

COMMISSION ON STATE MANDATES

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April 17, 2009

Mr. Allan Burdick
MAXIMUS
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Sacramento, CA 95841

Harold T. Fujita
City of Los Angeles
Department of Recreation and Parks
1200 W 7th Street, #310
Los Angeles, CA 90017

And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

RE: **Draft Staff Analysis, Proposed Statewide Cost Estimate, and Hearing Date**
Local Recreational Areas: Background Screenings, 01-TC-11
City of Los Angeles – Department of Recreation and Parks, Claimant
Public Resources Code, Section 5164; Subdivision (b)(1) and (b)(2)
Statutes 2001, Chapter 777

Dear Mr. Burdick and Mr. Fujita:

The draft staff analysis and proposed statewide cost estimate for this test claim are enclosed for your review and comment.

Written Comments

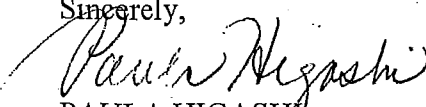
Any party or interested person may file written comments on the draft staff analysis and proposed statewide cost estimate **Friday, May 8, 2009**. You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. (Cal. Code Regs., tit. 2, § 1181.2.) If you would like to request an extension of time to file comments, please refer to section 1183.01, subdivision (c)(1), of the Commission's regulations.

Hearing

This matter is set for hearing on **Friday, May 29, 2009** at 10:30 a.m., 915 L Street, Redwood Room, Sacramento, California. The final staff analysis will be issued on or about May 15, 2009. This matter is proposed for the Consent Calendar. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01, subdivision (c)(2), of the Commission's regulations.

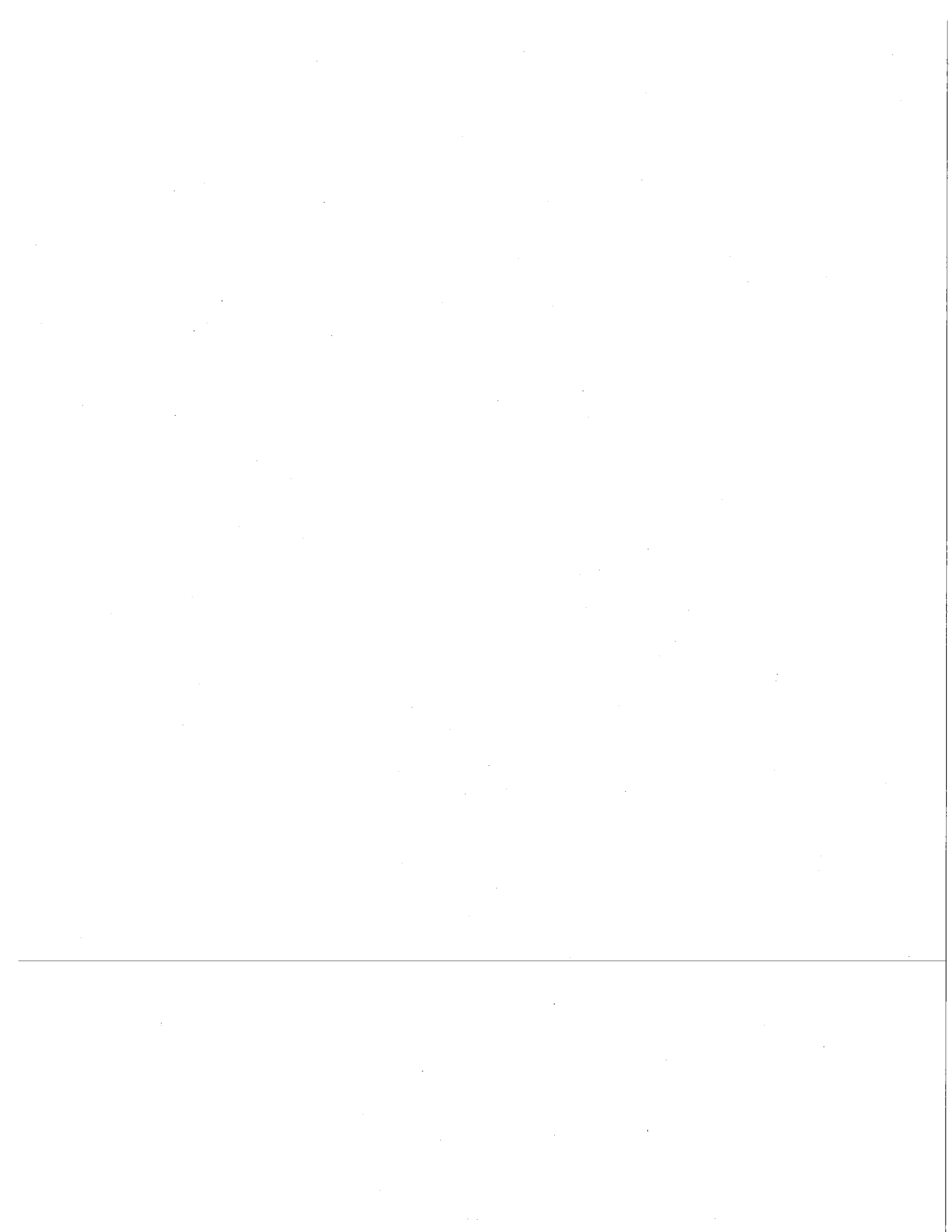
Please contact Nancy Patton at (916) 323-8217 with any questions.

Sincerely,


PAULA HIGASHI
Executive Director

Enclosure

J:mandates/2001/01tc11corres/scedsatrans



ITEM _____
DRAFT STAFF ANALYSIS
STATEWIDE COST ESTIMATE

Public Resources Code Section 5164, Subdivisions (b)(1) and (b)(2)

Statutes 2001, Chapter 777

Local Recreational Areas: Background Screenings

01-TC-11

City of Los Angeles, Claimant

EXECUTIVE SUMMARY

The proposed statewide cost estimate includes seven fiscal years for a total of **\$2,991,331** for the *Local Recreational Areas: Background Screenings* program. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2001-2002	58	\$167,629
2002-2003	89	\$388,890
2003-2004	95	\$380,926
2004-2005	104	\$411,549
2005-2006	119	\$508,026
2006-2007	126	\$584,239
2007-2008	122	\$550,072
TOTAL	713	\$2,991,331

Summary of the Mandate

The test claim statutes involve the employment and background screening of volunteers at local operated parks, playgrounds, recreational centers or beaches used for recreation purposes.

The Commission on State Mandates (Commission) adopted the Statement of Decision for the *Local Recreational Areas: Background Screenings* program (01-TC-11). The Commission found that the test claim statute constitutes a new program or higher level of service and imposes a state-mandated program on local agencies within the meaning of article XIII B, section 6, of the California Constitution and Government Code section 17514 for

Statewide Cost Estimate

Staff reviewed the claims data submitted by 142 cities, seven counties, and three park and recreation districts, and compiled by the SCO. The actual claims data showed that 713 claims were filed between fiscal years 2001-2002 and 2007-2008 for a total of \$2,991,331.¹ Based on

¹ Claims data reported as of March 3, 2009.

this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

Assumptions

1. *The actual amount claimed for reimbursement may increase if late or amended claims are filed.*
2. *Non-claiming local agencies did not file claims because: (1) they did not incur more than \$1000 in increased costs for this program; (2) did not have supporting documentation to file a reimbursement claim; or (3) hired no recreation and park district employees.*
3. *Based on the claims reviewed, the amounts claimed may be high.*
4. *There is a wide variation in costs for the claims filed.*
5. *Because the amounts claimed may be high, and there is a wide variation in costs claimed, an SCO audit of this program may be conducted.*
6. *The total amount of reimbursement for this program may be lower than the statewide cost estimate, because the SCO may reduce any reimbursement claim for this program.*

Methodology

Fiscal Years 2001-2002 through 2007-2008

The proposed statewide cost estimate for fiscal years 2001-2002 through 2007-2008 was developed by totaling the 713 unaudited actual reimbursement claims filed with the SCO for these years.

No projections for future fiscal years were included because funding for 2008-2009 cannot occur until fiscal year 2009-2010.

The proposed statewide cost estimate includes seven fiscal years for a total of \$2,991,331 for the *Local Recreational Areas: Background Screenings* program

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of **\$2,991,331** for costs incurred in complying with the *Local Recreational Areas: Background Screenings* program.

STAFF ANALYSIS

Summary of the Mandate

The test claim statutes involve the employment and background screening of volunteers at local operated parks, playgrounds, recreational centers or beaches used for recreation purposes.

The Commission on State Mandates (Commission) adopted the Statement of Decision for the *Local Recreational Areas: Background Screenings* program (01-TC-11). The Commission found that the test claim statute constitutes a new program or higher level of service and imposes a state-mandated program on local agencies within the meaning of article XIII B, section 6, of the California Constitution and Government Code section 17514.

The claimant filed the test claim on February 8, 2002. The Commission adopted a Statement of Decision on December 9, 2005, and the parameters and guidelines on June 26, 2008. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by December 31, 2008, and late claims by December 31, 2009.

Reimbursable Activities

The Commission approved the following activities for reimbursement:

1. Have each prospective employee or volunteer who would have supervisory or disciplinary authority over minors to complete an application that inquires as to whether or not the prospective employee or volunteer has been convicted of any offense specified in Public Resources Code section 5164, subdivision (a). (Pub. Res. Code, § 5164, subd. (b)(1)). This is a one-time activity of revising and printing job applications that inquire as to the applicants' criminal history.
2. Screening, pursuant to Penal Code section 11105.3, prospective employees and volunteers who would have supervisory or disciplinary authority over minors. The screening procedure for these individuals requires submitting the following to the Department of Justice (DOJ): (1) the prospective employee's or volunteer's fingerprints, (2) any other data specified by DOJ on a DOJ-approved form, (3) for prospective employees only, paying the DOJ's fingerprint processing fee (no fee is required for a prospective volunteer). (Pub. Res. Code, § 5164, subds. (b)(1) & (b)(2)).

The Commission found that the following activities **are not** reimbursable:

1. Taking fingerprints.
2. Paying DOJ's fingerprint processing fee for a prospective volunteer.

Statewide Cost Estimate

Staff reviewed the claims data submitted by 142 cities, seven counties, and three park and recreation districts, and compiled by the SCO. The actual claims data showed that 713 claims were filed between fiscal years 2001-2002 and 2007-2008 for a total of \$2,991,331.² Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

Assumptions

1. *The actual amount claimed for reimbursement may increase if late or amended claims are filed.*

² Claims data reported as of March 3, 2009.

There are 480 cities, 58 counties, and 67 recreation and park districts in California. Of those, only 152 filed reimbursement claims for this program. If other eligible claimants file reimbursement claims or late or amended claims are filed, the amount of reimbursement claims may exceed the statewide cost estimate. However, claimant representatives report that many cities and counties use nonprofit agencies to operate their recreation programs. Nonprofit agencies are not part of this program, and therefore, local agencies that use nonprofit agencies will not be filing reimbursement claims.

2. *Non-claiming local agencies did not file claims because: (1) they did not incur more than \$1000 in increased costs for this program; (2) did not have supporting documentation to file a reimbursement claim; or (3) hired no recreation and park district employees.*

Claimant representatives report that many counties did not file reimbursement claims because counties use nonprofit agencies to operate their recreation and park programs.

3. *Based on the claims reviewed, the amounts claimed may be high.*

The Statement of Decision for this program authorizes reimbursement for *recreational* employees and volunteers *who have supervisory or disciplinary authority over minors*. Many claimants are seeking reimbursement for all newly hired employees. For example, the City of Laguna Beach submitted reimbursement for the background process for a police records technician, laborer, maintenance workers, police cadets, and drivers. While many of these employees may come in contact with children, they most likely do not supervise or discipline minors, or work in recreation-related jobs. Therefore, the background process for these employees is not reimbursable.

4. *There is a wide variation in costs for the claims filed.*

The claims data indicates that claimants are reporting a wide variation in the time it takes to process the applications. For the ten cities we reviewed, the time to complete the reimbursable activities ranged from four minutes per application to 25.3 minutes per application.

5. *Because the amounts claimed may be high, and there is a wide variation in costs claimed, an SCO audit of this program may be conducted.*
6. *The total amount of reimbursement for this program may be lower than the statewide cost estimate, because the SCO may reduce any reimbursement claim for this program.*

If the SCO audits this program and deems any reimbursement claim to be excessive or unreasonable, it may be reduced.

Methodology

Fiscal Years 2001-2002 through 2007-2008

The proposed statewide cost estimate for fiscal years 2001-2002 through 2007-2008 was developed by totaling the 713 unaudited actual reimbursement claims filed with the SCO for these years.

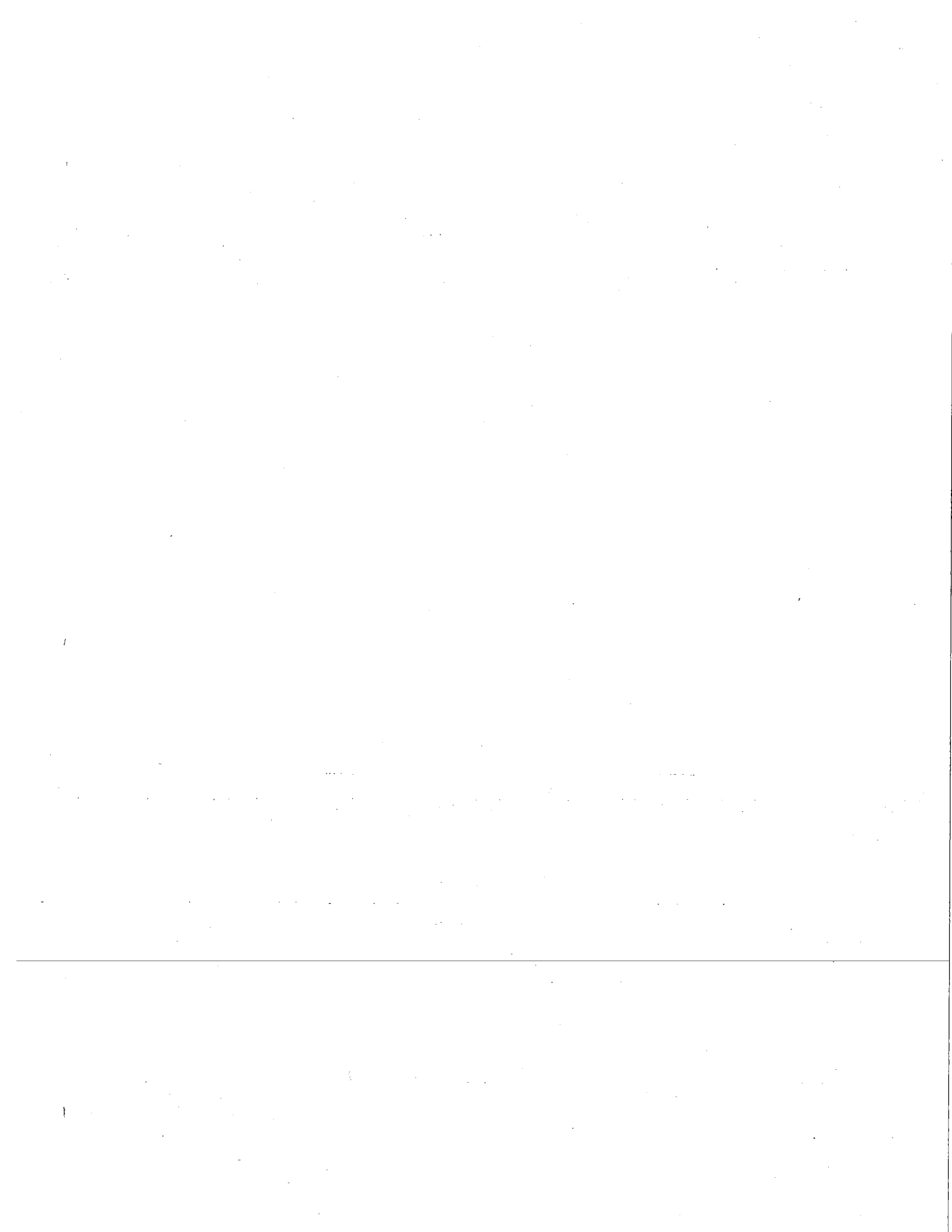
No projections for future fiscal years were included because funding for 2008-2009 cannot occur until fiscal year 2009-2010.

The proposed statewide cost estimate includes seven fiscal years for a total of \$2,991,331 for the *Local Recreational Areas: Background Screenings* program. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
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Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of **\$2,991,331** for costs incurred in complying with the *Local Recreational Areas: Background Screenings* program.



Commission on State Mandates

Original List Date: 2/19/2002
Last Updated: 1/4/2007
List Print Date: 04/17/2009
Claim Number: 01-TC-11
Issue: Local Recreational Areas: Background Screenings

Mailing Information: Draft Staff Analysis

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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