

**2021-2022 Grand Jury Compliance and Implementation Report
of
2019-2020 Grand Jury Report Recommendations and Responses**

“The City of Napa’s Sidewalks - Watch Your Step”



May 31, 2022

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of
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“The City of Napa’s Sidewalks - Watch Your Step”

SUMMARY

The 2021-2022 Napa County Civil Grand Jury performed a Compliance and Implementation Review of the City of Napa’s responses to a Report issued by the 2019-2020 Napa County Civil Grand Jury, “The City of Napa’s Sidewalks – Watch Your Step.” The earlier Report assessed compliance with the California Penal Code to ensure that the recommendations agreed upon for implementation by the City of Napa were being met and that Napa residents, particularly those affected by the need for sidewalk repair, were duly informed.¹

The complete text of the 2019-20 Report appears on the following website:

<https://www.napa.courts.ca.gov/general-information/grand-jury/grand-jury-reports-responses>

The website also provides links to the City of Napa’s responses to the Report’s findings and recommendations.

In addition, the City of Napa Public Works Department website on Sidewalks, Curbs, and Gutters provides information about how Napa manages sidewalk repair:

<https://www.cityofnapa.org/365/Sidewalks-Curbs-Gutters>

The Grand Jury’s review of the City of Napa’s responses could not find publicly available information to confirm compliance with all its responses or how residents might learn of sidewalk repair priorities and progress. The current investigation was opened to explore this concern.

BACKGROUND

On June 24, 2020, the City of Napa responded to the 2019-2020 Grand Jury report, “The City of Napa’s Sidewalks—Watch Your Step.” The City agreed to implement six of the report’s eight recommendations by December 31, 2020 (see Appendix for the full text of findings, recommendations and responses). The current 2021-2022 Grand Jury made a follow-up request in October of 2021 to determine whether implementation had occurred and whether the public had been informed about the changes made. It did so because an examination of the City’s website was not helpful. Napa’s City Manager responded to the Grand Jury’s request but did not provide the Grand Jury with information on some implementation items. The Grand Jury followed up by contacting the Public Works Department, the department responsible for managing sidewalk

¹ Responses to all Grand Jury reports are required pursuant to California Penal Code sections 933 and 933.05.

repairs. The Grand Jury asked for documentation about the action taken to address the Report's concerns. The Public Works Department answered the Grand Jury's questions about the City's program for sidewalk repair, but issues remained.

An investigation followed to understand: 1) how the City approaches sidewalk repair, given that more sidewalks need repair than the current annual budget can fund; and 2) whether the City is sufficiently transparent so that residents can learn how sidewalk repairs are addressed.

METHODOLOGY

In conducting this follow-up investigation, the Grand Jury conducted interviews and corresponded with the Public Works Department. It also conducted research focused on the following:

- The Sidewalk Repair Policy/Procedure, which listed all concrete repairs completed in 2020-2021; a description and map of the Napa Neighborhood Streets and Sidewalk program; and Prioritization Maps for Napa schools and Travel Paths.²
- The City of Napa's 2021 fiscal year settlements for claims relating to 'trip-and-fall' accidents on City sidewalks.
- City website pages focused on the Public Works Department's sidewalk maintenance and repair effort.
- Approaches taken by nearby cities and counties to sidewalk repair (e.g., Sacramento, Fairfield, Sonoma, San Rafael, Vallejo, and Santa Rosa) to provide comparisons to Napa's approach.

DISCUSSION

The 2019-2020 Grand Jury published a thorough report on Napa's sidewalk repair issues, "The City of Napa's Sidewalks—Watch Your Step." The Report made eight recommendations, six of which the City agreed to implement by December 31, 2020 (see Appendix). The current Grand Jury found that since that report, several positive actions have occurred which should address the City's sidewalk repair needs in both short- and long-term:

- Annual budget allocations for sidewalk repair have increased between 2019 to 2021 from approximately \$1.5M to \$2.5M.
- The Public Works Department amended its sidewalk repair policies/procedures in response to the 2019-2020 Grand Jury report; this information was not, however, available to the public.
- The City of Napa has increased the percentage of repair costs for which it reimburses residents who participate in the Sidewalk Cost Share Program from 50% to 60% as a result of the 2019-2020 Grand Jury report.
- The Public Works Department has also added a feature on its website so that citizens can report specific sidewalks in need of repair, but it is not easily accessible.

² Travel Paths exist throughout the County of Napa to support non-automotive transportation.

The City of Napa has many sidewalks in need of repair, but only a limited budget for such work, which is insufficient for repairing all damaged sidewalks in a single year.³ As a result of the Napa Neighborhood Streets and Sidewalk Program and its systematic prioritization of sidewalks to be repaired, the Public Works Department has on their website a map of Napa neighborhoods with sidewalks to be addressed for repair by year spanning the period 2009 to 2026. In lieu of a permanent replacement of a sidewalk, the City of Napa offers two types of temporary repairs to be done by the Public Works Department: 1) sidewalk shaving, if the displaced concrete is less than 2 inches high, or 2) an asphalt patch to make the sidewalk displacement smoother, rather than an abrupt rise.

The City of Napa also offers a Cost Share Program to encourage residents to hire their own contractors to replace sidewalks adjacent to their properties. If accepted, it will reimburse the property owner up to 60% of approved costs of the repair. On average, applications for the Cost Share Program receive a response within seven days from receipt and the resident receives reimbursement within 20-30 days after completion of the work by a property owner's contractor. When compared to several nearby cities (e.g., Sacramento, Fairfield, Santa Rosa, San Rafael, Sonoma, and Vallejo), the City of Napa's Sidewalk Cost Share Program offers generous reimbursement for residents' sidewalk repair work. The cities noted offer either no reimbursement, or a much smaller contribution to residents for costs incurred in repairing or replacing sidewalks adjacent to their property.

To summarize, the City of Napa has shown exceptional commitment to repairing heavily damaged sidewalks with three programs noted above. Its current website is outdated and only somewhat informative; it does not describe the management of full-time repair crews and contractors or describe the City's commitment to residents and what they can expect when they inquire about sidewalk repair. Residents could benefit from more information and links to frequently asked questions (FAQ's), a popular technique on consumer-oriented websites.

The Grand Jury found that much information already exists about Napa's sidewalk repair policy and procedures, but only on internal documents. Information such as the following is not readily available to the public:

- Annual budget for each repair program;
- How and why damaged sidewalks are prioritized, using specific criteria which is then calculated;
- How and why the Napa Neighborhood Streets and Sidewalks Program is significantly more efficient than would be a single priority repair program;
- How residents can use the cost sharing program to accelerate repairs and how quickly they should anticipate their applications to be approved and repair reimbursed; and
- When and why the City uses sidewalk 'shaving' and asphalt patching, rather than sidewalk replacement, to address sidewalks of lower priority.

³ Napa's sidewalk repair funds originate from grants, funding from Senate Bill 1, The Road Repair and Accountability Act of 2017, the gasoline tax, and the general fund.

FINDINGS

- F1. The City of Napa has developed a systematic and criteria-based approach to prioritizing sidewalk repairs.
- F2. The City of Napa strives for efficiency, due to its limited number of repair crew personnel (22 full time repair crew personnel), in order to maximize sidewalk repairs throughout the year.
- F3. The City of Napa has identified the following five important sidewalk conditions, each assigned a numerical score (1-5), to determine repair prioritization:
 - A. Pedestrian travel areas
 - B. Years until the sidewalk falls onto the schedule of repair under the Napa Neighborhood Streets and Sidewalk Program
 - C. Tree issues around the sidewalk
 - D. Proximity to schools
 - E. Size of concrete displacement
- F4. The Public Works Department goal for sidewalk repair is to group by proximity/location the highest-ranked priority projects, in order to develop a list of the maximum number of high priority repairs that can be completed as a single project. The goal is to complete repairs ranging from a minimum of 9 to a maximum of 15 locations to minimize movement of repair crews and maximize efficiency.
- F5. The Public Works Department views efficiency in sidewalk repairs as a major factor in the timely repair of all damaged sidewalks. The Public Works Department has evidence and experience that the sidewalk repair rates of the Napa Neighborhood Program are four to five times greater than completing individual priority locations.
- F6. City residents do not have easy access to sidewalk repair information due to the Public Works Department’s outdated sidewalks website. An updated website could help to inform the public about the City of Napa’s strong financial and operational commitment to sidewalk repair given budgetary constraints.

RECOMMENDATIONS

- R1. The City of Napa should describe the rationale and advantages of the Napa Neighborhood Streets and Sidewalk Program on the Public Works Department website.
- R2. The City of Napa should use its Public Works Department website to explain the prioritization of sidewalk repair, including shaving and asphalt patching under the Napa Neighborhood Streets and Sidewalks Program.
- R3. The City of Napa should use the Public Works Department website to explain how crew efficiency assists in getting more sidewalk repairs completed each year.

- R4. The City of Napa should use the Public Works Department website to emphasize the Cost Sharing program and the benefits it provides to residents whose sidewalks are not scheduled for near-term repairs.
- R5. The City of Napa should update the Public Works Department website to reflect its strong financial and operational commitment to sidewalk repair year over year and to describe any plans for the future.

REQUIRED RESPONSES

The 2021-2022 Napa County Civil Grand Jury requests the following responses pursuant to Penal Code sections 933 and 933.05:

The Napa City Council (F1-F6 and R1-R5)

The Mayor of the City of Napa (F1-F6 and R1-R5)

INVITED RESPONSES

- The Napa City Manager (F1-F6 and R1-R5)
- The City of Napa Director of the Public Works Department (F1-F6 and R1-R5)

APPENDIX

The 2019-2020 Grand Jury made the following *Recommendations*:

R1. The Jury recommends that Public Works Department publish definitions of the terms “priority,” “location,” and “one-off” whenever those terms are used in documents or information made available to the public, to be completed by December 31, 2020.

R2. The Jury recommends that the Public Works Department adhere to their published definitions of terms such as “priority,” “location,” and “one-off” in their recordkeeping efforts so that Public Works Department’s reporting on the number of sidewalk repairs is consistent and clear, to be completed by December 31, 2020.

R3. The Jury recommends that the Public Works Department adopt a written policy governing the selection of individual “one-off” or “priority” repair projects, to be completed by December 31, 2020.

R4. The Jury recommends that the Public Works Department adopt a written policy governing the timing of work on “one-off” or “priority” projects, to be completed by December 31, 2020.

R5. The Jury recommends that the Public Works Department develop a 5-year plan for repairing all sidewalks with a vertical displacement of four inches or more, to be completed by December 31, 2020.

R6. The Jury recommends that Public Works Department annually publish on the City of Napa’s website a street address list of priority projects completed each year, to be completed by December 31, 2020.

R7. The Jury recommends that the Public Works Department update its portion of the City of Napa’s website to better inform citizens. At a minimum, the update should include the most current schedule or map for sidewalk repairs as well as a link to facilitate citizen reporting of sidewalk issues, to be completed by December 31, 2020.

R8. The Jury recommends that the Public Works Department develop a schedule and methodology for assessing the success of the conversion to the Workorder Asset Management system and their ability to use it effectively, to be completed by December 31, 2020.

The Napa City Council responded to each of the above *Recommendations* committing to the following implementation schedule contained in a June 2020 communication from the Napa City Manager Steve Potter:

	Implementation Date
R1	12/31/2020
R2	12/31/2020
R3	12/31/2020
R6	12/31/2020
R7	12/31/2020
R8	12/31/2020

On review, the 2021-2022 Napa County Grand Jury found that none of these commitments appeared to have been met. Accordingly, on October 14, 2021, the Grand Jury’s Foreperson sent a letter to Napa City Manager requesting a brief description of how and when the recommendations were completed, further noting that until such information was received the Grand Jury’s website would reflect responses that are past due or non-compliant.