
**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

AGENDA ITEM No. 8

DATE: September 10, 2014

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: Consider Request – Waive LAFCo Filing Fees for the Fresno County Fire Protection District. A request to waive filing fees for the annexation of the City of Parlier to the Fresno County Fire Protection District.

Petitioner: Mark Johnson, Chief, Fresno County Fire Protection District

Recommendation: Reduce Annexation Fee to \$3,000.

Background:

The City of Parlier has a contract with the Fresno County Fire Protection District to provide fire prevention and suppression to the City. The City of Parlier has been unable to adequately fund its Fire Protection contract with the District in both the 2013/14 and 2014/15 City Budgets. Since the City of Parlier does not foresee the ability to fund those budget years or future years, the City made the decision to work with the District to re-attach the City's territory to the District.

Discussion:

LAFCo's filing fees are based on the acreage of a proposal. In this case, the fee would be \$16,800. Mark Johnson, the District Fire Chief has stated in his letter requesting a fee waiver that the City brought the matter to the District after its 2014/15 budget was adopted so it was unable to plan for the annexation expense. Neither the City nor the District has funds in their current budgets to fund the annexation fee and find that the fee would be detrimental to the public interest.

Staff Analysis

The LAFCo filing fee to annex the entire City of Parlier to the District is \$16,800. In support of its request to waive these fees the District states:

- The imposition of such fee would be detrimental to the public interest.
- The fee is an unplanned expense as the City of Parlier initiated discussions of annexation at a date after the time the District's 2014/15 Budget was adopted.
- The District is already bearing the costs associated with the underfunded City budgets and believes that further costs will erode the District's ability to provide service.

Section 350.08 of Fresno LAFCo's adopted Policies, Standards, and Procedures (Fee Schedule-Exceptions to Required Fees), states that the Commission may take action on a four-fifths affirmative vote to waive filing fees if the imposition of such fee(s) would be detrimental to the public interest, as determined by the Commission.

LAFCo's application fees have been established to help off-set the State mandated annual contribution by the County of Fresno and the Cities of Fresno County that fund LAFCo operations. The Special Districts that operate within Fresno County also have a right to participate as LAFCo Commission members and provide one-third of the operating costs of the agency. The Districts, however, have not indicated their desire to participate.

Although the \$16,800 fee could be considered detrimental to the public's interest, staff believes that the District should be required to fund the Commission's out-of-pocket expenses which are estimated to be \$3,000

- Notice published in the newspaper (1/8 page instead of mailing 3,759 individual notices), \$1,094 for the public hearing and \$1,094 for the protest hearing - \$2,188
- Assessor report - \$425
- Health Department - \$175
- Notice of Determination - \$50
- Misc. expense

Staff believes that the District has provided sufficient justification to support a fee reduction rather than a fee waiver.

Recommended Action:

Find that imposition of the \$16,800 filing fee to request annexation to the District would be detrimental to the public interest and reduce the filing fee to \$3,000 to cover the Commission's out-of-pocket expenses.

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FRESNO COUNTY FIRE

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August 21, 2014

David E. Fey, AICP, Executive Officer
Fresno LAFCo
2607 Fresno Street, Suite B
Fresno, California 93721



Dear Mr. Fey,

The Fresno County Fire Protection District is asking that the Fresno LAFCo waive the standard fees associated with the District's application for the "Annexation of the City of Parlier to the Fresno County Fire Protection District" under the Commission's "Exceptions to Required Fees" policy. The Fire District believes that the imposition of such fee would be detrimental to the public interest. As this matter was brought to the District by the City of Parlier at a date after the 2014/15 District Budget had been set, the District was unable to plan for this expense. The City of Parlier has been unable to adequately fund their Fire Protection Contract with the District in both the 2013/14 and 2014/15 City Budgets, the City made the decision to ask the District for re-attachment to the District. The District is already bearing the costs associated with the underfunded City budget, and believes that further costs will erode the District's ability to provide service.

The District understands that there are hard costs that LAFCo will incur with this annexation, and the District is very willing to pay those costs to settle this matter.

Thank you for your consideration.

Sincerely,

MARK A. JOHNSON
Fire Chief

gw