

**COLUSA
LOCAL AGENCY FORMATION COMMISSION
(LAFCo)**

Colusa Basin Drainage District (d2)

Municipal Service Review (MSR)

Sphere of Influence (SOI)

August 2024

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1 INTRODUCTION

1.1 Local Agency Formation Commission (LAFCo) History

This report is prepared pursuant to State Legislation enacted in 2000 that requires Colusa LAFCo to complete 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 a Service Review commonly referred to as a Municipal Service Review (MSR). Finally, the chapter reviews the process for MSR review, MSR approval and SOI updates.

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 within a given region. A lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service area boundaries, many of which resulted in the premature conversion of California's agricultural and open-space lands and duplication of services.

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 "misuses 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," operating in every county.

LAFCo was formed as a countywide agency to discourage urban sprawl and to encourage the orderly formation and development of local government agencies within its jurisdiction. 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 services are provided efficiently and economically while agricultural and open-space lands are protected or conserved to the extent possible. To better inform itself and the public in compliance with the State Law; LAFCo conducts MSR's to evaluate the provision of municipal services for service providers within its jurisdiction.

LAFCo regulates, through approval, denial, conditions and modification, boundary changes proposed by public agencies or individual voters and landowners. 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, consolidation or formation of special districts, establishment of subsidiary districts, and any reorganization including such actions. Where LAFCo is not given specific authority, LAFCo actions must originate as petitions from affected voters or landowners, or by resolutions by affected cities or special districts.

A Plan for Services is required in Government Code Section 56653. A Plan for Services must include the following information: An enumeration and description of services to be provided, the level and range of those services, an indication of how those services are to be extended into the

territory, an indication of any improvements or upgrading of structures, information on how the services are to be financed.

1.2 Preparation of the MSR

Research for this Municipal Service Review (MSR) was conducted in 2024. This MSR is intended to support preparation and update of Sphere of Influence, in accordance with the provision of the Cortese-Knox-Hertzberg Act. The objectives of this Municipal Service Review (MSR) are as follows:

- To develop recommendations that will promote more efficient and higher quality service options and patterns
- To identify areas for service improvement
- To assess the adequacy of service provision as it relates to determination of appropriate sphere boundaries.

While LAFCo prepared the MSR document, given budgetary constraints, LAFCo did not engage the services of experts in engineering, hydrology, geology, water quality, accounting or other specialists in related fields, but relied upon published reports and available information. Insofar as there is conflicting or inconclusive information LAFCo staff may recommend the District retain a licensed professional or expert in a particular field for an opinion.

Therefore, this MSR reflects LAFCo's recommendations, based on available information during the research period and provided by Colusa Basin Drainage District staff to assist in its determinations for service improvement; and assessing the adequacy of service provision by the Colusa Basin Drainage District. Additional information on local government funding issues is found in Appendix A at the end of this report.

1.3 Role and Responsibility of LAFCo

Local Agency Formation Commissions (LAFCOs) in California are independent agencies created by the California Legislature in 1963 for the purpose of encouraging the orderly formation of local government agencies and conserving and preserving natural resources. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) is the statutory authority for the preparation of an MSR, and periodic updates of the Sphere of Influence (SOI) of each local agency.

LAFCOs are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structure, preparing a review of services called an MSR, and preparing an SOI thereby determining the future "probable" boundary for each city and special district within each county.

The Commission's efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected. Often citizens are confused as to what LAFCo's role is. LAFCOs do not have enforcement authority, nor do they have the authority to initiate a city or district annexation or detachment proceeding. LAFCOs may initiate consolidation or dissolution proceedings; however, these proceedings are subject to voter approval or denial.

The Legislature has given LAFCOs the authority to modify and any proposal before it to ensure the protection of agricultural and open space resources, discourage urban sprawl and promote orderly boundaries and the provision of adequate services.

The Governor's Office of Planning and Research (OPR) has issued Guidelines for the preparation of an MSR. This MSR adheres to the procedures set forth in OPR's MRS Guidelines.

An SOI is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code Section 56076). Government Code Section 56425(f) requires that each SOI be updated no less than every five years, and Section 56430 provides that an MSR shall be conducted in advance of the SOI update.

1.4 Municipal Services Review Requirements

Effective January 1, 2002, and subsequently amended, LAFCo is required 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 six topics (Government Code Section 56430):

1. Growth and population projections for the affected area
2. The location and characteristics of any Disadvantaged Unincorporated Communities (DUC) within or contiguous to the sphere of influence
3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies
4. Financial ability of agencies to provide services
5. Status of, and opportunities for shared facilities
6. Accountability for community service needs, including governmental structure and operational efficiencies.

1.5 Municipal Services Review Process

For local agencies, the MSR process involves the following steps:

1. Outreach: LAFCo outreach and explanation of the project
2. Data Discovery: provide documents and respond to LAFCo questions
3. Map Review: review and comment on LAFCo draft map of the agency's boundary and sphere of influence
4. Profile review: internal review and comment on LAFCo draft and MSR
5. Public Review Draft MSR: review and comment on LAFCo draft MSR
6. LAFCo Hearing: attend and provide public comments on MSR

MSRs are exempt from the California environmental Quality Act (CEQA) pursuant to Section 15262 (feasibility or planning studies) or Section 15306 (information collection) of the CEQA Guidelines. LAFCo's actions to adopt MSR determinations are not considered "projects" subject to CEQA. 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. Within its legal authorization, LAFCo may act with respect to a recommended change of organization or reorganization on its own initiative (e.g., certain types of consolidations), or in response to a proposal (i.e., initiated by resolution or petition by landowners or registered voters).

Once LAFCo has adopted the MSR determinations, it must update the SOI for each jurisdiction. The LAFCo Commission determines and adopts the spheres of influence for each agency. A CEQA determination is made by LAFCo on a case-by-case basis for each sphere of influence action and each change of organization, once the proposed project characteristics are sufficiently identified to assess environmental impacts.

1.6 Sphere of Influence Update Process

The Commission is charged with developing and updating the Sphere of Influence (SOI) for each city and special district within the county.¹ An SOI is a LAFCo-approved plan that designates an agency's 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 and prevent duplication of service delivery. Territory cannot be annexed by LAFCo or a city or district unless it is within that agency's sphere.

¹ The initial statutory mandate, in 1971, imposed no deadline for completing sphere designations. When most LAFCOs failed to act, 1984 legislation required all LAFCOs to establish spheres of influence by 1985.

The purposes of the SOI include the following:

- To ensure the efficient provision of services
- To discourage urban sprawl and premature conversion of agricultural and open space lands
- To prevent overlapping jurisdictions and duplication of services

LAFCo may not directly regulate land use, dictate internal operations or administration of any local agency, or set rates. LAFCo is empowered to enact policies that indirectly affect land use decisions. On a regional level, LAFCo promotes logical and orderly development of communities as it considers and decides individual proposals. LAFCo has a role in reconciling differences between agency plans so that the most efficient urban service arrangements are created for the benefit of current and future area residents and property owners.

The Cortese-Knox-Hertzberg (CKH) Act requires LAFCOs to develop and determine the SOI of each local governmental agency within its jurisdiction and to review and update the SOI every five years, as necessary. LAFCOs are empowered to adopt, update and amend an SOI. They may do so with or without an application. Any interested person may submit an application proposing an SOI Amendment.

While SOIs are required to be updated every five years, as necessary, this does not necessarily define the planning horizon of the SOI. The term or horizon of the SOI is determined by each LAFCo.

LAFCo may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. In determining the SOI, LAFCo is required to complete an MSR and adopt the six determinations previously discussed. In addition, in adopting an SOI, LAFCo must make the following five determinations as required in Government Code Section 56425(c):

1. Present and planned land uses in the area, including agricultural and open-space lands.
2. Present and probable need for public facilities and services in the area if the Commission determines these are relevant to the agency.
3. Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide.
4. Existence of any social or economic communities of interest in the area if the Commission determines these are relevant to the agency.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.²

² California Government Code Section 56425 (e)(5)

The CKH Act stipulates several procedural requirements in updating SOIs. It requires cities to file written statements on the class of services to be provided and LAFCo must clearly establish the location, nature and extent of services provided by special districts.

By statute, LAFCo must notify affected agencies 21 days before holding the 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.

1.7 Possible Approaches to the Sphere of Influence

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 of Colusa LAFCo as well as other LAFCos in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These approaches are explained below:

1) Coterminous Sphere:

A Coterminous Sphere means that the Sphere of Influence for a city or special district is the same as the existing boundaries of the city or district.

2) Annexable Sphere:

A sphere larger than the agency's boundaries identifies areas that the agency is expected to annex. The annexable area is outside the district boundaries and inside the sphere of influence.

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 within the agency's boundary but not within its sphere of influence.

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. Territory designated as a limited-service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following conditions exist:

- A) The limited-service provider is providing adequate, cost effective and efficient services.

- B) The multi-service agency is the most logical provider of the other services
- C) There is no feasible or logical SOI alternative
- D) Inclusion of the territory is in the best interests of local government organization and structure in the area.

7) Interim Sphere of Influence

This is a temporary sphere, The CBDD should be assigned an interim sphere of influence coterminous with its boundaries until a Master Plan is established. LAFCo should implement the process envisioned in SB 938 (Government Code Section 56375.1).

Government Code Section 56001 specifically recognizes that in rural area it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited-purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section 56425(l), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

1.8 Description of the Public Participation Process

The LAFCo proceedings are subject to the provisions of California’s open meeting law, the Ralph M. Brown Act (Government Code Sections 54950 et seq.). The Brown Act requires advance posting of meeting agendas and contains various other provisions designed to ensure that the public has adequate access to information regarding the proceedings of public boards and commissions. Colusa LAFCo complies with the requirements of the Brown Act.

The State MSR Guidelines provide that all LAFCOs should encourage and provide multiple public participation opportunities in the MSR process.

2 COLUSA BASIN DRAINAGE DISTRICT AREA

The Colusa Basin Drainage District includes parts of Glenn, Colusa and Yolo counties. A brief description of each county will be included below to provide information for the determinations required for the Municipal Service Review and the Sphere of Influence.

2.1 Glenn County

Glenn County is located in the Sacramento Valley of California. The population of Glenn County was 28,129 in 2023; a slight decrease from the 2020 Census population of 28,917. The Median Household Income was \$64,033 in 2022.³

Glenn County includes two incorporated cities, Willows and Orland.

The following table shows the top ten agricultural crops in Glenn County in 2020 and 2021:

Glenn County Crop and Livestock Report 2021-Total Value of Agricultural Production⁴		
Product	2020	2021
Fruit and Nut Crops	\$385,603,000	\$412,948,000
Field Crops	\$174,676,000	\$202,538,000
Apiary Products	\$35,237,000	\$43,611,000
Seed Crops	\$33,883,000	\$29,687,000
Livestock and Poultry	\$33,898,000	\$36,369,000
Livestock and Poultry Products	\$67,480,000	\$70,806,000
Pasture and Rangeland	\$5,244,000	\$5,189,000
Nursery Products	\$2,293,000	\$2,374,000
Vegetable Crops	\$5,990,000	\$5,198,000
Total Agricultural Value	\$744,304,000	\$808,720,000

Field Crops were at the top of the list in 1987 and 1988, Fruit and Nut crops were second at that time.⁵

2.2 Colusa County

Colusa County is located in the Sacramento Valley of California. The population of Colusa County was 22,037 in 2023; a slight increase from the 2020 Census population of 21,839. The Median Household Income was \$69,619 in 2022.⁶

Colusa County includes two incorporated cities, Colusa and Williams.

³ [U.S. Census Bureau QuickFacts: Colusa County, California; Glenn County, California](#) April 16, 2024.

⁴ Glenn County Crop and Livestock Report 2021, page 9.

⁵ Glenn County Crop and Livestock Report 1988.

⁶ [U.S. Census Bureau QuickFacts: Colusa County, California; Glenn County, California](#) April 16, 2024.

The following table shows the top ten farm commodities in Colusa County for 2022 and 2021:

Colusa County Crop Report 2022 Ten Leading Farm Commodities⁷			
Crop	2022	Crop	2021
Almonds-meats	\$82,608,000	Rice	\$271,146,000
Tomatoes-Processing	\$71,004,000	Almonds-meats	\$217,715,000
Rice (drought)	\$54,211,000	Walnuts-English	\$80,370,000
Walnuts-English	\$40,931,000	Tomatoes-Processing	\$52,925,000
Misc.-Fruit & Nut Crops	\$25,000,000	Misc.-Fruit & Nut Crops	\$25,000,000
Pollination-Almonds	\$23,821,000	Pollination-Almonds	\$24,919,000
Misc.-Fruit & Vegetable Crops	\$23,000,000	Misc.-Fruit & Vegetable Crops	\$24,000,000
Cattle and Calves	\$21,654,000	Cattle and Calves	\$22,704,000
Hay-Alfalfa	\$13,987,000	Certified Rice Seed	\$21,788,000
Certified Rice Seed	\$12,427,000	Misc. Non-Cert. Seed Crops	\$14,000,000
Total	\$368,643,000	Total	\$754,567,000

In 1999 and 2000, Rice was number 1, followed by Tomatoes and Almonds.⁸

2.3 Yolo County

Yolo County is located in the southern part of the Sacramento Valley of California. The population of Yolo County was 220, 544 in 2023, in increase from the 2020 census population of 216,403. The median Household Income was \$85,097 in 2022.⁹

Yolo County includes the incorporated cities of West Sacramento, Davis, Woodland, and Winters.

Yolo County Top 10 Commodities¹⁰			
Commodity	2022	2021	2020
Tomatoes, Processing	\$183,612,000	\$136,618,000	\$127,435,000
Grapes, Wine	\$65,042,000	\$116,528,000	\$104,760,000
Almonds (meats)	\$60,576,000	\$137,114,000	\$98,250,000
Organic Production	\$51,793,000	\$56,877,000	\$46,080,000
Hay, Alfalfa	\$39,324,000	\$34,336,000	\$27,270,000
Pistachios	\$27,606,000	\$29,138,000	\$8,389,000
Sunflower Seed	\$27,038,000	\$30,095,000	\$33,422,000
Nursery*	\$23,169,000	\$20,481,000	\$25,265,000
Apiary**	421,173,000	\$22,085,000	\$16,231,000
Rice***	\$20,763,000	\$38,791,000	\$67,667,000
Total	\$920,096,000	\$622,063,000	\$554,769,000

*Nursery includes bareroot, benchcraft, budwood, container stock, cuttings, organic transplants, transplants, and trees.

**Apiary includes colonies, honey, package bees, pollination, queens and wax.

***Rice includes USDA support prices but does not include seed.

⁷ Colusa County Crop Report, 2022, www.countyofcolusa.org

⁸ Colusa County Crop Report, 2000.

⁹ U.S. Census Bureau QuickFacts: Yolo County, California: United States, April 16, 2024

¹⁰ Yolo County Crop Report 2023.

3 COLUSA BASIN DRAINAGE DISTRICT HISTORY AND OPERATION

3.1 Establishment of District by Federal and State Governments

The US Government established the Colusa Basin Drainage District by passing the “Colusa Basin Watershed Integrated Resources Management Act” in 1999. The text of this legislation is shown at the end of this report in Appendix B. The District is also governed by the State of California Colusa Basin Drainage District Act (1987) also shown in Appendix C at the end of this report. The CBDD was formed by the state legislation called the Colusa Basin Drainage District Act in 2020.

The Colusa Basin Watershed Integrated Resources Management Act was passed in 1999 by Congress (HR 1113). The Colusa Basin Integrated Resource Management Program, developed by the CBDD in cooperation with the Bureau of Reclamation, was developed to address both the peak flooding problems associated with topography and the lower intensity flooding problems associated with human activity. The program was also designed to restore some of the Basin's natural ability to control flooding and provide enhanced conditions for wildlife. The CBDD completed their Integrated Watershed Management Plan in May 2000. The primary goal outlined in the plan is to develop facilities and programs to reduce peak flood flows in conjunction with environmental restoration and enhancement measures. This legislation pertains to projects undertaken by the CBDD.

The California Colusa Basin Drainage District Act states the following regarding LAFCo:

Sec. 50. The Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) does not apply to the formation of the district or the formation or changes in the boundaries of any zone. For all other purposes, the district is a “district” as that term is defined in the Cortese-Knox Local Government Reorganization Act of 1985.

3.2 Colusa Basin Drainage District

3.2.1 Colusa Basin Drainage District Goals

The Colusa Basin Drainage District provided the following summary of goals and objectives:

The CBDD completed their Integrated Watershed Management Plan in May 2000. The primary goal outlined in the plan is to develop facilities and programs to reduce peak flood flows in conjunction with environmental restoration and enhancement measures.

The District's objectives in implementing the goal include the following:

- Work in tandem with landowners, other local interested parties, and local, state and federal agencies.*
- Minimize property damage from flooding within the study area.*
- Maximize landowner benefits.*
- Enhance and protect environmental resources.*
- Minimize impacts to downstream interests.*

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Colusa Basin Drainage District
Draft #2 MSR and SOI

- *Improve water quality by minimizing erosion and sedimentation.*
- *Provide additional opportunities for groundwater recharge where feasible.*

Although the Integrated Watershed Management Plan 2000 is referenced on the Colusa Basin Drainage District website, a copy of the Plan is not available on the website. It may be time to redo or update this Plan.

3.2.2 Colusa Basin Drainage District Description¹¹

The Colusa Basin Drainage District website provides the following description of the District:

Act 1601, the Colusa Basin Drainage District Act, was passed by the State legislature in 1987. This special act was written to address the problems of flooding and winter drainage, irrigation drainage and subsidence which were occurring within the Colusa Basin. These problems were multi-county in scope, but unique to the Colusa Basin. A drainage and flood control district was subsequently created; the Colusa Basin Drainage District (CBDD). HR 1113, the Colusa Basin Watershed Integrated Resources Management Act was passed in 1999.

The Colusa Basin Integrated Resource Management Program, developed by the CBDD in cooperation with the Bureau of Reclamation, was developed to address both the peak flooding problems associated with topography and the lower intensity flooding problems associated with human activity. The program was also designed to restore some of the Basin's natural ability to control flooding and provide enhanced conditions for wildlife. The CBDD completed their Integrated Watershed Management Plan in May 2000. The primary goal outlined in the plan is to develop facilities and programs to reduce peak flood flows in conjunction with environmental restoration and enhancement measures.

The District's objectives in implementing the goal include the following:

- Work in tandem with landowners, other local interested parties, and local, state and federal agencies.*
- Minimize property damage from flooding within the study area.*
- Maximize landowner benefits.*
- Enhance and protect environmental resources.*
- Minimize impacts to downstream interests.*
- Improve water quality by minimizing erosion and sedimentation.*
- Provide additional opportunities for groundwater recharge where feasible.*

Comprised of 1,036,000 acres located in the valley floor and foothills lands in the Southwest part of the Sacramento Valley in Colusa/Glenn/Yolo Counties, except for wildlife areas, practically all is farmland.

An Integrated Watershed Management Plan could be a great help to the Colusa Basin Drainage District. If the 2000 Plan is available, perhaps it could be revised and updated. If not, it could be replaced with a new plan to guide the District in making decisions and approving projects.

¹¹ [About Us - Colusa Basin Drainage District \(specialdistrict.org\)](http://specialdistrict.org), April 29, 2024.

3.3 Colusa Basin Drainage District Government

3.3.1 Board of Directors membership:

The Colusa Basin Drainage District has a nine member Board of Directors, with three from each of the three counties involved as follows:

District #1: Glenn County:

Tom Arnold

Donald Perez

Jered Shipley

District #2: Colusa County:

Gary Evans

Mary Fahey

Peter Knight

District #3: Yolo County

Lynnel Pollock

George Tibbitts

Todd Miller

3.3.2 Board of Directors Terms

The Colusa Basin Drainage District Board of Directors are elected or appointed and serve four year terms as follows:

District #1: (Glenn County)

Tom Arnold Board of Supervisors	4 years	Jan 1, 2026
Donald Perez Elected by Division I	4 years	Jan 1, 2028
Jered Shipley Elected by Districts	4 years	Jan 1, 2026

District #2: Colusa County

Gary Evans Board of Supervisors	4 years	Jan 1, 2026
Mary Fahey Elected by Division II	4 years	Jan 1, 2028
Peter Knight Elected by Districts	4 years	Jan 1, 2024

District #3: Yolo County

Lynnel Pollock Board of Supervisors	4 years	Jan 1, 2028
George Tibbitts Elected by Division III	4 years	Jan 1, 2026
Todd Miller Elected by Districts	4 years	Jan 1, 2026

3.3.3 Board of Directors Meeting Locations

The Board of Directors uses several meeting locations within the District. The meeting locations are specified on the agendas and are posted on the District website. The Board meets in the even numbered months. The following is a list of possible meeting locations:

Glenn Colusa Irrigation District Conference Room
344 East Laurel Street, Willows, CA 95988
Contact Person: Mary Spooner, Email: m Spooner@gcid.net, Phone Number: 530-934-8881

Sites Project Authority Reservoir Conference Room
P.O. Box 517, 122 Old Highway 99, Maxwell, CA 95955
Contact Person: Terri Baland, Email: boardclerk@sitesproject.org
Phone Number: 530-438-2309 (personal cell phone), Web: www.SitesProject.org

Colusa-Glenn Farm Credit Conference Room
2970 Davison Court, Colusa, CA 95932
Contact: Rebecca Myers, Email: rmyers@fcscolusaglenn.com, Phone Number: 530-458-2163

3.3.4 Contact Information and Website

The Colusa Basin Drainage District can be reached as shown below:

Phone: 530-934-7794
Mailing Address: PO Box 390, Willows, CA 95988
Office location: 1030 W Wood St, Ste 3, Willows, CA 95988

The Colusa Basin Drainage District has a website at cbdd.specialdistrict.org. The website is required by State law for special districts in California.

3.3.5 Committees

The Colusa Basin Drainage District has three committees as follows:

- Project Committee
- Ranch Committee
- Executive Committee

The agendas for these committees are published in the Colusa Basin Drainage District website. The committees often meet at the Westside Water District, 5005 State Highway 20, Williams, CA 95987. The minutes of the committee meetings are not shown on the website.

3.4 Budget

The Budget for the Colusa Basin Drainage District is shown below. The expenses are divided between Administration and Ranch Expenses.

Colusa Basin Drainage District Budget 2023-2024			
Administration Expenses	Account Number	2022-2023 Budget	Proposed 2023-2024 Budget
Revenues-Assessments			
Assessments-Colusa County	410510	84,150.00	84,150.00
Assessments-Glenn County	410511	41,725.00	41,725.00
Assessments Yolo County	410511	12,025.00	12,025.00
Interest Income-Colusa County	40400A	3,500.00	10,000.00
Total Revenues Assessments		141,400.00	147,900.00
Administrative Expenses			
Administration/Manager Expense	53180	7,920.00	7,920.00
Accounting-Auditors	53180	4,600.00	4,600.00
Accounting Monthly Admin.	53180	13,650.00	13,650.00
Assessment Fee-Colusa Co	410510	11,200.00	11,200.00
Assessment Fee-Glenn Co	410510	1,550.00	1,550.00
Assessment Fee-Yolo Co	60135	1,300.00	1,300.00
Consulting Exp. Provost & Pritchard		3,500.00	3,500.00
Insurance Expense	53100	1,189.00	1,201.20
Legal Downey Brand-Admin	53180	4,000.00	7,500.00
Legal Downey Brand-Election of BD	53180	2,500.00	2,500.00
Meetings Board of Directors	5325101	350.00	350.00
Mileage Reimbursement	53250	250.00	250.00
Office Expense	53170	175.00	175.00
Office Expense Web Service		900.00	1,080.00
Postage Expense	53171	200.00	200.00
Publications & Legal Notices	53190	250.00	1500.00
Rent-Office/Utilities	53210	575.00	575.00
Contingency Expense Acct. Admin.	59400	36,591.00	40,188.80
Project Development		50,000.00	50,000.00
Telephone/Internet Expense	53060	450.00	0.00
Travel Expenses	53250	0.00	250.00
Total Administrative Expenses		141,400.00	147,900.00

Ranch Operation	Account Number	Actual 2022-2023 Budget	Proposed 2023-2024 Budget
South Fork Willow Creek			
Revenues-Ranch Rents			
SFWCR-House Rental Income	4553661	0	0
SFWCR-Mobile Rental Income	4553661	6,300.00	6,300.00
SFWCR-Grazing Rent	4553661	45,000.00	45,000.00
Hunting Lease Income	4553661	9,000.00	9,000.00
Total Revenues-Ranch Rents			
Ranch Expenses			
Admin/Manager Expense-Ranch	5318011	18,480.00	18,480.00
Accounting-Monthly-Ranch	5318012	6,500.00	5,940.00
Insurance-Rental	53100	1,088.50	1,296.90
Interest Expense (only) Linquist	57350	17,878.14	18,439.41
Legal-Downey Brand-Ranch		4,500.00	10,000.00
Licenses & Fees		125.00	125.00
Mileage-Reimbursement Ranch	532507	250.00	250.00
Maintenance & Repair	53120	25,000.00	25,000.00
Office Expenses	53170	250.00	250.00
Postage Expense-Ranch	531712	75.00	75.00
Rent-Office/Utilities Ranch	53210	250.00	250.00
Telephone/Internet Exp. Ranch	530603	200.00	00.00
Taxes-Property Glenn Co.	53240	11,350.00	11,649.68
Utilities-PG&E	53260	2,100.00	2,100.00
Contingency Exp. Acct. Ranch		27,746.64	33,555.99
Total Ranch Expenses		60,300.00	60,300.00
Net Ranch Income		0	0
Depreciation Expense			
Net Income after Depreciation Expense			

4 MUNICIPAL SERVICE REVIEW FOR COLUSA BASIN DRAINAGE DISTRICT

4.1 Growth and Population Projections for the Colusa Basin Drainage District Area¹²

Purpose: To evaluate services needs based on existing and anticipated growth patterns and population projections.

4.1.1 Population Projections

It is estimated that the population of the Colusa Basin Drainage District Area is approximately 50,000. This is based on a Glenn County population of 28,129, a Colusa County population of 22,037 and the assumption that the population of the Yolo County part of the District is relatively small. The population is not expected to grow substantially based on the historical record.

4.1.2 MSR Determinations on Growth and Population Projections for the Colusa Basin Drainage District Area

MSR 1-1) The population of the Colusa Basin Drainage District is not expected to grow because the area is primarily zoned and planned for agriculture.

4.2 Location and Characteristics of any Disadvantaged Unincorporated Communities (DUC) within or Contiguous to Colusa Basin Drainage District¹³

Purpose: To comply with the State Law to examine any unincorporated areas which could be provided with better services by annexing to an adjacent city.

4.2.1 Determination of Colusa Basin Drainage District Disadvantaged Unincorporated Community Status

The Median Household income for California in 2022 was \$91,905,¹⁴ eighty percent of the median household income is \$73,524. Both Glenn and Colusa counties have median household incomes well below \$73,524 so would be considered Disadvantaged.

4.2.2 MSR Determinations on Disadvantaged Unincorporated Communities near Colusa Basin Drainage District

MSR 2-1) The population of both Glenn and Colusa counties would be considered “Disadvantaged” based on the low Median Household Income.

4.3 Capacity and Infrastructure

Purpose: To evaluate the present and planned capacity of public facilities, adequacy of public services and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.¹⁵

¹² California Government Code Section 56430 (a) (1)

¹³ California Government Code Section 56430 (a) (2)

¹⁴ [U.S. Census Bureau QuickFacts: Yolo County, California; United States](#), April 16, 2024

¹⁵ California Government Code Section 56430 (a) (3)

4.3.1 Infrastructure

Section 20 (a) of the enabling legislation concludes that “Limited outlet capacity and limited drainage and channel capacity within the basin result in periodic extensive flooding throughout the basin. This problem needs to be studied and addressed.”

According to Merrilee Vanderwaal, General Manager, “The District does not have an activity plan at this time.”¹⁶

4.3.2 MSR Determinations on Infrastructure for Colusa Basin Drainage District

MSR 3-1) It appears that the Colusa Basin Drainage District could benefit from a Plan or an updated Plan for the District. Perhaps the District could work with a qualified professional from another agency in the area such as the Bureau of Reclamation, the Sites Reservoir staff or an independent consultant to prepare an updated Plan.

4.4 Financial Ability to Provide Services¹⁷

Purpose: To evaluate factors that affect the financing of needed improvements and to identify practices or opportunities that may help eliminate unnecessary costs without decreasing service levels.

4.4.1 Financial Considerations for Colusa Basin Drainage District

The Colusa Basin Drainage District prepares a budget and an audit as required. The District could benefit from an overall Plan or an update of the 2000 Plan referenced on the website for the District to guide financial decisions.

4.4.2 MSR Determinations on Financing for Colusa Basin Drainage District

MSR 4-1) The Colusa Basin Drainage District maintains good financial records.

MSR 4-2) The Colusa Basin Drainage District could benefit from a Plan or an updated Plan to show that funds are spent to further the specific Goals of the District.

4.5 Colusa Basin Drainage District Opportunities for Shared Facilities¹⁸

Purpose: To evaluate the opportunities for a jurisdiction to share facilities and resources to develop more efficient service delivery systems.

4.5.1 Facilities

The Colusa Basin Drainage District owns one ranch; however, it appears that the land is leased for ranching. It would be a benefit to the District to have a Plan to show what facilities are needed, how they would relate to other drainage facilities in the area and how operating this ranch and how operating this ranch is consistent with the purpose of the CBDD.

¹⁶ Colusa Basin Drainage District, Merrilee Vanderwaal, General Manager, April 23, 2024, E-mail to John Benoit, Executive Officer, Colusa Local Agency Formation Commission.

¹⁷ California Government Code Section 56430 (a) (4)

¹⁸ California Government Code Section 56430 (a) (5)

4.5.2 MSR Determinations on Shared Facilities for Colusa Basin Drainage District

MSR 5-1) The Colusa Basin Drainage District could significantly benefit from a Plan or an updated Plan which would show what facilities are needed, what facilities could be shared with other districts and how facilities are consistent with the CBDD Act.

4.6 Accountability for Community Service Needs, Government Structure and Operational Efficiencies¹⁹

Purpose: To consider the advantages and disadvantages of various government structures that could provide public services, to evaluate the management capabilities of the organization and to evaluate the accessibility and levels of public participation associated with the agency's decision-making and management processes.

4.6.1 Government Structure

The Colusa Basin Drainage District has a nine member Board of Directors, three directors from each county in the District. The District has three committees: Executive Committee, Ranch Committee and Project Committee. The District has a website and a General Manager to oversee the budget, website, meeting minutes, and other administrative matters. The District does not have a technical staff or consultant to plan, evaluate, and implement projects.

4.6.2 MSR Determinations on Government Structure for Basin Drainage District

MSR 6-1) The District has a nine member Board of Directors as required by the enabling legislation.

MSR 6-2) The District has a General Manager to organize meetings, agendas, finances, legal notices and the website.

MSR 6-3) The District does not have a technical staff or consultant to plan and oversee drainage projects and coordination with other districts.

¹⁹ California Government Code Section 56430 (a) (6)

5 SPHERE OF INFLUENCE FOR COLUSA BASIN DRAINAGE DISTRICT

5.1 Recommendation for Colusa Basin Drainage District Sphere of Influence

The Colusa Basin Drainage District Sphere of Influence should be the same as the District Boundary as established by the State Law only after a master plan is developed and implemented. An interim CBDD Sphere of influence should be established and be consistent with the existing district boundary.

5.2 Present and Planned Land Uses in the Colusa Basin Drainage District Area, Including Agricultural and Open Space Lands²⁰

5.2.1 General Plan and Zoning for the Colusa Basin Drainage District

The General Plan and Zoning for the land within the Colusa Basin Drainage District is established by each County involved. All three counties have most of the lands within the District zoned and planned for agriculture. However, many of the Communities such as Williams, Zamora, Arbuckle and College City and others are assessed a fee to support the district. A cost benefit analysis could be conducted to apportion the costs of the district to those areas based on need for the district.

5.2.2 SOI Determinations on Present and Planned Land Use for Colusa Basin Drainage District

SOI 1-1] The land within the Colusa Basin Drainage District is primarily zoned and planned for agriculture and is expected to remain in this zoning classification. However, most of the population of the district is within the rural community centers.

SOI 1-2] The district should review its funding (after a master plan is adopted) and apportion the costs to community and agricultural areas based on benefit.

5.3 Present and Probable Need for Public Facilities and Services in the Colusa Basin Drainage District Area²¹

5.3.1 Municipal Service Background

The Colusa Basin Drainage District area has changed since the start of the District. When the District was established, the main crops grown in the area were rice and row crops. Since then there have been several years of drought. Land previously devoted to row crops has been planted with orchards, primarily almond and walnut orchards. Changes to export laws have limited sales to China, leading to lower prices for the nut crops. The Sites Reservoir project is moving closer final approval.

The Colusa Basin Drainage District should have an updated and published Master Plan which would be adjusted as changes in the area occur and guide future projects.

5.3.2 SOI Determinations on Facilities and Services and Probable Need for Colusa Basin Drainage District

²⁰ California Government Code Section 56425 (e) (1)

²¹ California Government Code Section 56425 (e) (2)

- SOI 2-1] The Colusa Basin Drainage District may be redundant in the northern area of the District if the Sites Reservoir is constructed. However, the need for the District in the southern part of the tri-county area will continue.
- SOI 2-2] It would be easier for the public to understand the need for the District if there were a published master plan for the proposed projects.
- SOI 2-3] The district should coordinate with other related districts providing similar functions prior to initiating a new program.

5.4 Present Capacity of Public Facilities and Adequacy of Public Services²²

5.4.1 Capacity Background

It appears that the Colusa Basin Drainage District has little or no capacity at the present time. The District owns one ranch; however, the land is rented out for ranching purposes. The District does not have an updated Master Plan to evaluate the need and the success of the District going forward.

5.4.2 SOI Determinations on Public Facilities Present and Future Capacity for the Colusa Basin Drainage District

- SOI 3-1] The Colusa Basin Drainage District has not adopted an updated Master Plan to guide the District in developing facilities. This is a crucial activity for the district to complete.
- SOI 3-2] The Colusa Basin Drainage District would have greater success with an updated Master Plan. If a published Plan were in place it would be easier for the District to seek partners for the various projects and facilities needed.

5.5 Social or Economic Communities of Interest for Colusa Basin Drainage District²³

5.5.1 Colusa Basin Drainage District Community

The Colusa Basin Drainage District includes land in three counties. It is difficult to establish a community feeling for this large area. An updated Master Plan for the District could help to establish a community feeling and unite the residents with a common vision and apportion the cost in areas receiving the proportional benefit.

5.5.2 SOI Determinations on Social or Economic Communities of Interest for Colusa Basin Drainage District

- SOI 4-1] The residents of the Colusa Basin Drainage District do not want to experience flooding. An understandable and available master plan to avoid flooding problems would unite the residents of the District.

²² California Government Code Section 56425 (e) (3)

²³ California Government Code Section 56425 (e) (4)

5.6 Disadvantaged Unincorporated Community Status²⁴

5.6.1 Disadvantaged Unincorporated Communities

SB 244 defines “disadvantaged unincorporated community” as any area with 12 or more registered voters, or as determined by commission policy, where the median household income is less than 80 percent of the statewide annual median. This is the case for Glenn and Colusa counties.

5.6.2 Colusa Basin Drainage District Disadvantaged Unincorporated Community Status

SOI 5-1] The Colusa Basin Drainage District includes land within three counties. There are several Disadvantaged Unincorporated Communities within the District. However, LAFCo is not required to provide a determination regarding Disadvantaged Communities since it does not provide domestic water services.

²⁴ California Government Code Section 56425 (e) (5)

APPENDIX A LOCAL GOVERNMENT FUNDING ISSUES

1 Municipal Financial Constraints

Municipal service providers are constrained in their capacity to finance services by the inability to increase property taxes, requirements for voter approval for new or increased taxes, and requirements of voter approval for parcel taxes and assessments used to finance services. Municipalities must obtain majority voter approval to increase or impose new general taxes and two-thirds voter approval for special taxes.

Limitations on property tax rates and increases in taxable property values are financing constraints. Property tax revenues are subject to a formulaic allocation and are vulnerable to State budget needs. Agencies formed since the adoption of Proposition 13 in 1978 often lack adequate financing.

1.1 California Local Government Finance Background

The financial ability of the cities and special districts to provide services is affected by financial constraints. City service providers rely on a variety of revenue sources to fund city operating costs as follows:

- Property Taxes
- Benefit Assessments
- Special Taxes
- Proposition 172 Funds
- Other contributions from city or district general funds.

As a funding source, property taxes are constrained by statewide initiatives that have been passed by voters over the years and special legislation. Seven of these measures are explained below:

A. Proposition 13

Proposition 13 (which California voters approved in 1978) has the following three impacts:

- Limits the ad valorem property tax rate
- Limits growth of the assessed value of property
- Requires voter approval of certain local taxes.

Generally, the measure fixes the ad valorem tax at one percent of value; except for taxes to repay certain voter approved bonded indebtedness. In response to the adoption of Proposition 13, the Legislature enacted Assembly Bill 8 (AB8) in 1979 to establish property tax allocation formulas.

B. AB 8

Generally, AB 8 allocates property tax revenue to the local agencies within each tax rate area based on the proportion each agency received during the three fiscal years preceding adoption of Proposition 13. This allocation formula benefits local agencies, which had relatively high tax rates at the time Proposition 13 was enacted.

C. Proposition 98

Proposition 98, which California voters approved in 1988, requires the State to maintain a minimum level of school funding. In 1992 and 1993, the Legislature began shifting billions of local property taxes to schools in response to State budget deficits. Local property taxes were diverted from local governments into the Educational Revenue Augmentation Fund (ERAF) and transferred to school districts and community college districts to reduce the amount paid by the State general fund.

Local agencies throughout the State lost significant property tax revenue due to this shift, Proposition 172 was enacted to help offset property tax revenue losses of cities and counties that were shifted to the ERAF for schools in 1992.

D. Proposition 172

Proposition 172, enacted in 1983, provides the revenue of a half-cent sales tax to counties and cities for public safety purposes, including police, fire, district attorneys, corrections and lifeguards. Proposition 172 also requires cities and counties to continue providing public safety funding at or above the amount provided in FY 92-93.

E. Proposition 218

Proposition 218, which California voters approved in 1996, requires voter- or property owner-approval of increased local taxes, assessments, and property-related fees. A two-Thirds affirmative vote is required to impose a Special Tax, for example, a tax for a specific purpose such as a fire district special tax.

F. Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act of 1982 allows any county, city, special district, school district or joint powers authority to establish a Mello-Roos Community Facilities District (a "CFD") which allows for financing of public improvements and services. The services and improvements that Mello-Roos CFDs can finance include streets, sewer systems and other basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums and other cultural facilities. By law, the CFD is also entitled to recover expenses needed to form the CFD and administer the annual special taxes and bonded debt.

A CFD is created by a sponsoring local government agency. The proposed district will include all properties that will benefit from the improvements to be constructed or the services to be provided. A CFD cannot be formed without a two-thirds majority vote of residents living within the proposed boundaries. Or, if there are fewer than 12 residents, the vote is instead conducted of current landowners.

In many cases, that may be a single owner or developer. Once approved, a Special Tax Lien is placed against each property in the CFD. Property owners then pay a Special Tax each year.

If the project cost is high, municipal bonds will be sold by the CFD to provide the large amount of money initially needed to build the improvements or fund the services. The Special Tax cannot be directly based on the value of the property. Special Taxes instead are based on mathematical formulas that take into account property characteristics such as the use of the property, square

footage of the structure and lot size. The formula is defined at the time of formation, and will include a maximum special tax amount and a percentage maximum of annual increase.

If bonds were issued by the CFD, special taxes will be charged annually until the bonds are paid off in full. Often, after bonds are paid off, a CFD will continue to charge a reduced fee to maintain the improvements.

G. Development Impact Fees

A county, cities, special districts, school districts, and private utilities may impose development impact fees on new construction for purposes of defraying the cost of putting in place public infrastructure and services to support new development.

To impose development impact fees, a jurisdiction must justify the fees as an offset to the impact of future development on facilities. This usually requires a special financial study. The fees must be committed within five years to the projects for which they were collected, and the district, city or county must keep separate funds for each development impact fee.

1.2 Financing Opportunities that Require Voter Approval

Financing opportunities that require voter approval include the following five taxes:

1. Special taxes such as parcel taxes
2. Increases in general taxes such as utility taxes
3. Sales and use taxes
4. Business license taxes
5. Transient occupancy taxes

Communities may elect to form business improvement districts to finance supplemental services, or Mello-Roos districts to finance development-related infrastructure extension. Agencies may finance facilities with voter-approved (general obligation) bonded indebtedness.

1.3 Financing Opportunities that Do Not Require Voter Approval

Financing opportunities that do not require voter approval include imposition of or increases in fees to more fully recover the costs of providing services, including user fees and Development Impact Fees to recover the actual cost of services provided and infrastructure.

Development Impact Fees and user fees must be based on reasonable costs, and may be imposed and increases without voter approval. Development Impact Fees may not be used to subsidize operating costs. Agencies may also finance many types of facility improvements through bond instruments that do not require voter approval.

Water rates and rate structures are not subject to regulation by other agencies. Utility providers may increase rates annually, and often do so. Generally, there is no voter approval requirement for rate increases, although notification of utility users is required. Water providers must maintain an enterprise fund for the respective utility separate from other funds, and may not use revenues to finance unrelated governmental activities.

2 Public Management Standards

While public sector management standards do vary depending on the size and scope of the organization, there are minimum standards. Well-managed organization do the following eight activities:

1. Evaluate employees annually
2. Prepare a budget before the beginning of the fiscal year
3. Conduct periodic financial audits to safeguard the public trust
4. Maintain current financial records
5. Periodically evaluate rates and fees
6. Plan and budget for capital replacement needs
7. Conduct advance planning for future growth
8. Make best efforts to meet regulatory requirements

Most of the professionally managed and staffed agencies implement many of these best management practices. LAFCo encourages all local agencies to conduct timely financial record-keeping for each city function and make financial information available to the public.

3 Public Participation in Government

The Brown Act (California Government Code Section 54950 et seq.) is intended to insure that public boards shall take their actions openly and that deliberations shall be conducted openly.

The Brown Act establishes requirements for the following:

1. Open meetings
2. Agendas that describe the business to be conducted at the meeting
3. Notice for meetings
4. Meaningful opportunity for the public to comment

Few exceptions for meeting in closed sessions and reports of items discussed in closed sessions.

According to California Government Code Section 54959:

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

Section 54960 state the following:

(a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body.

**APPENDIX B COLUSA BASIN WATERSHED INTEGRATED RESOURCES
MANAGEMENT ACT**

S. 2248 To assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

IN THE SENATE OF THE UNITED STATES MARCH 20, 2000 Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL To assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 **SECTION 1. SHORT TITLE.**
4 This Act may be cited as the “Colusa Basin Water-
5 shed Integrated Resources Management Act”.

2 1 **SEC. 2. DEFINITIONS.**
2 In this Act:
3 (1) **DISTRICT.**—The term “District” means the
4 Colusa Basin Drainage District, California.
5 (2) **SECRETARY.**—The term “Secretary” means
6 the Secretary of the Interior.
7 (3) **STATE STATUTE.**—The term “State stat-
8 ute” means section 413 of the California Statutes
9 1987, chapter 1399 (commonly known as the
10 “Colusa Basin Drainage Act”), as in effect on the
11 date of enactment of this Act.

12 **SEC. 3. AUTHORIZATION OF ASSISTANCE.**
13 The Secretary may provide financial assistance to the
14 District for use by the District or by local agencies acting
15 under the State statute, for planning, design, environ-
16 mental compliance, and construction required in carrying
17 out eligible projects in the Colusa Basin Watershed—
18 (1) to—
19 (A) reduce the risk of damage to urban
20 and agricultural areas from flooding or the dis-
21 charge of drainage water or tailwater;
22 (B) assist in groundwater recharge efforts
23 to alleviate overdraft and land subsidence; or
24 (C) construct, restore, or preserve wetland
25 and riparian habitat; and

3 1 (2) to capture, as an incidental purpose of any
2 of the purposes described in paragraph (1), surface
3 water or stormwater for conservation, conjunctive
4 use, and increased water supplies.

5 **SEC. 4. PROJECT SELECTION.**

6 (a) ELIGIBLE PROJECTS.—A project shall be an eligi-
7 ble project for purposes of section 3 if the project is—

8 (1) identified in the document entitled “Colusa
9 Basin Water Management Program”, dated Feb-
10 ruary 1995; and

11 (2) carried out in accordance with that docu-
12 ment and all environmental documentation require-
13 ments that apply to the project under the laws of
14 the United States and the State of California.

15 (b) COMPATIBILITY REQUIREMENT.—The Secretary
16 shall ensure that projects for which assistance is provided
17 under this Act are not inconsistent with watershed protect-
18 tion and environmental restoration efforts being carried
19 out under the Central Valley Project Improvement Act
20 (106 Stat. 4706 et seq.) or the CALFED Bay-Delta Pro-
21 gram.

22 **SEC. 5. COST SHARING.**

23 (a) NON-FEDERAL SHARE.—The Secretary shall re-
24 quire that the District and cooperating non-Federal agen-
25 cies or organizations pay—

- 4 (1) 25 percent of the costs associated with con-
2 struction of any project carried out with assistance
3 provided under this Act; and
4 (2) 100 percent of any operation, maintenance,
5 and replacement and rehabilitation costs with re-
6 spect to such a project.
7 (b) PLANNING, DESIGN, AND COMPLIANCE ASSIST-
8 ANCE.—Funds made available under this Act may be used
9 to fund all costs incurred for planning, design, and envi-
10 ronmental compliance activities by the District or by local
11 agencies acting under the State statute, in accordance
12 with agreements with the Secretary.
13 (c) TREATMENT OF CONTRIBUTIONS.—For purposes
14 of this section, the Secretary shall treat the value of land,
15 interests in land (including rights-of-way and other ease-
16 ments), and necessary relocations contributed by the Dis-
17 trict to a project as payment by the District of the costs
18 of the project.

19 **SEC. 6. NONREIMBURSABILITY OF COSTS.**

20 Amounts expended under this Act shall be considered
21 nonreimbursable for purposes of the Act of June 17, 1902
22 (32 Stat. 388, chapter 1093), and Acts amendatory of and
23 supplemental to that Act.

5 1 **SEC. 7. AGREEMENTS.**

2 Funds made available under this Act may be made
3 available to the District or a local agency only if the Dis-
4 trict or local agency, as applicable, enters into a binding
5 agreement with the Secretary that—

6 (1) provides that the District or the local agen-
7 cy shall pay the non-Federal share of the costs of
8 construction required by section 5(a); and

9 (2) governs the funding of planning, design,
10 and compliance activities costs under section 5(b).

11 **SEC. 8. REIMBURSEMENT.**

12 For project work (including work associated with
13 studies, planning, design, and construction) carried out by
14 the District or by a local agency acting under the State
15 statute before the date on which amounts are provided for
16 the project under this Act, the Secretary shall, subject to
17 amounts being made available in advance in appropria-
18 tions Acts, reimburse the District or the local agency,
19 without interest, an amount equal to the estimated Fed-
20 eral share of the cost of such work under section 5.

21 **SEC. 9. COOPERATIVE AGREEMENTS.**

22 (a) IN GENERAL.—The Secretary may enter into co-
23 operative agreements and contracts with the District to
24 assist the Secretary in carrying out this Act.

25 (b) SUBCONTRACTING.—Under a cooperative agree-
26 ment or contract, the Secretary may authorize the District

- 6 • 1 to enter into contracts and receive reimbursements, sub-
2 ject to amounts being made available in advance in appro-
3 priations Acts, for work carried out under the contract or
4 subcontract.

**5 SEC. 10. RELATIONSHIP TO RECLAMATION REFORM ACT OF
6 1982.**

7 Activities carried out, and financial assistance pro-
8 vided, under this Act shall not be considered a supple-
9 mental or additional benefit for purposes of the Reclama-
10 tion Reform Act of 1982 (43 U.S.C. 390aa et seq.).

11 SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

12 There are authorized to be appropriated to the Sec-
13 retary to carry out this Act \$25,000,000, plus such addi-
14 tional amount, if any, as may be required by reason of
15 changes in costs of services of the types involved in the
16 District's projects as shown by engineering and other rel-
17 evant indexes, to remain available until expended.

APPENDIX C

STATE OF CALIFORNIA, THE COLUSA BASIN DRAINAGE DISTRICT ACT West's Annotated California Codes Currentness

Water Code Appendix (Refs & Annos)

Chapter 127. Colusa Basin Drainage District (Refs & Annos)

Part 1. Introductory Provisions

→ Chapter 1. Short Title

→§ 127-1. Short title

Section 1. This act shall be known and may be cited as the Colusa Basin Drainage District Act.

Chapter 2. Findings

→§ 127-20. Legislative recognition of problems

Sec. 20. (a) The Colusa Basin Drain lies between the Sacramento River on the east and the Coast Range on the west within Glenn, Colusa, and Yolo Counties. It is bounded on the north by the watershed of Stony Creek and on the south by the watershed of Cache Creek. The basin has no natural outlet at times of high water in the Sacramento River. The two outlets available for floodwaters and drainage are outfall gates at the southerly end of the Colusa Drain near Knights Landing and the Knights Landing Ridge Cut. During times when the Sacramento River is high, the outfall gates near Knights Landing are inoperable and water can escape from the Colusa Basin only through the artificial channel known as the Knights Landing Ridge Cut through which water is discharged into the Yolo Bypass to enter the Sacramento River near Rio Vista. Limited outlet capacity and limited drainage and channel capacity within the basin result in periodic extensive flooding throughout the basin. This problem needs to be studied and addressed.

(b) Irrigation drainage occurs in the basin through a number of natural and artificial channels, all of which ultimately flow into the Colusa Basin Drain, sometimes called Reclamation District 2047 Drain, which discharges water into the Sacramento River through the Knights Landing outfall gates except during times of high water on the Sacramento River when the only outlet is through the Knights Landing Ridge Cut into the Yolo Bypass. The Colusa Basin Drain has been used for the purpose of receiving irrigation water drainage or return flows. As land within the Colusa Basin has been developed and improved, the capacity of this drain for drainage waters has become overtaxed to the point where irrigation water drainage is not available to lands adjacent to the drain at times when it is required for agricultural purposes, and flooding of adjacent lands may occur even during the normal drainage season. This problem needs to be studied and addressed.

(c) Certain areas within the Colusa Basin appear to be experiencing subsidence which may add

to the flooding and drainage problems occurring within the basin. This problem needs to be studied and addressed.

→§ 127-21. Necessity of special act

Sec. 21. The problems of flooding and winter drainage, irrigation drainage, and subsidence which are occurring within the Colusa Basin are multicounty in scope, but are unique to the Colusa Basin and are not general or statewide. A special act to address these problems is, therefore, necessary.

→§ 127-22. Formation of district

Sec. 22. The problems referred to in Sections 20 and 21 are basinwide. There are within the basin a number of governmental entities presently formed which are authorized to address one or more of the problems referred to in Sections 20 and 21 within the scope of their particular jurisdiction. It will be beneficial for the overall basin that a district be formed which incorporates the entire basin and is able to relate to the overall problems of the total basin while still allowing any project which may be undertaken affecting individual areas within the basin to be addressed by other districts or the respective counties with the assistance and cooperation of, and coordination with, the basinwide district.

Chapter 3. Creation and Boundaries

→§ 127-31. Colusa Basin drainage district; creation

Sec. 31. A drainage and flood control district is hereby created to be called the Colusa Basin Drainage District.

→§ 127-32. Territory and boundaries; conforming of district boundaries to assessment parcel boundaries; notice; hearing

Sec. 32. The district shall comprise generally the valley lands within the watershed of the Colusa Basin which are tributary to the mouth of the Colusa Basin Drain at the Knights Landing Outfall Gates. The boundary of the district is delineated on United States Geological Survey Quadrangles on file with the Northern District office of the Department of Water Resources in Red Bluff. The boundary of the district is described generally as commencing at the State Highway Route 113 bridge across the Knights Landing Ridge Cut, thence along the Knights Landing Ridge between the Colusa Basin and the Cache Creek watersheds southerly and westerly through the town of Yolo to the intersection of the westerly boundary of the United States Bureau of Reclamation (USBR) Tehama-Colusa Canal Service Area (as shown on the USBR map of the Sacramento River Division, Sacramento Canals Unit, California, Tehama-Colusa Canal Service Area, including Sacramento River Water Districts [dated September 11, 1969, Rev. 9-82, drawing #602-208-1766W]), thence northerly and westerly along that boundary until it intersects the ridge separating the Stony Creek and Colusa Basin watersheds

approximately four miles east of Orland, except that where Colusa Basin water, irrigation, reclamation, or drainage district boundaries or the Tehama-Colusa Canal are west of the USBR Service Area boundary, that the westernmost boundary of either will prevail, thence along the ridge separating lands that are tributary to the Colusa Basin from those tributary to Stony Creek or the Sacramento River to where the ridge intersects the northernmost end of the westerly or right bank levee of the Sacramento River near the town of Ordbend, thence southerly along the westerly or right bank levee of the Sacramento River to the Knights Landing Outfall Gates, thence along the southerly bank of the Colusa Basin Drain to the northerly end of the Knights Landing Ridge Cut, thence along the easterly bank of the Knights Landing Ridge Cut to the State Highway Route 113 bridge. The assessors of Glenn, Colusa, and Yolo Counties shall conform the boundary of the district to the boundaries nearest the exterior watershed boundary, as described above, of the assessment parcels lying totally within the watershed and situated nearest to that exterior boundary, except as to the easterly boundary which shall be the westerly or right bank levee of the Sacramento River. Each county assessor shall, within a reasonable time after January 1, 1988, hold a hearing within the respective county for the purpose of conforming the district boundary to the assessment parcel boundaries as provided herein. Notice shall be published once a week for two successive weeks in a newspaper of general circulation within the county stating that a hearing will be held for the purpose of conforming the district boundary to the boundaries of the nearest assessment parcels. Notice shall also be given by mail at least two weeks prior to the hearing to the owners of those assessment parcels within the respective county directly affected by this conformance, mailed to the address shown on the records of the assessor. At the hearing, the assessor shall present a map showing the proposed boundary as conformed to the boundaries of the nearest assessment parcels, and shall hear any objections which may be made to that boundary. Following the hearing the assessor shall describe the precise boundary of the district as conformed to the nearest assessment parcels, and shall record in the records of that particular county the description of the boundary of the district within that county, including the westerly or right bank levee of the Sacramento River as the most easterly boundary. The costs of notice, hearing, and preparation of the description shall be included as formation costs of the district.

Chapter 4. Definitions

→§ 127-40. Board or board of directors

Sec. 40. “Board” or “board of directors” means the board of directors of the district.

→§ 127-41. Eligible voter

Sec. 41. “Eligible voter” means a person who owns land, or the legal representative of the owner of land, within the area in which an election is to be held.

→§ 127-42. Evidence of indebtedness

Sec. 42. “Evidence of indebtedness” means any warrant, note, or other evidence of indebtedness of the district or any zone.

→§ 127-43. Legal representative

Sec. 43. “Legal representative” means any of the following:

- (a) An official of a corporation, partnership, or public or nonpublic entity or association which owns land within the district.
- (b) A partner or authorized representative of a partnership which owns land within the district.
- (c) A guardian, conservator, executor, or administrator of the estate of the owner of land within the district who is appointed under the laws of this state, is entitled to possession of the estate's land, or is authorized to exercise the particular right, privilege, or immunity which he or she seeks to exercise.

→§ 127-44. Project

Sec. 44. “Project” means a work and all of the activities related to or necessary for the acquisition, construction, operation, and maintenance of a work, including, but not limited to, planning, design, financing, and administration.

→§ 127-45. Work; works

Sec. 45. “Work” or “works” includes, but is not limited to, reservoirs, dams, and all conduits and facilities for the control, conservation, diversion, and transmission of water for beneficial uses; drains, levees, and all ditches and facilities for the control and disposal of drainage, storm, and flood waters within the district; associated power facilities for the incidental generation and distribution of hydroelectric power; and all necessary property interests and rights-of-way.

→§ 127-46. Zone

Sec. 46. “Zone” means a zone of benefit formed under Part 6 (commencing with Section 600).

Chapter 5. General Provisions

→§ 127-50. Application of other provisions

Sec. 50. The Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) does not apply to the formation of the district or the formation or changes in the boundaries of any zone. For all other purposes, the district is a “district” as that term is defined in the Cortese-Knox Local Government Reorganization Act of 1985.

→§ 127-51. Judicial actions or proceedings; limitations

Sec. 51. Any judicial action or proceeding to attack, review, set aside, void, annul, or challenge the validity or legality of the formation of a zone, any contract entered into by the district or a zone, any bond or evidence of indebtedness of the district or a zone, or any assessment, rate, or charge of the district or a zone shall be commenced within 60 days of the effective date thereof.

The action or proceeding shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

The district may bring an action pursuant to that Chapter 9 to determine the validity of any of the matters referred to in this section.

ABBREVIATIONS

AB	Assembly Bill
AF	Acre-feet
AFA	Acre-feet per annum
CBDD	Colusa Basin Drainage District
CEQA	California Environmental Quality Act
CFD	Community Facilities District
CIF	Capital Improvement Fee
CIP	Capital Improvement Program
CKH Act	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
DUC	Disadvantaged Unincorporated Community
IRWM	Integrated Regional Water Management Grant Program
LAFCo	Local Agency Formation Commission
MSR	Municipal Service Review (LAFCo)
SOI	Sphere of Influence (LAFCo)

DEFINITIONS

Acre Foot (AF): The volume of water that will cover one acre to a depth of one foot, 325,850 U.S. Gallons or 1,233,342 liters (approximately).

Agriculture: Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pastureland.

Aquifer: An underground, water-bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage. Aquifers generally hold sufficient water to be used as a water supply.

Available Supply: the quantity of groundwater, which can be withdrawn annually from a groundwater basin without exceeding safe yield of the basin.

Board of Supervisors: the legislative body or governing board of a county.

California Environmental Quality Act (CEQA): A State Law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

Capital Improvement Plan (CIP): is a short-range plan, usually four to ten years, which identifies capital projects and equipment purchases, provides a planning schedule and identifies options for financing the plan. Essentially, the plan provides a link between a municipality, school district, parks and recreation department and/or other local government entity and a comprehensive and strategic plans and the entity's annual budget.

Certified Public Accountant (CPA): the statutory title of qualified accountants in the United States who have passed the Uniform Certified Public Accountant Examination and have met additional state education and experience requirements for certification as a CPA.

Community Facilities District: Under the Mello-Roos Community Facilities Act of 1982 (Section 53311, et seq.) a legislative body may create within its jurisdiction a special tax district that can finance tax-exempt bonds for the planning, design, acquisition, construction, and/or operation of public facilities, as well as public services for district residents. Special taxes levied solely within the district are used to repay the bonds.

Environmental Impact Report (EIR): A report required pursuant to the California Environmental Quality Act that assesses all the environmental characteristics of an area, determines what effects or impact will result if the area is altered or disturbed by a proposed action, and identifies alternatives or other measures to avoid or reduce those impacts. (See California Environmental Quality Act.)

Infrastructure: Public services and facilities such as sewage-disposal systems, water-supply systems, and other utility systems, schools and roads.

Inhabited territory: Inhabited territory means territory within which there reside 12 or more registered voters. The number of registered voters as determined by the elections officer, shall be established as of the date a certificate of filing is issued by the executive officer. All other territory shall be deemed "uninhabited."²⁵

²⁵ California Government Code Section 56046

IRWM: The Integrated Regional Water Management (IRWM) Grant Program is a competitive grant program first created under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) with continuing funding provided by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coast Protection Bond Act of 2006 (Proposition 84). Complementary funding was also provided by the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E) for Storm water Flood Management Grant Program.

The program is administered by the Department of Water Resources to award funds to local public agencies and non-profit organizations, for projects and programs to improve water supply reliability and improve and protect water quality. Such projects and programs must be consistent with an adopted IRWM Plan.²⁶

Land Use Classification: A system for classifying and designating the appropriate use of properties.

Leapfrog Development: New development separated from existing development by substantial vacant land.

Local Agency Formation Commission (LAFCo): A five-or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCo is empowered to approve, disapprove, or conditionally approve such proposals. The LAFCo members generally include two county supervisors, two city council members, and one member representing the general public. Some LAFCOs include two representatives of special districts.

Proposition 13: (Article XIII A of the California Constitution) Passed in 1978, this proposition enacted sweeping changes to the California property tax system. Under Prop. 13, property taxes cannot exceed 1% of the value of the property and assessed valuations cannot increase by more than 2% per year. Property is subject to reassessment when there is a transfer of ownership or improvements are made.²⁷

Proposition 218: (Article XIII D of the California Constitution) This proposition, named "The Right to Vote on Taxes Act", filled some of the perceived loopholes of Proposition 13. Under Proposition 218, assessments may only increase with a two-thirds majority vote of the qualified voters within the District. In addition to the two-thirds voter approval requirement, Proposition 218 states that effective July 1, 1997, any assessments levied may not be more than the costs necessary to provide the service, proceeds may not be used for any other purpose other than providing the services intended, and assessments may only be levied for services that are immediately available to property owners.²⁸

²⁶ State of California,

<http://bondaccountability.resources.ca.gov/Program.aspx?ProgramPK=14&Program=Integrated%20Regional%20Water%20Management&PropositionPK=4>, May 30, 2018.

²⁷ http://www.californiataxdata.com/A_Free_Resources/glossary_PS.asp#ps_08

²⁸ http://www.californiataxdata.com/A_Free_Resources/glossary_PS.asp#ps_08

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California Government Code Section 56430 (a) (2)
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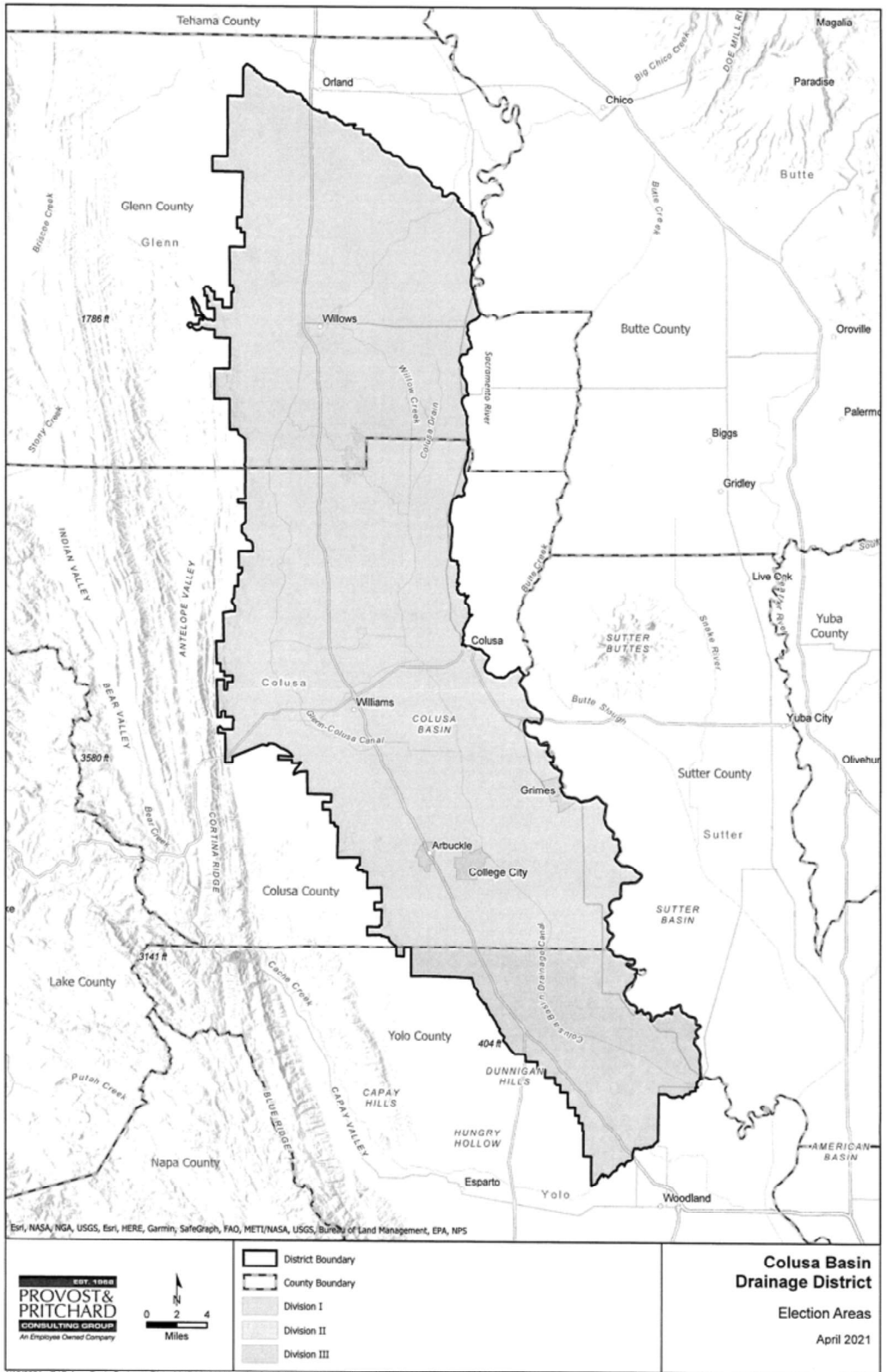
Yolo County Crop Report 2023

PREPARERS

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Colusa LAFCo
 Colusa Basin Drainage District
 Draft #2 MSR and SOI



From: Ben King <bking@pacgoldag.com>
Subject: RE: LAFCo Agenda and CBDD draft report
Date: June 2, 2024 at 3:10:20 PM PDT
To: "j.benoit4@icloud.com" <j.benoit4@icloud.com>
Cc: Colusa Basin Drainage District
<cbdd61@yahoo.com>, Ben King
<bking@pacgoldag.com>

Dear Executive Director Benoit,

Thank you for all your time and work on the SOI for the CBDD.

I am attaching a copy of the Colusa Basin Drainage District Act as amended which was provided to me by CBDD Counsel as part of a PRA request. The original Act had a few technical amendments, and it is my understanding that this is the current Statute. I would note that your Exhibit which includes the Act stops around Section 51 but the CBDD Act as a whole ends with Section 800 so there is quite a bit more to the Statute.

Here are some general comments:

1. The CBDD is a State Public Agency Created by A Special Act of the California Legislature.

I believe the wording of Section 3 is incorrect since it is not a Federal Agency but a State Agency. The Colusa Basin Drainage District is a California Public Agency created by a Special Act of the California Legislature to address the unique issues stated in Section 21 of the Statute:

Sec. 21. The problems of flooding and winter drainage, irrigation drainage, and subsidence which are occurring within the Colusa Basin are multicounty in scope, but are unique to the Colusa Basin and are not general or statewide. A special act to address these problems is,

therefore, necessary.

Section 408 sets out specific powers to accomplish the legislative intent: **Sec. 408. The district may control drainage, flood, and storm water within the district; conserve the water by storage and surface reservoirs; save or conserve in any manner all or any of the water; provide subsurface drainage to alleviate conditions of high groundwater levels within the district; and protect the watercourses, watersheds, public highways, and life and property within the district from damage from any drainage, flood, or storm water.**

The Colusa Basin Watershed Integrated Resources Management Act (IRM Act) was enacted into law in December 2000 for the specific purpose of funding and did not create the CBDD. The IRM ACT intended to provide up to \$ 25 million in funding for specific Projects approved by the CBBDD under the CBBDD Act. After the IRM Act passed the CBDD had several meetings in the area of the CBDD District and I believe a portion of this Funding was allocated to partially purchase the Ranch in Glenn County as part of a Flood Control and Recharge Project. This Project was never constructed nor was any other Project envisioned under the IRM Act completed to my knowledge. The Funding was up to \$ 25 million and most likely has been used or was not allocated since it was budgeted 24 years ago. The IRM Act funding was only a partial funding and the CBDD obtained seller financing for part of the purchase price. The CBDD landowners are still paying principal for the purchase of the Ranch

2. The First Project was Intended to be Completed in the 1990s And General Assessments Across the Whole District Should have Expired in the 1990s

Section 610 specified that there should have been a first Project within 3 years after the organization of the initial Board of Directors. **Sec. 610. The first project to be undertaken shall be the development of an economically feasible initial plan to improve or mitigate the drainage,**

flooding, and subsidence problems within the district, including financing measures to carry out the plan. The plan shall be presented at a public hearing to be held after notice published for three successive weeks in a newspaper of general circulation published in the county seat of each county within the district, which hearing shall be held within three years from the organization of the full board. No action to implement the plan shall be taken until the plan is approved by a majority of the votes cast by eligible voters within the district at a special election called for that purpose.

Section 700 states that the initial assessment which covers approximately 18,000 parcels would be valid until the First Project was completed. This would imply that the initial assessment would only have been valid until the 1990 time period:

Sec. 700. The district may levy benefit assessments on a districtwide basis or within any zone, upon land only, as follows: (a) **An initial assessment for district expenses may be levied on the basis of an equal amount per acre as shown on the assessment rolls, but not to exceed ten cents (\$0.10) per acre. It is hereby declared for that purpose that the benefit of district activities is received equally by all land. This initial assessment may be levied annually in lieu of the assessment specified in subdivision (b) until a plan has been approved pursuant to Section 610.** (b) Annual assessments pursuant to Sections 703 to 708, inclusive.

It is my understanding that the CBBD is still operating on the original assessment since I do not know if a Hearing required under Sections 703 to 708 has been completed. The CBBD does have annual resolutions approving the assessment on the 18,000 parcels but in my opinion the CBBD has not complied with the Notice required for a Hearing to approve the Assessment.

From a good government perspective why should every homeowner in the District be paying the minimum amount of \$ 5 each year. The CBDD has only attempted one Project to my knowledge which resulted in the

CBDD buying the Ranch. Why should homeowners be paying for the principal and interest payments for the Ranch?

3. The Sites Reservoir is not within the Footprint of the CBDD Area – Any Incidental Project Needs A Hearing to Approve and Fund Such Project

It important to note that the Sites Reservoir is not located in the 1,036,000-acre area of the CBDD District Boundaries as set forth in the CBDD Act. If there is a Sites Related Project that would be implemented in the CBDD District area there are specific guidelines and the need for a Public Hearing regarding each Project. The CBDD Act also provides for Zones whereby certain projects with localized benefits can be financed and governed in a transparent manner in compliance with the Brown Act.

I would also note that the fact that assessment payers are paying principal and interest for the mortgage on the Ranch should be included in the Budget presented in the SOI. Finally, I believe the SOI mentions that the CBDD owns two Ranches – I believe it is only one. There are two rentals – the Ranch and the manufactured house?

Thanks again for your work on this. I wanted to comment as soon as possible regarding the enabling Legislation. I believe the IRM Act specifically states that it will not conflict with State Legislation, and it is clear the IRM Act references Section 413 of the CBDD Act which addresses conflicts with the jurisdiction of other public agencies operating within the CBDD boundaries.

Best Regards,

Ben King

From: j.benoit4@icloud.com <j.benoit4@icloud.com>

Sent: Friday, May 31, 2024 2:13 PM

To: Colusa Basin Drainage District <cbdd61@yahoo.com>; Ben King <bking@pacgoldag.com>

Subject: LAFCo Agenda and CBDD draft report

From: Colusa Basin Drainage District cbdd61@yahoo.com
Subject: Re: LAFCo Agenda and CBDD draft report
Date: June 4, 2024 at 4:17 PM
To: j.benoit4@icloud.com
Cc: Nicolas Chapman nchapman@downeybrand.com



Hi John,

Thank you for providing a draft in advance.

Unfortunately, I wanted to let you know that I will not be able to attend the LAFCO meeting this Thursday. I had to return to Washington state to be with my dad. They have moved him to short-term hospice care. (I was up here for a month at the end of April and beginning of May. Then home for 10 days and am not back again.)

George Tibbitts, our Board President, and Nico Chapman, our legal counsel, will be attending the meeting.

I had a few items I wanted to provide comments on.

1. The CBDD was formed by the state legislation of the Colusa Basin Drainage Act. The federal legislation was for projects.
2. May we substitute the office phone number and email for the Board of Director's contact info? Those are personal cell phone numbers & emails that weren't meant to be published.
3. In 4.5.1 and 5.4.1 Facilities, the CBDD only owns one ranch (not two) - any buildings are located on the ranch as well.

Thank you!

Merrilee Vanderwaal
General Manager
Colusa Basin Drainage District
<https://cbdd.specialdistrict.org/>

P.O. Box 390
Willows, CA 95988

(530) 934-7794

On Friday, May 31, 2024 at 02:13:23 PM PDT, j.benoit4@icloud.com <j.benoit4@icloud.com> wrote:

From: Ben King bking@pacgoldag.com
Subject: RE: LAFCo Agenda and CBDD draft report
Date: June 4, 2024 at 12:49 PM
To: j.benoit4@icloud.com
Cc: Ben King bking@pacgoldag.com



Hi John,

Thanks for the reply.

Here is the excerpt from the CBDD website:

[About Us - Colusa Basin Drainage District \(specialdistrict.org\)](http://specialdistrict.org)

Background

Act 1601, the Colusa Basin Drainage District Act, was passed by the State legislature in 1987. This special act was written to address the problems of flooding and winter drainage, irrigation drainage and subsidence which were occurring within the Colusa Basin. These problems were multi-county in scope, but unique to the Colusa Basin. A drainage and flood control district was subsequently created; the Colusa Basin Drainage District (CBDD).

HR 1113, the Colusa Basin Watershed Integrated Resources Management Act was passed in 1999. The Colusa Basin Integrated Resource Management Program, developed by the CBDD in cooperation with the Bureau of Reclamation, was developed to address both the peak flooding problems associated with topography and the lower intensity flooding problems associated with human activity. The program was also designed to restore some of the Basin's natural ability to control flooding and provide enhanced conditions for wildlife. The CBDD completed their Integrated Watershed Management Plan in May 2000. The primary goal outlined in the plan is to develop facilities and programs to reduce peak flood flows in conjunction with environmental restoration and enhancement measures.

The **District's objectives** in implementing the goal include the following:

- Work in tandem with landowners, other local interested parties, and local, state and federal agencies.
- Minimize property damage from flooding within the study area.
- Maximize landowner benefits.
- Enhance and protect environmental resources.
- Minimize impacts to downstream interests.
- Improve water quality by minimizing erosion and sedimentation.
- Provide additional opportunities for groundwater recharge where feasible.

Comprised of 1,036,000 acres located in the valley floor and foothills lands in the Southwest part of the Sacramento Valley in Colusa/Glenn/Yolo Counties, except for wildlife areas, practically all is farmland.

I think the excerpt is right except it implies that all of the intended projects that were to be financed by the IRM Act are now intended and viable. The IRM Act provided the 25 million in financing but as I stated before it was funded in 2000. I think they are hoping that they can use this IRM to be the basis for new financing as satellite projects for Sites and I think that is why they really don't have any current projects that would solve the drainage problems set out in the CBDD Act because it is all about Sites. I have attached a CFR Notice with all the intended projects back in 2000.

You can see that they had big plans and a big intended SOI. They probably still have big plans for satellite projects tied to Sites but the CBDD Act requires them to focus on the Colusa Basin Drainage District service area which is 1,036,000 acres which is very large but does not include the foothills where the old projects were intended to be constructed. The other issue is that they are using the original assessments which are paid by every homeowner in Willows, Colusa, Maxwell, Williams, Grimes, Arbuckle, Dunnigan, Zamora and College City to pay to keep the lights on and pay the principal and interest on the remaining debt to purchase the ranch which has nothing to do with the intended purpose of the CBDD Act. Homeowners should not be paying this assessment because there is no benefit for this assessment and because I do not think they have had a proper hearing to authorize the assessment. They seem to be using the original assessment which should have lapsed in the 1990s.

Also – I apologize but I will not be able to attend the Thursday meeting. My youngest child is graduating high school on Thursday with a get together before the ceremony at the same time.

Thank you for all your work on this.

Best Regards,

Ben King

From: j.benoit4@icloud.com <j.benoit4@icloud.com>
Sent: Monday, June 3, 2024 3:25 PM
To: Ben King <bking@pacgoldag.com>
Cc: Colusa Basin Drainage District <cbdd61@yahoo.com>
Subject: Re: LAFCo Agenda and CBDD draft report

Ben,

Thank you

John

On Jun 2, 2024, at 3:10 PM, Ben King <bking@pacgoldag.com> wrote:

Dear Executive Director Benoit,

Thank you for all your time and work on the SOI for the CBDD.

I am attaching a copy of the Colusa Basin Drainage District Act as amended which was provided to me by CBDD Counsel as part of a PRA request. The original Act had a few technical amendments, and it is my understanding that this is the current Statute. I would note that your Exhibit which includes the Act stops around Section 51 but the CBDD Act as a whole ends with Section 800 so there is quite a bit more to the Statute.

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Sec. 21. The problems of flooding and winter drainage, irrigation drainage, and subsidence which are occurring within the Colusa Basin are multicounty in scope, but are unique to the Colusa Basin and are not general or statewide. A special act to address these problems is, therefore, necessary.

Section 408 sets out specific powers to accomplish the legislative intent: **Sec. 408. The district may control drainage, flood, and storm water within the district; conserve the water by storage and surface reservoirs; save or conserve in any manner all or any of the water; provide subsurface drainage to alleviate conditions of high groundwater levels within the district; and protect the watercourses, watersheds, public highways, and life and property within the district from damage from any drainage, flood, or storm water.**

The Colusa Basin Watershed Integrated Resources Management Act (IRM Act) was enacted into law in December 2000 for the specific purpose of funding and did not create the CBDD. The IRM ACT intended to provide up to \$ 25 million in funding for specific Projects approved by the CBDD under the CBDD Act. After the IRM Act passed the CBDD had several meetings in the area of the CBDD District and I believe a portion of this Funding was allocated to partially purchase the Ranch in Glenn County as part of a Flood Control and Recharge Project. This Project was never constructed nor was any other Project envisioned under the IRM Act completed to my knowledge. The Funding was up to \$ 25 million and most likely has been used or was not allocated since it was budgeted 24 years ago. The IRM Act funding was only a partial funding and the CBDD obtained seller financing for part of the purchase price. The CBDD landowners are still paying principal for the purchase of the Ranch

2. The First Project was Intended to be Completed in the 1990s And General

Assessments Across the Whole District Should have Expired in the 1990s

Section 610 specified that there should have been a first Project within 3 years after the organization of the initial Board of Directors. **Sec. 610. The first project to be undertaken shall be the development of an economically feasible initial plan to improve or mitigate the drainage, flooding, and subsidence problems within the district, including financing measures to carry out the plan. The plan shall be presented at a public hearing to be held after notice published for three successive weeks in a newspaper of general circulation published in the county seat of each county within the district, which hearing shall be held within three years from the organization of the full board. No action to implement the plan shall be taken until the plan is approved by a majority of the votes cast by eligible voters within the district at a special election called for that purpose.**

Section 700 states that the initial assessment which covers approximately 18,000 parcels would be valid until the First Project was completed. This would imply that the initial assessment would only have been valid until the 1990 time period:

Sec. 700. The district may levy benefit assessments on a districtwide basis or within any zone, upon land only, as follows: (a) **An initial assessment for district expenses may be levied on the basis of an equal amount per acre as shown on the assessment rolls, but not to exceed ten cents (\$0.10) per acre. It is hereby declared for that purpose that the benefit of district activities is received equally by all land. This initial assessment may be levied annually in lieu of the assessment specified in subdivision (b) until a plan has been approved pursuant to Section 610.** (b) Annual assessments pursuant to Sections 703 to 708, inclusive.

It is my understanding that the CBBB is still operating on the original assessment since I do not know if a Hearing required under Sections 703 to 708 has been completed. The CBBB does have annual resolutions approving the assessment on the 18,000 parcels but in my opinion the CBBB has not complied with the Notice required for a Hearing to approve the Assessment.

From a good government perspective why should every homeowner in the District be paying the minimum amount of \$ 5 each year. The CBDD has only attempted one Project to my knowledge which resulted in the CBDD buying the Ranch. Why should homeowners be paying for the principal and interest payments for the Ranch?

3. The Sites Reservoir is not within the Footprint of the CBDD Area – Any Incidental Project Needs A Hearing to Approve and Fund Such Project

It important to note that the Sites Reservoir is not located in the 1,036,000-acre area of the CBBB District Boundaries as set forth in the CBBB Act. If there is a Sites Related Project that would be implemented in the CBBB District area there are specific guidelines and the need for a Public Hearing regarding each Project. The CBBB Act also provides for Zones whereby certain projects with localized benefits can be financed and governed in a transparent manner in compliance with the Brown

Act.

I would also note that the fact that assessment payers are paying principal and interest for the mortgage on the Ranch should be included in the Budget presented in the SOI. Finally, I believe the SOI mentions that the CBBD owns two Ranches – I believe it is only one. There are two rentals – the Ranch and the manufactured house?

Thanks again for your work on this. I wanted to comment as soon as possible regarding the enabling Legislation. I believe the IRM Act specifically states that it will not conflict with State Legislation, and it is clear the IRM Act references Section 413 of the CBBD Act which addresses conflicts with the jurisdiction of other public agencies operating within the CBDD boundaries.

Best Regards,

Ben King

From: j.benoit4@icloud.com <j.benoit4@icloud.com>
Sent: Friday, May 31, 2024 2:13 PM
To: Colusa Basin Drainage District <cbdd61@yahoo.com>; Ben King <bking@pacgoldag.com>
Subject: LAFCo Agenda and CBDD draft report

<Colusa Basin Drainage District Organic Act.pdf>

**Colusa Basin
Drainage District...**
220 KB



106TH CONGRESS
2D SESSION

S. 2248

To assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2000

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Colusa Basin Water-
5 shed Integrated Resources Management Act".

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **DISTRICT.**—The term “District” means the
4 Colusa Basin Drainage District, California.

5 (2) **SECRETARY.**—The term “Secretary” means
6 the Secretary of the Interior.

7 (3) **STATE STATUTE.**—The term “State stat-
8 ute” means section 413 of the California Statutes
9 1987, chapter 1399 (commonly known as the
10 “Colusa Basin Drainage Act”), as in effect on the
11 date of enactment of this Act.

12 **SEC. 3. AUTHORIZATION OF ASSISTANCE.**

13 The Secretary may provide financial assistance to the
14 District for use by the District or by local agencies acting
15 under the State statute, for planning, design, environ-
16 mental compliance, and construction required in carrying
17 out eligible projects in the Colusa Basin Watershed—

18 (1) to—

19 (A) reduce the risk of damage to urban
20 and agricultural areas from flooding or the dis-
21 charge of drainage water or tailwater;

22 (B) assist in groundwater recharge efforts
23 to alleviate overdraft and land subsidence; or

24 (C) construct, restore, or preserve wetland
25 and riparian habitat; and

1 (2) to capture, as an incidental purpose of any
2 of the purposes described in paragraph (1), surface
3 water or stormwater for conservation, conjunctive
4 use, and increased water supplies.

5 **SEC. 4. PROJECT SELECTION.**

6 (a) **ELIGIBLE PROJECTS.**—A project shall be an eligi-
7 ble project for purposes of section 3 if the project is—

8 (1) identified in the document entitled “Colusa
9 Basin Water Management Program”, dated Feb-
10 ruary 1995; and

11 (2) carried out in accordance with that docu-
12 ment and all environmental documentation require-
13 ments that apply to the project under the laws of
14 the United States and the State of California.

15 (b) **COMPATIBILITY REQUIREMENT.**—The Secretary
16 shall ensure that projects for which assistance is provided
17 under this Act are not inconsistent with watershed protec-
18 tion and environmental restoration efforts being carried
19 out under the Central Valley Project Improvement Act
20 (106 Stat. 4706 et seq.) or the CALFED Bay-Delta Pro-
21 gram.

22 **SEC. 5. COST SHARING.**

23 (a) **NON-FEDERAL SHARE.**—The Secretary shall re-
24 quire that the District and cooperating non-Federal agen-
25 cies or organizations pay—

1 (1) 25 percent of the costs associated with con-
2 struction of any project carried out with assistance
3 provided under this Act; and

4 (2) 100 percent of any operation, maintenance,
5 and replacement and rehabilitation costs with re-
6 spect to such a project.

7 (b) PLANNING, DESIGN, AND COMPLIANCE ASSIST-
8 ANCE.—Funds made available under this Act may be used
9 to fund all costs incurred for planning, design, and envi-
10 ronmental compliance activities by the District or by local
11 agencies acting under the State statute, in accordance
12 with agreements with the Secretary.

13 (c) TREATMENT OF CONTRIBUTIONS.—For purposes
14 of this section, the Secretary shall treat the value of land,
15 interests in land (including rights-of-way and other ease-
16 ments), and necessary relocations contributed by the Dis-
17 trict to a project as payment by the District of the costs
18 of the project.

19 **SEC. 6. NONREIMBURSABILITY OF COSTS.**

20 Amounts expended under this Act shall be considered
21 nonreimbursable for purposes of the Act of June 17, 1902
22 (32 Stat. 388, chapter 1093), and Acts amendatory of and
23 supplemental to that Act.

1 **SEC. 7. AGREEMENTS.**

2 Funds made available under this Act may be made
3 available to the District or a local agency only if the Dis-
4 trict or local agency, as applicable, enters into a binding
5 agreement with the Secretary that—

6 (1) provides that the District or the local agen-
7 cy shall pay the non-Federal share of the costs of
8 construction required by section 5(a); and

9 (2) governs the funding of planning, design,
10 and compliance activities costs under section 5(b).

11 **SEC. 8. REIMBURSEMENT.**

12 For project work (including work associated with
13 studies, planning, design, and construction) carried out by
14 the District or by a local agency acting under the State
15 statute before the date on which amounts are provided for
16 the project under this Act, the Secretary shall, subject to
17 amounts being made available in advance in appropria-
18 tions Acts, reimburse the District or the local agency,
19 without interest, an amount equal to the estimated Fed-
20 eral share of the cost of such work under section 5.

21 **SEC. 9. COOPERATIVE AGREEMENTS.**

22 (a) IN GENERAL.—The Secretary may enter into co-
23 operative agreements and contracts with the District to
24 assist the Secretary in carrying out this Act.

25 (b) SUBCONTRACTING.—Under a cooperative agree-
26 ment or contract, the Secretary may authorize the District

1 to enter into contracts and receive reimbursements, sub-
2 ject to amounts being made available in advance in appro-
3 priations Acts, for work carried out under the contract or
4 subcontract.

5 **SEC. 10. RELATIONSHIP TO RECLAMATION REFORM ACT OF**
6 **1982.**

7 Activities carried out, and financial assistance pro-
8 vided, under this Act shall not be considered a supple-
9 mental or additional benefit for purposes of the Reclama-
10 tion Reform Act of 1982 (43 U.S.C. 390aa et seq.).

11 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Sec-
13 retary to carry out this Act \$25,000,000, plus such addi-
14 tional amount, if any, as may be required by reason of
15 changes in costs of services of the types involved in the
16 District's projects as shown by engineering and other rel-
17 evant indexes, to remain available until expended.

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