Broadmoor Police Protection District
Minutes of the October 15, 2025 Special Meeting

1. **Call to Order:** Meeting is called to order at 7:00 p.m. Commissioner Aguerre leads Pledge of Allegiance**.**

2. **Roll Call:** Commissioners Aguerre, Hall, and Hutchens are present. Chief of Police and District Manager Michael Connolly, District Counsel Davis, and members of the public are also present. Outside counsel, Michael Colantuonu of Colantuono Highsmith & Whatley PC is present via Teams.

3. **October 10, 2025 NBS Report**

(a) Commissioner Discussion

Commissioner Hall questions whether NBS was authorized to review dispatch records, noting this was not part of the April 30 proposal. She states the original scope was limited to correcting parcel maps and records for prospective tax collection. Chief Connolly explains that dispatch records were requested as supporting documents to verify the District's assertion of jurisdiction over the areas in question, noting the records belong to San Mateo County.

Commissioner Hall reads from the April 30 staff report about miscoded properties and asks what errors NBS identified. Chief Connolly responds that NBS identified 76 parcels that Broadmoor officers patrol and have jurisdiction over that are not listed in the proper tax rate area (TRA). Commissioner Hall questions the basis for this assertion. Chief Connolly cites historical data.

Commissioner Hall notes that the report also includes work by HDL, a subcontractor the District never directly retained, which identified only one error resulting in $57.53 in recovered revenue. She asks how much the District paid for this result. Chief Connolly states the contract approved by the Board was for no more than $18,000, which has not been fully spent. Commissioner Hall expresses concern that the District spent $18,000 to recover $57.53.

Chief Connolly clarifies that NBS has not reached the full $18,000 contract amount and recently billed approximately $13,000.

Commissioner Aguerre references the NBS memorandum showing approximately $147,000 in potential revenue from the 76 identified parcels. Chief Connolly confirms this figure represents post-ERAF shares and special taxes, noting it does not include the annual ad valorem tax share. Commissioner Aguerre states this represents a potentially significant return on the $18,000 investment and expresses his view that the Commission has a fiduciary responsibility to pursue money owed to the District.

(b) Public Comment

Francis Hall, resident and Commissioner Hall’s father, comments that the revenue projected as a result of the NBS appears to be speculative and little more than a "lottery ticket."

Christine Taliva'a Aguerre, resident and Commissioner Aguerre's wife, observes that the NBS audit includes streets that have always received police services from the District and she believes that the District should be fairly compensated for the services it provides there.

A longtime Broadmoor resident asks about a significant increase in his parcel tax assessment. Commissioner Aguerre notes this is not an agenda item but suggests the resident speak his wife, Christine Taliva'a Aguerre, and Chief Connolly after the meeting.

(c) Outside Counsel Discussion

Commissioner Aguerre asks about the likelihood of recovering the funds identified in the report.

Michael Colantuono, outside counsel appearing remotely from Grass Valley, explains there are two questions: (1) whether the parcels are legally in the District, which requires reviewing historical records from the Board of Equalization, and (2) if they are in the District but not in the proper tax rate area, how to get it fixed. He states that typically such errors are fixed by asking the county auditor to correct them without litigation. He does not anticipate a lawsuit will be necessary.

Commissioner Hall asks whether Mr. Colantuono recently represented Half Moon Bay in similar litigation. Mr. Colantuono clarifies that case involved a dispute among three parties to a joint powers agreement, which resulted in an expensive, decade-long lawsuit. Commissioner Hall questions whether Broadmoor has resources comparable to Half Moon Bay. Mr. Colantuono responds that he is aware Broadmoor is a small district and efficiency is important, which is why he has discouraged pursuing litigation.

Commissioner Hall explains she would never authorize Mr. Colantuono to file a lawsuit on behalf of the District because he has sent her letters, threatening to sue her, apparently on behalf of District employees and has admitted he is adverse to her. He also appeared (remotely) at a recent San Mateo LAFCo meeting, accusing her of wrongdoing. She questions his ability to represent the Commission, which includes her. She also criticizes his decision to appear remotely when the Commission has long denied Broadmoor's taxpayers the same opportunity to participate in the meetings remotely.

Mr. Colantuono responds that he appears by Zoom for special counsel clients to avoid charging travel time. He acknowledges there is adversity between Commissioner Hall and the District, and he will represent the District even when it requires disagreeing with her. Commissioner Hall reminds Mr. Colantuono that she has received the most votes of any person ever elected to the Broadmoor Police Commission.

Chief Connolly asks whether Mr. Colantuono believes there is merit to moving forward based on the NBS report. Mr. Colantuono responds there is "smoke here" and while it's unclear if there's "fire," if the District is correct, this could represent significant ongoing revenue. He believes pursuing the analysis is worthwhile as it will either produce substantial funds or provide certainty.

Mr. Colantuono estimates the work will take approximately one month to review historical records and communicate findings to the county auditor. If an agreement is reached, corrections could be implemented for the next tax cycle in August 2026. There may be some backward-looking relief, likely at least one year, though he would need to confirm the statute regarding how far back recovery is possible.

Commissioner Aguerre states he believes the Commission has a responsibility to confirm whether these properties are within District boundaries and whether the District is entitled to tax revenue from them. He views taking no action as a disservice to the District and supports moving forward to obtain clarity and potentially recover funds owed.

Commissioner Hall asks what "moving forward" means and what deliverables the District would receive. Mr. Colantuono explains he would analyze the records and report findings in an appropriate format (email or formal memo), then communicate with the county to persuade them of the legal status of the parcels. If there is agreement, the county would prepare most necessary documents.

Commissioner Hall references a prior unsuccessful attempt to recover revenue from the county regarding banking service charges and questions why this effort would turn out differently. Mr. Colantuono responds that if the District is correct about the parcels being in the District, he would expect the county to fix it; if not, he would expect the county to explain why not. When pressed on his confidence level, Mr. Colantuono states he has not yet done the work but finds the NBS report "confidence inspiring," even though he has not yet reviewed the underlying basis for their conclusions.

Commissioner Hall notes that during the April Special Meeting Chief Connolly stated that Mr. Colantuono had advised him to have NBS perform this work, which Mr. Colantuono will now charge to review.

Commissioner Hutchens moves to proceed with the process to cause correction of all state and local records and maps, including tax rate area coding, to properly reflect parcels from which the District is entitled to receive tax revenue and to recover lost revenue. Commissioner Aguerre seconds.

Roll Call Vote:
Commissioner Hutchens: Aye
Commissioner Hall: Aye
Chair Aguerre: Aye

The motion passed unanimously.

4. **Retention of Colantuono Highsmith & Whatley PC**

Mr. Colantuono estimates costs at less than $50,000, with short-term work likely half that amount or less, depending on the volume of records to review. He cannot provide a precise estimate without reviewing the documents but will provide more reliable information once he has them. His discounted hourly rate for the District is $450 (down from his full rate of $625). He does not require a retainer from public agencies.

Commissioner Hall questions whether a new engagement letter is needed and whether Mr. Colantuono's conflicts counsel would prefer one. Mr. Colantuono states his existing contract is broad enough for this project, though he is willing to execute a new contract if the District prefers. He explains his firm manages conflicts internally and has provided necessary consents in contracts with the District, the county, and potentially other jurisdictions.

Commissioners discuss using separate billing codes or matter numbers to distinguish this work from other matters. Mr. Colantuono agrees to use separate billing as directed by the District.

Commissioner Hall states she would never vote to hire Mr. Colantuono in light of his admission that he is adverse to her and that he has advised the District to engage in a business transaction with NBS from which he now stands to benefit.

Commissioner Hutchens moves to engage Colantuono Highsmith & Whatley PC and Michael Colantuono to represent the District in connection with Agenda Item 3(a) to correct all state and local records and maps, including the Tax Rate Area coding, to properly reflect and identify all parcels of real estate from which the District was and still is entitled to receive tax and related revenue, and to recover tax and related revenue lost as a result of inaccurate records and maps, with a separate billing code or matter number to distinguish this work from other matters. Commissioner Aguerre seconds.

Roll Call Vote:
Commissioner Hutchens: Aye
Commissioner Hall: Nay
Chair Aguerre: Aye

The motion passes 2-1.

5. **Adjournment:**

Commissioner Hutchens moves to adjourn. Commissioner Hall seconds.

Roll Call Vote:
Commissioner Hutchens: Aye
Commissioner Hall: Aye
Chair Aguerre: Aye

The motion passes unanimously.

Next Meeting: The Commission's next regular meeting will be November 12, 2025 at 7:00

p.m. at 388 88th Street.

Respectfully submitted,
/s/ Commissioner Andrea M. Hall, Secretary