September 6, 2022

The Honorable Victoria Wood
Superior Court of Napa County
825 Brown Street
Napa, CA 94559

Subject: **City of Napa Response to the 2021-2022 Napa County Grand Jury Final Report entitled "City of Napa Community Development Department"**

Dear Judge Wood:

The City of Napa has received and carefully reviewed the 2021-2022 Napa County Grand Jury Report entitled "City of Napa Community Development Department," dated June 13, 2022 (hereinafter "Grand Jury Report"). Pursuant to California Penal Code Sections 933 and 933.05, this letter documents the City's responses to each finding and recommendation in the Grand Jury Report (hereinafter "City Response"). The City Response was prepared by City staff, including the Community Development Director, and presented to the City Council for their consideration. At the public meeting on September 6, 2022, the City Council approved this City Response and directed the City Manager to submit this City Response on behalf of the City Council.

Therefore, this City Response represents the required response to the Grand Jury Report from the City Council of the City of Napa as well as the invited response from the Community Development Director.

General Responses

There are several statements made in the Summary and Discussion sections of the Grand Jury Report that do not accurately represent the process followed for application processing within the City of Napa. For accuracy purposes, below are statements that have been extracted from the Summary and Discussion sections (shown in *itallics*) followed by language that either clarifies the City's understanding of the statements, or corrects the language:

The five divisions within the CDD review building plans and construction for both residential and commercial purposes. The City's Department of Public Works must also review the plans for larger projects and for City entities outside of the CDD, such as the City of Napa Fire Department.

> City Response: The City of Napa does not agree with these statements. The Community Development Department (CDD) coordinates the City's review and regulation of building plans from private property owners and developers, which includes services from City staff from five different City departments: CDD, Public Works, Utilities, Parks and Recreation

Services, and Fire. Of the five divisions within CDD, two participate in the review of construction plans and permits; the Planning Division and the Building Division. The Public Works Department (not a division within CDD) reviews all levels of projects (not just "larger projects") and the Public Works Department does not review plans on behalf of any other City department or outside agency. It should also be noted that the Fire Prevention Division of the Fire Department, and the Utilities Department (including its divisions of Water and Materials Diversion) also review construction plans and permits.

The Grand Jury also found that there is no systematic review of applications for permits on structures with potential historic importance.

City Response: The City does not agree with this statement. The City of Napa has a Historic Resources Inventory (HRI) that is used to identify, by list and within the City's permit tracking software (Trakit), all parcels that contain potentially historic resources. Any Planning application and/or Building Permit application for a property identified on the HRI is immediately "flagged" through Trakit, and if exterior changes are proposed, the proper cultural review process is followed according to local and State requirements.

Under the Discussion section of the report, there is the following statement (second paragraph of section):

First, City offices were closed during much of 2020, thus, residents and businesses which sought approval for projects and permits could not have face-to-face access with department staff. Access to staff was strictly online, either through websites, email, or phone calls and texting.

City Response: The City does not agree with this statement. The Community Development Department (CDD) public service counters (i.e. Planning, Code Enforcement and Building Divisions) were closed for a total of two-weeks at the outset of the COVID-19 global pandemic in March 2020. This short period provided the opportunity to develop strategies on how to carry-out the public service mission of the CDD, and to ensure safe interactions for both customers and staff. For most of 2020 and all of 2021 and 2022, CDD staff accepted in-person meetings, application submittals and other needed project meetings at the public service counters. Face-to-face project submittals occurred, and the Building Division continued to accept all Building Permit applications, resubmittals and permit questions at the public service counter throughout this time. Videoconferencing, with applicants and their professionals about project submittals was a practice started in the pandemic, learned to very efficient during this height of the crisis and a continued practice today.

Grand Jury Report Finding 1 – *The City of Napa's Community Development Department's IT system is obsolete, does not meet current needs, and has contributed to delays in review processes.*

City Response – The City of Napa agrees with the finding.

Grand Jury Report Finding 2 – *A new IT system will be implement by the City over the next 16-18 months starting in February 2022*

City Response – The City of Napa agrees with the finding. The new system will replace Trakit, the current software used to track project , permit and property information within the City of Napa. The new system is provided by Tyler Technologies, is called Energov, and will greatly improve the services provided by the City through a more robust public interface, and improved accessibility by City Staff and the public.

Grand Jury Report Finding 3 – *The contracts for the new IT system have been signed and the funds allocated. The CDD currently does not use the current IT system but in the future it will be integrated into the new IT system. The new system will be Tyler Intergov and is cloud based, which is a substantial advantage. This system will be integrated into all of the other City systems of the other departments that are involved in the application review process.*

City Response – The City of Napa disagrees with some statements in this finding.

It should be noted that the City of Napa does currently have, and regularly uses, a software system called Trakit. Trakit will be replaced by Energov, with the database contained in Trakit, along with other database platforms, used to support the functionality of Energov. In addition, for clarity, Energov will be used by all other City Departments that currently utilize Trakit.

Grand Jury Report Finding 4 – *Most documents project applicants need to complete the CDD review process will be submitted and available online at full implementation of the new IT system. It will no longer be necessary to provide multiple copies of plans because all departments involved in the review process of projects will be able to access the same data online.*

City Response – The City of Napa agrees with this finding.

It is the City of Napa's ultimate goal to fully facilitate electronic application (and plans) filing for entitlements and building permits.

Grand Jury Report Finding 5 – *The CDD's application review process and general responsiveness to the public were adversely affected by the COVID pandemic.*

City Response – The City of Napa agrees with this finding.

Grand Jury Report Finding 6 – *Citizen groups often provide new information at the public meetings to the Planning Commission which can result in a delay of a project.*

City Response – The City of Napa agrees with this finding.

It is factual to state that information provided to the Planning Commission at public hearings can result in the delay of a project application. The very purpose of the public hearing is to allow all interested parties, neighbors, citizens, applicant, staff, etc., an opportunity to voice opinions on an application before the Planning Commission. It is the Planning Commission's responsibility to assess the statements made and make a decision on the application. At times, information shared at a public hearing needs additional staff analysis and at times the information shared is in need of consideration by the applicant because it may require modification to the proposal. In some cases, items are continued by the Planning Commission to allow the needed time to assess the request and return to the Commission for further consideration and action.

Grand Jury Report Finding 7 – *The Grand Jury believes that CDD's fees are appropriate since they cover services not provided by other jurisdictions.*

City Response – The City of Napa agrees with this finding.

Grand Jury Report Finding 8 – *The absence of expertise in CDD regarding the renovation of historic sites means that some historic building project applications might not receive appropriate review.*

City Response – The City of Napa disagrees with this finding.

As stated above, all potentially historic properties requiring special attention and/or review are listed on the City of Napa Historic Resource Inventory list (HRI). This list is also a data point that is "tagged" to each parcel within Trakit, shown in the system as a special sensitivity need should

there be a building permit or other application made for an HRI property. Utilizing the Secretary of Interior Standards (State of California adopted guidance and regulations applicable to historic buildings and structures), and local requirements, staff evaluates a proposal for consistency. Larger, more complex projects will involve contract specialists to assist staff and the Cultural Heritage Commission with the necessary evaluation.

Grand Jury Report Recommendation 1 – *The Grand Jury recommends that management fast-track the implementation of the Tyler Intergov Information System and encourage CDD's employees in their training and use of the new system.*

City Response – This recommendation has already been implemented.

Prior to receipt of the Grand Jury report, the City of Napa had begun implementation of Energov and staff training is ongoing.

Grand Jury Report Recommendation 2 – *The City should designate a project manager to have oversight over the review process for plans as they move through the departments and oversee the timeframe to increase efficiency.*

City Response – This recommendation has been implemented.

Each application submitted to the City of Napa is assigned a project manager to ensure the application is handled appropriately. The project manager, whether in the Planning or Building Division, ensures there is a point of contact for the applicant, and that the needed information to complete the application processing is complete, analyzed and incorporated into the decision-making process.

Grand Jury Report Recommendation 3 – *The City should develop an historic buildings resource database and integrate it into its new IT system.*

City Response – This recommendation has been implemented.

The City of Napa has a Historic Resource Inventory (HRI) that is currently integrated into Trakit, the City's current land management system. The new system, Energov, will also contain the necessary information to identify all HRI properties.

Grand Jury Report Recommendation 4 – *The grand Jury suggest that the Planning Commission and City Council meet yearly to discuss future growth and development issues.*

City Response – This recommendation has been implemented.

The City Council and Planning Commission jointly met on March 28, 2022. It is the stated intention of the City Council that such a joint meeting happen on an annual basis.

Grand Jury Report Recommendation 5 – *The Community Development Department should educate the public about the Napa City fee structures to make clear they include services that are not offered by other cities. This approach results in extra costs outside the fee services in those other cities.*

City Response – This recommendation has been implemented.

The City of Napa Fee information is readily available on the City of Napa website and as a hand-out at the Planning and Building public service counters. In addition, the development application itself provides a description of the fee collection and assessment process.

If you or the Grand Jury Foreperson have any questions regarding the City's response, please let me know.

Respectfully Submitted,

Steve Potter, City Manager

cc: Foreperson, 2021-2022 Napa County Grand Jury, 1754 3rd St, Ste D, Napa 94559
Michael Barrett, City Attorney
Vin Smith, Community Development Director