

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
Tuesday, October 26, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on October 26, 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 was absent with notice. Also present were General Manager Chapman and District Counsel Neary.

**REPORT ON CLOSED SESSION**

1. District Counsel Neary reported on the closed session that followed the October 12, 2010 meeting. The Board met on one matter of existing litigation, Brooktrails v. City of Willits, received information and gave direction. The Board received information from counsel on one matter of anticipated litigation.

2. District Counsel Neary reported on tonight's closed session. The Board met on one matter of existing litigation, Brooktrails v. City of Willits, received information and gave direction. The Board received information from counsel on one matter of anticipated litigation. The Board also approved by a 4-0 vote the 26<sup>th</sup> amendment extending the District Counsel's contract.

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

**D. MINUTES OF PREVIOUS MEETINGS**

3. October 12, 2010. Director Horrick moved to approve the minutes of the October 12, 2010 meeting. Director Ziady seconded and the motion carried 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 Golf Course Report – Run Runberg, PGA. Mr. Runberg gave his annual report regarding revenue, expenses, and course playing statistics. Director Williams noted that rounds had gone down. Mr. Runberg said it was because of the construction on the greens this summer. He said they are staying even, however; as many people as are leaving are coming in. Director Horrick moved to accept and file the report. Director Ziady seconded. The motion was unanimously approved.

6. Resolution against Measure D – Shall District stop collecting water and sewer charges from customers who have requested that their water service be turned off. Mr. Chapman reviewed the Appellate Court's findings in the Paland case: (1) that the base rates did not require voter approval under Proposition 218; (2) that the base rates were not standby fees or assessments, but user fees that could be increased to reflect capital improvements and changes in the cost of providing service; (3) that as long as the District provided the necessary connection, the connection was "immediately available" according to the Court in Mr. Paland's case; (4) that the district could and would immediately turn on services if Paland requested it and satisfied any debt delinquency.

Mr. Chapman then reviewed the foreseen consequences should Measure D pass. The first class that would be affected would be our "non-paying customers" who are temporarily disconnected because they are past due. Also affected would be landlord/tenant situations; it would help landlords in many cases where the tenant skips. The second class would be foreclosing banks, realtors, and those who want their service on only for a few days here and there, or who refuse on principle to pay base rates. This is where Measure D would cost us not only revenue but also increase staff/crew time.

The third class didn't actually exist but Mr. Chapman explained the two schools of thought that make it seem such a class exists. First, some people think that we will physically remove the meter if they haven't paid. In reality, we don't do this; we eventually lien the property, but don't remove the meter except for active offenses like water theft. Secondly, Mr. Paland wanted to prohibit us from forcing people to give up their water meters if they wanted their water off permanently. We don't do this. Mr. Chapman gave an example of the recent Wagner/Johnson case where they volunteered to give up their meter in lieu of debt. The only customers who could voluntarily give up their meter were Spring Creek residents who have a second source of water (wells or springs).

Mr. Chapman said there was no doubt about it that it would hurt us revenue-wise if passed. Mr. Neary voiced it was very important that the Board do this resolution. He concluded a court challenge was likely, as our appellate decision legitimized the base rates. But this wouldn't benefit anybody.

President Skezas felt that we should indicate that if this is passed the increased cost would be passed on to the other customers; it doesn't say we're going to have to raise the rates, and that's what people really needed to know. Discussion followed about how to include and word such a statement.

After debate, it was agreed to add the following paragraph to the resolution:

*WHEREAS, if approved Measure D would require all utility customers to absorb the costs of the system that would no longer be paid by those customers not receiving service currently by increasing everyone's water and sewer base rates.*

President Skezas asked that this be put in the paper on Friday. Director Horrick moved to adopt the Resolution Against Measure D, No. 2010-17; Director Williams seconded. Roll call vote was as follows:

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

7. Appointment of Lynn Webb-Canillo to Recreation Committee. Mr. Chapman noted Ms. Webb is a California Registered Professional Forester and works for CDF. Director Ziady said she felt Ms. Webb was very aware of the controversies and of working with the community and was well qualified. Director Ziady moved to approve the appointment; Director Williams seconded; the motion carried unanimously.

**J. ADDITIONS TO FUTURE AGENDAS**

Director Williams asked to add to the December agenda consideration of a resolution to extend the provisions of the Heritage Tree Ordinance, now being called the Native Tree Ordinance, to private property owners.

**K. SPECIAL REPORTS**

**From Directors:** Director Ziady's voice was inaudible.

**From District Counsel:** Mr. Neary said they were working on a lot donation.

**From General Manager:** Mr. Chapman would have a major meeting with the LAFCO ad hoc committee on their issues with the MSR next week. He discussed that the Dam Safety inspection was okay, but they once again addressed the slip on the hill that's been there since 1970 and hasn't moved an inch. Dam safety discussed having three inclinometers, which could be very costly, and Mr. Chapman argued with them about our limits of our budget. Mr. Chapman would go back to Rick Sowers, geologist engineer for Blackburn Consulting. The dam inspector admitted this request was a bit of overkill. Lastly, the District was looking at a surplus water tender which the Fire Chief would travel to inspect Thursday. It only has 23,000 miles; if we put \$5,000.00 into it should be good for a long time and should also improve our ISO rating. Mr. Chapman suggested this would save the District about \$200,000 +.

**L. PUBLIC COMMENTS**

Wally Stahle asked if the pump station at Rose Terrace and Lilac could be done in a fire-safe manner. Director Ziady said we were already discussing that.

**M. ADJOURNMENT**

Director Horrick moved to adjourn; President Skezas adjourned the meeting at 7:35 p.m.

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George Skezas, President

ATTEST:

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MICHAEL V. CHAPMAN