

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

1. *California School Boards Assoc., et al. v. State of California, Commission on State Mandates, et al.*

California Supreme Court, Case No. S247266

(Budget trailer bills, Education Code sections 42238.24 and 56523)

On December 19, 2019, the California Supreme Court issued its opinion denying CSBA's petition. The court found that the state does not violate article XIII B, section 6 of the California Constitution when it identifies general education funding it already provides to school districts and county offices of education as offsetting revenue for the purpose of reimbursing state mandates, and that the state does not violate separation of powers principles when it allows general education funding or special education funding to be identified as offsetting revenues for state-mandated programs. This case will be remanded back to the Alameda County Superior Court to resolve the remaining issues.

Litigation Calendar

| <u>Cases</u> | <u>Date of Hearing</u> |
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| REMAND <i>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.</i> Sacramento County Superior Court, Case No. 34-2010-80000604 Third District Court of Appeal, Case No. C070357 <i>Discharge of Stormwater Runoff</i> , 07-TC-09 (California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-001) | December 6, 2019 (On January 2, 2020, the court issued a request for additional briefing by January 31, 2020, after which the court may schedule a second hearing or issue its final ruling.) |

¹ Based on information available as of January 10, 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.

| <u>Cases</u> | <u>Date of Hearing</u> |
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| <i>Coast Community College District, et al. v. Commission on State Mandates, Department of Finance</i> Third District Court of Appeal, Case No. C080349 <i>(Minimum Conditions for State Aid, 02-TC-25/02-TC-31)</i> | March 16, 2020 |
| <i>City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance</i> Sacramento County Superior Court, Case No. 2019-80003169 <i>Lead Sampling in Schools: Public Water System No. 3710020 (17-TC-03)</i> | May 8, 2020 |