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May 22, 2003

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FROM: LLOYD W. PELLMAN 
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RE: **California Supreme Court Decision Relating to
State Mandate Reimbursement (SB 90)**

This is to advise you that the California Supreme Court today issued an opinion declining to require State reimbursement of local agency costs arising in programs in which the agencies' participation was optional.

Test claimants were two local school districts and the County of Santa Clara. They sought reimbursement of notice and agenda related costs associated with meetings of local school site councils and advisory committees. The Court concludes that, although the formation of such advisory bodies was indeed required under various State education programs, the participation by local agencies in the challenged programs either was not legally compelled, or the agencies were free to use state program funds to pay the notice and agenda costs as program expenses.

Interpreting state constitutional mandate reimbursement provisions, the Court ruled that "activities undertaken at the option or discretion of a local government entity (that is, actions undertaken without any legal compulsion or threat of penalty for non-participation) do not trigger a State mandate and hence do not require reimbursement of funds—even if the local entity is obliged to incur costs as a result of its discretionary decision to participate in a particular program or practice."

The decision appears to continue a line of cases which restrictively interpret State mandate reimbursement principles in favor of the State.

LWP:SRM:asv

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors