

## TRINITY LOCAL AGENCY FORMATION COMMISSION

October 20, 2020 at 4:00 p.m.  
By Virtual Teleconference Only

### AGENDA

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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/85641459832?pwd=ZUs1UG92T0JnWldnNGh0UCtJRy9mUT09>

Meeting ID: 856 4145 9832

Password: 326266

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

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

Meeting ID: 856 4145 9832

Password: 326266

##### **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](mailto: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](mailto:kathy@trinitylafco.org) as soon as possible to make other arrangements for viewing the meeting and/or commenting.

**AGENDA**

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**1. CALL TO ORDER/ROLL CALL**

A. Roll Call

**2. PRESENTATIONS/ANNOUNCEMENTS**

None

**3. CONSENT CALENDAR (Action Item)**

A. Approval of Minutes from August 18, 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. Weaverville Community Services District Draft MSR & SOI Update (Continued from August 18, 2020 Public Hearing) (Potential Action)

**6. NEW BUSINESS**

A. Fiscal Year 2019/2020 Year End Report (Potential Action)

**7. OLD BUSINESS**

A. Commission Policies and Procedures Update – Section 4. Services by Contract (Potential Action)

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

**9. COMMISSIONER'S COMMENTS**

**10. ADJOURNMENT**

*The next LAFCo meeting will be held on Tuesday, December 15, 2020, at 4:00 p.m. via Zoom Video/Teleconference.*

# TRINITY LOCAL AGENCY FORMATION COMMISSION

August 18, 2020 at 4:00 p.m.

Via Virtual Teleconference

## MINUTES

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*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**

A. Colette Santsche, Executive Officer called the meeting to order at 4:37 p.m.

Members present: Evan Barrow, Anna Burke, Joseph Kasper, and Thomas Walz.

Members absent: John Fenley, Keith Groves, Judy Morris; Alternate Commissioners Bobbi Chadwick, and Pat Frost

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

Due to a prolonged Trinity County Board of Supervisor meeting, the Commissioners in attendance for the Trinity LAFCo meeting agreed that Anna Burke be placed as temporary chair in the stead of Judy Morris.

**Motion** to appoint temporary chair Anna Burke was presented by Commissioner Burke, seconded by Commissioner Walz and passed by the following roll call vote:

**Ayes:** Barrow, Burke, Kasper, Walz

**Noes:** None

**Abstain:** None

**Absent:** Fenley, Groves, Morris

### 2. **PRESENTATIONS/ANNOUNCEMENTS**

There were no presentations scheduled.

### 3. **CONSENT CALENDAR**

A. Approval of Minutes from June 16, 2020 Commission Meeting

**Motion** to approve the minutes was presented by Commissioner Kasper, seconded by Commissioner Barrow and passed by the following roll call vote:

**Ayes:** Barrow, Burke, Kasper, Walz

**Noes:** None

**Abstain:** None

**Absent:** Fenley, Groves, Morris

### 4. **PUBLIC COMMENT OPPORTUNITY**

There were no comments received from the public.

### 5. **PUBLIC HEARINGS**

A. Weaverville Sanitary District Draft MSR & SOI Update

Ms. Santsche provided information for the Weaverville SD Municipal Service Review and Sphere of Influence (MSR/SOI) update, which included proposed sphere adjustments (both reduction and expansion areas). Chair Burke opened the public hearing, and with no public comment closed the public hearing.

**Motion** to approve the Resolution 2020-06 in connection with this MSR/SOI update, including a SOI amendment as depicted in Exhibit “A” of the resolution, was presented by Commissioner Kasper, seconded by Commissioner Burke and passed by the following roll call vote:

**Ayes:** Barrow, Burke, Kasper, Walz

**Noes:** None

**Abstain:** None

**Absent:** Fenley, Groves, Morris

B. Weaverville Community Services District Draft MSR & SOI Update

Ms. Santsche provided information for the Weaverville CSD Municipal Service Review and Sphere of Influence (MSR/SOI) update, which included proposed sphere reductions in two areas. There was discussion among the Commission regarding one area in particular designated as Open Space. The Commission discussed the merits to service in this area and options for redrawing the SOI to include a portion of this Open Space area. Ms. Santsche also explained the process for future development entitlements.

Chair Burke opened the public hearing, and with no public comment closed the public hearing.

**Motion** to accept staff recommendation of the Resolution 2020-07 in connection with this MSR/SOI update with an amended sphere of influence was presented by Commissioner Walz, seconded by Commissioner Kasper and failed by the following roll call vote:

**Ayes:** Burke, Kasper, Walz

**Noes:** Barrow

**Abstain:** None

**Absent:** Fenley, Groves, Morris

After Commission discussion it was decided to table this public hearing until the next meeting.

**Motion** to continue the public hearing until next Commission meeting on October 20, 2020 was presented by Commissioner Burke, seconded by Commissioner Barrow and passed by the following roll call vote:

**Ayes:** Barrow, Burke, Kasper, Walz

**Noes:** None

**Abstain:** None

**Absent:** Fenley, Groves, Morris

6. **NEW BUSINESS**

A. Trinity County Waterworks #1 Tule Creek Road Annexation – Time Extension

Ms. Santsche explained the finalization of the LAFCo process for the annexation which was approved in December 2018. The one-year time extension will allow staff to complete and record the annexation, effective December 4, 2019 and extending to December 4, 2020.

**Motion** to approve Resolution 2020-08, thereby authorizing a one-year time extension for completion of the Tule Creek Road Annexation was presented by Commissioner Kasper, seconded by Commissioner Burke and passed by the following roll call vote:

**Ayes:** Barrow, Burke, Kasper, Walz  
**Noes:** None  
**Abstain:** None  
**Absent:** Fenley, Groves, Morris

B. Selection of Vice-Chair

**Motion** to Appoint Commissioner Kasper as vice-chair was presented by Commissioner Walz, seconded by Commissioner Burke and passed by the following roll call vote:

**Ayes:** Barrow, Burke, Kasper, Walz  
**Noes:** None  
**Abstain:** None  
**Absent:** Fenley, Groves, Morris

7. **OLD BUSINESS**

A. Commission Policies and Procedures Update – Section 3. Policies, Requirement & Criteria for Applications

Ms. Santsche provided a brief update on the changes to the policy and procedure Section 3. Policies, Requirement & Criteria for Applications. Once all sections have been revised and updated, staff will provide a complete Policy and Procedures document in its entirety for the Commission's final approval.

**Motion** to accept, Sections 3. of the Commission Policies and Procedures update was presented by Commissioner Kasper, seconded by Commissioner Barrow and passed by the following roll call vote:

**Ayes:** Barrow, Burke, Kasper, Walz  
**Noes:** None  
**Abstain:** None  
**Absent:** Fenley, Groves, Morris

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

No further reports were provided by the Executive Officer.

9. **COMMISSIONERS' COMMENTS**

Commissioner Burke stated she was thankful for all the LAFCo training, both Commissioners Barrow and Kasper agreed.

10. **ADJOURNMENT**

There being no further business, Chair Burke adjourned the meeting at 5:44 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Kathy Bull  
Administrator/Clerk

\_\_\_\_\_  
Anna Burke  
Chair

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_



## Agenda Item 5A

**MEETING:** October 20, 2020  
**TO:** Trinity LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk  
**SUBJECT:** Weaverville Community Services District MSR & SOI Update

### BACKGROUND:

In accordance with the CKH Act, LAFCOs are required to prepare municipal service reviews (MSRs) prior to or in conjunction with its mandate to review and update each local agency's sphere of influence (SOI) every five years or as needed. The legislative intent of the MSR is to inform the Commission as to the availability, capacity, and efficiency of local governmental services prior to making sphere of influence determinations. Municipal service reviews may also lead LAFCOs to take other actions under their authority, such as forming, consolidating, or dissolving one or more local agencies in addition to any related sphere changes.

### DISCUSSION:

This is a continued public hearing item from the Commission's August 18<sup>th</sup> meeting. This MSR evaluates water services provided by the Weaverville Community Services District. This report incorporates technical information collected and analyzed by LAFCo staff to make the required MSR and SOI determinations. Staff worked closely with District General Manager Tim Kasper during the preparation of this report.

The District currently has an expanded SOI that is larger than the District boundary. The current SOI is approximately 9,243 acres and includes the undeveloped area west of Sidney Gulch Road and the East Branch Road area off East Weaver Creek Road. At the last meeting, the Commission considered staff's recommendation for a SOI reduction in order to follow parcel lines and to avoid 341 acres of open space designated territory that would likely not require the extension of urban services. The Commission discussed an alternate SOI boundary that would include portions of the open space designated area totaling 307 acres in the Weaverville CSD's SOI.

Staff respectfully seeks Commission input with regards to content, conclusions, and recommendations provided in the Weaverville CSD MSR. A public hearing notice was previously posted on the Commission's website and published in the *Trinity Journal*.

### RECOMMENDATION:

This item has been agendized for consideration as part of a public hearing. Staff recommends the Commission hold the public hearing, invite testimony, and approve the Weaverville Community Services District MSR & SOI Update (Attachment 1). A draft resolution for the Commission's review and consideration is enclosed (Attachment 2).

Attachments:  
Weaverville Community Services District MSR & SOI Update  
Resolution 2020-08

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



## Weaverville Community Services District

Municipal Service Review &  
Sphere of Influence Update

Public Hearing Draft  
August 18, 2020

Trinity  
Local Agency Formation Commission

# TABLE OF CONTENTS

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1.	<b>INTRODUCTION .....</b>	<b>1</b>
2.	<b>AGENCY OVERVIEW .....</b>	<b>4</b>
2.1	FORMATION .....	4
2.2	SERVICES .....	4
2.3	BOUNDARY .....	4
3.	<b>GOVERNMENT STRUCTURE .....</b>	<b>7</b>
3.1	GOVERNING BODY.....	7
3.2	MANAGEMENT & STAFFING .....	7
3.3	PUBLIC OUTREACH .....	7
3.4	ACCOUNTABILITY.....	8
4.	<b>SERVICES &amp; INFRASTRUCTURE.....</b>	<b>9</b>
4.1	SERVICES PROVIDED.....	9
4.2	WATER SOURCE .....	9
4.3	WATER TREATMENT AND STORAGE .....	9
4.4	WATER DEMAND .....	10
4.5	WATER RATES .....	10
4.6	WATER DISTRIBUTION.....	11
4.7	INFRASTRUCTURE NEEDS AND DEFICIENCIES .....	12
4.8	SYSTEM MONITORING.....	12
4.9	OTHER SERVICE PROVIDERS.....	12
4.10	GOVERNANCE STRUCTURE OPTIONS .....	12
5.	<b>FINANCING .....</b>	<b>13</b>
5.1	REVENUE AND EXPENSES .....	13
5.2	AUDIT INFORMATION .....	13
5.3	DEBT AND CAPITAL LEASES.....	14
5.4	FINANCING CONSTRAINTS AND OPPORTUNITIES .....	14
6.	<b>GROWTH AND POPULATION.....</b>	<b>16</b>
6.1	LAND USE .....	16
6.2	EXISTING POPULATION AND PROJECTED GROWTH .....	16
6.3	DISADVANTAGED UNINCORPORATED COMMUNITIES .....	16
7.	<b>MUNICIPAL SERVICE REVIEW DETERMINATIONS .....</b>	<b>18</b>
8.	<b>SPHERE OF INFLUENCE DETERMINATIONS.....</b>	<b>19</b>
9.	<b>REFERENCES .....</b>	<b>20</b>

## LIST OF TABLES AND FIGURES

TABLE 1: WEAVERVILLE CSD AGENCY PROFILE .....	4
TABLE 2: WEAVERVILLE CSD BOARD OF DIRECTORS .....	7
TABLE 3: WEAVERVILLE CSD STORAGE CAPACITY.....	10
TABLE 4: WEAVERVILLE CSD WATER SERVICE RATES.....	11
TABLE 5: WEAVERVILLE CSD BUDGET SUMMARY.....	13
TABLE 6: WEAVERVILLE CSD FY 2018-19 AUDIT INFORMATION .....	14
FIGURE 1. DISTRICT BOUNDARY AND SOI .....	6
FIGURE 2: DISTRICT LAND USE.....	17



# 1. INTRODUCTION

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This Municipal Service Review (MSR) and Sphere of Influence (SOI) Update was prepared as part of a mandated review of the municipal services of all government entities in the county by the Trinity Local Agency Formation Commission (LAFCo). This report focuses on the Weaverville Community Services District (CSD). The purpose of this study is to assess existing and future public service conditions and to evaluate organizational options for accommodating growth and ensuring critical services are provided efficiently. This MSR presents a discussion, analysis, and recommendations regarding services provided by Weaverville CSD.

## 1.1 Trinity LAFCo

Local Agency Formation Commissions (LAFCOs) are quasi-legislative, independent local agencies that were established by State legislation in 1963 to oversee the logical and orderly formation and development of local government agencies including cities and special districts. There is one LAFCo for each county in California.

LAFCo is responsible for implementing the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000 et. seq.) in order to promote orderly growth, prevent urban sprawl, preserve agricultural and open space lands, and oversee efficient provision of municipal services.

LAFCo has the authority to establish and reorganize cities and special districts, change their boundaries and authorized services, allow the extension of public services, perform municipal service reviews, and establish spheres of influence. Some of LAFCo's duties include regulating boundary changes through annexations or detachments and forming, consolidating, or dissolving local agencies.

Trinity LAFCo has a public Commission with seven regular Commissioners and three alternate Commissioners. The Commission is composed of three members of the Trinity County Board of Supervisors, two Special District Representatives, and two Public Members-At-Large. The Commission also includes one alternate member for each represented category.

## 1.2 Community Service District and Principal Act Overview

Community Service Districts are independent special districts governed under CSD law (Government Code § 61000 – 61850). A CSD can be authorized to provide a wide variety of services to unincorporated areas including domestic water, wastewater, garbage collection, security, fire protection, public recreation, street lighting, and many others. CSDs are governed by a board of directors, all of whom are elected at large.

Weaverville CSD is authorized to provide water services only. All other remaining services, facilities, functions or powers enumerated in the District's principal act but not identified in the formation resolution are considered "latent," meaning that they are authorized by the principal

act under which the District was formed but are not being exercised. Activation of these latent powers and services requires LAFCo authorization.

### **1.3 Municipal Service Review Determinations**

Government Code § 56430 requires LAFCo to conduct a review of municipal services provided in the county by region, sub-region or other designated geographic area, as appropriate, for the service or services to be reviewed, and prepare a written statement of determinations with respect to each of the following topics:

1. Growth and population projections for the affected area;
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies (including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence);
4. Financial ability of agencies to provide services;
5. Status of, and opportunities for, shared facilities;
6. Accountability for community service needs, including governmental structure and operational efficiencies; and
7. Any other matter affecting or related to effective or efficient service delivery, as required by Commission policy.

State Guidelines and Commission policies encourage stakeholder cooperation in the municipal service review process. It also provides a basis to evaluate, and make changes to Spheres of Influence, if appropriate.

### **1.4 Sphere of Influence Determinations**

A Sphere of Influence (SOI) is a LAFCo-approved plan that designates an agency's probable physical boundary and service area. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services, discourage urban sprawl and premature conversion of agricultural and open space lands, and prevent overlapping jurisdictions and duplication of services.

LAFCo is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCo must update those SOIs every five years or as needed. For a SOI update, LAFCo is required to conduct an MSR and adopt related determinations. It must also make the following SOI determinations:

1. The present and planned land uses in the area, including agricultural and open-space lands;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;

4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency; and
5. The present and probable need for public facilities and services related to sewers, municipal or industrial water, or structural fire protection of any disadvantaged unincorporated communities within the existing sphere of influence (effective July 1, 2012).

## 1.5 Review Methods

The following information was considered in the development of this service review:

- Agency-specific data: responses to LAFCo Requests for Information
- Demographic data: U.S. Census Bureau; Department of Finance; CA Water Resources Board
- Finances: budgets, audits, rates and fees; and
- Other Reports: State Water Resources Control Board, Division of Drinking Water.

Information gathered was analyzed and applied to make the required determinations. All information gathered for this report is filed by LAFCo for future reference.

## 1.6 California Environmental Quality Act

The California Environmental Quality Act (CEQA) is contained in Public Resources Code § 21000 et seq. Public agencies are required to evaluate the potential environmental effects of their actions. MSRs are statutorily exempt from CEQA pursuant to § 15262 (feasibility or planning studies) and categorically exempt pursuant to CEQA Guidelines § 15306 (information collection). CEQA requirements are applicable to SOI Updates. The CEQA lead agency for SOI Updates is most often LAFCo, unless an agency has initiated an SOI expansion or update.

## 2. AGENCY OVERVIEW

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<b>Table 1: Weaverville CSD Agency Profile</b>	
<b>Formation</b>	
Agency Name	Weaverville Community Services District
Formation Date	June 1977
Principal Act	Government Code §61000 - 61850
<b>Contact</b>	
Main Contact	Tim Kasper, General Manager
E-mail	wcsd@weavervillecsd.com
District Office Address	716 Main Street, Weaverville, CA 96093
Mailing Address	PO Box 1510, Weaverville, CA 96093
Alternate Contact	Marlee Rogers, Customer Service
Phone/ Fax	(530) 623-5051
Website	www.weavervillecsd.com
<b>Governance</b>	
Governing Body	5 Member Board of Directors
Board Meetings	Last Wednesday of every month
Staffing	General Manager and 3 staff members
<b>Services</b>	
Services Provided	Water
Areas Served	Unincorporated communities of Weaverville and Douglas City and adjacent rural residential areas along Highway 299

### 2.1 Formation

The Weaverville CSD was formed by the Trinity County Board of Supervisors in June 1977. The special district was formed for the purpose of providing potable water to area residents.

### 2.2 Services

Weaverville CSD provides water services to the unincorporated communities of Weaverville and Douglas City, including the Union Hill Road, Tucker Hill Road, and adjacent rural residential areas along Highway 299, and extending north along Highway 3 and East Weaver Creek Road.

### 2.3 Boundary and Sphere

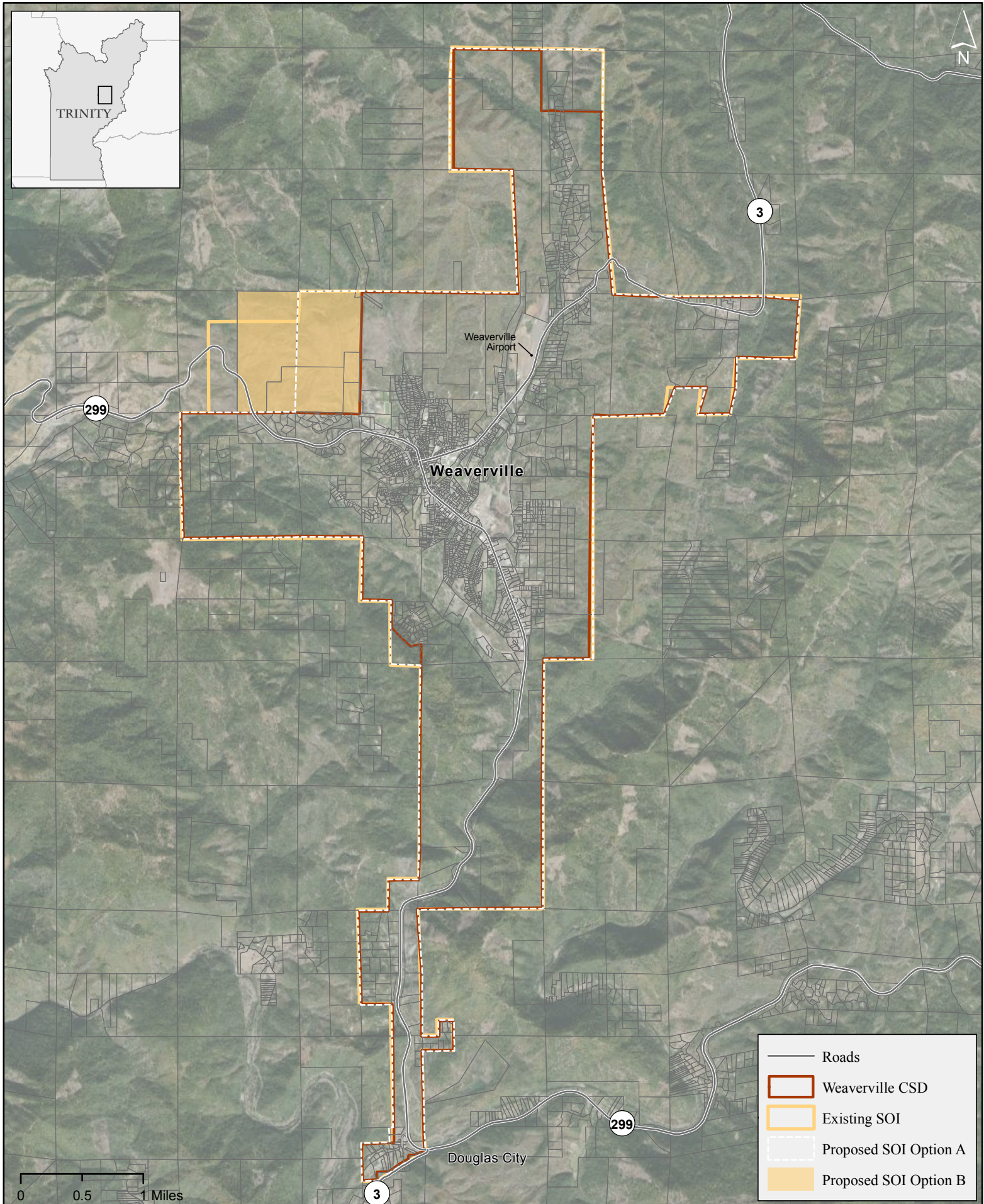
The District is located along Highway 299 in Trinity County, within the Trinity River and Weaver Creek watersheds, west of the City of Redding (Figure 1). The Weaverville CSD covers approximately 8,350 acres (13 square miles). There have been no changes to the District's boundary since 2003, when the Tye Lane area was annexed and brought into the District's service

area (LAFCo Resolution No. 03-04). The District does not provide any out of agency (OAS) service connections outside district boundaries.

The District has an expanded Sphere of Influence (SOI) that is larger than the District's Boundary (see Figure 1). The current SOI is approximately 9,243 acres and includes the undeveloped area west of Sidney Gulch Road and the East Branch Road area off of East Weaver Creek Road.

As part of this MSR and SOI Update, a SOI reduction is proposed in order to follow parcel lines and to avoid inclusion of open space designated territory that would not require the extension of urban services.





# Weaverville Community Services District

Figure

Packet Page 14

Map Date: 10/9/2020

## 3. GOVERNMENT STRUCTURE

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### 3.1 Governing Body

Weaverville CSD is governed by a five-member Board of Directors, elected at large by District residents to serve staggered four-year terms (Table 2). The Board meets on the last Wednesday of each month at the District Office. Meeting dates and agendas are posted at least 72 hours prior to meetings at the District Office and are available on the District's website.

<b>Table 2: Weaverville CSD Board of Directors</b>		
<b>Board Member</b>	<b>Title</b>	<b>Term Expiration</b>
Marilyn Cook	Board Chairman	December 2020
Andy Moodie	Vice Chairman	December 2021
David Ottem	Director	December 2020
Everett Harvey	Director	December 2021
Lloyd Kennedy	Director	December 2021

### 3.2 Management & Staffing

The District currently employs four full-time and one part-time staff members. All agency decisions are overseen by the Board of Directors upon consideration of public input and discussion. The Board hires a General Manager, who oversees a part-time customer service employee, an accounting technician, and two field service personnel.

### 3.3 Public Outreach

The District maintains a website at [www.weavervillecsd.com](http://www.weavervillecsd.com) which is a helpful communication tool to enhance government transparency and accountability. The website provides service-related information but does not currently include budget information or archived meeting agendas and minutes. SB 929 (McGuire) was signed into law on September 14, 2018 requiring all independent special districts to have and maintain a website by January 1, 2020, meeting all the special district transparency requirements of State law including the availability of agendas, policies, financial information. Only hardship-based findings, identified in a board resolution approved at a regular meeting, would allow a district to be exempt from establishing or maintaining a website. The findings may include inadequate internet access; significantly limited financial resources; or insufficient staff resources. The resolution would be valid for one year and would need to be adopted annually so long as the hardship exists.

### 3.4 Accountability

The Weaverville CSD has an adopted Policies and Procedures Manual that was last updated in 2010. It addresses administrative, financial, and general operating policies and procedures for the District.

The Political Reform Act requires all state and local government agencies to adopt and promulgate a Conflict of Interest Code pursuant to Government Code §81000 et seq. The Political Reform Act also requires persons who hold office to disclose their investments, interests in real property, and incomes by filing a Statement of Economic Interests (Fair Political Practices Commission Form 700) each year pursuant to Government Code §87203.

According to AB 1234, if a local agency provides compensation or reimbursement of expenses to local government officials, then all local officials are required to receive two hours of training on public service ethics laws and principles at least once every two years and establish a written policy on reimbursements pursuant to Government Code §53235. In addition, AB 1661 went into effect in 2016 and addresses local government sexual harassment prevention training and education.

The District complies with the above requirements. They currently hold insurance through Association of California Water Agencies (ACWA), which offers representation in legislative and regulatory agencies in Sacramento and Washington, D.C. as well as ACWA sponsored events such as an annual conference.



## 4. SERVICES & INFRASTRUCTURE

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### 4.1 Services Provided

Weaverville CSD provides water storage, treatment, and distribution for 3,554 customers in Weaverville and adjacent communities, with a total of 1,640 water service connections<sup>1</sup>. This includes approximately 1,376 residential, 252 commercial, eight landscaping, and four industrial connections. The Weaverville CSD holds a state water permit (public water system No. CA5310001) for drinking water treatment and distribution. The water system and treatment plant, originally permitted May 1, 1979, are reviewed annually by the Trinity County Public Health Department.

### 4.2 Water Source

The water system is supplied by surface water from three sources including East and West Weaver Creek in Weaverville and the Trinity River in Douglas City<sup>2</sup>. East Weaver creek has historically supplied about 70% of District water while West Weaver creek is used to augment supply mainly in the Spring and Summer months. The Trinity River supplies water to Douglas City and Union Hill year-round and supplements Weaverville during the summer months as needed.

### 4.3 Water Treatment and Storage

Weaverville CSD operates three water treatment plants: two plants on Weaver Creek and one plant taking water from the Trinity River. Water is treated with pressure filtration and chlorination. The Trinity River water diversion was constructed in 1997 and provides water along Highway 299 to Douglas City. Union City was also provided with a distribution system during this project.

The District's total storage capacity is 3.66 million gallons (MG) in six main storage tanks. Storage capacity and tank details can be seen in Table 3. This is enough capacity to provide water to the District for approximately two days based on peak summer demand. The District also maintains a 2.0 MG open reservoir for use by helicopters during firefighting.

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<sup>1</sup> Personal communication with Marlee Roberts, Customer Service

<sup>2</sup> Safe Drinking Water Information System

<b>Table 3: Weaverville CSD Storage Capacity</b>			
<b>Reservoir Name</b>	<b>Type</b>	<b>Date Constructed</b>	<b>Volume (MG)</b>
Main	Welded Steel	1998	2.0
East Weaver	Bolted Steel	1988	0.42
West Weaver	Bolted Steel	1988	0.42
Timber Ridge	3 Plastic tanks	2014	0.036
Ransom Road	Welded Steel	1997	0.5
Gables	Welded Steel	1997	0.3

## 4.4 Water Demand

There is currently adequate water system capacity to service active and stand-by connections. The system has the supply capacity to provide 3 million gallons per day (MGD) and there is a current peak summer demand of 1.8 MGD<sup>3</sup>. Total water consumption varies annually due in part to seasonal variations with late Springs. The 2011 average annual demand was 0.7 gallons per minute per customer, which is significantly lower than other water agencies in the greater Redding area.

## 4.5 Water Rates

The District's water meters are read on or near the first of each month. Water rates which were recently increased in 2020 can be seen in Table 3 below. The commodity charge for water used above the minimum is \$ 1.645 per 100 cubic feet<sup>4</sup>. The capacity charge for new customer connections to the water system is \$4,781 per household equivalent (the average amount of water used daily by a single-family residence). Various other water service charges are listed below and are typically reviewed annually. All water meters are replaced every 15 years to ensure accurate consumption readings<sup>5</sup>.

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<sup>3</sup> Personal communication with Weaverville General Manger Tim Kasper

<sup>4</sup> There are 748 gallons in 100 cubic feet

<sup>5</sup> Weaverville CSD 2011 Water Master Plan

<b>Table 4: Weaverville CSD Water Service Rates</b>		
<b>Meter Size</b>	<b>Water Allowance with Minimum Charge (cubic feet)</b>	<b>Minimum monthly charge</b>
5/8"	500	\$28.00
3/4" Fire	500	\$28.00
3/4"	900	\$39.00
1"	1700	\$61.50
1.5"	2500	\$83.75
2"	3500	\$111.50
3"	4500	\$139.50

Source: [www.weavervillecsd.com/rates-and-policies](http://www.weavervillecsd.com/rates-and-policies)

*Other common fees include:*

Monthly Backflow Testing Fee	\$3.00/ mo.
Door Tag for late payment	\$10.00 / ea. occurrence
Disconnect for Non-Payment	\$50.00
Convenience Fee (for Credit Card Payment)	3% of Amt. Charged
Turn Off Fee	\$10.00
Turn On Fee	\$10.00
Reconnect from Vacation Service	\$20.00

## 4.6 Water Distribution

Water service elevations range from a low of 1,400 feet to a high of 2,650 feet and require 12 separate pressure zones to maintain adequate water pressure. The distribution system consists of about 43 miles of 1.5 to 14-inch diameter pipes. Water mains are made of various materials including steel, asbestos cement, ductile iron and PVC. The District purchased a leak detection device in 2000 and sounds pipes when leaks are suspected. This procedure has caused a notable reduction in lost water volumes.

Fire flow capacity was examined in 1993 by the Insurance Services Office (ISO) responsible for rating fire protection and water facilities and gave the water system full marks after inspecting the system and making hydrant flow tests. Weaverville received an ISO rating of 4, which is the highest rating allocated to volunteer fire departments.<sup>6</sup>

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<sup>6</sup> Weaverville CSD 2011 Water Master Plan

## 4.7 Infrastructure Needs and Deficiencies

The District's 10 Year Master Plan recommends various main replacements be made to the water system each year. In addition, the District indicated that their East Weaver storage tank will need replacing in the next five to ten years. The District has a grant application for technical assistance to fund the engineering for the relocation and replacement of the aging storage tank.

## 4.8 System Monitoring

System monitoring is performed annually and is reported to customers via the Annual Water Quality reports. The most recent report available is from 2018 and reports that Weaverville CSD's water met all EPA and State drinking water health standards.

## 4.9 Other Service Providers

Trinity County provides general governmental services including social services, emergency services, planning, county roads, parks, and other services to areas within the County. Law Enforcement is provided by the Trinity County Sheriff's Office. The California Department of Transportation (CalTrans) is responsible for the condition of Highway 299 that bisects the Weaverville CSD.

- *Wastewater*

Wastewater service within Weaverville is provided by the Weaverville Sanitary District. The Weaverville SD is responsible for collection, conveyance, treatment, and disposal of the community's wastewater. Existing facilities consist of collection and transmission lines including 50 miles of pipeline, one lift station, and a treatment plant located at 630 Mountain View Street.

- *Fire Protection*

Fire protection is provided by the Weaverville Fire Protection District (Weaverville FPD), which supports and administers the services provided by the Weaverville Volunteer Fire Department (VFD). The Weaverville VFD fire station is located at 125 Bremer Street in Weaverville. Weaverville FPD has mutual aid agreements with Shasta-Trinity Cal Fire units and Six Rivers and Shasta-Trinity National Forest service units as necessary. Weaverville FPD is also very active in the community and assists community residents whenever possible.

## 4.10 Governance Structure Options

Weaverville CSD provides water services and Weaverville Sanitary District provides wastewater services to Weaverville area. Government restructure options should be pursued if there are potential benefits in terms of reduced costs, greater efficiency, greater accountability, or other advantages to the public. There is no recommendation for a reorganization of local municipal service providers in the area at this time.

## 5. FINANCING

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### 5.1 Revenue and Expenses

The District's primary revenue sources include water fees and service fees (standby and hook-up fees). The District's expenses include personnel and salaries, costs associated with water treatment and distribution, insurance costs, and loan repayment. For the 2019-20 fiscal year the District's revenues exceeded its expenditures by \$10,649.

<b>Table 5: Weaverville CSD Budget Summary</b>		
	<b>FY 2018-19 Actual</b>	<b>FY 2019-20 Adopted</b>
<b>Revenues</b>		
Total Operating Revenues	\$882,763	\$892,131
Total Non-operating Revenues	\$78,341	\$72,204
<b>Total Revenues</b>	<b>\$961,104</b>	<b>\$964,335</b>
<b>Expenses</b>		
Source of Supply	\$5,695	\$3,125
Pumping	\$7,620	\$7,882
Water Treatment	\$58,595	\$65,970
Transmission & Distribution	\$107,714	\$107,359
Tanks	\$5,500	\$19,077
Customer Accounts	\$27,818	\$41,084
General/Administrative	\$370,709	\$421,393
Non-operating expenses	\$238,496	\$238,496
Capital improvements	\$181,000	\$49,300
<b>Total Expenses</b>	<b>\$1,003,147</b>	<b>\$953,686</b>
<b>Net Income</b>	<b>(\$42,043)</b>	<b>\$10,649</b>

### 5.2 Audit Information

The District conducts annual audits and the available audit information indicates that the financial health of the District is strong due to recent rate increases and water service upgrades. Audit results are often not available for as much as six months after the end of the fiscal year due to the time it takes for the county to close its books and provide final results. The county acts as the bank repository for District funds and thus must close its books in order to complete the District audit.

As of this writing, the FY 2018-19 audit has been completed and information from it can be seen in Table 5. Net position of the District's activities decreased by 0.056% (\$4,533,779 in FY 2018-19 compared to \$4,536,295 in FY 2017-18).

<b>Table 6: Weaverville CSD FY 2018-19 Audit Information</b>		
	<b>2018</b>	<b>2019</b>
Assets	\$7,772,303	\$7,657,131
Liabilities	\$3,383,355	\$3,292,131
Net Position	\$4,536,295	\$4,533,779

Prepared by Don Reynolds, CPA

### 5.3 Debt and Capital Leases

At FY 2018-19 year-end, the District had \$1,727,251 in bonds, loans, and certificates of participation outstanding. This debt was a consolidation and refinance in December of 2016 for a lower interest rate of three previous long-term debts. The new refinanced loan is allocated between Series A and B. Series A will conclude in 2033 and Series B will conclude in 2020. More detailed information about long-term liabilities is described in Section 5.4 below.

The District has a lease with Government Capital Corporation for 375 water meters. The lease requires an annual principal and interest payment of \$19,516 in June of each year. The stated interest rate is 3.35%. The lease terms allow for an option to purchase after the first three annual payments have been made in 2022, or for \$1 at the end of the lease term.

In 1997, the District issued the Douglas City Assessment District (DCAD) Limited Obligation Improvement Bond, Series A, No. R-1 in the amount of \$59,138 for the unpaid portion of assessments made for water system facilities. The interest rate is 4.5% annually with principal and interest payments due semi-annually on March 2 and September 2. The bond is due September 2036 and the principal remaining on the bond is \$39,000.

### 5.4 Financing Constraints and Opportunities

On December 29, 2016, the District refinanced several long-term debts into a new loan in the amount of \$2,132,502 with Umpqua bank. This amount includes two installments, Series A and Series B. The Series A Installment was funded in the amount of \$1,927,704 with a 2.800% interest rate for a term of 15 years and the Series B Installment was funded in the amount of \$204,798 with a 2.390% interest rate for a term of 3 years. The installment loans were used to pay off the existing 1997 USDA Rural Development Certificate of Participation, 1979 Water Revenues Bond, and 1988 Safe Drinking Water loan with payoff balances of principal and interest totaling \$1,993,323, \$147,000, and \$157,851, respectively. Costs of issuance on new debt were in the amount of \$88,050. The loans are secured by the District's net revenues. The difference between

the total loan amount of \$2,132,502 and the total uses of the loan amount of \$2,386,224 was from the District's cash accounts in the amount of \$253,722<sup>7</sup>.

The District's 10 Year Master Plan (2011) effectively functions as a Capital Improvement Plan for the District and recommends various main replacements be made to the water system each year. The District relies on revenues from service charges as well as grants to fund infrastructure upgrades. The District is currently pursuing a grant opportunity to replace their East Weaver storage tank.

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<sup>7</sup> Weaverville CSD FY 2018-19 Audit

## 6. GROWTH AND POPULATION

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### 6.1 Land Use

The Trinity County General Plan (2003) and Zoning Code guides land use decisions within Trinity County. The area served by Weaverville CSD is largely agricultural, commercial timber production lands, recreation areas, and low density residential. More concentrated residential areas are located in the communities of downtown Weaverville and Douglas City. The District also contains areas of light industrial and commercial areas, generally along the Highway 299 corridor and includes areas along the Trinity River and Weaver Creek (See Figure 2).

### 6.2 Existing Population and Projected Growth

According to the US Census, the total population in Trinity County was 13,786 in 2010 and 13,037 in the 2013-2017 American Community Survey 5-year Estimate. The Department of Finance (DOF, 2019) reports a 0.3% increase in the unincorporated population of Trinity County between 2018 and 2019, for a total County population of 13,688 estimated in 2019.

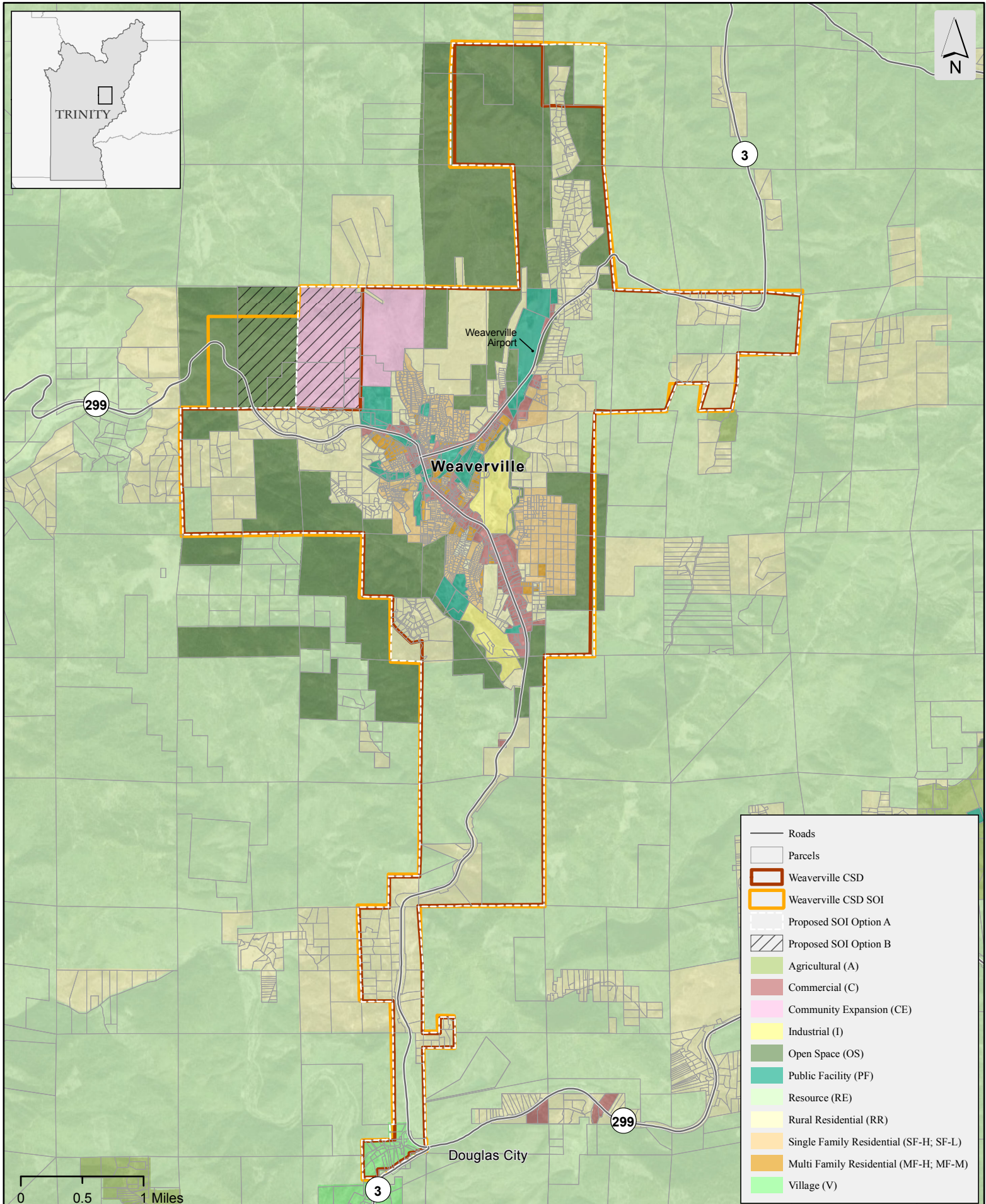
The Weaverville CSD estimates a District population of approximately 3,800. The District will likely continue to grow at or less than the current county-wide growth rate of 0.3% per year, putting the District population at approximately 3,925 in 2030. Opportunities for growth exist, but constraints such as flood plains and steep terrain are growth barriers.

### 6.3 Disadvantaged Unincorporated Communities

LAFCo is required to evaluate water service, sewer service, and structural fire protection within disadvantaged unincorporated communities as part of this service review, including the location and characteristics of any such communities. A disadvantaged unincorporated community (DUC) is defined as any area with 12 or more registered voters where the annual median household income is less than 80 percent of the statewide annual median household income (pursuant to Government Code Section 56033.5 and Water Code Section 79505.5). Within a DUC, three basic services are evaluated: water, sewage, and fire protection. Weaverville CSD provides domestic water services only and is therefore responsible for assuring that this service is adequately provided to the community. Wastewater services are provided by the Weaverville Sanitary District. The Weaverville Fire Protection District provides fire protection services to all areas within Weaverville CSD.

According to the 2014 2018 American Community Survey 5-Year Estimates, the California median household income (MHI) is \$42,209 for the Weaverville CDP and \$43,295 for Douglas City CDP. Weaverville has an MHI which is 59.3% of the state average MHI of \$71,228 and Douglas City has an MHI which is 61% of the state average, thereby qualifying both areas as disadvantaged. Should territory in the surrounding area be proposed for annexation in the future, disadvantaged communities in the area should be considered.





# Weaverville Community Services District Land Use Designations

Figure

Packet Page 25

Date: 10/9/2020

## 7. MUNICIPAL SERVICE REVIEW DETERMINATIONS

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This section addresses the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56430). As part of the municipal service review process, LAFCo makes the following written determinations.

### **1) Growth and population projections**

Weaverville CSD was created to provide domestic water to the communities of Weaverville, Douglas City and surrounding areas. Population growth and population projections for the service area is expected to be less than or equal to the County average of 0.3%.

### **2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the Sphere of Influence**

The communities of Weaverville and Douglas City both qualify as a DUC. Water services are provided by Weaverville CSD, wastewater services by Weaverville SD, and fire protection by Weaverville FPD. Should territory in the surrounding area be proposed for annexation in the future, disadvantaged communities in the area should be considered.

### **3) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies**

There is currently adequate water system capacity to serve all the active service connections.

### **4) Financial ability of agencies to provide services**

Weaverville CSD has adequate resources to provide services. For the 2019-20 fiscal year the District's revenues exceeded its expenditures by \$10,649.

### **5) Status of, and opportunities for, shared facilities**

Weaverville CSD is located in a rural region where physical separation from other communities limits the area where extension of domestic water services is practical. Due to limitations in distance and terrain, there are limited opportunities for shared facilities.

### **6) Accountability for community service needs, including governmental structure and operational efficiencies**

Weaverville CSD is governed by the five-member Board of Directors. The CSD demonstrated accountability and transparency by disclosing financial and service-related information in response to LAFCo requests. Weaverville CSD has a website but needs to include current financial and meeting related information to comply with new Special District website regulations (SB 929).

### **7) Any other matter related to effective or efficient service delivery, as required by commission policy**

None beyond those listed.

## 8. SPHERE OF INFLUENCE DETERMINATIONS

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As part of this MSR and SOI Update, a SOI reduction is proposed in order to follow parcel lines and to avoid inclusion of open space designated territory that would not require the extension of urban services.

Trinity LAFCo makes the following written determinations:

**1) Present and planned land uses in the area, including agricultural and open-space lands.**

The area served by the Weaverville CSD is primarily agricultural, commercial timber production lands, recreation areas, and rural residential developments. There are also areas of light industrial and commercial uses. Opportunities for growth exist, but physical constraints such as flood plains and steep terrain are barriers to growth.

**2) Present and probable need for public facilities and services in the area.**

Prior to considering expanded services outside the current service area and within the sphere of influence, the Weaverville CSD must demonstrate the ability to provide services to those areas.

**3) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The current capacity of public facilities provided by the District appear to be adequate to serve current and future demand.

**4) Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.**

Weaverville CSD includes the community of Weaverville, which is the major commerce and service industry hub for residents in Trinity County.

**5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere.**

The communities of Weaverville and Douglas City both qualify as a DUC. There are no DUCs adjacent to the CSD that should be considered for inclusion in the SOI at this time.

## 9. REFERENCES

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CA Dept. of Water Resources: [http://www.water.ca.gov/irwm/grants/resources\\_dac.cfm](http://www.water.ca.gov/irwm/grants/resources_dac.cfm)

Personal communication with Marlee Rogers, Weaverville CSD Customer Service Representative

Personal communication with Tim Kasper, Weaverville CSD General Manager

Safe Drinking Water Information System

[https://sdwis.waterboards.ca.gov/PDWW/JSP/WaterSystemDetail.jsp?tinwsys\\_is\\_number=5917&tinwsys\\_st\\_code=CA&wsnumber=CA5310001](https://sdwis.waterboards.ca.gov/PDWW/JSP/WaterSystemDetail.jsp?tinwsys_is_number=5917&tinwsys_st_code=CA&wsnumber=CA5310001)

State of California Department of Finance:

<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>

US Census Bureau: <https://www.census.gov/quickfacts/table/PST045215/06>

Weaverville CSD FY 2018-19 Audited Financial Statements. Donald R. Reynolds, CPA

Weaverville CSD Master Water Plan, August 2011, PACE Engineering



## RESOLUTION NO. 2020-08

### APPROVING THE WEAVERVILLE COMMUNITY SERVICES DISTRICT MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

**WHEREAS**, the Trinity Local Agency Formation Commission, hereinafter referred to as the “Commission”, is authorized to conduct municipal service reviews and establish, amend, and update spheres of influence for local governmental agencies whose jurisdictions are within Trinity County; and

**WHEREAS**, the Commission conducted a municipal service review to evaluate the availability and performance of services provided by the Weaverville Community Services District, hereinafter referred to as the “District”, pursuant to California Government Code Section 56430; and

**WHEREAS**, the Commission conducted a sphere of influence review for the District pursuant to California Government Code Section 56425; and

**WHEREAS**, the Executive Officer gave sufficient notice of a public hearing to be conducted by the Commission in the form and manner provided by law; and

**WHEREAS**, the Executive Officer’s report and recommendations on the municipal service review and sphere of influence update were presented to the Commission in the form and manner prescribed by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public hearing held on the municipal service review and sphere of influence update on August 18, 2020 and continued to October 20, 2020; and

**WHEREAS**, the Commission considered all the factors required under California Government Code Section 56430 and 56425.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission as follows:

1. The Commission, as Lead Agency, finds the municipal service review is exempt from further review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations Section 15306. This finding is based on the use of the municipal service review as a data collection and service evaluation study. The information contained within the municipal service review may be used to consider future actions that will be subject to additional environmental review.

2. The Commission, as Lead Agency, finds the sphere of influence update is exempt from further review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the update will have no possibility of significantly affecting the environment given no new land use or municipal service authority is granted.
3. This municipal service review and sphere of influence update is assigned the following distinctive short-term designation: "Weaverville Community Services District MSR/SOI Update 2020".
4. Pursuant to Government Code Section 56430(a), the Commission makes the written statement of determinations included in the municipal service review, hereby incorporated by reference.
5. Pursuant to Government Code Section 56425(e), the Commission makes the written statement of determinations included in the sphere of influence update, hereby incorporated by reference.

**BE IT FURTHER RESOLVED** by the Commission that:

The Weaverville Community Services District MSR/SOI Update 2020 is hereby approved, and the sphere of influence for the District is hereby amended, as depicted in Exhibit "A", attached hereto.

**PASSED AND ADOPTED** at a regular meeting of the Trinity Local Agency Formation Commission on the 20<sup>th</sup> day of October 2020, by the following roll call vote:

AYES: Commissioners;  
NOES: Commissioners;  
ABSENT: Commissioners;  
ABSTAIN: Commissioners;

ATTEST:

APPROVED:

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Kathy Bull  
Administrator/Clerk

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Judy Morris  
Chair



## Agenda Item 6A

**MEETING:** October 20, 2020  
**TO:** Trinity LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk  
**SUBJECT:** Fiscal Year 2019/2020 Year End Report

### **BACKGROUND**

The Trinity Local Agency Formation Commission adopted the final budget for Fiscal Year 2019/2020 at the May 21, 2019 Commission Meeting per the California Government Code Section 56381, to adopt a budget annually. At the end of each fiscal year, staff provides a year-end financial report for the Commission's review.

### **DISCUSSION**

This agenda item is to provide the Commission with a comparison of budgeted items and actual revenue and expenditures, as summarized below. Exhibit A provides year-end actual breakdown for each budgeted account and subaccount.

Summary			
Budget Item	Adopted FY 2019/2020	Actual	Over/(Under)
Total Revenues	\$28,000	\$30,115	\$2,115
Total Expenditures	\$44,900	\$42,921	(\$1,979)
Operating Difference*	(\$16,900)	(\$12,807)	(\$4,093)

*\*Negative Balance indicates use of Reserves*

### **RECOMMENDATION**

Staff recommends the Commission receive and accept the year-end financial report for Fiscal Year 2019/2020, or provide further direction to staff.

Exhibit A: Trinity LAFCo FY 2019/2020 Financial Summary

# Trinity LAFCo Budget

Fund No. 270-0100

Department No. 8270

Categories	Acct #	FY 2019/20 Adopted Budget	FY 2019/20 YTD Adjustments	FY 2019/20 Year End Actual	FY 2019/20 Variance over/(under)	FY 2020/21 Adopted Budget
<b>REVENUES:</b>						
Interest	6601	-	-	1,449	1,449	-
LAFCo Fees (Applications)	8404	-	-	1,216	1,216	5,000
Cont From Other Agencies:					-	
County	9282	14,000	14,000	14,000	-	14,000
Indep Spec Districts	9285	14,000	14,000	13,450	(550)	14,000
TOTAL Revenues		\$ 28,000	\$ 28,000	\$ 30,115	2,115	\$ 33,000

<b>EXPENDITURES:</b>						
Memberships	2240	1,500	1,500	1,075	(425)	1,500
Office	2260	600	600	655	55	600
Professional & Specialized:	2300	40,800	40,800	39,837	(963)	45,800
- Staffing services		15,000	25,000	24,985	(15)	25,000
- MSR/SOI		25,000	15,000	11,732	(3,269)	15,000
- Applications		-	-	2,839	2,839	5,000
- Legal Counsel		500	500	-	(500)	500
- Web Service		300	300	282	(18)	300
Publications & Legal Notices	2500	500	500	947	447	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		\$ 44,900	\$ 44,900	\$ 42,921	(1,979)	\$ 49,900

Operating Difference		\$ (16,900)	\$ (16,900)	\$ (12,807)	(4,093)	\$ (16,900)
<i>(Negative Balance Indicates Use of Reserves)</i>						

## FUND BALANCE/RESERVES

Beginning Year Fund Balance		\$ 116,444				
Ending Year Fund Balance				\$ 103,637		
Assigned/Designated Reserve Funds:	\$90,000					
Litigation Defense:	\$ 60,000					
Special Legal Counsel:	\$ 10,000					
Unanticipated Sp. Studies:	\$ 20,000					





## Agenda Item 7A

**MEETING:** October 20, 2020  
**TO:** Trinity LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk  
**SUBJECT:** Commission Policies and Procedures Update – Section 4. Services by Contract

### BACKGROUND:

Trinity LAFCo has drafted Policies and Procedures pursuant to Section 56300(a) of the Cortese-Know-Hertzberg Local Government Reorganization Act of 2000. Previously at the June 16, 2020 LAFCo meeting, the Commission approved updates to Section 1. General, “Bylaws”, and Related Administration Policies; and Section 2. LAFCo Operations and Financial Policies. Subsequently at the August 18, 2020 LAFCo meeting, the Commission approved updates for Section 3. Policies, Requirements & Criteria for Applications. Staff will continue to provide the Commission various sections of the Policies and Procedures to review until completed.

### DISCUSSION:

Staff has made modifications to Section 4. Services by Contract, which includes Outside Agency Services by Contract (i.e., water and wastewater) and Fire Protection Services by Contract. 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.

### RECOMMENDATION:

Staff recommends that the Commission provide direction to staff regarding policy revisions and consider accepting proposed changes to Section 4. Services by Contract.

Attachment:  
Section 4. Services by Contract

## Section 4. SERVICES BY CONTRACT

### 4.1. SERVICES BY CONTRACT OUTSIDE OF AGENCY BOUNDARIES & DELEGATION OF AUTHORITY TO EXECUTIVE OFFICER

4.1.1 Requests for ~~extensions of service~~new or extended services by contract or agreement beyond the boundaries of the providing agency shall be considered and acted upon by the Commission pursuant to the provisions of Government Code Section 56133 (hereinafter referred to as "out of agency service (OAS) contracts or agreements").

4.1.2 Government Code 56133 permits approval of ~~OAS extension~~ requests to be delegated by the Commission to the Executive Officer. The Executive Officer shall consult with districts to determine whether OAS agreements are subject to Commission review or qualify for an exemption under 56133.

4.1.3 It is the policy of the Commission to delegate to the Executive Officer the authority to issue written approval for ~~extension of service~~OAS requests under the following conditions:

- (a) There is an impending threat to the public health and safety of the residents of the affected territory and the affected agency or landowners have submitted documentation of such to the satisfaction of the Executive Officer; and
- (b) The Executive Officer has notified any alternate service provider that has filed a map and a statement of its service capabilities with the Commission; and
- (c) The Executive Officer has provided notice to the Trinity County Environmental Health Department of the request and has provided such agency a reasonable amount of time to review and comment upon such request.
- (d) The delegation of authority as referenced herein shall only apply to requests for extension of services that are within the Sphere of Influence of the affected agency.
- (e) The Executive Officer shall notify the Commission of his/her decision on an OAS agreement within two business days. Within ten days after the Executive Officer's decision, any member of the Commission may request the Commission to review the decision by filing a written request with the Executive Officer. The Executive Officer shall set the request for review as an agenda item for the next meeting of the Commission for which notice

can be given. After consideration of the issue, the Commission may affirm, reverse, or modify the decision of the Executive Officer.

- (f) Should the Executive Officer determine, for any reason, to not exercise her/his delegated authority, the Executive Officer shall process the request consistent with the directives of Government Code Section 56133.

4.1.4 Except as otherwise stated herein, OAS requests ~~for extension~~ shall be processed consistent with Section 56133.

4.1.5 The filing requirements for review of OAS requests shall consist of:

- (a) Official Request from Applying Agency. A written request signed by a designated representative of the agency requesting approval for the OAS request, or an adopted resolution from the district board proposing to serve outside its boundaries must be submitted.
- (b) Payment of Appropriate Filing Fees. The applying agency must submit as part of the application the appropriate filing fees as outlined in the LAFCo Fee Schedule.
- (c) A completed application form including the submission of a copy of the proposed contract or agreement that has been signed by the property owner(s) and the agency extending service(s), and maps showing the location of the property to be served and the location of existing and proposed infrastructure to be extended.
- (d) Any other information deemed appropriate by the Executive Officer in order to review the OAS request based upon local conditions and circumstances.

4.1.~~65~~ As a condition of approval the Commission may require the completion of the annexation within a specified time frame or may impose other conditions as necessary. Annexations to districts involving territory located within the affected agency's sphere of influence are generally preferred to OAS agreements. The Commission recognizes, however, there may be instances when OAS agreements are appropriate given local circumstances.

4.1.7 The Commission and the Executive Officer shall limit OAS agreements to public health and safety emergencies and circumstances where:

- (a) Sufficient service capacity exists;
- (b) Annexation would not be practicable (in determining whether an annexation is practicable, the Commission shall consider the sphere of influence

determinations for the affected territory in accordance with Government Code 56425(e); and

- (c) The out of agency service request is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox-Hertzberg Act.

## **4.2 FIRE PROTECTION SERVICES BY CONTRACT**

4.2.1 Effective January 1, 2016, Government Code Section 56134 requires the Commission to approve fire protection contracts or agreements for the exercise of new or extended fire protection services outside a public agency's jurisdictional boundaries if the contract meets any of the following thresholds:

- (a) Transfers responsibility for providing services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement; or
- (b) Changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement.
- (c) A contract or agreement for fire protection services outside a public agency's jurisdictional boundaries that, in combination with other contracts or agreements, would produce the results described in either threshold (a) or (b) above.

Note: This section applies primarily to fire protection contracts and agreements between public agencies as they relate to Amador Agreements and Joint Powers Agreements. The provision of new or extended services by contract or agreement outside jurisdictional boundaries to support existing or planned uses involving public or private properties are subject to Government Code Section 56133 (see Chapter 4.1 Service by Contract Outside of Agency Boundaries).

4.2.2 Except for the specific situations exempted by Government Code Section 56134, a public agency may provide new or extended services pursuant to a fire protection contract that meets the above-defined thresholds only if it first requests and receives written approval from the Commission.

4.2.3 Public agencies shall consult with the Executive Officer to determine whether fire protection contracts or agreements are subject to Commission review. Pursuant to Government Code Section 56134 and Mendocino LAFCo policy, the following contracts and agreements are exempt from LAFCo review:

- (a) Renewal of existing contracts, unless the renewal included amendments or the inclusion of new territory that triggered the 25% change in service area or employment status.
- (b) Ambulance service agreements.
- (c) Pre-hospital emergency medical services.
- (d) Mutual or automatic aid agreements.
- (e) Subordinate or subsidiary fire protection activities including, but not limited to the following: pre-planning, subdivision review, use permit review, administrative permit review and inspections; fire alarm system plan review and inspections; defensible space inspections and enforcement; business/occupancy inspections in existing structures; vehicle maintenance and repair; sharing of management or other personnel between or among multiple agencies; sharing or loaning of equipment or property between or among multiple agencies.
- (f) Cooperative agreements with the California Department of Forestry and Fire Protection, pursuant to Sections 4143 and 4144 of the Public Resources Code.

4.2.4 Fire Protection Contracts and Agreements, except those determined to be exempt from LAFCo review, shall be considered using the following procedures:

- (a) A request by a public agency for Commission approval of new or extended services provided pursuant to a fire protection contract shall be made by resolution of application and include all information regarding proposed services and financial information as required by Government Code Section 56134.
- (b) The Commission will review proposals for consistency with the required findings of 56134(h)(2)(i) and (j), as well as the overall purposes of LAFCo that encourage the efficient provision of government services. Notably, the Commission shall not approve an application for approval of a fire protection contract unless the Commission determines that the public agency will have sufficient revenues to carry out the exercise of the new or extended fire protection services outside its jurisdictional boundaries.