



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:

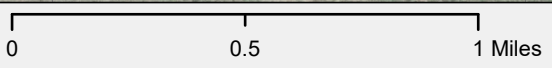
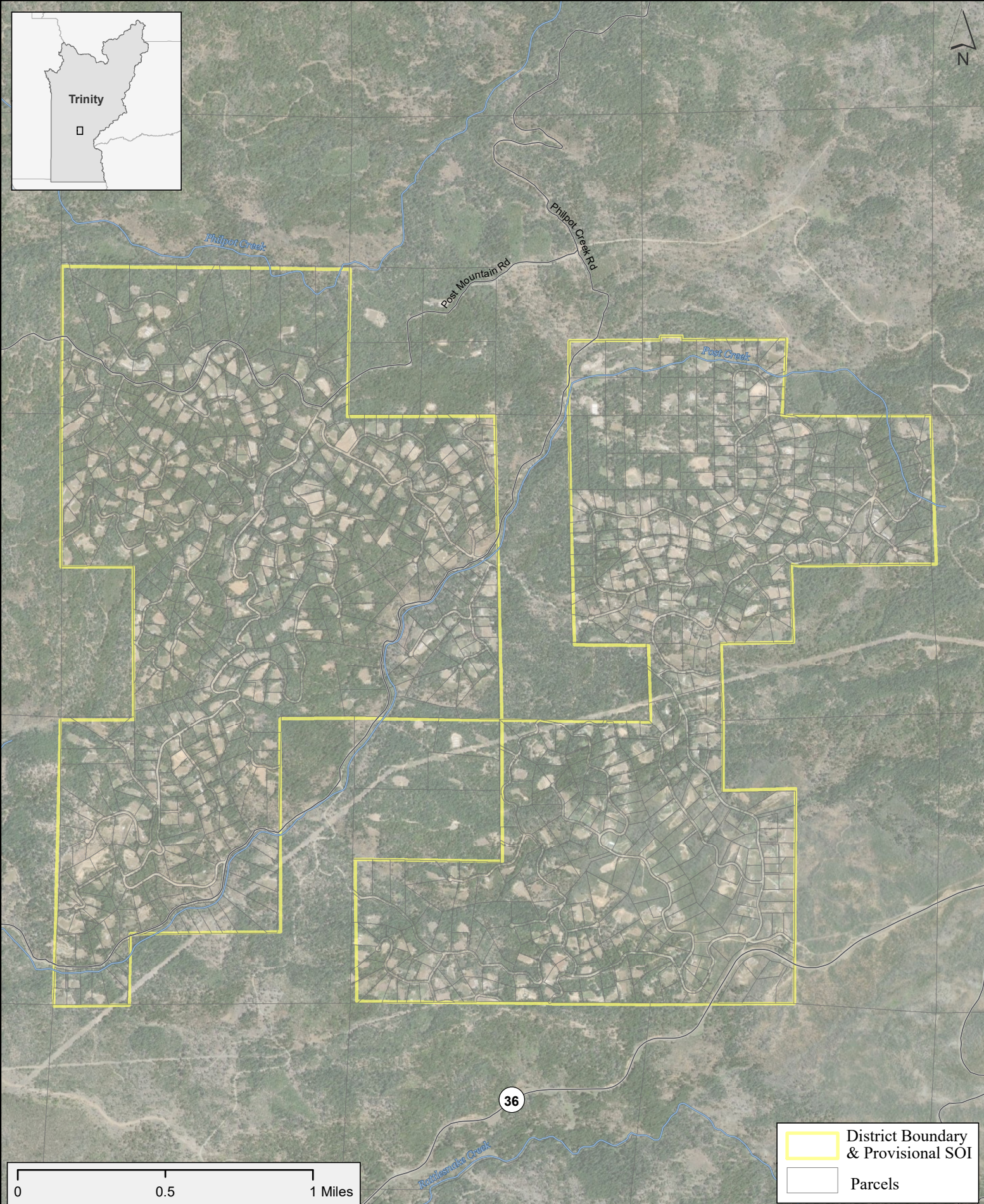
AYES: Burke, Frasier, Johnson, Kasper, and Carpenter-Harris
 NOES: -
 ABSTAINS: -
 ABSENT: Gogan, Grossman-Crist



ATTEST:

Colette Santsche
 Colette Santsche
 Executive Officer

APPROVED:

Heidi Carpenter-Harris
 Heidi Carpenter-Harris
 Chair



	District Boundary & Provisional SOI
	Parcels

Post Mountain Public Utilities District

Exhibit
A

Map Date: 6/12/2023

Sources: Boundaries, Roads, Parcels: Trinity County GIS.