Published July 8th, 2020

Orinda soft-pedals private roads, eyes 1% general sales tax

By Sora O'Doherty

Orinda city council members seemed to unanimously support a staff proposal to put a 1% sales tax measure on the November ballot. The tax, which would last for 20 years, would be a general tax, giving the council discretion on how to appropriate the funds. The council had received a barrage of communications from residents of private roads, however, who oppose any sales tax that does not provide for the maintenance of private roads. Of the 58 written comments received on the proposed sales tax, 57 strongly opposed the tax, suggesting instead a five-year parcel tax of $150 per parcel to address fire safety issues. Nick Warranoff wrote to support the 1% sales tax, but objected to the proposed emergency operations center and the addition of an employee to coordinate emergency response.

Steve Cohn, who has long been a proponent of the private roads residents, submitted lengthy written comments. His first point was acted upon by the council, on the motion of Vice Mayor Amy Worth. In response to his comments, the council amended the minutes from the last two meetings to include reference to written comments submitted, and a link to those public written comments. A link to public comments will also be included in future minutes. Written comments are maintained by the city clerk as part of the public record.

Cohn has continually made the point that it is not equitable that some 20% of Orinda residents pay all the same taxes as other residents, but are excluded from the street repair and maintenance by the city because their streets are deemed private. Private roads residents continue to point out that their streets resemble many other residential streets in Orinda that are included in the public street maintenance program.

In a nod to both the residents of private roads and those concerned about high fire danger, the council supported the staff recommendation that the tax be devoted to fire mitigation for the first five years, and that the effort would not exclude private road residents. It was also suggested that, as the new tax will provide discretionary funds, the possibility that the city might do something in regards to private roads continues to exist, although there is no specific proposal under consideration at the present time.

Addressing the issue of private roads, Mayor Darlene Gee said, "On a personal level I have continued to be supportive to listening to the private road issues. This has still has not resulted in any actionable item that has resolved, but," she said, "a number of us are continuing to look at what might be possible in that arena."

Gee also addressed the possibility of a parcel tax instead of a sales tax. "Parcel taxes have," she noted, "historically polled very poorly in Orinda and have taken an incredible downward turn in California." She pointed out that in the recent March elections across the state, 27 non-school parcel taxes were on the ballot, but only six passed. Further, she said, of the 21 that failed, eight were for fire districts.

Also on the June 30 agenda was a staff report regarding recommendations from the Firewise Council, currently chaired by Melanie Light. MOFD Fire Chief Dave Winnacker attended the Zoom meeting to talk about fire safety and the city's proposed plans. The first priority of the city is to establish a new Emergency Planning and Wildfire Fuel Reduction Program and hire a full-time staff person to work with the Oversight Committee to develop and implement a fire fuel reduction program on city property and the public right of way. This administrator would also be charged with designing and coordinating community outreach programs for a variety of city-wide emergency response and crime prevention/neighborhood watch plans, and working with interagency teams to coordinate, document, and implement response planning to natural and man-made disasters in the city. The administration would also maintain and upgrade training, equipment, and procedures for the City Emergency Operations Center and other duties to assist in emergency planning and implementation.

The sales tax would also provide funding for an aggressive initial fire fuel reduction program to bring city owned property into compliance with current and new MOFD fire code, initiate long-term landscape maintenance and tree service contracts to maintain all vegetation on city-owned properties and within the public road right of way to MOFD fire code requirements and develop educational handouts for the residents to prepare for future natural disasters.

Although the proposed sales tax is also needed to maintain residential roads, which have been renovated under the previous sales tax measure, set to expire next year, the council considered that the use of the new sales tax revenue for road maintenance can be deferred for at least five to 10 years. This would allow the tax to be used for the pressing issues of fire prevention and repairing high priority public storm drains and culverts. In addition, the city could use some $90,000 to hire an emergency response administrator. Warranoff, in his comments, suggested that the drains alone could consume all of the revenue raised by the sales tax.

City Manager Steve Salomon told the council that staff will work with FM3 to do tracking polling and will present the results to the council on July 21. He suggested that the council at that meeting finalize the concept and decide whether they want to move forward. If so, on July 28 staff can present the various material in final form. The council deadline for approval of a measure for the November ballot is Aug. 4.

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