



## MORAGA

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## Clarification sought regarding Landscaping in the Right-of-Way Ordinance

By Vera Kochan

In order to reduce confusion regarding landscaping responsibilities of Moraga's property owners, the town staff has requested council members to amend an ordinance with respect to trees, shrubs, hedges and other landscaping in the public right-of-way.

A prior June 10, 2020 clarification ordinance apparently had some gray areas involving two sentences about sidewalks and public right-of-way that were subject to misinterpretation by the public.

According to Public Works

Director/Town Engineer Shawn Knapp's staff report during the Sept. 28 town council meeting, "In one case, a property owner has contended to the MOFD [Moraga-Orinda Fire District] Board that one side of their property does not affront a sidewalk or pathway because their sidewalk area does not contain a hardscaped sidewalk; thus, they have no responsibility to maintain the 'sidewalk area'. To clarify this misunderstanding, the staff recommends adding a Sidewalk Area definition."

The report sites another instance whereby "a property owner has contended that the

town is responsible for the maintenance of the shrubs and trees in the Public ROW affronting their property that were replaced during a public works project completed by the Town or a utility company that may have occurred after the installation of underground improvements. The Town's position for these situations is if the Town, contractor, or utility company disturbed a Public ROW area maintained by property owner(s), this party should restore the area, but this party does not assume maintenance responsibilities indefinitely. This is analogous to work within the street pavement

where contractors and utility companies have underground facilities like pipes beneath portions of paved streets within the Public ROW."

The proposed ordinance would help to clarify certain sections of the Moraga Municipal Code by detailing the definition of "Abutting property owner;" "Public ROW;" and "Sidewalk Area."

Town Manager Cynthia Battenberg explained that because these two little sentences are causing residents to appeal their responsibility to undertake work, they have become an issue for the fire district's fire prevention efforts, "so [the district] asked us

to clarify these two issues. One is to make sure that the sidewalk definition doesn't actually require a sidewalk; and the other is to make sure that in instances where a utility or other company has come in and done a public works improvement that that improvement now returns to the responsibility of the property owner."

With a 3-2 vote (Mayor Steve Woehleke and Council Member Mike McCluer voting against), the council approved the waiving of the first reading of a language clarification to an ordinance revision.

## Town looks to the future of pension liability funding

By Vera Kochan

Moraga staff presented the town council with two recommendations regarding the potential use of Fund 100 – One Time Developer Fees (Palos Colorados) with the intent of looking ahead toward long-term fiscal sustainability.

The first recommendation would establish an Emergency Reserve Fund and allocation of \$1 million from Fund 100; and the second would be to set aside approximately \$1.5 mil-

lion, also from Fund 100, in order to reduce the town's future pension liability.

According to a Sept. 28 staff report from Town Manager Cynthia Battenberg, "The Palos Colorados fees are unrestricted, thus the use of the funds is not limited or constrained and may be utilized for any purpose the governing body sees fit. Given that these funds are not restricted, the Town can establish policies and guidelines to articulate a framework and approach for

how the government could use or designate these funds over a specific time period while considering the Town's unique circumstances and priorities."

With regards to setting up an Emergency Reserve Fund, the town's policy is to maintain 50% of its General Fund operating costs in reserve. With the town's major source of funding coming six months into the fiscal year from property taxes, the 50% reserve level may not be enough should there be a major fi-

nanial or physical town emergency. The staff recommended an emergency reserve fund which could carry the town through a potential "rainy day." However, the council opted to "stay the course" and not create a reserve fund, because in past emergencies the town has borrowed from Fund 100 and still considers it a viable source to that effect.

The council instead requested that staff, at a future date, present options to set

aside \$1.5 million from the Palos Colorados Fund in order to establish a trust/reserve account that would reduce the town's future pension liability. These funds would be used to address the increased payments projected between the years of 2028-37. The unfunded liability payments are expected to decrease in 2038 thanks to changes in the California Public Employees' Retirement System (CalPERS) new statewide reduced benefits tier.

## Candidates Night 2022 welcomes Moraga School Board hopefuls

By Vera Kochan

Moraga Citizens Network and Saint Mary's College co-sponsored Candidates Night 2022, on Oct. 3 at the SMC campus. Besides town council and Moraga-Orinda Fire Districts 1 and 3 candidates, the in-person and Zoom broadcasted event featured three Moraga School Board hopefuls Larry Jacobs, Hen King, and Martha White. Candidate Kristen Kraetsch (an Orinda mother, employment attorney, and co-director of Lamorinda Moms) was not able to participate due to an illness. There are three seats to fill on the MSD board.

White is a 20-year resident of Moraga with four children in the school system, whose duties as an SMC administrative assistant for biology, chemistry, EES, and health professions/ health sciences is managing budgets. She believes in following the mission of the school board and in putting the students first by making sure that they feel safe – physically, emotionally, mentally – and are reaching their full potential. White feels that COVID's learning loss was difficult in the district and that the state's test score results later this year will be a good indicator of progress made (especially with Special Education stu-

dents). She knows that the Universal Lunch program had some issues and with Universal Busing on the horizon, she's hoping that the two programs become streamlined. White has done a lot of volunteering on various school committees in the past, but feels that her seven years working a variety of jobs at Camino Pablo Elementary School has given her valuable experience.

Jacobs is a 16-year resident of Moraga with two children. He has been a local realtor while serving on several school councils and was appointed to the Moraga School Board in 2020. He believes that the school board has an obligation to the kids to make certain they receive quality education and that the schools continue to exist with the help of teachers, staff, parents and the town. He believes it is also the schools' responsibility to provide quality education to all students, regardless of their circumstances. The schools need to teach how to learn; not just what to learn and get back to pre-COVID levels as far as learning loss, he said. Jacobs would like to continue summer school to help this process and include diversity and equity programs. By serving on various school committees, he has gained a

lot of experience along with his past two years already on the school board. Jacobs believes in collaborating with his colleagues and showing respect through listening to each other.

King has lived in Moraga since 1984, and is a small business owner in the field of transportation technology. As a parent of one son, King feels that the needs of the teachers and the community are very important and must reflect the needs of the students. Most importantly, King said school bullying must be addressed, adding that all kids need to be heard within the school system in order to make it a safe and caring space and that placing a Wellness Center in each of the schools could help. Also a priority to King is how to alleviate traffic during school drop-offs and pickups – the MSB needs to look into more public transit usage or staggering start times among the various campuses, King said. Experience as a resident advisor in college has taught King how to work with people and gain leadership experience and a belief in collaboration with colleagues by being respectful and a good listener.

To view the Oct. 3 Candidates Night, visit <https://moragacitizensnetwork.org/candidates-night-oct-3/>

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**Town Council:** Wednesday, Oct. 12, 6:30 p.m.  
Wednesday, Oct. 26, 6:30 p.m.

**Planning Commission:** Tuesday, Oct. 18, 6:30 p.m.,

**Park and Recreation Commission:**

Monday, Oct. 17, 7:00 p.m.,

**Moraga School District Board Meetings:**

Tuesday, Nov. 8, 6 p.m. [www.moraga.k12.ca.us](http://www.moraga.k12.ca.us)