

Date September 5, 2013 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street
Santa Barbara CA 93101

Consideration of Fee Waiver for LAFCO File 13-6 – Raney Annexation to the Santa Ynez Community Services District

Dear Members of the Commission

RECOMMENDATION

It is recommended that the Commission 1. Review the Subject of a Fee Waiver Policy at the 2014-15 Processing Fee Hearing, and 2. Provide Direction to Staff.

DISCUSSION

On June 6, 2013, the approved LAFCO File 13-6 – Raney Annexation to the Santa Ynez Community Services District. At the hearing Mr. Raney requested a fee waiver for the annexation. As a practical matter, Mr. Raney’s annexation application should not have been deemed complete or scheduled for a Commission meeting until the annexation fee had been paid. The Commission’s Schedule of Processing Fees does not include a Fee Waiver Policy. In fact, Fee Policy 2. States that “Fees Must Be Received at the Time that Application Materials are Submitted.”

Mr. Raney received approval for an out-of agency service agreement because of a failing septic tank at his residence. He paid a LAFCO out-of-agency fee of \$1,750 for this agreement in anticipation of future annexation to the district. His residence was connected to the SYCSD’s sewer system based on this agreement. The Commission’s Fee Schedule states that “If an Annexation occurs within one year of the out-of –agency agreement the annexation fees will be reduced by fifty percent.” Therefore, the annexation fee for which a fee waiver is requested is \$875.

Government Code Section 56383(d) states “The commission may waive or reduce a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest.

Local Agency Formation Commission
September 5, 2000 (Agenda)
Page two

I sent letter to Mr. Raney (attached) on August 12, 2013, requesting written justification for waiving the fee. To date, I have not received a response. I have talked with the Santa Ynez CSD General Manager to determine if there is a solution to this issue. No solutions were forthcoming.

Pending the payment of LAFCO's annexation fee, I have not recorded the annexation with the County Recorder or State Board of Equalization. Therefore the annexation is not complete at this time. I will attempt to contact Mr. Raney before the September 5, 2013, Commission meeting to determine if there is a solution to this issue.

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer

LAFCO

Santa Barbara Local Agency Formation Commission

105 East Anapamu Street ♦ Santa Barbara CA 93101

805/568-3391 ♦ FAX 805/647-7647

www.sblafco.org ♦ lafco@sblafco.org

August 12, 2013

Mr. Erik Raney
1486 Brandon Road
Santa Ynez, CA 93460

Re: LAFCO File 13-6 – Raney Annexation to the Santa Ynez Community Services District

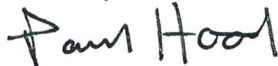
Dear Mr. Raney:

At the June 6, 2013 LAFCO meeting, you requested that the Commission waive the processing fee of \$875 for the above referenced annexation. You had previously paid an out of agency fee of \$1,750. The Commission's fee schedule states that "If an annexation occurs within one year of the date the affected property receives an out-of-agency service approval the annexation fee shall be reduced by half." There is no provision for a fee waiver contained in the Commission's Fee Schedule.

In this regard, the Commission has asked that you provide a written justification for waiving the \$875 annexation fee. Since this your request for fee waiver is scheduled for the Commission's September 5, 2013 meeting, please provide this written justification as soon as possible.

Please let me know if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer