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

April 11, 2011

Michael LeBrun, Nipomo Community Services District (NCSD) 148 Wilson Street, P.O. Box 326 Nipomo, CA 93444

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

Dear Michael LeBrun:

In the April 13<sup>th</sup> 2011 Agenda Item E-3 states

"On March 23, 2010, your <u>Board approved a contract</u> with True <u>North/Tramultola/Terrain</u> with a not to exceed amount of \$76,000. The contract and scope included <u>polling</u>, a four-month <u>outreach effort</u> and <u>other related work</u> to assist the District with building understanding and support of the District's supplemental water project.

After numerous delays, the consultant conducted a telephone poll in March 2011. Initial results from the polling indicate the community, while very concerned over drinking water reliability and safety, is not aware of the area-wide need for supplemental water, and in turn is not currently highly supportive of a project to address that need."

I am making a public record request for copies of the following documents/emails/faxes:

- 1. Any invoices and/or statements submitted by "North/Tramultola/Terrain" for work done under the "Board approved contract".
- 2. Any text, scripts and/or information provided or used for any "outreach effort".
- 3. Any text, scripts, information of the "Poll" Questions used.
- 4. Any results of the "Poll" conducted in "March 2011"
- 5. Any reports, summaries, conclusions, and/or recommendations provided by "North/Tramultola/Terrain".
- 6. Any requests for "other related work" made by NCSD to "North/Tramultola/Terrain".

In the modern day most documents are in electronic/computer form and as I understand it NCSD now has a "paperless office", a electronic/computer format of the documents is acceptable, I understand that a CD or DVD costs \$15 and I estimate that 1 CD/DVD will be needed.

Thank You

**RECEIVED** 

APR 1 2011

Harold Snyder

Johnson

NIPOMO COMMUNITY SERVICES DISTRICT

## NIPOMO COMMUNITY

BOARD MEMBERS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
MICHAEL WINN, DIRECTOR
ED EBY, DIRECTOR
DAN A. GADDIS, DIRECTOR



## SERVICES DISTRICT

STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER LISA BOGNUDA, ASSISTANT GENERAL MANAGER PETER SEVCIK, P.E., DISTRICT ENGINEER TINA GRIETENS, UTILITY SUPERINTENDENT JON SEITZ. GENERAL COUNSEL

Serving the Community Since 1965

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

April 21, 2011

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

Dear Mr. Snyder:

# SUBJECT: YOUR APRIL 11, 2011, PUBLIC RECORDS REQUEST TO THE NIPOMO COMMUNITY SERVICES DISTRICT

Please accept this letter in response to your Public Records Request of April 11, 2011, received by the Nipomo Community Services District ("District") on April 11, 2011. This response has been reviewed by District Legal Counsel, Jon S. Seitz, and is the person responsible for raising objections referenced in this response.

In raising the objections to specific requests, the District relies on the following:

- (a) California Government Code Section 6254 which provides that except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:
  - (a) "Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure."
- (b) The deliberative process procedure which is intended to afford a measure of privacy regarding conversations, discussions, debates, deliberations and like materials reflecting advice, opinions and recommendations, considered by decision makers as referenced in the California Supreme Court Case in *Regents of Univ. of Ca. V. Superior Court* (1999) 20 Cal. 4<sup>th</sup> 509.

The District responds to your specific requests as follows:

1. The invoices and/or statements submitted by "North/Tramultola/Terrain" for work done under the "Board approved contract," will be made available for inspection and photocopying.

- 2. The Script/text used for the poll questions will be made available for inspection and photocopying. The term "information" as used in this request is ambiguous (see last paragraph of this response if you wish to clarify).
- 3. As stated in response to request number two above, the text / script, for the "Poll" Questions will be made available for inspection and photocopying. The term "information" as used in this request is ambiguous (see last paragraph of this response if you wish to clarify).
- 4. The results of the "Poll conducted on March 2011, have not been completed and are in preparation as stated by Bonnie Moss at the District's Board of Directors meeting of April 13, 2011, at which you were in attendance. The District expects to receive the report of the poll results for presentation at the May 11, 2011, District meeting. To the extent this request could be interpreted to request draft reports, and assuming that draft reports exist, the District objects to the request on the basis of Government Code Section 6254 (above). The public will be better served by receiving the results at a public meeting with the opportunity for public comment and questions during the presentation of the report to the Board of Directors.
- 5. The District has previously provided you with the report, summary, conclusion, and recommendations provided by "North/Tramultola/Terrain." that were received by the Board of Directors at the meeting of April 13, 2011, at which you were in attendance. To the extent this request could be an interpreted to request, draft summaries, conclusions and/or recommendations, and further assuming drafts exist, then the District objects to the request on the basis of the deliberative process as referenced in paragraph 2 (page 1) and California Government Code Section 6254 (above). Draft conclusions and summaries by their very nature, reflect the deliberative process. Further, the public will be better served by receiving the results at a public meeting with the opportunity for public comment and questions during the presentation of the reports and conclusions to the District Board of Directors.
- 6. There are no requests for "other related work".

Documents and responses are consistent with the meaning of words as used by the Nipomo Community Services District General Manager in drafting the Staff Report.

The above referenced documents will be made available for inspection during the week of April 25, 2011, and upon twenty-four (24) hour notice. Please contact Ms. Bognuda at (805) 929-1133 to arrange an appropriate time for inspection. Upon request and as an alternative to providing the documents for inspection, the District will produce all documents indentified and forward them to your office upon receipt of deposit for photocopying. The deposit amount can be arranged with Ms. Bognuda.

Further, if you believe the documents identified in the above paragraph are not responsive to your request and you wish to clarify what document you are requesting, then pursuant to Government Code Section 6253.1 a District representative is willing to meet with you, at a mutually agreeable time, to assist you in identifying precisely what records you are requesting. Please call Michael LeBrun at 929-1133 to make an appointment to meet.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Wichael FeBrum

Michael LeBrun

Interim General Manager

**北京京京京京京京京京京** \* Nipomo CSD # **北京東京東京東京東京東京** 

Nipomo, CA.		Wilson,	PO	Вох	326	
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April 26, 2011 Receipt # ..: 61863 Tuesdau 9:36 am Register #.: 000

Bu: KATHY Terminal ID: T0

Check # Check Amt...: - 50

Total

6.30 Cash..... Amt Tendered: 6.30

Copy of document found at www.NoNewWipTax.com

Paid Bu.: SNYDER-COPIES

# Received via Email 12/31/10

True North Research, Inc.

741 Garden View Ct., Suite 208 Encinitas, CA 92024

## Invoice

Date	Invoice #
12/31/2010	1711

Bill To		Ship To	
Nipomo CSD Attn: Michael LeBrun 148 South Wilson St. Nipomo CA 93444	otay MER		,
	· .		

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	-		12/31/2010	-		Phase 1 Assessment
Quantity	Item Code		Descriptio	n	Price Each	Amount
	Professional Servi  Professional Servi	Phase 1: 15% a hours/longer pr	y, Initial Planning & augmentation to covroject schedule  ND-ACCOUNT-D O-15 YO-4	er additional	13,951.°	
		Revi	ered by <u>Mu</u> ewed by <u>(S)</u> Approval <u>M</u>	N	Total	\$19,182.90

True North Research, Inc.

741 Garden View Ct., Suite 208 Encinitas, CA 92024

## Invoice

Date	Invoice #
3/15/2011	1728

Bill To	Ship To
Nipomo CSD Attn: Michael LeBrun 148 South Wilson St. Nipomo CA 93444	

P.O. Number	Terms	Rep	Ship	Via	F	.O.B.	Project
			3/15/2011				Phase 1 Assessmen
Quantity	Item Code		Description	1		Price Each	Amount
	Professional Servi	Phase 1 Survey	& Feasibility Asse	ssment Interim In	voice	19,926.80	19,926.8
		Note: travel ex	penses will be billed	l separately for Ph	nase 1		
				The second second second			
			-1590-	115			
		200	1-1590-	H2 :			
REC	EIVED	į	. ma ** 1	-			
IMP	8 2011	,	- consequences -				
MESMO	COMMUNITY						
SERVICI	COMMUNITY S DISTRICT	, ,	#ITO +	and the second			
			Entered W	w			
			1 100/10 u/	MAY	otal		\$19,926.8



True North Research, Inc.

741 Garden View Ct., Suite 208 Encinitas, CA 92024

## Invoice

Date	Invoice #
3/18/2011	1729

Bill To	Ship To	
Nipomo CSD Attn: Michael LeBrun NSC 148 South Wilson St. Nipomo CA 93444		

P.O. Number	Terms	Rep	Ship	Via	F.O.B	,	Project
			3/18/2011				Phase 1 Assessment
Quantity	Item Code		Descriptio	n	Price	Each	Amount
	Travel Reimburse Travel Reimburse		Gas for B. Moss 3/8 miles for 3/8/11 T			178.08 166.75	178.08 166.75
	Travel Reimburse		e miles for 6/10/10	T. McLarney & B		166.75	166.75
	Travel Reimburse		rain & vehicle miles for 8/2/10 T. McLarney & B.			166.75	166.75
		F	und-accoun 500-159(	T-DEPT-AMI O-HO			
		-				RE(	EIVED
		-	PO#/TO #				2 1 2011
			Dept Mgr Entered by Reviewed by	mw 1912	5	NIPOMO SERVIC	COMMUNITY ES DISTRICT
			GM Approval	NUYL .	Total		\$678.33





#### Section 1: Introduction to Study

Hi, may I please speak to \_\_\_\_. My name is \_\_\_\_, and I'm calling on behalf of TNR, an independent public opinion research firm. We're conducting a survey of property owners about important issues in Nipomo (Nuh-PO-mo) and the Mesa (May-suh) and I'd like to get your opinions.

If needed: This is a survey about important issues in your community. I'm NOT trying to sell anything and I won't ask for a donation.

If needed: The survey should take about 10 minutes to complete.

If needed: If now is not a convenient time, can you let me know a better time so I can call back?

If the person asks why you need to speak to the listed person or if they ask to participate instead, explain: For statistical purposes, at this time the survey must only be completed by this particular individual.

If the person says they are an elected official or is somehow associated with the survey, politely explain that this survey is designed to measure the opinions of those not closely associated with the study, thank them for their time, and terminate the interview.

Sect	Section 2: Local Issues						
Q1	To begin, I'm going to read a list of issues in your community and for each one, please tell me how important you feel the issue is to you, using a scale of extremely important, very important, somewhat important or not at all important.  Here is the (first/next) issue: Do you think this issue is extremely important, very important, somewhat important, or not at all important?						
	Randomize	Extremely important	Very important	Somewhat important	Not at all important	Not sure	Refused
Ą	Protecting the environment	1	2	3	4	98	99
В	Ensuring an adequate supply of safe drinking water	1	2	3	.4	98	99
С	Improving public safety	1	2	3	4	98	99
D	Improving the quality of education	1	2	3	4	98	99
E	Protecting our water quality	1	2	3	4	98	99
F	Limiting local tax increases 1 2 3 4 98 99						
G	Increasing local job opportunities	1 .	2	3	4	98	99

Secti	lon 3:	Awareness of Water Provider	
<b>©</b> 2	Disti	to taking this survey, had you evict/Woodlands Mutual Water Con pany>? Pipe water provider's nai	ver heard of the <nipomo community="" services<br="">npany/Golden State Water Company/Rural Water me based on STO:</nipomo>
	1	Yes	Ask Q3
	2	No	Skip to intro preceding Q4
	98	Not sure	Skip to intro preceding Q4
	99	Refused	Skip to intro preceding Q4
Q3	Com	pany>? Would you say you are ve	npany/Golden State Water Company/Rural Water ery familiar, somewhat familiar, slightly familiar, or
	1	Very familiar	
	2	Somewhat familiar	
	° 3	Slightly familiar	
	4	Not at all familiar	
	98	Not sure	
	99	Refused	

#### Section 4: Initial Ballot Test

The <Nipomo Community Services District/Woodlands Mutual Water Company/Golden State Water Company/Rural Water Company> provides all of the fresh water in your service area. Next year, property owners in your community may be asked to vote on a local ballot measure. Let me read you a summary of the measure:

#### In order to:

Q4

- Ensure that we have safe and reliable sources of high quality water Build the Water Pipeline and facilities needed to provide enough drinking water to meet the needs of the community
  Protect against seawater contamination of our drinking water sources
  And avoid environmental problems caused by over pumping groundwater

Shall property owners in your community be assessed at annual fee for each property that they own. The fee for your property would be approximately. \$ Rate A> per year The ineasure would require regular reports to the community for community oversight and that all money be used to build the water pipeline project.

fi the election were held today, would you vote ves or no on this measure? Ger answer then ask. Would that be definitely (yes/no) or probably (yes/no)?

	1	Definitely Yes	Skip to Q6	
\	2	Probably Yes	Skip to Q6	
	3	Probably No	Ask Q5	
	4	Definitely No	Ask Q5	
	98	Don't Know/Not Sure	Skip to Q6	
	99	Refused	Skip to Q6	

Q5	Jan Bar	ere a particular reason why you would not support the water measure fulust
		Record Verbatim Response - Record up to first two responses.
	2	No
	98	Don't Know
	99	Refused

### Section 5: Fee Threshold

The measure I just described would raise money through annual property taxes paid by residential and commercial property owners in the district. However, the amount to be charged to each parcel has not been determined yet.

06

If you heard that your household would pay \_\_\_\_\_ per year for each property that you own in the district, would you vote yes or no on the measure? Get answer, then ask: Is that definitely (yes/no) or probably (yes/no)?

Read in sequence starting with the highest amount (A), then the next highest (B), and so on. If respondent says 'definitely yes', record 'definitely yes' for all LOWER dollar amounts and

go to next section.

	Ask in Order	Definitely Yes	Probably Yes	Probably No	Definitely No	Not Sure	Refused
Α	Rate A	i "	. 2	3	4	98	99
В	Rate B	1	2	3	4	98	99
С	Rate C	1	2	3	4	98	99

#### Section 6: Background Information about the Water Pipeline Project Next, I'd like to provide you with some background information about the Water Pipeline Project that would be funded by the measure. As I read each piece of Information, I'd like to know whether the information affects your support for the measure: Q7 Here is the (first/next) one \_\_\_\_\_ Hearing this, are you more likely to support the measure or does this information have no effect? If 'more likely, ask-would that be much more likely or somewhat more likely? Somewhat More Likely Effect Sure Refused Read in Order 9 All of the water in your community is pumped from the local groundwater supply. The water supply has been over pumped for many years, 1 2 3 98 99 meaning that much more water has been pumped out than is replaced naturally. Now there is a serious water shortage. Pumping too much water from the groundwater supply each year can result in 1 99 2 3 98 seawater contaminating the water supply and

	other water quality problems.					
С	To meet the needs of the community, local water providers have to obtain <u>new</u> sources of fresh drinking water. There are no other local sources of water that can be used.	1	2	3	98	99
D	Studies have shown that the most cost- effective method for increasing the water supply is to import water from Santa Maria. To do this, local water providers have proposed to share in the cost of building a pipeline, pumps and treatment facilities.	1	2	3	98	99
E	The ballot measure I described earlier will raise money to build the Water Pipeline and facilities needed to provide water for your community.	1	2	3	98	99

Section 7: Positive Arguments							
What I'd like to do now is tell you what some people are saying about the measure we've been discussing.							
Q8	Supporters of the measure say: Do you think this is a very convincing, somewhat convincing, or not at all convincing reason to SUPPORT the measure?						
	Randomize	Very Convincing	Somewhat Convincing	Not At All Convincing	Don't Believe	Don't Know/No Opinion	Refused
А	All money raised by the measure will stay in our community to build the Water Pipeline Project. It can't be taken away by the State or used for other purposes.	1	2	3	4	98	99
В	There will be a clear system of accountability including annual reports to the community and a Citizen's Oversight Committee to ensure that the money is spent properly.	1	2	3	4	98	99
С	We are in a water crisis. Studies show there is not enough local groundwater to support our community. We need to support this measure so we can have an adequate supply of safe, reliable fresh water.	1	2	3	4	98	99
D	This measure ensures that all property owners pay their fair share.	1	2	3	4	98	99
E	Water is critically important to maintaining our local economy, creating jobs, maintaining property values, and protecting our overall quality of life. We need to support this measure.	1	2	3	4	98	99
F	This project is NOT growth inducing. It is designed to meet the community's <u>current</u> need for water and replenish the ground water system that continues to be over pumped.	1	2	3	4	98	99

G	This measure is supported by a broad coalition of individuals and community organizations, including environmental groups, local businesses, and concerned	1	2	3	4	98	99
	property owners.						

Sect	ion 8:	: Interim Ballot Test					
		s people change their mind about a measure					
	it it. N again	Now that you have heard a bit more about th ::	le measure, let me read you a summary				
	linorder to						
		<ul> <li>Ensure that we have safe and reliable south.</li> <li>Build the Water Ripeline and facilities need</li> </ul>	irces of high quality water dedito provide enough drinking water				
Q9	Shall that The and	And avoid environmental problems cause property owners in your community be ass they own? The fee for your property would measure would require regular reports to th that all money be used to build the water pi	ed by over pumping groundwater essed an annual fee for each property be approximately: \$ <rate a=""> per year. le community for community oversight, peline project.</rate>				
	if the	e election were held today, would you vote y ask: Would that be definitely (yes/no) or pr	ves or no on this measure? Get answer, obably (yes/no)?				
	1	Definitely Yes					
	2	Probably Yes					
	3	Probably No					
	4	Definitely No					
	98	Don't Know/Not Sure					
	99	Refused					
	A be	nefit assessment measure is the <u>least</u> expen If the water pipeline project, which is why it	nsive way to raise the money needed to was chosen.				
<b>©</b> 10	If the pay those	is measure does <u>not</u> pass, the water provide for the Project. A rate increase will be inforc a with homes and developed properdas.	rs will be forced to raise water rates to expensive for customers, especially				
		wing this, would you vote yes or no on this i be definitely (yes/no) or probably (yes/no)?					
	1	Definitely Yes					
	2	Probably Yes					
	3	Probably No					
	4	Definitely No					
	98	Don't Know/Not Sure					
	99	Refused					

Section 9: Negative Arguments							
Next, let me tell you what opponents of the measure are saying.							
Q11	Opponents of the measure say: Do you think this is a very convincing, somewhat convincing, or not at all convincing reason to OPPOSE the measure?						
	Randomize	Very Convincing	Somewhat Convincing	Not At All Convincing	Don't Believe	Don't Know/No Opinion	Refused
А	People are having a hard time making ends meet with the housing crisis, financial crisis, and the economy in recession. Now is NOT the time to be raising taxes.	1	2	3	4	98	99
В	Water agencies have either raised rates recently, or plan to do so soon. They should use THAT money to pay for these projects, not a new tax.	1	2	3	4	98	99
С	This measure isn't fair. It charges some property owners a lot more than others, even though they use about the same amount of water.	1	2	3	4	98	99
D	This measure will encourage growth and development.	1	2	3	4	98	99
Е	This project is NOT needed. There is no real evidence of salt water intrusion into our local ground water	1	2	3	4	98	99
F	This problem can be solved by making water conservation mandatory. We don't need to build a pipeline to import water.	1	2	3	4	98	99

Section 10: Final Ballot Test							
	that y	you have heard a bit more about the measure, let me read you a summary of it one :					
en e	in or	der to					
<b>©</b> 12	Shall that the and	to meet the needs of the community					
i Ingertak	If the	e election were held today, would you vote yes or no on this measure? Get answer, ask! Would that be definitely (yes/no) or probably (yes/no)?					
	1	Definitely Yes					
	2	Probably Yes					
	3	Probably No					

Don't Know/Not Sure

Definitely No

98

99 Refused

Thank you so much for your participation. I have just a few background questions for statistical purposes.

Jeach	J CI CWI	parposes.	
	Serv	eneral, do you have a favorable or unfavorab ices District/Woodlands Mutual Water Comp. er Companys, or do you have no opinion eith	any/Golden State Water Company/Rural
Mile day	wvate		IEI Way!
	1	Favorable	
	2	Unfavorable	
	3	No opinion	
	99	Refused	
ĺb2	How	ilong have you owned property in Nipomo ()	Nulli PO mo) or the Mesa?
	1	Less than 1 year	
	2	1 year to less than 5 years	
	3	5 years to less than 10 years	
	4	10 years to less than 15	
	5	15 years or more	
	99	Refused	

	6	and the second s	
ינט	אַניסעי	ou own <u>more</u> than one property in the area	
	1	Yes	
	2	No	
	99	Refused	
D4	Do y	ou have undeveloped property in the area t	hat you eventually want to build on?
	1	Yes	Ask D5
	2	No	Skip to D7
	99	Refused	Skip to D7
Ď\$	Nipo	un undeveloped property in the service are imo Community Services District, Woodland or Company, or Rural Water Company?	a of one of the following water providers: Is Mutual Water Company, Golden State
	1	Yes	Ask D6
	2	No	Skip to D7
	99	Refused	Skip to D7
D6	prop	u knew that this measure will ensure that t verty to be developed in the future, and tha necting to the water system by 70%, would	t it will also lower your cost of
	1	Yes	
	2	No	
	98	Not sure	
	99	Refused	
D7	Prio area	to taking this survey, were you aware that ?	there is a serious water shortage in your
	1	Yes	
	2	No	
	3	Don't believe there is a water shortage	
	99	Refused	
<b>8</b> d	Doy Ora	ou consider yourself to be an environment moderate environmentalist	allst? <i>If yes, ask</i> : Would that be a strong
	1	Yes, strong environmentalist	
	2	Yes, moderate environmentalist	
	3	No, not an environmentalist	
	99	Refused	¥ ·
		all of the questions that I have for you. The survey.	anks so much for participating in this

Post-	Interv	riew & Sample Items
	Gend	
\$1 3.0	(A)(A)	
	1	Male
	2	Female
0.7	Paint	
		profession of the same of the
	1	Democrat
	2	Republican
	3	Other
201007-000000	4	DTS
Ç3	Age	on Votei (Fille)
	98	Not sure/Don't Know
	99	Refused
S41_	Service Annual Control	stration Date
	1	2010 to 2005
	2	2004 to 2001 .
	3	2000 to 1997
	4	1996 to 1990
	5	Before 1990
<u></u> 95	14(9)4)	schold Party Type
	1	Single Dem
	2	Dual Dem
	3	Single Rep
	4	Dual Rep
	5	Single Other
	6	Dual Other
	7	Dem & Rep
	8	Dem & Other
	9	Rep & Other
	0	Mixed (Dem + Rep + Other)

<b>S</b> (6	ZIP (	.06R
	5-dig	git ZIP
S7.	Voti	ngillistory
3.325	For	last six elections
\$8	Like	v to Vote by Mall
	1	Yes
	2	No
<b>S</b> 9	Ulkel	y November 2010 Voter
	1	Yes
Party State Cold Cold	2	No
\$10:	Wate	ir Purveyor
	1	Nipomo CSD
	2	Woodlands Mutual Water Co
	3	Golden State Water Co
	4	Rural Water Co
\$11	Unio	eveloped property?
	1	Yes
	2	No