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VENTURA COUNTY
GRAND JURY

EXHIBIT 1

FY 2014-2015 GRAND JURY FINAL REPORT

RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Number (& Date)	Report Title	Respondents (With FI and R #)
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REPORT NO. 01 June 1, 2015

Title: **County Responsibility for Sidewalks**

Required Respondent: **Board of Supervisors**
(for approval) (FI-01, FI-02, and FI-03, plus R-01 and R-02)

Requested Respondent: **Public Works Agency***
(FI-01, FI-03, and FI-04, plus R-01 and R-02)

*NOTE: Response from the requested department is incorporated within Board of Supervisors' response.

Response to Grand Jury Report Form

Report Title: County Responsibility for Sidewalks

Report Date: June 1, 2015

Response by: Jeff Pratt Title: Directors, Public Works Agency

FINDINGS

- I (we) agree with the findings numbered: _____
- I (we) disagree wholly or partially with the findings numbered: FI-01, FI-02, FI-03 & FI-04

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R-01 have not yet been implemented, but will be implemented in the future.
- Recommendations numbered _____ require further analysis.
- Recommendations numbered R-02 will not be implemented because they are not warranted or are not reasonable.

Date: 9-15-15 Signed: _____

Kathy Long – Chair, Board of Supervisors

Number of pages attached 4

ATTEST: MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By: M. Pelliciano
Deputy Clerk of the Board



Response to Grand Jury Report Form

Report Title: County Responsibility for Sidewalks

Report Date: June 1, 2015

FINDINGS

FI-01 The issue of maintaining residential sidewalks in County unincorporated area is both complicated and confusing. Information as to homeowner responsibility for sidewalk maintenance (repair versus temporary fixes) is not readily available.

Response: We partially agree with this finding. We concur that this is a complex issue and locating information on the topic may not be as straightforward as possible. However we believe the information available on the Public Works Agency Transportation Department (PWATD) department website, which includes a citizen brochure and Frequently Asked Questions (FAQ's) on the topic, clearly identify that it is the property owner's responsibility for sidewalk and street tree maintenance and repair.

PWATD staff will continue efforts to make the PWATD website more user-friendly to the public.

As background, on August 4, 2015 the Board of Supervisors reversed their earlier decision to provide temporary repair (grinding) at the County's expense. All costs related to sidewalk repairs, temporary or permanent, are once again the landowner's responsibility, and this is documented in the information on PWATD's website. However, the County may offer to perform the work (permanent or temporary) at the property owner's expense while County road projects are being completed in the area. The property owner will be notified in writing of this option if it is available.

FI-02 A funded countywide sustainable sidewalk policy would benefit property owners in Supervisorial District 2 to a greater extent than other districts because 60% of sidewalks in need of repair are located in that district.

Response: We partially agree with this finding. Sixty percent of all the sidewalks in the county, not just those in need of repair, are in Supervisorial District 2. Therefore, a County-funded sustainable sidewalk policy would therefore benefit Supervisorial District 2 to a greater degree than other districts.

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FI-03 Current sidewalk maintenance practice is not related to the actual condition of the sidewalks. Sidewalk repairs – both temporary and permanent – are completed only when the PWATD is performing scheduled street repair in an area.

Response: We partially agree with this finding. As the party responsible for sidewalk maintenance, the property owner may repair a sidewalk at any time. The PWATD, does however, provide a courtesy service wherein they will repair sidewalks in areas where they are completing a road resurfacing project. These repairs are based on the identified actual condition compared to the PWA criteria posted on the County website.

FI-04 Information on sidewalk repair and maintenance is not easily accessed on the County website. Website pages do not contain clear and complete information. Examples include: navigation to specific information is difficult; information about free grinding is not available; there is limited information as to when sidewalk repairs will be done in an area.

Response: We partially agree with this finding. As stated in our response to Finding-01, we agree locating information on the topic may not be as straightforward as possible. However we believe the information available on the Public Works Agency Transportation Department (PWATD) department website, once located, provides a great deal of information on the topic. This information includes a citizen brochure and Frequently Asked Questions (FAQ's) that clearly identify that it is the property owner's responsibility for sidewalk and street tree maintenance and repair, as well as information on the status of projects to resurface roads, the latter under the Construction Projects, Transportation Active Projects website tab.

As previously noted, corrections to out of repair sidewalks are completed and charged to the property owners as a courtesy in areas where the Public Works Agency is completing a road resurfacing project.

PWATD staff will continue efforts to make the PWATD website more user-friendly to the public.

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RECOMMENDATIONS

R-01 The Grand Jury recommends that the Board of Supervisors direct the PWA to revise its website to be more complete and easily accessible, especially with regard to the current BOS directive and PWATD practices related to sidewalk maintenance in unincorporated area. The Sidewalk and Street Tree Maintenance brochure should include information about grinding of raised sidewalk sections at County expense.

Response: Will Be Implemented. As of August 4, 2015 temporary sidewalk repairs will not be performed at the County's expense. Standards, FAQ's and Citizen Brochures are routinely reviewed and updated as necessary, and will be done in light of this new direction. PWATD staff will also review the website and ensure the information is easily accessible. This analysis and any required updates will be completed by October 31, 2015

R-02 The Grand Jury recommends that the Board of Supervisors direct the PWA to regularly assess the condition of all sidewalks in unincorporated areas, develop a repair/replacement plan, and oversee the completion of all needed work independent of street repair projects. The Grand Jury takes no position on funding for the repair.

Response: Will not be implemented. The County's approach to sidewalk repair is cost-effective and driven by the applicable law. Foremost, property owners bear the legal obligation to maintain and repair adjoining sidewalks and are jointly liable for injuries caused by sidewalk defects. (Streets & Highways Code, § 5610; Ventura County Ordinance Code, §§ 12702, 12703.) As courts have noted, property owners are in the best position to quickly identify and address sidewalk problems. (E.g., *Gonzales v. City of San Jose* (2004) 125 Cal.App.4th 1127, 1139.) Thus, the County relies on property owners to live up to their statutory obligations in keeping sidewalks safe. In addition, the County will respond to complaints about sidewalks, including inspecting the sidewalk for any needed repairs. Also, the County regularly assesses the condition of sidewalks in the area of projects as part of its normal road resurfacing work. Whenever these processes reveal that a sidewalk is in need of repair, the County notifies the property owner and demands repair, as authorized by

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the Streets and Highways Code and County ordinance. If a property owner is unable or unwilling to make the repair, the County will repair the sidewalk and seek the statutorily required payment from the property owner. While no program is 100 percent effective, the County's program best matches resources with the need for occasional repairs.