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LAFCO  
San Bernardino County

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December 17, 2009

***VIA HAND DELIVERY***

San Bernardino County LAFCO  
Commissioners and Executive Officer  
215 North D Street, Suite 204  
San Bernardino, CA 92415-0490

Re: **Request for Waiver or Reduction of Fees**

Honorable Commissioners and LAFCO Executive Officer:

Please consider this my request for a waiver or reduction of fees, pursuant to LAFCO's Policies Related to Implementation of LAFCO Schedule of Fees and Charges, Policy # 18, No. 3, made in connection with my Request for Reconsideration of Agenda Item No. 7(A)-(E) (LAFCO 3067A-3067F) for the November 18, 2009 San Bernardino County LAFCO Meeting (Resolutions 3071, 3072, 3073, 3074, 3075 and 3076). The fees required by LAFCO to be posted in connection with this reconsideration request were paid UNDER PROTEST.

As set forth in the Request for Reconsideration, the policy and practice being employed by LAFCO Staff and the Commission of segmenting and splitting up large County unincorporated islands is illegal and violates the statutory and constitutional rights of property owners and residents of cities, the County, and the County unincorporated areas affected by the annexation practice. The primary purpose of the Request for Reconsideration, which challenges the Commission's actions with respect to all six Island Annexations, and not just the annexation affecting my property, is to bring to light and stop the implementation of the policy, so all residents of the County can be fully informed and allowed to exercise their statutory rights under the law.

However, in connection with the filing of my Request for Reconsideration, I was required to pay not one, but SIX application fees, for a total of \$6,600.00 (a full, separate fee for each "island" being annexed). Consequently, the financial burden of vindicating not only my rights, but the rights of all of the residents of the City and County of San Bernardino unincorporated islands is disproportionate, unjust, and detrimental to the public interest. This fee alone is a

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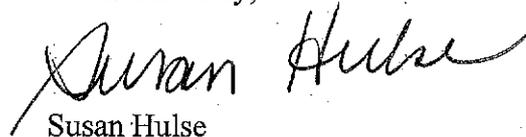
substantial deterrent to the exercise of statutory and constitutional rights. In addition, the LAFCO's published fees for island annexation applications pursuant to Section 56375.3(b)(1) and (2) are significantly reduced from the regular fees for other annexation applications.

The fee filing requirement imposed by LAFCO Staff violates LAFCO policy and Government Code Sections 56383 and 66016. The fees charged for my Request for Reconsideration are also disproportionately high when compared to special consideration given and reduced fees applicable the very applications being challenged. In sum, I am being penalized for requesting reconsideration.

Government Code Section 56383 provides, in pertinent part, that the "fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be imposed pursuant to Section 66016." (Gov. Code, § 56383(b).) Additionally, "[t]he commission may reduce or waive a fee . . . if it finds that payment would be detrimental to the public interest." (Gov. Code, § 56383(d).) In this case, my personal interest in the outcome of my request for reconsideration of all six Island Annexations is far less significant than the importance of preserving and protecting other residents and citizens of the City and the County from the LAFCO's continued policy of chopping up unincorporated County islands for the specific purpose of avoiding public scrutiny and participation. A private citizen should not be required to pay anything for enforcing the law and correcting statutory and constitutional wrongs being committed by a public agency.

For the reasons stated above, I am requesting that the Commission waive the filing fees I paid in connection with my Request for Reconsideration, or, alternatively, significantly reduce the fees paid to reflect the public interest I represent in bringing this matter to the Commission for reconsideration.

Yours sincerely,

  
Susan Hulse