

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

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## Action Minutes San Mateo Local Agency Formation Commission Meeting November 17, 2021

Chair Slocum called the Wednesday, November 17, 2021 meeting of the Local Agency Formation Commission (LAFCo) to order at 2:31 pm via Zoom.

### 1. Roll Call

Members Present: Commissioners Joshua Cosgrove, Ann Draper, Don Horsley, Ric Lohman, Harvey Rarback, Vice Chair Mike O'Neill, Chair Warren Slocum.

Members Absent: None

Alternate Commissioners Jim O'Neill, Dian Reddy and Kati Martin were also present in the audience.

Staff Present: Martha Poyatos, Executive Officer  
Rob Bartoli, Management Analyst  
Timothy Fox, Legal Counsel  
Angela Montes Cardenas, Commission Clerk  
Janneth Lujan, Planning Commission Secretary

### 2. Public Comment for Items Not on the Agenda

None

### 3. Consent Agenda

- a. Approval of Action Minutes: September 15, 2021
- b. Resolution to make findings relating to remote meetings under the Brown Act
- c. Time Extension for LAFCo File No. 19-03 – Proposed annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos

Commission Action: Commissioner Lohman moved to approve the consent agenda and Commissioner Horsley seconded the motion which passed unanimously by roll call vote.

**COMMISSIONERS:** WARREN SLOCUM, CHAIR, COUNTY ▪ MIKE O'NEILL, VICE CHAIR, CITY ▪ HARVEY RARBACK, CITY ▪ DON HORSLEY, COUNTY  
▪ JOSHUA COSGROVE, SPECIAL DISTRICT ▪ RIC LOHMAN, SPECIAL DISTRICT ▪ ANN DRAPER, PUBLIC

**ALTERNATES:** KATI MARTIN, SPECIAL DISTRICT ▪ DIANA REDDY, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ TIMOTHY FOX, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST ▪ ANGELA MONTES, COMMISSION CLERK

(Ayes: Commissioners Cosgrove, Draper, Horsley, Lohman, Rarback, Vice Chair O'Neill, Chair Slocum. Abstentions: None; Noes: None)

**4. Consider approval of the draft audit prepared by R.J. Ricciardi, Inc. of the San Mateo Local Agency Formation Commission's Financial Statements for the Fiscal year ending June 30, 2020**

Mr. Bartoli presented a staff report dated November 10, 2021. He said beginning in fiscal year 2018, the Commission's budget was moved out of the County's General Fund to a separate trust fund and shown in the County's budget document as information only, consistent with its status as an independent commission. When the budget was moved from the General Fund, it became necessary to conduct independent audits. The Commission engages with an independent auditor to prepare an audit of Commission finances.

He added that R. J. Ricciardi, Inc. has completed the second outside audit for San Mateo LAFCo covering fiscal year 2019-20. He said that R. J. Ricciardi, Inc. has not identified any deficiencies in internal controls nor any instances of non-compliance. He added that the audit did not find any problems with the LAFCo financial statements.

Mr. Bartoli said that as noted in the report, LAFCo staff continues to review monthly reports for the LAFCo accounts and works with County staff to reconcile accounts and will continue to provide quarterly financial updates to the Commission which will allow for opportunities to review how LAFCo performed financially in the previous quarter as compared to the adopted budget and to discuss any issues as appropriate.

Chair Slocum opened and closed public comment. No comments were received.

Commission Action: Vice Chair O'Neill moved to approve by resolution, authorize approval of the draft audit prepared by R.J. Ricciardi, Inc. of the San Mateo Local Agency Formation Commission's Financial Statements for the Fiscal year ending June 30, 2020. Commissioner Draper seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Cosgrove, Draper, Horsley, Lohman, Rarback, Vice Chair O'Neill, Chair Slocum. Abstentions: None; Noes: None)

**5. Appointment of Chair and Vice Chair for 2022**

Mr. Bartoli summarized the staff report dated November 10, 2021. He said that the report requests that the Commission appoint a Chair and Vice Chair for 2022. He explained that it is the Commission's practice to appoint the Chair and Vice Chair at the last meeting of the calendar year for the upcoming year. He added that the custom has been that these

positions rotate by type of Commission membership in the following order: County, City, Public, and Special District. He stated that if the Commission desires to follow the traditional rotation, with the current Vice Chair being Mike O'Neill (City member) to become Chair it would be appropriate to appoint the Public member as Vice Chair.

Chairman Slocum opened and closed the public comment period. No comments were received.

Commission Action: Commissioner Horsley moved to nominate Vice Chair Mike O'Neill for 2022 LAFCo Chair and moved to nominate Commissioner Draper for 2022 LAFCo Vice Chair. Commissioner Lohman seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Cosgrove, Draper, Horsley, Lohman, Rarback, Vice Chair O'Neill, Chair Slocum. Abstentions: None; Noes: None)

## **6. Appointment of Budget Committee and Legislative/Policy Committee for 2022**

Mr. Bartoli summarized the staff report dated November 10, 2021. He said that the Budget Committee provides direction to staff in preparation of the Commission's budget for fiscal year 2022-23 and will review the independent audit. He summarized that current Committee members are Commissioners Mike O'Neill, Horsley and Draper.

He also highlighted that the Legislative/Policy Committee meets as needed to provide direction to staff on pending legislation affecting LAFCo's, review existing Commission policies and advise staff on new policies as needed. He noted that the current Committee members are Commissioners Lohman, Martin and Jim O'Neill.

Chairman Slocum opened and closed the public comments. No comments were received.

Commissioner Draper stated that she is willing to serve either Committee, where she is needed.

Commissioner Lohman, Martin and Jim O'Neil noted that they would like to remain on the Legislative Committee.

Vice Chair O'Neill and Commissioner Horsley said they would also remain on Budget Committee.

Commission Action: Commissioner Horsley moved to confirm appointments of Commissioner Lohman, Martin and Jim O'Neil to the Legislative Committee and Vice Chair O'Neill, Commissioner Horsley and Draper to the Budget Committee. Vice Chair O'Neill seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners

Cosgrove, Draper, Horsley, Lohman, Rarback, Vice Chair O'Neill, Chair Slocum. Abstentions: None; Noes: None)

## **7. Legislative and Policy Committee – Information Only**

### **a. Legislative Report**

Mr. Bartoli gave a verbal update to the Commission. He stated that the legislative session ended and the deadline for Governor to take action on bills has now passed. He summarized the outcome for several bills that CALAFCO is tracking. He specifically reviewed AB 1581, the LAFCo annual omnibus bill, and SB 403, regarding the consolidations of public water systems.

## **8. CALAFCO – Information Only**

### **a. CALAFCO Board of Directors 2021 Election Results**

Mr. Bartoli summarized the CALAFCO Board of Directors 2021 Election Results. He noted results were certified on October 7, 2021. He noted the Coastal Region elections, which San Mateo LAFCo is a part of. He said the City Member representative elected is Margie Mohler of Napa LAFCo and the Public Member representative is Shane Stark of Santa Barbara LAFCo.

## **9. Adjournment to Closed Session**

Chairman Slocum opened and closed the public comments. No comments were received.

**a. Public Employee Performance Evaluation Government Code Section 54957 Position Title: Executive Officer**

**b. Public Employee Appointment Government Code Section 54957 Position Title: Executive Officer**

## **10. Report out of Closed Session**

Chairman Slocum noted that there were no reportable actions from closed session.

## **11. Commissioner/Staff Reports**

### **a. 2020 San Mateo County Crop Report – Information Only**

Mr. Bartoli referred Commissioners to the 2020 San Mateo Crop report that is included in

the packet.

## **12. Resolution Honoring San Mateo LAFCo Executive Officer Martha Poyatos**

Commissioner Horsley began by stating how long he has known and worked along Ms. Poyatos. He said that she is a fearless advocate for good government and she is a woman that cannot be intimidated. He added that he is impressed of her knowledge on complex issues.

Chairman Slocum commended Ms. Poyatos on her 28 years with LAFCo. He seconded Commissioner Horsley's sentiment on Martha being a tireless advocate for good government. He added that he wishes Martha all the best in her new chapter.

Vice Chair O'Neill said that he has always enjoyed Martha's professionalism. He said she has done an excellent job and is leaving a great legacy.

Commissioner Lohman added his experience working with Martha on a number of Coastside issues.

Commissioner Draper said she thanks Mr. Poyatos for her heart and her professionalism.

Commissioner Rarback stated that Ms. Poyatos is an example of what a public servant ought to be. He thanked her for her service.

Commissioner Cosgrove personally thank Ms. Poyatos for being a friend to him. He expressed that he wishes the best with her family and that she will be missed.

Rebecca Archer, former LAFCo legal counsel, said that Martha is a brilliant human being. She said Martha has a very high emotional IQ and was able to navigate extremely difficult scenarios. Ms. Archer shared that Ms. Poyatos jokingly gifted her a copy of the CKH Act for her first year as LAFCo legal counsel.

Pat McCormick, retired Santa Cruz County LAFCo Executive Officer, said that San Mateo LAFCo is greatly respected along the State and Ms. Poyatos carried that reputation. He shared his experience working with Ms. Poyatos. He congratulated Martha and wished her well.

Alternate Commissioner Jim O'Neill added that as the newest member he found it gratifying that Ms. Poyatos was willing to sit with him and go through lengthy orientations. He said he was blown away by her knowledge and welcoming spirit.

Alternate Commissioner Kati Martin gave Ms. Poyatos thanks for her mentoring and

expressed how much she enjoyed working with her.

Mr. Bartoli said that he has been very fortunate to have worked with Martha the last three years. He said she is a great mentor and wonderful person. He stated that Martha brought her razor-sharp intellect and quick wit to every LAFCo issue she worked on. He added that she was generous with her time to explain the complex issue that LAFCo works on to the public, government staff, and with him. He said that she always went the extra mile to help members of the public grappling with challenging issues. He highlighted that Martha truly is a kind and caring person and leaves behind a tremendous legacy at LAFCo. He concluded by saying that she will truly be missed.

Pamela Miller, CALACO Executive Officer, shared her thoughts about Martha on behalf of CALAFCO. She noted that they sent Martha a frame certificate of recognition. She said the certificate honors Martha's amazing 28 years of service to San Mateo LAFCo. She thanked her for her service in her role as Deputy Executive Officer to CALAFCO. She highlighted that Martha is incredibly smart and fearless. She said that Ms. Poyatos left an imprint among her colleagues across the state. She considers Martha to be an incredible source of knowledge and inspiration. She concluded by thanking her for all of her contributions.

Chair Slocum added that Martha ought to be very proud of the legacy she leaves behind and all her contributions.

Ms. Poyatos thanked all the Commissioners and her colleagues for their kind comments. She shared with the Commission her first public meeting experience as the LAFCo Clerk. She made comparisons to the environment and events happening in the 90s to catastrophic events happening today. She said that she values the resiliency of local government and dedicated County, City and Special District employees. She said it has been an honor to support the Commission in many important decisions. She stated that she was very grateful that the Commission is a member of CALAFCO. She said that during the CALAFCO annual conference she enjoyed hearing the full roll call of the 58 counties in the State. She highlighted that the most fun she had in her career was as the County Coordinator for Census 2000 outreach. She said this gave her the opportunity to work with county departments, cities, school districts, community-based organizations and non-profits in San Mateo County. She proudly shared that San Mateo County ranked 14<sup>th</sup> in the nation in responses. She thanked her husband and children for their continuous support. She concluded that she will miss the brilliant and funny people that helped her throughout her career.

**13. Adjournment**

Chair Slocum adjourned the meeting at 3:47 p.m.