

ITEM 11
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

- **Petition for Review Filed with the California Supreme Court**
State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, San Diego Region v. Commission on State Mandates and County of San Diego, et al.
California Supreme Court, Case No. S277832
Third District Court of Appeal, Case No. C092139
Sacramento County Superior Court, Case No. 34-2010-80000604
Discharge of Stormwater Runoff, 07-TC-09

On October 24, 2022, the Third District Court of Appeal issued a decision, finding that except for the activity of street sweeping (which is reversed consistent with the court's earlier decision in *Paradise Irrigation Dist. v. Commission on State Mandates* on the ground that the claimants have sufficient fee authority pursuant to Government Code section 17556(d)), the Commission's decision on the new program and higher level of service and the remaining costs mandated by the state issues are correct as a matter of law.

On December 22, 2022, the State filed a petition for review on the fee authority issues, as well as the court's earlier decision finding that the activities are mandated by the state and not by federal law.

- **New Lawsuit Filed**
County of Los Angeles v. Commission on State Mandates, Malia M. Cohen as State Controller
Los Angeles County Superior Court, Case No. 23STCP00036
(Municipal Stormwater and Urban Runoff Discharges Consolidated IRCs, 19-0304-I-04, 20-0304-I-06, 20-0304-I-08, 20-0304-I-09, 20-0304-I-10, 20-0304-I-11, and 20-0304-I-13)
Filed: January 6, 2023

¹ Based on information available as of January 12, 2023. 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.

Recent Decisions

None.

Litigation Calendar

There are no hearing dates currently scheduled.