

Project fails to meet court standard

To the Editor:

Wednesday is the last day for property owners in Nipomo to vote on the benefit assessment for the supplemental water project, a Proposition 218 vote.

It is vital that all eligible property owners vote.

Based on a reading of a 1996 legislative review that identified major flaws in the proposition, I asked the Nipomo Community Services District questions about assigned benefit units and the district's process based on proportionality of the assignments.

More recently, I came across court cases. According to Abbott & Kinderman, LLP, in a challenge of a Proposition 218 vote made by Calaveras County residents, "the appellate court held the assessment procedure for the district was flawed on several grounds."

Abbott and Kinderman also reported, "While the court's first holding disposed of the case, the court went on to say that even if one could argue that special benefits were found, the assessment was invalid as it failed the proportionality requirement."

It's my belief this project does not meet the proportionality requirements set by the court.

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