

## ATTACHMENT D

### MINASIAN, MEITH, SOARES, SEXTON & COOPER, LLP

ATTORNEYS AT LAW  
A Partnership Including Professional Corporations

1681 Bird Street  
Post Office Box 1679  
Oroville, California 95965-1679

Writer's E-MAIL: pminasian@minasianlaw.com

PAUL R. MINASIAN, INC.  
JEFFREY A. MEITH  
M. ANTHONY SOARES  
DUSTIN C. COOPER  
EMILY E. LaMOE  
ANDREW J. McCLURE  
JACKSON A. MINASIAN

WILLIAM H. SPRUANCE,  
Retired

MICHAEL V. SEXTON,  
Retired

TELEPHONE:  
(530) 533-2885

FACSIMILE:  
(530) 533-0197

Received

March 29, 2019  
*Via USPS and e-mail*

APR 02 2019  
Fresno LAFCo

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

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

Re: April 3, 2019 LAFCo meeting, Item 6, Notice of Intention to Seek Dissolution of:  
(1) Silver Creek Drainage District  
(2) Firebaugh Resource Conservation District

Ladies and Gentlemen:

We previously wrote to you on February 27, 2019, a copy of which is attached for your review. In that letter we point out to you the following:

1. In rural agricultural areas, Districts such as these oftentimes placed in a standby position awaiting a flood or a disease striking soil or crop productivity, and then serve a valuable function in attacking the problem. If these Districts are not kept in position, the County or State government will have to form some alternative means of coordinating those efforts when the condition arises.

2. Often in these instances, inactivity of the District is in fact a sign of government efficiency, not a lack of efficiency. The State Controller is irritated because forms filed show no economic activity. Fresno County LAFCo should not want to stand for the proposition that government entities who do not tax, assess or collect from the landowners will be made subject to dissolution. These are valuable entities useful in the past and will be useful in the future when flooding or soil or crop diseases require their use.

3. The Firebaugh Canal Water District Board of Directors has indicated its willingness to serve as the governing board of the Silver Creek Drainage District to the extent their Board Members qualify, and to find and nominate persons to serve on the Resource Conservation District who can then be appointed by the Board of Supervisors. Firebaugh Canal

To: Fresno County Board of Supervisors and Fresno County LAFCO  
Re: Notice of Intention to Dissolve Silver Creek Drainage District  
and Firebaugh Resource Conservation District  
Date: March 29, 2019  
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Water District has also indicated its willingness to contract to maintain the filings indicating no economic activity that are so irritating to the State Controller and the Legislature. If those contracts and services are provided when the need arises, the Districts would not be inactive. In many ways this is how these Districts function now.

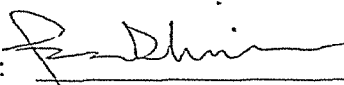
The Tehama County Local Agency Formation Commission recently held a hearing similar to that which you are holding and considered the dissolution of a California water district that had been waiting for almost 30 years for the Bureau of Reclamation to open to new water service contracts. The members of the Tehama County Board of Supervisors and the citizens who sit on the LAFCo Commission saw the benefit in not requiring local residents to spend tens of thousands of Dollars re-forming public agencies which have a legitimate function, and saw the benefits of in fact protecting those public agencies that simply go into hibernation until the Legislature and other governmental entities understand their value. Hopefully you will also conclude that letters from LAFCo associates or the State Controller contending that dissolution will create "credibility" and efficiency are nonsense in cases such as these.

Government Code Section 56042 (copy enclosed) describes an inactive district as "(a) a special district that has no outstanding . . . contracts...". Neither Silver Creek nor Firebaugh Resource Conservation District can be deemed to fall within the inactive classification. Firebaugh Canal Water District has been maintaining funds for Silver Creek Drainage District for some years under a contract and monitoring Resource Conservation Districts for its area. For this reason, at least the Silver Creek Drainage District and Firebaugh Resource Conservation District can be deemed to fall within the category of an inactive district. Firebaugh has agreed to immediately nominate individuals to the Silver Creek Drainage District Board for appointment by the Board of Supervisors and confirmation at the next District election which will be conducted by mail, and of course the staff of Firebaugh will make the reports of no activity which so irritate the Legislators and Controller's office as to both Districts "by contract".

We look forward to your to vote not to dissolve these Districts, and hope you will agree that at least the Silver Creek Drainage District and, in addition, the Firebaugh Resource Conservation District does not meet all of the criteria of Government Code Section 56042, which is a requirement of your taking further action.

Very truly yours,

MINASIAN, MEITH,  
SOARES, SEXTON & COOPER, LLP

By:   
PAUL R. MINASIAN, on behalf of  
Firebaugh Resource Conservation District and  
Silver Creek Drainage District