

**JUNE 7, 2011
CITY OF ORINDA
CITY COUNCIL MINUTES**

5:30 P.M. SPECIAL MEETING – GARDEN ROOM, ORINDA LIBRARY

- (1) OPEN SESSION IDENTIFICATION of Closed Session Matters
- (2) PUBLIC COMMENTS re Closed Session Matters
- (3) CLOSED SESSION:

PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Conference with the City's designated labor negotiators, Janet Keeter (City Manager), Trish Raver (Human Resources Administrator) and Bruce Heid (IEDA), to review the City's position and instruct the City's designated representatives regarding negotiations with the City's employees represented by the Teamsters Local Union No. 856, and the unrepresented employees (Managers and Mid-Managers).

PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Conference with the City's designated labor negotiators, Mayor Victoria Smith and Vice Mayor Steve Glazer, to review the City's position and instruct the City's designated representatives regarding employment contract negotiations for Janet Keeter, City Manager, an unrepresented employee.

PURSUANT TO GOVERNMENT CODE SECTION 54957

Performance Evaluation of City Manager.

Mayor Smith called the meeting to order at approximately 5:30 p.m. in the Garden Room with all Councilmembers present. There were no public comments regarding the closed session matters. Mayor Smith announced and the Council convened into a closed session to discuss the above listed items.

7:00 P.M. – REGULAR MEETING - LIBRARY AUDITORIUM

A. CALL TO ORDER / ROLL CALL:

Mayor Smith called the meeting to order at approximately 7:00 p.m.

COUNCILMEMBERS PRESENT: Dean Orr, Sue Severson, Amy Worth,
Vice Mayor Steve Glazer, Mayor Victoria Smith

COUNCILMEMBERS ABSENT: None

Mayor Smith thanked Assistant to the City Manager Pacheco who was serving as interim City Clerk for City Clerk Olsen who was ill.

In response to additional questions, Ms. White stated she has found FEMA a good agency to work with, and she has never experienced a project that was designed but not funded for construction. She further clarified that the construction bidding climate is currently very good and the design bids came in higher than anticipated because of environmental concerns that were raised.

As part of the following motion, Vice Mayor Glazer commented that the project was valued and necessary, and he expressed the Council's appreciation to City and EBMUD staff for putting the project together. He confirmed his earlier request that the Council receive information at a future meeting about drainage impact fees versus storm water utility assessment fees and how determinations are made for allocations.

MOTION by Vice Mayor Glazer and seconded by Councilmember Worth to **approve the Cost Sharing Agreement with EBMUD for design engineering of Phase I of the North Lane Storm Water Mitigation Project and authorize the City Manager to execute the contract on behalf of the City, subject to approval as to form by the City Attorney and contingent upon EBMUD approval.** Said motion carried by a unanimous voice vote.

I-3 Approval of a Contract with WRECO for Design Engineering Services of the North Lane Storm Water Mitigation Project No. 4070

Councilmember Severson briefly left the dais during consideration of the agenda item.

MOTION by Vice Mayor Glazer and seconded by Councilmember Orr to **approve a contract with WRECO of Walnut Creek, California, for the North Lane Storm Water Mitigation project and authorize the City Manager to execute the contract on behalf of the City, subject to approval as to form by the City Attorney.** Said motion carried by a unanimous (4-0) voice vote.

I-4 Final Report on the Tri-Agency Ad Hoc Committee – Moraga-Orinda Fire District (MOFD) Fire and Emergency Medical Services

City Manager Keeter introduced the background for the matter as included in the staff report. Councilmember Worth, as the Council representative to the Tri-Agency Ad Hoc Committee, reported that the Tri-Agency Ad Hoc Committee was formed to discuss issues raised from Orinda community members regarding the delivery of fire service and infrastructure needs. She reviewed that the Committee met and, with public involvement, received information and discussed MOFD operations and finances, and the Committee came to no conclusions. She advised that the Committee talked more about MOFD operational elements and its revenues and not necessarily about infrastructure needs.

Rose Anne Critchfield addressed the Council stating that since the last Committee meeting, community members have been sending letters and signing a petition requesting that the City form an emergency services task force. She stated several

community members have received responses which identified key points being: (1) the City has spent a lot of time reviewing the issue over the last three years; (2) the basis for calculations of MOFD unbalanced service and spending is faulty; and (3) Councilmembers say the concerns about MOFD fiscal management should be taken to MOFD. She disagreed with the points stating: (1) The Council has spent less than 20 hours in three years on the subject with most of the time listening to MOFD present their unverified version of the facts. At the same time members of FAIR (Fire and Infrastructure Renewal) have spent hundreds of hours tracking, collecting and analyzing data. She was offended that MOFD had not explained themselves and, if they can explain their facts, they should prove it. (2) FAIR's determination of inequitable funding is only faulty if the issue is allowed to be a "he said she said" blind issue. An examination will show there is a funding inequity which Orinda voters did not agree to. (3) MOFD fiscal management is intrinsic to the wellbeing of the citizens it serves; MOFD can fail fiscally; and the Council should be concerned with the unfunded pension and employee benefit liabilities. She closed by reiterating her request for the formation of a citizen's emergency task force.

Steve Cohn addressed the Council and read a petition signed by community members requesting the formation of a citizen's emergency task force so Orinda could understand how MOFD is serving the community and what it costs. Mr. Cohn stated the petition was signed by 216 Orinda residents, former residents and nonresidents with 186 names provided and 32 names being anonymous. He stated that following the 2009 Tri-agency meetings the Council voted to ask MOFD and Moraga to join in having a consultant review information and come back with recommendations; however, the two agencies refused to participate. He requested that the City utilize residents to conduct the review and provide them with a forum and structure to do so.

Jackie Cloidt expressed her support for the creation of a citizen's emergency task force to address the confusion and misinformation about the subject.

Bill Cosden read a letter from Alex Evans who could not attend the meeting. Mayor Smith confirmed that a copy of the letter was included in the Council's packet. Mr. Cosden reviewed that 20 years ago he co-chaired two years of public meetings regarding the Wilder project and the process was very emotional. He was concerned that the current process has also become highly emotional. He stated that what has become the issue between the CARES (Citizens Against Reducing Emergency Services) and FAIR groups is whether the services and financial support were fairly distributed and what is lost is whether the services are efficient and effective. He asked that the task force be formed to determine whether there is a fair apportionment and whether the services are effective and efficient.

Janet Maiorana agreed with Vice Mayor Glazer's comments in January about letting voters have an opportunity to make a judgment about the future. She reviewed a situation which occurred several years ago where MOFD Board members filed lawsuits against two homeowner groups; she reviewed the findings of the California Supreme Court including that the case was labeled as a SLAPP (strategic lawsuit against public

participation); she questioned how they could believe Directors who made false arguments and untruths in courts; and she advised that the Contra Costa Grand Jury reported that it was inappropriate for a director to be named as a petitioner to a suit where such director also votes to approve litigation with the understanding that legal expenses of such voting director will be paid by the District.

Vince Maiorana stated the Grand Jury has leveled strong criticisms about MOFD's inadequate financial controls and that broad decisions appear to be made with limited information including approving enhancements to its pension program without knowledge of costs. He stated that in 14 years the MOFD Directors have obligated Orinda citizens with unfunded liabilities estimated at \$80 million. Mr. Maiorana stated that typically when a Director quits, the MOFD Board appoints a replacement and that individual then has an advantage in the next election to run as an incumbent. He noted that three of the five MOFD Directors were initially appointed. He stated that in 1997 two members of the Orinda Council asked voters to approve a measure to form the MOFD to be paid for through property taxes. He stated voters did not give authority to add sales taxes without approval of the vote, but MOFD is now charging extra fees and taxes for some of its services. He stated the Council has a moral responsibility to seek information from a task force to determine whether MOFD is governing according to the 1997 measure and to let citizens know how they are being served.

Gene Gottfried stated that many of the speakers have made comments which were irrelevant to the issue at hand. He stated that MOFD has made mistakes in the past and the County Retirement Board has provided generous provisions which have left MOFD with unfunded liabilities. He agreed that several years ago MOFD had attorneys who made foolish decisions regarding a lawsuit. However, the issues were irrelevant to what was happening now. He stated, if they were to dissolve MOFD, they would be back to the status they had before the merger; money now going to MOFD ambulances would go to American Medical Response (AMR) who previously had ambulances for Orinda coming from Walnut Creek; and money for fire services would go to ConFire which is about to go bankrupt. Mr. Gottfried stated that the issues regarding Proposition 13 are known to be intrinsically unfair, and there are inequities for distribution of taxes, but he felt all should now move on.

Betty Murphy commended the work that has been done. Regarding the FAIR petition, she stated that MOFD holds regular Board meetings, and they produce annual reports, budgets, strategic plans and studies. Regarding the premise that Orinda taxpayers pay more to MOFD than the entire City budget, she stated that neither the Council nor the Fire District have control over this. Regarding the claim that Orinda is subsidizing Moraga services, she stated there is no proof to this, and she pointed out that facilities and equipment in Moraga serve Orinda, and operating costs are not calculated by City boundaries. Regarding Sleepy Hollow and Orinda Downs issues, she stated MOFD reports are available which address many of the needs. Regarding the substandard fire hydrants, she stated the issue should be taken up with EBMUD as they have control over the hydrants.

Carl Weber referenced the letter he submitted offering his opinion of the legal issues. He stated the Council has been conscientious but, while most of the information received is interesting, it has nothing to do with the matter before the Council. Instead the information has to do with the operations of the MOFD, and MOFD is uniquely responsible for the District. He stated the Council has been a sounding board for several years, but he questioned how long they should continue to do so. He felt further discussions would be a waste of time. He urged that the Council leave the matter alone and the speakers who preceded him should go to MOFD to speak their mind.

Jim Wyro, MOFD Board President, stated they arrived at the meeting late as they were working on the MOFD preliminary budget and he was sorry that they did not have a greater public attendance for that discussion. He stated the MOFD Board welcomes and encourages public participation and he hoped that those who have concerns regarding their operations would share this with them. He acknowledged that MOFD has made mistakes but none of the current Board was in office when the referenced litigation took place ten years ago. He urged that they move forward as there were a lot of key issues to deal with, and they looked forward to working with the City on infrastructure issues.

Vice Mayor Glazer identified that one assertion related to challenges and priorities for funding is that EBMUD water pipes are not providing enough flow to put out fires. He questioned why the District was not putting money toward this issue. Director Wyro responded that the District water flow/pipe issue would take several million dollars to address but the issue is instead being addressed by MOFD putting money into tankers with 3,000 gallons of water available. He noted that the last two Fire Chiefs have not placed the same level of importance on certain needs, and their current priorities include replacing Fire Station 43.

Vice Mayor Glazer questioned whether MOFD would consider allocating funds to road repairs. Director Wyro stated the District is looking at balancing its budget including addressing a 42% increase in retirement costs and, while he does not believe any discussions are off limits, the community needs to determine if they want the District to change priorities.

Councilmember Severson thanked all for attending the meeting and submitting comments during the last month and the last few years. She noted the City needs to address infrastructure issues. For next steps, she proposed that greater clarity of facts be provided to the community through development of a communications fact sheet. She did not believe the average community member understood the basic issues or facts. As an example, she explained that, at a recent informal meeting with residents to discuss City issues and the City's budget, she was asked where the numbers for fire services are included. This example showed that there is a basic misunderstanding in the community that the Fire District is a separate agency with its own elected Board of Directors. She suggested that the information explain how property taxes are allocated, that neither agency controls the allocation and what the basic infrastructure needs were. She indicated such a document would not present solutions but would be a starting

point. She stated appreciation for the representation by the MOFD and felt it would be appropriate for a subcommittee or staff to sit down and discuss what they could do together.

Councilmember Worth also thanked all for attending the meeting. She stated her hope for the Tri-Agency Ad Hoc meetings was that there could be a better understanding of issues. She stated there was a strong partnership with Orinda, the Fire District and Moraga and they should work together, and things should not be done in a vacuum. She stated her belief in the public process and the benefits from bringing citizens together to discuss issues. She stated there was a lot of agreement that all wanted to sustain and maintain the current excellent service, but, at the same time, there were concerns about the infrastructure problems and continuing sustainability. In going through the budget process, she highlighted that there were complex issues involved that people disagree on but voters created the District to keep the resources within the community and to provide quality paramedic and fire services in the community. She acknowledged that the voters created the District; the Council represents the same voters; and it was important that all work together. She stated her concern for the long-term sustainability of the emergency services noting that ConFire is starting to brown out stations in Lafayette. Overall she stated that the issues identified by residents need to continue to be discussed openly, and she could support a citizens task force to explore some of the issues, but she wanted to hear further from Councilmembers before proceeding.

Councilmember Orr acknowledged that, as the newest Councilmember, he has been coming up to speed on the issues even though he had been following the issues as a citizen over the last couple of years. He stated the question that continues to arise is the relationship between the Council and the Fire Board; through the process he has learned that it is clear that the Council and the Fire Board are two different elected boards; the Fire District has a board elected by the community to guide their services; and that is different than the Council and City services. He stated, while the Council represents Orinda voters, they cannot make directives about how MOFD moves forward or acts on items. He also stated that it has become clear that the request for a citizen's committee is problematic as reasonable people can disagree. He referenced the great work done on the issue by both the CARE group and the FAIR group but, if they moved forward with another committee, he felt they would end in the same spot.

Councilmember Orr referenced the report prepared by Mayor Smith and Vice Mayor Glazer two years ago where they concluded there were no inequities and they did not recommend pursuing a further review. He noted that MOFD and Moraga stated they did not want to pursue the matter further. Based on this, if the Council were to move forward, he did not know how it could be done without a third party consultant, but, at the same time, the Council is also working to balance the City budget. Councilmember Orr concluded by stating he felt enough documentation and work has been completed by past committees, and he did not feel it was appropriate to use more staff time when there were other pressing issues to focus the limited staff time on.

Vice Mayor Glazer joined his colleagues in thanking all for their thoughtful comments and the sincerity of their views. He acknowledged the spirited opinions and agreed that reasonable people can disagree. He stated the situation is challenging; they have been circling the same issues again and again; and he summarized the various committees and commissions that have addressed the issues. As part of the initial Tri-Agency Committee, he stated he carefully looked at all of the facts and came to the conclusion that Orinda taxpayers were getting equality in what they were paying for, and the standard used to determine that was area of coverage.

Regarding the issue of accountability, Vice Mayor Glazer stated there was public accountability through the MOFD elected Board of Directors and, if people were unhappy with the quality of service (which he has not heard) or with the District's financial management, voters did have recourse every two years through the election process or through the referendum process.

Vice Mayor Glazer commented that his approach has been to use citizen commissions as shown by the many committees and commissions that have been formed. For the current issue, after years of review and study, he felt they had done their due diligence; citizens have been given the opportunity to get facts and provide opinions; and opportunities that now remain are through direct participation with the elected MOFD Board. He stated agreement with Councilmember Severson's suggestion to get factual information out to the public as he has seen this as a problem in a lot of areas.

Mayor Smith thanked those who participated over the last three years as well as the Fire Chief and MOFD Board members. She stated concurrence that the matter has been studied; and she referenced the number of binders and boxes of information she has gathered on the subject over the last three years. She stated she was glad to hear MOFD Boardmembers reiterate that they welcomed public comment, and she felt the place for those comments were at the MOFD Board meetings. Additionally, she suggested that the petition requesting a subcommittee and public involvement in the process be directed to the MOFD Board as it was under their purview. She compared the approach of creating a subcommittee to study the MOFD as similar to creating a subcommittee to study the school district. She closed by stating the residents were lucky to not be part of the ConFire system as the entity is close to bankruptcy and is closing stations in Lafayette. She also noted that a Quad Agency meeting will be scheduled in the next couple of months, and this will provide an opportunity for the Council and Fire District to raise issues of mutual concern.

Councilmember Worth suggested that there be a focus on the Fire District's interest to work with the City on infrastructure issues. She felt the Quad Agency meeting may be one format, but she would also like to look at how the conversations could be continued in other ways, perhaps at the staff level.

Mayor Smith noted that she serves as the City's liaison to the Fire District, and she would discuss the concept with the City Manager.

Councilmember Severson concluded by indicating that, while she did not oppose further community discussions, she felt it was time to bring resolution to the issues before the Council. She stated concurrence with Councilmember Orr's comments that further citizen discussions, without an independent consultant, would end with the same conclusions as reasonable people can disagree. She felt the City did not have the dollars for an independent consultant nor were the issues under the Council's purview. As next steps she supported staff putting together a fact sheet to better communicate issues. City Manager Keeter advised that she could work with Assistant to the City Manager Pacheco and Fire Chief Bradley on a fact sheet that would be of benefit to both organizations.

I-5 Consideration of Capital Improvement Plan (CIP) Projects to: 1) Contribute to the Lamorinda Skatepark Parking Lot Project; and 2) Authorization to Submit a Proposal for Moraga Way Pedestrian Pathway CMAQ funds

Parks and Recreation Director Skinner introduced the proposal for the City to contribute, along with Moraga and Lafayette, to the costs for a Lamorinda skate park parking lot in the amount of \$62,500 and/or 25% of the bid proposal from Park Dedication Fees.

Mayor Smith questioned why the Parks and Recreation Commission considered the proposed project important when compared to other projects. Director Skinner clarified that funding was available to cover the current projects and, when looking at the Bicycle Trail and Walkway Plan and other improvements, it was felt that the project fit, particularly when considering the activity keeps teens active.

Councilmember Severson noted her understanding that the skate park usage has remained the same during the last ten years.

Jay Ingram, Moraga Parks and Recreation Director, reviewed that during his four years with Moraga the skate park use has averaged 15 to 20 kids after school on weekdays and double that on weekends; he understood that the interest level has been maintained for the last decade; and the investment has been good.

Councilmember Severson noted that the proposed design does not include a bicycle rack, and she hoped this could be included to encourage more kids to ride their bikes to the facility. Directors Ingram and Skinner indicated they would look at opportunities to provide this.

Vice Mayor Glazer questioned how many Orinda kids use the skate park; staff advised that the data was not available.

Councilmember Worth stated her appreciation for the skate park partnership noting, while a maintenance fund was set up for repairs, Moraga has taken on the responsibility for policing, managing and operating the facility.



**CITY COUNCIL
STAFF REPORT**

Agenda Item: I-4
Date: June 7, 2011
Department: Administration

AGENDA TITLE: Final Report on the Tri-Agency Ad Hoc Committee – Moraga-Orinda Fire District (MOFD) Fire and Emergency Medical Services (TASC)

RECOMMENDATION: Hear report from Committee member Amy Worth and provide direction to staff as appropriate

BACKGROUND: In April 2009, the Contra Costa Local Area Formation Commission (LAFCO) conducted public hearings regarding the Municipal Service Review (MSR) for Fire and Emergency Services in Contra Costa County. At the October 14, 2010 LAFCO Board meeting, the Commissioners adopted certain recommendations including two items specific to the Moraga-Orinda Fire District (MOFD):

1. Expand Sphere of Influence (SOI) to include 101 acres annexed to MOFD in 1998
2. Encourage agencies to communicate regarding road/water infrastructure challenges and report back to LAFCO within 12 months

A Tri-Agency Ad Hoc Committee – Moraga-Orinda Fire District (MOFD) Fire and Emergency Medical Services (TASC) was jointly created by the City of Orinda, Town of Moraga, and MOFD and first met on March 3, 2010 then subsequently on April 16, 2010, September 1, 2010 and concluded on April 11, 2011. Members agreed that the TASC should, in a collaborative process, review the following:

- a. MOFD operational issues
- b. MOFD financial overview
- c. Revenue projections
- d. Discussion of options

The Committee members also agreed that decisions and recommendations made at the Committee level should go back to their respective bodies for concurrence.

The series of four TASC meetings resulted in a process of vetting the allocation of resources and an education for all on the MOFD operations and finances.

SUMMARY: LAFCO Executive Officer, Lou Ann Texeira, indicated to the Orinda City Manager, that item #2 noted above is directed to MOFD and it is not necessary for the Town of Moraga or the City of Orinda to respond. The Town of Moraga's two Councilmembers gave an oral report to their full Council on April 13, 2011 and indicated that the TASC process was concluded. Likewise, on April 20, 2011, the two MOFD Boardmembers reported to their full Board that the TASC had concluded its assignment and that they were satisfied with the process.

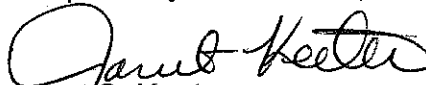
Despite the conclusion of the TASC process, there are members of the community who are divided over the allocation of resources in the MOFD. There are essentially two schools of thought regarding the TASC process. Some residents believe that the City of Orinda needs to continue vetting the allocation of resources and should form a citizens task force, and others believe the matter is resolved.

FISCAL IMPACT: No fiscal impact as a result of this report.

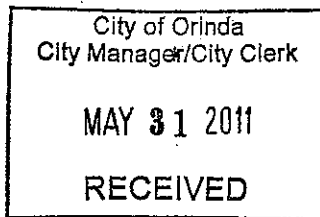
ATTACHMENTS:

Attachment A: Citizens Correspondence from members of the public subsequent to the April 11, 2011 TASC meeting.

Respectfully submitted by,


Janet S. Keeter
City Manager

Cc: Jill Keimach, Town Manager of Moraga
Randy Bradley, Fire Chief of Moraga-Orinda Fire District (MOFD)



Bill Judge
109 Diablo View
Orinda, CA 94563
925 254 4198

Routed To:
☒ CC ☐ Fin
☐ CM ☐ MA
☐ CA ☐ PD
☐ Clerk ☐ PL
☐ Eng ☐ PR
☐ File ☐ PW
____ respond by May 31, 2011
copy response to ____

Members of the City Council
City of Orinda
22 Orinda Way
Orinda, CA 94563

Re: MOFD Inequity Issue

Dear Council Members,

Because I will be out of town June 7th when you will be considering this issue I am sending you these thoughts.

Joey and I have been carefully following the CARES vs. FAIR war of words this past year. We have friends in both camps who are smart, thoughtful people but quite frankly we do not know which side is right. What we do know is that this is an important issue to many Orindans and it should be pursued. Whether you do so by way of a task force or consultant or both is for you to decide.

What concerns me most is that if you let this die there will most assuredly be adverse consequences on any future roads bond election. I learned from painful experience as a co-chair for Measure Q that voters love to have an excuse to vote against anything which might cost them some money. In that case, the new library and city offices were the rational for a "NO" vote. Going forward, the City's failure to pursue the MOFD issue would be the excuse.

It's time to cut through the rhetoric and get to the facts.

Very truly yours,

Bill Judge

Attachment A

Michele Olsen

From: Igor Sobolev [i.sobolev2@att.net]
Sent: Monday, May 30, 2011 9:12 PM
To: City Offices
Cc: 'Janet Maiorana'; 'Steve Cohn'; rsobolev2@att.net
Subject: Petition

Dear City Council members:

It has been 14 years since the voters formed MOFD and no citizen-led audit has ever been performed. Orinda taxpayers pay more to MOFD for emergency services than is spent for the rest of Orinda's city services in total. No other community in the Bay Area, possibly the state, devotes this much money to emergency services. We need to understand exactly what the status of our emergency services is.

Orinda formed MOFD in partnership with Moraga to provide it with better service and keep Orinda's tax dollars in Orinda. Has MOFD done what Orinda expected? In most respects the answer is probably yes but there are indications that in some areas MOFD is falling short of its goals. There is the strong likelihood that over \$1 million of Orinda's tax dollars are being used for service in Moraga. Significant areas of Orinda have unacceptable emergency response times. The fire hydrant issue has been swept under the rug (the 20th anniversary of the Oakland Hills Fire is this October). Orinda needs to understand how it is being served and what it is costing.

We request that hat the Orinda City Council form a Citizens Emergency Services Task Force, with the objective of obtaining and reviewing all relevant facts on this issue. Its findings are then to be reported to the residents of Orinda.

Sincerely,
Igor and Rita Sobolev
5 Rita Way, Orinda

Michele Olsen

From: Janet Keeter
Sent: Wednesday, May 25, 2011 5:21 PM
To: Michele Olsen
Subject: FW: clarification
 FYI

Janet S. Keeter
 City Manager
 City of Orinda
 22 Orinda Way
 Orinda, CA 94563
 Phone: (925) 253-4220
 Fax: (925) 254-2068
jkeeter@cityoforinda.org

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From: Ellen Dale [mailto:eldale@pacbell.net]
Sent: Wednesday, May 25, 2011 9:21 AM
To: Victoria R. Smith; Sue Severson; Steve Glazer; Janet Keeter; Amy Worth; Dean Orr; Michele Olsen
Subject: clarification

Dear members of the City Council,

Yesterday I sent you a letter at the end of which I said that the issue of water pipes should probably be revisited at this time, given that many years have passed since the 1999 engineering report prepared by EBMUD. I suggested that a joint task force could be appointed to pursue an update and determine if funding can be found to upgrade the pipes.

However, I was not clear in stating that this joint task force should be composed of two members of the Council and two members of the MOFD Board, not Orinda citizens. Given the fact that EBMUD legally owns and controls these pipes, I believe that elected officials would have far more influence with the water district. We have already tried and failed using a citizen committee.

There seems to be some confusion "out there" about these water pipes. In fact, if you read Steve Cohn's petition, it gives the impression that MOFD is responsible for the inadequate water pipes. MOFD, in spite of the language contained in the Fire Flow Tax ordinance, has NO control over Orinda's water pipes. Legally MOFD cannot touch those pipes. Neither can the City of Orinda. These pipes are totally owned and controlled by EBMUD and no other agency can touch them. The MOFD can repair and replace fire hydrants, but doing so does not affect the amount of water that comes from the pipes. Only replacing the pipes with larger ones can affect the water flow. And only EBMUD can replace the pipes.

The appropriate question then is: How do the City of Orinda and the MOFD force EBMUD to replace outdated and inadequate water pipes. Another citizen task force could study the issue again. We could have another election in hopes of passing a bond measure or establishing a benefit assessment district to pay for pipe upgrades. But, even then, all we could do is give the money to EBMUD and ask them to fix their pipes. In my opinion it will take a lawsuit to force EBMUD to do anything. This problem is beyond the responsibilities of a citizen task force. Been there. Done that. Nothing has happened in more than a decade.

I thank you for your time and consideration.

Ellen Dale

6/1/2011

Michele Olsen

From: Ellen Dale [eldale@pacbell.net]
Sent: Wednesday, May 25, 2011 9:21 AM
To: Victoria R. Smith; Sue Severson; Steve Glazer; Janet Keeter; Amy Worth; Dean Orr; Michele Olsen
Subject: [Junk released by Allowed List] clarification

Dear members of the City Council,

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I thank you for your time and consideration.

Ellen Dale

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Thursday, May 19, 2011 8:33 AM
To: Michele Olsen
Subject: FW: Comments on open issues from the Tri-Agency meeting
Attachments: Fair Technical Response to Tri Agency 5-18-2011.pdf

FYI

Janet S. Keeter
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
Phone: (925) 253-4220
Fax: (925) 254-2068
jkeeter@cityoforinda.org

Want to receive City Alerts in your E-mail Inbox? Register online at www.cityoforinda.org and click on *Subscribe to E-mail Notifications*.

From: FAIR [mailto:fairfororinda@comcast.net]
Sent: Wednesday, May 18, 2011 5:27 PM
To: Amy Worth
Cc: Janet Keeter
Subject: Comments on open issues from the Tri-Agency meeting

Dear Councilwoman Worth:

As an addendum to our letter regarding the need for an Orinda Citizens Emergency Services Task Force, we would like to make some specific comments on issues raised at the last Tri Agency meeting. The format of the meeting and the finality of it did not allow us to make these comments then or at a future meeting. Our comments are attached as a memo.

Again, thank you for the attention you have been giving this topic,

Sincerely,

The FAIR Steering Committee
Al Resnick, Alex Evans, Art Haigh, Diana Stephens, Keith Jacobsen, Steve Cohn

<http://www.FAIRforOrinda.org>

6/1/2011

To Councilwoman Amy Worth
From FAIR
Date May 18, 2011
Subject Open items from the April 11, 2011 Tri Agency meeting

While we do not want to dwell on things past, we feel we should comment on issues raised at the last Tri-Agency meeting. A lot of half truths, assumptions masquerading as fact, and just plain erroneous comments were made and not addressed. To those who were at the meeting, and as the press reported, the majority sentiment seemed to be in opposition to the FAIR analysis. The Moraga and MOFD rejection of FAIR's facts and analysis was expected. For Orinda's representative to MOFD to be closed minded is disturbing but not surprising. But we really want to comment on the apparent lack of public support. FAIR is a fact-based group. We do not believe that standing in the aisles or making emotional statements from the podium adds to the analysis or alters or confirms the facts. We believe that you would see through this and we hope you did.

Following are our observations on several items that were raised.

* Carl Webber's "lesson" in tax law is nothing the RETF and FAIR have not known and conveyed to the Orinda City Council in the past. This was in our presentation to the Tri-Agency Committee. FAIR already has all of the property tax allocation tables that Carl handed out (in fact, each of MOFD's 34 tax rate areas has its own table - there are 9 separate tables for Orinda alone). We have also expanded these allocation tables into actual taxes paid (coupling the allocations with each tax rate area's assessed value) and a "tax per capita" for each item on the table for Orinda, Moraga and a couple of other local cities (Lafayette, Walnut Creek, Danville). It turns out that Orinda residents pay more than their fair share (dollars per capita) for EVERYTHING due to our huge tax base. We have nothing to be embarrassed about in asking Moraga taxpayers to pay for their fair share of MOFD costs. But the main point Carl wanted to make was that we cannot change these tax allocations. However, he then mumbled "unless MOFD agrees to it." That has been our point all along and what we pointed out again on Monday night. MOFD can fix the problem but over the years MOFD has not been a willing partner. The process is slightly complex; the ability to afford the transfer has to be demonstrated and the county supervisors need to OK a shift in rates. But once they do, according to the tax code "upon receipt of notification from the board of supervisors, the county auditor shall make the necessary adjustments." The county auditor has no discretion in the matter. The code section is in a one page document (CA Revenue and Taxation Code Section 99.02) which we can give you if you would like.

* "Emergency service costs are like home insurance; the more expensive your home the more you should pay." This is not true. Number one: There were 1,217 incidents in Orinda last year including 8 home fires. So for 1,209 (99.3%) of our incidents, which have nothing to do with home value, we should base the cost on the home value of the homes in Orinda? What about the value of the lives of the people that were served in the 80% of incidents that were medical in nature? We know that we Orindans are very special but are our lives really worth 33% more than the lives of people in Moraga? Plus, your insurance company insures the value of your home. If an Orinda home catches fire is the fire department going to pay for the damage? Or are they going to send 33% more equipment to the fire or get there 33% faster? What do they pay if it takes them 12 minutes to get to your home in Sleepy Hollow to resuscitate your husband vs. the under 6 minutes it takes them to get to 75% of the residents in Moraga? This is a specious argument and as "fire-centric" as everything else the "fire department" wraps itself in.

* We are not sure who said this, it might have been Frank Sperling, that no new information has been presented since the first (2009) Tri-Agency committee concluded that there was no funding inequity. That is a completely false statement; there has been a major piece of new information. Pete Nowicki in 2009 and Randy Bradley in 2010 withheld the true facts about how MOFD provides service to Orinda. The new information reveals the truth. This is the actual emergency response facts that FAIR had to pry out of MOFD operation records. MOFD used clever terms like "first due areas" to represent that the flow of service is a one-way flow (from Moraga into Orinda) based on a static map (and OrindaCARES has accepted these assumptions as fact). When in reality, there are dynamics in place that create a two way flow of services into and out of Orinda. Orinda residents create the same number of incidents per capita as Moraga residents. And yet, they are serviced by 25% more equipment per capita than Moraga. The result is that, even though the average Orinda unit goes to fewer than 2 incidents per day and the average Moraga unit only goes to slightly over 2 incidents per day, there are significant times, especially for the Moraga ambulance, that it is unavailable to act in its "first due" capacity. At these times, other units have to "take over". It turns out that this happens quite frequently. While MOFD's ambulance does provide 25% of Orinda's service, as projected by MOFD's first due maps, the "not available" effect causes the Orinda ambulance to reciprocate 60% of this service back into Moraga. MOFD knows full well that Orinda based equipment is constantly servicing incidents in Moraga (5 per week) but Nowicki and Bradley both left this fact out of their analyses. I am not sure what I would call this "omission" but I am sure it was not an honest oversight on their part. The discovery of this Fact is truly a "game changer" to the analysis so the contention that nothing has changed is not correct.

* MOFD / Frank Sperling. Ever since Frank sent a letter to the Wall Street Journal and then the Lamorinda Weekly defending Pete Nowicki's "spiking" / golden parachute, his credibility has been questionable. For him, a representative of Moraga, to claim that not only are Orinda taxpayers NOT subsidizing Moraga services but, in fact, Moraga taxpayers are providing a \$600,000 subsidy to Orinda without ever having attempted to show anyone "the math" of his "analysis" makes his assertion highly questionable.

* Frank Sperling also attempted to undermine all of FAIR facts and analyses by stating that we could not be trusted because now we have changed our tune and are now stating that it was never our "goal" to get Orinda to detach from MOFD. We stand by the statement that it was never our goal. It was a means to an end of unjustified payments by Orinda taxpayers for emergency services. Unfortunately, this is the Orinda City Council's only unilateral tool to solve the problem so we investigated if it was a feasible solution and believed that it had legs. ConFire was willing to act under a contract and not force Orinda to annex and the cost numbers they were giving us, which they confirmed to MOFD, indicated significant savings. The 2009 Tri-Agency reported that there were no opportunities for savings, contrary to what the RETF reported. FAIR was just pointing out that Orinda had the unilateral ability to create savings even if MOFD would not pass them on. Detaching from MOFD has never been FAIR's goal. Reasonable emergency service costs that will allow us to address our infrastructure needs is our goal.

* As in the MOFD financial presentation to the Tri-Agency last September, the subject of extraordinary risks that exist in Orinda was brought up. These included (1) extreme wildland urban interface hazard, (2) Caldecott Tunnel, and (3) Highway 24. In the operations report presented in May, they also include BART and the BART tunnel. These do seem like an unreasonable concern and a possible extra item cost that Orinda taxpayers should bear but, as with most of the items raised by MOFD and OrindaCARES, they include no facts to quantify their concerns. How much extra cost does MOFD incur to provide service in these areas? Before Orinda joined Moraga to form MOFD, Moraga was served by 8 firefighters on a shift; 4

of whom were paramedics. Today, they are served by the exact same staffing. How, exactly, have Moraga's costs increased such that Orinda taxpayers should help pay for these increases? More overtime for special training is one possibility. This needs to be quantified.

* There were some positive comments, although they were stated in a negative way, questioning the very validity of the FAIR analysis. The four main "suggestions" were (1) using firefighter costs that were "fully loaded" with overhead as opposed to the incremental cost for the marginal firefighter; (2) Not looking at the difference between average use and actual use for ambulance but using the same concept as we used with engines; exchanged "mutual aid"; (3) not including aid to outside the district despite the fact that when an engine is gone, for whatever reason, the ability to serve "first due" residents is diminished; and (4) using "first responders" as the measure of service as opposed to total responses.

You probably noticed that no one on FAIR jumped up and told the people who offered these suggestions / complaints that they were wrong. The reason being, we have no idea if they are "wrong" or "right" or even if there is a "wrong" or "right" without determining the actual facts and doing the analysis. FAIR is not an arm-waving, mud-slinging, fear-mongering organization. We just want to approach the issues rationally and examine the facts. You probably noticed the despite complaints that FAIR did the analysis "wrong", the complainers did not do any analysis to show what results using their concept of the "right" would be. That was because they do not have access to the operation facts; only theoretical assumptions.

However FAIR does have the facts and it should not surprise you that after the Tri-Agency meeting FAIR went back and did alternative analyses as suggested. While we do not necessarily agree that pricing should be based solely on first responses, ignoring all backup responses as valueless, or ignoring out-of-district responses as valueless, we still did the analysis. We also completely disagree that an arbitrary line which is "supposedly" the first response dividing line (but is not) should be used such that \$800,000 in Orinda taxes are allocated to Moraga before operation allocation is even looked at. However, we "did it their way" and the results did not surprise us: Over \$1 million of excess taxes paid by Orinda taxpayers. We include the analysis at the end of this memo.

And some interesting "statistics" came out of this analysis. Moraga-based equipment only provided 54 net "first responses" into Orinda over the course of a year, one per week. And if you look at truly time critical incidents (code 3 medical incidents and building fires) where there could actually be loss of life, then Moraga-based equipment only provided 35 net "first responses" into Orinda (one every week and a half). Additionally, almost all of these net first responses was provided by the Moraga-based ambulance which costs a fraction, per response, of the cost of an engine company.

We hope you find this information useful.

Comparison of MOFD Funding Equity Analyses by FAIR and OrindaCARES

While FAIR and OrindaCARES appear to fundamentally agree that the tax funding of MOFD should be proportionate to service received, their approach to analyze the situation are very different.

FAIR bases its analysis on the concept upon which the voters created MOFD: that taxes from Orinda taxpayers should be used for services in Orinda. To the extent that firefighters based in Orinda provide services to outside Orinda, Orinda should be compensated. To the extent that Orinda residents receive services from Moraga stations, Orinda taxpayers should pay for those. The same logic applies for residents and tax payers elsewhere in the MOFD district. For services provided to outside the district, the district should pay for these and fairly allocate the cost to the district taxpayers.

OrindaCARES bases its analysis on the same concept that MOFD used in the 2009 and the 9/1/2011 Tri-Agency meetings: That there is a dividing line between Orinda and Moraga that defines service provided by the Orinda stations (on one side) and the Moraga stations (on the other side) and that the taxes generated on each side of that line are proportionate to the costs of providing the services on each side of the line. The flaws in their argument are (1) the line they chose was based on assumed operations and not actual operations; (2) in fact, there is no such line as there is a wide area served by both Orinda and Moraga based units, both as first responders and backup responders; and (3) the taxes on each side of the line chosen are not proportionate to the number of firefighters serving one each side of the line with the taxes generated on the north side of the line (most of Orinda) being \$400,000 in excess of the proportionate share of the total. However, OrindaCARES continues that this discrepancy can be explained away by the fact that Orinda homes are more expensive than Moraga homes and thus Orinda taxpayers SHOULD pay more for the emergency services which protect those more expensive homes. Flaw (4) to that logic is that only 8 out of 1,200 Orinda incidents in 2009 were structure fires so basing the value of the entire service on those 8 incidents is specious.

Detailed Analysis for each methodology

FAIR (see Table 1)

For the FAIR analysis we looked at the responses and costs for 4 "classes" of responder: (1) Orinda engine companies; (2) the Orinda ambulance; (3) Moraga engine companies; and (4) the Moraga ambulance.

We first determined the total taxpayer funds going to support the service. This included the total property tax (ad valorem plus parcel tax) which adds up to \$17.7 million for the entire district plus we added user fees attributed to ambulance service which are about \$1 million. This \$18.7 million was then divided by the 19 firefighters on a shift to arrive at \$985,000 per firefighter position. The \$1 million in ambulance fees was then deducted from the 4 firefighters staffing the ambulances to come up with their tax cost; resulting in \$735,000 for each ambulance staff positions. These per-firefighter costs were then multiplied by the number of firefighters in each "class" of responder (9

firefighters in Orinda's three engine companies, etc.) to come up with the total cost for each responder class.

The next step was to detail the operations that each class responded to in a year, breaking it down by responses to Orinda; responses to Moraga; and responses to outside MOFD's boundaries.

Dividing the total cost per responder class results in a cost-per-response and then multiplying that by the number of responses to each responder destination allocates the cost across the destinations. And then adding up, by destination, the costs for all 4 responder types results in a total cost per "destination" (for Orinda, Moraga and out-of-district). Finally the "out-of-district" cost (about \$730,000) needs to be allocated between Orinda and Moraga. FAIR allocated it pro-rata to the total responses into each town. When this is added to the prior total, the grand total cost of service to each town is arrived at.

Footnote (12) points out that when the dividing line between the north and south service areas is the city boundary, the total net value of services provided by Moraga-based units to Orinda less services reciprocated by Orinda-based units to Moraga was \$93,000.

This is then compared to the total tax paid by each town to determine how much one town has overpaid and how much one town has underpaid. This analysis shows that Orinda has overpaid by \$1.2 million and Moraga and adjoining unincorporated areas have underpaid an equivalent sum.

OrindaCARES (see Table 2)

The OrindaCARES analysis makes the basic assumption that the line they have chosen to divide north from south IS the line that divides actual first responder service between the two areas. All first responder service north of the line comes from Orinda stations and all first responder service south of the line comes from Moraga station. Since the primary responses are so neatly divided, there is no need for determining the value of the service each area provides to the other. However, the facts show that this is not the case. 2.5% of first responders from Moraga stations go to incidents north of this line and 8.5% of first responders from Orinda stations go to incidents south of this line. Therefore, we will use the same basic methodology we used in the FAIR analysis to determine the cost to each area and compare these costs to the taxes paid by the areas.

The two differences between the OrindaCARES analysis and the FAIR analysis are (1) the defined areas are different and (2) OrindaCARES defines service as only first responses while FAIR defines it as total responses. Since first responses are only about 50% of total responses, the cost per first response is twice that as per total response. For Orinda engine companies this cost is over \$12,000 per first response.

Operations data shows that Orinda-based equipment provides 66 engine responses and 36 ambulance responses to the area that OrindaCARES believes is fully serviced by Moraga-based equipment. This is 8.5% of the Orinda stations' total first response and the allocated cost of providing this service is \$916,000. Moraga equipment does provide some reciprocal first responder service north of OrindaCARES' "boundary line" but it is half as much, mostly by the Moraga ambulance which only costs \$2,300 per first response. The total value of this service is \$145,000. This \$770,000 difference is 8 times the "service adjustment" required when the city boundary is

chosen as "the boundary line" as in the FAIR analysis. It also implies that the true "break-even" service point is not one mile north of the city limits as OrindaCARES and MOFD's first due maps suggest but closer to 500 feet north. In addition, while the OrindaCARES analysis methodology results in a \$770,000 payment from Moraga to Orinda for actual service provided, it also includes an \$813,000 transfer of taxes from Orinda to Moraga for theoretical services. Creating a methodology that has taxes going in one direction for theoretical reasons while almost fully offsetting service cost adjustments for actual services are going in the other directions seems folly compared to the simple process of just using the city limits as the boundary.

The total value of first-responder service provided to Orinda, north of the OrindaCARES boundary line, is \$9.6 million. But Orinda taxpayers, exclusive of those south of the "boundary", paid \$10.7 million in taxes. So the OrindaCARES analysis methodology, when adjusted for actual service provided and not theoretical service to "first due" areas, shows Orinda taxpayers paying \$1.1 million in excess of the first-responder service provided. This is virtually the same amount the FAIR analysis determined was the funding inequity.

The second part of the OrindaCARES argument for funding equity is that Orinda taxpayers SHOULD be paying more than Moraga taxpayers for emergency services, because Orinda's homes are worth more. FAIR does not accept this argument. The total assessed value of Orinda property is \$4.8 billion. This is \$272,000 per capita which is 48% higher than the \$183,000 per capita assessed value of Moraga real estate (\$2.9 billion total assessed value). Orinda property taxpayers pay 11% more per capita than Moraga taxpayers to the county; 43% more for schools and all other county and regional agencies. They need to pay more because that is what the tax code says. Orinda cannot "opt out" of the county or the state school system or the county sewer system or even the mosquito abatement district. But Orinda can provide its own emergency services if it so desires. In 1997 it voted to leave the county fire district and form its own district in partnership with Moraga. Orinda voters were told that their tax dollars would be used for services in Orinda. They were not told "and since your homes are worth more than those in Moraga you will be subsidizing Moraga taxpayers for services that they are receiving." That was not part of the deal so FAIR rejects OrindaCARES' assertion that this is a reason Orinda taxpayers should pay more than what their services cost to provide.

OrindaCARES analysis methodology might have reasonable theoretical elements but when tested with actual operational facts and the reality that Orinda taxpayers have no obligation to share their emergency service dollars with Moraga makes this suggested analysis unreasonable.

Conclusion

It appears that regardless of where "the dividing line" is or whether you account for only first responses or total responses, Orinda is paying an inequitable share of the MOFD funding costs in excess of \$1 million when actual service records are used, not assumed service.

FAIR believes that MOFD made false claims to both the 2009 and the 2010-11 Tri-Agency Committees when discussing the funding equity issue. They used "first due" maps but never directly referenced actual service provided. Their analysis of using "first due" areas may have had a reasonable theoretical basis but they were well aware where their equipment actually originated from and where it responded to. When they claimed that "no Orinda equipment is first due south of the

first due boundary line", they knew full well that a significant number of operations south of that line, both first responder and backup, came from Orinda-based equipment. They might not have known that 15% of all of Orinda's equipment operations are to incidents south of that line but they knew it was a number much larger than "none."

And while OrindaCARES might be excused for initially accepting MOFD's operations statements without further examination, any organization truly concerned with Orinda's emergency services would have to be concerned if there was even a remote possibility that \$1 million of Orinda's property taxes is being used for services in Moraga and not in Orinda when Orinda has so many unmet needs, including appropriate emergency service response times to 10% of its residents. They should have worked with FAIR to fully understand the operating data that FAIR unearthed and not just call it "fairy dust" as one OrindaCARES member did at the last Tri-Agency meeting. They should also realize that each city has the right to use the portion of the property tax bill allocated to emergency services strictly for the benefit of the city's residents and only needs to "share" with the greater community if it so desires. In moving from ConFire to MOFD in 1997 for the explicit purpose of "using Orinda's tax dollars in Orinda", Orinda's tax payers have made no such offer to share.

While the OrindaCARES and MOFD analyses might have been a reasonable methodology if their primary assumption has proved out accurate (that all service south of a particular line was provided by Moraga-based units), this assumption is not true, there is no singular line that defines the service borderline, and therefore any line other than the city limits is just an arbitrary line. Therefore FAIR believes that its methodology is how funding equity should be determined. This means that there is a funding inequity with Orinda taxpayers currently paying \$1.2 million more than the value of the service that they are receiving.

Solution to the Problem

So FAIR calls on OrindaCARES and MOFD to accept that there is an inequity in the funding of MOFD by the taxpayers of Orinda. FAIR also call upon MOFD to accept the facts that, if it so desired, it could (1) transfer a portion of the property tax revenue it receives from Orinda property tax payers back to the City of Orinda (pursuant to California Revenue and Taxation Code Section 99.02 - attached) and (2) increase the parcel taxes paid by Moraga property tax payers, within limits long ago voted upon by those taxpayers, to keep itself revenue neutral. Maybe a poll of Orinda taxpayers would discover that they want to keep subsidizing service in Moraga and would rather deal with their emergency service and infrastructure issues in their own way which would absolve MOFD from taking any action; but such an option should be discussed with the community.

MOFD was never formed with the understanding that Orinda taxpayers would subsidize service in Moraga. However, over the years Orinda's property tax base has grown beyond all expectations and that has become the unexpected consequence. And Orinda's tax base growth is continuing to outstrip Moraga's growth, exacerbating the problem. The City of Orinda needs to understand this shift in emergency services funding in addition to other aspects of what its emergency service needs are. That is why FAIR further calls upon the Orinda City Council to form a Citizens Emergency Services Task Force to shine a light on this cloudy subject.

Allocation of MOFD Operation Costs - The FAIR Analysis

Allocating MOF'D costs with full allocation of overhead and expenses to each firefighter

1) Total tax revenue is \$17,718,811

2) Adding \$1,000,000 in fees generated by ambulance transport operations results in total tax and fee revenue of \$18,718,811

4) Netting the ambulance fees from the ambulance staff reduces their net cost to \$735,201 per firefighter

6) Dividing the responder group tax allocations by the actual number of operations provided by each group produces a cost per operation for each group.

8) Adding up all of the costs for operations to Orinda, to Moraga and to Outside of MOFD. \$9.9mm to Moraga; \$7.1mm to Moraga; \$730,000 to outside MOFD.

If we had records on service FROM outside to Grinda and Moraga that would probably be more accurate but we don't other than ConFire service into MOFD goes 54% to Moraga.

10) This produced a total cost to Orinda of \$10.3 million to Orinda and \$2.9 million to Moraga, the total being \$13.2 million. The total cost to Orinda of \$10.3 million is \$1.6 million less than the total cost to Moraga of \$11.9 million.

all quantities are provided in units of grams per mole of monomer.

CA Revenue and Taxation Code Section

99.02. (a) For the purposes of the computations required by this chapter for the 1985-86 fiscal year and fiscal years thereafter, in the case of any transfer of property tax revenues between local agencies that is adopted and approved in conformity with subdivisions (b) and (c), the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96.1 or its predecessor section, or the annual tax increment determined pursuant to Section 96.5 or its predecessor section, for those local agencies whose allocation would be altered by the transfer.

(b) Commencing with the 1985-86 fiscal year, any local agency may, by the adoption of a resolution of its governing body or governing board, determine to exchange any portion of its property tax revenues which is allocable to one or more tax rate areas within the local agency with one or more other local agencies having the same tax rate area or tax rate areas. Upon the local agency's adoption of the resolution, the local agency shall notify the board of supervisors of the county or the city council of the city within which the exchange of property tax revenues is proposed.

(c) If the board of supervisors or the city council concurs with the proposed exchange of property tax revenue, the board or council shall, by resolution, notify the county auditor of the approved exchange.

(d) Upon receipt of notification from the board of supervisors or the city council, the county auditor shall make the necessary adjustments specified in subdivision (a).

(e) Prior to the adoption or approval by any local agency of a transfer of property tax revenues pursuant to this section, each local agency that will be affected by the proposed transfer shall hold a public hearing to consider the effect of the proposed transfer on fees, charges, assessments, taxes, or other revenues. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within each affected local agency.

(f) No local agency shall reallocate property tax revenue pursuant to this section unless each of the following conditions exists:

(1) The transferring agency determines that revenues are available for this purpose.

(2) The transfer will not result in any increase in the ratio between the amount of revenues of the transferring agency that are generated by regulatory licenses, use charges, user fees, or assessments and used to finance services provided by the transferring agency.

(3) The transfer will not impair the ability of the transferring agency to provide existing services.

(4) The transfer will not result in a reduction of property tax revenues to school entities.

Michele Olsen

From: Janet Keeter
Sent: Tuesday, May 17, 2011 1:42 PM
To: Victoria R. Smith; Steve Glazer; Dean Orr; Sue Severson; Amy Worth
Cc: Michele Olsen; rubarbrupp@comcast.net
Subject: FW: MOFD

FY as per Rudy Ruppenstein's request.

Janet S. Keeter
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
Phone: (925) 253-4220
Fax: (925) 254-2068
jkeeter@cityoforinda.org

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-----Original Message-----

From: Rudolph Ruppenstein [mailto:rubarbrupp@comcast.net]
Sent: Tuesday, May 17, 2011 11:39 AM
To: Janet Keeter
Cc: Dale Ellen
Subject: MOFD

Ms Keeter:

Please forward this e-mail to our city council members.
Thanks,
Rudy Ruppenstein

Honorable Members of the Orinda City Council:

As a 35 year resident of Orinda's fabled and storied Ivy Drive (204), I believe the time has come for all Orinda residents to move on to matters more important than trying to fix something that isn't broken - MOFD. It does not make any sense to try and change a known (including costs) and proven successful public entity into an unknown, possibly financially questionable public entity. All interested parties have spent enough valuable time on the subject of Orinda's withdrawing from MOFD and entering into a yet to be determined KNOWN cost association.

To the best of my knowledge, there has never been any question concerning the past performance record of MOFD, only allocations of assessments among its involved citizens. Questions have been answered, some not necessarily to the satisfaction of all interested parties. Facts have been presented by all, again not agreed to by all. But in a democracy we will never have complete consensus on everything. Since it appears that there has been no compelling reason to continue what appears to be this seemingly endless discourse, please direct your focus to matters more important - like bringing our roads up to acceptable (read safe) standards.

Observing Ivy Drive through my picture window slowly turning into a curvilinear gravel drive, I strongly suggest you all revisit the subject of long term financing for all Orinda roads. An enlightened citizenry should be able to equate infrastructure with education. If we are willing to pay extra for quality educations, why not quality roads? If we don't, then our roads may deteriorate to the point where our children will be unable to get to school.

Sincerely,
Rudy Ruppenstein
204 Ivy Drive

Michele Olsen

From: Janet Keeter
Sent: Monday, May 16, 2011 2:00 PM
To: Rudolph Ruppenstein
Cc: Dean Orr; Steve Glazer; Victoria R. Smith; Amy Worth; Sue Severson; Michele Olsen
Subject: RE: MOFD

Ms. Ruppenstein –

By copy of this e-mail, I am forwarding your correspondence to the Orinda City Councilmembers. Thank you.

Janet S. Keeter
 City Manager
 City of Orinda
 22 Orinda Way
 Orinda, CA 94563
 Phone: (925) 253-4220
 Fax: (925) 254-2068
jkeeter@cityoforinda.org

Want to receive City Alerts in your E-mail Inbox? Register online at www.cityoforinda.org and click on *Subscribe to E-mail Notifications*.

From: Rudolph Ruppenstein [mailto:rubarbrupp@comcast.net]
Sent: Monday, May 16, 2011 12:37 PM
To: Janet Keeter
Subject: MOFD

Dear Ms. Keeter:

Would you please forward this letter to our council members. Thank you..... Barbara Ruppenstein

Dear Members of the Orinda City Council:

I am a resident of Orinda (the Ivy Drive section _ gravelly, yet "privileged"),and have been for over 35 years. It was not that many years ago that I remember all the fuss of Orinda joining the Moraga Fire District and thus becoming MOFD. There was much discussion about disaster happening if Orinda remained in CCCFD because of the looming financial difficulties that district faced. One could say that Orinda "jumped ship", and got a pretty good deal at the time, and as an Orindan who depended on the services of MFD, I thought that it all made sense. Cost comparisons were pretty straight forward... no real complaints .. and topography, hydrant capacity etc. were well explain to all involved. Those factors remain the same and will not change. So, does Orinda now rethink the idea and possible financial appeal of rejoining CCCFD is warranted? It's crazy, and I'd be tempted to laugh at the whole idea, except that I'm a resident of Orinda, and chagrined at the whole endless discussion.

We Orindans tried twice to tax ourselves enough to fix the roads. Maybe we should try again. Ten more years of "wear and tear without repair" on our streets will earn us the new name of Graveltown. Perhaps you council members should start to shift your focus and discussions a bit more in that direction. Heaven knows I've read enough letters to the editors that are really wrong on the facts. The one thing that doesn't change is the straight-forward methods of the tax assessments. Nothing is absolutely perfect, but the methods used to set the rates are pretty darn fair... no pun intended. There's no left-over pot of gold for Orinda. I know that your tasks on our behalf are time consuming and for the most part thankless: please accept my thanks for all you do, and for your time in reading this letter.

Sincerely,
 Barbara Ruppenstein
 204 Ivy Drive
 Orinda CA

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Friday, May 13, 2011 1:31 PM
To: Amy Worth; Steve Glazer; Dean Orr; Sue Severson; Jill Keimach; rbradley@mofd.org
Cc: Victoria R. Smith; Michele Olsen
Subject: FW: LAFCO 5/11 Agenda: Steve Cohn 4/19 Memo

Attachments: LAFCOMtg5-11-11CohnLtrReTri-Agency.pdf



LAFCOMtg5-11-11C
ohnLtrReTri-Ag...

All - this is being sent to you at the request of Mayor Smith. Thanks.

Janet S. Keeter
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
Phone: (925) 253-4220
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-----Original Message-----

From: Victoria Smith [mailto:vrslaw@pacbell.net]
Sent: Thursday, May 12, 2011 4:51 PM
To: Janet Keeter
Cc: Victoria R. Smith
Subject: FW: LAFCO 5/11 Agenda: Steve Cohn 4/19 Memo

Janet, at request of Ellen Dale, please forward to council. Please also forward a copy to Town Manager Keimach and Chief Bradley as a courtesy only.

Thanks--Victoria

-----Original Message-----

From: Ellen Dale [mailto:eldale@pacbell.net]
Sent: Wednesday, May 11, 2011 9:13 PM
To: Victoria Smith
Subject: Fw: LAFCO 5/11 Agenda: Steve Cohn 4/19 Memo

Dear Victoria,

The attached document was just sent to me. I am assuming that the City Council did not receive a copy.

To: Commission Chair
Contra Costa LAFCO
From: Steve Cohn
29 La Fond Ln, Orinda CA 94563
Date: April 19, 2011
Subject: MOFD and the Tri-Agency meetings

May 11, 2011 Agenda Item 13

I am a citizen of Orinda with no official capacity. I have been following the workings of the Moraga-Orinda Fire District (MOFD) for about 3 years. This included the LAFCO MSR for Fire and Emergency Medical Providers. I would like to report my observations regarding the LAFCO Fire Committee's Governance and SOI Recommendation #10 which was adopted by the full Commission at your October 14, 2009 meeting. This recommendation #10, pertaining to MOFD read "Encourage agencies to communicate regarding road/water infrastructure challenges and report back to LAFCO within 12 months." By "agencies" I believe LAFCO meant MOFD, the City of Orinda and maybe the Town of Moraga, which MOFD services.

The genesis of this recommendation came from a couple of "determinations" pertaining to MOFD that were contained in the MSR. These included:

6) In Orinda, there are water mains that need to be upgraded and hydrants in some areas have low pressure and capacity. Local voters have rejected bond ballot measures three times in recent years to improve water pressure for firefighting.

11) The District identified service challenges in Orinda area due to decayed roads and lack of street maintenance and access challenges on steep, windy, narrow roads, particularly in the El Toyonal area.

So it would appear that Recommendation #10 was directed more specifically toward Orinda than Moraga.

After the SOI recommendations were made in October 2009, to the best of my knowledge, MOFD did not contact Orinda on this matter. However, in January 2010 the citizens group FAIR (which I am on the steering committee of), made a presentation to the Orinda City Council. FAIR reiterated the claim made by the city's Revenue Enhancement Task Force (RETF) a year earlier that Orinda taxpayers were paying an excessive portion of MOFD's property tax revenue; over \$1 million more per year than they were receiving in services. (Note that the condition of Orinda taxpayers paying more property taxes for emergency services than the value of the services received was one of the key components of the vote to form MOFD in 1997; this is an old issue for Orinda.) FAIR informed The Council that they believed the city could obtain equivalent services by contracting with the county fire department, ConFire, for significantly reduced costs and that the savings could then be used to start refurbishing Orinda's decaying infrastructure. FAIR was aware that suggesting that the city, once again, detach from its emergency service provider was a radical and difficult task. However, after attempting to deal with MOFD both as members of the RETF and as individual taxpayers, FAIR believed that this might be the only way to move the issue forward.

In response to FAIR's proposal, the City of Orinda called for the formation of a Tri-Agency Committee, with Moraga and MOFD, to discuss the issue. Moraga and MOFD agreed.

The first Tri-Agency meeting was held on 4/16/2010. This was an organizing meeting agreeing to ground rules, appointing a chair, selecting an official name for the committee, and deciding on the agenda of the next meeting.

The second meeting was held on 5/24/2010. At this meeting MOFD made a presentation regarding MOFD's operations. (I would attach a copy of the presentation MOFD created for that meeting but they were designed as a slide show with black backgrounds and are therefore virtually unprintable. Therefore I can point you to the website of the community action group FAIR which has the MOFD presentation available at the top of its home page www.FairForOrinda.org). You will note in the power point there is no mention of either Orinda's nor Moraga's infrastructure. Comments by the public (with the three minute rule) were allowed before and after the presentation. There were none on infrastructure because the reason for these meetings was to discuss FAIR's proposal that Orinda detach from MOFD. However, there were many by the newly formed group OrindaCARES which was strongly opposed to reverting back to service by ConFire, whether by contract or annexation. When the committee members spoke, an Orinda representative asked about the status of Orinda's fire hydrants (30% of which are sub-standard). MOFD said they would provide information on the hydrants at the next meeting. This was the sole mention of infrastructure.

The third meeting was held on 9/1 2010. At this meeting MOFD made a presentation regarding MOFD's finances and the question of funding equity by Orinda and Moraga taxpayers. (MOFD's power point presentation for this meeting is also available on www.FairForOrinda.org). Again, Orinda's infrastructure was not discussed. MOFD did, as promised, provide a list of 23 Orinda neighborhoods impacted by substandard fire hydrants. This problem was not really discussed other than MOFD's statement that because they have a tanker truck they have never lost a home to fire due to insufficient water supply. That was the extent of the "discussion" on infrastructure.

The fourth and final meeting, held last Monday, April 11, 2011, consisted of a presentation by my group FAIR (I made the presentation) and a presentation by Ellen Dale for her group OrindaCARES. The entire focus of the presentations was on funding equity although FAIR called on the Orinda City Council to form a Citizens Emergency Services Task Force to explore not just the funding inequity issue (as this seems to be a point of serious contention within Orinda, not yet between Orinda and Moraga) but any and all other aspects of emergency services that the task force determines should be examined by Orinda and which Orinda should be knowledgeable of. The meeting concluded with the committee members making statements. None of the statements regarded infrastructure other than Moraga saying that it had its own infrastructure problems and it did not think its taxpayers should pay more taxes support MOFD just so Orinda taxpayers could allocate funds to improve Orinda's infrastructure. The MOFD members did not touch on the infrastructure issue. The committee agreed to dissolve and agreed that each agency would report back to its own board in its own manner with no "combined" subcommittee report.

I am reporting this because I believe that LAFCO may be under the impression that the Tri-Agency Committee was performing the task that LAFCO requested in its SOI Recommendation #10, discussing Orinda's infrastructure issues and how MOFD might participate in improving them. From this active observer's perspective, no discussions regarding infrastructure have yet taken place in the Orinda / Moraga / MOFD community. I may be wrong, I do not go to every meeting in Orinda nor do people report to me about what happens "off-line", but my observations are that nothing has happened. I hope you find my observations useful.

Michele Olsen

From: Janet Keeter
Sent: Tuesday, May 03, 2011 9:58 AM
To: Steve Glazer; Dean Orr; Victoria R. Smith; Sue Severson; Amy Worth
Cc: shsimpson2@comcast.net; Michele Olsen
Subject: FW: MOFD

Councilmembers – please note correspondence from Sharon and Barclay Simpson.

Janet S. Keeter
City Manager
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From: Sharon Simpson [mailto:shsimpson2@comcast.net]
Sent: Tuesday, May 03, 2011 9:11 AM
To: Janet Keeter
Cc: 'Ellen Dale'
Subject: MOFD

Dear Janet:

Barclay and I have just heard that there is a proposal for yet another committee to study the MOFD. Hasn't that already been done? It seems to us that the issue has been studied thoroughly, and we think it would be a waste of time to do so again. Wouldn't it be a better and more constructive use of everybody's time, if a committee were formed to come up with some viable solutions to Orinda's infrastructure issues?

We have had occasion to use the MOFD in an emergency and were very impressed with the level of services. We do NOT want to compromise this excellent service.

Kindly pass this on to the five members of the City Council.

Thank you.

Sharon and Barclay Simpson

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Monday, May 02, 2011 8:27 AM
To: Dean Orr; Victoria R. Smith; Amy Worth; Sue Severson; Steve Glazer
Cc: thrams@pacbell.net; Michele Olsen
Subject: FW: mofd

Councilmembers – please note correspondence from Neil Thrams.

Janet S. Keeter
City Manager
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From: Neil Thrams [mailto:thrams@pacbell.net]
Sent: Sunday, May 01, 2011 11:24 AM
To: Janet Keeter
Cc: ellen dale
Subject: mofd

this is to state i am in support of ellen dale and the MOFD and totally against the proposals presented by FAIR

thank you,
neil thrams

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Monday, May 02, 2011 8:26 AM
To: Steve Glazer; Dean Orr; Sue Severson; Victoria R. Smith; Amy Worth
Cc: Michele Olsen; jredka@msn.com
Subject: FW: re MOFD

Councilmembers – as per Shari and Jay Redka's request.

Janet S. Keeter
 City Manager
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From: Shari Redka [mailto:jredka@msn.com]
Sent: Sunday, May 01, 2011 1:01 PM
To: Janet Keeter
Cc: Ellen Dale
Subject: re MOFD

Ms. Keeter:

We have lived in Orinda for 33 years and we strongly support the MOFD. We are not in favor of making any changes to the fire department, and especially do not want the county or anyone not local to provide such critical services. Response time is of the utmost importance. We are disappointed that this issue is still being debated when there have been ample studies and support of the MOFD and there are so many other needs facing Orinda.

We believe we pay our fair share and do not think Moraga should be paying more to fix Orinda's roads. We have been around long enough to hear everyone who has run for the City Council promise to fix Orinda's roads. We feel enough research has been done and the City should not

spend more time, or money, on more studies. Additional research is always the excuse that politicians use. The City Council should spend it's time addressing Orinda's infrastructure, and not delay putting this issue to rest.

During 2007-2008 my wife had severe health issues. In March 2008, when her temperature was going over 104 degrees, I called 911. I didn't even have time to go to the bedroom to tell my wife what I had done before the Fire Department was at our door. The service they provided was outstanding and they immediately transported her to Alta Bates Hospital.

Please share our concerns with the City Council members.
Thank you for your consideration.

Jay and Shari Redka
PO Box 2146
241 Hall Drive
Orinda, CA 94563
jredka@msn.com

Michele Olsen

From: Janet Keeter
Sent: Monday, May 02, 2011 8:24 AM
To: Amy Worth; Steve Glazer; Dean Orr; Sue Severson; Victoria R. Smith
Cc: Michele Olsen; ggwolfsr@gmail.com
Subject: FW: MOFD

Councilmembers – FYI as per George and Kathy Wolf's request.

Janet S. Keeter
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jkeeter@cityoforinda.org

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From: George Wolf [mailto:ggwolfsr@gmail.com]
Sent: Monday, May 02, 2011 7:43 AM
To: Janet Keeter
Cc: katrider13@gmail.com; eldale@pacbell.net
Subject: MOFD

Dear Ms. Keeter--

It has come to our attention that the FAIR group continues to agitate for major changes to or elimination of the Moraga Orinda Fire District. As long-time residents of Orinda, we are opposed to the constant attacks on our local fire and emergency response capabilities. Local governments have enough problems to address without constantly rehashing somebody's pet issue. Please forward this message to the members of the Orinda City Council so they will know that there are plenty of Orinda citizens who support the MOFD.

George And Kathy Wolf
319 El Toyonal
Orinda, CA 94563

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Friday, April 29, 2011 4:10 PM
To: Steve Glazer; Dean Orr; Sue Severson; Amy Worth; Victoria R. Smith
Cc: stubowyer@yahoo.com; Michele Olsen
Subject: FW: FAIR's outrageous claims

Councilmembers – please note correspondence from Stuart Bowyer. I am assuming he is referring to the MOFD pension obligations as we do not have this situation with the City of Orinda organization.

Janet S. Keeter
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jkeeter@cityoforinda.org

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From: Stu Bowyer [mailto:stubowyer@yahoo.com]
Sent: Friday, April 29, 2011 1:33 PM
To: Janet Keeter
Subject: FAIR's outrageous claims

Dear Ms. Keeter

We should not waste any more time and resources studying FAIR's outrageous claims. Their claim that Orinda pays more than its fair share has been completely discredited.

Something that SHOULD be studied is how to address the unfunded pension account.
Please forward this to the City Council

Sincerely,

Stuart Bowyer
Professor of Astronomy (Emeritus)
Space Sciences Laboratory
University of California
Berkeley California 94720-7450
Tel: 510-642-1648
E-Mail: Bowyer@ssl.berkeley.edu
or: StuBowyer@Yahoo.com

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Friday, April 29, 2011 4:05 PM
To: Victoria R. Smith; Dean Orr; Steve Glazer; Sue Severson; Amy Worth
Cc: Michele Olsen; Gottfried Gene
Subject: FW: Please ignore the noise from FAIR

Councilmembers –

Please note correspondence from Gene Gottfried.

Janet S. Keeter
 City Manager
 City of Orinda
 22 Orinda Way
 Orinda, CA 94563
 Phone: (925) 253-4220
 Fax: (925) 254-2068
jkeeter@cityoforinda.org

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From: Eugene Gottfried [mailto:gottfried@comcast.net]
Sent: Friday, April 29, 2011 1:31 PM
To: Janet Keeter
Cc: orindacares@gmail.com
Subject: Please ignore the noise from FAIR

Dear Janet,

I'm sorry to have to clog up your email box with more of this stuff, but I understand that FAIR diehards intend to swamp the City Council with requests to form yet another group to "study" their already discredited claims. I will appreciate it if you distribute this message to the members of the Orinda City Council to counterbalance that plan.

It is already clear to most Orindans that there is no legal way to extract money from MOFD to pay for Orinda's road repairs. The necessary funds will become available only by magic (e.g., a state or federal grant or private philanthropy) or by the recognition, at last, that Orinda residents will have to raise the money ourselves through a bond issue, benefit or facility assessment districts, or some other means.

MOFD enjoys an excellent reputation throughout California and even nationally. We live in a Very High Severity Fire zone, and we must have a well-trained and well-maintained fire service. MOFD's paramedic service (comprising 70% of all calls) is outstanding and has served as a model for other fire districts. I even have personal experience with emergency medical responses for my own family both before and after the merger. *Before:* The AMR ambulance took 25 minutes to arrive from Walnut Creek and then got lost on the way to the hospital. *After:* The MOFD ambulance and engine (with a total of 3 paramedics) arrived in about 6 minutes and reached the hospital without delay. (Many people – especially those in FAIR – also fail to remember that

6/1/2011

direct ambulance charges are waived for residents of our fire district.)

Please, let's not waste any more of your valuable time on FAIR's unsupportable claims. It's time to move on!

Gene

Eugene L. Gottfried, M.D.

Phone/Fax: (925) 254-6756

Mobile: (925) 963-3325

Email: gottfried@comcast.net

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Wednesday, April 20, 2011 10:29 AM
To: Michele Olsen
Subject: FW: FW: MOFD thoughts

Janet S. Keeter
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
Phone: (925) 253-4220
Fax: (925) 254-2068
jkeeter@cityoforinda.org

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From: Sue Severson [mailto:scseverson@gmail.com]
Sent: Wednesday, April 20, 2011 8:30 AM
To: Janet Keeter
Subject: Fwd: FW: MOFD thoughts

FYI sue

----- Forwarded message -----

From: Sue Severson <sseverson@cityoforinda.org>
Date: Wed, Apr 20, 2011 at 5:05 AM
Subject: FW: MOFD thoughts
To: scseverson@gmail.com

From: Al Sisto[SMTP:ALSISTO@COMCAST.NET]
Sent: Wednesday, April 20, 2011 5:08:16 AM
To: Victoria R. Smith; Steve Glazer; Amy Worth; Sue Severson; Dean Orr
Cc: henderson.lois@comcast.net
Subject: MOFD thoughts
Auto forwarded by a Rule

Dear Mayor Smith and Members of the City Council,

We/I believe it is imperative that our city government look into the facts and understand the cost benefits of our levels of participation in the MOFD. We need to fully understand what an equitable and reasonable cost for Orinda emergency services is. Our critical infrastructure is in

6/1/2011

need of repair and is a constant reminder of our tax dollars not being put to work to the towns benefit.

We/II respectfully ask that city leaders form an Orinda Citizens Emergency Service Task Force as was requested at the last meeting on the subject.

Sincerely,

Lois Henderson

Albert Sisto

576 Dalewood Drive

Orinda, CA94563

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6/1/2011

Michele Olsen

From: Amy Worth [atworth@comcast.net]
Sent: Wednesday, April 20, 2011 6:50 AM
To: Michele Olsen
Subject: Fw: MOFD thoughts
Sent via BlackBerry by AT&T

From: "Al Sisto" <alsisto@comcast.net>
Date: Wed, 20 Apr 2011 05:08:16 -0700
To: <vsmith@cityoforinda.org>; <sglazer@cityoforinda.org>; <aworth@cityoforinda.org>; <sseverson@cityoforinda.org>; <dorr@cityoforinda.org>
Cc: <henderson.lois@comcast.net>
Subject: MOFD thoughts

Dear Mayor Smith and Members of the City Council,

We/I believe it is imperative that our city government look into the facts and understand the cost benefits of our levels of participation in the MOFD. We need to fully understand what an equitable and reasonable cost for Orinda emergency services is. Our critical infrastructure is in need of repair and is a constant reminder of our tax dollars not being put to work to the towns benefit.

We/II respectfully ask that city leaders form an *Orinda Citizens Emergency Service Task Force* as was requested at the last meeting on the subject.

Sincerely,
Lois Henderson
Albert Sisto

576 Dalewood Drive
Orinda, CA94563

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6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Tuesday, April 19, 2011 3:46 PM
To: Michele Olsen
Subject: FW: FW: orinda emergency service task force

Janet S. Keeter
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
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jkeeter@cityoforinda.org

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From: Sue Severson [mailto:scseverson@gmail.com]
Sent: Tuesday, April 19, 2011 2:35 PM
To: Janet Keeter
Subject: Fwd: FW: orinda emergency service task force

FYI sue

----- Forwarded message -----

From: Sue Severson <sseverson@cityoforinda.org>
Date: Tue, Apr 19, 2011 at 1:39 PM
Subject: FW: orinda emergency service task force
To: scseverson@gmail.com

From: Ashley Battersby[SMTP:ASHLEY@PATRICIABATTERSBY.COM]
Sent: Tuesday, April 19, 2011 1:42:05 PM
To: Victoria R. Smith; Steve Glazer; Amy Worth; Sue Severson; Dean Orr
Subject: orinda emergency service task force
Auto forwarded by a Rule

Please form an Orinda Citizens Emergency Service Task Force.

Thank you,

Ashley

6/1/2011

Ashley Battersby

Village Associates

Real Estate Broker

mobile: 925-323-9955

office: 925-253-6451

fax: 925-253-2890

dre#: 01407784

ashley@patriciabattersby.com

www.patriciabattersby.com <http://www.patriciabattersby.com/>

Michele Olsen

From: Amy Worth [atworth@comcast.net]
Sent: Tuesday, April 19, 2011 2:17 PM
To: Michele Olsen
Subject: FW: orinda emergency service task force

From: Ashley Battersby [mailto:ashley@patriciabattersby.com]
Sent: Tuesday, April 19, 2011 1:42 PM
To: vsmith@cityoforinda.org; sglazer@cityoforinda.org; aworth@cityoforinda.org;
sseverson@cityoforinda.org; dorr@cityoforinda.org
Subject: orinda emergency service task force

Please form an Orinda Citizens Emergency Service Task Force.
Thank you,
Ashley

Ashley Battersby
Village Associates
Real Estate Broker
mobile: 925-323-9955
office: 925-253-6451
fax: 925-253-2890
dre#: 01407784
ashley@patriciabattersby.com
www.patriciabattersby.com

Michele Olsen

From: Janet Keeter
Sent: Monday, April 18, 2011 11:30 AM
To: Sue Severson; Amy Worth Comcast
Cc: Michele Olsen
Subject: RE: FW: Emergency Task Force

I have heard that a number of similar type e-mails are going around most with the same wording.

Janet S. Keeter
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From: Sue Severson [mailto:scseverson@gmail.com]
Sent: Monday, April 18, 2011 11:25 AM
To: Janet Keeter; Amy Worth Comcast
Subject: Fwd: FW: Emergency Task Force

FYI Have been getting a lot of citizen input on this item. sue

----- Forwarded message -----
From: Sue Severson <sseverson@cityoforinda.org>
Date: Sun, Apr 17, 2011 at 11:54 PM
Subject: FW: Emergency Task Force
To: scseverson@gmail.com

From: Betta Cehovec[SMTP:MOBETTA@I680N.COM]
Sent: Sunday, April 17, 2011 11:56:46 PM
To: Sue Severson
Subject: Emergency Task Force
Auto forwarded by a Rule

As a citizen of Orinda, I would like to request an Orinda Citizen Emergency Service Task Force.

Thank you.

6/1/2011

Michele Olsen

From: Amy Worth [atworth@comcast.net]
Sent: Monday, April 18, 2011 10:21 AM
To: Michele Olsen
Subject: FW: MOFD

-----Original Message-----

From: David Anderson [mailto:daveorinda@comcast.net]
Sent: Saturday, April 16, 2011 10:03 AM
To: aworth@cityoforinda.org
Subject: MOFD

A very quick note. I think the City should, if it believes that the citizenry is comfortable with the move, terminate any further analysis/ discussion of the issue of inequitable funding in the MOFD matter.

It would appear that the issue is really not the City's to address, nor is there a clear indication that in fact there IS inequitable funding. Given the 2 observations above, it appears that further discussion would not be fruitful.

I attended part of the recent meeting (The tri-part advisory) in the Orinda Library Aud. Other than Vince Maioriana (who perhaps could be labeled as predictable in his views), I am not aware of any Orindans in the audience who believed this issue need further airing.

Best wishes,

Dave Anderson
281 Courtney Lane
O

Michele Olsen

From: Amy Worth [atworth@comcast.net]
Sent: Monday, April 18, 2011 10:21 AM
To: Michele Olsen
Subject: FW: Orinda Citizens Emergency Services Task Force

From: Tom Trowbridge [mailto:tomtrow@comcast.net]
Sent: Saturday, April 16, 2011 10:37 AM
To: Victoria Smith; Steve Glazer; Amy Worth; Sue Severson; Dean A. Orr
Subject: Orinda Citizens Emergency Services Task Force

City Council Members,

I send this message to urge you to form an Orinda Citizens Emergency Services Task Force. I believe the arithmetic FAIR has assembled with respect to the inequity in the sharing in MOFD revenues between Orinda and Moraga is compelling. The matter needs continued discussion by the citizens and ultimately action by the Orinda City Council. In my opinion, FAIR has thus far offered the only serious solution to our city's present severe revenue needs.

Tom Trowbridge
4 Ridge Lane
Orinda

Michele Olsen

From: Amy Worth [atworth@comcast.net]
Sent: Monday, April 18, 2011 10:21 AM
To: Michele Olsen
Subject: FW: please form an Orinda Citizens Emergency Service Task Force

From: Susan Lum [mailto:slum1234@gmail.com]
Sent: Sunday, April 17, 2011 10:24 AM
To: aworth@cityoforinda.org
Subject: please form an Orinda Citizens Emergency Service Task Force

please form an Orinda Citizens Emergency Service Task Force

We can not afford to pay more than our fair share of the cost.

6/1/2011

Michele Olsen

From: Amy Worth [atworth@comcast.net]
Sent: Monday, April 18, 2011 10:20 AM
To: Michele Olsen
Subject: FW: Emergency Service Task Force
A letter re. emergency services

From: Betta Cehovec [mailto:mobetta@i680n.com]
Sent: Sunday, April 17, 2011 11:56 PM
To: aworth@cityoforinda.org
Subject: Emergency Service Task Force

As a citizen of Orinda, I agree with the FAIR steering committee. Please form an Orinda Citizen Emergency Service Task Force.

Thank you.

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Monday, April 18, 2011 10:06 AM
To: Michele Olsen
Subject: FW: MOFD

Janet S. Keeter
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
Phone: (925) 253-4220
Fax: (925) 254-2068
jkeeter@cityoforinda.org

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From: Victoria R. Smith
Sent: Saturday, April 16, 2011 2:05 PM
To: Janet Keeter
Subject: FW: MOFD

Janet, please forward to council. Thanks.

From: David Anderson [<mailto:daveorinda@comcast.net>]
Sent: Sat 4/16/2011 10:02 AM
To: Victoria R. Smith
Subject: MOFD

A very quick note. I think the City should, if it believes that the citizenry is comfortable with the move, terminate any further analysis/discussion of the issue of inequitable funding in the MOFD matter.

It would appear that the issue is really not the City's to address, nor is there a clear indication that in fact there IS inequitable funding. Given the 2 observations above, it appears that further discussion would not be fruitful.

I attended part of the recent meeting (The tri-part advisory) in the Orinda Library Aud. Other than Vince Maioriana (who perhaps could be labeled as predictable in his views), I am not aware of any Orindans in the audience who believed this issue need further airing.

Best wishes,

Dave Anderson
281 Courtney Lane
O

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Monday, April 18, 2011 9:58 AM
To: Michele Olsen
Subject: FW: FW: please form an Orinda Citizens Emergency Service Task Force
FYI

Janet S. Keeter
City Manager
City of Orinda
22 Orinda Way
Orinda, CA 94563
Phone: (925) 253-4220
Fax: (925) 254-2068
jkeeter@cityoforinda.org

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From: Sue Severson [mailto:scseverson@gmail.com]
Sent: Sunday, April 17, 2011 1:40 PM
To: Janet Keeter
Subject: Fwd: FW: please form an Orinda Citizens Emergency Service Task Force

FYI sue

----- Forwarded message -----

From: Sue Severson <sseverson@cityoforinda.org>
Date: Sun, Apr 17, 2011 at 10:22 AM
Subject: FW: please form an Orinda Citizens Emergency Service Task Force
To: scseverson@gmail.com

From: Susan Lum[SMTP:SLUM1234@GMAIL.COM]
Sent: Sunday, April 17, 2011 10:24:38 AM
To: Sue Severson
Subject: please form an Orinda Citizens Emergency Service Task Force
Auto forwarded by a Rule

please form an Orinda Citizens Emergency Service Task Force

We can not afford to pay more than our fair share of the cost.

6/1/2011

Michele Olsen

From: Janet Keeter
Sent: Monday, April 18, 2011 9:57 AM
To: Amy Worth ; Dean Orr; Sue Severson (scseverson@gmail.com); Steve Glazer; Victoria R. Smith
Cc: Michele Olsen
Subject: FW: April 10 presentation
Attachments: Untitled.doc

FYI as per Judy's request.

Janet S. Keeter
 City Manager
 City of Orinda
 22 Orinda Way
 Orinda, CA 94563
 Phone: (925) 253-4220
 Fax: (925) 254-2068
jkeeter@cityoforinda.org

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From: shallat@comcast.net [mailto:shallat@comcast.net]
Sent: Friday, April 15, 2011 11:18 PM
To: Janet Keeter; Ellen Dale
Cc: shallat@comcast.net
Subject: Fwd: April 10 presentation

----- Forwarded Message -----

From: shallat@comcast.net
To: shallat@comcast.net
Sent: Friday, April 15, 2011 11:14:44 PM
Subject: Re: April 10 presentation

----- Original Message -----

From: "Ellen Dale" <eldale@pacbell.net>
To: shallat@comcast.net
Sent: Friday, April 15, 2011 10:20:55 AM
Subject: Re: April 10 presentation

Judy.....I couldn't open the attachment. Says it doesn't have a program associated with it to perform the requested task, namely opening it! Weird.....Ellen

----- Original Message -----

From: shallat@comcast.net
To: jkeeter@cityoforinda.org ; [Ellen Dale](#)
Sent: Friday, April 15, 2011 8:56 AM
Subject: April 10 presentation

Please see that the Orinda City Council members get a copy of this. Thank you.
 Judy Shallat

ORINDA CARES / JUDY SHALLAT

Many thanks to Ellen Dale for her compelling and complete presentation regarding FAIR's criticisms of Moraga/Orinda's current fire protection delivery system.

Responding to Fair's notion that Orinda is funding more than Morago for the program, I state that I agree with what was explained in Ellen's remarks. There is no inequity. I have a few comments of my own.

Prior to 1997 I worked with a small team to extricate Orinda from the claws of Contra Costa Fire. I wanted better response times than AMR could provide. And I wanted local control in addressing the specific needs of this community. This process took close to five years. The end result was the creation of Moraga/Orinda Fire.

I am from a medical family. I know the significance of "first due" and the importance of first responder. Both my husband and I are CERT trained. We believe in organizing and empowering the locals.

I believe FAIR has a narrow point of view. It ignores the way our fire district operates. We work as a unit. It has nothing to do with city boundaries. If it did, we'd be in big trouble. Because Orinda has Highway 24, the tunnel, wildlands and rocky, narrow roads, and a shaky water delivery system...WE ARE NO BARGAIN! Witness the fact that far fewer Moragans voted for the Moraga/Orinda join than did Orindans!

Orinda does care. That's why we are pleased with our current fire protection/emergency response system. Ask Moraga to pay MORE? We all pay one percent of our assessed valuation. Live with it!

We have a good thing going. DON'T BLOW IT, Orinda!