

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS**  
**Annual Planning Meeting**  
**Saturday, March 6, 2010**

The Board of Directors of Brooktrails Township Community Services District met in regular session on March 6, 2010 at 9:00 a.m. for its Annual Planning Meeting at the Brooktrails Community Center.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

Roll call showed the following directors present: Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary. Director Williams was absent.

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

None.

**D. PUBLIC COMMENTS**

Bob Terry said it looked like CERT was on its way to filling the medical van.

**E. CONSENT CALENDAR**

None.

*Editors note: Unfortunately there was a whole lot of tape noise on tape number 1 (not tape number 2).*

**F. ACTION AGENDA**

1. Review of Brown Act. Mr. Chapman reviewed the provisions and restrictions of the Brown Act. Director Orth commented that if you bring written material to a meeting that wasn't included in the packet, you have to bring a certain number of copies. District Counsel Neary said that it must be made available to the public, and what is important is that the public is aware of anything passed out [*does not refer to closed sessions*].

2. Annual Review of Board Policies, Procedures and Relationships (Ord. 93). Mr. Chapman said that Ord. 93 gave the Board its powers and described how officers would conduct themselves and meetings would be conducted and scheduled, minutes, closed session guidelines, disqualification for conflict of interest, rules of debate, voting, hearings, committees, official correspondence, urgency ordinances.

3. Review and development of Goals and Objectives. Director Orth noted the Specific Plan Update should be changed to read "5-7 years." He suggested removing "coordinating with" from the General Plan Update item. Under "Maintain Website," he asked to add the Fire Department and CERT team to have the ability to input such things as articles and information. Director Horrick voiced he would like to see a timeline on how the second access road / water rights election / 218 election fit together and if the second access road is pushed back, how that impacts these other things. President Skezas agreed we need a timeline.

The second access road question came up. Mr. Chapman said he got the feeling from the Board in October/November that we are going to take a serious look at the road issue; a year ago he would have told you we were marching down the road to the Ada Rose project, but in the last 12 months things have changed direction to make sure we have this public safety issue in front of us first. Director Ziady said she thought we've been told that without the road we can't do the water project, and it's not even our decision. Mr. Neary said obviously the road would reduce the impact that the project would have; however, CEQA does not prohibit impact, it requires that we identify and add a supporting package explaining the impact, and policymakers can make a whole variety of determinations by overriding the findings saying, we know that this reservoir will have this impact on the roads, but we're going to go ahead and do it anyway. It's just a nuance; where it becomes significant is when you could find an organized group of non-resident non-improved property owners asserting you ought to adopt that overriding finding because of your duty to supply water. You might hear that argument, so he didn't want to have it become the culture that you've got to have the road. It's probably true as a practical matter; as a legal matter, it's not necessarily.

Director Horrick said he was thinking of it as a fiscal matter; he didn't want to spend half a million dollars on the water rights application and EIR knowing we're not going to have a road. Mr. Chapman said we're going to talk about this in the budget process. The biggest hurdle he would have next year would be how we could ever go forward on the Ada Rose Project given the finances we have. If we did

spend half a million, in the end would you still be ahead with a county road? So he didn't see it as a meaningful project at this time given our current state of economics.

Director Orth said to put an objective there under Specific Plan Update to come up with a timeline worked out with County of Mendocino to move the Second Access project forward as well as the Ada Rose project forward. He didn't see a 218 election being meaningful without a second access road so there has to be a certain, adopted, known cost plan along with the Ada Rose project. He didn't see how we could get that local share without a 218 election and he didn't see how a 218 election made sense to our residents and vacant property owners if it's not something for every group. Director Horrick said a 218 election would probably include future funding for a road. Director Orth said it would have, say, a 25% cost share for the road.

Mr. Chapman said when we can ever come up with an alignment that's satisfactory by our board and the County, then we can go after Congressman Thompson; this is how a lot of roads are built in America. That's a real problem is we can't even get the four alternatives down to one. Director Orth said a request has been made through the MCOG process to the State to fund the \$459,000.00. The impasse is if there is any is getting the Board of Supervisors to understand that the objective of the last meeting on the second access was to identify viable study routes; instead they went the other way. Director Ziady said, they haven't made a decision, they expanded it [the alternatives]. Directors discussed whether the Board of Supervisors saw the second access as for emergency use, or for traffic use. Mr. Neary discussed how Brooktrails could be the lead agency if it got to that point, although he said that is probably not a desirable or even a viable option.

Discussion turned to page 2. Director Orth said we need to provide a raw water allowance for a future community garden site. Mr. Chapman said we have two potential sites. One is past the swimming pool at the Ohl Grove, it's in the sun and 300 feet from the water plant; the other is across from the wetlands below the dam, again a one-acre area with lots of sun. Director Ziady said the Recreation Committee hasn't discussed a garden, they only have two people now and they aren't looking for another project. You want permaculture, not a community garden. It would take staff time to manage it. Bob Terry asked if the old tennis court was part of this and was told yes, but that spot may potentially used for a clarifier.

Changing subjects, Mr. Chapman said spoke about the infamous hillside above Lake Emily. Given Dam Safety's concerns about that hillside and future slippage, the 15 feet is increasingly more unlikely. Moving on, Mr. Chapman said he definitely would be coming to the Board for a lateral correction program on the sewer system; our new camera shows our lines are pretty good, it's the laterals with those 4" plastic devices they put in when they built the subdivision; these are starting to give way. We will have at least a \$10,000.00 program where we're going to try to fix these. We're getting a technology for casing so we don't have to tear the roads up. The same is true for the water department; we're going to replace the 6" saddles as we have the same problems there. We will start both of these this year. For these we have to open the road down to about 4'.

Director Horrick asked if we could set up a system with Willits so that any billing over a certain amount requires Board approval, and also a system for payment over time as determined by the Board which would not impact the ratepayers too severely in one year. Mr. Neary said they were going to meet on Tuesday and he might have some solid recommendations for the Board in closed session.

For Recreation, Director Ziady said she wanted the changes shown: to install dog waste stations for Ohl Grove and the Par Course. Regarding no-ATV signs, Director Orth asked if a mountain bike course could be allowed on the Par Course. Steve Eberhard said the warning signs seemed to have helped in his area. Mr. Eberhard asked if the deal was closed on his signs; directors commented they still have to vote on the goals. Director Ziady said the odds were good. Director Orth said he wanted the scheduled pedestrian bridge across Willits Creek to be attached to the parking bulb. Director Ziady said this would depend on Fish & Game. Director Ziady said we can give a range of places for the parking bulb and they can accommodate that. Director Orth said he wanted to put "5-year-plan" instead of "long term" on the Trail to Willits item.

For page 4, Director Ziady that under the Greenbelt Stewardship Plan, incorporate it into Specific Plan as Redwood Park Master Plan. It's the same standards.

President Skezas asked what was meant by the "Exploration . . . of restoration projects within the Greenbelt." Director Ziady said this was the push to start the restoration described in the GSP; this means promote healthy growth, take out deadfall, release some trees, and promote growth. They would try to urge this forward. President Skezas said we're not talking about planting; Director Ziady said you may. Most of it is thinning and stabilization of hillsides. They would also be looking at revising the language on wood in the GSP. The goal of "define heritage grove" was added.

5. Discussion of potential Willits/County Prop. 84 grant application – Willits Trail – Director Orth. Director Orth and the Board discussed at some length the status of the potential joint application for funding and the need for the District to participate in this. How to block or allow access to the trail for people and cattle by means of gates was discussed. Director Ziady said this is a rural county; protection of livestock is very important. Director Orth said the purpose today was to get this on the public record and a potential budget request.

6. Discussion/review of waiting list procedures regarding potential release of 24 water service connections. Mr. Chapman said Bruce Burton's assistant called with some technical questions yesterday about distribution issues for the months of July and August; this is our clarifier issue again, the ability to deliver water. We passed an emergency ordinance in 2006. After notifying our applicants under the 30-day arrangement, then we were looking at potentially another 60 days because the architect and County will have to review the plans for code changes. So we were looking at a 90-day process. He wanted to make sure that these connections not be site-specific, in case an applicant can't perform and a new applicant can.

Director Orth said he didn't want to be selling water meters that would just sit on a bare lot; we're collecting our fees but it's sitting there; he didn't want to be in the speculation business, which he was afraid Mr. Chapman's letter opened up. Counsel Neary said we already have a provision in our Utilities Code that you can't speculate on water meters. Mr. Neary said this was a grandfathered condition. Mr. Neary said you'll lose the water connection if you don't build within a certain period of time, that's already in our ordinance. Director Orth referred to the Specific Plan; he said when we sell a meter that's an SFR equivalent that goes into our numbers that the state is looking at.

Counsel Neary said the provisions of our Utilities Code already say that you lose your water connection if you don't complete construction in a specific period of time. Director Orth said we might not require that actual building permits be in hand, but there was in fact a preapproval of the site plan and the engineering that shows the footprint is allowable. We have to have some level of standard before we take the money for the meter. How getting a connection related to the County permit process in the past was discussed.

President Skezas said he didn't like the tone of the letter; he didn't think that some directors voted against [requesting the additional connections] because they didn't want them, but because they wanted to address Richard Estabrook's concerns. He said regarding plans that what we care about is the footprint. Our procedure as he understood it was they had to have an approved plan by Axt; that part's already done, and it stops there until such time as we have a water connection. Now, assuming this is approved, you go to #1 on the list and say you have 30 days to respond, are you going to build or not? If they say no, can't afford it, go to #2 on the list and give those 30 days which he felt was more than enough. If it were a contractor, obviously he's building it to sell and this isn't a good environment for sales so he could back down. But he's got to give everybody a chance to say yes or no and when you get through with the whole 24, let's say 12 of them are going to build, and you still have to follow the same procedure, submit a plan to get on the list. And we can go out at that point and say we still have 12 available, anyone interested in coming in on a first-come, first-serve basis [*sic first-approved, first-serve basis*], with a set of plans approved by our architect and a site visit, and then if they're the next on the list they pay their money and proceed. He agreed with Tony that we have to set up a period of time that if they're not building we can take the meter back and go to the next person on the list. He understood that's kind of what you meant by APN, we can take it away from this guy, we don't want it to sit there.

Counsel Neary said if you think this through, there is a time limit for the building permit and we should make it clear from the outset we're not going to grant extensions, to avoid speculation. President Skezas said you have to look at it on a case-by-case basis, if they're three-quarters finished is one thing, but if they've done nothing, we need to make sure progress is being made. Mr. Chapman said he wanted to be sure he had this right: first of all, they have to have approved plans. We're going to give them 30 days to respond. Then if they say no, we go to newcomers on a first-come, first-serve basis. President Skezas said once you get through those 24 you put out a notice. Director Orth asked about a broadcast mailing to all of them at the same time; comments settled on yes. Mr. Chapman said if we got 24 connections the following day he would put out 24 letters with a 30-day deadline to respond. If you don't respond, now we're creating a new potential list. Mr. Chapman said if you want to get on this new list, you have to bring house plans, etc. Director Orth said your main point is you're applying for 24 additional new connections for our waiting list, which shows current potential demand, and the Board thinks we can accommodate that number. Everyone agreed, but President Skezas said he didn't think the entire 24 would happen. Mr. Chapman agreed.

Mr. Chapman said the last issue is we're going to basically say your time limit will be tied to the County; he thought that was one year. President Skezas said we'd give them an extension only based on progress, not on doing nothing. Director Orth said this was due diligence. President Skezas said the fact they could potentially lose their meter would help.

Mr. Chapman said he would send a corrected letter to Bruce Burton. Director Horrick said if half of these decide they're going to build, it might be six months before we get to announce the other 12 for the waiting list. President Skezas said he thought we don't want anybody except the first 24 to come to the District Architect on anything; once he's done with those, we might want to delay our annual letter because that's a good place to put it out there. If he gives his approval at the end of this month, 30 days is the end of April.

Mr. Chapman said the reality is, it's in the newspaper and people may come and say I want to get on the waiting list. President Skezas said right now we have no waiting list., people are not coming in. Mr. Chapman said, if you're #25 and someone falls off, there you are. Director Orth said maybe we need

to close the list right now to these initial 24 until we give everyone the same notice; directors concurred. President Skezas said if somebody calls and says I want to get on the list, we have to tell them no; Director Orth said we have to close the list immediately, to be fair. Director Orth added, until we get a notice to all property owners and until we find a date certain where we'll open it back up. Counsel Neary said we would add this as an item to the agenda and take a 4/5ths vote to add it to the agenda; it would be most appropriate to vote on it on Tuesday night at the meeting. Director Horrick asked if it could be added for the vote today; Mr. Neary said no. Mr. Chapman said, so we'll have something on Tuesday night to close the list. Mr. Neary said we would open it up all at one time. Directors agreed we need to give proper and equal notice.

Mr. Chapman said, so we will be establishing a new waiting list once the original 24 is dissolved. Since the annual newsletter is time sensitive and has a notice of hearing, directors agreed on a special mailing later on. Mr. Chapman commented he wanted this news in the paper because when we went into the moratorium people would call us two or three years later and say we never heard of this, and he would point out the Willits News covered the topic. Director Orth said when we do our special mailing let's make sure to use colored ink, like red, special notice.

**G. SPECIAL REPORTS**

**From Directors:** None.

**From District Counsel:** None.

**From General Manager:** None.

**H. PUBLIC COMMENTS**

None.

**I. ADJOURNMENT**

Director Horrick moved to adjourn; President Skezas adjourned the meeting at 11:27 a.m.

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George Skezas, President

ATTEST:

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MICHAEL V. CHAPMAN