

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

**LAFCo Municipal Service Review for the
Broadmoor Police Protection District**

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LAFCo Municipal Service Review of the Broadmoor Police Protect District

SUBJECT AGENCY:

Broadmoor Police Protect District

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**LAFCo Municipal Service Review
and Sphere of Influence Update
Broadmoor Police Protection District**

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Section 1: Introduction

This report is a Municipal Service Review (MSR) and Sphere of Influence (SOI) update for the Broadmoor Police Protection District (BPPD). California Government Code Section 56430 requires that the Local Agency Formation Commissions (LAFCo) complete MSRs and SOI updates on all cities and special districts. LAFCo is an independent entity with jurisdiction over the boundaries of cities and special districts. An SOI is a plan for the boundaries of a city or special district. The MSR and SOI update do not represent a proposal¹ for reorganization of agencies, but rather a State-mandated study of service provisions of an agency.

Once adopted, the MSR determinations are considered in reviewing and updating the SOI pursuant to Section 56425. The SOI, which serves as the plan for boundaries of a special district, is discussed in the second part of this report. This State-mandated study is intended to identify municipal service delivery challenges and opportunities and provides an opportunity for the public and affected agencies to comment on city, county, or special district services and finance; and opportunities to share resources prior to LAFCo adoption of required determinations.

San Mateo Local Agency Formation Commission

San Mateo Local Agency Formation Commission (LAFCo or “the Commission”) is a State-mandated, independent commission with county-wide jurisdiction over the boundaries and organization of cities and special districts including annexations, detachments, incorporations, formations, and dissolutions. LAFCo also has authority over extension of service outside city or district boundaries and activation or divestiture of special district powers. Among the purposes of the Commission are discouraging urban sprawl, preserving open space and prime agricultural lands, planning for the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. LAFCo operates pursuant The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) contained in Government Code Sections 56000 and 57000.

The Commission includes two members of the County Board of Supervisors, two members of city councils from the 20 cities, two board members of 21 of the 22 independent special districts, a public member, and four alternate members (county, city, special district, and public).

LAFCo prepared comprehensive SOI studies and adopted SOIs for cities and special districts in 1985 and has subsequently reviewed and updated spheres on a three-year cycle. Updates focused on changes in service demand within the boundaries of cities and special districts. After enactment of the CKH Act and the new requirement to prepare MSRs in conjunction with or prior to SOI updates, LAFCo began the process of preparing MSR and SOI updates in late 2003. Studies were first prepared on sub-regional and County-wide independent special districts, followed by South County cities and special districts.

¹ An application for annexation may be submitted by 5 percent of the voters or landowners of territory proposed for annexation or by resolution of the District.

Local Government in San Mateo County

Municipal service providers in San Mateo County include the County, 20 cities, 22 independent special districts, five subsidiary districts governed by city councils, and 33 County-governed special districts. It merits emphasis that the County plays a dual role that differs from cities or districts. Districts provide a limited set of services based on enabling legislation, while cities generally provide basic services such as police and fire protection, sanitation, recreation programs, planning, street repair, and building inspection.

The County, as a subdivision of the State, provides a vast array of services for all residents, including social services, public health protection, housing programs, property tax assessments, tax collection, elections, and public safety. Along with independent water, sewer, and fire districts, the County also provides basic municipal services for residents who live in unincorporated areas. According to Census 2020 data, 63,205 of the County's total 765,417 residents live in unincorporated areas.

Purpose of a Municipal Service Review/Sphere of Influence Update

This MSR/SOI Update examines the Broadmoor Police Protection District.

LAFCo prepares the MSR and SOI update based on source documents that include Adopted Budgets, Basic Financial Reports and Audits, Capital Plans, Urban Water Management Plans, and Planning Documents, including the General Plan. Draft MSRs and SOI updates are then circulated to the agencies under study, interested individuals and groups. The Final MSR and SOI update will include comments on the circulation draft and recommended determinations for Commission consideration. MSR determinations must be adopted before the Commission updates or amends an SOI.

Per Section 56430, the areas of MSR determination include:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities² within or contiguous to the SOI.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the SOI.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.

² "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income. This area of determination does not apply to the study area.

7. Any other matter related to effective or efficient service delivery, as required by LAFCo policy.
 - a. Water Resiliency and Climate Change
 - b. Impact of Natural Hazards and Mitigation Planning

Sphere of Influence Determinations:

LAFCo is required to make five written determinations when establishing, amending, or updating an SOI for any local agency that address the following (§56425):

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to Section 56425(g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Disadvantaged Unincorporated Communities

SB 244 (Chapter 513, Statutes of 2011) made changes to the CKH Act related to “disadvantaged unincorporated communities,” including the addition of MSR determination #3 and SOI determination #5 listed above. Disadvantaged unincorporated communities, or “DUCs,” are inhabited, unincorporated territories (containing 12 or more registered voters) where the annual median household income is less than 80 percent of the statewide annual median household income. The BPPD does not have any disadvantaged unincorporated communities within its SOI, as the adopted SOI is dissolution and coterminous with the BPPD boundaries.

Background of MSR

In 2015, San Mateo LAFCo adopted the North County Cities and Special District Municipal Service Review (MSR) and Sphere of Influence (SOI) Study, which included a review of the Broadmoor Police Protection District (BPPD). As part of the 2022-2023 LAFCo workplan, the Commission authorized a special study of BPPD to evaluate operations and services provided by the District since the adoption of the Municipal Service Review, which focused on BPPD’s operations, finances, and governance. The Special Study was adopted by the Commission on March 15, 2023 meeting. From March 2023 to February 2024, LAFCo staff has provided an update to the Commission about the fiscal status of BPPD and the status of the implementation of the recommendations from the 2023 Special Study. This MSR encompasses these update, new data, and revised recommendations.

During this time period, San Mateo LAFCo staff has also attending several town hall and

community meetings to present to the BPPD residents about the adopted Special Study, the work that the LAFCo Commission has done in relationship to the District, and to emphasized that, to date, the Commission has not taken any action towards BPPD.

Section 2. Summary of Key Issues

Key issues identified in compiling information on Broadmoor Police Protection District include the following:

- 1) BPPD has had significant budget deficits in five of the last six fiscal years for a total loss of \$1.4 million. BPPD's net position has been negative every year since the end of FY17. The BPPD Commission has adopted unbalanced budgets for FY17, FY18, FY19 and FY23. To address the budget losses and unbalanced budgets, the District has relied on the fund balance to address these deficits. As such, the fund balance, the only reserve for the District, has been drawn down over the past several budgets. The District currently projects a budget deficit of approximately \$450,000 for FY22-23.
- 2) BPPD has made dramatic cuts to spending since the start of FY23-24 by eliminating two officer positions, eliminating some per-diem officers and moving other per-diem officers into unpaid volunteer positions. The Chief of Police also reduced his pay for a period and now is back at full pay. These cuts have lowered the number of sworn officers to 7, a decrease from 9 officers just last year. Many of these budget cuts occurred shortly after the BPPD Commission adopted the FY23-34 budget. These cuts though were not included as part of the proposed budget document. The need for these unplanned cuts concerns LAFCo staff about if BPPD and the public have a full understanding of the fiscal health of the District.
- 3) Just two months after the adoption of the FY23-24 Budget, BPPD approved and later rescinded a resolution that declared that BPPD was insolvent and facing a fiscal emergency. The resolution also directed BPPD staff to take steps to file for bankruptcy protection.
- 4) BPPD does not prepare a separate report of actual revenue and expenditures at the end of each fiscal year. The District does not produce long-term financial planning documents for use in the budgeting process.
- 5) The District does have independent audits which are shared with staff and Board members; however, it does not appear that these audits are agendaized for discussion at Board meetings.
- 6) BPPD does not have a Master Plan, Strategic Plan or Capital Improvement Plan that plans for asset management and replacement, such as facility upgrade or repairs and replacement of equipment and vehicles. BPPD has stated that they have contacted the California Special Districts Association regarding hiring a company to produce a strategic fiscal plan for the District.
- 7) The lack of long-term fiscal plans, budget deficits, and growing costs to the District may negatively impact service delivery.
- 8) BPPD has three main revenue sources: 1) Property taxes, 2) Excess Education Revenue Augmentation Fund (Excess ERAF) and 3) a Supplemental parcel tax that BPPD voters approved in 2000. Excess ERAF comprises 12% of the District's overall budget and is considered to be an unstable revenue source. In addition, the State has taken an interest in potentially redirecting

some Excess ERAF to the State. There is a risk that Excess ERAF may not be available in future years for local agencies.

- 9) BPPD lacks fiscal, governance and administrative policies and procedures that would help address and potentially prevent many of the issues identified above.
- 10) The District should explore ways to address budget shortfalls and unbalanced budgets, either through enhanced revenue or reduced costs. This could be conducted along with the creation of long-term financial planning documents and discussions with residents and District employees about future funding and District services.

Previous Recommendations 2023 Special Study

After the completion of the 2023 Special Study, LAFCo requested responses from BPPD about if the District agrees or disagrees with the recommendation, comments on the recommendations, and planned date for change or implementation. As part of this MSR, LAFCo staff requested any updates to these status of the recommendations from BPPD. The following table shows the original recommendations and updates for the MSR:

Table 1 BPPD Response to 2023 Special Study Recommendations

LAFCo Recommendation	BPPD Responses
<p>1. The District should explore cost sharing with adjacent cities or other alternatives to contract for or consolidate services to reduce costs.</p>	<p>This refers to matters other than routine Investigative and patrol functions. BPD shares some costs e.g., dispatching services as do all agencies reliant on County Services.</p> <p>As of July 2023, SM County has elected to cease payroll services for Broadmoor PD. As a result we had to find a private vendor to handle our payroll services. This has caused severe operational and tax filing issues. AS of todays date, the private vendor is unable to resolve issues with federal tax filing.</p>
<p>2. The District may consider developing and monitoring performance measures, which could include measurements of response times for calls and call volume.</p>	<p>The national average for priority call response is approximately 8 minutes. BPD average priority call time is approximately 2 minutes.</p> <p>Many factors go into prioritizing call response and BPD is adhering to best practices.</p>
<p>3. Prepare a quarterly financial report which presents the District’s financial condition in a user- friendly way so board members and staff can better understand financial data. At a minimum the financial data should include a balance sheet, income statement and a budget-to- actual report to detect potential errors. The reports should reference final actual numbers from the previous fiscal year and should be compared to budgeted numbers. In years where there are deficits, the impact to the District’s fund balance should be discussed in the budget documents.</p>	<p>This was discussed in 2021 and was never implemented after June 2021. This will be implemented immediately with end of year review with FY 2022/23.</p> <p>The first projected report is anticipated to be in September/ October 2023.</p> <p>The data has been collected and sent to the Board of Police Commissioners. We are unable to find an entity that can validate the raw data we have compiled.</p>

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<p>4. Develop long-term fiscal documents that will assist the District in planning for expenditures, such as retirement costs. The Board could engage in a strategic planning session that will help prioritize goals and review the District’s fiscal ability to meet these goals.</p>	<p>The Department is in current close discussions with CalPERS with adherence to best practices</p> <p>Long Term retirement fiscal costs are predicated upon CalPERS rising costs. In recent years, BPD members contributions have risen significantly.</p> <p>We have reached out to the California Special District’s for assistance on strategic planning on their website.</p> <p>Additionally, we are engaged in discussions with a private vendor in a broad discussion about strategic fiscal planning</p>
<p>5. Budget documents should show the amount of funds that are allocated to the District fund balance/reserve.</p>	<p>Our reserve funds have been consumed by mandated corrections by CalPERS to adjust and remedy past evasive practices employed by former District Managers. Significant litigation has severely impacted the budget.</p> <p>The County of San Mateo has issued several documents which forecast our anticipated revenue. Along with our fiscal planning document, we plan to initiate our budget process in March 2024 with a goal to reduce further spending in an attempt to build a reserve fund.</p>
<p>6. Independent audits should be presented to the Board for discussion at public meetings. The audit should include management letters and a review of any recommendations for the audit process and fiscal ability of the District. Audits should be conducted in a timely manner.</p>	<p>The 2023 Audit is in DRAFT form and will be sent out from our auditor in the coming weeks.</p>
<p>7. Develop accounting, financial, governance and general administrative policies to help guide its decision making in a consistent manner. This should include policy regarding the development of a reserve fund as well as a policy about how reserve funds are utilized.</p>	<p>Unable to implement at this time. This will be reviewed when the appropriate time comes.</p>
<p>8. Explore the development of a Master Plan, Strategic Plan or Capital Improvement Plan that plans for asset management and replacement, such as facility upgrade or repairs and replacement of equipment and vehicles to help plan for long-term capital costs.</p>	<p>We have reached out to California Special Districts vendors listed on their website (Regional Government Services)</p> <p>Additionally, we are engaged in discussions with a private vendor in a broad discussion about strategic fiscal planning</p> <p>There are currently no plans for any type of facility upgrade or needed repairs.</p> <p>Vehicle replacements are on an as needed basis.</p>
<p>9. Consider allocating accounting and auditing services to two separate firms to enhance fiscal oversight</p>	<p>This is already in practice and has been for 15 years and BPPD is in discussion with vendors.</p>

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and transparency	
10. Adopt annual Gann Appropriation Limit resolutions	Awaiting a legal and fiscal determination by BPPD Legal Counsel
11. Explore ways to reduce reliance on Excess ERAF for routine District operations and maintenance and divert Excess ERAF to a reserve fund that the District can draw from for unexpected expenses.	The district always looks for ways to reduce reliance on uncertain funds; however, income from grants and other uncertain sources has been reliable and most agencies rely upon such income streams.
12. Post budget documents and audits on the District's website	This has been accomplished and past budget and audits have been posted as well as past audit reports.
13. LAFCo recommends the creation of staff reports for Board of Commissioners agenda items. The creation of staff reports for Board items can increase transparency and raise public awareness of the issues that are being reviewed and acted on by the Commissioners. The District could explore sharing services with cities or other special districts to assist in creating the staff reports and compiling an agenda packet.	IN PROGRESS
14. Video/audio of Board meetings should be posted on the District's website for public viewing.	POLICY IS BEING DEVELOPED
15. Provide Brown Act training for all Commissioners.	There has been no change in Elected Commissioners at Broadmoor. Current Commissioners are in compliance. BPPD Counsel advises the BPPD Board of Commissioners accordingly when an issue arises.
16. Explore hiring additional staff or consultants to perform human resource functions and administrative tasks, including budget support. These functions could also be shared services with neighboring agencies.	This would not be a good use of limited resources. The District believes that the efficient use of tax dollars must be limited to essential needs, which do not include hiring personnel that are not absolutely essential to the mission of providing police services.
17. Post position salary and compensation data on the District's website.	This is available on the Transparent California website and our Budget documents posted on our website. The District does not have a full-time webmaster and the cost of hiring someone for this purpose would be fiscally challenging given competing priorities.
18. Post contracts and hiring policies on District's website	Applicants for Peace Officer and other positions are posted when needed.
19. Develop accounting, financial, governance and general administrative policies to assist the Commission and District staff. This should include the creation of policies regarding meeting agendas and noticing, Brown Act training, and audit and budget review	There is no district staff. Any administrative support is either internal staff or identified consultants. Additional staff would incur costs that the District is not fiscally prepared for.

As many of these recommendations are still in the process of being implemented to reviewed by the District, San Mateo LAFCo will continue to include these recommendations in this MSR. The full response table is in the report as Appendix D.

Section 3. Affected Agencies

County and Cities: San Mateo County, City of Daly City, Town of Colma

School District: Jefferson Elementary School District

Independent Special Districts: San Mateo County Harbor District and San Mateo County Mosquito & Vector Control District

Section 4: Background & History of Broadmoor Police Protection District

The Broadmoor Police Protection District was formed in 1948 to provide police and ambulance services to the unincorporated community of Broadmoor and surrounding incorporated area. In 1957, BPPD contracted with the Town of Colma to provide ambulance and radio dispatch services. That contract was amended in 1964 to include partial police protection services. In 1967, ambulance services were discontinued, and police patrol services to the Town of Colma ended in 1976 after Colma established its own full-time police department.

BPPD’s service boundaries total 0.55 square miles and include the unincorporated area of Broadmoor Village and an unincorporated area adjacent to Colma. BPPD’s service territory also includes three small parcels in unincorporated Daly City directly west of Broadmoor Village, each of which is developed with a single-family home (600 Washington Street, 620 Washington Street, and 1590 Annie Street) (Attachment A).

District’s boundaries are irregular and include non-contiguous areas that resulted from annexation of areas to the City of Daly City over time. As these annexations occurred, the territory was concurrently detached from the BPPD since the City has a full-service police department. The BPPD service area includes single- and multi-family housing, and commercial and retail development.

Broadmoor Police Protection District was formed under California Health and Safety Code Sections 20000-20322. The BPPD is the only operational police district in California that employees its own officers. The two other remaining police protection districts, both located in Fresno County, contract with the sheriff’s office for staffing.

The formation of new Police Protection Districts now is prohibited. Code Section 20007 of Health and Safety Code states: “No district shall be created or organized pursuant to this chapter after October 1, 1959. The organization, existence, or powers of any district heretofore created by, or organized pursuant to this chapter, shall continue to exist and any such district may exercise any of the powers conferred upon it by this chapter.” Per Code Section 2008, “...any district in existence on January 1, 2008, in an unincorporated town, may protect and safeguard life and property, and may equip and maintain a police department, including purchasing and maintaining ambulances, and otherwise securing police protection.”

BPPD is governed by a three-member Board of Commissioners elected by voters within the service district. The Commission meets monthly on the second Tuesday of each month. The

District also publishes a newsletter and sends email updates from staff and the Board to residents of the District.

Current Sphere of Influence

The boundaries of the BPPD encompass the unincorporated Broadmoor and unincorporated Colma communities. The Sphere of Influence designation for BPPD is zero (dissolution) as established in 1976 and reaffirmed several times since then, most recently in 2015.

Section 5: Areas of Review

The boxes checked below are potentially significant, as indicated by “yes” or “maybe” answers to the key policy questions in the checklist and corresponding discussion on the following pages.

1) Growth & Population

Growth and population projections for the affected area.	Yes	Maybe	No
a) Is the agency’s territory or surrounding area expected to experience any significant population change or development over the next 5-10 years?			X
b) Will population changes have an impact on the subject agency’s service needs and demands?			X
c) Will projected growth require a change in the agency’s service boundary?			X

Discussion

a) Is the agency’s territory or surrounding area expected to experience any significant population change or development over the next 5-10 years?

The Broadmoor Police Protection District provides police protection services to approximately 7,200 residents in BPPD does not provide any other services in the District’s service area. unincorporated Broadmoor Village and an unincorporated area adjacent to Colma. The area is largely residential with some commercial uses and primary built out. BPPD’s service area is wholly comprised of unincorporated territory with the County of San Mateo acting as the land use planning agency.

b-c) Will population changes have an impact on the subject agency’s service needs and demands or require change in service boundaries?

The territory served by BPPD is not expected to experience significant population growth or development over the next 5-10 years. Currently, the County of San Mateo Housing Element is exploring rezoning some properties in the unincorporated Colma area, but these are still in progress. No changes in the development pattern of the Broadmoor Village area is proposed by the County.

Growth & Population Determinations

The territory served by BPPD is not expected to experience significant population growth and therefore will not require a change in the agency’s service needs, demands or service boundaries.

Recommendation

None

2) Disadvantaged Unincorporated Communities

The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.	Yes	Maybe	No
a) Does the subject agency provide public services related to sewers, municipal and industrial water, or structural fire protection?			X
b) Are there any “inhabited unincorporated communities” within or adjacent to the subject agency’s sphere of influence that are considered “disadvantaged” (80% or less of the statewide median household income)?			X
c) If “yes” to both a) and b), it is feasible for the agency to be reorganized such that it can extend service to the disadvantaged unincorporated community (if “no” to either a) or b), this question may be skipped)?			X

a-c) Disadvantaged Unincorporated Communities

The unincorporated area served by BPPD does not contain any disadvantaged unincorporated communities within its service area.

Disadvantaged Unincorporated Communities Determinations

The unincorporated area served by BPPD does not contain any disadvantaged unincorporated communities within its service area.

Recommendation

None

3) Capacity and Adequacy of Public Facilities and Services

Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.	Yes	Maybe	No

a) Are there any deficiencies in agency capacity to meet service needs of existing development within its existing territory?		X	
b) Are there any issues regarding the agency’s capacity to meet the service demand of reasonably foreseeable future growth?			X
c) Are there any concerns regarding public services provided by the agency being considered adequate?		X	

Discussion:

a-c) Capacity to serve customers: BPPD operates out of its headquarters building located at 388 88th Street in Daly City, just outside of the District’s boundaries. The facility, completely rebuilt between 2001 and 2003, provides 3,000 square feet. Two other police department headquarters are located in close proximity to the BPPD: (1) the Daly City Police Department headquarters, located at 333 90th Street, Daly City, is less than one-quarter mile from the BPPD headquarters; and (2) the Town of Colma Police Department headquarters, located at 1199 El Camino Real, Daly City, is approximately two miles away.

As of March 2023, BPPD currently operates with 7-full sworn officers, including the Chief of Police, a reduction of two officers from 2022. There are also 1 full time admin secretary, 1 part time secretary, and 1 paid part time officer, and 14 unpaid reserve or volunteers. While there are five per diem officers, which are typically paid positions, all of these officers have transferred to non-paying reserve positions since November 2022 for budgetary reasons³. From August 2023 to March 2024, the Chief of Police/General Manager salary was reduced by 50%, however the position remained full time. Since the start of March 2024, the position salary has been reinstated to 100%. The part-time Commander position has been vacant since November 2023⁴.

Per BPPD, the District does not have specific ratio for sworn officers to residents. Currently minimum staff is one officer per patrol shift with a sergeant working a split days/night schedule to supervise and assist with patrol and patrol supervisory duties. Reserve officers are used when available to support or augment patrol shifts There are four officers, one corporal and one sergeant assigned to patrol⁵.

When the Special Study was published in 2023, BPPD operated with 9 full-time sworn officers, including a Commander of Police and Chief of Police, 6 per-diem officers, which include a training manager lieutenant and investigations sergeant (per-diem officers can work only 960 house per year), 7 volunteers, and one administrative staff member.

Prior to 2021, BBPD had a reserve officer unit that was staffed with a minimum of 10 reserve officers. Per District staff, In October 2021, the reserve officer unit was decommissioned due a lack of participation by the reserve officers.

³ BPPD Response to LAFCo 3/1/2024

⁴ Ibid

⁵ Ibid

Since 2019, BPPD provides patrol services through 12-hour shifts, with two officers per shift. Per District staff, prior to 2019, assistance from the San Mateo County Sheriff’s Office was required to supplement BPPD patrols. Per-diem officers fill patrol vacancies as needed and also provide administrative functions for the District. BPPD is a signatory to the countywide emergency response joint powers authority (JPA) and has received assistance on a few occasions from neighboring police agencies as well as assisted other agencies when requested.

In the 2023 Special Study for BPPD, the district had a ratio of 2.04 officers per 1,000 residents. With the reduction of two officer positions, the ratio has dropped to 1.03 officers per 1,000 residents, a ratio lower than the City of Daly City.

Table 2. Officers Per Residents (Budgeted positions as of 3/5/2024)

Agency	Residents	Full Time-Officers	Officers Per 1,000 Residents
BPPD (FY24)	7,206	7	1.03
City of Daly City PD (FY22)	104,901	111	1.06
Town of Colma PD (FY22)	1,507	19	12.61
County Service Area 1 (Contacted with San Mateo County Sheriff) (FY22) ⁶	4,767	3	0.63

Table 3. Comparison of Costs of Police Services

Agency	Police Budget	Calls for Service	Cost per Call for Service
BPPD (FY22)	\$2,692,985	6,772	\$398
City of Daly City PD (FY22)	\$48,030,642	57,177	\$840
Town of Colma PD (FY22)	\$9,167,209	23,458	\$390
County Service Area 1 (Sheriff Service) (FY22)	\$866,555	2,110	\$411

The Broadmoor Police Protection District handles a variety of public assistance, patrol, traffic enforcement, as well as emergency Priority 1 response calls. The overall calls for service in FY 21-22 totaled approximately 6,772 calls and with a budget of \$2,692,985, that equates to \$398 per call response. The District’s cost per call is comparable to the Town of Colma and County Service Area 1 (Highlands), both of which, like Broadmoor, are small communities with less than

⁶ The contract with County Service Area 1 (Highlands) includes 18 hours of patrol service, 12 deputy hours per day shift and six deputy hours per night shift seven days a week. Response outside of those hours is provided out of the San Mateo County Sheriff’s Office and response requiring more than one deputy or additional service such as detectives, etc. are funded by the Sheriff’s Budget

10,000 residents.

A review of Part I violent crime (defined by the Federal Bureau of Investigation [FBI] as homicide, rape, robbery and aggravated assault) in Broadmoor and Daly City over the past 10 years reveals a comparable annual violent crime rate of approximately 2,000 violent crimes per 100,000 residents. In contrast, the Part I property crime (defined by the FBI as arson, burglary, larceny-theft and motor vehicle theft) was significantly higher in Daly City, reflecting the abundance of commercial businesses in Daly City compared to the mostly residential Broadmoor (Figure 1)⁷. In addition, Daly City has seen a higher clearance rate for both violent and property crimes (57% and 20%, respectively) over the past ten years compared to Broadmoor (44% and 10%), although the gap is narrowing for violent crime clearance in recent years (Figure 2).

The Part I crime and clearance data demonstrate that the likelihood of experiencing a violent crime is similar for residents in Broadmoor and Daly City, and that the likelihood of a crime being cleared (“solved”) is higher for residents of Daly City. This suggests that the two police departments are providing a similar level of police protection to their residents.

Figure 1. Part I Crime rates in Broadmoor and Daly City

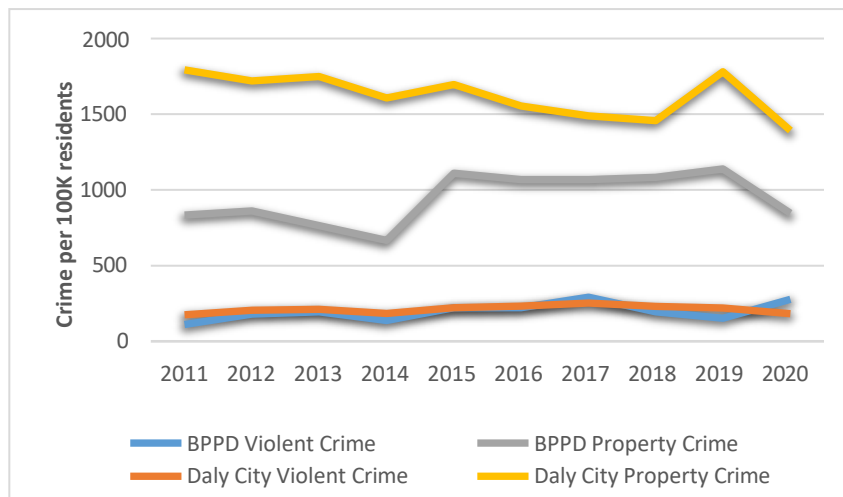
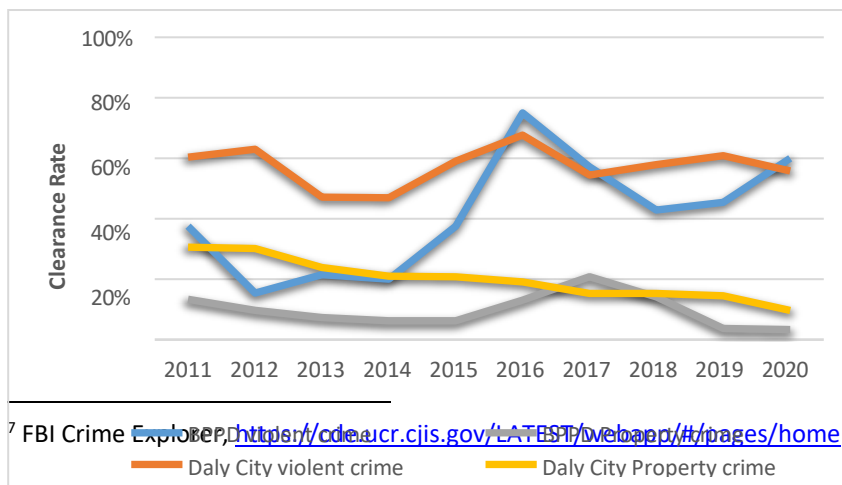


Figure 2. Part I Clearance Rates in Broadmoor and Daly City



⁷ FBI Crime Explorer, <https://cdeu.cr.cjis.gov/LATEST/webapp/#/pages/home>

Capacity and Adequacy of Public Facilities and Services Summary and Recommendations

BPPD provides police protection to the unincorporated area of Broadmoor Village and an unincorporated area adjacent to Colma. BPPD operates with 7 full-time sworn officers, 1 full time admin secretary, 1 part time secretary, and 1 paid part time officer, and 14 unpaid reserve or volunteers. The District has a lower ratio of officer per 1,000 persons compared to the City of Daly City due to the loss of two positions over the last year. BPPD appears to provide a similar level of protection (based on Part I crime and clearance rates) to neighboring Daly City.

Recommendations

- 1) The District should explore cost sharing with adjacent cities or other alternatives to contract for or consolidate services to reduce costs. Potential options are explored in more detail in Accountability, Structure and Efficiencies.
- 2) The District may consider developing and monitoring performance measures, which could include measurements of response times for calls and volume of calls.

4) Financial Ability

Financial ability of agencies to provide service	Yes	Maybe	No
a) Does the organization routinely engage in budgeting practices that may indicate poor financial management, such as overspending its revenues, failing to commission independent audits, or adopting its budget late?		X	
b) Is the organization lacking adequate reserve to protect against unexpected events or upcoming significant costs?	X		
c) Is the organization’s rate/fee schedule insufficient to fund an adequate level of service, and/or is the fee inconsistent with the schedules of similar service organizations?	X		
d) Is the organization unable to fund necessary infrastructure maintenance, replacement and/or any needed expansion?	X		
e) Is the organization lacking financial policies that ensure its continued financial accountability and stability?	X		
f) Is the organization’s debt at an unmanageable level?			X

a) Budget practices:

The BPPD Commission reviews and adopts budget proposals each fiscal year. Budget proposals typically include anticipated revenue and expenditures for the upcoming fiscal year along with a summary of prior year revenues and expenditures. However, the most recent budget proposals for however, the FY 23-24 budget does not include a summary of FY21-22 estimated actuals. The District does not have a reserve fund and its only “reserve” is any excess fund balance that carries over from one year to the next.

The adopted budget proposals do not indicate how prior year surplus or losses impact the current year’s budget. BPPD does not prepare a separate report of actual revenue and expenditures at the end of each fiscal year. The District does not produce long-term financial planning documents for use in the budgeting process.

Actual revenue and expenditures for each fiscal year can be found in the annual audit reports and are described in Table 3. The largest expenditures are employee salary and benefits, including CalPERS pension contributions. BPPD experienced a budget loss each year from FY17 through FY22 and estimates a budget loss of over \$250,000 for FY23. Although expenditures did not exceed revenue in FY21, the budget underestimated its expenditures by over \$300K. While not explicitly stated in budget documents, it appears from audit documents that the District’s fund balance is being utilized to address these losses.

In an analysis done by LAFCo, if all revenue collected by the District were to increase by 5%, including the supplement tax, property tax, and Excess ERAF, total revenue would only increase by approximately \$150,000. BPPD deficits have been an average of \$250,000 over the last six years.

Table 4. FY17 through FY23 Revenues and Expenditures⁸

	Adopted Budget		Actual Revenue & Expenditures					
	FY24	FY23	FY22	FY21	FY20	FY19	FY18	FY17
Revenue								
Property taxes	\$1,502,500	\$1,525,000	\$1,601,244	\$2,708,371	\$1,513,527	\$1,404,010	\$1,300,497	\$1,236,826
ERAF	\$500,000	\$500,000	\$566,781		\$420,737	\$395,540	\$302,068	\$267,015
Supplemental Assessment	\$700,000	\$700,000	\$716,207		\$684,129	\$651,210	\$651,210	\$620,852
Other misc.	\$275,000	\$289,000	\$338,198	\$330,142	\$330,963	\$356,781	\$406,283	\$331,749
TOTAL REVENUE	\$2,977,500	\$3,014,000	\$3,222,430	\$3,038,513	\$2,949,356	\$2,807,541	\$2,660,058	\$2,456,442
Expenditures								
Personnel	\$1,960,559	\$1,986,613	\$2,186,905	\$2,049,242	\$2,495,139	\$2,294,409	\$2,233,012	\$1,739,329
Office expenses	\$142,650	\$136,200	\$126,038	\$920,274	\$189,449	\$207,209	\$138,999	\$327,396
Insurance	\$644,500	\$630,054	\$478,216		\$278,251	\$144,716	\$113,942	\$93,838
Professional contract services	\$354,700	\$296,700	\$370,234		\$231,142	\$210,465	\$220,765	\$200,193

⁸ Lamorena & Chang CPA audits for BPPD

Circulation Draft Municipal Service Review – Broadmoor Police Protection District

Other professional services	\$35,500	\$54,350	\$198,327		\$78,072	\$194,551	\$120,209	\$65,652
Vehicle maintenance	\$107,500	\$78,500	\$41,643		\$131,583	\$106,928	\$72,393	\$78,845
Other	\$87,875	\$85,375	\$120,621	\$55,168				
TOTAL EXPENDITURES	\$3,333,284	\$3,267,792	\$3,521,984	\$3,024,684	\$3,403,636	\$3,158,278	\$2,899,320	\$2,505,253
Surplus (loss)	(\$355,784)	(\$253,792)	(\$299,554)	\$13,829	(\$454,280)	(\$350,737)	(\$239,262)	(\$48,811)

The BPPD Commission has adopted unbalanced budgets for FY17, FY18, FY19, FY23 and FY24. This was planned for this in FY17 (due to increased costs related to a lawsuit) and FY23 (increased insurance fees as result of lawsuits), but there were no explanations in FY18 and FY19. Although BPPD received more revenue than projected between FY17 through FY21, it underestimated annual expenditures from as little as \$134,183 in FY17 to as much as \$874,958 in FY20 (Figure 1). The budget items that were most significantly underestimated were salaries and wages, retirement, contracts, professional services and insurance (Table 4).

Figure 1. Proposed versus Actual Budget Expenditures for FY17 through FY22

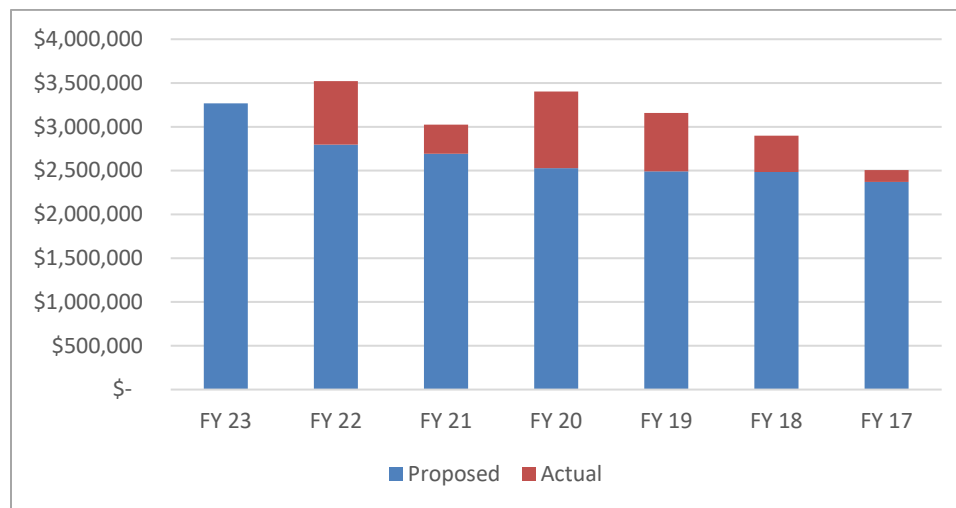


Table 5. Proposed versus actual expenditures FY17-22⁹

Retirement	Proposed	Actual
FY17	\$ 246,895	\$238,795
FY18	\$ 536,345	\$515,608
FY19	\$ 395,672	\$603,300
FY20	\$ 393,226	\$682,820
FY 21	\$ 308,134	Unk
FY 22	\$ 325,514	Unk

Insurance	Proposed	Actual
FY17	\$ 91,000	\$ 93,838
FY18	\$ 51,442	\$113,942
FY19	\$ 95,000	\$144,716
FY20	\$ 120,000	\$278,251
FY 21	\$ 283,690	Unk
FY 22	\$ 325,000	\$478,216

⁹ Ibid

Professional contract services	Proposed	Actual
FY17	\$ 147,696	\$200,193
FY18	\$ 148,132	\$220,765
FY19	\$ 159,632	\$210,465
FY20	\$ 167,632	\$231,142
FY 21	\$ 192,371	Unk
FY 22	\$ 197,371	\$370,234

Other professional services	Proposed	Actual
FY17	\$ 52,500	\$ 65,652
FY18	\$ 69,300	\$120,209
FY19	\$ 91,700	\$194,551
FY20	\$ 91,700	\$ 78,072
FY 21	\$ 92,200	Unk
FY 22	\$ 113,000	\$198,327

Between FY17 and FY20, the general fund balance decreased annually. The general fund increased minimally in FY21 by \$13,829 and reported an ending fund balance of \$1,104,416 at the end of FY21¹⁰. However, the District experienced another decrease in FY 22 and reported an ending fund balance of \$804,862 on June 30, 2022. Based on unaudited estimated actuals for FY23 , the District had an estimated fund balance of an estimated \$400,000 at the June 30, 2023. While the fund balance has continued to decrease, fund balance amounts have not been shown in budget documents.

The District had negative cash on-hand for two months during FY22-23, and on December 1, 2023, was removed from the San Mateo County Voluntary Investment Pool for violating the requirement that Pool participants maintain a minimum balance requirement of \$250K during three months in calendar year 2023. The County Treasurer’s Office, in coordination with Controller’s Office, removed the District from the County Pool to protect other Pool participants should the District become insolvent or file for bankruptcy. BPPD funds has been transferred to an independent bank account that is maintained by the Treasurer’s office.

BPPD provided a spreadsheet regarding revenue and expenditures for 2021-2024 that also presented at a BPPD Commission meeting. The document submitted to LAFCo was presented in calendar years. Based on this data LAFCo staff created the following table showing these revenues and expenditures by Fiscal Year:

BPPB Budget Data¹¹

	FY21-22		FY22-23		FY23-24	
	Expenditures	Revenue	Expenditures	Revenue	Expenditures	Revenue
July	\$315,561	\$15,261	\$273,380	\$50,366	\$276,639	\$5,463
August	\$246,067	\$306,404	\$293,740	\$276,503	\$120,301	\$428,932
September	\$230,022	\$6,601	\$262,595	\$5,779	\$216,517	\$2,610
October	\$337,409	\$144,076	\$375,815	\$75,373	\$104,213	\$182,879
November	\$394,790	\$119,512	\$203,709	\$158,301	\$80,292	\$105,528
December	\$302,184	\$1,064,787	\$366,066	\$1,153,092	\$262,699	\$1,151,159

¹⁰ Lamorena & Chang CPA audits for BPPD

¹¹ BPPD Response to LAFCo 3/1/2024 – Broadmoor Fiscal Breakdown

January	\$220,116	\$479,825	\$398,905	\$486,999	\$304,170	\$500,074
February	\$237,279	\$42,572	\$183,669	\$32,937	\$95,907	
March	\$228,413	\$117,679	\$238,750	\$125,481		
April	\$391,924	\$632,441	\$253,928	\$701,698		
May	\$301,940	\$212,797	\$440,208	\$231,361		
June	\$410,655	\$57,543	\$434,679	\$53,869		
Totals	\$3,616,359	\$3,199,499	\$3,725,444	\$3,351,758	\$1,460,739	\$2,376,646
Net Income (Loss)	(\$416,860)		(\$373,686)		\$915,907	

Currently final audited actuals for FY2022- 2023 are not available. BPPD has stated that the budget for FY 2022-2023 were offset by unknown 2022 debt and reduced expenditures. However, in review of the data provided by BPPD, the District lost \$373,686 in FY22-23 and expenditures increased over the last year. As of this report, BPPD has not clarified this issue. The data provided by BPPD to LAFCo also includes financial data that differs from the final actual reported in the 2022 audit for BPPD.

Per the District’s audits and correspondence with District staff, two legal cases pending. One is related to a litigation and settlement with CalPERS. Per BPPD, it is unknown what the fiscal impact will be to the District other than ongoing legal fees. The other case is awaiting an appellate court decision with a tentative trial date in 2025. If there is a payment, the District risk pool insurance will cover expense and settlements, but there may be impacts to liability insurance costs for the District with impacts to the District’s General Fund.

BPPD’s net position has been negative every year since the end of FY17. The amount of change in net position is volatile (e.g., a 23% decrease in FY17 and 490% decrease in FY19). This negative net position is due to the District’s liabilities exceeding its assets. The majority of this outstanding liability is related to long-term pension costs. These long-term pension costs have continued to grow at a faster rate than assets.

Despite multiple years of reporting a negative net position, the audits during this time period did not include a discussion about any recommendations in the audit process. In 2017 a separate Management Letter was drafted highlighting several recommendations for financial accounting, internal controls, depreciation, and the creation of several policies. While some of these were implemented, there is no follow up documentation in subsequent audits for the majority of these recommendations.

As of June 30, 2022, the District has a negative net position of \$1,262,011¹². The District was able to reduce its long-term liabilities by \$1,402,544 during FY22, however, it is unclear to LAFCo staff how this reduction occurred. The most recent audit affirms LAFCo’s ongoing concerns about the District’s financial health. The report states “...the district has suffered recurring significant loss in last several years, has a net deficiency in net assets and has stated that substantial doubt exists about the district’s ability to continue as a going concern.” Specifically, “Given the agency maintained only \$779,573 operating cash balance as of June 30,

¹² Ibid

2022, management believes that it may not [have] sufficient capital to operate over the next 12 months. This is [the] third years of consecutive net loss of \$112,080 for 2022, 2021 is \$258,072, and 2020 is \$454,291.”¹³ In addition to the net losses for the past several years, the increase in legal and insurance costs contribute to the uncertainty to lawsuits facing the District.

While the District does undertake independent audits the audits are not presented at BPPD Commission meetings.

Due to these mounting financial challenges, the District took several actions shortly after adoption of the FY 23-24 budget, including¹⁴:

- Elimination of 2 full-time positions and 0.5 of a Commander position.
- Suspended operations of non-critical staff that augment patrol and furloughed investigations staff.
- Immediate reduction of some staff members’ positions from full-time hours to part-time (Note: this included a reduction the Chief of Police’s salary, but not work hours) .
- Further reduced of the Commander position to .25 FTE (10 hours per week).
- Implemented efforts to reduce overtime expenditures.
- Reinstated the Reserve Police Officer program (currently have 1 reserve officer with 2 in the immediate hiring phase).
- Building volunteer staff (currently 2 volunteers who handle facilities and vehicles).
- Developing plans to drastically reduce the District’s vehicle fleet.
- Working with vendors to extend the timelines for paying outstanding bills.

While these actions were taken by the District, in a review by LAFCo staff of agenda, meeting minutes, and resolutions from this time, it does not appear that the BPPD Commission took these actions or formally gave direction to the Chief of Police/General Manger. There were no staff reports outlining why these actions were taken, why one action was taken over another, or any period for input from the public.

These expenditure reducing actions were also taken shortly after the BPPD adopted the FY23-24 budget. None of these cost saving measures were included in the adopted budget.

In addition, the Commission adopted Resolution 2023/24-03 on September 18, 2023 to file for Chapter 9 bankruptcy stating that the agency was facing a fiscal emergency and was insolvent. The resolution was rescinded on January 9, 2024. The cost reduction measures put into place by BPPD have reduced expenditures for the FY23-24 to a point where it seems that the District will have sufficient funds to continue to provide service through the end of this fiscal year, barring any large unforeseen expenditure. Budget projections for the rest of the fiscal year are not available from BPPD at this time. Since expenditures are drastically different from previous years, LAFCo

¹³ Ibid

¹⁴ Correspondence with BPPD

staff is unable to provide an accurate forecast of future fund balances for BPPD.

Future Ballot Measure and FY24-25 Budget

The District is exploring the option of increasing the District’s supplemental parcel tax above the maximum 5% annual increase effective July 1, 2024. Any increase above the 5% current special tax would require a ballot measure and voter approval. As of the writing of this report, the District has not yet submitted a ballot measure of the November 5, 2024 election. BPPD has not made public the amount of the increase or what level of service the District envisions would be possible in the long-term with a supplemental parcel tax increase. The District is looking to contract with an accounting firm regarding a financial analysis for the potential tax measure. The District anticipates that the FY24-25 Budget process will commence in March 2024. As part of this process, BPPD staff has stated that they will providing budgeting projections.

Pension Liability

BPPD is currently contending with a CalPERS investigation in which CalPERS alleges that several retirees of the District received full-time compensation as employees while also receiving retirement benefits and two retirees received large lump sum payments in addition to their regular pay. In a letter submitted by CalPERS to BPPD, CalPERS “noted instances of non-compliance with employment of retire annuitants, publicly available pay schedules, and incorrect reporting or non-reporting of payrates, earnings, and special compensation¹⁵.”

In response, District staff has noted that they have initiated a more robust hiring process that includes a review of an employee’s status with CalPERS. The District is continuing to work with CalPERS to address this issue.

The District is seeing rising pension costs and increases to the District’s net pension liability (Table 6). At the end of FY21, BPPD’s net pension liability had increased \$638,612 since FY17, bringing the total long-term liabilities to \$3,301,465. BPPD offers four plans, a Safety Plan, a PEPRSA Safety Police Plan, a Miscellaneous Plan and a PEPRSA Miscellaneous Plan¹⁶. Currently, the largest liability is with the Safety Plan. While pension liability and unfunded liability is not unique to the BPPD, having a negative net position (where liabilities exceed assets 3 to 1), the potential for unbudgeted payments to CalPERS in response to ongoing investigations, and budget deficits in several of the last fiscal are circumstances that many other agencies do not have.

Table 6. Annual Pension Contributions and Long-Term Pension Liability

	CalPERS Pension Contribution	Long-Term Pension Liability	Change from Prior Year
FY21	\$571,490	\$3,301,465	\$237,944
FY20	\$682,820	\$3,063,521	\$167,823

¹⁵ CalPERS Office of Audit Services Employer Compliance Review – “Review of Broadmoor Police Protection District” December 2021

¹⁶ The California Public Employees’ Pension Reform Act (PEPRA), which took effect in January 2013, changes the way CalPERS retirement and health benefits are applied, and places compensation limits on members. The changes included setting a new maximum benefit, a lower-cost pension formula for safety and non-safety employees with requirements to work longer in order to reach full retirement age and a cap on the amount used to calculate a pension.

FY19	\$603,300	\$2,895,698	\$(31,664)
FY18	\$515,608	\$2,927,362	\$ 309,509
FY17	\$238,795	\$2,617,853	Not available

Other Post-Employment Benefits (OPEB)

BPPD does not provide any other post-employment benefits for medical or life insurance.

b) Agency Reserves: The District does not have a reserve to protect against unexpected events or upcoming significant costs. Instead, the District relies on the fund balance for unanticipated expenses. As noted previously, budget documents do not track the fund balance amount.

In review of independent audits for BPPD, the Districts fund balance has continued to decrease. For FY20-21, the ending fund balance was \$1.1 Million. This was decreased by \$299,544 for a total new fund balance of \$804,862 by FY21-22¹⁷. If data provided by BPPD is utilized for estimated FY22-23 revenue and expenditures, the ending fund balance on June 30, 2023 was \$431,176.

c) Service charges and other revenue sources: BPPD has three main revenue sources: 1) Property taxes, 2) Excess Education Revenue Augmentation Fund (ERAF) and 3) a Supplemental parcel tax that BPPD voters approved in 2000. In 1978, voters passed Proposition 13, which limited local agencies to a fixed 1% property tax, and each County Controller determines how to allocate the resulting revenues among various districts and agencies. The property tax revenue received by BPPD is unrestricted and can be used for all District business. Between FY17 and FY20 property taxes accounted for 50% of BPPD’s revenue. Property taxes are a consistent source of revenue but are subject to economic growth and decline.

The supplemental parcel tax is the second largest source of revenue and accounts for an average of 22% of BPPD’s revenue. The parcel tax was established in 2005 after receiving voter approval from Broadmoor residents in 2000 and is restricted to police activities. The supplemental parcel tax is a reliable source of funding, as each parcel is subject to a flat fee annually. The tax includes an escalation factor of up to five percent (per fiscal year) based upon the Consumer Price Index. The District increased the rate for the first time since FY 21-22 on August 8, 2023 (effective July 1, 2023). The FY 23-24 rate for residential dwellings is \$507.15 and \$1,108.01 for commercial or industrial parcels. There is no sunset date for this special parcel tax. Noticing is required every year to continue the existing rate, decrease or increase the rate.

As described above, the District is exploring the option of increasing the District’s supplemental parcel tax above the maximum 5% annual increase effective July 1, 2024. Any increase above the 5% current special tax would require a ballot measure and voter approval. As of the writing of this report, the District has not filed the paperwork to add a ballot measure to the November 5, 2024 election. BPPD has not made public the amount of the increase or what level of service the District envisions would be possible in the long-term with a supplemental parcel tax increase.

¹⁷ Lamorena & Chang CPA audits for BPPD

Between FY17 and FY20, Excess ERAF accounted for approximately 12% of BPPD’s revenue and represents the District’s third largest source of revenue¹⁸. BPPD receives this revenue through the County as part of the ERAF calculation that limits funding shifts to school districts. When property tax revenues exceed a calculated amount, excess funds are allocated to other agencies, like BPPD, that receive property taxes. The County Controller does not recommend that agencies budget these supplemental funds for ongoing operations as they are determined each year and are not a reliable source of revenue on an ongoing basis.

Furthermore, the State has taken an interest in redirecting some of the excess ERAF to the State and away from local agencies. In 2022, as part of the proposed California State Budget, Excess ERAF was proposed to be capped at current levels for cities and counties and completely eliminated for special districts. If this had passed, the loss of ERAF funds would reduce the District’s revenue moving forward by 12%. While the proposal was not ultimately included in the State budget, the issue of Excess ERAF will continue to be of interest to the State as California is facing projected budget deficits in upcoming fiscal years.

Other sources of revenue include BPPD’s trust fund, court fines, interest, grant revenue and bad debt recovery.

Gann Appropriation Limits

In 1979, California voters approved the Gann Appropriation Limit Initiative, which established requirements for cities, counties, and most special districts that used property taxes or proceeds from property taxes to calculate an appropriation limit each year to reduce the amount of growth in expenditures for each agency¹⁹. This requirement applies to all cities and districts that receive 12.5% or more of the 1% property tax. The District receives approximately 26% of the 1% property tax in District boundaries. A formula was developed to increase the limit by the change in agency population and the Consumer Price Index (CPI) from the prior year.

In the 2015 Municipal Service Review (MSR) for North County Cities and Special District, which included BPPD, noted that the District had not adopted an annual resolution setting the Gann Appropriation Limit. The MSR recommended that BPPD should complete an analysis of its Gann Appropriation Limit and adopt resolutions annual. In a review of records and correspondence from the BPPD Police Chief, resolutions for the Gann Appropriation Limit have not been adopted. Currently, District Counsel is reviewing the statutes and legal obligations of the Gann Appropriation on the Broadmoor Police District.

d) Infrastructure maintenance: BPPD does not have a Master Plan, Strategic Plan or Capital Improvement Plan that plans for asset management and replacement, such as facility upgrade

¹⁸ In the early 1990s, the Legislature permanently redirected a significant portion of the property tax revenue from cities, counties, and special districts to schools and community colleges. Revenue from ERAF is allocated to schools and community colleges to offset the funding these entities otherwise would receive from the state General Fund. In a few counties (including San Mateo), ERAF revenue is more than enough to offset all of the General Fund allocated to schools and community colleges. The portion of ERAF not needed for schools and community colleges is dispersed to other agencies in the county. The revenue shifted through this process is known as excess ERAF. (Source: California Legislative Analyst's Office)

¹⁹ Government Code Section 7900 et seq.

or repairs and replacement of equipment and vehicles. The District replaces vehicles as needed through its annual budget process and does not foresee the need for facility upgrades in the near future.

e) Fiscal policies and administrative policies: Per District staff, BPPD does not have any adopted financial policies. The District does not have a Board-approved policy on setting reserves.

f) Agency debt: BPPD does not report any outstanding debt.

Financial Ability Summary and Recommendations

BPPD has had significant budget deficits in five of the last six fiscal years. BPPD's net position has been negative every year since the end of FY17. The BPPD Commission has adopted unbalanced budgets for FY17, FY18, FY19 and FY23. For these budget losses and unbalanced budgets, the District has relied on the fund balance to address these deficits. As such, the fund balance, the only reserve for the District, has been drawn down over the past several budgets.

While cost saving measures were implemented to stabilize the financial situation at BPPD, these measures were implemented shortly after the adoption of the FY23-24 budget by the BPPD Commission. These measures were not included as part of the adopted budget. LAFCo staff is concerned that BPPD and the public do not have a full and accurate view of fiscal status of the District.

BPPD does not prepare a separate report of actual revenue and expenditures at the end of each fiscal year. The District does not produce long-term financial planning documents for use in the budgeting process.

The District does have independent audits which are shared with staff and Board members; however, it does not appear that these audits are agendaized for discussion at Board meetings. Delays in the timely production of audits can negatively impact budget preparation.

BPPD has three main revenue sources: 1) Property taxes, 2) Excess Education Revenue Augmentation Fund (Excess ERAF) and 3) a Supplemental parcel tax that BPPD voters approved in 2000. Excess ERAF, which comprises 12% of the District's overall budget, is considered to be an unstable revenue source. Furthermore, the State has taken an interest in redirecting some Excess ERAF to the State, so there is risk that Excess ERAF may not be available in future years.

BPPD does not have a Master Plan, Strategic Plan or Capital Improvement Plan that plans for asset management and replacement, such as facility upgrade or repairs and replacement of equipment and vehicles. BPPD is currently in conversation with the California Special Districts Association regarding hiring a company to develop a strategic plan for the District. The District replaces vehicles as needed through its annual budget process and does not foresee the need for facility upgrades in the near future. The District does not currently have any adopted fiscal policies.

The District does not currently adopt a Gann Appropriation Limit, as was recommended in the 2015 MSR and the 2023 Special Study. BPPD legal staff is currently reviewing this issue.

Although the District does not have outstanding debt, it does carry significant pension liabilities that may pose a threat to its long-term financial health. In addition, a lack of a reserve fund and

the continuing use of the District's fund balance puts the District in a vulnerable position to withstand a financial crisis, such as economic recession, termination of Excess ERAF or unexpected expenses, while still be able to maintain its high level of service. Should the District face insolvency, legacy costs like pension payments for current and retired personnel, would still need to be addressed by the agency that absorbs the provision of police protection services for Broadmoor. That agency would be entitled to receive District revenue, including the supplemental parcel tax, which could be used to pay for pension costs and other legacy costs. The successor agency would need to evaluate if the supplemental parcel tax or other potential additional taxes should continue to be collected as part of a plan for service.

Recommendations

- 1) Prepare a quarterly financial report which presents the District's financial condition in a user-friendly way so board members and staff can better understand financial data. At a minimum the financial data should include a balance sheet, income statement and a budget-to-actual report to detect potential errors. The reports should reference final actual numbers from the previous fiscal year and should be compared to budgeted numbers. In years where there are deficits, the impact to the District's fund balance should be discussed in the budget documents.
- 2) Develop long-term fiscal documents that will assist the District in planning for expenditures, such as retirement costs. The Board could engage in a strategic planning session that will help prioritize goals and review the District's fiscal ability to meet these goals.
- 3) Budget documents should show the amount of funds that are allocated to the District fund balance/reserve.
- 4) Independent audits should be presented to the Board for discussion at public meetings. The audit should include management letters and a review of any recommendations for the audit process and fiscal ability of the District. Audits should be conducted in a timely manner.
- 5) Develop accounting, financial, governance and general administrative policies to help guide its decision making in a consistent manner. This should include policy regarding the development of a reserve fund as well as a policy about how reserve funds are utilized.
- 6) Explore the development of a Master Plan, Strategic Plan or Capital Improvement Plan that plans for asset management and replacement, such as facility upgrade or repairs and replacement of equipment and vehicles to help plan for long-term capital costs. LAFCo encourages BPPD to continue to work with the California Special District Association to identify a consulting firm to provide this service.
- 7) Adopt annual Gann Appropriation Limit resolutions.
- 8) Explore ways to reduce reliance on Excess ERAF for routine District operations and maintenance and divert Excess ERAF to a reserve fund that the District can draw from for unexpected expenses.
- 9) The District should explore ways to address budget shortfalls and unbalanced budgets, either through enhanced revenue or reduced costs. This could be conducted along with the

creation of long-term financial planning documents and discussions with residents and District employees about future funding and District services. It is recommended that BPPD conduct outreach and engagement with residents regarding the fiscal outlook for the District and potential changes to levels of service.

10) Continue to post budget documents and audits on the District’s website.

5) Shared Service and Facilities

Status of, and opportunities for, shared facilities	<i>Yes</i>	<i>Maybe</i>	<i>No</i>
a) Is the agency currently sharing services or facilities with other organizations? If so, describe the status of such efforts.	X		
b) Are there any opportunities for the organization to share services or facilities with neighboring or overlapping organizations that are not currently being utilized?			X
c) Are there governance options to allow appropriate facilities and/or resources to be shared, or making excess capacity available to others, and avoid construction of extra or unnecessary infrastructure or eliminate duplicative resources?			X

a) Is the agency currently sharing services or facilities with other organizations? If so, describe the status of such efforts.

BPPD has contracts with the County of San Mateo for both dispatching and crime lab services.

b) Are there any opportunities for the organization to share services or facilities with neighboring or overlapping organizations that are not currently being utilized?

In the 2023 Special Study, LAFCo recommended that BPPD explore hiring additional staff or consultants to perform human resource functions and administrative tasks, including budget support. These functions could also be shared services with neighboring agencies. BPPD stated that the number of human resource functions is minimal and that share shared services for these types of functions would not be feasible as they are not essential functions of providing police protection.

c) Are there governance options to allow appropriate facilities and/or resources to be shared, or making excess capacity available to others, and avoid construction of extra or unnecessary infrastructure or eliminate duplicative resources?

Staff has not identified potential any governance options that would allow for additional facility or resource sharing, make excess capacity available to others, or avoid duplication of resources.

Shared Service and Facilities Determinations

BPPD should explore hiring additional staff or consultants to perform human resource functions and administrative tasks, including budget support. These functions could also be shared services with neighboring agencies. BPPD stated that the number of human resource functions is minimal and that share shared services for these types of functions would not be feasible as they are not essential functions of providing police protection.

Recommendation

- 1) Where feasible, BPPD should explore gaining additional staff, consultants, or volunteers to assist in performing human resource functions and administrative tasks, including budget support. These functions could also be shared services with neighboring agencies.

6) Accountability, Structure and Efficiencies

Accountability for community service needs, including governmental structure and operational efficiencies	<i>Yes</i>	<i>Maybe</i>	<i>No</i>
a) Are there any issues with meetings being accessible and well publicized? Any failures to comply with disclosure laws and the Brown Act?		X	
b) Are there any issues with staff turnover or operational efficiencies?		X	
c) Is there a lack of regular audits, adopted budgets and public access to these documents?	X		
d) Are there any recommended changes to the organization’s governance structure that will increase accountability and efficiency?		X	
e) Are there any governance restructure options to enhance services and/or eliminate deficiencies or redundancies?		X	
f) Are there any opportunities to eliminate overlapping boundaries that confuse the public, cause service inefficiencies, unnecessarily increase the cost of infrastructure, exacerbate rate issues and/or undermine good planning practices?		X	

- a) Are there any issues with meetings being accessible and well publicized? Any failures to comply with disclosure laws and the Brown Act?

BPPD is governed by a three-member Board of Commissioners elected by voters within the

service district. The Commission meets monthly on the second Tuesday of each month. Meetings are open to the public and are held in the BPPD headquarters. The District posts copies of meeting agendas to their website, however, the full meeting packet is not available. Currently, staff reports for agenda items are not produced. 2024 agenda are not archived on the BPPD website.

While all Commission meetings are recorded, video or audio recordings of Commission meetings are not available on the District’s website. Per District staff, recordings are available upon request and the requesting party would be responsible for all costs associated in preparing the recordings.

In 2019, a BPPD Commissioner was appointed Police Chief by the Commission. During this selection process, the Commissioner participated in the search and selection for a new Police Chief and “advocated for a non-agendized vote on the decision that would result in his appointment.²⁰” The Commissioner was appointed to the Police Chief’s position on a 2-0 vote.

BPPD stated that meeting notices for public meetings are published three public locations as well as posting electronic notices on social media, including Facebook and Nextdoor platforms. BPPD staff also have presented at the Broadmoor Property Owners Association, several of which were attended by LAFCo and County staff.

b) Are there any issues with staff turnover or operational efficiencies?

Per the BPPD staff, the District has been able to meet staffing requirements. BPPD continues to have applicants but in lower numbers..

The Police Chief/General Manager provides all administrative and human resource function for the District. An outside account provides accounting functions, and an outside auditor provides auditing services.

The District has a Memorandum of Understanding that covers all line personnel, civilian employees, and per-diems. This MOU expired at the end of FY22-23 and negotiations are currently ongoing²¹.The position of Chief of Police and Police Commander are covered by separate contracts. The BPPD Commission reviews and approves the initial contract and any amendments to the Chief of Police contract.

c) Audits and transparency: As of the publication of this report, the latest independent audit is not available on the District’s website. The website does include budgets for 2016 through 2023The only audit available for review on the District’s website is for FY 2017. In review of agenda and minutes for the District, independent audits including the most recent 2022 audit, were not brought to the Commission for review and approval.

The County of San Mateo provided payroll services to the District, this contract ended on June 30, 2023. The District now contracts with a private provider for payroll services. Per BPPD, there

²⁰ Jason Green and Robert Salonga “Ex-Broadmoor police chief pleads no contest to conflict-of-interest charge” *The Mercury News* 8/4/2021.

²¹ BPPD Response to LAFCo 3/1/2024

are going operational and tax issues regarding payroll that the private provide has not been able to address, including with federal tax filings²².

The Broadmoor Police Protection District’s website provides basic contact information, meeting notices, agendas, and minutes, and a community events calendar. Copies of minutes, agenda, and resolutions are now available from 2017 to 2023 are available on the BPPD website. Agendas for 2024 are currently not archived. As mentioned previously, written staff reports are not created for agenda items.

Salary information for District positions is included in budget documents and adopted salary ranges for positions and classifications are now available on the District’s website.

d-f) Governance Options:

In light of the fiscal, structural and administrative concerns raised in this report and the 2023 Special Study, a discussion of alternative service and governance options is pragmatic. The 2015 MSR for BPPD identified three government structure alternatives for the District:

Status Quo

District would remain as is, with a three-member elected board and police services provided by officers and staff hired by the District. However, based on LAFCo’s review of recent BPPD audit and budget documents it is probable that changes to the level of service provided by the District or the levels revenue or expenditures would need to change due to budget constraints in the future. The supplemental parcel tax could be increased on property owners to raise revenue, or service and operations could be cut to reduce expenditures. These will be decisions that the BPPD Commission will need to evaluate. As part of the review of the potential changes to services or an increase in revenue, BPPD should engage with the residents of Broadmoor to understand their views on these issues and on the District. If services were not able to be provided by BPPD, the San Mateo County Sheriff’s Office or other neighboring agency may be able to assist, but BPPD should engage in discussions with those agencies if the need arises.

Merge Broadmoor Police Protection District with City of Daly City

Merging BPPD with the City of Daly City (with concurrent annexation of BPPD’s service territory) has the potential benefit of reducing overall service costs by eliminating duplicative staffing, administrative, and facility expenses. San Mateo LAFCo has identified Daly City (through adoption of the spheres of influence) as the long-term, logical service provider for both Broadmoor and unincorporated Colma. Daly City has its own full-service police department with its headquarters located less than one-quarter mile from the BPPD headquarters. Furthermore, the Broadmoor Unincorporated area is wholly surrounded by the City of Daly City and unincorporated Colma islands are fully bordered by Daly City on three sides and the Town of Colma.

Formation of a County Service Area (CSA) or a Community Services District (CSD) and Contract with the County or Daly City for Services

The Broadmoor Village subdivision receives services from the County of San Mateo, Broadmoor

²² Ibid

Police Protection District and Colma Fire Protection District. The District could reorganize either to a County Service Area (a dependent district under the jurisdiction of the County) or as a Community Services District (an independent special district with a five-member board). The reorganized agency could contract for police services. As discussed in the 2015 MSR, the CSA or CSD could also consider contracting for fire and solid waste services.

Any application for a County Service Area (CSA) or a Community Services District would need to include a plan for service that outlined the proposed police protection services that would be provided and information about how those services are proposed to be funded.

Contracting with Another Agency without Reorganization

An additional alternative for the District that was not included in the 2015 MSR is that the District could consider contracting for service with another public safety agency to provide police services to the BPPD service area. Under this scenario, no LAFCo action would be required to enter into a service contract and the District remains intact. In California, there are three remaining Police Protection Districts, BPPD, the Fig Garden Police Protection District, and the Orange Cove Police. These two other districts, both located in Fresno County, contract with the Fresno County Sheriff's Office for enhanced police protection. The Board of Commissioners for these two districts continue to meet and the district themselves continue to operate.

BPPD could explore the option of contracting for service as a way for the District to better control costs and provide for improved economies of scale. Administrative functions such as Human Resources and payroll could be provided by the contracting agency and would no longer need to be provided by the District. Contracting with a public safety agency could also allow greater access to additional police resources and services for the Broadmoor community. While the scope of this special study does not include the fiscal analysis for contracting for services, if contracting is pursued, the District should analyze if there would be the potential for reducing or eliminating the special parcel tax.

Dissolution

BPPD could also be dissolved, either through a petition from registered voters or property owners residing in the District, a resolution from the BPPD Commission or another affected agency, or by LAFCo. This would require a LAFCo process and in most cases, would be subject to a protest proceeding. If the District was dissolved and Broadmoor remained unincorporated, police services could be provided by the San Mateo County Sheriff's Office, similar to other unincorporated areas in the County. The specifics about what level of service would be provided and how the service would be funded (including information about the status and use of any supplemental property tax) would need to be developed by the agency applying to LAFCo as part of a plan for service.

Government Code Section 57451 states that if the territory of a dissolved district is located entirely within the unincorporated territory of a single county, the county is the successor for the purposes of winding up the affairs of the dissolved district. The successor agency also received control over all money and funds. To pay for remaining legacy costs for the District, such as pension liability, the County of San Mateo could use the property tax and supplement property tax revenue that the District currently receives. In this case, revenue would still be

collected to pay for legacy costs associated with BPPD even though the District would no longer be providing services. This could mean that rate payers within BPPD would pay for legacy costs associated with BPPD, even though BPPD is no longer providing police service. Two flow charts outlining the dissolution process are attached to the report as Appendix C.

Bankruptcy

While not a governance change, the BPPD Commission adopted Resolution 2023/24-03 on September 18, 2023 to file for Chapter 9 bankruptcy stating that the agency was facing a fiscal emergency and was insolvent. The resolution was rescinded on January 9, 2024. The cost reduction measures put into place by BPPD have reduced expenditures for the FY23-24 to a point where it seems that the District will have sufficient funds to continue to provide service through the end of this fiscal year, barring any large unforeseen expenditure. While it is challenging for LAFCo to project what an outcome of a bankruptcy proceeding would have on BPPD and service to residents there are several potential outcomes:

- BPPD stabilizes and continues to provide service (status quo)
- BPPD declares bankruptcy, restructures debt and stabilizes
- BPPD declares bankruptcy, restructures debt and still is insolvent, cannot provide service

It is unknown and beyond LAFCo staff's ability to be able to predict if a bankruptcy judge would change the amount of the supplemental property tax (or any revenue from a future property tax measure) that is being paid for by residents of BPPD.

Accountability, Structure, and Efficiencies Determination

Public meeting agendas are posted on the District's website, but staff reports are not typically available. The District does record Board meetings, but currently, the records are not posted to the website and are only available at cost to members of public who request copies. The Police Chief/General Manager provides all administrative and human resource function for the District.

Recommendations:

- 1) LAFCo recommends the creation of staff reports for Board of Commissioners agenda items. The creation of staff reports for Board items can increase transparency and raise public awareness of the issues that are being reviewed and acted on by the commissioners. The District could explore sharing services with cities or other special districts to assist in creating the staff reports and compiling an agenda packet.
- 2) In light of on-going fiscal concerns for BPPD, the District should provide updates to the community about the current fiscal status of BPPD, efforts that BPPD has made.
- 3) Explore providing video/audio of Board meetings should be posted on the District's website for public viewing.
- 4) Continue to provide Brown Act training for all Commissioners.

- 5) Explore hiring gaining additional staff, or consultants, or volunteers to assist in performing human resource functions and administrative tasks, including budget support. These functions could also be shared services with neighboring agencies.
- 6) Develop accounting, financial, governance and general administrative policies to assist the Commission and District staff. This should include the creation of policies regarding meeting agendas and noticing, Brown Act training, and audit and budget review.
- 7) Provide information to the residents of BPPD about status of pursuing bankruptcy for the District. The information should include data about the current and future fiscal health of BPPD.

7) Other

Any other matter related to effective or efficient service delivery, as required by commission policy.	<i>Yes</i>	<i>Maybe</i>	<i>No</i>
a) Are there any other service delivery issues that can be resolved by the MSR/SOI process?			X
b) Water Resiliency and Climate Change			N/A
i) Does the organization support a governance model that enhances and provides a more robust water supply capacity?			
ii) Does the organization support multi-agency collaboration and a governance model that provide risk reduction solutions that address sea level rise and other measures to adapt to climate change?			
c) Natural Hazards and Mitigation Planning			N/A
i) Has the agency planned for how natural hazards may impact service delivery?			
ii) Does the organization support multi-agency collaboration and a governance model that provides risk reduction for all natural hazards?			

a) Are there any other service delivery issues that can be resolved by the MSR/SOI process?

There are no other issues that LAFCo has identified through the MSR/SOI process.

b-c) Water Resiliency and Climate Change and Natural Hazards and Mitigation Planning

The Broadmoor Police Protection District is charged with providing police protection services within its service boundaries. BPPD does not provide services related to water resiliency, climate change and natural hazards and mitigation planning.

Other Area Determination

There are no other issues that LAFCo has identified through the MSR/SOI process. The

Broadmoor Police Protection District is charged with providing police protection services within its service boundaries. BPPD does not provide services related to water resiliency, climate change and natural hazards and mitigation planning.

Section 5: Sphere of Influence Review and Update

Determinations

Section 56425 requires the Commission to make determinations concerning land use, present and probable need for public facilities and services in the area, the capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, and the existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency. These include the following determinations:

1) The present and planned land uses in the area, including agricultural and open space lands.

The boundaries of the BPPD encompass the unincorporated Broadmoor and unincorporated Colma communities, which are predominantly developed with urban uses. The Sphere of Influence designation for BPPD is zero (dissolution) as established in 1976 and reaffirmed several times since then, most recently in 2015.

2) The present and probable need for public facilities and services in the area.

The territory served by BPPD is not expected to experience significant population growth and therefore will not require a change in the agency's service needs, demands or service boundaries

3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

BPPD provides police protection to the unincorporated area of Broadmoor Village and an unincorporated area adjacent to Colma. BPPD operates with 7 full-time sworn officers, 1 full time admin secretary, 1 part time secretary, and 1 paid part time officer, and 14 unpaid reserve or volunteers. The District has a lower ratio of officer per 1,000 persons compared to the City of Daly City due to the loss of two positions over the last year. BPPD appears to provide a similar level of protection (based on Part I crime and clearance rates) than neighboring Daly City.

BPPD has made dramatic cuts to spending since the start of FY23-24 by eliminating two officer positions, eliminating some per-diem officers and moving other per-diem officers into unpaid volunteer positions. The Chief of Police also reduced his pay for a period and now is back at full pay. These cuts have lowered the number of sworn officers to 7, a decrease from 9 officers just last year. Many of these budget cuts occurred shortly after the BPPD Commission adopted the FY23-34 budget. These cuts though were not included as part of the proposed budget document. The need for these unplanned cuts concerns LAFCo staff about if BPPD and the public have a full understanding of the fiscal health of the District.

The most recent audit for BPPD affirms LAFCo's ongoing concerns about the District's

financial health. The report states “...the district has suffered recurring significant loss in last several years, has a net deficiency in net assets and has stated that substantial doubt exists about the district’s ability to continue as a going concern.”

4) The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

There are no social or economic communities of interest within the Broadmoor Police Protection District’s SOI.

5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to Section 56425(g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

No change to the Sphere of Influence of the Broadmoor Police Protection District is proposed at this time.

On the basis of the Municipal Service Review:

Staff has reviewed the agency’s Sphere of Influence and recommends that a SOI Update is NOT NECESSARY in accordance with Government Code Section 56425(g). Therefore, NO CHANGE to the agency’s SOI is recommended and SOI determinations HAVE NOT been made.

Staff has reviewed the agency’s Sphere of Influence and recommends that a SOI Update IS NECESSARY in accordance with Government Code Section 56425(g). Therefore, A CHANGE to the agency’s SOI is recommended and SOI determinations HAVE been made and are included in this MSR/SOI study.

Appendix A. Broadmoor Police Protection District Fact Sheet

Michael P. Connolly, Interim Chief of Police

Broadmoor Police Protection District

388 88th Street

Daly City, CA 94015-1717

(650) 755-3840

Date of Formed: December 21, 1948

Commissioners: Three-member board of commissioners elected to four-year terms.

Membership and Term Expiration Date: James Kucharszky (January 2024), Ralph Hutchens (November 2024), and Marie Brizuela, (November 2024)

Compensation: No compensation to Commissioners

Public Meetings: The Commission meets the second Tuesday of every month at 7:00 pm at Broadmoor Police Protection District headquarters.

Services Provided: Police Protection

Area Served: 0.55 square miles

Population: Approximately 7,206

Number of Personnel: 7 full-time sworn officers, including a Chief of Police, 1 full time admin secretary, 1 part time secretary, and 1 paid part time officer, and 14 unpaid reserve or volunteers

Sphere of Influence: Zero (Dissolution)

Budget: See the Broadmoor Police Protection District website page (<https://www.broadmoorpolice.com/>)

Appendix B. References