



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Brad Wagenknecht
Chair

August 20, 2018

The Honorable Elia Ortiz
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

Dear Judge Ortiz:

Responses to the Grand Jury's Final Reports are enclosed. They include responses to the Napa County Climate Action Plan, Emergency Alerts, Farmworker Housing, Juvenile Hall, Napa County Jail, and Williamson Act. The County received final reports individually during the month of June and then received one Consolidated Final Report that staff used to prepare responses. There was a discrepancy regarding responses to recommendations between the individual report entitled "New Napa County Jail Who's Paying for All of This?" received on June 16 and the Consolidated Report. The individual report requested a response to Recommendation No. 3 but the Consolidated Report did not, therefore there is no response to that recommendation.

The Board acknowledges the members of the 2017-2018 Grand Jury for the time they have devoted in preparing their reports.

Sincerely,

A handwritten signature in black ink that reads "Brad Wagenknecht".

Brad Wagenknecht
Chair
Napa County

FILED

AUG 21 2018

Clerk of the Napa Superior Court
By: *A. Ramos*
Deputy

RECEIVED

AUG 21 2018

**Napa Superior Court
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NAPA COUNTY
RESPONSE TO THE GRAND JURY FINAL REPORT ON
THE CLIMATE ACTION PLAN

August 14, 2018

The Grand Jury requested responses from the Board of Supervisors, which are included below.

Finding 1: The Planning Department, the agency responsible for bringing unincorporated Napa County a CAP, has generally been responsive to stakeholder's groups' critiques of and suggestions for the Plan.

Director of Planning, Building, and Environmental Services' Response: The Director of Planning, Building, and Environmental Services (Director) agrees with this Finding. Staff understands the importance of this issue to the community, as well as the range of proposed methodologies and reduction measures available. The multiple public workshops and meetings that the County has held have improved the document and we look forward to continue working with the public on further refinements.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.

Finding 2: Ten years after adoption of Napa County's (updated) General Plan, the County is not in compliance with the General Plan's action item to prepare and adopt a CAP. While specifically the County's jurisdictional area, a CAP covering only the unincorporated areas of the County runs contrary to the comprehensive countywide approach favored by the County entities we interviewed and does not target GHG emissions reductions countywide.

Director of Planning, Building, and Environmental Services' Response: The Director respectfully disagrees with this Finding. The County is in full compliance with the General Plan. Action Item Con CPSP-2 is central to the implementation of climate change within the General Plan. It states:

The County shall conduct a GHG emission inventory analysis of all major emission sources in the County by the end of 2008 in a manner consistent with Assembly Bill 32, and then seek reductions such that emissions are equivalent to year 1990 levels by the year 2020. Development of a reduction plan shall include consideration of a "green building" ordinance and other mechanisms that are shown to be effective at reducing emissions.

The Implementation Section of the General Plan established a 2008 target date for beginning the preparation of the GHG emission inventory analysis and reduction plan (Climate Action Plan).

The 2008 date does not represent an estimate for completion of the task. As explained on Page IP-1, the timing of each implementation item may vary from what the General Plan shows:

The reader should keep some caveats in mind regarding the implementation schedule. One is that many of these actions will require both human and financial resources to implement, thus making them difficult to definitively schedule, given the annual nature of the budgetary process and changing priorities over the years. A second caveat to keep in mind is that it is often difficult to clearly state the duration of tasks; therefore, estimated starting dates are presented for Action Items rather than completion dates. A third caveat is that, in some instances, the selection of Priority Level (A, B, or C) reflects the level of complexity and the level of effort required to implement an Action Item rather than the importance of the action itself.

Nowhere in the General Plan are there policies or direction to prepare a comprehensive countywide approach to GHG reduction, nor is it within the County's authority to require all other jurisdictions to participate in such an effort.

Nevertheless, Measure MS-2 of the Revised Draft CAP addresses this issue, which states:

Work with other local jurisdictions within the County to develop a unified Climate Action Plan.

On Page 3-29, the Revised Draft CAP discusses this measure at greater length, as follows:

Reducing GHG emissions in the entire County will require the efforts of all local jurisdictions in the County. The measures in the CAP are primarily focused on the unincorporated county. Under this measure, the County will coordinate with the incorporated cities in the County to pursue development of a unified, countywide climate action policy framework. This could result in a countywide CAP that applies to both the County and incorporated cities, or similar efforts to encourage incorporated communities to adopt their own CAPs consistent with the County's CAP.

A comprehensive, unified CAP will improve the effectiveness of intraregional GHG reduction efforts, such as providing affordable housing in city centers and offering regional transit or rideshare solutions to wineries, vineyards, and other employment centers throughout the county.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.

Finding 3: There is no effort to coordinate Climate Action Plans between each of the jurisdictional communities within Napa County, which complicates the ability to identify, target, and reduce GHG emissions countywide in compliance with CEQA and BAAQMD regulations.

Director of Planning, Building, and Environmental Services' Response: The Director respectfully disagrees with this Finding. County staff reached out to planning staff at each of the five cities/town in December of 2015 about cooperating on a regional Climate Action Plan (CAP). This was early in the process of developing a new Draft CAP for the County. None of the city/town representatives indicated interest in a joint approach at that time. Therefore, the County moved forward in developing a CAP to meet its responsibilities.

There is no State or General Plan requirement to adopt a multi-jurisdictional approach, nor is one required to comply with either CEQA and/or BAAQMD requirements.

A comprehensive integrated effort among all jurisdictions within Napa County (which would include dozens of special districts, school districts, State and Federal agencies) may be the ideal, but is not the standard among local governments and is highly difficult to attain. According to the 2016 Annual Planning Survey Results published by the Governor's Office of Planning and Research (OPR), only 20 of the 58 California Counties have adopted a CAP. Similarly, only 125 out of 500 cities have adopted CAPs. Calistoga and Yountville have already adopted their own CAPs. The City of Napa's Sustainability Plan is not GHG-qualified, while American Canyon's CAP focuses on energy consumption reduction. St. Helena is in the process of preparing its CAP. On the national scale, 34 of 50 States have adopted CAPs, including California. In addition, 19 of the 197 countries that signed the 2015 Paris Accord have not yet ratified the agreement. The United States has indicated its intent to withdraw. As a result, there is a patchwork of climate action plans among local, state, federal, and international jurisdictions, with many not participating at all. Napa County would be happy to join other local governments in leading on this issue; we will welcome the opportunity for a cooperative integrated effort when there is broader interest in such a regional effort.

Until there is interest in a regional effort, the CAP includes a commitment to support a more comprehensive approach, as reflected in Measure MS-2 of the Revised Draft CAP, which states:

Work with other local jurisdictions within the County to develop a unified Climate Action Plan.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.

Finding 4: The County delayed its timeline for completion of the Plan because of the legal challenges that arose from the court ruling in the Sonoma County CAP lawsuit.

Director of Planning, Building, and Environmental Services' Response: The Director agrees with this Finding. If the ruling had been different, Napa County would have likely completed its CAP in early 2018. However, the issues raised in the court case required that staff make further revisions to the Draft CAP, and that the consultant perform analysis to ensure full consistency with the California Environmental Quality Act (CEQA). These actions are needed to ensure that streamlining project review pursuant to 14 California Code of Regulations 15183.5 can occur at the earliest feasible date following adoption of the CAP.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.

Finding 5: The existing draft CAP does not take into consideration all sources of GHG emissions, most notably winery operations emissions.

Director of Planning, Building, and Environmental Services' Response: The Director respectfully disagrees with this Finding. The Grand Jury report does not specify what sources of GHG emissions the County is excluding from consideration, although the report makes one reference to short-lived pollutants. The Revised Draft CAP (released to the public on July 24, 2018) addresses the issue of short-lived pollutants in several places. There is a lengthy discussion on Page 2-5, where it states that some short-lived pollutants (CH₄ and F-gases) are included in the GHG emission analysis. Black carbon is not included for two reasons: (1) it is primarily a by-product of vehicular emissions, which are the sole jurisdiction of the California Air Resources Board in setting exhaust standards; and (2) the science on black carbon is recent and models to date are still relatively uncertain. Staff expects that as the science and standards for black carbon improve, the County will be more fully able to address this issue with the next CAP update in 2024.

Wineries are included in the analysis of building energy use, on-road vehicles, solid waste, wastewater, land use changes, and other sectors. The Revised Draft CAP does not provide numbers separately for the winery industry, but the calculations are integrated throughout the GHG emission model. Winery wastewater operations were analyzed using guidance from the Environmental Protection Agency and County-specific data. As detailed in Appendix A, Measure MS-1 would reduce emissions from winery wastewater by 5,743 MTCO_{2e} per year.

Similarly, measures regarding building energy efficiency, water conservation, solar power, and transportation management all apply to wineries. There are also specific measures applicable to CAP all propose actions that would address reducing GHG emissions associated with winery operations. All land use categories are included in the general calculations, but the analysis does not separate calculations for residences, agriculture, landfills, mining, construction, industrial, etc. All were included in the overall inventory and analysis, and each land use also has specific measures to demonstrate that we can feasibly meet our GHG reduction goals.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.

Finding 6: Tools exist to measure winery GHG emissions enabling the County to include winery emission reductions in its CAP.

Director of Planning, Building, and Environmental Services' Response: The Director respectfully disagrees with this Finding. There is no dispute that the tools to analyze the GHG emissions of wineries exist. The Revised Draft CAP uses these tools extensively as a part of its overall evaluation of GHG emissions in the unincorporated area. Wineries are included in the analysis of building energy use, on-road vehicles, solid waste, wastewater, land use changes, and other sectors. The Revised Draft CAP does not provide separate numbers for the winery industry, but the calculations are integrated throughout the GHG emission model, as are restaurants, lodging, parks and open space, agriculture, public institutions, utilities, and the nearly 12,000 homes located in the unincorporated area. The reduction of GHG emissions are equally important, regardless of the source. The largest contributing factors are building energy usage, vehicular emissions, and solid waste disposal. Together they account for nearly 75% of all GHG emissions in the unincorporated area, and they are common to all land use activities. If the County is going to effectively and comprehensively address climate change, the analysis must look at all contributing factors and not focus on only one segment of the challenge.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.

Recommendations

Recommendation 1: The Planning Commission and the Planning Department continue its community outreach efforts with more public hearings for a 60-day period starting in January 2019.

Director of Planning, Building, and Environmental Services' Response: This recommendation will not be implemented. Ample and multiple opportunities for continued public input as the Revised Draft CAP moves forward have been incorporated into the schedule. The County released the Revised Draft CAP on July 24, 2018, for a 30-day public review period. The County also distributed a Notice of Preparation (NOP) for the Environmental Impact Report (EIR) on July 24, 2018, for a 30-day public comment review. The County will hold a public Scoping Meeting on the NOP before the Planning Commission on August 15, 2018. The Draft EIR will have a minimum 45-day period for public comment and review. Noticed public hearings will be held by the Planning Commission and Board of Supervisors when considering the Revised Draft CAP. The public's participation and comments are welcome.

Recommendation 2: The CAP should consider including incentives starting in 2019 for carbon sequestration and woodland preservation and/or restoration projects under the guidance of the Planning Department.

Director of Planning, Building, and Environmental Services' Response: This recommendation has not yet been implemented, but will be implemented in the future. Measure LU-1 in the July 2018 Revised Draft CAP states:

Establish targets and enhanced programs for oak woodland and coniferous forest preservation and mandatory replanting.

As explained on Page 3-27 of the Revised Draft CAP, County staff would work with arborists and local conservation organizations to design and implement programs that will protect or enhance the health of existing oak woodlands. These would include determining ecologically sound locations for tree plantings, or expanding the use of conservation easements. The Revised Draft CAP extensively discusses the issue of sequestration in Section 1.8, beginning on Page 19. As indicated on Page ES-3 of the Revised Draft CAP, this measure would reduce GHG emissions by 4,544 MTCO_{2e} by 2030, by avoiding losses of carbon storage and sequestration. This is equal to approximately 1% of total annual GHG emissions in the unincorporated area.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.

Recommendation 3: The Planning Department should consider including a proposal to quantify and mitigate winery operations GHG emissions in the next CAP draft revision expected in January 2019.

Director of Planning, Building, and Environmental Services' Response: This recommendation has been implemented. The Revised Draft CAP already accounts for the GHG emissions of wineries. They are included in the analysis of building energy use, on-road vehicles, solid waste, wastewater, land use changes, and other sectors. Numbers are not provided separately for the winery industry, but they are integrated into the GHG emission model, as are restaurants, lodging, parks and open space, agriculture, public institutions, utilities, and the nearly 12,000 homes located in the unincorporated area. The reduction of GHG emissions are equally important, regardless of the source. The largest contributing factors are building energy usage, vehicular emissions, and solid waste disposal. Together they account for nearly 75% of all GHG emissions in the unincorporated area, and they are common to all land use activities. If we are going to effectively address climate change, the analysis has to look at all contributing factors and not focus on only one segment of the challenge.

Board of Supervisor's Response: The Board of Supervisors agrees with the Director.

Recommendation 4: The County finalize and adopt the Napa County CAP by June 30, 2019, executing under the terms of the current amendment to the professional services agreement.

Board of Supervisor's Response: This recommendation has not yet been implemented, but will be implemented in the future. The current tentative schedule is to bring the Revised Draft CAP to the Planning Commission for recommendation in January of 2019, and the Board of Supervisors for consideration in April of 2019.

Recommendation 5: As follow-up upon completion of the CAP: In February, 2019 the Planning Department take the lead to bring all the County jurisdictions to the table to discuss ways to coordinate all the existing climate change mitigation efforts in the County geographical area. We suggest each jurisdiction furnish the department (as a clearinghouse) with emissions targets and reduction results for inclusion in countywide reporting.

Director of Planning, Building, and Environmental Services' Response: This recommendation has not yet been implemented, but will be implemented by July 2019. Measure MS-2 of the Revised Draft CAP states:

Work with other local jurisdictions within the County to develop a unified Climate Action Plan.

On Page 3-29, the Revised Draft CAP discusses this measure at greater length, as follows:

Reducing GHG emissions in the entire County will require the efforts of all local jurisdictions in the County. The measures in the CAP are primarily focused on the unincorporated county. Under this measure, the County will coordinate with the incorporated cities in the County to pursue development of a unified, countywide climate action policy framework. This could result in a countywide CAP that applies to both the County and incorporated cities, or similar efforts to encourage incorporated communities to adopt their own CAPs consistent with the County's CAP.

A comprehensive, unified CAP will improve the effectiveness of intraregional GHG reduction efforts, such as providing affordable housing in city centers and offering regional transit or rideshare solutions to wineries, vineyards, and other employment centers throughout the county.

Board of Supervisors Response: The Board of Supervisors agrees with the Director.