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## Tax Disparity in MOFD is Still a Hot Issue in Orinda

By Nick Marnell

Orindans frustrated with a perceived tax funding inequity perpetrated by the Moraga-Orinda Fire District made their case to the district board June 15, and for once the directors promised to fully investigate the residents' concerns.

MOFD is funded mainly through two distinct revenue sources: the ad valorem 1 percent tax on real property and the special district-assessed parcel tax, called the fire flow tax, roughly billed at six cents per square foot of a residence. For fiscal year 2016-17, MOFD projects property tax revenue of \$18.5 million and fire flow tax revenue of slightly more than \$1 million.

Though all residents of the district pay the 1 percent tax to Contra Costa County, the amount of the tax allocated to the fire district varies by municipality. Again roughly speaking, more than 22 cents out of the Orinda property tax dollar goes to MOFD, while 19 cents per tax dollar is delivered to the district out of Moraga.

This uneven percentage distribution, which is based upon allocations determined under Proposition 13, is one aspect of the Orindans' perceived funding inequity. Another is assurance of the use of Orinda tax dollars only in Orinda, which some perceive as a promise made to Orindans before the 1997 merger of the Orinda Fire Protection District with the Moraga Fire Protection District. MOFD has operated as a consolidated district since 1999, with all services provided on an integrated basis, so somehow the script went sideways and the district veered off track, according to Orinda resident Steve Cohn.

"The framers of the merger from the Orinda side did make their intentions very clear with regards to the 22.8 percent of Orinda's ad valorem property taxes going to MOFD," Cohn said. He cited material printed in the voters' pamphlet endorsing the measures for the creation of MOFD, which stated that one of the driving forces for the creation of the new district was to "insure that fire protection dollars Orindans pay will stay in Orinda."

But statements made in voter pamphlets are not binding whatsoever, said Dick Olsen, then-vice chair of the Moraga Fire Committee. "Whatever was presented is immaterial," he said. Comments in voter pamphlets are merely a form of free speech, and they carry no official weight.

Yes, a tax disparity existed at the time, said director Brad Barber of Orinda, but it apparently was not of interest to the district founders or to the voters, or nobody knew what to do about it.

"We never discussed property tax equity then. There were too many other things going on," said Gordon Nathan, one of the early MOFD directors.

Solutions were in short supply, with Vince Maiorana of Orinda suggesting that MOFD raise the Moraga tax allocation rate to 22 percent, something the district has no authority to do. Moraga director Fred Weil, long critical of the Orinda complaints, again emphasized that what is relevant is not the revenue distribution but the service provided by the district.

Nevertheless, unlike abjectly dismissing the Orindans' concerns as they had in previous years, the directors agreed to continue the discussion of all aspects of district funding at a full board session, likely later this summer, with the intention of formalizing a policy decision on tax equity.

"Either it's equitable and here's why, or let's answer the question and do all the math, no matter how long it takes, until we resolve it," said Alex Evans, a director from Orinda.

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