

**CITY OF ORINDA
CITIZENS' INFRASTRUCTURE OVERSIGHT COMMISSION
MINUTES**

Wednesday, July 11, 2018

A REGULAR MEETING OF THE CITIZENS' INFRASTRUCTURE OVERSIGHT COMMISSION (CIOC) WAS HELD ON THE ABOVE DATE IN THE SARGE LITTLEHALE COMMUNITY ROOM, 22 ORINDA WAY, ORINDA, CALIFORNIA.

A. CALL TO ORDER

Chair Hubner called the meeting to order at 6:30 p.m.

B. ROLL CALL

COMMITTEEMEMBERS: Walter Bell, Dennis Fay, Jud Hammon, Robert Hubner, Bill Hurrell, Terry Murphy, Richard Nelson (absent, excused)

City Staff: Public Works and Engineering Services Director Larry Theis; Paving Program Project Manager Farah Khorashadi

C. PLEDGE OF ALLEGIANCE – led by Commissioner Hurrell

D. ADOPTION OF AGENDA

MOTION: By Commissioner Murphy, seconded by Commissioner Bill Hurrell, to adopt the agenda. The motion carried by unanimous voice vote.

E. PUBLIC FORUM – None

F. CITIZENS' INFRASTRUCTURE OVERSIGHT COMMISSION MEETING MINUTES

Approval of CIOC meeting minutes of June 27, 2018

Chair Hubner requested a modification to Page 12, Paragraph 3, to read "Commissioner Hubner stated "there is no question the CIOC will recommend the City Council consider a Task Force."; and on Page 16, Paragraph 1, to add "...and if so, how could it be done; the Task Force can also come up with solutions how to help..."

MOTION: By Commissioner Murphy, seconded by Commissioner Hurrell, to approve the meeting minutes of June 27, 2018, as amended. The motion carried by unanimous vote.

G. UPDATE – CITY COUNCIL ACTION ON FORMATION OF PRIVATE ROADS TASK FORCE

Director Theis noted that the City Council had met on July 10, 2018, and discussion of the formation of a private roads Task Force had been agendized; because Councilmember Philips intended to recuse herself, the item had been moved to the end of the agenda. The

recommendation from the CIOC was that the City Council consider their request for formation of a Task Force; staff provided estimated costs, with those costs broken down into three categories. The cost of conducting the Task Force was based upon recommendations for a nine month period and ranged from \$45,000 - \$90,000, which included a professional facilitator. The second fiscal impact was the cost of surveying and inventorying the condition of the private roads, which was approximately \$10,000 per mile; this included physically looking at the pavement surface, as well as testing. The third fiscal impact was an average of \$1 million per mile to fix private the roads. Following extensive deliberation, the City Council did not make a motion; it was clear that Councilmember Orr, Mayor Worth, and Vice-Mayor Miller did not support formation of a Task Force; Councilmember Gee wanted to proceed with a Task Force and the CIOC recommendations. The primary reasons why the City Council did not move forward were most likely the costs and additional liability - spending the approximate \$45,000 - \$90,000 for discussion, followed by the cost of approximately \$300,000 - \$400,000 for surveying 30 miles of roadway, and that would be before any repairs would be effectuated. **The last element of the City Council discussion was that Councilmember Gee asked staff to come back with a revised Private Road Policy regarding acceptance of private streets.** Director Theis plans to contact the Mira Loma property owners to determine if they would like to reconsider an assessment district approach.

Note: Theis does not mention, or the minutes do not reflect, that Gee & Miller instructed Staff to have CIOC review Policy revisions.

Commissioner Hammon questioned whether an assessment district would be used to provide a mechanism basically for the private road owners to bring the street up to standards that the City would consider to be acceptable in order for the City to take over responsibility for the roads or whether it would be an assessment district used to maintain their roads while the road continues to be private.

Director Theis advised that a 50% plus one approval by the property owners would be needed to approve an assessment district; the benefit for the property owners is that they would not have to pay up front costs and fees would be spread over an extended period of time.

Chair Hubner asked if 50% plus one is achieved of the homeowners fronting on the road, would the opposing 49% have their tax bill raised as well.

Director Theis replied in the affirmative.

Commissioner Fay commented that the Commission needs to be mindful that some property owners may vilify City staff on this issue; City staff was only fulfilling their responsibilities; it seemed there was anger directed at Director Theis; City staff was ensuring that the City Council made decisions based upon all available facts.

Commissioner Murphy stated that there is anger; it is not about fairness, it is not about right or wrong, it is about responsibility and money.

Commissioner Fay stated a bond measure for this issue could be \$20 - 30 million, which would require a 66.6% approval by the residents.

Chair Hubner noted that the CIOC has not yet determined how to maintain the public roads that have been repaired.

Commissioner Fay commented that the argument for additional revenue measures is not valid, as private roads have not been included in the next measure, which will be for Arterials, Collectors, and storm drains.

Commissioner Hammon stated that in retrospect the CIOC made a mistake in not trying to find a mechanism for assessment of the property owners at a different level for those who live on private roads and those who live on public roads; there are some other cities where private road owners pay 50% of the tax rate; for any future funding activities that are directed toward public Residential roads, the CIOC should look at a mechanism for the assessment to be less for the property owners on private roads than for the property owners on public roads.

Commissioner Bell concurred, stating that it would speak to the equity question.

Chair Hubner offered his thanks to staff for executing a job well done.

Commissioner Murphy expressed his thanks to Director Theis for the staff reports; he asked if any property owners on private roads had suggested that they might be willing to pay for the survey of those roads.

Director Theis replied that he had only been approached by Mira Loma property owners; Roads of Hacienda Homeowner's Association has asked the City for help with such matters as technical assistance and coordinating with contractors.

Commissioner Fay added that the real problem is timing; the property owners are feeling alienated and angry, and may or may not be willing to support future funding measures to repair roads and drains.

Note: And this is the crux of the issue that Staff and some on the Council do not understand. The 3,000 voters on private roads could kill any future infrastructure tax measures, which will be needed.

Commissioner Bell stated he lives on a private street and it is in excellent condition.

H. STAFF UPDATES

Paving Program Project Manager Khorashadi reported on the following items:

- *Update - Public Information and Outreach* – Weekly updates have been posted on NextDoor and Outlook.
- *Update - Measure L and Measure J – Monthly Revenue and Expense Summaries* – The summaries were not available.
- *Update - 2018 Paving Project* – The contractor is currently working throughout the City.

I. MATTERS INITIATED

Items for the next CIOC Agenda:

- Audit for Measures J and L

The Commissioners requested that staff take the City of Orinda Road and Drainage Repairs Plan (as updated in 2017) to the City Council for approval.

Following discussion, the CIOC decided to cancel the August 8, 2018, meeting.

J. ADJOURNMENT

MOTION: By Chair Hubner, seconded by Commissioner Fay, to adjourn the CIOC meeting. The motion carried by unanimous voice vote.

The Citizens' Infrastructure Oversight Commission meeting adjourned 7:20 p.m.

The next regularly scheduled meeting of the Citizens' Infrastructure Oversight Commission will be 6:30 p.m., September 12, 2018, in the Sarge Littlehale Community Room, 22 Orinda Way, Orinda, California.