

Submitted at 5/17/04 Board Meeting

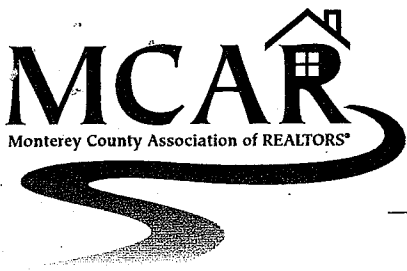


EXHIBIT 5-F

201-A Calle Del Oaks • Del Rey Oaks, California 93940

April 28, 2004

Alvin Edwards, Chair and Board Members  
Monterey Peninsula Water Management District  
5 Harris Court, Building G  
Monterey, CA 93940

Dear Mr. Edwards and Board Members:

The Monterey County Association of REALTORS® (MCAAR) congratulates you for recently reinstating the credits for micro-flush toilets, and for amending two ordinances that allow residential property owners some flexibility for improving their properties. In addition, we respectfully request that you consider amendments to Ordinance No. 60 to eliminate a requirement that water credits expire after 10 years (commonly known as the "use it or lose it" rule).

We believe that this section of the ordinance was intended to prevent property owners from "sitting" on their water credits. In 1992, when Ordinance No. 60 was adopted, there was a greater expectation than today that the District would have a water supply project. It was no doubt anticipated that with a completed water supply project, property owners whose water credits expired would be able to buy back their "lost" water credits by paying the additional fees.

Unfortunately, 12 years after the date of Ordinance No. 60, we have no water supply project. Many property owners were not aware of this rule, and have since "lost" the water they legitimately had a right to use. In most cases property owners who lost their water credits cannot buy the credits back. Most of the jurisdictions are either out of water or have a limited amount of water reserved for specific projects.

The expiration of these water credits is truly an injustice to the property owners. Some commercial property owners may have lost their water credits simply because the businesses in their buildings did not need the full amount of water allocated to the property. These property owners were "rewarded" for using less water for ten years by losing the unused water. Residential property owners have suffered the same loss, mainly because homes were demolished on the property and not rebuilt within the ten year time period. Again, these property owners were never notified they were in danger of losing their water credits that were legally assigned to the property. These property owners cannot rebuild unless and until there is a water supply project that includes enough water for "new construction".

MCAAR continues to advocate for a safe, secure, stable and sufficient water supply project for the residents and businesses of the Monterey Peninsula Water Management District. Until we have such a project, we will also continue to advocate for projects and programs that give the residents some flexibility while still practicing necessary water conservation measures.

We congratulate the Board for recently voting to reinstate the credits for the micro-flush toilets, and for clarifying amendments to two ordinances that allow for some flexibility for residential property owners.

Ordinance No. 114, which allows a second bathroom, will now allow applicants in process for these second bathrooms to continue with their applications under a previous policy. The ordinance is also more specific about what bathroom fixtures will be allowed in the future under these regulations. We do have some concern over language that was added to the 'Findings' of Ordinance No. 114 that would suggest this program must have a 'de minimus' effect on water

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April 28, 2004

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consumption. This was added after the public comment period, and therefore we strongly request that you revisit this addition to the Findings and clarify how it will be evaluated and enforced.

Ordinance No. 115 was also a positive move for the Board. We believe the reinstatement of water credit transfers between two contiguous parcels under the same ownership provides the property owner with a limited opportunity to develop his/her property and still provide an overall water savings.

We also thank the Board for its wisdom in reinstating the credits for the micro-flush toilets. We understand the District will not endorse these toilets, but will make a concerted effort to give applicants information on the micro-flush toilets as well as information on the endorsed one-gallon toilets. We continue to offer our support to work with your Board and staff to distribute this information to our members, their clients, and the public.

We urge the Board to work cooperatively with the cities, the county, and other groups and organizations to bring this community a water supply project that not only replaces the water subject to the State Order No. 95-10, but also includes sufficient water for the residents and businesses of this District to build and expand according to local jurisdictions' adopted General Plans. The people of this District deserve nothing less.

Again, we strongly request that you consider amending Ordinance No. 60 and eliminate the expiration of water credits under the circumstances described in Section Nine or that Ordinance.

Thank you for the opportunity to address these issues; your serious consideration of this request is appreciated. We look forward to hearing from you.

Sincerely,



Jean Manner Schwimmer, President

sm

cc: Fran Farina, General Manager, MPWMD  
Glen Alder, Co-Chair, Local Governmental Relations Committee, MCAR  
Mark Tamagni, Co-Chair, Local Governmental Relations Committee, MCAR  
Sheryl McKenzie, Government Affairs Director, MCAR  
Sandy Haney, CEO, MCAR

RECEIVED MAY 13 2004



THE LEAGUE OF WOMEN VOTERS OF THE  
MONTEREY PENINSULA  
P.O.Box 1995  
Monterey, CA. 93942

April 9, 2004

The Honorable Bruce McPherson  
California State Senate  
P.O. Box 942848  
Sacramento, CA 94248-0001

RE: SB 1529 - OPPOSE

Dear Senator McPherson:

The League of Women Voters of the Monterey Peninsula wishes to reply to your request for feedback on your latest legislative proposal regarding the composition of the Monterey Peninsula Water Management District Board.

The following comments are pursuant to the League's Local and State Positions on Land Use, Water and Government.

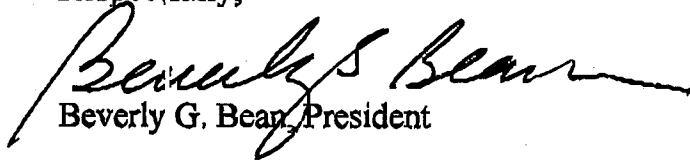
The League has consistently advocated a policy that would require land use decisions be based on the availability of water. At both the County and City levels, officials with land use jurisdiction have failed to implement this approach. As a consequence, our water resource has been depleted and California American Water Company, our public, private utility is under citation for overpumping the Carmel River.

The League supported the formation of the Monterey Peninsula Water Management District, not only as a vehicle to ensure that development would be consistent with the water resource but would protect the environmental integrity of that resource. We continue to support that role.

On the governmental accountability level, we support direct election of board members with prescribed duties as essential to the optimum service required of this important body. Hands-on management of a community's basic resource cannot be treated as one of many competing municipal services. The right of a citizen to vote on a public project using public funds- is the practical embodiment of the concept of "no taxation without representation."

In closing, the League questions the propriety of state legislation being drafted by the principals of a law firm prominent in the service of powerful development interests. This can only reinforce public cynicism as to the motivation for this legislation. This should be avoided.

Respectfully,



Beverly G. Bear, President

cc: The Honorable John Laird

cc: The Monterey County Herald

cc: Trudy Schaefer, LWVC Program Director and Legislative Advocate

cc: Alvin Edwards, Chair, Monterey Peninsula Water Management District Board



SIERRA CLUB  
CALIFORNIA

April 19, 2004

Senator Tom Torlakson  
Chair, Senate Local Government Committee  
State Capitol, Room 410  
Sacramento, CA 95814

**SB 1529 (McPherson)- Oppose**

Dear Senator Torlakson:

Sierra Club California strongly opposes SB 1529 by Senator McPherson. This is essentially a reworking of last year's SB 149 by the Senator, which was widely opposed by civic, environmental and homeowner groups in Monterey County.

This bill seeks to eliminate the directly elected Board of Directors of the Monterey Peninsula Water Management District (WMD) and replace them with 6 mayors or other elected city officials and one County Supervisor. It would also eliminate voter approval of water projects and voter approval of revenue bonds.

SB 1529 would eliminate a special district that was created in 1978 to provide services to the Monterey Peninsula. The District's mandate is to manage the limited water supplies of the Peninsula, protect the public trust resources, and augment the public water supply. There are nearly 2,400 special districts in California. About 2/3 of those are independent districts with independently elected boards. This politically inspired bill could trigger similar actions against other democratically elected, direct-representation boards, which we believe would be highly detrimental to both the democratic process as well as the functioning of these vital entities.

This bill intentionally bypasses the electorate, and would foist upon the public a radical change in the agency charged with oversight of this most limited and critical resource. It would make decision-making less transparent to the public, and accountability more difficult. The public has neither endorsed nor voted on this change.

Last year, the Monterey Peninsula Water Management District Board voted against Senator McPherson's Bill, SB 149. This year, following an election of a new and very different board in November 2003, the new board voted 5-1 to continue to oppose the Senator's pending bill. As a special note on this vote, all five directly elected board members (including three new ones) opposed this bill.

Honorable Tom Torlakson  
April 19, 2004  
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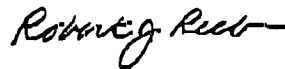
SB 149 would provide authority to the appointing bodies to change board members at any time. Such authority could seriously erode the ability of the district to operate. Board members may be changed to effectuate changes in district personnel or alter actions regarding budgets, projects or other operational and policy decisions. The development of new water supplies is a complex and time-consuming endeavor involving the commitment of finances and the undertaking of environmental review and regulatory compliance. The potential for a constantly changing board of directors—due to changes in city council makeup or political pressures—could easily undermine the mission and operations of the district.

In conclusion, ACWA understands the frustration of many regarding the lack of progress in developing new water supplies for Monterey. The competing interests that exist in the community, combined with strict environmental laws and regulations, and the district's voter approval requirements make it nearly impossible to make progress. Rather than change the makeup of the district board of directors, ACWA believes the Legislature should remove the statutory requirements relating to voter approval of projects and voter approval of public works financing. These actions would place the district on equal footing with other water districts throughout the state—districts that have ably served the interests of their constituents in providing an abundant, clean water supply.

SB 149 represents the classic case of throwing the baby out with the bath water. ACWA respectfully requests a "NO" vote on SB 1529.

Thank you for your time and consideration.

Sincerely,



ROBERT J. REEB  
State Legislative Director

RJR:

cc: Honorable Bruce McPherson  
Members, Senate Local Government Committee  
Consultant, Senate Local Government Committee  
Senate Republican Caucus  
Office of the Governor

**Association of California Water Agencies**

Leadership Advocacy Information Since 1910

April 19, 2004

Honorable Tom Torlakson, Chairman  
Senate Local Government Committee  
State Capitol, Room 5061  
Sacramento, California 95814

**RE: Senate Bill No. 1529—Oppose**

Dear Senator Torlakson:

I am writing on behalf of the Association of California Water Agencies to express opposition to SB 1529 (McPherson), relating to the Monterey Peninsula Water Management District.

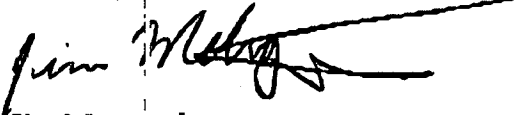
SB 149 would replace the existing Board of Directors with an appointed seven-member board. The mayor of each of the six cities within the district boundaries would appoint a board member who must be either the mayor or a city council member from that city. The Monterey County Board of Supervisors would appoint the other board member who must be the county supervisor who represents most of the unincorporated population within the District. The board members would serve at the pleasure of their appointing powers.

SB 149 would direct the board members to exercise their independent judgment, representing the public interest and not solely the interests of the appointing powers.

ACWA opposes SB 149 because it would seriously erode the accessibility and accountability of the district to its voters. The democratic process, as flawed as it may be at times, must be allowed to continue. The district was created to ensure that the residents within its boundaries have an abundant and healthy supply of drinking water and water for commerce, as well as manage groundwater. The district must represent the residents; otherwise, economic self-interest and the potential for competing interests between the cities, as against each other, and the cities and the county could interfere with the achievement of the statutory mandates of the district. As your committee is well aware, the tension between growth and water supply may be even greater on the Monterey peninsula than in other parts of the state. Replacing an elected board of directors responsible for water resource management with an appointed board representing multiple interests, including land use, could undermine the mission of the district.

Sierra Club California is opposed to SB 1529 and asks that the committee not move it forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Metropulos", with a long horizontal line extending to the right.

Jim Metropulos  
Legislative Representative

Cc: Senator McPherson  
Members of the Committee  
Minority Consultant to the Committee



LAW OFFICES OF  
MICHAEL W. STAMP

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April 20, 2004  
Via Facsimile

Sen. Tom Torlakson  
Chair, Senate Local Government Committee  
State Capitol, Room 5061  
Sacramento, CA 95814

Subject: oppose SB 1529

Dear Senator Torlakson and Members of the Senate Local Government Committee:

As general counsel to The Open Monterey Project, I am writing you on behalf of the organization. The Open Monterey Project urges you to oppose SB 1529. Senator McPherson does not have the support of the local voters on this issue.

The bill would eliminate direct voter participation in water issues in three ways. The Open Monterey Project urges Senate Local Government Committee to vote against this anti-democratic bill. SB 1529 is nothing more than a power grab, and does nothing to solve any water issues.

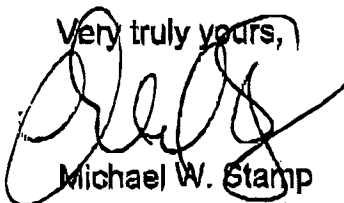
Assemblymember John Laird, who was just reelected in a landslide victory, is strongly opposed to this bill.

These organizations are strongly opposed:

- Association of California Water Agencies (ACWA)
- Sierra Club
- League of Women Voters

SB 1529 would set a dangerous precedent for the takeovers of special districts throughout California. We urge you to put a quick end to SB 1529.

Very truly yours,



Michael W. Stamp

c: Assemblymember John Laird  
Peter Detwiler, Local Government Committee staff  
Sen. Bruce McPherson

**SEAN FLAVIN**  
ATTORNEY AT LAW

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**FAX TRANSMITTAL FORM**

**DATE:** April 20, 2004

**TO:** Hon. Senator Tom Torlakson, Chair  
Local Government Committee  
FAX#: 916-445-2527

PHONE#: 916-445-6083

Sen. Bob Margett, Vice-Chair  
FAX#: 916-324-0922

PHONE#: 916-445-2848

**CC:** Assembly Member John Laird  
FAX#: 916-319-2127

PHONE#: 916-319-2027

**FROM:** Sean Flavin  
FAX#: 831-372-2425

PHONE#: 831-372-7535

**RE:** SB 1529

NUMBER OF PAGES: 2 (Including this cover sheet)

**MESSAGE:**

I have followed the activities of the Water Management District since its inception in 1978. Throughout the mayors of the six cities on the Monterey Peninsula have abdicated their role on the Board by having themselves represented by the mayor of the smallest city on the Peninsula - Sand City, despite frequent urging that they participate more actively and rotate their representation. When they have appeared before the Board, it has usually been to represent the special interests of their respective cities.

Now it is proposed to take away from the voters the right to select their representatives on the Board and confer all Board authority on these same mayors, who have so rarely and narrowly participated in its activities.

While the voters may have expressed dissatisfaction with the failure to achieve a new water project, it was the voters who voted down the two projects offered them. And the dissatisfaction was expressed in a advisory measure to dissolve the District - not to have the mayors run it. Further, the mayors have neither the time nor the expertise to run the District.

Since the ballot measure to dissolve the District there has been a substantial change in the membership of the District's Board. The results of the ballot measure to dissolve the District are now irrelevant. With this changed Board membership, would the voters vote now to dissolve the District? Obviously the Bill's authors believe not, since they do not propose to do so. Instead, they propose to take away the voters right to vote and confer it on the mayors - something never offered or even suggested to the voters.

So who wants this bill now? The mayors? Their voters haven't so instructed them. The developers perhaps. The hospitality industry perhaps. But not the voters whose vote is being taken away.

Further, the bill is not just a "close call," it is a clear violation of Joint Rule 54 (c), since SB 149 remains on board.

I respectfully request your Committee to vote **NO** on this bill.

Sean Flavin