

Civic News Lafayette

Property Rights Prevail Over Vintage Adobe Home

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The home had seen some upgrades over the years, but much of the exterior structure is made of unreinforced adobe bricks usually made of a composite of clay, water and straw—the Rossons believed that to be a safety concern in the event of an earthquake.

Supporters of preserving the home started a grassroots social media campaign with a Facebook page called “Save Lafayette’s History” that stated, “It would be a tragedy to lose such a beautiful part of Lafayette’s history – together we can save this home;” they also eventually sought to obtain historic landmark status for the property.

While the Facebook page garnered some “likes” and comments from more than a dozen readers, unfortunately that wasn’t enough to sway the commission on the lot line issue or the Lafayette City Council on granting landmark status. In the end, cooler heads prevailed and after a

neighborhood meeting, many residents supported the project.

Supporters stayed up well past their bedtimes to comment on the key issue, the historical status of the home at the May 28 city council meeting. Realtor Dana Green spoke up on behalf of her clients the Rossons, “I’d like to set the record straight and provide my opinion.” She discussed the due diligence of the buyers, working with contractors and inspectors, “it became apparent that it would not be cost effective to keep the project in the current form.”

Mary McCosker and the board of the Historical Society stated their case in a letter to the council nominating the home for designation as a historical landmark and pointed out the reasons why it qualifies, spelling out specific benchmarks about how the home and the original owner significantly contributed to the history of Lafayette.

Although some of the conditions could arguably be met, Sen-

ior Planner Christine Sinnette pointed out that the objections of the property owners should be considered in this case – the home was sold without any restrictions or limitations, to take into account a possible historic landmark status, at a fair market price. Attorney David Bowie representing the Rossons called it a fundamental fairness issue. The prior owners could have pursued obtaining historical status, but they didn’t conclude the process – he claimed it is unfair to “make it historical at my clients’ expense.”

Ultimately the City Council voted to deny the landmark status, sighting the previous owner’s option to pursue the designation, as well as Bowie’s legal argument that a house can’t be put on the historic register without the consent of the property owner. Bowie called it a “haphazard nomination at best,” and added the home “simply doesn’t meet the criteria.”

Civic News Orinda

Final Clean Up of Former Gas Station Almost Complete

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RWQCB project manager Kevin Brown and senior engineering geologist Chuck Headlee, who are still reviewing the recent report from Arcadis, said it “looks good overall” and noted a “significant overall drop” in contamination levels. When asked

why the process takes so long, they jokingly said “BP” but added when there’s potential sale activity that can help expedite the course of action. If the review goes well, they may have a “no further action” letter for the former BP station by the end of the year.

To find out more, go to the GeoTracker GAMA (Groundwater Ambient Monitoring and Assessment) hosted by the state of California, which has all the relevant reports and data, www.geotracker.waterboards.ca.gov/gama.

Public Forum

MOFD Needs a Better Governance Strategy

The MOFD Board of Directors is required by the California Public Resource Code to approve the District’s budget and to hire and fire the Chief. Beyond these duties, its role, presumably, is to create policies which District staff would then carry out. But you don’t have to look far to see that the current governance structure conduces neither to real policies nor to salubrious, well considered decisions. We the People must encourage the District to repair the system so that our long term interests can be properly considered. I have a solution to offer, but first, let’s review the problem.

To begin with, our volunteer directors typically are not familiar with the ways of the Fire Service and they tend to depend upon the Fire Chief for guidance. In the recent past this brought us national disgrace when MOFD was harshly criticized (*in the Wall Street Journal!*) for its “policy” of so-called pension spiking.

One resonant result of this ill-fated episode is a strong and abiding public suspicion of the Board’s competence as a steward of public funds. Unfortunately, Board members did not choose to use these events as an opportunity to come together with each other, staff, other local officials and the public to redefine with clarity MOFD’s long term physical investment, revenue and spending policies. With that sort of collaborative planning done, they could have then returned to spending the public’s money with some political confidence. However, as things now stand, whenever a major expense comes up for a vote, discussions are fractious because several directors are so intensely conscious of the political heat they must endure if they appear to be over spending. Without coherent policy guidelines, how can these men possibly provide sensible governance?

An unfortunate case in point which illustrates this is the absence of policy regarding whether or not the District should have adequate unified administrative office space. Instead of coming together with one another and the Chief to understand what sort of set up would best serve the District and its residents, the Board made de facto policy by denying funds for a new building. Because they jumped into this prior to agreeing first on the District’s actual needs, the decision making process was fraught with discord and what followed was a measly accommodation to circumstances instead of thoughtful planning. Shouldn’t the Board be looking at the larger picture and planning so staff can act accordingly? Wouldn’t that conduce to better stewardship and governance?

All of this was again painfully evident in the Board’s way of handling the possible relocation of a fire station and how this was tangled up in a possible expansion to include the City of Lafayette. In this case, again, there had been no policy discussion and no long term planning (regarding Lafayette). Instead we got the same old crisis-based, divisive 3-2 vote, shortsighted decision making all over again. Although, one director averred that a consolidated Lamorinda District would be a far more economical proposition with 7 fire stations rather than with eight (with the 7th located on the Orinda-Lafayette border), there was no discussion of this. It was too late. That discussion should have begun years ago, but, alas, the larger picture was neither properly conceived or planned for.

So, whom should we blame, the Fire Chief, the Board? As a recovering long time observer of the Board (six years of monthly meetings), I say that the fault lies mainly in the structure of the system and not so much with the individuals involved. Clearly, we need to modify the governance structure so that it fosters long term policy making and allows less politically motivated interference with its implementation.

Now that a majority of MOFD Board members are brand new to the position, it’s more important than ever for us to wonder by what means they can be educated about the Fire Service, learn to focus on making good policy and refrain from creating thoughtless de facto policy when the political heat is turned up. In the past, the Board has attempted to remediate its internal dysfunction by engaging a short term consultant. Unfortunately, the benefits of this were likewise short term.

My suggestion is two-fold. First, the Board should hire as a consultant a retired chief level officer (part time, without benefits) for 5 years to teach them about the context of the strategies and policies they should be creating. Second, if the Board can thus-wisely bring itself to agree unanimously upon the goals, strategies and policies of the District, then it can step back from micro-managing staff. That is, the Board can decide for itself if some particular initiative proposed by the Fire Chief is or is not congruent with its policies and then abstain from spending endless hours poking at the details. Board members would have their own judgment as well as the Fire Chief’s to rely upon, and they would also have an independent opinion rendered by their educational consultant. If it could be made to work, this model would restore to the Board some of its faded credibility. Informational meetings would be longer, but the contentious, politically charged business meetings would be much shorter.

But the odds are slim that MOFD Board members will take steps to reform their governance structure just because they read about it in the newspaper. No, they will need *you* to get them motivated. Whether you live in areas served by MOFD or in Lafayette, please go to mofd.org and contact the Board members and the Chief. Please demand that they create a sensible governance structure to properly study, and then craft, the best possible fire protection and EMS arrangement for Lamorinda. We need to see thoughtful planning before they once more get lost in the weeds of their start-and-stop implementation pattern. Clearly, they need your help, they need it badly and they need it now!

Jonathan Goodwin
Canyon

(Jonathan Goodwin is an advocate for emergency preparedness and coordinator of the Canyon Fire Council)

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