

Nipomo opponents disagree on vote's meaning

By Tom Friesen
Staff Writer

NIPOMO — The battle lines were more clearly drawn this week for a May election that has already generated controversy, anger and suspicion.

Pro and con ballot arguments were submitted Tuesday, according to Community Services District General Manager Ryder Ray, who said there did not appear to be any reason to disqualify either one.

It is apparent from the arguments that the two sides do not even agree which issue the vote will settle.

While one side argues that Nipomo's future need for state water is the real question, the other side says the vote is about demanding honest government and restoring faith in democracy.

Technically, the latter argument is correct. The ballot will ask only whether Ordinance 91-64 should be repealed. The NCS D board passed that ordinance in an attempt to overrule the voters' Nov. 5 rejection of the State Water Project. Before the election, the board had made it clear that the results would be binding.

The board was forced into the second election by a referendum petition signed by twice the required number of district residents.

The referendum gave the directors the choice of honoring the first election or holding a new one to determine whether the people will

allow them to overthrow the first.

Unanimously in support of state water, the board opted 4-1 to hold the new election, with Director Steven Small dissenting and maintaining that the real issue had become the board's integrity and its attempt to overturn the democratic process.

But the board has also made it clear that it intends to contract for 1,500 to 2,000 acre-feet of state water from the Coastal Branch if the voters do not force the repeal of 91-64.

Ray said the anti-Measure A argument was written mainly by mem-

bers of the Nipomo Area Advisory Group, a committee set up by 4th District Supervisor Ruth Brackett.

It was signed by Barbara Haslam, Donna Mehlschau, Ed Sauer, George Dana and Susan Ostrov, the 4th District planning commissioner.

"Don't be fooled by clever ballot writers," it says. "Vote FOR state water — mark your ballot NO.

"That's right — slick writers from outside the district have twisted the words on your ballot. To confuse you, the ballot requires a NO vote for state water to WIN. We don't need outsiders to impose their choice on Nipomo's future. Our

water supplies are at risk!"

The wording of the ballot measure was actually recommended by the NCS D's legal counsel, Art Shaw, and approved by the district board despite protests from opponents that it wasn't sufficiently clear.

The rest of the con argument deals only with water, stating that 85 percent of the district's groundwater supply comes from outside the district boundaries, which means that the rights to the water could be lost in future legal challenges by landowners.

"The coastal aqueduct of the Cali-
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Procedural questions arise in NCS D election

By Tom Friesen
Staff Writer

The board's support of state water has generated suspicion among the referendum organizers about how the election will be conducted.

Organized as "Nipomo Citizens for Democracy," the group states in a Feb. 25 letter to the district board that it has received no response to a written request on Feb. 17 for information about the election's ground rules.

The election is being run by a private company, Sequoia Pacific of

Exeter.

"Since the county clerk is not running this election and the board of directors of NCS D is in an adversarial position to the referendum, it has been a concern of Nipomo residents (who are simply attempting to get the board to honor their fair and valid vote of November 1991) that this election be run in a fair and open manner."

Several procedural questions have already arisen.

The letter demands that Tuesday, Feb. 25, be recognized as the dead-

line for submitting ballot arguments. Charles Gulyash said the group's pro-Measure A argument was submitted that day, a week before the deadline, to avoid any complications.

The board had decided Feb. 19 to move back the deadline for arguments a week when it moved back the election date from May 12 to 19.

But legal notices that appeared in local newspapers after the meeting stated that the deadline was Feb. 25, rather than March 3. Ray said there must have been some sort of mix-

up.

According to the district's legal counsel, Art Shaw, the public notices contained only a "clerical error" and the deadline for arguments is still March 3.

The board has reserved the right to decide which of the arguments submitted will appear on the ballot.

Gulyash said the Measure A supporters are also convinced that the board violated the noticing requirements in the Ralph M. Brown Act because the Feb. 19 meeting agenda
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Nipomo election

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California Water Project will be extended through our community by 1996. We must not let this golden opportunity for a clean water source escape. Our choice is clear.

"We can secure a life line to water so essential for our future and our environment."

In contrast, the pro-Measure A argument makes only a passing reference to "expensive state water," concentrating instead on the question, "Is it wrong for a governing body to overturn a public election just because they don't like the outcome?"

The argument — signed by Les Fox Jr., Paul Luiz and David Stroup — traces the history of the November election, beginning in June 1991 when the board "agreed that this

was such an important issue it would be best to have Nipomo voters make that decision."

It notes that the directors promised the results would be binding, but after being "shocked and disappointed" by the outcome, they took steps to nullify the vote.

"Measure A is only about repealing 91-64. Many will try to dodge the real issue, but voters on both sides of the state water controversy want to make it very clear that this vote is only about one thing....

"We cannot allow this attempt to undermine our basic freedoms to succeed. The right to vote is too important.

"We trusted the board when we voted on November 6. Now the trust is gone, and it is up to us to restore faith in government."