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City, Town, and Fire Board Take a Closer Look at F.A.I.R.'s Proposal

By Lucy Amaral and Andrea A. Firth



Photo Andy Scheck

At the conclusion of the marathon five-hour meeting of the Orinda City and Moraga Towns Councils and the Moraga Orinda Fire District (MOFD) Board of Directors, there was one point that the fourteen elected officials and seventy attendees seemed to agree upon: No one wants to reduce the high-quality fire and emergency service residents currently receive from the MOFD. Several other issues covered in the course of the long evening remained unresolved.

F.A.I.R. An organized and vocal group of Orinda residents known as F.A.I.R. presented its plan to recoup tax revenue currently directed to the MOFD to help to address Orinda's \$100 million plus roads and water pipe problems. F.A.I.R. believes its proposal will maintain service levels at a reduced cost, rectify the imbalanced contribution it believes Orinda pays, and recapture tax revenues that will exceed the true cost of fire and emergency services over time.

F.A.I.R. proposes to dissolve the MOFD (or have Orinda break away) and contract for fire service and EMS with Con Fire and American Medical Response (AMR). Reducing overhead costs through the economies of scale

realized working with these larger organizations, F.A.I.R.

believes, will generate \$65 million for the City of Orinda over the next 12 years. "FAIR does not want annexation [to Con Fire] but consolidation," F.A.I.R. organizer Art Haigh stressed.

OrindaCARES Responds. Another group of concerned Orinda citizens, known as OrindaCARES, presented its response to the F.A.I.R. proposal. They believe that Orinda's tax contribution to MOFD is appropriate to ensure the quality fire and emergency medical service needed for Orinda's unique terrain. That presentation emphasized the high risk of wild land fires, limited fire service support from adjacent communities, and the importance of maintaining local control. "We agree that money needs to be found to fix Orinda's roads, but it should not come from our emergency services dollars," stated Ellen Dale, a member of OrindaCARES.

MOFD's Response. MOFD Fire Chief Randy Bradley began his presentation by stating that in his last position as Fire Chief for the Lawrence Livermore Fire Department, he supported the idea of his smaller department contracting with the larger Alameda Fire District as it offered that community better service with lower costs. Bradley emphasized that he could not support F.A.I.R.'s recommendation for Orinda to leave the MOFD, saying service would suffer if Orinda chose to contract with Con Fire and AMR, and costs would probably not be reduced. He also added that Con Fire currently does not offer the contractual model that is used in the Alameda District and felt that F.A.I.R.'s model would fall apart.

During his time at the dais, Bradley refuted a number of F.A.I.R.'s cost and service assumptions, and noted that if implemented, the proposal would cause lower service levels, loss of governance, Orinda would become mired in Con Fire's own financial distress, LAFCO (Local Agency Formation Commission) could intervene, and they would lose "201" EMS rights.

(See sidebars Who's Who: MOFD, FAIR and OrindaCares and 201 Rights)

Public Comment. For the next hour and a half, 25 people stepped forward to voice their opinion. A majority of the comments were split evenly between F.A.I.R. and OrindaCARES supporters, although several speakers took no side but asked for stewardship and fiscal responsibility from the Orinda Council. Speakers in favor of breaking away from MOFD emphasized that they believed the high level of service could be maintained at a lower overall cost. Those who wished to maintain the MOFD believed a lower level of service would occur, was unacceptable, and felt it could be the difference between life and death. Some speakers asked for an independent consultant to review the information and help the three groups move forward. The recent controversy over retired Chief Pete Nowicki's pension was mentioned several times causing MOFD Board Member, John Wyro to address that item by saying they admit a mistake was made and they are taking action to fix it.

The Councils and Board Discussion. The agencies responses to the proposal were mixed. The MOFD Board supported Chief Bradley's conclusions that dissolving the agency and contracting for services was highly problematic but politely listened. The Orinda City Council's reaction was mixed, with three members calling for an analysis by an independent consultant to untangle the divergent financials presented by the three sides, and Vice Mayor Victoria Smith steadfastly opposed to the idea. After sitting silently for most of the evening, Moraga's Town Council clearly stated that they prefer the status quo.

The Next Step. A subcommittee comprised of Ken Chew and Mike Metcalf from the Moraga Town Council, Frank Sperling and John Wyro from the MOFD Board of Directors, and Tom McCormick and Amy Worth from the

Orinda City Council will meet to sort through the issues.

Who's Who:

MOFD, FAIR, and OrindaCARES MOFD.

The Moraga Orinda Fire District (MOFD) was formed in 1997 to provide more efficient fire and emergency medical services to Moraga and Orinda. The MOFD has a five-member Board of Directors, each elected by the residents of his geographic division of the District. The MOFD Board members are Frank Sperling, Frank Weil, John Wyro, and Brook Mancinelli. The Director's post for Division 3 is currently vacant, and the Board is working with a Citizen's Advisory Panel to appoint a replacement until an election for the position is held in November. F.A.I.R. Formed in early 2009 following the final report of Orinda's Revenue Enhancement Task Force, which identified the MOFD's tax revenues as a potential source of funding to address the City's significant infrastructure needs, Fire and Infrastructure Renewal (F.A.I.R.) is a group of 70 or more (according to F.A.I.R.) Orinda and Moraga residents working to get the Orinda City Council to conduct an investigation of MOFD to redirect property tax dollars to address Orinda's crumbling roads, storm drains, and water delivery system. [www.fairfororinda.org] OrindaCARES. Formed in response to F.A.I.R.'s proposal to dissolve the MOFD, OrindaCARES (Citizens Against Reducing Emergency Services) supports the District's existing physical and financial structure and rejects F.A.I.R.'s proposal. [www.orindacares.org] *A. Firth*

201 Rights

Service levels, especially emergency medical service (EMS) levels, were a flash point during the March 3rd Tri-Agency meeting with numerous references to EMS 201 rights and the threat of its loss. California's Health and Safety Code section 1797.201, more commonly known as 201 rights, gives cities and fire districts that were providing pre-hospital emergency medical services to their communities as of June 1, 1980, the right to continue to oversee those services. Currently Moraga-Orinda Fire District (MOFD) holds control of its EMS, how it is staffed, and where it is stationed. Prior to the formation of the MOFD, the Moraga Fire Protection District had 201 rights. In 1997, when the City of Orinda broke from Con Fire and joined with Moraga to form the MOFD, those rights were extended to Orinda. Some argued at the Tri-Agency meeting that if Orinda broke away from MOFD, this 'grandfathered- in' right of maintaining local control would be lost and the County EMS agency would be responsible for determining what level of service Orinda would have. While there was agreement that maintaining current EMS levels was paramount, the disagreement hinged upon whether the current high-quality EMS could be retained if Orinda broke from MOFD. MOFD Fire Chief Randy Bradley said that a contracted EMS would take current firefighters out of ambulances, lower service levels, and lengthen response times. Art Haigh, a member of FAIR, said he felt that an equal level of service could be maintained, and that if the City of Orinda negotiates a contract with American Medical Response (AMR), service levels will be the same or better. "F.A.I.R.'s position has always been that any ambulance contract with AMR or any other provider must [be of a premium level and] include at least two dedicated 24/7 ambulances," stated Haigh. MOFD Board Member Brook Mancinelli, a firefighter who has worked for AMR, disagreed. "I can speak authoritatively; AMR cannot bring the level of service [that the MOFD currently provides]," he said. "Without a doubt, we will see a reduction of service." *L. Amaral*

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