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MOSPRO 2008 on the June Ballot?

An issue not on the agenda takes center stage at Town Council meeting

By Sophie Braccini

A group of Moraga residents rallied on Wednesday, February 13th at the Town Council meeting to urge the Council to have the Moraga Open Space Parks and Recreation initiative (also known as MOSPRO or the Bruzzone initiative) placed on the ballot in June. The Council had not placed this topic on its agenda for the evening.

Petitions for two very different open space initiatives have recently been circulated in Moraga. MOSO 2008, proposing to freeze land for open space use only, came first but was withdrawn as the group decided to rewrite part of it to address concerns emanating from the Moraga Country Club and St Mary's College. In the meantime, the Bruzzone family, which owns most of the land targeted by MOSO 2008, proposed another initiative that provides for development possibilities, as well as open space and monies for the town.

The MOSPRO petition garnered more than enough signatures to be sent to the County for verification. Once the County verifies the signatures, the Town Council can order staff to prepare an impact report within 30 days. Town Clerk Rhonda Basore said the County had been busy with the last election and was going to begin certifying a sampling of signatures before the end of this week. The Council must issue an Order by March 7 for the initiative to be placed on the June ballot. The signatures would be back in time for the February 27th regular Town Council meeting, but that would leave very little time to staff to write an impact report, and no regular Council meetings were scheduled between February 27th and March 7th.

"We want you to act now," speakers pleaded, "We want you to be diligent, fair and consistent." The tone of the discussion mounted as some members of the public inferred that the Council was purposefully delaying the process. One gentleman threatened the Council with a recall if the initiative was not put on the June ballot.

Dave Bruzzone reminded the Council that he and his lawyer had sent a letter that was received by the Town on February 7th.

The document highlights the Town's obligation to put the initiative on the ballot once the signatures have been verified, whatever the results of an impact study may be. The letter suggests alternatives to meet the March 7th deadline such as calling a special meeting before that date or doing the study after the deadline.

"The Council has the inherent power to 'study' the measure even after it has been ordered on the ballot; there appears to be no compelling reason to use such a report to preclude a June election," said Bruzzone. "The only reason to stall the initiative is likely political." Bruzzone concluded: "It's a shame because Moraga residents could benefit greatly by a new community and recreation center and new sports fields for our kids - all items that would likely result from passage of this initiative."

There were not many dissenters present that night. The next day, Friends of Moraga Open Space (FMOS), the group behind MOSO 2008, commented: "If the developer wanted to be certain to get on the June ballot, he needed to turn in his signatures by December 5th. That was the deadline to allow enough time for the full process under the Elections Code," said FMOS spokesperson Jon Leuteneker.

"Why the rush? The real issue is that the developer is hoping to get his measure passed before voters can vote on a true open space protection measure in November," said FMOS' Susan McNeill, who continued, "Getting this one passed first is a way to try to get the development rights carved in stone."

Mayor Deschambault expressed concerns that rushing the study before the signatures have been verified and the initiative qualifies for the June ballot, could result in staff unnecessarily putting aside other high priority issues in the Town such as the Specific Plan, Rancho Laguna and resolving the traffic calming measures on Camino Pablo. "In the meantime staff has worked diligently to accommodate the Bruzzone's late submittal, put in extra hours over the holidays, and is calling the County daily to check on its status. The potential long term impact and binding legal implications of both initiatives need to be thoroughly and completely reviewed by the Town. In both cases, that process should not be rushed."

Councilmember Ken Chew said he was concerned that rushing the process with no advance notice would not be fair to people opposing the initiative.

Vice-Mayor Dave Trotter said, "Both initiatives raise issues of vital importance to the future of the Town. To be fair and consistent and to better inform the public on what's at stake, I believe both initiatives should be the subject of an in-depth study and report from Town staff. That process should be deliberative and careful, not rushed."

Since the issue was not on the agenda, the Council couldn't direct staff to start the impact study immediately. Councilmember Rochelle Bird suggested an additional meeting at which the Council could decide to direct staff to begin an impact report whether or not the County had verified the signatures. Planning Director Lori Salamack stated that her department would be able to prepare a report, but that the amount of time they would have to do so would translate into a more or less in-depth study. On Councilmember Mike Metcalf's motion, the Council unanimously agreed to hold a special meeting tonight, February 20th. Stay tuned.

Town of Moraga

