



**BROOKTRAILS TOWNSHIP
COMMUNITY SERVICES DISTRICT
Board of Directors
Regular Meeting Agenda**

Board of Directors:
President Rick Williams
Vice-President Tim Ramming
Director Edward Horrick
Director Tony Orth
Director Ralph Santos

October 24, 2017

**Regular Session
Brooktrails Township Community Center
24850 Birch Street
7:00 PM to 10:30 PM***

A. PLEDGE OF ALLEGIANCE

The Presiding Officer will lead Board members and the audience in the Pledge of Allegiance

B. ROLL CALL

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

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

D. MINUTES OF PREVIOUS MEETINGS

3. The Board may approve, or amend and approve, the minutes of previous meetings, including: the meeting of October 10, 2017

E. SPECIAL PRESENTATIONS: None

F. PUBLIC HEARINGS:

4. **Ordinance No. 157 – Amendments to Ordinance No. 76 Utilities Code**
providing the use of water, establishment of accounts, payment plans and collection of delinquent accounts for utility services

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 items brought up at this time. Speakers may be limited to five 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. Review of Accounts Payable report and authorization of payments to be issued on October 25, 2017.

K. ACTION AGENDA

6. Consideration and possible adoption of Ordinance No. 157 - Amendments to Ordinance No. 76 - Utilities Code - providing the use of water, establishment of accounts, payment plans and collection of delinquent accounts for utility services

7. Consideration of a verbal report and recommendation by Counselor Neary concerning a request from Steven and Natalie Spackman for the acquisition of a portion of the greenbelt to facilitate a lot merger.

8. Request to hold an in-service day Monday November 13, 2017

L. ADJOURNMENT

The Board will consider a motion to adjourn.

CLOSED SESSION

Conference with District Counsel -Government Code 55956.9(b) - potential litigation
(if needed)

UPCOMING BOARD MEETINGS

November 14, 2017

December 12, 2017

UPCOMING HOLIDAYS

Thanksgiving Holiday – November 23rd & 24th 2017

Last Resolution Adopted: 2017-19

Last Ordinance Adopted: 156

IMPORTANT INFORMATION ABOUT BOARD MEETINGS:

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's Board and agencies may be judicially challenged in state court.

***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; except that upon motion of the Board, the meeting may be extended beyond 10:30 p.m. to a stated time.

AGENDA MATERIALS: The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Agendas and materials related to an item on an agenda (including materials distributed to the Board after the agenda is posted) are available in the District Office, 24860 Birch Street, Willits, CA 95490, during normal business hours (8:00 a.m. – 5:00 p.m. Monday-Friday) and on the Township Website Home Page site on the internet at <http://www.btcSD.org> (click on "Board Agenda & Minutes").

NOTE: The meeting room is wheelchair accessible and disabled parking is available. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the District Office at (707) 459-2494 or FAX (707) 459-0358. 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
October 10, 2017**

The Board of Directors of Brooktrails Township Community Services District met in regular session October 10, 2017 at 7:00 p.m. at the Brooktrails Community Center.

- A. PLEDGE OF ALLEGIANCE**
- B. ROLL CALL**

Roll call showed the following directors present: Santos, Orth, Horrick, Ramming and Williams. Also present was General Manager Rose. Counsel Neary was absent with leave.

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

1. President Williams asked if any Board member wished to add an item or make an adjustment to the agenda.

2. The General Manager reported that Counselor Neary provided the Board with information concerning potential litigation and that the Board directed that staff correspond with the potential litigant.

D. MINUTES OF PREVIOUS MEETINGS:

3. Director Horrick moved to approve the minutes of September 26, 2017; Director Ramming seconded. The motion to approve the minutes passed unanimously.

E. SPECIAL PRESENTATIONS:

Chief Schoeppner reported on recent fire activity.

F. PUBLIC HEARINGS:

G. REPORTS

From Directors: Director Orth reported that the media was not reporting full and accurate information on the fire activity in Mendocino County.

From District Counsel: None

From General Manager: General Manager Rose reviewed her written report.

H. PUBLIC COMMENTS: Paul Trexel stated that policy should forbid the fire duty officer to leave the District during a 'red flag' warning. He also inquired about training on the wildlands fire vehicle.

I. DIRECTORS RESPONSE TO PUBLIC COMMENTS:

Director Orth stated that the District fire department must follow all Cal Fire and OSHA guidelines and requirements for safe and efficient fire vehicles. Pre-owned fire apparatus are frequently not cost effective as they are more expensive to maintain and may be at the end of their useful life.

J. CONSENT CALENDAR

4. Director Horrick moved to approve the Accounts Payable report and authorize payments to be issued October 11, 2017; Director Santos seconded. After a discussion, the motion passed unanimously.

K. ACTION AGENDA

5. General Manager Rose gave a background of the Golf Course Operations Agreement as negotiated with the 'Rice Family'. The proposed agreement contains provisions require that beginning in the fifth year of operation, the Golf course will remit 3% of the gross revenue to the District to be placed in a capital improvement fund for future projects. It also reduces the daily water usage from 17,000 gallons to 15,000 gallons. Director Horrick moved to approve the Golf Course Operations Agreement; Director Orth seconded. By roll call vote, the motion passed unanimously.

6. The Board reviewed a request from the owner parcel #099-112-01 that the Township agree to acquire the property. After a discussion ensued the Board directed the General Manager to refer the matter to the Recreation, Greenbelt, Conservation committee for its review and recommendation to the Board as to the best course of action in the matter.

7. Director Horrick moved to authorize the re-purposing of budgeted capital funds for the purchase and installation of ADA compliant exterior doors the Fire Station in the amount of \$3,853.00; Director Santos seconded. A discussion ensued. By roll call vote, the motion passed unanimously.

L. ADJOURNMENT

Upon Director Horrick's motion to adjourn the regular meeting to closed session, President Williams adjourned the regular meeting to closed session.

R. Richard Williams, President

ATTEST:

Denise M. Rose, Secretary

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 157**

**AN ORDINANCE AMENDING ORDINANCE 76 - THE BROOKTRAILS UTILITY
CODE PROVIDING THE USE OF WATER, ESTABLISHMENT OF ACCOUNTS,
PAYMENT PLANS AND COLLECTION OF DELINQUENT ACCOUNTS FOR
UTILITY SERVICES,**

NOW THEREFORE, BE IT ORDAINED, by the Board of Directors of Brooktrails Township Community Services District as follows:

1. The Brooktrails Utility Code is amended as follows:
 - a. **Section 1.203.106 Excessive Use Cap.** is changed as follows
 - from:**
...shall mean the amount of 20,645 gallons per billing period for any water customer...
 - to:**
...shall mean the amount 9,000 gallons per billing period for any water customer
 - b. **Section 1.203.306** is added as follows:

1.203.306. Water Use shall mean that water shall be limited in use to domestic, commercial, or industrial use including normal yard upkeep only. Commercial agricultural watering is prohibited.
 - c. **Section 1.405. Primary Responsibility** - the following is deleted:

~~Regardless of whether deposit is required, or made, primary responsibility for payment of charges remains with the owner of the property served. Should an owner request in writing that an account currently in the name of a tenant, which tenant has not provided notice pursuant to Section 1-603 herein, be changed to the owner's name, the request shall be denied unless the owner shall obtain a release containing the notarized signature of the customer or provides other evidence satisfactory to the General Manager that the customer has vacated the premises.~~
 - d. **Section 1.405. Primary Responsibility** - the following is added:

Section 1-405.1 Primary Responsibility. The property owner, as determined by the real property tax roll of the county assessor, is liable for payment of utility service provided by the District either directly, through contract or permit, and shall be liable for the rates, charges and fees for that service as established by the District. In situations where someone other than the owner occupies the property receiving the service, the owner of the property shall be primarily liable for payment of services regardless of whether the owner authorizes the monthly bills to be sent to someone other than the owner.

1.405.1.2. It is the responsibility of the owner of the real property to provide the District with the current billing address or tenancy and to notify the District of any changes of address or tenancy.

1.405.1.3. It shall be and is hereby made the duty of each property owner to ascertain from the District the amount and due date of any rates, charges and fees for which the owner is liable. It shall also be and is hereby made the duty of each owner liable for the rates, charges and fees to inform the District immediately of all circumstances and of any change(s) in any circumstances which will in any way affect the applicability or the amount of any rates, charges and fees to premises where utility service is being received.

1.405.1.4. Upon the written direction and consent of the property owner using a form provided by the District, the property owner can direct the bills containing the charges for service be sent to a person other than the property owner, including a tenant of the property, for payment. Regardless of whether the designated person pays the bills, the owner of the property shall remain liable for all charges for service, including delinquent charges and penalties.

e. Section 1.506. Penalty. the following is deleted:

~~An additional penalty of one-half of one per cent (1/2 of 1%) per month for nonpayment of the charge and the basic penalty shall accrue on the first day of each subsequent month.~~

f. Section 1.506. Penalty. the following is added:

Rates and charges that remain delinquent after the levying of initial penalty shall be subject to a further penalty of one-half percent (0.5%) simple interest on the principal past due amount per month for non-payment of the delinquent charges which shall accrue on the first day of each subsequent month.

g. Section 1.508 is added as follows:

1.508. Repayment Plan. Subject to interest and penalties along with all other charges of fees levied by this article, the General Manager may permit continuance of use of utility service upon the customer's written agreement to comply with all terms and conditions of a short term re-payment plan. Additionally, further penalties may be held in abeyance on the past due amount. The plan shall include the following requirements:

1.508. 1. The customers' account must be brought current by the end of the repayment plan term and 'current' charges must be paid in accordance with Section 1-503. Payment of Bills.

1.508.2. Failure to comply with agreed to terms and conditions may result in a discontinuance of service and/or the levying of penalties that were held in abeyance.

1.508.3. Repayment plan agreements with tenants shall require the written concurrence of the property owner who has primary responsibility as defined in Section 1.405.1. Primary Responsibility.

g. Section 1.509 is added as follows:

1.509. Changes in Ownership. Upon a change in the ownership of premises, the existing owner shall notify the District five business days prior to the transfer of title to the property to the new owner. Escrow demands for the total amount of service charges due at the time of transfer, upon the selling of a property, and the recorded deed in the new

owners name is required to transfer the service to the new owner. The prior owner shall be liable for all charges, whether or not any water is used, prior to the transfer of service as set forth in this subsection.

h. Section 1.510 is added as follows:

1-510. Lien. When any charge or penalty remains unpaid for a period longer than 60 days, the General Manager may file a certificate with the County Recorder establishing a lien as provided in Section 61621 of the Government Code.

i. Section 1.511 is added as follows:

1-511. Collection with Taxes. As provided by Section 61621.2 of the Government Code, the General Manager may initiate proceedings to have any charge or penalty which remains unpaid for a period longer than 60 days collected on the tax roll.

j. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or code adopted herein is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining portions of this ordinance or code shall remain in full force and effect.

k. This Ordinance shall become effective thirty (30) days after its adoption. Within fifteen days after its adoption, the District Secretary shall post copies of this ordinance on the bulletin board in three places within the District as follows: the District Office, the Community Center, and the Golf Pro Shop. The General Manager shall cause such other notice as required by law.

Introduced September 26, 2017, and adopted this ____ day of October, 2017, at a regular meeting of the Board of Directors of the Brooktrails Township Community Services District by the following votes:

AYES:

NAYS:

ABSENT or ABSTAINING:

R. RICHARD WILLIAMS, President
Board of Directors.

ATTEST:

DENISE M. ROSE, Board Secretary

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Directors of Brooktrails Township Community Services District will conduct public hearings in concerning an Ordinance 157 amending Ordinance 76 – the Brooktrails Utility Code providing the use of water, establishment of accounts, payment plans and collection of delinquent accounts for utility services.

The public hearings will be held at 7:00 p.m., Tuesday, October 24, 2017, at the Brooktrails Community Center, 28450 Birch Street, Willits, CA. At said time and place, any person interested, including all people owning property in Brooktrails Township Community Services District, may appear personally or submit a written presentation on any matter relating to the proposed revisions.

A copy of the proposed ordinance is available for review during normal business hours at the Township Office, 24860 Birch Street, Willits, California or on-line at www.btcsd.org

Dated: September 27, 2017

Denise Rose

Denise Rose,
Secretary to the Board of Directors

Certificate of Posting

I, Denise Rose, do hereby swear under penalty that I caused copies of the attached:

Notice of Public Hearing
on
Tuesday October 24, 2017

Regarding adoption of ordinance 157 amending ordinance 76 – the Brooktrails utility code providing the use of water, establishment of accounts, payment plans and collection of delinquent accounts for utility services.

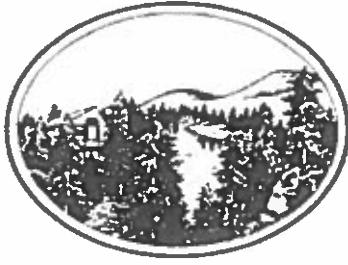
To be posted at the following places within the District boundaries:

1. Administrative Office
2. Brooktrails Community Center
3. Brooktrails Golf Course Pro Shop

Date: September 27, 2017

Signed: *Denise Rose*

Denise Rose, General Manager



BROOKTRAILS TOWNSHIP

COMMUNITY SERVICES DISTRICT

24860 Birch Street

Brooktrails, California 95490

Phone: 707-459-2494

Fax: 707-459-0358

drose@btcsd.org

Action Agenda Item K.6

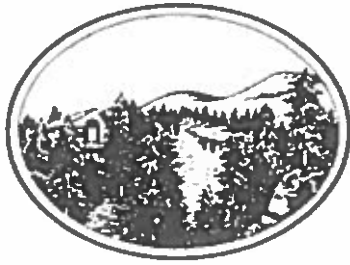
To: Board of Directors
From: Denise Rose
Date: October 20, 2017
Re: Ordinance 157 amending Ordinance 76 - public hearing and possible adoption

The Board introduced Ordinance 157 and waived the first reading at the September 26, 2017 meeting and set it for public hearing on October 24, 2017.

This Ordinance will amend Ordinance 76 to define and clarify certain requirements and practices for the following:

1. Defines the excessive use cap as 9,000 gallons per billing period for any water customer;
2. Defines water use to exclude commercial agricultural use;
3. Clarifies primary responsibility for utility accounts and requires that property owners inform the district as to billing addresses and tenancy changes and any circumstances which may affect the utility service provided;
4. Clarifies the application of penalties applied to accounts that remain delinquent for more than one billing cycle;
5. Formalizes a voluntary repayment plan process for account that are delinquent for more than one billing cycle;
6. Formalizes a requirement that property owner provide notice when ownership is transferred to another entity, as well as responsibility for utility charges that were incurred prior to the transfer, and
7. Re-instates the lien process for delinquent accounts, as well as the collection of the same, in accordance with Section 61621 and Section 61621.2 of the Government Code.

Subsequent to the Public Hearing the Board may consider a motion to adopt Ordinance 157 amending Ordinance 76 - the Brooktrails Utility Code. Roll call vote required.



BROOKTRAILS TOWNSHIP

COMMUNITY SERVICES DISTRICT

24860 Birch Street

Brooktrails, California 95490

Phone: 707-459-2494

Fax: 707-459-0358

drose@btcsd.org

Action Agenda Item K- 7

DATE: October 20, 2017
TO: Board of Directors
FROM: Denise Rose
RE: Consideration of a verbal report and recommendation By Counselor Neary concerning a request from Steven and Natalie Spackman for the acquisition of a portion of the greenbelt to facilitate a lot merger.

At the March 28, 2017 meeting the Board considered a request from Steven and Natalie Spackman to acquire a portion of the greenbelt, in order to facilitate a merger of a third lot to their existing lots, which were previously merged.

The area in question provides access from Coyote Place to a narrow strip of greenbelt. This strip is part of a much larger greenbelt parcel which may be accessed from Oriole Drive. The strip is adjacent to a ranch that borders the Township.

The Board has granted such requests in the past, generally the Board has accepted the following from property owners for the value of such property.

The Board approved the request in principle, and referred the matter to Counselor Neary for his review and recommendation as to the manner in which the Board may be able to move forward.

Counselor Neary has completed his review and will present his findings and recommendation at the October 24, 2017 meeting.

I have attached the request from the Spackmans, as well as a color-coded map delineating the parcels in question:

Color code for lots -

Blue – Spackmans’ merged lots

Green (solid block) – portion of Township greenbelt parcel

Green line – township greenbelt parcel

Yellow – Spackmans’ un-merged lot

Steven & Natalie Spackman
27481 Coyote Pl. Willits, CA 95490
(707) 391-4675 sspackman@uusd.net

February 20, 2017

Board of Directors
Brooktrails Township CDS
24860 Birch St.
Willits, CA 95490



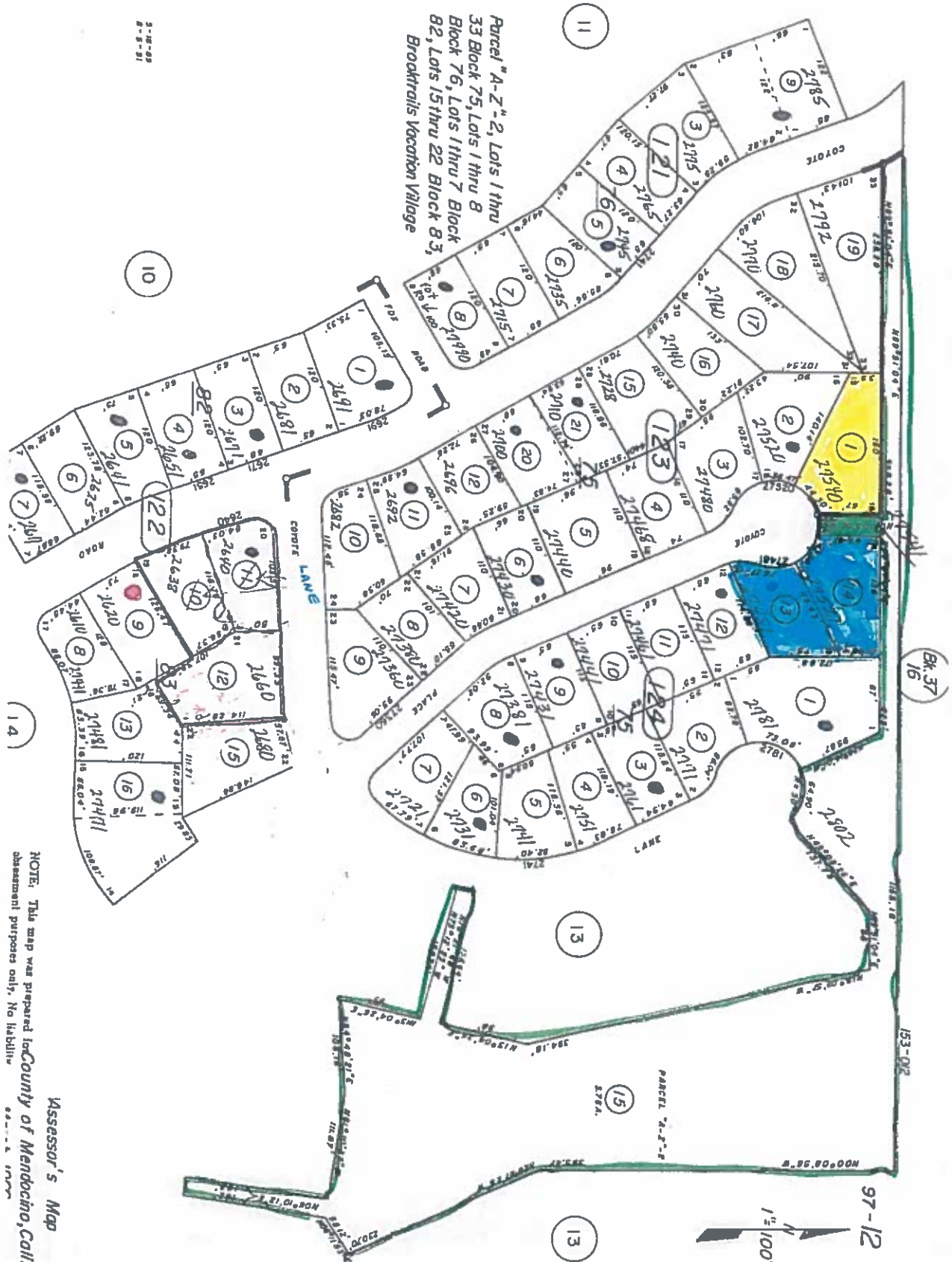
Dear Board of Directors,

My name is Natalie Spackman and my husband, Steven and I live within the Brooktrails Township. Our current address is 27481 Coyote Pl and we have recently purchased the adjacent lot next door to us located at 27540 Coyote Pl. We have the hopes of merging the two lots together; however, we have one major obstacle. There is a small piece of green belt located behind the two parcels and because of this there is a small easement preventing the option of merging the lots together. Both of our parcels back up to private cattle ranch so the green belt area is very limited, I believe approximately 1200 square feet. We are asking the Board of Directors of the Brooktrails Township permission to merge our lots together despite the easement for the small portion of green belt behind us. We really appreciate your time and consideration in the matter. Thank you.

Sincerely,



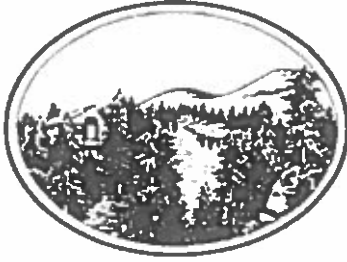
Natalie Spackman



Parcel "A-Z"-2, Lots 1 thru
 33 Block 75, Lots 1 thru 8
 Block 76, Lots 1 thru 7 Block
 82, Lots 15 thru 22 Block 83,
 Brooktrails Vacation Village

Assessor's Map
 NOTE: This map was prepared for County of Mendocino, Calli
 abatement purposes only. No liability

3-18-88
 8-5-91



BROOKTRAILS TOWNSHIP

COMMUNITY SERVICES DISTRICT

24860 Birch Street

Brooktrails, California 95490

www.btcasd.org

Phone: 707-459-2494

Fax: 707-459-0358

drose@btcasd.org

Agenda Item K-8

DATE: October 20, 2017
TO: Board of Directors
FROM: Denise Rose, General Manager
SUBJECT: Request to hold an in-service day

The District Office staff would like to hold an in-service day on November 13, 2017.

This would entail closing the office to the public on that day. Since the day is a legal holiday on which most governmental offices are closed this should not be an inconvenience for Brooktrails Township residents.

Telephone calls would be answered and both Fire and Utility departments would operate a regular schedule.

The in-service day would permit staff to perform a number of tasks which cannot be performed during a normal work day, such as purging files and archiving records

Action: by motion designate November 13, as an in-service day and authorize the closure of the administrative office.