

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MAY 8, 2019
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #10 – REVIEW AND ADOPTION OF SCHEDULE OF FEES,
DEPOSITS, AND CHARGES EFFECTIVE JULY 1, 2019

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. For Environmental review:
 - a. Make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:
 - i. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
 - ii. The rates and charges identified in the Schedule are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.
 - b. Certify that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Adopt the Schedule of Fees, Deposits, and Charges, as revised, to be effective July 1, 2019.
3. Adopt LAFCO Resolution No. 3289 reflecting the Commission's determinations related to the Schedule.

BACKGROUND:

At the April 17 hearing, LAFCO staff presented the Commission with its recommended changes to the existing Schedule of Fees, Deposits and Charges (“Schedule”), and the Commission adopted the proposed Schedule (Attachment #1). On April 18, a copy of the proposed Schedule was forwarded to the County, the cities/towns, and the independent special districts for review and comment with a response requested by May 7. As of the date of this report, no comments have been received. However, if staff receives comments prior to the hearing they will be provided to the Commission along with staff’s response at the hearing.

ENVIRONMENTAL REVIEW:

As for environmental review, the California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide a statutory exemption for the review and modification of fee and rate schedules. Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines require that the Commission make findings regarding such an exemption indicating specifically the basis for the claim of exemption. Staff recommends that the Commission make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:

- a) Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
- b) The rates and charges identified in the Schedule are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

Staff recommends that the Commission determine this action is statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission is required to file a Notice of Exemption with the Clerk to the Board within five working days of its action to approve the Schedule modifications. The environmental determination is included as Attachment #2.

CONCLUSION:

Staff recommends that the Commission adopt the revised Schedule, as presented, with an effective date of July 1, 2019, by taking the recommended actions outlined on page 1.

SM/MT

Attachments:

- 1. [Revised Schedule of Fees, Deposits, and Charges](#)
- 2. [Environmental Determination](#)
- 3. [Draft Resolution No. 3289](#)