



## Solano Local Agency Formation Commission

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### Staff Report

DATE: April 10, 2023  
TO: Local Agency Formation Commission  
FROM: Rich Seithel, Executive Officer  
SUBJECT: **LAFCO Fee Schedule Amendment for Fire Protection Service Contract**

### Recommendations:

CONSIDER and ADOPT the LAFCO Resolution approving amending Solano LAFCO's Schedule of Fees to include a \$7,500 Fire Protection Service Contract application fee.

### Executive summary:

LAFCO has been charged with the responsibility for reviewing and taking action on fire protection contracts that either: transfer more than 25 percent of the service area of an affected public agency or changes the employment status of more than 25 percent of the employees of an affected public agency (e.g. fire district) pursuant to GC § 56134. These are unique actions not directly related to the processing and charge-out rates for other types of out-of-agency proposals which are based on acreage<sup>1</sup>. Based on real-time efforts evaluating fire contracts and LAFCO hourly rates, staff is recommending a \$7,500 application fee.

Staff recommends that the Commission hold a public hearing on the proposed fire protection services contract review processing fee and, following the public hearing, approve the resolution amending the LAFCO Deposits, Charge Out Rate, and Agency Fees schedule (Attachment 1).

### BACKGROUND:

Government Code Section 56383 authorizes LAFCOs to establish a schedule of fees/deposits<sup>2</sup>. LAFCOs are authorized to establish fee schedules for costs associated with administering their regulatory and planning duties under the CKH Local Government Act of 2000. This includes processing applications for boundary changes and related LAFCO actions. Fees shall not exceed the estimated reasonable cost of providing the service and are imposed pursuant to Section 66016.

GC § 66016 provides that “prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting.” Also, the proposed amended LAFCO fee must be adopted by resolution.

<sup>1</sup> Solano LAFCO Charge Out Rates, and Agency Fees range from 0-5 acres = \$2,000 to 100+ = \$30,000.

<sup>2</sup> GC§ 56383(a) The commission may establish a schedule of fees and a schedule of service charges pursuant to this division, including, but not limited to, all of the following:

- (1) Filing and processing applications filed with the commission.
- (2) Proceedings undertaken by the commission and any reorganization committee.
- (3) Amending or updating a sphere of influence.
- (4) Reconsidering a resolution making determinations.

#### Commissioners

Nancy Shopay, Chair • Ron Kott, Vice-Chair • John Vasquez • Mitch Mashburn • Steve Bird

#### Alternate Commissioners

Robert Guerrero • Alma Hernandez • Wanda Williams

#### Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Aaron Norman, Analyst II •

Mala Subramanian, Lead Legal Counsel

**LAFCO RESOLUTION NO. 2023-xx**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF SOLANO COUNTY ADOPTING AN UPDATED LAFCO SCHEDULE OF  
PROCESSING FEES AND DEPOSITS**

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

**WHEREAS**, State law specifies that LAFCO’s fees shall not exceed the estimated reasonable costs of LAFCO proceedings; and

**WHEREAS**, the Commission has an adopted fee schedule as provided by law; and

**WHEREAS**, at a noticed public hearing on April 10, 2023, the Commission reviewed and considered an updated fee schedule to include a new fee for processing and review of out-of-agency fire protection contracts pursuant to Government Code; and

**WHEREAS**, pursuant to Government Code § 66016, prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting, at which oral or written presentation can be made as part of a regularly scheduled meeting; and

**WHEREAS**, the Commission has heard and considered all oral and written comments provided on the updated 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 updated fee schedule shown as Attachment 1 is hereby approved.
2. The effective date of the updated LAFCO fee schedule is effective April 10, 2023.

**I HEREBY CERTIFY** that the foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of Solano County at a regular meeting, held on the 10th day of April 2023, by the following vote:

**\*\*CONTINUED NEXT PAGE\*\***

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Nancy Shopay, Chair  
Presiding Officer Solano LAFCO

ATTEST:

\_\_\_\_\_  
Christina Love, Deputy Executive Officer

Exhibit A – Amended fee schedule: LAFCO Deposits, Charge Out Wages, and Agency Fees

**Exhibit A**

**LAFCO DEPOSITS, CHARGE OUT RATES, and AGENCY FEES**

**1. Deposits by Proposal Type:**

<b>TYPE OF PROPOSAL</b>	<b>DEPOSIT</b>
Change of Organization /Reorganization	Effective <del>July 1, 2021</del> <b>May 1, 2023</b>
Agency Owned	\$2,000
0 – 5 acres and exempt from CEQA	\$3,000
0 – 5 acres	\$5,000
5.1 – 40 acres	\$10,000
40.1 -99 acres	\$15,000
100+ acres	\$30,000
Out-of-Agency Service Contract Requests	Based on acreage (same as above)
<b>Out-of-Agency Fire Protection Services Contract</b>	<b>\$7,500</b>
Out-of-Agency Service Contract Requests (Related to Public Health and Safety)	\$500
Government Reorg: District Formation, Consolidation, Dissolution or City Incorporation, Disincorporation	\$7,500
Reconsideration of a LAFCO Determination	\$3,600
Sphere of Influence Amendment/Update	
Minor amendment or update concurrent with reorganization or change of organization	\$1,500
Update upon agency request	\$32,800
Use of Latent Powers	\$1,500
Environmental Document with LAFCO as Lead Agency	Contract Amount + LAFCO Staff Charge Out Rates

Note: Deposit amounts may be increased or reduced if the projected processing cost estimates are determined by the Executive Officer to greater or less than those stated above, based on an evaluation of project complexity and the magnitude of the project.

A) All deposits, miscellaneous costs, and other agency costs are initial payments toward the total cost of processing a project ("project cost"). Project cost is defined as staff time plus materials. Staff charge-out rates are listed below and include personnel costs plus a percentage of LAFCO administrative overhead for long-term planning costs, which facilitate changes of organizations. Materials include, but are not limited to, charges for the

advertisement of hearings, petition reviews, as well as fees charged for project reviews by affected agencies.

- B) Pre-Application Expenses. In many cases, LAFCO is required to commence work on a project before an application is received. Such work includes working with the lead agency on environmental review and other processing issues. Applicants will be charged for this pre-application work as part of the LAFCO cost of processing the application.
- C) Applicants are also responsible for payment of appropriate State Board of Equalization fees, EIR preparation fees, Fish and Wildlife fees, and County Assessor/Recorder and Surveyor Fees. A schedule of processing fees for the State Board of Equalization is included in the LAFCO application packet.
- D) Staff time 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.
- E) If extensive staff assistance is required before receipt of an application, a deposit will be required when the work is requested.
- F) Absent compelling circumstances, the Commission will not normally adjust or waive fees. The proponent may request a fee waiver or reduction from the Commission. Any applicant who believes that a bill for expenses or request for additional deposit is unjustified may request the matter be reviewed by the Commission. Such request must be made in writing within 30 days of the billing or notification of the request for additional deposit. The matter will then be placed on the next available agenda. The billing or additional deposit must be timely paid under protest before any review will be held. If the billing or fee is not timely paid, LAFCO may suspend further processing of the application.
- G) The applicant must pay all final bills before the filing of the Certificate of Completion or during other times during the LAFCO process as deemed appropriate by the Executive Officer.
- H) Charges for Reconsideration of a LAFCO determination are the responsibility of the requesting party.

**2. LAFCO Staff Charge-Out Rates:**

Executive Officer ..... \$200  
Sr. Analyst ..... \$158  
Analyst II..... \$118  
Other Professional Services - At Cost if Applicable

**3. Miscellaneous Costs**

- A) Special Meetings .....\$5,000 Deposit toward Total Cost  
*The total cost includes: Commissioner per diem, noticing, and staff administrative time billed at the charge out rates above.*
- B) Staff Research and Studies ..... Project Cost  
*Charges for staff time begin after the first half-hour.*
- C) Agenda Subscription..... \$20/year  
*(E-mailed agendas provided free of charge upon request.)*
- D) Copies of Staff Reports & other documents @ .15 cents/page (first 10 pages free)

**4. Other Agency Costs**

- A) The State of California’s Board of Equalization charges a statement of boundary change fee. Applicants should contact LAFCO for the most current information. Payment is not required until such time that the Commission has approved the project.
- B) The Solano County Assessor’s office charges a mapping fee based on the number of Assessor Parcel Numbers involved. Applicants should contact LAFCO for the most current information on this fee. Payment is not required until such time that the Commission has approved the project.
- C) The Solano County Surveyor mapping and geographic description review fee is based on their most recent hourly charge-out rates. Applicant should contact LAFCO for the most current information on this fee.
- D) California Fish and Wildlife fees apply to all environmental documents under the California Environmental Quality Act. Receipts of payments made by the Lead Agency and/or payments required for the proposal must be provided to LAFCO at the time of application submission.

*Approved by the Solano Local Agency Formation Commission: ~~June 14, 2021~~ April 10, 2023*

*Effective: ~~July 1, 2021~~ May 1, 2023*