


**San Mateo LAFCo Commission Meeting Summary**
**Wednesday, May 22, 2024**
**2:30 pm**
**East Palo Alto Council Chambers**
**2415 University Avenue**
**East Palo Alto, CA**

The San Mateo Local Agency Formation Commission protest hearing for LAFCo File 22-09 was held in person at East Palo Alto Council Chambers, 2415 University Avenue, East Palo Alto, CA.

**Item 1 Call to Order**

Executive Officer Bartoli convened the protest hearing at 2:30 pm. LAFCo staff present included the Executive Officer Bartoli, Tim Fox, Legal Counsel for LAFCo, and Diane Estipona, the LAFCo Clerk.

**Item 2 Comment for Items Not on the Agenda**

No comments for items not on the agenda were made.

**Item 3 Purpose of Protest Hearing**

Mr. Bartoli stated that the purpose of a protest hearing is to give landowners and registered voters within the affected service area, in this case, the East Palo Alto Sanitary District service area, the opportunity to submit written protest to the proposal. On November 15, 2023 the LAFCo Commission voted unanimously, 6-0, to adopt Resolution No. 1312 approving the City of East Palo Alto's (City) proposal to establish the East Palo Alto Sanitary District (EPASD) as a subsidiary district of the City (LAFCo File 22-09). Notice of the required protest proceeding for this action was sent on February 12, 2024. The protest period for LAFCo File 22-09 started on February 12, 2024 and will end today, May 22, 2024, at the conclusion of this hearing.

Mr. Bartoli stated that Individuals who are both a landowner and a registered voter may submit two written protests but must use separate forms for each protest.

Mr. Bartoli noted that LAFCo Commission has delegated the authority to conduct protest proceedings to the LAFCo Executive Officer.

**COMMISSIONERS:** KATI MARTIN, CHAIR, SPECIAL DISTRICT ▪ RAY MUELLER, VICE CHAIR, COUNTY ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT  
▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ ANN DRAPER, PUBLIC

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

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ VACANT, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪

DIANE ESTIPONA, CLERK

He notes that there a protest form may be submitted during the protest proceeding by placing protests in a box labeled “Written Protest” and that people wishing to submit protest do not need to fill out a speaker slip and speak at this hearing to submit a protest, but speaker slips are available for anyone who would like to speak.

**Item 4. Protest Hearing for LAFCo File No. 22-09 – A proposal to establish the East Palo Alto Sanitary District (EPASD), an independent special district, as a subsidiary district of the City of East Palo Alto (City) (LAFCo Resolution 1312).**

Executive Officer Bartoli opened the protest hearing.

Mr. Bartoli gave a summary of the City’s proposal, EPASD’s alternative application, and the LAFCo process. On November 10, 2022, LAFCo received an application from the City of East Palo to establish the East Palo Alto Sanitary District as a subsidiary district of the City. The proposal was initiated by the East Palo Alto City Council by resolution. EPASD currently provides sewer services to customers in portions of the City of East Palo Alto and the City of Menlo Park. Under this proposal, the City of East Palo Alto City Council would become the governing board of EPASD. Approval of this proposal would not alter the EPASD service area, nor the sewer services provided by EPASD to customers. Revenue collected by EPASD would be separate from the City’s General fund and could only be used for sewer operations and maintenance.

The City’s stated reason for the proposal is to facilitate coordinated planning of sewer service, infrastructure, and capacity to accommodate for planned growth and to improve transparency, accountability, and environmental health to meet the current and future needs of all District ratepayers.

On September 19, 2023, LAFCo staff received an alternative application regarding the City's subsidiary district proposal. The District’s application proposed to retain EPASD's current governance structure as an independent special district, to amend its Sphere of Influence (SOI) to be coterminous with existing EPASD boundaries, and to remove EPASD's territory from the SOI of the West Bay Sanitary District (WBSD). EPASD’s alternative application proposes no changes in organization or governance.

LAFCo reviewed the City’s proposal, EPASD’s alternative application, along with an independent peer review report of the City’s proposed budget and application. Available to review by the Public is a copy the staff report that was presented to the LAFCo Commission on November 15, 2023.

At that November 15 hearing, the LAFCo Commission voted unanimously, 6-0, to adopt Resolution No. 1312 approving the City of East Palo Alto’s (City) proposal to establish the East Palo Alto Sanitary District (EPASD) as a subsidiary district of the City subject to the terms and conditions included in the Resolution.

As stated in Resolution No. 1312, The actions are consistent with LAFCo’s 2022 Municipal Services

Review (MSR) recommendation for the City of East Palo Alto and the East Proposal would provide for more efficient operation and coordinated planning of sewer service, infrastructure and capacity to accommodate planned growth and improve transparency, accountability, environmental health to meet the current and future needs of all East Palo Alto Sanitary District ratepayers and customers.

Mr. Bartoli summarized the approved resolution for LAFCo File 22-09 and the seven terms and conditions.

Mr. Bartoli then noted how many written protests have been received prior to the hearing. As of May 21, thirty-five registered voter protest forms have been received by San Mateo LAFCo. As of May 21, thirty-seven landowner protest forms have been received by San Mateo LAFCo. As of May 21, no letter of withdrawing protest has been received by San Mateo LAFCo.

Mr. Bartoli opened public comment.

Kelly Fergusson, resident of Menlo Park, and Sharifa Wilson, resident of East Palo Alto presented signed protest forms that had been collected.

Glenda Savage, resident of East Palo Alto, spoke in support of EPASD.

Gail Wilson, resident of East Palo Alto, spoke in support of EPASD.

Dennis Scherzer, resident of East Palo Alto, spoke in support of EPASD.

Leland Fracois, resident of East Palo Alto, spoke in support of EPASD.

Adrienne Bryant, resident of East Palo Alto, spoke in support of EPASD.

Angah Miessi, resident of East Palo Alto, spoke in support of EPASD.

Carlos Romero, councilmember of East Palo Alto, spoke in support of the City.

Mr. Bartoli closed public comment.

Mr. Bartoli stated that the next steps are that LAFCo staff will tabulate results and determine the level of protest. The LAFCo Commission will deliberate a finding regarding the value of written protests filed and not withdrawn at an upcoming LAFCo Commission meeting.

#### **Item 5. Adjournment**

Mr. Bartoli adjourned the meeting at 2:59 pm.