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March 12, 2019
Commission on
State Mandates

County of San Diego

THOMAS E. MONTGOMERY
COUNTY COUNSEL

OFFICE OF COUNTY COUNSEL
1600 PACIFIC HIGHWAY, ROOM 355, SAN DIEGO, CA 92101
(619) 531-4860 Fax (619) 531-6005

STEPHANIE KARNAVAS
SENIOR DEPUTY
Direct Dial: (619) 531-5834
E-Mail: stephanie.karnavas@sdcounty.ca.gov

March 12, 2019

Via Drop Box

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Request for Comment and Legal Argument Relating to the Reconsideration of the Request for Mandate Redetermination on Remand, 12-MR-01-R, Pursuant to *County of San Diego, et al. v. Commission on State Mandates, et al.* (2018) 6 Cal.5th 196

Reconsideration of the Request for Mandate Redetermination on Remand *Sexually Violent Predators (CSM-4509)*, 12 MR-01-R
Welfare and Institutions Code Sections 6601 through 6608
Statutes 1995, Chapter 762, Statutes 1995, Chapter 763, Statutes 1996, Chapter 4
Department of Finance, Requester

Dear Ms. Halsey:

Pursuant to 2 C.C.R. § 1187.9(a) and (b), the County of San Diego requests an additional extension of time within which to submit comments as requested in your letter dated February 8, 2019, as well as a continuance of the tentatively scheduled hearing from July 26, 2019 to September 27, 2019. In its letter of February 8th, the Commission directs “all parties, interested parties, and interested persons receiving this letter” to its new matter page, which contains DOF’s original 2013 request for redetermination and requests them to file written comments by March 11, 2019.

On March 5, 2019, the County of San Diego and the counties of Los Angeles, San Bernardino, and Sacramento filed letters requesting an additional 30 day, to and including April 10, 2019, to file comments. The County of Orange filed a similar request on March 4, 2019. On March 6, 2019, the Commission granted a limited extension of time to file comments to and including March 22, 2019, noting that the parties had not also requested that the scheduled hearing be moved from July 26, 2019 to September 27, 2019.

For the reasons set forth below, we now request an extension of time to submit comments to and including April 22, 2019, and that the scheduled hearing be moved to the September 27, 2019, Commission calendar.

In its decision, the Supreme Court stated: “the parties admit – and the Court of Appeal found – that the current record is insufficient to establish how, if at all, the expanded SVP definition in Proposition 83 affected the number of referrals to local governments. . . . Under the circumstances, we find it prudent to remand the matter to the Commission to enable it to address these arguments in the first instance.”¹ Our office has requested statistical information from our District Attorney’s office so that we may knowledgeably address the questions raised by the Court but we have not yet received such information. As of the date of this request, we have still not received the information requested from our District Attorney.

In addition, Timothy Barry who has been handling this matter on behalf of the County for the last 6+ years is retiring on March 14, 2019. Stephanie Karnavas is assuming responsibility for this matter on behalf of the County and needs additional time to familiarize herself with the record and legal issues presented on remand.

As set forth above, good cause exists to grant the requested extension of time to provide comments. In addition, good cause exists for a continuance of the scheduled hearing from July 26, 2019 to September 27, 2019. We also do not believe that granting the request would result in prejudice to any party or interested party and we are not aware of any other good reason to deny the request.

We therefore request that you grant the request. The County also renews its request set forth in its February 19, 2019 letter to the Commission and asks that the Commission require the Department of Finance to submit its analysis explaining why a mandate redetermination is appropriate before the County’s comments are due.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information and belief.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By


STEPHANIE KARNAVAS, Senior Deputy

14-90097

¹ *County of San Diego v. Commission on State Mandates* (2018) 6 Cal. 5th 196, 217

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 March 19, 2019, I served the:

- **Notice of Limited Extension Request Approval issued March 19, 2019**
- **County of Orange's Request for Extension of Time filed March 15, 2019**
- **County of San Diego's Request for Extension of Time and Postponement of Hearing filed March 12, 2019**
- **Notice of Change of Representation (County of San Diego) filed March 12, 2019**

Reconsideration of the Request for Mandate Redetermination on Remand
Sexually Violent Predators (CSM-4509), 12-MR-01-R
Welfare and Institutions Code Sections 6601 through 6608
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
Department of Finance, Requester

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 March 19, 2019 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/18/19

Claim Number: CSM-4509 (12-MR-01-R)

Matter: Sexually Violent Predators

Requester: Department of Finance

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.)

Suedy Alfaro, Senior Deputy County Counsel, *County of San Diego*
1600 Pacific Highway, Room 355, San Diego, CA 92101
Phone: (619) 531-5044
Suedy.Alfaro@sdcounty.ca.gov

Roberta Allen, *County of Plumas*
520 Main Street, Room 205, Quincy, CA 95971
Phone: (530) 283-6246
robertaallen@countyofplumas.com

LeRoy Anderson, *County of Tehama*
444 Oak Street, Room J, Red Bluff, CA 96080
Phone: (530) 527-3474
landerson@tehamanet.net

Paul Angulo, Auditor-Controller, *County of Riverside*
4080 Lemon Street, 11th Floor, Riverside, CA 92502
Phone: (951) 955-3800
pangulo@rivco.org

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

Auditor Auditor, *County of Trinity*
P.O. Box 1230, 11 Court St. , Weaverville, CA 96093
Phone: (530) 623-1317
TC_Auditor@trinitycounty.org

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeeet@calsdrc.com

Deborah Bautista, *County of Tuolumne*

El Dorado Hills Community Services District, 2 South Green St. , Sonora, CA 95370
Phone: (209) 533-5551
dbautista@co.tuolumne.ca.us

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Mary Bedard, *County of Kern*

1115 Truxtun Avenue, 2nd Floor, Bakersfield, CA 93301
Phone: (805) 868-3599
bedardm@co.kern.ca.us

John Beiers, *County of San Mateo*

Office of the County Counsel, 400 County Center, Redwood City, CA 94063
Phone: (650) 363-4775
jbeiers@smcgov.org

Nathan Black, Auditor-Controller, *County of Sutter*

463 2nd Street, Suite 117, Yuba City, CA 95991
Phone: (530) 822-7127
nblack@co.sutter.ca.us

Mary Black, Chief Counsel, *Department of State Hospitals*

1600 9th Street, Room 443, Sacramento, CA 95814
Phone: (916) 654-2319
mary.black@dsh.ca.gov

Michelle Blakemore, County Counsel, *County of San Bernardino*

385 North Arrowhead Avenue, 4th Floor, San Bernardino, CA 92415-0140
Phone: (909) 387-5455
mblakemore@cc.sbcounty.gov

Matthew Brown, *Los Angeles County District Attorney*

320 West Temple St, Suite 540, Los Angeles, CA 90012
Phone: (213) 974-1616
mbrown@da.lacounty.gov

Allan Burdick,

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

J. Bradley Burgess, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Jeffrey Burgh, Auditor Controller, *County of Ventura*

Ventura County Watershed Protection District, 800 S. Victoria Avenue, Ventura, CA 93009-1540
Phone: (805) 654-3151
jeff.burgh@ventura.org

Stephanie Butters, Assistant Director of Finance, Auditor-Controller, *County of Mono*
25 Bryant Street, PO Box 556, Bridgeport, CA 93517
Phone: (760) 932-5496
sbutters@mono.ca.gov

Evelyn Calderon-Yee, Bureau Chief, *State Controller's Office*
Local Government Programs and Services, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Rebecca Callen, *County of Calaveras*
891 Mountain Ranch Road, San Andreas, CA 95249
Phone: (209) 754-6343
rcallen@co.calaveras.ca.us

Robert Campbell, *County of Contra Costa*
625 Court Street, Room 103, Martinez, CA 94553
Phone: (925) 646-2181
bob.campbell@ac.cccounty.us

Michael Cantrall, *California Public Defenders Association*
10324 Placer Lane, Sacramento, CA 95827
Phone: (916) 362-1686
webmaster@cpda.org

Lisa Cardella-Presto, *County of Merced*
2222 M Street, Merced, CA 95340
Phone: (209) 385-7511
LCardella-presto@co.merced.ca.us

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Rebecca Carr, *County of Kings*
1400 West Lacey Blvd, Hanford, CA 93230
Phone: (559) 582-1236
becky.carr@co.kings.ca.us

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

Christine Ciccotti, Chief Counsel, *Department of State Hospitals*
1600 9th Street, Room 435, Sacramento, CA 95814
Phone: (916) 562-3718
christine.ciccotti@dsh.ca.gov

Malia Cohen, *State Board of Equalization*
District 2, 500 Capitol Mall, Suite 1750, Sacramento, CA 95814

Phone: (916) 322-3116
malia.cohen@boe.ca.gov

Cass Cook, Auditor-Controller/Treasurer-Tax Collector, *County of Tulare*
221 South Mooney Blvd, Room 101 E, Visalia, CA 93291
Phone: (559) 636-5200
tulareauditor@co.tulare.ca.us

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

William Davis, *County of Mariposa*
Auditor, P.O. Box 729, Mariposa, CA 95338
Phone: (209) 966-7606
wdavis@mariposacounty.org

Edith Driscoll, Auditor-Controller/Treasurer-Tax Collector, *County of Santa Cruz*
Auditor-Controller's Office, 701 Ocean Street, Room 100, Santa Cruz, CA 95060-4073
Phone: (831) 454-2500
edith.driscoll@santacruzcounty.us

Jennie Ebejer, *County of Siskiyou*
311 Fourth Street, Room 101, Yreka, CA 96097
Phone: (530) 842-8030
Jebejer@co.siskiyou.ca.us

Richard Eberle, *County of Yuba*
915 8th Street, Suite 105, Marysville, CA 95901
Phone: (530) 749-7810
reberle@co.yuba.ca.us

Adam Ebright, *County of San Bernardino*
385 North Arrowhead Avenue, 4th Floor, San Bernardino, CA 92415-0140
Phone: (909) 387-5455
aebright@cc.sbcounty.gov

Susan Elliott, *Sacramento District Attorney's Office*
907 G Street, Sacramento, CA 95814
Phone: (916) 874-8743
elliotts@sacda.org

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Scott Frizzie, *California Board of State and Community Correction*
Bureau of Justice Assistance, 600 Bercut, Sacramento, CA 95811
Phone: (916) 445-7672
Maria.RodriguezRieger@bscc.ca.gov

Rose Gallo-Vasquez, County Clerk and Recorder, *County of Colusa*
546 Jay Street, Ste. 200, Colusa, CA 95932
Phone: (530) 458-0500
clerkinfo@countyofcolusa.org

Oscar Garcia, Auditor-Controller/Treasurer-Tax Collector, *County of Fresno*
2281 Tulare Street, Room 105, Fresno, CA 93721
Phone: (559) 600-3496
ogarcia@fresnocountyca.gov

George Gascon, District Attorney, *City and County of San Francisco*
850 Bryant Street, Room 322, San Francisco, CA 94103
Phone: (415) 553-1751
robyn.burke@sfgov.org

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

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

Joe Gonzalez, *County of San Benito*
440 Fifth Street Room 206, Hollister, CA 95023
Phone: (831) 636-4090
jgonzalez@auditor.co.san-benito.ca.us

Lucia Gonzalez, County Counsel, *County of Los Angeles*
500 West Temple Street, 648 Kenneth Hahn Hall of Administration, Los Angeles, CA 90012-2713
Phone: (213) 974-1811
lgonzalez@counsel.lacounty.gov

Carol Greene, Supervising Deputy, *County of San Bernardino*
385 North Arrowhead Avenue, 4th Floor, San Bernardino, CA 92415-0140
Phone: (909) 387-5455
cgreene@cc.sbcounty.gov

Graciela Gutierrez, Auditor-Controller, *County of Butte*
25 County Center Drive, Suite 120, Oroville, CA 95965
Phone: (530) 552-3599
GGutierrez@ButteCounty.net

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

James Hamilton, Auditor-Controller/Treasurer-Tax Collector/Public Administrator, *County of San Luis Obispo*
1055 Monterey Street, San Luis Obispo, CA 93408
Phone: (805) 781-5040
jhamilton@co.slo.ca.us

Joe Harn, *County of El Dorado*
360 Fair Lane, Placerville, CA 95667
Phone: (530) 621-5633
joe.harn@edcgov.us

Emily Harrison, Director of Finance, *County of Santa Clara*
70 West Hedding Street, Second Floor, East Wing, San Jose, CA 95110-1770

Phone: (408) 299-5201
emily.harrison@fin.sccgov.org

Jennifer Henning, *California State Association of Counties*
1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
jhenning@counties.org

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

Linnea Hull, *California District Attorneys Association (CDA)*
921 11th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 443-2017
lhull@cdaa.org

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Matt Jones, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
matt.jones@csm.ca.gov

Stephanie Karnavas, Senior Deputy County Counsel, *County of San Diego*
1600 Pacific Highway, Room 355, San Diego, CA 92101
Phone: (619) 531-5834
Stephanie.Karnavas@sdcounty.ca.gov

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

Lauren Klein, *County of Stanislaus*
1010 Tenth Street, Suite 5100, Modesto, CA 95353
Phone: (209) 525-6398
kleinl@stancounty.com

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

Tammy Lagorio, Deputy Auditor-Controller III, *County of San Joaquin*
Auditor-Controller's Office, 44 N. San Joaquin Street, Suite 550, Stockton, CA 95202
Phone: (209) 953-1184
tlagorio@sjgov.org

Edward Lamb, Director of Finance, *County of Glenn*
516 West Sycamore Street, Willows, CA 95988
Phone: (530) 934-6421
ttc@countyofglenn.net

Kim-Anh Le, Deputy Controller, *County of San Mateo*
555 County Center, 4th Floor, Redwood City, CA 94063
Phone: (650) 599-1104
kle@smcgov.org

Erika Li, Program Budget Manager, *Department of Finance*
Claimant Contact
915 L Street, 10th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
erika.li@dof.ca.gov

Amber Lozano, *Department of Justice*
Child Protection Program, Room H122, 4949 Boradway, Sacramento, CA 95820
Phone: (916) 227-3263
amber.lozano@doj.ca.gov

Van Maddox, *County of Sierra*
211 Nevada Street, 2nd Floor, P.O. Box 425, Downieville, CA 95936
Phone: (530) 289-3273
auttc@sierracounty.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

Ensen Mason, Auditor-Controller/Treasurer/Tax Collector, *County of San Bernardino*
268 West Hospitality Lane, San Bernardino, CA 92415-0018
Phone: (909) 387-8322
atcwebinfo@atc.sbcounty.gov

Michelle McClelland, *County of Alpine*
P.O. Box 266, Markleeville, CA 96120
Phone: (530) 694-2284
mmclelland@alpinecountyca.gov

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

Todd Miller, *County of Madera*
Auditor-Controller, 200 W Fourth Street, 2nd Floor, Madera, CA 93637
Phone: (559) 675-7707
Todd.Miller@co.madera.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Lourdes Morales, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8320
Lourdes.Morales@LAO.CA.GOV

Brian Morgan, Supervising Deputy District Attorney, *County of Sacramento*
901 G Street, Sacramento, CA 95814

Phone: (916) 874-5264
MorganB@SacDA.org

Larry Morse, Director of Legislation, *California District Attorneys Association*
921 11th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 443-2017
lmorse@cdaa.org

Howard Moseley, *Department of Corrections*
Board of Parole Hearings, P.O. Box 4036, Sacramento, CA 95812
Phone: (916) 323-1643
howard.moseley@cdcr.ca.gov

Brian Muir, *County of Shasta*
1450 Court St., Suite 238, Redding, CA 96001
Phone: (530) 225-5541
bmuir@co.shasta.ca.us

John Naimo, Auditor-Controller, *County of Los Angeles*
Auditor-Controller, 500 West Temple Street, Room 525, Los Angeles, CA 90012
Phone: (213) 974-8302
jnaimo@auditor.lacounty.gov

Geoffrey Neill, Senior Legislative Analyst, Revenue & Taxation, *California State Association of Counties (CSAC)*
1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
gneill@counties.org

Doug Newland, *County of Imperial*
940 Main Street, Ste 108, El Centro, CA 92243
Phone: (760) 482-4556
dougnewland@co.imperial.ca.us

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Patrick O'Connell, *County of Alameda*
1221 Oak Street, Room 249, Oakland, CA 94512
Phone: (510) 272-6565
pat.oconnell@acgov.org

Craig Osaki, Deputy in Charge, *Los Angeles County Public Defender's Office*
9425 Penfield Avenue #2700, Chatsworth, CA 91311
Phone: (213) 974-2811
cosaki@pubdef.lacounty.gov

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Alice Park-Renzie, *County of Alameda*
CAO, 1221 Oak Street, Oakland, CA 94612
Phone: (510) 272-3873
Alice.Park@acgov.org

Karen Paz Dominguez, Auditor-Controller, *County of Humboldt*

825 Fifth Street, Room 126, Eureka, CA 95501

Phone: (707) 476-2452

kpazdominguez@co.humboldt.ca.us

Anita Peden, *County of Sacramento*

711 G Street, Room 405, Sacramento, CA 95814

Phone: (916) 874-8441

apeden@sacsheriff.com

Jai Prasad, *County of San Bernardino*

Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

Juan Raigoza, Auditor-Controller, *County of San Mateo*

555 County Center, 4th Floor, Redwood City, CA 94063

Phone: (650) 363-4777

jraigoza@smcgov.org

Brent Reden, Deputy Chief Counsel, *Department of State Hospitals*

1600 9th Street, Room 435, Sacramento, CA 95814

Phone: (916) 562-3718

brent.reden@dsh.ca.gov

Mark Rewolinski, *MAXIMUS*

808 Moorefield Park Drive, Suite 205, Richmond, VA 23236

Phone: (949) 440-0845

markrewolinski@maximus.com

Chad Rinde, Chief Financial Officer, *County of Yolo*

625 Court Street, Room 102, Woodland, CA 95695

Phone: (530) 666-8625

Chad.Rinde@yolocounty.org

Erick Roeser, Auditor-Controller-Treasurer-Tax Collector, *County of Sonoma*

585 Fiscal Drive, Suite 100, Santa Rosa, CA 95403

Phone: (707) 565-3285

Erick.Roeser@sonoma-county.org

Benjamin Rosenfield, City Controller, *City and County of San Francisco*

1 Dr. Carlton B. Goodlett Place, Room 316, San Francisco, CA 94102

Phone: (415) 554-7500

ben.rosenfield@sfgov.org

Tacy Oneto Rouen, Auditor, *County of Amador*

810 Court Street, Jackson, CA 95642-2131

Phone: (209) 223-6357

trouen@amadorgov.org

Brian Rutledge, Budget Analyst, *Department of Finance*

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

Phone: (916) 445-3274

Brian.Rutledge@dof.ca.gov

Cathy Saderlund, *County of Lake*

255 N. Forbes Street, Lakeport, CA 95453

Phone: (707) 263-2311
cathy.saderlund@lakecountyca.gov

Marcia Salter, *County of Nevada*
950 Maidu Avenue, Nevada City, CA 95959
Phone: (530) 265-1244
marcia.salter@co.nevada.ca.us

Kathy Samms, *County of Santa Cruz*
701 Ocean Street, Room 340, Santa Cruz, CA 95060
Phone: (831) 454-2440
shf735@co.santa-cruz.ca.us

Tracy Sandoval, *County of San Diego*
1600 Pacific Highway, Room 166, San Diego, CA 92101
Phone: (619) 531-5413
tracy.sandoval@sdcountry.ca.gov

Clinton Schaad, *County of Del Norte*
981 H Street, Suite 140, Crescent City, CA 95531
Phone: (707) 464-7202
cschaad@co.del-norte.ca.us

Betsy Schaffer, Auditor-Controller, *County of Santa Barbara*
105 East Anapamu Street, Room 303, Santa Barbara, CA 93101
Phone: (805) 568-2101
bschaffer@co.santa-barbara.ca.us

Tracy Schulze, *County of Napa*
1195 Third Street, Suite B-10, Napa, CA 94559
Phone: (707) 299-1733
tracy.schulze@countyofnapa.org

Theresa Schweitzer, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3140
tschweitzer@newportbeachca.gov

Shelly Scott, Assessor-Recorder-County Clerk, *County of Marin*
3501 Civic Center Drive, Suite 208, San Rafael, CA 94903
Phone: (415) 473-7215
Assessor@marincounty.org

Peggy Scroggins, *County of Colusa*
546 Jay Street, Ste 202, Colusa, CA 95932
Phone: (530) 458-0400
pscroggins@countyofcolusa.org

Jennifer Shaffer, Executive Officer, *Department of Corrections*
Board of Parole Hearings, P.O. Box 4036, Sacramento, CA 95812
Phone: (916) 445-4072
jennifer.shaffer@cdcr.ca.gov

Rupa Shah, Auditor-Controller, *County of Monterey*
168 West Alisal Street, 3rd Floor, Salinas, CA 93901
Phone: (831) 755-5040
shahr@co.monterey.ca.us

Carla Shelton, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

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

Amy Shepherd, *County of Inyo*
Auditor-Controller, P.O. Drawer R, Independence, CA 93526
Phone: (760) 878-0343
ashepherd@inyocounty.us

Suzy Shoai, Deputy County Counsel, *County of Orange*
PO Box 1379, Santa Ana, CA 92702-1379
Phone: (714) 834-2057
Suzy.Shoai@coco.ocgov.com

Natalie Sidarous, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7453
nSidarous@sco.ca.gov

Andrew Sisk, *County of Placer*
2970 Richardson Drive, Auburn, CA 95603
Phone: (530) 889-4026
asisk@placer.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Joe Stephenshaw, Director, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Joe.Stephenshaw@sen.ca.gov

Tracy Sullivan, Legislative Analyst, *California State Association of Counties (CSAC)*
1100 K Street, Suite 101, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
tsullivan@counties.org

Derk Symons, Staff Finance Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Derk.Symons@dof.ca.gov

Phyllis Taynton, Auditor-Controller, *County of Solano*
675 Texas Street, Suite 2800, Fairfield, CA 94533
Phone: (707) 784-6280
ptaynton@solanocounty.com

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 243-8913

jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3127

etseng@newportbeachca.gov

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

Brian.Uhler@LAO.CA.GOV

Julie Valverde, *County of Sacramento*

700 H Street, Room 3650, Sacramento, CA 95814

Phone: (916) 874-7248

valverdej@saccounty.net

Jack Weedin, *Los Angeles County Public Defender*

LA County Public Defender, 320 W. Temple St., Ste. 590, Los Angeles, CA 90012

Phone: (213) 974-3067

jweedin@pubdef.lacounty.gov

Lloyd Weer, Auditor-Controller, *County of Mendocino*

501 Low Gap Road, Rm 1080, Ukiah, CA 95482

Phone: (707) 234-6860

weerl@mendocinocounty.org

Stephanie Wellemeyer, Auditor/County Clerk, *County of Modoc*

108 E. Modoc Street, Alturas, CA 96101

Phone: (530) 233-6231

auditor@co.modoc.ca.us

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

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

Phone: (916) 797-4883

dwa-renee@sureswest.net

Diana Wemple, Auditor, *County of Lassen*

221 South Roop Street, Ste. 1, Susanville, CA 96130

Phone: (530) 251-8236

dwemple@co.lassen.ca.us

Krista Whitman, Assistant County Counsel, *County of Sacramento*

700 H Street, Suite 2650, Sacramento, CA 95814-1298

Phone: (916) 874-5544

whitmank@saccounty.net

Jeff Woltkamp, *County of San Joaquin*

44 N San Joaquin St. Suite 550, Stockton, CA 95202

Phone: (209) 468-3925

jwoltkamp@sjgov.org

Brendon Woods, Public Defender, *County of Alameda*

Office of the Public Attorney, 1401 Lakeside Drive, Suite 400, Oakland, CA 94612

Phone: (510) 272-6621
desiree.sellati@acgov.org

Eric Woolery, Auditor-Controller, *County of Orange*
12 Civic Center Plaza, Room #200, Santa Ana, CA 92702
Phone: (714) 834-2450
eric.woolery@ac.ocgov.com

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-9653
hyaghobyan@auditor.lacounty.gov

Mark Zahner, *California District Attorneys Association*
921 11th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 443-2017
mzahner@cdaa.org