



Agenda Item: 6.D.

Meeting: April 20, 2021

To: Trinity LAFCo Commissioners

From: Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk

Subject: Commission Schedule of Fees/Deposits Update

BACKGROUND:

The Commission is authorized to establish a schedule of fees/deposits in accordance with Government Code Section 56383. Fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. Application and processing fees are based on time and materials and are deposits toward actual costs incurred by LAFCo staff. Fees paid in excess of the actual cost of service are refunded at the conclusion of proceedings.

DISCUSSION:

Staff is providing the Commission with modifications to its adopted Schedule of Deposits, which was initially reviewed at the February meeting. Staff recommendation is to adjust the deposits for annexations based on landowner consent vs non-consent instead of being based on the number of parcels. This is in recognition that 100% consent proposals can be processed without notice and hearing, and without protest hearing. Typically, applications that do not receive 100% consent are more complex either because there are more parcels or there may be underlying landowner opposition to the proposal. More complex proposals typically require more coordination/inquiries with affected agencies, county departments, and the public.

RECOMMENDATION:

Staff recommends that the Commission consider adopting Resolution No. 2021-04, thereby approving the updated Schedule of Deposits.

Attachment: Fee Schedule Update



FEE SCHEDULE OF DEPOSITS

Annexations & Detachments

Single Parcel (for reasons of public health or safety)	\$ 1,000.00
With 100% Landowner Consent	\$ 2,000.00
Without 100% Landowner Consent	\$ 3,000.00
Complex Proposal*	\$ 5,000.00

* Complex proposal, as determined by the Executive Officer, including but not limited to, the potential for substantial development (25 or more residential units or 10,000 square feet of non-residential development), significant effect on the community, and/or sphere of influence amendment.

First parcel	\$ 750.00 * plus notification fee
Each additional parcel	\$ 50.00 * plus notification fee
50 + parcels	\$ 3,000.00 * plus notification fee

~~(Annexation/Detachment fees will be reduced by one half if submitted with a Sphere of Influence application.) For contractual service agreements, payment of the applicable annexation or detachment fees must be made upon submittal of a contractual service agreement application.~~

Landowner notification process:

~~* Calculation: Total number of parcels included (parcels within proposal area and those within 300 feet of the surrounding boundary) .50cents each for address verification. (Note: the applicant must supply the addressed stamped envelopes)~~

<u>Spheres of Influence Amendment/Update</u> (If done separately from a proposal <u>MSR/SOI update schedule</u>)	\$ 3,000.00*
Activation of Latent Powers	\$ 2,000.00*
Formation	\$ 3,000.00*
Dissolution	\$ 1,500.00*
Consolidation	\$ 500.00 <u>750.00</u> per agency
Incorporation:	\$ 6,000.00 <u>15,000</u>
Reconsideration of Commission Action:	\$ 250.00 <u>500.00</u>

Out of Agency Services (OAS) by Contract or Extension

Non-Development Related OAS	\$ 750.00
Development Related OAS	\$ 1,500.00
Fire Protection Contracts pursuant to G.G. Section 56134	\$ 1,500.00
Request for Exemption from G.C. Section 56133 or 56134	\$ 500.00

Environmental Review:

a. Categorical Exemption	\$ 40.00
b. Initial Study	\$ 520.00
c. Environmental Impact Report	
Prepared by LAFCo under contract with consultant:	
Consultant fee + 15% + \$30 hr (\$1500 deposit required)	
Applicant Contract Mitigation Monitoring:	\$30 hr (\$200 deposit required)
d. Fish & Game Fee – Neg. Dec.	\$ 1,250.00
e. Fish & Game Fee – EIR	\$ 850.00
f. County Clerk Processing Fee	\$ 25.00
g. De Minimis Finding Fee	\$ 25.00

Petition Filing Fees: In addition to the proposal processing fee, each application submitted by petition will be charged LAFCo’s actual costs to verify signatures.

Hourly charge out rate: \$30 hr
Photo copies .10 /copy

A fee shall be charged to a project applicant for the processing of any application in accordance with approved LAFCo fee schedule.

Fees are due when proposals are submitted to LAFCo. A supplemental fee may be charged and collected prior to the LAFCo hearing if additional acreage or actions are required. The Executive Officer will not issue a certificate of completion until any balance owing has been paid.

The fees listed above are for Trinity LAFCo only, additional fees from other agencies (e.g., Fish & Game, Elections, Board of Equalization, State Controller) may also apply.

Note: All deposit amounts are subject to increase, if the Executive Officer determines that the magnitude of the project justifies the increase.

A. All deposits are initial payments toward the total cost of processing (“project cost”). Project cost is defined as staff time plus materials. **Hourly staff charge out rate sheet available upon request.** Materials include, but are not limited to, charges for advertisement of hearings, mapping, petition reviews, as well as fees charged for project reviews by affected agencies.

- B. Applicants are also responsible for payment of appropriate State Board of Equalization fees, County Surveyor, County Election, CEQA preparation fees, California Department Fish and Wildlife fees, and County Recording Fees, as applicable.
- C. Staff time and materials will be monitored against the deposit on file with LAFCo; if the cost of processing an application begins to exceed the deposited amount, additional deposits will be required. Any hearing on the application may be continued pending receipt of the additional deposit.
- D. If extensive staff assistance is required prior to receipt of an application, a pre-application deposit will be required at the time the work is requested.
- E. Absent compelling circumstances, the Commission will not normally adjust or waive deposits and/or fees. Staff will not waive fees for any reason.
- F. All final invoices must be paid by the applicant prior to filing of the Certificate of Completion or during other times during the LAFCo process as deemed appropriate by the Executive Officer.
- G. Charges for Reconsideration of a LAFCo determination are the responsibility of the requesting party.
- H. Deposits on file with LAFCo which exceed the cost of processing the application by \$25 or more will be refunded after LAFCo completes its final filings.
- I. Pre-Application Expenses: LAFCo will also charge its pre-application staff time spent reviewing environmental and other documents and participating in the process as the lead agency, as part of the processing costs.
- J. If LAFCo is required to act as lead agency and an Initial Study is required as part of environmental review, the applicant is also responsible for an additional \$1,000 deposit plus actual costs. An additional deposit will be necessary if it is determined that an Environmental Impact Report is necessary.
- K. If a LAFCo application is withdrawn any time prior to the completion of proceedings, the unused portion of the initial deposit received by LAFCo (deposit less any expended staff time and project expenses) will be returned to the persons paying the initial fee deposit upon receipt of a letter of withdrawal.



RESOLUTION NO. 2021-04

ATTACHMENT B

THE TRINITY LOCAL AGENCY FORMATION COMMISSION ADOPTING A REVISED SCHEDULE OF DEPOSITS

WHEREAS, under the provisions of California Government Code Section 56383 the Commission is authorized to establish a schedule of deposits; and

WHEREAS, in accordance with Section 56150, proper notice has been given and a public hearing was held regarding revisions to the schedule of deposits.

NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:

1. The schedule of deposits set forth in the attached Exhibit A is hereby adopted, becoming effective on July 1, 2021.
2. The deposits set forth in the attached Exhibit A do not exceed the estimated reasonable costs of providing the services for which the fees are charged.
3. The Executive Officer is directed to notify the county and all special districts in Trinity County of this action prior to July 1, 2021.

DULY PASSED AND ADOPTED by the Trinity Local Agency Formation Commission at a regular commission meeting held April 20, 2021 by the following votes:

AYES:
NOES:
ABSTAINS:
ABSENT:

ATTEST:

APPROVED:

Kathy Bull
Administrator/Clerk

Keith Groves
Chair