

**DEPARTMENT OF WATER RESOURCES**

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**RECEIVED**  
October 17, 2014  
**Commission on  
State Mandates**



October 17, 2014

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**Department of Water Resources Rebuttal Comments to Draft Proposed Decision for Claims 10-TC-12 and 12-TC-01**

The Department of Water Resources (DWR) concurs with and fully supports the ultimate conclusion reached by Commission on State Mandates' (Commission) staff in its Draft Proposed Decision that Claimants' fee assessment authority ends any state mandate claim for reimbursement. But DWR raised issues further supporting the denial of reimbursement that were not fully addressed in the Draft Proposed Decision, which DWR reiterates and augments in this rebuttal.

In its comments, DWR raised independent constitutional grounds for denying reimbursement based on the requirement that "programs" eligible for reimbursement are limited to those "that carry out the governmental function of providing services to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state."<sup>1</sup> DWR pointed out (and Claimants admit) that the law clearly applies to both public and private water districts. Because the law applies to both public and private entities DWR argued that it did not create a "program" for purposes of article XIII B, section 6 of the California Constitution, thus Claimants were not entitled to reimbursement.

In its rebuttal, Claimants sought to counter DWR's comment by focusing on the relative proportion of public water districts versus private water districts and argued that the legislative mandate was reimbursable because the effect of the law fell on more public than private districts. Claimants also argued that water districts fulfill a "classic" governmental function.

As explained below, both arguments are flawed. The relative number of public versus private entities engaged in an activity does not affect the Supreme Court's test for reimbursement eligibility. At best, a court might consider that fact when determining whether an activity constitutes a "governmental function." But that issue has already been resolved against Claimants' position; California courts have determined that when municipalities operate utilities such as supplying water, they are not exercising a distinct governmental function.

The Commission staff's Draft Proposed Decision does not address either DWR's comment or the Claimant's rebuttal, and so it is not clear whether Commission staff

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<sup>1</sup> *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56

considered the issue, or on what grounds any decision was reached. DWR urges the Commission to factor the constitutional questions raised by DWR in their final deliberations. Accordingly, DWR reiterates and augments its arguments raised in its comments of June 7, 2013.

## **Background**

In 2009 the Legislature passed, and the Governor signed SB7X-7. That law (referred to in these proceeding as the "Water Conservation Act") added Part 2.55 to Division 6 of the Water Code governing urban retail water suppliers, and repealed and added Part 2.8 to Division 6 of the Water Code governing agricultural water suppliers.

In 2011, the South Feather Water and Power Agency, Paradise Irrigation District, Biggs-West Gridley Water District, and Richvale Irrigation District ("Claimants") filed test claim 10-TC-12 alleging that the Water Conservation Act imposed reimbursable state-mandated increased costs resulting from activities required of both urban and agricultural water suppliers. In 2013, Biggs and Richvale filed test claim 12-TC-01 alleging that regulations adopted by DWR pursuant to the Water Conservation Act imposed additional reimbursable state-mandated increased costs on agricultural water suppliers. The Commission consolidated the two claims.

Claimants seek reimbursement for state-mandated activities arising from the Water Conservation Act and regulations adopted by DWR.

## **The 2009 Water Law is not a "Program" entitled to reimbursement because it is not a "Program" as defined by the California Supreme Court**

The California Constitution requires the state to provide a subvention of funds to reimburse local government whenever the Legislature "mandates a new program or higher level of service on any local government."<sup>2</sup>

The California Supreme Court has explained that the "programs" eligible for such reimbursement are those "that carry out the governmental function of providing services to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state."<sup>3</sup>

DWR, in its comments, notes that a law that governs private and public entities alike is not a "program" for purposes of article XIII B of the California Constitution, and so does not create a state-imposed mandate even if it results in additional costs to a local government.<sup>4</sup>

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<sup>2</sup> Cal. Const. art. XIII B, § 6

<sup>3</sup> *County of Los Angeles v. State of California*, *supra*, 43 Cal.3d at p. 56

<sup>4</sup> DWR Comments dated June 7, 2013, p. 6, quoting *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537

Claimants, in their Rebuttal Comments, ignore DWR's reference to the language of the Water Conservation Act, which by its plain terms is made applicable to *both* public and private entities. Instead, Claimants seek to shift attention away from the *nature of the activity* and focus instead on the *number of entities engaged* in that activity. Claimants concede that the law and regulations adopted pursuant to that law do in fact apply to both private and public entities, but argue that because (according to their calculation) "only 7.67%" of urban retail water suppliers are private,<sup>5</sup> the requirements of the Water Conservation Act ought to be treated as reimbursable "programs" because those requirements "fall overwhelmingly on local governmental agencies."<sup>6</sup>

As an initial matter, DWR would note that there are, in fact, 72 private wholesale and retail suppliers out of a total of 369 urban water suppliers, so that the proportion of private water suppliers is actually 16.3 percent.<sup>7</sup> Additionally, based on data submitted in the 2010 urban water management plans, it turns out that private retail water suppliers serve 19.7 percent of the population and account for 17.3 percent of water delivered.

That said, Claimants are still correct that there are more publicly-owned water districts than privately-owned water districts in California.<sup>8</sup> But this fact is ultimately not relevant. Under the Supreme Court's test in *County of Los Angeles v. State of California* the question is not whether an activity is more likely to be undertaken by a governmental entity, but whether the activity implements a state policy and imposes unique requirements on local governments, but is one that does not apply generally to all residents and entities in the state.

Claimants take issue with the term "generally" and suggest that, because there are more private than public water agencies, "DWR cannot credibly contend that the Act and Regulations apply generally to both public and private entities."<sup>9</sup> But this reflects a misunderstanding of the law. Claimants read "generally" as being synonymous with "commonly," but the court is referring to laws of general application. Laws of general application are those that apply to all persons or entities of a particular class, as distinguished from special laws which relate to particular persons or things of a class.<sup>10</sup> A general law is not general because it applies "mostly" to public versus private entities, but because it applies equally to all persons embraced in a class founded on some natural, intrinsic, or constitutional distinction.<sup>11</sup> The Water Conservation Act does just that. And as the California Supreme Court has made clear, a law of general application does not trigger the need for reimbursement. As the court explained, "[l]aws of general application

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<sup>5</sup> Claimant Rebuttal Comments dated August 7, 2013, p. 4

<sup>6</sup> Claimants Rebuttal Comments dated August 7, 2013, p. 3

<sup>7</sup> See Appendix: Public and Private Water Suppliers

<sup>8</sup> Claimants Rebuttal Comments dated August 7, 2013, p. 4-5. DWR would also note that the fact that there are more publicly-owned water districts does not mean that the effect of the law will "fall disproportionately" on those districts, as alleged by Claimants. The *effect* of the law will be exactly the same for public and private water districts alike; there are simply more publicly-owned districts to comply with its terms.

<sup>9</sup> Claimant Rebuttal Comments dated August 7, 2013, p. 4

<sup>10</sup> *McDonald v. Conniff* (1893) 99 Cal. 386, 391

<sup>11</sup> *Beamon v. Department of Motor Vehicles* (1960) 180 Cal.App.2d 200, 208

are not passed by the Legislature to 'force' programs on localities."<sup>12</sup> Claimants do not provide any legal authority for a contrary holding.

**The phrase "governmental functions" has a specific meaning in the law that does not include every service provided by a government agency**

Claimants, in their Rebuttal Comments, also argue that the provision of water involves a "classic governmental function."<sup>13</sup> While it is true that many governmental entities are engaged in providing water, that fact alone does not make the provision of water a "governmental function" as that term is used by the Court. The California Supreme Court has explained that the state's obligation to reimburse local governments for the costs of new "programs" refers not to every program imaginable, but only to those that carry out *the governmental function* of providing services to the public.<sup>14</sup> The "governmental function" requirement is not satisfied by the simple act of a government entity providing a service of some sort as this would apply to virtually all government activities. Such a reading would mean that *every* government activity was technically eligible for reimbursement if compliance with laws of general application resulted in increased costs to the government entity, a reading that is clearly at odds with the Supreme Court's limiting language.

Government entities have broad discretion to exercise power for both public and private purposes.<sup>15</sup> The uniquely public purposes of government "are those pertaining to the making and enforcing of police regulations, to prevent crime, to preserve the public health, to prevent fires, the caring for the poor, and the education of the young."<sup>16</sup> The private or corporate powers, in contrast, are "not to be conferred, primarily or chiefly, from considerations connected with the government of the state at large, but for private advantage of the compact community."<sup>17</sup>

**a. The distinction between the governmental and corporate functions of government is based on the exercise of fundamental governmental authority**

The law, in California as elsewhere, recognizes and maintains a distinction between the corporate and legislative functions of government, between those activities that flow from the governmental, legislative or public powers of government, on one hand, and those that flow from the corporate, proprietary or private powers of government on the other.<sup>18</sup>

The distinction between the corporate and legislative functions of government was once often implicated in cases that invoked the doctrine of sovereign immunity. Under the principle of sovereign immunity, the state and its political subdivisions were immune from tort liability for the actions of public employees in the performance of governmental

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<sup>12</sup> *County of Los Angeles v. State of California*, *supra*, 43 Cal.3d at p. 57

<sup>13</sup> Claimant Rebuttal Comments dated August 7, 2013, p. 4

<sup>14</sup> *County of Los Angeles v. State of California*, *supra*, 43 Cal.3d at p. 50

<sup>15</sup> *Plaza v. City of San Mateo* (1954) 123 Cal.App.2d 103, 106

<sup>16</sup> *Chafor v. City of Long Beach* (1917) 174 Cal. 478, 487

<sup>17</sup> *Chafor v. City of Long Beach*, *supra*, 174 Cal. at pp. 483-84

<sup>18</sup> *Chafor v. City of Long Beach*, *supra*, 174 Cal. at p. 483

functions.<sup>19</sup> In sovereign immunity cases, the threshold question for a court was whether a particular “function” of government was uniquely governmental in nature.

Sovereign immunity cases delineated the private-public dichotomy that persists to this day. Some of the activities undertaken by a governmental entity were assigned to the “government” or “public” category and others to the “corporate” or “private” category. The government could be held liable for negligent acts committed in the course of “private” functions, but could still have immunity from liability for acts that occurred in the course of “public” functions, those that were considered “purely governmental in nature.”<sup>20</sup>

The essence of the distinction between public and private functions of government was explained as follows:

[A] municipal corporation, when carrying on a public service, such as furnishing water, light, heat, or power to its inhabitants is not acting in its governmental capacity as sovereign, but is acting in a proprietary capacity, and that for some purposes with respect to such action it is subject to the same rules as private persons.<sup>21</sup>

Of the myriad services provided by government, although some may be difficult to categorize, at either end of the spectrum the categories are fairly clear. At one end, such things as police<sup>22</sup> and fire protection<sup>23</sup> have long been recognized as true governmental functions, those that implicate the notion of the “government as sovereign.” At the other end, however, are public utilities such as power generation,<sup>24</sup> and, of particular significance to this claim, municipal water districts.<sup>25</sup> As the court in *In re Bonds of Orosi Public Utility Dist.* explained:

We take it to be now a generally accepted proposition that, while a municipality, which undertakes to supply those of its inhabitants who will pay therefor with utilities and facilities of urban life, is performing a function *not governmental*, but more often committed to private corporations or persons with whom it may come into competition, it is, in fact, engaging in business upon municipal capital, and for municipal purposes.<sup>26</sup>

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<sup>19</sup> Arvo Van Alstyne, *Governmental Tort Liability: Judicial Lawmaking in A Statutory Milieu* (1963) 15 *Stan. L. Rev.* 163, 165-66

<sup>20</sup> *Kellar v. City of Los Angeles* (1919) 179 Cal. 605, 607

<sup>21</sup> *City of Pasadena v. Railroad Commission of California* (1920) 183 Cal. 526, 529 disapproved of by *County of Inyo v. Public Utilities Com.* (1980) 26 Cal.3d 154

<sup>22</sup> *Chappelle v. City of Concord* (1956) 144 Cal.App.2d 822, 825

<sup>23</sup> *County of Sacramento v. Superior Court* (1972) 8 Cal.3d 479, 481

<sup>24</sup> *Davoust v. City of Alameda* (1906) 149 Cal. 69, 72

<sup>25</sup> *City of South Pasadena v. Pasadena Land & Water Co.* (1908) 152 Cal. 579, 593; *Nourse v. City of Los Angeles* (1914) 25 Cal.App. 384, 385; *Marin Water & Power Co. v. Town of Sausalito* (1920) 49 Cal.App. 78, 79; *In re Bonds of Orosi Public Utility Dist.* (1925) 196 Cal. 43, 58; *Glenbrook Development Co. v. City of Brea* (1967) 253 Cal.App.2d 267, 274

<sup>26</sup> *In re Bonds of Orosi Public Utility Dist.*, *supra*, 196 Cal. at p. 58 (Emphasis added)

California law thus draws a distinction between the many utilitarian government services that could as easily be (and often are) undertaken by the private sector, and those that implicate the unique authority vested in the state and its political subdivisions. Maintaining a police force, for instance, is easily understood as something fundamental to the government *as government*. On the other hand, there is nothing intrinsically governmental about a government entity operating a utility and providing services such as electricity, natural gas, sewer, garbage collection, or water delivery.

**b. The distinction between public and private functions of government is no longer relevant for purposes of tort liability, but the distinction retains legal significance and applies here**

For the purposes of sovereign immunity, the importance of the distinction between the corporate and governmental functions of the state was eliminated in the case of *Muskopf v. Corning Hospital Dist.*, in which the California Supreme Court abrogated governmental immunity.<sup>27</sup> (The Legislature responded promptly by passing the “Tort Claims Act,”<sup>28</sup> subsequently named the Government Claims Act.)

But the distinction between the public and private functions of government did not disappear with *Muskopf*, as the Supreme Court’s holding in *County of Los Angeles v. State of California* makes clear. *County of Los Angeles*, in establishing limits to the eligibility for reimbursement pursuant to article XIII B of the California Constitution, explained that the “programs” eligible for such reimbursement are those “that carry out the *governmental function* of providing services to the public.”<sup>29</sup>

The distinction between public and private functions of government was also raised in the case of *Carmel Valley Fire Protection Dist. v. State of California* in which the County argued that a legislative requirement to purchase protective clothing and equipment constituted a state-mandated new program or higher level of service.<sup>30</sup>

The court in *Carmel Valley* relied on the test for determining whether a “program” was eligible for reimbursement under the subvention requirements of article XIII of the California Constitution as set out in the California Supreme Court decision in *County of Los Angeles*.<sup>31</sup> In deciding what constitutes “a peculiarly governmental function,” the court in *Carmel Valley Fire Protection* relied on *County of Sacramento* for the proposition that fire protection is one such function.<sup>32</sup> *County of Sacramento*, in turn, is one of the pre-*Muskopf* sovereign immunity cases discussed above.

Incidentally, in neither of these cases was the critical factor the percentage of private versus public services provided as claimants argue, but rather the underlying function of

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<sup>27</sup> *Muskopf v. Corning Hospital Dist.* (1961) 55 Cal.2d 211, 219-20

<sup>28</sup> Stats.1963, c. 1681, p. 3267; Gov. Code § 810 *et seq.*

<sup>29</sup> *County of Los Angeles v. State of California*, *supra*, 43 Cal.3d at p. 56 (Emphasis added)

<sup>30</sup> *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521

<sup>31</sup> *Carmel Valley Fire Protection Dist. v. State of California*, *supra*, 190 Cal.App.3d at 537

<sup>32</sup> *Carmel Valley Fire Protection Dist. v. State of California*, *supra*, 190 Cal.App.3d at p. 537, citing *County of Sacramento v. Superior Court*, *supra*, 8 Cal.3d at p. 481

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the activity. And water delivery, like a public utility as noted above, is simply not an exclusively governmental function.

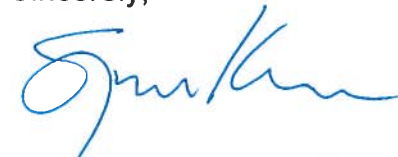
### **Conclusion**

Commission staff, in their draft Proposed Decision, did not address the article XIII B constitutional questions raised by DWR, and did not explain the Proposed Decision in light of those constitutional issues. Instead, the draft Proposed Decision appears to have accepted Claimants' argument that because a majority of water districts are publicly owned, and that because the impacts of the law will fall greatest on local governmental agencies, the Act amounts to an unfunded mandate. DWR urges the Commission to give full consideration to the fact that the Water Conservation Act is a law of general application that applies to private as well as public water suppliers alike. Furthermore, contrary to Claimants' suggestion, water delivery, while clearly an important service, is not a classic "governmental function" in the constitutional sense.

For these reasons the legislative mandates contained in the Water Conservation Act do not constitute a new "program" for purposes of article XIII B of the California Constitution. DWR urges the Commission to consider its comments on this point from June 7, 2013, as clarified and further discussed here.

If you have any questions or need additional information, please contact me at (916) 651-0874.

Sincerely,



Spencer Kenner, Assistant Chief Counsel  
Office of the Chief Counsel

## **Appendix**

### **Public and Private Well Suppliers**



## 2010 Water Use, Total Connections, and Population (10/13/14)

Spreadsheet and data reporting developed by California Department of Water Resources Water Use Efficiency Branch based on Public Water System Survey reporting and 2010 urban water management plan data.

Private Retail Water Suppliers					
No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
1	Alco Water Service			X	
2	Apple Valley Ranchos Water Company	14390	62602		1947
3	Atascadero Mutual Water Company			X	
4	Bakman Water Company	4055	13960		1948
5	Bellflower-Somerset Mutual Water Company	5368	46300		1911
6	California Water Service Company Antelope Valley	943	3423		2000
7	California Water Service Company Bakersfield	77177	260100		1927
8	California Water Service Company Bear Gulch	12907	57254		1936
9	California Water Service Company Chico District	26801	102840		1926
10	California Water Service Company Dominguez	40337	143830		2000
11	California Water Service Company East Los Angeles	16582	150890		1928
12	California Water Service Company Hermosa/Redondo	12517	96430		1926
13	California Water Service Company Kern River Valley	1106	6355		2001
14	California Water Service Company Livermore	10260	56956		1927
15	California Water Service Company Los Altos/Suburban	12302	56940		1931
16	California Water Service Company Marysville	2363	12515		1930
17	California Water Service Company Mid Peninsula	15956	126850		1931
18	California Water Service Company Oroville	2808	9920		1927
19	California Water Service Company Palos Verdes	19083	69020		1970
20	California Water Service Company Redwood Valley	423	3183		2001
21	California Water Service Company Salinas District	16940	134870		1962
22	California Water Service Company Selma	5999	25650		1962
23	California Water Service Company South San Francisco	8465	58658		1931
24	California Water Service Company Stockton	27218	162860		1927
25	California Water Service Company Visalia	31763	134410		1927
26	California Water Service Company Westlake	7592	16880		1983
27	California-American Water Company Los Angeles District	20312	102889		
28	California-American Water Company Monterey District	12810	99396		
29	California-American Water Company Sacramento District	37297	201418		
30	California-American Water Company San Diego District	11211	95359		
31	California-American Water Ventura District	15193	62144		
32	Del Oro Water Company			X	
33	Fruitridge Vista Water Company	4159	0		1953
34	Golden State Water Company Artesia	5557	52974		1934
35	Golden State Water Company Barstow	7295	30616		1929
36	Golden State Water Company Bay Point	2190	23276		1969
37	Golden State Water Company Bell-Bell Gardens	5333	69119		
38	Golden State Water Company Claremont	10620	35248		1934
39	Golden State Water Company Cordova	16478	46154		
40	Golden State Water Company Culver City	5454	36704		1934
41	Golden State Water Company Florence Graham	5163	62451		
42	Golden State Water Company Norwalk	4986	43683		
43	Golden State Water Company Orcutt	7299	28763		
44	Golden State Water Company Placentia	7523	49342		1929
45	Golden State Water Company S Arcadia	3395	28663		
46	Golden State Water Company S San Gabriel	2689	28715		1929
47	Golden State Water Company San Dimas	11922	56416		1976
48	Golden State Water Company Simi Valley	6514	38676		1965
49	Golden State Water Company Southwest	29886	271861		1929
50	Golden State Water Company West Orange	15287	111418		
51	Great Oaks Water Company Incorporated	11021	92995		1959
52	Lincoln Avenue Water Company	2458	16126		1896
53	Montebello Land and Water Company	3373	32219		1900
54	Myoma Dunes Mutual Water Company			X	
55	Oildale Mutual Water Company	7148	23386		1919
56	Orange Vale Water Company	4428	15200		1896
57	Park Water Company	11239	128193		1937
58	Riverside Highland Water Company		12928	Plan Incomplete	
59	Rubio Canyon Land and Water Association	2096	9600		

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
60	San Gabriel Valley Fontana Water Company	41769	209035		1945
61	San Gabriel Valley Water Company	37476	271817		1937
62	San Jose Water Company	133066	946494		1866
63	South Feather Water and Power Agency	4347	16346		
64	Suburban Water Systems San Jose Hills	33333	169963		
65	Suburban Water Systems Whittier/La Mirada	28300	178500		
66	Sunny Slope Water Company	3929	30500		1861
67	Valencia Water Company	30354	113296		1962
68	Valley Water Company	3295	9900		1910
69	Vaughn Water Company	11104	27421		1928
	<b>Private Total</b>	<b>990,664</b>	<b>5,691,900</b>		

#### Private Wholesalers

No.	Agencies/ Districts Required to submit UWMPs	Establishment Year
1	California Domestic Water Company	
2	Covina Irrigating Company	1882
3	San Antonio Water Company	1882

#### Public Retail Water Suppliers

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan
1	Adelanto city of	4868	31765	
2	Alameda County Water District	58700	337562	
3	Alhambra City of	10423	85068	
4	Amador Water Agency	7030	25640	
5	American Canyon, City of	3097	19532	
6	Anaheim City of	66928	364921	
7	Anderson, City of			X
8	Antioch City of	17843	102330	
9	Arcadia City of	15798	54500	
10	Arcata City of	2036	19546	
11	Arroyo Grande City of	2955	16901	
12	Arvin Community Services District			X
13	Atwater City of			X
14	Azusa City of	24498	108500	
15	Bakersfield City of	43211	130600	
16	Banning City of	7505	29603	
17	Beaumont-Cherry Valley Water District	11023	42353	
18	Bella Vista Water District			X
19	Benicia City of	10863	28086	
20	Beverly Hills City of	11022	34000	
21	Big Bear Community Services District	1095	9424	
22	Big Bear Lake City of	2205	25462	
23	Blythe City of	3762	13839	
24	Brawley City of	8312	27743	
25	Brea City of	10587	40377	
26	Brentwood City of	11714	51394	
27	Buena Park City of	17958	84141	
28	Burbank City of	19625	108469	
29	Burlingame City of	4105	30282	
30	Calaveras County Water District	9424	31750	
31	Calexico City of	6417	40075	
32	California City City of	5356	14120	
33	Camarillo City of	8584	44071	
34	Cambria Community Services District	1169	6032	
35	Camrosa Water District	15025	26931	
36	Carlsbad Municipal Water District	19687	84838	
37	Carmichael Water District	10125	37899	
38	Carpinteria Valley Water District	3685	15141	
39	Castaic Lake Water Agency Santa Clarita Water Division	27815	124192	
40	Ceres City of	8284	42001	
41	Cerritos City of	10211	54547	

2010 Water Use and Connections

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
42	Chino City of	23468	71506		
43	Chino Hills City of	15064	74738		
44	Citrus Heights Water District	14689	67475		
45	Clovis City of	33307	99519		
46	Coachella City of	8258	45591		
47	Coachella Valley Water District	109488	202660		
48	Coastside County Water District	2259	20216		
49	Colton, City of	11169	47429		
50	Compton City of	8929	81963		
51	Contra Costa Water District	75425	192980		
52	Corona City of	44331	150416		
53	Covina City of			X	
54	Crescent City City of	2119	17840		
55	Crescenta Valley Water District	4751	31612		
56	Crestline Village Water District	705	7542		
57	Cucamonga Valley Water District	48591	199225		
58	Daly City City of	10102	110598		
59	Davis City of	11954	68289		
60	Delano City of	9271	48957		
61	Desert Water Agency	50500	60600		
62	Diablo Water District	5573	35646		
63	Dinuba City of	4830	21453		
64	Discovery Bay Community Services District			X	
65	Downey City of	16951	110457		
66	Dublin San Ramon Services District	10528	67967		
67	East Bay Municipal Utilities District	233090	1417000		
68	East Niles Community Service District	8962	24062		
69	East Orange County Water District	1248	3656		
70	East Palo Alto, City of	1933	26181		
71	East Valley Water District	22570	63055		
72	Eastern Municipal Water District	127600	475841		
73	El Centro City of	8029	46640		
74	El Dorado Irrigation District	32525	110000		
75	El Monte City of	2263	22968		
76	El Segundo City of			X	
77	El Toro Water District	9850	52019		
78	Elk Grove Water Service	6720	34550		
79	Elsinore Valley Municipal Water District	39287	123375		
80	Escondido City of	30696	132255		
81	Estero Municipal Improvement District	5405	36100		
82	Eureka City of	3785	26066		
83	Exeter City of	0	10334		
84	Fair Oaks Water District	11800	36226		
85	Fairfield City of	20285	102090		
86	Fallbrook Public Utility District	11854	34894		
87	Fillmore City of			X	
88	Folsom City of	22856	61190		
89	Fortuna City of	1350	11926		
90	Fountain Valley City of	10900	59227		
91	Fresno City of	200173	503077		
92	Fullerton City of	27860	138000		
93	Galt City of	5174	23647		
94	Garden Grove City of	29699	177020		
95	Georgetown Divide Public Utilities District	5979	9499		
96	Gilroy City of	7836	48821		
97	Glendale City of	27691	210293		
98	Glendora City of	12890	48200		
99	Goleta Water District	14068	86946		
100	Greenfield, City of			X	
101	Groveland Community Services District	484	3400		
102	Grover Beach City of	1787	13156		
103	Hanford City of	12170	54200		
104	Hawthorne City of	4230	46283		
105	Hayward City of	19538	153000		
106	Healdsburg City of			X	
107	Helix Water District	33211	267922		

2010 Water Use and Connections

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
108	Hemet City of	3457	23537		
109	Hesperia Water District City of	13595	90173		
110	Hi-Desert Water District	3147	24601		
111	Hillsborough Town of	3356	10825		
112	Hollister City of	3060	23021		
113	Humboldt Community Service District	2725	20032		
114	Huntington Beach City of	28879	204831		
115	Huntington Park City of	4892	64219		
116	Imperial, City of	2710	13730		
117	Indian Wells Valley Water District	7570	31120		
118	Indio City of	21592	76036		
119	Inglewood City of	10069	92386		
120	Irvine Ranch Water District	88346	337876		
121	Joshua Basin Water District	1560	9969		
122	Jurupa Community Service District	23659	101700		
123	Kerman, City of	3311	13551		
124	Kingsburg, City of			X	
125	La Habra City of Public Works	10392	63118		
126	La Palma City of	2803	15544		
127	La Verne City of	7382	28932		
128	Laguna Beach County Water District	3434	20850		
129	Lake Arrowhead Community Services District	1565	9555		
130	Lake Hemet Municipal Water District	16147	52914		
131	Lakeside Water District	4008	33657		
132	Lakewood City of	9959	80048		
133	Lamont Public Utility District			X	
134	Las Virgenes Municipal Water District	25958	75384		
135	Lathrop, City of			X	
136	Lee Lake Water District			X	
137	Lemoore City of	7669	24351		
138	Lincoln City of	9217	41141		
139	Linda County Water District	3690	18808		
140	Livermore City of Division of Water Resources	7393	31994		
141	Livingston City of			X	
142	Lodi City of Public Works Department	16648	63549		
143	Loma Linda City of	5490	23261		
144	Lomita City of	2342	20463		
145	Lompoc City of	4500	39661		
146	Long Beach City of	63255	462257		
147	Los Angeles County Public Works Waterworks District 29	8288	31229		
148	Los Angeles County Public Works Waterworks District 4 & 34			X	
149	Los Angeles County Public Works Waterworks District 40	45500	261800		
150	Los Angeles Department of Water and Power	545771	4100260		
151	Los Banos, City of	7591	35972		
152	Lynwood City of	6475	65965		
153	Madera City of	16112	58243		
154	Madera County			X	
155	Mammoth Community Water District	2589	16739		
156	Manhattan Beach City of	5641	35135		
157	Manteca City of			X	
158	Marin Municipal Water District	25982	190600		
159	Marina Coast Water District	3970	32184		
160	Martinez City of	4221	30191		
161	McKinleyville Community Service District	1602	15998		
162	Menlo Park City of	3391	14198		
163	Merced City of	23660	83400		
164	Mesa Consolidated Water District	20370	111166		
165	Mid-Peninsula Water District	2929	26030		
166	Millbrae City of	2513	21532		
167	Milpitas City of	11038	70817		
168	Mission Springs Water District	8664	34766		
169	Modesto, City of	70643	264174		
170	Monrovia City of	7411	38932		
171	Monte Vista Water District	10676	52488		
172	Montecito Water District			X	
173	Monterey Park City of			X	

2010 Water Use and Connections

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
174	Morgan Hill City of	7333	40807		
175	Morro Bay City of	1259	10608		
176	Moulton Niguel Water District	36216	172068		
177	Mountain View City of	10813	74286		
178	Napa City of	13539	86743		
179	Nevada Irrigation District	12857	44761		
180	Newhall County Water District	10560	44316		
181	Newport Beach City of	17635	67030		
182	Nipomo Community Services District	2366	12148		
183	Norco City of			X	
184	North Coast County Water District	3250	39000		
185	North Marin Water District	8367	60423		
186	North Tahoe Public Utility District	2000	7500		
187	Norwalk City of	2330	18361		
188	Oakdale City of			X	
189	Oceanside City of	25717	183095		
190	Olivehurst Public Utilities District	3025	19509		
191	Olivenhain Municipal Water District	22198	66872		
192	Ontario City of	37379	168766		
193	Orange City of	32854	130325		
194	Orchard Dale Water District	1954	19894		
195	Otay Water District	33219	198616		
196	Oxnard City of	26810	201499		
197	Padre Dam Municipal Water District	14140	91670		
198	Palmdale Water District	19800	109395		
199	Palo Alto City of	13066	64403		
200	Paradise Irrigation District	6289	26032		
201	Paramount City of	6680	57989		
202	Pasadena City of	38460	175957		
203	Paso Robles City of	6326	30072		
204	Patterson City of	3867	20260		
205	Perris, City of			X	
206	Petaluma City of	7997	60214		
207	Phelan Pinon Hills Community Services District	2802	20913		
208	Pico Rivera City of	5114	39002		
209	Pico Water District	3314	24011		
210	Pinedale County Water District			X	
211	Pismo Beach City of	1944	7676		
212	Pittsburg City of	9335	64967		
213	Placer County Water Agency	135282	101938		
214	Pleasanton City of	16131	69300		
215	Pomona City of	22561	170229		
216	Port Hueneme City of	2276	21555		
217	Porterville City of	12381	58232		
218	Poway City of	10412	51789		
219	Quartz Hill Water District	5500	17500		
220	Rainbow Municipal Water District	18158	19495		
221	Ramona Municipal Water District	7130	33600		
222	Rancho California Water District	57434	133691		
223	Red Bluff City of	5226	14076		
224	Redding City of	24057	90732		
225	Redlands City of	27741	77852		
226	Redwood City City of	11144	84557		
227	Reedley City of	4451	24194		
228	Rialto City of	13934	48632		
229	Rincon Del Diablo Municipal Water District	9559	29955		
230	Rio Linda - Elverta Community Water District	2720	10936		
231	Rio Vista, city of	2419	8324		
232	Ripon City of			X	
233	Riverbank City of	4370	22201	X	
234	Riverside City of	70188	287000		
235	Rohnert Park City of	5208	43398		
236	Rosamond Community Service District	3010	17700		
237	Roseville City of	28633	114078		
238	Rowland Water District	11529	62106		
239	Rubidoux Community Service District	5784	29900		

2010 Water Use and Connections

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
240	Sacramento City of	92060	466488		
241	Sacramento County Water Agency	36271	154646		
242	Sacramento Suburban Water District	36386	170615		
243	San Bernardino City of	45236	187690		
244	San Bernardino County Service Area 64	3173	9681		
245	San Bernardino County Service Area 70			X	
246	San Bruno City of	4094	43798		
247	San Buenaventura City of	17351	113478		
248	San Clemente City of	10090	55398		
249	San Diego City of	191856	1324305		
250	San Dieguito Water District	6255	38974		
251	San Fernando City of		23650	Plan Incomplete	
252	San Francisco Public Utilities Commission	88144	846601		
253	San Gabriel County Water District	6378	45000		
254	San Jacinto City of	2817	15200		
255	San Joaquin County			X	
256	San Jose City of	22191	114974		
257	San Juan Capistrano City of	9140	40262		
258	San Juan Water District	12908	30618		
259	San Lorenzo Valley Water District			X	
260	San Luis Obispo City of	5482	45119		
261	Sanger City of			X	
262	Santa Ana City of	48391	358136		
263	Santa Barbara City of	13496	91416		
264	Santa Clara City of	23215	118459		
265	Santa Cruz City of	9649	91291		
266	Santa Fe Irrigation District	11911	19386		
267	Santa Fe Springs City of	6254	18199		
268	Santa Margarita Water District	35194	155229		
269	Santa Maria City of	13366	99553		
270	Santa Monica City of	13855	91000		
271	Santa Paula City of	4416	29321		
272	Santa Rosa City of	19502	163436		
273	Santa Ynez River Water Conservation District			X	
274	Scotts Valley Water District	1389	10309		
275	Seal Beach City of	4979	25561		
276	Shafter City of	4735	18488		
277	Shasta Lake City of			X	
278	Sierra Madre City of	2750	11100		
279	Soledad, City of	2355	16729		
280	Sonoma City of	1952	11426		
281	Soquel Creek Water District	4084	37720		
282	South Coast Water District	7353	38641		
283	South Gate City of	8401	102832		
284	South Pasadena City of	4117	25899		
285	South Tahoe Public Utilities District	6526	33124		
286	Stockton City of	33333	169963		
287	Suisun-Solano Water Authority	4115	29868		
288	Sunnyslope County Water District	2594	17100		
289	Sunnyvale City of	24285	141099		
290	Susanville City of	3655	9791		
291	Sweetwater Authority	20795	177288		
292	Sweetwater Springs Water District	827	7493		
293	Tahoe City Public Utilities District	1344	5089		
294	Thousand Oaks City of	10883	51609		
295	Torrance City of	24481	145000		
296	Trabuco Canyon Water District	3625	14907		
297	Tracy City of	14800	82484		
298	Triunfo Sanitation District / Oak Park Water Service	3137	12201		
299	Truckee-Donner Public Utilities District	5675	16280		
300	Tulare, City of	17460	59535		
301	Tuolumne Utilities District	5123	28997		
302	Turlock City of	21484	71181		
303	Tustin City of	13884	69010		
304	Twentynine Palms Water District	2674	18795		
305	Ukiah City of	2952	15612		



2010 Water Use and Connections

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
306	Upland City of	20119	73732		
307	Vacaville City of	16329	86893		
308	Vallecitos Water District	16308	87728		
309	Vallejo City of			X	
310	Valley Center Municipal Water District	29522	25378		
311	Valley County Water District	7882	69784		
312	Valley of the Moon Water District	2710	23478		
313	Ventura County Waterworks District No 1	11774	38703		
314	Ventura County Waterworks District No. 8	22844	90086		
315	Vernon City of	7287	100		
316	Victorville Water District	22733	99642		
317	Vista Irrigation District	18273	125962		
318	Walnut Valley Water District	25910	113236		
319	Wasco City of	4681	19511		
320	Watsonville City of	7454	65739		
321	West Kern Water District	24729	18048		
322	West Sacramento City of	13107	47910		
323	West Valley Water District	20443	66571		
324	Westborough Water District	989	14050		
325	Western Municipal Water District of Riverside	26720	85469		
326	Westminster City of	11271	94294		
327	Whittier City of	7448	55155		
328	Windsor, Town of	3469	26158		
329	Winton Water & Sanitary District			X	
330	Woodland City of	19649	55468		
331	Yorba Linda Water District	21196	77320		
332	Yreka, City of	2244	7415		
333	Yuba City City of	17842	67941		
334	Yucaipa Valley Water District	11972	42171		
	<b>Public Total</b>	<b>5,717,628</b>	<b>28,823,500</b>		
	<b>Percent Private</b>	<b>17.3%</b>	<b>19.7%</b>		

Public Wholesale Water Suppliers	
Column 1	Agencies/ Districts Required to submit UWMPs
1	Alameda County Flood Control and Water Conservation District Zone 7
2	Antelope Valley East Kern Water Agency
3	Calleguas Municipal Water District
4	Casitas Municipal Water District
5	Castaic Lake Water Agency
6	Central Basin Municipal Water District
7	Central Coast Water Authority
8	Chino Basin Desalter Authority City of
9	Crestline-Lake Arrowhead Water Agency
10	Foothill Municipal Water District
11	Humboldt Bay Municipal Water District
12	Inland Empire Utilities Agency
13	Kern County Water Agency Improvement District No 4
14	Metropolitan Water District of Southern California
15	Modesto Irrigation District
16	Municipal Water District of Orange County
17	North of The River Municipal Water District
18	Port Hueneme Water Agency
19	San Benito County Water District
20	San Bernardino Valley Municipal Water District
21	San Diego County Water Authority
22	San Gabriel Valley Municipal Water District
23	San Geronio Pass Water Agency
24	San Luis Obispo County Flood Control & Water Conservation District Zone 3
25	Santa Clara Valley Water District
26	Solano County Water Agency
27	Sonoma County Water Agency
28	South San Joaquin Irrigation District

2010 Water Use and Connections

No.	Agencies/ Districts Required to submit UWMPs	AC-FT Supplied (2010)	2010 Retail Population	Did Not Submit Plan	Establishment Year
29	Stockton East Water District				
30	Tehachapi-Cummings County Water District				
31	Three Valleys Municipal Water District				
32	United Water Conservation District				
33	Upper San Gabriel Valley Municipal Water				
34	Water Facilities Authority				
35	West Basin Municipal Water District				



**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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 20, 2014, I served the:

**Department of Water Resources Comments**

*Water Conservation*, 10-TC-12 and 12-TC-01

Water Conservation Act of 2009 et al.

South Feather Water and Power Agency, Paradise Irrigation District, Richvale Irrigation District, Biggs-West Gridley Water District, Oakdale Irrigation District, and Glenn-Colusa Irrigation District, 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 October 20, 2014 at Sacramento, California.



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Heidi J. Palchik  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/25/14

**Claim Number:** 10-TC-12 and 12-TC-01

**Matter:** Water Conservation

**Claimants:** Glenn-Colusa Irrigation District  
Oakdale Irrigation District  
Paradise Irrigation District  
South Feather Water and Power Agency

### 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.)

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