

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/sprdcont.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: _____

“EXHIBIT A”

INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, and hold harmless the Orange County Local Agency Formation Commission (OC LAFCO), its agents, officers, and employees from any claim, action, or proceeding brought against any of them, the purpose of which 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 (OC LAFCO), its agents, officers, or employees.

An applicant who is a party to this agreement is not responsible to defend, indemnify, or hold harmless if OC LAFCO fails to notify the applicant or cooperate fully in the defense, and is not required to pay or perform any settlement relating to the agreement, unless the applicant approves the settlement.

Nothing in this agreement are to be construed to prohibit OC LAFCO from participating in the defense of any claim, action, or proceeding to attack, set aside, void, or annul an approval by the Commission if OC LAFCO bears its own attorney’s fees and costs of the claim, action, or proceeding and the commission defends the claim, action, or proceeding in good faith.

Executed at _____, California on the day of _____, _____.

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

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 <i>(Also see additional project completion fees.)</i>	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.

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

ORANGE COUNTY LAFCO FEE SCHEDULE
DIRECT COSTS Effective 7/1/2021

1. Fully burdened staff hourly rates:

Position	Houri 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