

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
Saturday, March 14, 2009  
Annual Planning Meeting**

The Board of Directors of Brooktrails Township Community Services District met in regular session on Saturday, March 14, 2009 at 9:02 a.m. at the Brooktrails Community Center.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

Roll call showed the following directors present: Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary. Director Williams arrived at 9:06 a.m.

**REPORT ON CLOSED SESSION**

None.

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

None.

**D. PUBLIC COMMENTS**

Director Ziady announced her recent marriage to Richard Christopher.

**E. CONSENT CALENDAR**

None.

**F. ACTION AGENDA**

1. Review of Brown Act. General Manager Chapman advised the District follows the rules of the Brown Act many times. Standing committees are subject to the Act; however, an ad hoc committee is not. An ad hoc committee is a single-purpose committee composed of less than a quorum. He reviewed the major points of the Act. Bob Turner asked if the public is allowed to lobby the Board outside of a meeting; Mr. Chapman said you have the right to express your individual views to them. President Skezas said if the Board member responds to you, which they really shouldn't, and you went on to another one, that is serial consensus and goes against the Brown Act. Mr. Turner asked about publishing the Board's names and phone numbers in the newspaper. Director Orth said they used to be published in the past. District Counsel Neary said a change this year in the Brown Act is the requirement to list in the agenda the location where materials for the meeting can be reviewed by the public and we are doing this.

2. Annual Review of Board Policies, Procedures and Relationships (Ord. 93). Mr. Chapman noted that Ordinance 93 covers our directors, their duties, the meetings, governance by the Brown Act, the agenda and minutes. He noted minutes are posted on the website and have been for ten years. The ordinance covers disqualification for conflict of interest, along with the rules of debate under direction of the Board President. It also covers public hearings, committees and commissions, and correspondence and how ordinances are adopted. Wally Stahle asked, if a letter is addressed solely to the General Manager, does it also go to the Board. Mr. Chapman said that is at his discretion, but if a letter is addressed to him and to the Board, the Board gets a copy.

3. Goals and Objectives – FY 2009-10. GENERAL and WATER: Director Orth said a heritage tree ordinance is now upfront and center for the Specific Plan Update. Also we should be rolling in a Community Energy Authority. We need to schedule regular meetings for the Specific Plan Update this year. We might need a budget line item for this and might need to hire a consultant. A hillside building standards ordinance is also needed. We have quite a few state laws that have been handed down, including the County General Plan update. He noted the Heritage Tree ordinance could go to the Recreation Committee, or the ad hoc committee. Mr. Chapman said he was almost done with the LAFCO MSR review and he thought we had to do this project first before the Specific Plan update. Director Orth said it would accomplish over 80% of the Specific Plan Update process. Mr. Chapman explained that LAFCO basically rules the jurisdictional boundaries and will be involved in any annexation. Director Orth said the County's stance on the second access road has a bearing on the Specific Plan. In a response to President Skezas question he said the Specific plan needed to be finished by calendar year end 2009.

Director Williams asked about starting the 218 process for the water project. Mr. Chapman said we've finished our Rubber Spillway project and now turning our attention to Lake Ada Rose. In May 2006 started the ball rolling with the Division of Water Rights knowing that this issue would require a full EIR. Last summer we received comments on the Ada Rose project—which is expanding that reservoir by a factor of four. Also mixed up in this process was the second access road; we know that that has to be

slightly ahead of the dam project. He said his issue was that we are looking at a \$300,000.00 contract modification with AES to continue this process, \$55,000.00 for next year to keep this process going with AES. Cash wise we don't have \$55,000.00 readily available without really affecting the water rates, which was something he was hoping to not raise this year. He mentioned that the vacant lot owners are paying \$140,000.00 per year in water availability fees. In fairness to them we also have to keep this process moving, but the cash squeeze is hard given the potential \$20.00 raise in sewer. He needed discussion with the Board on this, because \$55,000.00 will increase your water base rates by about \$3.00, and they are already looking at a hard raise. He pointed that that you could eventually spend the \$300,000.00 with AES, but if you don't have a second access road, what have you done? He didn't want to get the cart ahead of the horse. He said we have recessionary times and a drop in overall property taxes, and as much as he would like to go forward, this has made him nervous. He said about 95% of the Ada Rose Project would have to be borne by the vacant lot owners because they will be the primary benefiting party. At some point we'll have to have an engineering benefit cost study on each of these lots and that alone could cost a couple of hundred thousand. In the past three years we've spent close to \$5 million in water improvements and this has affected our cash flow. The water fund needed a reprieve.

Director Orth said the Specific Plan process would describe the interconnection between the dam and the road; those would have to be combined into the same election process. Director Williams said we will have to share part of the cost for the road, and we don't have a date and are not sure it will happen. Mr. Chapman said we've invested \$31,000.00 so far on the 2<sup>nd</sup> Road Access feasibility study. Director Williams said he was really uncomfortable with putting any substantial amount of money or effort into with the Ada Rose project because of the increases we'll be forced to make because of the Willits sewer plant, and the unknown timetable for the second access road. Mr. Chapman said, in hindsight, when we started this process he didn't realize he was looking at figures like \$307,000.00. We're also under a bit of a timeline with the State, and he didn't want to waste the \$35,000.00 already spent to date. He didn't have the \$55,000.00 to spend at this point in time. He was looking for some direction from the Board.

Counsel Neary said if the state perceives a lack of due diligence with the application the state will dismiss it, and they like to do that. As applied to the Eel River Watershed, there are not a lot of water rights drawn on the river: Brooktrails, Willits, Rio Dell, and there's not a lot of traditional agriculture. It's not a fully appropriated stream as is the Russian River. As it stands now, if our water rights applications were dismissed and we turned around and made application a year from now, there isn't anything foreseeable that would have change. That's not to say that new regulations and new permits or something that can't be anticipated right now wouldn't apply. But if dismissal occurred, priority would not be a major issue. There is a doctrine of "first in time, first in right." Director Ziady asked if we could explain about the Second Access road problem. Counsel Neary said the way it works is that you get a letter saying your application is being dismissed and you have a right to a hearing.

Director Orth asked about grant applications. Mr. Chapman said we applied for \$5 million under Prop. 84 twenty months ago and never heard from them. Director Orth said we need to push that application and tell them we need that money to keep our water rights application current. Mr. Chapman said the last mile of road built by the County was built in 1988 according to Howard Dashiell, DOT director. The worst thing that could happen was to spend a lot more money into this process and then find out the County doesn't carry through on its part. Director Orth said they are saying in their General Plan that they will update our findings in our Specific Plan. Mr. Chapman asked how he was supposed to write the parties to cover our bases when we don't really have the funds at this point. Director Williams asked if the timetable could be stretched out to avoid the need for \$55,000.00 now. Director Orth said the fifteen month timetable would allow this to be settled at the next budget, not this one. Or we would have to do it this year. Mr. Chapman said if you do, you're now looking at an average \$90.00 - \$100.00 water/sewer bill starting in July 2009, and that will be hard for the ratepayers to swallow.

Director Ziady said the costs for the 218 election can only be reimbursed if the election goes our way. She said she would not bankrupt this district to extend it at this time in the middle of a recession. If we have to put money up for a road this year, we'll have to do it. She said we should take our chances; hopefully Mr. Neary could write a letter saying we are pursuing the second access road and keep our rights active.

Director Orth said those letters should also go to our representative and senator. Director Williams said he did not see how we could start making substantial expenditures on expanding Ada Rose until we know for sure about the Second Access road; it would be irresponsible to do otherwise. Director Orth said there is another opportunity for funds, and the waiting list, and if we find we have enough water from our finished project to accommodate some construction from the waiting list, we might need to adopt a connection/impact fee to help pay for some of this.

President Skezas said he didn't see the \$55,000.00 figure cited; Mr. Chapman said it's buried in the \$307,000.00 quote from AES. President Skezas asked how much we have spent on Ada Rose; Mr. Chapman said we have spent \$20,000.00 to the State and probably another \$15,000.00 to Hanson Engineering and maybe \$2,000.00 to AES. He confirmed that if we continued we would be on the hook for the \$307,000. That only takes us through the next three years and AES said there were unknown factors beyond this point, but Mr. Chapman felt we were in the \$500,000.00 to \$800,000.00 zone. He had thought two years ago we could piggyback the Specific Plan at a much lower cost. The scope of the AES

work included looking at the downstream nodes, and how the watershed appropriation affected the flows. Then the process turns back to growth inducement. AES disagrees with us on the growth issue and he thinks we will definitely have to reconsider this issue. Mr. Neary said he hadn't heard that and they did not accept his opinion on this. He said once you have a Specific Plan that establishes growth, you do not have to reevaluate this over and over. It seemed to him that the first step in the process was a water availability analysis, not an EIR on the project. The point was that you can actually fill a certain size reservoir. Director Orth said if they come up with some standard that isn't identified in the Specific Plan now, then we need to identify and include this in our update.

Mr. Chapman said Pete Bontadelli is very adamant we will have to go through a full-blown EIR. Mr. Neary agreed, but said it's supported by an EIR already. Director Orth said it's also being updated with the Municipal Services Review. Director Williams said it seems to be the consensus to get clarification from AES on their scope of work, and also not to spend the \$55,000 until we have certainty on the sewer and the second access road. Mr. Neary said you can spend a lot of money for plans that will be outdated by the time you go to use them. At least we should get the question about scope of work resolved. He had spoken extensively with AES eighteen months ago about the Specific Plan and he thought it was a resolved issue; he did not hear any objection from them. He felt he could put this discussion in writing and express the concerns about cost in the middle of a recession and refining the scope of work to be more cost-effective.

President Skezas asked if we were assuming that the property owners are with us. Director Orth said the 218 process assigns level of benefits; it would be a matrix of water benefit and a separate road benefits matrix. Another component built into this is the impact charge as they build, such as fire departments. They'll have a benefit to their property and an impact charge when they build. The hit for the road isn't as big on them until they actually build.

Mr. Chapman said he received a letter from Oscar Larson this week and he wouldn't be surprised to see the connection fees go to \$20,000.00 to \$25,000.00. Mr. Neary said you want to have that rate study in place before you come out of the moratorium. This is probably one of the few ways you can recoup the costs. Director Orth said the impact fees should also cover road maintenance and fire department expansion.

President Skezas said his main concern was not getting that letter from the State saying we are now at the bottom and we should spend whatever minimum we needed to spend. Mr. Neary said once we discuss this with Pete Bontadelli we could probably have a realistic schedule for the Board's approval and set conditions on certain milestones, like the County making up its mind within 90 days after this, etc. If you give the state such a schedule, it would lessen the chance of dismissal. Directors Williams and Ziady said the \$55,000.00 was out. Mr. Chapman requested a roll call vote on this issue.

Mr. Neary said he felt his conversation with Pete Bontadelli should be preceded by something in writing; it may have escaped his notice that there was a Specific Plan and an EIR on this. It would take a couple of days to get a written opinion out and have him review it. He felt this was a legal matter, not an environmental matter.

Don Morris in the audience said the issues he raised in his water rights protest have been resolved. The other issue of the use cap, the Board is dealing with. The issue of drawdown is due to a lot of illegal water use, streams drying up, and the amount of water in the hills. Bob Turner asked how Ada Rose would be funded and was informed it would be a land-based 218 election and assessment. Director Ziady said that is reimbursable if the 218 passes. Director Orth said the reservoir project is estimated to cost three to four times the cost of the road, about \$30 million, but Mr. Chapman felt the estimated price for the road was unrealistic at \$12 - \$14 million. Director Orth asked why build one without the other. Mr. Chapman said it would be a 50/50 split on the road and a 90/10 split on the Ada Rose project. Director Williams talked about the cost of doing two separate elections and said in any event, we do have to do both. President Skezas said Ada Rose or not, we still need a second road, today. Everybody agreed.

Director Horrick said he was generally in agreement with the discussion; it's a big move to include the road in the 218 election and he felt we could analyze that further, but this probably wouldn't need resolution in the next 12 months. President Skezas asked how you combine the people farther out Sherwood with a water project. Director Williams said that's the County's share. Mr. Chapman said we have not been advised of this. He said he could make an argument of why we should pay any share since we are all tax payers.

Moving on Mr. Chapman discussed dredging. We just spent about \$90,000.00 to move 3,000 CY out of the dam this summer, and moving it 1/4 mile instead of 1 mile. It is extremely expensive. We could move the spoils to a part of the golf course and build that up, but he did not know what time period this would be. Someone asked if we could dredge in lieu of Ada Rose; Mr. Chapman said that was always an option, and you would gain another 50 acre-feet of water. Director Orth said the vacant lot owners would have to pay for the dredging, not the existing community. Mr. Chapman continued that if you added another 50 acre-feet, you've now gone over the 300 acre-feet appropriation level and you will have to re-file for the extra water. Right now we have 250 acre-feet in that reservoir. Director Orth said maintaining the return well should also be listed too. Expanding Ada Rose needed to be added, along with maintaining our water rights application. Mr. Chapman said the question of raising Lake Emily by

15' should be kept on although it would not occur for decades. Time was decided as 2020-21. Director Orth said the language needed to tie the dredging to Lake Ada Rose.

SEWER: Director Williams asked, if at the end of the moratorium, will there be discussion about staying with Willits Sewer, or building our own facility. If we double the number of residents, we've got to substantially increase the pipe that goes to Willits, and he assumed we would have to pay 100% for whatever expansion would be needed at the Willits plant then. We have got to start talking about having our own sewer plant. Mr. Neary said at this point we're unable to get any additional capacity information from Willits; he felt there would be an opportunity to raise these kinds of questions soon. Generally, there seems to be some basis for the premise that the existing plant can be expanded upon by adding treatment ponds. We should be looking at that. Mr. Chapman said the design five years ago was to accommodate 12,129 individuals. Director Orth said anything we can do to lower I&I will increase our future capacity. Mr. Chapman said at 2.6 folks per home, we currently have a 4,000 population and they have 5,500, that's a little over 1,000 EDUs left. He saw it as a first come, first serve basis. We have no say on how many they connect. We are paying 38% of capacity and we have 34% of the EDUs, so we have another 4% we can expand. Mr. Neary said the plant project does not increase or decrease our capacity which is based on percentage. Mr. Neary said we have identified the need for additional sewer capacity in the Specific Plan; we might need to update that based on the new plant. Mr. Chapman said a tertiary treatment facility would be located at or near the softball field. Director Ziady asked if the work we've done at Lake Emily will take us out of the moratorium; Mr. Chapman responded with a maybe yes, maybe no. We have capacity for about 2,200 SFRs in our pipeline. Mr. Chapman discussed the sewer line repair we are trying to get stimulus money for.

Wally Stahle asked about the storm damage on Lilac Road several years ago and the emergency lift station installed and power pole, where we have since had problems with cloth objects in the line requiring costly repairs. Also there are issues with maintaining the sewage flow over that stretch. He was concerned about becoming more dependent on this piece of equipment in the face of long-term earth movement with repeated failures already. He suggested we keep the system gravity-fed wherever possible as we're creating weak links. He felt it was a long-term weakness to build electrical plumbing into the system. Mr. Chapman said the customer who threw in the rags has moved on and we've had fewer problems since. He agreed that we needed to get a full operational lift station in there. Director Orth said with SCADA, the sooner an alarm goes off, he felt we should prioritize this.

RECREATION/GREENBELT: Director Ziady said this year they wanted to tear down the old boiler building in the Ohl Grove and install a handicap picnic table. A new project is to install a 4' fence around the children's playground, for multiple reasons. Also, Thimbleberry trail erosion and sedimentation project to address a significant slide and several areas of erosion there; Jerry Garvey has already walked it, and the Committee would like to finance doing some correction. Mr. Garvey will write the plan and the CF&G 1600 permit for all of it and maybe over the next 2-3 years we can correct that area. Mr. Chapman said he was in favor of that and they could use the golf logs from Mr. Godt. Chief Schoeppner said they are getting close to the end of the grant cycle and he could offer some of the leftover money to do trail improvements; he needed a priority list of these. This would be 8 days of private crews or 88 days of inmate crews. Mr. Chapman said one trail to start with that he's had many complaints on is Fawn Lily and he would like to have them start there. Director Ziady added the final goal of installing rules signs in the greenbelt.

FIRE: Chief Schoeppner discussed EMT training; the hard part is getting volunteers to do all the training hours. Fire plan management has been done annually. There have been many hardship complaints by people who say they can't afford to clear their lots. He felt FSC grant funding would be drying up, and that we have received close to half a million dollars of this anyway. We will continue with applying for Homeland Security grants. If grants do dry up, he said, we will need to set up some reserve funds for the Fire Department. Director Orth said that would be the reason for the impact charge for new development. Mr. Chapman said he had discussed again trying to acquire the Sherwood lots from the County for either a very large tank or a fire station. Director Orth said we need to identify the level of hazard at lower Sherwood Road to the County so we get improvements there; he felt we should add this as a health and safety issue to this list. Chief Schoeppner said there are going to be limited grant funds nationwide to build new fire stations, a total of \$25 million; he felt it would cost us \$4-\$6 million to build one. Director Orth said as to planning, these buildings here are in the floodplain and we shouldn't have them there. He thought we should look at converting the District complex for commercial operations and selling it to fund the construction of a new facility.

MAINTENANCE/FACILITIES: No changes.

PLANNING: Heritage tree ordinance. Coordinate with General Plan update. Complete the MSR already on General list.

4. Powers of District and Other Limitations. Mr. Chapman reviewed the current list of powers. Referring to street lighting, he briefed the Board on the ongoing voltage fluctuation problems at the Madrone Lift Station, which the regional PG&E supervisor had told him was due to the number of pot houses operating simultaneously. PG&E finds an incredible surge every night at dusk; this is affecting

our new pumps because of surges within brownouts. He has filed a letter with PG&E that we may have to come back for damages. PG&E is trying to find ways to correct this. Director Orth said because he has solar and an inverter he tracks these surges and PG&E is using that data. Don Morris said the pot houses violate zoning and while reporting them to Planning is useless, you could report this to a County supervisor.

5. City of Willits Sewer Project / potential draft letter to customers regarding expected sewer rate increases. President Skezas pointed out the plant footprint and bypass location on some maps obtained at the Joint Sewer Committee meeting. Mr. Chapman said the rates that are being discussed now do not include the Niessen property issue; this issue will come up in next year's budget. President Skezas added we should get their 100% numbers at the next meeting on April 13. Right now there is a steering committee as opposed to the previously-suggested JPA. Mr. Neary said that we get about half that value just by having the joint committee. Director Orth said Paul Cayler has reorganized the City into task forces for water, sewer, and administration. Mr. Neary said he thought it was a fair characterization to say that Mr. Cayler had taken command and was bringing the sewer plant well under control. Details of the project's history were discussed for benefit of the audience. A draft letter to customers was not discussed.

6. Discussion of performing WAA study this year / Lake Ada Rose project. Discussed during Goals & Objectives.

7. Discussion of ad hoc committee for Golf Course issues. Mr. Chapman said he knew of five persons who wanted to be on the committee; President Skezas described a non-resident arborist who would volunteer. Director Orth recommended first forming the committee of two Board members plus Ron Runberg, then having a meeting to choose committee members and create a work list. Wally Stahle said the decisions of the ad hoc committee should not be final but should come to the Board, and there should be another public walk-through, with a forester, not someone with a vested interest either way. He said a question for consideration should be whether or not the choice is to maintain the course in a certain condition regardless of cost. Director Williams said the committee members will fight it out amongst themselves as they represent both sides, or would we have a committee less vested in the outcome, but taking information from experts and community members. The one thing he did not want to have happen was to go through an endless series of public meetings with 200 people booing and clapping and making snide remarks. He would like the committee to conduct itself in such a way that it makes several recommendations and there not be a free-for-all. He felt it probably should be composed of some of the people who have made the most intelligent presentations already to the Board, and have that been working committee to come up with a plan acceptable to as many of them as possible, and then talk to us about it. He'd like Ron and Wally and several others who had strong but thoughtful opinions on it, and Tony as well.

Director Horrick said the committee should come up with some solution rather than an endless cycle of information gathering and giving it to the Board. Director Ziady said it should be narrow-focused and coming up with alternative ways to have greens and trees and come back within 60 days. Don Morris agreed with this approach, but felt 60 days was too short. Director Ziady said the people have to be willing to do hours of work. Mr. Morris said we should be able to actually try some alternatives and see how they work. Ron Runberg said he had no problem with Wally Stahle being on the committee; he wanted it to be small. He thought it was meant to get options: cut 100 trees, cut 0 trees, get artificial greens, timelines, but he didn't want to start right out saying we're not going to do something. Mr. Morris disagreed with Mr. Runberg's statement that the golf course was dedicated as a golf course, and said it was dedicated for any public recreation use. Director Williams said the two sides needed to work together to find middle ground. Otherwise, we end up with a fight over the committee report. Director Horrick said we need some experts, like an arborist, at least to consult with. Director Ziady said they might need a facilitator to accomplish this. You're not going to make everybody happy, only the majority in the middle happy. She heard people wanting to compromise.

Mr. Stahle quoted a specific audience comment demanding 60 days, but said this was too short a time for the issues and it shouldn't be quick, just because the public wants a timeline, when in fact the public really wants trees and good strong greens. Director Orth said the committee could come forth with something in 60 days and continue after that.

Director Williams moved that the initial ad hoc committee be two Board members and Ron Runberg, and that they come back, hopefully by the next meeting, with a task plan and a recommendation for committee members. Director Orth seconded. Director Orth and President Skezas volunteered and agreed to meet Monday. Bob Turner said somebody has to decide who will pay for improvements. Mr. Morris said he felt there should be a Golf Course Master Plan and said the last inventory, done in 1984, identified very few redwoods, with none larger than 42" diameter and only 30 larger than 38" diameter. He would like to see an accurate map done showing where everything on the course is, including the alleged 1,100 trees. The motion carried unanimously. Director Orth said after the initial meeting the committee will probably attempt to function at the same Brown Act level as regular Board meetings.

Director Williams said this is not a popularity contest or a show of hands; the Board needs information to make an intelligent decision, but it is the Board's decision to make.

8. Board picture taking session at dam for annual newsletter. After adjournment, Mr. Chapman and the Board went to the Lake Emily dam to take pictures.

**G. SPECIAL REPORTS**

None.

**H. PUBLIC COMMENTS**

None.

**I. ADJOURNMENT**

Director Horrick moved to adjourn; President Skezas declared the meeting of March 14, 2009 closed at 12:00 p.m.

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GEORGE SKEZAS, President

ATTEST:

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MICHAEL V. CHAPMAN