California Association of Local Agency Formation Commissions (CALAFCO)

Incorporation Workshop

Thursday, June 28, 2007
&
Friday, June 29, 2007

Training Facilitator:
Sandor L. Winger
Executive Officer
Los Angeles LAFCO
CALAFCO University Incorporation Workshop

Thursday, June 28, 2007
9:00 a.m. – 5:00 p.m.
&
Friday, June 29, 2007
8:00 a.m. – 2:00 p.m.

Los Angeles, California
Metropolitan Water District
Welcome - Class Guidelines

- Be on time
- Please ask generic questions, not LAFCO specific
- Participate fully
- Silence cell phones and pagers
Introductions & Objectives

- **CALAFCO Hosts and Speakers**
  a. Sandor L. Winger, Los Angeles LAFCO, Facilitator
  b. Bill Chiat, CALAFCO Executive Director
  c. Bob Braitman, Santa Barbara LAFCO
  d. Mike Ott, San Diego LAFCO
  e. Walter Kieser, Economic & Planning Systems, Inc.
  f. Michael Coleman, League of California Cities
  g. Shirley Anderson, San Diego LAFCO
  h. Joyce Crosthwaite, Orange LAFCO

- **Participant Introduction**
Introductions & Objectives (Cont.)

- To provide a clear and concise picture of the incorporation process and requirements
  - a. Working with and educating the affected LAFCO’s
  - b. Working with and educating the potential applicant(s)
  - c. Review the major elements and process of an incorporation
  - d. Discuss potential risks and problems
<table>
<thead>
<tr>
<th>Time</th>
<th>Topic</th>
<th>Presenter</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 – 9:10</td>
<td>Welcome – Class Guidelines</td>
<td>Sandor L. Winger</td>
</tr>
<tr>
<td>9:10 – 9:30</td>
<td>Introductions &amp; Objectives</td>
<td>Sandor L. Winger</td>
</tr>
<tr>
<td>9:30 – 9:45</td>
<td>Agenda</td>
<td>Bill Chiat</td>
</tr>
<tr>
<td>9:45 – 10:30</td>
<td>Timeline &amp; Statutory Framework (The sequence of what you will learn and how it applies)</td>
<td>Bob Braitman</td>
</tr>
<tr>
<td>10:30 – 11:15</td>
<td>LAFCO’s Role &amp; Responsibilities</td>
<td>Mike Ott</td>
</tr>
<tr>
<td>11:15 – 12:00</td>
<td>Applicants Role &amp; Responsibilities</td>
<td>Sandor L. Winger</td>
</tr>
<tr>
<td>12:00 – 1:15</td>
<td>WORKING LUNCH</td>
<td>Mike Ott</td>
</tr>
<tr>
<td></td>
<td>Various Costs - CFA, IFA, Engineering, CEQA</td>
<td></td>
</tr>
<tr>
<td>1:15 – 5:00</td>
<td>Comprehensive Fiscal Analysis/ CFA Preparation</td>
<td>Walter Kieser/Bob Braitman</td>
</tr>
<tr>
<td>Time</td>
<td>Topic</td>
<td>Presenter</td>
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<tr>
<td>8:00 – 9:15</td>
<td>Vehicle License Fees (VLF)</td>
<td>Michael Coleman</td>
</tr>
<tr>
<td>9:15 – 10:00</td>
<td>Basic Application Requirements</td>
<td>Bob Braitman</td>
</tr>
<tr>
<td>10:00 – 10:45</td>
<td>Perceptions &amp; Misperceptions</td>
<td>B. Braitman, S. Anderson, S. Winger, J. Crosthwaite</td>
</tr>
<tr>
<td>10:45 – 11:00</td>
<td>Commission Resolution</td>
<td>Joyce Crosthwaite</td>
</tr>
<tr>
<td>11:00 – 11:45</td>
<td>Commission Hearing(s) / Recommendations</td>
<td>Joyce Crosthwaite</td>
</tr>
<tr>
<td>11:45 – 12:30</td>
<td>Election - Requirements, Preparation &amp; Process</td>
<td>Joyce Crosthwaite</td>
</tr>
<tr>
<td>12:30 – 1:00</td>
<td>Questions &amp; Answers</td>
<td>Sandor L. Winger</td>
</tr>
</tbody>
</table>
Timeline & Statutory Framework

Bob Braitman

• **Timeline**
  a. Be realistic- **PAY CLOSE ATTENTION TO COUNTY FISCAL YEAR-END REPORTING DATE**
  b. Keep to timeline

• **Statutory Framework**
  a. State Constitution
  b. Cortese Knox Hertzberg Act (Government Code Section 56000)
  c. Revenue & Tax Code
  d. California Environment Quality Act
<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>JAN</strong></td>
<td><strong>FEB</strong></td>
</tr>
<tr>
<td>LAFCO adopts policies about revenue neutrality and feasibility</td>
<td>Auditor determines property tax ratio</td>
</tr>
<tr>
<td><strong>FEB</strong></td>
<td><strong>MARCH</strong></td>
</tr>
<tr>
<td><strong>MARCH</strong></td>
<td><strong>APRIL</strong></td>
</tr>
<tr>
<td>Applicants begin community discussions about community goals and options. Incorporation committee is formed. Fundraising begins.</td>
<td><strong>MAY</strong></td>
</tr>
<tr>
<td><strong>APRIL</strong></td>
<td><strong>MAY</strong></td>
</tr>
<tr>
<td><strong>MAY</strong></td>
<td><strong>JUNE</strong></td>
</tr>
<tr>
<td><strong>JUNE</strong></td>
<td><strong>JULY</strong></td>
</tr>
<tr>
<td>Applicant petition drive begins with map and legal description contained therein</td>
<td><strong>AUG</strong></td>
</tr>
<tr>
<td><strong>JULY</strong></td>
<td><strong>SEPT</strong></td>
</tr>
<tr>
<td>Petitions, application, fees, submitted to LAFCO</td>
<td><strong>NOV</strong></td>
</tr>
<tr>
<td><strong>AUG</strong></td>
<td><strong>DEC</strong></td>
</tr>
<tr>
<td><strong>SEPT</strong></td>
<td><strong>OCT</strong></td>
</tr>
<tr>
<td><strong>NOV</strong></td>
<td><strong>DEC</strong></td>
</tr>
<tr>
<td><strong>DEC</strong></td>
<td><strong>JAN</strong></td>
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<td><strong>FEB</strong></td>
</tr>
<tr>
<td><strong>FEB</strong></td>
<td><strong>MARCH</strong></td>
</tr>
<tr>
<td><strong>MARCH</strong></td>
<td></td>
</tr>
<tr>
<td>LAFCO selects fiscal consultant</td>
<td></td>
</tr>
<tr>
<td>County releases year-end fiscal data</td>
<td></td>
</tr>
<tr>
<td>Incorporation timeline is drafted with applicants</td>
<td></td>
</tr>
<tr>
<td>LAFCO issues Request for Proposal</td>
<td></td>
</tr>
<tr>
<td>Executive Officer determines alternative boundary scenarios to be analyzed in CFA</td>
<td></td>
</tr>
</tbody>
</table>

**KEY**
- Applicant Actions
- LAFCO Actions
- County Actions
- Consultant Actions
- All Negotiations

**Step # 1 - Application**

**Step # 2 - CFA**
| Year 3 |
|-----------------|-----------------|-----------------|
| April | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | March | April | May | June | July | Aug | Sept | Oct | Nov |
| LAFCO releases CFA; CCF issued public hearing set | Election Held - special or general at least 88 days from county resolution | Set “effective date” of Incorporation |
| Preliminary CFA released to applicants, and county staff for discussion | LAFCO public hearing is held | |
| Feasibility without revenue neutrality is determined - Consultant determines the one year revenue neutrality payment | 30 day request for reconsideration or continuance | |
| Revenue neutrality negotiations occur - payment amounts included in CFA - effective date determined | LAFCO public hearing, continued | |
| Release final CFA | LAFCO holds conducting authority hearing | |
| LAFCO staff report and recommendations prepared - incorporate county comments | Executive Officer and legal counsel prepares staff report with resolution and terms and conditions | County calls for election |
| Executive Officer prepares Impartial Analysis for ballot | |
| Step #3 - Revenue Neutrality | Step #4 - Hearing/Election | |
LAFCO’s Role & Responsibilities

Executive Officer (E.O.) Role

a. Meet with applicants and identify Chief Proponents
b. Determine real needs and/or purpose for incorporation
c. Identify and consider possible alternatives
d. Determine community interest
e. Identify risks and pitfalls
f. Educate the prospective applicant of responsibilities:
   (i.) Identify all related boundary changes that can complement the incorporation
   (ii.) Identify map boundaries and legal description
   (iii.) Draft Petition/LAFCO technical review of petition with applicant
   (iv.) Gathering of signatures
   (v.) County Registrar Recorder review and certify petition
   (vi.) Gather additional signatures if insufficiency is determined
   (vii.) Provide a completed application, fees for processing, the CFA and other fees
Applicant Role & Responsibilities

- Creation of formal organization
- Community outreach, information & organizing
- Consideration of governance options
- Articulation of incorporation proposal “details”
- Conducting initial fiscal analysis
- Building liaison with existing agencies and LAFCO
- Drafting and circulating petition
- Raising funds for LAFCO process (CFA, etc.)
- Negotiations with affected agencies (e.g. County)
- Review and comment of LAFCO-generated documents
- Participating in public hearing
- Campaigning for a successful incorporation vote
Applicant Role & Responsibilities (Cont.)

• Registered Voters or Property Owner Petition (make copies of all applicable codes)
  a. Notice of intent to circulate petition (56700.4)
  b. Petition requirements and content (56700)
  c. 25% of Registered Voters or Property Owner (56764)
  d. Petition time limits-length is no longer than 6 months from the date of the first signature and then must be submitted to the E.O. within 60 days after the last signature (56507)

• Initial Feasible Analysis (IFA) (Also called a Draft CFA)
  a. Required as directed by individual LAFCO
  b. Identify all related changes of organization
  c. Plan for providing services
  d. Justification for boundary selection
  e. Propose an SOI/MSR for one year review (56425.5)
  f. Fatal Flaws
Applicant Role & Responsibilities (Cont.)

• **Map and Legal Description**
  a. Required with petition (56700)
  b. Costs to be borne by applicant for engineering support
  c. What line should be followed? - APN, tract, etc.

• **Resolution Application**
  a. County and/or any affected local agency
     (56564)
Various Applicant Costs – CFA, IFA, Engineering, CEQA

- Each LAFCO has its own policies
- CFA, may require deposit to LAFCO
- Petition Collection
- Petition verification by County Registrar Recorder requirement
- CEQA, actual cost. Deposit may be required from applicant
- Election Costs
- State loan (56383) Who’s kidding who
Comprehensive Fiscal Analysis

Walter Kieser (EPS)

- Statutory requirements and guidelines
- Fiscal factors influencing feasibility
- Initial Fiscal Analysis
- CFA specification and administration
- Understanding the proposal: boundaries, services provided, district consolidation, etc.
- Municipal service plan and budget
- Municipal revenue sources
- Negotiations with affected agencies
- Effective date and transition period
- Refunding first year costs
- Appropriations Limit (Gann)
- CFA iterations and revisions
- LAFCO reliance on CFA: terms and findings
- Uses of CFA following election
Statutory Requirement

- Required by Gov’t Code Section 56800:
  “For any purpose that includes an incorporation, the executive shall prepare, or cause to be prepared by contract, a comprehensive fiscal analysis”.

- The CFA shall contain the following (for at least the first 3 yrs):
  a. Financial data from the County’s most recent fiscal year (prior to the issuance of the Certificate of Filing)
  b. Proposed city costs
  c. Proposed city revenues
  d. Must reflect the costs and revenues of any affected local agency
OPR Guidelines

- Guidelines expand and clarify statutory requirements for CFA.
- Guidelines provide a detailed description of the Comprehensive Fiscal Analysis components and examples of key calculations.
Fiscal Factors Influencing Feasibility

- Size of the community
- Strength of retail sales tax base
- Cost of police protection
- Merger of existing special districts
- Property tax exchange and revenue neutrality negotiations with County
- Existing fiscal mitigation measures (assessments and fees)
- Quality and quantity of future growth
- Remedies for deferred maintenance (e.g. roads, drainage)
Initial Incorporation Feasibility Study

- Educates the community regarding governance and incorporation issues.
- Identifies the factors that influence feasibility of incorporation.
- Indicates whether incorporation can be feasible and what actions can be taken to improve feasibility.
- Identifies alternatives to incorporation that address community issues.
CFA Specification and Administration

- LAFCO Executive Office specifies scope of the CFA and normally administers preparation.
- Credibility and independence of the CFA is critical to its utility as a basis for negotiations and LAFCO findings.
- CFA typically prepared by consultant retained by LAFCO.
- Scope of CFA often includes evaluation of boundary and service alternatives.
- Production typically cycles through at least three drafts each reflecting decisions and direction resolved during the process.
- Public hearing draft is basis of key LAFCO terms and conditions and the statutory findings regarding feasibility and impacts upon affected agencies.
Understanding the Proposal

- The CFA, subject to EO specification, is based upon an interpretation of the proposal – boundaries, services provided, special district merger (if any), and effective date.
- Alternatives to the proposal are often considered (boundaries, reorganization options).
- Proponents should have opportunity for input regarding changes to the proposal.
- Basis of public information effort.
Municipal Service Plan -- Mandatory Services

- CFA must include plan for providing mandatory municipal services:
  - General legislative functions
  - Police protection
  - Planning and land use law administration
  - Public works (road maintenance, etc.)
  - Animal control
Municipal Service Plan – Optional services (cont’d)

- Parks & Recreation
- Utilities (e.g. water and sewer)
- Fire protection
- Library
- Flood control/drainage
- Solid waste management
- Social/cultural services
- Transit
Municipal Service Plan – Cost Analysis

- Services must be provided at existing levels (or greater).
- Cost estimates should be based upon reliable methods and assumptions.
- Comparison with similar (existing) cities is often a helpful guide (56800(1)).
- Three year minimum statutory time frame; ten year is better.
- Adequate financial reserves must be provided for (56720); 5% to 10% prudent.
Municipal Revenues – Key Sources

- Property tax (“exchange” with county)
- Property tax from merged agencies
- Sales tax (1% of retail sales)
- State “subventions” (e.g., VLF, MFT)
- Existing special taxes
- Fees for service
- New special taxes
- Franchise fees
Municipal Revenues – Property Tax Exchange (56810)

- Property Tax Base = net expenditures subject to transfer times the Auditor’s ratio.
- Net expenditures = County service costs net of program revenue.
- Auditors Ratio = Property tax revenue as a percentage of all revenues for general purposes.
- Tax Allocation Factor (% of tax growth) = Property tax base as a percentage of the estimated one percent of the total assessed value.
- No direct VLF “backfill”.
- Proposition 1A limits future State raids (e.g. ERAF).
# Property Tax Transfer Example

## A. Net County Cost Estimates

<table>
<thead>
<tr>
<th>Department</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff Department</td>
<td>134,007</td>
</tr>
<tr>
<td>Animal Control</td>
<td>6,457</td>
</tr>
<tr>
<td>Planning</td>
<td>6,214</td>
</tr>
<tr>
<td>Development Services</td>
<td>16,658</td>
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<tr>
<td>Planning/Resource Management</td>
<td>22,702</td>
</tr>
<tr>
<td>Public Works – Roads (GF)</td>
<td>11,495</td>
</tr>
<tr>
<td>Management and Administration</td>
<td>17,943</td>
</tr>
<tr>
<td><strong>Total Expenditures-General Fund</strong></td>
<td><strong>215,476</strong></td>
</tr>
</tbody>
</table>

## B. Transfer of Tax Base

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Expenditures Subject to Transfer</td>
<td>215,476</td>
</tr>
<tr>
<td>County Auditor’s Ratio</td>
<td>35.852%</td>
</tr>
<tr>
<td>Property tax Base Transferred from County</td>
<td>77,253</td>
</tr>
<tr>
<td>Property tax Base Transferred from Other Districts</td>
<td>168,807</td>
</tr>
<tr>
<td><strong>Total Transfer of Tax Base</strong></td>
<td><strong>246,050</strong></td>
</tr>
</tbody>
</table>

## C. Calculations of Tax Allocation Factor (TAF)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessed Value</td>
<td>264,604,576</td>
</tr>
<tr>
<td>Total Property Tax Collected @ 1% AV</td>
<td>2,646,046</td>
</tr>
<tr>
<td>Property Tax Base Transferred</td>
<td>246,050</td>
</tr>
<tr>
<td><strong>Tax Allocation Factor</strong></td>
<td><strong>9.3%</strong></td>
</tr>
</tbody>
</table>
Municipal Revenues – Sales Tax

- Very important source of general revenue: 29% of GF average for all cities in California.
- Based on 1% of retail sales in city.
- Low sales per capita an indicator of fiscal weakness ($140+ per capita city average Statewide).
- Ideally sales tax should be at or exceed State average.
- Economic development can improve performance.
Municipal Revenues – Subventions

- Important source of general revenue: 10% of GF, average for all cities in California.
- Vehicle License Fees (refer to Michael Coleman’s presentation).
- Motor Fuel Taxes (fund restricted for roads).
- Original population proxy of 3 times voters rescinded in 2004.
- AB 1602 established “in lieu amount for VLF property tax “backfill” and established new basis for early-year subvention “bump”.
- AB 1602 “sunsets” in 2009.
- Lack of continuity will be problem for future incorporations.
Municipal Revenues – Existing General and Special Taxes

- Existing special taxes and assessments (charged by existing agencies) can be continued to be charged by new city.
- Terms and conditions must specify.
Municipal Revenues – New General and Special Taxes

- Voters may approve new taxes on incorporation ballot to make up projected deficit:
  - Utility users tax
  - Transient occupancy tax
  - Parcel taxes

- HOA dues can be “traded” for special taxes.
Negotiations with Affected Agencies

- Proponents should seek agreements with affected agencies.
- Proponents should have support of the merging agencies.
- Statute requires mitigation of fiscal impacts upon affected agencies.
- CFA is technical basis of negotiations.
- Negotiations typically address service, consolidation, and fiscal impact issues.
- If agreement cannot be reached, LAFCO can impose mitigation.
Interactions with County

- Protocols for data gathering and cost of service information
- Property tax exchange data and assumptions
- “Revenue Neutrality” agreement
- Repayment of first year costs
- Funding deferred maintenance
- Disposition of existing CSA’s and maintenance districts
- Transfer of County assets (local parks, etc.)
Revenue Neutrality (56815)

- Revenue Neutrality = Revenues currently received by and expenditures currently made by the local agency transferring the territory must be equal.
- No “reverse revenue neutrality”, i.e., the County is not obligated to pay the new city if incorporation is a benefit to the County.
- County may agree to “credit” Road Fund benefits against General Fund impacts.
- Source of considerable conflict and litigation.
- Significant impact on fiscal performance of new city.
- LAFCO may impose terms and conditions to achieve “neutrality”.
## Revenue Neutrality Example

### Calculation of Revenue Neutrality Payment

<table>
<thead>
<tr>
<th>Revenues Transferred</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax</td>
<td>77,253</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>1,721,469</td>
</tr>
<tr>
<td>Real Property Transfer Tax</td>
<td>1,404</td>
</tr>
<tr>
<td>Franchise Fees</td>
<td>79,880</td>
</tr>
<tr>
<td><strong>Total Revenues Transferred</strong></td>
<td><strong>1,880,007</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenses Transferred</th>
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**County GF Surplus or (Impact)**  
(1,664,532)

**County Road Fund Surplus or (Impact)**  
74,795
Effective date and transition period

- Statute provides for “transition period” consisting of balance of fiscal year following effective date.
- Typically July 1st until June 30 of following year, may be shorter.
- New revenues accrue to new city.
- County (and other agencies) continue providing services.
- City must repay service costs accrued.
Refunding First Year Costs

- The County may request reimbursement for the net cost of services provided during the transition period.
- The new city has up to five years to reimburse the county for transition year services.
- Terms of repayment negotiated; can be linked to neutrality agreement.
### CALCULATION OF COUNTY REPAYMENT

#### A. Expenditures

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</table>

**Gross Cost of Transition Year Services**

174,831

#### B. Revenues

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Transition Year Revenues Received by County</td>
<td>n/a</td>
</tr>
</tbody>
</table>

#### C. County Repayment

174,831

#### D. Five-year annual payment @ 5.3%

40,717
Appropriations Limit (Gann)

- Required by State Constitution and (56811).
- Expenditure limit of city based upon proceeds of taxes.
- LAFCO sets provisional limit.
- Permanent limit established at first municipal election.
CFA Iterations & Revisions

- Administrative Draft CFA (staff/proponent review).
- Public Hearing Draft CFA (supports LAFCO findings and Terms & Conditions).
- CFA Final Report (reflecting LAFCO decisions).
- State Controller Review (if requested and funded) (56801).
LAFCO Reliance on CFA

- Evaluation of incorporation alternatives.
- Basis of negotiations with affected agencies.
- A basis of Executive Officer’s report.
- Basis of LAFCO’s fiscal feasibility findings.
- Technical contribution to Terms and Conditions (property tax share, provisional Gann limit, etc.).
- LAFCO sets “effective date” of incorporation.
Post-Incorporation

- CFA establishes a proto-budget for new city.
- Serves as basis for initial contracts and agreements with County and other agencies.
- Establishes agenda for initial actions by the new city council.
- Sustain challenge on property tax exchange that may be made by new city within three years of effective date (56810(h)).
Vehicle Licensing Fees (VLF)

- History
- Legislature Intent
- Application of VLF-Year 2006
Vehicle Lic. Fee (VLF) Revenues & Allocations

After 2004

Source: CaliforniaCityFinance.com

Michael Coleman

Property Tax in-lieu of VLF
State repeals VLF backfill and permanently reduces VLF rate to 0.65%.

$4.4B revenue to make up for reduced property tax (ERAF) to schools

K-14 Local Schools

Additional property tax in-lieu of VLF

Property tax shifted from countywide ERAF

Source: CaliforniaCityFinance.com
VLF to Cities Under the Swap

Grows with change in the city’s Assessed Valuation

Grows with population & Statewide VLF $

Source: CaliforniaCityFinance.com
VLF – Property Tax Swap
Problems for Incorporations after August 2004

Under the 2004 VLF for Property Tax Swap as originally written a city incorporating after 2004 would get …

- No added Property Tax In-Lieu of VLF
- No 7 year 3x registered voters “boost” on lost amounts (only on small remaining VLF)
AB1602 (Laird 2006): A Remedy to VLF – PropTax Swap Problems

- Incorporations after August 2004
  - New VLF allocation $50+ per capita … including population growth over time.  [Rev&Tax §11005(c)]
    Compensation for lack of PropTax in Lieu of VLF
  - New VLF “bump” [Rev&Tax § 11005.3(c)]
    - 150% of actual population in the first year of incorporation,
    - 140% in the second year,
    - 130% in the third year,
    - 120% in the fourth year, and
    - 110% in the fifth year.
    - Also applies to allocations of Highway User Tax (Gasoline Excise Tax)

- Sunsets July 1, 2009. That is, under current law only incorporations prior to July 1, ‘09 will qualify.
Example: Calculating Special VLF for an Incorporation After 2004

- City incorporates July 1, 2007. Population is 30,000.
- Statewide VLF collection was
  $2.13B in FY04-05 and $2.33B in FY06-07
- Population in cities was
  29.776m in FY04-05 and 30.575 in FY06-07
- VLF allocations for first fiscal year (FY07-08):
  - $50 \times \frac{2.33}{2.13} \div \frac{30.575}{29.776} = \$53.16$
times 150\% \times 30,000 = $2,392,414 [R&T§11005(c)]
  - $6.70 \times 150\% \times 30,000 = $301,500 [R&T§11005(e)]
  - Total FY07-08 first year $2,693,914
Example: Calculating Special VLF for an Incorporation After 2004

<table>
<thead>
<tr>
<th></th>
<th>FY04-05</th>
<th>FY07-08</th>
<th>FY08-09</th>
<th>FY09-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>a  City Population</td>
<td>n/a</td>
<td>30,000</td>
<td>30,300</td>
<td>30,603</td>
</tr>
<tr>
<td>b  R&amp;T11005.3(c) bump%</td>
<td>150%</td>
<td>140%</td>
<td>130%</td>
<td></td>
</tr>
<tr>
<td>c  Population in Cities</td>
<td>29,776,075</td>
<td>30,574,950</td>
<td>30,941,849</td>
<td>31,313,152</td>
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<tr>
<td>d  Statewide VLF</td>
<td>$ 2.134</td>
<td>$ 2.330</td>
<td>$ 2.446</td>
<td>$ 2.569</td>
</tr>
<tr>
<td>f  R&amp;T11005(c) special per capita</td>
<td>$ 53.16</td>
<td>$ 55.16</td>
<td>$ 57.23</td>
<td></td>
</tr>
<tr>
<td>e  R&amp;T11005(e) all city per capita</td>
<td>$ 6.70</td>
<td>$ 7.01</td>
<td>$ 7.29</td>
<td></td>
</tr>
<tr>
<td>R&amp;T11005(c) allocation</td>
<td>$ 2,392,414</td>
<td>$ 2,339,933</td>
<td>$ 2,276,925</td>
<td>$ 2,215,965</td>
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<tr>
<td>R&amp;T11005(e) allocation</td>
<td>$ 301,500</td>
<td>$ 297,447</td>
<td>$ 290,128</td>
<td>$ 282,947</td>
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<tr>
<td>Total VLF allocation</td>
<td>$ 2,693,914</td>
<td>$ 2,637,380</td>
<td>$ 2,567,053</td>
<td>$ 2,509,412</td>
</tr>
</tbody>
</table>
Basic Application Requirements

A. Transmittal letter listing materials being submitted
B. Resolution or signed petition
C. Completed proposal questionnaire
D. Preliminary Fiscal Analysis (some LAFCOs require)
E. Map and legal description of boundaries
F. Processing Fee or Deposit & Agreement to pay
G. Deposit for Surveyor to verify map and legal
Basic Application Requirements (Cont.)

Petition or Resolution of Application
(Signature Requirements – 25% voters or landowners)

• Must refer to CHK Act
• List all related changes of organization
• Propose terms and conditions – see Sec. 56886
  • May propose name of new city or town
  • May call for appointment of City Manager, et al
• Append map of the proposed city boundaries
• State reasons for the proposal
• State whether proposal is consistent with SOIs
Perceptions & Misperceptions

a. Applicants
   (i.) LAFCO wants to stop us
   (ii.) Do it now
   (iii.) Why do I have to pay?
   (iv.) This is too complex, it should be simple
   (v.) Why can’t you use my Fiscal Analysis

b. Local Government – Agencies including the County
   (i.) I don’t have the budget to support you
   (ii.) The new city will take away my funds
   (iii.) My staff is over burdened

c. Timing
   (i.) Petition timing
   (ii.) County end of year fiscal data
   (iii.) How long should the CFA take to prepare?
Commission Resolution

Joyce Crosthwaite

- **Know the Contents**
  - a. LAFCO wants to stop us
  - b. Find under 56375.1
  - c. Terms and Conditions; i.e. effective date, etc.
  - d. Transfer of property to new city
  - e. Incorporation boundaries
  - f. CFA acceptance or revision
  - g. Number of registered voters
  - h. CEQA action
  - i. Property Tax distribution
  - j. Interim appropriations limit
  - k. Statement of SOI Determinations
  - l. Findings
Commission Hearing(s)/Recommendation

• Noticing
  a. 21 Day notice-publish, posted and mailed
  b. Encourage applicant(s) to notice
  c. Use community centers

• Preliminary Hearing
  a. Prepare, prepare, prepare and do have a preliminary hearing
  b. Identify all possible issues

• Conducting Authority Hearing
  a. Prepare, prepare, prepare
  b. Identify all possible issues
  c. Brief Commission on CFA, CEQA and all contentious issues

• Protest Hearing 30 Days after Conducting Authority Hearing

• Reconsideration
Election – Requirements, Preparation & Process

• Requirements
  a. County conducts the election
  b. To be held within 88 days from the date called
  c. E.O. drafts an impartial analysis of 500 words or less within five days of Board action to call an election
  d. When to hold the City Council election
• The Vote

• Questions & Answers
  Responses by Panel of Presenters

• Summary
Thank You