acres), and unique farmland (approximately 340 acres).¹¹⁸ Prime farmland is located in the northern, southern and western ends of the island. There is no Williamson Act contracted land within the District.

ISD owns 3,450 acres within RD 830, and is the primary landowner. The secondary landowner within the District is Delta Properties, Inc., which owns approximately 50 acres. These two entities are the only landowners on Jersey Island.

ISD pumps reclaimed water from the Ironhouse wastewater treatment plant to Jersey Island, for the irrigation of crops and pasture. ISD grows hay with its reclaimed water on designated fields on the island (approximately 425 acres) and maintains a beef cattle ranch to graze the remaining island pastures. Through this process, ISD is able to recycle treated wastewater without piping reclaimed water to the Delta. Other land uses within the District include subsurface oil and gas exploration, drilling and pipelines, three high-voltage electric transmission lines (Western Area Power Administration and Pacific Gas and Electric Company) and recreational uses including hunting and fishing.

ISD plans to begin discharging treated effluent to the San Joaquin River with expansion of its wastewater treatment plant, estimated for completion in 2012. Wastewater treatment plant expansion will require the construction of a new pipeline from the treatment plant, across Dutch Slough, to the northern end of Jersey Island, and extension of an existing pipeline from the southern end of Jersey Island to the northern end. Both pipelines would converge in the vicinity of the existing RD 830 pumping station, and extend approximately 550 feet into the San Joaquin River, for discharge at a depth of approximately 20 feet mean sea level.¹¹⁹ The District reported that there are no Regional Water Quality Control Board impacts to the RD due to the WWTP expansion and river discharge, and that the amount of treated effluent applied on the island will not increase with WWTP expansion.

¹¹⁸ California Department of Conservation Division of Land Resource Protection, *Contra Costa County Important Farmland 2006*, Farmland Mapping and Monitoring Program, 2007.

¹¹⁹ Contra Costa LAFCO, *Water and Wastewater MSR for East Contra Costa County*, 2007, p. 9-10.

The District considers its customer base to be the two landowners, and multiple easement holders, within the District. According to the District, there were three residents living on the island as of December 2008, consisting of the ISD caretaker and his family. The District's population density was 0.5 per square mile, compared with a countywide density of 1,318.¹²⁰ The area has not experienced significant growth, and does not anticipate changes in service demand in the future. The island is outside of the countywide urban limit line (ULL), and will persist as an agricultural area for the foreseeable future.

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies. The District provides comment on County planning and land use issues to the extent that they affect the levees or recreational land uses in the area. The District has a permit system for land uses that would impact drainage on the island, such as mineral rights exploration, facility maintenance and/or installation of on-island utilities, any work in or around on-island drainage ditches, and any non-RD 830 use of the levee and/or levee easement areas.

MANAGEMENT

The District employs no full-time or part-time staff positions. Levee maintenance activities are primarily performed by ISD staff and billed to the RD.¹²¹ The District contracts out for all major services, including levee rehabilitation projects, engineering services and legal counsel. The RD Board gives a status report at ISD board meetings, but otherwise meets and conducts business independently of the ISD Board.

The District conducts evaluations of contractor performance as work is completed. For billing purposes, ISD staff members complete timesheets that distinguish between ISD work hours and those billable to the RD. In this fashion, both ISD and RD 830 can track workload and monitor performance of levee maintenance activities.¹²² Coordination between ISD and RD 830 is enhanced by the RD Board members also being ISD employees, including the General Manager and Administration Service Manager at ISD who serve as the President and Treasurer, respectively, for RD 830.

The District reported that it does not have a formal levee inspection procedure or create formal written inspection reports, but does keep a log of written inspection activities. Levee inspections are performed on a daily basis during rain, wind or high tide events, and informally by ISD employees throughout the year. DWR also conducts yearly inspections of work performed under the subventions and special projects programs, but does not conduct overall levee inspections or certification.

The District reported that it adopts an annual budget, and annually prepares audited financial statements. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08. District planning efforts include a five-year capital improvement plan for levee needs and

¹²⁰ Countywide population density based on 2000 Census data.

¹²¹ In FY 07-08, RD 830 reimbursed ISD \$377,584 for levee repairs and miscellaneous office expenses.

¹²² There is no written agreement between ISD and RD 830 for the use of labor and equipment, but because ISD is the primary landowner within the District there has never been any major billing disputes.

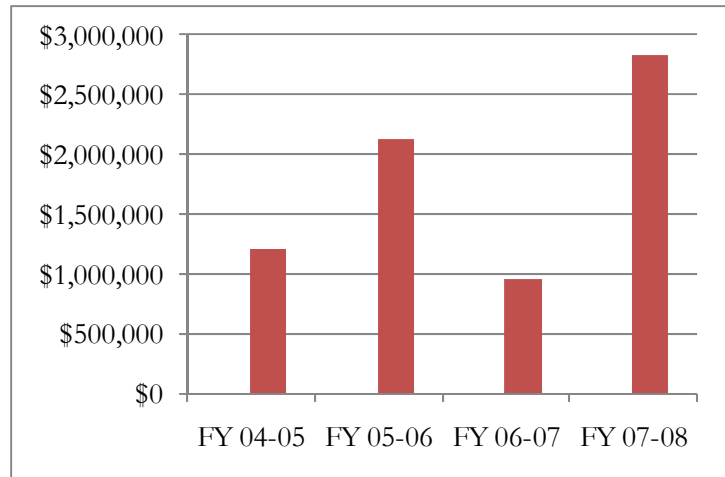
annual applications to DWR for special projects and subventions funding. The District was in the process of preparing an updated five-year plan as of the drafting of this report, which it anticipates having in place by Fall 2009.

FINANCING

The District has demonstrated the financial ability to provide minimally adequate service to portions of the District. The District reported that its current assessment level typically allows for maintenance/replacement of approximately one mile of riprap on the water side (at about \$350,000) per year. The remainder of the annual assessment covers expenses related to drainage and utilities, and other operating expenses. Nearly 10 miles of levees within the District do not meet minimum levee standards for the Delta; however, the District reported that it plans to rehabilitate these levees over the next five years using DWR special projects funds.¹²³

Figure 7-1: RD 830 Expenditures, FY 04-05 through FY 07-08

District expenditures fluctuate year to year as financing relies on DWR special projects funding for significant levee rehabilitation activities. As shown in Figure 7-1, expenditures in recent years have been significant due to DWR special projects funding for levee rehabilitation. Revenue fluctuations have generally followed the expenditure trend, with higher intergovernmental revenues in FY 05-06 and FY 07-08.



The District received \$3.2 million in revenues in FY 07-08. RD 830 relied primarily on DWR special projects funds, assessments and subventions. Special projects funds generated 70 percent of operating revenue in FY 07-08, assessments generated 16 percent, and subventions generated 10 percent.¹²⁴ The District also received four percent of revenue from interest income. The District has not adopted development requirements, and does not receive development impact fees, because no development takes place on the island.

Total expenditures for FY 07-08 were approximately \$2.8 million, 90 percent of which were for capital improvements and eight percent was for routine levee maintenance. An additional one percent of expenditures were associated with pumping station operations, with the remainder spent on insurance, professional fees, and other miscellaneous purposes. The District spent approximately \$14,800 on maintenance costs per levee mile, compared to a countywide median level of \$9,900 per levee mile.

¹²³ The District reported that it has received over \$12 million in DWR subventions and special projects funds since 2000.

¹²⁴ In FY 07-08, the District levied an assessment rate of \$91.48 per acre on agricultural land uses, \$457.40 per acre on PG&E and WAPA electric utility lines, \$686.10 per acre on gas easements, \$6,861.13 per acre on gas wells, \$914.79 per acre on County roadways, and \$9,147.06 per acre on the Delta Ferry Authority. The District evaluates the assessment rate on an annual basis.

The District had approximately \$132,861 in net long-term debt at the end of FY 07-08. The long-term debt consists of a loan for financing a D6 caterpillar.

The District has a target of setting \$50,000 per year aside as reserves. The District had total net assets of approximately \$1.1 million at the end of FY 07-08.¹²⁵ In other words, RD 830 maintained nearly seven months of working reserves, relative to average expenditures in the three most recent fiscal years.

Table 7-2: RD 830 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
In FY 07-08, reclamation services were financed by intergovernmental revenues (61%) and assessments (35%).					
Development Fees and Requirements					
Agricultural (per acre)	NA				
Residential (per unit)	Single Family:	NA	Multi-Family:	NA	
Non-residential (per 1,000 sq. ft.)	Commercial:	NA	Industrial:	NA	
Development Requirements:	NA				
RD 830 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08	Expenditures	FY 06-07	FY 07-08
Total	\$1,226,002	\$3,211,794	Total	\$960,005	\$2,832,411
Property Tax	\$0	\$0	Operations	\$916,809	\$263,204
Assessments	\$435,175	\$502,243	Drainage & Utilities ¹	\$41,103	\$26,097
Intergovernmental Revenues	\$745,496	\$2,572,949	Levee Maintenance ²	\$875,706	\$237,107
Levee Maintenance	\$534,400	\$326,597	Capital Improvements ³	\$0	\$2,535,907
Capital Improvements	\$211,096	\$2,246,352	Administrative ⁴	\$838	\$1,314
Development Impact Fees	\$0	\$0	Professional Fees ⁵	\$30,136	\$15,255
Interest	\$44,331	\$136,087	Insurance	\$11,056	\$13,508
Other Revenues	\$1,000	\$515	Miscellaneous	\$1,166	\$3,223
Note:					
(1) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(2) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					

¹²⁵ Total net assets in FY 07-08 consisted of a deficit of \$901,918 in unrestricted net assets and over \$2.0 million in assets that were temporarily restricted, consisting of advances received from DWR.

RECLAMATION SERVICE

NATURE AND EXTENT

RD 830 provides maintenance services to non-project levees and internal drainage facilities on Jersey Island. ISD maintenance workers conduct most routine levee maintenance activities, such as vegetation removal, weed abatement, rodent control, and upkeep of access roads, and bill equipment and service charges to the RD. The District is also responsible for flood fighting and levee patrol during heavy rain, wind and high tide events, which are also performed by ISD workers. Major levee rehabilitation projects are performed by contract.

LOCATION

RD 830 provides services within its boundary area, the entirety of Jersey Island. The District does not provide any services outside of Jersey Island.

The island has been determined to be critical to the health of the Delta. Jersey Island is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state. The District provides statewide benefits outside its bounds.¹²⁶

INFRASTRUCTURE

Key infrastructure in the District includes approximately 16 miles of earthen levees with waterside rock riprap, approximately 15 miles of internal drainage ditches and one pumping station. The District reports that the levee height meets at least the Hazard Mitigation Plan (HMP) standard in most areas (14 miles of levees), but does not meet width requirements on about half of the island (approximately eight miles of levees).¹²⁷ The highest priority areas for levee rehabilitation are located in the northern portion of the District along the San Joaquin River/False River segment and in the southwestern portion of the District along the Dutch Slough segment. Portions of these levees require crest widening (of an additional one to three feet) and elevation increase (up to an additional 15 inches) in order to achieve levee height of two feet over the 100-year flood elevation.

According to DWR, there have been four inundation occurrences on Jersey Island since 1900.¹²⁸ The District reported that there have been no recent levee failures; however, a storm event in early 2006 required an expenditure of approximately \$540,000 over the course of three days to fight flooding and keep the levees safe.

The District reported that subsidence has occurred on the island. Jersey Island has experienced subsidence at a rate of one half-inch to one inch annually, which the District compensates for by

¹²⁶ Water Code §12311.

¹²⁷ For a detailed explanation of levee standards and specifications, please refer to chapter 4.

¹²⁸ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

overbuilding the levees.¹²⁹ Surface elevations range from sea level to approximately 15 feet below sea level.¹³⁰ The base flood elevation, which is the anticipated water level in a 100-year flood occurrence, is seven feet above mean sea level. In other words, the entire island would be covered by 7-22 feet of water in a 100-year flood event. Hence, the entire island is presently classified by FEMA as being within the 100-year floodplain.

Rehabilitated levees are built one foot above the HMP standard, or in other words, two feet above the 100-year flood level. The District reported that a total of six miles have been rehabilitated to the standard of two feet over the 100-year flood level, and 10 miles are left to be rehabilitated. Based on previous rehabilitation work, the District estimates that upgrades to existing levees will cost between \$1 million to \$1.5 million per levee mile.

In addition to levee height, rehabilitation measures include widening the levee crest from 16 feet to 18 feet, and adding a wide toe berm to buttress the landside slope for better stabilization. Rehabilitation of the remainder of the levees is anticipated to occur over the next five years through DWR special projects funding. An additional infrastructure need for the District is to relocate the pump station, as the existing pump station is located in the toe of the existing levee, where the levee needs to be widened.

Figure 7-2: RD 830 Taylor Slough Levee



¹²⁹ Subsidence rates are not uniform throughout Delta islands. Although levees and exterior island portions do experience subsidence, subsidence tends to be most severe in the central portion of an islands, creating a “bowl” shape.

¹³⁰ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 6.

Table 7-3: RD 830 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	By contract with ISD	Weed Abatement	By contract with ISD
Flood Control	By contract with ISD	Slope Protection	By contract with ISD
Drainage	By contract with ISD	Vector/Rodent Control	By contract with ISD
Upkeep of Levee Access Roads	By contract with ISD	Levee Patrol	By contract with ISD
Irrigation Water	None	Flood Fighting	By contract with ISD
District Overview			
Total Levee Miles	16.0	Surface Elevation	0 to -15 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	9.7	Dry Land Levee	0.0
HMP Standard	6.3	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	16.0
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes - 15 miles	Pump Station(s)	Yes - 1
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A30	Base Flood Elevation	7 ft.
Levee Inspection Practices			
The District does not conduct formal levee inspections or keep written inspection reports. Informal levee inspections are conducted by ISD employees. Levee inspections are performed daily during severe weather events.			
Levee Inspection Reports			
Most Recent Written Inspection	NP	Inspection Rating	NP
Levee Segment	Description	Condition¹	
Dutch Slough	Along southern District boundary	5.6 miles need rehabilitation	
San Joaquin/False River	Along northern boundary	2.6 miles need rehabilitation	
Piper Slough/Taylor Slough	Along eastern District boundary	1.5 miles need rehabilitation	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	6.3	Miles Needing Rehabilitation	9.7
% Rehabilitated, FY 07-08	39%	% Needing Rehabilitation	61%
Rehabilitation Cost per Levee Mile ²	\$402,525	Maintenance Cost per Levee Mile ³	\$14,819
Infrastructure Needs/Deficiencies			
Levee rehabilitation is needed on nearly 10 miles of levees. Highest priority areas are in the northern portion of the District along the San Joaquin River/False River segment, and in the southwestern portion of the District along the Dutch Slough segment. Other infrastructure needs include the relocation of the pump station, as the current location suffers from subsidence.			
Notes:			
(1) Levee condition and rehabilitation needs are as reported by RD 830 as of March 2009.			
(2) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of miles rehabilitated in FY 07-08.			
(3) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

The MSR did not identify any new governance alternatives for RD 830. The District indicated that it would not be interested in consolidation with neighboring reclamation districts because there are no compatible districts nearby.

The District reported that the primary reason for opposing consolidation with neighboring agencies is that RD 830 levees are in overall good condition, and the District does not wish to take on liability for other possibly substandard levees. The District also expressed concern that financing levels by neighboring providers would not be sufficient to maintain service levels. Furthermore, being a nearly single-landowner District, RD 830 indicated that it would not be in favor of consolidation involving residential populations, such as those found on Hotchkiss Tract and Bethel Island. Despite the fact that neighboring districts are providing the same service, what is being protected and how it is being protected varies significantly from island to island, and the District does not believe neighboring providers are a good match for consolidation.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The 2008 residential population within the district was 3 individuals. There has been no recent growth within the District, and no anticipated growth in the future. The District is outside of the countywide urban limit line (ULL), and will remain agricultural for the foreseeable future.
- 2) Growth-related impacts on the island include the expansion of the ISD wastewater treatment plant. Expansion of the plant will require extension of an existing pipeline and construction of a new pipeline from the southern end of Jersey Island to the northern end. The District reported that RD 830 will not be impacted by NPDES permitting through RWQCB for expansion of the WWTP.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 3) Jersey Island is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state.
- 4) Over six miles of levees within the District currently meet the HMP standard and nearly 10 miles do not. The 10 miles not meeting HMP standard are in need of rehabilitation, including increasing levee height to two feet above the 100-year flood elevation and widening the levee crest to 18 feet.

- 5) The District reported that 14 miles of levees meet the HMP height standard of at least one-foot of freeboard above the 100-year flood level, but eight miles do not meet the width requirement of the HMP standard.
- 6) The District report that adding a wide toe berm to buttress the landside slope of the levees is an infrastructure need that is anticipated to be addressed within the next five years through DWR special projects funding.
- 7) The area of the District's pump station requires relocation due to the need for levee widening in the area.
- 8) Public services being provided by other service providers include routine levee maintenance activities performed by ISD workers, and billed to RD 830.
- 9) The District is able to provide adequate service due to DWR special projects and subventions funding, and as-needed maintenance services provided by ISD staff.
- 10) The District spent approximately \$14,800 on maintenance costs per levee mile, compared to a countywide median level of \$9,900 per levee mile.
- 11) The District reported that the most significant service challenge is obtaining funding for needed maintenance and rehabilitation activities.
- 12) The District has a capital improvement plan that was last updated in 2007. The District reported that a new five-year plan will be in place by Fall 2009.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 13) The District has demonstrated the financial ability to provide minimally adequate service to portions of the District. Nearly 10 miles of levees within the District do not meet minimum levee standards for the Delta; however, the District reported that it plans to rehabilitate these levees over the next five years using DWR special projects funds
- 14) The District has not adopted development requirements, and does not receive development impact fees, because no development takes place on the island.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 15) Efficiencies are gained by collaboration and facility sharing efforts with ISD for the use of equipment and staff for levee maintenance activities. Coordination between ISD and RD 830 is enhanced by the General Manager and Administration Service Manager at ISD serving as the President and Treasurer on the RD 830 Board.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 16) Accountability to local landowners is achieved by having a close working relationship with ISD, the primary landowner. Current RD Board members are also ISD employees,

including the Administration Service Manager at ISD who serves as Treasurer for the District and the ISD General Manager who serves as the District President.

- 17) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The agency reported a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in the Municipal Service Review, the only SOI option identified for RD 830 is to retain the existing coterminous SOI.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 830.

Table 7-4: RD 830 SOI Analysis

Issue	Comments
SOI update recommendation	Retain existing coterminous SOI.
Services provided	Maintenance services to non-project levees and internal drainage facilities on Jersey Island.
Present and planned land uses in the area	The District bounds encompass primarily agricultural and cattle grazing land uses. Other land uses within the District include subsurface oil and gas exploration, drilling and pipelines, three high-voltage electric transmission lines (WAPA and PG&E), and recreational uses including hunting and fishing.
Location of facilities, infrastructure and natural features	Levees protected by the District are located around the perimeter of Jersey Island. Internal drainage facilities run down the center of each arm of the island, and meet at the pumping station located in the northwest of the District.
Projected growth in the District/Recommended SOI	There is no growth projected within the District/SOI.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee and drainage maintenance services on the island. Levee protection is critical to the continued use of the island and protection of the Delta ecosystem.

Opportunity for infill development rather than SOI expansion	No SOI expansion is recommended and no development is projected on the island.
Service capacity and adequacy	The MSR identified financing as the major constraint to levee maintenance and rehabilitation efforts; however, the District reported that it has an effective relationship with DWR for subventions and special projects funding.
Social or economic communities of interest	The economic community of interest is the Ironhouse Sanitary District, as it is the primary landowner on Jersey Island.
Effects on other agencies	Retaining the existing coterminous SOI would have no effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	No potential consolidation opportunities were identified. The District does not wish to take on liability for other possibly substandard levees when its own levees are in good condition. Furthermore, the District does not wish to consolidate with an agency with a large residential population, and is concerned that other agricultural islands do not have sufficient assessments to maintain service levels.
Willingness to serve	The District has demonstrated a willingness to serve by providing levee maintenance to Jersey Island since 1911. ISD has demonstrated a willingness to collaborate with the District as it is the primary landowner on the island.
Potential effects on agricultural and open space lands	Retaining the existing coterminous SOI would allow the District to continue to serve its boundary area, which is comprised of agricultural and open space lands.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

8. RECLAMATION DISTRICT 2024 (ORWOOD AND PALM TRACTS)

Reclamation District 2024 (Orwood and Palm Tracts) provides maintenance services to non-project levees and internal drainage facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2024 was originally formed on April 15, 1918 as an independent special district.¹³¹ The District consisted of Orwood Tract, and was formed to provide drainage, irrigation and complete reclamation of lands within District boundaries. In 1995, RD 2036 (Palm Tract) was dissolved and the area was annexed to RD 2024.¹³² The original three-member Board of Trustees for each District was expanded to the current five-member Board serving both tracts.

The principal act that governs the District is the Reclamation District Act.¹³³ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,¹³⁴ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,¹³⁵ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,¹³⁶ and 4) retain an agricultural expert to advise landowners.¹³⁷ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.¹³⁸

The District's boundary is located entirely within Contra Costa County, and consists of Orwood Tract and Palm Tract adjacent to the Contra Costa-San Joaquin County line at Old River, as shown

¹³¹ The formation date was reported by the District. LAFCO records do not date back to District formation, and RD 2024 does not file with the State Board of Equalization.

¹³² LAFCO Resolution No. 95-9. Upon dissolution of RD 2026, all of the facilities and other property owned by RD 2026 were transferred to RD 2024.

¹³³ California Water Code, Division 15, §50000-53903.

¹³⁴ California Water Code §50932.

¹³⁵ California Water Code §50910.

¹³⁶ California Water Code §50933.

¹³⁷ California Water Code §50952.

¹³⁸ Government Code §56824.10.

in Map 8-1. The boundaries encompass approximately 6,574 acres, or approximately 5.5 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Primary Zone of the Sacramento-San Joaquin Delta, and is outside the countywide urban limit line (ULL).

The SOI for the District was adopted in 1984 to be coterminous with District boundaries.¹³⁹ The SOI was updated in 2005 to be consistent with the district boundary following the reorganization involving the RD 2026 (Palm Tract) boundary area.¹⁴⁰

Boundary History

The LAFCO record for RD 2024 consists of a single action. In 1995, a reorganization occurred that annexed the RD 2026 (Palm Tract) boundary area to RD 2024.¹⁴¹ The purpose of the reorganization was to “consolidate the two agencies into one, thereby streamlining their services.”¹⁴²

Contra Costa LAFCO records do not indicate any subsequent annexations or detachments from the District.¹⁴³

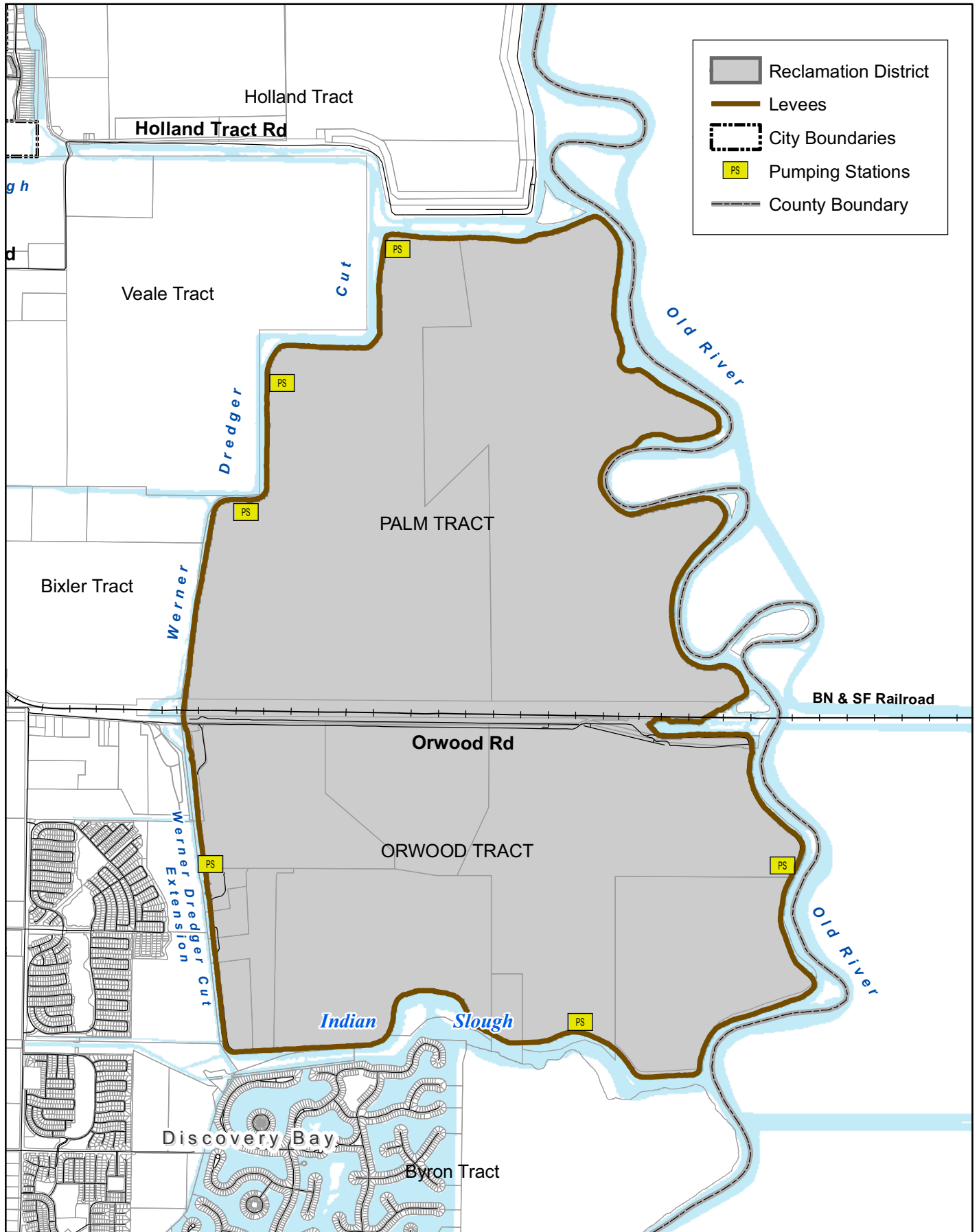
¹³⁹ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

¹⁴⁰ LAFCO Resolution No. 95-9.

¹⁴¹ Ibid.

¹⁴² LAFCO Executive Officer’s Report dated June 7, 1995, attached to Resolution No. 95-9.

¹⁴³ Contra Costa LAFCO records begin in 1965 and show no boundary changes to RD 2024 except the addition of Palm Tract.



LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a five-member board. Board members are elected by landowners to staggered four-year terms, with the number of votes determined by the annual assessment paid by each landowner. RD 2024 board members serve on a volunteer basis and do not receive compensation. There is currently one vacancy on the Board, and no candidate has expressed interest in filling that position.¹⁴⁴ Uncontested vacancies on the governing body are filled by appointment of the County Board of Supervisors. Mailed ballots are utilized for any contested elections, with such elections very rare.¹⁴⁵

The District Trustees meet on an ‘as needed’ basis, with around four meetings held per year. Meetings are normally held in the conference room of the District Secretary located at 235 E. Weber Avenue in Stockton.

Table 8-1: RD 2024 Governing Body

Reclamation District 2024 Orwood and Palm Tracts				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Robert Cecchini	Member	1999	2011
	John R. Jackson	Member	2007	2011
	George S. (Stan) Nunn	Member	2005	2009
	Don Wagenet	President	1997	2009
	Vacant	Member		
<i>Manner of Selection</i>	Landowner elections. Board member must be a landowner or legal representative of a landowner within the District. For uncontested elections, appointments are made by the County Board of Supervisors; for contested elections, mailed ballots are utilized.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed (Usually quarterly)	Location: 235 E. Weber Avenue Stockton, CA		
<i>Agenda Distribution</i>	As requested. Agendas are mailed to each Landowner.			
<i>Minutes Distribution</i>	As requested. Minutes are mailed to each Landowner.			
Contact				
<i>Contact</i>	District Secretary and Attorney			
<i>Mailing Address</i>	Nomellini, Grilli & McDaniel PO Box 1461, Stockton CA 95201-1461			
<i>Email/Website</i>	ngmplcs@pacbell.net/No website			

The District conducts constituent outreach through regular mailings to landowners, and by posting agendas and notices at the District Secretary’s office. A Notice of Annual Assessment is provided to landowners, published in the newspaper, and posted. The District does not maintain a website.

¹⁴⁴ Interview with Dante John Nomellini, Sr., District Secretary and Attorney, December 4, 2008.

¹⁴⁵ Ibid.

With regard to customer service, complaints or concerns may be filed with the District Secretary and are placed on a Board Agenda for discussion and/or resolution. There are 18 landowners within the District, most of whom are actively involved with the District, so formal complaints are rare. Within FY 07-08 there were no complaints filed.

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO map inquiries and document requests.

SERVICE DEMAND AND GROWTH

Access to the District is via Orwood Road from Bixler Road and SR 4 from the south, or Bixler Road and Chestnut Street in Brentwood from the west. Orwood Road traverses the north side of Orwood Tract westerly until it terminates at Old River. Private levee roads provide perimeter access around each tract, and private agricultural service roads provide access to the interior of each tract. (Refer to Map 8-1.)

There are 18 landowners within the District including agricultural interests and public interests. The predominant land use (estimated at 95 percent or 6,250 acres) on both tracts is agriculture, primarily wheat, corn, safflower and grapes. The State Farmland Mapping and Monitoring Program classifies agricultural land in the District as Prime Farmland (approximately 3,850 acres) and Farmland of Statewide Importance (2,570 acres). Approximately 2,800 acres within the District are under Williamson Act contracts. This comprises 45 percent of the agricultural land in the District.

Residential uses are limited to two single-family residences adjacent to Orwood Road at Fallman Road, and to caretaker and farm worker housing, with each tract providing housing for approximately 20 workers each. Portions of each tract are dedicated to wildlife habitat and host a large variety of waterfowl. Cruiser Haven Marina is located at the westerly terminus of Orwood Road adjacent to Old River. The marina provides covered berths and limited services. Orwood Resort, a full service marina, is located just west of the District boundary on the south side of Orwood Road.

Public and quasi-public agencies associated with the District include: East Bay Municipal Utility District (EBMUD) - whose main aqueduct traverses the District in an east-west direction along the north side of Orwood Tract; Burlington Northern Santa Fe Railroad (whose tracks traverse the District in an east-west direction along the south side of Palm Tract); Western Area Power Administration and Pacific Gas and Electric Company (whose power transmission lines traverse the District from the northwest portion of Palm Tract to the southeast portion of Orwood Tract); and Santa Fe Pacific Pipeline, LP (with natural gas transmission lines).

The District considers its customer base to be the 18 landowners. There are approximately 40 resident farm workers in the District, depending on the season, along with eight permanent residents. The District's population density is approximately five persons per square mile, compared with the 2008 countywide density of 1,318. The two tracts have not experienced any growth, and the District does not anticipate changes in service demand in the future. The District is outside the countywide urban limit line (ULL) and expects agriculture to remain as the predominant land use for the foreseeable future.

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies. The District does provide comments to the County Community Development Division on land use and planning issues, especially as they relate to maintaining the integrity of the levees.

MANAGEMENT

The District employs no full-time or part-time staff positions. The District contracts out for all major services including legal counsel, engineering services and levee repair and rehabilitation projects. Projects in excess of \$25,000 are competitively bid. Board Member Robert Cecchini is paid contract services for pump maintenance services.

The District Secretary and District Engineer serve at the pleasure of the Board, the Secretary having served since 1968. The District Engineer provides evaluation of contractor performance as work is completed, with regular reports to the Board.

The District does not have a formal levee inspection procedure and does not keep written inspection reports. District Trustees monitor the levees on a regular basis, and provide continuous inspections during rain, wind and high-tide events. The District Engineer makes periodic inspections.

The District adopts an annual budget, and annually has prepared a financial report by an independent auditor. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08.

The District does not prepare a long-term capital improvement plan or master plan. The District's planning efforts involve required planning for Department of Water Resources (DWR) reimbursement for levee maintenance and special projects. The recent (September 2008) Preliminary Geophysical Investigation of both Orwood and Palm Tracts by Argus Technologies will allow the District to establish priorities for addressing problem areas within the levees, particularly anomalies and voids that are not visible from the surface.

FINANCING

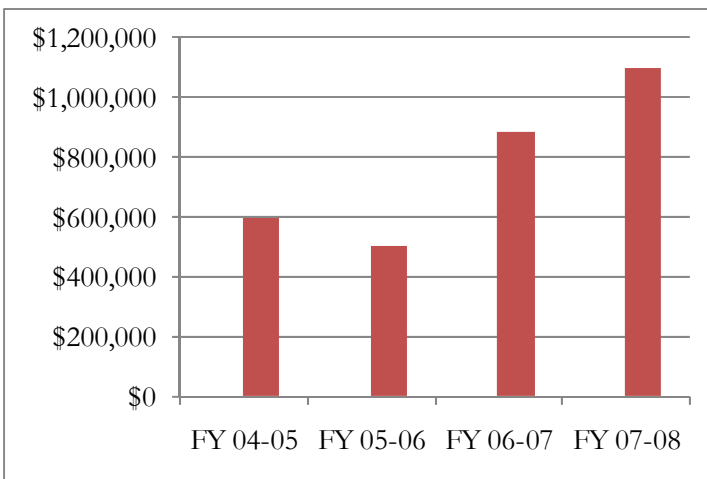
The District has demonstrated the financial ability to provide minimally adequate services in most of its boundary area. Some levees segments in the Palm Tract do not meet (Hazard Mitigation Plan (HMP) width standards.¹⁴⁶ A periodic contribution by EBMUD is provided to assist RD 2024 in maintaining the levees adjacent to the EBMUD aqueduct.

District expenditures fluctuate year to year as capital needs and development projects vary by year, and are not regular, ongoing expenses. Expenditures were higher in FY 06-07 and FY 07-08 than in prior years due to increased levee maintenance needs and efforts. Somewhat less maintenance than usual occurred in FY 05-06, resulting in somewhat lower expenditures than usual. Revenue fluctuations have generally followed the expenditure trend, with lower intergovernmental revenues in FY 05-06 than other years due to less maintenance activity that year.

¹⁴⁶ For a detailed explanation of levee standards and specifications, please refer to chapter 4.

Figure 8-1: RD 2024 Expenditures, FY 04-05 through FY 07-08

The District utilizes the ‘cash receipts and disbursement basis’ of accounting, which is a comprehensive basis of accounting other than the accounting principles generally accepted in the United States. This method recognizes revenues when received and expenditures when paid.



The District received \$505,808 in revenues in FY 06-07 and \$912,886 in FY 07-08. RD 2024 relies primarily on landowner assessments which normally generate 63 percent of operating revenues, and reimbursements from the State under the subventions program (37 percent). The direct contribution by EBMUD (\$250,000 in FY 07-08) allows for additional levee maintenance projects. The District does not receive any property tax revenue. The District levied assessments of \$50 per acre in FY 07-08. If additional funds were contributed by the other non-landowners (Burlington Northern Santa Fe Railroad, Pacific Gas and Electric Company, Santa Fe Pacific Pipeline) the District would be able to increase its efforts to improve its levees to the PL 84-99 Standard.¹⁴⁷

Total expenditures for FY 06-07 were \$886,723 and for FY 07-08, a total of \$1,097,257, which are detailed in Table 8-2. A majority of the District’s costs have been for levee maintenance and drainage services (pump maintenance and electricity). For FY 07-08, the District spent \$184,371 more than it derived in revenues, necessitating a transfer of that amount from reserves. With that transfer, the reserve account stood at \$438,758 on June 30, 2008. The District spent approximately \$62,800 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.

The District does not have any long-term debt, nor does it have a formal policy on maintaining financial reserves. Because of the time lag in receiving reimbursements from the State Delta Levee Subventions Program, the District must normally accrue funds over a period of time or take out a loan in order to carry out larger capital improvement projects. The District currently utilizes a short-term (four-year) draw account from the Bank of Stockton if additional funds are required temporarily.

All capital improvements on the levee system are coordinated through the District Engineer. However, for the past two years, levee activity has been limited to repair and maintenance only. No rehabilitation work has occurred.

¹⁴⁷ Interview with Dante John Nomellini, Sr., District Secretary and Attorney, December 4, 2008.

Table 8-2: RD 2024 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
Reclamation services are financed primarily by assessments (63%) and DWR subventions (37%).					
Development Fees and Requirements					
Agricultural (per acre)		None			
Residential (per unit)		Single Family:	None	Multi-Family:	None
Non-residential (per 1,000 sq. ft.)		Commercial:	None	Industrial:	None
Development Requirements:		None			
RD 2024 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08	Expenditures	FY 06-07	FY 07-08
Total	\$505,808	\$912,886	Total	\$886,723	\$1,097,257
Property Tax	0	0	Operations	693,087	1,046,827
Assessments	319,535	319,535	Drainage & Utilities ²	88,460	130,011
Intergovernmental Revenues	186,273	342,971	Levee Maintenance ³	604,624	916,816
Levee Maintenance	186,273	342,971	Capital Improvements ⁴	0	0
Capital Improvements	0	0	Administrative ⁵	2,775	1,241
Levee Participation Program ¹	0	250,000	Professional Fees ⁶	182,353	32,793
Interest	0	0	Insurance	8,266	12,369
Other Revenues	0	380	Miscellaneous ⁷	245	4,027
Notes:					
(1) Participation fee paid by East Bay Municipal Utility District.					
(2) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(3) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(4) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(5) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(6) Legal and accounting services.					
(7) Miscellaneous expenditures not specified.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2024 provides maintenance services to non-project levees and internal drainage services. The District conducts or contracts for vegetation removal, weed abatement and vector/rodent control, and upkeep of access roads as part of its levee maintenance work. The District is also responsible for flood fighting and levee patrol during high-water events. Large capital improvements (such as levee rehabilitation) are awarded to private firms under a competitive bid process.

LOCATION

RD 2024 provides services within its boundary area, and to the toe of perimeter levees on both water and land sides. The District's planning area consists of Palm Tract (2,436 acres) on the north, and Orwood Tract (4,138 acres) on the south.

The MSR did not identify documented benefits of continued reclamation of the tracts for sustaining the fresh water/saltwater balance and health of the Delta, as the area is not identified as a critical asset by California Water Code §12311. Hence, the benefit area for the District's reclamation activities are confined to the District's boundary area.

INFRASTRUCTURE

Key infrastructure in the District includes almost 15-miles of levees, as well as internal drainage channels, six pump stations, and one flood gate. Levees are constructed out of earthen materials with rock rip rap on the water side. The Indian Slough Segment on Orwood Tract has been extensively rocked on the water side in order to eliminate wake damage from speedboats entering and leaving the Discovery Bay development area.

Figure 8-2: RD 2024 Indian Slough Levee

The District reports that existing levees meet the Hazard Mitigation Plan (HMP) Standard (one foot above the 100-year flood level) in all areas, but that portions of Palm Tract do not meet the minimum top of levee width standard of 16-feet. The District is within Flood Zone A2, with a base flood elevation of 8-feet above sea level for Orwood Tract and 7-feet above sea level for Palm Tract. Ground elevations within the interior of each Tract average 10-feet below sea level. This means the entire area would be covered by 17-18 feet of water in a high-water event. Hence, the entire District is presently classified by FEMA to be within the 100-year floodplain.



A *Preliminary Geophysical Investigation* was conducted by Argus Technologies in September of 2008. The report identifies anomalies in the levees (voids and fissures). The District Engineer is utilizing this information to identify future levee repair/rehabilitation projects, including the elimination of beaver holes.

According to DWR, there have been no levee failures on Palm or Orwood Tracts in the 1967-2004 period. Likewise, no levee failures or breaches have occurred in the past four years.

The easterly half of Palm Tract and the northeast quadrant of Orwood Tract contain organic material (peat soils) ranging in depth from 10 to 20 feet. Historically, these areas have experienced minimal subsidence without any consequences.

A summary of services, facilities and conditions is provided in Table 8-3.

Table 8-3: RD 2024 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Direct & Contract	Weed Abatement	Direct & Contract
Flood Control	Direct & Contract	Slope Protection	Direct & Contract
Drainage	Direct & Contract	Vector/Rodent Control	Direct & Contract
Upkeep of Levee Access Roads	Direct & Contract	Levee Patrol	Direct & Contract
Irrigation Water	None	Flood Fighting	Direct & Contract
District Overview			
Total Levee Miles	14.6	Surface Elevation	-10 ft. (average)
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.0	Dry Land Levee	0
HMP Standard	14.6	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	14.6
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	Yes - 6
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A2	Base Flood Elevation	8-foot (Orwood); 7-foot (Palm)
Levee Inspection Practices			
Levee inspections are performed on a regular basis by District Trustees; periodically by the District Engineer. Levee inspections are performed multiple times per day during severe weather events.			
Levee Inspection Reports			
Most Recent Written Inspection	NP ¹	Inspection Rating	NP
Levee Segment	Description	Condition	
Palm Tract	Werner Dredger Cut Segment	Good	
	Old River Segment	Good	
Orwood Tract	Old River Segment	Good	
	Indian Slough Segment	Good	
	Werner Dredger Cut Extension Segment	Good	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.0	Miles Needing Rehabilitation	1.2
Percent Rehabilitated, FY 07-08	0%	Percent Needing Rehabilitation	8%
Rehabilitation Cost per Levee Mile ¹	NA	Maintenance Cost per Levee Mile ²	\$62,800
Infrastructure Needs/Deficiencies			
The District is working toward meeting the PL 84-99 Standard for agricultural levees.			
Notes:			
(1) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of levee miles rehabilitated in FY 07-08.			
(2) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

The MSR identified one governance alternatives for RD 2024.

The consolidation of RD 2036 (Palm Tract) into RD 2024 in 1995 accomplished a unified levee system; efficiency of scale; better service to the railroad, EBMUD and the pipeline company; more coordination with landowner/farmers; and a more diverse Board of Trustees consisting of five members.

Consolidation opportunities are limited to adjacent districts with comparable service level needs. RD 2065 (Veale Tract) is the only such district identified. As RD 2024 is the larger and financially healthier of the districts, it would be logical for RD 2024 to be the successor agency and for RD 2065 to annex to RD 2024. The MSR recommends that RD 2121 (Bixler) be dissolved, so it would not be a potential consolidation partner. RD 800 (Byron) is not a potential consolidation partner due to its urban uses and need for a higher service level than the agricultural RD 2024. RD 2025 (Holland) is not a potential consolidation partner as it receives a higher level of funding due to a legislative mandate that Holland be protected due to its critical importance for the health of the Delta. By contrast, protection of Palm and Orwood Tracts is not mandated in Water Code §12311.

Consolidation advantages would include opportunities to achieve efficiencies in planning, to enhance service levels and professionalism for Veale Tract, and to reduce administrative costs. Consolidation could also improve RD 2024's ability to fill a vacancy on the Board of Trustees. As RD 2065 is hydrologically distinct from RD 2024, there are no common areas of benefit or opportunities for sharing levee infrastructure directly, although maintenance equipment could be shared. Perceived disadvantages for consolidation include a reduction in local control for affected property owners on Veale Tract due to less representation on the District Board, and acceptance of liability by RD 2024 for levees in RD 2065 where maintenance expenditures have not been as high as RD 2024.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The 2008 residential population within the district was approximately 48. There has been no recent growth. Primary residents are farm workers whose numbers fluctuate depending on the season.
- 2) There are no planned and proposed developments located within the existing boundary and SOI of the District. Orwood and Palm Tracts are dedicated to agriculture, are within the Primary Zone of the Delta, and are outside the countywide ULL.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 3) Levees currently meet HMP standards in most of its boundary area. Some levee segments in the Palm Tract do not meet HMP width standards.
- 4) Future levee repair/rehabilitation projects are identified based on inspections and geotechnical analysis.
- 5) The District insures that regional facilities that pass through the District (Burlington Northern Santa Fe rail line, EBMUD aqueduct, Santa Fe Pacific Pipeline transmission lines) are protected.
- 6) The District provides adequate service as reflected in the levee upgrades that have been accomplished over the past several years. Additional effort has gone into placing additional rock rip rap on the water side of the Indian Slough levee in order to eliminate wake damage from boats.
- 7) The District spent approximately \$62,800 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.
- 8) Those portions of Palm Tract levees that do not meet the levee width standard of 16-feet should be given priority with respect to rehabilitation.
- 9) The District is working toward additional levee upgrades from the HMP standards to the PL 84-99 Standard for agricultural levees.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 10) The District has demonstrated financial ability to provide minimally adequate service levels. The direct contribution by East Bay MUD allows for additional levee improvement projects.
- 11) The District has the ability to increase assessments to landowners if necessary. The present rate of approximately \$50 per acre is relatively low compared to other reclamation districts.
- 12) The District should consider requesting additional funds from non-property owners who benefit from the District, similar to the EBMUD contribution.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 13) The District does not practice significant facility sharing, but does work directly with the agricultural landowners to insure that levee roads, access roads, pumps, and canals are well maintained.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 14) Accountability is somewhat constrained by limited interest in serving on the governing body, as indicated by the current Trustee vacancy and the rarely contested elections.
- 15) The District should take steps to fill the vacant position on the Board of Trustees.
- 16) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 17) The District does not find it necessary to conduct any community outreach or involvement activities because all of the 18 landowners are involved in District activities.
- 18) Consolidation with RD 2065 (Veale) is a government structure option.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The District indicated a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in this Municipal Service Review, two SOI options were identified:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – SOI expansion to Veale Tract

SOI expansion for RD 2024 to include Veale Tract would signify that consolidation could be initiated. If initiated, LAFCO would evaluate consolidation in greater depth and determine whether or not it is advisable and under what conditions.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 2024.

Table 8-4: RD 2024 SOI Analysis

Issue	Comments
SOI update recommendation	Retain the existing coterminous SOI.
Services provided	Maintenance services to non-project levees and internal drainage facilities on Orwood Tract and Palm Tract.
Present and planned land uses in the area	The District bounds encompass primarily agricultural land. Other land uses within the District include the East Bay Municipal Utility District aqueduct, Burlington Northern Santa Fe Railroad tracks, Western Area Power Administration and Pacific Gas and Electric Company power transmission lines, and Santa Fe Pacific Pipeline, LP natural gas transmission lines.
Location of facilities, infrastructure and natural features	Levees protected by the District are located around the perimeter of both Orwood Tract and Palm Tract. Internal drainage facilities and pump stations serve each tract.
Projected growth in the District/Recommended SOI	There is no growth projected within the District/SOI.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee and drainage maintenance services in the District. Levee protection is critical to the continued use of the land for agricultural production, given the land elevation of 10-feet below sea level.
Opportunity for infill development rather than SOI expansion	No opportunities presently exist to accommodate infill development. Expansion of the SOI to Veale Tract would be to address shortcomings in RD 2065.
Service capacity and adequacy	With additional revenue (from either increased assessments or utility owner contributions), the District can be well positioned to provide a high level of service to its constituents.
Social or economic communities of interest	The economic community of interest is the 18 property owners including the agricultural interests and the participating utility owners.
Effects on other agencies	Expansion of the SOI to Veale Tract would affect RD 2065; however, this option is not recommended.
Potential for consolidations or other reorganizations when boundaries divide communities	There is potential to annex RD 2065 (Veale Tract), especially if RD 2065 becomes insolvent or cannot continue to provide services.
Willingness to serve	The District has demonstrated a willingness to serve by providing levee maintenance in the area since 1918. The District has demonstrated a willingness to collaborate with the agricultural and utility landowners in the District.
Potential effects on agricultural and open space lands	Because of its location and the very high quality of soils on both Orwood and Palm Tracts, agriculture will remain a viable land use.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should assist the Commission in making CEQA determinations.

9. RECLAMATION DISTRICT 2025 (HOLLAND TRACT)

Reclamation District 2025 (Holland Tract) provides maintenance services to non-project levees, internal drainage and irrigation facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2025 was formed in 1918 as an independent special district. The District was formed to provide levee maintenance services.¹⁴⁸

The principal act that governs the District is the Reclamation District Act.¹⁴⁹ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,¹⁵⁰ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,¹⁵¹ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,¹⁵² and 4) retain an agricultural expert to advise landowners.¹⁵³ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.¹⁵⁴

The District's boundary is located entirely within Contra Costa County. RD 2025 is a Delta island located in the eastern portion of the County, northeast of the community of Knightsen, as shown in Map 9-1. The boundaries encompass approximately 4,090 acres, or approximately 6.4 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is located within the Primary Zone of the Sacramento-San Joaquin Delta, and is outside of the countywide urban limit line (ULL).

¹⁴⁸ The year of formation was reported by the District. LAFCO records do not date back to District formation, and RD 2025 does not file with the State Board of Equalization.

¹⁴⁹ California Water Code, Division 15, §50000-53903.

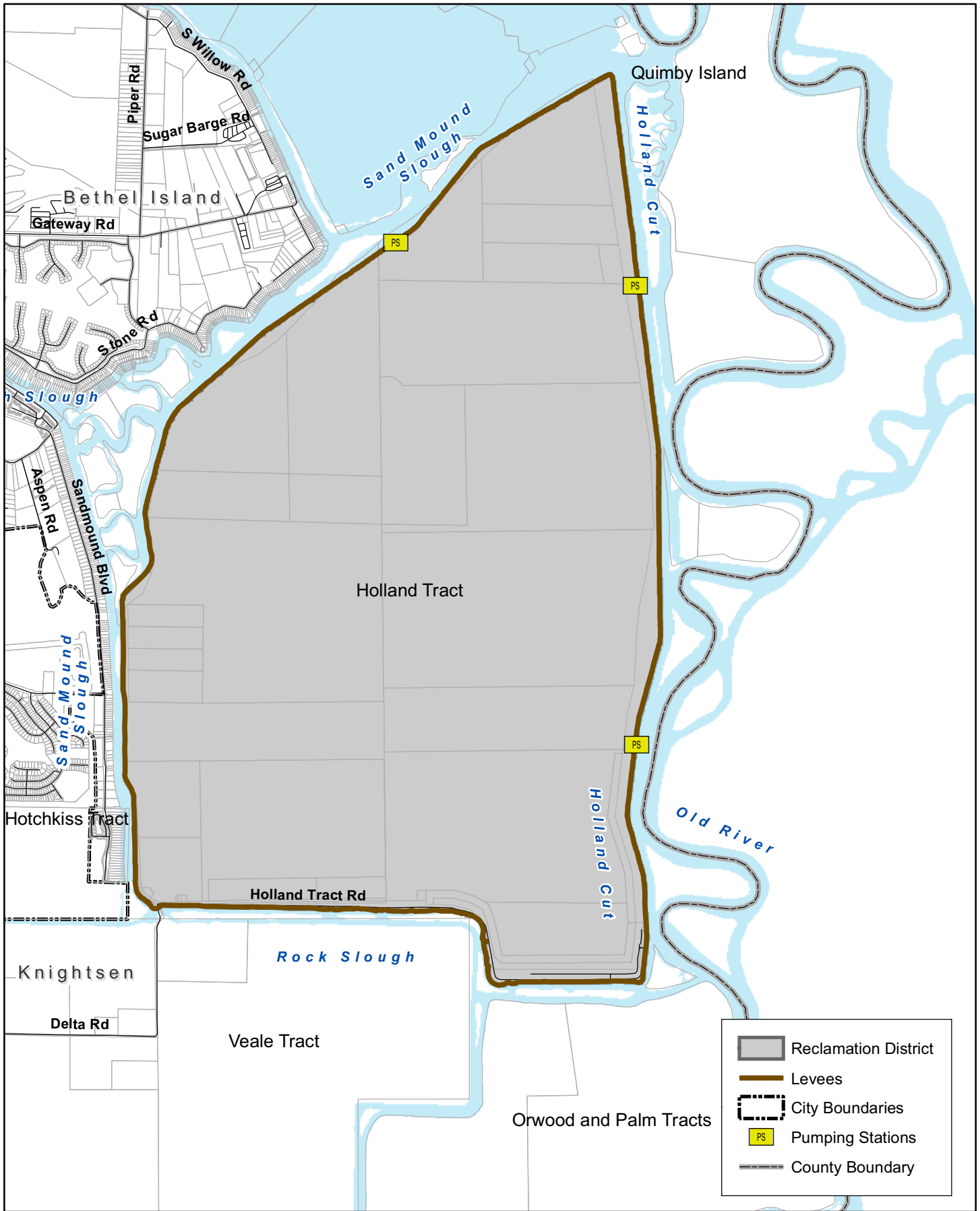
¹⁵⁰ California Water Code §50932.

¹⁵¹ California Water Code §50910.

¹⁵² California Water Code §50933.

¹⁵³ California Water Code §50952.

¹⁵⁴ Government Code §56824.10.



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.¹⁵⁵

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 2025 since 1965.¹⁵⁶

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a three-member board. For contested elections, board members are elected by landowners to staggered four-year terms, with each voter entitled to cast one vote per acre owned within the district. The District reported that Delta Wetlands Properties—a private, for profit entity—is the majority landowner within RD 2025, owning approximately three-quarters of the island. Board members are not compensated by RD 2025.

The District reported that there have been no recent contested elections. Uncontested vacancies on the governing body are filled by appointment by the Board of Supervisors. A vacant board seat was filled by appointment in 2006, with the appointee to serve the remainder of the term. The District meets on an as-needed basis, with approximately four meetings held per year.

Table 9-1: RD 2025 Governing Body

Reclamation District 2025 (Holland Tract)				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	David A. Forkel	Chair	2007	2011
	Zelimir Dabelich	Trustee	2006	2009
	John L. Winther	Trustee	2007	2011
<i>Manner of Selection</i>	Landowner elections. Board member must be a landowner or legal representative of a landowner within the District.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed	Location: 311 East Main St., Suite 504, Stockton, CA 95202		
<i>Agenda Distribution</i>	Posted at District office			
<i>Minutes Distribution</i>	By request			
Contact				
<i>Contact</i>	General Manager			
<i>Mailing Address</i>	1660 Olympic Boulevard, Suite 350, Walnut Creek, CA 94596-5111			
<i>Email/Website</i>	info@deltawetlands.com			

The District’s constituent outreach activities consist of posting agendas and notices at the District office and maintaining an email distribution list for landowner notification. With regard to customer service, complaints can be raised at board meetings, or by contacting the District general manager. The District reported that no complaints were received in FY 07-08.

¹⁵⁵ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

¹⁵⁶ Contra Costa LAFCO records begin in 1965 and show no boundary changes to RD 2025.

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO map inquiries and document requests.

SERVICE DEMAND AND GROWTH

Access to the District is via Delta Road in the southwest of the District, east of the unincorporated community of Knightsen. Delta Road turns into Holland Tract Road at the northern end of Holland Tract bridge. Holland Tract Road runs east-west along the southern border of the District, and north-south along the eastern border of the District. Private levee roads provide perimeter access around other portions of the island, and private agricultural service roads provide access to the interior of the island.

The District bounds encompass agricultural and recreational land uses. Local business activities include cattle grazing operations within the District and marinas located along the Delta waterways, outside of the levees. The majority of Holland Tract consists of farmland of local importance (approximately 2,800 acres), but also includes prime farmland along the eastern portion of the island (approximately 880 acres), and farmland of statewide importance (approximately 320 acres).¹⁵⁷ There is no Williamson Act contracted land within the District.

The District considers its customer base to be the 18 landowners within the District. Of the 18 landowners, the District reported that Delta Wetlands Properties owns 75 percent of the island, with the remaining 25 percent divided among the 17 other landowners.

There were 27 residents in the District, according to 2000 Census data. The District's population density was 4.2 per square mile, compared with a countywide density of 1,318. The island is outside of the countywide urban limit line (ULL), and the District does not anticipate changes in service demand in the future. The District has not experienced recent growth and does not anticipate significant growth in the future. The District reported that infill growth is limited to a maximum of four to five units under current zoning, located along the western side of the island.

Delta Wetlands Properties is the primary landowner on Webb Tract and Holland Tract in Contra Costa County, and Bouldin Island and Bacon Island in San Joaquin County. Delta Wetlands' long-term goal is to construct weirs with gates in the Webb Tract and Bacon Island levees, to briefly divert high flows onto the islands during high tide events, in order to decrease peak tidal elevations in the central Delta and avoid levee overtopping.¹⁵⁸ District studies modeling Delta high tidal flows project that diverting 100,000 acre-feet of water onto each island during peak tidal elevations could lower the peak tidal elevation in the central Delta by three to four inches.¹⁵⁹ Water captured during surplus conditions would be returned to the Delta later in the year and sold for beneficial use (e.g., summer export for municipal and industrial use, irrigation, Delta outflow, etc.).¹⁶⁰ Holland Tract and

¹⁵⁷ California Department of Conservation Division of Land Resource Protection, *Contra Costa County Important Farmland 2006*, Farmland Mapping and Monitoring Program, 2007.

¹⁵⁸ ICF Jones & Stokes, Delta Wetlands Potential Flood Protection Operations, July 2008, p. 1.

¹⁵⁹ *Ibid.*, p. 17.

¹⁶⁰ Interview with David Forkel, RD 2025 General Manager, April 21, 2009.

Bouldin Islands would be maintained as wetland and wildlife habitat to mitigate habitat loss from the flooding of Webb Tract and Bacon Island.

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies.

MANAGEMENT

The District does not directly employ any full-time or part-time staff positions. The District contracts out for all major services, including levee rehabilitation projects, engineering services and legal counsel. The District conducts evaluations of contractor performance as work is completed. Efficiencies are gained by the District having an engineer who works for various Delta RDs, because it allows for easy benchmarking and cost comparisons.

Levee inspections are performed on a daily basis by on-site farmers, and several times per day during storm events and high tides. The District reimburses farmers for time spent on levee patrols. If levee maintenance issues are discovered during routine levee patrols, the District engineer is immediately notified. The District does not keep a comprehensive log of inspection reports, but the engineer documents maintenance issues as they arise. Oversight and review of levee maintenance activities is supplemented by the Department of Water Resources (DWR) inspections of work performed under the subventions and special projects programs.¹⁶¹

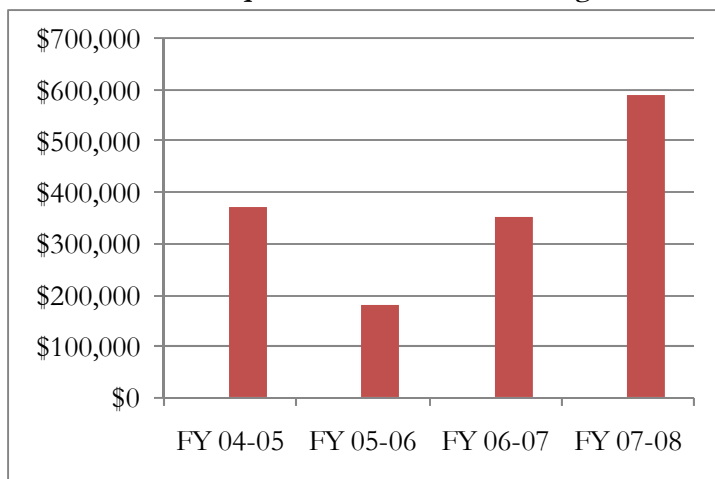
The District reported that it adopts an annual budget, and annually prepares audited financial statements. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08. District planning efforts include annual applications to DWR for subventions and special projects funding, and year-end summaries of work performed. The District had not prepared a multi-year capital improvement plan as of the drafting of this report; however, the District reported that it plans to complete a five-year plan by December 2009.

FINANCING

Figure 9-1: RD 2025 Expenditures, FY 04-05 through FY 07-08

The District has demonstrated the financial ability to provide minimally adequate service. Capital improvements on the levee system occur primarily through DWR special projects funds, whereas routine levee maintenance is funded by assessments and DWR subventions.

District expenditures fluctuate year to year as financing relies on State funding for significant levee



¹⁶¹ DWR performs inspections of work funded through the special projects and subventions programs, but does not conduct overall levee inspections or certification

maintenance and rehabilitation activities. Expenditures were higher in FY 07-08 than in subsequent years due to DWR special projects funding for levee rehabilitation. To a lesser extent levee maintenance needs and efforts also fluctuate somewhat from year to year. Somewhat less maintenance occurred in FY 05-06 than in prior years, resulting in somewhat lower expenditures than usual. Revenue fluctuations have generally followed the expenditure trend, with higher intergovernmental revenues in FY 07-08 than previous years due to a greater volume of reimbursable capital projects that year.

The District received over \$2.3 million in revenues in FY 07-08. RD 2025 relies primarily on intergovernmental revenues to fund services. DWR special project funds generated 87 percent of operating revenue in FY 07-08, DWR subventions generated six percent, and assessments generated six percent. The District levied assessments of approximately \$37 per acre in FY 07-08.¹⁶² The District has not adopted development requirements, and does not have development impact fees, because no development has taken place on the island.

Total expenditures for FY 07-08 were nearly \$589,000, 55 percent of which were for capital improvements, 35 percent for levee maintenance, and five percent for pumping station and canal maintenance and operations. The District reported that the remainder of the nearly \$2 million in DWR special projects funds was expended in FY 08-09. The District spent approximately \$18,750 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.

The District had approximately \$250,000 in short-term debt at the end of FY 07-08. The short-term debt consisted of short-term warrants registered with the Bank of Stockton, used to pay annual maintenance costs. Short-term warrants mature within one year, and are repaid when DWR issues subvention reimbursements for the prior fiscal year, typically within six to eight months of the close of the fiscal year.

The District does not have a formal policy on maintaining financial reserves, and reported that it typically spends all that it has and does not keep a reserve. The District had a deficit of \$43,379 in unrestricted net assets at the close of FY 07-08; however, had \$108,939 in capital assets, consisting of land and pumps.

¹⁶² The District reported that assessments are not indexed for inflation, and all parcels are assessed at a constant rate.

Table 9-2: RD 2025 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
In FY 07-08, reclamation services were financed by intergovernmental revenues (94%) and assessments (6%).					
Development Fees and Requirements					
Agricultural (per acre)	NA				
Residential (per unit)	Single Family:	NA	Multi-Family:	NA	
Non-residential (per 1,000 sq. ft.)	Commercial:	NA	Industrial:	NA	
Development Requirements:	NA				
RD 2025 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08¹	Expenditures	FY 06-07	FY 07-08¹
Total	\$471,879	\$2,350,127	Total	\$352,062	\$588,864
Property Tax	\$0	\$0	Operations	\$327,778	\$236,230
Assessments	\$51,911	\$150,454	Drainage & Utilities ¹	\$20,609	\$30,569
Intergovernmental Revenues	\$419,968	\$2,199,673	Levee Maintenance ²	\$307,169	\$205,661
Levee Maintenance	NP	\$147,673	Capital Improvements ³	\$1,273	\$325,497
Capital Improvements	NP	\$2,052,000	Administrative ⁴	\$2,823	\$11,016
Development Impact Fees	\$0	\$0	Professional Fees ⁵	\$13,120	\$2,300
Interest	\$0	\$0	Insurance	\$7,068	\$6,342
Other Revenues	\$0	\$0	Miscellaneous	\$0	\$7,479
Note:					
(1) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(2) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2025 provides maintenance services to non-project levees, internal drainage and irrigation facilities. Routine maintenance activities include vegetation removal, seepage/irrigation ditch cleaning, rodent control, roadway maintenance, and repair of waterside erosion. Sheep are allowed to graze on the levees periodically, for the purpose of vegetation control. The District is also responsible for flood fighting and levee patrol during high water events.

LOCATION

RD 2025 provides services within its boundary area, the entirety of Holland Tract. The District does not provide any services outside of Holland Tract.

The tract has been determined to be critical to the health of the Delta. Holland Tract is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state. The District provides statewide benefits outside its bounds.¹⁶³

INFRASTRUCTURE

Key infrastructure in the District includes nearly 11 miles of earthen levees, as well as eight miles of irrigation canals and three pumping stations. The District reports that levees meet the Hazard Mitigation Plan (HMP) standard of one foot above the 100-year floodplain.¹⁶⁴ The District Engineer reported that all levees are in good condition, only requiring routine maintenance. The LAFCO site visit identified erosion repair, additional riprap and significant vegetation removal as infrastructure needs.



Figure 9-2: RD 2025 Rock Slough Levee



Despite the fact that all levees were reported to be in good condition at HMP standard, the District plans to upgrade all levees beyond HMP for increased levels of flood protection. The District reported that the HMP standard provides minimal freeboard for overtopping due to high river flows, high tides and high winds, and the peat foundation on which the levees are built is constantly subsiding, causing embankment cracking, loss of freeboard and continual maintenance.¹⁶⁵ Because levees at the HMP standard are at increased risk for catastrophic levee failure, the District has a long-term goal of upgrading the levees to DWR Bulletin 192-82 standards to provide a higher degree of flood protection.¹⁶⁶

According to DWR, there has been one inundation occurrence on Holland Tract since 1900.¹⁶⁷ The District reported that the most recent levee failure occurred in 1980. The District reported that

¹⁶³ Water Code §12311.

¹⁶⁴ For a detailed explanation of levee standards and specifications, please refer to chapter 4.

¹⁶⁵ RD 2026, Letter to U.S. Army Corps of Engineers, January 31, 2006.

¹⁶⁶ RD 2026, Delta Levee Subventions Program 2008-2009 Application, June 27, 2008.

¹⁶⁷ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

significant subsidence has occurred on the island, at a rate of approximately one to two inches per year. Surface elevations range from sea level in the western portion of the District, to between 10 and 15 feet below sea level in the eastern portion of the District.¹⁶⁸ The base flood elevation, which is the anticipated water level in a 100-year flood occurrence, is seven feet above mean sea level. In other words, the entire island would be covered by 7-22 feet of water in a 100-year flood event. Hence, the entire island is presently classified by FEMA as being within the 100-year floodplain.

The first phase of levee rehabilitation will bring levees to PL 84-99 standards, with subsequent rehabilitation planned to eventually bring the levees up to DWR Bulletin 192-82 standards. The District plans to begin the first phase of rehabilitating the levee to the PL 84-99 cross-section standard in FY 08-09, consisting of depositing 150,000 cubic yards of fill throughout the island to achieve PL 84-99 slope specifications. The District has budgeted \$1.7 million for levee rehabilitation in FY 08-09, including \$200,000 in engineering costs.¹⁶⁹ The District expects to rehabilitate all levees to PL 84-99 standards within five years, assuming State funding stays consistent.¹⁷⁰

The District has also budgeted \$220,000 for routine maintenance activities in FY 08-09.¹⁷¹ Nearly half (45 percent) of this amount is for erosion repair or restoration of rock revetment; 23 percent is for addition of gravel to the levee crown and repair of minor slipouts, erosion and subsidence; 14 percent is for levee inspection and engineering services; nine percent is for spraying, burning and clearing levee slopes and crown of weeds and brush; and five percent is for cleaning of seepage and irrigation ditches which are adjacent to the landside levee toe.

¹⁶⁸ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 6.

¹⁶⁹ Reclamation District No. 2025 Delta Levee Subventions Program, 2008-2009 Application.

¹⁷⁰ Interview with Gilbert Cosio, RD 2026 Engineer, April 20, 2009.

¹⁷¹ Reclamation District No. 2025 Delta Levee Subventions Program, 2008-2009 Application.

Table 9-3: RD 2025 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	By Contract	Weed Abatement	By Contract
Flood Control	By Contract	Slope Protection	By Contract
Drainage	By Contract	Vector/Rodent Control	By Contract
Upkeep of Levee Access Roads	By Contract	Levee Patrol	By Contract
Irrigation Water	None	Flood Fighting	By Contract
District Overview			
Total Levee Miles	11.0	Surface Elevation	0 to -15 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.0	Dry Land Levee	0.0
HMP Standard	11.0	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	11.0
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes - 8 mi.	Pump Station(s)	Yes - 3
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A30	Base Flood Elevation	7 ft.
Levee Inspection Practices			
Levee inspections are performed on a daily basis by on-site farmers, but no written inspection reports are created. Levee inspections are performed multiple times per day during severe weather events.			
Levee Inspection Reports			
Most Recent Written Inspection	NA	Inspection Rating	NA
Levee Segment	Description	Condition	
Old River/Holland Cut	Eastern District boundary	3.96 mi. at HMP	
Sand Mound Slough	Western District boundary	4.6 mi. at HMP	
Rock Slough	Southern District boundary	2.41 mi. at HMP	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	1.5	Miles Needing Rehabilitation ¹	11.0
% Rehabilitated, FY 07-08	14%	% Needing Rehabilitation	100%
Rehabilitation Cost per Levee Mile ²	\$216,998	Maintenance Cost per Levee Mile ³	\$18,748
Infrastructure Needs/Deficiencies			
Rehabilitation of the entire levee system is needed to meet PL 84-99 standards. The District plans to begin the first phase of rehabilitating the levee to the PL 84-99 cross-section standard in FY 08-09.			
Note:			
(1) To achieve the District's short-term goal of PL 84-99 standards.			
(2) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of miles rehabilitated in FY 07-08.			
(3) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

The MSR identified consolidation of RD 2025 (Holland Tract) and RD 2026 in Contra Costa County and RD 756 (Bouldin Island) and RD 2028 (Bacon Island) in San Joaquin County as a possibility. Delta Wetlands Properties is the single landowner on RD 2026 (Webb Tract), RD 756 (Bouldin Island) and RD 2028 (Bacon Island), and is the majority landowner in RD 2025 (Holland Tract). Delta Wetlands' long-term goal is to flood Webb Tract and Bacon Island as part of a surface water storage project, and maintain Holland Tract and Bouldin Islands as wetland and wildlife habitat to mitigate habitat loss from the flooding of the other two islands. The District reported that levee maintenance activities will continue to be needed on the levee system of these islands even after the water storage facilities and habitat mitigation sites have been established. Consolidation of these four RDs would allow for levee maintenance services on all islands in the Delta Wetlands project to be provided by a single entity, which would increase accountability and efficiency.

In the event of consolidation of all four Districts, Contra Costa LAFCO would be considered principal LAFCO due to there being a greater amount of assessed value in Contra Costa County. Assessed value in FY 07-08 in Contra Costa County was \$27.6 million compared to \$23.2 million in San Joaquin County, according to the respective counties. Should consolidation efforts proceed, it is recommended that RD 2025 (Holland Tract) serve as the successor agency, because it is the only island where Delta Wetlands Properties is not the sole property owner, and it would be a more natural transition for the other property owners on Holland Tract.

The District reported that, in principle, it is not interested in consolidation because each district faces its own set of independent flood risks and facility needs. From a risk management perspective, consolidation is difficult because one district (or landowner) does not want to take responsibility for the levees of another. In addition, the District reported that it does not view the legal and administrative costs and efforts associated with consolidation as likely to outweigh any increased efficiencies from consolidation. The District reported that all four RDs are already served by the same General Manager, engineer and legal counsel, and does not anticipate that many new efficiencies would be gained by consolidation. The District expressed concern that RD 2025 (Holland Tract) would be particularly difficult to consolidate, given that Delta Wetlands Properties is not the sole landowner on the tract.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The residential population within the district was 27, according to the 2000 Census. There has been no recent growth within the District, and minimal growth is anticipated in the future as the District is outside of the countywide urban limit line (ULL). Growth is limited to potential infill development of four or five units based on current zoning.
- 2) The long-term goal for the island is to become a dedicated wetland and wildlife habitat; however, farming operations are anticipated to continue in the southwestern portion of the island.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 22) Holland Tract is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state.
- 3) All levees within the District currently meet HMP standards but do not provide 100-year flood protection. The District reports that the capacity of the levees at HMP standard is inadequate, and the levees must be rehabilitated to meet PL 84-99 standards at a minimum, and Bulletin 192-82 standards in the long-run.
- 4) The District plans to begin the first phase of rehabilitating the levees to PL 84-99 standards in FY 08-09. The District expects to rehabilitate all levees to PL 84-99 standards within five years, assuming State funding stays consistent. A long-term goal of the District is to upgrade all levees to Bulletin 192-82 standards, but this is dependent upon available funding from DWR.
- 5) All levee maintenance and rehabilitation projects are performed by contract. The District has no staff positions, but reimburses on-site farmers for routine maintenance work.
- 6) The District provides minimally adequate service given financial and staffing constraints. The District spent approximately \$18,750 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.
- 7) The District reported that the most significant service challenge is obtaining funding for needed maintenance and rehabilitation activities, and adequate levee maintenance would not be possible without DWR funding.
- 8) The District did not have a capital improvement plan in place as of the drafting of this report; however, the District indicated that it will have one in place by December 2009.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 9) The District has demonstrated the financial ability to provide minimally adequate service; however, it plans to provide increased service levels beginning in FY 08-09, subject to financial assistance from DWR.
- 10) The District reported that the current level of financing is generally not sufficient for adequate service provision, and major maintenance and rehabilitation activities are only possible with DWR funding.
- 11) Funds are insufficient for the agency to provide full-time staffing.
- 12) The District should consider adopting an assessment that increases with inflation.
- 13) The District has not adopted development requirements, and does not receive development impact fees, because no development has taken place on the island.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 14) RD 2025 shares administrative facilities with RD 2026 (Webb Tract) in Contra Costa County, and RD 756 (Bouldin Island) and RD 2028 (Bacon Island) in San Joaquin County. Efficiencies are gained by having the same General Manager serve each RD.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 15) Accountability to local landowners is achieved by the District having a close working relationship with Delta Wetlands Properties, the majority landowner on the island. The General Manager of the District is also the Delta Wetlands Project Manager.
- 16) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 17) District community outreach efforts include maintaining an email contact list for landowner updates and notifications.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds.

AGENCY PROPOSAL

The agency reported a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in the MSR, two options are identified for the RD 2025 SOI:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – SOI expansion to signal consolidation with RD 2026, RD 756 and RD 2028

SOI expansion for RD 2025 to signal consolidation with RD 2026 (Webb Tract) in Contra Costa County, and RD 756 (Bouldin Island) and RD 2028 (Bacon Island) in San Joaquin County is a possibility. All four islands are part of the proposed Delta Wetlands Project, which would eventually convert Webb Tract and Bacon Island to surface water storage facilities, and maintain Holland Tract and Bouldin Islands as wetland and wildlife habitat to mitigate habitat loss from the flooding of the other two islands. Delta Wetlands is the majority property owner of each of the islands, and the Delta Wetlands Project Manager serves as the General Manager for each of the four RDs, so consolidation would seem to be a natural fit.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 2025. Although consolidation of all four districts in the proposed Delta Wetlands Project would allow for future levee maintenance services to be provided by a single entity, consolidation itself would bring few efficiencies to the Districts, and would create significant problems from a risk management standpoint.

Table 9-4: RD 2025 SOI Analysis

Issue	Comments
SOI update recommendation	Retain existing coterminous SOI.
Services provided	RD 2025 provides maintenance services to non-project levees, internal drainage and irrigation facilities. Comparable services are provided by RD 2026, RD 759 and RD 2028.
Present and planned land uses in the area	Present land uses within all four RDs are agricultural in nature. The Delta Wetlands Project calls for RDs 2026 and 2028 to be flooded, to serve as surface water storage facilities, and RDs 2025 and 759 to be managed as wetland and wildlife habitat. Under this scenario, land uses in RDs 2025 and 759 would include seasonal managed wetlands, emergent marsh, seasonal ponds and lakes, crops (hay, grains, corn, and wheat), mixed agriculture/seasonal wetlands, riparian, and grasslands. Private agricultural and commercial operations would persist in the southwest portion of RD 2025 (Holland Tract).

Location of facilities, infrastructure and natural features	Levees protected by the Districts are located around the perimeter of the islands. Internal drainage facilities run north-south and east-west through the Districts. One RD 2025 pump station is located on the northern segment of the District and two are located along the eastern segment, and RD 2026 pump stations are located along the south and west segments of the District. The primary natural feature that affects service provision is the Delta itself, and the island character of the various Districts.
Projected growth in the District/Recommended SOI	There is no significant growth projected in RD 2025, or any of the other Districts in the proposed Delta Wetlands Project area.
Present and probable need for public facilities and services in the area	There is a significant need for levee maintenance services now and in the future. Levee protection is critical to the health of these islands and the protection of the Delta ecosystem.
Opportunity for infill development rather than SOI expansion	The proposed SOI update would not encourage growth.
Service capacity and adequacy	The MSR identified financing as the major constraint to levee maintenance and rehabilitation efforts. Various levee deficiencies were identified during the site visit; however, all District levees meet the minimum levee standard for the Delta.
Social or economic communities of interest	Communities of interest include Delta Wetlands Properties, the primary landowner on each of the four affected islands, and other private farming operations on Holland Tract.
Effects on other agencies	Retaining the existing SOI would have no effects on other agencies. Consolidation would affect RDs 2026, 759 and 2028.
Potential for consolidations or other reorganizations when boundaries divide communities	Consolidation of RD 2025 with RD 2026 in Contra Costa County, and RDs 759 and 2028 in San Joaquin County was identified as an option. Delta Wetlands Properties is the majority landowner on all four islands, and all four are part of the proposed Delta Wetlands Project.
Willingness to serve	RD 2025 indicated a willingness to continue to serve its boundary area, and reported that it was not interested in consolidation.
Potential effects on agricultural and open space lands	The recommended SOI update would have no direct impact on agricultural and open space lands. The eventual flooding of Webb Tract and Bacon Island in accordance with the Delta Wetlands Project would decrease the amount of agricultural lands, but mitigation efforts on Holland Tract and Bouldin Island would be undertaken to offset this by increasing the amount of wetlands and wildlife habitat in the Delta.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

10. RECLAMATION DISTRICT 2026 (WEBB TRACT)

Reclamation District 2026 (Webb Tract) provides maintenance services to non-project levees, internal drainage and irrigation facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2026 was formed in 1918 as an independent special district. The District was formed to provide levee maintenance services.¹⁷²

The principal act that governs the District is the Reclamation District Act.¹⁷³ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,¹⁷⁴ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,¹⁷⁵ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,¹⁷⁶ and 4) retain an agricultural expert to advise landowners.¹⁷⁷ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.¹⁷⁸

The District's boundary is located entirely within Contra Costa County. RD 2026 is a Delta island located in the northeastern corner of Contra Costa County, adjacent to Sacramento County (to the north) and San Joaquin County (to the east), as shown in Map 10-1. The boundaries encompass approximately 5,500 acres, or approximately 8.6 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is located within the Primary Zone of the Sacramento-San Joaquin Delta, and is outside of the countywide urban limit line (ULL).

¹⁷² The year of formation was reported by the District. LAFCO and State Board of Equalization records do not date back to District formation.

¹⁷³ California Water Code, Division 15, §50000-53903.

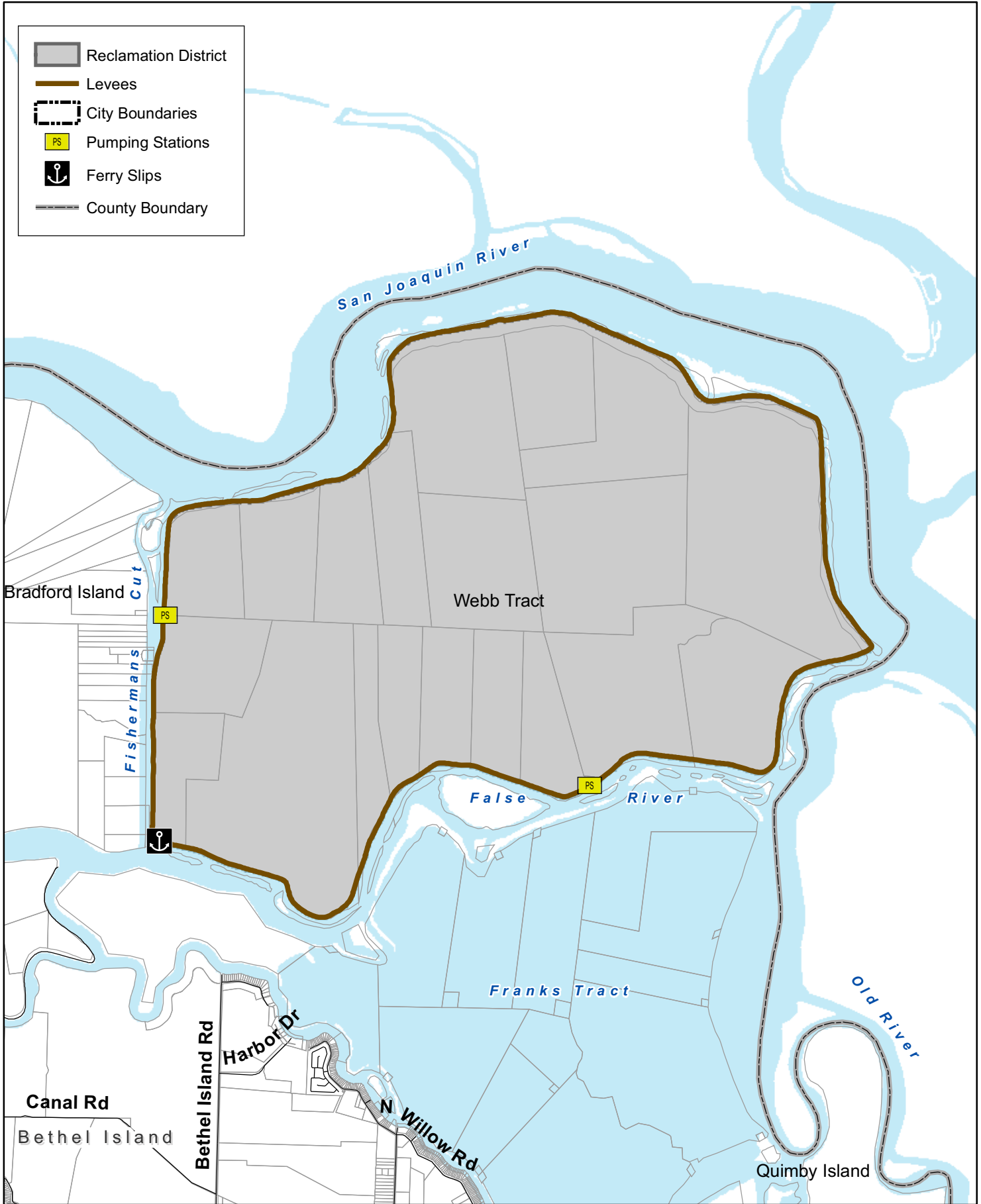
¹⁷⁴ California Water Code §50932.







¹⁷⁵ California Water Code §50910.

¹⁷⁶ California Water Code §50933.

¹⁷⁷ California Water Code §50952.

¹⁷⁸ Government Code §56824.10.



-  Reclamation District
-  Levees
-  City Boundaries
-  Pumping Stations
-  Ferry Slips
-  County Boundary



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.¹⁷⁹

Boundary History

LAFCO and State Board of Equalization (BOE) records indicate that there have been no boundary changes for RD 2026 since 1959.¹⁸⁰

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a three-member board. For contested elections, board members are elected by landowners to staggered four-year terms, with each voter entitled to cast one vote per acre owned within the district. The single landowner within RD 2026 is Delta Wetlands Properties, a private, for profit entity. Board members are not compensated by RD 2026.

The District reported that there have been no recent contested elections. Uncontested vacancies on the governing body are filled by appointment by the Board of Supervisors. The District meets on an as-needed basis, with approximately four meetings held per year.

Table 10-1: RD 2026 Governing Body

Reclamation District 2026 (Webb Tract)				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	David A. Forkel	Chair	2005	2009
	Kris Kaiser	Trustee	2007	2011
	John L. Winther	Trustee	2007	2011
<i>Manner of Selection</i>	Landowner elections			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed Location: 311 East Main St., Stockton, CA 95202			
<i>Agenda Distribution</i>	Posted at District office			
<i>Minutes Distribution</i>	By request			
Contact				
<i>Contact</i>	General Manager			
<i>Mailing Address</i>	1660 Olympic Boulevard Suite 350, Walnut Creek, CA 94596-5111			
<i>Email/Website</i>	info@deltawetlands.com			

The District’s constituent outreach activities consist of posting agendas and notices at the District office. Because RD 2026 is a single-landowner District, constituent outreach efforts are limited and complaints are rare. The District reported that no complaints were received in FY 07-08. Complaints would typically be raised and addressed at board meetings.

¹⁷⁹ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

¹⁸⁰ The BOE record for RD 2026 begins in 1959 and shows no boundary changes since then. Contra Costa LAFCO records begin in 1965 and show no boundary changes to RD 2026.

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO map inquiries and document requests.

SERVICE DEMAND AND GROWTH

The District bounds encompass agricultural land uses, and local business activities within the District are limited to farming operations. Crops grown on the island include primarily corn and wheat. The majority of the island consists of prime farmland (approximately 4,060 acres), but also includes farmland of statewide importance (approximately 430 acres), unique farmland (approximately 270 acres), and farmland of local importance (approximately 650 acres).¹⁸¹ There are nearly 134 acres of farmland under Williamson Act contract within the District, consisting of over two percent of all agricultural land. The Williamson Act contract within the District is in non-renewal, and is set to expire in November 2012.

The District considers its customer base to be Delta Wetlands, the single landowner within the District.

The District reported that there is no residential population on the island; however, 2000 Census data reported a population of two. The District's population density was 0.2 per square mile, compared with a countywide density of 1,318.¹⁸² The island is outside of the countywide urban limit line (ULL), and the District does not anticipate changes in service demand in the future. The District has not experienced recent growth and does not anticipate significant growth in the future. Webb Tract is not accessible by road; however, access to the District is provided by ferry from Jersey Island.

Delta Wetlands Properties is the primary landowner on Webb Tract and Holland Tract in Contra Costa County, and Bouldin Island and Bacon Island in San Joaquin County. Delta Wetlands' long-term goal is to construct weirs with gates in the Webb Tract and Bacon Island levees, to briefly divert high flows onto the islands during high tide events, in order to decrease peak tidal elevations in the central Delta and avoid levee overtopping.¹⁸³ District studies modeling Delta high tidal flows project that diverting 100,000 acre-feet of water onto each island during peak tidal elevations could lower the peak tidal elevation in the central Delta by three to four inches.¹⁸⁴ Water captured during surplus conditions would be returned to the Delta later in the year and sold for beneficial use (e.g., summer export for municipal and industrial use, irrigation, Delta outflow, etc.).¹⁸⁵ Holland Tract and Bouldin Islands would be maintained as wetland and wildlife habitat to mitigate habitat loss from the flooding of Webb Tract and Bacon Island.

¹⁸¹ California Department of Conservation Division of Land Resource Protection, *Contra Costa County Important Farmland 2006*, Farmland Mapping and Monitoring Program, 2007.

¹⁸² According to 2000 Census data.

¹⁸³ ICF Jones & Stokes, *Delta Wetlands Potential Flood Protection Operations*, July 2008, p. 1.

¹⁸⁴ *Ibid.*, p. 17.

¹⁸⁵ Interview with David Forkel, RD 2026 General Manager, April 21, 2009.

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies.

MANAGEMENT

The District employs no full-time staff positions. The District contracts out for all major services, including levee rehabilitation projects, engineering services and legal counsel. Routine levee maintenance activities are performed by on-site farmers or the landowner and reimbursed by the District.¹⁸⁶

The District conducts evaluations of contractor performance as work is completed. Efficiencies are gained by the District having an engineer who works for various Delta RDs, because it allows for easy benchmarking and cost comparisons.

Levee inspections are performed on a daily basis by on-site farmers, and several times per day during storm events and high tides. The District reimburses farmers for time spent on levee patrols. If levee maintenance issues are discovered during routine levee patrols, the District engineer is immediately notified. The District does not keep a comprehensive log of inspection reports, but the engineer documents maintenance issues as they arise. Oversight and review of levee maintenance activities is supplemented by Department of Water Resources (DWR) inspections of work performed under the subventions and special projects programs.¹⁸⁷

The District reported that it adopts an annual budget, and annually prepares audited financial statements. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08. District planning efforts include annual applications to DWR for subventions and special projects funding, and year-end summaries of work performed. The District had not prepared a multi-year capital improvement plan as of the drafting of this report; however, the District reported that it plans to complete a five-year plan by December 2009.

FINANCING

The District has demonstrated the financial ability to provide minimally adequate service. Capital improvements on the levee system occur primarily through DWR special projects funds, whereas routine levee maintenance is funded by assessments and DWR subventions.

District expenditures fluctuate year to year as financing relies on DWR special projects funding for significant levee maintenance and rehabilitation activities. Expenditures were higher in FY 04-05 than in subsequent years due to DWR special projects funding for levee rehabilitation. To a lesser extent, levee maintenance needs and efforts also fluctuate somewhat from year to year. Somewhat less maintenance occurred in FY 07-08 than in prior years, resulting in somewhat lower expenditures than in previous years. Revenue fluctuations have generally followed the expenditure trend, with

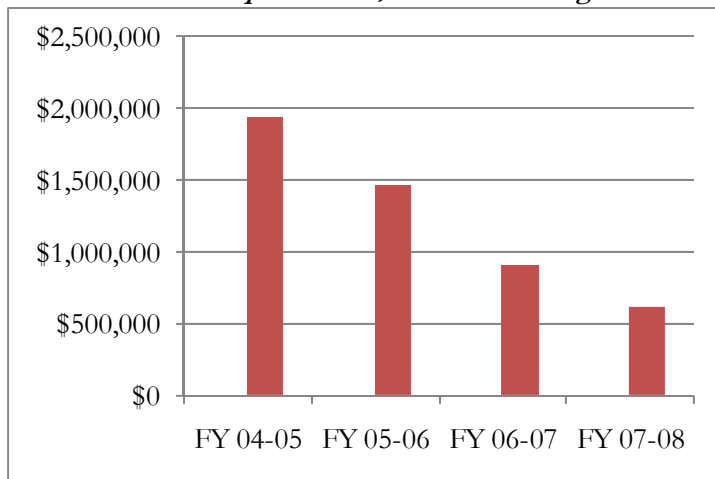
¹⁸⁶ In FY 07-08, RD 2026 reimbursed Bouldin Farming Company (an on-site tenant at the time) \$97,500 for levee maintenance services.

¹⁸⁷ DWR performs inspections of work funded through the special projects and subventions programs, but does not conduct overall levee inspections or certification

higher intergovernmental revenues in FY 04-05 than subsequent years due to a greater volume of reimbursable capital projects that year.

Figure 10-1: RD 2026 Expenditures, FY 04-05 through FY 07-08

The District received \$835,000 in revenues in FY 07-08. RD 2026 relies on both assessments and intergovernmental revenues to fund services. Assessments generated 49 percent of operating revenues in FY 07-08, DWR special projects funds generated 34 percent and DWR subventions generated 16 percent. The District levied assessments of approximately \$75 per acre in FY 07-08.¹⁸⁸ The District has not adopted development requirements, and does not have development impact fees, because no development has taken place on the island.



Total expenditures for FY 07-08 were approximately \$617,500, 17 percent of which were for routine levee maintenance activities and 47 percent for expenditures related to capital improvements. Capital improvement expenditures in FY 07-08 were limited to engineering activities for special projects. An additional 14 percent of expenditures were for pumping station and canal maintenance and operations. Approximately 18 percent of expenditures in FY 07-08 were paid to the Delta Ferry Authority, a joint powers authority (JPA) between RD 2026 and RD 2059 (Bradford Island), for operation of the ferry.¹⁸⁹ The District spent approximately \$8,350 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.

The District had no long-term or short-term debt at the end of FY 07-08. Short-term debt often consists of short-term warrants registered with the Bank of Stockton, used to pay annual maintenance costs. Short-term warrants mature within one year, and are repaid when DWR issues subvention reimbursements for the prior fiscal year, typically within six to eight months of the close of the fiscal year.

The District does not have a formal policy on maintaining financial reserves, and reported that it typically exhausts all funds and does not maintain a reserve. The District had \$312,722 in unrestricted net assets at the close of FY 07-08. In other words, RD 2026 maintained six months of working reserves.

¹⁸⁸ The District reported that assessments are not indexed with inflation, and all parcels are assessed at a constant rate.

¹⁸⁹ CSA M-1 was formed in 1960 by the Contra Costa County Board of Supervisors to “provide and furnish ferry boat services and facilities therein” to Bradford Island and Webb Tract. In 1987, the County turned over operation of the ferry to RD 2026 and RD 2059, and a JPA was formed between the two Districts to “attempt to operate the ferry for limited public transportation between the islands...subject to their limited financial ability.” Under the terms of the JPA, each district must approve the annual budget for the Delta Ferry Authority and make “contributions to the Authority as from time to time agreed upon by the parties.” The County’s contribution to the Delta Ferry Authority from CSA M-1 is approximately \$30,000 per year, limited to the current property tax share.

Table 10-2: RD 2026 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
In FY 07-08, reclamation services were financed by intergovernmental revenues (51%) and assessments (49%).					
Development Fees and Requirements					
Agricultural (per acre)	NA				
Residential (per unit)	Single Family:	NA	Multi-Family:	NA	
Non-residential (per 1,000 sq. ft.)	Commercial:	NA	Industrial:	NA	
Development Requirements:	NA				
RD 2026 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08¹	Expenditures	FY 06-07	FY 07-08¹
Total	\$905,011	\$835,001	Total	\$904,404	\$617,503
Property Tax	\$0	\$0	Operations	\$439,895	\$196,702
Assessments	\$406,070	\$411,042	Drainage & Utilities ²	\$26,620	\$88,702
Intergovernmental Revenues	\$498,693	\$423,959	Levee Maintenance ³	\$413,275	\$108,000
Levee Maintenance	NP	\$135,959	Capital Improvements ⁴	\$348,337	\$288,000
Capital Improvements	NP	\$288,000	Administrative ⁵	\$10,097	\$9,902
Development Impact Fees	\$0	\$0	Professional Fees ⁶	\$8,000	\$2,000
Interest	\$0	\$0	Insurance	\$9,175	\$10,212
Other Revenues	\$248	\$0	Miscellaneous ⁷	\$88,900	\$110,687
Note:					
(1) Reported as FY 07-08 Actuals in District's FY 08-09 Final Budget.					
(2) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(3) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(4) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(5) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(6) Legal and accounting services.					
(7) In FY 06-07, miscellaneous expenditures included contributions to the Delta Ferry Authority of \$88,900. In FY 07-08, miscellaneous expenditures included \$108,337 in contributions to the Delta Ferry Authority.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2026 provides maintenance services to non-project levees, internal drainage and irrigation facilities. Routine levee maintenance activities such as vegetation removal, seepage/irrigation ditch cleaning, rodent control, roadway maintenance, and repair of waterside erosion are provided directly by on-site farmers or the landowner. The District is also responsible for flood fighting and levee patrol during high water events. Major levee rehabilitation and capital improvement activities are performed by contract. Ferry service to the island is provided by contract with the Delta Ferry Authority, a joint powers authority between RD 2026 and RD 2059 (Bradford Island).

LOCATION

RD 2026 provides services within its boundary area, the entirety of Webb Tract. The District does not provide any services outside of Webb Tract.

The tract has been determined to be critical to the health of the Delta. Webb Tract is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state. The District provides statewide benefits outside its bounds.¹⁹⁰

INFRASTRUCTURE

Key infrastructure in the District includes nearly 13 miles of earthen levees, as well as eight miles of irrigation canals and two pumping stations. The District reported that all levees meet the Hazard Mitigation Plan (HMP) standard of one foot above the 100-year floodplain.¹⁹¹ The District Engineer reported that all levees are in good condition, only requiring routine maintenance.

Despite the fact that all levees were reported to be in good condition at HMP standard, the District plans to upgrade all levees beyond HMP for increased levels of flood protection. The District reported that the HMP standard provides minimal freeboard for overtopping due to high river flows, high tides and high winds, and the peat foundation on which the levees are built is constantly subsiding, causing embankment cracking, loss of freeboard and continual maintenance.¹⁹² Because levees at the HMP standard are at increased risk for catastrophic levee failure, the District has a long-term goal of upgrading the levees to DWR Bulletin 192-82 standards to provide a higher degree of flood protection.¹⁹³

According to DWR, there have been two inundation occurrences on Webb Tract since 1900.¹⁹⁴ The District reported that the most recent levee failure occurred in 1980. The District reported that significant subsidence has occurred on the island, at a rate of approximately one to two inches per year. Surface elevations range between 5 and 20 feet below sea level.¹⁹⁵ The base flood elevation, which is the anticipated water level in a 100-year flood occurrence, is seven feet above mean sea level. In other words, the entire island would be covered by 12-27 feet of water in a 100-year flood event. Hence, the entire island is presently classified by FEMA as being within the 100-year floodplain.

The first phase of levee rehabilitation will bring levees to PL 84-99 standards, with subsequent rehabilitation planned to eventually bring the levees up to DWR Bulletin 192-82 standards. The

¹⁹⁰ Water Code §12311.

¹⁹¹ For a detailed explanation of levee standards and specifications, please refer to chapter 4.

¹⁹² RD 2026, Letter to U.S. Army Corps of Engineers, January 31, 2006.

¹⁹³ RD 2026, Delta Levee Subventions Program 2008-2009 Application, June 27, 2008.

¹⁹⁴ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

¹⁹⁵ *Ibid.*, p. 6.

District plans to begin the first phase of rehabilitating the levee to the PL 84-99 cross-section standards in FY 08-09, consisting of depositing 150,000 cubic yards of fill throughout the island to achieve PL 84-99 slope specifications. The District has budgeted \$1.7 million for levee rehabilitation in FY 08-09, including \$200,000 in engineering costs.¹⁹⁶ This amount had been approved and paid by DWR as of the drafting of this report. The District expects to rehabilitate all levees to PL 84-99 standards within five years, assuming State funding stays consistent.¹⁹⁷

The District has also budgeted \$260,000 for routine maintenance activities in FY 08-09. Thirty-four percent of this amount is for erosion repair or restoration of rock revetment; 29 percent is for levee inspection and engineering services; 19 percent is for addition of gravel to the levee crown; 10 percent is for spraying, burning and clearing levee slopes and crown of weeds and brush; and four percent is for cleaning of seepage and irrigation ditches which are adjacent to the landside levee toe.¹⁹⁸ Reimbursement of this amount by DWR is subject to approval of the subventions claim once it is submitted at the end of the fiscal year.

¹⁹⁶ RD 2026, Delta Levee Subventions Program 2008-2009 Application, June 27, 2008.

¹⁹⁷ Interview with Gilbert Cosio, RD 2026 Engineer, April 20, 2009.

¹⁹⁸ RD 2026, Delta Levee Subventions Program 2008-2009 Application, June 27, 2008.

Table 10-3: RD 2026 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	By Contract	Weed Abatement	By Contract
Flood Control	By Contract	Slope Protection	By Contract
Drainage	By Contract	Vector/Rodent Control	By Contract
Upkeep of Levee Access Roads	By Contract	Levee Patrol	By Contract
Ferry Service	By Contract	Flood Fighting	By Contract
District Overview			
Total Levee Miles	12.9	Surface Elevation	-5 to -20 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.0	Dry Land Levee	0.0
HMP Standard	12.9	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	12.9
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes - 8 mi.	Pump Station(s)	Yes - 2
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A30	Base Flood Elevation	7 ft.
Levee Inspection Practices			
Levee inspections are performed on a daily basis by on-site farmers, but no written inspection reports are created. Levee inspections are performed multiple times per day during severe weather events.			
Levee Inspection Reports			
Most Recent Written Inspection	NA	Inspection Rating	NA
Levee Segment	Description	Condition	
Fisherman's Cut	Western District boundary	1.85 mi. at HMP	
False River	Southern District boundary	4.19 mi. at HMP	
San Joaquin River	Northern District boundary	5.83 mi. at HMP	
Old River	Eastern District boundary	1.06 mi. at HMP	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.0	Miles Needing Rehabilitation ¹	12.9
% Rehabilitated, FY 07-08	0%	% Needing Rehabilitation	100%
Rehabilitation Cost per Levee Mile ²	NA	Maintenance Cost per Levee Mile ³	\$8,353
Infrastructure Needs/Deficiencies			
Rehabilitation of the entire levee system is needed to meet PL 84-99 standards. The District plans to begin the first phase of rehabilitating the levee to the PL 84-99 cross-section standard in FY 08-09.			
Note:			
(1) To achieve the District's short-term goal of PL 84-99 standards.			
(2) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of miles rehabilitated in FY 07-08.			
(3) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

The MSR identified consolidation of RD 2025 (Holland Tract) and RD 2026 in Contra Costa County and RD 756 (Bouldin Island) and RD 2028 (Bacon Island) in San Joaquin County as a possibility. Delta Wetlands Properties is the single landowner on RD 2026 (Webb Tract), RD 756 (Bouldin Island) and RD 2028 (Bacon Island), and is the majority landowner in RD 2025 (Holland Tract). Delta Wetlands' long-term goal is to flood Webb Tract and Bacon Island as part of a surface water storage project, and maintain Holland Tract and Bouldin Islands as wetland and wildlife habitat to mitigate habitat loss from the flooding of the other two islands. The District reported that levee maintenance activities will continue to be needed on the levee systems of these islands even after the water storage facilities and habitat mitigation sites have been established. Consolidation of these four RDs would allow for levee maintenance services on all islands in the Delta Wetlands project to be provided by a single entity, which would increase accountability and efficiency.

In the event of consolidation of all four Districts, Contra Costa LAFCO would be considered principal LAFCO due to there being a greater amount of assessed value in Contra Costa County. Assessed value in FY 07-08 in Contra Costa County was \$27.6 million compared to \$23.2 million in San Joaquin County, according to the respective counties. Should consolidation efforts proceed, it is recommended that RD 2025 (Holland Tract) serve as the successor agency, because it is the only island where Delta Wetlands Properties is not the sole property owner, and it would be a more natural transition for the other property owners on Holland Tract.

The District reported that, in principle, it is not interested in consolidation because each district faces its own set of independent flood risks and facility needs. From a risk management perspective, consolidation is difficult because one district (or landowner) does not want to take responsibility for the levees of another. In addition, the District reported that it does not view the legal and administrative costs and efforts associated with consolidation as likely to outweigh any increased efficiencies from consolidation. The District reported that all four RDs are already served by the same General Manager, engineer and legal counsel, and it does not anticipate that many new efficiencies would be gained by consolidation.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The residential population within the district was two according to the 2000 Census. The District reported that there is presently no residential population on the island. There has been no recent growth within the District, and no growth is anticipated in the future as the District is entirely agricultural, and outside of the countywide urban limit line (ULL).
- 2) The landowner's long-term goal for the island is for it to serve as a surface water storage facility.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 3) Webb Tract is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the State.
- 4) All levees within the District currently meet HMP standards but do not provide 100-year flood protection. The District reports that the capacity of the levees at HMP standards is inadequate, and the levees must be rehabilitated to meet PL 84-99 standards at a minimum, and Bulletin 192-82 standards in the long-run.
- 5) The District plans to begin the first phase of rehabilitating the levees to PL 84-99 standards in FY 08-09. The District expects to rehabilitate all levees to PL 84-99 standards within five years, assuming State funding stays consistent. A long-term goal of the District is to upgrade all levees to Bulletin 192-82 standards, but this is dependent upon available funding from DWR.
- 6) All levee maintenance and rehabilitation projects are performed by contract. The District has no staff positions, but reimburses on-site farmers for routine maintenance work.
- 7) The District spent approximately \$8,350 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.
- 8) The District reported that the most significant service challenge is obtaining funding for needed maintenance and rehabilitation activities, and adequate levee maintenance would not be possible without DWR funding.
- 9) The District did not have an updated capital improvement plan in place as of the drafting of this report; however, the District indicated that it will have one in place by December 2009.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 10) The District has demonstrated the financial ability to provide minimally adequate service; however, it plans to provide increased service levels beginning in FY 08-09, subject to financial assistance from DWR.
- 11) The District reported that the current level of financing is generally not sufficient for adequate service provision, and major maintenance and rehabilitation activities are only possible with DWR funding.
- 12) Funds are insufficient for the agency to provide full-time staffing.
- 13) The District should consider adopting an assessment that increases with inflation.
- 14) The District has not adopted development requirements, and does not receive development impact fees, because no development has taken place on the island.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 15) RD 2026 shares administrative facilities with RD 2025 (Holland Tract) in Contra Costa County, and RD 756 (Bouldin Island) and RD 2028 (Bacon Island) in San Joaquin County. Efficiencies are gained by having the same General Manager serve each RD.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 16) Accountability is achieved by the District having a close working relationship with Delta Wetlands, the single landowner within the District. The General Manager of the District is also the Delta Wetlands Project Manager.
- 17) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds.

AGENCY PROPOSAL

The agency reported a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in the MSR, two options are identified for the RD 2026 SOI:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – Zero SOI to signal consolidation with RD 2025, RD 756 and RD 2028

Adopting a zero SOI to signal consolidation with RD 2025 (Holland Tract) in Contra Costa County, and RD 756 (Bouldin Island) and RD 2028 (Bacon Island) in San Joaquin County is a possibility. All four islands are part of the proposed Delta Wetlands Project, which would eventually convert Webb Tract and Bacon Island to surface water storage facilities, and maintain Holland Tract and Bouldin Islands as wetland and wildlife habitat to mitigate habitat loss from the flooding of the other two islands. Delta Wetlands is the majority property owner of each of the islands, and the Delta Wetlands Project Manager serves as the General Manager for each of the four RDs, so consolidation would seem to be a natural fit.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 2026. Although consolidation of all four districts in the proposed Delta Wetlands Project would allow for future levee maintenance services to be provided by a single entity, consolidation itself would bring few efficiencies to the Districts, and would create significant problems from a risk management standpoint.

Table 10-4: RD 2026 SOI Analysis

Issue	Comments
SOI update recommendation	Retain existing coterminous SOI.
Services provided	RD 2026 provides maintenance services to non-project levees, internal drainage and irrigation facilities. Comparable services are provided by RDs 2025, RD 759 and RD 2028.
Present and planned land uses in the area	Present land uses within all four RDs are agricultural in nature. The Delta Wetlands Project calls for RDs 2026 and 2028 to be flooded, to serve as surface water storage facilities, and RDs 2025 and 759 to be managed as wetland and wildlife habitat. Under this scenario, land uses in RDs 2025 and 759 would include seasonal managed wetlands, emergent marsh, seasonal ponds and lakes, crops (hay, grains, corn, and wheat), mixed agriculture/seasonal wetlands, riparian, and grasslands. Private agricultural and commercial operations would persist in the southwest portion of RD 2025 (Holland Tract).
Location of facilities, infrastructure and natural features	Levees protected by the Districts are located around the perimeter of the islands. Internal drainage facilities run north-south and east-west through the Districts. The RD 2026 pump stations are located along the south and west segments of the District and the RD 2025 pump station is located near the mid-way point of the northern segment of the District. The primary natural feature that affects service provision is the Delta itself, and the island character of the various Districts.
Projected growth in the District/Recommended SOI	There is no significant growth projected in RD 2026, or any of the other Districts in the proposed Delta Wetlands Project area.
Present and probable need for public facilities and services in the area	There is a significant need for levee maintenance services now and in the future. Levee protection is critical to the health of these islands and the protection of the Delta ecosystem.
Opportunity for infill development rather than SOI expansion	The proposed SOI update would not encourage growth.
Service capacity and adequacy	The MSR identified financing as the major constraint to levee maintenance and rehabilitation efforts; however, all District levees meet the minimum levee standard for the Delta.

Social or economic communities of interest	Communities of interest include Delta Wetlands Properties, the primary landowner on each of the four affected islands, and other private farming operations on Holland Tract (RD 2025).
Effects on other agencies	Retaining the existing SOI would have no effects on other agencies. Consolidation would affect RDs 2025, 759 and 2028.
Potential for consolidations or other reorganizations when boundaries divide communities	Consolidation of RD 2026 with RD 2025 in Contra Costa County, and RDs 759 and 2028 in San Joaquin County was identified as an option. Delta Wetlands Properties is the majority landowner on all four islands, and all four are part of the proposed Delta Wetlands Project.
Willingness to serve	RD 2026 indicated a willingness to continue to serve its boundary area, and reported that it was not interested in consolidation.
Potential effects on agricultural and open space lands	The recommended SOI update would have no direct impact on agricultural and open space lands. The eventual flooding of Webb Tract and Bacon Island in accordance with the Delta Wetlands Project would decrease the amount of agricultural lands, but mitigation efforts on Holland Tract and Bouldin Island would be undertaken to offset this by increasing the amount of wetlands and wildlife habitat in the Delta.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

11. RECLAMATION DISTRICT 2059 (BRADFORD ISLAND)

Reclamation District 2059 (Bradford Island) provides maintenance services to non-project levees and internal drainage facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2059 was formed on November 21, 1921 as an independent special district. The District was formed to provide levee and drainage maintenance services.¹⁹⁹

The principal act that governs the District is the Reclamation District Act.²⁰⁰ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,²⁰¹ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,²⁰² 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,²⁰³ and 4) retain an agricultural expert to advise landowners.²⁰⁴ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.²⁰⁵

The District's boundary is located entirely within Contra Costa County. RD 2059 is a Delta island located in the northeastern corner of Contra Costa County, adjacent to Sacramento County (in the north and west), as shown on Map 11-1. The boundaries encompass nearly 2,200 acres, or approximately 3.4 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Primary Zone of the Sacramento-San Joaquin Delta, and is outside of the countywide urban limit line (ULL).

¹⁹⁹ The year of formation was reported by the District. LAFCO records do not date back to District formation, and RD 2059 does not file with the State Board of Equalization.

²⁰⁰ California Water Code, Division 15, §50000-53903.

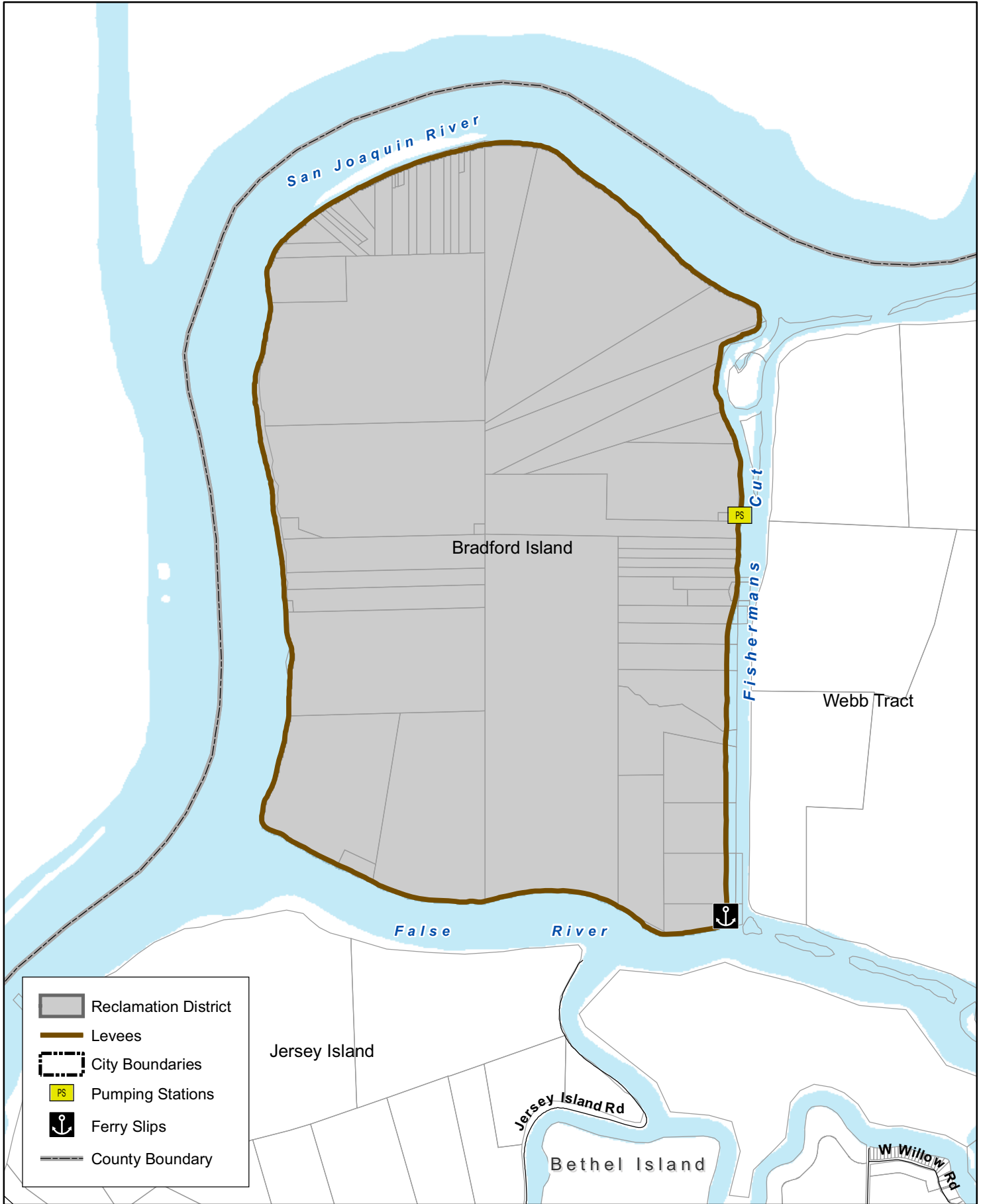
²⁰¹ California Water Code §50932.







²⁰² California Water Code §50910.

²⁰³ California Water Code §50933.

²⁰⁴ California Water Code §50952.

²⁰⁵ Government Code §56824.10.



-  Reclamation District
-  Levees
-  City Boundaries
-  Pumping Stations
-  Ferry Slips
-  County Boundary

The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.²⁰⁶

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 2059 since 1965.²⁰⁷

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a five-member board. For contested elections, board members are elected by landowners (via all-mail ballot) to staggered four-year terms, with each voter entitled to cast one vote per dollar’s worth of real estate owned within the District.²⁰⁸ The District reported that there have been no recent contested elections. Uncontested vacancies on the governing body are filled by appointment by the Board of Supervisors. Vacant board seat were filled by Board of Supervisors appointment in 2006 and 2008. RD 2059 board members serve on a volunteer basis and do not receive compensation.

Table 11-1: RD 2059 Governing Body

Reclamation District 2059 (Bradford Island)				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Holly Davis	Trustee	2008	2011
	Robert Davies	Trustee	2008	2009
	Michael Hamman	Trustee	2001	2011
	Eugene Lewis	Trustee	2000	2011
	J. Paul Sosnowski	Chair	2006	2009
<i>Manner of Selection</i>	Landowner elections. Board member must be a landowner or legal representative of a landowner within the District.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: First Tuesday of Mar., Jun., Sept. and Dec.		Location: 6080 Bethel Island Road Bethel Island, CA 94511	
<i>Agenda Distribution</i>	Online and at District office			
<i>Minutes Distribution</i>	Online and at District office			
Contact				
<i>Contact</i>	District Manager			
<i>Mailing Address</i>	PO Box 346, Bethel Island, CA 94511			
<i>Email/Website</i>	http://www.bradfordisland.com			

The District’s constituent outreach activities consist of posting notices at public locations such as the District office and at the ferry, and mailing and emailing notices to landowners. The District

²⁰⁶ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

²⁰⁷ Contra Costa LAFCO records begin in 1965 and show no boundary changes to RD 2059.

²⁰⁸ RD 2059, *Amended and Restated Bylaws of Bradford Reclamation District No. 2059*, amended and accepted February 17, 2009.

maintains a website which has links to meeting agendas and minutes, important documents, forms and permits, board member information, and contact information.

With regard to customer service, complaints may be filed with the District Manager by mail or email. The District reported that no complaints were received in FY 07-08.

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO map inquiries and interview requests.

SERVICE DEMAND AND GROWTH

The District bounds encompass agricultural, commercial, residential, recreational, and gas extraction land uses. Local business activity consists primarily of cattle grazing and small commercial operations. The majority of Bradford Island consists of farmland of local importance (approximately 1,610 acres), but also includes prime farmland along the southern portion of the island (approximately 320 acres), and farmland of statewide importance (approximately 80 acres).²⁰⁹ There are 481 acres under Williamson Act contract within the District, amounting to approximately 24 percent of all agricultural land.

Bradford Island is not accessible by road; however, access to the District is provided by ferry from Jersey Island.

The District considers its customer base to be the 71 landowners on the island. There were 48 residents in the District, according to 2000 Census data. The District's population density was 14 per square mile, compared with a countywide density of 1,318. The area has not experienced significant recent growth, and does not anticipate changes in service demand in the future. There are no planned or proposed development projects on Bradford Island.

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies.

MANAGEMENT

The District does not have any full-time staff. The District Manager and Levee Superintendent are independent contractors that work part-time. Both the Manager and Levee Superintendent report directly to the RD 2059 Board every three months. The District formally evaluates the performance of contractors during their renewal period, and tracks workload throughout the year at Board meetings.

The District does not have a formal levee inspection procedure, but reported that it does keep inspection logs. The District reported that informal levee inspections are performed by the Levee Superintendent on a weekly basis, and a superintendent's report is prepared for every board meeting. The District engineer performs approximately three to four levee inspections per year, and the

²⁰⁹ California Department of Conservation Division of Land Resource Protection, *Contra Costa County Important Farmland 2006*, Farmland Mapping and Monitoring Program, 2007.

District is notified if any significant levee issues are identified. The most recent written levee inspection provided by the District was from April 2009.

The District reported that it adopts an annual budget, and annually prepares audited financial statements. The most recent audited financial statement provided to LAFCO by the District was for FY 06-07.

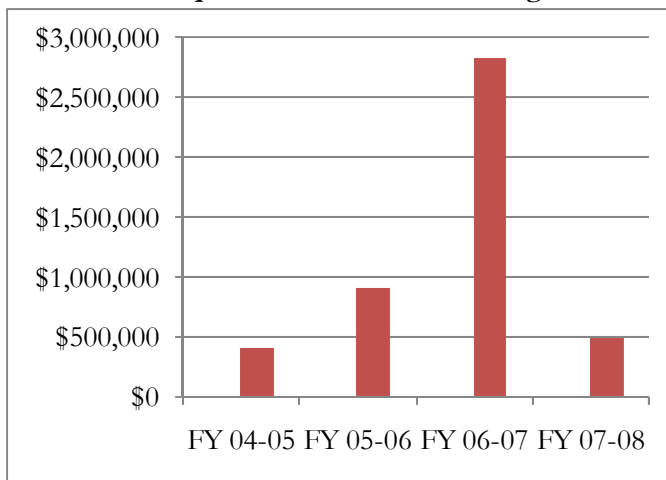
The District had not prepared a multi-year capital improvement plan as of the drafting of this report; however, the District reported that it plans to complete a five-year plan by FY 09-10. Other planning efforts include applications to the Department of Water Resources (DWR) for special projects and subventions funding, and year-end summaries of work performed.

FINANCING

The District has demonstrated the financial ability to provide minimally adequate service to portions of the District. The District reported that its financial ability to provide service is severely limited, and that the District does not have enough funds to sufficiently maintain the island or its pump station at this time. Various infrastructure needs have been deferred due to a lack of available funds, and the District reported that it has not qualified for DWR subventions reimbursements due to insufficient maintenance expenditures per levee mile. The District has received DWR special projects funding for levee rehabilitation in recent years, but has otherwise performed only minimal maintenance.²¹⁰ A large portion of District revenues are used to fund operation of the ferry to Bradford Island, and the District reported that the revenues generated from assessments are not enough to maintain the ferry service and maintain the levees on a regular basis.

Figure 11-1: RD 2059 Expenditures, FY 04-05 through FY 07-08

District expenditures fluctuate year to year as financing relies on DWR special projects funding for significant levee rehabilitation activities. Expenditures were higher in FY 06-07 than usual due to a nearly \$2.5 million levee rehabilitation and habitat mitigation project. To a lesser extent levee maintenance needs and efforts also fluctuate somewhat from year to year; however, the District reported having performed very little maintenance to levees in recent years due to a lack of funds. Maintenance expenditures in recent years have consisted of work performed by the Levee Superintendent (approximately \$1,300 per year), plus general engineering expenditures of nearly \$15,500 in FY 07-08. Revenue fluctuations have generally followed the expenditure trend.



²¹⁰ RD 2059 receives 100 percent funding from DWR for special projects (no cost share) due to its importance in the Delta under Water Code §12311, and the District's inability to pay for levee rehabilitation on its own (per its 1990s Ability-to-Pay study submitted to DWR).

The District received approximately \$249,000 in revenues in FY 07-08. RD 2059 relies on assessments, intergovernmental revenues and ferry toll revenue to fund services. Assessments generated 64 percent of operating revenues in FY 07-08, intergovernmental revenues (DWR special projects funds) generated 26 percent and ferry toll revenue generated nine percent.²¹¹

Total expenditures for FY 07-08 were over \$481,000, three percent of which were for levee maintenance and three percent for pumping station operations. Capital improvements in FY 07-08 consisted of 53 percent of overall expenditures. Other expenditures in FY 07-08 included professional fees (seven percent) and administrative costs (three percent). The District spent approximately \$2,200 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile. Expenditures in excess of revenues in FY 06-07 and FY 07-08 were funded by the District's restricted net assets carried over from the prior fiscal year.

Approximately 28 percent of expenditures in FY 07-08 consisted of contributions to the Delta Ferry Authority, a joint powers authority (JPA) between RD 2059 and RD 2026 (Webb Tract), for operation of the ferry to the island.²¹²

The District had no long-term debt at the end of FY 07-08. The District does not have a formal policy on maintaining financial reserves, but had \$99,603 in unrestricted net assets at the close of FY 06-07. In other words, the District maintained just over five months of working capital.²¹³

²¹¹ The District's FY 07-08 assessment rate was not provided as of the drafting of this report; however, the District's FY 08-09 assessment rate ranges from \$36.50 to \$730 per acre, depending on the land use of the area. The District was in the process of updating its assessment as of the drafting of this report. The District engineer completed an assessment report and accompanying 20-year budget worksheet in December 2008; however, the District had yet to conduct the required Proposition 218 election.

²¹² CSA M-1 was formed in 1960 by the Contra Costa County Board of Supervisors to "provide and furnish ferry boat services and facilities therein" to Bradford Island and Webb Tract. In 1987, the County turned over operation of the ferry to RD 2026 and RD 2059, and a JPA was formed between the two Districts to "attempt to operate the ferry for limited public transportation between the islands...subject to their limited financial ability." Under the terms of the JPA, each district must approve the annual budget for the Delta Ferry Authority and make "contributions to the Authority as from time to time agreed upon by the parties." The County's contribution to the Delta Ferry Authority from CSA M-1 is approximately \$30,000 per year, limited to the current property tax share.

²¹³ Excluding expenses for DWR special projects.

Table 11-2: RD 2059 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
In FY 07-08, reclamation services were financed primarily by assessments (64%), intergovernmental revenues (26%) and other sources (9%).					
Development Fees and Requirements					
Agricultural (per acre)	NA				
Residential (per unit)	Single Family:	NA	Multi-Family:	NA	
Non-residential (per 1,000 sq. ft.)	Commercial:	NA	Industrial:	NA	
Development Requirements:	NA				
RD 2059 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08¹	Expenditures	FY 06-07	FY 07-08¹
Total	\$2,337,375	\$249,130	Total	\$2,835,855	\$481,432
Property Tax	\$0	\$0	Operations	\$11,644	\$31,084
Assessments	\$212,942	\$158,791	Drainage & Utilities ³	\$10,444	\$14,256
Intergovernmental Revenues	\$1,363,389	\$65,950	Levee Maintenance ⁴	\$1,200	\$16,829
Levee Maintenance	\$0	\$0	Capital Improvements ⁵	\$1,941,265	\$256,867
Capital Improvements	\$1,363,389	\$65,950	Administrative ⁶	\$0	\$16,169
Development Impact Fees	\$0	\$0	Professional Fees ⁷	\$42,408	\$35,833
Interest	\$2,932	\$843	Insurance	\$5,626	\$6,168
Other Revenues ²	\$758,112	\$23,546	Miscellaneous ⁸	\$834,912	\$135,311
Note:					
(1) FY 07-08 financials are unaudited.					
(2) Other revenues consist of approximately \$736,500 in DWR special projects funds for habitat mitigation, and approximately \$21,600 in ferry tolls, and revenue from fees and permits.					
(3) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(4) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(5) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(6) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(7) Legal and accounting services.					
(8) In FY 06-07, miscellaneous expenditures included contributions to the Delta Ferry Authority of \$94,075 and approximately \$736,500 in habitat mitigation for levee rehabilitation work. In FY 07-08, miscellaneous expenditures included \$134,811 in contributions to the Delta Ferry Authority.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2059 provides levee maintenance and internal drainage services. The District conducts vegetation removal, weed abatement and rodent control, and upkeep of access roads as part of its levee maintenance work. The District is also responsible for flood fighting and levee patrol during high water events. Ferry service to the island is provided by contract with the Delta Ferry Authority, a joint powers authority between RD 2059 and RD 2026 (Webb Tract).

LOCATION

RD 2059 provides services within its boundary area, the entirety of Bradford Island. The District does not provide any services outside of Bradford Island.

The island has been determined to be critical to the health of the Delta. Bradford Island is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state. The District provides statewide benefits outside its bounds.²¹⁴

INFRASTRUCTURE

Key infrastructure in the District includes over seven miles of earthen levees, as well as over seven miles of internal drainage ditches and one pumping station. The District reported that four miles of levees meet the Hazard Mitigation Plan (HMP) standard, and the remaining three and a half miles of levees do not.²¹⁵ Levees not meeting HMP standard are primarily located along the north and east sides of the District.

According to DWR, there have been two inundation occurrences on Bradford Island since 1900.²¹⁶ The District reported that the most recent levee failure occurred in 1983. The surface of Bradford Island is entirely below sea level, with surface elevations ranging from five feet below sea level in the southern portion of the District to between 10 and 15 feet below sea level in the northern portion of the District.²¹⁷ The base flood elevation, which is the anticipated water level in a 100-year flood occurrence, is seven feet above mean sea level. In other words, the entire island would be covered by 12-22 feet of water in a 100-year flood event. Hence, the entire island is presently classified by FEMA as being within the 100-year floodplain.

There are significant flood-related infrastructure needs on the island. During flood events in early 2006, severe winds and high water caused damage to the District's levees and erosion protection, and removed portions of the levee crest.²¹⁸ The waterside slopes of the levees need additional rock riprap, especially along the northern, eastern and western levee segments.²¹⁹ The District reported that this will cost between \$4 million and \$5 million to complete.

²¹⁴ Water Code §12311.

²¹⁵ For a detailed explanation of levee standards and specifications, please refer to chapter 4.

²¹⁶ DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

²¹⁷ *Ibid.*, p. 6.

²¹⁸ RD 2059 letter to U.S. Army Corps of Engineers dated January 27, 2006, stating intent to participate in projects consistent with the CALFED Bay-Delta Authorization Act.

²¹⁹ *Ibid.*

Figure 11-2: RD 2059 Levee Crack

Other significant improvements needed pertain to the rehabilitation of over 3.5 miles of levees that do not meet HMP standards. Significant deficiencies are found in these levees, including cracking and levee heights below HMP standards.²²⁰ Rehabilitation plans for the levees call for “raising the crest two feet above the 100-year flood level, providing at least a 16-foot wide levee crest, and placing a wide toe berm to buttress the landside slope.”²²¹ The District estimated that levee rehabilitation will cost between \$1.0 million and \$1.5 million per levee mile. The District reported that major cracks in the levees (shown in Figure 11-2) were repaired in Winter 2009 by digging out the affected area and recompacting the levee section.



Source: The Sacramento Bee, December 2008.

The District also reported major structural deficiencies at its pumping station as an infrastructure need that has yet to be addressed.²²² The existing pump station has shifted and rotated on its foundation, and is in danger of falling over.²²³

The District funds major maintenance activities primarily through the DWR special projects program. A recent major project completed through DWR special projects funding was a nearly \$2.5 million habitat mitigation project that occurred in FY 06-07. The project restored 50 acres of habitat in the western portion of the island by planting five varieties of native plants and creating a three-acre freshwater marsh. Restoration of wetlands from former farmlands is expected to slow or reverse island subsidence in the Delta.²²⁴

²²⁰ The Sacramento Bee, “Idyllic existence hangs in balance,” December 14, 2008, Special Report p. 8.

²²¹ RD 2059 letter to U.S. Army Corps of Engineers dated January 27, 2006, stating intent to participate in projects consistent with the CALFED Bay-Delta Authorization Act.

²²² Interview with District Manager Anglia Tant, December 11, 2008.

²²³ Hultgren-Tillis Engineers, *Bradford Island Levee Rehabilitation Geotechnical Investigation*, October 26, 2005.

²²⁴ <http://www.water.ca.gov/floodmgmt/dsmo/bdlb/opp/subsidence.cfm>

Table 11-3: RD 2059 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	By Contract	Weed Abatement	By Contract
Flood Control	By Contract	Slope Protection	By Contract
Drainage	By Contract	Vector/Rodent Control	By Contract
Upkeep of Levee Access Roads	By Contract	Levee Patrol	By Contract
Ferry Service	By Contract	Flood Fighting	By Contract
District Overview			
Total Levee Miles	7.5	Surface Elevation	-5 to -15 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	3.5	Dry Land Levee	0.0
HMP Standard	4.0	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	7.5
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes - 7 mi.	Pump Station(s)	Yes - 1
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A2	Base Flood Elevation	7 ft.
Levee Inspection Practices			
The District does not conduct formal levee inspections but does keep written inspection reports. Informal levee inspections are conducted by the Levee Superintendent at least once per week.			
Levee Inspection Reports			
Most Recent Written Inspection	NA	Inspection Rating	NA
Levee Segment	Description	Condition	
San Joaquin River	Northern District boundary	0.15 mi. at HMP, 1.75 mi. <HMP	
San Joaquin River	Western District boundary	1.9 mi. at HMP	
False River	Southern District boundary	1.6 mi. at HMP	
Fisherman's Cut	Eastern District boundary	0.35 mi. at HMP, 1.75 mi. <HMP	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.0	Miles Needing Rehabilitation	3.5
% Rehabilitated, FY 07-08	0%	% Needing Rehabilitation	47%
Rehabilitation Cost per Levee Mile ¹	NA	Maintenance Cost per Levee Mile ²	\$2,244
Infrastructure Needs/Deficiencies			
Infrastructure needs include additional rock riprap for the waterside slopes of the levees and rehabilitation of three and a half miles of levees that do not meet HMP standards. Significant deficiencies in these levees include cracking and levee heights below HMP.			
Note:			
(1) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of miles rehabilitated in FY 07-08.			
(2) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

Consolidation for RD 2059 does not appear to be a feasible option at this time due to the poor financial standing of the District. The District reported that its financial ability to provide service is severely limited, and that the District does not have enough funds to sufficiently maintain the island or its pump station. A large portion of District revenues are used to fund operation of the ferry to Bradford Island, and the District reported that the revenues generated from assessments are not enough to maintain the ferry service and maintain the levees on a regular basis. The District reported that it is looking into generating additional funding by means of a Proposition 218 election, requesting funds from the County and requesting a reimbursable share of cost expense from Rosetta Resources, a large landowner on the island; however, none of the above have been finalized as of the drafting of this report.

RD 2059 is open to consolidation with a neighboring reclamation district, because additional revenues could help the District address its backlog of deferred maintenance. The District requires a new pump station, which is not eligible for DWR funding, and the District does not have the financial resources on its own to do so at this time.

Possible consolidation partners include RD 830 (Jersey Island) to the south or RD 2026 (Webb Tract) to the east. RD 2026 would make a logical consolidation partner due to its reliance on the ferry for service to the island, which would allow for increased cost sharing between the two Districts. However, both RD 830 and RD 2026 expressed an unwillingness to consolidate with RD 2059, due to the backlog of deferred levee and pump station maintenance, and not wanting to take responsibility for the long-neglected levees.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) There were 48 residents in the District, according to 2000 Census data. There has been no recent growth within the District, and minimal growth is anticipated in the future as the District is outside of the countywide urban limit line (ULL). There are no planned or proposed development projects on Bradford Island.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 2) Bradford Island is one of the eight western Delta islands that DWR has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state.
- 3) Four miles of levees currently meet the HMP standard. Three and a half miles of levees do not meet the HMP standard and will require significant rehabilitation.

- 4) Deficiencies in the levees include cracking and levee heights below HMP. District guidelines indicate that levees should be rehabilitated to between two and three feet above the 100-year flood level, to accommodate for subsidence.
- 5) Infrastructure needs for the district include rehabilitation of 3.5 miles of levees to meet the District's adopted guidelines for levee specifications. The District also identified replacement of the existing pump station as an infrastructure need that has been deferred for many years due to a lack of funds.
- 6) The District spent approximately \$2,200 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.
- 7) The District reported that the most significant service challenge is providing adequate services given limited financing and staffing levels.
- 8) The District had not prepared a multi-year capital improvement plan as of the drafting of this report; however, the District reported that it plans to complete a five-year plan by FY 09-10.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 9) The District has demonstrated the financial ability to provide minimally adequate service to portions of the District. Various infrastructure needs have been deferred due to a lack of available funds. In recent years, the District has relied on DWR special projects funding for needed levee improvements, as the District lacks the funds to upgrade levees on its own.
- 10) The District receives 100 percent funding from DWR for special projects (no cost share) due to its importance in the Delta under Water Code §12311, and the District's inability to pay for levee rehabilitation on its own (per its 1990s Ability-to-Pay study submitted to DWR).
- 11) The District reported that it participates in the DWR subventions program (submits annual applications), but does not receive reimbursement from DWR due to insufficient maintenance expenditures per levee mile. Qualifying for DWR subventions funds is a goal for the District.
- 12) The District was in the process of updating its assessment as of the drafting of this report, in order to improve its financial ability to provide services. The District engineer completed an assessment report and accompanying 20-year budget worksheet in December 2008; however, the District had yet to conduct the required Proposition 218 election.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 13) The Agency does not practice significant facility sharing, and no opportunities for shared facilities were identified.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 14) Accountability to local voters is constrained by a lack of contested elections.
- 15) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 16) The District maintains a website as part of its community outreach efforts.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds.

AGENCY PROPOSAL

The agency reported a desire to retain its existing coterminous SOI if consolidation with a neighboring reclamation district is not possible.

SOI OPTIONS

Given the considerations addressed in the MSR, two options are identified for the RD 2059 SOI:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – Zero SOI to signaling future consolidation

Adopting a zero SOI for RD 2059 to signal future consolidation is an option. The District reported various financing constraints, including a significant backlog of deferred maintenance, and minimal service levels. RD 2059 is open to consolidation with a neighboring reclamation district; however, neither RD 830 nor RD 2026 are agreeable to consolidation with RD 2059.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 2059, given that consolidation with a neighboring reclamation district does not appear feasible at this time.

Table 11-4: RD 2059 SOI Analysis

Issue	Comments
SOI update recommendation	Retain existing coterminous SOI.
Services provided	RD 2059 provides maintenance services to non-project levees and internal drainage facilities.
Present and planned land uses in the area	Present land uses in the area are agricultural, commercial, residential, recreational, and gas extraction. Local business activity consists primarily of cattle grazing and small commercial operations. No new land uses are anticipated in the future.
Location of facilities, infrastructure and natural features	Levees protected by the Districts are located around the perimeter of the island. Internal drainage facilities run north-south and east-west through the District. The pumping station is located near the mid-way point of the eastern District boundary. Natural features that affect service provision are the Delta waterways, and island surface and floodplain elevations.
Projected growth in the District/Recommended SOI	There is no significant growth projected in RD 2059.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee maintenance services on the island, as the levee system has significant rehabilitation needs.
Opportunity for infill development rather than SOI expansion	No SOI expansion is recommended and no development is projected on the island.
Service capacity and adequacy	The MSR identified financing as the major constraint to levee maintenance and rehabilitation efforts. There is a significant backlog of deferred maintenance and levee improvements due to insufficient financing levels.
Social or economic communities of interest	Communities of interest include the 71 landowners on the island.
Effects on other agencies	Retaining the existing coterminous SOI would have no effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	No potential consolidation opportunities were identified. Neighboring reclamation service providers do not seem to be a good match for consolidation due to significant differences in revenues and deferred levee and drainage maintenance and rehabilitation needs.
Willingness to serve	The District has demonstrated a willingness to serve by providing levee maintenance to Bradford Island since 1921.
Potential effects on agricultural and open space lands	Retaining the existing coterminous SOI would allow the District to continue to serve its boundary area, which is comprised of agricultural lands primarily used for cattle grazing.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

12. RECLAMATION DISTRICT 2065 (VEALE TRACT)

Reclamation District 2065 (Veale Tract) provides maintenance services to non-project levees and internal drainage facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2065 was formed on April 22, 1923 as an independent special district. The District was formed to provide the reclamation of lands within District boundaries.

The principal act that governs the District is the Reclamation District Act.²²⁵ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,²²⁶ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,²²⁷ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,²²⁸ and 4) retain an agricultural expert to advise landowners.²²⁹ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.²³⁰

The District's boundary is located entirely within Contra Costa County and is on the westerly edge of the Delta approximately two miles east of the community of Knightsen, as shown in Map 12-1. The boundaries encompass 1,365 acres (approximately 2.1 square miles). Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. A majority of the District is within the Secondary Zone of the Sacramento-San Joaquin Delta, but the westerly portion of the District along with the community of Knightsen is within the Primary Zone. The District is outside the countywide urban limit line (ULL).

²²⁵ California Water Code, Division 15, §50000-53903.

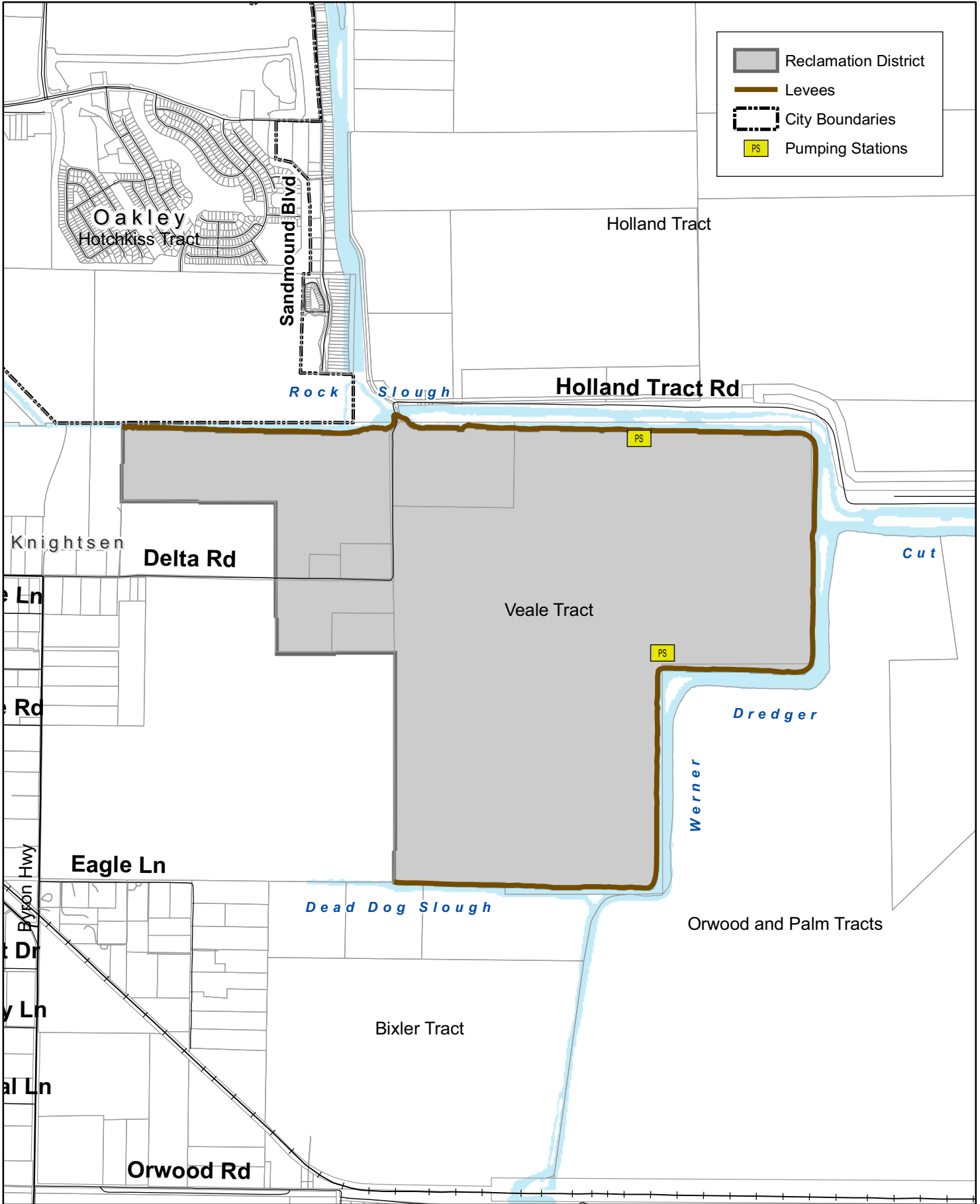
²²⁶ California Water Code §50932.

²²⁷ California Water Code §50910.

²²⁸ California Water Code §50933.

²²⁹ California Water Code §50952.

²³⁰ Government Code §56824.10.



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.²³¹

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 2065 since 1965.²³²

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a three-member board. Board members must be landowners or legal representatives of a landowner and are elected or appointed by the County Board of Supervisors to staggered four-year terms. Elections, however, are very rare, as there are only five landowners within the District. Vacancies on the governing body are typically filled by appointment by the remaining Board members pursuant to Government Code § 1780. RD 2065 board members serve on a volunteer basis and do not receive compensation.

Table 12-1: RD 2065 Governing Body

Reclamation District 2065 Veale Tract				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Coleman Foley	President	1995	2009
	Thomas E. Baldocchi, Sr.	Member	1996	2011
	Thomas E. Baldocchi, Jr.	Member	2005	2009
<i>Manner of Selection</i>	Board member must be a landowner or legal representative of a landowner within the District. For uncontested elections, appointments are made by the remaining Board members.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed		Location: Varies	
<i>Agenda Distribution</i>	To all landowners; posted at Secretary's Office.			
<i>Minutes Distribution</i>	To all meeting attendees; available to anyone upon request.			
Contact				
<i>Contact</i>	Secretary and Counsel			
<i>Mailing Address</i>	Nomellini, Grilli & McDaniel P.O. Box 1461 Stockton, CA 95201			
<i>Email/ Website</i>	dantejr@pacbell.net/No website			

The District does not conduct constituent outreach activities, but keeps the landowners apprised of District activities. The Board meets on an “as needed” basis, usually two to three times per year. Meeting agendas are posted at the District Secretary’s office, and agendas are mailed to each landowner. Minutes of the previous meeting are distributed to those attending the following meeting. Agendas and minutes are also available by request. The most recent Board meeting was on June 30, 2008.

²³¹ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

²³² Contra Costa LAFCO records begin in 1965 and show no boundary changes to RD 2065.

With regard to customer service, complaints may be filed with any Trustee or the District Secretary. If the complaint merited formal District action, any such complaint would be placed on the next Board agenda for discussion/resolution. Within FY 07-08 there were no complaints filed.

The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO map inquiries and document requests.

SERVICE DEMAND AND GROWTH

Access to RD 2065 is via Delta Road through Knightsen from SR 4, or from the south via Byron Highway. Delta Road traverses a portion of Veal Tract. (Refer to Map 12-1.) Farm service roads provide limited access from the west, with a perimeter levee road along the north, east and south sides of the District.

The District boundaries encompass primarily agricultural lands (row crops, alfalfa, and irrigated pasture) along with two single-family dwellings, farm worker housing, and out-buildings. The State Farmland Mapping and Monitoring Program classifies agricultural land in the District as Prime Farmland (approximately 60 acres), Farmland of Statewide Importance (950 acres), Unique Farmland (100 acres), and Farmland of Local Importance (150 acres). There is no Williamson Act contracted land within the District.

The District considers its customer base to be its five landowners. There were 14 residents in the District, according to Board Member Tom Baldocchi, Jr. The District's population density was 6.6 persons per square mile, compared with the 2008 countywide density of 1,318. The area has not experienced significant recent growth, and does not anticipate changes in service demand in the future. There is however, a proposal by Delta View Properties LLC to split a 74-acre parcel into three homesites. The proposed subdivision is located along Rock Slough just east of Delta Road. Of concern to the District are matters such as the encroachment of the homesites and waterside docks and related improvements on or near the adjacent levee and levee seepage canal, and the resulting interference with the District's operation, maintenance and improvement of that levee and canal. Although the District is not a land use authority, and does not hold primary responsibility for implementing growth strategies, the concerns of the District have been related to the Contra Costa County Community Development Division.

MANAGEMENT

The District utilizes a volunteer staff (primarily Board Members) as well as the District's engineer to monitor the levees and activity on the Tract. The District contracts for legal and engineering services.

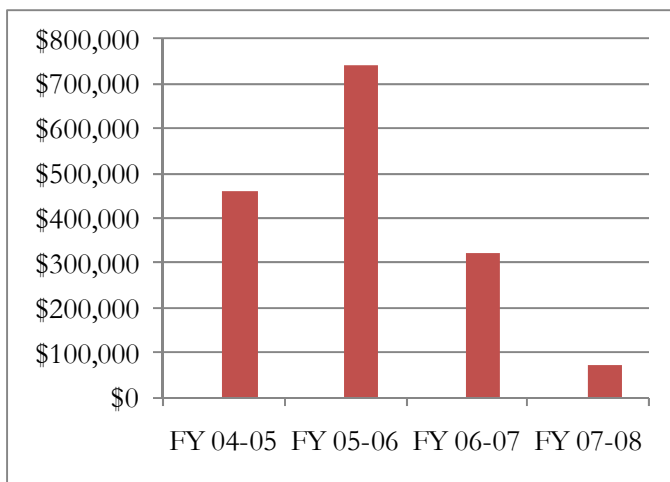
The District does not adopt an annual budget, but does have annual financial reports prepared by an independent auditor. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08. The District did not have an updated capital improvement plan in place as of the drafting of this report; however, the District indicated that it will likely have a Five Year Levee Improvement Plan in place by FY 09-10 in order to meet new Department of Water Resources (DWR) requirements for participating in DWR's 'Special Levee Project' program.

FINANCING

The District’s financial ability to provide services is currently constrained. The District went into debt in April of 2005 in order to perform emergency erosion repair work. The District took out a loan from the Bank of Stockton in the amount of \$300,000 with a 6.5 percent interest rate. Thereafter, during the December 2005-January 2006 flood disaster, the District suffered additional substantial erosion which required immediate repair and which ultimately impaired the District’s ability to pay back the loan as quickly as originally intended. A sizeable portion of that loan is still outstanding.

Figure 12-1: RD 2065 Expenditures, FY 04-05 through FY 07-08

District expenditures fluctuate year to year as funds become available for specific projects. The expenditure spikes in FY 04-05 and FY 05-06 were the result of emergency levee work to repair flood damage as well as the ‘CALFED Rock Slough Water Quality Improvement Project’ whereby the District cooperated with CALFED to relocate its drainage discharge point from Rock Slough to the south side of the District at Dead Dog Slough. This required the establishment a new pump station at that location. CALFED paid for the costs of the project by advancing funds to the District to pay the various expenses as they became due.



The District received \$267,428 in revenues in FY 06-07 and \$58,701 in FY 07-08. RD 2065 relies primarily on landowner assessments which normally generate 30% percent of operating revenues, and reimbursements from the State under the subventions program (44%). The District does not receive any property tax revenue. The District levied assessments of approximately \$50 per acre on agricultural land in FY 07-08.

Total expenditures for FY 06-07 were \$323,559, with reductions to \$72,713 in FY 07-08. The vast majority of expenditures were for levee repair and maintenance (68% over the past two years). The District spent approximately \$5,400 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.

In order to achieve a balanced budget, the District transferred \$110,145 in FY 06-07 and \$25,203 in FY 07-08 from the Special Revenue Fund to the General Fund to finance activities of the General Fund. As of June 30, 2008, the District fund balance was \$2,119. Budget details for the past two fiscal years are contained in Table 12-2.

Table 12-2: RD 2065 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
Reclamation services are financed primarily by assessments and DWR subventions.					
Development Fees and Requirements					
Agricultural (per acre)		None			
Residential (per unit)		Single Family:		None Multi-Family: None	
Non-residential (per 1,000 sq. ft.)		Commercial:		None Industrial: None	
Development Requirements:		New development must construct levees to PL 84-99 Standard.			
RD 2065 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08	Expenditures	FY 06-07	FY 07-08
Total	\$267,428	\$58,701	Total	\$323,559	\$72,713
Property Tax	0	0	Operations	259,754	37,448
Assessments	81,470	30,000	Drainage & Utilities ¹	16,268	10,156
Intergovernmental Revenues	116,674	18,674	Levee Maintenance ²	243,486	27,292
Levee Maintenance	116,674	18,674	Capital Improvements ³	0	0
Capital Improvements	0	0	Administrative ⁴	105	150
Development Impact Fees	0	0	Professional Fees ⁵	3,375	2,921
Interest	0	0	Insurance	15,580	8,106
Other Revenues - Reimbursements	69,284	10,027	Miscellaneous ⁶	44,745	24,088
Notes:					
(1) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(2) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					
(6) Miscellaneous expenditures include debt service (principal and interest).					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2065 operates, maintains, and at times, improves non-project levees and internal drainage facilities on Veale Tract. The District conducts direct services for vegetation removal, weed abatement and upkeep of access roads as part of its levee maintenance work. Rodent/vector control is carried out in conjunction with the Contra Costa County Agricultural Commissioner, who bills the District for services. The District is also responsible for flood fighting and levee patrol during high water events. The District's efforts over the past few years have centered on levee maintenance in an effort to meet and maintain the HMP Standard.

LOCATION

RD 2065 provides services within its boundary area. The District's planning area consists of seven parcels of record and a total of 1,365 acres. District levees protect the north, east and west sides of the Tract, however, there is no 'cross levee' along the western boundary of the District. The District receives stormwater runoff from properties west of the District (toward Knightsen), which places an additional burden on the District's pumps, and the District also provides flood protection to a substantial portion of such properties. The Board is considering various scenarios to address this issue, including annexation of the runoff and flood protected properties, or some other method to reduce the financial burden on landowners within RD 2065 and more fairly allocate those costs among those who benefit from RD 2065's services.

INFRASTRUCTURE

Key infrastructure in the District includes over five miles of levees, as well as internal drainage channels and two pump stations. Levees are constructed out of earthen materials with rock rip rap on some sections of the water side. Because of the combination of high tides, high wind and high waves, District levees sustained damage during the December 2005- January 2006 storms. Approximately \$170,000 in repair work was required.

Figure 12-2: RD 2065 Rock Slough Levee

The District reports that existing levees meet the Hazard Mitigation Plan (HMP) Standard (one foot above the 100-year flood level) except for that portion of the Rock Slough levee west of Delta Road. This area is at a higher ground elevation, and not subject to the more severe conditions of the remaining levee system. The District is within Flood Zone A2, with a base flood elevation of 7-feet above sea level for Veale Tract. Ground elevations within the interior of the Tract vary between 4-feet below sea level to 2-feet above sea level. This means the entire area would be covered by 5-11 feet of water in a high-water event. Hence, the entire District is presently classified by FEMA to be within the 100-year floodplain.



Subsidence is not an issue, although the easterly half of the District exhibits peat soils up to 10-feet deep.

A summary of services, facilities and conditions is provided in Table 12-3.

Table 12-3: RD 2065 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Direct	Weed Abatement	Direct
Flood Control	Direct	Slope Protection	Direct
Drainage	Direct	Vector/Rodent Control	Direct & Contract
Upkeep of Levee Access Roads	Direct	Levee Patrol	Direct
Irrigation Water	None	Flood Fighting	Direct
District Overview			
Total Levee Miles	5.1	Surface Elevation	-4 to 2 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.9	Dry Land Levee	0
HMP Standard	4.2	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	5.1
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	Yes -2
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A2	Base Flood Elevation	7 ft. above sea level
Levee Inspection Practices			
Inspected regularly by Trustees who are landowners; inspections by the District Engineer when requested.			
Levee Inspection Reports			
Most Recent Written Inspection	NP ¹	Inspection Rating	NP
Levee Segment	Description		Condition
Rock Slough (west of Delta Road)	Lower levee at end of Rock Slough		Poor
Rock Slough (east of Delta Road)	Earthen levee with intermittent rip rap		Fair
Werner Dredger Cut	Earthen levee with intermittent rip rap		Fair
Dead Dog Slough	Earthen levee at end of Dead Dog Slough		Fair
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.0	Miles Needing Rehabilitation	0.9
Percent Rehabilitated	0%	Percent Needing Rehabilitation	18%
Rehabilitation Cost per Levee Mile ²	NA	Maintenance Cost per Levee Mile ³	\$5,400
Infrastructure Needs/Deficiencies			
The District's long-range levee rehabilitation/improvement plan is to meet and maintain the HMP Standard.			
Notes:			
(1) NP = Not Provided			
(2) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of levee miles rehabilitated in FY 07-08.			
(3) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

Several governance alternatives are discussed below.

RD 2065 is in a difficult position with respect to District operations and its overall revenue base. There are a limited number of property owners who bear a disproportionate share of District costs. Funds have been depleted, loan payments are ongoing, and the annual landowner assessment is high. Levees are in need of additional rehabilitation, and storm water runoff from the west causes an additional pumping burden on the District. However, given these difficulties, the District has no intention of disbanding.

One option would be to expand the District SOI to the west and annex those properties that benefit from District pumping and flood control services. The assessment rate for this area would need to be in proportion to the benefits received and would need to take into consideration the extent to which such properties benefit from each type of service. However, this option would conflict with the Knightsen Community Services District as described below.

Another option would be to consolidate with another reclamation district, most likely RD 2024 (Orwood and Palm Tracts) to the east, or RD 799 (Hotchkiss Tract) to the northwest. Both RD 2065 and RD 2024 are primarily agriculture, so that compatibility could allow for consolidation. However, these districts are separated by Werner Dredger Cut. RD 799 is separated from Veale Tract by only the ending reach of Rock Slough, but is involved with residential development, while RD 2065 is not. RD 2121 (Bixler Tract) to the south across Dead Dog Slough is probably not an option, as RD 2121 is not an active reclamation district. RD 2024 would be a logical successor agency, as it has completed extensive rehabilitation of its levees and is in sound financial condition.

A remote possibility involves collaborating with the Knightsen Town Community Services District (KCSD), whose eastern border is coterminous with Veale Tract. However, KCSD is in a start-up mode, and does not yet have the ability to take on additional responsibilities.²³³

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The 2008 residential population within the district was 14. Up to three households could be added if the proposed Delta View Properties subdivision is completed.
- 2) A majority of the District is within the Secondary Zone of the Delta (which does not prohibit development), but is not within the countywide ULL. In December of 2007, LAFCO reduced the SOP's for both Diablo Water District and Ironhouse Sanitary District by removing Veale Tract from the respective SOP's. Therefore, any residential development,

²³³ Knightsen Town Community Services District, East County Sub-Regional Municipal Service Review, Contra Costa LAFCO, December 2008.

(including the Delta View Properties project) would need to rely on individual wells and septic systems.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 3) The District provides minimally adequate service given financial and staffing constraints.
- 4) A majority of the levees serving Veale Tract currently meet the HMP standard, providing 100-year flood protection. The westerly leg of Rock Slough west of Delta Road does not meet the HMP standard and is in poor condition. It is less vulnerable to collapse however, due to its location at the end of Rock Slough on higher ground.
- 5) The District spent approximately \$5,400 on maintenance costs per levee mile in FY 07-08. This was significantly less than the \$55,600 per levee mile spent in FY 06-07, and the countywide median level of \$9,900 per levee mile in FY 07-08.
- 6) The District currently has two pump stations; however, it has an agreement with Contra Costa Water District to utilize the newly constructed pump station on the south side of the District which discharges to Dead Dog Slough. This avoids discharge to Rock Slough on the north from which CCWD derives a portion of its drinking water.
- 7) The most significant service challenge facing the District is to balance its limited financial resources with the need for levee improvements.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 8) The District assesses property owners \$50 per acre for agricultural land. This is higher than most reclamation districts in the county, but only generates \$68,000 annually for District operations.
- 9) State and federal reimbursements or advances for levee work are initially deposited into “special funds” and then immediately transferred to the District’s general fund.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 10) The District does not practice significant facility sharing.
- 11) Consolidation with an adjacent reclamation district may provide opportunities for future facility sharing.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 12) The District conducts limited community outreach and involvement activities, primarily geared to the District landowners.

- 13) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.
- 14) A government structure option is to consolidate with RD 2024.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The District reported a desire to retain its existing coterminous SOI, with possible consideration for expanding the SOI to the west to include those properties which benefit from drainage and/or flood protection services provided by the District.

SOI OPTIONS

Given the considerations addressed in the Municipal Service Review, three options are identified for the RD 2065 SOI:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – Expand the SOI

Expansion of the District SOI westerly into Knightsen would allow the District to address the drainage and/or flood protection issues which affect its operations. This SOI expansion can be supported if the Knightsen Town Community Services District is not able to independently provide drainage and/or flood control services to the area currently receiving these *de facto* services from RD 2065.

SOI Option #3 – Adopt a Zero SOI

Adoption of a ‘zero sphere’ would indicate the future elimination of the District, most likely in terms of annexing RD 2065 territory to the adjacent RD 2024. RD 2024 has demonstrated its ability to serve its customers, and annexation of RD 2065 would allow for additional economies of scale in providing services.

RECOMMENDATION

Retain the existing coterminous SOI and require the District to report back to LAFCO within one-year on the feasibility of expanding the SOI to the west, after having consulted with the affected property owners and the Knightsen Town Community Services District.

Table 12-4: RD 2065 SOI Analysis

Issue	Comments
SOI update recommendation	Retain the existing coterminous SOI and require the District to explore expansion of the SOI to the west.
Services provided	Maintenance services to non-project levees and internal drainage facilities on Veale Tract.
Present and planned land uses in the area	The District bounds encompass primarily agricultural land with limited rural residential development.
Location of facilities, infrastructure and natural features	Levees protected by the District are located on the north, east and south sides of Veale Tract. Internal drainage facilities and pump stations are located on the north and south levees.
Projected growth in the District/Recommended SOI	There is the possibility for three new homesites within the District/SOI.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee and drainage maintenance services in the District. Levee protection is important to the continued use of the land for agricultural production, given the land elevation of up to four feet below sea level.
Opportunity for infill development rather than SOI expansion	The potential exists for additional residential homesites on five to 40-acre parcels.
Service capacity and adequacy	The District is able to provide minimal services to protect the reclaimed land on Veale Tract.
Social or economic communities of interest	The economic community of interest is the five property owners within the District.
Effects on other agencies	Expanding the SOI to the west will have an effect on the Knightsen Town CSD.
Potential for consolidations or other reorganizations when boundaries divide communities	There is potential to annex RD 2065 (Veale Tract) to another district (i.e., RD 2024) especially if RD 2065 becomes insolvent or cannot continue to provide services.
Willingness to serve	The District has demonstrated a willingness to serve by providing levee maintenance in the area since 1923. The District has persevered with limited financial resources and a limited number of participating landowners.
Potential effects on agricultural and open space lands	Veale Tract is outside the countywide ULL and should remain as agriculture for the foreseeable future. Large-lot residential development will compromise the agricultural activities on the Tract.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should assist the Commission in making CEQA determinations.

13. RECLAMATION DISTRICT 2090 (QUIMBY ISLAND)

Reclamation District 2090 (Quimby Island) provides maintenance and rehabilitation services to non-project levees.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2090 was formed on March 21, 1918 as an independent special district.²³⁴ The District was formed primarily for the construction and maintenance of levees and drainage facilities to protect the area within the District's boundaries.

The principal act that governs the District is the Reclamation District Act.²³⁵ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,²³⁶ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,²³⁷ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,²³⁸ and 4) retain an agricultural expert to advise landowners.²³⁹ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.²⁴⁰

The District's boundary is located entirely within Contra Costa County. RD 2090 is a Delta island located in easternmost Contra Costa County, east of Holland Tract and adjacent to the Contra Costa-San Joaquin County line at Old River, as shown on Map 13-1. The boundaries encompass 789 acres, or approximately 1.2 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Primary Zone of the Sacramento-San Joaquin Delta and is outside the countywide urban limit line (ULL).

²³⁴ The year of formation was reported by the District. LAFCO and State Board of Equalization records do not date back to District formation

²³⁵ California Water Code, Division 15, §50000-53903.

²³⁶ California Water Code §50932.

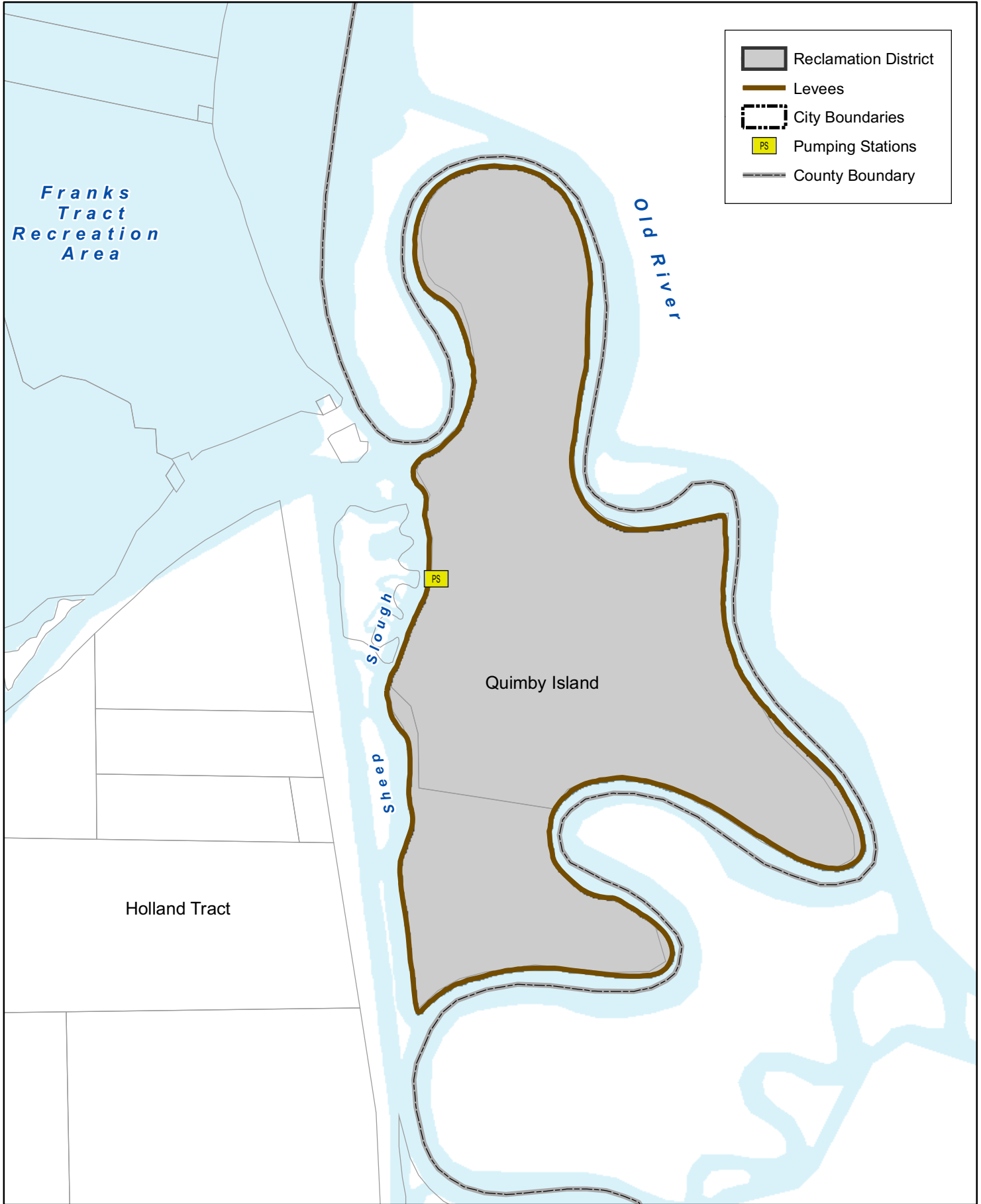
²³⁷ California Water Code §50910.






²³⁸ California Water Code §50933.

²³⁹ California Water Code §50952.

²⁴⁰ Government Code §56824.10.

Map 13-1 RD 2090 Boundary and Coterminous SOI



	Reclamation District
	Levees
	City Boundaries
	Pumping Stations
	County Boundary



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.²⁴¹

Boundary History

LAFCO and State Board of Equalization (BOE) records indicate that there have been no boundary changes for RD 2090 since 1956.²⁴²

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a three-member board. Upon request of the District, Board members are appointed to staggered four-year terms by the County Board of Supervisors. Board members do not receive a stipend for attending Board meetings.

Table 13-1: RD 2090 Governing Body

Reclamation District 2090 Quimby Island				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Lawrence J. Watty	Chairman	2002	2011
	Bruce C. Stephens	Trustee	1991	2011
	Rebecca S. DiDomenico	Trustee	1991	2009
<i>Manner of Selection</i>	Landowner elections. Board member must be the landowner or legal representative of the landowner. For uncontested elections, appointments are made by the County Board of Supervisors upon request by the District.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed Location: District office or within the District			
<i>Agenda Distribution</i>	To all Trustees; posted at the District Secretary's office			
<i>Minutes Distribution</i>	To all trustees; available by mail upon request.			
Contact				
<i>Contact</i>	District Secretary			
<i>Mailing Address</i>	311 E. Main Street, Suite 504 Stockton CA 95202			
<i>Email/Website</i>	ahoslett@sbcglobal.net/No website			

Because the District is under a single ownership, it not considered necessary to conduct constituent outreach activities. The Board of Trustees meets on an as-needed basis. Notices are posted and mailed as required by the Brown Act. Any customer complaints can be brought to the attention of the Board. The District reports that no complaints were received in FY 07-08.

The District demonstrated partial accountability to LAFCO in its disclosure of information and cooperation with LAFCO. The District did not complete the initial Request for Information questionnaire; however, the District did respond to interview questions, other LAFCO inquiries and document requests.

²⁴¹ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

²⁴² The BOE record for RD 2090 begins in 1956 and shows no boundary changes since then. Contra Costa LAFCO records begin in 1965 and show no boundary changes to RD 2090.

SERVICE DEMAND AND GROWTH

Access to Quimby Island is by private boat. Private graveled levee service roads provide perimeter access around the island. (Refer to Map 13-1.)

The District bounds encompass agricultural activities with farm buildings, a primary residence, caretaker residence, and farm worker quarters. The primary crop is feed-type corn, with wheat grown on the land side of the levee slope. The State Farmland Mapping and Monitoring Program classifies agricultural land in the District as Prime Farmland (approximately 650 acres), Unique Farmland (60 acres), and Farmland of Local Importance (35 acres). All of the land within the District is under Williamson Act Contract.

The interests of the landowner Ellis Island Farms, Inc., and its principal Ellis Stephens, are considered to be the customer base for the District. The resident population of the island is one person, with four to five persons seasonally. The District's population density is 1 person per square mile, compared to a countywide density of 1,318, according to the 2000 Census. The area has not experienced any growth, and changes in service demand in the future are not anticipated.

MANAGEMENT

Maintenance operations are overseen by the landowner, and carried out by the District under contract. Legal and engineering services are provided by contract.

Levee inspections, which are conducted twice per day, are conducted by employees of Ellis Island Farms. They are also responsible for pump maintenance. The District does not have a formal levee inspection procedure and does not keep written inspection reports.

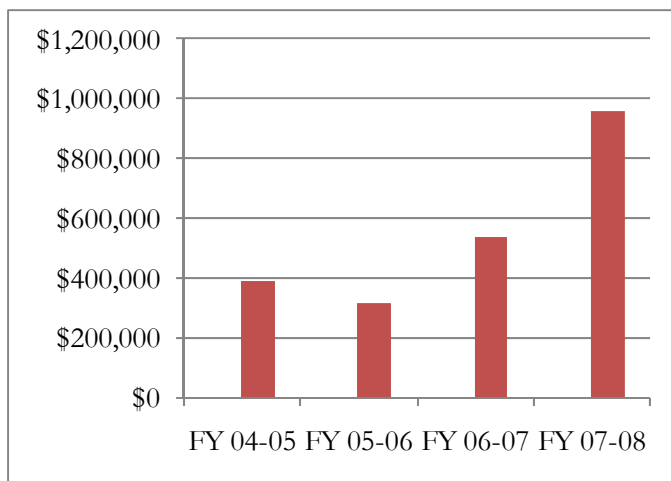
The District does not adopt an annual budget, but does have annual financial reports prepared by an independent auditor. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08. The District did not have an updated capital improvement plan in place as of the drafting of this report; however, the District's engineer has applied for a Special Projects Grant to prepare a five-year plan.

FINANCING

The District's financial ability to provide services is contingent upon the willingness of the landowner to participate in District operations. The landowner was assessed \$410,000 in FY 06-07 and \$1,125,000 in FY 07-08. Since there is only one landowner within the District, the Board of Trustees assesses the landowner the amount that the District feels is necessary to provide for the District's activities and responsibilities. State subventions make up the remainder of District revenues. The District does not receive any property tax revenue. Revenues are detailed in Table 13-2.

Figure 13-1: RD 2090 Expenditures, FY 04-05 through FY 07-08

District expenditures fluctuate year to year as financing relies on assessments, which is the primary source of funding. Expenditures were higher in FY 07-08 than in previous years due to significant maintenance activities performed that year. To a lesser extent levee maintenance needs and efforts also fluctuate somewhat from year to year. For example, the District performed relatively less maintenance in FY 05-06 than in other recent years. Revenue fluctuations have generally followed the expenditure trend, with higher intergovernmental revenues in FY 07-08 than in previous years due to a greater volume of reimbursable projects that year.



District expenditures fluctuate year to year as costs for operations vary according to the work effort needed to maintain the levees and drainage system. For FY 06-07, the District expended \$520,345 on operations, which increased to \$946,561 in FY 07-08. The District spent approximately \$129,400 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.

Identified levee repairs and pump servicing are carried out under the direction of the landowner’s representative. During this two-year period no levee rehabilitation work was conducted. Details are provided in Table 13-2.

The District does not have a formal policy on maintaining financial reserves. The District had \$297,341 in unrestricted net assets as of June 30, 2008, which are on deposit with the Contra Costa County Treasurer. The unreserved balance constituted 31 percent of annual expenditures in FY 07-08. The District does not have any short or long term debt.

Table 13-2: RD 2090 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
Reclamation services are financed primarily by assessments (84%) and DWR subventions (16%).					
Development Fees and Requirements					
Agricultural (per acre)		None			
Residential (per unit)	Single Family:	None	Multi-Family:	None	
Non-residential (per 1,000 sq. ft.)	Commercial:	None	Industrial:	None	
Development Requirements:		None			
RD 2090 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08	Expenditures	FY 06-07	FY 07-08
Total	\$552,836	\$1,230,392	Total	\$536,052	\$961,057
Property Tax	0	0	Operations	520,345	946,561
Assessments	410,000	1,125,000	Drainage & Utilities ¹	55,366	41,085
Intergovernmental Revenues	142,836	105,392	Levee Maintenance ²	464,979	905,476
Levee Maintenance	142,836	105,392	Capital Improvements ³	0	0
Capital Improvements	0	0	Administrative ⁴	6,343	4,880
Development Impact Fees	0	0	Professional Fees ⁵	6,054	6,291
Interest	0	0	Insurance	3,310	3,325
Other Revenues	0	0	Miscellaneous ⁶	0	0
Notes:					
(1) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(2) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					
(6) Miscellaneous expenditures.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2090 provides levee maintenance and internal drainage services through a contract with Ellis Island Farms. The District also contracts with Ellis for vegetation removal, weed abatement, vector/rodent control, and upkeep of access roads as part of the levee maintenance work. The District is also responsible for flood fighting and levee patrol during high water events. Habitat improvements on the island floor (including the planting of thousands of trees) are being undertaken by the landowner and are not part of the District's responsibilities.

LOCATION

RD 2090 provides services within its boundary area, and to levees around the perimeter of Quimby Island. The District does not provide any services outside Quimby Island. Because of the isolated nature of the District, extra effort is needed to transport material and equipment to the site. In addition, due to the configuration of the island (amoeba-like), the relative small size of the District (789-acres) requires a disproportionate levee system (7-miles) for protection. This equates to approximately 113 acres of reclaimed land for each mile of levee. The average among reclamation districts in Contra Costa County is approximately 304 acres of reclaimed land per levee mile.²⁴³

The MSR did not identify documented benefits of continued reclamation of the tracts for sustaining the fresh water/saltwater balance and health of the Delta, as the area is not identified as a critical asset by California Water Code §12311. Hence, the benefit area for the District's reclamation activities are confined to the District's boundary area.

INFRASTRUCTURE

Key infrastructure in the District includes 7-miles of non-project levees, as well as two pump stations located along Sheep Slough. Levees are constructed out of earthen material, and are rated by the District Engineer as being in good condition, and meeting HMP standards.²⁴⁴

According to DWR, there have been no levee failures on Quimby Island in the 1967-2004 period.²⁴⁵ Likewise, no levee failures or breaches have occurred in the past four years.²⁴⁶ The island is located within Flood Zone A30, with a base flood elevation of seven feet above sea level. The ground elevation for the interior of the island averages eight feet below sea level. In other words, the island would be covered by an average of 15 feet of water during a 100-year flood event. Quimby Island is classified by FEMA as being within a 100-year floodplain.

Subsidence is an ongoing issue. The District has diligently worked to construct its levees in a manner to counteract subsidence by building landside berms and flatter backslopes, particularly in areas prone to greater movement.

A summary of services, facilities and conditions is provided in Table 13-3.

²⁴³ Calculation based on MSR data for all 13 reclamation districts.

²⁴⁴ Interview with Christopher Neudeck, District Engineer on March 23, 2009.

²⁴⁵ DWR & DFG, *Risks and Options to Reduce Risks to Fisheries and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008.

²⁴⁶ Interview with Christopher Neudeck District Engineer on March 23, 2009.

Table 13-3: RD 2090 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Contract	Weed Abatement	Contract
Flood Control	Direct & Contract	Slope Protection	Contract
Drainage	Contract	Vector/Rodent Control	Contract
Upkeep of Levee Access Roads	Contract	Levee Patrol	Direct & Contract
Irrigation Water	None	Flood Fighting	Direct & Contract
District Overview			
Total Levee Miles	7.0	Surface Elevation	-5 to -11 ft. with an average elevation of -8 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.0	Dry Land Levee	0.0
HMP Standard	7.0	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	7.0
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	Yes - 2
Detention Basin(s)	No	Bridges	No
		Ferry	No
Floodplain			
FIRM Designation	A30	Base Flood Elevation	7-feet above sea level
Levee Inspection Practices			
Twice per day by landowner representatives. No formal review program and does not keep written reports.			
Levee Inspection Reports			
Most Recent Written Inspection	NP ¹	Inspection Rating	NP
Levee Segment	Description		Condition
Old River	Serpentine earthen levee along north, east and south		Good
Sheep Slough	Earthen levy along west side of island		Good
Levee Maintenance			
Miles Rehabilitated, FY 06-07	0.0	Miles Needing Rehabilitation	NP
Percent Rehabilitated	0%	% Needing Rehabilitation	NA
Rehabilitation Cost per Levee Mile ²	NA	Maintenance Cost per Levee Mile ³	\$129,400
Infrastructure Needs/Deficiencies			
Routine maintenance as problem areas are identified.			
Notes:			
(1) NP = Not Provided			
(2) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of levee miles rehabilitated in FY 07-08.			
(4) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

As a single-landowner reclamation district, the continued functioning of RD 2090 is a direct consequence of the landowner's participation in the District, both functionally and monetarily. Should Ellis Island Farms, Inc. sell the island, responsibility for RD 2090 would fall to the successor landowner. Should the levees fail, re-construction would be a decision of the landowner.

One fairly remote option, should RD 2090 levees fail, would be to annex the territory to the adjacent RD 2027 (Mandeville Island) located in San Joaquin County, or RD 2025 (Holland Tract) in Contra Costa County, which is planned to be operated as primarily wildlife habitat and open space in the future. However, this would only be feasible if the State were to fund levee repair, as it would not be in the interests of RD 2027 or 2025 to do so.

Without the reclamation district, Quimby Island could still operate as a private enterprise, with protection of the reclaimed lands the responsibility of the landowner. This scenario would be based on the value of the crops produced and the economic viability of the island.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The residential population on the island is one person, with four to five seasonal workers, according to the District. There has been no recent growth within the District, and no growth is anticipated in the future as the District is entirely agricultural, and outside of the countywide urban limit line.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 2) All levees within the District currently meet HMP standards.
- 3) All levee rehabilitation projects are performed by contract. The District has no employees, and contracts out for routine levee maintenance activities with Ellis Island Farms, the sole landowner within the District.
- 4) The District provides adequate service based on levee standards.
- 5) The District spent approximately \$129,400 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.
- 6) The District reported that the most significant service challenge is the logistics of transporting material to and from the island, and in coordinating levee maintenance work with contractors.

- 7) The District did not have an updated capital improvement plan in place as of the drafting of this report; however, an application for grant funding has been made to prepare a five-year plan.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 8) The District has demonstrated the financial ability to provide minimally adequate service.
- 9) The District reported that the current level of financing is generally sufficient for normal levee maintenance services; however, major maintenance and rehabilitation activities are only possible with DWR funding.
- 10) The annual landowner assessment fluctuates, depending on the perceived needs. A capital improvement plan would allow the District to anticipate the required assessment amount over a several year period.
- 11) The District is dependent upon assessment revenue from a single landowner.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 12) Efficiencies are gained by collaboration and facility sharing efforts with Ellis Island Farms for the use of equipment and staff for levee maintenance activities.
- 13) Coordination between Ellis Island Farms and RD 2090 is enhanced by an officer of Ellis Island Farms serving on the RD 2090 Board.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 14) Accountability to local landowners is achieved by having a close working relationship with Ellis Island Farms, the sole landowner.
- 15) The District demonstrated partial accountability to LAFCO in its disclosure of information and cooperation with LAFCO. The District did not complete the initial Request for Information questionnaire; however, the District did respond to other LAFCO inquiries and document requests.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The District indicated a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in this Municipal Service Review, two SOI options were identified:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – Adopt a zero SOI for RD 2090 and expand the SOI of an adjacent reclamation district to include Quimby Island

Expanding the SOI of either RD 2027 or 2025 to include Quimby Island and adopting a zero SOI for RD 2090 would signify that consolidation could be initiated. If initiated, the LAFCO with jurisdiction (San Joaquin LAFCO for RD 2027; Contra Costa LAFCO for RD 2025) would evaluate consolidation in greater depth and determine whether or not it is advisable and under what conditions.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 2090.

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

Table 13-4: RD 2090 SOI Analysis

Issue	Comments
SOI update recommendation	Retain existing coterminous SOI.
Services provided	Maintenance services to non-project levees and internal drainage facilities on Quimby Island.
Present and planned land uses in the area	The District bounds encompass primarily agricultural land uses. Crops grown on the island consist of corn and wheat. Other land uses within the District include farm buildings, a primary residence and a caretaker residence.
Location of facilities, infrastructure and natural features	Levees protected by the District are located around the perimeter of Quimby Island. The main internal drainage ditch runs in a westerly direction with dual pumping stations located along Sheep Slough. Minor internal drainage ditches are oriented perpendicular to the main ditch.
Projected growth in the District/Recommended SOI	There is no growth projected within the District/SOI.

Present and probable need for public facilities and services in the area	There is a present and probable need for levee and drainage maintenance services on the island as long as the island is used for productive agricultural purposes.
Opportunity for infill development rather than SOI expansion	No SOI expansion is recommended and no development is projected on the island.
Service capacity and adequacy	The MSR identified financing as the major constraint to levee maintenance and rehabilitation efforts. The District participates in the DWR subventions program to assist with levee rehabilitation costs.
Social or economic communities of interest	The economic community of interest is Ellis Island Farms, Inc., the sole landowner on Quimby Island.
Effects on other agencies	Retaining the existing coterminous SOI would have no effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	Should RD 2090 no longer be able to provide services, dissolution of RD 2090 and annexation to an adjacent reclamation district would be a possibility.
Willingness to serve	The District has demonstrated a willingness to serve by providing levee maintenance services to Quimby Island since 1918.
Potential effects on agricultural and open space lands	Retaining the existing coterminous SOI would allow the District to continue to serve its boundary area, which is comprised of agricultural land.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

14. RECLAMATION DISTRICT 2117 (CONEY ISLAND)

Reclamation District 2117 (Coney Island) provides maintenance services to non-project levees and internal drainage facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2117 was formed on August 10, 1983 as an independent special district.²⁴⁷ The District was formed to “improve and maintain levee, drainage and irrigation systems within affected territory.”²⁴⁸

The principal act that governs the District is the Reclamation District Act.²⁴⁹ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,²⁵⁰ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,²⁵¹ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,²⁵² and 4) retain an agricultural expert to advise landowners.²⁵³ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.²⁵⁴

The District’s boundary is located entirely within Contra Costa County. RD 2117 is a Delta island located in the most southeasterly portion of Contra Costa County, adjacent to Clifton Court Forebay on the west and San Joaquin County on the east, as shown on Map 14-1. The boundaries encompass 935 acres (approximately 1.5 square miles). Contra Costa is the principal county and

²⁴⁷ LAFCO Resolution No. 83-15.

²⁴⁸ LAFCO Executive Officer’s Report dated August 5, 1983, attached to LAFCO Resolution No. 83-15.

²⁴⁹ California Water Code, Division 15, §50000-53903.

²⁵⁰ California Water Code §50932.

²⁵¹ California Water Code §50910.

²⁵² California Water Code §50933.

²⁵³ California Water Code §50952.

²⁵⁴ Government Code §56824.10.

Contra Costa LAFCO has jurisdiction. The District is within the Primary Zone of the Sacramento-San Joaquin Delta and is outside the countywide urban limit line (ULL).

The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.²⁵⁵

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 2117 since formation.

LOCAL ACCOUNTABILITY AND GOVERNANCE

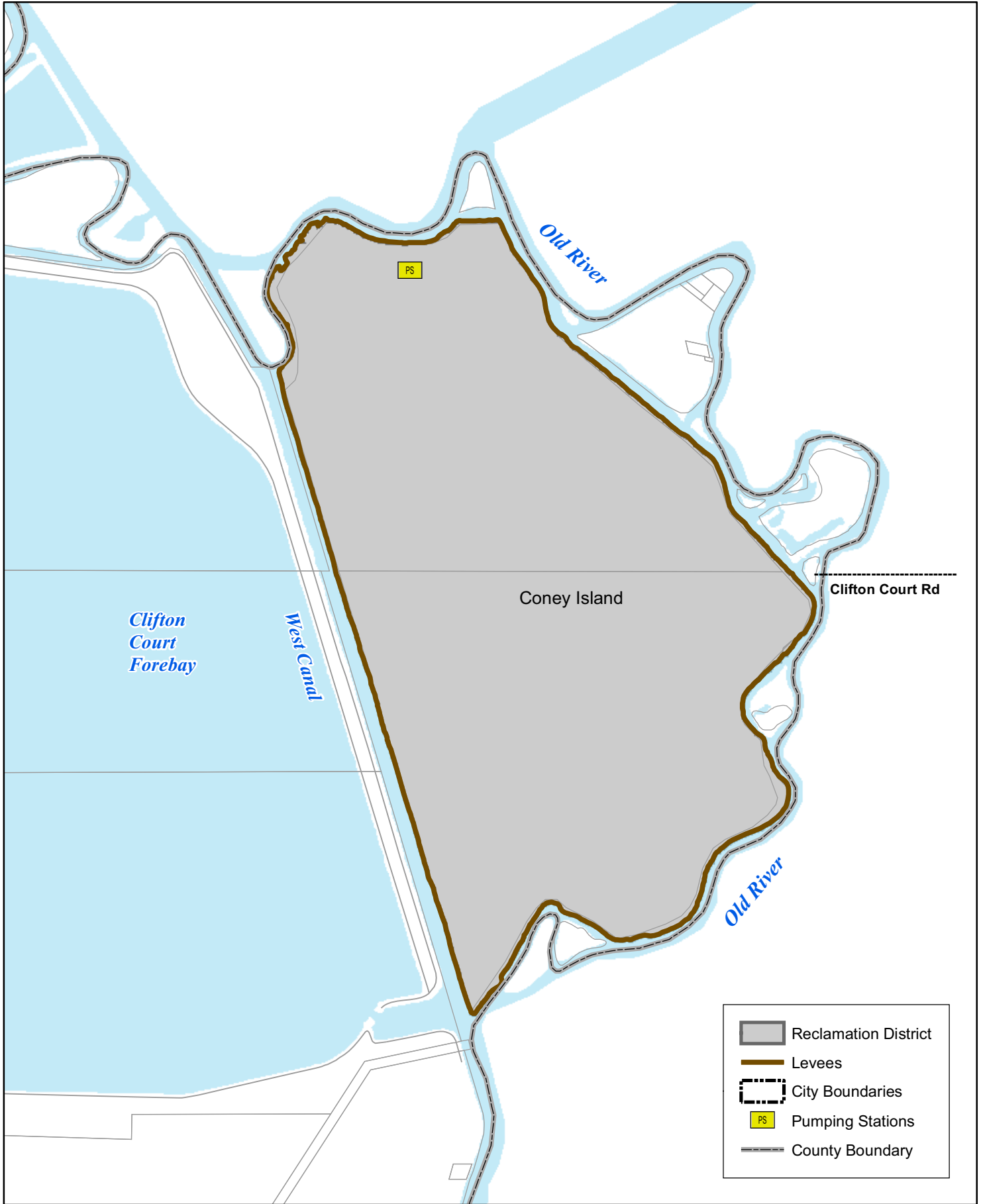
The District is governed by a three-member Board of Trustees, of which one seat is vacant. Upon request of the District, Board members are appointed to staggered four-year terms by the County Board of Supervisors. Board members are not compensated by RD 2117.

Table 14-1: RD 2117 Governing Body

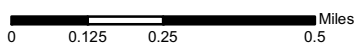
Reclamation District 2117 Coney Island				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Herbert Speckman	Trustee	1983	2011
	Joyce Speckman	Trustee	1983	2011
	Vacant			
<i>Manner of Selection</i>	Landowner elections. Board member must be a landowner or legal representative of a landowner within the District. For uncontested elections, appointments are made by the County Board of Supervisors.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed		Location: 235 E. Weber Ave., Stockton, CA 95202	
<i>Agenda Distribution</i>	As requested			
<i>Minutes Distribution</i>	As requested			
Contact				
<i>Contact</i>	Secretary and Counsel			
<i>Mailing Address</i>	Nomellini, Grilli & McDaniel P.O. Box 1461 Stockton, CA 95201			
<i>Email/Website</i>	ngmplcs@pacbell.net/No website			

Because the District is under a single ownership, it not considered necessary to conduct constituent outreach activities. Any customer complaints can be brought to the attention of the Board. The District reported that no complaints were received in FY 07-08. The Board meets at least annually, and more frequently if required. Board agendas are posted at the District Secretary’s office window.

²⁵⁵ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.



- Reclamation District
- Levees
- City Boundaries
- Pumping Stations
- County Boundary



The District demonstrated full accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with LAFCO map inquiries and document requests.

SERVICE DEMAND AND GROWTH

Access to RD 2117 is via Clifton Court Road and Tracy Boulevard in San Joaquin County. A bridge connects the adjacent Union Island at the end of Clifton Court Road to Coney Island. (Refer to Map 14-1.)

The District bounds encompass agricultural activities with farm buildings, a primary residence and caretaker residence. The primary crops are row crops and alfalfa. The State Farmland Mapping and Monitoring Program classifies agricultural land in the District as Prime Farmland (approximately 720 acres) and Farmland of Statewide Importance (180 acres). All of the land within the District is under Williamson Act Contract.

The interests of the landowner Coney Island Farms, Inc., and its principals Herbert and Joyce Speckman, are considered to be the customer base for the District. The resident population is four. The District's population density is 2.6 persons per square mile, compared to a countywide density of 1,318, according to the 2000 Census. The area has not experienced any growth, and changes in service demand in the future are not anticipated.

MANAGEMENT

The District employs no full-time or part-time staff positions. Maintenance activities are carried out by employees of Coney Island Farms, and by contract. The District contracts for legal and engineering services.

The landowners/trustees are responsible for levee patrol and monitoring. The District does not have a formal levee inspection procedure and does not keep written inspection reports. The department of Water Resources (DWR) conducts yearly inspections of work performed under the subventions and special projects programs, but does not conduct overall levee inspections or certification.

The District does not adopt an annual budget. A financial report by an independent auditor is prepared each year. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08. The District did not have an updated capital improvement plan in place as of the drafting of this report.

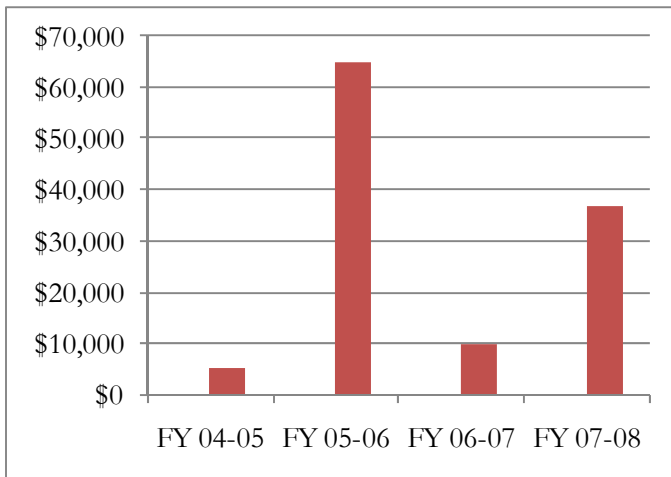
FINANCING

The District's financial ability to provide services is contingent upon the willingness of the landowner to participate in District operations, and from reimbursements from the State subventions program. For FY 06-07, the landowner provided \$50,000 in assessment fees, while in FY 07-08, no assessments were levied. In FY 07-08, the District relied on State assistance monies of \$44,840.

District expenditures fluctuate year to year as financing relies on DWR subventions funding for levee maintenance activities. Expenditures were higher in FY 05-06 than in subsequent years due to significant maintenance activities performed that year, including placing rock rip-rap along the Old River Segment. To a lesser extent, levee maintenance needs and efforts also fluctuate somewhat from year to year. For example, the District did not perform any significant maintenance activities in FY 04-05 and FY 06-07. Revenue fluctuations have generally followed the expenditure trend, with higher intergovernmental revenues in FY 05-06 than subsequent years due to a greater volume of reimbursable projects that year.

Figure 14-1: RD 2117 Expenditures, FY 04-05 through FY 07-08

For FY 06-07, the District expended \$9,914 on general operations, while in FY 07-08 a total of \$34,561 was spent for levee maintenance. Identified levee repairs and rehabilitation are carried out under the direction of the Trustees and the District Engineer. The District spent approximately \$6,400 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.



The District has not adopted development requirements, and does not receive development impact fees, because no development has taken place on the island.

Financial details are provided in Table 14-2.

The District utilizes a ‘cash receipts and disbursement’ basis of accounting. Under this method, revenues are recognized when received and expenditures are recorded when paid. The District does not have any long-term debt. As of June 30, 2008, the District had a cash balance of \$55,329, which is on deposit with the Contra Costa County Treasurer.

Table 14-2: RD 2117 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
Reclamation services are financed primarily by assessments and DWR subventions, depending on the year.					
Development Fees and Requirements					
Agricultural (per acre)		None			
Residential (per unit)		Single Family:	None	Multi-Family:	None
Non-residential (per 1,000 sq. ft.)		Commercial:	None	Industrial:	None
Development Requirements: None					
RD 2117 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08	Expenditures	FY 06-07	FY 07-08
Total	\$50,000	\$44,830	Total	\$9,914	\$36,786
Property Tax	\$0	\$0	Operations	\$9,914	\$34,561
Assessments	\$50,000	\$0	Drainage & Utilities ¹	\$0	\$0
Intergovernmental Revenues	\$0	\$44,830	Levee Maintenance ²	\$0	\$34,561
Levee Maintenance	\$0	\$44,830	Capital Improvements ³	\$0	\$0
Capital Improvements	\$0	\$0	Administrative ⁴	\$0	\$0
Development Impact Fees	\$0	\$0	Professional Fees ⁵	\$0	\$2,225
Interest	\$0	\$0	Insurance ⁶	\$0	\$0
Other Revenues	\$0	\$0	Miscellaneous ⁷	\$0	\$0
Notes:					
(1) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(2) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					
(6) The District is covered by insurance from policies held by the landowner.					
(7) Miscellaneous expenditures.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2117 provides levee maintenance and internal drainage services through the auspices of Coney Island Farms. The District contracts with Coney Island Farms, Inc. for vegetation removal, weed abatement and vector/rodent control, and upkeep of access roads as part of the levee maintenance work. The District is responsible for flood fighting and levee patrol during high water events.

LOCATION

RD 2117 provides services within its boundary area, and to levees around the perimeter of Coney Island. The District does not provide any services outside of Coney Island. A series of drainage channels convey water to the north end of the island for pumping into Old River. Riparian habitat areas along Old River are outside the levee system but within the District boundary. (Refer to Map 14-1.)

The MSR did not identify documented benefits of continued reclamation of the tracts for sustaining the fresh water/saltwater balance and health of the Delta, as the area is not identified as a critical asset by California Water Code §12311. Hence, the benefit area for the District’s reclamation activities are confined to the District’s boundary area.

INFRASTRUCTURE

Key infrastructure in the District includes 5.4 miles of non-project levees, as well as one pump station. Levees are constructed out of earthen material, and are rated by the District Engineer as being in good condition, and meeting Hazard Mitigation Plan (HMP) Standards.²⁵⁶

According to DWR, there have been no levee failures on Coney Island in the 1967-2004 periods.²⁵⁷ Likewise, no levee failures or breaches have occurred in the past four years.²⁵⁸ The island is located within Flood Zone A27, with a base flood elevation of eight feet above sea level. The ground elevation for the interior of the island averages nine feet below sea level. In other words, the entire island would be covered by an average of 17 feet of water in a 100-year flood event. Coney Island is classified by FEMA as being within a 100-year floodplain.

Coney Island contains limited amounts of organic material (peat soils) ranging in depth from zero to 10 feet. Historically, these areas have experienced minimal subsidence without any consequences.²⁵⁹

The District reported that it plans to rehabilitate all levees to PL 84-99 standards as funds become available, over the next ten years. The highest priority levees for rehabilitation are the West Canal segment, along the west side of the island.

Figure 14-2: RD 2117 Old River Levee



²⁵⁶ Interview with Christopher Neudeck, District Engineer on March 18, 2009.

²⁵⁷ DWR & DFG, *Risks and Options to Reduce Risks to Fisheries and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008.

²⁵⁸ Interview with Christopher Neudeck, District Engineer on March 18, 2009.

²⁵⁹ Ibid.

Table 14-3: RD 2117 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Contract	Weed Abatement	Contract
Flood Control	Contract	Slope Protection	Contract
Drainage	Contract	Vector/Rodent Control	Contract
Upkeep of Levee Access Roads	Contract	Levee Patrol	Direct & Contract
Irrigation Water	None	Flood Fighting	Direct & Contract
District Overview			
Total Levee Miles	5.4	Surface Elevation	-9 ft. (average)
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.0	Dry Land Levee	0
HMP Standard	5.4	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	5.4
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	Yes -1
Detention Basin(s)	No	Bridges	Yes -1
Floodplain			
FIRM Designation	A27	Base Flood Elevation	8-ft. above sea level
Levee Inspection Practices			
Landowners/Trustees almost daily; District Engineer periodically.			
Levee Inspection Reports			
Most Recent Written Inspection	NP ¹	Inspection Rating	NP
Levee Segment	Description	Condition	
Old River	Along the north, east and south side of island	Good	
West Canal	Along the west side of island	Good	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.0	Miles Needing Rehabilitation	0.0
Percent Rehabilitated	0%	Percent Needing Rehabilitation	0%
Rehabilitation Cost per Levee Mile ²	NA	Maintenance Cost per Levee Mile ³	\$6,400
Infrastructure Needs/Deficiencies			
Attempting to reach PL 84-99 Standards as funds become available. Slowly upgrading West Canal levee.			
Notes:			
(1) NP = Not Provided			
(2) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of levee miles rehabilitated in FY 07-08.			
(3) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

As a single-owner reclamation district, the continued functioning of the District is a direct consequence of the landowner's participation in the District, both functionally and monetarily. Should Coney Island Farms, Inc. and the Speckman family sell the island, responsibility for RD 2117 would fall to the successor landowner. Should the levees fail, re-construction would be a decision of the landowner.

One option, should RD 2117 fail, would be to annex the territory to the adjacent RD 1 and 2 (Union Island), which operates as a single reclamation district and is located in San Joaquin County. However, this would only be feasible if the State were to fund levee repair, as it would not be in the interests of RD 1 and 2 to do so.

Without the reclamation district, Coney Island could still operate as a private enterprise, with protection of the reclaimed lands the responsibility of the landowner. This scenario would be based on the value of the crops produced and the economic viability of the island.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The residential population within the district was four individuals, according to the District. There has been no recent growth within the District, and no growth is anticipated in the future as the District is entirely agricultural, and outside of the countywide urban limit line (ULL).

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 2) All levees within the District currently meet HMP standards.
- 3) The District reported that it plans to rehabilitate all levees to PL 84-99 standards as funds become available, over the next 10 years.
- 4) All levee rehabilitation projects are performed by contract. The District has no staff positions, and routine levee maintenance activities are performed by employees of Coney Island Farms, the sole landowner within the District.
- 5) The District provides minimally adequate service given financial and staffing constraints. The District spent approximately \$6,400 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.
- 6) The District reported that the most significant service challenge is obtaining funding for needed maintenance and rehabilitation activities, and adequate levee standards would not be possible without DWR funding.

- 7) The District did not have an updated capital improvement plan in place as of the drafting of this report.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 8) The District has demonstrated the financial ability to provide minimally adequate service.
- 9) Funds are insufficient for the agency to provide full-time staffing.
- 10) The District reported that the current level of financing is generally not sufficient for adequate service provision, and major maintenance and rehabilitation activities are only possible with DWR funding.
- 11) The District should consider updating its assessment, which was adopted in 1983 upon District formation. A capital improvement plan would allow the District to anticipate the required assessment amount over a several year period.
- 12) The District has not adopted development requirements, and does not receive development impact fees, because no development has taken place on the island.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 13) Efficiencies are gained by collaboration and facility sharing efforts with Coney Island Farms for the use of equipment and staff for levee maintenance activities.
- 14) Coordination between Coney Island Farms and RD 2117 is enhanced by the President of Coney Island Farms serving as Trustee on the RD 2117 Board.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 15) Accountability to local landowners is achieved by having a close working relationship with Coney Island Farms, the sole landowner. Current RD Board members are also owners of Coney Island Farms.
- 16) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The agency reported a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in this Municipal Service Review, two SOI options were identified:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – Adopt a zero SOI for RD 2117 and expand the SOI of an adjacent reclamation district

Expanding the SOI of RD 1 and 2 in San Joaquin County to include Coney Island and adopting a zero SOI for RD 2117 would signify that consolidation could be initiated. If initiated, the LAFCO with jurisdiction (San Joaquin LAFCO) would evaluate consolidation in greater depth and determine whether or not it is advisable and under what conditions.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 2117.

Table 14-4: RD 2117 SOI Analysis

Issue	Comments
SOI update recommendation	Retain existing coterminous SOI.
Services provided	Maintenance services to non-project levees and internal drainage facilities on Coney Island.
Present and planned land uses in the area	The District bounds encompass primarily agricultural land uses. Crops grown on the island consist of row crops and alfalfa. Other land uses within the District include farm buildings, a primary residence and a caretaker residence.
Location of facilities, infrastructure and natural features	Levees protected by the District are located around the perimeter of Coney Island. The main internal drainage ditch runs in a northwest to southeast direction down the center of the District, with the single pumping station located at the northwest end. Minor internal drainage ditches are oriented perpendicular to the main ditch.
Projected growth in the District/Recommended SOI	There is no growth projected within the District/SOI.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee and drainage maintenance services on the island as long as the island is used for productive agricultural purposes.

Opportunity for infill development rather than SOI expansion	No SOI expansion is recommended and no development is projected on the island.
Service capacity and adequacy	The MSR identified financing as the major constraint to levee maintenance and rehabilitation efforts. The District participates in the DWR subventions program to offset levee maintenance costs.
Social or economic communities of interest	The economic community of interest is Coney Island Farms, the sole landowner on Coney Island.
Effects on other agencies	Retaining the existing coterminous SOI would have no effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	Should RD 2117 no longer be able to provide services, dissolution of RD 2090 and annexation the adjacent reclamation district would be a possibility.
Willingness to serve	The District has demonstrated a willingness to serve by providing levee maintenance services to Coney Island since 1983.
Potential effects on agricultural and open space lands	Retaining the existing coterminous SOI would allow the District to continue to serve its boundary area, which is comprised of agricultural land.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

15. RECLAMATION DISTRICT 2121 (BIXLER TRACT)

Reclamation District 2121 (Bixler Tract) is a family-run operation that provides maintenance services to non-project levees and internal drainage facilities.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2121 was formed on April 11, 1984 as an independent special district.²⁶⁰ The District was formed to “improve and maintain levee, drainage and irrigation systems within affected territory.”²⁶¹

The principal act that governs the District is the Reclamation District Act.²⁶² The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,²⁶³ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,²⁶⁴ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,²⁶⁵ and 4) retain an agricultural expert to advise landowners.²⁶⁶ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.²⁶⁷

²⁶⁰ LAFCO Resolution No. 84-7.

²⁶¹ LAFCO Executive Officer’s Report dated April 6, 1984, attached to LAFCO Resolution No. 84-7.

²⁶² California Water Code, Division 15, §50000-53903.

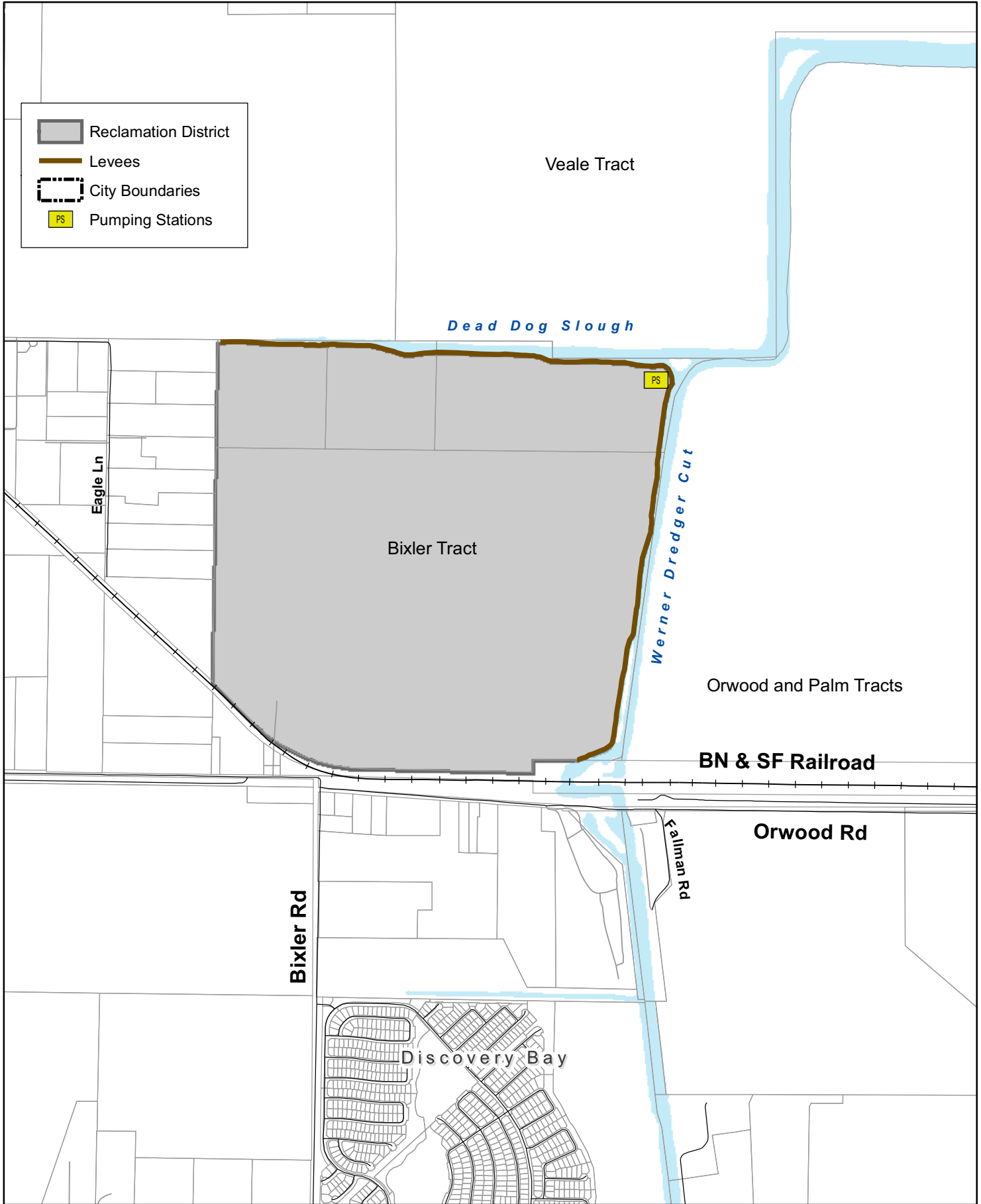
²⁶³ California Water Code §50932.

²⁶⁴ California Water Code §50910.

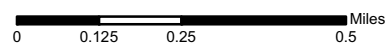
²⁶⁵ California Water Code §50933.

²⁶⁶ California Water Code §50952.

²⁶⁷ Government Code §56824.10.



- Reclamation District
- Levees
- City Boundaries
- Pumping Stations



The District's boundary is located entirely within Contra Costa County. RD 2121 is located along the westerly edge of the Delta, approximately three miles east of the City of Brentwood, as shown in Map 15-1. The boundaries encompass 584 acres (approximately 0.9 square miles). Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Primary Zone of the Sacramento-San Joaquin Delta, and is outside of the countywide urban limit line (ULL).

The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.²⁶⁸

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 2121 since formation in 1984.

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a three-member board consisting of members of the Bloomfield family. Board members are appointed by the landowner, Bixler-Bloomfield Incorporated, to indeterminate terms. There have not been any elections conducted since district formation in 1984. Board Member Tom Bloomfield also serves as the District Manager.

District Trustees meet on an 'as needed' basis, and meet at the residence of the General Manager at 2030 Newton Drive in Brentwood, CA. The District does not contract for legal or engineering services. The General Manager considers RD 2121 to be an 'inactive' district.²⁶⁹

RD 2121 does not file annual reports with the State Controller's Office, does not maintain any funds with the Contra Costa County Treasurer, and does not contribute to the operating costs of LAFCO.

²⁶⁸ LAFCO Resolution dated July 11, 1984, adopting spheres of influence (SOIs) for reclamation districts within Contra Costa County.

²⁶⁹ Tom Bloomfield, General Manager; personal communication.

Table 15-1: RD 2121 Governing Body

Reclamation District 2121 Bixler				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Tom Bloomfield	Member	1984	Indefinite
	Jack Bloomfield	Member	1984	Indefinite
	Carol Bloomfield	Member	1984	Indefinite
<i>Manner of Selection</i>	Landowner appointment			
<i>Length of Term</i>	Indefinite			
<i>Meetings</i>	Date: As needed	Location: 2030 Newton Drive Brentwood, CA 94513		
<i>Agenda Distribution</i>	Internally to Board Members			
<i>Minutes Distribution</i>	Internally to Board Members			
Contact				
<i>Contact</i>	General Manager			
<i>Mailing Address</i>	2030 Newton Drive, Brentwood, CA 94513			
<i>Email/Website</i>	None			

The District does not conduct outreach activities. In as much as the District is a family-run operation, there is no need for constituent outreach activities. With regard to customer service, any complaints are considered by the Board. The District reported that no complaints were received in FY 07-08.

The District demonstrated partial accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's interview requests and responded to some document requests. The agency did not provide information on infrastructure needs or District financial records.

SERVICE DEMAND AND GROWTH

Access to the District is via Orwood Road westerly from the Byron Highway and Delta Road in Brentwood, or via Bixler Road and SR 4 from the south. Entry to the Bixler Tract is from Orwood Road just west of its intersection with Bixler Road. Caution is required when crossing the Burlington Northern and Santa Fe rail line onto the property. The embankment for the rail line is the southern boundary for the District, and serves as a flood barrier to District lands. Private, graveled service roads provide perimeter access around the tract, and private agricultural service roads provide access to the interior. (Refer to Map 15-1)

The District bounds encompass agricultural activities with farm headquarter buildings consisting of offices, repair shop, farm worker housing, and alfalfa storage structures. On site crops include pinot grigio and chardonnay grapes (60 acres), alfalfa (240 acres), and pasture (200 acres) for cattle grazing. The remaining acreage is fallow and provides habitat for birds and animals. The State Farmland Mapping and Monitoring Program classifies agricultural land in the District as Prime Farmland (approximately 250 acres) and Farmland of Statewide Importance (30 acres), Unique Farmland (60 acres), and Farmland of Local Importance (230 acres). There is no Williamson Act contracted land within the District.

The District considers its customer base to be the Bloomfield family. There are five resident farm workers in the District, who are employees of the landowner. The District's population

density is five persons per square mile, compared with the 2008 countywide density of 1,318. Bixler Tract has not experienced any growth, and the District does not anticipate changes in service demand in the future. The District is outside the countywide urban limit line (ULL) and expects agriculture to be the predominant land use for the foreseeable future. Development pressure, should it occur, is most likely to come from expansion of the Discovery Bay community.²⁷⁰

The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies. The District does monitor development activity in the vicinity, but does not always receive application referrals from other agencies, most recently the Knightsen School District's Old River Elementary School campus on Bixler Road.

MANAGEMENT

The District does not have any employees. Maintenance activities are carried out by employees of the Bloomfield family and Bloomfield Vineyards.

Members of the Bloomfield family and the operator of the cattle pasture are responsible for levee patrol and monitoring. The District does not have a formal levee inspection procedure and does not keep written inspection reports.

The District reported that it does not prepare financial statements, nor does it adopt an annual budget. The District did not provide financial statements to LAFCO, although it did report that the landowner reimbursed approximately \$5,000 in District expenses for FY 07-08. No formal assessments have been levied or fees charged to the landowner. Financial information is provided in Table 15-2.

The District did not identify any planning efforts in which it participates.

FINANCING

The District's financial ability to provide services is constrained because no revenues are generated by the District. Any costs incurred by the District are simply billed to the landowner, the Bixler-Bloomfield Corporation, and are paid through individual invoices. The Corporation's ability to finance services is unknown, although it paid approximately \$5,000 in FY 07-08 for District levee maintenance costs.

Fluctuations in the District's revenues over time could not be determined due to a lack of historical financial information, and the fact that the District has not filed such information with the State Controller.

The District has not incurred any long-term debt.²⁷¹

²⁷⁰ Tom Bloomfield, General Manager; personal communication.

²⁷¹ Ibid.

The District’s reserves could not be identified. Through the landowner, the District is in the process of establishing a reserve account in the amount of \$25,000 funded by the landowner.²⁷²

Table 15-2: RD 2121 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
Reclamation services are financed by the landowner through direct billings from the District.					
Development Fees and Requirements					
Agricultural (per acre)		None			
Residential (per unit)		Single Family:		Multi-Family: None	
Non-residential (per 1,000 sq. ft.)		Commercial:		Industrial: None	
Development Requirements:		None			
RD 2121 Financial Information					
Revenues		FY 06-07	FY 07-08	Expenditures	
		FY 06-07	FY 07-08	FY 06-07	FY 07-08
Total		NP¹	\$5,000	Total	NP \$5,000
Property Tax		NP	0	Operations	NP 5,000
Assessments		NP	0	Drainage & Utilities ²	NP 0
Intergovernmental Revenues		NP	0	Levee Maintenance ³	NP 5,000
Levee Maintenance		NP	0	Capital Improvements ⁴	NP 0
Capital Improvements		NP	0	Administrative ⁵	NP 0
Development Impact Fees		NP	0	Professional Fees ⁶	NP 0
Interest		NP	0	Insurance	NP 0
Other Revenues		NP	5,000	Miscellaneous ⁷	NP 0
Notes:					
(1) Not Provided					
(2) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(3) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					
(6) Miscellaneous expenditures.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2121 provides levee maintenance and internal drainage services. Vegetation removal, weed abatement, vector/rodent control, and upkeep of access roads are accomplished as part of the on-

²⁷² Tom Bloomfield, District Manager; personal communication.

site farming operations. The District is also responsible for flood fighting and levee patrol during high water events. Some limited levee reconstruction activities were required after the high water event of 1997-98 when the Werner Dredger Cut levee segment was damaged.

LOCATION

RD 2121 is located in the far westerly portion of the Delta, but is still within the Primary Zone. The ground elevation varies from 14 feet above sea level in the southwest corner to two feet below sea level in the northeast corner.

The MSR did not identify documented benefits of continued reclamation of the tracts for sustaining the fresh water/saltwater balance and health of the Delta, as the area is not identified as a critical asset by California Water Code §12311. Hence, the benefit area for the District’s reclamation activities are confined to the District’s boundary area.

INFRASTRUCTURE

Key infrastructure in the District includes approximately one mile of levee on the north side along Dead Dog Slough, and one mile of levee on the east side along Werner Dredger Cut. (Refer to Map 15-1.) Levees are constructed out of earthen material with concrete rubble and some rip-rap on the water side, but do not meet any particular standard. The westerly boundary of the District is of sufficient elevation that no levee is required. A major drainage course runs north-south along this side and empties into Dead Dog Slough. The south boundary is protected by the elevated Burlington Northern and Santa Fe rail line.

Figure 15-1: RD 2121 Werner Dredger Cut Levee

Approximately two-thirds of the District is within the 100-year flood zone (Zone A2 with a base flood elevation of 7-feet above sea level). This will result in partial flooding of the District during a 100-year event, and possible damage to the Werner Dredger Cut and Dead Dog Slough levee segments as occurred in 1997-98. However, due to the configuration of the ground elevation behind the levees, flood damage is not expected to be significant.²⁷³



Subsidence is not an issue for Bixler Tract, as primarily clay-type soils are present.

The ground configuration has been established so that the tract drains by gravity from southwest to northeast. A pump station is located in the northeast corner of the tract at the confluence of Dead Dog Slough and Werner Dredger Cut.

²⁷³ Tom Bloomfield, District Manager; personal communication.

The levees are not maintained to HMP standards. The District did not provide information on infrastructure needs.

A summary of services, facilities and conditions is provided in Table 15-3.

Table 15-3: RD 2121 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Contract	Weed Abatement	Contract
Flood Control	Direct & Contract	Slope Protection	Contract
Drainage	Contract	Vector/Rodent Control	Contract
Upkeep of Levee Access Roads	Contract	Levee Patrol	Direct & Contract
Irrigation Water	None	Flood Fighting	Direct & Contract
District Overview			
Total Levee Miles	2.0	Surface Elevation	-2 to 14 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	2.0	Dry Land Levee	0.0
HMP Standard	0.0	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	2.0
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	Yes - 1
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A2 and C	Base Flood Elevation	7 feet above sea level
Levee Inspection Practices			
Levee inspections are performed on a regular basis by the District Manager and the pasture leasee.			
Levee Inspection Reports			
Most Recent Written Inspection	None	Inspection Rating	NP ¹
Levee Segment	Description		Condition
Dead Dog Slough	Low level levee; primarily earth construction		Fair ²
Werner Dredger Cut	Earthen construction with some rock rip rap		Fair ²
Levee Maintenance			
Miles Rehabilitated, FY 06-07	0.0	Miles Needing Rehabilitation	NP
% Rehabilitated	0%	% Needing Rehabilitation	NP
Rehabilitation Cost per Levee Mile	0	Maintenance Cost per Levee Mile	\$2,500
Infrastructure Needs/Deficiencies			
Improvements to the levees are made as fill dirt becomes available.			
Notes:			
(1) Not Provided			
(2) Source: field observation.			

GOVERNANCE ALTERNATIVES

Three governance alternatives have been identified for the District: 1) consolidate with RD 2024; 2) consolidate with RD 2065; or 3) dissolution.

Dissolution is an option for the District. The District does not participate in the State levee subvention program to finance levee maintenance or rehabilitation activities.²⁷⁴ The landowner did not identify any strategic value of reclaiming its lands with respect to impact on the Delta. The State did not have records on this particular district. The District does not file financial statements with the State Controller. The District Manager reported that the District is inactive. It does not appear that the landowner considers the District to be a needed public agency, and appears that the District could be dissolved and the levee maintenance responsibilities be formally made the responsibility of the landowner, or assigned to the countywide Flood Control and Water Conservation District. Hence, dissolution appears to be a feasible policy option.

Consolidation with the adjacent RD 2024 (Orwood and Palm Tracts) is an option. If consolidated, RD 2024 would be the logical successor agency, as it has completed extensive rehabilitation of its levees and is in sound financial condition. Given the lack of financial record-keeping and documented maintenance activities, there are no apparent benefits to RD 2024 of consolidating or accepting unknown liabilities for RD 2121. Hence, this option appears infeasible.

Consolidating with the adjacent RD 2065 (Veale Tract) is an option. However, RD 2065 is not in a good financial position and has a very high landowner assessment. The authors did not identify any incentives for the Bloomfield family to accept liability for Veale Tract levees with an increase in assessments levels. There are no apparent benefits to RD 2121 for consolidating with RD 2065 that would justify the time and expense of processing a consolidation. Hence, this option appears infeasible.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) The 2008 residential population within the district was five. There has been no recent growth.
- 2) There are no planned and proposed developments located within the existing boundary and SOI of the District.

²⁷⁴ Tom Bloomfield, District Manager; personal communication.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 3) Levees currently do not meet any standard, and have the potential to be damaged if flooding occurs.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 4) The current level of financing is dependent on the funding commitment of the landowner. The landowner's ability to finance services is unknown, although it does pay approximately \$5,000 annually for levee maintenance services.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 5) The District is not involved in any facility sharing.
- 6) Opportunities for future facility sharing would be dependent on consolidation with another reclamation district.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 7) As a single family landowner, the District does not conduct any community outreach or involvement activities.
- 8) The District demonstrated partial accountability and transparency by disclosing available information in response to LAFCO requests. The agency did not provide information on infrastructure needs or District financial records.
- 9) Governance options include dissolution and consolidation with one of two neighboring reclamation districts.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The District did not indicate a preference with respect to its SOI.

SOI OPTIONS

Given the considerations addressed in the Municipal Service Review, four options are identified for the RD 2121 SOI:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue operating within its existing SOI.

SOI Option #2 – Consolidate with RD 2024

Consolidating with the adjacent RD 2024 (Orwood and Palm Tracts) is a possibility. However, RD 2024 has completed extensive rehabilitation of its levees and is in sound financial condition. One benefit for RD 2024 would be to fill its Trustee vacancy with a representative from the dissolving District.

SOI Option #3 – Consolidate with RD 2065

Consolidating with the adjacent RD 2065 (Veale Tract) is a possibility. However, RD 2065 is not in a good financial position and has a very high landowner assessment. The Bloomfield family would probably find this option cost prohibitive.

SOI Option #4 – Adopt a ‘Zero’ SOI

If LAFCO determines that the existing government structure is not functioning in an acceptable manner, the Commission could adopt a Zero SOI for RD 2121. This would be the first step in dissolving the District.

RECOMMENDATION

Adopting a Zero SOI is recommended for RD 2121 as it is not presently functioning as a public agency and is not fulfilling all of its corporate powers pursuant to Government Code Section 56871. There was no indication provided by the District as to why it should continue to exist.

Table 15-4: RD 2121 SOI Analysis

Issue	Comments
SOI update recommendation	Adopt a Zero SOI.
Services provided	Contracted maintenance services to non-project levees and internal drainage facilities on Bixler Tract.
Present and planned land uses in the area	Agriculture. The District is in the Delta Primary Zone and outside the County ULL.
Location of facilities, infrastructure and natural features	Levees protected by the District are located on the east side adjacent to Werner Dredger Cut, and the north side adjacent to Dead Dog Slough.
Projected growth in the District/Recommended SOI	There is no growth projected within the District/SOI.

Present and probable need for public facilities and services in the area	There is a present need for levee and drainage maintenance services on the tract. The integrity of these levees can be enhanced by adding fill material to the land side, thereby reducing pressure on the levees.
Opportunity for infill development rather than SOI expansion	No SOI expansion is feasible and no development is projected on the island.
Service capacity and adequacy	The District operates at a very basic level, and relies on the single landowner to operate and maintain District facilities.
Social or economic communities of interest	The economic community of interest is the Bloomfield family, as the only landowner on Bixler Tract.
Effects on other agencies	Adopting a Zero SOI would have no effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	Two consolidation options were identified. Each is less than viable for differing reasons.
Willingness to serve	As a family operated reclamation district, RD 2121's willingness to serve is an internal family matter. The degree of participation could not be determined.
Potential effects on agricultural and open space lands	No potential effect on existing agricultural operations is anticipated, even if the reclamation district goes out of business.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should assist the Commission in making CEQA determinations.

16. RECLAMATION DISTRICT 2122 (WINTER ISLAND)

Reclamation District 2122 (Winter Island) provides maintenance services to non-project levees and tidal gates used to obtain water levels necessary to maintain the island wetlands.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2122 was formed by LAFCO on August 8, 1984 as an independent special district.²⁷⁵ The District was formed to “maintain, protect and repair existing levees and other reclamation works to benefit affected territory.”²⁷⁶

The principal act that governs the District is the Reclamation District Act.²⁷⁷ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,²⁷⁸ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,²⁷⁹ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,²⁸⁰ and 4) retain an agricultural expert to advise landowners.²⁸¹ Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.²⁸²

The District’s boundary is located entirely within Contra Costa County. RD 2122 is a Delta island located northeast of Browns Island and the City of Pittsburg, as shown on Map 16-1. The boundaries encompass 422 acres, or approximately 0.7 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Primary Zone of the Sacramento-San Joaquin Delta, and is outside of the countywide urban limit line (ULL).

²⁷⁵ LAFCO Resolution No. 84-28.

²⁷⁶ LAFCO Executive Officer’s Report dated August 3, 1984, attached to LAFCO Resolution No. 84-28.

²⁷⁷ California Water Code, Division 15, §50000-53903.

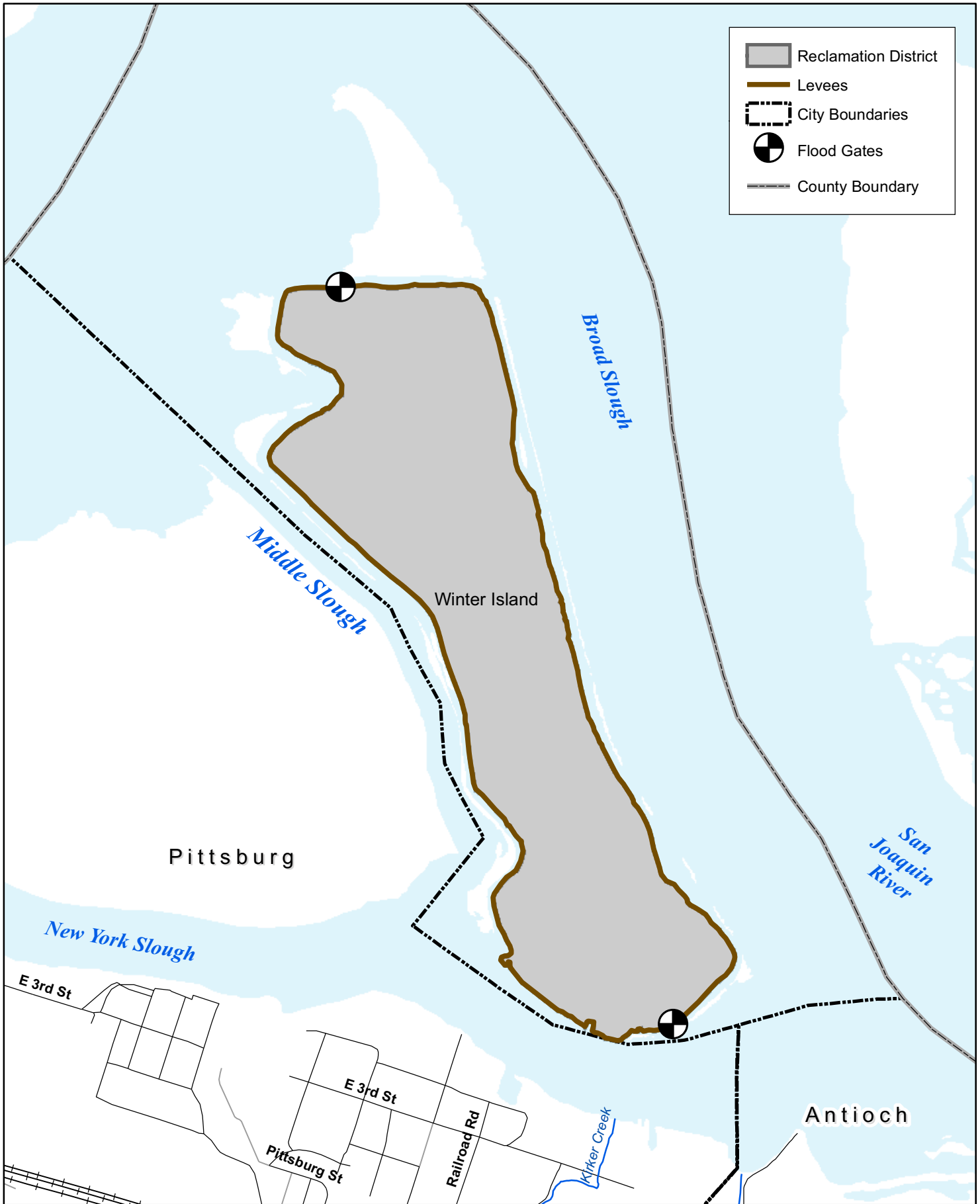
²⁷⁸ California Water Code §50932.

²⁷⁹ California Water Code §50910.

²⁸⁰ California Water Code §50933.

²⁸¹ California Water Code §50952.

²⁸² Government Code §56824.10.



- Reclamation District
- Levees
- City Boundaries
- Flood Gates
- County Boundary



The existing SOI for the District was adopted by LAFCO in 1984 and is coterminous with District boundaries.²⁸³

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 2122 since formation.

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by a four-member board. Board members are elected on an annual basis (at the September Board meeting) by the eight partners of Winter Island Farms, the single property owner within the District. Although the principal act requires a three-, five- or seven-member board elected to staggered four-year terms, the District reported that it was re-chartered to allow for a four-member board serving annual terms.²⁸⁴ The District reported that the four-member board is able to make decisions, and offer the accountability desired by the partners. The District meets twice per year, in April and September. RD 2122 board members serve on a volunteer basis and do not receive compensation.

Table 16-1: RD 2122 Governing Body

Reclamation District 2122 (Winter Island)				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Robert Calone	President	1986	2009
	Hugh Corum	Secretary	2000	2009
	Scott OHara	Vice President	2007	2009
	Larry Zwakenberg	Trustee	2007	2009
<i>Manner of Selection</i>	Elected at September meeting by partners of Winter Island Farms.			
<i>Length of Term</i>	One year			
<i>Meetings</i>	Date: Semiannually, in April and September		Location: Winter Island	
<i>Agenda Distribution</i>	By request, and posted on bulletin board at Winter Island.			
<i>Minutes Distribution</i>	By request			
Contact				
<i>Contact</i>	District President			
<i>Mailing Address</i>	NA			
<i>Email/Website</i>	NA			

The District’s constituent outreach activities consist of emailing, mailing and posting notices on Winter Island. Because Winter Island Farms is the sole landowner complaints are rare. The District reported that no complaints were received in FY 07-08. Complaints would typically be made to the President of the Board directly, or at a semiannual Board meeting. All eight partners of Winter

²⁸³ LAFCO Resolution No. 84-28, dated August 8, 1984.

²⁸⁴ California Water Code §50600-50602.

Island Farms typically attend board meetings and are in regular contact, so constituent outreach and involvement is high.

The District demonstrated partial accountability in its disclosure of information and cooperation with LAFCO. The agency responded to LAFCO's written questionnaires and cooperated with interview and document requests; however, the District failed to provide an audited financial statement for FY 06-07.

SERVICE DEMAND AND GROWTH

The District bounds encompass recreational land uses and natural wetlands. Winter Island is comprised of approximately 400 acres of freshwater marsh, 15 acres of open water and scattered ponds, two acres of riparian habitat, and 33 acres of open sandy soils and upland vegetation.²⁸⁵ Winter Island serves as a wildlife habitat to at least 13 species of waterfowl and other birds, and mammal species such as the black-tailed jackrabbit, California ground squirrel, pocket gophers, river otter, beaver, muskrat, striped skunk, and raccoon.²⁸⁶ The entire island is classified as marshland by the California Department of Conservation, and there is no Williamson Act contracted land within the District.²⁸⁷

There is no business activity on the island except for that conducted by Winter Island Farms, a private duck hunting club. The District is only accessible by boat, and there is no ferry service to the island.

The District considers its customer base to be Winter Island Farms, the sole landowner. There is no permanent residential population in the District. The area has not experienced significant recent growth, and does not anticipate changes in service demand in the future. There are no planned or proposed developments on the island. The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies.

The District reported that it was looking into providing vector (mosquito) control service on the island, but had not yet begun providing this service as of March 2009. Mosquito control is not an authorized service under the reclamation district principal act; however, the District may request services from the Contra Costa County Mosquito and Vector Control District for services on the island.²⁸⁸

MANAGEMENT

The District employs no full-time or part-time staff positions. Routine levee maintenance activities are performed by RD 2122 board members directly. The District contracts out for major

²⁸⁵ San Francisco Bay RWQCB, Order No. 01-061, p. 2.

²⁸⁶ Ibid.

²⁸⁷ California Department of Conservation Division of Land Resource Protection, *Contra Costa County Important Farmland 2006*, Farmland Mapping and Monitoring Program, 2007.

²⁸⁸ Services can be requested via the CCMVCD website, at <http://www.ccmvcd.dst.ca.us/request.htm>

services, including levee rehabilitation projects, engineering services and legal counsel. The District conducts evaluations of contractor performance as work is completed. Equipment used for routine levee maintenance is rented from Winter Island Farms.

Levees are inspected once per month during the dry season, by driving along the top of the levees, and by boat during the rainy season. Levees are inspected more often during duck season, from October to January, when there is more activity on the island. The District does not maintain written inspection reports. Oversight and review of levee maintenance activities is supplemented by the Department of Water Resources (DWR) inspections of work performed under the subventions program.²⁸⁹

The District reported that it annually prepares audited financial statements, but does not adopt an annual budget. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08.

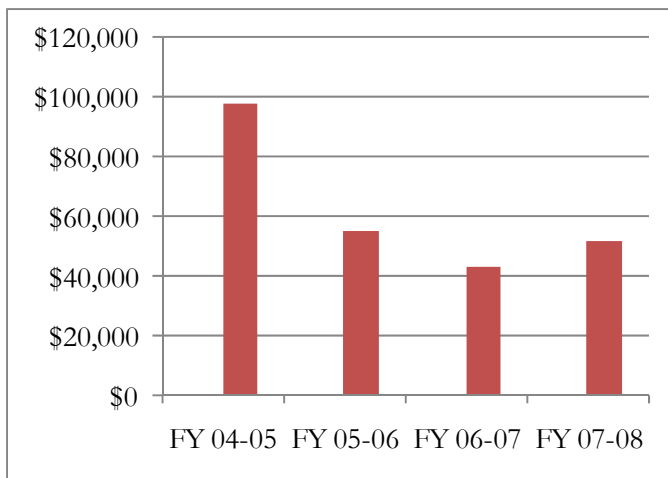
The District engineer reported that RD 2122 does not have a current five-year levee improvement plan in place, but anticipates to have one completed by November 2009.

FINANCING

The District reported that its financial ability to provide services is constrained by a lack of revenues, and provides minimally adequate service to portions of the District. District levees do not meet minimum standards (HMP) along the eastern and western segments of the island.

Figure 16-1: RD 2122 Expenditures, FY 04-05 through FY 07-08

District expenditures fluctuate year to year as major capital needs are occasional rather than regular, ongoing expenses. Expenditures were higher in FY 04-05 than in subsequent years due to increased maintenance activities performed that year. To a lesser extent levee maintenance needs and efforts also fluctuate somewhat from year to year. Somewhat less maintenance occurred in FY 06-07 than in FY 05-06 and FY 07-08, resulting in somewhat lower expenditures in FY 06-07 than usual.



Revenue fluctuations have generally followed the expenditure trend, with higher intergovernmental revenues in FY 04-05 than subsequent years due to a greater volume of reimbursable capital projects that year.

The District received nearly \$34,600 in revenues in FY 07-08. In FY 07-08, RD 2122 relied primarily on intergovernmental revenues to fund services. Intergovernmental revenues (in the form

²⁸⁹ DWR performs inspections of work funded through the subventions program, but does not conduct overall levee inspections or certification.

of DWR subventions payments) generated 46 percent of operating revenues, and 44 percent of revenues were derived from tipping fees for earthen material deposited on the island, which the District reported is not a usual income source. Interest income generated 10 percent of revenues in FY 07-08. The District did not levy assessments in FY 07-08, and reported that there is no standard assessment amount. The assessment amount is determined on an annual basis, with the single property owner (Winter Island Farms) assessed based on the anticipated maintenance needs for the year. All capital improvements on the levee system occur through DWR special projects funding.

Total expenditures for FY 07-08 were approximately \$51,700, 80 percent of which were for levee maintenance activities and four percent for permits and fees. Other expenditures for the District consisted of professional fees (six percent of expenditures) and administrative costs (two percent). The District spent approximately \$8,200 on maintenance per levee mile in FY 07-08, compared to a median level of \$9,900 among all reclamation districts. Expenditures in excess of revenues in FY 07-08 were funded by the District's reserves carried over from the prior fiscal year.

The District had no long-term debt at the end of FY 07-08. The District does not have a formal policy on maintaining financial reserves. The District had an unreserved, undesignated fund balance of \$86,800 at the close of FY 07-08. In other words, RD 2122 maintained 20 months of working reserves.

Table 16-2: RD 2122 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
In FY 07-08, reclamation services were financed primarily by DWR subventions funds (46%) and other sources (44%).					
Development Fees and Requirements					
Agricultural (per acre)	NA				
Residential (per unit)	Single Family:	NA	Multi-Family:	NA	
Non-residential (per 1,000 sq. ft.)	Commercial:	NA	Industrial:	NA	
Development Requirements:	NA				
RD 2122 Audited Financial Statements					
Revenues	FY 06-07¹	FY 07-08	Expenditures	FY 06-07¹	FY 07-08
Total	\$33,212	\$34,583	Total	\$43,190	\$51,684
Property Tax	\$0	\$0	Operations	NP	\$43,394
Assessments	\$0	\$0	Drainage & Utilities ³	NP	\$2,189
Intergovernmental Revenues	\$21,338	\$15,904	Levee Maintenance ⁴	NP	\$41,205
Levee Maintenance	\$21,338	\$15,904	Capital Improvements ⁵	NP	\$0
Capital Improvements	\$0	\$0	Administrative ⁶	NP	\$779
Development Impact Fees	\$0	\$0	Professional Fees ⁷	NP	\$3,200
Interest	\$3,134	\$3,479	Insurance	NP	\$4,247
Other Revenues ²	\$8,740	\$15,200	Miscellaneous	NP	\$64
Note:					
(1) FY 06-07 financial information comes from the California State Controller's <i>Special Districts Annual Report</i> .					
(2) Other revenues in FY 07-08 include tipping fees for materials brought to the island.					
(3) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(4) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(5) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(6) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(7) Legal and accounting services.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2122 provides maintenance services to non-project levees and tidal gates used to obtain water levels necessary to maintain the island wetlands. The District conducts routine levee maintenance activities directly, and relies on contract labor for major rehabilitation projects. The District is also responsible for flood fighting and levee patrol during high water events.

LOCATION

RD 2122 provides services within its boundary area, the entirety of Winter Island. The District does not provide services outside of its Winter Island levees.

INFRASTRUCTURE

Key infrastructure in the District includes five miles of earthen levees and two tidal gates.²⁹⁰ The District reports that three and a half miles of levees meet the Hazard Mitigation Plan (HMP) standard (one foot above the 100-year floodplain), and the remaining one and a half miles of levees do not meet the HMP standard.²⁹¹ Levees not meeting HMP standard are primarily located along the eastern boundary of the District.

According to DWR, there have been no inundation occurrences on Winter Island since 1900.²⁹² The District reported that the most recent levee failure occurred in 2004. The surface of Winter Island ranges from sea level to between five and ten feet above sea level.²⁹³ The entire island is within the 100-year floodplain.

The most significant levee infrastructure need is to rehabilitate the portion of the levee that failed in 2004. RD 2122 had obtained permits from the Department of Fish and Game and the San Francisco Bay Regional Water Quality Control Board to perform the needed rehabilitation, but as of December 2008 was still trying to get the needed permit from the U.S. Army Corps of Engineers. The District plans to repair the levee breach by constructing a setback levee parallel to the failed section. The setback levee would consist of three salvaged steel barges sunk on a prepared foundation, filled with imported dredge material over a period of five years. The setback levee would tie into the existing levee, and the repair area would be about 400 feet long by 24 feet wide. Two of the three barges have already been put in place (but not submerged) without the Corps authorization.²⁹⁴ The District reported that it plans to complete the levee repair by the end of 2009.

The District reported that subsidence has occurred on some levee segments, especially in the northwest of the District and the southeast of the District, and addressing this is an ongoing need. Other significant infrastructure needs relate to rehabilitating the one and a half miles of levees in order to meet the HMP standard.

²⁹⁰ Many of the island's original levees were constructed from 1895-7 by the Brotherhood of Winters Island, a socialist cooperative group that tried to establish the island as a farming colony.

²⁹¹ For a detailed explanation of levee standards and specifications, please refer to chapter 4.

²⁹² DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

²⁹³ *Ibid.*, p. 6.

²⁹⁴ U.S. Army Corps of Engineers San Francisco District, *Winter Island Levee Repair Project Public Notice*, December 15, 2006.

Figure 16-2: RD 2122 Middle Slough Levee



Table 16-3: RD 2122 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Direct	Weed Abatement	Direct
Flood Control	Direct	Slope Protection	Direct
Drainage	Direct	Vector/Rodent Control	By Contract
Upkeep of Levee Access Roads	Direct	Levee Patrol	Direct
Irrigation Water	None	Flood Fighting	Direct
District Overview			
Total Levee Miles	5.0	Surface Elevation	0 to 10 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	1.5	Dry Land Levee	0.0
HMP Standard	3.5	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	5.0
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	No	Flood Gates	Yes - 2
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A2	Base Flood Elevation	7 ft.
Levee Inspection Practices			
Levees are inspected once per month during the dry season and more often during duck season (from October to January). The District does not create written levee inspection reports.			
Levee Inspection Reports			
Most Recent Written Inspection	NA	Inspection Rating	NA
Levee Segment	Description	Condition	
Sacramento River	Northern District boundary	0.5 mi. at HMP	
Middle Slough	Western District boundary	2 mi. at HMP, 0.3 mi. <HMP	
New York Slough	Southern District boundary	0.4 mi. at HMP	
Broad Slough	Eastern District Boundary	0.6 mi. at HMP, 1.2 mi. <HMP	
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.0	Miles Needing Rehabilitation	1.5
% Rehabilitated, FY 07-08	0%	% Needing Rehabilitation	30%
Rehabilitation Cost per Levee Mile ¹	NA	Maintenance Cost per Levee Mile ²	\$8,241
Infrastructure Needs/Deficiencies			
The District identified repairing the 2004 levee breach by the end of 2009 as a priority. Other infrastructure needs include rehabilitation of over one and a half miles of levees that do not meet HMP standards.			
Notes:			
(1) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of miles rehabilitated in FY 07-08.			
(2) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

The MSR did not identify any new governance alternatives for RD 2122. Because of its remote location in the western portion of the Delta, there are no neighboring reclamation districts and consolidation does not appear to be a feasible option.²⁹⁵ In general, Winter Island is not compatible with other reclamation districts in the County, because the island is maintained as a wetland that is owned by a private duck club and the landowner directly conducts maintenance activities with their own labor.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) There is no residential population on Winter Island, according to the 2000 Census and the District, and no plans for any future population growth on the island. The island is visited by duck club members and their guests for recreation purposes.
- 2) Winter Island provides important habitat for at least 13 bird species and eight known mammal species.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 3) Three and a half miles of levees currently meet HMP standards, but do not provide 100-year flood protection. One and a half miles of levees do not meet HMP standards and require significant rehabilitation.
- 4) Repairing the site of the 2004 levee failure is a need for the District. The District had a plan in place to repair the levee, but had not received all of the necessary permits to begin the work, as of December 2008. The District identified having the levee breach repaired by the end of 2009 as a goal.
- 5) All routine maintenance activities are performed directly by District board members, if necessary, using equipment owned by Winter Island Farm. The District is billed by Winter Island Farms for rental of the equipment. Major levee improvements or rehabilitation projects are performed by contract.

²⁹⁵ Although Winter Island is located just east of Browns Island, no opportunities for collaboration are evident. Browns Island is owned and operated by the East Bay Regional Park District and has no flood control or drainage facilities on the island. Because Browns Island has a surface elevation ranging from five to 10 feet above sea level, levees are not necessary to withhold flood waters.

- 6) The District provides minimally adequate service due to significant financial and staffing constraints. The District spent approximately \$8,200 on maintenance per levee mile in FY 07-08, compared to a median level of \$9,900 among all reclamation districts.
- 7) The most significant service challenge is providing adequate services given limited financing and no paid staff.
- 8) Infrastructure needs for the district include rehabilitation of levee segments to meet HMP standards, and repairing the site of the 2004 levee failure.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 9) The District reported that its financial ability to provide services is constrained by a lack of revenues, and the District is only able to provide minimally adequate service to portions of the District. District levees do not meet minimum standards along the eastern and western segments of the island, and significant capital improvements will only be possible with State funding.
- 10) The District reported that maintaining adequate services levels is contingent upon continued participation in the DWR subventions program.
- 11) Funds are insufficient for the agency to provide paid staffing.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 12) The Agency does not practice significant facility sharing, and no opportunities for shared facilities were identified.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 13) Accountability to local landowners is achieved by the District having a close working relationship with Winter Island Farms, the primary landowner. Members of the RD 2122 governing body are also partners of Winter Island Farms.
- 14) The District demonstrated accountability and transparency by disclosing financial and service related information in response to LAFCO requests, but did not provide audited financial statements for FY 06-07.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 1984, and updated most recently in 2004.

AGENCY PROPOSAL

The agency reported a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in the Municipal Service Review, the only SOI option identified for RD 2122 is to retain the existing coterminous SOI.

RECOMMENDATION

Retaining the existing coterminous SOI is recommended for RD 2122.

Table 16-4: RD 2122 SOI Analysis

Issue	Comments
SOI update recommendation	Retain existing coterminous SOI.
Services provided	Maintenance services to non-project levees and flood gates on Winter Island.
Present and planned land uses in the area	The District bounds encompass recreational land uses and natural wetlands. The County General Plan land use designation for Winter Island is agricultural. The sole landowner within the District is Winter Island Farms, a private duck club.
Location of facilities, infrastructure and natural features	Levees protected by the District are located around the perimeter of Winter Island. Flood gates are located at the northern and southern ends of the island.
Projected growth in the District/Recommended SOI	There is no growth projected within the District/SOI.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee maintenance services on the island, as the levee system is over 100 years old and there are significant rehabilitation needs.
Opportunity for infill development rather than SOI expansion	No SOI expansion is recommended and no development is projected on the island.
Service capacity and adequacy	The MSR identified financing as the major constraint to levee maintenance and rehabilitation efforts.
Social or economic communities of interest	The economic community of interest is Winter Island Farms, as it is the sole landowner on Winter Island.
Effects on other agencies	Retaining the existing coterminous SOI would have no effect on other agencies.
Potential for consolidations or other reorganizations when boundaries divide communities	No potential consolidation opportunities were identified. The remote location of the District and its unique status as a wetland (owned by a private duck club) make it a bad fit for consolidation.
Willingness to serve	The District has demonstrated a willingness to serve by providing levee maintenance to Winter Island since 1984.

Potential effects on agricultural and open space lands	Retaining the existing coterminous SOI would allow the District to continue to serve its boundary area, which is comprised of freshwater marsh and ponds, riparian habitat, and upland vegetation.
Potential environmental impacts	Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should make CEQA determinations.

17. RECLAMATION DISTRICT 2137

Reclamation District 2137 provides maintenance services to non-project levees and internal drainage facilities, and oversees habitat preservation/restoration.

AGENCY OVERVIEW

FORMATION AND BOUNDARY

Reclamation District (RD) 2137 was formed on July 9, 2003 as an independent special district.²⁹⁶ The District was formed to “assume the maintenance of existing levees surrounding the proposed new district.”²⁹⁷

The principal act that governs the District is the Reclamation District Act.²⁹⁸ The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,²⁹⁹ 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,³⁰⁰ 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,³⁰¹ and 4) retain an agricultural expert to advise landowners.³⁰² Districts must apply and obtain LAFCO approval to exercise latent powers, that is, those services authorized by the principal act but not provided by the district by the end of 2000.³⁰³

²⁹⁶ LAFCO Resolution No. 03-10.

²⁹⁷ LAFCO Executive Officer’s Report dated July 2, 2003, attached to Resolution No. 03-10.

²⁹⁸ California Water Code, Division 15, §50000-53903.

²⁹⁹ California Water Code §50932.

³⁰⁰ California Water Code §50910.

³⁰¹ California Water Code §50933.

³⁰² California Water Code §50952.

³⁰³ Government Code §56824.10.

Map 17-1 RD 2137 Boundary and Coterminous SOI



The District’s boundary is located entirely within Contra Costa County. RD 2137 is primarily within the boundaries of the City of Oakley, and is located north of the Contra Costa Water District canal between Little Dutch Slough on the east and Marsh Creek on the west, as shown on Map 17-1. The boundaries encompass 785 acres, or approximately 1.2 square miles. Contra Costa is the principal county and Contra Costa LAFCO has jurisdiction. The District is within the Secondary Zone of the Sacramento-San Joaquin Delta, and is within the countywide urban limit line (ULL).

The existing SOI for the District was adopted by LAFCO in 2003 and is coterminous with District boundaries.³⁰⁴

Boundary History

LAFCO records indicate that there have been no boundary changes for RD 2137 since formation in 2003.

LOCAL ACCOUNTABILITY AND GOVERNANCE

The District is governed by an elected three-member board serving four year terms. Two Board members are the designated representatives of the State Department of Water Resources (DWR) as the major landowner within the District. The third Trustee is a landowner appointed by the County Board of Supervisors. Board members do not receive a stipend for attending meetings.

Table 17-1: RD 2137 Governing Body

Reclamation District 2137				
Governing Body				
	Name	Position	Began Serving	Term Expires
<i>Members</i>	Brent Gilbert	Trustee	2005	2011
	Patricia Quickert	Trustee	2008	2009
	Edward Schmit	Chairman	2007	2009
<i>Manner of Selection</i>	Board members must be a landowner or legal representative of a landowner. For uncontested elections, appointments are made by the County Board of Supervisors upon nomination by the District.			
<i>Length of Term</i>	Four years			
<i>Meetings</i>	Date: As needed (Approximately 6 per year)	Location: District office or within District 311 E. Main Street, Suite 504 Stockton, CA		
<i>Agenda Distribution</i>	To all trustees and landowners; by mail if requested; posted at District office.			
<i>Minutes Distribution</i>	To all trustees and landowners; by mail if requested.			
Contact				
<i>Contact</i>	District Secretary and Legal Counsel			
<i>Mailing Address</i>	311 East Main Street Suite 504, Stockton, CA 95202			
<i>Email/Website</i>	ahoslett@sbcglobal.net/No website			

The District conducts most of its constituent outreach activities in conjunction with the Dutch Slough Restoration Committee, a multi-agency forum for developing the Dutch Slough Tidal Marsh

³⁰⁴ LAFCO Resolution No. 03-10.

Restoration Project. Board member Quickert is also the Project Director for the Slough Restoration Project, as well as a Staff Environmental Scientist at DWR.

With regard to customer service, complaints may be filed with the District Secretary for consideration by the Board. Within FY 07-08 there were no complaints filed.

The District did not complete the initial Request for Information questionnaire. The agency responded to LAFCO's inquiries and cooperated with LAFCO in answering questions and providing information.

SERVICE DEMAND AND GROWTH

Access to the District is via E. Cypress Road from Main Street (State Highway 4) in Oakley. Vehicle access is limited, however pedestrian access is provided via the Marsh Creek Trail on the west side of the District at E. Cypress Road and Main Street. Limited access is available from the north end of Sellers Avenue.

The District bounds encompass primarily pasture, fallow ground, and open space/habitat area. The State Farmland Mapping and Monitoring Program classifies agricultural land in the District as Prime Farmland (approximately 380 acres), Farmland of Statewide Importance (140 acres), Unique Farmland (70 acres), and Farmland of Local Importance (100 acres). There are no Williamson Act contracted lands within the District.

District lands make up a majority of the Dutch Slough Restoration Project site, which was purchased by DWR in 2003. The project site consists of 1,666 acres along with a 55-acre community park site which will be acquired by the City of Oakley. There are three major parcels within the restoration area – the 438-acre Emerson property, the 292-acre Gilbert property (both of which are in RD 2137), and the 436-acre Burroughs property (which is in the adjacent RD 799).

District Trustee Brent Gilbert currently is a landowner within the District and leases back land from DWR for oats, irrigated pasture and cattle grazing. Long-term plans call for the restoration and preservation of the three properties as open space, habitat, and recreational uses. One alternative allows breaching of the existing levees to establish water features within the preserve. Any consideration to reduce flood protection in the Dutch Slough Restoration area will need to address protection of urban development proposed as part of the City of Oakley's East Cypress Corridor Specific Plan.

The District considers its customer base to be the lands within the District. DWR is working with the Restoration Committee and the City of Oakley in developing an overall plan and implementation strategy. The current population of the District is only two, a caretaker family to oversee the property.

The District is primarily within the City of Oakley with the exception of a levee segment along Dutch Slough. (Refer to Map 17-1) The City has jurisdiction over land use and applicable City codes and standards. The City General Plan designates the District property as 'Delta Recreation' and 'Parks and Recreation.' The 55-acre community park site is currently undergoing conceptual design.

MANAGEMENT

The District does not have any staff. Engineering and legal services are provided by contract. Repair and maintenance activities are contracted out.

The District does not have a formal levee inspection procedure, and does not keep written inspection reports. Levee patrol duties are performed through contract with engineering firms.

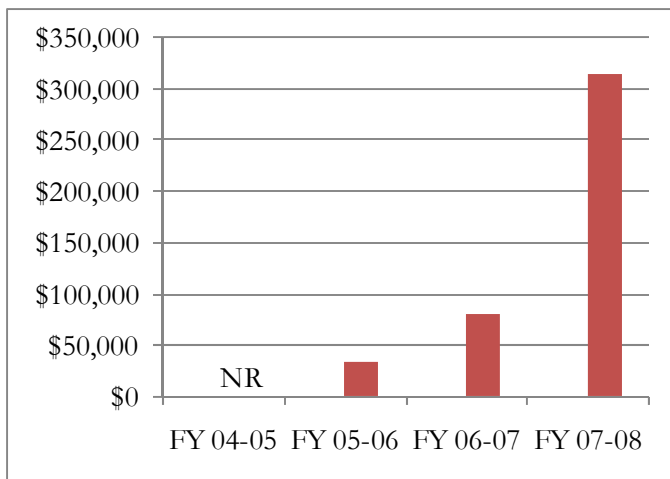
The District adopts an annual budget and contracts for an annual independent audit. The most recent audited financial statement provided to LAFCO by the District was for FY 07-08.

FINANCING

The District has demonstrated the financial ability to provide minimally adequate service to the District's levees. The District's financial ability to provide services is constrained by available revenues, State subventions, and grant funding. During the past two fiscal years, funds were allocated to levee maintenance and rehabilitation. The District utilizes the 'cash receipts and disbursement' basis of accounting, in which revenues are recognized when received and expenditures are recorded when paid. Details for FY 06-07 and FY 07-08 are provided in Table 17-2.

Figure 17-1: RD 2137 Expenditures, FY 04-05 through FY 07-08

District expenditures fluctuate from year to year, depending on the projects undertaken by the District in a particular year. For FY 07-08, expenditures were increased significantly to take advantage of the economies of a larger project. This allowed the District to complete a HMP project at the south end of Emerson Slough.



The District received \$131,623 in revenues in FY 06-07 and \$191,881 in FY 07-08. RD 2037 relies primarily on landowner assessments to fund District

functions. An assessment of approximately \$170 per acre is levied, which is the same as when the District was formed in 2003. The District does not receive any property tax revenue. It is the practice of the District to cancel the delinquent assessments on lands belonging to the Emerson family and the Gilbert Trust (whose trustee Brent Gilbert is also a District Trustee). Prior to the District being formed, there was an agreement and understanding between the two landowners and DWR that these two landowners would not be responsible for the payment of any District assessments. The amount forgiven has been \$2,340 per year.

District revenues fluctuate year to year depending on the availability of subvention funds from the State. Total expenditures for FY 06-07 were \$80,848, with an increase to \$315,209 in FY 07-08. The vast majority of expenditures were for levee repair and maintenance (68 percent over the past two years), of which engineering services accounted for \$110,723 and actual levee maintenance

accounted for \$159,250. The District spent approximately \$11,200 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.

The amount that the District spends each year for its administrative expenses and levee and operational expenses is based on the balance within its general account. This account consists of annual assessments, reimbursements under the Delta Levee Subventions program, special projects agreements, balances carried forward from prior years, and other miscellaneous sources.

The District does not have any long-term debt. The District's cash balance as of June 30, 2008 was \$42,169 and is held by the Contra Costa County Treasurer. This balance constituted 13 percent (or seven weeks) of annual expenditures in FY 07-08.

Table 17-2: RD 2137 Reclamation Service Financing

Reclamation Service Financing					
General Financing Approach					
Reclamation services are financed primarily by assessments.					
Development Fees and Requirements					
Agricultural (per acre)		None			
Residential (per unit)		Single Family:		None Multi-Family: None	
Non-residential (per 1,000 sq. ft.)		Commercial:		None Industrial: None	
Development Requirements:		None			
RD 2137 Audited Financial Statements					
Revenues	FY 06-07	FY 07-08	Expenditures	FY 06-07	FY 07-08
Total	\$131,623	\$191,881	Total	\$80,848	\$315, 209
Property Tax	0	0	Operations	69,465	291,766
Assessments	131,623	131,623	Drainage & Utilities ¹	643	90,615
Intergovernmental Revenues	0	0	Levee Maintenance ²	68,822	201, 151
Levee Maintenance	0	0	Capital Improvements ³	0	0
Capital Improvements	0	0	Administrative ⁴	0	0
Development Impact Fees	0	0	Professional Fees ⁵	7,849	19,310
Interest	0	0	Insurance	3,134	4,133
Other Revenues - Reimbursements	0	60,258	Miscellaneous ⁶	400	0
Notes:					
(1) Costs associated with maintaining and operating pump stations and canals, and other permits and fees.					
(2) Costs of labor, supplies and engineering work associated with levee maintenance only. Levee maintenance expenditures are those that are necessary to maintain the levee to its existing standard of protection.					
(3) Costs of labor, supplies and engineering work associated with capital improvements only. Capital improvement expenditures are those that serve to increase the level of protection provided by the levee (e.g., raising the levee, changing a cross-section, engineering studies, etc.).					
(4) Administrative costs include dues and subscriptions, telephone and other office utilities, administrative salaries, and trustee fees.					
(5) Legal and accounting services.					
(6) Miscellaneous expenditures include contract services.					

RECLAMATION SERVICE

NATURE AND EXTENT

RD 2137 provides levee maintenance to non-project levees and internal drainage services by contract. The District contracts for vegetation removal, weed abatement and vector/rodent control. The District is directly responsible for flood fighting and levee patrol during high water events. The District is also involved in habitat preservation and marshland restoration.

LOCATION

RD 2137 provides services within its boundary area, and to levees located along Dutch Slough, Emerson Slough, and Little Dutch Slough. A 1.4 mile segment of levee along Marsh Creek and the westerly portion of Dutch Slough is maintained by the Contra Costa Flood Control District. (Refer to Map 17-1)

The MSR did not identify documented benefits of continued reclamation of the tracts for sustaining the fresh water/saltwater balance and health of the Delta, as the area is not identified as a critical asset by California Water Code §12311. Hence, the benefit area for the District's reclamation activities are confined to the District's boundary area.

INFRASTRUCTURE

Key infrastructure in the District includes 3.8 miles of levees. Levees are constructed out of earthen materials, and for the most part meet HMP Standards. Short segments are slightly (2-inches) lower than the required height. According to the District, levees have not been breached since the District was formed in 2003.

Ground surface elevations within the District vary from ten feet above sea level along the southern boundary to ten feet below sea level on the north adjacent to the Dutch Slough levee. The base flood elevation, which is the anticipated water level in a 100-year flood occurrence is seven feet above sea level. In other words, nearly the entire tract would be covered by up to 17 feet of water in a high-water event. Hence, the tract is presently classified by FEMA as being in the 100-year floodplain.

Subsidence is an issue, as organic soils are still present on the north end of the property.

The primary infrastructure need identified by the District is to raise those levee segments that do not meet the HMP Standard.

Table 17-3: RD 2137 Reclamation Service Profile

Service Configuration, Facilities and Inspections			
Service Provider			
Levee Maintenance	Contract	Weed Abatement	Contract
Flood Control	Contract	Slope Protection	Contract
Drainage	Contract	Vector/Rodent Control	Contract
Upkeep of Levee Access Roads	Contract	Levee Patrol	Direct
Irrigation Water	None	Flood Fighting	Direct & Contract
District Overview			
Total Levee Miles	3.8	Surface Elevation	-10 to 10 ft.
Levee Miles by Standard		Levee Miles by Type	
No Standard	0.8 ¹	Dry Land Levee	0
HMP Standard	3.0	Urban Levee	0.0
PL 84-99 Standard	0.0	Agricultural Levee	3.8
Bulletin 192-82 Standard	0.0	Other	0.0
District Facilities			
Internal Drainage System	Yes	Pump Station(s)	No
Detention Basin(s)	No	Bridges	No
Floodplain			
FIRM Designation	A13, A18	Base Flood Elevation	7 ft. above sea level
Levee Inspection Practices			
The District contracts with engineering firms for levee patrol duties.			
Levee Inspection Reports			
Most Recent Written Inspection	NP ²	Inspection Rating	NP
Levee Segment	Description		Condition
Dutch Slough - West	Earthen levee with minor deficiencies		Good
Emerson Slough - West Side	Earthen levee extending to E. Cypress Road		Good
Emerson Slough - East Side	Earthen levee extending to E. Cypress Road		Good
Dutch Slough - East	Earthen levee with minor deficiencies		Good
Little Dutch Slough - West Side	Older earthen levee with some deficiencies		Fair
Levee Maintenance			
Miles Rehabilitated, FY 07-08	0.9	Miles Needing Rehabilitation	0.8
Percent Rehabilitated	24%	Percent Needing Rehabilitation	21%
Rehabilitation Cost per Levee Mile ³	\$11,200	Maintenance Cost per Levee Mile ⁴	\$11,200
Infrastructure Needs/Deficiencies			
Bring all levee segments up to HMP Standards.			
Notes:			
(1) Not all levee cross-sections meet the HMP Standard, but vary slightly from the levee height requirement.			
(2) NP = Not Provided			
(3) Rehabilitation cost per levee mile is equal to the expenditure amount on capital improvements in FY 07-08 divided by the number of levee miles rehabilitated in FY 07-08.			
(4) Maintenance cost per levee mile is equal to the expenditure amount on levee maintenance in FY 07-08 divided by the total number of levee miles.			

GOVERNANCE ALTERNATIVES

Five governance alternatives have been identified for RD 2137.

Dissolution is an option for the District. District land is owned by DWR and two private parcels (of which the City of Oakley has an option to acquire). Restoration of the tract as part of the Dutch Slough Tidal Marsh Restoration Project, along with any necessary new levee construction or repair and maintenance of existing levees could become the responsibility of the State of California or the City of Oakley (or both).

Consolidation with the adjacent RD 799 (Hotchkiss Tract) is an option. A 436-acre portion of the Dutch Slough Tidal Marsh Restoration Project area (Burroughs Parcel) is located within RD 799. Under this option, RD 2137 would be dissolved and the area annexed to RD 799. This would place all of the Restoration Project area within a single reclamation district.

A variation of this option would be to detach the Burroughs Parcel from RD 799 and annex that territory to RD 2137. This option may affect the integrity of the existing levees on Hotchkiss Tract, and/or require construction of new levees if existing levees are breached for marshland restoration.

Establishment of a subsidiary district is an option. Under this scenario, the City of Oakley would assume responsibility for reclamation services with the City Council serving as the Board of Trustees. The SOI for the subsidiary district would need to be coordinated with the City of Oakley SOI.

Construction of a new 'set-back' levee is an option. New urban development along the East Cypress Corridor could be required to finance a new east-west levee meeting FEMA flood protection standards. This new levee would in effect, separate and protect the residential and commercial development in the corridor from the habitat/tidal marsh restoration area closer to Dutch Slough. The City of Oakley would be responsible for implementing this option.

AGENCY MSR DETERMINATIONS

GROWTH AND POPULATION PROJECTIONS

- 1) Other than on-site caretakers or employees residing on the property, the District is not anticipating any population growth.
- 2) There are no planned and proposed developments located within the existing boundary and SOI of the District. The area is designated for recreation in the City of Oakley General Plan.
- 3) The District is within the Secondary Zone of the Delta, and within the countywide urban limit line (ULL). Given these designations, it is conceivable that development could occur within District boundaries.

PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS AND DEFICIENCIES

- 4) All but 0.8 miles of District levees meet HMP standards, and those segments are ‘slightly’ deficient (two-inches below the height standard).
- 5) Levee rehabilitation work has recently been accomplished at the south end of Emerson Slough.
- 6) The District provides minimally adequate service given financial and staffing constraints. Any improvements to the levee system will require substantial financial backing from DWR.
- 7) The most significant service challenge is integrating the Dutch Slough Restoration Project into the existing levee system, and in determining the best way to utilize limited District resources.
- 8) The District’s capital improvement plan needs to be programmed to reflect phasing priorities for the Dutch Slough Restoration Project.
- 9) The District spent approximately \$11,200 on maintenance costs per levee mile in FY 07-08, compared to a countywide median level of \$9,900 per levee mile.

FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 10) The current level of financing allows for minimal maintenance to the existing levee system.
- 11) Funds are insufficient for the District to provide full or part-time staffing.
- 12) The property owner assessment is not indexed to account for inflation. The assessment has remained constant since the District was formed in 2003.
- 13) The District is paying a disproportionate share of its expenditures on engineering services.

STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 14) By virtue of its location within the City Limits of Oakley and given that the District landowner is a state agency (DWR), opportunities exist for sharing facilities with both the City and the State.
- 15) Opportunities exist for sharing costs and coordinating contract work (levee maintenance, weed abatement, vector/rodent control) with RD 799 owing to their proximity and the interrelationship of the levees.

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

- 16) Accountability to local voters is constrained by virtue of state ownership of the land.

- 17) The District conducts outreach activities and informs the public primarily through the Dutch Slough Restoration Committee, a multi-agency task force.
- 18) The District would benefit by having a district manager or someone with day-to-day responsibilities.
- 19) The District demonstrated limited accountability and transparency to LAFCO requests. This is attributed to the lack of a district manager, a lack of interest by the landowner trustee, and the role of the DWR representatives in a 'staff' role as opposed to a 'trustee' role.

SOI RECOMMENDATIONS AND DETERMINATIONS

The existing SOI for the district is coterminous with its bounds. The SOI for the district was adopted by LAFCO in 2003, and updated most recently in 2004.

AGENCY PROPOSAL

The District indicated a desire to retain its existing coterminous SOI.

SOI OPTIONS

Given the considerations addressed in the Municipal Service Review, five options are identified for the RD 2137 SOI:

SOI Option #1 – Retain existing coterminous SOI

If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the district to continue to include the areas within its SOI in its long-term planning.

SOI Option #2 – Adopt a Zero Sphere and dissolve the District

Under this option, the State Department of Water Resources (DWR) would take over the functions of the District, would finance any improvements, and would implement the Dutch Slough Restoration Project. Coordination with the City of Oakley would be necessary to insure flood protection of the urbanized areas along the East Cypress Corridor.

SOI Option #3 – Establish RD 2137 as a Subsidiary District

Under this option, the City of Oakley would assume responsibility for reclamation services with the City Council serving as the Board of Trustees. The District SOI would need to be coordinated with the City of Oakley SOI.

SOI Option #4 – Expand the SOI

Expand the District's SOI to include the Burroughs Parcel and reduce RD 799's SOI accordingly. This would place all of the Dutch Slough Restoration Project area within RD 2137's SOI, and allow for annexation of the Burroughs Parcel to RD 2137.

SOI Option #5 – Adopt a Zero SOI

Adoption of a ‘zero sphere’ would indicate the future elimination of the District, most likely in terms of annexing RD 2137 territory to the adjacent RD 799.

RECOMMENDATION

Dissolve the District and allow DWR to take over the functions of the District.

Table 17-4: RD 2137 SOI Analysis

Issue	Comments
SOI update recommendation	Adopt a Zero Sphere as the first step in dissolution.
Services provided	Levee maintenance, drainage services, habitat restoration, and any other services necessary to implement the Dutch Slough Tidal Marsh Restoration Project.
Present and planned land uses in the area	Marshland and habitat retention/restoration.
Location of facilities, infrastructure and natural features	Levees necessary to implement the Dutch Slough Tidal Marsh Restoration Plan.
Projected growth in the District/Recommended SOI	There is no growth projected within the District/SOI.
Present and probable need for public facilities and services in the area	There is a present and probable need for levee and drainage maintenance services in the District. Implementation of the Dutch Slough Tidal Marsh Restoration Project may alter or eliminate the need for such levee and drainage maintenance services. The Restoration Project may also trigger a need to develop an urban ‘setback’ levee to protect residential and commercial development along the East Cypress Corridor.
Opportunity for infill development rather than SOI expansion	Development is allowed within the existing SOI due to its designation as within the Secondary Zone of the Delta and within the countywide ULL.
Service capacity and adequacy	Service requirements for the Dutch Slough Tidal Marsh Restoration Project may include municipal water supply, sewage disposal, police protection, fire protection, and recreation services. These would be the responsibility of the City of Oakley in concert with DWR.
Social or economic communities of interest	The social and economic community of interest is the City of Oakley and the general public who will avail themselves of the various natural features and aspects of the tidal marsh project.
Effects on other agencies	Depending on the final design solution, the tidal marsh project could have an effect on Contra Costa County, the City of Oakley, Reclamation District 799, and Reclamation District 830. Contra Costa Water District could also be impacted by the tidal marsh project. If breaching the levee and restoring tidal action takes place prior to the Contra Costa Canal being replaced with a pipeline, water quality in the canal could be compromised.

<p>Potential for consolidations or other reorganizations when boundaries divide communities</p>	<p>There is potential to annex RD 2137 to RD 799; or to annex the Burroughs Parcel to RD 2137 from RD 799.</p>
<p>Willingness to serve</p>	<p>The State Department of Water Resources should be given the opportunity to implement and carry out the tidal marsh restoration project.</p>
<p>Potential effects on agricultural and open space lands</p>	<p>Retaining the existing coterminous SOI would allow the District to continue to serve its boundary area, which currently has limited value for agriculture but significant value as open space.</p>
<p>Potential environmental impacts</p>	<p>Although no potential environmental impacts were identified in the MSR, the LAFCO counsel and planner should assist the Commission in making CEQA determinations.</p>

18. OTHER PROVIDERS

There are agencies that provide levee maintenance services, and provide support to levee maintenance service providers, that either are not reclamation districts or are not under Contra Costa LAFCO's jurisdiction.³⁰⁵ Such agencies play significant roles in service delivery and potentially affect the SOI and government structure options for local agencies that are subject to LAFCO regulation.

BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

NATURE AND EXTENT

The Bethel Island Municipal Improvement District (BIMID) provides levee maintenance and internal drainage services, maintains and operates a small park and recreation area, and maintains two roads and various easements for levee access. The District performs routine levee maintenance services directly, and contracts for major levee rehabilitation. The District is also responsible for flood fighting and levee patrol during high water events, and reviews of permit applications for projects that could impact the levee or drainage system. BIMID was formed in 1960, and is the successor agency to Reclamation District 1619.

BIMID is governed by a five-member board, selected by a district-wide election. The District meets on a monthly basis, and posts notices and agendas at the District office and at the Bethel Island Post Office. For additional community outreach, BIMID maintains a website with information on the District and the island, important news and notifications, board agendas and minutes, and a quarterly newsletter. BIMID is administered by a part-time District Manager, and staffed by three full-time, one part-time, and two seasonal maintenance workers.³⁰⁶

LOCATION

BIMID provides services within its approximately 3,500-acre boundary area, the entirety of Bethel Island. The population of Bethel Island was reported as 2,360 in the 2008 MSR. The MSR did not report that the District provides any services outside of Bethel Island.

The island has been determined to be critical to the health of the Delta. Bethel Island is one of the eight western Delta islands that the Department of Water Resources (DWR) has identified as critical to control of salinity in the Delta, protecting water quality to all water users in the state. The District provides statewide benefits outside its bounds.³⁰⁷

³⁰⁵ The Bethel Island Municipal Improvement District (BIMID) is under Contra Costa LAFCO's jurisdiction; however, it was reviewed in the East County Sub-Regional MSR, adopted by LAFCO in December 2008. A brief profile on BIMID is included in order to provide comprehensive coverage of levee maintenance services in the County.

³⁰⁶ Contra Costa LAFCO, *East County Sub-Regional MSR*, 2008, p. VIII-3.

³⁰⁷ Water Code §12311.

INFRASTRUCTURE

Key infrastructure in the District includes approximately 11.5 miles of earthen (non-project) levees, as well as “various pump stations, pipelines and canals that are used to collect and dispose of storm water runoff and seepage water on the island.”³⁰⁸ The District reported to LAFCO that all levees meet the Hazard Mitigation Plan (HMP) standard. The 2008 MSR for the District did not report levee condition, but did identify rehabilitating all levees to meet PL 84-99 standards as a long-term goal.³⁰⁹

Other facilities maintained by the District include the one-acre Bethel Island Park, Dutch Road and the road to Emerald Point Marina.³¹⁰ The District also owns a 100-acre site between Bethel Island Road and Piper Road used for sand borrow for levee maintenance (approximately 85 acres) and habitat mitigation for replacement of trees removed from the levee (approximately 15 acres).³¹¹

According to DWR, there have been four inundation occurrences on Bethel Island since 1900.³¹² Surface elevations range from sea level in the southwestern portion of the District to an average of 10 feet below sea level in the northwestern and eastern portions of the District.³¹³ Approximately 95 percent of the island is below sea level.³¹⁴ The base flood elevation, which is the anticipated water level in a 100-year flood occurrence, is seven feet above mean sea level. In other words, the entire island would be covered by 7-17 feet of water in a 100-year flood event. Hence, the entire island is presently classified by FEMA as being within the 100-year floodplain.

Service demand within the District is anticipated to increase over the next 10 years with the construction of the Delta Coves residential development project. Approved by the County Board of Supervisors in 1976, the Delta Coves project is a 495-dwelling unit waterfront residential development. Construction of the development was tied up in litigation for many years, and final conditions of approval were extended to 2005. By 2006, grading of the site had taken place, and by 2007 many of the lagoons had been filled with water and some boat docks had been installed. In 2008, the levee was intentionally breached and the remainder of the lagoon was filled. Residential construction was scheduled to begin later that year, and be completed by 2010. However, as of the drafting of this report, construction plans have been put on hold due to the downturn in the housing market. The eventual build-out of the Delta Coves project will add 1,040 new residents to the District, an increase in population of 44 percent.³¹⁵

³⁰⁸ Contra Costa LAFCO, *East County Sub-Regional MSR*, 2008, p. VIII-4.

³⁰⁹ Contra Costa LAFCO, *East County Sub-Regional MSR*, 2008, p. VIII-5.

³¹⁰ The road to Emerald Point Marina is maintained jointly by BIMID and landowners along the road.

³¹¹ Bethel Island Municipal Improvement District. URL accessed April 2, 2009, <http://www.bimid.com/about.html>

³¹² DWR & DFG, *Risks and Options to Reduce Risks to Fishery and Water Supply Uses of the Sacramento/San Joaquin Delta*, 2008, p. 7.

³¹³ *Ibid.*, p. 6.

³¹⁴ Contra Costa LAFCO, *East County Sub-Regional MSR*, 2008, p. VIII-1.

³¹⁵ Contra Costa LAFCO, *East County Sub-Regional MSR*, 2008, p. VIII-8.

Governance Alternatives

A governance alternative for BIMID involves RD 799. RD 799 provides levee maintenance services to the levees surrounding Hotchkiss Tract, located directly south of Bethel Island. Both Districts have compatible land uses, including residential, recreational and marina facilities located along the waterfront at the periphery of the Districts, and agricultural land uses in the central portion of the Districts. RD 799 reported that it has a good working relationship with BIMID, and in the past has consulted with BIMID on administrative issues.

Although certain accountability deficiencies were noted in the 2008 BIMID MSR, BIMID improvements in recent years were also identified in the MSR. While transferring levee maintenance responsibilities on Bethel Island from BIMID to RD 799 may offer an improvement over existing levee maintenance services on the island, the BIMID MSR did not identify this as a governance option and RD 799 has indicated a reluctance towards such a reorganization. Further exploration of such a governance option should be considered in the next MSR cycle. The residential population and significant residential development on Bethel Island make it an unsuited match for consolidation with surrounding primarily agricultural districts, such as RD 2137, RD 830, RD 2065, and RD 2025.

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

NATURE AND EXTENT

The Contra Costa County Flood Control and Water Conservation District was formed in 1951 by the Contra Costa County Flood Control and Water Conservation District Act as a county-dependent special district. The District was formed to create drainage areas, flood control zones and other special assessment areas for the purpose of planning and constructing major storm drainage facilities within the County.

The District is staffed by the Flood Control Engineering Division of Contra Costa County Public Works Department. The District designs, builds and maintains flood protection facilities, and works to protect, restore and enhance the creeks within the County. The District provides flood risk reduction and planning, reviews land development plans and studies, provides hydrology information and services, and oversees the Contra Costa Clean Water Program staff.

Funding sources for the District are separate from the unincorporated County drainage and road drainage funds. A portion of the countywide property tax supports District programs of general benefit, such as collecting rainfall data, reviewing drainage elements of city and County general plans, and planning formation of special funding districts for drainage. In addition, the District receives a portion of property tax within the boundaries of some Flood Control Zones (FCZ) for design, construction, and maintenance of regional storm drainage facilities within the FCZ. Funding is enhanced via impact fees charged to development projects within established Drainage Areas (DA), in order to fund construction of planned drainage facilities required to mitigate increased runoff

from development, and the District has established special assessments in some DAs to fund ongoing maintenance of drainage facilities.³¹⁶

LOCATION

The District covers all of Contra Costa County, including the incorporated cities, and owns property throughout the County for the purpose of constructing and maintaining regional flood control channels and creeks. In addition to regional flood protection services, the District also provides technical information and education to cities and residents throughout the County.

INFRASTRUCTURE

The District’s watershed-based regional flood control projects and facility maintenance operations are funded through property taxes collected within designated FCZs. The District operates and maintains 72 miles of flood control channels throughout the County, valued at an estimated \$500 million.³¹⁷

Table 18-1: Active FCZ in Contra Costa County

There are seven active FCZs in Contra Costa County, with boundaries that coincide with the principal watersheds in the County. The Walnut Creek watershed (Zone 3B) is the largest in the County, at nearly 150 square miles, with the Marsh Creek watershed (Zone 1) ranking second in size at over 120 square miles, as shown in Table 18-1. Four FCZ are located in west Contra Costa County (Zones 6, 7, 8, and 9), one is located in the central portion of the County (Zone 3B) and two are located in the eastern portion of the County (Zones 1 and 2).

	Name	Area (sq. mi.)
Zone 1	Marsh Creek	121.3
Zone 2	Kellogg Creek	62.4
Zone 3B	Walnut Creek	147.6
Zone 6	San Pablo Creek	51.4
Zone 7	Wildcat Creek	10.5
Zone 8	Rodeo Creek	8.9
Zone 9	Pinole Creek	10.8

Flood facilities in Zones 1 and 2 were constructed jointly with the Soil Conservation Service of the United States Department of Agriculture (now the Natural Resources Conservation Service) in the 1950s and 1960s, to provide a 50-year level of flood protection. As land uses transitioned from agriculture to urban uses and communities desired a 100-year level of flood protection, the District improved flood protection standards by adding new channels and detention basins, and improving existing flood facilities.

Facilities in Zones 3B, 6, 7, 8 and 9 were constructed jointly with the U.S. Army Corps of Engineers (Corps) beginning in the early 1950s. The District reported that the agreements with the Corps require the District to maintain levees to as-built standards. The District reported that the

³¹⁶ Nearly every watershed in Contra Costa County has been identified with a number, referred to as a Drainage Area (DA). There are 180 identified DAs in the County, although only 63 had been formed and adopted a plan, as of FY 04-05. DAs are formed to collect fees from developers to pay for planned drainage infrastructure, including detention basins, pipes, channels, and other drainage-related costs. Fees are paid to the District directly, or via cities per Fee Collection Agreements. Fees are based on the cost of the proposed DA improvements and the expected new impervious surface created by build-out of the area.

³¹⁷ Contra Costa County Flood Control & Water Conservation District Flood Control Expenditure Policy, June 21, 2005, p. 1.

Corps' as-built standards are generally not comparable to the current FEMA certification standard; however, levee heights generally range between 2-3 feet above the 100-year flood level.

Flood control facilities, such as creek channels, detention basins and reservoirs, are contained within FCZs; however, levees are located in only five of the seven FCZs. The District reported that it maintains over one mile of levees in Zone 1, approximately seven miles of levees in Zone 3B, over one mile of levees in Zone 6, approximately one mile of levees in Zone 7, and less than one half mile of levees in Zone 9.

All levee systems within FCZs are inspected on an annual basis, with the District directly conducting inspections in Zones 1 and 2, and the U.S. Army Corps of Engineers conducting inspections on facilities it constructed in Zone 3B, 6, 7, and 9. Unlike levees in the Delta that hold back water on a year-round basis, District-maintained levees are considered "dry levees," meaning they only hold back water during flood events.

The District reported that the most significant service constraint is related to financing. Prior to the passage of Proposition 13 in 1978, FCZ Advisory Committees recommended tax rates for review and approval by the District board for each FCZ annually. In FCZs where facilities were constructed, maintenance was adequate and/or reserves were plentiful, the tax rates (approved by the District board in the 1975-76 tax year) were set very low or at zero. Upon passage of Proposition 13, tax rates were frozen at those levels, effectively shutting off the tax revenue needed to adequately fund maintenance of the flood control facilities. In particular, Zones 6, 7, 8, and 9 are severely underfunded, and the District is actively seeking ways to compensate for a lack of funding for maintenance. Deferred maintenance within the District has created a significant backlog of storm drainage facility repair and restoration needs, estimated at \$21 million in FY 04-05.³¹⁸

Governance Alternatives

Although the Marsh Creek Flood Control Zone (Zone 1) overlaps RD 2065, RD 2121 and a portion of RD 2137, turning over levee maintenance within these reclamation districts to the County Flood Control and Water Conservation District does not appear to be a viable option. The District indicated that it would not be in favor of such a proposal due to the high risk of maintaining Delta levees, the financing constraints already faced by the District, the fact that there is no clear nexus between the cost of maintaining RD levees and the benefit to adjacent upland areas in the FCZ, and the differing purpose of flood control zones (regional flood protection from water originating within the watershed) and reclamation districts (local flood protection from waters originating outside of the RD).

DELTA LEVEE COALITION

Contra Costa County, the Contra Costa Council, Contra Costa Water District, East Bay Municipal Utility District, Bethel Island Municipal Improvement District and Reclamation Districts 799, 830, 2025, 2026, 2059, and 2065 formed the Delta Levee Coalition, with support from the State's Delta Protection Commission.

³¹⁸ Contra Costa County Flood Control & Water Conservation District Flood Control Expenditure Policy, June 21, 2005, p. 1.

The purpose of the Delta Levee Coalition is to advocate for adequate funds for levee repairs in the western and central Delta from the Proposition 1E (Disaster Preparedness and Flood Protection Bond Act of 2006) and Proposition 84 bonds (Water Quality, Safety and Supply, Flood Control, Natural Resource Protection, Park Improvements Bond).

The Delta Levee Coalition has identified 22 priority projects in the Delta in order to maintain public health and safety, protect drinking water supply quality, and increase protection of the numerous natural and economic assets in the Delta. The Delta Levee Coalition estimates that completion of these 22 projects would cost approximately \$317 million over the next five years.³¹⁹

DELTA PROTECTION COMMISSION

The 1992 Delta Protection Act mandated the designation of primary and secondary zones within the legal Delta, the creation of a Delta Protection Commission (DPC), and the completion of a Land Use and Resource Management Plan for the Primary Zone of the Delta. The goal of the DPC is to ensure orderly, balanced conservation and development of Delta land resources and improved flood protection.

The 23-member DPC is made up of:

- Landowners from north, south, west, and central Delta reclamation districts;
- A member of the County Board of Supervisors from each of the five Delta counties (Sacramento, San Joaquin, Contra Costa, Yolo and Solano);
- A representative from the Sacramento Area Council of Governments (SACOG), San Joaquin Council of Governments (SJCOG), and the Association of Bay Area Governments (ABAC);
- High level leaders from the California Departments of Fish and Game, Parks and Recreation, Boating and Waterways, Water Resources, Food and Agriculture, and the State Lands Commission; and
- Delta residents or landowners in the areas of production agriculture, outdoor recreation, and wildlife conservation.³²⁰

The mission of the DPC is to “adaptively protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment consistent with the Delta Protection Act and the Land Use and Resource Management Plan for the Primary Zone.”³²¹ This includes, but is not limited to, agriculture, wildlife habitat, and recreational activities.

³¹⁹ Delta Levee Coalition, *List of priority projects for use of Proposition 1E and Proposition 84 Funds*, 2007.

³²⁰ <http://www.delta.ca.gov/commission/default.asp>

³²¹ <http://www.delta.ca.gov/>

The Land Use and Resource Management Plan, originally adopted in February of 1995, outlines the long-term land use requirements for the Sacramento-San Joaquin Delta. Based on the increased importance of planning in the Delta, the DPC was in the process of updating the Management Plan as of the drafting of this report.

OTHER FLOOD AND DRAINAGE PROVIDERS

Other flood and drainage providers within the County include the Discovery Bay Community Services District (DBCSD), the Discovery Bay Drainage and Maintenance District (DBD&MD) and the Knightsen Town Community Services District (KCSD).

DBCSD provides construction and operation of flood protection works and facilities within Discovery Bay West Villages 2, 3 and 4. A MSR and SOI Update for BDCSD were approved by LAFCO in May 2006.

DBD&MD is a dependent benefit assessment district of RD 800, as the RD 800 governing body serves as the board for DBD&MD. More detail on the services provided by DBD&MD is provided in the RD 800 agency profile (Chapter 6) of this MSR document.

KCSD was formed by LAFCO in 2005 to provide flood control and drainage to the unincorporated community of Knightsen. A MSR and SOI Update for KCSD were approved by LAFCO in December 2008. As of the adoption of the MSR for KCSD, the agency had yet to begin providing flood control and drainage services.

REFERENCES

DATA SOURCES

Agency-specific data: responses to LAFCO Requests for Information, budgets, Comprehensive Annual Financial Reports, Capital Improvement Plans, and miscellaneous plans

Agricultural data: California Department of Conservation

Demographic data: U.S. Bureau of the Census; Department of Finance

Jobs and population projections: Sacramento Area Council of Governments; Department of Finance,

Revenue: California State Controller; Audited Financial Statements

INTERVIEWS AND CORRESPONDENCE

Agency	Name/Title
Contra Costa County Public Works Department	Greg Connaughton, Assistant Public Works Director
Contra Costa Water District	Mark Seedall, Senior Planner
Department of Water Resources	Mike Mirmazaheri, Delta Levee Program Manager
RD 799, Hotchkiss Tract	Angelia Tant, District Manager
RD 800, Byron Tract	Jeffrey D. Conway, General Manager Christopher Neudeck, District Engineer Sonnet Rodrigues, Administrative Assistant
RD 830, Jersey Island	Dennis Nunn, Trustee Tom Williams, Trustee
RD 2024, Orwood/Palm Tracts	Dante John Nomellini, Sr., Secretary and Legal Counsel
RD 2025, Holland Tract	David Forkel, General Manager
RD 2026, Webb Tract	David Forkel, General Manager
RD 2059, Bradford Island	Angelia Tant, District Manager
RD 2065, Veale Tract	Dante John Nomellini, Jr., Secretary and Legal Counsel
RD 2090, Quimby Island	Al Warren Hoslett, Secretary and Legal Counsel Christopher Neudeck, District Engineer Greg Torlai, Farm Manager
RD 2117, Coney Island	Dante John Nomellini, Sr., Secretary and Legal Counsel Christopher Neudeck, District Engineer
RD 2121, Bixler Tract	Tom Bloomfield, General Manager
RD 2122, Winter Island	Robert Calone, Trustee
RD 2137	Al Warren Hoslett, Secretary and Legal Counsel Patricia Quickert, Trustee
U.S. Army Corps of Engineers	James Sandner, Chief, Operations & Readiness Branch