

Nipomo board throws down water gauntlet

By Jerry Bunin
Telegram-Tribune

The Nipomo Community Services District gave final approval Wednesday to an ordinance allowing it to ignore an election and to pursue state water.

The district board of directors voted 4-1 to repeal an ordinance, passed unanimously in June, that made the Nov. 5 election

binding.

According to the just-released final count, the district voted 356 to 328 not to seek state water.

Wednesday's 4-1 vote was identical to a preliminary tally cast by the board a month ago. Immediately afterward, a newly formed group said it would start collecting signatures today on a referendum to force the board to honor the election results.

Steven Small, the only director to oppose overturning the election, drew applause by explaining that he supported state water but didn't want it at such a cost to democracy.

State water supporters, board members and district staff had trouble convincing the audience Wednesday that the community's need for water justified ignoring the public's will.

"The issue is water," district resident Bill Mills said. "We need water. The issue is not parliamentary procedure."

That's not true, said district resident Les Fox. "The issue is not water. The issue is not parliamentary procedure. We're not English, so we don't give a hoot about Parliament. What we do give a hoot about,"

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he said, "is democracy, that (American) flag in the corner over there and representative elections.

"Your constituents," said Fox, wearing a baseball cap proclaiming he was a Vietnam Vet and Proud of It, "told you in black and white what you should do. Are you going to?"

Board member Kathleen Furness cited legal arguments to justify bucking the vote, although she previously cited the need for state water.

District counsel Arthur Shaw, who provided a legal reasoning two weeks ago for ignoring the vote, said Wednesday that Furness' points were "out of context" and it was "still an open legal question" if the election should have been binding.

Shaw, district counsel for more than a dozen years, said the board had planned to hold the election for a decade.

His signature and that of board President David Manriquez are on the June ordinance which states:

"If a majority of those voting oppose participation in the State Water Project, the district shall promptly notify the county Board of Supervisors that the district will not participate in the project."

The ordinance passed Wednesday repealed that section on the grounds that the 29 percent voter turnout was too small to reflect actual public opinion and because a flier mailed out late in the campaign contained inaccurate information about state water.

Only 15 percent of the district's

eligible voters opposed state water, the ordinance says, ignoring the fact that less than 15 percent supported it.

Charles Gulyash, who prepared the flier, and Paul Luiz — both members of the newly formed Nipomo Citizens for Democracy — defended the flier.

While district officials claim the flier used "scare tactics" and misinformation about costs and availability, Luiz noted, the officials admit that the flier's claim that state water could cost \$900 is less than it would cost this year.

By attacking the flier, he said, the district is implying it shouldn't haven't been mailed. "That clearly infringes on my First Amendment right to free speech. ... That is what this country is based on."

Referendum supporters have 30 days to get 234 valid signatures — equal to 10 percent of the district's registered voters.

If they do, the board could either declare the election binding or call a special election so voters could decide if their Nov. 5 vote was final.