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## Heated discussion on the dais about process

*By Sophie Braccini*

The approval of a legal fee for \$23,000 started a robust discussion from Council Member Kymberleigh Korpus at the May 9 Moraga Town Council meeting. Saying that the town had a process problem, Korpus asked that the mayor's role, subcommittee responsibilities, and authority to make decisions outside public view be revisited.

The agenda of the May 9 council meeting included in the consent section a bill for \$23,000 of legal fees payable to the town's lawyer for consultation regarding the Memorandum of Understanding with the owner of the Rheem Theatre to sell that property to the Moraga Community Foundation. What Korpus said she found unacceptable was that the consultation and its fee had been authorized in February, before the council ever heard of the matter. But according to minutes from the June 10, 2015 council meeting, the Moraga Town Council provided direction to staff regarding the goal to save the Rheem Theatre, which was approved after then Town Manager Jill Keimach presented a comprehensive staff report about the subject. One of the 2016 town goals states: "Support and Develop a Long-term Strategy to Retain and Preserve the New Rheem Theatre. Work with all involved parties to facilitate the continued operation of the New Rheem Theatre as a public amenity for Moragans and the greater community." Under the 2017 Ongoing, Carryover, and Work Program objectives it was noted to "Continue Ongoing Efforts to Support the Rheem Theatre" and that language appeared in the 2018 town goals as "Support efforts of Moraga Community Foundation and others to reopen the Rheem Theatre."

Korpus also raised concern about the amount of legal fees, noting that more were still to come, making the legal fees total \$35,000, and that these amounts exceeded the discretionary amount of \$15,000 that is given to the town manager, who was Jim Holgersson at the time.

Council Member Jeanette Fritzky mentioned her reticence to join a closed session about the Hacienda before anything had been discussed in the open and she asked that subcommittee roles be revisited and enforced. Since the matter was not on the agenda, the council could not discuss the issue at the meeting. Mayor Dave Trotter simply asked that the council decide not to approve the payment of the fee at this time and that the town attorney and town manager start a discussion on this issue.

The council members unanimously agreed that this topic should be agendized for an open discussion at a future council meeting, once the budget is approved in June.

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