SONOMA LOCAL AGENCY FORMATION COMMISSION

111 SANTA ROSA AVENUE, STE. 240, SANTA ROSA, CA 95404 (707) 565-2577 www.sonomalafco.org

Staff Report

Meeting Date: June 7, 2023

Agenda No. Item 4.1

Agenda Item Title: Fiscal Year 2023-24 Proposed Final Budget and Fee

Schedule

Environmental

Determination:

Not a Project under CEQA

Staff Contacts: Mark Bramfitt and Cynthia Olson

Analysis

Background

As required by state law, each year the Commission conducts two noticed public hearings on its upcoming year's budget. This year, the hearing on the Fiscal Year 2023-24 Proposed Preliminary Budget took place on April 5, 2023, and the hearing on the Fiscal Year 2023-24 Proposed Final Budget on June 7, 2023.

The Commission's expenditures consist of Salaries and Benefits and Services and Supplies. Revenues consist primarily of apportionments from funding agencies: County, cities, and independent special districts. Other sources of revenue are the interest from invested funds and fees for services. These fees are reflected in the Commission's revenue accounts but are not forecasted in the proposed budget.

The proposed budget features:

- Budgeting of 3.7 Full Time Equivalent (FTE) staffing levels across four allocated positions
- A 5% increase in Salaries and Benefits
- Increase in legal services.
- \$17,000 for Auditing Services for Fiscal Years ending June 2021 and 2022
- Use of \$183,892 from the Fund Balance from a projected beginning balance of \$831,360.

The Commission considered and adopted the proposed budget with a 5% increase to agency apportionments and use of Fund Balance monies to fill the gap between projected revenues and expenditures.

Salaries and Benefits

The Final Budget includes four positions totaling 3.7 FTEs. These positions are 1.0 FTE Executive Officer, 1.0 FTE Administrative Analyst III, 1.0 FTE Commission Clerk and 0.7 FTE Administrative Analyst (vacant). The allocation for the 0.7 FTE Administrative Analyst position will remain in the budget to allow the Executive Officer the flexibility to hire additional staff as needed to handle increases in the Commission's workload.

The Salaries and Benefits for the FY 2021-22 Year-End Actuals and 2022-23 Year-End Projections reflect the Clerk position being vacant for a portion of each fiscal year. The FY 2023-24 expenditure for Salaries and Benefits reflects a 5% increase over last year due in large part to standard merit increases for the Commission Clerk and Senior Analyst, a 5% COLA for all employees, a 2% equity adjustment for the Commission Clerk and an increase in staff's participation in the County health insurance program.

The County tentatively approved a three-year contract with the County's major labor union, SEIU, on May 9th. While Sonoma LAFCO staff are not represented by the Union, changes to Salaries and Benefits granted to the union are normally granted to Management and Unrepresented employees as well. The agreement includes Cost of Living Adjustments of 5% effective May 2023, 4.5% effective May 2024 and 4% effective May 2025, increases in the county contributions to health care benefits to help offset increasing health care insurance rates and equity salary adjustments for some positions. Although staff does not have the final costs for these benefits, any increases beyond the amounts budgeted would be covered through use of the fund balance.

Services and Supplies

The proposed FY 2023-24 expenditure for Services and Supplies reflects a 5% increase over last year.

Contracted Services

At is May 5, 2023, meeting, the Commission authorized a contract with a consultant, in the amount of \$34,930, to prepare a study of Disadvantaged Unincorporated Communities throughout the County. Although staff intends to execute the contract before the end of FY 2022-23, the majority of the contract will be payable in FY 2023-04.

Staff has received a request from the City Manager of Santa Rosa for a Municipal Services Review. The last review of the City was conducted in 2005 and it is timely for the Commission to conduct a review of the City. Staff will, upon approval from the Commission, contract with a consultant to prepare the MSR.

Staff anticipates that there may be other projects coming to the Commission in FY 2023-24 that would require consulting services. These could include the following:

- A preliminary feasibility assessment that would form the basis for evaluating the potential for annexing the Springs into the City of Sonoma
- A study to determine potential local government structures that would best position River communities to receive community services
- Municipal Services Review for one or more sanitation districts.

Any amounts expensed over the proposed budgeted amount would be covered using funds from the fund balance.

Legal Services

Our use of legal counsel has increased as we handle more complex projects requiring legal review and consultation including the review and development of Commission policies. Staff also receives assistance from Counsel with regards to the review and drafting of documents related to the California Environmental Quality Act (CEQA). Staff

intends to continue to use Counsel for this purpose but may need to contract with an outside CEQA consultant should Counsel become unavailable.

Office Lease

The lease on the office space expired in April 2023. Staff was able to secure a five-year extension of the lease for a reduced rental rate as reflected in the proposed budget.

Fund Balance

Staff projects that actual expenses for FY 2022-23 will come in below the budget, largely due to decreased cost of salaries and benefits for the unfilled clerk position for a portion of the year, the unfilled analyst position and processing fees collected for proposals and projects. Funds not expensed will be held in the Commission's fund balance.

In December 2022, the Commission adopted a Fiscal Reserve Policy that states in part: The Commission will retain reserve funds of approximately 50% of the annual budget for employee severance payments, liability insurance deductibles and unforeseen operating costs including legal proceedings or adjustment of apportionments.

Therefore, of the projected \$831,360 remaining in the fund balance at the close of the fiscal year, approximately \$500,000 is to be held in reserve with the remaining funds to cover the discrepancy between the proposed revenues and expenditures in the 2023-24 Final Budget as well as any expenses incurred above those amounts currently budgeted.

Staff continues to advise the Commission that while it has a "healthy" fund balance, due in large part to the decreased cost of Salaries and Benefits from vacant positions, the discrepancy between the total expenditures and total revenues continues to grow at a faster rate than increases in agency apportionments.

Staff does not believe the use of the fund balance to offset this discrepancy is a long-term solution and recommends that the Commission continue to increase apportionments, as necessary, to reduce the discrepancy in anticipation that all the positions become filled or the Commission elects to no longer carry the 0.7 FTE position.

Fiscal Year 2023-24 Final Budget

Staff has prepared a proposed final budget showing a 5% increase in the apportionments to our funding agencies which still requires a significant use of the fund balance (Attachment 1).

Fee Schedule

Each year, staff reviews the Commission's schedule of established fees and makes recommendations to the Commission regarding proposed changes. State law requires

that fees charged not exceed the reasonable costs of providing the services for which the fee is charged.

As a result of a recent review, staff is recommending increases in current fees for FY 2023-24 as well as clarification of some of the explanatory language in the Fee Schedule. The fees for the review of environmental documents, reconsideration, activation/expansion of latent powers and special hearings are increased to better reflect the actual staff time and costs associated with these actions. The amount of the deposit collected for MSRs is increased as most of these projects are prepared by consultants and have increased in cost.

The proposed FY 2023-24 Fee Schedule attached for the Commission's review and consideration (Attachment 2).

Staff has also prepared a Draft Resolution for adoption of the FY 2023-24 Final Budget and Fee Schedule (Attachment 3).

Recommendation

Staff recommends that the Commission review the proposed Fiscal Year 2023-24 Final Budget and Fee Schedule, as prepared by staff, direct staff to make changes, if any, and distribute the Final Budget to our funding agencies.

Attachments

- 1. Proposed Fiscal Year 2023-24 Final Budget
- 2. Proposed Fiscal Year 2023-24 Fee Schedule
- 3. Draft Resolution

SONOMA LAFCO Proposed FY 2023-24 FINAL BUDGET June 7, 2023

EXPENDITURES- SALARIES AND BENEFITS

Account	Description	2021-22 Adopted	2021-22 Year End Actuals	2022-23 Adopted	2022-23 Year End rojections	P	2023-24 Proposed ¹
50101	Regular Earnings	\$ 421,917	\$ 259,951	\$ 438,170	\$ 330,699	\$	455,473
50110	Cash Allowance	\$ 26,653	\$ 13,984	\$ 26,653	\$ 20,521	\$	26,551
50114	Bds & Commissions	\$ 9,600	\$ 3,400	\$ 9,600	\$ 7,875	\$	9,600
50201	County Retirement	\$ 174,328	\$ 96,482	\$ 157,719	\$ 108,299	\$	159,778
50205	FICA/Medicare	\$ 32,458	\$ 20,899	\$ 33,846	\$ 25,453	\$	35,766
50301	Health Insurance	\$ 55,387	\$ 25,063	\$ 60,951	\$ 46,812	\$	76,000
50304	HRA	\$ 3,270	\$ 1,805	\$ 3,270	\$ 2,869	\$	3,257
50306	Disability	\$ 2,600	\$ 1,556	\$ 2,695	\$ 2,039	\$	2,797
50307	Dental Insurance	\$ 4,004	\$ 1,780	\$ 3,995	\$ 2,155	\$	3,995
50308	Life Insurance	\$ 607	\$ 365	\$ 632	\$ 452	\$	661
50309	Vision Insurance	\$ 662	\$ 353	\$ 662	\$ 515	\$	662
50310	Unemploy. Insurance	\$ 104	\$ 60	\$ 155	\$ 111	\$	108
50401	Workers Compensation	\$ 5,927	\$ 3,634	\$ 6,209	\$ 4,786	\$	7,345
50501	Other Expenses	\$ 108	\$ 47	\$ 97	\$ 69	\$	96
50502	Deferred Compensation	\$ 15,813	\$ 9,682	\$ 16,443	\$ 11,468	\$	17,153
Total Salarie	es and Benefits	\$ 753,438	\$ 439,061	\$ 761,096	\$ 564,122	\$	799,242

¹Based on 3.7 FTE

SERVICES AND SUPPLIES

Account	Description	_	2021-22 Adopted	 21-22 Year nd Actuals	2022-23 Adopted	١	2022-23 /ear End rojections	2023-24 roposed
51206	Auditing Services	\$	-	\$ -	\$ 15,000	\$	15,000	\$ 17,000
51207	Auditor Accting Svces	\$	5,000	\$ 6,278	\$ 5,000	\$	7,000	\$ 7,000
51211	Legal Services	\$	25,000	\$ 17,484	\$ 25,000	\$	38,000	\$ 35,000
51249	Professional Services	\$	35,000	\$ 20,953	\$ 35,000	\$	20,000	\$ 35,000
51301	Legal Notices	\$	5,000	\$ 2,186	\$ 2,500	\$	2,500	\$ 2,500
51421	Rents & Leases	\$	45,150	\$ 43,248	\$ 45,500	\$	45,500	\$ 43,000
51602	Travel Expense	\$	5,000	\$ -	\$ 5,000	\$	3,800	\$ 5,000
51605	Private Car Expense	\$	500	\$ -	\$ 500	\$	500	\$ 500
51901	Communications	\$	2,600	\$ 2,457	\$ 2,600	\$	2,500	\$ 2,700
51904	ISD-Data Processing	\$	26,000	\$ 25,121	\$ 26,000	\$	25,000	\$ 27,000
51905	Info Systems -Develop.	\$	500	\$ -	\$ 500	\$	-	\$ -
51906	ISD-Supp. Website	\$	500	\$ 3,000	\$ 1,000	\$	-	\$ 1,000
51911	Postage	\$	-	\$ 7,198	\$ 1,000	\$	800	\$ 1,000
51915	Printing	\$	2,000	\$ 734	\$ 500			\$ 500
51916	County Services	\$	1,000	\$ 1,172	\$ 11,000	\$	9,000	\$ 3,000
52091	Memberships	\$	12,500	\$ 7,639	\$ 8,233	\$	8,233	\$ 8,913
52111	Office Expense	\$	7,848	\$ 7,848	\$ 4,000	\$	3,800	\$ 4,000
52181	Business Meals/Supplies	\$	5,000	\$ 3,064	\$ -	\$	-	\$ -
57015	Major Equip. Replace.	\$	1,800	\$ 1,816	\$ 1,816	\$	1,816	\$ 1,882
Total Servic	es & Supplies	\$	180,398	\$ 150,197	\$ 190,149	\$	183,449	\$ 194,995
Total Expen	ditures	\$	933,836	\$ 589,258	\$ 951,245	\$	747,571	\$ 994,237

SONOMA LAFCO Proposed FY 2023-24 FINAL BUDGET June 7, 2023

REVENUES

Account	Revenue Source	2021-22 Adopted	 021-22 Year nd Actuals	2022-23 Adopted	,	2022-23 Year End rojections	-	2023-24 reliminary
42601	County	\$ 296,753	\$ 296,753	\$ 305,656	\$	305,656	\$	320,938
42627	Special Districts	\$ 148,376	\$ 148,308	\$ 152,827	\$	152,827	\$	160,469
42628	Cities	\$ 296,753	\$ 296,753	\$ 305,656	\$	305,656	\$	320,938
Total Interge	overnmental Revenue	\$ 741,882	\$ 741,814	\$ 764,138	\$	764,138	\$	802,345
44002	Interest Pooled Cash	\$ 10,000	\$ 5,627	\$ 5,000	\$	11,000	\$	8,000
45061	Fees for Services	\$ -	\$ 64,358	\$ -	\$	40,000	\$	-
47103	Comp Equip Replacement	\$ -	\$ 6,598	\$ -	\$	-	\$	-
Other Rever	nue Sources	\$ 10,000	\$ 76,582	\$ 5,000	\$	51,000	\$	8,000
Total Projec	ted Revenues	\$ 751,882	\$ 818,396	\$ 769,138	\$	815,138	\$	810,345
Use of Fund	Balance	\$ 181,954	\$ (229,138)	\$ 182,107	\$	(67,568)	\$	183,892
Total Reven	ue Sources	\$ 933,836	\$ 589,258	\$ 951,245	\$	747,571	\$	994,237

FUND BALANCE

Beginning 2020-21 Fund Balance	\$ 508,894
Added to 2020-21 Fund Balance	\$ 25,760
Beginning 2021-22 Fund Balance	\$ 534,654
Added to Fund Balance	\$ 229,138
Beginning 2022-23 Fund Balance	\$ 763,792
Projected Addition to Fund Balance	\$ 67,568
Projected Beginning 2023-04 Fund Balance	\$ 831,360
Fiscal Reserve (50% of Operating Expense)	\$ 500,000

SONOMA LOCAL AGENCY FORMATION COMMISSION 2023-24 PROPOSED FEE SCHEDULE

(TO BE EFFECTIVE: JULY 1, 2023)

Deposits: Where indicated in the Fee Schedule, deposits toward the actual cost of processing applications must be paid at the time an application is submitted. Applicants must sign an At-Cost Fee Agreement, consenting to pay LAFCO for all costs incurred in processing. Staff work time on applications, which includes overhead costs, is tracked on an hourly basis. Periodic invoicing of costs may be provided.

If actual costs exceed the deposit amount, LAFCO will invoice an applicant for the additional costs. Processing of an application may be suspended until payment is received. LAFCO must receive payment for any outstanding fee amount due, prior to the closing of an application file recordation of the Certificate of Completion. Any portion of a deposit not used for processing will be refunded.

Outside Agency Fees: If the Executive Officer determines that the processing of an application requires LAFCO to contract with another agency, private firm or individual for services that are beyond the normal scope of LAFCO staff work (e.g., preparation of an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract or service. The applicant shall provide LAFCO with a deposit sufficient to cover the cost of the contract or an amount determined by the Executive Officer to be a reasonable estimate of the costs.

Legal Counsel Fees: Applicants will be charged the actual cost for legal consultation or review, if the Executive Officer determines that significant legal issues with the application require legal counsel involvement. In such cases, the applicant will be assessed the standard LAFCO fee and an additional fee for legal counsel work, with the minimum amount equivalent to two (2) hours of legal counsel time at the rate in place at that time. All legal counsel fees must be paid in full prior to the closing of an application file recordation of the Certificate of Completion.

Pre-Application Review Fee: Prior to the receipt of an application, LAFCO staff will allocate up to two (2) hours of time, via telephone or email, at no additional cost, to discuss the application and/or work with an applicant, an applicant's agent, and/or affected agencies. If the applicant requests a meeting with LAFCO staff, LAFCO staff time will be assessed at actual cost, including overhead, for any time beyond a 30-minute meeting. For flat-fee applications, this fee will be added to the standard cost, with payment required at the time of application. When a deposit toward the actual cost of an application is paid, pre-application review fees will be added to the charges assessed.

Payment of Fees; **Refunds:** Payment of fees is not a guarantee of approval of a submitted application. Except for unused portions of deposits, all fees paid to Sonoma LAFCO are non-refundable. All outstanding fee amounts due to Sonoma LAFCO must be paid prior to the closing of the application file recordation of the Certificate of Completion.

Waiver of Fees: The Commission may waive or reduce a fee in special circumstances or if it finds that payment would be detrimental to the public interest. Fees may also be waived or reduced for applications filed in response to a condition imposed by, or a recommendation made by, the Commission. A request for waiver, including an explanation for the request, must be submitted in writing to the Commission. Staff will present the request to the Commission, along with analysis and recommendation, for its determination.

APPLICATIONS INVOLVING ANNEXATION, DETACHMENT, OR COMBINATION

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With 100% landowner consent - all owners within the affected territory have provided written consent to the proposed action	\$ 5,500 + Environmental document review fee + California Board of Equalization fees
Without 100% landowner consent and with fewer than 50 registered voters – not all owners within the affected territory provided written consent to the proposed action Without 100% landowner consent and with more than 50 registered voters	+ Legal Counsel's Time and Materials \$9,900 + Environmental document review fee + California Board of Equalization fees + Legal Counsel's Time and Materials \$5,000 deposit towards actual costs + California Board of Equalization fees + Legal Counsel's Time and Materials
Complex application, as determined by EO, including but not limited to, an EIR, the potential for substantial development with 50 or more units, significant effect on the community and/or amendment to the sphere of influence	\$5,000 deposit towards actual costs + California Board of Equalization fees + Legal Counsel's Time and Materials

SPHERE OF INFLUENCE UPDATES OR AMENDMENTS

Standard Update or Amendment (with or without a Municipal Service Review)	\$5,000 deposit towards actual costs
Sphere Amendment concurrent with annexation, detachment, or reorganization	\$775

APPLICATIONS INVOLVING

District Formation, Dissolution, Consolidation	\$10,000 deposit towards actual costs
City Incorporation	\$10,000 deposit towards actual costs
Fire Protection Contract	\$5,000 deposit towards actual costs

OUTSIDE SERVICE AREA AUTHORIZATIONS (OSAA)

Application Fee - Administrative Determination	\$2,200 + Environmental document review + Legal Counsel's Time and Materials	
	+ Legal Counsel's Time and Materials	

Application Fee - Commission Determination	\$ 4,300 + Environmental document review + Legal Counsel's Time and Materials
Appeal Fee of Administrative Determination	\$2,300

REVIEW OF ENVIRONMENTAL DOCUMENTS RELATED TO APPLICATION

Categorical Exemption	\$ 335
Initial Study and Negative Declaration/ Mitigated Negative Declaration	\$ 1,175 <u>1,500</u>
Initial Study and Environmental Impact Report	\$ 2,400 <u>2,700</u>
Preparation of environmental documents when LAFCO is the Lead Agency	\$4,000-5,000 deposit towards actual costs

OTHER FEES

Pre-Application Review Fee	No fee for up to a total of two (2) hours of staff time via telephone and/or email; beyond that, staff time is charged at actual cost, including overhead, and added to application fee
Pre-Application Meeting	No fee for up to 30 minutes; beyond that, staff time is charged at actual cost, including overhead, and added to application fee
Request for Reconsideration	\$ 2,300 <u>2,500</u>
Special or Supplemental Studies	Actual cost of staff and consultant services
Request for Activation or Expansion of District Latent Powers	\$1,0002,500 deposit towards actual costs
Special Meeting or Hearing	\$1,0002,500 deposit towards actual cost
Municipal Service Review (not initiated by Commission)	\$ 5,000-10,000 deposit towards actual cost of staff and consultant
Application Referral to Legal Counsel	Equivalent of two hours of legal counsel time at the current rate plus actual costs above the minimum

MISCELLANEOUS

Petition Signature Verification	Costs assessed by Registrar of Voters
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Copies of documents	\$.10 per page (after 10 pages)
Copy of audio recording of meeting	\$20
Annual Agenda Mailing Fee	\$25
Archive Retrieval Fee	Actual cost of staff time
County Clerk Environmental Document Processing Fee (All Applications)	\$ 50.00

Note: Check should be made payable to the County Clerk. If the application is denied, the check will be returned to the applicant

CALIFORNIA FISH AND WILDLIFE DEPARTMENT FEES

A California Department of Fish and Wildlife fee may be charged when LAFCO is the lead agency for environmental review or when LAFCO determines that such a fee has not been paid previously during consideration of the application. The CA Department of Fish and Wildlife fees are subject to change. 2020 fees are as follows:

Negative Declaration/ Mitigated Negative Declaration	\$ 2,764.00
Environmental Impact Report	\$ 3,839.25

CALIFORNIA BOARD OF EQUALIZATION FEES

If an application for a change of organization or reorganization contains more than one area, applicant will be charged a fee for each area based on the total number of acres within that area. Fees are subject to change.

Less than 1 acre	\$300
At least 1 acre up to including 5 acres	\$350
At least 6 acres up to including 10 acres	\$500
At least 11 acres up to including 20 acres	\$800
At least 21 acres up to including 50 acres	\$1,200
At least 51 acres up to including 100 acres	\$1,500
At least 101 acres up to including 500 acres	\$2,000
At least 501 acres up to including 1000 acres	\$2,500
At least 1001 acres up to including 2000 acres	\$3,000
At least 2001 acres and above	\$3,500

Draft Resolution

111 Santa Rosa Avenue, Suite 240 Santa Rosa, California 95404

June 7, 2023

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Adopting the Local Agency Formation Commission's Fiscal Year 2023-24 Final Budget and Fee Schedule

WHEREAS, the Local Agency Formation Commission of the County of Sonoma (the Commission) is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to adopt a proposed and final budget annually, after noticed public hearings; and

WHEREAS, the Commission is allowed by law to charge for the services provided in the processing of applications and identifies such fees in its 2023-24 Fee Schedule; and

WHEREAS, the Commission conducted a public hearing and adopted the Fiscal Year 2023-24 Proposed Budget, as recommended by the Budget Committee and prepared by staff, on April 5, 2023; and

WHEREAS, on June 7, 2023, the Commission conducted a public hearing and reviewed and adopted the Fiscal Year 2023-24 Final Budget and Fee Schedule prepared by staff; and

WHEREAS, the Fiscal Year 2023-24 Final Budget is not a project pursuant to the requirements of the California Environmental Quality Act; and

WHEREAS, the Commission determines that the Fiscal Year 2023-24 Final Budget and Fee Schedule will allow the Commission to fulfill its purposes and programs; and

WHEREAS, the Commission wishes to maintain an unreserved/undesignated fund balance to cover unforeseen needs and for other uses as the Commission directs:

NOW, THEREFORE, the Local Agency Formation Commission of the County of Sonoma DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. The Commission's Fiscal Year 2023-24 Final Budget and Fee Schedule is adopted.

Section 2. An "unreserved/undesignated fund balance," in an amount determined by the Commission, shall be maintained.

Section 3. Staff is directed to request the Sonoma County Auditor-Controller-Treasurer-Tax Collector to calculate, prior to the end of Fiscal Year 2022-23, final apportionments of the Commission's operating costs for Fiscal Year 2023-24 for the county, cities, and independent special districts, based on the Fiscal Year 2023-24 Final Budget, and prepare and send apportionment statements to the Commission's funding agencies for payment.

The foregoing resolution was introduced at a regular meeting of this Local Agency Formation Commission on the 7th day of June 2023 and ordered adopted by the following vote:

COMMISSIONERS:
AYES: NOES: ABSTAIN:
WHEREUPON, the Chairman declared the foregoing resolution adopted, and
SO ORDERED
ATTEST:
BY: Mark Bramfitt, Executive Officer
The within instrument is a correct copy of the original on file in this office.
ATTEST:
BY: Clerk