

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Wednesday, November 12, 2008**

The Board of Directors of Brooktrails Township Community Services District met in regular session on November 12, 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 was General Manager Chapman. District Counsel Neary arrived at 7:05 p.m.

REPORT ON CLOSED SESSION

General Manager Chapman said there were two separate closed sessions at the October 28, 2008 meeting, and the Board gave guidance to District Counsel regarding anticipated litigation.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

Director Ziady said Jerry Garvey, who was scheduled to give the Recreation, Greenbelt & Conservation Committee's annual report at this meeting, was unable to attend due to illness. The directors agreed to table that item. Mr. Chapman said an item to approve a second November check run needed to be added to the consent agenda as this was the only November meeting. Director Orth moved to add this item to the agenda; Director Ziady seconded and the motion carried unanimously.

D. MINUTES OF PREVIOUS MEETINGS

1. October 28, 2008. Director Orth asked that the figure of 20 years given in the third full paragraph on page 3898 should be changed to 10 years. He also asked that the phrase "but then the discussion revolved back to the mid-1990s when the last cutting occurred" be stricken from the next to last paragraph on that page, and replaced with the sentence, "Director Orth stated that he recommended using a THP program that did not commit future Boards." Director Orth moved to approve the minutes as so amended; Director Ziady seconded. The motion carried unanimously.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARINGS

2. Public Hearing on proposed garbage rates for Solid Wastes of Willits to become effective January 1, 2009. General Manager Chapman reviewed the process to date. At the first discussion the Board approved a cost of fuel increase amendment to the contract. We were looking at a 9.1% rate adjustment all together. Vice-President Horrick opened the public hearing at 7:05 p.m. There being no comments from the public, he closed the public hearing at 7:05 p.m.

3. Public Hearing on Public Nuisance at 24926 Brooktrails Drive. Vice-President opened the public hearing at 7:07 p.m. Mr. Chapman said this was the third meeting to address this nuisance issue; at the October 14, 2008 meeting it had been declared a public nuisance by resolution). The County's notice to abate was now 51 days in arrears. The public hearing was for input from the parties involved. An audience member asked if the property owners had been notified about the hearing; Mr. Chapman replied yes. Bob Terry asked if their tarping the trailer full of garbage bags had satisfied the order; Mr. Chapman said no. Director Orth asked if, once we abate, we will notify the County of this; Mr. Chapman said yes. Neither the tenants nor the owners of the property appeared. Vice-President Horrick closed the hearing at 7:09 p.m.

G. PUBLIC COMMENTS

An audience member asked whether the generator was still in use at the public nuisance property and noted that it had been very quiet lately; Mr. Chapman said it was still an ongoing problem. Mr. Terry asked about abatement on a Poppy Lot drive and was told the Fire Department had issued a Code 85 on that some weeks ago.

H. CONSENT CALENDAR

4. Review of Accounts Payable report and authorization to issue checks. Director Orth noted we were paying the California Conservation Corps for the tree-planting project which was part of the Rubber Spillway project; Mr. Chapman commented there would be one more session of this. Director Orth noted that Future Electric Energy had completed a low-energy lighting upgrade for the Community Center

(Wally Stahle). He asked if we would be getting a rebate for that; Mr. Chapman did not know. Director Orth moved to approve payment of the outstanding invoices, and Director Williams seconded. The motion carried unanimously.

5. Retroactive approval of Rubber Spillway payments. Director Orth moved to retroactively approve the three payments, and Director Williams seconded. The motion carried unanimously.

Added to agenda: Approval of second check run on November 26, 2008. Director Orth moved to authorize a second check run for the month for November 26, 2008, to be retroactively approved at the December 9, 2008 meeting; Director Ziady seconded, and the motion carried unanimously.

I. ACTION AGENDA

6. Consideration of resolution establishing revised garbage rates to become effective January 1, 2009. Mr. Chapman said SWOW was looking for a 9.1% rate adjustment which consists of three components: a pass-through adjustment for tipping charges of .87%; a cost of living adjustment of 4.5%, and an "other" rate adjustment for cost of fuel totaling 3.73%. Director Orth asked Mr. Ward if the 3.73% cost of fuel increase would be annual; Mr. Ward said next year it would be combined with COLA, and he had hoped the COFA would then reduce the COLA.

Director Orth moved to adopt Resolution 2008-32 approving the rate schedule for garbage and curbside recycling effective January 1, 2009; Director Ziady seconded. Roll call vote was as follows:

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

7. Consideration of District removal of public nuisance conditions (pursuant to Res. 2008-27) at 24926 Brooktrails Drive. Mr. Chapman said we needed an order to remove the public nuisance conditions. The District would bill the property owner for this abatement. Director Orth moved to order abatement by the District to be done on November 19, 2008 or as soon as practicable thereafter, and costs and labor billed to the owner, and liened against the property if not timely paid by the owner. He asked the directors if they wished to include in the notice a warning about legal action should the situation recur; directors agreed to include this, and Director Orth added this to his motion and informed Mr. Chapman that the Board so directed. Director Ziady seconded. The motion carried unanimously.

8. Annual Report of Recreation, Conservation & Greenbelt Committee – Tabled to next meeting.

9. Consideration of lot donation: Kitzmiller Trust – 1186 Madrone Circle. Mr. Chapman said he had viewed this lot and found it to be very steep. Director Orth moved to adopt Resolution 2008-33 accepting the grant deed of real property from the Maria Kitzmiller Trust; Director Williams seconded. Roll call vote was as follows:

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

10. Consideration of Van Saun memorial bench donation for Par Course Trail. Mr. Chapman said the benches that have been previously donated and installed have been really appreciated. Our staff would do the concrete foundation work. Director Orth moved to approve the donation of a memorial bench by KayLynne Van Saun in honor of her parents for the Par Course; Director Ziady seconded, and the motion carried unanimously.

11. Consideration of utility building construction at Madrone Lift Station. Mr. Chapman said the pumps were now up and running and we need to protect them with a masonry building, which we have been discussing with Mark Vogel and Rouse Masonry. He would like to get this building up by mid-December. We were not sure yet about the generator that will be used for the project, and we may have to purchase another one. We do have a place for the older generator that can't be used in this particular situation, but it would fit nicely at another critical water tank (Tank № 3). He summarized that we have spent basically \$130,000.00 so far; we have a bid of \$15,500.00 for the masonry building. The end cost of the project could total \$175,000.00, depending on housing, the generator situation, and the PG&E conversion.

Director Orth moved to approve the contract with Rouse Masonry to construct the lift station masonry building for a cost not to exceed \$15,500.00; Director Williams seconded. Roll call vote was as follows:

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

12. Review of proposed comments to County General Plan Update/DEIR. Director Orth said the new Board of Supervisors would sit in January 2009. The General Plan Update will transfer to this Board for their review. He had prepared draft comments, and pointed out specific remarks about the 101 Bypass, and 2nd Access Road, and the County's failure to conduct a traffic study for the General Plan. There were elements of the Update that were withdrawn, including a grading ordinance. Director Orth moved to approve making these comments with the Vice-President's signature by Monday, November 10. He noted we were also making comments about rezoning of a parcel near the District and stating it could be done through the Specific Plan Update process. He pointed out the parcel (old Miller property) on the wall map and said they have requested rezoning to Suburban Residential. He said we were mistaken in previously assuming this was the Romero property; it was not.

Director Orth said the approved design map of the Willits Bypass had not been included in the General Plan Update. He said the current Board of Supervisors directed the planners to not do major changes. However, he believed major changes were called for, citing the AB32 guidelines (global warming) that will be adopted in December 2008 and will apply immediately, and we will have to be in compliance by 2010. To further complicate matters, the County was starting work on the Housing Element, so they were taking a piecemeal approach. Part of our comments concurred with the Farm Bureau's statement that a fuller rewriting of the General Plan should be looked at as an alternative to this process. He said he felt the new Board of Supervisors would act so as to revise this process within the coming year which will improve this document quite a bit; for that reason, we were not making extensive comments at this time and were making more generalized comments. The County got so rushed that they did their Notice of Preparation while this document was literally lying on the table the day the Notice of Preparation was finished, before the public could make comments as to what should go into this document. This was how they treated the public's comments and the comments that we made previously. Those comments were now contained in an appendix, and if you read the comments online, you would see there was some real concern about missing elements. He asked that the directors support these comments and the fact that our earlier comments were not addressed.

Director Orth said our District was currently preparing its Municipal Services Review (MSR), under the administration of LAFCO. Part of our request was that these reviews become associated with the General Plan Update as they answer a lot of questions the Update has to look at in setting policies and goals.

Director Williams suggested that it might be good for the Board to have a working session fairly soon so that the whole Board is educated about the General Plan Update. Director Orth said the timeline for this Update would be around April, but the Board of Supervisors could change the timeline. He agreed a working session for the directors would be a great idea.

District Counsel Neary said we might want to coordinate that with the Specific Plan update process. Mr. Chapman pointed out the idea was to do the MSR first and then come to the Board with the changes we know of for our Specific Plan Update, which has to be completed in 2009. Mr. Chapman said in the MSR we will discuss the 2nd Access Road, Lake Ada Rose expansion, and other such issues.

Director Orth moved to approve the proposed comments. Director Ziady interjected to inform the audience that all this coordinating among plans was important to improve the quality of life in the County. An audience member thanked the Board for plowing through all of this. Director Orth moved again to approve the proposed comments, with a few minor changes to be made, for the Vice-President's signature, to be forwarded to the County by Monday. Director Ziady seconded. The motion carried unanimously.

J. ADDITIONS TO FUTURE AGENDAS

Director Orth said he wanted to ask for a public safety review to the Board of Supervisors concerning lower Sherwood Road, given the recent accidents. This same process was done before and over 10-15 years, resulted eventually in the widening of Sherwood at Birch. He said we might want to add an item to discuss potential projects we might ask the federal government to fund, such as 2nd Access Road engineering, or the lead-in to Lake Ada Rose.

K. SPECIAL REPORTS

From Directors: None.

From District Counsel: Mr. Neary said we talked last month about an agreement with a property owner at Lake Emily that was turned down.

From General Manager: Mr. Chapman announced we were successful in a fire grant for \$41,000.00 in communications equipment.

L. PUBLIC COMMENTS

An audience member said he had attended the August meeting addressing greenbelt signage. Director Ziady said the Recreation Committee had discussed this matter and this would be part of the report of the Committee that has been tabled until December 9, 2008. She explained that the Committee made recommendations; then it becomes an agenda item for the Board's discussion and action.

An audience member asked why we can't have yard waste picked up in the District. Director Ziady said that was brought up during the recent negotiations and SWOW is coming back with a proposal. Director Orth said they would have the option to rent a yard waste container with your service.

M. ADJOURNMENT

Director Orth moved to adjourn; Vice-President Horrick declared the meeting adjourned at 8:03 p.m.

George Skezas, Vice-President

ATTEST:

MICHAEL V. CHAPMAN