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Town staff wants to tighten control over total legal expense

By *Sophie Braccini*

A surprisingly large amount of legal fees, over \$130,000, was part of the accounts payable to be approved by the town council on May 21. Council Member Kymberleigh Korpus questioned the number, and Town Manager Cynthia Battenberg responded with town attorney Michelle Kenyon, explaining the numbers and laying rules for future expense. According to the new manager, surprises like these should not happen again.

Korpus asked Battenberg to detail all the legal expenses, by date and destination, saying she had been very surprised to find such a large amount in the accounts payable for May. Battenberg reviewed each item line by line. The expense covered legal advice from November to February and comprised a wide array of topics including developer reimbursed advice on Rancho Laguna, Palos Colorados, Hetfield, City Ventures and Bollinger Canyon, and advice on several current topics such as the Rheem Theatre memorandum of understanding, the Hacienda de las Flores rental agreement, the Hillside and Ridgeline rules modification and the Moraga Center Specific Plan zoning.

The town attorney said that the total figure had been a surprise even to her. She explained it by citing two elements. Kenyon noted that the total included 2017 expenses that could have been paid sooner, and second, she said that the last months had been quite unusual and challenging for Moraga, due to its losing some key personnel, and Kenyon was the only one left who had a lot of institutional memory and needed to support staff more than had been the case in the past.

Battenberg explained to the council that in preparation of the 2018-19 budget and being new on the job she had started a conversation with the attorney, evaluating the anticipated legal fees project by project. She said that is the way she and her team will track legal expenses from now on. She added that she would keep the council informed of these expenses and warn them if the limits that were anticipated might be exceeded.

Kenyon, who has been Moraga's attorney for 25 years, said that it was the first time she had such a conversation with a town manager and added that this should guarantee that a surprise such as this large expense would not happen again.

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