

## ATTACHMENT C

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Received

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Fresno LAFCo

February 27, 2019

Fresno County Board of Supervisors  
2281 Tulare Street, #301  
Fresno, California 93721

Fresno County Local Agency Formation Commission  
2607 Fresno Street  
Fresno, California 93721

Re: Notice of Intention to Seek Dissolution of:  
(1) Silver Creek Drainage District  
(2) Firebaugh Resource Conservation District

Ladies and Gentlemen:

We are writing to each of you regarding the Silver Creek Drainage District formed pursuant to the uncodified Water Code of the State of California and the Firebaugh Resource Conservation District. These Districts have received notice from Fresno County Local Agency Formation Commission that they are to be dissolved because of "inactivity". Each of the Districts does not have current financial transactions or activity and therefore did not file reports with the State Controller's office.

We have taken the step of bringing those financial reports with the State Controller's office up to date to report that there is no financial activity. Nevertheless, apparently the State Controller's office and the State Legislature through adoption of Section 56879 of the Government Code to be effective as of 2019 insist that a long-established District must tax, have economic activity, have positions of Directors filled, and may not essentially place itself in hibernation and stand in readiness for an emergency or performance of work. If it conserves its taxpayers' money and energy in this way, it will be declared "inactive" and ordered dissolved.

We are writing to ask that you not hold any hearing or dissolution and not vote to provide for dissolution of the Silver Creek Drainage District or the Firebaugh Resource Conservation District for the following reasons:

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1. In this case, inactivity is a sign of governmental efficiency, not lack of efficiency or need.

A public district that does not assess or tax and does not maintain a staff until there is again a pressing need for its services and actions is evidence of efficiency. It is not a condition that should result in dissolution of the District that allows local interests to organize their efforts when there is a flood or farming resources are threatened. Dissolution of these Districts would mean that the next time there is a need for drainage work or resource conservation services, such as control of agricultural pests, salinity control or similar threats to agricultural use of land and Department of AG funds to approach the problem, the delay and costs of forming a new district will be incurred which in this case could amount to several years delay and perhaps \$50,000 per District for surveying work of proposed boundaries, CEQA studies, reports and proceedings, elections to authorize formation and tax rates and similar expenses.

2. Dissolution means most likely that the State government, Federal Government or County would be required to fund and respond to fund and organize the response to the next emergency conditions these Districts were formed to address.

The local citizens satisfy needs more quickly and efficiently if they have a local governmental entity already in existence to work through. The trend is that State and Federal Agencies want an already existing local governmental entity to receive grant or emergency aid funding. If the US Department of Ag adopts a program to fund extermination of pests or remedy soil conditions, Resource Conservation Districts are the preferred administrators of those funds. Preserving our existing public agencies, governed by local citizens appointed to serve when the emergency or challenge arises, is much more efficient than waiting for Federal or State agencies, or County Public Works Departments to organize and those agencies being required to drop other important duties to address the challenge. Those governmental entities have many more demands which will be neglected or worse, the local needs will be neglected because of a lack of organizational resources . . . local districts.

3. The idea of exterminating local governmental entities originated with the bureaucrats in Sacramento in the 1970's as a superior governmental model. It is not. Just Say No.

The local Districts were claimed not to be as efficient as State or County organizations when this movement started in the 1970's. In fact, have not the local governmental proved themselves as efficient and able to accomplish much more than a centralized model of government? Yet the Sacramento bureaucrats here are critical when local governmental entities have approached and taken care of the current problems they place themselves in, hibernation and save other governmental entities and their taxpayers' monies by going inactive until they are needed again. LAFCO cannot with a straight face adopt a CEQA study that concludes that drainage and flood control on Silver Creek in Fresno County or water conservation using Federal funds and salinity and selenium drainage management can be better organized by the County of Fresno or the State of California than by a local Resource Conservation District. When the need

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for governmental organization reaches a level that the local interests' organizational skills are necessary, don't deny the local interests that governmental entity structure to use!

4. There is a further reason to stop this dissolution proceeding.

In adopting Government Code Section 56879, the Legislature made the protest rights of citizens and requisite factual determinations pursuant to these sections inapplicable (57176, 56881, 56375). However, they forgot to make Section 57077.2 inapplicable. Government Code Section 57077.2 provides:

“If the dissolution....is initiated...by the commission pursuant to Section 56375...notwithstanding any other law, the Commission shall terminate proceedings if a majority protest exists in accordance with section 57078.”

Section 57078 provides for a majority protest to be effective in stopping dissolution if 50% of the voting power of a landowner District (Silver Creek Drainage District) and 50% of the voters registered, within Firebaugh Resource Conservation District, sign Protests. We believe the landowners of almost all of the land within the Silver Creek Drainage District will oppose the dissolution under section 57078 and the requirement that a protest of 50 percent terminates the dissolution would seem to be likely. Please save your taxpayers the cost of following this stupid requirement of Sacramento bureaucrats made because a special district fails to file reports because it is not spending any money!

Resident voters within the Resource Conservation District may be more difficult to organize but those voters who do understand the issues may well understand that the Board of Supervisors acting as LAFCO's Board were simply unwilling to stand up to another stupid direction from Sacramento Legislators and Bureaucrats who do not understand the rural organizations that have been developed and their value. This interpretation would be unfair to LAFCO Board Members and staff, but it is necessary for Members of the Board of Supervisors and LAFCO to simply tell Sacramento “No” sometimes. This is one of those times.

5. Conclusion:

We need your help. Let's stop what at worst is another assault upon agricultural activity in California and an ill thought out plan of the Legislature. Cancel any hearing and ask the State Controller to establish a list of Districts which meet the requirement of an inactive district but also may well have a purpose and function in the future and the inactivity simply reflects efficiency by those Districts who are saving money until the need for activity arises. Instead of ordering dissolution, ask the Controller to establish a list of entities that can avoid having to file statements of financial transactions each year which state \$ zero dollars were spent but believe that they will have a role in the future.

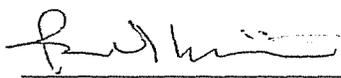
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If you have any questions, the Board of Directors of the Firebaugh Canal Water District will be happy to answer them, and can be contacted at: Jeff Bryant, [bryant\\_jeff@sbcglobal.net](mailto:bryant_jeff@sbcglobal.net), telephone number 559-655-4761 or this office will be happy to answer your questions or inquiries.

Very truly yours,

MINASIAN, MEITH,  
SOARES, SEXTON & COOPER, LLP

By:   
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PAUL R. MINASIAN

PRM:lmj