

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 9, 2018

FROM:  KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #4 – Consideration of Fee Reduction Requested by
the Proponents for the Creation of a Citrus Pest Control District

RECOMMENDATION:

Staff recommends that the Commission approve a reduction of the LAFCO fee requested by the proponents for the creation of a Citrus Pest Control District by waiving the LAFCO filing fee for formation of a special district and only require the deposits applicable, which are estimated at \$4,950.

BACKGROUND:

A group of citrus growers in San Bernardino County are considering forming a Citrus Pest Control District (hereafter "CPCD" or the "proposed district"). The immediate need for creating a CPCD is intended to treat a deadly citrus pest called the Asian Citrus Psyllid (ACP), which feeds on the citrus leaves and stems infecting the citrus trees with a bacteria that causes a plant disease called Huanglongbing (HLB). Once a citrus tree is infected with HLB, it dies. The only way to protect the citrus trees from HLB is to stop the ACP.

If the CPCD is formed, the proposed district would not only treat the affected citrus trees, it would also be responsible for tracking and locating the presence of the pest and the disease as well as educating the citrus growers and landowners about the pest/disease and how it plans to control and treat the pest as well as the disease. Once the district is formed, a special assessment will be placed on all parcels with at least 25 citrus trees that will be based on the number of trees per acre.

Initially, the proponents were not aware of the LAFCO process. LAFCO staff met with representatives of the ACP Task Force, the committee working on creating the proposed district, in late November and early December to discuss the LAFCO

requirements, the process, as well as the filing fee and deposits. The representatives have expressed their inability to shoulder all the required fee/deposits since they have no mechanism to fund the formation of the proposed district except through small donations from some of the local growers.

On December 13, 2017, LAFCO received a letter from Teresa M. Buoye, Chair of the ACP Task Force, which outlines their request for assistance with the LAFCO fees.

The Task Force is currently preparing the application materials needed to form the district including the required plan for service and fiscal impact analysis as well as making a final determination on the boundaries of the proposed district. Due to time constraints, this request for waiver/reduction of fees is being made without the required application package submitted to LAFCO. This is to allow LAFCO staff the ability to begin processing the proposal immediately once a complete application package is formally submitted since the Commission would have already rendered a decision regarding the request for fee waiver/reduction – a requirement prior to processing a proposal. Due to the pervasive threat of the ACP and HLB, timing is critical in forming the proposed district and every effort is being made by staff to assist the proponents' efforts to form the CPCD as quickly as possible.

Based on the Commission's adopted fee schedule, the total filing fee/deposits for the formation of a special district would be \$19,950. The breakdown below shows all the required fees/deposits for the submission of said formation proposal:

a. Formation of Special District Filing Fee	\$ 15,000
b. Deposit – Legal Counsel	\$ 1,200
c. Deposit – Environmental	\$ 750
d. Deposit – Legal Ad In Lieu of Individual Notice	\$ 1,000
e. Deposit – Protest Hearing (Legal Ad + Individual Notice to Landowners to be Assessed Estimated @ 650 Parcels)	\$ 2,000 (estimate)
TOTAL	\$ 19,950

Pursuant to Government Code Section 56383(d), the Commission may waive/reduce the filing fee if it determines that payment would be detrimental to the public interest. Given the dire need to create the CPCD for control and treatment of the emerging pest/disease that has become widespread in California—having already affected Florida, Texas and San Diego County—and the proponents' inability to shoulder the required filing fee, staff supports the proponents' request to reduce/waive the LAFCO fee. The fee reduction would be based on payment of direct cost as outlined in the Commission's adopted fee schedule through the submission of funds to accommodate the deposits as follows:

a. Formation of Special District Filing Fee	-waived-
b. Deposit – Legal Counsel	\$ 1,200
c. Deposit – Environmental	\$ 750

d. Deposit – Legal Ad In Lieu of Individual Notice	\$ 1,000
e. Deposit – Protest Hearing (Legal Ad + Individual Notice to Landowners to be Assessed Estimated @ 650 Parcels)	\$ 2,000 (estimate)
TOTAL	\$ 4,950

Staff is recommending that the Commission make the determination to reduce the total LAFCO fee by waiving the formation of special district filing fee and simply charge the required deposits. Staff will be happy to answer any questions of the Commission prior to or at the hearing.

KRM/sm

Attachment - Letter Dated December 11, 2017 from Teresa M. Buoye Representing the ACP Task Force, Proponents for the Creation of a Citrus Pest Control District

**Letter Dated
December 11, 2017 from
Teresa M. Buoye
Representing the ACP Task
Force, Proponents for the
Creation of Citrus Pest
Control**

Attachment 1

December 11, 2017

Teresa M. Buoye
1500 E. Citrus Ave.
Redlands, CA 92374

RECEIVED

2017 DEC 13 PM 2:35

LOCAL AGENCY
FORMATION COMMISSION

Local Agency Formation Commission for San Bernardino County
c/o Kathleen Rollings-McDonald, Executive Officer
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490

Regarding: Pest Control District Formation

Dear LAFCO members,

On November 20, 2017 members of our ACP Task Force and LAFCO officers met to discuss the possible formation of a PCD to assist in the fight against a very invasive citrus pest Asian Citrus Psyllid(ACP) and Huanglongbing(HLB), the incurable disease it carries. The management of this pest requires full participation from growers to residents if we wish to continue farming and enjoying the iconic citrus fruit that is so unique to our area. This crisis necessitates the formation of a PCD to organize, track, locate, educate, and treat citrus until a viable solution is found. Current treatments are voluntary and follow the protocols set by the scientific community at UC Riverside and the Citrus Pest and Disease Prevention Program(CPDPP), whose grower representatives are working with the California Department of Food and Agriculture(CDFA), to assist commercial farmers. To date all positive Huanglongbing(HLB) finds have been in residential yards with the most recent being in the City of Riverside.

Upon further discussion of the PCD, the fees required for the application do present a financial hardship to the relatively small "grass roots" group of farmers within our district. It is our hope that LAFCO can assist with fees as well as formation so that the district can form and together with our County Ag Commissioner work toward the suppression of this dangerous pest.

We thank you for considering our request and appreciate your assistance.

Sincerely,



Teresa Buoye

PCD Committee Chairperson