

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

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Action Minutes San Mateo Local Agency Formation Commission Meeting January 18, 2023

Chair Draper called the Wednesday, January 18, 2023, meeting of the Local Agency Formation Commission (LAFCo) to order at 2:30 pm via Zoom.

1. Roll Call

Members Present: Commissioners Tygarjas Bigstycck, Kati Martin, Warren Slocum, Harvey Rarback, Ann Draper. Commissioner Ray Mueller joined after roll call at 2:35pm.

Members Absent: Commissioner Lohman

Staff Present: Rob Bartoli, Executive Officer
Sofia Recalde, Management Analyst
Timothy Fox, Legal Counsel
Angela Montes Cardenas, Clerk
Janneth Lujan, Planning & Building

2. Oath of Office for New Commissioners Appointed

Mr. Fox swore in Commissioner Bigstycck and Mueller for their appointment to LAFCo.

3. Public Comment for Items Not on the Agenda

None

4. Consent Agenda

a. Approval of Action Minutes: November 16, 2022

b. Resolution to make findings relating to remote meetings under the Brown Act

Commission Action: Commissioner Martin moved to approve the consent agenda, and Commissioner Rarback seconded the motion which passed unanimously by roll call vote.

COMMISSIONERS: ANN DRAPER, CHAIR, PUBLIC ▪ VACANT, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY ▪ KATI MARTIN, SPECIAL DISTRICT

ALTERNATES: CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

STAFF: ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

(Ayes: Commissioners Bigstyck, Martin, Mueller, Rarback, Slocum, Chair Draper. Absent: Commissioner Lohman.)

5. Adoption of Special Study for the Broadmoor Police Protection District

Mr. Bartoli presented the special study for the Broadmoor Police Protection District (BPPD). He noted that the study focuses on BPPD's operations, finances, and governance. He summarized the staff report included in the agenda packet page 13 and discussed capacity and adequacy of public facilities and services, comparison to other agencies, financial ability, revenue financial documents and practices, and pension liability. Mr. Bartoli reviewed recommendations surrounding financial ability and accountability, structure and efficiencies. The report highlighted several concerns and challenges for the District including:

- BPPD has had significant budget deficits in five of the last six fiscal years for a total loss of \$1.4 million during that time.
- BPPD's net position has been negative every year since the end of FY 17.
- The District has adopted unbalanced budgets for four of the last seven years
- The District has a high officer to population ratio, but also has high cost for calls for service per police officer.
- The lack of long-term fiscal plans, budget deficits, and growing costs to BPPD may negatively impact service delivery to the residents of the District.
- Pension Liability of \$3.3 million.

Conversation ensued with Commissioners Martin regarding recommendation 4 on packet page 16, District audits being conducted in a timely manner. She suggested a more definitive recommendation and inclusion of ethics trainings.

Chair Draper opened public comment.

David Smith, Broadmoor Property Owners Association Board Member, requested that the Commission continue item as there will be a presentation by LAFCo at the Broadmoor Property Owners Association tomorrow night.

Michael Connolly, BPPD Interim Chief of Police, commented on the report and stated that while he didn't disagree with several recommendations, he stated that some of them should be modified in the study. He stated that he would welcome opportunity for more in-

depth conversation because he has more knowledge than people Mr. Bartoli may have spoken to.

John Duncan, BPPD Commander, noted that he has experienced a lot of the changes at BPPD. He said the public should have the opportunity to make a decision on what happens to the District.

Chair Draper closed public comment.

Conversation ensued with Commissioner Harvey, he noted that he would support merger with Daly City Police Department.

Commissioner Bigstycyk noted that he is looking forward to hearing what the community has to say. He asked whether Chief of Police also acts as Manager for the District. Mr. Bartoli confirmed, and Commissioner Bigstycyk recommend having those be two different roles and positions.

Conversation ensued with Commissioner Slocum and Mr. Bartoli regarding more information on the key issues stated and what the public outreach may look like.

Commissioner Mueller suggested that he would like to see the District contest or affirm the Special Study. He finds the report gravely serious.

Commission Action: Commissioner Rarback moved to direct the Executive Officer to continue community outreach efforts to Broadmoor residents and schedule the Final Special Study for the BPPD for a public hearing at the March 15 ,2023 Commission meeting, circulate it with any necessary amendments to the County, cities and independent special districts, and request BPPD contest or affirm findings. Commissioner Martin seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Bigstycyk, Martin, Mueller, Rarback, Slocum, Chair Draper. Absent: Commissioner Lohman.)

6. Consideration of the authorization of contract with consulting firm, V.W. Housen & Associates, for preparation of a LAFCo Peer Review Memorandum for LAFCo File No. 22-09 – Proposed Establishment of the East Palo alto Sanitary District (EPASD) as a subsidiary district of the City of East Palo Alto

Ms. Recalde presented the proposed consultant contract to the Commission for preparation of a LAFCo Peer Review Memorandum for LAFCO File No. 22-09. She summarized the MSR & SOI update that initiated the application from the City of East Palo Alto to establish East Palo Alto Sanitary District (EPASD) as subsidiary district to the City. Ms. Recalde noted the peer review proposal.

Chair Draper opened public comment.

Ms. Montes read written public comment submitted from Webster Lincoln. His comment mentioned surcharge conditions, storm drains, and San Francisquito Creek overflow.

Marc Bryman, East Palo Alto Landowner, commented on standstill for development by the District. He hopes to move forward this year and address house issues.

Jeff Poetsch, stated that undertaking a peer review would be prudent and will assure recommendations are accurate.

Chair Draper closed public comment and requested that consultant review what assumptions were made when producing the budget.

Commission Action: Commissioner Slocum moved to authorize the Executive Officer to enter into a contract with the consulting firm, V.W. Housen & Associates to conduct a peer review of the technical memorandum prepared by Freyer & Laureta included in the City of East Palo application to establish EPASD as a subsidiary district of the City. Commissioner Rarback seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Bigstyck, Martin, Mueller, Rarback, Slocum, Chair Draper. Absent: Commissioner Lohman.)

7. Appointment of Budget and Legislative/Policy Committees for 2023

Commissioners volunteered for Committees as follows:

Legislative/Policy: Rarback, Martin, Draper

Budget: Mueller, Slocum, Bigstyck

Commission Action: Commissioner Slocum moved to appoint Budget and Legislative/Policy Committees for 2023. Commissioner Rarback seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Bigstyck, Martin, Mueller, Rarback, Slocum, Chair Draper. Absent: Commissioner Lohman.)

8. Quarterly LAFCo Budget Update – Information Only

Mr. Bartoli summarized the quarterly LAFCo budget overview to the Commission.

Chair Draper opened and closed public comment, no comments were received.

9. CALAFCO – Information Only

a. CALAFCO Quarterly Newsletter – Information Only

Mr. Bartoli referred the Commission to the newsletter include in packet page 76.

Chair Draper opened and closed public comment, no comments were received.

10. Legislative and Policy Committee

a. Legislative Report – Information Only

Ms. Recalde summarized the staff report included in packet page 84.

Chair Draper opened and closed public comment, no comments were received.

b. Report on annexation approval and delegation of authority to LAFCo staff

Mr. Bartoli summarized the staff report included in packet page 167. He provided background and concluded that approval and delegation of authority to LAFCo staff is not supported by the Cortese-Knox-Hertzberg Act.

Chair Draper opened and closed public comment, no comments were received.

11. Commissioner/Staff Reports – Information Only

None

12. Adjournment

Chair Draper adjourned the meeting at 4:09 p.m.