



Agenda Item No. 1

**REPORT TO THE MARIPOSA PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS**

March 1, 2022

**FROM:** Susan Wages, General Manager

**SUBJECT**

Public hearing to consider the Mariposa Town Planning Area Reorganization Project (the Mariposa Public Utility District Service Area Annexation and Sphere of Influence update).

**RECOMMENDATION**

Adoption of a Resolution requesting that the Mariposa County Local Agency Formation Commission (LAFCo) initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in the matter of the Mariposa Town Planning Area Reorganization. The resolution will include an environmental determination pursuant to the California Environmental Quality Act (CEQA).

**BACKGROUND**

Currently, the Mariposa Public Utility District (MPUD) Service Area contains 954± acres within the Mariposa Town Planning Area (TPA). The proposal would annex, or add, 1,636± acres to make the MPUD Service Area coterminous with the TPA boundary. The proposal would allow the annexed land to potentially receive services from MPUD. MPUD currently provides water, wastewater, and fire protection services to land within its boundary.<sup>1</sup> Beginning July 1, 2022, responsibility for fire protection services will be transferred to the County of Mariposa. The proposal would also amend the Sphere of Influence (SOI), which is the probable future boundaries for MPUD Service Area. The Annexation and SOI Amendment are formal reorganization actions that require approval by Mariposa LAFCo.

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<sup>1</sup> The Mariposa Public Utility District is also authorized to provide street and public facility lighting, although it does not currently exercise that power.

**Figure 1** contains the existing MPUD service area and SOI boundaries. **Figure 2** shows the proposed MPUD service area and SOI boundaries. **Figure 3** illustrates the zoning of land within the existing and proposed MPUD service area and SOI boundaries. **Figure 4** contains the general plan land use designations within the existing and proposed MPUD service area and SOI boundaries.

Mariposa LAFCo is working cooperatively with MPUD and the consultant team Provost & Pritchard to pursue this project, to implement the Mariposa County General Plan (adopted 2006) and to implement Mariposa LAFCo Policies (adopted 2014).

The actions, including the Municipal Service Review (MSR), the expansion of the MPUD Service Area and the expansion of the SOI boundaries are all actions which are necessary to accommodate future growth of the community.

## **ANALYSIS**

Annexation coterminous with the existing TPA boundary would ensure (but not require) that properties within the TPA could connect to MPUD facilities as need arises and facilities become accessible to those properties. The most likely scenarios involve failure of well or septic systems, in which property owners could connect to the MPUD-maintained systems rather than repair or construct new facilities of their own. Since the MPUD operations are primarily funded by user fees, annexation does not automatically result in a change to property taxes or assessments. Imposition of new taxes or assessments would be subject to Proposition 218<sup>2</sup>.

In order to adjust a SOI, Mariposa LAFCo must conduct a review of the municipal services provided by the MPUD. The MSR, which is a comprehensive review of an agency's ability to provide service(s) to those persons and businesses within its SOI, is currently being prepared. Per the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission prepares written statements of its determinations with respect to several factors related to both the MSR and to the SOI amendment.

The MSR for MPUD is being prepared in support of a request by MPUD for a change in organization for purposes of amending its SOI to make the SOI coterminous with the proposed expanded Mariposa Town Plan boundary (as established in Volume II of the 2006 Mariposa County General Plan). Although MPUD does not take action regarding the MSR, a copy is attached for the Board's review.

## **ENVIRONMENTAL FINDINGS**

The proposed project has been reviewed for compliance with CEQA. Lands within MPUD's existing and proposed SOI have been subject to extensive environmental analyses under CEQA through the Environmental Impact Report (EIR) for the Mariposa TPA and the County of Mariposa General Plan. Said analyses included the evaluation of infrastructure and public utility needs for the Mariposa TPA which is coterminous with the proposed Service Area

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<sup>2</sup> Proposition 218 requires local governments to refer ordinances to impose taxes or property-related assessments, fees, and charges to the ballot for voter consideration.

Boundary change. Since no development or other physical activities are proposed as part of the annexation, the Board may find the annexation exempt from CEQA under CEQA Guidelines Section 15319, Annexation of Existing Facilities or Lots for Exempt Facilities.

## **NEXT STEPS**

If the MPUD Board adopts the resolution as recommended, the following would occur:

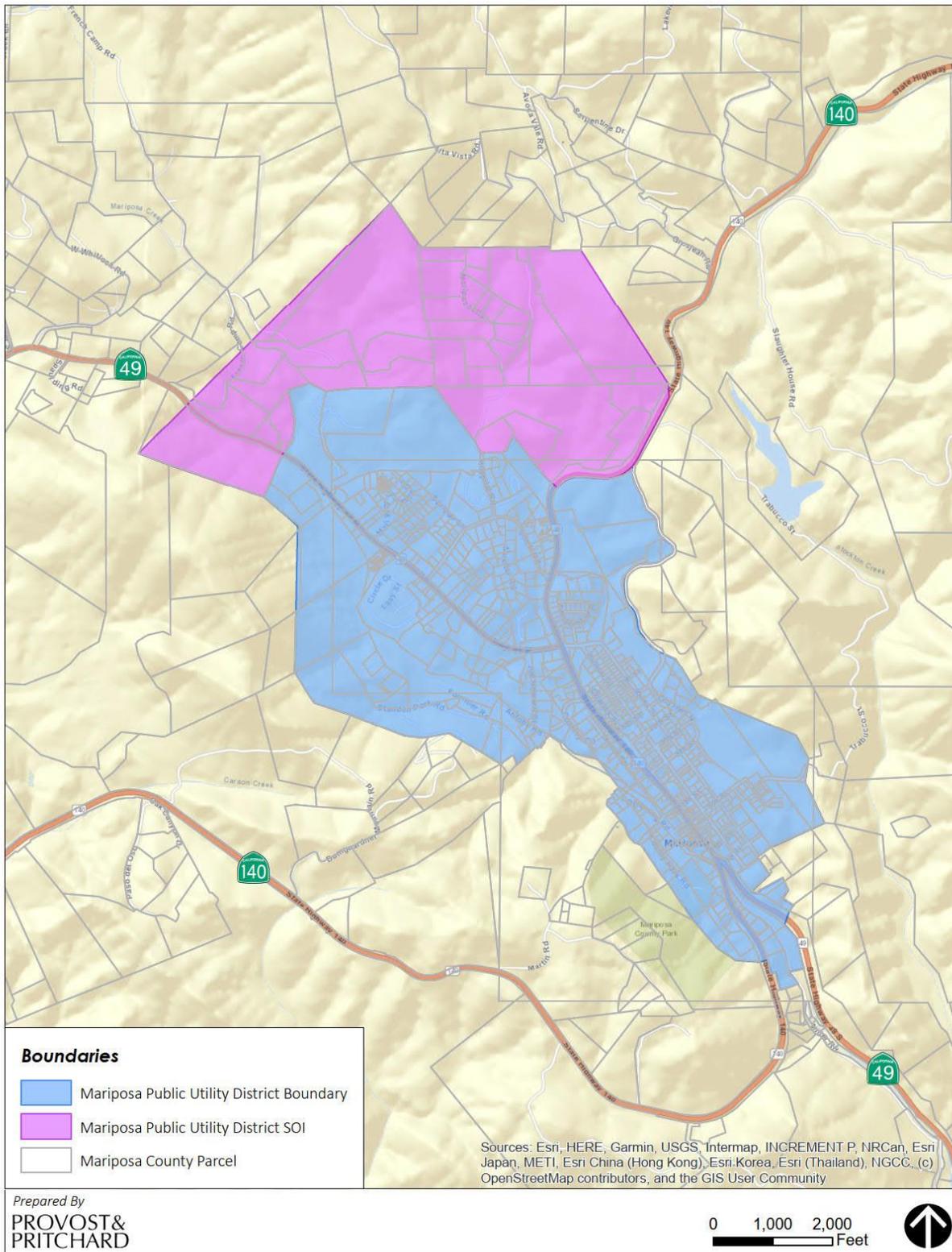
1. Consultant Team submits application materials for a Change of Organization (Annexation) to Mariposa LAFCo.
2. Consultant Team prepares the required legal description and graphic exhibit of the annexation area pursuant to the California Board of Equalization standards.
3. A Mariposa LAFCo staff report will be prepared, which addresses the MSR, the SOI Update and the Change of Organization.
4. Mariposa LAFCo conducts a public hearing or hearings to consider the MSR, the SOI Update and the Annexation.
5. If the Annexation is approved by Mariposa LAFCo, the legal description and graphic exhibit will be sent to the Board of Equalization, after which Mariposa LAFCo can record the Certificate of Completion finalizing Annexation.

## Attachments

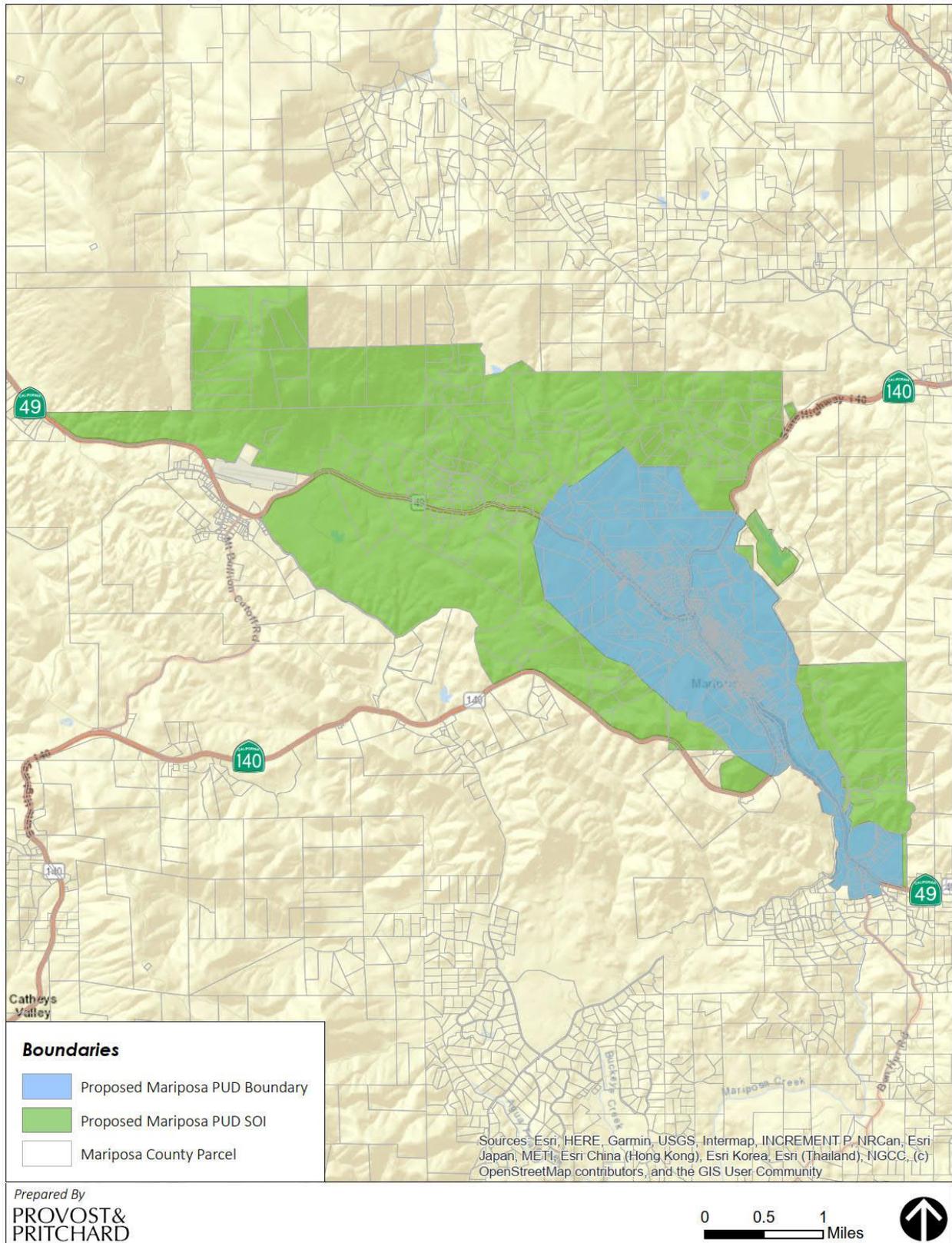
1. Figures 1 - 4
2. FAQs (Frequently Asked Questions)
3. Municipal Service Review

# ATTACHMENT 1 – Figures 1 – 4

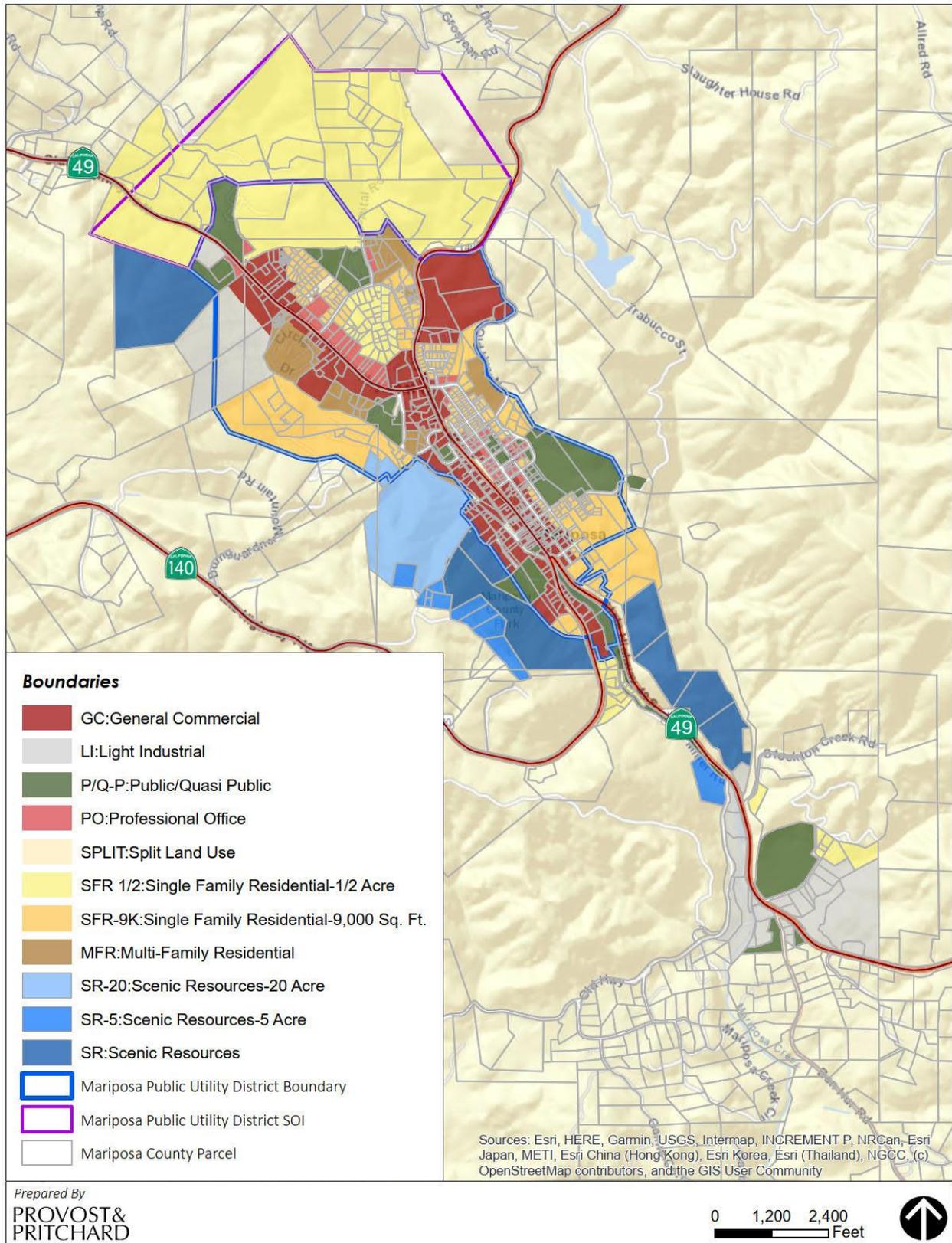
## Figure 1: Existing Sphere of Influence and MPUD Boundaries Map



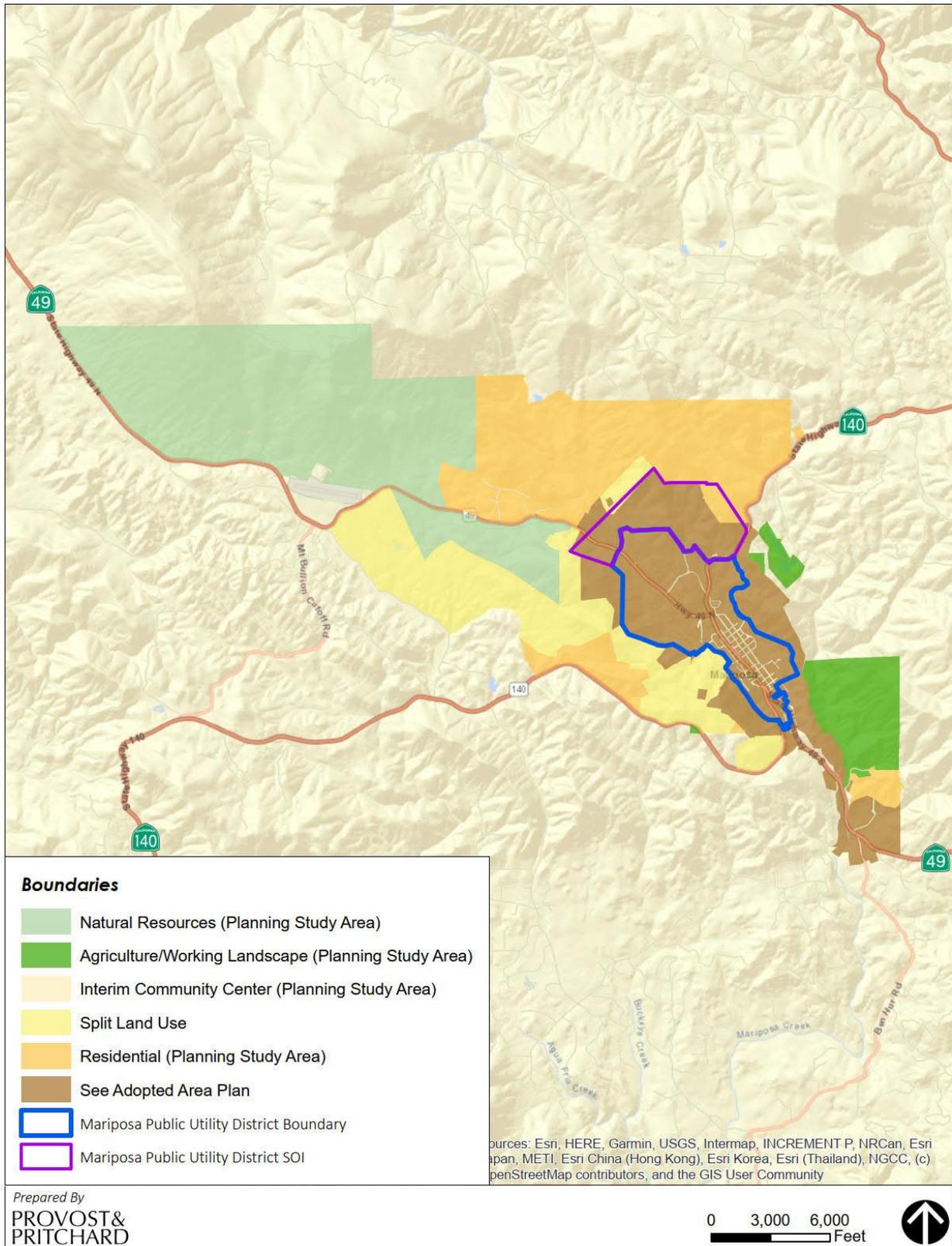
**Figure 2: Proposed Sphere of Influence and MPUD Boundaries Map**



**Figure 3: Zoning Designations Map**



**Figure 4: General Plan Land Use Designations Map**



## Attachment 2 - FAQs (Frequently Asked Questions)

1. If my property is annexed, will my property taxes go up?

The annexation itself will not affect your property taxes. While current residents of the MPUD are responsible for certain assessments, newly-annexed properties are not necessarily subject to those same assessments. Proposition 13 places restrictions on the amount of property tax an owner pays and limits annual increases that may occur due to increase in property value. Any increases to taxes outside of what may automatically occur pursuant to Proposition 13<sup>3</sup> or the addition of any assessments to a property are subject to the voter provisions of Proposition 218 (see footnote 2, on page 2 of staff report for description of Proposition 218).

2. Who will pay for the new water and sewer infrastructure?

New infrastructure is primarily funded in one of a few ways. New development (such as a major subdivision project or a commercial development project) is required to install the necessary improvements to support itself. Alternately, MPUD can undertake capital improvement projects using funds from loans or grants.

NOTE: An infrastructure expansion project is NOT a part of this current project and is not yet planned.

3. If my property is annexed, when can I connect to the public water system? My well is failing and I can't afford to drill a new well.

You can connect to MPUD's system once the infrastructure is proximal (near) to your property. Until that time, you will need to continue to rely on your existing well (or a new well).

4. If my property is annexed, will MPUD make me abandon my septic system? I just installed it last year and spent a lot of money for permitting and construction.

You will not be required to abandon your septic system, if your property is annexed. Remember, annexation is just the first step in getting utilities to an area; utility mains may not be installed to your area for some time (even years). When utility mains are installed in your area, you will be able (but not required) to connect to those utilities. However, should your septic system fail, and utility mainlines are installed in your area, you would then be required to connect.

5. If my property is annexed, can I subdivide my property into ½ lots? My zoning allows that small of parcels, but only if community services are available.

Subdivision into lots of ½-acre is contingent upon MPUD services being available to the site, to serve the smaller lots. Until services are available, the minimum lot size is five acres.

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<sup>3</sup> Proposition 13 mandates a property tax rate of one percent, requires that properties be assessed at market value at the time of sale, and allows assessments to rise by no more than two percent per year (until the next property sale).

6. I live on French Camp Road. There are currently no sewer or water mains near my property. Why would this process be initiated?

Your property is currently within the Mariposa Town Planning Area boundaries. Pursuant to the adopted Mariposa County General Plan:

- Town planning areas represent the rural scale “urban” development centers for the County.
- All residential (including multi-family residential), commercial, industrial, job-center, recreation, and public uses may occur in town planning areas (subject to applicable zoning).

Community services (sewer and water) are necessary to support the type and density of these town type uses. Expanding MPUD’s service area boundaries to be coterminous with the town planning area boundaries is a necessary first step toward achieving the General Plan’s vision.

7. I currently receive MPUD services. How will this process affect me?

The annexation of property into MPUD’s service area will not affect the services currently provided or the rate structure.

8. Why is the Sphere of Influence boundary so big?

For simplification of future planning (and pursuant to the adopted Mariposa County General Plan), the Sphere of Influence is proposed to be coterminous with the expanded Mariposa Town Plan boundary, which contains approximately 6,522 acres. The area within the expanded Sphere of Influence is not being proposed for annexation at this time. This action would allow for incremental expansion of the service area boundary into the sphere of influence area, as demand dictates.



# 2021 Municipal Service Review Mariposa Public Utility District

Adopted by the Commission on **XXXXX XX, 2022**

Prepared by:



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- Appendix B. Mariposa PUD Audited Financial Statements and Adopted Budgets
- Appendix C. 2020 Water and Wastewater Rate Cost of Service Study

# Abbreviations

AF.....	Acre-foot/Acre feet ( <i>Note: 1 acre-foot = 325,851 gallons</i> )
AFY.....	Acre Feet of Water Per Year
BWA.....	Bartle Wells Associates
CAL FIRE.....	California Department of Forestry and Fire Protection
CEQA.....	California Environmental Quality Act
CFD.....	Community Facilities District
CFS.....	Cubic Feet Per Second
DWR.....	California Department of Water Resources
EIR.....	Environmental Impact Report
ELAP.....	Environmental Laboratory Accreditation Program
GC.....	Government Code
FD.....	Fire Department
GPM.....	Gallons Per Minute
LAFCo.....	Local Agency Formation Commission
MID.....	Merced Irrigation District
MPUD.....	Mariposa Public Utility District
MSR.....	Municipal Service Review
NPDES.....	National Pollutant Discharge Elimination System
PVC.....	Polyvinyl Chloride
SCBA.....	Self-Contained Breathing Apparatus
SFC.....	Sierra Foothill Conservancy
SGMA.....	Sustainable Groundwater Management Act
SOI.....	Sphere of Influence
SWRCB.....	State Water Resources Control Board
SWTF.....	Surface Water Treatment Facility
TPA.....	Mariposa Town Planning Area
WSA.....	Water Supply Assessment
WWTF.....	Wastewater Treatment Facility

# I. EXECUTIVE SUMMARY

## A. Summary of District Information

Mariposa Public Utility District (MPUD or District) provides water and wastewater services within its boundaries. MPUD also provides fire protection services and has mutual aid agreements with the Mariposa County Fire Department and the California Department of Forestry and Fire Protection (CAL FIRE) for fire protection services. Beginning July 1, 2022, MPUD's fire protection services will be transferred to Mariposa County.

MPUD's primary facilities include:

- Wastewater Treatment Facility, permitted for 0.610 MGD
- Surface Water Treatment Facility, 1 MGD
- Stockton Creek Reservoir and Dam
- Saxon Creek Water Project (Merced River)
- Fire Station, 5273 Highway 49 North
- Administrative Office and Fire station, 4992 7th Street
- Three fire engines including one ladder truck
- State certified ELAP water quality laboratory for wastewater and bacteriological analysis

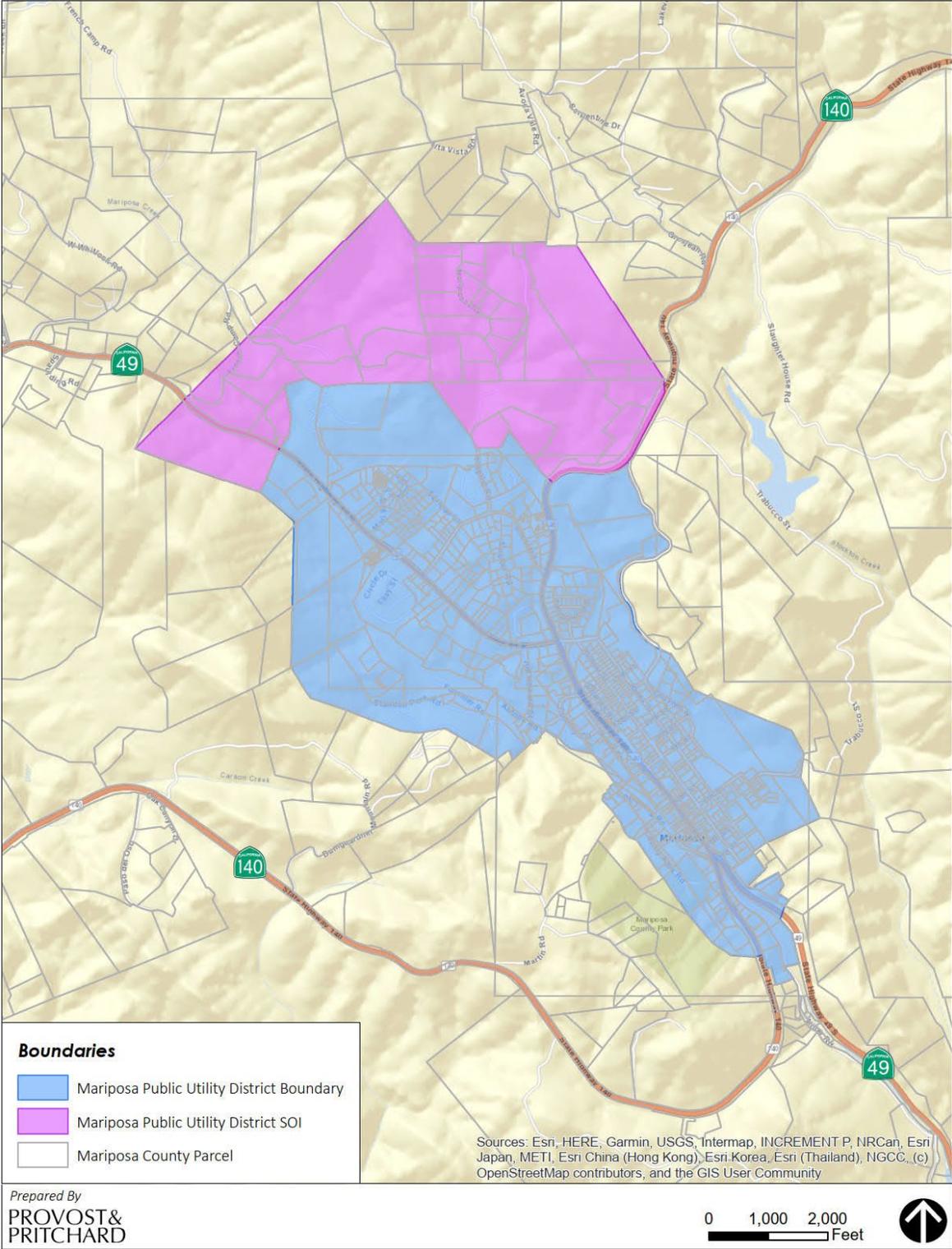


Figure I-1. Existing Sphere of Influence and District Boundaries

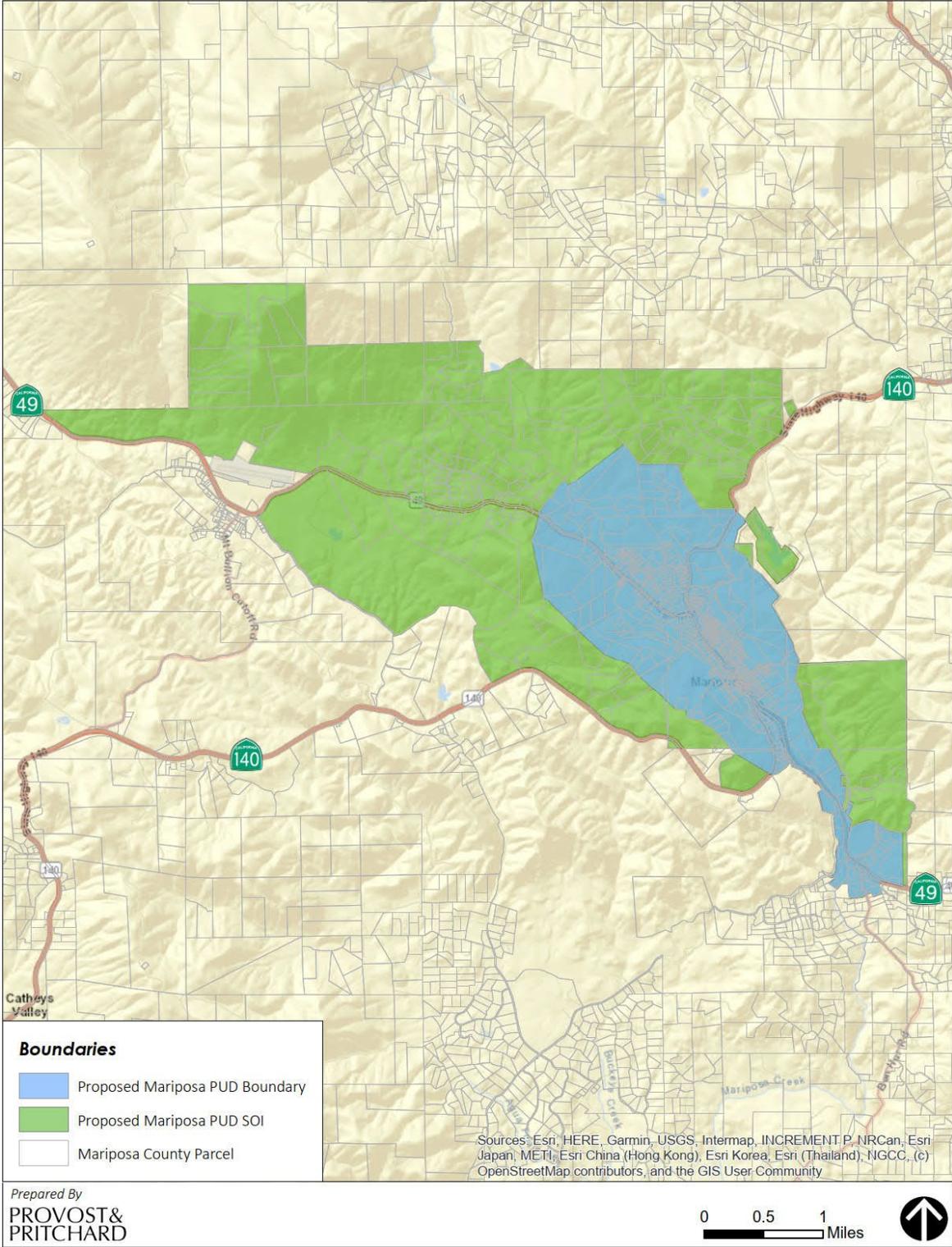


Figure I-2. Proposed Sphere of Influence and District Boundaries

## B. Summary of Determinations

Table I-1. Summary of Municipal Service Review Determinations

Summary of Municipal Service Review Determinations	
SUBJECT	DETERMINATION
<b>Growth and Population</b>	No future deficiencies related to growth and population are expected.
<b>Disadvantaged Unincorporated Communities</b>	There are no disadvantaged unincorporated communities within the District, its proposed SOI, or adjacent to the proposed SOI.
<b>Present and Planned Capacity of Public Facilities</b>	The District has the present and planned capacity of public facilities and infrastructure to serve the land within its service area.
<b>Adequacy of Public Services</b>	Public Services provided by the District are adequate in terms of operation and maintenance.
<b>Infrastructure Needs or Deficiencies</b>	There are no identified deficiencies in the District's existing or planned infrastructure.
<b>Financial Ability of the Agency to provide Services</b>	The District has the financial capacity to continue to operate and serve its customers, including future customers.
<b>Status of and Opportunities for Shared Facilities</b>	In terms of shared facilities for water and/or wastewater systems, there are no other service/utility districts in the Mariposa Town Planning Area, therefore opportunities do not exist. MPUD does have mutual aid agreements with Mariposa County and CAL FIRE for fire protection services. Beginning July 1, 2022, the County will assume all responsibility for fire protection services within the District's boundaries.
<b>Accountability, Government Structure, and Operational Efficiencies</b>	The District has a stable government structure that provides for accountability and operational efficiency.
<b>Other Mariposa County LAFCo Policies</b>	The District will not adversely affect agricultural resources and will support planned orderly and efficient development in the area.

Table I-2. Summary of Sphere of Influence Determinations

Summary of Sphere of Influence Determinations	
SUBJECT	DETERMINATION
<b>Present and Planned Land Uses</b>	The District has adequate capacity, financial ability, accountability, and government structure to serve the present and planned land uses.
<b>Present and Probable Need for Public Facilities and Services</b>	The District has the capacity, financial ability, accountability, and government structure to provide for the present and probable need for public facilities and services.
<b>Present Capacity of Public Facilities and Agency's Ability to Provide</b>	The District has present capacity of public facilities to provide for the area it is authorized to provide.
<b>Existence of Social or Economic Communities of Interest</b>	There are no social or economic communities of interest in the area such as disadvantaged unincorporated communities for which the Commission has determined relevant within the District's proposed boundaries.
<b>Need for Services by Disadvantaged Unincorporated Communities within the SOI</b>	Not applicable.
<b>Effect on Orderly Development Including Agricultural Land Preservation</b>	The District has planned for orderly development including that which affects agricultural land preservation.
<b>Conformance with Applicable General or Specific Plans</b>	The District and its services are in conformance with the Mariposa County General Plan and the Mariposa Town Planning Area Town Plan.

## C. Background

This Municipal Service Review (MSR) is prepared in support of a request by the MPUD for a change in organization for purposes of amending its Sphere of Influence (SOI) (to make the SOI coterminous with the proposed expanded Mariposa Town Plan boundary) and annexing additional land to the District (to make the Service Area Boundary coterminous with the boundary of the Mariposa Town Plan). Mariposa County Local Agency Formation Commission (LAFCo or Mariposa LAFCo) most recently adopted an MSR for the District in May 2008. Existing SOI and District boundaries are shown on **Figure I-1**. This request proposes to increase the District's SOI and boundary by adding approximately 6,024 acres as shown on **Figure I-2**. The request for an amendment to the District's SOI necessitates the preparation of an updated MSR pursuant to Government Code Section 56430.

### **Management Efficiencies**

#### *Opportunities for Rate Restructuring/Increases*

The District most recently adjusted its rate schedule for 2021 effective January 2021. The District will periodically review and adjust user rates, fees, and charges in accordance with applicable laws and regulations, including but not limited to Proposition 218.

## II. INTRODUCTION

### A. Purpose of the MSR

An MSR is an in-depth analysis to determine the adequacy of municipal services being provided by a local agency under the LAFCo. The MSR is used by LAFCo, as well as other associated agencies and the public, to gain an understanding of the services provided and to identify opportunities for cooperation and greater efficiency among service providers. The term “municipal services” generally refers to the full range of services that a public agency provides or is authorized to provide. The purpose of this MSR is to evaluate the Mariposa Public Utility District (MPUD or District) for these purposes.

The law governing LAFCOs is known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act), codified at Government Code (GC) Section 56430, et seq. The Act requires that each LAFCo, as necessary, review and update the sphere of influence of each city and special district within its county every five (5) years and provides that no SOI can be updated until the local LAFCo conducts an MSR for the agency on a regional level. MPUD proposes to amend its SOI to make it coterminous with the proposed expanded Mariposa Town Planning Area boundaries (as identified in the 2006 General Plan) as illustrated in boundary maps provided as **Figure I-2**.

The MSR review and SOI amendment provide a mechanism by which the Commission may shape the orderly and logical development of the local government agency. The MSR process includes three primary components.

- **The MSR Report:** Provides a review of the public agency’s service delivery. Examines the agency’s infrastructure, governance, and capacity to serve current and future projected growth. Identifies planned infrastructure improvements and identifies issues, needs, and/or deficiencies. The MSR provides responses to specific questions or determinations as required by the Act.
- **Public and Stakeholder Input Process:** LAFCo provides notice to the public and stakeholders of the availability of the MSR report and any planned or requested changes to the public agency’s SOI. Comments and/or concerns of the public and stakeholders are taken into consideration by the Commission in its decision-making.
- **The SOI Update/Amendment:** Based on information provided in the MSR report, the LAFCo staff provides a recommendation to its Commission. Based on all sources of information, including public and stakeholder input, the LAFCo Commission may arrive at a decision to retract, expand, or maintain SOI boundaries.

### B. Document Organization

This MSR is organized as follows:

- I. ***Executive Summary:*** Provides a background of the agency, the proposed reorganization, and a brief overview of the relevant determinations and findings for consideration by LAFCo.
- II. ***Introduction:*** Discusses LAFCo jurisdiction and regulatory framework for MSR and SOI review and approval. Describes the purpose and processes for review of the MSR and SOI.

- III. **Agency Profile:** Describes the agency and its governing structure. Provides an overview of the services provided by the agency.
- IV. **Adequacy of Public Services:** Provides a comprehensive accounting of the existing and planned growth, population, infrastructure, and financial ability of the agency. Evaluates the status of and opportunities for shared facilities and other cost avoidance options.
- V. **MSR Determinations and Findings:** Provides suggested determinations and findings necessary for Commission consideration of the MSR pursuant to California Government Code Section 56430.
- VI. **SOI Statements:** Provides suggested statements for Commission consideration of the SOI Amendment pursuant to California Government Code Section 56425(e).
- VII. **Environmental Compliance:** Addresses the statutory framework for consideration of the MSR and SOI as it relates to the California Environmental Quality Act (CEQA).
- VIII. **Recommended Actions:** Lists actions necessary for consideration by the Commission.
- IX. **References:** Provides a listing of references used in the preparation of the MSR.

## III. AGENCY PROFILE

### A. Background

MPUD is a California public utility district formed in Mariposa County in 1947 pursuant to the Public Utilities Act of 1921 (Public Utilities Code Sections 15501 through 18055). The District was established for the purpose of providing utility services to the unincorporated community of Mariposa. The District's primary services include providing public water and wastewater systems in the community, along with fire protection. Under State law, a Public Utility District has the ability to acquire and operate works for supplying light, water, power, heat, transportation, telephone or other communications, garbage disposal and sewage. It can also purchase and distribute services to operate a fire department, ambulance service, street improvements, and various recreation related services.

At the present time, the District provides water and wastewater services within its boundaries. It also provides fire protection services and has mutual aid agreements with the Mariposa County Fire Department and the CAL FIRE for fire protection services. Beginning July 1, 2022, the County will assume all fire protection services within the District's boundaries.

Lands within the District's existing and proposed SOI have been subject to extensive environmental analyses under the California Environmental Quality Act (CEQA) through the Environmental Impact Report (EIR) for the Mariposa Town Planning Area and the County of Mariposa General Plan. Said analyses included the evaluation of infrastructure and public utility needs for the Mariposa Town Planning Area which is coterminous with the proposed Service Area Boundary change.

## B. Agency Information

Contact:	Susan Wages, General Manager
Mailing Address:	P.O. Box 494 Mariposa, CA 95338
Physical Address:	4992 7 <sup>th</sup> Street Mariposa, CA 95338
Phone Number:	(209) 966-2515
Fax Number:	(209) 966-6615
Types of Services:	Water, wastewater, and fire protection
Date Formed:	1947
Board of Directors:	The Directors are elected to four-year terms in accordance with the provisions found in the California Public Utilities Code

As of August 2021, the current Board of Directors is constituted as listed in **Table III-1**:

**Table III-1. Mariposa PUD Board of Directors**

Mariposa PUD Board of Directors		
Member	Term Began	Term Ends
Frank Mock, Chairperson	2018	2022
Dana Finney	2020	2024
Bill Bondshu	2020	2024
Mike Cleary	2020	2024
Gordon Dulcich	2020	2022

A summary of the District’s statistical information is provided in **Table III-2**.

**Table III-2. District Information**

District Information	
Statistics	
Area in District:	954 acres (1.49 square miles)
Area in Sphere of Influence:	1,452 acres (2.27 square miles)
Current number of Water and Sewer Connections	722 connections
Staff	Eight full-time employees

### Services Provided

Within the District’s Service Areas, the District provides its customers with public water, sewer, and fire protection services.

By Resolution on February 1, 2022, The Mariposa County Board of Supervisors approved an agreement accepting responsibility for fire and related emergency response in the MPUD service territory. Beginning July 1, 2022, MPUD will be transferring its fire protection service to Mariposa County. Presently, MPUD provides fire protection services to lands within its boundaries and the County of Mariposa provides structural fire protection for all other areas of Mariposa County outside of the MPUD service area boundaries.

According to the General Manager, MPUD has owned firefighting apparatus since 1949. The staffing for operation of the apparatus was originally provided by an independent organization of volunteers. In 1988, the MPUD Board of Directors formalized the MPUD Fire Department (FD) by ordinance and the independent volunteer group became volunteers to the MPUD FD. The members of the department are paid-call volunteers. The department has never employed full-time firefighters.

Recently, due to lack of participation and volunteer recruitment, as well as increasing maintenance costs and depreciation of firefighting apparatus, the MPUD General Manager reports that the fire protection services function is no longer sustainable. At present, the MPUD FD budget is less than \$108,000 annually. The current MPUD fire protection fee for all structures within the MPUD area covers the debt service for the fire station, maintenance and operation of the fire station, maintenance and operation of apparatus, insurance, and the paid-call program.

## IV. ADEQUACY OF PUBLIC SERVICES

### A. Growth and Population

The Mariposa Town Planning Area Specific Plan (Plan) estimated population growth for the land within the Mariposa Town Planning Area (TPA) at a growth rate of 3.0% as the low estimate and 6.2% as the high estimate.<sup>1</sup> The Plan utilized the “straight line” technique for the growth estimate. With these numbers, and the population projected of 2,826 (3.0% growth) and 5,212 (6.2% growth) for the year 2011, **Table IV-1** the project population of the TPA.

**Table IV-1. Population Groth Projections According to the TPA**

Population Growth Projections According to the TPA		
Year	Population Estimate (3.0%)	Population Estimate (6.2%)
2011	2,826	5,212
2021	3,798	12,517
2031	5,104	22,842
2041	6,859	41,685
Formula: $x(t) = x_0 (1+r)^t$		

The current population for the TPA is estimated at 1,535. The current population was estimated by utilizing census block data provided by the County of Mariposa. According to that estimate, the projected growth in the TPA Plan was incorrect. According to the U.S. Census Bureau, the County of Mariposa had an average growth rate between 2010 to 2020 of -0.72% per year.<sup>2</sup> **Table IV-2** below utilizes the current growth rate of -0.57% for the proposed MPUD Service Area to project its future population numbers. According to the information below, the population is set to see a decrease in population.

**Table IV-2. Population Growth Projections Utilizing Mariposa County Growth Rate**

Population Growth Projections Utilizing Mariposa County Growth Rate		
Year	Growth Rate	Population Estimate
2021 (current)	-0.72%	1,535
2031	-0.72%	1,428
2041	-0.72%	1,328
Formula: $x(t) = x_0 (1+r)^t$		

<sup>1</sup> (County of Mariposa)

<sup>2</sup> (United States Census Bureau, 2019)

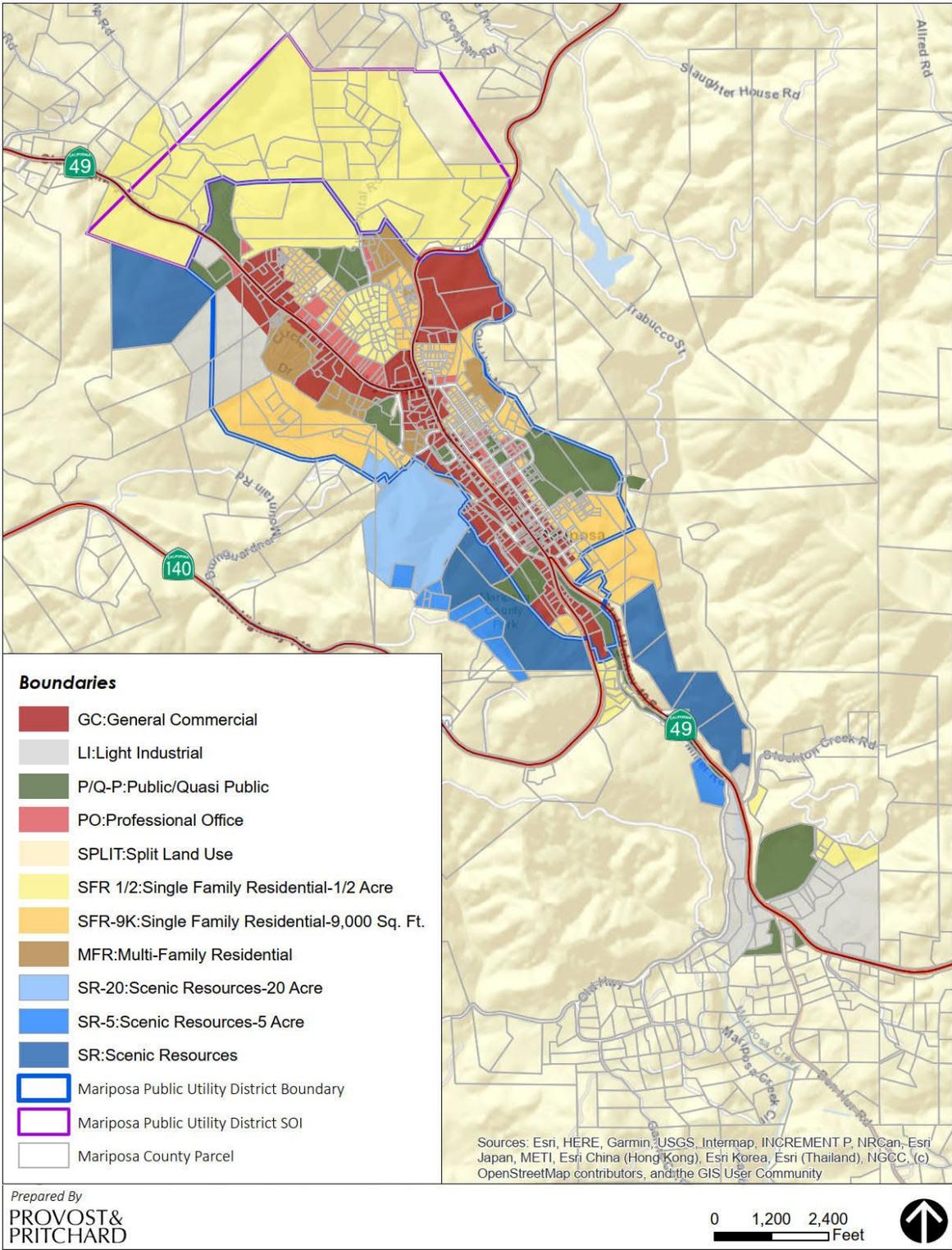


Figure IV-1. Zoning and Land Use Map

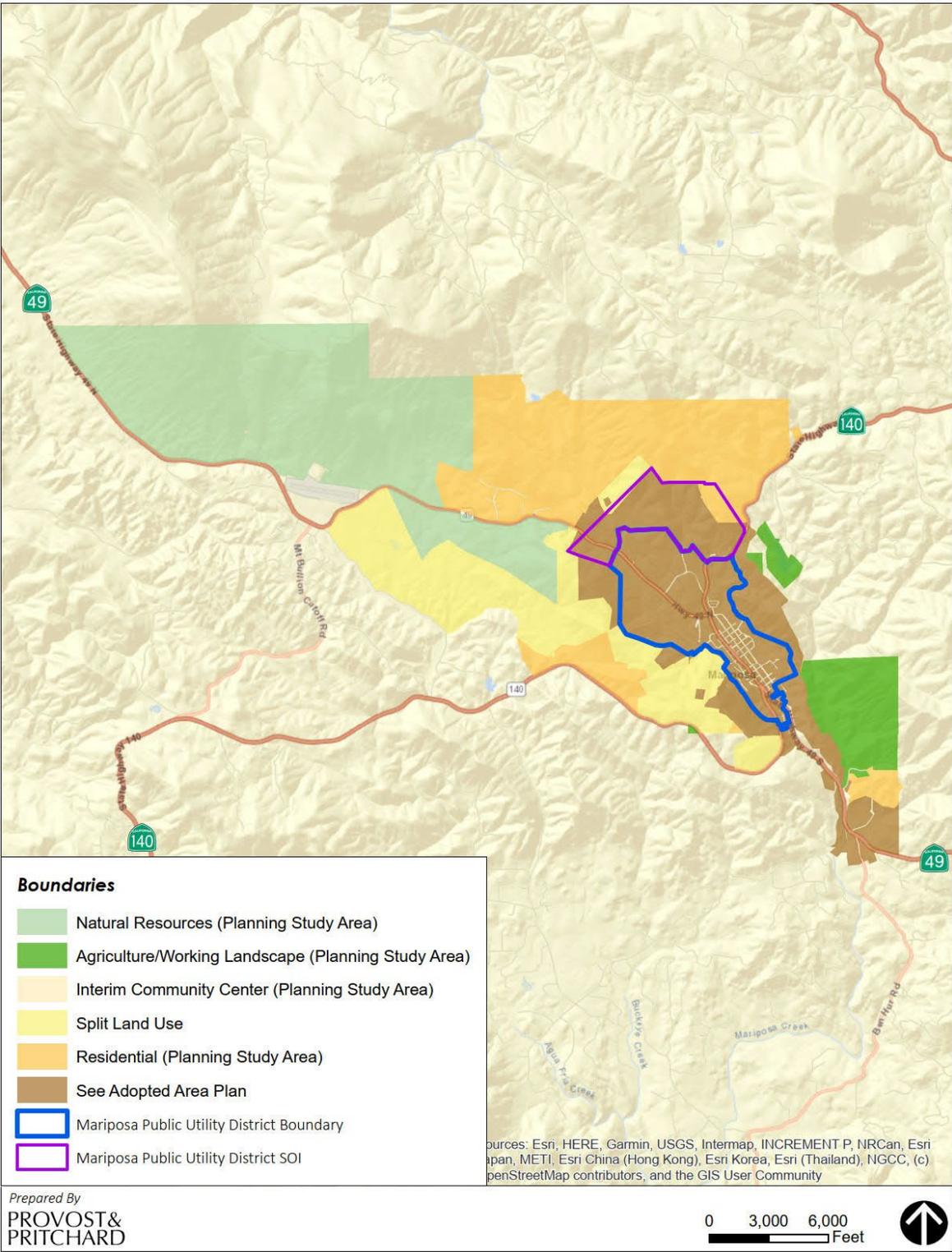


Figure IV-2 Land Use Map

## B. Disadvantaged Unincorporated Communities

SB 244 defines a disadvantaged unincorporated community as a place containing 10 or more dwelling units in close proximity to one another, within a city SOI, an island within a city boundary, or geographically isolated area, having existed for more than 50-years; and having a median household income that is 80 percent or less than a statewide median household income.

These communities often lack the necessary infrastructure or technical and managerial abilities to provide their own community services. The primary intent of the new legislation is to enable LAFCOs to require that cities and urban service districts include these communities in their local planning processes when considering annexation of adjacent lands. There is no land within the District meeting the criteria of SB 244 identified as a disadvantaged unincorporated community.

## C. Present and Planned Capacity of Public Services

Mariposa County does not contain any incorporated cities. The current District boundaries encompass approximately 945 acres and include the majority of the urbanized, developed land within the overall TPA boundaries. The previous Municipal Service Review for MPUD recommended that the District's sphere of influence (SOI) and the TPA boundary be coterminous, and that District provide all properties within the TPA with the opportunity to obtain services from the District. The proposed SOI change would be consistent with the Mariposa County General Plan by assisting in the implementation by facilitating the policies and development standards of the Mariposa Town Planning Area Plan.<sup>3</sup> A map illustrating MPUD's current Service Areas and proposed Service Areas is provided as **Figure I-1** and **Figure I-2**, respectively.

The TPA includes portions of the future Mariposa Creek Parkway Phase IV Special Plan. The Mariposa Creek Parkway Phase IV Special Plan pairs engagement with diverse local stakeholders, including housing and public health agencies, environmental stewardship non-profits, and the wider community, with rigorous site, market, and ecological analyses to articulate a vision for a sustainable neighborhood along the Mariposa Creek Parkway. The planned neighborhood that will emerge from this process will address Mariposa County's housing imbalance, gain new access encroachments to State Route 49, and establish an internal network of complete streets that support multi-modal transportation behavior and reduce greenhouse gas emissions. Deliverables include neighborhood site and land use plans, an economic development and investment strategy, and a phasing and action plan to guide implementation. The project is funded by a grant from the Caltrans FY 21-22 Sustainable Communities Grant Program. In May 2007, a Feasibility Study was prepared by Provost and Pritchard on behalf of Mariposa County for MPUD. Based upon the available water sources, the report and the District have concluded that the District has enough source water to supply all of the properties within the boundaries of the TPA, which includes portions of the Mariposa Creek Parkway Phase IV Special Plan. Although the District has enough water for the future project, in order to provide source water, the District will need to construct the associated infrastructure. According to Mariposa County's Draft 2019-2024 Housing Element, MPUD has adequate sewer treatment capacity to handle development within the Mariposa TPA for the planning period of the 2019-2024 Housing Element.<sup>4</sup>

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<sup>3</sup> (Final Water and Wastewater Municipal Service Review, 2008)

<sup>4</sup> (Mariposa County, 2019)

## **District Water Systems and Facilities**

Since the 1950s, MPUD has been providing public drinking water services to areas within the urbanized but unincorporated community of Mariposa. MPUD is essentially an enterprise district. The operation and maintenance of the public water system is financially supported by fixed monthly service charges adopted by Ordinance of the MPUD Board of Directors.

### ***Saxon Creek Water Project (Merced River)***

MPUD owns and operates a pump station adjacent to the Merced River near Saxon Creek. The pump station has two 1,000-horsepower pumps with the capability to include a third pump. The current capacity of the pump station is 2,400 gallons per minute (gpm); with the third pump installed this would increase to 3,200 gpm. The pump station is located below the historic Yosemite railroad bed (now an access road for the Bureau of Land Management recreation areas) about one mile west of the community of Briceburg. To the south of the pump station, the District operates an electrical substation to access power from the PG&E high-voltage Yosemite transmission line accessed by Rancheria Creek Road.

The pump station supplies a 43,000-foot-long, 12-inch transmission main that extends to a 10-inch pipeline located at the Stockton Creek dam. At the high elevation point of the pipeline there is a one-million-gallon steel raw-water storage reservoir. The pumps in the river are called on or off based on the operator set point water level in the reservoir and set point time of day. The water treatment facility draws water directly from the transmission main and the reservoir. In addition, water can be diverted from the Saxon Creek project pipeline directly to the Stockton Creek Reservoir for storage, if needed.

The Saxon Creek water project diverts water from the Merced River in Mariposa County. The name of the project was derived from the point of diversion being located near the confluence of Saxon Creek and the Merced River. Merced Irrigation District (MID) is the actual water right holder for the Saxon Creek project. In February 1995, the MID water right license #2685 was amended to include the majority of the Mariposa Town Planning Area (as it existed during project planning) as an additional place of use and the Saxon Creek pump station as an additional point of diversion. The water right license allows for a maximum diversion amount of 7 cubic feet per second (cfs) (3,150 gpm) and 5,000-acre feet per year. A significant requirement of the amendment restricts the diversion based on stream flow. “Licensee shall, during the period from January 1 through December 31 by-pass a minimum of 50 cfs in the Merced River at the point of diversion for water intended for delivery to Mariposa Town Planning Area. The total stream flow shall be by-passed whenever it is equal to or less than 50 cfs”. Other permits such as Bureau of Land Management (land use) and California Department of Fish Wildlife (stream alteration) have restrictions and requirements. The 50 cfs limitation is the most significant. Historically, the 50 cfs limitation has been applicable from late August to December during low Sierra snowpack years. The State Water Resources Control Board (SWRCB) has issued curtailment orders on certain water right licenses in June of 2014, April of 2015 and 2016 as a result of extreme drought conditions resulting in shorter term pumping opportunities.<sup>5</sup> Currently, there is a curtailment order for 2021.

### ***Stockton Creek Reservoir***

MPUD owns and operates a 440-acre foot reservoir on Stockton Creek approximately one mile from the town of Mariposa. The Stockton Creek dam was built in 1949/1950. There is a 7,000-foot-long 10-inch pipeline from the dam to the water treatment facility near the town of Mariposa. The District utilizes Stockton Creek as a

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<sup>5</sup> (Mariposa Public Utility District, 2021)

primary water supply source. The watershed above the dam is less than 3500' elevation. Reservoir recharge is dependent upon the amount of rainfall received at lower elevations.

The California SWRCB has issued two licenses for diversion and use of Stockton Creek to the MPUD. License #7743 provides for a diversion of 320-acre feet and maximum withdrawal of 245-acre feet per year. License #10582 provides an additional diversion of 108-acre feet with withdrawal of 57-acre feet per year for a total of 428-acre feet diversion and 302-acre feet withdrawal. In the event of low run-off in the Stockton Creek watershed, the District can divert water from the Saxon Creek Water Project to the Stockton Creek Reservoir.<sup>6</sup>

### **Water Wells**

Currently, the District owns and operates four active water wells located within the District boundaries. The wells are connected directly to the water distribution system. All wells are equipped with chemical feed equipment that injects chlorine when the wells are being operated. The approximate capacity of the four wells combined is 360 gallons per minute (pumped less than 12 hours per day). Two of the wells supply pressure Zone 3 and two wells pump directly to Zone 1 of the distribution system. More information on the pressure zones within the District can be found in the subsection Water Distribution System.

Although major changes in the town of Mariposa's growth rate and water quality/water rights requirements have the potential to affect the future capacity of these sources, the existing sources of water are adequate for future growth of the District, probably for the next ten to twenty years.<sup>7</sup>

### **Water Treatment Facility**

In August of 2013, The District completed construction of a replacement surface water treatment facility (SWTF). The SWTF has a design capacity of one million gallons per day. All surface water sources are treated at the SWTF. The SWTF is permitted under the SWRCB Division of Drinking Water, and the operations staff is individually certified through the SWRCB Water Treatment Operator Certification Program.

The primary components of the recently constructed SWTF include a clarifier/flocculation tank, membrane filters, granular activated carbon reactors, emergency power generator, chemical feed systems and operations building. The SWTF is required to meet a .1 Nephelometric Turbidity Units (ntu) turbidity standard. The SWTF also provides corrosion control water conditioning to meet the lead and copper drinking water requirements at the customers' tap. The facility will allow the District to consistently meet current safe drinking water standards adopted by the U.S. Environmental Protection Agency and the SWRCB Drinking Water Program.<sup>8</sup>

### **Water Distribution System**

The water distribution system consists of four pressure zones. Pressure Zone 1 is supplied by a one-million-gallon water storage tank near the SWTF. Pressure Zone 1 includes the downtown area, Bullion Street, Jones Street, Stroming Road, Miller Road, Jessie Street and the Joe Howard Street areas. In 2004-2005 MPUD replaced all the steel water mains that were originally installed in 1950-1952 with 17,000 feet of 6-inch, 8-inch, and 10-inch polyvinyl chloride (PVC) pipe with ductile iron fittings; fire hydrants and service connections meeting American Water Works Association (AWWA) standards in this pressure zone.

Zones 2 and 4 are supplied from Zone 1. Two pump stations pump from Zone 1, each equipped with two 250-gpm pumps: one at Jones and Bullion Streets and one near the hospital. These stations pump water to a one-million-gallon water storage tank approximately one mile north of the hospital located within pressure Zone 4. Pressure Zones 2 and 4 include Hospital Road, Campbell Tract, Mueller Tract, Smith Road, and the east side of Highway 49 North from Smith Road to the CAL FIRE facility. The pumps are operated by a computerized

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<sup>6</sup> (Mariposa Public Utility District, 2021)

<sup>7</sup> Ibid.

<sup>8</sup> Ibid

Supervisory Control and Data Acquisition system that communicates via radio signal. The default condition (communication and/or power failure) allows full access for flow from the one-million-gallon tank in Zone 4.

The majority of the distribution system in Zones 2 and 4 is relatively new and installed according to AWWA standards. The transmission pipeline between the Jones Street pump station and the Hospital pump station is constructed of 6-inch ductile iron pipe installed in 1952. The one-million-gallon water tank and 12-inch main in Zone 4 as well as all of Zone 4 are outside of the existing District boundaries to take advantage of elevation for gravity flow from the water tank and future service to the northeast portion of the TPA.

Zone 3 is supplied by the two wells near Idle Wheels Mobile Home Park that pump to a 72,000-gallon concrete water storage tank. Zone 2 is connected to Zone 3 via a pressure reducing valve. In the event of system failure or large pressure drop (such as fire flow) in Zone 3, the pressure regulating valve will automatically open allowing water to flow from pressure Zone 2 to Zone 3 which accesses the one-million-gallon tank in Zone 4. Most of the distribution system in Zone 3 was constructed in 1976. The material used was PVC pipe; however, it does not meet AWWA or current MPUD standard specifications. The combined total length of distribution mains is approximately 75,000 feet.

The operations staff is individually certified through the SWRCB Water Distribution Operator Certification Program.<sup>9</sup>

## **District Wastewater Services and Facilities**

### ***Wastewater Treatment***

The wastewater treatment facility (WWTF) discharges treated wastewater to Mariposa Creek. The permitted capacity of the facility is .610 million gallons per day, average daily flow. The District operates the facility under a National Pollutant Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board. The WWTF's discharge is assigned Municipal General Order enrollee number R5-2017-00085-017 and National Pollutant Discharge Elimination System Permit CAG585001. The Notice of Applicability, authorizing coverage under the Municipal General Order became effective April 1, 2021. The NPDES permit is renewed every five years. The operations staff is individually certified through the SWRCB Wastewater Treatment Operator Certification Program.

The current WWTF, originally constructed in 1984, went through an upgrade in mid-2018 and was ultimately completed in 2020. The project included adding tertiary treatment and upgrading the existing treatment processes to allow the wastewater treatment facility to meet discharge limitations. Major upgrades includes: installation of recirculation system, installation of mixing pumps, new gravity filters, new effluent pump station, new UV disinfection, new biosolids storage area, and rehabilitated headworks and clarifiers.

An Installment Sale Agreement and Grant for the upgraded WWTF was executed by the State Water Resources Control Board on April 17, 2017. The District was approved for \$9,030,000 in funding, including a \$3,030,000 loan and a \$6,000,000 grant. In addition to State Revolving Funds, the District contributed \$621,000 in general funds to the project. The debt service for the loan portion of the project funding is \$131,000 per year, beginning Fiscal Year 2020-2021.<sup>10</sup>

### ***Wastewater Collection***

Collection mains installed after 1975 have been constructed with PVC pipe. The combined total length of all public wastewater collection mains is 73,000 feet (separate from the NPDES permit for the treatment facility). All significant sewer collection system overflows are reported through the SWRCB California Integrated Water Quality System. MPUD practices a routine collection main cleaning schedule to avoid system failures that may

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<sup>9</sup> (Mariposa Public Utility District, 2021)

<sup>10</sup> Ibid.

result in a sewer overflow. The wet weather infiltration of storm water into the collection system does result in high flows to the WWTF during significant rain fall events. MPUD staff monitors and repairs failing collection system mains as they are identified.<sup>11</sup>

### ***Environmental Laboratory***

MPUD operates a water quality laboratory at the WWTF certified under the SWRCB Environmental Laboratory Accreditation Program (ELAP). MPUD is able to perform most of the daily, weekly and monthly water quality monitoring for the public water and wastewater system in the MPUD lab. The operation of the laboratory allows the operations staff to more efficiently monitor water quality and operational parameters for the water and wastewater treatment systems. MPUD has also provided bacteriological and nitrate analysis of drinking water for the Mariposa County Schools and the general public.

### **Fire Protection Services**

Administration for the District's fire protection services is a function of the General Manager and office staff (total of two personnel). Administration is limited to primarily finance, State Fire Marshal communication and budget type tasks. The Fire Chief is appointed by the Board of Directors of the District normally followed by a recommendation from the paid call staff. The Fire Chief is a "paid call fire fighter" and not a regular full-time employee of MPUD. The volunteer staff that trains and responds to emergency incidents are also paid call fire fighters.

The primary fire apparatus owned by MPUD consists of one 1,000-gpm pumper (2008 Rosenbauer) housed at the District office on 7th Street along with a 1986 Westates 1,250-gpm pumper and a 1975 Seagrave 1,500-gpm pumper with a 50-foot ladder/snorkel build-up, both housed at the MPUD fire station at Smith Road and Highway 49 North.

The MPUD fire station at 5273 Highway 49 North consists of a 3-bay engine room, kitchen, meeting/training room, office and bunk room.

MPUD owns and operates a self-contained breathing apparatus (SCBA) filling station. This facility services the SCBA air bottles for MPUD, Mariposa County Fire Departments, Mariposa County Sheriff's Office and CAL FIRE.

The MPUD Board of Directors has adopted a fire protection ordinance that provides for minimum fire protection requirements and water system improvements for future development within the District. The intent of the ordinance is to maintain a minimum level of fire protection with requirements for fire hydrants and fire flow. An added benefit to customers is the ISO rating of the District, effective April 1, 2020. ISO completed its analysis of the structural fire suppression delivery system with a resulting Public Protection Classification of 04. (ISO ratings range between 1 and 10, 1 is the most favorable fire protection class and 10 is the least.)

MPUD has entered into mutual aid agreements with CAL FIRE and the California Office of Emergency Services. These agreements allow for MPUD personnel and equipment to respond to emergencies throughout the state at the specific request of the state and approval of the MPUD Fire Chief. MPUD and Mariposa County have entered into an automatic aid agreement which provides for initial response dispatch of MPUD equipment to specific areas outside of and adjacent to the District within the County of Mariposa. As mentioned, approved by Resolution on February 1, 2022, an agreement was made for the County to assume all fire protection services within the District's boundaries. The Resolution approved the following items:

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<sup>11</sup> (Mariposa Public Utility District, 2021)

- Beginning July 1, 2022, Mariposa County would be responsible for providing all fire and related emergency response within MPUD boundary.
- On July 1, 2022, MPUD facilities and equipment related to providing fire and emergency response will be transferred to the County. This includes the fire station on Highway 49 and the engines and protective equipment located there.
- The County would be responsible to pay the remaining debt service on the fire station. As of this writing, the debt service principal balance is \$235, 909.
- MPUD would transfer to the County any funds collected for the purpose of fire and emergency response on July 1, 2022.
- MPUD volunteers will be allowed to become Mariposa County volunteers. As of this writing, all MPUD volunteers are already serving both departments.
- After July 1, 2022, MPUD will no longer maintain volunteers, collect fire service fees, or perform any functions typical of a fire or related emergency response operation.
- MPUD will retain control of the fire bay located at their office on 8<sup>th</sup> Street for use at their sole discretion.

## Lighting

Under Division 7 of the California Public Utilities Code, a public utility district has the following powers:

1. It can acquire and operate works for supplying the District's inhabitants with light, water, power, heat, transportation, phone or other means of communication, or means of disposition of garbage sewage or refuse.
2. It may purchase and distribute such services and commodities and acquire and operate a fire department, ambulance service, street lighting system, public parks, playgrounds, golf courses, swimming pools, recreation and other public buildings and drainage works including street improvements.

MPUD does not provide lighting services to inhabitants, but it does hold the capability to do so. Currently, lighting services in the MPUD's service area is provided by the Mariposa Lighting District. The Mariposa Lighting District provides street and public facility lighting for the town of Mariposa. Revenues are realized from carry-over funds deposited in an interest bearing account, interest earnings, and a portion of the County-wide one-percent tax rate.

The Policy established in the Mariposa LAFCo Policies and Procedures document, Section 19.060.C.4 states, "Dissolution of the Mariposa Lighting District and provision of its services by MPUD should be addressed and discussed in the sphere of influence update."

As stated above, as a public utility district, MPUD holds the power to provide street lighting services, but at present, MPUD does not anticipate the provision of those services.

## Water Supply

The District’s primary water source of supply is the Stockton Creek Reservoir. In the event of a drier year resulting in low run-off in the Stockton Creek watershed, the District can divert water from the Saxon Creek Water Project to the Stockton Creek Reservoir. The District has four hard rock water wells connected to the water distribution system which supply various pressure zones within its service area.

## Water Demand

In its entirety, the District’s Service Area encompasses 954 acres. The Service Area accounts for the majority of the urbanized TPA boundaries. Currently, the District’s Service Area does not include the entirety of the TPA boundaries. The Service Area serves a population of approximately 2,000. The Service Area includes the following:

- 787 single family dwellings
- 271 commercially rated connections
- 345 hotel/motel units
- 16 public buildings/facilities

In 2020, MPUD customers consumed 108,879,904 gallons of surface and groundwater. 60 percent of the water used was surface water and the remaining 40 percent was sourced from groundwater. Table IV-3 below summarizes the water consumption for the 2020 calendar year.<sup>12</sup>

Table IV-3. 2020 MPUD Water Consumption

2020 MPUD Water Consumption		
	*Surface Water	Ground Water
	Stockton Creek Reservoir	Wells: IW 01 & 07 MPUD 05 & 06
Gallons	65,855,000	43,024,904
% of supply	60	40
Source Mariposa Public Utility District 2020 Drinking Water Consumer Confidence Report		

\*Merced River water (Saxon Creek) was not used in calendar year 2020.

<sup>12</sup> (Mariposa Public Utility District, 2021)

## D. Water Quality

According to the 2020 Drinking Water Consumer Confidence Report for the District, the District's water system met all U.S. EPA and State drinking water health standards. The water system has not violated a maximum contaminant level or any other water quality standard for the year 2020. The Consumer Confidence Report has been attached as **Appendix A**. The Consumer Confidence Report contains a summary of the 2020 water quality, details about where water comes from, what it contains, and how it compares to State standards. The preparation of Consumer Confidence Reports is required by Health and Safety Code Section 116470 and the California Code of Regulations, Title 22 for public water systems.

## E. Groundwater Sustainability Practices

### Existing District Sustainability Practices

In 2014, the passing of the Sustainable Groundwater Management Act (SGMA) had created the requirements for governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans.

Very small portions of the western edge of Mariposa County are located in the Merced Subbasin (see **Figure IV-3**). The Merced Subbasin is a part of the larger San Joaquin Valley Groundwater Basin. Although, the County of Mariposa is a non-voting member of the Merced Subbasin Groundwater Sustainability Agency, the portion of the County that is overlying the Merced Subbasin does not include MPUD.

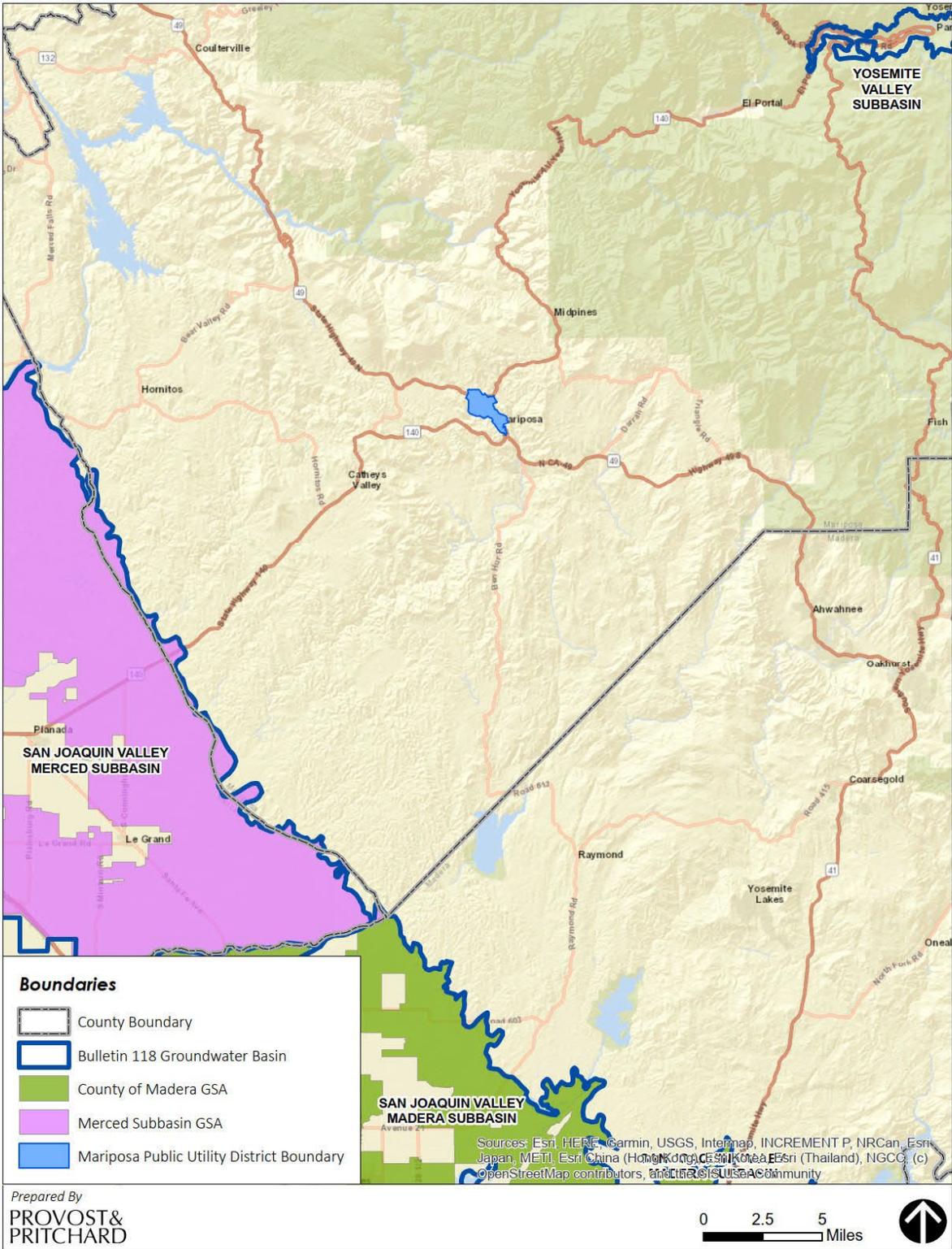


Figure IV-3. Groundwater Sustainability Agency Map

## F. Financial Ability to Provide Services

### Funding Sources and Revenues

MPUD is essentially an enterprise district. The Board sets charges for services provided by the District. These charges are collected on a monthly basis for each service. The General Manager (also Clerk to the Board) is appointed by the Board and has full charge and control of the construction of the works of the District and their maintenance and operation. MPUD also received loans to finance its operations. Under the leadership of the retired General Manager, Mark Rowney, the District received over \$22.3 million dollars in grant funds for infrastructure improvements over the last 37 years.

#### ***Water Agency Loan***

In December 2005, the District obtained a loan from the Mariposa County Water Agency for \$1,038,077. The loan is non-interest bearing and payable at the rate of \$755 for every new single family dwelling that connects to the District's water system within a specified benefited area. The balance due Mariposa County, as of June 30, 2021 is \$949,212.

#### ***Saxon Creek Special Assessment District Loan***

In September 1995, the District obtained a loan from the Farmer's Home Administration for \$2,573,910. The loan is paid semi-annually at 4.5% for a period of 40 years, maturing in 2034. Mariposa County collects and forwards capital contributions from the special assessments to the District in December, April, and June of each year. Current balance as of June 30, 2021 is \$1,310,000.

#### ***Fire Station Loan***

In October 2005, the District obtained a loan from the USDA for \$491,000. The loan is paid monthly at 4.75% for a period of 25 years, maturing in September 2031. Current balance as of June 30, 2021 is \$241,928.

#### ***California State Water Resources Control Board Loan***

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, 2021 and maturing on May 1, 2050. The loan is secured by a lien and a pledge of the Sewer Enterprise Fund, net revenues, and any reserve fund.

### Rate Structure/Fees

In 2020, MPUD retained Bartle Wells Associates to develop a financial plan and cost of service study for water and wastewater rates to ensure financial stability over the next five years (**Appendix C**). **Table IV-4** illustrates MPUD's residential water rates as of January 2021. **Table IV-5** illustrates MPUD's commercial rates and **Table IV-6** illustrates MPUD's wastewater rates as of 2021. The District's previous rate increase was in 2018.

The last adjustment in the fire protection fees was adopted in 1992, and according to the General Manager is no longer sufficient to meet the financial requirements of the fire department. Adjusting fire protection fees requires an engineer's benefit analysis and vote of the electorate within the District (Proposition 218 requirements). MPUD collects a basic monthly fee of \$4.50 per month per single family residential unit. Structures other than single-family units are charged based on occupancy type and size of structure.

Table IV-4. Water Rates – Residential, Base and Meter Rates

Water Rates - Residential, Base and Meter Rates					
Prior Monthly Base Rate	1-5,000 gallons	5,001-10,000 gallons	10,001-15,000 gallons	15,001-20,000 gallons	20,001+ gallons
\$31.80	\$2.55	\$2.85	\$3.75	\$5.25	\$6.10
	Per 1,000 gallons	Per 1,000 gallons	Per 1,000 gallons	Per 1,000 gallons	Per 1,000 gallons
Monthly Base Rate effective January billing 2021	1-5,000 gallons	5,001-10,000 gallons	10,001-20,000 gallons	20,000+ gallons	
\$29.05	\$3.49	\$4.17	\$4.36	\$6.76	
	Per 1,000 gallons	Per 1,000 gallons	Per 1,000 gallons	Per 1,000 gallons	

Source (Bartle Wells Associates, 2020)

Table IV-5. Water Rates – Commercial, Base and Meter Rates

Water Rates - Commercial, Base and Meter Rates		
¾" meter	\$29.05	\$4.25 Per 1,000 gallons
1" meter	\$48.42	\$4.25 Per 1,000 gallons
2" meter	\$154.95	\$4.25 Per 1,000 gallons
4" meter	\$484.21	\$4.25 Per 1,000 gallons
6" meter	\$968.42	\$4.25 Per 1,000 gallons
Motels	\$7.26	\$4.25 Per 1,000 gallons
Untreated Irrigation	Based on meter size	\$2.11 Per 1,000 gallons

Source (Bartle Wells Associates, 2020)

The current rate structure for residential includes a monthly service charge plus a volumetric rate per 1,000 gallons. Residential use is charged based on a 5-tier increasing block rate structure.

Commercial customers are charged fixed monthly rates based on customer category plus a volumetric rate. Depending on the customer category, commercial customers either pay the residential tiered rates or commercial tiered rates based on a 5-tier increasing block rate structure. The commercial tiered rates have higher tier breakpoints than residential users and unique rates for each tier.

Motel customers pay a fixed monthly rate per motel unit plus a volumetric rate based on a 4- tier increasing block rate structure. The motel tiered rates have lower tier breakpoints than residential and unique rates for each tier. Untreated irrigation customers pay a flat monthly rate plus a volumetric rate per 1,000 gallons.

Table IV-6. Wastewater Rates

Wastewater Rates						
Wastewater Rates	Prior Base Rates	January billing 2021	July billing 2021	July billing 2022	July billing 2023	July billing 2024
Residential, Per Unit	\$48.50	\$52.72	\$57.30	\$62.28	\$67.70	\$73.58
Multi-Family, Per Unit	\$39.00	\$39.63	\$40.26	\$40.91	\$41.57	\$42.23
Commercial #A	\$48.50	\$50.84	\$53.29	\$55.87	\$58.56	\$61.39
Commercial #B	\$116.50	\$ 122.00	\$ 127.76	\$133.78	\$140.10	\$146.71
Commercial #C	\$316.50	\$354.59	\$397.27	\$445.08	\$498.64	\$558.65
Commercial #D	\$369.50	\$402.53	\$438.52	\$477.72	\$520.43	\$566.95
Commercial #E	\$785.00	\$828.43	\$874.26	\$922.62	\$973.66	\$1,027.52
Motels, Per Unit	\$32.50	\$34.82	\$37.31	\$39.97	\$42.83	\$45.89
Hospital	\$1,121.00	\$1,156.27	\$1,192.65	\$1,230.17	\$1,268.87	\$1,308.80
Institutional	\$1,055.00	\$1,104.84	\$1,157.04	\$1,211.70	\$1,268.94	\$1,328.89
Source (Bartle Wells Associates, 2020)						

## Adopted Budgets

Adopted budgets are provided as [Appendix B. Mariposa PUD Audited Financial Statements and Adopted Budgets](#).

## G. Accountability and Government Structure

The District is served by a governing Board of Directors that provides governance and accountability. The District’s stable management structure provided by the Board, consists of the elected five (5) members listed in this report. The Board of Directors are elected to four-year terms. The District Board meetings are held the first Tuesday of each month at 6:30 p.m. Meetings are conducted in accordance with the Brown Act and the meeting locations and facilities are in compliance with the Americans with Disabilities Act. The District posts its official agenda at the meeting location at least 72 hours prior to its regular meetings, specifying the time and location of the meeting and briefly describing items to be discussed and/or acted on. The District will also post the official agenda and accompanying information on the District website at least 72 hours prior to its regular meeting. Based on the information provided above, there are no other means available to improve the District’s accountability and government structure.

## H. Status and Opportunities for Shared Facilities

The opportunity for shared facilities has the potential to reduce costs of services. It is up to LAFCo to determine if sharing facilities with other service providers is feasible. In terms of shared facilities for water and/or wastewater systems, there are no other service/utility districts in the Mariposa Town Planning Area, therefore opportunities do not exist.

Currently, MPUD does have mutual aid agreements with Mariposa County and CAL FIRE for fire protection services. Beginning July 1, 2022, the County will assume all responsibility currently held by MPUD for fire protection services within the District's boundaries.

## I. Operational Efficiencies

With the completion of the improvements to the WWTF, the District is operating at an efficient level. This service review found that the District is efficiently providing its various services within its existing service area, and has capacity to support additional growth within its existing SOI.

## J. Applicable Mariposa County LAFCO Policies

### Mariposa County LAFCo Consistency

All proposals shall be consistent with the goals, objectives, policies, and standards of the Mariposa County General Plan and any applicable area plan. The Commission may find a proposal consistent with the General Plan or area plan as a whole, although the proposal is found to be inconsistent with one or more standards, if the Commission identifies the inconsistencies and finds that:

1. The negative effect in a particular instance is outweighed by the overall positive impact of the proposal on the County;
2. The proposal will not materially detract from the General Plan or area plan as a whole; and
3. The proposal is inconsistent with one or more standards of the General Plan or area plan due to the unique nature of the proposal and/or special or unusual circumstances in the area or the County at the time that could not have been anticipated when the General Plan was developed and that the situation is not likely to occur frequently enough so as to warrant amending the General Plan or area plan.

It is the policy of Mariposa LAFCo to consider whether the proposed action brought before the Commission would (a) adversely affect the agricultural resources of the community, or (b) not promote the planned, orderly, efficient development of an area.

This document is consistent with the following goals, objectives, policies, and standards of the Mariposa Town Plan and the County of Mariposa General Plan:

- From the Mariposa Town Planning Area Specific Plan: MPUD should provide water and sewer services throughout the town planning area. They currently provide these services in the majority of the developed areas within the community and extension of their services to currently unserved areas is logical relative to providing adequate and cost effective water and sewer infrastructure.
- From the Mariposa Town Planning Area Specific Plan: Annexation of additional territory into the MPUD should not occur until adequate water source capacity exists or is programmed. The public facilities portion of the specific plan identifies projects to provide this additional source.
- From the Mariposa Town Planning Area Specific Plan: MPUD's fire jurisdiction should ultimately be expanded to serve all developed portions of the TPA.
- From the Mariposa Town Planning Area Specific Plan: Urban level development should not occur until adequate MPUD sewer and water service is available. Section d 3.25 and 3.3 (Improvement Standards and Subdivision Standards) implement this policy.
- From the Mariposa Town Planning Area Specific Plan: Water and sewer services should not be extended into areas planned for rural level development such as the Scenic Resource designation.

- From the Mariposa Town Planning Area Specific Plan: Water and sewer services should only be provided together and prohibiting the provision of sewer service without water and vice versa should be pursued by MPUD.
- Goal 9-5 of the Mariposa County General Plan: Adequate water and wastewater services shall be provided to properties in the County.
- From Chapter 19 of the LAFCo Policies and Procedures: The current SOI boundary was established so that it was co-terminus with the Mariposa Town Planning Area boundary that was in place at that time. In 2006, the Mariposa County General Plan was updated, and the current General Plan proposes possible expansion of the Mariposa Town Planning Area boundary.

While it may not be feasible for MPUD to provide services to all of the area within the proposed expanded Town boundaries, when the SOI is updated for MPUD, the proposed expansion of the Town Planning Area's boundaries should be analyzed.

- From Chapter 19 of the LAFCo Policies and Procedures: ...An update to the sphere of influence is vitally necessary for the orderly and logical growth of the district...
- From Chapter 19 of the LAFCo Policies and Procedures: Dissolution of the Mariposa Lighting District and provision of its services by MPUD should be addressed and discussed in the sphere of influence.
- From Appendix 5 of the LAFCo Policies and Procedures: ...Dissolution of the district and the provision of street lighting services by the Mariposa Public Utility District shall be addressed and discussed in the sphere of influence update for MPUD...

There are no lands within the District of the proposed annexation area that are currently held under Williamson Act Contract or located within an agricultural preserve.

## V. DETERMINATIONS AND FINDINGS

California Government Code Section 56430 provides that LAFCoS, upon receipt and consideration of an MSR, are required to adopt written findings addressing topics as follows

### A. Growth and Population

Although the population today does not reflect what was anticipated in the Plan, the population grew at a lower rate than expected. The District is prepared for the anticipated growth, or potential decline, and thus no future deficiencies are expected.

### B. Disadvantaged Unincorporated Communities

There are no disadvantaged unincorporated communities within the District boundaries or in its general vicinity. Any future annexation to the District is unlikely to include such communities.

### C. Present and Planned Capacity of Public Services

With the inclusion of the Saxon Creek Water Project, in addition to existing sources and facilities, the District has the capacity through existing contracts and supplies to provide water service to its existing and future customers. No deficiencies in the District's water capacity have been identified.

### D. Adequacy of Public Services

The District has adequate facilities and infrastructure to serve the existing development within its boundary, and within the proposed SOI amendment and annexation. Adequacy of these public services has been thoroughly investigated and determined to be sufficient.

### E. Infrastructure Needs or Deficiencies

With the 2020 upgrades to the WWTF, there are currently no infrastructure needs or deficiencies. The District's existing infrastructure is capable of sustainably serving the areas within the expanded Mariposa Town Plan boundary.

### F. Financial Ability of the Agency to Provide Services

In 2020, The District retained Bartle Wells Associates (BWA) to develop a financial plan and cost of service study for water and wastewater rates to ensure financial stability over the next five years. Regarding water, BWA determined that the District's revenues are adequate to cover expenditures over the next five years. Regarding wastewater, BWA determined that the District will need to raise rate revenue by 7.25% per year for the next five years to meet the goal of funding the District's operating and capital needs. In response to BWA's determination, in order to fund the District's wastewater service operations, the District increased the rates (see **Table IV-6. Wastewater Rates**).

While it is anticipated that user fees will adequately fund the District's operations prior to and at full buildout, California law nonetheless provides the District with the ability to seek additional funding sources including

but not limited special benefit assessments and the formation of improvement districts. In the future, the District will use additional funding sources as needed in accordance with state law for these purposes.

The District will continue to have annual audits conducted by a certified public accountant. Rates for water and wastewater services within the District boundaries will be related to the cost of producing and delivering water services; the District will make rate decisions based on external costs and infrastructure maintenance and/or replacement requirements.

Based on the analysis provided in this report, the District has the financial capability to continue to sustainably operate and serve its customers, including its future customers.

## **G. Accountability, Government Structure, and Operational Efficiencies**

The District was created in 1947. Its primary purpose is to provide water, wastewater, and fire protection services for the benefit of all users in the District. The District has an elected five-member Board of Directors. The Board meets regularly on the first Tuesday of each month as described above. The Board meetings are publicly-noticed and are conducted in compliance with the Brown Act. The meeting locations and facilities are in compliance with the Americans with Disabilities Act.

## **H. Other LAFCo Policies**

Mariposa LAFCo has an adopted Policies and Procedures document. It can be found at the following links:

[Chapters-1-through-10 \(mariposacounty.org\)](https://www.mariposacounty.org/DocumentCenter/View/11111111)

[Chapters-11-through-20 \(mariposacounty.org\)](https://www.mariposacounty.org/DocumentCenter/View/11111111)

[Appendices-1-through-5 \(mariposacounty.org\)](https://www.mariposacounty.org/DocumentCenter/View/11111111)

## VI. SOI STATEMENTS

Government Code Section 56425(e) requires LAFCo to consider and make a written statement with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

Mariposa Public Utility District currently encompasses approximately 954 acres of varying land uses in central Mariposa County. The total acreage planned within the District is 1,452 acres. The District currently comprises land zoned for residential, scenic resources, commercial, industrial, and public facility uses.

With the proposed annexation, the District proposes to amend its service area boundary by approximately 498 acres to extend its services to the remaining land in the Mariposa TPA that is currently not located in MPUD's service area. As evaluated in this report relative to: 1) present and planned land uses; 2) present and probable need for public facilities and services; 3) present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide; and 4) the existence of any social or economic communities of interest in the area (i.e. disadvantaged unincorporated communities) for which the Commission may determine relevant, it is recommended that the SOI of the Mariposa Public Utility District be amended to include the boundary indicated in **Figure I-2**.

## VII. ENVIRONMENTAL COMPLIANCE (CEQA)

An MSR and SOI amendment are considered to be a “project” as defined by the California Environmental Quality Act (CEQA; Public Resources Code Section 21000, et seq.), and therefore are subject to analysis for potential environmental effects. In LAFCo’s role as lead agency under CEQA, the Commission generally will determine that adoption of the MSR is categorically exempt from CEQA review under CEQA Guidelines Section 15306, Information Collection, which states:

“Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.”

The supporting findings for this CEQA exemption are as follows:

- The purpose of an MSR is to collect data for the purpose of evaluating an agency’s ability to provide services within its sphere of influence.
- Adoption of an MSR does not result in any change to land use or zoning, nor does it grant an entitlement or permit of any kind, either directly or indirectly.
- Nothing resulting from adoption of an MSR has the potential to create any physical change to the environment.

## VIII. RECOMMENDED ACTIONS

Staff recommends that the Commission takes the following actions:

### A. ENVIRONMENTAL REVIEW

- A. Recommended Action: Find the proposal to be exempt from CEQA under CEQA Guidelines Section 15306, Information Collection

### B. MUNICIPAL SERVICE REVIEW

Recommended Action: ADOPT the seven determinations required in Government Code Section 56430 for the MPUD as identified in **Section I** of the municipal service review report.

### C. SPHERE OF INFLUENCE AMENDMENT

Recommended Action: ADOPT statements as discussed in this report, pursuant to Government Code Section 56425(e) as follows:

- 1) The District has adequate capacity, financial ability, accountability, and government structure to serve the present and planned land uses;
- 2) The District has the capacity, financial ability, accountability, and government structure to provide for the present and probable need for public facilities and services;
- 3) The District has the present capacity of public facilities and has adequate public services to provide for the area it is authorized to provide;
- 4) There are no social or economic communities of interest in the area such as disadvantaged unincorporated communities for which the Commission has determined relevant within the District's proposed boundaries.

## IX. References

- Bartle Wells Associates. (2020). *Mariposa Public Utility District 2020 Water and Wastewater Rate Cost of Service Study*.
- County of Mariposa. (n.d.). *Mariposa Town Planning Area Specific Plan*.
- (2008). *Final Water and Wastewater Municipal Service Review*. Mariposa County. Retrieved August 2021, from <http://www.mariposacounty.org/DocumentCenter/View/31646/MSR-Final-Report-with-exhibits?bidId=>
- Mariposa County. (2019). *Mariposa County 2019-2024 Housing Element Draft*.
- Mariposa Public Utility District. (2021). *General Information*. Retrieved 2021, from Mariposa Public Utility District.
- Mariposa Public Utility District. (2021). *Mariposa Public Utility District 2020 Drinking Water Consumer Confidence Report*. Retrieved August 2021, from [https://3013505d-9a8d-4ec0-b081-7ddc3995e41a.filesusr.com/ugd/332fdd\\_695f57577316471089d0fc71659966ae.pdf](https://3013505d-9a8d-4ec0-b081-7ddc3995e41a.filesusr.com/ugd/332fdd_695f57577316471089d0fc71659966ae.pdf)
- United States Census Bureau. (2019). *Quick Facts: Mariposa County, California*. Retrieved from Quick Facts: Mariposa County, California: <https://www.census.gov/quickfacts/fact/table/mariposacountycalifornia/PST045219>

# Appendix A. Consumer Confidence Report

# **Appendix B. Mariposa PUD Audited Financial Statements and Adopted Budgets**

# **Appendix C. 2020 Water and Wastewater Rate Cost of Service Study**