

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, April 28, 2009**

The Board of Directors of Brooktrails Township Community Services District met in regular session on April 28, 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. Director Williams showed up at 7:03.

REPORT ON CLOSED SESSION

District Counsel Neary reported the Board had met regarding one item of anticipated litigation. He had disclosed a conflict of interest due to his representation of a third party; after consideration, the Board approved his representation of the District in the matter 4 – 0, with Director Williams absent from the Executive Session.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

D. MINUTES OF PREVIOUS MEETINGS

1. April 4, 2009. Director Orth asked that in the phrase in Public Comments, “Director Orth said he had to restrain the individuals,” “restrain” be changed to “separate”; he then moved to approve the minutes as so amended; Director Ziady seconded, Director Horrick abstained, and the minutes were unanimously approved.

April 14, 2009. President Skezas said, in “Special Reports,” that he believed he had recommended postponing the Golf Course Committee meeting. Director Orth moved to approve the minutes as so amended; Director Horrick seconded. The minutes were unanimously approved.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARINGS

2. Proposed Ord. 139 – Sewer Standby Charges for FY 2009-10. Mr. Chapman said the draft ordinance was introduced at the last meeting for the \$50.00 charge per lot. President Skezas opened the public hearing at 7:07 p.m. There being no comments, he closed the public hearing at 7:07 p.m.

3. Draft Resolution Setting Water Availability Charges for FY 2009-10. Mr. Chapman said the draft resolution was introduced at the last meeting for the \$30.00 charge for undeveloped properties and \$5.00 for developed properties. President Skezas opened the public hearing at 7:09 p.m. There being no comments, he closed the public hearing at 7:09 p.m.

G. PUBLIC COMMENTS

None.

H. CONSENT CALENDAR

4. Review of Accounts Payable report and authorization to issue checks. Director Orth moved to approve payment of the outstanding bills. Director Horrick seconded; the motion was unanimously approved.

I. ACTION AGENDA

5. Consideration of adoption of Ord. 139 – Sewer Standby Charges and set public hearing for protests for June 23, 2009. Director Orth moved to adopt Ordinance 139 and to set a public hearing for protests for June 23, 2009 for sewer standby charges for FY 2009-10; Director Ziady seconded. Roll call vote was as follows:

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

6. Consideration of adoption of resolution setting Water Availability Charges for FY 2009-10 and set public hearing for protests for June 23, 2009. Director Orth moved to adopt Resolution 2009-[3]

setting water availability charges for FY 2009-10; Director Horrick seconded. Roll call vote was as follows:

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

7. Rates & Fees for FY 2009-10: correcting procedural error at April 14 meeting; reintroduce resolutions; schedule public hearings; approve costs of mailer. Mr. Chapman stated for the record that it was not the Board's intent to adopt Resolutions 2009-4 for water and sewer rates and 2009-5 for golf rates. He explained the procedure to follow at this meeting and the matters that needed to be taken care of to get back to the prescribed process. He noted specific language had been added from District Counsel to our rates and fees documents. Processing costs would be increased as this notice would now be mailed to all lot owners and separately to tenants upon advice of counsel.

Director Orth moved to reintroduce the draft resolution amending Resolution 2008-21 and establishing rates and charges for water and sewer utility connections and services, waive further reading, and set a public hearing for June 9 and June 23, 2009. Director Horrick seconded. Mr. Chapman confirmed no rates have been revised, only language. He pointed out the addition of a chart showing how the base rates for water have been derived.

Richard Estabrook asked about the water base rate increase. Mr. Chapman said we were debating how we would handle the scoping process of the Lake Ada Rose project. Initially it was a \$60,000.00 item in this year's budget. But we were able to go back and convince USDA Rural Development to allow us to borrow \$22,000.00 for Dam Safety (additional charge), and so the \$38,000.00 difference was covered by the base rate increase. The discussion then turned to the GM report which listed the timeline steps for the Lake Ada Rose project. He also referred to a memo received today from Mitchell Moody from the State saying the Water Availability Analysis had been accepted. Mr. Estabrook commented about the \$307,000.00 from AES over the next three years, but we're we committed to that? The Directors responded no. Mr. Chapman said he had met with Pete Bontadelli to spell out the milestones on this project and this was in his General Manager's report and it would be coming to the Board within the next month.

Roll call vote was as follows:

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

Director Orth then moved to introduce a draft resolution establishing fees and charges for the use of Brooktrails Golf Course, waive further reading, and set public hearings for June 9 and 23, 2009. Director Horrick seconded. Roll call vote was as follows:

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

Director Orth moved to accept the letter going out to property owners and residents and approve the costs of \$1,070.00; Director Horrick seconded. The motion carried unanimously.

8. Consideration of motorcycle stunt show in parking lot. Josh Miller, a local resident and organizer of the proposed event, said the motorcycle stunt team had done several shows in northern California. He described the show and mentioned that they do some burnouts, but they were suggesting reserving only a small spot 20' by 20' for that. They have the crowd segregated off by using caution tapes and cones. The show was in honor of a friend of theirs, Jimmy Redenius, a fellow rider who was shot and killed a year ago. The event would occur on Tuesday, June 2, 2009, the birthday of Mr. Redenius. The show would be about three hours.

Director Horrick asked, why the Brooktrails parking lot? Mr. Miller said at Mr. Redenius' funeral there was a stunt show at Little Lake Auto's parking lot which was owned by some of his relatives, but that relationship with them fell apart. Mr. Miller said he knows there are liability issues but they would be responsible for their own actions. He said the liability waiver presented was used throughout the stunt community and he expected it to be modified by the District to fit the situation. Mr. Neary said the problem with liability waivers is that often people don't understand what they're signing but this one was clear and straightforward and he felt it was particularly well-written. Director Orth said he was impressed by their sentiments. Director Ziady spoke about some issues with younger riders and felt they could serve as role models. Mr. Miller said they talk to the kids at their events about wearing helmets and gear. Mr. Neary suggested their making an announcement to the youngsters about not riding in the greenbelt and this suggestion was enthusiastically received.

Director Orth moved to approve the request and to work with staff; Director Horrick seconded. Director Williams referred to the rubber marks shown in the pictures and asked how we clean that up. After a lengthy conversation it was pretty much agreed that burn-outs clear up with time. Mr. Chapman spoke about alcohol. Mr. Miller said they would do their best to check out people drinking and they were going to try to provide non-alcoholic beverages.

Director Williams asked about insurance. Mr. Chapman said a stunt show would inevitably include risks that could include the possibility of accident. Director Williams said when the Community Center is used they get a rider; he asked if this event would be without any type of liability insurance; Mr. Chapman said yes, pretty much, but this would be a one-time event. Mr. Williams continued and asked if we would get some kind of insurance rider for the District. Mr. Chapman said he wasn't planning to put money into this show. Mr. Neary said an unincorporated association of riders generally could not get insurance. He did not know of any insurance exclusion that would prohibit this. Director Williams said he interpreted Mr. Neary to be saying the bikers would have a tough time getting insurance if we requested them to. Mr. Williams wondered if people could park at the Lodge. Mr. Chapman said we would have to ask Brooktrails Lodge.

Robert Melluish said the Fire Chief was concerned about having adequate parking for volunteers in the event of calls and having clear fire lanes. Mr. Chapman said he would take care of that issue.

Director Williams asked for the motion to be re-read. Director Orth said he moved to approve the request for the event and working with staff. Mr. Chapman doubted the insurance company would say yes. Mr. Neary said they can only say you're covered or not; we have insurance for recreational activity. Director Williams said he would rather they react to it beforehand than afterwards, because it is better to know any coverage issue now. Mr. Chapman said he would report back on the insurance in two weeks. The motion on the floor carried unanimously.

9. Discussion of potential blanket variance with County Planning & Building re: carports. Mr. Chapman said the question of RVs parked in the setback went back several years. The County has tagged some individuals in the District for illegally building car- and boat-ports. Bob Axt, District Architect, and Frank Lynch, Sr. Planner for the County, had the idea that we could provide a blanket variance for those properties that fit within the 20' setback, although this would not apply to all properties. Expense would be incurred as Bob Axt would have to identify potential candidates; there would also be a one-time blanket variance fee of \$700.00 from the General Fund. Director Ziady said you have to balance this; she didn't really want these vehicles on the street, but she didn't agree with the costs. Mr. Chapman said he could get an idea of what this would cost and then he could find out who is in violation and contact that owner. Director Williams said he felt there were real logistical problems with this and it might cost more than it's worth, considering clerical and staff time.

Robert Melluish said he was against the proposal as it was subsidizing people who didn't believe in the permitting process, and it didn't seem right we were going to pay for that. Also, those who park on the road now just don't have the space to park on their lots; those with the carports do have the space, so their vehicles won't be going back out on the road. Mr. Melluish said he himself hadn't installed one because the best place for it is within the 20' setback, but he was trying to follow the rules. He said the County created the situation, why should the Brooktrails taxpayers have to subsidize them?

Director Williams said he might be in favor of this if the variance covered every Brooktrails property and was to waive the 20' setback or whatever it is we were waiving, but this struck him as piecemeal. Mr. Chapman said maybe this should be incorporated into the Specific Plan, whether the District wanted to remove the 20' front setback. Mr. Chapman explained that red-tagged individuals have to come to us first; we don't grant variances very often. Director Ziady said she was beginning to change her mind.

Bob Terry said the structures with cloth tops were flammable. Director Ziady said she'd rather judge the setback question individually. There was no motion on the floor and the matter was dropped.

10. Discussion of Golf Course Committee. President Skezas said when the committee was formed they were under the impression it wasn't covered by the Brown Act, but found out after a couple of meetings that it was. He said at this point the meetings were so contentious he didn't know if they would get very far. He felt the issues could be addressed during renegotiation of the golf pro's contract next year, including artificial greens, cutting and limbing of trees. If Ron Runberg didn't want to do it, then the new pro would need to. We've had five inputs from five tree experts, and he reported some research has been done, particularly on artificial greens.

Director Orth believed it needed to be part of the Specific Plan process, because some of the issues were from the earlier Specific Plan that hasn't been followed up on. He also felt there needed to be specific written policies and guidelines for when we set up committees, whether ad hoc or not, and we needed a policy for inappropriate behavior. The Specific Plan subcommittee would be a true ad hoc committee of just himself and Director Williams, working with staff. He felt they should dissolve the committee with no action. We had two camps during the Specific Plan process but came out with a positive compromise. We identified a \$200,000.00 revolving loan fund available for us to pull into the Golf Course and this could be reflected in the golf rates to offset that cost. He moved to disband the current Golf Course Committee. He wanted it moved to an ad hoc committee of himself and Director Williams for the Specific Plan update process and within the next six months submit a work plan for consideration. Counsel Neary confirmed that an ad hoc committee solely of Directors would not be subject to the Brown Act. Director Horrick seconded.

Director Ziady said she was not happy about the idea of the \$200,000.00 revolving loan fund collateralized by the Recreation SWOW franchise fee. Mr. Chapman said the decision on that hasn't been made, just information gathered. Bob Terry said he felt the situation regarding Golf Course personnel should be addressed. Director Orth said we have differing opinions on that.

Director Williams said he was concerned that we may lose some momentum if we get this wrapped up in the Specific Plan Update process. He felt that the evil genie inside the committee concept might have been the 60-day time pressure. He thought we might want to keep the committee going but with a different charge. Director Orth said that most people who live in Brooktrails thought the golf course and the decision to cut trees was part of much larger issue for Brooktrails, that can't be done in isolation. What we want to do as part of the Specific Plan process is to establish a set of guidelines against which the management of the trees and all other issues of the Golf Course can then be considered. He confirmed that the work already done would be used.

Director Orth said the ad hoc committee he proposed might recommend some advisory committee. Ron Runberg asked for clarification. Director Orth said as an ad hoc committee they would come up with another ad hoc committee for the golf course and set the parameters. Time frame was discussed as six months. Mr. Runberg pressed for a time when they could provide further input; Mr. Chapman discussed it would be at least six months. The motion on the floor carried unanimously.

J. ADDITIONS TO FUTURE AGENDAS

None.

K. SPECIAL REPORTS

From Directors: Director Orth said he had items before LAFCO and MCOG on May 4 regarding formation of an energy authority. Director Ziady said the Recreation Greenbelt committee was working on their annual projects and would be presenting a proposal for erosion control work to the Board. She also wanted to move forward the destruction of the last Ohl Grove building and construction of a children's playground fence. They were inviting the Fire Chief to discuss continuing CDF work in our greenbelt with the committee. Their next meeting would be the fourth Thursday in July.

From District Counsel: Mr. Neary said we were still waiting for the Paland decision.

From General Manager: Mr. Chapman said there will finally be a Second Access meeting and he would be back in two weeks with a request for more funds. He also mentioned that he would attend a restitution hearing on the Peter Godt court matter.

He turned to his meeting with Pete Bontadelli of AES regarding milestones for the Ada Rose project. Directors agreed it would be helpful to have Mr. Bontadelli appear before the Board. Counsel Neary said he dealt with a lot of EIRs and he praised Mr. Bontadelli's competence. Director Horrick referred to the draft Specific Plan EIR which we prepared some years ago, thinking it would cost \$200,000, but it ended up costing about a million. Counsel Neary said there was a Specific Plan prepared as a result of the first draft; comments came back from the Division of Water Rights saying we needed a growth inducement analysis before we could move forward with the plan; this resulted in doing the Specific Plan. In reality we had three EIRs. He said under CEQA you're entitled to tier off a pre-approved plan, so we would start with the premise of the compromise that was reached when the Specific Plan was approved and the EIR was certified for that project.

Director Orth said we have to redefine the project; we started with a third dam in the headwaters area. Counsel Neary said obviously the Lake Ada Rose project is far superior to that project. Director Orth said if we spend \$1 million for a \$20 million project, that's part of planning.

L. PUBLIC COMMENTS

Mr. Estabrook said he would be very careful tiering off an environmental document that did not reach any analysis of impact of water usage on endangered species. He asked for a copy of the March 19 e-mail he had been shown regarding the Water Availability Analysis and asked how much that had cost and what fund it had been charged to. Mr. Chapman said he probably hadn't received the bill yet; it would be charged to the Water Fund.

M. ADJOURNMENT

Upon Director Orth's motion, President Skezas adjourned the meeting at 8:23 p.m.

George Skezas, President

ATTEST:

MICHAEL V. CHAPMAN