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2005-2006 Napa County Grand Jury



Front Row Seated from Left to Right: Beverly Saxon Leonard, Ruth Tavizon, Jonnie Loughlin-Hagan (Foreperson), Olga Morham (Secretary), Mary Beth Kitchens (Pro Tem), William Hurtt

Back Row from Left to Right: George Henke, Ward Studt, Dan Digardi, John Liles, Jeff Moore, David Shantz, Paul Rogers, David Lowgren, Barry Urbach (Sergeant at Arms), Charlene Everett

Not Pictured: Guillermo Reyes

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

June 6, 2006

Dear Judge Tisher:

Pursuant to California Penal Code Section 933, the 2005-2006 Napa County Grand Jury submits to you its Final Report. Our investigations were conducted in a manner consistent with the historic role of the Grand Jury – to protect the interests of the citizens of Napa County.

The City of Napa Finance Department, Community Development Department, and The Building Application Process section of the final report is issued by the 2005-2006 Grand Jury with the exception of one member of the Jury who is a private developer. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations and the making and acceptance of this report. This report is based on information obtained from outside sources with none of the information obtained from the excluded Grand Juror.

Representing a cross section of the population and geography of our county, the members of this year's Grand Jury have given generously of their time and talents to serve the citizens of Napa County. It has been a privilege and a pleasure to work with them.

Respectfully Submitted,

Jonnie Loughlin-Hagan, Foreperson
2005-2006 Grand Jury

To the Citizens of Napa County:

We, the members of the 2005-2006 Napa County Grand Jury, are pleased to present our final report.

The role of the Grand Jury is to serve as a quality assurance program for public agencies in Napa County. The 2005-2006 Grand Jury conducted investigations into the operation and management practices of eleven agencies. We also investigated a number of citizen complaints.

Our final report includes:

- A description of how we conducted the business of the Grand Jury.
- Required Reports--the results of investigations that are conducted pursuant to Penal Code Section 199, which states in part, "Every County Grand Jury will inquire into the condition and management of public prisons in the County."
- Investigation Reports--the results of our investigation into other agencies that are examined on a regular, rotating basis.
- A report on the extent to which County agencies are implementing the recommendations of the 2004-2005 Grand Jury.

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

Copies of the final report are available for your review in the Napa City Library and online by following the link to *Grand Jury* at www.napa.courts.ca.gov/

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

2005-2006 Napa County Grand Jurors

ACKNOWLEDGMENTS

The 2005-2006 Napa County Grand Jury wishes to acknowledge the assistance of the following persons:

The Honorable Stephen T. Kroyer, Napa County Superior Court

Robert Westmeyer, Napa County Counsel

Patricia Tyrrell, Deputy County Counsel

Gary Leiberstein, Napa District Attorney

Stephen Bouch, Court Executive Officer

Connie Brennan, Court Administrative Assistant

Sue Ann Vannatter, Fiscal Department Napa Superior Court

Loy Morgan, Fiscal Department Napa Superior Court

Pat Grisham, Secretary, Napa County Executive Office

Helene Franchi, Analyst, Napa County Executive Office

Joseph G. Peatman, President, Gasser Foundation

Nielann A. Martinez, Office Manager, Gasser Foundation

Linda Waterbury, Administrative Assistant, Gasser Foundation

Jason Moore, Image Photography

Napa County Grand Juror's Association

California Grand Juror's Association

The Families of the Grand Jury Members

Function of the Grand Jury

The Grand Jury

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

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

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

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

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

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

- Be a citizen of the United States and at least 18 years old
- Have resided in Napa County for at least one year

- Have ordinary intelligence and good character
- Possess a working knowledge of the English language
- Not currently be serving as a trial juror
- Not have been a Grand Juror within one year of being selected (except holdovers)
- Not have been convicted of a felony or malfeasance in office
- Not currently be serving as an elected official

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

The Grand Jury is an arm of the court system rather than the District Attorney's office and is not a law enforcement agency. For the most part, Grand Juries function as civil grand juries rather than criminal grand juries. The reason for this is that preliminary hearings in the courts have, in general, taken the place of criminal indictments by grand juries. In the federal system, the rule is the opposite because the United States Constitution requires grand jury indictments for all serious federal crimes.

A Grand Jury has very limited powers. The California Supreme Court has held that the Grand Jury does not have inherent powers to establish its own investigative apparatus for the detection of crime. Moreover, a Grand Jury should not engage in fishing expeditions, have hidden agendas, or meddle indiscriminately. The scope of inquiry of a Grand Jury is limited to those subjects that are founded upon knowledge, which comes to the Grand Jury and, by information acquired from Grand Jury investigations or from individual Grand Jurors' own observations. For the most part, Grand Jurors are charged with investigating the operations, accounts and records of the officers and departments of local government, and the method or system those officers and departments employ in performing their duties.

A Grand Jury conducts investigations, whose findings are approved by at least twelve of nineteen grand jurors. At the end of its term, the Grand Jury's final report is then published and provided to the general public after it has been reviewed and approved for release by the court.

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

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

How Investigations are conducted

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

Citizen complaints and letters to the Grand Jury

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

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

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

Note to Respondents

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

How to respond to findings

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

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

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

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

1. The recommendation has been implemented, with a summary of actions taken.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a Respondent replies in this manner, the law requires a detailed explanation of the analysis or study and a time frame not to exceed six months from the date of publication of the Grand Jury final report by which time the recommendation will be discussed.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation as to why it is not warranted or reasonable.

Budgetary or personnel recommendations

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

Advance release of Grand Jury Report

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

Time to respond; to whom to respond

The Penal Code provides for two different response methods:

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

City of Napa Finance Department, Community Development Department, and The Building Application Process

This report of the City of Napa Finance Department, Community Development Department and the Building Application Process is issued by the 2005-2006 Grand Jury with the exception of one member of the Jury who is a private developer. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations and the making and acceptance of this report. This report is based on information obtained from outside sources with none of the information obtained from the excluded Grand Juror.

Summary

In response to a citizen complaint on street conditions, the Grand Jury investigated Napa City Public Works, City Finance and the Community Development Departments. City staff and private citizens from the development community were interviewed. Documents were obtained and reviewed. A Grand Jury Customer Satisfaction Survey, regarding the quality of services provided by the Community Development Department (CDD), was developed and mailed to recent project applicants. The Grand Jury discovered the following:

- Financial accountability is lacking in the City Finance Department and CDD with regard to collecting and allocating development fees.
- Performance accountability is lacking in all departments connected to the development review process.
- Some practices and policies of the City of Napa may be in violation of California State Law.
- The CDD is not functioning in the capacity for which it was created.
- A “*Culture of arrogance*”, “*intimidation*”, “*egotism*” and “*reprisal*” exists within the CDD.

Background

The City of Napa Public Works Department (PWD) has been deferring maintenance on city streets. Recent budget problems at the State level have caused shortfalls in State funding for cities. All city operations suffer, including the street maintenance. The City of Napa has looked to develop alternative sources for revenues. One revenue source includes billing for city staff's review of land development applications.

Problems have existed in the Planning, Building and Public Works departments since before 2001 when, as a response to citizen complaints, the City spent an estimated \$50,000 for a consultant to study the situation. Released in December 2002, the comprehensive Maximus Report identified the problems of insufficient systems, lack of accountability, and poor management. This report also made clear recommendations and goals to correct the problems, calling for sufficient funding and new staff positions. The City Council of Napa adopted the findings and recommendations of the Maximus Report and appropriated the funding.

The CDD was created in response to the Maximus Report, by reorganizing portions of the Public Works, Planning and Building Departments under a new manager. Management and staff were hired. Computer software, costing in excess of \$400,000, was purchased and project application fees were increased by 40%. Based on the hope of improved service, the project applicants accepted the fee increase. The plan was approved, funded, implemented and embraced by city officials and the public alike.

The 2003-04 Grand Jury examined the CDD's progress in implementing the Maximus recommendations. They also made a specific recommendation. Their finding stated, "*Although the early signs are positive, it is not yet clear whether the re-organization that created the Community Development Division has successfully resolved all of the issues raised by the Maximus study.*"

Methodology

Interviews Conducted:

City of Napa, Staff

Mayor

City Manager

Public Works Director

Assistant Public Works Director
Finance Director
Development Engineering Manager
Associate Civil Engineer, CDD (2)
Planning Manager
Revenue Supervisor
Community Development Department Director

Private Citizens

Attorney
Entrepreneur (4)
Engineer
Construction Manager

Documents Reviewed:

2002 Maximus Report.

California Government Code Section(s):

- 66014, 66016 and 66451.2 Reasonable Fees.
- 65920-65960 Permit Streamlining Act.
- 6253 (c) Public Records Act.

California Penal Code:

- 925(a) Cities or joint power agencies; Examination of books and records.

City of Napa Customer comment form

City of Napa documents:

- 2003-04 Napa County Grand Jury Report.
- Community Development Department Documents.
- 2004-05 City of Napa Budget Report.
- 2005-06 City of Napa Budget Report.
- 2004-05 Audit Report.
- June 30, 2004 Fiscal Year End Financial Statement.
- Miscellaneous documents and reports from Public Works.

Grand Jury Customer Satisfaction Survey was created and mailed to current and former project applicants.

Site observation of TRACKIT computer software system at the City of Napa CDD

Internet Resources:

City of Napa----- www.cityofnapa.org
City of Fairfield----- www.ci.fairfield.ca.us
City of Novato----- www.ci.novato.ca.us

Discussion

Napa Finance Department Accountability

The Grand Jury received a complaint letter about the poor quality of the streets in Napa, which are under the jurisdiction of the Napa City Public Works Department (PWD). Budget documents and proposals supplied by PWD were examined. During interviews, department heads stated that the State Gas Tax was the only “*guaranteed*” source of revenue for the city street repairs. For the 2005-06 Budget, this amount was \$500,000, but, according to the budget, the amount needed is about \$7,000,000 annually to adequately maintain streets in Napa. PWD stated that other revenues, such as grants and project development processing fees could also be used for street repair. When inquiring about the location and amount of these funds, the PWD said the revenues are placed in the General Fund.

City Finance Department verified that project development and processing fees go into the General Fund. When an applicant submits a project for review, the applicant pays a deposit. As the project is reviewed, the city planners and engineers charge hourly against that deposit. When the deposit is used up, the City asks for more deposit money before continuing their review. The hourly rate charged varies with the employee, and includes the wage and benefits for the individual, equipment used, and overhead. The Grand Jury was reminded, “*that the city can not make a profit*” on the services, it provides. The City of Napa’s billing practices were examined. The hourly rates billed for each city employee are substantially higher than what those employees are actually paid. In fact, most employees interviewed are paid on a salary basis and not hourly. The Grand Jury was told that this difference made up the cost for “*overhead*”. These overhead charges were never defined, in interviews or in response to Grand Jury document requests.

The Grand Jury questioned the Finance Department on how the hourly rates are determined. A Finance Department interviewee stated that it is

established by individual Department Managers. According to the interviewee, the wages are packaged as part of each department's budget, which is annually submitted and approved by the City Council. The interviewee went on to state that employees doing the work are not actually paid this money but rather these revenues are placed in the General Fund.

The Grand Jury made a request to the Finance Department for documentation of these revenues, including the total amounts billed and collected and where the funds are distributed. The first response to a written document request was delayed, and incomplete. A second written request was made, indicating the exact information wanted for a specific 24-month period. The response, from Finance Department Management, was handwritten, on ledger paper, containing the acronym "N/A" entry for many of the months, and the phrase "best estimates" for the total fees received during the specific 24 month period. It is unclear whether the acronym "N/A" means non-available or non-applicable. Based on the inadequate documents and poor response from Finance Department, the total revenue from this source could not be determined. From other available data, it is clear that the City has collected several millions of dollars in the past few years from project applicants.

In line with this, City Management acknowledged that the most current, audited financial statements available are for fiscal year ending June 30, 2004. City Management also confirmed the 2005 report is "one year late"

Finding 1 (a):

The Finance Department for the City of Napa did not provide clear documentation of total revenues generated from project applicant fees.

Finding 1 (b):

The City of Napa did not provide specific information regarding how collected planning process fees are disbursed, including allocations for street improvement.

Recommendation 1 (a) and (b):

The Grand Jury recommends that the City of Napa hire an independent auditor to conduct a thorough audit of all revenues generated by the permit application billing system, as well as the application and use of those revenues for the past five years.

Response:

Napa City Mayor
Napa City Council
Napa City Manager
Napa City Finance Director

City of Napa Building Application Processing and Billing Accountability

The CDD was created in 2003 by combining the Planning Department, the Building Department and portions of PWD. The CDD is the major source of all billings on projects. According to testimony from CDD staff interviews, few policy or procedure documents for billing practices exist. The Grand Jury again inquired about the hourly rates charged and received a different answer than previously stated by the Finance Department. This time the Grand Jury was told that hourly rates are determined by a formula used by the Finance Department. The CDD Manager receives a statement from Finance each month showing billings collected. Copies of these documents were requested, but never received.

Billings were sent out regularly to the project applicants until September 2005, when the billings stopped. It was explained that the newly implemented TRACKIT computer software being used by CDD and PWD is not compatible with the software being used in the Finance Department. Billings are now coming from the individual departments performing the reviews.

The Grand Jury questioned how employees log their hours and the description of work product which is to be charged to the applicants. The CDD staff informed the Grand Jury of its' new computer software designed to manage projects efficiently. Purchased from a company named CRW, the TRACKIT software allows the reviewer (city staff member) to log in time, make notes to the project applicant, send notes to other reviewers, view progress and history of a project, and finally, justify the charges with a work product description. A group of managers from various city departments chose this software, which was implemented in September 2005. The cost for the software was in excess of \$400,000.

The comprehensive TRACKIT program has the potential to eliminate many of the problems that were in the old system. As of May 2006, the

system was only partially operational. Department managers are encouraging use, but full implementation is still in the future. No parallel system was left operational during this transition period. Grand Jury members, observing a TRACKIT demonstration, were shown the first batch of new billings from the system. These bills were for the period from September 2005 to March 2006, and to be mailed the following day. Each billing had a request to pay a balance due, but failed to show any explanation for the charges. Total charges on the bills varied from less than a dollar to over \$60,000. The Grand Jury was assured that if an applicant questioned their bill, a detailed accounting would be provided.

The CDD management has directed the staff to log work performed “*at least eight hours for each day*” into TRACKIT. Some categories are not charged, such as sick leave and counter staffing; but most other tasks are charged to the applicant. The Grand Jury was informed that these hours must be posted by Friday of each week, but the department heads indicated that little or no review of the hourly log occurs. Management was asked what review or scrutiny of these hour reports prevents the staff members from “*rounding up*” when accounting for the full eight hours each day. A clear response was not given.

While interviewing members of the CDD Engineering Department, the Grand Jury confirmed that written policies and procedures are lacking or non-existent. Hourly charges billed by the engineers also are not monitored, or reviewed by a manager. Planning projects are increasingly being sent to an outside consulting firm as a first step due to caseload backup. Upon return from the consultants, new process requires these applications to be reviewed again by the city staff. This process increases the hours charged to the applicant, who is billed for both reviews (city staff and consultant). The CDD Engineers were divided in their opinion as to whether the current billing system is more effective than systems used by Napa County, or other neighboring cities.

Another area of accountability examined by the Grand Jury was processing time on development projects. It was stated in testimony that no written policies or procedures exist within the CDD regarding processing time. The CDD engineering staff stated the general practice is “*first in, first out*”. One of the engineers is assigned to review the plans returned from the consulting firms. When asked about the double review which results in double billings and delayed processing time, the Grand Jury was told that “*this is the way it is now being done*”, indicating this to be a new operating standard within CDD. However, City Council directives give “*tax generating projects*” priority, effectively delaying all other projects.

The Grand Jury asked about internal communication on project applications within the CDD. According to staff, formal CDD Engineering Department meetings are rarely held. Typically after applications are deemed complete an Inter Department Review (IDR) is held for a project, with members from all departments attending. Project applicants (customers) are excluded from these initial IDR meetings. Most of the other communications between staff members working on a project are done informally without written record. Interviewees stated that many of the details on the project reviews were *“in their heads”*.

While the focus of this report is about the accountability of the billing system used by the CDD and Finance, Public Works, Fire, Water and Legal as well as other departments within the city use this same system. Changes in the billing and review processes brought about because of this report should affect all city departments involved in the process.

Finding 2 (a):

The City did not provide clarification how hourly rates for project applicant fees are determined, or what constitutes overhead and other costs.

Recommendation 2 (a):

The City Manager to establish, and provide the public, a clear formula with a complete breakdown for hourly rates charged in the planning review process.

Finding 2 (b):

The Finance Department and CDD are sending out bills without explanations detailing the charges.

Recommendation 2 (b):

All billings are to be comprehensive, with complete documentation showing all expenses, hours billed and meaningful descriptions of work performed.

Finding 2 (c):

Total review and processing costs incurred by many project applicants are not reasonable. The costs are inflated by inefficient communication, multiple reviews of the same material and use of expensive outside consultants.

Recommendation 2 (c):

The planning review process must be streamlined, to be more efficient, accountable and responsive to the public (customer). It must follow the recommendations of the adopted 2002 Maximus Report.

Response:

Napa City Mayor
Napa City Council
Napa City Manager
Napa Finance Department Manager
Napa City CDD Director
Napa City PWD Director

2002 Maximus Report Accountability

In 2001 many of the same questions regarding accountability were brought to the attention of the Napa City Council. The Council responded by spending approximately \$50,000 on a consulting firm to evaluate the situation. The resulting report, the Maximus Report, was published in December 2002 with specific findings and recommendations. Accountability was the focus in the following three examples, of the many recommendations within the Maximus Report:

1. *“The Chief Building Official should hold the Plan Check Engineer accountable for the extent of re-submittals required before approval of building permit plans.”*
2. *“The Senior Civil Engineer should hold his/her staff accountable for the extent of re-submittals required before approval of final maps, parcel maps, grading plans and improvement plans.”*
3. *“The Case Manager is there to make sure reviews of discretionary permit applications are timely, that the review process is predictable and that the application gets to a decision point, whether it be a public hearing, re-design or construction permit issuance.”*

The 2003-04 Grand Jury was the first to monitor the progress made in implementing the Maximus recommendations. Their finding stated: *“Although the early signs are positive, it is not yet clear whether the re-organization that created the Community Development Division has successfully*

resolved all of the issues raised by the Maximus study.” The 2003-04 Grand Jury also made a specific recommendation for a survey to be conducted to evaluate satisfaction with the reorganization into the CDD.

The current Grand Jury has found no evidence of improved accountability. Testimony, document review and written responses to the Grand Jury Customer Satisfaction Survey, indicate that CDD has not met the objectives of the 2002 Maximus Report. The accountability issues for both processing time and fees charged have worsened.

CDD Management is familiar with the Maximus Report. Interviewees acknowledged that CDD is not being held accountable for completing reviews on time, although they are aware of State Codes dealing with timely processing of applications. Further statements indicated that no specific policies exist for evaluating or monitoring the outside consultants' time and fees. The Grand Jury found little evidence of job performance reviews or evaluations at any level. Specifically in an interview CDD Management stated *”no performance reviews are provided to department heads”*. All department heads report directly to the City Manager.

Finding 3:

After four years, the recommendations of accountability from the 2002 Maximus Report have not been implemented.

Recommendation 3 (a):

Napa City Mayor and City Manager conduct a full investigation into accountability for the lack of implementation of the Maximus Report by CDD.

Recommendation 3 (b):

Napa City Mayor and City Manager submit Quarterly Progress Report of CDD's implementation of the Maximus Report to City Council and make it available to the public.

Recommendation 3 (c):

Napa City Council hold City Manager and CDD Management Staff accountable for implementation of the Maximus Report.

Response:

Napa City Mayor
Napa City Council
Napa City Manager

California Government and Penal Codes Accountability

Several potential violations of California Government and Penal Codes were detected by the Grand Jury.

The Grand Jury learned from interviews, Government Codes, and by reading the Maximus Report, that project applications must be reviewed for completeness and responded to within 30 days of submission. It was clearly stated by members of the public interviewed, and repeated many times in the comments received from the Grand Jury Customer Satisfaction Survey responses; the City of Napa CDD does not adhere to the provisions of the California Permit Streamlining Act Government Code Section(s) 65920-65960 (1977).

Secondly, there is a specified time frame within which all requests for public documents must be fulfilled. It is clear from document requests made in the course of this investigation, the City of Napa CDD does not adhere to the provisions of California Government Code Section 6253(c) requiring response to public document requests within 10 days. Additional testimony from private citizens and comments received in the survey, validate that this is the practice.

Third, the establishment and charging of “*reasonable fees*” as indicated in California Government Code Section (s) 66451.2, 66014 and 66016 may be in question with the current billing policies and operational practices of the City of Napa.

The City of Napa’s billing practices were examined and it was discovered that the hourly rates billed for each salaried city employee are substantially higher than what those employees are actually paid. In interviews, City Management explained that the difference covers the cost for employee benefits, equipment used and “*overhead*”. However these overhead charges were never able to be defined, either in interviews or in response to repeated document requests. Many project applicants report

receiving bills with staff charges two to three times greater than staff salaries.

With the lack of year-end financial statements since June 30, 2004, the Grand Jury's, concern lies in the City of Napa's inability to provide:

- the formula for determining the significantly but unsubstantiated high rates for employee work
- what constitutes "overhead" expenses, which are included in employee charges, to assure non-recoverable charges are not included.
- the concerned public proof that it is not "making a profit" with accurate accounting for revenues collected against actual expenses to assure the City levies appropriate charges.

Processing time delays also contribute to the question of reasonable fees. Due to inefficient operations, the double reviews of consultants and staff, and the repetitive submissions of project applications required by CDD, many applicants testified their project's cost paid to the city exceeded the cost of their original engineers and architects.

Fourth, California Penal Code 925(a) establishes the right of the Grand Jury to examine city/county books and records at any time. This Grand Jury encountered stonewalling, delay tactics, and was intentionally given misleading information by some city employees in response to specific document request. This behavior clearly violates the California Penal Code cited.

Fifth, according to AG Opinion No. 02-1108, on June 10, 2003 the Attorney General of the State of California concluded that:

"1. A grand jury sitting in its civil "watchdog" capacity has the authority to admonish a witness not to disclose what the witness learns in the grand jury room regarding the subject of the grand jury's inquiry".

"2. The violation of the admonition may constitute contempt of court".

It was stated by city employees that discussions took place amongst staff regarding the confidential content of Grand Jury interviews. A second violation occurred on 5-11-06 when the Napa Register printed an article

reporting that a city employee, at a city council meeting, had disclosed and discussed:

“Amid reports that the Napa Grand Jury is investigating community development operations” and “stepped forward to admit its service shortcomings and propose corrective action”.

The employee, quoted in this newspaper article, had just been interviewed by this Grand Jury as part of its investigation. These incidents, according to the opinion quoted above, constitute a violation by each individual of their signed Grand Jury Secrecy Admonition Agreement not to discuss or disclose any subject or information covered in the interviews.

Finding 4:

The California Government Codes quoted above may have been violated by the City of Napa as they relate to billing practices, response to public document requests, and the permit review process.

Finding 5:

The Penal Code 925(a) previously listed, relating to Grand Jury investigations, has been violated by the staff of the City of Napa.

Finding 6:

City employees admitted to discussing details of the investigation amongst themselves, and in a public meeting as reported by the press. This is in direct violation of the signed Grand Jury Secrecy Admonition statement.

Recommendation 4, 5, and 6:

The Napa Mayor, City Council and City Attorney need to review the findings of the Grand Jury to determine if Government and Penal Codes are being or have been violated, and if so take measures to correct the practices.

Recommendation 4(b):

The CDD establish clear policies and procedures for full implementation of California Governments codes and ensure complete compliance via strict management oversight and accountability.

Response:

Napa City Mayor
Napa City Council
Napa City Attorney
Napa City Manager

Lack of Process Efficiency, Case Management, and Customer Satisfaction

Problems have existed in the Planning, Building and Public Works departments prior to 2001, prompting the Maximus Report. Released in December 2002, this comprehensive problem-solving document identified the problems and listed solutions.

The plan outlined by Maximus was approved, funded and implemented by the City Council of Napa. They adopted its' findings and recommendations, appropriated the necessary funds, created the CDD, hired management staff and purchased computer software costing in excess of \$400,000. Project application fees were increased by 40% to accommodate these expenses. Based on the hope of improved service, the project applicants accepted the fee increase.

The 2002 Maximus report recognized that the former Planning Department was creating unnecessary time delays and expense for the applicants. Maximus stated that different information systems used by the various departments caused delays in project review and plan checking. In addition, applications were not being checked for completeness at the time of submittal thereby requiring multiple re-submittals. Re-submittals create unnecessary delays and expenses for the applicant. These expenses can be expected to contribute to additional cost for housing as well as higher rents on commercial properties.

The Maximus Report also recommended that a single point of contact within CDD be established. This "Case Manager" is to be named in writing within five days of submitting an application; should be responsible for meeting with the applicant, checking for application completeness, notifying existing neighborhoods of potential changes, and updating the applicant on issues that have developed. According to the specific recommendation of the Maximus Report, the Case Manager's

responsibility is to make sure reviews of discretionary permit applications are processed efficiently, the review process is predictable, and the application gets to a decision point, whether it be a public hearing, redesign or construction permit issuance, all in a timely manner.

The Grand Jury found the strategy of a single Case Manager throughout the life of a project is not working as intended by the Maximus recommendation. A Case Manager is assigned at the beginning of the project, but often changes as time passes. This change is often not communicated. The CDD practice is to use “staff” instead of a named Case Manager. This process adds time and expense to the project applicant via billable staff hours. Many projects take 6-12 months to process for approval, and projects that are more complicated take even longer.

During testimony, the Grand Jury also heard of situations where project applicants ask their “Case Manager” numerous questions to clarify issues. If the applicant’s need for help is deemed as excessive attention by staff, their case is transferred to a consultant. The ‘extra attention’ is then billed at the higher consultant rate.

During the investigation, the Grand Jury found insufficient progress in meeting the goals and objectives of the Maximus Report. The 2003-2004 Grand Jury Report recommended that CDD conduct a survey to seek feedback on its performance. The current Grand Jury found a customer satisfaction questionnaire is available at the counter, but only in Spanish.

This Grand Jury created and sent a Customer Satisfaction Survey to all current project applicants. A name and address list for all pending projects was requested in writing from the CDD. The Grand Jury first received a report of billing details with truncated names and incomplete address information. A second written request resulted in a similar report. The CDD stated they would have to write a special computer report to generate a simple name and address list. In order to expedite the process, the Grand Jury requested copies of the 170 Balance Due letters, which had been seen during the TRACKIT software demonstration.

Initially the Grand Jury was given only 93 of the 170 bills. When requesting the remaining bills, the Grand Jury was told they did not exist, which was false. Then the Grand Jury was told that the remaining bills had not been sent out, but were being held for review by the Engineering Department. After numerous requests only 29 additional bills, for a total of 122 of the 170, were received.

Combining the incomplete computer list of “pending projects” as well as the 122 bills finally received, 188 Customer Satisfaction Surveys were mailed by the Grand Jury. Of the 188 mailed, 77 surveys were completed and returned. Eight (8) were returned by the post office as undeliverable. Although no space was left for comments, many volunteered to do so. Even though it was clear the survey could be returned anonymous, 37 people elected to sign their names.

The results of the survey confirmed the current project applicants are dissatisfied with the services provided by the CDD. These are the same problems identified in the 2002 Maximus Report. The majority responded:

- Project applications have not been processed in a timely manner
- The fees paid did not equal the services received
- When disagreements developed, compromises were rarely presented
- The CDD was rated as doing a poor job

The Grand Jury discovered that fundamental principles of effective management are not in place at CDD. Standardized policies, written procedures and measurable goals, are just starting to be formulated. Management is not focused on maximizing their available personnel resources. Failing to implement the Maximus recommendations, the CDD chooses to gather data on current internal practices. By giving low priority to meeting the Maximus objectives, the CDD continues to be slow, cumbersome and costly.

As part of its investigation, the Grand Jury heard testimony from members of the private sector who regularly deal with CDD. Results of the Grand Jury Customer Satisfaction survey were substantiated and elaborated by these personal accounts. Other people wanted to testify but feared that their pending projects would either be jeopardized or unnecessarily delayed. From numerous sources, the Grand Jury heard the words “*Culture of arrogance*”, “*intimidation*”, “*egotism*” and “*reprisal*” used to describe the atmosphere at CDD.

When questioned about this culture, managers acknowledged it to be an area of continuing concern. The Grand Jury is disturbed by the lack of urgency in fixing this problem. Although Department Heads indicated there are personnel disciplinary procedures, they are not utilized. The

Grand Jury found evidence that this “*culture*” is promoted and practiced at all levels of the CDD organization.

Finding 7 (a):

The City of Napa approved and adopted the Maximus report’s recommendations in 2002, appropriated the funding and implemented the plan by formation of the CDD.

Finding 7 (b):

After four and one half (4 ½) years, the objectives and goals of the 2002 Maximus Report have not been met, and, based on the Grand Jury Customer Satisfaction Survey, the public continues to express a high level of dissatisfaction with the CDD.

Recommendation 7 (a & b):

The City Mayor, City Council and City Manager perform a complete review of the CDD, and define a substantial corrective action plan, which clearly follows the findings and recommendations of the 2002 Maximus Report.

The City Mayor, City Council and City Manager will develop an ongoing, measurable review and evaluation of the correction plan (above), confirming that the goals of the Maximus Report are being achieved.

The City Mayor, City Council and City Manager will define a specific time line for accomplishment of the stated goals, and the managers need to be held accountable for achieving the goals within the time line.

These reviews should be coupled with the public reports recommended in Finding and Recommendation 3.

Finding 8 (a):

The CDD has little or no written policy or procedures for review and accountability of staff or management. Department heads are not regularly reviewed.

Finding 8 (b):

The Grand Jury finds sufficient staff and resources have been devoted to the CDD. Effective utilization of those resources by management is clearly lacking. The current operational policy of the CDD is to disregard many of the findings and recommendations of the 2002 Maximus Report.

Recommendation 8 (a & b):

The Grand Jury recommends that the Mayor, City Council and City Manager implement an active and immediate plan, which provides for ongoing, measurable review and evaluation of all employees of the CDD. The Department Heads and staff are to be held accountable for the implementation of the Maximus Report's recommendations, and for improved customer service.

Finding 9:

The Grand Jury has determined that a culture of arrogance, intimidation, egotism and reprisal exists within all levels of the CDD.

Recommendation 9:

The Grand Jury recommends that an oversight/grievance committee be established consisting of volunteer citizens, including members of the development community. This committee shall monitor all departments in the City of Napa, which are involved in project application review. This grievance committee will need to have the authority to recommend action to be taken by the City Manager/City Council when appropriate.

Response:

Napa City Mayor
Napa City Council
Napa City Manager

Glossary:

CDD-----Community Development Department
PWD-----Public Works Department

St. Helena Unified School District Student Health and Safety

Summary

The Grand Jury investigated St. Helena Unified School District (SHUSD) focusing on Student Health and Safety. St. Helena Unified School District is unique with its tax-based source of funding rather than receiving an allotted amount based on daily pupil attendance and student test scores from the State Office of Education. The District serves the city of St. Helena, and operates four (4) schools: a Primary School for Kindergarten through 2nd grade students; an Elementary School for 3rd through 5th grade students; a Middle School for 6th through 8th grade students; and a High School for 9th through 12th grade students. The schools, while on separate campuses, are not far apart. The small size of the district enabled the investigation to include all four schools, for an overall study of the District. The Grand Jury found a lack of attention to safety within SHUSD as evidenced by the failure to implement the District Emergency Preparedness policies and State mandates; by multiple safety hazards on campuses; and by repeated instances of Fire Inspection violations without correction.

The categories of this Grand Jury's investigation and reporting are:

1. Fire Safety
2. Emergency and Disaster Plans
3. Student Health
4. Food Safety
5. Campus Safety
6. District Operations

Background

The primary focus of schools, teachers, and administrators is the education of the students. School Districts are challenged by the increasing emphasis being placed on student test scores both to meet the Federal No Child Left Behind legislative mandate and the state law for high school seniors to pass a competency exam in order to receive a high school diploma. With the appropriate concentration on the educational programs and needs, sometimes the daily operations that provide the safe environment for learning are neglected or overlooked.

Methodology

Interviews conducted:

SHUSD Administration Staff:
Superintendent
Director of Curriculum and Instruction
Director of Food Services
Director of Health and Safety

SHUSD School Staff:
Principals
Custodians

Documents reviewed:

SHUSD:
Policies
Disaster Preparedness Plan
Draft: Emergency Operations Plan
Exposure Control Plan
Emergency Guide
Organizational Chart
Job Descriptions
Student Suspension and Expulsion Reports

St. Helena Fire Department: Fire Inspection Reports

Napa County Department of Environmental Health:
Food Services Inspection Reports

Inspections completed:

The Grand Jury did a full, on-site physical inspection of each school:
St Helena Primary School
St. Helena Elementary School
Robert Louis Stevenson Middle School
St. Helena High School

Discussion

The Grand Jury's investigation of health and safety in SHUSD will be reported under the six (6) selected categories.

Fire Safety

It is a basic expectation that our school campuses will be fire safe, with protocols and procedures in place as well as a safe physical environment. Fire inspections are conducted yearly by the local Fire Chief, who writes a report of the findings and re-inspects the school if needed to assure infractions are corrected. The schools have advanced knowledge not only of the month, but also the date of their annual fire inspection.

The St. Helena Fire Chief's reports for February 2006 indicated:

- “Minimal” violations for the Primary, Elementary, and Middle Schools.
 1. Primary School had
 - A. two exact repeated infractions from 2005:
 - Exit sign battery back up not working
 - Missing required evacuation posting
 - B. new violations:
 - Plastic instead of required metal trashcans
 - Gas storage must be in metal shed
 - Obstructed exit pathway
 - Wiring tripping hazard
 - Wrong type kitchen fire extinguisher
 - Too much paperwork posted in 4 classrooms
 - Missed fire drill in one month
 2. Elementary School had new violations:
 - Exit or Emergency lights battery backup not working in 5 different areas
 - Missing required evacuation postings
 - Plastic instead of required metal trashcans
 - Pathways blocked
 - Gas storage must be in metal shed
 - Electrical cord tripping hazard
 - Too much paperwork posted in 2 classrooms
 - Fire extinguishers (2) not checked monthly
 - Illegal, unsafe storage on top of cabinets
 3. RLS Middle School had
 - A. two exact repeated violations from 2005:
 - Electrical cord tripping hazards in 2 areas
 - Electric Panel requires 30 inches of clearance

B. new violations:

- Main electrical shut off needs sign
- Too much paperwork posted in 3 classrooms

The Fire Chief's report charged each school to correct its listed violations within 30 days.

- “Fair” condition status for the High School, adding:
 - “this must be improved upon as it is a step backward from past inspections. There seems to be a lack of attention to detail in regards to Fire Safety items and issues.”*
 - 1. The exact repeated violations from 2005 are:
 - Emergency lighting and Exit lights not working at 3 repeated locations plus 11 new areas
 - Plastic instead of metal trash cans: infractions doubled
 - Fire Sprinkler System Service out of date
 - Illegal speed bumps
 - Storage in Electrical Room
 - Fuel Tank needs a sign
 - Knox Locks and Caps are missing (note these are locked containers containing school keys for emergency use by Fire Department if schools closed)
 - 2. The new violations included:
 - Fire extinguishers: 2 had blocked access and 2 had missing posted signs
 - Pathways were blocked
 - Emergency shut off switch is needed on compressor
 - Electrical cords hazard in 2 areas
 - Too much paperwork posted in 7 classrooms
 - Evacuation Plan not posted
 - Excessive housekeeping materials storage
 - Welding shop needs outlet covers

Due to the seriousness and volume of both repeated and new violations, St. Helena's Fire Chief has scheduled a re-inspection of the High School to ensure violations are corrected.

At prime concern is the apparent lax attitude towards fire inspections and Fire Safety, most especially evident at the High School. The lack of readiness for a known scheduled safety inspection, and most importantly, the failure to correct previously cited violations is blatant disregard for safety.

Finding 1:

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

Recommendation 1:

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

Emergency/Disaster Plans

At onset of our investigation, one school provided the Grand Jury with a very old, outdated Disaster Preparedness Plan. Two other schools said a plan was not available, and instructed this Grand Jury to contact the District office. The Primary School had a new plan developed before it opened in 2001. Eventually the Grand Jury was told that the Director of Health and Safety was in the process of updating the District's disaster plans. The first completed component is a spiral bound 8" x11" flipchart called The Emergency Guide. It provides bulleted directives for various types of emergencies and was distributed in March, 2006, to be posted in each classroom for use as a quick resource. The District Director of Health and Safety has worked diligently, gathering sample plans from other school districts to use as reference in re-writing and updating the Disaster Preparedness Plan. The Emergency Operations Plan and the Exposure Control Plan are completed in draft form, and are awaiting School Board review and approval.

In reviewing SHUSD policies, the Grand Jury discovered BP 3516, Emergencies and Disaster Preparedness Plan, which was adopted by the Board of Trustees in 1999 and clearly requires:

- regular review of the District's disaster preparedness plans
- *"principals to augment the district plan with working plans and procedures specific to each school"*.
- the District to *"use state-approved Standard Emergency Management System (SEMS) guidelines when updating district and site-level emergency and disaster plans"*.

SEMS is a statewide, universal response system enabling all state fire, police, schools and any outside entity to work seamlessly in response to a disaster. California Government Code, Section 8607, became law in 1993 and “requires state and local governments and special districts such as schools to respond to disasters using the Standardized Emergency Management System”. While as early as 1999 SHUSD knew of SEMS, when the Grand Jury interviewed current SHUSD staff, only the Director of Health and Safety had heard of SEMS. Yet the Director was not aware of either its legal mandate or its procedures and processes. The Director had obtained a copy of the SEMS template, from Napa Valley Unified School District, as a resource tool in the updating process.

In 2001, the Primary school received a \$40,000 grant to develop an emergency and disaster plan, and to obtain equipment needed for the plan. The School Principal utilized the funds and created an emergency-disaster plan, but seemingly it was not shared within the district, for only the Primary school had a new plan. SEMS was not included in the Primary School plan.

In 2002, two (2) District Policies were Board approved:

- Safe Bus Operations, AR3543, addresses a comprehensive plan including student training and drills to be done for all students receiving district bus transportation. No SHUSD staff knew that this policy existed.
- Fire Drills and Fires, AR 3516.1, sets directives regarding how and when to conduct drills and how to respond to a fire.

In 2004, nearly a complete change in administration leadership occurred with the newly hired District Superintendent, and Director of Curriculum and Instruction; and new Middle and High School Principals, plus the return of a former Principal to head the Elementary School.

In November 2004, the most recent SHUSD Emergency/Disaster Policy (BP0450) was approved, indicating an awareness of the need for updating District plans and calling for:

- *“the development of a comprehensive district-wide safety plan that identifies major safety concerns as well as the district’s goals and priorities for safe schools”*
- *“for the Board to review the plan in order to ensure compliance with state law, board policy and administrative regulation”*

- ensuring “an updated file of all safety-related plans and materials is readily available for inspection by the public.”

Currently the District reports that all the schools conduct fire and earthquake drills, but not intruder-lockdown drills.

The Grand Jury acknowledges the District Director of Health and Safety’s participation with Napa County Office of Education’s (NCOE) Project Prepared. Supported by a federal grant, NCOE is working “to bring public and private schools in Napa County into compliance with California’s SEMS and the Federal (Department of Homeland Security’s) National Incident Management System (NIMS)”. Similar to California’s SEMS, it’s a federally designed comprehensive system using the same Incident Command System to improve response operations and promote developing statewide and interstate mechanisms for coordinating response and getting assistance in a large scale or complex event.

Finding 2:

There is pervasive lack of attention for years to Emergency Preparedness in SHUSD. The District did not begin to implement Emergency/Disaster Policy (BP0450) until the 2005-06 school year, leaving the students and staff vulnerable.

Recommendation 2:

SHUSD Administration develop and implement an updated, regulation compliant District-wide Emergency Disaster Plan, in addition to participating in NCOE’s Project Prepared program.

Student Health

SHUSD has a part-time District Nurse who assists only with the Special Education students, as mandated, in their assessment, and ongoing development of their Individual Education Plans. The District contracts for a nurse to conduct the required student health exams/screenings, and record reviews. District policy (BP 5441.2 adopted in 11/04) requires “qualified medical personnel” to train staff on medication administration, including anaphylactic injections. There is no verification of this training. Each school, except the High School, has a separate sick room for providing assistance to students who become ill, are injured or require

ongoing medical care. At the High school students are asked to sit in the administration office waiting room/lobby, where the first aid kit is stored behind the receptionist's office equipment. Student medications are stored in the administrative assistant's office.

When asked about a safe system for disposing of medically used sharps (needles and lancets) both the Primary and Elementary schools demonstrated knowledge and/or process of a puncture proof container in a locked cabinet. Both the Middle School and the High School did not demonstrate appropriate knowledge of safe sharps disposal and did not have a hazardous waste system in place.

District policy calls for staff to be trained in both First Aid (FA) and Cardio-Pulmonary Resuscitation (CPR), which is also a required component of SEMS. The district records of staff certifications are inconsistent from school to school, with some certifications being expired. There were no records for Middle School staff; Elementary staff records indicated no FA and expired CPR; High school records note 3/04 staff training in both CPR and FA, which means the CPR is expired; and Primary staff records state staff are trained in both every other year. Coaches and Physical Education staff at both Middle and High School are reported to be annually trained in CPR and every 3 years in FA.

Finding 3:

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

Recommendation 3:

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

Finding 4:

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

Recommendation 4:

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

Finding 5:

The District records indicate most of the staff certifications in CPR and/or FA are expired.

Recommendation 5:

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

Commendation:

Before graduating from High School, students are certified in FA and CPR, valuable knowledge and skills to take with them as they leave SHUSD.

Food Safety

The Director of Food Services is well qualified with extensive and diverse food industry experience, which is used in heading this department. This 'hands on' Director is impassioned about good food, and good service.

SHUSD school kitchens and cafeterias vary, with two (2) food preparation/cooking kitchens and two (2) receiving and serving kitchens; and three (3) schools have cafeterias. All four (4) school kitchens have received "A" grades from the Napa County Department of Environmental Health Inspections.

Food, prepared in the school production kitchens, must be transported to the school receiving kitchens, all of which demands attention to food temperature maintenance for food safety. Occasionally food service staff have to use their personal cars to transport the food. When the Grand Jury was inspecting the sites, the District's two (2) warming units, used to hold food in the correct temperature range until time to serve it, were not functioning.

Finding 6:

SHUSD has limited food transportation vehicles and food warming units.

Recommendation 6:

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

The Middle School's receiving and serving kitchen is very small and a challenge for safely presenting food. It doesn't have an enclosed area for students to line up, order and receive food, which means students must stand outside unprotected in bad weather. Likewise, it does not have a cafeteria, with the 'old' gym only opened for protected eating in bad weather. Given the extraordinary lengthy rainy season, this year has been particularly challenging.

Finding 7:

SHUSD Middle School's kitchen is too small and lacks an enclosed area for ordering food and a cafeteria for eating.

Recommendation 7:

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

Commendations:

- The District Food Service Director strives to implement guidelines above the minimal requirements by:
 1. providing each kitchen with more than the one (1) legally mandated staff certified in food safety.
 2. implementing federal guidelines for serving healthy food choices in advance of the required timeline.
- The District utilizes a payment system, like a debit card, for student food purchases to ensure non-discrimination for students on subsidized food program, as well as quick and easy accounting.

When card funds get low, money can be added to the card online to enable easy 'recharging' the card.

Campus Safety

During the Grand Jury's site inspections of each school, and the interviews of district and school staff, the following are noted concerns for student health and safety:

- Primary School:
 1. School fields have very hard compact dirt with many rocks, which frequently cause injuries

- Elementary School:
 1. Water fountain near cafeteria was disconnected from it's moorings
 2. The Electrical Panel Closet door was left open
 3. Reported, repeated campus vandalism by after school community use of the grounds, especially by skateboarders
 4. Reported, repeated bathroom vandalism of broken fixtures and body waste outside of toilets

- Middle School:
 1. Bulldozer, parked behind D wing, without security fencing
 2. Custodian equipment shed, located in main quad area, doors left open without staff supervision present

- High School:
 1. Classroom eyewash stations are unclean and unchecked
 2. Welding Shop needs fire blanket and hoods for stations

 3. Science storage: liquids are not secured
 4. Math/Science classrooms: workstations/desks are configured in such a manner that it would be difficult for students to quickly reach an exit in emergency.

Finding 8:

Significant safety concerns are found on each campus.

Recommendation 8 (a):

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

Recommendation 8 (b):

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

Commendations:

The general campus appearance of all four (4) schools is very good. Each has a well kept and clean campus, with good landscaping and grounds maintenance, that is both aesthetically pleasing and safe.

District Operations

SHUSD is small in size which allows a level of intimacy and participation that has a “family” feeling to operations. With ‘only’ four (4) schools to oversee and manage, the district is more readily accessible to school administration and staff. Communication and operational systems should be less complex, and more quickly and directly implemented.

The Grand Jury’s concerns begin with the lack of implementation of many district policies which indicates that attention to safety is not a priority. Many good policies exist, but unless put into action, they remain just words on a page in a binder on a shelf. Campus, student, and food service needs previously indicated need attention and resolution. Leadership begins and ends at the District Administration Staff to not only ensure district-wide compliance with safety laws and standards but also empower identification and provision of a safe and appropriately comfortable school learning environment.

The importance of ‘Safety First’ comes from top leadership down through every staff member in the district to assure all eyes are daily looking at the school environment for hazards. Both the district administration and school principals need to establish and confirm their commitment to ensuring basic safety standards are met and enforced in the schools.

Finding 9:

Appropriate attention to safety is missing within SHUSD, as evidenced by the lack of implementation of district policies, the noted safety hazards on the school campuses and the High school's poor Fire Inspection record.

Recommendation 9 (a):

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

Recommendation 9 (b):

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

Commendation:

- The Safe Bus Operations policy (AR3543) is outstanding,. It addresses safety in an area of student life often left out of safety plans.
- The District has a very good working relationship with the St. Helena Police Department, with officers frequently on campus to develop relationships with the students and at District events to support both the students and the District.

Responses to 1-8 Findings and Recommendations:

SHUSD Board of Trustees
SHUSD Superintendent

Glossary

SHUSD----St. Helena Unified School District
SEMS-----Standard Emergency Management System
NCOE-----Napa County Office of Education
NIMS-----National Incident Management System
FA-----First Aid
CPR-----Cardio-Pulmonary Resuscitation

Napa Valley Unified School District Response to 2004-2005 Grand Jury Report

Summary

The 2005-06 Grand Jury was disappointed with Napa Valley Unified School District's (NVUSD) response to the 2004-05 Grand Jury Report on Student Health and Safety in Middle and High Schools. The District's response included conflicting and contradictory statements; data outside the scope of the report (schools beyond the seven [7] targeted schools); details beyond the point of issues; and it did not supply concrete information to support some answers. The scope of the previous Grand Jury's findings and recommendations identified extensive, serious concerns and issues affecting student health and safety, and NVUSD Administration operations and leadership. The current Grand Jury was compelled to reinvestigate NVUSD to assure appropriate changes were implemented and progress was made with operational and leadership revisions. While acknowledging a few achievements, NVUSD's performance remains inadequate as evidenced by the current Grand Jury's 14 Findings and Recommendations, many being repeats of last year's report.

Background

The Grand Jury is responsible for evaluating the responses to the previous year's Grand Jury Report. The current Grand Jury found NVUSD's response to the 2004-05 Grand Jury Report to be inadequate and confusing, requiring this year's Grand Jury to perform a follow up investigation. To allow the District sufficient time to act on their responses, the Grand Jury waited until March 2006 to seek confirmation of the District's actions.

Methodology

Documents reviewed:

2004-05 Napa County Grand Jury Report

NVUSD's '05 Response to the 2004-2005 Grand Jury Report

NVUSD's '06 Documentation, requested by the Grand Jury:

- School Resource Officer staffing and responsibilities
- High School Dean:
 1. added assigned faculty responsibilities
 2. school plans for covering the dean's job when Dean is performing these added responsibilities.
- Campus Supervisor Study and current and past staffing levels
- Fire Safety:
 1. New policy and procedure for completion of Fire Inspections
 2. Latest Fire Inspection reports
 3. Acquiring classroom protective equipment and clothing
- Emergency & Disaster Safety Plans
 1. Safety Emergency Management System (SEMS)
 - A. Training of District and School Staff
 - B. Updated Plans using SEMS guidelines
 - C. First Aid & Cardio-Pulmonary Resuscitation training
 2. Changing of classroom door external locks
- Food Safety
 1. Cafeteria and Food Sales lacking Dept of Environmental Health licensure
 2. In-service training for school administrators re. food safety
 3. Policy & Procedures for tracking compliance with laws
- Student Health
 1. Dispensing medication training and monitor practice
 2. 2005-2006 Epi-Pen Training
 3. Students requiring individual monitoring or assistance
- Administration Management
 1. Uncollected Accounts Receivable Monies
 2. Updated, implemented Financial Controls
 3. Changes to assure oversight and accountability of staff

Grand Jury's School Resource Officers Survey

American Canyon and Napa City Fire Departments Reports

- Current Fire Inspections
- SEMS training to NVUSD staff

- Napa County Office of Education (NCOE)
- Financial Records regarding NVUSD
- Project Prepared Program

Local Newspaper Articles

Interview conducted:

Napa County Office of Education, Superintendent

Discussion

NVUSD Response to the 2004-05 Grand Jury Report

Contrary to NVUSD's allegation in their '05 Response, the Grand Jury Report is not a "*criticism of an individual, a program, or an organization*". Rather it is a written summary of the Grand Jury's investigations, and the subsequent findings and recommendations made by the panel of 19 volunteer citizens. The Grand Jury's primary duty is to "*investigate the operation of city and county governments, as well as tax supported agencies and districts created by state law*". The Grand Jury investigates "*areas of government to determine if it can function better, save money or reduce staffing; and to generally examine the way governments conduct business, particularly with respect to any evidence of malfeasance, misappropriation or mismanagement.*" The Grand Jury is a "*judicial body comprised of citizens... impaneled to act as an 'arm of the court'...to be a voice of the people and a conscience of the community*". Since the government, agencies, and districts exist to work for its citizens and to assure and provide services to its citizens, the Grand Jury Report is a means of citizen communication asking for review and potential revision of operational areas needing attention. The citizens of Napa County and its cities are the customers of the governments, agencies and districts reviewed. Due respect and credence needs to be accorded by these entities recognizing they operate to serve their customers, which are each and every citizen.

NVUSD's response also alleged that procedures were not taken (by the Grand Jury) to assure credibility of the 2004-05 Grand Jury Report. In conducting its investigations, the Grand Jury utilizes a process of triangulation of data to assure accuracy of information. The data included is not based on "*assumptions or assertions*" but on received information, from three (3) sources. Each person interviewed is given an opportunity to

address and verify information provided. The NVUSD Superintendent was interviewed twice, once at the beginning of the investigation and again near the completion. Several of the nearly 50 persons interviewed over the course of the investigation also had a second interview. Extensive volumes of documents and records were reviewed plus a full, complete on-site physical inspection was conducted at each targeted school. The 2005-2006 Grand Jury will report its findings and recommendations, regarding Napa Valley Unified School District's response, in the same format as the 2004-2005 Grand Jury Report.

Administration Leadership

The underlying, interwoven issue throughout both the 2004-05 Grand Jury Report, and this year's Grand Jury Report is the ongoing lack of leadership by the NVUSD Administration.

In NVUSD's '05 Response to the 2004-05 Grand Jury Report, the District clearly stated:

"We concur with (2004-05 Grand Jury Report's) Recommendation 13 that we must establish and maintain clear, concrete mechanisms of accountability for improving communication, oversight, and management in all areas, including safety and management".

However, the District reported but did not accomplish the indicated work or action as seen in the current Grand Jury Report's 14 Findings. NVUSD continues to be ineffective in its oversight, communication and management of both persons and processes, with minimal supervision and accountability for job responsibilities. This is clearly evidenced by the following eight (8) Findings, with their accompanying supportive information:

<u>Finding #</u>	<u>Finding Description</u>
# 6	School Fire Inspection remains uncleared.
# 7	Inoperable/inaudible emergency alarms exist without a secondary back up alert system.
# 8	State mandated SEMS/emergency training has not been done in two (2) of the seven (7) targeted schools.
# 9	District lacks accountability for state mandated emergency drills.
# 10	Designated staff do not have First Aid or CPR certification

- # 11 One (1) school lacks Annual Kitchen/Food Service Inspection.
- # 13 Health Clerks/staff did not get annual medication safety training.
- # 14 Finance Department's, Accounts Receivable, continues to amass uncollected monies owed the District.

Among the remaining Findings, the District failed to accomplish a reported plan of action by not seeking added SRO funding and not conducting the Campus Supervisor Study. It directed the solution to a time in the future with the potential plan to purchase security cameras and monitors *“when imaging and resolution are improved”*. Failing to address the issue of the Deans being diverted from their jobs, the District turned the attention to its concerns of staff retention.

Finding 1(a):

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

Recommendation 1(a):

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

Finding 1 (b):

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

Recommendation 1 (b):

District Administration to:

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

Campus Security and Safety

The current Grand Jury concurs with the 2004-05 Grand Jury that the

“current and expected future population increases in the cities of Napa and American Canyon already have and will continue to aggravate forced overcrowding of all the district’s secondary schools beyond their designed capacities.”

NVUSD released reports, covered in the local newspaper, confirm the Grand Jury’s statement of overcrowding of students onto the majority of middle and high school campuses in NVUSD, with the following data regarding current student population status:

<u>Middle School</u>	<u>% of capacity</u>
American Canyon	85%
Harvest/River	61%
Redwood	113%
Silverado	107%

<u>High School</u>	
Napa	112%
Vintage	102%
New Technology	undetermined

The 2005-06 Grand Jury further agrees with the 2004-05 Grand Jury that schools are *“faced with overcrowding, gang violence, drugs and other illegal activities”* (such as theft, harassment, vandalism, and possession of dangerous objects) which require more attention and diligence to maintain safe and secure school campuses.

1. School Resource Officers

It remains the concern of the Grand Jury that

- School Resource Officers (SRO) are each assigned two (2) schools to protect the students and assist the administration; to provide prevention education and resource support; and to *“ensure a presence”* on campus. The SROs state they often are scheduled at one (1) school but then are pulled away to help at the other school, which disrupts their work, and causes canceling and rescheduling of appointments or classes.

- Unequal SRO staffing exists:
 1. New Technology High does not have an assigned SRO.
 - A. All district schools contend with the same student management challenges and need the same support services. The school should not have to “request” a SRO, as inferred by NVUSD’s ‘05 Response.
 - B. New Technology High’s administration gave the Grand Jury the name of a local police officer who was assigned to assist them when phoned for help. However the Grand Jury’s investigation revealed that a Napa Police Officer with that name does not exist.
 2. Within the City of Napa:
 - A. One SRO serves both Silverado Middle and Vintage High Schools with over 870 students and 2400 students, respectively, for a total of 3270 students. This is 700 more students than the other two SROs with schools the farthest distance apart.
 - B. One SRO is assigned to two (2) high schools, Napa High with a student body of over 2300 students and Valley Oak High with 200 students. He reports spending the majority of his time at the larger school which, in effect, provides that school with nearly a full time SRO. These school campuses are on the same property, divided by an alley.
 - C. One SRO has three (3) middle schools: Harvest, River and Redwood, with student bodies of 900, 250, and 1150, or 2350 collectively. Harvest and River share the same property with Redwood nearby.
- Funding for SRO staffing continues to be a low priority for NVUSD as demonstrated by:
 1. No new funding attempts are evident since the District’s ‘05 Response was filed. In that response, the District stated:

“We will continue to search for potential funding sources”.

Yet, in the District ‘06 Documentation, the District referred only to the same denied grant that was documented in their ‘05 Response as having been sought last year.

2. The NVUSD '05 Response contained the following conflicting and contradictory statements:

“We agree that additional funding is necessary to continue current staffing needs” [but to make] “obtaining adequate funding a top priority (is) not warranted and is not reasonable”.

3. In their '06 Document, the District repeats its concern of funding the current SROs: *“We are currently reviewing our budgets to determine if we can afford current three (3) SROs, and potentially add two (2) officers”.*

In these two documented statements, the Grand Jury is concerned the District is conveying that it needs additional funding to support even the current staffing level of three (3) SROs, putting any SRO staffing in jeopardy.

- School Gang Prevention Program has been cut in half. The Gangs Resistance Education And Training (GREAT) program has been reduced from 12 weeks to 5 weeks at Silverado Middle School, and to 6 weeks at Harvest and Redwood Middle Schools *“due to (SROs) not having enough time to spend in the classrooms”*.
- Already over capacity, school's student population will continue to grow until new schools are built. The next high school won't be completed until 2010, and there are no current plans for adding a middle school.

Via the Grand Jury's SRO Survey, the SROs unanimously reported, without solicitation, the desire and need to be assigned only 1 campus to be truly effective and successful.

Finding 2(a):

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

Recommendation 2 (a):

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

Finding 2 (b):

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

Recommendation 2 (b):

- NVUSD meet the Napa Police Department's (NPD) commitment to staff each secondary school with a full time SROs starting in the 2006-07 school year.
- NVUSD look beyond state or federal grants as financial resources for SRO funding, and seek private funding, such as local foundations and organizations.

Commendations:

- NVUSD SROs are performing extraordinary service .They must work hard and efficiently to have time to interact with students at break and lunch; to assist with behavior management and counseling; and to provide education-prevention classes.
- The Napa Police Department (NPD) has “*expressed a willingness to fund two additional SRO's at half their cost for a total of 5 SRO's for next year*”. Additionally the NPD funds a full time Social Worker and a full time Officer for Diversion and Early Intervention in NVUSD. This demonstrates tremendous support for the health, welfare, and safety of the students.

2. Campus Staffing

There are two (2) staff positions which work predominately to manage student behavior, action and interaction issues, and to ensuring a cohesive, safe campus. These are the Campus Supervisor and the high school Dean. The current Grand Jury agrees with the 2004-05 Grand Jury Report's recommendation:

“NVUSD must commit to an appropriate ratio of campus supervisors to student population at all secondary schools. The Dean of Students position must not be compromised by requiring added teaching duties.”

The 2004-05 Grand Jury Report supported the need both for more Campus Supervisors and the full attention of the High School Dean by reporting significant increase in the target school's student suspensions and expulsions. However the NVUSD '05 Response regarding school suspension and expulsion statistics:

- Did not focus on the Grand Jury's targeted schools and their student population. Instead it used data that included all NVUSD schools from 1995 through 2005. It presented graph charts showing statistical change in total percentages not actual numbers. Whereas, the 2004-2005 Grand Jury Report used District records to compare stats only between two (2) school years, 2003-'04 and 2004-'05. The actual numbers, not percentages, were reported, and the data used involved only the targeted middle and high schools. The District '05 Response did not address the focus of the 2004-'05 Grand Jury Report.
- The NVUSD '05 Response stated:

“Please note that some of the suspensions and ordered expulsions reflect the administrators doing the suspensions and expulsions. In earlier years, some infractions were handled with counseling at the school in lieu of suspension and expulsion. It could be also argued that more disciplinary activity is the result of better campus policing in which student behavior is more effectively monitored and addressed rather than the result of a deficiency” in supervision.

The Grand Jury rebuts with the following interpretation and evaluation:

1. The administrative staff is very stretched, managing increasing student populations and rising disciplinary actions, which are further impacted by the insufficient Campus Supervisor staffing levels and minimal SRO hours.
2. Some students are facing suspension and expulsion due to limited staff availability, rather than getting the needed counseling services and interventions offered in past years.
3. The Grand Jury's deficiency concern is not in “*policing*”, as stated in the District '05 Response, but rather in reduced supervision, and the subsequent lack of supportive services.

4. Additionally the GJ is concerned that the actual infractions, leading to student suspension or expulsion, have increased in frequency and severity as documented in the 2004-'05 Grand Jury Report.

The District '06 Document provided the NVUSD Campus Supervisor staffing records:

ASSIGNED HOURS for CAMPUS SUPERVISORS

<u>School</u>	<u>Initial Hours/Year</u>	<u>Added Hours/Year</u>
American Canyon Middle	2 hours in 1998	+ 2 hours/'01; +2 hours/'02
Harvest Middle	4 ¾ hours in 2003	+4 hours/'04
Redwood Middle	9 hours in 1997	+4 hours/'01; +1 hour/'02
Silverado Middle	8.8 hours in 1997	(none)
Napa High	24 hours in 1997	(none)
Vintage High	27 hours in 1997	(none)
New Technology High	4 hours in 2005	

The significance of this information is:

- regardless of yearly increasing student census, three (3) schools have not had an increase in Campus Supervisor hours in nine (9) years; one (1) school has never had any hours until this year; and it has been four (4) years since two (2) other schools added hours.
- In 1997, NVUSD's staffing records show that it determined the student population at Silverado Middle School needed 8.8 hours, Napa High needed 24 hours, and Vintage High needed 27 hours of Campus Supervisors. Yet the District currently justifies the same Campus Supervisor staffing levels, nine (9) years later, while reporting over capacity student census and increased student management problems.

Finding 3 (a):

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

Recommendation 3 (a):

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

Finding 3 (b):

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

Recommendation 3 (b):

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

NVUSD '05 Response infers that security cameras and monitors, already in place at Vintage High School, provide student supervision. The District indicates that more

“will be considered for ...Napa High School, New Technology High ... when the imaging and resolution are improved. These cameras tape 24 hrs and 7 days a week to assist with keeping the campuses safe and deterring vandalism after school hours.”

Security cameras should not replace people, and security monitors require staff to watch them to provide effective supervision. Sufficient help with student supervision is needed now, not sometime in the future *“when imaging and resolution are improved”*. Additionally, security cameras cannot do the work of SROs, Campus Supervisors and Deans, namely: interact with students; develop positive relationships; help to manage disruptive behavior, or contribute as a counselor, resource staff or prevention teacher.

Finding 4:

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

Recommendation 4:

Increase Campus Supervisor staffing on each middle and high school campus, rather than plan to obtain security cameras and monitors sometime in the future.

The 2005-06 Grand Jury disagrees with the District's '05 Response assertion that assigning Deans instructional supervision "*should not detract significantly from the discipline on campus*". Every Administrator on each campus clearly identified the full time work of the school's Dean being behavior management and disciplinary intervention, to the degree that full time SRO assistance was also universally acknowledged as needed for the school to maintain decorum and safety. Even the smallest additional job assignment would lessen the dean's available time and attention to do this already demanding job.

The District '05 Response stated:

"It is our expectation that there will be more stability in staff members serving in this position" when they "participate in academic functions of the school",

This can be interpreted that the staffing turnover of the High School Dean position is a problem.

The High School Deans already have a large job and need supportive assistance with those duties. This provides more reason and support for a full time SROs and added Campus Supervisors on each campus to help and supplement the Dean.

Finding 5:

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

Recommendation 5 (a):

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

Recommendation 5 (b):

NVUSD establish an immediate and long term plan to address the increasing need for added staffing for improved student management and prevention support on each of the middle and high school campuses.

Commendations:

- In their '05 Response, the District did acknowledge that *“the ratio of campus supervisors to students has decreased as schools have gotten larger”*, and said it would *“study the campus supervisor staffing during the 2005-2006 school year. If analysis determines additional supervisors are warranted, they will be provided.”*
- In the 2005-06 school year, the District:
 1. began providing New Technology High with some Campus Supervisor hours.
 2. did not assign additional responsibilities to the Dean of Vintage High and a minimum of less than 1 hour per week of supervision, beginning in February, to the Dean of Napa High.

3. Fire Safety

Fire safety inspections and availability of appropriate standard safety equipment is considered a basic provision in every school and classroom. In the 2004-05 Grand Jury Report, major deficiencies, such as annual fire inspections, annual fire extinguisher recharging, missing classroom safety equipment and defective school emergency alarms, were revealed.

Last year the Grand Jury recommended immediate fire inspections be completed, and a tracking system be developed to insure timely future

inspections. The NVUSD '05 Response stated *“a plan was put in place to inspect the schools by Sept 1, 2005”*.

The District '06 Documentation included the District's Fire Inspection Log used to self-track fire inspections, and copies of the target schools latest fire inspection reports. The review of these records showed continued compliance problems with obtaining timely, cleared annual fire inspections.

- The NVUSD Fire Inspection Log simply lists each school, with a date of inspection column and a re-inspection column. The form was not completely filled out and had dates entered incorrectly. The log does not document whether a school was “cleared” by the Fire Inspector, nor flag that further inspections are needed. The control procedure for the district's Fire Inspection Log calls for:

“monthly the secretary is responsible for monitoring the control log to be sure that all schools have been inspected within the previous 12 months”.

The procedure misses the crucial point of each school needing to be cleared by the Fire Inspector and does not provide for follow up until all schools have received cleared status.

- The actual fire inspection reports show that, as of April 2006, Harvest Middle School has not received clearance status.

NVUSD remains deficient in school fire inspection clearance, and continues to demonstrate the lack of management, oversight and accountability by district administrative staff. Fire Inspection Reports need to be read immediately, with infractions noted and the corresponding work completed as quickly as possible. Timely re-inspections need to be done until clearance is received and accurately recorded.

Finding 6:

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

Recommendation 6:

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

Another unresolved concern, from the 2004-'05 Grand Jury Report, is inoperative and/or inaudible emergency alarms on some campuses. The District '05 Response acknowledged that some systems are 10 years or older, with ground faults causing defects. The District also noted there were long range plans for replacement when financially possible. However, the District did not address an intermediate need to implement a communication plan to alert teachers and students in areas where alarms are known to be inoperable or malfunctioning.

Finding 7:

Aging school alarm systems result in some of the emergency alarms being inoperable or inaudible. Staff reports an inadequate alert system for these areas so that students and teachers can be made aware of both real emergencies and school drills.

Recommendation 7 (a):

NVUSD must budget for repair or replacement of defective alarms.

Recommendation 7 (b):

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

Commendation:

District '06 Documentation reports that previously missing fire blankets have been purchased and installed in all classrooms in which combustion could likely occur.

Emergency/Disaster Safety Plans

As reported in last year's Grand Jury Report, California Government Code, Section 8607, which became law on January 1, 1993,

“requires state and local governments and special districts such as schools, to respond to disasters using the Standardized Emergency Management System (SEMS).”

SEMS is a state wide universal response system by which all state fire, police and schools operate following the exact same basic emergency and disaster plan, thus allowing any outside entity to seamlessly assimilate into the disaster response and render assistance most effectively. In the NVUSD '05 Response to the 2004-05 Grand Jury Report, it is evident the District was aware of the SEMS regulation, but had not acted to incorporate and implement SEMS into each school's Emergency/Disaster Safety Plan.

Commendation:

- NVUSD, recognizing the importance and state law mandating the requirement for school districts to be compliant with SEMS, has attempted to have staff trained at each school within the city of Napa.
- District '06 Documentation, reports it assisted the County/CDF by having two (2) District staff trained as trainers, to enable the county schools to be trained.
- Additionally the SEMS template has been distributed to each school for it to be individualized to accommodate the specific school's needs and included in the school's emergency and disaster manual.

The District '06 Documentation claimed all schools have been trained in SEMS policy and procedures. However, the Grand Jury found that two (2) schools have not been trained:

- Redwood Middle School has not received the required SEMS staff training and it is not listed in either District or Fire Department records.

- The American Canyon Middle School has not been trained. The American Canyon Fire Chief reports, due to a difficulty in working with NVUSD and to being unwilling *“to pay...instructor overtime...[to] only provide the training to several school staff...at their convenience”*, there have been no *“SEMS trainings to any of the schools in American Canyon”*.

Finding 8:

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

Recommendation 8 (a):

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

Recommendation 8 (b):

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

NVUSD '05 Response described having *“put into place a procedure and system to ensure that monthly (emergency) drills are performed.”* The District '06 Documentation provided a copy of the Emergency Disaster Drill Control Log, which lists each school and each month of the school year. It contains logged entries beginning in August '05 and ending in June '06, with the type of drill and the dates being randomly entered. This indicates there are planned or scheduled drills, but no verification of accomplished ones. While secondary schools are not required to have monthly drills, there is no mechanism on this form to document each school's completed drills. .

Finding 9:

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

Recommendation 9:

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

The state mandated SEMS process requires selected staff to be certified in First Aid (FA) and Cardio-Pulmonary Resuscitation (CPR). The District '05 Response reported: *“School sites will have an appropriate selection of staff members trained and certified by the end of May 2006”*. The District '06 Documentation stated that *“the Student Services Office has arranged First Aid and CPR training through Napa Valley Adult School”* and provided a CPR training schedule for the year. No First Aid training was listed on the schedule of classes. The District did acknowledge, *“that more staff need the training and (we) will remind the site managers”*.

Finding 10 (a):

Staff certification in either CPR or FA has not been done.

Recommendation 10 (a):

Certify designated staff in First Aid and CPR as required by SEMS

Finding 10 (b):

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

Recommendation 10 (b):

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

Commendations:

- During this school year, two (2) middle schools had significant potential threats to the safety of the students. One was a bomb threat, and the other the sighting of a cougar near campus. With both incidents, the schools responded appropriately with clear

regards to the students' safety, and to the parental need to be informed and provided the opportunity for communication with the school administration.

- External classroom door locks put teachers and students at risk in the event of a lockdown emergency. Although completion date keeps getting pushed later into the year, the District '06 Documentation states that Measure M monies are set aside to change needed classroom door locks from external to internal ones by the start of the school in 8/06.

Food Safety

The 2004-05 Grand Jury reported food services and sales at two (2) schools, did not have Napa County Environmental Health Permits for operation and were appropriately shut down until they complied with regulations and food safety standards. New Technology High School's limited space and growing student population contributed to the decision to obtaining a permit for their food service to be delivered from the District's production kitchen, with no local kitchen service allowed on campus.

Commendation:

The District was able to support Vintage High School's student sales program, Garden of Eatin, by constructing a separate inspected and approved kitchen. The faculty became certified in food safety, all of which enabled the program to continue legally and safely.

The Napa County Department of Environmental Health inspects each school's food service, grading each just as it does county restaurants. The District '05 Response stated that

“the District and the Food Service Director work with the County Environmental Health Department to make sure that every site is in compliance...and will work ...to develop a tracking system to ensure all regulations are being met”.

However in reviewing the most recent inspection reports for each of the targeted secondary schools, Napa High School has not been completely inspected since 11/04. In 2/05 a complaint resulted in a compliance visit that resulted in violations to clear, but without a subsequent full inspection

occurring. All of the remaining schools kitchens and cafeterias passed, with each receiving an “A” grade.

Finding 11:

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

Recommendation 11(a):

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

Recommendation 11 (b):

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

Student Health

1. Staffing for Student Health Services

The 2004-05 Grand Jury reported a lack of assurance that a staff member, certified in First Aid (FA) and Cardio Pulmonary Resuscitation (CPR), is available on each school campus at all times when students are present, which is a potential risk to student health and safety. However, with the implementation of the mandated SEMS emergency and disaster program, designated additional campus staff will be certified in both FA and CPR, which will increase the assurance of trained staff readily available to respond to student health issues at all times.

Additional concern centers around the number of students, with individual medically compromised health, many of whom need to be monitored and

may need treatment assistance. The District's '06 Documentation reported there are over 3000 such students within the total district census. It additionally stated that

“credentialed nurses provide training for each of the health staff on an annual and ongoing basis.... (and are) available by phone or pager.”

Finding 12:

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

Recommendation 12:

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

2. Medications

Management, storage and dispensing of medications to students, requires detailed specific procedures to ensure safety. According to the NVUSD medications policy, *“designated personnel,”* without specific required training, can *“assist students in taking medication”*. In addressing this concern the 2004-05 Grand Jury recommended:

- annual training of health clerks and designated staff to store and dispense student medication safely;
- documentation of all required training be maintained in district records and in the individual employee files.

NVUSD '05 Response stated:

“The credentialed/licensed school nurse will provide annual training for health clerks and any designated staff on the proper storage and dispensing of medication, with the training to be completed by end of November, 2005.”

The District medication administration policy only requires training in the use of *“auto-injectors”* (Epi-pens for anaphylactic reactions) and for all staff to receive annual training in the recognition of signs and symptoms of anaphylactic reactions. Evidence of the latter training was not available last year. In the District '06 Documentation, the Epi-Pen (auto-injector)

training was documented as completed, listing specific staff at each school.

Finding 13:

No documentation of Credentialed/licensed nurses conducting annual in-servicing for health clerks on storage and dispensing of medications was provided.

Recommendation 13:

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

District Financial Management

Repeatedly NVUSD denies the ability to comply with the many requests for added safety measures on school campuses, due to a lack of financial resources. To the Grand Jury's recommendations of hiring full time SRO per secondary school, increasing Campus Supervisor hours or repairing/replacing inoperable/in audible alarm systems, the District replies there are insufficient funds.

The 2004-05 Grand Jury discovered that from 1999 on, NVUSD's significant mismanagement of its accounts receivables resulted in nearly \$700,000 of uncollected funds. While claiming to be actively working on resolving their accounts receivable deficit, the District '06 Document reports an additional accounts receivable uncollected funds of about \$213,000 from the last school year. The District must have financial control to have optimal funds to support the schools' many needs. With the cry of insufficient funds as being a barrier to completing necessary school safety upgrades, it is irresponsible to allow past debt to go unpaid and to simultaneously refuse implementing the necessary corrective administration actions, while providing continuing unpaid services.

The current Grand Jury requested documentation regarding the current status of the uncollected nearly \$700,000 Accounts Receivable from 1999 to the present.

- The District '05 Response stated:

“The district has...collected \$250,000 of the \$700,000 in debts. When our auditors identified the systemic nature of this problem, steps were immediately taken to improve financial control mechanisms, including more frequent notices to our accounts payable and follow up of uncollected debts”

- The District '06 Documentation reported:

1. *“Our 2003-04 audit identified a problem with unresolved receivables from several years back. The total we were carrying....was \$694,933.43. Of that amount we have resolved \$563,189.69 by collecting revenue, correcting estimated amounts, redefining agreements, and, in some cases, writing off the debts. The remaining \$131,743.74 can be subdivided as follows:*

<i>\$14,642.37</i>	<i>payments received and expected to continue as scheduled through negotiation process</i>
<i>\$59,048.47</i>	<i>school library, in negotiations with parent club</i>
<i>\$37,743.25</i>	<i>HS sports booster, in negotiations for payment schedule</i>
<i><u>\$ 20,309.65</u></i>	<i>misc. receivables in varying stages of negotiation</i>
<i>\$131,743.74</i>	<i>Total”</i>

2. *“Stricter collection guidelines began in 2005, including tracking '04-'05 receivables separately from older receivables. Today we have \$212,947.29 in receivables from last school year that are outstanding (outside to the receivables from the state or federal government). This year our '05-'06 receivables are being tracked using QuickBooks, so monthly statements are simplified and receivables can be aged. The process is a great improvement.”*
3. The description continues with a 30, 60, 90 day past due notice process, and the use of color coded paper and a spindle for filing unpaid invoices.

“The District’s Internal Auditor and Accounting Supervisor are reviewing and collecting the older debts, with the possibility of the district contracting with a collection agency.”

The District has reported active work and progress on clearing up the volume of past uncollected monies, but the Grand Jury is concerned about:

1. the resolution including “*correcting estimated amounts, redefining agreements and writing off debts*”, which suggests a high amount of potentially uncollectible funds.
2. \$212,947 of added uncollected funds by June 30, 2005. Uncollected funds totals for this fiscal year were not reported.
3. Simplistic filing processes implemented (colored paper invoices filed on a spindle until paid) without improved collection techniques.
4. the potential use of a collection agency.
5. the lack of Financial Department Director leadership during this school year.

Finding 14 (a):

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

Recommendation 14(a):

NVUSD:

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

Finding 14 (b):

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

Recommendation 14 (b):

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

Response to 1-14 Findings and Recommendations:

NVUSD Board of Trustees
NVUSD Superintendent of Schools

The responses to this report should only contain information that pertains to the seven (7) originally targeted schools: Napa, Vintage and New Technology High Schools; and Harvest, Redwood, Silverado and American Canyon Middle Schools.

Glossary:

NVUSD-----Napa Valley Unified School District
SRO-----School Resource Officer
SEMS-----Standard Emergency Management System
NCOE-----Napa County Office of Education
NPD-----Napa Police Department
FA-----First Aid
CPR-----Cardio-Pulmonary Resuscitation

Appendix:

Internet web link to the 2004-05 Grand Jury Report and the NVUSD Response is:

<http://www.napa.courts.com/GrandJury/GJreportsandresponses/htm>.

Homeless Shelters and Services

Summary

There is no simple solution to homelessness in Napa County. As a result the situation hasn't changed much since the 2001-2002 Grand Jury Report.

Although people are homeless for a variety of reasons there are two main categories of homeless persons. The transitional homeless are persons who have encountered circumstances, most often of short duration, that have caused them to be homeless. Transitional homeless seek assistance from the many agencies and organizations providing services within Napa County. The chronically homeless are persons whose lifestyle, most often due to substance abuse or mental illness, causes them to be without jobs, homes and services. For them, very little has changed over the years. While each agency focuses on and tries to fill a specific need, there isn't a single organization, committee, or governing body that organizes all of the various services with a comprehensive approach.

The 2001-2002 Grand Jury identified three services needed to address the problems of the chronic homeless population. They were: expanded outreach, a day resource center, and a detoxification-residential rehabilitation treatment program. The current Grand Jury discovered little has been done in the past five (5) years to expand outreach. The Hope Center, a day resource facility in operation since October of 2001, has not attained its potential. Project 90 Napa Valley, Napa's detoxification-residential rehabilitation treatment program, only began services in October 2005, nearly 2 ½ years after the projected opening.

Background

The 2001 – 2002 Grand Jury Report on Special Needs noted the following areas of primary concern. The imminent closure of the Sullivan Shelter. The need for a new location for the winter homeless shelter. The excessive money being spent to house homeless families with children in local motels, and the need for Napa to be proactive in working with the chronic homeless to move them back into mainstream society through employment and housing.

The 2006 Napa County 10 Year Plan to End Homelessness reported:

“The lack of capacity in the homeless system to meet the full demand for shelter and services, and the repeated recycling of people who are chronically homeless through shelters, hospitals and jails without obtaining the help they need is evidence of problems in the current approach” to homelessness.

The report also provided the following current demographics for homeless in Napa County:

- *“Homeless families make up 51% of Napa’s homeless population. Most of these are children. Single adults make up the other 49%.*
- *307 people are chronically homeless, meaning that they have been homeless for an extended period of time and suffer from a health, mental health, or addictions disability. 77% of this population is living outside the shelter system, on the streets, in camps along the Napa River, and in makeshift dwellings in agricultural fields or parks.*
- *Most homeless people (78%) live in the City of Napa, and the rest live in the towns and rural areas of up-valley Napa County. Many of this latter group are migrant farm workers.*
- *More than one-third (36%) of homeless households have a special need. Of these, 42% have a problem with drugs or alcohol, 42% have a mental illness, 22.5% suffer from a physical disability and 5.8% have a chronic illness. 7.5% are fleeing domestic violence.”*

The age of the homeless population ranges from mid teens to late 60’s. At any given point in time, an estimated 800 to 1000 people are homeless in Napa County This number has grown steadily over the past decade as a result of personal problems or hardships, and the growing economic imbalance between housing costs and wages. As rents increase and wages remain stagnant, affordable housing becomes more limited. Available health care and social services are being cut back. It becomes more and more difficult for people at risk of homelessness to get assistance to maintain housing and stability.

There are numerous agencies and non-profits that provide aid to the homeless within Napa County. The City and County of Napa contract with Community Action of Napa Valley (CANV) to manage the Supportive Housing Program – Napa Valley Shelter Project. CANV provides administrative staff for the day use facility, the Hope Center, and for the three (3) homeless shelters: The Sullivan Shelter, The Winter Shelter, and The Samaritan Shelter.

The Sullivan Shelter, located in downtown Napa, is being replaced by a new shelter in south Napa and is slated for demolition by June 2006. With a four (4) to one (1) ratio of men to women, it serves approximately 47 adult residents. Approximately 1/3 of the residents are working, 1/3 have high school diplomas, and 10% are college graduates. Only 6% are on public assistance. Many have drug and alcohol problems, with about 20% having some form of mental illness.

The Winter Shelter, currently located on the Napa State Hospital grounds, is open from November to April and nightly houses approximately 25 adults with similar demographics as the Sullivan Shelter. These residents are primarily chronic homeless who do not want to abide by the no drug or alcohol rules of the Sullivan Shelter. Before using the Winter Shelter, a homeless person is required to first shower at the Hope Center. After showering, a bus pass is provided for travel from the Hope Center to the Winter Shelter.

The Samaritan Shelter, for homeless families, is located on Old Sonoma Road. Although families make up 51% of the homeless population and the 2001-2002 Grand Jury listed the shelter as its second highest priority for needing improvement, Samaritan House has not changed in size or location and continues to have a capacity for only seven families.

The Hope Center, located at the Methodist Church on Fourth Street, is a day resource center offering basic essential services to homeless persons, such as showers, phones, mail service, laundry, and other similar services.

Methodology

Interviews Conducted:

Napa County Health and Human Services Agency:

- Assistant Agency Director
- Program Manager II
- Supervising Resource Specialist

City of Napa Police Department:

- Chief of Police
- Police Commander
- Police Sergeant

City of Napa Fire Department:

- Fire Chief

Napa County Department of Corrections:

Acting Director

Lieutenant

Corporal

Inmate Worker Programs Coordinator

Community Action of Napa Valley (CANV-Nonprofit Organization):

Executive Director

Napa Valley Shelter Project Program Director

Shelter Manager

Project 90 Napa Valley (detoxification- rehabilitation residential center)

Program Director

Numerous Homeless persons

Documents Reviewed:

Napa County Grand Jury Report 2001-2002 (Special Needs Housing)

Napa City and County Responses to 2001-2002 Grand Jury Report

Napa County Grand Jury Report 2003-2004

Napa County Continuum of Care – 2005 Application

Napa County Ten Year Plan to End Homelessness

County of Napa Budgets:

2001-2002

2002-2003

2003-2004

2004-2005

2005-2006

City of Napa Budgets:

2001-2002

2002-2003

2003-2004

2004-2005

2005-2006

Napa County Health and Human Services Policy and Procedure:

Motel Placement Using General Assistance Funds

Homeless Outreach Questionnaire

Annual Progress Report (APR) for Supportive Housing Program

Shelter Plus Care

Community Action of Napa Valley Organizational Chart

Napa County Agreement No. 2556 – Amendment No. 2

City of Napa Agreement No. 8391 – Amendment No. 2

Articles and Ads from the Napa Register

Facility/Buildings Inspected:

Project 90 Napa Valley Facility, on the Napa State Hospital Grounds
Hope Center, 4th and Randolph Streets
New South Napa Homeless Shelter, off Gasser Drive
Salvation Army Building

Discussion

The Grand Jury's investigation into Napa Homeless services will be reported in the following five (5) categories:

1. Homeless Shelters
2. Emergency Housing Use of General Assistance Funds
3. Chronic Homeless Outreach
4. Homeless Day Resource Center
5. Detoxification-Rehabilitation Residential Center

Homeless Shelters

The new South Napa Homeless Shelter, opening in May 2006, has projected costs of approximately \$5,000,000. Just over \$1,000,000 comes from the value of the land, which was donated by the Gasser Foundation. Of the remaining \$4,000,000: 1/3 came from the City, 1/3 from the County and 1/3 from non-profit organizations through grants and fundraising, i.e. the Emergency Housing and Assistance Program, the County Affordable Housing fund, the Napa Valley Vintners' Association, and Wine Auction of Napa Valley.

Homeless persons will be able to stay at the shelter for up to 90 days per year. Stays are approved, one week at a time, based on an individual's willingness to improve their way of life and to actively seek employment and permanent housing. There are plans to have evening programs on alcohol abuse, drug abuse, anger management, etc. for shelter residents.

The new facility has dorms for both men and women. In addition to beds, the dorms have bathrooms and showers. While having 60 beds available in the new shelter, the initial plan is to sleep 47 – 50. The shelter is hoping to allow day sleeping for homeless persons who work nights. Some of the unused beds may provide transitional housing for up to an additional 90 days for residents who have found employment and help out at the shelter, but who need a little more support to find their own housing.

The new shelter has a dining room which will seat 60. The shelter's serving kitchen uses flash frozen meals, packaged at the Salvation Army kitchen, for breakfast and dinner. The new shelter also has a medical clinic that will be staffed by Clinic Ole personnel at least one day a week. With the move from the current downtown Sullivan Shelter, it will be necessary to provide the homeless with bus passes from the Hope Center.

Many precautions have been taken in response to public concerns regarding any potential undesirable social behaviors, with the close proximity of the new shelter to a shopping center and a future cinema. There will be strict rules of access with no re-entry for 24 hours after leaving the shelter. Drug testing will be performed on intake, with random testing on an on-going basis. The premises will include an outside, fenced smoking area and will have door alarms and security cameras both inside and outside.

Citizens of Napa are encouraged to attend the planned open house and tour the new facility.

Commendation 1:

The Grand Jury commends the Gasser Foundation, the City of Napa, the County of Napa, and the involved non-profit organizations that have made the new South Napa Homeless Shelter a reality.

Commendation 2:

The Grand Jury commends shelter organizers for their creative and innovative resolutions in addressing needs and concerns of both the community and the homeless persons served.

Emergency Housing Use of General Assistance Funds

In the 2001-2002 Grand Jury Report one of the findings stated that a significant amount of General Assistance money (annually over \$400,000) was being spent on temporary lodging for homeless families with children.

In response to that finding, the Napa County Health and Human Services Agency developed a strategic plan to more closely monitor the use of motel placement for housing; implemented new policies and procedures; improved case management; and required family engagement in the process of finding permanent housing. In so doing, the Napa County Health and Human Services Agency has reduced the annual motel voucher budget by 90%, from \$400,000 to \$40,000.

Commendation 3:

The Grand Jury commends the Napa County Health and Human Services Agency for their efforts to reduce General Assistance expenditures on temporary motel housing for homeless families.

Chronic Homeless Outreach

Estimates place the chronic homeless as high as 25% of the total homeless population. The chronic homeless are a group of people who have drug, alcohol, and related mental problems. They do not want to or do not have the ability to change their lifestyle, and so cannot benefit from many of the services currently provided by local agencies. No one person or entity is directly addressing the chronic homeless population because they rarely use available services.

The chronic homeless place a large load on public services, particularly public safety services: police, fire, and medical. While they can enter one of the shelters, often the chronically homeless live on the streets. Police and fire units repeatedly respond to calls for public drunkenness, loitering, disturbances, illegal campfires, etc involving homeless persons. There are state and local level policies that cause inmates to be released back into the community in the middle of the night. Parolees are returned back to the community where they committed their crimes. Due to the lack of coordination, these inmates are often released to homeless shelters and contribute to the chronic homeless population.

Since the 2001-02 Grand Jury Report, Napa has not been successful in gathering sufficient data about the homeless population to enable it to provide the chronic homeless with help to resolve their specific situation. Due to the impact of the increasing volume of homeless persons and their need for emergency services, the police department plans to hire a homeless outreach worker whose salary will be shared by both the City

and County of Napa. The police department in conjunction with CANV and other agencies has developed a new survey to canvass the homeless and assess their needs.

Finding 1:

Since their response to the 2001-02 Grand Jury Report, the City and County of Napa have done little to improve the chronic homeless outreach and to mitigate the resulting problems.

Recommendation 1:

The City and County of Napa, plus all involved agencies, need to collaboratively develop coordinated policies, procedures, and services for dealing with the chronic homeless population. The goal being to provide efficient and streamline services, without duplicity of effort, culminating in the eventual reduction of the homeless population.

Response:

Napa City Council
Napa County Board of Supervisors
Napa County Health and Human Services Agency
Napa County Probation Department
Napa County Department of Corrections
Napa City Housing Authority
Napa City Police Department
Napa Fire Department

Homeless Day Resource Center

The Hope Center, Napa's Homeless Day Resource Center in operation since October of 2001, has not lived up to its potential. The Hope Center, is designed to serve the homeless both as a daytime shelter and as a resource center. Per CANV's contract with the City of Napa, "expanded services, including medical treatment, job assessment, mental health assessment, computer access, housing assistance and life-skill building" are to be provided. Many of these intended services are either not being provided or provided only on a limited basis. The Hope Center is minimally staffed having only two (2) unskilled, untrained employees scheduled.

Without trained assistance or clear directives readily available to the homeless, the Center has become a daytime shelter which enables the homeless to loiter and spend the day watching TV. There isn't any limit on the number of visits or on how long a homeless person can stay at the center, and there isn't much incentive for the homeless to be productive.

CANV is responsible to manage the Sullivan Shelter and the Samaritan Shelter in addition to the Hope Center. CANV management is overwhelmed by day-to-day operations, and does not have a clear assessment of their customer base. There was a large disparity between the written and verbal information CANV provided to the Grand Jury relating to the volume of homeless persons served daily and monthly. The Use Permit for the Hope Center had already expired before a renewal application was submitted. Efforts to mitigate neighbors concerns regarding loitering, littering, public drinking, and the using of neighborhood lawns for restrooms has been addressed only in the last few months rather than on an on-going basis. While management assures the physical structures are in place for sheltering the homeless, the operational assistance, with provision of services to help resolve their problems, are either absent or lacking.

As a non-profit organization CANV does not fall under the purview of the Grand jury, but the City and County of Napa have a responsibility to oversee the contract with CANV, and hold it accountable for agreed services.

Finding 2 (a):

The Hope Center, managed by CANV, is not living up to its potential. The Center is currently operating without a use permit, is understaffed with insufficiently trained persons, and is failing to adequately provide support services.

Finding 2 (b):

Public agencies contribute money to CANV for Hope Center's operations, but provide little oversight and evaluation as to the Center's effectiveness.

Recommendation 2:

The City and County of Napa need to increase their oversight of CANV operations, develop a method for evaluating the effectiveness of the homeless services provided, and find ways to assist CANV with their

fundraising efforts toward affording more staffing and training for the Hope Center staff.

Response:

Napa City Council
Napa County Board of Supervisors
City of Napa Housing Authority
Napa County Health and Human Services Agency

Detoxification-Rehabilitation Residential Center

Project 90 Napa Valley, a non-profit organization, provides a substance abuse treatment program. Project 90 Napa Valley, whose doors opened in October of 2005, is currently licensed to have ten (10) beds for a three (3) to seven (7) day detoxification program and 40 beds for their residential rehabilitation program. It is currently under contract to Napa County to provide five (5) beds for detoxification and twelve (12) residential beds. The remaining beds are open to self-referrals and purchase by other counties. Two thirds of the Project 90 residents are court referrals managed by the Napa County Probation Department and one third are self-referrals.

Once clients complete the detoxification process; they become eligible for the residential rehabilitation program. This program is available to both men and women and is designed to last 90 days (90 meetings in 90 days). Project 90 does have a provision that allows residents to stay longer than 90 days, if it is deemed necessary. On at least two occasions since opening, the facility has been at maximum capacity. Project 90 Napa Valley's present budget is \$500,000 with \$80,000 coming from the Napa County Probation Department.

Napa County Department of Corrections (NCDC) is currently negotiating for an additional six residential beds for use by inmates who have court ordered residential treatment. Beds at NCDC cost approximately \$60 per day or \$1,800 per month and beds at Project 90 cost \$1,000 per month. Space at Project 90 Napa Valley not purchased by Napa County is made available for purchase by other counties.

Commendation 4:

Project 90 Napa Valley, a detoxification and residential rehabilitation treatment center, is providing a long over due and much needed service to Napa County. The Grand Jury commends the City and County of Napa for having a viable Detoxification-Residential Rehabilitation Program available for the citizens of Napa.

Glossary:

CANV----- Community Action of Napa Valley

NCDC-----Napa County Department of Corrections

NAPA COUNTY JAIL REPORT

Summary

Completing the mandated annual inspection of the Napa County Jail, the Grand Jury found the jail to be in good condition and well managed by the Napa County Department of Corrections (NCDC). However one area of concern lingers from the 2004-2005 Grand Jury Report: non-use of the Inmate Welfare and Trust Fund.

Background

The Napa County Jail is a secure facility used for the detention of male and female offenders eighteen years of age and older. It is staffed with employees of the Napa County Department of Corrections who are supervised by the NCDC Director. NCDC is responsible for the daily operations and regulatory compliance. The Director reports to the Board of Supervisors through the County Executive Officer.

Methodology

Interviews Conducted:

Napa County Jail

- Acting Director
- Assistant Director
- Correctional Lieutenant

California Forensic Medicine

- Medical Program Manager
- Registered Nurse

Documents Reviewed

- 2004/2005 Napa County Grand Jury Report
- Napa County Budget (Current)
- NCDC policies and procedure manuals
- NCDC Medical Pre-Screening Questionnaire
- NCDC Incident/booking reports
- State of California Corrections Standards Biennial Report
- NCDC Cost allocation plan
- NCDC Prioritized Project List

Jail Physical Inspection:

- Initial booking area
- Holding Cells
- Sally Port Entry
- Male & female inmate cells
- Sick bay
- Food preparation and dining areas
- Exercise area
- Visitation area

Discussion:

Jail staffing includes a watch commander, a Sergeant, a Registered Nurse and other correctional officers on each shift. Officers are trained to State standards on First Aid and Cardiopulmonary Resuscitation. Health care is provided by an outside contractor, California Forensic Medicine, which is responsible for overseeing and assessing the quality of health care services.

Commendation:

The Acting director and staff of the NCDC deserve recognition that the facility passed the November, 2005 Correctional Standards Authority Biennial Inspection. The Corrections Standards Authority inspectors stated their satisfaction with the facility in their report dated November 15, 2005.

Inmate Welfare and Trust Fund:

When inmates are booked into the jail, procedures are in place to secure and maintain their personal property until they are discharged. The secured monies are kept in the Inmate Welfare and Trust Fund. If inmates fail to claim the secured monies at the time of their release, the abandoned monies remain in the fund, which also contains income from other sources such as inmate canteen sales and commissions from pay telephones. State law requires that this fund be used for the benefit of the prison population. The 2004/2005 Grand Jury report stated that \$520,000 was being held in the fund. The County's response to the report corrected that amount to be \$691,000, and listed a variety of ways the fund is currently being used for the inmates.

“The current expenditure of funds is for programs to aid the rehabilitation of inmates, furthering their education, helping them locate and apply correctly for employment, teaching life skills which will aid them in taking care of their family, employing persons connected to these programs and the commissary store operated in the jail under this authority. We have also used this fund to enhance programs that assist inmates and have helped inmates to get transportation to their home counties. Anger management programs and substance abuse programs offer...are paid from this fund.”

However the current Grand Jury determined the fund balance has increased to approximately \$720,000. The NCDC decided not to implement any programs utilizing these funds pending the appointment of a permanent Director. It does use approximately \$50,000 of this fund annually for drug and alcohol counseling and vocational guidance training.

Finding 1:

Napa County holds approximately \$720,000 in the Inmate Welfare Trust Fund and is waiting to implement inmate programs until a permanent NCDC Director is appointed.

Recommendation 1:

The Interim Director needs to immediately begin using the Inmate Welfare and Trust Fund for various inmate programs.

Response:

Napa County Board of Supervisors
Napa County Department of Corrections, Director

Glossary:

NCDC-----Napa County Department of Corrections

2004-2005 Grand Jury Response Report

Summary

The 2004-2005 Grand Jury reviewed all organization or official responses required to last year's Grand Jury Report. The Grand Jury received all required responses within the statute-mandated timeline. If the responses needed further clarification, the Grand Jury further investigated and collected information from the appropriate persons/organizations.

Background

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

Methodology

The current Grand Jury evaluated the responses to the 2004-2005 Grand Jury's findings and recommendations to ensure that all complied with the requirements of California Penal Code Section 933.05, "Responses to findings". The following response criteria were considered:

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

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

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

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

Discussion

Respondents to the nine individual reports within the 2004-2005 Grand Jury Report submitted their written reports in a timely manner. After reviewing each response, the 2004-2005 Grand Jury found all but two (2) to be satisfactory and complete.

1) The Circle Oaks Water District did not respond to the Grand Jury concerns about water loss accountability in the Water Loss Report. Further follow up was declined by this Grand Jury.

2) Napa Valley Unified School District response to the report, Student Health and Safety in Middle and High Schools, was deemed to be completely inadequate. In such instances, a repeat investigation is prompted with a follow-up report, as was done by this Grand Jury. See the report: Napa Valley Unified School District Response to 2004-2005 Grand Jury Report, on pages 42 – 67.

Citizen Complaints to the Grand Jury

General

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

Procedures

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

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

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

Napa County Grand Jury
Citizen Complaint Form

Date: _____

Napa County Grand Jury
PO Box 5397
Napa, CA 94581-0397

Dear Members of the Grand Jury:

I wish to bring the following matter to your attention (all matters brought before the Grand Jury are required by law to be kept confidential):

Sincerely,

Name: _____

Address: _____

City: _____

Phone: _____

Note: Name, address, and phone number are not required by may be helpful in the Grand Jury's investigation of each complaint.

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NAPA COUNTY GRAND JURY
P.O. BOX 5397
NAPA, CA 94581-0397

The Napa County Grand Jury is looking at the operation of the City of Napa Community Development Department (CDD), especially in regards to the Maximus report that was prepared in 2003. The Maximus report identified problem areas, and made specific recommendations for CDD to implement. Please take a few minutes to complete this survey, which will help us with our evaluation. You can remain anonymous, if you prefer, however, information collected by a Grand Jury is **CONFIDENTIAL**. If you would like to testify further in regards to the operation of the Planning Department, please give a name and contact number so we can follow up on your concerns. Time is of the essence. Please respond by April 1. Thanks for your help.

1) Have you been given a person to use as a go-to person on your projects at CDD?

1	2	3	4	5
yes		sometimes		never

2) Have your proposed projects been treated professionally by CDD personnel?

1	2	3	4	5
yes		usually		rarely

3) Has the cost paid in fees been equal to the services received?

1	2	3	4	5
yes		maybe		no

4) Do you believe the CDD's billing system encourages timely work on projects?

1	2	3	4	5
yes		not sure		no

5) Has justification for services billed by CDD been available?

1	2	3	4	5
yes		sometimes		no

6) Has the CDD department been timely in reviewing your projects?

1.	2	3	4	5
yes		sometimes		no

7) When disagreements develop between CDD and yourself, are compromises presented?

1	2	3	4	5
yes		sometimes		rarely

8) Does CDD provide proper documentation for you to press forward with your project?

1	2	3	4	5
yes		sometimes		rarely

9) Would an arbitration board help resolve differences with CDD?

1	2	3	4	5
yes		maybe		no

10) Overall, how has the CDD been doing?

1	2	3	4	5
excellent		fair		poor

As a follow-up to question #9, would you help arbitrate if an arbitration board is developed?

YES

NO

Optional: Your Name _____ # _____