



OFFICE OF THE MAYOR

John F. Johnston

401 S. Ventura Street, Ojai, CA 93023

RECEIVED

JUL 16 2019

Ventura County
Grand Jury

June 18, 2019

Kathleen Diamond, Foreperson
2018-2019 Ventura County Grand Jury
800 South Victoria Avenue
Ventura, CA 93009

RE: Response to Grand Jury Report: Youth Sports and Public Liability dated April 17, 2019

Dear Ms. Diamond:

The City of Ojai received the 2018-2019 Grand Jury Report "Youth Sports and Public Liability". In accordance with Penal Code Section 933.05, we submit this response to the Grand Jury findings and recommendations.

The City Council does appreciate the efforts of the Grand Jury's review of non-affiliated youth sports organizations proposed requirements in order to utilize city or District property for practice or play.

Please see attached responses to the Grand Jury conclusion C-01, C-02, C-03 and recommendation R-01, R-02, R-03.

Sincerely,

A handwritten signature in blue ink, appearing to read "John F. Johnston".

John F. Johnston, Mayor
City of Ojai

GRAND JURY REPORT CONCLUSIONS AND CITY OF OJAI CITY COUNCIL RESPONSES

GRAND JURY CONCLUSION C-01:

C-01. The Grand Jury concluded that most cities and Districts in the County allow non-affiliated sports leagues to use their facilities to practice or play. However, they do not require proof of compliance with California law regarding protection against concussion-related injuries from these leagues. They also do not require proof that procedures for preventing and reporting child physical or sexual abuse are in place.

CITY COUNCIL RESPONSE TO CONCLUSION C-01:

We agree with conclusion C-1 that the City of Ojai (City) does not require proof of compliance with California law (from either affiliated or non-affiliated sports leagues) with respect to California law related to concussion-related injuries from participation in such leagues. Nor does the City require proof that such affiliated or non-affiliated sports leagues have adopted procedures for preventing and reporting child physical or sexual abuse. The City focuses our limited resources to ensuring that our programs meet all legal requirements for the prevention of accidents or abuse, and has concerns about taking on the obligation of enforcing this for private groups.

GRAND JURY CONCLUSION C-02:

C-02. The Grand Jury concluded that cities and Districts do not require proof of adequate parental waivers and insurance coverage from non-affiliated sports leagues to protect against legal action that could jeopardize public monetary resources.

CITY COUNCIL RESPONSE TO CONCLUSION C-02:

We agree with conclusion C-02 that the City does not require proof of parental waivers from non-affiliated sports leagues. We disagree with the portion of the conclusion that suggests the City does not require proof of insurance coverage. The City not only requires proof of insurance coverage when someone rents a field, but also obtains a certificate of insurance with an additional insured endorsement naming the City of Ojai as additionally insured.

GRAND JURY CONCLUSION C-03:

C-03. The Grand Jury concluded that cities and Districts are underinsured with respect to the type of coverage and coverage amounts to sufficiently protect them from litigation arising from the conduct of youth sports on city or district property.

CITY COUNCIL RESPONSE TO CONCLUSION C-03:

We disagree that the City is underinsured with respect to the type of coverage and coverage amounts for risks associated with the issuance of permits and facility rentals to affiliated and non-affiliated sports organizations to conduct youth sports on district property. The City is a member of the California Joint Power Insurance Authority and maintains the recommended level of coverage for its programs and activities.

GRAND JURY REPORT RECOMMENDATIONS AND CITY OF OJAI CITY COUNCIL RESPONSES

GRAND JURY RECOMMENDATION R-01:

R-01. The Grand Jury recommends that all cities and District require proof from non-affiliated sports leagues that they are in compliance with California law regarding concussion-related sports injuries and that they have child physical or sexual abuse prevention and reporting procedures in place as a condition of the use of public facilities for practice or play. (C-01)

CITY COUNCIL RESPONSE TO RECOMMENDATION R-01:

The City of Ojai disagrees with this recommendation. Recommendation number R-01 will not be implemented because it is not warranted (is not legally required by California and Federal law). The City merely permits sports facilities to affiliated and non-affiliated sports leagues (as well as churches, businesses, organizations and individuals). The City does not warrant the quality of the programs nor competency of the individuals of organizations (including non-affiliated sports leagues) that seek a permit to use City facilities. In addition, this recommendation is not reasonable in as much as it will cost additional unfunded staff time to verify non-affiliated sports leagues are in compliance with the relevant California and Federal laws. Should the City voluntarily undertake the duty to establish proof that non-affiliated sports leagues are in compliance with such laws, then the City may expose itself to more liability than the status quo of “buyer beware” for parents turning their kids over to sports league operators. For example, should the City determine, in error, that a non-affiliated sports league is in compliance with respect to concussion training or physical or sexual abuse training and reporting requirements and a child is harmed, then that error may expose the City to more potential liability than status quo.

GRAND JURY RECOMMENDATION R-02:

R-02. The Grand Jury recommends that all cities and Districts require proof of adequate parental waivers from participants and sufficient insurance coverage from non-affiliated sports leagues as a condition of the use of public facilities for practice or play. (C-02)

CITY COUNCIL RESPONSE TO RECOMMENDATION R-02:

The City of Ojai disagrees with this recommendation. Recommendation number R-02 will not be implemented because it is not warranted (is not legally required). The City issues permits to affiliated and non-affiliated sports leagues. For any adult or youth amateur sports competitions, training, camps, or clubs

conducted by the City, the City does and will continue to obtain waivers from participants. The City believes that it does have sufficient insurance coverage from affiliated and non-affiliated sports leagues as a condition of the use of public facilities for practice or play in as much as it obtains certificates of insurance from non-affiliated sports leagues and maintains its own insurance via CJPIA. In addition, this recommendation is not practical in as much as it will cost additional unfunded staff time to obtain proof of adequate parental waivers from all participants of non-affiliated sports leagues.

GRAND JURY RECOMMENDATION R-03:

R-03. The Grand Jury recommends that all cities and Districts review their own insurance coverage to ensure that they are adequately protected with respect to potential claims arising from the conduct of youth sports on city or district property. (C-03)

CITY COUNCIL RESPONSE TO RECOMMENDATION R-03:

Recommendation number R-03 has been implemented. The City Manager has reviewed the City's insurance Memorandum of Coverage and has spoken with the City's CJPIA representative to ensure that the City is adequately protected with respect to potential claims arising from the conduct of youth sports on City property.