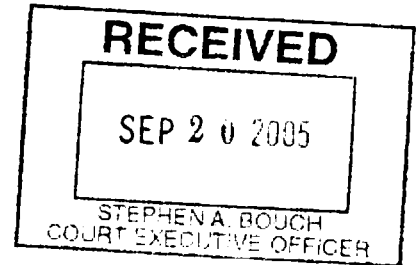




CITY MANAGER
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September 16, 2005



The Honorable Richard A. Bennett
Presiding Judge
Napa County Superior Court
825 Brown Street
Napa, CA 94559

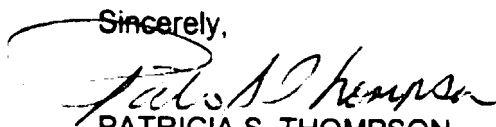
RE: Response to the 2004-2005 Grand Jury Report

Dear Judge Bennett and the Grand Jury:

Attached are the responses requested by the Grand Jury in their 2004-2005 Report. The City would like to commend the Grand Jury in their willingness to take on the monumental task of reviewing the many complex and diverse issues in Napa County. This response letter is prepared by the City Manager on behalf of the Mayor, Fire Department, Police Department and Public Works Department, and the City Council who reviewed and approved the responses as submitted.

The City respectfully submits the responses for your review and acceptance. Please contact my office at 257-9501 should you have any questions or require additional information.

Sincerely,


PATRICIA S. THOMPSON
City Manager

Attachment: Responses to the 2004-2005 Grand Jury Report

cc: Pam Means, City Clerk
Napa County Board of Supervisors

FILED

City of Napa
Response to the 2004-2005 Grand Jury Report

SEP 20 2005

Clerk of the Napa Superior Court
By: *[Signature]*
Deputy

CALIFORNIA SAFELY SURRENDERED BABY LAW (CSSBL)

The Safely Surrendered Baby Law allows a parent or person with lawful custody to confidentially surrender their baby within seventy-two hours of birth, without fear of arrest or prosecution for child abandonment. The purpose of this law is to protect infants from abandonment and helps prevent exposing the child to the risks of abandonment. The law allows for at least a 14-day cooling off period in which the person who surrendered the child can return to the hospital to reclaim the child.

On October 4, 2004 the Grand Jury conducted a drill in which a mannequin the size of a baby was left on the doorstep of Fire Station #2 in an effort to see how local agencies would react to the situation. The Grand Jury noted in their report that it became evident that the responding police department personnel did not have adequate training, policies or procedures to follow in the event of an actual baby surrender. It was also noted they lacked knowledge of the law and the steps to be taken.

Finding #1:

The Napa City Fire Department and Police Department personnel did not have policies, procedures or adequate training regarding the CSSBL.

Recommendation #1:

Continue the collaborative development of procedures, policy and training for Napa Fire and Police Departments.

Response requested by the Napa City Fire Chief and Police Chief.

Response:

The Police Chief agrees with the findings of the Napa County Grand Jury regarding Finding #1 relating to the California Safely Surrendered Baby Law drill held on October 4, 2004. The Grand Jury is correct that the Napa Police Department does not have a written policy regarding the policy or procedures for handling surrendered infants. Research has confirmed that there is no legal requirement for police agencies to have a written policy or procedure. Officers of the Napa Police Department are aware of the CSSBL, however, and the City of Napa will provide additional training regarding the officers' role in these types of situations.

The Fire Chief concurs with the findings of the Napa County Grand Jury regarding CSSBL policies, procedures and adequate training. However, it should be noted that the Fire Department personnel, prior to the Grand Jury Safe Baby Surrender Drill in October 2004, understood that if a baby was dropped off at station we would assess and treat the newborn baby and ensure rapid transport to Queen of the Valley Hospital. Since the drill the Fire Department has developed a standard operating procedure that addresses how our personnel are to handle a safe surrender event. Our personnel have been trained on the procedures and we are in compliance with the standards set forth by the State of California. In addition, we have placed signs at each of our four fire stations in English and Spanish to call 9-1-1 if firefighters are out on a call.

WATER LOSS

Finding (Number Not Assigned in Grand Jury Report):

The City of Napa's unaccounted water loss is about 12%.

The Public Works Department and Mayor acknowledge that the unaccounted-for water loss for the water system in 2002 was 12%. The City recognizes that this amount is more than the generally acceptable industry standard of 10% and therefore remedial action was initiated. In fact, the City has taken steps to successfully reduce the unaccounted-for water (as described below) and has achieved a reduction to 7% in 2003 and 6% in 2004. These numbers are well below the 10% threshold and the City is confident that we can maintain similar numbers in future years.

Recommendation #1:

Water districts and municipalities must monitor unaccounted-for water on an annual basis.

Response requested by the City of Napa Public Works and Mayor.

Response:

The Public Works Department and Mayor would like the Grand Jury to know that the City monitors its unaccounted-for water on an annual basis. Total supply into the system is calculated using metered production records from the City's three water treatment plants – Jamieson Canyon, Hennessey, and Milliken. All metered end uses are then totaled using computerized utility billing system records. Metered uses include more than 22,000 residential water accounts, in addition to hundreds of commercial, industrial, institutional, landscape, agricultural, and construction accounts. The Water Division also estimates known unmetered uses from activities such as main flushing programs and internal treatment plant operations. Subtracting metered uses and known unmetered uses from total supply provides an estimate of unaccounted-for water each year.

Recommendation #2:

Water districts and municipalities must follow the methodology and goal for calculating unaccounted-for water according to the American Water Works Association.

Response requested by the City of Napa Public Works and Mayor.

Response:

The Public Works Department and Mayor wish to respond that the City Water Division follows the calculation methodology detailed in the American Water Works Association (AWWA) Manual of Water Supply Practices M36, *Water Audits and Leak Detection*.

Recommendation #3:

Water districts and municipalities must have in place a system for inspecting, testing, maintenance and replacement of meters.

Response requested by the City of Napa Public Works and Mayor.

Response:

The Public Works Department and Mayor wish to indicate that the Water Division of the City has an ongoing Meter Replacement Program to replace meters in the system every 15 years. This program replaced 2,200 meters in 2003-2004 and has contributed greatly to the City reducing unaccounted-for water. The program is scheduled to replace approximately 1,200 meters in 2005. Recognizing that large meters have a greater impact on unaccounted-for water, the City has implemented a Large Meter Replacement Program and expects to replace 30-50 large meters per year.

The City reads all meters in the system every two months. Our billing system alerts the meter readers if a meter read is too high or low as compared to normal usage. This allows the City to investigate and test a malfunctioning meter immediately and take the appropriate action to repair or replace the meter.

Recommendation #4:

Water districts and municipalities should consider joining the California Urban Water Conservation Council. The council establishes standards and audit procedures.

Response requested by the City of Napa Public Works and Mayor.

Response:

The Public Works Department and Mayor wish to report that in late 2002 the City joined the California Urban Water Conservation Council (CUWCC), a consensus-based partnership of urban water agencies, public advocacy organizations, and other parties concerned with water supply issues. The CUWCC oversees the Memorandum of Understanding (MOU) which sets forth Best Management Practices (BMPs) for the efficient use of water in urban areas. BMP #3 addresses the issue of water loss, or unaccounted-for water. Agencies are required to complete an annual prescreening system audit and if the result shows unaccounted-for water greater than 10%, a full-scale system audit is warranted. For the first two years of its CUWCC membership (2003 and 2004), the City of Napa has not been required to perform a full-scale system audit. In calendar year 2003, unaccounted-for water was calculated at 7%, and in 2004 it was an even lower 6%.

Recommendation #5:

The City of Napa must find, explain, and fix the high, unaccounted-for water loss.

Response requested by the City of Napa Public Works and Mayor.

Response:

The Public Works Department and Mayor wish to report that during the Grand Jury's data collection phase, the City had provided the calendar year 2002 unaccounted-for water level of 12%. Since that time, the City's unaccounted water loss has been reduced to 7% in 2003 and 6% in 2004. The drop in recent years is a result of an ongoing aggressive water conservation effort including the Meter Replacement Program. Another contributing factor to reducing water loss is the City's Main Replacement Program and Plastic Service Replacement Program. Since 2001, these programs have replaced over 20,000-feet of aging water mains and approximately 600 plastic service lines. These programs have drastically reduced leaks on the system and helped lower the unaccounted-for water.

STUDENT HEALTH AND SAFETY IN MIDDLE AND HIGH SCHOOLS

Campus Security and Safety – 1. School Resource Officers

Finding #1:

Full time SRO staffing on every secondary school is crucial to student health and safety.

Recommendation #1:

Both the NPD and NVUSD must restore full-time SRO staffing for every secondary school.

Response requested by the Napa Police Department Police Chief.

Response:

The Napa Police Department Police Chief concurs that it would be highly desirable to have an SRO in each secondary school in Napa. Currently, three Officers are assigned as SRO's for the six NVUSD secondary schools. In addition to the SRO's, the Napa Police Department funds a fulltime Social Worker and a fulltime Police Officer for Diversion and early intervention in the NVUSD. The Police Department also has five regular and retired Officers teaching D.A.R.E. part-time and coordinating the school Crossing Guard program in the participating elementary schools. Police personnel assigned to the NVUSD are supervised by a Police Sergeant who oversees the Youth Services Bureau.

The Napa Police Department Police Chief and the NVUSD are dealing with budgetary challenges which necessitate the prioritization of police resources assigned to the schools. The Napa Police Department and the NVUSD will continue to work collaboratively with existing resources to ensure the health and safety of NVUSD students attending schools located in Napa. As new revenue opportunities come available, the Police Department will continue to pursue funds to increase SRO's in the NVUSD.

Finding #2:

Funding to support each secondary school having a full-time SRO is in jeopardy.

Recommendation #2:

NPD and NVUSD must make obtaining adequate funding for a full-time SRO in every middle and high school a top priority.

Response requested by the Napa Police Department Police Chief.

Response:

The Napa Police Department Police Chief recognizes the City of Napa, as well as the NVUSD, are facing budget reductions due to a significant budget deficit. However, both NPD and NVUSD are continuously looking for other revenue sources, such as various grants from the state and federal government to fund additional SRO positions. It should be noted that even though grants may be available, both NPD and NVUSD must be in a solid financial position to meet any matching fund requirements during the course of the grant and to financially sustain those

increases in staffing after the grant has expired. These programs require responsible planning and are impacted by State actions which remove local tax dollars from cities and also mandates for new State regulations that are imposed on local jurisdictions. Such actions have a serious impact on local public services like this one.

Campus Security and Safety – 3. Fire Safety

Finding #4:

Annual fire inspections of Napa secondary schools were not conducted for more than 18 to 24 months.

Recommendation #4:

Napa Valley Unified School District (NVUSD) staff must both immediately request fire inspections be conducted and develop a tracking procedure to ensure they are completed annually. Equally, the Napa Fire Department must conduct annual school fire inspections, and work with the NVUSD to ensure they are completed each year.

Response requested by Napa Fire Department Fire Chief and Fire Marshal

Response:

The Napa Fire Department Fire Chief and Fire Marshal concur that annual inspections were not completed within a 12-month period at New Tech High School, Napa High School, Vintage High School, Harvest Middle School, Silverado Middle School, and Redwood Middle School.

As of May 18, 2005, nine of the twenty-four NVUSD sites were inspected with the remainder to be completed by the end of the year. Those sites that were furthest from their last inspection date were moved up and given priority. In addition, the Facilities and Maintenance staff, Director of Student Services and all school principals will receive the findings from the fire and life-safety inspections for their respective campuses.

Administrative Management – 3. Napa City Fire Department

Finding #15:

The Grand Jury found a lack of communication, oversight and management within the Napa City Fire Department, as it relates to the NVUSD.

Recommendation #15:

The Napa City Fire Department must maintain mechanisms for communication, oversight and management, as it relates to the NVUSD.

Response requested by Napa City Fire Department Fire Chief.

Response:

The City of Napa Fire Department Fire Chief concurs with the recommendation and will receive monthly reports from the Fire Marshal regarding the progress and status of school fire and life-safety issues. Quarterly meetings shall be scheduled with the Fire Department, the Director of Student Services and the Director of Facilities and Maintenance for the NVUSD.

Inspection scheduling and tracking was transferred from the Fire Prevention Bureau database into the Fire Department's electronic record management system (Fire RMS). As a result, the Fire Department Administrative Division and Fire Prevention Division will have a more accurate method of tracking, coordinating inspections and producing reports.

Finding #16:

The 2002 and 2003 Fire inspections for Napa city middle and high schools did not indicate need for classroom-specific fire protection equipment.

Recommendation #16:

All fire department safety inspections must include recommended classroom specific equipment in all schools.

Response requested by Napa City Fire Department Fire Chief and Fire Marshal.

Response:

The Napa City Fire Department Fire Chief and Fire Marshal determine which inspection techniques and types of first-aid fire protection equipment at NVUSD sites are appropriate for the type of hazard. It is in accordance with nationally recognized standards and minimum state fire and life-safety requirements.

The Grand Jury Report states, "the inspection failed to check for specialized fire equipment specific to classrooms needing a particular type of fire extinguisher, a fire blanket and other protective equipment."

On page 48 of the report there is a reference made to the lack of a fire extinguisher "that can be sprayed directly on a person" contributed to the burn injuries of a high school welding shop student.

The Napa City Fire Department Fire Chief and Fire Marshal have researched this issue and do not agree with the report findings. Specifically, there are no manufactured types of fire extinguishers rated or approved for application on a person. Many extinguishing agents contain irritants and corrosive compounds. Discharging a pressurized extinguisher onto a person would most likely result in a serious injury.

The four fire extinguishers located in the metal shop classroom were appropriate for the type of process and hazards present. In addition, there are no prescribed code requirements for the inspector to mandate a fire blanket in the metal shop classroom. The National Fire Protection Association standards do address fire blankets for laboratories using chemicals, health care facilities, oxygen enriched atmospheres and processes involving metal dusts, metal powders and combustible metals. Lastly, personal protective clothing and required shop safety equipment for students is not within the scope of practice for our fire inspectors.