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Communications Received from the Public

NOVEMBER 12, 2024

INFRASTRUCTURE SUBCOMMITTEE MEETING

ITEM D – PUBLIC FORUM

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To: Orinda Infrastructure Subcommittee
From: Steve Cohn
Date: November 12, 2024
Subject: Public Comment / Public Forum (Item D) / Orinda's Essential Services

While this subcommittee is focused on infrastructure, and therefore this note may be addressed to the wrong audience, Orinda needs to broaden the scope to include all of the City's Essential Services, of which Infrastructure is a major component. I address it here as Mayor Gee and next year's Mayor, Malkani, who lead this subcommittee are at the apex of Orinda's leadership.

By design or luck, Orinda defined its "essential services" four years ago when it titled the proposed Measure R sales tax an "Essential Services Measure". In addition to infrastructure, it included wildfire prevention and emergency response. While there are a number of other essential services (power, water, sanitary sewer, communication), these are adequately provided for by other entities, public and private.

A major problem Orinda needs to come to grips with is that two of its "essential services", wildfire prevention and emergency response, should be provided by another agency which Orinda created but has no control over, MOFD. A further complication is that the majority of the tax funds available to provide the suite of four essential services are also controlled by MOFD.

Orinda has never "stood back" and examined the big picture of its essential services. This subcommittee is looking at two elements, roads and storm drains. The SSTOC looks at all four, but to date has only focused on wildfire prevention, and only reviews what the sales tax funds. However, since it is a "supplemental" sales tax, it should include in its "analysis" the other revenue sources that it is supplementing. Staff does provide the SSTOC with the other city-controlled sources of revenue for roads and storm drains, so the commission is partially aware of what the sales tax is supplementing. However, it has no idea of what it is supplementing with regards to wildfire prevention and emergency response, because that is part of the MOFD budget which Orinda has no control over, but could and should be aware of. And that is a very big number. \$23 million from Orinda property taxes alone.

Why do I bring this to the attention of this subcommittee? Because money is fungible. A major source of funding for essential services is The Measure R sales tax but an even larger source could be the property taxes going to MOFD. The more Measure R funds that get spent on wildfire prevention or emergency preparedness/response (because MOFD is not providing the service), the less that is available for infrastructure.

The \$22.7 million of Orinda property tax going to MOFD is far more than is required to provide adequate emergency response, even including wildfire prevention. Maybe not for a few years, seeing as there is over \$10 million of "deferred maintenance" of excess wildfire fuels, but after those fuels are mitigated and the mitigation maintenance is

reduced to a couple of million a year, then there could be several million annually available for other essential services.

This year \$15.9 million of Lafayette property taxes are allocated to ConFire. For that money ConFire staffs three stations with nine firefighters plus provides paramedic ambulance service. This is the same service MOFD provides Orinda except it is costing Orinda \$22.7 million in property taxes. Is Lafayette getting a bargain thanks to Prop 13 misallocation? I don't believe so.

Lafayette's cost-per-firefighter is \$1.8 million. MOFD collects a total of \$34.4 million in property taxes for 17 firefighters, averaging \$2.0 million per firefighter (Orinda pays \$2.5 million). The higher MOFD average-cost mostly attributable to a much smaller organization with higher overhead per firefighter, not greater service.

If Orinda could "turn back the clock" and contract services from ConFire (or MOFD) rather than hand 22.6% of its property taxes to the provider for whatever services it chooses to provide, AND the provider would charge the same as what ConFire is receiving from Lafayette property taxes, then Orinda would have \$7 million for other essential services including wildfire prevention plus road and storm drain maintenance. In addition to the \$4 million from Measure R.

Orinda needs to look at the big picture. It needs to figure out how to fund a wildfire prevention program which our insurers are telling us is lacking and it needs to provide all Orindans, not just a select 80%, with the other ESSENTIAL services of road and storm drain maintenance. The money is there. No new taxes are required. They just need to be appropriately allocated and applied.

From: Joel Libove
Sent: Tuesday, November 12, 2024 1:15 PM
To: Latika Malkani; Darlene Gee; Sheri Smith
Cc: Barbara Libove
Subject: Infrastructure Subcommittee Item D - Public Forum
Attachments: PrivRdSubsidizesHeavyPubRdDrainage.png

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It is pleasing that Orinda was recognized as having the second best road quality condition (Average PCI of 83) of all cities in the Bay Area in a recent MTA report(1). However, a recent AEG landslide mapping study by prominent geotechnical engineer J David Rogers states "**....Orinda had suffered more landslide-induced property damage over the previous 100 years than any other community in the USA.**" (2). This is exemplified by our 2023 Cedar Lane landslide in which two large homes were recently destroyed.

It would seem that Orinda could back off on overly polishing its arterials and collectors and apply money toward private road and associated drain adoptions. We further could benefit our residents by redeploying much of our Measure R tax revenues, our garbage impact fees, and other RTS inflows toward improving private road drainage, so as to **end the constant fear which many Orinda hillside residents live with each winter, of losing their homes and private roads to landslides.**

Funding from existing sources below could be retargeted toward adoption of private roads and their drains and, as funding permits, acquisition of selected easements accommodating key private drains on non-road private properties that convey concentrated and redirected public-road water and which may need reinforcement and/or augmentation with further drainage paths. The attached annotated drainage map segment shows just one example of a region in which water collected on over 3000 feet of public Diablo View Drive, is redirected in three highly concentrated paths onto private hillside properties and to a private road below, damaging them during winters.

Available funding mechanisms, without the need to institute new taxes, could include:

- 1) Stop over-maintenance of public arterials and collectors - We don't need PCI=83 to maintain long-term stability. Other affluent cities (e.g. Lafayette, Moraga, Mill Valley, Atherton, Morgan Hill, Santa Clara) have average PCI of 73-74(1)
- 2) Begin adopting private roads that offer dedication, so as to acquire the higher garbage fees, RTS monies, and added resiliency grants, as well as the immediate larger FEMA safety net that a larger public road system will enable. It is a travesty to have 20% of our private roads, many of which are deluged by water channeled from public roads, to be ineligible for any substantial FEMA disaster recovery funding, as we have found to be the case on my private road.

3) Change Orinda's basic funding allocation priorities, so less money is spent on building, or even planning, niceties like the recently proposed dog and pickleball parks. We shouldn't, for example, have been remodeling a non-essential mini-park (near high-speed traffic), and doing similar nice-but-unnecessary beautification projects, all the while many residents currently wake up at 3AM during heavy rains, worrying that their house will slide - as many people do on increasingly torrential nights every winter.

As we welcome an improved City Council and new City Manager, now is the time for us to finally begin implementing the above fixes, which are critical to our residents' well-being, both financial and life-safety.

Sincerely,

Joel Libove
Canyon View Drive, Orinda

- 1) https://mtc.ca.gov/sites/default/files/documents/2024-10/PCI_table_2023_data_10-30-2024.pdf
- 2) <https://aeg.memberclicks.net/assets/EEG/AEG%20publication%20%2331.pdf>