

California Government Authority

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Interlocal contracts in California are presumably authorized by the Joint Exercise of Powers Act ("JEPA"). CAL.GOV'T. CODE § 6500, et seq. JEPA provides that two or more public agencies by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside California. CAL. GOV'T. CODE §6502. "Public Agency" includes but is not limited to "the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent or schools, public district of this state or another state." CAL. GOV'T. CODE §6500. While a public school district is not specifically identified as a public agency under the JEPA, school districts are mentioned in other areas of the Act and §6500 provides that the list is not inclusive. Accordingly, a public school district in California is permitted to participate in a joint powers agreement under the JEPA. Pursuant to the TICA, a Texas regional education service center is considered a political subdivision of the state of Texas; thus a Texas regional education service center would be considered a public agency for the purposes of JEPA. See TEX.

GOV'T CODE §791.003 (5). California law provides that the governing boards of school districts have broad discretion in the expenditure of funds and in the operation of the school districts. CAL. EDUC. CODE §35160.1. The Public Contract Code provides that the governing board of a school district, shall competitively let any contracts involving an expenditure of more than \$50,000 for the purchase of equipment, materials, supplies, services, except for construction, and repairs to the lowest responsible bidder. CAL. PUB. CONT. CODE § 20111 (a) and (b). Accordingly, a school district in California could presumably purchase any of its goods and services from the cooperative as long as the cooperative's competitive bidding procedures comply with California law or the value of the goods and services is less than \$50,000. JEPA provides that any agreements entered pursuant to the Act must state the purpose of the agreement or the power to be exercised and provide for the method by which purpose will be accomplished. CAL. GOV'T. CODE § 6503.