

**EXECUTIVE OFFICER'S AGENDA REPORT
JANUARY 25, 2017**

TO: LAFCO Commissioners
FROM: Sara Lytle-Pinhey, Executive Officer *SLP*
SUBJECT: **SCHEDULE OF FEES AND DEPOSITS UPDATE**

RECOMMENDATION

It is recommended that the Commission adopt the updated Schedule of Fees and Deposits for 2017.

DISCUSSION

Government Code section 56383 allows LAFCOs to recover costs by charging fees, provided that the fees do not exceed the estimated reasonable cost of providing those services for which the fee is charged. LAFCO collects application fees for review of boundary changes, sphere of influence requests, out-of-boundary service extensions, and other LAFCO services. The majority of these fees are deposits. Projects are then cost-accounted to reflect the actual cost of processing the application. Should the cost be less than the deposit, the difference is refunded to the applicant. Should the cost exceed the deposit, the applicant is immediately notified and invoiced.

2017 Changes

Effective January 1, 2017, LAFCOs are also charged with review of certain fire agency contracts. These reviews are similar to out-of-boundary requests and as such have been assigned a \$1,500 application fee (deposit).

The Commission also collects fees on behalf of outside agencies, as required, including the California Department of Fish & Wildlife, whose fees have recently increased and are reflected on LAFCO's updated Schedule of Fees and Deposits for the applicant's information.

Minor changes have also been made to the fee schedule to reflect collection of actual costs for hardcopies of the agenda and/or packet and a reduced fee for copies of the hearing itself (now available in digital format).

Staff has reviewed the other application deposit amounts and found that no other changes to the Schedule of Fees and Deposits are needed at this time. The proposed Schedule of Fees and Deposits with updated amounts is attached.

Attachment: Proposed LAFCO Schedule of Fees and Deposits

SCHEDULE OF FEES AND DEPOSITS
(Effective January 26, 2017)

1. FILING FEES (All fees are deposits, unless otherwise noted)	AMOUNT
A. <u>Boundary Changes</u>	
City or District Annexation	\$3,000
City or District Detachment	\$3,000
City or District Reorganization	\$3,500
B. <u>District Formation, Consolidation, Dissolution</u>	
Formation of a County Service Area (CSA), includes	
Sphere of Influence (SOI) Adoption	\$3,000
Addition of a Service that a CSA May Provide	\$1,500
Formation of a Special District (includes SOI Adoption)	\$5,500
District Consolidation/Merger	\$3,500
District Dissolution	\$3,500
Establishment of a Subsidiary District	\$3,500
Activation of Latent Powers by a District	\$1,500
C. <u>Sphere of Influence Amendment</u>	\$5,000
D. <u>Incorporation</u>	\$15,000
E. <u>Disincorporation</u>	\$5,000
F. <u>Out of Boundary Service Extension Request</u>	
1. Executive Officer Review (Flat Fee)	\$ 500
2. Commission Review	\$1,500
G. <u>Fire Service Contract Review</u>	\$1,500
H. <u>Request for Reconsideration</u>	\$1,500
(This fee shall be returned to the applicant if the Commission determines that the reconsideration is required to correct a procedural defect in its earlier action.)	
I. <u>Special Meeting Request</u>	\$1,500
J. <u>Continuance Request by Applicant</u>	\$1,500

2. SUPPLEMENTAL FEES

- A. Notice of Hearing/Radius Map: Actual Cost

Section 56157 of the Government Code may require that mailed notice to all registered voters and owners of property within 300 feet of the exterior boundary of the property that is the subject of a LAFCO hearing. The applicant shall be required to reimburse LAFCO for the direct cost of preparing a radius map, ownership list, registered voter list and postage if the Executive Officer determines that such a notice must be given.

- B. Outside Consultant(s) Fees: Actual Cost

An additional fee may be charged based on actual cost to hire outside consultant(s) to prepare incorporation feasibility studies, comprehensive fiscal analyses and special studies, etc.

- C. County Surveyor: Actual Cost

LAFCO utilizes the services of the County Surveyor for review of legal descriptions. The first two hours of staff time associated with these tasks are included in the application fee. Projects requiring more than two hours of County Surveyor review are charged at actual cost.

- D. Mapping Fees: Actual Cost

The County may also assist LAFCO in updating its boundary maps on the Geographical Information System (GIS). The first three hours of staff time associated with these tasks are included in the application fee. Projects requiring more than three hours of GIS mapping are charged at actual cost.

- E. Service/Duplication Costs:

Copy of Commission Hearing	\$20 per tape \$5 per meeting
Document Copying – Black & White	1 st ten pages free, \$0.10 per page after
Archive Retrieval	Actual Cost
Mailed Subscriptions (1-Year Fee)	Agenda Only – \$10 Agenda & Minutes – \$15 Full Agenda Packet – \$150 Actual Cost
Staff Research & Studies	Limited to one half-hour of staff time, then Actual Cost
Pre-Application Fees	Limited to one half-hour of staff time, then actual cost

F. Outside Legal Counsel Fees: Actual Cost

LAFCO may require the services of outside legal counsel to process an application. An additional fee may be charged, at the discretion of the Executive Officer, based on the actual cost to hire outside counsel.

3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FEES

CEQA compliance is required for most LAFCO actions; these fees are in addition to the Filing Fees.

CEQA Exemption – LAFCO as Lead Agency	\$57
Initial Study – LAFCO as Lead Agency	Actual Cost
Prepare Negative Declaration - LAFCO as Lead Agency	Actual Cost
Prepare EIR – LAFCO as Lead Agency	Actual Cost
Stanislaus County Clerk/Recorder Filing Fees*	\$57
Fish & Game Filing Fees*	
- Negative Declaration	\$2,210.00 \$2,216.25
- Mitigated Negative Declaration	\$2,210.00 \$2,216.25
- Environmental Impact Report (EIR)	\$3,069.75 \$3,078.25

*Other agency fees – subject to change without notice.

4. OTHER ACTIONS

A. Non-Scheduled Municipal Service Reviews Actual Cost

B. Petition Verification Actual Cost

Petition verifications are performed in-house whenever possible; however, some proposals require petition checks to be performed by either the County Elections Department or Assessor’s Office. These departments will bill LAFCO for the service, which is then passed on to the applicant.

5. STATE CONTROLLER’S REVIEW OF COMPREHENSIVE FISCAL ANALYSIS – FOR AN INCORPORATION PROPOSAL

For any request made pursuant to Government Code Section 56801, the requestor shall include a deposit of \$25,000 to cover the costs of the State Controller’s review. The requestor may be required to deposit additional amounts, as requested by the Executive Officer, to complete the review. Upon completion of the State Controller’s review and final billing to LAFCO, the requestor will either be: (a) refunded the amount that the deposit exceeds the actual cost of the State Controller’s review; or (b) charged the amount that the actual cost of the State Controller’s review exceeds the deposit(s). (The deposit amount includes a 10% administration and coordination fee, which is non-refundable.)

6. WORKSHOP FEES

Proponents or opponents of actions pending before the Commission may request that a workshop be held in their area. If the Executive Officer agrees to conduct such a workshop session, the requesting party shall reimburse LAFCO all costs associated therewith.

7. FEE POLICIES

- A. All deposits are initial payments toward the actual costs of processing ("project costs"). Project cost includes all staff time and materials. Materials include, but are not limited to, charges for advertisement of hearings, map and legal description review (up to 2 hours), postage, copies, signature verification, in addition to fees for project reviews by affected agencies.
- B. If the actual costs exceed the deposit, the Executive Officer shall bill the applicant. The application shall not be processed further until the additional costs are paid. All final bills must be paid by the applicant prior to filing the Certificate of Completion.
- C. The Commission may, at its sole discretion, contract for outside assistance to assist in processing and review of an application before it. The types of assistance include, but are not limited to, legal, engineering, environmental, planning, appraisal, management, and clerical fields. The estimated or actual costs, as determined by the Commission for such assistance shall be deposited with the Executive Officer before an application will be processed further.
- D. Applicants are also responsible for payment of appropriate State Board of Equalization fees. The Executive Officer will determine the appropriate fee in accordance with the State Board of Equalization fee schedule. The fee, payable to the "State Board of Equalization", shall be collected by the Executive Officer prior to the Certificate of Completion.
- E. Filing fees and deposits may be appealed before the Commission prior to the submittal of an application. A request for waiver shall be submitted in writing to the LAFCO Executive Officer and shall specify the reasons for the request. The appeal will be considered at the next regular meeting of the Commission.
- F. If the actual project costs are less than the deposit, the LAFCO Staff will refund the unused portion of the deposit to the applicant. For an application that has been denied, a refund of the unused portion (if applicable) shall be issued. The refund shall be made after the reconsideration period has closed. For an application that is approved, the refund shall be made when the LAFCO file is closed (typically when LAFCO receives written notice from the State Board of Equalization that the boundary change has been accepted). Refunds may not include fees which LAFCO collects for outside agencies.