

ITEM 6
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

- *Court of Appeal Issues Unpublished Decision on Stormwater*

REMAND of State of California 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.
Third District Court of Appeal, Case No. C092139
Sacramento County Superior Court, Case No. 34-2010-80000604
Discharge of Stormwater Runoff, 07-TC-09

On October 24, 2022, the Third District Court of Appeal issued an unpublished decision. Except for the activity of street sweeping (which is reversed consistent with the court’s earlier decision in *Paradise Irrigation Dist. v. Commission on State Mandates* on the ground that the claimants have sufficient fee authority pursuant to Government Code section 17556(d)), the court affirms the Commission’s decision on the new program and higher level of service and the remaining costs mandated by the state issues.

Litigation Calendar

<u>Cases</u>	<u>Date of Hearing/ Oral Argument</u>
There are no hearing dates currently scheduled.	

¹ Based on information available as of November 17, 2022. 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.