

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS**  
**Tuesday, November 14, 2006**

The Board of Directors of Brooktrails Township Community Services District met in regular session on November 14, 2006 at 7:00 p.m. at the Brooktrails Community Center.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

Roll call showed the following directors present: Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary. Director Williams arrived at 7:02 p.m.

**REPORT ON CLOSED SESSION**

District Counsel Neary said the Board met on a personnel matter; action was taken but will not be announced pending expiration of the employee's appeal period.

**C. ADDITIONS/ADJUSTMENTS TO THE AGENDA**

President Skezas announced that Item 5 would be postponed until January as Terry Krieg, the auditor, was ill.

**D. MINUTES OF PREVIOUS MEETINGS**

1. October 24, 2006. Director Horrick moved to approve the minutes. Director Orth requested that the second full sentence on p. 3732, it should read "mentioned the need for the Board to agendize for discussion raw water for irrigation." Director Williams noted that the roll call votes in the minutes should reflect that Director Williams was present, and Director Skezas was absent. Director Orth seconded the original motion as amended with the changes. The motion carried unanimously.

**E. SPECIAL PRESENTATION**

None.

**F. PUBLIC HEARING**

None.

**G. PUBLIC COMMENTS**

None.

**H. CONSENT CALENDAR**

2. Review of Accounts Payable report and authorization to issue checks. Director Orth moved to approve payment of the outstanding invoice report; Director Horrick seconded and the motion carried unanimously.

3. Retroactive approval of 10/26/06 telephone system down payment check and permit fees. Director Orth moved to approve payment of the following checks: Department of Fish & Game - \$4,000.00; State Water Resources Control Board - \$500.00; downpayment on telephone system -\$2,366.14; Director Ziady seconded and the motion carried unanimously.

4. Authorization of second check run on November 29. Director Orth moved to approve the second check run; Director Ziady seconded and the motion carried unanimously.

**I. ACTION AGENDA**

5. Review annual audit (P/E 6/30/06) – Terry Krieg, CPA. Postponed until January 2007.

6. Review requested rate increase by Solid Waste of Willits (garbage franchise) and schedule public hearing. General Manager Chapman informed that the proposed rate would be reviewed at this meeting and a public hearing held on January 9, 2007 with the new rates effective February 1, 2007. This year the increases were a pass-through rate adjustment of .40% and a cost of living adjustment of 3.42%, for a total of 3.82%. For a typical 35-gallon can, the monthly rate will increase \$.95/month or \$11.40 annually.

Gerry Ward, Solid Waste of Willits, took the podium and provided some history of the franchise arrangement for Director Williams. He explained that the pass-through increase represented a tipping fee increase. He said they would not request an increase due to fuel costs this year, although they had received this for the City of Willits.

Director Orth moved to set a public hearing for January 9, 2007 to consider a resolution approving a rate increase of 3.82%. Director Williams seconded. Mr. Ward then explained some of the calculations involved on his history sheet of tipping fees for 2005. The motion carried unanimously.

7. Consideration of acceptance of electric panel donation by Great Oaks Ranch LLC. General Manager Chapman explained that Dean Fuller, a local electrician, became aware of the opportunity to acquire this large electric panel valued at \$3,975.00. He said that the Board needed to make formal

acceptance of the donation, and that the donor received no goods or services as a result. Director Orth moved to accept the donation of the electric panel; Director Horrick seconded and the motion carried unanimously. Director Williams asked about the uses of this panel. Mr. Chapman responded that it could be used for future Ohl Grove buildings and amphitheatre, and basically any other use there. Dean Fuller had previously said we needed a 200-amp panel, so while this 400-amp panel may be a slight overkill, we are very glad to receive it. Great Oaks Ranch had ordered the wrong panel and was unable to return it, since it was a specialty panel; Mr. Fuller asked them if it could be donated to Brooktrails, and Brooktrails expressed interest in it.

The General Manager said he would send out thank you letters to all of the people involved in this donation: Lauren Dachs and Jim Buenneke, owner and vice-president respectively of Great Oaks Ranch LLC; Tom Powers, manager of Lake County Electric Supply, who will provide us free shipping, and Dean Fuller, who was instrumental in directing this gift to us.

8. Consideration of purchase of "over the side/low angle" rescue kit for Fire Department. General Manager Chapman discussed a recent accident where a tree fell on the victim's ankle on a steep hillside slope. Our Fire Department had a difficult time extricating him because they lack this type of specialty equipment. The overall cost would be roughly split between the District and the Firefighters Association, with the District's share being \$2,091.96. Director Orth said this was a standard operating item for most fire companies, and you receive training and certification in using it; our people would be better able to participate in mutual aid operations as well. Director Ziady noted with appreciation that the Firefighters Association was making a significant commitment to this purchase. Director Orth moved to approve the purchase of a USAR Team Kit Rescue Package at a cost to the District not to exceed \$2,091.96. Director Ziady seconded. Director Williams asked if it would cost us to have our people trained; Fire Chief Schoepner's memo was consulted, which stated there was a grant to cover training, at \$600/person. Director Ziady said it was common in the medical field to receive free training when buying expensive equipment. Mr. Chapman said he did have the impression we would be paying for some part of the training, so he would need to check further. The motion carried unanimously.

9. Consideration of acceptance of Hermoso/Manalo lot donation. General Manager Chapman said he had driven by the lot, along with four or five others along this road. They all appeared steep and unbuildable. The financial consequence was \$120.00 lost annually from water, sewer, and fire assessments. However it would also relieve the District of any future service obligation. Director Orth moved to accept the donation of the property, APN 098-111-07, from Christopher C. Hermoso and Esperanza A. Manalo; Director Horrick seconded. Roll call vote was as follows:

AYES:	Directors:	Williams, Ziady, Orth, Horrick, Skezas
NOES:	Directors:	None
ABSENT:	Directors:	None

10. Board vote for Special District Representative to LAFCO. General Manager Chapman recommended that the Board vote for its nominee for this seat, Director Tony Orth. Director Horrick moved to vote for Tony Orth for the vacant LAFCO seat; Director Ziady seconded. The motion carried unanimously.

11. Consideration of grant of greenbelt easement to Estate of Charles Groff. General Manager Chapman thanked local Realtor Chris Alfano, who was in the audience, for bringing this matter to the District's attention. In a very unusual situation, an A-frame home was built on Poppy Drive in about 1974, and a driveway was constructed across the adjoining greenbelt parcel. This places a cloud on the title. The owner has died this year, and the executor placed the property up for sale. The parcel is on a very steep slope and the driveway, including ingress/egress, would have to meet County code. District Architect Axt said in his report that he wanted to see that road paved and have it meet CDF standards. Director Orth said he was familiar with that driveway and it was dangerous in its current state. Mr. Chapman said it would be helpful to authorize him to issue a letter to the Groff Estate verifying that an easement can be granted when the process is completed and documents recorded. He said there were no trails on the greenbelt at this location. He specified that at this meeting, the question was to decide whether to potentially grant the easement and direct staff as to any conditions. The matter would return at the next meeting. He mentioned that the Board should also discuss the idea of merging the three lots owned by the estate. Director Orth said they should merge the lots within one year of taking title; he said the other two lots were essentially unusable without the driveway. Mr. Chapman said there was also the issue of an unshielded light; Director Orth said a motion detector would help resolve the light issue. It was discussed that the light was needed for safety on the driveway at night. Director Orth continued that the findings should specify that the easement was granted provisionally on the condition that the lots be merged.

Mr. Chapman asked about paving. Director Orth said he would keep the requirement of one year after title. Ms. Alfano said she did not know if the sale was going to go through at this point, but they do want to sell the property. Director Ziady said if it doesn't sell to these people, the sellers should go forward and do it themselves.

Director Williams said we should be cautious. He said he saw several conditions being laid for approval, but had understood that this meeting was simply to get the "feeling" of the Board. He said his concern was that nobody rely on what was being discussed at this meeting tonight in order to close this

escrow. Mr. Chapman said a motion was not required at this meeting, but we needed to figure out how to prepare future documents to bring back to the Board. Director Williams said to change the wording from "easement will be granted" to "easement can be granted." Director Orth asked when the one-year period would begin, whether it would be from when they actually sell the property, or would this change if the current owners started on their own now. Director Williams said it would be his guess that they would want it done as cheaply as possible because this would be a set-aside from seller's proceeds in the escrow.

Chris Alfano of Pacific Properties said the offer they had now assumed the driveway serviced the house and they'd be able to build a garage. She said the property line is within 10-12 feet of the home. She said another thought was whether the District was open to a trade, to take one of the other lots and provide part of the greenbelt so they could put a garage there.

Mr. Chapman said he had considered the idea of swapping lots. However, there were zoning issues, and this situation was not a "like for like," as the lots on the other side are very steep and probably unbuildable. He felt for the District's sake, it was best to just clarify this illegal use of the greenbelt has been in existence since 1974. Director Orth said once the lots are merged there will be a bigger profile to rebuild on the property. He said the value of the three lots merged, with the driveway, would be greater. Chris Alfano said she was not sure about building on the center lot, or creating a driveway around the house or garage. She said the current potential buyers were looking for a starter home and she was not sure they could go farther. She said she was willing to just clear the problem of the easement.

General Manager Chapman pointed out the bullet point requirements for the easement application in the staff report. District Counsel Neary said it did not have to be a centerline legal description, but just a legal description prepared by a registered engineer, and he clarified for Ms. Alfano who does this type of work.

Discussion followed about paving. Director Williams referred to the November 9, 2006 letter from the District Architect; he said this would obviously be expensive. He said it would be to the Township's advantage that off-street parking including a garage be available to these folks if desired, and he said we should look at doing some sort of a swap. Mr. Chapman said he was not a lawyer, but we have an R-1 versus another zoning and he felt this was a problem. Director Ziady said the Greenbelt Committee would have to look at it and see if they were willing to give up prime land for a garage. Ms. Alfano said the problem was really where the garage would go, whether it would be right by the house. Mr. Chapman said we should try to do the easement first and the marrying of the lots, and that this would probably take at least a year with what was presently being discussed. He reminded the directors of the infamous Flynn/Austin situation, which involved a swap and took at least five Board meetings, and nothing ever happened. Director Ziady said let's separate the idea of a swap.

President Skezas said his understanding was that the Board would require merging the lots, paving the driveway, dealing with the light. Mr. Capman added bringing it to County road standards. Director Ziady said they could do the lot merger through our program and save money. President Skezas pointed out there were only certain times that we do it; Mr. Chapman said the next one is April 1, 2007. President Skezas advised Ms. Alfano it would take six months after that. Ms. Alfano said the buyers had asked if they could build a garage on the easement, and she had told them no. Mr. Chapman said he would contact Ms. Alfano shortly with a letter of instruction.

12. Consideration of portable pump purchase – Water Department. General Manager Chapman said that Robert Melliush, Utility Supervisor, had informed him that we needed a larger than anticipated pump; he specified a 4" pump in the \$12,000 range. Two bids had been obtained. Director Williams questioned whether we could rent a pump this size or buy a cheaper one. General Manager said that while we do borrow a pump from the City of Willits, but further advised the Mr. Melliush was very frugal, and that there were several types of projects he needed our own 4" pump for. Director Ziady spoke in support of having our own pump. Director Orth said he felt a pump like this was needed for emergencies like flooding. Mr. Chapman continued that we would do a major revamp of the Madrone lift station possibly next year, at a cost of \$100,000.00, and there would be major pumping involved in that. Director Ziady said due to the District's past financial problems, major system maintenance was overdue.

Director Orth moved to approve the purchase of a Gorman-Rupp portable 4" pump at a price not to exceed \$12,000.00. Director Ziady seconded and the motion carried unanimously.

#### **J. ADDITIONS TO FUTURE AGENDAS**

Director Orth reported that the office has received the final draft on the Willits Bypass and he is reviewing the CD version and will return that to the office.

#### **K. SPECIAL REPORTS**

**From Directors:** None.

**From District Counsel:** None.

**From General Manager:** General Manager Chapman reported the golf course manhole had finally arrived and that project would begin tomorrow. The water level in our lakes had improved. He had requested a correction to the Willits News story which had said that funding was already in place for the major water projects. He explained that while USDA Rural Development is willing to lend on the two major projects (raising Lake Emily 15' and Lake Ada Rose 28'), a Prop. 218 vote would be necessary

before that could be done. Claudia Reed confirmed the correction would appear in the next issue of the Willits News. Mr. Chapman said that he and District Counsel Neary had a November 29 meeting scheduled with Janet Goldsmith, the Sacramento water attorney, and Jim Hanson, regarding our water rights application. Mr. Chapman announced that Scott Herman was hired as a Journeyman I in the Water/Sewer Department.

**L. PUBLIC COMMENTS**

None.

**M. ADJOURNMENT**

Director Orth moved to adjourn, and President Skezas declared the meeting of November 14, 2006 closed at 7:56 p.m.

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GEORGE SKEZAS, President

ATTEST:

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MICHAEL V. CHAPMAN