



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

**AGENDA REPORT**  
June 10, 2021  
Item No. 6 (Public Hearing)

**TO:** Local Agency Formation Commission

**FROM:** Jason Fried, Executive Officer  
(On behalf of Committee Chair Kious, Member Arnold, and Member Coler)

**SUBJECT:** **Approval of Resolution 21-11, Update to Marin LAFCo Fee Schedule**

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## Background

Based on Marin LAFCo policy 3.11 “Marin LAFCo will maintain a schedule of fees to reasonably recover the agency’s costs in fulfilling its regulatory and planning responsibilities. Marin LAFCo shall periodically review the fee schedule and consider amendments therein no less than every two years.” LAFCo approved its current fee schedule at its June 13, 2019 meeting.

In addition, Government Code section 56383 provides that the Commission may establish a schedule of fees for filing and processing applications. Furthermore, Government Code section 66014 also states in part “...filing and processing applications and petitions filed with the local agency formation commission ... those fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issues.”

At the March 2021 Budget and Workplan Committee meeting the current fee schedule was reviewed. Based on staff presentation the Committee affirmed that the basic formula for time spent was correct with one small exception; the “Initial Consultation with Applicants” line item was a little less than time spent by an average of 1-2 hours so they approved increasing that line item. The Committee also authorized staff to update the hourly rate for staff and consultants. The Committee agreed to hold off on setting the staff hourly rate until all staff reviews were completed and staff salaries and benefits were better known for FY 2021-2022. With approval of the budget earlier in the meeting and the proposed amendment to the Executive Officer contract later in the agenda it is now known what those costs will be. Staff has amended the current fee schedule (attachment 2) per the approvals given by the Budget and Workplan Committee to reflect staff salaries for FY 21-22 along with the change in hours for the initial consultation. Staff has also included the excel spreadsheet charts (attachment 3) that are used to create each fee for reference. On both attachment 2 and 3 the rows that have yellow highlighting are the ones that show the proposed fee that the applicant would pay. One row on the fee schedule is split between yellow and blue. This is done since when staff talks with the general public the 2 items in blue cover what are the vast majority of all applications we get. The blue makes it easier for staff to point those out to the applicant.

### Administrative Office

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Almonte Sanitary District

Tod Moody, Alternate  
Sanitary District #5

Larry Loder, Regular  
Public Member

Richard Savel, Alternate  
Public Member

Since our March Committee meeting our website provider, Streamline, has introduced a new service that we can add to our website that allows people to pay for LAFCo services via an online payment process. There is no fee to LAFCo for this, but they do charge the person using the service a fee of 3.9% plus \$0.30 per transaction. Staff has added this to our third-party fee table as staff is looking to add this feature as a payment option for future applicants. As with all third-party fees staff automatically updates this section as we become aware of changes to fees. Since the changes being recommended by the Committee mainly deal with the hourly rate for staff, legal counsel, and our bookkeeper, changes to any given fee are not that large. For example, the most common type of application that we get is the 100% consent where LAFCo is not the lead agency on CEQA. This fee went up by \$132.42 from the 2019 to 2021 fee schedule which is about a 4% increase.

### **Staff Recommendation for Action**

1. Staff Recommendation – Approve the amended Fee Schedule with any amendments desired by the Commission.
2. Alternate Option – Take no action today and give staff further instructions.

### Attachment

1. Resolution 21-11. Approving Amended Fee Schedule
2. Amended Fee Schedule
3. Cost breakdown charts

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION 21-11

**RESOLUTION APPROVING THE COMPREHENSIVE UPDATE TO THE 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 June 13, 2019, in a manner by provided by law; and

**WHEREAS** the Commission’s Policy Committee has prepared and presented a proposed comprehensive update to the fee schedule to improve cost-recovery and implementation; and

**WHEREAS** the Commission has scheduled and noticed a public hearing on June 10, 2021, to consider taking formal action on the proposed comprehensive fee schedule update; and

**WHEREAS** the Commission has heard and fully considered all written and verbal comments provided on the proposed comprehensive update 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:

Section 1. The proposed comprehensive update to the fee schedule shown as Exhibit A is APPROVED.

Section 2. The effective date of the approved update shall be 60 days out and commence on August 10, 2021.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 10<sup>th</sup> day of June, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Sashi McEntee, Chair  
Marin LAFCo

ATTEST:

APPROVED AS TO FORM:

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Jason Fried, LAFCO Executive Officer

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Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 21-11

1. Exhibit "A" – Fee Schedule

**Marin Local Agency Formation Commission**  
Subdivision of the State of California

**Schedule of Fees and Deposits**

As Adopted on \*\*\*\*

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 Sections 56383 and 66014.

**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 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 periodic 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 or requests 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 based on the staff hourly rate plus a base administrative fee process where applicable.

- 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 one year of the date of adoption of the resolution terminating proceedings for an additional fee as provided in this schedule.
- 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 or waive fees, a service charge, or deposit for the following reasons:
  - Proposals or requests covered under this schedule involving overriding public benefit as determined by the Commission and payment would be detrimental to the public interest.
  - 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.

The Commission will leave to the discretion of the Executive Officer the ability to reduce an application for annexation into a district in cases where an Emergency Out of Service Agreement had been recently completed. The reduction in cost shall only be when time spent by staff is due to the duplicative nature of the two applications. Staff shall report to the Commission any fee reduction with justification at the next available meeting.

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 the Marin LAFCo office.

- 14) The Commission shall biennially 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 – will be provided at no cost for the first two hours. Any additional research time will be billed at the hourly rate plus administrative costs.
- 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.

**IV. Fee Schedule**

**TABLE ONE**

**Boundary Change or Outside Service Agreements (non-emergency)  
Change of Organization Proposal / Fixed Fee Made Payable to Marin LAFCo:**  
(Excludes Special District Formations, Mergers or Dissolutions and City Incorporations or Disincorporations)

Single Boundary or Outside Service Extension (non-emergency)						
	Non-Lead Agency/Notice of Exemption		Addendum / Initial Study		Environmental Impact Rpt.	
	With	Without	With	Without	With	Without
	100% Consent	100% Consent	100% Consent	100% Consent	100% Consent	100% Consent
Fee	\$3,114.91	\$4,285.26	\$4,022.02	\$4,966.66	\$4,659.18	\$5,655.11
	Plus material costs		Plus any costs for consultant, legal services and material costs			
Additional Boundary Change to be added to above charge (per boundary change)						
Total Additional Costs	\$240.29	\$291.22	\$416.03	\$463.33	\$589.69	\$643.48

**Other Proposals and Fees Made Payable to Marin LAFCo**

Emergency Outside Service Agreement .....	\$1,290.96
Request for Time Extension .....	\$1,006.48
General Staff Research (Base fee plus hourly rate for staff time used) .....	Base Fee - \$245.69
.....Executive Officer -	\$102.90/hr
.....Clerk -	\$40.69/hr
.....Deputy Executive Officer	\$61.49/hr
.....Legal Counsel –	\$273.00/hr
.....Bookkeeping –	\$138.00/hr
Photocopies or Printed pages .....	Black and White \$0.10 per page
.....	Color \$0.87 per page

Following Services shall be done on an at-cost deposit charge system. Deposit size shall be determined by Executive Officer on a case-by-case basis:

- Request for Reconsideration
- Request to Hold a Special Meeting
- Sphere of Influence Amendment
- Municipal Service Review
- Special District Formation, Dissolution, Consolidation
- City Incorporation, Merger, Disincorporation

#### IV. Third Party Fee Schedule:

##### Collected by Marin LAFCo and 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 fee will be identified by Marin LAFCo staff during the consultation process with the applicant and shall be collected by Marin LAFCo on behalf of the affected agencies. Should certain fees be collected but ultimately not needed Marin LAFCo shall immediately remit to the applicant. The current costs per agency are listed below and may be increased by the respective agency. LAFCo shall charge the applicant the actual cost as determined by the respective agency.

Third Party Services	Amount
County Environmental Health Department Review	\$231 (hour)
County Public Works Department/Surveyor Review	\$600 (deposit/first 5 hours)
County Community Development Agency/GIS Update*	\$151 (hour)
County Election's 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	\$2,406.75
- Mitigated Negative Declaration	\$2,406.75
- Environmental Impact Report	\$3,343.25
State Board of Equalization*	
- 0.0 to less than 1.0 acre	\$300
- 1.0 to 5.99 acres	\$350
- 6.0 to 10.99 acres	\$500
- 11.0 to 20.99 acres	\$800
- 21.0 to 50.99 acres	\$1,200
- 51.0 to 100.99 acres	\$1,500
- 101.0 to 500.99 acres	\$2,000
- 501.0 to 1,000.99 acres	\$2,500
- 1001.0 to 2,000.99 acres	\$3,000
- 2001.0 acres or more	\$3,500

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



Single Boundary or Outside Service Extension (non-emergency)	Not Lead Agency/Notice of Exemption		Addendum / Initial Study		Environmental Impact Rpt.	
	With	Without	With	Without	With	Without
Staff Process (In hours)	100% Consent	100% Consent	100% Consent	100% Consent	100% Consent	100% Consent
Initial Consultation with Applicants	3.00	3.00	3.00	3.00	4.00	4.00
Receive and Set Up Applicant Proposal	0.50	0.50	0.50	0.50	0.50	0.50
Preliminary Proposal Review / Initial GIS Work	1.50	2.00	1.50	2.00	1.50	2.00
CEQA Review and Document Preparation	1.00	1.00	15.00	15.00	20.00	20.00
Prepare and Circulate Agency Review	1.50	1.50	1.50	1.50	1.50	1.50
Prepare and Circulate Property Tax Exchange Notice	0.50	0.50	0.50	0.50	0.50	0.50
Prepare and Circulate Petition Verification	0.15	0.15	0.15	0.15	0.15	0.15
Prepare Certificate of Petition Sufficiency	0.00	0.15	0.00	0.15	0.00	0.15
Prepare and Circulate Status Letter	2.00	2.00	2.00	2.00	2.00	2.00
Prepare and Post Hearing Notice / 300 ft	0.00	1.50	0.00	1.50	0.00	1.50
Prepare Staff Report and Resolution	13.00	14.00	14.00	16.00	15.00	17.00
Prepare and Circulate Certificate of Filing	0.50	0.50	0.50	0.50	0.50	0.50
Commission Meeting	0.50	1.00	0.50	1.00	0.50	1.00
Prepare and Issue Notice to Applicants	1.00	1.00	1.00	1.00	1.00	1.00
Prepare and Record Environmental Determination	1.00	1.00	1.00	1.00	1.00	1.00
Conducting Authority Proceedings	0.00	5.00	0.00	5.00	0.00	5.00
Work with Applicant on Completing Terms	1.20	2.20	1.20	2.20	1.20	2.20
Prepare and Record Certificate of Completion	1.00	1.00	1.00	1.00	1.00	1.00
Prepare and File Boundary Change with SBE	0.50	0.50	0.50	0.50	0.50	0.50
Close Proposal File and File Contents	0.50	0.50	0.50	0.50	0.50	0.50
Administrative Processing	1.00	1.00	1.50	1.50	1.50	1.50
Total Hours	30.35	40.00	45.85	56.50	52.85	63.50
Percent of Staff Time Needed						
Executive Officer	60.00%	65.00%	65.00%	67.50%	67.50%	70.00%
Clerk/Jr. Analyst	30.00%	25.00%	25.00%	25.00%	25.00%	22.50%
Deputy Executive Officer/Analyst	10.00%	10.00%	10.00%	7.50%	7.50%	7.50%
Cost for staff time						
Executive Officer	\$1,873.81	\$2,675.40	\$3,066.68	\$3,924.35	\$3,670.83	\$4,573.91
Clerk/Jr. Analyst	\$370.48	\$406.90	\$466.41	\$574.75	\$537.62	\$581.36
Deputy Executive Officer/Analyst	\$186.62	\$245.96	\$281.93	\$260.56	\$243.73	\$292.85
Total Staff Costs	\$2,430.91	\$3,328.26	\$3,815.02	\$4,759.66	\$4,452.18	\$5,448.11
Non-Staff Costs						
Legal Services	2.00	3.00	at hours used	at hours used	at hours used	at hours used
Bookkeeping	1.00	1.00	1.50	1.50	1.50	1.50
Cost for non-staff						
Legal	\$546.00	\$819.00	Billed for needed hours			
Bookkeeping	\$138.00	\$138.00	\$207.00	\$207.00	\$207.00	\$207.00
Total	\$684.00	\$957.00	\$207 plus cost of legal services billable hours			
Total Fee	\$3,114.91	\$4,285.26	\$4,022.02	\$4,966.66	\$4,659.18	\$5,655.11
	Plus material costs		Plus any costs for consultant, legal services and material costs			
Additional Boundary Change to be added to above charge (per boundary change)						
Staff time to review and coordinate with extra jurisdiction	3	3.5	5	5.5	7	7.5
Executive Officer	\$185.22	\$234.10	\$334.43	\$382.02	\$486.20	\$540.23
Clerk/Jr. Analyst	\$36.62	\$35.60	\$50.86	\$55.95	\$71.21	\$68.66
Deputy Executive Officer/Analyst	\$18.45	\$21.52	\$30.75	\$25.36	\$32.28	\$34.59
Total Additional Costs	\$240.29	\$291.22	\$416.03	\$463.33	\$589.69	\$643.48

Attachment 3: Cost Breakdowns

<b>Emergency Outside Service Extension</b>	
Staff Process	in hours
Initial Consultation with Applicant	1.00
Receive and Set Up Applicant Proposal	0.50
Preliminary Proposal Review	1.00
Confirm with EHS and District	1.00
Prepare and Circulate Status Letter	1.00
Work with Chair to authorize agreement	1.00
Work with District and Applicant on getting everything needed completed	3.00
Send Approval Notice	1.00
Close Proposal File and File Contents	1.00
Administrative Processing	1.00
Total Hours	11.50
<b>Non-Staff Process</b>	
Legal Services	0.50
Bookkeeping	1.00
<b>Percent of Staff Time Needed</b>	
Executive Officer	75.00%
Clerk/Jr. Analyst	20.00%
Deputy Executive Officer/Analyst	5.00%
<b>Staff Costs</b>	
Executive Officer	\$887.51
Clerk/Jr. Analyst	\$93.59
Deputy Executive Officer/Analyst	\$35.36
Total Staff Costs	\$1,016.46
<b>Non-Staff Costs</b>	
Legal	\$136.50
Bookkeeping	\$138.00
Total Non-Staff Costs	\$274.50
<b>Total Fee</b>	<b>\$1,290.96</b>

<b>Request for Time Extension to Complete Approved Terms</b>	
Staff Process	In hours
Staff Review	0.5
Coordination with Impacted Agency and Applicant	1.5
Prepare Staff Report	4
Post Hearing Communication	1
Administrative Processing	1
Total Hours	8
<b>Percent of Staff Time Needed</b>	
Executive Officer	80.00%
Clerk/Jr. Analyst	15.00%
Deputy Executive Officer/Analyst	5.00%
<b>Non-Staff Process</b>	
Legal Services	0.50
Bookkeeping	1.00
<b>Staff Costs</b>	
Executive Officer	\$658.56
Clerk/Jr. Analyst	\$48.83
Deputy Executive Officer/Analyst	\$24.60
Total Staff Costs	\$731.98
<b>Non-Staff Costs</b>	
Legal	\$136.50
Bookkeeping	\$138.00
Total Non-Staff Costs	\$274.50
<b>Total Fee</b>	<b>\$1,006.48</b>

<b>General Staff Research Base Fee</b>	
Staff and non-staff process	In hours
Administrative Processing	1.5
Bookkeeping	1
<b>Percent of Staff Time Needed</b>	
Executive Officer	50.00%
Clerk	50.00%
<b>Staff and non-staff costs</b>	
<b>Staff Costs</b>	
Executive Officer	\$77.18
Clerk/Jr. Analyst	\$30.52
Total	\$107.69
Bookkeeping	\$138.00
<b>Base Total Fee (does not include staff time researching item)</b>	<b>\$245.69</b>