

# PROJECT APPLICATION FORM OF THE ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Orange County Local Agency Formation Commission  
2677 North Main Street, Suite 1050  
Santa Ana, CA 92705  
(714) 640-5100  
(714) 640-5139 (FAX)

## **APPLICATION INSTRUCTIONS**

This application form is used to initiate the application process to the Orange County Local Agency Formation Commission (LAFCO) for a city or district annexation, reorganization, detachment, or a sphere of influence amendment. LAFCO staff looks forward to assisting you with your project.

In addition to the information that you will provide us on this form, LAFCO staff is required to analyze additional data regarding your proposal from our Geographic Information System (GIS) and in-house data base, including, but not limited to: affected agencies, interested agencies, spheres of influence, school districts, land use/zoning, acres of prime agricultural land, and number of dwelling units. A Plan of Services may also be required demonstrating how municipal services will be provided to the affected territory.

**To assist staff in this effort, a mandatory pre-filing meeting is required of all applicants so we can fully understand your project. It is the applicant's responsibility to set up the pre-filing meeting by contacting the LAFCO offices at (714) 640-5100 and requesting an appointment. This application form must be completed prior to the pre-filing meeting.**

Please fill out this application as completely as possible. If you need assistance, please do not hesitate to contact a LAFCO staff member for guidance. If a question does not apply to your proposal, indicate "N/A". Orange County LAFCO is a "paperless" office. It is important that you list all email addresses where indicated on the application. Correspondence, staff reports, resolutions and other LAFCO forms and mailings, whenever possible, will be distributed electronically.

**APPLICATION FOR:** (check all that apply)

- Annexation to: \_\_\_\_\_
- Detachment from: \_\_\_\_\_
- Reorganization (2 or more changes of organization) of: \_\_\_\_\_
- Other (explain): \_\_\_\_\_
- \*Sphere of Influence Amendment for: \_\_\_\_\_

*\*If requesting a sphere of influence amendment "only", please answer the following two questions:*

1. Why is a sphere of influence amendment needed?
  
  
  
  
  
  
  
  
  
  
2. How would a sphere of influence affect the present and future need for services in the project area?

**GENERAL DESCRIPTION AND JUSTIFICATION OF PROPOSAL:**

1. What changes of organization are included? What agencies are involved?
  
  
  
  
  
  
  
  
  
  
2. Explain the purpose of each request of change of organization.
  
  
  
  
  
  
  
  
  
  
3. Explain how the proposal provides more logical boundaries and/or improves the provision of service.

4. Does this proposal have 100% consent of all property owners? (If so, please complete Attachment 1.)

**WHO INITIATED THIS PROPOSAL?** Generally, LAFCO proposals may be initiated by a resolution of an affected agency, a city council, special district or by the Board of Supervisors. In addition, a proposal may be initiated by a petition of the affected area's registered voters or landowners. **Attach one of the following to this application form:**

- Agency Resolution  
 Landowner Petition  
 Registered Voter Petition

**LOCATION AND ADDRESS OF PROPERTY:**

**MAP AND LEGAL DESCRIPTION:**

A map and legal description of the proposal, even if prepared by a private engineering firm, must be submitted directly to the Orange County Surveyor for review and final approval. An application can be filed with LAFCO without a map and legal, but a proposal cannot be scheduled for LAFCO hearing prior to receipt of a County Surveyor-approved map and legal description. You may contact the County Surveyor at the Resources and Development Management Department, Geomatics/Land Information Systems Division, at (714) 834-4378.

Additionally, the map and legal description must meet the State Board of Equalization's requirements. The BOE's "Change of Jurisdictional Boundary" requirements are available for download at <http://www.boe.ca.gov/proptaxes/sprdcnt.htm>. Please note, the BOE requires an additional vicinity map that shows the project area in relation to a larger geographic area.

A map and legal description has been:

- Certified by the County Surveyor and is attached to this application.  
 Submitted for review to the County Surveyor.  
 Other (please explain)

**DISCLOSURE OF POLITICAL EXPENDITURES:**

Orange County LAFCO requires applicants to report all expenditures for political purposes related to an application and proceedings to be reported to the Commission's Executive Officer in compliance with Government Code Sections 56700.1 and 57009. The following is attached to this application form:

LAFCO Disclosure Form (please complete *LAFCO Disclosure of Political Expenditures, Attachment 3*); copy of Financial reports and disclosures submitted to FPPC (*please attach*)

Please check here if you have no related financial reports or disclosures.

**INDEMNIFICATION AGREEMENT:**

LAFCO policy requires that all applicants sign an indemnification agreement (*see Attachment 2*) which indemnifies LAFCO employees, agents and attorneys in the event of litigation is filed concerning the approval of an application.

The following is included with this application form:

Signed Indemnification Agreement

**FILING FEES:**

*Applicants are required to pay fees in accordance with OC LAFCO's adopted fee schedule (see Attachment 4) to cover the administrative and staff costs required to evaluate proposals for hearing. Checks must be made payable to: "Orange County LAFCO".*

The following is included with this application form:

Check for Filing Fees

Other (explain why Filing Fees not included):

**CERTIFICATION**

I certify, under penalty of perjury by the laws of the State of California, that the information contained in this application is true and correct. I acknowledge and agree that the Orange County Local Agency Formation Commission is relying on the accuracy of the information provided and my representations in order to process this application proposal.

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**ATTACHMENT 1**

***Property Owner Consent Form***

(All legal owners must sign a consent form or submit a letter of signed consent.)

I, \_\_\_\_\_, consent to the annexation/reorganization of my property

located at \_\_\_\_\_ (or Assessor Parcel

Numbers \_\_\_\_\_) to the \_\_\_\_\_ [agency(ies)].

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**ATTACHMENT 2**

***Indemnification Agreement***

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and lease the Orange County Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Orange County Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at \_\_\_\_\_, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

**APPLICANT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**REAL PARTY IN INTEREST  
(if different from Applicant)**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**ATTACHMENT 3**  
**LAFCO Disclosure of Political Expenditures**

Effective January 1, 2008, political expenditures related to a proposal for a change of organization or reorganization that will be or has been submitted to LAFCO are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

*Please carefully read the following information to determine if reporting and disclosure provisions apply to you.*

- ♦ Any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report the contribution to the Commission pursuant to the requirements of the Political Reform Act of 1974 (Government Code Section 81000 *et seq.*) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- ♦ Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 *et seq.*). Applicable reports must be filed with the Secretary of the State and the appropriate city or county clerk. Copies of the report must also be filed with the Orange County Executive Officer.

**Evaluation Checklist for Disclosure of Political Expenditures**

The following checklist is provided to assist you in determining if the requirements of Government Code Sections 81000 *et seq.* apply to you. For further assistance, contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
- No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_ Name/ Ref. No of LAFCO Proposal \_\_\_\_\_

Date proposal was submitted to LAFCO \_\_\_\_\_

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
- No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_ Name/ Ref. No of LAFCO Proposal \_\_\_\_\_

Date proposal was submitted to LAFCO \_\_\_\_\_

3. If you filed a report in accordance with FPPC requirements, has a copy of the report been filed with Orange County LAFCO?

- Yes
- No

*(The information contained in this application may be subject to disclosure under the California Public Records Act Government Code Section 6250 et seq.)*

**ATTACHMENT 4**  
**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION**  
**SCHEDULE OF FILING AND PROCESSING FEES**

Effective 2/13/2013

**LEGAL AUTHORITY:** (Government Code Section 56383)

**PROVISIONS**

1. Each application or petition to LAFCO must be accompanied by payment of the Administrative Fee and the Initial Deposit set forth below. The administrative fee covers routine office procedures including file setup, preliminary project review, and issuance of a status letter and preliminary staff report. All additional LAFCO staff time and legal counsel time spent on the proposal shall be billed to the applicant or petitioner at the hourly rates set forth below, and shall be paid from the initial deposit. If the hourly charges exceed the amount of the deposit, the applicant or petitioner shall pay the excess within 15 days of receipt of a statement from LAFCO. Failure to pay may be cause for denial of the application/petition, and no proceeding or proposal shall be completed until all fees due have been paid in full.

The Executive Officer may require an additional deposit from applicants to cover actual costs for review and processing of any application where the Executive Officer determines the project is extraordinary in scope and that the processing of the proposal will require advice and counsel from LAFCO's General Counsel beyond routine review of the Executive Officer's report, Commission resolutions, and agenda materials.

2. A written request for a waiver of the fees and/or deposits for staff time, specifying the reason for the request, may be submitted to LAFCO prior to submission of an application or prior to submission of additional funds. The request will be considered at the next regular meeting of the Commission. For detailed information on fee waivers and refunds, see the Commission's "Fee Waiver and Refund Policy."
3. The Executive Officer may waive the fees and/or deposits for additional staff time for any proposal submitted if approved by the LAFCO Commission.
4. As a condition of approval of any change of organization, sphere of influence or municipal service review by the Local Agency Formation Commission (LAFCO), the applicant(s) and real party(ies) in interest are required to defend, indemnify, hold harmless, and release LAFCO and its agents, officers, attorneys, and employees from any claim, action, or proceeding against LAFCO, and its agents, officers, attorneys, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval. In accordance with the Commission's Policy for Indemnification of LAFCO by Applicants (adopted March 8, 2000), the applicant(s) and real party (ies) in interest are required to submit a signed

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indemnification agreement as part of the application. LAFCO reserves the right to require reimbursement for additional expenses not listed but incurred as a result of processing a proposal.

5. If the Commission approves an out of agency service agreement, and an application for annexation of that territory is filed and approved by the Commission within one year, LAFCO shall reduce the administrative filing fee and initial deposit for the annexation application by 50%. After one year from LAFCO approval of an out of area service agreement, the applicant will be required to pay the full application processing fee (including administrative fee and initial deposit) for the annexation.

### ORANGE COUNTY LAFCO FEE SCHEDULE

TYPE OF ACTION	ADMINISTRATIVE FEE	INITIAL DEPOSIT REQUIRED	TOTAL INITIAL PAYMENT
One Change of Organization (e.g., annexation)	\$1,600	\$3,000	\$4,600
One Change of Organization (e.g. annexation) with Sphere of Influence Change	\$1,600	\$4,000	\$5,600
Reorganizations (requires 2 or more changes of organization)	\$1,600	\$6,300	\$7,900
District Formations	\$1,600	\$6,300	\$7,900
District Dissolutions, Mergers, Consolidations and /or Establishment of a Subsidiary District	\$1,600	\$6,300	\$7,900
City Incorporations/Dis-incorporations	\$2,000	\$6,300	\$8,300
Out-of Agency Service Agreements	\$1,600	\$3,000	\$4,600
Activation of Latent Powers	\$1,600	\$2,300	\$3,900

TYPE OF ACTION	ADMINISTRATIVE FEE	INITIAL DEPOSIT REQUIRED	TOTAL INITIAL PAYMENT
Request for Extension of Time to Complete Proceedings	\$500	\$500	\$1,000
Request for Reconsideration	\$1,600	\$1,600	\$3,200
Request for Municipal Service Review and/or Sphere of Influence Update	\$1,600	\$6,300	\$7,900
Public Noticing and Publication Costs		Actual Cost (Based on noticing required by Government Code Section §56661)	
Reproduction and Faxing Costs	\$0.25 per page Audio Tape \$15.00		
Overnight Service	Actual costs		
Agenda Packet (specific meeting)	Actual cost of reproductions @ \$0.25 per page		
Agenda Packet (subscription)	\$250/year (hard copy)		
State Board of Equalization Fees	Actual costs. (Payable to the State Board of Equalization and based on their latest fee schedule. LAFCO collects prior to filing of proposal)		
Compliance with California Environmental Quality Act	Actual Costs (May include LAFCO staff time to prepare environmental documentation, actual consultant costs and appropriate filing fees. <u>Department of Fish and Game filing fees for Notices of Determination (NOD) range from \$965 to \$2,839 (effective January 1, 2011) unless the project will have "no effect" on fish and wildlife. These fees are the responsibility of the project proponent.</u> )		
California State Controller Costs	Actual Costs (Payable to the State Board of Equalization based on their latest fee schedule. LAFCO collects prior to submittal to State Board of Equalization)		
Special Legal Counsel Costs	Actual Costs		
Consultants	Actual Costs		

### LAFCO TIME BILLING RATES

LAFCO Staff Rate	Fully Burdened Hourly Rate
LAFCO Legal Counsel	\$213/hour

- Administrative fees cover initial project meetings, pre-filing meetings, file set up, and preparation and distribution of the preliminary staff report.

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