

## ITEM 7

### CHIEF LEGAL COUNSEL'S REPORT New Filings, Recent Decisions, Litigation Calendar

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This public session report is intended only as an information item for the public.<sup>1</sup> 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

The following decisions have been issued:

- Court Denies Petition for Writ of Mandate and Request for Declaratory Relief  
*Fresno Unified School District v. Commission on State Mandates,*  
*Department of Finance*  
Sacramento County Superior Court, Case No. 34-2017-80002768  
(*Certificated School Employees – Parental Leave*, CSM 16-TC-01)

On November 8, 2018, the court issued its Ruling on Submitted Matter denying the petition for writ of mandate and request for declaratory relief. The court found that the statute imposed a new program or higher level of service, but agreed with the Commission that the test claim statute did not result in increased actual costs mandated by the state.

The courts' decisions are pending in the following matters:

- *Paradise Irrigation District, et al. v. Commission on State Mandates,*  
*Department of Finance, and Department of Water Resources*  
Third District Court of Appeal, Case No. C081929  
(*Water Conservation* (10-TC-12/12-TC-01)  
Date of Hearing: August 27, 2018  
Opinion Issued: October 1, 2018  
Request for Rehearing Granted and Opinion Vacated : October 31, 2018
- *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v.*  
*Commission on State Mandates, et al.,*  
California Supreme Court, Case No. S239907  
(*Mandate Redetermination, Sexually Violent Predators*, 12-MR-01, CSM-4509)  
Date of Hearing: September 5, 2018

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<sup>1</sup> Based on information available as of November 13, 2018. 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.

Litigation Calendar

<u>Cases</u>	<u>Date of Hearing</u>
<p><b>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.</b> <b>Sacramento County Superior Court, Case No. 34-2010-80000604</b> <b>On remand from Third District Court of Appeal,</b> <b>Case No. C070357</b> <i>Discharge of Stormwater Runoff, 07-TC-09</i> (California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-001)</p>	February 8, 2019