

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, July 22, 2008**

The Board of Directors of Brooktrails Township Community Services District met in regular session on July 22, 2008 at 6:58 p.m. at the Brooktrails Community Center.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Roll call showed the following directors present: Orth, Horrick and Skezas. Also present was General Manager Chapman. District Counsel Neary arrived at 6:59 p.m., Director Ziady arrived at 6:59 p.m., and Director Williams arrived at 7:00 p.m.

REPORT ON CLOSED SESSION

None.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

General Manager Chapman requested that several financial items be added to the Consent Calendar: (1) retroactive approval of miscellaneous accounts payable checks drawn July 9, 2008; (2) advance authorization for a check run on August 13, 2008; (3) retroactive approval of payments from Rubber Spillway account July 1, 2008, and (4) advance approval of Rubber Spillway payments to be made August 1, 2008. Director Orth moved to add these items to the agenda; Director Horrick seconded and the motion carried unanimously.

D. MINUTES OF PREVIOUS MEETINGS

1. July 8, 2008. Director Orth requested that in the first sentence of the third paragraph under the Second Access Road presentation, the phrase "that there was another possible alignment" be changed to read "it was possible to use either intersection alignment at Primrose or Brooktrails Drive." In the fifth paragraph of that section he asked that the words "for fire safety issues" be inserted after "1985." He moved to approve the minutes as amended; Director Horrick seconded and the motion carried unanimously.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARINGS

None.

G. PUBLIC COMMENTS

None.

H. CONSENT CALENDAR

2. Review of Accounts Payable report and authorization to issue checks. Director Orth received clarification of the payment to Arizona Advanced Bio-Safe Services pertaining to degreaser supplies for a sewer lift station and on the fire curtain purchased for the fire engine cabin; he then moved to approve the payment of the outstanding invoices, and Director Horrick seconded. The motion carried unanimously.

ADDED TO AGENDA:

- Retroactive Approval of Checks Issued July 9, 2008. Mr. Chapman said these checks had been omitted from the accounts payable report approved at the July 8, 2008 meeting and totaled \$31,540.48. Director Orth moved to retroactively approve the payments; Director Horrick seconded and the motion carried unanimously.

- Advance Approval – August 13, 2008 check run. Director Orth moved to approve that a check run be issued August 13, 2008 with a report presented at the August 26, 2008 meeting for retroactive review and approval. Director Horrick seconded and the motion carried unanimously.

- Retroactive approval – Rubber Spillway payments of July 1, 2008. Mr. Chapman said we issued four checks totaling \$180,415.08 on July 1, 2008 related to the dam project. Director Orth moved to retroactively approve the payments of \$107,460.00 to Ghilotti Construction, \$2,291.84 to AES, \$20,505.24 to Hanson Engineering, and \$50,158.00 to Obermeyer Hydro. Mr. Chapman explained that every month we have a closing date of around the 20th and we have to obtain five signatures for these payments which are then paid out around the 1st. Director Horrick seconded and the motion carried unanimously.

- Preauthorization – Rubber Spillway payments to be paid 8/1/08. Mr. Chapman pointed out we have received invoices of \$56,590.33 from Hanson Engineering and \$1,380.79 from AES but have not yet received the Ghilotti July billing. Director Orth moved to approve payment of these invoices and others

that might come in for payment on August 1, 2008; Director Ziady seconded. The motion carried unanimously.

I. ACTION AGENDA

3. Tier Structure Review on Duplexes & Multifamily & Commercial. Mr. Chapman said a customer complained recently about our using different tier structures for the multifamily customers compared to the single-family residences. Staff didn't know how this tier system was originally set up in the 1980s (where a single-family residence tier was set at 690 cubic feet (cf) but a multifamily was set at 480 cf). Since in future rationing we will have a standard amount per meter, he advised that all people needed to be treated fairly. Next year we would change the tier in our rates resolution, but he was hoping we could change this manually for current customers now.

District Counsel Neary said any action taken to reduce a water rate, which this would do, would not have to go through Prop. 218. The operative words were the procedure applies when a charge is extended, imposed or increased, none of which apply here. Mr. Chapman said there were so few units involved he couldn't estimate the financial effect. Counsel clarified for Director Orth that it would be more like a policy directive than an amendment. Mr. Chapman confirmed for President Skezas that this was basically the multiplexes that we had just changed to individual meters in the last six months. He said we do have about six commercial accounts, related to the 210 cf. District Counsel Neary said he believed the original reason for the difference in cf calculations was that multiplexes supposedly had laundry rooms. He said if you wanted to pass a motion as a policy directive to the General Manager, that any such motion should have a finding that separate meters should be treated as single-family. Director Williams voiced that increasing the base tier for multifamily (i.e., 480 to 690) constituted an overall rate reduction for them. Mr. Neary said he didn't think it needed a formal action, but a motion for a policy directive to the General Manager. Director Orth moved that we treat all single-family, duplex, and multifamily units the same with a 690 cf tier structure and where such structures now have individual meters, we could begin this as of July 2008. Director Ziady seconded. Counsel Neary said a roll call vote was not required. The motion carried unanimously.

4. Comments on the County General Plan Update. Mr. Chapman said he and Director Orth had attended a session the day before at the County, and a two-week extension had been granted for comments on the draft EIR, to August 11, 2008. Director Orth had written up some general comments about the exclusions in the Scope, including Brooktrails. He said the Notice of Preparation was a very important document which we can affect with our comments. Our second or third access roads should be considered in the General Plan. He said all we needed to do was authorize the General Manager to submit comments for Brooktrails by the extended deadline of August 11, 2008 and have them reviewed by President Skezas.

Director Ziady said she had no problems with this plan and voiced everything had to interlock among all entities, but she felt uncomfortable with that because she felt funds would be lost and nothing would come this way. She felt there needed to be room for the individuality of districts and cities as well.

Director Williams asked Mr. Chapman if the existing General Plan had elements which dealt with all the things cited as missing from the update. Mr. Chapman responded there was little about water (e.g., expansion of dams). Mr. Neary said the last General Plan was done in 1981 and the issues related to Brooktrails are all issues which affect the County in general, and ought to be considered in the General Plan. He further noted this was issued by the County of Mendocino Planning Team, and that they were not a part of the Building and Planning Department, but rather hired people not necessarily familiar with the area.

Director Orth moved to authorize the General Manager to prepare appropriate comments by August 11, 2008 for the Notice of Preparation of the Draft EIR for the Mendocino County General Plan Update; Director Ziady seconded; the motion carried unanimously. Mr. Chapman mentioned he would run the letter by the President before sending.

5. Discussion of comments by Board members for Second Access Road Feasibility Study.

The Board of Directors unanimously favored Alignment I. Director Horrick said he favored Alignment I; President Skezas commented that he also favored Alignment I.

Director Orth commented he agreed with Alignment I. He then passed out a comment sheet to the directors made by his wife. Her letter said she favored Alignment I; Director Ziady asked why the Board was getting this letter and Director Orth said she works in the Transportation Office and wanted the Board to know her feelings. General Manager Chapman commented he needed a copy of the letter for the record.

He said that under the contract with KOA (engineer consultants), a provision within the agreement said if they didn't see any already-determined alignment as best suited for our needs, they could come up with their own engineer's alignment, and that's how Alignment I came to fruition. Director Orth said Alignments C & G did not intersect the 101 Willits Bypass project at a point, as designed by CalTrans, to accommodate a second access road. This was because it required a crossing of a railroad, and a road segment that is not part of the bypass would require a lighted intersection. He further added C & G are

the most expensive roads to build. He said our comments should say Alignments C & G are not appropriate as the preferred alignments because he felt the State would not give us a permit to enter the 101 corridor for either of them. Mr. Orth commented that Bob Parker (DOT Engineer) had said at the previous meeting he didn't think Alignment H was buildable. Alignment H also needed to be corrected as its lower portion lands on a mobile home park, which CalTrans would never do, and which would hugely add to the expense.

Director Orth then commented on a crossover point between Alignment I and the Brooktrails Drive intersection. Regarding that kind of intersection, we are not meeting those kinds of road standards. He commented that Mr. Parker in the previous meeting had said we need to build a road that meets all federal and state standards to get federal and state dollars. Director Orth concluded that the Primrose and Alignment I were appropriate and would be safe and usable for the majority of residents. He said he thought the third access road (KOA Campground entry point on Highway 20) should be discussed as well, with the third road happening 10-20 years after the second access. This was important because he anticipated Brooktrails having to enact a development charge which would put money into a pot for the third access road, and that way the EIR would show a total circulation plan via the 1997 Specific Plan. Lastly, he mentioned that the Willits City Council would have this on their agenda tomorrow (July 23, 2008) and he would attend. He felt Alignment B was probably useless.

Director Ziady said she would favor Alignment I. She said she was responsible for the residents who live here now. Besides fiscal responsibility, she said she represented all the property owners who are trying to obtain water one day. Weighing those three things, she said, she would take Alignment I as well.

Director Williams favored Alignment I. It seemed to him that we need a natural logical split, where one section of Brooktrails goes one way and the other section goes the current way (i.e., Sherwood Road). The problem he had with C & H was that taking the longer routes possible to Highway 101 made little sense. Alignment I seemed to be a very direct route and came out closest to the traffic interchange circle on Highway 101 of all of them. The others seemed to have tremendous grade and cut problems, and that Alignment I seemed to follow the natural grade more than the others, although there was a fairly precipitous drop right at the end. He said he assumed the grades were fire truck safe, because if you're trying to get fire equipment into Brooktrails, H, G and C increasingly made no sense.

Brief discussion followed about private property owner reaction around that alignment. President Skezas said he felt direction had been given on the issue. Mr. Chapman said no one has posted any comments on the website and we have received one letter from a citizen favoring I.

6. Blackburn Consulting Contract – Lake Emily, Left Abutment Slope. Mr. Chapman said this item came up once again this spring during an annual Dam Safety review. The issue is putting more hydraulic weight on the dam, and David Borders, the Dam Safety engineer, wanted us to address this issue (because in 1971 the east slope had a slip). This was a separate matter from the Rubber Spillway project. He requested a motion to approve a contract with Blackburn Consulting not to exceed \$19,000.00 and this would be paid from the Water Enterprise Fund. Director Orth moved to authorize the General Manager to enter into a contract not to exceed \$19,000.00 with Blackburn Consulting to address the concerns of Dam Safety regarding Lake Emily's left abutment slope issues. Director Horrick seconded. The motion carried unanimously. It was then decided it should be a roll call vote, which was voted as follows:

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

7. Consideration of a fourth lease arrangement with Xerox. Mr. Chapman pointed out this was the fourth extension of a Xerox machine and the lease cost would total \$13,738.80. He mentioned his familiarity with multiple brands over the course of thirty years, and Xerox was the best machine he has been able to observe. This would come out of the General Fund. Director Orth moved to approve a lease contract with Xerox for a Work Centre 7335 copier at a cost of \$13,738.80. Director Ziady seconded. Roll call vote was as follows:

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

8. Consideration of purchase of a portable emergency generator. Mr. Chapman said Robert Melliush, Superintendent of Utilities, had advised him that an additional generator would allow him to get water into the higher areas under emergency conditions, going from 25% efficiency to 90%. Director Ziady asked whether we had fuel storage to manage with for the generators; Mr. Melliush said it was 500 gallons, and the truck will deliver straight to the generator. Director Williams asked if the current 25% efficiency ratio meant if we lose power we can only get water to 25% of the system and Mr. Melliush confirmed this is so. This portable generator will give us the capability of filling tanks in an emergency we wouldn't otherwise be able to fill. Director Williams moved to authorize the General Manager to

purchase a backup generator, new or used, not to exceed \$15,000.00, with funds to come from the Water Enterprise Reserve. Director Ziady seconded. Roll call vote was as follows:

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

9. Consideration of Resolution adding Water/Utility Operator IIA Classification. Mr. Chapman said this issue surfaced recently because our utility employees are now expected to pass a battery of tests within forty-two months of hire. Scott Herman accomplished this goal in eighteen months, and we don't have a mechanism to recognize what they have done. If we make this new grade 36 Operator IIA, that would give our Utility Supervisor two or three years to train the employee at the water plant to gain their certificate allowing them to operate a water plant. Total financial effect for this upgrade for one person will be about \$9,000.00, including benefits and taxes. Director Ziady said she believed in investing in younger people for the future. Director Orth moved to adopt Resolution 2008-26 adding a classification of Water Operator IIA to the employee classifications of the District. Director Horrnick seconded. Roll call vote was as follows:

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

J. ADDITIONS TO FUTURE AGENDAS

K. SPECIAL REPORTS

From Directors: None.

From District Counsel: None.

From General Manager: Mr. Chapman said we should receive the Madrone Lift Station in the near future. The Lake Emily project is basically going well. We had another pot bust last week; there was a report of downed trees which was why we had to investigate this. They had erected a large 12' black plastic fence around a garden. Director Williams asked why we are over the water projected supply line and whether the population was conserving; Mr. Melluish said our water flow was basically the same as last year.

L. PUBLIC COMMENTS

None.

M. ADJOURNMENT

Director Orth moved to adjourn the meeting; President Skezas declared the meeting of July 22, 2008 adjourned at 8:15 p.m.

GEORGE SKEZAS, President

ATTEST:

MICHAEL V. CHAPMAN