BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, April 14, 2009

The Board of Directors of Brooktrails Township Community Services District met in regular session on April 14, 2009 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, Orth, Ziady, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

REPORT ON CLOSED SESSION

None.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

Director Horrick moved to hear Item 4 after Item 12, and Item 10 before Item 9 as it affected Item 9. Director Williams seconded and the motion carried unanimously.

D. MINUTES OF PREVIOUS MEETINGS

1. March 24, 2009. Director Orth moved to approve the minutes; Director Horrick seconded, and the minutes were unanimously approved.

E. SPECIAL PRESENTATION

2. Fire Department Annual Report – 2008. Fire Chief Schoeppner presented slides and data on the department's operations during 2008. He invited attendees to come out to look at the new vehicle on display in the parking lot. Types of incidents and calls were detailed; there was only one structure fire this year. The Fire Department no longer handles tree-cutting request; these were being handled by the General Manager. Pictures were provided of the interior storage and fittings installed by Bob Terry for the CERT-managed Disaster Relief container.

Chief Schoeppner announced the promotions of Jon Noyer to Battalion Chief, of Tyler Porrit to Engineer , and Andy Whitlock to Engineer.

Director Orth moved to receive and file the report. Director Williams seconded and the motion carried unanimously.

F. PUBLIC HEARINGS

3. Proposed Ord. 138 – Excessive Use Cap. President Skezas opened the public hearing at 7:52 p.m. Don Morris asked what was in the ordinance. Mr. Chapman said it gives the ability to place a monthly water cap and if violated the District had the ability to place a restrictor or shut them off depending on the situation. Examples of allowable situations would include leaks, which just happen at random. When we do have a District emergency we can declare a lower cap. We will have an appeal process.

Linda Williams of the Willits News said she had placed a Public Records Act request asking for the names of the 23 high users. She referred to the legal case she had cited in this request and its specific findings of allowability when a customer violated a policy. Mr. Chapman responded we didn't have a policy in place yet, so nothing has been broken. Last year, he had arbitrarily picked the 1½ % top percentage of the database, or about 23 on that list. He said once we have a policy in place, though, he didn't have a problem releasing their names, given the scenario she described. Director Williams asked if the usage records were private; Mr. Chapman said yes. Ms. Williams cited some sections of the Public Records Act and repeated her earlier citations and the right of the public to know. She said she wanted to be able to go out and interview them and find out what type of imposition this was on their private life.

District Counsel Neary said he thought it clear this was a violation of the policy, but the policy has to be in effectuated; after the ordinance is adopted it will take effect in 30 days. After that you have to determine if somebody is in violation. But we would need to be careful; he felt a lot of people would expect privacy in their utility records. President Skezas closed the public hearing at 8:02 p.m.

G. PUBLIC COMMENTS

None.

H. CONSENT CALENDAR

4. Review of Accounts Payable report and authorization to issue checks. *This item heard out of sequence at end of Action Agenda.* Director Orth moved to approve payment of the outstanding bills. Director Horrick seconded; the motion was unanimously approved.

5. Retroactive approval of check for sewer rate alert mailing postage. Director Orth moved to retroactively approve the check for the sewer rate alert mailing postage; Director Horrick seconded and the motion carried unanimously.

I. ACTION AGENDA

6. Consideration of adoption of Ord. 138 – Excessive Use Cap. Director Orth moved to adopt Ordinance 138; Director Williams seconded. Roll call vote was as follows:

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

7. Introduction of draft Ord. 139 – Sewer Standby Charges for FY 2009-10. Mr. Chapman reviewed that this charge is reestablished every year and is $50.00 on each parcel. At this meeting it would be introduced and a public hearing set for April 28. Mr. Neary said this has not been raised since 1997, prior to Prop. 218. Director Horrick moved to introduce Ord. 139 setting sewer standby charges for FY 2009-10, waive further reading and set a public hearing for April 28, 2009; Director Orth seconded and the motion carried unanimously.

8. Introduction of resolution setting Water Availability Charges for FY 2009-10. Mr. Chapman reviewed that this charge also is reestablished every year and is $30.00 for undeveloped parcels and $5.00 for developed parcels. Director Orth moved to schedule a public hearing for April 28, 2009 to consider a resolution setting water availability charges as described; Director Horrick seconded and the motion carried unanimously.

9. *[Heard out of sequence.]* Introduction of resolutions setting Rates & Fees for FY 2009-10 and scheduling public hearings for June 9 and June 23; approving rates and fees mailer and preauthorizing printing and postage costs. Mr. Chapman said that new language had been added from District Counsel and read the passages concerning the CEQA exemption and use of the revenue for operating costs. He referred to the Statement of Assumptions about the base rate being about two-thirds of our revenue stream and the other third being the assessments. We were increasing the water base rate by $2.07, from $34.07 to $36.14 (which represents 64% of our expected revenue). One reason why the water base rate was increased was to cover the WAA issues this year.

Regarding golf rates, Mr. Chapman continued, Director Orth had made a request that there be a $1.00 surcharge per 9 holes. Backing back a step, Mr. Chapman said that Willits Bank expressed willingness to give us a $200,000.00 line-of-credit with collateral being the $25,000.00 SWOW franchise fees, but not Chipps' House or the pro shop. Director Ziady mentioned we already had a commitment for the greenbelt abatement from that fund for at least $5,000.00 a year. Mr. Chapman said the bank looked at the audits and wanted a defined revenue stream such as SWOW.

Director Orth asked Counsel Neary, if we put a $1.00 surcharge into the budget now for long-term management, if we decided not to do it, would we have to re-notice, because we're actually not raising any rates. Mr. Neary said the golf course fees are pure user fees and not property-related such as water and sewer which were subject to another section of Prop. 218 (with 45 days advance notice). Pure user fees can be plugged in much later; he felt offhand it was 15 days notice.

Ron Runberg said once you do the $1.00 surcharge, the Board was changing his contract and opening to a problem if people play just one more hole and have to kick in another dollar. He said you're basically voiding my contract and you might as well start from scratch. Mr. Neary asked how that would void his contract; Mr. Runberg said, because anything I make comes to me, and now I would have to collect money and give it to you. Mr. Chapman mentioned five years ago we used to have two cash registers there because of dual receipts. Director Orth mentioned Mr. Runberg's contract was up in June 2010.

Director Ziady said she was very opposed to using the greenbelt funding of the Recreation Committee to secure Golf Course funding and there was a $5,000.00 annual commitment on it already.

PROCEDURAL ERROR – Resolutions numbered and approved in error, to be corrected at April 28, 2009 meeting: Director Orth moved to approve draft Resolution 2009-4 on water/sewer rates and fees; Director Williams seconded. The motion carried unanimously. Director Orth moved to approve Resolution 2009-5 on golf rates; Director Horrick seconded. The motion carried unanimously.

Mr. Neary asked Mr. Chapman to modify the rates and fee notice. Mr. Chapman was not sure how he was going to do it given the space limitation of two pages on the mailer. Mr. Neary suggested the Board approve the mailer subject to modifications required per his request. Director Orth so moved. It was noted that golf rates were included currently and could be removed to provide room for changes. Director Williams seconded the motion. The motion carried unanimously.

10. Consideration of draft budget for FY 2009-10 and set public hearing for June 9, 2009. Mr. Chapman said the anticipated budget was $2,630,800.00. Director Horrick moved to receive the draft budget and schedule a public hearing for June 9, 2009; Director Ziady seconded and the motion carried unanimously.

11. Consideration of purchase of boom scissor lift equipment (used). Mr. Chapman said we were purchasing this for the Water Department where it will have multiple uses, including painting and cleaning tanks. Director Orth moved to authorize the manager to purchase a used boom scissor lift not to exceed a turnkey price of $12,500.00; Director Ziady seconded. Roll call vote was as follows:

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

12. Review and approval of annual newsletter draft and preauthorizing printing and mailing costs. Director Orth said it was an election year and asked if the picture of directors complied with the Brown Act. Mr. Neary said you can't use District funds for campaign literature but this was a project. Director Williams asked for a correction to the line about an engineer calculating the value to each lot to say that it would be "calculate the proposed assessment." Director Orth moved to approve the newsletter as amended and preauthorize costs up to $4,500.00; Director Williams seconded and the motion carried unanimously.

J. ADDITIONS TO FUTURE AGENDAS

None.

K. SPECIAL REPORTS

From Directors: Director Orth met with the California Energy Commission as an MCOG representative and was asked to present his energy authority proposal. This small full-day meeting was about federal stimulus dollars, and a program allowing private property owners to borrow government money to do water and energy conservation work on their property.

President Skezas said there had been a violation of the Brown Act by a Golf Course Committee member, along with statements made at the last meeting, so he was canceling the currently scheduled committee meeting and would want this as an item on the next Board meeting agenda.

From District Counsel: Mr. Neary said a decision in the Paland appeal was expected toward the end of this month.

From General Manager: Mr. Chapman said he was going to Sacramento to review the milestones for the potential EIR for the Lake Ada Rose enlargement project.

Don Morris asked about the golf course meter; Mr. Chapman said he took his first measurement April 1 and will read it every month. Mr. Morris then referred to Mr. Runberg's previous statement that artificial turf was prohibited, and said that he had contacted the National Golf Association and they stated that in fact artificial turf was allowed under their handicap system, and they would certify this in writing. Mr. Runberg then commented on this issue.

L. PUBLIC COMMENTS

Wally Stahle said the golf course is supposed to pay its own way without cashing in valuable District assets. Also, the Fire Safe grants were no longer going to be coming in, and it seemed to him we should come up with the means to do fuel abatement in the District.

M. ADJOURNMENT

President Skezas adjourned the meeting at 8:50 p.m.

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George Skezas, President

ATTEST:

_____
MICHAEL V. CHAPMAN