

BOARD of SUPERVISORS



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October 28, 2022

The Honorable Susan M. Breall
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Subject: 2021-2022 Civil Grand Jury Report, "Safe and Accessible Parks for All."
(Board File No. 220723)

Dear Judge Breall:

The following is a response to the 2021-2022 Civil Grand Jury Report, "Safe and Accessible Parks for All."

The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 15, 2022, to discuss the findings and recommendations of the Civil Grand Jury and the departments' responses to the report.

The following City departments submitted a response to the Civil Grand Jury (copies enclosed):

Required response:

- Board of Supervisors, dated September 20, 2022, submitted a response for Finding Nos. F1, F2, and F3 and Recommendations Nos. R1.1, R1.2, R1.3, R2, R3.1, and R3.2.


Invited response:

- Recreation and Parks Department, dated August 24, 2022, submitted a response for Finding Nos. F1, F2, and F3 and Recommendations Nos. R1.1, R1.2, R1.3, R2, R3.1, and R3.2.

The Report was heard in Committee and a Resolution was prepared for the Board of Supervisors' approval that formally accepted or rejected the findings and recommendations requiring the Board of Supervisors response (copy of Resolution No. 394-22 enclosed).

If you have any questions, please contact me at (415) 554-5184.

Sincerely,


Angela Calvillo
Clerk of the Board

sc:edm:ams

cc:

Members, Board of Supervisors
Tom Paulino, Office of the Mayor
Alisa Somera, Legislative Deputy
Anne Pearson, Office of the City Attorney
Phil Ginsburg, General Manager, Recreation and Parks Department
Sarah Madland, Recreation and Parks Department
Ashley Summers, Recreation and Parks Department
Harvey Rose, Budget Analyst, Budget and Legislative Analyst's Office
Severin Campbell, Budget and Legislative Analyst's Office
Nicholas Menard, Budget and Legislative Analyst's Office
Dan Goncher, Budget and Legislative Analyst's Office

Ben Rosenfield, City Controller, Office of the Controller
Todd Rydstrom, Office of the Controller
Michelle Allersma, Office of the Controller
Carol Lu, Office of the Controller
Natasha Mihal, Office of the Controller
Janice Levy, Office of the Controller
Mark dela Rosa, Office of the Controller
Ted Egan, Office of the Controller
Michael B. Hofman, Foreperson, 2021-2022 Civil Grand Jury
Will McCaa, 2021-2022 Civil Grand Jury

1 [Board Response - Civil Grand Jury Report – Safe and Accessible Parks for All]

2
3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled**
5 **“Safe and Accessible Parks for All;” and urging the Mayor to cause the implementation**
6 **of accepted findings and recommendations through her department heads and through**
7 **the development of the annual budget.**

8
9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
19 Supervisors must conduct a public hearing by a committee to consider a final report of the
20 findings and recommendations submitted, and notify the current foreperson and immediate
21 past foreperson of the civil grand jury when such hearing is scheduled; and

22 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
23 the Controller must report to the Board of Supervisors on the implementation of
24
25

1 recommendations that pertain to fiscal matters that were considered at a public hearing held
2 by a Board of Supervisors Committee; and

3 WHEREAS, The 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible
4 Parks For All" ("Report") is on file with the Clerk of the Board of Supervisors in File No.
5 220722, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

6 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
7 to Finding Nos. F1, F2, and F3, as well as Recommendation Nos. R1.1, R1.2, R1.3, R2, R3.1,
8 and R3.2 contained in the subject Report; and

9 WHEREAS, Finding No. F1 states: "Published Hardscape feature scores for the City's
10 parks fail to reflect the true surface conditions of pathways for pedestrian and wheelchair
11 traffic, thus providing misguided information to the RPD for setting maintenance priorities, and
12 to the public about a park's accessibility;" and

13 WHEREAS, Finding No. F2 states: "The RPD doesn't integrate the park scores into
14 each park's description;" and

15 WHEREAS, Finding No. F3 states: "The RPD fails to provide park accessibility
16 information on RPD's website and at all park entrances;" and

17 WHEREAS, Recommendation No. R1.1 states: The Jury recommends the Controller's
18 Office create a Pathway Condition feature from existing park scoring systems that specifically
19 assesses pathway surface conditions by December 31, 2022;" and

20 WHEREAS, Recommendation No. R1.2 states: "The Jury recommends the RPD set a
21 baseline for the Pathway Condition scores defined in R1.1 by March 31, 2023;" and

22 WHEREAS, Recommendation No. R1.3 states: "If a park's Pathway Condition score
23 falls below the baseline defined in R1.2, the Jury recommends the RPD improve that park's
24 pathway to raise this score to be above the baseline within a reasonable time;" and
25

1 WHEREAS, Recommendation No. R2 states: "The Jury recommends the RPD
2 incorporate the most recent park feature scores under each park's description on the RPD's
3 website by December 31, 2022;" and

4 WHEREAS, Recommendation No. R3.1 states: "The Jury recommends the RPD
5 include accessibility information on the RPD's website by July 1, 2023;" and

6 WHEREAS, Recommendation No. R3.2 states: "The Jury recommends the RPD post
7 accessibility information at all park entrances by July 1, 2024;" and

8 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
9 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
10 Court on Finding Nos. F1, F2, and F3, as well as Recommendation Nos. R1.1, R1.2, R1.3,
11 R2, R3.1, and R3.2 contained in the subject Report; now, therefore, be it

12 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
13 Superior Court that they agree with Finding No. F1; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
15 of the Superior Court that they agree with Finding No. F2; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
17 of the Superior Court that they agree with Finding No. F3; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
19 No. R1.1 will not be implemented by the Board of Supervisors because the Board does not
20 have jurisdiction over administration of the Controller's Office dashboards; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
22 No. R1.2 will not be implemented by the Board of Supervisors because the Board does not
23 have jurisdiction over administration of the Recreation and Park Department; the Board of
24 Supervisors urges the Recreation and Park Department to set a baseline for the Pathway
25 Condition scores as defined in R1.1 by March 31, 2023; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
2 No. R1.3 will not be implemented by the Board of Supervisors because the Board does not
3 have jurisdiction over administration of the Recreation and Park Department; the Board of
4 Supervisors urges the Recreation and Park Department to improve a park's pathway if its
5 Pathway Condition score falls below a baseline as defined in R1.2, within a reasonable
6 amount of time; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
8 No. R2 will not be implemented by the Board of Supervisors because the Board does not
9 have jurisdiction over the administration of the Recreation and Park Department's website;
10 and, be it

11 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
12 No. R3.1 will not be implemented by the Board of Supervisors because the Board does not
13 have jurisdiction over the administration of the Recreation and Park Department's website;
14 and, be it

15 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
16 No. R3.2 will not be implemented by the Board of Supervisors because the Board does not
17 have jurisdiction over the administration of the Recreation and Park Department and posting
18 of information at City parks; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
20 implementation of the accepted findings and recommendations through her department heads
21 and through the development of the annual budget.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220723

Date Passed: September 20, 2022

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

September 15, 2022 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

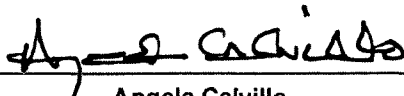
September 15, 2022 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

September 20, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220723

I hereby certify that the foregoing
Resolution was ADOPTED on 9/20/2022 by
the Board of Supervisors of the City and
County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor

9/29/22
Date Approved



City and County of San Francisco

Certified Copy

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

220723 [Board Response - Civil Grand Jury Report - Safe and Accessible Parks for All]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

9/20/2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

9/29/2022 Mayor - APPROVED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO


CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

November 01, 2022

Date



Angela Calvillo
Clerk of the Board

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	F#	Finding	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/ Disagree)	Finding Response Text
Safe and Accessible Parks for All [June 24, 2022]	F1	Published Hardscape feature scores for the City's parks fail to reflect the true surface conditions of pathways for pedestrian and wheelchair traffic, thus providing misguided information to the RPD for setting maintenance priorities, and to the public about a park's accessibility.	Director, Recreation and Parks Department [August 23, 2022]	Disagree wholly	The Park Evaluation Program is based on appearance standards – not maintenance or accessibility standards. Trying to derive accessibility information from this database misunderstands the system. To be an ADA accessible pathway, the pathway must meet specific dimensional requirements such as width, slope, cross-slope, and specific limits to changes in level, in addition to providing a pathway surface that is firm, stable, and slip-resistant. None of these attributes is evaluated or contained in the Park Evaluation Program. Additionally, the Park Evaluation Program does not set maintenance priorities. The Department derives maintenance and renewal priorities from our VFA.Facility asset management database. The VFA.Facility database documents the physical condition and useable life cycle of the Department's built infrastructure based on condition assessments performed by a team of engineers, architects, and other technical staff. It calculates and assigns each infrastructure component a Facility Condition Index (FCI) that updates annually to show remaining life cycle and forecasts the capital renewal schedule. The Department's deferred maintenance decisions and priorities are determined from this data. However, VFA.Facility only documents and forecasts renewal of infrastructure for 'replacement-in-kind.' It does not measure, calculate, or determine enhancement, accessibility, or changes for existing infrastructure.
Safe and Accessible Parks for All [June 24, 2022]	F2	The RPD doesn't integrate the park scores into each park's description.	Director, Recreation and Parks Department [August 23, 2022]	Disagree wholly	Park Evaluation scores are available quarterly; however, attempting to update park feature scores for all parks on a quarterly basis is overly time-consuming and costly. The Controller's Office releases composite Park Evaluation scores and park feature scores annually in their Annual Report. Once released, that annual composite information is available on the Department's website.

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

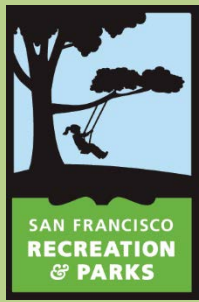
Report Title [Publication Date]	F#	Finding	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/ Disagree)	Finding Response Text
Safe and Accessible Parks for All [June 24, 2022]	F3	The RPD fails to provide park accessibility information on RPD's website and at all park entrances.	Director, Recreation and Parks Department [August 23, 2022]	Agree	The Department could provide park accessibility information in the future on the Department website, once a method for determining pathway accessibility is identified, funded, and implemented. Such accessibility information cannot be determined from the Park Evaluation Program, as that system is based on appearance standards only. The Department's website currently provides a searchable database of all park sites by feature, including accessible sites, accessible children's play areas, accessible parking, accessible picnic areas, and accessible restrooms. This page can be found at https://sfrecpark.org/facilities Additionally, the Department's website has a dedicated page for Accessibility Questions providing information on access to parks, facilities and programs. This page can be found at https://sfrecpark.org/1246/Accessibility-Questions

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	R# [for F#]	Recommendation	Respondent Assigned by CGJ [Response Due Date]	Recommendation Response (Implementation)	Recommendation Response Text
Safe and Accessible Parks for All [June 24, 2022]	R1.1 [for F1]	The Jury recommends the Controller's Office create a Pathway Condition feature from existing park scoring systems that specifically assesses pathway surface conditions by December 31, 2022.	Director, Recreation and Parks Department [August 23, 2022]	Will not be implemented because it is not warranted or is not reasonable	The Park Evaluation Program is based solely on appearance standards. A "Pathway Condition" feature that assesses pathway surface conditions for accessibility cannot be extracted or derived from appearance standards. Accessibility determinations require specific tools, metrics, and training which are not part of the Park Evaluation Program. See rationale provided for disagreement with Finding 1 above.
Safe and Accessible Parks for All [June 24, 2022]	R1.2 [for F1]	The Jury recommends the RPD set a baseline for the Pathway Condition scores defined in R1.1 by March 31, 2023.	Director, Recreation and Parks Department [August 23, 2022]	Will not be implemented because it is not warranted or is not reasonable	See rationale for non-implementation of Recommendation 1.1 above. Since a Pathway Condition feature for accessibility cannot be derived from the appearance standards that comprise the Park Evaluation Program, no baseline can be defined via that process.
Safe and Accessible Parks for All [June 24, 2022]	R1.3 [for F1]	If a park's Pathway Condition score falls below the baseline defined in R1.2, the Jury recommends the RPD improve that park's pathway to raise this score to be above the baseline within a reasonable time.	Director, Recreation and Parks Department [August 23, 2022]	Will not be implemented because it is not warranted or is not reasonable	See rationale for non-implementation of Recommendations 1.1 and 1.2 above.
Safe and Accessible Parks for All [June 24, 2022]	R2 [for F2]	The Jury recommends the RPD incorporate the most recent park feature scores under each park's description on the RPD's website by December 31, 2022.	Director, Recreation and Parks Department [August 23, 2022]	Will not be implemented because it is not warranted or is not reasonable	See rationale for disagreement with Finding 2 above.
Safe and Accessible Parks for All [June 24, 2022]	R3.1 [for F3]	The Jury recommends the RPD include accessibility information on the RPD's website by July 1, 2023.	Director, Recreation and Parks Department [August 23, 2022]	Requires further analysis	See rationale for partial agreement with Finding 3 above.

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	R# [for F#]	Recommendation	Respondent Assigned by CGJ [Response Due Date]	Recommendation Response (Implementation)	Recommendation Response Text
Safe and Accessible Parks for All [June 24, 2022]	R3.2 [for F3]	The Jury recommends the RPD post accessibility information at all park entrances by July 1, 2024.	Director, Recreation and Parks Department [August 23, 2022]	Will not be implemented because it is not warranted or is not reasonable	Park accessibility information is currently available, but not in the manner suggested. The Department's website provides a searchable database of all park sites by feature which contains accessibility information. Park users can make an informed decision on which park to visit prior to going, rather than searching for accessibility signage once there. Additional accessibility information could be available on the Department's website in the future per the rationale provided above to support partial agreement with Finding 3.



Government Audit & Oversight Committee

Civil Grand Jury Report – Safe and Accessible Parks for all

September 15, 2022

Safe & Accessible Parks for All

The San Francisco Recreation and Parks Department (RPD) welcomes people of all abilities to enjoy our parks and facilities, and to participate in programs, classes and special events we offer. Most of our facilities are accessible to people in wheelchairs and other mobility impairments.

Over the past 10 years, RPD has invested more than **\$19 million** focused on improvements to trails, accessible pathways to parks and playground, and repaving projects at some of the City's most iconic places.



RPD Response to Civil Grand Jury Report

2021 – 2022 Civil Grand Jury Report *Safe and Accessible Parks for All* publicly released the attached report with findings and recommendations. Below are **RPD's response**.

FINDINGS

1. Published Hardscape feature scores for the City's parks fail to reflect the true surface conditions of pathways for pedestrian and wheelchair traffic, thus providing misguided information to the RPD for setting maintenance priorities, and to the public about a park's accessibility. **Disagree.**
2. The RPD doesn't integrate the park scores into each park's description. **Disagree.**
3. The RPD fails to provide park accessibility information on RPD's website and at all park entrances **Partially agree.**

RECOMMENDATIONS

- 1.1. The Jury recommends the Controller's Office create a Pathway Condition feature from existing park scoring systems that specifically assesses pathway surface conditions by December 31, 2022.
- 1.2 The Jury recommends that the RPD set a baseline for the Pathway Condition scores defined in R1.1 by March 31, 2023.
- 1.3. If a park's Pathway Condition score falls below the baseline defined in R1.2, the Jury recommends the RPD improve that park's pathway to raise this score to be above the baseline within a reasonable time.
2. The Jury recommends the RPD incorporate the most recent park feature scores under each park's description on the RPD's website by December 31, 2022.
- 3.1. The Jury recommends the RPD include accessibility information on the RPD's website by July 1, 2023.

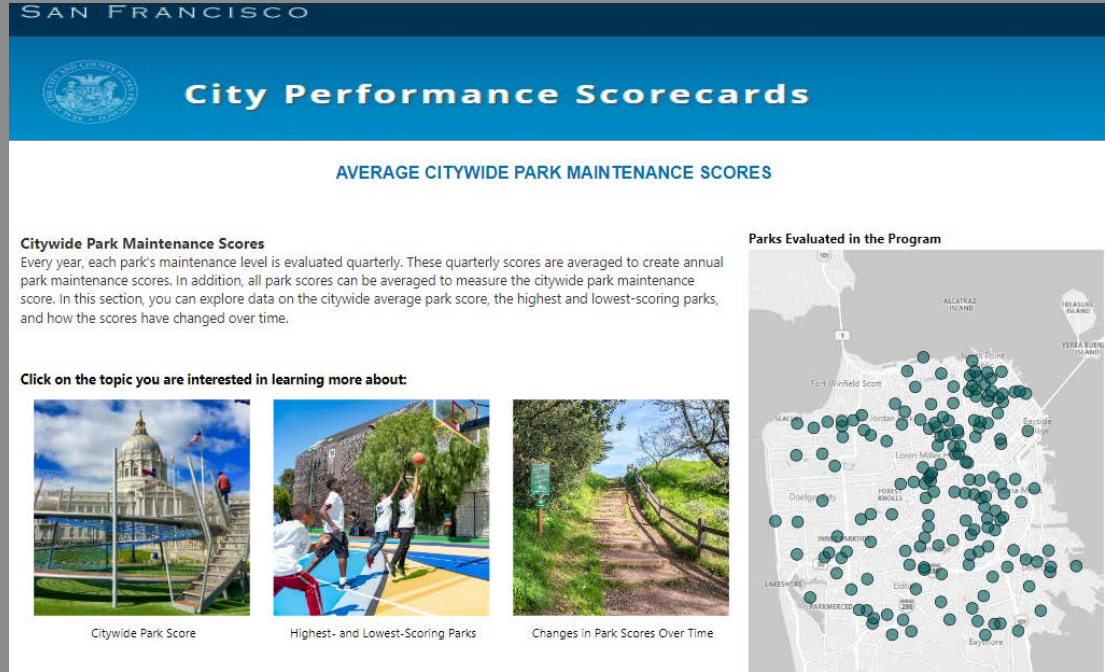
Will not be implemented because it is not warranted or is not reasonable.

- 3.2. The Jury recommends the RPD post accessibility information at all park entrances by July 1, 2024. **Requires further analysis to determine, fund, and implement.**

RPD Park Scores

In 2003, San Francisco voted to amend the charter to name the Controller's Office as the City Services Auditor (CSA). The charter requires that the CSA in cooperation with RPD to establish objective and measurable park maintenance standards.

- **Parks are evaluated using standards for 12 categories of park features**, including lawns, children's play areas, and restrooms, and include questions about park maintenance and appearance.
- These standards measure the City's ability to provide **parks that are clean and safe.**
- **The standards do not evaluate the design of facilities, demand for amenities, or establish maintenance priorities.**
- **These evaluations are not substitutes for the professional assessment of structural integrity.**
- The evaluations produce scores for every City park. These scores are summarized which shows citywide trends, the highest and lowest scoring parks, and changes in individual park scores over time.



RPD Progress & Future

RPD welcomes people of all abilities to enjoy our parks and facilities and to participate in programs, classes, and special events we offer. We have implemented improvements based on feedback from the disability community and the public and continue to be open to additional feedback.

Continued Signage: RPD will continue to improve signage and wayfinding throughout City parks by increasing wayfinding signage to accessible park entrances and providing information on paths to help park users plan their visits.

Disability Access Team: RPD is in the process of adding a new member to the Disability Access team. We currently have 2 ADA Disability Access Coordinators; one focused on physical access and another focused on programmatic access. This new team member will work directly with the disability community to ensure overall ADA compliance with physical, architectural, and code expertise.



Thank You.