CP 21-02

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY, CALIFORNIA UPDATING THE OC LAFCO FEE SCHEDULE

March 10, 2021

On motion of Commissioner Posey duly seconded and carried, the following resolution was adopted:

WHEREAS, California Government Code Section 56383 allows for a Local Agency Formation Commission to establish a schedule of fees for the costs of proceedings; and

WHEREAS, it is the Commission's policy that fees should be based on actual processing costs plus the costs of necessary indirect and administrative functions; and

WHEREAS, the Executive Officer gave notice of this matter in the manner required by law; and

WHEREAS, the Commission complied with the requirements of Government Code Section 66016; and

WHEREAS, the Commission discussed and considered all written testimony for and against this matter including, but not limited to, the staff report and recommendations from the Executive Officer.

NOW, THEREFORE, the Local Agency Formation Commission of Orange County based on the findings, discussion, and conclusions set forth in the staff report, which is incorporated herein by this reference, DOES HEREBY RESOLVE, DETERMINE and ORDER as follows:

1. The fee schedule set forth in Exhibit A attached hereto is hereby adopted, to become effective on July 1, 2021.
2. The fees set forth in Exhibit A attached hereto do not exceed the estimated reasonable costs of providing the services for which the fees are charged and are necessary to pay the costs of operations related to filing and processing applications to the Local Agency Formation Commission of Orange County.

AYES: Mike Posey, Wendy Bucknum, Donald Wagner, Lisa Bartlett, James Filser, Derek J. McGregor, Douglass Davert

NOES: None

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, Douglass Davert, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 10th day of March 2021.

/ / /
/ / /
/ / /

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of March 2021.

DOUGLASS DAVERT
Chair of the Local Agency Formation Commission
of Orange County

By: _____
Douglass Davert

EXHIBIT A

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

Effective 7/1/2021

FEE SCHEDULE OVERVIEW

In accordance with Government Code Section 56383, the Commission may establish a schedule of fees and a schedule of service charges for the Local Agency Formation Commission of Orange County (LAFCO) proceedings. The submission of an application to LAFCO is not officially accepted for processing until the filing fee deposits have been received by the agency. The fees associated with an application or petition are calculated on a time and materials schedule as detailed in the Fee Schedule.

PROVISIONS

1. Additional Deposits:

a. The Executive Officer may require an additional deposit from applicants to cover actual costs for review and processing of any application if the Executive Officer determines the project is extraordinary in scope. For example, the Executive Officer may determine 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. Further, LAFCO reserves the right to require reimbursement for additional expenses not listed in the fee schedule but incurred as a result of processing an application.

b. If the actual charges exceed the amount of the deposit, the applicant or petitioner shall be notified and shall pay the excess within 15 days of receipt of a statement from LAFCO. Failure to pay may be cause for delay and/or denial of the application/petition, and no proceeding or application shall be completed until all fees due have been paid in full.

2. Indemnification Agreement Requirement

As a condition of approval of any change of organization or reorganization, out-of-agency service agreement, sphere of influence or municipal service review by 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 indemnification agreement as part of the application.

ORANGE COUNTY LAFCO FEE SCHEDULE

LAFCO PROCESSING FEES

TYPE OF ACTION	COST SCHEDULE	INITIAL DEPOSIT
Change of Organization (e.g. annexation or detachment)	Time and Materials	$4,600
Change of Organization with Sphere of Influence Change	Time and Materials	$5,600
Reorganization (two or more changes of organization/sphere of influence change)	Time and Materials	$7,900
District Formations or Consolidations	Time and Materials	$10,000
District Dissolutions, Mergers, or Establishment of a Subsidiary District	Time and Materials	$7,900
City Incorporations/Dis-incorporations *(Also see additional project completion fees.)*	Time and Materials	$10,000
Activation of Latent Powers	Time and Materials	$7,900
Request for Municipal Service Review and/or Sphere of Influence Review/Update	Time and Materials	$7,900
Out-of-Agency Service Agreement	Time and Materials	$4,600
Request for Reconsideration	Time and Materials	$3,200
Request for Extension of Time to Complete Proceedings	Time and Materials	$1,000

LAFCO STAFF/LEGAL COUNSEL BILLING RATES

LAFCO Staff Rate	Fully Burdened Hourly Rate*
LAFCO Legal Counsel	Actual Costs*

**See Exhibit B.*

PROJECT COMPLETION FEES AND CHARGES

Public Noticing and Publication Costs	Actual Costs *(Based on noticing required by Government Code Section 56661)*
State Board of Equalization Fees	Actual Costs *(Payable to the State Board of Equalization and based on their latest fee schedule)*
Compliance with California Environmental Quality Act (CEQA)	Actual Costs *(May include LAFCO staff time to prepare environmental documentation, actual consultant costs, and appropriate filing fees. Department of Fish and Wildlife filing fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board. The fees listed below include the county's $50 filing fee and are current as of January 1, 2021)* *a. Negative Declaration $2,480.25* *b. Environmental Impact Report $3,445.25*
Comprehensive Fiscal Analysis for Incorporation or Disincorporation Proposals	Actual Costs *(A $50,000 deposit is required at the time the application is submitted. All excess costs will be the responsibility of the project proponent; any balance will be refunded at the conclusion of the project.)*
State Controller's Fiscal Review for Incorporations	Actual Costs *(A $25,000 deposit is required at the time a Request for State Controller Review is submitted. All excess costs will be the responsibility of the project proponent, any balance will be refunded at the conclusion of the project.)*
Registrar of Voters – Verification of Signatures	Actual Costs
Special Legal Counsel Costs	Actual Costs
Consultants	Actual Costs

MATERIALS CHARGES

Reproduction and Faxing Costs	Actual Costs*
Postage or Overnight Service	Actual Costs
Agenda Packet (Specific Meeting)	Actual cost of reproductions *
Agenda Packet (subscription)	$250/year (hard copy)

**See Exhibit B.*

EXHIBIT B

ORANGE COUNTY LAFCO FEE SCHEDULE
DIRECT COSTS

Effective 7/1/2021

1. Fully burdened staff hourly rates:

Position	Hourly Rate
Executive Officer	$ 152
Assistant Executive Officer	$ 103
Policy Analyst*	$ 55-62
Commission Clerk	$ 53

*Analyst I and Analyst II Class Series

2. Legal Counsel Hourly Rates - $ 268 for LAFCO-initiated services
   $ 580 for project applicant-initiated services

3. Reproduction Cost - 0.25 per page

4. Audio Disc Reproduction Cost - $15.00