

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROYECTION

### **State Water Resources Control Board**

September 10, 2012

Ms. Nancy Patton
Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Patton:

#### REVISED SCHEDULE FOR COMMENTS

SAN DIEGO REGION WATER PERMIT - ORANGE COUNTY, 10-TC-11

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, ORDER NO. R9-2009-0002. EFFECTIVE DECEMBER 16, 2009

COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT, CITIES OF DANA POINT, LAGUNA HILLS, LAGUNA NIGUEL, LAKE FOREST, MISSION VIEJO, AND SAN JUAN CAPISTRANO, CO-CLAIMANTS

REQUEST FOR EXTENSION OF TIME TO SUBMIT COMMENTS OF THE STATE WATER RESOURCES CONTROL BOARD AND THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION

By letter dated July 13, 2011, the Commission on State Mandates (Commission) notified the Co-Claimants that the Commission issued the notice of complete test claim filing and schedule for comments in the above-referenced manner, with all comments due on or before August 12, 2011. The Commission granted previous extensions of time for comments and extended the comment period until September 14, 2012. I am the attorney at the State Water Resources Control Board (State Water Board) assigned to this matter and will be preparing comments on behalf of the State Water Board and the San Diego Regional Water Quality Control Board (San Diego Water Board).

The test claim filed by the Co-Claimants is very broad and covers almost every aspect of the challenged permit. The State and San Diego Water Boards wish to closely evaluate the test claim and the provisions alleged to be unfunded state mandates and anticipate that it will not be possible to complete their review and submit comments before September 14, 2012. Other work obligations, including being the sole legal counsel for general orders and permits, have limited my ability to effectively respond to the test claim. I am also counsel for the Regional

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

September 10, 2012

Water Quality Control Board, Central Coast Region (Central Coast Water Board), and must spend a significant amount of my time providing legal counsel and review on permits, enforcement actions, and orders for that region. I am currently involved as the advisory attorney for the Central Coast Water Board on a 1.3 million dollar administrative civil liability complaint that the Central Coast Water Board heard on Friday, September 7, 2012, and will continue in October, and has taken most of my time for the past month. For these reasons, the State Water Board and the San Diego Water Board believe that good cause exists under California Code of Regulations, title 2, section 1181.1, subdivision (h), for granting an extension of time and request that the Commission extend the time for state agencies to submit comments until **December 14, 2012**.

The San Diego Water Board appreciates the Commission's suggestion to work with the claimants to reach agreement on a stipulation for an extension until a particular date. The San Diego Water Board believes that a stipulation would be in the best interests of all parties and will approach the claimants about submitting such a stipulation for the Commission's approval.

We appreciate your consideration of this request. Please contact me at (916) 341-5168 or by e-mail at jjahr@waterboards.ca.gov if you have any questions.

Sincerely

Jessica Jahr Staff Counsel

cc: Proof of Service Service List

# Commission on State Mandates

**Mailing List** 

Original List Date:

7/11/2011

Last Updated:

6/14/2012

List Print Date: Claim Number: 06/14/2012

Issue:

10-TC-11
San Diego Region Water Permit - Orange County

#### TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

Ms. Socorro Aquino	Tel:	(916)322-7522
State Controller's Office	Email	SAquino@sco.ca.gov
Division of Audits	Fax:	
3301 C Street, Suite 700	. гах <b>.</b>	
Sacramento, CA 95816		·
Mr. Jim Spano	` Tel:	(916)323-5849
State Controller's Office (B-08)	Email	jspano@sco.ca.gov
Division of Audits		
3301 C Street, Suite 700	Fax:	(916) 327-0832
Sacramento, CA 95816		
Mr. Edward Jewik	Tel:	(213)974-8564
Los Angeles County Auditor-Controller's Office	Email	ejewik@auditor.lacounty.gov
500 W. Temple Street, Room 603	Fax:	(213)617-8106
Los Angeles, CA 90012	rax.	(213)017-0100
Mr. Jai Prasad	Tel:	(909) 386-8854
County of San Bernardino	Email	jai.prasad@atc.sbcounty.gov
Office of Auditor-Controller	Fax:	(909) 386-8830
222 West Hospitality Lane, 4th Floor	rax.	(909)380-8630
San Bernardino, CA 92415-0018		
Ms. Kathy Rios	Tel:	(916) 324-5919
State Controllers Office	Email	krios@sco.ca.gov
Division of Accounting and Reporting 3301 C Street, Suite 700	Fax:	(916)323-4807
Sacramento, CA 95816	. 47.1	(0.0)020 1001
- Cadraniento, 57(00010		
Mr. Tom Dyer	Tel:	(916)445-3274
Department of Finance (A-15)	Email	tom.dyer@dof.ca.gov
915 L Street	Fax:	
Sacramento, CA 95814	. 3/1	

Mr. James H. Eggart	Tel:	(714)415-1062
Woodruff, Spradlin & Smart	Email	JEggart@wss-law.com
555 Anton Boulevard, #1200 Costa Mesa, CA 92626	Fax:	
Mr. Mark Rewolinski	Tel:	(916) 471-5516
MAXIMUS	Email	markrewolinski@maximus.com
625 Coolidge Drive, Suite 100		, -
Folsom, CA 95630	Fax:	(916) 366-4838
Mr. Jess Carbajal	Tel:	(714)667-3217
County of Orange	Email	jess.carbajal@ocpw.ocgov.com
County Flood Control District	Fax:	
300 North Flower Street Santa Ana, CA 92703	rax.	
Mr. Mark Ibele	Tel:	(916) 651-4103
Senate Budget & Fiscal Review Committee (E-22)	Email	Mark.lbele@sen.ca.gov
California State Senate	Fax:	(916) 323-8386
State Capitol, Room 5019 Sacramento, CA 95814	. 4	(* 1.5) = 2.0 0.0 0.0
Mr. Christien Brunette	Tel:	(916)471-5510
MAXIMUS	Email	christienbrunette@maximus.com
625 Coolidge Drive, Suite 100	Fax:	(916)366-4838
_Folsom,_CA_95630	ı ux.	(010)000 4000
Ms. Marianne O'Malley	Tel:	(916)319-8315
Legislative Analyst's Office (B-29)	Email	marianne.O'malley@lao.ca.gov
925 L Street, Suite 1000	Fax:	(916) 324-4281
Sacramento, CA 95814	ı ux.	(010)024 4201
Ms. Harmeet Barkschat	Tel:	(916)727-1350
Mandate Resource Services, LLC	Email	harmeet@calsdrc.com
5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Fax:	(916)727-1734
Sacramento, CA 95042		(2.13).21
Mr. William P. Curley III	Tel:	(714) 990-0901
Richards, Watson & Gershon, LLP	Email	wcurley@rwglaw.com
1 Civic Center Circle	Fax:	(714)990-6230
Brea, CA 92822-1059	ı ax.	(114)330-0230
Mr. Terry E. Dixon	Tel:	(949)362-4300
City of Laguna Niguel	Email	tdixon@cityoflagunaniguel.org
City of Laguna Niguel	Fax:	(949) 362-4340
30111 Crown Valley Parkway Laguna Niguel, CA 92677	ı anı	(5.15)462 16.16
Ms. Jill Kanemasu	Tel:	(916) 322-9891
State Controller's Office (B-08)	Email	jkanemasu@sco.ca.gov
Division of Accounting and Reporting	Fax:	
3301 C Street, Suite 700	гах.	

# Sacramento, CA 95816

	•	•
Ms. Catherine George Hagan	Tel:	chagan@waterboards.ca.gov
San Diego Regional Water Quality Control Board	Email	chagan@waterboards.ca.gov
Office of Chief Counsel	Fax:	
9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340	ı ax.	
San Diego, CA 92123-4340		
Mr. Tim Casey	Tel:	(949) 362-4300
City of Laguna Niguel	Email	tcasey@cityoflagunaniguel.org
City of Laguna Niguel	i.	
30111 Crown Valley Parkway	Fax:	(949) 362-4340
Laguna Niguel, CA 92677		
Mr. Dennis Speciale	Tel:	(916)324-0254
State Controller's Office (B-08)	Email	DSpeciale@sco.ca.gov
Division of Accounting and Reporting		DSpeciale@sco.ca.gov
3301 C Street, Suite 700	Fax:	•
Sacramento, CA 95816		•
Mr. Bruce E. Channing	Tel:	(949) 707-2600
City of Laguna Hills		
24035 El Toro Road	Email	bchanning@ci.laguna-hills.ca.us
Laguna Hills, CA 92653	Fax:	
Ms. Evelyn Calderon-Yee	Tel:	(916) 323-0706
State Controller's Office (B-08)	Email-	-eyee@sco.ca:gov
Division of Accounting and Reporting	Fax:	
3301 C Street, Suite 700	rax.	(916) 322-4404
Sacramento, CA 95816		
Ms. Donna Ferebee	Tel:	(916) 445-3274
Department of Finance (A-15)	: Email	donna.ferebee@dof.ca.gov
915 L Street, 11th Floor		
Sacramento, CA 95814	Fax:	(916) 323-9584
Ms. Anita Worlow	Tel:	(916) 972-1666
AK & Company	Email	akcompany@um.att.com
3531 Kersey Lane		akcompany@um.att.com
Sacramento, CA 95864	Fax:	
Ms. Annette Chinn	Tel:	(916)939-7901
Cost Recovery Systems, Inc.	·	
705-2 East Bidwell Street, #294	Email	achinners@aol.com
Folsom, CA 95630	Fax:	(916) 939-7801
Mr. Randy Ward	Tel:	(916)445-3274
Department of Finance	Fmail_	Randy Ward@dof ca gov
915 L Street, 8th Floor	Fax:	
Sacramento, CA 95814	ı ux.	

Ms. Susan Geanacou	Tel:	(916) 445-3274
Department of Finance (A-15)	Email	susan.geanacou@dof.ca.gov
915 L Street, Suite 1280	Fax:	(916) 449-5252
Sacramento, CA 95814	ı ax.	(310)443-3232
Ms. Melissa Mendonca	Tel:	(916) 322-7369
State Controller's Office (B-08)	Email	mmendonca@sco.ca.gov
Division of Accounting & Reporting		
3301 C Street, Suite 700	Fax:	•
Sacramento, CA 95816	•	
Ms. Jessica Newman	Tel:	(916)341-5168
State Water Resources Control Board	Email	jmnewman@waterboards.ca.gov
1001 I Street, 22nd floor		
Sacramento, CA 95814	Fax:	(916)341-5199
	·	(0.10) 0.10 0.551
Mr. Brad Fowler	Tel:	(949) 248-3554
City of Dana Point	Email	bfowler@danapoint.org
33282 Golden Latern Dana Point, CA 92629	Fax:	
Dana Form, Or S2020		
Mr. J. Bradley Burgess	Tel:	(916)595-2646
MGT of America	Email	Bburgess@mgtamer.com
895 La Sierra Drive	Fax:	
Sacramento, CA 95864	ı ax.	
Mr. David R. Rice	Tel:	(916)341-5161
State Water Resources Control Board	Email	davidrice@waterboards.ca.gov
1001 I Street, 22nd Floor		-
Sacramento, CA 95814	Fax:	(916)341-5199
Mr. Andy Nichols	Tel:	(916)455-3939
Nichols Consulting	Email	andy@nichols-consulting.com
1857 44th Street		
Sacramento, CA 95819	Fax:	(916) 739-8712
Mr. Leonard Kaye	Tel:	(213)974-9791
Los Angeles County Auditor-Controller's Office	Email	lkaye@auditor.lacounty.gov
500 W. Temple Street, Room 603		
Los Angeles, CA 90012	Fax:	(213) 617-8106
Ms. Juliana F. Gmur	Tel:	(559) 960-4507
· · · · · · · · · · · · · · · · · · ·	Email	julianagmur@msn.com
1865 Hernden Avenue, Suite K-44	Fax:	
Clovis, CA 93611	ı ux.	
		•
Mr. Tom Wheeler	Tel:	(949) 461-3480
City of Lake Forest	Email	twheeler@lakeforestca.gov
25550 Commercentre Dr., Suite 100		
Lake Forest, CA 92630	Fax:	

Ms. Ferlyn Junio	Tel:	(916)480-9444
Nimbus Consulting Group, LLC	Email	fjunio@nimbusconsultinggroup.com
2386 Fair Oaks Boulevard, Suite 104 Sacramento, CA 95825	Fax:	(800) 518-1385
Mr. Andre Monette	Tel:	(619)525-1300
Best Best & Krieger, LLP	Email	andre.monette@bbklaw.com
655 West Broadway	Fax:	(619) 233-6118
San Diego, CA 92101	ı ux.	,
Ms. Hasmik Yaghobyan	Tel:	(213) 893-0792
County of Los Angeles	Email	hyaghobyan@auditor.lacounty.gov
Auditor-Controller's Office	Fax:	(213)617-8106
500 W. Temple Street, Room 603 Los Angeles, CA 90012	ı axı	
		(0.40)
Ms. Jolene Tollenaar	Tel:	(916)443-9136
MGT of America 2001 P Street, Suite 200	Email	jolene_tollenaar@mgtamer.com
Sacramento, CA 95811	Fax:	(916)443-1766
Ms. Evelyn Tseng	Tel:	(949)644-3127
City of Newport Beach	•	, ,
3300 Newport Blvd.	Email	etseng@newportbeachca.gov
P. O. Box 1768	Fax:	(949)644-3339
Newport Beach, CA 92659-1768		
Ms. Carla Shelton	Tel:	(916)445-3274
Department of Finance	Email	carla.shelton@dof.ca.gov
915 L Street, 8th Floor		· ·
Sacramento, CA 95814	Fax:	
Mr. Michael Lauffer	Tel:	(916)341-5183
State Water Resources Control Board	Email	mlauffer@waterboards.ca.gov
1001   Street, 22nd Floor	Fax:	(916)641-5199
Sacramento, CA 95814-2828	ı ax.	(310)041-3133
Mr. Allan Burdick	Tel:	(916)443-9236
CSAC-SB 90 Service	Email	allan_burdick@mgtamer.com
2001 P Street, Suite 200	Fax:	(916)443-1766
Sacramento, CA 95811	i ux.	(5,15)7775, 1700
Mr. David Wellhouse	Tel:	(916) 368-9244
David Wellhouse & Associates, Inc.	Email	dwa-david@surewest.net
9175 Kiefer Blvd, Suite 121 Sacramento, CA 95826	Fax:	(916)368-5723
Mr. Jay Lal	Tel:	(916)324-0256
State Controller's Office (B-08)  Division of Accounting & Reporting	Email	JLal@sco.ca.gov
3301 C Street, Suite 700	Fax:	(916) 323-6527
Sacramento, CA 95816		

Mr. Geoffrey K. Hunt	Tel:	(714) 834-3306
County of Orange	Email	Geoff.Hunt@coco.ocgov.com
10 Civic Center Plaza	Fax:	(714)834-2359
P.O. Box 1379	rax.	(714)654-2559
Santa Ana, CA 92702-1379		
Mr. Omar Sandoval	Tel:	(714) 415-1049
Woodruff, Spradlin & Smart	Email	osandoval@wss-law.com
555 Anton Boulevard, #1200	Ford	(714)415-1149
Costa Mesa, CA 92626	Fax:	(714)415-1149
Mr. Richard Schlesinger	Tel:	(949)470-3079
City of Mission Viejo	Email	rschlesinger@cityofmissionviejo.org
200 Civic Center	Fax:	(949)581-5394
Mission Viejo, CA 92691	<i>?</i>	(3.5)33.333.
Ms. Lacey Baysinger	Tel:	(916)324-0254
State Controller's Office	Email	LBaysinger@sco.ca.gov
Division of Accounting and Reporting	Fax:	
3301 C Street, Suite 700 Sacramento, CA 95816	ı ax.	•
Sacramento, CA 93010		•
Mr. Richard Montevideo	Tel:	(714)641-5100
Rutan & Tucker, LLP	Email	rmontevideo@rutan.com
611 Anton Blvd., Suite 1400	Fax:	(714)546-9035
Costa Mesa, CA 92626		
Mr. Frank Murphy	Tel:	(949)440-0845
MAXIMUS	Email	frankmurphy@maximus.com
17310 Red Hill Avenue, Suite 340	Fax:	(949)440-0855
Irvine, CA 92614	, ax.	(2.2)
Mr. Nasser Abbaszadeh	Tel:	(949) 443-6398
City of San Juan Capistrano	Email	NAbbaszadeh@sanjuancapistrano.org
32400 Paseo Adelanto	· Fax:	(949) 493-1251
San Juan Capistrano, CA 92675	ı ax.	(070)700-1201

### COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300 SACRAMENTO, CA 95814 PHONE: (916) 323-3562 FAX: (916) 445-0278 E-mail: csminfo@csm.ca.gov



## **DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 12, 2012, I served the:

## **SWRQCB Extension Request**

San Diego Region Water Permit – Orange County, 10-TC-11 California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, effective December 16, 2009 County of Orange, Orange County Flood Control District, Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, and San Juan Capistrano, Co-Claimants

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 12, 2012 at Sacramento, California.

Lorenzo Duran

# Commission on State Mandates

 Original List Date:
 7/11/2011

 Last Updated:
 9/12/2012

 List Print Date:
 09/12/2012

**Mailing List** 

Claim Number: 10-TC-11

Issue: San Diego Region Water Permit - Orange County

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Ms. Socorro Aquino	Tel:	(916)322-7522
State Controller's Office	Email	SAquino@sco.ca.gov
Division of Audits	Fax:	en quine Georgia gen
3301 C Street, Suite 700 Sacramento, CA 95816	гах.	
Sacramento, CA 93610		
Mr. Jim Spano	Tel:	(916) 323-5849
State Controller's Office (B-08)	Email	jspano@sco.ca.gov
Division of Audits	Fax:	
3301 C Street, Suite 700	гах.	(916) 327-0832
Sacramento, CA 95816		
Mr. Edward Jewik	Tel:	(213)974-8564
Los Angeles County Auditor-Controller's Office	Email	ejewik@auditor.lacounty.gov
500 W. Temple Street, Room 603	Fax:	(213)617-8106
Los Angeles, CA 90012	ı ax.	(213)017-0100
Mr. Jai Prasad	Tel:	(909) 386-8854
County of San Bernardino	Email	jai.prasad@atc.sbcounty.gov
Office of Auditor-Controller	Fax:	(909) 386-8830
222 West Hospitality Lane, 4th Floor San Bernardino, CA 92415-0018	гах.	(909)360-8630
San Bernardino, CA 92415-0016		
Ms. Kathy Rios	Tel:	(916) 324-5919
State Controllers Office	Email	krios@sco.ca.gov
Division of Accounting and Reporting	Fax:	(916) 323-4807
3301 C Street, Suite 700 Sacramento, CA 95816	ı ax.	(910)323-4607
Sacramento, OA 93010		
		(2.12)
Mr. Tara Diran		
Mr. Tom Dyer	Tel:	(916)445-3274
Mr. Tom Dyer Department of Finance (A-15) 915 L Street	Tel: Email	(916)445-3274 tom.dyer@dof.ca.gov

S55 Anton Boulevard, #1200	Mr. James H. Eggart	Tel:	(714)415-1062
S55 Anton Boulevard, #1200	Woodruff, Spradlin & Smart	Fmail	JEggart@wss-law.com
Tel:	555 Anton Boulevard, #1200		0_99ant@1100 1am100
MAXIMUS         Email         markrewolinski@maximus.com           625 Coolidge Drive, Suite 100         Fax:         (916)366-4838           Mr. Jess Carbajal         Tel:         (714)667-3217           County Flood Control District         jess.carbajal@ocpw.ocgov.com           300 North Flower Street         Fax:           Santa Ana, CA 92703         Tel:         (916)651-4103           Mr. Mark Ibele         Tel:         (916)651-4103           Senate Budget & Fiscal Review Committee (E-22)         Email         Mark.Ibele@sen.ca.gov           California State Senate         Fax:         (916)323-8386           State Capitol, Room 5019         Fax:         (916)323-8386           Sacramento, CA 95814         Tel:         (916)323-8386           Mr. Christien Brunette         Tel:         (916)326-84838           Mr. Christien Brunette         Tel:         (916)366-4838           Mr. Christien Brunette (E-22)         Email         christienbrunette@maximus.com           MAXIMUS         Email         christienbrunette@maximus.com           Reptom, CA 9680         Fax:         (916)328-8386           Ms. Marianne O'Malley         Tel:         (916)319-8315           Legislative Analyst's Office (B-29)         Email         marianne O'malley@lao.ca.gov<	Costa Mesa, CA 92626	rax.	
Carried	Mr. Mark Rewolinski	Tel:	(916)471-5516
Fax: (916)366.4838	MAXIMUS	Email	markrewolinski@maximus.com
Tel: (714)667-3217		Fav:	_
County of Orange	Folsom, CA 95630	ı ax.	(310)300-4030
County of Orange	Mr. Jess Carbajal	Tel:	(714)667-3217
County Flood Control District 300 North Flower Street 301 North Flower Street 301 North Flower Street 302 North Flower Street 303 North Flower Street 303 North Flower Street 303 North Flower Street 303 North Flower Street 304 North Flower Street 305 North Flower Street 307 North Flower Street 308 North Flower Street 308 North Flower Street 309 North Flower Street 300 North Flower Street 300 North Flower Street 300 North Flower Street 301 Mark Ibele 302 Email Mark Ibele@sen.ca.gov 302 Email Mark Ibele@sen.ca.gov 303 Email Christien Brunette 302 Flood Street 303 Christien Brunette 303 Pax: (916)323-8386  304 Pax: (916)324-838  305 Pax: (916)366-4838  306 Pax: (916)366-4838  307 Pax: (916)319-8315  308 Email Marianne O'Malley 309 Email Marianne O'Malley@lao.ca.gov 309 Fax: (916)727-1350  3016)727-1350  3016)727-1350  3016)727-1734  3017 Pax: (916)727-1734  3017 Pax: (916)727			, ,
Santa Ana, CA 92703  Mr. Mark Ibele Senate Budget & Fiscal Review Committee (E-22) California State Senate State Capitol, Room 5019 Sacramento, CA 95814  Mr. Christien Brunette MAXIMUS Email christienbrunette@maximus.com 625 Coolidge Drive, Suite 100 Folsom, CA 95630  Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814  Ms. Harmeet Barkschat Tel: (916)727-17350 Marmeet@calsdrc.com Sacramento, CA 95842 Fax: (916)727-1734  Mr. William P. Curley III Richards, Watson & Gershon, LLP Email Wacurley@rwglaw.com Tel: (714)990-6230  Mr. Terry E. Dixon Tel: (949)362-4300  Email tdixon@cityoflagunaniguel.org City of Laguna Niguel Solve Jaguna Niguel Fax: (949)362-4340  Email jkanemasu State Controller's Office (B-08) Division of Accounting and Reporting	County Flood Control District		jess.carbajai@ocpw.ocgov.com
Mr. Mark Ibele         Tel:         (916)651-4103           Senate Budget & Fiscal Review Committee (E-22)         Email         Mark.Ibele@sen.ca.gov           California State Senate         Fax:         (916)323-8386           State Capitol, Room 5019         Fax:         (916)323-8386           Sacramento, CA 95814         Tel:         (916)471-5510           Mr. Christien Brunette         Email         christienbrunette@maximus.com           625 Coolidge Drive, Suite 100         Email         christienbrunette@maximus.com           625 Coolidge Drive, Suite 100         Fax:         (916)366-4838           Ms. Marianne O'Malley         Tel:         (916)366-4838           Legislative Analyst's Office (B-29)         Email         marianne.O'malley@lao.ca.gov           925 L Street, Suite 1000         Fax:         (916)324-4281           Ms. Harmeet Barkschat         Tel:         (916)324-4281           Ms. Harmeet Barkschat         Tel:         (916)727-1350           Mandate Resource Services, LLC         Email         harmeet@calsdrc.com           5325 Elkhorn Bivd. #307         Fax:         (916)727-1734           Mr. William P. Curley III         Tel:         (714)990-0901           Richards, Watson & Gershon, LLP         Email         wcurley@rwglaw.com		Fax:	
Senate Budget & Fiscal Review Committee (E-22)         Email Mark.lbele@sen.ca.gov           California State Senate State Capitol, Room 5019         Fax: (916)323-8386           State Capitol, Room 5019         Fax: (916)323-8386           Mr. Christien Brunette         Tel: (916)471-5510           MAXIMUS         Email christienbrunette@maximus.com           625 Coolidge Drive, Suite 100         Fax: (916)366-4838           Ms. Marianne O'Malley         Tel: (916)319-8315           Legislative Analyst's Office (B-29)         Email marianne.O'malley@lao.ca.gov           925 L Street, Suite 1000         Fax: (916)324-4281           Ms. Harmeet Barkschat         Tel: (916)727-1350           Mandate Resource Services, LLC         Email harmeet@calsdrc.com           5325 Elkhorn Blvd. #307         Fax: (916)727-1734           Mr. William P. Curley III         Tel: (714)990-0901           Mr. William P. Curley III         Tel: (714)990-0901           Richards, Watson & Gershon, LLP         Email wcurley@rwglaw.com           1 Civic Center Circle         Fax: (714)990-6230           Brea, CA 92822-1059         Fax: (714)990-6230           Mr. Terry E. Dixon         Tel: (949)362-4300           City of Laguna Niguel         Email (949)362-4300           City of Laguna Niguel         Email (949)362-4300	Santa Ana, CA 92703		
California State Senate State Capitol, Room 5019 Sacramento, CA 95814  Mr. Christien Brunette Mr. Malianne O'Malley Mr. Malianne O'Malley Mr. Harmeet Barks Office (B-29) Mr. Harmeet Barkschat Mr. Harmeet Barkschat Mr. Harmeet Barkschat Mr. William P. Curley III Mr. Tel: (714) 990-0901 Mr. Terry E. Dixon City of Laguna Niguel Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel City of Laguna Niguel Division of Accounting and Reporting  Mr. Jill Kanemasu  Tel: (916) 322-9891 State Controller's Office (B-08) Division of Accounting and Reporting	Mr. Mark Ibele	Tel:	(916) 651-4103
State Capitol, Room 5019         Fax:         (916)323-8386           Maximum Sacramento, CA 95814         Tel:         (916)471-5510           Mr. Christien Brunette         Tel:         (916)471-5510           MAXIMUS         Email         christienbrunette@maximus.com           625 Coolidge Drive, Suite 100         Fax:         (916)366-4838           Ms. Marianne O'Malley         Tel:         (916)319-8315           Legislative Analyst's Office (B-29)         Email         marianne.O'malley@lao.ca.gov           925 L Street, Suite 1000         Fax:         (916)324-4281           Ms. Harmeet Barkschat         Fax:         (916)727-1350           Mandate Resource Services, LLC         Email         harmeet@calsdrc.com           5325 Elkhorn Blvd, #307         Fax:         (916)727-1734           Mr. William P. Curley III         Tel:         (714)990-0901           Richards, Watson & Gershon, LLP         Email         wcurley@rwglaw.com           1 Civic Center Circle         Fax:         (714)990-6230           Mr. Terry E. Dixon         Tel:         (949)362-4300           City of Laguna Niguel         Email         tdixxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	Senate Budget & Fiscal Review Committee (E-22)	Email	Mark.lbele@sen.ca.gov
Sacramento, CA 95814  Mr. Christien Brunette		Fax:	(916) 323-8386
MAXIMUS 625 Coolidge Drive, Suite 100 Folsom, CA 95630  Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814  Ms. Harmeet Barkschat Ms. William P. Curley III Ms. Harmeet Barkschat Ms. William P. Curley III	Sacramento, CA 95814		(0.0)000
625 Coolidge Drive, Suite 100 Folsom, CA 95630  Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814  Ms. Harmeet Barkschat Mr. William P. Curley III Richards, Watson & Gershon, LLP 1 Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel Gity of Laguna Niguel City of Lagun	Mr. Christien Brunette	Tel:	(916)471-5510
625 Coolidge Drive, Suite 100 Folsom, CA 95630 Fax: (916)366-4838  Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814 Fax: (916)324-4281  Ms. Harmeet Barkschat Ms. Harmeet Barkschat Ms. Harmeet Barkschat Fax: (916)727-1350  Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842 Fax: (916)727-1734  Mr. William P. Curley III Richards, Watson & Gershon, LLP 1 Civic Center Circle Brea, CA 92822-1059 Fax: (714)990-6230  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel City of Laguna Niguel Sacramento City (949)362-4340  Mr. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting	MAXIMUS	Fmail	christienbrunette@maximus.com
Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814  Ms. Harmeet Barkschat Ms. Harmeet Barkschat Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842  Mr. William P. Curley III Richards, Watson & Gershon, LLP 1 Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel City of Laguna Niguel State Controller's Office (B-08) Division of Accounting and Reporting  Tel: (916)324-4281  Tel: (916)727-1350  Email harmeet@calsdrc.com (916)727-1734  Tel: (714)990-0901  Fax: (714)990-0901  Fax: (714)990-0901  Fax: (714)990-6230  Tel: (949)362-4300  Email tdixon@cityoflagunaniguel.org  Fax: (949)362-4340  Email jkanemasu@sco.ca.gov	625 Coolidge Drive, Suite 100		_
Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814  Ms. Harmeet Barkschat Ms. Waltan Blvd. #307 Sacramento, CA 95842  Ms. William P. Curley III Richards, Watson & Gershon, LLP Richards,	Folsom, CA 95630	rax.	(910)300-4636
925 L Street, Suite 1000 Sacramento, CA 95814  Ms. Harmeet Barkschat  Ms. Harmeet Barkschat  Mandate Resource Services, LLC  5325 Elkhorn Blvd. #307 Sacramento, CA 95842  Mr. William P. Curley III Richards, Watson & Gershon, LLP 1 Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel City of Laguna Niguel Solution Soluti	Ms. Marianne O'Malley	Tel:	(916) 319-8315
Sacramento, CA 95814  Ms. Harmeet Barkschat  Ms. Harmeet Barkschat  Mandate Resource Services, LLC  Sacramento, CA 95842  Mr. William P. Curley III  Richards, Watson & Gershon, LLP  1 Civic Center Circle  Brea, CA 92822-1059  Mr. Terry E. Dixon  City of Laguna Niguel  City of Laguna Niguel  City of Laguna Niguel  City of Laguna Niguel  Aguna Niguel, CA 92677  Ms. Jill Kanemasu  State Controller's Office (B-08)  Division of Accounting and Reporting  Tel: (916)727-1734  Email harmeet@calsdrc.com  Fax: (916)727-1734  Email wcurley@rwglaw.com  Fax: (714)990-0901  Fax: (714)990-0901  Fax: (714)990-6230  Tel: (949)362-4300  Email tdixon@cityoflagunaniguel.org  Fax: (949)362-4340  Email jkanemasu@sco.ca.gov	Legislative Analyst's Office (B-29)	Email	marianne.O'malley@lao.ca.gov
Ms. Harmeet Barkschat  Mandate Resource Services, LLC  5325 Elkhorn Blvd. #307 Sacramento, CA 95842  Mr. William P. Curley III Richards, Watson & Gershon, LLP 1 Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon  City of Laguna Niguel City of Laguna Niguel City of Laguna Niguel Aguna Niguel Aguna Niguel, CA 92677  Ms. Jill Kanemasu  Tel: (916)727-1734  Email harmeet@calsdrc.com Fax: (714)990-0901  Email wcurley@rwglaw.com  Fax: (714)990-6230  Tel: (949)362-4300  Email tdixon@cityoflagunaniguel.org Fax: (949)362-4300  Fax: (949)362-4300  Fax: (949)362-4340  Tel: (916)322-9891  State Controller's Office (B-08)  Email jkanemasu@sco.ca.gov  Division of Accounting and Reporting	•	Fax <sup>.</sup>	(916) 324-4281
Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842  Mr. William P. Curley III Richards, Watson & Gershon, LLP 1 Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel City of Laguna Niguel Solution S	Sacramento, CA 95814	ı ux.	(616)621 1261
5325 Elkhorn Blvd. #307 Sacramento, CA 95842  Mr. William P. Curley III Richards, Watson & Gershon, LLP Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel City of Laguna Niguel Solution Solution City of Laguna Niguel Solution Solution  Mr. Terry E. Dixon Tel: (949)362-4300  Email tdixon@cityoflagunaniguel.org  Fax: (949)362-4340  Fax: (949)362-4340  Fax: (949)362-4340  Fax: (949)362-4340  Email tdixon@cityoflagunaniguel.org  Fax: (949)362-4340  Email tdixon@cityoflagunaniguel.org  Fax: (949)362-4340  Email jkanemasu@sco.ca.gov	Ms. Harmeet Barkschat	Tel:	(916)727-1350
Sacramento, CA 95842  Fax: (916)727-1734  Mr. William P. Curley III  Richards, Watson & Gershon, LLP  1 Civic Center Circle  Brea, CA 92822-1059  Fax: (714)990-6230  Mr. Terry E. Dixon  City of Laguna Niguel  City of Laguna Niguel  State Controller's Office (B-08)  Division of Accounting and Reporting  Tel: (916)727-1734  Tel: (714)990-0901  Fax: (714)990-6230  Tel: (949)362-4300  Email tdixon@cityoflagunaniguel.org  Fax: (949)362-4300  Email tdixon@cityoflagunaniguel.org  Fax: (949)362-4340  Email jkanemasu@sco.ca.gov	Mandate Resource Services, LLC	Email	harmeet@calsdrc.com
Mr. William P. Curley III Richards, Watson & Gershon, LLP Email wcurley@rwglaw.com 1 Civic Center Circle Brea, CA 92822-1059 Fax: (714)990-6230  Mr. Terry E. Dixon Tel: (949)362-4300 City of Laguna Niguel Email tdixon@cityoflagunaniguel.org City of Laguna Niguel Solution Valley Parkway Laguna Niguel, CA 92677  Ms. Jill Kanemasu Tel: (916)322-9891 State Controller's Office (B-08) Division of Accounting and Reporting		Fax <sup>.</sup>	(916) 727-1734
Richards, Watson & Gershon, LLP  1 Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677  Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting  Email wcurley@rwglaw.com Fax: (714)990-6230  Tel: (949)362-4300  Email tdixon@cityoflagunaniguel.org Fax: (949)362-4340  Tel: (916)322-9891  jkanemasu@sco.ca.gov	Sacramento, CA 95842	ı ux.	(616)/12/ 1/61
1 Civic Center Circle Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel State Controller's Office (B-08) Division of Accounting and Reporting  Fax: (714)990-6230  Tel: (949)362-4300 Email tdixon@cityoflagunaniguel.org Fax: (949)362-4340  Tel: (949)362-4340  Tel: (916)322-9891 jkanemasu@sco.ca.gov	Mr. William P. Curley III	Tel:	(714)990-0901
Brea, CA 92822-1059  Mr. Terry E. Dixon City of Laguna Niguel City of Laguna Niguel State Controller's Office (B-08) Division of Accounting and Reporting  Tel: (949)362-4300 Email tdixon@cityoflagunaniguel.org Email (949)362-4340  Email jkanemasu@sco.ca.gov		Email	wcurley@rwglaw.com
City of Laguna Niguel City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677   Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting  Email tdixon@cityoflagunaniguel.org Fax: (949)362-4340  Tel: (916)322-9891 jkanemasu@sco.ca.gov	1 Civic Center Circle Brea, CA 92822-1059	Fax:	(714)990-6230
City of Laguna Niguel City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677   Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting  Email tdixon@cityoflagunaniguel.org Fax: (949)362-4340  Tel: (916)322-9891 jkanemasu@sco.ca.gov	Mr Terry F Dixon	Tel·	(949) 362-4300
City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677  Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting	•		,
30111 Crown Valley Parkway Laguna Niguel, CA 92677  Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting  Fax: (949)362-4340  Tel: (916)322-9891  Email jkanemasu@sco.ca.gov	City of Laguna Niguel		
Ms. Jill Kanemasu  State Controller's Office (B-08)  Division of Accounting and Reporting  Tel: (916)322-9891  Email jkanemasu@sco.ca.gov	30111 Crown Valley Parkway	Fax:	(949) 362-4340
State Controller's Office (B-08)  Email jkanemasu@sco.ca.gov  Division of Accounting and Reporting	Laguna Niguel, CA 92677		
Division of Accounting and Reporting	Ms. Jill Kanemasu	Tel:	(916) 322-9891
Division of Accounting and Reporting	State Controller's Office (B-08)	Email	jkanemasu@sco.ca.gov
	Division of Accounting and Reporting 3301 C Street, Suite 700	Fax:	- <b>-</b>

San Diego Regional Water Quality Control Board Office of Chief Counsel 2174 Sky Park Court, Suite 100 San Diego, CA 92123-4340  Mr. Tim Casey City of Laguna Niguel City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677  Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816  Mr. Jeff Goldstein	Email Fax: Tel: Email Fax: Tel: Email Fax:	chagan@waterboards.ca.gov  (949)362-4300 tcasey@cityoflagunaniguel.org (949)362-4340  (916)324-0254 DSpeciale@sco.ca.gov
2174 Sky Park Court, Suite 100 San Diego, CA 92123-4340  Mr. Tim Casey City of Laguna Niguel City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677  Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: Email Fax: Tel: Email	(949)362-4300 tcasey@cityoflagunaniguel.org (949)362-4340 (916)324-0254
San Diego, CA 92123-4340  Mr. Tim Casey City of Laguna Niguel City of Laguna Niguel B0111 Crown Valley Parkway Laguna Niguel, CA 92677  Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting B301 C Street, Suite 700 Sacramento, CA 95816	Tel: Email Fax: Tel: Email	tcasey@cityoflagunaniguel.org (949)362-4340 (916)324-0254
Mr. Tim Casey City of Laguna Niguel City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677  Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Email Fax: Tel: Email	tcasey@cityoflagunaniguel.org (949)362-4340 (916)324-0254
City of Laguna Niguel City of Laguna Niguel B0111 Crown Valley Parkway Laguna Niguel, CA 92677  Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting B301 C Street, Suite 700 Sacramento, CA 95816	Email Fax: Tel: Email	tcasey@cityoflagunaniguel.org (949)362-4340 (916)324-0254
City of Laguna Niguel 30111 Crown Valley Parkway Laguna Niguel, CA 92677  Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Fax: Tel: Email	(949)362-4340 (916)324-0254
And the state of t	Tel: Email	(916)324-0254
Laguna Niguel, CA 92677  Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Email	,
State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Email	,
Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	_	DSpeciale@sco.ca.gov
3301 C Street, Suite 700 Sacramento, CA 95816	Fax:	
Sacramento, CA 95816	ı un	
∕lr. Jeff Goldstein		
	Tel:	(949)440-0845
MAXIMUS	Email	jeffgoldstein@maximus.com
17310 Red Hill Avenue, Suite 340 rvine, CA 92614	Fax:	(949)440-0855
VIIIE, OA 920 14		(0.0)
Mr. Bruce E. Channing	Tel:	(949)707-2600
City of Laguna Hills	Email	bchanning@ci.laguna-hills.ca.us
24035 El Toro Road Laguna Hills, CA 92653	Fax:	
Ms. Evelyn Calderon-Yee	Tel:	(916)323-0706
State Controller's Office (B-08)	Email	eyee@sco.ca.gov
Division of Accounting and Reporting	Fax:	(916)322-4404
3301 C Street, Suite 700 Sacramento, CA 95816	гах.	(910)322-4404
Ms. Donna Ferebee	Tel:	(916)445-3274
Department of Finance (A-15)	Email	donna.ferebee@dof.ca.gov
915 L Street, 11th Floor	Fax:	(916)323-9584
Sacramento, CA 95814	ı ax.	(910)023-9304
Ms. Anita Worlow	Tel:	(916) 972-1666
AK & Company	Email	akcompany@um.att.com
8531 Kersey Lane	Fax:	
Sacramento, CA 95864		
Ms. Annette Chinn	Tel:	(916) 939-7901
Cost Recovery Systems, Inc.	Email	achinncrs@aol.com
705-2 East Bidwell Street, #294 Folsom, CA 95630	Fax:	(916)939-7801

Mr. Randy Ward	Tel:	(916)445-3274
Department of Finance	Email	Randy.Ward@dof.ca.gov.
915 L Street, 8th Floor		Randy.ward@doi.ca.gov.
Sacramento, CA 95814	Fax:	
Ms. Susan Geanacou	Tel:	(916)445-3274
Department of Finance (A-15)	Email	susan.geanacou@dof.ca.gov
915 L Street, Suite 1280	Fax:	(916)449-5252
Sacramento, CA 95814	ı ax.	(910)449-3232
Ms. Jessica Newman	Tel:	(916) 341-5168
State Water Resources Control Board	Email	jmnewman@waterboards.ca.gov
1001   Street, 22nd floor	Fax:	(916)341-5199
Sacramento, CA 95814	. •	(0.0)00.00
Mr. Brad Fowler	Tel:	(949)248-3554
City of Dana Point	Email	bfowler@danapoint.org
33282 Golden Latern	Fax:	
Dana Point, CA 92629	гах.	
Mr. J. Bradley Burgess	Tel:	(916)595-2646
MGT of America	Email	Bburgess@mgtamer.com
895 La Sierra Drive	Fax:	
Sacramento, CA 95864	ı ax.	
Mr. David R. Rice	Tel:	(916) 341-5161
State Water Resources Control Board	Email	davidrice@waterboards.ca.gov
1001 I Street, 22nd Floor Sacramento, CA 95814	Fax:	(916)341-5199
Sacramento, CA 95014		
Mr. Andy Nichols	Tel:	(916)455-3939
Nichols Consulting	Email	andy@nichols-consulting.com
1857 44th Street Sacramento, CA 95819	Fax:	(916)739-8712
Sacramento, CA 93019		•
Mr. Leonard Kaye	Tel:	(213)974-9791
Los Angeles County Auditor-Controller's Office	Email	lkaye@auditor.lacounty.gov
500 W. Temple Street, Room 603 Los Angeles, CA 90012	Fax:	(213)617-8106
		•
Ms. Juliana F. Gmur	Tel:	(559) 960-4507
1865 Hernden Avenue, Suite K-44	Email	julianagmur@msn.com
Clovis, CA 93611	Fax:	
5.5s, 57. 555 i		
Mr. Tom Wheeler	Tel:	(949)461-3480
City of Lake Forest	Email	twheeler@lakeforestca.gov
25550 Commercentre Dr., Suite 100	Fax:	
Lake Forest, CA 92630	rax.	

Ms. Ferlyn Junio	Tel:	(916)480-9444
Nimbus Consulting Group, LLC		,
2386 Fair Oaks Boulevard, Suite 104	Email	fjunio@nimbusconsultinggroup.com
Sacramento, CA 95825	Fax:	(800) 518-1385
Mr. Andre Monette	Tel:	(619) 525-1300
Best Best & Krieger, LLP	Email	andre.monette@bbklaw.com
655 West Broadway	Fax:	(619) 233-6118
San Diego, CA 92101	T d.	(013)233-0110
Ms. Hasmik Yaghobyan	Tel:	(213)893-0792
County of Los Angeles	Email	hyaghobyan@auditor.lacounty.gov
Auditor-Controller's Office 500 W. Temple Street, Room 603	Fax:	(213)617-8106
Los Angeles, CA 90012		,
Ms. Jolene Tollenaar	Tel:	(916)443-9136
MGT of America	Email	jolene_tollenaar@mgtamer.com
2001 P Street, Suite 200 Sacramento, CA 95811	Fax:	(916)443-1766
Ms. Evelyn Tseng	Tel:	(949)644-3127
City of Newport Beach	Email	etseng@newportbeachca.gov
3300 Newport Blvd.	Fax:	
P. O. Box 1768 Newport Beach, CA 92659-1768	гах.	(949)644-3339
Ms. Carla Shelton	Tel:	(916)445-3274
Department of Finance	Email	carla.shelton@dof.ca.gov
915 L Street, 8th Floor		cana.sneiton@dor.ca.gov
Sacramento, CA 95814	Fax:	
Mr. Michael Lauffer	Tel:	(916) 341-5183
State Water Resources Control Board	Email	mlauffer@waterboards.ca.gov
1001 I Street, 22nd Floor Sacramento, CA 95814-2828	Fax:	(916)641-5199
Mr. Allan Burdick	Tel:	(916)443-9236
CSAC-SB 90 Service	Email	allan_burdick@mgtamer.com
2001 P Street, Suite 200		
Sacramento, CA 95811	Fax:	(916)443-1766
Mr. David Wellhouse	Tel:	(916) 368-9244
David Wellhouse & Associates, Inc.	Email	dwa-david@surewest.net
9175 Kiefer Blvd, Suite 121 Sacramento, CA 95826	Fax:	(916) 368-5723
Mr. Jay Lal	Tel:	(916) 324-0256
State Controller's Office (B-08)	Email	JLal@sco.ca.gov
Division of Accounting & Reporting		-
3301 C Street, Suite 700 Sacramento, CA 95816	Fax:	(916) 323-6527

Mr. Geoffrey K. Hunt	Tel:	(714)834-3306
County of Orange	Email	Geoff.Hunt@coco.ocgov.com
10 Civic Center Plaza		•
P.O. Box 1379	Fax:	(714)834-2359
Santa Ana, CA 92702-1379		
Mr. Omar Sandoval	Tel:	(714)415-1049
Woodruff, Spradlin & Smart	Email	osandoval@wss-law.com
555 Anton Boulevard, #1200		•
Costa Mesa, CA 92626	Fax:	(714)415-1149
Mr. Richard Schlesinger	Tel:	(949)470-3079
City of Mission Viejo	Email	rschlesinger@cityofmissionviejo.org
200 Civic Center Mission Viejo, CA 92691	Fax:	(949) 581-5394
•		
Ms. Lacey Baysinger	Tel:	(916)324-0254
State Controller's Office	Email	LBaysinger@sco.ca.gov
Division of Accounting and Reporting 3301 C Street, Suite 700	Fax:	
Sacramento, CA 95816		
Mr. Richard Montevideo	Tel:	(714)641-5100
Rutan & Tucker, LLP	Email	rmontevideo@rutan.com
611 Anton Blvd., Suite 1400 Costa Mesa, CA 92626	Fax:	(714) 546-9035
Mr. Frank Murphy	Tel:	(949)440-0845
MAXIMUS		
17310 Red Hill Avenue, Suite 340	Email	frankmurphy@maximus.com
Irvine, CA 92614	Fax:	(949)440-0855
Mr. Nasser Abbaszadeh	Tel:	(949)443-6398
City of San Juan Capistrano	Email	NAbbaszadeh@sanjuancapistrano.org
32400 Paseo Adelanto		
San Juan Capistrano, CA 92675	Fax:	(949)493-1251