

2016010

**RESOLUTION NO.
MARIN LOCAL AGENCY FORMATION COMMISSION**

AMENDMENTS TO ADOPTED FEE SCHEDULE

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) authorizes the Marin Local Agency Formation Commission ("Commission") to adopt a schedule of fees and deposits; and

WHEREAS, the Commission established and adopted by resolution a fee schedule on December 6, 2001 in a manner provided by law; and

WHEREAS, the Commission comprehensively updated the fee schedule on October 9, 2014 in a manner provided by law; and

WHEREAS, and consistent with its adopted work plan, the Commission's Executive Officer, hereafter referred to as "Executive Officer," has reviewed the fee schedule and recommends amendments for consideration by the Commission;

WHEREAS, the Executive Officer has scheduled and noticed a public hearing on October 13, 2016 for the Commission to consider proposed amendments to the fee schedule; and

WHEREAS, the Commission has heard and fully considered all written and verbal comments provided on the proposed amendments to the 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 amendments to the fee schedule shown as Exhibit A are APPROVED.
2. The effective date of the approved update shall be 60 days out and commence on December 13, 2016.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 13, 2016, by the following vote:

AYES: Arnold, Baker, Blanchfield, Condon, Connolly, McEntee, Murray

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST

S, Executive Officer

Exhibits:

A) Fee Schedule

Schedule of Fees and Deposits

Adopted August 14, 2014
Amended October 13, 2016

Effective December 12, 2016

These are the policies of the Marin Local Agency Formation Commission (“Commission”) in setting and collecting fees along with associated deposits in administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in Marin County. Amendments to this schedule shall require a majority vote of the Commission.

I. Authority

This schedule shall be administered in accordance with the allowances provided by the State of California under California Government Code Section 56383.

II. Policy Statements

The following policies direct the setting and collecting of Commission fees and deposits.

- 1) The fee schedule emphasizes “fixed” charges and represents reasonable cost estimates for processing generally routine proposals and requests based on a number of predetermined staff hours to complete.
- 2) Fixed fees are non-refundable and – while not typical – may be augmented by one or more deposits when additional time is needed beyond the predetermined staff hour allocation as determined by the Executive Officer.
- 3) The fee schedule includes a limited number of “at-cost” charges for processing non-routine proposals and requests when there is an inherent need to incorporate and address unique and pervasive local conditions.
- 4) At-cost charges require a refundable deposit set by the Executive Officer to cover an estimated number of staff hours specific to the proposal or request. Additional deposits may be required if the initial staff hour estimate proves insufficient.
- 5) The Commission shall provide monthly invoices to applicants with outstanding deposit balances showing the work performed and charges applied therein during the covered period.
- 6) Remaining deposit balances for completed or withdrawn proposals shall be returned to the applicant within 30 days with closing invoices.
- 7) All fees required under this schedule shall be submitted in check and made payable to “Marin Local Agency Formation Commission.”

- 8) Proposals and requests subject to this fee schedule will be deemed incomplete until the appropriate fee has been received by the Commission.
- 9) All additional staff time required to process proposals or requests subject to this fee schedule beyond the coverage of the initial fixed fee or collected at-cost deposit will be billed at a composite hourly rate of \$136.00.
- 10) All fees collected under this schedule cover a one-year processing period. Proposals or requests that remain incomplete beyond one year or have been denied "without prejudice" by the Commission may be resubmitted within two years of the original date of submittal for an additional fee as provided in this schedule and so long as there are no changes to the affected territory.
- 11) Applicants with proposals or requests subject to this fee schedule requiring outside consultants will be responsible for all direct costs therein and will be required to provide a dedicated deposit as determined by the Executive Officer.
- 12) The Executive Officer may stop work on any proposal or request subject to this fee schedule until receipt of a requested fee or deposit.
- 13) The Commission upon majority vote may reduce fees for the following reasons:
 - Severe economic hardship as determined by the Commission.
 - Proposals or requests covered under this schedule involving overriding public benefit as determined by the Commission.
 - Renewed applications with current information that were not previously denied and for which prior processing remains relevant to the renewed application as determined by the Commission.

Fee reductions shall not be granted for the following reasons:

- Applications amended or denied.
- Misinformation provided in the application or by other public agencies, groups, or individuals.

Prior to consideration by the Commission, a request for a fee reduction shall be submitted in writing to the Marin LAFCO office. The request will be considered at the next regular meeting of the Commission or – and at the discretion of the Executive Officer – in step with consideration of the actual proposal or request so long as the appropriate fee amount is on file with Marin LAFCO.

- 14) The Commission shall biannually review this schedule to help maintain an appropriate level of cost-recovery as determined by the membership.
- 15) Research requests on any particular subject – including for purposes to inform a potential future application or request submittal – will be provided at no cost for the first two hours. Additional research time will be billed at the hourly rate.
- 16) The Commission's schedule of fees and related charges are detailed in Table One.

III. Direction to Applicants

Applicants are strongly encouraged to contact LAFCO staff to discuss a proposal or request and all related fees prior to submittal. Staff will provide any prospective applicant a written summary of all expected costs for a proposal or request at no charge. Nonetheless, and for orientation only, the following examples identify the charges associated with processing certain proposals with the Commission.

Example One / Proposal to Annex:

Application filed by landowners seeking annexation of their 0.5 acre residential lot already developed to the maximum density and exempt from further environmental review that already lies with the affected agency's sphere of influence. The following charges would apply:

- \$4,896 fixed fee for LAFCO staff time
- \$231 fixed fee for County Environmental Health
- \$600 deposit for County Public Works / Surveyor
- 50 fixed fee for County Recorder's Office
- \$75 fixed fee for County Community Development
- \$300 fixed fee for State Board of Equalization

Budgeted cost: \$6,152

Example Two / Proposal to Annex with Concurrent Detachment:

Application filed by landowners seeking annexation of their 1.5 acre residential lot already developed to the maximum density and exempt from further environmental review that already lies with the affected agency's sphere of influence, but necessitates a detachment from an existing service provider. The following charges would apply:

- \$6,266 fixed fee for LAFCO staff time (additional boundary change)
- \$231 fixed fee for County Environmental Health
- \$600 deposit for County Public Works / Surveyor
- \$50 fixed fee for County Recorder's Office
- \$150 fixed fee for County Community Development (additional mapping)
- \$350 fixed fee for State Board of Equalization (larger lot)

Budgeted cost: \$7,647

Example Three / Proposal to Form New Special District:

Application filed by landowners seeking formation of a new special district to provide water and sewer services to an approximate 200 acre area to support existing development as well as facilitate future growth. Proposal likely requires the use of a consultant to prepare an initial study/mitigated negative declaration. The following charges would apply:

- \$10,000 at-cost deposit set by Executive Officer for LAFCO staff time
- \$5,000 at-cost deposit set by Executive Officer for CEQA consultant
- \$1,500 at-cost deposit set by Executive Officer for Elections Department
- \$231 fixed fee for County Environmental Health
- \$600 deposit for County Public Works / Surveyor
- \$50 fixed fee for County Recorder's Office
- \$2,181.25 for Department of Fish and Game
- \$375 fixed fee for County Community Development (additional mapping)
- \$2,000 fixed fee for State Board of Equalization

Budgeted cost: \$21,937.25

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TABLE ONE

Single Boundary Change

Change of Organization Proposal / Fixed Fee Made Payable to Marin LAFCO

(Excludes Special District Formations or Dissolutions and City Incorporations or Disincorporations)

Single Boundary Change		Marin LAFCO as Lead Agency	Marin LAFCO as Responsible Agency
Exempt from Additional Review			
a)	With 100% Consent	\$4,896	\$4,896
b)	Without 100% Consent	\$6,528	\$6,528
Addendum or Initial Study Required			
a)	With 100% Consent	\$7,344 *	\$5,712
b)	Without 100% Consent	\$8,976 *	\$7,344
Environmental Impact Report Required			
a)	With 100% Consent	\$8,160 *	\$6,528
b)	Without 100% Consent	\$9,792 *	\$8,160

* Does not include at-costs for outside consultant(s) to prepare necessary environmental document

Two or More Boundary Changes

Reorganization Proposal / Fixed Fee Made Payable to Marin LAFCO

(Excludes Special District Formations or Dissolutions and City Incorporations or Disincorporations)

Two or More Boundary Changes		Marin LAFCO as Lead Agency	Marin LAFCO as Responsible Agency
Exempt from Additional Review			
a)	With 100% Consent	\$6,256	\$6,256
b)	Without 100% Consent	\$7,888	\$7,888
Addendum or Initial Study Required			
a)	With 100% Consent	\$8,704 *	\$7,072
b)	Without 100% Consent	\$10,336 *	\$8,704
Environmental Impact Report Required			
a)	With 100% Consent	\$9,520 *	\$7,888
b)	Without 100% Consent	\$11,152 *	\$9,520

* Does not include at-costs for outside consultant(s) to prepare necessary environmental document

Other Proposals and Fees Made Payable to Marin LAFCO

Request or Service	Amount
Outside Service Extension *	\$3,264 / 20 Hours
Request for Reconsideration	\$680 / 5 hours
Request for Time Extension to Complete Approval Terms	\$680 / 5 hours
Request to Hold Special Meeting	\$875 / 7 hours
Sphere of Influence Amendment **	at-cost deposit
Municipal Service Review **	at-cost deposit
Special District Formation, Dissolution, Consolidation **	at-cost deposit
City Incorporation, Merger, Disincorporation **	at-cost deposit
General Staff Research	\$136 per hour
Photocopies	\$0.10 cents per page

* The cost for outside service extension requests includes a 20% municipal service review surcharge

** At-cost deposits shall be determined by the Executive Officer

**Third Party Fees
Made Payable to the Affected Agencies**

Some or all of the following types of services shall be required by outside agencies in the course of processing proposals or requests submitted to Marin LAFCO. Applicable fees will be identified by Marin LAFCO staff during the consultation process with the applicant and shall be made payable directly to the affected agencies.

Third-Party Services	Amount
County Environmental Health Department Review	\$231 (hour)
County Public Works Department / Surveyor Review	\$600 (deposit for 5 hours)
County Community Development Agency / GIS Update *	\$75 (hour)
County Elections' Office / Registered Voter List	at-cost
County Assessor's Office / Landowner List	at-cost
County Clerk Recorder / Recording CEQA Determination *	\$50
CA Fish and Game / Recording CEQA Determination *	
- negative declaration	\$2,181.25
- mitigated negative declaration	\$2,181.25
- environmental impact report	\$3,029.75
CA State Board of Equalization *	
- 0.0 to 1.0 acre	\$300
- 1.0 to 5.0 acres	\$350
- 6.0 to 10.0 acres	\$500
- 11.0 to 20.0 acres	\$800
- 21.0 to 50.0 acres	\$1,200
- 51.0 to 100.0 acres	\$1,500
- 100.0 acres or more	\$2,000

* Payment of these fees is not required until such time Marin LAFCO has approved a proposal