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The Taxing Condition of Orinda's Roads and Aging Infrastructure Will residents be asked to vote for a sales tax increase or not?

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Orinda's major roads improved while its residential streets got bumpier in 2011, as City leaders continued to wrestle with declining property tax revenues, aging infrastructure, and the weather tantrums of a Mother Nature apparently bent on making Orinda's hills slide at the worst possible time.

That was the overarching message at the Orinda City Council's lightly attended meeting May 1, as Council members received the annual report for 2011 from the Citizens Infrastructure Oversight Committee (CIOC) and explored whether or not a proposed sales tax increase that residents appear to support, according to a recent survey, is genuinely the best route to follow after all.

Richard Nelson, in presenting the CIOC's report, wanted residents to know, "We have made significant progress in maintaining our most heavily traveled streets." He pointed out that the City was able to cut, by nearly half, arterial and collector street segments labeled poor or very poor. However, the same was not true for 69 percent of Orinda's roads - the 64.3 miles of residential streets not every Orindan sees daily, but grumbles about each time a pothole is nailed. According to CIOC's report, "These roads have an overall average PCI of 37. This places essentially all of the City's residential roads in the poor and very poor categories."

As a result, Nelson told Council members and Orinda residents that the CIOC "strongly supports efforts to increase funding for repair of our roads." Nelson also provided advice to the Council during the Public Forums portion of the next major agenda item, "Proposed Sales Tax Measure Discussion and Direction for the November 2012 Election." According to the staff report for this agenda item, during a February 7 presentation by Fairbank, Maslin, Maullin, Metz & Associates (FM3) - the public polling firm hired to assess residents' support for various possible infrastructure funding mechanisms - FM3 representatives "reported that the only initiative that garnered enough support for passage is a simple majority half-cent sales tax."

However, the City Attorney's office has since advised "that a sales tax measure requiring a simple majority (50% + 1) approval ('general sales tax') cannot be committed to a specific project or single issue, rather all monies generated by a general sales tax must be placed in the General Fund and available for any and all governmental purpose. By contrast, tax revenues dedicated to specific purposes are considered 'special taxes' and must be approved by a two-thirds majority vote."

Additionally, the City Attorney advised Council members that the City would be eligible to request a full-cent sales tax hike from voters if need be.

Staff is now projecting that, "If approved by voters, a half-cent sales tax could possibly generate an additional \$600,000 annually," and that a full-cent tax "could possibly reach the \$1.2 million mark." They also reminded the Council, however, that funding generated is subject to the spending habits of the public and is not a set amount of revenue.

The low-end estimate and potential instability worried several Orinda residents, including Pat Schmidt who advised that shopping in Orinda just simply needs to be increased across the board so that the City's sales tax revenues will grow.

Nelson said he would support any plan that brings in any additional roads funding, but also urged Council members to act more boldly, as did others who spoke.

Council Member Dean Orr said that he appreciated the perspectives of residents who expressed their desire that the City opt for "a big plan" to bring in even higher revenues, but noted that it was important for the City at this stage "to keep the needle moving" with its infrastructure improvements - even incrementally.

Council Member Victoria Smith and Vice Mayor Amy Worth both referenced the Town of Moraga's upcoming poll to gauge the level of support from its residents for a half-cent sales tax increase. Moraga personnel have agreed to share their results with Orinda's leaders.

Council Member Sue Severson asked staff to also check with personnel in additional cities about their respective successful sales tax increases, and urged that Council create a comprehensive plan which places the sales tax in its true context - as one small component of the City's larger efforts. Smith agreed and said the plan should also spell out how revenues will be used on roads.

Observing that residents have expressed their clear desire "to put additional resources into our community," Worth said, "We have to realize that we're going from zero to additional."

Mayor Steve Glazer acknowledged Orindans' prior support at the polls to fund Orinda's schools and library and said, "It's in our community's interest to help each other."

City Council and staff will continue discussions at a budget workshop on May 17 and another upcoming City Council meeting.

Orinda Roads Stats (CIOC 2011 Recap)

Arterial and Collector Street Segments in Poor or Very Poor Condition (PCI <50)

- April 20, 2009 43

- November 20, 2011 34

- December 31, 2011 25

Overall Average PCI of Orinda's Residential Roads: 37

Repair and Infrastructure Expenditures:

- Drainage Improvements: \$101,500
- El Toyonal Slide: \$225,000
- Urgent Repairs: \$ 36,000

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[back](#)

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