

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, May 25, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on May 25, 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. Report on closed session held before and after May 11, 2010 meeting. District Counsel Neary reported that the Board met regarding anticipated litigation (one case), received information and gave direction. The Board also met with counsel concerning existing litigation, Brooktrails v. City of Willits, received information and gave direction. The Board took action authorizing retention of David Lounsbury, P.E., of Sacramento and Dean Chapman, appraiser, as expert witnesses for the Brooktrails v. Roseman lawsuit, scheduled for trial on June 28.

2. Closed session prior to tonight's meeting. Mr. Neary reported that the Board met on one item of existing litigation, Brooktrails v. City of Willits; the Board took action to retain Brelje & Race, Engineers, to perform consulting engineering services for that litigation at a cost not to exceed \$17,000.00. Added to the closed session agenda was the Brooktrails v. Roseman lawsuit; the board received information and gave direction to counsel.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

President Skezas said he would like to remove Item 9 and send that to the Specific Plan Committee for recommendations to the Board. Directors agreed.

D. MINUTES OF PREVIOUS MEETINGS

3. May 11, 2010. Director Orth moved to approve the minutes. Director Horrick seconded and the motion carried unanimously.

E. SPECIAL PRESENTATION

4. Sheriff's report on marijuana incident in Brooktrails May 14, 2010 and update on County marijuana nuisance process. Sheriff Tom Allman was welcomed. He mentioned the new local deputy is Lt. Kirk Mason, who recently replaced Ron Welch who retired. He informed the Board of a May 14, 2010 local home invasion connected with marijuana. He went into detail regarding a new telephone technology called "reverse 911" that allows them to draw a map around an area and put an electronic voice alert out. Director Orth thanked Sheriff Allman and his department for their response to the incident.

Don Morris asked what the community can do about the grow houses. Sheriff Allman said County Code 9.31 gives a nuisance value to marijuana. There are seven enforcement objectives; because of the proliferation of marijuana, his deputies must connect one of these objectives to every marijuana case. First is commercial marijuana; you cannot sell marijuana for a profit in California. A cooperative allows reimbursement for time but this is different. Trespass groves is #2; growers tear down gates, ruin roads and devastate wildlife. #3 is any marijuana grown on public land; this is not legal in any circumstance. #4 is any kind of environmental degradation; this is easy to spot from the air. #5 is illegal water diversion or theft. There is an anonymous form on their website to report these. The lower priorities are public nuisance complaints, like odor from a neighbor's grow. Marijuana laws are so confusing that while some people are legitimate medical marijuana patients, caregivers can get confused; they can call the Sheriff's office to check their situation and tell them if they are legal. Proposition 215 is respected if the grower respects the law. He is working with the Fire Chiefs Association on the cooperative element of 9.31; the 99 plants is only for a cooperative, and it has to have more than 5 acres.

President Skezas asked his feelings on the proposition on the November ballot. Sheriff Allman said if California is the only state that allows free use of recreational marijuana, an awful lot of people are going to take a one-way trip to California. But our social services system is broken and we can't afford it. He did not believe it would take the money out of marijuana. Don Morris said it doesn't legalize marijuana, you can only possess up to an ounce.

President Skezas thanked Sheriff Allman.

F. PUBLIC HEARING

None.

G. PUBLIC COMMENTS

Bob Whitney said he went to the Golf Course today and reported a problem as the main road through the course is a potential source of sedimentation to the creek. Also there was heavy equipment out there that created deep tread marks in the road which adds to this next to #3 and #7. Somebody consistently every year denudes the riparian vegetation on the east side of the creek along the main road under where some houses are; he thought it was to improve their view; and there had been a burn pile right by the creek. Mr. Chapman reported we replaced 400 feet of sewer pipe two years ago along that stretch.

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 Horrnick seconded; the motion was unanimously approved.

I. ACTION AGENDA

6. Consideration of resolution accepting McIntosh/Jacobs lot donations (31). Mr. Chapman reported we've been working on this about a year and a half and he gave credit to Lily Phoenix, Administrative Assistant, for her work. The lots were scattered over Ridge Road and the Blue Lake area. He agreed with the owner that most are unbuildable but there were three he thought were buildable; one is adjacent to the Blue Lake fire station which will benefit us. Director Orth moved to adopt Resolution 2010-7 to accept the lot donations; Director Ziady seconded. Director Orth suggested merging the lot next to the fire station. Mr. Chapman said we don't plan to sell it. Roll call vote was as follows:

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

7. Consideration of resolution adopting tax appropriations limit for FY 2010-11. Mr. Chapman said we do this annually as a formality. Due to a negative cost of living change from last year the limit will actually be lowered. Our actual appropriation is far less than the limit. Director Orth moved to adopt Resolution 2010-8 to adopt the specific appropriations limit; Director Horrnick seconded. Roll call vote was as follows:

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

8. Consideration of resolution extending term of Urgency Ord. 141 (24 waiting list connections process). Mr. Chapman reported that we adopted the urgency ordinance a month ago which will expire May 27 unless extended; we are asking to extend it for 90 days but will have to adopt a permanent ordinance no later than the July 27 meeting. Director Orth moved to adopt Resolution 2010-9 to extend the term of Ordinance 141; Director Horrnick seconded. Roll call vote was as follows:

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

9. Board direction to Park Supt. regarding proposal for redwood tree trimming & management of golf course prior to adoption of Specific Plan Update. *Tabled and sent to Specific Plan Task Force for recommendations.*

10. Consideration of Preliminary Golf Management Facility/Tree Plan. Mr. Chapman reported in Paragraph B of his report he tried to prioritize the various issues that he thought needed to be addressed in terms of scope. Projected expenses were designated as capital expenditures or operational expense and whether it would be District or Operator responsibility. Drainage was second on the list. Specific Plan update/Golf Course Management Plan was third, followed by mapping; limbing; the 9-hole to 6-hole concept; pedestrian paths, and other issues the Board felt important. Director Orth agreed on the drainage issue as he had been told the greens were not put in professionally. He felt limbing was going to be a District responsibility, based on Director Williams' comments at the last meeting. President Skezas and Director Horrnick agreed.

Director Ziady said she wanted a citizens' pathway but suggested doing drainage on two greens first; she further noted the required bridge replacement near the fire station and golf course. Mr. Chapman said the bridge will cost about \$45,000.00. Mr. Chapman said Holes 6 and 7 were the worst for drainage,

followed by Holes 8 and 1. It costs basically \$2,000/green. If a test were successful on two we could come back.

Director Orth mentioned mapping is critical for the Specific Plan Update and this is our major recreational asset; to get grant funding we would need that kind of map anyway. Don Morris said it's baseline information you have to have and it also should include location and size of all trees greater than 6" in diameter. Director Williams said he had heard the figure 110 trees on the playing surface, and that Ron Runberg had counted them. Director Williams asked how quickly an estimate could be gotten and a map done. Mr. Chapman thought within 30 days.

Larry Minson mentioned we should first look at the credentials of the people we're relying on. People who design and maintain golf courses are certified by the PGA as golf course landscapers and groundskeepers; he asked if Ron was so certified. Furthermore, Mr. Chapman was also not qualified for the task. He didn't like the concept of limbing going up above 60 feet. He also disagreed with limbing and removal of trees based upon the six-hole plan. He questioned the benefit of the six-hole course, saying the only group that clearly benefited and wanted this was the golf team. He mentioned that Mr. Runberg had a conflict of interest in that his sons will be on the golf team; he felt this was a conflict of interest that needed to be disclosed.

Mr. Minson said today the overwhelming trend is to integrate the course into nature. He discussed synthetic greens mostly because of maintenance costs for grass and water shortages. Water used on the greens is water Brooktrails residents aren't getting. He mentioned that the course management won't even consider artificial greens. He then discussed two trees that have been severely limbed; one most severely by the 3rd green all the way up to the crown. He pointed out that according to John Phillips, Arborist; this was tantamount to cutting down the tree. When you limb that high you destroy the root system, make it vulnerable to wind, and lose the ability to get the nutrition it needs. We were told by Mr. Runberg that Mr. Centak was also an arborist; he checked with the ISA which certifies all arborists; no records were found for Mr. Centak. Mr. Minson said he was afraid that the trimming plan that Mr. Runberg and the manager have come up with is predicated on some image of a glitzy course that this will never be, not even if you cut everything. He mentioned that Mr. Phillips was a legitimate Arborist. Mr. Minson went on further to speak about Ron's charity golf events; the amount of rounds of golf per year (140,000); his employee Stephanie being paid under the table and whether Workers Comp would cover claims; etc. At this point the Board President reminded Mr. Minson that he had gone well beyond his time limit.

Director Williams said the District has taken responsibility for the trees; they are not Ron's responsibility and he will not be in charge of limbing, trimming, cutting or anything. Don Morris from Friends of Brooktrails Redwood Park said he had a point of order. He said all Tony's motion asked for was for the manager to come back with a plan to trim specific trees, specific holes; there was nothing in his motion that mentioned golf course management. Mike has unilaterally decided to add that to this motion. Why? Director Williams interjected and said this is part of the planning; no decisions were going to be made tonight, nor has the Board to make any decisions tonight about limbing.

Bob Whitney thought this was a good outline and appreciated the manager's overall scope of giving the bigger picture. He thought the specifications for mapping needed to be spelled out, because he agreed that identifying all the large trees would be really helpful, and what areas those trees would be contained in inside the course: the floodplain area, the playing area, whatever. This could range anywhere from \$2,000.00 to \$15,000.00. He recommended that as part of the drainage that would be an opportune time to put in an artificial green. Director Williams said there must be reports regarding artificial greens. Mr. Chapman reminded the Board that with rain and mud and cleats you still have plenty of maintenance, given that artificial greens are carpets. Mr. Minson said there is a squeegee for this, it takes about two minutes.

President Skezas asked if Mr. Chapman was getting direction out of this. Mr. Chapman replied yes, but we have to take about all the bigger issues too. Director Orth said at the last meeting we said we were going to make the heritage trees on the golf course the first step in the Specific Plan Update. It's a public process; there'll be debates over various issues, including active use like the golf course; we have different groves within the District and they'll probably be managed differently. Mr. Morris said you can't really start planning without data, that's why that map's so important. He asked under what ordinance we have decided the trees are the District's. He mentioned Mr. Runberg was still operating under the old contract and therefore could do anything he wanted. Director Williams said he's not going to do that. He thought there was a consensus that Mike's prioritization was pretty much right and not much is going to happen until we go through a lot of this process.

Dan Green said he was for the Golf Course. He asked the Board who they represented in Brooktrails. Director Williams said, including all the people who don't live in Brooktrails. Mr. Green thought it was fair to give something to everybody. Was there anything in the Brooktrails plan or the Board to keep the golf course as the golf course, he asked. Director Orth said he thought the Board was on record that they wanted to retain an active golf course. Furthermore, he said we were looking for multiple use potentials on the course, and planning to arrive at the best plan. Mr. Green asked about the planned buildout. Mr. Chapman said that number is 3,817 (rounded to 4,000). Mr. Green said the goal is to make it a fruitful community. Mr. Chapman asked him to connect this to the golf course issue. Mr.

Green said when people build many trees are cut and nobody says anything. Director Orth said this was private property versus public property; we were planting redwood trees on public lands to mitigate for the trees that are cut for building.

Mr. Green said he wanted to know why we can cut many trees on a lot for a house but we can't trim or do something for the man trying to run a business. Wally Stahle said, with a public asset -- it's our asset, a public asset, which he wants to liquidate for the benefit of his pocket and your recreation. He said Ron is personally trying to change the nature of a redwood grove that we all own. Director Williams said at this meeting Ron's being personally attacked when he's not even here.

Director Orth said the Board is engaged in this and we are taking action. We are about to see two greens get rebuilt. The tree issue is still ongoing, and as you see the discussion is pretty emotional, and he thought it would be resolved over this next year. Mr. Green said give it a little sunlight, everything's going to be nice. Mr. Green said we're talking just around the greens. Those trees are not much higher than this ceiling; they're not old growth, they're not heritage.

11. Consideration of golf course drainage for holes #1, 6, 7 and 8. Mr. Chapman reported the cost for drainage of four greens at \$7,800.00 (labor and materials); he felt Holes 6 and 7 were the worst. After some general discussion about the chevron pattern and how it would be accomplished Director Horrick said he was inclined to go for two holes.

Bob Whitney said he liked the idea of putting drainage in; but cautioned that you can't test the drainage system unless you go through a complete winter. President Skezas said it's watered all summer. Mr. Whitney said that's artificial irrigation, the real problem is playability in winter. Mr. Minson reminded the Board about the advantages of artificial greens. Director Orth moved that the two drains on the two recommended holes be moved forward. Director Ziady seconded. The motion carried unanimously.

12. Plan identification for tree limbing. President Skezas thought we had already discussed this pretty much and his interpretation was we're not going to proceed at this point in time. Director Orth said we needed to give further direction. President Skezas said he would like to see getting a map done sooner on the priority list (# 4) and as the Specific Plan process moves along we'll come back. Director Williams said on the priority list, he thought #3 was part of the Specific Plan process so #4 (mapping) would move up to # 3 (Specific Plan update into the Golf Course Management Facility / Tree Plan).

District Counsel Neary mentioned there was a little confusion; he believed this project would need CEQA and it would require the manager to do an environmental checklist; he would assist Mr. Chapman with that.

Mr. Chapman said he had a conversation with Scott Harris, CF&G, and we definitely needed to stay away from the fish until July 15th at a minimum. President Skezas said we're not able to do any of this until after the bridge is done. Mr. Chapman spoke briefly about the difference between playability issues and sun issues. He admitted it was subjective when talking about playability. Obviously, he used Mr. Runberg to correlate the sun because he had no way of drawing shade conclusions. From the comments he'd heard tonight he would have to have some possible help from John Phillips, Arborist, who could walk with him around the course and agree or disagree as to the trees that have been identified for playability.

Director Williams said there was also the possibility of thinning the crown of these trees as opposed to a complete limbing; apparently some people have found some success of getting sunlight through by essentially thinning the crown. With respect to the heritage tree process we could pass one that will cover the homes here but since we don't have a police department and the county won't enforce on trees we will have no enforcement on private property.

Mr. Stahle said the Board's efforts to stay in the good graces with the golfers will be for nothing; you'll be passing on the problem to another generation of Directors. He was pretty convinced that you are just committing this district to a diminished and demolished redwood grove and still a marginal golf course over the decades ahead.

Bob Whitney said he loved playing golf here and it was a great golf course. Thinning the branches was a good idea, maybe. The one on hole #3 was not what we want; that's not a tree. He thought there was room for management, compromise; maybe the golf course will eventually be overgrown, but the trees will still be here.

President Skezas clarified that we were on the last agenda item, tree limbing. Mr. Morris distributed a new letter to the Board but said most of the points therein had already been discussed.

J. ADDITIONS TO FUTURE AGENDAS

Director Orth said at the next meeting it's likely we'll have an example of what a roundabout would look like at the base of Sherwood Road to be presented by one of the City planners as well as a potential letter of recommendation to the CTC regarding the relinquishment process by Willits. He clarified this would be a letter in favor of both of these issues.

K. SPECIAL REPORTS

From Directors: None.

From District Counsel: Mr. Neary said he attended a water conference; the legislature passed a mandatory water conservation bill under which we'll be classified as an urban water supplier and it mandates 10% reduction by 2015 and 20% by 2020 statewide. It has some teeth; if you don't comply you could lose eligibility for certain state funding. Director Williams asked about the Grand Jury reports. Mr. Chapman said we have until July 10th and just wanted to give the directors a heads up. Director Orth said two of the items appearing in the Grand Jury report were discussed in his talk to Rotary; he had discussed the emergency connection we had with Willits at one point and we could probably accommodate that again. Now it's appeared as a Grand Jury recommendation. He said it could be done very rapidly in an emergency; we already have the outlet ready to go. There's no pumping; he had mentioned that we had lines along our lake that could make it two-way. Mr. Neary said that was the very first task he was assigned for Brooktrails in 1976 during the drought.

From General Manager: Mr. Chapman said Willits' lowest bid for the sewer plant was \$11,096,000 which is about \$4 million lower than anticipated.

L. PUBLIC COMMENTS

Dan Green talked about vibration noise from the new spillway. Mr. Chapman said if it's going about 6 cfs you hear it but at other rates you don't hear the drumming noise as the water cascades across the rubber pillows.

M. ADJOURNMENT

Director Horrick moved to adjourn; President Skezas adjourned the public meeting at 9:36 p.m.

George Skezas, President

ATTEST:

MICHAEL V. CHAPMAN