

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**August 24, 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 7:02 P.M. by **Mayor Karen Mendonca**.

ROLL CALL

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

Councilmembers absent: Councilmember Ken Chew

II. PLEDGE OF ALLEGIANCE

Councilmember Trotter led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

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

Al Dessayer presented an update on the Central Contra Costa Transit Authority (CCCTA) and explained that while the State budget had not reduced the CCCTA's allocation, the future of the economy and its effects remained uncertain although projections appeared to be good for a few years; salaries had not been increased for the past three years in negotiations with the unions although CCCTA finances continued to dominate discussions for new ways to streamline operations. Noting that buses ran on St. Mary's Road, he offered a brief history from a previous Council's discussion on the potential sale of Town-owned property located at the corner of St. Mary's Road and Rheem Boulevard which was essentially a leftover piece of property from an agreement with Caltrans. He recognized that in the future the Council would use the funds from the sale of that property, as appropriate.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Renee Zeimer, Town of Moraga's Economic Development Team member, invited the Council and members of the community to upcoming workshops which had been designed to create a shared vision for the Rheem commercial area scheduled for Saturday, August 27, 2011 from 9:00 to 10:30 a.m., and on Monday, August 29, 2011 from 7:00 to 8:30 p.m. at The New Rheem Theatre.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

Items 5 and 6 were removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Harpham) to approve Consent Agenda Items 1, 2, 3 and 4.
Vote: 4-0-1. Absent: Chew.**

- | | | |
|----|---|----------------|
| 1) | Accounts Payable Claims for: 7/15/11 (\$79,734.87); 7/15/11 (\$23,989.01); 7/29/11 (\$51,184.18); 7/29/11 (\$71,713.61); 7/29/11 (\$207,943.69); 8/12/11 (\$34,597.58); 8/12/11 (\$92,203.80); 8/12/11 (\$8,391.00) | Approved |
| 2) | Minutes for Town Council Regular Meeting July 13, 2011 | Approved |
| 3) | Proclamation Commending Boy Scout Troop 212 on their 50 th Anniversary | Approved |
| 4) | Accept Improvements Constructed by MCK Services, Inc., of Martinez for the Construction of the Rheem Boulevard Rehabilitation Project CIP No. 10-101 | Approved |
| 5) | <i>Consideration and Approval of "Community Event Signs" for the Community Visioning Workshop for the Rheem Area and Waiver of the Permit Application Fee</i> | <i>Removed</i> |
| 6) | <i>Appointment of Rodger G. Lum, Ph.D. to the Library Commission</i> | <i>Removed</i> |

B. Consideration of Consent Items Removed for Discussion

1. Consideration and Approval of "Community Event Signs" for the Community Visioning Workshop for the Rheem Area and Waiver of the Permit Application Fee

Town Attorney Michelle Kenyon advised that the item was removed from Consent on the question as to whether or not a public hearing was required. She opined that the Mayor may call for input on the item sufficing whether or not a formal public hearing was required.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Harpham) to approve "Community Event Signs" for the Community Visioning Workshop for the Rheem Area and Waiver of the Permit Application Fee. Vote: 4-0-1. Absent: Chew.

B. Appointment of Rodger G. Lum, Ph.D. to the Library Commission

This item was removed from Consent at the request of a member of the public to discuss the Council subcommittee recommendation for the appointment to the Library Commission.

Given the importance of the item, **Mayor Mendonca** requested that the item be agendaized for discussion during the next meeting of the Council scheduled for September 14, when the full Council would be present.

Town Manager Jill Keimach affirmed that the item could be agendaized for the next meeting of the Council and be noticed to the public.

Ms. Kenyon asked for a consensus of the Council to continue the item to another date as opposed to the appointment of the candidate to the Library Commission and have the item agendaized as a regular agenda item and not a Consent Agenda item. While there was no legal requirement to defer the item, she stated that the majority of the Council must decide on the action to take; either to hear the item at this time or to continue the item to allow the full Council to be present.

Ms. Keimach added that Dr. Lum, the candidate recommended to be appointed to the Library Commission, was out of town and not present at the time.

Ms. Kenyon clarified that if the Council decided to allow for public comment on the item and if the item was continued it would allow two opportunities for public comment. Anyone commenting at this time would also be allowed to comment if the item were continued to the next meeting on September 14. She added that if there was any indication of a split 2-2 vote, the item would automatically be continued to a future meeting and no action would be taken at the time.

PUBLIC COMMENTS OPENED

David Kruegel, Friends of the Moraga Library board member, reported that the next meeting of the Library Commission would be held on September 28. He suggested that the full Council consider the appointment to the Library Commission given that the appointment of a County level position had not been envisioned when the Council subcommittee had been formed and the subcommittee had not consulted with the community organizations concerned with the Library; and those long concerned with the Moraga Library had publicly objected to the subcommittee's recommendation.

John Minney, Friends of the Moraga Library board member, echoed Mr. Kruegel's comments, stated that he had provided the Council with an e-mail, and asked that the full Council make a decision on the appointment to the Library Commission.

Ellen Beans, Moraga, also asked that the full Council consider the appointment to the Library Commission and suggested that Mr. Kruegel be reconsidered for the position given his passion for the Library and the Town of Moraga.

The Town Council discussed the appointment to the Library Commission and offered the following comments:

- The Council subcommittee [**Mayor Mendonca and Councilmember Harpham**] discussed its reasons for the recommendation of the proposed candidate and emphasized that everything had been done fairly, in the open, and consistent when considering all of the background and materials for the candidates for the Library Commission. The subcommittee expressed concern that although it had done the work it had been charged to do honestly, consistently, and fairly, the full Council may wish to consider no subcommittees for any committee or commission appointments in the future absent a Council quorum. The subcommittee also commended and expressed its appreciation to Mr. Kruegel for his continual efforts on behalf of the Town.
- **Vice Mayor Metcalf** supported the work and recommendation of the subcommittee and agreed that the selection process had been done fairly;
- **Councilmember Trotter** emphasized the need for public input on the recommended appointment, emphasized the need for the full Council to be present to consider that issue, and allow Dr. Lum to be present during those discussions; however, given it appeared that there would not be support for a continuance he supported the subcommittee's recommendation in this case but suggested that the process could have been done better particularly given the public interest.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Harpham/Metcalf) to approve the Appointment of Rodger G. Lum, Ph.D. to the Library Commission. Vote: 4-0-1. Absent: Chew.

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: 4-0-1. Absent: Chew.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Mendonca - Expressed her appreciation to the Park Foundation for the successful summer concert series; reported that she had chaired the July 28 Central Contra Costa Solid Waste Authority Board meeting; had attended the Mayors' Conference in the City of Pleasant Hill; had been one of the founding committee members for the first Annual Jazz for Joplin Jazz Festival on August 7; had been on vacation from August 11-18 in the City of Astoria, Oregon and commended the Town Clerk and Town staff for the preparation of a commendation with a Town pin which had been presented to the Astoria City Council on August 15 in recognition of its Bicentennial; reported on the Mayor and Town Manager community sessions at Terzetto Cuisine; attended a Town Gown meeting on August 23 with the Town Manager related to a rewrite of the current Memorandum

of Understanding (MOU) between Saint Mary's College and the Town of Moraga; reported that the potential for Saint Mary's College to host a 2012 Presidential Debate should be made known by the end of October or early November; and reported that on Saturday, September 10, the Mayors' Conference would hold the Mayor's Healthy Cook-off with participation from the Mayor of Moraga, a representative from the Moraga School District (MSD), and the Chef from Terzetto Cuisine, to be held in the City of Clayton.

Vice Mayor Metcalf - Reported on the details of a recent Lamorinda Fee and Finance Authority (LFFA) meeting; and reported on his attendance during a number of Revenue Enhancement Community Outreach to Neighborhoods (RECON) meetings over the summer.

Councilmember Harpham - Reported that he had attended bi-weekly meetings of the RECON and Economic Development Action Committee (EDAC) and had attended a recent meeting of the Association of Bay Area Governments (ABAG).

Councilmember Trotter - Reported that he had chaired the Contra Costa County Mayors' Conference on August 4 in the City of Pleasant Hill with feedback on State Legislature and budget decisions affecting local governments; attended another meeting with State Legislators regarding legislation on redevelopment agencies; attended a meeting of the Mayors' Conference Executive Committee when he had learned that the Director of the Executive Committee would retire at the end of the year with a new appointment to that position anticipated before the end of November.

Councilmember Chew – Absent; no report.

- B. Town Manager Update - Ms. Keimach took the opportunity to introduce the new Planning Director Shawna Brekke-Read, who had recently started with the Town. She reported that the Consent Agenda for the September 14 meeting would include the cancellation of the meeting on September 28 due to a conflict with a Jewish holiday.

IX. DISCUSSION ITEMS

- A. Update on Special Assessment of the Property Located at 316 Calle la Montana (APN 255-60-0001)

Planning Assistant Kelly Clancy reported that on March 9, 2011, the Town Council had confirmed the Statement of Expenses for the property at 316 Calle la Montana and had given the property owner five days to reimburse the Town of Moraga the sum of \$10,869.29. The property owner had not paid the fines by the March 15, 2011 deadline and in accordance with the Moraga Municipal Code (MMC) the County had recorded the special assessment against the property. She noted that through the Teeter Plan with the County, municipal assessments may be placed on the County tax roll once per fiscal year. On July 15, 2011, all documentation required for the County had been e-mailed to the County Auditor's Office and the special assessment was in the process of being placed on the secure tax roll for 316 Calle la Montana. The County will conduct an analysis in January/February 2012 to determine whether or not there was sufficient value in the property and if the property was sold in a tax sale, the County would be made whole on a particular levy. If not, the County would place the levy on that parcel on a non-Teeter Plan status and the Town would not be reimbursed the funds. She advised that staff would continue to keep the Town Council informed of the status of the property through e-mail. She added, when asked, that there was no mortgage on the property.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

X. PUBLIC HEARINGS

- A. Introduce Ordinance 235 Rescinding Ordinance 223 which Amended Chapter 7.12 of the Town of Moraga Municipal Code Regarding Noise Control to Exempt Town-Authorized or Sponsored Community Events and Adopt Resolution 29-2011 Rescinding Resolution 49-2008 which Amended General Plan Policy OS6.2

Councilmember Harpham affirmed with the Town Attorney that he would not have to recuse himself from participating on the item given that he was the President of the Park Foundation.

Parks and Recreation Director Jay Ingram reported that in November 2008, the Town Council had amended General Plan Policy OS6.2 and had adopted Ordinance 223 which amended Chapter 7.12 (Noise Control) of the MMC. Following the adoption of Resolution 49-2008 and Ordinance 223, a challenge under the California Environmental Quality Act (CEQA) had been filed against the Town's environmental review. On May 27, 2011, the Town had been mandated by a court order to rescind the amendments to MMC Sections 7.12.020 and 7.12.135 and the related amendment to the General Plan Policy OS6.2. Since the inception of the initial lawsuit, the Town and the Park Foundation, acting in good faith, had instituted a number of mitigation measures as outlined in the August 24, 2011 staff report. He advised that in order to comply with the court order, the Town must rescind Ordinance 223 and Resolution 49-2008.

Mr. Ingram added that Government Code Section 65356 required that legislative bodies refer proposed General Plan Amendments to the Planning Commission if the Commission had not already considered the project. In this case, the proposed change was not considered a General Plan Amendment. The resolution rescinded the 2008 General Plan Amendment and restored the General Plan to its original state. The rescission was required by court order and therefore the Planning Commission review was not necessary. Rescinding the 2008 General Plan Amendment did not count towards the Town's limit of four General Plan Amendments per calendar year. The rescission was not also subject to CEQA since the General Plan policy and supporting text were being restored to their original state.

Mr. Ingram recommended that the Town Council adopt a resolution to rescind Resolution 49-2008 which amended General Plan Policy OS6.2 and restore the General Plan as previously drafted and introduce and waive the first reading of an Ordinance to rescind Ordinance 223, which amended Section 7.12.020 and Section 7.12.135 of Chapter 7.12 of the Town of Moraga Municipal Code and restore the Code as previously drafted, and schedule a second reading/adoption of the ordinance for the regular Town Council meeting on September 14, 2011.

PUBLIC COMMENTS OPENED

Karen Reed, Moraga Park Foundation member, reported that the Park Foundation had taken measures to mitigate the noise impacts to the neighbors with a new sound board and tilting of the speakers while still providing quality concerts for the community. The Park Foundation would continue to work to be a good neighbor regardless of any lawsuits. She asked the Town Council to do whatever was necessary to consider a new process for a Sound Ordinance to be put into place in the future.

Gary Glassel, Moraga, objected to the fact that the Town Council had adopted the ordinance and resolution in the first place. Given the direction from the appellate court, he asked the Town Council to publicize the appellate court's decision showing why the Town Council's action must now be rescinded, pointed out that residents along Kingsford Drive now had louder sound from the concerts on Thursday evenings than in the Commons area itself, and asked the Town Council to experience for themselves the sound impacts from the concerts along Kingsford Drive.

Ms. Kenyon advised that the appellate court had mandated that the Town of Moraga rescind the ordinance and resolution; it could be re-adopted, but further environmental review would be required. The ordinance and resolution were not intended to impact noise levels from the Commons area but protect the Town from future nuisance claims.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Harpham) to Introduce and Waive the First Reading of Ordinance 235 Rescinding Ordinance 223 which Amended Section 7.12.020 and Section 7.12.135 of Chapter 7.1 of the Town of Moraga Municipal Code and restore the code as previously drafted and schedule a reading/adoption of the ordinance for the regular Town Council meeting on September 14, 2011. Roll Call Vote: 4-0-1. Absent: Chew.

ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 29-2011 Rescinding Resolution 49-2008 which Amended General Plan Policy OS6.2 and restore the General Plan as previously drafted. Vote: 4-0-1. Absent: Chew.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Adopt Resolution 30-2011 Authorizing Staff to Enter into an Agreement with Pacific Gas and Electric (PG&E) of San Francisco in an Amount not-to-exceed \$65,000 for upgrading 77 LS1 Tariff Streetlights to LEDs; and adopt Resolution 31-2011 Authorizing Staff to Enter into an Agreement with PG&E in an Amount not-to-exceed \$50,000 for Upgrading 58 LS2 Tariff Streetlights to LEDs

Staff Engineer John Sherbert asked that the Town Council approve a resolution authorizing staff to enter into an agreement with PG&E in an amount not-to-exceed \$65,000 for upgrade of 77 of the Town's streetlights to LEDs and approve a resolution authorizing staff to entire into an agreement with PG&E in an amount not-to-exceed \$50,000 to upgrade 58 additional Town streetlights to LEDs. The conversion of 135 streetlights is estimated to save \$6,000 per year in electrical costs.

In response to the Council, Mr. Sherbert explained that the program had not gone to a competitive bidding process. He had approached a number of different equipment vendors for the cost of supplying the lights and their costs were within tens of dollars per light as compared to what PG&E would provide. All of the work would be done at one time. The contract with PG&E had not yet been reviewed by the Town's legal department.

As to the language contained in the agreement with PG&E in regards to the indemnification clause as shown on paragraph 2, Ms. Kenyon affirmed that the agreement had not yet been reviewed by the Town Attorney's Office. She recommended that the Town Council approve the resolution with the caveat that any agreement with PG&E be subject to approval of the Town Attorney. She agreed that the indemnification language in the agreement was not acceptable and she was uncertain whether the Town's insurance would cover the Town in the event a PG&E employee was injured during the course of the project.

Mr. Sherbert added that PG&E would typically do the work on the Town's own streetlights; the project was essentially a continuation of the way the work was already being done. He agreed that the contract should be modified to address the concerns with respect to the indemnification clause and noted that PG&E had not worked in the past under this same contract. He understood that the Town did not have much control over the language for the tariff under normal activities although the subject project was outside of the normal tariff process with PG&E and was on a contractual basis where the Town should have the opportunity to do further work on the contract.

Ms. Kenyon advised that the Town did not normally enter into such contracts with PG&E and the Town was not obligated to indemnify PG&E on a contractual basis as the agreement was now written. The agreement, as written, would increase the Town's obligations for indemnification as it would normally under the LS2 Tariff.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Harpham) to adopt Resolution 30-2011 Authorizing Staff to Enter into an Agreement with Pacific Gas and Electric (PG&E) of San Francisco in an Amount not-to-exceed \$65,000 for Upgrading 77 LS1 Tariff Streetlights to LEDs and Adopt Resolution 31-2011 Authorizing Staff to Enter into an Agreement with PG&E in an Amount not-to-exceed \$50,000 for Upgrading 58 LS2 Tariff Streetlights to LEDs, with modification to the NOW THEREFORE, BE IT RESOLVED CLAUSE, for both resolutions to read:

Resolution 30-2011:

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Moraga hereby authorizes staff to enter into an agreement, subject to approval of the Town Attorney, with Pacific Gas & Electric for upgrading 77 of the Town's streetlights in the LS1 tariff for an amount not-to-exceed \$65,000.

Resolution 31-2011:

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Moraga hereby authorizes staff to enter into an agreement, subject to approval of the Town Attorney, with Pacific Gas & Electric for upgrading 58 of the Town's streetlights in the LS2 tariff for an amount not-to-exceed \$50,000.

Vote: 4-0-1. Absent: Chew.

- B. Update of Recent Activities of the Revenue Enhancement Community Outreach to Neighborhoods (RECON) Subcommittee and Authorize the Town Manager to Extend the Consultant Contract with the Lew Edwards Group for an additional \$27,000 to Further the Community Outreach for the Town's Street Repair Needs

Ms. Keimach reported that the purpose of the agenda item was to update the Council on the recent activities of the RECON and a request to extend the contract with the Lew Edwards Group for an additional \$27,000 to further the community outreach for the Town's street repair needs as outlined in Attachment B to the staff report dated August 24, 2011. The request would

extend the work through May 2012. She explained that RECON had commenced in February 2011, formally created by the Town Council with a contract with three different groups; an engineering group, survey community assessment group, and Lew Edwards Group to assist with outreach. An overview from the results of the focus group sessions had been presented to the Town Council in February 2011 as well as a discussion of the different revenue options. The Revenue Enhancement Committee (REC) had identified two major issues for the Town; street repairs and economic development. RECON had been working on the creation of a long-term revenue source to maintain all neighborhood streets. The history of the work stream over the past several months had been outlined in Attachment A to the staff report.

Ms. Keimach commented that the RECON committee had divided into two subcommittees in July with one focusing on outreach and the other on engineering analysis. The effort of each subcommittee's work had been outlined in Attachment A. The outreach subcommittee would be focusing on a Speaker's Bureau consisting of existing RECON and past REC members, who with Town staff, would be trained in September by the Lew Edwards Group in effective communication techniques that would aid those involved in educating the community on urgent street and road issues. The engineering subcommittee was estimating unit costs for various repair resolutions and identifying the appropriate level of repair for each neighborhood street in the Town. Both subcommittee efforts were anticipated to be completed toward the end of the year so that the Speaker's Bureau could go out to the same community and neighborhood groups again to provide updates on revenue and financing options for community consideration.

Ms. Keimach advised that throughout this effort over the next ten months there would be regular updates and decisions planned for Town Council for consideration. Information related to the repair of each of the Town's streets would be presented to the Town Council in November. In April 2012, the Town Council would be asked to make a decision on which revenue measure was best for the Town, with the Town Council to determine in May 2012 whether or not to move forward with the chosen revenue measure. She also identified and outlined Attachment B, a Pavement Condition Index for Bay Area Jurisdictions 2006-2010 from "The Pothole Report: Can the Bay Area Have Better Roads?" prepared by the Metropolitan Transportation Commission.

Ms. Keimach explained that the additional \$27,000 in funding to extend the Lew Edwards Group contract was in the adopted 2011/12 budget as the \$150,000 local General Fund match or maintenance of effort required for Measure J dollars. The contract extension for three months through the summer totaled \$9,000 and was part of the contract contingency.

Ms. Keimach recommended that the Town Council receive the update on the recent activities of the RECON committee and authorize the Town Manager to extend the consultant contract with the Lew Edwards Group for an additional \$27,000 to further the community outreach for the Town's street repair through May 2012.

The Town Council expressed its appreciation to Vice Mayor Metcalf and Councilmember Harpham for their assistance on the RECON committee.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council discussed the update of the RECON committee and the staff request to extend the consultant contract with the Lew Edwards Group and offered the following comments and/or direction to staff:

- The Town Council supported the extension of the consultant contract with the Lew Edwards Group for an additional \$27,000; and
- The Town Council recognized the importance of addressing the Town's street repair needs and commended the efforts of the RECON committee.

ACTION: It was M/S (Harpham/Trotter) to authorize the Town Manager to Extend the Consultant Contract with the Lew Edwards Group for an additional \$27,000 to Further the Community Outreach for the Town's Street Repair Needs through May 2012. Vote: 4-0-1. Absent: Chew.

- C. Authorize the Mayor to Sign Response Letter to Grand Jury Report "Ethics and Transparency Issues in Contra Costa County" (Report 1105)

Ms. Keimach reported that the Town had received another request for information regarding purchasing policies and practices on August 8 and the latest report for Ethics and Transparency Issues in Contra Costa County. She explained that the other reports from the Grand Jury had requested information first, evaluated that information, and the communities that had not met the predetermined criteria had been asked to go to Council and change policies or respond in some way. In this case, rather than pre-information, the Grand Jury letter went to all cities in Contra Costa County to state that conflicts of interest, nepotism, and ethics training were important components for a transparent government, with the interest for each Council to address how it deals with those issues. A draft letter, to be signed by the Mayor and reviewed by the full Council, was the response to the overall findings from the Grand Jury.

Ms. Keimach advised that the Town had an existing Employee Handbook revised in 2008 which was currently being updated and reviewed by the Town Attorney's Office. The draft letter included language regarding potential conflicts of interest. The ethics training policy, required as part of AB 1234 every two years, was also outlined in the draft letter response to the Grand Jury.

In response to the Council, Ms. Kenyon explained that the draft letter had not been vetted by the Town Attorney's Office given that there was no legal requirement other than a response to the Grand Jury request.

Town Clerk Marty McInturf added, when asked, that the Town Council was current on its required ethics training. The Town Council commended and expressed its appreciation to the Town Clerk for ensuring that the Town Council met the requirements of AB 1234.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Harpham/Metcalf) to authorize the Mayor to Sign Response Letter to Grand Jury Report "Ethics and Transparency Issues in Contra Costa County" (Report 1105). Vote: 4-0-1. Absent: Chew.

- D. Direction to Voting Delegate and Alternate(s) Regarding Resolutions at the League of California Cities Annual Meeting

The Town Council discussed the six resolutions to be discussed at the League of California Cities Annual Meeting and offered the following direction to the Voting Delegate and Alternate(s):

Resolution 1: Resolution Supporting Alternative Methods of Meeting Public Notice Requirements and to Advocate for Revisions to the Government Code Recognizing Alternative Methods as a Means to Meet Noticing Requirements: The Voting Delegate and Alternate(s) were recommended to vote: **YES**

Resolution 2: Resolution Relating to Tort Reform: The Voting Delegate and Alternate(s) were recommended to vote: **NO** [Councilmember Trotter did not support this resolution which could result in unintended consequences and may have an effect on equal access to justice since with the resolution, as written, all losers would pay; Councilmember Harpham supported the resolution if carefully crafted and administered but had concerns the Town may involve itself in legal issues beyond its jurisdiction; Vice Mayor Metcalf agreed that the resolution may have unintended consequences; Mayor Mendonca was not convinced that the language in the resolution would do what the resolution was intended and may not hold any weight.]

Resolution 3: Resolution Related to Raising Public Awareness about the Imminent Health and Safety Concerns for Bullied Children: The Voting Delegate and Alternate(s) were recommended to vote: **NO** [This was not typically an area in which local government has a role.]

Resolution 4: Resolution Supporting the Prison Rape Elimination Act of 2003. The Voting Delegate and Alternate(s) were recommended to vote: **NO** [This was not a local issue.]

Resolution 5: Resolution Calling for the Replacement of the Death Penalty with the Sentence of Life Imprisonment without the Possibility of Parole. The Voting Delegate and Alternate(s) were recommended to vote: **Split Vote YES/NO** [Councilmember Trotter suggested it could be a benefit to the State Budget and a case could be made that it may have a municipal impact; Vice Mayor Metcalf recommended the League of California Cities should focus on curtailing overregulation and other issues which affect local jurisdictions; Mayor Mendonca was not persuaded to support the budget argument in support of the resolution and did not find the resolution appropriate; Councilmember Harpham shared the opinions on the budgetary concerns which may carry a fiscal impact on local communities, and while this was not the appropriate forum to address this issue he would support a 'yes' vote on the resolution.]

Resolution 6: Resolution in Honor of the City of Bell. (This resolution will not be considered by a Policy Committee but will go directly to the General Assembly). The Voting Delegate and Alternate(s) were recommended to vote: **NO** [This does not meet the League guidelines and does not seem to be a policy direction transferrable to other municipalities.]

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

In response to **Vice Mayor Metcalf**, Ms. Keimach advised that an update on Emergency Preparedness had been scheduled for the Town Council meeting of September 14, 2011.

Chief of Police Robert Priebe reported that the MOFD had hired Dennis Rein as the new Emergency Preparedness Coordinator. He had met with Mr. Rein on a couple of occasions and discussed the transition of the responsibility of the Community Emergency Response Teams (CERT) from the Town of Moraga to the MOFD. That transfer would take more time than envisioned with the Emergency Preparedness Coordinator in the process of assessing all of the groups and defining responsibilities. The MOFD and each jurisdiction would have to agree on MOUs to determine what the MOFD would provide each municipality and define the municipality's responsibilities. That would likely not occur until after the first of the year. He understood that the Emergency Preparedness Coordinator was willing to meet with the Council subcommittee comprised of Councilmembers Harpham and Trotter. In addition, a class would be held between the Emergency Preparedness Coordinator and the East Bay Regional Parks

District (EBRPD) staff and there was a willingness to provide the same class to Town staff in October/November. He added that the City of Lafayette had created a quality emergency operations plan of which he had a copy and he understood that the Lafayette City Council would approve the document in the next month. He would make the effort to create the same document for the Town of Moraga, to be considered by the Town Council.

XIII. COMMUNICATIONS

- A. Letter from United States Postal Service (Government Relations Representative) to Congressman Garamendi, House of Representatives, dated June 22, 2011

Mayor Mendonca reported that she had spoken with an aide for Congressman Garamendi during the Mayors' Conference regarding the possible closure of United States Postal Offices and the fact that the Moraga Country Club Station had been eliminated from the expanded access study list of potential closures, which had been interpreted that that post office may not be closed.

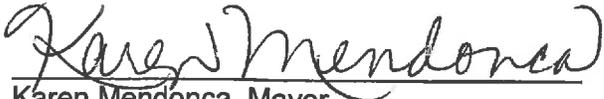
XIII. ADJOURNMENT

ACTION: It was M/S (Trotter/Harpham) to adjourn the meeting at 9:45 P.M. Vote: 4-0-1. Absent: Chew.

Respectfully submitted by:


Marty Q. McInturf, Town Clerk

Approved by the Town Council:


Karen Mendonca, Mayor