

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, April 24, 2007**

The Board of Directors of Brooktrails Township Community Services District met in regular session on April 24, 2007 at 7:08 p.m. at the Brooktrails Community Center.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Roll call showed the following directors present: Williams, Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

REPORT ON CLOSED SESSION

District Counsel Neary reported that the Board met with counsel on a matter of potential litigation and received information and gave direction.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

General Manager Chapman asked to add an item adjusting architectural fees and the directors agreed.

D. MINUTES OF PREVIOUS MEETINGS

1. April 10, 2007. Director Williams moved to approve the minutes; Director Orth seconded and the motion carried unanimously.

E. SPECIAL PRESENTATION

2. Brooktrails Fire Department – 2006 Annual Report. Fire Chief Daryl Schoeppner announced that volunteer John Gilbert had passed away suddenly at home; he had been scheduled to receive a 30-year-service plaque at this meeting. Chief Schoeppner then presented a 20-year-service award to Dave Edgar, Engineer, to applause by the audience. Chief Schoeppner announced promotions within the Fire Department of Capt. Bob Nolan to Battalion Chief, Engineer Doug Stone to Captain, and Firefighter Len Nielson to Engineer. He congratulated those promoted and the audience applauded them.

Chief Schoeppner pointed out the display of rescue equipment in the meeting hall, the purchase of which had been approved by the Board. Chief Nolan gave a demonstration of the equipment and its uses.

Chief Schoeppner then gave a PowerPoint presentation on the Department's operations. He said our volunteer numbers are down to 14-15 persons, as is the case throughout the County. He reviewed the contents of the 2006 Annual Report, including statistics. House fires were up, and slides were shown of some of these, including indoor marijuana growing operations. This trend to indoor growing is increasing because of city restrictions on outdoor growing. These growing operations carry increased fire risks: Generators may be silenced by hay or carpet. Power is tapped into so they won't be charged for electricity. Garage doors may be nailed shut; extension cords are everywhere.

Training has been done with CALFire and loading crew on helicopters. Training with the "jaws of life" is done at the Willits Tow Yard. Multiple agencies participated in USARC equipment training, paid for through County Fire Chiefs and a training grant. Arson training of the Department's dog, Eddie, was described. The table-top exercise on May 18, 2007 will include a field exercise with CERT in the afternoon.

Chief Schoeppner stated a problem with tree removal approvals, saying neither he nor Capt. Noyer were foresters. Authorizing tree removals put the Fire Department in a bad light with the public, he said, and the process is not working. He said he wanted a Board discussion regarding this policy item in the future. He went on to say that he was writing a grant for a water tender to replace our 43-year-old tender.

Capt. Jon Noyer then discussed the hazard abatement program and results for the year. Chief Schoeppner said we are the only department in the county aggressively abating. We share data with CDF, but we still have control. Directors complimented the presenters on the Department's accomplishments and thanked them for the presentation.

F. PUBLIC HEARING

3. Sewer Standby Ordinance, 2007. President Skezas opened the public hearing at 8:05 p.m. There being no comments, the public hearing was closed at 8:05 p.m.

4. Water Availability Charge, 2007. President Skezas opened the public hearing at 8:06 p.m. There being no comments, the public hearing was closed at 8:06 p.m.

G. PUBLIC COMMENTS

None.

H. CONSENT CALENDAR

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

6. Retroactive approval of PG&E bill payment. Director Orth moved to retroactively approve Check 21132 for payment of this bill; Director Horrick seconded. The motion carried unanimously.

I. ACTION AGENDA

7. Consideration of Sewer Standby Charge Ordinance; schedule public hearing for protests. General Manager Chapman said these charges total approximately \$256,000.00. Director Orth moved to waive further reading of Ordinance 133 and to adopt the ordinance, and to set a public hearing for protests for June 26, 2007. Director Horrick seconded. Roll call vote was as follows:

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

8. Consideration of Resolution Setting Water Availability Charge for FY 2007-08; schedule public hearing for protests. General Manager Chapman said these charges are estimated at \$135,800.00. Director Orth moved to adopt Resolution 2007-7 setting the water availability charges for FY 2007-08 and to set a public hearing for protests for June 26, 2007. Director Horrick seconded. Roll call vote was as follows:

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

9. Receive and File Annual Fire Report. Director Ziady moved to receive and file the 2006 Fire Department Annual Report; Director Orth seconded and the motion carried unanimously.

10. Proposed Rates & Fees for Fiscal Year 2007-08. General Manager Chapman explained the Rubber Spillway Project developments of the past week, and said he learned that we have to move 27,000 cubic yards of dirt instead of 9,000 cubic yards, as well as being required to install a steel pile curtain. This presented a budget issue. He then discussed the idea of breaking the project into two phases, earthwork this year and the spillway next year. Under the budget we had listed \$1,750,000.00 for a loan; the loan for the earthwork, however, will be around \$800,000.00, plus we need to buy the gates around July 5, 2007 (\$170,000.00). He said he was arranging a meeting with USDA's engineers and our engineers to discuss the feasibility of a split project. This delay causes potential problems with our permits, although they can be extended. He said he did not know what more would unfold next year when we get ready to do the spillway.

Director Orth said he understood the added cost to make the dam safer for earthquakes. Mr. Chapman then asked the Board about the comments made on the back of the rates and fees mailer (a notice describing the delay in the project for the public). Director Williams said the bottom line was that what we thought would be a planned water shortage this summer will now be driven strictly by the available water in the lakes.

Director Orth moved to (1) approve rates and fees and schedule two public hearings for June 12, 2007 and June 26, 2007 for the proposed rates, fees and charges scheduled for FY 2007-08, and (2) approve the rates and fees mailer to be sent, authorizing costs of up to \$550.00 for the mailing. Director Ziady seconded and the motion carried unanimously.

11. Consideration of Water Shortage Ordinance. District Counsel Neary said that he had not reviewed his draft before it was included in the packet and wanted to make some corrections. At the end of the last paragraph on the first page, on the Excessive Use Cap, there should have been a comma and the phrase, "whichever is less." In that paragraph also, under the first alternative, this could have two different meanings. To make it clear, he proposed that it read, "Excessive Use Cap shall mean (1) use per district customer during a Water Emergency, Water Alert, or Water Rationing Program, of the product of three times the average use per District customer for the preceding June-October period." Mr. Chapman asked to change that time period (June-October) to May through November. President Skezas asked whether this would apply whether you're in a water alert or water rationing; District Counsel said it would be any water emergency, water alert or water rationing.

District Counsel Neary said he had changed the concept of agricultural use to irrigation use to coincide more with water law terminology. The District permit provides for domestic, irrigation and recreational use. The draft provides an excessive use cap with three alternatives: a formula, a specific cap amount, or an amount set by the General Manager to respond to unusual and unanticipated conditions. Mr. Chapman said for our computer system, if we set the cap of 20,645 gallons (four tiers at 690 cubic feet each tier), accounting-wise it would work smoothly.

Director Williams asked if the General Manager would be able to do this without oversight. District Counsel Neary said the Board can countermand any of his actions at any time, but there may come times where the General Manager needs to impose a use cap before anything can be reviewed by the Board, as in the case of a catastrophic situation. President Skezas said we will have already taken action to declare the situation as a Board. Director Williams said not necessarily. Mr. Neary said the General Manager would

only do the third alternative under unusual and unanticipated conditions and might have to notify the public before the Board's next meeting, but you could add that the concept that the third alternative could remain in effect until Board review. Director Williams said, "subject to Board ratification at the next regularly scheduled meeting." President Skezas said there could be an emergency meeting, and the director's consented to make it the next Board meeting, without specifying "regularly scheduled."

District Counsel Neary said the next concept of his revision was in paragraph 1-702, to provide what happens when the customer exceeds the cap. We would authorize the General Manager as the first alternative to solicit the cooperation of the customer to bring usage within permissible limits, which should take care of 90% of cases. Second would be to install a restriction device, and third would be to temporarily terminate service. This would be at the discretion of the General Manager and appealable to the Board for an exception for whatever reason. Director Williams asked if upon adoption we would then have in effect an excessive use cap of 20,645 gallons. Mr. Neary said yes, that would not have to wait the 30 days. Director Williams said the public would have to have notice. Directors commented that you would have to declare an emergency first, just adopting the ordinance would not impose the cap.

Director Orth moved to introduce Ordinance 134 as amended, waive further reading, and set a public hearing for May 8, 2007. Director Horrick seconded. The motion carried unanimously.

12. Claim against District (vehicle damage) – Acevedo. General Manager Chapman reviewed the claim for vehicle damage caused by a manhole and the estimate presented. Standard procedure is to reject the claim and send it to the insurer; we would have a \$500.00 deductible. Director Williams asked if we verified that the damage came from the manhole. Mr. Chapman confirmed that a manhole had been found on the street. Director Orth moved to reject the claim and refer it to our insurance carrier; Director Horrick seconded. The motion carried unanimously.

13. Consideration of amendment to AES contract (Rubber Spillway Project). Mr. Chapman said that the request was to expand the contract to a total of \$111,000.00. The original amount was \$76,000.00 which had been extended by another \$20,000.00 in December, 2006, and now we needed another \$15,000.00 due to additional work required for the new wetlands mitigation requirements.

Mr. Chapman digressed to discuss permits and their cost increases. He said there would probably be another \$2,500.00 added to what we've already paid for the 404 permit (USA Corp of Engineers) and fees paid to other agencies for review because the project has expanded in scope and cost. The 401 permit (Regional Water Quality Control Board) was denied last week; AES is responding to the reviewer's concerns.

Regarding the CA Fish and Game 1600 permit, we have to do an Instream Flow Study, which could cost an estimated \$75,000.00 - \$100,000.00. Mr. Chapman noted that they could have blocked us until this was done but CA Fish and Game agreed to let us do it between this project and the Lake Ada Rose project. We will solicit bids for this instream study. The last such study was conducted by Payne & Associates in 1993 (draft). Mr. Chapman said he was not happy about the escalating costs but he was responding to the agencies that basically have a bureaucratic whip over us. Either we acquiesce or we don't get our permits.

Mr. Chapman said we are learning as we go, and he felt a little apprehensive about doing core drilling of Ada Rose at this point, because it may prompt CA Division of Dams to come back and require us to fix any problems immediately, regardless of whether the larger Lake Ada Rose project is done. Director Williams said we are nibbling away at \$10,000.00 and asked if this were covered in the budget. Mr. Chapman said he was looking at potentially \$1 million for the earth work this year.

Director Orth moved to approve extending the AES contract by \$15,000.00 for a grand total of \$111,000.00. Director Horrick seconded. Roll call vote was as follows:

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

14. Consideration of amendment of Hanson Engineering contract. Mr. Chapman pointed out the tally distributed to the Directors of what has been spent on the project: \$7,459.00 in 2004/05; \$106,000.00 last year; currently about \$298,000.00 this year. He said the Rubber Spillway Project is now at least a \$2.3 - \$2.4 million project. The barge core drillings done recently revealed that we have "insufficient solidity" beneath the spillway and that the CA Division of Dam Safety will require us to construct steel pile drivings planted 30 feet below the spillway. They have also required us to match the freeboards to the shoreline 3' increase (March 2007), and to readjust the angle of repose. The question before the Board is to increase the contract from \$71,200.00 to \$101,200.00. He pointed out this did not necessarily include construction engineering oversight. He referred to the chart prepared by Joanne Cavallari of what we have paid Hanson Engineering so far, and for what work, distributed by project.

Director Horrick appreciated staff's work. President Skezas asked for a motion to extend the Hanson Engineering contract total by an additional \$30,000.00 (to \$101,200.00). Director Orth so moved; Director Horrick seconded. Roll call vote was as follows:

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

15. Consideration of phasing Rubber Spillway Project. Mr. Chapman said due to the recent CA Division of Dam ruling, we would now try to split this project into two components: earthwork in 2007 and gates in 2008. Director Orth moved to authorize the General Manager to break the Rubber Spillway Project into two phases, the first segment, for Summer 2007, to be earth-moving-related matters at an expected cost of \$1 million. Director Williams seconded. The motion carried unanimously.

16. Consideration of proposal by Mad River Biologists – Thimbleberry Trail biological study. Mr. Chapman said we were working on the Thimbleberry Bridge project and we will have to have a study performed. We used Mad River Biologists for this requirement before when we built the materials holding yard on Goose. These will be out-of-pocket NEPA costs. Director Orth said the motion didn't include the dollar amount; he moved to approve the proposal by Mad River Associates. Director Horrick seconded. Mr. Chapman pointed out that the match amount under this grant was \$14,970.00 and this did not include this study. He said the money would come out of the General Fund (Parks). Director Orth then amended his motion to raise the authorized match amount by \$4,000.00. The motion carried unanimously.

10. Mr. Chapman returned to Item 10 – Rates & Fees. He pointed out District Architect Axt's proposal to institute a new fee for re-review of previously-approved plans of \$40.00 if review could be completed in-house, and \$75.00 if another site visit was required. Director Orth moved to include this new fee in the previously-approved rates and fees schedule for 2007-08; Director Horrick seconded. The motion carried unanimously.

J. ADDITIONS TO FUTURE AGENDAS

President Skezas expressed concern about having to re-do all the work we are doing on the Lake Emily dam for the rubber spillway project, if we ever actually raise that lake further. Mr. Chapman said that if we are putting a steel curtain in now, 30 feet down to bedrock, he felt this would raise a question mark on raising the reservoir another 15 feet without having to tear out the whole dam and start over completely. President Skezas said this and the whole project should be discussed when Mr. Chapman next met with the parties.

Director Williams said his understanding was that if we did the rubber spillway on Lake Emily and then substantially raised Lake Ada Rose, we possibly would never have to raise Lake Emily. President Skezas responded that if we run into a major snag with raising Lake Ada Rose, we may have to come back and raise Lake Emily. Mr. Chapman confirmed that we would satisfy the Specific Plan of 4,000 buildout (3,815 residential dwellings) with a 3' raise of Lake Emily and raising Ada Rose 38'. The desilting of Lake Emily would be extra.

K. SPECIAL REPORTS

From Directors: Director Orth attended the water meeting; the Board of Supervisors approved a preliminary look at the Dos Rios project. There was a lot of controversy at the meeting about the project, but without a study, its reality cannot be identified. He said the Board is also looking at the share of water in Lake Sonoma that is supposed to be available to Mendocino County, and he felt this was a really good option. He reported that MCOG is trying to ensure that CALTrans gives a projection of when the second phase of a bypass would happen and how they would pay for it, and MCOG will also discuss ensuring a northern interchange to serve Brooktrails. They are responding to the Phase 1 design (two-lane bypass) presented recently by CALTrans to Willits City Council.

From District Counsel: None.

From General Manager: General Manager Chapman said he was called by Bob Parker of DOT today and they want to start by June 30 a feasibility study for the Brooktrails Second Access, to be paid \$30,000.00 by the County, \$30,000.00 by MCOG, and the long-reserved \$15,000.00 by Brooktrails. Also, the cost for filing our Lake Ada Rose water rights was \$18,600.00. He said an upcoming agenda item will be potential water theft in the outer reaches and the possibility of turning off some hydrants in isolated areas with no houses. He said this was an insurance risk fire issue, so it will come to the Board for discussion.

L. PUBLIC COMMENTS

Clay Romero briefly addressed the Board regarding "eminent domain" and Counsel Chris Neary responded to alleviate his concern.

M. ADJOURNMENT

Upon a motion to adjourn, President Skezas declared the meeting of April 24, 2007 closed at 9:10 p.m.

GEORGE SKEZAS, President

ATTEST:

