

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, March 24, 2009**

The Board of Directors of Brooktrails Township Community Services District met in regular session on March 24, 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. March 10, 2009. Director Orth pointed out a date correction needed and suggested deleting the last sentence in the next to last paragraph of Item 6, and moved to approve the minutes as so corrected. Director Williams seconded, Director Orth abstained, and the minutes were unanimously approved.

March 14, 2009. Director Orth moved to approve the planning meeting minutes; Director Horrick seconded; the minutes were unanimously approved.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARINGS

None.

G. PUBLIC COMMENTS

Patricia Cornell discussed the issue of reduced funding for IHSS workers who help keep people out of nursing homes and provided a position paper for the Board's information.

William Boosinger of Poppy Drive said that more signatures had been gathered on the "Save the Golf Course Redwoods" petition and said the two petitions had roughly equal verifiable signatures at this time.

H. CONSENT CALENDAR

2. 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

3. Adopt Goals & Objectives for FY 2009-10. General Manager Chapman explained that at the recent Saturday meeting these goals and objectives had been reviewed and were now being presented for adoption. Director Orth asked to add to the Specific Plan Update goal compliance with AB32 (climate change issues) and SB 375 (findings of sustainability required for community plans). He believed this would cause the update process to take two years instead of one. Discussion followed about golf not being included in the goals and it was decided to put it under General, with a goal of "develop capital improvements for golf course."

President Skezas noted a recent newspaper article about the Supervisors debating their General Plan Update and he felt we needed to find out if we have a two-year window for our Specific Plan Update. It was agreed to change the Specific Plan Update goal timeline to 2009/2010.

Director Horrick moved to approve the Goals and Objectives as modified; Director Orth seconded and the motion carried unanimously.

4. Verbal Report of Golf Course Ad Hoc Committee. President Skezas said the committee was formed Monday, March 16, 2009 and had met on Friday, March 20th for a golf course walk around, and again on Monday, March 23rd. They were still planning on a 60-day process, which would be determined by how much information they got on artificial greens and on financing. Their goal was to improve the golf course and prevent as much redwood cutting as possible. Director Orth asked staff to research the legal status of Chippis' house and the pro shop's lot placements as possible collateral for a mortgage for a

capital improvement program and whether we could get a bank mortgage on them. Mr. Chapman said any mortgage arrangement would definitely affect golf rates.

5. Consideration of water/sewer connection fee study – Oscar Larson. Mr. Chapman said the last time we did this was in 2002. After the last study they were raised from a total of \$5,340.00 to \$9,767.00. He said it made sense to conduct another study now and he would prefer to work with Oscar Larson since they still had our previous database, although it would need to be updated. Also, since we've spent \$5 million in water capital improvements and are on the hook for another \$11 million with Willits and its City sewer plant, it would be wise to keep up with the times. He requested authorization for a \$15,000.00 study with Oscar Larson. If approved, we should have this study concluded this fall.

Discussion followed regarding both future connection fees and a Prop. 218 study. Mr. Chapman said it would be premature to suggest that we were coming out of the moratorium at this time. Director Williams asked how the preparatory Prop. 218 work would be paid for. Mr. Chapman said the connection fees could contribute, so could the land based assessment fees. It would probably cost a couple hundred thousand dollars to do an engineer's cost/benefit study, lot by lot. He mentioned we do draw in \$400,000 annually on assessments.

Wally Stahle asked whether the water study would look at our collectively reduced water usage over the last few years and was told yes. Mr. Chapman responded that we are tracking multiple aspects of water use now at the request of DHS. And reduced usage was a definite factor. Mr. Stahle said he had asked because many have reduced their own usage, while others may continue to use excessive water and pay for it, but he asked how many would be willing to continue their reduced use so there could be more development. Mr. Chapman said engineers would consider the yield factor and what would happen if people loosened their belts 10% or 15%. Director Orth voiced he would be putting in a garden and definitely using more water this year because of our completed project.

Director Orth moved to approve a contract with Oscar Larson not to exceed \$15,000.00 to do the connection fee study; Director Horrick seconded and the motion carried unanimously.

6. Consideration of Geotechnical Assessment Report of Left Abutment Slope (Lake Emily) prepared by Blackburn Consulting. Mr. Chapman said this resulted from a directive by Dam Safety to look at the 1970s slide on the slope above Lake Emily. Blackburn Consulting was hired to do a study, separate from our dam project, and this had just been received. While the conclusion was that there had been no significant movement, the suggestion was made to replace the inclinometers at a possibly high cost. However, Dam Safety had said they were not necessarily going to order that. He was going to wait for Dam Safety's official response on this report and he would then come back to the Board. Jim Lowe from Dam Safety had told him that you can have stability, but with a known slip you could have two years of 100" rain and where you've had no problems before, you could have problems later, so we do have to monitor.

Director Ziady said she felt we should do quarterly assessments just to cover ourselves. Director Orth said that fault did move on the Smith ranch, a 3.2. He mentioned that the state will be relicensing all the dams in the state over the next 15 years.

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

7. Advisement Letter on sewer rate changes. Mr. Chapman wanted the Board to be aware that any letter that went out would contain the new potential \$47.29 sewer rates effective July 1, 2009. He said he would allow the Board President to review it prior to release.

Director Orth moved to authorize the General Manager to send a letter to customers on the rate increases due to the Willits Sewer Plant. District Counsel Neary said he was assuming that this advisement was going to be incorporated into the annual notice regarding rates and fees. Mr. Chapman said the special language provided by Mr. Neary would be part of this.

Director Williams seconded the motion on the floor and the motion carried unanimously.

8. Consideration of Excessive Water Use Cap Ordinance. Mr. Chapman said he had gotten confused at the last meeting between gross production statistics and net consumption statistics. He then advised that the cap of 20,645 was about four times greater than the sold year-round average of 5,045 gallons/month. You have to extrapolate the math further, because it took 27,000 gallons to produce 20,645 gallons due to the line loss factor. Mr. Chapman referred the Board to Item (3) of the draft ordinance which was very clear about how this cap would be handled. Basically we are capping at Tier 4.

Wally Stahle asked what notice a customer has when they exceed the cap in an emergency. Mr. Chapman said if we had any kind of declared alert or emergency, he has to put out a notification to the public, both mail and newspaper. This ordinance will give the District the authority to do something; there will be an appeal process but if they can't justify why they're using the high amount we will be able to act. Director Orth asked if Ord. 76 contained the appeals process language and was told yes.

Director Williams moved to introduce draft Ord. 138 amending Ord. 76, waive further reading and schedule a public hearing for April 14. Director Orth seconded and the motion carried unanimously.

9. Discussion of Heritage Tree ordinance for Specific Plan. Director Orth said the golf course trees are not currently heritage trees as they are only half grown. He perceived this as addressing trees on public land, because we have an architectural process for constructing on lots. This will be a public process; there are some trees in the District that have significance like the majestic madrone tree located on Daphne Way, and the large old growth redwood on the Ridge. Some people claim a 300-year-old tan oak is old growth too. Director Williams asked if it would affect trees on private property; Director Orth said that would be discussed. He said if this were the case he felt there would be a public hearing if there were going to be construction affecting it. Mr. Stahle asked if we were adopting the state's definition or if we have our own. Director Orth said there are definitions now and he agreed with Mr. Stahle that we could have our own definition, including one for the golf course trees. He said he felt we could define our treatment of trees on our own greenbelt and Redwood Park areas as to our intent of managing those particular species of redwood. Don Morris read the Heritage Tree goal from the Specific Plan. The board gave consensus direction to staff regarding research on heritage tree ordinances.

J. ADDITIONS TO FUTURE AGENDAS

K. SPECIAL REPORTS

From Directors: Director Orth had provided copies of a letter he sent to MCOG on a community energy authority. Additionally he requested funds amounting to \$275.00 for his costs to attend the regional CALCOG conference in April. This seminar will address AB32 and SB375. Director Orth said their focus is transportation but because of the SB375 requirement he would be making those points to the planning director.

From District Counsel: None.

From General Manager: None.

L. PUBLIC COMMENTS

Wally Stahle distributed a paper pertaining to the Golf Course issue to the directors. Don Morris said he was concerned about how the ad hoc committee was being conducted; he referred to the March 14th minutes where it said the committee should come back by the next meeting with recommendations for committee members. Mr. Morris said he took this to mean that the discussion of appointees would be at this meeting. Directors indicated no. Mr. Morris said he had attended the committee meeting of Friday and he said there was a clear imbalance of appointees favoring logging. Someone whom we couldn't pick up said they would like to know more about how the members of the committee were decided. President Skezas said they were taken from a list on volunteers. Director Orth said those were people who submitted their names, with the exception of Mr. Wagenet who was his neighbor. Two of the members are actually consultants. It was a very rapid process.

Director Williams commented he had hoped that this committee will have its meetings open to the public, and it seemed to them important that Ron Runberg be a member. He said that nobody will get everything but everybody will get something they can live with. He said the Board was supposed to be neutral, that it was the Board's decision, not a popularity contest. President Skezas said he anticipated that a way would be found to minimize the cutting. Director Orth said the Board had dropped the ball on capital improvements over time. He said that the forest around the course itself has a lot of growing to do and that in itself would preclude thinning to provide sunlight.

Mr. Stahle asked if it was supposed to be a written request to be on the committee. Discussion followed about who had verbally requested. Director Williams told the audience the list of committee members was available at the table, and these will be public meetings.

Bob Turner said he hoped the statement about minimizing cutting was only a version of what the objectives were. He would hope the objectives would be how to keep the course as is and treat the improvements on the course and the trees equally and not "to minimize cutting." He said that tells him people have decided we're going to cut. Director Orth said trim would probably be more correct. Mr. Turner said you said the Board had been remiss with capital improvements, but we have to admit that the operator of the contract has no public maintenance program and the Board has not asked for one. Why wouldn't we have a maintenance program included in our committee report for consideration so we can define maintenance versus capital improvements. Capital improvements to him would be cutting up the green and laying drainage pipe. He said the committee should consider questions that aren't being asked: whether we really need and want to be a USGA course, whether we really need and want nine holes.

William Boosinger formally protested the appointment of Ken Gott made to the committee. He had heard him verbally abuse a community member. He voiced if Mr. Gott had done to him what he has done to others he would be in jail right now, and it is an insult to the community to have him on the committee when there are so many more qualified who also control themselves. Mr. Boosinger went on to say that others were not on the list but were appointed, and others that did volunteer were not on the list. Director Williams said he didn't remember any invitation for people to write in. Mr. Boosinger said that's the point, the first thing he and his wife knew, the committee was formed. They expected some sort

of public announcement or one additional meeting where the community could understand about turning in their names.

Director Williams said he wanted to emphasize the committee would not have private meetings and anyone who wanted to be involved could attend. Mr. Boosinger said it was starting to look kangarooish in terms of how you get on and how meetings are held and he hoped it would become more transparent and the District would have minutes, an agenda, future dates publicized so you can call and find out.

Mr. Morris said he had gotten all the articles on the previous thinning of 1994-95 and he quoted that Mr. Runberg had said that the greens were not constructed to USGA standards and the biggest problem was that they all had to be rebuilt. Continuing, he asked what liability the District had if a member of this committee assaults a member of the public? Counsel Neary said that was something he would address to the Board in a confidential memo. Off the cuff, he said, he didn't think it was a liability issue but a matter of common decorum. Counsel Neary said we determined at this meeting that the committee should be Brown Act-compliant and should have opportunities for public discussion.

On another matter Dick Johnson of Brooktrails discussed metal carports. He said there are hundreds of them. The County was issuing citations (red tagging) for these, including his own. And many of them in his neighborhood did not meet setback standards. He was told he had to go to the District Architect for this, and he had been told the County is out searching for these, and there would be a lot of reaction. Mr. Chapman said it would be a \$40.00 review; the real issue would be the County. An audience member asked about permit requirements for sheds. Mr. Johnson said instead of \$140 in permits, the County is saying \$340.

Bob Turner said our community has changed substantially due to the number of cars per family, and few garages. There were cloth carports going up everywhere, and motor homes. One person has a 40' houseboat parked, and he said many lots have a lot of junk up here and it's getting worse and will devalue property values. Director Orth said under SB375 they're looking for compact development versus sprawl and we are a compact development. We need to have appropriate impact fees as people move in. Director Williams said if the County is unwilling to spend the money, it's not going to happen.

M. ADJOURNMENT

President Skezas adjourned the meeting at 8:47 p.m.

George Skezas, President

ATTEST:

MICHAEL V. CHAPMAN