



Lou Ann Teixeira
 Executive Officer

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August 10, 2022 (Agenda)

**August 10, 2022
 Agenda Item 12**

Contra Costa Local Agency Formation Commission
 40 Muir Road, First Floor
 Martinez, CA 94553

LAFCO Fee Schedule Update

Dear Members of the Commission:

Local Agency Formation Commissions (LAFCOs) 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. This includes processing applications for boundary changes and related LAFCO actions. State law specifies that LAFCO’s fees shall not exceed the “estimated reasonable costs” of LAFCO proceedings.

Contra Costa LAFCO’s fee schedule was last reviewed and updated in October 2015. Prior fee adjustments were modest to moderate. At this time, a comprehensive fee schedule update is not needed as the Contra Costa LAFCO fees still allow LAFCO to recover its costs of providing services. However, in conjunction with the recent addition of a new LAFCO application form, policies, and procedures relating to LAFCO’s review of contracts to exercise new or extended fire protection services outside a public agency’s jurisdictional boundaries (Gov. Code §56134), a new processing fee is needed for LAFCO to recover its reasonable costs of reviewing fire protection service contracts. Staff recommends that LAFCO adopt a \$4,200 processing fee for review of these applications. This processing fee includes the cost of bringing these contracts to the Commission for its review and approval.

Gov. Code §66016 provides that “prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting.” Also, the proposed amended LAFCO fee schedule must be adopted by resolution (Attachment 1).

RECOMMENDATION: Staff recommends that LAFCO hold a public hearing on the proposed fire protection services contract review processing fee and following the public hearing, that the Commission approve the resolution updating the *LAFCO Schedule of Processing Fees and Deposits* to add the processing fee to the LAFCO fee schedule (Attachment 2)

Sincerely,

LOU ANN TEXEIRA, EXECUTIVE OFFICER

Attachments

1. Draft Resolution to Adopt Updated Schedule of Processing Fees and Deposits
2. Proposed Amendment to LAFCO Schedule of Processing Fees and Deposits

RESOLUTION NO. 2022-06

**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 2015; and

WHEREAS, at a noticed public hearing on August 10, 2022, the Commission reviewed and considered an updated fee schedule to include a new fee for processing and review of out-of-agency fire protection contracts pursuant to Government Code §56134; and

WHEREAS, pursuant to Government Code §66016, prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting, at which oral or written presentations can be made, as part of a regularly scheduled meeting; and

WHEREAS, the Commission has heard and considered all oral and written comments provided on the 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 August 10, 2022.

PASSED AND ADOPTED THIS 10th day of August 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

Contra Costa LAFCO
Resolution No. 2022-06

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

Dated: August 10, 2022

Lou Ann Texeira, Executive Officer

Attachment 2

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)
SCHEDULE OF PROCESSING FEES AND DEPOSITS
(Effective ~~August 10, 2022~~ October 15, 2015)**

Change of Organization (e.g., annexation, detachment, etc.):

-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

Out of Agency Fire Protection Service Review – Fire Protection Contract \$4,200

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

SCHEDULE OF PROCESSING FEES (Effective August 10, 2022-October 15, 2015) – Page 2

<u>Outside/Special Consultant Fee:</u>		Actual Cost
<u>Outside/Special Legal Fee:</u>		Actual Cost
<u>Hearing Notice Fee</u> (mailing and publication pursuant to Gov. Code 56157):		Actual Cost
<u>Notices of Determination per Public Resources Code 21089 & Fish & Game Code 711.4</u> (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 & Wildlife</i>		
<u>**Deposit to Review map and legal description:</u> (Check payable to Contra Costa County Surveyor)		\$1,200
<u>Comprehensive Fiscal Analysis:</u>	<i>Actual Cost with advance deposit of</i>	\$5,000
<u>State Controller’s Review of Comprehensive Fiscal Analysis:</u>		Actual Cost
<u>Municipal Service Review</u>	<i>Actual cost with advance deposit of</i>	\$5,000
<u>Duplication of Meeting Record</u> (i.e., CD, transcription)		Actual Cost
LAFCO meeting records and audio recordings of meeting are available online		
<u>Document Copying:</u> (less than 20 pages \$.25/page)		\$ 25
LAFCO records are available electronically at no cost		
<u>**Contra Costa County Elections fees (i.e., review petitions, provide voter lists, etc.):</u>		Per the County Election Division’s Fee Schedule
<u>**State Board of Equalization (SBE) Fee:</u>		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.

8/10/22