

Regular Meeting of the
Mariposa Public Utility District
April 4, 2023

The regular meeting of the Mariposa Public Utility District Board of Directors was called to order by Director Bondshu at 6:33 p.m., at the regular meeting place.

Present were: Directors Bondshu, Dulcich, and Finney, General Manager Susan Wages, Customer Service Clerk Shaunna Saltsman, Madison Kirkpatrick with Mariposa Gazette, Wayne Forsythe and Danette Toso with Mariposa County Board of Supervisors, and Trish Gilger.

The minutes from the March 7, 2023, meeting were approved upon motion of Director Finney and seconded by Director Dulcich. Motion carried.

Ayes: Directors Bondshu, Dulcich, and Finney

Noes: None

Absent: Directors Cleary and Mock

Public Input – Trish Gilger presented a letter to the Board, and it is attached to the minutes as Exhibit A.

Update/Report Mariposa County Board Liaisons – Wayne Forsythe introduced new Board of Supervisor Liaison, Danette Toso and spoke on upcoming Mariposa County projects.

ROADWAY, WATER, AND SEWER INFRASTRUCTURE IMPROVEMENT PROJECT,
PHASE ONE

Mariposa County Public Works advertised phase one of the project, sanitary sewer main improvements. The bids were received and opened by Public Works. District staff was notified on March 31, 2023, that the lowest responsible bidder was Mid Cal Pipeline & Utilities, Inc. The District owns the infrastructure to be improved and therefore awards the project to Mid Cal Pipeline & Utilities, Inc. in the amount of \$1,687,926.00.

UPON MOTION of Director Dulcich and seconded by Director Finney, the Board of Directors adopted Resolution 2023-1998 to award the Mariposa County Revitalization Project Sanitary Sewer Improvements Project PWEN-5536-2100 to Mid Cal Pipeline and Utilities, Inc.

Ayes: Directors Bondshu, Dulcich, and Finney

Noes: None

Absent: Directors Cleary and Mock

SCOPE OF WORK FOR ROOF REPLACEMENT AT ADMINISTRATIVE OFFICE

Item was tabled until May 2023 Board meeting.

PROPOSAL FROM D-P CONSULTING, DEJAN PAVIC TO PREPARE FISCAL YEAR 2023-24 AUDITOR'S ROLL FOR ASSESSMENT DISTRICT 94-1 (SAXON CREEK WATER PROJECT)

The Board reviewed the proposal for D-P Consulting to prepare Fiscal Year 2023-24 auditor's roll preparation and related work for assessment 94-1 (Saxon Creek Water Project). Assessment payoff information to be billed at the hourly rates and are not included in the proposal for the auditor's roll preparation.

UPON MOTION of Director Finney and seconded by Director Dulcich, the Board approved the proposal from D-P Consulting to prepare Fiscal Year 2023-24 Auditor's Roll and related work for assessment district 94-1 (Saxon Creek Water Project), not to exceed \$5,500.00.

Ayes: Directors Bondshu, Dulcich, and Finney

Noes: None

Absent: Directors Cleary and Mock

BROWN BEAR LODGE AND YOSEMITE CONFERENCE CENTER

The Board reviewed a memorandum to Golden Valley Engineering and Rick Roesch confirming denial of their request for private ownership of the water mains and hydrants and project requirements based on District ownership of the water mains and hydrants.

DAMAGE FROM ATMOSPHERIC RIVER EVENT

The General Manager reported flooding beginning December 27th, 2022, and extreme storms caused ongoing damage to the District's facilities. The District is applying for State and Federal Disaster Assistance and wishes to continue the emergency Resolution until emergency work is completed.

UPON MOTION of Director Dulcich and seconded by Director Finney, the Board adopted Resolution 2023-1997, continuing the District wide, MPUD local emergency due to the 2022-23 Meteorological "Atmospheric River" event.

Ayes: Directors Bondshu, Dulcich, and Finney

Noes: None

Absent: Directors Cleary and Mock

GENERAL MANAGER

The Board reviewed the Aged Receivables Report.

The Stockton Creek Reservoir began spilling over the spillway on December 27, 2022, and is currently spilling 6-inches above the spillway.

The Board reviewed the 2022 Consumer Confidence Report (CCR). The CCR is intended to inform our customers of the quality of the water served in the previous calendar year (January 1, 2022 – December 31, 2022).

The Division of Safety of Dams assesses annual fees to cover projected costs of the California Dam Safety Program. The Stockton Creek Dam was invoiced \$24,197.00 for FY 2023-24, an increase of 7% from the prior year.

In February 2017, the District entered into an installment loan agreement in the amount of \$3,030,000 with the California State Water Resources Control Board to finance the construction of the District’s Wastewater Treatment Facility Improvement Project. Terms of the loan include: a 30-year term with annual interest of 1.7%; annual debt service payments, including principal and interest, total \$130,386, commencing on May 1, 2022, and maturing on May 1, 2050. The District has been invoiced for the 2023 payment.

A second lightning event, March 21, 2023, caused damage to two analog input modules, one flow meter, and drum scale at the Wastewater Treatment Facility. A 10-inch flow meter at the Water Treatment Facility was also damaged. The General Manager has filed an insurance claim.

The General Manager submitted a letter of support for the Stockton Creek Preserve Recreation and Resilience Enhancement Master Plan Project. The Project will consist of producing a cohesive recreation and resilience master plan for the existing Preserve and phase II expansion area (40 acres) that will serve to increase responsible accessibility, recreation and tourism while safeguarding and enhancing ecological assets.

PAY BILLS

UPON MOTION of Director Finney and seconded by Director Dulcich, the Board adopted Resolution 2023-1999.

BE IT RESOLVED the following bills are paid:

25896	AAA Business Supplies	53.83
25897	ACWA/JIPA	11,875.84
25898	American Messaging	44.15
25899	Aramark	368.47
25900	AT&T	77.04
25901	Bank of America Business Card	8,381.65
25902	BSK Associate Engineers and Laboratories	760.00
25903	Central Valley Electric, Inc.	29,500.00
25904	Costanzo and Associates	14.00
25905	CUSI	1,600.00
25906	Department of Water Resources	24,197.00
25908	IDEXX	487.63
25909	Jenfitch Inc.	1,643.03
25910	Mariposa County Public Works	742.90
25911	Merced Faculty Associates	140.00
25913	PG&E	4,414.90
25914	Provost and Pritchard	743.82
25915	Sierra Telephone	1,172.29

25916	SWRCB, CWSRF Accounting Office	130,836.80
25917	H&L Lumber	62.68
25918	S. Wages	375.32
25919	H&L Lumber	62.68
25920	Foster Ace Hardware	308.11
25921	Office City	65.73

Ayes: Directors Bondshu, Dulcich, and Finney

Noes: None

Absent: Directors Cleary and Mock

UPON MOTION of Director Finney and seconded by Director Dulcich, the meeting was adjourned at 7:01 p.m.

William Bondshu
Chairman, Board of Directors

ATTEST:

Susan A. Wages
Clerk, Ex-officio, Secretary

Exhibit A

Dear MPUD Board Members and MPUD General Manager,

MPUD decision in the November 3, 2022 Memorandum to “assume possession of the 8-inch public water main and fire hydrants” within private property “outside of the 60-foot public road easement” has particularly dire consequences. Therefore the team went to MPUD General Manager requesting to private ownership of hydrants and watermain within the project property. The General Manager stated she would need to get legal advice and discuss it with the MPUD Board members.

The Brown Bear Lodge and Yosemite Conference Center engineers attended the February 7, 2023. after publication of January 3, 2023 MPUD Board meeting in local paper and receiving quoted regulations from the General Manager and MPUD legal counsel. The engineering team navigated misguided preconceptions at the February 7, 2023 meeting laying out the reasons for the request that the district permit the onsite system to remain private. The below reasons were presented and discussed.

- No code section (provided by MPUD legal counsel) stating that the district shall own and/or reference indicating that public jurisdiction is required or obligated to establish onsite Public Utility Easement (PUE) within a parcel.
- No language in the Fire Protection Ordinance and/or Standard 8.02 B.2 (provided by MPUD General Manager) stating the district will own all fire hydrants even after check valve.
- The project site is very steep throughout; most areas between the buildings are sloped at 3:1 (run:rise).
 - The MPUD requirement of “an easement ... for operation and maintenance of the main” requires elimination of cabins. The request for 20’ MPUD easement has put the project in a life and death status
 - Maintenance on sloped areas will be an additional burden on the district. There is no benefit to the district to own and bear the responsibility of maintenance
- The proposed privately owned onsite Fire Water Lines design and construction must comply with all applicable codes: California Building Code, California Plumbing Code, California Fire Code, NFPA-National Fire Protection Associate Standards and Mariposa County Standards & Ordinances

Our team at the February 7th 2023 meeting responded to concerns, expressed by the General Manager and Board Members, with resolutions and reassurances.

- Newspaper article January 3 2022 that there “must be some sort of benefit” other than just “leading to space for more structures.”
 - Reassured the board that the only benefit is being able to build the project’s approved 50 cabins
- Newspaper article January 3 2022 comments that the project was not allowed to own hydrants and watermain “within the project” because Mariposa was a “special district, unlike somewhere like Merced” and the assumption that “lines would be built and deeded to MPUD”
 - Reassured the board that “public” water mains (public road easement & outside the project) with a hydrant would be deeded to MPUD and the request for ownership was the water main (fire water use only) serving the fire hydrants “within the project” (remain private ownership).

- Reassured the board that after review of official documents there was no language stating the district will own fire hydrants even after check valve nor was there language showing “why the district needs to control, and therefore own the hydrants” provided by MPUD District’s legal counsel and MPUD General Manager.
 - District Legal counsel provided public utilities code provisions (16461 and 16463) and Government code provision (53069);
 - MPUD General Manager provided/quoted Standard Specifications, Section 1 – General, 1.01, 8.02 B.2. (quoted in Nov 3 2022 Memorandum) stating “water main is public”, and District Fire Protection Ordinance.
- General Manager email response to GVE engineer dated Jan 26 2023 at 11:55am stating concerns of water distribution system, integrity/quality of delivered water, and GVE “asking the district to provide water for free”
 - Reassured board that the new water service line (public and private) will be installed to MPUD standard Specifications for construction and piping and will be inspected by MPUD staff
 - Reassured that the property owner will include check valve, gate valve, pressure reducing valve, backflow prevention device and curb gutter; MPUD could install a water meter to the Fire watermain. This would ensure that water entering the project would be accounted for and charged to the project. There could be solutions where Proposition 218 cost of service rate study would not be necessary nor triggered by the project.
 - The rates could be set at the current Proposition 218 compliant rate structure (charges for water) where commercial customers base rate charge (based on meter size) along with water use fees once the water meter is set for the Fire water service line .
 - Create a “Shared Utility and Maintenance Agreement” for Private On Site Hydrants (similar to RMA, Road Maintenance Agreement). Which shall be recorded at the public recorder’s office having jurisdiction and provided to the Fire District for all private fire hydrant systems serving Brown Bear Lodge and Yosemite Conference Center.
- At the meeting the General Manager spoke of concerns of illegal removal of water from fire hydrants.
 - Reassured that the project owner would not do such a thing and that there would be an alarm notifying district and owner that fire hydrant water was being removed
- At the meeting the General Manager stated that the owner was only building in town for the water.
 - Reassured the board that the project was being built in the town of Mariposa for the community. There is a need for a Conference Center not only for TOT purposes but for the community (proms, weddings, family gatherings). That the third phase of the Mariposa Creek Parkway would open doors for members attending conference(s) and individuals staying in the cabins to access the town of Mariposa to spend monies in local businesses. Having access to water is a pro but not the reason for building Brown Bear Lodge and Yosemite Conference Center in the town of Mariposa.

The presentation and discussion in the February 7 2023 MPUD Board meeting led the Brown Bear Lodge and Yosemite Conference team to believe that the Board Members understood and supported GVE's request. The General Manager ask the board members to "table" the discussion until the next meeting stating the project was months out from a grading permit. At that time, I shared that the civil plans were submitted September 26, 2022 and that this is the first I have heard that we were still "months out" to receiving a grading permit. The MPUD Board agreed that the discussion was to be "tabled until the next monthly meeting" and "no action was taken". We expected that the discussion would be continued at the next meeting.

There was no discussion with the Brown Bear Lodge and Yosemite Conference Center Team at the March 7, 2023 MPUD Board meeting. The decision was made as the General Manager states in her March 16 2023 Memorandum to the owner and the GVE engineering. That to move forward with the project that MPUD would own, located within the parcel of the project, the water main and hydrants. Subjecting the project to a MPUD easement of 20' and the loss of 24% of the planned cabins. The discussion was not tabled it was decided among the General Manager and Board Members some time between February 7th and March 7th. There was no discussion with the attending members of the Brown Bear Lodge and Yosemite Conference Center team and attending MPUD representatives at the March 7th, 2023 meeting. I had hoped for "discussion that would/could have brought changes and/or additions and/or removal of requirements to suit both (MPUD & Project) needs ensuring the success of the much-needed project in the town of Mariposa."

There is no "official" MPUD requirement and/or obligation documentation to establish onsite PUE within a parcel provided to our team other than the request from the General Manager which stated that "MPUD will take ownership (public) of all water mains with a hydrant, including the hydrant" and that "an easement is required for operation and maintenance of the main". It was stated in the February 7th 2023 minutes that "the district owns all fire hydrants" in the water distribution system. According to the MPUD General Manager there is no appeal process to challenge decisions made by the MPUD Board and there is no email address and/or contact information for the MPUD Board members to ask why they made the decision they did. This "bad decision" could be identified as being made because the alternatives were not clearly identified, the right information was not collected, the costs and benefits were not accurately weighed and/or maybe the fault lies not in the decision-making process but rather in the mind of the decision maker (status quo comfortable, influenced by it has always been this way). Either way the Brown Bear Lodge and Yosemite Conference team will never know why this bad decision has been made.

The Brown Bear Lodge and Yosemite Conference team has worked "do diligently" with MPUD in their needs in order to provide water to the project. Over the past three years the project has incurred cost "over and beyond" expected due to MPUD requests of the project. Yet, we were taken by surprise to find out that as of November 3rd MPUD would request public ownership of the distribution water system within the project. The project has been trapped in an escalation of decisions made by MPUD that has impact and caused the project to throw good money after bad decisions. The project is considered to be in "life or death" status now.

Currently MPUD Service area contains 954+/- acres within the Mariposa TPA. MPUD service Area will be increasing by 1,636+/- acres (with the Sphere of Influence SOI update, 63%-acre increase) to be the same as the TPA boundary (approval by Mariposa LAFCo). Mariposa Planning Department meeting of May 16,

2022 "Public hearing to consider LAFCo Application No.2022-080 for the Mariposa Town Planning Area (TPA) Reorganization Project (the "Project") states that the expansion of the MPUD Service Area is "necessary to accommodate future growth of the community". Whereas this may be true the community of Mariposa County still relies on the decision making of the MPUD General Manager and their Board Members. Our experience of what we identify as a "bad decision" is of concern. Bad decisions will sabotage the Mariposa County Planning Department expected future growth.

I am requesting to have this letter entered into the April 4th 2023 Mariposa Public Utility District (MPUD) Board of Directors meeting minutes.

Best,

Patricia Gilger
Community Project Development Director
MRCC Properties, LLC
pgilger@mercymedtrans.com

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MARIPOSA PUD