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**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS**  
**Tuesday, March 9, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on March 9, 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, Horrick and Skezas. Director Orth had attended the Closed Session prior to the roll call but left due to illness. Also present were General Manager Chapman and District Counsel Neary.

**REPORT ON CLOSED SESSION**

1. District Counsel Neary reported regarding the closed session held before the meeting of February 23, 2010 that the Board met with District Counsel regarding one case of anticipated litigation, received information and gave direction. 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 this evening that the Board continued the item regarding anticipated litigation to a special meeting at 7:00 p.m. on Thursday, March 11, 2010, and met with District Counsel regarding a matter of pending litigation (Paland v. Brooktrails), received information and gave direction. The Board also met with its labor negotiator Mike Chapman, received information and gave direction.

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

President Skezas announced a proposed addition of an Item 8 to the agenda, regarding closing the water connection waiting list. Director Horrick moved to add it to the agenda; Director Ziady seconded. The motion carried unanimously.

**D. MINUTES OF PREVIOUS MEETINGS**

3. February 23, 2010. Director Horrick moved to approve the minutes; Director Ziady seconded. Director Williams asked that on page 4017, third paragraph, the last sentence beginning "He concluded . . ." be attributed to General Manager Chapman. Mr. Chapman said he did not recall but he certainly would support the statement that was made. Director Horrick amended his motion to include this change. Director Ziady seconded. The minutes were approved unanimously.

**E. SPECIAL PRESENTATION**

None.

**F. PUBLIC HEARING**

None.

**G. PUBLIC COMMENTS**

None.

**H. CONSENT CALENDAR**

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

**I. ACTION AGENDA**

5. Annual Fire Department Report. Chief Daryl Schoeppner thanked the firefighters for their service and sacrifice of personal time, and the Board for its support of the Fire Department and Mr. Chapman for his hard work. He and Battalion Chief Jon Noyer reviewed the data from the report, including incident count and breakdown, the 2009 Abatement program and its history, the conclusion of the Fuels Modification Program, etc. Numerous photos from training events and incidents were included in the report and specific incidents were described for the audience.

Firefighters were then presented with badges and promotions were announced and photos taken. Tyler Porritt was promoted from Driver/Operator - Engineer to Captain. Probationary firefighters promoted to Firefighters were: Thomas Gallups, Antonio Radillo, David Radford, Niko Steffan, Robert McKenzie and Joshua Campbell.

Ashes the Arson Dog, who completed her out-of-state training this year, provided a demonstration of her skills in obedience and in detecting and locating tiny drops of fuel that had been placed on various objects and locations in the auditorium.

The Board thanked Fire Chief Schoeppner and Battalion Chief Noyer for the presentation.

6. Review and approval, final chapters of SSMP; set public hearing. Mr. Chapman noted we began this process about a year and a half ago. The final chapters are due by May 1 and we need to schedule a public hearing. He touched on the contents of the three brief chapters. Directors had no comments. Director Williams moved to approve the final chapters and to schedule a public hearing for April 13, 2010; Director Ziady seconded and the motion carried unanimously.

7. Consideration of resolution adopting Drug Testing Policy per CHPS Motor Carrier Safety Unit Mandate. Mr. Chapman said that he had been visited unexpectedly by CHP Officer Dan Snider from the Motor Carrier Division who basically “shut him down” regarding vehicles such as the vac truck with 3-axles. This visit cleared up a lot of confusion about our potential drug policy. Officer Snider returned the next business day to explain to the our employees about the Class B drivers license drug testing policy requirements. He said this was required under federal regulations, and that every driver required to maintain a commercial driver’s license to operate a commercial motor vehicle was covered. Fire departments were exempt under the State Fire Marshall Code, but our Fire Department, who carry Class B licenses, volunteered to comply. We also had to get certain licenses numbers and place those numbers on the sides of the vac truck. We hired a drug-testing consortium last week and the employees were drug-tested. Officer Snider handed him a policy template and said this was doable with California Highway Patrol. Mr. Chapman asked the Board to approve the attached drug policy and the extensive recordkeeping policy; records would be kept in locked files accessible by only him and Lori Mayo. The policy would affect all employees carrying a Class B California driver’s license.

Director Horrick asked why Officer Snider dropped in—did he know about the [vacuum] truck? Mr. Chapman said he had no idea and didn’t know who sent him. He said he would be returning soon for an inspection and reported there is a biennial inspection requirement. The cost for the first year of the drug-testing consortium will be about \$2,000.00; each employee has to have basically a pre-employment physical again. Random testing will be done by the consortium.

Director Horrick moved to adopt Resolution 2010-4 adopting the Brooktrails Township CSD Drug/Alcohol Policy; Director Williams seconded. He then pointed out various typographical errors in the typed policy. Director Horrick said he would revise his motion to include those corrections.

Roll call vote was as follows:

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

*ADDED AGENDA ITEM 8.* Consideration of closing water connection waiting list. Mr. Chapman reviewed that the waiting list process was discussed at the Saturday Planning Meeting. Concerns were expressed about closing the list pending reply from DHS to our request for 24 additional connections and about providing all lot owners with the same and equal notice. Mr. Chapman said there will be local knowledge of new connections available, and from that some people might want to start the process to get on the list, or a new waiting list, prior to our sending notice to all lot owners. He had provided the Board with an amended request letter to DHS reflecting that the process now was proposed to be to notify the existing 24 individuals together and work through that list entirely (APN site-specific) for 30 days before looking at any new applicants. If for some reason any of the original 24 applicants could not proceed, then eventually a new list of applicants would fill the remainder, based on a “first-approved” basis, not a “first-come” basis. This was because a lot of homeowners submitting plans are kicked back on average three times before they can satisfy the District requirements, whereas others such as professional contractors, their plans typically passed through the first time.

Assuming 24 connections would be granted, which we did not know yet, we would send a Notice of Allocation to the applicant and they would have 30 days to respond with their notice of intention to proceed and also to pay their connection fees. During the next 90 days those applicants would have to update their plans on record for code changes and pay their County building permit fees. Beyond 120 days they kick into the County timelines for building their home; typically after 12 months from getting your building permit they will call for inspection; and six months afterwards if they got an extension. It would probably be June or July before we have a handle on who can proceed. We would then put the notification out to all the lot owners. Director Williams asked if this policy is consistent with something the District has already adopted; Mr. Chapman said yes. Mr. Chapman said the bulk of waiting list applications were in 2003 and 2004, with one or two in 2006 and only one in 2007. Most had put in hardship exemption requests and were denied by DHS. He would like some feedback on how to handle the new reserve list.

Director Horrick moved to close the waiting list that was established in 2003. Director Ziady seconded. Roll call vote was as follows:

AYES: Directors: Williams, Ziady, Horrick, Skezas

NOES: Directors: None

ABSENT: Directors: Orth

President Skezas pointed out that because we have to do a mailing we should set a date certain as to when we will start accepting new applications. Mr. Chapman said on March 24, 2010 he would mail 24 letters and they would have until April 24, 2010 to respond yes or no. Then it seemed we will have to set a time after April 24<sup>th</sup> saying we're going to open a new list, but he will have to have an allocation "mailer" go out. We'll be so close to making our "annual mailer," which is a different letter, except we have to get that letter to the printers a week before the end of April because we have some timelines on our annual assessments such as standby charges, etc. President Skezas said the allocation mailer did not have to go in the annual mailing.

Director Williams asked if it was reasonable to give 30 days to come up with \$23,700.00 in connection fees; it seemed to him pretty short and most would have to borrow. Director Ziady said most have planned for construction loans. After more discussion it was decided to have a courtesy mailer go out, say Friday, March 12, 2010 to give the 24 folks a better heads-up. Mr. Chapman said he would draft a letter for President Skezas to review.

Director Horrick said for the new list we could indicate that it wouldn't be open until July or August 1. President Skezas said we would have to advise everybody that we're establishing a new list. Mr. Neary said everybody should get notice at the same time and that should be on a date certain and no earlier. That might be June, August or October; it won't be opened until the Board takes formal action.

Some discussion from Bob Terry and Director Williams came about a lottery process. Mr. Neary said a lottery would be a change from existing policy of "first approved, first served." Some brief discussion revolved around the change of concept from supply capacity matters to distribution matters.

**J. ADDITIONS TO FUTURE AGENDAS**

None.

**K. SPECIAL REPORTS**

**From Directors:** None.

**From District Counsel:** Mr. Neary referred to the special meeting closed session. He talked with Paul Cayler and explained the reason for having to cancel the meeting with City officials scheduled for March 10 and he seemed to understand. The City Council was going to approve sending out the bid package; apparently they are ready to proceed. He did not know if they had received their 404 permit.

**From General Manager:** Mr. Chapman said the Obermeyer engineer visit had been fine; the gates are working fine.

**L. PUBLIC COMMENTS**

None.

**M. ADJOURNMENT**

Director Horrick moved to adjourn; President Skezas adjourned the public meeting at 8:45 p.m.

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George Skezas, President

ATTEST:

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MICHAEL V. CHAPMAN