



Fire Districts

Public Meetings

Moraga-Orinda Fire District

Board of Directors
Wednesday, Feb. 21, 7 p.m.
Go to the website for meeting location, times and agendas. Visit www.mofd.org

ConFire Board of Directors

Tuesday, March 13, 1:30 p.m.
Board Chamber room 107,
Administration Building,
651 Pine St., Martinez
For meeting times and agendas,
visit <http://alturl.com/5p9pu>.

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MOFD denies monetary claim from former fire chief

By Nick Marnell

The Moraga-Orinda Fire District board voted to reject damage claims of former Fire Chief Pete Nowicki, who had his \$20,076 monthly pension lowered by the district retirement plan manager because it claimed that Nowicki's retirement benefits had been improperly calculated.

Nowicki retired on Feb. 1, 2009, and in September 2015, the chief learned that the Contra Costa County Employees' Retirement Association demanded that

he repay \$586,000, plus interest, in pension overpayments and began deducting \$9,227 monthly from his retirement benefit. CCCERA plans to continue the adjustment until May 2022, when Nowicki's monthly benefit will be permanently reduced to \$14,296.

In his filing against the district, Nowicki stated that "the reduction of my monthly retirement benefits has been and continues to be a breach (of) my employment agreement with the Fire District." He

requested that the district repay all past and future pension deductions, plus other charges including legal expenses.

A federal court dismissed Nowicki's cause of action in June, and the Contra Costa Superior Court ruled against his claim in October, citing that the case had not been filed on time. The court also failed to determine how MOFD caused CCCERA to deprive Nowicki of his due process rights by reducing his pension, nor did the court

find any breach of employment agreement between Nowicki and MOFD.

The district rejected Nowicki's complaint in January on similar grounds. "It wasn't the district that reduced Nowicki's pension, it was CCCERA," said district counsel Jonathan Holtzman.

Neither Nowicki nor his lawyer, Peter Janiak, would comment on the decision, nor would they discuss any future course of action.

MOFD widens pool for chief officer candidates

By Nick Marnell

In order to increase the number of candidates to fill expected vacancies, the Moraga-Orinda Fire District has temporarily lowered academic requirements for its battalion chiefs. The district's requirement that only those with an associate degree or higher may apply for or hold a battalion chief position was waived by the board at its Feb. 7 meeting.

Fire Chief Dave Winnacker said that in 2016, the district held a battalion chief exam with two internal candidates, but both failed the test. As a result, the district has no internal candidates on its current battalion chief list, and the chief would have to fill vacancies from outside the district. The one-time

educational requirement adjustment he presented for 2018 would open up the chief officer positions to more internal candidates.

Approval of the proposal was not a slam dunk for Winnacker.

"I'm horrified by this," said director Kathleen Famulener, who suggested that MOFD go outside to find qualified chief officer candidates if none reside in the district. "But I think they do. We're not pushing the people who could be battalion chiefs," Famulener said.

Local 1230 President Vince Wells supported the chief's proposal. "It's difficult to seek additional education once you become a firefighter," Wells said. "Often, those who have the qualifications to do

the job lose out because they don't have the minimum academic qualifications."

Winnacker added that it was not realistic for an internal candidate who does not have an associate degree to get one by the time the district holds its battalion chief test in May.

"Anything we can do to tap into the internal pool is beneficial," the chief said. "The bottom line is the experience. We feel that experience outweighs having an AA degree."

Wells said that across the districts that he represents, some require only experience as a captain, and no associate degree, in order to qualify for promotion to battalion chief. According to its February

internal promotional announcement, the Contra Costa County Fire Protection District requires, among other qualifications, three years of experience as a ConFire captain and a high school diploma, G.E.D. equivalency or a high school proficiency certificate for eligibility to become a battalion chief.

The union, the Moraga-Orinda Fire Chief Officers Association and the board – including Famulener – agreed to the revised MOFD academic requirements for the 2018 examination process only. Other requirements, including two years experience as a captain, remain unchanged.

A lousy way to start the week



The Moraga-Orinda Fire District responded to a rollover accident shortly before 9 o'clock Monday morning Feb. 5. The incident occurred on Camino Pablo in Orinda, near the BART station. No one was injured. According to the MOFD incident report, the vehicle had only one occupant who denied treatment or transport. The primary task performed at the scene by responding personnel was to control traffic. – Nick Marnell

Photo courtesy MOFD

LAFSD parcel tax discussion leads only to more questions

By Nick Marnell

A Feb. 12 discussion by school board members on the feasibility of a parcel tax to help fund operations of the Lafayette School District led to questions about not only the amount of the proposed tax but whether to even place a parcel tax on the ballot in 2018.

Financial projections presented by Chief Business Official Diane Deshler showed that, thanks to a proposed funding boost from Gov. Jerry Brown, LAFSD will eliminate deficit spending in 2018-19, but without a parcel tax the district would fall back in the hole from the next year forward. Should the district decide to place a parcel tax on

the ballot, consultant Bonnie Moss recommended that the district keep the proposed tax under \$150, have it run from five to eight years and include a full senior exemption.

Not satisfied with the financial projections because they failed to include any salary increases for teachers, who have received no raises since 2016, board member David Gerson pushed for a \$199 parcel tax. "We need to maintain our edge with teachers," he said, noting the expense of salary competition due to teacher shortages. Gerson said that his \$199 recommendation would also be insurance against the full senior exemption.

Newly appointed board member Rob Sturm suggested pushing the parcel tax measure into 2019. He cited the uncertainties of the new federal tax law, the election of a new governor, appointment of a new school district superintendent and the bungled administration of the Measure B parcel tax as reasons for a delay. "We only have one shot with the voters," Sturm said. "Maybe a third option is to wait."

Others noted that a recession looms ahead, possibly as soon as 2019. Could a recession be the right time to ask for a parcel tax, because then the district would

have a more compelling story to tell? asked Clerk of the Board Suzy Pak.

"After all of the cuts we've made, is this the best for our students?" countered Meredith Meade, the only board member whose term does not expire this year. "Having no parcel tax scares me," she said.

"We're all going around in circles," said board President Teresa Gerringer, who advocated for the \$148 parcel tax over both \$199 and waiting until next year, based upon testing results of what dollar figure two-thirds of voters would likely approve. "I respect the concept of

trying to squeeze a little more out, but we think it's prudent to stay at \$148," Gerringer said. A \$148 tax on 8,320 Lafayette parcels would produce \$1.23 million in revenue for the district.

Polling results gave no assurance that the tax measure will score an easy victory at any dollar level, and that fact, combined with the mixed feelings of the board members over not only the amount of tax but whether to proceed at all, left an air of uncertainty as the board prepares for its next parcel tax discussion, agendized for the Feb. 21 district meeting at Stanley Middle School.

State must do more for Lamorinda schools

Assemblywoman Catharine Baker and state Sen. Steve Glazer outlined areas where the funding increase still falls short of relieving the pressure on local schools.

Pension costs are huge, said Glazer, who called for using some of the governor's \$19 billion budget reserve to pay down the state's growing pension debt. Baker pointed to the teacher shortage, which forces local school districts to compete for the best teachers. She noted that many facilities costs have been pushed from the state to the local school district level.

Both Glazer and Baker said that

rising costs of special education have strained school district budgets. "If your school district can't provide special education services for a student, and if one service that a child needs is in Idaho, your school district pays for that child to be educated in Idaho," Baker said.

While the senator and assemblywoman focused on redistribution of state revenue and more accountability over double-digit spending increases, the analysts said that tax increases may be necessary to fund local schools.

Gerry Shelton of Capitol Advisors cautioned that because of

Proposition 13, which limits increases on property taxes, California depends too heavily on personal income tax, which accounts for 69 percent of the state's general fund revenue. Shelton stunned the crowd at Stanley Middle School by revealing that 40 percent of the state's \$93 billion personal income tax revenue is paid by 70,000 taxpayers, mostly through capital gains taxes, a far more volatile revenue source than property taxes.

Shelton blamed Proposition 13 for cutting the legs out of school funding, and he advocated for a split roll, whereby commercial

properties are taxed at market value rather than only at change of ownership.

"How often does Disneyland change hands? That is an opening that is available," Shelton told an appreciative audience.

Baker quickly wrecked that narrative. "I do not support split roll," she said, explaining that a small business would have a very difficult time surviving under that taxation arrangement. "And Disneyland pays a lot in taxes," Baker said.

Though LAFSD receives only \$8,000 per student from the state,

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far less than the average, Shelton said that Lafayette will never get as much money as a low-income school district. The state school funding system is equitable, but not equal, Shelton said, because it costs more to educate in needier districts.

"We're always on the short end of the stick," Glazer said. "Revenues have come back but we're still struggling in Lamorinda."

"These issues are debated every week in the Capitol," Baker said, as she and Glazer agreed that the most important thing that they do in Sacramento is to try to increase funding to schools.

Orinda creeps forward with streetscape plan

They would particularly welcome an updated architectural guideline process, design guidelines for San Pablo Creek that will address development between the creek and adjacent developments, and improved pedestrian and bicycle solutions to connect both sides of town. WUDO believes that improved aesthetics can encourage businesses to come to Orinda. They also support additional parking on the Crossroads side, and envision a "park once" solution to allow for more residential/commercial devel-

opment for the Village side.

Jennifer Harper spoke to the council of the frustration that Brookwood Road residents have been experiencing for the past four years. Harper suggested that Brookwood Road is unique in having a mix of high density housing, single family homes, businesses and now a bus stop that floods the street with parents and children because there are no sidewalks. Brookwood residents have been seeking walkability enhancements,

traffic calming and parking restrictions for their road. This led to a discussion about whether to include in the scope of the streetscape master plan roads feeding into downtown. Planning Director Drummond Buckley said it might be possible to include residential roads feeding into downtown, but it would add greatly to the cost.

Council Member Darlene Gee said that it was essential to prioritize the project, and that topography and accuracy of maps have to come

first. Council Member Dean Orr said that the streetscape plan should include the interface with BART on both sides, and Council Member Eve Phillips said that she thought there were a number of things that could really improve the quality of life for Orinda residents. Mayor Amy Worth promised that the city is working on a parking solution for Brookwood Road and said that design guidelines are very important, including the topics of massing, setbacks and height limits.

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The council decided that staff should prepare the RFP and put it on a future consent calendar for a meeting in March. As for the issue of additional downtown planning, Phillips thought that the items are controversial and a source of conflict, while Orr thought the city should continue to research zoning laws and should earmark some staff time to look at some of the additional items. Worth felt that, although the conversations are really challenging, Orinda needs to have them.