



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY**

## **2008-2009**

### **Final Report on**

### **REVIEW OF RESPONSES TO THE 2007-2008 FINAL GRAND JURY REPORTS**

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## NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

March 10, 2009

The Honorable Raymond A. Guadagni  
Presiding Judge  
Superior Court of the State Of California  
County of Napa  
825 Brown Street  
Napa, CA 94559

Dear Judge Guadagni,

Pursuant to Section 933(a) of the California Penal Code, the 2008-2009 Napa County Grand Jury submits to you its Final Report on Review of Responses to the 2007-2008 Final Grand Jury Reports. Our review 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 first 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,

A handwritten signature in blue ink, appearing to read "William E. Trautman".

William E. Trautman  
Foreperson  
2008-2009 Napa County Grand Jury



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A Commitment to Service

# NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

To the Citizens of Napa County:

Re: 2008-2009 GRAND JURY FINAL REPORT ON THE REVIEW OF RESPONSES  
TO 2007-2008 FINAL GRAND JURY REPORTS

Pursuant to California Penal Code Section 933, governmental agencies and public officials were required to respond to particular Findings and Recommendations in the Final Reports of the 2007-2008 Napa County Grand Jury. The report, issued with this letter, is the result of the review by the 2008-2009 Grand Jury of all responses provided by the government agencies, departments, and officials. In December 2008, the 2008-2009 Grand Jury requested that some responses be updated and supplemented where a response indicated that a recommendation was being implemented, would be implemented or needed further study or investigation by government agencies, departments, and officials.

All original responses reviewed were found to meet statutory requirements. However, the 2008-2009 Grand Jury believed that further comments on the original responses to five of last year's Grand Jury Final Reports were warranted. Those comments can be found in this report.

The following is a partial list of the positive actions, as reflected in the updated, supplemental responses, taken by various governmental agencies after the 2007-2008 Grand Jury issued its individual Recommendations. However, the 2008-2009 Grand Jury does not imply that the Recommendations made in those Final Reports were the sole reason or motivation for these governmental agencies to initiate such actions.

1. A Browns Valley Fire Station No. 5 is projected to be built and staffed in January 2013.
2. The City of Napa has improved its financial operation.
3. The Calistoga Joint Unified School District installed columbine locks on all classroom doors prior to the 2008-2009 school year and a telephone was placed back into the art room.
4. The Calistoga Joint Unified School District purchased Epi-pens and sharps boxes prior to the beginning of the 2008-2009 school years.
5. Community Emergency Response Team (C.E.R.T.) training will be implemented in Napa County high schools and middle schools.
6. Napa Valley College installed computers with wireless capabilities in campus police cars.
7. Napa Valley College has deployed a computer based emergency notification system, the LYNX system, to communicate with college staff

and uses AlertU system to send emergency SMS (Short Message Services) messages to students.

8. A training manual has been developed and ongoing training instituted for new members of any county agency and advisory group.
9. The Napa County Housing Authority has established a capital improvement fund for the farmworkers housing centers.
10. The Memorandum of Understanding between Napa County and the Volunteer Fire Departments is being revised to give the County Fire Chief the full authority to manage and to be accountable for all aspects of the Volunteer Fire Departments.
11. Funds paid Volunteer firefighter who are part of a County deploy strike team are now being made on a routine basis and in a timely manner.
12. A new type IV engine for the Soda Canyon station has been ordered for delivery in Spring 2009.
13. The Berryessa Peak public safety radio repeater will be equipped with a microwave relay system.
14. The Napa Central Dispatch PSAP can now “conference” the CAL FIRE ECC on fire and medical/fire dispatch calls in March/ April 2009.
15. The Department of Corrections created a new grievance procedure which is now in use.
16. A thorough update of the Road and Street Standards is underway and changes will cover all aspects of the standards used for maintenance and new development conditions.
17. The Department of Public Works continues a comprehensive review of its Safety Manual which should be completed by July 2009.

The 2008-2009 Grand Jury would like to thank the various government agencies, departments, and officials for their timely and complete updated, supplemental responses as requested by the 2008-2009 Grand Jury. Our report exemplifies how the various government agencies, departments, and officials within Napa County in concert with the Napa County Grand Jury can bring about change for the betterment of the citizens of Napa.

The Napa County District Attorney 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 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 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 2008-2009 Grand Jury tenure. We hope you find our first report informative and reassuring.

Respectfully submitted,

The 2008-2009 Napa County Grand Jurors

# REVIEW OF RESPONSES TO THE 2007-2008 FINAL GRAND JURY REPORTS

## SUMMARY

The 2007-2008 Grand Jury issued a Final Comprehensive Report in June 2008, at the end of its one year term. The Final Comprehensive Report compiled thirteen individual Final Reports on many government agencies and departments throughout Napa County, all of which were released and made public prior to the issuance of the Final Comprehensive Report. The 2007-2008 Grand Jury requested responses to the 2007-2008 Grand Jury Recommendations from appropriate agencies and officials. Pursuant to California Penal Code Section 933, elected officials were to respond to particular Findings and Recommendations within sixty days of the Grand Jury's report. Government agencies are required to respond within ninety days. The responses must be addressed to the Presiding Judge of the Napa County Superior Court.

The 2008-2009 Grand Jury reviewed all responses provided by the government agencies, departments, and officials to respond to the thirteen Final Reports. In December 2008, the 2008-2009 Grand Jury requested that some responses be supplemented where a response indicated that a recommendation was being implemented, would be implemented or needed further study or investigation by government agencies, departments, and officials. The supplemented information set forth to the 2008-2009 Grand Jury is provided below.

After completing the review of all responses to the 2007-2008 Grand Jury Final Reports, the 2008-2009 Grand Jury believes that comments on the responses to some of the Final Reports are warranted.

1. **Renovation of Farmworker Housing Centers by the Napa Valley Housing Authority Report:** the 2008-2009 Grand Jury notes that County Counsel took the public position that the Executive Director did not have authority to sign change orders. No other statements were made by County Counsel or any other party involved in the Farmworker Housing Renovation projects concerning any other party's fault in this matter. The 2008-2009 Grand Jury notes that County Counsel has now taken the position the statements made were the opinion of County Counsel and as such were not statements of fact and therefore did not mislead the public. However, County Counsel did not qualify County Counsel's public statements as being the opinion of County Counsel to be proved or disproved at a later time and, if necessary, resolved by a court of law. Therefore, the public was left with the impression that the Executive Director was the sole cause of all the problems that occurred in these projects.
2. **Calistoga Joint Unified School District Report:** issues still remain as to the quality of food services, the adequacy of protection of the eating area for the

students during inclement weather and the adequacy of monitoring the expenditure and use of restricted funds.

3. **Napa County Fire Department Report:** an issue is raised as to the quoted passage within the response filed by the Fire Chief of the Dry Creek-Lokoya Volunteer Fire Department: “At a recent Volunteer Chief's Advisory Board meeting, the new Grand Jury Report was referred to as ‘bull-shit’ by one CAL FIRE/NCFD administrator. Unfortunately, one of the Volunteer Chiefs agreed with this statement.” The 2008-2009 Grand Jury found this to be unprofessional, contemptuous of the judicial process, and disrespectful of the hard work of the 2007-2008 Grand Jury. Not surprisingly, the 2008-2009 Grand Jury found no person willing to claim ownership of this statement.
4. **Napa County Jail/Department of Corrections Report:** an issue is raised as to the failure to update the job description for the Director of the Department of Corrections before the hiring of the new Director. The 2008-2009 Grand Jury hopes the new Director of the Department of Corrections is successful and wishes him well.
5. **Napa County Roads Report:** the issue is raised as to the continuing need to put a road tax on the ballot for approval by the citizens so that the deteriorating Napa roads may be repaired.
6. **Napa County Juvenile Hall Report:** the 2008-2009 Grand Jury commends the Board of Supervisors for allocating funds to enhance the self-esteem of youth by providing a suitable carrying bag for their possessions when they depart Juvenile Hall.
7. **Retirement Benefits for the County of Napa and the City of Napa Employees Report:** an issue is raised as to the use of defined contribution plans in addition to the present defined benefit plans. The response, while disagreeing with the 2007-2008 Grand Jury assessment of the magnitude of funds required for funding the pension benefits and the Recommendations for possible solutions for adequate funding, did set out in detail the City and County position on the present retirement plans and the expected funding of same. The 2008-2009 Grand Jury recommends to the citizens they review the responses to understand present position of the City and County on retirement benefits and the adverse financial impact on the County and City budgets as a result of the recent decline in the stock market.

The following is a partial list of the positive actions, as reflected in the Supplemental Responses to the 2008-2009 Grand Jury, taken by various governmental agencies and bodies after the 2007-2008 Grand Jury issued their individual Final Reports. While the Recommendations of the Grand Jury are meant, in part, to raise the awareness of the public and the media to the subject matter of those Recommendations, the 2008-2009 Grand Jury does not mean to imply that Recommendations made in those Final Reports were the sole reason or motivation for these governmental agencies and bodies to initiate such actions.

1. A Browns Valley Fire Station Number Five is projected to be built and staffed in January 2013.

2. The City of Napa has improved its financial operation.
3. The Calistoga Joint Unified School District installed columbine locks on all classroom doors prior to the 2008-2009 school year and a telephone was placed back into the art room.
4. The Calistoga Joint Unified School District purchased Epi-pens and sharps boxes prior to the beginning of the 2008-2009 school year.
5. Community Emergency Response Team (C.E.R.T.) training will be implemented in Napa County high schools and middle schools.
6. Napa Valley College installed computers with wireless capabilities in campus police cars.
7. Napa Valley College has deployed a computer based emergency notification system, the LYNX system, to communicate with college staff and uses AlertU system to send emergency SMS (Short Message Services) messages to students.
8. A training manual has been developed and ongoing training instituted for new members of any county agency and advisory group.
9. The Napa County Housing Authority has established a capital improvement fund for the farmworkers housing centers.
10. The Memorandum of Understanding between the Napa County and the Volunteer Fire Departments is being revised to give the County Fire Chief the full authority to manage and to be accountable for all aspects of the Volunteer Fire Departments.
11. Funds paid Volunteer firefighters who are part of a County Deploy Strike Team are being made on a routine basis and in a timely manner.
12. A type IV engine that will fit into and be housed at Soda Canyon station has been ordered for delivery in the Spring of 2009.
13. The Berryessa Peak public safety radio repeater will be equipped with a microwave relay system.
14. The Napa Central Dispatch Public Safety Access Point (PSAP) can “conference” the CAL FIRE Emergency Command Center (ECC) on fire and medical/fire dispatch calls in March/April 2009.
15. The Department of Corrections created a new grievance procedure which is now in use.
16. A thorough update of the Road and Street Standards is underway and changes will cover all aspects of the standards used for maintenance and new development conditions.
17. The Department of Public Works continues a comprehensive review of its Safety Manual which should be completed by July 2009.

## **BACKGROUND**

For every Recommendation in a Grand Jury report, State law requires at least one organization/agency or official to submit a written response to the Presiding Judge. The current Grand Jury must assure each response was submitted within the time frame and is compliant with the requirements of California Penal Code Section 933. In a Grand Jury report, each Finding is required to be substantiated by written documents and/or oral

testimony. For oral testimony to be considered, it must be taken in front of at least two Grand Jurors. Each Recommendation must be supported by at least one Finding. In that a Recommendation generally suggests some shortcoming and calls for some change, the Grand Jury Recommendations are not always well received by governmental officials. However, the Grand Jury is the voice of the citizens and not a rubber stamp of governmental powers.

## **METHODOLOGY**

The 2008-2009 Grand Jury evaluated the responses to the 2007-2008 Grand Jury's Findings and Recommendations to ensure compliance with the requirements of the Penal Code Section 933.05 "Responses to Finding." The following criteria were considered:

- The response was received by the Presiding Judge within the statutory time frame: for a public agency, within ninety days; for an elected official or agency head, within sixty 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 of the implementation action.
- If a Recommendation had not been implemented, but would be within six 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 time line shall not exceed six 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 included thereof.

If a respondent failed to satisfy one or more of the above applicable criteria, the Grand Jury can choose to re-investigate, collect further information, and re-issue a report, or decline further investigation. In December 2008, the 2008-2009 Grand Jury requested that the response to thirty-seven Recommendations by some seven governmental agencies be updated where their original responses indicated that a Recommendation was being implemented, would be implemented or needed further analysis by government agencies, departments, and officials.

## **DISCUSSION**

### **FINAL REPORTS**

### **NAPA COUNTY MUNICIPAL FIRE DEPARTMENT**

The 2007-2008 Grand Jury issued its Final Report on the Napa County Municipal Fire Departments on January 16, 2008, and received responses from each of the parties listed below.

- St. Helena City Council
- St. Helena City Manager
- St. Helena Fire Chief
- Calistoga City Council
- Calistoga City Manager
- Calistoga Fire Chief
- Napa County Fire Chief
- Napa City Council
- Napa City Manager
- Napa Fire Chief
- American Canyon Fire Protection District Fire Chief
- Napa County Board of Supervisors

These responses were reviewed and found to meet statutory requirements.

The 2008/2009 Grand Jury requested an updated response from the City of Napa to Recommendations one and four.

**Recommendation 1: That the Napa City Council vote to approve the construction of a fifth fire station to be located in Browns Valley; and with the Board of Supervisors, establish a plan to relocate the Edgerly Island station to Browns Valley. The establishment of this fire station is considered by this Grand Jury to be a priority issue.**

Response: The City of Napa responded as follows:

*The council adopted the Fire and Paramedic Development Fee for Fire Station No. 5 on April 15, 2008. The fee establishes a funding mechanism for Fire station No. 5 construction, fire engine and equipment.*

*In addition on August 5, 2008 the City Council authorized the purchase of a vacant lot at the corner of Browns Valley Road and Laurel Avenue for the future location of Fire Station No. 5. Also the Fire Department has worked with the Public Works Department in the development of a Fire Station No. 5 plan. This plan will be basis of budgetary requests through the Capital Improvement Projects budget process and was developed based on the City's ability to finance the construction, addition of nine personnel to staff the station and ongoing maintenance cost. The plan was reviewed by the City Manager and the City Council. Fire Station No. 5 is projected to be built and staffed in January 2013.*

**Recommendation 4: That the Napa Fire Department positions eliminated in 2007**



**be restored and the number of Firefighters per shift increased.**

Response: The City restated their original response that the City Council has restored two of the three eliminated positions and will fill the third position when budget constraints allow. The number of firefighters per shift may increase with the hiring of nine firefighters for Fire Station Number Five. There is no additional update at this time.

## **RENOVATION OF FARMWORKER HOUSING CENTERS BY THE NAPA VALLEY HOUSING AUTHORITY**

The 2007-2008 Grand Jury issued this Final Report on March 17, 2008, and received responses from each of the parties listed below.

- City Council
- Napa City Attorney
- Napa City Director of Finance
- Housing Authority of the City of Napa
- Housing Authority of the City of Calistoga
- Housing Authority of the Town of Yountville
- Housing Authority of the City of St. Helena
- City of American Canyon
- Napa Valley Housing Authority
- Napa County Housing Authority
- Napa County Board of Supervisors
- Napa County Conservation, Development & Planning Department
- Napa County Executive Officer
- Napa County Counsel

These responses were reviewed and some meet the statutory requirements. Other responses were found disappointing and in some cases disingenuous and did not address the Findings and Recommendations.

The 2008/2009 Grand Jury requested an updated response from the City of Napa to Recommendation eight and from the Board of Supervisors to Recommendations one and eleven.

**Recommendations 1: A training manual be developed and training provided for new members of any County agency and advisory group. The training must include the legal basis for that entity and other regulations that are important to know in carrying out their role and the requirements of the Brown Act.**

Response: The Board of Supervisors responded as follows:

*The Clerk of the Board, in cooperation with County Counsel, has prepared a manual and conducted a training session on October 24, 2008. Another session is planned for the Spring of 2009. The Clerk intends to conduct two such training sessions each year.*

**Recommendation 8: The City of Napa continue to take steps to improve the operation of its Finance Department and install systems to allow it to have current and accurate financial information.**

Response: The City of Napa responded as follows:

*The City of Napa has improved its financial operation. Financial information is kept current and internal controls have been strengthened. Quarterly financial reports are provided to the counsel on a regular basis. Annual independently audited financial reports are prepared and presented in accordance with best practice. Ongoing training of staff and review of City practices will continue the improvement of the Finance department and its operation.*

*The implementation of the new financial system was delayed due to software issues. The budget module will be functional as of January 1, 2009 for the upcoming budget preparation. The other core financial modules will be live as of July 1, 2009. Phase 3 of payroll, position budgeting, and human resource modules are expected to begin operating January 1, 2010.*

**Recommendation 11: The Napa County Housing Authority establish a capital improvement fund for the farmworker housing centers.**

Response: The Board of Supervisors responded as follows:

*The Napa County Housing Authority Board included a capital improvement fund for the farm worker housing centers in its FY 08/09 budget adopted in June 2008.*

**COMMENTS**

In reviewing the report itself and the various responses, the 2008-2009 Grand Jury notes that County Counsel took the public position the Executive Director did not have authority to sign change orders. No other statements were made by County Counsel or any other party involved in the Farmworker Housing Renovation projects concerning any other party's fault in this matter. The 2008-2009 Grand Jury notes that County Counsel has taken the position the statements made were the opinion of County Counsel and as such were not statements of fact and therefore did not mislead the public. However, County Counsel did not qualify County Counsel's public statements as being the opinion of County Counsel to be proved or disproved at a later time and, if necessary, by a court of law. As such, the public was left with the impression the Executive Director was the sole cause of all the problems that occurred in these projects.

In order to support that position, County Counsel, after being challenged by the 2007-2008 Grand Jury on this position, offered a legal opinion, stated in the responses, that Napa Valley Housing Authority (NVHA) Board of Commissioners did not have and could not have had the authority to delegate the power of signing change orders to the Executive Director. This opinion was relied upon by many other parties and included in

their response to this Report. Why County Counsel did not inform the NVHA Board of Commissioners of its limitation of delegating authority to the Executive Director to sign change orders in the first instance is an open question. County Counsel did not respond to this question in his response to this report.

## **CALISTOGA JOINT UNIFIED SCHOOL DISTRICT**

The 2007-2008 Grand Jury issued this report on April 17, 2008, and received responses from each of the parties listed below.

Superintendent, Napa County Office of Education  
Superintendent, Calistoga Joint Unified School District

These responses were reviewed and found to meet statutory requirements.

The 2008/2009 Grand Jury requested an updated response from the Calistoga Joint Unified School District to Recommendations three, six, and seven.

**Recommendations 3: "Columbine" locks be installed on all District classroom doors and telephones be installed in all classrooms prior to the beginning of the school year 2008-2009.**

Response: The Calistoga Joint Unified School District responded as follows:

*"Columbine" locks were installed on all classroom doors prior to the 2008-2009 school year and a telephone was placed back into the art room.*

**Recommendation 6: Epi-pens and sharps boxes be purchased and placed with the secretary in the main office of the CJ/SHS campus and proper training in the use of these items be given staff members responsible for them.**

Response: The Calistoga Joint Unified School District responded as follows:

*Epi-pens and sharps boxes were purchased and placed with the secretary in the main office of the CJSHS campus prior to the beginning of the 2008-2009 school year. The site principal provided training.*

**Recommendation 7: The requirement of visitors signing in at the school offices before entering the campus be enforced and faculty members and other District personnel increase their awareness of any person on campus without permission. Additionally, that the District investigate fencing areas on the CES campus which allow access from the Napa River.**

Response: The Calistoga Joint Unified School District responded as follows:

*At the beginning of the school year, all staff members were reminded of the protocols relative to visitors on campus and the requirement of visitors signing into the school offices before entering campus is being enforced.*

*A section of the fencing on the Napa River at the CES campus is scheduled for upgrade/replacement this school year, although the current fencing will not provide access to the campus from the Napa River.*

## **DRUG ABUSE RESISTANCE EDUCATION PROGRAM (D.A.R.E.)**

The 2007-2008 Grand Jury issued this report on April 17, 2008, and received responses from each of the parties listed below.

- Calistoga City Council
- Napa City Council
- Police Chief, City of Napa
- Superintendent, Napa Valley Unified School District
- St. Helena City Council
- Superintendent, Calistoga Joint Unified School District

These responses were reviewed and found to meet statutory requirements.

## **NAPA COUNTY FIRE DEPARTMENT**

The 2007-2008 Grand Jury issued this report on April 29, 2008, and received responses from each of the parties listed below.

- Chief, Dry Creek-Lokoya Volunteer Fire Department
- Napa County Board of Supervisors
- Napa County Fire Chief

The responses of the Napa County Board of Supervisors and the Napa County Fire Chief were reviewed and, although disappointing, were found to meet statutory requirements. The response of the Chief of the Dry Creek-Lokoya Volunteer Fire Department was reviewed and found not to be compliant in that Findings and Recommendations were not addressed individually. However, his response was welcome and considered.

The 2008/2009 Grand Jury requested an updated response from the Board of Supervisors to Recommendations three, six, seven, eight, nine, eleven, twelve, thirteen, fifteen, and sixteen.

**Recommendation 3: The MOU between the County of Napa and Volunteer Departments be amended to grant the Napa County Fire Chief clear authority to establish and enforce volunteer department training and operating policies and procedures.**

Response: The Board of Supervisors responded as follows:

*The MOU rewrite is in "Draft" and was presented to the nine (9) Volunteer Chiefs, the Napa County Fire Chief and the Board of Supervisors for review in January 2009 with final approval by the Board of Supervisors anticipated in February 2009.*

**Recommendation 6: All training of volunteer firefighters be provided by fully qualified instructors meeting all applicable standards.**

Response: The Board of Supervisors responded as follows:

*As stated in the original response, the recommendation has been implemented.*

**Recommendation 7: The upgrading of the Napa County Fire Department Policies and Procedures Manual be addressed as a high priority with specific timeline goals established and monitored. Specific policies which must be implemented immediately are:**

- a. A grievance procedure which provides a mechanism for the department personnel to raise and address issues which adversely affect their abilities to perform duties, personnel problems, and accusation of wrongdoing.
- b. Volunteer Firefighter Driver/Operator requirements be formally defined. Existing drivers should be given adequate time to complete the requirements, but not "grandfathered."
- c. Minimum emergency response driver training standards for AEV drivers be established.
- d. All new AEV drivers be required to complete the training prior to operating their vehicles in a Code 3 response.
- e. Existing AEV drivers be given a reasonable time to complete the requisite training, but not be "grandfathered."
- f. The County require that the owners of private vehicles operating as an AEV provide written evidence that they either have an appropriate AEV rider on their vehicle insurance or written documentation from their insurance company that the vehicle is covered while operating as an AEV.
- g. The County establish a policy that details equal accommodations for Volunteer firefighters who are part of a County deployed strike team to that of their paid counterparts.

Response: The Board of Supervisors responded as follows:

*As part of the process to amend the existing MOU, the Napa County Fire Chief together with the nine Volunteer Chiefs, has begun the process of updating the Policy and Procedure Manual. Item b above is in draft and it is anticipated it will be finalized in the next few months; all other policies have been finalized.*

**Recommendation 8: The volunteer stipend be based on the number of emergency responses made by the volunteer while retaining the training requirement as an**

**eligibility criteria. In addition, a tiered compensation system which rewards advanced qualifications be implemented.**

Response: The Board of Supervisors responded as follows:

*The Stipend Policy has been rewritten to reflect changes in the program including a three tier System: (1) Volunteer Fire Fighter, (2) Volunteer Medical Responder, and (3) Auxiliary Volunteer. The stipend is based on volunteer's rank and the number of trainings attended. It does not include the number of incidents responded to. Paying volunteers on a per response basis would technically make the volunteers, county employees, referred to as "Paid Call" firefighters.*

**Recommendation 9: The County fund the required emergency response driver training for volunteer firefighters.**

Response: The Board of Supervisors responded as follows:

*The recommendation has been implemented.*

**Recommendation 11: The funds to pay a Volunteer firefighter who was part of a County deployed strike team be made available on a routine basis and in a timely manner to insure that they are promptly compensated for their time.**

Response: The Board of Supervisors responded as follows:

*The recommendation has been implemented.*

**Recommendation 12: Fire Stations:**

- a. relocate the Station #10 to a combined Napa City/County fire station in Browns Valley.**
- b. the County install a road sign and light on the road at the entrance to the Capell Valley Volunteer Fire Station.**
- c. the County rectify the restricted access/parking issue at the Soda Canyon Fire Station regarding new neighbor entrance gate.**

Response: The Board of Supervisors responded as follows:

*City and County representatives continue to discuss the cooperative agreement to construct and provide personnel for a new fire station in Browns Valley. Staff from Napa County Fire is working with Public Works and the Volunteer Chiefs at Soda Canyon and Capell Valley to resolve related issues.*

**Recommendation 13: Apparatus:**

- a. the County replace as soon as possible, all firefighting vehicles that predate 1991, with vehicles that are appropriate for the individual service area requirements.**

- b. the County provide as soon as possible, a water tender to Gordon Valley Volunteer Fire Department.**
- c. the County provide as soon as possible, a Type IV unit and a rescue vehicle with defibrillator that will fit into and be housed at Soda Canyon station.**

Response: The Board of Supervisors responded as follows:

- a.) As stated in the original response, the recommendation will not be implemented.*
- b.) As stated in the original response, the recommendation will not be implemented.*
- c.) The Type IV engines have been ordered with an anticipated delivery date of spring 2009.*

**Recommendation 15: All fire departments within Napa County have the same rapid entry system locks with a “universal” Key.**

Response: The Board of Supervisors responded as follows:

*The County Fire Chief has explored the possibility of utilizing one rapid key entry system with other public agencies; however, there is little desire to change the current system. The recommendation will not be implemented.*

**Recommendation 16: Volunteer fire departments receive greater support from the County and in return, relinquish some of their long held independence.**

Response: The Board of Supervisors responded as follows:

*The recommendation has been implemented. Implementation will be further solidified upon the signing of the new MOU in early 2009.*

**COMMENTS**

The response of the Fire Chief of the Dry Creek-Lokoya Volunteer Fire Department contained the following statement: “At a recent Volunteer Chief’s Advisory Board meeting, the new Grand Jury Report was referred to as ‘bull-shit’ by one CAL FIRE/NCFD administrator. Unfortunately, one of the Volunteer Chiefs agreed with this statement.”

The 2008-2009 Grand Jury believes this untoward comment to be unprofessional, contemptuous of the judicial process, and disrespectful of the hard work of the 2007-2008 Grand Jury. Not surprisingly, no party was willing to accept ownership of this statement.

**NAPA COUNTY EMERGENCY COMMUNICATIONS**

The 2007-2008 Grand Jury issued this report on May 9, 2008, and received responses from each of the each of the parties listed below.

Napa County Board of Supervisors  
Napa County Executive Officer  
Napa County Fire Chief  
City of Calistoga Police Department  
St. Helena Police Department

These responses were reviewed and found to meet statutory requirements.

The 2008/2009 Grand Jury requested an updated response from the Board of Supervisors to Recommendations one, three, four, five and six.

**Recommendation 1: The Berryessa Peak public safety radio repeater be equipped with a microwave relay system.**

Response: The Board of Supervisors responded as follows:

*The recommendation has not been implemented. While this equipment has been budgeted for, other shortfalls that must be addressed within the current Public Safety radio system have come to light. Furthermore additional analysis suggests that while a microwave relay system to Berryessa Peak is needed for the future expansion of the Public Safety radio system, a microwave relay to Berryessa Peak will not increase radio coverage in the Berryessa area or add redundancy to the Public Safety radio system. Instead, it will add more equipment to a system that the county does not currently have the personnel resources to maintain properly. With fiscal restraint being practiced within the County because of uncertainty regarding the State budget, it would be prudent to reallocate the funding for this project to make the current system more reliable. The three existing microwave hops (Hall of Justice (HOJ) to Atlas Peak, HOJ to Mt. St. Helena and Mt. St. Helena to CalFire ECC) are in need of "hot standby" equipment to realize public safety level of redundancy. This redundancy to the current operability of our system at this time is a fiscally responsible use of the limited funding available.*

**Recommendation 3: As an interim policy, the Napa Central Dispatch PSAP immediately begin to “conference” the CAL FIRE ECC on fire dispatch or medical/fire dispatch calls.**

Response: The Board of Supervisors responded as follows:

*The recommendation is in the process of being implemented. The hardware/software update required to the phone system at Central Dispatch enabling this should be completed by March/April 2009. A number of meetings were held between the two dispatch center supervisors to determine the best procedure/system to handle this issue. The immediate plan was to identify the past deficiencies and enhance the level of communication between the centers by providing a more comprehensive "interrogation" between the centers to assure that appropriate and correct information is passed along. This alone has reduced the number of incident responses delayed by inaccurate information. In*



*addition, when appropriate, the reporting party is retained on the line to again provide greater levels of interrogation.*

**Recommendation 4: CAL FIRE ECC dispatchers be made aware of the requirements of the Napa County Fire Department dispatch related procedures.**

Response: The Board of Supervisors responded as follows:

*As agreed to, all new and existing CAL FIRE ECC employees review and document that they have reviewed all existing policies and procedures. Any new policy or procedure is posted in the Emergency Command Center and requires signatures from each employee that they have read and understand the new policy or procedure. This document is filed with the Battalion Chief.*

**Recommendation 5: On an urgent basis the Napa County Public Service Answering Points institute formal quality assurance programs, preferably audited by outside third party organizations qualified in the area of emergency communications.**

Response: The Board of Supervisors responded as follows:

*As stated in the original response, the Board of Supervisors has no authority to implement this recommendation. The recommendation and procedures initiated by each of the PSAPs are under the authority of the City of Napa, Calistoga and St Helena respectively, rather than the County of Napa.*

**Recommendation 6: The Master Plan be modified to include a consolidated Napa County Public Service Answering Point and planning be initiated to establish the facility.**

Response: The Board of Supervisors responded as follows:

*As stated in the original response, the recommendation will not be implemented. The recommendation requires further analysis by a combination of various municipalities and public safety agencies. Other communications related issues have been identified as a higher priority and therefore staff has not been able to dedicate the necessary time to begin this analysis.*

## **NAPA COUNTY OFFICE OF EMERGENCY SERVICES**

The 2007-2008 Grand Jury issued this report on May 9, 2008, and received responses from each of the parties listed below.

Superintendent, Calistoga Joint Unified School District  
Director of Emergency Services  
Napa Valley Unified School District  
Napa County Office of Education

Napa County Board of Supervisors  
Superintendent, St. Helena Unified School District  
Superintendent, Pope Valley School District  
Superintendent, Calistoga Joint Unified School District

These responses were reviewed and found to meet statutory requirements some but were incomplete as noted below.

The 2008/2009 Grand Jury requested an updated response from the Board of Supervisors to Recommendations 2 and 3, and Napa County Office of Education, St Helena Unified School District, Napa Valley Unified School District, and Calistoga Joint Unified School District to Recommendation 1.

**Recommendations 1: Community Emergency Response Team (C.E.R.T.) training be implemented in Napa County high schools and middle schools.**

Responses: Napa County Office of Education received a grant to improve school emergency response readiness. A director has been hired and a pilot for Teen C.E.R.T. program began in January 2009 in the sixth grade at Calistoga Elementary. This program will be extended to Calistoga Junior/Senior High Schools. Once the pilot program has been appropriately modified it will be moved to other schools throughout Napa County. School based C.E.R.T. training is being developed and will be open to all Napa Valley Unified School District teachers. Four hundred sets of C.E.R.T. individual gear has been ordered and will be given to each student and staff that completes the program.

The St Helena Unified School District will provide C.E.R.T. training to students in St, Helena High School on a volunteer basis with the option of receiving Community Service credit as soon as the training program is finalized by Project Response.

Calistoga High School will be participating in an initial training in March 2009. Twenty students, all enrolled in the CHS Leadership class, will initially participate. In the future, the plan is to continue participation and increase the number of students offered this training.

**Recommendation 2: The impact of a significant influx of Bay Area disaster refugees into Napa County be evaluated and specific plans prepared to deal with this eventuality; that the County Emergency Operations Plan be modified to incorporate this planning.**

Response: The Board of Supervisors responded as follows:

*As stated in the original response, planning for this potential impact must be in coordination with neighboring jurisdictions. The County continues to cooperate with other agencies to integrate our planning with theirs. As these regional planning efforts progress, we will have a clearer set of planning assumptions to base our strategy on and will update our local emergency plans to reflect these concepts. The County is still*

*awaiting the completion of the Association of Bay Area Governments' Recovery Plan Toolkit.*

**Recommendation 3: Long range facility planning for Napa County includes a dedicated Emergency Operations Center combined with an integrated County PSAP and training facilities.**

Response: The Board of Supervisors responded as follows:

*The ongoing County Facilities Master Plan process will address the recommendation. The Facilities Master Plan Steering Committee has concluded that while appropriate space is needed for an Emergency Operations Center, it should not be a “stand alone” that does not have other functional utilization. The Steering Committee will recommend where that space should be most appropriately located.*

## **NAPA VALLEY COLLEGE**

The 2007-2008 Grand Jury issued this report on May 9, 2008, and received responses from each of the parties listed below.

Napa Valley College Board of Trustees  
President, Napa Valley College

These responses were reviewed and found to meet statutory requirements.

The 2008/2009 Grand Jury requested an updated response from the President, Napa Valley College to Recommendations one, two, three, six and seven.

**Recommendations 1: Napa Valley College continue to support efforts at the State level to secure a more stable funding mechanism that is not tied to K-14 funding.**

Response:

*Napa Valley College is not actively pursuing a change to the funding formula at this time, as it is inappropriate for a single District to pursue this effort separate from the entire community college system.*

**Recommendation 2: Napa Valley College Board of Trustees proceed expeditiously to convert the unfunded health care liabilities from a “pay-as-you-go” to an accrual basis.**

Response:

*The District will continue to review options for moving away from the pay-as-you-go basis. Many of the available options that have been under consideration have been eliminated by the current state and national financial situation. The primary focus will be on maintaining current programs and services through this difficult period.*

**Recommendation 5: Napa Valley College provide campus-wide wireless access to benefit the faculty, the students and Campus Security.**

Response:

*Due to the constraints of pending budget cuts, the college will not likely be in a position to make further progress on the recommendation in the near future.*

**Recommendation 6: Computers with wireless capabilities be installed in campus police cars.**

Response:

*This recommendation has been implemented.*

**Recommendation 7: Napa Valley College install a campus wide alert/alarm system to inform those on campus of emergency situations and what actions/precautions be taken.**

Response:

*The College has deployed a computer based emergency notification system called the LYNX system which is primarily intended to communicate with college staff. The college uses AlertU system to send emergency SMS (Short Message Services) messages to students. The college is in the process of developing and training additional Public Information Officers as well as developing emergency communication procedures and messages as part of the college's emergency plan.*

## **NAPA COUNTY JAIL/DEPARTMENT OF CORRECTIONS**

The 2007-2008 Grand Jury issued this report on May 9, 2008, and received responses from each of the parties listed below.

Napa County Board of Supervisors  
Napa County Executive Officer  
Napa County Department of Corrections  
Chief Probation Officer, Napa County Probation Department  
Criminal Justice Committee  
Napa County Sheriff

These responses were reviewed and found to meet statutory requirements.

The 2008/2009 Grand Jury requested an updated response from the Board of Supervisors to Recommendations 1 and 6.

**Recommendation 1: The Criminal Justice Committee address and identify in the Adult Correctional System Master Plan the proper official or agency to provide the leadership necessary to carry out the Plan's recommendations.**

Response: The Board of Supervisors responded:

*The Phase II Report of the Adult Correctional System Master Plan was presented to the Board of Supervisors on October 13, 2008. While the County Executive Office will provide the necessary leadership to carry out the implementation of the entire Adult Correctional System Master Plan, various County departments will play a significant role in implementing various pieces of the plan. Specifically, the Criminal Justice Committee and the Board of Supervisors have identified the Probation Department as the appropriate authority to implement and manage the Community Corrections Service Center.*

**Recommendation 6: Accurate and complete grievance records, numbered sequentially, be retained for at least one year, assuring that all grievances are recorded and appropriate action taken.**

Response: The Board of Supervisors responded:

*A new grievance procedure was created in October 2008 and is now being utilized. The procedure has been reviewed by County Counsel to ensure that it meets the standards set forth under Title 15. The new procedure identifies the Correctional Lieutenant as the Grievance Coordinator as well as the person in charge of maintaining records and overseeing the implementation of the grievance process. Grievance logs are kept and grievances are numbered sequentially. Records are maintained for three years. All formal grievances are recorded as well as the appropriate actions taken at each level of the grievance procedure.*

#### COMMENTS

The 2008-2009 Grand Jury notes this report indicated a concern by the 2007-2008 Grand Jury that the job description for the position of Director of the Department of Corrections made available to them did not emphasize the executive skills necessary to accomplish the new corrections plan which envisions an evidenced-based approach to handling offenders. The County Executive Officer disagreed with the necessity of such a job description believing the recruitment brochures made clear the necessary skill for the position. The 2008-2009 Grand Jury understands a new Director of the Department of Corrections was recently hired by Napa County and it is this Grand Jury's hope that this new Director does possess the necessary executive skills to establish and implement the envisioned evidence-based approach to handling offenders. The 2008-2009 Grand Jury hopes the new Director of the Department of Corrections is successful and wishes him well.

#### NAPA COUNTY ROADS

The 2007-2008 Grand Jury issued this report on May 19, 2008, and received responses from each of the parties listed below.

Napa County Board of Supervisors

Napa County Director of Public Works/Roads

These responses were reviewed and found to meet statutory requirements.

The 2008/2009 Grand Jury requested an updated response from the Board of Supervisors to Recommendations one, three, four and five.

**Recommendation 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.**

Response: The Board of Supervisors responded as follows:

*The Napa Valley Transportation Authority Board and the Board of Supervisors, in cooperation with the cities and town in Napa County, decided the economic climate was such that a transportation sales tax was unlikely to pass on the November 2008 ballot. Elected officials from various agencies in Napa County are considering future election dates such as June 2010.*

COMMENTS

The Board of Supervisors original response stated in part: “This Recommendation has been implemented.” The 2008-2009 Grand Jury notes that the Board of Supervisors has since decided not to put the issue on the November ballot. The Grand Jury hopes this important issue will be put before the public as soon as possible. The failure to pass a dedicated road tax before the end of 2008 deprived Napa County of the receipt of several million dollars from the California State Road Fund for road improvement.

**Recommendation 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.**

Response: The Board of Supervisors responded as follows:

*Training was scheduled in the fall of 2008 and was cancelled for reasons outside of the control of the County. Engineering staff has been working with the State Office of Emergency Services staff to develop a training schedule specifically for Public Works staff. The Department will continue to pursue training opportunities.*

**Recommendation 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.**

Response: The Board of Supervisors responded as follows:

*The Public Works Department has reviewed Road and Street Standards from the City of Napa, City of Santa Rosa, Solano County, San Luis Obispo County, and San Mateo County and plans to update Napa County's Road and Street Standards incorporating appropriate standards from other agencies as well as standards developed specifically for Napa County's needs. A thorough update of the Road and Street Standards is underway and changes will cover all aspects of the standards used for maintenance and new development conditions. It is expected updated Standards will be brought to the Board of Supervisors for consideration in the spring of 2009.*

**Recommendation 5: The County Public Works Safety Manual be brought up to date with current safety regulations.**

Response: The Board of Supervisors responded as follows:

*The Department of Public Works began a comprehensive review of its Safety Manual in FY 07-08. At the suggestion of the Grand Jury, staff has also contacted the City of Napa to compare information that might be beneficial to include in the new revised Manual. Staff continues to train and remain in compliance with all safety regulations but does acknowledge the need for an updated Safety Manual. It is anticipated that the completion of an updated Manual will occur by the end of FY 08-09. Once the document has been completed it will be reviewed by both the County Risk Manager and County Counsel.*

**NAPA COUNTY JUVENILE HALL**

The 2007-2008 Grand Jury issued this report on May 19, 2008, and received a response from the party listed below.

Napa County Board of Supervisors

This response was reviewed and found to meet statutory requirements.

**COMMENTS**

The 2008-2009 Grand Jury commends the Board of Supervisors' plans to implement the 2007-2008 Grand Jury Recommendation "To promote self-esteem, Napa County will allocate funds to provide youths with suitable, durable means for carrying their possessions when they depart Napa County Juvenile Hall."

**RETIREMENT BENEFITS FOR THE COUNTY OF NAPA AND THE CITY OF NAPA EMPLOYEES**

The 2007-2008 Grand Jury issued this report on June 10, 2008, and received responses from each of the parties listed below.

Napa City Council  
Mayor, City of Napa  
Finance Director, City of Napa

Napa County Auditor-Controller  
Napa County Board of Supervisors  
Napa County Executive Officer

These responses were reviewed and found to meet statutory requirements.

#### COMMENTS

The 2008-2009 Grand Jury notes the City and County of Napa's disagreement with the Recommendation concerning the implementation of a defined contribution plan in conjunction with the present defined benefit plan. The response, while disagreeing with the 2007-2008 Grand Jury assessment of the magnitude of funds required to fund the pension benefits and the Recommendation for possible solutions for adequate funding, did set out in detail the City and County position on the present retirement plans and the expected funding of same. The 2008-2009 Grand Jury recommends that citizens review the responses to understand the present position of the City and County on retirement benefits and the adverse financial impact on the City and County as a result of the recent decline in the stock market. This risk is placed entirely on the City and County taxpayers with the present defined benefit plan.

### **ALCOHOL AND DRUG PREVENTION AND TREATMENT PROGRAMS FOR NAPA COUNTY YOUTH**

The 2007-2008 Grand Jury issued this report on June 10, 2008, and received responses from each of the parties listed below.

Napa County Office of Education  
City of Calistoga Police Department  
Napa Police Department  
Napa County Board of Supervisors  
Napa County Probation/Juvenile Hall  
Napa County Health and Human Services Agency  
City of Calistoga Police Department  
Calistoga Joint Unified School District  
St Helena Unified School District

These responses were reviewed and found to meet statutory requirements.