



Independent, locally owned and operated!

www.lamorindaweekly.com 925-377-0977

Published August 5th, 2009

Public Forum

To the Moraga, Orinda, and Canyon Communities:

Our Fire Chief's pension has recently received a lot of attention in the press, in the blogosphere, and within our communities. Unfortunately, thanks to a dis-information campaign by leaders of Firefighters Union Local 1230, much of what you have seen or heard on the subject is grossly inaccurate. My intent is to set the record straight.

Yes, our Fire Chief received a pension that significantly exceeds his previous base salary. No, your Fire District's Board of Directors did not "spike" his pension by adding significant "goodies" at the last minute. Let me explain what really happened.

It is important that I state upfront: The current public employee pension system in Contra Costa County is badly broken. Intuitively, it seems illogical that a retirement system should award a retiree a pension that exceeds the average base salary she/he earned during her/his last few years of service. However, as a direct result of the California Supreme Court's landmark "Ventura County" decision that affects many County Retirement Systems – including ours – and the "3% at age 50" pension benefit enacted by our State's Legislature, that is exactly what is happening throughout our State. I should also note that almost the same methodology is used in computing both the Fire Chief's and a firefighter's retirement pay. The problem is therefore not just limited to the Fire Chief's pension. Locally, the problems are compounded by significant recent losses in the Contra Costa Employee Retirement Association's (CCCERA) investment portfolio. The end result of that combination of factors is our County's currently dysfunctional public employees' pension system. It has been suggested that the Chief's pension was primarily boosted by "spiking" that resulted from a supposed last-minute change to our Fire Chief's contract. Not So! Contrary to false assertions by the leadership of Local 1230, the additional vacation sell-back of some 60 hours in each of 2008 and 2009 that our Board agreed to accounts for only 3.9% of the Fire Chief's total pension. That specific change was made so that the Fire Chief's pension would be computed on a basis similar to the calculations for the lower-ranking Battalion Chiefs and Administrative staff. Totally ignored so far in any press reports or other public discussions of the Chief's pension is a major difference between the public safety employee pension system in our County and the typical private pension system. The fire district's employees contribute very substantial amounts of their base pay to the pension fund. Our Fire Chief regularly contributed 26.5 % of his base pay to the retirement system. Moreover, as is permitted by the County retirement system's rules, he also contributed significant additional personal funds to purchase actuarially determined credits for additional service time. He therefore should not be unfairly criticized for optimizing his retirement by simply following the rules while simultaneously maximizing his personal financial contributions. At the same time, it certainly is legitimate to question and criticize the entire Contra Costa County pension system itself in its present form and with its present features. The Moraga-Orinda Fire District's Board of Directors has been working diligently for quite some time to try to effect substantial changes that would have financially benefitted all parties – including transferring out of the County's system.

Yes, we have also certainly looked at the possibility of changing to a two-tier system including a 401 (k)-like defined contribution element. As a result of employees' legally vested rights, current State legislative constraints, and collective bargaining requirements, we have neither the unilateral power nor the authority to adopt a two-tiered pension system. Accomplishing that objective would take both the concurrence of Local 1230 and passage of a specific enabling Act by the California State Legislature.

Yes, we could consider reducing the Chief's salary as well as those of all the District's firefighters. The reality of the marketplace precludes that solution. We're a small fire and emergency medical

services district that must compete with San Ramon, Contra Costa County, and other neighboring fire agencies. Were we to offer substantially lower salaries and benefits than our competitors, our ability to recruit and retain the excellent firefighter-paramedics that we now have would be completely undercut. Inevitably, the very high quality of fire and emergency medical services our communities currently enjoy would be significantly reduced

How can we fix all this? Major reforms are needed. It's way past time for our State Legislature, the Governor, local government, and the public safety employee unions to start working collaboratively to address the issue before it bankrupts many of our State's Counties, Cities, and Districts.

The MOFD's Board of Directors has been trying very hard, within extremely limiting legal and other constraints, to do our part to fix the pension system so that it provides for a fair and equitable retirement opportunity for all public employees.

I ask that Local 1230 and the other key stakeholders join us at the table so that, together, we can be part of the solution.

Frank Sperling

Moraga

(Frank Sperling is Vice President of the Board of Directors of the Moraga-Orinda Fire Protection District and represents Division 1)

The Sacramento Shuffle Steal

On Friday, the State Legislature passed a devastating take of \$2.05 billion from local redevelopment agencies as part of a 30-bill package that allegedly will close most of the State's current budget deficit. The State has Prop 98 obligations to schools and, because it is broke and unable to meet those obligations, the Legislature chose to hijack local redevelopment funds and use them instead. As written, the State intends to take \$1.7 billion from local redevelopment agencies in FY 2009-10 and another \$350 million in FY 2010-11. In response, California's cities are preparing a lawsuit to challenge the State's action.

The Legislature also voted to "borrow" \$1.9 billion from cities' property tax revenues. This is legal under Prop. 1A, which allows the State to borrow, but limits the borrowing to twice every ten years and further provides that the money borrowed must be repaid with interest within three years. It is our experience that in instances when somebody borrows something from somebody else, it is typically done so with mutual consent and with the presumption that the borrower will return the item or pay back the amount borrowed. The only exceptions, of course, are teen-aged children and, now, apparently, the State of California. We don't recall being asked by the State to borrow our money, and we've yet to meet a local government executive who believes the State will make good on their debt within three years.

What does this mean for Lafayette? The first year impact to Lafayette's general fund will be about \$480,000 – equivalent to about 5% of expenditures. If there's a shred of good news here it's that, when preparing the budget last spring, Administrative Services Director Tracy Robinson conservatively presumed that the State would shortchange us by \$540,000 – and so the impact to Lafayette's budget is actually about \$60,000 in the plus column.

The hit to redevelopment is more serious, with the impact to the Lafayette RDA projected at \$1.1M for FY 2009/10. The natural question: what does this mean for the library project? According to Tracy, the RDA has cash balances of about \$3.4M and – prior to Friday -- expected to accrue another \$2.4M during this fiscal year, adding up to total resources of \$5.8M for the fiscal year. Against those resources, the RDA has debt obligations of \$1.5M and projected operating expenditures of \$856K (thus totaling about \$2.4M in expenses for the fiscal year) and had long planned to spend another \$4.0M in capital funding to finish off the library project. This would have required a loan of about \$600,000, which could easily have been funded by the Library Foundation or, if need be, the City. The State's grab, however, will boost the loan amount needed by \$1.1M, to a total of \$1.7M. This is still fundable, but less easily so. It will require some serious conversation

with the Trustees of the Lafayette Library and Learning Center Foundation and also with the City Council. The State's grab will also likely prevent the RDA from doing any other projects anytime soon.

If you think this is bad, consider that the Legislature also wanted to take another \$1 billion a year in gas tax funds from local government (and, because that proposed take was for two years, the total was about \$2 billion). The Senate passed the measure but fortunately -- under intense pressure from California's cities, including calls and notes from Lafayette's own staff and council members -- the Assembly rejected it.

Steve Falk

Lafayette

(Excerpted from Lafayette City Manager Steve Falk's "City Manager's Friday Summary," which can be viewed on-line at www.lovelafayette.org. Alternatively, readers can receive a weekly e-blast of the Summary by dropping an e-mail request to sfalk@lovelafayette.org.)

Traffic Safety Near Los Perales School

I would like to comment regarding the recent article concerning the proposed installation of traffic mitigation devices adjacent to Los Perales (LP) School. First and foremost, this particular traffic flow issue should be focused on education and not traffic enforcement as indicated in the Traffic Safety Advisory Committee (TSAC) Traffic Calming Guide Traffic Calming Measure Level 1. Clearly, most of the occupants waiting along Corliss Drive during peak morning and afternoon ingress/egress times consist of LP parents. For example, a mother speaking on behalf of the Los Perales Parent-Teacher Association testified in the May 6, 2009 TSAC meeting that she often drove her own children to LP. She also testified that she lived approximately two blocks away. Another example would be on December 4, 2008 at about 8:15 A.M., I personally witnessed 34 personal vehicles not including school buses backed up along Corliss Drive waiting to enter Wakefield Drive.

It should be noted that many well-intentioned individuals expended a great deal of personal time assisting in the implementation of sidewalks along the east side of Corliss Drive from Camino Ricardo to Wakefield Drive. The sidewalk was installed to allow students to walk to school instead of being personally driven in private vehicles. Vehicles idling during these peak traffic times subject adjacent residents to inordinate amounts of carbon based fumes and unburned hydrocarbons. Additionally, the sheer volume of these vehicles create an impediment to emergency vehicle response time should they be needed.

When I submitted my Transportation Action Request (TAR) form to the Town of Moraga in January of this year, I clearly indicated that turn restrictions during these peak hours would mitigate most of the congestion problem. Since the mid-1990's I have consulted with former Moraga Police Chiefs Barry Kalar and Mark Ruppenthal regarding this on-going problem. Our discussions focused on the need to create a semi-circular flow of traffic via the use of turn restrictions during these peak hours. Traffic proceeding north on Corliss Drive turning east on Wakefield Drive would be permitted at all times without the need to come to a complete stop. Traffic exiting Wakefield Drive onto Corliss Drive would have to turn right during these peak hours and would eliminate the major cause of the traffic congestion. Traffic proceeding south from Sullivan/Corliss Drive would not be allowed to turn left into Wakefield Drive during peak hours. As a result, stop signs would only be needed on Wakefield Drive for those vehicles exiting from LP. This scenario would create the semi-circular flow of traffic needed to help mitigate the current traffic congestion. As stop signs at the intersection of Corliss Drive & Wakefield Drive would be active 24 hours a day, 7 days a week the opportunity for constant traffic congestion is increased as well as being unnecessary.

Finally, let me point that everybody advocates for traffic safety particularly in the proximity of public schools. But until such time as personal driving habits change, all stakeholders in this issue

must attempt to engage in a meaningful and thoughtful dialogue to address the many issues associated with this unique location.

Dennis Wanken

Moraga

(Dennis Wanken is a former Moraga School Board member who worked on the sidewalk installation; he has lived near Los Perales School since 1991.)

Reach the reporter at: info@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA