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## 2006 - 2007 Napa County Grand Jury



**Front Row Seated Left to Right:** David J. Linden, Taya Darrow, Frank Billante (Foreperson 7/1/06 to 11/06), Sarah E. Simpson, Paul Rogers, Joanne Sutro, Kathleen McClure

**Back Row from Left to Right:** Sandra Foley, Lowell Stalbaum, Jeffery Moore, David Lowgren, Stephen Vance, Donald Bevins, Frank Fradella, William Hurtt (Foreperson 11/01/06 to 6/30/07), Lorie Clift (Pro Tem)

**Not Pictured:** Jan Bouch, Sandra Hyman, William O'Byrne, Ward Studt Jr.

Hon. Francisca P. Tisher  
Presiding Judge  
Superior Court, County of Napa  
825 Brown Street  
Napa, CA 94559

**Re: 2006-2007 Napa County Grand Jury Final Report**

Dear Judge Tisher:

Pursuant to California Penal Code Section 933, I am pleased to submit the Final Report of the Napa County Grand Jury for 2006-2007. This Grand Jury has been engaged for the past year in investigating the operation of various government offices, and tax supported agencies and districts to determine and report on how they are performing.

This Final Report presents the findings of the entire Grand Jury, with the exception of the sections of the Report pertaining to the operations of the City of Napa Finance Department and the Community Development Department. One Grand Juror, a private developer, did participate in data collection and interviews with representatives of these offices and in drafting the report. He was excluded from voting on the acceptance of these sections of the Report.

This Grand Jury represented a broad spectrum of the population and locales of Napa County, and the members gave generously of their time, experience and talents to serve the residents of Napa County. It was a pleasure to work with them, and I thank them for their service.

Respectfully,

William Hurtt, Foreperson  
2006-2007 Grand Jury

To the Citizens of Napa County:

We, the members of the 2006-2007 Napa County Grand Jury, are pleased to present our final report.

The role of the Grand Jury is to serve as a quality assurance program for public agencies in Napa County. The 2006-2007 Grand Jury conducted investigations into the operation and management practices of nine agencies and produced eleven separate reports. We also investigated a number of citizen complaints.

Our final report includes:

- A description of how we conducted the business of the Grand Jury.
- Required reports – the results of investigations that are conducted pursuant to Penal Code Section 199, which states in part, “Every County Grand Jury will inquire into the condition and management of public prisons in the County.”
- Investigation Reports – the results of our investigation into other agencies that are examined on a regular basis.
- A report on the extent to which County agencies are implementing the recommendations of the 2005-2006 Grand Jury.

Napa County Counsel has reviewed this final report and the Presiding Judge of the Napa County Superior Court has certified that the report complies with title 4 of the California Penal Code. The final report has also been accepted and filed as a public document by the County Clerk.

Copies of the final report are available for your review in the Napa City Library and on line by following the link to the Grand Jury at [www.napa.courts.ca.gov/](http://www.napa.courts.ca.gov/)

It has been a pleasure to serve you over the course of the last twelve months. We hope you find the final report interesting and informative.

2006-2007 Napa County Grand Jurors

# ACKNOWLEDGMENTS

The 2006-2007 Napa County Grand Jury wishes to acknowledge the assistance of the following persons:

The Honorable Diane M. Price, Napa County Superior Court

Robert Westmeyer, Napa County Counsel

Patricia Tyrell, Deputy County Counsel

Stephen Bouch, Court Executive Officer

Connie Brennan, Assistant Court Executive Officer

Joseph G. Peatman, President, Gassar Foundation

Sheryl Sylwesiuk, Office Manager, Gassar Foundation

Jason Moore, Image Photography

Napa County Grand Juror's Association

California Grand Juror's Association

The Families of the Grand Jury Members

# Function of the Grand Jury

## The Grand Jury

The primary function of the Grand Jury is to examine all aspects of local government, including county and city agencies and special districts. The nineteen- member Grand Jury in Napa County conducts non-criminal investigations to ensure that governmental funds are judiciously used, that services are effectively delivered, and that all accounts are properly audited.

The Grand Jury is an independent and confidential body. The Presiding Judge of the Superior Court, the District Attorney, the County Counsel and the State Attorney General can, and do, provide advice, but they may not prevent the body from acting within its jurisdiction except for legal cause.

A county Grand Jury does not have jurisdiction in state or federal matters and cannot investigate state or federal agencies. Nor does it have any jurisdiction over the courts or a matter that is in litigation. But, in general, governmental bodies within Napa County, and events involving those bodies, can be investigated by the Grand Jury.

Grand Jurors are expected to be fair, to show sound judgment, to maintain absolute confidentiality, and to serve as representatives of the public. Therefore, the Grand Jury is not the forum from which to express narrow political ideals or viewpoints but is, rather, the organization that seeks to better the government that presently exists. Members are selected from among Napa County residents. Beginning in 1993, all residents were offered an opportunity to volunteer; judges and friends of the court also may nominate county residents. Up to ten members, in their initial term of service may volunteer to hold over for an additional year. Each Grand Jury is impaneled for one year, from July 1 through the following June 30.

## How to apply to be a member of the Napa County Grand Jury

Napa County residents who are interested in serving as Grand Jurors are encouraged to apply. To be considered, an applicant must:

- A citizen of the United States and at least 18 years old
- Have resided in Napa County for a least one year
- Have ordinary intelligence and good character
- Posses a working knowledge of the English language
- Not currently serving as a trial juror
- Not have been a Grand Juror within one year of being selected (except holdovers)
- Not have been convicted of a felony or malfeasance in office
- Not currently be serving as an elected official

Interested citizens should write to the Superior Court, Napa County, Suite 125, 825 Brown Street, Napa 94559, or call 299-1113 to volunteer or nominate someone. To find out more, visit the Grand Jury website at [www.napa.courts.ca.gov](http://www.napa.courts.ca.gov).

The Grand Jury is an arm of the court system rather than the District Attorney's office and is not a law enforcement agency. For the most part, Grand Juries function as civil grand juries rather than criminal grand juries. The reason for this is that preliminary hearings in the courts have, in general, taken the place of criminal indictments by grand juries. In the federal system, the rule is the opposite because the United States Constitution requires grand jury indictments for all serious federal crimes. Grand Jury has very limited powers. The California Supreme Court has held that the Grand Jury does not have inherent powers to establish its own investigative apparatus for the detection of crime. Moreover, a Grand Jury should not engage in fishing expeditions, have hidden agendas, or meddle indiscriminately. The scope of inquiry of a Grand Jury is limited to those subjects that are founded upon knowledge, which comes to the Grand Jury and, by information acquired from Grand Jury investigations or from individual Grand Jurors' own observations. For the most part, Grand Jurors are charged with investigating the operations, accounts and records of the officers and departments of local government, and the method or system those officers and departments employ in performing their duties.

A Grand Jury conducts investigations, whose findings are approved by at least twelve of nineteen grand jurors. At the end of its term, the Grand



Jury's final report is then published and provided to the general public after it has been reviewed and approved for release by the court.

In extraordinary circumstances, the Grand Jury may become a participant in the legal process to remove from office or indict a government official, but any such action initiated by the Grand Jury must be based in facts substantiated and confirmed by the Grand Jury's own investigation. The Grand Jury can take no action based solely on allegations of other parties.

California law provides for civil and criminal function for Grand Juries. While a Grand Jury may also function as a criminal Grand Jury, it is unlikely that would occur. Were a criminal matter to be taken up by a Grand Jury at the request of the District Attorney, it is likely that a separate Grand Jury would be convened for that purpose.

## **How investigations are conducted**

Jurors initially meet with the management and staff of an agency. The various records of the agency are inspected, the physical facilities are inspected, and representative public meetings, if any, are attended. Leads are followed that might provide additional information. Eventually, proposed findings and recommendations are developed.

## **Citizen complaints and letters to the Grand Jury**

Correspondence is received occasionally from citizens expressing concern or requesting investigation of various city agencies, county agencies or special districts. Each complaint is reviewed by the Grand Jury and action is taken in one of the following ways (1) investigate the matter and make a report (2) investigate the matter and drop it; or (3) drop the matter without investigation. It is best to submit any complaint or request at the beginning of the jury term so that the Grand Jury will have sufficient time to investigate the matter. Due to constraints of time, a Grand Jury may refer a complaint to the subsequent year's Grand Jury.

## **What happens after the Grand Jury's Final Report is published**

Copies of the Grand Jury Final Report are maintained on file in the office of the Court Executive Officer and the Clerk of the Board of Supervisors, where they remain accessible to the public. Final reports are also available at county libraries, in local newspapers and on the following website, [www.napa.courts.ca.gov](http://www.napa.courts.ca.gov). Agencies that are required to make responses must respond in writing to the Presiding Judge of the Superior Court of California, Napa County, within 60 to 90 days after publication of the report. The responses must be placed on file with the clerk of the investigated agency and at the office of the Court Executive Officer and may be accessed by the public at those locations as well as the Grand Jury website.

# Note to Respondents

The legal requirement for response to Grand Jury findings and recommendations are set forth in California Penal Code, Section 933.05. Each respondent should become familiar with those legal requirements and, if in doubt, should consult with legal counsel before responding. For the assistance of Respondents, Section 933.05 of the Penal Code is summarized below.

## How to respond to findings

The responding person or entity must respond in one of two ways:

1. That there is agreement with the finding.
2. That there is disagreement, wholly or partially, with the finding. In such a case, the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

## How to report action taken in response to a finding and recommendation

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

1. The recommendation has been implemented, with a summary of actions taken.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires future analysis. If a 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 final report by which time the recommendation will be discussed.
4. 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.

## **Budgetary or personnel recommendations**

If a finding or recommendation deals with the 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 of the Board of Supervisors may be somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

## **Advance release of Grand Jury report**

Two working days prior to public release of the Final Report, the Grand Jury is required to provide a copy of the pertinent portion of the report to each affected agency or person. *No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release.*

## **Time to respond; to whom to respond**

The Penal Code provides for two different response methods:

1. **For a Public Agency:** The governing body (i.e. the Board of Supervisors, a City Council, Board of Governors of a special District, etc.) of the public agency must respond within ninety days after public release of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.
2. **For an Elected Officer or Agency Head:** All elected officers or heads of agencies that are required to respond must do so within sixty days after public release of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court, with an information copy to the Board of Supervisors.

**2006-2007 Grand Jury  
Reply to the City of Napa  
Response  
to  
The 2005-2006 Grand Jury Report  
on  
City of Napa Finance Department,  
Community Development  
Department and Building Permit  
Process**

**SUMMARY**

The 2006-2007 Grand Jury reviewed the recommendations listed in the 2005-2006 Grand Jury Report with regard to the City of Napa Finance Department, Community Development Department (CDD) and Building Permit Process. Additionally, the current Grand Jury has reviewed the City of Napa's response to the 2005-2006 Grand Jury Report. Numerous documents were examined and interviews of key city employees were conducted as listed under Methodology below. The 2006-2007 Grand Jury has concluded the following;

1. The City of Napa adopted a majority of the recommendations listed in the 2005-2006 Grand Jury Report. Several key recommendations from the Grand Jury as well as those of the original 2002 Maximus Report were not adopted. Improvements in customer services are underway at CDD and continued monitoring and evaluation will be necessary.
  
2. The Development Advisory Committee (DAC), being made up of a variety of local development professionals, property owners and other concerned citizens has been valuable in oversight of the CDD. This citizens group should continue to work with the City, with the goal of reducing problems in the development review process.

3. The new “*Trackit*” computer systems will be useful only so far as adherence to policies requiring all hours and work produced by staff members be logged into the system.

4. This Grand Jury agrees with the 2005-2006 Grand Jury Recommendation that an independent third party full audit be performed of all fees collected, revenues generated and relationship of those revenues to the actual cost of the processing of building/development applications.

## **BACKGROUND**

The 2005-2006 Napa County Grand Jury Report included a review of the City of Napa Finance Department, CDD and the building application process. As a result of that investigation, the Grand Jury made a total of twelve (12) recommendations for improvement of the Napa Finance Department and CDD.

On August 15, 2006, the Napa City Council submitted a point-by-point response to the 2005-2006 Grand Jury Report.

Changes at City Hall began in the fall of 2006 with the retirement of the former City Manager, and the hiring of a replacement. In the spring of 2007, the new City Manager made significant changes at CDD and in the Finance Department. The department head at CDD retired, with the position remaining vacant. The head of the Finance Department retired and the assistant was promoted to the position. A second Assistant City Manager position was created to oversee the CDD and the development application review process. In addition, the DAC, a citizen forum of local development professionals, property owners and other concerned citizens was formed to assist the City of Napa in improving the operations of CDD.

The 2006-2007 Grand Jury re-investigated the Finance Department, CDD and the building application process to assess the City’s implementation of the previous Jury’s recommendations.

## **METHODOLOGY**

## **Interviews Conducted**

- Mayor of Napa
- City Manager (retired)
- City Manager (newly hired)
- City Director of Finance (now retired)
- CDD Director (now retired)
- Chief Building Official
- DAC Chairperson

## **Documents Reviewed**

- 2005-2006 Grand Jury Report on City of Napa Finance, Community Development, Application Process
- August 15, 2006 City Response to the 2005-2006 Grand Jury
- State Controller's Report Controllers Report
- Adopted Budgets for 2003-2004, 2004-2005, 2005-2006 and 2006-2007
- Four (4) variations of Computation of Full Labor Cost/City of Napa employees (various salary levels).
- City of Napa Cost Recovery Manual
- 2002 Maximus Report.
- 

## **COMMENDATION**

The CDD and the City of Napa are to be commended on their willing participation with the DAC. Through this ongoing open discussion, problems of the past will be removed and working solutions will be established. This will make a world of difference as Napa continues to grow by infilling neighborhoods, and revitalizing itself with new and improved commercial areas.

## **DISCUSSION 1**

### **Compliance with Maximus Report**

This Grand Jury reviewed the City of Napa's response to the 2005-2006 Grand Jury Report with the then serving CDD Director. Contained in the City's response is a 50-item list outlining implementation of the original 2002 Maximus Report. One of the first items of note was the Director's well-worn copy of the 2002 Maximus Report, complete with highlighted passages and bookmarks. This Grand Jury was informed that the

Planning Manager and the Development Engineering Manager resigned in the spring 2006. The Planning Manager and Development Engineering Manager positions have been filled temporarily with existing personnel. Due to budget restrictions, permanent replacements for these positions were not hired. Of the 50 points of response to the 2002 Maximus Report, only seven (7) items in the Report were either rejected or not yet fully implemented, in some cases due to the City's current financial difficulties.

One of the seven items not implemented was the recommendation that the City develop written department policies and operating procedures as well as specific job descriptions. According to the new City Manager, the 2002 Maximus Report has set a good baseline for CDD. There is a need to complete standardized policies and procedures, along with appropriate short-term goals for the department. In addition, goals and objectives need to be updated regularly to stimulate growth and overall improvement for the staff. With policies and procedures documents, sound goals and objectives, employee evaluation and departmental evaluation can more easily be accomplished.

Though some of the methods outlined in the original 2002 Maximus Report may not be possible due in part to budget constraint, the overall goals of clear, timely, accountable and professional project application processing still apply.

## **Finding 1**

The City of Napa CDD lacks sufficient, specific written policies and procedures. In addition to written departmental goals and objectives, written comprehensive job descriptions for each position are needed.

## **Recommendation 1**

CDD should draft and make public its written policies, operating procedures and job descriptions consistent with the recommendations of the 2002 Maximus Report.



## **DISCUSSION 2**

### **Quality of Service**

The 2005-2006 Grand Jury reported that customer service at the CDD was lacking. Recommendation number 9 in that report was made in response to that issue.

Shortly after the release of the 2005-2006 Grand Jury Report in July of 2006, the first meeting of the DAC was held. This group was first called together a year previously by the now retired CDD Director as part of the City's response to the 2002-2003 Grand Jury Report on the same issues. However, as the group's concerns and suggestions went unresolved, they formed a separate and autonomous group to outline and promote a course of corrective action to improve service and accountability within the CDD. The DAC continues with regular meetings, and extensive interaction with the City of Napa to assist in establishing some of the stated goals of the City of Napa and the DAC itself.

City management confirms a good working relationship with DAC and acknowledges that the DAC has contributed to correction of some of the customer service issues reported by the prior Grand Jury.

### **Finding 2**

The City of Napa has recognized and is working with the DAC.

### **Recommendation 2**

The City of Napa should continue to involve and utilize the DAC for oversight, feedback and direction toward correction and ongoing effectiveness of the CDD. Further, this committee should be left autonomous, to provide independent and effective oversight of the CDD

## **DISCUSSION 3**

### **Staff Project Billing via *Trackit***

One of the major recommendations of the 2002 Maximus Report was the need for an improved tracking system in regards to building permits, and commercial and residential planning. The City of Napa purchased

*Trackit*, a software program. When the CDD demonstrated the program to the 2005-2006 Grand Jury in the spring of 2006, it had been in use for six months. Some of the components were not functioning and staff was partially trained with *Trackit*.

The 2006-2007 Grand Jury visited CDD in December 2006, specifically to see the progress made in implementing the system. By then, most elements of the software were operational, data from the old system were entered and most employees were using *Trackit* regularly. This Grand Jury observed some data input errors and other minor problems consistent with converting to the new system. The program proved adaptable. As errors were found they were quickly corrected, or in the case of some items, the manager could modify the software to correct the situation for future entries of that type.

### **Finding 3**

The *Trackit* software program has the potential to be useful for managing and processing project applications for CDD. It can also serve to document the staff hours actually applied to the various projects and relate them to the Department's billings. Ongoing review and correction on the part of CDD management is crucial for the successful implementation of this costly software.

### **Recommendation 3**

CDD management should continue to monitor employee use of *Trackit* to check for accurate data entry. For this software system to be useful, it is imperative that staff post billable hours on a daily basis. Continued training of staff should accomplish this goal.

## **DISCUSSION 4**

### **Consultant Billing**

Regular reports from *Trackit* are prepared and examined by CDD management as a tool in monitoring internal staffing, and billable hours. An area of concern is that outside consultants who are contracted by the City of Napa to review and comment on building/development applications

are not required to provide itemized billing statements showing how their time was spent on reviewing a project.

## **Finding 4**

Charges by consultants are often not itemized, and thus there is no verifiable relationship between the work performed and the amount billed.

## **Recommendation 4**

Outside consultants should be required to itemize their charges.

## **DISCUSSION 5**

### **Accounting of Prior CDD Revenue/Expense**

The 2005-2006 Grand Jury found that the City of Napa's Finance Department was unable to document total revenues generated from project applicant fees, and could not provide backup to establish the uses to which planning process fees were applied. The 2005-2006 Grand Jury recommended that the City of Napa hire an independent auditor to examine all revenues generated by the permit application system for the prior five years, as well as the use to which those revenues were spent.

The 2006-2007 Grand Jury reviewed the City of Napa's response to these 2005-2006 findings and concluded that they are inadequate, lacking detail and supporting documentation. Furthermore, the City of Napa has not complied with the recommendation that it retain an independent auditor.

The "City of Napa Cost Recovery Manual" governs this process by stating, "... *It is policy to establish fees to recover the cost of providing certain services. Once established, fees should be reviewed annually to ensure that all the reasonable costs incurred providing these services are being recouped. The City is generally precluded from recovering more than the cost of a service by Proposition 4, which requires that the fees and charges in excess of total cost be counted as taxes against the City's Gann limit. To avoid either over or undercharging for City services, fees and charges must be based on a cost recovery analysis....*" [Citation]

By disregarding its own stated policy and the 2005-2006 Grand Jury recommendation, the City of Napa has failed to account for the actual cost to review and process development applications and the total revenues

derived therefrom and the costs to which they are applied. It is impossible to determine the actual and reasonable cost of the development process without an audit.

## **Finding 5**

The audit recommended by the 2005-2006 Grand Jury has not been performed.

## **Recommendation 5**

A complete audit should be performed to establish the cost of providing services, the amount of fees generated, and the purposes for which they are used. The City Council should make the necessary funds available to retain a private firm to complete this audit, covering the years from 2000 to the present.

## **RESPONSE REQUIRED**

None

## **GLOSSARY**

CDD - Community Development Department

DAC -Development Advisory Committee

Maximus - A private consulting company

*Trackit* - New Planning and Building Department software

**Additional Information Obtained  
from  
The 2006-2007 Grand Jury  
Response Investigation  
Of The City of Napa Response  
to  
The 2005-2006 Grand Jury Report  
on  
City of Napa Finance Department,  
Community Development  
Department and Building Permit  
Process**

**SUMMARY**

During investigation of the City of Napa response to the 2005-2006 Grand Jury Report on Finance Department, Community Development Department and Building Permit Process, the following new information came to the attention of this Grand Jury:

1. A new consulting report from Maximus for the Community Development Department (CDD) and development application process billings has been contracted by the City of Napa.
2. The amount of charges included for cost of overhead are overstated in the billings sent to applicants for development project application review.

## **METHODOLOGY**

### **Interviews Conducted**

- Mayor of Napa
- City Director of Finance (now retired)
- Chief Building Official

### **Documents Reviewed**

- December 2005 Fee Study Proposal from Maximus
- September 13, 2006 Agreement for Services/Maximus-City of Napa
- January 7, 2007 amendment to Agreement for Services/Maximus-City of Napa
- Electronic file with 144 folders, including e-mails and worksheets specific to the current Maximus fee study
- Four (4) variations of Computation of Full Labor Cost/City of Napa employees (various salary levels)
- City of Napa Cost Recovery Manual

## **DISCUSSION 1**

### **Current Maximus Study of Fees and Charges**

During investigation of the City of Napa Response to the 2005-2006 Report, information was obtained about an additional fee study being performed for the City of Napa by Maximus. Since the information appeared to be relevant to the prior Grand Jury's work, the 2006-2007 Grand Jury examined the documents.

The proposal was initiated in December of 2005 with preliminary discussions between City and Maximus progressing through August of 2006. Final signing of the contract took place in September of 2006. The City made no mention of this fee study to the 2005-2006 Grand Jury, nor did they refer to it in their response to the 2005-2006 Grand Jury Report dated August 15, 2006.

Of specific concern is the City's response to Recommendation 1 (a & b) of the 2005-2006 Grand Jury Report, wherein the City refused to order an audit of the previous five (5) years of income and expenses for the CDD. In their Response, the City cited the process as "too expensive as well as

time consuming” while simultaneously ordering a \$36,000 study from a consulting firm to review CDD billing practices.

The new Maximus proposal, which directed the consultant to perform a study of the current fee structure, was initiated in December of 2005. Contracts were approved on September 13 2006, less than 30 days after the City’s response to the 2005-2006 Grand Jury. The original contract for the study called for delivery of the final report within two and one half months of the contract date. As of the writing of this Grand Jury Report, the contract amount for the “fee study” has been amended to increase the cost to \$46,000. No status reports or drafts have yet been received by the City of Napa according to senior City management. The Grand Jury did finally receive a computer disk from an employee of the City that included 144 files; mostly inter-departmental e-mails giving the consultant directions as to how to write the report. Specific dollar amounts, which were established on spreadsheet showing actual expenses, were adjusted based on City employees “feelings” that those expenses should reflect higher totals.

No final report had been delivered to the City as of May 2007. Any such study, once completed, will of course be rendered meaningless if not inclusive of a full accounting standard audit of the annual “actual cost” of the processing of development applications.

## **Finding 1**

The City of Napa failed to adequately notify all interested parties, and obtain appropriate public input, prior to initiating a study of the CDD and billing practices. The study parameters appear to fail to achieve the level of accountability called for by the 2005-2006 Grand Jury.

## **Recommendation 1**

The City should hold up the study until sufficient public review and comment has been obtained. The objectives and parameters of the study should be sufficient to address the public concerns for the billing practices of the City of Napa, the CDD, and the project application process.

## **DISCUSSION 2**

### **Overhead Charges Included in the Billings**

Because CDD billing accountability came under question in the 2005-2006 Grand Jury Report, this Grand Jury reviewed four recent employee time records that were posted on *Trackit*. The employees all showed to be entering about the same number of billable hours each week as a percentage of their total time spent working. Of the total hours worked per week, only 30% to 35% of the hours were spent by city employees on actual development project application review business. No example reviewed by this Grand Jury exceeded this percentage of the employee's time. Conversely, according to Finance Department heads interviewed, the billing structure being applied to development project reviews reflects a 100% recovery of all City cost for all operations and support of the CDD. This 100% factor includes all direct and indirect departments to the development applications review process. This Grand Jury reviewed the City's breakdown of the hourly charges billed for each of the categories of hourly rates and found that charges included not only 100% factors for CDD overhead (facilities, utilities, staff costs, etc.) but also additional costs for all City operations were being factored into the rate billed.

The "City of Napa Cost Recovery Manual" governs this process by stating, "... *It is policy to establish fees to recover the cost of providing certain services. Once established, fees should be reviewed annually to ensure that all the reasonable costs incurred providing these services are being recouped. The City is generally precluded from recovering more than the cost of a service by Proposition 4, which requires that the fees and charges in excess of total cost be counted as taxes against the City's Gann limit. To avoid either over or undercharging for City services, fees and charges must be based on a cost recovery analysis....*" [Citation]

### **Finding 2**

Overhead costs have been overstated in the billings sent to applicants for the City's cost of project application review process.

### **Recommendation 2**

The City should prepare a recovery of costs document that would more accurately reflect recovery of only actual cost for all services. This recovery of cost document should be updated and approved annually by



the City Council, to insure complete but accurate and accountable reimbursement to the City of Napa.

## **RESPONSE REQUIRED**

City Manager  
City Council

## **GLOSSARY**

CDD - Community Development Department  
Maximus - A private consulting company  
*Trackit* - New Planning and Building Department software

# NAPA VALLEY UNIFIED SCHOOL DISTRICT

## SUMMARY

The 2004-2005 Grand Jury conducted a broad scope investigation of the Napa Valley Unified School District (NVUSD). After reviewing the District's Letter of Response to this investigation, the 2005-2006 Grand Jury decided it was necessary to conduct a further investigation into areas they identified as "*having extensive, serious concerns and issues affecting student health and safety, and NVUSD's Administration operations and leadership*". After reviewing the NVUSD response to the 2005-2006 Grand Jury and interviewing the NVUSD Superintendent and Interim Director of Student Services, the 2006-2007 Grand Jury found that NVUSD has made a concerted effort to address and correct all issues that were brought forward by the former Grand Jury.

## BACKGROUND

The 2005-2006 Grand Jury decided to "*reinvestigate NVUSD appropriate changes were implemented and progress was made with operational and leadership revisions*". The 2006-2007 Grand Jury, in its role as an investigative body, elected to follow up the 2005-2006 Grand Jury's findings and recommendations to the NVUSD and to compare its actual response with its written response to the Grand Jury's findings. The subject areas of concern addressed were administration leadership, campus security, fire safety, emergency/disaster safety, food safety, student health and district financial management.

## METHODOLOGY

### Interviews Conducted

- NVUSD Superintendent
- Interim Director of Student Services

## **DOCUMENTS REVIEWED**

- Napa County Grand Jury 2005-2006 Final Report
- NVUSD Response to Napa Grand Jury 2005-2006 Final Report
- School Emergency Response Guide
- Update to NVUSD Response to the Napa County Grand Jury 2005-2006 Grand Jury Final Report. Excerpts from this Response are contained in this report.

## **COMMENDATION**

The 2006-2007 commends NVUSD for its candor and willingness to review and update the Findings and Recommendations of the 2005-2006 Grand Jury. It is evident that the Superintendent and Interim Director of Student Services are making a sincere effort to address the concerns raised in the Report in spite of the budgetary constraints placed upon the District, the Napa County Office of Education(NCOE) and the City of Napa.

## **DISCUSSION**

### **Subject Areas Investigated**

- Administration Leadership
- Campus Security and Safety
- Fire Safety
- Emergency/Disaster Safety
- Food Safety
- Student Health
- District Financial Management

## **ADMINISTRATIVE LEADERSHIP**

### **2005-2006 Grand Jury Finding 1(a)**

*District Administration leadership is ineffective or absent in accomplishing their own self-ascribed action plans and goals. Continued lack of sufficient oversight, management, supervision, and communication resounds throughout District-level administrators. The job is not getting done.*

### **2005-2006 Grand Jury Recommendation 1(a)**

*NVUSD Board of Trustees hold all District Administrators accountable for leadership and job performance.*

### **NVUSD Response 1(a)**

In a report to the NVUSD Board of Education on February 1, 2007 the Superintendent stated that Recommendation 1(a) has been implemented. The status of this implementation is now public record subject to input and comments from the Board of Education and the public.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

All District administrators are evaluated on job performance by their supervisor. The Superintendent is evaluated by the Board of Education. The District vision and goals are embedded in the evaluation process as well as in the site plan for student achievement. A Learning Support Partner is assigned to each site to assist site leadership in attaining District and site goals.

### **2005-2006 Grand Jury Finding 1(b)**

*In spite of repeated expressions of intent, the District's corresponding actions are either missing or fall significantly short of accomplishment.*

### **2005-2006 Grand Jury Recommendation (1b)**

*District Administration to:*

- *Review and redesign or develop necessary policies and procedures that functionally accomplish the task*
- *Establish a system of checks and balances that will maintain clear, concrete mechanisms of:*
  1. *oversight, communication and management of persons and processes to assure accomplishment of operations*
  2. *supervision of staff, holding all accountable for assigned responsibilities.*

### **NVUSD Response (1b)**

A tracking process that identifies all the commitments of this response has been developed and will be brought to the Board for review in February, 2007.

### **NVUSD Update reported to 2006-2007 Grand Jury**

An Interim Director of Student Services has been hired. The following processes/procedures are ongoing along with procedural and summative evaluation:

- The Standardized Emergency Management Systems (SEMS) training through Project Prepared has been completed in all schools in the NVUSD. In addition, National Emergency Management System (NEMS) training has been completed for the Education Center staff.
- An oversight committee is supervising the implementation of Student Wellness policies.
- Health and Safety policies have been reviewed and are being updated and will be presented to the Board upon completion.
- New policies regarding gangs and the use of steroids have been adopted.
- The Expulsion Task Force is completing a year long review of student discipline procedures.
- Employees are held accountable for implementation of policies.
- District employees regularly engage in professional development activities and reviews of District goals, practices and procedures.
- Education Trust West was engaged by the District in the Spring of 2006 to consult and guide the District in development of a rigorous secondary curriculum.
- NVUSD and NCOE continue to collaborate on a variety of District issues affecting student safety, achievement, and accountability.

### **2005-2006 Grand Jury Finding 2(a)**

*Full time Security Reserve Officer (SRO) staffing at every middle and high school campus remains crucial to student health and safety. NVUSD continues to avoid directly addressing the unequal SRO staffing identified.*

### **2005-2006 Grand Jury Recommendation 2(a)**

NVUSD should support each Middle and High School equally with SRO staffing hours and availability.

### **NVUSD Response 2(a)**

The District has addressed SRO staff issues during the past year, including possible funding and consideration of the needs of a non-targeted school. This recommendation requires further analysis. This analysis will be led by the new Director of Student Services and will be completed by February 1, 2007.

### **NVUSD Update reported to 2006-2007 Grand Jury**

NVUSD continues to investigate this issue and has met with the District, NCOE, Napa and American Canyon Police Department, Napa County Sheriff and Probation, and the City of Napa. There is a consensus for the need for increased SRO staffing at the middle schools in a proactive

educational format. The lack of available additional SRO staffing time would necessitate a shift from high school staffing which would lessen the preventive impact at those sites. The Superintendent and the Interim Student Services Director state that it is important to direct the focus of the SROs to the middle schools where gang prevention and education can be the most effective. Presently there are 3 SROs which are funded 50/50 by the NVUSD and by the Napa City Police Department. The cost allocated to each SRO is \$125,000 per year. One full time officer rotates between the campuses of Vintage High School and New Technology High School. Another officer covers the campuses of Napa High School and Valley Oak. The third officer rotates between the local middle schools. This year there is also one full time SRO at American Canyon supported by a grant from Napa County and American Canyon. This grant ends in October, 2007. The District hopes that with the funding available at this time, NVUSD can maintain the level of SRO staffing presently in place. Outside funding for the SRO program from private foundations will continue to be investigated.

### **2005-2006 Grand Jury Finding 2(b)**

*The District did not report any further action to seek added SRO financial support.*

### **2005-2006 Grand Jury Recommendation 2(b)**

*NVUSD meet the Napa Police Department's (NPD) commitment to staff each secondary school with a full time SRO starting in the 2006-2007 school year.*

*NVUSD look beyond state or federal grants as financial resources for SRO funding, and seek private funding such as local foundations and organizations.*

### **NVUSD Response 2(b)**

The Grand Jury recommendation to look beyond grants to seek private local funding will be investigated with a preliminary report to the Board of Education on February 1, 2007.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

Because the District suspects that its need exceeds that which could be reasonably raised, private funding has not been heavily investigated. The District will continue to explore public and private foundations and grant opportunities to fund SRO positions.

### **2006-2007 Grand Jury Recommendation 2(b)**

In light of recent violent acts which have occurred on high school and college campuses elsewhere, this Grand Jury recommends that NVUSD make a concerted effort to secure funding for an additional SRO for the 2007-2008 school year.

### **2005-2006 Grand Jury Finding 3(a)**

*The Campus Supervisor Study to evaluate staffing levels has not been accomplished.*

### **2005-2006 Grand Jury Recommendation 3(a)**

*NVUSD needs to conduct its Campus Supervisor Study to evaluate staffing levels.*

### **NVUSD Response 3(a)**

The District agreed to conduct an additional Campus Supervisor staffing analysis by no later than February 1, 2007.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

The Campus Supervisor staffing analysis requesting funding for increased Supervisor hours has been completed and was presented to the Board of Education on April 19, 2007. Securing funding for additional hours is an ongoing process and must continue to be a focus of attention.

### **2005-2006 Grand Jury Finding 3(b)**

*NVUSD has neglected to increase Campus Supervisor hours as student census has increased at each Middle and High School.*

### **2005-2006 Grand Jury Recommendation 3(b)**

*NVUSD increase Campus Supervisor hours on each Middle and High School campus, based on the same Campus Supervisor/Student ratios as their 1997 staffing records show.*

### **NVUSD Response 3(b)**

The District promised to study this issue taking into account their budgetary limitations.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

See Recommendation 3(a) District Update.

### **2005-2006 Grand Jury Finding 4**

*Security cameras can not take the place of sufficient SROs, Campus Supervisors, and Dean staffing, and are not the solution to added supervision needs.*

### **2005-2006 Grand Jury Recommendation 4**

*Increase Campus Supervisor staffing one at each Middle and High School campus, rather than plan to obtain security cameras and monitors sometime in the future.*

### **NVUSD Response 4**

This recommendation will not be implemented because it is not reasonable. While the District continually monitors student behavior and is aware of changes and developments, we will meet with school principals by no later than February 1, 2007 for the express purpose of determining if additional supervisors are needed as indicated above under Recommendation 3(b).

### **NVUSD Update Reported to 2006-2007 Grand Jury**

See Recommendation 3(a) District Update. Measure G included funding for security equipment.

### **2005-2006 Grand Jury Finding 5**

*The High School Dean position does not need added teaching or supervising duties and responsibilities. Instead, the huge role of the Dean warrants added supportive help with full time SRO and added Campus Supervisor hours.*

### **2005-2006 Grand Jury Recommendation 5(a)**

*To help achieve more staffing stability in the High School Dean position, NVUSD can provide added support, via increased Campus Supervisors and SRO hours per secondary school to assist the Dean managing student needs and behaviors.*

### **NVUSD Response 5(a)**



The District will continue to encourage high school principals to explore better ways of organizing their administrative teams. For example, as New Technology High School has grown from 200 to 400 students, a part time assistant principal has been added rather than a Dean. The principal and the assistant principal of each school are responsible for determining how best to address each school's student service needs.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

The Superintendent states that at this time no dean has instructional hours. Included in the plans for the new American Canyon High School staffing is a concept of dividing the student population into four small learning communities with an equal number of students. Each learning group will have an assistant principal and a counselor. There will be no Dean position.

### **Recommendation 5(b)**

*NVUSD establish an immediate and long term plan to address the increasing need for added staffing for improved student management and prevention support on each of the Middle and High School campuses.*

### **NVUSD Response 5(b)**

The District has added an Administrator of Interventions to address behavioral interventions at each school. All schools have positive behavior services, and the district has increased its staffing of behaviorists to support school staff.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

- An Interim Director of Students Services has been hired.
- Two full time behaviorists have been added to the District
- 6.4 counselors have been added to middle and high school sites.
- Behavior Training is being offered throughout the District.
- Special Education is currently conducting a comprehensive survey to determine appropriate curriculum and instruction.
- The Northern California Diagnostic Center is providing instructional training to employees who work with severely handicapped students.
- Academic interventions include tutoring programs, California High School Exit Examination (CAHSEE) Intervention classes during the day and on Saturday supplementary master schedules to offer additional intervention classes, and restructured instructional time at the elementary level.

## **2005-2006 Grand Jury Finding 6**

*The District's Fire Inspection Control Log is inadequate to identify which schools require re-inspections and which are "cleared". The inadequate procedures do not enable District staff to ensure the timely fire inspection clearance of each school, creating unsafe conditions for students and staff.*

## **2005-2006 Grand Jury Recommendation 6**

*The NVUSD needs to redesign and implement a functional tracking system for school fire inspections; and to establish a system of checks and balances to assure accountability and compliance.*

## **NVUSD Response 6**

The District has agreed to improve the system and follow through.

## **NVUSD Update Reported to 2006-2007 Grand Jury**

The District Maintenance and Operations (M&O) maintains a log of fire inspection dates. The Fire Department is to be notified 30 days before the due date for the next inspection. In turn, the Fire Department contacts the site regarding scheduling an inspection.

## **2005-2006 Grand Jury Finding 7**

*Aging school alarm systems result in some of the emergency alarms being inoperable or inaudible. Staff reports an inadequate alert system for these areas so that students and teachers can not be made aware of both real emergencies and school drills.*

## **2005-2006 Grand Jury Recommendation 7(a)**

*NVUSD must budget for repair or replacement of defective alarms.*

## **NVUSD Response 7(a)**

The District believes that the alert systems are adequate to ensure that students and teachers can be made aware of both emergencies and drills. The District will continually work to upgrade those systems.

## **NVUSD Update Reported to 2006-2007 Grand Jury**

A budget is allocated on an ongoing basis each year for repair and replacement of alarms. It is a permanent part of the repair and replacement portion of the budget.

## **Recommendation 7(b)**

*Until all alarms are fully functional NVUSD needs to develop, train and incorporate into the District Emergency and Disaster Plan an alert system for teachers and students in these inaudible or inoperable alarm areas.*

### **NVUSD Response 7(b)**

All fire alarm systems were fully functional by the end of the summer of 2005, and continue to be operational at the time of this report. Working together with the fire departments, the District is prepared in the event of a partial or full failure to utilize a fire watch system which requires the use of telephones and/or runners and walkie/talkies to notify all school staff in the event of a fire. The District has had to use a fire watch system on occasion for either a part or all of a school. The system requires written direction to be given to all staff and that the fire department is notified when a fire watch is in place.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

According to the Superintendent, all alarms are fully functional.

### **2005-2006 Grand Jury Finding 8**

*District procedures lack supervisory oversight and management to assure that each school has received the required SEMS training.*

### **Recommendation 8(a)**

*SEMS training for designated staff at each NVUSD school is to be completed by October 1, 2006.*

### **Recommendation 8(b)**

*Develop and implement SEMS training tracking records and a system of checks and balances, with a concise monitoring for total SEMS compliance.*

### **NVUSD Response 8(a) and 8(b)**

The District expects that Standardized Emergency Management System (SEMS) training for all schools in the District as well as the District Office will be completed no later than February 1, 2007.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

The Superintendent reports that all SEMS and National Emergency Management Systems (NEMS) training at each school was completed by February 24, 2007. Each school is provided with an Emergency Operation Plan binder. Plans must be updated on an annual basis and the updates are maintained in the Superintendent's Office.

## **2005-2006 Grand Jury Finding 9**

*The District's current Emergency Disaster Drill Control Log does not document each school's required completed drills, and does not enable the District to oversee, manage and hold the school's accountable for mandated drills.*

## **2005-2006 Grand Jury Recommendation 9**

*The District must review and revise its tracking procedures to document emergency/disaster drills, and ensure regulatory mandated drills are accomplished.*

## **NVUSD Response 9**

The recommendation will be implemented by District staff as described by March 31, 2007.

## **NVUSD Update Reported to 2006-2007 Grand Jury**

Fire Drills are currently monitored by M&O. M&O will design a spreadsheet to track dates for all emergency drills.

## **2005-2006 Grand Jury Finding 10(a)**

*Staff certification in either cardiopulmonary resuscitation (CPR) or first aid (FA) has not been done.*

## **2005-2006 Grand Jury Recommendation 10(a)**

*Certify designated staff in FA and CPR as required by SEMS.*

## **2005-2006 Grand Jury Finding 10(b)**

*District Administration lacks oversight, management and tracking for accountability of staff certification in both FA and CPR.*

## **2005-2006 Grand Jury Recommendation 10(b)**

*Develop and implement a tracking system to ensure not only that all SEMS designated staff FA and CPR certifications are completed but also renewed within the required time frame.*

## **NVUSD Response 10(a) and 10(b)**

The District recognizes the need to have as many staff members trained as possible and conducted a number of trainings last year through the Napa Valley Adult School. They report that they are doing all that they can to increase the number of staff members who have current certification and will report progress on this issue to the Board of Education by February 1, 2007.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

The Emergency Operation Plan for each school site identifies Staff members who are certified in FA and CPR. This list is updated annually. The District continues to provide opportunities for additional staff to be trained.

### **2005-2006 Grand Jury Finding 11**

*Not every cafeteria and kitchen in the targeted school has received an annual inspection and passing grade.*

### **2005-2006 Recommendation 11(a)**

*The District Food Service Director needs to develop and implement a tracking system to assure food service operations complete their annual inspections with a passing grade, and obtain clearance inspections following any complaint investigation or violations.*

### **2005-2006 Recommendation 11(b)**

*The Food Service Director is not a NUVSD employee. Assign a District Administrator to assure annual inspections are done, with any violations cleared, and all food service operations receive a passing grade.*

### **NVUSD Response 11(a) and 11(b)**

There is ambiguity in the inspection protocols between the District and the Health Department. All of the schools received passing grades, although NHS was asked to replace wooden tables with stainless steel. That change was made for the new school year. The Food Service Department is in the process of implementing a tracking system of all operating kitchens. It will consist of a log of inspections performed by the County Health Department on an annual basis, and should be in place by January 1, 2007. The tracking log will be maintained by the District Food Services Manager who is employed by the NVUSD. The log will be reviewed on a quarterly basis with the Assistant Superintendent of Business Services. This process will be fully implemented by January 1, 2007.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

Food Services has created a tracking system which indicates sites that have been inspected and the inspection date. The NVUSD Food Services Manager receives and logs the reports from the County Health Department. The reports are in place and available for inspection in the Food Services Office. Starting in 2007, the NVUSD Food Service Manager will meet on a quarterly basis with the Assistant Superintendent of Business Services to review County Health Department reports.

### **2005-2006 Grand Jury Finding 12**

*NVUSD SEMS designated staff have not completed FA and CPR certification which continues to compromise the presence and availability of qualified trained staff on each campus.*

### **2005-2006 Grand Jury Recommendation 12**

*Implement Recommendation 9 with the initial staff trainings for FA and CPR certification completed by November 1, 2006.*

### **NVUSD Response 12**

The District is recognizes the need to maximize the number of staff with FA and CPR certifications.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

The State of California Department of Education requires that part of the preliminary teacher credentialing process includes training and certification in the performance of CPR on infants, children and adults. With the safety of the District population in mind, the District now has a CPR/FA certified instructor who is also credentialed teacher. This instructor will teach CPR at individual school campuses on Wednesday afternoons. Some classes will be held within the next few weeks. Beginning the 2007-2008 school year, CPR/FA classes will be held on a regular schedule throughout the NVUSD. CPR recertification also will continue to be provided through the Napa Valley Adult School.

### **2005-2006 Grand Jury Finding 13**

No documentation of credentialed/licensed nurses conducting annual inservice for health clerks on storage and dispensing of medications was provided.

### **2005-2006 Grand Jury Recommendation 13**

*Annually conduct and document staff training in the storage and dispensing of medications. The Credentialed Nurse(s) need to be held accountable for conducting the trainings.*

### **NVUSD Response 13**

The credentialed nurses will provide documentation of the staff training in the storage and dispensing of medications by October 1<sup>st</sup> of each school year. The Director of Student Services will follow-up to ensure that the training is completed.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

This Recommendation has been completed. Each site maintains a log indicating trained staff.

### **2005-2006 Grand Jury Finding 14(a)**

*NVUSD continues to accumulate uncollected accounts receivables, while attempting to resolve their large past debts with simplistic processes.*

### **2005-2006 Grand Jury Finding 14(b)**

*The District's Finance Department did not have a Director this past school year to oversee, manage, and implement the redesign of new procedures and systems.*

### **2005-2006 Grand Jury Recommendation 14(a)**

*NVUSD must:*

- *Utilize a professional private CPA firm to review and establish policy, procedures and organization for NVUSD Business Department accounts receivables.*
- *Require payment in full either in advance or due at the time District services are provided.*

### **2005-2006 Grand Jury Recommendation 14(b)**

*Assign an Interim Director to provide leadership and to be held accountable for resolving the ongoing accounts receivable problems.*

### **NVUSD Response 14(a) and 14(b)**

A professional private CPA firm has reviewed the policies related to accounts receivable. The Assistant Superintendent for Business is now back on a full time basis. There is no need to hire an Interim Director.

### **NVUSD Update Reported to 2006-2007 Grand Jury**

This Recommendation has been completed.

# **RESPONSE REQUIRED**

NVUSD Superintendent

## **GLOSSARY**

CAHSEE---California High School Exit Examination

CPA ---Certified Public Accountant

CPR ---Cardiopulmonary Resuscitation

FA --- First Aid M&O ... Maintenance and Operations

M&O ---Maintenance and Operations

NCOE ---Napa County Office of Education

NEMS ---National Emergency Management System

NVUSD ---Napa Valley Unified School District

SEMS ---Standardized Emergency Management System

SRO ---Security Reserve Officer



# **ST. HELENA UNIFIED SCHOOL DISTRICT**

## **SUMMARY**

The 2005-2006 Grand Jury conducted an investigation of the St. Helena Unified School District (SHUSD). The subject areas investigated were Fire Safety, Emergency and Disaster Plans, Student Health, Food Safety, Campus Safety, and District Operations.

The 2006-2007 Grand Jury reviewed the prior Grand Jury's findings and recommendations to determine if the actions recommended by the 2005-2006 Grand Jury were implemented. It also reviewed the SHUSD response to the 2005-2006 report and the actions taken by SHUSD to address the concerns of the Jury. In interviews conducted with the Superintendent and the Chief Business Official of the SHUSD, it was determined that all of the concerns of the 2005-2006 Grand Jury have been addressed, and therefore, this Grand Jury has no further recommendations.

## **BACKGROUND**

The 2005-2006 Grand Jury chose to focus their investigation of SHUSD on areas of Student Health and Safety, assuring that the daily operations that provide the safe environment for learning were not neglected or overlooked. This investigation was appropriate as school districts are increasingly challenged by the emphasis placed on student test scores to meet the Federal No Child Left Behind legislative mandate and the California state law for high school seniors to pass a competency examination in order to receive a high school diploma. In addition, the acts of violence occurring elsewhere on school campuses are a reminder of the continued need to focus on school security. The 2006-2007 Grand Jury, in its role as an investigative body, elected to follow up the 2005-2006 Grand Jury's findings and recommendations to the SHUSD and to compare its actual response with its written response to the prior Grand Jury's findings.

# **METHODOLOGY**

## **Interviews Conducted**

- SHUSD Superintendent
- SHUSD Chief Business Official

## **DOCUMENTS REVIEWED**

- Napa County Grand Jury 2005-2006 Final Report
- SHUSD letter of response to the Napa County Grand Jury 2005-2006 dated October 4, 2006 addressed to The Honorable Francisca P. Tisher, Presiding Judge. Excerpts from this letter are included in this report.
- Proposed site plan for St. Helena High School new buildings, track, football field, gymnasium, and swimming pool complex

## **COMMENDATION**

This Grand Jury commends the St. Helena Unified School district for its proactive approach to the recommendations of the 2005-2006 Grand Jury. It is evident that serious consideration of each finding and recommendation was carried out in a timely manner and, after thorough investigation, action was taken to correct and/or resolve each situation identified. Commendation is also given to SHUSD for including energy saving measures in planning the future growth of the District's campuses. The District is presently investigating solar panels to provide electric power at the high school, biofuel for vehicles purchased by the District, and water conservation for athletic fields and landscaping.

# DISCUSSION

## SUBJECT AREAS INVESTIGATED

Fire Safety  
Emergency and Disaster Plans  
Student Health  
Food Safety  
Campus Safety  
District Operations

## FIRE SAFETY

### 2005-2006 Grand Jury Finding 1

*In spite of prior knowledge of the Fire Inspection date, each school had basic, easily corrected violations, with some repeated infractions from the previous year.*

### 2005-2006 Grand Jury Recommendation 1

Fire Safety violations at each of the schools must be corrected and compliance maintained with regulations and standards.

### SHUSD Response 1

SHUSD agreed with this finding, concurred with this recommendation and made the following corrections:

- A second full-time District maintenance person has been hired.
- The Chief Business Official oversees a new computerized work order system in which Health and Safety items are given the highest priority.
- Weekly meetings have been established between the District's Chief Business Official and Maintenance staff to review the status of open work orders.
- Emergency lighting and Exit lights have been checked throughout the SHUSD. Repairs were made where necessary and a regular schedule of maintenance by the lead maintenance worker has been established.
- Fire sprinklers have been inspected and documented as being up to date. District wide annual fire inspection is conducted by St. Helena Fire Chief.

- All speed bumps have been removed and gates cited for lacking “Knox Locks” have been left open for easy access. Additional “Knox Locks” have been purchased.
- Staff has been notified about excessive paper posted on classroom wall.
- Classrooms have been inspected to ensure the appropriate posting of evacuation plans.
- Signage and storage issues have been addressed and corrected.

## **EMERGENCY AND DISASTER PLANS**

### **2005-2006 Grand Jury Finding 2**

*There is a pervasive lack of attention for years to Emergency Preparedness in SHUSD. The District did not begin to implement Emergency/Disaster Policy (BP0450) until the 2005-2006 school year, leaving students and staff vulnerable.*

### **2005-2006 Grand Jury Recommendation 2**

*SHUSD Administration develop and implement an updated, regulation compliant District-wide Emergency Disaster Plan, in addition to participating in NCOE’s (Napa County Office of Education) Project Prepared program.*

### **SHUSD Response 2**

SHUSD assured the Grand Jury that they are fully compliant with both the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) as of September 1, 2006. SHUSD is also a member of NOAO (Napa Operational Area Organization) Project Prepared which was established under SEMS in 1997 to facilitate countrywide coordination of efficiency, planning and response in the event of a disaster. This fulfills a new Federal requirement “to adopt NIMS at the community level”.

# **STUDENT HEALTH**

## **2005-2006 Grand Jury Finding 3**

*Sick or injured High School students do not have a separate, private student healthcare room in which to rest or be treated, while maintaining confidentiality.*

## **2005-2006 Grand Jury Recommendation 3**

*The District will establish a private room for student healthcare at the High School.*

## **SHUSD Response 3**

SHUSD engaged an architect to propose options for establishing a new dedicated healthcare room in the main office area where a sick student could be attended to in privacy. According to the Superintendent, budgetary challenges facing the District combined with the relatively few number of hours per year that a separate healthcare room is called for, has led them to conclude that construction of a new room dedicated to the care of a sick student cannot at this time be justified. The District will re-evaluate the option of a separate room for student health care should new revenue opportunities become available. Until that time, student health and safety will continue to be served by attending to sick students in the main office area.

## **2005-2006 Grand Jury Finding 4**

*A licensed nurse is needed to fulfill the required training of health care providing staff, and to review each school's specific setting for medical safety, including disposal of hazardous waste*

## **2005-2006 Grand Jury Recommendation 4**

*The District will contract with a licensed nurse to perform the required staff training and annual medical safety review.*

## **SHUSD Response 4**

SHUSD has expanded its contract with a Registered Nurse to provide annual mandatory grade level health screenings for hearing, vision, and scoliosis. The Nurse also conducts the annual training of school site office staff in the proper administration of medications and the proper documentation, storage, and disposal of medication and sharps. The Director of Health and Safety obtained sharps container boxes for each campus, and established a procedure for disposal of sharps and other medical hazardous waste. The Director is also responsible for ensuring all health screenings and trainings are conducted and documented. EpiPens for the emergency treatment of allergic reactions are available on each campus and expiration dates are monitored by the office staff and replaced when expired.

## **2005-2006 Grand Jury Finding 5**

*The District records indicate most of the staff certifications in Cardiopulmonary Resuscitation (CPR) and/or First Aid (FA) are expired.*

## **2005-2006 Grand Jury Recommendation 5**

*CPR and FA certification of staff needs to be logged and tracked, with an assigned staff and to monitor and alert staff before certification renewal is due.*

## **SHUSD Response 5**

The District Director of Health and Safety has established a District-wide system for arranging annual certification training, for documenting those taking the training, and for alerting staff when a certification renewal is due. In August 2006, 37 staff members attended CPR, FA and bloodborne pathogen training. A tracking database has been established as recommended by the 2005-2006 Grand Jury to ensure that at least one staff member at each school holds a valid certificate in these areas in accordance with Board Policy. Furthermore, all high school coaches are required to hold valid certificates in CPR and FA in accordance with California Education Code Section 35179.1. In addition to this training, in-service workshops were held for all principals and coaching staff to increase their awareness of possible situations of sexual harassment.

## **FOOD SAFETY**

### **2005-2006 Grand Jury Finding 6**

*SHUSD has limited food transportation vehicles and food warming units.*

### **2005-2006 Grand Jury Recommendation 6**

*SHUSD needs to provide sufficient professional transportation vehicles to distribute prepared foods to the receiving school kitchens; and needs backup warming unit(s) for times of impaired equipment.*

## **SHUSD Response 6**

The Board of Trustees approved the purchase of a new food transport van with a lift gate of sufficient size and capacity for loading and unloading hot and cold food carts, and additional warming units. The recently purchased van operates on biodiesel fuel from oil collected from local restaurants and processed by the students under the supervision of the science teachers, thus providing students with an educational opportunity.

## **2005-2006 Grand Jury Finding 7**

*SHUSD middle school's kitchen is too small and lacks an enclosed area for ordering food and a cafeteria for eating.*

## **2005-2006 Grand Jury Recommendation 7**

*To improve food service at the middle school, SHUSD needs to provide it with a more appropriate size and designed kitchen, having a corresponding protected cafeteria for student use.*

## **SHUSD Response 7**

To address the concerns of the 2005-2006 Grand Jury, SHUSD recently reconfigured the serving area at the middle school to allow the service of food directly into the multi-purpose room which also doubles as the school's cafeteria during inclement weather. Food continues to be served in the open patio area during good weather. All food service is conducted in a manner to protect the anonymity of those students receiving special funding for meals. Food is prepared offsite and is transported to the middle school kitchen which is used solely as a serving station for which it is appropriately sized. As a serving station this facility consistently receives "A" Grades from the Napa County Department of Environmental Health.

## **2005-2006 Grand Jury Finding 8**

*Significant safety concerns are found on each campus.*

## **2005-2006 Grand Jury Recommendation 8 (a)**

*Assign one (1) or two (2) staff persons per site to weekly survey the school for a safe environment. Provide a tracking and reporting process to assure the concerns are reviewed and resolved.*



## **SHUSD Response 8 (a)**

In Response to recommendation 8a SHUSD has done the following:

- A new ADA-compliant water fountain has been installed at the Elementary School replacing a substandard water fountain.
- A bulldozer which had been parked behind the middle school has been moved.
- Specific concerns noted at the high school have been corrected at eyewash stations, welding hood stations, and science storage areas.
- To prevent vandalism, particularly at the elementary school during non-school hours, SHUSD is working with the St. Helena Police Department to increase its community policing presence at the site.
- The site custodian conducts a physical “sweep” inspection of the campus at 6 a.m. each school day and corrective actions are taken (e.g. graffiti removed, broken windows repaired) prior to arrival of students in the morning.
- Augmented maintenance and operations staff.
- Clarified the primary responsibility of principals as site administrators for the purpose of identifying health and safety issues at the individual campuses.
- Established a work order system that ensures tracking and monitoring of issues from identification to resolution.

## **2005-2006 Grand Jury Recommendation 8 (b)**

*Provide staff with an annual safety precautions and standards in-service, including the charge to develop and use their “safety eyes” by periodically looking at the campus with the focus of ensuring school safety.*

## **SHUSD Response 8 (b)**

*All principals attend bi-weekly management meetings which include a review of health and safety issues at each campus and also participate in a three day management meeting every August where the status of*

*health and safety issues are discussed. Included in these meetings is information on any new developments, precautions, and/or standards.*

## **2005-2006 Grand Jury Recommendation 9 (a)**

*SHUSD will establish and implement a comprehensive district wide safety plan.*

## **SHUSD Response 9 (a)**

The Superintendent reports that a district-wide school safety committee met on September 1, 2006. The meeting was attended by 26 people, including District administrators, teachers, and classified staff. A broad cross-section of the community was represented including parents, St. Helena's mayor, the city manager, the fire chief, the police chief and local representatives of the Red Cross. This group discussed the status of emergency and safety compliance issues; the status of campus emergency supplies, equipment and communications; and the potential for conducting comprehensive campus safety and security audits. The District's Director of Health and Safety is working with this safety committee to update the comprehensive District-wide safety plan during the 2006-2007 academic year.

## **2005-2006 Grand Jury Recommendation 9 (b)**

*To ensure compliance not only with legal mandates but the district's own policies, staff must be held accountable for job responsibilities and performance.*

## **SHUSD Response 9 (b)**

With the help of a consultant hired by the District for this specific purpose, and the District Safety Officer, the District has taken steps to:

Increase accountability for health and safety at all levels

Revamp and commit to automating its maintenance work order system  
Expand its maintenance and operations staff  
Elevate issues of health and safety to the highest priority for maintenance and repairs

The District has established points of accountability for:

Surveying each school's safety environment at least once per week.  
Monitoring and tracking corrections and repairs identified in facility safety inspections.  
Establishing compliance with emergency preparedness standards and regulations.  
Establishing and training school emergency management teams at each campus.  
Conducting and documenting medical care trainings and medical safety inspections at each campus.  
Logging and tracking training certification for CPR and FA.  
Updating the District-wide comprehensive safety plan.

## **RESPONSE REQUIRED**

None

## **GLOSSARY**

ADA-----Americans with Disabilities Act  
CPR ----- Cardio-pulmonary Resuscitation  
FA ----- First Aid  
NCOE ----- Napa County Office of Education  
NIMS ----- National Incident Management System  
NOAO ----- Napa Operational Area Organization  
SEMS ----- Standardized Emergency Management System  
SHUSD ----- St. Helena Unified School District

# **ST. HELENA UNIFIED SCHOOL DISTRICT**

## **ROBERT LOUIS STEVENSON MIDDLE SCHOOL**

### **SUMMARY**

The 2006-2007 Grand Jury investigated allegations that student body funds at Robert Louis Stevenson Middle School (RLSMS), a St. Helena Unified School District school (SHUSD), had been mishandled. These allegations were published in the "Letters to the Editor" section of the *St. Helena Star* newspaper. No malfeasance by the District was found.

### **BACKGROUND**

St. Helena Unified School District serves the city of St. Helena, and operates four (4) schools: a primary school for kindergarten through 2<sup>nd</sup> grade students; an elementary school for 3<sup>rd</sup> through 5<sup>th</sup> grade students; a middle school for 6<sup>th</sup> through 8<sup>th</sup> grade students; and a high school for 9<sup>th</sup> through 12<sup>th</sup> grade students. The schools, while on separate campuses, are not far apart.

RLSMS is located within the SHUSD. The student population includes 351 students in grades 6-8. There are 2 administrative staff, 3 clerical staff, 2 custodians, and 18 teachers serving this student population. During the 2005-2006 school year an accounting clerk hired specifically for RLMS handled the Associated Student Body Funds.

In a letter to the Editor of the *St. Helena Star* on October 19, 2006, a former principal of RLSMS alludes to a rumor that a member of the administration staff of the SHUSD indicated in a public meeting that he, the former principal, misappropriated \$7,000 from student funds.

In another letter to the editor of the *St. Helena Star* on November 2, 2006, the president of the RLSMS Parent Group states that in an audit conducted by the SHUSD of the RLSMS financial books, it was found that \$8,5000 of accounting mistakes were made.

## **METHODOLOGY**

### **Interviews Conducted**

- SHUSD Superintendent
- SHUSD Chief Business Official

### **Documents Reviewed**

- SHUSD Audit conducted on March 13 and 14, 2006, by GRW & Company, Inc. an accounting company that provides school business and information services.
- *St. Helena Star* Letters to the Editor, October 19, 2006 and November 2, 2006

## **COMMENDATION**

SHUSD Administration is to be commended for their prompt action in addressing the allegations made public in the “Letters to the Editor” feature of the “*St. Helena Star*”. New policies and procedures will help in eliminating possible future fiscal mishandling of SHUSD funds.

## **DISCUSSION**

This Grand Jury’s investigation of the mishandling of student body funds will be reported in two categories.

## **ALLEGATION OF MISAPPROPRIATION OF \$7,000**

### **Finding 1**

This Grand Jury found that money collected by a bilingual parents’ group at RLSMS was banked independent of the SHUSD at a Yountville bank. The parents’ group did not follow SHUSD procedure for disposition of acquired funds. The account did have the requisite double signatories. Ignorance of SHUSD policies and procedures by the parents’ group and lack of oversight by school administration contributed to this error. These

funds were brought into the SHUSD accounts when the situation was discovered.

## **Recommendation 1**

Administrative oversight by the Chief Business Official and attention to SHUSD policies and procedures by each school's administrative staff are crucial to the appropriate accounting and disposition of all funds donated or collected for the benefit of the school population. In addition, it is critical that all parent groups be notified of these written policies and procedures to ensure the proper disposition of acquired funds.

## **ALLEGATION OF MISHANDLING OF \$8,500**

### **Finding 1**

The 2006-2007 Grand Jury found that an accounting error in the Associated Student Body Fund (ASBF) in the amount of \$8,500 was discovered during an audit by the accounting firm of GRW & Company. The audit was conducted on March 13 and 14, 2006, and reported to the Superintendent of the SHUSD on April 17, 2006. The report of this audit is available to the public at the SHUSD Office.

*The findings of the audit include the fact that "while the bank statements had been being reconciled, there were numerous reconciling items that had not been cleared up. Most of these items were deposits that were recorded twice. Voided checks were not voided in the financial system; thus student organizations were given incorrect and inflated fund balances. As a result of these items being addressed, the account balances were reduced by approximately \$8,500".*

Other inaccurate and inappropriate accounting procedures were identified in the auditing process. The Superintendent reports that steps have been taken to correct the inaccurate accounting of funds at the RLSMS. These steps include the removal of the accounting clerk responsible for these errors, the appointment of a new Chief Business Official who oversees all financial matters, and the establishment of a new accounting system using a computer program to track all financial transactions.

## **Recommendation 1**

This Grand Jury recommends that attention to and oversight of all accounting policies and procedures in the SHUSD be followed and that the appropriate training of all personnel responsible for handling funds be a priority of the Chief Business Official.

## **RESPONSE REQUIRED**

None

## **GLOSSARY**

ASBF--- Associated Student Body Funds  
RLSMS--- Robert Louis Stevenson Middle School  
*St. Helena Star* ---Local newspaper  
SHUSD --- St. Helena Unified School District

# **CHILD WELFARE SERVICES DEPARTMENT**

## **SUMMARY**

The 2006-2007 Napa County Grand Jury completed a series of interviews focused on the Child Welfare Services Department of the Napa County Health and Human Services Agency. Interview subjects included Child Welfare Services (CWS) staff, the staff of ancillary agencies, members of the Napa County judiciary, mandatory reporters and foster parents.

The Grand Jury found the CWS committed to serving children in need and notes that even though the department is in the midst of transition (new directorship, new employees, and organizational changes), a number of initiatives have already begun to improve services provided to the community. However, some areas need to be strengthened.

Although no official complaint was brought to this Grand Jury regarding CWS, the Grand Jury did hear several accounts of ineffective Child Welfare investigations.

## **BACKGROUND**

Napa County CWS receives reports of child abuse and neglect through a variety of sources including mandatory reporters, concerned family members, and concerned citizens. Mandatory reporters includes a wide range of professionals, including (but not limited to) doctors, nurses, teachers, and therapists.

CWS investigates allegations of abuse and neglect and provides a range of services to safeguard children. Based on their findings, CWS may take a variety of actions, including referring the family to another agency, working with parents to develop better parenting skills, or ultimately removing a child(ren) from the home. They supervise children in relative care and foster care placements, and provide reunification and family maintenance services whenever possible.



The Grand Jury chose to examine CWS since there had not been a review for a number of years, and because of the seriousness and sensitive nature of the work for which CWS responsibility.

## **METHODOLOGY**

### **Interviews Conducted and Resources Reviewed**

- Health and Human Services Agency Director
- Foster Parent
- Relative Adoptive Parent
- Child Welfare Services Director
- Former Child Welfare Services Manager
- Child Welfare Social Workers
- Napa Emergency Women's Services (NEWS) Staff
- Court Appointed Special Advocates (CASA) Staff
- Napa Valley Unified School District Staff
- Members of the Judiciary who interact with CWS
- Legal Advocate
- Mental Health Professional
- California Consulting 2005 Report and Findings
- Comprehensive Assessment Tool
- Letters and emails from interested parties

## **COMMENDATION**

The Grand Jury commends the staff and management of CWS, dedicated professionals who care deeply about their work and about the welfare of the children of Napa County.

The Grand Jury endorses the plan and direction that has been recently undertaken and believes that CWS will continue to improve and further align with state initiatives.

The Grand Jury thanks and commends the foster parents and CASA volunteers of Napa County for their efforts, dedication, and general interest in improving the lives of children who are subject to abuse and neglect. Foster parents and CASA volunteers commit their time to receive extensive training on child welfare, child development and legal issues. They also add their individual life experience and professional expertise along with a genuine desire to improve the quality of life of children who are remanded to their care.

## **DISCUSSION 1**

When the Grand Jury began its investigation in the fall of 2006, it found that a comprehensive review and reorganization of CWS was in progress under the direction of the new Director of Napa County's Health and Human Services Agency.

As a part of that process, a private company, California Consulting, had been retained to analyze CWS' structure, staffing and operations. The consultant's report included approximately 50 recommendations.

Changes that have been implemented include reclassifying the Department Manager position to a Director position, adding a new position of Assistant Director, and increasing the number of social workers and support staff.

CWS has been aggressive in its recruiting and hiring efforts, and is filling new and vacant positions as quickly as possible.

The Department's practice of scheduling Emergency Response workers seven days a week, from 8:00 a.m. to 10:00 p.m., was creating an unnecessary strain on human resources. Effective May 1, 2007, Emergency Response workers are scheduled Monday through Friday, from 8:00 a.m. to 7:00 p.m. After-hours coverage is now provided by the Adult Crisis unit and an on-call system for CWS workers and supervisors. This approach is in keeping with the system used by most of the larger counties in California.

Through interviews and the review of the California Consulting Report and Findings, the Grand Jury affirms the direction and steps taken for improving services for children in the child welfare system both on a statewide and local level. The Grand Jury further acknowledges the difficult job of addressing the complex needs of children who are in situations of abuse and neglect and the commitment of Child Welfare staff to improving the lives of children and families in need.

## **Finding 1**

The Grand Jury consistently heard complaints centered around communication with CWS.

## **Recommendation 1**

It is likely that a lack of adequate staffing was a major contributing factor to poor communication practices. This problem should be ameliorated with the addition of new staff and the filling of vacant positions.

Additionally, the Grand Jury recommends that CWS examine its communication practices and develop a triage system for assessing the degree of urgency of calls in order to improve communication with all interested parties. The Grand Jury also recommends that efforts be made to use support staff to help improve communication practices and thereby free up social workers to focus directly on client needs.

The Grand Jury further recommends immediate implementation of a policy requiring social workers to keep their voice and email messaging system current by recording or posting messages notifying callers if they are unavailable due to vacation or other extended leave. The caller should also be informed when to expect a return call, or as an alternative, how to get immediate assistance.

## **Finding 2**

The Grand Jury finds that there is a significant need for bi-lingual Child Welfare staff and foster parents. This is a universal problem for CWS and reflects the changing diversity of not only Napa County and the State of California, but also the nation.

## **Recommendation 2**

The Grand Jury recommends that there be a focus on recruitment and retention of bi-lingual staff. The Grand Jury acknowledges that CWS is aware of this need and has made efforts to increase staff diversity. The Grand Jury supports this effort and any additional targeted efforts to increase the number of bi-lingual staff and foster parents.

The Grand Jury also acknowledges that CWS has future plans to develop Spanish language materials and an outreach campaign to the

Spanish-speaking community. The Grand Jury urges the Director of Napa County Health and Human Services Agency to make funding available for these outreach efforts.

### **Finding 3**

The Grand Jury finds a serious shortage of services available for emergency foster care placements. When children are removed from their homes, including removal in the middle of the night, they are currently brought to the Child Welfare offices while social workers locate appropriate placement.

The Child Welfare office is not a conducive setting for minimizing the trauma a child(ren) experiences when they are removed from their home. A safe and appropriate shelter is needed for children under these circumstances to lessen the trauma and ease the transition to a foster care placement.

CWS is part of a consortium of agencies within Napa County which is working to create a Receiving Center in downtown Napa to address this need. A location has been identified and community members have offered their services pro-bono to rehabilitate the existing structure. Grant money is being sought to develop and operate this Receiving Center.

### **Recommendation 3**

The Grand Jury endorses the Receiving Center concept and strongly recommends that the Director of Health and Human Services ensure that sufficient funding is available to make the new center operational as soon as possible.

### **Finding 4**

The Grand Jury finds that there is an urgent need for respite care for foster parents, for both emergency and overnight child care.

Because there are restrictions regarding individuals that care for children who are wards of the court, foster parents can not hire just any babysitter as other parents do. Securing an appropriate babysitter so that foster parents can enjoy an evening away from the children can be

challenging. Currently there also is no place for foster parents to drop off children in an emergency situation.

## **Recommendation 4**

The Grand Jury recommends that efforts to address foster care respite, both for relative and non-relative foster parents, be a high priority. The Grand Jury acknowledges that the proposed receiving center will also provide some respite care. The Grand Jury believes that ongoing efforts to provide respite care should be a high priority, an action which may improve the ability of Napa County to recruit and retain foster parents.

## **Finding 5**

The Grand Jury finds that the current system of financial compensation to foster parents for the care of children placed in their homes is inadequate. Monthly payments of \$450 per child fall far short of the actual out-of-pocket costs of providing a child with food, shelter, clothing, transportation and school-related expenses.

Foster care reimbursement rates are set by the California State Department of Social Services. A bill currently pending in the State Assembly, AB324, would require an immediate increase in foster care payments, as well as annual adjustments.

Additionally, the Napa County Department of Health and Human Services is seeking non-governmental partnerships within our local community to create ancillary funding in support of foster children's unmet needs, such as sports equipment, field trips and additional clothing, among others.

Another common complaint is that foster care reimbursement payments frequently lag three months or more behind incurred expenses. This cash flow problem presents a serious challenge for many and is an impediment to recruiting and retaining foster parents.

These payments are authorized by the State and subsequently distributed by the County Auditor's Office.

## **Recommendation 5**

The Grand Jury is encouraged by pending legislation which would increase payments to foster parents, and endorses efforts by the Department of Health and Human Services to create public/private partnerships to help meet the needs of foster children in our community.

The Grand Jury recommends that CWS begin to monitor the actual time taken for foster parents to receive reimbursement checks.

The Grand Jury further recommends that, if the lag time is found to be excessive, CWS identify any possible procedures within Napa County that would expedite the payments, and actively advocate at the State level for more timely payments to foster parents.

## **DISCUSSION 2**

The Grand Jury heard several complaints that CWS lacked clear criteria for responding to referrals, and that the agency's responses to referrals, including the removal of children from their homes, have been inconsistently applied.

The Grand Jury heard reports of minimal action taken by the agency in response to repeated referrals from professionals concerned about children being seriously neglected and/or abused within their homes.

It should be noted that the incidents related to the Grand Jury took place in the past. However, because of the troubling nature of these accounts and the credibility of the professionals reporting these problems, the Grand Jury feels compelled to include this information in its report.

The Grand Jury further notes that during the course of its investigation, the Department of CWS has recently (February 2007) instituted the Comprehensive Assessment Tool (CAT) Safety and Risk Assessment System. This evidenced-based system, utilizes five safety and risk assessment tools for use at seven critical decision points in the life of a child welfare case, providing critical decision making support for social workers.

## **Finding 6**

The Grand Jury finds that, among professionals interacting with the child welfare system, there is a lack of confidence in CWS's procedures for investigating and acting on abuse allegations.

The Grand Jury recognizes that CWS has major responsibilities for cases being processed through Juvenile Court, but has a limited role in cases being processed through Family Law Court. A lack of understanding about CWS's authority to act in each court may contribute to an impression that the agency is not consistent in its response to referrals.

## **Recommendation 6**

The Grand Jury endorses the implementation of the CAT tool and recommends that the Director of CWS evaluate the efficacy of this system periodically to ensure that it is improving service to families in need.

The Grand Jury recommends that all new hires are thoroughly trained to utilize the CAT tools.

## **RESPONSE REQUIRED**

The Grand Jury requests a response from the Director of Health and Human Services, regarding Recommendations 4 and 5, ensuring sufficient funding to support the Receiving Center and increase availability of respite care.

## **GLOSSARY**

CASA --- Court Appointed Special Advocates  
CAT --- Comprehensive Assessment Tool  
CWS --- Child Welfare Services  
NEWS --- Napa Emergency Women's Services

# NAPA SANITATION DISTRICT

## SUMMARY

The Grand Jury investigated the Napa Sanitation District (NSD) to determine if the District's increase in Sewer Service Charges beginning in the fiscal year 2006/2007 by 15% is appropriate. There will also be 15% increases in the fiscal years 2007/2008 and 2008/2009. Beginning in the 2009/2010 fiscal year and in each fiscal year thereafter, rates shall automatically increase or decrease according to the Consumer Price Index (CPI) for all urban consumers for the San Francisco-Oakland-San Jose area. The Grand Jury also broadened its investigation to include a look at policies and procedures of the District and its short and long-term planning goals. The Grand Jury was impressed by the high level of dedication of NSD's employees, managers and Board of Directors.

## BACKGROUND

The Grand Jury responded to public concerns regarding the NSD's announced intention to increase Sewer Service Charges beginning in the fiscal year 2006/2007 by 15% .

The NSD's annual budget is approximately \$14,000,000, of which 87% is derived from sewer charges to property owners. NSD has been operating at a loss for the past three years.

In addition to a growing District population, aging pipelines, the need to replace plant equipment, and improvement requirements mandated by the Regional Water Quality Control Board, upgrades and replacements at NSD are necessary. Capital projects are budgeted to increase by approximately 3% per year.

On August 2, 2006, the Board of Directors of the District adopted Ordinance No. 83, authorizing sewer service rate increases for each year for the next three, fiscal years, followed by CPI adjustments each year thereafter. A public hearing on these increases was held on August 4, 2006.

In response to public concerns, NSD Board of Directors, on November 1, 2006, adopted Ordinance No. 84, which allows rebates of a portion of sewer service charges to owner-occupied low income property owners.



## METHODOLOGY

### Interviews Conducted

- General Manager – NSD
- Assistant General Manager/District Engineer
- Finance Manager
- Office Manager
- Safety, Training & Fleet Maintenance Officer
- Collection System Manager
- Plant Manager
- Senior Civil Engineer
- Recycling Director

### Documents Reviewed

- NSD Operating & Capital Budget for FY 06/07.
- NSD Policies and Procedures Manuals.
- Prior Grand Jury Reports regarding NSD.
- The *Best Practices Analysis* report on NSD performed by Matrix Consulting Group in 2005/2006.
- The NSD Board of Directors' Resolution *ESTABLISHING POLICIES AND PROCEDURES FOR THE DISTRICT'S LOW INCOME PROPERTY OWNER REBATE PROGRAM*.

## COMMENDATION

NSD provides essential services to all residents living in the greater Napa area. Its staff of 49 are well qualified to perform the tasks necessary to continue to provide environmentally sensitive services. Thoughtful long-range planning was evidenced in the Grand Jury's interviews with staff and examination of documents as listed earlier in this report. Several recommendations made by the *Best Practices Analysis* report to NSD by the Matrix Consulting Group, February 8, 2006, have been and are continuing to be adopted by the District.

The Grand Jury was impressed by NSD's response to public concerns about the impact of recently announced rate increases.

## **DISCUSSION 1**

This Grand Jury noted that some senior managers were reluctant to take accrued vacation time because of concerns that problems may arise in their absence that other staff may not be able to handle due to lack of training, certification, or experience.

### **Finding 1**

The Wastewater Treatment Plant Department (WTPD) of NSD is short of certified operators. This deficiency strains existing staff and management and makes the District vulnerable to employee burnout and misuse of overtime.

### **Recommendation 1**

NSD should implement measures to speed up the certification process for its WTPD operators.

## **DISCUSSION 2**

In the 2003-2004 Napa County Grand Jury's report on NSD, the following comments were noted regarding *Reclaimed Water*:

*NSD produces high quality recycled water meeting Title 22 unrestricted use standards and is capable of providing more recycled water than can be delivered to potential users with the current pipeline system.*

*In 2003, the Local Agency Formation Commission (LAFCO) completed a study of the Napa Sanitation District reclamation program. In reviewing infrastructure needs or deficiencies, LAFCO concluded:*

- 1. The Napa Sanitation District's reclamation program is well designed and has adequate capacity to meet existing service demands. The wastewater treatment plant's reclamation facilities can be expanded to meet additional capacity requirements as new users are brought on-line.*

2. *The Napa Sanitation District's Soscol Wastewater Treatment Plant produces tertiary-level treated wastewater. This level of reclaimed water offers the greatest range of beneficial uses, including agricultural, landscaping, industrial, wetlands maintenance and enhancement, and greenbelt preservation.*
3. *The Napa Sanitation District's reclamation program is a beneficial and efficient use of existing water resources by lessening the demand for potable water within its service area.*

Recycled water from the NSD is being utilized by the following :

Golf Courses

- Chardonnay Golf Course
- Eagle Vines Golf Course
- Napa Municipal Golf Course

School

- Napa Valley College

Commercial Developments

- JHL Properties
- Napa Valley Crossroads LLC
- Napa Valley Gateway
- One Executive Way LLC
- Napa Valley Corporate Park

Cemeteries

- Inspiration Chapel

Vineyards

- Chardonnay
- Eagle Vines
- Giles
- Laird
- Grgich
- Meritage
- Napa Valley College Vineyard

Extensions of sites to receive recycled wastewater are dependent upon the proposed expenditures of capital funds as noted in NSD's Operating & Capital Budget, FY 06/07:

Water Reuse Debt Service*	\$623,200
Reclamation Pipeline*	\$500,000

Recycled Water Strategic Plan	\$430,000
Aquifer Storage Recovery Evaluation	\$221,400
Tractor (190-210hp)*	\$200,000
Jameson Cyn. Water Recovery System	\$ 70,000
Biosolids Pod Holding Site Jameson	\$ 50,000
Jameson Pump Station Rehab*	\$ 50,000
Rec. Site Automation Upgrades	\$ 40,000
Kennedy Park Conversion	\$ 40,000

\*These projects are noted as “Critical”

Additional capital expenditures for expanding recycled wastewater use are forecast for the Fiscal Years 2007/08, 2008/09, 2009/10. The NSD also seeks Federal and State grants and low cost loans to finance projects.

## **Finding 2**

The natural process of collecting and treating water from sewage generates more recycled water than can be delivered to potential users.

## **Recommendation 2**

NSD should continue its efforts to bring additional sites on-line for distribution of treated wastewater. Careful forecasting of capital expenditures for this recycling effort should be addressed as each year’s budget is proposed. The District should also investigate and pursue any Federal and State financial assistance for recycled water projects.

## **RESPONSE REQUIRED**

NSD Board of Directors  
NSD General Manager

## **Glossary**

CPI ---Consumers Price Index  
LAFCO---Local Agency Formation Commission  
NSD ---Napa Sanitation District  
WTPD---Wastewater Treatment Department of the NSD

# NAPA COUNTY JUVENILE DETENTION FACILITY

## SUMMARY

The Napa County Grand Jury is mandated to complete an annual inspection of the Napa County Juvenile Detention Facility (NCJDF). This Jury found the NCJDF to be in excellent condition and well staffed by the Juvenile Detention Facility administration and Napa County Probation Departments.

## BACKGROUND

The NCJDF is a secure facility used for the detention of male and female juvenile detainees eighteen years of age or younger.

In addition to the Napa County Grand Jury inspections, the Juvenile Justice Commission, the Delinquency Prevention Commission and the California Standards Authority provide annual oversight.

The Napa County Probation Department oversees the NCJDF's daily operations and is responsible for meeting all regulatory compliance and state mandated protocols.

## METHODOLOGY

### Interviews Conducted

- The Napa County Probation Department
- Chief Probation Officer
- Assistant Chief Probation Officer
- Napa County Juvenile Detention Facility Administration
- Kitchen Staff

### Documents Reviewed

- California Standards Authority Report
- Juvenile Justice Commission Report
- Juvenile Detention Facility Activities & Programs Outline
- Juvenile Detention Facility Grievance Procedural Outline

- Detainee Intake Orientation / Information Packet
- Internal Investigations Guidelines
- Detention Facility Population Statistical Report
- Infection Control Guidelines
- Emergency Health Services Plan
- Fire and Safety Inspection Report
- Education Accountability Report
- Detainee Incident Reports
- Policies and Procedures Manual

## **COMMENDATION**

The Grand Jury has observed and confirmed that the NCJDF and Probation Department perform in a competent and professional manner. The Grand Jury has observed and confirmed that the facility itself is well maintained and operated.

The Grand Jury commends both the administrative and Juvenile Probation staffs for their performance, and further commends the administrative staff on its preparedness and willingness to accommodate the many requests that were submitted by this Grand Jury.

## **DISCUSSION**

Over the course of the year, the 2006–2007 the Napa County Grand Jury conducted two scheduled visits to the detention facility. Our physical observations in conjunction with the interviews conducted and the reports reviewed confirm that the County is successfully fulfilling its entire scope of mandated responsibilities.

## **RESPONSE REQUIRED**

NONE

## **GLOSSARY**

NCJDF-----Napa County Juvenile Detention Facility

# NAPA COUNTY JAIL

## SUMMARY

The 2006-07 Grand Jury has completed its annual inspection of the Napa County Jail. The facilities and operating procedures were found to be adequately maintained and managed. However, this Grand Jury has concerns regarding the use of the Inmate Welfare Fund and the continued management of the Jail by the Napa County Department of Corrections.

## BACKGROUND

The Napa County Jail is a secure facility used for the detention of adult inmates. It is staffed with employees of the Napa County Department of Corrections (NCDC), who are supervised by an interim NCDC Director. The NCDC is responsible for daily operations following regulations provided by the State. The NCDC Director reports to the Napa County Board of Supervisors through the County Executive Officer.

## METHODOLOGY

### Interviews Conducted

- Acting Director
- Correction Lieutenant
- Sergeant
- County Executive Officer
- Assistant County Executive Officer
- Sheriff
- Senior Management Analyst

### Documents Reviewed

- Corrections Standards Authority Biennial Inspection for 2004-06
- Grand Jury Report 2005-06
- Napa County Response to the Grand Jury Report 2005-06
- NCDC Bookings and Average Daily Populations
- NCDC Policies and Procedures manual
- Sample Menus
- Medical Pre-screening Questionnaire
- Napa County Nutritional Health Evaluation

- Napa County Board Agenda Letter
- Napa County General Ledger Organization Revenue Status
- Sterilization Report Form
- Food Facility Inspection Report
- The Carey Group Evidence Based Practices
- Memorandum dated May 22, 1975, to the Napa County Criminal Justice Planning Committee authored by County Administrator Albert J. Haberberger

## **Jail Physical Inspection**

- Initial booking area
- Holding cells
- Sally Port entry
- Male and Female inmate cells
- Food preparation area
- Exercise area
- Visitation area

## **DISCUSSION 1**

The citizens of Napa County can rest assured that the NCDC safely houses law offenders at its jail facility. NCDC sufficiently manages the facility using acceptable practices and policies. The facilities are reasonably well maintained, clean and safe, both for inmates and correctional officers. During inspections all personnel observed showed dedication to the task at hand. NCDC management personnel were knowledgeable, and no obvious problems were observed. Funding for the department seems adequate.

### **Finding 1**

The Napa County Jail is adequately run and serving the county in its designated role.

### **Recommendation 1**

Continue the day-to-day operation of the Napa County Jail, recognizing Recommendations 2 and 3.



## **DISCUSSION 2**

Previous Grand Juries have expressed concern regarding the Inmate Welfare Trust Fund (IWTF). The fund was established to serve as a source of cash to be used for the benefit of the inmates. Money from snack food sales and commissions on inmate phone usage are deposited in this account. As of 2006 this amount totaled approximately \$700,000. (A second fund, the Inmate Cash Trust Fund, is comprised of money from two sources: cash taken at the time of booking, and money deposited by others for the use of the incarcerated person. A check is written from this account and given to the person at the time of release from custody).

The interim NCDC Director reported that the IWTF is used to fund part-time positions in custodial and food service. Although these two positions will make the facility cleaner and provide longer operating times at the commissary, neither will impart long term benefits for the inmates. Many inmates released from custody return to the streets with drug and alcohol problems and anger issues; and some have no prospects for a job or a place to live. Failure to address these long term rehabilitation objectives can result in immediate problems for the inmates' release, and some have no other strategy but to return to a life of crime, and a return stay at the Napa County Jail.

### **Finding 2**

A portion of the Inmate WTF is being used to supplement staffing which will not impart long term benefits to the inmates.

### **Recommendation 2**

This Grand Jury recommends a positive approach by using the IWTF to develop coping strategies for released inmates. The NCDC is encouraged to continue to use the IWTF on inmate welfare, with emphasis on rehabilitation, training programs, and community support to break the cycle of re-entry into the justice system. Additionally, cross referencing is recommended with existing agencies, (e.g. the Hope Center, Napa College, and Napa Valley Unified School District Adult School) to provide meaningful training and support for the re-entry these people into society.

## DISCUSSION 3

On June 10, 1975 the NCDC was created by the Board of Supervisors pursuant to section 23013 of the California Government Code. The Board adopted a resolution authorizing a County Department of Corrections to have jurisdiction over the operation of the Napa County Jail facility and responsibility to coordinate all programs and services related to the institutional care, treatment and rehabilitation of the inmates. In doing so, Napa County opted to divest the Sheriff of responsibility for jail operations by setting up a separate department of corrections with its own Director reporting to the Board of Supervisors. Reasons given were:

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

## Finding 3

Napa County is one of only three counties in the state, (Madera and Santa Clara are the other two), whose jail is operated by a Department of Corrections instead of a sheriff. Currently the NCDC remains independent from the Sheriff with a director appointed by the Board of Supervisors upon recommendation of the County Executive Officer. Because Napa County's structure for jail management is unusual, this Grand Jury chose to examine whether this system is still tenable. Moreover, the Director of Corrections position is currently vacant, which provides an opportunity for review.

Over the past thirty-two years Napa's model for jail management has been called a unique and successful experiment. The following potential advantages to re-uniting corrections with the Sheriff's department have been identified:

- 1) Greater accountability. The elected Sheriff is more directly Accountable.
- 2) Improved response to County emergencies. Currently the correctional officers under an independent NCDC can only operate curing an emergency as county disaster employees; non-police activities. As employees under the sheriff, the correctional officers could be provided additional training, allowing them to carry weapons and conduct activities in support of law enforcement.

- 3) Efficiency. Placing the corrections department with the Sheriff's Department is potentially more efficient. Organizational and cost efficiencies may be realized by consolidating administrative duties.
- 4) Career Options. By consolidation of the Departments the county has the opportunity to consider whether the career paths should be kept the same, or modified for crossover potential. The model used throughout most of the State is a dual career path, one for sworn deputies and one for correctional officers. Typically, correctional officers are more interested in providing services for inmates consistent with the goals and objectives of a correctional program. Providing a dual career path enables the county to staff the jail without incurring the extended training, salary expense, enhanced retirement and workers compensation benefits of sworn law enforcement deputies.
- 5) Increased collaboration.
- 6) Enhanced support and advocacy is possible at the state level. As the Sheriff participates with the state Sheriff's Association additional issues relevant to corrections can be discussed.
- 7) Statutory Preference. The California Legislature has determined that the Sheriffs departments shall (throughout the state) provide county jail management. In 1993 the people of California enacted SB911, an amendment to section 26605 of the Government Code which now provides: *"Notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993 is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it..."*. As previously stated, Napa County is one of the exceptions.

### **Recommendation 3**

The Grand Jury recommends that Napa County conduct a comprehensive cost benefit analysis, as well as a personnel analysis to determine the economic, as well as societal, feasibility of having the Sheriff assume management of the Jail.

### **RESPONSE REQUIRED**

Department of Corrections  
Board of Supervisors  
Sheriff

### **GLOSSARY**

IWTF---Inmate Welfare Trust Fund  
NCDC---Napa County Department of Corrections

# HOMELESS DAY RESOURCE CENTER

## SUMMARY

The 2005-06 Grand Jury report on the Hope Resource Center, Napa's Homeless Day Resource Center, was critical of the operation and the effectiveness of the Center. Public response to the report, as manifested in letters to the Editor, *Napa Register* and letters to the current Grand Jury, indicated that the 2005-06 report was unnecessarily harsh and that the Hope Resource Center is a valuable resource for the homeless in Napa. The 2006-07 Grand Jury was concerned over the apparent discrepancy in the 2005-06 Grand Jury report and public perception of the Center. Accordingly a decision was made to revisit the Hope Center.

This Grand Jury was impressed by the dedication of the Center's staff and the breadth and quality of services provided to the homeless by the Hope Center despite its financial limitations.

## BACKGROUND

Community Action of Napa Valley (CANV) contracts with the Housing Authority of the City of Napa and the State Department of Housing and Community Development to operate the Hope Resource Center. Additional financing is dependent upon annual grants from local charities, individual donations, and fundraisers. The Hope Resource Center, which has been in existence since 2001, is a central part of the continuum of care for the homeless in Napa County addressed in the Ten Year Plan to End Homelessness developed by the Napa County Homeless Services Planning Council. The Ten Year Plan designates the Hope Resource Center as the "first line of response on homelessness for individuals" as a housing support center that is to serve as a link to medical, mental health and substance abuse treatment services for the homeless. The Center is also required by the agreement with the Department of Housing and Community Development to serve as a day shelter for the homeless.

The Hope Resource Center provides a broad spectrum of services to homeless individuals. The Center assists recently released inmates from the Napa County jail with placement in the homeless shelter, provides and coordinate referrals for mental health services. It also provides medical

services via Community Health Clinic Olé Clinic Olé has a physician on site at the Center one day per week. In addition, the Center assists the homeless with applications for General Assistance, Supplemental Security Income (SSI) and/ or Social Security Disability Insurance Benefits. It also makes referrals to various behavior modification programs that address spousal abuse and other behavioral issues. Counselors at the Center provide job counseling services. The Center serves as a mailing address for its clients, provides showers, laundry facilities and distributes donated clothing.

The annual budget for the Hope Resource Center is approximately \$190,000.

As a non-profit organization CANV does not fall under the purview of the Grand Jury, but the City and County have the responsibility to oversee the contract with CANV and determine if required services are being provided.

## **METHODOLOGY**

### **Interviews Conducted**

- Executive Director CANV
- Housing Counselor/Case Manager – Hope Center
- Mental Health Outreach Co-coordinator
- Hope Center Manager
- Hope Center Supervisor
- Napa City Fire Department

### **DOCUMENTS REVIEWED**

- Napa Contract Documents with various funding sources
- County Ten Year Plan to End Homelessness
- Previous year's Grand Jury Report and responses

## **COMMENDATION**

The Grand Jury was impressed by the dedication of the Hope Center personnel and the professionals and volunteers that are working at the Center on a daily basis. The Center operates on a budget of less than \$200,000 annually. The Grand Jury recognizes that some individuals will always be homeless. The Center offers hope and opportunity for those

that have a desire to confront problems of homelessness, addictions, mental health issues in order to become productive members of society.

## **DISCUSSION**

The Hope Center provides an important service to the homeless population of Napa City and County. The Center provides shower and laundry facilities, medical and mental health counseling, job counseling, and assistance in obtaining sustainable housing and provides suitable clothing for clients to wear to job interviews. Additionally the Center provides the homeless with a mailing address and message service.

About two-thirds of the Hope Center's funding comes from Federal sources – 1/3 from HUD and 1/3 from the Federal Emergency Shelter Grant Program (FESG). The remainder comes from local sources - grants, donations, and foundation awards. The space occupied by the Center is provided by the First United Methodist Church.

The Center does not receive any funding from the City of Napa except through the Housing Authority. This funding passes through the HUD Supportive Housing Program. The FESG funds are received via a grant from the State of California Department of Housing and Community Development. The County of Napa provides no direct funding for the Center and the Center does not receive any funding from the United Way of Napa County.

The Hope Center personnel work closely with the Napa Police Department and with public agencies that develop and provide services for the homeless. The Center has ongoing meetings with the Napa City Manager, Chief of Police, Napa County Health and Human Services as well as communications with the neighbors of the Center. The Hope Center's Housing counselor regularly visits the homeless encampments to advise and guide the homeless out of these encampments and into programs that can provide housing and employment as well as alcohol/drug counseling programs.

The two full time managers at the center both have had extensive experience dealing with the homeless. The Mental Health counselor has a Masters Degree in Criminal Justice. The Executive Director has a Bachelor Degree in Human Services.

Clinic Olé visits the Center on a weekly basis to provide treatment and medical advice. Mental Health services are provided by Napa County Health and Human Services.

Employment services are provided by the Job Connection. There are computers available for clients to use for writing resumes and job searching.

There is a single television set in the Hope Center. This TV is turned on for 1 hour each morning and tuned in to a news station only. The Center personnel believe that it is important for clients to be aware of world, national and local news. Once a week the Center allows the viewing of one video. Usually this viewing is held on Friday afternoons.

## **Finding 1**

The operations of the Hope Center are constrained by inadequate funding. Full time employees are paid as little as \$8.50 per hour for work that is demanding and stressful.

## **Recommendation 1**

CANV should explore additional methods of funding for the Center. The City and County of Napa should also explore the possibility of finding funds for the Center.

## **GLOSSARY**

CANV – Community Action Napa Valley  
FESG – Federal emergency Shelter Grant  
HUD – Housing and Urban Development  
SSI – Supplemental Security Income

## **Response Required**

Director – Community Action of Napa Valley

# **NAPA DOWNTOWN TROLLEY**

## **SUMMARY**

The Grand Jury reviewed the operation of the Napa Downtown Trolley to determine the value of this service to the citizens and business community of the City of Napa.

The Downtown Trolley is operated by the Napa County Transportation Planning Agency (NCTPA). The Downtown Trolley has no fare box and is free to all riders. This same agency also operates a fare box bus service known as the "Vine". There are three trolleys in the fleet which were purchased as "pre owned" vehicles at an approximate total cost of \$450,000. The trolleys run seven days a week from 11:00 AM until 8:00 pm , with additional hours on Friday and Saturday only that extend to 10:05 pm.

## **BACKGROUND**

The concept of a downtown Napa circular shuttle had been discussed for many years but the opening of Copia in November of 2001 gave momentum to the discussion. The shuttle was viewed as a way to move visitors between attractions in the City of Napa. The trolley would also serve merchants and employees in downtown to reduce mid-day vehicle trips for shopping and lunch activities. The primary use of the trolley was anticipated to be a service for visitors to the Napa Valley who were staying in the City of Napa.

The original funding concept called for funds to come from Transportation Development Act (TDA), a \$1.00 per ride fare, with remaining costs of operation coming from the Downtown Merchants Association (DMA). In contrast to the original concept, funding of the trolley operation only comes from two sources: 83% from TDA with the remaining 17% of operating costs coming from the Downtown Merchants Association. The DMA contributes approximately \$55,000 per fiscal year towards operation of the trolley service.

## **Methodology**



## **Interviews Conducted**

- NCTPA Deputy Executive Director
- NCTPA Fiscal and Planning Manager
- NCTPA Legal Counsel
- Downtown Merchants Association Manager

## **Documents Reviewed**

- Downtown Trolley Routes and Schedules
- The Transportation Development Act
- NCTPA Agreement No. 6699
- Amendment No. 5 to Joint Powers Agreement No. 3061
- Various invoices and other cost analysis reports
- Ridership records
- Trolley Survey conducted in the summer of 2003

## **DISCUSSION**

Over a period of several months Grand Jury committee members reviewing the trolley's operation rode the trolley at various times of day on weekdays as well as weekend. During weekdays it was noted that ridership was low and most riders appeared to be local residents of Napa who were going to work or engaging in personal errands in the downtown area. Increased ridership was noted on weekends, but again, most riders appeared to be locals. The 2003 ridership study, commissioned by the NCTPA and conducted by DKS Associates, indicated that 83% of the riders were residents of the Napa Valley. These results were determined by on-board surveys.

The riders reported that they rode the trolley from 1 to 3 times per week. The study indicated that in the fiscal year 2002/2003, the total passenger count for the three trolleys was 60,153 which translates to 13.0 passengers per hour. The total expenditures for trolley operation in the same fiscal year was \$258,962 or about \$4.31 per passenger. Trolley expenditure amounts did not include depreciation of the vehicles.

Based on the personal observations of the Grand Jury committee, there is no reason to believe that if a similar survey were to be conducted today that the results would be any different. A March 19, 2007 article in the *Napa Valley Register* cited ridership at 11.5 per vehicle per hour. The riders continue to be principally local residents and not visitors to the Valley.

The Grand Jury recognizes that additional hotels planned for the downtown area will increase the number of visitors to downtown but has no reason to conclude that ridership of the trolley will significantly increase.

## **Finding 1**

The Downtown Trolley is not fulfilling the mission that was intended in the creation of the service, i.e. encouraging tourism in the downtown area.

## **Recommendation 1**

The NCTPA should engage in studies to determine if the current system of operation can fulfill the mission of the Downtown Trolley.

## **Finding 2**

The current routes of the Downtown Trolley do not satisfy the demands of visitors to the Napa Valley as evidenced by the lack of visitors using the service..

## **Recommendation 2**

Consideration should be given to expanding Trolley routes to include other areas in the Valley that have significant visitor appeal. In keeping with current environmental and fuel economy concerns, the NCTPA should also consider replacing the three trolleys with more fuel efficient and adaptable vans or mini buses.

The NCTPA should explore other methods of utilizing the trolleys such as renting them out for special events, parties or other types of celebrations.

## **Response Required**

Deputy Executive Director NCTPA

## **Glossary**

DMA – Downtown Merchants Association

NCPTA – Napa County Transportation Planning Agency NCTA – Napa County Transit Authority

TDA – Transportation Development Act

# RESPONSE TO 2005-2006 GRAND JURY REPORT

## Summary

The 2005-2006 Grand Jury reviewed all organization or official responses required to last year's Grand Jury Report. The grand Jury received all required responses within the statute-mandated timeline. If the responses needed further clarification, the Grand Jury further investigated and collected information from the appropriate persons/organizations.

## Background

For every recommendation in a Grand Jury report, state statute requires at least one organization or official must submit a written response. The current Grand Jury must assure each response was submitted within the timeframe and is adequate as required by the Penal Code.

## Methodology

The current Grand Jury evaluated the responses to the 2005-2006 Grand Jury's findings and recommendations to ensure that all complied with the requirements of California Penal Code Section 933.05, "Responses to Findings". The following response criteria were considered:

- The response was received within the statutory timeline; for a public agency, within 90 days; for an elected official or agency head, within 60 days.
- The respondent indicated agreement with the finding, or in case of whole or partial disagreement, specified the portion of the finding disputed and included an explanation of the reasons.
- If a recommendation was implemented, the respondent so indicated and provided a summary regarding the implementation action.
- If a recommendation had not been implemented, but would be within six (6) months, the respondent provided a time line for implementation.
- If a recommendation required further analysis, the respondent provided an explanation of the scope and parameters of an

analysis of study, and a time line for the matter to be prepared for discussion by the appropriate agency personnel. This timeline shall not exceed six (6) months from the date of the Grand Jury Report publication date.

- If the respondent indicated that a recommendation was not to be implemented because it was not warranted or reasonable, with an explanation therefore.

If a respondent failed to satisfy one or more of the above, applicable criteria, the Grand Jury can choose to re-investigate, collecting further information, and re-issue a report, or decline further investigation.

## **Discussion**

Respondents to the individual reports within the 2005-2006 Grand Jury Report submitted their written reports in a timely manner. After reviewing each response, the 2006-2007 Grand jury found all but one (1) to be satisfactory and complete.

- 1) The City of Napa Finance Department and Community Development Department did not fully respond to issues relating to a recommended audit of the development fee structure. Further follow up was initiated by the 2006-2007 Grand Jury.

# **Citizen Complaints to the Grand Jury**

## **General**

A Citizen Complaint Form is included with every published Grand Jury Final Report. Every year the Grand Jury receives several completed forms and also complaint letters that describe problems and may request investigations of various government entities. These letters are a valuable source of information for a grand jury, particularly as it begins its term and in deciding on its investigative agenda.

## **Procedures**

A common procedure followed by many grand juries is to consider citizen complaints initially by the full Grand Jury and then, if the Grand Jury decides investigation is warranted, it is either routed to the appropriate Grand Jury committee, or if none exists, a new committee will be formed to review the complaint.

Some complaints are integrated into the investigative work of the various Grand Jury committees. The investigating body reports back with a recommendation for disposition, which is then decided upon by the full Grand Jury. The complaint topics are then addressed, either directly or indirectly, in individual agency findings and recommendations incorporated in the Grand jury Final Report.

Some complaints and the issues they raised are sometimes judged not to fall under the jurisdiction of the Grand Jury. Others are dismissed without further action. All citizen complaints receive a response from the Grand Jury stating that the complaint was received and is being considered by the Grand Jury. Any other comment is kept confidential and the only further response will be included in the Grand Jury Final Report.

