

RESOLUTION NO. 1315

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN MATEO
DISAPPROVING THE REQUEST FOR RECONSIDERATION RELATING TO
THE ESTABLISHMENT OF THE EAST PALO ALTO SANITARY DISTRICT (EPASD)
AS A SUBSIDIARY DISTRICT OF THE CITY OF EAST PALO ALTO (LAFCO FILE NO. 22-09)**

RESOLVED, by the Local Agency Formation Commission of the County of San Mateo, State of California, that

WHEREAS, On November 15, 2023, the San Mateo LAFCo Commission adopted Resolution No. 1312, which approved LAFCo File 22-09 to establish the East Palo Alto Sanitary District (EPASD), an independent special district, as a subsidiary district of the City of East Palo Alto and related actions, including adopting a resolution approving the dissolution with terms and conditions, adopting findings and determinations pursuant to the California Environmental Quality Act (CEQA), and not approving the alternative application submitted by EPASD; and

WHEREAS, Government Code Section 56895 allows any party to request reconsideration of the Commission's resolution making determinations under specified conditions; and

WHEREAS, a request for reconsideration was filed on December 15, 2023 by the Burke, Williams & Sorensen, LLP on behalf of EPASD; and

WHEREAS, the request is that the Commission should reverse the action taken on November 15, 2023 by 1) Denying the City's Proposal and 2) Approving the District's Alternative Proposal, filed with San Mateo LAFCo on September 19, 2023, which proposed to (i) retain EPASD current governance structure, (ii) amend the District's Sphere of Influence to be coterminous with its service boundaries, and (iii) remove EPASD's territory from the Sphere of Influence of the West Bay Sanitary District; and

WHEREAS, a public notice was published at least 21 days prior to the hearing as a 1/8th page display advertisement in the San Mateo County Times, The Almanac, and Palo Alto Daily Post because the total number of notices required to be mailed exceeded 1,000; and

WHEREAS, the Executive Officer has reviewed the Request for Reconsideration and prepared a report, at least five (5) days before the February 7, 2024 hearing, and the Request for Reconsideration and report have been presented to and considered by this Commission; and

WHEREAS, a public hearing by this Commission was held on the Request for Reconsideration February 7, 2024 and at the hearing this Commission heard and received all oral and written protests,

objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the Request for Reconsideration and the Executive Officer's report and related matters; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of San Mateo **DOES HEREBY RESOLVE, DETERMINE AND ORDER** that the Commission finds and determines that the request for reconsideration set forth no new or different facts that could not have been presented previously to the Commission at the time LAFCo made its decision to establish the East Palo Alto Sanitary District as a subsidiary district of the City of East Palo Alto as is required by Government Code Section 56895, and the request also did not ask for any specific modifications to a LAFCo approved resolution.

The request for reconsideration is hereby disapproved, and the previously approved LAFCo Resolution 1312 hereby remains in effect.

Regularly passed and adopted this 7th day of February, 2024.

Ayes and in favor of said resolution:

Commissioners: Virginia Chang-Kiraly
Harvey Rarback
Tygarjas Bigstycck
Noelia Corzo
James O'Neil
Warren Slocum
Kati Martin, Chair

Noes and against said resolution:

Commissioners Absent and/or Abstentions:

Commissioners: _____



Chair
 Local Agency Formation Commission
 County of San Mateo
 State of California

ATTEST:

Robert J. Bentala
 Executive Officer
 Local Agency Formation Commission

Date: 2/7/2024

I certify that this is a true and correct copy of the resolution above set forth.

Date: _____

 Clerk to the Commission
 Local Agency Formation Commission