

NextDoor.Com Posting by Kathy Finch  
**Orinda City Council approves 59-18**  
September 4, 2018

The City Council voted to accept the new, more stringent proposal that in effect eliminates most private streets from becoming publicly maintained. Council members Inga Miller, Dean Orr and Amy Worth approved the Staff Report's new resolution, adding a small change to item B, which excludes all streets that have HOA's; the change reserves the Council's right to make an exception. Council member Darlene Gee was the sole "Nay" vote for this proposal, saying that she thought the issue of road maintenance should be transparent and should include a dialogue with city residents in the form of a Task Force. No other council members seemed at all interested in such a Task Force or public input on this matter, despite the recommendation of the CIOC and the Council's own previous recommendation that a Task Force be formed to investigate the issue. Private street residents might want to keep this decision in mind when voting in November for their City Council representatives, and in the coming year or so when they are asked to vote in favor of the next Bond to fund road maintenance of public streets but not their own. Private street taxpayers might also want to thank Council member Gee for her opposition to this proposal and to her willingness to listen to the concerns of her constituents.

[Charles Porges](#)

, North Orinda · 2d ago

Except for Darlene Gee the current council has in effect refused to allow a dialog with their constituents to occur. This is quite unreasonable. They have failed us repeatedly, for over a year and a half. It's OUR city and OUR money. We should be encouraged to participate in the decision making, and our representatives should listen. Vote them all out of office and fire the City Manager and City Engineer who think it's their money. Refuse to fund public streets when the issue comes up in 2020. And thank Darlene Gee. The residents of private roads will continue to oppose the status quo. We welcome all opinions! We seek creative solutions. All ideas, complaints, suggestions etc are welcome on our web site: <http://orindaroadfacts.info/-letter-of-support> . We will inform everyone of our next steps there when we can. (Personally I'd favor creating a large community discussion group both to inform ourselves and then attempt to influence the Council.) Meanwhile you could talk to your neighbors and get them to become involved in the discussion and in taking back our city. Thanks to everyone who has participated and witnessed how our government fails to work.

[Susan Lucier](#)

, North Orinda · 2d ago

I like the idea of a community meeting...large numbers of support matter

[Steve Cohn](#)

, Ardor/Valley View · 1d ago

I would like to know what the City Council candidates feel about this topic. We know Amy Worth's opinion is that we are second class citizens with regards receiving tax benefits (even though we are heroes for paying more than our fair share of taxes). And we know what Eve

Phillips believes (not her problem; any excuse to recuse herself). How about Dennis Fay, Nick Kosla and Kathleen Jenkins? You out there? Care to share?

[Gary Curtis](#)

, Manzanita Miner · 1d ago

Yes, all of us who are 2nd class Orinda citizens should do everything possible to unseat all of the bleeping bleepers who voted for the resolution.

[Josh Mitchell](#)

, Stein Way · 1d ago

I for one plan on supporting those that have an interest in fair representation of all taxpaying citizens of our city. I can only surmise their motivation to shut this down so quickly, but whatever their reasons its unacceptable. I will place my vote and support accordingly. thanks to all of you that are keeping this issue in the spotlight. I appreciate your efforts.

[Dee Leblanc](#)

, Orinda Oaks · 1d ago

over the over the 30+ years i've lived on this private road i've been advised that i do not qualify for such basic services as one might expect from my 'representatives' as relief from abusive parking, neighbors blocking off the only second access to the lane for fleeing a fire uphill from me and yes, the thousands and thousands of dollars i've had to spend on road repair out of my own pocket. some representation!

[Tracy Scrimshaw](#)

, Donald · 23h ago

On a kindred note, the service of paving has many problems that link to Orinda Government. I sent this: To Sheri Smith and please forward to Public Works Could you also tell me why Public Works gets an exception to the noise ordinance to making loud noise at 7am!?!? I can't get to sleep til late and cherish that hour. And why does the louder noises get much quieter by 9:00am? David, their supervisor, has been very kind- but takes directives from Public Works, who seem to be AWOL on this project. I'm upset at this governmental decision making without public approval. And, BTW, there is a cul-de-sac in front of my driveway that leads to the local fire hydrant. It is part of the public road on Keith Drive that needs to be paved for safe access to emergency equipment. Paving straight through would leave a damaged and hazardous area for emergencies. Please fix this miss. Really tired, Tracy Scrimshaw 15Keith Dr Orinda 7887479 Oh. And they jackhammered a huge hike in my driveway to lower the gas main, left a leak that sprouted, and had to dig it up again until 2am to fix it. They put a tar patch in their hole, but refuse to fix the whole end of my drive that is cracked and buckled because of their mistakes.

[Bill McDermott](#)

, Stein Way · 23h ago

Steve C - I had a nice talk with Kathleen Jenkins right after the hearing. I did not know who she was but she came up and engaged me on my thoughts and what I and everyone else was saying at the hearing. She seemed to be very open to learning more about the situation and ways that the field could be leveled. 'm just starting to get engaged in these local issues and processes and would love to know if there are any plans to organize a more concise and formulated response to

the shortcomings of the current and former resolutions. I think there is an opportunity for the City to reduce expense, reduce liability and still have the road system the community deserves, with everyone paying their exact same share in return for equal rights and protections. I'm drafting the skeleton of the idea and would love input as we try to make Orinda the best it can be for all Citizens and guests.

[Bill McDermott](#)

, Stein Way · 23h ago

And much thanks to Council Member Gee, who came prepared to listen to her constituents, ready to discuss her concerns and to engage with the rest of the Council.

[Gene St.Onge](#)

, Middle Saroni Drive · 23h ago

Why should the public pay for something that is not for public use?

[Dee Leblanc](#)

, Orinda Oaks · 23h ago

dear mr. st. onge: while i respect that your point might have merit, as middle saroni drive is in oakland, not orinda, this is one debate where i fail to see your status in this.

[Valerie Colber](#)

, Stein Way · 23h ago

Gene, the public has complete use of virtually all roadways in Orinda except for any gated streets. What is in question is whether any authority followed due process or had the right to declare any street as a "private road" when the property deeds say different and the public and anyone has full access and does use these streets, not just the residents who live on these streets. But the property owners of these so called "private roads" that the city has not provided any legal supporting documentation that the due process that is in agreement with all property deeds was followed, have to pay all the same taxes for road maintenance services as do the property owners whose streets are maintained by the city.

[Bill McDermott](#)

, Stein Way · 23h ago

Mr St Onge - You are correct. They shouldn't. And neither should we. And I personally like the engagement from someone outside of the borders of Orinda. We are all one community and will face similar problems, to varying degrees and conditions and we need to be able to help and support each other as much as possible. The issue I feel and as I understand it is this, Orinda collects the same street fees for all homes in Orinda, public street or private. Those fees are allocated to road maintenance for all public roads. That is not a problem. We all need the public roads and should support their maintenance and safety standards. The problem is it is fact that are over 150 "Public Roads" that receive a portion of these funds that do not meet the current criteria of a Public Street. I live on a cul-de-sac with 8 homes. I am fine paying for the maintenance of that street with my neighbors. We are the only ones that use it, besides City and Delivery Services, friends and family. That is the exact same situation for 87 of these 150 "Public Streets" that are also cul-de-sacs, with fewer homes on them than mine, that through years of pick and choose applications, annexations or changing policies now benefit from a

portion of fees paid by over 1,500 homes in the community that cannot qualify to be a "Public Road". So in effect, my neighbors and I pay for our cul-de-sac and a portion of everyone else's who was deemed to be "Public".

[Steve Cohn](#)

, Ardor/Valley View · 22h ago

Gene: To add to what Valerie and Bill said: (1) There are actually some "private" streets in Orinda, most notably 4.5 miles in Wilder, which have had to sign a public use agreement as a condition of development so they are truly public roads for all intents and purposes except for who pays to maintain them. (2) This thread is about a City Resolution 59-18 regarding the conversion of a "private" road to a public road (not just use but ownership). After that happens there is public right of way and public funding. (3) There is also a possibility, although not yet addressed by the City, of a private road receiving public funds for maintenance without title reverting to the City. If the City determines that the road provided public benefit, it could provide those funds. This would require the owners to grant a public right of way even though they would retain title. There are 27 miles of public cul-de-sacs in Orinda for which we are paying tens of millions of tax dollars to rebuild. So it is patently obvious that even a cul-de-sac which essentially serves "only" the people living on it still provides a public benefit (they are members of the public and they do get a benefit from having a street going to their homes.) I hope this answers your question.

[CJ Barth](#)

, North Orinda · 22h ago

Guess it's time for gates on Dos Posos...

[Gene St.Onge](#)

, Middle Saroni Drive · 21h ago

I appreciate all the feedback, since I was unaware of what 'private' streets really are, i.e. apparently public for all practical purposes.

[Steve Cohn](#)

, Ardor/Valley View · 21h ago

re. Gates on Dos Posos: Yes, especially since Council Member Phillips just moved there and believes that this makes her incapable of entering into the discussion because some day she might just possibly get some personal benefit. Put up the barricades.

[Jim Evert](#)

, Del Rey · 16h ago

Steve—Is the idea to include the Wilder roads in this initiative? Aren't those residents in exactly the same situation in that they are paying taxes for maintenance of public roads while their private roads (open to the public) receive no benefit from those taxes?

[Kathy Finch](#)

, Stein Way · 15h ago

The answer is yes! Apparently the more stringent 59-18 was specifically aimed at Wilder, though after so many people spoke against 59-18 that the CC added words that would permit “an exception” if they so desired. They just threw out a crumb in light of so much opposition.

[Charles Porges](#)

, North Orinda · 15h ago

Wilder residents on all but Wilder Road itself have the same issue. Their taxes and HOA dues are larger than you'd believe.

[Steve Cohn](#)

, Ardor/Valley View · 13h ago

My two cents. Most of the cost of the refurbishment of Orinda's public streets, which Wilder residents never use unless to visit friends, is based on assessed home value. The average house in Orinda might be worth \$1.5 million but the average assessed value is under \$1 million. The average assessed value of a Wilder home is over \$2 million. They are paying about \$1,000 per year to refurbish Orinda's old roads that we neglected and they never use. Their roads are virtually new. They will need no maintenance for a while and then minimum maintenance. On average, the benefit per homeowner in Wilder to maintain their roads will be less than \$400 while they are paying \$1,000 to fix our roads. Second point. The Council conceded that they might not single out HOA's for exclusion just because they are HOAs. However, they did single out cul-de-sacs for exclusion. No benefits to cul-de-sacs even though there are 27 miles of public sul-de-sacs we are spending tens of millions of dollars to refurbish. And 100% of Wilder's private streets are cul-de-sacs. Screwed again! PS. I don't live in Wilder so I don't have to recuse myself on this comment. PPS. There are only three private roads in Orinda which are not cul-de-sacs but which are in an HOA and thus "might be spared". Council Member Eve Phillips lives on one of them.

[Gary Curtis](#)

, Manzanita Miner · 9h ago

The only thing it makes sense to do is to vote out every Council member who supported this discriminatory resolution. Remember this at election time.