

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, September 28, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on September 28, 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 SESSION

1. District Counsel Neary reported that the Board conducted the General Manager's annual performance review and unanimously agreed to extend his contract.

The Board also met with counsel regarding a matter of existing litigation, Brooktrails v. City of Willits, received information and gave direction. Action taken was to authorize counsel to file an amended complaint forthwith relating to issues with the City of Willits related to the sewer plant and to continue to the first October meeting consideration of the recent correspondence from the City. Mr. Neary said there was one last point that needed to be covered and he requested that the Board reconvene its closed session at the end of the meeting to cover that.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

D. MINUTES OF PREVIOUS MEETINGS

2. September 14, 2010. Director Horrick moved to approve the minutes of the September 14, 2010 meeting. Director Williams seconded and the motion carried unanimously.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARING

None.

G. PUBLIC COMMENTS

Ginger Pohlson, Brooktrails resident and former Director, said she thought it was important for Holly Madrigal, who wanted to represent us as Third District Supervisor, to understand what Brooktrails residents felt about the community. They sent out a letter to about 600 Brooktrails homes and received 1% back, and they talked with people about the survey. She gave a 7-8 minute presentation of the survey's questions and findings.

Maggie Graham of Second Gate said she thought the Board would be discussing a second access road. She has lived here 30 years and seen the traffic multiply by many factors on Sherwood Road. Director Orth said the County of Mendocino and MCOG (Mendocino Council of Governments), which does all the transportation funding distribution, has put this as their highest priority and we have a request for a half million dollars for the EIR for this project. All alternatives would be studied regardless of property ownership. He said Sherwood Road needed improvement regardless of a second access road; he hoped whoever won the Supervisor's seat understood the significant issues of lower Sherwood Road.

H. CONSENT CALENDAR

3. 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

4. AES – Continuation of discussion of whether to proceed with environmental work related to enlarging Lake Ada Rose and related projects (Second Access Road, etc.). General Manager Chapman noted a lot had been discussed at the first meeting, but unfortunately Director Orth wasn't there.

President Skezas said until such time as we have confidence that the second access road will be a reality, he would propose that we table this matter. He said continuing forward would cost us another half million dollars over two years, and without that assurance, we should table this.

Director Horrick said he agreed, but asked if that included keeping the report and not proceeding with the water agency. Mr. Chapman said Pete Bontadelli had suggested we send this document to the

California Division of Water Rights to show good faith effort. This was an administrative draft that needed to be finalized.

Director Orth said he had some comments on this draft that he hoped to be able to submit, and he had a potential alternative as to how we treat this: to roll this into the Specific Plan Update process. This would set up descriptions of the projects as well as timelines for them, so we would actually be able to come up in the Specific Plan process with a timeline of when to act. At the LAFCO hearing on the Municipal Service Review, he was making points as to what was in the Specific Plan and until we made changes to it, we had to stick by the statements of those in the existing plan. He thought that Chris Neary was the first to suggest an environmental process for the update.

Director Williams asked what the minimum amount was to keep the process alive. It seemed to him that we had to keep this process going in some minimum way, and was there a way to fold this into the Specific Plan Update? Director Orth thought it would, and said it would shift our cost effort to what was appropriate. The Specific Plan, which would then tell us the trigger points to take the next step on a focused EIR on identified specific projects. Continuing Mr. Orth said we have quite a bit of new material to collate into a Specific Plan including a Heritage Tree Ordinance.

Director Williams asked how he would propose making changes to that before going down the line. Director Orth said he'd hand this over to the manager. Mr. Chapman then made comments as to costs of a fully loaded EIR; he pointed out the 1997 Specific Plan EIR cost \$972,000.00. He wanted further comment from the Board regarding direction and pointed out the second clarifier need at the water plant. This issue, to him, was where we were going to come up with the money.

President Skezas asked Director Orth to submit his comments to Mr. Chapman, he would look at them also, and we would review them in two weeks. Director Orth said we should have this discussion about the Specific Plan process, and how we go about to accomplish it, and whether it needed an EIR. Mr. Neary commented we can determine what kind of CEQA analysis is necessary. For example, you could conceivably do a negative declaration or notice of exemption. He was thinking a full EIR might not be necessary.

Director Williams said the Specific Plan EIR contemplates a buildout of roughly 4,000 houses. If we fold this in and simply take in inflation and other considerations for development, as long as we're staying within the footprint of the EIR and Specific Plan, we've got a much less substantial process to go through to update everything than from scratch. Mr. Neary said the original EIR had a long term horizon and the update is a five-year horizon. Director Orth voiced one of the changes he recommended was to change the rotation of the Specific Plan update from 5 years to 8 – 10 years. He thought Mr. Bontadelli was a wonderful consultant, and he felt we needed a consultant of this caliber for our Specific Plan, and he wanted to put that point across in for our next budget process.

Mr. Chapman said last week at the LAFCO MSR (Municipal Service Review) meeting he was told by a LAFCO member that we, in fact, couldn't take out the 1,600 dam ["third dam"] because it was in the 1997 Specific Plan. The third dam was history and his concern was basically was we'll still have to have some kind of CEQA document to take this third dam out of the Specific Plan and replace it with the 2006 proposal of expanding the Ada Rose dam.

Director Orth mentioned that with planning, that didn't necessarily mean that we were providing "development," but rather planning provided guidelines as to how development occurs. He pointed out that we have 24 water hookups right now not being picked up. Planning means we're controlling future development, when it naturally occurs.

Ms. Pohlson said she felt the five-year plan was sufficient and that we shouldn't look 20 years further. She had never heard Specific Plan as a redevelopment of the property. President Skezas clarified that this dealt with the third dam. Continuing, Ms. Pohlson said it was time for us to realize that our size of lots were not that marketable and that we need to think about combining lots.

President Skezas asked what this had to do with the Ada Rose project. Ms. Pohlson said, because of the amount of water we'd have to supply. She said we know at 3,400 single-family residences, the costs of infrastructure outweigh the degradation. She wanted the Board to start thinking differently about this subdivision. When you read the survey comments, she continued, we need to think of downsizing and staying within our means. You can sell an acre lot in a week; we can't sell one lot. Directors protested that we don't sell lots. Director Williams said if someone wants to come in and buy 1,000 lots and combine them, do it; what does our Board have to do with that? Director Orth said the Specific Plan already had a merger program.

Director Ziady said it was all very nice to downsize; her role on the Board was to be aware of infrastructure issues, but also to represent Brooktrails lot owners who couldn't build because of the general economy right now. We cannot simply say we don't want to grow any more. Number one, it's morally wrong; number two, the biggest thing, we collected standby fees for sewer and water. She said that if we ever reach the point where we are not growing further, then your water and sewer bills could substantially rise, and you will see those landowners coming to you for reimbursement, that this District will pay. She said, give the Board some credit — we got this study. We said we can't do this in this budget, and we didn't. But we don't seem to get a lot of credit for that. She said the District is looking at replacing pipes and joints that are blowing every day; we are far ahead of many other communities, but are 20 years in the hole.

Wallace Stahle asked whether this report satisfied the progress timeline for the water rights division. Mr. Chapman said he hasn't heard from that department in about four years. They will probably take this current document and stuff it into the 16th folder of the 16th box in the 16th warehouse and in about another four years they'll blow off the dust and say, Where's Brooktrails? — and he'd get another letter. Mr. Neary said there is no real timeline. Director Orth said the nexus of all these studies, the Specific Plan is supposed to identify how that makes this possible.

J. ADDITIONS TO FUTURE AGENDAS

Mr. Chapman said he would have cost details of the Lilac Life Station in two weeks.

K. SPECIAL REPORTS

From Directors: Director Orth said he is not making all his meetings and is providing family care in San Francisco for a relative. He commented on an upcoming LAFCO conference he will attend with some interesting agenda items on energy.

From District Counsel: None.

From General Manager: None.

L. PUBLIC COMMENTS

Immediately after adjournment below, an audience member asked if the Board wasn't supposed to take action on the AES report, since it was on the action agenda. Directors advised they took the action of taking no action. President Skezas mentioned again that we're not going to take action on that until we have some assurance of a second access road. No second access road, no action.

M. ADJOURNMENT

Director Horrick moved to adjourn; President Skezas adjourned the meeting at 7:52 p.m.

CLOSED SESSION

The Board reconvened to resume its closed session.

George Skezas, President

ATTEST:

MICHAEL V. CHAPMAN