



## LOCAL AGENCY FORMATION COMMISSION

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March 8, 2023

**To:** LAFCo Commissioners

**From:** Rob Bartoli, Executive Officer  
Sofia Recalde, Management Analyst

**Subject:** Adoption of LAFCo Special Study of Broadmoor Police District

### Summary and Background

This report is a Special Study for the Broadmoor Police Protection District (BPPD or the District). Section 56378 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides LAFCo with the authority to initiate and make studies of existing government agencies. The studies shall include but shall not be limited to, inventorying those agencies and determining their maximum service area and service capacities.

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 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 MSR. This Special Study focuses on BPPD's operations, finances, and governance.

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, at which time 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.

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

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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.

### *Governance*

BPPD was formed under California Health and Safety Code Sections 20000-20322. The BPPD is the only operational police district in California that employs its own officers.

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 20008, "...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.

### **Updates to the Final BPPD Special Study**

LAFCo staff received written comment letters from residents of Broadmoor. The written comments did not necessitate changes to the Special Study and reflected residents' concerns about the key issues highlighted throughout the report, as well as both appreciation for and dissatisfaction with the services BPPD has provided over the years.

LAFCo received 8 comment letters and emails regarding the Special Study. Written comment letters are available in Appendix C of the Special Study. This includes written comments from the BPPD Chief of Police Michael Connolly. In his letter, he states that as many of the recommendations from the report will be adopted as feasible. Chief Connolly states he is currently working on fiscal framework for BPPD and towards a path of fiscal discipline.

### **Current Key Issues**

Key issues identified in compiling information on Broadmoor Police Protect 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 FY 17. The BPPD Commission has adopted unbalanced budgets for FY 17, FY 18, FY 19 and FY 23. 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 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.

- 3) The District does have independent audits which are shared with staff and Board members; however it does not appear that these audits are agenized for discussion at Board meetings.
- 4) 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.
- 5) The lack of long-term fiscal plans, budget deficits, and growing costs to the District may negatively impact service delivery.
- 6) 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.
- 7) The District has a high officer to population ratio, but also has high cost for calls for service per police officer.
- 8) In response to a Brown Act lawsuit, the District has now implemented procedures and policies regarding the hiring of new Police Chiefs/General Managers.

### **Proposed Special Study Recommendations**

For the Circulation Draft of this Special Study, LAFCo has the following determinations and recommendations:

#### **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 8 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, 7 volunteers, and one administrative staff member. The District has a higher ratio of officer per 1,000 persons compared to the City of Daly City, but the cost for service call per police officer is more than four times the amount for BPPD.

#### *Recommendations*

- 1) The District should explore cost sharing with adjacent cities or other alternatives to contract for or consolidate services to reduce costs.
- 2) The District may consider developing and monitoring performance measures, which could include measurements of response times for calls and volume of calls to demonstrate the benefit of the higher costs associated with higher levels of performance.

#### **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 FY 17. The BPPD Commission has adopted unbalanced budgets for FY 17, FY 18, FY 19 and FY 23. 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.

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 agenzied 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. 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.

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 an economic recession, termination of Excess ERAF or unexpected expenses, while still being 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.

### *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 polices 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.
- 7) Consider allocating accounting and auditing services to two separate firms to enhance fiscal oversight and transparency.
- 8) Adopt annual Gann Appropriation Limit resolutions.
- 9) 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.
- 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. 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.
- 11) Post budget documents and audits on the District's website.

### **Accountability, Structure, and Efficiencies Summary**

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 recordings 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.

In response to a Brown Act lawsuit, the District has now implemented procedures and policies regarding the hiring of new Police Chiefs/General Managers.

#### *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) Video/audio of Board meetings should be posted on the District's website for public viewing.
- 3) Provide Brown Act training for all Commissioners.
- 4) 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.
- 5) Post position salary and compensation data on the District's website.
- 6) Post contracts and hiring policies on District's website.
- 7) Develop accounting, financial, governance and general administrative polices 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.

### **Service/Governance Options**

#### *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 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.

#### *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 would be provided by the San Mateo County Sheriff's Office, similar to other unincorporated areas in the County. 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.

#### **Public/Agency Involvement**

The primary source of information used in this Special Study has been information collected from District staff, including crime logs, service maps, organizational charts, audits, budgets, CalPERS documents, policies, resolutions, MOUs, Commission meeting minutes, etc. BPPD submitted a response to the administrative draft of the special study on November 8, 2022 and staff has incorporated comments as appropriate into the draft circulation report.

LAFCo staff presented the special study to the BPPD Commission on January 10, 2023 and to the Broadmoor Property Owners Association on January 19, 2023. LAFCo has received several comment letters and emails from both BPPD and the public regarding the special study as listed in Attachment C.

### **Progress Review**

As part of this Special Study, LAFCo staff will continue to have discussions with BPPD staff and others regarding the District and the services that they provided. In March of 2024, LAFCo staff will bring back a report on BPPD to the LAFCo Commission regarding any progress towards implementing the Special Study recommendations and any changes in the District's financials. LAFCo staff will continue to keep the Commission informed of any major updates related to BPPD between this report and the 2024 review.

### **California Environmental Quality Act**

This Special Study is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) under Section 15303, Class 6, which allows for the of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. This Special Study collects data for the purpose of evaluating municipal services provided by an agency. There are no land use changes or environmental impacts created by this study.

This Special Study is also exempt from CEQA under the section 15061(b)(3), the common sense provision, which state that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it is certain that the activity will have no possible significant effect on the environment, the activity is exempt from CEQA.

### **Recommendation**

1. Open the public hearing and accept public comment; and
2. Accept the Final Special Study for the Broadmoor Police Protection District; and
3. Adopt the Special Study Determinations and Recommendations contained in this report.
4. Direct the Executive Officer conduct a progress review report for Broadmoor Police Protection District to be presented to the LAFCo Commission by March 2024.

### **Attachments**

- A. Special Study for the Broadmoor Police Protection District with redlined comments
- B. Map of Broadmoor Police Protection District
- C. Public Comments Received
- D. Resolution 1301
- E. Special Study Determinations





**LOCAL AGENCY FORMATION COMMISSION**

**LAFCo Special Study for the Broadmoor Police  
Protect District**

**Final Draft**

**Released March 8, 2023**

LAFCo Special Study for the Broadmoor Police Protect District

**SUBJECT AGENCY:**

**Broadmoor Police Protect District**

388 88th Street

Broadmoor CA 94015-1717

Contact: Michael Connolly, Chief of Police

**CONDUCTED BY:**

San Mateo Local Agency Formation Commission

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**Final  
LAFCo Special Study for  
Broadmoor Police Protection District  
March 8, 2023**

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## **Section 1: Introduction**

This report is a Special Study for the Broadmoor Police Protection District. Section 56378 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH or The Act) provides the Local Agency Formation Commission (LAFCO) with the authority to initiate and make studies of existing government agencies. The studies shall include but shall not be limited to, inventorying those agencies and determining their maximum service area and service capacities.

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 has authorized a special study of BPPD to evaluate operations and services provided by the District since the adoption of the Municipal Service Review. This Special Study focuses on BPPD's operations, finances, and governance.

## **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 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.
- 3) 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.
- 4) 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.
- 5) The lack of long-term fiscal plans, budget deficits, and growing costs to the District may negatively impact service delivery.
- 6) 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.

- 7) The District has a high officer to population ratio, but also has high cost for calls for service per police officer.
- 8) In response to a Brown Act lawsuit, the District has now implemented procedures and policies regarding the hiring of new Police Chiefs/General Managers.
- 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.

### **Section 3: Broadmoor Police Protection District**

#### **Background**

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.

#### **Boundaries**

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.

#### **Enabling Legislation**

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 employs its own officers.

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.”

**Structure and Governance**

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.

**Section 4: 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) 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.	<b><i>Yes</i></b>	<b><i>Maybe</i></b>	<b><i>No</i></b>
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.

BPPD operates 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 hours per year), 7 volunteers, and one administrative staff member. Prior to 2021, BPPD 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.

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.

**Table 1. Officers Per Residents (as of 12/30/2022)**

Agency	Residents	Full Time-Officers	Officers Per 1,000 Residents
BPPD (FY21)	7,206	9	2.04
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)	4,767	3 <sup>1</sup>	0.63

<sup>1</sup> 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

**Table 2. Comparison of Costs of Police Services**

Agency	Police Budget	Calls for Service	Cost per Call for Service
BPPD (FY21)	\$2,692,985	750 <sup>2</sup>	\$3,591
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 totaled approximately 750 calls and with a budget of \$2,692,985, that equates to \$3,591 per call response. This cost per call for service is more than four times the Daly City police department cost per call but is expected with BPPD’s higher rate of sworn officers per 1,000 residents (Table 1). This cost factor indicates that there may be an opportunity to consider cost sharing with adjacent cities or other alternatives to contract for or consolidate services to reduce costs.

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)<sup>3</sup>. 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 despite Broadmoor’s higher cost for service, the two police departments are providing a similar level of police protection to their residents.

<sup>2</sup> Estimate

<sup>3</sup> FBI Crime Explorer, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/home>



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

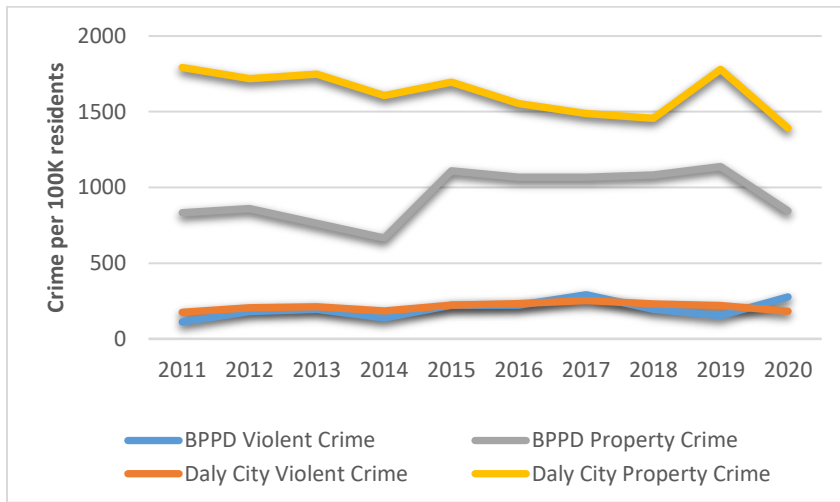
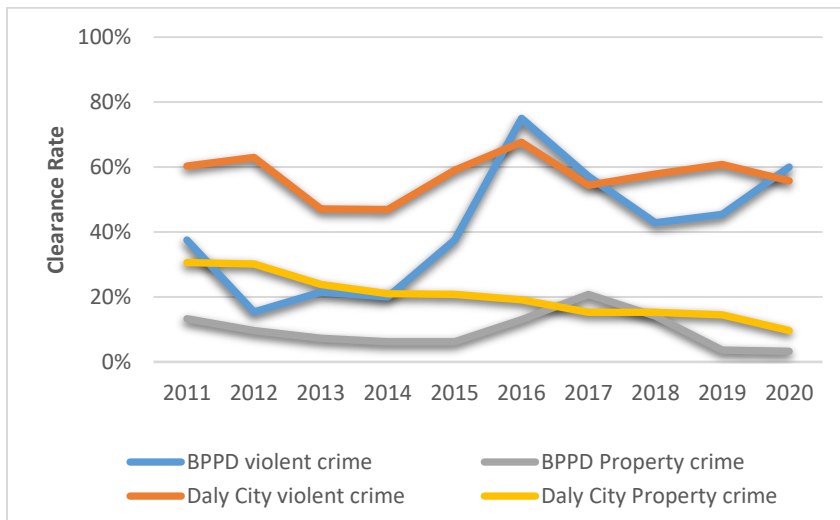


Figure 2. Part I Clearance Rates in Broadmoor and Daly City



**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 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, 7 volunteers, and one administrative staff member. The District has a higher ratio of officer per 1,000 persons compared to the City of Daly City, but the cost for service call per police officer is more than four times the amount for BPPD. Despite the higher cost of service and higher officer to resident ratio, BPPD appears to provide a similar level of protection (based on Part I crime and clearance rates) than 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 Section 5 - Service/Governance Options.
- 2) The District may consider developing and monitoring performance measures, which could include measurements of response times for calls and volume of calls to demonstrate the benefit of the higher costs associated with higher levels of performance.

**2) Financial Ability**

Financial ability of agencies to provide service	<i>Yes</i>	<i>Maybe</i>	<i>No</i>
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 and Audit process:

The BPPD Commission reviews and adopts budget proposals each fiscal year. Budget proposals include anticipated revenue and expenditures for the upcoming fiscal year along with a summary of prior year revenues and expenditures. The District reports that it does not have a reserves fund and that the operating budget carries excess funds 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 FY20. 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.

The BPPD Commission has adopted unbalanced budgets for FY17, FY18, FY19 and FY23. 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). While final audited actuals for FY21-22 are not available in review of data provided by the District and analyzed by LAFCo, it appears that BPPD experienced another year of budget deficits, with a loss of approximately \$280,000<sup>4</sup>. The District currently projects a budget deficit of approximately \$450,000 for FY22-23 as presented in budget documents presented to the Commission by BPPD staff on January 10, 2023.

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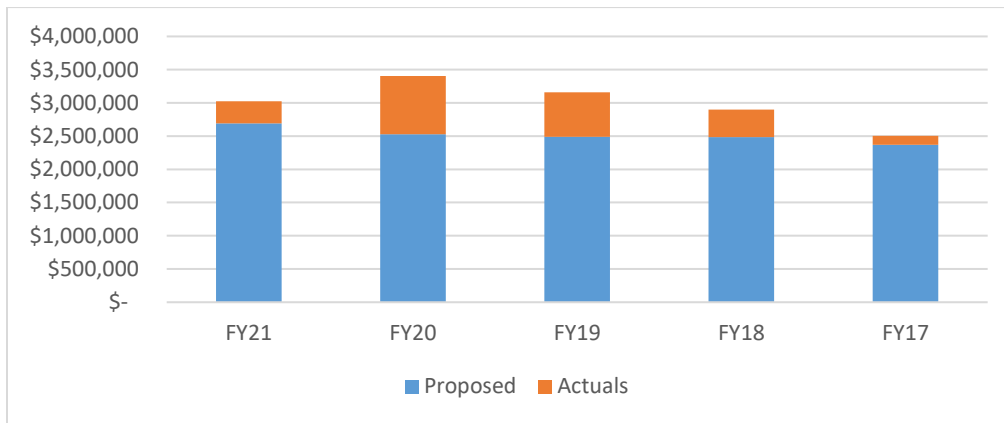
<sup>4</sup> BPPD Trail Balance for FY2021-2022

**Table 3. Actual FY17 through FY22 Year-end Revenues and Expenditures<sup>5</sup>**

	<b>FY22</b>	<b>FY21</b>	<b>FY20</b>	<b>FY19</b>	<b>FY18</b>	<b>FY17</b>
<b>Revenue</b>						
Property taxes	\$1,549,733	\$2,708,371	\$1,513,527	\$1,404,010	\$1,300,497	\$1,236,826
ERAF	\$566,781		\$420,737	\$395,540	\$302,068	\$267,015
Other special charges	\$716,207		\$684,129	\$651,210	\$651,210	\$620,852
Other misc.	\$330,845	\$330,142	\$330,963	\$356,781	\$406,283	\$331,749
<b>TOTAL REVENUE</b>	<b>\$3,163,566</b>	<b>\$3,038,513</b>	<b>\$2,949,356</b>	<b>\$2,807,541</b>	<b>\$2,660,058</b>	<b>\$2,456,442</b>
<b>Expenditures</b>						
Personnel	\$2,187,396	\$2,049,242	\$2,495,139	\$2,294,409	\$2,233,012	\$1,739,329
<i>Salary &amp; wages</i>			\$1,521,182	\$1,357,711	\$1,368,420	\$1,296,052
<i>Benefits</i>			\$973,957	\$936,698	\$864,592	\$443,277
Office expenses	\$83,777	\$920,274	\$189,449	\$207,209	\$138,999	\$327,396
Insurance	\$322,189		\$278,251	\$144,716	\$113,942	\$93,838
Professional contract services	\$597,638		\$231,142	\$210,465	\$220,765	\$200,193
Other professional services	\$136,952		\$78,072	\$194,551	\$120,209	\$65,652
Vehicle maintenance	\$70,831		\$131,583	\$106,928	\$72,393	\$78,845
Other	\$49,887	\$55,168				
<b>TOTAL EXPENDITURES</b>	<b>\$3,448,670</b>	<b>\$3,024,684</b>	<b>\$3,403,636</b>	<b>\$3,158,278</b>	<b>\$2,899,320</b>	<b>\$2,505,253</b>
<i>Surplus (loss)</i>	<i>(\$285,104)</i>	<i>\$13,829</i>	<i>(\$454,280)</i>	<i>(\$350,737)</i>	<i>(\$239,262)</i>	<i>(\$48,811)</i>

<sup>5</sup> Lamorena & Chang CPA audits for BPPD

**Figure 1. Proposed versus Actual Budget Expenditures for FY17 through FY20**



**Table 4. Proposed versus actual expenditures FY17-20**

Retirement	Proposed	Actual
FY17	\$246,895	\$238,795
FY18	\$536,345	\$515,608
FY19	\$395,672	\$603,300
FY20	\$393,226	\$682,820

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

Contracts	Proposed	Actual
FY17	\$147,696	\$200,193
FY18	\$148,132	\$220,765
FY19	\$159,632	\$210,465
FY20	\$167,632	\$231,142

Insurance	Proposed	Actual
FY17	\$91,000	\$93,838
FY18	\$51,442	\$113,942
FY19	\$95,000	\$144,716
FY20	\$120,000	\$278,251

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.

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 FY21<sup>6</sup>.

Per the District's audits, the District has had at least four years of consecutive net losses FY18 through FY21, totaling a reduction of \$1.3 million dollars in the District's net position. Final audited actuals are not yet available for the fiscal year ending on June 30, 2022, however if the actuals from the District trail balance for FY21-FY22 and if the proposed FY22-23 budget is realized, the District's fund balance will decrease to less than \$400,000 by the end of this fiscal year. The District had negative cash on-hand for two months during FY22-23 and it is likely that the number of months of negative cash on-hand will increase in FY23-24 if revenue is not increased or expenditures reduced. In an analysis by LAFCo, if all revenue collected by the District increases 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.

Per the District's audits and correspondence with District staff, one legal case is still pending, and there is a potential liability payment of \$750,000. 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.

While the District does undertake independent audits, LAFCo staff was unable to determine if independent audits are brought to the District's Board at a public meeting for review and approval. Per District staff, the audits are shared with staff and the Board, but past Board meeting agendas do not include these discussions. The same firm that conducts the District's audits also acts as the accountant for BPPD.

The most recent audit for the fiscal year ending on June 30, 2021 was completed in June of 2022. Audits have typically taken a year to complete. Since the 2018 audit, there has not been 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.

### *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

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<sup>6</sup> Lamorena & Chang CPA audits for BPPD

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 compensation.”<sup>7</sup>

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 5). 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 Plan<sup>8</sup>. 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 5. Annual Pension Contributions and Long-Term Pension Liability**

	<b>CalPERS Pension Contribution</b>	<b>Long-Term Pension Liability</b>	<b>Change from Prior Year</b>
FY21	\$571,490	\$3,301,465	\$237,944
FY20	\$682,820	\$3,063,521	\$167,823
FY19	\$603,300	\$2,895,698	\$(31,664)
FY18	\$515,608	\$2,927,362	\$ 309,509
FY17	\$238,795	\$2,617,853	Not available

In review of the FY22-23 BPPD budget, CalPERS Unfunded Liability is budgeted at \$224,742. However, CalPERS documents show the Unfunded Liability amount to be paid during this fiscal year to be \$287,891 across all plans.

*Other Post-Employment Benefits (OPEB)*

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

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<sup>7</sup> CalPERS Office of Audit Services Employer Compliance Review – “Review of Broadmoor Police Protection District” December 2021

<sup>8</sup> 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

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.

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 FY22-23 rate for residential dwellings is \$483 and \$1,055.25 for commercial or industrial parcels. While the rate for FY22-23 is the same as FY21-22, the District is projecting more revenue to be collected in this fiscal year. 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. Per District staff, public hearing was held for the FY22-23 budget, which includes the parcel tax.

Between FY17 and FY20, Excess ERAF accounted for approximately 12% of BPPD's revenue and represents the District's third largest source of revenue<sup>9</sup>. 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

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<sup>9</sup> 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)



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 agency<sup>10</sup>. 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.

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 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.

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.

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<sup>10</sup> Government Code Section 7900 et seq.

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. 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.

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.

#### *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.
- 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) Post budget documents and audits on the District’s website.

**3) 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		

a) Public meetings governance: 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.

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."<sup>11</sup> The Commissioner was appointed to the Police Chief's position on a 2-0 vote.

In 2021, this now former Commissioner and Police Chief plead no contest to Brown Act violations brought by the San Mateo County District Attorney's Office.

b) Staffing: Per the BPPD staff, the District has been able to meet staffing requirements. While officers have left for different agencies, BPPD reports that they have been able to find qualified applicants to fill vacancies. District staff reports that training requirements have been met and a non-patrol staffer has been designated as training manager for the District.

The Police Chief/General Manager provides all administrative and human resource function for the District.

The District has a Memorandum of Understanding that covers all line personnel, civilian employees, and per-diem. 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 audits and budget documents are not available on the District's website. The website does include budgets for 2016 through 2021, but the Fiscal Year 2021-2022 and 2022-2023 are not available. The only audit available for review on the District's website is for FY 2017. In review of agenda and minutes for the District, LAFCo staff was unable to determine if independent audits are brought to the Commission for review and approval.

While the County of San Mateo currently provides payroll services to the District, this contract will end on June 30, 2023. The District is searching for potential vendors to provide this service.

The Broadmoor Police Protection District's website provides basic contact information, meeting notices, agendas, and minutes, and a community events calendar. However, agendas for 2022 are not available and copies of minutes and agendas are in various locations on the website. As mentioned previously, written staff reports are not created for agenda items.

While salary information for District positions is included in budget documents, adopted salary ranges for positions and classifications are not available on the District's website.

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<sup>11</sup> Jason Green and Robert Salonga "Ex-Broadmoor police chief pleads no contest to conflict-of-interest charge" *The Mercury News* 8/4/2021

### **Accountability, Structure, and Efficiencies Summary**

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.

In response to a Brown Act lawsuit, the District has now implemented procedures and policies regarding the hiring of new Police Chiefs/General Managers.

#### *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) Video/audio of Board meetings should be posted on the District’s website for public viewing.
- 3) Provide Brown Act training for all Commissioners.
- 4) 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.
- 5) Post position salary and compensation data on the District’s website.
- 6) Post contracts and hiring policies on District’s website.
- 7) 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.

### **Section 5. Service/Governance Options**

In light of the fiscal, structural and administrative concerns raised above, 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 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.

#### *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 would be provided by the San Mateo County Sheriff’s Office, similar to other unincorporated areas in the County. 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.

**Section 6: Written Public Comment**

LAFCo staff received written public comment letters from Broadmoor residents. The written comments did not necessitate changes to the Special Study and are available in Appendix C.

**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 (December 2022), Ralph Hutchens (December 2022), and Marie Brizuela, (December 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:* 9 full-time sworn officers, including a Chief of Police, 6 per-diem officers, which include a training manager lieutenant and investigations sergeant (per-diem officers can work only 960 hours per year), 7 volunteers, and one administrative staff member.

*Sphere of Influence:* Zero (Dissolution)

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



**Appendix B. References**

Broadmoor Police Projection District FY 2022-23 Financial Information January 10, 2023.

City Colma Police Department Budget and Calls for Service

City of Daly City Police Department Budget and Calls for Service

Melville, Mike (2022) Police Chief, Broadmoor Police Protection District. Personal Communication, Special Study Request for Information and Administrative Draft MSR response letters

San Mateo County Sheriff's Office and County Service Area 1 Budget and Calls for Service

San Mateo LAFCo "North County Cities and Special District Municipal Service Review and Sphere of Influence Study" September 16, 2015

Letter	Date received	Respondent	Comment	LAFCO response
#1	2/10/2023	Marty Hackett	Concern over lack of traffic enforcement in Broadmoor by BPPD.	Comments noted. These comments do not require changes or edits to the MSR.
#2	2/16/2023	Ray Martinez	Likes the responsiveness of the police department. Concerned about the lack of transparency and the Board not having residents' best interest in managing the police force.  He had a question regarding how to implement change at the District, such as contracting for service.	Comments noted. These comments do not require changes or edits to the MSR.  Executive Officer responded to Mr. Martinez on 2/17/2023 regarding contracting for service for BPPD.
#3	2/16/2023	Eliana Lima	Preference to keep Broadmoor Police Department.	Comments noted. These comments do not require changes or edits to the MSR.
#4	2/20/2023	Andrea Hall	LAFCO must take steps to dissolve and replace BPPD. Concerns over BPPD budget, transparency and accountability.  Additional concerns about record keeping and compliance with the law during a Public Records Act request.	Comments noted. These comments do not require changes or edits to the MSR.
#5	2/21/2023	Dave Smith	Recommendation to explore cost-saving measures leaves a lot of questions about the quality of future services and Broadmoor's additional parcel tax.	Comments noted. These comments do not require changes or edits to the MSR.

			<p>Recommendations regarding transparency and accountability seems reasonable, but the work required could have budget implications.</p> <p>Supportive of the status quo governance option.</p>	
#6	2/22/2023	Christine Taliva'a-Aguerre and John Aguerre	<p>Hope that with the implementation of the recommendations in the Special Study will allow BPPD to continue to serve the community. They do not wish to annex to Daly City.</p>	<p>Comments noted. These comments do not require changes or edits to the MSR.</p>
#7	2/26/2023	Carolyn Shaw	<p>Concerns over budgetary shortfalls, lack of payroll/overtime oversight and the agency's financial liability that Broadmoor residents may be liable for. Preference to Daly City to provide police protection services.</p>	<p>Comments noted. These comments do not require changes or edits to the MSR.</p>
#8	3/2/2023	Michael Connolly, BPPD Chief of Police	<p>Many recommendations in the draft report will be adopted as feasible. BPPD is working with Supervisor Canepa to bridge some fiscal gaps and develop fiscal framework.</p>	<p>Comments noted. These comments do not require changes or edits to the MSR.</p>

**From:** [Marty Hackett](#)  
**To:** [Rob Bartoli](#)  
**Subject:** Broadmoor police  
**Date:** Friday, February 10, 2023 9:57:10 AM

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Mr. Bartoli,

I am writing in response to the Broadmoor Village Grapevine newsletter. I have been a resident of Broadmoor village for thirty years. I am glad to be able to voice my concerns. I remember years ago seeing the police patrolling on a regular basis. For a long time now I don't seem to see much of them. My main concern is the lack of traffic enforcement. I live on Sweetwood Dr. and the intersection down on Washington is very dangerous. Due to the offset stop sign up aways on Washington you have to depend on people making a full stop coming the other way to turn safely. Too many people either make half stops or barrel up there and it is a crapshoot what to expect. If a car were to monitor this and other areas especially on Washington people would see that and this would be much safer. One day I actually saw a car there as I was walking and spoke to the officer. He pulled someone over while I was there. Saw him stopping someone later. Never saw him again or anyone else doing this. I have spoken to police a few times about this and have been told this. "I will come around tomorrow." I will speak to my guys." " The chief needs to set up a task force for this." Really? To their credit I have seen them respond to serious issues but not this. Along with the troubling news of some of those in charge I am losing confidence in them. What does it take to go around the area every couple of hours to patrol or sit on an intersection and hand out a few tickets? Since we pay for them I think they could do better.

Concerned resident.

**From:** [ray martinez](#)  
**To:** [Rob Bartoli](#)  
**Subject:** LAFCo BPPD report  
**Date:** Thursday, February 16, 2023 3:13:42 PM

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Hello,

I found your report very enlightening. I had heard comments in the past about the Broadmoor Police department, but without an official source I was not well informed. I find the reports recommendations reasonable. I am leaning towards contracting with another agency for services without reorganization. I do like that this police department actually responds to calls compared to the other departments in this county and San Francisco county. What bothers me is the lack of transparency, and the idea that our police board does not seem to put our interest first in managing the police department. It was disappointing to see Chief Connolly get away with a slap on the wrist.

When I looked at the link to the Broadmoor Police Facebook page I saw that Ryan McMahn was hired by the Broadmoor Police department. McMahn was terminated by Vallejo after two fatal shootings and a \$5 million dollar law suit settlement.

Who has the authority to implement changes in this case, and what would that procedure look like?

Thank you,

Ray Martinez

651 MacArthur Dr.

Broadmoor, CA

415-810-9391

**From:** [Elaina Lima](#)  
**To:** [Rob Bartoli](#)  
**Subject:** Broadmoor Police  
**Date:** Thursday, February 16, 2023 9:14:25 PM

---

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Hello,

Thank you for your presentation regarding LAFCo last month.

As a resident of Broadmoor Vlg. We would very much like to keep the Broadmoor Police Dept.

Regards,

Elaina Lima

**From:** [Hall, Andrea M.](#)  
**To:** [Rob Bartoli](#)  
**Subject:** RE: San Mateo LAFCo Study on Broadmoor Police Protection District  
**Date:** Monday, February 20, 2023 4:33:42 PM  
**Attachments:** [image001.png](#)  
[2023.02.20 LAFCo Letter.pdf](#)

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Hi Rob,

Attached please find my public comments on the LAFCo report. Thank you for your help.



Andrea M. Hall

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[andrea.hall@dentons.com](mailto:andrea.hall@dentons.com)  
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**From:** Rob Bartoli <[RBartoli@smcgov.org](mailto:RBartoli@smcgov.org)>  
**Sent:** Friday, January 27, 2023 12:45 PM  
**To:** Hall, Andrea M. <[andrea.hall@dentons.com](mailto:andrea.hall@dentons.com)>  
**Subject:** RE: San Mateo LAFCo Study on Broadmoor Police Protection District

**[WARNING: EXTERNAL SENDER]**

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Hi Andrea,

Not a problem. We are asking for comments on the report by Feb. 22, 2023.

Thank you,

Rob

Rob Bartoli  
Executive Officer  
San Mateo LAFCo  
455 County Center, 2nd Floor  
Redwood City, CA 94063  
Direct Tel: (650) 363-4224  
Email: [rbartoli@smcgov.org](mailto:rbartoli@smcgov.org)

---

**From:** Hall, Andrea M. <[andrea.hall@dentons.com](mailto:andrea.hall@dentons.com)>  
**Sent:** Friday, January 27, 2023 12:32 PM  
**To:** Rob Bartoli <[RBartoli@smcgov.org](mailto:RBartoli@smcgov.org)>  
**Subject:** RE: San Mateo LAFCo Study on Broadmoor Police Protection District

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Hi Rob,

Can you remind me of the deadline for submitting written comments on the Broadmoor study?  
Sorry I've been traveling for work this week and time has gotten away from me.



Andrea M. Hall

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[andrea.hall@dentons.com](mailto:andrea.hall@dentons.com)  
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**From:** Rob Bartoli <[RBartoli@smcgov.org](mailto:RBartoli@smcgov.org)>  
**Sent:** Tuesday, January 17, 2023 1:16 PM  
**To:** Hall, Andrea M. <[andrea.hall@dentons.com](mailto:andrea.hall@dentons.com)>  
**Subject:** RE: San Mateo LAFCo Study on Broadmoor Police Protection District

**[WARNING: EXTERNAL SENDER]**

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Hi Andrea,

The latest version of the LAFCo staff report and special study can be found here:  
<https://www.smcgov.org/lafco/event/regular-lafco-meeting-january-18-2023>

I look forward to meeting you in person as well.

Thank you,

Rob

Rob Bartoli  
Executive Officer  
San Mateo LAFCo  
455 County Center, 2nd Floor  
Redwood City, CA 94063  
Direct Tel: (650) 363-4224  
Email: [rbartoli@smcgov.org](mailto:rbartoli@smcgov.org)

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**From:** Hall, Andrea M. <[andrea.hall@dentons.com](mailto:andrea.hall@dentons.com)>  
**Sent:** Tuesday, January 17, 2023 11:56 AM  
**To:** Rob Bartoli <[RBartoli@smcgov.org](mailto:RBartoli@smcgov.org)>  
**Subject:** RE: San Mateo LAFCo Study on Broadmoor Police Protection District

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Hi Rob,

I just want to let you know that I will be at the Broadmoor Property Owners' meeting on Thursday evening. I will bring 40 printed copies of the LAFCo report because I see the report was recently removed from the BPPD's website. I'm sure it will be a mess with the old-time residents going on about how Big-Spreadsheet is conspiring to take away their police department and all of their nostalgia for the good days before racist CCRs were outlawed. Nevertheless, I thank you for seeing this through and attending to attempt to explain LAFCo's findings. Looking forward to meeting you in person.

Best,

Andrea



Andrea M. Hall

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**From:** Rob Bartoli <[RBartoli@smcgov.org](mailto:RBartoli@smcgov.org)>

**Sent:** Thursday, November 10, 2022 3:38 PM

**To:** Hall, Andrea M. <[andrea.hall@dentons.com](mailto:andrea.hall@dentons.com)>

**Subject:** San Mateo LAFCo Study on Broadmoor Police Protection District

**[WARNING: EXTERNAL SENDER]**

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Hi Andrea,

I hope you are doing well.

As I had mentioned during the public member interviews, LAFCo was in the process of undertaking a special study on the Broadmoor Police Protection District. The Draft Special Study has now been published (see attached) and will be discussed at the LAFCo meeting next Wednesday.

Thank you,

Rob

Rob Bartoli  
Executive Officer  
San Mateo LAFCo  
455 County Center, 2nd Floor

Redwood City, CA 94063  
Direct Tel: (650) 363-1857  
Email: [rbartoli@smcgov.org](mailto:rbartoli@smcgov.org)

February 20, 2023

**Via Email (rbartoli@smcgov.org)**

Rob Bartoli  
Executive Officer  
San Mateo LAFCo  
455 County Center, 2nd Floor  
Redwood City, CA 94063

Re: Public Comment Re: LAFCo Special Study of Broadmoor Police District

Dear Mr. Bartoli:

LAFCo must take steps to dissolve and replace the Broadmoor Police Protection District. The BPPD is a dangerous anachronism. It cannot afford to patrol half a square mile while complying with state regulations on police and paying insurance premiums. While the economics of the BPPD may have made sense 75 years ago when the area was more sparsely-populated and middle class, they no longer make any fiscal sense when servicing a mortgage on a single-family house in Broadmoor costs around \$6,000 per month. Paying for adequate administration and oversight as well as patrol services has been impossible for decades now.

Rather than facing this reality and attempting to provide services more sustainably to Broadmoor by pairing with neighboring agencies, BPPD has doubled down on its inefficiency and incompetence. It attacks the integrity of anyone who questions its sustainability. It cries it has no money (even to comply with the law) as its employees embezzle millions of dollars from the state.

BPPD claims LAFCo's report presents an incomplete picture is yet another farcical attempt to distract from its own incompetence and corruption. BPPD claims that the LAFCo report did not consider response times or the crime rate. However, they do not present any evidence to support their claims that their response times or major crime rates are lower than comparable areas. My lived experience does not show that our crime rates are any lower than elsewhere. In the last two years, on my block alone, a resident was pistol-whipped and shots were fired. At least three catalytic converters were stolen, and my neighbor's home was burglarized. Elsewhere in Broadmoor, a woman was paralyzed by a stray bullet. Nothing indicates Broadmoor is any safer than the surrounding areas.

Indeed, given its history of deception, any numbers promulgated by the BPPD should be viewed with skepticism and distrust. Last December, its attorney, Paul M. Davis, whom it pays \$5475 per month, admitted that they have no document retention policies and make no effort to index records related to their encounters with the public. (See Exhibit C.) He resisted the notion that the BPPD were required to keep records and supply them on demand to members of the public at all.

Rather than providing me the records as requested, he unilaterally scheduled a time during my work hours (Ex. D.) and accused me of being “angry” and making the request based on personal animus. He called my requests “nonsense.” (Ex. C.) As I explained to him, any member of the public is allowed to request records for any reason. *Id.*

In response, he claimed my request that the BPPD determine how many traffic citations it had written was “inane.” *Id.* He alleged budgetary constraints prevented the BPPD from complying with the PRA. The BPPD is indisputably required to comply with the PRA by providing records to members of the public upon request for any reason. **If the BPPD cannot comply with California laws regulating police agencies, then it should not be allowed to operate.** How can the BPPD supply reliable numbers regarding their policing when they have admitted they have no idea what or how many records of even parking tickets they retain? It makes no sense.<sup>1</sup>

In sum, I appreciate that LAFCo has reexamined the BPPD and shown it is in a precarious financial position because of its history of mismanagement. However, its unrepentant incompetence has exhausted my patience. It is time to act to replace the BPPD with a modern police force that will comply with the laws and respect the community it serves.

Sincerely,



Andrea M. Hall

---

<sup>1</sup> The BPPD’s parking tickets should be extremely easy to index and compile because Vehicle Code section 40202(c) requires the BPPD maintain the tickets. Destroying or losing said tickets is a misdemeanor.

# **Exhibit A**

December 19, 2022

**Via Email (pmd@davislawoffice.com)**

Broadmoor Police Protection District  
c/o Paul M. Davis, Esq.  
1 Blackfield Dr., Suite 193  
Tiburon, CA 94920-2053

Re: Public Records Act Request Regarding Enforcement of San Mateo County Ordinance sections  
7.28.030 and 7.28.190

Dear Mr. Davis:

I write to respond to your correspondence of December 13, 2022. First, I cannot come to the department to review records myself in person on Wednesday, December 21, at 1 p.m. because of professional obligations. Consequently, I must continue to insist that the Broadmoor Police Protection District (“BPPD”) meet its obligations under the Public Records Act by making its records “open to inspection **at all times** during the office hours of. . . [the] local agency.” Gov’t Code § 7922.525 (emphasis added.) Alternatively, BPPD may provide me with copies after reviewing its own records to determine which responsive records are nonconfidential, even though the deadline to respond to my request passed more than a week ago and the BPPD requested no extension. Gov’t Code § 7922.535. I reiterate that I would prefer electronic copies of those records and an estimate of the costs of preparing copies before they are provided to me.

Second, you claim that responding to such requests is “nonsense” and “inane.” You further argue that “[n]o public entity will hire expensive staff to accomplish what [I] want,” and that I do not “want [my] tax dollars wasted on that.” I must disagree. Lack of staffing or funding is no excuse for the BPPD’s failure to comply with the PRA. *State Bd. of Equalization v. Superior Ct.*, 10 Cal. App. 4th 1177, 1190 (1992)(“To the extent the Board complains of staff inconvenience and expense, we are given no reason to reject the trial court’s finding that the burden is sufficiently alleviated by retaining outside counsel with expertise in these matters to perform the task.”) At the very least, it must articulate specifically how and why its staffing is insufficient to respond to the request. A conclusory claim that responding is a waste of taxpayer dollars will not do. *Becerra v. Superior Ct.*, 44 Cal. App. 5th 897, 930 (2020) (To determine whether an agency has complied with the PRA, courts “may consider certain estimates that quantify the burden and cost of production” “based on solid foundations.” A statement “lacking in meaningful detail. . . fell short of demonstrating that public fiscal and administrative concerns over the expense and inconvenience of responding to real parties in interest’s records request.”)

The PRA tolerates some burden on public agencies and waste of taxpayer resources because the Act serves an important goal: fostering transparency and enhancing trust in government. *Riskin v. Downtown*

*Los Angeles Prop. Owners Ass'n*, 76 Cal. App. 5th 438, 444 (2022) (“Rooted in the CPRA and implicit in the democratic process is the notion government should be accountable for its actions, and in order to verify accountability, individuals must have access to government files.”)

The California Supreme Court has found this policy especially salient when the subject is law enforcement: “In order to maintain trust in its police department, the public must be kept fully informed of the activities of its peace officers.” *Commission on Peace Officer Standards & Training v. Superior Court*, 42 Cal.4th 278, 297 (2007) “Given the extraordinary authority with which they are entrusted, the need for transparency, accountability and public access to information is particularly acute when the information sought involves the conduct of police officers.” *Pasadena Police Officers Assn. v. Superior Ct.*, 240 Cal. App. 4th 268, 283 (2015). The state’s Supreme Court has observed:

The public’s legitimate interest in the identity and activities of peace officers is even greater than its interest in those of the average public servant. ‘Law enforcement officers carry upon their shoulders the cloak of authority to enforce the laws of the state. . . . ‘It is indisputable that law enforcement is a primary function of local government and that the public has a far greater interest in the qualifications and conduct of law enforcement officers, even at, and perhaps especially at, an “on the street” level than in the qualifications and conduct of other comparably low-ranking government employees performing more proprietary functions. The abuse of a patrolman’s office can have great potential for social harm. . . .’”

*Commission on Police Officer Standards*, 42 Cal.4th at 297-298.

This brings me to my third point. Although I requested that your letter explain in detail the basis for withholding records, you raise just one exemption in your letter. You claim Penal Codes sections 832.5 and 832.7 (the “Pitchess Statutes”) prevent the disclosure of any personnel records of any peace officer. You do not explain why the records requested are subject to the Pitchess statutes, nor what efforts the BPPD made to identify such records. I must disagree that those sections allow BPPD to refuse to disclose records it has not reviewed and “ha[s] no idea how many” such records it possesses. the Pitchess statutes protect only personal, medical, or benefit information and “[c]omplaints, or investigations of complaints.” Penal Code § 832.8. *See also Pasadena Police Officers*, 240 Cal. App. 4th at 289 (“Police officer personnel records include only the type of information specified in Penal Code section 832.8. (citation omitted.) Only records generated in connection with a citizen complaint, or administrative appraisal or discipline, are protected.”)

The definition in section 832.8 does not extend to employee names, job titles, and salaries; pension amounts; and employment and severance agreements. *Int’l Fed’n of Pro. & Tech. Engineers, Loc. 21, AFL-CIO v. Superior Ct.*, 42 Cal. 4th 319, 346 (2007)(“The term ‘records relating’ to the kinds of information specified in Penal Code section 832.8 is more reasonably understood as a reference to records that actually reflect the enumerated items. Records of salary expenditures do not reflect any of the items enumerated in the statute. Thus, Penal Code sections 832.7 and 832.8 do not mandate that peace officer salary information be excluded from disclosure under the Act.”)



It also does not extend to statements without “consequence for [an officer’s] duties, tenure, compensation, or benefits” or statements not in response to a citizen complaint. *Essick v. Cnty. of Sonoma*, 81 Cal. App. 5th 941, 953 (2022); *Pasadena Police Officers*, 240 Cal. App. 4th at 289 (“other portions of the Report, including the CID investigation, which do not constitute or relate to employee appraisal, are not” exempt from disclosure.)

Further, Penal Code section 832.7(b)(1)(C) requires public disclosure of records “relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.” Your letter simply states that the Pitchess Statutes apply, even though you concede you have made no effort to review the records to determine their number or contents. That is not enough. *Becerra*, 44 Cal. App. 5th at 932 (“the nature and scope of responsive records [under the Pitchess Statutes] in the Department’s possession are relatively unknown to litigants and the courts, and the burden of making such records available for inspection must, at this juncture, be established through expert testimony, or at the very least, with a more thorough showing that substantiates the Department’s burden.”)

The case law cited above would provide the San Mateo County Superior Court ample basis on which to order the BPPD to comply with the PRA by reviewing the records it possesses and producing them with reasonable redactions.

Sincerely,



Andrea M. Hall

# **Exhibit B**

SEATTLE  
(206) 497-1188  
WASHINGTON, DC  
(202) 241-1316  
SAN MATEO  
(650) 349-0700

**PAUL M. DAVIS**

ATTORNEY AT LAW

1 BLACKFIELD DRIVE

SUITE 193

TIBURON, CALIFORNIA 94920-2053

TELEPHONE: (415) 884-2555

PAUL M. DAVIS

ALSO ADMITTED IN THE  
DISTRICT OF COLUMBIA  
AND THE  
STATE OF WASHINGTON

December 13, 2022

BY EMAIL ONLY  
andreameghanhall@gmail.com

Andrea Hall  
1843 Sweetwood Drive  
Broadmoor Vlg., California 94015

In re: Further Response to Public Records  
Request to Broadmoor Police

Dear Ms. Hall:

This will be my final response to you. I have wasted more than enough time and tax dollars on this.

The Broadmoor Police Department has fully responded to your request and you are scheduled to inspect the disclosable records on December 21, 2022, at 1:00 p.m. at the police department.

No further responses or correspondence regarding this matter will be forthcoming, thus any further emails or correspondence from you regarding this matter will be ignored and any allegations by you shall be deemed denied.

Sincerely,

LAW OFFICES OF PAUL M. DAVIS

*Paul M. Davis* (e-signature)

Paul M. Davis  
District Counsel

cc: John F. Duncan (ACOP)  
Police Commission

# **Exhibit C**

---

[WARNING: EXTERNAL SENDER]

---

Begin forwarded message:

**From:** Andrea Hall <andreameghanhall@gmail.com>  
**Date:** December 13, 2022 at 4:00:30 PM PST  
**To:** Davis Law Offices <pmd@davislawoffice.com>  
**Cc:** Commissioner James Kucharszky <jkucharszky@pd.broadmoor.ca.us>, "Cmdr. John Duncan" <jduncan@pd.broadmoor.ca.us>  
**Subject:** Re: Emailing: Andrea Hall 003.pdf

Mr. Davis,

As I have explained to you several times, your characterization of my demand that the Broadmoor Police comply with the requirements of the Public Records Act as the product of some "angry" personal vendetta against the police is insulting. It minimizes the goals of the Act, which makes "access to information concerning the conduct of the people's business" "a fundamental and necessary right of every person in this state." Government Code § 6250. This is hardly "nonsense," and my reasons for making my request are irrelevant to BPPD's duty to comply with the request. *Marylander v. Superior Ct.*, 81 Cal. App. 4th 1119, 1125 (2000) ("all public records may be examined by any member of the public, often the press, but conceivably any person with no greater interest than idle curiosity.")

Further, an unsubstantiated, unquantified claim of burden is no excuse for failing to respond to my request. Records requests, however, inevitably impose some burden on government agencies." *California First Amend. Coal. v. Superior Ct.*, 67 Cal. App. 4th 159, 166 (1998) ("CPRA requests invariably impose some burden on public agencies.") Agencies are obliged to disclose all records they can locate "with reasonable effort." *Id.* A request is "overbroad and unduly burdensome" if it "requires an agency to search an enormous volume of data for a 'needle in the haystack' or, conversely, a request which compels the production of a huge volume of material may be objectionable as unduly burdensome." *Id.* Do you maintain that BPPD must search "an enormous volume of data" or produce "a huge volume of material?" Or do you simply contend that BPPD has failed to allocate the resources necessary to comply with the PRA? Please clarify.

Best,  
Andrea

On Dec 13, 2022, at 3:27 PM, Davis Law Offices <pmd@davislawoffice.com> wrote:

Hello Ms. Hall,

Let me be clear. I am not going to waste your time and my time parsing nonsense. What I told you was there could be thousands of documents. I have no idea how many documents there are. If you

want to inspect the documents we will make them available for you to inspect. But, I have spent more than enough of my time on this and I'm reasonably certain you have spent more than enough of your time on this as well. I see nothing fruitful that will come by spending more time on this.

You now expect taxpayers to hire staff to determine how many documents there are. That request is inane.

The staff at Broadmoor, like all public agencies, is funded by tax dollars. No public entity will hire expensive staff to accomplish what you want, and I really don't think you want your tax dollars wasted on that. We comply with the Public Records Act with the staffing and resources available to us.

Finally, while I have no idea why you are as angry as you are, I once again offer to discuss with you anything that might have happened between you and the Broadmoor Police Department that might have caused you to be upset and I will attempt to rectify that situation as best I can; I invite your dialogue in that regard.

Thank you for giving me the opportunity to assist you.

Paul M. Davis  
District Counsel

----- Original Message -----

**From:** [Andrea Hall](#)

**To:** [Davis Law Offices](#)

**Cc:** [Commissioner James Kucharszky](#) ; [Cmdr. John Duncan](#)

**Sent:** Tuesday, December 13, 2022 3:15 PM

**Subject:** Re: Emailing: Andrea Hall 003.pdf

Mr. Davis,

This response is cynical and disingenuous. On our phone call, you told me there were hundreds of thousands of records and it would be a "monumental undertaking" for the department to respond to my request. That was the chief reason you cited for not responding to my request and now you appear to be disavowing it.

Given that you cannot even identify the number of records that are responsive to my request, it appears neither you nor the BPPD have made a good faith attempt to comply with my request at all. It's disturbing to see that those tasked with enforcing the laws in Broadmoor have so little respect for the laws regulating them.

Best,  
Andre

On Dec 13, 2022, at 3:10 PM, Davis Law Offices  
<pmd@davislawoffice.com> wrote:

Good afternoon Ms. Hall,

There are not hundreds of thousands of documents. You must have misunderstood something. I don't know precisely how many documents might be involved, but you have asked for records dating back to 2015, so the amount of records could be voluminous. Once again, I do not know. The records will not be pulled until you arrive.

You can take as much time as you need so long as there is adequate staffing. If you cannot complete your inspection on December 21 you may indeed return to complete it.

When you arrive simply identify yourself to the records clerk at the front desk and she will guide you through the process.

Thank you.

Paul M. Davis

----- Original Message -----

**From:** [Andrea Hall](#)

**To:** [Davis Law Offices](#)

**Cc:** [Commissioner James Kucharszky](#) ; [Davis Law Offices](#) ; [Cmdr. John Duncan](#)

**Sent:** Tuesday, December 13, 2022 3:03 PM

**Subject:** Re: Emailing: Andrea Hall 003.pdf

Hi Mr. Davis,

Thank you for your response. Again, I will address the supposed exemptions cited in your prior letter more fully when time permits.

Approximately how long will I have to review the hundreds of thousands of responsive records you told me the department maintains? Will I be able to return to examine additional records? Who should I ask to see on December 21? Thank you.

Andrea

On Dec 13, 2022, at 2:50 PM, Davis Law Offices  
<[pmd@davislawoffice.com](mailto:pmd@davislawoffice.com)> wrote:

Please see attached.

---

---

Hi Mr. Davis,

Thank you for your response. Again, I will address the supposed exemptions cited in your prior letter more fully when time permits.

Approximately how long will I have to review the hundreds of thousands of responsive records you told me the department maintains? Will I be able to return to examine additional records? Who should I ask to see on December 21? Thank you.

Andrea

> On Dec 13, 2022, at 2:50 PM, Davis Law Offices  
<[pmd@davislawoffice.com](mailto:pmd@davislawoffice.com)> wrote:

>

>

> Please see attached.



# **Exhibit D**

SEATTLE  
(206) 497-1188  
WASHINGTON, DC  
(202) 241-1316  
SAN MATEO  
(650) 349-0700

**PAUL M. DAVIS**

ATTORNEY AT LAW

1 BLACKFIELD DRIVE

SUITE 193

TIBURON, CALIFORNIA 94920-2053

TELEPHONE: (415) 884-2555

PAUL M. DAVIS

ALSO ADMITTED IN THE  
DISTRICT OF COLUMBIA  
AND THE  
STATE OF WASHINGTON

December 13, 2022

BY EMAIL ONLY  
andreameghanhall@gmail.com

Andrea Hall  
1843 Sweetwood Drive  
Broadmoor Vlg., California 94015

In re: Further Response to Public Records  
Request to Broadmoor Police

Dear Ms. Hall:

This will serve to document in part our telephone conference of this date in which you expressed to me your concerns relating to the Broadmoor Police Department's initial response to your request to inspect public records is concerned.

This letter shall respond *ad seriatim* to your letter of November 29, 2022, which I received from you yesterday.

1. Arrangements will be made to allow you to come to the records division of the police department to inspect, under supervision, copies of parking citations that have been issued for the timeframe you requested. Because some of those records might contain confidential information, you will not be provided with unredacted copies nor will you be permitted to make notes from them.

2. Arrangements will be made to allow you to come to the records division of the police department to inspect, under supervision, copies of parking citations that have been issued for the timeframe you specified. Because some of those records might contain confidential information, you will not be provided with unredacted copies nor will you be permitted to make notes from them.

3. Personnel records of peace officers are not public records open for public inspection because such records are by statute confidential. (Penal Code §§832.5 and 832.7) Such records cannot be made available for your inspection.

December 13, 2022

---

4. The police department does not maintain an index or catalog that would provide any method to search for the information you are requesting.

5. Personnel records of peace officers are not public records open for public inspection because such records are by statute confidential. (Penal Code §§832.5 and 832.7) Such records cannot be made available for your inspection.

6. Personnel records of peace officers are not public records open for public inspection because such records are by statute confidential. (Penal Code §§832.5 and 832.7) Such records cannot be made available for your inspection.

Please note that the exemptions from public disclosure cited above are merely illustrative, not exhaustive. You might also want to review Government Code §§6253.9(g), 6254(f), 6254(p)(2) and other statutes that exempt records of public agencies, particularly criminal justice agencies, from public inspection.

Once again, if you are experiencing any issue that you feel is not being handled properly or adequately by any member of the Broadmoor Police Department I encourage you to bring that issue to the attention of the Chief of Police and/or the Police Commission. The duly elected Police Commission is deeply concerned about the quality of life in, and residents of, Broadmoor and they take very seriously their policy-making role in that regard.

Thank you for the opportunity to respond to your public records request.

Sincerely,

LAW OFFICES OF PAUL M. DAVIS

*Paul M. Davis* (e-signature)

Paul M. Davis  
District Counsel

cc: John F. Duncan (ACOP)  
Police Commission

# **Exhibit E**

December 10, 2022

**Via Email (pmd@davislawoffice.com)**

Broadmoor Police Protection District  
c/o Paul M. Davis, Esq.  
1 Blackfield Dr., Suite 193  
Tiburon, CA 94920-2053

Re: Public Records Act Request Regarding Enforcement of San Mateo County Ordinance sections 7.28.030 and 7.28.190

Dear Mr. Davis:

I am in receipt of your December 6, 2022 reply to my request for public records dated November 29, 2022. Not only have you misdated my request, but your letter fundamentally mischaracterizes the nature and motivation of my request, the purpose of California's Public Records Act ("PRA"), and the duties it imposes on public agencies. I must continue to insist that the Broadmoor Police Protection District ("BPPD") produce the records I requested on November 29.

First, your letter states only that the BPPD has no responsive records. Government Code section 6253.1 imposes on the BPPD a duty to respond to requests for disclosure of the information in public records. The PRA's "identification requirement may not be used by a government agency as a method of withholding records." *Bd. of Equalization v. Superior Ct.*, 10 Cal. App. 4th 1177, 1192 (1992). "[T]he requirement of clarity [for PRA requests] must be tempered by the reality that a requester, having no access to agency files, may be unable to precisely identify the documents sought." *California First Amend. Coal. v. Superior Ct.*, 67 Cal. App. 4th 159, 165-66 (1998). Rather, "part of the responsibility for identifying records [lies] with the agency itself." *Bd. of Equalization*, 10 Cal. App. 4th at 1192.

Thus, the BPPD cannot just allege it has no responsive records. Its duty to respond "includ[es] assisting the requester in formulating reasonable requests, because of the [BPPD's] superior knowledge about the contents of its records." *Cmty. Youth Athletic Ctr. v. City of Nat'l City*, 220 Cal. App. 4th 1385, 1417 (2013). This might include providing an index of records that are in the BPPD's custody, possession, or control. *Bd. of Equalization*, 10 Cal. App. 4th at 1192-93. However, "[c]onclusory or boilerplate assertions" of the nonexistence of the requested records "are not sufficient." *ACLU of N. California v. Superior Ct.*, 202 Cal. App. 4th 55, 83 (2011).

Second, contrary to your assertions, my request does not "appear[ ] to relate to parking violations in" Broadmoor. Rather, my November 29, 2022 letter explicitly states twice that I am making this request, because "upon information and belief, the Broadmoor Police Protection District has a pattern or practice of citing violations of San Mateo County Ordinance sections 7.28.030 and 7.28.190 disparately based on

the alleged violator's racial identity." I am not concerned about parking violations *per se*. I am concerned that the BPPD is citing only a portion of those parking violations, based on racial animus. My concerns arise from my experiences as a resident of Broadmoor and as an attorney committed to providing equal access to justice to my community. Consequently, I want to examine any written records related to the enforcement of those provisions, the personnel records for Officer Payne, and any citizen complaints related to Officer Payne. Your minimization of my concerns as being about "parking violations" and your suggestion that attending a meeting of the Police Commission can substitute for reviewing and analyzing seven years of public records is insulting.

I must continue to insist the BPPD meet and confer with me to narrow my requests for the following:

1. all records, including but not limited to police reports and citations, related to the enforcement of San Mateo County Ordinance section 7.28.030 since November 28, 2015.
2. all records, including but not limited to police reports and citations, related to the enforcement of San Mateo County Ordinance section 7.28.190 since November 28, 2015.
3. all personnel records for Officer J. Payne;
4. all records related to Officer J. Payne's enforcement of Title 7 of the San Mateo County Code of Ordinances.
5. all records evidencing any citizen complaint filed against Officer J. Payne since November 28, 2015;
6. all records evidencing any action taken as a result of citizen complaints filed against Officer J. Payne since November 28, 2015;

If I do not hear back from you to refine my requests to identify responsive records in the BPPD's possession, custody, or control by December 21, 2022, I will assume the BPPD will not respond and file the attached draft complaint.

I look forward to meeting and conferring with you to refine my request to allow the BPPD to respond. Again, please contact me at 650-278-2912 or [andreameghanhall@gmail.com](mailto:andreameghanhall@gmail.com), pursuant to Government Code section 6253.1. Thank you for your timely attention to this matter.

Sincerely,



Andrea M. Hal

cc: Chief John F. Duncan  
Hon. James Kucharsky

ANDREA M. HALL  
ANDREAMEGHANHALL@GMAIL.COM  
1843 SWEETWOOD DRIVE  
UNINCORPORATED COLMA, CA 94015-2014  
TELEPHONE: 650-278-2912

1 ANDREA M. HALL (SBN 317491)  
andreameghanhall@gmail.com  
2 1843 Sweetwood Drive  
Unincorporated Colma, CA 94015-2014  
3 Telephone: 650-278-2912

4 Attorney pro per  
5  
6  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN MATEO  
10

11  
12 Andrea M. Hall,

13 Plaintiff,

14 vs.

15 Broadmoor Police Protection District, and  
DOES 1 through 10, inclusive,

16 Defendants.  
17

No. XXXX

COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF AND VERIFIED  
PETITION FOR WRIT OF MANDATE

18 **INTRODUCTION**

19 1. In this suit, a third-generation resident of Broadmoor, an unincorporated area in  
20 San Mateo County, which maintains its own police protection district, seeks to enforce her rights  
21 under Article 1, section 3 of the California Constitution and the state Public Records Act  
22 (“PRA”). In particular, plaintiff seeks records to confirm that the Broadmoor Police Protection  
23 District (“BPPD”) selectively enforces the law based on the alleged violator’s racial identity.

24 2. As a lifelong resident of Broadmoor, plaintiff has watched as BPPD officer  
25 repeatedly harass some of her neighbors, even goading and taunting some into physical fights,  
26 while others walk away without even so much as a warning. In light of her recent experience and  
27 recent news about the department’s hiring practices, plaintiff decided to seek records about the  
28 racial identity of those who are cited and personnel records for one officer who questioned

1 plaintiff's qualifications as a lawyer, apparently because she is a woman.

2 3. Rather than allay her concerns about its practices, the BPPD responded that they  
3 maintain no such records. The BPPD refused to meet and confer to refine her requests as the  
4 PRA requires and instead merely maintains that no such records exist.

5 4. The BPPD's refusal to meet and confer has forced plaintiff to file this suit seeking  
6 a declaration that she is entitled to such records under the PRA, an injunction requiring the BPPD  
7 to produce the requested records, and attorney's fees.

8 **JURISDICTION AND VENUE**

9 5. This Court has jurisdiction under Government Code section 6258 and Code of  
10 Civil Procedure sections 1060 and 1085.

11 6. Venue is proper in this Court pursuant to Government Code section 6259 Code of  
12 Civil Procedure sections 393 and 394(a).

13 **PARTIES**

14 7. Plaintiff Andrea M. Hall is a lifelong resident of Broadmoor in Unincorporated  
15 San Mateo County. Her mother's family has resided in Broadmoor continuously since the  
16 subdivision was constructed in the late 1940s. She is also an attorney whom fellow Broadmoor  
17 residents regularly approach for legal advice about their interactions with the BPPD.

18 8. Defendant Broadmoor Police Protection District is a state police protection district  
19 responsible for enforcing laws in Broadmoor Village in Unincorporated San Mateo County.  
20 BPPD maintains and is the legal custodian of records about their enforcement activities in  
21 Broadmoor. BPPD maintains its primary place of business at 388 88th Street in Daly City. It is a  
22 legal resident of San Mateo County and is amenable to service of process in San Mateo County.

23 **FACTUAL ALLEGATIONS**

24 9. BPPD is an agency of the State of California, and as such, is governed by the  
25 public disclosure requirements of Article I, section 3, of the California Constitution and the  
26 CPRA, Cal. Gov't Code section 6250 et seq. Plaintiff does not know which BPPD employee is  
27 responsible for receiving and responding to requests for public records under the California  
28 Public Records Act.



1 10. On November 29, 2022, plaintiff submitted a written PRA request to the BPPD  
2 seeking the disclosure of six categories of public records. A true and correct copy of that request  
3 is attached hereto as Exhibit 1.

4 11. By email on December 6, 2022, BPPD’s Attorney, Paul M. Davis responded to  
5 plaintiff that no responsive records exist. His letter did not describe the process undertaken to  
6 identify responsive records, nor did it attempt to refine the requests to make them responsive. He  
7 also raised no objections about the requests and has thus waived them. A true and correct copy of  
8 that request is attached hereto as Exhibit 2.

9 12. By email on December 10, 2022, plaintiff advised Mr. Davis that the BPPD’s  
10 response was inappropriate because the PRA’s “identification requirement may not be used by a  
11 government agency as a method of withholding records.” *Bd. of Equalization v. Superior Ct.*, 10  
12 Cal. App. 4th 1177, 1192 (1992). She further informed him that “part of the responsibility for  
13 identifying records [lies] with the agency itself.” *Id.* She also warned that if the department did  
14 not meet and confer she was prepared to file the present complaint. A true and correct copy of  
15 that letter is attached hereto as Exhibit 3.

16 13. Despite these warnings, BPPD has failed to meet and confer over plaintiff’s  
17 requests to refine them to identify responsive documents. It has also produced no records to  
18 disprove that its enforcement of laws in Broadmoor is capricious and influenced by individual  
19 officer’s racial animus. Consequently, plaintiff continues to believe BPPD are in possession,  
20 custody, and control of such records, but merely seek to avoid appropriate public scrutiny of the  
21 information they contain. This belief is based on BPPD’s response (or lack thereof) and its  
22 employees’ pattern and practice of failing to follow state laws on public meetings and pensions.  
23

24 **FIRST CAUSE OF ACTION**

25 (Violation of the California Constitution and PRA against BPPD and DOES 1-10)

26 14. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1  
27 through 13.

28 15. The California Constitution, Article I, section 3(b)(1), declares that “[t]he people  
have the right of access to information concerning the conduct of the people’s business, and,

1 therefore, the meetings of public bodies and the writings of public officials and agencies shall be  
2 open to public scrutiny.”

3 16. The PRA, found at Government Code section 6250 declares that “access to  
4 information concerning the conduct of the people's business is a fundamental and necessary right  
5 of every person in this state.”

6 17. Government Code section 6253.1 imposes on public agencies, such as the BPPD, a  
7 duty to respond to requests for disclosure of the information in public records. The PRA’s  
8 “identification requirement may not be used by a government agency as a method of withholding  
9 records.” *Bd. of Equalization v. Superior Ct.*, 10 Cal. App. 4th 1177, 1192 (1992). “[T]he  
10 requirement of clarity [for PRA requests] must be tempered by the reality that a requester, having  
11 no access to agency files, may be unable to precisely identify the documents sought.” *California*  
12 *First Amend. Coal. v. Superior Ct.*, 67 Cal. App. 4th 159, 165–66 (1998). Rather, “part of the  
13 responsibility for identifying records [lies] with the agency itself.” *Bd. of Equalization*, 10 Cal.  
14 App. 4th at 1192.

15 18. Thus, the BPPD cannot simply allege it has no responsive records. Its duty to  
16 respond “includ[es] assisting the requester in formulating reasonable requests, because of the  
17 [BPPD’s] superior knowledge about the contents of its records.” *Cnty. Youth Athletic Ctr. v. City*  
18 *of Nat'l City*, 220 Cal. App. 4th 1385, 1417 (2013). “Conclusory or boilerplate assertions” of the  
19 nonexistence of the requested records “are not sufficient.” *ACLU of N. California v. Superior*  
20 *Ct.*, 202 Cal. App. 4th 55, 83 (2011).

21 19. By its reliance on boilerplate assertions of nonexistence and its refusal to meet-  
22 and-confer to identify responsive records, the BPPD has violated the 4 California  
23 Constitution, Art. I, section 3, and the PRA, Government Code sections 6250 *et seq.*, and thereby  
24 required plaintiff to expend several hours drafting letters and the present complaint to obtain the  
25 desired records.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, plaintiff respectfully prays that this Court:

- 28 1. Issue a writ of mandate directing BPPD to comply fully and without further delay

ANDREA M. HALL  
ANDREAMEGHANHALL@GMAIL.COM  
1843 SWEETWOOD DRIVE  
UNINCORPORATED COLMA, CA 94015-2014  
TELEPHONE: 650-278-2912

1 with the PRA and to furnish plaintiff all public documents meeting the description  
2 in her requests.

- 3 2. In the alternative, issue an order to BPPD to show cause why the court should not  
4 issue such a writ and thereafter issue a peremptory writ compelling BPPD  
5 to perform its public duty as set forth above;
- 6 3. Declare that BPPD has violated plaintiff's rights under the California Constitution,  
7 Article I, section 3, and under Government Code sections 6250 *et seq.*, by failing  
8 to meet and confer plaintiff's document requests;
- 9 4. Declare that BPPD has violated plaintiff's rights under the California Constitution,  
10 Article I, section 3, and under Government Code sections 6250 *et seq.*, by failing  
11 to produce the requested documents;
- 12 5. Enter an injunction directing that, because BPPD's delay in complying with its  
13 obligations under the CPRA was without substantial justification, BPPD must  
14 waive all fees associated with plaintiff's requests;
- 15 6. Enter judgment in plaintiff's favor for nominal damages;
- 16 7. Award plaintiff reasonable attorneys' fees and costs as authorized by Government  
17 Code section 6259, and;
- 18 8. Order such additional relief as the Court may deem just and proper.

19 Dated: December \_\_, 2022

Respectfully submitted,

20 ANDREA M. HALL

21  
22 By: \_\_\_\_\_  
23 ANDREA M. HALL

24 Attorney pro per

ANDREA M. HALL  
ANDREAMEGHANHALL@GMAIL.COM  
1843 SWEETWOOD DRIVE  
UNINCORPORATED COLMA, CA 94015-2014  
TELEPHONE: 650-278-2912

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**VERIFICATION**

I, Andrea M. Hall, have read the foregoing Petition for Writ of Mandate and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and I also believe those matters to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this the        day of December 2022 at Unincorporated Colma, CA.

# **Exhibit F**

**PAUL M. DAVIS**

ATTORNEY AT LAW

1 BLACKFIELD DRIVE

SUITE 193

TIBURON, CALIFORNIA 94920-2053

TELEPHONE: (415) 884-2555

PAUL M. DAVIS

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STATE OF WASHINGTON

SEATTLE  
(206) 497-1188  
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SAN MATEO  
(650) 349-0700

December 6, 2022

BY EMAIL ONLY  
andreameghanhall@gmail.com

Andrea Hall  
1843 Sweetwood Drive  
Broadmoor Vlg., California 94015

In re: Response to Public Records Request to Broadmoor Police

Dear Ms. Hall:

I am district counsel for the Broadmoor Police Protection District.

Pursuant to Government Code §6253(c) this is Broadmoor's response to your written request for public records that you filed on November 28, 2022, which appears to relate to parking violations in your area.

The Broadmoor Police Department has no identifiable record that would be responsive to your request based upon the criteria you provided.

I note that you live in Broadmoor. If you are experiencing any kind of issue relating to parking in your area, the police department is committed to working with you to resolve such issues. I would strongly encourage you to contact Acting Chief Duncan and/or come to one of the monthly meetings of the Police Commission, the duly elected public body that sets policy for the Broadmoor Police Department. The Police Commission encourages residents to voice concerns at monthly meetings so that policy can be made and/or modified as needs arise or change. The next regular meeting of the Police Commission will be at 7:00 p.m. on December 13, 2022, at the police facility at 388 88<sup>th</sup> Street, Broadmoor. Your attendance there is highly encouraged.

Andrea Hall (. . . cont'd.)

Page Two

December 6, 2022

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Please know that the Broadmoor Police Department is absolutely committed to providing Broadmoor residents with the very best services available.

If you want to discuss your specific issue with me I can be reached at the telephone number shown above.

Thank you for the opportunity to respond to your public records request.

Sincerely,

LAW OFFICES OF PAUL M. DAVIS

Paul M. Davis  
District Counsel

cc: Chief John F. Duncan (ACOP)  
Hon. James Kucharszky, (Chair, Broadmoor Police Commission)

# **Exhibit G**



November 29, 2022

**Via Certified Mail (7022 2410 0002 2244 0200)**

Broadmoor Police Protection District  
388 Eighty - Eighth Street  
Unincorporated Colma, CA 94015-1717

Re: Public Records Act Request Regarding Enforcement of San Mateo County Ordinance sections 7.28.030 and 7.28.190

To Whom It May Concern:

I am requesting access to records in possession or control of the Broadmoor Police Protection District for inspection and copying pursuant to the California Public Records Act, California Government Code section 6250 et seq. ("CPRA"), and Article I, section 3(b) of the California Constitution. The specific records I seek to inspect and copy are listed below and related to a November 28, 2022 incident at 1839 Sweetwood Drive at approximately 5:00 p.m. During that incident, Officer J. Payne refused to enforce San Mateo County Ordinances sections 7.28.030 and 7.28.190 against a Toyota Tundra with California license plate number 6W91230. Upon information and belief, the Broadmoor Police have cited other residents from different racial backgrounds dozens of times under the same sections elsewhere in Broadmoor, particularly in the vicinity of 12 Village Lane.

As used herein, "record" includes "public records" and "writings" as those terms are defined at Government Code subsections 6252(e) and (g). Specifically, I request access to inspect and/or make copies of the following:

1. all records, including but not limited to police reports and citations, related to the enforcement of San Mateo County Ordinance section 7.28.030 since November 28, 2015.
2. all records, including but not limited to police reports and citations, related to the enforcement of San Mateo County Ordinance section 7.28.190 since November 28, 2015.
3. all personnel records for Officer J. Payne;
4. all records related to Officer J. Payne's enforcement of Title 7 of the San Mateo County Code of Ordinances.
5. all records evidencing any citizen complaint filed against Officer J. Payne since November 28, 2015;

6. all records evidencing any action taken as a result of citizen complaints filed against Officer J. Payne since November 28, 2015;

Because California Government Code section 12525.5(b) requires law enforcement agencies collect and retain data related to the perceived race or ethnicity, gender, and approximate age of each person stopped or cited, the aforementioned records should contain this information.

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code section 6253(a) requires segregation and redaction of that exempt material so that the remainder of the records may be released. If you contend that any express provision of law exists to exempt from disclosure all or a portion of the records I have requested, **Government Code section 6253(c) requires that you notify me of the reasons for the determination not later than 10 days from your receipt of this request.** Government Code sections 6253(d) and 6255(b) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the Broadmoor Police Protection District's response.

Government Code section 6253(d) prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, "to delay access for purposes of inspecting public records."

In responding to this request, please be mindful Article 1, section 3(b)(2) of the California Constitution expressly requires you to construe broadly all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

Finally, I make this request because, upon information and belief, the Broadmoor Police Protection District has a pattern or practice of citing violations of San Mateo County Ordinance sections 7.28.030 and 7.28.190 disparately based on the alleged violator's racial identity. This may form the basis for a civil complaint under California Civil Code sections 52.3 and 52.1 and 42 U.S.C. sections 14141 and 1983. Because this letter makes allegations that may result in civil claims against which the Broadmoor Police Protection District will require a defense, I must advise you to tender this letter to your liability insurers immediately.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 650-278-2912 or andreameghanhall@gmail.com, pursuant to Government Code section 6253.1. I would prefer that the records be produced to me at that e-mail address, and I also ask that you notify me of any duplication costs exceeding \$20 before you duplicate the records so that I may decide which records I want copied.

Thank you for your timely attention to this matter.

Sincerely,

Andrea M. Hall

January 4, 2023

To: LAFCO  
Local Agency Formation Commission  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1663

From: David Smith, President, Broadmoor Property Owners Association (BPOA)

Re: Circulation Draft of the San Mateo LAFCo Special Study for Broadmoor Police Protection District

Commissioners,

I received a copy of your report the first week of December 2022, addressed to the President of the Broadmoor Property Owners' Association. This was my first knowledge of any such study of the BPPD. Since I am a pastor and a counselor, I have had little time to study the documents or even to arrange contact with other members of the BPOA, some of whom have been ill.

To complicate matters, because of the increasing pressures in my church work in these anxious days, I tendered my resignation as President of the BPOA before receiving this report. Other BPOA members are receiving copies for their own review and a future discussion.

Also, I am sending you my comments, as a homeowner and resident of Broadmoor for 40 years. I am writing as an individual, not representing the BPOA. I am focusing my comments on the report's Recommendations.

The first Recommendation, on page 3 of the Draft Special Study, I assume is amplified in the section about Options at the end of the report. But this first recommendation to explore cost-saving measures leaves a lot of questions about the quality of future services, as well as raising questions about our additional parcel tax, which is supposed to be used only for our own police force.

The second and third set of Recommendations, on pages 4 and 5, seem reasonable, in terms of transparency and accountability to the homeowners and residents, but the work required may mean the hiring of a full-time or part-time administrator or admin assistant or manager, which will increase the budget.

However, the last section on "Options for Service/Governance" is the most far-reaching, especially the second option, merging with Daly City. For as long as I've lived in Broadmoor, 40 years, we have consistently resisted being annexed by Daly City. The report indicates that Broadmoor is now "surrounded" by Daly City. This has been accomplished by Daly City's annexing sections of Broadmoor, especially the income-producing parcels, bit by bit, piece by piece. And if Daly City were to gobble us whole, what happens to the additional parcel tax?

No option, other than status quo, leaves us safe. And puts the parcel tax in unknown hands.

This part of my comments is being written on February 21, after Ron Bartoli's presentation to the Broadmoor Property Owners Association. I understand that Ron and Chief Connolly have been discussing the report as well.

My emphasis now is for us to maintain the status quo with the BPD. Any other option leaves us unsafe. We appreciate the officers who serve us and are trusting the process to keep the BPD intact.

Dave Smith

**From:** [Christine Talivaa Aguerre](#)  
**To:** [Rob Bartoli](#)  
**Cc:** [John cell](#)  
**Subject:** Broadmoor Police Protection District  
**Date:** Wednesday, February 22, 2023 8:34:07 PM

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Good evening, Rob,

Thank you for preparing the San Mateo LAFCo Special Study for the Broadmoor Police Protection District. Our family has owned and resided in our home at 1156 Nimitz Drive, in Broadmoor Village since October 2002.

It is our sincere hope that your recommendations, coupled with active dialogue and guidance with the Broadmoor Police Dept., will allow them to remain a community service provider dedicated to Broadmoor residents.

We do not want to see a merger or annexation with Daly City, formation of a County Service Area or a Community Services District to contract with the County or Daly City, contracting with Another Agency without Reorganization or dissolution of the District. We, as community members, would also appreciate any guidance, suggestions or San Mateo County contacts to assist us in making this happen.

We realize that there is work to do and look forward to hearing from you to assist us in this endeavor. Thank you for your time and consideration in this matter.

Sincerely,  
Christine Taliva'a-Aguerre and John Aguerre  
1156 Nimitz Drive  
Broadmoor Village, CA 94015  
cell - 415/609-0371

**From:** [Rob Bartoli](#)  
**To:** [Carolyn Shaw](#)  
**Cc:** [Sofia Recalde](#)  
**Subject:** RE: Broadmoor Police Protection District  
**Date:** Monday, February 27, 2023 3:10:04 PM

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Hi Carolyn,

Thank you for your comment.

Rob

Rob Bartoli  
Executive Officer  
San Mateo LAFCo  
455 County Center, 2nd Floor  
Redwood City, CA 94063  
Direct Tel: (650) 363-4224  
Email: [rbartoli@smcgov.org](mailto:rbartoli@smcgov.org)

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**From:** Carolyn Shaw <[chshaw@yahoo.com](mailto:chshaw@yahoo.com)>  
**Sent:** Sunday, February 26, 2023 5:29 PM  
**To:** Rob Bartoli <[RBartoli@smcgov.org](mailto:RBartoli@smcgov.org)>  
**Subject:** Broadmoor Police Protection District

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The budgetary shortfalls, the lack of payroll/overtime oversight, the inability of the elected three person commission to effect or improve results are an appalling track record for Broadmoor PD. I think that Daly City is the best candidate to "rescue" policing for unincorporated Broadmoor and Colma. This should happen quickly. Why delay further the inevitable collapse of this police department?

As a property owner, I am also concerned about financial liability. Will Broadmoor residents become liable for any of the CalPERS fraud? Did the hiring of Officer Ryan McMahon go forward? If the City of Vallejo had to pay \$5.7 million to the family of one of Officer McMahon's victims, would homeowners in Broadmoor be liable if there should occur another excessive use of force decision?

We need to close shop and move on with a professional police force.

It is annoying that many critical issues are not made available for public comment or agenda items are difficult to access. You have to keep checking back to the website about meetings. There are no "push notifications" available.

I've live in Broadmoor since 1992. Initially I was pleased by our small force. That began to deteriorate under Chief Greg Love and the performance, and even behavior towards citizens, have not substantially improved. I haven't had a negative encounter with Broadmoor PD in the last several years but that may have more to do with COVID than anything else.

I'm concerned. I am also embarrassed for our community.

Carolyn Shaw  
760 Maddux Drive  
Broadmoor Vlg, CA 94015

**From:** [Michael Connolly](#)  
**To:** [Rob Bartoli](#)  
**Cc:** [Davis Law Offices](#); [James Kucharszky](#)  
**Subject:** Addendums  
**Date:** Thursday, March 2, 2023 1:31:40 PM  
**Attachments:** [F6BE2B53D0DD4ECAB91CAFCE47246645F5295391.png](#)  
**Importance:** Low

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*Director Bartoli,*

*In reading the LAFCO Draft Report again, many of the recommendations will be adopted as feasible. From a good government standpoint, I concur that standard business practices in terms of transparency and accountability have been opaque and will be improved. We have employed legal counsel that I work daily to ensure we evaluate decisions thoughtfully.*

*In terms of fiscal accountability; as a direct result of annexation, revenue was and continues to be impacted as well as some questionable practices about revenue. As an example, there are a number of parking meters in Broadmoor which were placed there by Daly City. Those meters over the years have collected untold revenue by Daly City in which they were not entitled to. There is no documents at the County or local level that offers any explanation for this anomaly. There are also other examples of eroded enterprise funding that has all contributed to diminished revenues. I only bring this to your attention to highlight the impact other jurisdictions have taken which impact Broadmoor.*

*In terms of a strategic plan for Broadmoor and more specifically the Broadmoor Police Department, I am currently working Supervisor David Canepa to bridge some of these fiscal gaps and develop both a fiscal framework for the department but more generally, Broadmoor economic opportunities in both the small commercial areas we have left along with the light industrial iron works on the eastern side of Broadmoor, (Hillside Blvd).*

*As for ongoing litigation; the legacy cases stem essentially from poor management practices. We have worked diligently with our insurance service provider to obtain significant training to mitigate risks. This will continue. It is my hope that the litigation will be resolved soon, but the fiscal impact will remain. There is little any department or agency can do to reduce risk of unjust lawsuits. This is part of the adversarial environment we operate in. I am sure that you can appreciate, that as best practices are employed in any profession, there are people who will take exception to change and organizational development. This is the situation we have found ourselves in and only time will tell what the outcome is.*

*Fiscal discipline will be the foundation under which the Broadmoor Police Commission will commit to. As the Special District Manager, Police Chief and primarily a resident, it is critical that we/I adhere not only to the best practices for financial stability but that of sound law enforcement practices, internally and more importantly our community.*

*I fully commit to working with your office to bring transparency, stability and partnership to implementing the recommendations outlined in your report.*

***Michael P. Connolly MS***  
***Chief of Police***

*Broadmoor Police Department*  
*388 88thStreet*  
*Broadmoor, CA 94015-1717*  
*Office: 1-650-755-3840*  
*Cellular: 1-415-602-1282*  
*[MConnolly@pd.Broadmoor.ca.us](mailto:MConnolly@pd.Broadmoor.ca.us)*



*FBI National Academy Session 250*