Napa County Grand Jury 2016-2017

A Tradition of Stewardship
A Commitment to Service

Photo Courtesy of Bob McClenahan

Consolidated

FINAL REPORT

CONSOLIDATED FINAL REPORTS
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The 2016-2017 Napa County Grand Jury

Top Row: Ronald Ryan, Robert meanza, Thomas Gans, Richard Faenzi, George Mackey
Middle Row: Joel Lewis, Roddy Hayman, John Morris, Margaret Niland, Howard Felter
Bottom Row: Charles Koch, Marion Ladbrook, Leslie Myers
Not Pictured: Diana Doyle, Brian Jacobs, Maxine Lachman, Kathleen Morgan

Photo courtesy of Bob McClenahan

2016-2017 Napa County Grand Jury Members

Margaret M. Niland (foreperson)	Napa
Diana L. Doyle	Napa
Richard A. Faenzi	Napa
Howard D. Felter	Napa
Thomas G. Gans	Napa
Roddy S. Hayman	Napa
Brian G. Jacobs	St. Helena
Charles A. Koch	Napa
Maxine R. Lachman	Napa
Marion J. Ladbrook	Napa
Joel S. Lewis	Napa
George Mackey	Napa
Robert A. Meanza	Napa
Kathleen S. Morgan	Napa
John K. Morris	Napa
Leslie F Myers	Napa
Ronald Ryan	Napa

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

A Tradition of Stewardship
A Commitment to Service

June 30, 2017

To the Residents of Napa County:

The 2016-2017 Napa County Grand Jury is pleased to present its Consolidated Final Report to the citizens of Napa County. The Grand Jury issued six Final Reports on its investigations 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 that were sworn into service on July 19, 2016 for a one-year term. During this term, five jurors resigned and were replaced by three alternates. We served under Napa County Superior Court Presiding Judge Mark S. Boessenecker and Grand Jury Supervising Judge Elia Ortiz. As required by law, Deputy County Counsel Silva Darbinian reviewed each Report for compliance with applicable statutes before it was submitted to Judge Ortiz who approved it.

The Grand Jury is a civil grand jury. Some of our investigations were mandated by statutes; others were of subjects chosen by the Grand Jury. 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 published reports.

Shortly after their issuance, each of our 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%2016-2017. Grand Jury reports of prior years are also posted for viewing, as well as agency responses to Grand Jury reports.

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

Sincerely,

Margaret Niland

Margaret Niland, Foreperson
2016-2017, Napa County Grand Jury

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

A Tradition of Stewardship
A Commitment to Service

June 30, 2017

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

The Honorable Elia Ortiz
Grand Jury Supervising Judge
Superior Court of California
County of Napa
825 Brown Street
Napa, CA 94559

Re: 2016-2017 Napa County Grand Jury Consolidated Report

Dear Judge Boessenecker and Judge Ortiz

The 2016-2017 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.

On behalf of the members of the 2016-2017 Grand Jury, I would like to express our appreciation for the opportunity to serve on the Grand Jury. In the course of our inquiries, we have been fortunate in dealing with an exceptional group of city and county employees whose time and cooperation have aided our investigations.

The Grand Jury expresses its appreciation to Chief Deputy County Counsel Silva Darbinian and Judge Ortiz 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 Officer Richard Feldstein and Court Administrative Assistant Connie R. Brennan for their administrative support.

Sincerely,

Margaret Niland

Margaret Niland, Foreperson
2016-2017 Napa County Grand Jury

Acknowledgments

The 2015-2016 Napa County Grand Jury gratefully acknowledges assistance and support from the following:

The Honorable Mark S. Boessenecker, Presiding Judge, California Superior Court, County of Napa

The Honorable Elia Ortiz, Grand Jury Supervising Judge, California Superior Court, County of Napa

Allison Haley, District Attorney, County of Napa

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

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

Silva Darbinian, Chief Deputy County Counsel, Napa County

Helene Franchi, Principal Management Analyst, Executive Office of Napa County

Joseph Peatman, President, The Gasser Foundation

Jen Johnson, Office Manager, The Gasser Foundation

News and Production Staff, Napa Valley Register

California Grand Jurors Association

Napa Chapter, California Grand Jurors Association

Overview of the Napa County (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.

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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
2016-2017

Final Report

June 9, 2017

REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORTS

REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORTS

June 2017

I. INTRODUCTION

SUMMARY

The 2015-2016 Napa County Grand Jury issued its Consolidated Final Report on June 30, 2016. The report consisted of 10 individual final reports, which included a review of responses to the 2014-2015 Grand Jury reports (the "Continuity Report"). The Grand Jury made recommendations on all of its reports.

California Penal Code § 933 requires elected officials or agency heads to respond within 60 days of the issuance of a Grand Jury report that requires their response, and requires governing bodies to respond within 90 days. Elected officials and government agencies are required to respond to recommendations made in Grand Jury reports, indicating their agreement or disagreement with those recommendations with their reasons and actions taken pursuant to the recommendations. These responses are to be addressed to the Presiding Judge of the Superior Court.

The state law cited above requires the Grand Jury to assure that each response is submitted within the statutory time frame and is otherwise compliant with California Penal Code § 933. Accordingly, the 2016-2017 Grand Jury has reviewed all of the responses to the 2015-2016 Grand Jury's nine investigative reports (which did not include those to last year's Continuity Report) by elective officials, agency heads, and government agencies. The 2016-2017 Grand Jury finds that only seven officials or agencies who were required to respond did file their responses. Two agencies, the Napa Valley Unified School District Board and the City of Napa, did not.

METHODOLOGY

The 2016-2017 Grand Jury evaluated responses to the 2015-2016 Grand Jury's recommendations to ensure compliance with the law. The following criteria were considered:

1. Were responses received by the Presiding Judge within the legal time limits from the date of each final report's release (90 days for a public agency and 60 days for an elected official)?

2. If a response indicated that a recommendation had been implemented, did it include a summary of what was done?

3. If a response indicated that a recommendation would be implemented, did it include a summary and schedule for what would be done?

4. If a response indicated that a recommendation required further analysis or study, did it include an explanation of the scope, parameters, and timeframe of the proposed analysis or study?

5. If a response indicated that a recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

TIMELINESS

Of the seven responses received to the nine 2015-2016 Grand Jury reports, four were received on time. The other three varied in lateness from three days to four weeks. Details of the dates final reports were delivered and the dates of responses to them are shown below in Table 1.

Table 1. 2015-16 Grand Jury Reports and Responses

			Responses		
Report	Date Issued	Replies Required	Due	Date Sent	Days Late
Responses to 2014-2015 Reports	4/29/2016	Board of Supervisors	7/28/2016	5/26/2016	On Time
		Napa County Treasurer	6/28/2016	5/26/2016	On Time
		City of Napa	7/28/2016		No Response
Facilities Management	4/29/2016	Board of Supervisors	7/28/2016	5/26/2016	On Time
Juvenile Hall	5/6/2016	Board of Supervisors	8/4/2016	6/8/2016	On Time
		Chief Probation Officer	7/5/2016	6/8/2016	On Time
Gang Activity	5/23/2016	NVUSD Board of Education	8/21/2016		No Response
		NVUSD Superintendent	7/22/2016	6/28/2016	On Time
County Website	5/24/2016	Board of Supervisors	8/22/2016	6/8/2016	On Time
		County Executive Officer	7/23/2016	6/8/2016	On Time
County Financial Health	5/24/2016	County Executive Officer	7/23/2016	6/8/2016	On Time
		County Auditor/Controller	7/23/2016	6/8/2016	On Time
		Board of Supervisors	8/22/2016	6/8/2016	On Time

County Performance Measures	5/24/2016	Board of Supervisors	8/22/2016	6/8/2016	On Time
Napa River Reclamation District	6/3/2016	NCLAFCO Executive Officer	n/a	8/1/2016	n/a
		Board of Supervisors	9/1/2016	8/30/2016	On Time
		NRRD Board of Trustees	9/1/2016	8/25/2016	On Time
		NCLAFCO Commissioners	9/1/2016	8/1/2016	On Time
		County Counsel	n/a	8/30/2016	n/a
Maintaining Food Quality	6/9/2016	Board of Supervisors	9/7/2016	8/30/2016	On Time
		Napa County Planning Director	n/a	9/6/2016	n/a
Napa County Jail	6/28/2016	Board of Supervisors	9/26/2016	8/30/2016	On Time
		County Executive Officer	n/a	8/30/2016	n/a

II. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON FACILITIES MANAGEMENT

DISCUSSION

The Grand Jury investigated how well the County's facilities are being managed and whether or not energy efficiencies were realized through proper maintenance of their Heating, Ventilation, and Air Conditioning (HVAC) equipment and controls.

After interviewing managers at various levels within the Public Works Department, reviewing contracts with four maintenance contractors, conducting tours of major County facilities, and reviewing the earthquake recovery process with the Public Works Department after the major earthquake sustained in August 2014, the Grand Jury found the buildings to be attractive, clean, and with little sign of wear and tear. Moreover, they found temperatures to be comfortable and ventilation to be adequate.

The Grand Jury found, however, issues with the management of contracts for the maintenance of critical building systems, such as the service contracts for HVAC equipment, elevators, and emergency power generators that were allowed to expire, and inspections and testing were suspended.

The Grand Jury then requested that the Board of Supervisors commend the Public Works and Information Technology Services Departments for outstanding performance, and recommended

that the maintenance contracts for critical equipment and services not be allowed to lapse in the future.

The Grand Jury's investigation resulted in three findings and two recommendations, requesting responses to the recommendations as follows:

- Board of Supervisors: **R1, R2**

The Grand Jury also invited responses from the County Executive Officer to **R2.**

RECOMMENDATIONS AND RESPONSES

R1. The County Board of Supervisors should commend the Public Works and Information Technology Services Departments for the post-earthquake recovery work they performed.

Board of Supervisors Response. The recommendation has been implemented.

R2. The County Board of Supervisors should direct the County Executive Officer to compile a list of contracts for the maintenance of critical equipment and services and to institute a policy that RFPs for replacement contracts be distributed at least 60 days in advance of the expiration dates of such contracts. This policy should be in place by December 31, 2016. Any deviations from this policy should be approved by the County Executive Officer on a case-by-case basis.

Board of Supervisors Response. The Board of Supervisors disagrees with this recommendation. The recommendation will be implemented as follows: It is the responsibility of the Director of Public Works to establish departmental policies, procedures and goals. A policy will be in effect by May 31, 2016, which will provide for the timely contracting of maintenance services. The Public Works Department has compiled a list of contracts for the maintenance of critical equipment and services, including: 1. Elevators: Awarded to KONE, Inc. on April 19, 2016. 2. Generators: Awarded to Peterson Power Systems, Inc. on April 19. 2016. 3. Heating Ventilation and Air Conditioning (HVAC): Awarded to Bell Products, Inc. on May 10, 2016. 4. Fire alarms and sprinklers: Expected award date is August 2, 2016. The Director of Public Works will annually review services provided beginning in June 2017, and will track changes to equipment that may impact the scope of work included in the contract, and will develop a timeline to ensure that a request for proposal process will be undertaken and a new contract will be in place at least 60 days prior to expiration of the existing service contract.

III. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON ITS ANNUAL JUVENILE HALL REVIEW

DISCUSSION

The 2015-2016 Grand Jury conducted its annual inspection in October 2015 of the Napa County Juvenile Hall (NCJH) and conducted formal interviews with management and staff, and informal interviews with detainees. While new issues were not found, the Grand Jury remained concerned with NCJH's outdated video surveillance cameras, which produced poor quality, uneven sequencing of images, and blind spots around the facility.

Two previous grand juries found and recommended that the surveillance cameras be replaced, but during the Grand Jury's investigation, it learned that video equipment had not been replaced and additional cameras were not installed to address the blind spots. In 2015, the 2014-2015 Grand Jury was told that the funding for the upgrade continued to be delayed due to the strain on the Napa County Budget as a result of the August 2014 earthquake, but the Grand Jury was assured by NCJH management that the upgrades were scheduled to be made in late 2015 or early 2016. Furthermore, the Grand Jury was also informed that as of spring 2016, NCJH was in the process of purchasing new camera equipment but that installation would take time. No completion date could be estimated.

The Grand Jury's investigation resulted in two findings and two recommendations, requesting responses to the recommendations as follows:

- Board of Supervisors: **R1, R2**
- Chief Probation Officer: **R1, R2**

RECOMMENDATIONS AND RESPONSES

R1. Replace video surveillance cameras with up-to-date technology by December 31, 2016.

Board of Supervisors Response. The Board of Supervisors agrees with the response of the Chief Probation Officer.

Chief Probation Officer Response. The Chief Probation Officer agrees with this recommendation. The cameras have been ordered and will be installed by December 31, 2016.

R2. Place new cameras in areas where blind spots have been identified by December 31, 2016.

Board of Supervisors Response. The Board of Supervisors agrees with the response of the Chief Probation Officer.

Chief Probation Officer Response. The Chief Probation Officer agrees with this recommendation. The cameras have been ordered and will be installed by December 31, 2016.

IV. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON GANG ACTIVITY

DISCUSSION

There are two major gangs in Napa County — the Nortenos and the Surenos ("Northerners" and "Southerners"). Many, but not all, of Napa County high schools have individuals belonging to either gang. Where gang activity is present today, school administrators and law enforcement agencies are using varied approaches to keep gangs in check. School administrators and law enforcement officials agree that gangs primarily target young men from Hispanic families. Most

of these gang members and families recently emigrated from Mexico, may or may not be legal residents, and have no heritage or personal stake in Napa County or California.

Napa County benefits from certain road geographic limitations that can be strong deterrents to gang activity in the county. There is only one major roadway leading into and out of Napa County and no quick direct connection with any interstate highway, creating a bottleneck and limiting quick escape.

Significant gang activity remains in Napa County generally and in Vintage, Valley Oak, and Napa High Schools. Specifically, the activity in those high schools is closer to social affiliation than a violent organization or criminal enterprise. Gang activity is not a danger at American Canyon, St. Helena, and Calistoga High Schools.

The Grand Jury noted that high school officials emphasize integrating active and potential gang members into the school curriculum, keeping the students busy and engaged in a relevant and interesting curriculum, including shop, music, heritage, and cutting-edge technology classes. All Napa County high schools strongly encourage students to continue their education after high school. School officials stated that families of gang members and candidates are active in their children's education and willing to meet with school and community representatives in a continuing effort to counter gang influences. School outreach programs have been successful in encouraging families to be involved in their children's education.

The City of Napa Police Department has proactively placed School Resource Officers (SROs) on some Napa Valley Unified School District **(**NVUSD) campuses. SROs are regular service police officers who have an interest in facilitating relationships with students and in providing direct security for campuses.

Napa County and Napa City law enforcement officials continue to take consistent actions in response to gang activity. There is close coordination between the County Sheriff, the Napa City Police, the County District Attorney's Office, and many other stakeholders. A Gang and Youth Task Force meets five times during the year explicitly for the purpose of monitoring, preventing, and counter-acting gang activity in the county. Even with all the efforts made to combat gang activity, it is unlikely that gangs will ever be entirely eliminated from Napa County.

The Grand Jury's investigation resulted in 10 findings and two recommendations, requesting responses to the recommendations as follows:

- The Jury did not request a response; however, the City of Napa responded. **R1**
- Board of Education and NVUSD Superintendent **R2**

RECOMMENDATIONS AND RESPONSES

R1. Continue and expand the use of SROs at all Napa County public high school campuses.

City of Napa Response: The recommendation to continue the use of SROs has been implemented by the Napa Police Department at the high school campuses within the city. The recommendation to expand the use of SROs requires further analysis by the Napa Police Department in collaboration with NVUSD. The analysis to expand the use of SROs in the high schools by the Napa Police Department will include a review of staffing, fiscal, and needs considerations. This analysis will be completed by September 30, 2016.

R2. Continue the Legacy Program at Vintage High School and use it as a model for other high schools, in particular Napa High School and Valley Oak High School.

Napa Valley Unified School District Superintendent's Response: Napa High School uses the AVID and LAYLA programs to build academic success and a sense of belonging for students. Due to funding restraints, we will be analyzing where we can expand the Legacy program after the 2016-2017 year. Valley Oak will be implementing an advisory period next year to continue to strengthen its community. Valley Oak will continue to work with Napa and Vintage High Schools in a multi-year partnership with the Acosta Consulting Team to develop more culturally responsive curriculum. Napa High will be joining the training in 2016-2017.

Napa Valley Unified School District Board of Education's Response: No Response.

City of Napa Response: The recommendation to continue the Legacy Program at Vintage High School and to use as a model for other high schools has been implemented by the Napa Police Department. The recommendation to use the Legacy Program as a model for other high schools, in particular Napa High School and Valley Oak High School, will require further analysis by the Napa Police Department in collaboration with NVUSD. The analysis to use the Legacy Program as a model for other high schools, in particular Napa High School and Valley Oak High School, will include a review of staffing, fiscal, and needs considerations. This analysis will be completed by September 30, 2016.

V. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON THE COUNTY WEBSITE

DISCUSSION

The Grand Jury made heavy use of the County website, finding it very useful but with several aspects that needed improvement: lack of standard formats and features, inaccurate and out of date information, weak search function, and collateral duty content administrators. Links to documents did not always go to the current versions, and some documents did not exist at all. The Jury found that people would rather wait in line than be frustrated online.

With regards to lack of standard formats and features, the Grand Jury found that although all departments used a standard web page design, there was a wide range of formats and features varying by department. Document naming conventions were inconsistent, frequently making documents difficult or impossible to find. Some departments included helpful information, like organizational charts, but others did not.

The Grand Jury found that the responsibility for the website's content management lay with department and division managers, and the duties for monitoring and updating were part time assignments for administrators with a wide range of interest and ability. The Jury further found that the County website was not capable of performing basic transactions, such as making appointments, submitting applications, and scheduling inspections, as other counties' websites are.

The Grand Jury's investigation resulted in five findings and six recommendations, requesting responses to the recommendations as follows:

- Board of Supervisors: **R1, R2, R3, R4, R5, R6**
- County Executive Officer: **R1, R2, R3, R4, R5, R6**

RECOMMENDATIONS AND RESPONSES

R1. Establish county wide standards for formats, document naming conventions and best practice content features.

County Executive Officer Response: The County Executive Officer and Director of Library Services and Community Outreach disagree with this recommendation. The County has established standards for formats and document naming conventions and the guide for content contributors, and is available on the county's internet, as well as upon login to the content provider postal. The guide will be updated with new training resources after the selection of new content management software (CMS) to take advantage of new functionality. The County continues to make improvements to its website a high priority.

Board of Supervisor's Response: The Board of Supervisors agrees with the response of the County Executive Officer and the Director of Library Services and Community Outreach.

R2. Clean up the website and keep it current. Verify that information is accurate, up-to-date, and easy to find.

County Executive Officer Response: The County Executive Officer and Chief Information Officer agree with this recommendation. In the Request for Proposal (RFP) for a new CMS software system, the enhanced search tool is a key requirement. This RFP is planned to be posted during the first quarter of Fiscal Year 2016-17.

Board of Supervisor's Response: The Board of Supervisors agrees with the response of the County Executive Officer and the Chief Information Officer.

R3. The County should upgrade the website search function.

County Executive Officer Response: The County Executive Officer and Chief Information Officer agree with this recommendation. In the RFP for a new CMS software system, the enhanced search tool is a key requirement. This RFP is planned to be posted during the first quarter of Fiscal Year 2016-17.

Board of Supervisor's Response: The Board of Supervisors agrees with the response of the County Executive Officer and the Chief Information Officer.

R4. The Grand Jury recommends that the County form an expert user group to share best practices and new web functionality among divisions.

County Executive Officer Response: The County Executive Officer and director of Library Services and Community Outreach agree with this recommendation. A bi-weekly drop in session is available to content providers to work one on one with the Webmaster. The Webmaster meets with departments individually when needed and is constantly is reviewing analytics, website chat data and seasonal/scheduled events to enhance the user's experience. Until further resources become available, a recommendation by department heads to the Director of Library Services and Community Outreach to realign the content providers into two distinct users groups will be implemented in Fiscal Year 2016-17. Representatives from each department will serve on the Users Experience (UX) group to ensure County-wide consistency in the user experience from department to department. A group of application experts will also be convened. The application experts will work closely with the department's UX contributor to assure that any changes made are done with the end user in mind.

Board of Supervisor's Response: The Board of Supervisors agrees with the response of the County Executive Officer and the Director of Library Services and Community Outreach.

R5. Recognize the website's importance as a communication, productivity, and service tool, by providing sufficient up front resources to department/division managers and to Information Technology Services to enable implementation of all systems enhancements that can be cost justified through improvements in productivity and customer service.

County Executive Officer Response: County Executive Officer and Chief Information Officer agrees with the recommendation. The information Technology Services Division works on a bi-monthly basis with a countywide ITS Leadership Committee

(made up of a representative set of county department directors) to prioritize projects that cross the entire County. This committee has already made the improvement of the County website a top priority. Funding is provided in the Fiscal Year 2016-17 budget for improvement and once the RFP responses have been reviewed the contract for a new CMS will be brought to the Board of Supervisors for approval.

Board of Supervisor's Response: The Board of Supervisors agrees with the response of the County Executive Officer and the Chief Information Officer.

R6. The Board of Supervisors should challenge department and division managers to identify opportunities to improve productivity and/or customer service through the use of technology and provide the necessary up front resources to implement those opportunities that can then be justified based on cost/benefit analyses.

County Executive Officer's and Chief Information Officer's Response: County Executive officer and Chief Information Officer agree with this recommendation.

Board of Supervisor's Response: The Board of Supervisors agrees with the response of the County Executive Officer and the Chief Information Officer.

VI. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON COUNTY FINANCIAL HEALTH

DISCUSSION

In looking at the financial health of Napa County and how financial information is made available to county residents, the 2015-2016 Grand Jury focused on the general fund structure and the balance sheet. The analysis included a ten year study of several key financial indicators. The "The 6 things you should know about Napa County's finances and budget" a page on the County Executive Office's section of the county website provided the framework of the investigation.

Overall, the Grand Jury found that Napa County has maintained excellent fiscal policies that have achieved the highest possible bond rating from Standard & Poor. The Board of Supervisors' budget policies have resulted in conservative spending and strong reserve and contingency funds. However, the Jury also found that certain methodologies used in the County's accounting systems were confusing to the public. They also found that although the county recognizes the importance of transparency in making a wide range of financial documents available to the public, many documents were not available where the County website stated they were.

The Grand Jury also inquired into the status of unfunded pensions and other payroll benefits. They discovered that the county's unfunded obligations of nearly $200 million are calculated and under the umbrella of the California Public Employees' Retirement System (CalPers). The Grand Jury felt that it would be in the County's interest to set up a trust to pay down these obligations more rapidly than under the current system.

The Grand Jury's investigation resulted in eight findings and three recommendations, requesting responses to the recommendations as follows:

- Board of Supervisors **R1, R2, R3**
- County Executive Officer **R1 R3**
- County Auditor Controller **R1**

RECOMMENDATIONS AND RESPONSES

R1. The Grand Jury recommends that Napa County institute a schedule in the Management's Discussion and Analysis of the Comprehensive Annual Financial Report (CAFR) that explains the negative variance from "Actual Amount (Budgetary Basis)" and "Variance with Final Budget" in "Aid from other governments." The Grand Jury believes that including the information outlined below would clarify the actual situation for the average citizen.

Explanation of Aid from other governments						
County Capital Project no.	County Project Description	Date Project Initiated	Total Amount Budgeted	Actual Amount Realized in Previous Years	Actual Amount Realized This Year	Amount Carried Forward
The amount carried forward for the total of all projects will be the same as the Negative Variance in Aid from other governments						

County Executive Officer's Response: Because preparation of the CAFR is the responsibility of the Auditor-Controller, the Auditor-Controller will respond to the recommendation related to the CAFR.

County Auditor Controller's Response: The Auditor-Controller agrees with this recommendation and can appreciate providing the public with additional information to make the CAFR more useful. Due to restrictive requirements by Governmental Accounting Standards Board in respect to the content of the CAFR, staff will work with the county's external auditors to determine the best placement and display of the information.

Board of Supervisor's Response: Did not respond.

R2: The Grand Jury recommends that the BOS consider using some positive Fund Balances each year to begin to pay down the Unfunded Pension and Other Post-Employment Benefits (OPEB) by establishing an 115 Irrevocable Trust (a type of trust authorized by Sec. 115 of the Internal Revenue Code solely for the purpose of funding post-employment benefit for workers that cannot be revoked by the employing agency).

Board of Supervisors' Response: This recommendation will not be implemented. The existing fund balance that the Board would have access to as a means to fund increased pension payments, is made up primarily of the Fiscal Uncertainty and General Reserve. At the close of each year, any excess of revenue over expenditures becomes available fund balance. The policy adopted by the Board of Supervisors is to use the available fund balance first to fund reserves and then to transfer any remaining available fund balance to Accumulated Capital Outlay to be used for capital projects. Until the capital needs are met, there is no additional fund balance available unless the BOS changes its long standing policy. In FY 2008-09, the BOS studied the feasibility of using an irrevocable trust instrument to set aside funds to pay down pension liability and determined that it was not cost effective, although the instrument suggested by the Grand Jury may provide a future opportunity. The County continues, through its annual pension rate, to pay toward the unfunded liability. Once capital needs are met, the BOS may consider accelerated funding of its PERS liability. However, because of the cost sharing formula agreed upon with its employees, any acceleration would be negotiated.

The unfunded OPEB liability is managed through a trust within PERS and is amortized on a 20-year schedule. To date, six years' payments have been made, leaving 14 years remaining to funded status.

R3: The Grand Jury recommends that the BOS and the CEO must require every division to report current status of every goal that was prepared to support the previous years Recommended Budget.

County Executive Officer's Response: This recommendation was implemented for the FY 2016-17 Recommended Budget.

Board of Supervisors' Response: The Board of Supervisors agrees with the response of the County Executive Officer.

VII. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON COUNTY PERFORMANCE MEASURES

DISCUSSION

While investigating the County's finances, the 2015-2016 Grand Jury became aware of the County's Performance Measurement Reports (PMRs). These annual reports include division by division trends of key activities performed by the County government. They also include measures of productivity and service levels within every division. The jury initiated an investigation into their use in the County and found that although the cost to produce and publish the PMRs exceeded $400,000, generally these were not being used by the County management

team to manage their divisions. In their place, managers regularly tracked their own specific productivity and service levels and reviewed those with direct reports.

The Grand Jury's investigation resulted in five findings and two recommendations to which responses to the recommendations were requested from the Napa County Board of Supervisors.

RECOMMENDATIONS AND RESPONSES

R1. Discontinue publication of the Performance Measurement Report in its current form. If the Board of Supervisors finds the activity tracking and/or division overviews useful, produce them in a more condensed and efficient way. Use the website to do so whenever possible.

Board of Supervisor's Response: The Recommendation will be implemented. Effective fiscal year 2015-2016, the PMR will no longer be produced. In the future, staff will be developing performance measures that align with the strategic goals developed by the Board of Supervisors at their next Strategic Planning retreat. Rather than require specific number of measures, direction to departments will be to develop Performance Measures that measure progress toward the goals that the Board of Supervisors wants to achieve.

R2. Post key activity levels ("Community Indicators") on the County website annually, or more frequently if data are available, and no later than 60 days following the end of the period being reported.

Board of Supervisor's Response: The Recommendation may be implemented in the future. Community Indicators are interesting, but not necessarily tied to the County's activities or performance. When staff develops performance measures to align with the Board's Strategic Goals, Community Indicators could be included in any publication or related website.

VIII. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON THE NAPA RIVER RECLAMATION DISTRICT

DISCUSSION

To get an overall picture of the county's 23 special districts, the 2015-2016 Grand Jury initiated an inquiry into the Napa County Local Formation Commission (NCLAFCO), a state-mandated agency. Special districts are a type of local government created by a local community to meet specific needs. NCLAFCO oversees the special districts' boundaries, services, and governance. Most of these special districts had not been reviewed by prior grand juries.

During the review the Jury received information that led them to focus on the Napa River Reclamation District (NRRD). NRRD was formed over 40 years ago to "maintain the existing flood control levee" protecting 150 lots currently containing 135 occupied homes, fronting the Napa River in the Edgerly Island/Ingersoll area.

After their investigation, the Grand Jury found that major flood damage continues to be a significant threat and that NRRD has never performed the essential levee control and maintenance responsibilities for which it was created. If the area floods, county facilities could be damaged, first responders could be at risk, and the district's underground sewer system could fail, possibly causing a serious health and safety issue to residents and responders. In the event of such damage, it is unclear who would be responsible or capable of repairing the damage

The Jury also found that because of the failure of NRRD and homeowners to provide appropriate levee maintenance, county dollars have been spent on various stop gap projects such as sand bag facilities and dewatering pumps. The Jury further concluded that all the oversight agencies and residents were or should have been aware of NRRD's failure to perform.

The Grand Jury report included eight findings and four recommendations, requesting responses as follows:

- Napa County Board of Supervisors: **R1**
- Napa County Counsel: **R1**
- NCLAFCO Commissioners: **R1, R2, R3**
- NRRD Board of Trustees: **R1 R3**
- A specific response was not requested for **R4**; however, the NCLAFCO Executive Officer responded to this Recommendation.

RECOMMENDATIONS AND RESPONSES

R1: The County Board of Supervisors (BOS) should direct County Counsel to render a written opinion, that will be made public, on the respective liabilities and responsibilities of NRRD and the county arising from NRRD's failure to perform its essential function(s).

Board of Supervisors' and County Counsel's Response: The Board of Supervisors disagrees with and respectfully declines to follow the recommendation. County Counsel is legally responsible for representing the County and the BOS. An attorney-client relationship exists between the Board/County and County Counsel. It is not County Counsel's role to provide legal advice to the public at large. County Counsel's analysis and advice provided to the county regarding issues of potential county liability, if any, are protected and privileged from disclosure by the attorney-client privilege and the attorney work product doctrine. To require the office of County Counsel to disclose its analysis publicly would risk prejudice to the County's position in any litigation that might occur. Thus, the County cannot be required to waive the privilege or required to direct County Counsel to disclose its analysis.

As to advice and analysis provided by County Counsel attorneys to NRRD (which is a client of the office of County Counsel independent of the County), only NRRD can waive the privilege or direct County Counsel to divulge its analysis as to NRRD's potential liability.

NRRD Board of Trustees Response: While the recommendation is asking a separate legal entity to take an action, the Board's position is that this recommendation should not be implemented because it is neither warranted nor reasonable. NRRD only owns fifty (50) linear feet of levee and has no responsibility to maintain the privately owned portions of the levees along Milton Road.

NCLAFCO Commissioners: No response.

R2: NRRD and NCLAFCO should take all steps necessary to ensure that NRRD has all enforcement and funding authority necessary to perform the levee maintenance, rehabilitation, and construction functions for which it was created. Alternatively, NRRD should be reformed so that it is responsible only for providing sewer services.

NCLAFCO Executive Officer's Response: Recommendation Number 2 requires further analysis. As part of the comprehensive Municipal Service Review (MSR) and Sphere of Influence (SOI) update currently being conducted, LAFCO is evaluating what potential actions, including the Grand Jury's recommendation, are within its authority to implement. The ongoing MSR and SOI update will culminate in determinations on NRRD's existing service levels, its financial ability to provide services, and its governance structure. The MSR may potentially also determine that new, more detailed governance study is needed for NRRD at this time.

R3: NCLAFCO should, within the next six months, complete comprehensive Sphere of Influence, Municipal Services, and Governance reviews of NRRD.

NCLAFCO Executive Officer's Response: Recommendation Number 3 requires further analysis. As stated in response to Recommendation Number 2, LAFCO is currently completing a comprehensive MSR and SOI update. One outcome of that process may be a determination that a more detailed governance study is needed. It is anticipated that the MSR and SOI update will be completed by the end of calendar year 2016.

NRRD Trustees Response: While the recommendation is asking a separate legal entity to take an action, the Board of Trustees understands LAFCO intends to implement a portion of this recommendation. Accordingly, the Board of Trustees intends to work with LAFCO towards finalizing their "Sphere of Influence" and "Municipal Services" reviews within the next six months. The Board of Trustees further understands that LAFCO is not required to complete a "Governance" study and does not intend to perform such a study at this time. Should LAFCO choose to complete a "Governance

Study," the Board of Trustees would intend to work with LAFCO towards the preparation of such a report.

R4: If NRRD continues to be responsible for reclamation and flood control services, NCLAFCO should consider reforming the NRRD Board to include independent, non-resident members should it become apparent that an all-resident board is reluctant to take actions to ensure the enforcement and funding necessary to bring all levees into compliance and to maintain them. As an alternative, the Board of Supervisors could consider creating a revenue source for NRRD at the county level.

NCLAFCO Executive 0fficer's Response: This recommendation has not yet been implemented, but as stated above, LAFCO is conducting a comprehensive MSR and SOI update at this time, which will include determinations regarding NRRD's governmental structure and financial ability to provide services, among other determinations, and will consider whether the NRRD Board should be reformed.

IX. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON MAINTAINING FOOD QUALITY

DISCUSSION

Citing the U.S. Food and Drug Administration report finding that about one in six Americans gets sick each year by consuming contaminated foods or beverages, the 2015-2016 Grand Jury decided to examine the way that retail food providers are monitored in Napa County. The Grand Jury discovered that there are a small number of specialists assigned to the Retail Food Program within Napa County's Environmental Health Division with the primary goal of ensuring that our food is safe.

This Consumer Protection unit monitors more than 750 regulated food facilities, including fixed-location and mobile food providers. Each retail food facility is inspected at least annually. In addition, the County offers food safety education to businesses and their staff. Citizen complaints are a valuable information source for the food inspectors. The Grand Jury examined more than 100 recent food-related complaints, and found that more than 50% were acted upon within two business days, and 75% within five business days.

After completing the inquiry, the Grand Jury commended the professionals employed by Napa County's Environmental Health Division for their persistent and dedicated actions to minimize food-borne illness risk to Napa County residents and visitors. The Jury submitted two findings, one recommendation, and one commendation to the County Board of Supervisors.

RECOMMENDATIONS, RESPONSES, AND COMMENDATION

R1. The Board of Supervisors is encouraged to direct the Department of Planning, Building and Environmental Services to expand resources devoted to the training of restaurant owners and employees regarding food-borne illness prevention and food safety practices.

Director of Planning, Building, & Environmental Services Response: The Director partially agrees with this recommendation. The Consumer Protection program is currently operating efficiently and is meeting its responsibilities. However, as the local economy continues to improve and as the range of food service alternatives expand, the number of facilities is increasing. At the same time, staff from the Consumer Protection unit have been temporarily reallocated to the Land Use unit, as that program has seen a significant increase in regulatory requirements recently related to water wells and septic systems. Consequently, although additional resources for the Consumer Protection unit are not presently required, the Director of Planning, Building, and Environmental Services recommends that staffing levels for both the Consumer Protection and the Land Use programs be evaluated as a part of the mid-year budget review.

Board of Supervisors Response: The Board of Supervisors agrees with the County Executive Officer and the Director of Planning, Building, and Environmental Services.

Commendation. The Grand Jury commends the professionals employed by Napa County's Environmental Health Division for their persistent and dedicated actions to minimize food-borne illness risk to Napa County residents and visitors.

Director of Planning, Building, & Environmental Services Response: The Director agrees with this commendation. Staff of the Consumer Protection unit are knowledgeable, well-trained, and diligent in their duties. They also provide inspections after hours and on weekends to accommodate business needs and to ensure the safety of the many festivals and events within the County. The recognition of their service by the Grand Jury is greatly appreciated.

Board of Supervisors Response: The Board of Supervisors agrees with the Director of Planning, Building, and Environmental Services.

X. REVIEW OF RESPONSES TO THE 2015-2016 GRAND JURY REPORT ON ITS ANNUAL COUNTY JAIL REVIEW

DISCUSSION

The 2015-2016 Grand Jury conducted its annual inspection of the Napa County Jail (NCJ). In addition to a physical inspection, the Grand Jury reviewed the NCJ operations, interviewed management, correctional officers, and administrative staff and other witnesses, and looked at

numerous documents. The Jury's investigation resulted in substantial evidence of significant problems in the management of the NCJ, including but not limited to, a lack of confidence in jail management, on-the-job safety, hiring and retention problems, and outdated facilities that did not comply with current best correctional practices.

The Grand Jury focused its investigation on the following four topics:

1. Physical jail inspection:
   The Grand Jury found that the cells appeared mostly clean, but graffiti was abundant in the older, original wing of the facility. There was visible damage from the August 2014 earthquake with repairs underway, as well as a basement project converting dormitory style units to two-person cells.
2. Management and operations of the jail:
   The Grand Jury found a chronic shortage of staff at the NCJ. Specifically, 21 of 64 positions were vacant, resulting in safety risks to staff and inmates and officers working consistent overtime to cover all shifts. The Grand Jury credited this shortage to recruitment and retention issues fueled by competing jobs offering earlier retirement, larger pensions, and larger compensation packages. The Grand Jury also found substantial problems with the NCJ management, including organization at the management level being in flux, and low morale among employees.
3. Mental health issues:
   The Grand Jury found only limited psychotherapy and counseling services are offered to the 30% to 40% of inmates who require services related to the care, treatment, and rehabilitation for those suffering with mental health issues. The Grand Jury believed this may be partly due to the August 2014 earthquake, which damaged facilities and have precluded offering on-site programs such as group counseling, Alcoholics Anonymous, Narcotics Anonymous and the services of a chaplain.
4. Status of the new jail:
   The Grand Jury found the need for a new jail.

The Grand Jury's investigation resulted in nine findings and five recommendations, requesting responses to the recommendations as follows:

- Board of Supervisors: **R1, R2, R3, R4, R5**
- County Executive Officer: **R1, R2, R3, R4**

RECOMMENDATIONS, RESPONSES, AND COMMENDATION

R1. The County Board of Supervisors should enhance its oversight of the Napa County Jail to ensure that it is operating properly, including assigning a senior staff person to comprehensively review the operation of the jail and to provide a written report of findings no later than April 1, 2017.

Board of Supervisors Response: The Board of Supervisors agrees with the County Executive Officer.

County Executive Officer Response: The County Executive Officer disagrees with this recommendation. The Napa County Jail is one of two jails in California over which the Board of Supervisors has direct authority regarding jail operations. The Corrections Department is assigned to the most senior staff within the County Executive Office, and the staff person together with the County Executive Officer meet regularly with the Director. The County Executive Officer keeps the Board apprised of operational hurdles and suggests possible solutions. In addition, all jails in California are inspected biennially by the Board of State and Community Corrections (BSCC), which reviews among other items the department's policies and procedures, grievances, discipline, housing, staffing, sanitation and staff training. The BSCC inspectors represent an independent state agency that ensures that correctional facilities are operating within established guidelines. The department has consistently met the BSCC requirements and standards required by law.

R2. The Board of Supervisors should retain a management consultant to work with jail leadership on operational, administrative and workforce issues.

Board of Supervisors Response: The Board of Supervisors agrees with the County Executive Officer.

County Executive Officer Response: The County Executive Officer disagrees with this recommendation. Prior to the Grand Jury's investigation, the Director of Corrections hired a management consultant to assist the department in its transition from post-earthquake-related work projects, inmate relocation, and staffing vacancies to a more stable operational status. The management consultant has and continues to work with manager and supervisory staff to ensure that practices are consistent and that the department is focusing on addressing its most significant needs and planning for the future.

R3. Compensation and benefits for Correctional Officers should be analyzed to determine the incentive package necessary to attract new career officers and retain existing officers.

Board of Supervisors Response: The Board of Supervisors agrees with the County Executive Officer.

County Executive Officer Response: The County Executive Officer partially agrees with this recommendation. Staff members have left the department for jobs offering higher pay and enhanced benefits in the private sector and to accept similar positions at other law enforcement agencies. A shift in the public employee pension formula has reduced the number of qualified applicants, and this will continue to have an impact on the department's ability to recruit and retain staff. A compensation study was conducted by Ralph Anderson & Associates on the Correctional Officer classification in April 2015. The County met and conferred with the union sharing the results of the study. It was the County's conclusion that compensation was in line with the Board's philosophy to be within 5% of the median of non-sworn market comparable agencies.

R4. Staffing should be made an immediate priority, including a full staff of Correctional Officers, and a bilingual FMHC.

Board of Supervisors Response: The Board of Supervisors agrees with the County Executive Officer.

County Executive Officer Response: The County Executive Officer disagrees with this recommendation. Sufficient staffing is always a top priority for the department, and the department works closely with Human Resources to conduct recruitments and advertise for correctional officer positions in other states. The cost of living in Napa, changes in retirement formulas and a stressful work environment, including the challenges inherent in working with mentally ill inmates, are contributing factors to staff recruitment. The department had a bilingual Forensic mental Health Counselor (FMHC) until a few months ago, when the position became vacant. In the interim, when there has been a need for a bilingual mental health professional on site, the Napa County Health and Human Services Agency's Mental Health Division has provided staff to address these needs. Recently, the full-time FMHC position has been filled, and an additional vacant half-time position is being recruited.

R5. The County Board of Supervisors should establish a multi-year Citizen's Oversight Committee by December 31, 2016. The BOS should assure that there is no retribution to staff from the committee's findings.

Board of Supervisors Response: The Board of Supervisors disagrees with this recommendation. The department has periodic inspections by the State, and the Board of Supervisors provides direct oversight of jail operations. In addition, the number of grievances from inmates is low. The County has policies to prohibit retribution and has no reason to believe that retribution is occurring or will occur in the future. However, there are a number of ways that any employee can report suspected retribution and appropriate follow up of any claim occurs.

Commendation. The County Board of Supervisors should commend the Correctional Officers for excelling in an extremely difficult environment.

Board of Supervisors Response: The Board of Supervisors agrees with the commendation but believes that the commendation should be extended to all staff members of the Corrections Department, who do an outstanding job under very difficult circumstances.

XI FINDINGS AND RECOMMENDATIONS

DISCUSSION

Similar to last year, the Grand Jury notes some laxity about official responses to the 2015-2016 Grand Jury's reports. Elected officials or agency heads have 60 days and governing boards have 90 days to respond to a grand jury report or to notify the Presiding Judge that their report will be late with an explanation for its lateness. In both cases, the allowed time begins on the date the report is issued by the Grand Jury. To the 2015-2016 Grand Jury's reports, of the 23 requested responses, 21 were received on time and two were not submitted at all. Specifically, the City of Napa failed to respond to last year's Continuity Report, and the NVUSD Board of Education failed to respond to the report concerning Gang Activity. This Grand Jury received no explanations for lack of responses to these reports.

Further, several of the responses included a deadline wherein a recommendation would be implemented. The Grand Jury has followed up on each of these responses and the results are shown below in Table 2.

Table 2. 2015-16 Grand Jury Responses and Implementation of Recommendations

Report/ Responder	Recommendation	Response	Implementation
Facilities Management Board of Supervisors	**R2**. The County Board of Supervisors should institute a policy that RFPs for replacement contracts be distributed at least 60 days in advance of the expiration dates of such contracts. This policy should be in place by December 31, 2016.	1. The Board of Supervisors disagreed with the recommendation. However, they stated that a policy will be in effect by May 31, 2016, which will provide for the timely contracting of maintenance services.	Yes. The Property Management Division has worked steadily over the last year to update all major service contracts through competitive procurement efforts, and have operationalized the continual review of these contracts to ensure timely contracting of maintenance services. Including those related to: - Elevators, - Generators, - HVAC, - Fire Sprinklers, - Fire Alarm Monitoring, - Fire Suppression, and - Fire Extinguisher Services.
		2. The BOS also stated that the Director of Public Works will annually review services provided beginning in June 2017, and will track changes to equipment that may impact the scope of work included in the contract, and will develop a timeline to ensure that a request for proposal process will be undertaken and a new contract is in place at least 60 days prior to expiration of the existing service contract.	**Deadline not yet passed.**
Juvenile Hall Board of Supervisors and Chief Probation Officer	**R1**. Replace video surveillance cameras with up-to-date technology by December 31, 2016.	The cameras have been ordered and will be installed by December 31, 2016.	Not yet implemented (awaiting County action).
	R2. Place new cameras in areas where blind spots have been identified by December 31, 2016.	The cameras have been ordered and will be installed by December 31, 2016.	Not yet implemented (awaiting County action).

Gang Activity City of Napa	**R1**. Continue and expand the use of School Resource Officers (SROs) at all Napa County public high schools campuses	Analysis to expand use of SROs in the high schools ... to include a review of staffing, fiscal, and needs considerations to be completed by September 20, 2016.	Oral report given to City Manager, on or before September 30, 2016, that current SRO staffing levels are adequate.
County Website County Executive Officer	**R2**. Clean up the website and keep it current. Verify that information is accurate, up-to-date, and easy to find.	In the Request for Proposal (RFP) for a new CMS software system, the enhanced search tool is a key requirement. This RFP is planned to be posted during the first quarter of Fiscal Year 2016-17.	As of December 6, 2016, the County entered into a contract with an outside software company to redesign the County Website as recommended.
Napa River Reclamation District (NRRD) NCLAFCO Executive 0fficer	**R3**: The Napa County Local Formation Commission (NCLAFCO) should, within the next six months, complete comprehensive Sphere of Influence, Municipal Services, and Governance reviews of NRRD.	LAFCO is currently completing a comprehensive MSR and SOI update. … It is anticipated that the MSR and SOI update will be completed by the end of calendar year 2016.	MSR and SOI updates published December 2016 (Final Report District No. 2109).

FINDINGS

As the result of its review of responses to the 2015-2016 Grand Jury, this Grand Jury makes the following finding and recommendation.

F1. Some respondents to the 2015-2016 Grand Jury reports, being tardy with their responses or ignoring them completely, are not meeting their legal responsibilities.

RECOMMENDATIONS

R1. The Board of Supervisors and the City of Napa shall remind their officers and department heads of their legal responsibility to respond on a timely basis to all Napa County Grand Jury requests for response.

NAPA COUNTY GRAND JURY
2016-2017

June 9, 2017

FINAL REPORT

NAPA CHILD ABUSE HOTLINE
(707) 253-4261 or (800) 464-4216

NAPA CHILD ABUSE HOTLINE

June 9, 2017
FINAL REPORT

SUMMARY

In 2014, a three-year-old child in Napa County died as a result of severe child abuse. This rare but devastating event drew the attention of the 2016-2017 Napa Grand Jury, who focused its attention on Napa's Child Abuse Hotline. It is the first place to report suspected child abuse or neglect, and it receives over one thousand calls each year.

The Hotline is staffed 24 hours a day. During regular business hours the Hotline is answered by social workers in the Napa Child Welfare Service (CWS) Emergency Response Unit. After-hours calls have been handled by a contracted off-site answering service and referred to the Napa County social workers on call. In an effort to improve after-hours effectiveness of the Hotline, there is a plan to bring this service into a new Crisis Stabilization Unit (CSU) housed at the Napa Health and Human Services (HHS) campus. The Grand Jury finds it is imperative to evaluate the effectiveness of the new CSU in improving after-hours Hotline function.

Protecting our children requires retaining top quality professionals, as well as providing them the tools they need to carry out their responsibilities. Efforts are in place to improve training and make it more easily accessible. An obstacle to hiring and retaining staff is the high cost of housing in Napa County, an ongoing problem for our area.

Current technology used by the Hotline is insufficient. The Grand Jury recommends updating technology to improve the effectiveness of the Hotline. For example, technology is available that would allow recording calls for training, follow up, and quality assurance.

Public awareness of the Child Abuse Hotline is inadequate. The Hotline is the access point for reporting suspected child abuse and neglect. It is crucial that the community is well informed regarding its function. Timely reporting could result in earlier intervention in situations of potential child endangerment. The Grand Jury recommends that the County increase its efforts to inform the public about the importance of the Hotline and how to access it.

GLOSSARY

CDC – Centers for Disease Control and Prevention

CEDV – Child Exposed to Domestic Violence

CSU – Crisis Stabilization Unit

CWS – Child Welfare Services

HHS – Health and Human Services

SDM – Structured Decision Making – a variety of tools used to assess child safety

BACKGROUND

It was not the intent of the Grand Jury to investigate the death of one child but rather to examine efforts to protect all children in our community. Investigations of possible child endangerment

often start with a call to the Child Abuse Hotline. Napa County had 6,712 calls regarding suspected child abuse or neglect between 2012 and 2016. After a thorough investigation of these referrals, 482 children were considered to be at such high risk that they were removed from their homes through the court system.

Child welfare in California functions under a state-administered/county-implemented system. Each county manages its own child welfare program while the State, under the California Department of Social Services, monitors, regulates, and supports the programs and policies by which the county operates. County child welfare programs have four major components established under State law:

- Emergency Response
- Family Maintenance
- Family Reunification
- Permanent Placement

Since the Grand Jury wanted to focus on the Child Abuse Hotline, it centered its investigation on the Emergency Response component.

METHODOLOGY

Interviews

- Director, Napa County Health & Human Services (HHS)
- Senior Management, Child Welfare Services Department, HHS
- Social Worker Supervisors, Emergency Response Division
- Emergency Response Social Workers
- Officer, Napa Police Department

Documents

- Organization charts, HHS Department and Child Welfare Services
- Napa County Comprehensive Assessment Process: Instructional Guidelines and Practice Protocol
- California Structure Decision Making (SDM) Hotline Tools
- SDM Family Risk Reassessment for In-Home Cases
- SDM Family Strengths and Needs Assessment
- SDM Reunification Reassessment
- Napa Initial SDM Assessment Form
- Suspected Child Abuse Report Form
- Napa County Child Abuse Hotline Log October 2016
- Napa County Child Welfare Fact Sheets 2015 and 2016
- Bay Area Academy Regional Core Training Curricula for Child Welfare Workers: July-December 2016 Schedule

- *Abolish Anonymous Reporting to Child Abuse Hotlines* D.J. Cecka, University of Richmond School of Law, Virginia 2014
- *Understanding the Child Welfare System in California,* Diane F. Reed, M.P.H., Kate Karpilow, Ph.D., 2nd Edition June 2009

Videos

- *First Impressions: Exposure to Violence and a Child's Developing Brain,* Bruce Perry, M.D., Ph.D.
- *How Childhood Trauma Affects Health Across a Lifetime,* Nadine Burke Harris, M.D.

DISCUSSION

The Napa County Child Welfare Services website states, "Child Welfare's primary goal is to prevent or remedy neglect, abuse, or exploitation of children while preserving, rehabilitating, or reuniting families." The Napa Child Abuse Hotline is the main access point between the community and CWS regarding child safety. The Hotline is the critical piece for social workers to screen incoming calls accurately. The Grand Jury decided to concentrate on this important service.

The children of Napa County represent our community's future. While the family is the primary unit responsible for raising children to become healthy and productive adult citizens, the community must also recognize the need to step in and protect the basic rights of children when necessary.

The Grand Jury's main questions to be addressed were as follows:

- What is the Child Abuse Hotline?
- How is it staffed?
- What is the training for staff members?
- What is the protocol for receiving calls, and what type of follow-up occurs?
- How does Child Welfare Services assure no child "falls through the cracks"?

Hotline

The Child Abuse Hotline is the primary mechanism for people in Napa County to report suspected cases of child abuse or neglect. Calls can come from mandated reporters[1] as well as members of the general public. Community members can report to the Hotline anonymously. In 2016, CWS received 1,307 calls to the Hotline. Of these, 127 calls resulted in immediate investigation within 24 hours and an additional 346 calls were investigated within 10 days as required by state law. These investigations lead to the confirmation of 113 cases of abuse or neglect. The outcome of these substantiated referrals resulted in 72 children being removed from their homes and placed in the homes of other relatives, foster care homes, or other out-of-home placement options. During this same time period, 46 children were reunified with their families and 22 adoptions were finalized.

[1] Mandated reporters, including teachers, physicians, law enforcement, and others, are legally required to report known or suspected cases of child abuse.

From 2012 through 2016, these numbers remained essentially stable, with 6,712 calls to the Hotline and the removal of 402 children from their homes due to severe abuse or neglect. Of the total removed, 243 children were reunited with their families and 72 were adopted.

Staffing

The Napa County Child Abuse Hotline is staffed during regular business hours from 8:00 a.m. to 5:00 p.m. Monday through Friday by eight social workers, approximately half of whom are bilingual. During regular working hours, the Hotline has one full-time person designated to answer calls and a rolling backup of other qualified social workers. Backing up the Hotline requires some social workers to remain in the office, therefore often unable to complete their investigations of child safety issues in the field in a timely manner. Several staff members expressed a need for scheduling an additional full-time screener for the Hotline so caseworkers would have adequate time for their responsibilities in the community.

Approximately 25% of calls are received after regular business hours. Calls at night, on weekends, and on holidays have been handled by an off-site answering service, which refers callers to the CWS social worker on call. This after-hours duty is rotated among all the social workers and supervisors in the Department. There is an effort to bring the Hotline after-hours answering service back in-house through the new Crisis Stabilization Unit. Exodus, a third party contractor, is staffing the CSU with qualified mental health professionals and will be under the direction of the HHS Department of Mental Health. Part of their responsibilities will be answering after-hours Hotline calls and referring callers to the CWS staff. This will result in better screening and triage of calls to the CWS social worker on call, thereby helping to reduce burnout by establishing more effective work scheduling.

When an after-hours call comes in, it can take up to two hours for the on-call social worker to arrive at the scene to evaluate cases of suspected child abuse, neglect, or of Children Exposed to Domestic Violence (CEDV). These cases may require a police officer to remain on the scene until the social worker arrives. Most of the long response times are because many of the workers live outside Napa County. On-call workers living in Napa County would be able to respond more quickly. [2]

Back to Basics Training

Core training and continuing education has been insufficient. Several staff members stated it was difficult to get necessary training and to meet requirements for licensing as a Licensed Clinical Social Worker (L.C.S.W.). This demonstrated the need for formulation of a new set of key training goals. Recently, the Department has been focusing on "Back to Basics Training", relying on the Bay Area Academy[3] to expand present training options. It has four major components:

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2 The Board of Supervisors established the Affordable Housing Fund in 1992 to ensure the development and preservation of affordable housing to low and moderate income Napa County residents. The purpose of the Proximity Housing Homebuyer's Assistance Program is to promote affordable workforce housing, while reducing greenhouse gasses and commutes for people who work in Napa County. Based on their pay scale, social workers working in Napa County might qualify for this program.

3 The Bay Area Academy is a government funded agency providing a wide range of programs to CWS groups in Northern California. In addition to numerous other sessions, Napa CWS staff attend "core training" for newer social workers as well as specific "hotline tools" training for personnel answering incoming referral calls. See www.bayareaacademy.org

- Core Training – basic California training requirements
- Structured Decision Making (SDM) Training – assessment tools
- Safety Organized Practice - looks for "signs of safety" and fosters family engagement and team working
- "Nuts and Bolts" - focuses on orienting social workers to the specific resources of Napa County

Previously most of the Bay Area Academy training sessions took place in Oakland. Now many courses are being conducted in Napa, Sonoma, and Marin Counties, requiring less travel time and allowing Napa CWS workers more time to work with children and families. Also, in an effort to improve staff training, a supervisor has been assigned to assess social worker training needs and quality assurance.

Call Screening and Assessment

Hotline workers in Emergency Response (ER) receive referrals from mandated reporters and others through the Hotline. For each referral, the ER Hotline worker conducts a safety assessment to evaluate the nature of the risk to the child. In the assessment, ER Hotline workers determine whether the referral should be closed ("screened out") or investigated ("screened in"). Depending on the seriousness and risk to child safety, the most urgent "screened in" investigations must begin within 24 hours. Less urgent investigations will occur within 10 days.

An example of urgent investigation for high risk of child endangerment is in cases of domestic violence. When a 911 call comes in to law enforcement regarding possible domestic violence and there are child witnesses, it is required by law that CWS be informed. This is done via the Hotline. A situation where there is CEDV is considered child abuse and must be investigated. Most experts believe children raised in abusive homes learn that violence is an acceptable way to resolve conflicts and problems. They may replicate the violence they witnessed as children in their teen and adult relationships, and in parenting experiences.

Fortunately, our community benefits from a multi-year grant given to a Napa police officer, allowing him to devote 20 hours a week solely to CEDV cases. He works closely with CWS and other agencies involved in these issues. In 2013 and 2014, the average number of CEDV cases was 77. Subsequent to the training and specific requirements initiated due to the CEDV grant, there was an increase in reporting from the Napa Police Department of these cases. This resulted in 193 children in 2015 and 246 children in 2016 being referred to CWS for having been exposed to domestic violence.

The Child Welfare Services Department uses State recognized tools and best practices to determine the level of urgency of calls to the Hotline and to manage resolution of investigations resulting from these calls. Structured Decision Making Tools (SDM) assist the Hotline staff in determining when to respond and if an immediate response is needed. They are used in conjunction with the recently adopted Napa Intake Assessment instrument. This comprises the "screen in/screen out" process, from a phone script package to a narrative summation. Although the majority of CWS staff believes this new procedure has its advantages, there is no question the intake process takes longer than before, sometimes up to an hour.

Questions CWS investigators must ask themselves are:

- Is the child safe?
- Who and/or what is making it an unsafe situation?
- What steps should be taken?
- Who can be counted on and what assistance will they need?

A complex series of events takes place when a call is made to the Hotline. The decision on whether to remove a child from their home involves multiple steps. (See Appendix 1.) If it becomes necessary to remove children from their homes for any length of time, the ultimate decision is in the hands of a judge. Petitions to the court must be submitted by the social worker within 48 hours of removal.

Update the Call Center

Using their current technology, it is not possible for CWS to record calls to the Hotline. There is no mechanism for tracking data from calls that are received. One of the biggest challenges in collecting substantial and relevant information of calls is effectively managing the data. An enhanced call center with improved technology could help the social workers in several ways in their efforts to keep children safe. For example, several members of the staff and management felt the ability to record calls would be beneficial for training of new staff. This would also allow supervisors to analyze decisions that were made and review them with the social worker who took the call. Better tracking of data could result in improved quality assurance efforts.

Several social workers said that a "white board" in the office showing daily responsibilities of each staff member would improve efficiency. A visual staff schedule would make sure everyone knows who is responsible to back up the Hotline, as well as showing who is in court, investigating cases in the field, or otherwise out of the office. These enhancements would improve efficient operation within the office, facilitating proper, timely, and effective child welfare decisions.

Public Awareness

Public awareness of the Hotline is inadequate. In order to protect children, Napa County residents must be better informed about the existence of the Hotline. It is important to ensure everyone reports concerns of child safety to the Hotline without hesitation. Efforts should be made to help the community recognize that the County's Child Welfare Services focuses on child safety.

A goal of CWS is to preserve the family by providing tools to successfully deal with issues or problems. The Family Preservation Program works with families who are motivated and moving toward reunification with their children, or who are maintaining their children at home and can benefit from additional support. These services are voluntary and are provided for a period of three to six months, depending on the number of children being referred and any unique circumstances.

Currently, the CWS literature is incomplete and needs updating. Public awareness of the Napa County Child Abuse Hotline would be improved by putting the Hotline number on all appropriate CWS literature. Promoting the services of the Hotline on Napa's English and Spanish radio stations with public service announcements would improve community awareness. Another method to increase public awareness is through PTA Meetings, religious groups, and

other public forums that could address child safety and the Child Abuse Hotline. Advertisements on Vine buses and at bus stops could increase the Hotline's visibility in the community.

No Child "Falling Through the Cracks"

Ultimately, the basic rights of our children will be protected if our public agencies and the community both fulfill their rightful and obligated responsibilities to that goal. To prevent children from falling through the cracks, the Grand Jury recommends Child Welfare Services focus on the following:

- Hiring and retaining qualified CWS staff.
- Providing staff with appropriate and on-going training.
- Effectively monitoring the Department's procedures and practices.

Hiring and Retaining Qualified Staff

Turnover of CWS staff is an ongoing issue and has been critical over the past several years. Much of this has been due to changes in leadership and assessment protocols, resulting in numerous alterations to the forms and tools used by CWS to assess cases. So many changes in a short period of time resulted in many of the social workers feeling stressed and frustrated. During this time period, the Department saw a significant number of resignations. The recent hiring of an Acting Director with extensive experience in the Napa Child Welfare Department is showing signs of stabilizing the Department.

The departure of veteran staff members and replacement with new, inexperienced, workers has highlighted the importance of suitable training for newer employees as well as encouraging and supporting professional development of experienced staff.

The high cost of housing remains a well-known and on-going factor in recruiting and retaining qualified staff to Napa County.

Social work is a difficult job. The goal of providing safe and nurturing environments for neglected and abused children falls on the proficiency of social workers performing their required tasks. They must determine what services are appropriate for a given situation, ranging from providing programs that support the family to removing the child from the home when evidence is found of severe abuse or neglect. These decisions are not made lightly. In the rare circumstance when a child "falls through the cracks", social workers express being "haunted" by that memory throughout their careers. CWS has Employee Assistance Programs (EAP) to support staff in these situations. Department supervisors are expected to be sensitive as to how the work is impacting the staff and to recommend EAP or other alternatives as needed.[4]

[4] EAP may also be suggested if any staff member displays symptoms of Secondary Trauma. National Child Traumatic Stress Network states, "…(it) is the emotional duress that results when an individual hears about the firsthand experiences of another. Its symptoms mimic those of post-traumatic-stress-disorder."

Providing Staff with Appropriate Training

It takes special training to attain the expertise to receive information, accurately record responses, and follow up with pertinent questions from what are often emotionally charged phone calls.

At this point it is too early to determine whether the Department's "Back to the Basics" training approach will succeed as planned. It will need time to be implemented, and adjustments will likely be necessary before a valid assessment can be completed. The Grand Jury acknowledges the Department's effort to foster up-to-date training practices to align with current challenges in the community.

Monitoring Procedures and Practices

Decisions made regarding child safety are not made in isolation. The Department needs to have procedures in place for follow-up of judgments made regarding safety of the child and reassess these when appropriate. Social workers must look at every family situation clearly and objectively. Families often have multiple contacts with HHS/CWS over time. For the past 20 years, Napa has participated in the CWS Case Management System (CWS/CMS), a statewide database of child abuse and neglect cases mandatory for all 58 counties. This enables CWS to determine if there is a prior history of issues regarding a family that is currently being reported. However, the record of a family's past history should not be the only factor in formulating the support plan. A clear perception of current conditions in the home is equally significant in protecting children and supporting families. It is critical that supervisors continually review all casework decisions and conduct thorough on-going discussions with staff regarding the decisions and actions taken. Determinations based on initial evaluations are altered when appropriate.

CONCLUSION

The Grand Jury inquiry has found a dedicated well-trained CWS staff that strives to fulfill its responsibilities in protecting children and rendering support to families. Given the multitude of issues that family and children face today, the Jury recognizes Napa County's Child Welfare Services, including the Hotline, is poised to meet the challenges necessary to insure the health and safety of our children The Grand Jury respectfully submits the Findings and Recommendations below for consideration and implementation.

FINDINGS

The Grand Jury finds that:

F1. The on-call duty rotated among all social workers and supervisors requires answering calls overnight, on holidays, and on weekends, which contributes to burnout.

F2. Implementation of the new Crisis Stabilization Unit should result in a higher level of screening after-hours incoming calls, resulting in fewer non-appropriate calls being referred to on-call social workers and supervisors.

F3. A full and proficient staff at Child Welfare Services contributes to handling referrals sooner and promotes opportunities for staff to have more effective interactions with families.

F4. The public is often hesitant to report suspected child abuse and neglect to the Hotline for fear children will be removed from their families, and therefore may not call in to voice their concerns for child safety.

F5. Napa Health and Human Services is not active enough in informing the public regarding all aspects of the Hotline.

F6. Technology capable of recording calls would be useful to CWS for training purposes and quality assurance.

F7. Introducing technology allowing greater flexibility for CWS staff to work off-site would improve job efficiency and satisfaction.

F8. After-hour calls regarding urgent child safety matters to Napa Child Welfare Workers living outside the County often result in longer response times.

F9. The high cost of housing is a major factor resulting in many Napa Child Welfare Workers living outside the county.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. During its initial six months of operation, the Department of Health and Human Services conduct a performance review of the Crisis Stabilization Unit regarding its effectiveness in handling after-hour calls to the Hotline. Results of the review to be reported to the Board of Supervisors no later than June 30, 2018.

R2. Department of Health and Human Services develop a detailed plan of outreach to increase public awareness of the Hotline. This will include, but not be limited to, presentations to schools and places of worship, articles for local newspapers, and public service messages on local radio and TV stations, as well as updated written and online materials. Plan to be completed by January 31, 2018, with implementation within six months thereafter.

R3. Department of Health and Human Services evaluate technology currently in use, including the ability to record calls, track staff schedules, and accommodate off-site staffing. Upgrades determined to be worthwhile and cost effective are to be included in budget requests to the Board of Supervisors for Fiscal year 2018.

R4. Napa County Board of Supervisors continue efforts to promote development of affordable housing within Napa County and show evidence of such action by means of public notice and/or documents by December 31, 2017.

COMMMENDATION

The Grand Jury commends Napa County Child Welfare Services for providing a culture of protection and support to the children and families of Napa.

REQUEST FOR RESPONSES

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

From the following individuals:

- Director, Napa County Department of Health and Human Services Agency: **F1 through F9, and R1 through R3**

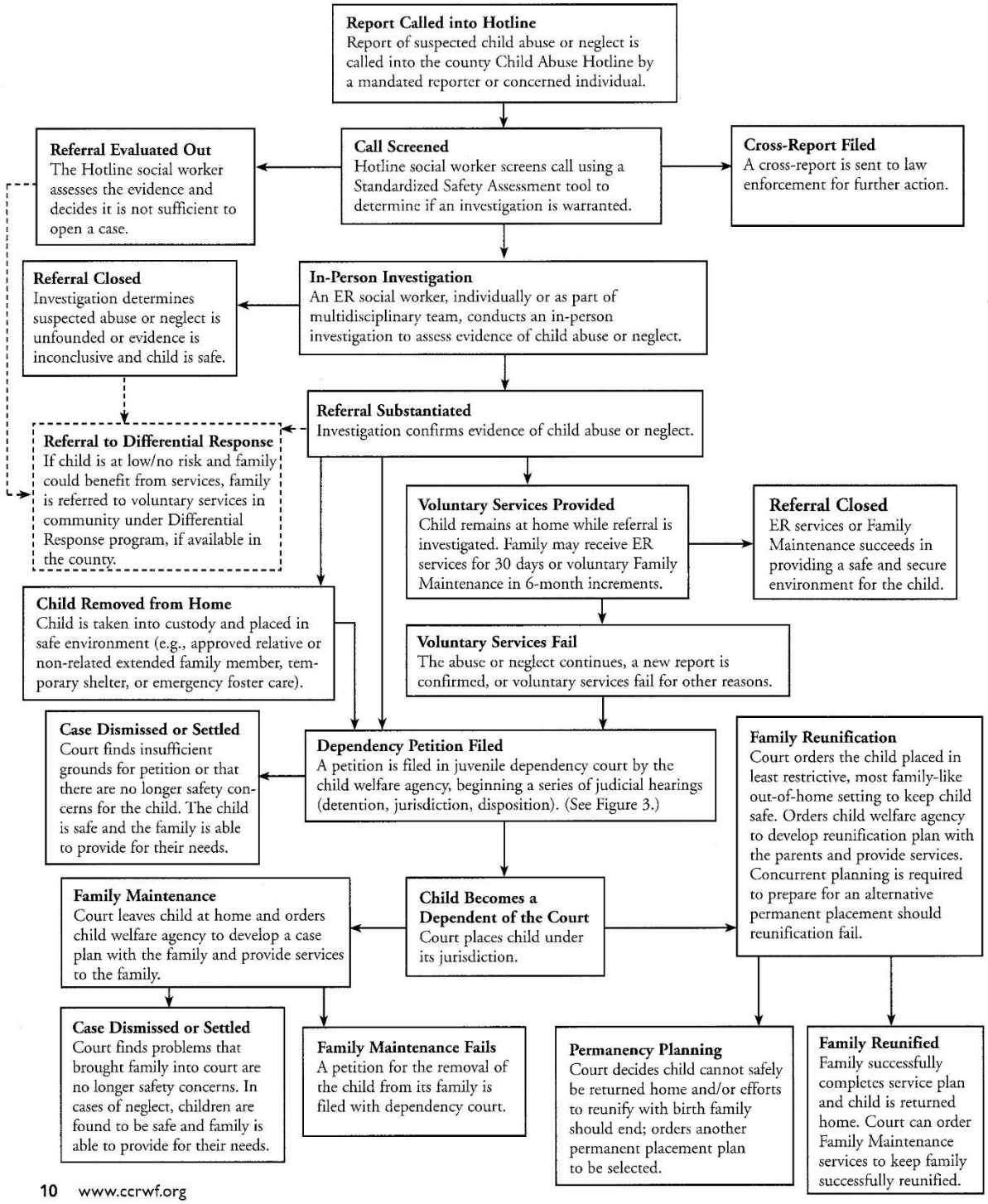
From the following governing bodies:

- Board of Supervisors: **R1, R3, and R4**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Appendix 1

Figure 2: Going Through the Child Welfare System



Source: *Understanding the Child Welfare System in California: A Primer for Service Providers and Policymakers*, Diane F. Reed, M.P.H., Kate Karpilow, Ph.D., 2nd Edition June 2009, the California Center for Research on Women and Families

NAPA COUNTY GRAND JURY
2016-2017

June 9, 2017

FINAL REPORT

THE NAPA COUNTY FAIRGROUNDS:
The County's Orphan Asset

THE NAPA COUNTY FAIRGROUNDS:
The County's Orphan Asset
Final Report

SUMMARY

Napa County has two fairgrounds: the Napa County Expo in the City of Napa, and the Napa County Fairgrounds (Fairgrounds) in Calistoga. The former is owned by the State, and the latter by Napa County. The Expo is home to the annual five-day Town and Country Fair and the BottleRock music festival. The Fairgrounds is home to the formerly five-day, and currently one-day, Napa County Fair and a half dozen short-track auto races each year. The Fairgrounds is in serious and deteriorating disrepair.

The Grand Jury began its investigation of the Napa County Fairgrounds after a group of Calistoga residents made a public complaint about the condition of the public golf course located on the Fairgrounds property and operated for Napa County by the Napa County Fairgrounds Association. Concurrently, the Grand Jury also received a formal citizen's complaint about the operation of the Fairgrounds Association and its maintenance of the Fairgrounds facilities.

What the Grand Jury found was disturbing. The condition of the golf course was not the heart of the problem; it was merely symptomatic of the neglect and lack of maintenance that affected every element of the Fairgrounds properties, including the buildings, the grounds, and all the facilities intended for public use. Further, the Grand Jury found a disconcerting lack of transparency in the financial reporting of the Fairgrounds Association and signs of divisiveness in the conduct of its Board of Directors.

While the problems with the current state of the Fairgrounds are considerable, the Grand Jury decided to focus on where to go from here, rather than to dwell on responsibility for how things got to be in their current state. Accordingly, the Grand Jury recommends that the Board of Supervisors assume a proactive position and take full responsibility for the future of the Fairgrounds, and that it work cooperatively with the City of Calistoga to transform the facility from a relic of a fading tradition into a vital addition to the upper Napa Valley community.

BACKGROUND

The Napa County Fairgrounds in Calistoga is one of two fairgrounds in Napa County and is the site of the annual Napa County Fair. The Calistoga Fairgrounds facility consists of approximately 70 acres of land within the City of Calistoga and adjoining the Napa River. This land was acquired by Napa County in several transactions between 1935 and 1976. The other fairgrounds is the Napa County Expo in the City of Napa, which is the site of the annual Town and Country Fair. The Expo site is owned by the State of California.

Both the Napa County Fair and the Town and Country Fair are sanctioned by the State of California. The fair in Calistoga is the State-recognized county fair, while the fair in Napa is a State sponsored agricultural district fair.

Figure 1. Aerial view of Napa County Fairgrounds (photo from Google Earth)

Briefly put, the State and County own competing fairgrounds on which they conduct competing summer fairs. Moreover, while the State funds and manages the Expo through a State appointed board of directors, the County has delegated management of the county fair and fairgrounds to the private, non-profit Napa County Fairgrounds Association through a series of five-year contracts between the Association and the County. The County's sole direct input to the fairgrounds management is via the Board of Supervisors' appointment of five of the Association's 11 directors. (The Fair Association Board consists of nine to 15 members, – currently 11, with six elected by the Fair Association.)

Consequently, while the County has continued its contract delegating management of the facility to the Fairgrounds Association, the Association has lost most of the State subsidy for maintaining the facility. Current fairgrounds revenue comes primarily from six to 10 auto races held at the on-site Calistoga Speedway (which itself was donated), fees and facility rentals for community events, greens fees from the on-site nine hole Mount St. Helena Golf Course, rentals of RV spaces in the on-site Calistoga RV Park, and beer and concession sales in connection with fairgrounds events. Support from the State currently amounts to about $40,000 per year, with the amount uncertain from year to year.

The County Fair itself, as the *raison d'etre* for the fairgrounds, has seriously declined in recent years. In 2014, the Fairgrounds Association reduced the County Fair from a four-day event to one day, the Fourth of July. Previously most of the livestock and agricultural functions that had been part of the County Fair moved to the State operated Town and Country Fair, held in the City of Napa over five days in August, presaging the decline of the Napa County Fair.

The Origin of Concerns

The Napa County Fairgrounds had existed without much notice outside the northern Napa Valley community until the summer of 2015, when three large wildfires struck communities in Lake County causing their evacuation. In accordance with disaster plans, the Napa County Fairgrounds was used as an emergency refuge for those displaced by the fires. Problems encountered in providing services to the evacuees at the fairgrounds brought attention to the condition of the fairgrounds, particularly the inadequacy of its food service facilities.

Figure 2. The Fifth Green at Mt. St. Helena Golf Course in August 2016

Not quite a year later, a local furor erupted when the Mount St. Helena Men's Club submitted a petition to the Napa County Fairgrounds Association Board of Directors. They complained about the degraded condition of the fairgrounds golf course and contested plans discussed by the Board to expand the Calistoga RV Park by taking land from the golf course and reconfiguring the golf course into a par-3 "pitch and putt" course. This was followed by a story in the *Weekly Calistogan* (August 11, 2016) detailing the golfers' complaints and providing a picture. (See Figure 2 above.[1]) The picture provides clear evidence of severe neglect in maintenance of the golf course. About this same time, the Grand Jury received a citizen complaint concerning the management of the fairgrounds.

When the Grand Jury began its inquiry, it quickly became clear that the condition of the golf course and possible management shortcomings were symptoms, not the problem. The symptoms include:

1 Photo courtesy of the *Weekly Calistogan*

- A decades-long failure to maintain facilities and to keep them up to date and in compliance with County, State, and federal regulations,
- A lack of long-term planning to adapt the fairgrounds to changing county and community needs, and
- A chronic lack of oversight by Napa County.

A New Direction?

Recently, the City Council of Calistoga and the Napa County Board of Supervisors formed an *ad hoc* committee to explore the possibility of creating a Joint Powers Authority or Joint Powers Agreement[2] to assume control of the fairgrounds. The meetings of this committee are closed, so the Grand Jury has no information on what direction this development may take.

METHODOLOGY

In conducting its investigation, the Grand Jury has done the following:

Interviewed persons with knowledge of the fairgrounds situation, including, but not limited to:

- the Fairgrounds Association CEO
- the Mayor of Calistoga
- current and former members of the Fairgrounds Association Board
- members of the Calistoga City Council
- members of the Board of Supervisors
- citizens of Calistoga

Toured the fairgrounds on October 7, 2016 and March 21, 2017, noting the condition of buildings, grounds, event facilities, the dirt track auto raceway, and the golf course

Reviewed the following documents pertaining to the fairgrounds:

- Documentation of the fairgrounds ownership (deeds and transfers)
- The land tenure agreement between Napa County and the State of California
- The Napa County Fairgrounds Association bylaws, agendas, and minutes
- Consultants' reports on possibilities for the fairgrounds' future use

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[2] A **joint powers authority** (**JPA**) is an entity permitted under California law (Section 6502 of the State Government Code) in which two or more local government entities jointly exercise power over an activity that transcends the existing boundaries of the authorities.

Source: Wikipedia, https://en.wikipedia.org/wiki/Joint_powers_authorityA joint powers

A **joint powers agreement** is a contract between two local government entities by which one party to the agreement agrees to perform specified services for the other.

- Complaints about the fairgrounds' condition and management
- Audited and reviewed financial Statements of the Napa County Fairgrounds Association, along with the attendant trial balances and general ledgers
- The Napa County Fairgrounds Association Policy Manual
- Agendas and minutes of Napa County Supervisors' meetings where issues pertaining to the fairgrounds were discussed or acted upon, including the video of the October 4, 2016 meeting
- The City of Calistoga Staff Report for the joint Board of Supervisors and Calistoga City Council meeting to discuss the future of the Napa County Fairgrounds

DISCUSSION

The Condition of Fairgrounds Facilities

The Napa County Fairgrounds has five major elements and a variety of lesser ones:

- the Napa County Fair & Fireworks, held annually over the Fourth of July holiday
- the Calistoga Speedway, which holds a maximum of 12—usually about six—short -track car races per year
- the Calistoga RV Park, which serves a steady clientele of Napa Valley visitors
- the nine hole Mount St. Helena Golf Course
- the Events Center, a group of several buildings and facilities which host a variety of community events

The Fairgrounds has one other, infrequent but very important function, that of an emergency refuge for victims of natural disasters in the immediate region.

The Calistoga Speedway

The raceway facility represents a large gift to the county by individuals passionate about certain forms of short, dirt track racing (e.g., sprint cars, midget racers, flat track motorcycles). The raceway was built with donated funds and was refurbished several years ago by a private donor at a cost in excess of $400,000. However, at the time that the Grand Jury toured the fairgrounds, there was visible widespread corrosion on at least two of the floodlight standards that provide lighting for the nighttime races, indicating a need for either major repairs to or replacement of the standards.

The Calistoga RV Park

The Calistoga RV Park receives considerable use. It is the only such facility in the Upper Napa Valley and is popular with RV users. However, the facility needs substantial upgrading. The facility has electrical connections for RVs: about half of them are 50-amp connections–suitable for many newer, larger RVs; and the remainder are 30-amp connections; there are no 100-amp connections, which is the current "high end" standard for RVs. The RV Park has a station for

RVs to off-load sewage for disposal, and there is a restroom with showers, but there are no other facilities for users.

The Mount St. Helena Golf Course

The golf course was playable--barely, but not in good condition. Fairways were uneven and rutted; there was visible damage to the approaches to several greens; and two greens were out of service while being completely reseeded due to damage from lack of watering. The Grand Jury was informed that failure to water the golf course was not because of drought restrictions, because the golf course uses recycled water from the City of Calistoga, which is abundant. Rather, the failure stemmed from problems with the irrigation system: specifically leaks in the irrigation pipes and the staff's lack of knowledge of the system, including where the control valves for the sprinklers were located. Also, the Grand Jury learned that essentially all of the golf course maintenance is being done by volunteers from the Mount St. Helena Men's Club, not by fairgrounds staff.

The Event Facilities and Fairgrounds

The condition of the fairgrounds altogether was described by one interviewee as "deplorable." What the Grand Jury committee found during its tour of the fairgrounds in early October (well before the rains set in) were buildings that had been built decades ago and showed visible signs of deterioration and long-term lack of systematic maintenance. One indication of this is that 25 years after the effective date of the Americans with Disabilities Act (ADA), only about six of the Fairgrounds' 14 lavatories have been upgraded, but none of them are fully ADA compliant. Because of their age, all of the buildings on the Fairgrounds are exempt from the ADA requirements. If any major modifications or renovations are made to them, they will have to be brought into full compliance.

During its initial tour, the Grand Jury was informed that none of the food facilities on the Fairgrounds meet County health standards for on-site food preparation. This seriously detracts from the usefulness of the Fairgrounds for many of its community service functions, as became abundantly clear during the 2015 Valley Fire evacuation.

Fairgrounds Management

The Grand Jury could find no evidence of County investment in the fairgrounds or fairgrounds facilities other than its initial purchase of the various parcels that make up the current fairgrounds. The County Fairgrounds are now in a state of serious and accelerating disrepair. Before 2011, the Fairgrounds received substantial annual support from the State Department of Food and Agriculture (about $220,000 in 2010). That subsidy amounted to about 12 percent of the Fairgrounds revenue. In 2011, however, the subsidies were sharply decreased. What had been the funding source, State revenue from horse racing, had by then withered away. The State Legislature attempted to move the source of funding to the General Fund, but that move was vetoed by the Governor because of the financial stress brought on by the 2008 recession.

From the time the Napa County Fairgrounds was organized, it has been managed by the Napa County Fairgrounds Association. The Association itself is governed by a Board of Directors. In 2012, the Fairgrounds Association asked the Napa County Board of Supervisors to appoint three of the nine directors; in 2016, the number of directors appointed by the Board of Supervisors was increased to five of the now 11 directors. The Association's management of the fairgrounds is

directed by the Association Chief Executive Officer (CEO), who is responsible for all aspects of the fairgrounds operations. The current CEO took over in January 2010, replacing one who had served for just two years (2008 and 2009) following a Fair Manager who had served for 21 years.

Fairgrounds Finances

Throughout its history, the Fairgrounds Association has been a not-for-profit organization. It recently reregistered with the IRS as a Section 501(c) (3) charitable organization. The Jury was told that this was done to enable the organization to solicit grants and donations. The Jury was also informed that the Association has applied for grants. However, it has yet to organize any fundraising from the public.

At the start of its inquiry, the Grand Jury was aware of controversy concerning the operation and finances of the Fairgrounds Association. The Grand Jury was also aware of dysfunction within the board itself. The Grand Jury's interviews with current and former board members corroborated the existence of antagonism and dissension among the then members of the Association Board. That may have changed with the December Fairgrounds Board election. None of the dissenting members of the board sought reelection. In addition, the Grand Jury was informed that there were questions regarding the appointment of the two most recent members to the Fairgrounds Board (Board of Supervisors' appointments). Some Association members alleged that proper notice of the Board vacancies was not made to the Association membership prior to the appointees' selection.

The Grand Jury has studied financial information from the Fairgrounds Association, including audited or reviewed financial statements from 2000 through 2015. In addition, it inspected financial reports submitted to the State, internal operating statements, budgets, and detailed general ledgers for years 2011 through 2015. The audited statements prior to 2010 included detailed schedules for the various operating functions, including general and administrative expenses. These schedules provided insight and clarity that is no longer available. After 2011, the structure of the general ledger has been substantially expanded to track numerous details of operations. Further, overhead salaries and wages are now allocated to the operating units, but the basis for such allocations is not disclosed in the CPA prepared financial statements.[3] This greatly reduces the clarity and transparency of the financial reports. Notes to audited financial statements should clearly disclose how such allocations are made. The contrast in reporting is illustrated in Appendix A. The lack of detail in current budget reports prevents either board members or the public from gaining any insight as to the causes of losses reported for specific fairgrounds functions, like the golf course.

The Grand Jury learned that in 2016 the Fairgrounds Association had commissioned three consultant reports on possible future development of the fairgrounds site. The funding of these reports aside, it was immediately clear to the Grand Jury that the Fairgrounds Association did not have, and had little prospect of obtaining, the funding necessary to implement any of the plans presented to it by the consultants.

[3] The Grand Jury was able to replicate these allocations from the Association's accounting information for one month, December 2015. Those allocations are shown in Appendix B.

Land Tenure and Building Ownership

The original buildings on the Napa County Fairgrounds were built by the State during the long period in the mid-twentieth century when the State heavily subsidized county fairs as part of its program to promote agriculture. In 2004, Napa County and the State Department of Food and Agriculture, Division of Fairs and Expositions executed a 20-year Land Tenure Agreement which bound the County to hold the annual Napa County Fair on the Fairgrounds and to use the Fairgrounds for other compatible purposes, so long as the State continued to provide support for the Fair with funds at least equal to the 2003 "Minimum Classification Allocation" for the Fair's current classification. This clause further stipulates that any "legislative, judicial or executive action" that caused the Division's support to fall below that 2003 level would be deemed "cause" for termination of the agreement.

It appears to the Grand Jury that the State's reduction of County Fair financial support following the 2011 budget crisis abrogated the Land Tenure Agreement. The current State contributions to the operation of the Napa County Fair are well below those for a fair of Napa County's size in 2003. Not clear are the implications of terminating the Land Tenure Agreement. The Grand Jury was told by several witnesses that ending the agreement would give the County full ownership of the buildings that had been built with State funding. However, the Grand Jury was unable to locate any documents to verify that claim.

There are facilities on the Fairgrounds that were not built with State or County funds. The Grand Jury was informed that the grandstands, track, track fencing, and light standards for the Calistoga Speedway were installed and later improved by private individuals. The Grand Jury was unable to locate documents specifically about the gifts of these ancillary facilities, including any provisos there may have been concerning their use or long-term disposition. However, the Jury did find in the Fairgrounds Association's financial documents a substantial sum identified as the value of donated improvements to the Calistoga Speedway.

The Decline of the Napa County Fair

The Napa County Fair is in serious decline. The Fairgrounds Association budgets indicate that the Fair revenues have not exceeded expenses since 2011. The Association responded by reducing the Fair from four days to one day in 2014. The Fair's importance to Calistoga and the surrounding community notwithstanding, attendance has continued to decline. *The Weekly Calistogan* reported attendance of nearly 8,000 in 2014, 7,453 in 2015, and 6,200 in 2016. With losses from Fair operations in those years of $27,919, $20,000, and $27,432 respectively,[4] it is difficult to see how the present trend of decline can be sustained, particularly since the Association also projects a $42,000 loss for the golf course in 2016.

CONCLUSIONS

It is clear to the Grand Jury that the Napa County Fairgrounds has been the victim of long term neglect, both in terms of the maintenance of the on-site facilities and in terms of the lack of direction in the purposes to which the site is put. Over decades, the County Board of Supervisors

[4] Source: Napa County Fairgrounds Association operating budget statements for 2014 and 2015 and April 30, 2016 Summary of Operations for 2016

has given little attention to the site, its development, or the uses to which it is put. Instead, the Board has delegated that responsibility to a private organization through a long succession of five-year contracts that give that organization neither the incentive nor the power to do the systematic maintenance and long term development that such a facility requires. For all its good intentions, the Napa County Fairgrounds Association is unable to do more than maintain current operations while incurring an ever-growing backlog of deferred maintenance.

FINDINGS

The Grand Jury finds that:

F1. The Napa County Fairgrounds is a substantial asset, both to Napa County, and especially to the City of Calistoga and the surrounding northern Napa Valley community.

F2. At the outset, the Board of Supervisors delegated the operation and maintenance of the Fairgrounds to a private, not-for-profit organization to which it provided little or no oversight and that this arrangement has never been seriously reviewed.

F3. Failure to exercise proper stewardship of the Napa County Fairgrounds has been institutionalized in the behavior of all responsible for several generations.

F4. The current Fairgrounds operations consist of the County Fair and four separate enterprises, the management and maintenance of which exceeds the expertise and resources of the Napa County Fairgrounds Association.

F5. The Napa County Fairgrounds and its buildings are in a state of chronic decay, the result of systemic lack of necessary maintenance and by at times overt neglect that has extended over most of the Fairgrounds' existence.

F6. The State's severe reduction of financial support for the Napa County Fair in 2011 may have abrogated its Land Tenure Agreement with Napa County. Regardless, the Land Tenure Agreement expires in 2024.

F7. The Napa County Fair itself is in serious decline, with its continued operation in doubt.

F8. The ancillary function of the Fairgrounds as an emergency refuge for victims of flooding, wildfires, or earthquake is important, even vital, to any future development of the Fairgrounds themselves.

F9. The conduct of the Napa County Fairgrounds Association Board has been at times dysfunctional, with some Board members publicly complaining about lack of transparency in the Board's financial reporting.

F10. Some of the complaints expressed by the former dissenting members of the Napa County Fairgrounds Association Board have merit: in particular, complaints about golf course maintenance, managerial decision making, and a general lack of transparency.

F11. A Joint Powers Authority (or Agreement), currently being discussed by the Board of Supervisors and the Calistoga City Council, could allow for long term contracts with concessionaires to incentivize investment in and development of Fairgrounds facilities.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. Any actions taken on renovation, development, or repurposing of the Napa County Fairgrounds involve explicit agreement between the Napa County Board of Supervisors and the City of Calistoga.

R2. By December 31, 2017, the Napa County Board of Supervisors direct the County Executive to investigate whether any California counties with similar land tenure agreements concerning their county fairs have terminated those agreements and, if so, what consequences they experienced.

R3. By 2020, the Napa County Board of Supervisors fully determine the implications of the agreement's 2024 termination and set in place plans for the Fairgrounds future development and operation.

R4. The Napa County Board of Supervisors' plans for the Fairgrounds' future include provisions for the Fairgrounds' use as an emergency refuge for the victims of natural disasters in the region.

R5. As soon as practicable, the Napa County Board of Supervisors contract the operation of the Calistoga Raceway, the Mount St. Helena Golf Course, and the Calistoga RV Park to concessionaires knowledgeable and competent to operate those enterprises efficiently and profitably.

R6. As soon as practicable, the Napa County Board of Supervisors revise its contract with the Napa County Fairgrounds Association to focus that organization's efforts exclusively on the funding and operation of the Napa County Fair and related community activities.

REQUEST FOR RESPONSES

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

From the following governing bodies:

- The Napa County Board of Supervisors: **F2** and **R1** through **R6**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A

Sample Napa County Fairgrounds Association Reports

NAPA COUNTY FAIR ASSOCIATION
SCHEDULE OF GOLF COURSE OPERATIONS
YEAR ENDED DECEMBER 31, 2004

Revenues:		
Green fees	$	153,165
Food and beverages		30,665
Rental fees		23,809
Equipment, supplies and apparel		8,572
Other		2,400
Total revenues		218,611
Expenses:		
Salaries and wages		110,006
Maintenance		18,904
Utilities		19,575
Food and beverages		16,358
Equipment, supplies and apparel		7,186
Employee benefits		18,701
Advertising		1,577
Insurance		12,110
Other		10,618
Total expenses		215,035
Increase in net assets from golf course operations	$	3,576

Figure 3. Detail from NCFA 2004 Statement of Activities

Napa County Fair Association

2016 OPERATING BUDGET

For the period of January 1, 2016 to December 31, 2016	SUMMARY			
	Actual 2014	Budgeted 2015	Estimated 2015	Proposed 2016
TOTAL NET RESOURCES, January 1				
Unrestricted net resources	$58,905	$102,299	$489,470	$521,886
Restricted resources	0	0	0	0
Investment in Capital Assets, Net of Related Debt	906,624	1,330,331	906,624	1,272,169
Prior Year Audit Adustment(s)	477,356			
Subtotal (Total Net Resources)	1,442,885	1,432,630	1,396,094	1,794,055
RESOURCES ACQUIRED:				
Administration	(21,783)	7,100	55,719	33,200
Fair	335,413	436,615	331,001	405,761
Speedway	137,343	132,663	115,757	112,904
Golf Course	198,797	203,648	191,060	193,850
RV Park	379,211	450,805	423,199	432,250
Events Center	148,633	153,931	179,417	126,801
Emergency Response	0	0	108,342	0
Operating Revenues	**1,177,613**	**1,384,763**	**1,404,495**	**1,304,765**
State (Local/Base) Allocations:	30,000	30,000	30,000	38,190
Other (Flex Capital, Perf Rating)	50,000			2,419
TOTAL RESOURCES AVAILABLE	**2,700,498**	**2,847,393**	**2,830,589**	**3,139,429**
RESOURCES APPLIED:				
Administration	290,589	276,361	321,504	279,625
Fair	363,332	456,616	414,392	433,193
Speedway	85,495	79,670	68,205	76,614
Golf Course	200,776	229,855	215,282	235,506
RV Park	140,363	190,038	138,008	164,917
Events Center	111,651	151,693	168,493	107,986
Emergency Response	0	0	104,170	0
Operating Expenses	**1,192,205**	**1,384,233**	**1,430,054**	**1,297,843**
Depreciation Expense	112,199	116,789	111,531	116,789
TOTAL RESOURCES APPLIED	**1,304,404**	**1,501,023**	**1,541,584**	**1,414,632**
TOTAL NET RESOURCES, DECEMBER 31:	$1,396,094	$1,346,371	$1,794,055	$1,783,056
Unrestricted Net Resources Available for Operations	489,470	469,658	521,886	498,798
Restricted Net Resources	0	0	0	38,190
Investment in Capital Assets (From Schedule 7)	906,624	876,713	1,272,169	1,246,068
Subtotal (Total Net Res Check Figure - should equal #29100)	$1,396,094	$1,346,371	$1,794,055	$1,783,056
Reserve Percentage	41.1%	33.9%	36.5%	41.4%
NET PROFIT				
Administration	(312,372)	(269,261)	(265,785)	(246,425)
Fair	(27,919)	(20,000)	(83,391)	(27,432)
Speedway	51,848	52,993	47,552	36,289
Golf Course	(1,980)	(26,207)	(24,222)	(41,656)
RV Park	238,848	260,767	285,191	267,333
Events Center	36,982	2,239	10,924	18,815
Emergency Response	0	0	4,172	0
TOTAL NET PROFIT (less State Alloc)	(14,592)	530	(25,559)	6,922
OTHER				
State (Local/Base) Allocations:	30,000	30,000	30,000	38,190
Other (Flex Capital, Perf Rating)	50,000	-	-	2,419
NET PROFIT (after State Alloc.)	$ 65,408	$ 30,530	$ 4,441	$ 47,531

12-17-15

Chair, Board of Directors Date

12/10/15

Chief Executive Officer Date

Figure 4 NCFA 2015 Operating Budget

APPENDIX B
Allocation of Overhead Expenses to Fairgrounds Operations
December 2015

Napa County Fairgrounds Association
Partial Administrative Cost Allocation Schedule
For the Month of December 2015 (From Pre-Close Trial Balance)

	Wages	Benefits	Payroll Tax	Workers Compensation	Total
Administrative	2,287.40	5,208.01	782.79	150.47	8,428.67
Fair	1,391.02	369.60	267.38	73.03	2,101.03
Speedway	1,391.02	369.60	212.38	73.03	2,046.03
Golf	1,391.04	369.64	207.63	73.03	2,041.34
Golf - Pro Shop	57.87	40.74	15.82	3.03	117.46
RV Park	1,448.88	410.35	222.89	76.07	2,158.19
Facility Rent	2,846.68	1,394.55	309.66	149.46	4,700.35
Valley Fire	1,115.48	396.79	430.19	68.65	2,011.11
Total Allocated	9,641.99	3,351.27	1,665.95	516.30	15,175.51
Total Administrative	11,929.39	8,559.28	2,448.74	666.77	23,604.18

NAPA COUNTY GRAND JURY
2016-2017

June 21, 2017

Final Report

JUVENILE HALL

JUVENILE HALL
Final Report

SUMMARY

As mandated by state law, the Napa County Grand Jury must physically inspect all jail and detention facilities within the county on an annual basis. The 2016-2017 Grand Jury inspected the Napa County Juvenile Hall (NCJH) on October 11, 2016.

The last three Grand Juries recommended replacing outdated video surveillance cameras, which they found produced poor quality video and unacceptable imaging capability. These recommendations were agreed upon and accepted each year by Juvenile Hall without implementation until 2017. This project is still not finished. Completing the installation of cameras and ancillary equipment would make the NCJH a safer place for staff and detained youth.

Most of the youth entering Juvenile Hall have mental health problems and co-occurring substance abuse issues. In order to effectively manage mentally ill youth in custody, it is often necessary for detainees to receive appropriately prescribed medications. NCJH seeks to provide targeted mental health services as needed. A secondary goal of treatment is to help reduce recidivism[1]. As measured by Juvenile Hall, success is for detainees not to be convicted of any new crimes during their probationary periods after release.

BACKGROUND

The Napa County Probation Department is "…responsible for the overall operation of the County's Juvenile Hall, which provides custody, counseling, medical care and guidance of delinquent and custodial children in a variety of short and medium term programs".[2] On average, the length of incarceration for detainees is 25 days; for youth awaiting residential treatment placement it is 55 days.[3]

NCJH, located in Napa, was constructed in 2004. It was designed to accommodate up to 60 youth detainees and is currently staffed for 50 detainees. In 2016-2017 the resident population has fluctuated between 16 to 24 youths on a daily basis, and the age range is from 14 to 17 years.

METHODOLOGY

A. INTERVIEWS CONDUCTED

Napa County Chief Probation Officer
Two NCJH Supervisors
One NCJH Mental Health Counselor
Eight NCJH Detainees (informal interviews)

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1 Recidivism is defined as being convicted of a new crime while on probation or supervision.

2 Napa County Department of Probation website description of services.

3 Youth awaiting placement often take longer to be released since Napa County Juvenile Hall has to match the detainee with an appropriate program; then the program has to have an opening.

Four Napa County Probation Officers
Management Personnel, HHS

B. DOCUMENTS REVIEWED

Napa County Grand Jury Reports 2009-2016

Internal Reports of Napa County Juvenile Hall:

- Probation Division Budget, FY 2016-2017
- Orientation for Minors
- Medical Screening Form
- Classification Assessment
- Division Reports, FY2013-2017
- Supplemental Intake Questionnaire
- Supplemental Intake Questions
- County Juvenile Justice Center Behavioral Summary
- Incident Reports, September-December 2016
- Minor Grievance Reports
- Organization Chart 2016-2017

List of Psychiatric Medications Dispensed at NCJH
Marin County Grand Jury Reports 2015-2016
San Luis Obispo County Grand Jury Report 2015-2016
Napa County Juvenile Justice Commission Report 2016

C. NAPA COUNTY JUVENILE HALL FACILITY INSPECTION

The Grand Jury Juvenile Hall Committee inspected the following areas:

Sally Port[4], Holding, and Booking areas
Control Desk, including Observational and Padded Cells for Juveniles at risk
Holding Cells
Restrooms and Shower Facilities
Common Areas
Outside Recreation Areas
Kitchen and Dining Areas
Library
Family Visiting Area
Classroom Area

DISCUSSION

Inspection of Juvenile Hall

Detainees are housed in clean cells that include sinks and toilets. Youth are required to engage in daily academic studies in a classroom environment and physical exercise in outdoor recreation areas. The building interiors were clean and well maintained. All health and fire inspections were current. All areas, including family visiting space, were secured.

[4] Sally Port: a secure, controlled entryway

In addition to a physical inspection of the facility, the Napa County Grand Jury conducted interviews with management, probation officers, a mental health counselor, and eight detainees. The Grand Jury was impressed with the exemplary work of the NCJH team in providing security, education, counseling, guidance, medical services, and quality nutrition to incarcerated youth.

Video Equipment Delays

Surveillance equipment is used to monitor all movement at the facility, thereby insuring safety and security for everyone. The cameras at NCJH have been outdated and not strategically positioned for over two years. The Grand Jury continues to raise the video surveillance camera issue because NCJH agreed to update this technology by December 31, 2016. The installation of additional surveillance cameras as well as equipment upgrades is currently only 75% complete.

Mental Health

Each detainee entering NCJH is given a mental health assessment. In Fiscal Year (FY) 2014-2015, there were 154 out of 188 detainees (82%) receiving mental health services. During FY 2015-2016, 138 out of 156 detainees (88%) received mental health services.[5] Mental health services include, but are not limited to, psychiatric and mental health counseling, dispensing of medications, and anger management therapy.

Juvenile Hall is staffed to provide mental health counseling in collaboration with the Department of Napa County Health and Human Services. A psychiatrist is available for video conferencing and may prescribe medications as needed. Registered Nurses dispense and monitor medications. Psychotropic drugs are prescribed to manage anxiety, mood disorder diagnoses, post-traumatic stress disorder (PTSD), Attention Deficit Hyperactivity Disorder (ADHD), and suicidal behaviors.

According to staff, Juvenile Hall facilities are not designed to house youth with significant mental health issues. There is a shortage of psychiatric hospital beds for severely impaired juvenile detainees in California. Due to this critical shortage, there is a trend to incarcerate mentally ill youth rather than provide them with higher level hospital services.

The NCJH staff is dedicated to working with mental health counselors, the courts, and the District Attorney to divert mentally ill youth out of the criminal justice system and into more appropriate treatment options. Ultimately, the District Attorney decides whether to bring charges because incarcerating and possibly criminalizing youth who suffer from mental illness is not a viable long-term solution.

Napa County Juvenile Hall Staffing

NCJH meets California's Title 15 staffing requirements to assure safety, security, education, rehabilitation and healthcare in juvenile facilities. The number of full time staff is 32, with two part-time counselor positions. Currently, staffing is independent of the variable daily census. At last count, NCJH held 17 individuals, 14 boys and three girls. Personnel resources are strategically used as follows:

- Overnight coverage requires both male and female staffing. Current day staffing is eight sworn peace officers. The night staffing is a total of six sworn peace officers.

[5] FY14-15, FY15-16 from Napa County HHS report "Juvenile Hall Population served by Mental Health". These numbers represent unduplicated individuals.

- Designated Juvenile Hall personnel are also being used as "super testers" on a new computer system called Criminal Justice Network (CJ-Net) .[6]
- Juvenile Hall counselors are running cognitive therapy groups, teaching life skills, changing criminal thinking behaviors, and conducting anger management training.
- The Juvenile Hall staff are proactively working on the implementation of Penal Code Section 1000.7.[7] This law is designed to house young adults in a rehabilitation environment rather than introducing them to the adult criminal justice system. At this time, the Napa transactional age youth program has not been implemented. The application was submitted to the State of California and is awaiting approval.
- Staff are also engaged in assisting with after school programs, including NEXUS, a "wrap around program" using an integral learning and counseling approach with probationary youth and their families.

Recidivism

An important factor in evaluating the success of NCJH is the recidivism rate. Based on Grand Jury interviews, the current recidivism rate is 20%, meaning that the majority of youth are not booked on new crimes. However, based on these same interviews, there is a continual merry-go-round of youth rebooked for parole violations. Some detainees report as many as eight parole violation detentions.

FINDINGS

The Grand Jury finds that:

F1. The time it has taken to fully install an updated video camera system at Juvenile Hall is unacceptable.

F2. The Napa County Juvenile Hall staff strives to find appropriate rehabilitation options for mentally ill youths in lieu of incarceration.

RECOMMENDATION

The Grand Jury recommends that:

R1. The Napa County Juvenile Hall complete the full installation of video cameras and ancillary equipment by October 1, 2017.

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[6] Criminal Justice Network is a unique electronic resource allowing law enforcement entities to exchange information, and share resources.

[7] PC, Sec. 1000.7 of Title 6 Part 2, Pilot program September 30, 2016 Relating to crimes. Enables 5 California Counties including Napa County to set up a pilot program for low-level, nonviolent felons, ages 18-21, who don't have a criminal history. The law took effect January 21, 2017, and the pilot will run until January 21, 2020.

REQUEST FOR RESPONSES

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

From the following governing body:

Napa County Board of Supervisors: **F1, R1**

From the following individual:

Chief Probation Officer: **F1**, **R1**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

NAPA COUNTY GRAND JURY
2016-2017

June 21, 2017

Final Report

CAN'T FIND A PARKING SPOT IN DOWNTOWN NAPA?

CAN'T FIND A PARKING SPOT IN DOWNTOWN NAPA?

SUMMARY

During the past several years, strong economic growth has brought more traffic to downtown Napa. Downtown is attracting visitors and locals alike with more restaurants, wine bars, entertainment, and shopping. As a result, many residents who were used to parking in front of their favorite shop or restaurant feel that downtown lacks sufficient parking. The 2016-2017 Grand Jury researched the availability of parking spaces in downtown Napa and found that currently there is ample parking. Therefore, this perception is not supported by the facts. As described in *The City of Napa Downtown Parking Plan* (Parking Plan*)*, there are ample parking spaces available in downtown parking lots and garages.

The Grand Jury also investigated the City's progress in implementing the Parking Plan schedule, as well as other related parking issues. Following a series of interviews with the agencies concerned, the Grand Jury concluded that significant progress is being made to expand the downtown parking supply in order to accommodate future needs. However, additional steps by the City, such as consolidating parking management and supporting parking enforcement, are warranted. In addition, the Parking Plan must be regularly updated by the City to reflect new developments in the Downtown and Oxbow Districts.

GLOSSARY

Block Face Parking Restriction: A block face is the portion of a street between two intersections, including all on-street parking, both sides. Even if a vehicle is parked for only 10 minutes it cannot return and park in the same block face for a specified period (e.g., 4 hours), or risk getting a citation.

Parking and Business Improvement Area (PBIA): Areas which act as a funding mechanism for business district revitalization and management. They include assessments on businesses and/or properties within the defined boundaries. The funds collected are used to provide services for the mutual benefit of the businesses and properties being assessed.

Parking Exempt District (PE District): A district where a parking impact fee is imposed on the parking demand generated by net new non-residential development located within the boundaries of the district.

Parking Impact Fee: A fee paid to a city in lieu of providing required parking on-site.

BACKGROUND

Since 1999, there has been $1.6 billion in public and private investment in Downtown Napa[1]. The Downtown Specific Plan was approved by the City in 2012, to guide accelerated growth. The Archer Hotel and the *First Street Napa* mall are both scheduled to open in 2017. There are an ever-increasing number of restaurants and tasting rooms opening in downtown. The historic downtown Post Office on 2nd Street will be transformed into a hotel in the next few years, and the Oxbow District continues to grow in popularity with the addition of the Culinary Institute of America and the Napa River Dry Bypass. All these will impact the demand for parking in downtown Napa.

The Parking Plan, an outgrowth of the 2012 *Downtown Specific Plan* described above, and produced by Walker Parking Consultants, seeks to:

- Guide City policy and decisions regarding managing the current public parking supply in the Downtown and Oxbow Districts
- Optimize the existing parking stock
- Expand future public parking supply based upon projected development
- Develop a financing strategy to build new parking garages and replace older garages over time
- Enhance parking safety and security

The Parking Plan assessed the current parking inventory and produced a list of actions with a detailed implementation schedule to assure that parking supply remains ahead of demand. The status of the recommended actions is shown in Appendix 1.

The Parking Plan also highlighted many challenges facing the City's parking system. One of these challenges is that specific operations and their funding are dispersed throughout various departments and divisions within the City. Parks and Recreation Services oversees maintenance of parking garages (partially funded by an assessment on annual business license renewals). The General Fund supports maintenance, security, and citation appeals. Public Works manages the on-street parking supply and inventory. The Police Department oversees parking enforcement which is paid for with citation revenue. This decentralized approach is cumbersome at best.

METHODOLOGY

The Grand Jury began this investigation by reading The Parking Plan to understand its purpose, assumptions, methods, and recommendations. The Jury also read the *Downtown Parking Impact Fee Nexus Study*, completed in 2016, also prepared by Walker Parking Consultants. The Impact Study was commissioned by the Napa City Council to update the amount of the Parking Impact Fee. From there, the Jury reviewed several years of news articles to keep us abreast of the dynamic downtown parking picture.

The Grand Jury conducted interviews with:

[1] Downtown Napa, "Economic Development Activity in Downton Napa," City of Napa, http://www.cityofnapa.org/index/php?…,(accessed March 19, 2017)

- The Mayor of the City of Napa to get a perspective on development and its impact on parking in Downtown Napa
- Other senior city officials who provided:
    - a history of downtown development
    - an in-depth discussion of parking needs
    - an updated Implementation Schedule detailing completed and in-process measures
    - an explanation of the need for paid parking
    - parking management responsibilities
    - parking enforcement details

DISCUSSION

Parking Areas

The greater downtown has two distinct parking areas, the Downtown District shown in Appendix 2 and the Oxbow District shown in Appendix 3. The former offers surface parking, which includes on-street parking, parking lots, and garage parking. In the Oxbow District, the City manages just the surface street parking since most of the parking areas are privately owned. The Parking Plan focused primarily on the Downtown District, and acknowledged parking needs in the Oxbow District.

Parking Supply

The Parking Plan inventoried all public on-street and off-street parking, as well as most private parking facilities (see Appendix 4 for details). Off-street parking (surface lots and parking garages) accounts for the bulk of the supply. There is also a distinction between off-street public and off-street publicly owned. There are 1,747 "off-street public" spaces which are unrestricted and available to the general public, while 493 spaces are in publicly-owned lots but are only for specific user groups. For example, during business hours the City Hall parking lot is reserved for employees and Council members. This lot may be used by the public only when conducting business at City Hall. These spaces are open to the public during evenings and on the weekend.

Impact of Oxbow Development

Oxbow Market popularity was already creating a parking problem in the Oxbow District when the new South Campus of the Culinary Institute of America (CIA) formally opened at Copia in 2017, sharing the available parking lot.

Oxbow's growing popularity has made it a pressure point for Downtown Napa. Currently, the Napa Police Department has not been consistently enforcing two-hour limits for on-street parking in the Oxbow district.

Use of Parking Garages

Napa plans to encourage use of its underutilized city parking garages. (See Appendix 3). Through introduction of paid street parking (e.g., parking meters), the City also hopes to move longer-term parkers into the free parking garages. This should help insure more available on-street parking in the downtown core for short-term users.

The Archer Hotel, which will open in late 2017, has paid for 137 spaces in the Pearl Street Garage. When the downtown mall is fully open, Pearl Street should get even more utilization. New signage will help direct drivers to City garages and downtown lots. Existing garages were updated in 2016 with fresh paint, better lighting, new signage, and working elevators. These primarily cosmetic updates cannot change the fact that these garages are approaching 40 years old and will eventually need to be replaced. The newer, more modern 5th Street garage is a sharp contrast to the cramped interiors of the older garages.

Parking Enforcement

Currently, the Napa Police Department lacks both staff and reliably working equipment for proper parking enforcement. The service contract for parking enforcement equipment expired in 2013 and has not been renewed. With poorly functioning hardware and software, enforcement has declined as has the revenue that it produced. In past years, the revenue generated by enforcement more than paid for itself. The City employs only two Parking Enforcement Officers. The lack of sufficient parking officers makes it easy for violators to play the odds they won't get tickets on weekdays and can avoid parking tickets altogether on Saturdays. This doesn't help the revenue picture, and also sends the wrong message to the public that they can "beat the system" in the downtown.

Paid Parking – a tool to manage parking

The City has identified that many downtown employees of both businesses and local government abuse short-term parking limits by moving their cars throughout the day to avoid ticketing. By doing so, they not only avoid fines, but also make parking difficult for people doing business and shopping in downtown. The City of Napa does not have block face parking restrictions (see Glossary) in place. The lack of block face parking restrictions permits vehicle operators to move their vehicles a few feet at specified intervals to avoid parking citations.

The Parking Plan highlighted this problem and recommended paid parking as a solution. The Parking Plan further recommended implementing various limited paid parking schemes to evaluate the best system. The City concluded this approach was too expensive but continues to study the matter and expects to implement paid parking in the future. With the advent of paid parking, the City expects to employ a full-time Parking Manager to oversee the process.

Parking Exempt District

The City of Napa currently charges a parking impact fee for the parking demand generated by net new non-residential development located within the boundaries of the Parking Exempt District. The PE District boundaries, which were modified in 2005 to include 31 additional parcels (depicted in hash-mark shading) for a total of 189 parcels, are shown on the map in

Appendix 5. Development within the Parking Exempt District is expected to be the primary source of funding for the new parking garage slated for the former CineDome and skate park area in the West and Pearl Street section.

Financial

Currently, there are several sources of operating revenue for the City's parking operations and maintenance. Parking Citations have been by far the largest source of operating revenue and are used to pay for parking enforcement. Any discussion of future parking needs must include sources of capital funding.

Recently the City has significantly increased the parking impact fee on "the parking demand generated by net new non-residential development located within the boundaries of the Parking Exempt District."[2] The parking impact fee was adopted in 2005 and originally set at $7,500 per required parking space. In 2016, the Napa City Council approved an increase in the parking impact fee to $23,000[3] per vehicle space. This fee is used to fund future projects which increase parking capacity within the specified area. This funding source is inadequate for the planned expenditures necessary to build a 300-350 space parking garage estimated at $12-$15 million.

FINDINGS

The Grand Jury finds that:

F1. Current decentralized approach of parking management is cumbersome and inefficient.

F2. Adequate parking exists in the Downtown Area; existing parking garages are under-utilized.

F3. Parking enforcement is hampered by outdated equipment and lack of personnel.

F4. Short-term parking rules are ignored by many merchants and their employees.

F5. Parking is a problem in the Oxbow Area.

F6. The City has not identified funding for replacement of existing garages.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. The City Council Appoint a Parking Service Manager to manage the parking system and its' funding by June 30, 2018.

R2. The City Manager increase parking enforcement staff and replace obsolete equipment by June 30, 2018.

R3. The City Council amend the Municipal Code to make "re-parking" (block-face ordinance) in short-term spaces illegal by June 30, 2018.

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[2] City of Napa, "Downtown Parking Management Plan," 2015, page 36

[3] Yune, Howard, "Vacant Napa lot marked for future parking near downtown," The Napa Valley Register, December 20, 2016

R4. The City Manager update the parking plan annually to reflect new developments in the Downtown and Oxbow Districts

REQUEST FOR RESPONSES

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

From the following governing body:

- The City Council (Napa): **R1, R3**
- From the following individual:
- The Napa City Manager: **F3,R2, and R4**

BIBLIOGRAPHY

Grand Jury Parking Committee documents:

1. *City of Napa Parking Management Plan*.

Current Conditions: Field Work Summary

May 17, 2015 by Walker Parking Consultants

2. *City of Napa Downtown Parking Impact Fee Nexus Study*

April 6, 2016 by Walker Parking Consultants

3. *Envision Napa 2020 – City of Napa General Plan*, adopted December 1, 1998

(Reprint with amendments to September 3, 2015)

4. *Downtown Napa Specific Plan*; Chapter 6, Circulation and Parking May 2012

5. "Napa discusses downtown pay-to-park proposal." Napa Valley Register (NVR) May 23, 2015

6. *Planning Commission Staff Report* July 7, 2016

7. "Builders' parking fee triples as Napa banks money for downtown garage." NVR September 22, 2016

8. "Developer cleared to build 171-unit Napa condo Project" NVR January 20, 2016

9. "Planners OK affordable housing complex on Coombsville Road." NVR January 22, 2016

10. "Napa to lift parking requirements on six downtown properties." NVR July 10, 2016

11. "Downtown Napa parking lots moving to 3-hour limit." NVR February 07, 2017

12. "Napa Council Oks sale of parking lot to serve a hotel on post office site." NVR February 08, 2017

13. "Sonoma and Napa counties innovate downtown parking." North Bay Business Journal March 10, 2017

14. "Rezoning opens way to new Napa parking lot." NVR March 23, 2017

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Appendix 1

DOWNTOWN PARKING MANAGEMENT PLAN-STATUS UPDATE 1/24/17

Implementation Measures Completed or in Process

Projects to increase Parking Supply (*250 new spaces)

• New lot X (CineDome)	163 spaces	Completed Summer 2016
• Lot G (North of Kohls)	20 new spaces	Summer 2017*
• Third Street Lot	67 spaces	Pending GP/rezone, summer 2017*

Measures to improve City-Owned Parking Garages and Lots

• Elevator replacement, Second Street Garage	Spring 2017*
• Sign upgrades, garage interiors	Completed January 2017
• Sign upgrades, garage entrances	Spring 2017
• Re-striping (all garages)	Spring 2017
• Landscaping garages exteriors	Summer/Fall 2017*
• Sign upgrades on surface lots	February 2017*

Policies

• Expanded PE District to include 6 parcels on Main St.	Completed August 2016
• Increased Parking Impact Fee, $23,000/space	Completed September 2016
• Expanded Parking Benefit Zone (6 parcels)	Completed November 2016

Existing Supply Management

• Relocated 33 permit spaces to all-day parking	Completed December 2016
• Converted 37 3-hour spaces in Pearl garage to all-day	Completed January 2017

Upcoming Implementation Measures

Foreseeable Projects to Increase Parking Supply

• New Parking Garage	300-350 spaces	Pending approved CineDome MP, property/funding Agreements, final design: Construction 2019/20*

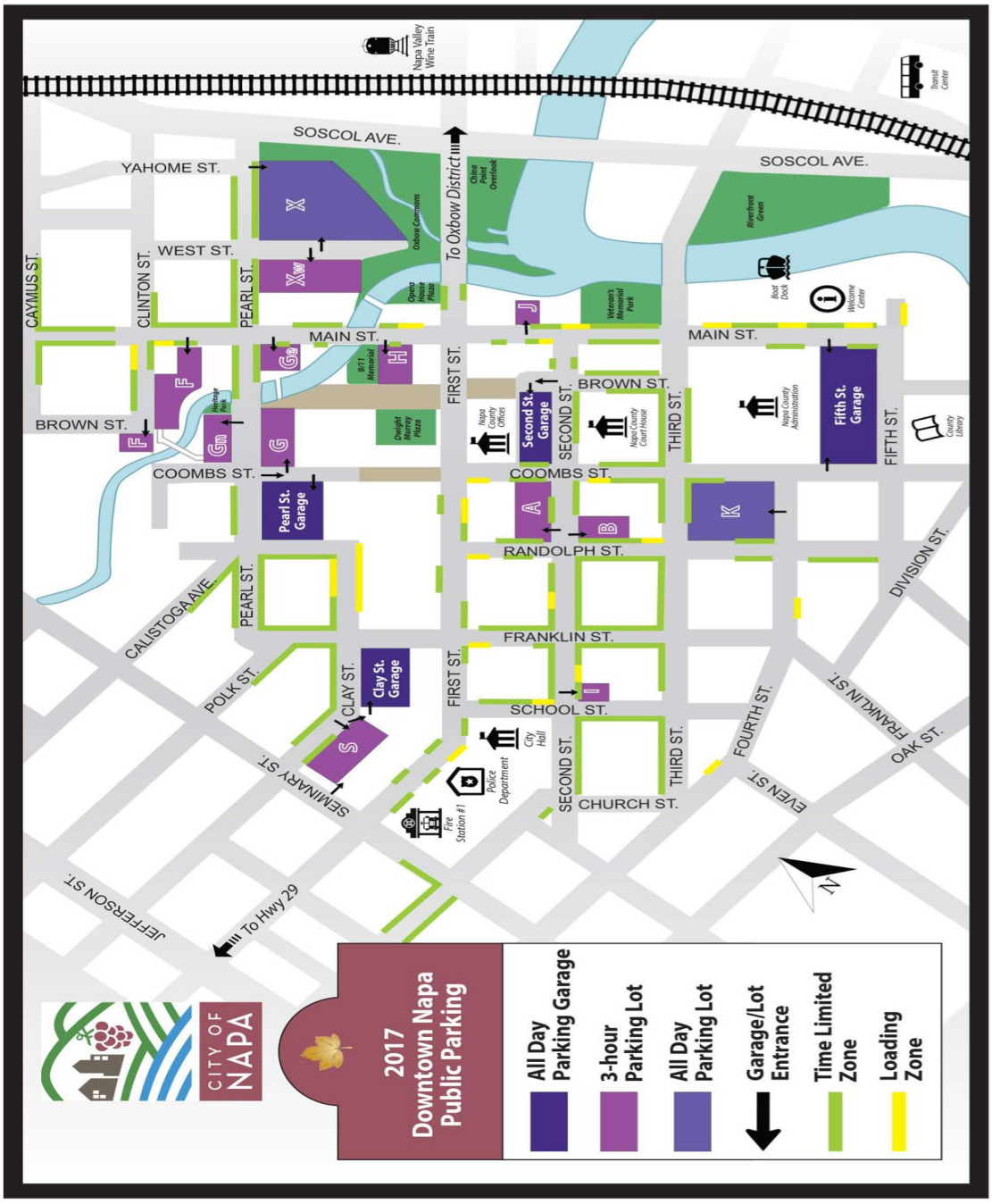
Measure to Improve Supply/Demand Management

• Enhanced parking wayfinding signs	2017/18
• Electronic parking signs at garage entrances	2018*
• Paid parking program feasibility assessment	Spring/Summer 2017
• Adjust/increase enforcement day/hours/staff	To be determined

Policies

• Block face enforcement	Policy being developed

**Estimated time frame*



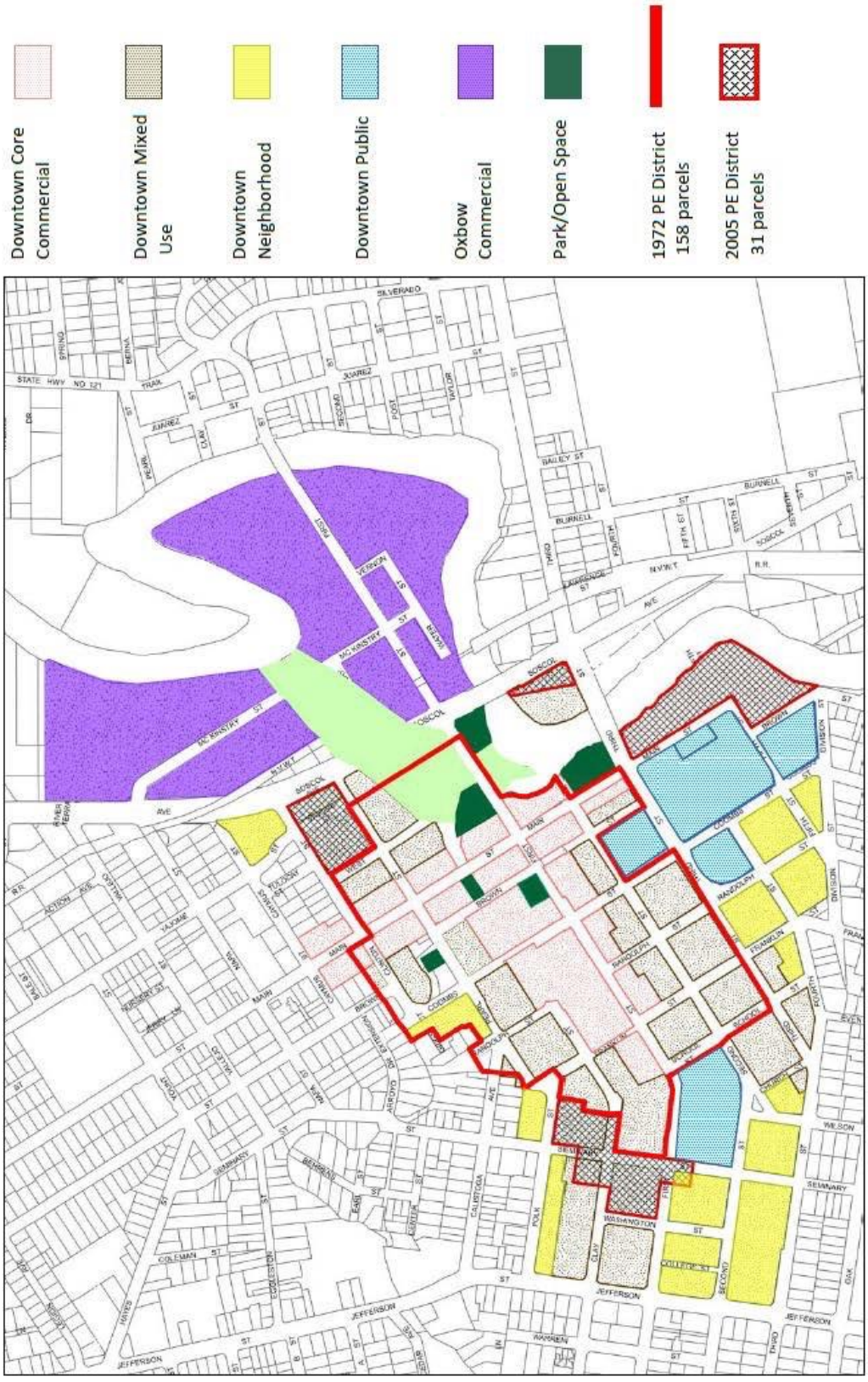
Appendix 2
Downtown Napa Public Parking

Appendix 3
Downtown and Oxbow Parking Occupancy

Appendix 4
On-street and Off-street Parking Supply Breakdown

Supply Type	Downtown 2014	Oxbow 2014	Total 2014
On-Street	1,209	184	1,393
Off-street-Public	1,747	0	1,747
Subtotal Public	**2,956**	**184**	**3,140**
Off-street-Private	1,287	819	2,106
Off-street-publicly owned	390	103	493
Subtotal Other	**1,677**	**922**	**2,599**
Total Supply	**4,633**	**1,106**	**5,739**

Source: Walker Parking Consultants, 2014



Appendix 5
Parking Exempt District

NAPA COUNTY GRAND JURY
2016-2017

June 28, 2017

FINAL REPORT

NAPA COUNTY JAIL
Where are we headed?

NAPA COUNTY JAIL
Where are we headed?
June 19, 2017

SUMMARY

The California Penal Code mandates that the Grand Jury inspect County detention facilities annually. The 2016-2017 Napa Grand Jury conducted a physical inspection of the Napa County Jail (Jail) on November 10, 2016, and March 30, 2017. During the inspection, the Grand Jury observed that the Jail personnel performed their duties in a professional manner. Although there was still some noticeable damage, most major earthquake repairs were on schedule. Inmate cells were clean and in reasonably good condition.

In its review, the Grand Jury has been concerned with issues related to the physical limitations imposed by the existing jail facilities, the progress in developing new jail facilities, mental health issues in the Jail, the low retention and difficulty of hiring Correctional Officers (COs) which result in chronic under-staffing at the jail, and the overall liability of the County regarding Jail operations.

During its investigation, the Grand Jury learned that construction of a new 96-bed Phase 1 County Jail facility is planned for completion in 2022.[1] The current Jail is an antiquated structure which lacks appropriate housing and programming areas. After the 2016 ballot proposition to fund a new jail with increased sales taxes was rejected by Napa County voters, the County devised a three phase construction plan, beginning with a 96 bed maximum security facility. The Grand Jury found that construction of additional new facilities (phases 2 and 3) could be avoided because Napa County has the opportunity to enter into a cost effective regional jail partnership with Solano County, which the Jury recommends.

The Grand Jury also learned that mental health issues, often related to a history of substance abuse, are a serious problem at the Jail. Some estimates are that 30-40% of the inmates are affected. Housing and rehabilitation pose a resource challenge to Napa County, as they do to most other county jail facilities. This situation is not going to get better without a concerted focus on inmate mental health treatment. To address the needs of these inmates, the County should work with State officials to obtain the resources to create a regional mental health jail facility for Napa and surrounding counties.

The Napa County Department of Corrections (DOC) has a chronic shortage of COs. This has been reported by previous Grand Juries. Recruitment and retention of qualified candidates is made difficult by several factors. These include a recent increase in competing law enforcement job opportunities, Napa County's non-competitive compensation, and the very limited career path

[1]However, this plan may change. Recently, Napa County supervisors publicly discussed altering plans to build a 304 bed facility instead of the 96 bed unit originally planned. *Napa Valley Register*, "County looking at a bigger jail," June 16, 2017.

in the DOC. The Grand Jury found that to hire and retain qualified Correctional Officers, the Board of Supervisors (BOS) needs to improve significantly CO compensation. Moreover, the Grand Jury concludes that there are substantial advantages to placing the DOC under the County Sheriff's office.

GLOSSARY

BOS:	Board of Supervisors
CalPERS	California Public Employees' Retirement System
CO:	Correctional Officer
DOC:	Department of Corrections
FY	fiscal year (July 1 through June 30)
Jail:	Napa County Jail
JEEP:	Jail Employment Education Program
NSH:	Napa State Hospital
Realignment:	California's *Public Safety and Realignment Act*. This act mandates that counties, rather than state prisons, house felons who have never been convicted of serious, violent, or sexual offenses.
Sally Port	A secure, controlled entryway

BACKGROUND

Napa County Jail

The Napa County Jail, completed in 1976 and expanded in 1989, is located in downtown Napa. Since the late 1970s, the Jail has been operated by a civilian Department of Corrections (DOC) which reports directly to the County Board of Supervisors (BOS).[2] The BOS took over jail operations from the Sheriff because the Supervisors believed that inmate rehabilitation could be better administered by a civilian-run agency rather than by the Sheriff, whose focus they perceived to be on incarceration rather than rehabilitation.

When opened, the Jail was intended to house inmates who were:

1. Awaiting court (bail) hearing,
2. Awaiting trial and could not make bail, and
3. Sentenced to incarceration for one year or less.

In 2011, under federal court order, California enacted the *Public Safety Realignment Act* to alleviate overcrowding in its State prisons. This law resulted in county jails having to house more criminally sophisticated felons who are serving longer sentences. In 2017, 87% of Napa's inmates are felons serving longer jail sentences and requiring tighter supervision. To prevent Jail

[2] Napa and Madera counties are the only two out of a total of 58 California counties where the Sheriff's Department does not operate the Jail.

overcrowding, the Napa DOC has had to request court orders every month for the past three years to allow early release of inmates.

The 2014 earthquake damage disrupted more than 25% of inmate housing. Since the earthquake, a number of Napa inmates (up to 125) have been housed in Solano County during repair and renovation of the Jail. To ensure safe housing for inmates, Napa authorities entered into an agreement with the Solano County Sheriff's Department to house Napa inmates at a Solano jail facility. Currently, there are about 40 Napa inmates housed in Solano County, and plans call for all inmates to return to Napa when jail renovations are complete at the end of 2017.

The cost of earthquake repairs and renovations to the Jail is estimated at nearly $11 million, of which only about $1.8 million is covered by earthquake insurance. The additional costs include a $5.4 million remodeling of the Jail basement to increase the number of cells, and over $2 million to update the Jail's security cameras and systems control room.

New Napa Jail

The need for a new jail was identified in the *Adult Corrections System Master Plan,* which was completed in 2006. In 2010, Napa County officials began public discussions on a new downtown Jail. However, many citizens opposed building a new jail in a busy commercial center.[3] In 2013, the County purchased a 27-acre land parcel along Highway 221 between Napa State Hospital and the Syar quarry (see Figure 1 below). The Supervisors' original plan was to build a 366-bed jail and a 72-bed re-entry facility at that site.

In 2016, the BOS placed a quarter cent sales tax increase (Proposition Y) on the June ballot to fund a scaled-back 256-bed facility, at a cost of $103 million. Proposition Y failed to pass, and that failure resulted in yet another reevaluation of plans for a new jail.

Currently, the County has just begun construction of a 72-bed "re-entry" facility on the new jail site. This facility is fully funded and is intended to reduce recidivism "by providing lower level offenders with opportunities through structured programs and services."[4] It is expected to help inmates prepare for their return to the community. The facility is scheduled for completion in mid-2018.

[3] *Napa Valley Register,* "Future of downtown Napa jail remains vexing issue," James Noonan, May 7, 2011.

[4] *Napa Valley Register,* "Re-entry facility is underway," June 10, 2017.

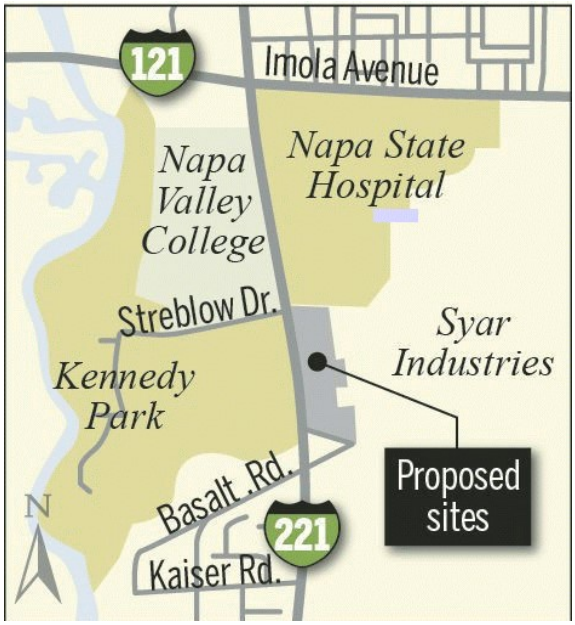


Figure 1 Location of New Jail Facilities
Source: *Napa Valley Register,* Kelly Doren

The BOS has proposed a three phase building program for the new Jail. After the re-entry facility is completed, the first step of the BOS plan is a 96-bed maximum security facility which will include 17 beds for inmates with medical or mental health needs. Plans for this facility include classrooms, mental health treatment facilities, individual counseling rooms, and administrative offices, all of which would be able to support the full jail facility when it is completed. The Phase 1 facility is scheduled for completion in 2022, at a projected cost of $78 million. The State will contribute $23 million, and the County's contributions will come from $32 million in available funds and an anticipated loan of $23 million.

Ultimately the BOS wants to expand the facility into a 366-bed jail. Under current planning, the 1989 section of the downtown Jail would remain in operation and the 1976 section would be vacated. The total capacity of the combined jail facilities would be 384 minimum or maximum security beds.

Napa County Correctional Officers

Correctional Officer staffing at the Jail has been problematic for several years. Competitive compensation and career opportunities are crucial to recruiting and retaining COs. Neither exist at the Jail. Short-staffing of COs at the Jail poses a danger to both inmates and employees. With the new re-entry facility opening in 2018 and a new jail planned for 2022, the need for additional COs will become much more severe.

Shortages of COs have increased yearly and have resulted in excessive expenditures on overtime pay. During the two-year period from July 1, 2014, to June 30, 2016, a total of 26,660 hours of

overtime were accumulated by Napa COs. The cost of overtime for FY2015 was $517,344 and for FY2016 it was $727,687. Table 1 shows the number of vacant positions from July 1, 2015, to April 1, 2017. As of April 2017, there were 18 vacant positions, which leaves staffing at 75%.

Table 1. Correctional Officer Vacancies

	7/1/2015	1/1/2016	7/1/2016	4/1/2017
Vacant Positions	8	9	16	18
Filled Positions	65	64	58	54
Total Allocated	73	73	74	72
Vacancy Rate	11%	12%	22%	25%

While Napa County's basic pay scale is relatively competitive, retirement and injury leave are not competitive with other law enforcement and correctional agencies. Career advancements within the Napa County DOC are extremely limited, and many recruits leave for other opportunities in law enforcement. Correctional Officers working in 56 of the 58 California Counties are employed by the County Sheriff's Office where they receive a better compensation package—including retirement and safety pay—and opportunities for advancement.

METHODOLOGY

Interviews Conducted

- Napa County Corrections Department Director of Corrections
- Napa County Corrections Department Management
- Napa County Correctional Officers
- Napa County Sheriff
- Napa County Deputy Sheriffs
- Solano County Sheriff
- Solano County Sheriff's Staff
- Napa County Probation Department management
- Napa County Supervisors
- Napa County Executive Office management
- Napa County Human Resources Division Management
- Napa County Health and Human Services Department management
- Napa County District Attorney's Office management
- Napa County Public Defender's Office management

Documents Reviewed

- 2008-2009 through 2015-2016 Napa County Grand Jury reports.
- Briefing Paper: Regional Jails, National Institute of Corrections Information Center, January 1992

- Napa County Agreement No. 8244, Solano County Agreement No. SO-0494, Professional Services Agreement (housing and associated services for inmates)
- Napa County Agreement No. 7693, Professional Services Agreement with the California Forensic Medical Group, Inc. (health services to inmates in custody of the Napa County Department of Corrections)
- Board of State and Community Correction, 2014-2016 Biennial Inspection - Inspection Letter, October 10, 2016
- County of Napa, Memorandum of Understanding, Napa Association of Public Employees (NAPE), Public Services Employment Unit, July 1, 2014 - June 30, 2017, SEIU Local 1021
- Napa County Agreement No. 8281, Professional Services Agreement, AMISTAD ASSOCIATES, 12/8/2014
- Barry Eberling, "Napa County must spend millions on old jail while awaiting new jail," Napa Valley Register, February 13, 2017
- Editorial, Jack Gray, "'Tax happy' in Napa,", Napa Valley Register, January 26, 2017
- Barry Eberling, "Going 'Deep Green' among Napa County budget options," Napa Valley Register, January 22, 2017
- Barry Eberling, "Napa County still planning for a new jail, despite loss of sales tax funding measure," Napa Valley Register, January 29, 2017
- Kelly Doren, "Napa County moving ahead with $17.2 million jail re-entry facility," St. Helena Star, December 12, 2016
- Realignment Report, California Department of Corrections, December 2013
- Popular, Direct Supervision Jails, Information Packet, U.S. Department of Justice, national Institute of Corrections, Jail Division, January 1993

Jail Inspection

The Grand Jury visited the Jail two times. The first visit was on November 10, 2016, with a follow-up visit on March 30, 2017. Panel members were given a brief history of the Jail and the facilities. More detailed inspection comments are provided in **Appendix C** to this report.

DISCUSSION

Napa County Jail

Replacement of the Jail's old control room, where COs operate security cameras, doors, and elevators, should be completed by December 2017. The basement of the Jail is being renovated to replace 30 minimum security beds with 60 medium and maximum security beds. This will enable separating inmates with gang histories and those with mental health problems. Jail personnel interviewed by the Grand Jury indicated that contraband has been an increasing problem since the 2011 realignment. Management acknowledges that the Jail needs a state of the art body scanner to detect contraband. However, there is no room for a body scanner in Napa's current facility without major re-construction.

Evidence-based rehabilitation programs were initiated at the Jail in 2011. The Jail Employment Education Program (JEEP) provides case management and focuses on occupational planning, job search, and interview skills. The earthquake damage necessitated discontinuing JEEP and other rehabilitation programs. As Jail repairs were being completed, in January 2017, these programs were just beginning to be reintroduced.[5] However, adequate space to hold programs and adequate staffing by COs to monitor inmates during programs continue to be a challenge. Even with the completion of earthquake repairs and upgrades, finding space and staffing for rehabilitation programs will be difficult.

Most interviewees told the Grand Jury that mental health issues are the most serious problem facing the Jail. Officials interviewed estimate that 30-40% of all inmates suffer from some form of mental health or substance abuse problem.[6] Programs that are intended to rehabilitate and reduce recidivism are not always effective for inmates with significant mental health issues. Increasing numbers of mental health inmates, who often need to be housed in single cells, exacerbates an already crowded housing situation. The Jail's COs have minimal training in managing inmates with mental illness. Moreover, Napa State Hospital (NSH) patients, when accused of a felony at NSH, are transferred to the Jail, pending adjudication. These inmates remain in jail custody until they are tried or are judged to be mentally incompetent to stand trial. While they are in County custody, they cannot be forced to take their prescribed medication. If they are judged incompetent, they are returned to NSH if space is available, which it frequently is not. In some instances, these individuals remain at the Jail for six months or longer before returning to NSH.

Regional Jails

The Grand Jury interviewed officials in the Solano County Sheriff's office because Napa County inmates have been incarcerated at a Solano jail facility for almost three years. The Solano County Jail, located in Fairfield, has three separate facilities with a total capacity to hold just under 1,500 inmates. Currently about 1,100 inmates are being held, including 40 from Napa and 50 from Sonoma Counties. Various Napa County estimates of the average daily cost of inmate incarceration in Napa range from $121 to $149 per day[7] whereas, Solano charges Napa on a sliding scale anywhere from $88 to $128 per day (see Table 2).

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[5]A weekly program schedule is shown in **Appendix A,** which reflects the minimal programs currently provided.

[6]The U.S. Bureau of Justice Statistics estimates that in 2005 "more than half of all prison and jail inmates had a mental health problem." *Mental health problems of prison and jail inmates,* online: https://www.bjs.gov/content/pub/pdf/mhppji.pdf (accessed June 7, 2017).

[7]The post-earthquake daily cost for 2014 was $161/day, and the 2015-2016 cost was $176/day.

Table 2. Solano County Inmate Housing Charges

Number of Inmates	1 - 25	26 - 39	40+
Inmate Housing Cost per Day	$128	$108	$88

The Solano County Jail offers a wide variety of programs and services.[8] Over 150 Napa inmates have participated in rehabilitation programs at Solano over the past three years. In 2017, Solano broke ground on a new educational facility at the Claybank location where Napa inmates are housed. This facility (shown in **Appendix B**) will consist of a 10,000 square foot classroom building, a 30,000 square foot vocational education building, and a truck driver training area. The vocational building is expected to incorporate a diesel engine mechanic school and a variety of building trade schools.

The concept behind regional jails is that the cost of construction and operation of individual jail facilities doesn't make economic sense for small counties like Napa.[9] The economy-of-scale advantages of operating a large jail facility instead of several smaller ones are apparent. The Grand Jury sees Solano County as a potential regional jail partner for Napa County for the following reasons:

1. Napa has worked successfully with Solano for the past three years.
2. Excellent education and rehabilitation programs already exist in Solano and new skill programs will be available in the next few years.
3. Inmate housing costs less in Solano.
4. Solano County has excess jail capacity.
5. Solano meets the State mandated contiguous county requirement.[10]

During interviews, many Napa County officials voiced beliefs about the “drawbacks” of regional jails, including:

1. The potential negative impact on the criminally "less serious" Napa inmates if housed with the criminally "more serious" inmates from Solano.
2. Family visits and legal support would be more difficult for inmates housed in Solano.

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[8]These include alcohol and drug abuse rehabilitation, counseling, personal change, chaplaincy services, GED and literacy programs, library services, veterans’ services, re-entry assistance, anger management, community volunteering, and employability skills. A complete list and description of these services is available online at: https://www.solanocounty.com/depts/sheriff/custody_division/inmate_programs_and_services.asp

[9]Napa ranks 34th out of 58 California counties by population. United States Census Bureau/AmericanFactFinder. "Annual Estimates of Resident Population: April 1, 2010 to July 1, 2016," 2016 Population Estimate Program, Online: http//factfinder.census.gov (accessed May 18, 2017).

[10]Only inmates who have been sentenced can be housed in non-contiguous counties.

3. Napa inmates are housed in the older Solano Jail (Claybank Facility) because State funding restrictions do not permit the leasing of beds in facilities less than ten years old.[11]
4. The Solano location will result in additional transportation costs.
5. Napa is concerned that Solano County Jail will run out of beds.

While these concerns may have once been valid, realignment has changed the circumstances surrounding the issue. Consider the following:

- With regard to "corruption" of Napa inmates, it's an established fact that Realignment has added felons who otherwise would have been penitentiary inmates to county jails throughout California.
- In addition, many of the Napa inmates transferred to Solano following the earthquake were already known to Solano Jail officials, having been incarcerated there in the past.
- With respect to family and attorney visits, the Solano County jail facilities are in nearby Fairfield. Video visits are already an on-going practice in many counties, including Napa and Solano.
- Napa should build a new jail facility that can also be regionalized.

One impediment to implementation of a broader regional Jail collaboration is the funding restriction imposed by the California law cited above. When invoked in a jail funding bill, this restriction prohibits any county from leasing jail housing to any other public entity for a period of 10 years after construction. This precludes sharing newer facilities by counties looking to participate in a regional jail agreement. Realignment has imposed additional burdens on the County, some of which could be mitigated by implementation of regional jails. The funding restriction cited above is both counterproductive and contrary to other legislation that facilitates joint county jails.[12]

Correctional Officers

During its investigation, the Grand Jury interviewed several county officials who voiced the opinion that Napa County was "lucky" that it hadn't been sued for problems associated with crowded conditions and a shortage of COs at its Jail. Further, it was suggested that Napa County could now be at a "tipping point" for risk of injury to staff or inmates.

By contrast to the 25% vacancy of COs in Napa, the Grand Jury found a very different situation in Solano County. The Solano County Jail has 265 correctional officers for an inmate population of about 1,100. Solano experiences an annual turnover of approximately ten COs (3.8%) per year. At the time of the Grand Jury interview, there was just one vacant CO position. As

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[11]"A participating county with a [funding] request resulting in any increase in capacity using this financing authority shall be required to certify and covenant in writing that the county is not, and will not be, leasing housing capacity to any other public or private entity for a period of 10 years beyond the completion date of the adult local criminal justice facility." Section 15820.946 of Part 10b, Division 3, Title 2 of the California Government Code.

[12]Chapter 1.5, Title 4, Part 3, of the California Penal Code.

employees of the Sheriff's Department, Solano County COs have not only better career opportunities but also a better retirement provision through CalPERS and superior on the job injury medical benefits.[13]

Over the course of several interviews with DOC management and staff it was found that everyone was doing their best despite adverse physical and staffing conditions. Yet, this Grand Jury, like four other Grand Juries in the past 10 years, found potential benefit to shifting management of the jail back to the Sheriff's office.

The Grand Jury spent nine months interviewing nearly two dozen officials, including Napa County executive management. The most common reason offered in opposition to putting the DOC under the Sheriff's Department is the firm belief that Napa County has a "less sophisticated, less hardened" inmate population and that an independent DOC, working in conjunction with other agencies and under the BOS, would be better for inmate rehabilitation as well as less costly to the County.

By contrast, the Grand Jury did not find a real advantage to an independent DOC. The fiscal advantage of a smaller compensation package could easily be out-weighed by the cost of a continuing cycle of recruitment, training, lack of tenured staff, and overtime costs.
The reality is that the Jail has been chronically understaffed for several years because of noncompetitive compensation and lack of career advancement opportunity. The Grand Jury finds that the perception that the Sheriff's office would be only focused on incarceration is not valid in 2017. From the perspective of cost, the health of our communities, and successful functioning of county jails, it is well understood by the Sheriff's Department and other law enforcement, local and state government, the DOC, and citizens alike that rehabilitation rather than long term incarceration is the solution.

The Grand Jury found that Napa County should utilize the resources in the Sheriff's Department to develop options necessary to safely incarcerate, rehabilitate, and return inmates to society as productive law abiding citizens. These resources include the experience, professional skills, best practices, and lobbying effectiveness of the Sheriff's Department and the California State Sheriff's Association. Their current correctional focus on rehabilitation and evidence based programs have become an important part of every jail and probation department in the State.

FINDINGS

F1. The employees and inmates of Napa County are at risk of physical injury due to understaffing and overcrowding at Napa County Jail.

F2. The County Jail needs enhanced mental health and addiction facilities and increased counseling resources.

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[13]Napa County's COs are eligible to retire at age 62, Solano's at age 57. For on-the-job injuries, Napa County's Cos receive only State Worker's Compensation benefits; Solano's receive up to full pay for one year per California Labor Code §4850.

F3. State funding restrictions on new jail facilities inhibit the use of regional jails.

F4. Correctional Officer retention is a chronic problem, resulting in high turnover and higher costs and risks.

F5. Napa County should adopt a regional jail plan. The benefits of this arrangement are both financial and programmatic.

F6. There are no data to support the perception of some County officials that the Napa County jail has less serious felons than the Solano County Jail.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. The Napa County Board of Supervisors initiate talks to adopt a regional jail plan with Solano County by June 30, 2018.

R2. The Napa County Board of Supervisors review Correctional Officer pay, benefits, and career opportunities, particularly with respect to retirement benefits.

R3. The Napa County Department of Corrections be placed under the control of the Napa County Sheriff by June 30, 2019.

R4. The Board of Supervisors work with County legislative representatives to eliminate funding restrictions on State supported jail construction funds.

R5. The Board of Supervisors work with relevant County and State agencies to develop a comprehensive plan for treating mentally ill inmates. This could include a regional mental health jail facility.

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: **F1, F2, F4** through **F6; R1** through **R5**

COMMENDATIONS

1. The Jail kitchen staff for receiving an "A" rating from the Department of Health.

2. The Jail management and Correctional Officers for striving towards excellence in safety and security during challenging circumstances of physical restoration and upgrading of the Jail facilities.

3. Napa County for implementing plans for a new $16.72 million Re-entry Facility which is fully funded and planned for the County property south of the State Hospital. The facility will provide 72 beds for inmates nearing release and will focus on programs to facilitate their transition back to the community and to reduce recidivism.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Appendix A
Schedule of Napa County Jail Activities

Program Schedule						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				AA 1900-2000 IWH West - TBD	NA 1900-2000 IWH West - TBD	Catholic Bible 0900 – 1000 Women's Center 112 IWH West - TBD
			Literacy 1300-1430 Facility Wide Adult Ed 1430-1630 Facility Wide			
		Gideon Bible 1900-2000 IWH West - TBD				
	BI Daily Program Facility Wide 0900-1600					
Tablets Daily Program Facility Wide 0800-2200						

2017 Calendar Template © calendarlabs.com

Appendix B
New Solano County Jail Education Facilities

Source: Solano County Sheriff's Department

Appendix C
THE PHYSICAL JAIL INSPECTION

The Grand Jury visited the jail on November 10, 2016 and March 30, 2017. On the first visit in November, members were met by the Director and Assistant Director and were given a brief history of the jail, and a tour of the following components of the facility:

Initial Booking Area
Sally Port
Holding Cells
Court Holding Area
Observation Cells
General Population Holding Areas
Maximum Security: Single and multi-inmate cells
Mental Health Cells
Visitation Area
Kitchen
Laundry
Medical Unit/Nurse's Station
Control Room
Control Room for the Tunnel
Exercise Yard
Correctional Officer's Break/Office Area

During the first visit: At each segment of the inspection, the members were told how each area worked and what type of inmates were housed. Members could see single and multi- inmate cells, including the male and female day rooms, holding cells for inmates going to and from court, and the "Tunnel". The tunnel is a secured underground area between the jail and courts. At one point the members observed an inmate being escorted back from court by two officers. In another area of the jail were several televisions -telephone stations where inmates could talk to and see family members, their attorney, or Mental Health Professionals. The exercise yard was closed during the Grand Jury's visit.

The cells appeared clean. Graffiti was noticed in the older section of the jail and in the exercise yard. Correctional staff appeared to be keeping up on the removal of graffiti when noticed. Several "boat beds" were observed being used in the holding cell area. Boat beds are used in units temporarily when cells are overcrowded and not enough permanent beds are available.

Kitchen Area
The kitchen area appeared clean. During the inspection, the jail staff and inmates were cleaning up after the lunch meal. Dinner bag meals were on carts waiting delivery to inmates in their cells. The Health Department's rating for the Jail's Kitchen in 2016 was an "A". The Grand Jury was told that one or the main freezers needed repair.
The Kitchen staff should be commended for their hard work for obtaining an "A" rating from the Health Department.

Laundry Area
Inmates were working in the laundry during our visit. Inmate uniforms, clothing, blankets, and bedding were being washed, dried and folded for delivery. All items appeared serviceable.

Medical Unit/nurse's Station
During the inspection, the members observed the Medical Unit, and talked to medical personnel. It was noted that there was a nurse on duty.

General Condition of Jail
The interiors of both the 1976 and 1989 jail sections appeared to be in good condition. There was still noticeable earthquake damage visible. All "yellow tagged" areas are now open and major repairs are running on schedule. All safety concerns regarding the old section of the jail have been met. The third-floor area is open and occupied. The cells in all areas appeared clean and free of graffiti. Bedding for inmates appeared serviceable.
Education/Job Training was slowly being brought back. AA, NA, Bible study were by request. The basement project to convert it to a two-person cell unit was also running on time. During the first inspection, it was noticed that the electrical and plumbing fixtures were being installed.

DOCUMENTS REVIEWED

California Board of State and Community Corrections (BSCC) 2014-2016 inspection of jails.
Napa County Department of Corrections (NCDC) Adopted Budget Fiscal Year 2015-2016 and 2016-2017.
Napa County Performance Measurement Report (January 2016)
Napa County Adult Correctional System Master Plan
Senate Bill (SB) 863Construction Funding Application-Napa County Phase 1 (August 2015)
Napa County Board of Supervisors Agenda Placement: 9C option to purchase property at 2300 Napa Valley Highway (10-15/2013)
Napa County Adult Correctional System Master Plan
Organization Charts
NCDC personnel/ tenure roster
Training Records
Incident Reports
Personnel Complaints
NCDC Operational Procedures Manual
California Forensic Medical Group (CFMG) Contract
Assembly Bills (AB) 109 and 117
The Public Safety Realignment Act (October 2011)
NCDC (8244)/ Solano Sheriff (SO 0494) Professional Services Agreement
The National Institute of Corrections Information Center (NICIC) REGIONAL JAILS
NCDC Correctional Officer Recruitment Data (2014-2017)
Napa County Human Resources Correctional Officer Recruitment Fliers
Napa County Grand Jury Reports for 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, and 2015-2016
Newspaper Articles Napa Valley Register

NAPA COUNTY GRAND JURY
2016-2017

June 30, 2017

FINAL REPORT

NAPA VALLEY TRANSPORTATION AGENCY
VISION 2040 PLAN

County Traffic Problems Need a Comprehensive Plan with Measurable Results

NAPA VALLEY TRANSPORTATION AGENCY
VISION 2040 PLAN

County Traffic Problems Need a Comprehensive Plan with Measurable Results

SUMMARY

The Napa Valley Transportation Authority (NVTA) is responsible for providing a realistic and executable traffic management plan for the county. Published in 2015, the NVTA Vision 2040 (V2040) transportation plan is not a comprehensive plan, nor does it contain measureable goals by which progress can be monitored. This 400+ page document should be the guide for planning and funding of Napa County transportation needs for the next 25 years, but it does neither.

The Grand Jury found that the V2040 proposed highway improvements list, bike lanes, and new buses are inadequate to truly solve Napa County's traffic congestion problems. Moreover, their long list of proposed improvements can't be fully executed due to a shortfall in funding. The Jury also found that the NVTA has no way to measure annual traffic congestion relief. Specifically, neither the NVTA Board nor the public has a way of determining progress toward the NVTA stated goals.

The Grand Jury recommends that the Board of Supervisors form a multidisciplinary task force to support the NVTA in developing a true "Transportation Vision." This task force should seek innovative sources of funding along with developing goals that are actionable and outcomes that are measurable.

Napa County residents require solutions to traffic congestion and the participation of their government officials working together, including the Board of Supervisors, City mayors, NVTA Board members, and the County representative on the Metropolitan Transportation Commission (MTC).

The NVTA Board needs to require accountability for new thinking on integrated transportation solutions and find new and innovative sources of funding. Future expenditures should be based on quantifiable goals and measurable results.

GLOSSARY:

CMA - Congestion Management Agency

GHG - Greenhouse Gas Emissions

JPA - Joint Powers Authority

MTC - Metropolitan Transportation Commission

MTC Plan 2040 - Metropolitan Transportation Commissions' Transportation Management Plan; http://2040.planbayarea.org/

NCTPA – Napa County Transportation Planning Agency (name for NVTA prior to 2016).

NVTA - Napa Valley Transportation Authority

TDM - Travel Demand Management

V2040 - Vision 2040; Napa County transportation management plan; http://www.nvta.ca.gov/countywide-plan-vision-2040)

VMT - Vehicle Miles Traveled

BACKGROUND

NVTA Operational Responsibilities

The NVTA is the transportation planning agency for all six governmental jurisdictions (the County and five cities) within Napa County. They are also the County's designated Congestion Management Agency (CMA), and therefore are responsible for preparing and implementing congestion management programs. Their primary responsibilities are the planning and implementation of Federal and State Fund Programming and Transportation and Housing Planning. In addition, they are the Transportation Tax Authority for the County, as well as the Public Transit Provider, which includes the VINE bus service and the On Demand/ADA Shuttle Service.

Vision 2040 Plan

The State of California and MTC mandate that all traffic congestion agencies develop a 25-year transportation plan to solve traffic issues. V2040 was adopted in September 2015. The plan's stated goals are to:

1. Serve the transportation needs of the entire community regardless of age, income or ability.
2. Improve system safety in order to support all modes and serve all users.
3. Use taxpayer dollars efficiently.
4. Support Napa County's economic vitality.
5. Minimize the energy and other resources required to move people and goods.
6. Prioritize the maintenance and rehabilitation of the existing system.

Challenges to Napa County Transportation as described in the Vision 2040 Document

In examining how Napa County can increase funding and reduce traffic, V2040 outlines these findings and conclusions:

- Due to increased population and a growing economy, traffic congestion is projected to worsen over the next 25 years.
- Funding sources for transportation have dropped significantly resulting in severe limitations on both new projects and on simply maintaining existing infrastructure.
- Continuing limitations on funding points to the need for alternative methods of managing traffic through better road design and intelligent transportation systems.

- Napa County needs both maintenance and infrastructure expansion and will have to carefully balance how funds for maintenance and expansion are apportioned.

Traffic Congestion Trends

As reported in V2040, traffic congestion in Napa County continues to worsen. Most of this is due to the creation of new jobs as a result of a vibrant tourism industry. Extreme traffic congestion has the potential to threaten the livelihood of Napa's tourism business, along with diminishing the quality of life for all County residents.

In the past 10 years, Napa tourism has grown and so has traffic congestion. Currently, traffic problems are not primarily the result of tourism but of commuters who work in the wine or hospitality business. While County leaders support the economic engine of tourism, they have not always committed to solving the problem of lack of affordable housing, which is directly related to traffic congestion.

- In 2016, Napa Valley's visitor industry generated $80.3 million in tax revenues for government entities in Napa County, which is an increase of 25 percent over the $64.2 million in tax revenues generated in 2014.[1] Taxes directly generated by the visitor industry include revenues from the transient occupancy tax (hotel tax), sales taxes, and property and transfer taxes paid on lodging facilities.
- The tourism industry supports an estimated 13,437 jobs, with a combined payroll of $387 million[2].

Currently, there are about 71,000 jobs in Napa County and 55,000 housing units. The cost of housing (relatively high cost) and the nature of employment (relatively low wages) in the county, results in many Napa workers having to find more affordable housing elsewhere. A household needs to earn $95,000 per year to purchase a median-priced home for $606,000. In 2014, the annual median income of Napa's workforce was $38,168.[3] Increased housing demand and income mismatch will continue to result in more commuter vehicle miles traveled and more congestion on Napa's roads.

If projections are accurate, this could result in 30,000 workers commuting into Napa each day by 2040 (a 45 % increase over today) and an additional 2,000 outbound-commuters, or a total of 16,000 daily trips entering and leaving the county.

Transportation Funding Trends and Challenges

The transportation funding from Federal and State government sources are shrinking for the NVTA. The V2040 project list is only 60 percent funded ($1.1 billion out of $1.9 billion). There is simply not enough money from traditional sources to solve our traffic problems through executing a "wish list" of construction projects.

The Measure T half cent sales tax (starting July 1, 2018) will provide some funding, mostly for street maintenance. The estimated revenue is $12 million per year to be divided among Napa County and its five cities. With the reduction of gas prices in recent years, increases in fuel

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1 Visit Napa Valley 2016 research report.

2 Ibid.

3 *V2040 Fehr & Peers Travel Behavior Study*, December 2014.

efficiency and the growing number of electric vehicles, the revenue from the gas tax will continue to decrease.

The net result is that NVTA needs to find other ways for Napa to self-fund transportation solutions.

METHODOLOGY

Interviews

The Grand Jury interviewed:

- NVTA staff
- NVTA Board members
- NVTA Technical Advisory Committee members
- Napa Valley Vintners
- Visit Napa Valley staff
- Sonoma County Transportation Authority (SCTA) staff
- Wine and Tourism Market Research experts

Documents Reviewed

- NVTA's *Vision 2040 Moving Napa Forward*, including:
  - The report's 12 white papers and reports
  - Fehr & Peers Transportation Consultants' *Travel Behavior Study,* conducted in 2013-2014
  - The nine-page *Public Comments* section
- SCTA's transportation plan, *Moving Forward 2040*
- MTC's Vision Plan, *Plan Bay Area 2040 Draft released April 3, 2017*
- Organization charts – NVTA staff and NVTA Board
- *Silicon Valley Bank –State of the Wine Industry Report – 2016*
- *Visit Napa Valley in-market research survey -2014*
- Newspaper articles concerning traffic issues in the *Napa Valley Register, American Canyon Eagle, San Francisco Chronicle, and L.A Times.*
- *What Do We Know Now About Napa Transportation?* - by Barbara Insel
  Stonebridge Research Group LLC, October 29, 2015

Internet Searches

- NVTA website; http://www.nvta.ca.gov/countywide-plan-vision-2040 . (Accessed as of June 15, 2017).
- Metropolitan Transportation Commission; http://mtc.ca.gov/ and The MTC Vital Signs measurements; http://mtc.ca.gov/tools-resources/vital-signs . (Accessed as of April 2017).

NVTA Board Meetings

- Numerous, including NVTA Board retreat March 15, 2017 at Mont La Salle, Napa CA.

DISCUSSION

Vision 2040 was developed over a two-year time period at a cost in excess of $250,000. However, the Grand Jury found that this time and expense did not result in an actionable plan to measure and solve traffic congestion. The Grand Jury found the most interesting assessments and impactful ideas in the report came from the *Public Comments* section in the last nine pages of this lengthy report.

The first was from the Napa County Farm Bureau, which stated:

> 1. There is no clear vision, priorities, or performance measures that lead to direction of future investments.
>
> 2. Preliminary modeling results do not show improvements to the proposed transportation plans.

The second was from the V2040 Citizens Advisory Committee (CAC). This committee offered the following recommendations:

1. Remove barriers to rail transit.
2. Build infrastructure for active transportation (walkers and bikers) especially in Napa and American Canyon.
3. Add new Park & Ride lots and shuttles.
4. Invite and advocate for new technology.
5. Connect to affordable housing.

The CAC produced a matrix chart ranked for how to prioritize their various recommendations to reduce traffic congestion (see Appendix A). The NVTA saw value in the work of the CAC and decided in June 2016 to continue the CAC because it wanted community input. However, as of June 2017, only 10 of the 19 CAC volunteer positions are filled.[4]

Studies, Studies, and More Studies

The V2040 report includes a 134-page countywide transportation plan, followed by nearly 300 pages of lists, projections, and copies of three other studies:

- NCTPA Community Based Transportation Plan of July 7, 2015. Napa County Priority Development Area (PDA) Investment and Growth Strategy, NCTPA, April 4, 2013
- Napa County Travel Behavior Study, Draft Survey Results and Data Analysis Report, NCTPA, December 8, 2014

Buried within the V2040 report are suggestions for even more studies:

[4] All CAC members are appointed by the NVTA.

"NCTPA recommends conducting a study to look at future corridor management elements that could improve system-wide traffic operations."[5]

"The north south connection between Vallejo and St. Helena (Calistoga) given the potential employment, residential, and visitor growth for both passenger and freight traffic could significantly reduce congestion and offers another potential for further study."[6]

What the Grand Jury observed were studies upon studies, yet no specific, actionable, measurable plans to reduce traffic congestion. One example of this is the costly Fehr & Peers Travel Behavior Study which details where traffic emanates from and why, and yet, the V2040 report doesn't appear to utilize this data in planning (see Appendix B).

Learning from Other Agencies

The Grand Jury studied the Sonoma County Transportation Authority report; *Moving Forward 2040* and was impressed by their five Comprehensive Transportation Plan (CTP) goals including measurable metrics for each, which correlate with the State 2040 transportation plan and the *MTC; Plan Bay Area Performance Targets* (Appendix C).

Moving Forward 2040 serves as the "vision" for transportation in Sonoma County, with goals for the transportation system, and for the well-being of the community. Transportation projects, policies, community and political resources are assessed for their role in helping to meet the goals of the CTP.

Performance Assessment in the 2016 CTP is crucial in helping to understand what tools are needed for Sonoma to reach stated goals. The project lists include many types of transportation related projects and services, and provides documentation of transportation needs, which are necessary in planning future funding and sources of funding.

Examples of Sonoma County Measurable Transportation Goals and Targets:

1. Maintain the System; Roadway Condition – Improve countywide Pavement Condition Index (PCI) for arterial and collector streets to 80 (very good condition) by 2040. Improve countywide PCI for residential streets to 65 (good condition) by 2040.
2. Relieve Traffic Congestion; Congestion Reduction – Reduce Person Hours of Delay (PHD) by 20% below 2005 levels by 2040.
3. Reduce Greenhouse Gas Emissions; Reduce GHG emissions to 40% below 1990 levels by 2040. Climate Action 2020 targets shall be incorporated into the CTP when they are finalized.
4. Plan for Safety and Health; Active Transportation - Increase active transportation mode share (bike, walk, and transit) to 15% by 204 (2010 – 8.38%). Safety – Reduce total daily accident rates by 20% by 2040.
5. Promote Economic Vitality; Reduce transportation costs for business and residents – Reduce average peak period travel time per trip by 10% by 2040 (2010 – 11.31 minutes).

[5] *Vision 2040*, p.106.
[6] Ibid., p. 115.

The Grand Jury also found articles about other California cities and counties that are encouraging private investment in transportation solutions. When local agencies and their governments changed their laws to accommodate innovative experiments, investments followed. One nearby example is *Bishop Ranch* in San Ramon which uses *Transdev*[7] autonomous shuttles to move commuters from parking lot to office. NVTA should consider developing a plan to promote Napa County as a test market for companies investing in transportation technology and traffic improvement.

CONCLUSION

In many interviews, the Grand Jury found that knowledgeable individuals had the mistaken assumption that the NVTA's responsibilities were limited to just providing public transit bus services and not as a congestion management agency. The NVTA has not educated the community (nor even convinced some of its own Board members) that it serves functions other than managing buses and building bike trails.

In fact, lack of communication is even seen on its website. When checking the website in June 2017, the last press releases were from 2015 and 2016. In addition, the Grand Jury found the website cumbersome when trying to locate agendas and minutes from NVTA meetings. There also were no public updates on plans, actions, and progress in reducing traffic congestion.

The Vision 2040 document with its 400+ pages doesn't offer an actual plan of how these goals and objectives will be achieved. The transportation solutions NVTA has proposed are to improve transportation infrastructure to make it easier for workers to access jobs, which include:

- Develop alternative transportation options for commuters (Travel Demand Management)
- Improve highway and road infrastructure making it more effective to reduce congestion and auto emissions
- Promote Priority Development Areas (PDAs) Planning efforts
- Developments that bring jobs closer to housing
- Infrastructure improvements that improve traffic flow and encourage walking and biking

Missing in these solutions are any measurable regional traffic congestion reduction goals, plans, and quantifiable tracking of actions and results.

The public needs a local county task force that will address all the essential issues and develop a plan that will address traffic congestion, economic development, high-value job creation, and affordable housing with a comprehensive approach and a simple scorecard for review.

[7] *Transdev* is the same company that operates The Vine Bus system for NVTA. One of their divisions has developed autonomous shuttles.

FINDINGS

The Grand Jury finds that:

F1. A majority of interviewees view the Vision 2040 Report's proposed highway improvement lists, bike lanes, and new buses as insufficient to solve Napa County's traffic congestion problems.

F2. No quantifiable measurements are in place for the Board or the public to assess Napa County congestion management goals, determine results on a timeline, or evaluate the efficacy of NVTA budgets and spending.

F3. The NVTA does an inadequate public relations job of educating the community of all their responsibilities, activities and progress toward achieving goals.

F4. The NVTA needs to better utilize data and travel demand software to (a) project future transportation conditions, (b) forecast the need for and the potential effectiveness of transportation projects and infrastructure improvements, and (c) identify the impacts of land use development.

F5. The most salient suggested actions in V2040 were made by the Citizen Advisory Committee (CAC) and the Napa County Farm Bureau.

F6. The NVTA is missing opportunities to promote Napa County as a test market for transportation technology companies investing in new research and development.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. By November 30, 2017, the Napa County Board of Supervisors form a multidisciplinary task force that includes traffic, economic, employment, and housing experts to make recommendations for comprehensive planning, innovative solutions to traffic congestion and funding sources.

R2. The NVTA Board set clear expectations, determinate goals, and timelines to establish quantifiable traffic congestion performance targets with measurable results and annual progress reports to the public, starting in January 2018.

R3. The NVTA seek new, dependable sources of funding ideas specifically for traffic congestion improvement actions by July 2018.

R4. The NVTA prioritize and approve future expenditures based on quantifiable and achievable short and long range goals, starting in July, 2018.

R5. The NVTA test new technologies and traffic management software starting in 2017.

R6. By January 2018, the NVTA have a plan to promote Napa County as an ideal test market for companies investing in transportation technology and market research and development.

REQUEST FOR RESPONSES

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

From the following individuals:

- Executive Director, NVTA: **F1** through **F6** and **R2** through **R6**.

From the following governing bodies:

- Board of Supervisors; **F1**, **F2, F3**, and **R1**, **R2, R3, R6**.
- NVTA Board of Directors; **F1** through **F6** and **R2** through **R6**.

COMMENDATIONS

The Grand jury commends:

1. The NVTA management, staff and Board members for being very helpful and responsive with all Grand Jury requests to discuss the issues, and for quickly providing all additional information upon request.
2. The NVTA for its progress in proving how a unique public- private partnership can work to develop and implement the *Napa Valley Vine Trail.*

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A – V2040 CAC CONGESTION MITIGATION RECOMMENDATIONS

Ranking of Traffic Mitigation Scenarios

Study Chapters	Scenario	Potential Impact to Traffic	Potential Impact to Environ.	Potential Impact to Health	Potential Impact to Community	Potential Impact to Budgets
Mode Shift & TDM	Some people shift out of cars (e.g. shuttles) & to other times	2	1	2	2	-1
Travel Behavior	More people commute over time	-2	-2	-1	-2	-2
Land Use	More people live closer to their jobs	2	2	1	2	-1
Communities of Concern	Service increases for our neediest	1	1	1	1	-1
Transportation Funding	More funding becomes available	0	0	0	0	2
Environmental Issues	ABAG requirements mandate changes	-2	2	2	2	-2
Transportation & Health	More opportunities for active transportation are created esp. intracity	2	1	2	2	-1
Traffic Operations	Use data to improve traffic flow	1	1	1	1	-1
Emerging Technologies	Driverless Cars become real	3	3	2	3	-1
Rail	Rail corridor use happens	3	2	1	3	-2
Napa Economy: Jobs & Housing	Jobs continue to grow	-2	-2	-1	-2	-2
Napa Economy: Goods Movement	Goods movement impacted by traffic	-1	-1	-1	-1	-1

APPENDIX B

Results of the Fehr & Peers *Travel Behavior Study*:

To summarize the travel behavior of visitors, employees, residents, and students who make work and non-work trips in Napa County:

- 55% internal (within Napa County) trips:
    - Work, recreational or non-work based
- 45% external (outside Napa County) trips, of which:
    - 36% imported/exported, 9% pass-through
    - 25% of external trips are generated by workers commuting into Napa County
    - Approximately 20,000 imported work trips per day.
- The workforce is largely dependent on the wine and tourism industry for jobs (40% of labor force).
- The top five fastest growing job sectors in Napa County, which will account for 63% of the projected job growth, are low wage earning job sectors. The fastest-growing job sectors in the County are in the hospitality and retail industries which generally pay lower wages.
- There are approximately 71,000 jobs in Napa County and 55,000 housing units. The cost of housing (relatively high cost) and the nature of employment (relatively low wage) in the County contribute to Napa workers living in more affordable housing elsewhere.
    - A person needs to earn $95,000/year to purchase a median-priced $606,000 home. Napa County annual median income of Napa's workforce is $38,168.
    - The housing/income mismatch will result in more vehicle miles traveled and the inevitable associated congestion on Napa's roads. If projections are accurate, this could result in 30,000 workers commuting into Napa each day by 2040 – a 45% increase, and an additional 2,000 outbound-commuters or a total of 16,000 daily trips leaving the County for work over this same time period.

APPENDIX C

TABLE 3: MTC; PLAN BAY AREA PERFORMANCE TARGETS (JULY 2013)

TABLE 3: PLAN BAY AREA PERFORMANCE TARGETS

Goal/Outcome	#	Target
CLIMATE PROTECTION	1	Reduce per-capita CO_2 emissions from cars and light-duty trucks by 15% *Statutory - Source: California Air Resources Board, as required by SB 375*
ADEQUATE HOUSING	2	House 100% of the region's projected growth by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents *Statutory - Source: ABAG, as required by SB 375*
HEALTHY & SAFE COMMUNITIES	3	Reduce premature deaths from exposure to particulate emissions: • Reduce premature deaths from exposure to fine particulates (PM2.5) by 10% • Reduce coarse particulate emissions (PM10) by 30% • Achieve greater reductions in highly impacted areas *Source: Adapted from federal and state air quality standards by BAAQMD*
	4	Reduce by 50% the number of injuries and fatalities from all collisions (including bike and pedestrian) *Source: Adapted from California State Highway Strategic Safety Plan*
	5	Increase the average daily time walking or biking per person for transportation by 70% (for an average of 15 minutes per person per day) *Source: Adapted from U.S. Surgeon General's guidelines*
OPEN SPACE AND AGRICULTURAL PRESERVATION	6	Direct all non-agricultural development within the urban footprint (existing urban development and urban growth boundaries) *Source: Adapted from SB 375*
EQUITABLE ACCESS	7	Decrease by 10% the share of low-income and lower-middle income residents' household income consumed by transportation and housing *Source: Adapted from Center for Housing Policy*
ECONOMIC VITALITY	8	Increase gross regional product (GRP) by an average annual growth rate of approximately 2% *Source: Bay Area Business Community*
TRANSPORTATION SYSTEM EFFECTIVENESS	9	• Increase non-auto mode share by 10% • Decrease automobile vehicle miles traveled per capita by 10% *Source: Adapted from Caltrans Smart Mobility 2010*
	10	Maintain the transportation system in a state of good repair: • Increase local road pavement condition index (PCI) to 75 or better • Decrease distressed lane-miles of state highways to less than 10% of total lane-miles • Reduce share of transit assets past their useful life to 0% *Source: Regional and state plans*