

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
Tuesday, March 10, 2009**

The Board of Directors of Brooktrails Township Community Services District met in regular session on March 10, 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.

**REPORT ON CLOSED SESSION**

None.

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

None.

**D. MINUTES OF PREVIOUS MEETINGS**

1. February 24, 2009. Director Horrick moved to approve the minutes; Director Ziady seconded; the minutes were unanimously approved.

**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 payment of the outstanding bills, including the final payments for Rubber Spillway construction. Director Horrick seconded; the motion was unanimously approved.

**I. ACTION AGENDA**

3. Finalization / Call for the Question – Golf Course tree cutting proposal. General Manager Chapman opened the discussion by walking through the process since last October. He said his position was to try to keep a functioning golf course and having to still address the issue of adequate sunlight. He commented he appreciated Don Morris's position paper and considered it had some excellent points.

President Skezas said he did not appreciate some insulting conduct at the last meeting. He asked the directors to state their initial comments and whether they were ready to call for the question.

Director Ziady said she had found respect for the speakers and different views to be sadly lacking at that meeting; she felt the Board should have taken a stronger role in conducting the meeting and apologized. While Don Morris had made a possible case for the course being Greenbelt, she agreed with Gail Richards' view that the golf course was built to help developers sell lots. It had been in existence for decades, and it had a new irrigation system installed for \$184,000 in 1994. She said that the Golf Course is not now considered covered under the Greenbelt Stewardship Plan, although it represents active recreation. She continued that the removal of some of the largest and oldest trees was an extreme approach to improving the greens and is not maintenance. The District's costs for the course in 2009 will be about \$12,000, but replacement of the irrigation system's electronics could cost \$25,000 or more. She said there was no realistic way to relocate the golf course. She felt middle ground could be found.

Director Ziady proposed that an ad hoc committee be formed with representatives from both sides and two directors to research alternatives. This would include methods of limbing and cutting, artificial turf and drainage, and finances. She was not ready to call the question.

Director Orth said Brooktrails operated recreational facilities of regional significance. We don't have our heritage tree ordinance, but through our Specific Plan process we will be updating our Plan this year, and he would be requesting that this issue be part of the Plan review process, because we needed a long-term approach to how we manage the Golf Course and the Greenbelt. When he was first elected it was to protect the Greenbelt from a timber harvest that was going to offset the cost of building a soccer field. People saw benefits of a recreational facility and thought they could use income from cutting our greenbelt to achieve that, but the Board who approved that plan was dis-elected. He said he therefore felt

he needed to act in a stewardship role. He said he saw all the speakers agreeing that a golf course should continue to operate in Brooktrails, but the question was whether it could operate as a standard course, which it never has, or as the unique kind of course Brooktrails offers. He thought that we didn't need a THP for the golf course, because of CEQA we can remove single stems or trees over time as needed in a long-term management plan for the health of the forest. We're not using standard golf course turf and once you start creating sunlight, you have a Catch-22; too much sunlight, you have to get standard turf, and he was not willing to go down that road. He felt there was another way we could find to make improvements on the Course and continue it as a regional asset, for people who wished to continue to play under the cool shade of the redwoods.

Director Horrick said we're all hoping that the Course will continue. He had talked to some regular golfers on the course, who said Holes 7 and 8 needed more sunlight than Holes 1, 2 and 3. He found it interesting that these trees were 110-115 years old, which meant that the golf course was developed when the trees were 70-75 years old. He had read an article by Ed Burton about redwood trees growing to their natural shape; if we can more severely limb the trees while maintaining their health. Someday the trees there will become heritage trees. There might be some areas with multiple stems bunched together where it might be healthier to keep only the one healthiest tree.

Director Williams said that he needed more information before making a decision to cut any trees on the Golf Course, and he supported Director Ziady's idea to form an ad hoc committee for further study. He felt there had to be a better, more beneficial way to do this, to keep as many of the trees as possible and still have a golf course. He would recommend allowing people who want to hike the grove to do so on one or two of the slowest days on the course. Golf courses are underchallenged all over the country; everybody likes to look at them but they take so much water, so they become beautiful parks. He felt we could not afford to create an asset in the middle of Brooktrails simply for people to look at. He said he would make a decision on the basis that the trees proposed to be cut are too big and too many, but in terms of a playable, viable course, some of the trees would have to be cut. He said he didn't come here to live and be on the Board to cut 50 of the biggest trees we have in Brooktrails. Director Williams said we can't, however, put a good golf course anywhere else. He felt the committee should include two directors, people from both sides of the issue, and people from the larger community. He agreed that the golf course and the trees were both regional assets and he said we need to take Willits' needs into consideration in this decision.

President Skezas said he agreed with the ad hoc committee proposal and also the idea that we'd like to keep as many of the trees as possible and keep the golf course; he felt that was the general consensus. He said he would like to modify the Saturday planning meeting to establish that committee.

President Skezas invited anyone who had not commented at earlier meetings to speak. Danny Green of Robin Circle spoke first about some issues at Ohl Grove park, and had had any trees cut to make the park. It was clarified again for Mr. Green that this was not done by the District. Mr. Chapman then described the purchase process of the park.

An unknown speaker, a biologist, said the Board was moving in a good direction to wait and get more input. We tend to rush into things as a society in general. He said he was not on either side of this matter; both things were obviously important to the community.

Another speaker, Beth Bosk, editor of New Settler, said that clearing the understory to prevent fire was not the same thing as taking down aged trees that are protected from fire. Golf was just not as precious as our forestland.

David Drell from Roundtree Valley said he had lived here since 1972. He applauded the Board for taking this stance. This community can have beautiful heritage trees and golf; the dichotomy is not necessary. There was plenty of innovation out there that could solve this problem. He had been a landscape person and had interaction with golf courses all the time. Maintaining them was a tricky business. The greens are a very unnatural way to treat grass; there was an attempt to make them weed-free, and even under good conditions it's difficult to keep them alive and healthy. He had talked with a man who installs artificial greens all over this region, from private greens to entire golf courses; these greens, according to him, can be engineered to provide any kind of response you want. There is very little maintenance once they're installed. He spoke with a green sod seller and said that green sod was not that expensive, even if you were thinking about replacing it on a regular basis. The health of the greens may be a result of how they were installed years ago; a lot of things can cause them to not thrive besides the shade issue. Brooktrails could set a pattern that could be emulated by other golf courses.

Ms. Morninglight applauded the Board for what she had heard tonight. She read a statement saying she had lived in Brooktrails for 34 years, was a golfer and a member of the Golf Course. She began to golf here because she loved walking around the Golf Course. She had brought friends and family to the Course who have never seen giant redwood trees. She agreed that if we cut these trees, Brooktrails will look and feel very different. She believed the special environment at the golf course is due to the trees; if you continue to cut the largest ones, there will never be a grove of the giants.

Gordon Osland, principal of Willits High School, praise the golf team and stressed that all forms of recreation were important to the community; he believed that human beings have the responsibility to create as many recreational opportunities for people as possible. He hoped the golf team would be a big part of the consideration.

Lanny Cotler said he felt we were entering a time of potential economic and environmental collapse. He said he used to play golf avidly here. He said we need a recreational area that served a lot of people and also inspired and instructed us on how to relate to and respect the earth that feeds us. He felt we have a responsibility to think beyond our current pleasures and recreation and think of our grandchildren and he urged the Board to do this.

William Boosinger asked to correct water usage figures previously reported; actual use is about 3,060,000 gallons during six months of the year. He liked the idea of a committee and moving toward preserving what we have. Artificial greens might alleviate this situation.

Bob Whitney of Brooktrails thought a committee was a smart idea. He had talked to Mike Chapman this week, who had talked about Wildwood's golf course, where they grew sod to replace the greens. He suggested we try this. Our greens are compacted now and need reconstruction; a couple were reconstructed by volunteers with added drainage. He suggested the Board review his letter, which said that Ordinance 63 requires a Redwood Park Master Plan. This has not been updated as required; it was adopted in 1988. The Greenbelt Stewardship Plan was a better document but he believed it was never officially adopted by the Board *{Note: The Board did formally adopt the GSP.}* Also, the Specific Plan contained two important policies, one requiring a Redwood Park management plan to be done by 2000 and the other requiring a heritage tree ordinance by 2000. His opinion was that all three of these were required prior to conducting a project such as proposed.

Beth Green of Willits said the golf course was one of the last things Willits has that's been here forever and it would be great to have it for our grandchildren.

Leo Cid said he had never heard a golfer complain about playing around the trees. When you give me an ultimatum of kill the trees or kill the course, he said, I am going to come back with everything that makes that course sustainable, makes it not use as much water. He commented about the huge gorgeous trees; if you never give them another drop of water, they'll be here. We don't want to close the course, but don't expect us to lay down and let you cut our trees just for a few people to play golf.

Tami Jorgensen said that Willits recreational facilities used water and were open to everyone and her largest concern was our children. She said she was incredibly disappointed with the five of the Directors because they're saying it will be May before they even tell us what will happen to this beautiful place.

Autumn Hefner said she was born and raised in Brooktrails and did play on the golf course as a child and she thought it was incredible. She said she understood the dichotomy, but look at it for a moment with a fully open mind. She said let's move forward, we have such a creative innovative community. She said there's a side that's saying "trees and golf," not "no golf."

Another woman said golf is not as precious as the trees, but it's not golf, it's the relationships golf provides. She said people who want to hike can use the trails and Par Course so why change the Golf Course.

Ron Runberg, Golf Course manager for four years said that 17,000 gallons a day was the max that he can take and that we are not using that 3 million number. The water issue, he's the first one to lose water in a drought situation. He liked the idea of a committee; he didn't want it to drag on. He enjoyed the trees; we need to take some trees out to maintain it or it will become a park. That statement became changed to the ultimatum that it was either cut the trees or no golf forever; it's gotten out of hand. He didn't want animosity in the community; he wanted a golf course; he didn't want to clear-cut. He wanted to be fair to both sides, we should have enough so that both sides feel fairly represented so all the issues can come out.

Bob Houtz of Brooktrails asked Mr. Runberg, wasn't it very important that we get some sunshine on that course in order for grass to grow? We talked during the walk-through about drainage and we can take care of that, but we still needed sunshine on it, is that right? Mr. Runberg said yes.

Mrs. Boosinger said most of the information we got was not something whispered in someone's ear and misinterpreted; we were given data. As far as whether an ultimatum was given, she referred to Tony Orth's letter saying Ron has proposed a significant redwood harvest based on his judgment and has stated this as a requirement to renew his agreement to operate our golf course or he will move on to greener fairways. Director Orth said that was his interpretation of what he was told. She said that when you talk about hiking paths, there are a lot of people that can't hike these trails and could benefit by a little path through the course. It belongs to all of us, not just golfers.

Ellen Drell said the Willits Environmental Center delivered a letter to the Board on Monday bringing up the fact that the project here is maintaining the golf course, as opposed to cutting the trees, and the position of the WEC is that the project is controversial, has the potential for considerable environmental impact, and would require CEQA review/ The CEQA process allows everyone's concerns to be brought forward; it can bring to light all potential impacts, cumulative impacts, and a range of scenarios and can result in unexpected solutions. As the committee deliberates, she thought it should not shy away from the possibility of undergoing CEQA review.

Jeanne Wolf said she moved up here a tree hugger but as a homeowner she's had to take trees out, though she never thought she would do that, but sometimes that's what you need to do for the good of the whole. She had walked the course and felt the proposal was reasonable.

Dave Sentak said that he had worked for the Forest Service and was an arborist. He said a lot of the trees had natural defects and need to go. He felt it could be negotiated. He plays golf when he can, but looking at the crowd, he did not see a whole lot of people that he sees on the golf course, so he felt there was a lot of ideology getting into play. He said he knew what limbing a tree could take and redwoods are incredibly strong.

President Skezas called the meeting back to order at 8:53 p.m. Since there were some people from City of Willits present, he announced they would adjust the agenda to accommodate them by addressing Item 6 now.

4. Finalization of Lake Emily Rubber Spillway project. *This item was addressed after Item 6.* Mr. Chapman discussed finishing the project. He said we had to complete a USDA form before we can make final payment to Ghilotti. In addition to the files present, we have another whole box in itself of CEQA documents.

Director Orth said it was a pleasure to complete a project where we now have drought-resistant water supply for our community. He moved to adopt Resolution 2009-2 accepting the Lake Emily Rubber Spillway Project as completed and directing and authorizing the General Manager to file a Notice of Completion with the County Clerk Recorder and to prepare all other documents required for project closeout. Director Horrnick seconded. Roll call vote was as follows:

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

5. Introduction of Excessive Water Use Cap Ordinance. Mr. Chapman said we received District Counsel's legal opinion that we could potentially cap the amount of water a customer could use. At this meeting we're introducing Ord. 138 to amend our Ord. 76 and schedule a public hearing for March 24, 2009. Mr. Chapman had invited 23 of our highest users, all exceeding this cap, the top 1-1/2% of our database, to the meeting, and some might be present.

Director Williams said he had not found a reference in the "Whereas" clauses to water rights. District Counsel Neary said that the legal opinion he had provided would be part of the administrative record in case of challenge. Director Orth asked if it could be considered to release that opinion. President Skezas said the ordinance stated almost five times average use whereas Mr. Chapman had said three times. Mr. Chapman said we are really concerned about the dry season and a drawdown on the reservoirs. Director Williams moved to introduce draft Ord. 138 amending Ord. 76, waive further reading and schedule a public hearing for March 24, 2009 to impose an excessive use cap of 20,645 gallons. Director Orth seconded. Director Williams asked if we suggest a change in Paragraph 3 to say "almost 3 times," and amended his motion accordingly.

Don Morris asked if we could just say Tier 4. Mr. Chapman responded that we picked this number last year through Board discussion. Mr. Morris said, as you know, money is no object to some users. Directors said that's why we were looking at the cap. It was clarified for President Skezas that the cap being discussed was not the cap already in existence, for use only in water emergencies, but would apply all the time. It could be lowered, though. Director Orth said as long as there was an appeal process for someone to make a case as to why their use was reasonable. Mr. Chapman said we do have a process, for example there are large families. What was not reasonable is for a family of two using 30,000 gallons. On an appeal process we would have to verify household size. Director Orth said we take action from the meter; we don't go knocking on the door asking how many people live there. That's why we have the appeals process.

Director Williams asked if there were something in here that restricted this to being only some months of the year. It was clarified this is for 12 months of the year. President Skezas noted that the draft ordinance references 4,500 gallons whereas the staff report references 7,000. In looking at the numbers Mr. Chapman said he was confused whether he was looking at the net numbers or the gross numbers, and requested that he would like to table the matter to refer back to his statistics.

An audience member asked if the rubber spillway provided enough water for the current homes. Mr. Chapman said we'll know that answer probably in January or February. DHS is requiring a seven-phase test on capacity. We will be tracking every aspect of water supply and use specifically, and then DHS will make the determination, not us. Don Morris said our forest is one of our greatest water assets as it captures rain and allows it to recharge groundwater. The matter was tabled to the next session.

6. Discussion of payment plan re: City of Willits. *This item discussed after Item 3.* Mr. Chapman said the Willits sewer project was now in the neighborhood of \$30 million. His plan was to clear our obligation through FY 2008, which would require the last four months' payments to be \$119,547 for months of March, April, May and June. This does not include the estimated \$100,000.00 payment due to USDA Rural Development due in June. He said we should be receiving more timely audits now, signed by the auditors on GAAP standards.

Director Orth said he felt the committee structure had been very effectual; it has been a long-term goal to have Willits and the District work together and communicate effectively. We have now been

updated as to what the current project looked like. Director Orth explained to the audience that the project results from a state mandate. As to catching up on payment, he felt it was very positive that the City audits were now caught up. He moved to authorize the payment schedule of \$199,547 for the months of March, April, May and June 2009 to and to clear the District running sewer obligation through June 30, 3008. Director Ziady seconded. Director Williams asked if we had the money and what account it was coming out of. Mr. Chapman said yes, and it was coming out of the Sewer Enterprise Fund. Because this is a capital project we also have the ability to tap our capital improvement fund as well. Cash flow right now was about \$1.2 million.

Mr. Chapman spoke that we would have to have a substantial rate increase in our sewer next year, that was a given. We know that the sewer rates could in reality go from \$33 to \$54, effective in July. If he raised them only to \$43, next year he could have a \$200,000 negative cash flow. But this was for another discussion, with the budget.

Director Horrick asked about the sewer plant cost. Joanne Cavallari, City of Willits Finance Director, said with the USDA ceiling project was at \$23.8 million, but then suggested the top end was around \$30 million. At the stimulus meeting they all had attended, they specifically said the stimulus money was not meant to refinance existing funding. It couldn't replace existing the USDA loans. Fortunately they have grant money coming in as well. Mr. Chapman said there was a possibility the City could catch the second wave of stimulus funding in the future as long as they can get their permits lined up.

The motion carried unanimously.

Council Member Bruce Burton said the project was necessary from the point of view of state mandates, but not really necessary from the standpoint of water quality. We were spending a lot of money to make some people happy about our dilution ratio, a tremendous expense of hard-earned funds from both our communities, but the city couldn't find a way around it. He explained the Willits plant was given a cease and desist order because the State claimed they did not reach the 100:1 dilution ratio after spraying their effluent and letting it percolate into the creek. Basically we are spending this money to buy an exemption from the dilution ratio.

President Skezas thanked Mayor Stranske and Joanne Cavallari for their work on the project. President Skezas asked to see the maps from the Sewer Committee meeting handed out at the planning meeting. Mr. Stranske said they have almost finished Phase I, the Headworks, which will go online in a month or so, and that they are 90% complete on drawings and specifications for the rest of the plant. Director Orth said they hoped for similar rate structures between the District and Willits.

The Board returned to normal agenda order.

**J. ADDITIONS TO FUTURE AGENDAS**

The ad hoc committee for the Saturday planning meeting.

**K. SPECIAL REPORTS**

**From Directors:** Director Orth has gone before some more cities and the Board of Supervisors regarding the formation of a county energy authority and has more scheduled.

**From District Counsel:** None.

**From General Manager:** None.

**L. PUBLIC COMMENTS**

None.

**M. ADJOURNMENT**

Director Orth moved to adjourn; President Skezas adjourned the meeting at 9:45 p.m.

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George Skezas, President

ATTEST:

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MICHAEL V. CHAPMAN