

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, June 24, 2008**

The Board of Directors of Brooktrails Township Community Services District met in regular session on June 24, 2008 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, and Horrick. President Skezas was absent with notice and Vice-President Horrick presided. Also present were General Manager Chapman and District Counsel Neary.

REPORT ON CLOSED SESSION

None.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

Due to the current fire emergency in the County, General Manager Chapman asked to have Fire Chief Schoepner brief the Board on the situation in the Special Presentations agenda. Director Orth asked to switch the order of Items 8 and 9 in the Action Agenda so that the budget would be approved before the fund transfers were approved and this was agreed.

D. MINUTES OF PREVIOUS MEETINGS

1. June 10, 2008. Director Williams moved to approve the minutes; Director Orth seconded and the motion carried unanimously.

E. SPECIAL PRESENTATION

Fire Chief Schoepner said there were currently 138 active fires in the County, although there were none at this point burning within Brooktrails, Spring Creek, Sylvandale, or our sphere of influence. These were caused by the lightning storm on Saturday. They range from one-half acre to 1,800 acres in size. Some 40 are not being attended if inaccessible or not threatening life or property due to scarce resources. We had a fire on Saturday morning on Ridge Road at Goose and evacuation (affecting six houses) was ordered of the Ridge Road area for a few hours until it was suppressed. The fire re-lit from underground on Monday afternoon and was again suppressed, and hoses are in place there for immediate response if needed again. He stressed the need for more equipment, specifically wildland hoses. He described mutual aid our Fire Department has performed in the past few days.

Presently a CDF helicopter base has been established at the airport; this department is standing by for crash rescue; this is daylight hours and under contract and will be reimbursed. More thunderstorms are forecast for later this week. It is expected that it will take a full 30 days for the County's fires to be fully resolved. The fires generally are referred to as the "Lightning Complex Fires." The CERT group assisted at the Ridge Road fire and coordination among all groups responding was excellent. Despite rumors, he stressed, there are no fires here or evacuation orders. There is a fire on Sherwood Road in Laytonville and this has caused confusion. He distributed a report by Bob Terry about the incident and CERT's assistance to the Board.

Bob Terry of CERT spoke about CERT's assistance in the fire and expressed how smoothly the system worked with all the different entities together.

Director Ziady expressed appreciation with the fire-clearing work done here and the assistance of the Fire Safe Council, in particular Julie Rogers, in so many areas.

F. PUBLIC HEARINGS

2. Second Public Hearing on Proposed Rates & Fees for Fiscal Year 2008-09. Vice-President Horrick opened the hearing at 7:28 p.m. There being no public comment, he closed the hearing at 7:29 p.m. General Manager Chapman confirmed there had been no written comments received.

3. Hearing on Protests to Water Availability Charges. Vice-President Horrick opened the hearing, for the purpose of hearing protests against the application of the charges to any specific lot, at 7:30 p.m. There were no public comments. Mr. Chapman indicated a telephone call had been received from a William Policy protesting the assessments on May 28, 2008; no information was given regarding the location of the specific lot, and therefore he could only assume that the protest was for both water availability and sewer (APN 095-050-13). District Counsel Neary said that we do not accept telephone calls as protests, and he would hate to set that precedent; he felt that the protest should be denied as oral.

Director Orth moved to find the telephone call inappropriately filed as a protest to water and sewer standby charges; Director Ziady seconded. Roll call vote was as follows:

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

Director Orth recommended a letter be sent to Mr. Policy. Vice-President Horrick closed the hearing at 7:32 p.m.

4. Hearing on Protests to Sewer Standby Charges. Vice-President Horrick opened the hearing to receive protests about the application of sewer standby charges to any individual lot at 7:32 p.m. There were no public comments. Mr. Chapman confirmed no written protests had been received. Vice-President Horrick closed the public hearing at 7:33 p.m.

G. PUBLIC COMMENTS

Robert Terry spoke on behalf of the BPOA Bicycle Program to advise that he had completed construction of the new bike shed, and was complimented on the shed's construction and appearance. He thanked the District for assistance from District crew in various areas of construction. Director Orth thanked him for his labor.

H. CONSENT CALENDAR

5. Review of Accounts Payable report and authorization to issue checks. Director Orth received clarification that the Fire Agencies Self Insurance System payment was the third of five installment payments under our settlement agreement with FDAC-FASIS; after this payment there will be two more annual payments. We have left the organization. Mr. Chapman confirmed that the tree removal in the Godt matter was accomplished in two days by the LTO. He also confirmed that the payment to Public Property Financing Corp. of \$1,500.00 was related to our USDA financing bond counsel and was paid to the third-party creditor. Director Orth moved to approve payment of the outstanding invoices; Director Williams seconded. The motion carried unanimously.

I. ACTION AGENDA

6. Consideration of draft resolutions establishing Water/Sewer Rates, Golf Course Fees for FY 2008-09. Mr. Chapman reviewed the increase in water and sewer base rates and water usage tiers. Director Orth moved to adopt Resolution 2008-21 establishing rates and charges for water and sewer utility connections and services; Director Williams seconded. Counsel Neary requested that the term "repealing Resolution No. 2007-10" be changed to "amending Resolution No. 2007-10" where it appeared so that the rates that are not changed would not be re-enacted. He noted that we would be changing the form of this resolution in future years. Director Orth moved to adopt the resolution with this change; Director Williams seconded. Roll call vote was as follows:

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

Director Orth then moved to adopt Resolution 2008-22 establishing golf course fees; Director Williams seconded. Roll call vote was as follows:

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

7. Approval of report to Mendocino County Tax Assessor on water availability charges and sewer standby charges. Director Orth moved to approve this report, which lists corrections needed to the County database for assessments; Director Williams seconded. Roll call vote was as follows:

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

9. [*agenda order changed*] Consideration of resolution adopting Fiscal Year 2008-09 Budget. Director Orth moved to adopt Resolution 2008-23 adopting the budget as presented; Director Ziady seconded. Roll call vote was as follows:

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

8. [*agenda order changed*] Consideration of resolution approving fund transfers for FY 2008-09. Director Orth moved to adopt Resolution 2008-24 approving specified fund transfers; Director Williams seconded. Roll call vote was as follows:

AYES: Directors: Williams, Ziady, Orth, Horrick

NOES: Directors: None
ABSENT: Directors: Skezas

10. Consideration of resolution establishing salary, wage, fringe benefit plan and fee schedule and approving revised Employee Agreement. Director Orth moved to adopt Resolution 2008-25 establishing the salary, wage, fringe benefit plan and fee schedule, and approving the revised Employee Agreement effective July 1, 2008 through June 30, 2010; Director Ziady seconded. Roll call vote was as follows:

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

J. ADDITIONS TO FUTURE AGENDAS

Director Williams asked when the issue of establishing a water usage cap could be addressed and District Counsel Neary said probably in July.

K. SPECIAL REPORTS

From Directors: None.

From District Counsel: Counsel Neary said settlement with the former employee had been finalized and a letter received from him to the directors. Trial in Paland v. BTCSD will be either July 7 or 8, 2008. He said Director Williams had asked him to prepare an opinion on the Greenbelt regarding Mr. Romero, but he could not locate the document involved; it was discussed that this was the three-page handout given to the Board by Mr. Romero when he appeared at a recent Board meeting, a trust deed or something similar. This would be located.

From General Manager: Mr. Chapman said he became aware that there was another pot grow on our greenbelt with a couple of 250-gallon tanks diverting from Willits creek and he and Robert Melluish would attempt to locate this. Mr. Neary suggested complaining not only to CF&G but also to Charles Rich at the Division of Water Rights for unlawful diversion. Mr. Chapman said the creek flow was the lowest he has ever seen at this time. He said the July 8 meeting would focus on the Second Access Road and there would be an open house hosted by KOA Corp. from 5:00 to 7:00 p.m. to gather public input. He said the only unexpected development with the Rubber Spillway Project was the need to place a geologist on site for about 14 days due to the steepness of the cut and CalOSHA regulations. This geologist was also taking compaction samples. The project was going smoothly at this point. Dam Safety has been here weekly. We are not yet certain that we will not have to lower the lake level. Director Orth suggested adding a quick report to our July 8 meeting for the public.

Director Williams asked if we had received two protests from Richard Estabrook to our water rights application; it was clarified that he did submit two separate protests, one for Lake Ada Rose and one for Lake Emily.

L. PUBLIC COMMENTS

None.

M. ADJOURNMENT

Director Orth moved to adjourn the meeting; Vice-President Horrnick declared the meeting of June 24, 2008 adjourned at 8:01 p.m.

GEORGE SKEZAS, President

ATTEST:

MICHAEL V. CHAPMAN