



Local Agency Formation Commission
LAFCO of Napa County

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December 7, 2009
Agenda Item No. 6b (Consent: Action)

November 30, 2009

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Amendment to Adopted Fee Schedule

The Commission will consider 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.

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 2008. 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 \$103.00. 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 of the California Department of Fish and Game (DFG) to file notices pursuant to California Environmental Quality Act.

DFG will be increasing its filing fees to file notices of determinations by 0.9% effective January 1, 2010. These increases effect notices associated with (a) negative declarations, (b) mitigated negative declarations, and (c) environmental impact reports as listed below.

Filing Fee Type	Current	January 1, 2010
Negative Declaration	\$1,993.00	\$2,010.25
Mitigated Negative Declaration	\$1,993.00	\$2,010.25
Environmental Impact Report	\$2,768.25	\$2,792.25

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Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

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.

C. Recommendation

It is recommended the Commission take the following action:

- 1) Approve the attached draft amendment to its adopted fee schedule.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) Draft Amendment to the Adopted Fee Schedule



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

Effective Date: ~~January 1, 2010~~

Deleted: July 6

Deleted: 09

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 \$103.00.
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: \$3,708 (30 hours)
- Without 100% consent of property owners and affected agencies: \$4,944 (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: \$4,326 (35 hours)
- Without 100% consent of property owners and affected agencies: \$5,562 (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: \$4,944 (40 hours)
- Without 100% consent of property owners and affected agencies: \$6,180 (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 \$515 (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 \$4,944 (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 \$515 (5 hours)

Request to Approve an Outside Service Agreement \$2,417 (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 \$2,060 (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 (3 hours)

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: ~~\$2,792.25~~
- Negative Declaration: ~~\$2,010.25~~
- Mitigated Negative Declaration: ~~\$2,010.25~~
- Clerk-Recorder Filing Fee: \$50.00

Deleted: 2,768.25

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Deleted: 1,993.00

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:	\$3,5000

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: \$97 per hour (minimum of one hour)