



AGENDA ITEM 5.A.

MEETING: August 15, 2023
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: Post Mountain Public Utility District Municipal Service Review and Sphere of Influence Update

BACKGROUND:

In accordance with the Cortese-Knox-Hertzberg 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 MSR evaluates services provided by Post Mountain Public Utility District (PUD) including fire and emergency response services and road maintenance. Staff has coordinated closely with Board President Peter Dobo to document services information for the District. The District only has one part time paid employee, a bookkeeper, and is otherwise entirely volunteer run. The District has historically had difficulty providing services due to the remote location of the District, limited volunteers, and limited funding. The full MSR/SOI Update included as Attachment 1 provides an overview of the District's current level of services and financial status.

Based on the District's history and current level of service, staff is recommending adoption of a provisional SOI with a set of requirements the District must satisfy in order to maintain the current SOI. If the District is unable to satisfy these requirements within the specified timeframe, a zero sphere will be adopted in anticipation of reorganization and/or dissolution of the District.

RECOMMENDATION:

Staff recommends the Commission receive the staff report and approve Resolution 23-05 approving the Post Mountain PUD MSR/SOI Update and Provisional Sphere of Influence.

Attachments:

- A – Post Mountain PUD MSR/SOI Update
- B – Resolution 23-05



TRINITY LAFCO

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

RESOLUTION NO. 2023-05

APPROVING THE POST MOUNTAIN PUBLIC UTILITY 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, capacity, and efficiency of services provided by the Post Mountain Public Utility 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 20, 2023; and

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

WHEREAS, the District has a documented history of less than adequate services as shown in the 2009 Municipal Service Review, 2009 Grand Jury Report, and the current review; and

WHEREAS, based on the record provided in the municipal service review and sphere of influence update, the District has the following challenges and service deficiencies: (1) the District has undocumented and/or inadequate minimum training certifications for all volunteer firefighters, deferred equipment maintenance and repair, and lack of volunteers and training to effectively respond to calls for service in the area, including medical; (2) the District lacks a dedicated funding source for road maintenance and has spent fire assessment funds and reimbursements on road maintenance activities under the assumption that roads must be cleared to access homes in the event of an emergency; (3) the District has consistently been unable to retain a full Board of Directors and for a substantial period of time was unable to conduct business as there were not enough members to constitute a quorum; (4) the District has not conducted timely audits which

has resulted in Trinity County Auditor-Controller withholding assessment funds until audits can be conducted; and (5) the District has taken limited action to improve its financial standing and organizational structure, which includes recruitment and retention, policies and management, training and certifications, and other operational improvements, such as strengthening regional fire response, addressing key vulnerabilities, and establishing cooperative agreements with neighboring emergency service providers.

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED 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: "Post Mountain PUD MSR/SOI Update 2023".
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.
6. Pursuant to Government Code Section 56425(g-h), the Commission finds that based on the District's documented history of hardships and limited capacity to provide service, the District's existing sphere of influence is reduced to a provisional sphere of influence. The District has one year from the date of the adoption of this resolution to be actively engaged in efforts address the following concerns:
 - a. Work with the Trinity County Auditor-Controller to conduct previously uncompleted audits for the District and implement a process to ensure minimum financial requirements under Government Code Section 26909 are completed in a timely manner.
 - b. Provide annual reports to the State Controller for publication.
 - c. Prepare for and seek voter approval for a special tax or property owner approval of a special assessment to fund road maintenance services in accordance with Proposition 218 procedures.
 - d. Conduct community outreach and attempt to fill vacancies on its Board of Directors.

- e. Conduct Board of Director meetings at least every other month and ensure that notices, agendas, and minutes are posted in accordance with the Brown Act.
- f. Ensure that all board members file Statements of Economic Interests (Form 700), receive mandated ethics training, and submit forms/certificates to the District to keep on file.
- g. Conduct community outreach and attempt to obtain additional volunteer firefighters.
- h. Work cooperatively with neighboring fire services providers to assess the potential for volunteers to attend regular and ongoing training so that the District can effectively respond to calls for service in the area, including medical.
- i. Establish formal mutual aid and auto-aid agreements with neighboring emergency service providers.
- j. Obtain copies of minimum training certifications for all volunteer firefighters and records for regular training and keep them on file at the fire station.
- k. Develop a program to ensure proper maintenance and repair of all District equipment as well as regular apparatus and equipment inspections, that includes tracking logs.
- l. Conduct a review to determine the degree to which engines meet minimum ISO or CAL FIRE equipment and hose requirements, and identify deficiencies.

The District will provide a status report to the Commission every six months during this provisional period. At the end of one year, the Commission will review the District's progress. If the Commission finds that less than adequate progress has been made to improve the noted areas of concern, a zero sphere may be adopted and LAFCo may initiate proceedings for reorganization and/or dissolution of the District in accordance with Government Code Section 56375(2) or 56375.1.

- 7. Pursuant to Government Code Section 56425(i), the Commission does hereby establish the functions and classes of services provided by Post Mountain PUD as follows: fire protection and road maintenance.

BE IT FURTHER RESOLVED by the Commission that:

The Post Mountain PUD MSR/SOI Update 2023 is hereby approved, and the sphere of influence for the District is hereby reduced to a provisional sphere, as depicted in Exhibit "A", attached hereto.

PASSED AND ADOPTED at a public hearing of the Trinity Local Agency Formation Commission on the 15th day of August 2023, by the following roll call vote:

AYES:
 NOES:
 ABSTAINS:
 ABSENT:

ATTEST:

APPROVED:

 Colette Santsche
 Executive Officer

 Heidi Carpenter-Harris
 Chair