

**EXECUTIVE OFFICER'S AGENDA REPORT
AUGUST 22, 2018**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: FEE WAIVER REQUEST FOR PROPOSED DETACHMENT FROM THE
NEWMAN DRAINAGE DISTRICT**

RECOMMENDATION

Staff recommends that the Commission authorize a fee waiver or reduction for an upcoming application for detachment from the Newman Drainage District.

DISCUSSION

Staff has received a request from a property owner seeking a fee waiver for a detachment application from the Newman Drainage District (see attached letter from Georgia M. Cerutti dated June 29, 2018). Pursuant to Government Code Section 56383, the Commission may reduce or waive a filing fee if it finds that payment would be detrimental to the public interest. Commission Policy 12 further describes circumstances that may support granting of a fee waiver or reduction, including the following: Correction of a technical boundary alignment problem (split parcel, boundary overlap, etc).

The filing fee for a district detachment is a \$3,000 deposit. The majority of this is typically expended on Staff time, with a smaller portion covering copy costs, mailing of notices, etc. It should be noted that the Commission cannot waive fees for outside agencies. In this case, if approved, the applicant would be responsible for a filing fee with the State Board of Equalization. (Their fee is currently \$300, but is subject to change.)

Ms. Cerutti's reason for requesting the fee waiver is based on an ongoing issue with an erroneous assessment applied to her 0.22-acre property located at 26118 McClintock Road. The property owner has contacted the District and made numerous attempts to correct the assessment. The District has been unable to locate documents substantiating the assessment. At this time, the property owner feels they have no other manner to stop this assessment other than to detach (remove) the property from the District and no longer be subject to the misplaced assessment.

COMMISSION OPTIONS

The Commission could consider this a unique request, meeting one of the scenarios described in its policy for fee waiver or reduction. The Commission has the following options:

1. Approve a full fee waiver request.
2. Approve a fee reduction and ask that the applicant provide a non-refundable \$125 deposit to cover the cost of copies and postage.
3. Deny the fee waiver request.

Staff has estimated costs for postage and copies for processing the detachment proposal to be

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approximately \$125. Staff would recommend that should the applicant wish to proceed with the detachment, that a non-refundable \$125 be collected, with the intent of covering the cost of copies and postage. Should the Commission authorize the fee reduction, Staff will inform the applicant.

Attachment:

- Letter from Georgia M. Cerutti dated June 29, 2018

Georgia M. Cerutti
26118 McClintock Road
Newman, CA 95360

June 29, 2018

RE: LETTER OF WAIVER

Dear LAFCO,

I want to formally request that LAFCO consider waiving the filing fees regarding APN 049-039-004 district detachment.

I would like to briefly explain what took place with the 26118 McClintock Road property. Patrick Cerutti obtained a Certificate of Compliance on October 10, 2011. He resurveyed and separated the single family residential property (004) from the (008) 38.7 acres February 15, 2013. The land (008) is farmed by Cerutti Brothers Inc., currently owned by Patrick Cerutti, who is a Newman Drainage District Board Member. The NDD Taxes were never corrected/adjusted after the new survey. I am stuck having to pay for a large portion of the (008) farmland NDD Taxes. I have tried for years to correct this matter with the Newman Drainage District. I have sent numerous letters and several phone calls were made and no results in correcting/adjusting this NDD Tax matter. The (004) has been separated since 2013 and is strictly a single family residential property that does not drain anything. It is (0.222) not even a quarter of an acre. I have the smallest lot and the other two addresses (009) and (005) on the 38.7 acres do not even to pay more than \$8. per year. I have had to pay thousands of dollars in NDD Taxes due to the NDD not correcting this matter.

This is a Conflict of Interest. The NDD Board Member has been well aware of this matter and stalling for years. He will not make the necessary NDD Tax corrections, continues to profit for years while I am being forced to pay these taxes and the NDD Board

Member owns the surrounding land. This was subject in Stanislaus County Superior Court Case Number: 672371. The court case was final in May 2013. I also realized the other NDD Board Members were not aware of this matter until September 2017.

Thank you for your consideration and I eagerly wait for your reply.

Sincerely,

Georgia M. Cerutti

Georgia M. Cerutti