

CONSOLIDATED FINAL REPORTS

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The 2014-2015 Napa County Grand Jury



Top Row: Robert Meanza, John Crossman, Ross Workman, Kirk Candland
2nd Row: Steve Kelley, Edwin Oviatt, Charles Eckstrom
3rd Row: J. C. Pickett, Lynda Burton, Cindy Deutsch, Judge Mark Boessenecker
Bottom Row: Paul Roberts, Naomi Martinez, George Hoyer
Not Pictured: Mike Murrell, Mike Wallace and (Edward Thomas- deceased)

2014-2015 Napa County Grand Jury Members

Ross Workman (foreperson)	Napa
Lynda M. Burton	St. Helena
Kirk J. Candland	Napa
John A. Crossman	Napa
Cindy Deutsch (pro tem)	Napa
Charlie Eckstrom	Napa
George W. Hoyer	Napa
Steven W. Kelly	Napa
Naomi Martinez	Napa
Robert Meanza	Napa
Mike Murrell	Napa
Edwin Oviatt	Yountville
J C Pickett	St. Helena
Paul Roberts	Napa
Ed Thomas (deceased – 3/21/15)	Napa
Mike Wallace	Napa

Acknowledgements

The 2014-2015 Napa County Grand Jury acknowledges assistance and support from the following:

The Honorable Diane M. Price, Presiding Judge, California Superior Court, County of Napa

The Honorable Mark S. Boessenecker, Grand Jury Supervising Judge, California Superior Court, County of Napa

Richard Feldstein, Chief Executive Officer, California Superior Court, County of Napa

Connie Brennan, Court Administrative Assistance, California Superior Court, County of Napa

Silva Darbinian, Chief Deputy County Counsel, Napa County

Elizabeth Habkirk, Principal Management Analyst, Executive Office of Napa County

Joseph Peatman, President, The Gasser Foundation

Terri Niles, Office Manager, The Gasser Foundation

News and Production Staff, *Napa Valley Register*

California Grand Jurors Association

Napa Chapter, California Grand Jurors Association



NAPA COUNTY GRAND JURY
c/o Court Executive Office
825 Brown Street
Napa, CA 94559

A Tradition of Stewardship
A Commitment to Service

June 10, 2015

To the Residents of Napa County:

The 2014-2015 Napa County Grand Jury is pleased to present its Consolidated Final Report. The Grand Jury issued six Final Reports during its one-year term of service to the County. The Consolidated Final Report combines them in one overall Report.

As fixed by law, our Grand Jury consisted of nineteen members when we were sworn into service in July 2015. As a result of the unfortunate death of one of the jurors and the resignations of other jurors, we concluded our term with 15 members. We served under Napa County Superior Court Presiding Judge Diane M. Price and Grand Jury Supervising Judge Mark S.Boessenecker. As required by law, Deputy County Counsel Silva Darbinian reviewed each Report for compliance with applicable statutes before it was submitted to Judge Boessenecker who approved it.

Some of our investigations were mandated by statutes; others were of subjects we chose. In addition, we received and investigated a number of complaints from citizens. Our investigations included numerous interviews of elected and appointed officials, County and City employees, other interested parties and County residents, as well as detailed document reviews, facility tours and site visits. Not all of our investigations resulted in a published report.

Shortly after their issuance, each of our six Final Reports became available for viewing or downloading on the Napa County Grand Jury web page, located at <http://www.napacourt.com/grand-jury/reprts-response%2014-2015>. Grand Jury reports of prior years are also posted for viewing, as well as agency responses to Grand Jury reports.

My colleagues and I appreciated the opportunity to be of service to our fellow residents of Napa County.

Kindest Regards,

/s/

Ross Workman, Foreperson



NAPA COUNTY GRAND JURY
c/o Court Executive Office
825 Brown Street
Napa, CA 94559

A Tradition of Stewardship
A Commitment to Service

June 10, 2015

The Honorable Diane M. Price
Presiding Judge
Superior Court of California
County of Napa
825 Brown Street
Napa, CA 94559

The Honorable Mark S. Boessenecker
Grand Jury Supervising Judge
Superior Court of California
County of Napa
825 Brown Street
Napa, CA 94559

Re: 2014-2015 Napa County Grand Jury Consolidated Report

Dear Judge Price and Judge Boessenecker:

The 2014-2015 Napa County Grand Jury hereby presents its Final Consolidated Report to the Presiding Judge and the Grand Jury Supervising Judge of the Superior Court of California, County of Napa.

The Grand Jury expresses its appreciation to Deputy County Counsel Silva Darbinian and Judge Boessenecker for their work in reviewing final reports before their release to affected agencies. The Grand Jury also offers its appreciation to Napa Superior Court Chief Executive Richard Feldstein and Court Administrative Assistant Connie R. Brennan for their administrative support.

Sincerely,

Ross Workman, Foreperson
2014-2015 Napa County Grand Jury

Overview of the Napa County (Civil) Grand Jury

A. Introduction to the Civil Grand Jury

The following provides a broad overview of the Napa County (Civil) Grand Jury, its origins, what it does and how it functions.

1. Brief History of the Grand Jury

The Napa County Grand Jury has its historical roots in the English grand jury system dating back to the twelfth century. The grand jury protected citizens from the arbitrary authority of the Crown. In California, the institution of the grand jury is preserved in section 23 of article 1 of the State Constitution, which requires one or more grand juries to be drawn and summoned at least once a year in each county. The principal function of a California civil grand jury is to inquire into the affairs of local government. The civil grand jury is an arm of the state judicial system. It is not a law enforcement agency.

2. Function of the Napa County (Civil) Grand Jury

The responsibility of a civil grand jury is to conduct investigations into county and local government to ensure that they are being operated honestly and efficiently. A county grand jury does not have jurisdiction over federal or state agencies, and therefore has no authority to investigate federal or state agencies. A civil grand jury focuses on specific matters within its jurisdiction.

In their investigative work grand jurors are expected to be fair, show sound judgment and maintain absolute confidentiality. A grand jury is not a forum from which to express political ideals or viewpoints. The ultimate goal of the grand jury's work is to make recommendations that are useful and will improve governmental operations.

3. Final Reports of a (Civil) Grand Jury

A civil grand jury may, but is not required to, issue a final report upon completion of an investigation. Following approval by the Supervising Judge, the grand jury provides a copy of the report to the governing body of the affected agency or to an elected official. Affected agencies and elected officials are required to respond to a final report to the Presiding Judge of the Napa Superior Court.

4. Response to Final Report - Findings

The legal requirement for response to grand jury findings and recommendations are set forth in California Penal Code Section 933.05. For the assistance of respondents, Section 933.05 of the Penal Code is summarized below. The person or entity must respond in one of two ways:

- That they are in agreement with the finding or
- That they disagree, wholly or partially, with the finding. In which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

5. Response to Final Report –Recommendations

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

- The recommendation has been implemented, with a summary of the action(s) taken.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis. If the respondent replies in this manner, the law requires a detailed explanation of the analysis or study and a time frame not to exceed six months from the date of

publication of the Grand Jury's final report by which time the recommendation will be discussed.

- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation as to why it is not warranted or reasonable.

6. Budgetary or Personnel Recommendations

If a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond, if the grand Jury so requests. While the response by the Board of Supervisors may be somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

7. Time and to Whom to respond

The Penal Code provides two different response methods:

- Public Agency – The governing body (i.e. Board of Supervisors, a City Council, a Board of Directors, a Board of Governors of a Special District a School Board etc.) of a public agency must respond within 90 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.
- Elected officer or Agency Head – All elected officers or heads of agencies that are required to respond must do so within 60 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.

8. More Information

For an application for civil grand jury service, general questions, comments, or more information, please write, call or email:

Ms. Connie Brennan, CCLS – Court Administrative Assistant
Superior Court of California, County of Napa, 825 Brown St. Napa, 94559
Telephone: (707) 259-8305 Fax: (707) 299-1250
Email: grandjury@napa.courts.ca.gov



**NAPA COUNTY GRAND JURY
2014-2015**

OCTOBER 7, 2014

FINAL REPORT

**REVIEW OF RESPONSES TO THE
2013-2014 GRAND JURY REPORTS**

REVIEW OF RESPONSES TO THE 2013-2014 GRAND JURY REPORTS

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REVIEW OF RESPONSES TO THE 2013-2014 GRAND JURY REPORTS

I. INTRODUCTION

SUMMARY

The 2013-2014 Grand Jury issued its Consolidated Final Report on May 16, 2014. The Consolidated Final Report consisted of seven individual Final Reports, which included a Review of Responses to the 2012-2013 Grand Jury Reports. The 2013-2014 Grand Jury made Recommendations in all of its Final Reports except the Review of Responses.

Pursuant to California Penal Code Section 933, elected officials are required to respond within sixty days of a Grand Jury Report and government agencies are required to respond within ninety days. Their Responses must be addressed to the Presiding Judge of the Napa County Superior Court.

During its present term, the 2014-2015 Grand Jury reviewed all the Responses provided by government agencies to the six Reports requested by the 2013-2014 Grand Jury. The 2014-2015 Grand Jury finds that all agencies with the exception of the NVUSD filed timely Responses to the Recommendations of the 2013-2014 Grand Jury. The NVUSD submitted its Response on August 22, 2014.

BACKGROUND

State law requires that at least one agency or official submit a written Response to the Presiding Judge for every Recommendation in a Grand Jury Report. The current Grand Jury must assure that each Response was submitted within the statutory time frame and is otherwise compliant with the requirements of California Penal Code Section 933.

In situations regarding taking oral testimony, such testimony must be in front of a minimum of two Grand Jurors to be validated. Every Recommendation in a Report must be supported by at least one Finding. By adhering to these principles, the objectivity and accuracy of the Report is assured.

Recommendations from Grand Juries often suggest shortcomings or call for changes, and they provide an opportunity for governmental agencies to review their policies and procedures.

METHODOLOGY

The 2014-2015 Grand Jury evaluated Responses to the 2013-2014 Grand Jury's Findings and Recommendations to ensure compliance with the Penal Code Section 933. The following criteria were considered:

1. Was the Response timely received by the Presiding Judge, which is within ninety days for a public agency, and within sixty days for an elected official?
2. If a Respondent stated that a Recommendation had been implemented, did the Respondent provide a summary of the implemented action?
3. If a Respondent stated that a Recommendation was to be implemented, did the Respondent provide a summary of the proposed implementing action, and also the time frame for completing the implementing action?
4. If a Respondent stated that a Recommendation required further analysis or study, did the Respondent provide an explanation of the scope and parameters of the proposed analysis or study, and also provide a time frame for completion of the proposed analysis or study?
5. If a Respondent stated that a Recommendation was not to be implemented on the grounds that it was not warranted or unreasonable, did the Respondent include a reasoned explanation supporting its position?

The 2013-2014 Grand Jury issued forty-seven Recommendations to the affected government agencies listed below.

- Napa County Juvenile Hall Director
- Napa County Transportation & Planning Agency
- American Canyon, Napa, Yountville, St. Helena and Calistoga City Councils
- Napa County Board of Supervisors
- Napa Valley Unified School District (NVUSD)

A. OBSERVATION

A breakdown of the action taken by these agencies is provided.

1. Napa County Juvenile Hall Annual Review
2 - Recommendations :
 Will be implemented - 1
 Not Implemented - 1
2. Napa County Transportation & Planning Agency
16 – Recommendations:
 Implemented - 5
 Will be Implemented - 7
 Further Study Required - 1
 Not Implemented - 3
3. A Review of Public Employee Retirement Benefits for each County Jurisdiction
2 – Recommendations:
 Not Implemented - 2
4. Veterans Service and Outreach
5 – Recommendations:
 Implemented - 0
 Will be Implemented - 4
 Further Study Required - 1

5. Forming Partners with the Community Through Youth Sports

17- Recommendations:

- Implemented - 2
- Will be Implemented -10
- Further Study Required - 2
- Not Implemented - 3

6. Napa County Jail Annual Review

2 – Recommendations:

- Not Implemented - 2

The foregoing report was duly approved by the 2014-2015 Grand Jury at regular session on October 7, 2014.

Ross Workman, Foreperson
2014-2015 Napa County Grand Jury

II. REVIEW OF RESPONSES TO THE 2013 -2014 GRAND JURY REPORT ON THE NAPA COUNTY JUVENILE HALL

A. DISCUSSION

On February 19, 2014 the 2013-2014 Napa County Grand Jury submitted its Final Report on the Napa County Juvenile Hall (NCJH) Annual Review. The Grand Jury had requested a Response from the Napa County Juvenile Hall Director, but the responsibility of the Juvenile Hall is with the Chief Probation Officer, who provided Responses.

R1. The Grand Jury recommends that by the end of FY 2014-2015, all on duty NCJH employees should wear clothing that clearly identifies them as staff.

Response: The Recommendation will not be implemented because it is not reasonable. Budget constraints preclude the County from making such a proposal. This would be a meet and confer issue with the union if the County determined uniforms were appropriate.

R2. The Grand Jury recommends that by the end of FY 2014-2015 video equipment should be updated to current state-of-the-art standards, and cameras added to the system to ensure that there are no blind spots within the facility or along the perimeter of the yard.

Response: The Recommendation will be implemented. Staff has been working with Public Works to upgrade the video system. Cameras will be replaced by the end of FY 2014-2015. Cameras will be installed to cover blind spots within the facility and along the perimeter of the yard within next year.

III. REVIEW OF RESPONSES TO THE 2013-2014 GRAND JURY REPORT ON THE NAPA COUNTY TRANSPORTATION & PLANNING AGENCY (NCTPA) WITH THE SUBTITLE VINE: MANAGEMENT & RIDERSHIP FOR THE FUTURE

A. DISCUSSION

On March 18, 2014, the 2013-2014 Napa County Grand Jury issued its Final Report on the Review of Responses to the 2013-2014 Report on the Napa County Transportation & Planning Agency (NCTPA) with the subtitle VINE: Management & Ridership for the Future.

The Napa County Transportation & Planning Board of Directors represent the incorporated cities of American Canyon, Calistoga, Napa, St. Helena, Yountville and Napa County. The Grand Jury

initiated an investigation because of low VINE ridership, notwithstanding an investment of \$12.5 million by the Board of Directors for a new Transit Center, new buses, and increased operational costs to support the new buses, routes and schedules.

The funds are a combination of federal and state grants, local jurisdiction fare payments, and Transportation Development Act funds that are generated by a 0.25% sales tax that is controlled by the Metropolitan Transportation Commission.

The Grand Jury's investigation strived to determine what might be done to ensure that Napa County's transit ridership warrants the significant investment and to engage the incorporated cities in maximizing VINE transit services.

The following Recommendations were addressed to the Napa County Transportation & Planning Agency. Responses follow:

R1. The Grand Jury recommends that the Board of Directors adopt and follow a capital budget that anticipates maintenance and equipment acquisitions, projects out costs and funding mechanisms and monitors implementation with a consistent progress reporting method. If the Recommendation is not implemented in the current fiscal year, then it should be implemented in FY 2014-2015.

Response: This Recommendation has been implemented. Each year as part of the annual budgeting process, the Board approves the capital expenditures for the year. The capital budget is developed from the Short Range Transit Plan, a 10-year plan that also identifies capital needs. The costs to operate and maintain each capital purchase items is included in the 5 year operating budget projections that are provided to the Board quarterly, and in the 10 year budget projections included in the Short Range Transit Plan.

R2. The Grand Jury recommends that the Board of Directors evaluate at least annually, with careful prior analysis by staff, any needed major acquisitions such as buses, maintenance yards and fueling

stations. The goal is to achieve the efficient integration of transit operations.

Response: This Recommendation has been implemented. As previously stated under our response in Recommendation 1 above, the Board reviews needed major acquisitions as part of the Short Range Plans and as the project is implemented, the capital needs and financing costs will be included in successive budgeting exercises.

R3. The Grand Jury recommends the Board of Directors explore ways to improve Napa County Transportation & Planning Agency management retention such as merit pay or other incentives and put in place for the coming fiscal year.

Response: This Recommendation requires further analysis. The Napa County Transportation & Planning Agency Board appreciates the Grand Jury's suggestion and will take it under advisement. It should be noted, however, that the agency has been [in] existence since 1998 and has only had four executive directors in its 16-year history.

R4. The Grand Jury recommends planning out the use of the \$10 million reserve fund to meet Transit's existing needs over the next 10 years. This includes capital expenses and marketing costs by the beginning of the next fiscal year.

Response: The Recommendation has been implemented. The agency has planned out its capital and operating needs over the next 10 years and it is included in the Short Range Transit Plan. The Short Range Transit Plan is updated every 4 to 5 years; however, every two years Napa County Transportation Agency produces a "mini" Short Range Transit Plan that includes updates to its capital and operating programs as mandated by the Metropolitan Transportation Commission.

R5. Napa County should consistently utilize the Napa County Short Range Transit Plan FY 2013-2022 (June 2013) for guidance in the sustainable operation of the Napa Transit System with timely progress reports to the Board of Directors put in place by June 2014.

Response: The Recommendation has been implemented. The Short Range Transit Plan is referred to frequently in both setting the groundwork for operations and for the annual development of the operating and capital budget. In conjunction with the budget process, Napa County Transit & Planning Agency staff develops, and the Board adopts, an overall work plan which establishes the number of staff hours required to complete various tasks and projects over the course of the year.

The Board receives quarterly updates on the budget, quarterly updates on transit operations and performance (more frequently as needed), and semi-annually overall plan updates.

R6. Napa County should develop financial, qualitative and quantitative reporting metrics that will identify problems in standards of system performance so operation corrections can be made through adaptive management actions, with appropriate metrics in place by the end of the current fiscal year.

Response: This Recommendation has been implemented. Service Policies and performance metrics are adopted by the Board and are summarized in Napa County Transportation & Planning's Short Range Transit Plans. The most recent Service Policies were adopted in March 2013. The Board also received five-year financial projections quarterly.

R7. Napa County Transportation & Planning Agency should install at a minimum, temporary signage as soon as possible for the new Transit Center that can be seen from Soscol Avenue and install a complete and consistent branding and marketing signage system for the center, buses and bus shelters within 90 days of this report.

Response: This Recommendation will not be implemented because it is not warranted and is not reasonable. As previously discussed, the building signage was part of the original SGTC contract but other building signs produced by the subcontractor were substandard.

Consequently, Napa County Transportation & Planning Agency cancelled the contract and solicited a sign contractor elsewhere.

Napa County Transportation & Planning Agency is currently evaluating three quotes. Each of the quotes is deficient in some way and we are unable to proceed until the issues are resolved. Temporary signage would require that we work with the city planning staff on alternate signage design, and release another RFP, which would create unnecessary delay, inefficiencies and costs.

R8. Napa County Transportation & Planning Agency should implement within the current fiscal year a coordinated VINE marketing strategy with each Napa County jurisdiction so that Napa County Transportation and Planning's transit services are readily available and consistently communicated across all public, community and visitor websites.

Response: This Recommendation will be implemented within 90 days. Napa County Transportation & Planning will work with the jurisdictions and site and request that information about the VINE and its ancillary services are consistently communicated. It should be noted that Napa County Transportation & Planning Agency has no authority to demand that Napa's jurisdictions or its visitor sites comply with this request.

R9. The Grand Jury recommends Napa County Transportation & Planning Agency contract with an agency with transit expertise to develop and implement appropriate marketing efforts to targeted ridership populations and major employers that will drive awareness of all VINE services and improve ridership within the current year and for the future fiscal year.

Response: This Recommendation will not be implemented because it is not warranted and is not reasonable. Most transit operators spend approximately 1% of its budget on marketing. The Napa County Transportation & Planning Board allocates roughly 2% of the VINE budget on marketing. The Napa County Transportation & Planning Agency Board is pleased with the marketing effort and acknowledges

that professional support could enhance the marketing materials but is concerned that an advertising professional would consume a significant share of the agency's annual budget for marketing.

R10. Napa County Transportation & Planning Agency should explore, adopt and apply sustainability design tools such as Transit-Oriented Development to determine ideal alterations to transit services within the 2014 calendar year.

Response: This Recommendation will not be implemented because it is not warranted and is not reasonable. Napa County Transportation & Planning Agency personnel take courses and attend conferences regularly to learn about new trends and technologies in transit. Professionals in the field of transit in rural and suburban areas are often consulted in order to ensure that Napa County Transportation & Planning Agency transit services are utilizing the most up to date technologies and employing state of the art practices.

Transit-Oriented Development's are neighborhoods that are designed by cities and towns. There are times that a transit partner may participate if development occurs on a property owned by that transit operator but transit operators rarely initiate such developments.

The following Recommendation was addressed to the incorporated cities of American Canyon, Calistoga, Napa, St. Helena, and Yountville. Responses follow:

R11. Napa County Transportation & Planning Agency should implement within the current fiscal year a coordinated VINE marketing strategy with each Napa County jurisdiction so that Napa County Transportation & Planning Agency's transit services are readily available and consistently communicated across all public, community and visitor websites.

Response from the City of American Canyon: The City of American Canyon supports this Recommendation and stands ready to work with Napa County Transportation & Planning Agency to bolster our current marketing efforts to encourage ridership. We are currently

working on a website update and will work with Napa County Transportation & Planning Agency staff to ensure our website provides consistent and clear information about the VINE. The City of American Canyon also routinely conducts community outreach on a variety of topics and will include marketing information about the VINE in the coming months.

Response from the City of Calistoga: The Calistoga City Council will direct staff to work with the Napa County Transportation & Planning Agency and other jurisdictions as they develop further marketing strategies so that all Napa County Transportation & Planning Agency's transit services are readily available and consistently communicated across all potential users. This will include placing information on the City's website once the information is developed.

Response from the City of Napa: This Recommendation will be implemented by the City of Napa by using its existing website to provide a permanent link to an appropriate website or webpage that provides user information on VINE Services. A permanent link will be created by the end of Fiscal Year June 30, 2014. In addition, the City will regularly post on its website topical and timely information provided by the Napa County Transportation & Planning about VINE services that is pertinent to City of Napa residents and businesses.

These postings will begin July 1, 2014 and continue indefinitely. The selection of items to be posted, the frequency and duration of the posting and the editing of those items will be at the sole discretion of the City of Napa. The City will provide this outreach assistance at no charge to Napa County Transportation & Planning Agency.

Response from the City of St. Helena: The City of St. Helena supports this Recommendation and will coordinate efforts with Napa County Transportation & Planning Agency to improve and increase our current marketing efforts to encourage ridership. We plan to start implementation of the following efforts within thirty days: City staff will communicate with Napa County Transportation & Planning Agency staff to integrate an appropriate link on the City website

www.ci.st-helena.ca.us as provided by Napa County Transportation & Planning Agency. City staff will further evaluate other means of reaching out to the community with such information being included in the water bill, e-news broadcast and posting at public facilities.

Response from the City of Yountville: This Recommendation can be implemented within sixty (60) days. Town staff will communicate with Napa County Transportation & Planning Agency staff to integrate an appropriate link on the Town website www.townofyountville.com as provided by Napa County Transportation & Planning Agency. Town staff will further evaluate the ability to add a narrative content page on our site about local transportation alternatives.

IV. REVIEW OF THE RESPONSES TO THE 2013-2014 GRAND JURY REPORT ON PUBLIC EMPLOYEE RETIREMENT BENEFITS FOR EACH NAPA COUNTY JURISDICTION

A. DISCUSSION

The 2013-2014 Grand Jury issued its Final Report entitled A Review of Public Employee Retirement Benefits for Each County Jurisdiction on April 3, 2014. The topic under investigation was the status of the county's retirement benefit funding levels. The purpose was to provide clarity of the public pension and other post-employment benefits (OPEB) funding liabilities in the county's jurisdictions.

Seven Findings were presented by the Grand Jury. They indicate that no jurisdiction is facing imminent fiscal crisis due to pension fund liabilities but some jurisdictions are in better shape than others. The Grand Jury also found that all jurisdictions had introduced employee sharing of pension costs, although some only applied to future employees, and that most jurisdictions are trying to achieve full funding of their OPEB liability before 2014, which follows the 30-

year amortization rate recommended by the Government Finance Officers Association in March 2013.

Two Recommendations were made by the 2013-2014 Grand Jury to the County Board of Supervisors as well as the cities of American Canyon, Calistoga, Napa, St. Helena and Yountville.

R1. Napa County Board of Supervisors and the incorporated Napa Jurisdictions form a pension/OPEB committee with appropriate financial and human resource management to establish a communication process and a planning best practices platform to share insights and collaborate on strategies for addressing and managing pension/OPEB funding.

Response from the Napa County Board of Supervisors: The Recommendation will not be implemented because it is impractical with regard to pension and OPEB funding do to the unique obligations and circumstances of each agency. While the Board acknowledges the benefits of collaborating with other public agencies in the County, varying budget circumstances, employee bargaining groups, and other factors make the development of common strategies difficult if not impossible.

Response from American Canyon: The City of American Canyon wholeheartedly agrees that the more information we share with our peers about best practices and issues related to pension and OPEB funding, the more insight we can gain and the better we can plan for the future. However, we believe the sharing of information is already well developed and forming a committee locally would be duplicative of other statewide and regional efforts already in place.

Response from Calistoga: Each jurisdiction has vastly different circumstances and different options available for managing pension and OPEB funding. What may be a best fit for one agency will not necessarily be the best fit for another. For example, Calistoga has ten retirees in total, while City of Napa has hundreds. That being said, there could be some value in meeting together to discuss pension

funding and managing the pension and OPEB liabilities, but the best options for each agency may be very different.

Response from Napa: This Recommendation will not be implemented because it is not warranted. Each jurisdiction has vastly different circumstances and different options available for managing pension and OPEB funding. What may be a solution for one agency will not necessarily be the best fit for another. However, we believe that there is still value in meeting together to discuss pension-funding strategies and managing the pension and OPEB liabilities.

Response from St. Helena: Each jurisdiction in Napa County independently has labor unions with existing contracts, which carry an obligation to fulfill. Our fiscal situations are different as well, and it would not be possible for all jurisdictions in the county to be consistent in the provision of retirement and OPEB benefits.

In addition, St. Helena is unique in the fact that it doesn't provide OPEB. However, the City of St. Helena agrees that the collaboration to share best practices and pension information between Napa County Board of Supervisors and the incorporated Napa jurisdictions could potentially be beneficial not only to the jurisdictions but to the public perception as well.

Response from Yountville: Our fiscal situations are different, as are our labor contracts, and it would not be possible for all jurisdictions in the County to be consistent in the provision retirement and OPEB benefits.

The Town of Yountville wholeheartedly agrees that the more information we share with our peers about best practices and issues related to pension an OPEB funding, the more insight we gain and the better we can plan for the future.

R2. Napa County Board of Supervisors and the incorporated Napa jurisdictions through the pension/OPEB committee, issue an Annual Report that summarizes each entity's pension/OPEB funding status at the end of each fiscal year.

Response from the Napa County Board of Supervisors: The Recommendation will not be implemented. Each year the County receives an actuarial report from CalPERS summarizing its funding status. In addition, the County's consultant prepares regular projections, which assist staff in making recommendations regarding the funding of both pension and OPEB during the budget process. Finally, the Auditor-Controller prepares and issues the Comprehensive Annual Financial Report (CAFR) in December of each for the prior fiscal year. The report includes the funding status of both pension and OPEB.

Response from American Canyon: Every year, each jurisdiction is required to contract with independent auditors and complete a thorough audit of the agency's financial position. A major component of this audit is an analysis of pension and OPEB liabilities and details of review can be found in each jurisdiction's annual audit report. This audit is updated and available to the public annually.

Response from Calistoga: All agencies are issued an actuarial report from CalPERS on an annual basis, and are required to have an actuarial valuation performed on the OPEB liability every 2-3 years, depending on the agency size. All of these reports are public information. Also, the comprehensive annual financial report (CAFR) is prepared by the city auditor each year. This is presented at public meetings and posted on our web site.

Response from Napa: This Recommendation will not be implemented because it is not warranted. All agencies are issued and actuarial report from CalPERS on an annual basis, and are required to have an actuarial valuation performed on the OPEB liability every 2-3 years, depending on the agency size. All of these reports are public information and most are available on each agency's web site.

Response from St. Helena: The City of St. Helena contracts with an independent auditor to perform an annual financial report, in which an analysis of pension and OPEB liabilities are included. CalPERS issue

an actuarial report on an annual basis, which is factored in the Annual Audit Report. These documents are available to the public.

Response from Yountville: Every year, each jurisdiction is required to contract with independent auditors a complete and thorough audit of the agency's financial position. A major component of this audit is an analysis of pension and OPEB liabilities. Details of the review are in each jurisdiction's annual audit report.

The Town of Yountville's most recent audit, which is available on the Town's website, includes several pages of information about our funding status. The audit is made available to the public annually.

V. REVIEW OF RESPONSES TO THE 2013-2014 GRAND JURY REPORT ON THE VETERANS SERVICE AND OUTREACH: COUNTY VETERANS SERVICE OFFICE

A. DISCUSSION

On April 22, 2014, the 2013-2014 Napa County Grand Jury issued its Final Report on the Veterans Service and Outreach.

The Napa County Veterans Service Office (CVSO) serves approximately 11,400 veterans with respect to filing claims for benefits with the U.S. Department of Veterans Affairs (VA). However, it takes too long for veterans seeking benefits to obtain assistance and the outreach by the CVSO in recent years has been marginal at best due to inadequate staffing.

The following Recommendations were addressed to the Napa County Board of Supervisors. Responses follow:

R1. The CVSO should set a goal of scheduling a meeting with a veteran within a two-week period.

Response: The Recommendation has not yet been implemented, but will be implemented in the future. With the addition of a new Veterans Representative staff person, the CVSO anticipates being able to reach this goal within one year (no later than April 2015).

R2. The Napa CVSO should develop an outreach program that ensures that veterans in Napa County are fully aware of its services, including that it will make home visits.

Response: The Recommendation has not yet been implemented, but will be implemented in the future. The Veterans Service Office (VSO) had previously done only limited outreach, due to low staffing levels. With the new Veterans Representative hired, the VSO will more frequently attend events and arrange presentations throughout Napa Valley. In addition to outreach, the VSO anticipates being more available to perform home visits as the Veterans Representative takes on an increasing workload over the next year.

R3. The Napa CVSO should report annually, in writing, to the Board of Supervisors on the effectiveness of its outreach programs, including not just what it has done but what in its assessment, should be done.

Response: The Recommendation has not yet been implemented, but will be implemented in the future. The VSO will: Track outreach activities and claims activity starting with Fiscal Year 2014-2015; assess effectiveness and seek opportunities to increase outreach; and report these findings to the Board of Supervisors annually beginning in November 2015. This will be tied to coincide with Veteran's Day.

R4. Napa County should implement changes to its website that facilitate the finding of veteran services on its website.

Response: This Recommendation requires further analysis. Using the search feature on the County of Napa's website will take users directly to Veterans Services information and contacts. Also, there may be additional changes to information or links on the website that would assist users. The County's website is under continual review for possible improvements. The Webmaster and CVSO staff will

review the information and evaluate whether additional changes should be made.

R5. The Napa CVSO should make available a Veteran Identification Card for Napa County Veterans to enable veterans to receive additional benefits from Napa County businesses with special benefits to veterans.

Response: The Recommendation has not yet been implemented, but will be implemented in the future. Equipment to make Veteran Identification Cards has been ordered and received, and staff is currently designing the identification card. Staff is also communicating with the local Chamber of Commerce to identify the most effective way to encourage businesses to offer veteran benefits and communicate the availability of these benefits to patrons with a Veteran ID Card or other military identification.

Staff expects to start advertising the availability of these cards no later than September 2014, with a “soft roll out” starting in July for veterans who are already at our office for other services.

B. COMMENT

Notwithstanding understaffing of the CVSO at the time of the Report, that entity had a high grant rate of 98% and achieved record benefit results in fiscal year 2012-2013. It is foreseeable that proper staffing and outreach will result in benefits for a larger number of veterans. Responses from the Napa County Board of Supervisors to the Report are encouraging with respect to veterans.

VI. REVIEW OF THE RESPONSES TO THE 2013-2014 GRAND JURY REPORT ON FORMING PARTNERS WITH THE COMMUNITY THROUGH YOUTH SPORTS - “PUTTING KIDS FIRST”

A. DISCUSSION

On April 22, 2014, the 2013-2014 Grand Jury issued its Final Report entitled Forming Partners With the Community Through Youth Sports – “Putting Kids First.” The topic under investigation in the Report focused on management and operation of the Joint Field Use Agreement between Napa Valley Unified School District (NVUSD) and the Non-profit Youth Sports Organizations (NYSO) in the City of Napa.

A majority of the Findings and Recommendations in the Report deal mainly with NVUSD. However, the City of Napa’s Parks and Recreation Department’s role in the funding for field maintenance was also examined. Several members of the City of Napa staff were interviewed.

The following Recommendations were addressed to the Napa City Council. Responses follow:

R1. That the Superintendent of the NVUSD and the City of Napa Parks and Recreation Department re-establish within the next six months a new Joint Use Agreement for Maintenance of School Sports Fields for School and Community.

Response: The City stated that this Recommendation has not yet been implemented, but will be implemented within the statutory six months time frame. The City of Napa Parks and Recreation Department and the NVUSD have met and initiated discussions regarding the development of a new Joint Use Agreement for Field Maintenance.

R14. That the City of Napa and the NVUSD continue to collaborate in the development of more playing fields on city-owned land for community use such as Kennedy Park.

Response: The City of Napa stated that this Recommendation has not yet been implemented, but will be in the near future with the development of a Master Plan at Kennedy Park. The City stated that they are in the process of contracting with a firm that will develop a Master Plan within the next seven months.

R17. That the Parks and Recreation Department resume the responsibility for collecting field use fees from the NVUSD as it did prior to 2007.

Response: This Recommendation will not be implemented because it is unwarranted. The NVUSD currently schedules the use of the fields directly with the NYSO, and accordingly should collect fees associated with the scheduled use. The fees are intended to be used for field maintenance activities by the NVUSD, so there would be no merit from the City collecting fees associated with a schedule developed by the NVUSD and subsequently forwarding fees to the NVUSD.

The City of Napa stated there were no financial impacts from Recommendations R1, R14 and R17.

The following Recommendations were addressed by the NVUSD. Responses follow:

R1. That the Superintendent of NVUSD and the City of Napa Parks and Recreation Department re-establish within six months a new Joint Use Agreement for Maintenance of School Sports Fields for Community Use.

Response: NVUSD agrees to implement this Recommendation within the statutory time frame of six months. Representatives from NVUSD and the City of Napa have met to discuss the details of a new Joint Use Agreement.

R2. That the Director of Maintenance and Construction develop a more consistent maintenance program to ensure the playing fields at all schools are maintained in a safe, playable condition.

Response: NVUSD agrees to implement this Recommendation. NVUSD has put in place a scheduled maintenance program that distributes the workload equitably between all elementary, middle and high schools.

R3. That the Assistant Superintendent of Business Services develops written procedures for the enrollment of all non-profit youth sports leagues to ensure consistent tracking of applications, payments, billing and usage.

Response: NVUSD agrees to implement this Recommendation by January 2015 with a new written procedure document that can be used for the identification of all non-profit user groups.

R4. That the Assistant Superintendent of Business Services prepare quarterly financial reports for the Youth Sports Council Meetings detailing current revenues and expenses in the Napa Youth Sports League account.

Response: NVUSD agrees to implement this Recommendation. NVUSD will make these reports available for public view by the 15th day following each fiscal quarter.

R5. That the Director of General Services and Facilities implement within the next six months, a computerized system for the reservation of playing fields.

Response: NVUSD agrees to implement this Recommendation within the time frame through the use of the current “School Dude Facilities Direct” software program for field and facilities reservations.

R6. That the Director of General Services and Facilities adopt a lottery or similar system to assign playing fields that would replace the current “historic” system.

Response: NVUSD will not implement this Recommendation because the School District is hesitant to support a lottery system where groups will be denied access based on a random selection process.

R7. That the Assistant Superintendent of Business Services immediately allow the use of credit cards for the payment of field use fees to ensure more efficient tracking of funds and team payments.

Response: NVUSD says that this Recommendation requires further analysis and study. Currently, funds deposited for field use are sent directly to the County Treasurer where the District manages most cash assets. The use of a credit card service would require the establishment of a stand-alone bank account.

R8. That the Assistant Superintendent of Business Services establish, in the next six months, stricter enforcement policies for the non-payment of field use fees.

Response: NVUSD will develop a non-payment enforcement policy within the next six months and include said language in the newly developed Joint Use Agreement with the City of Napa.

R9. That the Director of Maintenance and Construction, in conjunction with the principals at each elementary school site, place at the entrance of each playing field updated, highly visible signage stating that a use permit for organized sports is required to use the field.

Response: NVUSD will not implement this Recommendation because it is unwarranted. Current facility design and the spirit of the Civic Center Act limit NVUSD’s control of open campus access from organized public use of the facilities. NVUSD will continue to

enforce permitted use of the facilities through the reservation process and District Staffing.

R10. That the Director of Maintenance and Construction establish procedures that expedite and track emergency work order requests within the web-based, electronic “School Dude” system.

Response: NVUSD supports the expedition and tracking of emergency work order requests, but the School District did not specify a time frame for implementing this Recommendation nor did they provide a summary of how it would integrate the new procedures within the web-based, electronic “School Dude” system

R11. That the Director of General Services and Facilities within the next six months create a computerized, online Facilities Use Application form designed for the exclusive reservations of playing fields.

Response: NVUSD states that this Recommendation requires further analysis and study. NVUSD indicated that its staff would be working on developing a program for internal use over the next few months. A completely automated online system, whether it is “School Dude,” or another system will require a longer implementation period.

R12. That the Director of Maintenance and Construction continue to research and apply the most effective methods of controlling gopher infestation observed at many of the fields.

Response: NVUSD agrees to implement this Recommendation but it does not specify which type of new management techniques it intends to use to control the gopher infestation.

R13. That the Superintendent of Schools and the Director of General Services and Facilities establish written guidelines for the public posting of Youth Sports Council meetings, agendas and minutes.

Response: NVUSD will not implement this Recommendation because it is not warranted. NVUSD feels that the Youth Sports

Council is most effective if it remains an autonomous organization, outside the direct supervision and control of either NVUSD or the City of Napa.

R15. That the Assistant Superintendent of Business Services implement and maintain a new financial software system for accounting services within the NVUSD to include the Napa Youth Sports League account.

Response: NVUSD has implemented this Recommendation effective July 1, 2014.

R16. That the NVUSD establish, within the next six months, written policies defining the type of work that can be performed on the fields by volunteers from non-profit sports organizations.

Response: NVUSD has implemented this Recommendation. A volunteer site improvement plan is in place that allows for a case –by– case review of all proposed site improvements projects. This includes: scope of the project; scale of the project; staffing impact; and potential liability exposure mitigation by the District.

B. OBSERVATIONS

The Grand Jury requested responses from both NVUSD and the City of Napa. The City of Napa filed timely responses within the ninety-day statutory time frame. NVUSD submitted its Responses on August 22, 2014, thirty days after the statutory time frame of ninety days.

VII. REVIEW OF RESPONSES TO THE 2013-2014 GRAND JURY REPORT ON THE NAPA COUNTY JAIL

A. DISCUSSION

Each Grand Jury is required to issue an Annual Report on the conditions and management of the public prisons within its county (CA Penal Code 919(b)). The 2013-2014 Napa County Grand Jury issued its Final Report on the Napa County Jail (NCJ) on May 13, 2014.

The Napa County Grand Jury inspected the Jail and found it adequately maintained despite the fact that it is approaching four decades of use. The correctional staff that was observed appeared professional in appearance and attitude. The correctional staff noted that the 2011 Public Safety Realignment Act shifted the burden for incarceration, monitoring and rehabilitation of certain felonies to California's counties.

The Napa County Jail facility has adequately handled the additional number of inmates but the addition of more criminally sophisticated felons has impacted the system. A new county jail is in the planning stages with a completion date in 2018. The new jail facility should help ease the problem of overcrowding.

Both the 2006-2007 and the 2010-2011 Grand Juries recommended that the Board of Supervisors (BOS) consider returning the management of the Jail to the Sheriff (Napa is one of two California counties still with a civilian-run jail).

The following two Recommendations were addressed to the Napa County Board of Supervisors. Responses follow:

R1. The 2013-2014 Grand Jury has identified three “compelling issues” in favor of returning the management of the Napa County Jail facility to the Napa County Sheriff and requests that the Board of

Supervisors reconsider its prior position on the management structure of the jail.

Response: The Recommendation will not be implemented because it is not warranted. The Grand Jury identified three issues in their report: the impact of Realignment; the extreme difficulty in recruiting and retaining quality personnel; and the inadvisability of structuring the system around one extraordinary individual – the Director of Corrections.

The Board of Supervisors acknowledges that the impact of Realignment on operations in the jail has been significant. However, the Board disagrees that returning the management of the jail to the Sheriff's Office is the appropriate response.

Realignment has required all counties to deal with inmates who are incarcerated for longer terms. Regardless of whether the jail is operated by the Sheriff or under the Board of Supervisors authority, the impact of Realignment will continue to challenge jails and change the way counties deal with their local corrections issues. In Napa County, the Correctional Officers are trained to address these changes and are seen as professionals in the field of corrections.

The level of training and education required for correctional officers at Napa County Detention Center (NCDC) is exactly the same as the level of training and education required for correctional deputies who are employed at Sheriff-run jails. Unlike many Sheriff's departments, NCDC Correctional Officers have sought out the position and are not seeking to work a minimum amount of time in the jail before being assigned to patrol functions. Because of this the Board does not believe that shifting management to the Sheriff's Office would result in any tangible benefits.

As to the recruitment and retention issues, the Board of Supervisors does not believe these issues are unique to NCDC. Law enforcement/corrections agencies have been experiencing a downward trend in gaining the interest of well-qualified candidates. Changes in retirement benefits have affected virtually all agencies in the state, and

many agencies continue to deal with budget constraints in this uncertain economic period which has decreased the overall number and quality of candidates looking to move into the field.

Additionally, Realignment funding and subsequent jail construction funding that was made available to increase correctional beds throughout the state has resulted in an increase in recruitments as multiple agencies are attempting to fill similar positions simultaneously.

This year the Board of Supervisors supported legislative efforts (Senate Bill 1406), which was passed and recently signed by the Governor, to allow for enhanced inmate custodial duties for NCDC Correctional Officers. Under SB 1406, correctional officers are given the ability to perform almost all of the functions that correctional deputies are allowed to perform in sheriff-run jails.

Once authorized by a vote of the BOS, this bill comprehensively gives correctional officers authority similar to those previously granted to correctional officers. For example, in the County of Santa Clara this includes serving warrants, court orders, writs, and subpoenas in the detention facility, performing searches, and making arrests within the facility.

Additionally, the bill designates our Correctional Officers as “custodial officers” under the State’s definition, which allows for higher charges against inmates who may assault correctional officers. The BOS believes this improved slate of duties and protections will assist with recruitment and retentions.

Over the last three years, the Director of Corrections has undertaken additional efforts to recruit staff. Correctional officer job postings are now advertised on national websites, and staff has been working to establish protocols regarding recruiting from nearby military bases. There have also been targeted recruitments at local police academies.

It is hoped that with the steps taken by the department to recruit nationally and to access potential candidates from the local military bases, Napa County will see some favorable results.

Finally, the BOS agrees that the current Director of Corrections has been outstanding in helping the County to navigate the historic changes in criminal justice management brought on by the passage of realignment. The Director of Corrections is supported by the Board of Supervisors in his efforts, as well as by colleagues, in every criminal justice agency in the county.

Napa County has a long history of collaborative efforts and while the management of the jail is under the control of the Director of Corrections, he enjoys dedicated partnerships from his peers.

Although not mentioned in the Report, relationships with the Superior Court, District Attorney's Office, Probation Department, Public Defender's Office, Health and Human Services Agency, as well as local law enforcement further support the Director's success. Moving the management of the jail to the Sheriff's Office would not create any substantive advantages over the current model, which is very successful and cost effective.

The Jail and its operations are dependent upon the support and backing of various agencies and personnel. In Napa County, the cooperative relationships ensure that various partners consider the impact of their actions on other members in the criminal justice community. This also explains the level of success seen by the Grand Jury members. NCDC is one portion of the larger criminal Justice system and the Board of Supervisors sees it as an integral part of the overall team.

R 2. The Grand Jury requests that the Board of Supervisors implement any changes in management structure by the end of FY 2015-2016.

Response: The Recommendation will not be implemented because it is not warranted. Based on the Response to Recommendation No. 1, there is no action warranted in response to Recommendation No. 2.



**NAPA COUNTY GRAND JURY
2014-2015**

JANUARY 12, 2015

FINAL REPORT

**NAPA COUNTY JUVENILE HALL
ANNUAL REVIEW**

NAPA COUNTY JUVENILE HALL ANNUAL REVIEW

SUMMARY

Each year, as mandated by State law, the Napa County Grand Jury must physically inspect all jail and detention facilities within Napa County. The 2014-2015 Grand Jury inspected the Napa County Juvenile Hall (NCJH) on October 27, 2014, and met with senior supervisory staff. At a later date, follow up interviews were conducted with two of the juveniles, along with two counselors. The Grand Jury also interviewed the Napa County Deputy Public Defender who is assigned to cases within the juvenile justice system.

The focus on juvenile detention at NCJH is centered on rehabilitation rather than punishment. NCJH uses a variety of evidence-based programs to achieve this goal, such as the Evening Support Center. Educational and counseling services are also offered the juveniles in an effort to help offset the negative effects of alcohol and drug abuse. Mental health counseling is available as well to help the juveniles take responsibility for their own behavior.

Visitation rights are limited to family members over the age of 18. However, the Court or Probation Officer can grant special authorization to allow visitation for siblings under the age of 18. Juveniles are afforded the opportunity to file grievances against other juveniles or counselors.

A nurse is present on a daily basis and also available on-call 24 hours to accommodate the medical needs requested by the juveniles. Exercise for all juveniles is part of the daily routine at NCJH. The supervisory staff and counselors are required by state law to complete training classes every year as a requirement for employment.

Security is a high priority at NCJH with a central control room that monitors all movement within the building and along the perimeter of the exercise yard. The Grand Jury would like the Chief Probation Officer to re-visit the Recommendations by the 2013-2014 Grand Jury that address the updating of video equipment in the Juvenile Hall facility. Overall, the Grand Jury found the NCJH to be a secure, well maintained, and professionally operated facility.

II. BACKGROUND

Juvenile Detention centers in California are required to adhere to mandated standards, rules and regulations under Title 15 and Title 24 of the California Code of Regulations. Every two years, the Board of State and Community Corrections reviews/inspects the Juvenile Hall to make sure the standards are being met. Each year, the Juvenile Justice Commission, a mandated county commission, conducts a thorough and comprehensive inspection of the Napa County Juvenile Hall facility.

In 2004, a new Juvenile Hall was built adjacent to the Napa County Department of Health and Human Services facility on Old Sonoma Road in the City of Napa. The new juvenile detention and rehabilitation center is administered by the Napa County Probation Department. The Chief Probation Officer is responsible for the overall operation of the Juvenile Hall, which is managed by a Superintendent and Assistant Superintendent.

NCJH currently employs 27 full time counselors with one Spanish bilingual staff per shift, all of which are classified as peace officers. NCJH also employs 16 extra-help staff to assist the counselors. The ideal ratio of staff to juveniles for supervision is one to 10. However, this ratio may fluctuate depending upon the number of juveniles under supervision. The staff does not carry weapons or pepper spray within the facility.

The maximum capacity of NCJH is 60 youths although the Probation Department has limited the facility to 50. The population fluctuates with an average being 25 juveniles per day. The average population for the month of November 2014 was 21. The Assistant Superintendent told the Grand Jury that a gradual downward trend in the facility's population has been evident since 2004.

The average age of the juveniles is between 15 and 17 years old, with more males than females. However, the Grand Jury was told by the Chief Probation Officer that juveniles as young as 11 have been incarcerated. The length of stay for juveniles in the Juvenile Hall ranges from a few weeks to several months depending on their status and the charges against them. NCJH is a locked, secure, 24-hour facility.

Upon intake, all juveniles undergo comprehensive medical and mental health screenings, after which they are classified according to their arrest status and housed on an appropriate unit. There are two housing units in the Juvenile Hall. The Merit Unit houses females and/or male juveniles with less serious charges. The Prospect Unit houses the older male juveniles. In addition to the rooms on each unit, there is a TV, a dining area, showers, interview areas and two telephones accessible to the juveniles.

NCJH mission is to provide custody, counseling, medical care, and guidance to delinquent and custodial children in a variety of short and medium term programs. In recognition of its outstanding programs, the American Probation and Parole Association awarded Napa County Probation Department the American Probation “Presidents Award” in 2014.

III. METHODOLOGY

A. Interviews Conducted

- Napa County Chief Probation Officer
- Assistant Superintendent of Napa County Juvenile Hall
- Two Napa County Juvenile Hall Counselors
- Napa County Deputy Public Defender
- Two Napa County Juvenile Hall Detainees

B. Documents Reviewed

- NCJH Policy and Procedures Manual
- Nineteen Incident Reports – January 2013 to September 2014
- Grand Jury Reports – 2009 through 2013
- Biennial Inspection of NCJH by Board of State and Community Corrections
- NCJH Grievance Manual
- Juvenile Justice Commission Annual Inspection Report -2014

C. Napa County Juvenile Facility Inspection

- Holding Cells
- Restrooms and shower area
- Visitation Area
- Control Room
- Classrooms
- Dining Area
- Exercise yard
- Library

IV. DISCUSSION

A. Rehabilitation vs. Punishment

The Chief Probation Officer of NCJH told the Grand Jury that the primary goal of the staff at NCJH is to focus on rehabilitating troubled juveniles rather than on punishing them for their offenses. The detained juveniles are held accountable for their behavior, but the nature of the detention is more centered on changing their behavior in an effort to reduce the rate of recidivism.

The Assistant Superintendent told the Grand Jury that it is difficult to measure accurately the rate of recidivism because of the complex structure of the reporting agencies. However, the Grand Jury was told that the current average daily population of detained juveniles is the lowest it's been in 10 years.

The Grand Jury was informed during an interview with the Chief Probation Officer that 90% of the detained juveniles return home on probation after an initial detention of one to 10 months. The remaining 10% of the detained juveniles are either placed in residential treatment centers or assigned to Juvenile Camps where they receive treatment for mental health, substance abuse, and behavioral issues.

NCJH uses a variety of evidence-based programs to discourage juveniles from the frequency of coming in contact with the juvenile justice system. The primary goals of the evidence-based programs are to hold juveniles accountable for their behavior while reducing the negative outcomes experienced by those who enter the juvenile justice system. Some of the evidence-based programs include the Evening Support Center, Anger Replacement Therapy, Thinking for Changes and Youth at Risk. Most of the programs in the Hall are provided by volunteer organizations.

B. Educational and Counseling Programs

The Grand Jury verified through interviews and observations that the NCJH educational program offers a clear pathway for all detained juveniles to obtain high school diplomas. The classes are small with students attending classes Monday through Friday. The educational program is coordinated through the Napa County Office of Education.

The Grand Jury further learned that the counseling services provided at NCJH enable juveniles to practice cognitive thinking skills to help them cope with anger management, life skills, and peer resolution.

Juveniles are given one hour of outside exercise activity each day, which is the state mandated minimum time limit. The juveniles told the Grand Jury that sometimes the

exercise activities are limited or too structured, and that they would like to have more free exercise time.

The visitation rights of the juveniles allow two family visits per week but no one under the age of 18 is allowed to visit without prior authorization of the assigned Probation Officer or the Court. Two juveniles, who were interviewed, expressed a desire to visit with their younger siblings but were unaware of the procedure for them to request visits. The juveniles also said they would like their parents to be given written guidelines governing the visitation rights for younger siblings.

C. Mental Health Services

The Grand Jury learned from the Chief Probation Officer that crisis intervention for juveniles with severe mental health issues is available on a 24-hour basis. The Chief Probation Officer of NCJH also told the Grand Jury that more juveniles are now being detained at NCJH for behavioral problems consistent with mental health issues.

D. Security

NCJH has a Control Center that monitors all movement on the exterior and interior of the building. All doors are locked and can only be opened by a staff member in the Control Center. Video cameras are located at strategic locations throughout the facility.

The video feed from the cameras to the screens in the Control Center lacked a clear resolution, making it difficult to clearly identify individuals in the building. The Grand Jury also made note of several blind spots in the exercise yard that were not covered by video cameras. Supervisory staff is aware of these issues.

The 2013-2014 Grand Jury Report included a Recommendation that addressed the outdated and inadequate video/camera system at the NCJH. The Recommendation stated that the video/camera system located within the NCJH facility should be updated within a reasonable time frame with current state-of-the-art equipment.

A second Recommendation by the 2013-2014 Grand Jury stated that additional cameras should be installed at locations in the exercise yard to ensure that there are no blind spots within the facility. The Director of NCJH responded to the Recommendations by stating that by the end of FY 2015 these two Recommendations would be fully implemented.

The tour conducted by the 2014-2015 Grand Jury on October 27, 2014, revealed little or no progress on the implementation of either Recommendation. However, it was noted by a supervisor that the NCJH staff have initiated a process to research the viability of purchasing and installing a new video system consistent with current budget limitations.

A variety of video systems are currently being examined for their compatibility with the existing technology at NCJH.

The Grand Jury was told that the replacement and updating of equipment currently in use at the NCJH would be delayed due to the financial impact of repairing other county buildings caused by the August 24, 2014 earthquake.

E. State Mandated Training for Staff

When hired, Juvenile Hall Counselors complete 40 hours of orientation training. Within their first year of employment, they also must complete five-weeks of Correctional Worker Core Academy (CORE) training certified through the Standards and Trainings of Corrections (STC). In addition, they complete a week of training on powers of arrest pursuant to Penal Code section 832. Extra help Juvenile Hall counselors are not required to complete STC training. However, they are expected to complete the other required training for Napa County Probation personnel.

F. Grievance Policy

Juveniles may file a grievance at any time against another juvenile or a counselor. Most grievances filed by juveniles center around the interpersonal relationships between either another juvenile or a counselor. All grievances are handled confidentially and in a timely manner.

V. FINDINGS

- F1.** The video/camera system at the NCJH is still in need of the technical upgrading that would better identify the individuals on the monitoring screens in the Control Center.
- F2.** Extra surveillance cameras are still needed in the exercise yard area to help eliminate blind spots within the yard and on the perimeter of the facility.
- F3.** Some juveniles at NCJH are unaware of the procedures to arrange for visits by their younger siblings.

VI. RECOMMENDATIONS

- R1.** The Grand Jury recommends that the Chief Probation Officer expedite by the end of FY 2105, the process of purchasing and installing upgraded video equipment in the Control Center consistent with current state-of-the-art equipment.
- R2.** The Grand Jury recommends that the Chief Probation Officer expedite by the end of FY 2015, the process of adding extra cameras in the exercise yard to ensure that there are no blind spots within the facility or along the perimeter of the yard.
- R3.** The Grand Jury recommends that the Chief Probation Officer provide both the parents and the juveniles with a written copy of the guidelines governing the visitation rights of younger siblings and post the guidelines in the visitation area.

VII. REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests Responses as follows:

From the following individuals:

- Chief Probation Officer: **R1, R2, R3**

It is requested that the NCJH Chief Probation Officer certify by signature that the responses conform to the requirements of Penal Code Section 933.05

VIII. COMMENDATIONS

The 2014-2015 Grand Jury commends the Director of NCJH for her leadership role in achieving the nationally recognized American Probation “Presidents Award” in 2014.



**NAPA COUNTY GRAND JURY
2014-2015**

MARCH 23, 2015

FINAL REPORT

**HEALTH AND HUMAN SERVICES
AGENCY
VAST AND VISIONARY**

HEALTH AND HUMAN SERVICES AGENCY

VAST AND VISIONARY

SUMMARY

The mission of the Grand Jury is to help local government be more efficient and accountable to the residents of Napa County. To accomplish this task, the Grand Jury conducts investigations into local government agencies assuring they are being administered in the best interests of the County's residents. With this charge in mind, the 2014/15 Napa County Grand Jury chose to investigate and report on the Health and Human Services Agency (HHS). Specifically, the Grand Jury examined the ability of such a large agency to function effectively and the extent of services being provided to Up Valley residents (St. Helena and Calistoga).

The investigation involved several interviews with Health and Human Services Agency staff, as well as individuals from nonprofit organizations, email contact with various county staff and a review of numerous contracts and documents and the Napa County Website.

The Grand Jury found that the current director for HHS is responsible for managing a large agency with a vast number of services. Although relatively new to the Agency, he has a vision which seems well received by staff within the Agency as well as community partners. Overall, the Grand Jury was pleased with the services provided by HHS. However, we recognize a need to improve Up Valley services in the area of drug treatment for both youth and adults.

Additionally, the Grand Jury learned that Napa was one of the counties which received funds resulting from the 1998 nationwide lawsuit settlement with the largest tobacco companies in the United States. Napa County currently has \$11,000,000 in their Tobacco Master Settlement Agreement account (MSA). However, the Grand Jury found that applying for MSA Grant funds is burdensome and needs review and adjustment to be more accessible to nonprofits and thereby more beneficial to the community.

GLOSSARY

A&D: Alcohol and Drug Division. A division of the Health and Human Services Agency.

CEDV: Children Exposed to Domestic Violence.

CWS: Child Welfare Services. A division of the Health and Human Services Agency.

HHSA: Health and Human Services Agency

Integrated Services: A term defined by the HHSA Director as referring to individuals and families receiving services from various parts of Health and Human Services in a seamless fashion to meet all of their needs. Integrated services requires good communication and planning between the different components of the agency to minimize service fragmentation and provide a comprehensive and holistic approach to service delivery in partnership with the community.

LHNC: Live Healthy Napa County

MH: Mental Health Division. A division of the Health and Human Services Agency.

MHSA: Mental Health Services Act.

MSA: Tobacco Master Settlement Agreement.

PEI: Prevention and Early Intervention

SSD: Self Sufficiency Division. A division of the Health and Human Services Agency.

WIA: Welfare Investment Act.

BACKGROUND

The 2010 Census showed Napa County having a total population of 136,484 with the following breakdown of incorporated areas:

Calistoga:	5,155 (Hispanic population: 49.4%)
City of Napa:	76,915 (Hispanic population: 37.6%)
St. Helena:	5,814 (Hispanic population: 32.9%)

The Health and Human Services Agency (HHSA) is the largest of the County departments having a total of 12 divisions totaling 457 allocated positions. The

2014/15 annual budget is \$93,090,001 out of the County's final adopted budget for all funds of over \$450 million.

According to the HHSA website, their mission is to foster a partnership of clients, community members, and staff to create leadership, vision, and advocacy for the evolving health and human service needs of the people of Napa County in a manner that:

- Focuses on the strengths of individuals, families and neighborhoods;
- Provides support for the most vulnerable members of our community;
- Honors and enhances the gifts and talents of employees and community members who share this purpose;
- Is ethical, culturally competent, and accountable;
- Effectively integrates the resources of the entire community for the betterment of the whole.

The Director of the Health and Human Services Agency assumed his position in Napa only a little over one year ago, on January 13, 2014, coming from a similar position in a larger county. He is responsible for all 12 divisions under the HHSA umbrella:

- Agency Administration
- Alcohol and Drug
- Child Welfare Services
- Comprehensive Services
- Fiscal
- Health Care Enhancement
- Mental Health
- Operations
- Organizational Resource
- Public Health
- Quality Management

- Self Sufficiency Services

Each of the above divisions is managed by its own Deputy Director. In 2014, HHSA served over 33,000 clients from throughout the Napa Valley.

The Grand Jury was concerned with the ability of one Director to manage such a large agency charged with providing a vast and varied number of services to the community. In the course of our investigation on this issue, the Grand Jury was apprised of two additional issues: the adequacy of County services provided to the Up Valley communities, particularly Calistoga, and the burden on nonprofits in regards to the County's MSA grant process.

A review of the Grand Jury reports over the past few years did not find that an investigation had been conducted regarding the above issues of the HHSA. In 2009/10, the Grand Jury investigated the activities of the Adult Mental Health Emergency Response Center, and in 2010/11, the Grand Jury completed an investigation and report of Child Welfare Services, both of which are divisions of the Health and Human Services Agency. However, those reports were not specifically related to the functionality of the whole agency nor the extent of services provided Up Valley.

The Health and Human Services Agency supplied the Grand Jury with a chart of HHSA services provided to Up Valley residents by its own staff. (This chart is attached hereto for reference and marked Exhibit 1.) The chart shows that the County also has numerous contracts with community nonprofits which provide many necessary services for the health of needy valley residents. For example:

- A contract with Clinic Ole provides indigent medical care with Spanish speaking staff available.
- Care Network and Your Home have a contract with the County that provides Nursing Emergency in-home care for older or disabled adults.
- A contract with Progress Foundation provides intense wraparound services for transition age youth (ages 16 to 24), case management, therapy, and support to locate resources.
- A contract with the Up Valley Family Center allows for a variety of services including application assistance for MediCal, monetary aide, and CalFresh/Food Stamps, as well as mental health information and referrals

offered through the Promotoras Program (bi-lingual community workers trained to provide basic health education) and youth mentoring groups.

- Aldea also has a contract with the County to provide school based alcohol and drug prevention and an early intervention program as well as a contract to provide substance abuse treatment services for youth.

METHODOLOGY

Interviews conducted

- Director of Health and Human Services Agency
- Deputy Director of the Mental Health Division
- Deputy Director of the Alcohol and Drug Division
- Deputy Director of Child Welfare Services
- Deputy Director of the Self Sufficiency Division
- Deputy Director of the Operations Division
- Unit Supervisor II of the Child Welfare Division
- Child Protective Services Worker II of the Child Welfare Division
- Program Manager of the Alcohol and Drug Division
- Mental Health Worker II with the Mental Health Division
- Two nonprofit agencies

Documents Reviewed

- MHSA resolution and 2013/14 Annual Plan
- CEDV Grant
- MSA Grant
- Professional Services Agreements between the County of Napa and the following nonprofits:
 - Aldea Inc. (No. 8198) addressing prevention and early intervention of substance abuse.
 - Aldea Inc. (No. 8207) pertaining to substance abuse treatment for youth.
 - Area Agency on Aging Serving Napa and Solano, Inc. (No. 7543) for outreach and education to older adults and for participation in the Prevention and Early Intervention Collaborative.
 - Barbara McCarrol, PhD (No. 4458) specialized services of an Infant/Child Mental Health Counselor.

- Care Network LLC (No. 7698) for in-home protective services for frail or elderly adults at risk of abuse or neglect.
- Community Health Clinic Ole (No. 3740) for medical services for indigent county residents.
- Lilliput Children’s Services, Inc. (No. 6977) for specialized services relating to administration of the use of Kinship Support Services Programs (KSSP) funding.
- Napa Valley College (No. 8106) for educational training.
- On the Move, Inc. (No. 7785) for employment services for disadvantaged youth.
- Planned Parenthood-Shasta Diablo (No. 4181) for case management services to pregnant and parenting teens.
- Progress Foundation (No. 8145) addressing early intervention and crisis stabilization.
- Progress Foundation (No. 6902) for mental health services for youth.
- Queen of the Valley Medical Center, Inc. pertaining to HIV treatment and services.
- Up Valley Family Resource Centers of Napa County, Inc. (No. 75370) for culturally based group mentoring on site at St. Helena and Calistoga Elementary and Junior/Senior High Schools.
- Your Home Nursing Services, Inc. (No. 4596) for in-home protective services to frail and elderly adults.

Websites Reviewed

- Napa County: www.countyofnapa.org
- Live Healthy Napa County: www.countyofnapa.org/LHNC/
- US. Census 2010: www.census.gov/

DISCUSSION

Health and Human Services Agency Challenge

The vision of the Health and Human Services Agency provides the Director with a broad span of executive authority over separate and distinct divisions and services. The stated overall objective is to run an efficient and integrated operation. Managing such a diverse array of functions requires a clear-eyed and well-coordinated management plan, allowing for significant collaboration of services yet permitting division autonomy.

The Grand Jury is impressed that the Agency seems headed by a motivated and experienced Director. He has a number of ambitious yet cautious goals and objectives. Attached hereto and included in this report as Exhibit 2 is a letter to the Grand Jury from the Director of HHSA with comments on his vision for the Agency.

Positive reports from within the County and without, from supervisors, front line staff and nonprofits, were received in regard to the positive changes in leadership since the arrival of the Director. He was particularly praised for reaching out to and willingness to cooperate with community partners, meeting personally with nonprofit staff, his open-door policy for staff, and his hands-on, get the job done approach.

During the course of its investigation, the Grand Jury identified some areas of concern:

1. The lack of drug treatment located at Up Valley sites for both youth and adults
2. The lack of specificity in HHSA records in order to monitor and evaluate both Up Valley needs and the adequacy of services at Up Valley locations, and
3. The burdensome application process for the MSA Grant

Up Valley Resources

During the Grand Jury investigation, County staff as well as nonprofit agency staff favorably cited Live Healthy Napa County (LHNC), a public-private partnership which brings together health and healthcare organizations, businesses, public safety, education, government and the general public to build strategies with the purpose of creating a healthier Napa County. The LHNC reportedly conducted a community needs assessment of the county to determine if and where disparity of services occurred. The LHNC website noted the assessment consisted of four separate evaluations:

- 1) The Community Themes and Strengths Assessment to provide an understanding of health concerns of the local residents, businesses and neighborhood groups.
- 2) A Local Public Health System Assessment to learn about the capacity and capability of the local public health system.

- 3) The Community Health Status Assessment to provide answers on the health status among residents.
- 4) The Forces of Change Assessment to identify what impending changes will affect the health of community residents.

The assessments were published in 2013 and the website provides additional information on LHNC, the results of their assessments, as well as the Community Health Improvement Plan for 2014 – 2017.

A HHSa staff person advised that the Live Healthy Napa County assessment was the impetus for HHSa deciding to have an adult drug treatment counselor on site in Calistoga to conduct assessment of needs and treatment. The site has been located and submitted to the State for certification. The Grand Jury was advised that certification can be a lengthy process which HHSa has no control over. However, once certification is received, a counselor will be placed in Calistoga and assessments and services provided for adults. Drug and Alcohol Services for youth are contracted out to Aldea, Inc.

The Health and Human Services Agency provided the Grand Jury with a chart entitled HHSa Services Provided Up Valley along with a cover letter indicating the services depicted were those either provided by HHSa staff or by contractors. Although some of the locations listed in the column entitled, “Site” are clearly identified as being Up Valley, Lake County and American Canyon are also noted in addition to locations identified as clients’ “homes and schools,” “throughout the community,” “throughout the county,” and “various location.” Such notations do not necessarily refer to Up Valley sites; therefore, the Grand Jury was not able to assess if HHSa staff and/or contracted nonprofit staff are actually going to appointments Up Valley or if they are asking clients to travel to Napa in order to receive the service. Interviews with nonprofit agencies indicated that the latter is more often the case.

Also of concern are the entries under the column entitled “Frequency of Services.” Several of the notations in this column are “as needed,” “periodically,” “continually,” and “throughout the year.” These notations are vague and do not provide the reader with any clear concept on how often the services are actually provided, or who determines what is “as needed.” Community partners working Up Valley as well as several HHSa staff indicated to the Grand Jury that “as needed” was not often enough, citing particularly the lack of youth drug treatment in Calistoga.

HHSA provided two contracts between the County and Aldea, Inc. A review of both contracts found No. 8198 dealt with implementing substance abuse prevention programs at the middle and high school campuses. These programs include student assessments and referrals for treatment. In contract No. 8207, Aldea agrees to provide a substance abuse **treatment** program for youth.

Grand Jury interviews with HHSA, Alcohol and Drug Division staff as well as staff from a nonprofit advised that drug treatment is not being provided Up Valley. Rather, identified youth are required to travel to Napa to receive such treatment. Although Aldea or HHSA staff may provide clients with a free bus pass to travel from Calistoga to Napa, having a youth who is struggling with addiction issues take this journey on his/her own is risky and does not adequately constitute treatment.

Tobacco Master Settlement Agreement (MSA) Grant Challenges

During the HHSA investigation, the Grand Jury was told that applying for the MSA Grant is overly burdensome to nonprofits who typically operate with relatively limited resources. To learn more about the MSA Grant, the Grand Jury was referred to the Deputy Director of Operations for HHSA who administers the program. He reported the MSA Grant was the result of a lawsuit settlement with the largest tobacco companies in America. The essence of this settlement was that the tobacco companies pay millions of dollars to the states for 20 to 25 years. He advised that the Napa County Board of Supervisors currently holds \$11 million in MSA monies of which \$1 million is awarded annually to Napa Valley nonprofits to be used for the health needs of the Napa Valley community.

In 2006, the HHSA was charged with the responsibility of coming up with a process to disperse fairly the millions of dollars of public money. To do that, the HHSA developed a competitive grant program. The process, set out in some 20 pages of instructions, requires that nonprofits attend a mandatory pre-application conference, and submit a pre-application. If the pre-application is rated one of the top 17 pre-applications, the applicant submits a full application. In the fiscal year 2014-15, there were 26 pre-applications received with 18 invited to submit full applications. Seventeen submitted the full application and 12 of these applicants received funding from the MSA grants. In total, \$954,468 of public funds were awarded to the 12 successful programs. Additionally, contracts for multi-year grants awarded in previous grant cycles received MSA funds in the fiscal year 2014-15.

The pre-applications and full applications are rated by a board comprised of County employees. The Executive Director of the Nonprofit Coalition sits on the rating board but does not vote. The grant applicants must provide evidence based practices to address the interventions as well as a list of outcomes. During the year, the grant awardees must complete three reports and each quarter, the awardee receives payment. There is also an opportunity for multiple year grants. The Deputy Director of Operations for HHSa stated that the grant process is tough but fair, and acknowledged that completing the required criteria is difficult and time consuming. He also acknowledged that a significant amount of county staff time is required to administer the program. Yet, in his view, the requirements as currently developed, allow for the most transparent and fair process as well as being necessary to make sure the beneficiaries of the programs are getting what the public's money is paying for.

In an attempt to lessen the difficult process, the Deputy Director advised that at the end of each grant cycle, a survey is sent to all the parties who have applied asking for suggestions on how the process can be improved. The suggestions from this survey are provided to the Board of Supervisors who have the authority to adopt or reject the suggestions. According to the Deputy Director, in every case the Board has supported the recommended suggestions each year. Other steps taken to lessen the difficulty of the process have included removing the redundancy in the pre-application and application process, providing training for nonprofits and asking them to work with consultants so the applicants can achieve better outcomes. When applicants are not funded, they are provided with explanations as to why not.

The nonprofits reported that they often stretch beyond their capacity in meeting the very real needs of the people they serve. They further reported that most of their resources go to providing the direct services, not to top-heavy administrative positions. They expressed frustration that so many of their limited resources must be directed to raising funds in order to continue providing the needed services. They cited another County grant process, the Prevention and Early Intervention (PEI) grant, as an example of a process they felt was both fair and less burdensome than the MSA, but met the County's concern for accountability.

The Grand Jury is sympathetic to the difficulties nonprofits face in seeking public funds from the County through the MSA grant process. It is also mindful of the County's responsibility to manage the disbursement of millions of dollars of public funds in a fair, careful and transparent manner. It is perhaps time for fresh eyes or an outside consultant to take a look at the MSA process and see if simpler, more streamlined procedures can be fashioned for the applicants and reduce the county administrative time, while meeting the County's accountability concerns.

FINDINGS

- F1.** The Director of the Health and Human Services Agency, while relatively new to the position, receives uniformly high praise both from Agency staff and community partners.
- F2.** The Director's introductory meeting with staff from Up Valley nonprofits was favorably received by the Up Valley Community.
- F3.** The Napa County HHSA provides broad and extensive services under the ultimate managerial responsibility of its Director.
- F4.** The requirements and procedures of the Tobacco Master Settlement Agreement (MSA) grant appear burdensome to nonprofits.
- F5.** HHSA lacks alcohol and drug treatment service located at Up Valley sites for both youth and adults.
- F6.** The site in Calistoga that was selected to accommodate an adult drug counselor is not yet certified by the State.
- F7.** The contract between the County and Aldea, Inc. (No 8207) is not clear as to whether or not the substance abuse treatment services for youth are to be provided at Up Valley sites.
- F8.** From the information provided, HHSA apparently lacks specific measures to determine the adequacy of services provided at Up Valley locations.

RECOMMENDATIONS

- R1.** HHSA Director to meet personally on an annual basis with contracted nonprofits and other community leaders located Up Valley to determine directly whether the needs of the community are being met.
- R2.** By December 31, 2015, HHSA to review the application process for obtaining the MSA grant, and redesign the process for less burdensome completion and administration.
- R3.** By December 31, 2015, HHSA to institute alcohol and drug treatment for adults at a location in Calistoga.
- R4.** By July 1, 2015, HHSA to ascertain from Aldea how they are fulfilling their contractual commitment to provide drug and alcohol treatment to Up Valley

youth at Up Valley locations. HHSA to institute corrective measures if such is not being provided there.

- R5.** By December 31, 2015, HHSA to establish a mechanism for measuring services located Up Valley more often than or more specifically than “as needed.”
- R6.** By December 31, 2015, HHSA to review case reporting information within HHSA Divisions to ascertain the frequency and actual locations where Up Valley services are reportedly being provided.
- R7.** In all future contracts for Up Valley Services, where feasible, HHSA to include requirement that the service be provided at an Up Valley location.
- R8.** HHSA to institute a reporting requirement regarding demographic locations of service for all HHSA Divisions and include in future nonprofit contracts.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the 2014-2015 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: **R1 – R8**

It is requested that the official responding to the foregoing recommendations certify above his or her signature that the response conforms to the requirements of section 933.05 of the Penal Code.

COMMENDATION

The Grand Jury commends the Director for his institution of an integrated services philosophy which has been broadly accepted within HHSA and appears to continue improving the Agency’s functioning and the quality of services it renders to Napa County.

APPENDIX

Exhibit 1: Chart entitled, “HHSA Services Provided Up Valley.”

Exhibit 2: Letter from the Director of HHSA addressed to the Grand Jury.

DISCLAIMER

During the course of its investigation, the Grand Jury received two unrelated complaints regarding specific individuals and practices within the Agency. The complaints were handled internally within the HHSA, separately from the matters covered by this report.

HHSA Services Provided Up Valley

December 2014

Location	Services	Site	Staff	Frequency of Services
Calistoga:				
1	Adult Mental Health Services: Therapy services for Medi-Cal eligible Spanish-speaking individuals with severe mental illness	Up Valley Family Center (Calistoga)	1 Mental Health System Navigator	As needed
2	Culturally aware mental health outreach, education and service connection	Up Valley Family Center (Calistoga)	1 Mental Health System Navigator	Monthly
3	Women, Infants and Children (WIC) services	Up Valley Family Center (Calistoga)	1 FTE Office Asst. & up to 3 FTE WIC Community Aides or Health Education Specialist	2 nd and 4 th Mondays
4	Self Sufficiency Services application assistance	Up Valley Family Center (Calistoga)	2 vacant Community Aide positions	Twice per month
5	Kinship Support Services	Up Valley Family Center (Calistoga)	1 FTE Bilingual Community Aide Contracted to Lilliput	Provides Kinship Support Service (KSSP) and, from time to time, arranges to use the Family Centers for groups or activities or as a place to meet with families (if the home is unavailable or inappropriate for some reason)

EXHIBIT 1

6	Calistoga/St. Helena Prevention and Early Intervention (PEI) Project: mental health support and information about mental health and wellness services offered through Promotora program and youth mentoring groups.	Up Valley Family Center (Calistoga) Calistoga elementary, middle and high schools	Contracted to Up Valley Family Center: 2 Promotora coordinators	As needed
7	MDT's and case plans for specific clients (APS, Family Center, Police & Fire Departments, Rianda House) Quarterly meetings to coordinate services for seniors in Calistoga (APS, Family Center, Police & Fire Departments, Rianda House, local community members, local church officials) APS social worker works with first responders, hospitals & others who come into contact with older adults who may be at risk in the up valley community Medi-Cal eligibility	Up Valley Family Center (Calistoga), Rianda House Up valley area Up Valley Family Center (Calistoga)	Promotora "mentors" rotate throughout the year 1 FTE	As needed
8			1 FTE	As needed
9	Public Health: Medical Therapy Program	Calistoga Elementary School, Calistoga Pre-school	1 FTE bilingual eligibility worker available on drop-in basis	Fridays
10	Health Care Enrollment Events	American Canyon City Hall	Varies	Monthly
11	School-based alcohol and drug prevention and early intervention program	Calistoga High School	Contracted to Aldea, Inc.	Varies during Covered California Open Enrollment (Nov. 15-Feb. 15) Scheduled program
12	Indigent medical care	Calistoga Clinic	Contracted to Community Health Clinic Ole	Continually
13	Assistance to pregnant and parenting teen parents receiving CalWORKS to obtain education, health and social services	Meet with pregnant and parenting teen parents in homes and schools	Contracted to Planned Parenthood	As needed
14	Employment, education and training services to youth enrolled in WIA	Meet with individuals in schools, libraries, coffee shops	Contracted to On the Move	As needed

Lake County:	Employment services (Workforce Investment Act program adult and dislocated case management services, youth services/fiscal administration and technical assistance and One Stop – Career Center)	Lake County One Stop	Staffing provided via contract with MPIC, Inc.	Full Time
1	Women, Infants and Children (WIC) services	First Presbyterian Church of St. Helena	1 FTE OA and 3 FTE Community Aides or Health Education Specialist	2 nd Thursday
2	Kinship Support Services	Up Valley Family Center (St. Helena)	Contracted to Lilliput	Provides Kinship Support Service (KSSP) and, from time to time, arranges to use the Family Centers for groups or activities or as a place to meet with families (if the home is unavailable or inappropriate for some reason).
3	St. Helena/Calistoga Prevention and Early Intervention (PEI) Project: mental health support and information about mental health and wellness services offered through Promotora program and youth mentoring	Up Valley Family Center (St. Helena) St. Helena Elementary, RLS Middle School, St. Helena High School	Contracted to Up Valley Family Center. 2 Promotora coordinators Promotora "mentors" rotate throughout the year 1 FTE	As needed
4	APS social worker works with first responders, hospitals & others who come into contact with older adults who may be at risk in the up valley community	Up valley area	Contracted to Area Agency on Aging, which recently sub-contracted with Family Service of Napa Valley	Twice per week
5	Older Adult Prevention and Early Intervention (PEI) Project (Healthy Minds/Healthy Aging): short-term therapy or case management as needed, provider training, community gatekeeper training in Spanish and English	Rianda House	Contracted to Area Agency on Aging, which recently sub-contracted with Family Service of Napa Valley	Twice per week

	Public Health: Medical Therapy Program	St. Helena Elementary	OT, PT	Monthly
6	Public Health: Medical Therapy Program	St. Helena Elementary	OT, PT	Monthly
7	Public Health: Child Health and Disease Prevention	Community Health Clinic Ole		Annually
8	Public Health: Child Health and Disease Prevention	Harvest Pediatrics, Inc.		Annually
9	Health Care Enrollment Events	St. Helena Library	Varies	During Covered California Open Enrollment (Nov. 15-Feb. 15)
10	Indigent medical care	St. Helena Clinic	Contracted to Community Health Clinic Ole	
11	Assistance to pregnant and parenting teen parents receiving CalWORKS to obtain education, health and social services	Meet with pregnant and parenting teen parents in homes and schools	Contracted to Planned Parenthood	As needed
12	WIA education and/or training programs to adult participants enrolled in WIA Adult Program	Napa Valley College St. Helena Campus	Contracted to Napa Valley College	Regularly scheduled classes
13	Employment, education and training services to youth enrolled in WIA	Meet with individuals in schools, libraries, coffee shops	Contracted to On the Move	As needed
Yountville:				
1	Medi-Cal and CMSP eligibility	Veterans Home	1 FTE	2 days/week (rotate staff)
2	Veterans services	Veterans Home	1 FTE	1 day/month
Throughout the County:				
1	Mental Health Adult Full Service Partnership (FSP) Age 26 to 59	Hospitals, clients' homes, in the office, homeless shelter, and throughout the community	3 FTE	As needed
2	Mental health screenings in English and Spanish at community health fairs	Various locations	2 Mental Health System Navigators & 2 MH Worker Aides	Throughout the year

3	<p>Mental Health Children's Full Service Partnership (FSP): (1) provide direct services in clients' homes (for family meetings); (2) meet clients at schools (all or NVUSD/NCOE) for IEP's, and meet with school teachers and officials at schools when issues relate to FSP clients; (3) meet clients in Juvenile Hall (if they are receptive or there is a referral); (4) participate in meetings with clients at Napa Police Department when working with the Youth Diversion Officer; (5) accompany clients and families to Family Centers and other non-profit agencies (Aldea, COPE, NEWS, etc.); (6) accompany clients to community centers (library, parks), Target, etc. if needed for clients' rehab plans; (7) when children/youth are hospitalized in a psychiatric facility, meet with family, client and providers at the hospital.</p>	<p>Various locations throughout the county – Pope Valley, Angwin, Calistoga and American Canyon</p>	<p>5 FTE Children's FSP staff</p>	<p>Intensive services, meeting with families at least 1-3 times per week or as frequent as needed.</p>
4	<p>Strengthening Families at-Risk Program: Support for parents in families at-risk; parenting skills, support groups, brief therapy for parents/couples</p>	<p>Various locations - American Canyon, Napa, St. Helena / Calistoga</p>	<p>Lead Agencies: Aldea, Cope and Family Service of the Napa Valley Cope (lead agency); Family Service of the Napa Valley</p>	<p>As needed</p>
5	<p>Mental Health Children's Services - Foster Care Mental Health Screening</p>	<p>Countywide at foster homes</p>	<p>3 FTE</p>	<p>Continually</p>
6	<p>Adult mental health case management</p>	<p>Various locations throughout the County (clients' homes, board and care homes)</p>	<p>5 FTE</p>	<p>Continually</p>

7	Hospital Liaison	Hospitals (including non-contracted hospitals) 60 days after stay: in clients' homes, Progress Place Throughout the County	1 FTE	As needed
8	Public Health Nursing: Targeted Case Management, Perinatal Outreach and Education, home visits and outreach events	Throughout the County	5.9 FTE	Daily
9	Communicable disease control in-home services	Throughout the County	5 FTE	As needed
10	Immunization clinics: annual influenza clinics and, as needed, other vaccinations (e.g., pertussis)	Sites throughout the County including all of the incorporated cities/town, as well as unincorporated areas such as Angwin and Lake Berryessa	4 FTE core staff + up to 15 additional staff for clinics	Annual and as needed

11	Therapeutic Child Care Center (TCCC) Contracted Psychologist and/or HHSA MFT makes home visit upon initial enrollment of TCCC children	Home visits throughout the County	0.5 FTE	As needed
12	Emergency preparedness trainings	Locations throughout the County including various sites in City of Napa, American Canyon, Yountville and Calistoga	2 FTE	Periodically
13	Medical Therapy Program home visits to assess equipment needs and home accessibility issues and to train location-specific ADL's	Homes throughout the County	6.55 FTE	Periodically
14	Medical Therapy Program school visits to assess and monitor equipment needs and consult with classroom staff; participate in Individualized Education Plan team meetings	Schools throughout the County	5.55 FTE	Periodically

15	In-Home Supportive Services (IHSS)	Throughout the County in homes	6 FTE all IHSS SW's also see clients up valley.	As needed
16	Adult Protective Services (APS)	Throughout the County in homes or other locations	4 FTE All SW's see clients up valley	As needed
17	Older Adult mental health case management	Throughout the County and out of county in homes or other locations	1 FTE	As needed
18	Older Adult Full Service Partnership (FSP)	Board and Care Homes, IMD's, clients' homes and throughout the County	3 FTE	As needed
19	Older Adult Prevention and Early Intervention (PEI) Project: short-term therapy or case management as needed, provider training, community gatekeeper training in Spanish and English	Queen of the Valley Outreach offices (Napa), Hospice and Adult Day Services (Napa) and various locations throughout the County	3 FTE (Area Agency on Aging contract) plus 2 HHSA contract coordinators	Throughout the year
20	Public Guardian services	Throughout the County and out of county in homes or other locations	3 FTE	As needed

21	Public Health Nursing visits	Throughout the County in homes	Assistant Any of the following staff provide up valley services as needed. Communicable Disease Public Health Nurses (PHN). Communicable Disease Investigators (CDI) Maternal Child and Adolescent Health PHNs. Community Health Assistants.	As needed
22	Veterans services	Throughout the County in homes	2 FTE Veterans Services Officer Veterans Representative	As needed
23	Core Child Welfare Services: Emergency Response, Family Reunification, Family Maintenance and Permanent Placement, Family Preservation Foster Home Licensing, and Adoption	Throughout the County in homes	CWS cases are not assigned to individual staff geographically; all of the 30 staff members who provide services in the "field" routinely receive	As needed

24	Adoption services	Throughout the County in homes (and at 650 Imperial Way, Napa)	cases or referrals involving up valley families; currently, we have 10 children in active cases living up valley and 2 referrals under investigation 4 FTE	As needed
25	Transition Age Youth (TAY) Full Service Partnership (FSP): intense wraparound services for TAY ages 16-24—case management, therapy, support to locate resources	Hospitals, VOICES, clients' homes, and throughout the County	Contracted to Progress Foundation	Throughout the year
26	Car Seat Safety program: car seat check-ups, individual and group education classes and proper car seat installation, outreach events	Throughout the County	Contracted services (however, currently there is no contract in place)	Throughout the year
27	Crisis Triage: adult mental health services for individuals experiencing an emerging mental health crisis. Short-term supportive mental health services for a maximum of 30 days.	New contract; services will be provided in a variety of community based locations	Contracted services: 2 case managers (Family Service of Napa Valley) 3 case managers (Progress Foundation)	Any one of 5 case managers will provide services on continuing basis
28	Children/Family Mental Health Services: Individual or family therapy, rehab, case conferences, case management and collateral services, including accompanying youth to various locations	Schools, Up Valley Family Center	9 case managers 5 FTE Children's FSP staff	As needed

			<p>Children's MH Full Service Partnership</p>	
29	Emergency in-home care for older or disabled adults	Throughout the County based on where client resides	Parent Advocate provides 40 hours/week of parental support	As needed
30	Ambulance service and EMS specifications	Ambulance response throughout the County	Contracted to Care Network and Your Home Nursing	As needed
31	HIV care	Home visits throughout County	Contracted to American Medical Response West (AMR) Contracted to Care Network/ Queen of the Valley Medical Center	As needed



A Tradition of Stewardship
A Commitment to Service

Health & Human Services Agency
Administration Division

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Grand Jury Inquiry

What we would see in the organization and community if the Health and Human Services Agency (HHS) provided a higher level of integrated neighborhood based services (preliminary thoughts).

- Families receiving services from multiple Divisions will have an opportunity to meet collectively with all of their service providers and develop a unified case plan that meet the family's needs and identify everyone's responsibilities including the family in working on the family's challenges.
- Within the guidelines of categorical funding restrictions, funding will be leveraged so that the funding follows the needs of the family and not the needs of the family being partially met through eligibility to restrictive funding.
- Family and Community voice are genuine partners with the Agency in addressing the overall needs in building healthy families, neighborhoods and communities.
- Baseline data will be gathered at a neighborhood level and will be variables connected to the outcome of the overall health of the neighborhood, including social determinants of health.
- Contracted vendors working in the neighborhoods will be held to outcomes that are based on the determinants of health.
- Integrated teams representing all Divisions will be assigned to geographical areas based on neighborhoods so that relationships with the community can be developed and sustained over time.
- Agency would be developing and utilizing para-professional networks such as promontories, parent partners and community aides. The networks will support a grass roots intervention strategy that supports communities by helping them develop organized and productive community groups through skill building and active participation.

It is important to note that the outcomes highlighted above require a significant paradigm shift of fairly entrenched organizational cultures within the agency. It will require a reorganization and redesign of the Health and Human Services system based on the concept: Systems are designed to produce the outcomes they produce and the only way to change or improve outcomes is by changing the system. It will also require work within the community to provide opportunities for "voice" and involvement. Finally, it will require an ability to use relevant data to inform strategies and to develop measurable outcomes on a neighborhood level.

The work has begun within the organization through such strategies as: Live Healthy Napa County, Collaborative Management, Diversity and Inclusion and Prevention. In addition, through our Mental Health Services Act and through Live Healthy Napa County there are neighborhood based strategies that target community and neighborhood development. Wide spread system and organizational culture change does not happen overnight

(some research indicates 3-5 years) and will require diligence from both the community and agency in continuing to pursue the goal of integration through both setbacks and improvements.

There are many existing strengths within the organization and the community that can be built upon to support the integration of services. In my initial conversations with the community and with internal staff there appears to be a strong desire to improve services and to work collaboratively with each other for the improvement of the issues within the community. The recent earthquake illustrated the resiliency and collective spirit of cooperation within this community and within HHS and highlighted the opportunities that exist to “move the needle” in terms of system and community integration.

Thank you for letting me express my preliminary thoughts on this issue. The work represents evolutionary change and I am sure that some of my initial ideas or thoughts will change as the work progresses.

Director of Napa County Health and Human Services

Member Name
Member Title

Member Name
Member Title

Member Name
Member Title

Member Name
Member Title



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**NAPA COUNTY GRAND JURY
2014-2015**

MARCH 31, 2015

FINAL REPORT

**MANAGEMENT OF GROUNDWATER
AND RECYCLED WATER:**

IS NAPA COUNTY IN GOOD HANDS?

MANAGEMENT OF GROUNDWATER AND RECYCLED WATER: IS NAPA COUNTY IN GOOD HANDS?

SUMMARY

Every year the Napa County Grand Jury is asked to be the citizens' watchdog of city and county government. It is the Grand Jury's job to report on the performance of individual agencies and officials and make recommendations for improvements when warranted.

This Grand Jury chose to look at two distinct water supplies within the county:

- Groundwater
- Recycled Water

We investigated Napa County's management of groundwater for the following reasons:

- Continued drought
- Napa County's reliance on agriculture and its need for water
- Many newspaper articles expressing concern over increased development and asking, "Where will the water come from?"

We investigated the management of recycled water to determine the following:

- Is recycled water a viable alternative to potable water for irrigation purposes?
- Who is using recycled water?
- Who is not using recycled water but should be?

Accordingly, the 2014-2015 Napa County Grand Jury chose to investigate current practices, criteria, regulations, and processes that have been put in place to govern the availability of groundwater and recycled water within Napa County.

The investigation was conducted through interviews with:

- Personnel of city, county, and independent agencies
- Well drilling companies
- A major winery that owns and manages several vineyards in and outside of Napa County
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

The Grand Jury also reviewed many state and local governmental documents, newspaper and periodical articles, and did Internet research to complete this investigation.

GROUNDWATER SUMMARY

After completing the investigation, this Grand Jury was impressed with the expertise, professionalism, and overall responsiveness to local conditions by the County and the agricultural community.

The Grand Jury's investigation found that for many years the County has studied the hydrogeology of Napa County and has worked cooperatively with consultants and water users to establish guidelines and limits on groundwater extraction. Specific examples of the County's involvement include but are not limited to the following:

- Monitoring the Valley floor and Pope Valley aquifers twice yearly through a network of 115 wells, which are mostly privately owned.
- Implementing a well permitting process requiring a Water Availability Analysis to study whether sufficient water is available for the requested project and the potential impact of new wells on nearby existing wells.
- Appointing a citizen Groundwater Resources Advisory Committee (GRAC) to advise them on effective measures to control groundwater usage, and to encourage groundwater users to conserve water and to join the County's well monitoring program.
- Working with the Farm Bureau, the Watershed Information Center and Conservancy of Napa County (WICC), and other organizations to provide educational outreach programs to all involved with groundwater.

However, the investigation did uncover information that was troubling to the Grand Jury:

- The County does not monitor groundwater usage and thus is unable to enforce rules or guidelines on water extraction. Currently, all well monitoring is voluntary.
- Finding water on the county's hillsides is problematic when compared to the Valley floor. Water is easily found on the floor, but hillsides are a 50-50 proposition.

- The County’s use permit process may not be adequate to decide whether new vineyards should be planted on the hillsides.
- The County does not have a formalized contingency plan (What If) to manage its groundwater supply in case the drought continues.

RECYCLED WATER SUMMARY

Recycled water is becoming an important aid in the conservation of both groundwater and potable city water. Napa Sanitation District (NSD) is by far the largest source of recycled water in the county. However, they are limited in how much wastewater can be recycled due to storage and infrastructure limitations.

Currently, NSD processes 11,000 acre-feet (3.5 billion gallons) of wastewater annually and produces about 20% of this as recycled water. This percentage will grow to about 45% once the new Milliken-Sarco-Tulocay (MST) and the Los Carneros-Stanley Ranch pipelines are completed.

An opportunity to increase the use of recycled water further rests with the Napa State Hospital (NSH). NSH personnel told the Grand Jury they could cut their city water bill in half by converting their irrigation system to recycled water from city potable water. According to the City of Napa Water Department, NSH currently uses approximately 56 million gallons (172+ acre feet) of city water for irrigation of their common areas.

If NSD weren’t limited by wastewater storage and infrastructure capacity, they could produce substantially more recycled water for additional irrigation usage.

GLOSSARY

DWR	Department of Water Resources (State)
GRAC	Groundwater Resources Advisory Committee
MST	Milliken-Sarco-Tulocay area (rural area east of Napa)
NSD	Napa Sanitation District
NSH	Napa State Hospital
SGMA	Sustainable Groundwater Management Act (State)
WAA	Water Availability Analysis
WICC	Watershed Information Center and Conservancy

BACKGROUND

Groundwater

Napa County, like the rest of California, is suffering from a three-year drought. Despite sparse rainfall, residential, commercial, and agricultural development projects continue to be brought forward to the County Planning Department and eventually to the Board of Supervisors for approval. Locally, many citizens have expressed concern through “Letters to the Editor” to the *Napa Valley Register* and have asked the question, “*Where will the water come from for additional development?*”

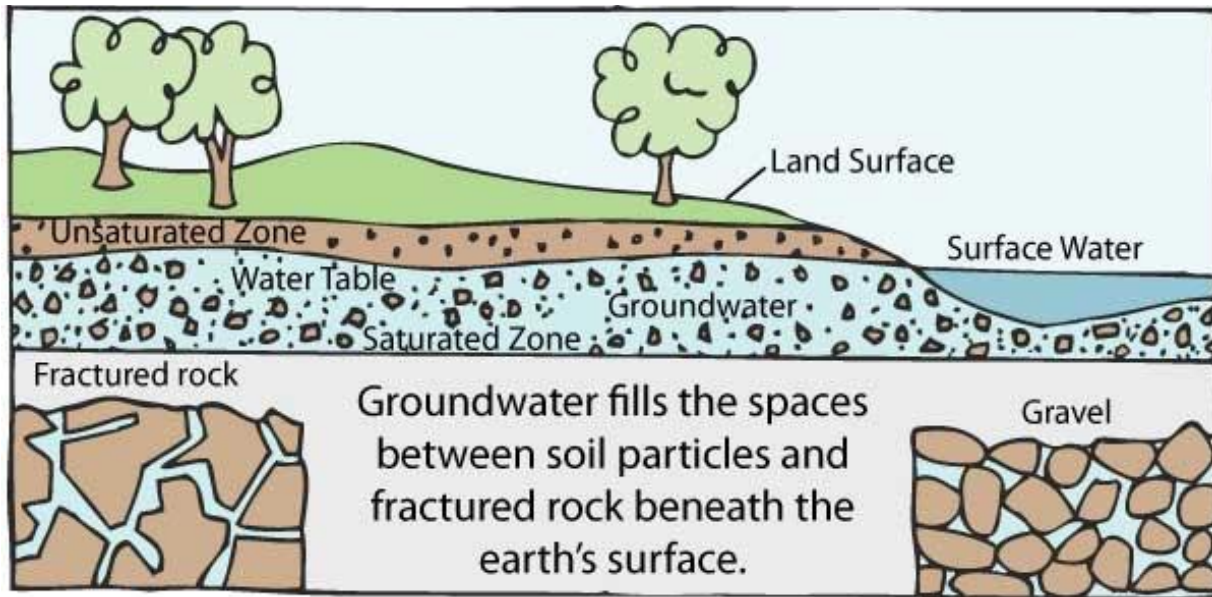
Many leading groundwater experts have said the state will need at least 150% of a normal rainfall year to begin to think of the drought ending. An article in the December 16, 2014 *San Francisco Chronicle* reported that California has a water deficit of 11 trillion gallons, about one and a half times the maximum volume of Lake Mead, America’s largest reservoir.

These concerns led the 2014-2015 Grand Jury to study the groundwater supply in Napa County. Because “water” is such a huge and complex subject, we limited our research to whether the County is adequately measuring and managing its groundwater supply in order to ensure its continued availability for generations to come. Specifically, the Grand Jury wanted to identify the following:

- Current practices, criteria, regulations, and processes that have been put in place to govern the continued availability, monitoring, and sustainability of groundwater within Napa County.
- The availability of recycled water as a viable alternative for irrigation use to reduce the pressure on both the groundwater and city potable water supplies.

What is Groundwater?

The Groundwater Foundation describes groundwater as the water found underground in the cracks and spaces in soil, sand, and rock. It is stored in and moves slowly through geologic formations of soil, sand, and rocks called aquifers.



Groundwater is used for drinking water by more than 50% of the people in the United States and 99% of all people who live in rural areas. The largest use of groundwater is to irrigate crops. In Napa County approximately 80% of groundwater is used for agricultural purposes. Groundwater supplies are replenished or recharged by rain and snow melt that seeps down into the cracks and crevices beneath the land's surface.

Water in aquifers is brought to the surface naturally through a spring or can be discharged into lakes and streams. Groundwater can also be extracted through a well drilled into the aquifer. A well is a pipe in the ground that fills with groundwater. This water can be brought to the surface by a pump. Most groundwater in Napa County is extracted through wells.

What is Recycled Water?

Recycled water is the fastest growing water supply in California. Recycled water is wastewater effluent that is treated and disinfected to provide a non-potable supply that is safe and suitable for food crop and landscape irrigation and some industrial processes. In California, recycled water is regulated by the California Department of Public Health for quality and usage. There are several categories of recycled water. The highest quality is "disinfected, tertiary treated water" and the Grand Jury refers to this quality when speaking of recycled water. Recycled water is widely used and accepted as an environmentally responsible way to conserve scarce and expensive potable water supplies throughout the arid and semi-arid portions of the United States.

Recycled water is clean, clear, and safe. No health-related incidents have ever been linked to the use of recycled water. Recycled water quality standards are more stringent than those for surface streams, rivers, and the Bay. The California Department of Health Services and the California Regional Water Quality Control Board regulate the production, distribution, and use of recycled water. California's regulations are some of the most stringent in the world.

Napa Sanitation District's recycled water meets the highest quality standard, 'Unrestricted Use,' as specified by the California Water Recycling Criteria, Title 22 of the California Code of Administration.

METHODOLOGY

Interviews

To complete this study, the Grand Jury interviewed personnel from the following local agencies:

- Napa County Public Works Department
- Napa Sanitation District
- City of Napa Water Department
- Napa County Farm Bureau
- Napa State Hospital
- Napa County Groundwater Advisory Committee

Additional interviews were conducted with:

- Personnel from several city, county, and independent agencies
- Well drillers with many years of experience drilling and maintaining wells in the county
- A major winery that owns and manages several vineyards in and outside Napa County, and
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

All interviewees were selected for their expertise and their willingness to speak candidly with the Grand Jury.

Documents Reviewed

- Organization Charts for City of Napa Water Department
- Organization Chart for Napa County Public Works

- Contract between NSD and The City of Napa Water Department
- Contracts between NSD and landowners who sign up for the Recycled Water Pipeline in the MST and Los Carneros areas
- Documents produced by the State of California and County of Napa
- California Senate Bill 1739, SB1319, and Assembly Bill 1178 which were combined to form California's *Sustainable Groundwater Management Act* (SGMA)
- Napa County *Water Availability Analysis*
- Napa County *Groundwater Conservation Ordinance*
- “*Napa County Groundwater Monitoring Plan*” – January 2014 report from Luhdorff & Scalmanini Consulting Engineers
- “*Understanding Groundwater in Napa County*” - March 2014 report from Luhdorff & Scalmanini Consulting Engineers
- *Understanding Groundwater in Napa County* – Luhdorff & Scalmanini, Consulting Engineers – Updated February 2015
- NSD's *Strategic Plan for Recycled Water Use In the Year 2020* – Adopted in 2005

Internet Searches

- Napa County Board of Supervisors: www.countyofnapa.org/bos/
- Napa County Public Works: www.countyofnapa.org/PublicWorks/
- Napa County Planning, Building and Environmental Services: www.countyofnapa.org/planning/grac
- Groundwater Resources Advisory Committee: www.countyofnapa.org/bos/grac/
- Napa County Assessor: www.countyofnapa.org/assessor/
- Napa Sanitation District : www.napasan.com
- Source Water Collaborative Forum: www.sourcewatercollaborative.org
- Groundwater Foundation : www.groundwater.org

DISCUSSION

Groundwater

Whether it is the source of your drinking water or the water used to grow the food on your table, groundwater is vital to life. As such, every person plays a role in protecting and conserving groundwater.

For decades the State has stumbled when it comes to managing groundwater supplies. California has managed the state's groundwater as if its supply were

unlimited, instead of considering it a precious resource that must be managed properly and efficiently.

- In its August 15, 2014 editorial, the *Sacramento Bee* notes that it was in 1962 that an Assembly Interim Committee on Water dodged the issue of needed groundwater management by advising the Legislature it should act if the situation got worse. It got worse.
- Sixteen years later in 1978 the *Governor's Commission to Review California Water Rights*, a group commissioned by Governor Jerry Brown, found the groundwater situation was critical and that comprehensive local management had not been undertaken in many overdrafted areas of the state. Again there was no action.
- An August 18, 2014, *Los Angeles Times* column said the State has been ignoring experts' increasing warnings regarding groundwater depletions for decades holding off on groundwater regulation since statehood.
- Assembly Bill 1739 stated that between 2003 and 2009 the groundwater aquifers for the Central Valley and its major mountain water source, the Sierra Nevadas, lost almost 26 million acre-feet of water (greater than 8 trillion gallons of water), nearly enough water to fill Lake Mead, America's largest reservoir.

On September 16, 2014, Governor Jerry Brown signed into law a historic three-bill package (SB1168/AB1739/SB1319) named the *Sustainable Groundwater Management Act* (SGMA) that creates a statewide system of groundwater regulations for sustainable management of California's groundwater basins. This is the first law enacted since statehood that focuses on the management of groundwater.

A key requirement of California's SGMA (Assembly Bill 1739, SEC. 19, Chapter 11) mandates that groundwater be managed locally, and if a local community fails to do so, the state will step in and take over the management of that community's groundwater supply.

Additional requirements include:

- By January 31, 2015: Department of Water Resources (DWR) is to prioritize and publish a list of all groundwater basins classified as high, medium, low, or very low priority based on the existence and severity of overdraft conditions (all of Napa County basins are classified as "medium" priority).
- By January 1, 2016: DWR is to adopt regulations on criteria for modifying groundwater basin boundaries.

- By June 30, 2017: Napa County must designate or elect a local agency (e.g., the Board of Supervisors) to be a sustainability agency for water basins.
- By January 31, 2020: Groundwater sustainability plans are required for medium and high-priority basins that are determined to be in critical overdraft.
- By January 31, 2022: Groundwater sustainability plans are required for medium and high-priority basins that are determined not to be in critical overdraft.
- Twenty years after plan adoption: Groundwater management plans to achieve the sustainability goal.

The SGMA is a good step forward and one that is long overdue. However, the SGMA is focused on long-term results and does not address immediate concerns about groundwater. It becomes incumbent upon local entities to be proactive and to take steps now to ensure adequate groundwater is available into the future.

The Grand Jury learned during interviews with Napa County Public Works Department that 80% of groundwater use in Napa County is used by agriculture. However, a groundwater geologist we interviewed disputed the 80% figure, saying vineyards use relatively little water and that an acre of vineyards uses less water than an acre of average size residential homes would use. Regardless of the exact percentage, most agree that the County, grape growers, and large landowners must work together proactively to develop policies and procedures for managing groundwater efficiently and to ensure its sustainability for generations to come.

Napa County Groundwater Management

Napa County Public Works Department's opinion is that the SGMA's impact on Napa County will be minimal and that Napa County has been ahead of the curve for years on groundwater management.

The Grand Jury's investigation shows that for decades the County has been ahead of the State regarding its position on groundwater being a resource that must be preserved. For example, the County:

1. Studied for decades the availability of groundwater, especially as it impacts agriculture.
2. Employed technical consultants to conduct several geohydrologic studies of the county.
3. Implemented regulations and other actions to manage the groundwater supply, including well monitoring and stricter permitting rules.

4. Appointed in September 2011, the Groundwater Advisory Committee (GRAC), a 15 member committee consisting of volunteer citizens with a variety of backgrounds, to assist the County and outside consultants with the tasks of groundwater management. For over two years, GRAC was involved with collection and analysis of data, the development of a large well monitoring program, revisions of protocols and regulations, community educational outreach, and the development of county groundwater sustainability objectives.

5. Passed two key regulations that control the extraction and use of groundwater resources in the County and ensure that groundwater use is beneficial and not wasteful:

A. *Water Availability Analysis* (1991)

- Sets up guidelines to determine if a proposed project will have an adverse impact on the groundwater basin as a whole or on the water levels of neighboring wells with the overriding benefit of helping to manage groundwater resources.
- Consists of three phases. If the amount of water to be extracted exceeds thresholds assigned to the parcel, then further study may be required before the permit is approved or denied.

Water extraction thresholds:

- ✓ Valley Floor Land Parcels: 1 acre-foot per acre of land (an acre-foot of water is the amount of water it takes to cover one acre of land to a depth of one foot, or 325,851 gallons). Therefore, a 40-acre parcel will have an acceptable level of groundwater use of 40 acre-feet per year.
- ✓ Hillside Parcels: Determined through the permitting process utilizing the Water Availability Analysis Report as a guide.
- ✓ “Groundwater Deficient Areas” as defined in the Groundwater Conservation Ordinance will have the threshold established for that specific area. The Milliken-Sarco-Tulocay Basin (MST) is currently the only “groundwater deficient area” and has an established threshold of 0.3 acre-feet per acre per year. Thus, a 40-acre parcel has an acceptable level of water use of 12 acre-feet per year.

B. *Napa County Groundwater Ordinance*, (first implemented in 1999)

- Purpose is to regulate to the greatest extent possible the extraction and use of groundwater resources in Napa County and to prohibit wasteful extraction for unreasonable or non-beneficial purposes in

order to promote groundwater conservation and best management practices and maximize the long-term beneficial use of the county's groundwater resources.

- o Includes a Groundwater Permit section that applies to areas of the county that are designated as groundwater deficient. These requirements are currently applied only to the MST area of the county:

Metering of water use is mandatory.

Permit holders are required to take monthly meter readings and to submit their readings to the Public Works Department every six months.

If water use during any year exceeds the approved use, the permit holder is required to reduce water use the following year or face penalties as written into the Groundwater Conservation Ordinance.

These two regulations along with others have enabled the County to improve the well permitting process and to help ensure approved projects requiring groundwater are in the best interests of the applicants, neighboring properties, and the county at large.

A key requirement of managing groundwater is to monitor the recharge of the aquifers. With the assistance of the GRAC, the County implemented an ongoing well monitoring program with 115 mostly individually owned wells. At the end of each October, when the wells are at their lowest levels, they drop a line into the wells and measure how far down the line goes to find the water levels. They repeat this process at the end of April, when the wells are at their highest levels. They then compare the results to past years' water levels and make a determination of the recharging ability of the aquifers.

Based on the data collected for years, Napa County Public Works states that the aquifers are recharging normally throughout the Valley floor and that a problem currently does not exist. (They do recognize that this is not necessarily the case on the hillsides where they say each parcel must be studied independently, and a generalization cannot be made as to the recharge ability of individual aquifers.)

However, a groundwater geologist had a different viewpoint and told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back.

In contrast to the County's position, the well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths.

The well drillers agree that it is far less certain that water will be found on the county's hillsides. Drillers that were interviewed said finding water there is a 50-50 proposition and that reports of wells drying up are not uncommon.

Conclusions -- The County's Management of Groundwater

The Grand Jury believes that the County is doing a good job as stewards of groundwater and that Napa's citizens should be pleased with the professionalism, expertise, and involvement of all parties (governmental, agricultural, and commercial) when it comes to groundwater management. It is our belief that those involved are qualified and are doing all they can to manage our groundwater supply

Despite the efforts by the County, this Grand Jury does have some concerns that we believe need to be addressed:

- The differences between what the well drillers and the geologist stated and what the County believes is happening on the Valley floor with respect to groundwater levels and aquifer recharge.
- The MST area has been overdrafted for decades and there are frequent groundwater problems in the Carneros area.
- Most well owners have groundwater extraction limits that cannot be enforced by the County. With the exception of the MST, their groundwater usage is not monitored, even for large water users. There are provisions in the new SGMA that would allow the local agency to impose fees to fund the costs of groundwater management, including the costs of monitoring users' groundwater usage.
- The County does not have a groundwater management contingency plan in place should the drought continue.

The Grand Jury would stress that there are some troubling issues and that the County would be better served planning for a potential future disaster vs. waiting for it to happen and then trying to put a plan together quickly. Citizens should expect their governmental officials to be prepared for all potential outcomes and have procedures or policies in place that they may rely on when needed.

Recycled Water

Napa Sanitation District (NSD)

NSD provides wastewater collection, treatment, and disposal services to customers in the City of Napa and surrounding unincorporated areas. Each year they process over 3.5 billion gallons of wastewater (11,000 acre-feet) and produce over 700 millions gallons of recycled water (2,200 acre feet) for agricultural and landscaping use. Current recycled water production represents about 20% of the total wastewater processed.

Operating in accordance with the District's *Strategic Plan for Recycled Water Use*, NSD's vision is to maximize the production of recycled water in order to reduce dependence on and to preserve groundwater supplies. Specifically, their goal is for all parks, cemeteries, schools, hospitals, vineyards, and other major users of potable water for irrigation to be converted to recycled water. Currently, Napa Valley College, the airport area, Napa Corporate Park, and golf courses in South Napa are all using recycled water.

To increase the availability and use of recycled water, NSD is in the process of building two pipelines that will carry recycled water to the MST and Los Carneros/Stanly Ranch areas. The pipelines are scheduled to be completed this year. Once the pipelines are completed, NSD's recycled water production will increase from 20% to more than 45% of all wastewater processed.

1. Milliken-Sarco-Tulocay (MST) Pipeline

MST customers will be assessed a flat amount on their tax bills for 20 years and also will be responsible for all costs associated with hooking up to the main pipeline. Additionally, the consumers will pay for the water they use. All hook-ups will be metered and monitored by NSD personnel.

The pipeline will be available (on a voluntary basis) to all parcels along the pipeline route in the MST area. However, the primary focus is to convert large landowners and agricultural users to recycled water from groundwater for irrigation purposes.

It should be noted that once a property "opts in" to hook up to the pipeline, that property cannot later "opt out". Even if the property is later sold, the new owner will be obligated to remain on the pipeline and pay the tax assessment. NSD personnel reported that as more customers sign up for recycled water, the tax assessment may be decreased.

2. Los Carneros/Stanly Ranch Pipeline

Connecting to the pipeline in the Los Carneros/Stanly Ranch area is optional. However, if a landowner opts out, the pipeline may go around the property and the owner may not be able to connect in the future. The cost is \$5,700 per acre plus hook up and water usage costs. Over 100 landowners have voluntarily signed up to date.

NSD has written agreements with each customer that opts in. These spell out how the recycled water is to be used. Water meters will be installed and read by NSD personnel to ensure an individual property is not exceeding their approved amount of recycled water usage.

3. Napa State Hospital Recycled Water Potential

Another opportunity to reduce reliance on groundwater would be to convert Napa State Hospital's landscape irrigation from potable water to recycled water. Even though they are in the county, they are using Napa city potable water for all their water needs including irrigation.

According to the City of Napa Water Department, the State Hospital historically averages 142 million gallons (435 acre-feet) of potable water annually. An estimated 56 million gallons (172 acre-feet) is used for irrigation. Converting their landscape water needs to recycled water would increase NSD's current recycled water production by 8%.

Those interviewed stated that Napa State Hospital could cut their city water bill substantially by converting their irrigation system to recycled water. The pipeline to the MST is already located underneath the hospital property and only needs to be hooked up to their irrigation system.

The Grand Jury was told the cost to do the hook-up was about \$5,000,000 and the estimated payback would be 10 years. Funding has been requested multiple times, but the State of California has not approved this project as yet. This is a priority for the Hospital Administration and is supported by many at the state level; but so far, funding has not come through.

The State has made water conservation mandatory since 2014. It would make sense for the State to fund the conversion of the State Hospital's irrigation system to recycled water. This would be a true win-win situation. This Grand Jury strongly recommends that the County and City of Napa get involved with the State through their local and state government officials and lobbyists to make this a priority for the State.

NSD’s Ability to Produce Additional Recycled Water

Lack of available storage is keeping NSD from processing more recycled water. To increase storage, NSD would have to increase the size of existing ponds and/or build new ponds. However, finding large quantities of land that would be needed for new ponds is difficult and very expensive.

NSD works with the North Bay Water Reuse Authority, a group of water and sanitation agencies in Sonoma, Marin, and Napa Counties, to coordinate and seek state and federal funding for recycled water expansion projects. Funds for the pipelines under construction are coming from a variety of governmental sources including a federal grant, a state revolving loan from the State Water Board, and funds from Napa County Measure A.

NSD now has a new funding opportunity through the passage of California’s Proposition 1, “Water Quality, Supply, and Infrastructure Improvement Act of 2014.” This act authorizes \$7.12 billion in general obligation bonds for state water supply infrastructure projects such as water system improvements, surface and groundwater storage, water recycling, and a myriad of other water related undertakings. Of the total money authorized, \$725 million will be available for water recycling and treatment, which includes recycled water storage and infrastructure projects. To obtain grants or loans from the state NSD will have to compete against other projects requesting funds and must pay at least 50% of the project costs.

NSD’s Agreement with the City of Napa Water Department

It was learned through interviews that NSD has an agreement with the City of Napa Water Department to reimburse the city one year’s revenue for every customer switched from city water for irrigation purposes to recycled water. This agreement ends in 2017 and currently there are no renewal discussions scheduled.

The Grand Jury recommends that both NSD and the City of Napa Water Department begin discussions to ensure that this agreement is renewed at the appropriate time. Everyone wins by reducing the need for potable water and groundwater resources.

FINDINGS – GROUNDWATER

F1. The County has done an effective job of managing groundwater resources to date. However, there is no contingency plan in place that details the steps to be taken in case the drought continues and groundwater supplies are further depleted.

- F2.** Despite the continuing drought and some evidence that aquifers on the Valley floor may not be fully recharging, there appears to be sufficient groundwater available on the Valley floor at this time.
- F3.** Groundwater is less plentiful on the county's hillsides, and each parcel must be studied independently. There have been a number of reports of existing wells drying up, and finding water for new wells is often difficult.
- F4.** The County cannot enforce their usage restrictions effectively because they do not monitor usage of groundwater or enforce limits on groundwater extraction.

FINDINGS – RECYCLED WATER

- F5.** The lack of adequate storage capacity and the need for additional infrastructure prevent NSD from maximizing the amount of recycled water that could be processed.
- F6.** There have been no discussions to date to renew the agreement between NSD and the City of Napa Water Department, expiring in 2017, requiring NSD to reimburse the city one year's revenue for every customer converted from city water to recycled water.
- F7.** Napa State Hospital could cut their potable water usage substantially if they converted their irrigation system to recycled water.

RECOMMENDATIONS – GROUNDWATER

- R1.** By December 31, 2015, the Napa County Public Works Department to develop a contingency plan, approved by the Board of Supervisors, that lays out the major steps to be taken in the event of severe drought conditions.
- R2.** By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.
- R3.** By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

RECOMMENDATIONS – RECYCLED WATER

- R4.** NSD to immediately begin exploring additional opportunities to expand their wastewater storage and infrastructure capacity through funds that may be

available from the passage of California Proposition 1, the \$7.1 Billion “Water Quality, Supply, and Infrastructure Improvement Act of 2014.”

- R5.** By June 30, 2016, NSD and the City of Napa Water Department to begin negotiations to extend the current agreement that requires NSD to reimburse the Water Department for lost revenue when a city water customer converts to recycled water.
- R6.** By December 31, 2015, that NSD and the City of Napa Water Department to begin working with local officials, lobbying groups, and trade associations to persuade the State to fund the conversion of Napa State Hospital to recycled water for their irrigation purposes.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the 2014-2015 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: **R1, R2, R3**
- Napa Sanitation District Board of Directors: **R4, R5, R6**
- City of Napa: **R5, R6**



**NAPA COUNTY GRAND JURY
2014-2015**

APRIL 24, 2015

FINAL REPORT

**NAPA COUNTY FIRE DEPARTMENT
CAREER AND VOLUNTEER
FIREFIGHTERS WORKING TOGETHER
TO PROTECT NAPA COUNTY**

CAREER AND VOLUNTEER FIREFIGHTERS WORKING TOGETHER TO PROTECT NAPA COUNTY

SUMMARY

A review of the Napa County Fire Department was conducted to determine the overall organization of the firefighting units within Napa County as well as to evaluate the training of the volunteer fire personnel. The 2014-2015 Grand Jury had the opportunity to interview several of the top staff employees of the Napa County Fire Department. The Grand Jury also interviewed several Napa County staff employees who regularly interface with Napa County Fire Department staff as well as with the Napa County volunteer firefighters. The Grand Jury also conducted tours of several volunteer fire stations and interviewed volunteer firefighters associated with the stations.

The Fire Service Advisory Committee (FSAC) is a committee that was formed by the Napa County Board of Supervisors (BOS) to focus on concerns within Napa County Fire Department. The FSAC was formed on June 11, 2013 by the BOS with Resolution 2013-67. Several of the interviews that the Grand Jury conducted were to help determine the effectiveness of the Fire Service Advisory Committee. We found that the FSAC did not meet often enough in 2014 to be effective. Our investigation discovered that the Site Use Agreements for all nine of the volunteer fire stations had not been signed and there are some unresolved issues that needed to be worked out.

Training of the Napa County volunteer firefighters has been an ongoing struggle for the Napa County Fire Department. There is a constant increase in educational requirements for all firefighters to maintain certification. All of the people interviewed acknowledged the need for improvement in access to available training classes.

Occasionally, Napa County Fire asks volunteer firefighters if they would be able to work at one of Napa County's full-time career fire stations to fill in for firefighters that are called away to fight fires out of the area. These assignments are called cover assignments and the volunteers are to receive wages for hours worked while on a cover assignment. Several of the people that we interviewed made mention of the difficulty and lack of timeliness in receiving payment for hours worked while on cover assignments.

The Grand Jury urges:

- The FSAC to establish regular meetings, properly post notice of meeting dates and times, and distribute agendas and minutes.
- The FSAC to request training issues from volunteer firefighters and to develop a plan to address them.
- Napa County to implement procedures to ensure payment of volunteer firefighters for cover assignments within 30 days.

BACKGROUND

California Department of Forestry and Fire Protection (CAL FIRE or CDF)

CAL FIRE is the State of California's agency responsible for fire protection in the 31 million acre State Responsibility Areas of California, the area of the state where the State of California is financially responsible for the prevention and suppression of wildfires. This agency is also responsible for the administration of the state's private and public forests.

The County of Napa contracts with CAL FIRE for fire protection service as the Napa County Fire Department at a cost of \$8,923,013 for fiscal year 2015. CAL FIRE supplies the necessary career firefighter staff to man the Napa County Fire Stations.

The County also contracts with CAL FIRE to supply an employee who accepts the title of Napa County Fire Chief and is appointed to this position by the Board of Supervisors. The Napa County Fire Chief oversees all Napa County career firefighters, fire stations, and Napa County volunteer fire companies.

There are nine volunteer fire companies, some of which have satellite stations which provide additional coverage with the staging of assets in multiple areas. Approximately 200 volunteer firefighters are associated with the volunteer companies:

Angwin	Capell Valley	Carneros
Deer Park	Dry Creek Lakoya	Gordon Valley
Pope Valley	Rutherford	Soda Canyon

Fire Service Advisory Committee (FSAC)

FSAC was formed to help work on organizational issues, improve communication, and provide a format for the Napa County fire fighting community to voice concerns and provide opportunities for improvement. The FSAC has 11 members:

three are from the Napa County volunteer fire ranks and three are from CAL FIRE/Napa County Fire. The remaining five members are Napa County staff employees and an appointed citizen of Napa County. The FSAC is to meet on a regular basis. The meetings are to be announced publicly and be open to the public and all firefighter personnel.

The FSAC is to provide input on operational policies and procedures such as training plans, budgets, equipment replacements and fleet management as well as long term goals and objectives. The FSAC can also be asked by the BOS to act in an advisory capacity to all matters related to the fire department.

METHODOLOGY

A. Interviews conducted

- Several Napa County Fire Department employees
- Napa County Executive Office staff member
- Two Napa County staff employees
- Two Napa County Volunteer Fire Chiefs
- Nine Napa County Volunteer Firefighters

B. Documents reviewed

- Copy of Site Use Agreement
- Copy of Memorandum of Agreement
- Letter from volunteer fire chiefs addressed to Napa County Board of Supervisors (dated 2014).
- Email responses listing steps involved for wages/payment for hours worked on Cover Assignments at a career fire station.

C. Facilities visited or inspected

- CAL FIRE office 1199 Big Tree Lane Rd. St. Helena, CA
- CAL FIRE Dispatch Center 1199 Big Tree Lane Rd. St. Helena, CA.

- Rutherford Fire Station, HWY 29, Rutherford, CA.
- Rutherford Fire Satellite Station 8140 Silverado Trail, Rutherford, CA.
- Carneros Fire Station 1598 Milton Rd. Napa, CA.
- Carneros Fire Satellite Station 4301 Old Sonoma HWY Napa, CA.
- Napa County Administration office 1195 Third Street Napa, CA.

D. Internet searches

- Fire Service Advisory Committee:
www.countyofnapa.org/Pages/DepartmentContent.aspx?id=4294980866
- Napa County Fire Department:
www.countyofnapa.org/Pages/DepartmentDocuments.aspx?id=4294967423

DISCUSSION

Napa County Fire staff employees told the Grand Jury that the Napa County Fire Department and the Napa County Administration are in favor of keeping a viable County volunteer firefighting force and the nine volunteer fire companies. The Napa County Fire staff is aware of the many issues that have been involved with the Napa County Fire Department and the volunteer companies. Some of the outstanding issues are as follows:

A. Volunteer Firefighter Training:

One of the main ongoing issues involves training and certification for the approximately 200 volunteer firefighters. All the people that were interviewed acknowledged that ongoing training was the biggest issue for all the volunteers. The volunteers find it difficult to receive the required training due to the following reasons:

- Training classes are often at dates, times, and locations that are not convenient for volunteers with full-time jobs.
- Qualified Trainers from CAL FIRE are sometimes unavailable because they are on assignment fighting fires elsewhere.
- There are not enough qualified trainers to conduct classes.

All of the people that were interviewed said that the new Napa County Fire Chief needs to consider the following:

- Focus on training new trainers within the Napa County volunteer ranks.
- Restrict trainers from being called to perform assignments that leave no trainers available for training.
- Schedule and conduct training during days and times convenient for volunteers that work full-time jobs.

B. Fire Service Advisory Committee (FSAC):

The FSAC was formed to help deal with issues within the Napa County Fire Department and the volunteer fire organization. In a review of the function of the FSAC it was discovered that the organization and its sub-committees are not meeting on a regular enough basis to provide for continuous improvement. It was difficult to determine how many meetings were conducted in 2014. The Grand Jury interviewed at least nine people who are members of the FSAC and none of them could recall how many meetings that the committee had held in 2014.

In a review of the Napa County website page dedicated to the FSAC, the webpage indicated that only four meetings had taken place during all of 2014. The Grand Jury had confirmed through interviews and emails that the FSAC had actually conducted additional meetings that are not noted on the website. The FSAC is conducting some meetings without making the required public announcements or posting public notice of meeting dates, times, and agendas in the Napa County information window box located at 1195 Third Street in Napa.

The FSAC members will need to focus their attention on creating an atmosphere that is positive and that will lead to change and improvement. The Grand Jury recommends that the FSAC not only publish and announce meeting dates, topics, and agendas, but also circulate the minutes from committee meetings to all Napa County volunteer firefighters via email. The new Napa County Fire Chief can make huge improvements if an effort is made towards using the FSAC as a tool to help implement the changes that Napa County Fire needs.

C. Memorandum Of Agreement and Site Use Agreement:

The 2014-2015 Napa County Grand Jury found that several documents that are used to help define the business relationships with Napa County and the nine volunteer fire companies and their volunteer ranks are a source of irritation for several reasons. Two of the documents, the Memorandum of Agreement and the Site Use Agreement (see Appendix), are examples of documents with which some of the volunteer companies are not in complete agreement. It does not appear that the disagreements are of such a magnitude that they cannot be resolved.

A letter sent from the nine volunteer fire chiefs to the Napa County Board of Supervisors indicates that there are unresolved issues. The Grand Jury was also informed that several of the volunteer fire companies had not signed and returned the Site Use Agreement document.

If the FSAC were functioning as it was envisioned or intended, it would provide a working platform for the volunteer fire companies and members to communicate their exact issue with each document.

D. Volunteer Pay for Cover Assignments

The Grand Jury interviewed several volunteer firefighters who worked at some of the Napa County Career fire stations on cover assignments. A cover assignment is when a volunteer firefighter agrees to work at a career fire station and receives payment for hours worked. Cover Assignments are a way to help integrate the volunteer firefighter ranks with the career Napa County/CAL FIRE staff. These assignments help the firefighters bond with each other as a working unit to provide better service countywide. The experience that a volunteer obtains while working with career firefighters on a cover assignment would provide the best possible training environment by allowing exposure to a wide variety of calls.

While conducting our interviews we discovered a major problem within Napa County Fire with regard to wages paid to volunteers that work on cover assignments. Volunteer firefighters normally only receive a small monthly stipend for their services. However, when a volunteer accepts an assignment to work on a cover assignment at a career fire station the firefighter is offered County pay for hours worked. The volunteers that we spoke with that had recently worked on cover assignments all related stories about the difficulty of actually receiving pay for hours worked. According to the volunteers and the Napa County Fire Department staff that we interviewed, it was confirmed that

it takes anywhere from three months to as long as nine months to receive pay for hours worked while on cover assignments. There could be as many as nine steps that have to be accomplished prior to receiving pay.

All those we interviewed from Napa County Staff, Napa County Fire and the Napa County volunteer firefighters made it clear that they all want to retain a viable volunteer firefighting organization within Napa County Fire. The 2014-2015 Grand Jury feels that Napa County staff and the Napa County Board of Supervisors and Napa County Fire Chief should re-examine the issue with regard to volunteer firefighters receiving pay in a timely manner for cover assignments.

FINDINGS

- F1.** The FSAC and its sub-committees are not holding regular meetings as required, and the FSAC meetings and agendas are not being published on the County of Napa website for public viewing or access.
- F2.** The Napa County volunteer fire companies continue to have concerns with the documents such as the Memorandum of Agreement and the Site Use Agreement (see Appendix).
- F3.** Training and Certification continues to be a challenge for Napa County Fire volunteer members. In order for Napa County Fire to maintain and possibly grow the volunteer firefighter ranks, there needs to be greater attention applied to a comprehensive training program that provides ample opportunity for volunteer firefighters to receive the required training.
- F4.** Payroll for volunteer firefighters that work on cover assignments at Napa County Fire career fire stations or on other fire assignments is not paid in a timely fashion. Receipt of payroll takes anywhere from three to nine months after an assignment has ended. This is a hardship for volunteers that take time off from regular jobs to work on cover assignments.

RECOMMENDATIONS

- R1.** By September 1, 2015, the Fire Service Advisory Committee to establish a regular meeting schedule, circulate the meeting minutes, and update the FSAC webpage within 10 days of every meeting, in order to inform the community and firefighter ranks of scheduled meetings and agendas. In addition, the minutes for each FSAC meeting are to be circulated within 10 days of each

meeting to all the members of the Napa County Fire and volunteer ranks to keep them informed of the issues and the efforts to address them.

- R2.** By September 1, 2015, the nine Napa County Volunteer Fire Chiefs to re-address their issues with the Memorandum of Agreement and the Site Use Agreement documents by sharing with the FSAC a detailed letter that lists and highlights each concern
- R3.** By September 1, 2015, The Fire Service Advisory Committee to ask for input from all the Napa County Fire volunteer firefighters with regard to training issues and by December 31, 2015, to present a plan to resolve the identified training issues.
- R4.** By December 31, 2015, Napa County Administration staff to implement procedures to pay volunteer firefighters for wages that were earned while on cover assignments within 30 days of their assignments.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Napa County Fire Chief: **R1**
- Nine Volunteer Fire Chiefs: **R1, R2, R3**
- Napa County Executive Office: **R1, R4**

From the following governing bodies:

- Napa County Board of Supervisors: **R1, R3**
- Napa County Treasurer Office: **R4**

APPENDIX

Exhibit 1: Memo of Agreement for Fire and Emergency Services

Exhibit 2: Site Use Agreement

MEMORANDUM OF AGREEMENT FOR FIRE AND EMERGENCY SERVICES

This Memorandum of Agreement ("Agreement") is made by and between NAPA COUNTY, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and the DRY CREEK-LOKOYA VOLUNTEER FIRE COMPANY, (hereinafter "VFC"), who mutually agree as follows:

1. **RECITALS.** This Agreement is made with reference to the following facts and objectives:
 - a) COUNTY desires to promote maximum utilization of fire and emergency service resources within Napa County.
 - b) COUNTY desires to enter into a memorandum of agreement with VFC for the performance of Fire and Emergency services within the County Fire Jurisdictional Area.
 - c) VFC has COUNTY assigned volunteers and equipment required to provide such services to the County Fire Jurisdictional Area to the extent that resources are available and VFC is willing and able to render such services as directed by the County Fire Chief on the terms and conditions set forth herein, and in accordance with the terms and conditions of the California Master Mutual Aid Agreement and the California Fire Assistance Agreement incorporated by reference herein.
 - d) VFC is a volunteer fire company organized pursuant to the laws of the State of California Health & Safety Code Section 14825, with a Certificate of Compliance filed annually with the Napa County Fire Chief or designee and will perform Fire and Emergency services.

2. **DEFINITIONS.** For the purposes of this Agreement, the following terms shall have the meanings respectively ascribed to them by this subparagraph unless it is apparent from the context that a different meaning is intended:
 - a) "Dispatch" means the Cal Fire Emergency Command Center (ECC) in St. Helena, contracted by COUNTY as the dispatch service provider of the Napa County Fire Department in accordance with applicable SOGs.
 - b) "Napa County Fire Department" means all of the fire and emergency services provided throughout the County Fire Jurisdictional Area by career personnel and all of its Volunteer Fire Companies.
 - c) "County Fire Chief" means the Department Head of the Napa County Fire Department as appointed by the Board of Supervisors, or his or her authorized representative, responsible and accountable for the supervision and management of the County Fire Department.
 - d) "County Fire Jurisdictional Area" means the unincorporated area of the COUNTY under the jurisdiction of the Napa County Fire Department as shown in the map attached hereto as Exhibit "A" and incorporated herein by this reference.
 - e) "Fire and Emergency services" means the services to be provided by VFC under this Agreement as specified in Exhibit "B" attached hereto and incorporated herein by reference.
 - f) "Volunteer Fire Companies" are comprised of Volunteer Firefighters including the Volunteer Fire Chief, Volunteer Fire Company Officers and Emergency Medical Services Responders as defined in the SOGs.
 - g) "Volunteer Fire Chief" means the Fire Chief of VFC or his or her authorized representative in support of the community based Volunteer Fire Company and responsible and accountable for the day to day supervision and management of VFC under the guidelines and policies of the Napa County Fire Department and the direction of the County Fire Chief or designee

- h) "Volunteer Firefighters" or "volunteers" means the individuals listed on the VFC Certificate of Organization and/or listed on the active volunteer roster maintained and updated regularly by the Volunteer Fire Chief of each Volunteer Fire Company.
- i) "Volunteer Liaison Officer" means the individual designated by the County Executive Officer responsible for communicating items of mutual interest between the County Fire Chief and the Volunteer Fire Chiefs and assisting with the resolution of issues at the lowest level possible. The COUNTY shall provide a Volunteer Liaison Officer throughout the term of this MOA.
- j) "Fire Services Advisory Committee" means the committee formed by the Board of Supervisors to act in an advisory capacity to the County Fire Chief and the Board of Supervisors on fire department issues. The Volunteer Firefighters shall have three representatives appointed by the Board of Supervisors to represent the interest of the volunteer firefighters and Volunteer Fire Companies. The COUNTY shall maintain a Fire Services Advisory Committee throughout the term of this MOA.
- k) "Incident " means any call for service that VFC is dispatched to, or has called into Dispatch as an event directly reported to VFC or its member(s), including but not limited to, any type of fire, medical emergency, rescue, hazardous condition, public assistance, or investigation requiring specialized personnel or equipment. See Exhibit B.
- l) "SOGs" means County Fire Department Standard Operating Guidelines as currently written or as may be amended from time to time. All of the SOGs referred to in this Agreement are incorporated herein by reference.

3. SERVICES TO BE PROVIDED BY VFC

- a) VFC agrees to provide Fire and Emergency services within the County Fire Jurisdiction Area. The rendition of such services, the standard of performance and other matters incidental to the performance thereof in accordance with applicable County Fire Standard Operating Guidelines.
- b) VFC agrees to require all that all Volunteer Firefighters meet the policies, training, safety guidelines and procedures as established in the SOGs, Napa County Fire Policies and Procedures and Napa County Policies and Procedures.
- c) VFC agrees to immediately notify the Emergency Command Center, upon the occurrence of any Incident and agrees to control and preserve the scene of any type of reportable fire until the arrival of a County Fire Investigator.
- d) VFC agrees to comply with all of the requirements of the Basic Fire and Emergency Services listed in Exhibit "B" attached and incorporated herein by reference.
- e) VFC agrees to follow the Napa County Fire Department organizational structure that integrates career staff and volunteers. The VFC Volunteer Fire Chief will collaborate with the designated career Battalion Chief to facilitate professional communication. In the event that the designated career Battalion Chief is unavailable or non-responsive, the Volunteer Fire Chief shall contact the Volunteer Liaison Officer or the Napa County Fire Chief. Other volunteers should communicate through the chain of command as defined in the SOGs.
- f) VFC agrees that the office of the Napa County Counsel will provide legal services paid for by COUNTY concerning operations activities as set forth in the conditions and terms of this Agreement when VFC is providing Fire and Emergency services as a County Fire Department agent.

4. **TERM.** The initial term of this Agreement shall be for eighteen (18) months, commencing on January 1, 2014 and expiring on June 30, 2015 and shall be automatically renewed from year to year thereafter, unless a party to this Agreement gives written notice to the other party by January 31st of any year of its intention to seek amendments or not to renew this Agreement.
5. **STIPEND.** The COUNTY shall provide a stipend to volunteers to offset expenses related to the cost of serving as a Volunteer Firefighter. Actual stipend amounts shall be defined in a policy in the Napa County Fire Department SOGs incorporated by reference herein.
6. **ADMINISTRATION OF VOLUNTEERS.** The COUNTY shall be responsible for the administration of volunteers, including but not limited to administrative processing of new volunteers, management and stipend payments in accordance with the County Fire Departments' Standard Operating Guidelines and Napa County policies and procedures.
 - a) Volunteers serve at the pleasure of Napa County.
 - b) The Napa County Fire Chief shall be ultimately responsible for ensuring all volunteers of the Napa County Fire Department adhere to all applicable regulations governing conduct and behavior.
 - c) A volunteer may be separated from service based upon the decision of the Napa County Fire Chief and the County Executive Officer or her/his designee pursuant to the process outlined in Section 6e. Actions taken by a Volunteer Fire Chief with regard to a volunteer's service are not subject to this MOA and will be handled in accordance with the individual company's bylaws (rules). A Volunteer Fire Chief is required to notify the Napa County Fire Chief when taking any action that impacts a volunteer's service.
 - d) Given the significant investment that volunteer firefighters make, separation from service will not be taken lightly and will be the result of a serious infraction or a physical or medical condition that precludes a volunteer from performing the essential functions of their position.
 - e) Prior to separation from service, a volunteer and the Volunteer Fire Chief will be provided an opportunity to refute the charges to the Napa County Fire Chief and the County Executive Officer or her/his designee either in writing or in person. Following a thorough investigation, the volunteer will be provided the reason for the proposed separation ten (10) business days prior to the scheduled meeting with the Napa County Fire Chief and the County Executive Officer or her/his designee. A volunteer may be accompanied by a representative of their choice in the meeting. All information pertaining to the proposed separation will be treated confidentially.
 - f) The decision of the Napa County Fire Chief and the County Executive Officer or her/his designee following the meeting will be final.

7. LIABILITY

- a) COUNTY shall not be liable for the direct payment of any salaries, wages, or other compensation to any volunteers performing services hereunder for VFC or any liability other than that specifically provided for in this Agreement
- b) Except as herein otherwise specified, COUNTY shall not be liable for compensation or indemnity to any VFC volunteer for injury or sickness or other claims arising out of his or her services under this Agreement.

8. TRAINING.

- a) COUNTY shall make available training to the assigned VFC volunteers up to six-hours of instruction per month. VFC shall be responsible for all other training requirements in accordance with the County Fire Training SOGs.
- b) A training plan shall be maintained by the County Fire Chief that includes State and Federal mandated training requirements. This plan, including but not limited to, the training administration shall be developed by the County Fire Chief.

9. EQUIPMENT.

- a) Apparatus - COUNTY shall provide all fire fighting apparatus including a maintenance and replacement program. Donations or purchases of additional vehicles or apparatus to VFC must be approved by the County Fire Chief prior to acceptance. For insurance purposes, Napa County must be the registered owner of all vehicles and apparatus. The ownership of any donated vehicles or apparatus shall be transferred back to VFC at the end of their useful life.
- b) Personal Protective Equipment (PPE). COUNTY shall provide each Volunteer Firefighter firefighting protective clothing which meets State of California (Cal OSHA) standards for structural and wildland firefighting for each firefighter, in accordance with the County Fire Equipment SOGs.
- c) Self-Contained Breathing Apparatus (SCBA). COUNTY shall provide SCBA and spare air cylinders. COUNTY shall also provide a system for VFC to refill SCBAs as needed. COUNTY will provide annual regulator maintenance and hydrotesting for COUNTY owned equipment as required by law and in accordance with applicable County Fire Equipment SOGs.
- d) Communications Equipment. COUNTY shall provide radio communication devices to VFC including a maintenance and replacement program for such in accordance with the County Fire Communications SOGs.
- e) Medical Equipment. COUNTY shall provide necessary medical equipment to VFC to execute Fire and Emergency Services. Donated or purchased equipment shall be approved by the County Fire Chief prior to placement on apparatus and use in the field.

10. FUNDING. The COUNTY shall provide, on an annual basis, (subject to budget limitations and part of the annual budget preparation process), funding toward supplies or equipment related to the operation of VFC. This funding is subject to the guidelines and procedures as established by the County Fire Chief on an annual basis. Available funding may vary from year to year and no set amount is guaranteed.

11. INSURANCE. With respect to the performance of Fire and Emergency services hereunder, COUNTY agrees to maintain insurance, in accordance with the County Fire Insurance SOGs, as follows:

- a) COUNTY shall maintain workers' compensation insurance with statutory limits as required by the Labor Code for all volunteers, with respect to services rendered by them for Fire and Emergency services pursuant to this Agreement and pursuant to Labor Code Section 3361. Volunteer Fire Company Officers listed on the Certificate of Organization shall be covered when acting in their official capacity as a Volunteer Fire Company Officer.
- b) COUNTY shall maintain a policy of insurance to protect against any liability for bodily injury or property damage arising out of or in connection with the activities of VFC, its officers, agents, and volunteers, pursuant to this Agreement. The liability under such policy of insurance shall be not less than ONE MILLION DOLLARS (\$1,000,000.00) combined single limit for each occurrence. Such liability coverage shall extend to and

cover the operation and use of all inventoried equipment and buildings owned or leased by COUNTY or VFC used in the rendition of services under this Agreement..

- c) COUNTY shall provide comprehensive auto and collision insurance on all vehicles which are owned or leased by COUNTY and used to provide Fire and Emergency services pursuant to this Agreement, however, VFC shall obtain COUNTY prior approval for the addition or replacement of any vehicle or apparatus.
- d) COUNTY shall provide fire and contents insurance, on buildings or areas of buildings owned or leased by VFC in connection with providing services pursuant to this Agreement provided, however, VFC shall obtain COUNTY prior approval for the addition or replacement of any facility.

12. **RECORDKEEPING.** VFC agrees to maintain and make available to the COUNTY, records pertaining to Fire and Emergency services performed pursuant to this Agreement in accordance with COUNTY Fire Record Keeping SOGs, including but not limited to, event reporting, volunteer response reports, daily apparatus and equipment maintenance reports and inventory records.

13. **TERMINATION.**

- a) At any time and without cause, either party shall have the right, in its sole discretion, to terminate this Agreement by giving ninety (90) days written notice to the other party.
- b) If VFC should fail to perform any of VFC's obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, COUNTY shall have the right, in its sole discretion, to order a cessation of actives and services provided by VFC until the situation is remedied to the COUNTY's satisfaction, or the contract is terminated in accordance with Section 13(a) above.
- c) In the event of termination of this Agreement, any vehicles, apparatus and equipment owned by the COUNTY, which are in the possession of VFC shall be returned to COUNTY within ten (10) days from the termination effective date.
- d) In the event of termination of this Agreement, VFC agrees that it cannot and will not operate as a volunteer fire company of Napa County Fire, and cannot and will not provide any fire and emergency services within the boundaries of county jurisdiction.

14. **METHOD AND PLACE OF GIVING NOTICE.** All notices shall be made in writing and may be given by personal delivery or by mail. Notices sent by mail shall be addressed as follows:

COUNTY:

County Fire Chief
Napa County Fire
1125 Third Street, Second Floor
Napa, CA 94559

DRY CREEK-LOKOYA :Ken Van Oeveren
Dry Creek-Lokoya Volunteer Fire Company
5900 Dry Creek Road
Napa, CA 94558

and when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices, invoices, and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the persons to whom notices, invoices, and payments are to be given by giving notice pursuant to this paragraph.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as set forth below.

COUNTY:

NAPA COUNTY

Dated: _____

By: _____

Mark Luce
Chairman, Board of Supervisors

ATTEST:

County Clerk and ex-officio
Clerk of the Board of Supervisors

Dry Creek-Lokoya Volunteer Fire Company

Dated: _____

By: _____
Ken Van Oeveren, Foreperson

Reviewed as to Substance
by County Fire Chief:

Scott Upton (e-signature)
County Fire Chief / Department Director

Approved as to Form
County Counsel:

Laura J. Anderson (e-signature)
Deputy County Counsel

SITE AND USE AGREEMENT BETWEEN NAPA COUNTY AND GORDON VALLEY VOLUNTEER FIRE DEPARTMENT FOR USE OF A FIRE STATION BY THE VOLUNTEER FIRE COMPANY IN GORDON VALLEY

This Agreement is made between GORDON VALLEY VOLUNTEER FIRE DEPARTMENT hereinafter referred to as "GORDON VALLEY", and NAPA COUNTY, a political subdivision of the State of California, hereinafter referred to as "COUNTY".

RECITALS

This Agreement is made with reference to the following facts and objectives:

- (a) COUNTY has entered into a Memorandum of Agreement with the volunteer fire company in Gordon Valley for the provision of volunteer firefighting services.
- (b) COUNTY desires to enter into Site Use Agreement with Gordon Valley Volunteer Fire Department for use of a volunteer fire station facility.

Section 1. DEFINITIONS

GORDON VALLEY: This refers to the non-profit corporation, Gordon Valley Volunteer Fire Department. This corporation is an independent non-profit public benefit organization that collects monies through donations, fundraising, grants, etc., for the purpose of supporting the volunteer fire company in Gordon Valley. This corporation and its activities have no direct affiliation with Napa County Fire Department or the COUNTY.

COMPANY: This refers to a Volunteer Fire Company operating within the Napa County Fire Department per a Memorandum of Agreement. The volunteer fire company in Gordon Valley is one (1) of nine (9) such companies and is operating under Napa County Agreement No. 8066.

COUNTY: This refers to Napa County, which administers the Napa County Fire Department.

PREMISES: This refers to the property located at 1345 Wooden Valley Cross Road Napa, CA (APN # 033-140-010; legal address 6485 Gordon Valley Road).

Section 2. PREMISES

GORDON VALLEY owns and hereby agrees to allow the COUNTY to utilize the PREMISES, in the Napa County for the purpose of a Volunteer Fire Station for COMPANY. These PREMISES consist of one fire station containing a three (3) bay garage, a conference room and a community room.

Section 3. TERM

3.1 Term. The term of this Agreement shall coincide with the term of Napa County Agreement No. 8066 with COMPANY. If Napa County Agreement No. 8066 is terminated by either party, this

Agreement shall also terminate at the same time as the effective date Agreement No. 8066 is terminated.

3.2 Termination without Cause. COUNTY or GORDON VALLEY may terminate this Agreement without cause with ninety (90) days written notice to the other party.

Section 4. COUNTY'S PAYMENT OBLIGATIONS

4.1 GORDON VALLEY shall not charge COUNTY rental fees for the PREMISES for the term of this Agreement.

4.2 The following will be paid by COUNTY for the term of this Agreement:

- (a) All charges for electricity at the PREMISES.
- (b) All charges for propane at the PREMISES
- (c) All charges for water at the PREMISES
- (d) Monthly charges for telephone/fax line.
- (e) Monthly charges for internet service. All COUNTY internet use policies shall be followed.
- (f) All charges for fire extinguisher service, repair, and replacement at the PREMISES.
- (g) Property and liability insurance under COUNTY insurance plan at the PREMISES.
- (h) All bills for the COUNTY sent from the vendor directly to the Napa County Fire Department at 1125 3rd St. Napa, CA. 94558, Attn: County Finance.

Section 5. USE OF PREMISES

5.1 COUNTY may use and occupy the PREMISES for the purpose of operating a Volunteer Fire Station for use by COMPANY, storing COUNTY owned and issued fire apparatus and equipment, conducting Napa County Fire Department business and related incidental uses

5.2 The PREMISES shall be used for no other purpose by COUNTY without the written consent of GORDON VALLEY. Other COUNTY business may be conducted at the discretion of GORDON VALLEY and shall be requested in writing three (3) days in advance.

5.3 COUNTY shall have access to the PREMISES with a standard key or lock box with keys in it. COUNTY shall make a reasonable attempt to provide a (1) day courtesy notice prior to entering PREMISES in non-emergency situations. COUNTY shall have immediate access to the PREMISES in emergency situations.

Section 6. MAINTENANCE AND REPAIRS

6.1 GORDON VALLEY's Obligations.

GORDON VALLEY SHALL:

- (a) During the term of this Agreement or any extension of the term, provide and maintain in good repair and tenantable condition, at GORDON VALLEY's sole cost

and expense, the interior and exterior of the PREMISES, including but not limited to the following; building structural integrity, paving, parking lots, fencing, irrigation systems, sidewalks, roof, exterior walls, doors, windows, and other outside elements of the PREMISES.

- (b) Be responsible for facilitating and paying the costs of ordinary and routine building maintenance. Maintenance of building shall include but is not limited to plumbing, heating, electrical systems, lighting, and ventilation.
- (c) Be responsible for compliance with the American with Disabilities Act (42 USC sec 12101) and its related regulations, and the Fair Employment and Housing Act (Gov. Code section 12940), and Title 24 of the California Code of Regulations. GORDON VALLEY may request COUNTY assistance in completing repairs and maintenance required for compliance as defined in Section 7: Alterations to Premises.

6.2 COUNTY's Obligations.

COUNTY SHALL:

- (a) Give GORDON VALLEY prompt notice of any damages to or defective conditions located in any part of the PREMISES.
- (b) Not be allowed to re-key any locks serving the PREMISES.
- (c) Ensure that the COMPANY operating under COUNTY keeps the PREMISES clean, safe and shall be responsible for normal wear and tear.

Section 7. ALTERATIONS TO PREMISES

7.1 COUNTY, with GORDON VALLEY's written consent, may make alterations to the PREMISES as the COUNTY deems appropriate and necessary or as reasonably requested by GORDON VALLEY and approved by the COUNTY through the budgeting process. The party responsible for regular maintenance costs associated with alterations made to the PREMISES shall be agreed upon by COUNTY and GORDON VALLEY and documented in writing signed by both parties prior to the alterations being made. All improvements made by COUNTY which are attached to the PREMISES shall become property of GORDON VALLEY upon termination of this Agreement. COUNTY shall be responsible to repair all damages resulting from the installation of funded improvements.

7.2 GORDON VALLEY agrees to allow COUNTY to install signage, an exterior 911 phone and an active station exterior light on the PREMISES at COUNTY's expense. The signage will identify COUNTY and COMPANY as the occupants of the PREMISES.

Section 8. ASSIGNMENT AND SUBLETTING

8.1 GORDON VALLEY's Consent Required. COUNTY shall not assign this Agreement, or any interest therein, and shall not lease or sublet said PREMISES, or any part thereof, or any right or privilege appurtenant thereto, without the written consent of GORDON VALLEY with the exception of use of the station by COMPANY. GORDON VALLEY'S consent shall not be unreasonably withheld, conditioned or delayed. Unless such consent has been obtained, any assignment or transfer, or attempted assignment or transfer of this Agreement, or of any interest therein, or subletting, either by voluntary or involuntary act of COUNTY, or by operation of law or otherwise, shall, at the option of GORDON VALLEY, terminate this Agreement. Any such purported assignment, transfer or subletting without such consent shall be null and void.

8.2 Release of COUNTY. In the event of an assignment of this Agreement, which is approved by GORDON VALLEY, whereby such successor in interest agrees to be bound by all the terms, covenants and conditions of the agreement, COUNTY shall be relieved from all obligations and liabilities occurring thereafter on the part of the new tenant.

Section 9. INDEMNIFICATION

9.1 GORDON VALLEY shall indemnify and hold COUNTY harmless from and defend COUNTY against any and all claims of liability for any injury, death, or damage to any person or property occurring in, on or about the PREMISES when such injury, death or damage is caused in part or in whole by the neglect, fault or omission of any duty with respect to the same by GORDON VALLEY, its agents, contractors or volunteers. GORDON VALLEY shall further indemnify and hold COUNTY harmless from and against any and all claims arising from any breach or default in the performance of any obligation on GORDON VALLEY's part to be performed under the terms of this Agreement, or arising from any negligence or wrongdoing of GORDON VALLEY, or any of its agents, contractors or and from and against all costs, attorney's fees (including fees of County Counsel), expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. If an action or proceeding is brought against COUNTY by reason of any such claim, GORDON VALLEY, upon notice from COUNTY, shall defend the same at GORDON VALLEY's expense provided, however, that GORDON VALLEY shall not be liable for damage or injury occasioned by the active or passive negligence or intentional acts of COUNTY or its agents, contractors, volunteers or employees. COUNTY shall be required to provide notice to GORDON VALLEY within ten (10) days of receipt or notice of any claim.

9.2 COUNTY shall indemnify and hold GORDON VALLEY harmless from and defend GORDON VALLEY against any and all claims of liability for any injury, death, or damage to any person or property occurring in or on the PREMISES when such injury, death or damage is caused in part or in whole by the neglect, fault or omission of any duty with respect to the same by COUNTY, its agents, contractors, volunteers or employees. COUNTY shall further indemnify and hold GORDON VALLEY harmless from and against any and all claims arising from any breach or default in the performance of any obligation on COUNTY'S part to be performed under the terms of this Agreement, or arising from any negligence or wrongdoing of COUNTY or any of its agents, contractors, volunteers or employees and from and against all costs, attorney's fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. If an action or proceeding is brought against GORDON VALLEY by reason of any such claim,

COUNTY, upon notice from GORDON VALLEY, shall defend the same at COUNTY'S expense provided, however, that COUNTY shall not be required to defend nor be liable for damage, injury or death occasioned by the active or passive negligence or intentional acts of GORDON VALLEY or its agents, contractors, volunteers or employees. GORDON VALLEY shall provide notice to COUNTY within ten (10) days of receipt or notice of any claim.

Section 10. INSURANCE COVERAGE

10.1 COUNTY shall obtain and maintain "all risk" property coverage and casualty and excess liability policies to cover any first-party or third-party claims for damages by or against the COUNTY resulting from the operation of the PREMISES as a Volunteer Fire Station including use by COMPANY for COUNTY fire department operations. This liability insurance will also cover COUNTY sponsored non-fire related activities. Any deductibles associated with COUNTY provided coverage will be paid by the COUNTY. At GORDON VALLEY's discretion, the PREMISES may be used by individuals or organizations for GORDON VALLEY, non-COUNTY related COMPANY events, and for public gatherings where notification has been made in writing to the Napa County Fire Chief. All notifications will be forwarded to the Napa County Risk Manager for review and evaluation. GORDON VALLEY, other organizations or individuals requesting use of the building shall provide any general liability policy deemed necessary by the Napa County Risk Manager prior to holding any such event or gathering. Said certificate must name the Napa County, its officers, agents, and employees as additional insured.

10.2 COMPANY or GORDON VALLEY fundraisers and events not directly related to the operation of the PREMISES as a Volunteer Fire Station or third parties using the facility as described in Section 5.1 shall obtain liability insurance with a minimum of one million dollars (\$1,000,000) of liability coverage to cover such events. Such coverage shall be subject to the reasonable approval of COUNTY's Risk Manager and verified by certificates of coverage. The COUNTY shall be named as an additional insured for any such insurance coverage.

10.3 Vehicles owned by COUNTY for Napa County Fire Department operations will be insured and maintained by COUNTY.

10.4 COUNTY will provide all maintenance and repairs needed to all fire/rescue equipment owned and insured by the COUNTY for fire/rescue use.

Section 11. DAMAGE OR DESTRUCTION

11.1 In the event of any damage to or destruction of the PREMISES not caused by COUNTY or COMPANY, GORDON VALLEY shall make good faith and diligent efforts to repair or replace facilities on the original site, provided that GORDON VALLEY has sufficient funds for repair or replacement from insurance proceeds or other funding sources. If GORDON VALLEY does not have sufficient funds for the repair or replacement of the PREMISES, then GORDON VALLEY shall not be obligated to repair or replace PREMISES and this Agreement shall terminate.

11.2 Within one hundred twenty days (120) days following the damage or destruction of PREMISES, GORDON VALLEY shall notify COUNTY as to whether it will replace the facility, or whether it lacks sufficient funds for the repair or replacement thereof.

Section 12. DEFAULT

If either GORDON VALLEY or COUNTY fails to comply with any of the material provisions of this Agreement, notice of such default shall be served on the defaulting party pursuant to the notice provisions of Section 13 and the defaulting party shall have fifteen (15) days from deposit in the mail of the notice to cure said breach. In the event the default is not cured within the fifteen (15) day period, the noticing party may terminate the Agreement.

Section 13. NOTICES

All notices required by law or by this Agreement to be given to either party shall be in writing and may be given personally or by certified mail, postage prepaid, and addressed to either party as set forth below.

County:

Napa County Fire
1125 Third Street, Second Floor
Napa, CA 94559

Gordon Valley:

Gordon Valley Volunteer Fire Department
6485 Gordon Valley Road
Napa, CA

Section 14. GOVERNING LAW

All questions with respect to construction of this Agreement and the rights and liabilities of the parties hereto shall be governed by the laws of the State of California. Any dispute arising hereunder or relating to this Agreement shall be litigated in the State of California and venue shall lie in the Napa County.

Section 15. INUREMENT

Subject to the restrictions on assignments as herein contained, this Agreement shall inure to the benefit of, and shall be binding upon the assigns, successors in interest, personal representatives, and heirs of the respective parties hereto.

Section 16. ENTIRE AGREEMENT

This instrument along with any exhibits or attachments hereto constitutes the entire Agreement between GORDON VALLEY and COUNTY relative to the PREMISES. This Agreement and any exhibits or attachments may be altered, amended or revoked only by an instrument in writing signed

by both GORDON VALLEY and COUNTY. GORDON VALLEY and COUNTY agree that all prior or contemporaneous oral agreements between their agents or representatives relative to the agreement of the PREMISES are written into or revoked by this Agreement. If any provision contained in an exhibit or attachment to this Agreement is inconsistent with any other provision herein, the provision contained in the exhibit or attachment shall control, unless otherwise provided in the exhibit or attachment.

Section 17. ATTORNEY'S FEES

If any legal action is brought by either party for the enforcement or interpretation of this Agreement, for remedy due to its breach, for recovery of the PREMISES, or in any other way arising from the terms of this Agreement, the prevailing party shall be entitled to recovery reasonable attorney fees (including fees of County Counsel), costs and other litigation expenses which shall become a part of any judgment in the action.

IN WITNESS WHEREOF, COUNTY and GORDON VALLEY have executed this Agreement on the day and year set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this Agreement and to bind the party on whose behalf his/her execution is made.

COUNTY:
Dated: _____

By: NAPA COUNTY

Mark Luce
Chairman, Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

Gordon Valley Volunteer Fire Department

Dated: _____ By: _____

Reviewed as to Substance
by County Fire Chief:

Scott Upton (e-signature)
County Fire Chief / Department Director

Approved as to Form
County Counsel:

Laura J. Anderson (e-signature)
Deputy County Counsel



**NAPA COUNTY GRAND JURY
2014-2015**

MAY 12, 2015

FINAL REPORT

**ARE NAPA COUNTY WINERIES
FOLLOWING THE RULES?**

ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?

SUMMARY

The Grand Jury undertook an investigation to determine if the Napa County Planning Department is issuing winery use permits that conforms to the requirements of the Winery Definition Ordinance (WDO), which regulates wineries located within the Napa County Agriculture Preserve. The Grand Jury also investigated if the Planning Department is adequately monitoring the compliance of the wineries with their use permit requirements.

Wineries and the attendant vineyards are Napa County's largest industry providing the most jobs and greatest economic impact on the county. Wineries have been present since the earliest Europeans settled in the region, but the growth of wineries and the expansion of existing wineries have dramatically increased their footprint in the county in recent years. Increasing public concern over the impact of winery growth on traffic, water resources, and other quality of life issues has been expressed in the news media and in public hearings.

The approvals of new wineries and winery expansions are regulated through use permits issued by the County and are administered by the County Planning Department. The Planning Department is also charged with enforcing winery compliance with the conditions of their use permits. Wineries established before the enactment of the current regulations are to some extent exempt from these regulations, but if these wineries expand, the current regulations do apply. Public concern has also been expressed about the lack of transparency in winery compliance with their use permit conditions.

The number of wineries in Napa County is growing. According to data published by the Planning Department in the seven-year period ending in 2013, a yearly average of 18 use permits were approved. These use permits authorized an average of eight new wineries each year, plus 10 winery expansions allowing approximately 180,000 gallons of additional wine production. There was an attendant approval of about an additional 28,000 visitors for tasting and 3,000 visitors for marketing events for each year.

The focus of this investigation was to determine if the Planning Department has followed the guidance of the WDO in issuing use permits and if the winery audits

are sufficient to determine if the wineries are in compliance with their use permit requirements.

The Grand Jury concluded that the planning staff does a conscientious job of reviewing use permit applications for new wineries and for winery expansions to ensure their conformance with the WDO and the Napa County General Plan. Because of the number of applicants and the complexity of the permitting process, the length of time to obtain a permit frequently requires a year or more. The applicants bear the costs of the staff's time required to issue permits.

The Napa County Planning Department also has the responsibility for auditing the compliance of the wineries with their use permit conditions. The Grand Jury also concluded that the code enforcement staff is doing a professional job in its audit and compliance function in so far as their limited resources permit. There has been approximately 30% of one code enforcement inspector devoted to auditing winery compliance. An additional code enforcement inspector was added to the staff in January of 2015, but will have a range of duties other than winery audits. The Grand Jury reviewed the audit results of winery compliance with their use permits for calendar years 2011-2013.

The investigation revealed that only 20 wineries are audited each year out of the approximately 467 wineries in the Napa County winery database. In the audits of 2011-2013 from 30% to 40% of the wineries audited were not in compliance for one or more requirements of their permits. The audits are limited in scope and all conditions specified by the use permits are not reviewed. This coupled with the relatively small number of wineries audited may not give a full picture of compliance.

The Grand Jury urges that the number and scope of the audits be increased to give a broader indication of compliance with the WDO even though this may require more code enforcement staff than currently employed. The identifications of the wineries that are audited are not released. The Grand Jury also urges that the names of non-compliant wineries be released to give greater transparency to the process and to raise public awareness.

Finally, the Grand Jury urges the Board of Supervisors and the Planning Commissioners to determine whether the WDO as written provides the regulatory framework necessary to maintain a winery industry that is consistent with the Agriculture Preserve Ordinance.

GLOSSARY

Ag Preserve:	Agriculture Preserve of Napa County, Ordinance 274 of April 9, 1968
General Plan:	Napa County General Plan of 2007
TTB:	Federal Alcohol and Tobacco Tax and Trade Bureau
WDO:	Collective term for the Winery Definition Ordinances Winery Definition Ordinance, Ordinance NO. 947 January 23, 1990 Winery Definition Ordinance, Ordinance NO. 1340 May 11, 2010

BACKGROUND

AGRICULTURE PRESERVE OF NAPA COUNTY

Concerned that residential and commercial development would slowly overwhelm the agricultural nature of Napa County, the Board of Supervisors passed in 1968 a landmark-zoning ordinance that created the first Agricultural Preserve in the United States. The ordinance reflected a commitment to agriculture as the “highest and best use” of most of the land outside of the local towns and the city of Napa. The ordinance dictated that the only commercial activity allowed in these areas was agriculture, and furthermore, set minimum lot sizes that prevented fragmentation of existing parcels, thus limiting the potential for development. The pertinent sections of the Agricultural Preserve Ordinance have been incorporated into the “Agricultural Preserve and Land Use” elements of the General Plan. The County’s General Plan is the official policy statement of the Board of Supervisors and serves as a broad framework for guiding the development of Napa County.

THE WINERY DEFINITION ORDINANCE (WDO)

Wineries had been allowed in the Ag Preserve. But with the ensuing pace of winery development in the county, it became clear that specific winery definitions were necessary as to what sorts of activities would be allowed in wineries to comply with the Agriculture Preserve Ordinance. To accomplish this, the County Board of Supervisors passed the WDO, Ordinance No. 947, in 1990. This ordinance set out regulations and required a use permit for all wineries established after July 31, 1974. Wineries that were established before this date and were

operating in a legal fashion could continue operation without a use permit. However, any expansion beyond the level that existed before July 31, 1974, would require obtaining a use permit.

The WDO regulates many facets of a winery's operations and design, including size, location, signage, availability of tours and tastings, production capacity, grape sourcing, special events, and retail sales. It also regulates the accessory uses of the winery facilities for promotion and marketing of wine. The WDO defines certain other activities that may be present on the winery property such as farm labor housing and day care for children, but does not allow non-winery related commercial development.

With some important qualifications, the WDO defines a winery as a business that makes wine. Specifically, it says a winery is an "agricultural processing facility" for "the fermenting and processing of grape juice into wine." The WDO allows for wineries to sell and market wine, but such marketing activity must be "accessory" and subordinate to production. The maximum square footage of structures devoted to accessory uses related to the winery must be 40% or less than the area used for wine production.

With the principal goal of preserving Napa County's agricultural lands, as well as providing a reliable market for its agricultural products, the WDO dictates that new wineries or any expansion of existing wineries after January 23, 1990, must source at least 75% of their grapes from Napa County. Wineries that were established prior to this date, but obtained a use permit to expand their production must also use at least 75% Napa County grapes for the additional wine produced from the expansion.

The WDO was amended in 2010 by County Ordinance NO. 1340 to address certain issues related to the marketing of wine and the sale of other items in the wineries. Specifically covered in this ordinance are: the marketing of wine, food, and wine pairings conducted as part of "tours and tasting" and the sale of wine and wine related products at the winery. Retail sales of non-wine related products were prohibited.

WINERY USE PERMITS

As a result of the WDO, wineries that were established after July 31, 1974, were required to obtain a “use permit.” Wineries that legally existed before July 31, 1974, did not require a use permit to continue operation. These wineries are considered to be “grandfathered in” as to their production and marketing activities. However, any modification of a pre-July 31, 1974 winery’s activities or expansion of its production of wine required a use permit conforming to the WDO. There is, however, no legal limit on the number of wineries operating in the county. The WDO established a minimum parcel size of 10 acres for new wineries, but recognized that many legally existing wineries were on smaller parcels. For these “small wineries” the WDO specified that a “Certificate of Exemption” must be obtained. Any expansion of the “small wineries” however, required that the winery proceed in accordance with the requirements of the WDO ordinance.

METHODOLOGY

The Grand Jury undertook a series of interviews with the Napa County Planning Department and Code Enforcement executives and working level professionals. Interviews were also conducted with a planning commissioner and a county supervisor. Additional interviews were held with a number of independent consultants and engineers who support and guide winery use permits applications with the county planning staff. The Napa Valley Vintner’s staff was another valuable source of information on the winery industry in Napa County. The Grand Jury also attended a public hearing of a joint session of the Supervisors and the Planning Commissioners that heard over 60 comments from the public on the wine industry and its impact on the community.

In every case, all information and facts in this report were confirmed by a second source and in many cases by multiple sources unless otherwise noted in the report. Valuable insights to the audit process were gained by reviewing the Code Enforcement audit reports for wineries for calendar years 2011-2013. The WDO provided a framework for understanding winery regulations and the winery permitting process. The Napa General Plan provided general guidelines for the planned pace of winery and vineyard development in the County.

DISCUSSION

USE PERMITS

Use permits for new wineries or winery modifications are under the jurisdiction of the Napa County Planning Department. Applicants for winery permits are required to provide a detailed description of their winery business including the number of employees, maximum production rate, number and description of winery structures, and marketing programs. The reviews by the Planning Department are thorough and time consuming and frequently require 9 to 12 months or more before a permit is issued. The applicant bears the cost of the reviews.

Although the details of all winery permit applications are reviewed and vetted by the Planning Department, the final decision on approval or disapproval is the responsibility of the Napa County Planning Commissioners. The meetings of the Planning Commissioners are open to the public. If there is an aggrieved party to the issuance of a permit, the application may be brought before the County Board of Supervisors. The County Zoning Code does, however, define certain minor modifications to use permits that may be approved directly by the Planning Department without the involvement of the Planning Commissioners.

There has been considerable discussion in the local press and the community about opposition to certain winery and vineyard projects in the Valley and the impact of the industry's growth on traffic, the environment and other quality of life issues. These public concerns pose the question as to whether the WDO should be revised to moderate the growth of wineries. The planning staff was clearly sensitive to this public discourse and appeared to be proceeding cautiously in approving new use permits.

Considerable effort was expended to determine the actual number of wineries in the county. The Planning Department's public data indicates that there are 467 wineries that have been issued use permits, but this does not include all wineries. Part of the difficulty in estimating the number of wineries is due to the number of "virtual wineries." These are wineries that do not own their own crushing and processing equipment, but use "brick and mortar" wineries to provide these services under contract. Use permits for wineries, however, "go with the land" and must include the production total for both their own wine and the wine of any custom crushing that the winery performs for virtual wineries.

Another source of uncertainty is that wineries that were established before July 31, 1974, do not require a use permit unless they have applied for a permit to expand. Wineries in commercial areas not subject to agricultural land use zoning are also not included. These wineries are not included in the County database. The Federal Alcohol, Trade and Tax Bureau, (TTB) which taxes the alcohol content produced

by all wineries reported that there were 603 wineries in Napa County in 2014. (There are other estimates of the number of wineries from the State Alcohol Beverage Control Board and the Napa Valley Vintners membership and the planning staff has estimated that the number of wineries with separate labels and addresses could be as high as 1,260.) These differences in winery count between the County database, the TTB, and the other organizations are apparently due to the following:

- Virtual wineries are not included in the County database.
- Wineries in the County's municipalities have their own land use-zoning requirements and are not included in the County database.
- Wineries in commercial or industrial zoned districts are not under agriculture land use zoning and would not be included in the County winery database.

The Planning Department is in the process of developing a more comprehensive winery database.

A number of consultants who support the wineries in applying for and obtaining use permits were interviewed and were very informative in evaluating the application process from the standpoint of the wineries in cost, time, and effectiveness. In their view, the time required to apply for and receive a permit has increased significantly. Since the applicant bears the cost, it has grown considerably more expensive to obtain a permit.

Although there has been public concern expressed in the public media about the impact of winery expansion in the City of Napa and other County municipalities, this investigation did not review the winery use permit and audit process for these municipalities

The number of wineries and the production of wines is growing. According to data published by the Planning Department for the seven-year period ending in 2014, there was an average of 18 new use permits issued each year, of which an average of eight are for new wineries. These use permits authorized an average production of approximately 180,000 gallons of additional wine per year. The attendant number of visitors is also growing. The new use permits for this period also authorized an average of about 28,000 additional visitors each year for tasting rooms and an average of 3,700 visitors for marketing events. It should be noted that all wineries do not necessarily produce the amount of wine allowed or have as many visitors as specified by their use permit.

WINERY AUDITS

The Code Enforcement staff is part of the Planning Department and is responsible for auditing winery compliance with their use permit requirements. Approximately 30% of one code enforcement staff member's time has been devoted to winery audits.

The Planning Commissioners directed the Planning Department to initiate an annual "spot" audit of winery production in 2005. The Planning Commission began the production review by randomly selecting 20 wineries by blind draw. Prior to 2009, only six wineries from the original 20 selected were audited, but since 2009 all of the 20 wineries selected have been reviewed.

In 2010, the Planning Department broadened the scope of the audits and began reviewing tours and tastings log books and marketing events for all wineries drawn in the audit. The audit determined how the information was recorded and whether they were in compliance with the use permit conditions regarding visitations. Goods for sale in the tasting rooms were reviewed to determine if they met the definition in the WDO to allow only the sale of "winery related items."

Beginning in 2011, grape sourcing data were reviewed for each winery to determine if they were in compliance with the 75% Napa County grape requirement for Napa Valley wineries subject to the WDO. This information is available since all California wineries are required to submit grape sourcing information to the State of California's Department of Food and Agriculture. Information on winery production may also be checked against the data from the Federal Alcohol and Tobacco Tax and Trade Bureau, (TTB), which taxes the production of alcohol.

Winery audits are performed on a seven-year cycle such that if a winery is deemed to be in compliance it will not be subject to another audit for at least seven years. Wineries that are not in compliance are audited again the following year. However at this rate of 20 winery audits per year out of the County's database of approximately 467 wineries, it will take decades before all wineries have been audited and are audited again.

Winery audits review the following activities:

- Is wine production within the limits of the use permit?
- Is grape sourcing compliant with the 75% Napa County grapes requirement?
- Are the number of tours and tasting events within permit requirements?
- Are the number of marketing events within the permit limits?
- Are all the products for retail sale wine related?

Winery audits do not review the following:

Water usage, which is vital to wine production, and wastewater treatment.

The accessory uses of facilities to determine if they meet the 40% or less square footage requirement of the area of the production facilities.

Penalties for non-compliance have been on a case-by-case basis and depend on the nature of the infraction, but have included monetary penalties and orders to limit or cease production. Generally, if the non-compliance is minor, such as a small overage in production for one year, the winery is allowed to continue its operations but is audited the following year to ensure that it is in compliance.

The planning and code enforcement personnel were forthcoming in addressing our inquiries. Audit reports were available upon request and the audits for 2011 -2013 were reviewed. These reports provided hard data on the compliance of the audited wineries with their use permit requirements. For these audit years, the number of wineries that were out of compliance on one or more of the activities audited grew from 29% in 2011 to 40% in 2013. The non-compliant wineries were not specifically identified in the audit reports because the reports contain proprietary market information.

FINDINGS

F1. The code compliance audit does not review or inspect the following:

Water usage and wastewater treatment, which are essential to the production of wine.

The accessory uses of facilities to determine if they meet the 40% or less square footage requirement of the area of the production facilities.

F2. In the audit years 2011-2013, the number of wineries that were out of compliance on one of more activities audited varied from 29% to 40%. The names of the non-compliant wineries are not released to the public.

F3. The County's ability to expand the audit program is limited because only 30% of one code enforcement inspector has been devoted to winery audits. An additional inspector was hired in January 2015, but will have other code enforcement duties besides winery compliance inspections.

F4. Penalties or restriction of wineries' activities for non-compliance is determined by county officials. Since the penalties are decided on a case-by-case basis, wineries have no way of knowing the cost of code infractions.

F5. The lack of specificity in the winery database for actual production quantities makes it extremely difficult to determine if the growth of wineries is in conformance with the General Plan. The Planning Department is developing a more extensive winery database.

RECOMMENDATIONS

- R1.** By January 1, 2016, the Planning Department to increase the number of yearly winery code enforcement audits from the current rate of 20 audits per year so that every winery would be audited at least every five years or at such intervals that the Planning Commissioners or County Supervisors deem to be appropriate.
- R2.** By June 30, 2016, the Planning Department and the Planning Commissioners to develop a process for monitoring and inspecting winery water treatment and disposal. A plan for monitoring water usage should also be implemented.
- R3.** By January 1, 2016, the Planning Department to make the inspection reports of non-compliant wineries more transparent to the public in much the same fashion as health code violations of restaurants are reported.
- R4.** By June 30, 2016, the county Board of Supervisors and the Planning Commissioners to determine whether the WDO as written provides the regulatory framework necessary to maintain a winery industry that is consistent with the Agriculture Preserve Ordinance.
- R5.** By June 30, 2016, the Planning Commissioners to establish and publish a range of penalties and/or operating restrictions for non-compliance infractions of use permit requirements. Such action should encourage wineries to be more cognizant of the cost of non-compliance.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- Napa County Board of Supervisors - **R1, R2, R3, R4, R5**



**NAPA COUNTY GRAND JURY
2014-2015**

MAY 15, 2015

FINAL REPORT

**NAPA COUNTY JAIL AND
DEPARTMENT OF CORRECTIONS**

ANNUAL REVIEW

NAPA COUNTY JAIL AND DEPARTMENT OF CORRECTIONS ANNUAL REVIEW

SUMMARY

As mandated by law, the Grand Jury annually is required to conduct a physical inspection of all jail facilities in the county with a review of jail operations and programs. The 2014-2015 Grand Jury inspected the Napa County Jail (NCJ) in November 2014. In compliance with the mandate, this Grand Jury investigated the following issues:

Physical Condition of NCJ

During the inspection, the Grand Jury found the older section of the jail facility severely impacted by the August 2014 Napa earthquake. The damage resulted in substantially reduced inmate capacity, requiring the relocation of some inmates to the Solano County Jail. Originally, the two counties agreed to the relocation of 75 inmates at a cost of \$87 per inmate per day. Due to increased summertime jail population, the number was increased to 125 inmates. The potential cost to the county could exceed \$3 million per year.

The severity of the damage to the jail building prohibited civilian volunteers and non-corrections county employees from entering the building. This caused a temporary suspension of such needed programs as mental health counseling, vocational instruction, and religious support.

Previously scheduled upgrades to the Jail have been postponed indefinitely because the funds were needed to repair other earthquake damage considered a higher priority by Napa County. However, given the substantial earthquake damage sustained by the jail's Control Room (the communication center for the jail), the Grand Jury recommends that the Board of Supervisors (BOS) fund and implement the scheduled move and upgrade of the NCJ Control Room.

Increased Assaults on Jail Staff

The Grand Jury was informed that there has been a 400% increase in assaults by inmates on jail staff since 2011, the year the State of California passed the Public Safety and Realignment Act (Realignment). That law mandates that individuals sentenced to non-serious, non-violent, or non-sex offenses will serve their sentence in county jails instead of state prisons. The Grand Jury was told that the impact of Realignment, along with an increase in contraband entering the jail and the influx of more mental health patients, has contributed to the increase in assaults. The Grand Jury received conflicting information as to whether the training provided to correctional officers to deal with inmates' assaultive behavior was adequate.

New County Jail Needed

Napa County needs a new jail, especially given the earthquake damage to the current jail. A location for the new facility has been purchased with a facility target completion date in 2022. However, overcrowding at the current jail will continue to be a major problem. This is magnified by the impact of Realignment and the long-term effects of the earthquake damage to the older section of the jail. Within this context, the Grand Jury urges the Board of Supervisors to put the construction of the new jail on a fast track.

GLOSSARY

BOS	Napa County Board of Supervisors
BSCC	Board of State and Community Corrections (State of California)
EIR	Environmental Impact Report
Evidence Based Programs	Programs whose effectiveness has been positively demonstrated by statistical evidence
GED	General Educational Development (High School equivalency)
HHSA	Health and Human Services Agency
NCDC	Napa County Department of Corrections
NCJ	Napa County Jail
NSH	Napa State Hospital
Realignment	Public Safety and Realignment Act
SB	Senate Bill

BACKGROUND

The Napa County Jail is located in downtown Napa in the Hall of Justice which was enlarged in 1989 to accommodate a total of 264 inmates. Both male and female inmates are housed in the NCJ as well as sentenced inmates awaiting transfer to state prison, convicted inmates awaiting sentencing, and those inmates awaiting arraignment or trial.

Napa County and Madera County are the only counties in California where the jail is not operated by the sheriff but by a department of corrections. The civilian director of the Napa County Department of Corrections (NCDC), who reports to the BOS through the Napa County Executive Officer, operates the NCJ. The Napa

County Sheriff's Department has no authority over the jail operations, although they provide transportation service for inmates as needed. They also provide a full-time sheriff's lieutenant at the jail as a liaison. This officer works with the correctional staff on matters relating to crime reporting, training, and internal investigations, but all other correctional duties come under the authority of NCDC.

In 2011 California legislators passed AB 109 and AB 117, the Public Safety Realignment Act (Realignment), as a solution for overcrowding in the California's state prison system. The law mandates that individuals sentenced to non-serious, non-violent, or non-sex offenses serve their sentences in county jails instead of state prison. The impact of Realignment on county jails was the addition of more criminally sophisticated felons, serving considerably longer terms in already overcrowded local facilities not designed for long-term incarceration.

NCDC staff, the Napa County Sheriff, and the Board of Supervisors have agreed that Napa County needs a new jail to correct design problems in the current jail, relieve cell overcrowding, and effectively deal with an inmate population affected by Realignment. A Correctional System Master Plan by the Criminal Justice Committee recommending a new jail was done for the BOS in November 2007.

A site for this new jail has been selected and purchased two miles south of the city of Napa. An Environmental Impact Report (EIR) was published and finalized in January 2014. Although this EIR suggested that construction will commence March 2016 and be completed by March 2018, Napa County Sheriff sources and NCDC staff indicate that the new jail is lacking a funding source and may not be completed until 2022.

METHODOLOGY

The Grand Jury interviewed NCDC management and correctional officers, and Napa County Human Resources Division, Public Defender Office, and Sheriff's Office staff. In addition, Napa County publications and County and State of California websites were reviewed.

Board of State and Community Corrections (biannual inspection of jails):
<http://www.bscc.ca.gov>

BSSC Assoc. of Criminal Justice Research - Jail Assault on Staff statistics:
<https://public.tableausoftware.com/profile/kstevens#!/vizhome/ACJROctober2013/About>

Napa County Dept. of Corrections Budget
<http://countyofnapa.org/Pages/Default.aspx?keywords=budget&StartPage>

SB 863 Correctional Facilities construction
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB863

DISCUSSION

A. EARTHQUAKE ISSUES

The South Napa Earthquake on August 24, 2014, damaged numerous buildings in downtown Napa. The NCDC staff is to be commended for their controlled and professional performance after the earthquake.

Napa County Public Works engineer's inspection of the jail revealed significant damage, especially to the older (north) section of the jail built in 1975. Several rooms were determined to be unsafe as well as cell blocks capable of holding 75 inmates. The damage required 70 inmates to be moved to the Solano County Jail where they still remain at a cost of \$87 per inmate per day. As a result of the earthquake damage, the Board of State and Community Corrections (BSCC) revised NCDC inmate capacity from 264 to 204.

An agreement between NCJ and the Solano County jail allowed for up to 75 inmates to be relocated to Solano County at a cost of \$87 per inmate per day. Due to the normal summertime increase in inmate population, the agreement has been amended to allow for the relocation of up to 125 inmates. Depending upon the actual number of inmates housed there, the annual cost to the county could exceed \$3 million.

1. Physical Damage to Facility

During the earthquake, the NCDC Control Room sustained substantial damage. Major improvements to the Control Room are needed to maintain the safe operation of the current jail. The Control Room is the communication center and access provider (locking and unlocking doors) within the jail. Its video monitors are poor, and its location is vulnerable during a crisis. A scheduled move/upgrade of the Control Room has been put off indefinitely due to the earthquake because other repairs to the jail have been necessary.

County engineers still continue to examine the structure that houses the old and new sections of the jail and may make further assessments of the damage. NCJ is operating at 77% of its pre-earthquake capacity.

2. Reduction in Services and Programs

The Grand Jury was told that the earthquake caused a temporary suspension of such needed programs as mental health counseling, vocational instruction, and religious support. Use of the building is restricted to inmate occupancy and the

staff necessary to maintain jail operations. Three HHSAs counselors have now been allowed to resume their duties at NCJ, but volunteers are still prohibited. A pilot program using tablet computers has been initiated to fill the gap. This program has yet to be proven as effective as established evidence based programs that have inmates meeting people face-to-face.

B. ASSAULTS ON CORRECTIONAL OFFICERS

1. Realignment and Classification

The Grand Jury was informed that assaults on its correctional officers were up 400% since 2011, the year Realignment was enacted. This increase parallels a state-wide trend in county jails as observed on the Board of State and Community Corrections (BSCC) website. Data supplied by NCDC to the Grand Jury also shows an increase of assaults on correctional officers. However, assault data found on the BSCC website does not show that same dramatic rise as Napa County records, yet NCDC supplies this data to this state regulatory agency.

ASSAULTS on NCDC Correctional Officers		
year	Napa Co. Info. # of Assaults	BSCC Info. # of Assaults
2006-2007	9	1
2007-2008	2	5
2008-2009	3	3
2009-2010	7	3
2010-2011	--	2
2011-2012	4	1
2012-2013	20	3
2013-2014	31	1

Staff said the reasons for the assault increases are more complex than just the influx of criminally sophisticated inmates who bring state prison attitudes and culture to our county jail. Many of these new inmates have extensive prison sentences, and as a result, all California county jails are holding people longer. NCJ inmates with longer stays have begun to conform to a pattern seen in prisons where power is concentrated with the prisoners, grouping themselves by race and by gangs, and creating their own rules and punishments.

NCDC uses classification to better manage inmate placements for their welfare and the welfare of others. Inmates with comparable classifications are grouped in common areas, whereas some classification mixings are avoided (e.g., gang affiliation, race, or mental health status). Current jail overcrowding has meant that some inmates are no longer released for extended parts of the day into common areas because of clashes in their classification. Instead, they have only a few hours outside of their cell in the common areas mixing only with other inmates with compatible classifications. These restrictions to cells due to overcrowding and classification status are not conducive to safety or reduced recidivism.

2. Contraband and Training

According to NCDC staff and interviews with Napa County Sheriff's Office, more contraband is entering the jail than before Realignment; this includes drugs, syringes, and weapons. The Grand Jury heard testimony that drugs have contributed to the increased number of correctional officer assaults. To combat this threat, more attention to initial searching is needed in the booking area, which is difficult due to the higher number of inmates processed daily. NCJ processes 16-19 new inmates per day; some days 10, others 30-40.

Other counties in California have begun the use of body scanners to detect contraband in body cavities. NCJ officials stated that there is no room for a body scanner in the current Booking Area. The Grand Jury believes that NCDC should find the necessary space and include a body scanner in their 2016-2017 budget.

The Grand Jury heard conflicting testimony about training of NCDC correctional officers in relation to the assaults. Some interviewees stated that training for correctional officers to deal with assaultive behavior had been doubled in the year after the Realignment. However, the effectiveness and the amount of the training have been brought into question by other testimony and inconsistencies in NCDC training records.

The training for first half of 2014-2015 was affected by the earthquake. However, Correctional officer training once scheduled by an NCDC lieutenant has now been assumed by the Sheriff's lieutenant, so that deficiencies in last year's training regimen may be corrected. NCDC leadership expect to meet the year's state mandated training requirements.

From interviews conducted, the Grand Jury learned that written policies for each position/workstation of a correctional officer at NCDC are not followed or not known by every correctional officer. The written policy of NCDC states that there will be two cell searches per day per shift. Cell searching is often not carried out as required due to other operational needs. Strict adherence to this policy would deter the hiding of contraband and reduce the number of assaults on correctional officers.

3. Mental Health Condition of Inmates

The Grand Jury was informed that threat of assaults on NCDC correctional officers by mental health inmates has increased and is a concern. Inmates with mental health problems account for 30%-40% of the inmate population. Their behavior is unpredictable. Often the greatest threat of assaults has been from the patients from Napa State Hospital (NSH) who have committed crimes on state

hospital campuses and are transferred to NCJ to protect NSH workers in accordance with SB 60.

Correctional officers are not trained mental health workers or technicians. Only voluntary self-medication can be accomplished on mental health inmates. NCJ staff are not allowed to force medication on patients/inmates who, without medication, may decompensate and become more ill and violent.

For everyone's safety, NSH patients must be held in cells by themselves, which causes additional overcrowding in the jail. The NSH inmate population at NCJ averages five to six at a time, which fills all of the single occupancy medical cells in the jail. The new jail plans need to account for special handling of NSH patients/inmates.

C. STATUS OF NEW JAIL

There appears to be general agreement that Napa County needs a new jail. The current jail was problematic even before the earthquake, but now the urgency for a new, larger, and more modern correctional facility has risen to a higher level.

The plan for the new jail is already on the drawing board. The location is firm, the property is paid for, and the EIR Report is done with a projected completion date of 2022. Given the impact of the 2014 Earthquake, the Grand Jury urges the BOS to put the construction of the new jail on a fast track, seeking funding from local, state, and federal sources. In addition, Napa County must make itself very competitive in obtaining SB 863, State jail construction funding for counties.

The effects of Realignment will continue to impact the current capacity of an already overcrowded, outdated, and damaged facility. New funding sources must be found sooner rather than later for a jail estimated by NCDC to cost over \$100 million, depending on design and capacity.

FINDINGS

- F1.** The Control Room in the Napa County Jail is marginally operational and needs to be upgraded and moved as planned to safely manage access and control operations for the lengthy period until the new jail is constructed.
- F2.** The August 2014 Earthquake caused damage in the jail resulting in the old section of the jail to be condemned, leading to more overcrowding and requiring the relocation of inmates to the Solano County Jail at extra cost to Napa County.

- F3.** NSH patients/inmates in custody at the jail require special handling that puts an additional strain on the staffing and housing components of an already overcrowded jail.
- F4.** A new county jail needs to be completed before 2022 if possible because the current jail is inadequate for the county's needs due to earthquake damage, inmate overcrowding, Realignment effects, and inmate classification conflicts.
- F5.** More attention to initial searching is needed to combat the increased contraband that is entering the jail due to the effects of Realignment.

RECOMMENDATIONS

- R1.** By January 1, 2017, the Board of Supervisors, the Napa County Executive Officer, and the NCDC Director to fund and implement the scheduled move and upgrade of the NCJ Control Room.
- R2.** By June 30, 2016, the Board of Supervisors to compete for jail construction funding under SB-863 and to consider a bond measure to fund part of the construction of a new jail.
- R3.** By June 30, 2016, the BOS and NCDC Director to devise a plan to include increased staffing and jail capacity to better manage NSH patients/inmates who enter NCJ.
- R4.** The Napa County BOS and NCDC Director to include a body scanner in the 2016-2017 budget to help prevent contraband from entering the jail.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Napa County Board of Supervisors: **R1, R2, R3, R4**