

Moraga School District office experiences a '1st amendment audit'

... continued from Page A1

often the public lobby of a governmental agency, to see if their first amendment right to videotape will be respected or abridged.

The Moraga staff were concerned about the presence of this man, and telephoned for assistance from the Moraga Police Department. Two officers came

to the office and asked the man to step outside to talk, but he declined, citing his first amendment right to be in the public office and to take videos. During the interaction, the police tried to explain the concerns of the district staff, and the visitor explained to the police that he has a right under the first amendment of the U.S. constitution to take photographs and videos in

the lobbies of public buildings.

After some time, the visitor noticed that Moraga Police Chief Jon King was standing outside the office and he then left the office to talk to King, who was there to meet with Moraga School District Superintendent Julie Parks on an unrelated matter. After some minutes of discussing the situation with King and Parks, the visitor returned to the district office, announcing that he would continue filming for up to an hour. Parks came and assured him that his first amendment rights would not be violated, and that he was free to film, provided that he did not go beyond the public lobby.

When he finished videoing the district office, he went to the Moraga Police Department, where he reported that he had "a very good conversation with the Chief of Police of Moraga." However he had harsh things to say about some of the MSD staff members present during his visit, including his opinion that at least one should be fired.

King, who spoke to the Lamorinda Weekly, agreed that he and the visitor had had "a fantastic conversation" and toured the city hall, where the police department is located. "We've turned this into an incredible learning opportunity," King said.

Discussing the incident at the school district, King said that the staff were shaken up and felt threatened when the visitor shut the door. King clarified that the officers who responded to the call asked the visitor to step outside to talk in order to hear both parties' stories outside the presence of each other.

King, who was responsible for getting police body-worn cameras deployed in Moraga, also clarified that police officers are required by state law to either wear their names on their

uniforms or their officer number of their badge. Both officers had both forms of identification and they were not required to verbally respond to questions about their names, although both did so. Nevertheless, King admitted that the interaction had not been perfect, adding that in his 40 years of police experience, he has yet to see a perfect interaction. In the aftermath of the incident, King said that there would be more training for police officers and for town staff.

"This is the people's building," King said of the city hall, but we need to balance the rights of the public with security needs. He referred to a publication of the League of California Cities published this May, "What to do When First Amendment Auditors Come to Town," as an excellent training manual for employees of cities and towns. The publication was presented to the 2023 City Attorneys Spring Conference in Monterey.

Parks responded to questions about the incident, saying, "the First Amendment Audit was a new experience for the Moraga School District." She added, "As a small district office, it is not typical for us to have outside visitors or visitors without specific business," but noted that the district has "learned a lot from this experience and have put steps into place to ensure that staff are appropriately trained and that our public space is clearly defined for visitors."

"We will not be closing our office," Parks said, "but instead ensuring that we are prepared to greet any member of the public and define public space from private offices utilized for confidential business. Overall, this has been a growth opportunity for us."

A similar incident at the Salinas City Education Depart-

ment (SCED) has prompted them to restrict visitors to their district office. According to Mary Duan, SCED Director of Communications and Community Outreach, visitors will no longer be allowed into the office without first making an appointment, checking in at the front desk and showing identification. Photography and voice recording will be prohibited beyond the front desk to protect the confidentiality of students and staff.

According to the League of Cities publication, first amendment audits can trace their origin back to the Rodney King incident in Los Angeles in 1991, when a citizen filmed four police officers beating King. "Today First Amendment auditing can be described as a form of citizen journalism or citizen activism that seeks to test and thereby protect certain constitutional rights, including the right to be physically present in a public space and the right to photograph or video record government officials on government property in action (or inaction)," the publication states.

Orinda City Clerk Sheri Smith told Lamorinda Weekly that there have been a couple of attempted audits of Orinda City Hall, but there was no difficulty. When first amendment auditors believe that a subject has "failed" the audit, the video is posted to social media. The long videos include numerous advertisements. Auditors seek subscribers and some sell merchandise. According to the League of Cities, "that auditors frequently seek to incite confrontation or aggression through harassing or argumentative behavior stems from another motivation besides the asserted protection of individual liberties: namely, to obtain popularity and money flowing from social media views."



GLEAM
VETERAN

LAMORINDA DO YOUR TRASH CANS SMELL?

• 50% off first cleaning
• Disinfect & Deodorize Your Trash Bins!

Call or Text
510-800-BINS
GleamMyCan.Com

LeapFrog Plumbing



Head Frog Mo Williams

Got gas? Many people think plumbers deal only with water and sewage. Not true! We install and repair all types of gas lines and fixtures too.

Mo's sizzling summer specials...

- Outdoor kitchens
- New gas lines for cooktops and dryers
- Fire pits & patio heaters
- Pool heaters & hot tubs
- Natural gas barbecues

We're poly-pipe certified, (better than iron)
Approved vendors of PG&E

LeapFrog Loot \$25 off
Any plumbing job*

LeapFrog Loot \$100 off
Gas line installation over \$600*

LeapFrog Loot \$75 off
Tankless water heater installation*

*1 coupon per service, exp. 9/28/23

We Hop To It!
Family-owned and serving Lamorinda since 1993
green solutions!

(925) 377-6600
www.LeapFrogPlumbing.com

CA Lic 929641

Letters to the editor

An issue of fire flow tax fairness

I write in response to Sora O'Doherty's July 5, 2023, article regarding the MOFD's continuing to charge the same fire flow tax to Moraga and Orinda residents. As it is a well-known fact that Orinda subsidizes Moraga for fire services, raising the fire flow tax for Moraga residents would have helped to equalize a small part of the inequality that currently exists. Property taxes support the MOFD; over the years, property values in Orinda have increased more than those in Moraga (currently \$9.38 billion vs \$5.55 billion). The result is that while Orinda and Moraga are served by the same number of firefighters per capita,

Orinda is paying \$2.43 million per firefighter while Moraga is paying 42% less, at only \$1.41 million.

The MOFD was formed in 1997 with the sole intent of using Orinda's fire service taxes in Orinda, but each year the amount of Orinda's subsidies to Moraga for fire services grows larger. For 2023-2024, Orindans will be overpaying \$4.3 million to subsidize Moraga's fire service: Orinda will be paying \$21.8 million to MOFD for fire service to Orinda that is costing the MOFD only \$17.5 million.

Rather than subsidizing Moraga, these funds should be used to reduce the very real problem of Orinda's excess vegetation that presents the city with a serious wildfire risk. I am disappointed that MOFD director Mike Roemer (from Orinda's district 4) claimed it is a matter of "fairness" not to raise Moraga's fire flow tax, which might reduce the inequality between the two cities just a bit. I am also disappointed that the Orinda district MOFD members (Roemer, Jorgens and Danziger) who represent over 11,000 Orindans continue to permit these subsidies. Director Roemer said in this paper's July 5th article that he has "an obligation to keep this community united," but directing \$4.3 million of Orinda's taxes to Moraga causes conflict and not unity. Kathleen Finch Orinda

MOFD Fire Flow Parcel Tax

The MOFD Fire Flow Parcel Tax is a "top up" tax used to supplement regular property taxes. MOFD Director Mike Roemer, elected to represent 7,300 Orinda residents, said that it is fair to tax Orindans and Moragans the same rate for this top up tax. He is wrong.

\$21.2 million of Orinda's property taxes go to MOFD.

That equates to \$2,925 per household. \$10.8 million of Moraga's property tax goes to MOFD. That equates to \$1,900 per family. The average revenue for the district as a whole is \$2,475 per household.

Orinda families already pay \$450 a year more than it costs MOFD to operate while Moraga families pay \$575 less than it costs to serve them. Orindans pay 50% more than Moragans for the same service.

Why is it fair that Orinda families pay any "top up" tax at all and why is it not fair that Moraga families pay the full \$575 shortfall?

Currently the average property owner in Moraga only pays \$82 in parcel tax. The MOFD Board could have increased that to \$410, an additional \$1 per day. It still would not cover the shortfall but would have come closer than what it is now.

How Roemer can tell the 7,300 residents he is representing in Orinda that charging them an additional \$80 on top of the \$450 a year they are already being overcharged is fair, is beyond me. Steve Cohn Orinda

Fire flow tax, continued

I too wrote to the MOFD Board saying that it is not fair to have Orinda residents pay ~150% of what Moraga residents pay for the same service, and that increasing Moraga's fire flow tax rate would help reduce the difference.

I think Steve Cohn is right. When I asked MOFD (long ago) to tell me how much they spend in Orinda vs Moraga they said we don't and can't do that. Based on what little data MOFD does make available it seems that the cost of service to both communities is about the same!

I also note that a Moraga fire station is being rebuilt. Charles Porges Orinda

go electric and SAVE

Replace your gas HVAC system with a high-efficiency all electric heat pump system and save big on your utility bills.

- ✓ 2023 Rebates (limited time only)
- ✓ Great Warranties
- ✓ 0% financing O.A.C.
- ✓ Great Service

ASK ABOUT OUR SENIOR DISCOUNT!

UP TO \$2000 HEAT PUMP TAX CREDIT!



Bradford AIR HEATING (925) 455-4AIR | (925) 455-4247 | BradfordAir.com

Lic # 839474

Locally Owned American Made

Tamplen Plastic Surgery now in Orinda

Cosmetic Surgery

- Facelift
- Facial Implants
- Neck Lift
- Nose Surgery
- Brow Lift
- Eyelid Surgery
- Ear Surgery

Laser & Non-Surgical Services

- BOTOX® Cosmetic and Dysport®
- Cosmetic Removal of Moles & Skin Tags
- Fillers (JUVÉDERM®, JUVÉDERM VOLUMA®, Restylane®)
- Fraxel Re:Store Laser Treatment

Skin Care Services

- Chemical Peels
- Obagi® Consultation



Before After



Dr. Matthew Tamplen, who grew up in Lafayette and is a nationally recognized Double Board-Certified Facial Plastic surgeon, opened a private practice in Downtown Orinda to better serve Lamorinda patients. Specializing entirely in the face, Dr. Tamplen's expertise is nationally recognized for providing patients with beautiful, elegant, and natural results.

Matthew Tamplen, MD
Orinda Office: **NEW LOCATION**
96 Davis Road, Suite #5, Orinda, 925-444-0824
TamplenPlasticSurgery.com

TAMPLÉN
PLASTIC SURGERY

Double Board-Certified Facial Plastic and Reconstructive Surgeon.

Opinions in Letters to the Editor are the express views of the writer and not necessarily those of the Lamorinda Weekly. All published letters will include the writer's name and city/town of residence -- we will only accept letters from those who live in, or own a business in, the communities comprising Lamorinda (please give us your phone number for verification purposes only). Letters must be factually accurate. Lamorinda Weekly reserves the right to refuse publishing a letter submission. Visit www.lamorindaweekly.com for submission guidelines. Email: letters@lamorindaweekly.com; Regular mail: Lamorinda Weekly, 1480 Moraga Road STE C #202, Moraga, CA 94556