



## RESOLUTION NUMBER 2020-04

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AYES:  
NOES:  
ABSTAINS:  
ABSENT:

The foregoing resolution is hereby adopted:

ATTEST:

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

APPROVED:

/s/ Judy Morris  
\_\_\_\_\_  
Judy Morris  
Commission Chair



Legal for Trinity Life Support CSD

Tract 1

All of Trinity County

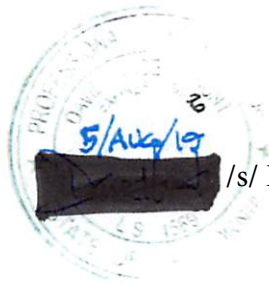
Excepting therefrom all that portion lying north and west of the following described line.  
Beginning at the intersection of the West boundary of Trinity County and the South line of Township 5 North H.M.  
Thence East along said south line to Southwest corner of Section 31 of Township 5 North Range 7 East,  
Thence North along the west line of section 31, 30, to the Southwest corner of Section 19 Township 5 North Range 7 East.  
Thence East along said South line to the South quarter corner of said Section 19.  
Thence North along the midsection line of said Section 19 to the North quarter corner of said Section 19.  
Thence West along the North line of said Section 19 to the Northwest corner thereof.  
Thence North along the West line of Sections 18, 7 and 6 to the North line of said Township 5 North,  
Thence East along said North line of Township 5 North to the East line of Range 8 East H.M.  
Thence North along said East line to the intersection of the North line of Trinity County.

Also excepting all that portion lying South and West of the following described line.

Beginning at the intersection of the West line of Trinity County and the South line of Township 3 North, H.M.;  
Thence East along said South line to the intersection of the centerline of the South fork of the Trinity River;  
Thence Southerly and Easterly along said centerline to the South line of Township 28 North M.D.B.M.;  
Thence East along said South line to the East Boundary of Trinity County.

Tract 2

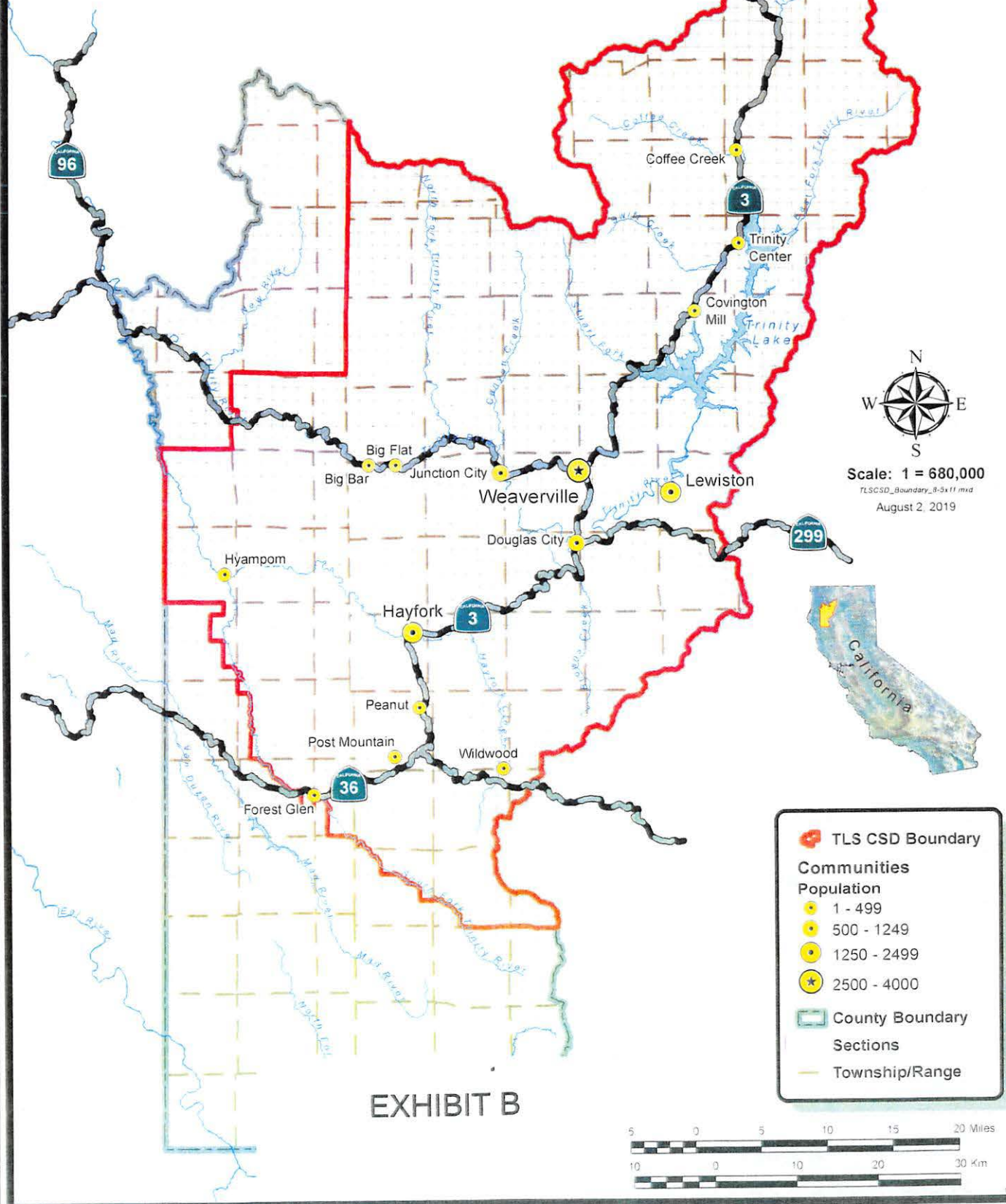
Sections 1, 11, 12, 13, 14, 24, 25, Township 2 North, Range 6 East H.M.  
Sections 6, 8, 29, 32, Township 1 North, Range 7 East H.M.  
Sections 13, 24, Township 1 South, Range 7 East H.M.  
Sections 18, 29, 32, 33, Township 1 South, Range 8 East H.M.  
Sections 9, 24, Township 28 North, Range 12 West M.D.B.M.



/s/ Dave Hunt

**EXHIBIT A**

# Trinity Life Support CSD Boundary



Scale: 1 = 680,000  
 TLSCSD\_Boundary\_8-3x11.mxd  
 August 2, 2019



**Legend**

- TLS CSD Boundary
- Communities**
- Population**
- 1 - 499
- 500 - 1249
- 1250 - 2499
- 2500 - 4000
- County Boundary
- Sections
- Township/Range

EXHIBIT B

