

The California Dream or an Unrealistic Utopia? A Report on California Forever

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I. INTRODUCTION

CEO of Flannery Associates LLC (“Flannery”) (also known as California Forever), Jan Sramek, is a Silicon Valley technology billionaire who aimed to put an initiative on the November 2024 ballot that would allow his company to build a new community in Solano County.¹ Sramek has stated in interviews and has been quoted in articles saying that the new city would create new homes and jobs, encourage business development, and encourage the utilization of walkable cities.²

Flannery has provided several aspirational photographs on their website of what their city could look like:



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¹ Levi Sumagaysay & Ben Christopher, *Tech-Billionaire Promises for a New City, From Roads to Water, Are Worth Hundreds of Millions of Dollars–If They’re Binding*, CAL MATTERS (Feb. 22, 2024), <https://calmatters.org/economy/2024/02/california-forever-promises/> (last visited Oct. 12, 2024).

² *Id.*

³ Adhiti Bandlamudi, *California Forever Faces Resistance From Federal Lawmakers and Local Leaders in Solano County*, KQED (Feb. 16, 2024), <https://www.kqed.org/news/11976108/california-forever-faces-resistance-from-federal-lawmakers-and-local-leaders-in-solano-county> (last visited Oct. 12, 2024) (highlighting opposition to California Forever).



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⁴ *Id.*

⁵ California Forever, *Update on East Solano Plan*, EAST SOLANO PLAN, <https://eastsolanoplan.com> (last visited Oct. 12, 2024) (sharing East Solano’s agreement with Solano county and promises of the new city).



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⁶ California Forever, *Bringing the Beach to Solano County, With a Beautiful Beach-Like Lagoon That Uses 25 Times Less Water Than an Average 18-Hole Golf Course*, E. SOLANO PLAN (July 2, 2024), <https://eastolanoplan.com/news/bringing-the-beach-to-solano-county> (last visited Oct. 12, 2024) (explaining the concept of a lagoon in the planned new city).

⁷ *Id.*

II. BACKGROUND

A. Beginning Phases

Flannery began anonymously buying land in Solano County near Rio Vista, a town in eastern Solano County sitting 22 miles from Fairfield, in 2018.⁸ Around this time, there were early murmurings about someone buying up big plots of land, but it was not clear who.⁹ Fairfield Mayor Catherine Moy was working as a journalist and was notified by a local farmer that a group of people, later to be identified as Flannery, were buying a lot of farmland.¹⁰ At this point, Flannery had purchased about 20 thousand acres of land.¹¹

At first, the members of Flannery kept their identities hidden; only the attorneys disclosed their identities.¹² Journalists like Catherine Moy attempted to find out who the members were, but it was difficult because Flannery was incorporated in Delaware, where LLC information is kept relatively secretive.¹³ Initially, there were rumors that the land was being bought by the Chinese government.¹⁴

Eventually, the New York Times broke the story.¹⁵ What the New York Times did not know was that Solano County Counsel knew who had revealed the identities of Flannery.¹⁶ The informant was a former staff member of Flannery's planning organization who either was fired or quit.¹⁷

In total, Flannery spent about \$800 million to continue buying land.¹⁸ The company purchased about 50,000 acres of land in Solano County.¹⁹ By August 2023, Flannery was the largest single landowner in Solano County.²⁰ With this land, Flannery wanted to effectuate its East

⁸ Krys Shahin et al., *Silicon Valley Elite Identified as Mystery Company Buying Land in Solano County*, *Representative Say*, ABC 10 (Feb. 25, 2023, 10:32 PM), <https://www.abc10.com/article/news/local/fairfield/mystery-company-land-solano-county-investors/103-f1daa09d-fc41eb-ad72-0839a812ba28> (last visited Oct. 12, 2024).

⁹ Interview with Cathrine Moy, City of Fairfield Mayor (September 4, 2024) (on file with the *California Initiative Review*).

¹⁰ *Id.*

¹¹ *Id.*

¹² Shahin, Sangha, and Trubey, *supra* note 8.

¹³ Moy Interview, *supra* note 9.

¹⁴ *Id.* See also Shahin, Sangha, and Trubey, *supra* note 8 (quoting Congressman Garamendi stating that he originally thought that the money could be from China).

¹⁵ Michael Barbaro, *The Billionaires' Secret Plan to Solve California's Housing Crisis*, *New York Times* (March 11, 2024), <https://www.nytimes.com/2024/03/11/podcasts/the-daily/california-forever-tech-housing.html?> (last visited Oct. 12, 2024).

¹⁶ Interview with Bernadette Curry, Solano County Counsel (September 5, 2024) (on file with the *California Initiative Review*) (stating that at this time, Solano County Counsel knew the informant's identity, but did not know all of the identities of Flannery members).

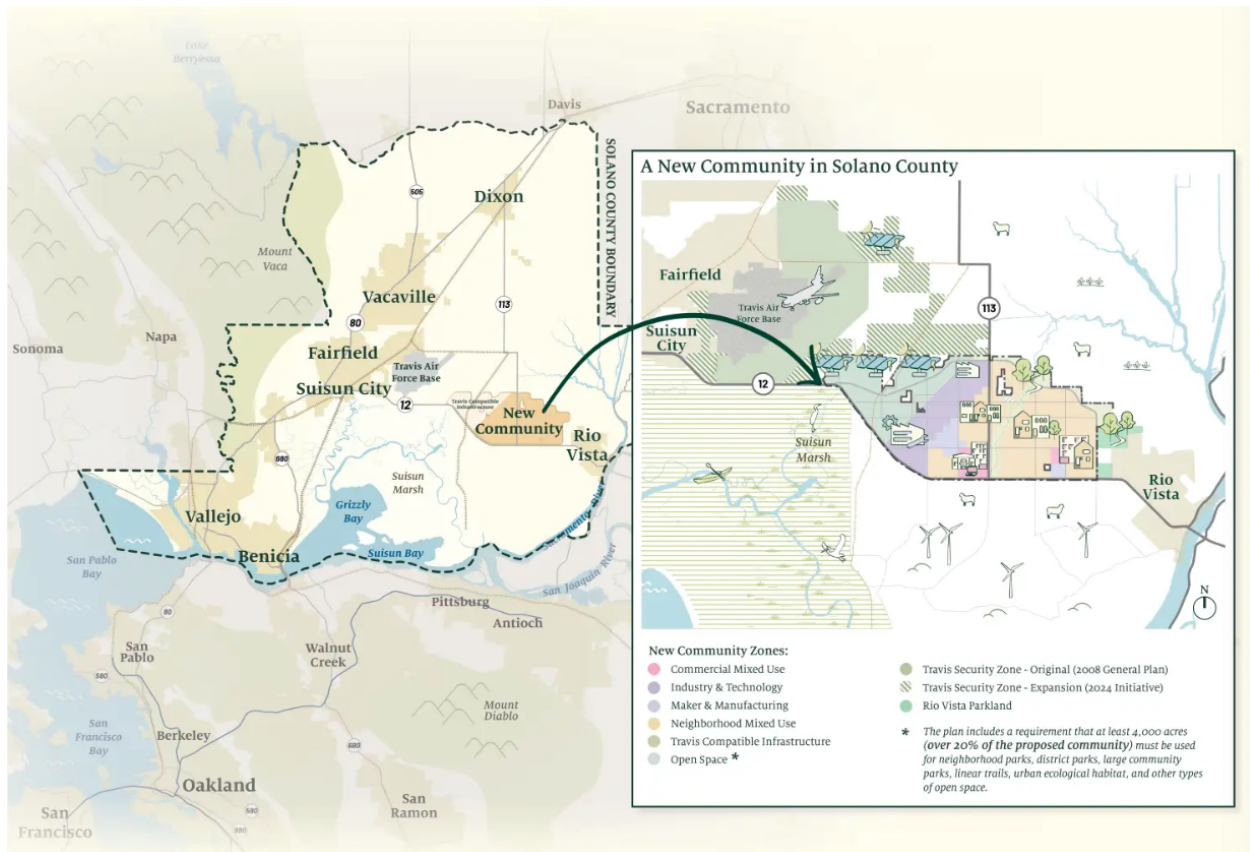
¹⁷ *Id.*

¹⁸ Shahin, Sangha, and Trubey, *supra* note 8.

¹⁹ *Id.*

²⁰ Moy Interview, *supra* note 9.

Solano Plan.²¹ Flannery would build a new community in the area of land outside of Travis Air Force Base in Fairfield, California.²² Flannery’s plan called for changing the General Plan and Zoning for East Solano County in three ways: creating a new Travis Security Zone from 7,900 acres to about 15,000 acres; authorizing the creation of a new community on approximately 17,500 acres subject to the 10 Voter Guarantees in the ballot initiative; and creating the Rio Vista Parkland between the new community and Rio Vista, which would be 712 acres.²³



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1. Choosing to Go Through the Initiative Process

Flannery had two choices when effectuating its zoning plan—through an initiative or by applying to the Board of Supervisors.²⁵ The organization chose to go through the initiative

²¹ California Forever, *East Solano Plan - Overview*, E. SOLANO PLAN, <https://castsolanoplan.com/overview> (last visited Oct. 12, 2024) (laying out the plan to build a new city if the East Solano Homes, Jobs, and Clean Energy Initiative was to be approved).

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Curry Interview, *supra* note 16.

process.²⁶ The initiative set forth Flannery’s plan to rezone 17,500 acres of agricultural land for urban development.²⁷

When Sramek first started speaking with Solano County around August 2023, the county was excited about the idea of a new community.²⁸ Flannery provided images showing rows of houses with private backyards where residents could decide to have a garage and an accessory dwelling unit in the backyard or opt for extra open space.²⁹ Additionally, it planned to have a bus rapid transit system that would be available for people to get around the city.³⁰ Flannery also promised that it would invest \$140,000 in local workforce development for higher-skilled job training.³¹

At this point, Solano County presumed that Flannery would use the land around Collinsville since Flannery had not yet shown the county its land plans.³² Collinsville is in the southern part of the county and contains a lot of open land.³³ Flannery did not release the land plans to the county until around December 2023.³⁴ Solano County Counsel Bernadette Curry and her team began reviewing the plans on January 4, 2024.³⁵ However, County Counsel Curry was “stuck” because California local initiatives cannot bind future Boards of Supervisors on certain discretionary acts like development agreements.³⁶

2. *Submitting the Initiative*

After reviewing the plans, County Counsel Curry was concerned about the proximity of the proposed city to Travis Air Force Base in Fairfield and expressed those concerns with Flannery.³⁷ The initial initiative was submitted in January 2024.³⁸ From there, the County Counsel’s Office had ten days to write and submit an objective analysis.³⁹ Internal conversations started between the organization’s election attorney and the County Counsel’s Office regarding legal issues around election and land use laws.⁴⁰ On January 17, 2024, Flannery’s election attorney called the County Counsel’s Office to ask it to relieve Flannery of legal obligations.⁴¹ County

²⁶ *Id.*

²⁷ Ryan Geller, *California Forever Withdraws Initiative After Report Violates Taxpayer Burden, Environmental Concerns*, VALLEJO SUN (July 23, 2024), <https://www.vallejosun.com/california-forever-withdraws-initiative-after-report-projects-taxpayer-burden-environmental-concerns/> (last visited Oct. 12, 2024).

²⁸ *Id.*

²⁹ Orko Manna, *Exclusive: New Renderings Show California Forever’s Plans for New City in Solano County*, KCRA (May 16, 2024, 8:23 PM), <https://www.kcra.com/article/exclusive-renderings-california-forever-plans-solano-county/60819187> (last visited Oct. 12, 2024).

³⁰ *Id.*

³¹ *Id.*

³² Curry Interview, *supra* note 16.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Mueller v. Brown*, 221 Cal. App. 2d 319 (1963).

³⁷ Curry Interview, *supra* note 16.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

Counsel Curry had to provide the objective analysis or take it to court to prevent the initiative from going on the ballot.⁴²

As County Counsel Curry was editing the analysis over that weekend, Travis Air Force Base contacted her office stating that it had issues with the potential for buildings right under the area in which military members practice flight patterns. Travis Air Force Base serves as a practice field for training for emergency procedures.⁴³

On January 17, 2024, Flannery pulled the initiative back to revise it as a result of Travis Air Force Base's complaints.⁴⁴ However, the revision did not last long. Flannery resubmitted the initiative on January 29, 2024.⁴⁵ In its initial objections, Travis Air Force Base did not tell Flannery about its height restrictions, so those concerns were not addressed in the January 29 version of the land use compatibility plan.⁴⁶ As a result, Travis Air Force Base publicly expressed its concerns about having a highly populated area right under its flight patterns after Flannery presented its amended initiative.⁴⁷ Having several-story buildings under an area in which military members fly planes low to the ground is likely not conducive to a safe and quiet neighborhood.⁴⁸

Flannery again pulled the initiative back so that it could fix its plan to be in compliance with Travis Air Force Base's height restrictions in its land use compatibility plan.⁴⁹ Flannery resubmitted the initiative for the third time on February 14, 2024.⁵⁰ County Counsel Curry was then obligated to draft a new ballot statement.⁵¹

3. *Getting Signatures*

The Solano County Registrar of Voters is tasked with ascertaining the number of signatures required to sign the petition by obtaining the number of votes cast within the county for all candidates for the Governor at the last gubernatorial election preceding the publication of the notice of intention.⁵² Flannery needed about 13,062 signatures once it published the initiative.⁵³ Flannery had 180 days to collect signatures, but it had obtained enough signatures in about 90 days.⁵⁴ In part because Flannery had gathered the signatures so quickly, there were allegations of lying about getting the signatures.⁵⁵ Additionally, Flannery reported that it had 20,000 signatures, but when calculated, the count was only about 14,000, which was still enough.⁵⁶

⁴² *Id.*

⁴³ Curry Interview, *supra* note 16.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* (noting that it is rare for Travis Air Force Base to express concerns regarding public matters).

⁴⁸ Moy Interview, *supra* note 9.

⁴⁹ Curry Interview, *supra* note 16.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Cal. Elections Code § 9107; Procedures for County, Municipal and District Initiatives § 9701 (2024).

⁵³ Curry Interview, *supra* note 16.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

B. Suing Farmers

As Flannery was buying the farmland in Solano County, it sued the local farmers it was buying from.⁵⁷ Flannery claimed that it was paying above the fair market value for the land it had been purchasing since 2018.⁵⁸ Flannery asserted that the landowners were conspiring amongst each other, sharing price information with each other, and refusing to sell below a certain number.⁵⁹ As a result, Flannery sued Defendants for violations of the Sherman and Cartwright Acts and the Unfair Competition Law (“UCL”).⁶⁰ The Sherman Act prohibits restraints on trade.⁶¹ The Supreme Court has held that price fixing always violates the Act.⁶² The Cartwright Act and UCL are derivative claims of the Sherman Act.⁶³ Thus, it follows that the Cartwright Act and UCL were violated since the Sherman Act was violated.⁶⁴ The United States District Court for the Eastern District of California held that Flannery overpaid and lost profits as a result.⁶⁵

On East Solano Plan’s website, Flannery denies that it “su[ed] small farmers who did not want to sell.”⁶⁶ Flannery’s initial answer, provided on its Frequently Asked Questions website, is that it is not suing small farmers.⁶⁷ However, Flannery continues its answer by explaining the grounds upon which it is suing farmers, which appears contradictory.⁶⁸

C. Revoking the Initiative

Flannery removed the initiative from the November 2024 ballot according to a Facebook post by Solano County Supervisor Mitch Mashburn on July 22, 2024.⁶⁹ Mashburn wrote, “We take our time to make informed decisions that are best for the current generation and future generations.

⁵⁷ *Flannery Assocs. LLC v. Barnes Family Ranch Assocs., LLC*, No. 2:23-cv-00927-TLN-AC, 2024 U.S. Dist. LEXIS 58142 (E.D. Cal. Mar. 28, 2024).

⁵⁸ *Id.*

⁵⁹ *Id.* at 4.

⁶⁰ *Id.* at 5.

⁶¹ 15 U.S.C.S. § 1 (LexisNexis).

⁶² *Arizona v. Maricopa Cnty. Med. Soc’y*, 457 U.S. 332, 342 (1982) (reasoning that price fixing was unlawful in and of itself).

⁶³ *Flannery Assocs. LLC*, 2024 U.S. Dist. LEXIS 58142 at 30.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ California Forever, *Frequently Asked Questions*, E. SOLANO PLAN, <https://eastsolanoplan.com/faq/land-purchases> (last visited Oct. 12, 2024) (contending that the farmers were colluding on prices because they did not want to sell).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Nick McConnell, *California Forever Removes Initiative From November Ballot: Company Will Take Two Years to Work with Solano Board of Supervisors to Create an Environmental Impact Report*, THE REPORTER (VACAVILLE, CAL.) (July 22, 2024, 4:31 PM), <https://www.thereporter.com/2024/07/22/california-forever-removes-initiative-from-november-ballot/> (last visited Oct. 12, 2024).

We want to make sure that everyone has the opportunity to be heard and get all the information they need before voting on a General Plan change of this size.”⁷⁰

Flannery claimed that it revoked the initiative so that it would have additional time to be in compliance with Environmental Impact Reports.⁷¹ The California Environmental Quality Act (“CEQA”) generally requires state and local government agencies to inform decision-makers and the public about the potentially significant environmental effects of a proposed project, ways to minimize those effects, and to indicate alternatives to the project.⁷² However, there is speculation that Flannery withdrew because it knew that the initiative was not going to be approved.⁷³

D. Funding

California Forever submitted a Campaign Statement for the Ballot Measure Committee on July 26, 2024. From April 1, 2024, through June 30, 2024, California Forever received \$7,408,302.30 for the period and \$9,258,410.94 for the calendar year.⁷⁴ The monetary contributions were exclusively from California Forever, Inc.⁷⁵

The total expenditures for California Forever were \$7,078,687.96 for the period and \$9,087,561.06 for the calendar year. The payments consisted of consulting, campaign literature, professional services, and media costs.⁷⁶ California Forever had an ending cash balance of \$232,345.13.⁷⁷

No to California Forever submitted a Campaign Statement for the Ballot Measure Committee on July 31, 2024. From April 1, 2024, through June 30, 2024, No to California Forever received \$27,833.94 for the period and \$35,792.16 for the calendar year.⁷⁸ The monetary contributions were exclusively from individuals.⁷⁹

⁷⁰ *Id.*

⁷¹ Sergio Robles, *Billionaire-Backed Group Removes Measure On New City From Solano County Ballot*, FOX 40 (July 22, 2024, 3:42 PM), <https://fox40.com/news/local-news/solano-county/california-forever-ballot-measure-dropped/> (last visited Oct. 12, 2024).

⁷² See generally *California Environmental Quality Act* (“CEQA”), CAL. STATE LANDS COMM’N, <https://www.slc.ca.gov/ceqa/> (last visited Oct. 12, 2024) (providing the basic premises of the CEQA).

⁷³ Curry Interview, *supra* note 16.

⁷⁴ Recipient Committee Campaign Statement Cover Page, California Form 460, California Forever, at 3, available at <https://campaign.solanocounty.com/CampaignDocsWebRetrieval/Search/FilerForms.aspx?y=0> (last visited Oct. 15, 2024).

⁷⁵ *Id.* at 4–6.

⁷⁶ *Id.* at 8–28.

⁷⁷ *Id.* at 3.

⁷⁸ Recipient Committee Campaign Statement Cover Page, California Form 460, No to California Forever, at 3, available at <https://campaign.solanocounty.com/CampaignDocsWebRetrieval/Search/FilerForms.aspx?y=0> (last visited Oct. 15, 2024).

⁷⁹ *Id.* at 4–21.

The total expenditures for No to California Forever were \$14,189.35 for the period and the calendar year.⁸⁰ The payments were solely for professional services.⁸¹ No to California Forever had an ending balance of \$21,602.8.⁸²

III. LEGALITY

Flannery has taken no outright illegal actions at this point. However, Mayor Moy suggested that Flannery could have taken an alternative route that would have been more legal and ethical.⁸³ Before Flannery started buying large plots of land, it owned land in Rio Vista.⁸⁴ Flannery could have expanded the land it had from Rio Vista instead of surreptitiously purchasing land surrounding Travis Air Force Base.⁸⁵

County Counsel Curry suggested that there may be a legal issue with Flannery's plan to build around Travis Air Force Base.⁸⁶ The State Aeronautics Act protects the public interest in aeronautics and aeronautical progress.⁸⁷ It requires the county to regulate the land surrounding airports and air installations.⁸⁸ The State Aeronautics Act establishes an Airport Land Use Commission. The Airport Land Use Commission enacts plans to govern construction on land around the base with a particular focus on flight patterns.⁸⁹ It adopts land use measures to "minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."⁹⁰

According to County Counsel Curry, Travis Air Force Base did not think that the land surrounding the base would be used for anything other than agriculture.⁹¹ Thus, Flannery may face a legal obstacle if it plans to construct residential property on the land surrounding Travis Air Force Base. However, under California Forever's current zoning plan, residential areas do not directly surround Travis Air Force Base. Instead, the neighborhood mixed-use zone is located along Highways 113 and 12.

⁸⁰ *Id.* at 3.

⁸¹ *Id.* at 27.

⁸² *Id.* at 3.

⁸³ Moy Interview, *supra* note 9.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Curry Interview, *supra* note 16.

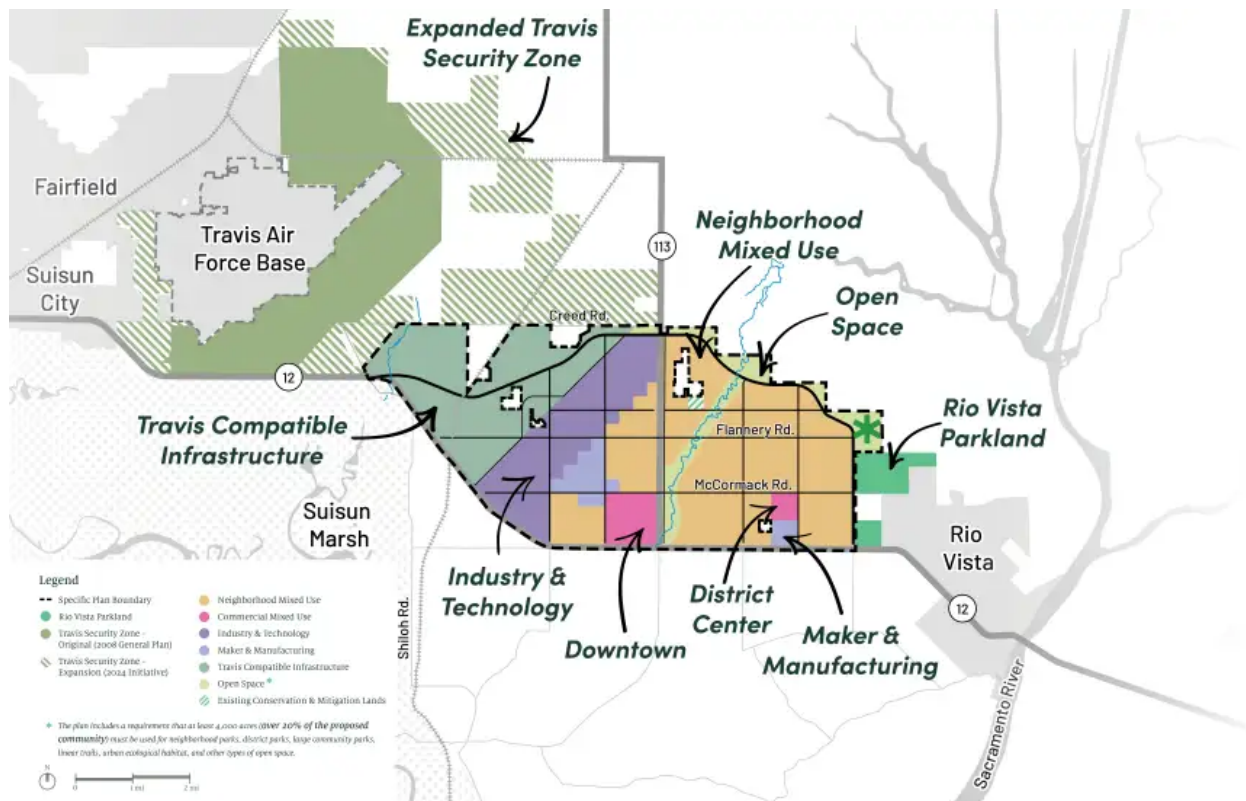
⁸⁷ CAL. PUB. UTIL. CODE §§ 21001-22451 (West 1953).

⁸⁸ CAL. PUB. UTIL. CODE § 21002 (West 2019).

⁸⁹ *Solano County Airport Land Use Commission*, SOLANO CNTY., https://www.solanocounty.com/depts/rm/boardscommissions/solano_county_airport_land_use_commission/default.asp (last visited Oct. 12, 2024).

⁹⁰ CAL. PUB. UTIL. CODE § 21670(a)(2) (West 2004).

⁹¹ Curry Interview, *supra* note 16.



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IV. SUPPORT

A. From the Community

Some Solano County residents and business owners have expressed their support for California Forever. Most of the support relates to the increased job opportunities and affordable housing.⁹³ Another benefit of California Forever would be a potential increase in property values; however, the long-term impacts remain unclear.⁹⁴

B. California Yes in My Back Yard (“California YIMBY”)

California YIMBY is a pro-housing advocacy organization that supports California Forever because it addresses the need for affordable housing. California Forever helps solve the housing crises by making it easier to build dense housing near existing cities. California YIMBY

⁹² *Your Life Here*, E. SOLANO PLAN, <https://eastsolanoplan.com/your-life-here> (last visited Oct. 12, 2024).

⁹³ *Supporters*, E. SOLANO PLAN, <https://eastsolanoplan.com/supporters-solano-residents/All> (last visited Oct. 12, 2024).

⁹⁴ Geller, *supra* note 27. See Gillian Haen, *Greetings from Gillian*, 12 VALLEJO WEEKLY, July 11, 2024, at 2, <https://issuu.com/cityofvallejo/docs/vw-7-11-24-final> (last visited Oct. 12, 2024).

calls California Forever “a welcome break” from the “*status quo* approach” to greenfield development in California.⁹⁵

Specifically, California YIMBY highlights California Forever’s proposed fully mixed-community approach with a minimum density of 20 dwelling units per acre located near jobs and amenities such as daycares, parks, and stores.⁹⁶ The walkability of the planned city would reduce short car trips, which would reduce car pollution.⁹⁷ California YIMBY states that the Plan could “set the tone” for a more sustainable approach to urban growth over the next century.⁹⁸

Additionally, the location of Solano County between Sacramento and the San Francisco Bay Area provides the opportunity to connect to existing highways and rail networks.⁹⁹ California YIMBY does note that California Forever’s new city would have to be integrated into regional transit networks and may need its own rail as the city expands. Nonetheless, California YIMBY believes that California Forever “deserves a chance.”¹⁰⁰

C. Vacaville Vice Mayor Greg Ritchie

Vice Mayor Greg Ritchie is the first Solano County elected official to openly support California Forever.¹⁰¹ His support appears to stem from the promise of affordable housing. He states that housing is the “lynchpin” and “the backbone of the economy.”¹⁰² Vice Mayor Ritchie is concerned that Solano County could miss the opportunity for growth.¹⁰³ He notes that communities across California are “being hit by housing-focused regulations because they are not growing fast enough and are not building affordable housing.”¹⁰⁴ Vice Mayor Ritchie states that California Forever is an opportunity for growth and inevitable change.¹⁰⁵ It would allow more people to own and rent homes in Solano County.

Vice Mayor Ritchie further claims that it will make Solano County “a place that people want to choose to live in.”¹⁰⁶ Another benefit of California Forever is that the Plan would address

⁹⁵ *Statement In Support of the East Solano Plan*, CAL. YIMBY (June 18, 2024), <https://cayimby.org/news-events/statement-in-support-of-the-east-solano-plan/> (last visited Oct. 12, 2024).

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Nick McConnell, *Vacaville Vice Mayor Announces Support for California Forever*, THE REPORTER (VACAVILLE, CAL.) (Apr. 30, 2024), <https://www.thereporter.com/2024/04/30/vacaville-vice-mayor-announces-support-for-california-forever/> (last visited Oct. 8, 2024).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

the housing shortage that service members at Travis Air Force Base currently face.¹⁰⁷ Lastly, California Forever would benefit the city of Vacaville’s economy. It would create new jobs and generate new entertainment opportunities, the monies of which would be dispersed to cities across the county to expand their downtown areas.¹⁰⁸

V. CRITICISM

A. Travis Air Force Base

One of the main concerns of Solano County Residents is the impact on Travis Air Force Base.¹⁰⁹ According to County Counsel Curry, a threat to Travis Air Force Base is “priority number one to anyone in Solano County;” if something happens to Travis, it’s “game over.”¹¹⁰ Travis Air Force Base is often used for training purposes. Thus, the surrounding area is not conducive to residential buildings.¹¹¹ Flannery has bought the entire area encompassing Travis Air Force Base. Critics express National Security concerns because Travis Air Force Base, also known as “the Gateway to the Pacific,” is a leading national base.¹¹²

B. Environmental Concerns

The Center for Biological Diversity has expressed concerns that California Forever could have detrimental effects on the environment. The Center claims that having a city far away from existing cities could degrade air quality, damage natural ecosystems, and force residents to commute longer.¹¹³ Furthermore, 20% of the land proposed to be used for development is in flood inundation zones, areas that have a high risk of flooding.¹¹⁴

¹⁰⁷ *Id.* (stating that Travis Air Force Base “desperately needs” more affordable housing).

¹⁰⁸ *Id.*

¹⁰⁹ Moy Interview, *supra* note 9; Curry Interview, *supra* note 16; Stephanie Sierra, *Congressman Warns New Solano Co. City Will Disrupt ‘Critical Training Operations’ at Travis AFB*, ABC 7 (February 7, 2024), <https://abc7news.com/solano-county-new-city-travis-air-force-base-sorties-california-forever/14392387/> (last visited Oct. 12, 2024).

¹¹⁰ Curry Interview, *supra* note 16.

¹¹¹ Moy Interview, *supra* note 9.

¹¹² Interview with Mohammed Umbahi, Field Representative, Office of Assemblymember Lori Wilson (Sept. 7, 2024) (on file with the *California Initiative Review*). See also Garamendi, *Thompson to California Forever: ‘Don’t build in this area’*, THE REPORTER (VACAVILLE, CAL.) (Feb. 15, 2024), <https://www.thereporter.com/2024/02/15/garamendi-thompson-hold-press-conference-on-california-forever/> (last visited Oct. 8, 2024).

¹¹³ *California Forever: This Solano County Development Has Dangerous Implications*, CTR. FOR BIOLOGICAL DIVERSITY, <https://www.biologicaldiversity.org/campaigns/California-Forever/> (last visited Oct. 12, 2024).

¹¹⁴ *Id.*

C. Practicality of California Forever

Another concern is the practicality of California Forever—namely, water and transportation. Like many other Californians, the fight for water may prove to be insurmountable. California Forever claims that it can take water from the delta, but “everyone else is litigating over it.”¹¹⁵ California Forever plans to build around Highway 12 because of its location between Sacramento and the Bay Area,¹¹⁶ but Highway 12 has no funding for an expansion project. The increased traffic with no expansion could lead to even longer commute times.¹¹⁷

D. How Flannery Acquired the Land

Community leaders expressed their dissatisfaction with how Flannery approached the California Forever project.¹¹⁸ Instead of talking to Solano County residents or political affiliates to discuss what Solano County needs, Flannery quietly purchased farmland.¹¹⁹

Congressmembers Garamendi and Thompson stated that they were frustrated that Flannery was “only willing to be straightforward with its information when investigators came knocking.”¹²⁰ The Congressmembers wished that Flannery had been more transparent from the start.¹²¹

Solano County residents are “skeptical people,” and Flannery “came like thieves in the night,” according to Assemblymember Lori Wilson’s Field Representative Mohammed Umbashi.¹²²

VI. AFTERMATH/FUTURE EXPECTATIONS

A. Likelihood of It Getting Back on the Ballot

Several Solano County residents believe that there is a low chance of the measure getting on the ballot in 2026, as Sramek promises.¹²³ County Counsel Curry, in particular, thinks that 2026 is approaching too quickly, and because the East Solano Plan was not received well by members of Solano County, it is unlikely that Flannery will get residents’ trust back.¹²⁴ Moreover, Sramek

¹¹⁵ Curry Interview, *supra* note 16.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ Moy Interview, *supra* note 9.

¹¹⁹ Umbashi Interview, *supra* note 112.

¹²⁰ ‘Don’t build in this area’, *supra* note 112.

¹²¹ *Id.*

¹²² Umbashi Interview, *supra* note 112.

¹²³ Curry Interview, *supra* note 16.

¹²⁴ *Id.*

now wants to apply to the Board of Supervisors for plan approval instead of going through the initiative route.¹²⁵

Fairfield Mayor Moy says getting the initiative back on the ballot depends on what happens between now and 2026.¹²⁶ The approach Flannery took was off-putting to many Solano County residents, so Flannery would have to use another method to try to gain voters' trust back.¹²⁷ One way that Flannery might be able to gain trust back is if it settles the lawsuits against the farmers, since many residents were upset by this action.¹²⁸ However, Mayor Moy believes that gaining people's trust back will be hard since there has never been such a strong grassroots campaign in Solano County where the people who live there feel like they are up against billionaires.¹²⁹

B. What Happens if the Initiative Passes

Because the East Solano Plan is getting into uncharted territory, there would likely be litigation if the initiative were to gain ballot access in 2026 and passed.¹³⁰ California law does not allow for statutory development agreements to be passed by initiative.¹³¹

Beyond potential legal issues, Mayor Moy worries that if the initiative is approved on a future ballot, Solano County would end up in a similar position that Vallejo was left in when Mare Island was taken over by the Nimitz Group in 2020.¹³² Mare Island was the largest employer in Northern California, employing more than 7,500 civilian employees.¹³³ Vallejo residents who worked on the island lost their jobs, and as a result, Vallejo felt major economic impacts.¹³⁴ Mayor Moy believes that Vallejo never recovered fully.¹³⁵

¹²⁵ *Id.*

¹²⁶ Moy Interview, *supra* note 9.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Sumagaysay, *supra* note 1.

¹³¹ *Ctr. for Cmty. Action & Env't Justice v. City of Moreno Valley*, 26 Cal. App. 5th 689, 712 (2018) (reasoning that there is clear evidence that the Legislature intended to exclusively delegate approval of development agreements to government bodies and to preclude the right of initiative).

¹³² Moy Interview, *supra* note 9; Jeff Quakenbush, *New Owner at Vallejo's Mare Island Reprioritizes Redevelopment Master Plan*, North Bay Business Journal, November 2, 2020, <https://www.northbaybusinessjournal.com/article/article/new-owner-at-vallejos-mare-island-reprioritizes-redevelopment-master-plan/#:~:text=New%20owner%20at%20Vallejo's%20Mare%20Island%20reprioritizes%20redevelopment%20master%20plan,-Vallejo's%20growing%20area&text=Prepping%20a%20second%20building%20to,encouraged%20by%20what%20it%20found> (last visited Oct. 13, 2024).

¹³³ Rich Pedroncelli, *Good-Bye Mare Island*, 10 NAVAL HISTORY MAGAZINE, October 1996, <https://www.usni.org/magazines/naval-history-magazine/1996/october/good-bye-mare-island#:~:text=With%20the%20final%20salute%20and,plans%20for%20the%20land%20itself> (last visited Oct. 12, 2024).

¹³⁴ *Id.*

¹³⁵ *Id.*

C. What Happens if the Initiative Fails

1. *Legislative Action*

One potential action Flannery might take if a ballot initiative fails is to go through the legislative process.¹³⁶ Flannery is compromised by a group of wealthy investors who could lobby the state legislature to find another compromise. Whether or not Flannery can bypass the local government remains unclear.¹³⁷

2. *The Land*

It is uncertain what will happen to the land Flannery bought if California Forever does not come to fruition. The land will likely continue to be farmed and used as open space.¹³⁸ The Williamson Act, also known as the California Land Conservation Act of 1965, protects land used for agriculture or land related to open space use.¹³⁹

Under the Williamson Act, the government can pay a portion of the property taxes on agricultural areas as if the owner had paid. The main requirement is that the individual agrees to maintain the parcel as agricultural land for 20 years.¹⁴⁰ Although the state stopped funding the Act, Solano County decided to continue the program.¹⁴¹ Thus, the county has control over the land. Flannery will have to pay additional taxes if it is not used as farmland. If it is no longer agricultural land, it will have to pay regular property taxes.¹⁴² Another theory is that Flannery could use the land for tech manufacturing.¹⁴³

VII. CONCLUSION

For now, Solano County voters will not have to worry about voting on the East Solano Plan. In order to get the initiative back on the ballot, Flannery will have to work on its compliance with environmental statutes and gain trust back among Solano County residents. Should Flannery get the East Solano Plan back on the ballot in November 2026, voters will have much to think about.

¹³⁶ Moy Interview, *supra* note 9.

¹³⁷ Curry Interview, *supra* note 16.

¹³⁸ Moy Interview, *supra* note 9.

¹³⁹ *Williamson Act Program*, CAL. DEP'T OF CONSERVATION, <https://www.conservation.ca.gov/dlrp/wa> (last visited Oct. 12, 2024).

¹⁴⁰ Curry Interview, *supra* note 16.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ Umbashi Interview, *supra* note 112.