

CITY OF  
AMERICAN  
CANYON



August 29, 2019

**Via U.S. Mail**

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

Napa County Civil Grand Jury  
c/o Foreperson Kort van Bronkhorst  
1754 Second Street, Suite D  
Napa, CA 94559

Re: Response to Napa County Grand Jury Report Dated Jun 14, 2019 "Napa County Water Quality: It's a Matter of Taste"

Dear Judge Ortiz and Foreperson Bronkhorst:

The City of American Canyon ("City") has carefully reviewed and considered the findings and recommendations of the Napa County Grand Jury in its report dated June 14, 2019 entitled: "Napa County Water Quality: It's a Matter of Taste." By letter dated June 11, 2019, the Grand Jury requested the City's responses to the report's findings one through eight and the report's recommendations one through seven. This letter provides those responses pursuant to California Penal Code section 933(c).

The City notes that its water system, derived from American Canyon County Water District, has been subject to continual examination by the Napa County LAFCO ("LAFCO") since the City incorporation in 1992. The incorporation was a reorganization of the American Canyon County Water District, the incorporation of the City and the change in status of the American Canyon Fire Protection District from an Independent District to a Subsidiary Independent District.

The expansion of the water system has been overseen by LAFCO in several other reorganizations with the County of Napa since incorporation. Development has been phased with respect to its water system for industrial, commercial and residential development as confirmed in the City Urban Water Management Plan of 2016, a document not examined by the Grand Jury.

The City also observes that separate and autonomous water utilities are often maintained in a manner which furthers both water quality and an efficient and economical cost structure.

**FILED**

OCT 17 2019

Clerk of the Napa Superior Court  
By: C. Brennan  
Deputy

**RECEIVED**

OCT 17 2019

Napa Superior Court  
Court Executive Office

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We respectfully request that as you evaluate City responses, you also evaluate these facts in the context that differentiates the City from other Napa County water utility operations.

## **FINDINGS**

F1. Drinking water supplied by all Napa County municipalities meets all USEPA and State Water Resources Control Board standards and is safe to drink.

### The City's Response:

The City agrees. As indicated by our responses during the investigation, in all cases the City meets or exceeds all established standards.

F2. Drinking water supplied by each municipality is acknowledged by all Napa County Public Works officials to have, from time-to-time, predictable Taste and Odor (T&O) and color issues which, while not unsafe, the water-consuming public may find objectionable and a cause for concern.

### The City's Response:

The City partially disagrees. The City can confirm what has been stated by other Public Works Officials. There are a number of different factors that can affect T&O and color issues. The predictability of these factors can vary widely by season and location within the specific water system.

F3. Communication of water quality testing and T&O and color issues to the public by all Napa County Public Works municipalities is inconsistent and, at times, inadequate.

### The City's Response:

The City disagrees. The City publishes the Annual Consumer Confidence report online and issues a media release (examples provided). Operation (and testing) of public water distribution systems are regulated by the State of California and with one exception noted in the Report in 2017, the City has a well-maintained system which meets or exceeds State requirements. In addition, all complaints regarding water related issues are followed up by City Staff and noted in a complaint log, a member of City Staff responds to the complaint, conducts an investigation, and follows up with the responsible party. In cases where there is a concern, or the system is in other than normal operations the City uses a variety of options to communicate with the public including media release, social media and emergency notification systems (NIXLE).

F4. Napa County Public Works officials are aware of existing T&O and color issues and a number of municipalities are assessing and testing various treatment options for improvement, including long-term capital improvement projects.

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The City's Response:

The City partially agrees. Speaking only for the City system because T&O and color issues arise from several causes the City does maintain a flexible approach incorporating the best available technologies to address those situations when they occur.

F5. Public Works Official's countrywide, treat T&O and color issues as less important than Federal and State regulated contaminant standards. Thereby minimizing T&O and color concerns in their water treatment standards and reporting.

The City's Response:

The City disagrees. Speaking only for the City system, both the City (and City Staff) treat all complaints on a time sensitive basis. T&O can be an indication of distribution system (or treatment plant) health, and other than normal operations, as such Staff responds promptly to investigate, remediate (if needed), and follow up with the responsible party on the results of the complaint.

F6. All municipalities lack formal written procedures for the handling of water quality complaints.

The City's Response:

The City partially disagrees. Speaking for the City system, the City staff does maintain a complaint log and formal policies to handle complaints. The City does not know what written procedures exist at other agencies. It should be recognized the City policies evolve, especially with respect to State regulatory standards, most of which are unfunded State mandates.

F7. There are large disparities in household drinking water and wastewater rates between the municipalities, with smaller up-valley cities in Napa County paying much bigger costs for the same amount of residential drinking water and wastewater.

The City's Response:

The City agrees. The City is informed that there are disparities but is also aware that City rates are comparable to the City of Napa. However, the City observes that water and wastewater rates are subject to multiple layers of regulation: The State Constitution Article XIII, Sections C and D) Proposition 218) that dictate that only actual costs of service are reflected in rate structures. Those costs in turn are reflective of capital facilities that are directly related to the City's urban development areas

F8. Residents of mobile home parks, gated communities and apartment buildings do not always receive communication about water quality or taste and odor issues – rather the

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owner/operator/manager of the site receives required water quality notifications and is not required to pass the notification on to individual residents.

The City's Response:

The City does not agree. For multi-family complexes, property owners and/or managers are contacted with notices. State law requires that these notifications be passed along to individual residents within those communities by either property owner or manager. Secondary notification within 10 days is required in accordance with Health and Safety Code Section 116450(g) as follows:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors)
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property

**RECOMMENDATIONS**

R1. Each Napa County municipality's Department of Public Works explain on its City and/or Department of Public Works website, in water invoices, via social and other local media, what ongoing water quality tests are taken, where and when they are taken, and what is required if results do not meet USEPA and State standards. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.

The City's Response:

The recommendation has been implemented. The City currently includes information such as its Customer Confidence Report (CCR) on its website at [www.cityofamericancanyon.org/water](http://www.cityofamericancanyon.org/water) and has in the past utilized social media and media releases to inform and educate its residents on water quality issues. The City commits to continuing this recommended action. The City does not provide lists of individual sample sites or individual test results since resultant data would not be meaningful information for customers. Also, as a Department of Homeland Security designated "critical infrastructure sector" and lifeline utility, information regarding the physical features and location of City water facilities is not revealed for water safety and security purposes. See, generally 42 U.S.C. Section 300f *et seq.*

R2. Each Napa County municipality's Department of Public Works advise citizens of known and anticipated T&O and color issues by notices on its Department of Public Works website and within social media and news media. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.

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The City's Response:

The recommendation has been implemented. The City has previously utilized and will continue to utilize its website at [www.cityofamericancanyon.org](http://www.cityofamericancanyon.org) and social media and media releases to inform and educate its residents on water quality issues. The City will continue to implement this recommended action.

R3. Each Napa County municipality's Department of Public Works identify, evaluate, and estimate water treatment process improvements and longer-term capital improvement programs that could mitigate T&O and color issues in their respective water treatment operations. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020 for the 2021/2022 budget year.

The City's Response:

The City partially agrees. The City continually evaluates capital upgrades and new technologies every fiscal year. Some improvements can be made without significant fiscal impact while others would need significant capitalization to accomplish. As such, the City partially agrees and will evaluate improvements as a part of its planned Water Treatment Plant Master Plan effort, scheduled to take place in FY19/20 and FY20/21. It will not be completed until the LAFCO Municipal Service Review ("MSR") process and report are completed so that the City may evaluate relevant recommendations from that process and incorporate them into the Master Plan as appropriate.

R4: Each Napa County municipality's Department of Public Works publish T&O and color quality measures and results as part of their Annual Consumer Confidence Water Quality Report provided to citizens. Each of Napa County's Department of Public Works should implement this action in the 2019 Report published by June 30, 2020.

The City's Response:

The City disagrees. As previously observed because there are a variety of factors which create T&O and color quality – the City will continue to employ the best available technology while meeting or exceeding all required water quality standards which will have an overall beneficial impact on the system reducing the potential for the factors that cause T&O and color issues.

The recommendation has not yet been implemented but will be implemented in the future by the June 30, 2020 deadline.

R5. Each Napa County municipality's Department of Public Works establish a formal written complaint policy identifying how complaints should be received, processed, tracked, responded to, and reported, including a written complaint resolution notice to be issued for every complaint.

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Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020.

The City's Response:

This recommendation has been partially implemented and full implementation is expected by June 30, 2020. The City has an IOS and Android app called. See, Click Fix which has a "report it" feature allowing residents to report on a number of complaints to City Staff, including water quality complaints. The City is receptive and agrees to evaluate its current processes and to look at ways to improve the process for managing water quality complaints including development of a written formal policy.

F6. Each Napa County municipality's Department of Public Works establish a formal written communication policy identifying how to better communicate to and interact with customers in mobile home parks, gated communities, and apartment residents that are beyond the water meter. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020.

The City's Response:

The recommendation has been partially implemented and full implementation is expected by June 30, 2020. The City has an IOS and Android app called See Click Fix which has a "report it" feature and a "latest news" feature which shows current City provided information allowing residents (including those in mobile home park communities and apartment complexes who may have individual meters) access to information from the City on water quality and other issues. The City is receptive and agrees to evaluate its current processes and to look at ways to improve the process for communicating to residents beyond the water meter including development of a written formal policy.

F7. The LAFCO Municipal Service Review of drinking water and wastewater countywide resources recommendations are due in February 2020. Each Napa County municipality's senior municipal elected officials should review, evaluate, respond to, and where appropriate, incorporate the LAFCO MSR recommendations into each Napa County municipality's operating and long-range plans. Each of Napa County's senior municipal elected officials should implement these actions by no later than June 30, 2020.

The City's Response:

The recommendation requires further analysis of a discretionary action of LAFCO when the completed Report is finally released. It is presently unknown what the MSR will conclude or recommend. The City agrees that review and consideration of implementation of relevant recommendations contained in the LAFCO MSR is important. As with other recommendations

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and reports from LAFCO, the City is committed to a thorough review and analysis of this report once it is published. However, before the City can commit to implement a course of yet unknown recommendations, it would be appropriate for the City to review, evaluate, and fully understand the scope and implications of the recommendations contained in the LAFCO MSR.

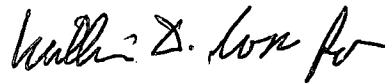
The City, Its Mayor, Council and the Department of Public Works respect the Grand Jury's interest in City water system operations, and its evaluation of the enclosed responses contained in the report.

Sincerely,



Leon Garcia, Mayor

City of American Canyon



Steven L. Hartwig, P.E., T.E.

Public Works Director/City Engineer

City of American Canyon



CITY COUNCIL  
STAFF REPORT

SEPTEMBER 3, 2019  
CONSENT

**SUBJECT**

Response to 2018-2019 Napa County Grand Jury Report entitled, "Napa County Water Quality: It's a Matter of Taste."

**SUBMITTED BY**

Steven Hartwig, Director of Public Works  
William D. Ross, City Attorney

Agenda	<u>Finance</u>	<u>City Attorney</u>	<u>City Manager</u>
Review	N/A	08/29/2019	N/A

**BACKGROUND AND ISSUES**

On June 14, 2019 The Napa County Civil Grand Jury issued a final report entitled, "Napa County Water Quality: It's a Matter of Taste" (the "Report"). City representatives participated in the confidential investigation leading up to the report responding to issues directed to them by a sub-committee of the Grand Jury. All City Staff participation complied with the confidentiality requirements of a Civil Grand Jury proceeding. The Director of Public Works and the City Attorney have reviewed the findings and recommendations of the County Grand Jury and have prepared proposed responses on behalf of the City, the City Public Works Director, and the Mayor and City Council consistent with the provisions of Penal Code Section 933(c).

In preparing the responses, it should be noted that there are provisions of federal law (regulations of the Department of Homeland Security) which limit the proposed responses as well as State Regulations which quantify how certain information concerning water quality is to be reported and which procedures to maintain water quality are to be followed.

**FISCAL IMPACTS**

There are no fiscal impacts associated with the response to the Report as the Report only summarizes existing or prospective City actions which would otherwise be taken as a matter of compliance without applicable law.

**STAFF RECOMMENDATION**

Recommendation: receive the Staff Report and authorize the Director of Public Works and the Mayor to execute the City Response and its transmittal to the Civil Grand Jury and the Presiding Judge of the Superior Court as required by applicable law.

**ATTACHMENTS**

1. Proposed City Response to June 14, 2019 Napa County Grand Jury Report: "Napa County Water Quality: It's a Matter of Taste."



**Joint City Council/Fire Protection District Board Regular Meeting**  
4381 Broadway, Suite 201, American Canyon CA  
September 3, 2019 Minutes

**CALL TO ORDER:** 6:32 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL – City Council & Fire Protection District Board**

**Present:** Council Members/Board Members Mark Joseph, Kenneth Leary, David Oro,  
Vice Mayor/Vice Chair Mariam Aboudamous, Mayor/Chair Leon Garcia

**Absent:** None

**CLOSED SESSION**

William Ross, City Attorney, reported that the City Council convened the Open Session at 5:34 p.m. with all Council Members present and transitioned to Closed Session at 5:34 p.m. The Closed Session adjourned at 6:22 p.m. to reconvene to address Closed Session Items 3 and 4 after adjournment of the Open Session.

**City of American Canyon Closed Session:**

1. **Conference with Legal Counsel - Anticipated Litigation.**  
Pursuant to Government Code Section 54956.9(d)(2)  
One Matter.  
**Action:** There was no reportable action.
  
2. **Conference with Legal Counsel (City of American Canyon) - Existing Litigation**  
Pursuant to Government Code Section 54956.9(d)(1)  
**One Case:** California Clean Energy Committee vs. City of American Canyon –  
Napa County Case No. 19CV001013  
**Action:** A settlement Hearing has been set for September 16, 2019, at 3:00 p.m., consistent with CEQA rules.

The following two Closed Session items were addressed in the second portion of the Closed Session which convened at 7:55 p.m. and concluded at 9:42 p.m.

3. **Matters Relating to Public Employment - Pursuant to Government Code Section 54957.**  
**Position:** City Attorney Evaluation  
**Action:** A written report will be provided.
  
4. **Real Property Negotiations – Pursuant to GC Section 54956.8**  
**Negotiator:** City Manager Jason Holley  
**Property Locations:**
  1. 058-330-004 - 860 Green Island Rd, American Canyon, CA.
  2. 058-330-009 - 876 Green Island Rd, American Canyon, CA.
  3. 058-330-006 - 850 Green Island Rd, American Canyon, CA.
  4. 057-130-029, No Address Assigned, American Canyon, CA.
  5. 057-160-024, 100 Dodd Ct, American Canyon, CA.

6. 058-420-039, 880 Hanna Dr, American Canyon, CA.
7. 058-420-042, 820 Hanna Dr, American Canyon, CA.
8. 057-130-001, 650 Green Island Rd, American Canyon, CA.
9. 058-330-007, 834 Green Island Rd, American Canyon, CA.
10. 058-090-008, No Address Assigned, American Canyon, CA.
11. 057-130-034, No Address Assigned, American Canyon, CA.
12. 057-130-036, No Address Assigned, American Canyon, CA.
13. 057-130-030, No Address Assigned, American Canyon, CA.

**Action:** A written report will be provided.

## **PROCLAMATIONS AND PRESENTATIONS**

- A.1** Administer Oath of Office to Assistant City Manager Maria Ojeda.

The City Council recessed at 6:40 p.m. for a reception in honor of Maria Ojeda's appointment and reconvened at 6:55 p.m.

## **PUBLIC COMMENTS**

**Speakers:** Clair Weyandt, Chris James, Fran Lemos.

## **AGENDA CHANGES**

There were no Agenda changes.

## **MATTERS RELATING TO THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD**

There were no matters relating to the ACFPD Board.

## **MATTERS RELATING TO THE AMERICAN CANYON CITY COUNCIL**

### **CONSENT CALENDAR**

Moved by Council Member Joseph, seconded by Council Member Leary, and carried unanimously, to approve the Consent Calendar.

- B.1** Approve Minutes of the August 20, 2019 Regular Joint Meeting of the City Council and American Canyon Fire Protection District Board.  
**Action:** The Minutes were approved.
- B.2** Adopt a Resolution fixing the employer contribution at an equal amount for Employees and Annuitants under to the Public Employees' Medical and Hospital Care Act (PEMCHA).  
**Action:** Adopted Resolution No. 2019-70.
- B.3** Adopt a Resolution authorizing the City Manager to execute a Memorandum of Understanding with the City of Napa for an amount not to exceed \$35,000 for the Napa Valley Drought Contingency Plan.  
**Action:** Adopted Resolution No. 2019-71 and Agreement No. 2019-A139.
- B.4** Response to 2018-2019 Napa County Grand Jury Report entitled, "Napa County Water Quality: It's a Matter of Taste."

**Action:** Authorized the Director of Public Works and Mayor to execute the City Response and transmittal to the Civil Grand Jury and the Presiding Judge of the Superior Court as required by applicable law.

## **PUBLIC HEARINGS**

- C.1** Receive and file report on the 2015 Community Development Block Grant (CDBG) accomplishments and conduct a Public Hearing to obtain feedback on the CDBG program.

Mayor Garcia opened the public hearing.

**Speakers:** None.

Mayor Garcia closed the public hearing.

**Action:** Moved by Vice Mayor Aboudamous, seconded by Council Member Joseph, and carried unanimously to receive and file the report on the 2015 Community Development Block Grant (CDBG) Program.

## **BUSINESS**

- D.1** Receive and file an update on the City's Energy Efficiency Climate Action Plan.

**Speakers:** Clair Weyandt, Chris James

**Action:** Council suggestions included establishing a 100% clean energy level instead of 50/50%, considering wind turbines, assigning a higher priority to bicycles and walking, and phasing-in of electric vehicles. The report was received and filed.

## **MANAGEMENT AND STAFF ORAL REPORTS**

There were no reports.

## **MAYOR/COUNCIL COMMENTS AND COMMITTEE REPORTS**

### **1. COUNCIL REPORTS**

Written reports were received from Council Member Joseph and Mayor Garcia. Oral comments were received from Council Members Joseph, Oro, Vice Mayor Aboudamous and Mayor Garcia.

### **2. FUTURE AGENDA ITEMS**

Council Member Joseph provided direction to move forward with exploring a PLA Agreement for the City.


Regarding the Donaldson Way Sidewalk Project, Council Member Joseph requested 1) a final cost breakdown of the project; and 2) corrective procedures, policies and formal actions to be built into the City's project process.

Council Member Leary requested 1) discussion of participatory budgeting and possible committee review; 2) a discussion of district elections in American Canyon; and 3) a discussion of responsibilities of the Vice Mayor.

All future agenda requests were supported by consensus of the City Council.

**ADJOURNMENT**

The Regular Joint Meeting of the City Council and American Canyon Fire Protection District adjourned at 7:46 p.m. to reconvene into Closed Session.

  
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Suellen Johnston, CMC, City Clerk

  
\_\_\_\_\_  
Leon Garcia, Mayor