

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, March 23, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on March 23, 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 were General Manager Chapman and District Counsel Neary.

REPORT ON CLOSED SESSIONS

1. District Counsel Neary reported regarding the closed session held at the special meeting of March 11, 2010 that the Board met with District Counsel regarding initiation of anticipated litigation, received information and gave direction. The Board specifically authorized a settlement proposal to be extended, the details to be released after the recipient acts on the offer. The Board also met with its labor negotiator Mike Chapman, received information and gave direction.

2. District Counsel Neary reported regarding the closed session held at the special meeting of March 17, 2010 that the Board met with District Counsel regarding potential initiation of litigation, received information and gave direction.

3. District Counsel Neary reported regarding the closed session held this evening that the Board met with its labor negotiator, received information and gave direction. Then the Board considered and approved purchase of a lot by the District at 2735 Primrose Drive for \$17,500.00.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

None.

D. MINUTES OF PREVIOUS MEETINGS

March 6, 2010 – not yet available.

4. March 9, 2010. Director Horrick moved to approve the minutes; Director Williams seconded. Director Orth noted that he was absent at that meeting and did not vote on the added agenda item, this should be corrected. He abstained from the vote for approval of the minutes. The minutes were approved.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARING

None.

G. PUBLIC COMMENTS

None.

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 Williams seconded; the motion was unanimously approved.

I. ACTION AGENDA

6. Bruce Burton, California Department of Public Health – Addition of 24 connections to District water permit (waiting list). Mr. Chapman introduced Bruce Burton, the District Engineer for the California Department of Public Health, Drinking Water Division (Santa Rosa, CA). Mr. Chapman received notification from that department last week that the District would receive 24 water connections. Mr. Burton reported a lot has happened in the last seven years; the District has made a lot of improvements in ways to conserve and source of supply. As a result of that the District had another engineering assessment done which his department reviewed thoroughly. The District requested an additional 24 connections through a permit amendment, and based on his department's review of the engineering assessment they felt they could issue a permit amendment granting that request. He wanted to emphasize that this action was based on their review of the District's assessment and these are

connections they will grant the District and the District is the entity that will decide what to do with these connections. His department will have no role or responsibility in that decision.

Director Horrick said this doesn't mean you're releasing the floodgates, we're just talking about those 24 lots? Mr. Burton said yes. They felt it was a good approach to grant those and see what happens.

Director Williams said you're not talking about specific lots, which was the hardship connections. Mr. Burton confirmed this and repeated his department has no role or responsibility in how the District allocates that. District Counsel Neary said the allocation would be governed by the District's ordinance and doesn't have anything to do with the Department of Health.

An audience member asked for clarification. President Skezas said it doesn't necessarily mean 24 specific lots. Director Williams said it doesn't mean it's restricted only to the 24 on the waiting list; if those people chose not to do it, others could. Mr. Burton confirmed this. Director Orth said the request is made based upon 24 people signed up on the waiting list who have first call.

Richard Estabrook asked if when Mr. Burton had talked to Wagner & Bonsignore, they had mentioned any controversy about their report. Mr. Burton said no; they had talked with them when they were initially hired but he didn't think they had talked to them since then.

The Board thanked Mr. Burton for coming.

7. Discussion of connection allocation policy and deadlines; approval of letter regarding available connections to waiting list. Mr. Chapman said he would send out a letter with a Notice of Allocation and Notice of Intention To Proceed. He provided a letter to the Board from Randy Dorn, who was #1 on the waiting list. He wanted the Board to be aware of the flipside as to deadlines. He said we had two letters come back undeliverable. He asked if any waiting list members were in the audience; Randy Dorn and another gentleman was (Bob Petersenn). Director Orth wanted to make sure we were going to develop a follow-up program and we could respond to these letters; he felt we would need a new process for that and that it would be different from this and we could respond to the Axt and Dorn letters as part of that.

Director Williams said that 30 days to raise this kind of money seemed to him a really short time. Back in 2003 we didn't know how long this would take, and he guessed that people who might have had the money set aside then had done something else with it, plus we have raised the connection fees. He thought most people will have to look at borrowing funds.

Director Orth said this is the "flush out" period and then we can go into more reasonable terms, like the 10% that Bob Axt was recommending, because some of those 24 are no longer in the marketplace. Director Orth felt the likelihood that a significant number of the 24 are ready to move forward was not there, so in 30 days we will develop our add-on program for first-come, first-served [*sic: first-approved / first-serve basis*]. Counsel Neary said 30 days is embedded in the District ordinance but that same ordinance had an appeal procedure; we could say if this causes a hardship for you please contact the District office and pass on a reasonable request. People might then appeal to the Board to make a decision. He felt that the variance process was embedded in the ordinance and we could signal to people that if it is a hardship, there was recourse.

Director Ziady said she did not want to arbitrate every single thing that came up. Director Williams said he thought we could set some procedures that wouldn't be a modification of the ordinance but at least give people an understanding of our expectations, what we would be looking at in terms of an appeal. District Counsel said the General Manager could say if this is a hardship the Board has indicated that it would look favorably on 10% down, 60 days, or 90 days; you could have people who are covetous of those connections complaining that we're not following the ordinance and they were affected. Director Orth said he imagined the ordinance had a timeline, 120 days? Mr. Chapman said he would probably bring these appeals to the Board. Robert Melliush asked if anyone on the list was selling their connection, because obviously someone had already put theirs up for sale, he guessed the connection went with the lot? He asked, if a guy has two lots he could put it on either lot right now, or is it still the lot that's on the list? Mr. Chapman said now the individual has house plans on a declared APN site, but you're raising a good question. Let's say they come in with the money within 30 days and then they want to sell it, he didn't know how that would flesh out.

Don Morris said he thought you had to make progress on your building once you had the water hookup. Director Orth said you have to have an approved plan. Mr. Morris said they could be granted an extension but eventually if they don't make progress on their building . . . Mr. Neary said he didn't think this process lent itself to speculation; eventually somebody could speculate by putting the property for sale. Mr. Melliush said for these 24, they've got to start building within a certain period of time; there's lots that have had meters for 15-20 years and haven't had to build; are they grandfathered? Directors said yes. Director Orth said you can't buy a meter for a lot and move it somewhere else.

Wally Stahle said given we presumed there'd be 24 people ready to build and use up the meters, are there any other plans afoot besides raising the Lake Ada Rose dam in the next two or three years where the District would apply for, say, 20 more? Mr. Chapman responded that we were going to be looking seriously at our distribution problems; we have some serious bottlenecks. President Skezas added there are no plans to expand beyond these, and it may take a couple of years to get through the 24, if not longer. Director Ziady said we cannot move forward until we fix distribution.

8. Approval of Goals & Objectives for FY 2010-11. Mr. Chapman said staff included the Board's previous comments, and he would try to have the minutes for the Goals & Objectives at the next regular meeting. Director Orth said regarding our tape equipment there is new equipment with hard drives where we will not experience tape failures and he would advise looking at these. President Skezas asked if Mr. Chapman was proposing extending adoption until the next meeting. Director Williams asked where we were regarding the Specific Plan ad hoc committee. He asked about applications; Mr. Chapman said that Don Morris had applied. Director Orth asked about moving "define Heritage Grove" over to Specific Plan; Director Ziady asked if it was grove or tree; Director Ziady asked Don Morris and he thought it was under Specific Plan; Director Ziady said it was but they also offered it to us. It was agreed to put it under Specific Plan.

Director Ziady said she had some comments. She suggested adding "Prop. 84" information to the trail to Willits entry. She said under Greenbelt Stewardship Plan we needed to put in support of CalFire vegetation grants, which was doing the maintenance that goes with those grants, because that came out of Recreation's money.

It was agreed to add these changes and bring the matter back for adoption.

9. Conflict between June 8th election and Board meeting. Mr. Chapman noted we had a strict deadline this June in terms of meetings. Directors agreed to change the meeting date to Wednesday, June 9, 2010. Director Ziady might need to arrive late. Director Orth moved to change the June 8th meeting to Wednesday, June 9; Director Horrick seconded; the motion carried unanimously. Mr. Chapman reminded the Board they would need to finalize rates & fees no later than Tuesday, April 13 so we can make our publication deadlines; these would be discussed at the April 10 budget meeting.

J. ADDITIONS TO FUTURE AGENDAS

None.

K. SPECIAL REPORTS

From Directors: Director Orth said the County had declared its Negative Declaration on the housing element of the General Plan update; they are under a lawsuit in part because they made Brooktrails part of their housing reserve even though we are under a moratorium. He thought we were now ready to move forward with the Specific Plan update once we get the Municipal Service Review. He also attended the meeting where the County discussed budget cuts affecting employees. Director Ziady said the next meeting of the Recreation Committee was April 22 at 7:00 p.m. Director Orth again recommended investigating a hard-drive camcorder.

From District Counsel: Mr. Neary reported that he and Mike Chapman were meeting with City of Willits tomorrow

From General Manager: Mr. Chapman the individual who had a court date for water theft had escalated his behavior. Chris Brown from Air Quality would be adding charges for illegal night burns at that residence. He had notified them, the Sheriff, and the Department of Environmental Health.

L. PUBLIC COMMENTS

Mr. Estabrook said he had real problems with the Wagner & Bonsignore report and thought it flawed; he didn't think we had excess water. He didn't have a problem with the waiting list; he suggested clearing the waiting list first and sees how that goes. Comments were made that's what we intend to do. President Skezas again said he anticipated two, three years for these 24. Bob Terry asked if the Board did intend to use up the 24 connections and was told yes. An audience member said regardless of the water supply she didn't see how after the wildfires two years ago we can think of adding more homes without a second access road. Director Orth said the Board has linked the Ada Rose Project to the second access road in recognition of that. William Boosinger said the slash and dead trees he had pointed out on Meadowlark Trail were still there and he believed it a fire danger.

M. ADJOURNMENT

Director Horrick moved to adjourn; President Skezas adjourned the public meeting at 7:54 p.m.

George Skezas, President

ATTEST:

MICHAEL V. CHAPMAN