



Yolo County Flood Control & Water Conservation District

Effective Water Resource Management

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June 8, 2022

To: Honorable Daniel M. Wolk
Superior Court of California, County of Yolo
1000 Main Street
Woodland, CA 95695

To: Yolo County Grand Jury
Attn: Foreperson Michael Familia
P.O. Box 2142
Woodland, CA 95776

RE: 2021-2022 Yolo County Grand Jury Report: *Flooding Issues in the Yolo County Flood Control and Water Conservation District*

Honorable Daniel M. Wolk:

The following is the Yolo County Flood Control and Water Conservation District (District) Board of Directors response to the findings and recommendations in the 2021-2022 Yolo County Grand Jury (Grand Jury) Report titled, “Flooding Issues in the Yolo County Flood Control and Water Conservation District”. Pursuant to Penal Code sections 933 and 933.05, the District Board of Directors are responding to Grand Jury’s Findings F-1, F-2, and F-3, and Recommendations R-1, R-2, and R-3.

SUMMARY

The District is a special district organized under the Yolo County Flood Control & Water Conservation District Act (District Act).¹ The District Act provides that the District has flood control responsibility regarding its own waters, and the District has the power, if the District Board deems it appropriate, to assume additional flood control obligations. The District Board has not exercised this latent power, so *the District has no flood control responsibility beyond its own facilities and flows.*

Other key points of clarification:

- The District primarily serves water supply and development functions;

¹ The District Act is published in Deering’s Uncodified Water Acts as Act 9307 and available on the District’s website at: <http://www.yfcwcd.org/documents/DistrictActSept07withTableofContents.pdf>.

- The District Act imposes duties on the District relating to the storage, diversion, transport, or release of flood/storm waters, but not duties to alleviate flooding generally, or to respond to citizen reports of flooding;
- Many public and private entities have responsibility relating to flood control on public and private property in Yolo County; and,
- The District is not the appropriate entity, and lacks a funding mechanism, to undertake the new flood control responsibilities recommended by the Grand Jury.

The District is willing to work collaboratively with the County of Yolo (County) and other flood control entities within Yolo County to develop a process for documenting flooding issues; however, the District's current fiscal year budget cannot accommodate these expenses without consideration of financial reimbursements.

BACKGROUND

There is currently no primary flood control entity that is responsible for resolving complex flooding issues in the entirety of Yolo County. In 2007, the County, City of Woodland, and District initiated the *floodSAFE Yolo Pilot Program* to develop solutions for reducing flooding risks and establishing the administrative infrastructure to implement an ongoing program in flood management. It was noted in the first 2008-2009 Annual Report² that "...in Yolo County, the responsibilities for responding to floods and for planning and managing the risks associated with flooding are fragmented, lack continuity, and are distributed across several entities including individual landowners or operators." Unfortunately, despite the best efforts of *floodSAFE Yolo* and *floodSAFE Yolo 2.0*³, Yolo County is still in a similar situation. Yolo County is lacking a funding mechanism and process (or assessment district) for financially supporting operations and maintenance and implementation of a formal, unified flood control initiative.

RESPONSES TO FINDINGS AND RECOMMENDATIONS

FINDINGS

F-1 The District lacks a complaint or grievance process to gather and assess information regarding flooding. This failure limits long-term planning to reduce the impact of flooding.

The District disagrees wholly with Finding F-1. The District Act does not impose any obligation of the District to serve as a clearinghouse for flood complaints. The power to respond to flooding complaints resides solely within the police power of the County, which is potentially within the jurisdiction of Yolo County's Floodplain Administrator in the Community Services Department's Floodplain Management

² floodSAFE Yolo 1st Annual Report (2008-2009): <https://www.ycfcwcd.org/documents/First%20Annual%20Report%20floodSAFE%20Yolo.pdf>

³ FloodSAFE Yolo 2.0: <https://www.yolocounty.org/government/general-government-departments/county-administrator/county-administrator-divisions/natural-resources/flood-safe-yolo-2-0>

Program⁴. Alternatively, this could also potentially be within the jurisdiction of the Yolo County Office of Emergency Services as they receive calls and information about flooding issues during storm events throughout Yolo County.

F-2 The District fails to track complaints and grievances concerning flooding, depriving the public and government decision makers of access to information concerning flooding in Yolo County.

The District disagrees wholly with Finding F-2. The District Act does not impose any obligation of the District to serve as a clearinghouse for flood complaints. The District has historically been responsive to flooding complaints related to the District’s infrastructure, operations of the dams, and conveyance of flood waters in the District’s system within the District’s service area boundaries. The District does not see it necessary to track all complaints and grievances concerning flooding in the entirety of Yolo County since we are considered an independent special district and not related to the County of Yolo (Section 36 of the District Act states “the district shall be considered an ‘irrigation district’ under the provisions of Section 831.8 of the Government Code”). Additionally, the District’s boundaries only cover a portion of Yolo County (the District’s service area is approximately 200,000 acres of Yolo County’s 655,400 acres).

F-3 The District’s official mission statement does not include any responsibility for flood control management as required by the District Act, and fails to acknowledge responsibility for floodwater or stormwater control and remediation.

The District disagrees wholly with Finding F-3. The District Act does not impose any requirements on language included in the District’s mission statement. With respect to responsibility for floodwater or stormwater control and remediation, the District Act provides us with the authority to control flood and storm waters within the District, but does not require remediation other than the language provided in section 3 (r) “...*to conserve such waters by storage* in surface reservoirs, *to divert and transport such waters* for beneficial uses within the district; *to release such waters* from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district” [still referring to the release of flood waters upstream].

RECOMMENDATIONS

R-1 The District, solely or in coordination with County administration, create and implement a procedure to receive and record complaints, grievances, and service requests related to flooding issues. The process should clearly identify the responsible agency.

Recommendation R-1 will not be implemented because it is not warranted and is not reasonable. The District Act does not impose any obligation of the District to serve as a clearinghouse for flood complaints. That is potentially within the jurisdiction of Yolo County’s Floodplain Administrator in the Community Services Department’s Floodplain Management Program⁵. Requests for flood zone information are

⁴ More information on Yolo County’s website at: <https://www.yolocounty.org/government/general-government-departments/community-services/building-inspection-services/floodplain-management>

⁵ More information on Yolo County’s website at: <https://www.yolocounty.org/government/general-government-departments/community-services/building-inspection-services/floodplain-management>

received by the County via their Request for Flood Zone Information form⁶, and flooding complaints could potentially occur through a similar process if the County had an appropriate funding mechanism to solicit and track complaints. Additionally, given the Yolo County Office of Emergency Services involvement in flooding events, if the County felt it appropriate, a flooding complaint or grievance process could be established within the Office of Emergency Services.

R-2 The District document all complaints and outcomes regarding flooding, making them accessible to the public, by September 1, 2022.

Recommendation R-2 will not be implemented because it is not warranted and is not reasonable for the same reasons provided in Recommendation R-1 above.

R-3 The District revise its mission statement to include flood control responsibilities under the District Act by September 1, 2022.

Recommendation R-3 will not be implemented because it is not warranted and is not reasonable. The District Act does not impose any requirements on language included in the District's mission statement, and the District has no intention to revise our mission statement to include flood control responsibilities. The District is willing to work collaboratively with the County and other flood control entities within Yolo County to develop a process for documenting flooding issues; however, the District's current fiscal year budget cannot accommodate these expenses without consideration of financial reimbursements. Additionally, the deadline of September 1, 2022 is not reasonable. Furthermore, the District will consider opportunities for rebranding the District to not cause any unnecessary confusion with the community at-large regarding our flood control authority.

Respectfully submitted,



Erik Vink
Chair of the Board of Directors

⁶ Found on Yolo County's website at:
<https://www.yolocounty.org/home/showpublisheddocument/1865/635597789334400000>