



**TOWN OF MORAGA  
SPECIAL MEETING**

**January 5, 2022  
MINUTES**

**6:00 p.m. Special Meeting**

**TELECONFERENCED MEETING LOCATION ONLY**

**\*COVID-19 NOTICE\***

**THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54953 (AS AMENDED BY AB 361), WHICH AUTHORIZED TELECONFERENCED MEETINGS UNDER THE BROWN ACT, DURING CERTAIN PROCLAIMED STATES OF EMERGENCY. THE GOVERNOR OF CALIFORNIA PROCLAIMED A STATE OF EMERGENCY RELATED TO COVID-19 ON MARCH 4, 2020. THIS TELECONFERENCED MEETING WAS NECESSARY SO THAT THE TOWN COULD CONDUCT ESSENTIAL BUSINESS AND WAS PERMITTED UNDER GOVERNMENT CODE SECTION 54953 IN ORDER TO PROTECT PUBLIC HEALTH AND THE SAFETY OF ATTENDEES.**

**Consistent with Government Code Section 54953, this meeting was held via teleconference only, and was not physically open to the public. Town Councilmembers and staff teleconferenced into the meeting by audio and/or video. The meeting was conducted via Zoom Webinar.**

**1. CALL TO ORDER**

The regular meeting was called to order at 6:01 p.m. by **Mayor Renata Sos**.

**ROLL CALL**

Councilmembers present: Mayor Renata Sos, Vice Mayor Sona Makker and Councilmembers Mike McCluer, Teresa Onoda and Steve Woehleke

Councilmembers absent: None

**2. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION**

**A. Town Council 2022 Mayor and Vice Mayor Selections**

Discuss the Town Council 2022 Mayor and Vice Mayor Selections and Provide Direction to Staff

**Mayor Sos** thanked her fellow Councilmembers and Town staff for making themselves available on short notice and to those members of the public for participating in the Special Meeting. She had called the Special Meeting in light of recent events, which warranted the Town Council to address thoughtfully and quickly, an issue that was driving a deep wedge in the community. She noted they had had the opportunity to discuss how to start a healing process and her hope was that the Town Council would help bridge the divide in a way that would allow the Town Council and the Town to get on with the business credibly and effectively of serving the community and tackling the many issues before the Town Council in 2022.

**Mayor Sos** reported on December 8, 2021, she had been elected as the Mayor and Sona Makker as the Vice Mayor for the Town of Moraga, and each Councilmember had spoken at the time in accordance with what had been thought was in the best interests of the Town as a whole. Since then, the community had spoken but not in a unified way, with supporters of the outcome and supporters of another outcome. She had listened to many of the comments and found there were credible reasons to take either side. As was the case at the meeting, each Councilmember wanted to do what was best for the Town and what would best position the Town Council to be effective and successful moving forward.

**Mayor Sos** asked the Town Council to consider the following scenario offered by Councilmember Woehleke and she thanked him for his willingness to think creatively and communicate and collaborate on a potential solution to the situation. Councilmember Woehleke had asked her to bring his idea forward and she invited him to correct any inaccuracies in his recommendation. Councilmember Woehleke's recommendation had taken into account community input received over the last few weeks which had her full support.

**Mayor Sos** detailed Councilmember Woehleke's scenario that she and Councilmember Woehleke each serve as Mayor in 2022, with Mayor Sos to start the year and Councilmember Woehleke to finish the year. Noting that Vice Mayor Makker had been put in a difficult position by being elected as Vice Mayor so early in her tenure on the Town Council and thanking her for her willingness to rise to the challenge, she suggested that was not the best path forward. She recommended that at the next meeting Councilmember Woehleke be elected as the Vice Mayor and in late spring Councilmember Woehleke would replace her as Mayor and she would replace him as Vice Mayor. With this scenario, she and Councilmember Woehleke would be able to work collaboratively side by side through the entire year as the Town Council moved through its challenges.

**Mayor Sos** advocated the switch occur at a time mutually agreed upon by herself and Councilmember Woehleke to ensure the least amount of disruption to the business of the Town.

**Mayor Sos** asked the Town Council to consider this scenario as a starting point for the discussion and she invited Councilmembers to ask questions. Public comment would be taken thereafter and then the Town Council would determine whether it could reach agreement on how to direct staff for the next Town Council meeting. With majority agreement, staff could be directed to place an action item on the January 12, 2022 agenda for the appointment of Councilmember Woehleke as Vice Mayor, with the Mayor and Vice Mayor to switch in late spring.

**Mayor Sos** asked that when Councilmembers speak, they do so in a way to acknowledge that they were all members of a close-knit community, friends, neighbors and colleagues with the best of intentions and shared love of the community.

**Councilmember McCluer** commented that after his review of the Livestream from the December 8, 2021 Town Council meeting, the objection of Councilmember Woehleke as Mayor had been based on 2022 being a unique and different year with the Housing Element, Bollinger Canyon Rezone and labor negotiations. He suggested another option for consideration could be to make Mayor Sos the Presiding Officer for all Town Council meetings (whether regular, special or Closed Sessions) and Councilmember Woehleke to serve as the ceremonial Mayor excluding the responsibility of the Presiding Officer.

**Councilmember McCluer** also suggested the tradition for Vice Mayor be re-set with Renata Sos appointed as the Vice Mayor for 2022, to then be on track to be Mayor for 2023. He believed that scenario was a reasonable compromise.

**Vice Mayor Makker** thanked everyone for the innovative options. She asked whether there would be an opportunity to share feedback whether the new scenario was working or not and how to course correct as needed.

**Mayor Sos** acknowledged the innovative and creative solutions being offered to move forward and start the healing process. She was confident whatever path was chosen, the Town Council would be committed, collaborative and effective.

#### PUBLIC COMMENTS OPENED

Karl Davis, Moraga, commented he had friends on both sides of this issue. He was overjoyed to learn that both Mayor Sos and Councilmember Woehleke had a proposal they could work with and he supported the proposal as described.

Kendall Langan, Moraga, suggested a Special Election would have avoided this issue. He thought that public hearings should be properly noticed at least two weeks in advance of the meeting date with a mailer sent directly to all Moraga residents. He expressed concern with a lack of transparency from the Town Council, the Town Attorney and staff and requested consideration of a Request for Proposal (RFP) for legal services. He believed that Preserve Lamorinda Open Space (PLOS) was manipulating the Town and had communicated with the Town Council improperly through back door negotiations.

Barry Behr, Moraga, had been uncomfortable with the outcome of the December 8, 2021 Town Council meeting and the selections of Mayor and Vice Mayor. He had reached out to those involved after the meeting and was pleased that Mayor Sos and Councilmember Woehleke had communicated and come up with a proposal for consideration. He noted that every year was a tough year for the Town of Moraga, and it was important for the Town Council to be comfortable with whomever was in the position of Mayor and Vice Mayor. He found the process had been transparent, that nothing was being hidden, and moving forward the proposal would address many of the concerns raised by the community.

Graig Crossley, Moraga, suggested another option would be for Mayor Sos to offer a motion to remove herself as the Mayor and nominate Councilmember Woehleke as Mayor and herself as the Vice Mayor, noting any motion of the Town Council required three affirmative votes to pass. He noted that any three Councilmembers could make a decision to overturn any question of Councilmember Woehleke's leadership. He questioned why the Town Council had not considered selecting Councilmember Onoda as the Vice Mayor given her experience. He stated it was unlikely a great percentage of the population was familiar with newest appointed Councilmember.

John Anderson, Moraga, was pleased the Town Council was considering a compromise but was troubled with the search for a lawyerly solution for a problem that should not have happened given the Town Council Protocols. He questioned why that process had failed and suggested the Town Council should explain in writing why the Town Council Protocols had failed. He stated each Councilmember was competent and the Town Council Protocols had served the Town well in the past and should be followed.

Caroline Wood, Moraga, thanked Mayor Sos and Councilmember Woehleke for communicating with each other. She suggested the proposal being offered should be considered, was a good working plan, and the Town Council ought to move forward and get on with the Town's business.

Town Clerk Marty McInturf reported that late correspondence received prior to the meeting had been uploaded and posted on the Town website.

The following individual provided written comments via e-mail which were read into the record:

David Shapiro, Moraga, *Dear Councilmembers, I write in connection with this evening's council meeting regarding the election of mayor. I previously wrote a letter about the issues that was published in the Lamorinda Weekly. A copy is attached, and I reaffirm my views. I write now to respond to what I believe are the unlawful and bullying tactics engaged in by former Mayor McCluer, likely with the assent of Mr. Woehleke, in response to the election of Mayor Sos. Tradition – even if there were one – plays no part in elections other than to avoid hurt feelings for not winning a popularity contest, or, as now, to try to undermine the legitimate vote. Mr. McCluer should stop posting to his vocal and uninformed followers on NextDoor and cooperate with the other council members. The same is true for Mr. Woehleke. They have become disrupters, engaged in an embarrassing campaign of whining to get what they want. I fully support Ms. Sos as Mayor. I have spoken with each of the council members multiple times over the past few years. Ms. Sos is the most senior member of the council and the person with the temperament and intelligence best suited to run the council meetings for the next year. Very Truly Yours, David W. Shapiro*

## PUBLIC COMMENTS CLOSED

**Councilmember Woehleke** found Mayor Sos had done an excellent job describing the proposal he wanted the Town Council to consider. He sought more information on the alternative scenario Councilmember McCluer had recommended to determine whether or not it warranted more consideration. He thanked Mayor Sos for calling the Special Meeting and endorsed the proposal as described by Mayor Sos for the following reasons. It continued the Town's tradition for appropriately progressing the position of Vice Mayor to Mayor and traditionally the Vice Mayor was in preparation to become the Mayor. The proposal avoided switching immediately, which had several advantages allowing a period to work things out organizationally; a potential rework by staff for the 2022 planning that had already begun; enabled a seamless transition between Mayor and Vice Mayor at the appropriate time; and allowed for a logical progression for Renata Sos to be Mayor for 2023.

**Councilmember Woehleke** took responsibility for placing Vice Mayor Makker in an awkward position to serve as Vice Mayor. If the proposal was enacted, Vice Mayor Makker would then be able to continue her assimilation without the risk of potentially having to take on the role of Mayor. Due to the restrictions of the Brown Act, he had been unable to meet with Vice Mayor Makker prior to the December 8, 2021 Town Council meeting to discuss the reorganization. He reported the only Councilmember he had communicated with on this subject had been Mayor Sos. He was confident he and Mayor Sos could work together and had done so successfully in the past. He also advocated the Town Council consider clarifying the Town Council Protocols to ensure clarity to avoid similar situations.

**Councilmember Woehleke** stated that for a small town the size of Moraga, the Mayor had ceremonial leadership responsibilities with much of the focus as facilitator for the Town Council to make majority decisions during Town Council meetings. He believed Councilmember McCluer had done a good job in 2021, Mayor Sos was showing she could do a good job during this meeting, and he too would do a good job as a facilitator. He thanked Mayor Sos for her willingness to consider alternatives to the current situation.

**Councilmember Onoda** clarified that prior to the December 8, 2021 Town Council meeting, she had spoken with only one person, Councilmember Sos. She found the scenario the Mayor and Councilmember Woehleke offered had possibilities, but she was uncertain about changing hands in the middle of the year.

**Councilmember Onoda** referenced the December 11, 2019 Town Council meeting at which time the Town Council had discussed the selection of Mayor and Vice Mayor and Councilmember

Woehleke had not voted to follow tradition and have a seamless transition when voting for Mayor which resulted in a 4-1 vote. She asked Councilmember Woehleke to comment on that situation.

**Councilmember Woehleke** confirmed that during the December 2019 Town Council meeting he had not supported the transition of the Vice Mayor to the Mayor consistent with tradition but at that time he was new to the Town Council having only been a Councilmember for one year and that he could substantiate the reasons why he had voted the way he had.

**Mayor Sos** recognized the concerns with the workability of the proposal and the proposed switching of the position of Mayor mid-year and the need for the Town Council to be successful and productive when moving forward. The key component of the proposed path forward was that she and Councilmember Woehleke would work side by side throughout the year so that it would be a seamless process from a directional, policy and interaction with staff standpoint. She was confident whenever the switch was appropriate, she would be comfortable with the transition. She recognized this as a new way of doing things, agreed there was a risk, and understood the need to be aware of unintended consequences.

**Councilmember Onoda** asked when the switch would occur, and **Mayor Sos** reported she and Councilmember Woehleke had discussed the main objective to have the switch of Mayor at a time that would be least disruptive to the Town Council, and since the year was fluid and dynamic the timing should be based on mutual agreement but no later than the month of May, with May 25 the half-point of the year.

**Councilmember Woehleke** acknowledged he may regret the vote he made in 2019, but the Town Council needed to move forward in a manner that was best for all citizens of Moraga, and he believed he and Mayor Sos had a proven working relationship and would make this work.

**Councilmember McCluer** complimented the Mayor and Councilmember Woehleke for reaching a reasonable compromise. He could provide clarity on his alternative proposal, if necessary, but could support the proposal offered by the Mayor and Councilmember Woehleke.

**Vice Mayor Makker** supported the proposal offered by the Mayor and Councilmember Woehleke, which was the type of creativity that inspired people of her age group who wanted to be involved and wanted to make a change, participate and move forward. She found the Vice Mayor title to be irrelevant to her commitment to being a volunteer on the Town Council and she supported the proposed switch. She urged an open chain of communication and feedback on how the process was working. She supported a one-page mutually agreed upon principle or stance and volunteered to help participate to craft such a document with the rest of the Council.

**Mayor Sos** reported the upcoming Town Council Goal Setting Session would occur at the end of the month and would be the time when policy direction would be provided to staff and when Vice Mayor Makker's recommendation could be discussed.

**Councilmember Onoda** supported the proposal and expressed her hope that in the coming year there would be no more disruptors on the Town Council and that the Town Council would work together and not create misleading information. She wanted to move forward with a clean slate, emphasized that Councilmembers were volunteers, and she hoped that everyone would reflect on how to move 2022 in a new direction.

**Mayor Sos** explained that was why she found this meeting to be necessary and helpful to allow the Town Council to clear the air on this matter and when it next met, the Town Council could collegially and respectfully get to work on the many issues that had to be addressed. She thanked the Town Council and the members of the public for the input. No action was being taken at this time other than to provide direction to staff.

**Mayor Sos** summarized the direction to staff to return to the Town Council at the January 12, 2022 Town Council meeting with an item placed on the Consent Agenda, and as circumstances warranted to appoint Steve Woehleke as the Vice Mayor effective January 12, 2022, and at a time that was mutually agreeable to the Mayor and Vice Mayor, but no later than May 2022, the position of Mayor be switched.

Town Manager Cynthia Battenberg clarified with the Mayor the direction to staff was that no later than May 2022, Steve Woehleke would be the Mayor and Mayor Sos would be the Vice Mayor.

**Mayor Sos** confirmed and emphasized that she and Councilmember Woehleke were committed to making this scenario work in as transparent a manner as possible to assess its effectiveness.

### 3. ADJOURNMENT

**ACTION: It was M/S (Woehleke/Onoda) to adjourn the Town Council meeting at 6:53 p.m.  
Roll Call Vote: 5-0.**

Respectfully submitted by:

  
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Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
\_\_\_\_\_  
Renata M. Sos, Mayor