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School Districts and Local Governments Differ over Community Clean Water Initiative

By *Sophie Braccini*

For the Town of Moraga it was a no-brainer: vote in favor of Contra Costa County's 2012 Community Clean Water Initiative because if it passes it will help offset some of the unfunded mandate the municipality has to keep any trash from reaching the reservoirs. But for Moraga's other heavyweight in this election, the Moraga School District (MSD), voting against the measure made more sense-according to Superintendent Bruce Burns, school district funds are "to educate children, not to pay another State agency."

Similarly, the Orinda City Council voted to support the measure, while the Orinda Union School District (OUSD) and the Acalanes Union High School District (AUHSD) were both opposed.

The Community Clean Water Initiative, a property-owner mail vote with an April 6 ballot deadline, has generated a lot of controversy. Concerns include the fact that voting is not run by the County Election Division; there is no rebuttal statement included in the literature residents received; the use of the money to be collected is not described in detail; and no oversight committee is assigned to control the use of funds. "Some of the things that the School Board noted is that there was no explanation in the ballot of how the money would be spent," said Burns.

Moraga's Mayor Mike Metcalf didn't find anything questionable about the measure or the process. "This is normal for an assessment," he said, "it is exactly like the lighting assessment that passed in Moraga last year. People are asked to contribute different amounts depending on the impact they have on water run-off."

John Sherbert, Moraga Staff Engineer, explained that additional funding is needed to protect local water quality and keep trash and other pollutants away from waterways, as well as to meet increasingly-stringent Federal and State requirements. The Town's former Engineer, Jill Mercurio, evaluated the cost to Moraga of meeting the unfunded mandate at \$250,000.

"Whether the initiative passes or not, we will have to abide by the law and pay for improvements," said Sherbert, "the initiative would partially off-set this mandate since all the fees paid in Moraga, about \$169,000, would come back to the Town. If the measure does not pass, the Town will still have to meet clean water requirements and can be fined up to \$10,000 a day if found non-compliant," he explained.

The Moraga Town Council voted unanimously in favor of the measure. "If the Initiative does not pass, the money will have to come from the General Fund," commented Metcalf later, "that's where the money for police and parks comes from."

Orinda's City Council also threw its unanimous support to the Initiative, with Vice Mayor Amy Worth noting that 100% of the fees paid by Orinda property owners would return to Orinda.

Paralleling the MSD, the boards of the OUSD and AUHSD also decided to vote no. "I understand that it brings revenue into the cities," said AUHSD Business Services Associate Superintendent Chris Learned, "and the Board said that they were in support of clean water. But the whole process was concerning to them."

Don Freitas, Program Manager for the Contra Costa Clean Water Program, confirmed that the vote will pass or fail at the County level, not by jurisdiction. "Each property is assessed a tax according to its impact on the water shed, i.e. its size," he said, "and the number of votes is according to the number of properties, not the amount paid."

For example, AUHSD has five votes because it owns five different properties. AUHSD would be required to pay \$16,000 a year for 10 years, while MSD's share is calculated at about \$6,400 a year; the Town of Moraga would pay about \$1,100 a year. The average owner of a single family home in Lamorinda would see about \$22 a year added to the property tax bill.

According to the County, property owners should have received their ballots the week of February 21 and have until April 6th at 5 p.m. to cast their votes.

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