



Supplement to 02/24/2022 MPWMD Board Packet

Attached are copies of letters received between January 19, 2022 and February 15, 2022. These letters are listed in the February 2022 Board packet under Letters Received.

Author	Addressee	Date	Topic
Rudy Fischer	Board of Directors	January 25, 2022	Brown Act Reminder/Considerations and District Goals Considered at the Special Board Meeting on 01-21-2022
Anya Spear	Board of Directors and District Staff	February 7, 2022	Notice of Availability: Draft EIR for the CSU Monterey Bay Master Plan
Melodie Chrislock	Board of Directors	February 8, 2022	Forwarded E-mail from Nancy Runyon Press Release- Mary Ann Leffel Recall
Melodie Chrislock	Board of Directors	February 10, 2022	Monterey County Herald February 10, 2022 Dennis L. Taylor Petition Targets Recall of Mary Ann Leffel from LAFCo, Monterey Peninsula Airport District Board
Melodie Chrislock	Board of Directors	February 11, 2022	Monterey County Weekly February 10, 2022 Sara Rubin A Controversial Vote on LAFCO Inspires Participation — and a Recall Attempt

From: [Rudy Fischer](#)
To: [Joel Pablo](#)
Cc: [Eileen Sobeck - SWRCB](#); jepp@waterboards.co.gov; michael.lauffer@waterboards.co.gov; [Steven Westhoff - SWRCB](#) , , <Steven.Westhoff@waterboards.ca.gov>.
Subject: For the Board
Date: Tuesday, January 25, 2022 9:05:45 AM

Ladies and gentlemen;

At your January 21, 2022 goal setting meeting you considered the section of the Brown Act which deals with remote meetings. I would urge you to comply with all aspects of the Ralph M. Brown Act (Cal. Gov. Code sections 54950 – 54963). This includes the provision that “All meetings of District legislative bodies are open and public, so that any member of the public may attend, observe, and participate when District legislative bodies conduct business.” I believe that also means that a majority of the board should never gather for deliberations, to discuss agreements, or make decisions ahead of time without the public having an opportunity to be present.

In other words, no majority or quorum of you should be discussing and agreeing on an item or direction unless it is in a public meeting. I would also remind you that if you discuss or agree on a direction or action and discuss it with someone not on the board and that person relates your intentions to others on the board, that becomes a serial Brown Act violation. Because many of you are members of an advocacy group which the Fair Political Practices Commission (FPPC) recently fined and listed as a Political Action Committee, I would urge those members to abide strictly to the conditions of the Ralph M. Brown Act. It is easy to get in the mode of talking to other members of an advocacy group (or a Political Action Committee) to plan strategy but, when serving on a public body, it is also inappropriate.

As board members, you have a duty to look out for the interests of the public you represent; as well as the goals of the Monterey Peninsula Water Management District – not the goals of Public Water Now. I believe that some of you sometimes confuse the two a bit. You can ask your attorney to be sure, but I believe that acts that can be characterized as collusion - in any form - are illegal.

This is not an accusation; just a reminder.

Having worked with your attorney in the past, I know that he is capable of advising you as either a group or individually as to how this affects your actions.

Also, at the January 21, 2022 meeting, you adopted several goals which I think are valuable to review and comment on; especially to “Provide a safe, reliable, sustainable, diversified, affordable, legal water supply to the Monterey Peninsula Region.”

I heartily agree with that goal and believe that you – and the public - will be well served by focusing on developing new and additional water sources, such as supporting and partially funding the expansion of Pure Water Monterey. As you know, I was heavily involved in the initial start of that plant, and I endorse this action 100%.

Other goals included “Implement the Board’s policy to use available User Fee revenue to (i) pay down the Mechanic’s Bank loan, (ii) repay other District reserves used for water supply projects, and (iii) sunset a portion of the Water Supply Charge.”

I would hope that you work diligently to sunset the Water Supply Charge. I realize that some may wish to keep this in place as a means of getting additional funds for other (unrelated) projects, but I do not believe that is what it was intended for.

Some other goals which you developed have some troubling aspects to them. Here I am addressing:

- a. Complete the LAFCO process and, if necessary, seek judicial review of LAFCO decision in 2022.
- c. Develop a public awareness campaign and/or survey in 2022.

Your General Manager was recently quoted as saying that the acquisition of the local operations of Cal Am was “mandated” by Measure J. I do not believe that is quite accurate. Measure J states that the acquisition should be pursued “if feasible” – with feasibility not well defined. There are still questions whether the price of acquiring Cal Am is really feasible, though it may be and you have decided so based on the service territory boundaries you have selected.

Unfortunately, however, spending the fairly substantial funds needed to accomplish that acquisition will not actually create one drop of new water - and that is what we really need!

But feasibility may also include legal feasibility, and LAFCO has put a question on that aspect.

I do not believe it is in anyone’s best interest for a small regional body to pursue legal action against a body which has a larger scope of interests and territory to consider simply to try and get its way. But I believe that LAFCO, in its decision, has also given hints as to what the MPWMD can do to move forward, and I would urge the MPWMD to address them and then go back to seek a different ruling.

They had several very specific concerns – such as the stranded communities which would be left high and dry by the acquisition as proposed. But those territorial boundaries were the result of a certain amount of “cherry picking” to at least some extent. So, fix that, get a new valuation of the acquisition and cost of running that adjusted territory and – if still considered feasible –go back to LAFCO and seek a better outcome.

I would also like to take this opportunity to remind the board members that for well over 40 years the MPWMD has had several goals:

1. To increase the water supply to meet community and environmental needs
 2. To assist California American Water in developing a legal water supply
 3. To protect the quality of surface and groundwater resources and restore the Carmel River environment
 4. To manage and allocate available water supplies and promote conservation
- AND, only with the relatively recent passage of Measure J
5. To evaluate the feasibility of acquiring the local water company.

I know that the majority of Public Water Now’s efforts are to pursue this last goal, but all of the goals above are ones that MPWMD board members should be pursuing. It seems to many people that you have been focusing on goal number 5 to the detriment of all of the other – older and more important - goals

We remain under the Cease-and-Desist Order (CDO) the state imposed on us because you still have not fully met the first four goals. I would like to see us achieve all of these goals, so I believe it is now time for you to stop playing games for Public Water Now political reasons, and work on ways to develop new sources of water for the Monterey Peninsula.

We still have vacant lots which cannot be built upon because of the CDO. Developers are having to go to extremes to find work-arounds for projects. We now have new and larger RHNA numbers being promulgated by the state of California and given to the cities through AMBAG. And we still have a need to find a way to provide more – and more affordable – housing.

Also, is the goal of a public awareness campaign and/or survey in 2022 meant to help the MPWMD and Monterey Peninsula residents – or PWM? I think residents, city officials, AMBAG, the state, and the State Water Resources Control Board (SWRCB) know what your agency needs to do. I fear a survey may be slanted in such a way as to simply justify to yourselves the way you are going about it. Obviously that isn’t working. Maybe the SWRCB should design the survey?

As you absorb the goals you have set for yourselves, it might be a good time to sit back and reflect how you as a group can work to accomplish all the goals of the MPWMD. After that reflection I sincerely hope you will start working with others to make something work to develop new and additional water.

All the best,

Rudy Fischer
Pacific Grove City Councilman 2010-2018
Board of Directors, Monterey One Water 2013-2018
Board Chair, Monterey One Water 2016-2018
Rudy Fischer(831) 236-3431



CALIFORNIA STATE UNIVERSITY
Monterey Bay
 OFFICE OF THE PRESIDENT

RECEIVED

FEB 07 2022

MPWMD

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 831-582-3532
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 csumb.edu

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CALIFORNIA STATE UNIVERSITY MONTEREY BAY MASTER PLAN

DATE: February 4, 2022

PROJECT TITLE: California State University Monterey Bay Master Plan (Project)

LEAD AGENCY: The Board of Trustees of the California State University (Trustees)
 401 Golden Shore
 Long Beach, California 90802-4210

On behalf of California State University, Monterey Bay (CSUMB)
 100 Campus Center
 Seaside, California 93955

The Board of Trustees of The California State University is the lead agency for the preparation of an environmental impact report (EIR) in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.), and the CEQA Guidelines (14 CCR 15000 et seq.). The Board of Trustees of The California State University has prepared this Notice of Availability of the California State University, Monterey Bay (CSUMB) Master Plan Draft EIR in accordance with CEQA Guidelines Sections 15087. The Draft EIR addresses the environmental effects of the Project.

Project Location: The Project site is located at the existing CSUMB campus, on the former U.S. Department of the Army military facility known as Fort Ord. The CSUMB campus is approximately 100 miles south of San Francisco and is located north of the Monterey Peninsula and west of the Salinas Valley. Portions of the existing CSUMB campus physically occupy the city boundaries of Seaside and Marina, and within the unincorporated Monterey County. Primary access to CSUMB is available from Highway 1 via the main entrance at Lightfighter Drive to the south and from Imjin Parkway to the north.

Project Description: The proposed Master Plan provides the basis for the physical development of the CSUMB campus through 2035. Implementation of the Project would provide space and facility needs to support an on-campus enrollment of 12,700 full-time-equivalent students (FTES) and 1,776

FTE faculty and staff by the year 2035. Overall, the proposed Master Plan would include approximately 2.6 million gross square feet of net new building space for academics, administration, student life, athletic and recreational uses, institutional partnership facilities, and housing. On-campus housing would be constructed sufficient to continue to accommodate 60 percent of FTES and existing housing would accommodate 65 percent of FTE faculty and staff, with a projected increase of 3,820 student beds and 757 converted residential units for faculty and staff. The Project also would accommodate redevelopment and growth in outdoor athletics and recreation facilities to serve campus needs.

The proposed Master Plan includes Project Design Features (PDFs) that address various topics including open space, transportation, water and wastewater systems, energy systems and greenhouse gas reduction, and design. For example, transportation PDFs will enhance and expand the campus's existing Transportation Demand Management (TDM) program in order to further reduce vehicle trips and prioritize pedestrian and bicycle movement.

The Project includes specific development components identified in the proposed Master Plan and expected to be constructed in the next 10 years; these Project components are referred to throughout this EIR as "near-term development components." These near-term development components include: Student Housing Phase III (600 student housing beds); Academic IV (95,000 GSF of classroom/instructional space); Student Recreation Center (70,000 GSF of recreation space); Student Housing Phase IIB (400 student housing beds); and Academic V (76,700 GSF of classroom/instructional space).

Potential Environmental Effects: The Draft EIR identifies "potentially significant impacts" for the following environmental issues: biological resources, cultural resources, greenhouse gas emissions, paleontological resources, and noise. Implementation of feasible mitigation measures would avoid or substantially reduce all environmental impacts, with the exception of roadway noise at one off-campus location during operation of the Project, which would remain significant and unavoidable.

Public Review and Comment: The 45-day public review period for the Draft EIR is from February 4, 2022 through March 21, 2022, in accordance with the CEQA Guidelines (14 CCR 15105). During this period, the Draft EIR will be available for review online at the following website: <https://csumb.edu/facilities/planning/>

A printed copy of the Draft EIR may be reviewed at the following locations:

- CSUMB Library (Reference Desk), on the CSUMB campus
- Seaside Branch Library (Reference Desk), 550 Harcourt Avenue, Seaside California
- Marina Branch Library (Reference Desk), 190 Seaside Circle, Marina California

A recorded public informational presentation will be made available at the campus web link provided above. The presentation provides an overview of the proposed Master Plan, conclusions of the Draft EIR, and information about how to submit written public comments on the adequacy of the information presented in the Draft EIR.

Comments on the Draft EIR must be received in writing by email or mail to the contact listed below by 5:00 PM on March 21, 2022. **Please include a return address and contact name.**

Anya Spear, AICP, LEED AP
Director of Strategic Initiatives
CSUMB Office of the President
100 Campus Center, building I
Seaside, California 93955
T: 831.582.3530
aspear@csumb.edu

Further Information: For environmental review information or questions about the Project, please contact Anya Spear 831.582.3530 or aspear@csumb.edu).

Anya Spear

Anya Spear, AICP LEED AP
Director of Strategic Initiatives
CSUMB Office of the President
California State University Monterey Bay

February 4, 2022

Date

From: mwchrislock@redshift.com
To: [Alvin Edwards](#); [Amy Anderson](#); [Clyde Roberson](#); [Dave Stoldt](#); [George Riley](#); [Joel Pablo](#); [Karen Paull](#); [District 5; SAFWAT MALEK](#)
Subject: FW: Press Release - Mary Ann Leffel Recall
Date: Tuesday, February 8, 2022 8:17:13 AM

FYI

From: <nancy@nancyrunyon.com>
Date: Mon, 7 Feb 2022 22:59:53 -0800
To: 'Nancy Runyon' <nancy@nancyrunyon.com>
Subject: Press Release - Mary Ann Leffel Recall

FOR IMMEDIATE RELEASE – February 7, 2022

Attention: Assignment Editors / News Directors

Committee to Defend Democracy – Recall Leffel

Chair, Nancy Runyon

nancy@nancyrunyon.com

Monday, February 7, 2022

Committee Acts to Recall Mary Ann Leffel from the Airport District Board

On Sunday, February 6, The Committee to Defend Democracy – Recall Leffel served Mary Ann Leffel with a Notice of Intention to Circulate Recall Petition (NOI) to remove her from the Monterey Airport District Board. That legally begins the recall process. This week, the committee will file the NOI with the Monterey County Election's Office. Within a month the signature gathering phase will begin. Approximately 2,500 certified signatures from Airport District division 3 (Monterey and Pacific Grove) are needed to put the recall on the ballot.

The grounds for the recall are as follows: repeated violations of California campaign finance statutes; incompetence and indifference towards well-established factual evidence; complicit in needlessly wasting hundreds of

thousands of taxpayer dollars; making false statements in a public forum(s); disregard for the best interests of her constituency; violations of LAFCO policies & procedures; attempting to nullify a fair and legitimate election; abdication of her responsibilities as a LAFCO commissioner; betrayal of the public trust.

According to Nancy Runyon, the chair of Defend Democracy – Recall Leffel, “The recall was triggered by Leffel's behavior on the Airport Board and her recent LAFCO vote to block the voter-mandated buyout of Cal Am. Almost 60% of Leffel's Monterey and Pacific Grove constituents voted for Measure J in November 2018. But Leffel ignored over a hundred letters from her constituents asking her to support the Cal Am buyout with her LAFCO vote.”

Nancy Runyon

nancy@nancyrunyon.com

1195 Hoffman Avenue

Monterey, CA 93940

From: mwchrislock@redshift.com
To: Alvin Edwards; Amy Anderson; Clyde Roberson; Dave Stoldt; George Riley; Joel Pablo; Karen Paul; District 5; SAFWAT MALEK
Subject: Herald Petition targets recall of Mary Ann Leffel
Date: Thursday, February 10, 2022 7:29:10 PM

<http://enews.subscriber-services.com/q>

xQdeguJ0WztM0XrVsk7AEvfsqecoxqu1RmXZcOJbmFuY3lAbmFuY3lydW55b24uY29tw4g7CDUund9ZdJmL366A5MW9bL-ok0g

Monterey Herald | February 10, 2022

Petition targets recall of Mary Ann Leffel from LAFCO, Monterey Peninsula Airport District board

By Dennis L. Taylor

MONTEREY — A petition to recall a well-known member of two Monterey County elected boards was launched Sunday citing a host of allegations that include campaign finance violations, voting against a voter-approved buyout of California American Water Co. and making false statements in public forums.

The petition targets Mary Ann Leffel, a businesswoman who serves on the Monterey County Local Agency Formation Commission, or LAFCO, a body that voted to block the Monterey Peninsula Water Management District's voter-mandated buyout of Cal Am, and the Monterey Peninsula Airport District, where it came to light through discovery in a lawsuit that she allegedly made false statements regarding planned development at the airport.

That vote angered many in Peninsula cities who have been battling Cal Am for decades, decrying what they say are exorbitant rates charged to customers. After LAFCO voted to block the buyout, a lot of that anger became focused on the LAFCO directors who supported Cal Am, particularly Leffel who many believe should be representing the interests of the Peninsula.

Many of the people behind the petition are members of or somehow affiliated with Public Water Now, an advocacy group seeking to have the Peninsula water district buy out Cal Am and turn it into a public agency. The group was behind the 2018 passing of Measure J, which mandates the buyout of Cal Am.

On Wednesday Leffel defended her LAFCO vote, saying the tax revenue that would be lost to special districts when a taxpaying private company like Cal Am is converted to a public company would create undue hardships. Some of the taxes Cal Am pays are distributed to special districts in the county like fire protection and schools. Leffel noted that while she sits on the board of the airport district, her role on LAFCO is to represent all special districts.

Critics argue that the tax revenue lost to those districts on average is not a lot of money, and in some cases, like schools, would be made up for by the state.

"I'm sad that it has come to this," Leffel said. "I'm 76 years old and I have done a lot of good for the community over the years. This group sees it as win or die. They can't come to any other solution and that's sad."

Even if Leffel had voted to support the water district's buyout, it wouldn't have mattered. The vote was 5-2 with the LAFCO directors heavily weighted toward the Salinas Valley.

Within a month the signature-gathering phase of the petition will begin, according to Nancy Runyon, the chairwoman of The Committee to Defend Democracy – Recall Leffel, the group behind the recall effort. Runyon said Leffel on Sunday was served with a notice of intent to circulate a recall petition.

Roughly 2,500 certified signatures from residents residing in Monterey Peninsula Airport District Division 3, which includes all of Monterey and a small portion of Pacific Grove, are needed to put the recall on the ballot. This week Runyon plans to file the notice of intent with the Monterey County Elections Office.

Runyon on Wednesday didn't mince words in her attack on Leffel. She used words like "incompetence" and "indifference to facts" in describing the nature of the recall effort. The effort goes beyond just the LAFCO vote. Among the accusations cited in the petition, Runyon pointed to Leffel's "repeated violations of California campaign finance statutes."

Leffel won a director seat on the airport board in the Nov. 3, 2020, general election. But roughly 11 months later, the California Fair Political Practices Commission sent out a news release noting it had fined Leffel's campaign \$1,362 on two counts of violating state election code, basically because the campaign "failed to timely file two pre-election campaign

statements.”

But the sharpest criticism was saved for her role in blocking the Peninsula water district’s process of acquiring the assets of Cal Am. The district has acknowledged that there will be lawsuits, likely against LAFCO.

“(Leffel has shown) disregard for the best interests of her constituency, violations of LAFCO policies and procedures, attempting to nullify a fair and legitimate election, abdication of her responsibilities as a LAFCO commissioner and betrayal of the public trust,” Runyon wrote in the news release.

The reference to nullifying an election was in reference to Measure J, the mandate voters passed to acquire Cal Am, but the recall seekers said they believe Leffel was going against the will of the people by voting <<https://www.montereyherald.com/2021/12/07/lafco-board-torpedoes-monterey-peninsula-districts-buyout-of-cal-am/>> to turn the water district away.

And then there is the airport development lawsuit the city of Monterey brought against the airport district. In a judge’s order filed in the lawsuit, Leffel is cited for telling the Del Rey Oaks City Council one thing about a new road into the airport but documents attached to the development plans ran counter to her comments. A judge agreed with the city <<https://www.montereyherald.com/2022/02/02/monterey-wins-court-battle-with-airport-district/>> and ordered the airport district to revise some of its planning documents.

On Wednesday Runyon said that while the rest of the airport board was likely complicit, because of the division of districts Leffel was the only one they could target for recall.

“The recall was triggered by Leffel’s behavior on the airport board and her recent LAFCO vote to block the voter-mandated buyout of Cal Am,” Runyon said. “Almost 60% of Leffel’s Monterey and Pacific Grove constituents voted for Measure J in November 2018. But Leffel ignored over a hundred letters from her constituents asking her to support the Cal Am buyout with her LAFCO vote.”

Leffel said on Wednesday that she would not be running for reelection.

From: mwchrislock@redshift.com
To: [Joel Pablo](#)
Subject: MC Weekly - Leffel Recall
Date: Friday, February 11, 2022 6:38:36 PM

Thanks Joel. This one too?

https://www.montereycountyweekly.com/opinion/local_spin/a-controversial-vote-on-lafco-inspires-participation-and-a-recall-attempt/article_093ff6f0-8a02-11ec-b2db-33f035cb0df4.html

MC Weekly | February 10, 2022

A controversial vote on LAFCO inspires participation — and a recall attempt.

Sara Rubin

It was around dusk on Sunday night, Feb. 6, and Mary Ann Leffel was relaxing after a bath when there was a knock at the door. Attorney Alexander Henson was there to serve her with a notice of intention to circulate a recall petition, on behalf of a new group called The Committee to Defend Democracy – Recall Leffel.

Leffel, who has represented District 3 on the board of the Monterey Regional Airport board since 2008, was not entirely surprised. She's taken heat in recent years as an MRY board member mostly due to the airport's plan to build a new road, facing pushback from neighbors in Del Rey Oaks and then in North Monterey. The Monterey opposition resulted in a lawsuit filed by the city against the airport, and in a Jan. 14 ruling – citing Leffel's comments to placate Del Rey Oaks residents – a judge sided with Monterey, https://www.montereycountyweekly.com/news/local_news/a-judge-takes-monterey-peninsula-airport-district-s-master-plan-back-to-the-drawing-board/article_51b27522-7961-11ec-ae64-0bf899d53304.html overturning the airport's master plan.

But it was Leffel's vote on a different board, the Local Agency Formation Commission of Monterey County, that had spurred the energy around a recall. Like many local agencies, the LAFCO board is composed partly of other elected officials who are appointed to serve on various regional agencies. LAFCO voted down a request from the Monterey Peninsula Water Management District to pursue a public buyout of Cal Am. In technical terms, LAFCO commissioners denied a request to activate latent powers – the kind of bureaucratise that allows agencies like LAFCO, despite their influence, to sometimes operate without much public participation.

But LAFCO's 5-2 denial

<https://www.montereycountyweekly.com/opinion/local_spin/a-rejection-of-next-steps-for-a-buyout-of-cal-am-is-a-failure-of/article_59217d04-5868-11ec-86d8-8b87c2e93b71.html> has rightly angered public water proponents, who note that Monterey Peninsula voters overwhelmingly voted yes on a public buyout measure in 2018.

Leffel isn't elected by those same voters, though her District 3, which includes a large swatch of Monterey and part of Pacific Grove, overlaps with the area in MPWMD's jurisdiction. And while Leffel is elected by voters to the airport board, she is elected by colleagues in 43 special districts – like fire, water, hospital and cemetery districts – to serve on LAFCO.

"I am elected to LAFCO by the districts," she says. "That's who I represent."

That convoluted logic gets her into a tricky position. Unless the public's needs are in lockstep with special districts, do you steamroll the public?

"She seems to have a very cavalier attitude about who she has to be accountable to. You're supposed to represent your constituents, and I think she's failed," says Nancy Runyon, chair of the recall committee. "She's not representing us."

Leffel plans not to seek another term when hers ends in 2024. But she is planning to seek another four-year term on LAFCO to represent those 43 special districts, as her current term comes to an end in May.

Simultaneously, LAFCO terms for public member Matt Gourley, who has been on LAFCO for 20 years, and alternate public member Steve

Snodgrass (10 years), are also coming up. (Gourley also voted against the public buyout measure – and he unambiguously represents the public at large.)

In 2018, the last time these seats were open, only four people applied from 43 special districts, and only five for the public member seat. To qualify, you must live in Monterey County and “have an interest in the operation and organization of local governments.”

Hopefully there are a lot more people who fit that bill this year – more participation in local government is a good thing. Anecdotal data so far is encouraging. “We’re getting a lot more interest than we normally do from special districts and from the public on how this process works and how they can apply,” LAFCO Senior Analyst Jonathan Brinkmann says. The deadline to apply for the public member seat is Feb. 24; for special district representatives it’s Feb. 28. (Visit monterey.ca.lafco.gov for details and applications.)

Meanwhile, the Committee to Defend Democracy plans to formalize and begin fundraising in the coming days. There are several steps before they can begin collecting signatures of District 3 voters, and they’ll need roughly 2,500 signatures to get a recall on the ballot. That’s a lot of signatures and a lot of work, but Runyon thinks it’s achievable: “I don’t know anybody that isn’t disappointed and angry with Mary Ann Leffel.”

SARA RUBIN is the *Weekly*’s editor. Reach her at sara@mcweekly.com or follow her at twitter.com/sarahayleyrubin