

ITEM 5
TEST CLAIM
PROPOSED DECISION TO DISMISS WITHDRAWN TEST CLAIM

Government Code Sections 54954.2 and 54957.1

Statutes 2005, Chapter 72 (AB 138)

Open Meetings Act II,
06-TC-01

City of Newport Beach, Claimant

EXECUTIVE SUMMARY

On May 26, 2010, claimant requested withdrawal of the test claim filing *Open Meetings Act II* (06-TC-01).¹ Claimant's request was served in writing, and a sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08.²

No interested parties objected to the claimant's request for withdrawal, or took over the claim by substitution of the parties.

Therefore, the sole issue before the Commission on State Mandates (Commission) is whether the Commission adopts the proposed Decision, dismissing the above-named test claim.

Recommendation

Staff recommends that the Commission adopt the proposed Decision, dismissing the *Open Meetings Act II* test claim.

¹ Exhibit A. Claimant's withdrawal request letter.

² Exhibit B. Commission's notice of withdrawal and dismissal hearing.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM:

Government Code sections 54954.2 and 54957.1;
Statutes 2005, Chapter 72 (AB 138);
City of Newport Beach, Claimant.

Filed on July 17, 2006, and withdrawn on
May 26, 2010,

By City of Newport Beach, Claimant.

Case No.: 06-TC-01

Open Meetings Act II

PROPOSED DECISION TO DISMISS
WITHDRAWN TEST CLAIM PURSUANT
TO GOVERNMENT CODE SECTION
17500 ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7, SECTION
1183.08

(Proposed for Adoption on July 29, 2010)

PROPOSED DECISION TO DISMISS WITHDRAWN TEST CLAIM

On May 26, 2010, claimant requested withdrawal of the test claim filing *Open Meetings Act II* (06-TC-01). Claimant's request was served in writing, and a sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08.

No interested parties objected to the claimant's request for withdrawal, or took over the claim by substitution of the parties, on or before July 26, 2010.

CONCLUSION

IT IS HEREBY ORDERED that the test claim filing, *Open Meetings Act II* (06-TC-01), is dismissed, without prejudice, pursuant to California Code of Regulations, title 2, section 1183.08.

Any claimant may file a new test claim on the above-referenced test claim legislation. However, any such claim shall be subject to a new filing date and to the statute of limitations pursuant to Government Code section 17551.