

county of ventura

Grand Jury
800 South Victoria Avenue
Ventura, CA 93009
(805) 477-1600
Fax: (805) 658-4523

grandjury.countyofventura.org

Response to Grand Jury Report Form

Report Title: Public Liability and Youth Sports

Report Date: August 5, 2019

Response by: Nancy O'Connor

Title: Parks Recreation & Community Partnerships
Director

FINDINGS / CONCLUSIONS

I (we) agree with the findings / conclusions numbered: C-01, C-02

I (we) disagree wholly or partially with the Findings / Conclusions numbered:
C-03

(Attach a statement specifying any portions of the Findings / Conclusions that are disputed, include an explanation of the reasons.)

RECOMMENDATIONS

Recommendations numbered R-03 have been implemented.
(Attach a summary describing the implemented actions and date completed.)

Recommendations number _____ have not yet been implemented, but will be implemented in the future.
(Attach a time frame for the implementation.)

Recommendations numbered _____ require further analysis.

Recommendations numbered R-01, R-02, will not be implemented because they are not warranted or are not reasonable.

Date: August 5, 2019

Signed: Nancy J. O'Connor

Number of pages attached: 4

August 5, 2019

Kathleen Diamond, Foreperson
2018-19 Ventura County Grand Jury
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009



RECEIVED

AUG 13 2019



Ventura County
Grand Jury

Re: City of San Buenaventura – Youth Sports and Public Liability

Dear Ms. Diamond:

The City of San Buenaventura 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 appreciates and welcomes the efforts of the Grand Jury’s review of countywide review of non-affiliated youth sports organizations proposed requirements in order to utilize city or District property for practice or play.

The Grand Jury requires a response to conclusion C-01, C-02, C-03 and recommendation R-01, R-02, R-03.

Conclusions

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.*

Response to C-01: *Agree.* The City agrees with this conclusion based on the findings from the Grand Jury report. The City of San Buenaventura does not require proof of compliance from affiliated or non-affiliated leagues with respect to concussion related injuries or proof that leagues have adopted procedures for preventing and reporting child physical or sexual abuse. Parks belong to the public. Organized groups are not an exception to the right to use Public Parks. The City focuses its limited resources to ensure our own

programs meet all legal requirements for the prevention of accidents or abuse and is reluctant to take on obligations not our own and risk having such accidents or abuse occur in our programs because we have spread staff too thin.

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.*

Response to C-02: *Agree.* The City agrees with this conclusion based on the findings from the Grand Jury report. The City of San Buenaventura does not require proof of waivers from non-affiliated leagues. The City of San Buenaventura does require proof of insurance when a site is rented, or a permit given and an additional insured endorsement naming the City of San Buenaventura is required.

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.*

Response to C-03: *Disagree.* The City disagrees with this conclusion. The City of San Buenaventura annually reviews insurance coverages and makes adjustments as needed. The City has an outstanding Risk Management program.

Recommendations

R-01: *The Grand Jury recommends that all cities and Districts 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.*

Response to R-01: *Disagree.* The City disagrees with this recommendation and it will not be implemented. The City of San Buenaventura does not require non-affiliated sports leagues to provide proof that they address concussion-related sports injuries or they have reporting procedures in place to rent City facilities.

Recommendation number R-01 will not be implemented because it is not warranted (is not legally required by California and Federal law). The City of San Buenaventura merely permits sports facilities to affiliated and non-affiliated sports leagues (as well as churches, businesses, organizations and individuals.) The City of San Buenaventura 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. The City of San Buenaventura generally does not sponsor or conduct amateur youth sports competitions, training, camps, or clubs. And, to the extent The City of San Buenaventura does conduct its own, in-house, adult or youth amateur sports competitions, training, camps, or clubs it does and will continue to comply with the law regarding concussion-related sports injuries and child physical or sexual abuse prevention and reporting procedures for its employees. 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 of San Buenaventura 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 of San Buenaventura to more potential liability than status quo. The City focuses its limited resources to ensure that our own programs meet all legal requirements for the prevention of accidents or abuse; and is reluctant to take on obligations not our own and risk having such accidents or abuse occur in our own programs because we have spread staff too thin.

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.*

Response to R-02: *Disagree.* The City disagrees with this recommendation. The City of San Buenaventura requires adequate insurance for rentals and does not require rentals to provide proof of their waivers.

Recommendation number R-02 will not be implemented because it is not warranted (is not legally required). The City of San Buenaventura issues permits to affiliated and non-affiliated sports leagues. The City of San Buenaventura does not sponsor or conduct amateur youth sports competitions, training, camps, or clubs. And, to the extent The City of San Buenaventura does conduct its own adult or youth amateur sports competitions, training, camps, or clubs The City of San Buenaventura does and will continue to obtain waivers from participants. The City of San Buenaventura believes that it does have sufficient insurance coverage from affiliated and non-affiliated sports leagues as a

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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. In addition, this recommendation is not reasonable in as much as it will cost additional unfunded staff time to obtain proof of adequate parental waivers from all of non-affiliated sports leagues.

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.*

Response to R-03: *Agree.* The City reviews insurance coverage annually and makes adjustments as needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt LaVere". The signature is stylized with a large, looped "M" and a long, sweeping underline.

Matt LaVere
Mayor