



Yosemite West Property & Homeowners, Inc.

Notes from Yosemite West District Advisory Committee (YWDAC) Meeting December 10, 2020 (by teleconference)

YWDAC members present:

Tom Lambert (chair)
Debra Kroon
John Mock
Art Cormier
Jeff Webb

YWDAC members absent:

Neal Misener
Malcolm Neal

Ex-Officio Member:

Rosemarie Smallcombe (Mariposa County, District 1 Supervisor)

Mariposa County agency/organization representatives present:

Mike Healy (Public Works, Director)
Darryl Nielsen (Public Works, Plant Technician Operator)
Jean Dordan (Public Works, executive assistant)

Other agency/organization representatives present:

Ted Williams (Yosemite West Property and Homeowners Inc., YWPHI)

➤ Past meetings minutes and notes

- YWDAC meeting on 9/12/2019:
 - No official minutes were published.
 - YWPHI notes published at: http://yosemitewest.org/2019-09-12-YWDAC_notes.pdf
- YWDAC meeting on 12/12/2019:
 - Official minutes published at: http://yosemitewest.org/ywdac/YWDAC_12.12.2019.pdf
 - YWPHI notes published at: http://yosemitewest.org/2019-12-12-YWDAC_notes.pdf
- YWDAC meeting on 3/12/2020:
 - Agenda published at: <http://yosemitewest.org/YWDAC-2020-03-12-Agenda2.pdf>
 - Meeting postponed due to Covid-19 concerns.
 - Requests made to County on 3/14/2020, 3/19/2020, 3/25/2020, and 4/13/2020 to reschedule by teleconference, but the meeting never happened.

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www.YosemiteWest.org

- YWDAC meeting on 6/11/2020:
 - Official minutes published at: http://yosemitewest.org/ywdac/YWDAC_06.11.2020.pdf
 - YWPHI notes published at: http://yosemitewest.org/2020-06-11-YWDAC_notes.pdf
- YWDAC meeting on 7/11/2020:
 - YWPHI notes published at: http://yosemitewest.org/ywdac/2020-07-09-YWDAC_notes.pdf
- YWDAC meeting on 9/17/2020:
 - No official minutes were published.
 - Some discussion about the duty to provide official minutes. Resolution 81-3 says the Mariposa Board of Supervisors should provide a secretary for preparation of YWDAC minutes.
- YWDAC meeting on 11/05/2020:
 - Agenda published at: <http://yosemitewest.org/ywdac/2020-11-05-YWDAC-Agenda-and-Packet-REVISED2.pdf>
 - No official minutes were published.
 - Resolution passed to reject support for the Provost & Pritchard report regarding supplying water to NESC.
 - Then a second resolution also passed to enact an explicit requirement that additional well water sources be added to YWMD (Yosemite West Maintenance District) **before** allowing adding any additional customers (other than those already paying standby fees) to YWMD.
- YWDAC meeting on 12/10/2020:
 - Agenda published at: http://yosemitewest.org/ywdac/YWDAC-12-10.20_Agenda.pdf

➤ **Public Works Staff reports**

- Darryl Nielsen reported that the primary pump (lifting water from the booster station into the main tanks) has been serviced. The backup pump had been in use temporarily, and remains available. Now primary pump is fixed and returning to use.
- Sewer flows have been low, due to Covid19 causing less customer usage, so the sewer ponds are still unbalanced. Transitions of pond bacteria can take up to 6 weeks to adjust after weather changes.

➤ **Utility rate increase proposal. Review and corrections of Bartle-Wells Associates (BWA) tables.**

- BWA proposal for water/sewer at: http://yosemitewest.org/ywdac/YW_Water_Wastewater_and_Roads_Tables_11.30.2020.pdf
- BWA proposal and study on roads at: http://yosemitewest.org/ywdac/Yosemite_West_Roads_Draft_Report_12.7.2020.pdf
- Previous versions of the proposal had incorrectly handled the 48 condominium customers in Yosemite West.
 - After Ted Williams pointed out the errors at previous 11/05/2020 meeting, BWA did make corrections to account for 359 road users and 224 water+sewer users.

- Ted Williams pointed out that the sewer user correction was still wrong in 11/30/2020 tables, which BWA did confirm and correct on 12/12/2020.
- Expense of \$400,000 to replace water meters is postponed:
 - Water meters eventually wear out due to weather and age. The problem isn't water leaking, rather incorrect readings, typically low.
 - Currently, Public Works staff replaces 10-15 meters per year in YW suspected of incorrect readings.
 - Previous versions of the BWA proposal had proposed hiring external contractors to replace all 175+ water meters in Yosemite West, at a cost per meter of over \$2200 per installed meter.
 - Actual meter replacement costs are about \$500 to \$700 per meter. Not clear why the original proposal had requested >\$2200 per meter. Possibly due to extra charges from external contractors or additional software.
 - John Mock pointed out the expense proposal already has a separate line-item for "water meter telemetry" which probably includes the software.
 - Conclusion is that the \$400000 expense is postponed, and the next 5year rate study can re-address whether there is really a need for a replacement project for all meters, and at what cost.
- Too-early timing of proposed \$900,000 loan for road re-paving:
 - The roads proposal plans for repaving of YW roads. Actual re-paving of 3.5miles of roads would not start until after coordination with any major water-main replacement or interconnection projects.
 - Ted Williams asked why the BWA proposal plans to expend interest for a \$900000 loan starting on 7/1/2022 even though the road re-paving would probably not start until 2024.
 - Director Healy stated he would check with BWA and determine if correction needed.
- Expense of \$145000 for "transfer to Fund 755" (from 5 years of \$14500 each for water and sewer in tables 7 and 8)
 - These "non-operating" expenses were pointed out as incorrect by email on 12/13/2020.
 - Fund 755 receives income from the 2004 Yosemite West Sewer Bond repayments. Fund 755 is a resource for YWMD to spend on capital improvements. Fund 755 does not receive "transfers in" from YWMD operating accounts.
 - BWA calculations still need correction to remove this line item of \$145000 in expenses, and subsequent rate reduction for both water and sewer.

➤ Potential two-tier rate proposals

- Currently, the existing rate structure contains 9 tiers.
 - The first breakpoint is at 8000 gallons/month (slightly above the 7500 gallons/month definition of 1.0 sewer EDU).
 - Currently, 31% of water/sewer volume is consumed by customers using > 8000 gallons/month, and this usage accounts for 43% of water revenue and 50% of sewer revenue.
- BWA proposes to replace the current multiple-tier structure with a "single-tier" structure, which by definition would ease the payments of heavier water users at the expense of an increased proportion of revenues burdened onto the lower water volume users.

- YWDAC discussed the possibility of requesting BWA to consider a multiple-tier pricing that could have advantages:
 - Encouragement of water conservation
 - Maintaining the “status quo” that lighter water users pay a lower price burden than heavier users.
 - Since most of the heavier water users are ToT rental properties, the prices for a higher water tier would be more able to be passed onto the rental customers (actual end users of water).
 - A two-tier system could be reasonably justified for cost difference between the tiers (a requirement of CA water law following 2015 Capistrano court decision) based on saying heavier water use causes larger cost due to needs for maintenance or provisioning for peak demands.
- Debra Kroon made motion in favor of single-tier rate structure. No second, so motion died.
- John Mock requested Director Healy to have BWA make a comparison of the single tier rate structure to a two-tier rate structure for water and sewer.
- Art Cormier asked Director Healy his opinion, and Healy answered he doesn’t see benefit of “going down the road” of multiple tiers, despite some of the advantages discussed above.
- Similarly, the existing BWA proposal plans for only a single-tier of road-user fees.
- A two-tier road fee system is also a possibility. There could be many ways to distinguish the “heavy-use” tier, with the most likely method being to apply the higher tier to rental ToT properties.
- Tom Lambert suggested an alternative to two-tier road fees could be a “ToT overlay” that would add an additional tax on ToT revenues that would specifically supply revenue to YWMD instead of the County General Fund. A ToT overlay tax would scale with each ToT parcel’s generated revenue.

➤ **Potential increase of standby and connection fees**

- There is some uncertainty about the actual legal statute authority under which standby fees are charged for water and sewer availability in Yosemite West.
 - Possibility #1 is the CA Water code sections 31031 stating the ability of a water district to charge fees, with revised procedures in Section 53743.
 - Possibility #2 is the CA Uniform Standby Charge Procedures Act under section 54984 which authorizes counties to pass their own ordinances, though no county ordinance has yet been found that would apply to YWMD.
 - Previous statements were made that the current standby charges of \$30 annually (\$2.50 per month) each for water and sewer (total \$60/parcel annually) were limited by statute, but it is still unclear which statute applies, and which statute has this limitation.
 - With more clarity from either Mariposa County Counsel (Dahlem or Scherf) or external counsel Colantuono for the original standby charge authority or limitation, we could better determine the process to raise standby rates. Colantuono was asked on 10/21/2020, but has not yet clarified the standby fee authority or limitations.
- Raising standby rates could be justified for several reasons:
 - Standby rates have not been adjusted for decades (if ever, since 1967), and have remained

- at \$2.50 per month (each for water and sewer) even when other rates were increased.
- The proposal for raising the rates of connected users is still in the range of tripling, so fairness should justify that standby rates should at least go up by similar proportion.
- The value of assuring availability is significant, especially in light of the related proposals (below in this meeting) to assure building permits cannot be denied to standby payers.
- Potentially, for all these reasons, a proposal could be to raise standby rates to the range of \$30 per month (each for water and sewer).
- Discussion addressed whether the revenue from raising of the standby rates would be worth the cost (either of counsel, or of a BWA study) for the process to raise the rates.
 - Director Healy took the action item to ask BWA about the cost of a standby fee study.
 - Obviously a “small” increase might not justify the cost, but if standby fees were raised to the range of \$30 per month (each for water and sewer), then the process cost would likely be recovered in the first year.
 - Fairness to existing connected users remains a motivation, regardless.
- Art Cormier made motion (seconded by John Mock) to have BWA make a ballpark estimate of the possible revenue benefit of increasing standby fees for water+sewer, and to research if there is any “cap” on the standby fees from county or state law.
 - Tom Lambert votes yes, Debra Kroon abstains. Motion passes.
- Director Healy pointed out there apparently is a mechanism in County code 13.720 that could allow standby fee payers to request a partial refund when requesting connection.
 - But this statute would have little standby fee revenue reduction effect, if ever exercised at all, since the statute seems to refer only to the small portion of payment relating to the fraction of the year of a parcel’s connection in which a standby fee was pre-paid.
- Similar discussion about the possibility of raising connection fees, currently a one-time \$2850 fee.
 - Connection fees are supposed to be proportional to “cost”.
 - If we say costs justify tripling rates for connected water+sewer users, perhaps the same logic should also justify approximately tripling the connection fee.

➤ Status of surrounding land issues

- YWMD continues plan to expand the wastewater treatment facility’s leach field. County CAO Dallin Kimble continues negotiation with property owner Shawver.
- Supervisor Smallcombe states that the Mariposa BoS still might take action relating to the YNP/NatureBridge application for purchasing YWMD water for NESC.
 - County Counsel has asked external counsel Colantuono to define a process.
 - The process would need to include some timeline definition, and clarify notice requirements for public hearings.
 - The Mariposa BoS could take action on an agenda resolution, despite the YWDAC voting on 11/05/2020 to reject support for expanding YWMD customers until water supply for YWMD is increased with additional well capacity.
- The Scenic Wonders General Plan Zoning Amendment (GPZA) application remains open and posted at: <http://ca-mariposacounty.civicplus.com/DocumentCenter/Index/2889>
 - A 10/02/2020 letter from the CA state Water Board informed Scenic Wonders of the need to prepare a Preliminary Water System Technical SB1263 Report regarding the

- considerations for operating a water system and potential interconnection with neighboring water systems (YWMD).
- Mariposa Public Works reports they have not been contacted by Scenic Wonders regarding the required reports, and have no status information.
- It appears the GPZA application is thus on hold, so the Mariposa Planning Department is not yet to the decision point about requiring a full CEQA EIR.
- Yosemite Conservancy began drilling exploratory well sites in 2019 near West Creek on their (319.97 acre) parcel.
 - Finding more capacity would be good, but it is unclear whether a new YC well would be permitted if its pumping diminished the capacity of the nearby current YWMD well No. 9.
 - Two exploratory wellheads have been drilled so far. No one from YC was present at this YWDAC meeting to clarify, but it is believed that neither wellheads found any useful water flow.

➤ **Water capacity, and rules if rationing ever needed**

- A key question is whether existing YW lot owners could be denied building permits if the water capacity is oversubscribed at time of building permit application.
 - The CA State Water Board has provided conflicting information about the priority of existing standby customers of YWMD to connect in the future.
 - Caitlin Juarez stated on 2/14/2020 that standby water users are already customers so could not be denied building permits.
 - Section Chief Tricia Wathen concluded that the CA State Water Board doesn't really have standing on the question of building permit dependency on water capacity, since building permits are issued by the County.
- Tom Lambert in 6/11/2020 meeting pointed out existing rules and agreements regarding YW sewer capacity that state building permits cannot be denied due to lack of WWTF capacity. Rather, if the wastewater treatment capacity were insufficient for the customers in YWMD, the definition of an EDU (Equivalent Dwelling Unit, currently 250gpd) would be redefined, effectively "rationing" sewer capacity.
- Equivalent "rationing" rules regarding YW water if there ever becomes insufficient capacity were previously addressed by a 1988 document posted at http://yosemitewest.org/ywdac/Rationing_Plan_Resolution_88-1.pdf
 - Rules defined in Resolution 88-1 are unworkable since based on "tank level" rather than "well capacity".
 - Director Healy suggests that Resolution 88-1 should be removed from county code.
 - Tom Lambert says references to Resolution 88-1 have already been removed from his proposal and certainly would not be part of any new draft ordinance.
- New proposal to update county code 13.28.010 posted at: <http://yosemitewest.org/ywdac/4b-13.28.010-proposed-amendations.pdf> would clarify water rationing rules to be the same as sewer rationing rules in the event of any future capacity limitation.
- YWDAC tabled action on this proposal until the next YWDAC meeting. Not urgent, but important to do before becomes urgent.
- If the new proposal were adopted by the Mariposa BoS, then there would never be a need to deny future building permit to existing YWMD standby customers.

- Supervisor Smallcombe stated the new proposal text has clarified the issue, and she will study the proposal and potentially bring it for adoption by the Mariposa BoS.

➤ **Tree work along access road to wells**

- A project was defined in 2019 to fell trees along the access road leading to the WWTF and an additional 1.6 miles down to the YW community well #9 site. Initial estimates were that this area included approximately 2000 trees that were at risk of falling across the well-access road. Estimates were that Blue Ridge Services would charge > \$600000 for the work, of which 25% would need to be a local share requiring \$155000, and 75% would come from CalOES (California Office of Emergency Services).
 - Director Healy requested and received an extension from CalOES for this project, retaining the possibility of their funding until the end of 2021.
- Director Healy clarified in an earlier YWDAC meeting that once funding sources for the grants and local share were confirmed, the project would be put out to bid to select the actual contractor and determine final costs.
- Subsequent to the initial tree-counting, another round found there really could be closer to 4000 risky trees.
 - Director Healy reported that arborists now state more trees died during 2020, and so the actual number of risky trees continues to increase.
- A grant application has been submitted through Melinda Barrett of the Mariposa County RCD (Resource Conservation District) that could address felling all the trees and providing the matching local share.
 - The MCRCD wildlife conservation board grant is believed to be likely, but has not been finalized. The actual work using money from this grant probably can't begin until June 2021.
 - Supervisor Smallcombe took the action item to check again with Melinda Barrett and update the YWDAC via email.