

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**January 12, 2011  
MINUTES**

**7:00 P.M. Regular Meeting**

Joaquin Moraga Intermediate School Auditorium  
1010 Camino Pablo, Moraga, California 94556

**I. CALL TO ORDER**

The regular meeting was called to order at 7:03 P.M. by **Mayor Karen Mendonca**

**ROLL CALL**

Councilmembers present: Mayor Karen Mendonca, Vice Mayor Michael Metcalf and Councilmembers Ken Chew, Howard Harpham, and Dave Trotter

Councilmembers absent: None

**II. PLEDGE OF ALLEGIANCE**

**Councilmember Harpham** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

**Mayor Mendonca** changed the order of Proclamations and Presentations to allow the update on the Central Contra Costa Transit Authority prior to the proclamations.

**A. Update on Central Contra Costa Transit Authority by Al Dessayer**

Al Dessayer presented an update on the Central Contra Costa Transit Authority (CCCTA). He reported that a clean audit had been received on CCCTA operations, the CCCTA had agreed with the Amalgamated Transit Union (ATU) on a two-year wage freeze and freeze of benefits. He commented on the unknown status of federal and state contributions to the CCCTA, and understood that the Metropolitan Transportation Committee (MTC) may allocate more monies to urban areas but take away monies from suburban and outlying areas which would impact the CCCTA as well as increasing gas prices. When asked whether or not the CCCTA would consider other options in terms of fuel expenses, he noted that the CCCTA did have some price protections on its fuel expenses which represented approximately eight percent of its total budget. He also noted, when asked, that ridership had decreased given a decrease in the number of routes and an increase in fares.

**B. Proclamation Honoring Campolindo High School Girls Varsity Volleyball Team**

## PUBLIC COMMENTS OPENED

Carol Kitchens, Principal, Campolindo High School, expressed her congratulations and recognition to all of the student athletes and their accomplishments. She thanked all the coaches present and the Town of Moraga for the recognition.

Campolindo High School Associate Principals Paul Mack and Scott Visa, and Athletic Director Bob Wilson, present in the audience, were also recognized.

**Mayor Mendonca** read into the record the proclamation honoring the Campolindo High School Girls Varsity Volleyball Team including Kim Condie (co-captain), Stacy Drury, Chandler Moore, Abbie Noland (co-captain), Sophie Smith, Anisa Smith, Mary Vaccaro (DFAL League MVP and State Championship MVP), Annie Shurtz, Sophie Seiberth, Cassidy Abel, Mallory Loomis, Kit Koelzer, Brooke Standing, and Lena Olufson.

### C. Proclamation Honoring Campolindo High School Girls Varsity Cross Country Team

**Mayor Mendonca** read into the record a proclamation honoring Campolindo High School Girls Varsity Cross Country Team including Juliet Farnan, Rachel Meadows, Sara Mostatabi, Grace Orders, Sarah Orders, Hailey Shipway, and Carrie Verdon.

### D. Proclamation Honoring Campolindo High School Girls Varsity Water Polo Team

**Mayor Mendonca** read into the record a proclamation honoring Campolindo High School Girls Varsity Water Polo Team including Clarice Cho, Chelsea Crawford, Christina Faoro, Sam Flower, Gracie Fowler, Dana Holt, Annika Jensen, Kimi Klein, Maddie Larson, Emily McPhee, Andie Nishimi, Cessie Nishimi, Lindsay Raftis, Natalie Seidemann, Raena Sumiyoshi, Sara Torchio, and Allison Stevens.

The Council expressed its congratulations to all student athletes in recognition of their achievements.

### E. Proclamation Honoring Carrie Verdon, DFAL, NCS and State Champion

**Mayor Mendonca** read into the record a proclamation honoring Carrie Verdon, DFAL, NCS, and State Champion. She also announced that a reception would be held in the Library to honor all of the identified athletes' achievements immediately after the proclamation presentations.

Chuck Woolridge, Campolindo High School Track and Cross Country Coach and English Teacher, thanked all of the student athletes for their dedication during the season. He spoke to the athletes' amazing season and the achievements of all of the students. He commended the support of the community and the Moraga School District (MSD) for all its athletic programs.

## PUBLIC COMMENTS CLOSED

## V. PUBLIC COMMENTS AND SUGGESTIONS

There were no public comments or suggestions.

## VI. ADOPTION OF THE CONSENT AGENDA

### A. Approval of the Consent Items

**Councilmember Harpham** advised that he had notified the Town Clerk of a correction in the November 10, 2010 Regular Meeting Minutes regarding the use of Measure J funds.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Harpham) to approve the Consent Agenda, as shown. Vote: 5-0.**

- |   |          |
|---|----------|
| 1) Accounts Payable Claims for 12/3/10 (\$80,303.67);<br>12/17/10 (\$113,892.76); 12/30/10 (\$147,620.00)                         | Approved |
| 2) Approve Minutes from the Town Council Meeting<br>of November 10, 2010, <i>as amended</i>                                       | Approved |
| 3) Approve Minutes from the Town Council Regular Meeting<br>of December 8, 2010   | Approved |
| 4) Review and Approve the Contra Costa Transportation<br>Authority (CCTA) Growth Management Program (GMP)<br>Compliance Checklist | Approved |

**B. Consideration of Consent Items Removed for Discussion**

No consent Items had been removed for discussion.

**VII. ADOPTION OF MEETING AGENDA**

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Harpham) to adopt the Meeting Agenda, as shown. Vote: 5-0.**

**VIII. REPORTS**

**A. Mayor's and Councilmembers' Reports**

**Mayor Mendonca** - Reported that the Mayors' Conference had been held on January 6 when Dave Trotter had been elected as the new Chair for the Contra Costa County Mayors' Conference 2011 term. She also reported that she had presented a Letter of Appreciation to retiring Moraga Librarian Linda Waldroup on January 4; the MYIC had visited and delivered holiday cards to the residents of Moraga Royale on December 12; she would attend a meeting at Saint Mary's College on January 13 for the Sesquicentennial Event and another meeting on the same date for the Women's Forum scheduled for March 4-5, 2011.

**Vice Mayor Metcalf** - Reported that he had attended a meeting of the CCTA when Lamorinda representatives had been selected; and had attended a RECON meeting on December 12 with the RECON subcommittee working separately on a presentation to the Town Council at a February meeting.

**Councilmember Chew** - No report.

**Councilmember Harpham** - Reported that he had attended an oral argument of the United States Supreme Court and had attended a session of the United States Congress and Senate.

**Councilmember Trotter** - Reported that he had attended a meeting on December 21 with local Boy Scout troops in the Moraga Library meeting room to answer questions on Town government.

- B. Town Manager Update – Town Manager Jill Keimach reported that a Town Council Goal Setting Workshop had been held on January 8, with the Council to meet again to prioritize its goals on February 9, with that regularly scheduled Council meeting to be rescheduled to February 16, 2011. She added that a minute timer had been added to the Council dais to assist with the three-minute public speaker time period.

## IX. DISCUSSION ITEMS

There were no discussion items.

## X. SPECIAL ORDERS - PUBLIC HEARINGS

- A. Request to Continue to January 26, 2011, the Public Hearing and Consideration of an Appeal from the August 17, 2009, Decision of the Planning Commission Approving the Rancho Laguna II Residential Project with 27 single-family lots, per Resolutions Certifying the Final Environmental Impact Report (Final EIR) and Approving a Conceptual Development Plan (CDP) and Conditional Use Permit (CUP) (Continued from October 28, 2009, November 4, 2009, January 27, 2010, March 10, 2010, May 12, 2010, May 26, 2010 and October 27, 2010)

**Vice Mayor Metcalf** recused himself from the discussion due to the proximity of his residence to the subject property. He stepped down from the dais and left the Council Chambers.

**Councilmember Chew** also recused himself from the discussion due to the proximity of his residence to the subject property. He stepped down from the dais and left the Council Chambers.

Ms. Keimach reported that there was no staff report. Staff requested that the Town Council continue the item to the January 26, 2011 regularly scheduled meeting.

### PUBLIC COMMENTS OPENED

There were no comments from the public.

### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Harpham) to continue the Appeal of the August 17, 2009 Decision of the Planning Commission Approving the Rancho Laguna II Residential Project with 27 single-family lots, per Resolutions Certifying the Final Environmental Impact Report (Final EIR) and Approving a Conceptual Development Plan (CDP) and Conditional Use Permit (CUP) (Continued from October 28, 2009, November 4, 2009, January 27, 2010, March 10, 2010, May 12, 2010, May 26, 2010 and October 27, 2010), to the regularly scheduled Town Council meeting on January 26, 2011. Vote: 3-0. (Vice Mayor Metcalf and Councilmember Chew recused).**

**Vice Mayor Metcalf and Councilmember Chew** returned to the dais at this time. The Town Attorney and Town Manager were asked to opine on the correct procedures as to whether or not a Councilmember must leave the room when recused from an item.

- B. Public Hearing, First Reading and Introduction of an Ordinance Amending Chapter 3.04, Purchasing System and Chapter 3.06 Uniform Construction Cost Accounting Act Procedures of the Town of Moraga Municipal Code

Interim Administrative Services Director Emily Boyd reported that the current Chapter 3.04 Purchasing System had been adopted on November 19, 1986 and Chapter 3.06 Uniform Construction Cost Accounting Act Procedures on June 9, 2004, and must be brought up to date. Both chapters had been reviewed and approved by the Town Attorney and presented to the Audit and Finance Committee (AFC), which had also approved them. The amendments to be made to both chapters had been outlined in the January 12, 2011 staff report. She recommended that the Town Council waive the first reading and schedule a second reading of the ordinance at the January 26, 2011 Council meeting.

In response to the Council, Assistant Town Attorney Susanne Brown clarified the four-fifths voting requirements in the event of emergency town expenditures and offered to further clarify emergency procedures for conduct of Town business generally at the next meeting.

Ms. Boyd also clarified that a "responsible bidder" had been defined in the California State Contractor Code.

Ms. Brown added that a "responsible bidder" was someone who was qualified to do the work being bid. A "responsive bidder" was one who was responsive to the Town's request. Both terms could be used in the same sentence for clarification purposes.

As to dealing with issues related to liquidated damages and why that had not been included in the ordinance, Public Works Director/Town Engineer Jill Mercurio was not familiar with ordinances which included such restrictions given that the requirements for funding varied. She explained that such details were typically part of the front end specifications for a project and for the funding work to be done. She added that the contractor list was a list of contractors who had requested to be part of the list for bidders but which had not been prequalified.

As to the language included in the ordinance for "Town Manager or designee," Ms. Keimach clarified that the designee may vary and could be the Project Manager. Ms. Brown explained that such language was typical in similar ordinances, although the designee could be a project based designee. Such details would typically be worked out with the Administrative Services Director prior to the presentation of a contract. She reiterated that the issue of four-fifths voting in the event of an emergency situation would be further clarified with language inserted into the document or reliance on State law in the absence of language in the ordinance. Even absent such language in the ordinance the Council may act in an emergency

Chief of Police Robert Priebe stated that he would have to review the Town's Disaster Plan to clarify the level of input the Police Chief would have in emergency procedures.

Ms. Brown stated that the concerns with the use of the terms "responsive" and "responsible bidder" would not require the item to return for another first reading in that the concept of "responsible" and "responsive" had already been included. Changes to the emergency section language would necessitate a new first reading after staff returned with any additions.

Ms. Keimach recommended that the Town Attorney make the amendments to the language adding "responsive" and "responsible bidder" and that the Town Council adopt the first reading and return with the second reading, with the Town Attorney to clarify the emergency procedures. If the Town Council wished, it could then proceed with the second reading. If they preferred, the Town Council could amend the ordinance and start the process again.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Harpham) to waive the first reading and schedule a second reading of the ordinance for January 26, 2011, subject to the ordinance providing a distinction between "responsible" and "responsive bidder" throughout the document; and obtaining advice from the Town Attorney by the time the second reading is made as to whether or not other changes should be made to the ordinance addressing the true emergency situation. Roll Call Vote: 5-0.**

### XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Authorize the Town Manager to Sign Library Lease and Service Agreement between County of Contra Costa and the Town of Moraga

Ms. Keimach reported that the County Library and cities/towns in Contra Costa County through the Public Managers Association (PMA) had proposed a conceptual agreement that all library facilities owned by cities/towns would assume full responsibility for all property and facility management functions. The County would pay for the service of providing the library facilities. She referenced a series of committee and subcommittee meetings that had been held over the past several months consisting of city/town and County staff, and the County Counsel, who had reviewed long-term funding and sustainability issues related to the Library's expected growth over the next decade with the intent to reach a consistently executed lease agreement for each city in the County. The lease agreement was to be presented to each city council in the County for adoption. She noted that the new alignment of costs would allow and commit the Library to redirect resources currently devoted to facilities towards providing 35 hours of open library service to all community libraries throughout the County.

Ms. Keimach detailed the costs to the Town for the realignment of duties for capital and maintenance. She advised that in 2009, the Public Works Department had commissioned a financial report which had shown that the Town could exchange the hours of open library service with custodial services, technology replacement, and other items which had been better defined in the lease agreement. The lease also stated that the County and the Town would mutually agree upon furniture and technology upgrades allowing the Town some control over when it had to spend monies for replacement. While there would be additional work for the Town, she stated that the Public Works Department was comfortable with the lease agreement.

Given that the Countywide Model Ordinance was consistent, it ensured that all of the library agreements would be consistent with all cities adopting the same language.

Ms. Keimach reported that a letter had been received from David Kruegel representing The Friends of the Moraga Library, which letter had been reviewed by Town staff and the Town Attorney. She understood that the Town had limited flexibility due to the consistency of the Countywide contract. However, Town staff was able to exclude the part of the building for the Moraga Historical Society from the contract. The agreement had also been amended by Town staff which had changed "aggregate" versus "additional" hours although that change had not been accepted by County Counsel. County Counsel had retained the use of the word "aggregate." Further language changes made by the Town had also not been accepted by County Counsel with the exception of a minor change to language regarding a volunteer coordinator, which the Town did not have.

Ms. Brown added that the operations plan had been clarified to verify that the Town would not be obligated to purchase from the County any voice services provided by the County. The same change had been successfully made to data communications systems and to the miscellaneous equipment section. She recognized some of the frustration with the process noting that the remedies section of the lease agreement was forgiving in that if the Town were to materially default on the lease agreement, the County's remedy would be to either leave the premises or not operate the library. That provision was unusual in that typically under default people may sue for damages, which was not the case in this situation.

Dick Awenius, Real Estate Manager for Contra Costa County, emphasized that the process had been several years in the making, involved an open process intended to be equitable, with attendance by all cities in the County to ensure a fair and equitable agreement while separating expenses to ensure that the County provided more library services in the cities. The process had been attended by representatives of the city groups described as a cooperative committee with a lot of give and take. The end result was the lease agreement currently before the Town Council. The Library Lease and Service Agreement had been signed so far by the City of Martinez. He emphasized that the agreement had been fully vetted by all parties, presented to the full committee, and approved.

Gail McPartland, Deputy County Librarian, echoed the comments that had been made and spoke to the goal of collaboration between the County and the cities/towns. She was confident that would be achieved through the efforts of the Moraga Librarian and she looked forward to a long relationship. She reiterated the lease agreement would provide a consistency of services. She offered a number of examples to support that improvement in consistency.

#### PUBLIC COMMENTS OPENED

David Kruegel, The Friends of the Moraga Library, emphasized that the lease agreement between the County and the Town would last for a very long time with significant financing of direct library services to shift from the County to the Town. He suggested that the public had inadequate opportunity to consider a document based on a County/Town arrangement. He also suggested that his efforts to make requests of the PMA had been impeded and that a request for the release of documents had been rejected. He noted that the lease agreement had just become available to the public on Friday, January 7, 2011, resulting in inadequate time for public review. He questioned those sections of the lease agreement regarding the procedures for dispute resolution, library performance, definitions of library service, hours of operation, irrelevant staffing levels, matters relating to lease terms and alterations, matters relating to ownership and maintenance of technology, and consideration of action by the Town Council with no discussion of first year and subsequent year costs to the Town. He suggested that a delay on the lease agreement would not be a burden to the Town or the County given that the

Library had been operating on verbal agreements for years, which process could continue. He emphasized that significant policy decisions should not be made without public input. He asked that the matter be postponed.

#### PUBLIC COMMENTS CLOSED

In the event the matter was continued, Ms. Keimach commented that the only downside she could foresee would be the time and money spent for Town staff, other city/town staff and the County staff to reach an agreement on any revisions. She questioned the staff time being spent on something that had already gone through a lengthy process. She acknowledged her understanding that the Public Managers for the City of Lafayette and the Town of Danville were supportive of the agreement.

Mr. Awenius clarified that the purpose of the process had been to discuss between city/town managers and city/town attorneys what was right for their jurisdictions. That process had been lengthy and brought back to the entire PMA with representation from the entire County and every city in the County. He was unaware of the requests made by The Friends of the Moraga Library since that was not under his purview. While there was value in public input, he questioned the point at which it should end.

Ms. Brown clarified that typically real estate contracts were negotiated in closed sessions. In this instance, the PMA which had been consulted in the negotiations was not a public entity.

The Town Council discussed the Library Lease and Service Agreement between the County and the Town and offered the following comments and/or recommendations to staff:

- Recommended postponing a decision on the Library Lease and Service Agreement request pending a County determination of consensus Countywide;
- Recommended that the Lease and Service Agreement have a sole exclusive remedy;
- Expressed its concern that requests from The Friends of the Moraga Library had been ignored and questioned the lack of information sharing in the process;
- Agreed that The Friends of the Moraga Library should have the opportunity to have greater input;
- Expressed concern with the characterization of the Library Lease and Service Agreement that it was not negotiable at an individual city/town level, i.e. "take-it-or-leave-it-agreement;" and
- Expressed concern that the proposed Library Lease and Service Agreement was being conducted out of the public eye and was coercive, with concerns as to its legality.

**ACTION: It was M/S (Metcalf/Trotter) to table Indefinitely a Request to Authorize the Town Manager to Sign a Library Lease and Service Agreement between the County of Contra Costa and the Town of Moraga, as discussed. Vote: 5-0.**

**Mayor Mendonca** declared a recess at 9:35 P.M. The Town Council meeting reconvened at 9:45 P.M. with all Councilmembers present.

- B.** Adopt Resolution 1-2011 to Sunset the Urban Forest Subcommittee and Authorize the Park and Recreation Commission to Serve as the Tree City USA Board

Parks and Recreation Director Jay Ingram reported that on November 11, 2009, the Town Council had adopted Resolution 78-2009 which had revised the title and charter of the Tree Planting Committee to the Urban Forest Subcommittee, and which was to work under the direction of the Park and Recreation Commission consisting of a five-member board. He noted

that a quorum had not been achieved and there had been no interest from the Planning Commission or the Design Review Board. On September 21, 2010, the Park and Recreation Commission had unanimously voted to recommend that the Town Council sunset the Urban Forest Subcommittee and direct joint responsibility to the Commission and the Parks and Recreation Department in order to fulfill the requirements for Tree City USA. The requirements for Tree City USA, as detailed in the January 12, 2011 staff report, were intended to continue to be fulfilled by the Town.

Mr. Ingram recommended that the Town Council adopt a resolution sunsetting the Urban Forest Subcommittee and authorize the Park and Recreation Commission to serve as the Tree City USA Board. When asked, he referenced the Community Forestry Program requirement for an annual budget of at least \$2 per capita which was part of the Public Works Department budget, costing between \$80,000 and \$90,000 for tree maintenance per year. He added that the Moraga Garden Club and those organizations that did urban forest work had not been recognized in the past to meet the Tree City USA requirements, although efforts could be made to bring them in for the next requirement cycle. As to grant opportunities, he clarified that priorities and staff resources had not offered the opportunity to solicit grants, although he expressed the willingness to review the matter. When asked, he clarified the GPS-based tree inventory process.

On the discussion, Ms. Mercurio further clarified the \$2 per capita requirement for the Community Forestry Program and the budgeting for various maintenance operations for Town trees and landscaping.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Chew/Harpham) to adopt Resolution 1-2011 to Sunset the Urban Forest Subcommittee and Authorize the Park and Recreation Commission to serve as the Tree City USA Board. Vote: 5-0.**

**C. Appointment of Town Council Representatives to Committee and Boards**

The following appointments were made to the Town Council Representatives to Committee Boards:

<u>Standing Committees</u>	<u>First</u>	<u>Alternate</u>
Audit and Finance Committee	Mendonca	Metcalf
TSAC	Harpham	None
 <u>Ad Hoc Committees</u>		
Country Club Golf Course Negotiating Team	Chew	Harpham
Open Space Committee	Mendonca	Harpham
Specific Plan Subcommittee* *(previously sunset)		
St. Mary's College Subcommittee	Mendonca	Chew
Moraga-Orinda Fire District	Chew	Metcalf
 <u>Liaison</u>		
ABAG	Mendonca	Harpham
Acalanes Union High School District	Harpham	Chew
Contra Costa County Mayors' Conference	Mendonca	Metcalf
EBMUD	Chew	Mendonca
Emergency Preparedness Committee	Trotter/Harpham (Second)	

League of California Cities Local East Bay Rep.	Chew	Harpham
League of California Cities Transportation Communication and Public Works Committee	Chew	None
Moraga Chamber of Commerce	Harpham	Trotter
MOFD	Chew	Metcalf
Moraga School District	Mendonca	Harpham
Moraga Youth Involvement Committee	Mendonca	Harpham

Voting Delegate/Board Members

CCCSWA (Solid Waste Board)	Mendonca	Trotter
League of California Cities (LOCC)	Mendonca	Metcalf
Lamorinda School Bus Transportation Agency	Metcalf	None
Mayors' Conference Chair* *(Appointment term from January 2011 to January 2012)	Trotter	None
SWAT	Metcalf	None
Specific Plan Implementation Subcommittee	Metcalf	Trotter
Infrastructure/RECON Subcommittee	Metcalf	Harpham
Charter City Subcommittee* *(sunset 1/12/2011)		
Tri-Agency Subcommittee	Chew	Metcalf

Non-Council Liaisons

CCCTA	Al Dessayer	None
CCMVD	Myrto Petreas	None
Library Commissioner for Moraga	Jeanne McEwan	
Library Commissioner for Moraga (Alt.)	Bob Prindle	

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

The Council discussed Council representation on the Economic Development Team and Steering Committee, to be considered at a future meeting. The Council otherwise directed staff to revise the appointment of Town Council representatives to Committees and Boards, as discussed, to be brought back on the Consent Agenda at the next meeting.

**D. Discussion of Process for Appointment of Citizens to Town Commissions, Committees and Boards**

Ms. Keimach reported that there had been a phalanx of applicants including applications from incumbents to serve on Town Commissions, Committees and Boards. She asked the Town Council to determine whether or not the full Council or a Council subcommittee should interview volunteers to serve on the various Town Commissions, Committees and Boards.

On the discussion, it was the consensus of the Council to conduct candidate interviews for the open spaces on the Town's Commissions, Committees and Boards to be scheduled one hour prior to two regularly scheduled meetings [dates to be determined] with interviews for the Planning Commission and DRB to be scheduled for one session, and the remaining open spaces for Commissions, Committee Boards to be scheduled for the second session.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

E. Adopt Resolution 2-2011 Approving the Revised Audit and Finance Committee (AFC) Charter

Ms. Boyd reported that staff had been working to revise the Audit and Finance Committee (AFC) Charter. The AFC had met on August 18, 2010 to discuss amendments to the Charter and offered recommendations to the Town Council on August 25, 2010. The Town Council had provided direction to staff for further revision. The AFC met again on October 25, 2010 to review the updated version and approved the document now before the Council. She identified the changes to the Charter including identification of the duties of the Town Treasurer and language revisions regarding the Annual Audit. She recommended that the Town Council approve the revisions to the AFC Charter and adopt Resolution 2-2011, as presented.

Ms. Boyd affirmed that the revisions to the AFC Charter reflected the discussions of the Town Council during the August 2010 meeting.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Metcalf/Chew) to adopt Resolution 2-2011 Approving the Revised Audit and Finance Committee (AFC) Charter, as drafted by staff. Vote: 5-0.**

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

**Councilmember Trotter** reiterated a past request regarding the Moraga Adobe Property which was subject to a land use application in the City of Orinda. He requested that a presentation be agendized for the Moraga Town Council about the project in the near future. He asked that the Friends of the Joaquin Murietta Adobe, Moraga Historical Society, Orinda Historical Society, and the project proponents be invited to appear before the Town Council to give their perspectives on the development.

XII. COMMUNICATIONS - None

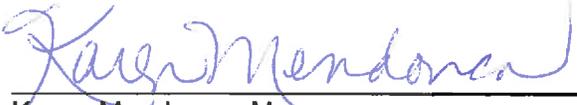
XIV. ADJOURNMENT

**ACTION: It was M/S (Metcalf/Chew) to adjourn the meeting at 10:37 P.M. Vote: 5-0.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Karen Mendonca, Mayor

