

APPROVED
SEP 05 2012

REPORT OF GENERAL MANAGER

NO. 12-254

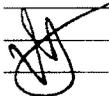
DATE September 5, 2012

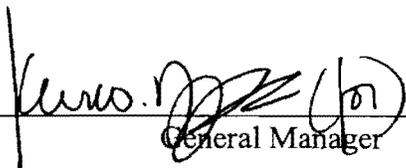
BOARD OF RECREATION
AND PARK COMMISSIONERS

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LAS PALMAS SENIOR CITIZEN CENTER – AGREEMENT WITH CANYON SCHOOL, INC., FOR THE OPERATION AND MAINTENANCE OF A CHILD CARE AND DEVELOPMENT PROGRAM ON PARK PROPERTY

R. Adams		K. Regan	_____
H. Fujita		M. Shull	_____
*V. Israel		N. Williams	_____


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve a proposed three (3) year agreement (Agreement), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP) and Canyon School, Inc. (Canyon), a California non-profit organization, setting forth the terms and conditions for Canyon's use of park property at Las Palmas Senior Citizen Center, in accordance with RAP's Partnership Policy, to provide child care and development services to the surrounding community, subject to the approval of the Mayor and of the City Attorney as to form;
2. Direct the Board Secretary to transmit the proposed Agreement, to the Mayor in accordance with Executive Directive No. 3, and concurrently, to the City Attorney for review and approval as to form;
3. Authorize the Board President and Secretary to execute the Agreement upon receipt of the necessary approvals; and,
4. Direct the Department's Chief Accounting Employee to deposit fees for utility and other cost recovery reimbursements received from Canyon in the accounts established for such purpose.

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SUMMARY:

Canyon, a private non-profit corporation, is a cooperative child care and development program provider currently receiving funds through tuition fees, donations and fundraising events. Canyon is located within Las Palmas Senior Citizen Center at 1820 Las Palmas Ave. Los Angeles, CA 90028. Canyon currently operates the child care program through Right Of Entry (ROE) Permit No. PD-ROE-022 issued in February 2012, allowing time for the Partnership Division to formalize an Agreement between Canyon and RAP, in accordance with RAP Policies.

Pursuant to Board Report No. 11-296 approved November 2, 2011, the Board made a finding that non-profit cooperative nursery, Head Start, pre-school and child care organizations are a recreational use as these programs provide outdoor child development through recreational and educational pre-school experiences such as game playing, free play, and group sports play. During the traditional school year, Canyon provides a child care and development program to children ages two through five from families within the surrounding community of Las Palmas Senior Citizen Center. Serving thirty (30) children in the morning and fifteen (15) children in the afternoon (two half day sessions) each day, this child care and development program encourages physical activity, demonstrates healthy lifestyle choices, helps prepare participants enrolled in the programs for success in school, and meets the needs of special populations, including children with disabilities. Canyon is licensed and operates under the California Childcare Center General Licensing requirements.

Incorporated in 1959, Canyon has provided child care and development services since its beginnings in 1948, when it began parent-participation child care in nearby homes, backyards, and garages. Arrangements were made between RAP and Canyon to allow Canyon a more formal space to conduct a cooperative nursery school at Las Palmas Senior Citizen Center in 1961. At that time Canyon was given use of one room, restrooms, and an enclosed outside area for play equipment and storage facilities - total area utilized, approximately 6,282 square feet.

In 1973, RAP conducted a thorough study of organized child care and development activities operating on RAP facilities, which resulted in the Board adopting RAP's first child care policy in 1974. The policy allowed non-profit child care and development program groups to utilize RAP facilities by permit without charge during normal operating hours, citing the importance of outdoor child development specifically for those organizations operating on RAP property at the inner-city areas (Report No. 678, June 6, 1974). And on May 17, 1984, the Board approved Report No. 418-84, re-affirming the former child care policy but with additional child care and development organization criteria. Canyon has continued to operate a cooperative child care and development program on park property for more than 50 years.

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In 2002, in Board Report No. 02-349, the Board approved a policy that requires all non-profits operating or providing services using park land or other land under RAP control pay all utility costs (gas, water, electricity) associated with the use of that RAP facility. In 2003, Canyon began to pay electricity usage directly to the utility provider as there was a separate utility meter for that area at Las Palmas Senior Citizen Center. However, Canyon has not paid for water usage as there was no separate water meter for the child care facility.

In March 2011, RAP established the Partnership Division, which was assigned the task of formalizing agreements with organizations utilizing park property for the mutual benefit of the community, RAP, and the organizations. Additionally, the Division has implemented mechanisms to recover certain costs from organizations operating on park property, which are not currently paying for their own utility usage, trash removal, custodial services, maintenance, and/or other expenses which are fiscally impacting RAP through the organization's operation of public programs. On November 2, 2011, Board approved Report No. 11-296, so that all non-profit cooperative nursery, Head Start, pre-school, and child day care organizations be subject to RAP's Partnership Policies, including those related to cost recovery fees.

Furthermore, in order for RAP to recover costs for utilities, solid waste removal, and staff impact costs from organizations using RAP facilities on a shared use or exclusive use basis, the Board has approved a series of reimbursement fee schedules: for utilities, Report No. 11-202 approved July 13, 2011; trash and solid waste disposal, Board Report No. 12-028 approved February 1, 2012; Staff impact cost, Report No. Report No. 12-217 approved July 19, 2012, to allow RAP to recover a portion of costs associated with organization's shared or exclusive use of certain space. Specifically to Canyon, RAP has determined that Canyon shall pay a monthly Cost Recovery Fee of \$207 for water usage, trash and solid waste disposal, and staff impact costs. To allow ample time for the school budget and tuition fees to be adjusted for Canyon's new school year, under the current ROE, RAP has begun the collection of monthly Cost Recovery Fees in August, 2012.

The yearly value of Canyon's child care and development program services to the public has been determined to be \$177,000, based on their annual operating budget. Staff recommends approval of the proposed Agreement, so Canyon may be allowed to continue using park property to operate a child care program which provides recreational benefits and is in the best interest of the community around the Las Palmas Senior Citizen Center.

Should the proposed Agreement be approved, Canyon's performance will be monitored through an annual performance review to ensure compliance with the Agreement. As part of the proposed Agreement, Canyon will be responsible at its sole cost and expense for repair costs related to the operation and maintenance of the Canyon child care and development program as well as the Cost Recovery Fees associated with their respective child care and development operation, as discussed above.

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ENVIRONMENTAL:

Staff has determined that the execution of the proposed Agreement is for the operation of programming at an existing park facility involving negligible or no expansion of use and, therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (14) of the City CEQA Guidelines.

FISCAL IMPACT STATEMENT:

The proposed Agreement will have no adverse impact on RAP's General Fund as operations and program costs associated with Canyon's use of park property will be paid for by Canyon at no cost to the City, and costs impacting RAP shall be compensated through the collection of Board approved Cost Recovery Fees.

This report was prepared by Joel Alvarez, Senior Management Analyst and Leslie Richter, Senior Recreation Director I, Partnership Division.