



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012  
(213) 974-1101  
<http://cao.co.la.ca.us>

DAVID E. JANSSEN  
Chief Administrative Officer

Board of Supervisors  
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First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

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Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

September 9, 2004

To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

**POTENTIAL IMPACT OF THE SUPERIOR COURT RULING REGARDING STATE MANDATED PROGRAMS**

On August 10, 2004, your Board directed the Chief Administrative Office to prepare a report outlining the potential impact on the County of a recent Sacramento Superior Court ruling that found that the State's failure to fund certain mandated mental health services to students with disabilities is unconstitutional. The Court held that the Legislature's promise to reimburse counties in the future with interest does not satisfy the Constitutional prohibition against imposing unfunded mandates on local entities. Consequently, the Court declared that San Diego County could stop providing these services unless they are adequately funded by the State, which they are not under the adopted budget. The State has until September 21, 2004 to decide whether to appeal.

The decision of the Court in effect suspends these two services and makes them optional for San Diego County. However, since these services are also mandated by Federal law, termination is not really an option. The real issue is who will pay for them. San Diego County has so far unsuccessfully sought to have school districts in the county contribute to the cost.

As requested by the Board motion, this report addresses the "potential impact" of the Superior Court's decision. The trial court's ruling, which was issued on July 1, 2004, only applies to San Diego County and is limited to two mandated services – AB 3632 services to handicapped students and AB 2726 services to seriously emotionally disturbed pupils. Further legal action, including an appeal to the California Supreme

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Court or a much broader lawsuit would be required for the ruling to be extended to all counties and all mandated services. This report essentially assumes that such an action was successfully undertaken.

The attachment, prepared by the Auditor-Controller's office that handles claims for reimbursement of State mandates, provides a listing by department of State mandated services for which reimbursement has been deferred in FY 2004-05. With the exception of Mental Health services for handicapped students, for which the County receives a partial reimbursement, the amount shown indicates the amount of reimbursement the County has claimed for each service. If the legal and constitutional principles used by the trial court in finding for San Diego County were applied to all counties and all mandated services for which State reimbursement has been deferred, the Board would have the option of not providing any or all of these services until such time as the Legislature appropriated sufficient reimbursement funding.

If you have any questions or need additional information, I can be reached at (213) 974-1101 or your staff may call John Redmond at (213) 974-1348.

DEJ:GK  
MAL:JR:hg/g

#### Attachment

c: Executive Officer, Board of Supervisors  
County Counsel

## Los Angeles County's Deferred SB90 Claims By Department

Department/Program	Latest SB90 Claim
<b>Assessor</b>	
CH 486/75, Mandate Reimbursement Process	\$1,781
CH 1242/77, Senior Citizen's Property Tax Post. (SMAS)	65,404
<b>Total</b>	<b>\$67,185</b>
<b>Auditor-Controller</b>	
CH 486/75, Mandate Reimb. Process- Accounting Division	\$367,314
CH 486/75, Mandate Reimb. Process- Tax Division	3,300
CH 697/92, ERAF	26,102
<b>Total</b>	<b>\$396,716</b>
<b>District Attorney</b>	
CH 1399/76, Child Abduction & Recovery	\$2,109,835
CH 1114/79, Not Guilty By Reason of Insanity II	41,175
CH 762/95, Sexually Violent Predators	1,296,770
CH 1418/85, Mentally Disorder Offenders Ect. Commit.	147,992
CH 486/75, Mandate Reimbursement Process	24,398
CH 1036/78, Mentally Disordered Sex Off.: Extended Com.	2,390
CH 694/75, Developmentally Disabled: Attorney's Services	8,000
<b>Total</b>	<b>\$3,630,560</b>
<b>Registrar-Recorder</b>	
CH 77/78, Absentee Ballots	\$2,701,043
CH 704/75, Voter Registration Procedures	150,000
CH 1422/82, Permanent Absent Voters	191,242
CH 486/75, Mandate Reimbursement Process	10,401
<b>Total</b>	<b>\$3,052,686</b>
<b>Public Defender</b>	
CH 762/95, Sexually Violent Predators	\$1,184,875
CH 694/75, Developmentally Disabled: Attorney's Services	32,000
CH 1304/80, Conservatorship: Develop. Disabled Adults	77,738
CH 1036/78, Mentally Disordered Sex Off.: Extended Com.	3,658
CH 1114/79, Not Guilty By Reason of Insanity II	27,645
CH 486/75, Mandate Reimbursement Process	25,422
CH 1418/85, Mentally Disorder Offenders Ext. Commit.	128,191
<b>Total</b>	<b>\$1,479,529</b>

## Los Angeles County's Deferred SB90 Claims By Department

Department/Program	Latest SB90 Claim
<b>Sheriff's</b>	
CH 1114/79, Not Guilty By Reason of Insanity II	6,984
CH 1114/79, Not Guilty By Reason of Insanity II	131
CH 762/95, Sexually Violent Predators	1,533,221
CH 762/95, Sexually Violent Predators	2,683
CH 246/95, Domestic Violence Arrest Policies & Standards	417,753
CH 820/91, Prisoner Prenatal Rights	764,934
CH 820/91, Prisoner Prenatal Rights	45,255
CH 1171/89, Peace Officer's Cancer Presumption	474,107
CH 486/75, Mandate Reimbursement Process	124,301
CH 999/91, Rape Victim Counseling Center Notices	47,248
CH 465/76, Peace Officers Bill of Rights	4,589,399
CH 1418/85, Mentally Disorder Offenders Ect. Commit.	189,382
CH 1418/85, Mentally Disorder Offenders Ect. Commit.	1,160
CH 1120/96, Health Benefits, Survivors of Peace Officers	16,080
<b>Total</b>	<b>\$8,212,638</b>
<b>Treasurer &amp; Tax Collector</b>	
CH 1242/77, Senior Citizen's Property Tax Postponement	10,000
<b>Total</b>	<b>\$10,000</b>
<b>Children &amp; Family Services</b>	
CH 654/96, Seriously Emotionally Disturbed Pupils	\$9,081,573
<b>Total</b>	<b>\$9,081,573</b>
<b>Mental Health</b>	
CH 1747/84, Services to the handicapped Students [1]	\$13,027,538
CH 654/96, Seriously Emotionally Disturbed Pupils	7,553,993
CH 641/86, Open Meetings Act II	13,543
<b>Total</b>	<b>\$20,595,074</b>
<b>Coroner</b>	
CH 486/75, Mandate Reimbursement Process	\$6,606
CH 498/77, Coroners (SMAS)	38,898
<b>Total</b>	<b>\$45,504</b>

(1) The \$13,027,538 is the unfunded balance for the total claim of \$23,527,538.

## Los Angeles County's Deferred SB90 Claims By Department

Department/Program	Latest SB90 Claim
<b>Probation</b>	
CH 183/92, Domestic Viol. Treat. Serv. Aut. & Case Mgmt.	\$532,758
CH 641/86, Open Meetings Act II	3,134
CH 486/75, Mandate Reimbursement Process	2,669
Total	<b>\$538,561</b>
<b>Fire</b>	
CH 1568/82 FF Cancer Presumption	\$98,929
CH 486/75, Mandate Reimbursement Process	4,390
Total	<b>\$103,319</b>
<b>Animal Care &amp; Control</b>	
Animal Adoption	\$394,500
Total	<b>\$394,500</b>
<b>Health Services</b>	
CH 1603/90, Prenatal Services	389,413
CH 961/92, Pacific Beach Safety	162,961
Total	<b>\$552,374</b>
<b>Grand Total</b>	<b>\$48,160,219</b>