



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

October 1, 2012

Agenda Item No. 5b (Consent/Action)

September 24, 2012

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Amendment to Adopted Fee Schedule

The Commission will consider an amendment to its adopted fee schedule to increase the initial deposit collected on behalf of the County of Napa's Public Works Department to review the maps and descriptions accompanying change of organization or reorganization proposals. The proposed amendment would increase the number of hours included in the initial deposit from three to six and, as a result, raise the amount from \$495 to \$990. The proposed amendment is 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. LAFCOs have broad authority in setting fees so long as they do not exceed the estimated reasonable cost of providing the underlying service.

A. Background

LAFCO of Napa County's ("Commission") current fee schedule structure was established in September 2007. The schedule generally consists of fixed fees directly generated by the Commission. These fixed fees are regularly reviewed to recover the estimated number of staff hours needed to process a specific type of proposal and multiplied by a composite hourly rate, which is currently \$118. A surcharge is also applied to help contribute to funding the Commission's municipal service review/sphere of influence update program. This structure produces a current direct applicant charge of \$4,248 to \$4,956 to process the most common proposals filed with the Commission.

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Representative of the General Public

Keene Simonds
Executive Officer

The Commission's schedule also identifies fees generated and collected on behalf of other governmental agencies in the course of processing certain types of proposals. This includes collecting an at-cost fee for the County of Napa's Public Works Department to review the maps and geographic descriptions accompanying change of organization or reorganization proposals for subsequent filing with the State Board of Equalization. Towards this end, and in previous consultation with the County, the current schedule directs applicants to submit an initial deposit in the amount of \$495 to cover the first three hours of work performed by Public Works. Additional work performed by Public Works is billed at the current hourly rate of \$165. Any unexpended review time drawn from an initial or subsequent deposit, similarly, is refunded to the applicant.

B. Discussion/Analysis

Commission and County staff believe it would be beneficial to increase the initial deposit for Public Works to review maps and geographic descriptions from three to six hours; a change that would double the upfront fee to \$990. Markedly, the six hour amount represents the average review time expended by Public Works over the last three years on the proposals deemed to be relatively straight-forward in terms of underlying boundary changes.¹ The benefit of the proposed amendment is two-fold. First, the increase to the initial deposit to more accurately reflect the actual time needed by Public Works in reviewing maps and geographic descriptions will enhance applicants' cost-certainty at the time of proposal filing. Second, given the review is not typically completed until after a proposal has been approved, the increase in the initial deposit will help avoid the need for staff to collect an additional fee when applicants have generally become preoccupied with secondary phases of their project (i.e., service extensions or development plans).²

C. Recommendation

It is recommended the Commission amend its fee schedule to increase the number of hours included in the initial deposit for County Public Works' review of maps and geographic descriptions to six and raise the corresponding charge to \$990.

¹ More complicated boundary change proposals filed with the Commission over the last three years have generated between 18 and 43 hours of review time by Public Works.

² As related context, it is pertinent to note 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 Section 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 metes 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.

D. Alternatives for Action

The following three alternatives are available to the Commission:

Alternative Action One (Recommended):

Approve the proposed amendment to the fee schedule as described in the preceding sections and provided in Attachment One.

Alternative Action Two:

Continue consideration of the item to another meeting while providing direction to staff with respect to any additional information requests.

Alternative Action Three:

Take no action.

E. Procedures for Consideration

This item has been agendaized as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

1) Current Fee Schedule with Proposed Amendment Tracked in Margin



Local Agency Formation Commission of Napa County Subdivision of the State of California

Schedule of Fees and Deposits

Effective Date: August 3, 2012

These are the policies of the Local Agency Formation Commission (LAFCO) of Napa County with respect to setting fees and deposits in fulfilling the agency's regulatory and planning duties prescribed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

1. This schedule shall be administered in accordance with the provisions of California Government Code Section 56383.
2. This schedule includes both "fixed" and "at-cost" fees. Fixed fees represent reasonable cost estimates for processing common requests and applications and based on a number of predetermined staff hours. At-cost fees apply to less common requests and applications and based on the number of actual staff hours.
3. Applications submitted to the Commission shall be accompanied by a non-refundable initial fee as detailed in this schedule. All deposit amounts tied to at-cost applications shall be determined by the Executive Officer. The Executive Officer shall provide a written accounting of all staff time and related expenses billed against the deposit. If the cost in processing an application begins to approach or exceed the deposited amount, the Executive Officer shall request additional monies from the applicant.
4. All initial fees shall be submitted in check and made payable to the "Local Agency Formation Commission of Napa County."
5. Applications will not be deemed complete until the initial fee has been collected by the Executive Officer as detailed in this schedule.
6. Applicants are responsible for any fees or charges incurred by the Commission and or required by other governmental agencies in the course of the processing of an application.
7. Additional staff time shall be charged to the applicant at an hourly rate of \$118.00.
8. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
9. Additional staff time and administrative costs shall not be charged for city annexation applications involving one or more entire unincorporated island subject to California Government Code Section 56375.3.

10. If the processing of an application requires the Commission contract with another agency firm, or individual for services 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.
11. The Executive Officer may stop work on any application until the applicant submits a requested deposit.
12. Upon completion of an at-cost application, the Executive Officer shall issue to the applicant a statement detailing all billable expenditures from a deposit. The Executive Officer shall refund the applicant for any remaining monies remaining from the deposit less one-half hour of staff time to process the return as provided in this schedule
13. Applicants may request the Commission reduce or waive a fee. All requests must be made in writing and cite specific factors justifying the reduction or waiver and will be considered by the Commission relative to public interest and agency mission. Examples of appropriate requests include, but are not limited to, addressing public health or safety threats, affordable housing development, and community serving projects. Requests by landowners or registered voters shall be considered by the Commission at the next regular meeting. Requests by local agencies may be considered at the time the application is presented to the Commission for action.
14. Requests for research on any particular subject will be provided at no cost for the first two hours. This includes, but is not limited to, archival retrieval, identifying properties relative to agency boundaries, and discussing potential applications. Any additional research time will be billed at the hourly rate provided in this schedule.
15. The Commission shall annually review this schedule to help maintain an appropriate level of cost-recovery.

INITIAL APPLICATION FEES

These fees must be submitted to the Commission as part of the application filing; applications will be deemed incomplete without the designated payment. Any fees designated at-cost will require a deposit as determined by the Executive Officer.

Change of Organization or Reorganization: Annexations and Detachments

| | |
|--|--|
| • Projects Exempt from California Environmental Quality Act | |
| 100% Consent from Landowners and Agencies and the Commission is Responsible or Lead Agency | \$4,248 (30 hours) |
| Without 100% Consent from Landowners and Agencies and the Commission is Responsible or Lead Agency | \$5,664 (40 hours) |
| • Projects Not Exempt from California Environmental Quality Act / Negative Declaration | |
| 100% Consent from Landowners and Agencies and the Commission is Responsible Agency | \$4,956(35 hours) |
| 100% Consent from Landowners and Agencies and the Commission is Lead Agency | \$7,080 (50 hours) |
| Without 100% Consent from Landowners and Agencies and the Commission is Responsible Agency | \$6,372(45 hours) |
| Without 100% Consent from Landowners and Agencies and the Commission is Lead Agency | \$8,496 (60 hours) |
| • Projects Not Exempt from California Environmental Quality / Environmental Impact Rpt | |
| 100% Consent from Landowners and Agencies and the Commission is Responsible Agency | \$5,424 (40 hours) |
| 100% Consent from Landowners and Agencies and the Commission is Lead Agency | \$7,080 (50 hours) plus consultant contract |
| Without 100% Consent from Landowners and Agencies and the Commission is Responsible Agency | \$7,080 (50 hours) |
| Without 100% Consent from Landowners and Agencies and the Commission is Lead Agency | \$8,496 (60 hours) plus consultant contract |

- * 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 involving boundary changes for two or more agencies qualify as reorganizations will be charged an additional fee of \$590 (5 hours).
- * City annexations involving entire unincorporated islands and subject to expedited proceedings under Government Code Section 56375.3 shall not be charged a fee by the Commission.

Change of Organization or Reorganization: Other

| | |
|---|--------------------------------|
| • City Incorporations and Disincorporations | at-cost |
| • Special District Formations, Consolidations, Mergers and Dissolutions | at-cost |
| • Special District Requests to Activate or Deactivate Powers | at-cost plus 20% MSR surcharge |

| Other Service Requests | |
|--|---------------------|
| • New or Extended Outside Service Request | *\$2,832 (20 hours) |
| • Request for Reconsideration | \$2,360(20 hours) |
| • Request for Time Extension to Complete Proceedings | \$590 (5 hours) |
| • Municipal Service Reviews | at-cost |
| • Sphere of Influence Establishment/Amendment | at-cost |

* includes a 20% MSR surcharge

| Miscellaneous | |
|---------------------------|---------|
| • Special Meeting | \$800 |
| • Alternate Legal Counsel | at-cost |

OTHER APPLICATION FEES

These fees generally apply to applications that have been approved by the Commission and are not required at the time of filing. An exception involves the fee for registered voter lists, which may be required before the Commission takes action on an application if the underlying activity is subject to protest proceedings. Other fees in this section apply to service requests that are not tied to a specific application, such as research and photocopying.

| Fees Made Payable to the County of Napa | |
|--|--------------|
| • Assessor's Mapping Service | \$125 |
| • County Surveyor's Review | |
|Initial Deposit / First Six Hours | \$990 |
|Additional Time | \$165 hourly |
| • Elections' Registered Voter List | \$55 hourly |
| • Clerk-Recorder's Environmental Filing Fee | \$50 |
| • Clerk-Recorder's Environmental Document Fee | |
|Environmental Impact Report | \$2,919 |
|Mitigated Negative Declaration | \$2,101.50 |
|Negative Declaration | \$2,101.50 |

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| Fees Made Payable to LAFCO | |
|--|---------------------------------|
| • Geographic Information System Update | \$125 |
| • Photocopying | \$0.10 (black) / \$0.40 (color) |
| • Mailing | at-cost |
| • Audio Recording of Meeting | at-cost |
| • Research/Archive Retrieval | \$118 hourly |

| Fees Made Payable to the State Board of Equalization to Record Boundary Changes | | | |
|--|---------|-------------|---------|
| Acre | Fee | Acre | Fee |
| 0-1 | \$300 | 51-100 | \$1,500 |
| 1-5 | \$350 | 101-500 | \$2,000 |
| 6-10 | \$500 | 501-1,000 | \$2,500 |
| 11 -20 | \$800 | 1,001-2,000 | \$3,000 |
| 21-50 | \$1,200 | 2,001+ | \$3,500 |