

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS**  
**Tuesday, April 27, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on April 27, 2010 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 was General Manager Chapman. District Counsel Neary was absent with notice from the public meeting but participated by telephone in the closed session.

**REPORT ON CLOSED SESSIONS**

1. Closed Session held after April 13, 2010 meeting. The General Manager reported that the Board met with its counsel on the issue of the agreement with the City of Willits for disposal of sewage from the District. The Board unanimously approved three actions: (1) File an action for Declaratory Relief in the Superior Court in and for the County of Mendocino to determine the extent of the District's obligations, if any, to contribute to the purchase of the Niesen property; (2) Issue a demand to the City of Willits pursuant to the agreement to cure and correct numerous breaches of the agreement resulting in overcharging of the District's financial obligations under the agreement, and (3) Inquire as to the nature of the capacity of the new plant and why the City did not apply for WDRs in an amount equal to design capacity, and if an answer should not be forthcoming from the City of Willits, to request the Regional Water Quality Control Board to withhold approval of the draft Waste Discharge Requirements now pending before the Regional Water Quality Control Board until explanation is forthcoming from the City as to why the City had not applied for Waste Discharge Requirements for the full design capacity of the plant as evidenced by the most recent SHN calculations of plant capacity.

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

None.

**D. MINUTES OF PREVIOUS MEETINGS**

2. April 13, 2010. Director Orth asked that on page 4030, second to last paragraph, it state that his house is over 500 feet from Mr. Dorn's lot.

Don Morris said he wanted to clarify one of the items in the minutes as he couldn't be at that meeting, about heritage trees. President Skezas suggested he make his comments during Public Comments. Director Horrick moved to approve the minutes as modified. Director Ziady seconded and the motion carried unanimously.

**E. SPECIAL PRESENTATION**

None.

**F. PUBLIC HEARING**

3. Sewer Standby Ordinance for FY 2010-11. Mr. Chapman said we introduced the draft ordinance at the last meeting and scheduled this hearing. President Skezas opened the public hearing at 7:06 p.m. There being no comments, he closed the public hearing at 7:07 p.m.

4. Water Availability Resolution for FY 2010-11. Mr. Chapman said we introduced the draft resolution at the last meeting and scheduled this hearing. President Skezas opened the public hearing at 7:07 p.m. There being no comments, he closed the public hearing at 7:07 p.m.

**G. PUBLIC COMMENTS**

Don Morris read from page 611 of the Specific Plan adopted in 1996, "vegetation and wildlife policy. Establish a Brooktrails policy that trees shall not be harvested for the primary purpose of obtaining revenue." Under Implementation it says, "Prior to the year 2000, create a Heritage Tree Ordinance that protects specified trees and tree groves. Generally such an ordinance includes objectives and the purpose of the heritage tree ordinance, the particular tree species of concern, the criteria to determine heritage status, under what conditions heritage trees may be removed, and tree placement ratio to compensate for heritage tree removal." The implementing agency is the Township Board through the environmental advisory committee.

**H. CONSENT CALENDAR**

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

**I. ACTION AGENDA**

6. Adoption of Sewer Standby Ordinance for FY 2010-11; set public hearing for protests for application of the charge to any individual parcel for June 22, 2010. Director Horrick moved to adopt Ordinance 140 establishing a sewer standby charge of \$50.00 per parcel for FY 2010-11, and to set a public hearing for protests of application of the charge to specific parcels for June 22, 2010. Director Orth seconded. Roll call vote was as follows:

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

7. Adoption of Water Availability Resolution for FY 2010-11; set public hearing for protests for application of the charge to any individual parcel for June 22, 2010. Director Horrick moved to adopt Resolution 2010-6 establishing a water availability charge of \$30.00 per undeveloped parcel and \$5.00 per developed parcel for FY 2010-11, and to set a public hearing for protests of application of the charge to specific parcels for June 22, 2010. Director Orth seconded. Roll call vote was as follows:

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

8. Urgency ordinance for 24 connections allocation. As a preface Mr. Chapman told the audience we received the official paperwork from Bruce Burton, DHS District Engineer, regarding the 24 additional water connections. Continuing he mentioned several potential appeals for hardship at the next meeting. He had used the 2006 urgency ordinance as the template for the urgency ordinance being introduced tonight. He said the urgency ordinance would have to be replaced with a permanent ordinance later. In 2006 when we first passed an urgency ordinance, we had requested 10 connections which were denied by DHS, so we let that urgency ordinance expire. The ordinance should be introduced and adopted tonight. We will begin case-by-case appeals on May 11, 2010.

The urgency ordinance reflected the direction received from the Board: 30 days to submit Notice of Intent to Proceed and pay connection fees in full (Mr. Chapman commented he had received zero dollars); in the next 90 days get the plans reviewed and approved by the District Architect and get a County building permit; and build under County guidelines which is about 365 days. The ordinance discussed forfeiture and a forfeiture appeal process. Mr. Chapman reported the status of the five individuals appealing at press time; he received two more hardship letters yesterday.

The primary changes made in the Urgency Ordinance were: specifying these calendar deadlines under Sec. 4.303(c), (d) and (e) – Allocation of Connections. The letter went out March 25; 120 days would be July 25, 2010. Looking at the minutes from the last Board meeting, we did not say that the final deadline would definitely be 120 days, as the Board will be looking at the individual cases. He had notified the appellants to come to the next meeting.

Regarding the subject of terminating allocations he referenced 4-304(c) where it said “Applicant shall have the right to appeal such forfeiture to the General Manager upon showing of good cause within ten (10) days of such notice.” Director Orth said on the letter of termination, he guessed certified mail would be the record of that notice. Director Williams asked the directors if they wanted to have the process be that the General Manager was the first to rule on a forfeiture appeal, and then the Board, or do we want it direct to the Board. Mr. Chapman said he thought we should follow the procedure set up in 2006. Director Orth said that’s the way we’ve always done it, that chain of judicial review.

President Skezas asked if anyone had a problem with the fact that only one person submitted the Notice of Intention To Proceed, which was one item they were required to do in 30 days. He felt if they hadn’t done this, they hadn’t complied with the Notice of Allocation. Director Williams said he felt they felt if they were appealing they should not submit the Notice of Intention as that could cost them money. He suspected that they thought they had to write a check if they submitted the Notice. Director Orth said he read it that way too, that they’d have to put money down. Director Horrick said it would be up to the Board to waive the fact that they didn’t sign the Notice, after listening to the hardship appeals. President Skezas said that’s the way it should have been. The first paragraph of the letter says, do you intend to proceed or not. President Skezas said he was concerned that this will drag out over the summer, with the building season getting shorter.

Director Orth moved to introduce Urgency Ordinance No. 141, waive further reading and adopt; Director Horrick seconded. Roll call vote was as follows:

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

9. Golf Course Discussion on Layout Concept (9 holes to 6 holes). Mr. Chapman said at the previous meeting of the Specific Plan Committee, Ron Runberg, PGA, introduced a concept of changing the golf course design from 9 holes to 6. His concept included the process of combining Holes 1 and 2 into one; and Holes 3, 4, and 5 would remain the same; combining holes 6 and 7 (which would require the removal of 8 trees); skip hole number 8 and finish off with hole number 9. In totality — 9 holes to 6 holes. And in the process there would be some greens moved forward to different locations. We'd have more tournament options; our par would go to 63; it would open us to more players.

Ron Runberg said they would not be taking away the 9-hole course, but adding the option of having a 6-hole course. He projected a current layout diagram. He basically repeated what the manager had just laid out. The subject turned to holes number 6 and 7 regarding the removal of 8 trees. Director Williams asked if some trees could be left in as a hazard. After several minutes of discussion it was concluded that the trees (direct line of sight) would need to be removed if the golfers were to have any chance on the hole. The discussion turned to Mr. Runberg's thoughts regarding the need to limb up at other holes.

The discussion turned to non-golfers and walkways on an around the golf course. Mr. Runberg mentioned they have people walking on the course almost every day and don't tell them no; the \$1.00 charge they used to do was an insurance thing. This proposal leaves the possibility for multi-use, for a trail wide open. Regarding trails Director Orth said this would be a long-range management plan. We had talked earlier about moving greens to provide sunlight, and he was glad Mr. Runberg was exploring this. It was still a very informal concept proposal at this point, but he thought having a trail on the east side as well as a loop trail would be very important as a way to connect from the neighborhood to the trail system. Potential trail connections were discussed. Director Horrick liked the idea of making a loop around the course.

Director Orth read from the minutes of the Planning Meeting about heritage trees versus heritage grove. President Skezas was concerned at that meeting because the golf course had a grove and he had said he would be firmly against the whole course being classified as a grove; there were still some damaged trees that should come out. Director Orth had said part of the process would be a public hearing process to take care of any trees that needed to be limbed or come out. He thought there should be a public hearing on this process and define heritage grove versus heritage tree and actually map them out, but we needed to consider the golf course along with this and accommodate both. The Specific Plan committee has not made a recommendation. Director Ziady said she would like to hear public comment.

The Willits High School golf coach spoke in support of the 6-hole idea. He said it would be nice to be able to have a match in our community and possibly bring in more impressive golfers and provide more business for Ron.

Wally Stahle said Brooktrails would probably still be a community in 100 years, and these 100-foot redwood trees are going to become 200-foot. He understood the rest of the trees would continue to grow, so this is just the next step of diminishing the integrity of this grove; whether it's a heritage grove, or whether all the trees are part of a heritage grove, was yet to be discussed. He thought Ron's proposal solved problems for the golfers, but he didn't think it solved problems for the humans in the environment. Before we go down this path it'd be nice to have the discussion, arguments and heartfelt comments before we just say, go for it because it makes sense for the golf course.

A golfer named Dan said the idea of six holes was really good because it elongated the course. He thought Ron's idea would make everybody happy; cutting 8, 9 or 10 trees was a pittance compared to what was being previously expressed.

Robert Melliush spoke in favor of the idea. Brooktrails is good at doing things no one else does and doing it well so we shouldn't dismiss it instantly, he deserves a good shot. If you removed the 8 trees, he'd like to put a redwood grove in below the dam.

Chuck Woodberry, a golfer, supported the idea 100%. Some of the golfers need the long shots ability. His son won't come to play here because he likes to hit the ball long.

The athletic director at Willits High School, Kerry said she was an avid golfer and would love the challenge of a longer course here. She said there were groves in Mendocino County besides the golf course. She supported the proposal to remove the necessary trees, and that it would make a difference in so many people's lives as a golf course or a walker. It would be a tremendous attribute for high school athletics to have people from other communities come here.

William Boosinger appreciated the decrease in the number of trees being discussed for cutting, but to him it was a matter of very personal values, and he was for saving every tree we could possibly save anywhere. He said in the long view, in 200 or 300 years, he didn't think there would be a golf course here. He said he loves sports but when it came to choosing between over a 100 year-old redwood in glorious health over a putting green, he would take the redwood every time.

Mark Harrison, a resident of Brooktrails, agreed with Mr. Boosinger's comments that we all have our personal philosophies; he thought we would always have people with different ideas about what to do. He wanted to also point out that Ron Runberg was trying to accommodate and compromise with folks that feel very strongly about the trees.

Don Morris said this whole discussion was premature. It was his understanding that the Golf Course issue was going to be part of the planning process and he felt the planning process was being subverted. This should be brought up during that process. These things should be discussed in planning. Director Williams said they will be and he agreed.

Larry Minson said he would have to agree with Don Morris. He knew it was just preliminary discussion but there is a proper order to things and he felt that the heritage grove discussion should precede any irrevocable actions. He had been a golf course member for 20 years and sure, there are some things that could change and, by some standards, vastly improve the golf course. But what we forget is that we also love the course as it is. Apropos of the heritage tree issue, with this golf course it's a linked course, like they had on the old Scottish courses. He felt we needed to deal more seriously with alternative grasses and the heritage grove before taking any irrevocable action, which cutting down trees would be. In terms of inland redwood groves in the County, this is it, and he wanted to emphasize this.

Ron Runberg said this was in no way a link course. He has had several course superintendents come here about grasses and his pesticide/fungicide guy is the best and he has researched to bring the best, most shade-tolerant grasses here, so he didn't think there were better grasses out there. This issue had been going on 15 months and he was all for due process and doing things the right way, but it seems a ploy to drag on and he'd had no response for 15 months. He said it gets hard when people bring up information that's way off and then others have to say something.

Director Horrick said he appreciated the civil discourse this evening. Director Orth said this was the beginning of the planning process; the Specific Plan committee would look for stakeholders in the community. Don Morris was the only one committed now, so he thought we should look for key members of the Property Owners Association. Ron had not finalized anything yet; he wanted to make sure it was part of the community discussion right away. He felt we had begun a process that would drive us to define heritage trees and heritage grove. He felt this was the beginning of a long-range management process. He thanked Mr. Melliush for his comment about mitigations and agreed we should replant for any trees removed and we should put that in the heritage tree process. Director Williams said this meeting needed to end at some point.

#### **J. ADDITIONS TO FUTURE AGENDAS**

Mr. Chapman asked for direction on getting the Specific Plan process going. Director Orth said we should have another committee meeting, identify stakeholders, and have a scheduled meeting. He and Director Williams settled on 3:30 Friday, May 7, 2010.

#### **K. SPECIAL REPORTS**

**From Directors:** Director Orth said he had just been to a biomass meeting at City Hall and Brooktrails came up as to 20-year understory removal and there is a lot of CalFire data as to the tonnage that comes off the acreage where understory removal has occurred. Director Ziady said there would be a Recreation Committee meeting the fourth Thursday of May.

**From District Counsel:** None.

**From General Manager:** Mr. Chapman reported the Par Course lot was bought. He mentioned that Mr. Paland was denied by the Supreme Court regarding his appeal.

#### **L. PUBLIC COMMENTS**

Bill Boosinger spoke about fire danger and said there were dead trees piled up in his area. Mr. Chapman said he asked the Fire Department to check this out when he spoke about it last time.

Larry Minson said there's been a lot of burning around the redwood grove; he wondered if the District would consider chipping or mulching that wood; there are big piles that smoke during the day. Mr. Chapman said this wasn't in his budget

#### **M. ADJOURNMENT**

Director Horrick moved to adjourn; President Skezas adjourned the public meeting at 8:30 p.m. The Board then reconvened in the District Office executive session.

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George Skezas, President

ATTEST:

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MICHAEL V. CHAPMAN