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Developer's Initiative Will Wait For November Ballot

By Sophie Braccini

On February 27th, the Moraga Town Council decided in a 4 to 1 vote not to put the initiative known as MOSPRO on the June ballot, postponing it until the General Election in November. The decision was based on the Councils' intent to deliver a clear, accurate and meaningful summary of the initiative to the Moraga electorate. Supporters of the initiative said the deferral was driven purely by political reasons.

The initiative, commonly known as MOSPRO or the Bruzzone Initiative, was re-titled by Town of Moraga staff as the "Moraga Initiative Expanding Open Space and Residential Land Use Designations and Adopting a Development Agreement." The County Clerk certified the signatures that make the initiative eligible. The Council had the choice to either order the Initiative to a June ballot by the March 7th deadline, or wait the 30 days allowed by the Election Code to receive an impact report from staff.

The first option wouldn't have prevented the Council from ordering a full report, however staff brought up other deadlines that caused concerns. The ballot documents that will be mailed to all voters will include an impartial 500 words analysis from the Town's attorney. The deadline for submitting that study for a June ballot is March 14th. Doubts were raised as to whether twelve working days would be sufficient time for staff to develop a full report on all of the requested items.

Supporters of the initiative didn't share that concern, arguing that one quarter of the Town's electorate had signed to have it on the June ballot. Councilmember Bird supported that view point, "Staff can provide a factual study that would be ready in time to be included in the voter pamphlet," urged Bird. "The people of Moraga are highly educated. We need to trust them to think for themselves and make an informed decision," she continued.

About two-thirds of the forty or so citizens who spoke that night had a different perspective. "I've never seen such a complex initiative," said Leland Nelson, who sat on Moraga's first Planning Commission.

"The initiative contains a contract that will freeze many things for twenty five years," stated another resident, "there is no rush putting it on the ballot right now without due consideration."

The complexity of the matter was illustrated by the battle between the lawyers for the opposing sides. As the Town's Legal Council summarized it, "I have a lot of respect for both parties, but when one tells me there is no problem and the other one says the document is illegal, I suspect it will take a very serious study to form an impartial opinion."

Some supporters of the Initiative resorted to a personal attack against Mayor Deschambault. She was challenged about a declaration she made in December supporting the MOSO 2008 initiative.

"Yes, I supported that measure last year," responded Deschambault, "it was at a time when there was no indication that another initiative would be submitted to voters." She supported postponing the inclusion of the initiative to November in order to make sure that voters would get an accurate and complete set of information, "with a full and meaningful report, the electorate will be better informed. It's unfortunate that this initiative was not submitted in time for the complete process to take place before the deadline."

Vice-Mayor Dave Trotter had made his position very clear since the beginning of the debate: "We need to provide leadership," stated Trotter, "which means to act in the best interest of the Town as a whole. There is no need to rush, true democracy happens when people make informed decisions."

Councilmember Ken Chew saw no compelling reason to put this initiative on the fast track. "Council needs to make sure that the voters are thoroughly informed," he said. "Voters should be given the opportunity to contrast the two initiatives and decide which one to vote for on Election Day," added Chew, referring to the other potential initiative, MOSO 2008.

That was something Councilmember Bird couldn't agree with, insisting, "It is not our job to level the playing field for some other potential initiative that has yet to be submitted."