

# NAPA COUNTY GRAND JURY 2013-2014



*Photo courtesy of Alan Galbraith*

## **CONSOLIDATED FINAL REPORT**

# CONSOLIDATED FINAL REPORT

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**Cover Photograph:** redwood lilies, native to California, high on Spring Mountain (near St. Helena), Napa County

## I. 2013-2014 Napa County Grand Jury



*Photo courtesy of  
Larry Busch*

Left to right, from top to bottom: Don Lemmons, Richard Fleckenstein, Alan Galbraith (foreperson), Larry Servente, Ron Allgower, Jo Gilbert, Warren Flint, Lynnette Sands, Sammy Gonzales, Chuck deLorimier, Patricia Sterling, Robin Rowe, John Pinto, Jeanne Doty, Erica Valentine, Bonnie Thoreen (foreperson *pro tempore*), Mike Wallace, Mary Ann Moss, Linda Leonard (secretary).

## II. 2013-2104 Napa County Grand Jury Members

|  |            |
|--|------------|
| Alan Galbraith (foreperson)                | St. Helena |
| Ronald W. Allgower                         | Napa       |
| Charles R. deLorimier                      | Napa       |
| Jeanne Doty                                | Napa       |
| Richard Fleckenstein                       | Napa       |
| R. Warren Flint                            | Napa       |
| Jo Gilbert                                 | Yountville |
| Sammy S. Gonzales                          | Napa       |
| Donald R. Lemmons                          | Napa       |
| Linda J. Leonard (secretary)               | Napa       |
| Mary Ann Moss                              | Napa       |
| John V. Pinto                              | Napa       |
| Robin Alice Rowe                           | Napa       |
| Lynnette Sands                             | Napa       |
| Lawrence A. Servente                       | Napa       |
| Patricia M. Sterling                       | Napa       |
| Bonnie L.V. Thoreen ( <i>pro tempore</i> ) | St. Helena |
| Erica Valentine                            | Napa       |
| Michael Wallace                            | Napa       |

### III. 2013-2014 Grand Jury Letter to Napa County Residents



**NAPA COUNTY GRAND JURY**  
c/o Court Executive Office  
825 Brown Street  
Napa, CA 94559

May 17, 2014

To the Residents of Napa County:

The 2013-2014 Grand Jury is honored to present its Consolidated Final Report. The Grand Jury issued seven Final Reports during its one-year term of service to the County. The Consolidated Final Report combines them in one overall Report.

As fixed by law, our Grand Jury consists of nineteen members. We were sworn into service in July 2013. We served under Napa County Superior Court Presiding Judge Diane M. Price and Grand Jury Supervising Judge Mark S. Boessenecker. As required by law, the Supervising Judge approved each Report prior to its release to affected agencies. Also as required by law, the Office of County Counsel reviewed each Report for conformity to statute before approval by the Court.

Our investigations included numerous interviews of elected and appointed officials, County and City employees, other interested parties, and County residents, as well as facility tours and site visits. Our investigations included detailed document reviews. Not all of our investigations resulted in a published report.

Shortly after their issuance, our seven Final Reports become available for viewing or downloading on the Napa County Grand Jury web page, located at <http://www.napa.courts.ca.gov/general-info/grand-jury>. Grand Jury reports of prior years are also posted for viewing there, as well as agency responses to Grand Jury reports.

We appreciated the opportunity to serve our fellow residents of Napa County.

Regards,

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury

## IV. Letter to the Presiding and Supervising Judges



A Tradition of Stewardship  
A Commitment to Service

**NAPA COUNTY GRAND JURY**  
c/o Court Executive Office  
825 Brown Street  
Napa, CA 94559

May 17, 2014

The Honorable Rodney Stone  
Presiding Judge  
Napa County Superior Court  
825 Brown Street  
Napa, CA 94559

The Honorable Mark S. Boessenecker  
Grand Jury Supervising Judge  
Napa County Superior Court  
825 Brown Street  
Napa, CA 94559

Re 2013-2014 Napa County Grand Jury Final Consolidated Report

Dear Judges Stone and Boessenecker:

The 2013-2014 Napa County Grand Jury hereby presents its Final Consolidated Report to the Presiding Judge and the Grand Jury Supervising Judge of The Superior Court of California, County of Napa.

The Grand Jury expresses its appreciation to Deputy County Counsel Silva Darbinian and Judge Boessenecker for their work in reviewing final reports before their release to affected agencies. The Grand Jury also offers its appreciation to Napa Superior Court Chief Executive Richard Feldstein and Court Administrative Assistant Connie R. Brennan for their administrative support.

Very truly yours,

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury

## **V. Acknowledgements**

The 2013-2014 Napa County Grand Jury acknowledges assistance and support from the following:

The Honorable Diane M. Price and the Honorable Rodney Stone, Presiding Judges, California Superior Court, County of Napa

The Honorable Mark S. Boessenecker, Grand Jury Supervising Judge, California Superior Court, County of Napa

Richard Feldstein, Chief Executive Officer, California Superior Court, County of Napa

Connie Brennan, Court Administrative Assistant, California Superior Court, County of Napa

Silva Darbinian, Chief Deputy County Counsel, Napa County

Helena Franchi, Principal Management Analyst, Executive Office of Napa County

Elizabeth Habkirk, Principal Management Analyst, Executive Office of Napa County

Joseph Peatman, President, The Gasser Foundation

Terri Niles, Office Manager, The Gasser Foundation

News and Production Staff, *Napa Valley Register*

California Grand Jurors Association

Napa Chapter, California Grand Jurors Association

Larry Busch, Official Photographer of the Grand Jury

The Supportive Families of the Grand Jury Members

## **VI. Overview of the Napa County (Civil) Grand Jury**

### **A. Introduction to the Grand Jury**

The 2013-2014 Napa County Grand Jury served a one-year term, from July 2013 through June 2014. It is a civil grand jury. The following provides a broad overview of the Napa County Grand Jury, its origins, what it does, and how it functions.

#### **1. Brief History of the Grand Jury**

The Napa County Grand Jury has its historical roots in the English grand jury system dating back to the twelfth century. The grand jury protected citizens from the arbitrary authority of the Crown. In California, the institution of the grand jury is preserved in section 23 of article 1 of the State Constitution, which requires one or more grand juries to be drawn and summoned at least once a year in each county. The principal function of a California civil grand jury is to inquire into the affairs of local government. The civil grand jury is an arm of the state judicial system. It is not a law enforcement agency.

#### **2. Composition of a Napa County Grand Jury**

Historically, a grand jury consisted of twenty-three members. In California, the size of a grand jury is regulated by section 888.2 of the California Penal Code, which varies the size depending on a county's population. Based on its population, in Napa County the number of authorized grand jurors for a grand jury is nineteen (whether civil or criminal).

#### **3. Function of the Napa County (Civil) Grand Jury**

A civil grand jury is an independent body. Its primary role is one of oversight. It is the responsibility of a grand jury to conduct examinations into county and local governments within the county to ensure that they are being operated honestly and efficiently. The Supervising Judge of the Superior Court, County Counsel, the District Attorney, and the State Attorney General can, and on occasion do, provide advice, but they may not prevent a grand jury from acting within its jurisdiction.



A county grand jury does not have jurisdiction over federal or state matters, and therefore has no authority to investigate federal or state agencies. It also has no jurisdiction over the courts (a state agency) or over specific matters that are in litigation in court. In Napa County, the grand jury that is convened each year for a term of one year does not become involved in initiating criminal proceedings. The District Attorney has authority to impanel a separate special grand jury for this purpose. A civil grand jury focuses on specific matters within its jurisdiction. A grand jury member does not participate if a matter presents a conflict of interest or an appearance of a conflict of interest.

Matters that might be worthy of a civil grand jury investigation are brought to the attention of the grand jury in different ways. It reviews and evaluates complaints that are received from residents of Napa County. It pays close attention to governmental conduct that is reported in the news media. It may undertake an investigation that comes about from the observations of grand jurors. The grand jury is required by law to inspect the detention facilities in the county each year. It is also required by law to issue at least one report on Napa County operations.

Generally, California civil grand juries inquire into the operations, accounts, and records of local government agencies, as well as the methods and systems that are being employed in the performance of their duties. All non-State and non-Federal agencies within Napa County, including joint power agencies and special districts, as well as events involving those agencies, can be investigated by the Napa County Grand Jury. The Napa County Grand Jury is provided with a detailed Procedures Manual that sets forth “best practices” for a grand jury. It also contains a detailed listing of governmental agencies that are subject to investigation by the grand jury on a suggested five-year cycle.

#### **4. Investigations by a (Civil) Grand Jury**

Typically, the civil grand jury forms committees of five grand jurors to undertake an investigation into a specific matter. The committee members meet with management and staff of the agency under investigation. Relevant records and physical facilities of the agency are inspected, and committee members may also attend public meetings conducted under the auspices of the agency. The committee follows up on leads that might

provide relevant information. Eventually, the committee prepares a report, with findings of fact and recommendations for the agency. A supermajority of at least twelve grand jurors must approve the report at a full meeting of the grand jury prior to submitting the report to the county counsel and the court.

In their investigative work grand jurors are expected to be fair, show sound judgment, and maintain absolute confidentiality. They must at all times be dispassionate in their work. A grand jury is not a forum from which to express political ideals or viewpoints. The ultimate goal of the grand jury's work is to make recommendations that are useful and will improve governmental operations.

## **5. Final Reports of a (Civil) Grand Jury**

A civil grand jury may, but is not required to, issue a final report upon completion of an investigation. Following approval by the Supervising Judge, the grand jury provides a copy of the report to the governing body of the affected agency or to the affected elected official. It is not publicly released by either the grand jury or the affected agency or elected official until after it has been in the possession of the agency or official for two working days. Copies of final reports are maintained by the Court Executive Office, and are published online at <http://www.napa.courts.ca.gov/general-info/grand-jury>. The Consolidated Final Report is published in local newspapers, is available online at the grand jury website, and is also available at public libraries in Napa County.

## **6. Response to Findings and Recommendations of a (Civil) Grand Jury**

Affected agencies and elected officials are required to respond to a final report to the Presiding Judge of the Napa Superior Court. The responses must satisfy the particularized requirements as set forth in section 933.05 of the California Penal Code. The Napa County Grand Jury requests that the official signing the responses certify above his or her signature that the responses are in fact in conformity with section 933.05 of the Penal Code. Thus, it is imperative that each respondent become familiar with the legal requirements of section 933.05 and if in doubt consult with legal counsel before responding. A civil grand jury can, though is not required, to review the responses for conformity to section 933.05 of the Penal Code.

The 2013-2014 Napa County Grand Jury did so in its first published report, included in this Consolidated Final Report.

For the assistance of respondents, section 933.05 of the Penal Code is summarized below.

*Response to findings:* The responding agency or elected official must respond to *each* grand jury finding, and can do so in one of two ways: the respondent must state either agreement with the finding or disagreement with the finding. If in disagreement, the respondent must identify the specific area of dispute. Most importantly, the respondent must provide an explanation that sets out the reasons for disagreement.

*Response to recommendations:* The responding agency or elected official must respond to *each* grand jury recommendation. The respondent has four choices under section 933.05(b) of the Penal Code:

- The recommendation has been implemented. If the respondent so states, the respondent must also provide a meaningful summary describing the implementing action.
- The recommendation has not yet been implemented. If the respondent so states, the respondent must also provide the timeframe within which the action will be implemented.
- The recommendation requires further analysis. If the respondent so states, the respondent must also include an explanation that describes the scope and parameters of such a study or analysis. Further, the respondent must advise that such further study or analysis will be prepared for discussion within a timeframe not to exceed six months.
- The recommendation will not be implemented. If the respondent so states, the respondent must also state either that the recommendation is not warranted or is not reasonable, and must provide an explanation supporting the respondent's position.

Section 933.05(c) contains further response requirements if a recommendation is directed toward an agency or department headed by an elected officer and relates to budgetary or personnel matters.

*Timing of Response:* Affected agencies have 90 days to respond following receipt of a report and elected officials have sixty days to respond.

The response of agencies must be directed to the Presiding Judge. The response of an elected official must also be directed to the Presiding Judge, but with a copy to the Board of Supervisors.

## **B. Civil Grand Jury Service**

### **1. Qualifications for Service**

A grand juror must meet the following legal qualifications:

- Be at least 18 years of age
- Be a citizen of the United States
- Be a resident of Napa County for at least one year prior to the next July
- Be in possession of natural faculties, of ordinary intelligence, of sound judgment, and of fair character
- Possess sufficient knowledge of the English language
- Be not discharged as a grand juror of any California court within one year prior to the next July
- Never have been convicted of malfeasance in office or of any felony or other high crime
- Not currently be serving as an elected public officer

### **2. Term of Civil Grand Jury Service**

Each July nineteen residents of Napa County are sworn as grand jurors for a period of twelve months. Civil grand jury service is generally considered to be a ten-hour per week commitment (weekly hours will fluctuate), with each grand jury establishing its own work schedule. Each person who is selected to serve must be fully cognizant of the time involved. Each prospective nominee should thoughtfully weigh any and all personal and business obligations before accepting the nomination. A grand juror can seek to hold over for one additional term. Typically, one or two members of a Napa County Grand Jury have served on the immediately prior grand jury.

### **3. Application for Civil Grand Jury Service**

All residents of Napa County are offered the opportunity to volunteer for civil grand jury service by filing an application with the Napa Superior Court. The application form is available online, at [www.napacourt.com/](http://www.napacourt.com/)

[general-info/grand-jury](#) under “Eligibility Requirements & Questionnaire” with link to Grand Jury Questionnaire. Judges and friends of the court may also nominate county residents. The Court may also summons in County residents for civil grand jury service. Each grand jury is impaneled for one year from July 1 through June 30. Up to ten grand jurors in their initial term of service may volunteer to hold over for an additional year, though in practice the number of grand jurors holding over is well less than five.

Applications for service on the next grand jury may be submitted at any time during the year prior to April 15 for the term beginning the next July 1. A prospective grand juror can apply by completing the online questionnaire or by contacting the Court Administrative Assistant at the address listed below.

### **C. Other Civil Grand Jury Information**

#### **1. Communication with the Civil Grand Jury**

Napa County residents seeking to bring matters about County and local governmental operations to the attention of the Napa County Grand Jury can do so by writing or emailing the grand jury through Court Administrative Assistant, at the address listed below. No specific form of communication is required. The 2013-2014 Grand Jury undertook to revise the complaint form. It is available online, in English and Spanish, at [www.napacourt.com/general-info/grand-jury](http://www.napacourt.com/general-info/grand-jury) by clicking on “Complaint Form” or “Complaint Form – Spanish” under “CITIZEN COMPLAINTS.” Use of the complaint form is encouraged; again, it is *not* required; a letter will also work.

A duty of the grand jury is to review all correspondence received from the public. The grand jury responds in one of the following ways:

- Investigate the matter and prepare a final report
- Investigate the matter and decide not to follow up
- Decide not to follow up without investigation

A sitting grand jury will address matters brought to its attention well into its term. Due to time constraints, matters coming to its attention late in its term may be referred to the subsequent year’s grand jury.

## 2. More Information

*For an application, general questions, comments, or more information, please write, call or email:*

Ms. Connie Brennan, CCLS  
Court Administrative Assistant  
Superior Court of California  
County of Napa  
825 Brown Street, Napa, CA 94559  
Telephone: (707) 259-8305  
Fax: (707) 299-1250  
Email: [grandjury@napa.courts.ca.gov](mailto:grandjury@napa.courts.ca.gov)



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY 2013-2014**

**JANUARY 17, 2014**

**FINAL REPORT**

**REVIEW OF RESPONSES TO  
THE 2012-2013 GRAND JURY  
REPORTS**

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# REVIEW OF RESPONSES TO THE 2012-2013 GRAND JURY REPORTS

## I. INTRODUCTION

### A. Summary

The 2012-2013 Grand Jury issued its Consolidated Final Reports on June 24, 2013, at the end of its one-year term. The Consolidated Final Reports consisted of six individual Final Reports on governmental operations in Napa County. The Grand Jury made recommendations in five of its six Final Reports, the exception being the Napa County Juvenile Hall Report. The Grand Jury specifically requested responses to its recommendations from affected agencies.

Pursuant to California Penal Code section 933, elected officials are required to respond within sixty days of a grand jury report and government agencies are required to respond within ninety days. Their responses must be addressed to the Presiding Judge of the Napa County Superior Court.

During its present term, the 2013-2014 Grand Jury reviewed all the responses provided by government agencies to the five reports by the 2012-2013 Grand Jury that requested responses. The 2013-2014 Grand Jury finds that all agencies with the exception of the City of Calistoga filed timely responses to the recommendations of the 2012-2013 Grand Jury. The City of Calistoga submitted its response on October 4, 2013.

While all agencies (with the one exception) submitted timely responses, some of the responses did not comply with the specific statutory requirements of section 933 of the Penal Code. In particular, agencies responding that a recommendation had been implemented did not in each case provide a meaningful summary of the implementation, as required by law. Agencies responding that a recommendation would be implemented did not in each case specify the timeframe for its implementation, as required by law. Of even greater concern, agencies stating that a recommendation required further study did not in each case provide the parameters of further analysis or study, and the needed timeframe, as required by law. (*See* California Penal Code section 933.05 describing form and content expected of responses depending on category of response.) The 2013-2014 Grand Jury encourages agencies to comply strictly with the statutory requirements of section 933.05. Strict compliance facilitates the work of the Grand Jury, especially its ability to track the implementation of grand jury recommendations. The Grand Jury

concludes with a suggestion that responding officials certify that their responses conform to statutory requirements.

## **B. Background**

State law requires that at least one agency or official submit a written response to the Presiding Judge for every recommendation in a grand jury report. The current Grand Jury must assure that each response was submitted within the statutory timeframe and is otherwise compliant with the requirements of California Penal Code section 933.

In a grand jury report each finding is required to be substantiated by written documents and/or oral testimony. To be considered, oral testimony must be taken before at least two grand jurors. Every recommendation in a report must be supported by at least one finding. By adhering to these principles, the objectivity and accuracy of a grand jury report are assured. Recommendations from grand juries often suggest shortcomings and/or call for changes, and they encourage governmental entities to review their policies and procedures.

## **C. Methodology**

The 2013-2014 Grand Jury evaluated the responses to the 2012-2013 Grand Jury's recommendations to ensure compliance with the requirements of California Penal Code section 933.05.

The following criteria were considered:

- Was the response timely received by the Presiding Judge, which is within ninety days for a public agency and within sixty days for an elected official, including an elected agency head?
- If a respondent disagreed in part or in whole with a recommendation, did the respondent provide a reasoned explanation of its disagreement?
- If a respondent stated that a recommendation had been implemented, did the respondent provide a non-conclusory summary of the implemented action?
- If a respondent stated that a recommendation was to be implemented, did the respondent provide a summary of the proposed implementing action, and also the timeframe for completing the implementing action?

- If a respondent stated that a recommendation required further analysis or study, did the respondent provide an explanation of the scope and parameters of the proposed analysis or study, and also provide a timeframe for completion of the proposed analysis or study, with the timeframe not to exceed six months from the date of the release of the specific 2012-2013 Grand Jury final report?
- If a respondent stated that a recommendation was not to be implemented on the ground that it was not warranted or not reasonable, did the respondent include a reasoned explanation supporting its position?

The 2013-2014 Grand Jury reviewed the twenty-three recommendations given to the fifteen governmental agencies and officials in the Consolidated Final Reports of the 2012-2013 Grand Jury. It sets forth its observations concerning agency and officials' responses in this review report.

## **II. REVIEW OF RESPONSES TO THE 2012-2013 REPORT ON THE INTEGRITY OF GRAND JURY INVESTIGATIONS**

### **A. Discussion**

On April 25, 2013, the 2012-2013 Grand Jury issued its final report entitled On The Integrity Of Grand Jury Investigations. During its term the Grand Jury stated that it had conducted "extensive inquiries and investigations into the operations of certain agencies and departments within the Cities and County of Napa, some of which have or will result in formal reports and others will not." The Grand Jury continued that witnesses coming before it had violated the secrecy admonition applicable to its proceedings. *"This conduct created an atmosphere within the concerned departments which caused other witnesses to feel pressure, apprehension, and intimidation, resulting in their being less than forthcoming in subsequent testimony."* Italics added.

The 2012-2013 Grand Jury further stated: "Certain individuals in City or County departments, who were sometimes interviewees themselves, were in *flagrant and knowing disregard* for the secrecy of the investigation and binding nature of the [written] admonition [of secrecy, contained in a signed admonishment in a form approved by the California Attorney General], by pointedly interrogating co-workers about questions the Grand Jury asked, what answers they had given, who spoke about a certain subject, what records were disclosed and the like." Italics added. The Grand Jury continued: *"The employees so interrogated subsequently expressed to the Grand Jury a deep concern about the conduct of these individuals, particularly when the persons so questioning served in a supervisory capacity over them."* Italics added.

The Grand Jury found that the evidence of such misconduct was “ample and compelling.”

Based on its findings of willful violation of the grand jury secrecy admonition and the impedance of proper investigation, the 2012-2013 Grand Jury made one recommendation, as follows:

R1. That the County Board of Supervisors, the City Council of each incorporated jurisdiction, the County Counsel and every public official not under the authority of the foregoing provide information to all county employees within their jurisdiction regarding their duties and responsibilities towards the grand jury process and that the instruction be completed prior to the end of this calendar year [2013].

The 2012-2013 Grand Jury requested responses to recommendation R1 from the Napa County Counsel, the Napa County Board of Supervisors, the Napa City Council, the American Canyon City Council, the St. Helena City Council, the Yountville Town Council, the Napa County Auditor, the Napa County Assessor-Recorder-County Clerk, the Napa County Tax Collector, the Napa County District Attorney, and the Napa County Sheriff.

All respondents responded within the applicable statutory deadline with the exception of the City of Calistoga. Its response was received on October 4, 2013.

The responses varied in scope. Most respondents advised that they could not agree with or disagree with the finding of willful violation of the secrecy admonition due to the absence of personal information by the responding agency or official. Some respondents added that they had no awareness that the agency or its staff were involved in a violation of the secrecy admonition. The Yountville Town Council stated that it had not been involved in a grand jury investigation during the term of the 2012-2013 Grand Jury. The City of Napa specifically noted that the Grand Jury did not identify the offending local agencies and persons in its final report.

Some respondents advised that they had implemented recommendation R1. These were the Board of Supervisors, the City of Napa, City of American Canyon, the Town of Yountville, and the Assessor-Recorder-County Clerk. The Board of Supervisors added: “The Board of Supervisors agrees to have Department Heads review [its adopted Code of Ethics] with staff annually, and provide instructions to staff specific to the grand jury process.” Others agreed to implement recommendation R1 by the end of calendar 2013. These were the County Counsel, the City of Calistoga, the City of St. Helena, the District Attorney, the Auditor-Controller, the Sheriff-Coroner, and the Treasurer Tax-Collector.

A few of the responses ranged beyond the 2012-2013 Grand Jury's specific findings and recommendation, and into a significant discussion of the respondent's perceived legal obligations in a response to a grand jury investigation. *See especially* the five-page, single-spaced letter response of the City of Napa.

## **B. Observations**

In general, the responses stating that recommendation R1 had been implemented were not in conformance with statutory requirements. They did *not* provide a meaningful "*summary* regarding the implemented action." Italics added. (California Penal Code section 933.05(b)(1)). Instead, they provided only a conclusory statement that the recommendation had been implemented. Mostly, the responses stated that employees were advised of their obligations toward the grand jury at the time that the agency became aware of a grand jury investigation directed to it.

The responses did *not* state that employees in the normal course of their work (and not in response to a grand jury investigation) received information on their obligations toward the grand jury. For example, no respondent asserting that the recommendation had been implemented stated that a written policy was in place that is given to the employee at the point of hire, or on a regular, periodic basis during his or her employment.

The starting point of a written policy would be a discussion of grand jury secrecy, and that the agency respects grand jury secrecy. A written policy might discuss that a grand jury is entitled to all public records, and that careful steps must be taken to ensure preservation of public records upon learning of a grand jury investigation. It might note that "public records" is broadly defined and includes, for example, emails generated in the ordinary course of business. The policy might state that it is the policy of the agency to cooperate with grand jury investigations, including identifying and providing documents relevant to a grand jury's request, and that *no* employee will be asked by his or her supervisor about his or her interview(s) with the grand jury (as appears to have occurred on a significant scale during the last grand jury term).

A grand jury could reasonably expect to see some or all of the foregoing, and perhaps more, in a meaningful (non-conclusory) "summary" by an agency reporting that it has implemented the 2012-2013 Grand Jury recommendation R1.

A special word with respect to the response of the City of Napa:

The response correctly notes that the final report of 2012-2013 Grand Jury did not disclose the names of the witnesses or agencies where it concluded that there had been violations of the secrecy admonition. The response omits that the 2012-2013 Grand Jury could not lawfully do so because a civil grand jury in its report is not permitted by law to release “name of any person, or facts that lead to the identity of any person who provided information to the grand jury.” (California Penal Code section 929).

The response states that employees must be counseled so that they do not disclose information determined by the City of Napa to be confidential under the California Evidence Code; however, confidential designation pursuant to the California Evidence Code cannot be invoked against a grand jury. California Evidence Code 300 (“this code . . . does not apply in grand jury proceedings”). The grand jury is entitled on demand to examine all public records within the County. (California Evidence Code section 921.)

The response states concern for protection of the attorney-client privilege. The City of Napa has no basis for believing that a grand jury would seek attorney-client privileged information, assuming proper invocation of the privilege. On the other hand, the privilege cannot be used to shield information that is not properly within this narrow privilege.

Finally, the City of Napa seeks “to clarify” the manner of distribution of the “early non-public version” of a grand jury report, to which it is entitled two days before publication of the report. (California Penal Code section 933.05(f)). The City wishes an opportunity to request that the Presiding Judge redact information in the report that the City asserts is confidential. However, section 933.05(f) states that the non-public version can be released by the grand jury only “after the approval of the presiding judge.” The 2013-2014 Grand Jury perceives no basis in law that would entitle the City of Napa to seek from the Presiding Judge any change in a grand jury report *after* approval of the report by the Presiding Judge.

The City of American Canyon, in its response to recommendation R1, asserts a right to withhold “information protected by the official information privilege per California Evidence Code section 1040. Again, information asserted to be privileged under the California Evidence Code section 1040 is not privileged as against a grand jury. (California Evidence Code section 300).

Finally, much of the foregoing also applies to the letter response of the Town of Yountville.

### **III. REVIEW OF RESPONSES TO THE 2012-2013 REPORT ON THE NAPA COUNTY JAIL (WITH THE SUBTITLE OF REALIGNMENT, RECIDIVISM AND REPLACEMENT)**

#### **A. Discussion**

Each grand jury during its term is required to inquire into the condition and management of the public prisons within its county. (California Penal Code section 919(b)) On May 20, 2013, the 2012-2013 Napa County Grand Jury issued its final report on the Napa County Jail (NCJ).

In its report the 2012-2013 Grand Jury noted that implementation of the October 2011 Public Safety Realignment Act (AB 109 and AB 117) had resulted in approximately 100 additional offenders in the NCJ through a combination of transfers from the State Prison System and new convictions. Despite this increase, the prison population, ranging between 230 and 290 inmates, remained below the maximum capacity of the NCJ.

The Grand Jury focused on the importance of reducing recidivism in keeping down the prison population and in reducing cost. It also noted that the NCJ, nearly forty-years old, should be replaced. It made two recommendations, as follows:

R1. It is recommended that the Napa County Department of Corrections (“NCDC”) and Probation fully define recidivism and work with Napa County Information Technology to extract meaningful information concerning past recidivism in order to gauge the success of ongoing alternative programs. This should be implemented by 1Q2014.

R2. The Grand Jury recommends that every effort be made to design a state-of-the-art jail facility. It should be sufficient for current needs as well as anticipated future requirements. Emphasis should be placed on designing the jail to facilitate not only capacity, but also the logistics of medical, mental health and evidence-based programs.

The 2012-2013 Grand Jury requested that the Director of NCDC, the Chief Probation Officer, and the Chief Information Officer respond to recommendation R1 and that the Board of Supervisors respond to recommendation R2.

The Board of Supervisors timely submitted its response by letter dated June 25, 2013. The Board of Supervisors in the same letter also provided the “appointed Department Head responses” to recommendation R1.

As to recommendation R1, the Board of Supervisors, on behalf of the three Department Heads, advised that the recommendation was in the process of being implemented, with implementation to occur by the end of the fiscal year 2014-15 (*i.e.*, by June 30, 2015).

In connection with the three underlying findings, the Board of Supervisors, while agreeing with finding F1 (relating to the increased number of offenders resulting from realignment) and advising that it had made the decision to construct a new jail in response to finding F3, disagreed in part with finding F2.

In finding F2, the Grand Jury found: “The information technology/ systems used to keep records for adult criminal justice have not been used for extracting information specific to quantifying recidivism in Napa County.” The Board of Supervisors responded: “The Board of Supervisors disagrees partially with this finding. Although recidivism rates are directly calculated in the County’s current criminal justice data system, data is taken and loaded into reporting systems that allow us to analyze basic recidivism findings. Work on a new data management system is underway and it is expected that an updated system and reporting/analysis process will improve our ability to see individual program impacts as they relate to recidivism.”

As to recommendation R2, the Board of Supervisors advised that the recommendation was in the process of being implemented, with the notation that “design and construction is several years away.” It advised that it expected to review an environmental impact report analyzing “the preferred out of downtown location for a new jail by the end of the 2013 calendar year.”

## **B. Observations**

The responses to recommendations R1 and R2 conform to the requirements of California Penal Code section 933.05(b)(2).

Substantively, it would appear that the response of the Board of Supervisors is in significant if not complete agreement with finding F2 of the 2012-2013 Grand Jury. In particular, the Board acknowledges that “recidivism rates are *not* directly calculated in the County’s current criminal justice data system . . . .” Italics added. The loading of data into reporting systems to ascertain “basic recidivism findings” (presumably meaning “rates,” with “basic” not defined in the Board’s response) is not claimed by the Board to be the same as or a satisfactory substitute for an ability to track *defined* and meaningful recidivism rates in the ordinary course of business through a system capable of doing so. The importance of being able to do so is the subject of significant



discussion in the 2012-2013 Grand Jury report, as recidivism (and hence the importance of programs that seek to keep it as low as possible) has a direct and substantial impact on taxpayer cost, as the Grand Jury documented in its Final Report. The current Grand Jury continues to urge that a new data base management system capable of tracking meaningful recidivism rates be placed in service at the earliest practicable time – and well before June 30, 2015.

#### **IV. REVIEW OF RESONSES TO THE 2012-2013 REPORT ON THE NAPA COUNTY JUVENILE HALL**

##### **A. Discussion**

On May 20, 2013, the Napa County Grand Jury issued its final report on Juvenile Hall. The four findings were favorable to Juvenile Hall. The report made no recommendations. Juvenile Hall did not file a response. The 2013-14 Grand Jury has no further observation with respect to this report.

#### **V. REVIEW OF RESPONSES TO THE 2012-2013 REPORT ON THE NAPA COUNTY SHERIFF/CORONER SERVICES OPERATION**

##### **A. Discussion**

On May 20, 2013, the 2012-2013 Napa County Grand Jury issued its final report on the Napa Sheriff's Office ("NSO") Coroner and Services Divisions.

The Grand Jury found that the Coroner's Office/Morgue Division "utilizes state-of-the art technology and equipment together with personnel who are highly skilled and trained in this specialized area."

The Grand Jury also examined the Services Division that contains a number of support groups essential to the operation of the NSO. These include the Technical Services/Records section, the Evidence/ Fingerprint ("CSI") laboratory, and the Property/Evidence Room. These operations were reviewed to provide residents of Napa County with a larger view of the not so well known support arms of the NSO.

The 2012-2013 Grand Jury commended the NSO for its overall operations. Its recommendations focused on a few operational issues. The Grand Jury made six

recommendations, all directed to the NSO with one (R5) also directed to the Napa County District Attorney. The six recommendations were as follows:

R1. The Coroner's Division immediately begin a program of entering data from the old system of typewritten index cards into the current computerized system.

R2. The NSO seek assistance, as appropriate, from the BOS [Board of Supervisors], the Napa County Executive Office, and/or County Counsel to secure an agreement with a third party credit/debit card merchant service to allow the NSO to accept credit and debit cards for payment of fees and services and pass related costs to the customer.

R3. The NSO, County IT [Information Technology] and the NSO budget analyst work together to develop a cost/benefit analysis for a secure server with state-of-the-art software to store, index, manage and retrieve crime-scene photographs that are now routinely stored on CDs.

R4. The NSO develop full documentation of policy and procedures for the collection and preservation of DNA evidence. This documentation should include the currently used standard operation procedures for handling DNA evidence.

R5. That no later than December 31, 2013, the NSO and District Attorney's Office develop a joint policy and procedure which effectively obtains and enforces proper court orders for appropriate destruction of evidence in NSO custody in cases either fully adjudicated, dismissed or beyond the statute of limitations.

R6. That within the 2013-14 fiscal year the NSO hire a part-time or extra-help person to fully staff the Property (Evidence) Room.

The Sheriff-Coroner timely submitted his response by letter dated June 10, 2013. The Sheriff-Coroner agreed with recommendations R1 through R5 and disagreed with recommendation R6.

The Sheriff-Coroner agreed to the immediate implementation of R1, R2, and R4. The Sheriff-Coroner, while not so stating directly, provided a response that showed that recommendation R3 required further analysis. As to recommendation R5, the Sheriff-Coroner agreed to work with the District Attorney to have a procedure in place by December 31, 2013, as requested by the Grand Jury.

The Sheriff-Coroner disagreed with recommendation R6. He provided this explanation: "We are currently developing procedures that will help with time

management of the property room. We have also determined some procedures are redundant and those procedures have been eliminated.”

The District Attorney by letter dated June 7, 2013 timely responded to R5, the sole recommendation directed to him. He advised: “We will develop a joint policy and procedure within this framework by December 31, 2013 as requested.”

## **B. Observations**

The 2013-14 Grand Jury appreciates the responses of the NSO. Although the Sheriff-Coroner did not respond through use of the precisely stated categories as set forth in California Penal Code section 933.05(b)(3), the Grand Jury is able to make appropriate observations with respect to his responses as submitted.

In connection with recommendations R1, R2, R3, and R4, where the Sheriff-Coroner advises that the NSO is implementing the recommendations, the NSO omitted to provide the timeframe within which the NSO would accomplish implementation of these recommendations, as required by California Penal Code 933.05(b)(2). The 2013-14 Grand Jury assesses from the response of the Sheriff-Coroner that these recommendations will be implemented within six months of June 10, 2013, or by January 10, 2014. If this assessment is incorrect, the Grand Jury requests that the Sheriff-Coroner so inform the Grand Jury by letter on or before February 7, 2014.

In connection with recommendation R5, the Sheriff-Coroner advises that a joint policy and procedure will be worked out with the District Attorney’s Office by December 31, 2013. The 2013-2014 Grand Jury commends the Sheriff-Coroner for this expedition. The Grand Jury requests either the NSO or the District Attorney’s Office provide it with a copy of the to-be-developed joint policy and procedure by no later than February 7, 2014.

In connection with recommendation R6, the 2013-2014 Grand Jury requests that the Sheriff-Coroner provide it with a copy of the new procedure no later than February 7, 2014. If the new procedure is *not* established by then, the Grand Jury requests the Sheriff-Coroner to so inform it by letter on or before February 7, 2014.

The 2013-14 Grand Jury requests that the NSO carefully reviews California Penal Code section 933.05 so that its responses to any grand jury report in the future are in full technical compliance with the statute.

## **VI. REVIEW OF THE RESPOSES TO THE 2012-2013 REPORT ON THE NAPA COUNTY ELECTION DIVISION**

### **A. Discussion**

On June 24, 2013, the 2012-2013 Grand Jury issued its final report on the Napa County Election Division. The Election Division is one of four Napa County Divisions (Registrar of Voters, Assessor, Recorder, and Clerk) consolidated under the management of the Assessor-Recorder-Clerk. The Assessor-Recorder-Clerk, an elected officer, serves as the ex-officio Napa County Registrar of Voters (“ROV”). The Grand Jury stated: “This consolidation of offices is unusual and is found in few other California counties.”

The 2012-2013 Grand Jury stated that upon careful examination it questioned “the ability of a single Napa County manager to oversee the operations of all four consolidated divisions (ROV, Assessor, Recorder, Clerk).” It stated that in the months before an election the manager’s “full and undivided attention” is “absolutely required” to be focused on the Election Division. The Grand Jury noted that other counties “have chosen to have election staff working under a separate elected or appointed ROV who is able to concentrate energies solely to election issues, without distraction from the demands of other divisions, even if there should be an increased cost attendant to that structure.”

The 2012-2013 Grand Jury found advantages in an appointed ROV. In brief summary, it noted that an ROV requires both managerial and technical competence, and that the position was more likely to be filled with a properly credentialed person if appointed. It expressed concern about the appearance of a conflict of interest when the position is elective, whether or not the ROV is on the ballot. It stated that accountability would be bolstered through an appointive position because the appointee would be answerable to the Board of Supervisors, which could better ensure high-quality conformance with good practices with “accountability for ultimate performance . . . shifted from one elected official to a more representative number.” In the 2012 election, the Grand Jury noted expressed dissatisfaction with the substantial switch to vote by mail (“VBM”) and the limited release of interim election results after the election night count. It believed that an appointed ROV, answerable to a County Elections Board appointed by the Board of Supervisors, might result in an election system more responsive to the will of County residents.

The 2012-2013 Grand Jury made fifteen findings, followed by nine recommendations, as follows:

R1. The Napa County Board of Supervisors change the elected status of *ex-officio* Registrar of Voters to an appointed office.

R2. Upon establishment of an appointed Registrar of Voters, the Napa County Board of Supervisors should establish an oversight committee of Napa County voters that would be charged with monitoring the performance and procedures of the Registrar of Voters.

R3. The Napa County Election Division publishes periodic interim results in addition to the initial voting on Election Day.

R4. The Registrar of Voters solicits voter input regarding the reduction of polling precincts in favor of vote by mail.

R5. The Registrar of Voters solicit input from voters through a vigorous media campaign, flyers to registered voters, as well as an online survey to determine how and where Napa citizens choose to vote.

R6. The Registrar of Voters ensure that voter pamphlets and ballots are received at the same time.

R7. The Registrar of Voters publish the voter information pamphlet on the Election Division website.

R8. The Election Division create an archive of public concerns and/or complaints and its responses thereto.

R9. Napa County Board of Supervisors establishes an election office facility with more space for storing and processing ballots and easier access for the public.

The 2012-2013 Grand Jury requested responses to recommendations R1, R2, and R9 from the Board of Supervisors and responses to recommendations R3, R4, R5, R6, R7, and R8 from the Registrar of Voters.

The Board of Supervisors timely responded by letter dated September 17, 2013. The *ex-officio* Registrar of Voters timely responded by letter dated July 24, 2013.

## **B. Observations**

The most significant issue posed by the 2012-2013 Grand Jury was whether the ROV should be elected or appointed. The Board of Supervisors responded to

recommendation R1 by stating: “The recommendation requires further analysis. On September 15, 2009, the Board did an extensive review of the Election Division and concluded that it was more cost effective and efficient to remain an elected position.”

The response of the Board of Supervisors did not meet the statutory requirements of California Penal Code section 933.05(b)(3). A respondent advising that further analysis is required must respond “with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared . . . . This timeframe shall not exceed six months from the date of publication of the grand jury report.” The Board in its response cited a 2009 study. Its citation of a 2009 study is not relevant when it concedes, as it did in its response to recommendation R1, that the recommendation “requires further analysis.” Stated another way, the Board cannot invoke a four-year old study in satisfaction of a statutory requirement requiring it to provide the parameters of an analysis which it states needs to be made.

In response to recommendation R2 the Board advised it required “further analysis” but failed to specify the scope and parameters of the required analysis. The Board commented that the authority of an oversight committee would be recommendatory to the Board of Supervisors. The 2013-2014 Grand Jury does not read recommendation R2 of the 2012-2013 Grand Jury as asserting otherwise.

In response to recommendation R9 the Board again advises “further analysis” but it seems clear from the explanation provided that the Board is not in a position to implement this recommendation in a near timeframe. The 2013-2014 Grand Jury treats this response as a response under California Penal Code section 933.05(b)(2), with implementation to occur well down the road, after the new jail and Health & Human Services Agency campus are funded, as stated in the Board’s response.

The *ex-officio* Registrar of Voters responded to recommendations R3 (“further analysis”), R4 (“not warranted or reasonable”), R5 (“implemented”), R6 (“implemented”), R7 (“further analysis”), R8 (“implemented”) in each case (taking into account explanatory backup materials provided with the responses) within the terms of the statutory requirements. (California Penal Code section 933.05.)

## **VII. REVIEW OF THE RESPONSES TO THE 2012-2013 REPORT ON NAPA COUNTY PUBLIC EMPLOYEE RETIREMENT BENEFITS**

### **A. Discussion**

On June 24, 2013, the 2012-2013 Grand Jury issued its final report on Napa County Public Employee Retirement Benefits. In light of the protracted recession, the slow economic recovery, and general concern over the funding of post-retirement benefits of public employees, the Grand Jury decided to investigate and report on the funding status of retirement and other post employment benefits (primarily health care) of employees of Napa County.

As of June 2011, the latest date for which data was then available, the Grand Jury found that the funding level for retirement benefits was at 73.8%. This was below the 80% funding threshold that the Grand Jury stated the experts deemed necessary for “sustainable solvency”. The Grand Jury found that the County was on track to pay off the unfunded liability of other post employment benefits. Overall, the Grand Jury found that Napa County was better situated than many jurisdictions, but its finding that the funding level for retirement benefits was well below that for sustainable solvency was of serious concern.

The 2012-13 Grand Jury made six recommendations, all directed to the Napa County Board of Supervisors. The six recommendations were as follows:

R1. Implement all Public Employees’ Pension Reform Act (“PEPRA”) (also known as AB340) provisions as soon as practicable, but no later than at the time of adoption of the next memorandum of understanding (MOU) with the employee bargaining units.

R2. Maintain a maximum 20-year amortization of the unfunded Other Post-Employment Benefits (“OPEB”) liability in addition to funding all current obligations on a pay-as-you-go basis. Reduce the amortization period if an opportunistic funding mechanism develops.

R3. Develop plans to control future health care costs including the concepts advocated by the Government Finance Officers Association (“GFOA”) of accessing increased deductible or higher co-pay insurance plans.

R4. Implement a side-fund to offset the risk of overly optimistic discount rates assumptions by CalPERS, if a budget surplus or another opportunistic funding source becomes available.

R5. Develop a plan to phase in the Annual Required Contribution (“ARC”) changes that will result from recently announced CalPERS actuarial methodology and discount rate changes, as quickly as financially feasible.

R6. If favorable rulings result from federal bankruptcy proceedings concerning California jurisdictions, investigate freezing earned pension benefits of active employees who were beneficiaries of the SB400 retroactive enrichments and reset to the lower formulas in effect when employees joined the County.

The Board of Supervisors timely submitted its response on September 10, 2013. The Board largely agreed with the findings of the 2012-2013 Grand Jury. It stated that recommendations R1, R2, and R5 had been implemented. It stated that recommendations R3, R4, and R6 require “further analysis.”

## **B. Observations**

The 2013-2014 Grand Jury concurs in the statement in the cover letter of the Board of Supervisors, stating: “[2012-13] Grand Jury members committed an enormous amount of time in educating themselves on the complexities of retirement benefits afforded public employees.” The Board specifically noted that the analysis was “thorough.”

The 2013-2014 Grand Jury acknowledges and appreciates the Board’s responses to recommendations R1 and R2 of the 2012-2013 Grand Jury in which it advises that it has implemented these recommendations. Specifically, in response to recommendation R1 the Board advised that it had implemented *all* provisions of the Public Employees’ Pension Reform Act (“PEPRA” (also referred to as AB 340)). In response to recommendation R2 the Board stated that it was committed to amortizing the unfunded Other Post-Employment Benefits’ liability (mainly health care) by 2028, and further advised that it would consider shortening the period if a further funding mechanism became available.

As to recommendations R3, R4, and R6, the 2013-2014 Grand Jury recognizes that these recommendations cannot be immediately implemented. Further, as set forth in the Board’s responses, they raise issues of considerable complexity, and, as to recommendation R3, “would likely require negotiation with employee labor representatives,” as explained in the response. Nevertheless, the Grand Jury is concerned that the time horizon for accomplishing meaningful further analysis should not be deferred into an indefinite future. This is especially true with respect to recommendations R3 and R4.

In its responses to recommendations R3, R4, and R6, asserting a need for “further analysis,” the Board, while providing an explanation of the need for further analysis, omitted to provide a statement of “the scope and parameters of an analysis or study,” and acknowledge the “timeframe,” to not exceed six months from the date of



publication of the Grand Jury Report (*i.e.*, March 9, 2014), for completion of the analysis or study, as required by California Penal Code section 933.05(b)(3).

As noted above, the 2013-2014 Grand Jury is of the view that further and timely analysis should be forthcoming in connection with recommendations R3 and R4.

## VIII. CONCLUSION

The 2013-2014 Grand Jury is deeply concerned that elected officials and designated officers and employees of governmental agencies are signing responses to grand jury reports upon the say-so of others involved in the preparation of the responses. There is nothing inappropriate in delegating to staff or counsel the preparation of responses. However, the signing official, by his or her act of signature, has an obligation to ensure that the signed response meets the requirements of section 933.05 of the California Penal Code.

Based on the responses reviewed in this report, the 2013-2014 Grand Jury concludes that a certification process could materially assist in ensuring that responses are in conformity with section 933.05 of the Penal Code. The goal of a certification process would be to encourage the signing elected official or other officer or employee to make reasonable inquiry that the responses prepared for his or her signature are in fact compliant with statutory requirements. It is reasonable to expect that any person presenting a response to a signing official for signature would make sure, whether by explanation or otherwise, that the signing official understands his/her obligation to review the proposed response for statutory compliance *before* providing his or her certification.

The 2013-2014 Grand Jury suggests that future grand jury reports specifically request that the signing official or agency certify immediately above the signature line that the responses to a grand jury report's findings and recommendations are in conformity with section 933.05 of the Penal Code.

The foregoing report was duly approved by the 2013-2014 Grand Jury at regular session on January 7, 2014.

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY 2013-2014**

## **FEBRUARY 19, 2014**

### **FINAL REPORT**

# **NAPA COUNTY JUVENILE HALL ANNUAL REVIEW**

# **NAPA COUNTY JUVENILE HALL ANNUAL REVIEW**

## **I. SUMMARY**

California Penal Code Section 919 (b) mandates that the Grand Jury annually inspect detention facilities within the County. The 2013-2014 Grand Jury found the Napa County Juvenile Hall (NCJH) to be a safe, secure, well-maintained and professionally run facility, providing custody, rehabilitation, education and medical services to delinquent juveniles. The Grand Jury commends the administration and staff for their dedication and professionalism. In order to enhance their efforts, the Grand Jury suggests two changes:

1. All on-duty staff should wear readily identifiable clothing/uniforms.
2. The video surveillance system needs to be updated.

## **II. BACKGROUND**

The Napa County Juvenile Hall, located at 212 Walnut Street, in Napa, California, was built in 2004. Designed as a state-of-the-art detention and rehabilitation center, the facility can house up to 60 juveniles, although the department has limited the maximum census to 50. NCJH currently employs 23 full time and 16 extra-help staff. The Napa County Probation Department oversees the operation of the Hall. The Chief Probation Officer serves as Director, while the day-to-day operations are the responsibility of the Juvenile Hall Superintendent. The NCJH budget for FY2012-2013 was \$4,082,139.51.

NCJH is a secure, twenty-four-hour facility. Detained juveniles are provided a safe custodial environment, necessary medical attention, nutritious home-style meals, counseling, guidance and a full educational program, operated in-house, by the Napa County Office of Education. It is the goal of NCJH, in collaboration with the Napa County Probation Department, to provide each youth the opportunity to successfully transition from the Hall back into the community as a law-abiding citizen.

## **III. METHODOLOGY**

The 2013-2014 Grand Jury conducted the annual review of the Juvenile Hall on September 23, 2013. The Superintendent and several of his senior supervisory staff directed a thorough tour of the facility and informally responded to questions posed by Grand Jury members. Subsequently, senior staff from Juvenile Hall and Probation was interviewed.

Documents reviewed included the current NCJH Policy and Procedures Manual, Juvenile Hall Organizational Chart, Grand Jury reports from 2009 through 2012, Napa County Juvenile Justice Commission 2012 Annual Inspection Report, emails to and from Rebecca Craig, Board of State and Community Corrections (BSCC) field representative, and the biennial inspection report of NCJH by the BSCC for the years 2011-2012. The BSCC inspection report for the period 2013-2014, and the Napa County Juvenile Justice Commission Report for 2013 had not yet been published at the time of this writing.

#### **IV. DISCUSSION**

The 2013-2014 Grand Jury's annual review of the NCJH revealed a professionally-run, well-maintained facility that provides custodial care for up to 50 detained juveniles by 36 full-time staff and 16 extra-help employees. At the time of our visit, 23 youths were housed in two units, each containing a classroom. Merit is a co-ed unit and Prospect is an all-male unit. The combined daily census for both units fluctuated between 20 and 36 youths during 2013.

Staff wears clothing of its choice. We noted that a number of the staff appeared very youthful, while a few of the juveniles looked mature beyond their years. We were advised that the immediate identification of staff has posed a problem in the recent past. Several months ago, during an altercation, an adult dressed in a gray sweatshirt similar to those worn by the boys on Prospect unit, was not immediately identified as a staff member. We were further advised that many staff members believe that a uniform of some kind – possibly a monogrammed polo-style shirt – would enhance their professional identity, as well as ensure that they were readily identifiable should an emergency situation arise.

During our thorough tour of the facility, we were made aware of the surveillance cameras throughout the interior of the Hall and outside in the yard. We were advised that the video system was antiquated and inefficient. The video images were “not very clear” and it was difficult to accurately identify the individuals on the screen. Staff could not reliably determine the sequence of events because the video often “jumped frames”. Staff had concerns about the surveillance of several blind spots inside the building and on the perimeter of the yard, where camera coverage was not available.

#### **V. FINDINGS**

- F1.** NCJH provides a safe, secure, and well-maintained environment for delinquent juveniles.
- F2.** NCJH administration and staff demonstrate a high level of professionalism.

- F3.** NCJH counselors and supervisors do not wear uniforms or monogrammed clothing that makes them readily identifiable as staff.
- F4.** The video/camera system at NCJH is outdated and insufficient for surveillance of juveniles in the perimeters of the yard, and some blind spots inside the facility.

## **VI. RECOMMENDATIONS**

- R1.** The Grand Jury recommends that by the end of FY 2014-2015, all on-duty NCJH employees should wear clothing that clearly identifies them as staff.
- R2.** The Grand Jury recommends that by the end of FY 2014-2015, video equipment should be updated to current state-of-the-art standards, and cameras added to the system to ensure that there are no blind spots within the facility or along the perimeter of the yard.

## **VII. REQUEST FOR RESPONSES**

The Grand Jury requests responses as follows:

- Napa County Juvenile Hall Director: R1, R2

It is requested that the NCJH Director certify above her signature that the responses conform to the requirements of section 933.05 of the Penal Code.

## **VIII. COMMENDATIONS**

The 2013-2014 Grand Jury commends the Director, Superintendent and staff at NCJH for their dedication to redirecting the lives of troubled juveniles by providing a safe, secure, humane correctional environment, and facilitating a successful reentry into the community.

The foregoing was duly approved by the 2013-2014 Grand Jury at regular session on February 11, 2014.

/s/

Alan Galbraith, Foreperson  
2013-2014 Grand Jury



A Tradition of Stewardship  
A Commitment to Service

**NAPA COUNTY GRAND JURY  
2013-2014**

**MARCH 18, 2014**

**FINAL REPORT**

**NAPA COUNTY TRANSPORTATION &  
PLANNING AGENCY (NCTPA)**

**VINE: MANAGEMENT & RIDERSHIP  
FOR THE FUTURE**

# **NAPA COUNTY TRANSPORTATION & PLANNING AGENCY (NCTPA)**

## **VINE: MANAGEMENT & RIDERSHIP FOR THE FUTURE**

### **I. SUMMARY**

The 2013-2014 Napa County Grand Jury initiated an investigation of the Napa County Transportation & Planning Agency's (NCTPA) VINE transit system to look into the issue of low VINE ridership. The Grand Jury found areas for improvement in VINE management practices that could address improving ridership.

NCTPA experienced high personnel turnover and lacked consistent fleet management during the time period 2001 to 2009. Five of the six current VINE management employees have been in their positions for less than three years. Since June 2006, there have been 22 personnel changes in an agency population of 12. This is almost a 200% turnover of personnel in a seven-year period. During these years, the VINE bus fleet was in decline as was ridership. Much of the ridership decline was correlated with the VINE becoming a non-clean, infrequent, slow transit system.

A Director of Transit Services and a Director of Finances and Grants were hired in 2009. In 2012, a new NCTPA Executive Director was hired. Between 2009 and 2013, 31 new buses were purchased for the VINE Route services. A new NCTPA Office/VINE Transit complex was opened in December of 2012. The Agency restructured its entire VINE route system at the end of 2012 to better meet ridership needs. With this new system in place in 2013, compared to the same nine-month period in 2012, the VINE management estimated there had been a 25.1% increase in ridership.

Under current management, there have been significant changes at the NCTPA; for example, the completion of the Napa County Short Range Transit Plan (SRTP) FY 2013-2022, which serves as a significant milestone guiding efforts toward improvement of the NCTPA and the VINE Transit System.

The Grand Jury believes that the VINE can successfully serve the community if the public is better informed of its services and schedules. This can be accomplished by directing more time and resources to marketing and branding to attract ridership. The incorporated jurisdictions need to be active and consistent partners in this effort. The VINE organization cannot do it alone.

## II. BACKGROUND

Napa County is approximately 788 square miles and home to over 138,000 people. Most of the population can be found in the communities of Napa and American Canyon. Napa County has maintained a rural agricultural environment in a large portion of the valley floor while supporting moderate growth in the incorporated cities. Napa County has a strong economic base that is centered on agriculture, tourism and retail trades. The City of Napa is the County's largest city and is the County seat with an economy based mainly on tourism. Growth in downtown Napa includes the development of a gourmet marketplace, hotels and restaurants. Most jurisdictions in Napa County have growing tourism as well as professional, scientific, administrative and waste management services. Napa County's agriculture and growing tourism economy call for lower paying jobs, thus workers who cannot afford the higher cost of housing are required to commute from rural areas and outside Napa County.

Napa County's agricultural economy is not easily served by traditional transit systems because of the rural nature of the landscape and spread out locations of work sites. In addition, public transportation has not been a popular commute option to work for any of the incorporated cities, with percentages of ridership typically representing only 1-2% of the population. Napa County's population growth rates are not expected to significantly change demands for public transit in the years to come.

### A. The VINE

Public transit service began in Napa County in 1972 when the City of Napa took over the privately owned bus company serving the community. In 1986, the City of Napa implemented major system-wide changes and rebranded the service "Valley Intercity Neighborhood Express" (V.I.N.E.). With a growing demand for transit in the area and a need for intercity connectivity along the Highway 29 corridor, Napa Valley Transit (NVT) was created in 1991. NVT connected communities from Napa to Calistoga. In an effort to consolidate services and more efficiently provide transit to Napa County residents, the Napa County Transportation & Planning Agency (NCTPA) was formed in 1998 as a joint powers agency among the cities of American Canyon, Napa, Yountville, St. Helena, Calistoga, and the County of Napa. With the new Agency in place, V.I.N.E, NVT, and Para-transit (services for the elderly and disabled) operations were combined and began operating under the names VINE and *VINEGo*.

These communities along the Napa Valley Route 29 corridor are jointly engaged in the coordination of transportation planning, programs and systems in conjunction with NCTPA that oversees all public transit system components within Napa County. In 2001, all of the public transit vehicles owned by the City of Napa and all other transit



services in Napa County were turned over to NCTPA as part of the joint transit system venture.

NCTPA offers a variety of public transportation services to the residents of Napa County. VINE transit proper (as of July 1, 2013) is an inner-city, fixed-route service and is provided in Napa on Routes 1, 2, 3, 4, 5, 6, 7, and 8. Service is provided on Routes 10 and 11, connecting communities along Highway 29 from Calistoga to Vallejo. Inter-county Routes 21, 25 and 29 provide express service from Napa to Fairfield and Suisun, Napa to Sonoma, and Calistoga to El Cerrito Del Norte BART station, respectively. Major changes to all these services were implemented in December 2012 and ridership on these routes is a central focus of this report.

NCTPA is governed by a Board of Directors (BOD) which represents the incorporated cities of American Canyon, Napa, the Town of Yountville, St. Helena, Calistoga, and the County of Napa. Thirteen members currently sit on the Board, two from each community and two from the County Board of Supervisors. The thirteenth member of the Board represents the Para-transit Coordinating Council in a non-voting position.

NCTPA is comprised of twelve employees. All positions ultimately report to the Executive Director. Transit services are overseen by one of five Program Managers. Day-to-day bus operations and maintenance (including drivers and mechanics) for all of NCTPA's transit services are provided through a contract with Veolia Transportation, the largest private sector provider of public transportation services in North America. NCTPA administers the transit system and owns all facilities and equipment.

## **B. Reasons for VINE Investigation**

The findings of the 2009-2010 Napa County Grand Jury Report titled “The Napa County Transportation and Planning Agency: Our Transit Provider and More” focused on empty buses, and low ridership. In 2013, there were 25% more buses operating in Napa running 100% more frequently and many were still running nearly empty.

National, state, and local studies predict that private automobile travel will increase by 25% between now and 2035, an increase that largely follows population growth. In that same time frame, alternative travel options (transit, biking, and walking) will increase by about one percent (1%). Most of that increase is expected to come from biking and walking, not transit based upon the Ilium Associates “Results from Market Segmentation Survey, Focus on Ridership Generation” (2010) report. Consultant studies funded by NCTPA do not point to increased bus ridership. In the last four years the NCTPA has invested \$12.5 million in the new transit center, \$5 million in new buses, and \$1 million in the increased operational costs to support the new buses, routes, and

schedules. These funds are a combination of federal and state grants, local jurisdiction fare payments, and Transportation Development Act (TDA) funds that are generated by a 0.25% sales tax that is controlled by the Metropolitan Transportation Commission (MTC). The Grand Jury's investigation strived to address the question, what can be done to ensure that Napa County's transit ridership warrants this significant investment?

### **III. METHODOLOGY**

This report addresses only that part of NCTPA specific to the VINE operation in Napa County. This report does not address related VINE services such as *VINEGo*, and Para-transit.

The Grand Jury interviewed NCTPA Management and Board members during this investigation.

The Grand Jury interviewed Management from the Napa County Office of Auditor-Controller.

The Grand Jury requested and reviewed the following agency reports and other documents.

1. VINE grant proposals submitted since January 1, 2009.
2. VINE grant reports since January 1, 2009.
3. 2012 State Controller VINE Report.
4. 2012 National Transit Database VINE Report.
5. Vine reports submitted for Transportation Development Act funds since January 1, 2009.
6. 2009 VINE Joint Powers Agreement, including bylaws and amendments currently in effect.
7. VINE Policies and Procedures Manual currently in effect.
8. VINE Standard Services Manual.
9. VINE 10-year Short Range Transit Plan adopted by the Board of Directors (BOD) in June 2013.
10. VINE Marketing Plan/NCTPA Public Education Plan by Ilium Associates, 2012.
11. Vine consulting contracts and reports related to ridership since January 1, 2009.
12. Vine consulting contracts and reports related to marketing since January 1, 2009.

13. NCTPA agendas, board packages, and meeting minutes since January 1, 2012. (Board package materials not related to the Vine were not reviewed.)
14. The contract currently in effect with Veolia.
15. Agenda and minutes of meetings between representatives of the VINE and Veolia since January 1, 2011.
16. Projections of VINE ridership prepared in the ordinary course of business since January 1, 2009
17. Documents for VINE ridership on a monthly basis, as broken down in the ordinary course of business, since January 1, 2009.
18. Graphs and charts, prepared in the ordinary course of business, showing Vine ridership, prepared on or after January 1, 2009.
19. Documents related to ridership that will be included or referenced in the VINE Strategic Marketing Plan.
20. Monthly Fare-Box Reports, prepared in the ordinary course of business, since inception.
21. Each VINE vision statement since January 1, 2009.
22. Each VINE strategic plan since January 1, 2009.
23. Each report specially prepared for an NCTPA Director that relates to ridership (including ridership by route and ridership projections) or marketing.

The Grand Jury rode VINE buses, made physical observations of VINE bus service in action, and took related photos.

The Grand Jury reviewed newspaper articles, editorials, and Letters to Editor regarding the VINE.

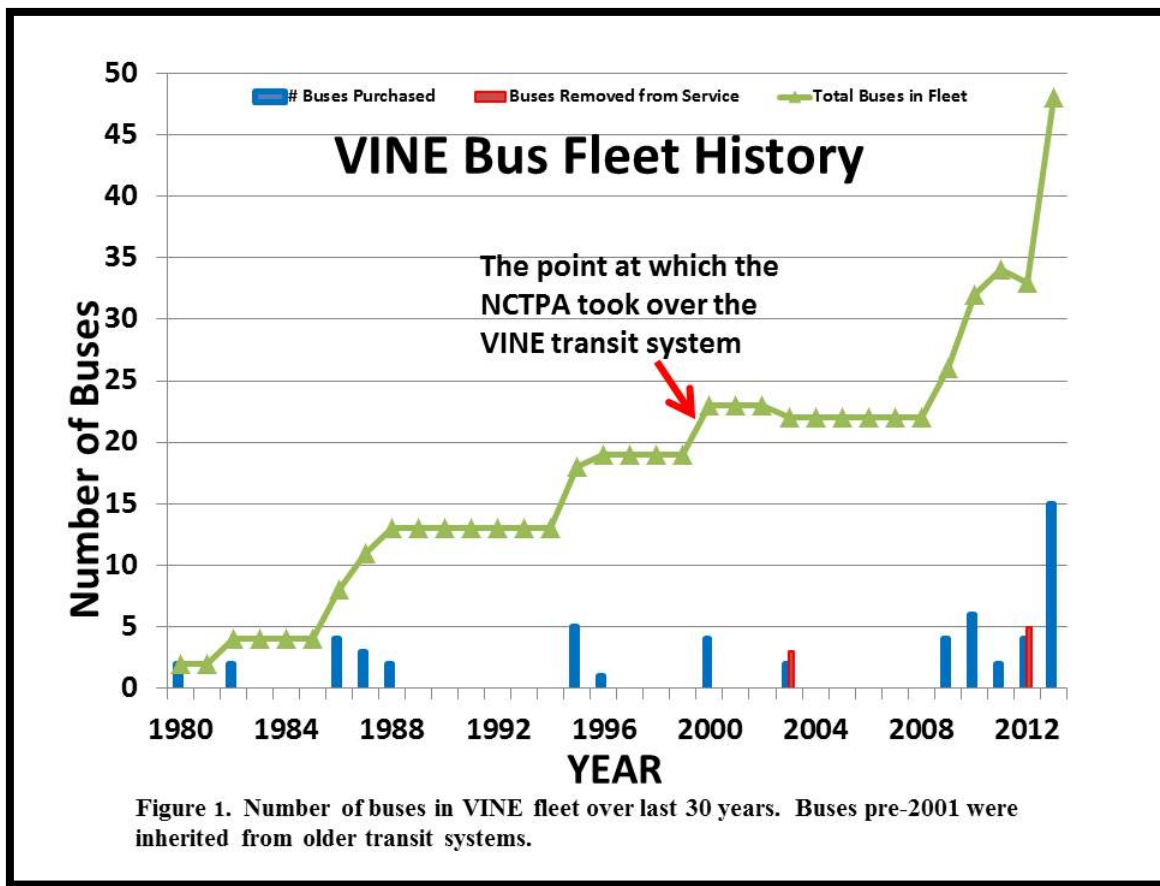
#### **IV. DISCUSSION**

According to the findings of the 2009-2010 Napa County Grand Jury Report, the original intent for NCTPA in the early 2000s was to provide transit services. However, the agency expanded to non-transit missions that included road repairs, climate change, flood control and has become the transportation planning agency for Napa County. In 2009, the total budget for NCTPA was \$17 million of which \$4.7 million went to transit services.

The NCTPA budget for fiscal year 2012-2013 was approximately \$26 million of which nearly \$8.9 million was capital expenses (building construction and new bus purchases) and \$5.4 million was for the Congestion Management Authority, a state mandated entity. The remaining budget for public transit was approximately

\$10.4 million of which \$7.4 million was for the VINE. Each budget is treated as a separate cost center of NCTPA. These funds originate from a combination of federal and state grants, local jurisdiction fare payments, and Transportation Development Act (TDA) funds that are generated by a 0.25% sales tax that is controlled by the Metropolitan Transportation Commission (MTC). The Federal Transportation Agency (FTA) provides Section 403 Formula Grants to the NCTPA on a yearly basis, of which approximately \$1.5 million is dedicated for public transit, accounting for 20% of public transit funds. The TDA money represents about 40 to 50% of the total funds to transit. The balance of the transit funds comes from passenger fares and from the cities that support their services.

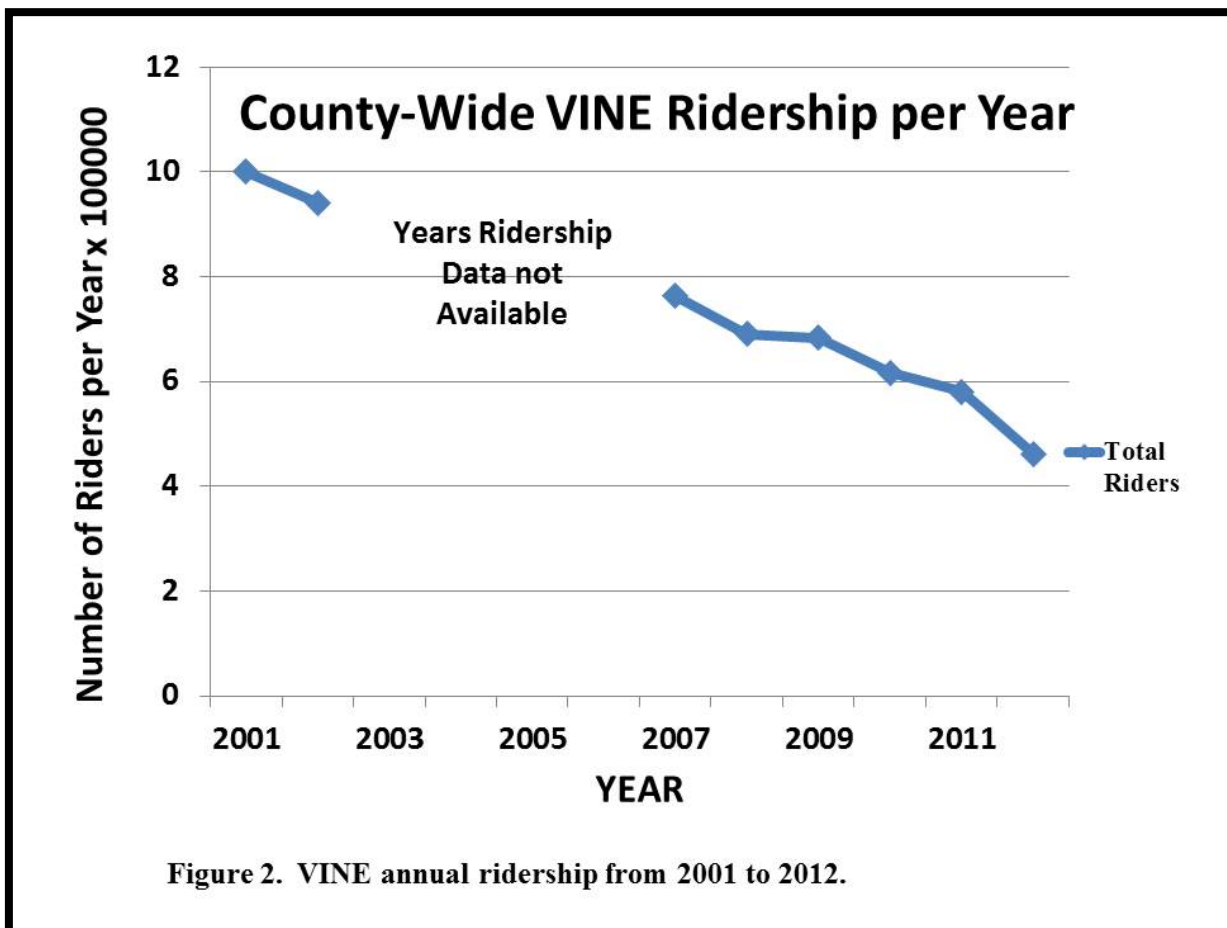
### A. NCTPA Legacy Issues



During the period of 2000 through 2009, NCTPA experienced high personnel turnover, very little fleet upgrade was done, and ridership was declining. Until 2003, the VINE had a total of 22 buses in its fleet (Figure 1). Most of these buses were obtained from the City of Napa and Napa County when the VINE began service in 2001. By 2001, 13 buses were far beyond their useful lifespan of 12

years, as set by the Federal government. These factors contributed to the decline in ridership during those years (Figure 2).

A pattern was observed in reviewing NCTPA's transit financial reports during 2001 to 2010. Napa County accounting records indicate that funds for new buses were accumulated but were not used. The agency was not putting together a comprehensive proposal to the SF Bay Area's MTC for bus replacements. For many years, funds designated for certain bus service budgetary items were not fully expended. TDA surplus funds were returned to the TDA reserve fund to be re-appropriated at a future date. The County holds these funds in one of its accounts as part of its fiduciary obligation. The MTC must authorize any expenditure of these funds. Unspent TDA funds in the County's reserve could be rolled over to subsequent fiscal year use. NCTPA presently has almost \$10 million in its reserve fund.



The bus routes for the VINE were established initially in 2001 with an annual ridership of almost 1,000,000 rides (per VINE records and staff interviews). Ridership trended steadily downward from 900,041 in 2002 to 630,000 in 2009 (Figure 2)

increasing the cost per passenger from \$2.99 to about \$6.50 and causing passenger subsidies to more than double. Some of this decline could be attributed to the fact that Napa's transit buses came infrequently and it could take an hour and a half to get across town on a bus for a ride that should have taken 15 minutes, according to VINE management. Numbers from 2012 showed the total ridership below 500,000 (Figure 2). As of 2012 VINE operated eight bus routes in the city and four in the County. With 50% more buses in service, VINE was carrying 24% fewer riders.

The 2013-2014 Grand Jury noted inconsistencies in reporting bus ridership. Without accurate knowledge of historical performance the VINE organization could keep repeating the poor performance of the past. Some people have to use transit by necessity; others think it is the right thing to do. Ideally, people use public transportation because it is convenient and affordable. Strong leadership and management is required to design the best routes and service to meet the needs of the Napa County's ridership, and to market those services effectively.

## **B. Transformation of NCTPA Management & Operations**

In 2009, with a new Board of Directors (BOD), management began to address the declining VINE transit system. New personnel were hired, buses were purchased, and new routes were set in place, such as the Solano and Sonoma lines. The new leadership set a goal to improve the organization's effectiveness by consolidating its offices and moving the Napa transit transfer site to better serve the planned growth of the new transit system. Planning was begun for a new Transit Center and NCTPA Office complex on Burnell Street. In 2011 the bus service contractor Veolia was informed that it needed to improve its performance or its contract would not be renewed. Veolia implemented major changes in management, services, and staff to better serve NCTPA.

Between 2009 and 2013, a total of 31 new buses were purchased for the VINE Route services (Figure 1). Many Napa residents were concerned about the large number of bus purchases (as expressed by numerous letters to newspaper) in light of the perceived declining ridership. Actually, the VINE was required to purchase buses to replace those in the fleet that were well beyond their useful life of approximately 12 years. Many of the buses in the VINE fleet were 30 years old.

In December 2012, a new consolidated NCTPA Office Complex and VINE Transit Center was completed and opened for business at 625 Burnell Street. It serves as the transfer point for many of the bus routes in Napa as well as the long-distance routes that serve other areas.

The VINE designed a new series of routes that began operation on December 3, 2012. This new route structure included a re-design of the VINE Napa inner-city routes 1-8 and corresponding changes to Routes 10 and 11 that run up and down the valley respectively, with buses running every 30 minutes during peak hours of service. The VINE also took all the inner City Napa routes and connected them to the main trunk lines, 10 and 11, allowing the rider to go from the neighborhoods to the main route system that travels the length of the Valley.

With this new design in place there was a 25.1% increase in ridership during the first 9 months of 2013 versus 2012. This increased ridership encouraged management to project that the VINE can increase ridership throughout the system at a 20-30% growth rate per year over the next several years. Ridership data indicated that most of the increase had been in the long-distance routes, not on the VINE inner City Napa routes. This correlates with the marketing campaign that was conducted in the late spring of 2013 for the Route 29 service.

In late 2012, the NCTPA BOD requested that the VINE provide a monthly summary of overall VINE operations from each preceding month. VINE management created the VINE dashboard report that contains the major ridership data by routes as well as other variables on performance. The dashboard includes cleanliness, maintenance, on-time running, and safety information for the previous month. The dashboard represents the first major effort by the VINE to present a series of metrics and indicators that informs management of how the transit system is operating on a short-term basis. Metrics and indicators, as well as other reporting mechanisms become invaluable for monitoring to prevent “back-sliding” into past VINE management practices. NCTPA management can employ in-depth and expansive policies and procedures developed around indicators for conducting transit services on a daily and long-term basis. An example of employing indicators in decision-making, every report made to the Board of Directors in 2013 on Napa’s inner-city routes showed that the buses were running twice an hour with an on-time rate of 90%, achieving their benchmark rate.

NCTPA hired a software consultant to adjust routes based upon traffic conditions to meet the ridership demands of on-time performance. Another initiative was adding GPS systems to all VINE buses that allow riders to use the “where is my bus” feature on their computer or smartphone.

The Napa County Short Range Transit Plan FY 2013-2022 (completed June 2013) serves as a significant guide towards improvement of the NCTPA and the VINE Transit System. It provides direction for the organization for the next 10 years along

with a reporting system to track project progress along with timelines for projects and completion dates.

The VINE intends to initiate, as part of its strategic plan, a new regional SmartCard system. When the SmartCard goes into existence next year it will interface with all of the regional transit agencies and will provide one consolidated payment system for using transit systems throughout the San Francisco Bay Area. The SmartCard will bring the VINE system into partnership with all the other Bay Area systems and should serve to improve ridership. It will also create opportunities for regional co-marketing efforts and partnerships.

### **C. Marketing**

The 2008 Short Range Transit Plan (SRTP) of 2008-2017 identified branding and marketing as a key strategy for the VINE as well as completing a comprehensive rider survey. Interviews, reports, agendas and financial data revealed a less than robust effort to market and increase VINE ridership. The annual marketing budget during the period of 2009-2012 averaged \$145,864 whereas the 2013 SRTP calls for an annual marketing budget of \$222,327. Management as of November 2013 had not developed an effective strategy on the best course of action to implement the 2013 SRTP Marketing Goals and Objectives. The VINE had only spent approximately \$22,000 of the annual marketing budget for VINE promotion, approximately 10% over five months for a fiscal year that began July 1, 2013. This indicates a possible reluctance on the part of management to spend marketing and advertising funds to promote ridership on the VINE.

VINE studies have identified commuters as the primary target market along with the Napa Valley College, Napa Latino community and youth ridership. The Ilium Associate's 2011 Marketing Plan recommended that the VINE improve bus stops throughout the Hwy 29 corridor and explore the expansion of "park and ride" facilities to facilitate more commuter use of transit services. It was further suggested through the Ilium Associates memo "Results from Market Segmentation Survey, Focus on Ridership Generation" (2010) that VINE reach out to major employers in Napa to encourage employee incentives for riding the VINE between the home city and the working city. For example, the City of St. Helena could reimburse bus fare for employees who commute regularly from Napa, thereby removing their cars from the Route 29 thoroughfare. Furthermore arrangements could be made with businesses in shopping areas such as Bel Aire Plaza to encourage incentives for customers riding the buses and eliminating parking problems.





Figure 3. VINE bus from the 1990s.



Figure 4. Newly purchased VINE bus.

VINE management performs a range of marketing efforts such as distributing materials at downtown functions, visiting senior, Latino events and other activities such as the Bike Fest. During the VINE's Christmas challenge, one bus each day is designated as the Christmas bus and this designation moves to different routes offering free bus rides on that particular Christmas bus. During the Thanksgiving week those passengers who donate food get to ride free.

This investigation found several significant branding issues for NCTPA. One of the major issues is that, after being open since December 2012, the new NCTPA Office Complex and Transit Center on Burnell Street does not have any visible street or building signage that would help direct riders to the Transit Center (as of January 2014). There are also branding issues with the VINE buses (Figures 3 & 4) that impact the overall transit image. There is inconsistency in appearance between many of the older buses and the new buses. New buses (Figure 4) were purposely left with a lot of blank space to be used for advertising to make additional revenue for the VINE.

In spring 2013, NCTPA was awarded original Measure 2 grant funds of \$90,000 to promote the Route 29 bus service. The agency rolled out a marketing campaign of television, print and online advertisements aimed at attracting new riders for Route 29, which offers service to the El Cerrito BART station. This proved so successful that riders were being left behind at bus stops because the buses were so full. This short-term effort at marketing only one VINE service is an example of what additional marketing could do to increase ridership system-wide.

A well-functioning public transit system can decrease the production of greenhouse gases (GHG), especially a system that is trying to decrease emissions through natural gas and hybrid engines. The Napa Valley Region faces some real challenges in the future with managing the production of excessive GHGs. The majority of these GHGs come from congested traffic on the highways during a significant part of each day. Much of this traffic is related to tourism and short-term visits to the Valley as well as from daily commuters, commercial trucking and other local travel (draft Napa County Climate Action Plan, 2013). Benefits from improved ridership on the transit system serve the average resident as well as the regional

environment and beyond. Encouraging bus ridership and its impact on decreasing GHGs can assist in helping Napa County meet its required reductions in GHGs.

Finally, VINE management cannot be expected to maximize bus ridership without adequate support from the incorporated jurisdictions and the County. The point stressed here is that it will take a large effort, beyond the VINE organization itself, to move significant ridership out of cars and onto transit services. The governmental entities represented on the NCTPA Board should each be making a strong contribution to promote VINE ridership, given that highway and road congestion are growing problems County-wide.

#### **D. Future Considerations**

Transit-Oriented Development (TOD) is a strategy to plan the design of transit routes in high population density areas that encourage ridership and target high density employment and shopping areas to increase transit service for workers and shoppers, thus increasing ridership. A number of apartment and condominium complexes already exist in Napa and at least three more are to be completed in the next two years. It would benefit the VINE to begin targeting these areas in its future planning efforts. Likewise, large employers like the Queen of the Valley Medical Center and retail centers like the Bel Aire Plaza can collaborate on strategies for enhanced ridership through incentives as well as added service features.

NCTPA and VINE operational facilities are dispersed throughout the City of Napa. There is the new NCTPA Office/VINE Transit Complex building on Burnell Street. Most of the buses are parked in the area of Jackson Street and Soscol Avenue. All maintenance is performed at this site. The fueling for all buses is done at a natural gas facility on Redwood Road and Solano Avenue at high cost, and when natural gas is not available at this facility the buses must go to Fairfield for fuel. A search is underway to locate an alternative fuel source and a better storage/maintenance facility with adequate capacity for the buses. Collaborating with the City of Napa and the County on fuel needs could serve all entities well.

NCTPA manages both transportation planning and public transit. Sixty percent of the Board's time is devoted to planning and approximately 20-30% is devoted to public transit. This raises concerns that transit issues may not receive sufficient attention at the NCTPA BOD level, particularly in light of the discussion about the consolidation of the transit facilities versus the increasing traffic congestion problems in the region.

## **V. FINDINGS**

- F1.** During 2003-2008 few new buses were purchased while NCTPA expanded its role from solely transit to planning, traffic congestion and other activities.
- F2.** According to data collected during the period of 2001 to 2012, VINE ridership declined by more than 50%.
- F3.** NCTPA has had more than \$10 million rolled over annually in its reserve TDA fund since 2009 that can be used for transit related capital expenses with MTC approval.
- F4.** There was a major restructuring of NCTPA management and of the Veolia contractor during 2009 – 2011 and between 2009 and 2013 31 new buses were purchased for the VINE Routes.
- F5.** A new VINE Transit Center and consolidated NCTPA office complex was completed in December 2012.
- F6.** A redesigned VINE route system began service December 3, 2012 and had positive growth in ridership numbers over the first nine months of 2013.
- F7.** A monthly VINE dashboard for the NCTPA Board of Directors (BOD) was implemented in 2012, reporting on ridership, maintenance, cleanliness, frequency of on-time running, and safety that showed in 2013, VINE buses were clean, running twice as often, and meeting on-time targets.
- F8.** There is a lack of community awareness of numerous route changes, additional routes and other significant improvements in VINE transit services as documented in the NCTPA consultant Ilium Associate's 2011 Marketing Plan.
- F9.** Marketing of the VINE bus service is not perceived as a high priority for NCTPA management and thus the annual marketing budgets for the VINE are not being fully deployed consistently. Only 10% of the NCTPA marketing budget had been spent six months into the present (FY14) fiscal year.
- F10.** Open since December 2012, the new NCTPA Office/VINE Transit Center does not have any visible street or building signage to help direct riders to the Transit Center and VINE buses and bus shelters lack consistent branding/signage, not optimizing potential advertising revenue and marketing opportunities.

- F11.** In the spring of 2013 the Route 29 service received special grant funds to conduct an extensive advertising (billboard, television and radio) campaign that increased ridership, demonstrating the effectiveness of a marketing campaign.
- F12.** VINE services are not optimally promoted on website home pages of the incorporated jurisdictions. American Canyon, Yountville, and Calistoga websites have links that contain information about transportation services, including the VINE. The home pages of Napa and St. Helena lack such links.
- F13.** The VINE currently does not employ sufficient financial, quantitative and qualitative metrics, indicators toward adaptive (learning-based) management in decision-making to constantly improve transit operations and ridership service.
- F14.** Planning for VINE proper (Napa inner-city) routes does not utilize Transit-Oriented-Development (TOD) methodologies for achieving the most sustainable transportation route designs.
- F15.** NCTPA lacks a coordinated logistics management system for its many different facilities including the transit center, maintenance area, bus parking, and fueling facilities which results in an inefficient operation.
- F16.** As demands increase upon its role in congestion management and transportation planning, particularly from the increased traffic in American Canyon and on Route 29 throughout the Valley, the NCTPA BOD's time allocated to the VINE may not be sufficient in light of the VINE's increasing directional needs regarding marketing, other ridership incentives, and long-term planning.

## **VI. RECOMMENDATIONS**

- R1.** The Grand Jury recommends that the BOD adopt and follow a capital budget that anticipates maintenance and equipment acquisitions, projects out costs and funding mechanisms, and monitors implementation with a consistent progress reporting method. If the recommendation is not implementable in the current fiscal year, then it should be implemented in FY 2014/15.
- R2.** The Grand Jury recommends that the BOD evaluate at least annually, with careful prior analysis by staff, any needed major acquisitions such as buses, maintenance yards, and fueling stations, with the goal of achieving the efficient integration of transit operations.

- R3.** The Grand Jury recommends the BOD to explore ways to improve NCTPA management retention such as merit pay or other incentives, and put in place for the coming fiscal year.
- R4.** The Grand Jury recommends planning out the use of the \$10 million reserve fund to meet transit's existing needs over the next 10 years, including capital expenses and marketing costs by the beginning of the next fiscal year.
- R5.** NCTPA should consistently utilize the Napa County Short Range Transit Plan FY 2013-2022 (June 2013) for guidance in the sustainable operation of the Napa transit system with timely progress reports to the Board of Directors (BOD) put in place by June 2014.
- R6.** NCTPA should develop financial, qualitative and quantitative reporting metrics that will identify problems in standards of system performance so operation corrections can be made through adaptive management actions, with those metrics in place by the end of the current fiscal year.
- R7.** NCTPA should install at a minimum temporary signage as soon as possible for the new Transit Center that can be seen from Soscol Avenue and install a complete and consistent branding and marketing signage system for the center, buses and bus shelters, within ninety (90) days of this report.
- R8.** NCTPA should implement within the current fiscal year a coordinated VINE marketing strategy with each Napa County jurisdiction so that NCTPA's transit services are readily available and consistently communicated across all public, community and visitor websites.
- R9.** The Grand Jury recommends NCTPA contract with an agency with transit expertise to develop and implement appropriate marketing efforts to targeted ridership populations and major employers that will drive awareness of all VINE services and improve ridership within the current and for the future fiscal year.
- R10.** NCTPA should explore, adopt and apply sustainability design tools such as TOD to determine ideal alterations to transit services within the 2014 calendar year.

## **VII. REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the Grand Jury requests responses to all recommendations from as follows in the format of 933.05:

From the following governing bodies:

- NCTPA Board of Directors: **R1, R2, R3, R4, R5, R6, R7, R8, R9, R10**
- American Canyon, Napa, Yountville, St. Helena and Calistoga City Councils: **R8**

It is requested that each person responding to the foregoing recommendations certify above his or her signature that the responses conform to the requirements of section 933.05 of the Penal Code.

The foregoing report was duly approved by the 2013-2014 Grand Jury in regular session on March 18, 2014.

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY 2013-2014**

**APRIL 3, 2014**

## **FINAL REPORT**

### **A REVIEW OF PUBLIC EMPLOYEE RETIREMENT BENEFITS FOR EACH NAPA COUNTY JURISDICTION**

### **WORKING TOGETHER FOR A SUSTAINABLE FUTURE**

# **A REVIEW OF PUBLIC EMPLOYEE BENEFITS FOR EACH NAPA COUNTY JURISDICTION**

## **I. SUMMARY**

The 2012-2013 Napa County Grand Jury issued a report, “A Review of Napa County Public Employee Retirement Benefits.” This report described the history and the current status of the County’s retirement benefit funding levels. It noted that as of June 2011, then the latest date of available data, the County’s funding level stood at 73.8%. Although the report found that the County was on a reasonably sustainable track toward reducing its unfunded pension liabilities, it also noted that significant risks continued to exist. In particular, the California Public Employees Retirement System (CalPERS) financial management performance remained a variability that needs to be carefully monitored and addressed on an ongoing basis. Frequent recent news about communities in California and in other states facing pension-based financial difficulties prompted the 2013-2014 Grand Jury to investigate and report upon the status of public pensions and other post-employment benefits (OPEB) for each Napa County incorporated jurisdiction that employs and is responsible for public employees. Those jurisdictions are American Canyon, Napa, Yountville, St. Helena and Calistoga. It was also decided to obtain a status update on Napa County.

During the course of the investigation, the 2013-2014 Grand Jury found that, although no jurisdiction is facing an imminent fiscal crisis due to pension fund liabilities, some jurisdictions are in better shape than others. An examination of each jurisdiction’s pension/OPEB funding status demonstrated that some jurisdictions have been able to take a stronger position in reducing, with the goal of ultimately eliminating, their unfunded liabilities. As detailed in this report, the 2013-2014 Grand Jury recommends that Napa County and each of its jurisdictions, many of which share county public employee services, work collaboratively on insights, methods and other tactics to expedite the long term goal of eliminating unfunded pension/OPEB liabilities county-wide.

## **II. BACKGROUND**

Many California jurisdictions made unprecedented and retroactive increases in public pensions, allowed by the California Legislature Senate Bill 400 enacted in 1999 during the stock market and real estate boom. Prior to (as it is now often called) the Great Recession, many counties and jurisdictions did not set aside funds to address their long term accrued pension fund obligations as dictated by CalPERS, the State’s



manager of pensions, and OPEB which includes health care. Some of those increased obligations resulted in a debt crisis for cities such as Vallejo, Stockton and San Bernardino. Public pension liabilities have been linked to other cities in crisis around the country, with Detroit as the outstanding example. Vallejo spent three years in bankruptcy and emerged in 2011 without making any pension adjustments. Unfortunately, Vallejo is now again in a budget crisis that it is blaming specifically on public pensions, its largest creditor. On October 1, 2013, Reuters News Service stated that Vallejo's situation "should be a lesson to Detroit." In Stockton's recent bankruptcy, creditor Franklin Templeton Investments has warned that no bankruptcy plan could be "fair and equitable" if CalPERS were paid in full while Franklin received less than a cent on the dollar. San Bernardino wants to reduce its pension obligations, and the bankruptcy judge in its case has ruled against CalPERS, refusing to grant it an expedited appeal to the United States Court of Appeals for the Ninth Circuit. Another city, Desert Hot Springs, has recently announced that its pension costs were unaffordable and that it might have to declare bankruptcy. Ultimately, court rulings emanating from these difficult cases may clarify the authority of public entities in addressing their unfunded pension liabilities and enable affected parties to negotiate changes that result in funded and affordable pensions for public employees.

CalPERS is an independent agency that was created in 1932, and is the largest U.S. public-sector pension system. By state law, CalPERS administers public employee benefits under rules set by the State. Unfortunately, CalPERS' portfolio's return on investment (ROI) experienced a drastic decline during the Great Recession and was a major contributor to the current fiscal problems where communities had to increase their annual required contributions (ARC) to offset CalPERS losses. In some areas of the country, annual pension fund contributions are actually higher than salaries, particularly where drastic layoffs have occurred in communities with low economic growth. In light of the above instances where public pensions are being cited as one of the primary causes of financial crisis, the pressure is mounting for changes in pension and OPEB co-pay percentages as communities grapple with planning their budgets for long term sustainability. The goal is to provide competitive benefits to assure attracting the best talent for public services, while making sure those benefits are financially sustainable.

For Napa County, the public pension benefit plan funded level was only at 60% in 2009 versus the 80% that is considered necessary for sustainable solvency. Napa County was able to improve funding to 73.8% by 2011. In 2012 the Public Employee Pension Reform Act of 2013 (PEPRA), SB340 was passed mandating certain pension modifications, but it fell short of a full reform. Napa County implemented employee cost-sharing and pre-funding of OPEB on a more aggressive scale prior to the passing of SB340. At the end of fiscal year 2013 the County's PERS funding level for "Miscellaneous" (non-safety) employees stood at 83.8% and at about 90% for safety

employees. However, the County's unfunded pension liability continues to be one of its largest liabilities and concerns center around the sustainability of healthcare premiums.

The County's FY 2012/2013 budget included approximately \$19 million for the County's share of pension costs, approximately four percent (4%) of the overall County budget. County employees contribute over 20% of the overall cost of retirement benefits with their retirement formula based on their date of hire. In 2013 Napa County adopted a strategy of fully funding shortfalls versus phasing in cost increases over time. This strategy will ultimately result in significant long term savings and stronger overall budget financial health. Also in place is a budget policy mandating that OPEB be fully funded by 2028. However, risk continues to be present based primarily on the variables of CalPERS' financial performance and rising health care costs.

The goal of this investigation is to provide clarity on the status of each Napa County jurisdiction's public pension and OPEB funding liabilities. We see the potential benefit for a countywide "scorecard" that can easily be understood by the county's taxpayers and used as a means for collaborative management and annual progress reporting to the community at large.

### **III. METHODOLOGY**

#### **A. Interviews conducted:**

- Financial staff at American Canyon, Napa, Yountville, St. Helena and Calistoga
- The office of the Napa County Auditor Controller

#### **B. Documents reviewed:**

- CalPERS Annual Audits
- Publications of grand juries, commissions, news media outlets

### **IV. DISCUSSION**

Financial data was collected from each jurisdiction's financial manager to create a "scorecard" to evaluate and compare Public Pension/OPEB funding and the estimated unfunded liability for each jurisdiction. Each jurisdiction supplied, reviewed, and verified its information.

Each jurisdiction has in place a plan to have retirement pension liabilities funded to the 80% threshold that is considered by financial experts to be necessary for sustainable solvency over a 20-year amortization period. OPEB benefits vary

significantly by jurisdiction, but for those with significant OPEB liabilities, a plan is in place to achieve full funding by or prior to 2040.

Napa County has made good progress with its funded PERS ratios as well as the OPEB funded ratio over the past year since the 2012/2013 Grand Jury report was published.

The Grand Jury appreciates the effort and assistance by each jurisdiction in providing its pension and OPEB data. We realize that in many, if not most, this required additional time and research to extract the information so that it could be compared uniformly.

#### Jurisdiction Snapshots:

- American Canyon contracts with Napa County for public safety (fire and police) employees.
- Yountville contracts with Napa County for public safety employees.
- The City of Napa has more than 400 employees, of whom over 100 are public safety employees.
- St. Helena employees pay for their OPEB via rolled over sick leave benefits.
- Calistoga has only seven retirees at the present time, and fully pays their OPEB benefits of \$51.75 / month each (\$4,347 annual cost)

#### Jurisdiction Scorecard:

The chart below is a simplified 'Scorecard' summary of the findings. Attached in Appendix A through F is the detailed data from each jurisdiction.

[Please see next page for simplified chart]

**Napa County Jurisdictions: Public Pension/Post Employment Benefits Fund Scorecard  
Fiscal Year Ending June 30, 2013**

| JURISDICTION:                     | Napa County   |            | American Canyon |
|-----------------------------------|---------------|------------|-----------------|
| 2012/2013 ACTUAL                  | Miscellaneous | Safety     | Miscellaneous   |
| Total Budget (All Funds)          | \$448,691,671 |            | \$38,447,624    |
| Total Payroll                     | 84,705,689    | 11,578,557 | \$7,736,600     |
| PERS % of Total Budget            | 3.3%          | 0.7%       | 1.7%            |
| # of Employees                    | 1,213         | 107        | 73              |
| Funded PERS Ratio AVA             | 83.8%         | 88.0%      | 90.20%          |
| % of Payroll OPEB - Employer Rate | 6.6%          |            | 14.0%           |
| OPEB % of Total Budget            | 1.4%          |            | 2.2%            |
| <b>Funded OPEB to AVA</b>         | 46.6%         |            | Not provided    |

| JURISDICTION:                     | Napa                   |              | Yountville    |
|-----------------------------------|------------------------|--------------|---------------|
| 2012/2013 ACTUAL                  | Miscellaneous          | Safety       | Miscellaneous |
| Total Budget (All Funds)          | \$172,138,444          |              | \$11,987,309  |
| Total Payroll                     | \$21,174,429           | \$14,320,363 | \$3,377,385   |
| PERS % of Total Budget            | 2.6%                   | 2.7%         | 3.0%          |
| # of Employees                    | 299                    | 129          | 24            |
| Funded PERS Ratio AVA             | 74.4%                  | 76.6%        | 79.5%         |
| % of Payroll OPEB - Employer Rate | 3.0%                   | 3.0%         | 9.6%          |
| OPEB % of Total Budget            | 0.4%                   | 0.2%         | 2.7%          |
| <b>Funded OPEB to AVA</b>         | 27.8% (Est at 6/30/13) |              | 35.0%         |

| JURISDICTION:                     | St. Helena    |              | Calistoga     |              |
|-----------------------------------|---------------|--------------|---------------|--------------|
| 2012/2013 ACTUAL                  | Miscellaneous | Safety       | Miscellaneous | Safety       |
| Total Budget (All Funds)          | \$21,655,771  |              | \$14,091,011  |              |
| Total Payroll                     | \$ 4,985,945  | \$ 2,469,987 | \$ 2,339,294  | \$ 1,206,006 |
| PERS % of Total Budget            | 1.9%          | 1.9%         | 1.3%          |              |
| # of Employees                    | 66            | 17           | 43            |              |
| Funded PERS Ratio AVA             | 84.3%         | 80.4%        | 70.3%         | 72.1%        |
| % of Payroll OPEB - Employer Rate | 0.0%          | 0.0%         | 23.9%         |              |
| OPEB % of Total Budget            | 0.0%          | 0.0%         | 5.2%          |              |
| <b>Funded OPEB to AVA</b>         | Not provided  |              | 33% estimated |              |

## V. FINDINGS

- F1.** Pension and OPEB benefits amount to less than 10% of Napa County and its jurisdictions' total annual budgets.
- F2.** Napa County jurisdictions had pension liability funding levels that ranged from 70.3% in Calistoga to 84.3% in St. Helena for the 2012/2013 fiscal year.

- F3.** All jurisdictions have introduced employee sharing of pension (PERS) costs, although many of those plans only apply to future employees.
- F4.** Some jurisdictions are phasing in employee share for OPEB where possible via memorandums of understanding but will only apply to new employees.
- F5.** Jurisdiction OPEB funded ratios are estimated to range from 27.8% to 35%.
- F6.** Napa County was able to bring its OPEB funded ratio up to 46.6% in the fiscal year ending in 2013.
- F7.** Most Napa County jurisdictions are trying to achieve full funding of their OPEB liability well before 2040, the 30 year amortization rate recommended by the Government Finance Officers Association in March, 2013.

## **VI. RECOMMENDATIONS**

- R1.** Napa County Board of Supervisors and the incorporated Napa jurisdictions form a pension/OPEB committee with appropriate financial and human resource management to establish a communication process and a planning best practices platform to share insights and collaborate on strategies for addressing and managing pension/OPEB funding,
- R2.** Napa County Board of Supervisors and the incorporated Napa jurisdictions through the pension/OPEB committee issue an annual report that summarizes each entity's pension/OPEB funding status at the end of each fiscal year.

## **VII. REQUEST FOR RESPONSES**

Pursuant to Penal Code 933.05, the Grand Jury requests responses to recommendations from the following governing bodies:

- Napa County Board of Supervisors: **R1, R2**
- City and Town Councils for American Canyon, Napa, Yountville, St. Helena and Calistoga: **R1, R2**

It is requested that each person responding to the foregoing recommendations certify above his or her signature that the responses conform to the requirements of section 933.05 of the Penal Code.

The foregoing final report was approved by the 2013-2014 Grand Jury in regular session on April 1, 2014

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury

**APPENDIX A: NAPA COUNTY**

| JURISDICTION:                         | Napa County                |        |       |              |              |                |        |             |         |            |
|---------------------------------------|----------------------------|--------|-------|--------------|--------------|----------------|--------|-------------|---------|------------|
| Category:                             |                            |        |       |              |              |                |        |             |         |            |
| 2013/2014 BUDGET                      | Miscellaneous              |        |       |              | Safety       |                |        |             |         |            |
| Retirement Tier                       | Tier 1                     | Tier 2 | PEPRA | PEPRA - Mgmt | Tiers 1 & 2  | Tiers 1&2 Mgmt | Tier 3 | Tier 3 Mgmt | PEPRA   | PEPRA-Mgmt |
| Retirement Formula                    | 2.5%@55                    | 2%@60  | 2%@62 | 2%@62        | 3%@50        | 3%@50          | 3%@55  | 3%@55       | 2.7%@55 | 2.7%@55    |
| Total Budget (All Funds)              | \$454,065,478              |        |       |              |              |                |        |             |         |            |
| Total Payroll                         | \$91,867,554               |        |       |              | \$11,997,484 |                |        |             |         |            |
| PERS Contribution - Employer          | 17,168,367                 |        |       |              | 3,217,996    |                |        |             |         |            |
| Employee PERS Contribution            | 5.88%                      | 5.88%  | 5.88% | 6.25%        | 8.70%        | 5.88%          | 8.70%  | 5.88%       | 8.70%   | 11.50%     |
| % of Payroll (PERSable) Employer rate | 18.78%                     | 17.78% | 6.62% | 6.25%        | 26.50%       | 29.32%         | 21.97% | 24.79%      | 14.30%  | 11.50%     |
| PERS % of Total Budget                |                            |        |       |              |              |                |        |             |         |            |
| OPEB Contribution - Employer          | \$6,473,000                |        |       |              |              |                |        |             |         |            |
| OPEB Contribution - Employee          | \$0                        |        |       |              |              |                |        |             |         |            |
| % of Payroll OPEB - Employer rate     | 6.23%                      |        |       |              |              |                |        |             |         |            |
| OPEB % of Total Budget                | 1.43%                      |        |       |              |              |                |        |             |         |            |
|                                       |                            |        |       |              |              |                |        |             |         |            |
| 2012/2013 ACTUAL                      |                            |        |       |              |              |                |        |             |         |            |
| Total Budget (All Funds)              | \$448,691,671              |        |       |              |              |                |        |             |         |            |
| Total Payroll                         | 84,705,689                 |        |       |              | 11,578,557   |                |        |             |         |            |
| PERS Contribution - Employer          | 16,571,059                 |        |       |              | 3,103,655    |                |        |             |         |            |
| Employee PERS Contribution            | 4,649,056                  |        |       |              | 866,031      |                |        |             |         |            |
| % of Payroll (PERSable) Employer Rate | 20.2% <sup>(1)</sup>       |        |       |              | 23.7%        |                |        |             |         |            |
| PERS % of Total Budget                | 3.3%                       |        |       |              | 0.7%         |                |        |             |         |            |
| # of Employees                        | 1,213                      |        |       |              | 107          |                |        |             |         |            |
| Funded PERS Ratio AVA                 | 83.8%                      |        | N/A   | N/A          | 88.0%        |                | 90.20% |             |         | N/A        |
| Funded PERS Ratio MVA                 | 70.3%                      |        | N/A   | N/A          | 73.7%        |                | 75.8%  |             |         | N/A        |
| OPEB Contribution - Employer          | \$6,384,000                |        |       |              |              |                |        |             |         |            |
| OPEB Contribution - Employee          | 0%                         |        |       |              |              |                |        |             |         |            |
| % of Payroll OPEB - Employer rate     | 6.63% <sup>(2)</sup>       |        |       |              |              |                |        |             |         |            |
| OPEB % of Total Budget                | 1.4%                       |        |       |              |              |                |        |             |         |            |
| <b>Funded OPEB to AVA</b>             | <b>46.6%<sup>(3)</sup></b> |        |       |              |              |                |        |             |         |            |

**Following notes provided by Napa County:**

(1) The Employer Contribution was made on a prepaid basis to reduce the effective rate of funding. Prepayment was based on an actuarial estimated payroll of \$98.2 million resulting in an additional \$1.5 million being applied to unfunded liability.

(2) Percentages from the County most recent actuarial valuation dated Jun 30, 2011.

(3) Ratio calculated using the projected 2012/13 Actuarial Accrued Liability from the June 30, 2011 valuation divided by the actual MVA at June 30, 2013. Plan assets have increased to \$32.8 million as of December 31, 2013 bringing the funded level of AAL to MVA to 53.2%.

**APPENDIX B: CITY OF AMERICAN CANYON**

**Public Pension/Post Employment Benefits Fund Evaluation: City of American Canyon**

| <b>JURISDICTION:</b>                  |                      | <b>American Canyon</b> |
|---------------------------------------|----------------------|------------------------|
| <b>Category:</b>                      |                      |                        |
| <b>2013/2014 BUDGET</b>               | <b>Miscellaneous</b> | <b>Safety*</b>         |
| Retirement Tier                       | 2 % at 62            | N/A                    |
| Retirement Formula                    | 2% at 55             |                        |
| Total Budget (All Funds)              | \$ 31,220,136        |                        |
| Total Payroll                         | \$ 8,405,800         |                        |
| PERS Contribution - Employer          | \$ 787,160           |                        |
| Employee PERS Contribution            | \$ 369,707           |                        |
| % of Payroll (PERSable) Employer rate | 10%                  |                        |
| PERS % of Total Budget                | 3%                   |                        |
| OPEB Contribution - Employer          | \$ 826,339           |                        |
| OPEB Contribution - Employee          | \$ -                 |                        |
| % of Payroll OPEB - Employer rate     | 14.9%                |                        |
| OPEB % of Total Budget                | 2.6%                 |                        |
| <b>2012/2013 ACTUAL</b>               |                      |                        |
| Total Budget (All Funds)              | \$ 38,447,624        | N/A                    |
| Total Payroll                         | \$ 7,736,600         |                        |
| PERS Contribution - Employer          | \$ 667,351           |                        |
| Employee PERS Contribution            | \$ 334,384           |                        |
| % of Payroll (PERSable) Employer Rate | 10.9%                |                        |
| PERS % of Total Budget                | 1.7%                 |                        |
| # of Employees                        | 73                   |                        |
| Funded PERS Ratio AVA                 | 83.2%                |                        |
| Funded PERS Ratio MVA                 | 74.5%                |                        |
| OPEB Contribution - Employer          | \$ 840,693           |                        |
| OPEB Contribution - Employee          | \$ -                 |                        |
| % of Payroll OPEB - Employer rate     | 14.0%                |                        |
| OPEB % of Total Budget                | 2.2%                 |                        |
| <b>Funded OPEB to AVA</b>             |                      |                        |

Notes below supplied by American Canyon regarding sources of data.

Acct 41250 (PERS Budget)  
\$787,160/14.904% PERS  
Rate = \$5,281,535  
Persable salary x 14.904%

page 4 of CALPERS Actuarial  
Valuation Report - Total  
Employer Contribution

page 4 of the CALPERS  
Actuarial Valuation - Net  
Employer Contribution

Springbrook Retirement  
Report - City Contribution  
7/1/2012 - 6/30/2013

Springbrook Retirement report -  
Member Contribution 7/1/2012 -  
6/30/2013

page 5 of the CALPERS Annual  
Valuation Report

page 5 of the CALPERS Annual  
Valuation Report

page 4 CALPERS Annual Valuation  
Report

\*Note: Safety Employees are contracted from Napa County



**APPENDIX C: CITY OF NAPA**

**Public Pension/Post Employment Benefits Fund Evaluation: City of Napa**

| JURISDICTION:                         | Napa                                |                |                |                |                |                  |
|---------------------------------------|-------------------------------------|----------------|----------------|----------------|----------------|------------------|
| <b>Category:</b>                      |                                     |                |                |                |                |                  |
| <b>2013/2014 BUDGET</b>               | <b>Miscellaneous</b>                |                |                | <b>Safety</b>  |                |                  |
| <b>Retirement Tier</b>                | <b>Tier 1</b>                       | <b>Tier 2</b>  | <b>PEPRA</b>   | <b>Tier 1</b>  | <b>Tier 2</b>  | <b>PEPRA</b>     |
| <b>Retirement Formula</b>             | <b>2.7% @ 55</b>                    | <b>2% @ 60</b> | <b>2% @ 62</b> | <b>3% @ 50</b> | <b>3% @ 55</b> | <b>2.7% @ 55</b> |
| Total Budget (All Funds)              | \$181,734,554                       |                |                |                |                |                  |
| Total Payroll                         | \$21,768,946                        |                |                | \$14,999,878   |                |                  |
| PERS Contribution - Employer          | \$5,416,421                         |                |                | \$5,282,683    |                |                  |
| Employee PERS Contribution            | 8%                                  | 7%             | 6.25%          | 9%             | 9%             | 11.25%           |
| % of Payroll (PERSable) Employer rate | 23.1%                               |                |                | 34.3%          |                |                  |
| PERS % of Total Budget                | 3.0%                                |                |                | 2.9%           |                |                  |
| OPEB Contribution - Employer          | \$616,073                           |                |                | \$421,167      |                |                  |
| OPEB Contribution - Employee          | \$ -                                |                |                | \$ -           |                |                  |
| % of Payroll OPEB - Employer rate     | 2.7%                                |                |                | 2.7%           |                |                  |
| OPEB % of Total Budget                | 0.3%                                |                |                | 0.2%           |                |                  |
|                                       |                                     |                |                |                |                |                  |
| <b>2012/2013 ACTUAL</b>               | <b>Miscellaneous</b>                |                |                | <b>Safety</b>  |                |                  |
| Total Budget (All Funds)              | \$172,138,444                       |                |                |                |                |                  |
| Total Payroll                         | \$21,174,429                        |                |                | \$14,320,363   |                |                  |
| PERS Contribution - Employer          | \$4,370,366                         | \$12,061       | \$41,065       | \$4,425,571    | \$176,189      |                  |
| Employee PERS Contribution            | \$1,648,961                         | \$ 3,982       | \$12,105       | \$1,236,385    | \$ 49,222      |                  |
| % of Payroll (PERSable) Employer Rate | 21.2%                               |                |                | 32.2%          |                |                  |
| PERS % of Total Budget                | 2.6%                                |                |                | 2.7%           |                |                  |
| # of Employees                        | 285                                 | 4              | 10             | 122            | 7              | 0                |
| Funded PERS Ratio AVA                 | 74.4%                               | N/A            | N/A            | 76.6%          | N/A            | N/A              |
| Funded PERS Ratio MVA                 | 68.7%                               | N/A            | N/A            | 68.7%          | N/A            | N/A              |
| OPEB Contribution - Employer          | \$619,941                           |                |                | \$393,900      |                |                  |
| OPEB Contribution - Employee          | \$ -                                |                |                | \$ -           |                |                  |
| % of Payroll OPEB - Employer rate     | 3.0%                                |                |                | 3.0%           |                |                  |
| OPEB % of Total Budget                | 0.4%                                |                |                | 0.2%           |                |                  |
| <b>Funded OPEB to AVA</b>             | <b>27.8% (Estimated at 6/30/13)</b> |                |                |                |                |                  |

**APPENDIX D: TOWN OF YOUNTVILLE**

**Public Pension/Post Employment Benefits Fund Evaluation: Town of Yountville**

| <b>JURISDICTION:</b>                  | <b>Yountville</b>    |                |                |                |
|---------------------------------------|----------------------|----------------|----------------|----------------|
| <b>Category:</b>                      |                      |                |                |                |
| <b>2013/2014 BUDGET</b>               | <b>Miscellaneous</b> |                |                | <b>Safety*</b> |
| <b>Retirement Tier</b>                | <b>Tier 1</b>        | <b>Tier 2</b>  | <b>PEPRA</b>   | <b>N/A</b>     |
| <b>Retirement Formula</b>             | <b>2.7% @ 55</b>     | <b>2% @ 55</b> | <b>2% @ 62</b> |                |
| Total Budget (All Funds)              | \$17,071,127         |                |                |                |
| Total Payroll                         | \$3,579,165          |                |                |                |
| PERS Contribution - Employer          | \$396,050            |                |                |                |
| Employee PERS Contribution            | 8%                   | 7%             | 6.25%          |                |
| % of Payroll (PERSable) Employer rate | 20.1%                | 10.8%          | 6.25%          |                |
| PERS % of Total Budget                | 2.3%                 |                |                |                |
| OPEB Contribution - Employer          | \$301,997            |                |                |                |
| OPEB Contribution - Employee          | \$ -                 |                |                |                |
| % of Payroll OPEB - Employer rate     | 8.4%                 |                |                |                |
| OPEB % of Total Budget                | 1.8%                 |                |                |                |
|                                       |                      |                |                |                |
| <b>2012/2013 ACTUAL</b>               | <b>Miscellaneous</b> |                |                | <b>Safety</b>  |
| Total Budget (All Funds)              | \$11,987,309         |                |                | <b>N/A</b>     |
| Total Payroll                         | \$3,377,385          |                |                |                |
| PERS Contribution - Employer          | \$361,682            |                |                |                |
| Employee PERS Contribution            | \$166,529            |                |                |                |
| % of Payroll (PERSable) Employer Rate | 19.6%                | 10.2%          | 6.25%          |                |
| PERS % of Total Budget                | 3.0%                 |                |                |                |
| # of Employees                        | 24                   |                |                |                |
| Funded PERS Ratio AVA                 | 79.5%                |                |                |                |
| Funded PERS Ratio MVA                 | 71.7%                |                |                |                |
| OPEB Contribution - Employer          | \$325,347            |                |                |                |
| OPEB Contribution - Employee          | \$ -                 |                |                |                |
| % of Payroll OPEB - Employer rate     | 9.6%                 |                |                |                |
| OPEB % of Total Budget                | 2.7%                 |                |                |                |
| <b>Funded OPEB to AVA</b>             | <b>35.0%</b>         |                |                |                |

\*Note: Safety Employees are contracted from Napa County

**APPENDIX E: ST. HELENA**

**Public Pension/Post Employment Benefits Fund Evaluation: St. Helena**

| <b>JURISDICTION:</b>                  | <b>St. Helena</b>    |                |
|---------------------------------------|----------------------|----------------|
| <b>Category:</b>                      |                      |                |
| <b>2013/2014 BUDGET</b>               | <b>Miscellaneous</b> | <b>Safety*</b> |
| <b>Retirement Tier</b>                | <b>Tier 1</b>        | <b>Tier 1</b>  |
| <b>Retirement Formula</b>             | <b>2% @ 55</b>       | <b>3% @ 50</b> |
| Total Budget (All Funds)              | \$16,409,070         |                |
| Total Payroll                         | \$ 4,826,683         | \$ 2,615,498   |
| PERS Contribution - Employer          | \$ 418,865           | \$ 439,743     |
| Employee PERS Contribution            | \$ 162,036           | \$ 108,567     |
| % of Payroll (PERSable) Employer rate | 8.7%                 | 16.8%          |
| PERS % of Total Budget                | 2.6%                 | 2.7%           |
| OPEB Contribution - Employer          | \$ -                 | \$ -           |
| OPEB Contribution - Employee          | \$ 242,545           | \$ 2,875       |
| % of Payroll OPEB - Employer rate     | 0.0%                 | 0.0%           |
| OPEB % of Total Budget                | 0.0%                 | 0.0%           |
|                                       |                      |                |
| <b>2012/2013 ACTUAL</b>               | <b>Miscellaneous</b> | <b>Safety</b>  |
| Total Budget (All Funds)              | \$21,655,771         |                |
| Total Payroll                         | \$ 4,985,945         | \$ 2,469,987   |
| PERS Contribution - Employer          | \$ 417,186           | \$ 401,108     |
| Employee PERS Contribution            | \$ 177,138           | \$ 98,672      |
| % of Payroll (PERSable) Employer Rate | 8.4%                 | 16.2%          |
| PERS % of Total Budget                | 1.9%                 | 1.9%           |
| # of Employees                        | 66                   | 17             |
| Funded PERS Ratio AVA                 | 84.3%                | 80.4%          |
| Funded PERS Ratio MVA                 | 75.5%                | 71.8%          |
| OPEB Contribution - Employer          | \$ -                 | \$ -           |
| OPEB Contribution - Employee          | \$ 327,241           | \$ 11,934      |
| % of Payroll OPEB - Employer rate     | 0.0%                 | 0.0%           |
| OPEB % of Total Budget                | 0.0%                 | 0.0%           |
| <b>Funded OPEB to AVA</b>             |                      |                |

\*Note: St. Helena maintains an all-volunteer Fire Department

**APPENDIX F: CITY OF CALISTOGA**

**Public Pension/Post Employment Benefits Fund Evaluation: City of Calistoga**

| JURISDICTION:                         | Calistoga            |               |
|---------------------------------------|----------------------|---------------|
| <b>Category:</b>                      |                      |               |
| <b>2013/2014 BUDGET</b>               | <b>Miscellaneous</b> | <b>Safety</b> |
| <b>Retirement Tier</b>                |                      |               |
| <b>Retirement Formula</b>             |                      |               |
| Total Budget (All Funds)              | \$17,250,888         |               |
| Total Payroll                         | \$ 2,421,026         | \$ 1,195,929  |
| PERS Contribution - Employer          |                      |               |
| Employee PERS Contribution            | 8.0%                 | 9.0%          |
| % of Payroll (PERSable) Employer rate | 21.6%                | 32.8%         |
| PERS % of Total Budget                | 1.2%                 | 0.0%          |
| OPEB Contribution - Employer          | \$206,923            |               |
| OPEB Contribution - Employee          | \$ -                 |               |
| % of Payroll OPEB - Employer rate     | 5.7%                 |               |
| OPEB % of Total Budget                | 1.2%                 |               |
|                                       |                      |               |
| <b>2012/2013 ACTUAL</b>               | <b>Miscellaneous</b> | <b>Safety</b> |
| Total Budget (All Funds)              | \$14,091,011         |               |
| Total Payroll                         | \$ 2,339,294         | \$ 1,206,006  |
| PERS Contribution - Employer          | \$ 402,888           | \$ 371,252    |
| Employee PERS Contribution            | \$ 156,436           | \$ 108,198    |
| % of Payroll (PERSable) Employer Rate | 7.9%                 |               |
| PERS % of Total Budget                | 1.3%                 |               |
| # of Employees                        | 43                   |               |
| Funded PERS Ratio AVA                 | 70.3%                | 72.1%         |
| Funded PERS Ratio MVA                 | 62.9%                | 64.6%         |
| OPEB Contribution - Employer          | \$185,227            |               |
| OPEB Contribution - Employee          | 0%                   |               |
| % of Payroll OPEB - Employer rate     | 23.9%                |               |
| OPEB % of Total Budget                | 5.2%                 |               |
| <b>Funded OPEB to AVA</b>             | 33% estimated        |               |



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY 2013-2014**

**APRIL 22, 2014**

**FINAL REPORT**

**VETERANS  
SERVICE and OUTREACH**

**COUNTY VETERANS SERVICE OFFICE**

# **VETERANS SERVICE AND OUTREACH COUNTY VETERANS SERVICE OFFICE**

## **I. SUMMARY**

The 2013-2014 Grand Jury undertook an investigation of the County Veterans Service Office (CVSO). The CVSO provides services to military veterans, dependents, and their families. Its primary task is to assist veterans in identifying and applying for benefits that veterans are entitled to receive from the U.S. Department of Veterans Affairs (VA). This task breaks down into two primary components: actual assistance in claim processing, and outreach to veterans residing in Napa County to ensure awareness of benefits available from the VA. The CVSO provides other services for veterans as well.

The 2013-2014 Grand Jury concludes that the CVSO does a first-rate job of assisting veterans with the actual processing of their claims. However, it takes too long for veterans seeking benefits to obtain assistance and the outreach by the CVSO in recent years has been marginal at best due to inadequate staffing.

The focus of this report is the Napa CVSO that serves approximately 11,400 veterans. Veterans residing at the Veterans Home of California in Yountville and veterans attending Napa Valley College are serviced by their own Veterans Service Representatives (VSRs). The operation of these offices is outside the scope of this report.

The CVSO has conducted its business with a single Veterans Service Officer (VSO) in the past several years. In fiscal year 2013-14 the County authorized the addition of a second position, for a VSR. As of the writing of this report the position has not yet been filled.

It is not knowable at this time whether the addition of the second position will resolve the existing claims processing backlog, as well as allow the CVSO to engage in effective outreach to veterans residing in Napa County. The Grand Jury strongly urges a yearly assessment of these issues through annual reports to the Board of Supervisors.

To assist the reader, the frequently used abbreviations in this report are as follows:

CVSO: County Veterans Service Office  
VSO: Veterans Service Officer  
VSR: Veterans Service Representative  
VA: U.S. Department of Veterans Affairs  
CDVA: California Department of Veterans Affairs

## **II. BACKGROUND**

The VA administers a wide range of benefits and services for veterans, their dependents, and their survivors. Major benefits include medical care, veterans' compensation, veterans' pension, survivors' benefits, rehabilitation and employment assistance, home loan guarantees, life insurance coverage, and cemetery benefits. The eligibility for most VA benefits is determined following discharge from active military service, with certain benefits requiring service during wartime.

The California Department of Veterans Affairs (CDVA) provides additional assistance for California veterans, including education, employment, health care, housing advocacy/assistance, funding assistance for CVSOs, and the promotion of legislation for veterans.

Section 970 of the California Military and Veterans Code authorizes the Board of Supervisors of each county to appoint a VSO, provides that the VSO must be a veteran, and continues: "It shall be the duty of the county veterans service officer to administer the aid provided for in this chapter, to investigate all claims, applications, or requests for aid made pursuant to the terms of this chapter, and to perform any other veteran related services as requested by the county board of supervisors." As specified by state law, VSOs are veterans; they are trained in claims processing; they receive certifications from the VA and the CDVA.

There are over 100 CVSOs in California counties. In contrast, there are only four VA offices in California, with the Oakland office being the nearest to Napa County. Most California veterans (over 65%) live outside a VA office service area. Thus, the preponderance of day-to-day personal assistance, counseling, guidance, and direction for California veterans is provided by county CVSOs. CVSOs track and quantify the monetary

benefits that veterans in their areas receive through their claims processing efforts, but the intangible benefits of their work are equally real, and cannot be overstated.

Veterans often have difficulty identifying the entitlements that they are eligible to receive. Many are intimidated, even to the point of immobility, by the challenges in presenting a properly documented claim to the VA. They count on the CVSOs to be their advocate. The CVSOs, in turn, seek to provide a safe, thoughtful, and empathetic environment for California veterans. They strive to ensure that a veteran's dignity is maintained through what can be a complex, difficult, personal, and stressful claims process. The same is true for other services that are provided through CVSOs.

In Napa County, the CVSO is an office within the Services for Older Adults Division of the Napa County Health and Human Services Agency. The Health and Human Services Agency is one of eighteen departments of the Napa County government. The CVSO is currently staffed with a single VSO, with a VSR to be added in 2014. The CVSO has a half-time assistant assigned to it, with a full-time assistant planned when the VSR joins the office.

CVSOs in California are funded through a combination of county, state, and federal funds. The total cost of the Napa CVSO in fiscal year 2013-14 was \$178,000. Of this amount 79% came from Napa County.

Over the last eight years the Napa County contribution in support of its CVSO has averaged \$124,437. California has supplemented this funding over these years in an annual amount ranging from \$25,361 to \$43,111. On average, Napa County has funded 76% of the total expense of the CVSO. In 2013, California had a one-time, \$2.3 million surplus for CVSOs, of which \$23,000 went to Napa County. This additional funding provided the stimulus for the addition of the VSR position in the CVSO. There is no indication that the State will generate similar surpluses for distribution to the counties in the future.

According to 2010 U.S. census data, 11,400 veterans reside in Napa County. This veterans' population lives within a county area of approximately 788 square miles. The majority of veterans live in or near the



City of Napa. There are also a significant number of veterans in the cities of American Canyon and Calistoga.

Napa County veterans range in age from 18 to more than 85 years and are of widely varied socioeconomic and ethnic backgrounds. Through 2012 (latest available year), the Napa CVSO had provided assistance to 1,435, or 12.5%, of the 11,400 veteran residents. VA benefits obtained through the work of the CVSO have significantly impacted the lives of Napa veterans and their families. The aggregate annual dollar value of VA benefits achieved through the work of the CVSO has increased over the last several years to a new high of more than \$3.5 million in new benefits in fiscal year 2012-13 (latest available year).

In Napa County, the number one reason that veterans do not receive benefits to which they are entitled is that they do not know the benefits exist. The second reason is that they do not think that they qualify for benefits. The third reason is that they perceive it to be too much of a hassle to pursue their claims with the VA. The VSO can overcome each of these reasons, but it can require significant one-on-one time with each veteran to do so. It may also require significant research. For example, a veteran might not recall the specific ship or battle that must be identified in pursuing a specific claim with the VA. The process requires one-on-one meetings between the veteran and the VSO (or VSR), along with significant follow-up as a claim is documented.

At the present time (in the absence of a family emergency, such as “I have just lost my husband” or “I have just lost the family home”), it can take a veteran as much as four weeks or longer to schedule a one-on-one meeting with the VSO. Currently, the CVSO mostly limits its outreach to a monthly orientation for veterans in a conference room next to the CVSO office. There is not an active campaign in place to seek out the large pool of veterans who have never sought assistance from the CVSO. Many County veterans are not aware of what a VSO might accomplish for them.

The Napa County website contains information about veteran services but these services are not easy to locate. The website home page makes no reference to them. If a veteran does not know to enter “veteran” as a search term on the Home Page, <http://www.countyofnapa.org>, it is difficult to locate the extensive information available for veterans on the website.

While the Napa CVSO has no responsibility for the Veterans Home of California in Yountville, there is a constant exchange of information between the Napa CVSO and the counterpart office at the Veterans Home. Napa Valley College has its own VSR serving student veterans on campus but the Napa CVSO has limited interaction with the campus VSR outside of referrals for the filing of claims.

### **III. METHODOLOGY**

#### **A. Interviews Conducted**

Staff in the Services for Older Adults Division, Napa County Health and Human Services Agency

#### **B. Documents Reviewed**

1. Veteran information page, Comprehensive Services for Older Adults, County of Napa website
2. Cal Vet Subvention Payment Manual to Counties (2013)
3. Napa CVSO Monthly Reporting Sheets, 2007-13
4. Napa CVSO State Annual Funding, 2005-13
5. Napa County CVSO Annual Budgets, 2005-13
6. 2012 Annual Report, California Association of County Veterans Officers, Inc.
7. Economic Impact of Federal VA Benefit Payments Made to California Veterans, Center for Strategic Research (2011)
8. Taking Care of Placer County Veterans Today and Tomorrow, 2011-2012 Placer County Grand Jury
9. Home Page, U.S. Department of Veterans Affairs
10. Home Page, California Department of Veterans Affairs
11. California Veteran Population by Counties, California Department of Veterans Affairs (2011)
12. California Veteran Population by Ethnicity, California Department of Veterans Affairs (2011)
13. Snapshot of California Veterans: Distribution by Race, Ethnicity, and Gender (September 30, 2012)
14. Resolution No. 2012-165, Designating the Napa Veterans Advocacy Coalition as the County's Veterans Support Group, Napa County Board of Supervisors

15. Veterans Service Division Procedure Manual for Subvention and Medi-Cal Cost Avoidance, California Department of Veterans Affairs (July 1, 2012)
16. Medi-Cal Cost Avoidance Program, Total Federal Funds, California Department of Veterans Affairs (January-June 2013, FY 2012-13)
17. State Legislative Priorities, California Association of County Veterans Services Officers (2013-14)
18. Public Hearing on California Veterans Services, Counties Work in California and Across the Nation (April 23, 2013)
19. A Guide for Returning Veterans, Napa Valley College (PDF)
20. Scholarship and Grants, 64 available websites, California Association of County Veterans Services Officers, Inc.
21. Agenda Summary, Veteran Services Program, Hiring Veteran Services Representative and Reclassifying VSO as Supervisor, Health & Human Services (February 11, 2014)
22. Napa County Public Services Employees Job Description, Veterans Services Officer, Class Code 3690 (2007)
23. Newspaper articles, editorials, letters to the editor regarding veterans in Napa County

#### **IV. DISCUSSION**

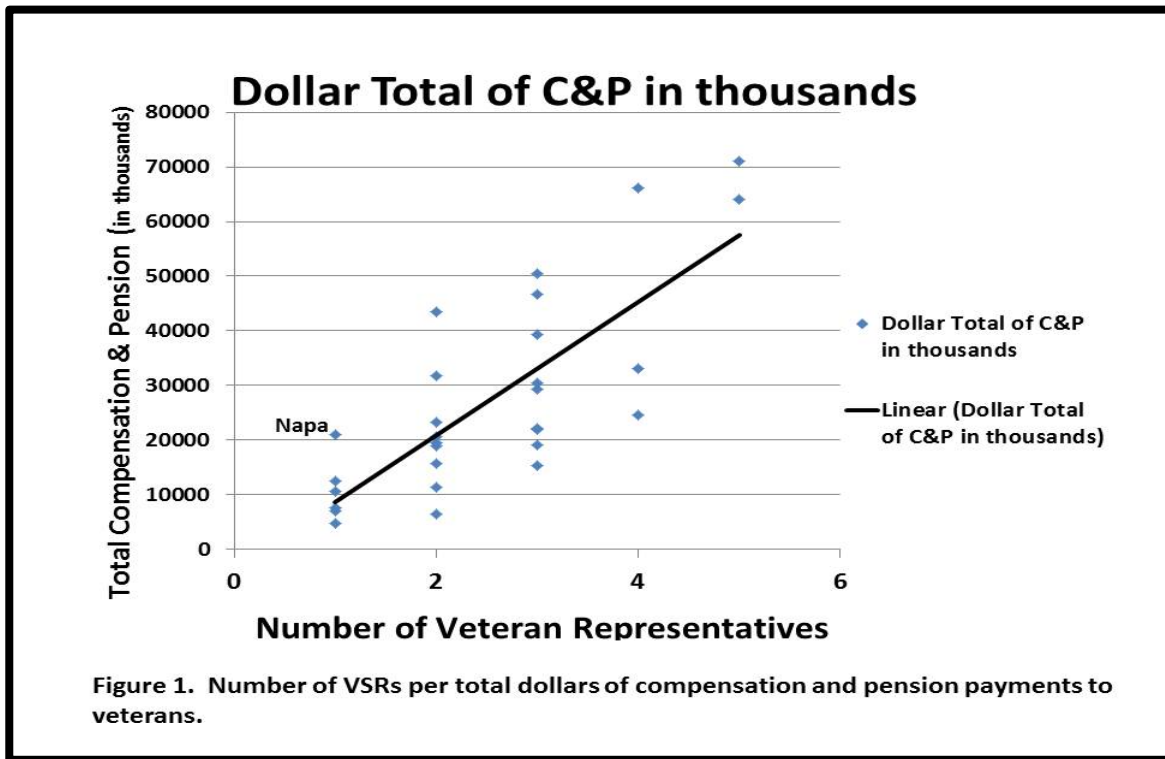
##### **A. The Napa County CVSO Provides Valuable Assistance in Claims Processing**

Veterans can file their own claims for benefits but are often not successful. Typically, the claim is not complete and the VA responds by seeking more information. The back-and-forth between veteran and the VA can continue for a year and a half until the VA rules on the claim. On the other hand, when a VSO submits a fully developed claim on behalf of a veteran, the VA acts on the claim within six months or less. Pension claims for low-income veterans are typically resolved within six weeks. As a matter of policy, the Napa CVSO discourages veterans from applying for VA benefits on their own. Rather, it strongly encourages veterans to apply through the VSO who is skilled in VA filing forms and understands VA processes and procedures.

CVSOs maintain statistical information that shows their success rate with the VA based on the percentage of claim grants and the monetary value of the awards. The Napa CVSO has a 98% grant approval rate. This high rate reflects that almost all claims submitted through the Napa CVSO are granted, and is the seventh highest grant approval rate in California.

As important, Napa veterans more often receive a higher disability rating than veterans in other counties. The CVSO prepares them well for their VA examinations. They are prepared to explain their issues, including the impact of their disabilities on themselves and their families.

Finally, the total annual value of approved claims has been rising in the last several years for veterans in Napa County. In 2013, the monetary value of approved compensation and pension claims totaled more than \$3.5 million dollars. The total in compensation and pension claims for the last seven years exceeds \$21 million.



When the Napa CVSO is compared to other CVSOs, Napa’s cumulative total of \$21 million in compensation and pension claims over the last seven years significantly exceeds the amount achieved by other counties with CVSOs staffed by a single VSO (or VSR), as illustrated in Figure 1.

## **B. Napa County Greatly Benefits from the work of the CVSO**

Typically veterans spend most, if not all, of their benefit money on life's necessities. Thus, in assessing the economic value of a CVSO, it is important to take into account the multiplier effect from the veterans' dollars spent within the local economy. While opinions differ, it is generally accepted that the multiplier is at least three. Thus, the multiplier impact of the \$3.5 million dollars that was realized in 2013 may be \$10 million (or more), with most of these dollars likely to be spent in Napa County. In short, the combined Napa County general fund and State expense of about \$150,000 (the current cost of the CVSO office) has an outsized impact on economic activity, to the benefit of both local business and the County itself.

The Placer County 2011-2012 Grand Jury undertook to examine the economic impact of federal benefit dollars for veterans and their families in Placer County. It cited the results of a study by the Center for Strategic Economic Research (CERS) that sought to quantify the benefits to the County from an annual expense of \$381,554 in support of its CVSO. According to the study, "The Placer economy benefits from a total of roughly 105 jobs, \$14.2 million of output, and \$4.9 million of employee compensation with a state and local tax impact of \$1.1 million resulting from the direct spending supported by veteran benefit payments obtained by the Placer County CVSO." While there is no such similar study for Napa County, there is general recognition that the direct benefits from veteran benefit payments at the county level are substantial.

In short, the Napa CVSO, with a single VSO, has done well in augmenting the federal veteran benefit payment dollars flowing into Napa County. There is also a vast unmet need, as evidenced by the small percentage (12.5%) of Napa County veterans that have taken advantage of the County's CVSO service to date, and the significant wait time for an appointment with the VSO. The unmet needs means that Napa County is losing the benefit of substantial federal dollars and their multiplier effects that could be supporting local economic activity.

### C. The NAPA CVSO Has Suffered from a Shortage of Staff and Funding

As Napa County now moves to add a VSR, raising the number of accredited officers from one to two, it seems clear that the significant backlog in scheduling interviews and the absence of significant outreach is attributable to the small size of the Napa CVSO. Napa County, with 11,400 veterans, has been understaffed compared with other smaller counties with small veteran populations. These counties include Butte, El Dorado, Humboldt, Kings, Lake, Madera, Marin, Mendocino, Nevada, Santa Cruz, and Yolo. Each of these counties has more than one VSO (or VSR) to serve its veterans. Figure 2 shows that Napa County has been an outlier with a single VSR:

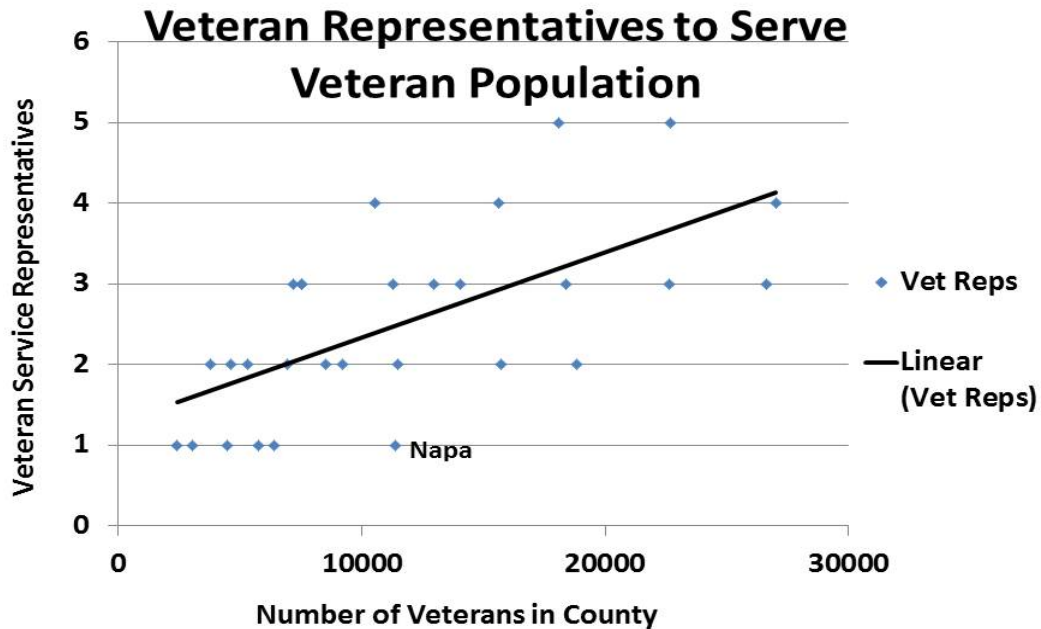
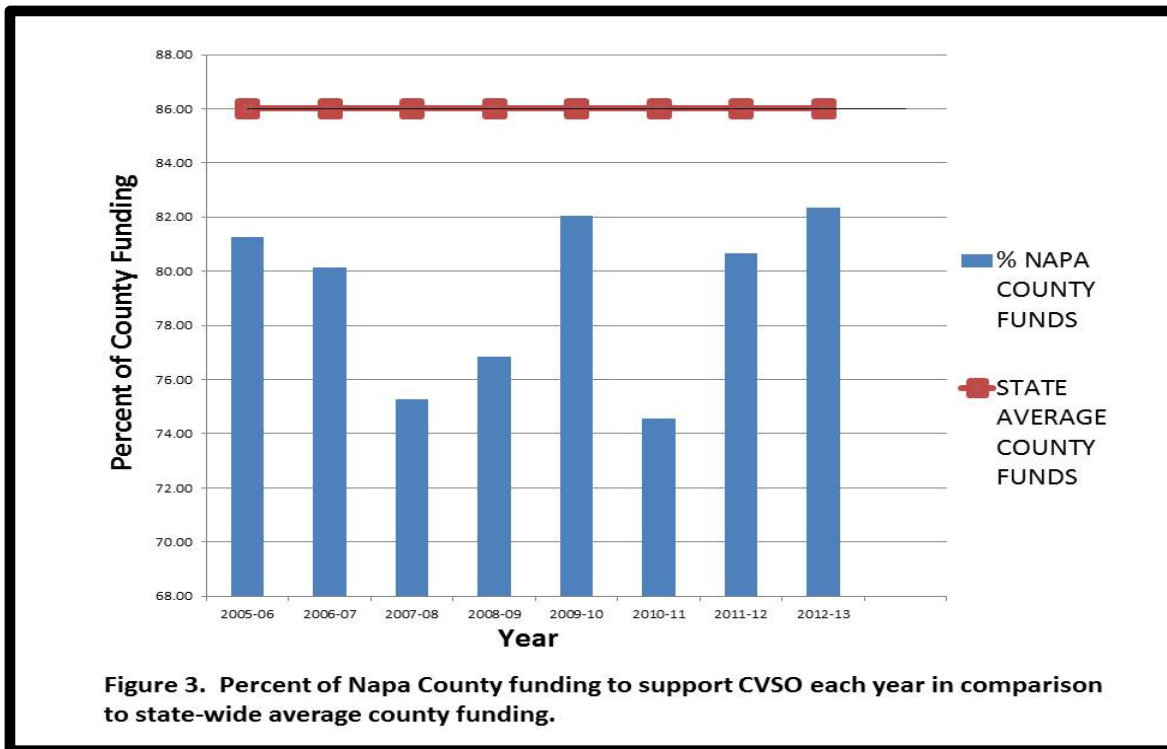


Figure 2. Number of VSR to serve veteran population in respective counties.



Not surprisingly, Napa County underfunded its CVSO in the last several years when compared with the statewide average. The statewide average of county funding in past years has been 5% to 10% greater than that of Napa County, as illustrated in Figure 3:

Some backlog is inevitable. Based on the foregoing, it can come as no surprise that the average scheduling backlog in Napa County stands at four to six weeks, in comparison to a state wide average of three weeks. The 2013-2014 Grand Jury recommends that Napa County strive to be best in class, with a backlog limited to two weeks. This would result in approximately 80 veterans being seen in a two-week period.

As noted above, Napa County in 2014 is adding a VSR, and the funding for the office is increasing, including the one-time state distribution in 2013. Napa County should strive in the future to be at no less than the statewide county average in CVSO funding.

**D. CVSO Administration: Insufficient Outreach**

There are a number of well-established reasons why veterans often do not obtain the benefits to which they might be entitled:

- They do not know that the CVSO exists
- They are not aware of benefits applicable to their situation
- They think they will not qualify for the benefits
- The process is “just too difficult” to complete
- They suffer from emotional trauma that impairs their ability to pursue claims on their own

Effective outreach can overcome each of these reasons. The most important outreach is visiting the veterans in their homes. The VSO (or VSR) needs to be able to visit veterans who are unable or reluctant to come to the CVSO. The CVSO should routinely reach out to organizations, clubs, and events where veterans are likely to congregate.

Elsewhere in California, CVSOs, banding together, make joint use of media outlets such as newspapers, radio, and television, to advertise their services. The CVSO should join any similar effort in the North Bay counties.

Napa County provides veterans’ services information on its website, but some veterans may not be web savvy and may struggle to find helpful information. Younger veterans, who do not search for “veteran” within the website, may not think to navigate into programs accessed through the “Comprehensive Services for Older Adults” webpage.

It is also important that County employees, as they provide guidance to those seeking services, recognize that they might be dealing with a veteran and direct the veteran to the CVSO. County administrators should ensure that their employees understand that any service record with the military makes that person a veteran.

Finally, the CVSO should initiate a Veterans Identification Card program, as other counties now do. An identification card can assist veterans in obtaining discounts from companies offering discounts to veterans. A key consideration is that such a program encourages veterans to come into the CVSO. The VSO (or VSR) can then explore if the veteran has benefit opportunities with the VA or is in need of other assistance.



## **V. FINDINGS**

- F1.** The Napa CVSOS provides a critical service by assisting veterans to identify and apply for benefits they are entitled to receive.
- F2.** There are 11,400 veterans in Napa County that are within the service area of the Napa CVSOS.
- F3.** As of 2012 (the latest available data), the Napa CVSOS has assisted a total of 1,435 veterans through the VA claims process.
- F4.** The Napa CVSOS has a claims granting rate of 98% from the VA, ranking it seventh among all California counties.
- F5.** The amount of new claim benefits received by Napa County veterans through the CVSOS has increased steadily over the last several years, reaching a new annual high of \$3,496,513 in 2013.
- F6.** In recent years Napa County has understaffed and underfunded its CVSOS in comparison to other, small California counties.
- F7.** The Napa CVSOS presently has a backlog of four to six weeks in scheduling non-emergency meetings with veterans.
- F8.** Due to understaffing, the Napa CVSOS in recent years has not engaged in effective outreach to veterans in Napa County.
- F9.** Many veterans do not have documents on their person that identify themselves as veterans.

## **VI. RECOMMENDATIONS**

- R1.** The Napa CVSOS should set a goal of scheduling a meeting with a veteran within a two-week period.
- R2.** The Napa CVSOS should develop an outreach program that ensures that veterans in Napa County are fully aware of its services, including that it will make home visits.

- R3.** The Napa CVSO should report annually, in writing, to the Board of Supervisors on the effectiveness of its outreach programs, including not just what it has done but what in its assessment should be done.
- R4.** Napa County should implement changes to its website that facilitate the finding of veteran services on its website.
- R5.** The Napa CVSO should make available a Veteran Identification Card for Napa County veterans to enable veterans to receive additional benefits from Napa County businesses with special benefits for veterans.

## **VII. REQUEST FOR RESPONSES**

Pursuant to California Penal Code section 933.05, the 2013-2014 Grand Jury requests responses from the following governing body:

- The Napa County Board of Supervisors

It is requested that the official responding to the recommendations certify above his or her signature that the responses conform to the requirements of section 933.05 of the Penal Code.

## **VIII. COMMENDATION**

The 2013-2014 Grand Jury commends the CVSO for its high grant rate of 98% and for achieving record benefit results in fiscal 2012-13.

The foregoing report was approved by the 2013-2014 Grand Jury in regular session on April 15, 2014.

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY 2013-2014**

**APRIL 22, 2014**

**FINAL REPORT**

**FORMING PARTNERS WITH THE  
COMMUNITY THROUGH YOUTH  
SPORTS**

**“PUTTING KIDS FIRST”**

# **FORMING PARTNERS WITH THE COMMUNITY THROUGH YOUTH SPORTS**

## **“PUTTING KIDS FIRST”**

### **I. SUMMARY**

The topic under investigation in this report centers on the Joint Field Use Agreement between the Napa Valley Unified School District (NVUSD) and the Non-profit Youth Sports Organizations (NYSO) in the City of Napa. The Joint Field Use Agreement functions as an informal arrangement between the NVUSD and the NYSO to provide organized youth sports that are separate and independent from the extra-curricular athletic programs in the School District. The NYSO agree to complete a field use application showing proof of insurance and to pay a user fee of \$15 per player. The School District accepts the responsibility of providing the playing fields.

The 2013-2014 Grand Jury concentrated its investigation on three major areas of the Joint Field Use Agreement:

- The fee structure for the use of the fields, including an examination of the financial records of the NVUSD and the account (Napa Youth Sports League) reserved for the NYSO.
- The scheduling procedures for the use of the fields.
- The policies and regulations that impact the operations of field maintenance.

The Grand Jury also examined the structure and function of the Youth Sports Council as it relates to the Joint Field Use Agreement. The Youth Sports Council is a coalition of representatives from the NVUSD, the City of Napa and the NYSO. Each party of the coalition is a stakeholder in the overall operation and management of the Joint Use Agreement. The NVUSD has the lead role in the management of the policies and procedures that govern the Joint Field Use Agreement.

NYSO have been an integral part of the City of Napa’s recreational culture for many years. They have grown from a few hundred team players in the 1960s to more than 4,000 participants today, with soccer being the most popular sport. The NYSO operate under the direction of an all-volunteer organization independent from the City of Napa and the NVUSD.

The only common denominator is that many of the NYSO use the School District's playing fields for their sports programs.

The Grand Jury found that the NVUSD showed areas of inconsistency in the methods of collecting field use fees from the NYSO. The Grand Jury also found an absence of transparency in the recording and reporting of the revenues and expenditures of the NYSO. The Grand Jury found that the current scheduling system for field use is outdated and time consuming, given the high demand for field reservations. Furthermore, the Grand Jury discovered an on-going problem of gopher infestation at many of the natural grass playing fields. Lastly, the Grand Jury found that the Youth Sports Council lacked a cohesive mechanism for effective communication between the NYSO and the School District.

The overriding issue that emerged from the investigation, however, is the lack of available playing fields in the NVUSD to accommodate the growing number of NYSO. The School District is stretched to the limit given the number of fields that can be used for competitive sports, with the demand for the use of the fields increasing each year. The overuse of the fields creates additional problems that result in higher year-round maintenance costs for the NVUSD. There are simply too many teams competing for the limited number of fields that are currently available in the School District.

A possible long-term solution to the problem of overuse could be the creation of more joint partnerships among public and private agencies to share or build new sports facilities on city-owned land. The City of Napa is currently leading the way toward more joint partnership developments with its Master Plan for Kennedy Park with the possibility of additional soccer fields. The Grand Jury encourages the NVUSD and the NYSO to embrace the city's master plan for Kennedy Park as it brings together public and private agencies working toward a common goal of putting kids first by forming partners with the community.

## **II. FOCUS OF THE INVESTIGATION**

The Grand Jury investigation assessed the accountability and transparency of the procedures and regulations within the NVUSD that

govern the Joint Field Use Agreement. The investigation examines the following issues:

- A. The policies and regulations that regulate the on-going operations of field maintenance.
- B. The fee structure for field use and the accounting system of the NVUSD, including revenues and expenditures accrued by the NYSO.
- C. The procedures and processes by which playing fields are scheduled for use by the NYSO.
- D. The structure and function of the Youth Sports Council.

### **III. BACKGROUND**

According to the California School Board Association's policy brief dated February 2010, a joint use agreement is a formal agreement between two or more agencies that sets the terms, conditions and responsibilities of each party sharing a facility or public grounds. Typically each party under a joint use agreement contributes resources to develop, operate and maintain the facility or facilities that will be shared.

In 1948, a formal Joint Powers Agreement existed between the City of Napa, the NVUSD and Napa Community College. The result of that Joint Powers Agreement was the formation of the Napa Recreation Commission. The Recreation Commission was charged with the responsibility of providing recreational programs at no cost for all residents in the City of Napa.

The arrangement to manage the use of playing fields among the City of Napa, the NVUSD, and Napa Valley College remained in place through the 1970's. The demand for fields was low at that time, and the arrangement served as a model for the sharing of community resources to meet the needs of youth sports.

In 1985, the Napa Recreation Commission was dissolved and replaced with the City of Napa's newly formed Parks and Recreation Department. The Parks and Recreation Department continued to manage the use agreement with the private youth groups. As the number of youth sports organizations began to increase, the Youth Sports Council was formed to support the needs of the youth groups. The Youth Sports Council consisted

of representatives of the NYSO who worked with the School District and the Recreation Department to coordinate the maintenance and use of the fields.

In 2000, the Napa City Council developed a Youth Sports Fields Strategic Plan for meeting the short and long-term needs of the youth sports groups for playing fields, including a plan to develop one new Citywide Park in south Napa dedicated primarily to youth sports. Another objective of the Strategic Plan was to improve the level of maintenance at all school fields. The plan also called for the City of Napa and the NVUSD to enter into a ten-year formal “Joint Use Agreement for the Maintenance of School Sports Fields for School and Community Use.”

The Joint Use Agreement stipulated that the City of Napa would contribute \$130,000 annually to the School District for the addition of three new district groundskeepers. During this time, the City of Napa’s Parks and Recreation Department managed the collection and recording of field use fees, while the NVUSD continued to manage the scheduling and maintenance of the fields.

In 2007, the NVUSD acquired from the City of Napa’s Parks and Recreation Department the responsibility for managing the collection of fees. When the City of Napa relinquished this responsibility, the NVUSD assumed the full obligation of managing the Joint Field Use Agreement with the NYSO. Funding from the City of Napa for the three groundskeepers was also reduced by fifty percent at this time due to severe budget cuts in the Parks and Recreation Department. In 2009, all funding from the City of Napa was eliminated which resulted in the NVUSD incurring all costs for the maintenance of the fields.

The Joint Use Agreement for Maintenance of School Sports Fields expired in 2010, but since that time the City of Napa and the School District have worked cooperatively in sharing the use of the fields. Negotiations are currently under way between the City of Napa and the NVUSD to reinstate the Joint Use Agreement.

In April 2013, the City of Napa launched an ambitious master plan for the future development of Kennedy Park with a joint meeting of the City Council and the Parks and Recreation Advisory Commission. The master plan calls for additional sports fields that will help ease the problem of overuse at many of the NVUSD’s playing fields.

## **IV. METHODOLOGY**

### **A. Interviews Conducted**

- Eight current employees of the NVUSD
- One School Board member
- Two current employees of the City of Napa
- Seven non-profit youth sports organizations' directors
- One former Youth Sports Council president
- One former NVUSD employee
- One former Parks and Recreation supervisor

### **B. Observations**

- Inspected 22 school district's playing fields
- Attended field scheduling meeting
- Attended Youth Sports Council meeting
- Attended girls' soccer matches

### **C. Documents Reviewed**

- NVUSD Maintenance Budget
- Napa Youth Sports League financial records
- Joint Powers Agreement – NVUSD / City of Napa / Napa Community College
- Youth Sports Fields Strategic Plan, City of Napa, January 2000
- Joint Use Field Maintenance Agreement – NVUSD / City of Napa, 2000
- Youth Sports Council Minutes -2010-2013
- *Hartzell v. Connell*, 35 Cal. 3rd 889, California Supreme Court, 1984
- Civic Center Act SB (1404) California Department of Education
- California School Board Association Policy Brief, February 2010
- Historical Review Of Parks and Recreation, City of Napa, September 2006
- Partnerships for Joint Use, Center for Cities & Schools at the University of California, September 2010
- Application For Use or Rental of School Facilities – NVUSD
- Application For Volunteer NVUSD Site-Initiated Improvements
- Field Use Certificate of Payment – NVUSD



## **V. DISCUSSION**

### **A. Non-profit Youth Sports Organizations (NYSO)**

The City of Napa has seen a steady rise in the number of the NYSO using the School District's fields that offer competitive sports programs for boys and girls ages four to eighteen. The NYSO include Little League Baseball, Babe Ruth Baseball, Cal Ripken Baseball, Napa "T" Ball, Tackle Football, Soccer, Girls Softball, Lacrosse, and Rugby.

Approximately 4,000 students within the Napa Valley Unified School District boundaries are currently participating in one of the NYSO. The competitive sports programs offered by the NYSO serve as a supplement to the existing extra-curricula athletic programs offered in the NVUSD.

NYSO do not qualify as school sponsored extra-curricula programs because they are *not* under the direct supervision of the school district. They are not considered an extension of the regular school instructional program even though they offer competitive athletic programs.

The NYSO operate as independent, private organizations staffed by adult volunteers. They retain their own league name, purchase their own equipment and select their own coaches. Each individual youth sports organization is required to maintain its own certificate of insurance listing the NVUSD as an additional insured.

Each of the NYSO collect a participation fee from individual team players, which ranges from \$100 to \$300 each season, depending upon the level of competition. The fee is managed by the NYSO through their individual league treasurers. The participation fee covers insurance, officials, equipment and the purchase of uniforms. Many of the NYSO have private sector sponsors that help offset the cost of operating their programs. All of the NYSO offer scholarships to players who are unable to pay the full participation fee.

### **B. The Playing Fields**

The Grand Jury conducted a thorough and comprehensive inspection of every school playing field in the NVUSD used by the NYSO. The Grand Jury focused on the safety aspects of the playing surfaces and on the overall

conditions of the equipment on the fields. The Grand Jury also examined the location and visibility of the signage at each of the schools to see if it complied with School District guidelines indicating that a Use Permit is required to use the field.

The NVUSD maintains more than 800 acres of playing fields. They include twenty-seven natural grass fields and seven all-weather, synthetic turf athletic fields. Memorial Stadium, a state-of-the-art multi-use high school facility for Napa and Vintage High Schools, is also maintained by the NVUSD. Memorial Stadium is available to the NYSO for use under a separate use agreement.

The synthetic turf fields at the high schools and middle schools are all well marked and well maintained, with adequate signage listing the rules and regulations for use of the fields. The natural grass fields at many of the elementary school sites were also found to be in good condition, with safe playing surfaces and useable equipment. However, several of the elementary school playing fields were found to have portions of their fields in poor, unplayable conditions, with inadequate signage and a notable presence of gopher infestation. The natural grass fields at the middle schools and high schools also showed signs of gopher infestation, but to a lesser degree.

Redwood Middle School has a natural grass combination soccer/football field that is known as “Raider Field.” The Oakland Raiders Football Organization use this field for their summer training camp from May until September each year. During the school year, Raider Field is maintained by the NVUSD and is used by the students at Redwood Middle School. Raider Field is also used by the NYSO for their soccer and rugby teams from September through April. The Oakland Raider organization pays an annual use fee to the NVUSD.

There are three joint use partnership sports complexes in the City of Napa that are used by the some of the NYSO for league games. These joint use partnership sports complexes were built over the years by a combination of volunteer labor, private sector funding and donations with the use of public land from the NVUSD and the City of Napa. They serve as models for joint use partnerships among public and private entities.

The joint use partnership sports complexes include:

Garfield Park: Garfield Park is not part of School District property, and is not part of this investigation. Garfield Park is managed under a separate use agreement with the City of Napa. It is used exclusively for Little League Baseball.

Kiwanis Park: Kiwanis Park is also not part of school property and is not part of this investigation. Kiwanis Park is managed by a separate use agreement with the City of Napa. It is used exclusively for girls' fast pitch softball.

Napa Valley Girls' Jr. Softball Complex: the Napa Valley Girls' Jr. Softball Complex is located on School District property and managed by a use agreement with the School District. This sports complex is part of this investigation. The NVUSD and the Napa Girls' Junior Softball Association jointly maintain this playing field. It is used exclusively for girls' junior softball.

### **C. Field Maintenance**

Maintaining the fields at all of the schools is the responsibility of the School District's Maintenance Department. The natural grass fields are watered and mowed on a regular basis with attention given to periodic aeration, weed control, and annual fertilizing. Gopher infestation at many of the fields is an on-going problem. An aggressive mechanical trapping program has recently been implemented to help reduce the gopher infestation.

The Grand Jury found there were inequities in field maintenance and appearance, primarily at the elementary school fields. The high school natural grass fields were found to have well-maintained, excellent playing surfaces, with only a limited amount of gopher infestation. The middle school natural grass fields were also maintained reasonably well, except for an on-going gopher infestation problem. The elementary schools' natural grass fields suffered the most from the lack of routine maintenance, with major gopher infestation and rough, uneven playing surfaces observed at many of the fields. The synthetic turf fields were all found to be in excellent condition.

Beginning in the spring of 2014, the NVUSD maintenance department plans to launch a five-year field restoration project for the purpose of repairing the playing surfaces at many of the school sites. The restoration project will initially target fields that receive the most use. The project will require portions of the affected fields to be completely shut down during restoration.

The Grand Jury also looked into the procedures for tracking field maintenance work orders from the initial request to job completion. Emergency work orders are handled immediately through a verbal request, but sometimes lack follow-up paper work. Tracking of non-urgent work requests is done electronically through a district-wide system called “School Dude.”

The Maintenance Department makes every effort to stay on top of all work requests, but on occasion there has been a backlog of work orders due to a shortage of personnel. For example, the records show that a set of bleachers that was donated to the NYSO took two years to be installed.

The Grand Jury found that, on occasion, volunteers from the NYSO perform maintenance work on some of the fields. Most of the work is time-sensitive, such as marking a field before a game, or spreading dirt over the infield of a baseball diamond. Performing skilled work, such as electrical or plumbing maintenance that is normally the job of school personnel, has often caused friction between the School District’s union employees and the NYSO.

The School District has a site-initiated volunteer work program that allows volunteers to perform projects that do not conflict with union guidelines. An example of this kind of volunteer work would be a group of parents painting the markings on the playground. The school principal approves each project in advance before the work is performed. However, the guidelines that govern the kind of volunteer work that can or cannot be done by the NYSO on the playing fields are unclear and do not appear to be enforced consistently.

The issue of field overuse continues to be the major problem facing the Maintenance Department. The demand for use of the existing fields exceeds the current budget of time and money allocated to the Maintenance Department to maintain them properly. Many of the NYSO are operate

year-round programs that make it difficult for the Maintenance Department to allocate and schedule time and resources that will not conflict with seasonal playing time.

#### **D. Fee Structure and Financial Regulations**

The leaders of the NYSO that the Grand Jury interviewed expressed concern about the lack of transparency from within the NVUSD accounting office regarding the fees the Napa Youth Sports League had paid for field use. The Napa Youth Sports League is the name of the account holding the funds for the NYSO. There were occasional spreadsheets distributed to the NYSO at the Youth Sports Council meetings, but the entries were not clear or easy to understand.

The Grand Jury reviewed the concerns about the accounting procedures with the NVUSD accounting department. School District personnel clarified the process of accounting and explained the systems used by the school district as required by the state of California. The current software used by the school district is outdated, and does not readily report a spreadsheet showing revenues and expenditures charged to the Napa Youth Sports League funds. The timing for presenting financial reports to the NYSO was irregular, and often times the reports lacked clarity. Upgraded software would facilitate the timely preparation of financial reports to the Napa Youth Sports League.

The practice of charging the NYSO a field use fee for each player dates back to 1980. The original per player fee was \$10. Today that fee is \$15 per player. The purpose of the fee is to help offset the cost of maintaining the fields. However, the actual cost of maintaining the fields at today's labor costs is close to \$50 per player. The School District absorbs the difference through its maintenance budget.

The practice of charging a fee to the NYSO for the use of the fields on public school property during non-school hours is based on the guidelines stated in the California State Education Code section 38130, pursuant to the Civic Center Act (SB 1404). The Civic Center Act authorizes school districts to charge for the "operational direct costs" for the use of school facilities and grounds. The term "school grounds" includes, but is not limited to, playing fields, athletic fields, tennis courts, and outdoor basketball courts.

The payment of fees is currently arranged on the honor system. In the past, the NYSO members have not been required to supply team rosters to verify the number of team players. Some NYSO members pay their fees at the time they reserve the fields, while other NYSO members are billed at a later date. In some cases, the records show that a few NYSO members failed to pay any fees, but were still allowed access to the fields. The NVUSD is considering introducing a policy that will require the leagues to pay their field use fee at the time they reserve the fields.

In December of 2013, the NVUSD drafted a Field Use Certificate of Payment Form that will be used beginning with the 2014 spring season. The new form identifies the teams using the fields, along with the season of play and the number of players on the teams. The new form also requires the leagues to provide rosters of all their teams using the fields for that season.

Currently, there are several ways for teams to pay the field use fee: they can pay at the field-scheduling meeting or they can take a check or cash directly to the NVUSD accounting office. Also, they can ask to be billed at a later date. The Joint Field Use Agreement also requires the NYSO members to show proof of insurance.

#### **E. Scheduling Procedures**

The field scheduling process for the NYSO begins with the completion of an Application for Use or Rental of School Facilities form listing the dates and times for use at each school site where the fields are located. The current use application covers all facilities in the NVUSD including swimming pools, gymnasiums and classrooms.

Separate applications have to be filled out for each school the NYSO reserve. The Facilities Application form was last updated in 1996. Completion of the Use Application form also serves as proof of insurance by the NYSO. A valid application for use of school facilities and payment of fees guarantees the NYSO the use of the fields they request.

Two field-scheduling meetings are held each year: one in January at the beginning of the spring season, and the other in July at the beginning of the fall season. Representatives from each of the NYSO members attend these meetings and participate in a “bidding” process for the fields they wish to use for the upcoming season. Historically, the leagues that have been

established the longest in the City of Napa get priority scheduling. Adult leagues are always scheduled after all of the youth teams have made their selections.

The demand for field use by NYSO is high. It is estimated that more than 300 individual teams, representing eleven different sports leagues, will compete for field use in 2014. Because the scheduling process is done manually, the chance for duplicate field reservations where two teams are scheduled at the same field at the same time is not uncommon. When this occurs, an on-call school district supervisor can be reached via an emergency phone number to help resolve the conflict.

Currently, one NVUSD staff member is assigned the job of scheduling fields. The scheduling process is labor intensive and time consuming. Computer software that could modernize and expedite the process is not being used. Even when there are conflicts for the reservations of fields, the NYSO were found to work extremely well with one another to ensure that every team was satisfied with the field reservations they requested.

Once all of the fields' selections have been entered onto a master scheduling spreadsheet, a NVUSD staff person is responsible for transferring this information onto a color-coded, scheduling matrix. The scheduling matrix is given to league representatives who distribute this information to all coaches.

Using a web-based software program to schedule fields would allow teams to view field assignments on-line or by smartphone. With this kind of software, every coach in the league would have access to the master scheduling spreadsheet through his or her cell phone. This would help eliminate any conflicts in scheduling.

Field selections by the NYSO members are coordinated with the principals of each affected school in the district well in advance of the playing seasons. Schools have priority use of the fields from seven a.m. until five p.m. on every day when the school is in session. They also have priority use of the fields on any weekend that the school wishes to schedule a special event.

## **F. Youth Sports Council**

The Youth Sports Council was first formed in the 1990's by a group of dedicated adult volunteers from the NYSO. During the early start up years, the Youth Sports Council worked cooperatively with the NVUSD and the City of Napa to upgrade and maintain the playing fields. As the number of NYSO grew, the Youth Sport Council evolved to represent the broader interests of the youth sports organizations.

In previous years the Youth Sports Council had an organizational structure with an elected president who represented the interests of all the NYSO members. At the present time, the Youth Sports Council does not have a spokesperson. However, at the initiative of the NVUSD's Director of General Services and Facilities, a plan is underway to elect a president for a one-year term. Broader representation from NYSO members should strengthen the level of communication between the school district and the youth sports groups.

Youth Sports Council meetings are generally held bi-monthly, but attendance is difficult to determine, as there are no attendance records of who attended prior meetings. The members of the NYSO are given advanced notice of the meetings, but the meeting dates, agendas and prior minutes are not currently made available for public view on the school district website.

## **VI. CONCLUSION**

The topic under investigation in this Report centers on the management of the Joint Field Use Agreement between the NVUSD and the NYSO in the City of Napa. The issue of transparency and accountability in dealing with the financial operations of the Napa Youth Sports League must continue to be addressed.

Scheduling of playing fields should be managed with the latest online technology, and field maintenance should continue to emphasize the need to provide the safest playing conditions at all fields. Finding additional playing fields within the City of Napa should also be a high priority with the Parks and Recreation Department to help offset the overuse of fields at most of the NVUSD schools.



The NVUSD and the NYSO are major stakeholders in the future development of youth sports in the City of Napa. The School District functions as the management and organizational team. The NYSO provide the volunteer framework in which school-aged boys and girls have the opportunity to compete in organized sports. Together they unify communities as joint partners in pursuit of a common goal of promoting youth sports by “Putting Kids First.”

When public and private agencies work together sharing resources it becomes a win-win situation for all parties. The growth of youth sports in the City of Napa has a promising future thanks to the efforts over the past years of the NVUSD, the City of Napa and the NYSO.

## **VII. FINDINGS**

- F1.** The ten-year Joint Use Agreement for Maintenance of School Sports Fields between the City of Napa and the NVSUD expired in 2010. The Joint Use Agreement provided funding to the School District for field maintenance.
- F2.** Inequities in field maintenance and appearance were noted in all of the fields observed; some of the fields were in excellent condition while others were found to be lacking in maintenance.
- F3.** Team rosters are not checked for billing purposes; an estimated number of players serve as a basis for payment.
- F4.** Collection of field use fees is not centralized or submitted on a regular basis.
- F5.** The financial reports from the NVUSD distributed at the Youth Sports Council meetings to the NYSO are inconsistent, often incomplete, and lack of transparency.
- F6.** Fields are scheduled manually at two scheduling meetings during the year.
- F7.** Fields are currently scheduled on a “historic’ basis with preference to those leagues that have been established the longest.

- F8.** Payment of fees is restricted to either cash or check.
- F9.** Some non-profit sports organizations fail to pay their field use fees, but still have access to the fields.
- F10.** Safety and use requirement signage at many of the elementary school fields is often lacking, outdated or misplaced.
- F11.** Emergency work requests are processed verbally, but not always followed up and recorded through the electronically controlled system known as “School Dude.”
- F12.** The current field use application is outdated (1996) and consolidated within the application for rental or use of all school facilities. Users are required to complete separate applications for every field they request.
- F13.** There is a gopher infestation problem at many of the natural grass fields.
- F14.** Youth Sports Council meetings, agendas, and minutes are not published in advance for public view.
- F15.** The existing playing fields within the NVUSD have reached their maximum capacity to accommodate the growing number of non-profit youth sports organizations.
- F16.** The NVUSD accounting department is currently using outdated software to prepare financial reports for the Napa Youth Sports League account.
- F17.** Some volunteer work performed on the School District’s playing fields by adults from the NYSO often conflicts with the union rules of the California School Employees Association.
- F18.** The NVUSD assumed the responsibility of collecting field use fees from the NYSO in 2007.

## VIII. RECOMMENDATIONS

The Grand Jury recommends:

- R1.** That the Superintendent of the NVUSD and the City of Napa Parks and Recreation Department re-establish within the next six months a new Joint Use Agreement for Maintenance of School Sports Fields for School and Community Use.
- R2.** That the Director of Maintenance and Construction develop a more consistent maintenance program to ensure that the playing fields at all schools are maintained in a safe, playable condition.
- R3.** That the Assistant Superintendent of Business Services develop written procedures for the enrollment of all non-profit youth sports leagues to ensure consistent tracking of applications, payments, billing and usage.
- R4.** That the Assistant Superintendent of Business Services prepare quarterly financial reports for the Youth Sports Council meetings detailing current revenues and expenditures in the Napa Youth Sports League account.
- R5.** That the Director of General Services and Facilities implement within the next six months a computerized system for the reservations of playing fields.
- R6.** That the Director of General Services and Facilities adopt a lottery or similar system to assign playing fields that would replace the current “historical” system.
- R7.** That the Assistant Superintendent of Business Services immediately allow the use of credit cards for the payment of field use fees to ensure more efficient tracking of funds and team payments.
- R8.** That the Assistant Superintendent of Business Services establish in the next six months stricter enforcement policies for the non-payment of field use fees.

- R9.** That the Director of Maintenance and Construction, in conjunction with the principals at each elementary school site, place at the entrance of each playing field updated, highly visible signage stating that a use permit for organized sports groups is required to use the field.
- R10.** That the Director of Maintenance and Construction establish procedures that expedite and track emergency work order requests within the web-based, electronic “School Dude” system to ensure proper transparency of the completed work.
- R11.** That the Director of General Services and Facilities within the next three months create a computerized, online Facilities Use Application form designed for the exclusive reservations of playing fields.
- R12.** That the Director of Maintenance and Construction continue to research and apply the most effective method of controlling the gopher infestation observed at many fields.
- R13.** That the Superintendent of Schools and the Director of General Services and Facilities establish written guidelines immediately for the public posting of Youth Sports Council meetings, agendas and minutes.
- R14.** That the City of Napa and the NVUSD continue to work in collaboration in the development of more playing fields on city-owned land for community use such as Kennedy Park.
- R15.** That the Assistant Superintendent of Business Services implement and maintain a new financial software system for accounting services within the NVUSD to include the Napa Youth Sports League account.
- R16.** That the NVUSD establish within the next six months written policies defining the type of work that can be performed on the fields by volunteers from the non-profit sports organizations.
- R17.** That the Parks and Recreation Department resume the responsibility for collecting field use fees from the NVUSD as it did prior to 2007.

## **IX. REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the 2013-2014 Grand Jury requests responses from the following governmental agencies:

- Napa City Council: **R1, R14, R17**
- NVUSD: **R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16**

It is requested that each person responding to the foregoing recommendations certify above his or her signature that the response conforms to the requirements of section 933.05 of the Penal Code.

## **X. COMMENDATION**

The Grand Jury commends the Napa Valley Unified School District, the Parks and Recreation Department and the Non-profit Youth Sports Organizations for their combined efforts in promoting youth sports in the City of Napa by “Putting Kids First.”

The foregoing report was duly approved by the 2013-2014 Napa County Grand Jury in regular session on April 15, 2014. No member of the Grand Jury involved with a youth sports league participated in the preparation or approval of this report.

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury

## **Gopher Infestation at Redwood Middle School**



## **Raider Field at Redwood Middle School**



## Field Damage at El Centro Elementary School



## Field Use Permit Signage at Memorial Stadium



## Girls Jr. Softball Sports Complex



## NVUSD Synthetic Turf Field







A Tradition of Stewardship  
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# **NAPA COUNTY GRAND JURY 2013-2014**

**MAY 13, 2014**

**NAPA COUNTY JAIL ANNUAL REVIEW**

**FINAL REPORT**

# **NAPA COUNTY JAIL ANNUAL REVIEW**

## **I. SUMMARY**

As mandated by law, the 2013-2014 Napa County Grand Jury inspected the Napa County Jail, and found the jail to be adequately maintained given the considerable wear and tear on the aging facility. The Grand Jury noted that correctional staff members were professional in both appearance and attitude, and was further impressed by their dedication to duty. The Napa County Jail is one of only two civilian-run county jails in the State of California – all others, with the exception of Madera County, are managed under the authority of the Sheriff. Both the 2006-2007 and the 2010-2011 Grand Juries recommended that the Napa County Board of Supervisors consider returning the management of the jail to the Sheriff. The Board of Supervisors declined, indicating that the Grand Juries had not identified “compelling” reasons for the Board to consider this change.

The 2013-2014 Grand Jury identified three “compelling” issues: the impact of Realignment; the extreme difficulty recruiting and retaining quality personnel; and the inadvisability of structuring the system around one, extraordinary individual – the current Director of Corrections. The Grand Jury recommends that the management of the jail be returned to the Sheriff while retaining the current Director and his staff. The Grand Jury requests that the Board of Supervisors consider this recommendation and implement any changes in the management structure by the end of FY 2015-2016.

## **II. BACKGROUND**

### **A. Napa County Jail**

The Napa County Jail (NCJ) is located in downtown Napa adjacent to the Napa County Superior Court and the Napa County Administrative Offices. The facility was built in 1975 and expanded in 1989 to accommodate a total of 264 male and female detainees and inmates, including those awaiting arraignment or trial, convicted inmates awaiting sentencing, sentenced inmates awaiting transfer to state prison and inmates sentenced to the NCJ. Temporary beds can be added to house a maximum of 305 inmates when the census exceeds 264. The Napa County Department

of Corrections (NCDC) has a contract (renewed semi-annually) with the California Forensic Medical Group (CFMG) based in Monterey, California, to provide medical, psychiatric and dental services to the inmates. There is a nurse on duty 24 hours a day. Mental health personnel are provided by Napa County Health and Human Services (HHS). NCDC fully funds these three forensic mental health counselor positions. One position is currently unfilled. HHS Emergency Response (Crisis) is available 24/7 to respond to after-hours mental health emergencies, such as “5150” assessments for dangerousness to self and/or others.

The NCJ is managed by the Director of Corrections under the authority of the Napa County Board of Supervisors (BOS) with a budget of \$14,411,890 for FY 2013-2014. The NCJ is one of two county jails in the State of California that is operated by a civilian agency. In all other counties, with the exception of Madera, the County Sheriff runs the jails. The NCDC staff is responsible for the coordination of all programs and services related to the institutional punishment, care, treatment and rehabilitation of inmates, including intake screening, classification and sentencing alternatives (such as work furlough). The NCJ is inspected annually to ensure that all guidelines and mandates for jail operations are met, as specified in Penal Code (PC) Title 15 and Title 24. A Sheriff’s Lieutenant is permanently assigned to the jail staff. This position was created in 2009 to bring NCDC into compliance with PC Sections 830.1 and 831.5(d), which state, “...that at any time 20 or more custodial officers are on duty, there shall be at least one peace officer, as described in Section 830.1, on duty at the same time to supervise the performance of the custodial officers.” The Lieutenant serves as NCDC liaison to other criminal justice agencies, provides training assistance, supervises strip searches and use of force procedures, conducts internal affairs investigations, and works closely with the NCJ management staff to identify and address security issues.

## **B. Realignment**

In 2011, Governor Brown signed into law AB 109 and AB 177, the Public Safety Realignment Act, referred to as “Realignment.” Realignment shifted the burden for incarceration, monitoring and rehabilitation of offenders convicted of “non-non-non” felonies to the counties. The legislation specifically states:

Inmates will complete their sentences in state prisons and trickle into county post-release community supervision services. After October 1, 2011, all new offenders who are non-violent, non-serious and non-sex offenders must go to county jails.

Felony offenders, previously supervised by State Parole Officers, are now monitored by the County Probation Department. The impact of Realignment on county jails is the addition of more criminally sophisticated felons, serving considerably longer terms, to overcrowded local facilities not designed for long-term incarceration.

## **II. METHODOLOGY**

As mandated by law, the Grand Jury must complete an annual physical inspection of all jail facilities within the county. The 2013-2014 Grand Jury conducted an inspection of the Napa County Jail on October 7, 2013. Following the physical inspection, the Grand Jury conducted interviews and reviewed documents and websites relevant to the investigation.

### **A. Napa County Jail Physical Inspection**

The Grand Jury toured the following components of the facility:

- Initial Booking Area
- Holding Cells
- Court Holding Area
- Sally Port Entry
- General Population
- Maximum Security
- Administrative Segregation
- Work Furlough Accommodations
- Visitation Area
- Kitchen
- Laundry
- Nurse's Station/Medical Unit
- Control Room

- Exercise Yard

## **B. Interviews**

The Grand Jury interviewed personnel from the following departments/organizations:

- Napa County Department of Corrections (NCDC)
- Napa District Attorney (DA)
- Napa County Office of Sheriff-Coroner
- Napa County Health & Human Services Agency – Mental Health Division (HHS)
- Napa County Probation Department

## **C. Documents/Websites**

The Grand Jury reviewed relevant documents and websites, including the following:

- Napa County Grand Jury Reports (NCGJ): 2006-2007, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013
- Sheriff’s Response to the 2006-2007 NCGJ Final Report
- Sheriff’s Response to the 2010-2011 NCGJ Final Report
- NCDC Response to the Grand Jury Report Fiscal Year 2010-2011
- Corrections Standards Authority 2010-2012 Biennial Inspection PC§6031, by the Board of State and Community Corrections (BSCC)
- NCDC Policies & Procedures
- Penal Code Section 831.5 re custodial officer
- Government Code, Title 3, Division 2, Part 3, Chapter 2
- *CA Public Safety Realignment: The Reality*, by Don Douglass, President of the Ventura County Professional Peace Officers’ Association
- *Prisons and Jails are Main Source of CA’s Psychiatric Housing*, PUBLICCEO, 4/16/14
- Articles *re* Community Corrections Partnership and Napa County Mental Health Court
- Newspaper articles from the Sacramento Bee, Napa Register, and Yountville Sun

- County of Napa Public Safety Realignment and Post Release Community Supervision 2011 Implementation Plan
- County of Napa 2013 Public Safety Realignment and Post Release Community Supervision 2011 Implementation Plan
- Website: <http://bi.com> (BI Incorporated)
- Website: <http://www.countyofnapa.org>

### III. DISCUSSION

#### A. Physical Inspection of NCJ

The 2013-2014 Grand Jury inspected the NCJ on October 7, 2013 and found the detention center to be reasonably well maintained, given the age and significant wear and tear on the facility. Correctional staff was professional in both appearance and attitude. The Grand Jury was advised that a new control room was under construction with a tentative completion date in 2015. A plan to remodel the current work furlough area to increase the number of single-cells was imminent. By the time of this report, the County had contracted with a construction company to begin the remodel. In-cell video visitation had been activated, significantly decreasing movement of inmates from housing units to the “old” visitation area.

#### B. Realignment

The NCJ was designed to house pre-trial defendants and persons convicted of misdemeanors and/or lesser felonies serving short-term sentences (generally up to one year). As a consequence of Realignment, the NCJ has seen an increase in more criminally sophisticated inmates, serving significantly longer sentences in a deteriorating facility where they cannot “program” -- participate in activities that will benefit them when they are released into the community -- or exercise as in a State Prison setting. Don Douglass, President of the Ventura County Professional Peace Officers’ Association, in his article, *CA Public Safety Realignment: The Reality*, stated the following regarding the criminality of the “non-serious, non-violent, non-sex registrant” felons now being sentenced to local time:

Unfortunately, the non-non-nons were mischaracterized to the public by politicians and many in the media. We soon learned

that CDCR [California Department of Corrections and Rehabilitation] officials identified the non-non-nons according to their latest offense leading to their most recent incarceration back into the state prison system. The reality is that a high percentage of the non-non-nons are career criminals, . . . higher-risk, more sophisticated and more violent than ever before.

During the past year, the NCJ has seen an increase in contraband drugs and weapons, and a 400% increase in assaults (from 8 to 40). This figure is believed to be an underestimate, as many assaults on staff go unreported. The NCJ has also seen an increase in the already substantial number of inmates with mental health issues. Mental health counselors recognize that former State Prison felons are accustomed to readily receiving prescription medication and are often seen as drug-seeking in jail. This group is also accustomed to the availability of mental health services. To this end, NCDC has allocated AB109 (Realignment) funds from the State to fund a third forensic mental health counselor position. Unfortunately, despite recruitment efforts, this position has not yet been filled.

Many of the problems consequent to Realignment will be solved with the building of a new, state-of-the-art jail facility; however, completion of the new jail is optimistically scheduled for no earlier than 2018.

### **C. Staff Recruitment**

The Grand Jury has identified staff recruitment and retention as a significant issue of concern. The current staffing consists of 98 full-time-equivalent employees (81 uninform positions and 17 non-uniform positions). There are currently nine staff vacancies at the NCJ, with three pending retirements this year, and three more in 2015. Some staff members are in various stages of testing and background review with other law enforcement agencies that can offer them peace-officer status and safety retirements. Public safety employees – including police officers, sheriff’s deputies and firefighters – are able to retire at an earlier age than non-safety personnel and receive a larger percentage of their salaries as pension. Injuries have further reduced the availability of corrections staff. Recruitment of new Correctional Officers (COs) has proven extremely difficult. Management

has had a hard time getting prospective employees to come in and test, as they are frequently lured away by other agencies that can offer better hours, better pay and peace officer status. Currently, when COs are absent due to illness or injury, overtime is utilized and Probation Officers and Juvenile Hall Counselors replace correctional staff in less critical areas while jail staff is transferred into “high traffic” areas. Juvenile Hall Counselors and Probation Officers have peace officer status.

#### **D. Organizational Structure of the NCJ**

The 2006-2007 and the 2010-2011 Grand Juries recommended that the BOS consider returning the management of the NCJ to the Sheriff. In 1975, the NCDC was created by the BOS pursuant to section 23013 of the California Government Code. The BOS adopted a resolution authorizing the NCDC to have jurisdiction over the operation of the Napa County Jail facility. In doing so, Napa County opted to divest the Sheriff of responsibility for jail management by establishing a separate Department of Corrections and hiring a Director who reported directly to the BOS. The reasons given for this decision were as follows:

- The BOS would retain budgetary control of the jail instead of placing this responsibility with an elected official.
- The use of sworn law enforcement officers for custodial functions was thought to be inefficient and a costly use of resources.
- There was a lack of career path and promotion prospects for the correctional officers when under the jurisdiction of the Sheriff.
- Different skills and training in the correctional process were thought to be needed as stated in a memorandum dated May 22, 1975 to the Napa County Criminal Justice Planning Committee from the County Administrator.

Eighteen years later, in 1993, the California State Legislature determined that the Sheriffs’ departments throughout the state should provide county jail management. The people of California enacted SB911, an amendment to section 26605 of the Government Code which provided: “Notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993 is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it...” Three counties, Napa, Madera and Santa Clara, were



grandfathered under this exception. Today, only Napa and Madera Counties have civilian-run jails. Santa Clara returned the control of its jail to the Sheriff several years ago.

The 2006-2007 Grand Jury identified seven potential advantages to reuniting Corrections with the Sheriff's Department: (1) Greater Accountability; (2) Improved Response to County Emergencies; (3) Efficiency; (4) Career Options; (5) Increased Collaboration; (6) Enhanced Support and Advocacy at the State Level and (7) Statutory Preference. After consideration of the Grand Jury's findings and recommendations, the then-Sheriff, expressed agreement; however, the then-Director of Corrections identified advantages to retaining BOS control over the jail. The 2010-2011 Grand Jury again proposed that the BOS consider returning management of the NCJ to the Sheriff. Both the current Director of Corrections and the BOS responded that the 2010-2011 Grand Jury had not presented any new information that would warrant a further examination of the issue, and stated, "Absent some compelling issue – which has not been identified – we see no reason to consider a change in management structure at this time."

## **E. Conclusion**

The 2013-2014 Grand Jury believes that several "compelling issues" have arisen since 2011 that warrant another look at returning the NCJ to the management of the Sheriff. These areas of concern are as follows:

- The impact of Realignment;
- The extreme difficulty recruiting and retaining quality personnel;
- The inadvisability of structuring a system around one, extraordinary individual.

Since the inception of Realignment, the NCJ population has been changed by the addition of criminally sophisticated felons serving considerably longer sentences to a facility designed to house misdemeanants for up to one year. Many of these individuals will be serving a number of years incarcerated in the jail, where their freedom of movement is significantly restricted. Inmates do not have access to many of the "amenities" available in the state prison system, such as readily available face-to-face psychiatric/mental health services, more spacious exercise yards and vocational and educational programs that could benefit them upon release.

The incidence of contraband weapons and drugs has increased, as has the number of assaults. An assault on a peace officer is a felony; however, a simple assault on a Correctional Officer – a civilian – can be charged either as a felony or as a misdemeanor, and is often not perceived by the aggressor as carrying the consequences of an assault upon a peace officer. Correctional staff has noted that recent assaults are most often committed by non-Realignment inmates trying to impress their more criminally sophisticated cohorts. As the new jail is not expected to open until 2018 (at the earliest), the NCJ is facing at least four years of managing a mix of bored Realignment felons, “wannabe” misdemeanants, and vulnerable, frequently unmedicated, mentally ill inmates in a challenging environment.

Recruitment and retention of correctional officers is a significant issue facing NCDC. Correctional Officers or “custodial officers,” as they are identified in PC 831.5, are civilian or public officers, not peace officers. As such, they are not afforded the same authorities or protections as police officers, deputy sheriffs, or state prison guards. They are not authorized to carry weapons on or off the job, and they are not eligible for safety retirements. Correctional Officers receive an initial six weeks of training, as compared to California Department of Corrections (CDC) prison guards who attend a sixteen-week academy and police and deputy sheriff trainees, who attend a six-month academy, eighteen weeks of field training and one year of probationary status after completing the Field Training Officer (FTO) program. The NCJ COs work long hours in an extremely challenging environment, and they receive significantly less pay and benefits than their counterpart peace officers. Qualified applicants are “lured away” by law enforcement agencies that can offer a better employment package. Similarly, some NCJ COs are considering the advantages of applying for employment to local law enforcement agencies.

During the past eighteen years, NCDC has had seven Directors. The current Director was hired by the BOS in 2008. During his tenure, he has initiated a significant number of innovative programs and established positive changes within the NCJ. The Grand Jury recognizes that this Director is an extraordinarily talented individual with extensive experience in Corrections, who is a great asset to the NCDC and clearly the right person for the job during the challenging times of Realignment. The Grand Jury is concerned, however, given the frequent transition in top management during the years preceding the current Director, that when he ultimately leaves his post there will be a hole too large to fill – that it is unwise to build a system

upon the unique skills and talents of one person. Senior members of the Sheriff's Department have the skills and experience in law enforcement to be able to take over the running of the jail until a new Director could be recruited.

The 2013-2014 Grand Jury proposes that the above-identified issues might be addressed by **retaining** the Director and his staff under the auspices of the Sheriff rather than the BOS. The Grand Jury wants to be clear that it is **not** suggesting that Sheriff's deputies replace the current correctional staff, a move that could significantly impact the budget. This Grand Jury agrees with the 2006-2007 Grand Jury that stated the following in their Final Report:

By consolidation of the Departments the county has the opportunity to consider whether the career paths should be kept the same, or modified for crossover potential. The model used throughout most of the State is a dual career path, one for sworn deputies and one for correctional officers. Typically, correctional officers are more interested in providing services for inmates consistent with the goals and objectives of a correctional program. Providing a dual career path enables the county to staff the jail without incurring the extended training, salary expense, enhanced retirement and workers compensation benefits of sworn law enforcement deputies.

The opportunity for limited peace officer status of all the NCJ COs could decrease the rising number of assaults on staff because the consequences for aggression could now be substantial. Recruitment and retention would be less of a issue as competing agencies would no longer have the advantage of offering significantly better employment packages. As a consequence, the NCJ could retain a full complement of staff without the need to frequently use overtime or to fill in absences with Probation Officers or Juvenile Hall Counselors.

#### **IV. FINDINGS**

The 2013-2014 Grand Jury finds the following:

- F1.** Realignment has changed the composition of the NCJ population and the dynamics between inmates and correctional staff by the addition of more criminally sophisticated felons, serving longer sentences in a facility designed for shorter-term stays.
- F2.** Recruitment and retention of correctional staff is a significant problem for NCDC.
- F3.** The Napa County Jail is one of two remaining county jails in California managed by a Director of Corrections under the authority of the Board of Supervisors rather than the Sheriff.

#### **V. RECOMMENDATIONS**

- R1.** The 2013-2014 Grand Jury has identified three “compelling issues” in favor of returning the management of the Napa County Jail facility to the Napa County Sheriff and requests that the Board of Supervisors reconsider its prior position on the management structure of the jail.
- R2.** The Grand Jury requests that the Board of Supervisors implement any changes in management structure by the end of FY 2015-2016.

#### **VI. REQUEST FOR RESPONSES**

The 2013-2014 Grand Jury requests responses from the following:

- Napa County Board of Supervisors: **R1, R2**

It is requested that each person responding to the foregoing recommendation certify above his or her signature that the responses conform to the requirements of Section 933.05 of the Penal Code.

#### **VII. COMMENDATION**

The 2013-2014 Grand Jury commends the Director of Corrections and his staff for their dedication and professionalism in the increasingly challenging environment of the NCJ.

Approved in regular session on May 6, 2014

/s/

Alan Galbraith, Foreperson  
2013-2014 Napa County Grand Jury