

TRINITY LOCAL AGENCY FORMATION COMMISSION

June 16, 2020 at 4:00 p.m.

By Virtual Teleconference Only

AGENDA

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, this meeting will be held by teleconference only. No physical location will be available for this meeting. However, members of the public are encouraged to access and participate in the meeting.

DIRECTIONS FOR LISTENING TO THE MEETING AND COMMENT REMOTELY:

Join Zoom Meeting:

<https://us02web.zoom.us/j/82324675177?pwd=Y0hoL0J6cmZXNDNaUHEvS1lzRUtUdz09>

Meeting ID: 823 2467 5177

Password: 103810

OR dial in using the following telephone number(s):

+1 669 900 6833 US (San Jose)

+1 408 638 0968 US (San Jose)

Meeting ID: 823 2467 5177

Password: 103810

How to use Zoom:

The Trinity LAFCo Meeting will start promptly at 4:00 P.M. so we recommend downloading Zoom prior to this time. Please make sure that you have [downloaded and installed the Zoom program on your computer or mobile device in advance](#). It's fairly fast and easy, but does take a few minutes. And if this is your first time here is a short video tutorial on YouTube from Geeks on Tour: [How do I join a Zoom meeting?](#)

How to Submit Public Comment:

If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. For call-in only attendees, you can mute/unmute by pressing *6, and raise your hand by pressing *9.

The chair will call you by name or phone number when it is your turn to comment. Please state your name for the record before sharing comments, and please do not unmute your microphone during times when public comment has not yet been invited. Speakers will be limited to three minutes.

If you choose not to observe the LAFCo meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 12:00 p.m. the day of the meeting. Please submit your comment to Kathy Bull at kathy@trinitylafco.org. Your comment will be placed into the record at the LAFCo meeting.

If you require an accommodation due to a disability under the Americans with Disability Act that does not allow you to participate remotely please notify Kathy Bull at kathy@trinitylafco.org as soon as possible to make other arrangements for viewing the meeting and/or commenting.

TRINITY LOCAL AGENCY FORMATION COMMISSION

June 16, 2020 at 4:00 p.m.

By Virtual Teleconference Only

AGENDA

1. CALL TO ORDER/ROLL CALL

- A. Roll Call
- B. Seating of two new Special District Members; Joseph Kasper and Thomas Walz

2. PRESENTATIONS/ANNOUNCEMENTS

- A. LAFCO "101" Presentation from Pamela Miller, CALAFCO Executive Director (Informational)

3. CONSENT CALENDAR (Action Item)

- A. Approval of Minutes from April 21, 2020 Commission Meeting

4. PUBLIC COMMENT OPPORTUNITY

This portion of the meeting provides an opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off-agenda items unless authorized by law. All statements that require a response will be referred to staff for reply in writing.

5. PUBLIC HEARINGS

- A. Trinity Life Support Community Services District Formation (Potential Action)
- B. Final LAFCo Budget for Fiscal Year 2020/2021 (Potential Action)

6. NEW BUSINESS

None

7. OLD BUSINESS

- A. Commission Policies and Procedures Update – Section 1. and Section 2. (Potential Action)

8. EXECUTIVE OFFICER'S REPORT/CORRESPONDENCE

- A. Status of MSR & SOI Updates (Informational)

9. COMMISSIONER'S COMMENTS

10. ADJOURNMENT

The next LAFCo meeting will be held on Tuesday, August 18, 2020, at 4:00 p.m. at the Weaverville Library Meeting Room (unless shelter in place orders are still in effect).



Agenda Item: 1.B.

MEETING: June 16, 2020
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk
SUBJECT: Seating of two Special District Members; Joseph Kesper and Thomas Walz

Background:

The Commission consists of seven regular and three alternate members as follows:

- County - Three regular members and one alternate appointed by the Board of Supervisors;
- Special Districts - Two regular members and one alternate appointed by the Independent Special Districts; and
- Public Members - Two regular members and one alternate appointed by the Commission.

The term of office for each member pursuant to CKH Act § 56334 is four years and until the appointment of a successor. Pursuant to CKH Act § 56332, Special Districts Members are appointed by the Independent Special District Selection Committee.

Discussion:

A letter announcing LAFCo Special District Vacancies and Call for Nominations was sent out on February 25, 2020. An in-person meeting was scheduled, however due to the State of Emergency, it was determined that a meeting of the Selection Committee would not be feasible. On April 1, 2020, staff extended the nomination period and planned to conduct a mailed ballot election process.

The deadline to submit nominations was May 22nd. A letter was sent to the Special Districts on May 29th announcing the nomination results. As Trinity LAFCo only received two nominations, no election was required. Below is an updated Commission roster of its Special District members.

Current Special District Terms

Designations	Current Member	Term of Office
Regular Member (Seat 1 - Enterprise District)	Thomas Walz, Trinity PUD	4/30/2024
Regular Member (Seat 2 - Non-Enterprise)	Joseph Kasper, Lewiston CSD	4/30/2022
Alternate Member (Enterprise or Non-Enterprise)	Pat Frost, Trinity Center CSD	4/30/2022

Recommendation:

Staff recommends the Commission receive and file this report. The Commission is invited to discuss the item and provide direction to staff as needed.

Attachments: Letter regarding Special District Results

Colette Metz, Executive Officer/e-mail: colette@trinitylafco.org
Kathy Bull, Clerk Administrator/e-mail: kathy@trinitylafco.org



TRINITY LAFCo

www.trinitylafco.org
1125 16th Street, Suite 200
Arcata, California 95521

Date: May 29, 2020

To: Each Presiding Officer, Board Member, and General Manager/Clerk of Each Independent Special District in Trinity County

From: Colette Santsche, LAFCo Executive Officer

Subject: Notice of Nomination Results for Special District Members to serve on LAFCo

The Trinity Local Agency Formation Commission (LAFCo) has compiled all nominations received for the two open Regular Special District seats on LAFCo. Considering only two nominations were received, no election will be required. Both successful candidates have been notified and will be seated at the next regular LAFCo Commission meeting at 4:00 p.m. on June 16, 2020. Anyone who wishes to participate should consult the meeting agenda for the Zoom call-in telephone number which will be posted on the Commission's website at least 72 hours before the scheduled start time of the meeting.

We wish to congratulate both Thomas Walz (Trinity Public Utility District) and Joseph Kasper (Lewiston Community Services District) for their appointment to LAFCo and look forward to working with them in their upcoming terms.

Current Special District Terms - Updated

Designations	Current Member	Term of Office
Regular Member (Seat 1 - Enterprise District)	Thomas Walz, Trinity PUD	4/30/2024
Regular Member (Seat 2 - Non-Enterprise)	Joseph Kasper, Lewiston CSD	4/30/2022
Alternate Member (Enterprise or Non-Enterprise)	Pat Frost, Trinity Center CSD	4/30/2022



Agenda Item: 2.A.

MEETING: June 16, 2020
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk
SUBJECT: LAFCO "101" Presentation from Pamela Miller, CALAFCO Executive Director

DISCUSSION

Pamela Miller, Executive Officer of the California Association Local Agency Formation Commissions (CALAFCO) has agreed to provide the Commission with a LAFCO 101 - Supporting our member LAFCOs in fulfilling their statutory mission. The presentation will include the roles and functions of LAFCo, as well as guidelines to the rules and regulations that govern LAFCo.

RECOMMENDATION

This is an informational report, and staff recommends the Commission receive the presentation presented by CALAFCO.

Enclosed: CALFCO 101 Presentation Handout

CALAFCO



Supporting our member LAFCos in fulfilling their statutory mission

Prepared for Trinity LAFCo
June 16, 2020

California Association of Local Agency Formation Commissions



CALAFCO Mission

CALAFCO provides educational, information sharing and technical support for its members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government, and other organizations, for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

California Association of Local Agency Formation Commissions



CALAFCO Mission

Long way of saying we support our member LAFCos as you fulfill your regulatory, planning and resource roles:

- ✓ Administer modification of existing agencies and create new ones
- ✓ Evaluate boundary changes based on various factors
- ✓ Monitor/control extension of public services
- ✓ Develop and update Spheres of Influence for cities and districts
- ✓ Prepare Municipal Service Reviews for all local jurisdictions
- ✓ Work cooperatively on growth, preservation, and service delivery issues
- ✓ 50+ years of records on formations & boundary changes
- ✓ Shared services and inter-agency agreement models, governance options, etc.

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Why were LAFCos Created?



- ❖ Post-WWII population and housing boom in California led to increased demand for government services
- ❖ Rapid growth and scramble to finance and extend services
- ❖ Freeway suburbs, city annexation “wars” and hasty conversion of farmland
- ❖ Poor planned cities and proliferation of limited purpose special districts, with expensive and redundant delivery of services

California Association of Local Agency Formation Commissions





LAFCo's Legislative Purpose:

- ❖ Discourage urban sprawl
- ❖ Preserve agriculture and open space
- ❖ Promote efficient public services
- ❖ Consider regional housing needs, adequate water and other issues
- ❖ Tool: Encourage orderly boundaries

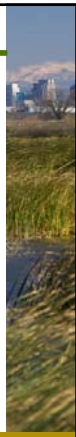
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Legislative Solution in 1963 – State Law, Local Flexibility

- ❖ No state commission or statewide agency
- ❖ Local control – no state appointees or funding
- ❖ A Local Agency Formation Commission in every county
- ❖ Each LAFCo independent
- ❖ Local flexibility – local policies
- ❖ 6 major revisions to State law over 52 years
- ❖ Unique to California

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Legislative History

- 1963 - Knox-Nesbitt Act – LAFCoS created to regulate boundaries
- 1971- LAFCo to create growth boundaries for cities and districts called spheres of influence. This was a huge shift of responsibility beyond merely reacting to individual boundary changes.
- 1972 - Allow special district members
- 1985 - Cortese-Knox Local Government Reorganization Act

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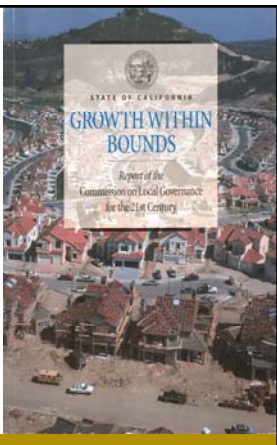


2000 Brings Change!

Recommendations:

- ❖ LAFCoS to be neutral, independent, and provide well balanced representation.
- ❖ Strengthen LAFCo's powers to prevent urban sprawl and ensure orderly extensions of governmental services.
- ❖ Municipal Service Reviews to inform SOI Updates.
- ❖ Strengthen policies to protect agricultural and open space.

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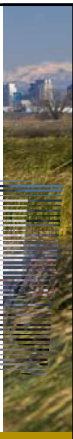


Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (\$560000)

Significantly strengthened LAFCo's powers and abilities, and affirmed LAFCo's role

- ◆ Requires LAFCo independence and neutrality
- ◆ Process for special districts to be seated for well-balanced representation
- ◆ Requires equal share funding by county, cities and (member) districts
- ◆ Requires Municipal Service Reviews
- ◆ Requires Sphere of Influence updates every 5 years, as necessary

California Association of Local Agency Formation Commissions



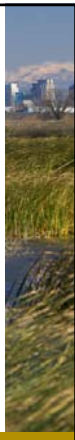




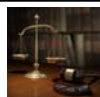
LAFCo is Independent

- ❖ Adopts local policies
- ❖ Commission makes final decisions; only appeal is through the courts
- ❖ Appoints an Executive Officer, Clerk and Legal Counsel
- ❖ Can contract for staff services
- ❖ Has administrative authority as an independent public agency

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Legal Framework – Subject to State Laws



- ❖ Cortese-Knox-Hertzberg Act
 - ◆ Each LAFCo may adopt local policies and procedures to supplement the Act
- ❖ Brown Act / Public Records Act
- ❖ CEQA
- ❖ Revenue & Tax Code
- ❖ Political Reform Act / Other Conflict of Interest Laws
- ❖ Principal Acts

California Association of Local Agency Formation Commissions





What decisions do you make?

- ❖ City Incorporation and Disincorporation
- ❖ District Formations and Dissolutions
- ❖ Annexations
- ❖ Detachments
- ❖ Consolidations, Mergers, Subsidiary District
- ❖ Service Extensions outside a District or City
- ❖ Spheres of Influence
- ❖ Municipal Service Reviews
- ❖ Activate Latent Powers
- ❖ Review Fire Contracts

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Local Agencies Regulated by LAFCo

❖ Include:

- ♦ Counties, cities, most special districts

❖ Do NOT include:

- ♦ JPAs (Must Submit Agreements to LAFCo)
- ♦ Community facilities or Mello-Roos districts
- ♦ School or college districts
- ♦ County boundaries
- ♦ Bridge and highway districts
- ♦ Improvement districts
- ♦ Zones of benefit
- ♦ Air pollution/quality districts

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As a REGULATORY Agency...

- ❖ Forms new cities and districts
- ❖ Changes boundaries of existing agencies – annexations, consolidations, dissolutions
- ❖ Activates (and divests) latent powers of local agencies
- ❖ Controls extension of public services outside cities/districts
- ❖ Is prohibited from directly regulating land use, but must adopt policies that encourage orderly and logical development of land inside a Sphere of Influence

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As a PLANNING Agency...

- ❖ Prepares and updates Spheres of Influence for cities and districts
- ❖ Prepares Municipal Service Reviews for all municipal service providers
- ❖ Works cooperatively with public and private agencies and interests on growth, land preservation and service delivery
- ❖ Participates in local and regional planning processes

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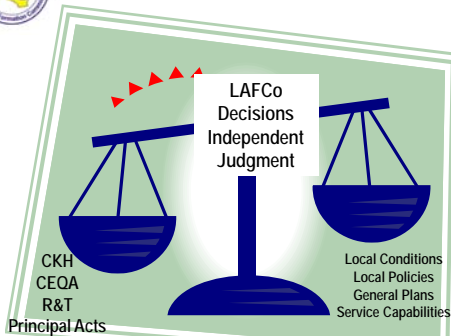
As a RESOURCE...

- ❖ Shared service models, studies and exchanges; information about other local service delivery options
- ❖ Model inter-agency agreements
- ❖ Models for tax sharing, revenue generation, governance options, social justice, etc.
- ❖ Training and educational resources for compliance with State laws and best practices
- ❖ Historical, current and trending info – 50+ year record of formations and boundary changes
- ❖ SOI studies since early '70s; MSRs since early 2000s; GIS data layers and maps

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LAFCo Balancing Act



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Commissioners are Independent, too

- ❖ Exercise independent judgment on behalf of public, not appointing agency
- ❖ Based on CKH and local LAFCo policies - not interests of appointing agency alone
- ❖ "LAFCo Hat" involves a broader perspective representing "public as a whole"

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California Association of Local Agency Formation Commissions





Commissioners

- ❖ Commissioners make final decisions
- ❖ Decisions cannot be appealed to other administrative bodies
- ❖ LAFCo staff accountable to Commission and statutes
- ❖ Adopt local policies and procedures

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Each Commission is Independent

- ❖ Provides own office, equipment, personnel
- ❖ Appoints an Executive Officer
- ❖ Appoints a Legal Counsel
- ❖ Can contract for staff services

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LAFCo is Funded Locally

- ❖ Must adopt a final budget by June 15
- ❖ Many LAFCOs also approve a work plan
- ❖ Budget process is outlined in CKH Act
- ❖ Minimum funding level is defined
- ❖ Net cost funded by the county, cities, and special districts *(usually in equal shares)*
- ❖ County Auditor calculates charges and processes the invoices

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LAFCo is Funded Locally (cont'd)

- ❖ Local funding formulas are allowed
- ❖ Processing fees help to offset expenses for proposals
- ❖ Adoption of fee schedule recommended

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LAFCo Composition



At the least:

- ❖ 2 County Supervisors (plus alternate)
- ❖ 2 City Members (plus alternate)
- ❖ 1 Public Member (plus alternate)

31 LAFCos also include:

- ❖ 2 Special District members (plus alternate)

Some LAFCos have “special seats”

Counties with no cities

California Association of Local Agency Formation Commissions



LAFCos' Legal Role

- ❖ While powers are broad, LAFCo jurisdiction is limited to actions and powers granted by statute
- ❖ Legislature has given LAFCos authority over boundary decisions and other government organization issues
- ❖ LAFCo is the Legislature's “watchdog” for local governments – one job is to monitor local government actions

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Subject to State Laws

- ❖ Cortese-Knox-Hertzberg Act
- ❖ Brown Act / Public Records Act
- ❖ CEQA
- ❖ Revenue & Taxation Code
- ❖ Political Reform Act / Other Conflict of Interest Laws
- ❖ Levine Act
- ❖ Principal Acts

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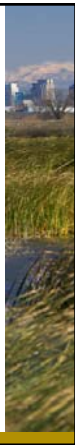


Limited Legal Challenge

- ❖ LAFCo decisions are quasi-legislative
- ❖ Not appealable except to the courts
- ❖ Short time to file suit
- ❖ Limited legal challenge to decisions
- ❖ Upheld as long as decision is not "arbitrary and capricious"

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LAFCo Myths and Legends

- ❖ LAFCo has a "magic wand" that instantly solves boundary and service issues. **Nope!**
- ❖ LAFCo proceedings do not require deliberate review and analysis that require agency and public collaboration and/or support. **Nope!**
- ❖ LAFCo is an arm of the county, not the state. **Nope!**
- ❖ LAFCo's sole mission is to dissolve agencies, particularly special districts. **Nope!**
- ❖ LAFCo's role is always "reactive" and not "proactive." **Nope!**
- ❖ Consult LAFCo at the last minute **Nope!**

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What is CALAFCO?

- ❖ Nonprofit Corporation in the State of California registered with the Secretary of State
- ❖ State Charity registered with the Attorney General Registry of Charitable Trusts
- ❖ Private Foundation exempt from Federal income tax under section 501 (c)(3)
- ❖ Not subject to public agency laws

California Association of Local Agency Formation Commissions



CALAFCO Formation

- ❖ Founded 1971
- ❖ Staff volunteers from member LAFcos
- ❖ First paid Executive Director in 1998 – 4 in total since then
- ❖ Counsel Clark Alsop CALAFCO Legal Counsel since 1982
- ❖ First CALAFCO office in 2005



California Association of Local Agency Formation Commissions



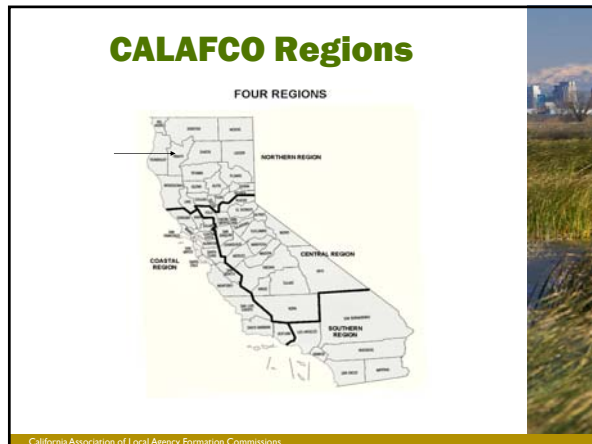
CALAFCO Membership

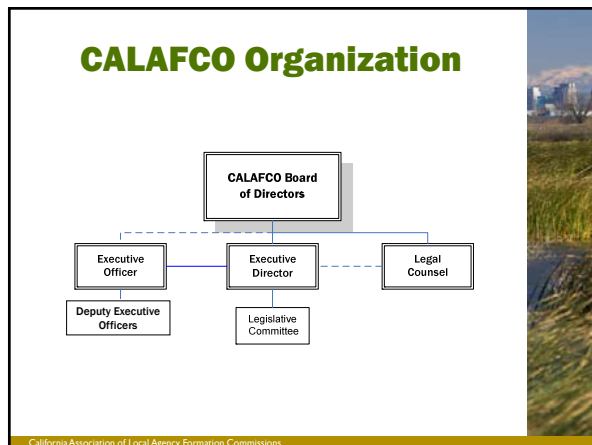
- ❖ All 58 statewide LAFcos are members
- ❖ 3 Gold Associate Members
- ❖ 25 Silver Associate Members

California Association of Local Agency Formation Commissions









CALAFCO Board of Directors

- ❖ 16 Member Board elected annually by the membership (8 each year)
- ❖ 4 from each region
 - ❖ Northern, Central, Southern, Coastal
- ❖ Diverse representation among County-City-Special District-Public members (4 of each)

California Association of Local Agency Formation Commissions



CALAFCO Staff

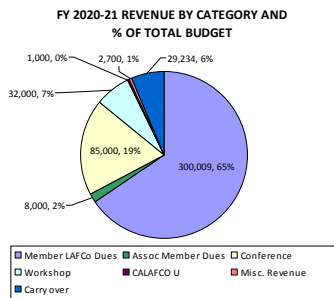
- ❖ No employees
- ❖ Four contractors*
 - ◆ Executive Director (32 hrs/week)
 - ◆ Executive Assistant (10-15 hrs/week)
 - ◆ Legal Counsel (hourly as needed)
 - ◆ Certified Public Accountant (15 hrs/qtr)
- ❖ Volunteer staff
 - ◆ Regions, Committees, Special Projects

* ED & Admin to become employees effective 9/1/20 to comply with AB 5

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Revenue FY 2020/2021

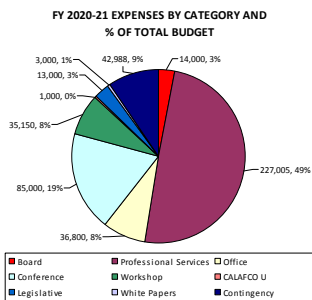
Revised Budget to be presented at July meeting



California Association of Local Agency Formation Commissions

Expenses FY 2020/2021

Revised Budget to be presented at July meeting



California Association of Local Agency Formation Commissions



2019-20 Strategic Areas

1. Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.

We will do this by offering a variety of educational forums, professional development and networking opportunities.

2. Focus efforts on Association member development and communication.

We will do this by implementing strategies that build stronger member LAFCos and a resilient Association. CALAFCO will provide support, resources and timely, value-added communication tools for our LAFCo members and Associate Members.

3. Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.

We will do this by supporting and sponsoring research which collaboratively shares the work and data from member LAFCos and serves as a resource to all Association members. The Association will also advocate for legislative needs and positions on behalf of our members, by serving as an objective resource to the Legislature, organizations seeking to improve local government and to state agencies on local government services.

California Association of Local Agency Formation Commissions

CALAFCO 2019-2020 Legislative Priorities

- ❖ LAFCo purpose & authority
- ❖ Ag and open space protection
- ❖ Water Availability
- ❖ Viability of Local Services
 - ❖ Issues of Interest:
 - ◆ Housing
 - ◆ Transportation
 - ◆ Flood Control
 - ◆ Adequate municipal services in inhabited territory

California Association of Local Agency Formation Commissions

Member Services

- ❖ Annual Conference – fall
 - ◆ Monterey – October 2020 (maybe)
 - ◆ Newport Beach – October 2021
 - ◆ Yosemite – October 2022
- ❖ Staff Workshop – spring
 - ◆ Newport Beach – March 2021
- ❖ CALAFCO U Courses
 - ◆ Transitioning to online for remainder of 2020
- ❖ Research Papers

California Association of Local Agency Formation Commissions



Member Services

- ❖ Provide support to member LAFcos through complimentary use of our toll-free conference calling system and Zoom webinar system
- ❖ Keep LAFco staff connected during the COVID-19 pandemic by hosting weekly meetings for EOs and Clerks
- ❖ Provide regular training and development opportunities

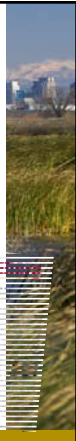
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Member Services

- ❖ Web site – www.calafco.org
 - ◆ 5,500-6,000 visits/week
- ❖ List Serves
 - ◆ EO, Clerks, Counsel, Analysts, 4 Regions
- ❖ The Sphere Annual Report
- ❖ Quarterly Reports
- ❖ Membership Publications
 - ◆ Directories, C-K-H

California Association of Local Agency Formation Commissions



Member Services

- ❖ Legislative Resource
 - ◆ Limit to 20% of budget
 - ◆ Propose and review LAFco legislation
 - ◆ Testify
 - ◆ Serve on work groups
 - ◆ Coordinate with peer associations
- ❖ LAFco and Public Resource
 - ◆ 150-200 calls/e-mails per day

California Association of Local Agency Formation Commissions





CALAFCO Thanks Trinity LAFCo

On behalf of myself
and the CALAFCO
Board of Directors,
we thank Trinity LAFCo
for your long-standing
partnership and
ongoing support.

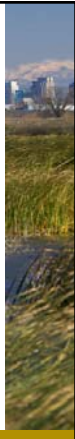
California Association of Local Agency Formation Commissions



CALAFCO Contact Info

Pamela Miller, Executive Director
1020 12th Street, Suite 222
Sacramento, CA 95814
info@calafco.org
pmiller@calafco.org
916-442-6536
www.calafco.org

California Association of Local Agency Formation Commissions





TRINITY LOCAL AGENCY FORMATION COMMISSION

April 21, 2020 at 4:00 p.m.

Via Virtual Teleconference

MINUTES

These minutes are not intended to be a verbatim transcription of the proceedings and discussion associated with the business on the Commission's agenda; rather, what follows is a summary of the order of business and general nature of testimony, Commission deliberation, and action taken.

1. CALL TO ORDER/ROLL CALL

Chair Morris called the meeting to order at 4:30 p.m.

Members present: Evan Barrow, Anna Burke, Pat Frost, Keith Groves (arrived 4:20 p.m.), and Judy Morris.

Members absent: John Fenley and Bobbi Chadwick, Alternate

Staff Present: Colette Santsche, Executive Officer; Kathy Bull, Administrator/Clerk

2. PRESENTATIONS/ANNOUNCEMENTS

No presentations were provided.

3. CONSENT CALENDAR

A. Approval of Minutes from February 18, 2020 Commission Meeting

Motion to approve the minutes was presented by Commissioner Burke, seconded by Commissioner Barrow and passed by the following votes:

Ayes: Burke, Barrow, Frost, Morris

Noes: None

Abstain: None

Absent: Fenley, Groves

4. PUBLIC COMMENT OPPORTUNITY

There were no comments received from the public.

5. PUBLIC HEARINGS

A. Proposed Budget and Work Plan for Fiscal Year 2020/2021

The proposed budget with work plan submitted to the Commission included updating the Municipal Service Review for four agencies within Trinity County. There is no increase in member contributions proposed for Fiscal Year 2020/2021.

Motion to approve proposed budget referenced in Resolution 2020-03 and directs staff to forward information to local funding agencies was presented by Commissioner Burke, seconded by Commissioner Frost and passed by the following votes:

Ayes: Burke, Barrow, Frost, Groves, Morris

Noes: None

Abstain: None

Absent: Fenley

6. NEW BUSINESS

A. Budget Adjustment for Fiscal Year 2019/2020

A budget adjustment was presented to decrease the Professional & Specialized Budget – MSR/SOI Item and increase the Professional & Specialized – Staffing Services with no overall increase to the budget.

Motion to approve proposed budget adjustments was presented by Commissioner Burke,

seconded by Commissioner Barrow and passed by the following votes:

Ayes: Burke, Barrow, Frost, Groves, Morris

Noes: None

Abstain: None

Absent: Fenley

B. Professional Services Contracts for Executive Officer and Clerk

There was suggestion from the Commission to provide a two-year contract for services versus a one-year when the terms for the contract have expired.

Motion to approve one-year contract for Executive Officer and Clerk was presented by Commissioner Groves, seconded by Commissioner Frost and passed by the following votes:

Ayes: Burke, Barrow, Frost, Groves, Morris

Noes: None

Abstain: None

Absent: Fenley

7. **OLD BUSINESS**

A. Special District Member Appointment Process Update

Due to the State of Emergency, it was determined a meeting of the Selection Committee would not be feasible, so staff will conduct the nomination and election process by mail.

B. Trinity Life Support CSD Status Report

Ms. Metz Santsche explained a Certificate of Termination was filed due to the lack of voter support to levy a special tax. The Commission and staff discussed a possible waiver of a one-year waiting period as a reduced tax was being developed. Four Commissioners agreed to review when an amended application was provided.

8. **EXECUTIVE OFFICER'S REPORT/CORRESPONDENCE**

A. Form 700s

There was a brief discussion regarding the Form 700s that are due June 1st.

9. **COMMISSIONERS' COMMENTS**

No comments were provided from the Commissioners.

10. **ADJOURNMENT**

There being no further business, Chair Morris adjourned the meeting at 4:55 p.m.

ATTEST:

APPROVED:

Kathy Bull
Administrator/Clerk

Judy Morris
Chair

DATE: _____

DATE: _____



AGENDA ITEM 5.A.

MEETING: June 16, 2020
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk
SUBJECT: Trinity Life Support Community Services District Formation

BACKGROUND

Previously, on September 17, 2019, a Community Services District formation proposal submitted by Trinity County Life Support (TCLS) by Resolution of the Trinity County Board of Supervisors was approved by Trinity LAFCo, as outlined in Resolution No. 19-03. This proposal was conditionally approved on receiving voter approval of a special parcel tax levy but due to lack of voter support for the tax measure, the district formation was formally terminated on March 31, 2020. An amended proposal for CSD formation has been submitted to LAFCo which proposes a reduced special tax rate for each parcel developed with residential or commercial uses.

The Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act) provides that if proceedings are terminated, no substantially similar proposal for a change of organization or reorganization of the same or substantially the same territory may be filed with the commission within one year after the date of the certificate of termination **unless** waived by the commission if it finds these requirements are detrimental to the public interest (Government Code Section 57090). At the April 21, 2020 LAFCo meeting, the Commission discussed waiver of a one-year waiting period as a reduced tax proposal was being developed. Subsequently, the Trinity County Board of Supervisors approved Resolution No. 2020-027 on May 5, 2020, requesting LAFCo reinstate district formation proceedings and waive the one-year waiting period. Proponents for the formation are looking ahead to the November 2020 election to place the proposed CSD formation and parcel tax on the ballot.

Upon receiving the amended Application, LAFCo staff prepared a Notice of Filing (referral) that was mailed to each affected and interested agency located within the proposed territory. A 1/8 page display ad was published in the Trinity Journal 21-days in advance of this public hearing in accordance with Government Code Section 56157(h). The hearing notice provided that, "unless written opposition to the proposed Trinity Life Support Community Services District Formation is received from landowners or registered voters within the affected territory before the conclusion of the Commission's hearing on the proposal, the Commission intends to waive protest proceedings, as authorized by, and in compliance with, California Government Code Section 56663". No written opposition has been received to date. Should the Commission approve the proposed district formation, an election will be required.

DISCUSSION

TCLS has operated as a non-profit since 1993, providing 911 advanced life support ambulance service to the majority of Trinity County. Bordering ambulances providing service in Trinity County are Southern Trinity Area Rescue (STAR) ambulance serving the communities of Mad River and Zenia-Kettenpom, and Hoopa Ambulance in the West, serving Hawkins Bar and Salyer. TCLS proposes formation of a community service district to move existing ambulance service to a financially sustainable structure. Government programs exist that reimburse government ambulance services for Medi-Cal shortfalls; However, since TCLS is a non-profit agency they are not eligible. Affiliations with existing local districts

Colette Metz, Executive Officer/e-mail: colette@trinitylafco.org
Kathy Bull, Clerk Administrator/e-mail: kathy@trinitylafco.org

such as Trinity PUD, Trinity Hospital, and Weaverville Fire Protection District were explored and found to expose these partners to TCLS financial risk. Without adequate funding, a reduction in service level would result which is detrimental to good patient outcomes and public safety. The final recommendation of consultants was to restructure as a community service district for financial stability.

The amended proposal suggests a reduced special tax at a flat rate of \$45 per year for each parcel developed with residential or commercial uses. Parcels that are undeveloped or have minor improvements would not be charged. This would generate approximately \$258,210 per year, which is 62% less than the original request (see Table 1). This level of support would stop deficit spending at current service level, allowing the ambulance service to continue with existing staff and shift structure, while seeking alternative funding for improvements. The CSD would be able to access government programs for Medi-Cal shortfall reimbursement.

A general description of the proposed amended formation is as follows:

- a. **Proposed Services to be Provided:** Ambulance services, in the same manner as a fire protection district, and including community outreach, training and educational programs.
- b. **Area Served:** Lands lying within Trinity County currently served by Trinity County Life Support. This is generally the same area served by Trinity PUD and Post Mountain PUD.
- c. **Proposed Methods of Financing:** In addition to other existing sources of funding, a special tax rate of \$45 per year for each parcel developed with residential or commercial uses is proposed. This special tax requires two-thirds voter approval.
- d. **Proposed Name of District:** Trinity Life Support Community Services District.
- e. **Initial Board of Directors:** A five-member Board of Directors would be elected “at-large.”

Table 1: Comparison of Initial and Amended CSD Formation Proposal

	Initial Proposal	Amended Proposal
Proposal Description	CSD formation with stabilizing funds to address revenue shortfalls to maintain existing service level of two 24-7 advanced life support ambulances in Weaverville and Hayfork. The proposal addressed long-term needs to provide 24-hour pay for 24-hour shift worked, added medical staff to fill the updated shift schedule and restored management hours cut long ago.	CSD formation with stabilizing funds to address revenue shortfalls to maintain existing service level of two 24-7 advanced life support ambulances in Weaverville and Hayfork. This level of support will stop deficit spending at current service levels, allowing the ambulance service to continue with existing staff and shift structure, while seeking alternative funding for improvements.
Proposed Tax Rate:	\$83 for improved parcels \$48 for unimproved parcels	\$45 per Residential and Commercial Developments <i>(No tax on undeveloped parcels or parcels with minor improvements)</i>
Total Revenue Generated	\$677,055 per year	\$258,210 per year <i>(62% less than the original request)</i>

LAWS APPLICABLE TO FORMATION OF A COMMUNITY SERVICES DISTRICT:

There are two areas of California law that pertain to the formation of a Community Services District: "Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000" (Government Code, Section 56000 et seq) and "Community Services District Law" (Government Code, Section 61000 - 61226.5). In addition to these formation laws, the California Environmental Quality Act (CEQA) also applies. This project will be exempt under CEQA, pursuant to the California Code of Regulations, Sec. 15061 (b)(3) because there is no potential for causing a significant effect on the environment - there will be no alternations to the physical environment because all improvements exist and the ambulance service has been operating for many years; Section 15301 (existing facilities) and Section 15320 (changes in organization of local agencies).

DISTRICT BOUNDARIES:

The proposed Community Services District includes a geographic description and map which match the area currently served by Trinity County Life Support and is nearly the same land area served by the Trinity Public Utilities District plus the Post Mountain Public Utilities District. The area is approximately 2,161 square miles. This land area was chosen by the TCLS based on their existing service area.

FUNCTIONS OF THE PROPOSED DISTRICT:

This proposal suggests only one authorized power; "ambulance services" and related training and educational activities (Gov, Sec 61100-61107). The board of directors of the district will have general powers to perform acts necessary of their duties. These are listed in Sections 61020 - 61022 of the California Government Code. The TCLS is currently operating under Health and Safety Code Section 1797 et seq. There will be no change to the regulatory agencies that govern ambulance services. California Emergency Services Authority (California EMSA) at the State level, and Northern California Emergency Services as the local EMSA or LEMSA. The same regulations and protocols in place apply to the special district ambulance service. Assets and liabilities of the existing TCLS would transfer to the new district upon formation.

TERMS AND CONDITIONS:

Trinity LAFCo Resolution 2020-04, submitted for the Commission's consideration, includes the following recommended terms and conditions:

- a. **Name of District:** The district is to be named "Trinity Life Support Community Services District."
- b. **Boundaries of District:** The boundaries of the district must be as described in Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated herein by this reference.
- c. **Board of Directors:** The district shall be governed by a five (5) member board of directors, elected at-large, each of whom must be a registered voter residing within the proposed district and whose term must be four years, with the exception of the initial board. The five-member initial Board of Directors must be elected prior to recordation of the Certificate of Completion.

Once elected, the five members of the board of directors shall classify themselves by lot into two classes: one class must have three members and the other class must have two members. For the class that has three members, the terms of offices that begin after the next general district election must be four years; for the class that has two members, the initial terms of offices that begin after the general district election must be two years. Thereafter, the terms of all members is four years. The

terms of office of the elected board members are determined pursuant to the Uniform District Election Law and shall be elected at-large.

- d. **Authorized Powers:** The district shall have the following powers: "Provide advanced life support ambulance services in the same manner as a fire protection district (formed pursuant to the Fire Protection District Law, Health and Safety Code Section 13800 et. seq), including related emergency medical response, training, community outreach, and educational programs."
- e. **Election Required:** The Trinity Life Support Community Services District is required to be partially funded by a special tax approved by registered voters residing within the boundaries of the district, and the district shall not be formed unless an adequate funding mechanism has been approved. The language in the Ballot Measure must substantially conform with the following language:
 - 1. "Shall the order adopted on June 16, 2020 by the Trinity Local Agency Formation Commission ordering the formation of the "Trinity Life Support Community Services District" in the territory described, known as 'lands currently served by Trinity County Life Support', subject to terms and conditions specified in the order, be approved? Such terms and conditions including that the board of directors be elected at-large and a special tax to finance district services be approved as a condition of formation, all as more particularly described in the order." [75 WORDS, Trinity Local Agency Formation Commission counts as 1 word, Trinity Life Support Community Services District counts as 1 word, Trinity County Life Support counts as 1 word]
 - 2. "In accordance with the terms and conditions of the Trinity Life Support Community Services District Formation, shall a measure imposing a \$45 per year special tax for each parcel developed with residential or commercial uses, until repealed by voters, providing \$258,000 annually, requiring all funds spent to sustain advanced life support ambulance service, including maintaining two 24-7 ambulances in Weaverville and Hayfork be adopted? Passage of the tax is required for the District to be formed." [71 WORDS, Trinity Life Support Community Services District counts as 1 word]
- f. **Transfer of Assets and Liabilities:** The required transfer of authority for any and all matters, including the transfer of all assets and liabilities from Trinity County Life Support to Trinity Life Support CSD will be operative on the effective date of the formation.
- g. **Appropriations Limit:** The provisional appropriations limit shall be equal to the amount raised through a special tax approved by registered voters within the proposed district. Changes in the tax may only be procured as provided by law.
- h. **Property Tax Exchange:** Since the district would not be assuming any ambulance service responsibilities currently provided by other agencies, there will be no transfer of property taxes to the newly formed district. The base property tax revenue currently allocated to existing special districts, the County General Fund and all local taxing agencies will not be changed as a result of this formation for any agency currently receiving an allocation of property tax.
- i. **Assessment Roll:** The district shall use the regular assessment roll of the County.
- j. **Effective Date:** The effective date for formation of the district will be the date that the Certificate of Completion is recorded by the Executive Officer.

ELECTION:

Proponents for the formation are looking to the November 2020 election for approval of the CSD formation and special tax. The resolution submitted for the Commission's consideration includes a condition stating:

1. The formation is subject to voter confirmation (majority voter approval);
2. The district board of directors will be elected at-large;
3. That the formation is subject to voter approval of a special tax designed to generate approximately \$258,210 per year (2/3rds voter approval).

IMPARTIAL ANALYSIS:

Gov. Code, Sec. 56898 reads, in part: "the analysis shall be prepared and submitted to the commission in sufficient time for the commission to consider and approve or modify the analysis, and submit the analysis to the officials conducting the election not later than the last day for submission of rebuttal arguments. The impartial analysis submitted by the commission shall not exceed 500 words in length and shall include a general description of the affected territory."

Attached is an impartial analysis for the district formation and an impartial analysis for the special tax measure. Each is approximately 300 words. If the Commission needs more time to review these, this action could be continued to the next meeting, but if there are no concerns, then action at today's meeting would be helpful toward providing the County Elections Official with the information at an early date.

RECOMMENDATION

This item has been agendized for consideration as part of a noticed public hearing. Staff recommends the Commission do the following:

- Receive verbal report from staff;
- Hold the public hearing and invite public testimony;
- Adopt Trinity LAFCo Resolution 2020-04 waiving the one-year waiting period and ordering the formation of "Trinity Life Support Community Services District," subject to terms and conditions.
- Approve wording for the Impartial Analysis for the 'formation' and the Impartial Analysis for the 'special tax.'

Enclosed:

- A. Board of Supervisors Resolution No. 2020-027
- B. LAFCo Notice of Filing (referral)
- C. Notice of Public Hearing
- D. Prior Agency Letters of Support
- E. Required Factors for Consideration
- F. Impartial Analyses
- G. LAFCo Draft Resolution No. 2020-04

RESOLUTION NO. 2020-027

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE FORMATION OF COMMUNITY SERVICES
DISTRICT TO SUSTAIN AMBULANCE SERVICES**

WHEREAS, Trinity County Life Support (TCLS) has provided advanced life support pre-hospital care and transport to the communities of Big Bar, Coffee Creek, Douglas City, Junction City, Hayfork, Hyampom, Lewiston, Post Mountain, Trinity Center, Weaverville and Wildwood as a non-profit public service corporation since 1993; and

WHEREAS, TCLS is operating in budgeted deficit to protect current service levels due to substantial uncompensated costs, with rising cost of wages, health insurance, medical supplies and equipment not sustainable by current and projected revenues; and

WHEREAS, Trinity County believes there is a tremendous benefit to the citizens of Big Bar, Coffee Creek, Douglas City, Junction City, Hayfork, Hyampom, Lewiston, Post Mountain, Trinity Center, Weaverville and Wildwood to have a fully funded and properly operating ambulance service; and

WHEREAS, study of options for stabilization of ambulance service with outside consultants and participants including Local Agency Formation Commissions (LAFCo), County representatives, and potential contract partners of existing local special districts have resulted in a recommendation to form a special district to sustain ambulance service by

- a) direct access to government reimbursement of uncompensated costs; and
- b) assessment of a voter-approved parcel tax; and

WHEREAS, the TCLS Board of Directors and Management took action to preserve and stabilize advanced life support service levels, the most viable solution to stabilize ambulance service is a restructure from non-profit organization to community service district;

WHEREAS, proceedings for formation of Trinity Life Support Community Services District was previously approved by LAFCo on September 17, 2019, as outlined in Resolution No. 19-03; and

WHEREAS, based on the Certification of Election Results from the March 3, 2020 Presidential Primary for which voters approved Measure D, Creation of EMS Service District but rejected Measure E, Parcel Tax for EMS Service District, the district formation was terminated; and

WHEREAS, given the prior level of voter support for the district formation coupled with a lower parcel tax amount proposed to finance those services, the Trinity County Board of Supervisors desires to re-initiate proceedings for the formation of Trinity Life Support

Community Services District and waive the one-year waiting period pursuant to Government Code Section 57090, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code; and commencing with Section 56000 of the California Government Code, for the formation of Trinity County Life Support Community Services District; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Trinity:

A proposal to form a new district will be made to Trinity LAFCo containing the following terms and conditions:

- (1) The proposed district be authorized to provide the following services:
 - a. Provision of ambulance service
 - b. Provision of public safety education;
- (2) The proposed service area is contained in Attachment A.
- (3) The proposed methods the district will use to finance those services is a voter approval of an annual \$45 parcel tax for developed residential and commercial
- (4) Propose a name for the district is Trinity Life Support Community Service District
- (5) The method of selecting the initial board of directors, as provided in Chapter 1 (commencing with Section 61020) of Part 2 shall be at large.

DULY PASSED AND ADOPTED this 5th day of May, 2020 by the Board of Supervisors of the County of Trinity by motion, second (Morris/Groves), and the following vote:

AYES: Supervisors Groves, Morris, Fenley and Chadwick
NOES: None
ABSENT: Supervisor Brown
ABSTAIN: None
RECUSE: None

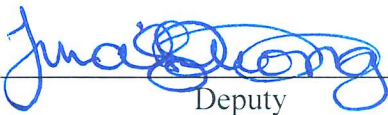


BOBBI CHADWICK, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

RICHARD KUHNS, Psy.D.,
Clerk of the Board of Supervisors

By:


Deputy



*Trinity County
Life Support*

A Non-Profit Public Service Corporation

Colette Metz Santsche, Executive Officer
Trinity Local Area Formation Commission

March 19, 2020

The following is an amendment to Trinity County Life Support application for formation of a community service district for ambulance service. The amended proposal, a two-tiered plan for stabilizing the ambulance service.

The initial proposal: CSD formation with stabilizing funds to address revenue shortfalls to maintain existing service level of two 24-7 advanced life support ambulances in Weaverville and Hayfork. The proposal addressed long-term needs to provide 24-hour pay for 24-hour shift worked, added medical staff to fill the updated shift schedule and restored management hours cut long ago. The funding required - \$677,055 from the proposed parcel assessment below:

\$83 for improved

\$48 for unimproved

The amended proposal: CSD formation with stabilizing funds to address revenue shortfalls to maintain existing service level of two 24-7 advanced life support ambulances in Weaverville and Hayfork. District funding needed - approximately \$258,210 from the proposed parcel assessment below, parcel count per Assessor's Office March 2020:

\$45 per Residential and Commercial Developments -- $\$45 \times 5,738 \text{ parcels} = \$258,210$

No assessment on undeveloped parcels, no assessment on parcels with minor improvements.

Funding proposed is 62% less than the original request. This level of support will stop deficit spending at current service level, allowing the ambulance service to continue with existing staff and shift structure, while seeking alternative funding for improvements.

The CSD would elect a five-member board of directors.

The CSD will have access to government programs for Medi-Cal shortfall reimbursement. It will be up to the CSD to find funding to provide 24-hour pay for 24-hour shift worked and add the needed staff for stabilized response capabilities. Our organization is motivated to find the answer for these improvements to protect our staff and serve the community effectively.

Respectfully submitted:

Kathy Ratliff
Paramedic/Administrator

Trinity Life Support - Transition to CSD FY 2021			Proposed \$45 assessment, Residential & Commercial Only					
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Ordinary Income								
Ambulance Transport	\$677,336	\$783,861	\$725,000	\$732,250	\$739,573	\$746,968	\$754,438	\$761,982
Membership	\$57,272	\$66,415	\$65,750	\$65,750	\$65,750	\$65,750	\$65,750	\$65,750
Education Outreach	\$26,523	\$17,065	\$18,600	\$18,972	\$19,351	\$19,738	\$20,133	\$20,536
Ambulance District Tax	\$0	\$0	\$0	\$258,210	\$258,210	\$258,210	\$258,210	\$258,210
Fire Camp Contract	\$80,675	\$0	\$0	\$0	\$0	\$0	\$0	\$0
County Subsidy	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000
County IGT	\$60,223	\$88,406	\$60,500	\$0	\$0	\$0		
GEMT Reimbursement	\$0	\$0	\$0	\$0	\$18,720	\$19,469	\$19,663	\$19,860
IGT Reimbursement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Ordinary Income	\$957,029	\$1,010,747	\$924,850	\$1,130,182	\$1,156,604	\$1,165,135	\$1,173,195	\$1,181,338
Legal Fees	\$5,000	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0
Audit Expense	\$0	\$0	\$0	\$6,950	\$6,950	\$6,950	\$6,950	\$6,950
Tax Administration	\$0	\$0	\$0	\$2,926	\$2,926	\$2,926	\$2,926	\$2,926
Board Expense	\$0	\$0	\$0	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
Election Expense	\$0	\$0	\$0	\$15,000	\$0	\$3,000	\$0	\$3,000
Total District Admin	\$5,000	\$0	\$0	\$31,076	\$11,076	\$14,076	\$11,076	\$14,076
Employee Expense	\$75,869	\$76,028	\$78,000	\$78,780	\$79,568	\$80,363	\$81,167	\$81,979
Operating Expense	\$168,362	\$215,191	\$208,602	\$210,688	\$212,795	\$214,923	\$217,072	\$219,243
Payroll Expense	\$717,125	\$735,992	\$746,230	\$755,931	\$765,758	\$775,713	\$785,797	\$796,013
Total Ordinary Expense	\$961,356	\$1,027,211	\$1,032,832	\$1,045,399	\$1,058,121	\$1,070,999	\$1,084,036	\$1,097,234
Total Expense	\$966,356	\$1,027,211	\$1,032,832	\$1,076,475	\$1,069,197	\$1,085,076	\$1,095,113	\$1,111,311
Net Ordinary Income	-\$9,327	-\$16,464	-\$107,982	\$53,707	\$87,407	\$80,060	\$78,082	\$70,028
Other Income/Expense								
Fundraising	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grant Income	\$0	\$0	\$96,140	\$0	\$36,000	\$0	\$36,000	\$0
Interest Income	\$1,108	\$2,048	\$1,500	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Gain on Assets Sold	\$0	\$4,725	\$5,000	\$0	\$0	\$0	\$0	\$0
Major Medical Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ambulance Purchase	\$0	\$0	\$118,162	\$0	\$120,000	\$0	\$120,000	\$0
Net Other Income/Expense	\$1,108	\$6,773	-\$15,522	\$1,000	-\$83,000	\$1,000	-\$83,000	\$1,000
Total Net Profit/Loss	-\$8,219	-\$9,691	-\$123,504	\$54,707	\$4,407	\$81,060	-\$4,918	\$71,028
Beginning Cash Balance	\$359,937	\$351,718	\$342,027	\$218,523	\$273,230	\$277,636	\$358,696	\$353,778
Ending Cash Balance	\$351,718	\$342,027	\$218,523	\$273,230	\$277,636	\$358,696	\$353,778	\$424,806

Per Assessors Office March 2020:

Residential / Dwellings	5381	\$45	\$242,145
Commercial Developed	357	\$45	\$16,065
Totals:	5738		\$258,210

No tax for undeveloped parcels or parcels with minor developments

This funding allows ambulance service to continue as it is, no update to shift structure, no added staff

It is incumbent upon the agency to locate funding elsewhere for these improvements



NOTICE OF FILING
TRINITY LOCAL AGENCY FORMATION COMMISSION

DATE: May 8, 2020

TO: CALFIRE Shasta Trinity Unit, Coffee Creek VFD, Douglas City CSD, Hayfork FPD, Hyampom CSD, Junction City FPD, Lewiston CSD, Mountain Communities Healthcare District (Trinity Hospital), Post Mountain PUD, Salyer CSD, Trinity Center CSD, Trinity County Administrative Office, Trinity County Assessor's Office, Trinity County Auditor's Office, Trinity County Elections Office, Trinity County Fire Chief's Association, Trinity County Office of Emergency Services, Trinity County Planning Department, Trinity County Sheriff's Office, Weaverville Fire FPD

FROM: Kathy Bull, Trinity LAFCo Clerk/Administrator

SUBJECT: Application Received - Trinity Life Support Community Services District Formation

APPLICATION INFORMATION

Project: Proposed formation of Trinity Life Support Community Services District (TLSCSD) for the purpose of providing ALS ambulance service, including community outreach, training and educational programs. The affected land area is the same area currently served by Trinity County Life Support and includes approximately 2,160 sq. miles (1,380,000 +/- acres). Generally, these boundaries are approximately the same as the land area within Trinity PUD and Post Mountain PUD. Financing of the district is proposed to include voter approval of a special tax at the November 2020 election (see Attachment 1 Addendum). The district Board of Directors would be elected at-large. The Commission would also establish a provisional Sphere of Influence that would be coterminous with the district boundaries.

Location: See Attachment 2 Location Map

Notice: The above referenced proposal has been submitted to LAFCo and this notice of filing is being issued in accordance with Government Code 56658(b)(1). If you wish to receive a copy of the application materials and supporting documents, please contact LAFCo at (707)825-8260 or email Trinity LAFCo Clerk/Administrator Kathy Bull at kathy@trinitylafco.org. Trinity LAFCo requests all agency comments on the proposed actions to be submitted by May 28, 2020.

Applicant: Trinity County Life Support, Kathleen Ratliff Administrator

Attachment: Attachment 1 – Addendum to LAFCo Application
Attachment 2 - Location Map

Cc: Colette Metz Santsche, Trinity LAFCo Executive Officer
Kathleen Ratliff, Trinity County Life Support Administrator



A Non-Profit Public Service Corporation

Colette Metz Santsche, Executive Officer
Trinity Local Area Formation Commission

March 19, 2020

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Funding proposed is 62% less than the original request. This level of support will stop deficit spending at current service level, allowing the ambulance service to continue with existing staff and shift structure, while seeking alternative funding for improvements.

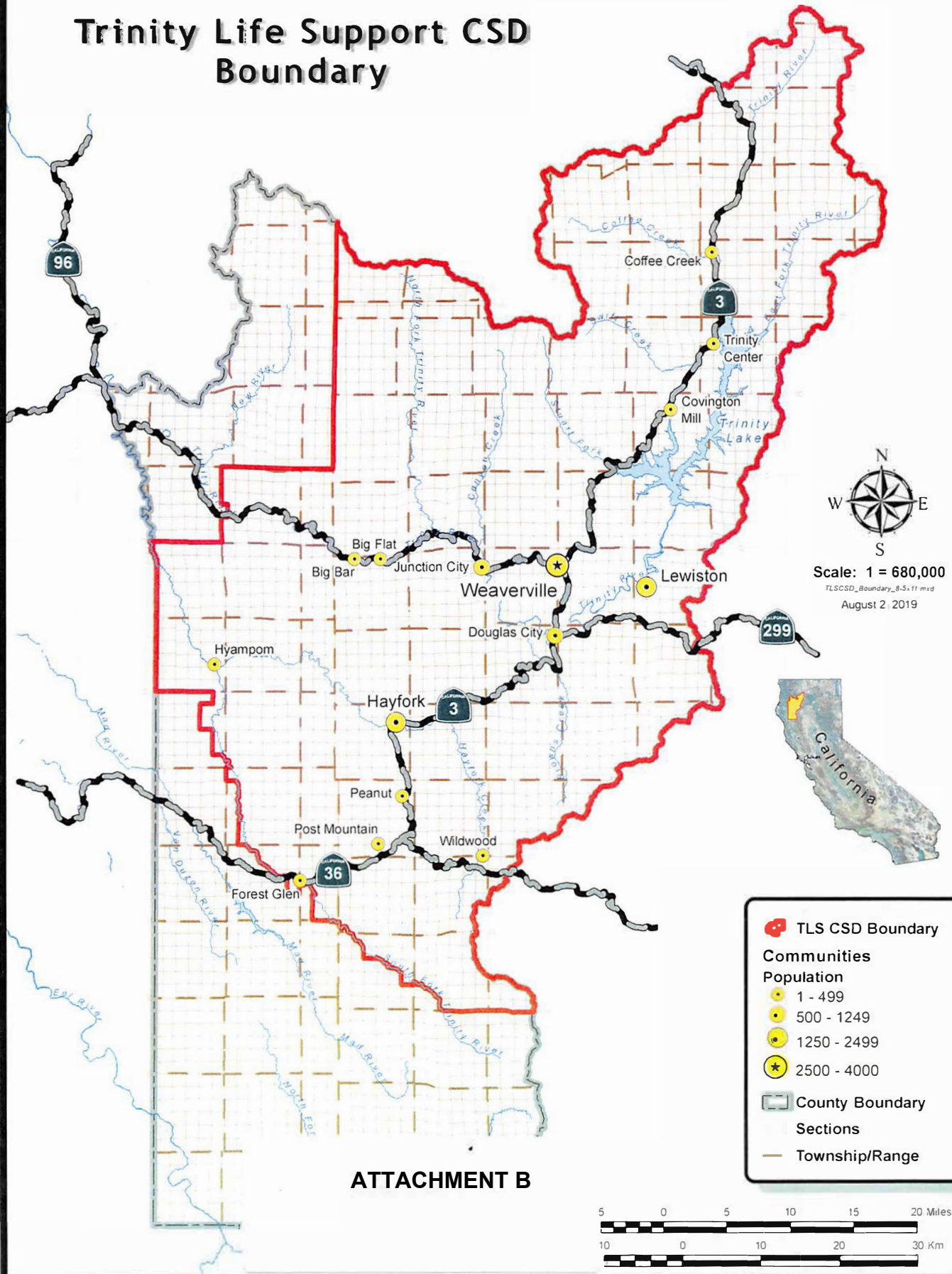
The CSD would elect a five-member board of directors.

The CSD will have access to government programs for Medi-Cal shortfall reimbursement. It will be up to the CSD to find funding to provide 24-hour pay for 24-hour shift worked and add the needed staff for stabilized response capabilities. Our organization is motivated to find the answer for these improvements to protect our staff and serve the community effectively.

Respectfully submitted:

Kathy Ratliff
Paramedic/Administrator

Trinity Life Support CSD Boundary



Affidavit of Publication

Display Ad: Notice of Hearing

{ Trinity LAFCo
Agency Formation Commission
P.O. Box 1445
Weaverville, CA 96093

STATE OF CALIFORNIA

SS.

COUNTY OF TRINITY

Wayne R. Agner of the said County, being duly sworn, deposes and says:

That he is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years and that he is not a party to, nor interested in the above entitled matter;

That he is the publisher of The Trinity Journal, a newspaper of general circulation published in the Town of Weaverville, County of Trinity, and which newspaper at all times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said Town of Weaverville, County of Trinity, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to; and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

May 20, 2020

I hereby certify under penalty of perjury that the foregoing is true and correct. Executed at Weaverville, California, on the 20th day of May 2020.

Wayne R. Agner
Wayne R. Agner
Publisher

AFFIDAVIT OF PUBLICATION OF

PUBLIC NOTICE

“Notice of Hearing Trinity LAFCO”

BY TRINITY JOURNAL

See attached

NOTICE OF HEARING TRINITY LAFCO

NOTICE IS HEREBY GIVEN that the Trinity Local Agency Formation Commission will hold a public hearing on June 16, 2020, at 4:00 p.m. at which time all interested persons may be heard on the following items.

1. TRINITY LIFE SUPPORT COMMUNITY SERVICES DISTRICT FORMATION

The Commission will consider approving the formation of a Community Services District for the purpose of providing ambulance service. The affected land area is the same area currently served by Trinity County Life Support and includes approximately 2,160 square miles (1,380,000 +/- acres). See below for more information.

2. FINAL LAFCO BUDGET FOR FISCAL YEAR 2020-21

The Commission will consider adopting a final budget for Fiscal Year 2020-21 in accordance with California Government Code Section 56381. The overall operating costs as provided in the final budget will allow the Commission to fulfill its regulatory and planning responsibilities, including preparing municipal service reviews and sphere of influence updates for special districts within Trinity County.

Unless the shelter-in-place orders and social distancing guidelines are lifted prior to the meeting, the Commission will conduct this meeting entirely by teleconference. No physical location will be available. Anyone who wishes to participate should consult the meeting agenda for the Zoom call-in telephone number. The agenda will be posted on the Commission's website at least 72 hours before the scheduled start time of the meeting.

Proposed CSD Formation: Proceedings for the proposed Community Services District Formation were initiated by Trinity County Life Support by Resolution of the Trinity County Board of Supervisors. A similar proposal was previously approved by LAFCo on September 17, 2019, as outlined in Resolution No. 19-03. This initial proposal was conditionally approved on receiving voter approval of a special tax at a rate of \$83 per year for each improved parcel and \$48 per year for each unimproved parcel within the district, generating approximately \$677,000 per year. At the March 3, 2020 general election, voters approved Measure D, Creation of EMS Service District, but rejected Measure E, Parcel Tax for EMS Service District. Due to the lack of voter support for the tax measure, the district formation was terminated.

An amended proposal has been submitted to LAFCo that proposes a reduced special tax at a flat rate of \$45 per year for each parcel developed with residential or commercial uses. Parcels that are undeveloped or have minor improvements would not be charged. This would generate approximately \$258,000 per year, which is 62% less than the original request. This level of support would stop deficit spending at current service level, allowing the ambulance service to continue with existing staff and shift structure, while seeking alternative funding for improvements.

A general description of the proposed formation is as follows:

- a) Proposed Services to be Provided: Ambulance services, in the same manner as a fire protection district, and including community outreach, training and educational programs.
- b) Area Served: Lands lying within Trinity County currently served by Trinity County Life Support. This is generally the same area served by Trinity PUD and Post Mountain PUD.
- a) Proposed Methods of Financing: In addition to other existing sources of funding, a special tax at a rate of \$45 per year for each parcel developed with residential or commercial uses is proposed. This special tax requires two-thirds voter approval.
- b) Proposed Name of District: Trinity Life Support Community Services District.
- c) Initial Board of Directors: A five-member Board of Directors would be elected "at-large."

The Commission hereby gives notice that, unless written opposition to the proposed Trinity Life Support Community Services District Formation is received from landowners or registered voters within the affected territory before the conclusion of the Commission's hearing on the proposal, the Commission intends to waive protest proceedings, as authorized by, and in compliance with, California Government Code Section 56663.

At the hearing, the Commission will consider all oral and written testimony of any interested persons or affected agencies. The Commission will consider the report of the Executive Officer and may approve, amend or deny the proposed district formation. Written comments must be received the day prior to the meeting in order to be distributed to Commissioners. Please direct comments, questions, and requests to review documents to Trinity LAFCo, 1125 16th Street, Suite 202, Arcata, CA 95521. Phone: (707) 445-7508. E-mail: colette@trinitylafco.org (preferred). Copies of documents or links to information relating to the application will be available for review on the Trinity LAFCo website: www.trinitylafco.org.

**TRINITY CENTER COMMUNITY
SERVICES DISTRICT**

**P.O. BOX 177
Trinity Center, California 96091**

RECEIVED

May 7, 2019

MAY 15 2019

TRINITY COUNTY
PLANNING DEPARTMENT

Mr. John Jelichich
Executive Officer
Trinity County LAFCo
PO Box 1445
Weaverville, CA 96093

Re: Statement of No Conflict or Competition

Dear Mr. Jelichich:

The Trinity Center Community Services District board of directors has determined that there is no conflict or competition between services provided by Trinity Center CSD and the services to be provided by the proposed Trinity Life Support Community Services District.

Trinity Center CSD staffs a Volunteer Fire Department that provides BLS (basic life support) and ALS (advanced life support) ambulance and first responder service to its service area on a volunteer basis. Our funding level supports providing this service in our district without the costs to transport patients all the way to medical facilities in Weaverville or Redding. Moreover, we only have one paramedic, meaning that our service is often provided at the BLS level.

Trinity County Life Support (TCLS) currently provides ALS service on virtually all calls to our district, meaning that a higher level of care is available to patients in our area. Moreover, TCLS is able to bill for services, and thus is better able to provide transportation all the way to medical facilities.

Trinity Center CSD would have to provide transportation services all the way to medical facilities at significantly higher cost than when patients transfer to TCLS' care. Two likely effects of not having TCLS available to us are (a) our district may have to do its own property assessment to cover the increased costs of transportation and training, and perhaps even initiate patient billing with its own overhead; and (b) we would most likely have difficulty recruiting volunteers willing to expend their personal time driving to Weaverville and Redding, which may lead to having to either abandon EMS services or initiate a paid employee model at dramatically higher cost.

Please feel free to contact me if you have any questions.

Respectfully,



Mike McHugh
Chairman of the Board
Trinity Center Community Services District

CC: Kathy Ratliff, TCLS [via email]

EXHIBIT D - 1

35



Coffee Creek Volunteer Fire District
Corner of Mann and Cedar Roads, Coffee Creek
Rt. 2, Box 3951, Trinity Center, CA 96091
530-266-3955



To: Kathy Ratliff
Trinity County Life Support
Weaverville, CA 96093

May 18, 2018

Re: Trinity County Life Support's application to the Local Area Formation Commission (LAFCO) requesting approval to form a special district for ambulance service.

Dear Kathy,

Services provided by TCLS and the Coffee Creek Volunteer Fire Department should continue as is: simultaneous dispatch to 911 calls. The formation of a TCLS special district for ambulance service stabilization creates no conflicts, and in fact will enhance services.

Sincerely,

Laurence Fitzsimons
President, CCFVD Board of Directors

LEWISTON COMMUNITY SERVICES DISTRICT
POST OFFICE BOX 164
LEWISTON, CALIFORNIA 96052
530-778-3018

April 3, 2019

Mr. John Alan Jelich
Interim Executive Officer
Trinity LAFCO
PO Box 1445
Weaverville, CA 96093

COPY

Re: TCLS Providing Ambulance Service

Dear Mr. Jelich,

Be advised the Board of Directors at their regular meeting of April 2, 2019 by motion approved with no objections to Trinity Life Support providing ambulance service within the boundaries of the Lewiston Community Services District.

If you need anything further from the District, please contact me.

Sincerely,



Mel Deardorff – President
Lewiston Community Services District
530-778-3018

cc: TCLS

RESOLUTION 18-04
RESOLUTION OF THE HYAMPOM COMMUNITY SERVICE DISTRICT
SUPPORTING FORMATION OF COMMUNITY SERVICES DISTRICT
TO SUSTAIN AMBULANCE SERVICES

WHEREAS, Trinity County Life Support (TCLS) has provided advanced life support pre-hospital care and transport to the communities of Big Bar, Coffee Creek, Douglas City, Junction City, Hayfork, Hyampom, Lewiston, Post Mountain, Trinity Center, Weaverville and Wildwood as a non-profit public service corporation since 1993; and

WHEREAS, TCLS is operating in budgeted deficit to protect current service levels due to substantial uncompensated costs, with rising cost of wages, health insurance, medical supplies and equipment not sustainable by current and projected revenues; and

WHEREAS, study of options for stabilization of ambulance service with outside consultants and participants including LAFCO, County representatives, and potential contract partners of existing local special districts have resulted in a recommendation to form a special district to sustain ambulance service by

- a) direct access to government reimbursement of uncompensated costs; and
- b) assessment of a voter-approved parcel tax; and

WHEREAS, the TCLS Board of Directors and Management acted to preserve and stabilize advanced life support ambulance service by application to LAFCO for formation of Trinity County Life Support Community Service District; and

WHEREAS, the Hyampom Community Service District believes it is necessary to sustain advanced life support emergency ambulance service in Trinity County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Hyampom Community Service District hereby support this action and affirm there is no conflict with Trinity County Life Support sphere of influence for ambulance service, as

- a. Hyampom Ambulance provides rendezvous and/or transport to landing zone to expedite getting the patient to a higher level of care; and
- b. Ambulance services provided by the two entities are complimentary rather than competitive.

PASSED AND ADOPTED by the Board of Directors Hyampom Community Service District, State of California, at a regular meeting of said Board, held on the 14th day of March 2019 by the following vote:

AYES: *Minor, Strong, Benthien, Murray, Weddell*
NOES: *0*
ABSENT: *0*



Chairman, Hyampom Community Services
District

Trinity County Fire Chief's Association

P.O. Box 1296, Weaverville, CA. 96093
(530) 623-4226 FAX (530) 623-5444



To Whom It May Concern:

The Trinity County Fire Chiefs' Association has been made aware that Trinity County Life Support, a critical partner agency responding with us to Emergency Medical calls for service, will not be able to sustain operations without increased financial support.

The following facts and beliefs underlie our strong support for the TCLS proposal to create an EMS District and tax to continue providing Advanced Life Support (ALS) and Medical Transport to the residents of and visitors to Trinity County:

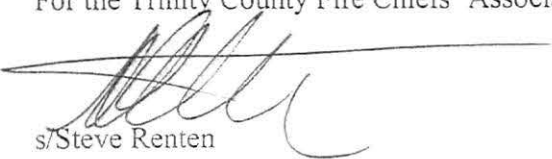
- The majority of 911 calls are for emergency medical service, 60-80% of calls dispatched to most Departments
- Trinity County Chiefs and their Departments rely on our TCLS partners for almost every medical response within the County north of Highway 36.
- The Chiefs and their Departments are not structured or resourced to provide Advanced Life Support and Medical Transport on a 24/7/365 basis.
- Very few Departments have ambulances
- EMTs are in short supply
- Paramedics are few in the Departments
- In the rare case where a Department might be able to provide ALS & Medical Transport, this takes those medical resources out of their community for extended periods of time, potentially denying these services to any subsequent patients who may need them during Medical Transport
- Loss of TCLS would place a crushing burden on Volunteer Fire Departments and diminish emergency response efficiency

Therefore TCLS is essential for EMS within the County. It is therefore critical that TCLS continue providing its valuable and highly specialized response services within Trinity County.

In addition to emergency medical responses, TCLS provides extensive training to VFDs and First Responders in Trinity County. This training includes CPR, Public Safety First Aid, EMR and EMT courses as well as Continuing Education on all topics required for VFD/FR members to keep their EMT and EMR licenses current. Without this training a substantial burden will fall on the VFDs and their members to find alternative sources for course work and medical skills maintenance.

For these reasons, the Trinity County Fire Chiefs' Association strongly supports the TCLS proposal for an EMS District and advises all agencies and citizens to carefully consider extending their support as well.

For the Trinity County Fire Chiefs' Association,


s/Steve Renten
President, TCFCFA

D-5

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REQUIRED FACTORS FOR CONSIDERATION

The following discussion addresses those factors which must be considered by LAFCo pursuant to Section 56668 of the California Government Code. Many of the factors pertain to city or district annexations. This discussion only considers those factors which are fundamental to the formation of a Community Services District.

(A) Population; population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated area, during the next 10 years.

Based on information obtained through the California Department of Finance (DOF), the estimated population of the County is currently 13,688. The DOF does not break down the county any further in a manner that is useful for this application. The estimated population within the proposed district may be around 10,000 (the proposed district includes all of the most populated areas of the county). The topography of the area can be described as mountainous with most of the population located in two prominent valleys and along the river corridors. The largest population centers are Junction City, Lewiston, Hayfork, Weaverville and Trinity Center. The area is likely to continue experiencing moderate growth in the foreseeable future. Tourism activities and seasonal residents contribute to an increase of the area's population in the late spring, summer and fall. There are no incorporated communities within the proposed district. A map and geographic description of the proposed district boundaries identify the geographic area to be served.

(B) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

Considerable review of existing operations of TCLS reveals that the current ambulance service is operated efficiently and effectively, but cannot continue to operate without sustainable funding. Various organizational and governance options were explored with formation of a Community Services District the most feasible option. Discussions with other ambulance service providers in the area reveal support for TCLS's request to form a special district. The newly formed district would complement, not conflict with, other districts within the proposed service area.

(C) The effect of the proposed action and of alternative actions, on mutual social and economic interests, and on the local governmental structure of the county.

Should the proposal fail, TCLS would likely be required to make level of service reductions that would have obvious social and economic impacts to the County, its businesses and its residents. In addition, alternative governance options would require some form of parcel tax or assessment.

(D) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development and with state policies and priorities set forth in Section 56377. (This section pertains to the conversion of open space lands to uses other than open space uses. "Open space uses" is defined in Section 56060 and references the definition contained in Government Code, Section 65560.)

The formation of the proposed Trinity Life Support Community Services District will not conflict with adopted policies of the Commission. There is no conflict, or relationship to, planned land use within the proposed or recommended boundaries of the district. Formation of the district will have no effect on open space uses within the district.

(E) Effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined in Section 56016. (56016: "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.)

Not applicable. The proposal is to form a Community Services District with the sole authorized power of providing "ambulance" and related services. This action will have no effect on the use or integrity agricultural lands.

(F) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The boundaries of the proposed district generally match the boundaries of Post Mountain Public Utilities District plus Trinity Public Utilities District because this is the area currently served by Trinity County Life Support. The area further to the south (generally south of South Fork Mountain is served by Southern Trinity Area Rescue (STAR), the area west of approximately Del Loma is served by Hoopa Ambulance. This recommendation is supported by patient transport information provided by ambulance service providers. There are no islands created by the proposal.

(G) A regional transportation plan adopted pursuant to Section 65080.

The proposed project will not affect growth or transportation patterns. The project involves replacing an existing private, non-profit ambulance service with a special district. No changes in operations will occur as a result of this action.

(H) Consistency with the county general and specific plans.

This section is not applicable to the formation of this district. The proposal is to form a Community Services Districts to provide ambulance services. Such a district will not provide for expanded growth in the manner that extension of utilities could facilitate.

(I) The sphere of influence of any local agency that may be applicable to the proposal being reviewed.

The proposed Trinity Life Support Community Services District will not conflict with the

sphere of influence of any other district in the county.

(J) Comments of any affected local agency.

The Trinity County Board of Supervisors submitted a resolution of application to form the TLSCSD. Comment letters were previously submitted by Trinity Center CSD, Coffee Creek VFD, Lewiston CSD, Hyampom CSD, and the Trinity County Fire Chief's. Each special district responded explaining their service level and indicated that the proposed district would not conflict with their services.

(K) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary changes.

TCLS has operated as a non-profit since 1993, providing 911 advanced life support ambulance service to the majority of Trinity County. TCLS proposes formation of a community service district to move existing ambulance service to a financially sustainable structure. As proposed, a special tax would generate approximately \$258,210 per year. This level of support would stop deficit spending at current service level, allowing the ambulance service to continue with existing staff and shift structure, while seeking alternative funding for improvements. The CSD would be able to access government programs for Medi-Cal shortfall reimbursement.

(L) Timely availability of water supplies adequate for the projected needs as specified in Section 65352.5 (This section pertains to the coordination and consultation between land use and water supply agencies.)

This section is not applicable to the formation of the Trinity Life Support Community Services District. Only "ambulance service" will be an authorized power.

(M) The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.

This section is not applicable to the formation of this district.

(N) Any information or comments from the landowner or owners.

No comments have been received prior to preparation of this report. If comments are received they will be presented at the public hearing.

(O) Any information relating to existing land use designations.

This section is not applicable to the formation of this district.

(P) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

The proposed formation of a Community Services District with the sole power to provide ambulance service is neutral to the issue of environmental justice. All races, cultures and incomes are able to utilize the services of the ambulance.

IMPARTIAL ANALYSIS
FORMATION OF
TRINITY LIFE SUPPORT COMMUNITY SERVICES DISTRICT

Measure ____ is the second attempt to form a community services district and establish a long-term revenue source to support the continued operation of Advanced Life Support ambulance services currently provided by Trinity County Life Support. The proposal to form the "Trinity Life Support Community Services District" was approved by the Trinity Local Agency Formation Commission (LAFCo) on June 16, 2020, contingent on voter approval of a special tax. A five-member board of directors would also be elected on the same ballot.

The community services district boundaries would be the same as the current ambulance service area of Trinity County Life Support, comprising approximately 2,161 square miles and generally matching the service area of Trinity Public Utilities District plus Post Mountain PUD. Residents within the district boundaries would become eligible to vote in district elections and run for office on the governing board.

The district would be authorized to exercise the following powers: to provide Advance Life Support ambulance services, including related emergency medical response, training, community outreach, and educational programs. The formation of the special district for continued ambulance service is conditioned upon voter approval of a special tax that will provide the necessary supplemental funding to maintain Advanced Life Support ambulance services, including maintaining two 24-7 ambulances in Weaverville and Hayfork. This special tax ballot measure, identified as Measure ____, appears on this same ballot.

The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the elections official's office at (530) 623-1220 and a copy will be mailed at no cost to you.

IMPARTIAL ANALYSIS
SPECIAL TAX
TRINITY LIFE SUPPORT COMMUNITY SERVICES DISTRICT

Measure ____ would approve a special tax ("parcel tax") to fund the provision of advanced life support ambulance service, including maintaining the existing service level of two 24-7 advanced life support ambulances in Weaverville and Hayfork, providing ongoing emergency medical response, training and educational programs provided by the Trinity Life Support Community Services District. Passage of the parcel tax is required for the District to be formed.

If approved by the voters, the parcel tax would be collected in the amount of \$45 per year for each parcel developed with residential or commercial uses. This tax does not apply to undeveloped parcels or parcels with minor improvements. The tax would be collected in the same manner as taxes on real property, commencing with fiscal year 2021-22 and annually thereafter. Any upward adjustment of the parcel tax would require additional voter approval.

The parcel tax will only go into effect if voters also approve formation of a special district for continued ambulance service, identified as: "Trinity Life Support Community Services District." This ballot measure, identified as Measure ____, appears on this same ballot.

This measure will not become effective, and this parcel tax will not be imposed, unless two-thirds (2/3) of the voters within the proposed district approve the measure.

The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the elections official's office at (530) 623-1220 and a copy will be mailed at no cost to you.



RESOLUTION NUMBER 2020-04

ATTACHMENT G

WAIVING THE ONE-YEAR WAITING PERIOD AND ORDERING THE FORMATION OF THE TRINITY LIFE SUPPORT COMMUNITY SERVICES DISTRICT, AND ESTABLISHING A PROVISIONAL SPHERE OF INFLUENCE FOR THE DISTRICT

WHEREAS, The Trinity County Board of Supervisors, acting on behalf of Trinity County Life Support, adopted a resolution of application pursuant to the "Community Services District Law" (Government Code, Sec. 61000, et seq) on May 5, 2020, requesting LAFCo re-initiate proceedings for the formation of Trinity Life Support Community Services District and waive the one-year waiting period in accordance with Government Code, Sec. 67090, including proposed terms and conditions; and

WHEREAS, the Executive Officer determined, and the Commission concurs, that the proposed district formation is exempt from the California Environmental Quality Act ("CEQA") and the California Code of Regulations, Title 14, Chapter 3 (commencing with Section 15000), ("State CEQA Guidelines") pursuant to Section 15061 (b) (3) because all facilities are existing and no expansion is proposed, resulting in no change to the physical environment; and Section 15301 (Class 1, Existing Facilities); and Section 15320 (Class 20, Changes in Organization of Local Agencies); and

WHEREAS, the Executive Officer set formation of the proposed district for hearing and gave published notice in at least a one-eighth page display ad in the Trinity Journal, the local newspaper of general circulation, on May 20, 2020 for the public hearing held on June 16, 2020; the notice was also posted on the Trinity LAFCo website and notifications were provided to affected and interested agencies; and

WHEREAS, the Executive Officer prepared a report analyzing and recommending approval of formation of the proposed district. The Executive Officer furnished copies of the Executive Officer's Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act. The Executive Officer's Report is included herein as if set out in full; and

WHEREAS, the Commission conducted a duly noticed public hearing on formation of the proposed district on June 16, 2020. At the hearing, all interested persons were given the opportunity to hear and be heard, and all oral and written testimony and evidence presented or filed was received and considered by the Commission; and

WHEREAS, formation of the proposed district is consistent with the intent of the Cortese-Knox-Hertzberg Act, including, but not limited to, the policies set forth in Government Code sections 56001 and 56301. The Commission finds that existing agencies, including the County of Trinity, are unable to provide the level of services that will be delivered by the proposed district. Approval of the proposed district formation and the associated special tax will enable the newly formed special district to provide advanced live support ambulance services in an efficient and accountable manner. The Commission further finds that reorganization with other local agencies providing related services would not be feasible or appropriate; and

WHEREAS, the Commission finds that there is a current and future need for continued Advanced Life Support ambulance services within the proposed district boundaries. The Commission further finds that without formation of the proposed district the availability of such services within the proposed district boundaries will decrease or disappear altogether. The Commission further finds that formation of the proposed district is consistent with the Trinity County General Plan, any specific plans, and compliments fire protection and other basic life support ambulance service providers in the area. The spheres of influence of other local agencies is not adversely affected by the proposal; and

WHEREAS, the Commission finds that there is no conflict or overlap between the formation and services to be provided by the proposed district and services provided by other districts within the proposed district boundaries. All potentially affected districts have been notified and all have submitted documentation stating that there will be no conflict between their district services and those to be provided by the newly formed district. The Commission finds that any perceived overlap of service or duplication is complementary and not conflicting; and

WHEREAS, the Commission has reviewed and concurs with the service plan for the proposed district. The plan indicates that approximately \$258,000 in supplementary financing in the form of a special tax levied at a rate of \$45 per year for each parcel developed with residential or commercial uses, to be approved by voters, will provide the necessary financing to stop deficit spending at current service levels, allowing the ambulance service to continue with existing staff and shift structure, while seeking alternative funding for improvements; and

WHEREAS, all proper expenses incurred in conducting elections for formation proceedings must be paid by the newly formed district, if successful, or by the county within which the proposed district is located, if the formation proceedings are terminated (Government Code, Sec. 57150(b)); and

WHEREAS, the proposed district has a population of approximately 10,000 people residing within its boundaries. The territory within the proposed district is, therefore, inhabited territory, as defined in Government Code, Section 56046; and

WHEREAS, the applicant has submitted an "Agreement to Pay for Time and Materials and for Indemnification", signed by the applicant on January 29, 2019, and included with the application submittal.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that based on the foregoing certifications and findings and the record of these proceedings, the Commission hereby determines and orders as follows:

1. The foregoing certifications and findings are true and correct, and are supported by substantial evidence in the record. The Executive Officer's Report is incorporated herein by this reference as if set out in full.
2. The project is exempt from the provisions of CEQA and the State CEQA guidelines. The Executive Officer is authorized and directed to file a Notice of Exemption.
3. The one-year waiting period provided in Government Code, Sec. 67090 is hereby waived based on the finding that these requirements are detrimental to the public interest.

4. Formation of the proposed district is hereby approved, subject to the following terms and conditions:

- (a) Name of District: The district is to be named "Trinity Life Support Community Services District."
- (b) Boundaries of District: The boundaries of the district shall be as described in Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated herein by this reference.
- (c) Board of Directors: The district shall be governed by a five (5) member board of directors, elected at-large, each of whom must be a registered voter residing within the proposed district and whose term must be four years, with the exception of the initial board. The five-member initial Board of Directors must be elected prior to recordation of the Certificate of Completion.

Once elected, the five members of the board of directors shall classify themselves by lot into two classes: one class must have three members and the other class must have two members. For the class that has three members, the terms of offices that begin after the next general district election must be four years; for the class that has two members, the initial terms of offices that begin after the general district election must be two years. Thereafter, the terms of all members is four years.

The terms of office of the elected board members are determined pursuant to the Uniform District Election Law and shall be elected at-large.

- (d) Authorized Powers: The district shall have the following powers: "To provide advanced life support ambulance services in the same manner as a fire protection district (formed pursuant to the Fire Protection District Law, Health and Safety Code Section 13800 et. seq), including related emergency medical response, training, community outreach, and educational programs."
- (e) Election Required: The Trinity Life Support Community Services District is required to be partially funded by a special tax approved by registered voters residing within the boundaries of the district, and the district shall not be formed unless an adequate funding mechanism has been approved. The language in the Ballot Measure must substantially conform with the following language:

- 1. "Shall the order adopted on June 16, 2020 by the Trinity Local Agency Formation Commission ordering the formation of the "Trinity Life Support Community Services District" in the territory described, known as 'lands currently served by Trinity County Life Support', subject to terms and conditions specified in the order, be approved? Such terms and conditions including that the board of directors be elected at-large and a special tax to finance district services be approved as a condition of formation, all as more particularly described in the order." [75 WORDS, Trinity Local Agency Formation Commission counts as 1 word, Trinity Life Support Community Services District counts as 1 word, Trinity County Life Support counts as 1 word]

2. "In accordance with the terms and conditions of the Trinity Life Support Community Services District Formation, shall a measure imposing a \$45 per year special tax for each parcel developed with residential or commercial uses, until repealed by voters, providing \$258,000 annually, requiring all funds spent to sustain advanced life support ambulance service, including maintaining two 24-7 ambulances in Weaverville and Hayfork be adopted? Passage of the tax is required for the District to be formed." [71 WORDS, Trinity Life Support Community Services District counts as 1 word]

Certification of the election results by Trinity County must be submitted to the Executive Officer of Trinity LAFCo prior to recordation of the Certificate of Completion.

- (f) Transfer of Assets and Liabilities: The required transfer of authority for any and all matters, including the transfer of all assets and liabilities, from Trinity County Life Support to Trinity Life Support CSD will be operative on the effective date of the formation.
 - (g) Appropriations Limit: The provisional appropriations limit shall be equal to the amount raised through a special tax approved by registered voters within the district. Changes in the tax may only be procured as provided by law.
 - (h) Property Tax Exchange: Since the district would not be assuming any ambulance service responsibilities currently provided by other agencies, there will be no transfer of property taxes to the newly formed district. The base property tax revenue currently allocated to existing special districts, the County General Fund and all local taxing agencies will not be changed as a result of this formation for any agency currently receiving an allocation of property tax.
 - (i) Assessment Roll: The district shall use the regular assessment roll of the County.
 - (j) Effective Date: The effective date for formation of the district shall be the date that the Certificate of Completion is recorded by the Executive Officer.
5. Project Feasibility: Based upon the information provided in the Executive Officer's Report, this Commission finds that the project to form the district is feasible, economically sound, and is in the public interest.
 6. Sphere of Influence: This Commission shall adopt a Sphere of Influence for the district following completion of a Municipal Services Review for the services provided by the district. A "provisional" Sphere of Influence for the newly formed district is to be 'coterminous' with the boundaries of the newly formed district.
 7. Short-form Designation: Formation of the district is assigned the following short-form designation: "Trinity Life Support Community Services District Formation."
 8. Conducting Authority: The Executive Officer is authorized and directed to initiate and conduct protest proceedings for the formation of the district in compliance the

provisions of the Cortese-Knox-Hertzberg Act, unless waived in accordance with Government Code Section 56663.

9. Changes to Ballot Language: The Executive Officer is authorized and directed to make non-substantive changes to the ballot language and impartial analysis for the purposes of clarity and for the purpose of addressing any concerns that may be raised by the County Elections Official.
10. Completion: Completion of proceedings must occur within one-year after adoption of this resolution, unless extended by the Commission in accordance with Government Code, Sec. 57001. If the proceedings are not concluded within one year after passage of this resolution or if the majority of the votes cast is against the district formation, all proceedings are be terminated.
11. Resolution of Disputes: If there are disputes regarding the meaning or implementation of these terms and conditions, Trinity LAFCo is the authority which must be contacted to resolve such disputes or clarifications.

BE IT FURTHER RESOLVED AND ORDERED that all subsequent proceedings in connection with this formation must be conducted in compliance with the approved boundary set forth in the attachments and any terms and conditions specified in this resolution.

BE IT FURTHER RESOLVED AND ORDERED that Colette Santsche is authorized and directed to act as Executive Officer on all matters regarding this project.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Trinity LAFCo Commission on the 16th day of June, 2020, and adopted by the following roll call vote:

AYES:
NOES:
ABSTAINS:
ABSENT:

The foregoing resolution is hereby adopted:

ATTEST:

APPROVED:

Kathy Bull
Administrator/Clerk

Judy Morris
Commission Char



Agenda Item: 5.B.

MEETING: June 15, 2020
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk
SUBJECT: Final LAFCo Budget for Fiscal Year 2020/2021

Background:

Local Agency Formation Commissions (LAFCOs) are independent commissions established by the California legislature under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Under California Government Code Section 56381, LAFCOs are responsible for annually adopting a proposed budget by May 1st and a final budget by June 15th (these time frames are deemed directory, rather than mandatory pursuant to GC Section 56106). State law specifies the proposed and final budgets shall, at a minimum, be equal to the budget adopted for the previous fiscal year unless LAFCo finds the reduced costs will nevertheless allow the agency to fulfill its prescribed regulatory and planning duties.

A Public Hearing on the Proposed Budget for Fiscal Year 2020/2021 was held on April 21, 2020 and was adopted by Resolution 2020-03 and distributed to local funding agencies and county agencies. No written comments have been received regarding the Proposed Draft Budget.

Discussion:

Funding Sources:

Trinity LAFCOs annual operating expenses are principally funded through appropriations from the County and Special Districts, in addition to application fees. Each Fiscal Year, after the Commission adopts the final budget, the County Auditor apportions operating expenses shared between the County and the special districts. Statutory authority allows the County Auditor to collect the amounts apportioned.

Operating Expenses:

The operating expenses is proposed to remain equal with last year in the amount of \$28,000. An increase of \$5,000 to Professional & Specialized expenditures due to anticipated application processing costs.

Operating Revenues:

The operating revenues are proposed to remain equal with last year in the amount of \$28,000.00 without an increase to local funding agencies. All essential LAFCo operational functions will be met in accordance with California law.

Work Plan:

In fiscal year 2020-21 it is anticipated that the county and special districts will begin recovery from the COVID-19 pandemic. During this time LAFCo can help support agencies with recovery efforts by ensuring timely processing of boundary change applications (as proposed) and development of MSRs. MSRs can provide varying governance options for more efficient oversight of services during recovery and can also identify infrastructure needs that could potentially be funded by emergency and recovery act sources.

The Proposed Budget for fiscal year 2020/2021 includes the following work plan:

Trinity LAFCo Work Plan for FY 2020-21	
Planning and Regulatory Activities	
Hyampom CSD MSR/SOI Update	Priority Activity
Lewiston CSD MSR/SOI Update	Priority Activity
Trinity PUD MSR/SOI Update	Priority Activity
Hayfork FPD MSR/SOI Update	Priority Activity
Change of Organization/Reorganizations	As proposed
Out of Agency Service Requests	As proposed
Agency Pre-application Meetings	As needed
Administrative Activities	
2020-21 budget, claim forms, tracking	Ongoing
Expiring Commissioner Terms in 2021	Ongoing
Independent Special District Selection Committee Coordination	Ongoing
Website Maintenance and Updates	Ongoing
Commission Policy Review and Revisions	Ongoing
Commission Fee Structure for applications	As needed
GIS Boundary Mapping Updates	As needed
Respond to agency inquiries and provide technical assistance	As needed
Public information /communications	As needed

The budget and work plan provide for continuing MSR/SOI updates for four districts. Staff will continue to maintain and update the LAFCo website, as needed, with emphasis on providing additional educational and resource documents for commissioners and local agencies. There is also an opportunity to work with and provide information to districts on incorporating video conferencing and teleconferencing options for public meetings during the shelter in place order.

Recommendation:

Staff recommends the Commission approve the Final Budget for Fiscal Year 2020/2021 referenced in Resolution 2020-05 and as outlined above with any requested changes and direct staff to forward the final budget to local funding agencies and County agencies. The Fiscal Year 2020/2021 Budget can be adopted and implemented without an increase in contributions from funding agencies while able to fulfill its regulatory and planning responsibilities.

Attachments:
Trinity LAFCo Fiscal Year 2020/2021 Final Budget
Resolution No. 2020-05

Trinity LAFCo Budget

Fund No. 270-0100
Department No. 8270

Categories	Acct #	FY 2018/19 Adopted Budget	FY 2018/19 Year End Actual	FY 2019/20 Adopted Budget	FY 2019/20 YTD Adjustments	FY 2019/20 YTD (Q1-Q3) Actual	FY 2019/20 Budget Variance	FY 2020/21 FINAL Budget
REVENUES:								
Interest	6601	-	1,963	-	-	1,048	(1,048)	-
LAFCo Fees (Applications)	8404	-		-	-	-	-	5,000
Cont From Other Agencies:							-	
County	9282	7,060	7,060	14,000	14,000	14,000	-	14,000
Indep Spec Districts	9285	7,060	7,157	14,000	14,000	13,077	923	14,000
TOTAL Revenues		\$ 14,120	\$ 16,180	\$ 28,000	\$ 28,000	\$ 28,125	(125)	\$ 33,000

EXPENDITURES:

Memberships	2240	925	925	1,500	1,500	1,075	425	1,500
Office	2260	220	53	600	600	548	52	600
Professional & Specialized:	2300	12,675	-	40,800	40,800	27,429	13,371	45,800
- Staffing services				15,000	25,000	19,040	5,960	25,000
- MSR/SOI				25,000	15,000	7,507	7,493	15,000
- Applications				-	-	600	(600)	5,000
- Legal Counsel				500	500	-	500	500
- Web Service				300	300	282	18	300
Publications & Legal Notices	2500	300	522	500	500	737	(237)	500
Transportation & Travel	2750	-	-	1,500	1,500	406	1,094	1,500
Training	2756	-	-	-	-	-	-	-
Contrib to Non LAF Agency	3200	-	-	-	-	-	-	-
Transfer Out		-	-	-	-	-	-	-
TOTAL Expenditures		\$ 14,120	\$ 1,500	\$ 44,900	\$ 44,900	\$ 30,195	14,705	\$ 49,900

Operating Difference		\$ -	\$ 14,680	\$ (16,900)	\$ (16,900)	\$ (2,071)	(14,829)	\$ (16,900)
(Negative Balance Indicates Use of Unrestricted Fund Balance)								

FUND BALANCE/RESERVES

Beginning Year Fund Balance		\$ 94,481		\$ 109,160				
Assigned/Designated Reserve Funds:	\$90,000							
Litigation Defense:	\$ 60,000							
Special Legal Counsel:	\$ 10,000							
Unanticipated Sp. Studies:	\$ 20,000							



**RESOLUTION NUMBER 2020-05
APPROVAL OF THE TRINITY LOCAL AGENCY FORMATION COMMISSION
ADOPTING A FINAL BUDGET FOR FISCAL YEAR 2020/2021**

WHEREAS, the Trinity Local Agency Formation Commission is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to annually adopt a Final Budget for the next fiscal year; and

WHEREAS, the Commission adopted a Proposed Budget at a noticed public hearing on April 21, 2020; and

WHEREAS, the Commission Staff circulated for review and comment of the Proposed Budget to each of the funding agencies who contribute to the budget; and

WHEREAS, the Final Budget for Fiscal Year 2020/2021 was presented to the Commission in the manner provided by law at its public hearing on June 16, 2020; and

WHEREAS, the Commission determined the proposed budget projects, staffing and program costs of the agency as accurately and appropriately as is possible.

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:

1. The Final Budget for Fiscal Year 2020/2021 as outlined in Exhibit A is approved;
2. The adopted Final Budget for Fiscal Year 2020/2021 as outlined in Exhibit A be circulated to local funding agencies and the County Auditor as required under Government Code Section 56381(a);
3. The Trinity County Auditor-Controller is authorized to apportion the budget as specified in Government Code Section 56381(b) and request payment from the County and each Special District no later than July 1, 2020 as specified in Government Code 56381(c).

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Trinity LAFCo Commission on the 16th day of June, 2020, and adopted by the following roll call vote:

AYES:
NOES:
ABSTAINS:
ABSENT:

ATTEST:

APPROVED:

Kathy Bull
Administrator/Clerk

Judy Morris
Chair



Agenda Item: 7.A.

MEETING: June 16, 2020
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk
SUBJECT: Commission Policies and Procedures Update – Section 1. General, “Bylaws”, and Related Administration Policies; and Section 2. LAFCo Operations and Financial Policies

BACKGROUND:

Trinity LAFCo has drafted Policies and Procedures pursuant to Section 56300(a) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Previously at the December 10, 2019 Commission meeting, staff proposed updating the Policies and Procedures to ensure consistency and clarity of Commission duties. Once all Sections of the Policies and Procedures have been revised and updated, staff will provide a complete Policy and Procedures document in its entirety for the Commission’s final approval.

DISCUSSION:

Section 1 and Section 2 of the Policies and Procedures was drafted with proposed changes and revisions in ~~strikeout~~/underlined text for the Commission’s consideration at the February 18, 2020 Commission Meeting. The Commission had feedback regarding the contingency/reserve policy in Section 2, and asked staff to bring the updated version back to the Commission for review and approval.

RECOMMENDATION:

Staff recommends that the Commission provide direction to staff regarding policy revisions and consider accepting proposed changes to Section 1. General, “Bylaws”, and Related Administration Policies; and Section 2. LAFCo Operations and Financial Policies.

Attachments:

Section 1. General, “Bylaws”, and Related Administration Policies
Section 2. LAFCo Operations and Financial Policies

Section 1. GENERAL, “BYLAWS”, AND RELATED ADMINISTRATION POLICIES

1.1 COMMISSION TITLE

This Commission shall be entitled and known as the Trinity Local Agency Formation Commission (“Trinity LAFCo”).

1.2 MISSION, AUTHORITY AND PURPOSES

Trinity LAFCo was established and operates under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) (California Government Code Sections 56000 et seq.)¹

The Local Agency Formation Commission coordinates logical and timely changes in local governmental boundaries (§56001); conducts special studies which review ways to reorganize, simplify and streamline governmental structures (§56031); and prepares spheres of influence for each city and special district within the County (§56425). The Commission promotes provision of efficient and economical services while encouraging protection of agricultural and open space lands (§56001, §56300). Further efforts include discouraging urban sprawl and encouraging orderly formation and development of local agencies based upon local conditions and circumstances (§56301).

Local Agency Formation Commissions are independent commissions that are not a part of county government and are not under the County Board of Supervisors authority. Each Commissioner is independent when weighing and reviewing information and when making determinations (§56325.1 and Attorney General Opinion 98.802).

The mission of the Trinity LAFCo is to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 with an understandable and open public process leading to informed decisions.

1.3 INTEGRATION WITH STATE LAWS

This document and its subsequent sections will contain the policies, procedures and guidelines needed to implement LAFCo’s statutory purposes and its mission. They are general guidelines for the Commission to follow; however, they are not mandatory or binding. The Commission can and will consider each action upon its

¹ Note: All code notations in the Policies and Guidelines refer to the California Government Code unless otherwise noted.

merits within the parameters set forth in state law. The provisions of this document are not intended to preempt state law. In the event of a conflict between these policies and guidelines, and the provisions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the provisions of the Act shall prevail.

1.4 MEMBERSHIP

1.4.1 Membership: Trinity LAFCo shall be composed of seven (7) regular members and three alternate members (§56325, §56332). All members must be residents of Trinity County.

(a) County: Three members and one alternate from the County Board of Supervisors are selected by that Board (§56329).

(b) Special Districts: Two Special District Members and one alternate are designated by the Independent Special District Selection Committee (§56332).

(c) Public Member: ~~The Two~~ Public Members and one alternate Public Member are appointed by the other five Commissioners (§56325(d) & 56329). A Public Member cannot be an officer or employee of the County or any Special District having territory within Trinity County. Appointments are made in the following manner:

(i) The vacancy shall be posted by the Executive Officer within 21 days after the vacancy occurs or term of office ends (§54974). At the same time notice shall be published in a newspaper of general circulation.

(ii) The application period will run not less than 30 days from the date of posting and publication. Letters of application with attached resumes, or similar demonstration of qualifications and interest, shall be submitted to the LAFCo Executive Officer within the time period specified in the posted notice of vacancy.

(iii) The Commission may, at its discretion, designate a committee to review applications and recommend an appointment. Depending on the number of applicants, the Commission or committee may interview the most qualified applicants.

(iv) Selection of the public member and alternate public member shall be subject to the affirmative votes of at least one County and at least one District member seated on LAFCo. (§56325(d))

1.4.2 Alternate Commissioners: Alternate members may vote in place of the regular member who is absent or who disqualifies himself or herself from participating in an action (§56325). Alternate Commissioners may participate in closed sessions when sitting in and voting for an absent Commissioner.

1.4.3 Term of Office: The term of each member shall be four years. Commissioners serve until the appointment and qualification of a successor or until removed by the appointing body (§56334). A Commissioner is required to vacate their seat if he or she ceases to hold the originating office (§56337). LAFCo terms begin on the first day of May.

1.4.6 Independent Judgement: All Commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This does not require the abstention of any member on any matter, nor does it create a right of action in any person. (§56325.1)

1.5 OTHER

1.5.1 It is the policy of Trinity LAFCo to be a member of CALAFCO and to support and actively participate in the State association.

1.6 DOCUMENTS

1.6.1 No staff member will distribute campaign related documents or items unrelated to the business of LAFCo (Government Code §54964, Penal Code 424).

1.6.2 Subject to the discretion of the Executive Officer, printed material relevant to the business of LAFCo, including proposed or anticipated LAFCo actions, may be included in the meeting packet on an informational basis.

1.6.3 All persons are invited to submit written comments for any matters set for hearing before LAFCo. Members of the public are strongly urged to submit their comments sufficiently in advance of meetings to allow Commissioners to review the information.

(a) Written comments will be included in the meeting packet if received by the Executive Officer prior to the distribution of the packet.

(b) Written comments received up to 48 hours prior to the LAFCo meeting will be duplicated by Executive Officer for distribution at the meeting.

(c) Persons submitting written comments less than 48 hours before a LAFCo meeting must provide at least fifteen (15) copies for distribution.

1.7 OFFICERS

1.7.1 Elections: The Chair (§56334) and Vice-Chair shall be elected by a majority vote of the Commission. Elections shall be held annually at the ~~regular Commission meeting in April~~first regular meeting of the calendar year.

1.7.2 Terms of Office: The offices of Chair and Vice Chair are one--year terms to coincide with the calendar year. ~~The term of office begins the first day of May. Terms of office shall rotate each year between the County, Special District and Public members. The Chair and Vice Chair shall not be members of the same appointing authority (county, special district, or public). Should the Chair or Vice Chair position become vacant during the calendar year, the Commission shall, at the meeting at which the vacancy occurs, elect a successor to serve the balance of that calendar year.~~

1.7.3 Duties of Chair: The Chair, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these ~~rules~~policies. The Chair shall preserve order and decorum, set time limits for speakers, and shall decide all questions of order subject to the action of a majority of the Commission.

The Chair may also, from time to time, appoint Commission members to subcommittees and may call special meetings as necessary and as provided by law (§54956). All documents involving official acts of the Commission shall be signed in accordance with appropriate statutes relating to such acts. In the absence of specific regulations, the signature of the presiding officer shall be deemed sufficient.

1.7.4 Duties of Vice-Chair: In the absence of the Chair or if for any reason the Chair is unable to act as Chair, the Vice-Chair shall act as Chair and exercise all the powers and duties of the Chair.

1.7.5 Chair Pro Tem: In the absence of the Chair or Vice Chair or if the Chair or Vice-Chair is unable to participate in the proceedings, the immediate past chair of the Commission will act as Chair. If the Chair, Vice Chair and immediate past Chair are not available, then the members of the Commission present shall, by an order entered in the minutes, select one of their members to act as Chair Pro-Tem with all the powers and duties of the Chair.

1.7.6 Spokesperson: The Commission may, from time to time, designate a spokesperson to represent the Commission for a particular matter.

1.7.7 Speaking in Public: All Commissioners, when speaking in public forums of any kind, must clearly state that they are expressing their own views, unless they have been designated to be the spokesperson on that matter and to represent the Commission.

1.8 MEETINGS

1.8.1 Regular meetings are conducted monthly (§54954) and are usually held in the Trinity County Library Conference Room (Board Chambers) located at 351 Main Street, Weaverville, California. Regular meetings are held, as necessary, on the third Tuesday of ~~each even numbered~~ months at 4:00 pm. The Commission may change the meeting schedule or location, add or cancel hearings.

1.8.2 The Chair, Executive Officer or a majority of the Commission may call a special meeting at any time, pursuant to the provisions of Government Code Section 54956. "For the majority to act, there is implied authority for them to communicate to determine if they want to call a special meeting" (Open & Public III: A user's guide to the Ralph M. Brown Act).

1.8.3 Notice of meetings will be provided in accordance with the provisions of the Cortese-Knox-Hertzberg Act, the Brown Act, and the California Environmental Quality Act, as applicable. The Executive Officer may provide public notice, above that required by law, when appropriate. The meeting agenda will be provided to LAFCo's established agenda mailing list, including appropriate media, project proponents, and interested parties requesting notice for a specific hearing.

1.9 AGENDAS

1.9.1 Items are placed on the meeting agenda by any member of the Commission, the Executive Officer, or by the Commission's direction or consensus.

1.9.2 Meeting ~~agendas and packets shall be posted on the LAFCo website and available to Commissioners at least five days prior to the meeting. Copies of the staff reports shall be made available to proponents, affected local agencies, and agendas will be provided to LAFCo's established agenda mailing list, including appropriate media, project proponents, and~~ interested parties requesting notice for a specific hearing.

1.9.3 In accordance with the Ralph M. Brown Act, the Commission may not take action on any items that do not appear on the Trinity LAFCo agenda posted 72 hours prior to the meeting unless an exception is made as permitted under Government Code Section 54954.2 (immediate action required, etc).

1.10 QUORUM, VOTING AND CONDUCT OF MEETINGS

1.10.1 Quorum: Four (4) members of the Commission shall constitute a quorum for the transaction of business. ~~Alternate members, when seated in place of regular members, shall be considered a regular member for quorum determination.~~ In the absence of a quorum, the members present shall adjourn the hearing to a stated time and place (Rosenberg's Rules of Order).

1.10.2 Voting: When applicable, a roll call vote shall be conducted by the Commission Clerk, with the Chair voting last. No act of the Commission shall be valid or binding unless four (4) or more members concur. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.

1.10.3 Order of Business: The business of the Trinity LAFCo at its meetings will be conducted in accordance with the following order of business unless otherwise specified. The Executive Officer or any member of the Commission may request that the order of business be changed to accommodate a special circumstance.

The usual order of business is as follows:

1. Call to Order/Roll Call
2. Presentations/Announcements
3. ~~Approval of Minutes~~Consent Calendar
4. Public Comment Opportunity
5. Public Hearings
6. ~~Action Items~~ New Business
7. ~~Administrative Business~~ Old Business
8. Executive Officer's Report/Correspondence
9. Commissioner's Comments
10. Adjournment

1.10.4 Public Comment/Public Forum: Any person wishing to address the Commission on any item within LAFCo's jurisdiction but **not** appearing on the agenda may do so during this section of the agenda (Section 54954.3). The Commission cannot take action on a matter that is not listed on the agenda, including matters raised during Public Comments. The Chair, however, may request the Executive Officer to provide brief additional information on a matter of general interest to the Commission or public-at-large. The time limit is three minutes per speaker, subject to the discretion of the Chair.

1.10.5 Public Hearings:

~~(a)~~ For a full discussion of public hearing procedures and policies, please refer to Section 1.11.

1.10.6 Executive Officer's Report: The Executive Officer shall provide periodic reports to the Commission on agency activities, pending projects, and the budget.

1.10.7 Commissioner's Comments: Commissioners' reports may include individual or committee activities, intergovernmental items, announcements and other relevant matters.

1.10.8 Speakers:

- (a) All communications from the floor are addressed to the Commission.
- (b) Members of the public who speak at a meeting are requested to identify themselves ~~and to sign in with the Clerk (Section 54953.3) to facilitate preparation of the minutes and address remarks to the Commission, as a body, and not to any member thereof.~~ Those attending a meeting are not required to identify themselves.
- (c) No person is allowed to speak from the audience.
- (d) Each speaker is allowed to speak once on an agenda item.

1.10.9 Time Limits: The Chairman may limit the time for speakers or may limit the total time allotted for any individual item (Brown Act). The usual time limit is three minutes for speakers.

1.10.10 Motions: Motions may be made by any regular member of the Commission or alternate member acting in place of a regular member, including the presiding officer, provided that before the presiding officer offers a motion the opportunity for making a motion should be offered to other members of the Commission. Any regular member of the Commission or alternate member acting in place of a regular member, other than the person offering the motion, may second a motion.

1.10.11 Procedure for Motion: The following is the general procedure for making motions:

- (a) Before a motion can be considered or debated it must be seconded.
- (b) A commission member wishing to second a motion should do so through a verbal request to the Chair.
- (c) Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Commission member or alternate properly recognized by the Chair.
- (d) Once the matter has been fully discussed and the Chair calls for a vote, no further discussion will be allowed, provided, however, Commission members may be allowed to explain their vote.

1.10.12 Motion Amendments: When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.

1.10.13 Voting: Any regular member of the Commission, or alternate member acting in place of a regular member, present at a meeting when a question

comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Chair shall declare the result. The Commission may also vote by roll call. Regardless of the manner of voting, the results reflecting all "ayes" and noes" must be clearly set forth for the record.

Whenever a roll call vote is in order, the Commission Clerk shall call the names of the members in the following order: the mover, the second, other members, providing that the name of the Chair shall be called last.

1.10.14 Abstention:

- (a) Commission members should declare their intention to abstain on an item on the agenda as soon as the agenda item is announced.
- (b) When Commission members abstain or excuse themselves from a portion of a Commission meeting because of a legal conflict of interest, the Commission member must briefly state on the record the nature of the conflict. Including this information in the public record as required by law. A Commissioner excusing him/herself for a legal conflict shall leave the meeting room.
- (c) Whenever a regular member of the Commission abstains, for whatever reason, that member's alternate is eligible to replace the abstaining regular member and participate fully in all actions, provided the alternate member does not have a conflict of interest.

1.10.15 Motions for Reconsideration: Reconsideration of any resolution of the Commission making determinations must comply with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

1.11 PUBLIC HEARINGS

1.11.1 General Procedure: The Commission procedure for the conduct of public hearings is generally as follows:

- (a) The Chair announces the item to be considered.
- (b) LAFCo staff presents its report
- (c) Commission members and alternates may ask questions of staff if they so desire.
- (d) The Chair opens the public hearing to statements from the applicant and public
- (e) The applicant or applicant representative then has the opportunity to present comments, testimony, or argument.
- (f) Members of the public are provided with the opportunity to present their comments, testimony or argument.
- (g) The applicant or applicant representative is given an opportunity for rebuttal or concluding comments. No new information shall be introduced

except by specific permission of the Chair, in which event opponents shall, again, be given an opportunity to rebut.

- (h) LAFCo staff is given an opportunity for concluding comments.
- (i) The public hearing is closed.
- (j) The Commission deliberates on the issue.
- (k) If the Commission raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
- (l) The Commission deliberates and takes action.
- (m) The Chair announces the final decision of the Commission.

1.11.2 Time for Consideration: Matters noticed to be heard by the Commission will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

1.11.3 Continuance of Hearings: Any hearing being held or noticed or ordered to be held by the Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting within the time limits require by law.

1.11.4 Public Discussion at Hearings:

- (a) When a matter for public hearing comes before the Commission, the Chair will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Chair shall call for presentation of the staff report. Following any staff presentation and Commissioner questions, the Chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. The applicant or applicant's representative would generally speak first.
- (b) Request to Speak – Any person desiring to speak shall make his/her presence known to the Chair and upon being recognize by the Chair, the person may speak relevant to the matter being heard. No person may speak without first being recognized by the Chair.
- (c) Commission Questions of Speakers – Members of the Commission or alternates who wish to ask questions of the speakers or each other during the public hearing portion may do so buy only after first being recognized by the Chair. Interactions with a speaker shall be limited to a question or questions, rather than an ongoing dialogue. Commission members and alternates should avoid raising question as a method to extend the allocated time for a speaker.
- (d) Material for Public Record – All persons interested in the matter being heard by the Commission shall be entitled to speak and to submit written or graphic information. All written and graphic information presented will be

retained by the Clerk of the Commission as part of the record of the hearing, unless otherwise directed.

- (e) Germane Comments – No person will be permitted during the hearing to speak about matters or present information not germane to the matter being considered. A determination of relevance shall be made by the Chair, subject to approval by the full Commission if requested by and Commission member or alternate.

1.11.5 Communications and Petitions: Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Chair, or at the Chair's direction by the Executive Officer. A reading in full shall take place if requested by the Commission.

1.12 RECORD OF PROCEEDINGS

1.12.1 General Procedure: The Commission Clerk or designee shall record and prepare minutes of each meeting. The minutes are intending to be a summary of the order of business and general nature of testimony, Commission deliberation, and action taken. After approval, the minutes shall become the official record of actions of the Commission.

Section 2. LAFCO OPERATIONS AND FINANCIAL POLICIES

2.1 LAFCO BUDGET

Government Code §56381, et. seq., and the following policies will apply to the LAFCo budget process:

2.1.1 The Commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15 in the manner prescribed by §56381.

2.1.2 LAFCo will encourage an open process in the development and approval of its budget. LAFCo will encourage cooperation and collaborative efforts among agencies in order to reduce the costs of special projects, studies and state mandates.

2.1.3 LAFCo will annually review and consider budget priorities to fulfill the purposes and programs of state law and local policy. These work priorities will help guide the development of the budget.

2.1.4 The budget will identify the resources available for LAFCo's use under the law and those resources necessary for the purpose of carrying out state law and the Commission's goals and policies.

2.1.5 The LAFCo Executive Officer shall serve as budget administrator to prepare, present, transmit, review, execute and maintain the LAFCo budget.

2.1.6 Contingency/Reserve:

- (a) The annual budget shall include a contingency appropriation of 10% of total operating expenses, but not less than \$5,000, unless the Commission deems a different amount appropriate. If a shortfall is shown to occur in the processing of the annual budget, the Executive Officer will present the budget showing the shortfall with the need to expend monies from the reserve. An amount should be left in reserve consistent with costs estimated for emergencies.
- (b) Funds budgeted for contingency reserve shall not be used or transferred to any other expense account code without the prior approval of the Commission.
- (c) Whenever the actual year-end closing figures for the LAFCo general fund show that available financing exceeds financing requirements, the excess fund balance shall be transferred to a designated reserve account unless allocated to the next fiscal year, as determined by the Commission. ~~an account designated for subsequent years financing, lawsuits or other unanticipated events.~~ These designated funds will be considered as a

reserve account for subsequent years financing, lawsuits or other unanticipated events. The County of Trinity Auditor-Controller, with the concurrence of the Executive Officer, is authorized to transfer an amount equal to the amount of excess financing to this account, which shall be augmented, as funds may be available, until it contains an amount equal to at least 25% of the current year budget, but not less than \$30,000. Once the account equals at least this amount any remaining funds in excess of the actual fund balance amount may be appropriated for any allowed expense at the Commission's discretion.

- (d) Whenever actual year end closing figures of the LAFCo general fund show that financing requirements exceed available financing, the Executive Officer shall notify the Commission at its next regular meeting. Any associated reductions in appropriations may not be made without prior approval of the Commission.
- (e) Funds in the ~~designation the LAFCo-~~ designated reserve accounts, shall not be used for any current year's expenses or considered as a financing source for on-going operations without the prior approval of the Commission. It is the intent of the Commission that any funds considered as reserves only be used in the case of extraordinary expenses that could not have been anticipated.

2.1.7 Budget Adjustments:

- (a) The Commission may make adjustments to its budget at any time during the fiscal year, as it deems necessary.
- (b) Adjustments between accounts within the same budget income group may be approved by the Executive Officer.
- (c) Transfers between budget income groups shall be subject to approval by the Commission.

2.1.8 Audits. An independent audit of LAFCo finances will be conducted as the Commission deems necessary. Cash handling, receipts, deposits and claims procedures will be processed through the Trinity County Auditor. ~~At each regular meeting the Commission will review the 'budget-to-actual' report.~~

2.1.9 Apportionments. Funding for the normal operational expenses of Trinity LAFCo shall be borne from Trinity County and its special districts. Trinity County shall apportion ½ of LAFCo budget from Trinity County and ½ from the special districts. The apportionment funds shall be collected by the Trinity County Auditor.

2.2 LAFCO FEES

2.2.1 Application Fees

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(a) The Commission shall periodically review fees and adopt a fee schedule for the purpose of recovering the costs pursuant to the Cortese-Knox-Hertzberg Act (§56383(a), §56384, §66016).

(b) The schedule of fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be imposed pursuant to §66016 and §56383. Charges listed on the schedule of fees are initial payments toward the total cost of processing ("project cost").

(c) Project cost is defined as staff time plus materials. Staff charge-out rates include personnel costs plus a percentage of LAFCO operating expense and administrative overhead. Materials include, but are not limited to, mailing costs, charges for advertisement of hearings, petition reviews, as well as fees charged for project reviews by affected agencies.

(d) No petition shall be deemed filed and a Certificate of Filing shall not be issued until fees have been deposited (§56383(c)). Charges must be paid by the applicant prior to recording the Certificate of Completion or at other times during the LAFCO process as deemed appropriate by the Executive Officer. The Certificate of Completion shall not be recorded until outstanding fees and charges are paid.

(e) Any individual or entity that requests a LAFCO initiated study or service review of special district changes of organization or reorganization shall be responsible for required fees. Charges for Reconsideration of a LAFCO Determination are the responsibility of the requesting party.

(f) Applicants are responsible for payment of other agency fees, such as: State Board of Equalization fees, County Surveyor fees, County Elections Department costs, Environmental Document preparation fees, mapping, Fish and ~~Game~~ Wildlife fees, and County Recording Fees.

(g) Staff time will be monitored against the deposit paid. If cost of processing an application begins to exceed the deposited amount, additional deposits will be required. Any hearing on the application may be deferred or continued pending receipt of the additional deposit.

(h) If extensive staff assistance is required prior to receipt of an application, a deposit will be required at the time the work is requested.

(i) Pre-Application Expenses: LAFCO will charge its pre-application staff time spent conducting research, reviewing environmental and other documents and participating in the process as the lead agency or responsible agency, as part of the processing costs. The initial deposit for proposals will be due and payable at the time LAFCO initiates preliminary

work on the proposal or when the estimated time of preliminary work exceeds 2 hours.

(j) Public inquiries and one-time general research requiring less than ~~30 minutes~~ 2 hours will not be subject to charges for staff time.

2.2.2 Reimbursement Agreements: Whenever a deposit of funds is required, the applicant shall enter into an agreement providing for LAFCo to be reimbursed for all costs related to the application based on the fee schedule in place at the time funds are deposited.

2.2.3 Legal Defense Fees: LAFCo retains the right to control its defense. The applicant may provide his or her own legal counsel in the defense of the action taken, under the supervision of LAFCo legal counsel, or, if LAFCo consents, the applicant may elect to use the services of LAFCo in that defense. In any case, the Executive Officer may require a deposit of funds by the applicant sufficient to cover LAFCo's estimated expenses of the legal defense litigation.

2.2.4 Appeal of Fees:

(a) Appeals shall be submitted in writing with the application and contain specific justification for the request. The appeal will be considered at the next LAFCo hearing.

(b) Project processing will not begin until a fee determination is rendered by LAFCo.

(c) The Commission may reduce or waive a fee or deposit if it finds that payment would be detrimental to the public interest; however, it is the Commission's policy to not waive fees except in the direst of circumstances because most special districts, which would share in the costs that are waived or reduced, have severely limited financial resources (56383(d)). The Commission will also consider the budget impacts of any fee waivers or reductions. Absent compelling circumstances, the Commission will not normally adjust or waive deposits and/or fees.

2.2.5 Refunds:

(a) Deposits on file with LAFCo which exceed the cost of processing the application by \$25 or more will be refunded to the applicant after LAFCo completes its final filings.

2.3 LAFCO EXPENDITURES

2.3.1 While CKH allows Commission members and alternates, sitting in and voting at a meeting, to receive a meeting stipend, the Commission has chosen not to

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receive any stipend or reimbursement for expenses incurred in performing the duties of their office (§56334).

2.3.2 Commission members, including alternates, and staff compelled to travel out of-county in the performance of their duties shall be reimbursed for their actual and necessary expenses, including reasonable incidental expenses. Reimbursement shall be made at the rates specified for officers or employees of Trinity County, or as otherwise specified by the Commission. Travel claims will be made in the form and manner as such claims are processed for officers or employees of Trinity County subject to approval of the Executive Officer, or if the Executive Officer is making the claim pursuant to Section 2.3.5.

2.3.3 All travel arrangements are coordinated through the Executive Officer and should be as economical as possible.

2.3.4 In order to avoid late payment penalties, or to secure an early payment discount, the Executive Officer is authorized to approve all claims for payment, except his/her own claims. At each regular meeting, the listing of approved claims shall be submitted to the Commission.

2.3.5 The Executive Officer shall submit his/her claims to the Chair and Vice-Chair for approval. Two signatures are required. If either the Chair or Vice-Chair is not available, then any other regular member of the Commission may sign. Claims approved for the Executive Officer shall also be reported to the Commission along with other approved claims.

2.3.6 The Executive Officer is designated as the financial officer of LAFCo and shall review all invoices, including claims and payment requests received by LAFCo and shall be responsible to process documents necessary for payment in a timely manner.