

Hearing: September 27, 2007

ITEM 22

**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 to Third District Court of Appeal: Department of Finance v. Commission on State Mandates***
Sacramento County Superior Court, Case No. 07CS00079, Third District Court of Appeal, Case No. (unknown)
[Reconsideration of Peace Officer Procedural Bill of Rights (POBOR)]

On September 7, 2007, the Department of Finance filed a Notice of Appeal on the Sacramento County Superior Court judgment affirming the Commission's decision that POBOR constitutes a reimbursable state-mandated program for school districts and special districts identified in Government Code section 3301 that employ peace officers.

Recent Decisions

- ***County of San Bernardino v. Commission on State Mandates, et al.***
Los Angeles County Superior Court, Case No. BS106052
[SEMS]

The Los Angeles County Superior Court heard the matter on September 12, 2007, and adopted a ruling affirming the Commission's decision and denying the petition for writ of mandate. The court found that SEMS is not a state-mandated program based on the Supreme Court's decision in *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2004) 30 Cal.4th 727.

Litigation Calendar

Case Reference	Hearing Date
None.	

¹ Based on information available as of September 13, 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.