

Procedural questions arise

By Tom Friesen
Staff Writer

NIPOMO — The obvious support for state water among directors of the Community Services District is raising suspicions about how the May 19 election will be conducted.

The group that forced the May 19 election by organizing a petition drive — Paul Luiz, David Stroup, Les Fox Jr. and Charles Gulyash — contends that the board is making few attempts to ensure a level playing field.

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 deadline 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 included no mention of moving back the election date.

In its letter to the board, the pro-Measure A group says that "Due to the confusion over unagendized date changes, and the added confusion created by the published public notice, Nipomo Citizens for Democracy chooses to submit the only valid argument for Measure A to the district secretary as advertised and originally scheduled.

"We insist that unagendized date

changes be ignored since the public was not notified in advance of any discussion concerning date changes, and was therefore unable to comment. ... We insist that no arguments submitted after 4:30 on February 25th be considered."

According to the Brown Act, "At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief description of each item of business to be transacted or discussed at the meeting."

The agenda items for the Feb. 19 meeting said, "Consider resolution to place a second item on the May 12, 1992, ballot" and "Review election notice that is to be placed in newspaper prior to Feb. 27, 1992."

The Brown Act does allow exceptions to the noticing requirement, but only if a majority of the board first votes that "an emergency situation exists," or if two-thirds of the board votes that the need to take action arose after the agenda was posted.

No such votes were taken.

But Shaw said that, although the date change was not specifically mentioned in the agenda, it would be covered by the item titled "review election notice."

"I think you're given some latitude," he said. "You can technical it all you want, but the intent of the election law was carried out."

Nipomo opponents disagree

By Tom Friesen
Staff Writer

NIPOMO — The board members were more clearly drawn this week for a May election that has already generated controversy, anger and

allow them to overthrow the first.

Unanimously in support of state water, the board voted 4-1 to hold the new election, with Director Steven Small dissenting and main-

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

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