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DuaneMorris®

FIRM and AFFILIATE OFFICES

VIVIANA L. HEGER
SPECIAL COUNSEL
DIRECT DIAL: +1 213 689 7452
PERSONAL FAX: +1 213 403 5668
E-MAIL: VHeger@duanemorris.com

www.duanemorris.com

HANOI
HO CHI MINH CITY
SHANGHAI
ATLANTA
BALTIMORE
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October 16, 2025



Via Drop Box

Juliana F. Gmur
Executive Director
Commission on State Mandates
980 9th Street, Ste. 300
Sacramento, CA 95814

Re: Additional Request for Extension of Time to Respond to July 15, 2025 Comments from San Francisco Bay Regional Water Quality Control Board and July 21, 2025 Comments from Department of Finance on Order No. R2-2022-0018, as modified by Order No. R2-2023-0019; NPDES Permit No. CAS612008; Provisions C.3.b.ii(4), C.3.b.ii(5), C.3.j.ii(1)(a)(g), C.3.j.ii(4), C.3.j.ii(2)(a)-(j), C.5.f, C.8.d, C.8.e, C.8.f, C.10.a.i, C.10.a.ii, C.10.e, C.11.c, C.12.a, C.12.c, C.15.b.iii, C.17.a, C.20.b, C.21.b, issued May 11, 2022, effective July 1, 2022; Request to Postpone the January 23, 2026 Hearing Date Pending Test Claim No. 22-TC-07

Dear Ms. Gmur:

Our office represents the Alameda Countywide Clean Water Program and its members as well as claimant Union City, who have incurred costs related to the San Francisco Bay Regional Water Quality Control Board's municipal regional stormwater permit, Order No. R2-2022-0018, which is the third municipal regional permit ("MRP 3") that regulates the discharge of stormwater runoff from the municipal separate storm sewer systems ("MS4s") maintained by a total of 79 cities, counties, and flood control districts within the jurisdiction of six Bay Area regional stormwater programs.

On August 15, 2025, the Commission granted our clients a 60-day extension to respond to the Regional Board's July 15, 2025 comments on Order No. R2-2022-0018

DUANE MORRIS LLP

865 SOUTH FIGUEROA STREET, SUITE 3100
LOS ANGELES, CA 90017-5450

PHONE: +1 213 689 7400 FAX: +1 213 689 7401
DM2\300651764.3

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and the July 21, 2025 comments filed by the Department of Finance filed on the Test Claim. We now seek a 90-day extension to extend the October 20, 2025 deadline to respond to comments to March 23, 2026. Normally, an extension of time is no more than 60 days, but parties may stipulate to longer time frames. (Gov. Code, § 17554.) Our extension request will also require a continuance of the January 23, 2026 hearing date to the Commission's October 2026 hearing date.

The Parties in this matter have stipulated to an extension. The stipulation is attached.

Section 1187.9(a) of the Commission's regulations provides that any party or interested party to a matter may request an extension of time by filing a request with the executive director before the date set for filing of comments or rebuttals with Commission staff on that matter. The request shall fully explain the reasons for the extension, propose a new date for filing, and be certified, filed, and served in accordance with section 1181.3 of these regulations. A party to a matter may request an extension of time that would necessitate rescheduling the hearing but shall also include a request for postponement of the hearing, pursuant to subdivision (b) of this section. (2 C.C.R. § 1187.9(a).)

Section 1187.9(b) of the Commission's regulations provides that while postponements are disfavored and, pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission, a request for postponement filed by an interested party may be approved by the executive director for good cause. (2 C.C.R. § 1187.9(b)(1)(A), (b)(1)(F), and (b)(3)(D).) A 90-day extension from the original due date should be approved for response to the Regional Board's comments on the Test Claim because the Regional Board's comments consist of approximately 11,926 pages and due to the complexity of the comments, we reasonably require an additional 90 days' time to respond.

This request is supported by good cause because of the number and complexity of the issues, our inability to obtain essential testimony, documents, or other material evidence. Our request does require postponement of the January 23, 2026 hearing but this should not cause prejudice to the Regional Board which has sought similar extensions of time to file comments. (See Regional Board's Requests for Extension on July 8, 2024, September 6, 2024, November 6, 2025, January 3, 2025, March 10, 2025, May 6, 2025.) Due to the complexity of the Test Claim, considerable attorney time and ACCWP time is needed to analyze the Regional Board's comments related to the merits of the Test Claim. ACCWP, its members, and counsel must conduct legal and factual research and provide responses to the Regional Board's comments.

At this time, ACCWP, its members, and counsel also must comply with submission deadlines for CSM Test Claim Nos. 10-TC-02, 10-TC-03, and 10-TC-05.

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Those consolidated Test Claims cover several fiscal years' time and continue to require ACCWP resources to be devoted to timely claim submission by October 30, 2025. This hinders and often prevents ACCWP, its members, and outside counsel from working on the responses to the Regional Board's comments during the same time frame that applies to this case. These competing obligations and deadlines and lack of resources provide additional good cause to postpone the January 23, 2026 hearing in this matter given the close nexus to submission deadlines associated with Test Claim Nos. 10-TC-02, 10-TC-03, and 10-TC-05.

We submit this document, under penalty of perjury, and hereby declare that the information in this correspondence is true and correct to the best of the personal knowledge, information, or belief of the undersigned. The undersigned's title, address, telephone number, and email address are reflected on page one.

Sincerely,

DUANE MORRIS LLP



Viviana L. Heger
Special Counsel

VLH

cc: Service List Dated August 15, 2025 (via Commission Drop Box, [CSM Dropbox](#))

Marilyn Munoz
Dept. of Finance Senior Staff Counsel

Marilyn.Munoz@dof.ca.gov

Teresita J. Sablan, Attorney IV
San Francisco Bay Regional Board and
State Water Board

Teresita.Sablan@waterboards.ca.gov

Darryl Mar, Manager
State Controller's Office

DMar@sco.ca.gov

Gary Grimm
Sandy Mathews
Alameda Countywide Clean Water
Program

ggrimm@garygrimmllaw.com
sandym@lwa.com

Kris Kokotaylo, City Attorney
City of Union City

kristopher.kokotaylo@redwoodpubliclaw.com

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 October 21, 2025, I served the:

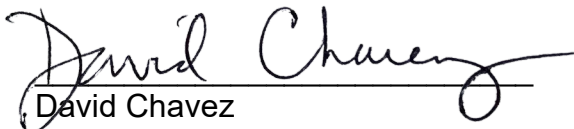
- **Current Mailing List dated October 16, 2025**
- **Corrected Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing issued October 21, 2025**
- **Claimant's Request for Extension of Time filed October 16, 2025**
- **Stipulation of the Parties to Waive Procedural Requirements filed October 16, 2025**

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2022-0018, 22-TC-07

California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2022-018, as modified by Order No. R2-2023-0019; NPDES Permit No. CAS612008; Provisions C.3.b.ii(4), C.3.b.ii(5), C.3.j.ii(1)(a)-(g), C.3.j.ii(4), C.3.j.ii(2)(a)-(j), C.5.f, C.8.d, C.8.e, C.8.f, C.10.a.i, C.10.a.ii, C.10.e, C.11.c, C.12.a, C.12.c, C.15.b.iii, C.17.a, C.20.b, C.21.b, issued May 11, 2022, effective July 1, 2022
Union City, Claimant

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 October 21, 2025 at Sacramento, California.


David Chavez
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/16/25

Claim Number: 22-TC-07

Matter: California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2022-0018

Claimant: Union City

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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, § 1181.3.)

Rachelle Anema, Assistant Auditor-Controller, *County of Los Angeles*
Accounting Division, 500 W. Temple Street, Los Angeles, CA 90012
Phone: (213) 974-8321
RANEMA@auditor.lacounty.gov

Lili Apgar, Specialist, *State Controller's Office*
Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 324-0254
lapgar@sco.ca.gov

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Aaron Avery, Legislative Representative, *California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
Aarona@csda.net

David Bass, Vice Mayor, *City of Rocklin*
3970 Rocklin Road, Rocklin, CA 95677
Phone: (916) 663-8504
David.Bass@rocklin.ca.us

Ginni Bella Navarre, Deputy Legislative Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8342
Ginni.Bella@lao.ca.gov

Richard Boon, Chief of Watershed Protection Division, *County of Riverside Flood Control District*
1995 Market Street, Riverside, CA 92501
Phone: (951) 955-1273
rboon@rivco.org

Jonathan Borrego, City Manager, *City of Oceanside*
300 North Coast Highway, Oceanside, CA 92054
Phone: (760) 435-3065
citymanager@oceansideca.org

Allan Burdick,
7525 Myrtle Vista Avenue, Sacramento, CA 95831
Phone: (916) 203-3608
allanburdick@gmail.com

Guy Burdick, Consultant, *MGT Consulting*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 833-7775
gburdick@mgtconsulting.com

Rica Mae Cabigas, Chief Accountant, *Auditor-Controller*
Accounting Division, 500 West Temple Street, Los Angeles, CA 90012
Phone: (213) 974-8309
rcabigas@auditor.lacounty.gov

Evelyn Calderon-Yee, Bureau Chief, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Sheri Chapman, General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8267
schapman@calcities.org

Annette Chinn, *Cost Recovery Systems, Inc.*
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinnrcs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*
2217 Isle Royale Lane, Davis, CA 95616
Phone: (530) 758-3952
coleman@muni1.com

Adam Cripps, Interim Finance Manager, *Town of Apple Valley*
14955 Dale Evans Parkway, Apple Valley, CA 92307
Phone: (760) 240-7000
acripps@applevalley.org

Kevin Fisher, Assistant City Attorney, *City of San Jose*
Environmental Services, 200 East Santa Clara Street, 16th Floor, San Jose, CA 95113

Phone: (408) 535-1987
kevin.fisher@sanjoseca.gov

Jennifer Fordyce, Assistant Chief Counsel, *State Water Resources Control Board*
Office of Chief Counsel, 1001 I Street, 22nd floor, Sacramento, CA 95814
Phone: (916) 324-6682
Jennifer.Fordyce@waterboards.ca.gov

Nora Frimann, City Attorney, *City of San Jose*
200 East Santa Clara Street, 16th Floor, San Jose, CA 95113
Phone: (408) 535-1900
nora.frimann@sanjoseca.gov

Justin Garrett, Acting Chief Policy Officer, *California State Association of Counties (CSAC)*
1100 K Street, Ste 101, Sacramento, CA 95814
Phone: (916) 327-7500
jgarrett@counties.org

Juliana Gmur, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
juliana.gmur@csm.ca.gov

Viviana Heger, Special Counsel, *Duane Morris LLP*
865 Figueroa Street, Los Angeles, CA 90017-5450
Phone: (213) 689-7400
VHeger@duanemorris.com

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Tiffany Hoang, Associate Accounting Analyst, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 323-1127
THoang@sco.ca.gov

Ken Howell, Senior Management Auditor, *State Controller's Office*
Audits, Compliance Audits Bureau, 3301 C Street, Suite 725A, Sacramento, CA 95816
Phone: (916) 323-2368
KHowell@sco.ca.gov

Jason Jennings, Director, *Maximus Consulting*
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (804) 323-3535
SB90@maximus.com

Angelo Joseph, Supervisor, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 323-0706
AJoseph@sco.ca.gov

Anne Kato, Acting Chief, *State Controller's Office*
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA
95816

Phone: (916) 322-9891
akato@sco.ca.gov

Anita Kerezsi, *AK & Company*
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446
Phone: (805) 239-7994
akcompanysb90@gmail.com

Joanne Kessler, Fiscal Specialist, *City of Newport Beach*
Revenue Division, 100 Civic Center Drive , Newport Beach, CA 90266
Phone: (949) 644-3199
jkessler@newportbeachca.gov

Lisa Kurokawa, Bureau Chief for Audits, *State Controller's Office*
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 327-3138
lkurokawa@sco.ca.gov

Michael Lauffer, Chief Counsel, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
michael.lauffer@waterboards.ca.gov

Government Law Intake, *Department of Justice*
Attorney General's Office, 1300 I Street, Suite 125, PO Box 944255, Sacramento, CA 94244-2550
Phone: (916) 210-6046
governmentlawintake@doj.ca.gov

Fernando Lemus, Principal Accountant - Auditor, *County of Los Angeles*
Auditor-Controller's Office, 500 West Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-0324
flemus@auditor.lacounty.gov

Erika Li, Chief Deputy Director, *Department of Finance*
915 L Street, 10th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
erika.li@dof.ca.gov

Keith Lichten, Division Chief, *San Francisco Bay Regional Water Quality Control Board*
Watershed Management, 1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2380
klichten@waterboards.ca.gov

Kenneth Louie, Chief Counsel , *Department of Finance*
1021 O. Street, Suite 3110, Sacramento, CA 95814
Phone: (916) 322-0971
Kenny.Louie@dof.ca.gov

Selina Louie, Water Resource Control Engineer, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2383
SLouie@waterboards.ca.gov

Everett Luc, Accounting Administrator I, Specialist, *State Controller's Office*
3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 323-0766
ELuc@sco.ca.gov

Jill Magee, Program Analyst, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
Jill.Magee@csm.ca.gov

Jennifer Maguire, City Manager, *City of San Jose*
200 East Santa Clara Street, San Jose, CA 95113
Phone: (408) 535-8111
Jennifer.Maguire@sanjoseca.gov

Joan Malloy, City Manager, *Union City*
Claimant Contact
34009 Alvarado-Niles Road, Union City, CA 94587
Phone: (510) 675-5344
joanm@unioncity.org

Darryl Mar, Manager, *State Controller's Office*
3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 323-0706
DMar@sco.ca.gov

Joseph Martinez, Acting Lead, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2304
Joseph.Martinez@Waterboards.ca.gov

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Joseph Monical, Water Resource Control Engineer, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2304
Joseph.Monical@Waterboards.ca.gov

Jill Moya, Financial Services Director, *City of Oceanside*
300 North Coast Highway, Oceanside, CA 92054
Phone: (760) 435-3887
jmoya@oceansideca.org

Thomas Mumley, Assistant Executive Officer, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2395
thomas.mumley@waterboards.ca.gov

Marilyn Munoz, Senior Staff Counsel, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-8918
Marilyn.Munoz@dof.ca.gov

Kaleb Neufeld, Assistant Controller, *City of Fresno*
2600 Fresno Street, Fresno, CA 93721
Phone: (559) 621-2489
Kaleb.Neufeld@fresno.gov

Gregory Newmark, Partner, *Duane Morris, LLP*

Claimant Representative

865 South Figueroa Street, Suite 3100, Los Angeles , CA 90017-5450

Phone: (213) 689-7434

gnewmark@duanemorris.com

Andy Nichols, *Nichols Consulting*

1857 44th Street, Sacramento, CA 95819

Phone: (916) 455-3939

andy@nichols-consulting.com

Adriana Nunez, Staff Counsel, *State Water Resources Control Board*

Los Angeles Regional Water Quality Control Board, 1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 322-3313

Adriana.Nunez@waterboards.ca.gov

Erika Opp, Administrative Analyst, *City of St. Helena*

City Clerk, 1480 Main Street, St. Helena, CA 94574

Phone: (707) 968-2743

eopp@cityofsthelena.gov

Eric Oppenheimer, Executive Director, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814-2828

Phone: (916) 341-5615

eric.oppenheimer@waterboards.ca.gov

Arthur Palkowitz, *Law Offices of Arthur M. Palkowitz*

12807 Calle de la Siena, San Diego, CA 92130

Phone: (858) 259-1055

law@artpalk.onmicrosoft.com

Kirsten Pangilinan, Specialist, *State Controller's Office*

Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 322-2446

KPangilinan@sco.ca.gov

Johnnie Pina, Legislative Policy Analyst, *League of Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8214

jpina@cacities.org

Trevor Power, Accounting Manager, *City of Newport Beach*

100 Civic Center Drive, Newport Beach , CA 92660

Phone: (949) 644-3085

tpower@newportbeachca.gov

Roberta Raper, Director of Finance, *City of West Sacramento*

1110 West Capitol Ave, West Sacramento, CA 95691

Phone: (916) 617-4509

robertar@cityofwestsacramento.org

Teresita Sablan, *State Water Resources Control Board*

Santa Ana Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board, 1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 341-5174

Teresita.Sablan@waterboards.ca.gov

Cindy Sconce, Director, *Government Consulting Partners*

5016 Brower Court, Granite Bay, CA 95746

Phone: (916) 276-8807

cindysconcecp@gmail.com

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

camille.shelton@csm.ca.gov

Carla Shelton, Senior Legal Analyst, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

carla.shelton@csm.ca.gov

Paul Steenhausen, Principal Fiscal and Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, , Sacramento, CA 95814

Phone: (916) 319-8303

Paul.Steenhausen@lao.ca.gov

Julie Testa, Vice Mayor, *City of Pleasanton*

123 Main Street PO Box 520, Pleasanton, CA 94566

Phone: (925) 872-6517

Jtesta@cityofpleasantonca.gov

Jolene Tollenaar, *MGT Consulting Group*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 243-8913

jolenetollenaar@gmail.com

Robert Torrez, Interim Chief Financial Officer, *City of Huntington Beach*

2000 Main Street, Huntington Beach, CA 92648

Phone: (714) 536-5630

robert.torrez@surfcity-hb.org

Jessica Uzarski, Consultant, *Senate Budget and Fiscal Review Committee*

1020 N Street, Room 502, Sacramento, CA 95814

Phone: (916) 651-4103

Jessica.Uzarski@sen.ca.gov

Alejandra Villalobos, Management Services Manager, *County of San Bernardino*

Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415

Phone: (909) 382-3191

alejandra.villalobos@sbcountyatc.gov

Renee Wellhouse, *David Wellhouse & Associates, Inc.*

3609 Bradshaw Road, H-382, Sacramento, CA 95927

Phone: (916) 797-4883

dwa-renee@surewest.net

Adam Whelen, Director of Public Works, *City of Anderson*

1887 Howard St., Anderson, CA 96007

Phone: (530) 378-6640

awhelen@ci.anderson.ca.us

Eileen White, Executive Officer, *San Francisco Bay Regional Water Quality Control Board*

1515 Clay Street, Suite 1400, Oakland, CA 94612

Phone: (510) 622-2300

Eileen.White@waterboards.ca.gov

Yuri Won, Attorney, Office of Chief Counsel, *State Water Resources Control Board*

San Francisco Bay Regional Water Quality Control Board, 1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 327-4439

Yuri.Won@waterboards.ca.gov

Arthur Wylene, General Counsel, *Rural County Representatives of California (RCRC)*

1215 K Street, Suite 1650, Sacramento, CA 95814

Phone: (916) 447-4806

awylene@rcrcnet.org

Elisa Wynne, Staff Director, *Senate Budget & Fiscal Review Committee*

California State Senate, State Capitol Room 5019, Sacramento, CA 95814

Phone: (916) 651-4103

elisa.wynne@sen.ca.gov

Kaily Yap, Budget Analyst, *Department of Finance*

Local Government Unit, 915 L Street, Sacramento, CA 95814

Phone: (916) 445-3274

Kaily.Yap@dof.ca.gov

Siew-Chin Yeong, Director of Public Works, *City of Pleasanton*

3333 Busch Road, Pleasanton, CA 94566

Phone: (925) 931-5506

syong@cityofpleasantonca.gov

Stephanie Yu, Assistant Chief Counsel, *State Water Resources Control Board*

Office of Chief Counsel, 1001 I Street, Sacramento, CA 95814

Phone: (916) 341-5157

stephanie.yu@waterboards.ca.gov

Aly Zimmermann, City Manager, *City of Rocklin*

3970 Rocklin Road, Rocklin, CA 95677

Phone: (916) 625-5585

alyz@rocklin.ca.us

Helmholt Zinser-Watkins, Associate Governmental Program Analyst, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-7876

HZinser-watkins@sco.ca.gov