

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
Tuesday, December 8, 2009**

The Board of Directors of Brooktrails Township Community Services District met in regular session on December 8, 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, Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

President Skezas announced the passing of long-time resident Dick Robie at the age of 95 and asked for a moment of silence in his memory. District Counsel Neary noted that Mr. Robie was the first president of the Board of Brooktrails Community Services District.

**REPORT ON CLOSED SESSION**

Mr. Neary reported that the board met on three matters of potential litigation and authorized suit to collect on these water accounts.

**C. BOARD REORGANIZATION**

Director Orth nominated President Skezas for another term as President; Director Ziady seconded. Director Horrick moved that the nominations be closed. Roll call vote was as follows:

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

Director Orth nominated Vice-President Horrick for another term as Vice-President; Director Ziady seconded. President Skezas noted that seconds are not required. Director Horrick moved that the nominations be closed. Roll call vote was as follows:

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

**D. COMMITTEE APPOINTMENTS**

Directors expressed their desires regarding committee appointments. Committee appointments were as follows:

CalTrans Willits Bypass Project Development Team	Tony Orth
Recreation, Greenbelt & Conservation Committee	Mary Ziady – delegate Ed Horrick – alternate
Finance Committee	George Skezas, Ed Horrick
Specific Plan Ad Hoc Committee	Tony Orth, Rick Williams
Sewer Ad Hoc Committee	Tony Orth, George Skezas
Solid Waste Task Force	To be determined when appropriate

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

Due to Auditor Terry Krieg's inability to attend the meeting, President Skezas announced we would postpone Items 6 and 12 on the agenda. Director Orth moved to postpone these; Director Horrick seconded and the motion carried unanimously. Mr. Chapman said we would bring this back probably the second meeting of January.

**F. MINUTES OF PREVIOUS MEETINGS**

1. November 10, 2009. Director Orth moved to approve the minutes; Director Horrick seconded and the motion carried unanimously.

**G. SPECIAL PRESENTATION**

None.

**H. PUBLIC HEARING**

2. Connection Fees Hearing #2. Mr. Chapman reviewed the process to date. At the first public hearing on November 10, 2009 we had three or four written protests and approximately a dozen calls. He had received only about two more calls in the thirty days since. The fees would be raised for single family residences to \$11,697.00 for water connections and \$12,014.00 for sewer. These fees were primarily in conjunction with our capital improvement projects in the last five years.

President Skezas opened the public hearing at 7:08 p.m. Maria Bates of Spring Creek said she wanted to confirm that this was about lifting the moratorium on 100 homes and she wanted to know when the next meeting on this would be. A general discussion followed. Director Orth noted we could put a line on our water bills saying that we were going to have a review about coming out of the moratorium when that happens. There being no actual comments on the connection fees, President Skezas closed the public hearing at 7:12 p.m.

**I. PUBLIC COMMENTS**

Bob Terry spoke about Dick Robie’s life and passing and also about another former resident who had recently died, Louella Couch. Maryl Morris asked about the payment plan from Peter Godt. Mr. Chapman said he had to check with the court; he has only seen the one \$100.00 check.

**J. CONSENT CALENDAR**

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

4. Retroactive approval of preauthorized November 25, 2009 check run. Director Orth moved to retroactively approve payment of the checks issued on November 25, 2009. Director Horrick seconded and the motion carried unanimously.

5. Authorization of second check run December 23, 2009. Director Orth moved to authorize the second check run for December 23rd, to be approved at the January 12, 2010 meeting; Director Horrick seconded and the motion carried unanimously.

**K. ACTION AGENDA**

6. Review annual audit (P/E 6/30/08) – Terry Krieg, CPA. *Tabled.*

7. Consideration of resolution adopting revised connection fees effective January 1, 2010.

Director Horrick moved to adopt Resolution 2009-16 amending Resolution 2009-7 and adopting revised sewer and water connection fees. Director Ziady seconded. Roll call vote was as follows:

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

8. Review of contract with Ron Runberg – Golf Course Management. After a small background review Mr. Chapman explained we could have a Board decision this evening or receive further comments. District Counsel Neary said in response to the insurance provisions question, they had addressed that carefully in 2004 but he will double-check.

Director Orth referred to 4.3.3.1 and asked to add the phrase “as defined by agreement between Brooktrails and Operator” after the word “standards” in the first sentence. Mr. Neary said if you have something that sounds like an agreement to agree in the future, it detracts from the enforceability of the agreement. He felt you could achieve the same thing by stating that Brooktrails will maintain control over those issues and he would refine this to provide for that. Director Williams said if we’re going to define the standards, it needs to be part of the agreement when the agreement is signed. President Skezas noted there already was a proposed addition in the draft of the phrase “District Board of Directors shall retain operational policy overview as mentioned in Paragraph 4.3.2.” Director Orth said we might delete the words “for similar public golf courses in Northern California” from section 4.3.3.1. Director Horrick said he agreed with President Skezas that it pretty much says the Board will retain direction already.

Don Morris of Crawford Drive said it was premature to renew the five-year contract now because it subverted the planning process which was supposed to develop a Redwood Park master plan, including the golf course. He said many residents expressed the desire to have a heritage grove accessible to the public at certain times, to use for hiking and picnicking and nature trails; this is not allowed under the current contract. Clearly, he said, the Brooktrails Heritage Grove is our most valuable community asset; the golf course is a community amenity.

Larry Minson said what made this particular section’s language so dangerous is that the course is completely unique; we have the one remaining inland redwood grove of coastal redwoods and he considered it a national treasure. He supported Ron’s maintenance of the golf course as a golf course, and as a golfing professional; he could never support a contract that did not really nail down the heritage tree and heritage grove aspect. He asked that the Board make sure there was unequivocal language, because language such as “comparable courses” dismisses that fact, and he felt we needed to protect this treasure.

Wally Stahle of Rose Terrace read the definition of “Golf Course Facilities” at section 1.1.6 and felt it was wide open and then referenced on p. 3, “Operator shall offer the best possible playing conditions.” He felt this would mean taking down trees. He felt that itemizing the trees as something to preserve would be appropriate. He asked about charitable events—would these be golf-only events, or open to other types of public events giving others the opportunity to enjoy this wonderful grove? On page 4, Pesticides, 4.3.3.4, he was concerned about one of the listed fungicides, quicksilver, which has on its

MSDS that it is not good for fish, and here we are applying this right next to our stream. Bob Whitney of Iris Terrace said he noticed a substantial improvement in the golf course operation since Ron Runberg took over. The problem he saw, and it's not Ron's fault, the trees grow big and they shade out the greens and everybody knows it's difficult to manage greens with insufficient sunlight, so he's got an objective and necessity to keep the greens in good shape. Whereas people like himself like to see large redwoods and play golf, there's a natural conflict. His only disagreement with Ron was one item; he did see a linkage between the contract and the issue of standards.

Maryl Morris of Crawford Drive seconded Mr. Whitney's statement that extending a five-year contract at this point before the planning process has even begun, let alone completed, seems to be a prescription for more difficulties, and she urged the Board to consider an extension of the contract until the planning process is completed, which is going to include the golf course. She would urge an interim period until planning is complete.

An unidentified resident of Peacock Drive said she would like to see something in the contract that if any commercial entity goes over their allowance of water, they be fined heavily. She also would like to see strong wording to protect the trees. Maria Bates of Spring Creek said if you value the trees, you don't want to cut them down for any reason unless they're going to fall down on your house or some spectacular reason.

Mr. Runberg said there's nothing he can do about the tree issue, it's the Board that says yes or no. The point of the contract, from his view, was to keep the golf course going; if not, then he needs to seek employment elsewhere. He said he was looking to maintain the course he is given by the District, under their rules, and asked the Board to let him know where he stood.

Director Ziady voiced that Mr. Runberg doesn't do anything without our control. The contract says, this is employment, these are our guidelines, we will maintain control; it is his decision to accept or reject this contract, saying I will deal with this golf course however the public process decides it. Yes, these issues have to be dealt with; this man cannot go on not knowing what his future is, either, and we all agree he does a good job.

Director Williams asked Counsel Neary about Article 2 – Grant of Right and under what provision of this contract Mr. Runberg had to come to the Board for permission to cut down a tree, because he felt Article 2 was pretty absolute? Mr. Neary said when it comes to the Board for approval, it's fairly certain there will have to be a provision in those words in there. Director Ziady voiced on page 7 under 7.2 – Design Review, we do have control. Mr. Neary said we have a standard for removal of trees over 6" that applies throughout the district. He felt the Board could approve the contract subject to himself and Mr. Chapman putting in a provision to make that abundantly clear, if they felt that would solve the issue.

Mr. Neary said he could give the revision language right now, to add under "Grant of Right" a 2.1.3 stating "Notwithstanding anything stated herein to the contrary, Operator shall obtain the prior written consent of the Board of Directors prior to removing any trees." Then it becomes a Board issue done on a case-by-case basis. Mr. Chapman said he felt like the intent was for trees 6" or more; close to the tee boxes the tree stumps just throw shoots up that are difficult to deal with, obviously less than 6". Director Williams suggested we table this and he and Ron and Mr. Neary get together and come up with some language where Ron can maintain the course and the big trees belong to us. Other than that one issue, as an exception to the Grant of Right, he had no problem with doing this agreement. And he did not want to cut down any trees we don't have to either, because he thought the trees and the course was the most beautiful thing we have up here. He said just get that language right so that normal maintenance can be taken care of but the larger trees are going to be subject to the Specific Plan and the Heritage Tree ordinance and legacy grove. President Skezas voiced there will not be any trees cut unless this Board decides that.

Director Horrick asked about the water usage. Mr. Chapman said this was 5.1.2. Director Horrick asked if we could say we're taking raw water downstream from Lake Emily.

Larry Minson spoke about artificial greens. Director Orth said a process to test out artificial greens would be a step-by-step process which the Board decides. Mr. Stahle asked Mr. Neary if the grant of right gave Ron the right to refuse the artificial greens and maintain the course according to his standards. Mr. Neary said he saw no inconsistency; the Board has control of the course and the Operator has the right to voice an opinion to be accepted or rejected by the Board.

Director Williams closed with the thought that he understood the issue of which trees would be cut down was still before the Board; we incorporated that into the Specific Plan process in order to get a basis on which to make a decision, and Ron was still waiting for the decision. It doesn't mean the Board decided we're not going to cut down trees. He felt this change to the contract makes it clear that this in fact is the Board's final decision on the trees issue, and obviously the Board listened to everybody. He hoped that next time around we made it clear that loud voices were not going to make a difference.

9. Ramming – parcel with two houses on one meter; request for leak forgiveness; consideration of requiring two meters. Mr. Chapman explained there was a leak of about 159,000 gallons that produced a \$1,340 water bill, and this was a Board decision as to granting relief due to its size. He believed the problem originated with the previous owner's tenants, who apparently diverted the water from the bottom of the property to a grow shed, and then the line broke in October.

Mr. Chapman spoke about this 16-acre parcel with two dwellings on a single meter. He explained the history of this parcel. The parcel was originally located outside the District and didn't participate in any of the \$22 million initial bond funding. In 1989 the then-General Manager granted a water service connection (and the owners paid a \$1,700.00 connection fee); however, there was nothing in the minutes to record this action which should have been thoroughly reviewed, given the parcel was located outside the District. Then in 1992 the same manager authorized them to obtain additional water for a second dwelling; again, nothing in the Board minutes to reflect that decision. Continuing, in 2003 that the Board granted a waiver on Sections 2.41 and 2.42 regarding the number of services per premises. Moving forward, Mr. Chapman explained that between 2003 and 2009 the District spent \$4.5 million in capital improvements in the water department.

Mr. Chapman referred the Board that that two years ago the District went after multiplex meters and we added 42 meters, and many duplex owners were reluctant about it. The Ramming parcel was equivalent to two (2) SFRs. Mr. Chapman said he further cleared the second meter issue with Bruce Burton (DHS). We advised the Board that we needed another meter at curbside if we ever had emergency rationing. He felt the real debate was for the Board to decide what the connection fees should be.

Timothy Ramming of Iris Terrace provided a letter to the Board. *Note: some referenced attachments and documents were not provided for the record.* Regarding the parcel being outside of Brooktrails, he did not see how the original owner's not having paid in the bond issue applied to him, given he had just bought the property. His understanding was that Brooktrails was actually an amalgamation of several subdivisions. He understood that Brooktrails Community Services District was actually a separate entity from Brooktrails Subdivision. The 1977(?) map showed their property outside the services district; however, he didn't believe that made it out of the District. He had a memo from Mike and quoted from it, concluding that its statement that the Specific Plan applied to all properties within the District except Spring Creek and Sylvandale, indicated that his parcel was within the District. He said that a map from the State Board of Equalization, along with the tax bills for the property itself and a trailer on the property, showed that he was within the District.

Mr. Ramming said his parents were granted a water service connection in 1989. He understood if you are not part of the District, the Board had to grant approval for a connection outside the District; however, if you're in the District, he understood being granted a meter did not require Board approval. In 1992 General Manager Phelan granted a second water connection when his parents allowed his grandparents to move a modular onto the property. Some discussion followed about manager authority. Mr. Chapman discussed the lack of Board minutes on this parcel with Mr. Ramming. Mr. Chapman said in the 1997 Specific Plan it was drawn outside that map, so typically a manager who is going to grant any kind of connection outside the map is obviously going to need Board approval. (Mr. Chapman noted this parcel has the right to drill a well which typically indicates a parcel outside Brooktrails Township CSD). Mr. Ramming said it might have been outside the Specific Plan map; however, the tax bills were being paid on it.

Mr. Neary said there was a lot of confusion on that line. There were a number of parcels which were considered to be within the District but not within the subdivision. There were some parcels along that boundary which were considered by the County at various times as being within the District, although they weren't on the subdivision map. Ultimately, in 2000, Director Whitney was the one to research all of this and he was able to make the point that there were a number of parcels which were along the boundaries of what the developer developed as the subdivision, which have long been considered part of the subdivision. The 2000 map was a clarifying map to recognize this issue; it sort of grandfathered the recognition of a handful of parcels that were in that category as being within the District boundaries. So for all intents and purposes, he said, the parcel has most probably been within the District since the creation of the District, although it probably was a mistake.

Director Orth said he knew they were taking action to extend water service to some properties on Sherwood Road with wells at the same time, and in 2000 we agreed to re-map and bring these properties into the District, understanding that they hadn't paid the bond. He was the LAFCO commissioner and if it wasn't on the State Board of Equalization tax rolls now, we'd have a much bigger problem, and would have to do a minor annexation of the property. What we need to cure here is the second meter issue, because that is a change of condition that this Board has done over the last year. The leak issue, this Board has been willing to grant a 50% reduction one time only.

Mr. Ramming said this property was not quite the same as the multiplex units: we had the waiver, and trenching to the second unit would be quite an ordeal. He concluded that he believed that the history and past action of the Board does not warrant the need for a second meter after seventeen years. He requested that the Board honor the waiver that is in place; however, should they decide a second meter is warranted, he felt that it should legally be time and materials.

Director Orth said we do put an additional meter on the street, granting relief on connecting it to the second unit until time of sale. Director Orth said he was willing to accommodate him to that degree. Mr. Ramming asked if all the water would then run through one meter and they would have two bills; Director Orth said yes, and you would have an allotment for the second unit for purposes of conservation. Director Ziady said in an emergency if there's only one hooked up you only get one quota.

Mr. Stahle said you could in theory go through two meters and plumb on the user side downhill back through one pipe and you would be using the water equally. Director Williams said Mr. Ramming didn't have to plumb the second meter to the second residence until sale, and he thought that was a good compromise. He said that the water's going to be running through two meters and then combining in a single pipe. Mr. Chapman said he wanted to be sure they were still coming down on the side of two base charges; directors agreed. Director Ziady said if you sell the property you're going to have to address it.

After a small discussion about the grow house on the property prior to Mr. Ramming buying it, the Board agreed to: (1) have Mr. Ramming's \$1,340.00 bill reduced 50% and placed on a payment plan; (2) directed staff to charge for a second base rate applied to a second meter to be placed at curbside (curbside cost based on staff current labor and materials), and also allow Mr. Ramming to continue with the single line from the two meters placed at curbside to the lower dwellings. Tier charges will be charged according to what water registers through the two individual meters.

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

*(At this point the videotape stopped. The remaining minutes were reconstructed from the General Manager's notes..)*

10. Consideration of resolution declaring District a Drug- and Alcohol-Free Workplace. Mr. Chapman explained that federal Drug-Free Workplace Act of 1988 required that certain contractors and any parties receiving federal funding (or grants) must adopt the policy of having a drug-free workplace in a short specific form. After a short discussion it was moved and seconded to approve the resolution. Roll call vote was as follows:

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

11. Consideration of District drug policy. Mr. Chapman stated that this policy was in the early stages and that several meetings would be required to formulate an internal drug policy for the District. Basically he informed the Board that we were seeking a policy which prohibited working under the influence of alcohol or illegal drugs, including impairment from prescription drugs, and which allowed drug testing under specific circumstances. Mr. Chapman explained one stumbling block was the difficulty of having some staff employees driving private vehicles to the local bank and that some employees voiced an issue of fairness. Mr. Chapman said this program was designed for all full time and part time employees, but not volunteers under the fire department. In that regard paragraph F found on page 44 needed to be corrected.

Director Ziady said she favored a policy that was more "cause" specific; and that she was not in favor of random testing because the State, in general, was not heading in that direction. Other directors, including Directors Orth, Williams, and Horrnick, nodded agreement with that board direction.

Director Williams wanted the first sentence on page 43 revised because the language was too ambivalent and said that the term medical marijuana has some legal justification under certain state guidelines. Other directors mentioned that we needed some language on providing an assistance program should an employee need one. Staff was advised to continue with the make-up of this policy and return. No motion was necessary.

12. Annual review of Investment and Indebtedness Policies. *Tabled.*

13. CA Employer's Retiree Benefit Trust GASB 45 Statement. *Tabled.*

14. Consideration of two smaller generators (Fire Dept. and Utility Dept.). After a short discussion regarding two small generators, a 25 kW (1-phase) propane generator for the fire department, and a 30 kW generator (3-phase) for the Utility department, it was moved, seconded, and unanimously approved to make purchase of the generators not to exceed \$35,000.00 from the General Fund.

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

15. Consideration of resolution accepting lot donation – Mendocino Land Trust, Inc. Mr. Chapman pointed out it was a steep lot backed up against the greenbelt. He indicated the annual financial loss amounted to \$120.00. After a short discussion it was moved and seconded to accept the lot donation from Mendocino Land Trust, Inc.

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

**J. ADDITIONS TO FUTURE AGENDAS**

Terry Krieg, CPA, and related items will be tabled until the second meeting in January 2010.

**K. SPECIAL REPORTS**

**From Directors:** None

**From District Counsel:** None

**From General Manager:** None

**L. PUBLIC COMMENTS**

None

**M. ADJOURNMENT**

Director Horrick moved to adjourn, and President Skezas declared the meeting of December 8, 2009 closed at 9:25 p.m.

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GEORGE SKEZAS, President

ATTEST:

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MICHAEL V. CHAPMAN