

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICESDISTRICT**  
**BOARD OF DIRECTORS**  
**Tuesday, March 13, 2007**

The Board of Directors of Brooktrails Township Community Services District met in regular session on March 13, 2007 at 7:13 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 the Board had met with its labor negotiator and gave direction. The Board also added to the agenda discussion of Crothers v. BTCSD to seek information and gave direction.

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

President Skezas announced that the sequence of items for discussion from the Action Agenda would be #8, #9, #7, #6 and finally #10. This change was made to accommodate Director Orth's need to leave the meeting at 8:00 p.m.

**D. MINUTES OF PREVIOUS MEETINGS**

1. February 13, 2007. Director Orth asked that the last sentence of the paragraph beginning "Director Orth said," on the second page, be struck and moved to approve the minutes as so amended; Director Ziady seconded. The motion carried unanimously.

**E. SPECIAL PRESENTATION**

2. Ross Walker, City Manager – City of Willits. Mr. Walker provided copies of the sewer plant project revised description to the directors. He said he would be discussing the sewer plant but was open to other questions as well. He gave a brief history of the developments that have led to the change of the sewer plant design in order to satisfy the Water Board. Essentially the Water Board's ruling along with EPA's concern about the wetlands aspect brought the project to a halt pending the City's decision regarding litigation vs. redesign. Mr. Walker said he felt the design change had resulted in a good project with an efficient technology. The new Biolac system design is warranted to produce a specific output. Because of the issues surrounding wetlands storage, this design has a storage lagoon of about 30 acres, even though the water is treated. The dilution ratio requirement in the Water Board Basin Plan is for effluent to be discharged in the ratio of 1 part effluent to 100 parts receiving water (1:100). Willits does not meet this requirement. When the Water Board put barriers in the way of the design, at the same time they loosened up the effluent ratio, so that the City can request a variance to a ratio of 1:10 with this storage lagoon feature. This request will be submitted soon.

Mr. Walker said the cost is over \$17 million and Willits does not have all the money. They have a \$10,200,000.00 loan from USDA and a \$1 million grant from USDA; they are pretty sure of \$2 million from a Small Communities Wastewater grant, and are looking for the additional funds.

Director Orth asked if this design change would require another CEQA document process. Mr. Walker said no, because an alternative mechanical system was identified in the original EIR.

Director Williams asked how expandable the plant will be once built. Mr. Walker said he didn't have those numbers with him, but it would not be substantially greater than now in terms of volume that it's rated for in the permit. However, staff and designers feel it would be capable of much more. Currently, the sewer plant is at the maximum of what it can do. You can always add more in the future and could add more storage capacity. He said that there might be water reclamation in the future, as water in any form becomes more valuable. Willits City Council has asked staff to look into tertiary treatment; Mr. Walker felt that at a cost for this study of \$1.2-\$1.5 million that couldn't be justified right now. He said it was also quite likely in future that the state would clamp down on what goes into the system. Director Williams said his concern was that if Brooktrails expands the number of its residences, we will run into a current sewer capacity ceiling; he said he was hearing Mr. Walker say that we are not going to run into unusually large costs but trying to expand the plant capacity in case either Brooktrails or Willits or both expand enough in effluent that the new plant's size has to be expanded. Mr. Walker said he was not going to be able to adequately address the question and it would be better to have a technical person answer it, which he would be happy to arrange.

Mr. Chapman said he had understood at the July meeting on the plant that Willits was looking at three Biolac mechanical pond systems; Mr. Walker confirmed this was still the case. Mr. Chapman said at about 8,100 sf, the footprint is very small; he felt that over at the Par Course Brooktrails might be able to put in a couple of these ourselves at that point in time.

Director Williams said it would be easier to have expanded capacity at Willits that put something in from scratch here. He said as long as Mr. Chapman can sit in on the conversations and come back to the Board, he didn't feel Mr. Walker needed to report to the Board.

Mr. Chapman asked what other funding sources the City had in mind. Mr. Walker said he couldn't go on record as to potential lenders, but he was also looking at grant money from Economic Development aid under the Department of Commerce, also working with an organization *inaudible*. He said the City can always borrow on the open market if needed. The City may not have the flexibility right now, they did a substantial rate increase last summer but had to make a "best guess" for those, and there are unanswered questions on the financial side.

President Skezas and the directors thanked Mr. Walker for his presentation.

**F. PUBLIC HEARING**

None.

**G. PUBLIC COMMENTS**

Maria Bates of Spring Creek asked about the Ukiah Daily Journal article on the 12th on IRWMP Prop. 50 grant funds and asked why Brooktrails didn't get any of this. Mr. Chapman said he had not read the article and asked her to provide him a copy. Director Orth provided details of specific projects of which he was aware. Ms. Bates asked if Brooktrails applied for any of that money. Mr. Chapman said he had attended several of the related sessions but each member organization has only one vote. Ms. Bates said people could write letters if they knew in advance. Director Orth said he believed we had assigned the County Water Agency to represent us in the Prop. 50 negotiations. Ms. Bates then asked about use of Sherwood Road in an emergency.

**H. CONSENT CALENDAR**

3. 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.

4. Retroactive approval of check run of February 28, 2007. Director Orth noted that the \$1,000.00 check to Department of Water Rights was included in this report and so the next consent agenda item was not needed; he moved to approve the check run report. Director Horrick seconded and the motion carried unanimously.

5. Retroactive check approval - \$1,000.00 to CA Div. of Water Rights. Covered in Item 2 above.

**I. ACTION AGENDA**

8. Consideration of purchase of two tank liners and emergency tank. General Manager Chapman introduced Linda Williams, the new reporter for the Willits News. He described the bids received for these items and noted we try to replace at least one tank liner a year, but this year we have to replace two, one for Tank 4 and one for Tank 22. We are looking at a 10,000 gallon tank as well in the event of emergency, although a 10,000-gallon tank is a minimal size compared to our regular tanks. The recommendation to the directors was to accept the bid from Flexi-Liner Corp. for the tank liners at a cost not to exceed \$21,400.00 and to purchase the storage tank from PMB Supply Inc. at a cost not to exceed \$5,700.00. Director Orth said he would like to see the 30-year tank liner warranty purchased instead of just the 10-year warranty as there was only a \$10,000.00 difference. Mr. Chapman said we have purchased 30-year liners in the past, but cash flow this year is affected by the multiple leaks we are having which would make the longer warranty difficult to afford. Director Orth asked how much we'd have to raise our base rates to pay the extra \$10,000.00. Mr. Chapman said he'd have to make that calculation, but cautioned that when the budget was released the directors would be seeing a substantial cost outlay forecast. Director Orth asked about the elderly redwood tanks and would they need to be replaced in 10 years. Mr. Chapman said there's nothing wrong with liners in the redwood tanks; it does work. Director Orth said an option would be to set up a reserve to buy these on a 10-year replacement basis. Mr. Chapman replied that the Utilities Superintendent felt we would be able to get at least 10 years out of these and again stressed that we have overspent our supply line by probably \$30,000.00 this year in the Water Department due to leaks, and every leak is at least \$500.00 just for materials.

Director Ziady asked if the motion should say that we would not be doing Well. No. 5 (as mentioned in the staff report). Mr. Chapman said he would like that. Director Orth asked if by voting for this purchase we were then also voting against the well program and concluded that it did. He moved to approve the General Manager to purchase tow tank liners from Flexi-Liner Corp. at a turnkey cost not to exceed \$21,400.00, plus a 10,000 gallon storage tank from PMB Supply Inc. at a turnkey cost not to exceed \$5,700.00. Director Ziady seconded. Bob Terry asked why Director Orth had not included mention of the delay in the well program in his motion; Director Orth said the well drilling program would be discussed at the planning meeting. He said he didn't support it any more and suspected other directors also did not, as it has been a dry hole for the District; while the program was suggested by the Specific Plan, Director Orth said he felt we have proven it to be ineffective. Roll call vote was as follows:

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

9. Consideration of core drilling (by barge), Lake Emily – Rubber Spillway Project. General Manager Chapman said that the Division of Dam Safety was now requiring core drilling under the spillway to investigate bedrock stability under the pressure of the Obermeyer gate. Delay in this task could hold up our permitting and we therefore need to take care of this as soon as possible. Mr. Chapman said this would also require a separate 1600 Streambed Alteration permit from Fish & Game. Drilling would be performed by Blackburn Consulting from a barge on the lake surface. This would be part of the engineering now being conducted by Integrated Design Group. Mr. Chapman said he had just received a cost estimate of between \$17,000.00 and \$19,000.00 for the barge drilling, and the engineering and lab testing would be another \$10,000.00. Mr. Chapman said he would return to the Board in two weeks for the engineering/lab test part. The 1600 permit application fee of \$500.00 needed to be sent out on March 14.

Director Horrick moved to authorize the General Manager to go forward with the core drilling as soon as possible. Director Orth seconded. President Skezas asked exactly where these would be done; Mr. Chapman said they would be done on the water side, directly underneath the concrete spillway. Currently the water is going over our spillway about 3" and for the testing, we would have to lower the lake 3", because Scott Harris of Fish & Game wants the fines from the drilling to settle before the lake refills. We are going to try to control the water via the 4" bypass valve. Mr. Chapman continued he had discussed with California Fish & Game that we would need an emergency 1600 permit. President Skezas said there was a motion and a second. The motion carried unanimously.

Director Orth left the meeting at 8:02 p.m.

7. Introduction of Water Shortage Ordinance repealing Ord. 122 and replacing Ch. V of Utilities Ordinance; further discussion of rationing program. General Manager Chapman said the draft ordinance was based on thorough research of how other agencies handle this situation and he thanked Lily Phoenix for her extensive research. He mentioned that he had been discussing with the engineers that we might not have to do rationing this August. All along we have been told that the lake level had to be lowered for construction and we have been trying to pin down just how far it has to be lowered. If we lower the lake to 1559', that gives them sufficient room to operate. This makes all the difference in terms of our water supply at that point. He cautioned there is a huge caveat—we have to have a normal April and May, which we did not have this year—but if we do, we're probably going to be very similar to our supply last year at that point in time. We cannot make this call until June. This does not mean that we should not proceed now to get a working ordinance to effectuate if we need it. Mr. Chapman said the ordinance presented simply amended the Utilities Code to allow the District to respond in various ways to differing conditions. He said he believed that at this point in time, we were going to have to take a look at agricultural use, as well as commercial use. He asked that the directors concentrate on the agricultural use portion of the report. He noted that the definition of "agricultural use" was proposed to be the use of District water for growing, indoors or outdoors, of any irrigated vegetative matter or crop for the purpose of sale. A definition of "commercial use" was proposed as the use of District water as part of the manufacturing process for any product for sale or the use of District water in the conducting of any retail business. Mr. Chapman said we needed to address this increasing threat to our water supply. He cited a report received that day of a large indoor marijuana growing operation; he said he was aware of several homes being tracked and there were probably more of which we are not aware. He said he was not trying to pick on the issue of marijuana, but he was concerned with the issue of the gallons of water they were using, and this issue was not going to go away unless addressed.

Director Ziady said she was very pleased with the ordinance and she was ready to proceed. Director Williams said that we need to decide whether we will put caps on extraordinary use. President Skezas said he had a question of District Counsel as to whether "sale" had to be defined as legal or not. District Counsel Neary said no, the District could prohibit a use and did not need to get into that question, and it would probably be a swamp to try to get into it, as you often can't tell whether a marijuana crop is legal or not. Mr. Chapman stressed that last year we came so close to declaring an emergency, and this is something we need to address. He said whether we have rationing or not, we have the ability to sort the database finely; we already know we have 25 or more users that need to be monitored. We are not cops, he said, but we are smart enough to apply a process of elimination. We will have to have some answers. The good news is we're not going to be going after the families of seven or nine, but recognize those that are way beyond the use of such a family. And we also know there are people who use 35-50,000 gallons a month, and we are going to have to take a look at them. He said this is abuse, rather than use.

Mr. Chapman said if we were ready, we could schedule a public hearing now, or we could have District Counsel review it and come back to set the hearing for April 24. President Skezas asked if we would then have 30 days between calling the public hearing. District Counsel Neary said it only has to be one Board meeting. Mr. Chapman said if the Board is ready to proceed, we could actually schedule this hearing for April 10, but he wanted District Counsel to be comfortable. Mr. Neary said he would prefer to adopt on the 24th.

Director Williams asked what the difference was legally between "water alert" and "water emergency." Mr. Chapman said that according to research, a water alert is mandatory, not voluntary, and gives Districts the ability to define essential and non-essential uses. When you step to the next level of rationing, that has to be calculable. One level is you're saying, we really want people to understand that we have to have restrictions and we're not going to allow outdoor use such as washing an automobile. It is like

a level orange and a level red. East Bay MUD is using a water alert with mandatory conservation rather than rationing, because rationing has the potential of a water restrictor, etc.

Bob Terry asked why wholesale businesses were omitted from the commercial use definition, since retail was included. Mr. Chapman explained that the commercial use definition was included to close a loophole in the agricultural use definition. You might be growing a marijuana crop for use in extracts or creams or something else, and this allows you to skirt around the agricultural use prohibition. It was discussed that the word "retail" could be removed.

Rich Estabrook said it was a really good ordinance. He supported the question of agricultural use, although he felt the enforceability would be difficult except in a limited number of cases. On page 4, subsection 5-105, he asked if public notice would be given only on rationing or also on a water alert. He said you just say the rationing program. He suggested not banning a specific water use such as car washing if a user is a low user anyway. He said he could see that a ban might be useful, but he would suggest taking the usage of the violator into consideration. Director Williams said he could remember a huge drought in Los Angeles where people were washing off their sidewalks and there was a public perception issue here. He said even if people are not using as much as they could use, they're still using water that could be used somewhere else. Mr. Chapman said we are trying to make the ordinance flexible and a little bit ambiguous so we can function; we have to have something on record so that if somebody is out of line, we have to have something where we can come back to them. Mr. Estabrook said a water alert program would have been perfect last year, when we were on the edge, for example for someone watering an enormous lawn, but he didn't think it should be applied to everybody.

Addressing subsection 5-202, he said there was no explicit wording granting the authority to shut people off for violating and he recommended that it be made clear that the General Manager had that power. Mr. Chapman said he did not know if that was in there. He said he was not trying to rush the process, but to allow time for comments and to digest. Director Williams agreed that the authority to put people on flow restrictors needs to be explicit. Mr. Estabrook said he was confused about why we would ever use subsection 5-204. Mr. Chapman said before we can make a determination, we have to first of all be certain that we are actually going to have to declare the water emergency. Then we have to calculate various needed amounts for evaporation, sedimentation, firefighting, leak losses. He said that 5,000 gallons is really 6,250 gallons when you calculate for line leak loss. Mr. Estabrook said there are two different calculations, one in 5-204 and one in 5-205. He said 5-204 is based on the minimum needed for sanitary needs, whereas 5-205 is based on what we actually need to make it through the summer. He said a rationing number of 5,000 gallons is a 5-205 calculation, while 5-204 is for how much we need for basic operations. He asked who cares, and asked why ration more than we have to. He said he did not see the purpose of 5-204. Director Williams said it looked to him like you combine them. He asked if we were legally in a position to allow 1,000 gallons per month to every customer because that's all the water we've got. He said 204 gives us the ability to distinguish between residences, while 205 does not. He said if you combine them, the allocation might be for *I cannot follow this at all, this is incoherent* He said you're only going to get to the 204 allocations *I can't follow these comments—also, these comments are entirely based on misperception of what the document at hand actually is; we should not have it on the record* He said you're only going to get to the 204 allocations if we don't have enough to allow 5,000 gallons. President Skezas said that's not the case.

Mr. Estabrook said that Mr. Chapman had informed him that the lake only has to be dropped to 1559' instead of 1554'. Assuming Lake Ada Rose is full, which he said he is still nervous about, that gives us 216 acre-feet as of August 15 instead of 171. He said he had not done an historical usage analysis on this yet, but on August 12 last year we had 222 acre-feet, so we'd be almost exactly where we were last year, when we made it through without any rationing. He said he felt a drought was much more likely this year, however. President Skezas pointed out that we may be lower than the level we would need to go to for construction.

The General Manager was directed to return the ordinance at the next meeting.

6. Annual sewer report. General Manager Chapman reviewed his report on the City of Willits sewer plant costs and our estimated share of these costs. Again, up-to-date figures are not available and we continue to make estimated payments. Mr. Chapman stated he believed we would have a credit again on July 1. He pointed out the 89% increase in Willits' maintenance costs for which he had no explanation at this point. We pay 37.69% of capital improvements to the Willits sewer plant. Director Horrick moved to accept and file the annual sewer report; Director Ziady seconded and the motion carried unanimously.

10. Consideration of resolution honoring former Fire Chief Dysart. General Manager Chapman said that Fire Chief Schoeppner would be coming to the Board in May with his annual report. Mr. Chapman recounted that the District's first fire chief, Jerry Dysart, had died, and the resolution presented was to honor his achievements and contributions during his tenure. Director Horrick moved to adopt the draft resolution; Director Ziady seconded. Roll call vote was as follows:

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

## J. ADDITIONS TO FUTURE AGENDAS

None.

**K. SPECIAL REPORTS**

**From Directors:** Director Ziady announced a Fire Safe Council meeting on March 14 soliciting input on a fire emergency plan for Brooktrails. Director Williams said there was something happening April 4 in Willits on the Willits Bypass and second access road; this is probably the MCOG meeting.

**From District Counsel:** None

**From General Manager:** Mr. Chapman reported that he is tracking developments daily on the rubber spillway project.

**L. PUBLIC COMMENTS**

None.

**M. ADJOURNMENT**

Director Horrick moved to adjourn, and President Skezas declared the meeting of March 13, 2007 closed at 8:40 p.m.

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GEORGE SKEZAS, President

ATTEST:

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MICHAEL V. CHAPMAN