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MOFD board splits over proposed Moraga stormwater fee measure

By Nick Marnell

Despite pleas from Moraga stormwater fee measure proponents, the Moraga-Orinda Fire District declined to return a ballot on the stormwater fee proposed for its two town parcels, the board unable to justify using Orinda tax dollars to fund a Moraga capital expenditure.

Moraga Town Manager Cynthia Battenberg and Council Member Kymberleigh Korpus provided the board background for the proposed fee: The Moraga storm drain system is aging and requires \$29 million in repairs which the town is unable to squeeze out of its \$8.6 million operating budget; the fee would bring in \$800,000 a year, with no sunset, and would cover capital improvements, maintenance and operation of the system; and only Moraga property owners would be charged. Dick Olsen, speaking as a representative of the Moraga Save Our Storm Drains Committee, told the board that the fee was insurance against future sinkholes, and would have a positive impact on district emergency response times.

No one disputed that the work needed done, but the board divided mainly on the philosophical issue of fair taxation.

Orinda Director Craig Jorgens said that Orinda fixed its storm drain infrastructure by issuing a bond, which owners of taxable city property pay for. (MOFD, which owns three fire stations in Orinda, is exempt from paying property tax.) "We shouldn't be paying taxes to one entity that we don't to a different one for exactly the same purpose," said Jorgens, who bristled at the use of the word fee. "It's semantics," he said.

"The city has known about this a long time, but has failed to develop adequate reserves," said Moraga Director John Jex of the town's prior actions.

"Yes, the town should have saved money for this, but they didn't," said Moraga Director Kathleen Famulener. "We need to do something." Director Steve Anderson, who resides in Orinda but whose division comprises portions of both municipalities, called the proposed \$2,540 annual fee on the two Moraga district parcels cheap insurance, which would allow MOFD to better fulfill its mission of saving lives and property. But it came down to what the board termed a taxation issue. "They didn't want people who don't live there to affect the outcome - they only wanted property owners to do it," Jorgens said of the town's strategy of having only Moraga property owners vote on the proposed fee. "In reality, you're asking people who live in Orinda to vote for something for Moraga."

That was the crux of the stance by President Brad Barber, who agreed that it is in the interest of MOFD that roads and infrastructure remain in excellent condition. "But I feel awkward voting to increase taxes in a jurisdiction that I do not reside in," said Barber, an Orinda resident.

Barber chose to abstain from every possible vote on the stormwater ballot: yes, no or abstain. The resultant perpetual deadlock of Jorgens and Jex voting no, and Anderson and Famulener voting yes, left the district no alternative.

"In the absence of direction from the board, we will not turn in a ballot," said Fire Chief Dave Winnacker at the conclusion of the April 18 meeting.

"It is unfortunate that there was a split vote at the MOFD meeting on the town's proposed stormwater fee measure," said Battenberg, who added that the town will provide the district further information on how the storm drain infrastructure supports emergency response. She said she understood the challenge for the multijurisdictional district to consider a fee that would apply to only Moraga.

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