

## **Measure R is NOT a fire prevention tax**

The proponents of Measure R are portraying the tax as a fire prevention tax. The proponent's organization has named itself "Safer" Orinda. While there is some safety element to road maintenance (roads are unsafe if they are in bad enough condition but that is no longer the case in Orinda) and storm drain maintenance (if a storm drain fails, takes out a road, and cuts off an access/egress route, that could be a safety issue), road maintenance is mostly about comfort and economics; reducing car maintenance costs and increasing home values. The major "safety" element associated with Measure R is fire prevention. But again, while the Measure R sales tax supposedly will be used to some extent for fire prevention efforts, all indications are that is a very minor element of the tax. And to sell it as a fire prevention tax, which "Safer" Orinda is doing, is disingenuous at best and dangerous at worst.

This tax always was, and still is, a tax designed to maintain the roads. Road maintenance has included storm drain maintenance since the Infrastructure Committee defined the magnitude of the problem of Orinda's decayed infrastructure in 2006. The problem included a huge deferred maintenance backlog and after that is cured, ongoing maintenance. That is what this tax will address.

Fire prevention is a topic that the City has ignored for three decades. Just like crime prevention efforts are led by the police department and road maintenance efforts are led by the public works department, fire prevention efforts should be led by the fire department. Unfortunately, Orinda does not have a fire department. It "farmed out" that civic function to MOFD 21 years ago. And, shame on it, the City has overtly made itself ignorant of the service that MOFD is providing, or not providing, to Orinda's residents ever since.

In 2012, citizens presented to the Council a petition asking the City to form a task force to review the service MOFD was providing (15 years after MOFD was formed). Amy Worth asked the Council to form such a task force. She was opposed by Victoria Smith (saying it was not Orinda's right to review a "sister" agency; telling the citizens to go to MOFD and ask it to review itself). Smith was backed up by Steve Glazer and Sue Severson. The request was never even voted on. So the citizens formed their own task force, created a 100 page report, and delivered it to the City Council. The Council neither reviewed the report nor even acknowledge receipt. And that was the last the City had to do with MOFD and the way it serves, or does not serve, Orinda.

Until this year.

In 2019 the City formed a Revenue & Tax Measure Subcommittee. It held three meetings in late 2019 and January 2020. It discussed putting a sales tax measure (and no other type of tax) on the November 2020 ballot for road maintenance. Most of the discussion was of a survey to test the waters for such a tax. The survey was conducted in the first week of February. One of the questions on the survey was how important were certain projects when it came to spending the money generated by the sales tax. About half of the questions related to road or storm drain maintenance. The other half ranged from a walking path along San Pablo Creek to fire prevention. The City was not prepared for the results.

The most important project identified by the respondents was fire prevention with 55% saying it was extremely important and another 31% very important. Next on the list was "ensuring speedy emergency response" with 54% saying it was extremely important (however, this would be a job for MOFD, not the City.) Third, at 41%, was preparing for natural disasters. The highest ranked infrastructure project, with 38% saying it was extremely important, was repairing collapsing storm

drains (the worst of the worst). The highest ranked road repair project, at 33%, was “fully investing in the maintenance of public roads to minimize future costly repairs.”

The main question, however, was: “Let me ask you one last time about the measure to help maintain essential City services, including ongoing repairs to public roads and storm drains; restoring wildlife habitat and recreation along San Pablo Creek; and providing emergency/ natural disaster preparedness by renewing the existing half-cent sales tax **and increasing it by one-half cent.**” Nothing about fire prevention. 61% supported the tax.

What was the Revenue & Tax Measure Subcommittee’s response to the survey? They stopped holding public meetings. Then Covid hit and they decided to “rerun” the survey.

In this survey (held mid-July) they did not repeat the question about what the tax should be used for. And they revised the question about supporting the tax to: “Let me ask you one last time about the measure to help maintain essential City services, **including wildfire fuel reduction**, ongoing repairs to public roads and storm drains; and providing emergency/natural disaster preparedness by renewing the existing half-cent sales tax and increasing it by one-half cent.” The support level stayed at 59% because now the tax was billed as a fire prevention tax.

So that began the marketing of the tax. If it included fire prevention, in fact if fire prevention was shown as the primary use (a previous question started “this measure will immediately invest in wildfire fuel reduction...”), then the support remained for the tax. They did not test the support of the tax if fire prevention was excluded or the support of an alternative tax like a dedicated fire prevention parcel tax, although it was requested that this be included. The reason being that they did not want a fire prevention tax; they wanted a road maintenance tax.

While the City has been developing a road repair plan for over a decade, starting in 2006; and it has a recent storm drain report (although both exclude miles of streets and an unknown number of storm drains transporting water from public property), it has no study on what would maximize Orinda’s fire safety.

The only numbers developed for fire prevention were created by Public Works Director Larry Theis and presented to the CIOC for their June meeting. However, when this was forwarded to Darlene Gee and she was asked if she (as chair of the Revenue & Tax Measure Subcommittee) had seen the spreadsheet, she said she had not. A few days later the CIOC meeting was cancelled and the spreadsheet, attached to the meeting agenda, disappeared from the web site. What this spreadsheet showed was \$2.25 million for roadway right of way vegetation removal over four years (\$560,000 a year), reducing to \$300,000 thereafter. Where Theis got these numbers is unknown. The only publicly released indication of what the City might spend on fire prevention was contained in a “Needs” report presented to the Council by Finance Director Paul Rankin on July 21. This claimed “It is estimated that the City could require between \$500,000 and \$750,000 to address the back-log on City properties and that this would occur over 3-4 years and then needs a reduced effort to maintain.” Again, there is no indication of where Rankin got these numbers but they conform loosely to Theis’ June spreadsheet.

So out of Measure R’s \$2.4million in annual revenue, the City might (but is not obligated to) spending \$500-750-300,000 on fire prevention. The rest, according to the needs report, will go to road and storm drain maintenance with a little for emergency management (although we have been told that is probably more an MOFD function).

At that same July 21 Council meeting the 2020/21 budget was passed. The budget showed:

- \* A reserve of \$10.5 million including \$3.5 million in unspent sales tax revenue.
- \* Additional sales tax revenue of \$1.2 million this year.
- \* A budgeted item of \$50,000 for fire prevention.

All indications are that Measure R is NOT fire prevention tax although a small portion of it might be spent on fuel reduction efforts.

But that is not how the City is selling it. In its ad in the October issue of the Orinda News, endorsed by the entire City Council plus Steve Glazer and nine former City Council members (all calling themselves "former Mayor"), including Sue Severson, "Safer Orinda" starts with "Recent fire seasons have been the hottest, driest, and most destructive on record..... Voting on Measure R will let Orinda get to work before it is too late...." It is not until the fourth paragraph of the ad that roads are even mentioned. Nor is it mentioned that although the City has \$3.5 million in unspent sale tax receipts and continues, and will continue for two more years, to receive \$1.2 million in the existing sales tax receipts, it has only budgeted \$50,000 for fire prevention. Is it telling us it will continue to only spend \$50,000 a year unless we increase the \$1.2 million sales tax to \$2.4 million?

A few pages later in the same issue of the Orinda News is a full page ad by the Orinda Firewise Council. This ad starts: "Vote like your life depends on it! We endorse Measure R; Safer Orinda; Funds for fire prevention; Darlene Gee, Firewise Community member, Incumbent for Orinda City Council."

This attempt by the City Council and the City's movers and shakers to frighten the residents of Orinda into voting for a tax which is not meant to, and all indications will not be used to, provide adequate fire prevention is egregious.

Some of these people know better. Some are just trying to be good citizens and have been talked into a bad deal. We have worked with most of them for years and know how much they have put into Orinda but we have to admit that we are shocked by this behavior. If the voters vote for this tax it may be the last chance for years to get it right. And years from now may be too late.