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Moraga Rescinds Dog Park Ordinance

By Sophie Braccini

Was it a decision based on fear, or made for the greater good? The answer depends on who you ask. The bottom line - dogs are allowed to play off-leash at Rancho Laguna Park during established hours for at least one more year. Confronted with a petition signed by over 20 percent of the voting population, the Moraga Town Council had to decide whether to put the dog park issue to a popular referendum or rescind its own ordinance. The Council quickly arrived at a decision July 11, voting three to two to rescind the ordinance that suspended off-leash activity at the park until and unless a dedicated dog park is created.

A large majority of public comments, heard before the Council's decision, were in favor of rescinding the ordinance. "I hope you will listen to the town tonight," said Dick Ayres. "This is a night for courage," said Larry Bare. "Rescind and let the path of compromise and healing begin," said Tina Brier.

Dale Walwark supported rescinding the ordinance because in his view the Town has more important questions to put on the ballot, namely a tax measure to salvage Moraga's infrastructure. "It's very important that we deal with the infrastructure, anything else would be a distraction," he said.

Donna Ward didn't agree, arguing that the issue had to go to the ballot and so the whole population could weigh in. "We need to put this to rest by a vote of the total community," she said.

Council Members Karen Mendonca and Ken Chew supported the referendum option. "Because I am a strong believer in well-designed and thoughtful public policies, it is never my first choice to make public policy through a referendum," said Mendonca. "However, after four years of witnessing a public process that has been thwarted by those who have no desire to maximize shared access for all, I firmly believe that it is time for the people of Moraga to provide their input." Chew agreed, adding that putting a referendum on the ballot would not impede the chances of a tax measure to pass and that refusing to do so was a denial of a democratic option based on fear.

Vice Mayor Howard Harpham noted that although political decisions are made about ideas, emotions must be taken into account. He developed the idea that if people were to see a tax measure to support the infrastructure and a referendum about supporting a fenced dog park on the same ballot, they could unconsciously establish a connection between the two. "We are human beings, we are not always logical; we have feelings and feelings always win," he said.

Mayor Mike Metcalf, who has been working on infrastructure issues for two years, stated up front that he would support rescinding the dog park ordinance so everyone's energy could be focused on the roads. Council Member Dave Trotter concurred.

Town Attorney Karen Murphy confirmed that, once rescinded, no similar ordinance could be adopted by the Town before the end of August, 2013, but she indicated that the Council could begin discussions around a new plan earlier if it were so inclined. "If the Council wanted to pick up the thread, discussions could start at some point in time after the November ballot," suggested Trotter.

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