

County & region

Nipomo cites legal grounds for dumping vote

The Nipomo Community Services District on Wednesday offered a legal justification for ignoring the Nov. 5 election in which people voted against joining the State Water Project.

District directors also unanimously delayed giving final approval to a measure repealing an ordinance making the election binding.

Final approval was set for Dec. 18.

The directors also formed a subcommittee Wednesday to see if the district should end a five-year ban on

annexations.

The ban was imposed after county officials told Nipomo it didn't have enough water to serve new developments. Lifting the ban could add more district residents to share the cost of bringing Nipomo more water.

The meeting Wednesday was rowdy — speakers interrupted and argued with each other — but the hearing was tamer than last week's free-for-all when the board initially voted to ignore the election.

Board members claim the small turnout, slim victory margin and misleading statements against State Water justified bucking the voters.

The vote wasn't binding, district counsel Arthur Shaw reported. He presented a legal opinion from Atkinson and Farasyn, a Palo Alto law firm.

State law, the opinion said, prevents agencies like Nipomo from passing laws now that say future boards can't pass different laws later.

And voters, the opinion added, do not have the power to overturn administrative acts, such as the board deciding to pursue State Water.

As further justification, Shaw said, the state allows elected officials to repeal or amend referendums but not initiatives.

The vote in Nipomo was a referendum placed on the ballot by elected officials while the vote Tuesday in Morro Bay on state water is an initiative the public launched.

Gan

JET SE!
Ground traf
to Casino, Fl
FOR QUALIFIED F

**SATURDAY
RETURN
SATURDAY, JAN
RETURN**

CALL: 485

Got son
attic? Turn
you
Call 59

LAST 3 DAYS TO DEFER PAYMENTS & INTEREST UNTIL MARCH 1992 • NO MINIMUM