

ACTION MINUTES
San Mateo Local Agency Formation Commission Meeting
September 17, 2014

In the Board of Supervisors' Chambers, 400 County Center, Redwood City, California, Chair Garbarino called the September 17, 2014 meeting of the Local Agency Formation Commission (LAFCo) to order at 2:32 pm.

Roll Call

Members Present: Commissioners Allan Alifano, Joshua Cosgrove, Don Horsley, Joe Sheridan, Adrienne Tissier, Chair Richard Garbarino, and Vice Chair Linda Craig

Members Absent: None.

Staff Present: Martha Poyatos, Executive Officer
Melissa Andrikopoulos, Deputy County Counsel
Jean Brook, Commission Clerk/Executive Secretary

Chair Garbarino noted that Melissa Andrikopoulos was sitting in for Rebecca Archer as Deputy County Counsel. Vice Chair Craig noted that Commissioner Ric Lohman (Alternate Special District Member) was in the audience.

Consent Agenda

Commission Action: Commissioner Alifano moved approval of the consent agenda consisting of the Action Minutes: July 16, 2014; LAFCo File No. 14-08—Proposed Annexation of 207 Westridge Drive, Unincorporated San Mateo County, to the West Bay Sanitary District. Commissioner Tissier seconded the motion, which passed unanimously. (Ayes: Commissioners Allan Alifano, Joshua Cosgrove, Don Horsley, Joe Sheridan, Adrienne Tissier, Chair Richard Garbarino, and Vice Chair Linda Craig; Noes: None.)

Public Comment for Items Not on the Agenda

None.

Recommended Response to the 2013-14 San Mateo County Civil Grand Jury Report "What is the Price of Dysfunction? The San Mateo County Harbor District"

Executive Officer Poyatos stated that the report had been sent out earlier to give the Commission additional time to review it. She said copies had also been provided to the Harbor District and the Cities of South San Francisco and Half Moon Bay. She said the report includes the history of LAFCo and the Harbor District and its longstanding sphere of influence (SOI) of dissolution. She noted that the District's SOI of dissolution is based on the district sharing the same boundaries, and thus the same voting and property tax constituency, as the County. She said that the County has an organization structure and governance model that could take over the service of the District if it were dissolved. She stated the report includes discussion of the unintended consequence of the District's countywide formation in 1933 and the subsequent passage of Proposition 13 that resulted in the District receiving a substantial share of

countywide property tax when it is an enterprise district that operates two predominantly enterprise facilities in Half Moon Bay and South San Francisco. Ms. Poyatos said the report notes the District's property tax revenue of approximately \$5 million per year and that it is subsidizing enterprise activities that should be fee for service and recovering the cost of service.

Ms. Poyatos noted information not contained in the report, including that the District is one of 14 harbor districts in California, of which only six of the 14 districts receive property tax. She said the California Controller's report for 2012 says that of the six districts receiving property tax, the total property tax in that year was \$6.6 million, \$4.2 million of which was for the San Mateo County Harbor District.

She said that the purpose of recommended responses to the findings is to clarify and provide additional background to what the Grand Jury has stated in their report.

She said she recommends that the Commission take action on the Grand Jury's Recommendation #1 that LAFCo initiate a municipal service review (MSR) by December 31, 2014. She referenced Recommendation #2 that the County shall initiate an application to dissolve the Harbor District by December 31, 2014 and suggested that the County make a decision on that recommendation once the MSR is complete.

She noted that the City of Half Moon Bay's comments to the report were specific to a proposal to have the City share some of the funding of the dredging of Surfers' Beach.

Commissioner Horsley noted that LAFCo didn't have to respond to the findings but that Ms. Poyatos did for clarification. He asked for her to confirm that they must respond to Item #1 of the findings.

Ms. Poyatos responded that the Grand Jury's directions are that LAFCo respond to findings where the Commission has sufficient information to draw a conclusion on them.

Commissioner Horsley said one of the recommendations they had discussed in the past was an MSR to be completed by December either internally at LAFCo or by a consultant. He asked Ms. Poyatos what her recommendation was and she recommended hiring a consultant.

Commissioner Cosgrove said after reviewing all the Harbor District materials that he had some proposed changes. He directed the Commission to the response F5 where he suggested deleting the words "In fact." He also suggesting changing the word "heavy" in the phrase "heavy reliance on property tax" in response F6 (second-to-last paragraph). Commissioner Alifano said he thought that \$5 million amount from a single source that the sentence refers to might make "significant" a better word choice. Chair Garbarino noted that it was half the District's revenue.

Chair Tissier said she thought Commissioner Cosgrove was emphasizing that the amount is more than most would do and if that went away, the District would not be able to function. She said the heavy reliance on those funds (\$4.2 of \$6.6 million statewide) keeps the District up and running. Commissioner Horsley suggested to leave the wording as is.

Commissioner Cosgrove then noted on response F7 that he did not agree with the use of the word "deficit" in that instance. Commissioner Tissier said it was really more of a structural

deficit, i.e., the income doesn't meet the outflow. She said it doesn't mean you can't draw down on it – they have relied on that all along. She said if they didn't have that, they would basically be \$18 million short, i.e., without it, they couldn't really operate.

Commissioner Horsley gave the example if, during the economic downturn, the District had to draw from reserves to maintain services. He said in this case, though, this is a structural deficit independent of any downturn.

Chair Garbarino asked Ms. Poyatos if the District had a policy on reserves, such as having a minimum.

Ms. Poyatos noted that one of the Harbor District Commissioners, Sabrina Brennan, was present in the audience. Ms. Poyatos stated she didn't know if they had a stated policy on their reserve amount.

Chair Garbarino asked Ms. Brennan if the District had a minimum reserve policy.

Ms. Brennan said she had asked their general manager about that policy and hadn't received a response. She said she had brought it to the board's attention but had not been able to get clarification on it yet.

Commissioner Tissier said that as far as a response to the finding, she agreed with Ms. Poyatos that some things are unknowns.

Public Comment: None.

Ms. Brennan expressed her appreciation for being at the meeting and said she looked forward to following LAFCo's work with the upcoming MSR.

Commission Action: Commissioner Tissier moved to approve, with minor edits, the Recommended Response to the 2013-14 San Mateo County Civil Grand Jury Report. Commissioner Alifano seconded the motion, which passed unanimously. (Ayes: Commissioners Allan Alifano, Joshua Cosgrove, Don Horsley, Joe Sheridan, Adrienne Tissier, Chair Richard Garbarino, and Vice Chair Linda Craig; Noes: None.)

Commissioner Tissier asked Ms. Poyatos about the Commission voting on using outside consultants for the MSR. Vice Chair Craig noted that the MSR would be initiated, not completed, in December 2014. Ms. Poyatos confirmed that the Commission would have the opportunity to approve it at an upcoming hearing.

Consideration of Authorization of Contract with the Consulting Firm of Project Resource Specialists for Preparation of North County Municipal Service Review and Sphere Update

Ms. Poyatos referred to the September 10 staff report, and summary and status of MSRs to date. She noted that LAFCo had issued an RFP to help expedite the MSR completion. She said the North County MSR and sphere update included the Cities of Pacifica, Daly City, Colma, and Brisbane; and the special districts North Coast County Water District, Broadmoor Police Protection District, Colma Fire Protection District, Bayshore Sanitary District, and all underlying districts that share service responsibility in the area.

She noted that the RFP got no responses the first time it was issued. She said the second time, it got two proposals. She recommended that the Commission authorize the contract with Project Resource Specialists. She said they were the lower bidder, had provided a detailed implementation plan for the MSR, had very good references of past projects, and both consultants on the team had LAFCo backgrounds.

Ms. Poyatos said that although the bid of \$67,030 came in higher than the \$50,000 budgeted in 2013-14 for consulting, there is another \$50,000 for 2014-15 to fund the review.

Public Comment: None.

Commissioner Alifano asked if it were possible to pay for bids to increase the number and quality of respondents to select from. He also expressed concern that the Project Resource Specialists were not local, but in the San Diego area.

Ms. Poyatos responded that she hadn't heard of paying for bids before, but that it would be a budget decision for the Commission. She said that being from out of the area didn't necessarily cause concern because of the ability to communicate through email, teleconferencing, and gathering data on the Internet.

Vice Chair Craig expressed concern over the number of MSRs on the summary that are slated for completion by the end of 2014. Ms. Poyatos said the projected completion date for Central County MSRs should be changed from 2014 to 2014-15.

Commissioner Cosgrove noted that Project Resource Specialists has just completed the MSR for Contra Costa County. He asked if it was a strength that the consultants were out of the area or was it preferable that they are familiar with the area.

Ms. Poyatos noted that it may be an asset to be familiar with an area to be able to do a best practices comparison.

Commission Action: Commissioner Tissier moved to authorize the contract with Project Resource Specialists in an amount not to exceed \$67,030 to prepare the North County MSR/SOI. Commissioner Horsley seconded the motion, which passed unanimously. (Ayes: Commissioners Allan Alifano, Joshua Cosgrove, Don Horsley, Joe Sheridan, Adrienne Tissier, Chair Richard Garbarino, and Vice Chair Linda Craig; Noes: None.)

Consideration of Amendment of 2014-15 LAFCo Budget to Reflect Actual Year-end Fund Balance

Ms. Poyatos noted that the budget adoption process includes state-mandated consideration of the proposed budget and consideration at a public hearing of an adopted budget. She said that because this process must happen before July 1, all decision-making is based on estimates. She said it is necessary to make some adjustments after July 1 when they get the final year-end fund balance.

She said that at the conclusion of the 2013-14 fiscal year, the fund balance was \$19,068 greater than what was estimated. Referring to the recommended amended 2014-15 budget, she said it shows application of the additional fund balance as a reserve so that it doesn't change any of

the net operating budget and doesn't change any of the Commission funding by the County, the 20 cities, and the 22 independent special districts. She said that in lieu of decreasing these amounts, she recommended placing that additional fund balance in reserve in recognition of service reviews, the Grand Jury recommendation, etc.

Public Comment: None.

Commission Action: Commissioner Horsley moved to approve the amended recommended 2014-15 budget allocating a difference in the year-end fund balance of \$19,068 to reserve, for total appropriations of \$494,662. Vice Chair Craig seconded the motion, which passed unanimously. (Ayes: Commissioners Allan Alifano, Joshua Cosgrove, Don Horsley, Joe Sheridan, Adrienne Tissier, Chair Richard Garbarino, and Vice Chair Linda Craig; Noes: None.)

Consideration of Adoption of Agreement with County of San Mateo for Office Space, Supplies, Personnel, and Legal Services for Fiscal Year 2014-15

Ms. Poyatos noted that this was the second part of the budget action. She noted that statewide, LAFCos are authorized by law to hire their own staffing or to contract with a public or private agency. She noted that San Mateo LAFCo contracts with the County of San Mateo for staffing, legal counsel, offices, etc.

She explained that the amount for the contract is different from the budget amount because it doesn't include the consulting funds or any of the reserves. She recommended that the Commission adopt the resolution to authorize the Chair to execute the agreement between LAFCo and the County in the amount of \$351,994. She noted a correction on Page 3: "July 1, 2013 to June 30, 2014" should read "July 1, 2014 to July 1, 2015."

Public Comment: None.

Commission Action: Commissioner Alifano moved to authorize the Chair to execute the agreement with San Mateo County for office space, staff, and legal services in the amount of \$351,994 for the 2014-15 fiscal year. Commissioner Sheridan seconded the motion, which passed unanimously. (Ayes: Commissioners Allan Alifano, Joshua Cosgrove, Don Horsley, Joe Sheridan, Adrienne Tissier, Chair Richard Garbarino, and Vice Chair Linda Craig; Noes: None.)

Legislative Report

Ms. Poyatos referred the Commission to the CALAFCO Legislative Update dated August 26, 2014 providing background on bills of interest to CALAFCO, particularly SB 69 and AB 1521. She noted that AB 1521 would make corrections that would restore revenue for city annexations, while SB 69 would restore the vehicle license fee (VLF) revenue for newly incorporated cities. She said the loss of VLF revenue has contributed to the failure of a number of recently incorporated cities.

Ms. Poyatos said that CALAFCO has asked the Commission to send letters to the Governor requesting his signature and noted that two letters were attached to the report. She noted that a minor correction would be made on the SB 69 letter. She recommended that the Commission authorize the Chair to sign the letters so that they can be sent to the Governor.

Public Comment: None.

Vice Chair Craig noted on the letter for SB 69 that the second paragraph begins with "SB 89." Ms. Poyatos said that SB 89 was being referenced because it was the bill that caused the problem initially, which would be corrected if SB 69 passes.

Commission Action: Commissioner Tissier moved to approve letters to the Governor requesting his signature on AB 1521 and SB 69. Commissioner Alifano seconded the motion, which passed unanimously. (Ayes: Commissioners Allan Alifano, Joshua Cosgrove, Don Horsley, Joe Sheridan, Adrienne Tissier, Chair Richard Garbarino, and Vice Chair Linda Craig; Noes: None.)

Demonstration of New LAFCo Website

Ms. Poyatos noted that San Mateo LAFCo's website is maintained on the County's website platform. She said the County recently redesigned their site based on the Drupal platform – their last major redesign was in 2008 – which now gives LAFCo staff the ability to maintain more of its website features. She said that prior to the new site going live, LAFCo relied on submitting work orders to the Information Services Department (ISD) to add new information to the LAFCo site such as meeting announcements, meeting packets, etc., with inconsistent success. She said the new platform makes it much more convenient to post information in a timely manner and gives LAFCo staff more control on what is posted.

Referring to the screen, Ms. Poyatos pointed out the key features of the new LAFCo website. She noted the Meeting Agendas, Minutes & Materials page where the meeting packet materials are posted in advance of mailing out hard copies of same.

Commissioner Alifano asked if each meeting item needed to be downloaded individually and Ms. Poyatos confirmed that. He suggested including a link to download the entire packet at once. Ms. Poyatos stated that the new site has been up for only about one month, so many things are in the process of being fine-tuned.

Ms. Poyatos noted that not all the information from the old LAFCo site got transferred to the new site. She said staff was still in the process of pulling older documents from the County archived files.

She noted the Local Government Directory menu with profiles for each city and special district. She said the profile information is for the most part static; each profile has direct links to the city or district's website to view changing information such as budgets.

She noted that one of the advantages of the new Drupal platform was the improved ability to filter and search. She pointed out that you can filter by district, city, or type of district, e.g., you could search for all the sanitary districts or county service areas.

Ms. Poyatos noted that the site was more user-friendly and would reduce the reliance on ISD.

Public Comment: None

Commissioner Tissier asked regarding the About page if there were a list of the Commissioners. Ms. Poyatos directed the Commissioners' attention to the Commission page.

Commissioner Sheridan noted that the front page mentions 23 special districts where elsewhere on the site it says 22 special districts. Ms. Poyatos said the Midpeninsula Open Space District is a multi-county district and its majority assessed value is in Santa Clara County, so it is not counted in the total count for funding purposes. Vice Chair Craig also noted that the SOI in various reports about the District is actually on the Santa Clara County site as well because Santa Clara is the principal LAFCo and Ms. Poyatos confirmed that.

Correspondence from SDRMA Regarding No Property/Liability Claims in 2013-14

Ms. Poyatos noted that LAFCo had low liability.

Public Comment: None

Commissioner/Staff Reports

None.

Public Comment: None

Adjournment

The meeting was adjourned at 3:15 pm.

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Public Comment: None

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Public Comment: None

Commissioner/Staff Reports

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Public Comment: None

Adjournment

The meeting was adjourned at 3:15 pm.