

BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, May 8, 2007

The Board of Directors of Brooktrails Township Community Services District met in regular session on May 8, 2007 at 7:00 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

None.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

None.

D. MINUTES OF PREVIOUS MEETINGS

1. April 14, 2007. Director Orth moved to approve the minutes; Director Horrick seconded and the motion carried unanimously.

1. April 24, 2007. Director Orth moved to approve the minutes; Director Horrick seconded and the motion carried unanimously.

E. SPECIAL PRESENTATION

2. Richard Estabrook – Preliminary Water Supply Projection 2007. General Manager Chapman thanked Mr. Estabrook for once again providing his water model for the District. Mr. Estabrook briefly reviewed his methodology and the projections and actual results from 2006. He said this was the driest year we've had since we began collecting USGS data. In the end he concluded with a cautious prediction of water production, showing about 40 acre feet available at the end of the dry season in November. Overall, the projection shows us at about 40 acre-feet below where we were last year. Mr. Estabrook reiterated that if we could have normal usage instead of the "ridiculous" use we had last year, the projected supply would increase.

Mr. Estabrook said there seems to be another water source that we're getting that's not accounted for, that shows up in the difference between observed amounts and measured amounts. But to make his model work, he has to assume that Dutch Henry Creek is 36%. Somewhere there's another 10% of Willits Creek entering our lake that's not accounted for by our gauges, and this was very significant. Director Orth voiced that we could have a spring.

Mr. Chapman said we won't know if we will have to drop the lake level for the earth work on the rubber spillway project until around July 1, 2007. He confirmed that we had about 100 acre-feet left at the end of the dry season in 2006. Robert Melliush commented that he couldn't see it being much different this year and he felt that Mr. Estabrook's projection was pretty low. Mr. Estabrook said he was conservative. Mr. Melliush explained to the directors that future rainfall won't help because we have to release inflow. He said he felt the lake would still be spilling over in two weeks. Director Williams said we have to hammer usage in June and July.

The directors thanked Mr. Estabrook for his presentation.

F. PUBLIC HEARING

3. Proposed Water Shortage Ordinance No. 134. General Manager Chapman began by giving a small background discussion on the proposed Excessive Use Cap. Director Orth addressed Mr. Neary that he understood that we had to have an emergency and could not have an upper limit without that. Mr. Neary said he didn't think that we were prohibited from having a cap, although we are specifically authorized to do so in a declared emergency, and this is the only statutory authority. He said he didn't think you had to have a statute, however, to manage your water supply.

President Skezas opened the public hearing at 7:34 p.m. Maria Bates referred to a May 2007 Willits News article saying there were about 50 households using in excess of the proposed cap. Ms. Bates said she didn't want to be penalized because of some people using this amount. She asked if the agricultural prohibition would prohibit watering vegetable crops for sale and said these proposed laws should be presented to the public for review.

Mr. Melliush said we needed the revenue from water sales and so he opposed an excessive use cap; he said when we get the rubber spillway completed we might even want to encourage more water use, because we have more projects coming up. He said we could declare a Water Alert if needed later and put the excessive use cap on. President Skezas closed the public hearing at 7:41 p.m.

G. PUBLIC COMMENTS

None.

H. CONSENT CALENDAR

4. 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.

5. Retroactive approval of postage for 2007 newsletter. Director Horrick moved to retroactively approve Check 21132 for payment of this bill; Director Orth seconded. The motion carried unanimously.

I. ACTION AGENDA

6. Consideration of Adoption of Water Shortage Ordinance No. 134. Mr. Chapman briefed some audience members about the subject matter. Director Williams asked if we wanted the cap to be three times normal use or the 20,645 gallons and asked to specify that "use" was "maximum water use." Mr. Chapman suggested striking the first sentence in the definition because the formula method of three times the average would always be less than 20,645 gallons (4th tier). Mr. Chapman further stated that under paragraph 7 there was going to be some public confusion because eliminating the word "agriculture" would be interpreted to mean prohibiting all outdoor watering. Director Williams asked why we would care what they use the water for if we're setting a use cap. Discussion followed on commercial and irrigation prohibitions. Director Williams said we should just repeat the language in our water permit, which prohibits the use of water to grow commercial crops. Mr. Neary said we had three beneficial uses listed in our permit: domestic, irrigation and recreation. Agriculture was permitted. Director Ziady felt page 2 of the ordinance made it clear what kind of irrigation was prohibited. She said this came about because there was a lot of public comment saying they didn't want to have a water shortage because they were watering someone's crop. Director Orth said we could take 2-408 and the word "is" to "can be" prohibited, then drop (b) and (c) and keep (d). Director Williams agreed and said in (a) it should say irrigation use may be prohibited if the Board found it unjustifiable. Regarding crops grown for sale, Mr. Melliush said he didn't know how we could enforce this and it would put people in harm's way. Director Orth said we have to go by what the meter said and not ask employees to apply judgment about what it's being used for. Maria Bates said if we're not in an emergency, excessive use by some means that all will suffer and it sounds insane if we have a limited quantity of water and we say use because we need the money, and then you have to declare an emergency, that's insane. She said we would have to institute the cap soon. Directors said we would; we'd be getting reports every two weeks. Director Orth said when we do that, the details will be hashed out in the program that we set; this ordinance gives us the flexibility to set the parameters of the program to address all these issues, including excessive use. He said this gives us real tools to control water use without going beyond the meter.

Director Williams said you have to define irrigation use. He said in paragraphs (b) and (c), he didn't see staff members ever performing this; he said we're not going to do that and these paragraphs would only cause trouble. Discussion followed on procedure.

Director Orth moved to waive further reading and reintroduce the Ordinance as revised at this meeting with a public hearing set for May 22. Director Horrick seconded. Roll call vote was as follows:

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

7. Consideration of requiring individual meters for multiple units. General Manager Chapman explained we would pick up \$16,000.00 by requiring individual meters on multiplexes. The District is confronted with all kinds of required projects and it seemed fair that these units pay their share. Bruce Burton of DHS had no problem with this issue because we were not changing production statistics. He confirmed for President Skezas that this did not cover granny units and two houses on one meter. He mentioned he was aware of at least three of these situations. He asked if we should include them and directors indicated we should. Mr. Chapman said he needed to check with Bruce Burton.

Director Ziady saw no problem foregoing the connection fee but felt we should install the meters and charge the labor and materials at cost. President Skezas said we have to require that they must connect to the meter afterwards. An audience member said you can pass an ordinance that each individual residence must have its own meter, and if someone supplies water to an unmetered residence, then you shut that person's meter off.

Mr. Chapman said this came up because a duplex owner wanted two meters to stop fighting by her tenants about usage. Director Williams asked if you could bill the cost separately and allow them to make payments (as was done for Dr. Gitlin); Mr. Neary said this would be all right. Director Williams asked if we have the authority to compel them to hook up to the new meters, since they already have occupancy permits.

Mr. Chapman said he didn't want to tie the issue in with the budget, as the rates and fees were already set for hearing. He also noted about the rationing problem, and the fact that any one tenant could cause a whole complex to exceed its allowance. It was discussed to return the matter back later.

8. Consideration of Madrone sewer lift station project. General Manager Chapman wanted to bring this to the Board now because Mark Vogel was doing some preliminary engineering diagrams and we had to do this project this summer. Financing would come out of the Sewer Enterprise Fund, currently in excess of \$1 million. Director Orth moved to authorize the General Manager to proceed with the Madrone Lift

Station project as described; Director Horrick seconded. Mr. Chapman said we had to do this project whether or not we get reimbursed by grant funds. The motion carried unanimously.

9. Consideration of award of auditor contract for audits of FY 2006-07, 2007-08, 2008-09. Mr. Chapman said we sent requests for proposals to five firms, of which three declined. Proposals were received from our current auditor, Terry Krieg, and Michael Celentano, who had been the District auditor at some time in the past. There was a \$10,000.00 price difference between the proposals. Director Orth expressed concern that Mr. Celentano's operation might not be up to our current load of new capital projects and upcoming bond issues. He disclosed that his wife worked for Mr. Celentano 20 years ago. He said he felt Mr. Krieg was offering us a very fine product. Director Ziady voiced there was a benefit to an auditor already being familiar with projects and plans and her instinct was to go with Mr. Krieg despite the higher proposal. District Counsel Neary said he had no opinion, but the Board could go with a higher bid if it desired for professional services. Director Orth moved to go with the higher bid and retain Terry Krieg, CPA, at \$10,500.00 per annum for audits for the fiscal years ending June 30, 2007, 2008 and 2009. Director Ziady seconded. Director Williams thought it was a good idea to regularly change auditors, and he liked to do business with someone local as opposed to Santa Rosa. As to the 218 election, he said he understood there will probably be an outside CPA that will be involved and the burden won't be on our auditor. He suggested giving Mr. Celentano a one or two year contract to see how we felt, and said he would therefore vote no on the motion. Mr. Chapman said in his judgment the first year was by far the toughest for a new auditor, and he would prefer a three-year contract for this reason. The motion carried with one "no" vote cast by Director Williams.

10. Consideration of \$15,000.00 payment for Second Access Road Feasibility Study. Mr. Chapman pointed out the letter from Mendocino County DOT of April 10, 2007 describing joint funding for the feasibility study of the Second Access Road. Director Orth moved to authorize finally spending the \$15,000.00 so designated from the General Fund for the preparation of a feasibility study for the Second Access Road. Director Horrick seconded. Richard Estabrook commented that he believed the Second Access Road was totally dependent on the Willits Bypass, which was up in the air. He said he was suspicious of consultants and disliked giving our money to them. He said there already have been studies done. Maria Bates said the old studies were now throwaways and why spend money on another one. Director Orth said Supervisor John Pinches had brought up the same issues, but this study was part of the series of studies required. Director Orth said the County has asked that Mike Chapman be part of the review panel for the consultant. Discussion followed. The motion carried unanimously.

11. Consideration of Lot Donation – 23953 Acacia Court – Errol and Maria Isabel Flores. Mr. Chapman reported that the lot was unbuildable with a 30% slope. Director Orth moved to adopt Resolution 2007-8 accepting donation of real property from Errol and Maria Isabel Flores. Director Horrick seconded. Roll call vote was as follows:

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

J. ADDITIONS TO FUTURE AGENDAS

None.

K. SPECIAL REPORTS

From Directors: None.

From District Counsel: Mr. Neary said he had distributed copies of a brief by the appellant and response in the current lawsuit affecting Brooktrails to the Directors. Director Orth asked if this were confidential or public; Mr. Neary said he thought it was public.

From General Manager: General Manager Chapman said he had met with Pete Bontadelli of AES at length. The good news was that we will have to do a Water Availability Analysis instead of an In-Stream Flow Survey; this will cost much less. He mentioned he attended a workshop on Homeland Security Emergency Response Plans.

L. PUBLIC COMMENTS

Bob Terry asked if there was a reason the District didn't qualify for a bulk rate on postage for bills. Mr. Chapman gave an example of the money for the evacuation brochure being completely wasted due to failure of the bulk delivery and the money having to be spent again.

M. ADJOURNMENT

Director Horrick moved to adjourn, President Skezas declared the meeting of May 8, 2007 closed at 8:49 p.m.

GEORGE SKEZAS, President

ATTEST:

MICHAEL V. CHAPMAN