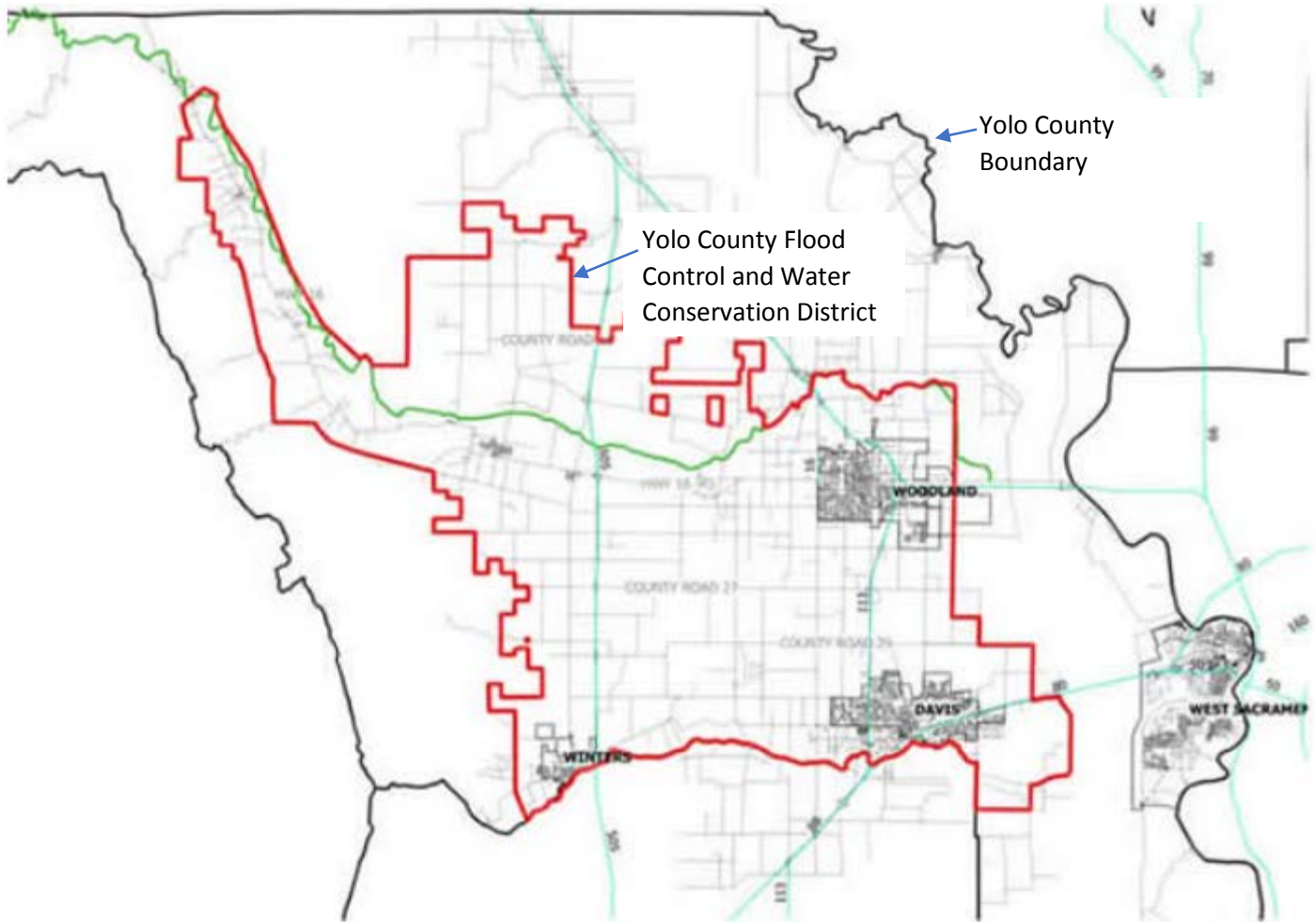


GOT FLOODING - WHO YOU GONNA CALL?

Flooding Issues in the Yolo County Flood Control and Water Conservation District

May 16, 2022



Service area map for the Yolo County Flood Control and Water Conservation District.

“The District territory encompasses approximately 190,000 acres, nearly 40 percent of the valley lands in Yolo County, including the cities of Woodland, Davis and Winters, and the towns of Capay, Esparto, Madison and other small communities within the Capay Valley. The distribution system is comprised of over 150 miles of canals and laterals. Three dams, Cache Creek Dam, Indian Valley Dam and the Capay Diversion Dam are managed by the District.”¹

¹ <http://www.ycfcwcd.org/servicearea.html>

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SUMMARY

The 2021-22 Grand Jury reviewed flood control processes of the Yolo County Flood Control and Water Conservation District. This report notes the lack of a complaint or grievance system for reporting emergency flood problems and for use in identifying recurring flooding issues.

DEFINITIONS

District Act	Yolo County Flood Control and Water Conservation District Act
“District” or YCFCWD	Yolo County Water Conservation and Flood Control District
LAFCo	Yolo Local Agency Formation Commission

BACKGROUND

In 1951, at the request of the Yolo County Board of Supervisors, the California legislature adopted the District Act. Section 3 of the District Act provides for the management of floodwaters:

“The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of the District and to that end the District is hereby created to be a body corporate and politic...” (Exhibit A)

Farmers, residential users, and others acquire surface water through the District’s delivery systems. Groundwater management practices of the District and other cooperating governments benefit groundwater users. The District also produces hydroelectric power. The District Act charges the District with the responsibility to serve property owners, land occupants, and other users in an effort to avoid property damage from stormwaters and floodwaters.

Over decades, the District has enhanced and protected its water resources.

- In the 1960’s, the District acquired a water company with rights to Clear Lake water through Cache Creek.
- In the 1970’s, the District added Indian Valley Reservoir and Chapman Reservoir to its supply system.
- In 1983 and 1986, the District developed hydroelectric facilities.
- Over time, the District has also implemented programs to conserve groundwater.

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The District’s boundaries now include nearly 40% of the area of Yolo County, a majority of residents of Yolo County, and extensive water supply reservoir ownership and conveyance facilities in Lake and Yolo Counties².

APPROACH

In preparing this report, the grand jury consulted publicly available information including the Yolo County Water Conservation and Flood Control District (YCFCWCD) web site, the Yolo Local Agency Formation Commission (LAFCo) web site, and the Yolo County Flood Control and Water Conservation District Act (District Act). The grand jury interviewed several individuals regarding flooding complaints, concerns, and practices. In November 2021, a committee of the grand jury met at YCFCWCD headquarters with the General Manager of the District who presented information regarding the District.

DISCUSSION

District Fulfillment Of Flood Control Responsibilities

The grand jury notes that the handling of flood control matters in and around the District have been deemphasized in recent years. In average to above-average rain-fall years, Yolo County experiences numerous instances of flooding upon developed, undeveloped, private, and government properties. Property owners and water users expressed concerns about how flooding has damaged or impaired the use of wells, structures, and ingress-egress on private land. For public property, the most common concern relates to ingress-egress from Yolo County roads, which can create public safety hazards when flooded.

The present District mission statement includes only the water supply function and does not include floodwater and stormwater mitigation:

“To plan, develop and manage the conjunctive use of the District’s surface and groundwater to provide a safe and reliable supply at reasonable cost, and to sustain the socioeconomic environmental well-being of Yolo County.”³

The mission statement does not include management of flood waters, which was a foundation of the District Act.

The District’s financial expenses are budgeted on an annual basis. District reports from previous years show a recent reduction in flood prevention funding. In 2020-21, the District’s flood management budget allocated \$200,000 for outside services related to flood prevention. In the next fiscal year 2021-22, the District allocated \$20,000 in outside services related to flood

² <http://www.ycfcwcd.org/district.html>; accessed May 3, 2022

³ <http://www.ycfcwcd.org/district.html>; accessed May 3, 2022

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prevention. These line items are revenues received from Flood Safe Yolo 2.0⁴, a Yolo County program.ⁱ The total District budget was approximately \$7.2 million in fiscal year 2020-21 and \$3.7 million in fiscal year 2021-22.

Resources built into the District's service plan may also help reduce flooding. These resources include surface water storage and conveyance, dam maintenance, and community outreach.

When flood problems arise, members of the public might ask the following:

- Is the problem caused by District activities?
- Is the problem within the District?
- Is the problem within a flood control responsibility charged to the District, on its own or with a Yolo County agency, reclamation district, or a state agency?

Yolo County residents in and near the District report significant difficulty receiving assistance regarding grievances or concerns about flooding, revealing the following problems:

- A lack of reporting system or protocol to initiate investigation of issues.
- A lack of a District-maintained, publicly available mechanism to track flooding complaints.
- A lack of a follow-up system to help the Yolo County resident or owner move toward resolution.
- A denial of responsibility for flooding issues.
- A failure to correctly identify the correct government entity to provide support.

There is no mention of flood-related complaints on the District web site. Although records may be accessed by the public under the California Public Records Act (PRA) if they are created in the first instance, the public lacks access when a public agency fails to create and maintain records.

Confusion among various agencies within Yolo County compounds the problem. Members of the grand jury anonymously called various Yolo County agencies thought to be responsible for flood management. Agency A orally advised the caller to contact Agency B. Agency B, when called, replied that the matter was not within its jurisdiction, and to contact Agency C. Agency C referred the caller back to Agency A. Getting passed from agency to agency without resolution was a consistent problem that each grand jury caller experienced.

The District, which is responsible for flood control under the District Act, has no complaint or grievance system to record, address, or track flooding problems. Implementing such a grievance system might enable a person to contact responsible agencies or sources of assistance as well as to facilitate cooperation with other Yolo County agencies. Since the District

⁴ <https://www.yolocounty.org/government/general-government-departments/county-administrator/county-administrator-divisions/natural-resources/flood-safe-yolo-2-0>; accessed May 3, 2022

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does not have a grievance system, it cannot identify its own shortcomings or help address community concerns. A failure to gather flooding information through grievances compromises efforts toward future flood remediation.

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.
- 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.
- 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.

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.
- R-2 The District document all complaints and outcomes regarding flooding, making them accessible to the public, by September 1, 2022.
- R-3 The District revise its mission statement to include flood control responsibilities under the District Act by September 1, 2022.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requires responses as follows:

Yolo County Flood Control and Water Conservation District Findings F-1, F-2, F-3 and Recommendations R-1, R-2, R-3.

Yolo County Board of Supervisors Findings F-1, F-2 and Recommendations R-1, R-2.

INVITED RESPONSES

Yolo Local Agency Formation Commission (Yolo LAFCo) Finding F-3 and Recommendation R-3.

EXHIBIT A

Subdivisions (p), (q) and (r) of the District Act reflect the two aspects of the District’s authority regarding water in Yolo County, authorizing both distribution of water for use and control of flood and storm waters:

“(p) To construct, purchase, lease or otherwise acquire works and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

“(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the District, including, but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses. Water which is surplus to the needs of the lands and inhabitants within the District may be made available for beneficial use outside the District pursuant to rules and regulations prescribed under subdivision (v) of this Section 3.

“(r) To control flood and storm waters within the District and the flood and storm waters of streams outside of the District, which flow into the District; 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.”
