



**TOWN OF MORAGA  
TOWN COUNCIL SPECIAL MEETING**

**APRIL 26, 2022  
MINUTES**

**10:30 a.m.**

Council Chambers  
335 Rheem Boulevard, Moraga, California 94556

**1. CALL TO ORDER**

The special meeting was called to order at 10:30 a.m. by **Mayor Renata Sos**.

**ROLL CALL**

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

Councilmembers absent: None

**2. PUBLIC COMMENTS AND SUGGESTIONS**

Mayor Sos read the following email into the record:

*Dear Members of the Moraga Town Council,*

*In reviewing the Agenda for this morning's Special Meeting of the Town Council, including Closed Session Discussions, I am shocked at the lack of Fair Representation for the Interests of Town Residents. Though not an attorney, thus not expressing the conflict in proper legal terms, I am still able to tell that the residents are not in a fair fight. I have heard the term "Conflict of Interest", however, and suggest that every item I see on the Agenda is fully steeped in this concept.*

*Though these matters are "Confidential", the very minimum disclosures reveal a lack of impartial input for impacted parties. In the Town Council Review of the Town Manager, we have a lack of Independent Evaluation, in that this "Strong Manager" holds important leverage over the individual Town Council members in important matters. There is extreme un-mediated "potential" (and observed) intimidation by the Town Manager upon individual Town Council members regarding various town matters, resulting in the lack of open and truthful representation of resident concerns and interests. I suggest an Independent Commission of Town Representatives be assembled to provide uninfluenced input.*

*Compounding this impairment to Resident Interests, is the lack of an interested and non-conflicted party in the representation of the Town Manager's Evaluation. The "Agency Designated Representative" for the Town is the Town Attorney. Despite all attempts to promote the Town's interest, doesn't the Town Attorney have several points of Conflict of Interest? Does she not deal with the Town Manager on a very regular basis, and rely upon her continuing favor to maintain her contract with the Town? Is it also not true that the Michelle Kenyon and her firm are representing the Town Manager in a lawsuit by a former employee against the town manager? And, hasn't the Town Attorney represented the Town Manager in private litigation, separate from the Town's*

*business? Indeed, hasn't Michelle Kenyon and her firm counted Cynthia Battenberg as a private client of the firm? How can they possibly represent that they can fairly represent the Town Residents against their own client?*

*Carrying the concept of "Conflict of Interest" a bit farther, how can Town Manager Cynthia Battenberg represent the Town Residents in discussion with Town Employees in their contract negotiations? Indeed, doesn't she receive the same salary increases and other benefits as the association she is negotiating "against".*

*In both the negotiations with the Town Manager, and the Employees Association, there are unacceptable conflicts of interest, and lack of protections for the Residents (and other taxpayers).*

*It is shocking that this Town Council apparently believes this is all ok, and will go about the business of rubber-stamping the proposals (hidden from Town Residents), giving the raises demanded (though not vetted by independent parties), while patting themselves on the back for making everybody in the room happy. Oh yeah, none of the residents are allowed in the room! Oh well!*

*Here's my totally unacceptable suggestion; postpone today's approvals, and schedule an open meeting to receive public comment on the Town Manager and the Town Employees performance, as well as relative priority of Town Funding. Despite no apparent invitation for Public Comment (there's no Zoom opportunity to participate), and the inconvenient time for working Moragans, the results of this meeting will be keenly watched, and remembered in upcoming elections.*

*Proceed with caution, people are watching and listening, and they are not happy!*

*Scott Bowhay  
Moraga, CA 94556*

### **3. CLOSED SESSION**

#### **A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Government Code Section 54957

Title: Town Manager

#### **B. CONFERENCE WITH LABOR NEGOTIATORS**

Government Code Section 54957.6

Agency Designated Representative: Michelle Marchetta Kenyon, Town Attorney

Unrepresented Employee: Town Manager

#### **C. CONFERENCE WITH LABOR NEGOTIATORS**

Government Code Section 54957.6

Agency Designated Representative: Cynthia Battenberg, Town Manager

Employee Organizations: Mid-Management/Professionals, Moraga Employees' Association

Councilmember Makker left the meeting at this time after the Closed Session.

### **4. RETURN TO OPEN SESSION**

Mayor Sos advised that there was no reportable action from the Closed Session.


### **5. ADJOURNMENT**

**ACTION: It was M/S to adjourn the meeting at 12:15 p.m. Vote: 4-0-1. Absent: Makker**

Respectfully submitted by:

  
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Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
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Steve Woehleke, Mayor