

RESOLUTION NO. 198

A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION TO CONTINUE THE DISSOLUTION PROCEEDINGS FOR SILVER CREEK DRAINAGE DISTRICT AND FIREBAUGH RESOURCE CONSERVATION DISTRICT TO SEPTEMBER 11, 2019

WHEREAS, pursuant to Government Code ("GC") sec. 56879(a), on October 31, 2018, the California State Controller's Office ("SCO") notified the Fresno Local Agency Formation Commission ("LAFCo" or "Commission") that the Silver Creek Drainage District and Firebaugh Resource Conservation District, hereafter collectively referred to as the "Subject Special Districts," and depicted in Attachment "A" attached hereto and by this reference incorporated herein, are inactive special districts; and

WHEREAS, pursuant to GC sec. 56879(b), within 90 days of the receipt of the notice from the SCO the Commission shall initiate the dissolution of the Subject Special Districts unless the Commission finds that the Districts are not inactive as defined in GC sec. 56042; and

WHEREAS, on December 3, 2018, Fresno LAFCo staff issued a letter to the general managers of the Subject Special Districts notifying them that Fresno LAFCo received notice that the SCO has identified them as inactive pursuant to GC sec. 56879(a) and if they wish to object to the Commission proceedings initiating the dissolution, to provide appropriate documentation to LAFCo no later than December 24, 2018; and

WHEREAS, counsel for the Firebaugh Resource Conservation District and Silver Creek Drainage District responded to the letter to object to initiating dissolution proceedings for the Subject Special Districts, but did not provide sufficient evidence to contradict the SCO findings that both Subject Special Districts are inactive, nor information to contradict the inactive special district criteria enumerated in GC sec. 56042; and

WHEREAS, on January 9, 2019, Fresno LAFCo conducted a noticed public hearing and adopted a resolution finding the Subject Special Districts as inactive Districts as defined in GC sec. 56042 and initiated the dissolution; and

WHEREAS, the Commission acting as Lead Agency under the California Environmental Quality Act ("CEQA") prepared and adopted a Negative Declaration for the Dissolution of the Subject Special Districts; and

WHEREAS, at the noticed public hearing on April 3, 2019, Firebaugh Canal Water District General Manager Jeff Bryant addressed the Commission, proposing the Firebaugh Canal Water District Board act as the board for the Silver Creek Drainage District and the Firebaugh Resource Conservation District, and at this hearing, the Commission Chair presented detailed instructions to Mr. Bryant as to what the Commission expected to be presented with in June to demonstrate the activity of the Subject Special Districts; and

WHEREAS, the Commission then voted to continue the item to 1:30 p.m. on June 12, 2019, in order to provide sufficient time for Mr. Bryant and the Firebaugh Canal Water District to take action to reactivate the Silver Creek Drainage District and Firebaugh Resource Conservation District boards; and

WHEREAS, on June 12, 2019, the Commission reconvened the hearing, and considered testimony by Mr. Bryant explaining the actions that he and the Firebaugh Canal Water District had taken to date; and

WHEREAS, the Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said proposal, and expressed its frustration with the apparent lack of progress on the matter in spite of the time allowed, and asked Mr. Bryant what he needed in order to show progress on reactivating the subject special districts, and upon considering Mr. Bryant's response that he needed more time, offered to continue the hearing until the August meeting provided that the meeting was re-noticed in Merced and Fresno County newspapers of general circulation and provided that the Firebaugh Canal Water District cover the expenses of the re-noticing, and Mr. Bryant agreed to cover this expense; and

WHEREAS, on August 14, 2019, the Commission held a noticed public hearing, and considered testimony by Mr. Bryant explaining the actions that he had taken to date; and

WHEREAS, the Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said proposal, and expressed that the progress made by Mr. Bryant is sufficient enough to allow for more time to allow Mr. Bryant to work with County staff and ultimately have a board appointed by the Fresno County Board of Supervisors; and

WHEREAS, the Commission then voted to continue this item to 1:30 p.m. on September 11, 2019, in order to provide more time for Mr. Bryant to reactivate the Silver Creek Drainage District and Firebaugh Resource Conservation District boards.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY RESOLVE and DETERMINE as follows:

The Commission hereby continues consideration of this item to its 1:30 p.m. meeting on September 11, 2019.

ADOPTED THIS 14TH DAY OF AUGUST 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MENDES, PARRA, PACHECO, SILVA, SANTOYO

NOES: NONE


ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 14th day of August 2019.



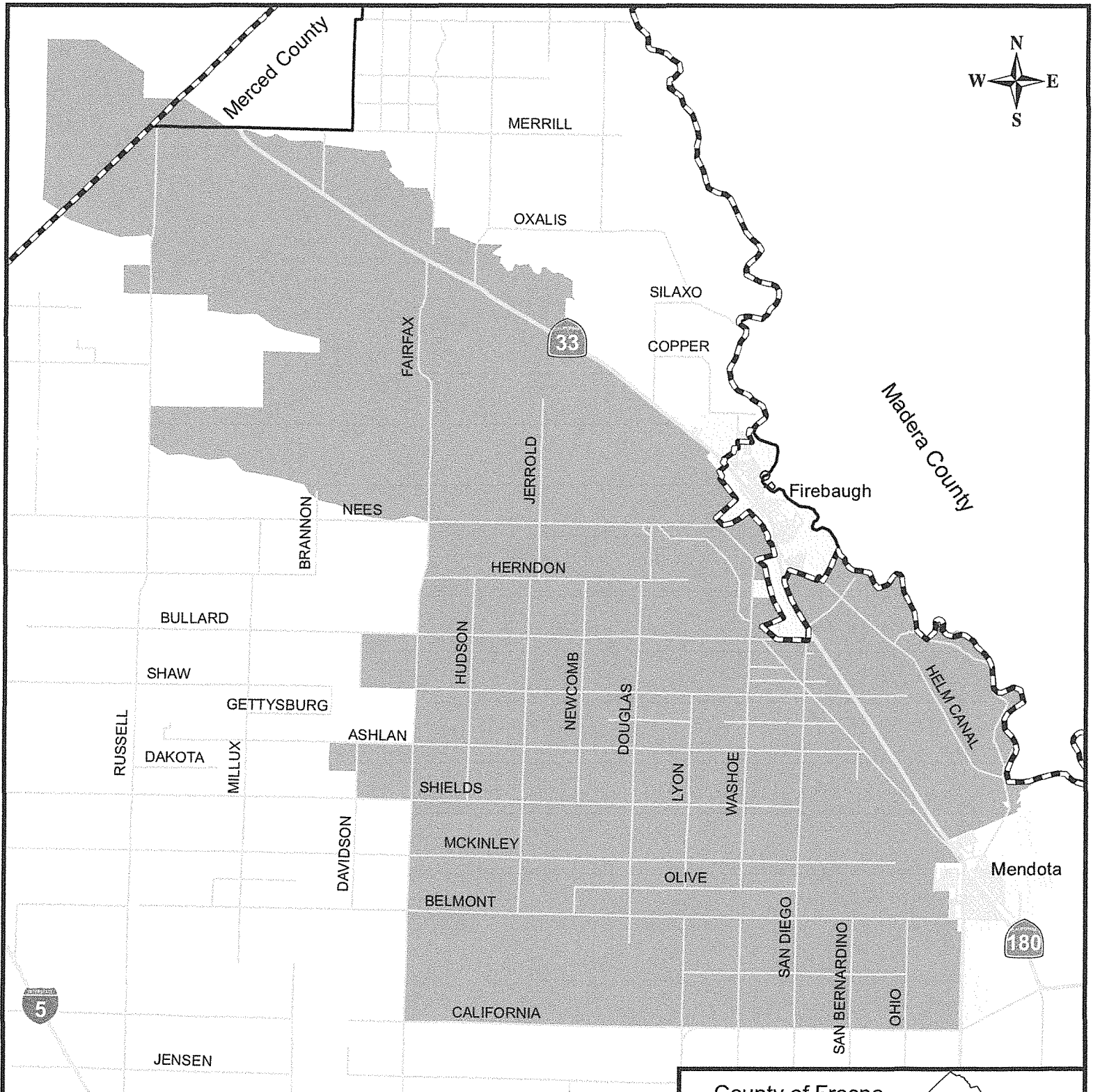
David E. Fey, Executive Officer
Fresno Local Agency Formation Commission

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Firebaugh Resource Conservation District

ATTACHMENT A

Services: inactive



Fresno Local Agency Formation Commission



District SOI



District Service Area

Formation: 1951

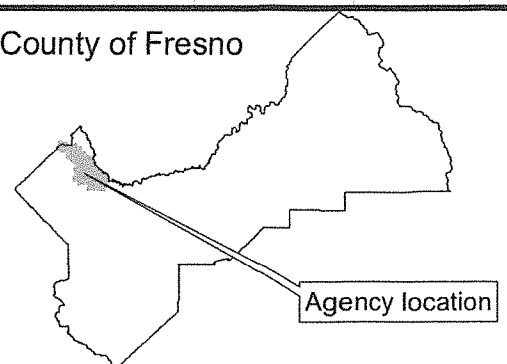
Sphere updated: 05/18/2011

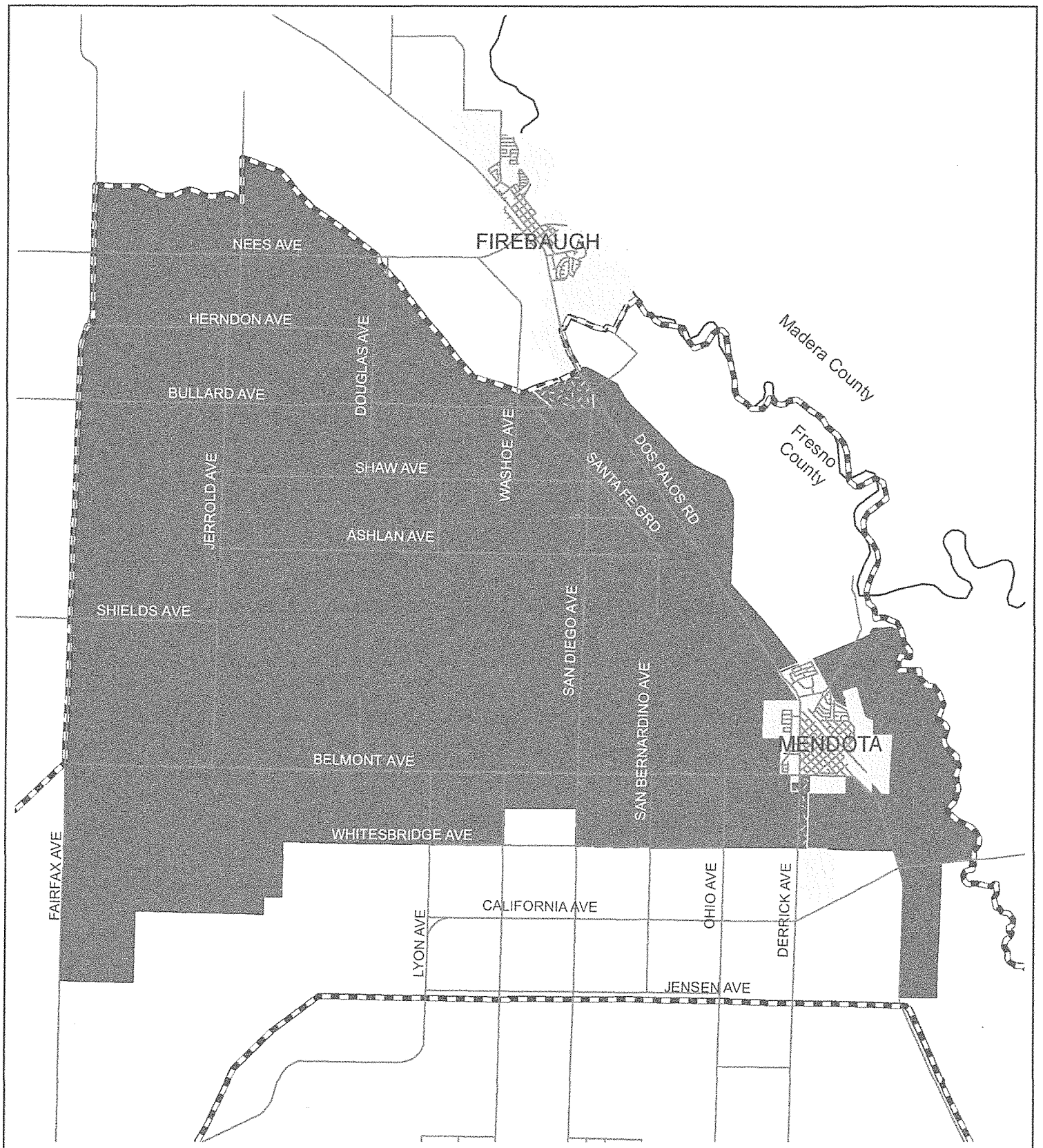
District area: 87,983 acres

Sphere area: 1,342,718 acres

Map prepared: 09/28/2017





County of Fresno

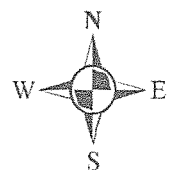
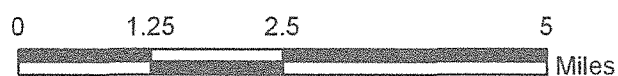


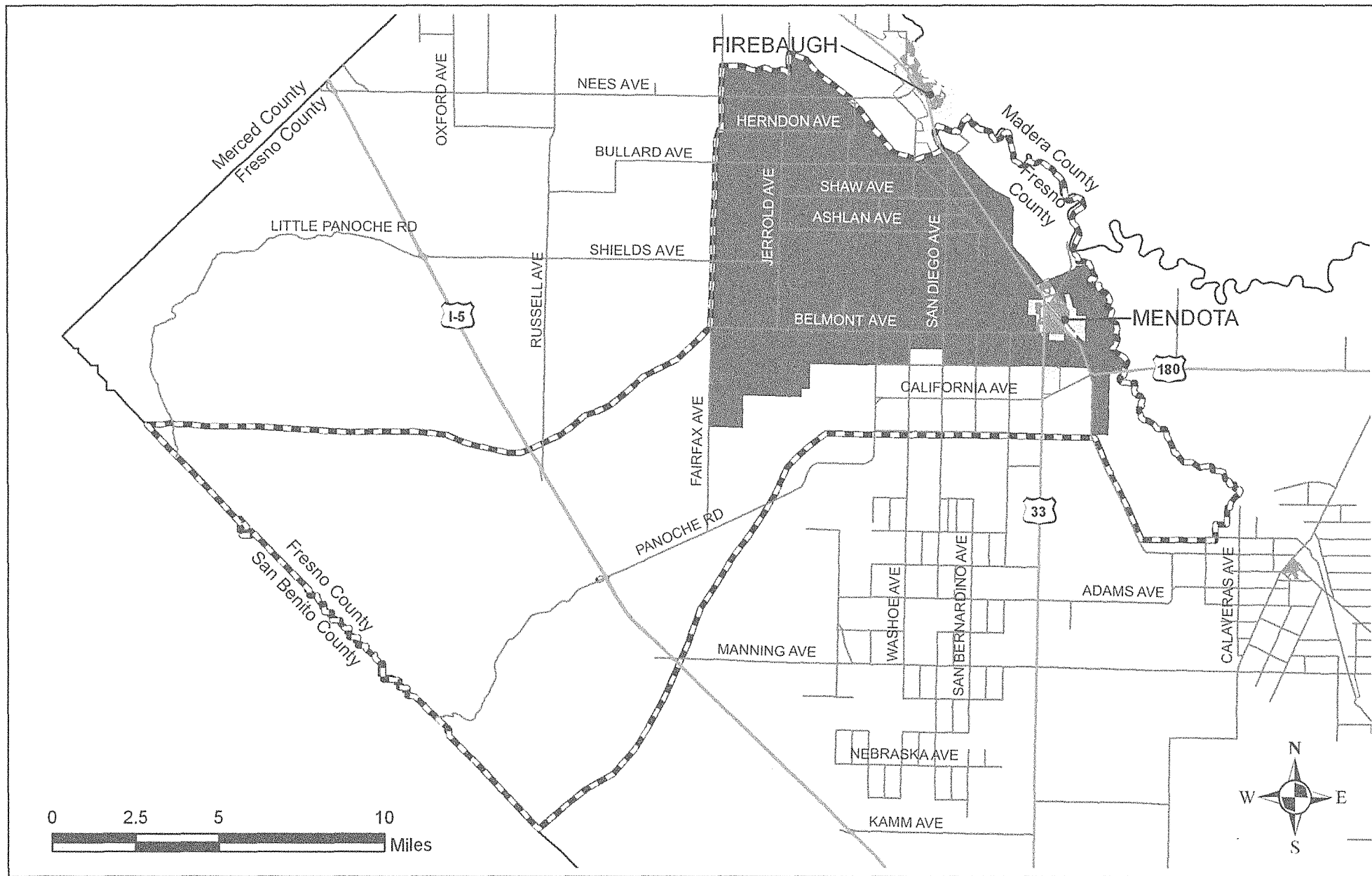


Fresno Local Agency Formation Commission Silver Creek Drainage District

Legend

-  District SOI
-  District Area
-  City Areas
-  City Over District








Fresno Local Agency Formation Commission Silver Creek Drainage District

Note: Portion of District SOI Located in San Benito County Not Shown

Legend

-  District SOI
-  District Area
-  City Areas

District Formed: 1982
SOI Adopted: 8/21/1985
SOI Updated: 12/5/2007

Map Date: December 2007
District Area: 49,782 Acres In Fresno County
Sphere Area: 155,864 Acres