

**YOLO LOCAL AGENCY FORMATION COMMISSION**

**RESOLUTION № 2019-06**

**Approving the Reorganization of the Lower Elkhorn Reclamation Districts (RDs),  
Dissolving RD 785 and RD 827, and Concurrently Annexing Both Territories into RD 537  
(LAFCO № 928)**

**WHEREAS**, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by local agency formation commissions (LAFCo or Commission) established in each county, as defined and specified in Government Code Sections 56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

**WHEREAS**, Government Code Section 56375 provides LAFCo with the power to review and approve proposals for "changes in organization" or "reorganization" (i.e. more than one change or organization) consistent with policies adopted by the Commission; and

**WHEREAS**, Government Code Section 56021 defines "change of organization" to include district dissolution and annexation to a district, among other actions; and

**WHEREAS**, Government Code Section 56650 authorizes proceedings for a change of organization to be initiated by a Resolution of Application as adopted by a local agency; and

**WHEREAS**, on December 10, 2018, Reclamation District (RD) 537, RD 785 and RD 827 (the Lower Elkhorn Reclamation Districts) jointly submitted the subject proposal application (LAFCo № 928) to Yolo LAFCo accompanied by a Resolution of Application from each of the three RDs; and

**WHEREAS**, the proposal was routed to all subject, affected, and interested agencies and no concerns or objections were received; and

**WHEREAS**, the proposal is subject to a negotiated exchange per Revenue and Taxation Code Section 99(b)(1) and the Yolo County Board of Supervisors adopted a resolution determining an exchange in property tax revenue between RD 827 and RD 537 on April 23, 2019; and

**WHEREAS**, a Certificate of Filing was issued on April 25, 2019; and

**WHEREAS**, a public notice was published in the West Sacramento News-Ledger and mailed to all landowners and registered voters of the subject territory including a 300' radius; and

**WHEREAS**, the proposal was analyzed in accordance with all applicable sections of the Cortese-Knox-Hertzberg Act, LAFCo Standards of Evaluation and Agricultural Policy, and all other matters presented as prescribed by law; and

**WHEREAS**, the Executive Officer reviewed the proposal and prepared and filed a report with recommendations with this Commission at least five (5) days prior to the date of the May 23, 2019, meeting during which the proposal was set to be considered; and

**WHEREAS**, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony, protests, objections, and any other information concerning the proposal and all related matters; and

**WHEREAS**, at its May 23, 2019, meeting, the Commission reviewed and considered the CEQA exemption and the Executive Officer's Report including all the information, recommendations, findings and conditions contained therein.

**NOW, THEREFORE, BE IT RESOLVED** that the Yolo Local Agency Formation Commission approves the Reorganization of the Lower Elkhorn Reclamation Districts (RDs), dissolving RD 785 and RD 827 and concurrently annexing both districts' territories into RD 537 (LAFCo № 928) as illustrated in Exhibit A subject to the following findings and terms and conditions, and directs the Executive Officer to set the conducting authority protest hearing.

### **Findings**

1. **Finding:** The project is categorically exempt from CEQA per Public Resources Code Section 15320 (Class 20) which provides for a categorical exemption for changes in organization of local agencies.

**Evidence:** Public Resources Code Section 15320 (Class 20) provides for a categorical exemption for changes in organization of local agencies that do not change the geographical area in which previously existing powers are exercised. The proposed dissolution/annexation area is one of the specific examples cited including "consolidation of two or more districts having identical powers". The proposal effectively combines three districts into one, and will not change the geographical territory which received reclamation district services.

2. **Finding:** The proposal was considered and analyzed in accordance with the required factors listed in Government Code Section 56668 and Yolo LAFCo Standards of Evaluation for proposals (Yolo LAFCo Project Policies Section 2.0).

**Evidence:** The proposal would implement LAFCo's 2018 Municipal Services Review (MSR) recommendations for the Elkhorn Basin. It maintains the physical and economic integrity of the agricultural lands in the Lower Elkhorn Basin by combining the RDs that are interdependent in the same basin, protecting the lands from flooding for agricultural use. Regarding sufficiency of revenues, RD 827 receives a property tax increment that will be transferred to RD 537 under this proposal. Yolo County approved a property tax exchange agreement on behalf of the special districts on April 23, 2019. The Lower Elkhorn Basin Levee Setback (LEBLS) Project itself will be funded by the Department of Water Resources (DWR), but the local RDs would be responsible for ongoing operations and maintenance (or as DWR terms OMRRR: Operations, Maintenance, Repair, Replacement and Rehabilitation). The proposal will be subject to a Proposition 218 election for the landowners to approve a new assessment structure to ensure sufficient revenues for the receiving entity (RD 537). This election is anticipated to be completed in fall 2019. A combined district will reduce administrative costs by reducing the number of districts which have to maintain records and the number of administrative boards as well as increased efficiency in conducting maintenance. It also offers the opportunity to identify a paid general manager to oversee the maintenance activities for this levee system to ensure that needed activities are accomplished in a similar manner for entire basin. MBK Engineers submitted a draft OMRRR budget dated April 15, 2019, detailing the estimated costs and revenue for the new RD 537 and the budget shows the revenues will be sufficient. Therefore, staff concludes that the annexation proposal complies with required state factors and local standards of evaluation.

## **Terms and Conditions**

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1. The applicant and the real party of interest, if different, agree to defend, indemnify, hold harmless and release the Yolo County Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against any of them, the purpose of which to attack, set aside, void, or annul the approval of this application or adoption of the environmental review which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the Yolo County Local Agency Formation Commission its agents, officers, attorney or employees.
2. The reorganization will be subject to all appropriate LAFCo, State Board of Equalization, and County Clerk-Recorder fees prior to recording the Certificate of Completion for the Reorganization of the Lower Elkhorn Reclamation Districts (LAFCO № 928).
3. The reorganization shall not become effective until following the successful passage of a Proposition 218 election to establish a new assessment structure for the combined reclamation district territory.
4. A new boundary description for the new Reclamation District 537 boundaries reorganized under this proposal shall be prepared and submitted to LAFCo for recordation and filing with the State Board of Equalization.
5. Once all of the terms and conditions have been satisfied/completed, the Executive Officer shall prepare a Certificate of Completion to be recorded with the county recorder that confirms the final successful completion of the reorganization. The effective date of the reorganization shall be the July 1 following the filing of the Statement of Boundary Change with the State Board of Equalization (BOE) (i.e. after the Statement of Boundary Change is filed with the BOE, which is due by December 1 each year, the reorganization shall become effective July 1 of the following year).

**PASSED AND ADOPTED** by the Yolo Local Agency Formation Commission, State of California, this 23th<sup>th</sup> day of May 2019, by the following vote:

Ayes:  
Noes:  
Abstentions:  
Absent:

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Olin Woods, Chair  
Yolo Local Agency Formation Commission

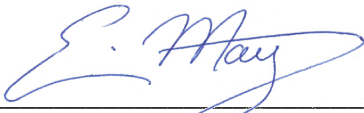
Attest:



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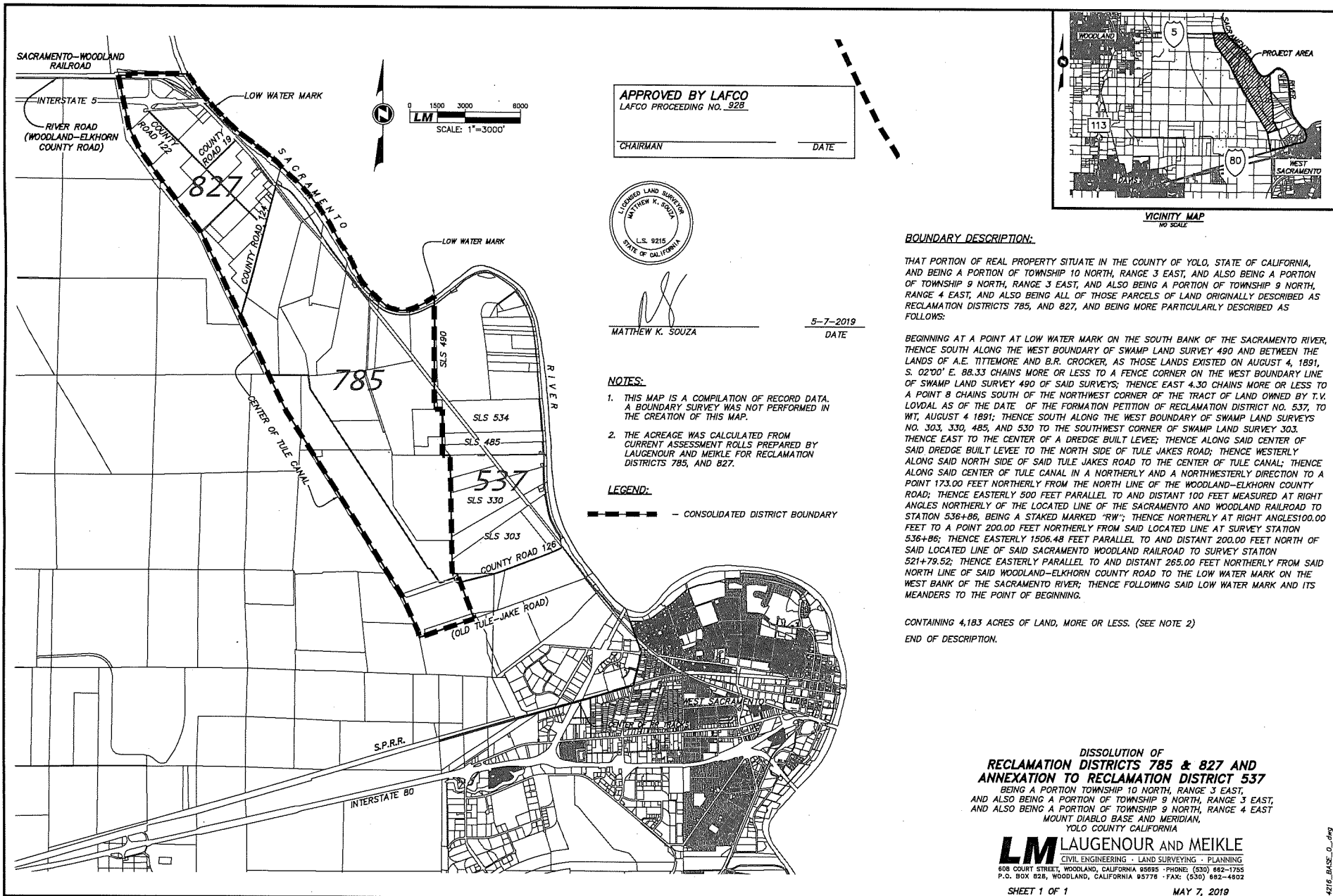
Christine Crawford, Executive Officer  
Yolo Local Agency Formation Commission

Approved as to form:



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Eric May, Commission Counsel



APPROVED BY LAFCO  
LAFCO PROCEEDING NO. 92B

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_



*Matthew K. Souza*

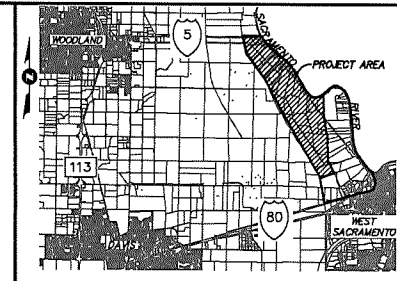
MATTHEW K. SOUZA DATE 5-7-2019

**NOTES:**

1. THIS MAP IS A COMPILATION OF RECORD DATA. A BOUNDARY SURVEY WAS NOT PERFORMED IN THE CREATION OF THIS MAP.
2. THE ACREAGE WAS CALCULATED FROM CURRENT ASSESSMENT ROLLS PREPARED BY LAUGENOUR AND MEIKLE FOR RECLAMATION DISTRICTS 785, AND 827.

**LEGEND:**

----- CONSOLIDATED DISTRICT BOUNDARY



**BOUNDARY DESCRIPTION:**

THAT PORTION OF REAL PROPERTY SITUATE IN THE COUNTY OF YOLO, STATE OF CALIFORNIA, AND BEING A PORTION OF TOWNSHIP 10 NORTH, RANGE 3 EAST, AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 3 EAST, AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 4 EAST, AND ALSO BEING ALL OF THOSE PARCELS OF LAND ORIGINALLY DESCRIBED AS RECLAMATION DISTRICTS 785, AND 827, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT LOW WATER MARK ON THE SOUTH BANK OF THE SACRAMENTO RIVER, THENCE SOUTH ALONG THE WEST BOUNDARY OF SWAMP LAND SURVEY 490 AND BETWEEN THE LANDS OF A.E. TITTEMORE AND B.R. CROCKER, AS THOSE LANDS EXISTED ON AUGUST 4, 1891, S. 02°00' E. 88.33 CHAINS MORE OR LESS TO A FENCE CORNER ON THE WEST BOUNDARY LINE OF SWAMP LAND SURVEY 490 OF SAID SURVEYS; THENCE EAST 4.30 CHAINS MORE OR LESS TO A POINT 8 CHAINS SOUTH OF THE NORTHWEST CORNER OF THE TRACT OF LAND OWNED BY T.V. LOVDAL AS OF THE DATE OF THE FORMATION PETITION OF RECLAMATION DISTRICT NO. 537, TO WIT, AUGUST 4 1891; THENCE SOUTH ALONG THE WEST BOUNDARY OF SWAMP LAND SURVEYS NO. 303, 330, 485, AND 530 TO THE SOUTHWEST CORNER OF SWAMP LAND SURVEY 303. THENCE EAST TO THE CENTER OF A DREDGE BUILT LEVEE; THENCE ALONG SAID CENTER OF SAID DREDGE BUILT LEVEE TO THE NORTH SIDE OF TULE JAKES ROAD; THENCE WESTERLY ALONG SAID NORTH SIDE OF SAID TULE JAKES ROAD TO THE CENTER OF TULE CANAL; THENCE ALONG SAID CENTER OF TULE CANAL IN A NORTHERLY AND A NORTHWESTERLY DIRECTION TO A POINT 173.00 FEET NORTHERLY FROM THE NORTH LINE OF THE WOODLAND-ELKHORN COUNTY ROAD; THENCE EASTERLY 500 FEET PARALLEL TO AND DISTANT 100 FEET MEASURED AT RIGHT ANGLES NORTHERLY OF THE LOCATED LINE OF THE SACRAMENTO AND WOODLAND RAILROAD TO STATION 536+86, BEING A STAKED MARKED "RW"; THENCE NORTHERLY AT RIGHT ANGLES 100.00 FEET TO A POINT 200.00 FEET NORTHERLY FROM SAID LOCATED LINE AT SURVEY STATION 536+86; THENCE EASTERLY 1506.48 FEET PARALLEL TO AND DISTANT 200.00 FEET NORTH OF SAID LOCATED LINE OF SAID SACRAMENTO WOODLAND RAILROAD TO SURVEY STATION 521+79.52; THENCE EASTERLY PARALLEL TO AND DISTANT 265.00 FEET NORTHERLY FROM SAID NORTH LINE OF SAID WOODLAND-ELKHORN COUNTY ROAD TO THE LOW WATER MARK ON THE WEST BANK OF THE SACRAMENTO RIVER; THENCE FOLLOWING SAID LOW WATER MARK AND ITS MEANDERS TO THE POINT OF BEGINNING.

CONTAINING 4,183 ACRES OF LAND, MORE OR LESS. (SEE NOTE 2)  
END OF DESCRIPTION.

DISSOLUTION OF  
**RECLAMATION DISTRICTS 785 & 827 AND  
ANNEXATION TO RECLAMATION DISTRICT 537**  
BEING A PORTION TOWNSHIP 10 NORTH, RANGE 3 EAST,  
AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 3 EAST,  
AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 4 EAST  
MOUNT DIABLO BASE AND MERIDIAN,  
YOLO COUNTY CALIFORNIA

**LM LAUGENOUR AND MEIKLE**  
CIVIL ENGINEERING - LAND SURVEYING - PLANNING  
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