



**NAPA COUNTY GRAND JURY  
2017-2018**

**MARCH 30, 2018**

**FINAL REPORT**

**REVIEW OF RESPONSES TO THE  
2016-2017 GRAND JURY  
REPORTS**

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# REVIEW OF RESPONSES TO THE 2016-2017 GRAND JURY REPORTS MARCH 2018

## INTRODUCTION

### SUMMARY

California Penal Code §933 requires elected officials or agency heads to respond within 60 days of the issuance of a grand jury report that requires their response, and requires governing bodies to respond within 90 days.<sup>1</sup> Section 933.05 specifies the way the responding parties are to make their responses. These responses are transmitted to the presiding judge of the superior court.

The response to a FINDING must be provided in one of the following two formats:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation for the reasons therefor.

The response to a RECOMMENDATION must be provided in one of the four following formats:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, *with a timeframe for implementation* (emphasis added).
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. *This*

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<sup>1</sup> Subdivision (c) provides in part: “No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls.”

*timeframe shall not exceed six months from the date of publication of the grand jury report* (emphasis added).

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The 2016-2017 Napa County Grand Jury issued its Consolidated Final Report on June 30, 2017. The report consisted of seven individual final reports, one of which was a review of responses to the 2015-2016 Grand Jury reports (the “Continuity Report”). The grand jury made findings and recommendations in all its investigative reports. As part of the grand jury’s commitment to continuity, to its processes and to the law, the 2017-2018 Grand Jury has analyzed for statutory compliance the required responses by elective officials, agency heads, and government agencies to all six of the 2016-2017 Grand Jury’s investigative reports.<sup>2</sup> The Grand Jury concludes that many of the responses did not comply with the provisions of Section 933.05.

## **METHODOLOGY**

The 2017-2018 Grand Jury evaluated responses to the 2016-2017 Grand Jury’s recommendations to ensure compliance with §933 and §933.05 using the statutory criteria.

**§933(c)** Were responses received by the presiding judge within the legal time limits from the date of each final report’s release (90 days for a public agency and 60 days for an elected official)?

**§933.05(a)** Did the response to a finding satisfy the requirement of §933.05(a)?

- (1) The respondent agrees with the finding, or
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

**§933.05(b)** Did the response to a recommendation satisfy the requirement of §933.05(b)?

- (1) The recommendation has been implemented, with a summary regarding the implemented action; or
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; or
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public

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<sup>2</sup> Those comments to last year’s Continuity Report are not included.

agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report; or

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with explanation therefor.

## DISCUSSION

### Timelines

Details of 2016-2017 report publishing dates and the due dates of the responses are shown below in Table 1. All responses were provided within the specified time requirements.

**Table 1**

#### **Review of Response to 2015-2016 GJ Reports**

RESPONDENT	Date Published	Reply Due	Date Received	Update Request
NONE	6/9/17	N/A	N/A	N/A

#### **Napa County Fairgrounds**

RESPONDENT	Date Published	Reply Due	Date Received	Update Request
Board of Supervisors	6/9/17	9/7/17	8/21/17	N/A

#### **Napa Child Abuse Hotline**

RESPONDENT	Date Published	Reply Due	Date Received	Update Request
Director of H&HS	6/9/17	9/7/17	8/21/17	N/A
Board of Supervisors	6/9/17	9/7/17	8/21/17	N/A

#### **Juvenile Hall**

RESPONDENT	Date Published	Reply Due	Date Received	Update Request
Board of Supervisors	6/21/17	9/19/17	8/21/17	N/A
Chief Probation Officer	6/21/17	9/19/17	8/21/17	N/A

#### **Can't Find a Parking Place in Downtown Napa**

RESPONDENT	Date Published	Reply Due	Date Received	Update Request
Napa City Council	6/21/17	9/19/17	8/16/17	N/A

**Napa County Jail**

RESPONDENT	Date Published	Reply Due	Date Received	Update Request
Board of Supervisors	6/28/17	9/26/17	8/17/17	N/A

**NVTA 2040 Plan**

RESPONDENT	Date Published	Reply Due	Date Received	Update Request
Executive Director NVTA	6/30/17	9/28/17	8/1/17	N/A
Board of Supervisors	6/30/17	9/28/17	8/21/17	N/A
NVTA Board of Directors	6/30/17	9/28/17	8/1/17	N/A

**Response Requirements**

Despite the clear requirements of Penal Code §933.05, the 2017-2018 Grand Jury found that not one of the responding elected officials, agency heads, and government agencies fully complied with the statute. Several “Findings” were responded to with the statement “Neither agree or disagree.” This is not a code-compliant response. Many “Recommendations” were addressed as though they were findings (e.g., the agency “agrees” or “disagrees”). These also are not code-compliant responses.

Appendix 1 contains a tabulation of all 2016-2017 Grand Jury Findings and Recommendations, the applicable agency responses, and the 2017-2018 Grand Jury findings regarding the responses where applicable.

**FINDINGS**

The 2017-2018 Grand Jury finds that:

- F1.** With respect to the Napa County Fairgrounds report, the Board of Supervisors’ responses to Recommendations R1-R6 do not comply with the provisions of Penal Code §933.05(b); no time frame identified;
- F2.** With respect to the Napa Child Abuse Hotline report, The CWS Director’s and HHS A Director’s responses to Recommendations R1-R4, and the Board of Supervisors’ responses to Recommendations R1-R4 do not comply with the provisions of Penal Code §933.05(b); one of four responses required;
- F3.** With respect to the Napa County Jail report, the Board of Supervisors’ responses to Recommendations R1, R3, R4, and R5 do not comply with the provisions of Penal Code §933.05(b); one of four responses required;

- F4.** With respect to the Napa County Juvenile Hall report, the Chief Probation Officer's response and the Board of Supervisors' response to Recommendation R1 do not comply with the provisions of Penal Code §933.05(b); one of four responses required;
- F5.** With respect to the Napa Valley Transportation report, the Board of Supervisors' response to Recommendation R1 does not comply with the provisions of Penal Code §933.05(b); one of four responses required. The NVTA Executive Director's response and the Board of Supervisors' response to Recommendation R5 do not comply with the provisions of Penal Code §933.05. The NVTA Executive Director's response, and NVTA Board of Director's response and Board of Supervisors' response to Recommendation R6 do not comply with the provisions of Penal Code §933.05(b); one of four responses required.

## **RECOMMENDATIONS**

The 2017-2018 Grand Jury recommends that:

- R1.** The Board of Supervisors and all department heads file code-compliant responses per Penal Code §933.05 to all future Grand Jury findings and recommendations.
- R2.** The NVTA Executive Director, the NVTA Board or Directors and the Board of Supervisors each file a code-compliant response per Penal Code §933.05 to all future Grand Jury findings and recommendations.

# REPORT: THE NAPA COUNTY FAIRGROUNDS: The County's Orphan Asset

## FINDINGS

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with this finding.

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

*Response, Board of Supervisors:* The Board of Supervisors (BOS) disagrees in part with this finding. Napa County began its contractual arrangement with the private, not-for-profit organization known as the Napa County Fair Association (NCFA) in 1994; however, it has been in a longstanding relationship for many years prior to that date. Pursuant to State law the BOS has always reviewed and approved the annual budget for the NCFA. Beginning in 2013 with the loss of State funding, the obligation to formally approve and then submit the annual budget to the State was removed. As evidenced in the revised Agreement between the County and NCFA, the annual budget is submitted to the County but does not require Board approval. In 2008, the BOS requested that the NCFA adopt the Ralph M. Brown Act for greater transparency in its meetings. Also in 2008 the Board requested that the NCFA broaden its outreach to encompass the entire Napa Valley. The NCFA expanded its Board to include a broader representation from throughout the county and beginning in 2013 the BOS appoints three members to the NCFA Board. A partial list of accomplishments in the past decade include: revised employee benefit package; established written Procedure Manual creating Board development through training in such areas as ethics and Brown Act; converted to a 501(c)(3); completed a rewrite of the Bylaws and restated Articles of Incorporation; participated in the Valley Fire; created a volunteer program; and successfully negotiated cell tower rentals.

Through its County Executive Officer and Auditor-Controller, Napa County has provided oversight to the Executive Director of the Fair Association. The County's leadership team meets with the Executive Director (since 2010 when the current Executive Director was hired) regarding ongoing issues dealing with the facilities and general operations, and provides guidance on long-term sustainability of the Fairgrounds. The BOS recently appointed two members to work two-by-two with City Council of Calistoga members to review the governance structure of the Napa County Fairgrounds; those four members will be providing recommendations to the Board of Supervisors and the City Council, respectively, by the end of 2017.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding. As mentioned above, the Board has increased its oversight of the NCFA in the last 15 years. However, with dwindling resources and other higher countywide priorities the Board acknowledges that the Fairgrounds have suffered.

What has occurred at the Napa County Fairgrounds is not unique to it. The problem of insufficient revenues and declining infrastructure exists throughout the fair industry. Many fairgrounds, including the State facilities, were built with the belief that local funding and governance would carry the industry, i.e. local fair boards would be more responsive to community needs with members of the fair boards coming from within each unique community rather than oversight from the State or even county level. However, that system did not provide or require training for the proper stewardship of public facilities or a financial reporting system that encouraged building contingency funds for major maintenance facility projects when state funding was abundant. When state funding ended, most fairgrounds were left to survive as best they could.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with this finding. The Executive Director of the NCFA is extremely knowledgeable about fair operations. However, there is not the financial resource available to fully staff and administer ongoing programs, particularly within the limitations of a five-year contract term required by the Government Code. Maintaining the approximately 70-acre facility exceeds the financial resources of the NCFA. Restricted by the five-year term, the NCFA is unable to leverage assets for long-term debt financing. As such, whenever major facility projects are identified, the NCFA's only option for funding is to reallocate its very limited cash flow.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding. The buildings are not in decay; they are safe, but considering that the most recent building was constructed in 1988 and the first in 1948, they could use a facelift and are in need of long-term investment to extend their useful service.

Since 2010, the NCFCA has invested over \$300,000 in infrastructure improvements including replacing the Tubbs Building sewer line, new swamp coolers on the Tubbs Building and Butler Pavilion, renovating the RV Park restrooms (new fixtures and motion-activated lighting), replacing the reclaimed water pond pump, and the addition of permanent ADA parking stalls. During that same time, nearly \$70,000 in new equipment purchases or leases were made for new tables, chairs, and an indoor stage for special events; lawn mowers and rental carts for the golf course; ADA workstations, countertops, doors, and hardware; and picnic tables.

There has also been significant investment from volunteers both in time and resources to improve the racetrack and other facilities.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with this finding. With approval of the Agreement between NCFCA and the County in 2013, it was agreed to continue fairgrounds operations so long as could be done without financial support from the County, providing the NCFCA with the opportunity to find long-term sustainability solutions. It is important to note that funding was reduced from approximately \$200,000 to the almost \$35,000 NCFCA received in 2016.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees in part with this finding. Over the past 25 years, as each individual community within Napa County has developed its own 4<sup>th</sup> of July celebration, participation in the County Fair has declined. The celebration of community life through the County Fair is not in jeopardy, only the time of year it currently takes place. The NCFCA continues to look at dates, duration and type of activities that encourage attendance.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with this finding. The NCFA's mission is to serve the citizens of Napa County with cultural, social, and economic benefits in times of celebration as well as need. This mission has existed for the NCFA since 2013, underscored by its significant role in the Valley Fire shelter operations. The Fairgrounds is identified as a primary evacuation center site in the County's Emergency Operations Plan (EOP). While the sheer size of the Fairgrounds was a huge bonus for the 2015 Valley Fire response, the site is a primary location due to its location rather than its size. The Valley Fire Shelter was an atypical response. The County plans for shelter operations on a much smaller scale. During previous evacuation events for Floods and Fires evacuee populations totaled less than 100 at County evacuation centers. The benefits of the Fairground location is: 1) the County owns the property so approvals to use the site are not complicated; 2) large numbers of evacuees can be accommodated with support facilities; 3) animals can be accommodated at the Fairgrounds locations, unlike other County locations; and 4) Fairgrounds staff are trained in Emergency Response and their assistance and coordination proved invaluable during the Valley Fire Shelter response. If governance changes, it is currently anticipated that the Fairgrounds will continue to play an important part in the countywide emergency services plans.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding in part. While some NCFA members have complained, the NCFA has had its most transparent financial operation since it established a finance committee in 2012. All financial records are made available to the public. Monthly financial statements are provided to the full Association board and the agenda packets made available at each board meeting and online. The finance committee reviews the detailed financial reports quarterly and presents them for final acceptance to the full NCFA board. Financial reports are presented to the NCFA membership at its annual meeting by the finance committee chairperson. The finance committee also completes the annual Statement of Operations (annual report) for submittal to the California Department of Food and Agriculture and presents the report to the NCFA. Recently, with the rebranding of the NCFA website, it has included the NCFA audits from 2010. An independent Auditor is employed annually by the Association to perform a full audit of the Associations financial records, reporting and financial management every other year, with a complete financial review in the alternating years. The Auditors' report and management letter are placed on the Board's agenda at a regular Board meeting for review, public input, and approval by the Board.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding. The golf course maintenance issue is a recent one. Public comments received from golfers from 2012-2015 praised the golf course maintenance operation. In 2016 the course experienced problems due to the drought and a damaged irrigation system; the conditions were corrected prior to the end of the year due to a concerted effort of personnel time, financial resources, and reengagement of professional consultants. The Board of Supervisors and management of the NCFA acknowledge the need for professional golf course management but lack the funds necessary to contract with such an individual or firm. Regarding transparency, current Association management brought the Board into compliance with the Brown Act beginning in 2010, including annual training of board members. Since then, the NCFA has developed a comprehensive written policy manual. All board meeting and standing committee meeting agendas are publicly noticed. Minutes and supporting documentation are made available online and at the meetings. Recently, the NCFA added additional financial reports to its website. The NCFA has never been more transparent to the public in its history than in the last 7 years.

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

*Response, Board of Supervisors :* The Board of Supervisors agrees with this finding. Since October 2016, designated members of the Board of Supervisors and Calistoga City Council have been meeting to develop a mutually agreed upon governance model. It is anticipated that a recommendation will be discussed with the full Board of Supervisors and City Council by the end of the calendar year.

## **RECOMMENDATIONS**

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with this recommendation. The approximately 70 acres which comprise the Napa County Fairgrounds represent a significant asset for the County of Napa. The Board of Supervisors is committed to working with the City of Calistoga and has appointed two representatives to work with representatives from the City to examine the governance of the Napa County Fairgrounds and jointly plan for its future, although the County will continue to own the land.

<p><i>2017-2018 Grand Jury Finding:</i> This does not comply with §933.05(b); one of four responses required, and no time frame identified.</p>
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**R2.** By December 31, 2017, the Napa County Board of Supervisors direct the County Executive to investigate whether any California counties with similar land tenure agreements concerning their county fairs have terminated those agreements and, if so, what consequences they experienced.

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this recommendation because it is not necessary. Statewide, no other such land tenure agreement exists.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b); one of four responses required.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with the recommendation and is working with the City of Calistoga to create a governance structure which will provide for the future development and operation of the Fairgrounds. As reported during its discussion at its September 20, 2016 meeting, the Boss acknowledges the funding difficulties facing the NCFCA, which is why the effort is being made to work with the City of Calistoga to change the governance structure.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b); one of four responses required, and no time frame identified.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with the recommendation. The County continues to include the Fairgrounds in all its emergency preparedness planning as a primary location for providing services during an emergency response. The last time the facilities were used for that purpose by Napa County was in 2015 during the Valley Fire. In addition, the NCFCA supports this, as evidenced by its recommendation to the County and City concerning the proposed JPA: the Fairgrounds should continue "as a place supports (sic) emergency preparedness, response, and disaster relief" needs of the community.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b); one of four responses required.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with this recommendation. The two by two consisting of two members from the Board of Supervisors and two members from the City of Calistoga City Council together with the City Manager, the Interim County Executive Officer and staff will be making recommendations to the full City Council and Board of Supervisors by the end of 2017 regarding the governance and ongoing operations of the Fairgrounds. Once the governance is resolved the next step is to identify long term partnerships but between jurisdictions and possibly private industry that would result in the best utilization of the Fairgrounds with the greatest community impact and benefit.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b); one of four responses required.

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

*Response, Board of Supervisors:* The Board of Supervisors partially agrees with this recommendation. The two by two consisting of two members from the Board of Supervisors and two members from the City of Calistoga City Council together with the City Manager, the Interim County Executive Officer and staff will be making recommendations to the full City Council and Board of Supervisors by the end of 2017 regarding ongoing operations of the Fairgrounds. This will include recommendations regarding the relationship with the NCFCA but may not include the ongoing operation of the Napa County Fair.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05 (b); one of four responses required.

## **REPORT: NAPA CHILD ABUSE HOTLINE**

### **FINDINGS:**

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

*Response of CWS Director and HHSA Director:* Agree. The CWS Director acknowledges that after-hours coverage can contribute to staff burnout. However, a critical function and mission of the CWS Division is to keep children safe. One aspect of doing so is through the provision of effective, high-quality screening of Hotline calls. The CWS Director believes a balance can be achieved through changes in after-hours coverage and scheduling, discussed in further detail in the response to Finding 2 and Recommendation 1, below.

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

*Response of CWS Director and HHSA Director:* Disagree. At the time the Grand Jury was deliberating, a review of after-hours coverage of the Hotline was already underway and the idea of the new mental health contract provider operating the Crisis Stabilization Unit (CSU) assuming the screening of after-hours calls was being considered. Since that time, a decision was made to enhance after-hours coverage of the Hotline through scheduling changes and staffing provided by CWS Division staff. This will expand the higher level screening of after-hours calls by qualified staff with expertise and training in child welfare, while resulting in fewer non-appropriate calls being referred to on-call social workers and supervisors. This approach also ensures adherence to the confidentiality laws governing child welfare and who may legally access such records. As an example, only CWS Division staff has the ability to access the state-wide database used for child welfare documentation which contains the information necessary to properly screen Hotline calls.

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

*Response of CWS Director and HHSA Director:* Agree. It is unclear what is meant by the term "full," however, since the time of the Grand Jury's deliberations the Board of Supervisors (BOS) approved the addition of a new position in the CWS Division's Emergency Response Unit (the unit responsible for receiving hotline calls during normal business hours). This added resource will positively impact the timely response and triaging of referrals. As it pertains to proficiency, as the Grand Jury report indicates, CWS staff has continued to receive training on Safety Organized Practice (SOP), Structured-Decision Making (SDM), and other best practices. The

work of child welfare is governed by a complex set of laws and regulations. It is acknowledged that proficient staff is needed to keep children safe and promote effective interactions with families. With this reality in mind that, as stated above, a decision was made to expand the after-hours coverage of Hotline calls (i.e., referrals) provided by CWS Division staff. This approach takes advantage of the vast experience and knowledge in child welfare that can only be found in the CWS Division. This approach also helps to promote consistent screening of referrals and enhances the ability of the CWS Division to provide seamless coverage when referrals are transitioned from after-hours to normal business hours.

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

*Response of CWS Director and HHSA Director:* Agree. The Grand Jury should be applauded for its accurate assessment of how the public often feels in reporting suspected child abuse and neglect. This is an underlying dynamic and reality that the CWS Division routinely encounters -and, it is among the many challenges inherent in the work. With that background in mind, the CWS Division strives to make reporters of child abuse and neglect feel as comfortable as possible. To that end, it is important to note that if a caller (i.e., member of the public) desires to remain anonymous, that, too, is respected since the overarching goal is to obtain information critical to the safety and well-being of children.

Although a more thorough explanation is provided in response to Recommendation 3-that the CWS Division record Hotline calls -the issue is briefly discussed here since the Grand Jury identified that the public is often hesitant and fearful of making calls to the Hotline. While HHSA appreciates that the Grand Jury's recommendation is rooted in providing staff training and quality assurance, it disagrees that recording calls is an appropriate solution because of its potential chilling effect. The CWS Division knows firsthand that callers are often very uncomfortable when making Hotline calls. With that realization in mind, there is grave concern that recording Hotline calls runs counter to the goal of promoting an environment that encourages disclosures. Callers may simply refuse to call the Hotline for *further* fear of not wanting their disclosures to be recorded or their identity known. In the end, the ability of members of the public to remain anonymous, and the CWS Division's ability to provide legally mandated confidentiality to persons who make mandated reports pursuant to the Child Abuse Neglect and Reporting Act (CANRA), would be undermined.

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

*Response of CWS Director and HHSA Director:* Agree in part, disagree in part. The Hotline number is readily available via the internet; a primary resource relied upon for accessing information today. As an example, when performing a Google search, the CWS Division's intranet page, located on the countyofnapa.org website, readily appears and provides the public both the local Hotline number (707) 253-4261 and the toll-free Hotline number (800) 464-4216. Additional outreach regarding reporting suspected child abuse and neglect, including promotion of the Hotline, is conducted at trainings provided throughout the year at different organizations. It is important to note that the Hotline is not the only mechanism for reports of suspected child abuse and neglect. Members of the public are also always encouraged to call 911 - a number requiring no memorization - or law enforcement directly who, in turn, are legally required to make cross-reports of suspected child abuse and neglect to the CWS Division. That said, the CWS Director agrees that improvements to public awareness can be made. The specific efforts that will be made are addressed in response to Recommendation 2, below.

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

*Response of CWS Director and HHSA Director:* Disagree in part, agree in part. As explained in the response to Finding 4, above, and Recommendation 3, below, HHSA disagrees that recording calls is an optimal solution. As the Grand Jury has otherwise found, the public is often hesitant to report suspected child abuse and neglect to the Hotline. The CWS Division therefore has an interest in not implementing practices that discourage Hotline calls and thwart the Division's ability to receive anonymous calls from the public at-large. The CWS Director and HHSA Director agree that reviewing Hotline calls would be useful to CWS for training purposes and quality assurance. However, it is believed that can be accomplished in ways that do not heighten the public's fear of reporting. That issue is discussed further in response to Recommendation 3, below.

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

*Response of CWS Director and HHSA Director:* Agree in part, disagree in part. It is unclear what *greater flexibility* and *working off-site* means. However, HHSA promotes and supports job efficiency and satisfaction while ensuring the needs of the public, and the families and children we serve, are always met. In some instances, because services are delivered "in the field" or "in the home," staff's work necessarily extends to off-site locations. Further, given the nature of after-hours coverage, staff often work off-site and are provided with the resources to do so. Staff has increasingly been provided with County-issued iPads for use during business hours and after-hours to remotely access information. The CWS Division will continue to

evaluate whether additional technology can provide greater flexibility for staff to work off-site while ensuring services are not compromised and the expectations of the public are met.

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

**Response of CWS Director and HHS Director:** Agree in part, disagree in part. By way of background, Hotline calls, whether received during business hours or after-hours, are triaged and categorized. For those after-hours referrals determined to require an "Immediate Response," it is important to note that *law enforcement is present at-the-scene*. Therefore, even if a worker lives outside the County, and the response time is commensurate therewith, urgent child safety matters do *not* result in children being in unsafe situations. It is also worth noting that pursuant to Division 31 regulations that govern child welfare services in California, an "Immediate Response" requires an in-person response *within 24 hours*. In Napa County, the CWS Division requires an in-person response *within two hours*. The CWS Director and HHS Director are unaware of any after-hours "Immediate Response" referrals in which the two hour response time has not been met.

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

**Response of CWS Director and HHS Director:** The cost of housing may be one of many factors contributing to CWS Division staff living outside the County. However, for some staff, living outside the County is desirable given the nature of the work (i.e., removing children from parental care, terminating parental rights, etc.) and to provide better separation between work life and personal life.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(a). Requires an "agree" or "disagree" response.

## **RECOMMENDATIONS:**

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

**Response of CWS Director and HHS Director:** Disagree. As stated in response to Finding 2, above, at the time the Grand Jury was deliberating, a review of after-hours coverage of the Hotline was underway and the idea of the new mental health contract provider operating the CSU assuming the screening of after-hours calls was one of

many options being considered. Since that time, a decision was made to provide expanded after-hours coverage of the Hotline by CWS Division staff directly. This will be done through scheduling and staffing changes that will allow for CWS Division staff to respond to Hotline calls during peak periods. It will also ensure that such screening is done by CWS Division staff with the requisite expertise in child welfare and the complex laws and regulations that govern the work. This approach also has the benefit of minimizing hand-offs and related disruption between the work of a contracted mental health provider and CWS Division staff who will continue the child welfare work during normal business hours. And, as stated previously, due to the strict confidentiality laws governing child welfare, only CWS Division staff has the ability to access the state-wide database used for child welfare documentation which contains the information necessary to properly screen Hotline calls.

**Response1 Board of Supervisors:** The Board of Supervisors agrees with the CWS and HHSA Directors.

**2017-2018 Grand Jury Finding:** This does not comply with section 933.05(b); one of four responses required.

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

**Response of CWS Director and HHSA Director:** Agree in part, disagree in part. As stated above in the response to Finding 5, the Hotline number is readily available via the internet. Additionally, the Hotline is promoted at trainings provided throughout the year at different organizations. However, the CWS Director agrees that improvements to public awareness can be made. Over the next six months, the CWS Director will work with the County Public Information Officer to increase public awareness of the Hotline. The CWS Director will also partner with the Napa Child Abuse Prevention Council (CAPC) (the entity charged with organizing and implementing child abuse prevention activities) to promote awareness of the Hotline. Further, the CWS Director will partner with CAPC to expand mandated reporter trainings throughout the community, which, in turn, promotes awareness of the Hotline and the reporting process for suspected child abuse and neglect.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b); one of four responses required.

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

**Response of CWS Director and HHS Director:** Disagree in part, agree in part. As stated in the response to Finding 4 (the public being hesitant to call the Hotline) and Finding 6 (using technology to record Hotline calls), the CWS Director and HHS Director disagree that Hotline calls should be recorded. However, since the goal of recording is to provide staff training and quality assurance, the CWS Director believes this can instead be achieved by supervisors directly participating in Hotline calls, when appropriate for staff training and development, and/or periodically monitoring Hotline calls for quality assurance. This process helps ensure that the experience for callers is a respectful one designed to promote disclosures and minimize fear. It also has the advantage of providing training and quality assurance in real time versus through a retrospective process.

As stated in response to Finding 7 (staff technology to work off-site), staff has increasingly been provided with County-issued iPads for use during business hours and after-hours to remotely access information. The CWS Division will continue to evaluate what additional technologies exist to support the work of staff in the field.

It is unclear what the Grand Jury means by technology to "track staff schedules," however, the CWS Division currently uses various systems to track staff schedules, including an after-hours calendar, an on-duty calendar, an Emergency Response Unit calendar, and an in/out white board. The CWS Director will consider whether any technology to automate these tracking mechanisms *would be useful* to the CWS Division.

As of the drafting of this response, no specific technology upgrades have been identified that require inclusion in the Fiscal Year 2017-2018 budget, which has already been approved by the BOS in June 2017. Staff who need County-issued iPads have been provided them, and the CWS Division is able to meet any additional iPad needs within its existing budget.

**Response, Board of Supervisors:** The Board of Supervisors agrees with the CWS and HHS Directors.

<p><b>2017-2018 Grand Jury Finding:</b> This does not comply with §933.05(b); one of four responses required.</p>
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**R4.** Napa County Board of Supervisors continue efforts to promote development of affordable housing within Napa County and show evidence of such action by means of public notice and/or documents by December 31, 2017.

*Response, Board of Supervisors:* The Board of supervisors agrees with this recommendation. At the regular meeting of September 12, 2017, the Board will discuss available resources within the Housing Fund, and housing needs and priorities.

<p><i>2017-2018 Grand Jury Finding:</i> This does not comply with §933.05(b); one of four responses required.</p>
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## **REPORT: CAN'T FIND A PARKING SPOT IN DOWNTOWN NAPA?**

### **FINDINGS:**

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

*Response of the City of Napa:* The City partially agrees with this finding. The management of public parking necessarily requires the coordination of responsibilities (e.g., maintenance, operation, enforcement, policy, etc.) among many departments (e.g., community development, finance, public works, parks & recreation, police, etc.). This structure is not necessarily "cumbersome" or "inefficient"; however, opportunities to optimally manage parking programs occur when these functions are placed under one department where responsibilities are monitored in a comprehensive manner and as a primary responsibility. The City agrees this is important and therefore has committed to hiring a Parking Manager who will serve as the primary point of contact and be responsible for centralized management of the parking to optimize coordination and communication of a coordinated parking program (see City Response to Recommendation 1, below).

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

*Response of the City of Napa:* The City agrees with this finding. Existing peak parking demand is within industry accepted levels for effective supply established at 85% for on-street parking and 90% for off-street parking.

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

*Response of the City of Napa:* The City partially agrees with this finding. The 'camera system' currently in use in the Parking Enforcement vehicles only works in one of the two vehicles. Additionally, the system is outdated, and the City is in the process of replacing the system (see City Response to Recommendation 2, below). The City agrees there is an important question regarding the adequacy of personnel to enforce parking requirements, and the City has identified a plan to evaluate the sufficiency of staffing, and determine whether modifications to staffing levels will be recommended (see City Response to Recommendation 2, below). With current staffing levels at two full time (40 hours per week) Parking Enforcement employees assigned to the Police Department Traffic Bureau, there is effectively a net total of 3,054 working hours per year. This is based on 2080 hours per employee per year (52 weeks times 5 work days, times 8 hours), less time off for holidays, vacation, sick leave, and training (which averages approximately 553 hours per employee per year), multiplied by two employees equals 3,054 total working hours per year ( $[2080 - 553] \times 2 = 3,054$ ). Napa Municipal Code Sections 10.36.220 and 10.36.230 establish the hours during which parking is regulated in the central business district and in other business districts, between 8:00 a.m. and 6:00 p.m. on every weekday (other than holidays), which equates to 2,480 hours per year.

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

*Response of the City of Napa:* The City does not have sufficient information to agree or disagree with this finding. The City does have anecdotal information that indicates that there are some merchants and their employees who violate short-term parking rules.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05 subdivision (a). Requires an “agree” or “disagree” response.

**F5. Parking is a problem in the Oxbow Area.**

*Response of the City of Napa:* The City does not agree with this Finding. While it is true that the increasing popularity of Downtown Napa, including the Oxbow District, is leading to greater demand for parking as new businesses are opened, the prevailing perception of an existing parking shortfall is not supported by evaluation of parking conditions. According to a downtown parking survey conducted by the City in 2014, within the Oxbow District are 1,106 parking spaces, including 184 on-street parking spaces and 922 off-street parking spaces. Peak demand during weekday and weekend periods is under 85% for on-street parking and 90% for off-street parking, which is the industry standard for determining if there is an existing parking problem. However, the City recognized that there are concentrated areas of high demand of on-street parking in the Oxbow District, such as along First Street and on McKinstry, Vernon and Water Streets. Sufficient available spaces exist north across the Oxbow Commons and in the off-street parking lots to accommodate existing demand, even during peak periods (excluding special events). A potential "problem" occurs in the future as the Oxbow District develops, including on the underdeveloped former Copia site (south), Napa County Corporation Yard, Wine Train property and the vacant parcel south of Westin-Verasa, if these developments do not account for their increased parking demand as they expand or develop. However, private development will be required by the City to account for its newly generated parking demand on-site. Without City-owned property in the Oxbow District and the inability of the City to require as part of future development oversizing future off-street parking facilities, other alternatives may be needed such as public-private partnerships to increase parking supply in the area. The City has already, or is in the process of implementing interim measures such as constructing 90 additional parking spaces on the former CineDome property, 65 parking spaces on the City's vacant Third Street property, and 50 spaces are in design on McKinstry Street at Soscol Avenue on former unused Flood District property.

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

*Response of the City of Napa:* The City partially agrees with this finding. While the existing downtown parking garages (Clay Street, Second Street and Pearl Street) are of a design and age that they will warrant replacement in the future, the garages currently provide valuable parking for demand currently generated in the downtown area. The City has established some funding sources to contribute to the costs of maintaining and

replacing existing garages, but they are not sufficient to replace all existing garages. There are several assessment districts in the downtown area that are authorized to levy assessments on businesses to cover the costs of maintenance and construction of parking facilities (structures and surface lots) for the downtown area. However, those assessments currently generate approximately \$150,000 annually, which is only enough to maintain existing structures, and improve some existing lots, but there is insufficient revenue to be allocated to construction of new structures. The City imposes a Parking Impact Fee on new development in the downtown, to cover the estimated cost of constructing new parking structures to serve future parking demands. Thus, while the Impact Fee may not be used to replace existing parking spaces, it is anticipated that one or more future parking garages will replace (and increase the size of) existing parking garages, which may use combined revenue from Impact Fees and other revenue sources.

Measures to increase funding for replacement parking are identified in the Downtown Parking Plan: Implementation Plan which will be explored with the hiring of a Parking Manager by the end of the calendar year, such as leveraging City-owned real property assets to replace existing facilities, paid parking, establishing a parking facilities reserve fund to address future capital needs, and consider an infrastructure financing plan to address capital needs. Future demands for parking, and methods for mitigating parking impacts, are anticipated to change over time as a result of expanding technologies such as driverless vehicles, ride sharing, and efficient parking systems. The City's planning efforts to address downtown parking will need to be flexible as things change in the future, including the possibility that structured parking will be a less important component of an overall parking management plan.

## **RECOMMENDATIONS**

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

*Response of the City of Napa:* The City is already in the process of implementing this recommendation. On June 20, 2017, the City Council adopted Resolution No. R2017-091 approving the Budget for Fiscal Years 2017-18 and 2018-19. The Budget included funding a new Parking Manager position who will be responsible for managing the City's parking programs and infrastructure. This will help to bring programs currently performed across multiple departments into one centralized location and the position will be a subject expert responsible for coordinating improvements and enhancements to the parking programs. Development of the duties and responsibilities of the new Parking Manager position is underway with recruitment scheduled in the fall and selection of a qualified candidate at the end of the calendar year.

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

*Response of the City of Napa:* The City is currently in the process of replacing outdated equipment, and the replacement will be completed by June 30, 2018. The City has budgeted

for a new full-time Parking Manager employee, who will be responsible for overseeing all components of the parking program starting in 2018. The Parking Manager will assess the appropriate staffing needs and make recommendations to the City Manager. These recommendations will be made to the City Council by December 2018.

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

*Response of the City of Napa:* The City Council will publicly consider an amendment to the Napa Municipal Code to address "re-parking" by June 30, 2018.

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

*Response of the City of Napa:* This recommendation has been, and will continue to be, implemented. The City Manager routinely monitors progress toward implementation of the parking recommendations in the Downtown Parking Management Plan. After receiving the Plan in May 2015, under the direction of the City Manager, the City has: (1) constructed 90 interim parking spaces on property vacated by the CineDome within close proximity to the Downtown Core and Oxbow Districts; (2) expanded the Parking Exempt District for parcels located in the north end of the Downtown providing more funding toward a future garage in the area; (3) increased the Parking Impact Fee pursuant to a Nexus Study; (4) amended the General Plan and Zoning for a City-owned property on Third Street for 65 parking spaces within walking distance to the Downtown Core and Oxbow District; and (5) set aside funding for additional parking on Pearl Street at the former transit station.

Moreover, with the appointment of a new Parking Manager beginning in 2018, a "Re-parking ordinance" and enhanced directional signage to underutilized parking will be approved by June 30, 2018. The next two calendar years will also bring consideration of paid parking and other fiscal measures to enhance maintenance of existing parking facilities and expansion of parking in the Downtown. Available parking and future parking needs will be regularly monitored with new development, including in the Oxbow District where privately developed projects will be required to provide for the parking demand generated by these developments.

## **REPORT: NAPA COUNTY JAIL, Where are we headed?**

### **FINDINGS:**

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding. Overcrowding and understaffing are issues that can create operational stress in a jail facility. However, attributing these factors directly to increased risks of physical injury is an oversimplification of the issue. The classification of inmates and the risk factors associated with higher security levels, increases in violent and mentally ill offenders, and influence of more sophisticated inmates are factors that may affect safety and security for staff and inmates. A crowded condition with a lower custody population does not create the same level of concern as with inmates with higher custody status. Staff is trained to address mentally ill offenders and the department relies on overtime to ensure appropriate levels of staffing. The department also relies on court-ordered releases to prevent crowding and such releases are reviewed on a daily basis. The Department has made great strides in improving its staffing through aggressive recruitment efforts using job fairs, information sessions, and nationwide recruitment using online resources. To this end, the Department has been successful in bringing eight (8) new correctional officers by August 2017. The department is also beginning testing for new officers from its most recent recruitment and hopes to fill the remaining vacancies through this process.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding. The department currently provides services through an agreement with Napa County Health and Human Services agency and has three mental health workers available on-site. This is an increase from the two positions that the department had a few years back. Jails are not designed to include addiction facilities that may be common in prisons and in an out-of-custody setting. Primarily, this is because of the relatively shorter term that offenders stay in a jail as compared to a prison facility. Substance abuse and addiction-related services are provided through the in-custody portion of the day reporting center and the Community Corrections Service Center once inmates are released from NCDC custody and placed under the authority of the probation department. The department is already working on increasing mental health services as part of the new jail which will include a dedicated area for mental health services with increased levels of care and services for both mental health and substance abuse treatment.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees with this finding. The current rule under lease-revenue bond financing prohibits the renting of beds to another agency when a county uses state funding to build new jail beds. Napa is a county that has received three separate awards totaling nearly \$37 million toward the construction of new jail beds. Lease-revenue bond funding is received through a competitive process and each county is required to state its reasoning and need justifying the award. To date, counties have only been able to request their own jurisdictional needs, and current rules are not favorable to the use of regional jails. New laws are being drafted presently that would prevent agencies from using their existing beds to rent to any federal agency, which is designed to place further restrictions on counties that receive awards under lease-revenue bonds. Under the current climate it would be highly unlikely that multiple counties would be amenable to making changes to the existing rules to create regionalized facilities.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding. The issues related to recruitment and retention in law enforcement and corrections are not limited to Napa County. Many agencies are faced with similar issues as younger people are more attracted to working in environments that are lower in stress and carry fewer risks. Many agencies in California are hiring and recruitments are occurring on a continual basis. Napa County is faced with a higher turnover rate as officers that have been working for over 25 years become eligible for retirement and people leave for better opportunities with other agencies.

The County believes that with the recent increases in pay and the additional 5% granted to employees in the correctional officer series along with changes to their benefits package, the problems with retention should be significantly reduced over time. A review of existing positions within the Department indicates that only eight (8) officers remain in the agency with over 15 years of experience. This is a result of staff becoming eligible for retirement once they reach a certain age and the department has been dealing with retirement-related separation for a few years. This problem will correct itself as newer employees come online and begin their careers with Napa County.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this finding. The issues related to regionalization are already answered in the Finding 3 response. Napa County is not able to use any part of a facility that received lease-revenue bond funding through the State of California to hold inmates that do not belong to Napa County. Similarly, other counties are faced with restrictions if they received funding for a new jail using such grants. In Solano County, Napa inmates are placed in the older section of the Solano County jail as there are restrictions on the placement of Napa inmates in the newer, more modern facility which was built using state funds. The concept of creating a regionalized facility is a very complex issue involving many factors. The most basic of these is the fact that there are no existing regionalized facilities in the state that Napa and another agency can review to determine if there is in-fact any cost savings. Current laws are not congruent with the regional approach as the sharing of inmates from other counties cannot be done in a facility which benefitted from grant funding for a period of 10 years from the time that the facility is occupied. In addition, there are laws regarding how inmates are housed. For example, only sentenced inmates can be housed in non-contiguous counties. In Napa County, the sentenced inmate population is generally under 30% of the entire population and many of those can be placed in alternatives to in-custody programs, such as home detention. If the Board were to adopt a regionalized approach and house all its inmates in Solano County, there would need to be some plan to address alternatives if Solano County did not have space to rent. For regionalization to be successful, it will be necessary to change the current laws regarding presentenced inmates. The current law requires that those inmates be housed in contiguous counties.

Again, there is no analysis that has been done that indicates a financial benefit. The current arrangement with Solano County uses a sliding scale for daily bed rates and Solano County has the ability to deny acceptance of inmates based on medical or mental health needs. Current statistics indicate 30% of the total Napa County inmate population has either mental health or medical issues. In a 2017 report conducted by the Legislative Analyst's Office, the cost of housing an inmate in California on average is \$71,000 per year or approximately \$195 per day - far more than the \$88 per day Solano County is currently charging to house Napa inmates. The lower rate is possible only because Solano County is not housing mentally ill or high-risk inmates.

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

*Response, Board of Supervisors:* The Board of Supervisors agrees in part with the finding. The County has not undertaken a study to determine whether Napa County jail has less serious felons than at Solano County jail. Nonetheless, the size

of Napa County jail is rated at 264 beds whereas Solano County has 1,444 beds. On August 10th, the Solano County data indicated that they housed 617 inmates on felony charges. On the same date, Napa had 153 inmates held on felony charges.

## RECOMMENDATIONS

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this recommendation. Current law related to lease-revenue bonds that have already been awarded to Napa County prohibit the sharing of beds with another county in any portion of the facility that has been funded through state funding. There are no studies that would indicate any benefits to creating a regionalized facility with Solano County.

<p><i>2017-2018 Grand Jury Finding:</i> This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).</p>
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- R2.** The Napa County Board of Supervisors review Correctional Officer pay, benefits, and career opportunities, particularly with respect to retirement benefits.

*Response, Board of Supervisors:* This recommendation has been implemented. During the recently completed labor negotiations, the correctional officers pay and benefits were enhanced and improvements were made to the correctional officer disability fund. A detentions services premium pay of 5% was also added to the correctional officer series. Retirement benefits are set forth through CalPERS and the County is not able to make changes related to retirement. The County did agree to longevity pay at predetermined milestones and increases to shift differential pay. With a new facility in the planning phase and the beginning of construction of the re-entry facility, correctional officers will have additional career prospects to work in new areas and apply for promotional opportunities in the future.

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this recommendation. The Napa County Department of Corrections (NCDC) is one of two agencies in the state where the agency head reports directly to the Board of Supervisors. Through changes in the Penal Code, the NCDC officers have been granted enhanced authority in making arrests and carrying out law

enforcement functions in a limited scope while in the performance of their duties inside the jail. As has been mentioned numerous times in prior Grand Jury reports, there is no benefit to placing the department under the Sheriff's agency. Absent some compelling issue -which has not been identified -there is no reason to consider a change in management structure at this time. Maintaining Board control over the jail provides for enhanced accountability (since there is only one elected body responsible for both funding and jail management), makes it easier to resist potential cost increases and, because of the collaborative culture in Napa County between the Sheriff and other County officials, allows us to utilize the Sheriff's Department for those services where Sheriff's Deputies are most appropriate, such as inmate transportation, security, liaison to criminal justice agencies and internal affairs investigations.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).

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

**Response, Board of Supervisors:** The Board of Supervisors disagrees with this recommendation. While providing local agencies flexibility in the use of jail construction funds is always a primary goal, the funding restrictions are set in place for transparency and for appropriate fiscal controls over lease-revenue bonds. An agency may not profit by first requesting state funding to replace much needed beds and then renting beds to another agency after successfully receiving the state funding. The policy issue for legislators is to ensure that agencies not rent beds to outside agencies after having received grants through the state based upon stated needs.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).

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

**Response, Board of Supervisors:** The Board of Supervisors partially agrees with this recommendation. It is in the best interest of all concerned to have a comprehensive plan for treating mentally ill inmates. However, the County has already received funding from the State of California to move forward with the construction of a Phase I jail that will include dedicated mental health beds and provide adequate treatment space for them. Continuing to work with its partners at the local and state level on providing the best options available for treating mentally ill inmates is always a priority.

Staff will continue to investigate these possibilities and bring recommendations forward as they become available.

***2017-2018 Grand Jury Finding:*** This does not comply with §933.05(b); one of four responses required.

## REPORT: JUVENILE HALL

### FINDINGS:

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

*Response, Chief Probation Officer:* The Chief Probation Officer agrees with this finding. However, it is important to note that while it has taken a very long time to complete this process, the 2014 earthquake pulled many resources in other directions. Midway through the project, an issue with storage of the video system needed to be resolved and this took additional time.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief Probation Officer.

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

*Response, Chief Probation Officer:* The Chief Probation Officer agrees with this finding and appreciates the Grand Jury recognizing staff efforts.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief Probation Officer.

### RECOMMENDATION

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

*Response, Chief Probation Officer:* The Chief Probation Officer agrees with this finding. The camera installation is complete. Staff from Communications and Information Technology Services has resolved the storage issue and the project is complete.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief Probation Officer.

<p><i>2017-2018 Grand Jury Finding:</i> This does not comply with §933.05(b)(1), but meets the intent of §933.05(b)(1).</p>
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**REPORT: NAPA VALLEY TRANSPORTATION AGENCY VISION 2040  
PLAN *County Traffic Problems Need a Comprehensive Plan with  
Measurable Results***

**FINDINGS:**

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

*Response, Board of Supervisors:* The Board of Supervisors neither agrees nor disagrees with this finding. The finding is an opinion. The purpose of the Vision 2040 Report is to create a road map for solving many transportation-related challenges in the County which are not limited solely to traffic congestion.

*Response, NVTA Executive Director:* The NVTA Executive Director neither agrees nor disagrees with this finding. The finding is stated as an opinion. That said, as previously stated in the clarifications above, the purpose of Vision 2040 is to create a "road map" for solving many transportation-related challenges in Napa which are not limited to congestion alone.

*Response, NVTA Board of Directors:* The NVTA Board of Directors neither agrees nor disagrees with this finding and concurs with the NVTA Executive Director's July 19, 2017, letter responding to the Grand Jury report.

<p><i>2017-2018 Grand Jury Finding:</i> This does not comply with §933.05(a). Requires an “agree” or “disagree” response.</p>
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- F2.** No quantifiable measurements are in place for the Board or the public to assess Napa County congestion management goals, determine results on a timeline, or evaluate the efficacy of NVTA budgets and spending.

*Response, Board of Supervisors:* The Board of Supervisors, as a member of NVTA, agrees that some of the Vision 2040 goals are difficult to quantify. However, there are systems in place to monitor and evaluate NVTA budgets and spending. For example, Measure T includes a monitoring plan for each jurisdiction and an Independent Taxpayer Oversight Committee that will review the fiscal and program performance of the Authority to ensure that all revenues are spent in accordance with all provisions of the Ordinance.

*Response, NVTA Executive Director:* The NVTA Executive Director agrees with this finding in part. The NVTA Executive Director agrees with the

assertion that there are "no quantifiable measurements" in place to assess NVTA's countywide transportation goals. While there are a number of goals and objectives included in Vision 2040, the Executive Director concurs with the Grand Jury's assessment that no measurable performance targets were established

***Response, NVTA Board of Directors:*** The NVTA Board agrees with this finding in part. NVTA staff works with Napa Valley's jurisdictions to develop long range project and program lists that meet NVTA Board established goals in the Vision 2040 plan. Projects approved for funding by the NVTA board are selected from these lists. The NVTA board agrees that some of the Vision 2040 goals are difficult to quantify.

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

***Response, Board of Supervisors:*** The Board of Supervisors agrees with this finding. As a member of NVTA, the Board of Supervisors voted to add a new full time Public Information Officer position to assist with the Authority's communication efforts. NVTA recognizes that outreach needs to be sustained and innovative communication techniques are-need to be employed to ensure that the Authority is clearly communicating clearly to the public.

***Response, NVTA Executive Director:*** The NVTA Executive agrees with this finding in part. NVTA staff members work diligently to engage members of the public on its many plans, programs, and responsibilities. In the past two years, the agency has undergone a major rebranding exercise for both the agency and the Vine transit system. NVTA has also created a full time Public Information Officer position whose primary responsibility it is to update the website, communicate through social media, develop information materials, and organize public outreach events. The notion the public is still confused about what NVTA is responsible for is not unlike the challenges that many transportation agencies experience. We agree that more work needs to be done to educate the public and to engage them on NVTA activities and actions being considered by the NVTA board. NVTA staff will continue to evaluate innovative solutions to improve its communications with members of the public.

***Response, NVTA Board of Directors:*** The NVTA Board of Directors agrees with this finding in part. The NVTA Board of Directors agrees with the NVTA Executive Director's July 19, 2017, letter responding to the Grand Jury report. The Board of Directors recently authorized a new full time Public Information Officer position to ramp up the agency's public communications efforts. The Board also acknowledges the recent work completed by NVTA staff in this area, but recognizes that outreach efforts need to be sustained and innovative communication techniques be employed to ensure that NVTA is clearly communicating to all members of Napa Valley's communities.

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

*Response, NVTA Executive Director:* The NVTA Executive respectfully disagrees with this finding. NVTA partners with the Solano Transportation Authority (STA) to fund a consultant to design and run the traffic demand modeling software. Traffic demand models are inherently complicated and the computers that run the models are very expensive. It should be noted that land use is a critical component included in a traffic model to determine the efficacy of project alternatives, and NVTA relies on its jurisdictions to update the traffic analysis zones which includes jobs, housing, and developments used by the model to predict traffic demand. These updates are time intensive and arduous, and consequently are sometimes delayed, or not completed frequently enough to generate accurate results. Over the last year, NVTA and STA have contracted with a consultant to build a new traffic model - an activity-based model - that should greatly improve NVTA's ability to analyze specific projects. The model is currently in the validation phase. The limitation associated with the model is that it is a regional model adapted for use in Napa and Solano counties and therefore does not achieve the granularity that a project specific simulation might achieve. This type of model is not appropriate for understanding how a long range plan - if fully implemented - would succeed in improving countywide transportation operations. To accomplish that level of analysis, each project would need to include a microsimulation model which could cost upwards of \$50,000 per project and therefore it is not a feasible as part of the long-range transportation planning process.

*Response, NVTA Board of Directors:* The NVTA Board of *Directors* neither agrees nor disagrees with this finding. The NVTA Board of Directors believes that the discretion for determining an approach to travel demand is highly technical and defers to the expertise of NVTA staff members in coordination with consultants and Napa Valley jurisdictions transportation professionals. The Board of Directors has approved funding for various modeling activities and is supportive of the Executive Director's approach to balancing outcomes with the agency's limited resources. The Board further encourages staff to collaborate with other transportation agencies to ensure the agency is up to date on best practices in a number of areas, including travel demand modeling practices.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(a). Requires an “agree” or “disagree” response.

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

*Response, NVTA Executive Director:* The NVTA Executive Director neither agrees nor disagrees with this finding. The finding is stated as an opinion. That said, NVTA takes public and committee comments very seriously and has incorporated a number of the suggestions into the plan that were included in the referenced letters.

*Response, NVTA Board of Directors:* The NVTA Board of Directors neither agrees nor disagrees with this finding. The NVTA Board takes comments from NVTA committees and members of the public very seriously and works closely with staff to incorporate comments into NVTA's plans and practices.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(a). Requires an “agree” or “disagree” response.

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

*Response, NVTA Executive Director:* The NVTA Executive *neither* agrees nor disagrees. There are a number of demonstration projects underway in the Bay Area. The technology companies that NVTA has reached out to did not currently have sufficient resources to implement demonstration projects in Napa. These include a number of transportation network companies who are implementing strategies elsewhere in more densely populated communities like San Francisco and San Jose. Low density environments like Napa do not offer the same opportunity for collecting the level of data that higher density counties can provide.

*Response, NVTA Board of Directors:* The NVTA Board of Directors neither agrees nor disagrees. The NVTA has no jurisdiction over the County's streets, roads, and highways. We encourage NVTA staff to reach out to technology groups and organizations and to identify proven technologies that can improve how transportation is deployed in Napa Valley. Individual board members are also actively researching technologies such as autonomous vehicles and supportive of partnering with organizations to bring technologies to Napa. While the Board is enthusiastic about emerging technologies, technology development falls outside the scope of the agency's responsibilities.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(a). Requires an “agree” or “disagree” response.

## RECOMMENDATIONS

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

*Response, Board of Supervisors:* The Board of Supervisors disagrees with this recommendation. As mentioned earlier, the Board of Supervisors represents one of six jurisdictions in the joint power authority. In fact, NVTA does have already has a Technical Advisory Committee, consisting of expert representatives from each jurisdiction that makes recommendations to the Board of Directors of NVTA. The creation of a task force, even if the Board of Supervisors had the authority to create one, would be duplicative and unnecessary.

*2017-2018 Grand Jury Finding:* This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).

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

*Response, Board of Supervisors:* The Board of Supervisors, as one member of the NVTA Board, agrees with this recommendation. As mentioned in the NVTA response, the Board of Directors has agreed to work with NVTA staff and the Technical Advisory Committee to implement this recommendation as part of the next countywide transportation plan which is scheduled for adoption in 2020.

*Response, NVTA Executive Director:* The NVTA Executive RESPONSE: This recommendation will be implemented. However, this type of goal setting is appropriate during the development of a long-range plan. Therefore, this recommendation will be considered during the next countywide transportation plan. Development of the plan will begin in 2018-2019, including public outreach meetings, and it is anticipated that a new countywide transportation plan will be adopted by the NVTA Board in 2020.

*Response Board of Directors:* This recommendation will be implemented. The Board of Directors will work with NVTA staff and its Technical Advisory Committee to re-establish goals and objectives and to identify measurable targets as part of the next countywide transportation plan, which is scheduled for adoption in 2020.

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

*Response, Board of Supervisors:* The Board of Supervisors as one member of the Board of Directors of NVTAs agrees with this recommendation. NVTAs has implemented this recommendation and aggressively seeks new funding opportunities. NVTAs will act quickly to submit grants on competitive funding programs such as those programs offered under Senate.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b), but meets the intent of §933.05(b)(1).

*Response, NVTAs Executive Director:* This recommendation has been implemented. NVTAs is aggressive at seeking new funding opportunities. It works closely with its funding agencies and is quick to submit grants on competitive funding programs. Senate Bill 1, which was passed by the legislature and signed in to law by the Governor this past June, will provide almost \$1 billion annually in new competitive grant programs, and NVTAs anticipates receiving significant new funding to improve its transportation infrastructure

*Response, NVTAs Board of Directors:* This recommendation has been implemented. The NVTAs Board of Directors concurs with the NVTAs Executive Director's July 19, 2017, letter responding to the Grand Jury report.

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

*Response, NVTAs Executive Director:* This recommendation is already implemented. NVTAs generally only approves *expenditures* on projects that NVTAs undertakes directly. In recent years, these projects include transit-related operations and capital improvements and the Vine Trail. These projects are included in long and short-range plans. While measurable results may be applicable to certain projects or programs, other projects do not lend themselves to "quantifiable and achievable short and long-range goals". NVTAs also funds or *programs* projects that are implemented by Napa Valley jurisdictions or Caltrans, which are funded through many different programs. All funding programs have separate and specific criteria that also must be considered. All transportation projects approved by the NVTAs Board are included as part of the constrained project or program list identified in the Vision 2040 plan which has established short and long-range goals.

*Response Board of Directors:* This recommendation is *already* implemented. The NVTAs Board of Directors concurs with the NVTAs Executive Director's response to the Grand Jury dated July 19, 2017.

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

*Response, NVTA Executive Director:* The Executive Director disagrees with and respectfully declines to implement this recommendation, as it is neither warranted nor reasonable. NVTA has introduced a number of new technologies in the transit system including fareboxes, automatic passenger counters, computer aided dispatch and automated vehicle location system, and is in the process of implementing an automated dispatch system. However, NVTA does not manage traffic and therefore testing "traffic management software" is not an appropriate use of NVTA resources.

*Response Board of Directors:* NVTA disagrees with and respectfully declines to implement this recommendation, as it is neither warranted nor reasonable. Using public funds to test new technologies is highly risky, and the NVTA Board has a fiduciary responsibility to ensure tax dollars are spent on their intended purpose. The NVTA Board concurs with the NVTA Executive Director's July 19, 2017, letter responding to the Grand Jury report and underscores that the NVTA does not manage traffic and therefore testing "traffic management software" is an inappropriate use of NVTA revenues.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).

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

*Response, Board of Supervisors:* The Board of Supervisors as one member of NVTA disagrees with this recommendation. As mentioned by NVTA in the response provided on July 19, 2017, it is neither warranted nor reasonable for NVTA to expend its limited resources on research or the development of new technologies. The Board of Supervisors as one member of the NVTA Board does encourage NVTA staff to partner with other agencies and private sector firms, provided NVIA identifies grant resources for this purpose.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).

*Response, NVTA Executive Director:* The Executive Director disagrees with and respectfully declines to implement this recommendation, as it is neither warranted nor reasonable. For the reasons mentioned in Finding 6 above, Napa County may not be an ideal test market for companies investing in transportation technology, market research and development. Moreover, NVTA does not have resources to fund commercial technology projects, which is

generally a requirement to encourage participation by the private sector to partner with government. That said, NVTA will continue to monitor closely the activities of our local partner agencies and agencies around the country to understand best practices as new technologies are introduced. We will further continue to reach out to technology companies and partner with them as grant-funded resources for such technologies becomes available. We also hope to partner with transit network companies on first and last mile transit connectivity.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).

**Response Board of Directors:** NVTA disagrees with and respectfully declines to implement this recommendation, as it is neither warranted nor reasonable. NVTA does not have resources to encourage the development of new technologies. The NVTA Board of Directors encourages staff members to use its connections to *partner* with *other* agencies and private sector firms, provided that the agency identifies grant sources for this purpose in order to minimize risks to the agency's financial standing.

**2017-2018 Grand Jury Finding:** This does not comply with §933.05(b), but meets the intent of §933.05(b)(4).

**Note:** A Supermajority of the 2017-2018 Napa County Grand Jury approved this report on February 14, 2018. No Grand Jurors were recused from this report.