

TRINITY LOCAL AGENCY FORMATION COMMISSION

June 20, 2023 at 4:00 p.m.

Trinity County Library Meeting Room

351 Main Street, Weaverville

AGENDA

The Commission will hold a hybrid meeting which will allow public participation in person and online via Zoom video conference. Commissioners will attend in person in accordance with the Brown Act unless otherwise noticed or approved in accordance with AB 2449. Instructions for remote public participation are included below.

Join Zoom Meeting:

<https://us02web.zoom.us/j/84393317666?pwd=eWR2TWg4bFc1MFhWVUNQazNSbUQxUT09>

Meeting ID: 843 9331 7666

Passcode: 740955

Call in: 1 (669) 900-6833

1. **CALL TO ORDER/ROLL CALL**
 - A. Roll Call
2. **PRESENTATIONS/ANNOUNCEMENTS**
 - None
3. **NEW COMMISSIONER APPOINTMENT (Potential Action)**
 - A. Expiring Commissioner Terms Update
 - B. Public Member Appointment
4. **CONSENT CALENDAR (Potential Action)**
 - A. Approval of Minutes from the April 18, 2023 Commission Meeting
5. **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.
6. **PUBLIC HEARINGS (Potential Action)**
 - A. Final Budget for Fiscal Year 2023-24
7. **NEW BUSINESS (Potential Action)**
 - A. Preview of a Draft Agency Profile for the Post Mountain Public Utility District Municipal Service Review (Information Only)
 - B. Professional Services Contract for Executive Officer Services
8. **EXECUTIVE OFFICER'S REPORT/CORRESPONDENCE (Information Only)**
9. **COMMISSIONER'S COMMENTS**
10. **ADJOURNMENT**

The next LAFCo meeting is scheduled for August 15, 2023, at 4:00 p.m. at the Trinity County Library Meeting Room in Weaverville.

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

All persons are invited to provide public testimony and submit written comments to the Commission. All written materials received by staff before 12:00 p.m. on the day of the meeting will be distributed to the Commission. If you wish to submit written material at the meeting, please supply 10 copies.

Accessibility

The location of this meeting is wheelchair accessible. If other accommodations are required to assist a person with a disability to participate in the meeting, please contact the Executive Officer or Commission Clerk at least 24 hours before the meeting.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Trinity LAFCo must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCo Commissioner must disqualify herself or himself from voting on an application involving an “entitlement for use” (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agent (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCo proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Late-Distributed Materials. Any material submitted to the Commission after this agenda is posted will be made available for public inspection as soon as possible on the LAFCo website trinitylafco.org.

Contact LAFCo Staff. For additional information please contact krystle@trinitylafco.org.



AGENDA ITEM 3.A.

MEETING: June 20, 2023
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: Expiring Commissioner Terms in 2023

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 and qualification of a successor. There are no term limits.

DISCUSSION

Currently there are two Public Member positions whose terms have expired. They include Regular Public Member Evan Barrow and Alternate Public Member Jake Grossman-Crist. Staff published a Notice of Vacancy in the April 5, 2023 edition of the Trinity Journal (Attachment A). As noted in the Notice of Vacancy, Public Member positions will remain open until filled.

Listed below are current Commission members with their Term of Office:

Designation	Current Member	Term of Office
County – Regular Member	Heidi Carpenter-Harris	Annual Appointment
County – Regular Member	Dan Frasier	Annual Appointment
County – Regular Member	Liam Gogan	Annual Appointment
County – Alternate Member	Ric Leutwyler	Annual Appointment
Special District – Regular Member (Seat 1)	Andrew Johnson	4/30/2024
Special District – Regular Member (Seat 2)	Joseph Kasper	4/30/2026
Special District – Alternate Member	Todd Corbett	4/30/2026
Public Member – Regular Member	Anna C. Burke	4/30/2025
Public Member – Regular Member	Evan Barrow	4/30/2023
Public Member – Alternate Member	Jake Grossman-Crist	4/30/2023

RECOMMENDATION

It is recommended that the Commission receive this report and provide direction to staff as needed.

Attachments:

A. Press Release/ Notice of Vacancy

Colette Santsche, Executive Officer, colette@trinitylafco.org
Krystle Heaney, Clerk/Analyst, krystle@trinitylafco.org



PRESS RELEASE / NOTICE OF VACANCY

LAFCO SEEKS TWO PUBLIC MEMBERS TO SERVE ON COMMISSION

The Trinity Local Agency Formation Commission (LAFCo) is currently accepting applications from members of the public interested in serving on the Commission. **Currently, there are vacancies for one (1) regular public member at-large and one (1) alternate public member at-large.** The positions are selected and appointed by the other regular members of the commission. LAFCo meetings are held on the 3rd Tuesday of even numbered months at 4:00 p.m. at the Weaverville Library Meeting Room. Commissioners attend in person in accordance with the Brown Act unless otherwise noticed or approved for remote video conference in accordance with AB 2449.

LAFCo is an independent government agency created in each county by the California State Legislature in 1963. LAFCo is responsible for facilitating changes in local governmental structure and boundaries that fosters orderly growth and development, promotes the efficient delivery of services, and encourages the preservation of open space and agricultural lands. Most notably, this includes approving or disapproving boundary change proposals, such as annexations, detachments and formations consistent with adopted spheres of influence for special districts.

Trinity LAFCo is composed of seven voting members, including three county supervisors, two special district board members, and two members of the public. There are also three alternates in each category who vote only in the absence of a regular member. Commission members serve four-year terms. In addition, the Commission contracts for Executive Officer staffing services to manage the day-to-day operations of the Commission.

LAFCo Commissioners must be residents of Trinity County. No person may serve as a Public Member on LAFCo who at the same time is an officer or employee of a local public agency or who is a member of a public board, commission, or committee that has the authority to make advisory or final decisions on matters relating to land use or the provision of services.

To obtain an application, please visit LAFCo's website at www.trinitylafco.org. Please note the Public Member positions will remain open until filled. Qualifying candidates may be considered at the next LAFCo meeting on June 20, 2023. Please submit a completed application by Monday, **June 12, 2023** at 5:00 p.m. for consideration at this meeting. For additional information, please contact Kathy Bull, Commission Clerk/Administrator via e-mail at kathy@trinitylafco.org.



AGENDA ITEM 3.B.

MEETING: June 20, 2023
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: Public Member Appointment

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 and qualification of a successor. There are no term limits. Pursuant to CKH Act §56332, Special Districts Members are appointed by the Independent Special District Selection Committee.

DISCUSSION

Currently the term of office has expired for one (1) Regular Public Member seat and one (1) Alternate Public Member seat. The new terms of office for both seats are four years ending April 30, 2027. Trinity LAFCo has received one application from Jake Grossman-Crist who indicated interest in both the Regular and Alternate Public Member seats.

RECOMMENDATION

Staff recommends the Commission interview the Public Member candidate (if present). Selection of Public Members requires a majority vote of the Commission and the affirmative vote of at least one County and one Special District member. The Commission also has the option of extending the application period to solicit more candidates, if desired.

Attachments:

- A. Application submitted by Jake Grossman-Crist

Trinity Local Agency Formation Commission Regular/Alternate Public Member Application

Contact Information

Name	Jake Grossman-Crist
Street Address	Redacted
City, Zip Code	Redacted
Primary Phone	Redacted
Secondary Phone	
E-Mail Address	Redacted

Availability

Trinity LAFCo regularly meets at 4:00 p.m. on the 3rd Tuesday of even numbered months. Are you available during this time?

Yes No

Interest in LAFCO

Tell us why you are interested in serving on LAFCo?

As a long-time resident and local business owner, I feel I have an obligation to be actively involved in my community's planning and development. I would like to support LAFCo's efforts to promote orderly growth, preserve agricultural and open lands, and oversee the efficient provision of municipal services by applying to become either a regular or alternate public member of LAFCo.

I hope that by becoming a member of LAFCo I can help to create a positive future for Trinity County, where families and businesses thrive.

Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, volunteer work, or previous public service experience that may be of benefit in this position.

Navigating the hurdles of owning a licensed and compliant cannabis business has given me valuable insight into the need for established systems and processes within our county departments. As a business owner, I have experience creating and implementing systems and procedures that are imperative for tracking results and making adjustments when efficiency is down. I'm an involved member of the community, I participate in local events, fire-fighting efforts, and fundraisers year-round. My community involvement has given me a strong sense of what this community wants

and needs to thrive.

Previous Public Service Experience

Summarize your previous public service experience.

Former LAFCo member - 2022

3,000 volunteer hours; American Red Cross Disaster Action Team Leader, VT & NH

Former Board Member of Mountain Valley Raceway

Helped to organize local fire-fighting efforts by providing equipment and labor

Donated Equipment for various local events; including a high stakes demolition derby

Cash donations to various local charities and organizations

Actively involved in the local Junior Livestock Auction

Disqualification

The LAFCo Public Member cannot be an officer or employee of the County or any Special District with territory in Trinity County.

Are you employed by the County or by a Special District within Trinity County? Yes No

Do you sit on the Board of Directors of a Special District within Trinity County? Yes No

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am chosen to be a LAFCo Commissioner, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed) Jake Grossman-Crist

Signature 

Date 6/12/2023

Please mark position(s) of interest:

Regular Public Member

Alternate Public Member

Questions

For any questions you may have, please contact Kathy Bull, Commission Clerk/Administrator via e-mail at kathy@trinitylafco.org.

TRINITY LOCAL AGENCY FORMATION COMMISSION

April 18, 2023

Trinity County Library Meeting Room
351 Main Street, Weaverville

DRAFT MINUTES

HYBRID In-Person and Virtual Teleconference

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. Votes are shown in abbreviated format when unanimous (Ayes-Noes-Abstain).

1. CALL TO ORDER/ROLL CALL

A. Roll Call

Chair Carpenter-Harris called the meeting to order at 4:02 p.m.

Members present: Commissioners Evan Barrow, Anna Burke (remote), Heidi Carpenter-Harris, Dan Frasier, Liam Gogan, Andrew Johnson, Joseph Kasper and Alternate Commissioner Todd Corbett.

Members absent: Alternate Commissioners Jake Grossman-Crist and Ric Leutwyler.

Staff Present: Colette Santsche, Executive Officer (EO), Krystle Heaney, Clerk/Analyst

Commissioner Burke requested remote attendance for "Just Cause" under AB 2449 due to illness. No other persons 18 or older were present in the room for the duration of the meeting and both audio and visual were used.

EO Santsche introduced Krystle Heaney who will be replacing Kathy Bull as Clerk/Analyst due to Kathy's upcoming retirement at the end of the fiscal year.

2. PRESENTATIONS/ANNOUNCEMENTS

No presentations were presented.

3. CONSENT CALENDAR

A. Approval of Minutes from the February 22, 2023 Commission Meeting.

Motion to approve the consent calendar was presented by Commissioner Kasper, seconded by Commissioner Barrow, and passed by 7-0-0 voice vote.

4. PUBLIC COMMENT OPPORTUNITY

Commissioner Barrow stepped down from the dais to provide public comment. He stated that Trinity County Waterworks District No. 1 has lost their general manager and no information has been provided as to why. He requested that the Commission investigate this matter if it is under their purview.

No further public comment was provided.

5. PUBLIC HEARINGS

A. Proposed Budget for Fiscal Year 2023-24

EO Santsche introduced the staff report and noted that the public hearing was noticed 21 days in advance in the Trinity Journal. The proposed budget provides a workplan for the upcoming fiscal year which includes a Municipal Service Review and Sphere of Influence (MSR/SOI) Update for Post Mountain Public Utilities District, which is in progress. The workplan also includes a MSR/SOI Update for Weaverville Fire Protection District which may become a regional MSR for fire services in the area. Staff plans to coordinate with other fire service providers in the area to see if there is interest in a more regional approach. Other ongoing administrative tasks planned for the upcoming fiscal year include

regular website updates, responses to requests for information, pre-application technical assistance, and meeting preparation.

EO Santsche reviewed expenditures for Fiscal Year 2023-24 which include CALAFCO fees, staffing services for managing the day-to-day operations of the Commission, and MSR/SOI updates. She also reviewed the revenues for Fiscal Year 2023-24 which include member agency dues. Since there are no cities in Trinity County, the County pays 50% and the Special Districts pay 50%. Special Districts are billed individually based on their total revenues. Districts with higher annual revenues pay a higher percentage of the fees than those with smaller annual revenues. It was noted that there is a budget deficit since planned expenditures are more than planned revenues. This deficit is currently being covered by LAFCo reserves but there is a proposed 3% increase in member fees to help lower the overall deficit. Once approved, this budget will be provided to member agencies for review and comment.

Commissioners held a discussion on the proposed budget which focused on the proposed 3% increase. Commissioner Kasper expressed concern for exhausting Commission reserves over the next 10 years and discussed options for a phased increase over time. Additional discussion was held on how member fees are collected, the possibility of raising fees more for one district than others, how Trinity LAFCo expenditures compare to other counties, and any circumstances that may significantly increase expenditures in the upcoming years. EO Santsche clarified that fees would need to be raised for all districts, not just one, and that unless districts request MSRs be completed sooner than planned, it is unlikely there would be an unforeseen large increase in expenses.

Chair Carpenter-Harris opened the hearing up to public comment and none was received.

Motion to adopt Resolution 2023-03 approving the proposed budget for Fiscal Year 2023-24 as presented by staff and directing staff to circulate the proposed budget to local funding agencies was presented by Commissioner Kasper, seconded by Commissioner Johnson, and passed by 7-0-0 roll call vote.

6. NEW BUSINESS

A. Submittal of Form 700

EO Santsche stated this is a second request for Form 700 and that all elected officials are required to submit on an annual basis.

B. Ethics Training Requirements

EO Santsche stated this is a second notice for the required ethics training and requested that Commissioners provide a certificate as soon as possible.

7. OLD BUSINESS

A. Expiring Commissioner Terms in 2023

EO Santsche introduced the staff report and noted that Commissioner Barrow and Alternate Commissioner Grossman-Crist have terms ending at the end of April. A notice was placed in the newspaper but no applications have been received to date. Applications should be submitted by June 12th to be considered at the next Commission meeting. Commissioners are encouraged to spread the word to potentially interested members of the public.

8. EXECUTIVE OFFICER'S REPORT/CORRESPONDENCE

EO Santsche stated there were no other matters to report on at this time.

9. COMMISSIONERS' COMMENTS

No comment was provided.

10. ADJOURNMENT

There being no further business, Chair Carpenter-Harris adjourned the meeting at 4:31 p.m.

ATTEST:

APPROVED:

Colette Santsche
Executive Officer

Heidi Carpenter-Harris
Vice-Chair

DATE: _____

DATE: _____



AGENDA ITEM 6.A.

MEETING: June 20, 2023
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: Final Budget for Fiscal Year 2023-24

BACKGROUND

Local Agency Formation Commissions (LAFCos) are responsible for annually adopting a proposed budget by May 1st and a final budget by June 15th in accordance with Government Code Section 56381. 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.

DISCUSSION

The Proposed FY 2023-24 Budget that was approved by the Commission at the April 18, 2023 regular Commission meeting was sent to all participating member agencies including Trinity County for review and potential comment. To date, one comment was received on the proposed budget (see attached email correspondence).

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 between the County and the independent special districts. Statutory authority allows the County Auditor to collect the amounts apportioned.

Operating Expenses:

The proposed operating expenses reflect the anticipated staffing services, daily operational needs, and preparation of municipal service reviews and sphere of influence updates. No changes in operating expenses are proposed from the prior fiscal year.

Operating Revenues:

An approximate 3% increase to contributions from local funding agencies in Fiscal Year 2023-24 is proposed to reduce reliance on reserves needed to balance the operational budget. At the April 18 LAFCo meeting, the Commission discussed the need to address the budget shortfall to avoid exhausting reserves in coming years.

Proposed Work Plan:

As stated above, the proposed budget is intended to cover basic operating and administration expenses of the commission. This includes the development of municipal service reviews and

sphere of influence updates for special districts throughout the county. As part of the Fiscal Year 2023-24 budgeting process, staff is proposing the following work plan:

Activity	Tentative Time Frame
Planning and Regulatory Activities	
Post Mountain PUD MSR/SOI Update	June/Aug 2023 Hearing
Weaverville Regional Fire Services MSR/SOI Update	Dec/Feb 2024 Hearing
Change of Organization/Reorganization Proposals (0-1/yr)	Ongoing
Out of Agency Service Requests (0-1/yr)	Ongoing
Agency Pre-application Meetings	Ongoing
Planning for Sustainable Fire Services in Trinity County	Ongoing
Administrative Activities (Priority 1)	
2023-24 budget, claim forms, tracking	Ongoing
2023 CALAFCO Annual Conference in Monterey, CA	Oct 18-20, 2023
2024 CALAFCO Staff Workshop	April 2024
Public information/communications	Ongoing
Website Maintenance and Updates	Ongoing
GIS Boundary Mapping Updates	Ongoing
Administrative Activities (Priority 2)	
Public Records Requests	As needed
Respond to Grand Jury Reports	As needed
LAFCo Policy Review and Revisions	As needed
State Legislation Monitoring and Position Letters	As needed
Comment on LAFCo-related local government proceedings	As needed

RECOMMENDATION

Staff recommends the Commission approve the Final Budget and Workplan for Fiscal Year 2023-24 referenced in Resolution 2023-04 and as outlined in Attachment B, with any requested changes.

Attachments:

- A. Trinity LAFCo FY 2023-24 Final Budget
- B. Resolution No. 2023-04
- C. Email Correspondence re: Proposed Budget

Trinity LAFCo Budget

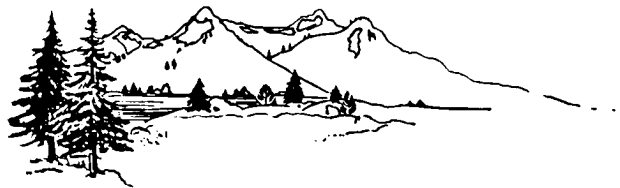
Categories	Acct #	FY 2021/22 Adopted Budget	FY 2021/22 Year End Actual	FY 2022/23 Adopted Budget	FY 2022/23 Q3 Actual	FY 2023/24 Final Budget
REVENUES:						
Interest	6601	-	388	-	154	-
LAFCo Fees (Applications)	8404	5,000	750	5,000	1,150	5,000
Cont From Other Agencies:						
County	9282	14,000	14,000	14,500	14,500	15,000
Indep Spec Districts	9285	14,000	16,965	14,500	14,697	15,000
TOTAL Revenues		\$ 33,000	\$ 32,104	\$ 34,000	\$ 30,501	\$ 35,000

EXPENDITURES:						
Memberships	2240	1,500	1,185	1,500	1,243	1,500
Office	2260	600	471	600	247	600
Professional & Specialized:	2300	45,800	38,130	45,800	20,951	45,800
- Staffing services		25,000	22,657	25,000	14,822	25,000
- MSR/SOI		15,000	14,291	15,000	5,957	15,000
- Applications		5,000	1,150	5,000	173	5,000
- Legal Counsel		500	-	500	-	500
- Web Service		300	32	300	-	300
Publications & Legal Notices	2500	500	214	500	85	500
Transportation & Travel	2750	1,500	708	1,500	598	1,500
Training	2756	-	-	-	-	-
Contrib to Non LAF Agency	3200	-	-	-	-	-
Transfer Out		-	-	-	-	-
TOTAL Expenditures		\$ 49,900	\$ 40,708	\$ 49,900	\$ 23,124	\$ 49,900

Operating Difference		\$ (16,900)	\$ (8,604)	\$ (15,900)	\$ 7,378	\$ (14,900)
<i>(Negative Balance Indicates Use of Reserves)</i>						

FUND BALANCE/RESERVES

Beginning Year Fund Balance		\$ 89,587		\$ 80,983		
Ending Year Fund Balance			\$ 80,983			
Assigned/Designated Reserve Funds	\$90,000					
<i>Litigation Defense:</i>	<i>\$ 60,000</i>					
<i>Special Legal Counsel:</i>	<i>\$ 10,000</i>					
<i>Unanticipated Sp. Studies:</i>	<i>\$ 20,000</i>					

**RESOLUTION NO. 2023-04****ADOPTING A FINAL BUDGET
FOR FISCAL YEAR 2023-24**

WHEREAS, the Trinity Local Agency Formation Commission is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to adopt a final budget for the next fiscal year no later than June 15; and

WHEREAS, the Executive Officer prepared a report concerning the proposed budget, including recommendations thereon; and

WHEREAS, the Executive Officer's report was presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at its public hearing on the proposed budget held on June 20, 2023; and

WHEREAS, the Commission determined the final 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 2023-24 as outlined in Exhibit A is hereby approved and by this reference incorporated herein;
2. The overall operating costs provided in the proposed budget will allow the Commission to fulfill its regulatory and planning responsibilities as required under Government Code Section § 56381(a);
3. The final budget for Fiscal Year 2023-24 shall be submitted to the County Controller in order to make appropriations to the County and Special Districts in accordance with Government Code Section §56381(b).

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Trinity LAFCo Commission on the 20th day of June, 2023, and adopted by the following roll call vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

ATTEST:

APPROVED:

Colette Santsche
Executive Officer

Heidi Carpenter-Harris
Chair

From: [Sally Aldinger](#)
To: colette@trinitylafco.org
Subject: Re: Trinity LAFCo Proposed Budget Notice for FY 2023-24
Date: Thursday, May 25, 2023 4:33:17 PM

Thanks Colette,
I will print this and take to our Board.
S

On Thu, May 25, 2023 at 3:39 PM <colette@trinitylafco.org> wrote:

Hi Sally,

Thanks for reaching out. Collectively, special districts in Trinity have representation on LAFCo which is important. Our budget is principally funded by the county (pays 1/2 of the net operating costs) and special districts (as a whole pays 1/2 of the net operating costs). The special district apportionments are collected by the County Auditor-Controller based on a formula that charges bigger districts more and smaller districts less. We try to keep member apportionments to a minimum while making slow but meaningful progress on preparing Municipal Service Reviews and Sphere of Influence Updates for each district in the county. With only \$15,000 per year allocated to MSR, we are only able to complete a couple per year. I started providing Executive Officer services in 2019-20 and recognize that the Commission is behind on preparing MSR but we are diligently trying to catch up. We are currently prioritizing fire districts since they are largely volunteer and may have opportunities to pursue annexation of existing out-of-district goodwill response areas and establish sustainable ongoing funding. We also want to prioritize districts that may need changes to their existing Sphere of Influence, which is an important precursor to annexation. Ultimately, we will be preparing a MSR/SOI Update for the Hayfork Valley Park and Recreation District, although we do not have a date certain.

I hope this helps. Please let me know if you have any question about LAFCo, the MSR/SOI process, or boundary changes. More information is also available at: <https://trinitylafco.org/>

Colette Santsche

Trinity LAFCo
trinitylafco.org

From: Sally Aldinger
Sent: Wednesday, May 24, 2023 1:55 PM

To: colette@trinitylafco.org

Subject: Re: Trinity LAFCo Proposed Budget Notice for FY 2023-24

Colette,

Just want to pose this question that our Board always asks when presented with a LAFCO bill:

What exactly does LAFCO do for us?

Thank you,

Sally

On Wed, May 24, 2023 at 11:50 AM <colette@trinitylafco.org> wrote:

Greetings,

Attached is the Proposed Trinity LAFCo Budget and Work Plan for FY 2023-24.

A Final Budget hearing is scheduled for Tuesday, June 20, 2023, at 4:00 p.m. at the Weaverville Library Conference Room. Trinity LAFCo requests written comments on the proposed budget by June 15 for inclusion in the Commission's upcoming agenda packet.

Please reach out if you have any questions. Thanks!

Colette Santsche

Trinity LAFCo

trinitylafco.org



AGENDA ITEM 7.A.

MEETING: June 20, 2023
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: Preview of a Draft Agency Profile for the Post Mountain Public Utility District Municipal Service Review (Information Only)

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 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 agency profile included as Attachment 1 provides an overview of the District's current level of services and financial status. This is a preview focusing on the Agency Profile. The full MSR/SOI update with determinations is anticipated to be completed and reviewed at a noticed public hearing at the Commission's August 15th meeting.

RECOMMENDATION:

Staff recommends the Commission review the agency profile for Post Mountain PUD and provide direction to staff as needed.

Attachments:

A - Draft Agency Profile for the Post Mountain PUD MSR/SOI Update

Post Mountain Public Utilities District

Municipal Service Review &
Sphere of Influence Update



Trinity

Local Agency Formation Commission

Draft

June 2023

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INTRODUCTION

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 Post Mountain Public Utilities District (PUD). 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 the Post Mountain PUD.

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.

Public Utility Districts and Principal Act Overview

Public Utility Districts are independent special districts governed under the Public Utility District Act (Public Utilities Code § 15501 – 18055). A PUD may be authorized to acquire, construct, own, operate, control, or use works for supplying light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposal of garbage, sewage, or refuse matter. In addition, a PUD can be authorized to provide a wide variety of services including fire protection, street lighting system, public parks and other recreation facilities, and stormwater drainage of roads, streets, and public places. PUDs are governed by a board of directors, all of whom are elected at large.

Post Mountain PUD is located in Trinity County approximately 15 miles south of Hayfork. The District is authorized to provide fire protection, road maintenance, and electricity acquisition services. All other remaining services, facilities, functions or powers enumerated in the District's principal act but not being exercised are considered "latent". Activation of these latent powers and services requires LAFCo authorization.

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.
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.

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. 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.
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.

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
- Finances: State Controller's Office, Trinity County Auditor's Office
- Personal Communications with District Board President
- Other Reports: Trinity County General Plan Update Background Report

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

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.

AGENCY OVERVIEW

Table 1: Post Mountain PUD District Summary

Formation	
Agency Name	Post Mountain Public Utilities District
Formation Date	Formation as a CSD in March 1983 Change to PUD status in May 1988
Principal Act	Public Utility District Act (Public Utilities Code § 15501 – 18055)
Contact	
Main Contact	Peter Dobo, Board President
Alternate Contact	Astrid Dobo, Fire Chief
E-mail	pldobo@yahoo.com
District Mailing Address	PO Box 1026, Hayfork, CA 96041
Physical Address	731 White Oak Road (Fire Hall/Meeting Room address)
Phone/ Fax	No direct line or message machine
Website	None
Governance	
Governing Body	Five Member Board of Directors
Board Meetings	2 nd Saturday of the month at 10:00am if a quorum is present
Staffing	1 fire chief, 3 directors, 2 long term board vacancies, 1 paid treasurer, 5 total volunteer firefighters
Services	
Services Provided	Fire protection, emergency medical
Areas Served	Post Mountain area including Post Mountain Road, Trinity Pines Drive, and 30N30

Formation

Trinity County Development Company subdivided and sold lots in the Post Mountain area, beginning in 1968. At that time, they also maintained the roads. The early homeowners formed a volunteer fire department in October 1976. When the developers had sold most of the lots, they ceased operations in the area. With the closing of the sales office, the company gave its road grader to the homeowners, who then took care of their own roads on a volunteer basis. Combining responsibility for roads and fire, a Community Service District (CSD) was established by the County Board of Supervisors in March 1983, governed by a three-member board. A vote by the residents to seek Public Utility District (PUD) status was passed by one vote, 45 to 44. In November 1986, LAFCo granted that change from CSD to PUD status and added the responsibility for acquiring electric power to the responsibilities. The Board of Supervisors did not approve this change until

May 1988, and the first actual meeting as a PUD was not held until October 1988. Because it has always been a working board, the number of Directors was increased from three to five at that time.

Services

Post Mountain PUD is an independent, multi-purpose special district authorized to provide fire protection, road maintenance, and electricity acquisition services pursuant to the Public Utility District Act (commencing with Section 15501) of Division 7 of the Public Utilities Code¹. With regard to fire protection services, the District is authorized to exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code². All other remaining services, facilities, functions or powers enumerated in the District's principal act but not being exercised are considered "latent". Activation of these latent powers and services requires LAFCo authorization.

Boundary and Sphere

Post Mountain PUD's jurisdictional boundary comprises approximately 43 square miles (28,000 acres)³ and encompasses the unincorporated community of Post Mountain and surrounding rural residential and resource lands along Highway 3 (Figure 1). The District includes predominantly private lands within the greater Post Mountain and Trinity Pines area. The nearest major roadway is State Highway 36 which runs northeast to southwest just south of the District's boundary. Access to the District is provided by Post Mountain Road, Old Highway 36/Rattlesnake Road, Trinity Pines Drive, and numerous forest service roads. The majority of roads are gravel/dirt throughout the community apart from major access roads. There are no services or amenities available in Post Mountain, with the closest amenities (i.e., gas stations, restaurants, grocery stores) located in Hayfork approximately 15 miles north on Highway 3. Currently, the District's Sphere of Influence (SOI) is coterminous with its boundary.

¹ PUC Sec. 16463. A district may acquire, construct, own, complete, use, and operate a fire department, street lighting system, public parks, public playgrounds, golf courses, public swimming pools, public recreation buildings, buildings to be used for public purposes, and works to provide for the drainage of roads, streets, and public places, including, but not limited to, curbs, gutters, sidewalks, and pavement of streets. For purposes of this division, all of those projects shall be considered a public utility or public utility works.

(Added by Stats. 1986, Ch. 195, Sec. 134.)

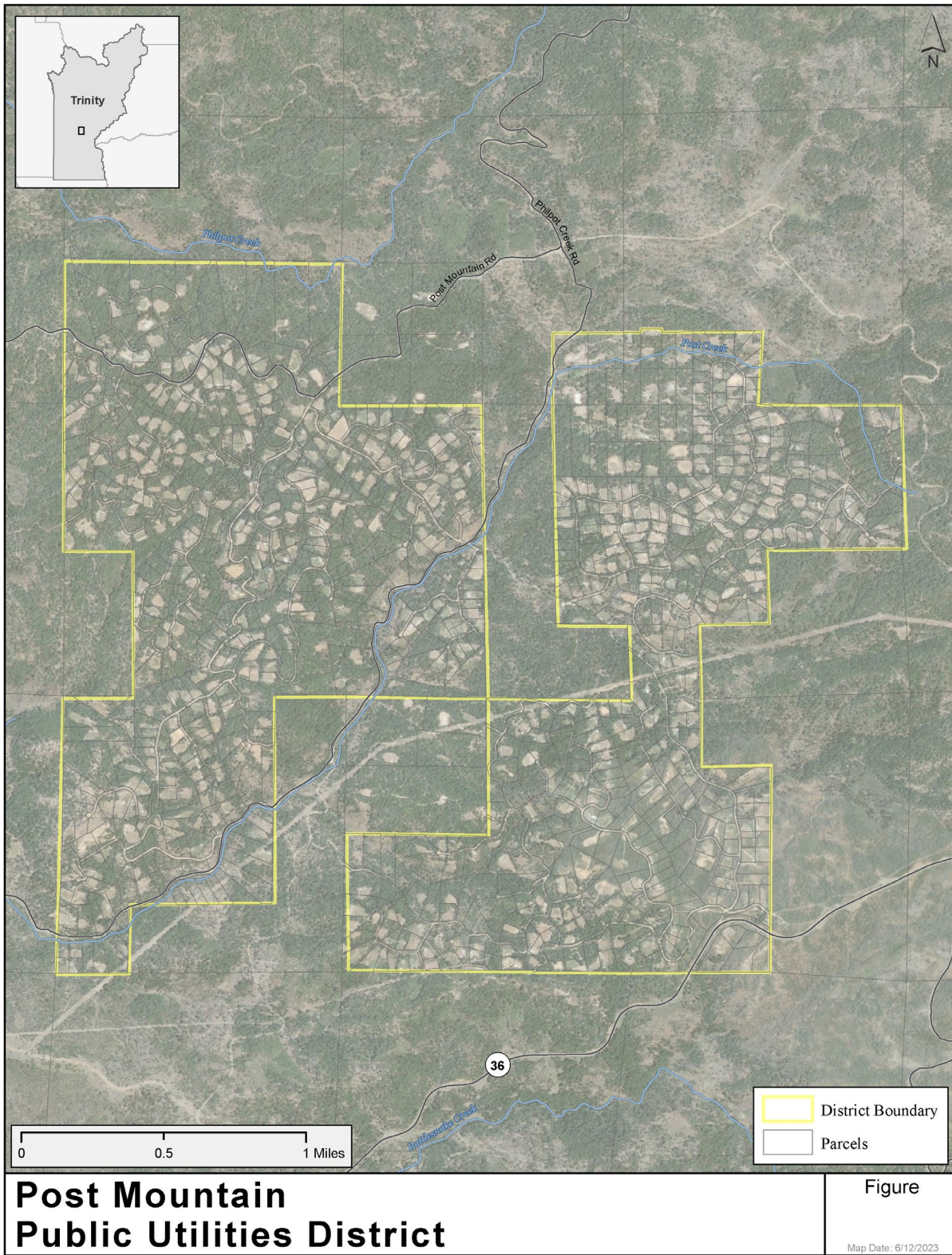
² PUC Sec. 16463.5. (a) A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(b) If the district includes any part of a local agency which provides fire protection service to any territory in the district, the district shall have no authority regarding the prevention and suppression of fires in that territory, unless the district has obtained the consent of the local agency.

(Amended by Stats. 1987, Ch. 1013, Sec. 16.)

³ Source: GIS boundary mapping

Figure 1: Post Mountain PUD Boundary



GOVERNMENT STRUCTURE

Governing Body

As an independent special district, Post Mountain PUD operates under a locally elected, independent board of directors. It is independent from other governments and is directly accountable to the people it serves⁴. The District is governed by a five-member Board of Directors elected at-large to serve staggered four-year terms (Table 2). In order to be elected to the Board, candidates must be registered voters residing within the District boundaries. If there are insufficient candidates for election, or if the number of filed candidates is equal to the number of vacancies, then Board members may be appointed in lieu of election. The Board of Directors appoints a President (Chair) of the Board and is also responsible for appointing a clerk, accountant, general manager, and treasurer (Public Utility Code §16035). There are no term limits for serving as an officer of the Board. Board members do not receive a stipend for attending meetings.

Board meetings have previously been held on the 2nd Saturday of every month at the Post Mountain Fire Hall, 731 White Oak Road in Post Mountain. However, the Board will be considering moving the meeting date and time. Unlike Fire Protection District Law that requires that fire district boards must meet at least once every three months (H&S Code §13855), Public Utility District law has no requirement. In accordance with the Brown Act, all meetings of the District Board are open to the public and must be publicly posted a minimum of 72 hours prior to regular meetings and a minimum of 24 hours prior to special meetings. According to the District, notices are typically posted at the Fire Hall and on the Post Mountain Trinity Pines Community Facebook page (formerly titled Post Mountain Volunteer Fire Department).

Table 2: Post Mountain FPD Board of Directors

Board Member	Title	Term Expiration
Peter Dobo	President	Unknown
Charles Adkins	Director	Unknown
Blong Yang	Director	December 2026
Vacant	Director	Unknown
Vacant	Director	Unknown

The District continues to have a difficult time attracting and retaining board members. From fall 2022 to summer 2023 there were two active board members which does not constitute a quorum and meant the District was unable to conduct business. The last Board meeting held was a special meeting on September 10, 2022. However, a new Board member was appointed by the Board of Supervisors in-lieu of election on June 6, 2023, and is a member of the Hmong community. The District has been working on outreach to the Hmong community as there is a large presence in the Post Mountain area. Additional outreach will be conducted to recruit volunteer fire fighters and additional board members.

⁴ California State Controller’s Office, Special District Uniform Accounting and Reporting Procedures: 2023 Edition. May 26, 2023.

Administration, Management & Staffing

The District utilizes the Post Mountain Fire Hall located at 731 White Oak Road. The District is entirely volunteer operated, which includes the Volunteer Fire Department, road maintenance, and equipment maintenance. Over the course of the last decade or more, the District has seen a decline in volunteers and is now operating with limited capacity. The District currently has one paid position, a bookkeeper, that is paid on an hourly rate and five volunteer firefighters that includes the chief. Personnel are accountable to the chief. The chief reports to the Board of Directors at meetings. The District reports that it has Standard Operating Procedures and guidelines for the volunteer fire department. It is unknown whether the Board has updated policies or bylaws for conducting business.

Transparency and Accountability

Post Mountain PUD does not currently have a website but operates a Facebook page where community updates are posted, including posts regarding board meetings when scheduled. In accordance with the Brown Act, the District posts agendas at the Post Mountain Fire Hall at least 72 hours in advance of regular or special board meetings. The Post Mountain Fire Hall does not have a phone or message machine, which makes it difficult for the public to contact the district. If a resident is dissatisfied with District services, complains may be submitted by email to the Board President or directly to the Board. The District reported the only formal complaint is in the form of a lawsuit related to a vehicle accident involving the District's snowplow, which is ongoing.

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. Form 700s for the District have not been filed in recent years.

Regarding ethics and sexual harassment training, 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. Post Mountain PUD currently does not provide compensation or reimbursement to its board members and therefore ethics training is not required but it is strongly encouraged. There are currently no certificates of training for either ethics or sexual harassment prevention training on file for District staff or board members.

SB 929 (McGuire) was signed into law on September 14, 2018, requiring all independent special districts to maintain a website by January 1, 2020. Only hardship-based findings, identified in a board resolution approved annually at a regular meeting, would allow a district to be exempt from establishing or maintaining a website. It is recommended that the District annually adopt a resolution of hardship until such time that a website can be created and maintained.

Grand Jury Investigation

The District was under investigation by the Trinity County Grand Jury in 2009 and in a countywide investigation in 2010. In 2009, the Special Districts Committee chose to investigate the Post Mountain PUD. The committee members interviewed the Board of Directors and sat in on Board meetings. They also reviewed the facility and equipment. The Committee also interviewed a concerned citizen who made a complaint and the written materials presented.

The first finding for the 2009 investigation was that the District's board meetings lack structure. They suggested adopting a set of rules for meetings. The investigation found that the Board was not getting anything done, such as equipment maintenance and repairs, snow removal, and road repairs. It was suggested the District go back to the methods that had been working before. It was also suggested the District hold a townhall meeting to involve more of the community and use a facilitator from another entity to handle it. The investigation found that the agendas lacked organization and suggested putting public comment at the end and adding "action items" to follow up on previous meetings' items.

Beyond the board meetings, the equipment was found to be in disrepair, the water system at the firehouse was not working and had not for years, and there was no qualified drivers for some vehicles. The recommendations were to repair all equipment as soon as possible and find qualified and licensed drivers. It was found that board meetings are often cancelled without rescheduling. The District was recommended to reschedule and hold special meetings more often, so business is not being ignored for months at a time. The District was found to be too understaffed to go to off-district work on CAL FIRE or U.S. Forest Service jobs causing a loss in revenue for the District. It was recommended to the District to use a town hall meeting to recruit much needed firefighters. The final finding was a commentary on the community dynamics. They found that experienced people had left the board and VFD and were unwilling to help the new, less experienced persons taking over. The Grand Jury findings discuss how many community members do not feel the board is being run properly, but are complaining rather than stepping up to help. The recommendation was for the community to forgive and learn to work together.

The countywide Grand Jury investigation includes general findings for Districts offering fire protection and one finding relating to Post Mountain PUD. The investigation found that most fire departments struggle training and retaining volunteers and equipment maintenance. The County at this time reduced the workmen's compensation premiums, and it was recommended they return them to the previous levels when economically feasible. It was also found that it was difficult for volunteers to obtain local EMT training. It was suggested the County reach out to Shasta College to ensure local EMT training is available. In regards to Post Mountain PUD, they were the only district without audit compliance. At that time, the Auditor's Office was told to make efforts to help the District reach compliance.

Last Municipal Service Review

The last Municipal Service Review (MSR) was prepared for Post Mountain PUD in 2009. This review documented the capacity and adequacy of public services, including infrastructure needs and deficiencies. The 2009 MSR noted that volunteer capacity remain sparse, road equipment

inadequate, insurable drivers not forthcoming, and like everywhere else, the budget tight. The following determinations were made in the 2009 MSR regarding opportunities for shared facilities:

Roads: Even at the bottom of the County Road Department's priority list, the citizens of the PMPUD area would be better served by the county than they are being served at present. Trained professionals using well-maintained equipment would be far more efficient than the current situation. If the landowners were taxed so that the burden of payment were spread fairly over all of them, the cost per parcel could be much lower than the donation amount currently requested.

Fire: PMPUD is fortunate to have a great firehall and late-model equipment. It is important that there be medical and fire response locally, because emergency situations usually cannot wait for help to arrive from Hayfork. However, we lack skilled personnel and training. If Post Mountain became a substation of the well-respected Hayfork Fire Department, sharing their expertise, training opportunities, and administration, all could be more efficiently served. Post Mountain residents who are reluctant to participate in PMVFD as it is structured today may be more willing to serve as part of a more-experienced department.

Electric: It is unfortunate that Trinity County PUD excluded Post Mountain from their sphere of influence at the time of their formation. If they had contacted the Post Mountain PUD Board, I suspect the wheels would have been set in motion to relinquish the power responsibilities back to the TCPUD. It is not too late to do that now. Over ten years ago, Rick Coleman, their General Manager, wrote in a memo to his own board, "The District [TCPUD] has an obligation, if at all practical, to extend service to any customer in Trinity County. This obligation is inherent in the 1955 Trinity River Division Act."

SERVICES & INFRASTRUCTURE

Service Overview

Post Mountain PUD has an area of responsibility of approximately 152 square miles. The area of responsibility is centered around Post Mountain, or as it is also known as, the Trinity Pines subdivision. There are no fire hydrants in the district, no central water or sewer service, and no grid power. The area includes wide expanses of mountainous, rugged terrain stretching from Irish Mountain to the east, Platina in Shasta County to the west, Red Mountain to the south, and Salt Creek to the north. Approximately four square miles of this area of responsibility is densely populated due to persons tending cannabis farms. Much of the area is Forest Service jurisdiction.

Fire Services

Service Demand

The department has historically responded to about 1-2 calls per month or approximately 15 wildland calls per year (which may involve vehicle fires) and 3 structure fires per year. The department hasn't responded to medical or auto accidents in the past few years because of reporting requirements, lack of adequate training, and the related expense, so it is no longer able to respond to EMS calls. Trinity County Life Support responds to EMS calls (STAR does not come to Post Mountain).

The non-profit status of the Post Mountain Volunteer Fire Department became inactive on March 28, 2019, based on an Administrative Termination by the California Franchise Tax Board (FTB)⁵. The FTB has the authority to administratively terminate (e.g., cancel, dissolve, surrender) any nonprofit corporation if a nonprofit corporation's rights, powers, and privileges have been suspended or forfeited by FTB for at least 48 continuous months. Once initiated by FTB, the nonprofit has 60-calendar days to act before it is permanently FTB administratively terminated. A nonprofit corporation that objects in writing during the 60 day notice period will have an additional 90 days to pay any owed taxes, penalties, and interest. It must also file any missing tax returns and a current Statement of Information with the Secretary of State, or it will be administratively dissolved/surrendered at the end of the additional 90 day period.

Personnel

Currently the all-volunteer department has five volunteers on its roster. To become eligible, one must attend 3 department trainings and be voted in to become a volunteer. All personnel must receive basic wildland certification (Firefighter Type 2-FFT2) and Wildland Fire Safety Training Annual Refresher (RT 130), usually put on by CAL FIRE and U.S. Forest Service in Hayfork. The department currently has sporadic training (~1 per month when active) and is invited to trainings hosted by Weaverville FPD, Hayfork FPD, and Southern Trinity VFD. It is unknown the full extent

⁵ California Secretary of State Business Search (<https://bizfileonline.sos.ca.gov/search/business>)

of training and certifications for all volunteers. The District indicated driver-operator training is critically needed.

The VFD faced staffing issues in 2018 as it had two volunteers remaining, leading to requests to change primary responsibility for the area of responsibility to surrounding VFDs and other fire protection providers. Currently, Hayfork FPD and CAL FIRE Hayfork station respond to fire and medical calls in the Post Mountain area, along with U.S. Forest Service and CAL FIRE if there is a wildland fire.

The department reports that it is difficult to recruit volunteers to join the fire department. There has been a lot of turnover in the community and within the department with people moving to Hayfork or out of the area. The community has transitioned to mostly Hmong population (whom have a history of persecution) and there are a lot of people growing cannabis (many are growing legally). Generally, people do not like to rely on authorities and do not call 911 as quickly to report fires. The Hmong want to fight fire and sometimes show up but are not prepared or trained.

Infrastructure and Facilities

Post Mountain PUD has a singular fire station located at 731 White Oak Road in Post Mountain (at the intersection of Trinity Pines Drive and the lower end of White Oak Road). The fire station, completed in the 1980s, is currently in good condition and contains an office/meeting room, a bathroom, district records and equipment storage mezzanine, and ability to be heated. The fire station has a well but the pump is not operating. The station is heated by propane wall furnaces and has solar power and a backup generator. They have a computer but no internet at the station, which limits access to online training. There is no phone or message machine at the station.

Post Mountain PUD has two fire trucks including a 4wd engine with a 450 gallon tank (about 15 years old, acquired through a grant) and a 2wd "city" fire truck. The District also has a water tender with a 4,000 gallon tank that was donated by Hayfork Fire, one rescue and a chiefs vehicle. It is unknown if all apparatus is in functioning order and ongoing maintenance is needed. There is a need for more hand tools, wildland PPE, and communication equipment. An existing 10,000 gallon tank located at the fire hall (previously used to refill apparatus) is old and needs to be replaced. One volunteer has a 90 gal/min water source and provides water free to the department as needed. Large water tanks are located on private lots but there is a need to document locations and coordinate with landowners more regarding access.

ISO Rating

There are several benchmarks by which the level of fire service provided by an agency may be measured, and the Insurance Services Office Public Protection Classification, or ISO PPC, is one such measure. The ISO is a rating commonly used by insurance companies to determine fire insurance rates, with 1 being the best rating which indicates the highest level of fire protection and 10 being the lowest. It is unknown if the VFD has a current ISO rating.

Challenges and Needs

As with other VFDs in the county, Post Mountain currently faces difficulties with funding, repairs, and equipment that are often funded through donations. The lack of electrical utilities in Post Mountain has proved to be an additional challenge, with the VFD having issues with access to consistent electricity. As such, the VFD uses batteries for power at the fire station. The VFD also has issues with clear signage and road quality in Post Mountain, which is unpaved outside of Trinity Pines Drive.

There is an opportunity to expand fuel reduction projects in the community, including community outreach and education with translators about the importance of fuel reduction, junk removal, and deterring people from dumping trash and potentially hazardous materials in the first place. The biggest challenges for the district is recruitment and retention, stable funding, and equipment acquisition.

Road Maintenance

Roads are a massive issue in the community. They affect response time for the fire department and can be very difficult to traverse. There are 51 separate roads, totaling at least 27 miles, which are the responsibility of Post Mountain PUD. The District does not have a dedicated funding source for roads and has relied on fire assessment funds. Roads work capacity is very needed in the community as Post Mountain PUD does not have its own grader or necessary equipment and must contract out all of that work. The District operates a snowplow which was involved in a vehicle related incident and subsequent lawsuit which is still ongoing.

Electricity Acquisition

As electric service has not been historically provided by Post Mountain PUD, it is considered a latent power. Currently no electricity service is provided to the Post Mountain area, and it is outside of the service area for Trinity PUD. However, it is within Trinity PUDs SOI. Extension of service from Trinity PUD would require substantial installation of infrastructure. According to Paul Hauser, Trinity PUD general manager, there has never been a formal study to look at serving the Post Mountain area. Conservatively, it would cost \$20 million to extend transmission from TPUD's Hayfork Substation to Post Mountain and construct a distribution substation. The additional cost to provide service to each lot would likely exceed \$20,000 per lot.⁶

Other Service Providers

Trinity County provides general governmental services including social services, emergency services, planning, county road maintenance and snow removal, 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 3 that provides access through Hayfork and Highway 36.

⁶ Email communication with TPUD, Paul Hauser, General Manager on June 14, 2023.

Trinity Life Support Community Services District is the regional ambulance provider. TLS operates out of Hayfork and Weaverville and is staffed by EMT-1 and Paramedic level emergency personnel in contract with Mountain Communities Healthcare District. The Hayfork ambulance is not always staffed at an Advanced Life Support (ALS) level. If they are operating at Basic Life Support (BLS) level, they take the patient to Hayfork and meet the ALS ambulance that drives from Weaverville or meet a helicopter for transport. Trinity Life Support recently applied to USDA Rural Development for grant assistance to purchase two new ambulances, 1 in Weaverville, 1 in Hayfork.

Community water and wastewater services in the Post Mountain area are provided by individual wells and onsite septic tanks for sewage disposal. The placement of individual septic tanks can be limited by soil type, slope, and proximity to rivers, streams, springs, and wetlands.

Trinity County is highly susceptible to wildfire hazards and has a history of large and destructive wildfires that have become more recent in the last several decades due to fire suppression and climate change. All of Trinity County is within State or Federal Responsibility Areas

- *Federal Responsibility Areas (FRAs)*. FRAs are fire-prone wildland areas that are owned or managed by a federal agency such as the U.S. Forest Service. Primary financial and rule-making jurisdiction authority rests with the federal land agency. In many instances, FRAs are interspersed with private land ownership or leases. Fire protection for developed private property is usually the responsibility of the relevant local government agency, not the federal land management agency. (CAL FIRE, 2013-2018)
- *State Responsibility Areas (SRAs)*. SRAs are lands in California where CAL FIRE has legal and financial responsibility for wildfire protection. CAL FIRE administers fire hazard classifications and building standard regulations in these areas. SRAs are classified into types of land based on cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks and hazards. (California Legislative Information, pp. § 4102, § 4130) CAL FIRE adopts SRA boundaries and updates them every 5 years. Where SRAs contain structures or development, the relevant local government agencies have fire protection responsibility for those improvements. (Office of the State Fire Marshal, 2021)

The Trinity Pines subdivision area of Post Mountain is located within SRA and is mapped as a Very High Fire Hazard Severity Zone. The surrounding U.S. Forest Service lands are FRA. Post Mountain does not have cooperative agreements in place with the U.S. Forest Service or CAL FIRE.

FINANCING

Fiscal Overview

Special districts, including Public Utility Districts, are responsible for conducting adequate financial planning and reporting on an annual basis. This includes preparing annual budgets for prepare for the upcoming fiscal year, conducting regular audits in accordance with state and federal regulations, and submitting accurate annual reports to the State Controller's officer and the County Auditor's office. Regular fiscal planning and review helps to inform with public about the state of the district and allows the governing body to make informed decisions regarding upcoming capital projects, potential rate increases, staffing, and other items that may have an impact on the district's finances.

The following code sections relate to required financial reporting at both the state and local levels.

- Government Code §12463 requires the State Controller to annually compile, publish, and make publicly available on its website, reports of the financial transactions and information on annual compensation of each county, city, and special district. As such, each special district must report annually to the State Controller.
- Government Code §26909(a)(1) states that the county auditor shall either prepare the audit or contract with a certified public accountant to complete the annual audit for districts not in compliance with their audit requirement at the expense of the special district. It also states that an audit conducted by the district is to be filed with the State Controller, county auditor, and LAFCo.
- Public Utilities Code §16039 states that at the first meeting after the end of each fiscal year, the board [of a public utility district] shall render and immediately cause to be published a verified statement of the financial condition of the district.

Post Mountain PUD is currently in non-compliance for fiscal reporting. The last audit conducted for the District was FY 19-20 and budgets have been provided inconsistently. Annual reports have been submitted to the State Controller's Office but appear to be inconsistent, which makes it difficult to fully understand the financial position of the District. The following sections provide additional detail on the District's overall financial standing.

Revenue and Expenditures

According to the last available budget for the District from FY 2020-21, the majority of the District's revenue (62%) comes from taxes and assessments. The remaining revenue comes from donations and interest on Certified Deposits. Based on the available information, it is unclear how much revenue is generated from the Measure A benefit assessment (discussed further below) and how much is generated from ad valorem property taxes. Major expenditures include accounting/bookkeeping (27%), general liability insurance (22%), road maintenance/repair (17%), and USDA loan payments (17%). Based on the available budget, the District receives enough revenue to cover expenses. However, this conflicts with the available information on the State Controllers website (Table 5) which shows the District has been operating at a loss for five of the last six fiscal years reviewed.

Table 5: State Controller Reporting Summary (FY 2014-15 Through 2020-21)⁷

	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 19-20	FY 20-21
Revenues						
Taxes and Assessments	\$15,686	16,409	24,039	24,039	-	25,267
Enterprise Revenues	-	-	-	-	-	11,282
Contributions	\$950	1,858	23,020	9,722	-	-
Other	-	-	-	-	571	-
<i>Total</i>	<i>\$16,636</i>	<i>\$18,267</i>	<i>\$47,059</i>	<i>\$33,761</i>	<i>\$571</i>	<i>\$36,549</i>
Expenses						
General/ Admin				35,878		14,810
Depreciation					10,097	11,447
Interest Expense	2,605		2,096	2,117	1,604	1,790
Materials and Supplies					11,342	1,521
Debt Payments				5,488		
Retirement of Debt	4,845	4,845	5,509			
<i>Total</i>	<i>\$7,605</i>	<i>\$4,845</i>	<i>\$7,605</i>	<i>\$43,483</i>	<i>\$23,043</i>	<i>\$29,568</i>
Gain/(Loss)	(\$9,031)	(\$13,422)	(\$39,454)	(\$9,722)	(\$22,472)	\$6,981

In an effort to improve financial reporting, the District Board appointed a treasurer in June 2020 which to date is the only paid position (hourly) for the District. The treasurer is responsible for regularly attending to the District’s finances such as billing, making payments on outstanding debts, and conducting financial reporting in accordance with Generally Accepted Accounting Practices and regulatory requirements.

Property Taxes

All parcels are assessed a 1% property tax. This funding is divided among the various agencies that exist within the associated tax rate area (TRA). Post Mountain PUD is entirely within TRA 056-009 which includes Mountain Valley Unified School District, Shasta Tehama Trinity Community College, Mountain Community Medical Services, Greater Hayfork Valley Park and Recreation District, and Post Mountain PUD, in addition to Trinity County general.

Parcel Taxes

Post Mountain PUD passed Measure A in November 1992 which provides \$24 per parcel per year benefit assessment designated for fire suppression⁸. There are 1,045 parcels within the District generating approximately \$25,000 per year. This has been used primarily for fire protection activities but there have been times in the past where the fire department voted to donate some funds for road maintenance purposes. In 1996, county counsel provided an opinion that road work needed to be related to fire suppression before fire funds could be used. “Although pothole filling may be stretching the concept,

⁷ California State Controller’s Office, Local Government Financial Data: Special Districts – Post Mountain PUD Revenues and Expenditures. Accessed from <https://bythenumbers.sco.ca.gov/> on June 13, 2023.

⁸ November 3, 1992 - Measure A PMPUD –Yes: 61.1% (55 votes), No: 38.9% (35 votes)

snow removal may be easier to link to fire suppression in that it's difficult to respond to a fire if you can't drive to it"⁹. Currently, the District does not have a funding source for roads apart from general property taxes and community donations.

Each year, all districts that want to place charges on the tax roll must first request their updated parcel list from the Assessor's Office no later than July 1st and then submit their Assessment list in the correct file format (assessment numbers, dollar amounts, and tax codes) to the Auditor's office no later than August 1st. There is a 51 cent per parcel fee for the county to bill, collect and apportion the assessments. The Auditor's Office apportions tax collections three times a year: January 30th, May 30th, and July 30th.

In FY 2021-22, there was an error in the dollar amount included in the assessment list that Post Mountain PUD submitted to the Auditor's office. At the time, the District was discussing the process to increase the \$24 per parcel annual assessment to \$100, and the incorrect amount was billed on the tax roll for parcels in the district. The District worked with the Auditor's Office to submit corrections to the tax bill prior to the second installment (each parcel correction was \$6.50). Property owners that paid their tax bill in full were given a refund unless they donated the remaining amount.

To increase funding for needed improvements, Post Mountain PUD is in the early stages of preparing an engineer's report to evaluate a new special assessment to fund road improvements and maintenance. This would be in addition to their \$24 per parcel assessment for fire suppression. This would provide a source of revenue for roads which have historically been supported by the District's fire suppression assessment, which impacts available funding to run the fire department. A prop 218 process would be required for a new special (benefit) assessment.

Grants and Donations

The CA Firefighter Foundation recently awarded the District a \$15,000 grant. The District has contracted with a tree company to fell burnt trees along the main road. Clearing the burned area will help prevent trees from falling in roadways or causing other hazards. The District occasionally receives additional funding in the form of donations. While this provides much needed assistance to the District it cannot be relied on as a regular source of funding. Additional grant funding opportunities will be critical for the District to obtain technical assistance, planning and implementation funds to improve facilities, apparatus, and safety equipment.

GROWTH AND POPULATION

Existing Population and Projected Growth

Trinity County covers approximately 3,222 square miles and is sparsely populated with no incorporated cities. A vast majority of the land within the county is Federally or State owned (about 76%) or zoned for timber use and/or held in agriculture land conservation contracts (about 14%). The largest unincorporated communities by population are Weaverville (the county seat), Lewiston, Hayfork, and Post Mountain.

Post Mountain is one of Trinity County's newest Census Designated Places (CDP) having only been listed as a CDP just before the 2020 decennial census. Based on the 2020 census, Post Mountain's population

⁹ County Counsel Mike Fitzpatrick's 1996 opinion

of 3,032 made it one of the largest communities in the county. However, using the 2016-2020 American Community Survey 5-Year Estimate, the population of Post Mountain CDP is only 82. This population change is believed to reflect Hmong immigrants entering the County late in the decade and then leaving the community after the collapse in the cannabis industry.

With the growth of the cannabis industry, total population in Trinity County was 13,786 in 2010 and 16,112 in 2020, a growth of 2,326 persons since 2010. This suggests an annual growth rate of approximately 1.68%. The largest population increase was among the Asian population in Trinity County, with over a 2,250% increase since 2010, accounting for nearly 14% of the total population of Trinity County and 55% of the total population of Post Mountain CDP in 2020¹⁰. While there was a rise in population between the 2010 and 2020 census, the Trinity County Housing Element anticipates a slow decline in population over the next decade¹¹.

Existing and Planned Uses

Land uses in the Post Mountain area are subject to the Trinity County General Plan and Zoning Regulations (Trinity County Code Title 17). The existing Trinity County General Plan Land Use Element, adopted in 1988, divides the county into 12 planning areas. The Post Mountain and Forest Glen communities are covered by the South Fork Planning Area. A community plan has not been adopted for the South Fork Planning Area. It is important to note the county is in the early stages of a comprehensive General Plan Update.

Land use in the area served by the District is largely Rural Residential (RR) and Resource (RE). RR is applied to rural areas where minimal county services are available and service expansion is not desirable. Density is one dwelling unit per acre in RR designated lands. RE areas are designated for a variety of natural resource production uses such as timber production, mineral production, and important grazing areas. Activities necessary for resource production, including industrial development, are also allowed in this area if adjacent to the resource being produced. Zoning for the entire Post Mountain area is Unclassified, meaning the county does not have specific development standards and requirements regulating the uses on specific parcels. Allowed uses in Unclassified districts include single-family dwelling units, tree farms, forestry, orchards, row and field crops, and animal husbandry.

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 (MHI) is less than 80% of the statewide annual MHI.

According to the 2016-2020 American Community Survey 5-Year Estimate, the Post Mountain CDP MHI is \$17,000¹², which is 21% of the state MHI of \$78,672 and qualifies the community as a DUC. The Post Mountain area relies on onsite water and sewer systems, in addition to limited fire and emergency

¹⁰ Trinity County, 2050 General Plan Background Report, Public Review Draft, March 2023

¹¹ Trinity County, 2019-2024 Housing Element Update, Chapter Two: Housing Needs. April 1, 2020.

¹² US Census Bureau, 2020 American Community Survey 5-year Estimate, Table S1901.

medical services. Other surrounding communities can also be considered DUCs including the Peanut, Wildwood, and Hayfork. When considering future boundary changes to address service needs, adjacent disadvantaged communities should be taken into consideration as emergency services are limited within the county.

DRAFT



AGENDA ITEM 7.B.

MEETING: June 20, 2023
TO: Trinity LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: Professional Services Contract for Executive Officer Services

BACKGROUND

Local Agency Formation Commissions (LAFCos) are individually responsible under the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 for making their own provisions for personnel and facilities. In making their own provisions, LAFCos may choose to contract with a public or private entity in accordance with Government Code Section 56380. The CKH Act also prescribes personnel requirements for LAFCo under Government Code Section 56384, and marked by appointing an executive officer to conduct and perform the day-to-day business of the agency. This statute also directs LAFCos to appoint additional staff as it deems appropriate in fulfilling its regulatory and planning duties.

DISCUSSION

Trinity LAFCo has no employees and began contracting with Planwest Partners Inc. for Executive Officer services beginning in fiscal year 2019-20, with Amendment No. 1 extending the contract term through the 2020-21 fiscal year and Amendment No. 2 extending the contract term through the 2021-22 and 2022-23 fiscal years. The contract may be renewed or extended by mutual written agreement. The current term for contract extensions is two years. The Commission has the option to extend its current contract or carry out a recruitment process.

RECOMMENDATION

Staff recommends the Commission discuss this item and consider approving Amendment No. 3 to its Professional Services Agreement with Planwest Partners for executive officer services, as included in Exhibit A, thereby extending the term of agreement through the 2023 and 2024 fiscal years.

Attachments:

A. Amendment No. 3 to Contract with Planwest Partners Inc.

AMENDMENT NO. 3

**AGREEMENT BETWEEN
TRINITY LOCAL AGENCY FORMATION COMMISSION
AND
PLANWEST PARTNERS INC.
FOR PROFESSIONAL SERVICES**

THIS AMENDMENT (Amendment No. 3) is made and entered into this 20th day of June 2023, by and between the Trinity Local Agency Formation Commission, hereinafter referred to as "Trinity LAFCo," and Planwest Partners Inc., a planning consulting firm, hereinafter referred to as "Contractor".

RECITALS:

WHEREAS, the original Agreement for Professional Services ("Agreement") provided for services of Contractor through the 2019-20 fiscal year, and was extended by Amendment No. 1 through the 2020-21 fiscal year and Amendment No. 2 through the 2021-22 and 2022-23 fiscal years; and

WHEREAS, Trinity LAFCo wishes to extend the term of the Agreement through the 2023-24 and 2024-25 fiscal years and other particulars of the Agreement.

NOW, THEREFORE, for and in consideration of the agreement made, the parties agree to amend the Agreement as follows:

- I. **SCOPE OF SERVICES:** Contractor agrees to provide all of the services described in Exhibit "A" attached hereto and by this reference made a part hereof.
- IV. **FEES:** The fees for furnishing services under this Contract shall be based on the rate schedule which is attached hereto as Exhibit "B" and by this reference incorporated herein. Said fees shall remain in effect for the entire term of this contract.
- V. **TRINITY LAFCO COSTS:** Notwithstanding any other provision of this contract, in no event will the cost to Trinity LAFCo for the services to be provided herein exceed the adopted budget amounts for staffing services and MSR's and SOI updates, and at-cost travel expenses billed at current IRS rates during any given fiscal year. These amounts are subject to budget amendments during the fiscal year as adopted by Trinity LAFCo.
- XIII. **TERM OF AGREEMENT:** This Agreement shall commence on July 1, 2023 and shall terminate on June 30, 2025 unless amended in writing and approved by both parties.

IN WITNESS WHEREOF, the parties hereunto have executed this Contract on the date written below.

TRINITY LAFCO:
 By: _____
 Name: Heidi Carpenter-Harris
 Title: Chair, Trinity LAFCo
 Date: _____

CONTRACTOR:
 By: _____
 Name: Colette Santsche, AICP
 Title: Senior Planner/Partner, Planwest
 Date: _____

EXHIBIT “A”

SERVICES TO BE PROVIDED BY CONTRACTOR

Operations and Staffing

Planwest will manage the day-to-day operations of the Commission, including maintaining LAFCo's files and records, prepare technical and administrative reports and written correspondence (including agendas, staff reports, public notices, resolutions, recordings, filings, and minutes), and responding to inquiries from agency representatives and members of the public.

Application Processing Services

Planwest will provide technical and policy guidance to prospective applicants early-on in the proposal development phase to help them with pre-application development and review. When applications are filed, Planwest will notify affected and interested agencies and will work to address issues and concerns prior to hearing. Planwest will coordinate with County departments, including the assessor, auditor, surveyor, public works, environmental health, and planning and building to coordinate review, entitlements, and other matters such as property tax negotiations. When needed, Planwest will work with applicants to identify alternatives that address agency/residential concerns or which may more fully comply with the considerations of the CKH Act.

Commission Meetings and Proceedings

A Planwest representative will attend up to six (6) regular/special Commission meetings during the fiscal year. Planwest will work with Trinity County Legal Counsel on issues related to legislative authority, conflict of interest, complex procedures, and other issues as needed. Planwest will support the Commission and provide staff reports, resolutions and other support materials as needed for Commission decision-making on LAFCo action items.

LAFCo Studies

Planwest will prepare municipal service reviews and sphere of influence updates for agencies under LAFCo's jurisdiction. Anticipated MSR/SOI updates will be identified in an annual work plan prepared during the annual budget review process.

Budgeting

LAFCo funds are held with the Trinity County Auditor-Controller. Planwest will work to ensure timely payments of claims and deposits of revenues, and track costs separately for budget line items and applications. On an annual basis, Planwest will prepare a proposed and final budget for Commission review and will provide periodic budget updates throughout the fiscal year.

Environmental Review Services

Planwest will provide environmental compliance services, consistent with the California Environmental Quality Act, for all discretionary actions that come before Trinity LAFCo.

EXHIBIT "B"
COMPENSATION OR FEES TO BE PAID TO CONTRACTOR

Primary Contract Staff:

Executive Officer:	\$130.00 per hour
Clerk/Analyst:	\$110.00 per hour

Additional Staffing Support:

GIS Manager:	\$110.00 per hour
Services Specialist:	\$95.00 per hour
Services Technician:	\$85.00 per hour
Planning Intern:	\$65.00 per hour

Routine clerical assistance, word processing, and similar administrative functions are normal overhead and included in the staff services hourly rates.

Office Management

Office facilities, printing, postage, telephone, e-mail services and website will be provided at-cost as included in the LAFCo budget. Facilities will include a small meeting room, storage area for LAFCo files, and a space for administrative staff and the LAFCo Executive Officer as needed.

Travel

Travel to and from Weaverville and outlying areas for Commission business such as meeting with LAFCo member entities, conducting public hearings on behalf of LAFCo, etc. shall be billed at then-current IRS rates for auto expense.

Compliance with Budget

The Executive Officer Services include management and administration of the LAFCo budget. If it appears that the contract services may exceed the annual budget, Planwest shall promptly advise LAFCo and shall discuss the potential over-budget expenditure.