

State water arguments are done, but debate continues

By Tom Friesen
Staff Writer

NIPOMO — The argument over ballot arguments has been settled, but suspicions linger among Measure A supporters that their opponents are getting preferential treatment from the Community Services District board in preparing for the May 19 election.

Measure A asks whether Ordinance 91-64 should be repealed, thus forcing the board to honor the results of the Nov. 5 election in which voters turned down the

chance to tap into the State Water Project.

The board on Wednesday approved ballot arguments submitted by both sides in the controversial contest, including the second version submitted by an expanded list of state water supporters.

The vote was 4-1, with Director Steven Small dissenting, as he has on all decisions involving the May election. Despite his support for state water, Small maintains that the board should accept the results of the November election because it

was intended to be binding.

The district board tried to overturn the 356-328 vote with a new ordinance, but was then forced into the May election by a referendum petition circulated by an ad hoc group calling itself Nipomo Citizens for Democracy.

Two members of that group, Charles Gulyash and Paul Luiz, challenged the board's decision Wednesday to accept the second anti-Measure B ballot argument submitted by state water supporters.

Luiz said the original deadline for

submitting arguments was Feb. 25 and that legal notices published in area newspapers confirmed that date even though the board had decided to move back the deadline a week.

He added that the board action in moving back the deadline was taken at a meeting where it was not on the agenda, possibly violating the state's open meeting laws.

He said the extended deadline gave state water supporters an unfair advantage.

"They were privy to our argument before submitting their sec-

ond version, Luiz protested. "I feel you're giving them the chance to rebut our argument twice. There were two arguments submitted on the 25th. Why not leave it at that?"

But the only noticeable change in the second argument is the deletion of the opening lines, which say "outsiders" are imposing their choice on Nipomo and "slick writers from outside the district have twisted the words on your ballot."

The ballot wording was actually recommended by the district's legal

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counsel, Art Shaw, and approved 4-1 by the board of directors — a fact pointed out in the newspaper Feb. 28, four days before the second version was submitted.

Luiz said after the meeting that the misstatements in the first version would have backfired on the state water supporters: "They left themselves exposed."

But Ed Sauer, who signed both versions of the anti-Measure A argument along with Barbara Haslam, Donna Mehlschau, George Dana and Susan Ostrov, would not say why the first section was deleted.

Under persistent questioning, he would say only that "the content is still there," and the second version was submitted "just to update it" and to "accommodate new ideas."

The second version also includes the names of David Putnam, Mark Fugate, Cherie Fitz-Gerald, Victor Oneschuck, Peggy Miller, Robert Marsalek, A.S. (Kelly) Fitz-Gerald and Dolores Dana in place of George Dana.

Shaw said the law is clear on allowing revisions to ballot arguments up until the deadline, but ballot argument signatures may be limited to five by state law.

Sauer responded that there would be no problem with deleting the last seven names on the list.

Shaw also dismissed claims that the board had violated the Ralph M. Brown Act by moving back the election and its deadlines without

specifically placing that item on the agenda.

The argument was that, although the election notice was on the agenda, the directors should have first taken a vote to allow themselves to move the dates, he said. "I don't think that's a substantial argument, certainly."

The pro-Measure A argument, signed by Luiz, David Stroup and Les Fox Jr., portrays the May election as a way to restore confidence in democracy after a popular vote was overturned because the district board didn't like the result.

The anti-Measure A argument focuses only on the area's need for new water sources and the convenience of the state pipeline.

Although Luiz had argued during the meeting that both sides had sub-

mitted their first arguments on Feb. 25, he said later that may not have been the case.

Gulyash said he and four other people delivered their side's argument just before the NCSO offices closed at 4:30 p.m. They were told that no other arguments had been submitted, and they waited outside until 4:40, but were told later that the other argument had been slipped under the door.

Although it was a moot point because the deadlines had been moved back, "All these things add up," Luiz said. "It tends to make you paranoid."

In other business Wednesday, the board:

- Learned that design plans and cost estimates for the district's million-gallon water storage tank will

be ready for review in April;

- Learned that the annexation map for the Summit Station area is nearing completion. District General

Manager Ryder Ray said the county also wants NCSO to annex the Black Lake area, which offers productive wells.

Nipomo opponents disagree

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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 Nov. 5 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 in November. Now the trust is gone, and it is up to us to restore faith in government."

OBITUARIES