

ITEM 8

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

None.

Recent Decisions

- **Supreme Court Decision Issued August 29, 2016**
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, et al.
California Supreme Court, Case No. S214855
Second District Court of Appeal, Case No. B237153
Los Angeles County Superior Court, Case No. BS130730
(*Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21)

The Majority reverses the court of appeal's decision and finds that the permit constitutes a state-mandated program: "We reverse, concluding that no federal law or regulation imposed the conditions nor did the federal regulatory system require the state to impose them. Instead, the permit conditions were imposed as a result of the state's discretionary action." The matter is remanded to the lower courts to address the remaining issues of whether the permit requirements impose a new program or higher level of service, and whether there are costs mandated by the state.

Litigation Calendar

<u>Cases</u>	<u>Date of Hearing</u>
Nothing Scheduled at this Time	

¹ Based on information available as of September 7, 2016. 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.