

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, March 11, 2008**

The Board of Directors of Brooktrails Township Community Services District met in regular session on March 11, 2008 at 7:12 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 said the Board met with counsel regarding a matter of potential litigation pursuant to Government Code Section 54956.9(c), received information and gave direction.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

None.

D. MINUTES OF PREVIOUS MEETINGS

1. February 26, 2008. Director Orth moved to approve the minutes; Director Ziady seconded and the motion carried unanimously.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARINGS

Eminent Domain hearings (Rubber Spillway Project) – Public hearings for consideration of resolutions of necessity:

District Counsel Neary reviewed that we needed to acquire easements over ten parcels for the Rubber Spillway Project, and that agreement had been reached on six of the properties. Of the remaining four, the Shropshires resisted our offer initially but have just accepted it subject to a condition, that condition being they wanted to be guaranteed a water connection right now. This, of course, would be unacceptable to the District.

Mr. Neary continued that the first step in the eminent domain process was to do a Resolution of Necessity, confirming a public necessity for what was in essence a taking with compensation. We haven't received any written communications. We had sent the notice of hearing by certified mail. Another parcel may come up at the next meeting; one owner [Machado] who accepted our offer has since sold it, with the understanding that they would receive the compensation. However, we have no deal with the current owner and do not know what their position is, and will provide 15 days notice to them and may have a hearing at the next meeting.

Mr. Neary said the Board would make a formal finding, and in order for that to be sustainable, it has to be based on substantial evidence in the record. Mr. Chapman would introduce this evidence, to explain the necessity for this project and why these ten properties were affected.

Mr. Chapman presented a large map to the Board showing the lots in question. Areas in red marked the takings. A second map was shown, done by Thomas Manning for SHN, showing the sedimentation in our reservoir and demonstrating the acre-feet of water lost.

Mr. Chapman read into the record the findings as follows:

Project Description Findings:

Brooktrails Township CSD is currently under a water moratorium established by the California Department of Health Services in February 2003. Brooktrails does not have enough water storage capacity to supply its current population during a drought year. The purpose of the Lake Emily Spillway Project is to help restore some of the water supply for Brooktrails.

Lake Emily has about 17 surface acres and currently holds approximately 204 acre feet of water. The capacity of Lake Emily has been reduced by 66 acre feet from its original capacity of 270 due to sedimentation of the lake. The proposed project would restore the capacity of Lake Emily by 52 acre-feet.

The project involves the installation of an Obermeyer gate system (inflatable bladder technology) at the spillway; reinforcing the structure of the existing dam to 2008 California Division of Dam & Dam Safety standards; the installation of an artificial 3,400 square-foot wetland area below the dam; construction of

a small dam control building; restoring 52 acre-feet of water capacity to Lake Emily, and provide more flexibility to capture storm waters in the months of January, February, and March.

In order to restore the current water capacity of the lake by 52 acre-feet, the high water line of Lake Emily must be raised by three feet. To support this water increase, the dam crest will also be raised (32,000 cubic yard) by 3' in conjunction with the gates. The Obermeyer gates will replace the existing wooden flashboards and the high surface elevation of the lake will rise from 1,567' to 1,570'.

District Counsel Neary recommended proceeding to the public hearing for each parcel; at the conclusion of these, the Board should consider the resolution applying to the parcel, which resolutions would also become part of the record. President Skezas asked if Shropshire should be done; Mr. Neary said yes.

2. APN 098-214-02-01 - Fred & Julia Shropshire (Parcel No 1). President Skezas opened the hearing at 7:22 p.m.; there being no comments, he closed the public hearing at 7:23 p.m.

3. APN 098-183-06-01 - Sally Jeung (Parcel No 2). President Skezas opened the hearing at 7:24 p.m.; there being no comments, he closed the public hearing at 7:25 p.m.

4. APN 098-183-08-05 - John McCloy (Parcel No 4). President Skezas opened the hearing at 7:25 p.m.; there being no comments, he closed the public hearing at 7:25 p.m.

5. APN 098-182-07-01 - Wilfredo & Eloisa Delrosario (Parcel No 9). President Skezas opened the hearing at 7:25 p.m.; there being no comments, he closed the public hearing at 7:25 p.m.

G. PUBLIC COMMENTS

Mr. Cameron said since the last time he was before the Board regarding his duplex, he was finding it difficult to get a plumber to commit to the full scope of work rather than leave the estimate open-ended. His lowest quote was \$4,700.00. He said he was overwhelmed with this and was more resolute than ever in his stance; he said the Board could give the Shropshires his water meter, it was fine with him. He said the County seemed to be comfortable with him staying the way he was, he didn't have to change his zoning or anything, and they were okay with the granny unit. Mr. Chapman said we have an ordinance, Ord. 116, regarding granny units. While he understood what the Board was trying to accomplish, Mr. Cameron said, he hoped it wouldn't be applied to him. Mr. Cameron had already been scheduled for the March 25 Board meeting.

President Skezas said the Board could not take any action on the matter tonight. Mr. Cameron said he just wanted to explain his position better and that they are not renting, have not rented for many years and don't intend to rent; he said if the District really has to turn their water off in August, that's the way it is.

H. CONSENT CALENDAR

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

I. ACTION AGENDA

7. Consideration of Resolutions Declaring Necessity to Acquire Property by Eminent Domain (Rubber Spillway Project). Director Orth moved approval of Resolution 2008-8, a resolution of necessity to acquire property by eminent domain, pertaining to the Shropshire parcel. Director Horrnick seconded.

Roll call vote on the motion was as follows:

AYES: Directors: Williams, Ziady, Orth, Horrnick, Skezas

NOES: Directors: None

ABSENT: Directors: None

Director Orth moved approval of Resolution 2008-9, a resolution of necessity to acquire property by eminent domain, pertaining to the Jeung parcel. Director Horrnick seconded.

Roll call vote on the motion was as follows:

AYES: Directors: Williams, Ziady, Orth, Horrnick, Skezas

NOES: Directors: None

ABSENT: Directors: None

Director Orth moved approval of Resolution 2008-10, a resolution of necessity to acquire property by eminent domain, pertaining to the McCloy parcel. Director Horrnick seconded.

Roll call vote on the motion was as follows:

AYES: Directors: Williams, Ziady, Orth, Horrnick, Skezas

NOES: Directors: None

ABSENT: Directors: None

Director Orth moved approval of Resolution 2008-11, a resolution of necessity to acquire property by eminent domain, pertaining to the DelRosario parcel. Director Horrick seconded.

Roll call vote on the motion was as follows:

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

Mr. Chapman added that if Mr. Neary needed a check for the 125% court-required deposit he would draw that check when needed and have it retroactively approved at the next meeting. Mr. Neary said separate checks would be required, along with certified copies of the resolutions.

8. Introduction to Sewer System Management Plan (SSMP) as required under State Water Board Order No. 2006-003-DWZ. General Manager Chapman credited his staff who has been working quite a while on the SSMP. The Board will receive and review specific chapters at intervals. The SSMP basically pertains to clean-up activities to be performed after a spillage. Recently they tightened standards on how fast you have to report a spill. There are 11 sections we have to compose; the biggest will be the Operations & Maintenance program. The timeline for each component was included in the report. We would like to have input from the experts this summer before returning. He confirmed we have basically two years to complete this, and every district and satellite sewer system is required to do this.

Director Orth asked if the plan would impact our budget; Mr. Chapman responded primarily in the capital replacement plan. Looking forward, we probably have a \$20,000.00 Lilac Road lift station project next year, and we will have to work with the Department of Transportation on this, because it is constantly sliding in that area.

In a response to questions by Director Williams, Mr. Neary said that this is a Clean Water Act issue pertaining to waste discharge requirements; all the listed deadlines are fertile ground for citizen organizations like River Watch; we want to avoid citizen enforcement by meeting these deadlines. He said citizen groups will be monitoring the districts and will sue if your filings are not up to date.

President Skezas said they probably will put it on the shelf, but what they're really concerned about is our response to a spill. Director Orth said we can obviously submit prior to the deadline.

J. ADDITIONS TO FUTURE AGENDAS

Director Orth said he would present a Community Energy Authority issue, which is basically formation of a joint powers authority over energy and energy planning. This is the best vehicle to manage federal regulations that will be coming down. He had presented a report on this to the County Board of Supervisors that day, with the idea being to make the County energy-independent within a generation.

K. SPECIAL REPORTS

From Directors: None.

From District Counsel: None.

From General Manager: Mr. Chapman clarified that he had provided copies of a letter pertaining to the District water rights application to the directors [not part of packet or meeting proceedings] simply for their information. Mr. Neary said this has the makings of a new emergent theory [pertaining to the Wild and Scenic Rivers Act], and although the agency may be scoffing at it, it may need to be decided in a court. He felt the protest to our application might be one of the first. Director Orth said he has received only good comments from the environmental community on what we're doing.

L. PUBLIC COMMENTS

None.

M. ADJOURNMENT

Director Orth moved to adjourn; President Skezas declared the meeting of March 11, 2008 closed at 7:52 p.m.

GEORGE SKEZAS, President

ATTEST:

MICHAEL V. CHAPMAN