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## Contentious matter of private roads and drains again on Orinda's agenda

By Sora O'Doherty

Having been in abeyance during and since the Covid pandemic, the issue of Orinda's private roads and drains recently returned to the fore. The City Council's Subcommittee on Infrastructure brought a report to the Council at its June 18 meeting presenting its initial work program, as was requested by the council.

Upon establishing the Council's Infrastructure Subcommittee, which is composed of Mayor Darlene Gee and the Vice Mayor, Latika Malkani, the full Council had requested that a draft initial work program be presented to the Council early in the subcommittee's work. After meeting twice, the subcommittee provided a draft work program to the full Council in advance of the next scheduled subcommittee meeting.

Council member Inga Miller spoke to the issue at length during the meeting. One of her points was that she found it hard to not be a member of the subcommittee. "I haven't felt comfortable with the way that our staff has been treated at those meetings," she said, "and I don't believe that it shows us in a very good light with our public." Mayor Darlene Gee responded, "I'm having a really hard time understanding, having been there, what occurred that would be considered mistreating the staff." Gee also disagreed with a suggestion by Miller that the subcommittee was dividing the community. She said, "I wanted this subcommittee in order to be able to provide a forum, to try to find a way

to bring more of the community together on a critical issue to the city." Miller countered with, "Maybe you're bringing people together... but that's not what I'm hearing on the street."

Miller, in further comments, said that "people believe that what you have promised is to bring their private roads into the public system" and that "it's a bad sign in government if your leaders aren't being honest with you," suggesting that perhaps the matter was just a campaign issue.

The council accepted public comments on the work plan, although Council Member Brandyn Iverson noted that the comments did not actually address the work plan, but expressed opinions about the current situation in Orinda vis a vis the fairness of having private roads or the potential problems with private drains that handle many gallons of water that flow off public property.

The subcommittee subsequently met on June 25 and reviewed the council's suggestions for revising the work plan, which had passed the city council unanimously. After discussion, the work plan was revised to provide two areas to be addressed, as had been suggested by council member Iverson. The revised work plan was scheduled to be reviewed by the full council on July 2, after this issue went to press.

The revised work plan covers two areas. Background and education will explore constraints, existing resources, and current rules and regulations to develop a list of possible solutions. This will include reviewing and discussing an updated map of public and private roads, longer-term funding and financial resources, and existing resolution 59-18 on private road acceptance policy. This area will also include getting the lay of the land regarding stormwater law, drainage, owner responsibilities/liabilities, and changes in law. Developing a range of possible alternatives with some sense of which ones, if any, seem worth pursuing is listed as a deliverable.

Other tasks are mapping the entire city public and private storm drain system and updating the Homeowner Guide. Another task is to conduct a needs assessment opinion survey of private road homeowners. In addition, the subcommittee will explore ideas to assist private road neighborhoods and develop and discuss possible options and tools to balance the needs of public and private roads.

The subcommittee is tasked with creating a formal knowledge base for all stakeholders with well-organized, summary information to reduce confusion and/or future need for a task force.

At the subcommittee meeting, several speakers brought up issues regarding their neighborhoods. Some of these are already being looked at by the city manager and staff, and were deemed not relevant to the subcommittee's work. The subcommittee received a staff report from the city manager and also heard from the Director of Public Works, Scott Christie, and City Engineer Sivakumar Natarajan.

The agenda included the Orinda Road Ownership Map, which currently shows public and private roads, in addition to public easements and roads that are presumed to be either public or private. The last category of roads shown is private with pavement management by the city under a five year renewable maintenance agreement.

Christie explained the history of public road acceptance under Contra Costa County and the City of Orinda after it was incorporated in 1985. City Manager David Biggs emphasized that there is much that is unknown about why some roads became private roads, and said that if anyone had documentation showing that their road should be public, they should bring it to the city for review.

The subcommittee agreed to recommend to the city council a complete review of the condition of private roads using the same methodology as for public roads. This would consist of using the Metropolitan Transportation Commission's Pavement Management Technical Assistance Program, Street-Saver software, and an assessment of field conditions by the city engineering staff. The matter will

be brought to the city council at a future meeting.

Assessing all private drains would be a more expensive project, and the subcommittee plans to consider that in the future.

The city is gathering private road information, including the map, on its website for easy access by residents. This can be found at [www.cityoforinda.org/601/Private-Road-Information](http://www.cityoforinda.org/601/Private-Road-Information)

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## MOFD Chief David Winnacker leaving for private sector

By Sora O'Doherty



Photo Sora O'Doherty

**David Winnacker**

After serving as Fire Chief of the Moraga Orinda Fire District for seven years, David Winnacker has announced that he is retiring to "pursue opportunities in the private sector." The chief noted that his retirement comes after 21 years in uniform. He will continue to serve until the end of the year, hopefully enabling some shared time with a new chief to allow for a seamless transition.

In approving its annual budget on June 19, the board added a deputy fire chief posi-

tion to continue increased engagement in state and regional issues associated with fire/rescue operations, wildfire risk reduction and interoperability.

In his resignation letter, presented to the MOFD Board at the end of May, Winnacker said that he was very proud "of the steps we have taken to bring MOFD into a position of regional and statewide leadership in a number of areas. Among other achievements, it is worth noting the work done by the Fire District, our public agency partners, and the community to develop and implement a comprehensive approach to wildfire risk reduction."

He continued, "Leading the Fire District has been an incredibly rewarding endeavor, and I have great pride in the high standards to which our members hold themselves. The firefighters

who answer the call night and day are committed to our community, and the long tradition of providing the highest level of service MOFD represents. It is of the highest importance that this commitment is not overlooked or allowed to languish as the District expands into other areas of service delivery."

The outgoing chief also identified priorities to ensure a smooth transition, including professional development of key district staff, progress toward the remodel of Station 45, completion of Standards of Cover study, substantial completion of the Tunnel East Bay Hills Fuel Break, enhancement of MOFD's prescribed fire program to ensure long-term success, completion of ongoing discussions with large landowning entities within the fire district and completion of labor negotiations.

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The next classes are on July 18 in the Moraga Library and August 8 at the Lafayette Community Center.

Lamorinda CERT Foundation is a 501(c)(3) foundation supporting Lamorinda CERT

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