

Hearing: May 31, 2007

ITEM 20

CHIEF LEGAL COUNSEL'S REPORT New Filings, Recent Decisions, Litigation Calendar

This public session report is intended only as an information item for the public.¹ Commission communications with legal counsel about pending litigation or potential litigation are reserved for Closed Executive Session, per the Notice and Agenda.

New Filings

- **Appeal of *California School Boards Association, et al. v. State of California, et al.***, Sacramento County Superior Court, Case No. 06CS01335
CSM 06-L-01 [*Reconsideration of Brown Act Reform, School Accountability Report Cards, and Mandate Reimbursement; Mandate Reimbursement II*]
Case appealed to the Third District Court of Appeal on May 11, 2007, by the Department of Finance and the State Controller's Office. The appellate case number has not yet been assigned.

Recent Decisions

- ***County of Los Angeles, et al., v. Commission on State Mandates, et al.***
Second District Court of Appeal, Case No. B183981
CSM Case No. 04-L-03 [*Transit Trash Receptacles/Waste Discharge Requirements*]
Decision issued and certified for publication on May 10, 2007. The Second District Court of Appeal found that Government Code section 17516 is unconstitutional "to the extent it exempts Regional Water Boards from the constitutional state mandate subvention requirement." The court remanded the four test claims filed by the County of Los Angeles and the cities within the Los Angeles region to the Commission to determine whether the permit issued by the Los Angeles Regional Water Quality Control Board constitutes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

Litigation Calendar

| Case Reference | Hearing Date |
|---|--------------------|
| <i>County of San Bernardino v. Commission on State Mandates, et al.</i> Los Angeles County Superior Court, Case No. BS106052 CSM Case No. 05-L-08 [<i>SEMS</i>] | September 12, 2007 |

¹ Based on information available as of May 15, 2007. Release of this litigation report shall not be deemed to be a waiver of any privileged communication or act, including, but not limited to, the attorney-client privilege and the attorney work product doctrine.