

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
Tuesday, October 14, 2008**

The Board of Directors of Brooktrails Township Community Services District met in regular session on October 14, 2008 at 7:04 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 reported that the Board completed the General Manager's annual evaluation. The Board also unanimously voted to add an urgent matter regarding anticipated litigation (closed session per Govt. Code Sec. 54956.9(c)) to the closed session agenda, and received information from Counsel and the General Manager and gave direction.

**C. ADDITIONS/ADJUSTMENTS TO THE AGENDA**

None.

**D. MINUTES OF PREVIOUS MEETINGS**

1. September 23, 2008. Director Horrick noted that the name "Diana Massey" should be corrected to "Diana Mann." Director Orth moved to approve the minutes as amended; Director Horrick seconded. 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 moved to approve the payment of the outstanding invoices, and Director Horrick seconded. The motion carried unanimously.

3. Retroactive approval of Rubber Spillway payments. Director Orth moved to retroactively approve these payments, and Director Ziady seconded. The motion carried unanimously.

**I. ACTION AGENDA**

3. Consideration of resolution declaring public nuisance and ordering abatement – 24926 Brooktrails Drive. General Manager Chapman reported the trash had not been removed and they were being fined \$80.50/day by the County at this point. He confirmed for Director Williams that these notices are expected to have little effect on the owners or occupants and that the occupants will probably re-trash the property after we clear it at District expense. Director Williams asked if there was anything else we could do to prevent that, such as sue them or get an injunction. District Counsel Neary said it was more complicated, you would have to establish to the Court's satisfaction that it was something likely to recur. He said he was not certain we had enough evidence right now to get an injunction. If the abatement procedure proves to be ineffective, then we could have irreparable injury. Director Orth said he would like to add to the resolution a Whereas regarding providing notice about a repeat offense; District Counsel Neary advised against this. Director Orth asked about multiple violations. Counsel Neary digressed to say he would like the Board to incorporate the proceedings of the previous discussion (minutes) on this matter with the resolution.

Director Williams asked if it would be appropriate to send a letter to the tenant and owner warning them that it was the consensus of the Board that if they did nothing in response to this, that the next step would be to seek injunctive relief. This would not be part of this resolution. He said this might encourage them not to trash the property after we clean it. Counsel Neary said he would be happy to send such a letter; this public nuisance situation was one of the classic grounds for injunction. Director Orth said there should be a Sheriff's backup when staff does the cleaning. He moved to approve Resolution 2008-27 with an additional attachment of the prior meeting's minutes discussing this matter and to set a hearing for November 12, 2008. Director Williams seconded. An audience member asked if we could enforce on

the generator and was told that is the County, and Mr. Chapman said he would send a letter to their code enforcement officer. Roll call vote was as follows:

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

5. Appeal by Mill Magee of multiplex meter requirement – fourplex at 26011 Otter Drive. Mr. Chapman said this was somewhat a similar situation to the Anderson sixplex matter. The primary description of hardship was the expected expense of the conversion at about \$30,000.00.

Mr. Magee said he owned this through a partnership with Michael Geister, also present at the meeting. He said they had been unable to find drawings of the property at the County, which dates from the 1970s. He said it would be prohibitively expensive to comply. Mr. Geister said they had called several local contractors; the problem was the slab and that the plumbing was run on the outside of the building from the slab. They did have a laundry room, which he said was important to the tenants. He said they would have to plumb each unit separately. He said they paid for the street meters. He referenced the plumbing bid again at \$30,000.00. He said their tenants were not excessive water users.

Mr. Magee and Director Ziady discussed how many water heaters would be needed. Mr. Geister commented that fixing the exterior finishes would also be on top of this bid, and they would also have to pay to relocate the tenants during construction. He said the rents there were \$600.00 - \$650.00 and the tenants could barely afford that. Mr. Chapman confirmed the complex had a track record of lower use.

Director Williams commented he didn't see much difference between this situation and the sixplex, and he thought it might make more sense to brief them on it privately and then come back. Mr. Chapman described that Mr. Anderson was being required to have two meters on two separate buildings, plus a deed restriction when the owner sold the property, and they would have to pay for title insurance as well. The District would prepare the deed restriction. Mr. Chapman said he would call Mr. Magee. The matter will return after discussion for findings.

6. Consideration of resolution finalizing Anderson multiplex meter agreement. Mr. Chapman said we asked Mr. Anderson to return this meeting because of the need to discuss the title insurance and recording fees, and he wanted to be sure Mr. Anderson understood he would have to pay these items. He continued that we now had findings for the Board. Mr. Anderson said he did separate the duplex from the fourplex with separate building meters. He then commented he didn't think it was fair to charge him about \$64.00 per unit and asked if he would be charged for the two building meters up above. Mr. Chapman tried to explain that he was only paying for the six meters at curbside, and not the other two meters above at his separate buildings. He said he would meet Mr. Anderson at the property and show him how this would work. Mr. Anderson agreed.

Counsel Neary said he would order the title search and prepare the deed restriction and call Mr. Anderson to come in and sign the documents. Mr. Anderson said he would do so.

Director Orth moved to approve Resolution 2008-28; Director Williams seconded. Roll call vote was as follows:

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

7. Solid Waste of Willits – consideration of resolution amending contract to allow cost-of-fuel rate adjustments (COFA); review of rate adjustment request and schedule public hearing. Mr. Chapman said the first item of discussion would involve the consideration of a new contractual amendment to allow cost-of-fuel rate adjustments, something new and spreading through out the hauling industry. Should the Board of Directors approve COFA, and after a public hearing process, the rate adjustments would effectuate January 1, 2009.

Gerry Ward explained the effect that fuel price increases have had on his business. He said the cost-of-fuel adjustment (COFA) would allow for either increases or decreases. Director Orth commended the fact that the COFA would adjust up or down and said he would support that. Director Williams asked if fuel was not included in the CPI. Mr. Ward said the last few rate increases, the COLA does include a component of fuel, and therefore in the last four years they generated \$1,600.00 in additional revenue for fuel. But in reality, in one year fuel went up \$14,000.00. Plus, he only got 90% of the CPI increase in the COLA. He explained hypothetically that in the future SWOW would come in with three rate adjustment requests each year; two might go up and one might go down.

Director Williams said a law is coming into effect two years from now that will kill diesel. Mr. Ward said it's been in effect for two years already; he has to either put in new catalytic converters or install new engines that are just coming out and will be California compliant. They run about \$9,000.00 - \$10,000.00 per truck for the converters and you get fewer miles per gallon.

Mr. Chapman confirmed on a question from Director Orth that we have received no complaints about SWOW. Director Williams commented about bears dumping garbage cans and the SWOW driver

stopping and refilling them. Bob Houtz, in the audience, thanked Mr. Ward for his participation in the Brooktrails Township cleanup day.

Director Ziady inquired Mr. Ward's previous Board appearance regarding yard waste collection. Mr. Ward said he has investigated this and anticipated needing about 300 carts to make this possible, but has not gone further with it as he has had to deal with the COFA and other rate adjustments. He said they could do every other week, or a monthly schedule; they do it every other week in Willits, and if people need two or three carts because they do a lot of gardening, that is okay.

Director Orth moved to approve Resolution 2008-29 and to set a public hearing for November 12 on the new rate schedule. Director Ziady 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**

Mr. Chapman said he has been continuing to research an excessive use cap paper and that this would be back to the Board in December.

**K. SPECIAL REPORTS**

**From Directors:** None.

**From District Counsel:** None.

**From General Manager:** Mr. Chapman advised the dam project is on track. A fish derby was scheduled for Saturday, November 1, 9:00 a.m. to noon, and the Rotary would possibly place \$250.00 in prize money; we would pay \$50.00 for the CF&G permit. Bob Houtz asked if dredging would be done while the water was so low and was advised there is no dredging, only dam reconstruction.

**L. PUBLIC COMMENTS**

None.

**M. ADJOURNMENT**

Director Horrick moved to adjourn the meeting; President Skezas declared the meeting of October 14, 2008 adjourned at 8:03 p.m.

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GEORGE SKEZAS, President

ATTEST:

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MICHAEL V. CHAPMAN