

## ITEM 8

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

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

#### New Filings

1. **Commission and Department of Finance File Petitions for Review and Requests for De-Publication of Court of Appeal Opinion**

*Coast Community College District, et al. v. Commission on State Mandates, Department of Finance*

California Supreme Court, Case No. S262663

Third District Court of Appeal, Case No. C080349

(*Minimum Conditions for State Aid*, 02-TC-25/02-TC-31)

2. **Notice of Appeal and Cross Appeal Filed**

**REMAND *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.***

**Sacramento County Superior Court, Case No. 34-2010-80000604**

**Third District Court of Appeal, Case No. C092139**

*Discharge of Stormwater Runoff*, 07-TC-09 (California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-001)

On February 6, 2020, the Sacramento County Superior Court issued an Order denying the petition and cross-petition, and affirming the Commission's decision, finding that the sections of the permit pled imposed a new program or higher level of service, and except for the activities related to the Hydromodification Management Plan (in Part D.1.g. of Order No. R9-2007-001) and Low Impact Development (parts D.1.d.(7) & D.1.d.(8) of Order No. R9-2007-001), the activities resulted in increased costs mandated by the state. A Proposed Judgment has been filed with the court.

On June 26, 2020, the appeal from the State and the cross appeal from the County of San Diego and surrounding cities on the trial court's judgment on remand were filed.

#### Recent Decisions

None.

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<sup>1</sup> Based on information available as of July 8, 2020. 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.

**Litigation Calendar**

<u>Cases</u>	<u>Date of Hearing</u>
<p><b><i>City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance</i></b>            Sacramento County Superior Court, Case No. 2019-80003169  <i>Lead Sampling in Schools: Public Water System No. 3710020</i>            (17-TC-03)</p>	<p>July 28, 2020</p>
<p><b><i>California School Boards Assoc., et al. v. State of California, Commission on State Mandates, John Chiang, as State Controller, and Ana Matosantos, as Director of the Department of Finance</i></b>            Alameda County Superior Court, Case No. RG11554698, On Remand from California Supreme Court, Case No. S247266 and First District Court of Appeal, Case No. A148606            (Mandates process for K-12 school districts, redetermination statutes, budget trailer bills (Education Code sections 42238.24 and 56523))</p>	<p>September 18, 2020            Status Conference</p>
<p><b>REMAND OF <i>State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles</i></b>            Second District Court of Appeal, Case No. B292446  <i>Municipal Storm Water and Urban Runoff Discharges</i>,            03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21 (Los Angeles Regional Quality Control Board Order No. 01-182, Permit CAS004001, Parts 4C2a., 4C2b, 4E &amp; 4Fc3)</p>	<p>Heard June 23, 2020,            and continued by the court to October 20, 2020</p>