



**NAPA COUNTY
GRAND JURY**

2007-2008

Final Reports on

NAPA COUNTY ROADS

**NAPA COUNTY JUVENILE
HALL**

**NAPA COUNTY
GRAND JURY**

2007-2008

Final Report on

NAPA COUNTY ROADS

TABLE OF CONTENTS

1. Letter to Presiding Judges	1
2. Letter to the Citizens of Napa County	1
3. Napa County Roads	1
Summary	1
Background	2
Methodology	3
Documents Reviewed	3
Interviews Conducted	3
Discussion	4
Maintenance	5
Capital Improvement Projects: Surface Treatment Programs	6
Road Program Efficiencies	6
Road Program Reductions	6
Emergencies	7
Existing Funding Sources	7
Increased Revenue: Potential New Sources	8
The City of Napa Public Works Department	9
Safety	9
Vehicles	9
4. Commendation	10
5. Findings	10
6. Recommendations	11
7. Request for Responses	11
8. Glossary	11



NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

May 12, 2008

The Honorable Francisca P. Tisher
The Honorable Raymond A. Guadagni
Presiding Judges 2007/2008
Superior Court of the State Of California
County of Napa
825 Brown Street
Napa, CA 94559

Dear Judges Tisher and Guadagni,

Pursuant to Section 933(a) of the California Penal Code, the 2007-2008 Napa County Grand Jury submits to you its Final Report on the Napa County Roads. Our investigation of the Napa County Roads was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury – to protect the interests of the citizens of Napa County.

This is the tenth in a series of final reports we will be issuing before our term ends. I would like to acknowledge the hard work and dedication of the Grand Jury which our reports reflect. It is a privilege and a pleasure to work with them.

Respectfully submitted,

William E. Trautman
Foreperson
2007-2008 Napa County Grand Jury



NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

To the Citizens of Napa County:

The 2007-2008 Napa County Grand Jury is engaged in several comprehensive investigations of various governmental agencies in Napa County in exercise of its duty under California law. We will issue a series of final reports on these investigations before the end of our term, June 30, 2008.

Our tenth report, issued with this letter, is the result of our investigation of the Napa County Roads to determine why the roads in Napa County are in such bad shape and what can be done about it. While it does not take a Grand Jury investigation to find that the roads are in deplorable and sometimes unsafe condition, we decided to look at how much funding was provided for road maintenance and improvement, where the funding was coming from, was it being spent appropriately and what other funding sources are available to fix the roads.

The Grand Jury is concerned about the magnitude of the problem, the increasing expense to alleviate the roads conditions and the limited resources available for this purpose. We found no easy solution. The money currently available for roads maintenance and improvement is being spent for that purpose. We found no diversion of funds. We did find that Napa County is losing out on millions of dollars of State funds allocations because it does not have a self-imposed sales tax. The Grand Jury concluded that Napa County absolutely needs the voters to pass such a tax, which will in part be paid by the tourist, if the roads are ever going to be brought up to an acceptable and safe condition.

The Napa County Counsel has reviewed this final report on the Napa County Roads 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 report has also been accepted and filed as a public document by the County Clerk.

Copies of this report are available for your review in the Napa City/County Library and online by following the link to Grand Jury at <http://www.napacourt.com/> It is our pleasure and honor to serve you during the 2007-2008 Grand Jury tenure. We hope you find our report interesting and useful to you in solving the roads problem..

Respectfully submitted,
The 2007-2008 Napa County Grand Jury

NAPA COUNTY ROADS

SUMMARY

A Grand Jury investigation is hardly necessary to inform the citizens of Napa County that their streets and roads are in very bad shape. However, the 2007-2008 Grand Jury decided to investigate the Napa County Roads Department and the City of Napa Public Works Department to determine why the roads are in this condition and what can be done about it. The release in December 2007 of a report issued by the Metropolitan Transportation Commission (MTC), the agency charged with transportation planning, funding and co-ordination for the nine-county San Francisco Bay Area, confirmed the problem most residents already knew existed. The MTC found that the streets and roads within the County of Napa were among the worst in the Bay Area and considered to be “at-risk” of serious deterioration. The MTC measures the condition of the region’s streets and roads by county and state, giving them a score which it calls the “Pavement Condition Index” (PCI). The numerical scores in categories range from very good, good, fair, at risk, and poor. The County of Napa’s streets and roads are, based upon the MTC measurements, “at-risk”, well past the point at which road conditions begin to rapidly deteriorate.

In the unincorporated areas of Napa County alone, the County has invested in a 446 mile system of roads, bridges and drainage structures and it is the County’s responsibility to provide a safe and reliable road system to local citizens as well as to visitors to the County. The Grand Jury reviewed the operations, performance and budgets of the County’s Roads Department and the City of Napa’s Public Works Department, and concluded that with some minor exceptions noted in this report, each is doing an excellent job with the resources available to it. As might be expected, the lack of adequate funding for street and road maintenance and improvements is the most basic problem.

The Grand Jury looked at the sources of revenue available to the County and Cities for road maintenance and improvements. Those sources include the vehicle license fees which the State of California rolled back a few years ago, the County General Fund, some grant money, Proposition 42 funds and the State gasoline tax which traditionally has been the largest source of funds for local street and road maintenance. However, that tax of 18 cents per gallon has remained unchanged since 1994, and with the increasing cost of road maintenance, its purchasing power diminishes with each year. The Grand Jury found that each of these funding sources has declined with devastating impact on the condition of the roads around the State, including Napa County. It is obvious that a new source of funding must be found locally to solve our roads problem. The Grand Jury believes that with all of these existing but limited sources of revenue for road maintenance and improvements, without more funds dedicated to road maintenance and improvement, it will be several lifetimes, before Napa streets and roads can be brought into an acceptable PCI category.

The Grand Jury also investigated the increasing cost of road maintenance and improvement. The skyrocketing increase in oil prices has had a major impact on the cost of asphalt and other oil-based road materials. This, of course, has limited the amount of materials our local governments can purchase while staying within their budgets. Environmental concerns with dredging rock-materials from nearby streams and rivers means these materials must be shipped here from distant sources, incurring an ever-increasing transportation cost. Our local governments have no control over these two major cost factors which are principally driven by oil prices.

The Grand Jury concluded that the citizens of Napa County could help solve this road-condition problem by passing a transportation sales tax dedicated to road maintenance and improvements. An oversight aspect to this tax is necessary to assure its revenue is not diverted to other uses. While we concur that nobody likes new taxes, particularly in the current economy, if the people of Napa County want the roads fixed, the Grand Jury believes this is the only viable solution. Such a sales tax would be borne in part by the thousands of tourists and others who visit and shop in the Valley each year. A major advantage to such a “self-imposed” tax is that it would qualify Napa County for millions of dollars of State and Federal matching funds. Without it, Napa County receives nothing while its neighboring counties, Sonoma and Marin which do have a self-imposed tax, each receive between five and six million dollars for road repairs from State Fund allocations. But this tax must be passed by the end of 2008, for Napa County to receive its fair share of these funds this year. Otherwise, the roads simply cannot be brought up to an acceptable PCI category.

BACKGROUND

To understand the scope of this problem, it is important to start with an observable and documented fact: the streets and roads in Napa County are in very bad condition and will continue to worsen without more resources. The MTC’s PCI gave the second-lowest grade to the County of Napa and the City of Napa. Only Marin and Sonoma Counties were worse than Napa County. Only four cities’ streets were worse than the City of Napa streets. These findings were the result of MTC’s survey of the conditions of more than 44,000 miles of local streets and roads in the nine Bay Area counties. As time goes on, the roads continue deteriorating at an accelerating rate. The amount of funds spent for street and road maintenance cannot keep up with the deterioration. The current funding sources are not sufficient to bridge this gap. Furthermore, FEMA has not as yet fully reimbursed the City and the County for damage to the roads caused by the 2005/2006 floods.

While the County Roads Department is doing the best it can with the resources available, it is understaffed and cannot do its job without further funds. The increasing cost of oil and transportation of materials has made the cost of road maintenance and improvement a huge burden beyond the limits of its budget. The abuse the streets and roads in Napa County take from tourist traffic, wine industry trucking and natural disasters, exacerbates the already poor condition of the roads. Therefore, Napa County must spend more money to bring its streets and roads back to satisfactory condition. They must no longer

be both an embarrassment and a safety hazard. In addition, it is important to note that the County is losing much needed road funding by not having a “self-imposed” tax for road maintenance.

METHODOLOGY

The Grand Jury reviewed the operations of the County of Napa Department of Public Works as well as the Public Works Department of the City of Napa. Members of the Grand Jury met with representatives of each department to look into how the County of Napa and its municipalities handle matters affecting road maintenance standards, safety procedures and the use of funds received for road maintenance and improvement. In addition, the Grand Jury met with representatives of the Governor’s Office of Emergency Services (OES) in Sacramento, to review the mechanisms for recovering reimbursements for the costs of repairing the damages caused by floods and other similar emergencies, and how such mechanisms were utilized by City and County personnel.

Documents Reviewed

- Napa County Roads – State of the System, Department presentation to the Board of Supervisors: August 28, 2007
- Metropolitan Transportation Commission: *Bay Area Pavement Quality Only Fair*, press release issued December 18, 2007
- Metropolitan Transportation Commission, Fact Sheet – Local Streets and Roads and Proposition 42
- Pavement Condition Index (PCI) for Bay Area Jurisdictions
- State/Local Partnership Program Scenarios Bay Area Shares
- Bay Area Detail of Allocation Scenarios
- Governor’s Office of Emergency Services, Training Manual: Public Assistance Training and Outreach
- Correspondence: Department of Toxic Substances Control, Office of Pollution Prevention and Technology Development
- Napa Sentinel: *Condition of Roads in Most of Napa County Rated at Risk*, January 11, 2008
- Napa Valley Register: *1.9 Million More for Napa County Roads*, September 11, 2007; *Bump in the Road*, September 13, 2007; *Napa’s Rough Roads*, January 3, 2008; *Holes in Road Budget*, March 19, 2008; *Sales Tax for Transportation Coming for Voter Approval in November*, May 5, 2008
- St. Helena Star: *City’s Rough Streets Could Get Repaved*, January 24, 2008
- Calistoga Tribune: *Road Repairs Remain on Track*, November 30, 2007
- Applicant History Reports – PA Ledger - Federal Emergency Management Agency (FEMA)
- Napa County Board of Supervisors, Board Agenda, 2/5/2008 regarding 2005/2006 Flood – Remaining Permanent Repair Projects – Status Update
- County of Napa 2007/2008 Budget – Public Works Department

Interviews Conducted

- Representatives of the Board of Supervisors
- Representatives of the Metropolitan Transportation Commission
- Representatives of the County of Napa Department of Public Works
- Representatives of the City of Napa Department of Public Works
- Representatives of the Governor's Office of Emergency Services

DISCUSSION

According to the MTC, only two Bay Area counties and four Bay Area cities (Orinda, Richmond, Rio Vista and Larkspur) have lower scores on the PCI than the City of Napa and only two Bay Area counties (Marin and Sonoma) have lower scores than the County of Napa on the quality and condition of their streets and roads. Residential streets make up about 70% of local street mileage. The MTC found that an investment of \$201,000,000 is needed over a 25-year period to bring all Napa paved roads into just a "good" PCI grade and to provide for the maintenance needs beyond the minimum level of services currently provided. Assuming a minimum annual inflation rate of 3%, according to the County of Napa Department of Public Works, \$293,000,000 would be needed over a 25-year period, or almost \$12,000,000 per year above the \$7,000,000 Napa County spends annually on its current program.

The difference between operating revenues and expenditures for road maintenance activities will eventually require reductions in the current maintenance program, from the present minimum level, to a level that would be unacceptable to MTC and the citizens of Napa.

The funding for road maintenance and improvements comes from five basic sources: Gasoline taxes; Proposition 42; Intermodal Surface Transportation Efficiency Act (ISTEA) Exchange and Match Program; the County General Fund; and permits and reimbursements for services. There are also some restricted revenues from grant funding and some one-time revenues from Proposition 1B. Proposition 42, approved by California voters in 2002, was intended to increase state support for local streets and roads funding by almost 50% and, additionally, to expand funding for the State Transportation Improvement Program (STIP). However, Proposition 42 was suspended for two years to backfill the State's General Fund deficit and very little money has been invested in transportation to date.

Gasoline taxes and Proposition 42 revenues represent 72% of discretionary road fund revenues in Napa County. The annual direct return of these gas tax dollars (taxes "paid at the pump") amounts to only \$28 per registered vehicle in the County. This gas tax formula is not adjusted for inflation and is based on gallons of gas sold without regard to the sales price of the gasoline. As fuel prices have escalated, and as vehicles become more fuel-efficient, revenue has not kept pace with the cost to maintain the roads.

The County Roads Department, in attempting to calculate road maintenance expenditures, has cited the analysis of the American Public Works Association:

Inflation has severely eroded the buying power of the maintenance dollar. The material, labor and equipment cost to place a ton of patching material in 1967 was \$25 per ton. Today these same costs can be \$115 per ton – more than four times as much. Just to stay even with inflation (let alone keep up with accelerating deterioration) ... revenues would have ... to quadruple. Indeed, most states and municipalities dependent on flat-rate gasoline tax revenue saw per-mile revenue decreases over much of the last two decades due to increased fuel efficiency.

It is clear that additional revenue sources will have to be found or there will inevitably be significant road maintenance program reductions in the future. It is anticipated that costs will exceed revenues by approximately \$500,000 in fiscal year 2010/2011, for a minimum level of service maintenance activities.

Maintenance

The scope of maintenance activities (including the retrofitting of equipment to comply with Clean Air Standards) is substantial and includes the following:

- Patching and sealing paved surfaces (required especially for roads that are at lower PCI levels)
- Overlay repairs
- Vegetation management to maximize clearance and sight distances and provide for fire safety
- Cleaning and stabilizing roadside drainage systems
- Replacing and improving regulatory and warning signs
- Painting pavement stripes and markings
- Minor safety improvements
- Road lights and traffic signal maintenance
- Providing road closures for emergencies
- Cleaning up spills
- Storm damage (non-declared emergencies)
- Providing utility services for intersection lighting and signals
- Coordinating special events such as marathons and bike races
- Issuing encroachment and oversize permits
- Litter removal
- Sanding for ice conditions and infrequent snow removal
- Rule 20A Utility Underground Program
- Rights-of-way purchases

The first four items account for 62% of the work program activities. As a result, the majority of discretionary revenues are allocated to maintenance.

During its investigation, the Grand Jury found that there is no formal standard for repair of construction cuts across roads. This is in part due to lack of personnel to inspect and

approve the necessary repairs. Currently there is an opening for an Assistant Road Coordinator in the County. Filling this position would help to alleviate the problem.

Capital Improvement Projects: Surface Treatment Programs

Surface treatment applications to existing pavement that has deteriorated from age, wear-and-tear, the elements or other damage are most commonly either asphalt overlay, chip seal, slurry seal or cape seal. As the name suggests, asphalt overlay is placed over the existing pavement. Chip seal, which is sprayed asphalt covered with rock and then rolled, is commonly used to improve surface friction. Slurry seal is used to fill cracks to restore a uniform surface, but does not add strength. Cape seal is a chip seal covered by a slurry seal which provides a smooth, dense surface of relatively long service life.

The life cycle of road infrastructure is such that the rate of deterioration rapidly increases where the PCI falls below 60 (“at risk”). Thus, the surface treatments should be applied before this happens. Since both the City and County of Napa fall into the “at risk” category, the cost of surface treatment application will most likely be increased by as much as 4 to 5 times the original cost.

Surface treatments only have a useful life of twelve to fifteen years. The County of Napa is making an effort to develop a long-term Surface Treatment Program to quantify the present and future PCI for, among other things, maintenance expenditures based upon goals set by the Board of Supervisors.

The Grand Jury’s examination of the conditions of City and County streets and roads and the sources of revenues to supply maintenance at minimum quality and service levels indicates beyond doubt that the roads maintenance and capital improvement projects are seriously underfunded and precarious at best.

Road Program Efficiencies

Road Program efficiencies will not solve the serious problems caused by the significant gap between the cost of maintaining streets and roads within the County of Napa and the sources of revenues to pay for such maintenance and new capital improvement projects. However, the County Roads Department is maximizing its service by:

- replacement of outdated equipment with emphasis on quality
- improving the patching and paving process through employee training and emphasis on quality workmanship
- using aggregate base grindings provided at no cost by various sources (including cities and private operators) rather than purchasing aggregate base material
- using chip and cape seal applications wherever possible, instead of the traditional overlay programs, allowing for completion of more surface treatment projects, and reducing the cost of overlay treatments.

Road Program Reductions

The County Roads Department is contemplating, if necessary, reductions in services not directly related to maintenance or traffic safety, but which are provided to the general

public. According to the County, the following reductions can be undertaken although they could potentially increase the risk exposure of the County and its municipalities:

- Ceasing application for bikeway grants due to the need for discretionary road fund revenue to match these grants
- Eliminating the litter and animal removal programs
- Eliminating participation in the Rule 20A utility under-grounding process
- Reducing the vegetation management program except in cases where sight distance or vertical clearance would be jeopardized

Emergencies

The floods of late 2005, and early 2006, caused damage to the roads in the County of Napa in excess of \$12,000,000. FEMA can reimburse 75% of approved claims for reimbursement of the costs resulting from such floods and the State can reimburse the remaining 25% plus an additional administrative fee. The regulations governing the applications for reimbursement are complex and rigid. Improper recordkeeping and insufficiently detailed requests for reimbursement frequently result in denials of the applications by FEMA. As of January 1, 2008, at least 70 projects for which the City of Napa and the County of Napa sought costs reimbursement were denied and are currently on appeal. The OES assists applicants with their appeals, many of which are ultimately successful. However, the time involved in solving the issues raised by the appeals can be considerable, thus delaying the needed reimbursement to the City and the County.

Existing Funding Sources

While clearly inadequate to avoid a disastrous deterioration of the streets and roads in Napa County, there are three types of road funds/revenues. The 2007/2008 Road Fund budget is approximately \$4,900,000 in what is termed “discretionary revenues” meaning it can be used for the general needs for road maintenance and improvement. There are five discretionary revenue sources.

The first is the 18-cent gasoline tax, which has not been changed for 14 years and is not indexed. The amount is fixed per gallon of gasoline sold and only increases to the extent that additional fuel is sold. The County will receive approximately \$2,800,000 in this fiscal year from this source.

The second is funding from Proposition 42, approved by California voters in 2002. It was intended to increase State support for funding of local streets and roads by almost 50%. However, Proposition 42 was suspended for 2 years to help cover the State’s General Fund deficit, thus little of this money has been spent on road maintenance and improvements. These funds will not come near meeting the need to adequately maintain the Bay Area’s streets and roads, accounting for less than 8% of what is required. Napa County expects to receive only \$740,000 each year from Proposition 42 funds. These funds can be used for both surface treatment and maintenance.

From the other three sources of discretionary funding, Napa will receive another \$337,000 each year from the ISTEA Exchange Match, which can be used for any Road

Fund purpose. In 2008, Napa County will also receive a General Fund contribution of \$892,000 from revenue collected in Napa County for Vehicle Code Fines and the Motor Vehicle In-Lieu Tax. Finally, \$135,000 will come from encroachment permits and oversized load permits issued by the County.

As noted, the foregoing sources account for \$4,800,000 in revenue to the County. There is another \$1,800,000 in restricted Road Fund revenue. These funds are restricted for use only on capital projects on the County's most heavily used roads. They come in the form of State and Federal grants and many require matching funds. (See discussion of potential sources below). Additional revenue includes Proposition 1B funding and \$5,260,000 in pending reimbursement from FEMA and OES for recovery work caused by the 2005/2006 floods. Proposition 1B funds are scheduled to begin to be reimbursed to the County this year. This should provide approximately \$5,000,000 over the next 5 to 6 years which can be used for limited maintenance projects as well as capital projects on any Napa County road.

The Grand Jury believes that with all of these existing but limited sources of revenue for road maintenance and improvements, it will be several lifetimes, if ever, before Napa streets and roads can be brought into an acceptable PCI category without more funds being dedicated to road maintenance and improvement.

Potential New Sources

It is clear to the 2007-2008 Grand Jury that the condition of streets and roads in the County of Napa will continue to worsen without an increased infusion of funds obtained from new sources of revenue.

A number of Bay Area counties found by the MTC to have higher and better PCI ratings are so-called "self-help" counties, meaning that voters have authorized a sales tax dedicated to transportation purposes, including that of road maintenance and capital improvement projects. Napa County voters rejected such a sales tax measure in 2006. As a consequence, Napa County was, and continues to be, denied access to millions of dollars in Federal and State matching funds.

Napa County is one of only two Bay Area counties which does not have a "self-help" tax for road maintenance and improvement. The neighboring counties of Sonoma and Marin both have such a sales tax and are each receiving five to six million dollars in State funds as the following chart reflects. Napa County receives nothing.

Attachment 1

State Local Partnership Program Scenarios Bay Area Shares	
Return to Source with sales taxes, tolls and transit fees	31.75%
Return to Source with sales taxes and tolls	28.83%
Return to Source with sales taxes only	23.07%

Bay Area Detail of Allocation Scenarios						
1	2	3	4	5	6	7
County Sales Tax Agencies, Transit Districts and Bridge Tolls	All Voter Approved	Percent	Return to Source with sales taxes and tolls	Percent	Return to Source with sales taxes only	Percent
Alameda	\$30,587,271	9.63%	\$31,897,235	11.06%	\$34,479,873	14.95%
AC Transit	\$20,681,605	6.51%	\$0	0.00%	\$0	0.00%
BART	\$20,386,660	6.42%	\$0	0.00%	\$0	0.00%
Contra Costa	\$20,727,299	6.53%	\$21,614,989	7.50%	\$23,365,100	10.13%
Marin	\$5,579,426	1.76%	\$5,818,376	2.02%	\$6,289,476	2.73%
San Francisco	\$19,811,726	6.24%	\$20,660,204	7.17%	\$22,333,009	9.68%
San Mateo	\$35,555,813	11.20%	\$37,078,566	12.86%	\$40,080,723	17.37%
Santa Clara	\$87,540,371	27.57%	\$91,289,472	31.66%	\$98,680,950	42.78%
Sonoma	\$4,841,833	1.52%	\$5,049,194	1.75%	\$5,458,015	2.37%
MTC (Tolls)	\$71,826,657	22.62%	\$74,902,784	25.98%	\$0	
Napa	\$0	0.00%	\$0	0.00%	\$0	0.00%
Solano	\$0	0.00%	\$0	0.00%	\$0	0.00%
Total	\$317,538,660	100.00%	\$288,310,820	100.00%	\$230,687,145	100.00%

If Napa had such a sales tax, it could realize \$20,000,000 over a five-year period, putting County visitor money into the process of maintaining streets and roads in the County of Napa. At the present time a minimal amount of the money spent by visitors to the County of Napa is used for maintenance of streets and roads within the County.

In light of the needs of the County of Napa and its local municipalities, the approval of such a dedicated sales tax is warranted. In order to qualify for the matching funds discussed in this report, such a tax needs to be approved by the voters of Napa County by the end of this year, 2008.

The City of Napa Public Works Department

Safety

Safety measures were reviewed for both the City of Napa and County Public Works. City of Napa is up to date with safety compliance. However, the County Safety Manual is outdated with regard to present regulations. Despite this, the Grand Jury feels that workplaces in both the City and County are safe.

Vehicles

During the investigation, the Grand Jury found that the City of Napa had an extraordinarily large fleet of vehicles. However, it was also noted that the Fleet Division of Public Works was under new management and is undergoing a revamping of policies and procedures. The proposed new procedures include establishing a "true" motor pool concept, becoming a part of the State bid for new vehicle purchases and assessing City

departments rental rate for vehicle use. The Grand Jury found these changes to be a positive direction for the Fleet Division to become financially stable and an asset to the City. The Fleet Manager has recently been recognized by the State with an award for innovation.

COMMENDATION

The Fleet Manager of the City of Napa Public Works Department is to be commended for his aggressive approach to the revamping of the City's fleet of vehicles.

FINDINGS

The 2007-2008 Grand Jury finds that:

1. the condition of the streets and roads in Napa County has been judged to be among the worst in the nine Bay Area counties.
2. the local governments in Napa County have little to no control over the sources of funding for road maintenance and improvements.
3. the existing revenue sources are not sufficient to improve the deteriorating streets and roads in Napa County.
4. County Roads Department Budget
 - a. the current annual budget of the County Roads Department is approximately \$7,000,000, which barely covers minimum maintenance standards.
 - b. to bring the condition of the roads up to the PCI "good" level, an additional \$11,700,000 per year would be needed above the current annual budgeted amount.
 - c. an investment of more than \$200,000,000 is needed over a 25-year period to bring all Napa County paved roads into a "good" PCI level.
5. the imbalance in the County of Napa and its local municipalities between the roads maintenance and capital improvements needs and the existing revenue sources can not be remedied by increased efficiencies or by reducing programs and services.
6. new sources of revenues to fund streets and roads maintenance needs and related capital improvement projects must be found in order to maintain a safe and reliable transportation system for local citizens and visitors to the County and its cities.
7. the County of Napa receives no matching funding from the Federal or State governments because it has no "self-help" tax such as a dedicated sales tax, thereby losing access to millions of dollars in matching funds from the federal and state governments.
8. there is a need to establish a formal standard for repair of road damage and to fill the vacant Assistant Road Coordinator position.
9. FEMA reimbursement is often delayed because of improper recordkeeping in emergency situations and because of incomplete or improperly produced requests for reimbursement.

10. the County of Napa Public Works Safety manual is out of date and requires revision to come into compliance with current safety standards.

RECOMMENDATIONS

The 2007-2008 Grand Jury recommends that:

1. the Board of Supervisors place on the ballot at the next scheduled election or at any subsequent election which takes place prior to the end of the year 2008, a ballot measure calling for a dedicated sales tax for the express and sole purpose of providing street and road maintenance and related street and road improvements in the County of Napa and its local municipalities.
2. the County of Napa join with other jurisdictions to seek action by the State Legislature to index the gasoline tax to an inflation factor.
3. an employee of Public Works be FEMA trained, assigned to the task of recordkeeping in emergency situations, and responsible for the completion of requests for reimbursement of emergency repairs.
4. formal standards be adopted and implemented for road repairs of potholes and after-construction cuts and a qualified person be hired to inspect and approve these repairs.
5. the County Public Works Safety Manual be brought up to date with current safety regulations.

REQUEST FOR RESPONSES

The 2007-2008 Grand Jury requests responses from:

1. Napa County Board of Supervisors, Recommendations 1 and 2.
2. Napa County Director of Public Works, Recommendations 3, 4 and 5.

GLOSSARY

FEMA – Federal Emergency Management Agency

ISTEA – Intermodal Surface Transportation Efficiency Act

MTC – Metropolitan Transportation Commission

OES - Governor's Office of Emergency Services

PCI – Pavement Condition Index

STIP – State Transportation Improvement Program

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TABLE OF CONTENTS

1. Letter to Presiding Judges	
2. Letter to the Citizens of Napa County	
3. Napa County Juvenile Hall	1
Summary	1
Background	1
Methodology	1
Interviews Conducted	1
Documents Reviewed	2
Discussion	2
The Escape	2
Duffel Bags	2
4. Commendation	3
5. Findings	3
6. Recommendation	3
7. Request for Response	3
8. Glossary	3
9. Appendix	3
Appendix I. Letter from Chief Probation Officer	4



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The Honorable Francisca P. Tisher
The Honorable Raymond A. Guadagni
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County of Napa
825 Brown Street
Napa, CA 94559

Dear Judges Tisher and Guadagni,

Pursuant to Section 933(a) of the California Penal Code, the 2007-2008 Napa County Grand Jury submits to you its Final Report on the Napa County Juvenile Hall. Our investigation of the Napa County Juvenile Hall was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury – to protect the interests of the citizens of Napa County.

This is the eleventh in a series of final reports we will be issuing before our term ends. I would like to acknowledge the hard work and dedication of the Grand Jury which our reports reflect. It is a privilege and a pleasure to work with them.

Respectfully submitted,

William E. Trautman
Foreperson
2007-2008 Napa County Grand Jury



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To the Citizens of Napa County:

The 2007-2008 Napa County Grand Jury inspected the Napa County Juvenile Hall on two occasions during the past year and reviewed its operations in compliance with the mandate of California law.

The Napa County Juvenile Hall is operated by the Napa County Department of Probation. It is a secure facility that provides safe custody, counseling, medical care, and guidance to delinquent and custodial juveniles. As with juvenile detention facilities throughout the State, the Napa County Juvenile Hall is subject to regular inspections by the California Standards Authority. Its 2006-2008 biennial inspection report found no areas of non-compliance that require follow-up.

During this Grand Jury's term, a youth escaped from Juvenile Hall. We inspected the area of the facility from which the detainee managed to escape, reviewed the redacted staff incident reports and examined the changes made to the physical plant to prevent a repeat of the incident. We concluded that the Juvenile Hall officials responded appropriately to the escape and made the necessary changes. The escapee was subsequently returned to custody.

The Grand Jury was concerned that departing juveniles to home or other programs leave with only garbage bags for their belongings, not a circumstance which promotes self esteem. Thus, the Grand Jury members brought 100 duffel bags for Juvenile Hall and recommend that the County fund this in the future.

Napa County Counsel has reviewed this final report on the Napa County Juvenile Hall 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 report has been accepted and filed as a public document by the County Clerk.

Copies of this report are available for your review in the Napa City/County Library and online by following the link to the Grand Jury at <http://www.napacourt.com/>. It is our pleasure and honor to serve you during the 2007-2008 Grand Jury tenure.

Respectfully submitted,
The 2007-2008 Napa County Grand Jury

NAPA COUNTY JUVENILE HALL

SUMMARY

The 2007-2008 Grand Jury investigated the Napa County Juvenile Hall (NCJH) pursuant to the mandate of the California Penal Code. NCJH is clean, well maintained, secure and staffed by individuals who encourage young offenders to make better life choices. The facility and programs are designed and implemented to support and encourage juvenile rehabilitation.

BACKGROUND

NCJH, located at 212 Walnut Street, Napa, is a secure facility that is intended to provide safe custody, counseling, medical care, and guidance to delinquent and custodial juveniles. NCJH, which has been in its present location since 2005, has a rated capacity of 50 minors. The facility provides the residents with the opportunity to continue school through on-site classroom sessions. It also cooperates with other City and County agencies and programs to provide access to mental health, alcohol and drug use reduction, conflict resolution techniques and other evidence-based endeavors to reduce the likelihood of returning to this or other similar facilities or eventually progressing to adult confinement.

The 2007-2008 Napa County budget for NCJH is \$4,254,896. Napa County Probation Department is the County agency responsible for operating NCJH, and the Chief Probation Officer serves in the dual capacity as Director of NCJH. As with juvenile detention facilities throughout the State, NCJH is subject to regular inspections by the California Corrections Standards Authority.

METHODOLOGY

The Grand Jury inspected the NCJH facility and operations twice, conducted interviews of facility administrators and personnel from other agencies which interact with NCJH. In addition, the Grand Jury interviewed several residents at the facility. These interviews were done anonymously, confidentially, and voluntarily. The residents were offered the opportunity to talk with members of the Grand Jury about various aspects of the NCJH facility and programs.

Interviews Conducted

- Various NCJH personnel and administrators
- Various NCJH residents (anonymously, as described above)
- Various Wolfe Center personnel and administrators
- Various Napa County Office of Education personnel

Documents Reviewed

- Napa County Juvenile Hall, Escape policy and procedures
- Napa County Juvenile Hall Incident Reports
- California Corrections Standards Authority Report
- Napa County Final Budget Fiscal Year 2007-2008
- Napa County Grand Jury Reports, 2004-2005 and 2006-2007

DISCUSSION

The Grand Jury is pleased to report that the NCJH continues to fulfill its mandated responsibilities. The facility is clean and secure and the administration is engaged in identifying and incorporating evidence-based programs intended to reduce recidivism.

On November 20, 2007, the Corrections Standards Authority conducted the 2006-2008 biennial inspection of NCJH and reported their findings on December 21, 2007. The report stated, in part, "There are no areas of non-compliance that require follow-up".

The Escape

During the 2007-2008 Grand Jury's term, a youth escaped from NCJH. The Grand Jury investigated the area of the facility from which this detainee managed to escape, reviewed the redacted staff incident reports and examined the changes made to the physical plant to prevent a repeat of the incident.

Duffel Bags

During its investigation, the Grand Jury became aware that some juveniles departing from NCJH often must put their clothes, books, and other personal possessions into plastic garbage bags to take them home or on to another facility/program. The Grand Jury believes that the use of garbage bags for this purpose detracts from the departing youth's self-esteem and hopes Napa County will in the future budget funds for the procurement of duffel bags once the current supply is distributed. (See Appendix I)

The Grand Jury observed, during the juvenile interviews, most of the youths were actively engaged in rehabilitation programs offered at the facility.

COMMENDATION

The Grand Jury commends NCJH staff and administration for their dedication and positive outlook toward reducing recidivism through rehabilitation.

FINDINGS

The 2007-2008 Grand Jury finds that:

1. NCJH is operated and maintained in a manner that meets State mandated requirements.

2. NCJH responded appropriately to the escape that occurred during the Grand Jury's term and made improvements to the facility to reduce the likelihood of similar attempts.
3. departing juveniles who leave the facility for another placement pack their belongings in plastic garbage bags if they do not own any other form of carrying case.
4. the Corrections Standards Authority 2006-2008 biennial inspection report found no areas of non-compliance that require follow-up.

RECOMMENDATION

The 2007-2008 Grand Jury recommends that:

1. to promote self-esteem, Napa County allocate funds to provide youths with suitable, durable, means of carrying their possessions when they depart NCJH.

REQUEST FOR RESPONSE

The 2007-2008 Grand Jury requests a response from:

- Napa County Board of Supervisors to Recommendation 1.

GLOSSARY

NCJH - Napa County Juvenile Hall

APPENDIX

Appendix I – Letter from Chief Probation Officer



COUNTY *of* NAPA PROBATION DEPARTMENT

MARY BUTLER
Chief Probation Officer

March 26, 2008

Bill Trautman, Chair
Napa County Grand Jury
Historic Courthouse
825 Brown St.
Napa, CA 94559

Dear Bill,

On behalf of the Juvenile Probation Division, I want to thank the entire Grand Jury for the one hundred duffel bags you donated for our youth. When you presented them to me at your meeting, it was one of the few times I felt speechless! Your Grand Jury went above and beyond your call of duty by voting to donate from your own pockets to the youth in Juvenile Hall.

I am very honored that during the time I spent with the Grand Jury, the committee really heard how much work my staff does to assist the young people on probation to change their lives and get out of our system. Having these duffel bags to give to them as they leave Juvenile Hall and go to a placement will have a significant impact on their self esteem. You clearly saw the picture of youth carrying their belongings in garbage bags and got how that didn't help them feel good about themselves.

After I received the bags, I came back to the Department and put out an email to all staff so they could hear right away of this fabulous gift. I got responses such as, "awesome"; "this gives me goose bumps!"; "they did this for our kids? how cool." So, staff is also appreciative of your generosity.

Again, the youth will really benefit from your gift of the duffel bags and I am humbled by your generosity. Thank you so much for caring about our kids. We will make sure that they go to each youth heading off to placement.

Sincerely,

Mary Butler
Chief Probation Officer