



Lou Ann Texeira  
Executive Officer

**MEMBERS**

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
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Michael R. McGill <i>Special District Member</i>	Igor Skaredoff <i>Special District Member</i>
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Candace Andersen <i>County Member</i>
Sharon Burke <i>Public Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>

October 14, 2015 (Agenda)

October 14, 2015  
Agenda Item 10

Contra Costa Local Agency Formation Commission  
651 Pine Street, Sixth Floor  
Martinez, CA 94553

**LAFCO Fee Schedule Update**

Dear Members of the Commission:

**BACKGROUND**

Local Agency Formation Commissions are authorized to establish fee schedules for costs associated with administering their regulatory and planning duties under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). This includes, most commonly, processing applications for various boundary changes. State law specifies that LAFCO’s fees shall not exceed the “estimated reasonable costs” of LAFCO proceedings.

Contra Costa LAFCO’s fee schedule (Attachment 1) was last comprehensively reviewed in January 2007, and previously in 2001 in conjunction with LAFCO’s new responsibilities enacted under the CKH. Prior fee adjustments were modest to moderate.

On June 10, 2015, LAFCO provided the Commission with some initial information regarding LAFCO fees and fee methodologies. The Commission provided staff with input and direction regarding potential fee increases.

On August 12, 2015, the Commission held a noticed public hearing at which time staff provided the Commission with additional analysis including a comparative study of 13 other LAFCO fee schedules (Bay Area and urban). Staff also presented proposed revisions to the LAFCO fee schedule.

The Commission reviewed the proposed revisions; directed staff to circulate the proposed fee schedule to all local agencies and interested parties; and set October 14, 2015 as the date and time for a noticed public hearing to consider adoption of the revised Contra Costa LAFCO Schedule of Processing Fees.

Following the August LAFCO meeting, staff circulated the proposed fee revisions to all local agencies and interested parties (Attachment 2). As of this writing, no comments have been received.

## DISCUSSION

This public hearing today is for the Commission to adopt revisions to the LAFCO fee schedule. This hearing follows the LAFCO hearing on August 12, 2015, as well as a 60-day public review period.

The proposed fee schedule presented today is identical to that which was presented at the August 12<sup>th</sup> hearing, and includes the following revisions:

- **Fee increases** - annexation/detachment, district formation, other district actions, reorganization, addition/deletion of powers for districts, incorporation/disincorporation, SOI changes, review of lead agency's CEQA document, review of map/legal by County Surveyor
- **Additions** - distinguish between applications requiring a protest hearing and applications not requiring a protest hearing, request for extension of time to complete proceedings, deposit for Municipal Service Review
- **Deletions** - annexation to CSA L-100 (as explained above)
- **Clarifications** - Out of agency service review (per LAFCO's new policy/procedures), environmental review

Staff believes the proposed fee changes are fair and reasonable, provide additional clarification, will modestly enhance cost recovery, and will bring the Contra Costa LAFCO fees closer to the median fees adopted by Bay Area and other urban LAFCOs.

Pursuant to Government Code §66016, the proposed fee schedule will be adopted by resolution.

## RECOMMENDATION

Staff recommends that the Commission approve the attached resolution (Attachment 2) adopting the proposed fee updates and revisions to be effective October 15, 2015.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

## Attachments

Attachment 1 – Current Contra Costa LAFCO Schedule of Processing Fees

Attachment 2 – Proposed Schedule of Processing Fees and Deposits

Attachment 3 - Draft Resolution to Adopt Updated Schedule of Processing Fees and Deposits

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)**  
**SCHEDULE OF PROCESSING FEES AND DEPOSITS**  
*(Effective September 12, 2007 with slight modification March 15, 2013)*

<b><u>Change of Organization:</u></b> (annexation to, or detachment from, a city or district)	\$2,765
<b><u>Annexation to County Service Area L-100:</u></b> (no longer applicable, 3/15/13)	\$1,575
<b><u>District Formation:</u></b>	\$7,800
<b><u>District Dissolution/Merger/Consolidation/Establishing Subsidiary District:</u></b>	\$4,750
<b><u>Reorganization:</u></b>	\$3,885
<b><u>Addition/Deletion of Powers for Special District:</u></b>	\$2,765
<b><u>Incorporation/Disincorporation:</u></b>	\$8,000
<b><u>Concurrent review of relevant sphere(s) with change of organization or reorganization:</u></b>	\$1,500
<b><u>Sphere of Influence Amendment/Revision:</u></b>	\$4,500
<b><u>Transfer of Jurisdiction to another LAFCO:</u></b> (payable to principal LAFCO)	\$ 300
<b><u>Request for Reconsideration:</u></b>	\$2,500
<b><u>Out-of-Agency Service Review:</u></b>	\$3,400
<b>OTHER FEES</b>	
<b><u>Environmental Review</u></b>	
<i>Categorical Exemption</i>	\$ 200
<i>Negative Declaration</i>	Actual Cost with advance deposit of \$ 500
<i>EIR Preparation</i>	Actual Cost with advance deposit of \$2,500
<i>Review Lead Agency's EIR</i>	\$1,000
<i>Review Lead Agency's Negative Declaration</i>	\$ 750
<b><u>Special Meeting/Workshop Fee:</u></b>	Actual Cost
<b><u>Special Study Fee</u></b>	Actual Cost
<b><u>Outside/Special Consultant Fee:</u></b>	Actual Cost
<b><u>Outside/Special Legal Fee:</u></b>	Actual Cost
<b><u>Hearing Notice Fee</u></b> (mailing and publication pursuant to Gov. Code 56157):	Actual Cost
<b><u>Notices of Determination per Public Resources Code 21089 &amp; Fish &amp; Game Code 711.4</u></b> (filed with County Clerk):	
<i>Filing as a Responsible Agency * (required of most LAFCO actions)</i>	\$ 50
<i>For specific information regarding filing fees for Negative Declarations or Environmental Impact Reports, please refer to California Department of Fish &amp; Wildlife</i>	

**SCHEDULE OF PROCESSING FEES (Effective September 12, 2007) – Page two**

<b><u>Deposit to Review map and legal description:</u></b>	(Check payable to County Surveyor)	\$1,100
<b><u>Comprehensive Fiscal Analysis:</u></b>	Actual Cost with advance deposit of	\$5,000
<b><u>State Controller’s Review of Comprehensive Fiscal Analysis:</u></b>		Actual Cost
<b><u>Municipal Service Reviews</u></b>		Actual Cost
<b><u>Annual Mail List Fee:</u></b>		\$ 50
<b><u>Duplication of Meeting Record</u></b>	(i.e., tape, CD, transcription)	Actual Cost
<b><u>Document Copying:</u></b>	(less than 20 pages \$.25/page)	\$ 25
<b><u>County Registrar of Elections fees to review petitions:</u></b>		Per the County Election Division’s Fee Schedule
<b><u>State Board of Equalization (SBE) Fee:</u></b>		Per the SBE Fee Schedule

**Payments & Refunds:** Fees are due with application submittal. No application shall be deemed filed until processing fees are deposited. Application processing fees are typically non-refundable.

Checks made payable to Contra Costa LAFCO and/or County offices must be business checks or money orders; personal checks will not be accepted.

**Waiver Provision:** The Commission may waive or alter fees in special circumstances [Gov. Code §56383(d)]. A proposal previously denied and resubmitted shall be accompanied by new fees unless changes are determined to be minor.

**\*Previously Paid Fees:** If any fee requirement has been previously met, please submit a copy of the appropriate documentation (e.g., fee receipt from County Clerk’s Office)

*The fee schedule is administered in accordance with Government Code §56383.*

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)**  
**SCHEDULE OF PROCESSING FEES AND DEPOSITS**  
*(Effective October 15, 2015)*

**Annexation/Detachment:**

-Does not require protest proceeding	\$3,915
-Requires, or may require, protest proceeding	\$6,530

**District Formation:** \$8,470

**Other District Actions (i.e., dissolution/merger/consolidation/establishing subsidiary district:** \$5,690

**Reorganization:** (two or more changes of organization within a single proposal) Change of Organization fee plus 20%

**Addition/Deletion of Power(s) for Special District:** \$3,380

**Incorporation/Disincorporation:** \$25,000

**Concurrent review of corresponding sphere(s) with change of organization or reorganization:** \$2,060

**Sphere of Influence Amendment/Revision:** \$4,810

**Transfer of Jurisdiction to another LAFCO:** (payable to principal LAFCO) \$300

**Request for Reconsideration:** \$2,500

**Request for Extension of Time to Complete Proceedings** \$770

**Out-of-Agency Service Review:** \$3,400  
 Requests for out-of-agency service approval in anticipation of a future annexation may be assessed additional fees per LAFCO policy

**OTHER FEES****Environmental Review (LAFCO as Lead Agency)**

<i>Categorical Exemption</i>		\$ 200
<i>Negative Declaration</i>	<i>Actual Cost with advance deposit of</i>	\$ 500
<i>EIR Preparation</i>	<i>Actual Cost with advance deposit of</i>	\$2,500

*Review Lead Agency's EIR* \$3,000

*Review Lead Agency's Negative Declaration* \$1,500

**Special Meeting/Workshop Fee:** Actual Cost

**Special Study Fee** Actual Cost

**Outside/Special Consultant Fee:** Actual Cost

**SCHEDULE OF PROCESSING FEES (Effective October 15, 2015) – Page two**

<b><u>Outside/Special Legal Fee:</u></b>		Actual Cost
<b><u>Hearing Notice Fee</u></b> (mailing and publication pursuant to Gov. Code 56157):		Actual Cost
<b><u>Notices of Determination per Public Resources Code 21089 &amp; Fish &amp; Game Code 711.4</u></b> (filed with Contra Costa County Clerk)**:		
<i>Filing as a Responsible Agency (required of most LAFCO actions)</i>		\$ 50
<i>For specific information regarding filing fees for Negative Declarations or Environmental Impact Reports, please refer to California Department of Fish &amp; Wildlife</i>		
<b><u>**Deposit to Review map and legal description:</u></b> (Check payable to Contra Costa County Surveyor)		\$1,200
<b><u>Comprehensive Fiscal Analysis:</u></b>	<i>Actual Cost with advance deposit of</i>	\$5,000
<b><u>State Controller’s Review of Comprehensive Fiscal Analysis:</u></b>		Actual Cost
<b><u>Municipal Service Review</u></b>	<i>Actual cost with advance deposit of</i>	\$5,000
<b><u>Duplication of Meeting Record</u></b> (i.e., CD, transcription)		Actual Cost
LAFCO meeting records and audio recordings of meeting are available online		
<b><u>Document Copying:</u></b> (less than 20 pages \$.25/page)		\$ 25
LAFCO records are available electronically at no cost		
<b><u>**Contra Costa County Elections fees (i.e., review petitions, provide voter lists, etc.):</u></b>		Per the County Election Division’s Fee Schedule
<b><u>**State Board of Equalization (SBE) Fee:</u></b>		Per the SBE Fee Schedule

**Payments & Refunds:** Fees are due with application submittal. No application shall be deemed filed until processing fees are deposited. Application processing fees are typically non-refundable.

Checks made payable to Contra Costa LAFCO and/or Contra Costa County offices must be business checks or money orders; personal checks will not be accepted. \*\*Fees paid to entities other than Contra Costa LAFCO.

**Waiver Provision:** The Commission may waive or alter fees in special circumstances [Gov. Code §56383(d)]. A proposal previously denied and resubmitted shall be accompanied by new fees unless changes, as determined by LAFCO staff, are minor.

**Previously Paid Fees:** If any fee requirement has been previously met, please submit a copy of the appropriate documentation (e.g., fee receipt from Contra Costa County Clerk’s Office)

*The fee schedule is administered in accordance with Government Code §56383.*

**RESOLUTION NO. 2015-02**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
ADOPTING AN UPDATED LAFCO SCHEDULE OF PROCESSING FEES AND DEPOSITS**

**WHEREAS**, the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) authorizes the Contra Costa Local Agency Formation Commission to adopt a schedule of fees and deposits; and

**WHEREAS**, State law specifies that LAFCO’s fees shall not exceed the estimated reasonable costs of LAFCO proceedings; and

**WHEREAS**, the Commission has an adopted fee schedule as provided by law; and

**WHEREAS**, the LAFCO fee schedule was last updated in 2007; and

**WHEREAS**, at a noticed public hearing on August 12, 2015, the Commission reviewed and considered an updated fee schedule to improve cost recovery; and

**WHEREAS**, following a 60-day public review period, the Commission held a second noticed public hearing on October 14, 2015 to consider adopting the updated fee schedule; and

**WHEREAS**, the Commission has heard and considered all oral and written comments provided on the proposed updated fee schedule; and

**WHEREAS**, the adoption and setting of fees are not projects under the California Environmental Quality Act under Regulations Code Section 15273(a).

**NOW, THEREFORE, the COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. The proposed updated fee schedule shown as Attachment 1 is hereby approved.
2. The effective date of the updated LAFCO fee schedule is October 15, 2015.

\*\*\*\*\*

PASSED AND ADOPTED THIS 14<sup>th</sup> day of October 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.*

Dated: October 14, 2015

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Lou Ann Teixeira, Executive Officer