

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

November 28, 2011

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

mlebrun@ncsd.ca.gov  
(805) 929-1133 Phone  
(805) 929-1932 Fax

Dear Michael LeBrun:

About the WIP or "Supplemental Water Project" tax assessment process you recently wrote:

"The mailing **data base is constantly being updated** and will be as current as possible when ballots are mailed in March of next year. If you know of people who own land in the District and have not received our mailed information, please have them contact us as soon as possible."

This letter is a request for public records which are in the possession of the Nipomo Community Services District pursuant to the California Public Records Act (Govt. Code 6250, et seq.).

The following is a list of the reasonably identifiable public records which I request copies of:

1. I am making a public record request for an electronic copy of the "database" that is being referred to in your statement: "The mailing **data base is constantly being updated** and will be as current as possible when ballots are mailed in March of next year", as of 11/28/11.

If a portion of the information contained in the records we have requested is exempt from disclosure by express provisions of law, Govt. Code 6254 requires segregation and deletion of that material in order that the remainder of the information may be released.

Please take note that Govt. Code 6256 requires the Nipomo Community Services District to determine, within ten (10) days after receipt of this request, whether the City will comply with this request. If the City decides not to comply with all or any portion of this request, Govt. Code 6256 requires notification to us of the reasons for the determination not later than ten (10) days from your receipt of this request. Further, Govt. Code 6256.2 prohibits the use of any provision of the Public Records Act to delay access for the purposes of inspecting public records. Govt. Code 6256.2 also requires that any notification of denial of this request for records must set forth the names and titles or positions of each person responsible for the denial.

Also as before my understanding is the coping cost is \$15 per CD or DVD.

I you have any questions please let me know.

Thank You



Harold Snyder

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NIPOMO COMMUNITY  
SERVICES DISTRICT

# NIPOMO COMMUNITY

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(805) 929-1133    FAX (805) 929-1932    Website address: [ncsd.ca.gov](http://ncsd.ca.gov)

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December 7, 2011

Mr. Harold Snyder  
P. O. Box 926  
Nipomo, California 93444  
[kochcal@earthlink.net](mailto:kochcal@earthlink.net)

Dear Mr. Snyder:

### **SUBJECT: RESPONSE TO NOVEMBER 28, 2011 PUBLIC DOCUMENT REQUEST**

Please accept this letter in response to your letter of November 28, 2011, which the Nipomo Community Services District (District) interprets as a request for public records. This response has been reviewed by District Legal Counsel, Jon Seitz, and he is the person responsible for raising objections referenced in this response.

Your letter of November 1, 2011, states in relevant part:

1. *"I am making a public record request for an electronic copy of the "database" that is being referred to in your statement: "The mailing data base is constantly being updated and will be as current as possible when ballots are mailed in March of next year" as of 11/28/11.*

Based on paragraph 1 of your letter, we interpret your public records request to be for the mailing addresses from the property owners that will be receiving ballots in regards to the upcoming assessment District formation related to the Supplemental Water Project.

In raising the objections to your requests the District relies on the following:

A. Cal. Gov. Code § 6254 (a) (b) (k) which is restated as follows:

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.

As alluded to in your public records request, the current database is in draft form and therefore will not be disclosed pursuant to Cal. Gov. Code § 6254 (a). Furthermore, and as alluded to in your public records request, the owners of the property to be assessed along with the assessment amounts, has not been finally determined and the final determination will be included within the final draft Engineer's Report that will be approved by the Board. The Board approval will occur prior to the assessment District ballots actually being mailed (currently scheduled for March, 2012). It is clearly in the public interest that in order to avoid public confusion as to which real properties will be included or excluded from the assessment District that this information not be disclosed while in draft form.

Lastly, we interpret your use of the word "city" within your public records request of November 28, 2011, to mean District. The District has relied upon this interpretation in this response. If there is information that the District has within its possession that is not subject to privilege, please identify it and the District will promptly respond.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun  
General Manager

Enclosure(s):

- 111128 Snyder Request