



THE CITY OF SAN DIEGO

November 13, 2023

Honorable Judge Michael T. Smyth
Presiding Judge
San Diego Superior Court
1100 Union Street, 10th Floor
San Diego, CA 92101

Re: Grand Jury Report: "When Will My Street Be Paved? City of San Diego's Street Paving Challenges"

Honorable Judge Smyth,

Pursuant to California Penal Code Section 933.05(c), the City of San Diego provides the attached response from the City Council and Mayor to the applicable findings and recommendations included in the above referenced Grand Jury Report.

If you require additional information, or have any questions, please contact Luz Anaya Luna, Director of Legislative Affairs, at lanayaluna@sandiego.gov.

Sincerely,

A stylized, handwritten signature in black ink, appearing to be "S".

Council President Sean Elo-Rivera

A handwritten signature in black ink, appearing to be "Todd Gloria".

Mayor Todd Gloria

Enclosure:

1. City of San Diego Response to San Diego County Grand Jury Report Titled "When Will My Street Be Paved? City of San Diego's Street Paving Challenges"
2. City Council Resolution R-315170

**City of San Diego Response to
San Diego County Grand Jury Report Titled
“When Will My Street Be Paved?”
City of San Diego’s Street Paving Challenges”**

Pursuant to California Penal Code section 933(c), the City of San Diego Mayor and City Council provide the following responses to the findings and recommendations which are included in the above referenced Grand Jury Report.

FINDINGS 01 THROUGH 03

Finding 01: Since the 2015–2016 OCI survey, City street maintenance needs were not fully funded each year, which caused further deterioration of the City’s streets.

Response: The Mayor and City Council agree with the Grand Jury’s finding.

The City notes that funding needs are communicated annually including via the City’s budget process, and multi-year needs are included within the annual Five-Year Capital Infrastructure Planning Outlook. Additionally, during the pandemic costs for paving activities have increased significantly. Costs for slurry seal work have increased from \$130,000 per mile in FY 2021 to \$190,000 per mile in FY 2023, while total project costs for overlay projects have increased from \$1.0 million per mile in FY 2021 to \$1.7 million per mile in FY 2023.

Finding 02: OCI scores have decreased since the previous (2015) street network assessment.

Response: The Mayor and City Council agree with the Grand Jury’s finding.

The City is finalizing an updated pavement condition assessment, which should be complete by the end of the calendar year. It is anticipated that OCI scores will show a decrease from the previous assessment because funded repairs have not kept pace with deterioration.

Finding 03: The data available on the “Streets Repair Projects” Excel spreadsheet is not inclusive of all streets in the City’s network which results in the inability, in certain instances, for San Diegans to conclusively determine “When Will My Street Be Paved?”

Response: The Mayor and City Council partially disagree with the Grand Jury’s finding.

The “Streets Repair Projects” Excel spreadsheet only includes information on street projects that have either been planned or completed, but it does not include information on City street segments with no planned projects. For street segments with no planned project, a citizen will not be able to determine when his or her street is anticipated to be addressed, as that information does not exist.

[Streets.sandiego.gov](https://streets.sandiego.gov) is the City’s central repository for street resurfacing information and displays all street segments citywide that have been repaired since July 1, 2013, are currently under repair, or are currently scheduled for repair. It includes the same street project information found in the “Streets Repair Projects” Excel spreadsheet. Only streets funded for construction show a timeline in which the street is anticipated

to be resurfaced. [Streets.sandiego.gov](https://streets.sandiego.gov) is an interactive tool that also displays the most recent Overall Condition Index score for all non-private streets.

Additionally, the Transportation Department is in the process of developing a rolling five-year pavement management plan to identify the streets the City intends to resurface, contingent on receiving adequate and consistent funding. Additional projects included in the five-year plan will be added to the streets.sandiego.gov interactive tool.

RECOMMENDATIONS 23-105 THROUGH 23-111

Recommendation 23-105: Encourage passing a Council Appropriation Ordinance, signed by the Mayor, as part of the yearly budget approval process, that commits a General Fund appropriation in an amount equal to, or greater than, the funds received each year under RRAA. These funds to be transferred to the infrastructure fund to be solely used for street maintenance and repair of the worst streets in San Diego based on their respective 2023-2024 OCI score. The Ordinance would remain in effect, a minimum of four years, or until the average OCI reaches a minimum of 70.

Response: The recommendation requires further analysis.

Street maintenance and repair is a crucial part of the City of San Diego's Transportation Department's work, and the City will continue to dedicate resources to these services, including General Fund resources as part of the annual budget process. The recommendation is unclear and cannot legally be implemented to the extent that implementation would require this Council to pass an ordinance requiring future councils to expend funds in a specific way each year for an undefined length of time. Currently, the City balances multiple funding needs across a wide range of programs as part of its annual budget process, and tying specific amounts of future General Fund dollars to one program limits the ability of the City's decisionmakers to respond to fluctuating revenues and future funding needs.

The City is, however, working to refine the understanding of annual street funding needs. The Transportation Department is currently assessing the condition of the City's street network and anticipates publishing this study along with a comprehensive pavement management plan by the end of this fiscal year (June 2024), if not sooner. The new condition information will aid the Department in determining the appropriate level of funding needed to meet any particular average pavement condition citywide. With this information, the total funding needs will be well understood, and a range of options could be pursued to secure necessary funds to ensure the road network can be maintained. In addition to RMRA funding, options may include, but need not be limited to, tax measures or grants.

While the recommendation as written cannot be implemented, the City Council will consider a future action to encourage the allocation of funding yearly for street paving activities, as long as the action allows for a majority of the Council to waive the requirements. Allocating funds for street maintenance activities will need to be evaluated along with the City's other critical funding needs (including requests for public safety, environmental health, economic opportunities, and critical neighborhood services and infrastructure) during the appropriate budget

deliberations. Further analysis is required on the most appropriate legal vehicle for Council consideration.

Recommendation 23-106: Encourage passing a Council Appropriation Ordinance, signed by the Mayor, appropriating sufficient funds to conduct an updated Pavement Condition Assessment beginning in FY 2027, and every four years thereafter.

Response: The recommendation requires further analysis.

The recommendation is unclear and cannot legally be implemented to the extent that implementation would require this Council to pass an ordinance requiring future councils to expend funds in a specific way every four years. However, the City Council will consider adopting an ordinance, or a Council Policy that encourages the performance of a street condition assessment every four years subject to budgetary appropriation, as long as such an ordinance or Council Policy allows for a majority of the Council to waive the requirements. Allocating funds for street condition assessments will need to be evaluated along with the City's other critical funding needs (including requests for public safety, environmental health, economic opportunities, and critical neighborhood services and infrastructure) during the appropriate budget deliberations. Although the City agrees this request is a valuable one, codifying this budgetary request as a requirement without a waiver provision limits the ability of the City's current and future decisionmakers to appropriately respond to future funding needs. Additionally, an appropriation ordinance that appropriates funds for pavement condition assessments beginning in fiscal year 2027 and every four years thereafter, without a provision allowing for a waiver, is inconsistent with the City's process of annually budgeting its expenditures under San Diego Charter section 69 and may violate the debt limitation provisions under California Constitution Article XVI, Section 18. Further analysis is required on the most appropriate legal vehicle for Council consideration.

Recommendation 23-107: Task the Transportation Department to ensuring all streets in the City of San Diego are featured on the website tools and have up-to-date paving information.

Response: The recommendation has been implemented.

As mentioned in the response to Finding 03, streets.sandiego.gov is the City's central repository for current street resurfacing information and displays all street segments citywide, including up-to-date information for street projects that are funded for construction. The Transportation Department is working to make streets.sandiego.gov more user friendly and to ensure all data is easily accessible. It is anticipated this will be completed by the end of the fiscal year (June 2024), if not sooner.

Recommendation 23-108: Task the Transportation Department with developing a comprehensive rolling five-year plan, which includes a projected maintenance schedule for all streets in the San Diego street network.

Response: The recommendation has not been implemented but will be implemented in the future.

The Transportation Department is in the process of developing a rolling five-year pavement plan to identify the streets the City intends to resurface, contingent on receiving adequate and consistent funding. The Department will be posting this plan on the City's website. Displaying maintenance schedules any further out than five years would be inaccurate due to unforeseen conflicts with other future projects in the right-of-way and funding uncertainty on an annual basis. The plan will be updated on an annual basis to account for these unknowns. It is anticipated this will be completed by the end of the fiscal year (June 2024), if not sooner.

Recommendation 23-109: Task the Transportation Department with reviewing the information that is currently available only through the Excel spreadsheet (sd_paving_dataset_v1) and ensuring its accessibility directly from the City's webpage: streets.sandiego.gov, "Street Repair Projects and Condition Ratings" Interactive Map.

Response: The recommendation has been implemented.

As noted in the response to Finding 03, streets.sandiego.gov is the City's central repository for current street resurfacing information and displays all street segments citywide. As noted on the webpage where the Excel spreadsheet is made available (data.sandiego.gov/datasets/street-repair-projects), the same street project data is displayed on streets.sandiego.gov, and there is also a link on streets.sandiego.gov back to the webpage containing the Excel spreadsheet.

Recommendation 23-110: Task the Street Division with ensuring the City of San Diego website has an easy to find link to the comprehensive rolling five-year plan for street maintenance, which is updated at least quarterly.

Response: The recommendation has not been implemented but will be implemented in the future.

As mentioned in the response to Recommendation 23-108, the Transportation Department is in the process of developing a rolling five-year pavement management plan to identify the streets the City intends to resurface, contingent on receiving adequate and consistent funding. The Department will be posting this plan on streets.sandiego.gov. It is anticipated this will be completed by the end of the fiscal year (June 2024), if not sooner. Updates are anticipated to occur at least annually. Quarterly updates would likely not show meaningful changes.

Recommendation 23-111: Consider doing a cost-benefit study to bring the infrastructure for street repair and maintenance in-house much like trash collection and other services provided by City staff.

Response: The recommendation has not been implemented but will be implemented in the future.

The Transportation Department estimates completing a cost-benefit study by the end of the fiscal year (June 2024), if not sooner, and will include this assessment as part of the pavement management strategy.

RESOLUTION NUMBER R- 315170
DATE OF FINAL PASSAGE OCT 17 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE CITY COUNCIL'S RESPONSE
TO THE 2022/2023 SAN DIEGO COUNTY GRAND JURY
REPORT TITLED "WHEN WILL MY STREET BE PAVED?
CITY OF SAN DIEGO'S STREET PAVING CHALLENGES."

WHEREAS, on June 8, 2023, the 2022/2023 San Diego County Grand Jury (Grand Jury) issued a report titled "When Will My Street Be Paved? City of San Diego's Street Paving Challenges" (Report) that focused on the City's street repaving efforts, the growing funding gap between available resources and anticipated maintenance needs as well as perceived shortfalls in the City's website that contains street repaving data; and

WHEREAS, the Report made three findings and seven recommendations, all of which were directed to the Mayor and City Council (Council); and

WHEREAS, the Report requires response by the Mayor and Council, in accordance with California law; and

WHEREAS, under California Penal Code section 933(c), within 90 days after the filing of a Grand Jury report, each public agency, which the Grand Jury reviewed and about which it issued a report, must respond to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency; and

WHEREAS, in this instance, the Council President's office requested and received an extension for the response to November 21, 2023; and

WHEREAS, the Office of the Independent Budget Analyst (IBA) has proposed a City response to the Report as set forth in IBA Report No. 23-23 REV., dated October 3, 2023, for the Mayor and Council's consideration; and

WHEREAS, the IBA has conferred with the Mayor and his staff, who have approved the components of the proposed response applicable to the Mayor; and

WHEREAS, on September 13, 2023, the Council's Active Transportation & Infrastructure Committee approved the components of the IBA's proposed response applicable to the Council, with modifications, and voted to forward it to the full Council for consideration; and

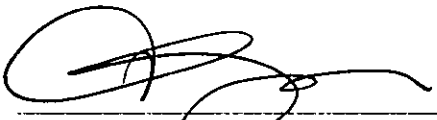
WHEREAS, under San Diego Charter section 280(a)(1), this resolution related to approval of the Council's response to the Report is not subject to veto by the Mayor because this matter is exclusively within the purview of the Council and not affecting the administrative service of the City under the control of the Mayor; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, the Council approves and adopts as its own the response to the 2022/2023 San Diego County Grand Jury report titled "When Will My Street Be Paved? City of San Diego's Street Paving Challenges" as set forth in the components of the proposed response applicable to the Council in IBA Report No. 23-23 REV., dated October 3, 2023 as prepared by the IBA and modified by the Active Transportation & Infrastructure Committee and Council.

BE IT FURTHER RESOLVED, that the Council President is authorized and directed, on behalf of the Council, to sign and deliver the above-described response to the Presiding Judge of the San Diego Superior Court no later than November 21, 2023.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Cassandra E. Meugin
Deputy City Attorney

CEM:cc:jdf:cm
October 4, 2023
October 11, 2023 COR. COPY
October 27, 2023 REV.
Or.Dept:IBA
Doc. No. 3436155_3

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 17 2023 .

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

OCT 17 2023

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 17 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 315170