

Harold Snyder
P.O. Box 926
Nipomo, CA 93444
(805) 929-2455 H

November 3, 2010

Nipomo Community Services District
148 Wilson Street
P.O. Box 326
Nipomo, CA 93444

(805) 929-1133 Phone
(805) 929-1932 Fax

Dear Don Spagnolo:

At the last SCAC meeting, 10/26/10 on the report for NCSD, as reported by director Winn, It was stated: "and then we pay the penalties to the state as long as we don't have it", "it" being the "Water Intertie project".

I am making a public record request for the first page of the regulation, law, code or rule that allows the "State" to make NCSD pay "penalties" for not "having" the "Water Intertie project".

I am also requesting the status, amount and timing of the penalty, as NCSD does not "have" the "Water Intertie project" now.

I you have any questions please let me know.

Thank You



Harold Snyder

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NIPOMO COMMUNITY
SERVICES DISTRICT

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JON SEITZ, GENERAL COUNSEL

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

November 12, 2010

Harold Snyder
P.O. Box 926
Nipomo, CA 93444

Re: Your November 3, 2010 Public Records Request to the Nipomo
Community Services District

Dear Mr. Snyder:

Please accept this letter in response to your letter of November 3, 2010, received by the Nipomo Community Services District ("District") on November 4, 2010, which the District interprets as a request for public records. This response has been reviewed by District Legal Counsel, Jon S. Seitz, and is the person responsible for raising objections referenced in this response.

Cal. Gov. Code §6253(b) requires a public records request to "reasonably describe an identifiable record or records". The District is not required to investigate or confirm statements alleged to have been made by a District official at meetings. Therefore, the request for regulations, law, code or rules supporting the alleged comments of a director at an SAIC meeting does not reasonably describe an identifiable record or records. See additionally the case of *Rogers v. Superior Court* (1993) 19 Cal App. 4th 469, 23 Cal. Rptr. 2nd 412, holding that individuals should not be permitted to make a general unfocused request for public records to a public agency.

Therefore, the District will not investigate or produce documents in response to your request.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Don Spagnolo
General Manager

Cc: Jon S. Seitz, Esq.

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