



**Local Agency Formation Commission**  
**LAFCO of Napa County**

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**June 4, 2007**  
**Agenda Item No. 6b**

May 28, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Proposed Comprehensive Update to the Adopted Fee Schedule  
(Public Hearing)**

The Commission will consider a proposed comprehensive update to its adopted fee schedule. The update includes increasing the hourly staff rate from \$50 to \$90 and is being presented to the Commission for adoption as part of a draft resolution.

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On May 7, 2007, the Commission reviewed a proposed comprehensive update to its adopted fee schedule. The proposed update was prepared by staff to address an earlier recommendation by the 2007-2008 Budget Committee (Kelly and Wagenknecht) for the Commission to revisit its fee schedule and consider changes to improve cost-recovery. Following its review, the Commission directed staff to circulate the proposed update to local agencies and interested parties for review and comment. No comments were received.

### **Discussion**

The proposed update makes a number of changes to the current fee schedule. Most notably, the update includes recalculating the hourly staff rate from \$50 to \$90 to provide full cost-recovery with respect to LAFCO's labor and administrative overhead costs. The update also recategorizes annexation and detachment proposals based on whether there is 100% consent from affected property owners and agencies and the type of environmental review required. Additionally, the update transitions fees for service reviews, sphere of influence updates, special district organizations/reorganizations, and incorporations from flat fees to "at cost."

### *Implementation*

In reviewing the proposed update at the May meeting, the Commission discussed its options with respect to implementing the updated fee schedule. California Government Code §66017(a) requires a minimum period of 60 days between the adoption and implementation of new fees. Under this code section the updated fee schedule could not become effective until July 27, 2007. Commissioners Kelly and Gingles expressed interest in extending the implementation period to 90 days, which would designate September 2, 2007 as the effective date.

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Jack Gingles, Chair  
Mayor, City of Calistoga

Brad Wagenknecht, Vice-Chair  
County of Napa Supervisor, 1st District

Brian J. Kelly, Commissioner  
Representative of the General Public

Juliana Inman, Commissioner  
Councilmember, City of Napa

Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Keene Simonds  
Executive Officer

*Grandfathering or Transitioning Fees*

Whether the Commission chooses a 60 or 90 day implementation period, it is reasonable to assume that there will be active proposals at the time of the effective date. The specific challenge will be addressing time-consuming proposals, such as sphere updates and complex annexations, which require LAFCO to charge applicants an hourly staff rate for work performed. In addressing this issue, the Commission could 1) grandfather all active proposals under the previous fee schedule or 2) transition to the updated fee schedule at the time it becomes effective. While the former approach would be simplest to administer, staff recommends that the Commission transition to the updated fee schedule when it becomes effective to help ensure an elevated level of cost-recovery is practiced for time-consuming proposals.

**Recommendation**

It is recommended that the Commission take the following actions:

- 1) Adopt the form of the attached resolution approving a comprehensive update to the LAFCO fee schedule pursuant to California Government Code §56383; and
- 2) Select the effective date for the comprehensive update to the LAFCO fee schedule for July 27, 2007 (60 days) or September 2, 2007 (90 days); and
- 3) Direct staff to charge applicants based on the comprehensive update to the LAFCO fee schedule at the time it becomes effective.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachments:

- 1) Draft Resolution
- 2) LAFCO Staff Report from May 7, 2007 (Agenda Item No. 7a)

**RESOLUTION NO: \_\_\_\_\_**

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
COMPREHENSIVE UPDATE  
ADOPTED SCHEDULE OF FEES AND DEPOSITS**

**WHEREAS**, the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Sections 56000 et seq., hereinafter referred to as “Act”) authorizes the Local Agency Formation Commission of Napa County (hereinafter referred to as “LAFCO”) to adopt a fee schedule; and

**WHEREAS**, LAFCO established and adopted by resolution a “Schedule of Fees and Deposits” on December 1, 2001 in a manner provided by law; and

**WHEREAS**, LAFCO has scheduled and noticed a public hearing on June 4, 2007 to consider a comprehensive update to its Schedule of Fees and Deposits; and

**WHEREAS**, as part of a scheduled and notice public hearing on June 4, 2007, oral and/or written comments on the proposed comprehensive update to the adopted Schedule of Fees and Deposits were received from affected persons and/or the general public, and these comments were considered by LAFCO; and

**WHEREAS**, the Commission has determined that the adoption and revision of a Schedule of Fees and Deposits is exempt from the provisions of CEQA under Section 15273(a) of the State CEQA Guidelines and Section 21080(b)(8) of the Public Resources Code.

**NOW, THEREFORE, BE IT RESOLVED** by LAFCO that the Schedule of Fees and Deposits shall be updated and readopted in the manner set forth in Exhibit “A” and that this action is categorically exempt from the provisions of CEQA as described herein because these fees are in support of staff time and resources needed to process and review applications of projects submitted to LAFCO.

The foregoing resolution was duly and regularly adopted at a regular meeting of the Local Agency Formation Commission of Napa County, held on the 4<sup>th</sup> day of June, 2007, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ATTEST: Keene Simonds  
Executive Officer

RECORDED: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary

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

The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of California Government Code §56383.
2. Applications submitted to LAFCO 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 LAFCO 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 LAFCO staff time shall be charged to the applicant at an hourly rate of \$90.00.
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 LAFCO 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 that 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 that LAFCO contract from another agency or from a private firm or individual for services that are beyond the normal scope of LAFCO 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 LAFCO 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 LAFCO 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**

### **Annexations and Detachments**

Exempt from the California Environmental Quality Act

- With 100% consent of property owners and affected agencies: \$1,350 (15 hours)
- Without 100% consent of property owners and affected agencies: \$2,250 (25 hours)

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

- With 100% consent of property owners and affected agencies: \$1,800 (20 hours)
- Without 100% consent of property owners and affected agencies: \$2,700 (30 hours)

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

- With 100% consent of property owners and affected agencies: \$2,250 (25 hours)
- Without 100% consent of property owners and affected agencies: \$3,150 (35 hours)

\* City annexations involving entire unincorporated islands will be charged a flat fee of \$500.

\* Annexation or detachment proposals that involve boundary changes for more than two agencies will be charged an additional fee of \$450 (5 hours).

\* If LAFCO is the Lead Agency and it is determined that the proposal requires a Negative Declaration or an Environmental Impact Report, applicants will be charged at the hourly staff rate.

### **Government Reorganizations**

- Special District Formations, Consolidations, 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

**Activation of a Latent Power Request** \$900 (10 hours)

**Extension of Time Request** \$450 (5 hours)

**Review of Out-of-Agency Agreements or Contracts** \$900 (10 hours)

**Request for Reconsideration** \$1,800 (20 hours)

**Special Meeting Fee** \$800

**OTHER APPLICATION FEES**

<b>Assessor Mapping Service</b> (Made payable to the “County of Napa”)	\$125
<b>Map and Geographic Description Review</b> (Made payable to the “County of Napa”)	\$30 (1 hour)
<b>Registered Voter List for Public Hearing Notice</b> (Made payable to the “County of Napa”)	\$55 (1 hour)
<b>Geographic Information Service</b> (Made payable to “LAFCO of Napa County”)	\$125 (1 hour)
<b>California Department of Fish and Game Environmental Filing Fees</b> (Made payable to the “ County of Napa Clerk Recorder”)	

<u>LAFCO as Lead Agency</u>	
• Environmental Impact Report	\$2,500
• Negative Declaration:	\$1,800
• Clerk-Recorder Filing Fee:	\$50

<u>LAFCO as Responsible Agency</u>	
• Notice of Determination (Represents Clerk Filing Fee):	\$50
• Notice of Exemption (Represents Clerk Filing Fee):	\$50

**Change of 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:	\$3,5000

**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:	\$45 per hour (minimum of one hour)