

**CONSOLIDATED FINAL REPORTS
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The 2015-2016 Napa County Grand Jury



Top Row: Victor Connell, Charles Eckstrom, Lonnie Payne, Thomas Gans, Russell McNutt
2nd Row: Thomas McBroom, Kirk Candland, Ronald Ryan, Richard Chesi
3rd Row: Paul Roberts, Judge Elia Ortiz, Lynn Stevenson, Kerri Dorman
Bottom Row: Marion Ladbrook, Joyce Wallace, Kathy Glass, Michael Hrad
Not Pictured: David Bailey, Henry Bunsow, and Margaret Niland,

Photo courtesy of Bob McClenahan

2015-- 2016 Napa County Grand Jury Members

Paul Roberts (foreperson)	Napa
David Bailey	Napa
Henry Bunsow	Napa
Kirk Candland	Napa
Richard Chesi	Angwin
Victor Connell (pro tem)	Napa
Kerri Dorman	Yountville
Charlie Eckstrom	Napa
Thomas Gans	Napa
Kathy Glass	Napa
Michael Hrad	American Canyon
Marion Ladbrook	Yountville
Thomas McBroom	St. Helena
Russell McNutt	Napa
Margaret Niland	Napa
Lonnie Payne	Napa
Ronald Ryan	Napa
Lynn Stevenson	American Canyon
Joyce Wallace	Angwin



NAPA COUNTY GRAND JURY

c/o Court Executive Office

825 Brown Street

Napa, CA 94559

A Tradition of Stewardship
A Commitment to Service

June 30, 2016

To the Residents of Napa County:

The 2015-2016 Napa County Grand Jury is pleased to present its Consolidated Final Report to the citizens of Napa County. The Grand Jury issued ten Final Reports on its investigations 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 consisted of nineteen members that were sworn into service on July 7, 2016 for a one-year term. During this term, four jurors resigned and were replaced by alternates. We served under Napa County Superior Court Presiding Judge Mark S. Boessenecker and Grand Jury Supervising Judge Elia Ortiz. As required by law, Deputy County Counsel Silva Darbinian reviewed each Report for compliance with applicable statutes before it was submitted to Judge Ortiz who approved it.

The Grand Jury is a civil grand jury. Some of our investigations were mandated by statutes, others were of subjects chosen by the Grand Jury. In addition, we received and investigated a number of complaints from citizens. Our investigations included numerous interviews of elected and appointed officials, County and City employees, other interested parties and County residents, as well as detailed document reviews, facility tours and site visits. Not all of our investigations resulted in published reports.

Shortly after their issuance, each of our Final Reports became available for viewing or downloading on the Napa County Grand Jury web page, located at <http://www.napacourt.com/grand-jury/reports-response%202015-2016%20>. Grand Jury reports of prior years are also posted for viewing, as well as agency responses to Grand Jury reports.

My colleagues and I appreciated the opportunity to be of service to our fellow residents of Napa County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Roberts", is written over the typed name.

Paul Roberts, Foreperson

2015-2016 Napa County Grand Jury



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

A Tradition of Stewardship
A Commitment to Service

June 30, 2016

The Honorable Mark S. Boessenecker
Presiding Judge
Superior Court of California
County of Napa
825 Brown Street
Napa, CA 94559

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

Re: 2015-2016 Napa County Grand Jury Consolidated Report

Dear Judge Boessenecker and Judge Ortiz:

The 2015-2016 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.

On behalf of the members of the 2015-2016 Grand Jury, I would like to express our appreciation for the opportunity to serve on the Grand Jury. In the course of our inquiries, we have been fortunate in dealing with a talented group of government employees whose time and cooperation have aided our investigations.

The Grand Jury expresses its appreciation to Chief Deputy County Counsel Silva Darbinian and Judge Ortiz 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 Officer Richard Feldstein and Court Administrative Assistant Connie R. Brennan for their administrative support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Roberts", written over a horizontal line.

Paul Roberts, Foreperson
2015-2016 Napa County Grand Jury

Acknowledgments

The 2015-2016 Napa County Grand Jury acknowledges assistance and support from the following:

The Honorable Mark S. Boessenecker, Presiding Judge, California Superior Court, County of Napa

The Honorable Elia Ortiz, Grand Jury Supervising Judge, California Superior Court, County of Napa

Gary Lieberstein, District Attorney, County of Napa

Richard D. 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

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

Joseph Peatman, President, The Gasser Foundation

Jen Johnson, Office Manager, The Gasser Foundation

News and Production Staff, *Napa Valley Register*

California Grand Jurors Association

Napa Chapter, California Grand Jurors Association

Overview of the Napa County (Civil) Grand Jury

A. Introduction to the Civil Grand Jury

The following provides a broad overview of the Napa County (Civil) 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. Function of the Napa County (Civil) Grand Jury

The responsibility of a civil grand jury is to conduct investigations into county and local government to ensure that they are being operated honestly and efficiently. A county grand jury does not have jurisdiction over federal or state agencies, and therefore has no authority to investigate federal or state agencies. A civil grand jury focuses on specific matters within its jurisdiction.

In their investigative work grand jurors are expected to be fair, show sound judgment and maintain absolute confidentiality. 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.

3. 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 an elected official. Affected agencies and elected officials are required to respond to a final report to the Presiding Judge of the Napa Superior Court.

4. Response to Final Report - Findings

The legal requirement for response to grand jury findings and recommendations are set forth in California Penal Code Section 933.05. For the assistance of respondents, Section 933.05 of the Penal Code is summarized below. The person or entity must respond in one of two ways:

- That they are in agreement with the finding or
- That they disagree, wholly or partially, with the finding. In which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

5. Response to Final Report –Recommendations

Recommendations by the Grand Jury require action. The responding person or entity must report action on each recommendation in one of four ways:

- The recommendation has been implemented, with a summary of the action(s) taken.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis. If the respondent replies in this manner, the law requires a detailed explanation of the analysis or study and a time frame not to exceed six months from the date of publication of the Grand Jury’s final report by which time the recommendation will be discussed.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation as to why it is not warranted or reasonable.

6. Budgetary or Personnel Recommendations

If a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond, if the grand Jury so requests.

While the response by the Board of Supervisors may be somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

7. Time and to Whom to Respond

The Penal Code provides two different response methods:

- Public Agency – The governing body (i.e. Board of Supervisors, a City Council, a Board of Directors, a Board of Governors of a Special District a School Board etc.) of a public agency must respond within 90 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.
- Elected Officer or Agency Head – All elected officers or heads of agencies that are required to respond must do so within 60 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.

8. More Information

For an application for civil grand jury service, 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 St. Napa, 94559
Telephone: (707) 259-8305 Fax: (707) 299-1250
Email: grandjury@napa.courts.ca.gov



**NAPA COUNTY GRAND JURY
2015-2016**

April 29, 2016

FINAL REPORT

**REVIEW OF RESPONSES TO THE
2014-2015 GRAND JURY REPORTS**

REVIEW OF RESPONSES TO THE 2014-2015 GRAND JURY REPORTS

I. INTRODUCTION

Summary

The 2014-2015 Napa County Grand Jury issued its Consolidated Final Report on June 10, 2015. The report consisted of seven individual final reports, which included a review of responses to the 2013-2014 Grand Jury reports. The Grand Jury made recommendations on all of its reports except the review of responses to the previous Grand Jury's reports.

California Penal Code, Section 933, requires elected officials or agency heads to respond within sixty days of the issuance of a Grand Jury report that requires their response, and requires governing bodies to respond within ninety days. Elected officials and government agencies are required to respond to recommendations made in Grand Jury reports, indicating their agreement or disagreement with those recommendations with their reasons and actions taken pursuant to the recommendations. These responses are to be addressed to the Presiding Judge of the Superior Court.

The State law cited above requires the Grand Jury to assure that each response is submitted within the statutory time frame and is otherwise compliant with California Penal Code section 933. Accordingly, the 2015-2016 Grand Jury has reviewed all of the responses to the 2014-2015 Grand Jury's six investigative reports by elected officials, agency heads, and government agencies. The 2015-2016 Grand Jury finds that all 12 officials and agencies required to respond did file responses. However, five of those responses were submitted late; three were within one or two days of those limits; and the other two responses were about three weeks late. Finally, six of the responses accepting the 2014-2015 Grand Jury's recommendations failed to include specific plans and timelines for implementation, as required by California Penal Code, Section 933.05.

Therefore, the 2015-2016 Napa County Grand Jury recommends that the Napa County Board of Supervisors and Treasurer direct their officers and department heads to ensure that if they agree with the Grand Jury's recommendations, that their responses include specific plans and timelines for implementing those recommendations.

Methodology

The 2015-2016 Grand Jury evaluated Responses to the 2014-2015 Grand Jury's recommendations to ensure compliance with the law. The following criteria were considered:

1. Were responses received by the Presiding Judge within the legal time limits from the date of each final report's release (ninety days for a public agency and sixty days for an elected official)?
2. If a response indicated that a recommendation had been implemented, did the response include a summary of what was done?

3. If a response indicated that a recommendation would be implemented, did it include a summary and schedule for what would be done?
4. If a response indicated that a recommendation required further analysis or study, did it include an explanation of the scope, parameters, and time frame of the proposed analysis or study?
5. If a response indicated that a recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

Observations

A. Timeliness

Of the twelve responses received to the six 2014-2015 Grand Jury reports, seven were received on time. The other five varied in lateness from a one or two days to about three weeks. Details of the dates final reports were delivered and the dates of responses to them are shown in Table 1.

Table 1. 2014-15 Grand Jury Reports and Responses					
Report	Date Issued	Replies Required	Responses		
			Due	Date Sent	Days Late
Juvenile Hall	2/18/15	Chief Probation Officer	4/19/15	3/24/15	On Time
HHS Agency	3/30/15	Board of Supervisors	6/28/15	6/9/15	On Time
Groundwater	6/2/15	Board of Supervisors	8/31/15	8/11/15	On Time
		Sanitation District Board	8/31/15	8/5/15	On Time
		City of Napa	8/31/15	9/24/15	24
Fire Department	5/13/15	Napa County Fire Chief	7/12/15	7/14/15	2
		Volunteer Fire Chiefs	8/11/15	8/31/15	20
		Napa County Executive	7/12/15	7/14/15	2
		Board of Supervisors	8/11/15	7/14/15	On Time
		Napa County Treasurer	7/12/15	7/13/15	1
Wineries	5/18/15	Board of Supervisors	8/16/15	8/11/15	On Time
Napa County Jail	5/15/15	Board of Supervisors	8/13/15	7/14/15	On Time

B. Response Content

Altogether, the 2014-2015 Grand Jury made 30 recommendations, to which 37 responses were made by County officials or agencies. Twenty of these responses accepted the Grand Jury's recommendation. Of these, twelve were either already implemented, in progress, or scheduled for implementation; three were accepted with the notation that implementation would be delayed indefinitely by earthquake damage; and seven were accepted with no information given about

implementation. Seventeen responses either rejected the recommendation or stated that it needed further study. A recap of the responses received is given in Table 2 in the Appendix.

II. REVIEW OF RESPONSES TO THE 2014-15 GRAND JURY REPORT ON ITS ANNUAL JUVENILE HALL REVIEW

DISCUSSION

The 2014-2015 Grand Jury inspected the Napa County Juvenile Hall (NCJH) in October 2014 and met with senior staff. Follow up interviews were conducted with two of the juveniles, two counselors, and the Napa County Deputy Public Defender assigned to cases in the juvenile justice system.

Juvenile detention at NCJH is focused on rehabilitation rather than punishment. It uses a variety of evidence-based programs to achieve this goal, including the Evening Support Center, educational and counseling services, and mental health counseling. If necessary, juveniles are afforded the opportunity to file grievances against other juveniles or counselors. A nurse is present daily and on-call to accommodate juveniles' medical needs. Daily exercise is provided for all juveniles. The supervisory staff and counselors are required to complete training classes every year.

There is a central control room that monitors all movement within the building and along the perimeter of the exercise yard. Overall, the Grand Jury found the NCJH to be a secure, well maintained, and professionally operated facility.

RECOMMENDATIONS AND RESPONSES

R1. The Grand Jury recommends that the Chief Probation Office expedite by the end of FY 2015, the process of purchasing and installing upgraded video equipment in the Control Center consistent with current state-of-the-art equipment.

Chief Probation Officer Response: The recommendation will be implemented. Staff from Juvenile Hall, Public Works and ITS began evaluating the upgrades in 2014. However workload resulting from Earthquake damages to facilities throughout the County has required that the video system upgrade be delayed. The Department will resume this effort during the final quarter of FY 2014-2015 and plans to have new equipment installed in the Control Center within the next year.

R2. The Grand Jury recommends that the Chief Probation Officer expedite by the end of FY 2015, the process of adding extra cameras in the exercise yard to ensure that there are no blind spots within the yard or along the perimeter of the yard.

Chief Probation Officer Response: The recommendation will be implemented. Staff from Juvenile Hall, Public Works and ITS began evaluating the upgrades in 2014. However workload resulting from Earthquake damages to facilities throughout the County has required that the video

system upgrade be delayed. The Department will resume this effort during the final quarter of FY 2014-2015 and plans to have cameras installed to cover blind spots within the facility and along the perimeter of the yard within the next year.

R3. The Grand Jury recommends that the Chief Probation Officer provide both the parents and the juveniles with a written copy of the guidelines governing the visitation rights of younger siblings and post the guidelines in the visitation area.

Chief Probation Officer Response: The recommendation will not be implemented because it is not warranted. There are no procedures allowing for regular visits of younger siblings to juveniles housed in the NCJH. The Department believes it would be detrimental for visiting minors to routinely visit the facility and undergo the security screening required of all visitors into the facility, including “wandering” and potentially pat-down searches. Additionally, regularly allowing minors into the facility would limit access to the visiting area and potentially result in some juveniles not receiving allotted visit hours. On the rare occasions when a juvenile is being sent to an out of county camp or home placement, staff will work with the juvenile and their family to arrange such a visit.

III. REVIEW OF RESPONSES TO THE 2014-15 GRAND JURY REPORT ON THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

DISCUSSION

In keeping with its charge to assure that local government agencies are being administered in the best interests of the County's residents, the 2014/15 Napa County Grand Jury chose to investigate the Health and Human Services Agency (HHS), specifically, the ability of such a large agency to function effectively and to provide services to Up Valley residents (St. Helena and Calistoga).

The investigation involved several interviews with Health and Human Services Agency staff, as well as individuals from nonprofit organizations, email contact with various county staff and a review of numerous contracts and documents and the Napa County Website.

As a result of its investigation, the Grand Jury made eight findings and eight recommendations to the Board of Supervisors.

RECOMMENDATIONS AND RESPONSES

R1. HHS Director to meet personally on an annual basis with contracted nonprofits and other community leaders located Up Valley to determine directly whether the needs of the community are being met.

Board of Supervisor's Response: The recommendation will be implemented. Since the Agency and the Director have embarked on population health work, meetings will happen more frequently than annually. The aim of this work is to reduce health inequities among different population groups due to social, environmental, cultural and physical differences in

which the population is born, grow up and function throughout their lifetimes thus potentially having a measurable impact on health.

R2. By December 31, 2015, HHSA to review the application process for obtaining the MSA grant, and redesign the process for less burdensome completion and administration.

Board of Supervisor's Response: The recommendation requires further analysis. The Board agrees to have the process evaluated by an outside consultant to suggest improvements for the next funding cycle by December 31, 2015. This evaluation may or may not result in a redesign of the process.

R3. By December 31, 2015, HHSA to institute alcohol and drug treatment for adults at a location in Calistoga.

Board of Supervisor's Response: The recommendation will be implemented. Applications for site certification were sent to the Provider Enrollment Division of the Department of Healthcare Services (DHCS) in 2014. An Aldea (an HHS contractor) bilingual counselor will provide treatment groups in Calistoga beginning in July 2015 if the site certification is approved.

R4. By July 1, 2015, HHSA to ascertain from Aldea how they are fulfilling their contractual commitment to provide drug and alcohol treatment to Up Valley youth at Up Valley locations. HHSA to institute corrective measures if such is not being provided there.

Board of Supervisor's Response: The recommendation will be implemented. Aldea has been fulfilling their contractual obligations to provide treatment services. The current contract does not expressly require services to be rendered in Up Valley, or any other geographic location, other than the Wolfe Center in the city of Napa. However, Aldea has made a commitment to provide treatment services beginning in July 2015 upon receiving certification for this site.

R5. By December 31, 2015, HHSA to establish a mechanism for measuring services located Up Valley more often than or more specifically than "as needed."

Board of Supervisor's Response: The recommendation requires further analysis. Currently, there are several different statewide data systems that collect information on clients based on the type of services received. These data systems do not warehouse the data in a common location. While the project scope is too large to commit to a December 31, 2015 completion, HHSA has recognized the need for, and plans to allocate resources in Fiscal Year 2015-2016 to develop, refine and report on data sources to better target programs and services. As mentioned previously, the work accomplished through LHNC will also be useful in this regard.

Many services that HHSA provides are appropriately offered on an "as needed" basis in homes, schools, hospitals and other sites. "As needed" is a common specification for health and human service providers and allows for flexibility based on individual needs. These services, such as mental health, public health, Public Guardian, Adult Protective Services, In Home Supportive

Services, veterans services, child welfare, adoptions, and emergency preparedness trainings (sic) are available countywide.

In an attempt to evaluate and improve Up Valley services, the Agency worked with the mayor of Calistoga and the Calistoga Family Center in December 2013. Currently, mental health, Women Infants and Children (WIC), Medi-Cal and CalFresh applications assistance, Adult Protective Services, Public Health Medical Therapy Program, school based alcohol and drug prevention and early intervention programs, indigent medical care and employment, education and training services to youth enrolled in Workforce Investment Act (WIA) services are offered in Calistoga at the Up Valley Family Center, schools, Calistoga Clinic and in homes.

Similarly, services offered at various locations in St. Helena include WIC, mental health, Adult Protective Services, public health, indigent medical care and WIA education and training programs.

R6. By December 31, 2015, HHSA to review case reporting information within HHSA Divisions to ascertain the frequency and actual locations where Up Valley services are reportedly being provided.

Board of Supervisor's Response: The recommendation requires further analysis. As mentioned previously, HHSA plans to allocate resources to develop, refine and report on data sources to better target programs and services. Some of this work will be accomplished through LHNC and its Data Workgroup.

R7. In all future contracts for Up Valley services, where feasible, HHSA to include requirement that the service be provided at an Up Valley location.

Board of Supervisor's Response: The recommendation will be implemented.

R8. HHSA to institute a reporting requirement regarding demographic locations of service for all HHSA Divisions and include in future nonprofit contracts.

Board of Supervisor's Response: The recommendation requires further analysis. HHSA believes the Grand Jury is referring to a reporting of "geographic locations of services". HHSA will implement the recommendation on a case by case basis where it makes sense to do so. Based on the population health work, HHSA has begun data mapping different neighborhoods throughout Napa County. By using a geographic information system (GIS), a wide variety of data sets have been mapped, including demographic information and other pertinent health and social indicators.

IV. REVIEW OF RESPONSES TO THE 2014-15 GRAND JURY REPORT ON MANAGEMENT OF GROUNDWATER AND RECYCLED WATER

DISCUSSION

The 2014-15 Napa County Grand Jury investigated current practices, criteria, regulations, and processes that govern the availability of groundwater and recycled water within Napa County. The Grand Jury also investigated recycled water use within the Napa Valley. Napa Sanitation District (NSD) is the largest source of recycled water in the county.

On March 31, 2015, the 2014-15 Grand Jury submitted its final report on Management of Groundwater and Recycled Water. The Grand Jury report included seven findings and six recommendations. The Grand Jury requested responses as follows:

- Napa County Board of Supervisors: **R1, R2, R3**
- Napa Sanitation District Board of Directors: **R4, R5, R6**
- City of Napa: **R5, R6**

RECOMMENDATIONS AND RESPONSES

1. GROUND WATER

R1. By December 31, 2015, the Napa County Public Works Department to develop contingency plan, approved by the Board of Supervisors, that lays out the major steps to be taken in the event of severe drought conditions.

Board of Supervisors' Response: The recommendation will be implemented in the context of the Alternative Groundwater Sustainability Plan, due to the State between June 30, 2016 and January 1, 2017.

R2. By June 30, 2016, The Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.

Board of Supervisors' Response: The recommendation requires further analysis. This recommendation will be considered in the context of the Alternative Groundwater Sustainability Plan, due to the State between June 30, 2016 and January 1, 2017. Development of the plan will include significant outreach to and input from the public. The Board of Supervisors will consider and determine the necessary amount of metering and reporting in the context of this public discussion.

R3. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

Board of Supervisors' Response: The recommendation requires further analysis. This recommendation will be considered in the context of the Alternative Groundwater Sustainability Plan, due to the State between June 30, 2016 and January 1, 2017. Development of the plan will include significant outreach to and input from the public. The Board of Supervisors will consider and determine the necessary amount of metering and reporting in the context of this public discussion.

2. RECYCLED WATER

R4. The Napa Sanitation District should immediately begin exploring additional opportunities to expand its wastewater storage and infrastructure capacity through funds that may be available from the passage of California Proposition 1, the \$7.1 Billion "Water Quality, Supply, and Infrastructure Improvement Act of 2014."

Napa Sanitation District Board of Directors Response: This recommendation is currently being implemented.

The District is a founding member of the North Bay Water Reuse Authority, which was formed to help communities in Marin, Sonoma and Napa County to develop recycled water projects, complete the environmental analysis and studies required, and find federal and state funding support for the projects.

The District is currently studying the development of new and expanded recycled water storage as part of the NBWRA's current "Phase 2" study. This work will culminate in the necessary analysis, community outreach and reports that are required under NEPA and CEQA to obtain any federal or state grant support, including Proposition 1 funding.

Once the environmental studies are completed, the District intends to apply for federal and state grants, including Proposition I funding, to support expansion of recycled water storage and infrastructure capacity projects.

R5. By June 30, 2016, the Napa Sanitation District and the City of Napa Water Department should begin negotiations to extend the current agreement that requires the sanitation district to reimburse the water department for lost revenue when a city water customer converts to recycled water.

Napa Sanitation District Board of Directors Response: As discussed above, the District and City of Napa staffs have already held preliminary discussions on extension of the service agreement. The District will actively seek an agreement that promotes recycled water use and that provides for the conversion of sites irrigated with potable water to recycled water where appropriate and feasible.

City of Napa Response: This recommendation has been implemented. The City and NSD have had communications over the past year regarding the potential to expand the service area covered by the agreement to include Silverado Middle School and Tulocay Cemetery. As noted above,

these discussions will require an extension of the term of the current agreement. The City remains open to continuing those discussions with NSD to extend the term of the current agreement, and negotiate necessary amendments to the agreement as a part of that negotiation.

R6. By December 31, 2015, the Napa Sanitation District and the City of Napa Water Department should begin working with local officials, lobbying groups, and trade associations to persuade the State to fund the conversion of Napa State Hospital to recycled water for its irrigation purposes.

Napa Sanitation District Board of Directors Response: The District has worked with local representatives of Napa State Hospital, as well as the State's Department of Mental Health and State Department of General Services, to assist in the Hospitals conversion from potable water to recycled water for irrigation. District staff has also worked with local and state elected officials to seek support for the conversion to recycled water. The District and the City have also worked cooperatively to provide information and support necessary for conversion. The District will continue to provide support necessary to assist the State in the conversion of its property to recycled water for irrigation purposes.

City of Napa Response: This recommendation has been implemented. The City has been supportive of the State Hospital conversion to recycled water for many years. On multiple occasions, City staff has worked with NSD to calculate the amount of reimbursement to the City for the conversion so that local officials could meet with State Hospital representative. Page 5-13 of the City's 2010 Urban Water Management Plan (submitted to the State) specifies that the City will continue to support the expansion of NSD recycled water for irrigation by fulfilling the agreement for recycled water with NSD and supporting the conversion of Napa State Hospital.

V. REVIEW OF RESPONSES TO THE 2014-15 GRAND JURY REPORT ON NAPA COUNTY FIRE DEPARTMENT

DISCUSSION

A review of the Napa County Fire Department was conducted to determine the overall organization of the firefighting units within Napa County as well as to evaluate the training of the volunteer fire personnel. The 2014-2015 Grand Jury had the opportunity to interview several of the top staff employees of the Napa County Fire Department. The Grand Jury also interviewed several Napa County staff employees who regularly interface with Napa County Fire Department staff as well as with the Napa County volunteer firefighters. The Grand Jury also conducted tours of several volunteer fire stations and interviewed volunteer firefighters associated with the stations.

As the result of its investigation, the Grand Jury made four findings and four recommendations. The Grand Jury requested responses from the following individuals and governing bodies:

- Napa County Fire Chief: **R1**
- Nine Volunteer Fire Chiefs: **R1, R2, R3**
- Napa County Executive Office: **R1, R4**
- Napa County Board of Supervisors: **R1, R3**
- Napa County Treasurer's Office: **R4**

RECOMMENDATIONS AND RESPONSES

R1: By September 1, 2015, the Fire Service Advisory Committee to establish a regular meeting schedule, circulate the meeting minutes and update the FSAC website within 10 days of every meeting, in order to inform the community and firefighter ranks of scheduled meetings and agendas. In addition, the minutes for each FSAC meeting are to be circulated within 10 days of each meeting to all the members of the Napa County Fire ranks to keep them informed of the issues and the efforts to address them.

Napa County Fire Chief's Response: This recommendation has not been implemented but will be implemented by September 1, 2015. The Fire Services Advisory Committee adopts a meeting schedule at the first meeting of each calendar year. The Fire Services Advisory committee meets the second Thursday of the odd months (January, March, May, July, September, and November) at 1:00pm in the Napa County Board of Supervisors Chambers located at 1195 Third Street in Napa. Special meetings may also be called by the chair of the committee. Staff is completing the upload by the end of August of all prior meeting agendas, minutes and documents which will be located on the Fire Services Advisory Committee link by accessing:
<http://www.countyofnapa.org/CountyFire/>

Any volunteer member or interested community member may be added to the email distribution list by contacting Stacie McCambridge at stacie.mccambridge@countyofnapa.org. Agendas and minutes are sent to each Volunteer Fire Chief. Per the current communication protocol, it is the responsibility of the Volunteer Fire Chiefs to forward the agenda and minutes to their company members.

Napa County Executive Office's Response: The Napa County Executive Office concurs with the response of the Napa County Fire Chief.

Napa County Board of Supervisor's Response: The Board of Supervisors concurs with the response of the Napa County Fire Chief.

Napa County Volunteer Fire Chiefs' (NCVFC) Response: The volunteer chiefs agree with this recommendation. Clear and timely communication is a must. The Volunteer Chiefs agree with Finding 1. The FSAC meetings have largely been postponed or cancelled due to career FSAC members having other legitimate obligations during their normal working hours. The consequence of meeting cancellations results in little to no forward progress on important issues.

The communication flow of the sub-committees should also be addressed. We recommend creating links at the county website to better communicate the agendas and minutes of the sub-groups.

Many in the volunteer ranks are involved and committed to this process. Most must take time off of work to attend these important meetings and the Volunteer Chiefs would like to acknowledge those sacrifices.

R2: By September 1, 2015, the nine Napa County Volunteer Fire Chiefs to re-address their issues with the Memorandum of Agreement and the Site Use Agreement documents by sharing with the FSAC a detailed letter that lists and highlights each concern.

NCVFC Response: The Volunteer Chiefs disagree with this recommendation. The Volunteer Chiefs have provided Barry Biermann, Napa County Fire Chief, and Kevin Twohey, Liaison, with a list of our concerns and possible remedies for the MOA and are waiting for the County to respond. We have been notified by the County Fire Chief that we will have a response by July 31. As of this date, August 2, 2015, we have not received a response. Our agreement is between us and the County. If we are unable to come to an agreement, then we may use the FSAC, a public forum, to assist in resolving any pending issues. Until then, we will work tirelessly to achieve a mutual understanding based on collaborative efforts.

R3: By September 1, 2015, the Fire Service Advisory Committee to ask for input from all the Napa County Fire volunteer firefighters with regard to training issues and by December 31, 2015, to present a plan to resolve the identified training issues.

Napa County Board of Supervisor's Response: This recommendation has not been implemented, but will be implemented by December 31, 2015. Working with the Fire Services Advisory Committee Training Subcommittee, the Fire Chief will circulate a survey to all volunteer members by September 30, 2015. The results will be presented to the Training Subcommittee that will be responsible for reviewing responses and formulating recommendations for consideration by the Fire Services Advisory Committee and the Fire Chief.

Napa County Volunteer Fire Chiefs' Response: The Volunteer Chiefs agree with this finding. The training sub-group has been engaged in adjusting the training requirements to meet industry standards in an effort to make compliance obtainable and realistic for volunteers. We agree that a survey may be a good tool to assist in creating a plan to facilitate training improvements. The volunteer departments Training Officers have been invited to provide questions to be included on the survey.

R4: By December 31, 2015, Napa County Administration staff to implement procedures to pay volunteer firefighters for wages that were earned while on cover assignments within 30 days of their assignment.

Napa County Executive Officer's Response: This recommendation will not be implemented because it is not reasonable. The County of Napa has a contract with the State of California to

provide emergency firefighter coverage for the "State mission" whereby volunteers get compensated by the State to respond to non-County fire incidents (i.e., a major wildfire in Northern California) or cover State stations when career firefighters are dispatched to incidents outside Napa County. Acceptance of "cover assignments" is not required by the County and is completely voluntarily. The County does not encourage or suggest that volunteers take time off of work from regular jobs to work on cover assignments. To provide for higher compensation rates to the volunteers as discussed below, the County agreed to serve as a pass-through to allow interested volunteers the ability to provide the resources under an Assistance By Hire Agreement with the State of California. The State is responsible to compensate those that choose to accept State assignments. The County has no control over assignments, timely processing of paperwork by the State, or confirmation of hours worked and payment due-this is all processed by the State of California. This process can take weeks and sometimes months, dependent on the length of the assignment, magnitude of the incident and the accurate completion of paperwork provided directly to the State by the participating volunteers. The County cannot submit or correct paperwork and cannot process payments until the State certifies the hours and participation of each volunteer and notifies the County of pending payment. While the County can discuss the issue of turnaround time with the State of California, staff cannot guarantee the State's process will occur within 30 days.

The County typically processes regular volunteer stipend payments four times per year. Any Assistance By Hire payments authorized by the State of California and passed through to Napa County are included in the quarterly stipend payment processing. Where the County may be able to assist in shortening the time frame for volunteers to receive Assistance By Hire payments is by running a special "off cycle" payment process when the County receives approval of pending payments from the State of California. Due to the additional workload involved with limited payroll staff, off cycle payroll processes are not optimal and may result in additional costs to the County. However, the County feels it is fair and will run an off cycle process when the State authorized payment totals more than \$1,000 for any one individual and the normal payroll process cycle is more than 30 days in the future.

Alternatively, the volunteer firefighters may sign up to be emergency workers directly with the State of California which may reduce the payment time as the County of Napa would be removed from the pass-through role. The County maintains an Assistance By Hire contract for the benefit of the volunteer firefighters, not the benefit of the County of Napa. This agreement allows the County to set a State payment rate on behalf of the volunteers. The maximum a volunteer firefighter could be compensated by signing up directly with the State of California is \$16.74 per hour. The County's established pass through rate is \$28.42 per hour. The Fire Department continues to serve as the pass through as staff believes that the benefit of the increased compensation rate outweighs the additional time to receive paychecks. If the volunteer firefighters collectively disagree, staff will assist with the transition to direct enrollment with and payment by the State of California. If the volunteer firefighters continue with the pass through arrangement, the Fire Chief will provide to the volunteers an annual notification that Assistance By Hire assignments are voluntary and that the processing timelines that come with the acceptance of any assignment.

Treasurer Office's Response: The Napa County Treasurer's Office concurs with the response of the Napa County Executive Office. The Auditor-Controller's Office, not the Treasurer's Office, is responsible for the processing of payments. The Treasurer's Office defers to the Auditor-Controller for additional comment.

Auditor-Controller's Response: Although not named in the report, my office is responsible for processing the checks, and I concur with the response of the Napa County Executive Officer.

VI. RESPONSE TO THE GRAND JURY FINAL REPORT: ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?

DISCUSSION

The Grand Jury undertook an investigation to determine if the Napa County Planning Department is issuing winery use permits that conform to the requirements of the Winery Definition Ordinance (WDO), which regulates wineries located within the Napa County Agriculture Preserve. The Grand Jury also investigated if the Planning Department is adequately monitoring the compliance of the wineries with their use permit requirements.

The focus of this investigation was to determine if the Planning Department has followed the guidance of the WDO in issuing use permits and if the winery audits are sufficient to determine if the wineries are in compliance with their use permit requirements.

The Grand Jury's investigation resulted in five findings and five recommendations to which responses were requested from the Napa County Board of Supervisors.

RECOMMENDATIONS AND RESPONSES

R1: By January 1, 2016, the Planning Department to increase the number of yearly winery code enforcement audits from the current rate of 20 audits per year so that every winery would be audited at least every five years or at such intervals that the Planning Commissioners or County Supervisors deem to be appropriate.

Napa County Board of Supervisors Response: The Board of Supervisors agrees with this recommendation. At their meeting on March 3, 2015, the Board directed staff to bring back recommendations on expanding the wine audit. The Agricultural Protection Advisory Committee (APAC) is expected to make its tentative recommendation on the structure of the wine audit (including expansion of the audit) on July 27, 2015. The APAC recommendations will be forwarded to the Planning Commission on September 2, 2015. The Commission, in turn, will forward their recommendations to the Board of Supervisors on November 24, 2015.

R2: By June 30, 2016, the Planning Department and the Planning Commissioners to develop a process for monitoring and inspecting winery water treatment and disposal. A plan for monitoring water usage should also be implemented.

Napa County Board of Supervisors Response: The Board of Supervisors disagrees with this recommendation. The majority of wineries located in the unincorporated area are on private wells. The County does not have any ordinance that currently mandates metering and/or monitoring of private wells. Such requirements have been imposed on individual properties, but only when the County has determined that there is substantial cause for enhanced review, not as a standard requirement. Further, it is unclear how limiting the County's review solely to wineries would provide a complete or accurate understanding of groundwater resources. The Board of Supervisors believes that the issue of water monitoring and usage should be considered within the overall context of the forthcoming Groundwater Sustainability Plan Alternative. With regards to wastewater treatment, all winery discharges are regulated and inspected by the California Regional Water Quality Control Board. Having the County establish a parallel program to the existing State procedures would be unnecessary and costly.

R3: By January 1, 2016, the Planning Department to make the inspection reports of non-compliant wineries more transparent to the public in much the same fashion as health code violations of restaurants are reported.

Napa County Board of Supervisors Response: The Board of Supervisors partially agrees with this recommendation. More transparency in the code enforcement process would allow both residents and visitors to know which wineries are in compliance and which are not, as well as the nature of the violations. However not all information can be made publicly available. For instance, it is County Counsel's opinion that the production, crush, and grape sourcing data provided by individual winery operators in forms submitted to the ATTB and California Department of Food and Agriculture (CDFA) are proprietary under State and Federal law and may not be disclosed to the public. Similarly, although the names of non-compliant wineries are not released as a part of the wine audit, staff does make copies of Notices of Violation available to the public upon request, which includes the name of the property owner where the alleged violation occurred. Any other details of cases where there are ongoing violation investigations would not be available to the public. The Board will take up the issue of transparency within the overall context of the wine audit recommendations being forwarded to it by the APAC and the Planning Commission.

R4: By June 30, 2016, the county Board of Supervisors and the Planning Commissioners to determine whether the Winery Definition Ordinance (WDO) as written provides the regulatory framework necessary to maintain a winery industry that is consistent with the Agriculture Preserve Ordinance.

Napa County Board of Supervisors Response: The Board of Supervisors agrees with this recommendation. Due to growing concern regarding the rate, location, and intensity of winery development projects in the unincorporated area, the Board of Supervisors formed the APAC on

March 17, 2015. The intent of the APAC was to make recommendations to the Planning Commission regarding revisions to the standards governing the development and expansion of wineries, operations, activities, and related matters. The APAC is required to report on its recommendations to the Planning Commission by September 2, 2015. The Planning Commission is then mandated to make its recommendations to the Board of Supervisors by November 10, 2015.

R5: By June 30, 2016, the Planning Commissioners to establish and publish a range of penalties and/or operating restrictions for non-compliance infractions of use permit requirements. Such action should encourage wineries to be more cognizant of the cost of non-compliance.

Napa County Board of Supervisors Response: The Board of Supervisors agrees with this recommendation. Staff is currently working on a Frequently Asked Questions (FAQ) hand-out, which would include information regarding the types of fines and penalties that may be assessed for non-compliance. The hand-out will be posted on-line and will be included in future compliance workshop presentations provided by staff to the wine industry and other interested members of the public.

VII. RESPONSE TO THE GRAND JURY FINAL REPORT ON NAPA COUNTY JAIL AND DEPARTMENT OF CORRECTIONS JUNE 2015

DISCUSSION

The Napa County Jail (NCJ) is located in downtown Napa in the Hall of Justice, which was enlarged in 1989 to accommodate a total of 264 inmates. Both male and female inmates are housed in the NCJ as well as sentenced inmates awaiting transfer to state prison, convicted inmates awaiting sentencing, and those inmates awaiting arraignment or trial.

As mandated by law, the Grand Jury annually is required to conduct a physical inspection of all jail facilities in the county with a review of jail operations and programs. The 2014-2015 Grand Jury inspected the Napa County Jail in November 2014. In compliance with the mandate, this Grand Jury investigated the following issues:

- the physical condition of the jail
- assaults on jail personnel
- the need for a new jail facility

The Grand Jury interviewed Napa County Department of Corrections management and correctional officers, and Napa County Human Resources Division, Public Defender Office, and Sheriff's Office staff. In addition, the following Napa County publications and County and State of California websites were reviewed:

- Board of State and Community Corrections (biannual inspection of jails):
<http://www.bscc.ca.gov>
- BSSC Assoc. of Criminal Justice Research - Jail Assault on Staff statistics:
<https://public.tableausoftware.com/profile/kstevens#!/vizhome/ACJROctober2013/About>
- Napa County Dept. of Corrections Budget:
<http://countyofnapa.org/Pages/Default.aspx?keywords=budget&StartPage>
- SB 863 Correctional Facilities construction:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB863
- SB-1022 Correctional facilities.(2011-2012):
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1022

As the result of its inspection, the 2014-15 Grand Jury made five findings and four recommendations to the Napa County Board of Supervisors.

RECOMMENDATIONS AND RESPONSES

R1: By January 1, 2017, the Board of Supervisors, the Napa County Executive Officer, and the Napa County Department of Corrections (NCDC) Director to fund and implement the scheduled move and upgrade of the NCDC Control Room.

Board of Supervisors Response: The Board of Supervisors agrees with this recommendation. Recognizing the importance of this move, the project has been funded and design was completed in early 2014, with the pre-qualifications of potential bidders beginning thereafter. Due to the August 2014 earthquake the final phase of the bidding process was necessarily delayed. Additionally, since that time, the manufacturer (General Electric) of the specialized computer hardware that operates the controls throughout the facility has alerted the County that the computer model to be used for the project is up for review and may require an upgraded design. Once this issue is resolved the bidding process will be completed, and will take approximately 90 days. Some portions of this project have already been completed, including the construction of the new control room. Full construction of this project will take approximately 18 - 24 months after final bids are awarded.

R2: By June 30, 2016, the Board of Supervisors to compete for jail construction funding under SB-863 and to consider a bond measure to fund part of the construction of a new jail.

Board of Supervisors Response: The Board of Supervisors agrees with this recommendation. The County is preparing an application to compete for jail construction funding to replace unusable beds and increase programming opportunities for inmates. The Board of Supervisors will consider approval to staff to submit the application on August 11, 2015 with the final application for the funding due to the Board of State Community Corrections (BSCC) August 28, 2015. The County will be notified of conditional award status for the funding in December 2015. The County is exploring additional options for future funding opportunities and the Board of Supervisors will consider funding strategies by June 30, 2016.

R3: By June 30, 2016, the BOS and NCDC Director to devise a plan to include increased staffing and jail capacity to better manage NSH patients/inmates who enter NCDC.

Board of Supervisors Response: The Board of Supervisors disagrees with this recommendation. The Board of Supervisors has already increased staffing at the jail to address increases in work load over the past few years following Realignment and the changing profile of inmates. Post-earthquake as the NCDC Director identified inmate population and operational issues, the Board increased the contract with Solano County from 75 beds to 125 beds to meet the potential additional capacity needs. Ultimately, the new jail construction will include a larger capacity to house mental health inmates which includes those from Napa State Hospital and other inmates in custody who also have mental health needs. The Director does not feel that increased staffing or adding additional capacity within the current jail is appropriate for this situation.

R4: The Napa County BOS and NCDC Director to include a body scanner in the 2016-2017 budget to help prevent contraband from entering the jail.

Board of Supervisors Response: The Board of Supervisor disagrees with this recommendation. The NCDC Director would support the inclusion of a body scanner in the new jail; however, the body scanner equipment cannot be placed in the current jail due to space issues in the booking area. The optimal location for body scanners would be in the booking area which is the entry point for new arrestees. Unfortunately, the jail's booking area is not configured to hold body scanner equipment. This cannot be accomplished without creating a major construction project in an area that is critical to the jail's day to day operations and needs to remain operational at all times. The scanner cannot be placed in the vehicle sally port either as it would impede the flow of police cars in and out of the facility. Additionally, the body scanners are not 100% reliable and there have been instances in other facilities where even with the use of body scanners, inmates have been successful in smuggling in contraband. It is certainly a deterrent and it may stop some inmates from bringing in contraband. However, the current jail does not have the ability to place large-size equipment into the booking area. The County will explore the option to locate a body scanner with a new jail in the future.

VIII. FINDINGS AND RECOMMENDATIONS

Discussion

The Grand Jury has noted some laxity about the timeliness of official responses to the 2014-2015 Grand Jury's reports. Elected officials or agency heads have 60 days and governing boards have 90 days to respond to a grand jury report or to notify the Presiding Judge that their report will be late with an explanation for its lateness. In both cases, the allowed time begins on the date the report is issued by the Grand Jury. Five of the twelve responses to the 2014-2015 Grand Jury's reports were sent late, and this Grand Jury received no explanations for the lateness of these reports. The lack of such explanations suggests that officials and governing boards may have become lax about their responsibilities to respond promptly to grand jury reports.

Several responses to the 2014-2015 Grand Jury's recommendations indicated acceptance of the recommendations but gave neither specific plans and timelines for implementation nor reasons for delaying implementation, as required by California Penal Code section 933.05 (a).

Findings and Recommendations

As the result of its review of responses to the 2014-2015 Grand Jury, this Grand Jury makes the following two findings and recommendations.

Finding 1: Some respondents to the 2014-2015 Grand Jury reports were tardy with their responses. These responses varied in lateness from one or two days to three weeks.

Finding 2: Some respondents to the 2014-2015 Grand Jury reports have accepted recommendations without indicating any plans or timelines for implementation or reasons for delaying action.

Recommendation 1: In response to F2, that the Board of Supervisors and County Treasurer promulgate to all their officers and department heads specific instructions that their responses to the Grand Jury include implementation plans and timelines, or reasons for delaying action, when they accept a Grand Jury recommendation.

Requests for Responses

Pursuant to California Penal Code section 933.05, the 2015-2016 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: **F1, F2, R1**
- Napa County Treasurer: **F1, F2, R1**
- City of Napa: **F1**

APPENDIX

Table 2. 2014-15 Grand Jury Reports and Response Summary			
Report	Recommen- dation	Respondent	Response
Juvenile Hall	R1	Chief Probation Officer	Accepted; implementation delayed by earthquake damage
	R2	"	Accepted; implementation delayed by earthquake damage
	R3	"	Rejected; recommendation deemed unwarranted
HHS Agency	R1	Board of Supervisors	Accepted; will be implemented
	R2	"	Not accepted; issue requires further analysis by outside consultant
	R3	"	Accepted; implementation to begin in July 2015
	R4	"	Accepted; implementation to begin in July 2016
	R5	"	Not accepted; issue requires further analysis
	R6	"	Not accepted; issue requires further analysis
	R7	"	Accepted; recommendation will be implemented
	R8	"	Not accepted; issue requires further analysis
Groundwater	R1	Board of Supervisors	Accepted; will be implemented in context of State plan, due in 2016
	R2	"	Not accepted; issue requires further analysis per State plan
	R3	"	Not accepted; issue requires further analysis per State plan
	R4	Sanitation District Board	Accepted; currently being implemented
	R5	"	Accepted; currently being implemented
	R6	"	Accepted; currently being implemented
	R5	City of Napa	Recommendation has been implemented
	R6	"	Recommendation has been implemented
Fire Department	R1	Napa County Fire Chief	Accepted; will be implemented by 9/1/2015
	R1	Volunteer Fire Chiefs	Accepted; no information given on implementation
	R2	"	Rejected; Chiefs are awaiting response to their concerns from NCFC
	R3	"	Accepted; will implement survey of personnel training needs
	R1	Napa County Executive	Concurs with Napa County Fire Chief
	R4	"	Rejected; recommendation deemed unreasonable
	R1	Board of Supervisors	Concurs with Napa County Fire Chief
	R3	"	Accepted; will be implemented by 12/31/2015
	R4	Napa County Treasurer	Concurs with Napa County Executive
	Wineries	R1	Board of Supervisors
R2		"	Rejected; recommendation deemed unreasonable
R3		"	Accepted in part; some information cannot legally be made public
R4		"	Accepted; report due from APAC* 9/2/2015, from Planning Commission 11/10/2015
R5		"	Accepted; staff currently working on FAQ to be posted and distributed when done
Napa County Jail	R1	Board of Supervisors	Accepted; implementation delayed by earthquake damage
	R2	"	Accepted; application for funding to be submitted on 8/11/2015, notification of award by 12/2015
	R3	"	Rejected; staffing already increased and extra beds contracted with Solano County
	R4	"	Rejected; recommendation appropriate for new jail, but space not available currently

* Agricultural Protection Advisory Committee



**NAPA COUNTY GRAND JURY
2015-2016**

April 29, 2016

FINAL REPORT

**FACILITY MANAGEMENT
WILL THE LIGHTS STAY ON WHEN THE
POWER GOES OUT?**

FACILITY MANAGEMENT

WILL THE LIGHTS STAY ON WHEN THE POWER GOES OUT?

SUMMARY

The Grand Jury became interested in how well the county's facilities are being managed and whether or not energy efficiencies are being realized through proper maintenance of HVAC equipment and controls. The Grand Jury elected to expand its inquiry into all critical systems in county buildings. The Jury's motivation was to ensure that the county is providing safe, comfortable and healthy facilities for its employees and citizens. The Jury found that the county's buildings are very well maintained. Buildings are attractive and clean and there is little, if any, sign of wear and tear. Temperatures are comfortable and ventilation is adequate.

The Jury further found that the Public Works and Information Technology Services Departments did a commendable job following the August, 2014, earthquake in relocating departments to temporary space in a matter of days. This was an enormously complex task given that 100,000 square feet of county office space had sustained damage, requiring over 400 employees to be relocated, some of them multiple times. By Tuesday morning, August 26th, only two days after the earthquake, virtually all departments were operating and providing services to county residents. The Public Works Department then set about the earthquake repair work, including building system upgrades and maintenance items when appropriate to do so. By October and November 2014, plans and budgets were completed, bids had been solicited, and repair work was underway, except in the Historic Courthouse and the Hall of Justice, where significant structural damage was incurred. Division and department heads informed the Grand Jury that they received excellent communication from the recovery teams and that those teams actively sought input from the operating units when developing plans and schedules for the repair work. These managers credited all county departments for their hard work, long hours, and outstanding teamwork in making the earthquake recovery effort a success, but they universally singled out the Public Works and Information Technology Services Departments for special recognition.

The Jury did find issues, however, with the management of contracts for the maintenance of critical building systems. Service contracts for HVAC equipment, elevators, and emergency power generators were allowed to expire on July 1, 2015, and the inspections and testing regimen by third party specialists was effectively suspended on that date. Elevator inspections did continue on a month-to-month basis until October 31, 2015, but were suspended thereafter. There is no guarantee that such testing would ensure future performance of the equipment, but it is the opinion of the Grand Jury that every reasonable step should be taken to improve the odds that the equipment will work when needed.

The Jury has requested the Board of Supervisors to commend the Public Works and Information Technology Services Departments for outstanding performance in the earthquake recovery effort. The Jury has also requested the Board of Supervisors to direct the County Executive Officer to ensure that maintenance contracts for critical equipment and services are not allowed to lapse in the future.

GLOSSARY

- HVAC –Heating, Ventilation, and Air Conditioning –Mechanical system which circulates air at the desired volume and temperature to work spaces.
- VAV (Variable Air Volume) Box –Device which controls the volume and temperature of air supplied to a zone, or portion of a building controlled by its own thermostat.
- Pneumatic Controls –“Old” technology which adjusts temperature and airflow settings of VAV boxes via a system of compressed air lines.
- Digital Controls –“New” technology which adjusts the temperature and airflow settings of VAV boxes via electronic signals.
- Central Plant –Large piece of HVAC equipment which, along with ancillary air handling units, provides air at the desired volume and temperature to VAV boxes to maintain zones at their desired thermostatic settings. Typically one central plant serves an entire building.
- Package Units –Smaller HVAC units, usually located on rooftops, which provide air at the desired volume and temperature to VAV boxes to maintain zones at their desired thermostatic settings. Usually, several package units are required to serve a single building.
- RFP –Request for Proposals –An invitation for qualified vendors to submit proposals for a defined set of services. Typically RFPs include the scope of work and the term of the agreement.
- Load Testing –Testing of backup generators to make sure they provide the required amount and quality of electrical power to perform in an emergency situation, using a “load bank”to simulate the power demand the generator is expected to deliver in an emergency.
- Switch Gear –Electro-mechanical equipment which switches the supply of electrical power from its normal source to emergency generators, and back.

BACKGROUND

Recognizing the significant investment the county has in its facilities, the Grand Jury wanted to know how well those buildings are being maintained. Of particular interest was energy efficiency. Given the large number of buildings maintained by the county, and the wide range of their size and complexity, the Jury questioned who is maintaining the county’s HVAC equipment and how well they are doing it, starting with how often the HVAC systems were being inspected and by whom. This original area of interest grew to include other facility related issues such as cleanliness, the condition of high wear surfaces, such as carpets and walls, and the maintenance of critical building systems such as elevators, HVAC systems, and emergency power generators. The motivation for the Jury’s investigation in this area was to ensure that the county is providing safe, pleasant, and healthy buildings for its employees and citizens, and to ensure that those facilities will be able to continue to function in the event of a natural or man made disaster.

METHODOLOGY

The Grand Jury began its investigation by interviewing managers at various levels within the Public Works Department to gain an understanding of how the county manages its buildings to make sure that they are clean, safe, and comfortable places to work, especially how it handles the maintenance of critical building systems, such as elevators, HVAC equipment, and emergency power generators. Contracts with four maintenance contractors, Bell Products (HVAC systems and pneumatic controls), Siemens (digital HVAC controls), Kone (elevators), and Peterson Power Systems (emergency power generators), were examined to review such things as scope of work, frequency of inspection, the terms of the agreements, and renewal provisions. Tours were conducted of major county facilities, including the county Administration Building on Third Street, the Hall of Justice, the Carithers Building on Parkway Mall, and all the buildings on the South Campus to check for cleanliness, level of general maintenance, and comfortable and consistent temperatures. The Grand Jury reviewed the earthquake recovery process with the Public Works Department and interviewed senior managers whose departments were displaced to gain their perspectives on how the process was managed.

Documents Reviewed

- Maintenance service contracts for Bell Products, Kone and Peterson for the period July 1, 2012 to June 30, 2015.
- Maintenance Service Contract for Siemens Building Technologies for the period July 1, 2013 to June 30, 2018.
- Purchase orders for work performed by Bell Products, Kone, and Peterson for the period January 1, 2012 to December 1, 2015.
- Property Management Department inspections reports for emergency generators July 1, 2015 to December 1, 2105.
- Property Management work order activity for Bell Products, Kone, and Peterson for the period July 1, 2015 to December 1, 2015.
- Earthquake damage assessment and plans for departmental moves to temporary space and back.

DISCUSSION

Cleanliness and Level of General Maintenance

The Grand Jury found the county facilities it toured to be clean and well maintained. Temperatures in work spaces were comfortable and there appeared to be adequate ventilation. There was no evidence of worn carpets or marred walls. Lighting was adequate and all fixtures were working. Office partitions were in good condition. Restrooms and break areas were spotless.

Post Earthquake Recovery and Repair

At the time of the Grand Jury inspections in September 2015, restoration work to address earthquake damage was just being completed and departments were in the process of moving back into their permanent spaces after being housed in temporary locations. It was evident to jurors during the tours that Public Works had been smart in executing the repair work by seizing

the opportunity to perform building system upgrades. HVAC controls were upgraded from pneumatic to digital, carpet and partition systems were upgraded, and needed maintenance work was completed while the buildings were vacant and opened up for earthquake repairs. County employees and senior managers the Grand Jury interviewed were all complimentary about the condition of their refurbished spaces. They also praised the way in which Public Works and Information Technology Services handled the post earthquake recovery, including the very complex move to temporary facilities, getting them up and operating quickly, and moving them back. After the earthquake damaged about 100,000 square feet of county office space, over 400 people were relocated to conference rooms, training rooms, rented space, the newly acquired South Campus, and even to a folding table outside on the plaza, complete with furniture, phones, and computers. Virtually all county services were available to residents on Tuesday, August 26th, just two days after the earthquake. Repair and renovation work was quickly specified and bid out and construction was underway by November 2014. This earthquake recovery work, except for repairs in the Historic Courthouse and the Hall of Justice, where significant structural damage was incurred, was completed by September 2015. Displaced departments were then moved back into their permanent spaces smoothly and efficiently. Unfortunately, departments that were housed in the Historic Courthouse and the Hall of Justice, the Probation Department for example, will not be moved back to their permanent space until the extensive structural repair work in those facilities is finished, now estimated to be at the end of 2016 in the case of the Hall of Justice and sometime in 2017 for the Historic Courthouse. The Jury acknowledges that this successful result is due to long hours, hard work, and dedication of the entire county workforce, but especially to the people in the Public Works and Information Technology Services Departments.

Maintenance Contracts

The Grand Jury is concerned, however, that contracts with three building system maintenance providers, Bell Products (HVAC equipment and pneumatic controls), Kone (Elevators), and Peterson Power Systems (emergency power generators) were allowed to expire on July 1, 2015. Although county employees did a rudimentary level of testing on generator motors and HVAC equipment, but regular inspection and testing by these third party specialists was suspended on July 1st. These vendors continued to do some work on a purchase order by purchase order basis, but were not directed to continue the inspection and testing regimen they were performing under their contracts. Elevator inspections did continue on a month-to-month basis until October 31, 2015, but were suspended thereafter.

All three vendors had annual contracts starting on July 1, 2012, with one year renewals starting on July 1, 2013 and July 1, 2014. Because these contracts were at their three year limit, the Public Works Department was obliged to send out RFPs to negotiate new contracts to provide these maintenance services beyond July 1, 2015. Allowing time for vendors to respond to the RFPs and time for county personnel to review the proposals, the RFPs should have been sent out no later than May 1, 2015 to avoid a lapse in contracted maintenance services. The RFP for elevator maintenance was issued on January 12, 2016. The new contract is expected to start on either March 22, 2016 or April 5, 2016, following approval by the Board of Supervisors, approximately nine months after the last contract expired and five months after the previous contractor suspended inspections.. The RFP for emergency generator maintenance was issued on January 29, 2016 and the new contract is scheduled to start on April 5, 2016, nine months

after regular inspection and testing was last done. The RFP for HVAC equipment maintenance was issued on February 22, 2016 and the new contract is expected to start on April 19, 2016, nine and a half months after the last contract expired . There is evidence that the Public Works Department was extremely busy with earthquake recovery work and that there was a desire to take the time to make sure the RFPs contained the most up-to-date specifications for scope of work. However, the choice to delay the RFPs placed the reliable performance of critical building systems at risk.

HVAC Equipment

Under its prior contract Bell Products conducted quarterly testing of all HVAC equipment, including central plants and package units all the way down to VAV boxes and thermostats. Not every piece of equipment was tested each quarter, but by the end of a twelve month period every single piece was inspected at least once. After the expiration of the contract, Bell Products continued to do repair work and some inspection, but far short of its prior inspection program, putting the Property Management Department in a position of being reactive in responding to air temperature and ventilation issues instead of addressing problems before they develop.

Elevators

The county has over sixty elevators in service, each requiring annual inspection for preventative maintenance. Kone is doing repair work as requested, but suspended regular inspection activity at the end of October 2015. County maintenance people are not trained, equipped, or authorized to do this work. Without regular inspections by third party specialists, needed adjustments and repairs may go unnoticed, which could in turn compromise the reliability and safety of this equipment.

Emergency Power Generators

County maintenance personnel have been performing basic inspections on generator motors on a monthly basis since July 1, 2015, such as checking battery charge, fuel levels, and lubricant levels, and have been test starting the units. However, county personnel are not trained, equipped, or authorized to load test the generators or test the switch gear. These tests were performed semi-annually by Peterson under its contract, but have not been performed since July 1, 2015. Although there is no assurance that a successful test will ensure that a generator will perform when it is needed, the Jury believes that every opportunity should be taken to increase the odds of proper operation, particularly in facilities like the Hall of Justice, Juvenile Hall, and the communications tower on Mt. St. Helena, by thoroughly and professionally testing these units on schedule.

FINDINGS

- F1:** The Public Works Department is maintaining county facilities in a way that provides county employees and citizens with clean, safe, and pleasant buildings in which to conduct the county's business.

- F2:** The Public Works and Information Technology Services Departments did a masterful job of earthquake recovery. Over 400 people were relocated to temporary spaces and were back in operation in only two days. Except for the historic courthouse and the Hall of

Justice, which both incurred significant structural damage, earthquake repairs were completed in little over a year. The Public Works Department took the opportunity to include building system upgrades and maintenance items while the impacted spaces were vacant. The displaced departments, except the ones housed in the historic courthouse and the Hall of Justice, were smoothly and efficiently moved back to their permanent spaces as the renovations were completed.

F3: RFPs for maintenance contracts for critical building systems were not sent out on time, allowing the existing contracts to expire on July 1, 2015 without renewal or replacement. Although a basic level of inspection and testing was done by county maintenance personnel and some inspection and repair work was done by vendors on a purchase order by purchase order basis, the inspection regimen by third party experts on HVAC equipment, elevators, and emergency power generators was suspended with the expiration of the maintenance contracts on July 1, 2015. Elevator inspections continued on a month-to-month basis until October 31, 2015, but were suspended thereafter. The lack of regular thorough inspection and testing by third party specialists could lead to the increased risk of failure of this critical equipment when it is needed most.

RECOMMENDATIONS

R1: The County Board of Supervisors should commend the Public Works and Information Technology Services Departments for the post earthquake recovery work they performed.

R2: The County Board of Supervisors should direct the County Executive Officer to compile a list of contracts for the maintenance of critical equipment and services and to institute a policy that RFPs for replacement contracts be distributed at least sixty days in advance of the expiration dates of such contracts. This policy should be in place by December 31, 2016. Any deviations from this policy should be approved by the County Executive Officer on a case by case basis.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

Napa County Board of Supervisors: **F1, F2, F3, R1, R2**

INVITED RESPONSES

County Executive Officer: **F3, R2**

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



**NAPA COUNTY GRAND JURY
2015-2016**

May 6, 2016

FINAL REPORT

NAPA COUNTY JUVENILE HALL

NAPA COUNTY JUVENILE HALL

SUMMARY

The 2015-2016 Grand Jury inspected Napa County Juvenile Hall (NCJH) and conducted formal interviews with management and staff, and informal interviews with detainees. The mission of NCJH is to remove juvenile offenders from the community and to offer them rehabilitation programs which will enable a successful return to family and community.

The 2015-2016 Grand Jury found that NCJH is well maintained and provides a safe and healthy environment for juveniles with a strong focus on rehabilitation and education. The 2015-2016 Grand Jury was concerned that previously identified problems with video camera surveillance have not been resolved.

BACKGROUND

Each year, as mandated by State Law, the Napa County Grand Jury must physically inspect all jail and detention facilities within Napa County. Napa County Juvenile Hall (NCJH) is one of the detention facilities required to be inspected.

Two previous Grand Juries found and recommended that outdated video surveillance cameras, which produced poor quality and uneven sequencing of images, be replaced. Previous Juries also found that some areas of NCJH are not covered adequately by camera surveillance thus creating "blind spots". This Grand Jury felt that additional investigation into these findings should be explored to confirm that the situation was resolved, as well as ensuring NCJH was following protocol for the safety and well-being of employees and detainees.

METHODOLOGY

A. Interviews Conducted

- Napa County Probation Office
- Two NCJH Supervisors
- Two NCJH Counselors
- Ten NCJH Detainees (informal interviews)

B. Documents Reviewed

- NCJH Grand Jury Reports – 2009-2014
- NCJH Population Statistics – January 2006-December 2015
- NCJH Orientation for Minors
- NCJH Medical Screening Form
- NCJH Classification Assessment
- Napa County Juvenile Justice Center Behavioral Summary
- Napa/American Canyon Peer Court Program
- NCJH Policy and Procedures Manual

NCJH Minor's Grievance Reports, June-December 2015
NCJH Fire, Food, Health, and Safety Reports 2014-2015
Juvenile Hall-Crossroads School Yearly Report, 2014-15
NCJH Organization Chart, 2015
NCJH Probation Division Budget-Juvenile Hall, FY2015-16
Juvenile Justice Commission Annual Inspection Report, 2015

C. Napa County Juvenile Hall Facility Inspection

Sally Port, Holding, and Booking areas
Control Desk, including Observational and Padded Cells for Juveniles at risk
Prospect and Merit Wards, including Cells and Control Desks
Shower Facilities in both Wards
Common Areas in both Wards
Outside Recreation Areas
Kitchen
Library
Family Visiting Area

DISCUSSION

Grand Jury interviews were conducted with counselors, supervisors, superintendents as well as the Chief Probation Officer. During each interview we heard from highly professional, courteous, and well-trained professionals who were dedicated to the successful rehabilitation of the youths they support, and who treat both the youths and one another with respect and courtesy.

The 2015-2016 Grand Jury found the NCJH to be secure and well maintained. Overall, NCJH provides a safe and healthy environment for the detainees and staff. Medical care, counseling, and education programs are provided for each youth with the goal of rehabilitation and successful return to family and community. There is a high level of professionalism, dedication, and respect among the staff at NCJH. The youths are required to treat each other and staff with courtesy and respect. The rules are made clear and good behavior and achievement of goals is rewarded. Work done in cooperation with the Juvenile Probation Department and other community agencies is crucial to successful rehabilitation. The steady decline in census at NCJH and in the number of juveniles on probation in Napa County is testimony to the successful implementation of meaningful programs.

Funding for NCJH comes from the Napa County General Fund and the State of California. The requested budget for FY2016 represents a 4% increase over FY2015 from \$5.323M to \$5.35M. The budget reflects an increase of \$157,524 in salaries and benefits resulting from a three-year labor agreement negotiated in FY2014-15, and an increase in cost for services by the medical service provider, California Forensic Medical Group.

There is a close working relationship between NCJH and the Napa County Juvenile Probation Department. Juvenile probation programs are fundamental to the rehabilitation process as they help facilitate the transition for NCJH detainees as they re-enter the community. The Napa

County Juvenile Probation Department also works in cooperation with local non-profit organizations including the Wolfe Center, the Boys and Girls Club, and ALDEA Children and Family Services. In spite of the fact that approximately 25% of the youth in the Napa juvenile probation system are associated with gangs, the severity of gang activity has lessened in recent years as a result of successful community intervention programs.

Napa County Juvenile Hall can adequately house 50 youths. However, the census has dropped steadily over the past several years as a result of community programs. One program that has significantly contributed to the census decline is the Evening Report Center (ERC). The ERC is a court ordered program and serves as an alternative for wards going through the Court process. Eligible youth are assessed at moderate or high risk to re-offend but do not have prior or pending violent felonies or sex offenses. The ERC provides service during high risk times of the day (3PM-7PM) since most juvenile crime occurs during the hours after school and before parents return home from work. The program lasts 60 days and includes intensive supervision along with cognitive behavioral training, education groups, guest speakers, pro-social activities, and, parenting groups. In 2009, when the ERC opened, 736 youths were on probation and the average daily census at NCJH was 44. In 2015, there were 250 youths on Probation and the average daily census at Juvenile Hall was 17.

In 2014, the Napa County Probation Department was awarded the American Probation and Parole Association's President's Award for exemplary community corrections programs. The award recognizes visionary organizations that have implemented innovations which will lead community corrections into the next decade.

The age range for youths held in detention at Juvenile Hall is 13-17 years old. The most common reasons for detention are theft, disturbing the peace, and sex offenses. Homicide and other serious violent crimes are far less common reasons for detention. Seventy to eighty percent of youths who are detained have drug issues. Mental health issues are also prevalent, and it was noted during staff interviews that recently there has been an alarming rise of younger teens in detention with mental health issues.

Medical services are provided under a contract with the California Forensic Medical Group (CFMG). Two RN's from CFMG and two mental health staff from Napa County Health and Human Services provide coverage at Juvenile Hall seven days a week. A psychiatrist from CFMG is on call 24 hours per day. Psychiatric counseling is also available via scheduled teleconferencing. Each youth receives a physical exam by a medical doctor within 24 hours of detention.

Crossroads School, located in classrooms connected to each of the two detention housing units, is operated by the Napa County Office of Education (NCOE). School attendance is mandatory for all youths who have not already received a high school diploma. Crossroads serves a variety of students, many of whom are deficient in high school credits. The academic level, number of credits needed, and special education needs are assessed for each student entering Crossroads. Student transcripts are evaluated to determine subject areas needed to meet graduation requirements. Additional tutoring during and after school hours is available for students who are

Juvenile Probation for visits with siblings or friends. They have limited telephone privileges. They may write letters. Their outgoing correspondence is not censored, and postage is free. They have access to clergy and to attorneys upon request.

In addition, youths are placed in special behavioral programs that address their particular needs. These programs utilize measurable outcomes. The staff uses "Evidence Based Practices" developed by the Carey Group, which have been demonstrated to improve offender outcomes. A behavior modification merit system, which encourages positive behavior and results in privileges such as staying up later and access to special snacks or other items, has also been implemented.

On weekends there are additional programs with community volunteers that may include art classes, language arts, and pet therapy. Movie night and extra recreation can also be part of weekend activities.

Youths may file a grievance report if they experience problems or have a complaint. They are advised that doing so will not result in reprisal. All grievance reports are reviewed within twenty-four hours by counselors who work with the youths to arrive at a mutually agreed upon resolution. Between June and December, 2015, 35 grievances were filed and each was reviewed by the Grand Jury. The majority of grievances were minor. Complaints focused on conflicts with staff or other detainees, or were a result of misinterpretation of the rules. Incidents that involved threatening and/or physical aggression were also reported by staff. In 2015 there were 13 "Youth on Youth", and 3 "Youth on Staff" Incident Reports filed at NCJH.

Some youths reach the age of 18 while detained at NCJH and are not eligible for probation. In 2015, five youths who reached the age of 18 were sent to Youth Camps operated outside of Napa County. None were transferred to Napa County Jail.

Informal interviews with the youths were conducted by the Grand Jury during a lunch break. Generally, the youths were polite, pleasant and responded openly to questions. Although not happy about their circumstances, they felt that they were treated fairly and that they were safe.

CONCLUSIONS

During our facility inspection in October 2015, the 2015-2016 Grand Jury enquired regarding "Findings and Recommendations" from both the 2013-2014 and 2014-2015 Grand Jury investigations. Both previous Grand Juries found and recommended that outdated video surveillance cameras, which produced poor quality and uneven sequencing of images, be replaced. These Grand Juries also found that some areas of NCJH were not covered adequately by camera surveillance, thus creating "blind spots". During our investigation and interviews the 2015-2016 Grand Jury learned that, in spite of previous recommendations, video equipment had not been replaced and additional cameras were not installed to address the blind spots. In the fall of 2015, the Grand Jury was told that funding for the video camera upgrade continued to be delayed due to the strain on the Napa County Budget as a result of the August 2014, earthquake. The Grand Jury was assured by Juvenile Hall management that camera upgrades were scheduled to be made in late 2015 or early 2016. In addition, the Grand Jury learned that two way radios

used by staff had poor quality sound and that there were "dead spots" in a few areas with no reception. In early 2016, new radios were purchased to improve radio communication throughout Juvenile Hall. The Grand Jury was also advised that as of spring 2016, NCJH was in the process of purchasing new camera equipment, but that installation would take time since a decision had been made to update the entire video surveillance system at Juvenile Hall. No completion date for the camera installation and system update was available as of the writing of this report.

The 2015-2016 Grand Jury is satisfied that inconsistent radio communication at Juvenile Hall was addressed in early 2016. However, the Grand Jury is concerned that video surveillance cameras have needed updating for the past several years and, although recommended by the two Grand Juries, upgrades still have not been completed. This issue continues to pose a possible safety risk to both staff and youths at Juvenile Hall.

FINDINGS

F1: The video surveillance cameras are outdated and of poor quality.

F2: Inadequate video surveillance leads to "blind spots" in the recreation yard and at the control desk areas in two detention units

RECOMMENDATIONS

R1: Replace video surveillance cameras with up-to-date technology by December 31, 2016

R2: Place new cameras in areas where blind spots have been identified by December 31, 2016

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing body:

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

From the following individual:

Napa County Chief Probation Officer: **R1, R2**

COMMENDATION

The 2015-2016 Napa County Grand Jury commends the Napa County Chief Probation Officer, the superintendent, assistant superintendent, supervisors, and counselors for their courtesy and professionalism, and for their dedication to successful rehabilitation of the youths at Napa County Juvenile Hall.

DISCLAIMER

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**NAPA COUNTY GRAND JURY
2015-2016**

May 23, 2016

FINAL REPORT

GANG ACTIVITY IN NAPA COUNTY
The Positive Impact of Pro-Active Measures

GANG ACTIVITY IN NAPA COUNTY

The Positive Impact of Pro-Active Measures

SUMMARY

An investigation was conducted by the 2015-2016 Napa County Civil Grand Jury to determine the nature and extent of gang activity in Napa County with particular emphasis on gang activity in Napa County High Schools. The investigation included interviews with law enforcement at both the County and City levels, Napa Valley Unified School District (NVUSD) administrators and principals, and staff at each of Napa County's high schools. The Grand Jury found that because of the pro-active efforts of Napa Valley law enforcement agencies, school administrators and staff, and the unique characteristics and demographics of Napa County, gang activity generally has been controlled, and overt gang activity in the high schools of Napa County has been reduced to a non-threatening level. Some Napa County high schools have no visible gang activity at all. Where school yard gang activity is present, direct and effective programs have been implemented with strong coordination between all stakeholders—law enforcement and school administrators and staff. Continued vigilance and expansion of successful programs is recommended.

BACKGROUND

The 2008-2009 Napa County Grand Jury conducted an investigation into "Napa Valley Gangs" and published a report detailing the level of gang activity at that time; measures being taken to address such activity; impact of gang activity on local schools; and recommendations for counter-acting gang activity county-wide. Since that time it does not appear that the intervening Napa County Grand Juries have considered the subject of gang activity and the extent of progress or lack thereof in controlling gangs as described by the 2008-2009 Grand Jury and, in particular, the influence of gangs in secondary schools (high schools) of the Napa Unified School District, St. Helena and Calistoga School Districts. The 2015-2016 Napa County Grand Jury undertook to determine the current level of gang activity in the county generally and its impact on Napa County high schools in particular, using the prior Grand Jury report as background and a starting foundation.

METHODOLOGY

The Grand Jury met with law enforcement officials, county school administrators, a school resource officer, high school principals and direct participants in gang diversion programs and classes. Interviews were conducted with:

- Napa County Sheriff's Department
- City of Napa Police Department
- Napa County Unified School District
- Vintage High School
- American Canyon High School
- Napa High School
- St. Helena High School

- Valley Oaks High School
- Calistoga Senior High School

Vintage, American Canyon, Napa and Valley Oaks high schools are all part of the NVUSD.

DISCUSSION

As detailed below, since the 2008-2009 Report, several measures have been taken in the community at large as well as in particular schools that are most vulnerable to gang activity. Those efforts have largely been successful and should be commended and continued. Gang activity has been addressed both by law enforcement agencies and in coordination with local high schools.

There are two major gangs in Napa County—the Nortenos and the Surenos, i.e., the "Northerners" and the "Southerners." (See the 2008-2009 Report for a historical discussion on the origin of these two groups, their affiliations, markings, language, etc.). It is estimated that there are between 50 and 105 adult members from each group active in Napa County at any given time. (Approximately 100 to 200 individuals in total). During 2015, there were 205 police calls in Napa County relating to gang activity, with 76 actual arrests resulting in 12 convictions for adult gang activity. Many, but not all, of Napa County's high schools have individuals belonging to both gangs. In particular, it is estimated that approximately 20 to 30 individuals each at Vintage High School and Napa High School campuses affiliate with each of the two main gangs (i.e., 40 to 60 total gang members per campus).

According to school administrators and senior law enforcement personnel, the level of gang activity in Napa County has declined in both numbers of incidents and seriousness since the 2008-2009 report. As for high schools in particular, every Napa County high school is different. Gang activity is non-existent at some Napa County high schools. Where gang activity is present today, it takes more the form of a social affiliation than a criminal enterprise. School administrators and law enforcement agencies are using varied but different approaches to keep gangs in check. Where gang activity poses a clear and present risk, effective measures are being taken on individual high school campuses to directly engage the gang participants and to draw them away from gangs and toward community acceptable behavior. As second generation Hispanic students become more integrated into the Napa community and schools and as their numbers continue to increase to fifty percent or more (50%) of the school-aged population, there is less reliance on gang membership for personal identity, social interaction, and "protection."

The high school officials whom the Jury interviewed concurred that today gang violence on high school campuses is rare. Use of firearms and weapons on school campuses is very rare, and expulsion from Napa County high schools for gang related activities is non-existent. This has not just occurred by chance. The efforts described below have been calculated, concentrated, continuous, and pursued relentlessly by dedicated individuals who have their students' futures first and foremost in mind.

Moreover, Napa County benefits from certain road geographic limitations which, when exploited by law enforcement, are strong deterrents to gang activity in the County. There is one major roadway leading into and out of Napa County and no quick direct connection with any interstate highway. This limits the ability of a perpetrator to make a quick escape from Napa County, and it gives law enforcement a "bottle neck" in which the perpetrator is likely to be ensnared and apprehended.

In addition, the City of Napa Police Department has proactively placed School Resource Officers (SROs) on some NVUSD campuses. These are regular service police officers who have an interest in facilitating relationships with students and in providing direct security for campuses. There is a full-time SRO at Vintage High School, and Napa High School and Valley Oaks High School share an SRO. SROs can be very effective in enhancing relations between law enforcement and the community. The SRO at Vintage High School, for example, is very involved with the Legacy Program there and interacts extensively with students.

High school officials also mentioned that effective integration into the school curriculum is another effective measure against gang activity. All Napa County schools endeavor to "keep the students busy and engaged" in a relevant and interesting curriculum, including in some instances hands-on shop classes, music classes, heritage classes, and cutting-edge technology classes. All Napa County high schools strongly encourage students to continue their education after high school.

Finally, and of at least as much importance, school administrators informed the Jury that families of gang members and candidates are active in their children's education and willing to meet with school and community representatives in a continuing effort to counter gang influences. School outreach programs have been successful in encouraging families to be involved in their children's education.

Law enforcement cautioned the Jury not to assume that Napa County is "gang free;" it is not. Influence from surrounding counties where gang activity is more serious is a threat. It is unlikely that gangs will ever be entirely eliminated from Napa County. However, successful integration, together with active and effective intervention, is the best answer to preventing gang growth.

School administrators and law enforcement officials agree that gangs primarily target young men from Hispanic families. Most of these gang members and families recently emigrated from Mexico, may or may not be legal residents, and have no heritage or personal stake in Napa County or California. As such, they are adrift from familial bonds and find themselves in a minority position in a foreign community. Gangs offer that missing link through compatriots similarly situated who pledge loyalty and support for each other and for the group as a whole. The individuals no longer need be alone; and, as part of the gang, they enjoy companionship, security, respect and, in some instances, financial support. It has long been the goal of Napa law enforcement and school administrators to break this repeating pattern by showing young Hispanics that they can succeed in Napa County and elsewhere. Education is a centerpiece of this effort—as young Hispanic gang members or candidates for gang membership are attracted away

from gangs and toward educational opportunities, the significance and threat of gangs has and will continue to diminish accordingly.

School administrators and staff recognize that the younger the age at which prospective gang members are dissuaded from engaging in gang activity the better. From school expulsion to a criminal record, law enforcement and school administrators recognize that a single violent gang incident can brand an individual for life and make it virtually impossible for him or her to realize a successful and fulfilling future. Disciplinary experience shows that high school age students are prime candidates for joining and participating in gangs. Left unchecked, high school age gang members are at risk for destroying their ability to pursue higher education and aspire to better jobs and an overall better life. One focus of this investigation was to insure everything that reasonably can be done to identify gang at-risk individuals in Napa County high schools and to attract them away from gang life is being done.

Law Enforcement: Napa County and Napa City law enforcement officials are aware of the potential for gang activity and have taken, and continue to take, consistent actions in response. Based upon self-declared status following arrests, it is believed that there are approximately 100 to 200 actual adult gang members active in Napa County—primarily in and around the City of Napa. There is close coordination between the Napa County Sheriff, the Napa City Police Department, the Napa County District Attorney's Office, and many other stakeholders. A Gang and Youth Task Force meets five times during the year explicitly for the purpose of monitoring, preventing, and counter-acting gang activity in the County. The Gang and Youth Task Force meetings are public, but the level of public attendance is not high.

Approach of NVUSD: Gang members who caused problems in Napa high schools and other malcontents used to be summarily suspended or expelled. That approach did not work well. If anything, it gave more time to actual and potential gang members to engage in mischief. Today very few students are suspended or expelled from the NVUSD. During 2015, for example, only one student was expelled. The goal today of the NVUSD is to keep all students in a mainline high school or a "special" high school that can provide more individual attention for conduct and academics. Students referred for conduct or grossly deficient academics may return to their regular schools at the student's option after demonstrating their ability to perform adequately and appropriately.

Individual case studies:

Vintage High School

With over 2400 students (student to teacher ratio of 22:1), 55% of whom are Hispanic, Vintage High has seen gang violence on campus in the not too distant past. A large fight on campus approximately eight years ago vividly revealed that something needed to be done at Vintage High to protect students and faculty and to safeguard the school's learning environment. (Today there are as many as 60 students who affiliate with one gang or another). To that end, the Legacy

Program was established at Vintage High by the SRO and a teacher/administrator with strong support from the administration. The Legacy Program has been very successful.

Initially, the Legacy Program was intended to deal with identified "problem" gang members. Certain students were told that they "would be attending" the Legacy Program. Attendance was mandatory but without academic credit. That has changed. Today the Legacy Class is a voluntary part of the Vintage High curriculum, in which attendees receive academic credit. It is open to both men and women and it is typically over-subscribed. In many respects, the Legacy Program is an identity exploration for those searching to belong. The approach of the Legacy Program is to educate students on their own Hispanic heritage—where they came from geographically and socially. Students "discover" their heritage and create pride and respect for themselves and others. Individual grades of Legacy students generally improve, and students are encouraged to pursue their education beyond high school at either two or four year colleges. Actual and prospective gang members have been redirected from destructive activities and attitudes to productive efforts. The Legacy Program has been a salvation to many students who otherwise would have been left behind academically, with no self-respect and a criminal future. Eighty percent of Legacy students improve their grades overall. Fifty-five percent improve their grades by a full grade point or more. All Legacy students graduate. Recently, the Legacy Program has been expanded into Silverado Middle School, but it has not been expanded to other Napa County high schools. The greatest impediment to expanding the Legacy Program is funding.

Other high schools rely on the AVID Program. The AVID program (Advancement Via Individual Determination) is directed at first generation English speakers whose parents did not attend high school. The AVID Program provides individualized oversight and academic help for these students. The AVID Program has also been successful in advancing the academic growth of students at risk because of deficient language skills.

Napa High School

With over 1800 students (student to teacher ratio of 23:1), 50% of Hispanic backgrounds, Napa High is keenly aware of Hispanic gangs and their potential to adversely impact the academic and social goals of the school. There are approximately 40 to 60 total gang members at Napa High. Napa High relies on its AVID program to provide needed additional attention to language deficient students—many of whom are at greatest risk for gang activities. Napa High staff are active in the Gang Task Force, as are staff from the other high schools; and Napa High administrators vigilantly monitor the number and activities of gang members on and off the Napa High School campus. Napa High does not offer the Legacy Program.

American Canyon High School

The student body of the newest high school in the NVUSD is comprised of 1500 students (student to teacher ratio of 24:1) including a relatively small proportion of Hispanics (30%) by comparison to Vintage and Napa high schools. American Canyon High School has a very strict dress code that prohibits the wearing of head coverings and gang affiliation colors. The only time

that gang activity impacts American Canyon High School is when students from other schools, primarily those in Vallejo, visit the American Canyon High School campus. Usually those unauthorized students are readily identified because they are wearing head gear or gang colors in which case they are told to leave the campus. American Canyon High School does not offer the Legacy Program; but it does support the AVID Program for second language students needing additional attention.

Valley Oak High School

Valley Oak High School has a student body of 150 students (student to teacher ratio of 20:1) with 73% Hispanic and a high proportion of males. Whenever it becomes apparent at either Napa High or Vintage High that a student is too deficient in his or her academic progress to graduate on time, that student will be transferred to Valley Oak. There the student will receive direct attention and counseling designed to accelerate the student's academic growth. Some of the referred students are gang members, and there is a gang presence at Valley Oak. The low student to teacher ratio and Hispanic staff presence at Valley Oak appears to mitigate the risk of disruptive or dangerous gang activity. Valley Oak does not offer the Legacy Program but it does offer and use the AVID Program.

St. Helena High School

Although not part of the NVUSD, the Grand Jury members felt it important to investigate the impact of gangs "up valley." St. Helena High has approximately 485 students (student to teacher ratio of 16:1), of which 50% are Hispanic. The administration of St. Helena High is very diligent at prevention. For example, all students attending school sponsored social events, like dances, are required to take a breathalyzer test upon arrival at the event. Chaperones are present and visible at all social events. In addition, drug sniffing dogs visit St. Helena High School several times during the year to walk the locker and common areas. As a result, St. Helena High has not experienced significant gang activity. One student was expelled last year for vandalism that was not gang related.

Calistoga Senior High School

Calistoga High School has 240 students (student to teacher ratio of 16:1). It has the largest percentage of Hispanic students in the county (about 90 percent) and the least evidence of gang activity. The low student to teacher ratio and high expenditures per student, which are the highest in the County, allow Calistoga High School to attract excellent teachers. Calistoga High School has the benefit of an broad, modern curriculum, including an extensive AVID Program, supported by state-of-the-art facilities and creative classes to engage students and prepare them to continue their education. Most students come from low income homes—they also work after school, thereby limiting free-time hours. Families do participate in the education process at Calistoga High School as a result of a conscious outreach program that has created strong peer-pressure to participate.

FINDINGS

Based upon the foregoing, we make the following findings:

- F1:** Efforts of law enforcement to address gang activity in Napa County have been successful in limiting its impact.
- F2:** Efforts of administrators and staff at NVUSD and at St. Helena High School to address gang activity on high school campuses have been successful in limiting its impact.
- F3:** Significant gang activity remains in Napa County generally and in Vintage High School, Valley Oaks High School and Napa High School.
- F4:** Gang Activity on the campuses of Vintage High School, Valley Oaks High School and Napa High School is more akin to social affiliation than a violent organization or criminal enterprise.
- F5:** Efforts at Vintage High School with the Legacy Program have been particularly successful in attracting gang members and potential gang members and in dissuading them from following a gang lifestyle. However, the success of the Legacy Program is limited to Vintage High School and likely due to the individuals involved in establishing and running the Program there.
- F6:** Napa High School is nearest to Vintage High School on a demographic analysis.
- F7:** It is uncertain whether the Legacy Program could be effectively established at other campuses.
- F8:** Gang activity is not a present danger at American Canyon High School.
- F9:** Gang Activity is not a present danger at St. Helena High School.
- F10:** Gang activity is not a present danger at Calistoga High School.

RECOMMENDATIONS

- R1:** Continue and expand the use of SROs at all Napa County public high school campuses.
- R2:** Continue the Legacy Program at Vintage High School and use as a model for other high schools, in particular Napa High School and Valley Oak High School.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows: From the following governing body:

Napa Valley Unified School District Board of Education: **F7, R2**

From the following individual:

Napa Valley Unified School District Superintendent: **F7, R2**

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



**NAPA COUNTY GRAND JURY
2015-2016**

May 24, 2016

FINAL REPORT

**NAPA COUNTY'S WEBSITE
NEEDS IMPROVEMENT**

NAPA COUNTY'S WEBSITE NEEDS IMPROVEMENT

SUMMARY

The County's website has become a significant interface with the public and is important to providing service to county citizens and enhancing the productivity of county departments and divisions. The Grand Jury decided to investigate how well it is being used and how it could be improved. The Jury found the county website to be adequate in some respects and a useful resource. However, the Jury's investigation quickly revealed that the features and functionality of the website vary widely from department to department. The Jury also discovered that, in some cases, information provided on the website was out-of-date or inaccurate. Documents that are supposed to be available, either on the website or in the Napa County Public Library, were not where they were supposed to be. Links to documents do not always go to the current versions, and some documents do not exist at all. The Jury found that the responsibility for the website's content management lies with department and division managers, and the duties for monitoring and updating the content are part time assignments for administrators with a wide range of interest and ability. Although the county provides training and support to these people, the results are not uniform. Some department's web pages are quite good, but others are not. The Jury recommends that the county establish standards for content, format, and features, and that it form a user group of departmental systems people to share ideas and best practices. Besides the lack of standards, the Jury found that searches for documents and other information are hampered by the website's weak search function. The Jury recommends that the county invest in a more robust search engine. The Jury found further that the county website is not capable of performing basic transactions, such as making appointments, submitting applications, and scheduling inspections, as other counties' websites currently are. To improve service to county residents and raise departments' productivity, the jury recommends that the county establish a centralized web development team with sufficient resources to make the county's website fully functional for its users.

BACKGROUND

Senior county managers said that the widespread use of smart phones and ready access to the internet have made the county website the primary interface between county departments or divisions and citizens. Although county managers report that some people still call or visit in person for information or services, the county website is by far the preferred source for most people. Because it is so important to providing service to the public and productivity to the county, the Grand Jury elected to investigate how well the county website is being utilized and how it could be improved.

While investigating other county operations, the Grand Jury found the website to be adequate in some respects and useful. However, the Jury also found an alarming amount of inaccurate and incomplete information. Some documents were hard to find; some information was not where it was supposed to be; and statements on some web pages were no longer true. Because the Jury recognized the potential of the website to improve service and productivity and to be a great source of information for county residents, the Grand Jury initiated an investigation into how the county's website can be made more effective.

METHODOLOGY

The Jury made extensive use of the website during its investigations into other aspects of county government and gained a good understanding of its strong points and shortcomings. The Jury's investigation started with a review of the content administrators' user guide and the training and support the county makes available to content administrators. The Jury then conducted interviews with senior department managers to discuss the website content for which they are responsible and their assessment of the website in general. The Jury interviewed managers from the following departments:

- Assessor
- Auditor-Controller
- Health and Human Services
- Information Technology Services
- Napa County Library
- Planning, Building, and Environmental Services
- Public Works
- Recorder-County Clerk

Documents Reviewed

Napa County Content Contributor User Guide.

DISCUSSION

As the Grand Jury investigated various county matters, it made heavy use of the county website. While the Jury found the website useful, it identified several aspects that needed improvement.

Lack of Standard Formats and Features

Jury members using the county website discovered that searches were hampered by inconsistency in the techniques used to store and locate data. Some departments have links under "Documents" and others do not. Also, there is no standard way that reports and other documents are referenced. Some document names start with the year being reported, some start with acronyms like "COB," "CMT," "Fiscal," or "FY," and others start with the name of the document. The methods used to name documents vary widely from department to department, and even within a single department—the Auditor/Controller for example—depending on who posted documents to the web page. These issues and the website's relatively weak search function make some documents very difficult to locate, unless the reader knows what naming convention was used to post those documents. Formats for titles, column headings, and labels on graphs also vary widely from department to department. The Jury also found that some departments, like Public Works, provide useful aids on their sites, like organizational charts. This informs residents and others what the departments do and who is responsible for what. Unfortunately, this tool is used by very few other departments.

Inaccurate and Out of Date Information

The Jury used the county website as a primary source to gather information about county functions. During this information gathering process it quickly became evident that the content on many department web pages was out of date. Links to documents went to old versions, and the new ones couldn't be found. Some reports that were supposed to be available on-line or in the county library weren't where they were supposed to be. For instance, in the case of the County Executive Office, the Recommended Budget was only available for six of the past ten years and the Comprehensive Annual Financial Reports and the Five Year Financial Plans were not available at all. The county executive office's web page said that Performance Measurement Books are available, but the link goes to a 2011-2012 report, with no indication that a report had been changed from a fiscal year to a calendar year or that the report for 2013 had been published. The Jury was unable to find that 2013 report until provided the web page URL by the county executive's office. Other departments had similar issues. It became clear to the Jury that many departments are lax in maintaining their web pages, and that they are thereby compromising the effectiveness of the website. Some institutions use interns to perform this type of clean up work.

Weak Search Function

The Jury found that the county's website search function is inadequate. Even after listing desired documents several different ways, the search function was unable to link to them. For instance, when the Jury was looking for the Performance Measurement Reports mentioned above, Jury members entered the report title several different ways. But the search function did not provide the location of the 2013 Performance Measurement Report and the Jury assumed it did not exist. However, the report did, in fact, exist and was available on-line, but the search function didn't identify it.

Collateral Duty Content Administrators

Through its interviews, the Jury found that the responsibility for managing website content resides with the department and division heads. The personnel who actually monitor and maintain the content have a wide range of qualifications for and interest in this part of their jobs, typically a small fraction of their total responsibilities. Therefore, it is not surprising that maintenance and development of the website does not always get the emphasis it requires. The webmaster offers open houses and voluntary training sessions for these people to hone their website skills, but these programs have mixed results, depending on the receptivity and ability of the content administrators. A comment was made by one interviewee that the people who need the training the most are the least likely to attend the training sessions. Some find it interesting and challenging, while others are intimidated by the technical aspects of content management. The responsibility for developing new website features, like on-line processing of building permit applications, falls largely on line managers, who don't have the resources at their disposal to do website development. For instance, the Health and Human Services technology team is focused on maintaining the department's four primary systems and installing a data mart to combine the data from all four systems in a single location. HHS doesn't have the additional resources at present to also develop it's portion of the county website as an efficient client interface for its four primary systems, as it would like to do. Information Technology Services

maintains the website framework and does offer some technical support for security and compatibility of software, but does not have the resources to support robust website development. Line managers said that they are virtually on their own for adding website features and functions. In addition, the county has not used all its available tools to evaluate and optimize website usage. It was not until the Jury asked for the number of website “hits” on specific documents that the activity tracking feature was turned on.

Waiting In Line Rather Than On-line

The Jury interviewed several senior managers who had worked for other counties before transferring to Napa County. Those managers voiced their opinions that the Napa County website is well behind those other counties in supporting online transactions. They are well aware of the improvement in both service and productivity that can be achieved with website enhancements. One of them commented that they “would much rather have their customers wait on-line than in line.” However, they all stated that such improvements are not likely to happen soon, because of limited resources and conflicting priorities. Planning, Building, and Environmental Services is interested in on-line permit applications to its portion of the website, but its IT resources are allocated to more immediate needs.

FINDINGS

- F1:** Lack of Standards – The Jury found that although all departments use a standard web page design, there is a wide range of formats and features from department to department. Document naming conventions are not consistent, frequently making documents difficult or impossible to find. Some departments include helpful information, like organizational charts, but others do not. Website users would benefit from more uniform formats and features.
- F2:** Content Out of Date or Wrong – The Jury found that content on the site is not current. Some links to documents do not go to current versions of those documents. Some reports that are referenced don’t exist. Some reports cannot be found through website searches and can only be accessed if readers already know the location. Documents that are supposed to be available elsewhere, i.e., at the county library, are not there. Regular reviews of website content are not being done.
- F3:** Search Function is Weak – The search function on the county website is inadequate.
- F4:** Website Content Not a Priority – Managing website content is a line manager responsibility, and it is clear that it is not a priority for some departments. In most cases, monitoring and updating website content make up a small fraction of the jobs of the administrators who are assigned those duties, and those people have widely varying ability and interest in the task. The technical challenges of maintaining the site are intimidating for some. The website is not getting sufficient attention to make it an important communication and customer service tool.
- F5:** Site Not Living Up to Full Potential – Although the website is a useful resource and has

become a primary source of county information, it has not lived up to its potential to be an effective tool for providing service and efficiency. In addition to having inaccurate and hard to find data, the site does not support even basic transaction capability, such as scheduling appointments and submitting applications, functions that are available on the websites of other counties. The current organizational structure relies on part time content administrators and puts the responsibility for website maintenance and development on the shoulders of line managers, who in many cases do not have the necessary resources to do that. Information Technology Services does have some systems development capability, but also has limited resources and does not have the responsibility for driving process enhancements in county departments and divisions. As a result, the website falls well short of the functionality it could and should have.

RECOMMENDATIONS

- R1:** In response to finding F1, establish County wide standards for formats, document naming conventions, and best practice content features.
- R2:** In response to finding F2, clean up the website and keep it current. Verify that information is accurate, up-to-date, and easy to find.
- R3:** In response to finding F3, the county should upgrade the website search function.
- R4:** Based on findings F4 and F5, the Jury recommends that the county form an expert user group to share best practices and new web functionality among divisions.
- R5:** In response to findings F4 and F5, recognize the website's importance as a communication, productivity, and service tool, by providing sufficient up front resources to department/division managers and to Information Technology Services to be able to implement all systems enhancements that can be cost justified through improvements in productivity and customer service.
- R6:** In response to Finding F5, the Board of Supervisors should challenge department and division managers to identify opportunities to improve productivity and/or customer service through the use of technology and provide the necessary up front resources to implement those opportunities that can be justified based on cost/benefit analyses.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

Board of Supervisors: **F1, F2, F3, F4, F5, R1, R2, R3, R4, R5, R6**

From the following Individuals:

County Executive Officer: **F1, F2, F3, F4, F5, R1, R2, R3, R4, R5, R6**

INVITED RESPONSES

From the following individuals:

Library Director: **F1, F2, R1, R2, R4**

Chief Information Officer: **F3, F5, R3, R5, R6**

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



**NAPA COUNTY GRAND JURY
2015-2016**

May 24, 2016

FINAL REPORT

**IS NAPA COUNTY
FINANCIALLY HEALTHY?**

IS NAPA COUNTY FINANCIALLY HEALTHY?

SUMMARY

The Grand Jury investigated the Financial Health of Napa County and how financial information is made available to county residents. To narrow its investigation of county finances, the Jury chose to focus on the general fund structure and the balance sheet. The analysis began with the study of ten year trends of several key financial indicators. The “The 6 things you should know about Napa County’s finances and budget” a page on the County Executive Office’s section of the county website, provided the framework of the investigation.

Napa County has achieved the highest Standard and Poors’ rating available to a government entity; this gives the county access to financing at the lowest available interest rates. The Jury found that the county has a rigorous budgeting process and is diligent in adhering to a set of conservative financial management practices that help the county maintain a sound financial position. The county also maintains adequate reserves for emergencies. However, the Jury found that many of the documents which are intended to communicate the county’s financial condition are not where they are supposed to be, according to the county website, and some do not exist at all. The Jury recommends that these documents be made available to the public when and where they are supposed to be.

The Jury found that the county’s practice of including multi-year project budgets in the county’s current year financial reporting generates artificial variances, which obscure the county’s true financial condition. The Jury recommends that the county adopt a capital projects schedule, which would document the county’s multi-year project commitments and explain this complication in the county’s current year financial reporting.

The Jury found further that there is a lack of accountability for the goals which county divisions submit as part of the annual budget process. Progress on goals set in one year is not consistently reported the following year. The Jury recommends that, as part of the budget process, divisions be required to report on goals they set the previous year, with explanations if they were not completed or carried over to the next year.

The Jury learned that there may be a significant financial advantage in setting aside funds in an IRS Code Section 115 irrevocable trust to pay down the unfunded pension liabilities. (See footnote on page 9.) The Jury recommends that the county consider doing so.

GLOSSARY

BOS	–	Board of Supervisors
BPMR	–	Budget Performance Measurement Report
CAFR	–	Comprehensive Annual Financial Report
CalPERS	–	California Public Employees' Retirement System
CEO	–	County Executive Officer
FEMA	–	Federal Emergency Management Agency
FY	–	Fiscal Year

FYE	–	Fiscal Year Ending
GASB	–	Government Accounting Standards Board
GFOA	–	Government Financial Officers Association
OPEB	–	Other Post-Employment Benefits
PMR	–	Performance Measurement Report
S & P	–	Standard and Poors' Bond Rating Service

BACKGROUND

The 2015-2016 Grand Jury began its inquiry by reviewing the 207 page FYE June 30, 2014 CAFR. It became obvious that understanding the complete County of Napa financial structure would not be possible over a single Grand Jury one-year term. The Grand Jury initially chose to focus on the General Fund structure and Balance Sheet. Since evaluating one year's information only provides the Grand Jury with a limited view of the County of Napa Financial situation, the Grand Jury researched historical data and created a series of graphs that represent salient features of the County's finances over the last ten years. The ten-year history for Cash and Investments (Appendix 2), Net Assets (Appendix 3), Unrestricted Funds (Appendix 4), and Net Position (Appendix 5) by category provided a starting place to begin to interview members of the County Management.

METHODOLOGY

During the investigation the Grand Jury found a webpage on the County of Napa website that identified, in 2012, the "The 6 things you (county residents) should know about Napa County's finances and budget." These 6 issues along with the Budgetary Comparison Schedule General Fund for FYE 2014 became the basis for the Grand Jury's initial investigation. During the process of the investigation a number of other paths of inquiry became evident. Additional investigations were conducted into the Napa County website and the use of performance measures in managing divisional efforts. These additional investigations were deemed to be sufficiently important by themselves to be documented in separate reports. The Grand Jury believes separating these reports will provide better understanding of the County of Napa's financial condition to Napa County residents.

The Grand Jury met with many county officials, both elected and appointed to understand the complexity of the financial structure. It was important to understand how management perceived certain aspects of the reporting process.

DISCUSSION

The Jury was interested in taking a close look at the fiscal condition of Napa County and the financial management practices followed by county leadership. This review was facilitated by a document on the County Executive Office website entitled "The 6 things you should know about Napa County's finances and budget." This document credits the county's rigorous financial management practices and the maintenance of substantial reserves with the county's ability to achieve an AA+ bond rating, the highest available to California counties. This document also mentions that the county BOS stays on a sound financial track by utilizing periodic 5-year fore-

casts, fiscal status reports, fiscal contingency plans, and a long range financial strategic plan. In addition, this document mentions that performance measures are included as part of the budgeting process. It also stresses that transparency of financial information is important and claims that budgets and other financial documents are available on-line, at the county administrative building, and in the county libraries.

Napa County uses a rigorous process to define and refine financial needs and budgets throughout the year. Each year, specific budget policies are adopted to customize and fine-tune county procedures based upon current economic, social and regulatory factors. Recommended budgets are prepared at the start of each fiscal year, Adopted Budgets are approved and updated throughout the year as required. Reserves and Contingency Funds are maintained to provide flexibility to effectively respond to changes in economic conditions or to deal with natural disasters. Strategic financial plans provide overall guidance to the process.

The Jury's investigation was focused on verifying these claims.

Sound Financial Management Practices

In FY 2012, the BOS documented formal written budget policies used to govern the development of county budgets. Based on actual financial performance over the past several years, the policies appear to control costs and support decisions that protect the county's financial health. It is evident from these reports that the county budgets conservatively. Tax revenue is routinely underestimated and General Fund expenses are routinely overestimated. The resulting positive variances have been placed in Capital and Reserves and increased the county's "Net Asset Position" from \$238 Million in FY 2005 to \$426 Million in FY 2014, an increase of 79% (See Appendix 5).

In addition, the county policies follow other conservative practices, such as not "backfilling" shortfalls in funding for state programs with county tax dollars and not approving projects unless dedicated funding sources have been identified. Controls are in place to prevent overspending of any budget without the allocation of additional funds from reserves or elsewhere.

Fund Sourcing

Napa County has a number of sources for revenue. To best understand the complexity of sourcing funds and allocating them in the budgeting process, funds can simply be divided in to two categories:

Unrestricted Funds (Appendices 4 and 5) are monies received by the county, basically from taxes and fees. The county uses this money for payroll, utilities, operating expenses, and capital projects. The amount of "Unrestricted Funds" varies each year from a high in 2012 of \$134 Million to a low of \$96 Million in 2005. These variances depend on economic conditions and previous years' expenditures. Proper management of "Unrestricted Funds" allows the county to maintain services during difficult times. It should be noted that during the downturn of 2008, the county did not reduce head count and services. Since the county does not authorize projects and programs that are not fully funded, there are funds that are

committed within "Unrestricted Funds" by the BOS. These funds can be reallocated depending on current priorities.

Restricted Funds (Appendix 5) are monies that are specifically designated for individual projects and programs. "Restricted Funds" have grown from \$66 Million in 2005 to \$152 Million in 2014, an increase of 130%. These are funds that must be spent on specific projects and programs required by the funding source. A great deal of accuracy is required in reporting how, where, and when these funds are used.

Healthy Reserves and Contingencies

County budget policy requires that 3% of the General Fund appropriation be placed in an Operating Contingency Fund. Policy also requires that reserves be maintained at a level equal to at least 20% of the General Fund. This commitment to retain at least 23% of the General Fund appropriation in reserves and contingencies far exceeds the GFOA's recommended standard of 16.7%. The county has consistently met this 23% commitment in recent years, except in FY 2015, when reserves and contingencies fell to 17.65% (still over the GFOA standard) due to expenses associated with recovery from the August 2014 earthquake. It should be noted that the county is placing repayments of these expenses from FEMA and insurance into reserves and contingencies.

Financial Results Masked by "Aid from Other Governments"

Although conservative financial management practices appeared to have contributed significantly to the county's financial performance, that performance has been masked by artificial variances associated with the budget line item "Aid from other governments." This line item includes money that is received from the state, the federal government, or other funding sources for capital projects. The county's policy of requiring new programs or projects to be "fully funded" before they are approved has led to the practice of including the total appropriated budget amount for capital projects in the current year budget, even though those projects may take several years to complete. At the end of a given fiscal year, only the money received for the projects that year will appear as actual funds received. False negative variances are thus generated on the revenue side of the ledger. Likewise, on the expense side of the ledger, departments budget total budgets for multi-year projects in the current fiscal year. False positive variances are generated when they only incur expenses for the current year. In FY 2014, the negative variance in "Aid from other governments," the revenue side, was \$7.2 Million. The favorable variance in expenditures for projects was \$8.3 Million. These large artificial variances skew the county's financial performance figures and mask the true budget performance.

Goals and Accomplishments

Since the BOS committed to establishing a set of Budget Performance Measures in 2007, divisions have prepared a set of annual goals. These were originally included in the annual BPMR and in 2014 became part of the annual Recommended Budget. Because the division's goals are submitted with their annual budget requests, the Jury found that there is an implied connection

between the divisions' accomplishments and the funds spent in a given year. However, until the instructions went out for the FY 2017 budget, the divisions were not accountable for reporting the status of those goals, let alone achieving them, the following year. Goals are frequently dropped or carried over to subsequent years without explanation. For instance, the 57 divisions established a total of 262 goals in FY 2015. Of those, only 102 (39%) got any sort of mention the following year, accomplished or not. 79 (30%) were carried over to the following year, without explanation, and 81 (31%) were dropped, also without explanation.

Long range Strategic Planning

The 5-year forecast is identified by the county as one of the key documents for long range strategic financial planning. The Jury agrees that the 5-year forecast would be extremely useful in understanding the future impact of financial decisions made by the BOS. However, the Jury found that the 5-year forecast, after being completed in FY 2012 was not produced again until 2016.

Availability of Financial Documents

The county recognizes the importance of transparency in making a wide range of financial documents available to the public. The county states on its website that budgets and other financial documents are available on-line, at the county administrative building, or in the county libraries. But, the jury found that many of these documents are not where they are supposed to be. For example, the Recommended Budget was only available for six of the last 10 years, and the CAFR and the 5-year Financial Forecasts were not available at all in the Main Library.

Financial Responsibility

A key factor in having sound financial control is the ability to provide accurate, transparent financial information. Napa County's Financial Report, CAFR, although not easily understood by the general public, has received the Certificate of Achievement for Excellence in Financial Reporting from GFOA for the past ten years. The requirement for government financial reporting is complex and annually the hundreds of pages of documentation are only understood by a small number of county residents, who are mostly senior county employees.

Unfunded Pensions

The Jury also inquired about the status of unfunded pensions and other payroll benefits. We found that CalPERS calculates the required payments for the unfunded pensions and benefits based on the performance of its investment portfolio and the amount and timing of the county's obligations, with certain "smoothing" functions. According to GASB 68, the county's unfunded pension liability is \$155 Million and its OPEB obligation is \$43 Million. It should be noted that the pension obligation and OPEB for the Napa County Superior Court employees are included in this number. These annual payments are the responsibility of the State of California. In the future these obligations will be separated, making the County of Napa obligation clearer. Under the current structure, paying down obligations will also pay down state obligations. That would not be in the interest of Napa County. Over the past ten years, the county has made the required

payments, consistently meeting its obligation to CalPERS. However, the Jury did discover a provision that would allow the county to make payments in excess of those calculated by CalPERS, if it chose to do so. CalPERS estimates that for every \$1 Million in excess payments, the county could reduce obligations by \$5 Million over 25 years.

There is an opportunity for Napa County to become more flexible in managing pension and OPEB obligations by forming an IRS Code Section 115 irrevocable trust.¹ The trust is a place to designate funds for pension obligations that are not constrained by the investment policies of CalPERS. Money placed in the trust can be invested at more favorable rates than current CalPERS achieves. This money can be used in two ways: first, to pay down obligations once the Superior Court obligations have been separated; and second, to make annual payments in years where economic conditions restrict cash flow.

FINDINGS

F1: The County of Napa has been very diligent in maintaining Fiscal Policies that achieved the highest possible Bond Rating from S&P.

F2: The BOS have established a series of Budget Policies that call for holding the line on spending and using a Fiscal Contingency Plan to prepare for the future. The BOS have consistently maintained the County of Napa budgeting and spending within the limits that were established in 2011.

F3: The Grand Jury finds that the financial documentation in the CAFR for “Aid from other governments” on the Budgetary Comparison Schedule is confusing. The schedule overstates “Inflow” and Capital Works Project anticipated expenditures.

F4: The BOS has maintained an impressive position in Contingencies and Reserves that provides the County of Napa with a healthy financial future.

F5: Napa County uses divisional “Goals” to support the request for funding on an annual basis. However, they have not require reporting divisions to provide progress or completion of “Accomplishments” as follow-up in the next year.

F6: The County Executive Office did not prepare on an annual basis a Five-Year Financial Forecast from 2012 to 2015.

F7: The County of Napa has maintained exceptional Financial Reporting (CAFR) as recognized by GFOA.

F8: The County of Napa has maintained the appropriate payments to CalPERS for the Pension Plan and OPEB, but has not taken advantage of using Fund Balances to pay down Unfunded Pension and OPEB obligations.

RECOMMENDATIONS

R1: As the result of **F3**, the Grand Jury recommends that Napa County institute a schedule in the Management’s Discussion and Analysis Section of the CAFR that explains the negative variance from “Actual Amount (Budgetary Basis)” and “Variance with Final Budget” in “Aid from other governments.” The Grand Jury believes that including the information outlined below will clarify the actual situation for the average citizen.

Explanation of Aid from other governments						
County Capital Project no.	County Project Description	Date Project Initiated	Total Amount Budgeted	Actual Amount Realized in Previous Years	Actual Amount Realized This Year	Amount Carried Forward
The amount carried forward for the total of all projects will be the same as the Negative Variance in Aid from other governments						

R2: As the result of **F8**, the Grand Jury recommends that the BOS consider using some positive Fund Balances each year to begin to pay down the Unfunded Pension and OPEB by establishing an 115 Irrevocable Trust.¹

R3: As the result of **F5**, the Grand Jury recommends that the BOS and the CEO must require every division to report current status of every Goal that was prepared to support the previous years Recommended Budget.

¹This type of trust is authorized by Section 115 of the Internal Revenue Code solely for the purpose of funding post-employment benefit for workers and cannot be revoked by the employing agency. The timing of the utilization of funds is determined by the employing agency.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

County Executive Officer **F1, F5, F6, F8, R1, R3**
Auditor Controller **F3, F7, R1**

From the following governing bodies:

Board of Supervisors **F2, F3, F4,R1, R2, R3**

DISCLAIMER

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APPENDIX 1

Documents Reviewed

2016 Performance Measurement Guidelines

2015 Performance Measurement Guidelines

6 things you should know about Napa County's budget and finances

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2014

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2013

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2012

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2011

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2010

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2009

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2008

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2007

County of Napa California Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2006

Performance Measurement Training Manual, August 15, 2013 County of Napa California
Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005

County of Napa, Performance Measurement Report, January 2013

County of Napa, Performance Measurement Report, January 2014

County of Napa, State of California, Budget Performance Measurement Report, Fiscal Year 2009/2010

County of Napa, State of California, Budget Performance Measurement Report, Fiscal Year 2010/2011

County of Napa, State of California, Budget Performance Measurement Report, Fiscal Year 2011/2012

County of Napa, State of California, Recommended Budget, Fiscal Year 2015/2016.

Napa County 2020 Strategic Financial Plan, January 5, 2016

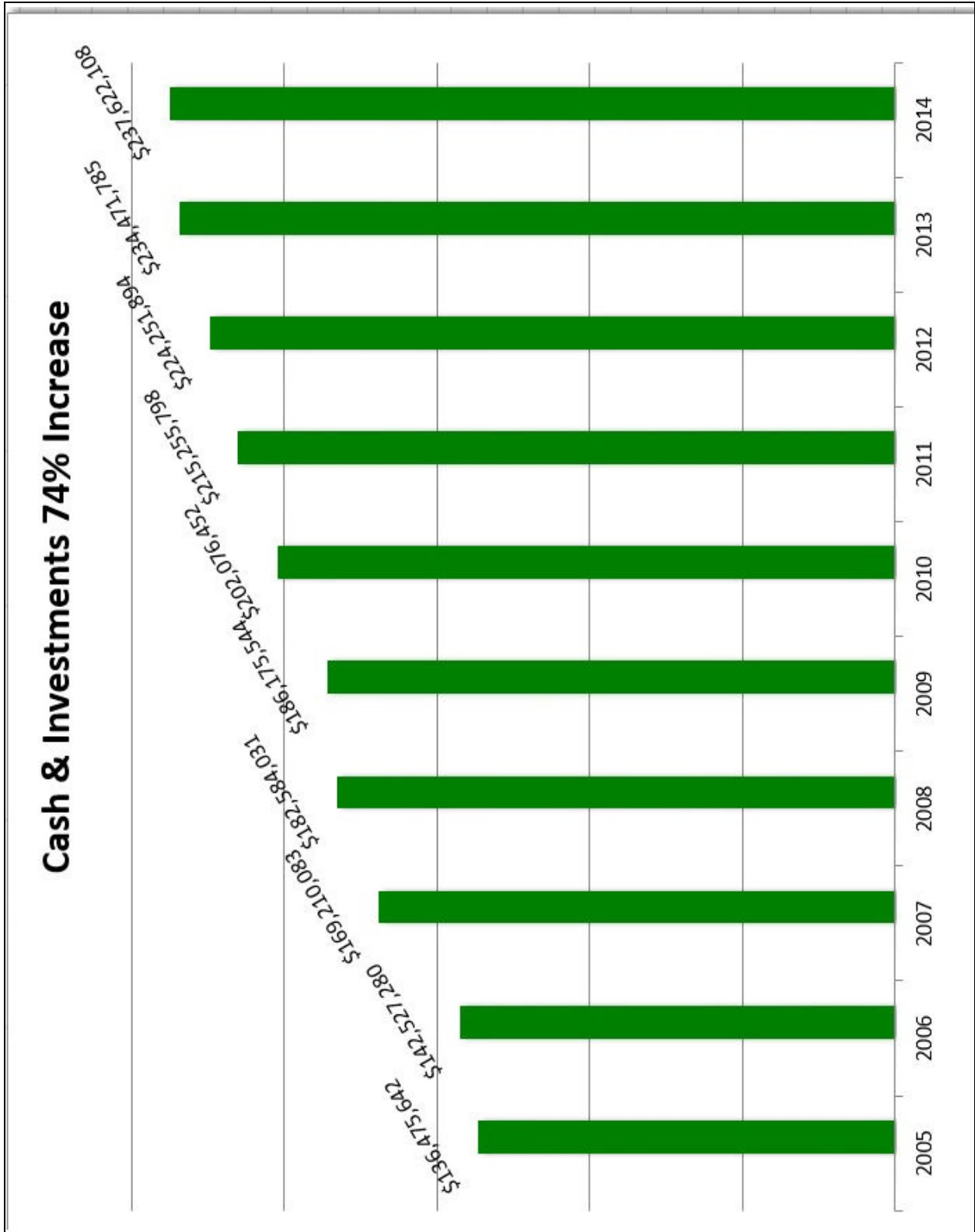
Napa County Budget Policies, Fiscal Year 2016-2017

Napa County Department of Corrections, Senate Bill 863 Jail Construction Project, Updated Jail Inmate Population Projections, March 2015

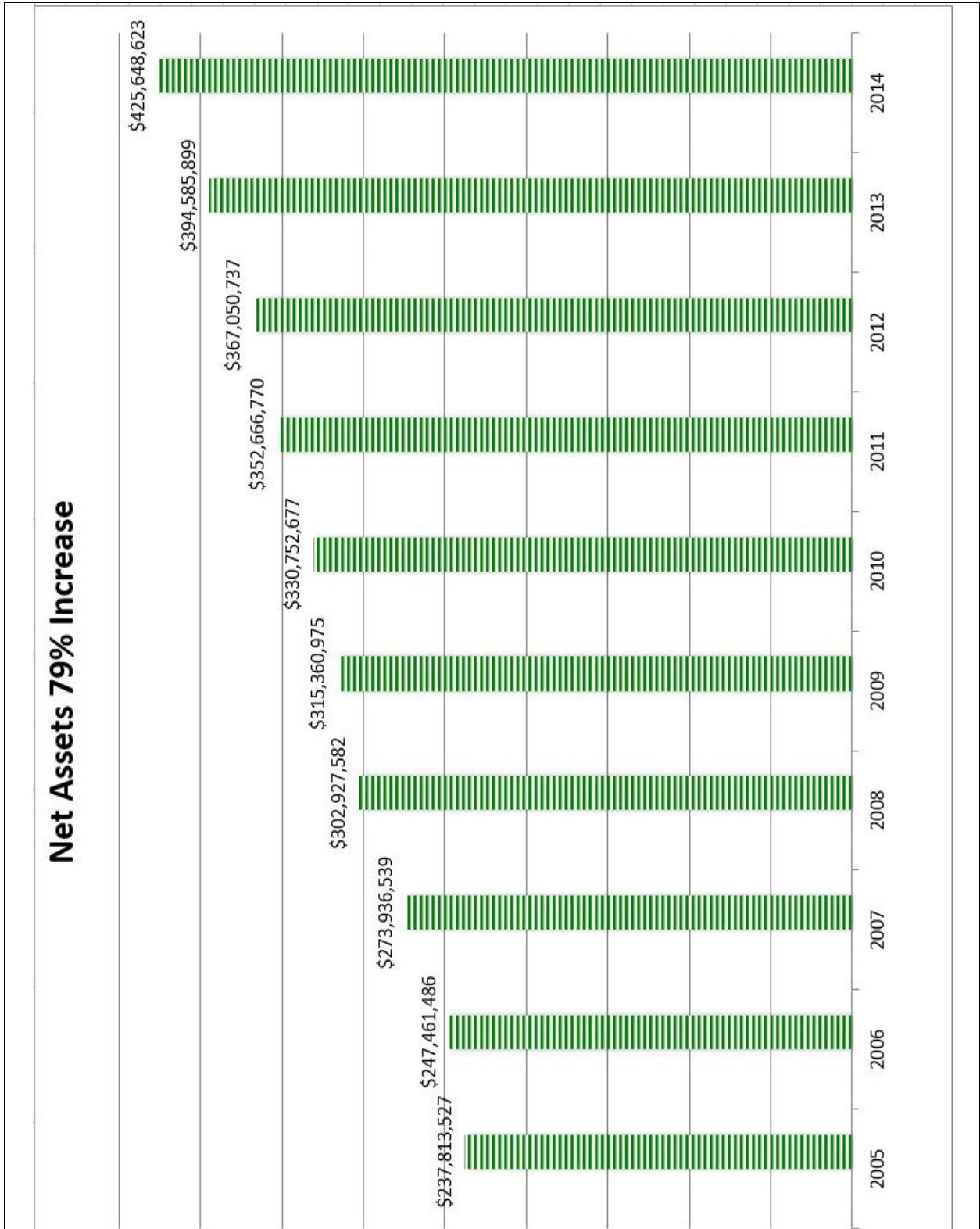
Board of Supervisor's Budget Policy FY 2011-2012

<http://countyofnapa.org/Pages/DepartmentContent.aspx?id=4294976068>

APPENDIX 2

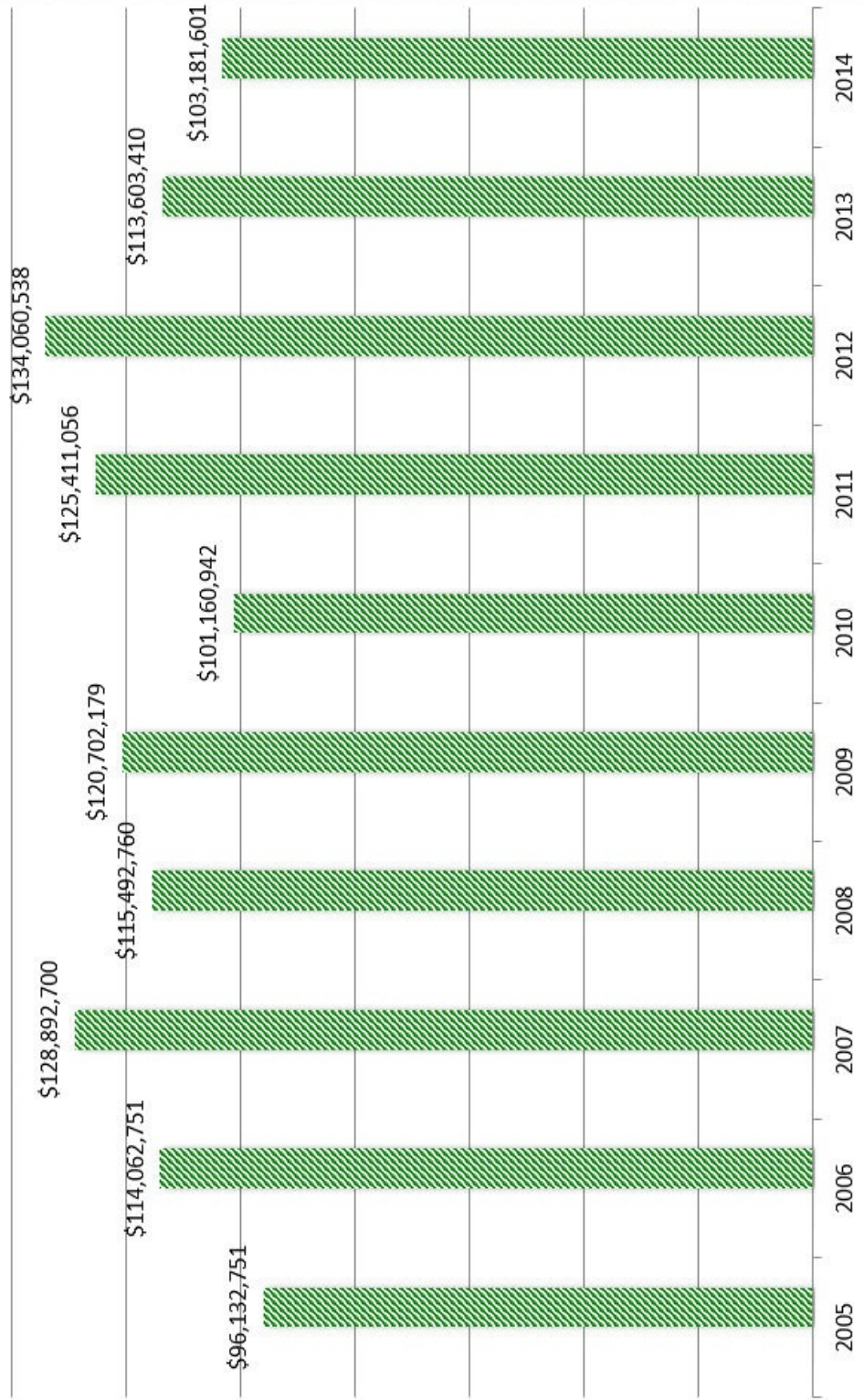


APPENDIX 3

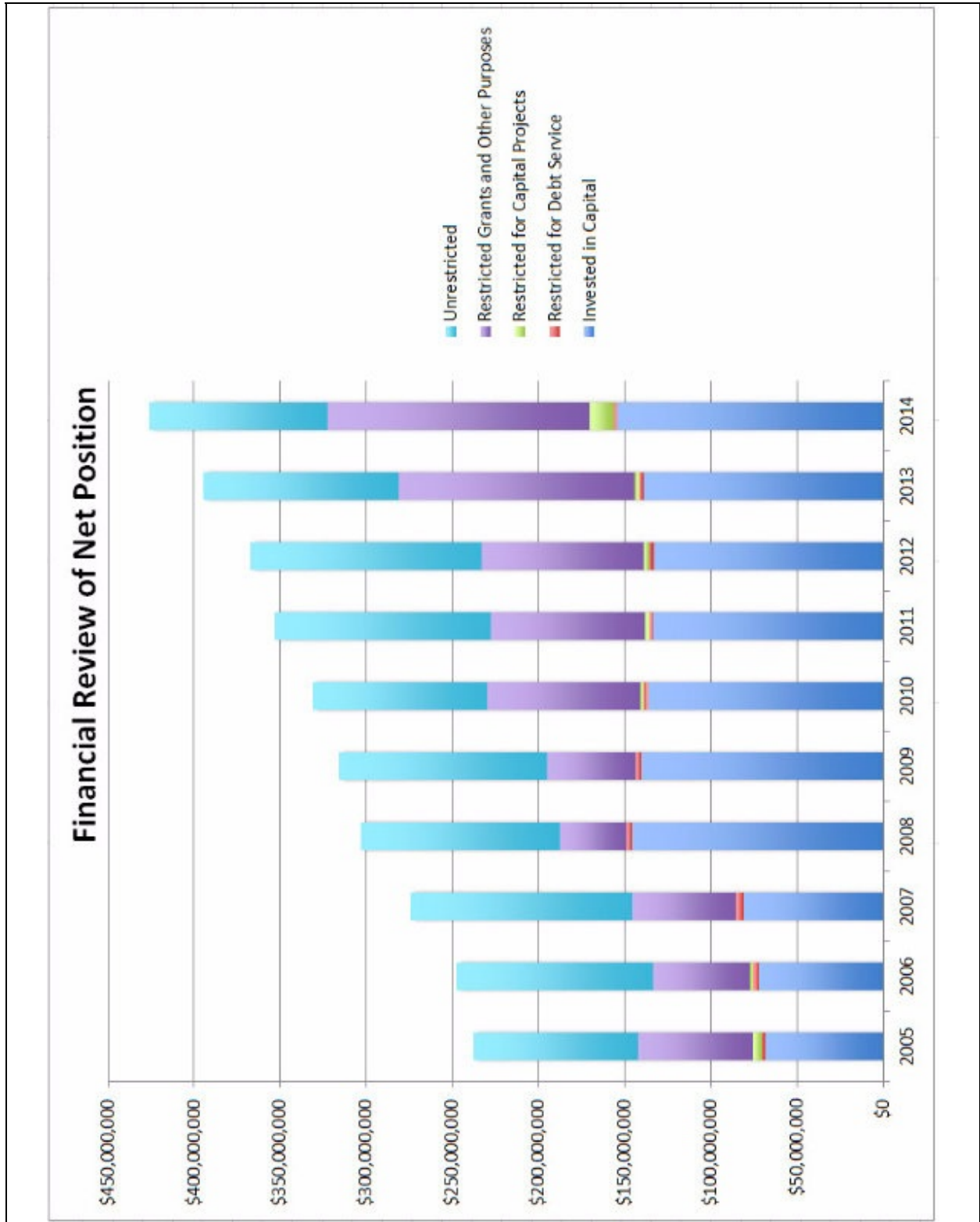


APPENDIX 4

Unrestricted Funds



APPENDIX 5





**NAPA COUNTY GRAND JURY
2015-2016**

May 24, 2016

FINAL REPORT

**NAPA COUNTY PERFORMANCE
MEASUREMENTS**

NAPA COUNTY PERFORMANCE MEASUREMENTS

SUMMARY

While investigating the county's finances, the Grand Jury became aware of the county's Performance Measurement Reports (PMRs). These annual reports include division by division trends of key activities performed by the county government. They also include measures of productivity and service levels within every division. The jury recognizes the importance of monitoring these factors in all well run organizations, so it initiated an investigation into their use in the county. Through numerous interviews, the Jury found that the county management team thoroughly understands the value of tracking activity, productivity, and service levels; and each manager regularly reviews those factors with his or her direct reports. However, these measurements were developed by county managers for their own use and have nothing to do with the measurements published in the PMR.

Because the PMR's, which were intended to help managers establish meaningful productivity and service level goals, are not used by those managers for that purpose, the jury questioned the value of producing the PMRs. Although the key activities reported for each division are of interest for historical trends, they are too out of date by the time the PMR's are published to be of practical use in budgeting or allocating resources. The performance and service level measurements included in the PMR are only a handful of those actually used to run the divisions and are not particularly representative of the work done by those divisions. In addition, some of the productivity and service level measurements don't really measure productivity or service. The managers interviewed by the jury said that they submit the PMR because they are required, not because the report is of any use to them, other than giving an overview of division functions. It is clear to the Jury that producing the PMR has become a rote exercise, with few changes from year to year, except for a few sentences in an otherwise "boiler plate" narrative and inclusion of the most recent, already out-of-date, performance figures.

The cost to produce the 300 page report is estimated to be about \$60,000 per year, or about \$420,000 over the seven editions since it first appeared for Fiscal Year 2008-2009. Because of its significant cost and its questionable value, the jury recommends that the PMR be discontinued in its current form, with the Fiscal Year 2014-2015 edition, published in January 2016 being the last published. The jury also recommends that the reporting of key activity trends by division, the so called "Community Indicators," be switched to the county website, were they can more easily be distributed and kept current.

BACKGROUND

When the Grand Jury began its investigation into Napa County's finances, it examined the budget information in the county's Budget Performance Measurement Reports (BPMR's), starting with fiscal year 2008-2009. While the jury's primary reason for reviewing these reports was to obtain financial information, jury members found that these reports also included performance measurements for each division. These measurements included activity levels, productivity measurements, and service level measurements. Knowing the importance of monitoring these factors for any well run organization, the jury elected to investigate how the county uses them.

The jury immediately questioned the value of this reporting when the activity figures appeared to be too delayed (July 1, 2014 to June 30, 2015 reported in January of 2016) to be of any use other than establishing historical trends. They were far too out of date to be of any use in budgeting or managing divisions on a day-to-day basis, one of the original goals of the BPMR's. Similarly, the jury questioned the productivity and service level measures, many of which did not appear to actually measure either productivity or levels of service. As a result, the jury initiated an investigation to assess the value of the annual Performance Measurement Report to the county and whether or not that value justifies the cost of producing it.

METHODOLOGY

The Grand Jury began its investigation by examining the performance measurements included in the Performance Measurement Report (PMR) (Budget Performance Report before FY 2012) from FY 2008/2009 through FY 2014/2015. No report was published for FY 2013-2014 because performance measurements were under review and because staff time was limited due to recovery efforts following the August 2014 earthquake. The jury also reviewed the Performance Measurement Training Manual to determine if divisions established performance measurements that were consistent with the directions they had been given for doing so. See the Appendix for a list of documents reviewed.

When it became clear to the jury that the value of the PMR was in doubt, because of delayed reporting of activity volumes and questionable productivity and service level measurements, the jury included questions about the PMR in several interviews with county managers. The purpose of these questions was to assess their use of activity tracking and productivity/service levels in general, and how they use the PMR, if at all, in that effort.

DISCUSSION

During the budget hearings in June 2007, the Board of Supervisors asked that staff hold a workshop with the Board to look at ways to improve performance measurement efforts. In response to that request, on September, 25, 2007 an all-day workshop was held with Board members, department heads, and key fiscal staff. The result was the production of a "Budget Performance Measurement Report," which first appeared in Fiscal Year 2008/2009.

After reviewing these initial performance measurements, it appeared to the jury that the county was well intentioned and off to a good start. Divisions were directed to establish a small number of measurements, two or three, emphasizing quality over quantity. They were to identify factors that were "valid, timely, and focused on controllable facets of performance."

Unfortunately, the annual Performance Measurement Report, in its current form, does not appear to adhere to those standards.

Activity Tracking Not Timely

The first category of performance measures, “What/How Much We Do,” consists of output or workload measures, designed to give the Board and the public a sense of whether a division’s or program’s workload is increasing or decreasing, and whether or not appropriate resources have been allocated to it. These figures provide a comprehensive picture of various services and programs and how that activity has trended over the past several years. Examples include the number of aircraft operations at the county airport, the number of miles in the county maintained road system, and the number of eligible voters in the county. However, according to the managers interviewed by the jury, these data are reported far too late to be of any real use other than establishing long term trends. They are of no use in budgeting or running the divisions on a day-to-day basis. For instance, activities from July 1, 2014 to June 30, 2015 were not reported until January 2016, too out-of-date to be useful in allocating resources or in preparation for the FY 2017 budget. The timeliness of earlier reports was even worse. The Budget Performance Measurement Report for Fiscal Year 2011-2012 reflected actual activity only through June 30, 2011, a year and a half before the report was published.

Some Productivity Measures Don’t Measure Productivity

The second category of performance measures, “How Well We Do It,” are efficiency or effectiveness measures, designed to give the Board and the public a sense of the cost effectiveness of the divisions and programs. However, many of these productivity measures do not meet the county’s standard to be “focused on controllable facets of performance.” Many are instead focused on factors that are controlled by outside factors that have nothing to do with the divisions’ performance. For instance, the Roads Division in Public Works includes a measurement on the cost per square foot of paving material, a figure determined more by the market for petroleum byproducts than the efficiency of the division or its crews. The Elections Division includes a measurement on the percentage of eligible citizens registered to vote, an interesting statistic, but a measure more of voter interest than division productivity. The airport includes as one of its productivity measures the percentage change in aircraft operations count, a pure activity factor which has nothing to do with efficiency.

Some Service Level Measures Don’t Measure Service

The third category of performance measures, “Is Anyone Better Off,” are effectiveness or outcome measures, designed to give the Board and the public a sense of what impact the division or program has had on the community or the county organization. Once again, many of these measures do not appear to be valid measures of service. For instance, the Assessor’s office includes the percentage of taxes collected going to county, schools, cities/towns, and special districts, which seems to be more a matter of revenue allocation than level of service. The Elections Division includes the number of registered voters who voted in the last election, seemingly more a matter of voter interest than service provided by the division.

County Managers Don't Use the Performance Measurement Report

All of the managers interviewed by the Grand Jury said that they closely monitor activity levels within their departments and divisions. They also said that productivity measures make up an important part of their management processes. Many said that they monitor activity on a daily or weekly basis and allocate resources accordingly. Each manager to whom the jury spoke had a set of performance or service level measurements for each of his or her subordinates, and reviewed those measures at least quarterly. However, these managers said that the performance measures they report in the Performance Measurement Report are of no use to them and are not indicative of their division's actual performance.

The Performance Measurement Report Has Become a Rote Exercise

Many of the managers whom the jury interviewed indicated that the PMR is just something they have to do every year. They said it is not useful to them and they are not sure if it is useful to anyone else. In most cases, nothing changes in these reports from year to year, except for a sentence or two in the narrative and updating the figures to include the most recent, belated data. A review of all the PMRs indicates that the measurements have not changed significantly over the years and certainly have not become more meaningful. In addition, the jury could find no evidence that there has been a cost-benefit analysis of the PMR. It appears that it is being produced every year without regard to its value or cost.

The Cost of the PMR is Substantial, Its Value is Questionable

The PMR averages a little over 300 pages in length, and the county currently prints 45 copies. The County Executive Office estimates that the cost to prepare and publish the PMR is conservatively \$60,000 per year. Therefore, the seven editions of the PMR have cost county taxpayers approximately \$420,000. The departments and divisions all find it to be of little or no value. The activity trends are too out-of-date to be of practical use, and many of the productivity measures do not appear to be meaningful. Therefore, the jury did not find justification for that level of expenditure.

Conclusion

Monitoring activity trends, productivity, and service levels is an important part of managing any well run organization, and the interviews conducted by the Grand Jury indicate that the county management team universally employs those tools in its management practices. However, those measurements were developed by county managers for their own use and have nothing to do with the PMR. It is clear to the Grand Jury that the Performance Measurement Reports which are intended to help county managers develop and employ performance metrics and inform the Board of Supervisors and the public about the activities of the county government aren't living up to expectations. Activity levels reported in the PMR are too delayed to be of any use other than establishing long term trends. Many of the productivity and service level measurements do not measure either productivity or service. Preparation of the PMR has come to be a rote task for divisions and departments, completed because it is a required task, not because it is of any use to them, other than providing the Board of Supervisors some summary level information

about their operations. Given an annual cost to produce the report of about \$60,000, the jury questions the justification for continuing the report in its current form.

FINDINGS

- F1:** “The Community Indicators” or activity trend section of the Performance Measurement Reports is too outdated to be of any use to department and division managers, but may be of interest to residents and elected officials. The Grand Jury recognizes the value of this information, but questions its distribution as part of the PMR. The Napa County Website seems to be a better tool for distributing important up-to-date activity levels.
- F2:** The Grand Jury finds that the standards for establishing performance measurements that were found in the August 15, 2013 Budget Performance Measures Training manual to be a valuable resource. Unfortunately, the current version of the PMR does not adhere to the best practices outlined in that manual, particularly in identifying measures that are timely and focused on controllable factors.
- F3:** The Grand Jury found that the process to produce and publish the PMR is expensive and largely futile. The over 300 pages of material contains mostly rote information that changes little from year to year other than entering the most current year’s figures. Narratives seldom change significantly.
- F4:** The timing and frequency of the PMR build in delays that make it of no practical use other than providing long term activity trends. The report is of no use to budget analysts, who must have more current data for forecasting and budgeting, or to line managers who must have current data to allocate resources.
- F5:** Given the significant time and effort required to produce the PMR, and its limited usefulness, the Grand Jury finds that the cost of this report far exceeds its value and therefore concludes that there is no fiscally sound reason to continue producing the report in its current form.

RECOMMENDATIONS

- R1:** Discontinue publication of the Performance Measurement Report in its current form. If the Board of Supervisors finds the activity tracking and/or division overviews useful, produce them in a more condensed and efficient way. Use the website to do so whenever possible.
- R2:** Post key activity levels (“Community Indicators”) on the county website annually, or more frequently if data are available, and no later than 60 days following the end of the period being reported.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

Napa County Board of Supervisors: **F1, F2, F3, F4, F5, R1, R2**

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX

DOCUMENTS REVIEWED

2016 Performance Measurement Guidelines

6 things you should know about Napa County's budget and finances

<http://www.countyofnapa.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=4294976067>

County of Napa, Performance Measurement Report, January 2013

<http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294979564>

County of Napa, Performance Measurement Report, January 2014

<http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294981033>

County of Napa, Performance Measurement Report, January 2016

http://www.countyofnapa.org/uploadedFiles/Departments/County_Executive_Office/Documents/2016PerformanceMeasurementReportFINAL.pdf

County of Napa, State of California, Budget Performance Measurement Report, Fiscal Year 2008/2009

http://www.countyofnapa.org/uploadedFiles/Departments/County_Executive_Office/Documents/0809PerfMeasureBook.pdf

County of Napa, State of California, Budget Performance Measurement Report, Fiscal Year 2009/2010

<http://www.countyofnapa.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=4294970795>

County of Napa, State of California, Budget Performance Measurement Report, Fiscal Year 2010/2011

<http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294972455>

County of Napa, State of California, Budget Performance Measurement Report, Fiscal Year 2011/2012

<http://www.countyofnapa.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=4294974523>

County of Napa, State of California, Recommended Budget, Fiscal Year 2015/2016.

<http://countyofnapa.org/workarea/downloadasset.aspx?id=4294984031>

Napa County 2020 Strategic Financial Plan, January 5, 2016

<http://services.countyofnapa.org/AgendaNet/DownloadDocument.aspx?type=BOS&doctype=ATTACHMENT&id=37110>

Napa County Budget Policies, Fiscal Year 2016-2017

<http://services.countyofnapa.org/AgendaNet/DownloadDocument.aspx?type=BOS&doctype=ATTACHMENT&id=37111>

Performance Measurement Training Manual, August 15, 2013



**NAPA COUNTY GRAND JURY
2015-2016**

June 6, 2016

FINAL REPORT

NAPA RIVER RECLAMATION DISTRICT

NAPA RIVER RECLAMATION DISTRICT

SUMMARY

Special districts are a form of local government created by a local community to meet a specific need. Limited tax bases and competing demands for existing tax revenue make it hard for cities and counties to provide all the services their citizens desire. When residents or landowners want new services or higher levels of existing services, they can form a special district to pay for and administer them.

Special districts in Napa County are under the jurisdiction of the Napa County Local Formation Commission (NCLAFCO), a state-mandated agency that oversees their boundaries, services and governance. In reviewing past Grand Jury reports and looking generally at other resources, the jury found that the “special districts” in Napa County have not often been reviewed. Thus, we began our work with an inquiry into NCLAFCO to get an overall picture of the 23 special districts in the county.

Although the Grand Jury’s inquiry raised questions about the performance and function of NCLAFCO, we chose not to investigate it at this time to allow the recently-installed Executive Officer time to establish policies and procedures that may alleviate the issues.

In looking at NCLAFCO, however, the jury received information that led us to focus our work, and this report, on the Napa River Reclamation District (NRRD). NRRD is a special district formed over 40 years ago to "maintain the existing flood control levee" protecting 150 lots currently containing 135 occupied homes, fronting the Napa River in the Edgerly Island/Ingersoll area.

Witness testimony and documentary evidence the jury reviewed shows that NRRD has never successfully performed its function because the levees are private property and NRRD has not taken the steps to gain the right of access to the levees or raised the funds to maintain, repair or improve them.¹

Similarly, despite the obvious disconnect between NRRD’s mandate and its actual practices, neither its Board of Trustees (comprised solely of district residents) nor NCLAFCO’s Commissioners (comprised of a majority of County Supervisors and city appointees) has taken steps to dissolve the district or to reorganize it with the authority necessary to do its job.

The Grand Jury’s concern is that poorly maintained and inadequately sized levees plus subsidence and a rising water level in the bay will eventually produce a flood event that needlessly endangers people and property and costs significant taxpayer dollars. Our recommendation is that NRRD or NCLAFCO take all steps needed to legally empower NRRD so that it can set levee standards and regulations, enforce them and fund all necessary repairs, rehabilitation and construction. In other words, NRRD should be required to do the job it was

¹ NRRD was originally named Edgerly Island Reclamation District. In 1985, when it obtained sewer authority, the district was renamed NRRD. Although the district currently operates a wastewater treatment facility, the status of that facility and its operation are not included in this report.

formed to do and be given the tools to do so, or it should be divested of its reclamation/flood control authority.

GLOSSARY

BOS	–	Napa County Board of Supervisors
NCLAFCO	–	Napa County Local Agency Formation Commission
NRRD	–	Napa River Reclamation District
Subsidence	–	A gradual settling or sudden sinking of the earth's surface owing to subsurface movement of earth materials.

BACKGROUND

Napa County Local Agency Formation Commission (NCLAFCO)

NCLAFCO has jurisdiction over the 23 special districts in our county,² including the cities of American Canyon, Calistoga, and St. Helena and the Town of Yountville. Non-city districts range from cemetery districts to sanitation districts to a district specializing in mosquito abatement. Combined non-city assets appear to be in excess of \$100 million, and many districts have the authority to tax and/or assess residents within their boundaries. All are operated by a Board of Directors, some of whom are “independent” (i.e., residents elected by residents) and some who are “dependent” (i.e., the Napa County Board of Supervisors sits as the district’s directors).

NCLAFCO is responsible for performing “sphere of influence” and “municipal service” reviews and “governance” studies for all districts within its jurisdiction. According to its website (emphasis added):

- “LAFCO establishes, amends, and updates spheres of influence to designate the territory it believes represents the appropriate future service area and jurisdictional boundary of the affected agency. ...**LAFCO reviews and updates each local agency’s sphere every five years as needed.**” [sic]
- “**LAFCO prepares municipal service reviews every five years** in association with updating local agencies’ spheres of influence. The intent of municipal service review is to inform LAFCO with regard to understanding the availability and performance of governmental services provided within their respective jurisdictions prior to making sphere of influence determinations. ...Municipal service reviews may also lead LAFCO to take other actions under its authority, such as initiating a reorganization involving two or more public agencies.”
- “**LAFCO periodically prepares governance studies to consider the advantages and disadvantages associated with reorganizing local agencies.** These studies are generally prepared in response to a determination adopted by LAFCO as part of an earlier municipal service review. These studies generally focus on exploring whether an alternative governance structure may be more

² According to most recent (2013) list on NCLAFCO website.

efficient and effective in terms of costs and services with respect to addressing the needs of the affected community.”

NCLAFCO has an Executive Officer and a part-time clerical staff person, and is governed by a board of five commissioners, comprised of two county supervisors and two “city selection” appointees (from American Canyon, Calistoga, Napa, St. Helena or Yountville), with a member from the public selected by the other four commissioners.

NCLAFCO’s current Executive Officer was appointed in 2015. The previous permanent Executive Officer was in the post less than a year, and there were interim appointees between the two permanent appointments. Therefore, although the Grand Jury believes that there may be some issues with the structure and operation of NCLAFCO itself, we chose not to investigate it at this time to allow the new Executive Officer time to establish policies and procedures that may alleviate concerns that appear to exist.

Other than NCLAFCO, the Grand Jury is not aware that any impartial entity reviews the operation of the special districts in the county.

Napa River Reclamation District (NRRD)

NRRD was originally established in February 1974 (as the Edgerly Island Reclamation District).³ It was requested by residents, and encompasses the area between 1222 Milton Road and 1998 Milton Road (see Appendix C-1), comprised of the Edgerly Island and Ingersoll tracts. There are 150 lots with approximately 135 occupied first and second homes. Although NRRD is governed by a Board of Trustees consisting of five property owners/residents, it is, as explained above, subject to NCLAFCO’s oversight and jurisdiction in the form of Sphere of Influence and Municipal Service reviews and Governance studies.⁴ Legal services for NRRD are provided through a contract with County Counsel's office.

NRRD’s principal purpose is to operate and maintain the river-side levees along Milton Road. In its original assessment of the need for the NRRD, NCLAFCO reported: “**The proposed district would operate, maintain and improve an existing privately owned levee (each property owner owns a portion of the levee) for flood control purposes** and would de-water the area...” This was because “[t]he levee, as constructed, [was] not substantial enough for the Napa County Flood Control and Water Conservation District to assume liability for its maintenance.”

NRRD, however, has never maintained the levee(s) and makes no pretense of being responsible for doing so. Its website states (emphasis added):

Each property owner within the district owns their levee and has the responsibility for using reasonable care to maintain his portion of the levee. If an owner negligently fails to

³ NRRD is separate from and not associated with Napa County Flood Control or Public Works, and the levees within the district are not included in the recent and ongoing work in downtown Napa.

⁴ Notably, NCLAFCO has performed only one Sphere of Influence review (2007), one Municipal Service review (2005) and one Governance review (2006) in the last 15 years, despite the information on its website that the SOI and MSR should be undertaken every five years.

maintain his levee and as a result of that negligence flooding and damage is caused to his neighbors, then that negligent property owner can be held liable for the damages resulting to his neighbors.⁵ (emphasis added)

On its “Welcome” page, NRRD does not even mention levee maintenance (emphasis added):

About the District

The Napa River Reclamation District #2109 (NRRD) **provides sanitary sewerage service to the residents** of the Ingersol and Edgerly Island tracts on Milton Road, Napa, CA.

Elsewhere, the district reiterates, “**The main purpose of the NRRD is to operate and maintain a sanitary sewer treatment facility** that serves approximately 148 properties on Milton Road.” (emphasis added). Again, this is not the reason for which NRRD was created.

In fact, witnesses have consistently testified that NRRD has no right or obligation to operate or maintain, repair or reconstruct the existing private levees. Notably, when the Grand Jury pressed for specific legal or other authority to support this contention, County Counsel's office refused to provide such information, despite stating in a 2011 letter that NRRD had "no obligation" to repair a levee behind a resident's home.

The upshot is that NRRD has authority over less than 1% of the levee(s)⁶ that protects Edgerly Island and the Ingersoll tract: over 99% of the levee is not regulated as to height, width, strength, construction materials, use or access. This in no way fulfills NRRD's purpose, and everyone with a stake in the operation and oversight of NRRD either knew or should have known about it and should have taken steps to address it.

METHODOLOGY

The Grand Jury interviewed representatives of:

- Napa County Board of Supervisors/NCLAFCO Commissioners
- Napa County Counsel's office
- Napa County Flood Control and Water Conservation District
- Napa County Public Works, Environmental and Planning Department
- NCLAFCO staff (current and previous)
- NRRD Board and staff

⁵ See also, Appendix B, containing a form letter NRRD sends to each resident prior to the rainy season, again disclaiming any responsibility for the levees.

⁶ NRRD owns two half-lots, each with 25 feet of levee. Therefore, as fee owner of the property, NRRD is responsible for that portion of the levee.

The Grand Jury reviewed minutes of:

- NRRD Board meetings
- NCLAFCO Commissioner meetings

The Grand Jury reviewed correspondence and documents obtained from:

- NRRD (including engineering reports)
- NCLAFCO

The Grand Jury reviewed information from the websites of:

- NRRD
- NCLAFCO
- Various local newspapers
- Other internet research sources (including information on subsidence, water level and tide issues)

DISCUSSION

Although NRRD is a small district with a specialized function, it is important for the public to be aware that, for the 40+ years of its existence NRRD has basically failed to perform its essential mission of levee control and maintenance.⁷ Equally—or perhaps more—important to the public interest is that NRRD's residents and directors, NCLAFCO Commissioners (which include elected Supervisors), NRRD's attorneys and a number of County employees either are aware or should have been aware of these failures, but have not taken steps to remedy the situation.

The following facts confirm a chronology of an intentional lack of action by all parties that supports the conclusions of the Grand Jury:⁸

- In 1978, only four years after NRRD was formed, NCLAFCO recommended that the district reorganize as a county water services district in order to fulfill the purpose(s) for which it was created. At that time, NCLAFCO also found that annual property tax revenues were “inadequate to maintain the ...levee for which the District is currently responsible” and that the existing levees “are in moderately good shape structurally but are deficient in height mainly due to settlement.”
- In 1985, NCLAFCO reported that NRRD had not adopted a plan of reclamation, that “[i]ndividual private property owners continue to be responsible for levee maintenance,” and that the “residential-level of protection required” was not being met.

⁷ Although there has not been major flooding in the district for a number of years, the Grand Jury believes that is irrelevant to the issues of whether NRRD is functioning as it was created to do and to what will happen when the next flood occurs.

⁸ Please see Appendix A-1 for a comprehensive chronology prepared from documents reviewed by the Grand Jury and Appendix A-2 for a district history from NRRD's website.

- In 2001, NRRD sued two residents, claiming that they had created a public nuisance by failing to raise the height of the levee behind their property. The court initially ruled in favor of NRRD, ordering the residents to increase the height of their levee. The court’s final ruling, however, was in favor of the residents on the grounds that NRRD, as a public agency, could not bring a suit for nuisance. The Grand Jury could not find that NRRD ever appealed the ruling, leaving the district to continue without any means to enforce its recommended levee guidelines
 - NCLAFCO’s 2005 Municipal Service Review of NRRD (the only one conducted since that time) made the following determinations:
 1. “Levee control is currently provided informally by constituents, who own and maintain their portion of the levee. Attempts by the District to establish centrally organized levee control have been rebutted by its constituents.”
 2. “The potential for flooding represents a public health concern as the District’s sewer treatment and storage facilities would be subject to inundation.”
 3. NRRD has “not established a revenue source to fund reclamation services.”⁹
- In 2006, “[b]ased on the advice of its counsel,” the NRRD Board asked NCLAFCO to consider reorganizing the district to remove its reclamation authority so as “to mitigate its potential liability [to the NRRD and its directors] in the event of future flooding.” Reorganization into a community service district was the preferred option. NCLAFCO produced a Governance Study recommending that “reorganization into a community service district is the preferred option [to meet] current and future needs.”
- In 2007, LAFCO completed a Sphere of Influence review of NRRD (the only one conducted since that time), noting that NRRD continued to fail in performing its essential function.
- Based on the conclusions of its reviews, in January 2008, NCLAFCO staff recommended that NCLAFCO Commissioners proactively take the steps necessary to reorganize NRRD into a community services district. NCLAFCO Commissioners, however, failed to authorize that action.
- In April 2011, in response to a claim by residents that NRRD “correct the levee condition” behind their home, NRRD’s attorney stated that the District has “no ...obligation [to] maintain the levee.”
- In February 2016, NCLAFCO began NRRD's "Municipal Services" and "Sphere of Influence" reviews, and noted in the April Executive Director's report that "[a] checklist has been delivered and the agency has confirmed no comprehensive update is needed. The checklist is expected to be presented to

⁹ According to NRRD’s website, the sanitary sewer service fees are collected on the county tax roll, pursuant to Sections 5471 through 5473.11 of the California Health and Safety Code.

the Commissioners for approval in August 2016." Completing the updates is listed as a number "3" priority out of three.

- NRRD's March 2016, minutes state: "A motion was made ... to send a letter to Napa County LAFCO agreeing with their recommendation that an MSR and SOI for our district could be postponed for as much as five (5) years. The motion passed."

This neglect is overlaid with the consensus of professional and lay sources that subsidence along the Napa River continues, and that the level of the bay feeding the river is rising. Therefore, each year that nothing is done to improve the levees in NRRD is likely a year closer to flooding. Anecdotally, for instance, on a site visit in January 2016, the levee appeared to be 6" or less above the Napa River water line in a number of places.

FINDINGS

- F1:** NRRD is not now performing, and never has performed, the essential levee control and maintenance responsibilities for which it was created.
- F2:** All parties with oversight of NRRD either know or should have known of NRRD's continued failure to perform. These parties include the NRRD Board of Directors, NCLAFCO Executive Director(s) and Commissioners, and Napa County Counsel's office.
- F3:** Despite being aware of NRRD's failures, all stakeholders—including NRRD residents and directors—have failed or refused to remedy the situation.
- F4:** Despite NRRD clearly not performing its essential levee maintenance function, County dollars have been spent to partner with NRRD on various stop gap projects such as sand bag facilities and dewatering pumps.
- F5:** A. If NRRD floods, County facilities (Milton Road) could be damaged, first responders (fire, EMS, etc.) could be at risk serving NRRD residents, and the district's underground sewer system could fail, possibly causing a serious health and safety issue to residents and responders, as well as significant public or private property damage.
- B. In the event of a flood in NRRD, it is unclear what the responsibility and liability would be for Napa County and its taxpayers. During its investigation, the Grand Jury became concerned that the county would have to pay for the flood damages because state and federal agencies likely would not pay for the errors of local authorities in failing to make sure that NRRD was empowered and funded to take necessary precautionary steps.
- F6:** Geologic information the Grand Jury reviewed and witness testimony indicate that, due to subsidence and rising levels of the Napa River and surrounding wetlands in coming years, existing levees within NRRD will be inadequate to protect properties in the district.
- F7:** NRRD contracts with the County for its legal services. Counsel assigned by the County to NRRD refused to participate in a Grand Jury interview without a subpoena, and, upon appearing, refused to answer some basic questions. Therefore, the Grand Jury has been

unable to ascertain important information as to NRRD's legal responsibilities and liabilities.

F8: NCLAFCO has not timely reviewed NRRD as to "Sphere of Influence," "Municipal Services," or "Governance" and NCLAFCO Commissioners have not followed well-reasoned staff recommendations in reviews that have been done.

RECOMMENDATIONS

R1: The County BOS should direct County Counsel to render a written opinion, that will be made public, on the respective liabilities and responsibilities of NRRD and the County arising from NRRD's failure to perform its essential function(s).

R2: NRRD and NCLAFCO should take all steps necessary to ensure that NRRD has all enforcement and funding authority necessary to perform the levee maintenance, rehabilitation and construction functions for which it was created. Alternatively, NRRD should be reformed so that it is responsible only for providing sewer services.

R3: NCLAFCO should, within the next six months, complete comprehensive Sphere of Influence, Municipal Services and Governance reviews of NRRD.

R4: If NRRD continues to be responsible for reclamation and flood control services, NCLAFCO should consider reforming the NRRD Board to include independent, non-resident members should it become apparent that an all-resident board is reluctant to take actions to ensure the enforcement and funding necessary to bring all levees into compliance and to maintain them. As an alternative, the Board of Supervisors could consider creating a revenue source for NRRD at the county level.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

NCLAFCO Executive Officer: **F2, F3, F4, and F8; R1, R2 and R3**

From the following governing bodies:

Board of Supervisors: **F4, F5A, F5B; R1**

Board of Trustees, NRRD: **F1, F2, F3, F5A and F6; R1 and R3**

NCLAFCO Commissioners: **F2, F3, F4, and F8; R1, R2, and R3.**

County Counsel: **F5B and F7; R1**

INVITED RESPONSES

None

APPENDICES

Appendix A-1 –NRRD Chronology

Appendix A-2 –NRRD History

Appendix B –Form letter from NRRD to homeowners disclaiming responsibility for levee maintenance

Appendix C-1 - Map

Appendix C-2 - Photographs

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A-1
(emphasis added)

CHRONOLOGY FROM DOCUMENTS REVIEWED BY GRAND JURY

- In February 1974, NRRD was formed by County Board of Supervisors and was charged with “reclaiming [the land within its boundaries]” and completing any work of reclamation works in progress and [with] the maintenance, protection and repair of said reclamation and reclamation works.”
- As early as 1978, NCLAFCO recommended that NRRD reorganize as a county water services district, noting that annual “assured” property tax revenue is “inadequate to maintain the approximately 8,000 feet of levee for which the District is currently responsible” and that the existing levees “are in moderately good shape structurally but are deficient in height mainly due to settlement;”
- In 1985, NCLAFCO reported that NRRD “has yet to adopt a plan for reclamation of District lands which is necessary if the District is to accomplish the purposes for which it was created,” and that “[i]ndividual property owners continue to be responsible for levee maintenance. Thus the level of inundation throughout the Dist falls short of the residential-level protection required [defined as 100 yr storm]” (the Napa County Board of Supervisors never has acted on the reorganization issue);
- In 1987, NRRD was sending letters to district residents noting that the Board had “received a report that during normal high tides water has been observed passing through the levee on your property,” but explaining that “**all levees are privately owned and the responsibility of the property owner upon whose property the levee is located**” and that “[d]amages to the property of others, caused by the failure of your levee are your responsibility.” The letter also contained “recommendations” on levee height, maintenance and access; (emphasis added)
- In 2001, NRRD sued residents, claiming that they had created a public nuisance by failing to raise the height of the levee behind their property. The court initially ruled in favor of NRRD, mandating the residents to increase the height of their levee. The court’s final ruling, however, was in favor of the residents on procedural grounds: the judge found that NRRD, as a public agency, could not bring a suit for nuisance. The ruling was never appealed, leaving NRRD to continue without any means to enforce its recommended levee guidelines;
- NCLAFCO notes from late 2004 indicate that the *Keenan* court opinion “ruled the District was responsible for establishing a fund to maintain levees,” “[i]f the community votes against an assessment [for the levee maintenance fund], the Board says it will ask LAFCO to reorg ...to a sewer-only agency,” and that NRRD’s Board is “concerned about liability issues in the event of a flood;”

- 2005 notes from NCLAFCO state that NRRD never adopted levee operation and maintenance standards, never adopted bylaws, and had no easements by which to reach or access the levees for inspection or maintenance;
- NCLAFCO’s 2005 Municipal Service Review of NRRD makes the following determinations:¹⁰
 1. “Levee control is currently provided informally by constituents, who own and maintain their portion of the levee. Attempts by the District to establish centrally organized levee control have been rebutted by its constituents.”
 2. “The potential for flooding represents a public health concern as the District’s sewer treatment and storage facilities would be subject to inundation.”
 3. NRRD has “not established a revenue source to fund reclamation services.”
- A 2006 NCLAFCO governance study of NRRD states, “Based on the advice of its counsel, the [NRRD] Board has asked LAFCO to consider reorganizing NRRD to remove its reclamation authority to mitigate its potential liability in the event of future flooding,” and that “reorganization into a community service district is the preferred option [to meet] current and future needs;”
- In 2007, LAFCO completed a Sphere of Influence review of NRRD, noting (1) “The District has not demonstrated its ability to provide an adequate level of reclamation service to the area in a manner that is consistent with its principal act,” and (2) “As previously determined by the Commission, there is a strong need for organized ...reclamation services in the form of uniform levee control;”¹¹
- In January 2008, NCLAFCO took the “unique step of initiating the ‘reorganization’ [of NRRD] into a new community services district,” but, also according to NCLAFCO notes, “[t]he Commission elected to take no action w/respect to reorganization of NRRD;”
- In April 2011, in response to a claim by residents, NRRD’s County Counsel stated that “the District has no such obligation” to “maintain the levee;”
- At the request of NRRD, in 2014 NCLAFCO looked into converting the district into a Geologic Hazard Abatement District, but no action was ever taken; and

¹⁰ Even though NCLAFCO is to conduct “Municipal Service Reviews” every five years, this is the only review it has made of NRRD.

¹¹ NCLAFCO generally conducts “Sphere of Influence” reviews every five years, this is the only review conducted to date of NRRD.

- In February 2016, NCLAFCO began NRRD's "Municipal Services" and "Sphere of Influence" reviews, and noted in the April Executive Director's report that "[a] checklist has been delivered and the agency has confirmed no comprehensive update is needed. The checklist is expected to be presented to the Commissioners for approval in August 2016." Completing the updates is listed as a number "3" priority out of three.

- NRRD's March 2016, minutes state: "A motion was made... to send a letter to Napa County LAFCO agreeing with their recommendation that an MSR and SOI for our district could be postponed for as much as five (5) years. The motion passed."

APPENDIX A-2
(emphasis added)

CHRONOLOGY FROM NRRD WEBSITE

Napa River Reclamation District History
As Told by Larry Hoffman, District Manager 1984-2008

Pre 1950

Some houses on river in Ingersoll Tract. Fishing Resort at end of Milton Road.

1950

Edgerly Island subdivision with five blocks and four stub streets by the Pritchetts. The Pritchett family executed a Covenant Agreement with property owners. **It stated that each property owner was responsible for maintenance of their levees. If they didn't, it would be done for them and they would be billed. It also stated that nothing was to be built on top of the levee, not even trees. Many property owners ignored the Covenant Agreement and built upon the levee. Covenant not enforced. The covenant expired in 1970.**

1970 –1980

The Napa River Improvement Association was the governing body during this time and was supported by the Napa County Board of Supervisors and County Counsel. Members ran and maintained the old flood pumps with help from County Flood Control when flooding occurred.

1974

Edgerly Island Reclamation District was formed. An assessment was collected on the property tax bill. About \$6,000 was collected in 1976 and 1977. **New tax laws in 1978 removed the assessment tax and some of the tax collected had to be returned. The district went broke and never got around to filing a Reclamation plan with the state.** The improvement association kind of melted into the reclamation district.

1979

Property owners surveyed for new assessment and less than 50% agreed so it never went to vote.

State Water Quality Control and County Environmental Health mandate Milton Road residents hook up to a domestic sewer service. The association collects \$20 from most residents to get \$2,500 matching funds and form a committee to explore how to provide sewer service.

County gives District for easements for Streets, Brazos, Edgerly, James and Pritchett.

County gives District 3 Flood Control easements to reclamation district (flood gate next to 1800 Milton, pump pipes and pump house between 1812 and 1816)

County gives District old flood pumps and some funds to operate on.

1979- 1984

Sewer Treatment Plant designed and built for two million dollars of which the district paid 2 ½ percent (\$700 per lateral on each property).

Ingersoll Tract annexed into the district. **Name changed from Edgerly Island Reclamation District to Napa River Reclamation District.**

1983

Severe flooding in January and December. District has engineering report done on levees.

1984

Ten foot elevation stakes placed on levee. Property owners told to bring their levees up to correct elevation. Unfortunately, many property owners either made shoddy, temporary repairs or did nothing.

1986 –1988

Chairman Dennis Spain tried to get the District to do a reclamation plan and assessment but received little support from peers and property owners. Levee maintenance declined.

1998

Severe flooding in February. Property owners given a deadline by District to fix their levees.

1998 –2002

Legal notices sent to property owners to fix levees. Many levees repaired to some degree, some not.

2003

District sues property owners as public nuisance for not fixing their levees. District wins case but is later overturned on appeal because the District, under state water code, cannot use public nuisance laws.

APPENDIX B
(emphasis added)

ANNUAL OWNER LETTER FROM NRRD WEBSITE

Typical Pre-flood Season Notice To Homeowners

The following is a typical notice to homeowner which is sent out before the winter rainy season:

NAPA RIVER RECLAMATION DISTRICT #2109
1501 MILTON ROAD
NAPA, CA 94559

Phone xxxxxxxxxxxxxxxx
Fax xxxxxxxxxxxxxxxx

WINTER IS APPROACHING.....BE PREPARED

The Napa River Reclamation District would like to remind the property owners/residents of the District (xxxx Milton Road to xxxx Milton Road) of the following:

1. Levee Maintenance: **It is the responsibility of each property owner to maintain the levee on their property.** The District recommends a 10 foot high water tight levee. This levee is to be continuous with the neighboring levees.
2. Levee Access: In time of emergency, it is important that the District/County has access to the levee. Each property owner needs an 8 foot wide access to the levee. Building upon the levee is discouraged as it interferes with emergency inspections and repairs.
3. Sewer Operations During Flooding or a Power Outage: **If water covers any part of Milton Road or the area loses electrical power, the sewer system may shut down without notice.** When the system is down please do not flush toilets or use drains.
4. Sewer Cleanouts: The cleanouts on your property to the sewer system must be air and water tight in order to keep ground water from flooding the system and to control odors. Please insure that your roof and yard drains are NOT hooked up to the sewer system. Please make sure the cleanouts are closed properly.

Drainage Ditches: Please do not put anything in the big roadside ditch. The ditch is drained by pumping and any debris in the ditch can ruin the pump causing the road to flood. Please keep the drainage on your property in good condition so storm water can get to the ditch easily.

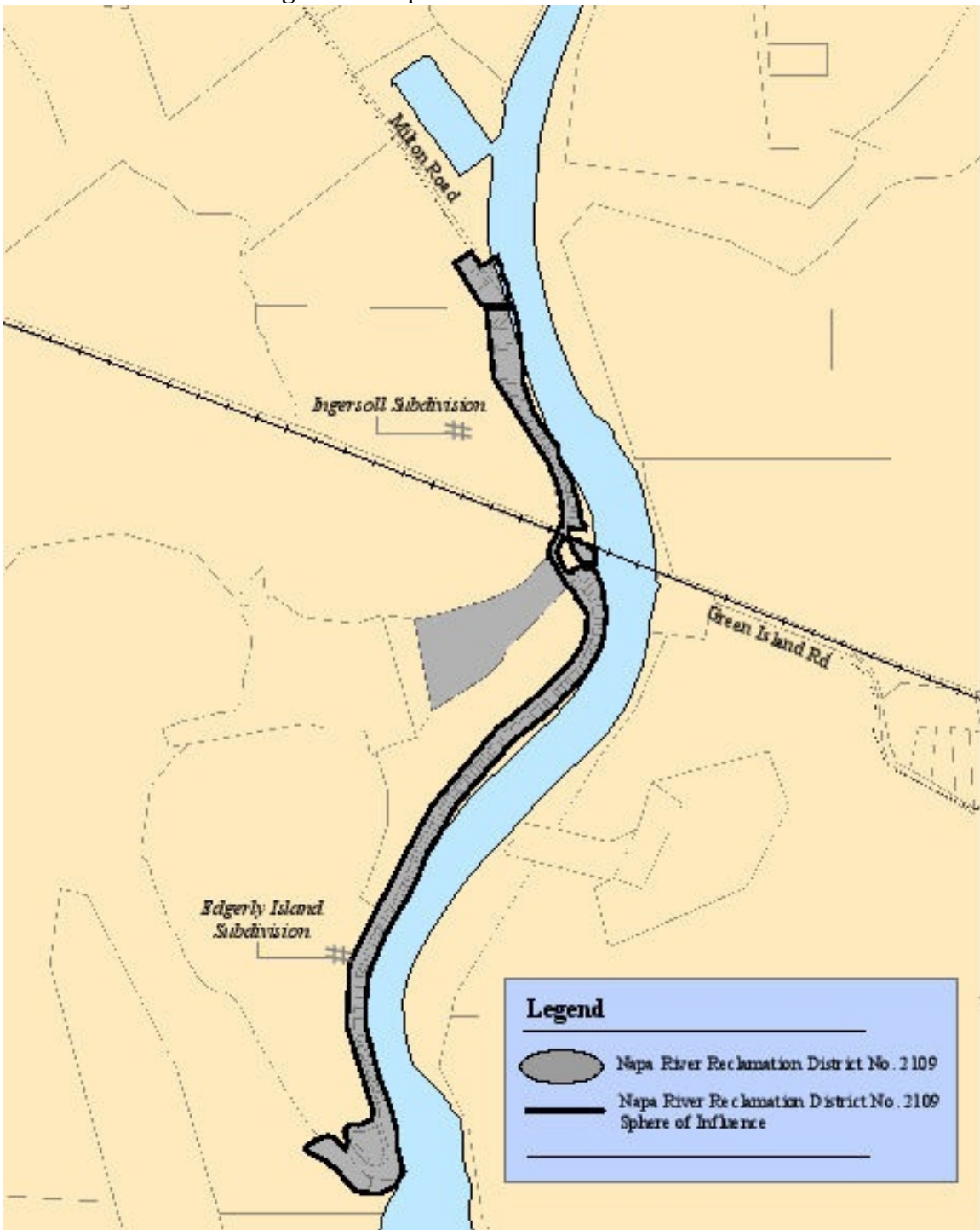
Sand & Sandbags: In the event of flooding, sand and sandbags will be available at the district office, 1501 Milton Road.

Be prepared to fill and haul your own bags.

If you have any questions or suggestions the District Board meets at 7 PM on the first Thursday of each month at the Fire House. These meetings are open to the public. You may also leave a message at the District office by calling xxxxxxxxxx or email

APPENDIX C-1

Figure 1. Napa River Reclamation District



Map source: Local Agency Formation Commission of Napa County
http://www.napa.lafco.ca.gov/uploads/documents/SOIMap_NapaRiverReclamationDistrict.pdf

APPENDIX C-2

Figure 2. Aerial View of Edgerly Island



High tide waters push into the slough on the west side of the development; there is only a partial levee protecting the west side. The Napa River abuts against the levee on the east side.

Figure 3. Levee Access Restricted by Boat Docks and Piers



Note that at low tide most sections of the levee are only 2-3 feet above the river; they are much less at high tide.

Figure 4. Edgerly Island Levee at High Tide



Note the partial submersion of a boat pier and the overbuilding of the levee with piers and a home's deck.



**NAPA COUNTY GRAND JURY
2015-2016**

June 9, 2016

FINAL REPORT

**Maintaining Food Quality
in Napa County**

MAINTAINING FOOD QUALITY IN NAPA COUNTY

SUMMARY

Each year, 1 in 6 Americans gets sick by consuming contaminated foods or beverages. After food poisoning outbreaks were recently reported in the national news, the Grand Jury decided to look at the way that retail food providers are monitored in Napa County.

Napa County has more than 750 regulated food facilities, including fixed-location and mobile food providers. These facilities are monitored by a small number of specialists assigned to the Retail Food Program within Napa County's Environmental Health Division. The primary goal of this small team is to make sure that our food is safe to eat.

Each retail food facility is inspected at least annually. In addition, the county offers food safety education to businesses and their staff. The Grand Jury supports these activities, and encourages the county to expand resources devoted to the training of restaurant owners and employees regarding food-borne illness prevention and food safety practices.

Citizen complaints are important, and serve as a valuable information source for food inspectors. The Grand Jury examined more than 100 recent food-related complaints, and found that more than half were acted upon within two business days, and 75% within five business days.

As a result of this inquiry, the Grand Jury commends the professionals employed by Napa County's Environmental Health Division for their persistent and dedicated actions to minimize food-borne illness risk to Napa County residents and visitors.

BACKGROUND

The U.S. Food and Drug Administration reports that "While the American food supply is among the safest in the world, the Federal government estimates that there are about 48 million cases of food-borne illnesses annually—the equivalent of sickening 1 in 6 Americans each year. And each year these illnesses result in an estimated 128,000 hospitalizations and 3,000 deaths."

The Centers for Disease Control and Prevention concur with this report, stating that "Food-borne illness" (sometimes called 'food poisoning') is a common, costly, and preventable public health problem. Each year, 1 in 6 Americans gets sick from consuming contaminated foods or beverages. Many different disease-causing microbes, or pathogens, can contaminate foods, so there are many different food-borne infections. In addition, poisonous chemicals, or other harmful substances can cause food-borne diseases if they are present in food."

In Napa County, the Grand Jury believes that every resident and visitor has the right to reasonable protection against food-borne illness. After recent news reports disclosing national food poisoning outbreaks, the Grand Jury decided to look at the way that retail food providers are actually monitored in Napa County.

METHODOLOGY

The 2015-2016 Grand Jury authorized a committee to look at the way that Napa County monitors retail food outlets, to identify any patterns or events that warrant further investigation and to determine if any systemic issues are present.

Committee members started their inquiry by reviewing a random sample of food service inspection reports available to the public. These reports, which can be found on the Napa County web site (<http://www.countyofnapa.org/FoodInspections/>), disclose the details of recent routine inspections, including:

- Facility name and address
- Date and time of inspection
- Compliance and violations by inspection category
- Inspector observations, and
- Corrective actions.

The committee then interviewed county employees engaged in the Retail Food Program, and reviewed public and non-public information relating to the operation of the Retail Food Program, including:

- Sections of California state law (the Retail Food Code) relating to food facilities
- The goals and organizational structure of the Department of Planning, Building and Environmental Services (PBES)
- Job descriptions and performance evaluations for each position engaged in the Retail Food Program
- Policies and procedures for handling food-related complaints
- Policies and procedures for Retail Food Program inspections, including mobile trucks, cottage food operations, traditional food establishments, and special events
- Policy for frequency of inspections for food permit holders

Finally, the committee examined complaint reports and related documentation for each of the 118 food complaints received from January 1, 2015 through September 30, 2015. For each complaint, the committee examined:

- The specific details of the complaint
- The time required for each complaint to be investigated and resolved
- The documentation prepared by the individuals assigned to investigate the complaint
- The process used to investigate the complaint, and
- The resolution of the complaint.

DISCUSSION

Environmental Health Division

Although California state law provides the regulatory framework for the Retail Food Program, local aspects of the program are managed by the Environmental Health Division within Napa County's Department of Planning, Building and Environmental Services (PBES).

The Environmental Health Division is mostly fee supported. Salaries and benefits are budgeted to increase as a result of pay increases and increases in retirement, insurance, and other post-employment benefit costs, resulting in an increase in the net county cost for this division. (See Appendix for a summary of the Environmental Health Division Budget for Fiscal Years 2014-2016.)

The Environmental Health Division is responsible for implementation of State programs for the protection of public health, including inspections of retail food facilities, public pools, labor camps and mobile home parks; permitting of small water systems, on-site sewage systems, and wells; permitting of facilities that possess hazardous materials, medical waste and underground or above ground storage tanks; and emergency response support and oversight of cleanup of hazardous materials releases.

Retail Food Program

The Retail Food Program, administered by the Environmental Health Division, is responsible for inspecting facilities throughout Napa County, including the five cities that exist within Napa County. The program is intended to:

- Work with local restaurateurs, food service providers and retail food facilities to ensure acceptable levels of food safety and sanitation are being maintained, and
- Assist operators in establishing protocols that will minimize food-borne illness, ensure employee health, safe food, and that facilities are constructed to state standards.

The primary goal of the program is to ensure that food is safe to eat and that consumers can feel confident when they eat food from facilities in Napa County.

As of September 15, 2015, Retail Food Program staffing consisted of one Environmental Health Coordinator and seven Environmental Health Specialists.

- Each position requires extensive training. Incumbents must work to satisfy and maintain formal state education requirements for registration as an Environmental Health Specialist (State of California Health and Safety Code, Section 540).
- Team members are normally assigned to specific geographical areas within the county.

- Collectively, the team completed 2,428 inspections in FY 2012-2013, 2,639 inspections in FY 2013-2014, and expects to complete approximately 2,600 inspections in future years.

There are currently over 750 regulated food facilities in Napa County, including fixed-location and mobile food facilities. Each retail food facility is inspected at least annually. The frequency of routine inspections at retail food facilities is based on the risk posed by the products and preparation methods. Facilities are assigned one of three risk levels:

- Low risk
Mostly prepackaged foods (e.g. convenience stores), which are inspected one time per year;
- Medium risk
Limited food preparation or limited menu, which are inspected two times per year; and
- High risk
Full menu restaurants or supermarkets, which are inspected three times per year.

Facilities with poor inspection scores are inspected even more frequently.

In addition, the program recently inspected 76 vendors at a three day music festival (attended by more than 90,000 people) and 16 vendors at a five day golf tournament (attended by 37,000 people).

Through the Retail Food Program, the county attempts to collaborate with local food operators to insure the highest level of food safety. Environmental Health staff members are also available for additional assistance and training when operators request that type of support. This educational approach and cooperative effort has allowed 95% of Napa County food facilities to consistently maintain A or B inspection grades.

A point system is used to grade food facility inspections. Minor violations have a point value of 2 or less, while major violations have a point value of 6. Grades are assigned based on the number of points lost during the inspection:

- 0-10 points deducted results in a grade of “A”
- 11-20 points deducted results in a grade of “B”
- 21-30 points deducted results in a grade of “C”
- 30 or more points deducted results in a grade of “F”

An inspection grade of F necessitates immediate action, and subjects the facility to additional inspections and/or legal actions to ensure the protection of public health and safety.

Facilities scoring an A or B grade are in substantial compliance with State food safety requirements and are thus less likely to spread a food-borne illness. Napa County established a target of 95% compliance based on previous years’ performance. The number of restaurants

scoring an A or B grade in FY 2013-14 was 97% and the county expects to exceed the 95% goal in future years as well.

A significant goal of the Retail Food Program is to help operators understand their violations and know what they need to do (or not do) to prevent those violations in the future. County Environmental Health Specialists work with food providers and their employees to increase their overall awareness of what is required and why. This educational approach and willingness to spend the time needed with struggling facilities has proven successful. During FY 2013-14, 92% of facilities that received an inspection score of C or “F” returned to an A or B grade on the following inspection.

In addition to education inspections conducted at food facilities, the Retail Food Program also reaches out to the community through educational presentations at local culinary training facilities: Napa Valley College, Napa County Food Day, and the Napa County Health Fair.

When it comes to complaints or potential food-borne illness outbreaks, the Retail Food Program has a “no contact” policy with the news media. When potential outbreaks are detected, the Retail Food Program works closely with the Napa County Department of Public Health to contain and monitor the incident. All communications to the news media and general public are issued through the Department of Public Health.

The number of food-related complaints has declined in recent years: 215 complaints in 2013, 203 complaints in 2014, and 118 complaints during the first nine months of 2015.

The county received 118 food-related complaints from January 1, 2015 through September 30, 2015. The Grand Jury examined detailed inspection reports and related documentation for each complaint, and made the following observations:

- Complaints are confidential, and not available to the general public or news media.
- Complaint follow-up is timely. Almost half of the examined complaints were closed or received responses within two business days, and 75% had responses within five business days:

Days to Respond or Close:	Total	% of total
Same Day:	19	16%
One to two days:	39	33%
Three to five days:	31	26%
More than five days	29	25%
Total	118	100%

- In most cases, the committee found the processes used by the investigators to be consistent with policy and with expectations that the jury thought a “typical” citizen would have.

- The committee examined extensive documentation where a set of related complaints triggered immediate coordination between the Retail Food Program and Napa County Department of Public Health. Both departments worked quickly to interview affected individuals, develop detailed facts and time lines, and identify an appropriate response to the incident.
- The committee did observe a small number of cases where documentation was not consistent with department policies and procedures. When these observations were brought to the attention of department leadership, the leadership team concurred with these observations and took immediate action to reinforce staff training on the relevant procedures.

CONCLUSION

The Grand Jury did not observe any systemic issues, disturbing patterns or events with the complaint resolution process or the underlying Retail Food Program.

Throughout the investigation, committee members observed a noteworthy level of professionalism and dedication to the community. Program activities go beyond enforcement --- employees work diligently to:

- Conduct inspections so as to minimize food risks to the public,
- Respond quickly to complaints,
- Partner with other agencies to minimize potential food-borne illness threats, and
- Educate businesses about major and minor risks, prevention and food safety practices.

FINDINGS

F1: While food-borne illnesses cannot always be prevented, the Retail Food Program within Napa County’s Environmental Health Division does an effective job of partnering with food providers to minimize food-borne illness risk.

F2: The Grand Jury finds that the continuous education of businesses and staff is a reasonable and cost-effective means of minimizing food-borne illness risk to Napa County residents and visitors.

RECOMMENDATION

R1: The Board of Supervisors is encouraged to direct the Department of Planning, Building and Environmental Services to expand resources devoted to the training of restaurant owners and employees regarding food-borne illness prevention and food safety practices.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing body:

Board of Supervisors: **F1, F2, R1.**

INVITED RESPONSE

From the following individual:

Director, Napa County Planning, Building & Environmental Services Department.

COMMENDATIONS

The Grand Jury commends the professionals employed by Napa County's Environmental Health Division for their persistent and dedicated actions to minimize food-borne illness risk to Napa County residents and visitors.

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX

Environmental Health Division, Budget Summary, Fiscal Years 2014-2016					
	Actual 2014	Adopted 2015	Recom- mended 2016	Variance	% Change
APPROPRIATION					
Salaries & Benefits	\$2,125,753	\$2,216,202	\$2,373,668	\$157,466	7%
Services & Supplies	\$343,135	\$394,971	\$381,021	(\$13,950)	-4%
Special Items	\$0	\$0	\$107,506	\$107,506	100%
Total Appropriation	\$2,468,888	\$2,611,173	\$2,862,195	\$251,022	10%
REVENUE					
Licenses, Permits & Franchises	\$2,170,694	\$2,033,225	\$2,064,200	\$30,975	2%
Intergovernmental Revenues	\$27,937	\$54,000	\$52,000	(\$2,000)	-4%
Fines, Forfeitures and Penalties	\$44	\$3,000	\$0	(\$3,000)	-100%
Charges for Services	\$122,460	\$108,000	\$108,000	\$0	0%
Total Revenue	\$2,321,135	\$2,198,225	\$2,224,200	\$25,975	1%
NET COUNTY COST					
Environmental Health	\$147,753	\$412,948	\$637,995	\$225,047	54%
Fee Supported %	94%	84%	78%	NA	NA

Source: County of Napa, State of California, Recommended Budget, Fiscal Year 2015/2016, page 266



**NAPA COUNTY GRAND JURY
2015-2016**

June 28, 2016

FINAL REPORT

**NAPA COUNTY JAIL AND
DEPARTMENT OF CORRECTIONS**

**IT IS TIME FOR CHANGE
AT THE NAPA COUNTY JAIL**

NAPA COUNTY JAIL AND DEPARTMENT OF CORRECTIONS ANNUAL REVIEW

SUMMARY

The California Penal Code mandates that the Grand Jury annually inspect detention facilities within the county. In addition to a number of physical inspections of the Napa County Jail and municipal holding facilities, the 2015- 2016 Napa County Grand Jury reviewed NCJ operations, interviewed Napa County Department of Corrections (NCDC) management, correctional officers, and administrative staff and other witnesses, and looked at numerous documents. The Grand Jury found substantial evidence of significant problems in the management of the Napa County Jail:

- The Grand Jury heard several witnesses express a lack of confidence in jail management and operations and concern about possible retaliation for voicing their concerns, feelings that favoritism or bias affected management decisions, unease with frequent organizational restructuring, and inconsistent application and enforcement of policies and procedures;
- Employees are concerned for their on-the-job safety, arising from a variety of causes including lingering earthquake damage, short staffing, lack of training, and having to deal with inmates who either have mental health issues or are more “serious” criminals funneled to the county jail by state-mandated realignment;
- Hiring and retention are problems, and NCJ records show that the jail has not been fully staffed for at least three years and is currently operating with only 66% of a full staff of Correctional Officers; and
- It appears that the NCJ facilities are outdated and do not comply with current best correctional practices.

Upon discovering the magnitude of the problems at NCJ, the Grand Jury actively sought solutions, which are presented in the *Recommendations* section of this report.

Overall, “fixing” the NCJ must begin with the Board of Supervisors (BOS) recognizing that, although a new jail is needed, bricks and mortar alone will not solve the systemic problems. Rather, the BOS should take a much more active role in overseeing the administration of the NCJ. As examples, the Grand Jury believes that the following are the minimum components critical to bringing the NCJ to proper operational standards:

- Correctional management should have enhanced oversight, and the BOS should consider (1) assigning a senior staff person to review and report on jail operations, and (2) providing a management consultant to work with jail leadership until management and operational problems and deficiencies are stabilized and improved;

- All Correctional Officer positions should be filled;
- All policies and procedures should be reviewed and updated to best practices, and should be consistently applied without favoritism or bias;
- The BOS should take all steps necessary to provide Correctional Officers pay and benefits sufficient to attract and retain a full staff of qualified personnel; and
- Inmates' mental health issues should be addressed, including providing sufficient and qualified staffing, facilities and programming to achieve that goal, and insuring that outside providers of these services perform in compliance with clearly drafted contracts.

It must be noted that despite the problems the Grand Jury uncovered at the NCJ, most of the staff are committed to doing the best job they can under very trying circumstances. They are to be commended for their hard work, and should be rewarded by the County taking the steps necessary to improve conditions at the jail.

GLOSSARY

BOS	Napa County Board of Supervisors
BSCC	Board of State and Community Corrections (State of California)
NCDC	Napa County Department of Corrections
NCJ	Napa County Jail
HHSA	Health and Human Services Agency
NSH	Napa State Hospital
CFMG	California Forensic Medical Group
FMHC	Forensic Mental Health Counselor
SEIU	Service Employees International Union
NCEO	Napa County Executive Officer

BACKGROUND

The Napa County Jail (NCJ) in downtown Napa is adjacent to the Napa County Superior Court and the Napa County Administrative Offices. Originally built in 1975, the facility was expanded in 1989. The BSCC has rated this facility to hold a maximum of 264 male and female inmates, detainees and prisoners awaiting sentencing. Overcrowding has been an issue for some time. Prior to the 2014 earthquake, the facility operated at 90% capacity for approximately 200 days per year and at times was called on to house 300 inmates. This situation was partially a result of mental health, violent, and gang populations taking a disproportionate share of available cell space. For example, when an inmate with mental health issues has to be housed alone in a cell designed for two, this causes other cells to be overcrowded. On its most recent site visit, the Grand Jury observed a number of cells designed for two persons housing three or more inmates.

California Forensic Medical Group (CFMG) provides medical, dental and psychiatric services to jail inmates under a contract in place since November 2011. CFMG has provided similar

services under previous contracts since 2000. The current contract appears to be in its final year of automatic renewal. Mental health assessment and care is provided by the Napa County Health and Human Services Agency.

Napa County and Madera County are the only counties in California where the jail is not operated by the sheriff, but by a department of corrections. The director of the Napa County Department of Corrections (NCDC), who reports to the BOS through the Napa County Executive Officer, is responsible for the operation of the NCJ. The Napa County Sheriff's Department has no authority over the jail operations, although they provide transportation service for inmates as needed. They also provide a full-time sheriff's lieutenant at the jail as a liaison. This officer works with the correctional staff on matters relating to training, crime reporting, and internal affairs investigations, but all other correctional duties come under the authority of NCDC.

In 2011 California legislators passed AB 109 and AB 117, the Public Safety Realignment Act (Realignment), as a solution for overcrowding in California's state prison system. The law mandates that individuals sentenced to non-serious, non-violent, or non-sex offenses serve their sentences in county jails instead of state prison. The impact of Realignment on county jails resulted in the addition of more criminally sophisticated felons, serving considerably longer terms in already overcrowded local facilities not designed for long-term incarceration.

NCDC management and staff, the Napa County Sheriff, and the Board of Supervisors have agreed that Napa County needs a new jail to correct design problems in the current jail, relieve cell overcrowding, and effectively deal with an inmate population increased by Realignment. A Correctional System Master Plan by the Criminal Justice Committee recommending a new jail was enacted for the BOS in November 2007.

A site for this new jail has been selected and purchased two miles south of the City of Napa. An Environmental Impact Report (EIR) was published and finalized in January 2014. Although this EIR suggested that construction would commence in March 2016 and be completed by March 2018, Napa County Sheriff sources and NCDC staff confirm that the new jail is lacking a funding source, has not been started, and may not be completed until 2022.

In September 2015, the County applied for \$20 million in funds from the California Board of State and Community Corrections. This \$20 million, along with \$46 million from such sources as savings and the sale of surplus county property, would have funded the first phase of a new jail facility: construction of a 64-bed maximum-security unit, a 17-bed medical/mental health treatment unit, and core facilities such as a central control room and kitchen.

When the BSCC awarded the County just \$2.8 million instead of the \$20 million requested, county personnel and the BOS began to look at phase-in options and to seek the necessary funding through additional grants or revenue. In the meantime, as explained below, the County has funding on hand to proceed with a 72-bed "staff secure" re-entry facility scheduled to open in 2019.

METHODOLOGY

The 2015-2016 Grand Jury interviewed NCDC management, Correctional Officers and administrative staff; members of the BOS; and management and personnel from the Napa County Health and Human Services Agency, the Sheriff's Office, the Napa County CEO's office and the SEIU. In addition, numerous documents, publications and websites were reviewed. (Please see bibliography.)

The Grand Jury toured the following components of the facility:

- Initial Booking Area
- Holding Cells
- Court Holding Area
- Sally Port Entry
- Observation Cells
- General Population
- Maximum Security
- Administrative Office
- Work Furlough Accommodations
- Visitation Area
- Kitchen
- Laundry
- Nurse's Station/Medical Unit
- Control Room
- Exercise Yard
- Correctional Officer's Break Room

The Grand Jury also visited the holding cells of the following city police departments:

- American Canyon
- Calistoga
- St. Helena

DISCUSSION

During the course of the Grand Jury's investigation, it explored the following topics:

- Physical jail inspection
- Management and operation of the jail
- Mental health issues
- Status of new jail

The Physical Jail Inspection

The Grand Jury visited the jail four times over the course of its term. The first visit was in August 2015, and the last visit occurred in May 2016.

During visits: The cells appeared mostly clean and free of graffiti in the newer portion of the jail. However, the graffiti in the older, original (1975) jail appeared to be part of the landscape. Bedding for inmates seemed adequate. Several “boat beds” were being used to make sleeping space on cell floors. (Boat beds are temporary sleeping units that are used when cells are overcrowded to the point that there are not enough permanent bunks for all inmates.)

Early visits: The interior of what is called the newer (1989) jail section appears to be in good shape, but with some visible earthquake damage. The older jail sustained significant damage from the earthquake and was not being used to house inmates. Because of the damage, BSCC reduced the jail capacity from 264 to 204, but due to the number of mental health cases in custody, space was still limited even with a census of 184 during our visits. The jail area has been yellow-tagged since the earthquake. We heard several comments from employees stating concern regarding the safety of the current building.

May 2016 visit: Post-earthquake repairs so far have focused on bringing inmate housing areas on the third floor of the “old jail” up to pre-earthquake conditions. Those areas are currently open and occupied because repairs were “fast tracked.” Doing so, however, removed officers from their normal functions and thus aggravated staff shortages in a number of areas in both the old and new jail sections. The jail remains under a “yellow tag” status, and management expects it will take another six months to undertake the repairs necessary to remove the tagged status. The planned relocation and upgrades to the monitoring equipment for the control room have also been delayed. Completing all repairs is estimated to take an additional two years. This means that damage from the August 2014 earthquake will not be repaired until May of 2018.

Non-earthquake related projects are also underway, including a basement project that converts dormitory style open units to two-person cells. This work should be completed in approximately eighteen months, and requires that 30 inmates continue to be housed in Solano County facilities until the new cells are ready.

Staffing Issues

Staffing Shortages. There is a chronic shortage of staff at the NCJ. The Grand Jury was unable to determine when the jail was last fully staffed, but it has been understaffed for at least the last three years.

The Correctional Officers are operating at a 33% staff deficit, and 40% of them have less than five years tenure. Currently, out of 64 Correctional Officer positions, thirteen are vacant and eight officers are on medical leave: in raw numbers, 21 out of 64 positions are not covered. This is most noticeable during the weekends, when an assigned staff member’s sickness can easily leave a shift even more short-staffed because no backups are available to come in. A standard shift should consist of fifteen (15) employees, but there have been times when the jail has operated with a shift of eight (8), posing safety risks to both staff and inmates. Current officers consistently work overtime to cover all shifts.

Staffing is also impacted by recruitment and retention issues. Potential recruits are frequently lured away—either in the first instance or in early years at the NCJ by similar jobs that offer full

status as a peace officer. These jobs (e.g., Sheriff's deputy) offer earlier retirement and larger percentages of salaries as pension. Most witnesses noted that, without an improved compensation package, Correctional Officers are likely to use NCJ only as a stepping stone to career advancement elsewhere. Witnesses agreed that adding safety pay and safety retirement¹ to Correctional Officers' compensation package would assist in both recruiting to fill vacant staff positions and in retaining qualified staff for the long term.

Staff Training. According to the NCDC Operational Procedures Manual, training serves three broad purposes:

- First, trained officers are generally better prepared to act decisively in an ever-widening range of situations.
- Second, effective training results in greater productivity and effectiveness.
- Third, it fosters cooperation and unity of purpose. An officer's performance is often a direct reflection of the quality and quantity of training.

All employees are required to complete 24 hours of continuation training per year. Based on its review of documents and witness testimony, however, the Grand Jury is concerned about deficiencies in the quality and quantity of training provided by the NCJ in the first half of 2015. Damages created by the August 2014 earthquake, inadequate procedural oversight by management, and staffing issues were all contributing factors.

Mental Health issues

Managing mental health issues among inmates is a crucial component of the NCDC's responsibility for the coordination of all programs and services related to the care, treatment and rehabilitation of inmates. Limited psychiatric services are provided by CFMG. This includes prescribing and dispensing psychotropic drugs for the 30% to 40% of the inmates who require medications; however, inmates may refuse to take medications and staff are not allowed to force medications on them.

Licensed Forensic Mental Health Counselors (FMHCs) provided by HHS's Mental Health Division provide mental health counseling. These services are designed to address the basic mental health needs of incarcerated persons to the extent required by law. The following services may be provided, based on the inmate's needs:

- Screening and monitoring inmates requesting or receiving psychiatric medications
- Crisis intervention
- Assessment
- Supportive short term psychotherapy services, as appropriate
- Referrals for appropriate resources within the jail and in the community
- Consultation with NCDC staff regarding inmates' needs for special housing and other custody issues, as appropriate

¹Safety pay assures an individual full salary when injured on the job without having to supplement with either vacation time or sick leave for a specified period of time.

- Formal and informal training on mental health issues to Correctional staff

The Grand Jury noted that there is not a bilingual FMHC. This is of concern because of the large population of Hispanic inmates in the jail.

Due to shortage of space created by the August 2014 earthquake, the FMHCs have only been able to provide limited psychotherapy and counseling services; their current work is limited to intake evaluation. Witnesses reported that there are no clear or concise sets of procedures and practices in place to provide instruction for engagement between the various work groups charged with collaborating to “provide seamless mental health services in [the NCJ] 365 days a year.” For example, the procedure for referring inmates to the FMHCs is often not strictly followed.

Programs and services, initiated by NCJ, that could help rehabilitate and train inmates, such as literacy programs, group counseling, Alcoholics Anonymous, Narcotics Anonymous and the services of a Chaplain, have not been available since the earthquake. Personnel safety and damaged facilities have precluded offering on-site programs, but no video programming has been initiated. Inmates were offered the use of restricted access computer tablets to facilitate rehabilitation programs, but that initiative has been introduced with limited success (on one visit, 30 out of 75 tablets were not in use). Witnesses generally agreed that the tablets are not a good substitute for the transition-oriented rehabilitation programs that have been discontinued. The latter are very important in helping to keep the inmate population content and productive and in decreasing recidivism. Management plans to re-start the rehabilitation programs in six months when the “yellow tag” is removed.

Management Problems and Their Effects

The Grand Jury believes that there are substantial problems with the NCJ management, which have had, and continue to have, a negative impact on the operation of the jail.

Organizational disruption. The organization chart at the management level appears to be in flux. Currently, there is an “acting” lieutenant of operations. Although the current lieutenant for that position has been on leave for more than a year, no permanent replacement has been named. The Assistant Director’s position, a temporary two-year assignment, will be ending sooner than the contract term. During this year, several management level staff have left the jail, and some witnesses called attention to perceived unfairness and favoritism in promotions.

Morale. Management style and behavior definitely affects organizational morale. Multiple witnesses voiced the view that jail management has not applied policies and procedures in a fair and consistent manner. The Grand Jury is concerned, based on multiple sources, about the poor state of morale expressed by officers and staff and its effect on operations at the Napa County Jail.

The County should quickly and fully address these issues, and the management dysfunction giving rise to them, in order to help cultivate proper and efficient operation of this most critical public facility.

In summary, the Grand Jury is concerned that there is a breakdown in the management of the jail, which has not been addressed, perhaps because the focus has been on the details of funding and building a new jail. Failure to immediately address the current management issues, however, will likely lead to even more turmoil in the operation of the NCJ, no matter where it is located.

New Jail and Transition / Re-entry Facility Status

The Grand Jury agrees with prior Grand Juries' recommendations regarding the need for a new jail.

In 2014, Napa County purchased a 27-acre parcel adjacent to Napa State Hospital property for a future jail site. This property is large enough to house additional, related programs and services.

The preliminary design for the new jail was a 366-bed (optimal) facility. Polling was conducted in August and September 2015 to determine voter support for a bond measure to pay for the new jail. Twenty-nine public meetings were held between October 2015 and February 2016. Feedback from the public indicated that there was support for a new jail but for a lower cost option.

At the March 1, 2016, BOS meeting, the Director of Corrections proposed a revised concept for a new jail. This would be a 256-bed facility plus use of the existing downtown facility as an "annex" for additional housing. The new facility would have the ability to expand as funding became available. It would include core space for booking, kitchen, medical services, and programming, at an estimated cost of \$103 million. A quarter-cent, 10-year general use sales tax has been put on the June 2016, ballot for voters. This would generate sufficient funds to pay the debt service on the additional \$68 million necessary to construct the new facility (the County already has earmarked \$46 million in funds on hand).²

In 2014, separately from the proposed new jail, the County was awarded grant money to build a 72-bed "staff secure" re-entry facility near the entrance to the property. That facility will bridge the gap between secure detention and release in a program-intensive environment and will help better prepare inmates returning to the community. It will open in 2019.

A larger, longer-term vision for this property could also include regional partners such as Napa State Hospital given its proximity to this parcel. One such concept could include housing special needs inmates (mental health and medical needs) with support and treatment services provided by the state. Regionalizing specialty units with other local or regional partners could be mutually beneficial in the long term.

FINDINGS

F1: There is an appearance of management style and behavior that results in employees feeling intimidated, isolated and undervalued. Based on its witness interviews and review of documentary evidence, the Grand Jury is concerned that, if unchecked, this

²The proposed sales tax increase was defeated in the June 7, 2016 primary election.

may result in continued operational issues and continued attrition of qualified personnel from an already understaffed group.

- F2:** NCJ policies and operational procedures are in place, but are not always followed or are inconsistently applied. This ranges from policies that are applied differently from shift to shift depending on the supervisor to policies that simply are not enforced, to policies that are enforced differently against different employees.
- F3:** There are no standard operating procedures in place defining the relationships among the NCJ staff and outside medical and mental health providers.
- F4:** The manner in which the jail is managed has engendered low morale on the part of at least some, if not most, staff and correctional officers.
- F5:** Correctional Officer retention is an issue, as 40% of the existing officers have less than five (5) years in service.
- F6:** Recruitment is a problem at all levels at the NCJ. The jail has not been fully staffed for at least three years.
- F7:** Rehabilitation programs have been discontinued to the detriment of the inmate population and the public at large.
- F8:** A new jail is needed.
- F9:** Correctional Officers and staff, at least for the time being, continue to be invested and interested in their positions and committed to making the best of the challenging situation created by organizational issues and poor facilities.

RECOMMENDATIONS

- R1:** The County Board of Supervisors should enhance its oversight of the NCJ to ensure that it is operating properly, including assigning a senior staff person to comprehensively review the operation of the jail and to provide a written report of findings no later than April 1, 2017.
- R2:** The Board of Supervisors should retain a management consultant to work with jail leadership on operational, administrative and workforce issues.
- R3:** Compensation and benefits for Correctional Officers should be analyzed to determine the incentive package necessary to attract new career officers and retain existing officers.
- R4:** Staffing should be made an immediate priority, including a full staff of Correctional Officers, and a bilingual FMHC.

R5: The County Board of Supervisors should establish a multi-year Citizen's Oversight Committee by December 31, 2016. The BOS should assure that there is no retribution to staff from the committee's findings.

COMMENDATION

The County Board of Supervisors should commend the Correctional Officers for excelling in an extremely difficult environment.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

Napa County Board of Supervisors: **F1, F2, F3, F4, F5, F6, F7, F8; R1, R2, R3, R4, R5; Commendation**

From the following individuals:

Napa County Executive Officer: **R1, R2, R3, R4**

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

BIBLIOGRAPHY

Board of State and Community Corrections 2012-2014 (bi-annual inspection of jails)
NCDC Adopted Budget Fiscal Year 2015/2016
Napa County Performance Measurement Report January 2016
Napa County Adult Correctional System Master Plan Update 2007
SB 863 Jail Construction Funding Application –Napa County Jail Phase 1 - August 2015
Napa County Adult Correctional System Master Plan
Organization Charts
Incident Reports
Training Records
CFMG Contract
Personnel Complaints
NCDC Operational Procedures Manual
Napa County Policy Manual, Section 37K Harassment/Discrimination/Retaliation
Napa County Grand Jury Reports (NCGJ) 2006-2007, 2008-2009, 2009-2110, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015
“*Manipulation Revisited*”by Lenard Vare, American Jails, September/October 2015
“*Of elephants and men –What do humans and elephants have in common...*”by Lenard Vare, American Jails, November 2014
Newspaper articles from Napa Valley Register, St Helena Star