



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

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Napa, California 94559  
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Facsimile: (707) 251-1053  
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*We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture*

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**January 7, 2013**  
**Agenda Item No. 5a (Consent/Action)**

January 2, 2013

**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 to reflect new filing charges for the California Department of Fish and Game for lead agencies under the California Environmental Quality Act.

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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 October 2012. 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 staff hourly rate of \$118.00. The fee schedule also identifies several other charges the Commission collects on behalf of other agencies in the course of processing applications. This includes fees required by the California Department of Fish and Game (DFG) to file notices pursuant to California Environmental Quality Act (CEQA).

DFG has increased its filing fees to file notices of determination by 2.6% effective January 1, 2013. These increases effect notices associated with (a) negative declarations, (b) mitigated negative declarations, and (c) environmental impact reports as listed below.

Filing Fee Type	Old	New
Negative Declaration	\$2,101.50	\$2,156.25
Mitigated Negative Declaration	\$2,101.50	\$2,156.25
Environmental Impact Report	\$2,919.00	\$2,995.25

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Lewis Chilton, Commissioner  
Councilmember, Town of Yountville

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

Brian J. Kelly, Vice Chair  
Representative of the General Public

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Keene Simonds  
Executive Officer

## **B. Analysis**

The new fees associated with filing notices of determination with DFG will be passed on directly to applicants as needed. Accordingly, there is no new impact on the Commission with the exception of the limited instances when it serves as lead agency and initiates an action not exempt from further review under CEQA. Examples of the latter comment would potentially include initiating the formation or dissolution of a special district.

## **C. Alternatives for Action**

The following two alternatives are available to the Commission:

### **Alternative Action One (Recommended):**

Approve the draft amendment to the adopted fee schedule as provided in Attachment One.

### **Alternative Action Two:**

Continue consideration of the staff report to a future meeting and provide direction for more information as needed.

## **D. Recommendation**

It is recommended the Commission proceed with Alternative One as outlined in the preceding section.

## **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,

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Keene Simonds  
Executive Officer

### **Attachments:**

- 1) Draft Amendment to the Adopted Fee Schedule (track changes)
- 2) Notice of Increase in Fish and Game Filing Fees



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

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### **Schedule of Fees and Deposits**

Effective Date: ~~October 1, 2012~~ January 7, 2013

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

<ul style="list-style-type: none"> <li><b>Projects Exempt from California Environmental Quality Act</b></li> </ul>	
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)
<ul style="list-style-type: none"> <li><b>Projects Not Exempt from California Environmental Quality Act / Negative Declaration</b></li> </ul>	
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)
<ul style="list-style-type: none"> <li><b>Projects Not Exempt from California Environmental Quality / Environmental Impact Rpt</b></li> </ul>	
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

<b>Other Service Requests</b>	
• 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

<b>Miscellaneous</b>	
• 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.

<b>Fees Made Payable to the County of Napa</b>	
• Assessor's Mapping Service	\$125
• County Surveyor's Review	
.....Initial Deposit / First Six	\$990
Hours	\$165 hourly
.....Additional	
Time	
• Elections' Registered Voter List	\$55 hourly
• Clerk-Recorder's Environmental Filing Fee	\$50
• Clerk-Recorder's Environmental Document Fee	
.....Environmental Impact Report	\$2,949,995.25
.....Mitigated Negative Declaration	\$2,401,50156.25
.....Negative Declaration	\$2,401,50156.25

<b>Fees Made Payable to LAFCO</b>	
• 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

<b>Fees Made Payable to the State Board of Equalization to Record Boundary Changes</b>			
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





A Tradition of Stewardship  
A Commitment to Service

**ATTACHMENT TWO**  
Assessor-Recorder-County Clerk  
Recorder-Clerk Division

900 Coombs Street, Suite 116  
Napa, CA 94559-2931  
PO Box 298  
Napa, CA 94559-0298

371  
1149

**ATTACHMENT TWO**

EUR  
ERK

NAPA COUNTY  
LAFCO

October 15, 2012

LAFCO NAPA COUNTY  
1700 2ND ST STE 268  
NAPA, CA 94559

RE: INCREASE IN FISH & GAME FILING FEES EFFECTIVE 01/01/2013

We are taking this opportunity to inform lead agencies of a fee increase by the Department of Fish and Game for California Environmental Quality Act filings effective January 1, 2013.

The Department of Fish and Game adjusts the fees annually pursuant to Fish & Game Code §711.4 and 713. Please note the new fees:

Environmental Impact Report	\$2995.25
Negative Declaration	\$2156.25

The County Clerk processing fee of \$50 remains the same.

Thank you for sharing this information with everyone in your organization who may submit Notices of Determination and/or Notices of Exemption to the County Clerk's Office for processing.

Feel free to contact me either by telephone or by e-mail as shown below.

Sincerely,

A handwritten signature in black ink that reads "N. Turner".

Nancy Turner  
Senior Assessment Records Assistant  
707-299-1371  
[nancy.turner@countyofnapa.org](mailto:nancy.turner@countyofnapa.org)

Representing John Tuteur, Assessor-Recorder-County Clerk