

ITEM 7
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

1. Notice of Appeal

City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance

Third District Court of Appeal, Case No. C092800

Sacramento County Superior Court, Case No. 2019-80003169

(Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03)

Appeal Filed: September 28, 2020

The claimant is appealing the trial court’s ruling, which agreed with the Commission’s decision finding that the requirement to test for lead in the drinking water of every K-12 school that a public water system (PWS) serves and that requests testing at no charge to the school does not constitute a new program or higher level of service since the requirement is not uniquely imposed on government, and the provision of water service does not constitute a peculiarly governmental service to the public.

Recent Decisions

None.

Litigation Calendar

<u>Cases</u>	<u>Date of Hearing</u>
<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> 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))	Case management conference scheduled for January 29, 2021 (Continued from November 13, 2020).
REMAND OF <i>State of California Department of Finance,</i>	Remand heard June 23,

¹ Based on information available as of November 19, 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.

<p><i>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> 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 & 4Fc3)</p>	<p>2020, and October 20, 2020; Court has requested supplemental briefing, due December 9, 2020. Opinion will issue thereafter.</p>
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