



BROOKTRAILS TOWNSHIP
COMMUNITY SERVICES DISTRICT
24860 BIRCH STREET, WILLITS, CA 95490
BOARD OF DIRECTORS MEETING AGENDA

Board of Directors

President Rick Williams Vice President Tina Tyler-O'Shea
Director Ed Horrick Director Ralph Santos Director Joanne Cavallari

Tuesday, January 10, 2023
Regular Session – 7:00 PM to 10:30 PM*

****Brooktrails Township will be holding the Regular Session in person with a Zoom link to participate remotely****

****IMPORTANT NOTICE****

To attend the meeting remotely using your internet-connected device, use this link:
<https://us02web.zoom.us/j/7794192028>.

To attend the meeting remotely using your telephone, dial **408-638-0968, 7794192028#**.
Your devices should be muted unless you are addressing the Board.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

1. The Presiding Officer will call the meeting to order and call the roll of members to determine the presence of a quorum.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA/REPORT ON CLOSED SESSION

2. The Presiding Officer will determine if Board members wish to add an item or make an adjustment to the agenda.
3. Report on closed session (as needed).

D. MINUTES OF PREVIOUS MEETINGS

4. The Board may approve, or amend and approve, the minutes of previous meetings:
 - a) December 13, 2022 Regular Meeting

E. SPECIAL PRESENTATIONS – None

F. PUBLIC HEARINGS – None

G. REPORTS

From Directors
From District Counsel
From General Manager

H. PUBLIC COMMENTS

Audience members will be invited to speak regarding matters not on the agenda. The Board cannot act on new public comment items. Speakers may be limited to **three** minutes.

I. DIRECTORS' RESPONSE TO PUBLIC COMMENTS

(Responses will generally be brief; directors may call upon General Manager to respond. Items may be placed on a future agenda for a more in-depth response.)

J. CONSENT CALENDAR

- 5. The Board may approve all items on the Consent Calendar in one motion or move to pull separate items for individual approval.
 - a) Approval of paid accounts of \$286,170.76 on or about December 27, 2022; and,
 - b) Review and approval of Accounts Payable report and authorization to issue checks on or about January 11, 2023

K. AGENDA ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- 6. Consideration of Board Committee Assignments

- 7. Consideration of Resolution 2023-01 Authorizing Access to State and Local Criminal History Information for Employment, Including Volunteers and Contract Employees

L. CLOSED SESSION – None

M. ADJOURNMENT

- 8. The Board will consider a motion to adjourn.

UPCOMING BOARD MEETINGS

Tuesday, January 24, 2023 – Regular Meeting
Tuesday, February 14, 2023 – Regular Meeting

UPCOMING HOLIDAYS

Martin Luther King, Jr. Holiday – Monday, January 16, 2023

Last Resolution Adopted: 2022-07

Last Ordinance Adopted: 164

IMPORTANT INFORMATION ABOUT BOARD MEETINGS:

***MANDATORY ADJOURNMENT.** Pursuant to Section 3.18 of Ordinance No. 93, if consideration of all matters on the agenda is not complete by 10:30 p.m., the President shall adjourn to the next regular meeting, at which time those matters shall be taken up for consideration first. By motion of the Board, the meeting may be extended beyond 10:30 p.m. to a stated time.

RIGHT OF APPEAL. People who are dissatisfied with decisions of the Board of Directors may have the right of review of that decision by a state court. The District has adopted Section 1094.6 of the Code of Civil Procedure, which generally limits to 90 days the time within which decisions of the District Board and agencies may be judicially challenged in state court.

AGENDA MATERIALS. The agendas for Board meetings contain a brief description of those items to be considered at the meetings. Agendas and materials related to an agenda item (including materials distributed to the Board after the agenda is posted) are available in the District Office, 24860 Birch Street, Willits, CA, during normal business hours (8:00 a.m.–5:00 p.m. Monday-Friday) and on the Township Website Home Page at www.btcsd.org.

AMERICANS WITH DISABILITIES ACT COMPLIANCE. The meeting room is ADA accessible. If you are a person with a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the District Office at (707)459-2494. Requests for such modifications or accommodations must be made at least two full business days before the start of the meeting.

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES – DECEMBER 13, 2022**

The Board of Directors of Brooktrails Township Community Services District met in regular session December 13, 2022 at 7:00 p.m. in person and remotely via <https://us02web.zoom.us/j/8828297585>.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

1. Roll call at 7:00 p.m. by President Williams showed all Directors present. Also present were General Manager Alaniz, Utilities Superintendent Tom Jones, Captain Damian Angell, and Barbara O'Reardon from Willits Weekly. Also from the public were Matt Foster, Frank & Darliss Sanderson, Jerry Ward from SWOW, and Supervisor John Haschak via zoom.

C. BOARD REORGANIZATION: Director Horrick nominated Rick Williams for Board President with no other nominations. By acclamation the motion passed unanimously. Director Horrick nominated Tina Tyler-O'Shea for Board Vice President with no other nominations. By acclamation the motion passed unanimously.

D. ADDITIONS/ADJUSTMENTS TO THE AGENDA/REPORT ON CLOSED SESSION:

2. There was none.
3. There was none.

E. MINUTES OF PREVIOUS MEETINGS:

4. Director Horrick moved to approve the Regular Meeting minutes of November 8, 2022; Director Santos seconded the motion. The motion to approve the minutes passed unanimously 4-0 with Director Cavallari abstaining.

F. SPECIAL PRESENTATIONS: There was none.

G. PUBLIC HEARINGS:

5. RESOLUTION 2022-06 ESTABLISHING UTILITY AND GOLF RATES AND FEES: President Williams opened the public hearing at 7:05. There was no comment. President Williams closed public hearing at 7:06.

6. RESOLUTION 2022-07 ESTABLISHING RATES FOR SWOW SOLID WASTE FRANCHISE SERVICES: President Williams opened the public hearing at 7:06. There was no comment. President Williams closed public hearing at 7:06.

H. REPORTS:

From Directors: Director Santos advocated for a plaque to commemorate previous Director Orth for his over thirty years of service to the community. GM Alaniz and Directors Horrick and Santos will work as an ad hoc to honor Tony Orth. Director Cavallari expressed her gratitude to the voters for her election.

From District Counsel: There was none.

From General Manager: GM Alaniz reported the CHP increased presence on Sherwood and Birches; Fire Department training opportunity at old HMH site; ACWA Conference was successful; and, the Community Center floor is coming in with a composite waterproof flooring option.

I. PUBLIC COMMENTS: Matt Foster, identified as Matt Langley, questioned his penalty fee. Supervisor Haschak commented on the FEMA BRIC grant for home hardening, which will be beneficial for Brooktrails, and the CDFW bear can grant was submitted and we should hear about the result by January. Jerry Ward commented on the effectiveness and importance of Bear Cans.

J. DIRECTORS' RESPONSE TO PUBLIC COMMENT: President Williams advised Mr. Foster his issue is on the agenda and to return to the podium when his item comes up.

K. CONSENT CALENDAR

7. President Williams called for the motion to approve the Consent Calendar. Director Horrick moved to approve the Consent Calendar; Director Cavallari seconded the motion. The motion to approve the Consent Calendar passed unanimously 5-0.

L. AGENDA ITEMS FOR DISCUSSION AND POSSIBLE ACTION

8. **Consideration of Matt Foster Request for Utility Bill Forgiveness (24139 Birch Place):** GM Alaniz reviewed the staff report and discussion ensued. Mr. Foster was present to answer questions. Director Santos moved to reduce the penalty fee by \$500 and extend the payment plan over 3 years; Director Tyler-O'Shea seconded the motion. The motion to approve penalty fee reduction passed unanimously.

9. **Consideration of Resolution 2022-06 Amending Resolutions 2019-07 and 2021-07 to Establish Rates and Fees for Water and Sewer Utility Connections and Other Services:** GM Alaniz reviewed the staff report. Director Horrick moved to approve Resolution 2022-06; Director Santos seconded the motion. No public comments were received. The motion to approve Resolution 2022-06 establishing rates and fees for water and sewer utility connection passed unanimously by roll call vote 5-0.

10. **Consideration of Resolution 2022-07 Establishing Rates for Solid Wastes of Willits Franchise Services:** GM Alaniz reviewed the staff report. Director Cavallari moved to approve Resolution 2022-07; Director Santos seconded the motion. Jerry Ward of SWOW commented on the impact of fuel cost increases. No public comments were received. The motion to approve Resolution 2022-07 Establishing Rates for Solid Wastes of Willits Franchise Services passed unanimously by roll call vote 5-0.

M. CLOSED SESSION President Williams adjourned the regular meeting and opened closed session at 8:15 p.m.

11. Per Government Code §54956(d), Conference with Legal Counsel: Initiation of Litigation (One Case) [Memo: in accordance with Fowler v. City of Lafayette: The basis for this Closed Session is related to the state water code.]

12. Per Government Code §54957 – Public Employee Annual Performance Evaluation: General Manager

N. ADJOURNMENT

13. President Williams adjourned the closed session and returned to regular session at 8:41. The Board unanimously agreed to settle with the State Water Resources Control Board on an arrearages overpayment of \$211,627.11, which was segregated months ago, thereby avoiding an enforcement action. The overpayment will be returned on December 14, 2022, along with an arrearages program re-certification form. Individual customers who received overpayments will be notified by mail beginning on December 14, 2022 of disallowed amounts re-applied to their utility accounts. An arrearage disallowance repayment plan has been established to provide customers up to thirty (30) days to enroll in a repayment plan, which will allow up to 24 months for repayment of amounts under \$750 and up to 36 months for repayment of amounts over \$750. Brooktrails customers ended up receiving over \$75,000 in account credits through the arrearages program.

Director Horrick moved to adjourn the regular meeting at 8:41 p.m.

ATTEST:

R. Richard Williams, President

Tamara Alaniz, Secretary

Vendor	Service/Product	Checks	EFT	Inv Date	ADMIN	WATER	SEWER	FIRE
		Inv Amt	Inv Amt		Fund 120	Fund 220	Fund 320	Fund 420
Alpha Analytical Lab	Water analysis	\$ 35.00		12/15/22		\$ 35.00		
Alpha Analytical Lab	Water analysis	240.00		12/21/22		240.00		
ADTS Inc	drug screening	104.50		12/06/22		52.25	52.25	
Aramark	Shop towels/mats		146.06	12/15/22		73.03	73.03	
Big Fish Construction	Comm Ctr Flooring Paid	10,000.00		12/15/22		2,500.00	2,500.00	5,000.00
City of Willits	% of operating cost	31,044.10		12/01/22			31,044.10	
Commercial Tire & Auto	15 F350 Brakes, rotors, drag link	1,940.35		12/16/22		970.18	970.17	
Damian A Angell	Staywell-dental/vision	218.74		12/20/22				218.74
Les Schwab	F350 4-tires	1,678.60		12/12/22		839.30	839.30	
Life-Assist, Inc	Bandage, transport unit, solution	230.10		12/13/22				230.10
Mendocino Environmental Health	Permits	1,196.00		12/07/22			1,196.00	
Nick Barbieri Trucking LLC	Gasoline	543.56		12/19/22	10.87	165.79	165.79	201.11
State Water Res Control Board	WTR/SWR arrearage repaymt Paid	211,627.11		12/14/22		211,627.11		
PG & E Business Acct.	Utilities - 31.0 x day avg \$587.52		18,213.12	12/07/22	679.52	15,793.69	1,133.08	606.83
Roto-Rooter of Mendocino	24177 Tulip Dr	322.50		12/12/22			322.50	
State Farm	Insurance	506.51		12/08/22	506.51			
Standard Ins Company	Short & Long Term Disability Ins	791.50		12/20/22	323.07	143.55	143.55	181.33
Staples	Kleenex		40.05	12/12/22	40.05			
SWRCB-Acctg Office	Water Quality Fees	3,453.00		12/08/22			3,453.00	
Univar USA Inc	Sodium Hypochloride	1,408.29		12/14/22		1,408.29		
USA Bluebook	Gaskets, transmitter, valves	1,968.24		12/02/22		1,968.24		
Verizon Wireless	WTR/SWR/ FD+ iPad		463.43	12/19/22	76.80	110.84	110.83	164.96
Checks:	TOTALS	\$ 267,308.10	\$ 18,862.66		\$ 1,636.82	\$ 235,927.27	\$ 42,003.60	\$ 6,603.07
	Aggregate Total	\$ 286,170.76						

Added to Preliminary Report

Approved for payment:

President, Board of Directors

General Manager

Vendor	Service/Product	Checks Inv Amt	EFT Inv Amt	Inv Date	ADMIN Fund 120	WATER Fund 220	SEWER Fund 320	FIRE Fund 420
ACWA/JPIA	Group Health Ins	\$ 19,539.01		01/04/23	\$ 6,152.24	\$ 4,183.28	\$ 4,749.14	\$ 4,454.35
Alpha Analytical Lab	Water analysis	280.00		12/22/22		280.00		
Alpha Analytical Lab	Water analysis	175.00		12/28/22		175.00		
Aramark	Shop towels/mats		146.06	01/10/23		73.03	73.03	
AT&T	See Worksheet		2,585.00	12/19/22	477.11	949.03	786.89	371.97
Badger Meter	Cell Meters	118.09		12/28/22			118.09	
Caselle, Inc	Contract support & Maintenance							
Comcast-acct xx10142	FD-Internet		225.69	12/25/22				225.69
Comcast-acct xx20289	ADMIN-Internet		200.55	12/27/22	200.55			
Computer Works of Ukiah	IT support	235.16		12/20/22	117.58			117.58
FerrellGas	Propane	1,392.93		12/16/22	208.94	487.53		696.46
Edward Horrick	Director Fees-DEC	100.00		12/31/22	100.00			
Joanne Cavallari	Director Fees-DEC	100.00		12/31/22	100.00			
Life-Assist, Inc	10-Nasal Cannula	23.73		12/27/22				23.73
Little Lake Auto Parts	See Worksheet			12/31/22				
Mendo Mill & Lumber	See Worksheet	147.98		12/31/22	88.04	59.94		
Neary and O'Brien	DEC-Matters, JAN- Retainer							
Nick Barbieri Trucking LLC	Gasoline/Diesel	1,250.96		12/27/22	25.02	381.55	381.55	462.84
SCI Consulting Group	Feasibility Analysis	8,125.00		12/08/22				8,125.00
Pacific Telemngmt Services	Township Complex Pay phone	50.00		12/22/22	50.00			
PG & E Business Acct.	Street lights		21.96	12/20/22	21.96			
PG & E Business Acct.	FD Annex		296.55	12/20/22				296.55
Pitney Bowes Global Fin Svcs	Postage meter lease-Qtrly		261.49	12/26/22	65.37	104.60	65.37	26.15
Pitney Bowes Global Fin Svcs	Postage refill		2,000.00	01/03/23	500.00	800.00	500.00	200.00
Ralph Santos	Director Fees-DEC	100.00		12/31/22	100.00			
Silva Septic Inc	Golf Shop, L Emily	728.16		12/24/22	728.16			
Tri-Cities Answering Service	Answering Service							
Tina Tyler-O'Shea	Director Fees-DEC	100.00		12/31/22	100.00			
UMPQUA Bank	See Worksheet		15,486.43	12/31/22	1,407.22	6,881.10	6,881.10	317.01
Rick Williams	Director Fees-DEC	100.00		12/31/22	100.00			
Xerox	Admin Copier Leasing	397.51		12/31/22	397.51			
Xerox	FD Copier Leasing	56.18		12/31/22				56.18
Total Cks:	TOTALS	\$ 33,019.71	\$ 21,223.73		\$ 10,939.70	\$ 14,375.06	\$ 13,555.17	\$ 15,373.51
	Aggregate Total		\$54,243.44					

Added to Preliminary Report

President, Board of Directors

General Manager

DIRECTORS' COMMITTEE LIST - 2021/22

Recreation, Greenbelt, and Conservation Committee	Tyler-O'Shea	Horrick (Alt)
Finance Ad Hoc Committee	Horrick	Santos
Planning Committee	Orth	Williams
Mendocino County Association of Fire Districts	Orth	Santos (Alt)
<i>Not Board Cmte: Sherwood Firewise Group has 2 liaisons</i>	<i>Orth</i>	<i>Horrick</i>

Santos is an additional bank signer

Combined 'Specific Plan' & 'WWTP' into 'Planning' Committee 01/08/2019

Alternate - Tyler-O'Shea



BROOKTRAILS TOWNSHIP

COMMUNITY SERVICES DISTRICT
24860 Birch Street
Willits, California 95490
Phone: 707-459-2494
Fax: 707-459-0358
btcsd@btcsd.org

Board Meeting
Agenda Item K-7

DATE: January 10, 2023
TO: Board of Directors
FROM: Tamara Alaniz
RE: Consideration of Resolution 2023-01 Authorizing Access to State and Local Criminal History Information for Employment, Including Volunteers and Contract Employees

BACKGROUND

The District has had a couple of full-time applicants and fire volunteers that have been hired since 2020 without a basic fingerprinting for criminal background check. An outside contractor had been used in the past but has become more unavailable to timely access, making it more difficult in general to hire qualified volunteers.

To provide the Board with a concise summary of the proposed process to bring fingerprinting capabilities in-house, excerpts in this staff report have been “taken directly” from the informational packet provided within the California Department of Justice Application for Authorization. Adoption of Resolution 2023-01 will allow the District to process the fingerprints of employment applicants in-house, rather than only having the option of using an outside contractor/service.

DISCUSSION

In order to ensure that employees and fire volunteers have a criminal background investigation prior to employment, the Board of Directors must approve a resolution of authorization. The following *sections* detail the process that District staff will undertake to provide fingerprinting for background checks on every future employee.

A Custodian of Records must be provided by the District to compliantly handle the fingerprinting requirements.

“Authorization for Criminal History Information

“Pursuant to Penal Code section 11102.2(b); the DOJ established a confirmation program to process fingerprint-based background responses on individuals designated by applicant agencies to serve as Custodian of Records. Effective January 1, 2011, no person shall serve as an agency Custodian of Records unless they have been confirmed by the DOJ. Criminal justice agency personnel who have undergone a state and federal criminal record background check for their agency (currently employed) are exempt from these requirements...”

General Manager Alaniz underwent a criminal record background check upon employment and Captain Angell is applying to be the Custodian of Records. These two employees will provide the staffing to implement these requirements.

“Authorization for Custodian of Records Information

“As such, before any applicant agency can become fully authorized by the DOJ, the DOJ must first confirm/approve the agency's designated Custodian of Records. A Custodian of Records means the individual designated by an agency as responsible for the hiring decisions, and for the security, storage, dissemination, and destruction of the criminal records furnished to the agency, and who serves as the primary contact for the DOJ for any related issues. Each agency must designate at least one Custodian of Records...

“After submitting this application, the DOJ's Applicant Information and Certification Program at authorizationquestions@doj.ca.gov will determine if your agency is authorized and ready for the next step. Beginning the confirmation process by submitting your Custodian of Records fingerprint images before your agency is officially authorized to request criminal record information will result in fees being assessed, which will not be refunded if your agency is determined as not having requesting authority.”

The Live Scan process will be used to obtain the fingerprints of applicants from an approved facility at Mendocino County Sheriff Department or Willits Police Department.

“Applicant Live Scan Overview

“With Live Scan, the applicant is provided with a "Request for Live Scan Service" form (BCIA 8016) ... At these locations, a trained, certified operator enters the information from the BCIA 8016 form into the live scan terminal and initiates the live scan fingerprinting process.

“After successful electronic capture of the fingerprint images and the accompanying data, the information is electronically transmitted to the DOJ. Once the fingerprints and data are received by the DOJ, they are electronically processed by the DOJ ... Most live scan submissions that have no data or quality errors and do not result in possible criminal history matches are processed automatically and are responded to electronically. Live scan transmissions requiring analysis of a criminal record are electronically sent to the Applicant Response Unit for analysis and dissemination. Live scan submissions are responded to by electronic mail, and/or U.S. mail when the electronic mail response is not available.

“The DOJ will also coordinate other electronic processes resulting from the automated submissions of fingerprints, including forwarding the fingerprints to the FBI (if required) and coordinating the collection of associated fees.”

RECOMMENDED MOTION

Move to approve Resolution 2023-01 authorizing District staff to send potential fire volunteers and employees to get Live Scan fingerprinting and to receive the results of the subsequent criminal background investigation.

ATTACHMENTS

Resolution 2023-01

Penal Code Sections 11105(b)(11) and 13300(b)(11)

RESOLUTION 2023-01

A Resolution of The Brooktrails Township Community Services District Board of Directors Authorizing Access to State and Local Criminal History Information for Employment, Including Volunteers and Contract Employees

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize districts to access state and local summary criminal history information for employment, licensing, or certification purposes;

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation;

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and,

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the governing body of a district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Brooktrails Township Community Services District is hereby authorized to access state summary criminal history information for employment, (including volunteers and contract employees), and may not disseminate the information to a private entity.

ADOPTED this 10th day of January 2023, at a regular meeting of the Board of Directors of the Brooktrails Township Community Services District by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

R. Richard Williams, Board President

ATTEST:

Tamara Alaniz, Secretary to the Board

CALIFORNIA PENAL CODE SECTION 11105(b)(11)

11105

(b) The Attorney General shall furnish state summary criminal history information to the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(11) A city, county, city and county, or district, or an officer or official thereof, if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the state summary criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The city, county, city and county, district, or the officer or official thereof authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

CALIFORNIA PENAL CODE SECTION 13300(b)(11).

13300

(b) A local agency shall furnish local summary criminal history information to any of the following, when needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(11) Any city, county, city and county, or district, or any officer or official thereof, when access is needed in order to assist the agency, officer, or official in fulfilling employment, certification, or licensing duties, and when the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district when the local summary criminal history information is required to implement a statute, regulation, or ordinance that expressly refers to specific criminal conduct applicable to the subject person of the local summary criminal history information, and contains requirements or exclusions, or both, expressly based upon the specified criminal conduct.