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March 5, 2012

Mr. Harold Snyder
P. O. Box 926
Nipomo, California 93444
kochcal@earthlink.net

Dear Mr. Snyder:

SUBJECT: FEBRUARY 22, 2012 PUBLIC DOCUMENT REQUEST

Please accept this letter in response to your letter of February 22, 2012, 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 is the person responsible for raising any objections referenced in this response.

Your letter of February 22, 2012, states in relevant part:

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

1. *Again, I am making a public record request for a digital/electronic copy of the Merge data that was sent out with the letters approved by the board on 1/11/12 as you stated will be produced "at the end of next month". The Merge data includes at least the following:*

*MERGE PROPERTY OWNER NAME
MERGE MAILING ADDRESS
MERGE SITE ADDRESS
MERGE APN#
MERGE ACREAGE
MERGE WATER PURVEYOR
MERGE BENEFIT UNITS"*

DISTRICT RESPONSE:

See Response to Request #2 below, the District's Response to your concluding paragraph below and the District's prior Response to Request #1.

2. As described in NCSD's 2/1/12 presentation the data was being updated and corrected as by Kari Wagner, "Clarification, there are several area's that we missed, that have deed restrictions". I am now making a public record request for a digital/electronic copy of the Merge data that includes the final corrected entries to be produced "at the end of next month". The Merge date includes at least the following:

MERGE PROPERTY OWNER NAME
MERGE MAILING ADDRESS
MERGE SITE ADDRESS
MERGE APN #
MERGE ACREAGE
MERGE WATER PURVEYOR
MERGE BENEFIT UNIT

DISTRICT RESPONSE:

The District objects to Request #2 on the basis of ambiguity in that the Request does not reasonably describe an identifiable record or records. Assuming the word "data" refers to the "data" in Request #1, and consistent with the District's prior Response to Request #1, the District will produce the above referenced data on a CD, shortly after the time the District Engineer provides the final Engineer's Report with the assessment roll. As things stand now, the final Assessment Engineer's Report is set for approval by the District Board of Directors at it's regular meeting of March 14, 2012. The District normally posts Agenda materials on the Friday before the Board of Directors meeting (the afternoon of March 9). It will likely take a day or so to re-produce the requested data onto a CD. Therefore, please contact the District office either Friday afternoon (March 9) or Monday morning (March 12) for the availability of the data on a CD.

3. I am making a public record request for a digital/electronic copy of the deed restrictions for the parcels that have opted to have a reduced "benefit" that are produced "at the end of next month"...

DISTRICT RESPONSE:

As you are aware, by your attendance at the District's February 29 meeting, the Deed Restrictions are set for Board approval at the District's regular meeting on March 14. Please call the District office Friday afternoon, March 9, for availability (the date the Agenda materials are normally posted on the District's website).

CONCLUDING PARAGRAPH:

"The 1/11/12 list and ~2/28/12 list can then be used to see the changes made. The public has the right to know what errors were made and corrected so they can judge the fairness of the result. The public also has the right to know how much property added a deed restrictions and the nature of the restrictions on each parcel".

DISTRICT RESPONSE:

The District is not aware of a ~ 2/28/12 list referenced in this paragraph. However, the District disagrees with the statements contained in this paragraph based on the deliberative process procedure which is intended to afford a measure of privacy to decision makers as referenced in the California Supreme Court Case in Regents of University of California v.

Superior Court (1999) 20 Cal. 4th 509 and the District's prior Response to Request #1. Notwithstanding this objection, the District's Assessment Engineer did provide a summary of the changes and errors that were made as a result of sending the letters referenced in Request #1, as part of her Staff Report, at the February 29, 2012 Board meeting, at which you were present. Upon request, the District will provide the recording of the Assessment Engineer's presentation.

The contact person at the District office is Lisa Bognuda, (805) 929-1133.
Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun
General Manager