



Local Agency Formation Commission
Subdivision of the State of California

1700 Second Street, Suite 268
Napa, California 94559
Telephone: (707) 259-8645
Facsimile: (707) 251-1053
<http://napa.lafco.ca.gov>

December 5, 2011
Agenda Item No. 5b (Consent/Action)

November 28, 2011

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Amendments to Adopted Fee Schedule

The Commission will consider minor amendments to its adopted fee schedule. The amendments would incorporate the County of Napa's Public Works Department's new hourly charge to review the maps and descriptions accompanying change of organization or reorganization proposals. The proposed amendments are being presented for approval.

California Government Code Section 56383 authorizes Local Agency Formation Commissions (LAFCOs) to establish a schedule of fees for the costs of administering its prescribed regulatory and planning responsibilities. This includes establishing fees to process change of organization proposals, outside service requests, and sphere of influence amendments. The fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.

A. Discussion

LAFCO of Napa County's ("Commission") fee schedule was last amended in August 2011. The fee schedule generally assigns fixed application fees based on a pre-calculated estimate of the number of hours needed to process a specific type of proposal and multiplied by the current composite staff hourly rate of \$113.00. The fee schedule also identifies several other charges the Commission collects on behalf of other agencies in the course of processing applications. This includes collecting a fee for the County of Napa's Public Works Department to review and, as needed, identify edits to the maps and descriptions that must by Commission policy accompany change of organization or reorganization proposals for subsequent filing with the State Board of Equalization.

The current fee schedule directs the Commission to collect an initial deposit from applicants on behalf of the County's Public Works Department to cover three hours of review at the time proposals are filed. Markedly, the three-hour amount was jointly calculated by County and Commission staff to represent the approximate time needed by Public Works to review most proposal maps and descriptions. Any additional review time, nevertheless, is subsequently billed to the applicants on an hourly basis and typically collected as part of a condition of approval.

Lewis Chilton, Vice Chair
Councilmember, Town of Yountville
Joan Bennett, Commissioner
Councilmember, City of American Canyon
Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

Bill Dodd, Chair
County of Napa Supervisor, 4th District
Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District
Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner
Representative of the General Public
Gregory Rodeno, Alternate Commissioner
Representative of the General Public
Keene Simonds
Executive Officer

The current hourly fee of Public Works listed on the Commission's adopted fee schedule is \$149 and results in an initial three-hour deposit requirement of \$447. Public Works has recently increased its hourly rate to \$165. If the Commission is agreeable to continue using Public Works to review proposal maps and descriptions, the fee schedule should be amended to raise the three-hour deposit to \$495 and note all subsequent review hours will be billed at \$165.

B. Analysis

State law requires all change of organization or reorganization proposals (i.e., government boundary changes) include maps and descriptions, acceptable to the Executive Officer, of the boundaries of the subject territory as it relates to each affected local agency (Government Code 56652). The Commission retains full discretion in implementing this requirement. Most notably, this includes choosing the entity or individual that will be responsible for reviewing the maps and descriptions to help ensure accuracy in meets and bounds as well as conform to the filing requirements of the State Board of Equalization; the latter entity being responsible for adjusting tax assessment rolls. Towards this end, it has been the Commission's long-standing practice to rely on the County Public Works Department to perform the referenced function.

Public Works' new hourly fee represents an approximate 10% increase in cost to applicants in having their maps and descriptions reviewed in the course of filing a boundary change. This increase appears reasonable given the current applicant charge for Public Works to review maps and descriptions have not been raised for several years. Further, a cursory review of the fees charged by other San Francisco Bay Area LAFCOs tied to maps and descriptions suggest the \$165 hourly rate is reasonable.

C. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative One: Approve the attached draft amendment to the adopted fee schedule.

Alternative Two: Continue consideration of the item to a future meeting and provide direction to staff with regard to additional information or analysis as needed.

D. Recommendation

It is recommended the Commission take action as outlined as Option One in the preceding section.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

1) Draft Amendments to the Adopted Fee Schedule (track changes)



Local Agency Formation Commission of Napa County *Schedule of Fees and Deposits*

Effective Date: ~~July 29, 2011~~ December 5, 2011

The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of California Government Code Section 56383.
2. Applications submitted to the Commission shall be accompanied by a non-refundable initial fee as detailed in this schedule.
3. Applicants are responsible for any fees or charges incurred by the Commission or required by other agencies in the course of the processing of an application.
4. Initial fees include a fixed number of staff hours as detailed in the fee schedule or are designated as “at cost.”
5. Additional Commission staff time shall be charged to the applicant at an hourly rate of \$113.00.
6. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
7. Additional Commission staff time and administrative costs shall not be charged for city annexation applications that are comprised solely of one, entire unincorporated island.
8. If the Executive Officer estimates a proposal will require more than 20 hours staff time to complete, he or she shall provide a written statement to that effect to the applicant and request a deposit in an amount sufficient to cover anticipated costs. If this or any subsequent deposit proves insufficient, the Executive Officer shall provide an accounting of expenditures and request deposit of additional funds.
9. If the processing of an application requires the Commission contract from another agency or from a private firm or individual for services that are beyond the normal scope of staff work (such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract. The applicant will provide the Commission with a deposit sufficient to cover the cost of the contract.
10. The Executive Officer may stop work on any proposal until the applicant submits a requested deposit.

11. Written appeal of fees and/or deposits, specifying the reason for the appeal, may be submitted to the Commission prior to the submission of an application or prior to the submission of a deposit requested by the Executive Officer. The appeal will be considered at the next regular meeting of the Commission.
12. Upon completion of a project, the Executive Officer shall issue to the applicant a statement detailing all expenditures from a deposit for additional time and materials and shall have a refund for any remaining funds issued to the applicant.

INITIAL APPLICATION FEES

Change of Organization or Reorganizations: Annexations and Detachments

Exempt from the California Environmental Quality Act

- With 100% consent of property owners and affected agencies: \$4,068 (30 hours)
- Without 100% consent of property owners and affected agencies: \$5,424 (40 hours)

Not exempt from the California Environmental Quality Act
(The Commission is a Responsible Agency; Negative Declaration)

- With 100% consent of property owners and affected agencies: \$4,746(35 hours)
- Without 100% consent of property owners and affected agencies: \$6,102 (45 hours)

Not exempt from the California Environmental Quality Act
(The Commission is a Responsible Agency; Environmental Impact Report)

- With 100% consent of property owners and affected agencies: \$5,424(40 hours)
- Without 100% consent of property owners and affected agencies: \$6,780 (50 hours)

- * All initial application fees for annexation and detachment proposals include a 20% surcharge to contribute to the costs in preparing municipal service reviews.
- * Annexation or detachment proposals that involve boundary changes for more than two agencies and qualify as reorganizations will be charged an additional fee of \$565 (5 hours).
- * City annexations involving entire unincorporated islands and subject to California Government Code Section 56375.3 will be charged a flat fee of \$500.
- * If the Commission is the Lead Agency and an Initial Study is needed to determine whether a Negative Declaration or Environmental Impact Report is appropriate, applicants will be charged at the hourly staff rate.

Change of Organizations or Reorganizations: Other

- Special District Formations, Consolidations, Mergers, and Dissolutions: Actual Cost
- City Incorporations or Dissolutions: Actual Cost

Special Studies

- Municipal Service Review: Actual Cost
- Sphere of Influence Review:
(Establishment, Amendment, or Update) Actual Cost

Request to Activate Latent Power \$5,424 (40 hours)

* The initial application fee for the activation of a latent power includes a 20% surcharge to contribute to the costs in preparing municipal service reviews.

Request for an Extension of Time \$565 (5 hours)

Request to Approve an Outside Service Agreement \$2,712 (20 hours)

* The initial application fee to approve an outside service agreement includes a 20% surcharge to contribute to the costs in preparing municipal service reviews.

Request for Reconsideration \$2,260 (20 hours)

Special Meeting Fee \$800

Alternate Legal Counsel Fee Actual Cost

OTHER APPLICATION FEES

Assessor Mapping Service
(Made payable to the "County of Napa") \$125

Map and Geographic Description Review
(Made payable to the "County of Napa") \$~~447~~495 (3 hours)

* If needed, additional review time will be billed at \$~~149~~165 per hour

Registered Voter List for Public Hearing Notice \$55 (1 hour)
(Made payable to the "County of Napa")

Geographic Information Service \$125 (1 hour)
(Made payable to "LAFCO of Napa County")

California Department of Fish and Game Environmental Filing Fees
(Made payable to the "County of Napa Clerk Recorder")

Commission as Lead Agency

- Environmental Impact Report: \$2,839.25
- Negative Declaration: \$2,044.00
- Mitigated Negative Declaration \$2,044.00
- Clerk-Recorder Filing Fee: \$50.00

Commission as Responsible Agency

- Notice of Determination (Represents Clerk Filing Fee): \$50.00
- Notice of Exemption (Represents Clerk Filing Fee): \$50.00

Filing of Change to Jurisdictional Boundary
(Made payable to the “State Board of Equalization”)

<u>Acre Amount</u>	<u>Fee</u>	<u>Acre Amount</u>	<u>Fee</u>
Less than 1:	\$300	51 to 100:	\$1,500
1 to 5:	\$350	101 to 500:	\$2,000
6 to 10:	\$500	500 to 1,000:	\$2,500
11 to 20:	\$800	1,000 to 2,000:	\$3,000
21 to 50:	\$1,200	2,000 and above:	\$3,500

ADMINISTRATIVE SERVICE FEES

The following are charges to be assessed to persons or entities other than the applicant.

- Copying (no color): \$0.10 per page
- Copying (color): \$0.40 per page
- Faxing: \$1.00 service charge, plus \$0.15 per page
- Mailing: Actual Cost
- Audio Tape Recording of Meeting: Actual Cost
- Research/Achieve Retrieval: \$97 per hour (minimum of one hour)