COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
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PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY
AUDITOR-CONTROLLER

September 8, 2006

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Higashi:

Los Angeles County's Requests
October 25, 2006 Pre-hearing, Postponement of October 26, 2006 Hearing
Parameters and Guidelines Amendments – Peace Officers Procedural Bill of Rights

This is to request a pre-hearing conference on the proposed amendments to the parameters and guidelines for the Peace Officers Procedural Bill of Rights program on or about the afternoon of October 25, 2006. In addition, a postponement of the October 26, 2006 Commission hearing on this matter, to the December 7, 2006 Commission hearing calendar, is requested in order to extend the time for comments to be timely filed with the Commission, 30 days prior to the new hearing date. Justification for these requests is attached.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,

J. Tyler McCauley
Auditor-Controller

JTM:CY:LK

Justification
Los Angeles County's Requests
October 25, 2006 Pre-hearing, Postponement of October 26, 2006 Hearing
Parameters and Guidelines Amendments – Peace Officers Procedural Bill of Rights

A pre-hearing conference on the proposed amendments to the parameters and guidelines [Ps&Gs] for the Peace Officers Procedural Bill of Rights [POBOR] program on or about the afternoon of October 25, 2006 is requested.

Commission's 55 page draft staff analysis of the subject amendments, issued on August 31, 2006, provides no 'reasonable reimbursement methodology' [RRM]. Without an RRM, actual costs are difficult to obtain. For example, to obtain actual cost reimbursement, the State Controller's Office requires time sheet documentation which details time spent on specific reimbursable activities. However, this type of documentation is often not available.

For example, at a program's inception, it is not known if a program will be reimbursable. So no time is coded. In fact, as no code is available, no time can be coded.

So, it is often impossible to obtain reimbursement for allowable costs, absent an RRM or some type of time study which may be applied retroactively as well as prospectively.

It should be noted that Commission staff did recommend allowing time studies in their August 31, 2006 analysis. Accordingly, there appears to be some possibility that this approach may be further elaborated in order to simply claiming, reduce administrative costs, and ensure compliance with Commission's Ps&Gs.

Therefore, a pre-hearing conference would allow all parties a chance to meet and confer, to problem-solve, and to develop a mutually acceptable alternative to the contentious reimbursement practice of requiring time sheet documentation in all cases.

In addition, a postponement of the October 26, 2006 Commission POBOR's hearing, to the December 7, 2006 Commission hearing, is requested in order to extend the time for comments to be timely filed with the Commission, 30 days prior to the new hearing date. This postponement is necessary because all parties should be afforded sufficient time to consider this complex matter further – in light of revisions suggested during the extended comment period.

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J. TYLER McCAULEY
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DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 8th day of September, 2006, I served the attached:

Documents: Los Angeles County's Request, October 25, 2006 Pre-Hearing, Postponement of October 26, 2006 Hearing, Parameters and Guidelines Amendments- Peace Officers Procedural Bill of Rights, including *a 1 page letter of J. Tyler McCauley dated 9/8/06, and a 1page justification, now* pending before the Commission on State Mandates.

[X] By transmitting a PDF copy of the above document via e-mail to csminfo@csm.ca.gov , paula.higashi@csm.gov, and nancy.patton@csm.gov. By mailing original signed above documents to Commission's address: Ms. Paula Higashi, Executive Director; Commission on State Mandates; 900 Ninth Street, Suite 300; Sacramento, California 95814; and by Faxing above documents to Commission at [916] 445-0278.

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of September, 2006 at Los Angeles, California.

Hasmik Yaghobyan