



Local Agency Formation Commission
LAFCO of Napa County

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April 2, 2007
Agenda Item No. 5a

March 27, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Amendments to FY2006-2007 Budget (Action)

The Commission will consider two amendments to its FY2006-2007 Budget to address a new filing fee requirement of the County of Napa Clerk-Recorder's Office.

In February 2007, LAFCO was notified by the County of Napa Clerk-Recorder's Office that they have amended their fee schedule and now require all agencies to pay a \$50 processing fee whenever filing a document relating to the California Environmental Quality Act (CEQA). Previously, agencies were only required to pay a processing fee to the Clerk-Recorder's Office when filing a Negative Declaration, Environmental Impact Report, or a Notice of Determination. Agencies were not previously required to pay a processing fee when filing a Notice of Exemption.

Background

LAFCO's regulatory and planning responsibilities under California Government Code generally requires that the Commission serve as a responsible agency under CEQA. As a responsible agency, LAFCO reviews and considers the environmental documents prepared by the lead agency (typically a land use authority) and requires that the proposal applicant pay all filing fees required under CEQA. This generally involves LAFCO filing a Notice of Exemption or Notice of Determination.

In 2001, LAFCO's role as a lead agency under CEQA was expanded as the result of the Cortese-Knox-Hertzberg Local Government Reorganization Act. This legislation directs LAFCO to prepare service reviews and sphere updates for each local agency under its jurisdiction by January 1, 2008 and every five years thereafter as necessary. Without an applicant, LAFCO must serve as lead agency in preparing service reviews and sphere updates and is responsible for paying all costs associated with complying with CEQA, including filing fees with the Clerk-Recorder's Office.

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Representative of the General Public

Keene Simonds
Executive Officer

Discussion

In the course of preparing the initial round of service reviews and sphere updates, LAFCO has generally found these projects to be exempt from CEQA and has filed Notice of Exemptions with the Clerk-Recorder's Office. Based on the current work plan, staff anticipates presenting one service review and four sphere updates accompanied with their own exemption for Commission approval through the end of the fiscal year. LAFCO also has an outstanding balance with the Clerk-Recorder's Office for three exemptions filed in February involving two service reviews and one sphere update.

In order to complete its work plan for service reviews and sphere updates for the remainder of the fiscal year and address the new filing fee requirements of the Clerk-Recorder's Office, LAFCO requires two amendments to its FY2006-2007 Budget. The first amendment is to establish a new expenditure account titled "special departmental expense." This account will be used by the Executive Officer to pay the filing fees of the Clerk-Recorder's Office. The second amendment is to transfer \$400 into the newly created special departmental expense account from the office expense account (52170000), which is expected to finish the fiscal year with a surplus.

Recommendation

It is recommended for the Commission to take the following actions:

- 1) Amend the FY2006-2007 Budget to include a new expenditure account titled special departmental expense for use by the Executive Officer to pay filing fees with the County of Napa Clerk-Recorder's Office; and
- 2) Amend the FY2006-2007 Budget to transfer \$400 into the special departmental expense account from the office expense account (52170000).

Respectfully submitted,

Keene Simonds
Executive Officer