



CITY of NAPA

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RECEIVED
Clerk of the Napa Superior Court

September 10, 2002

The Honorable W. Scott Snowden
Presiding Judge
Napa County Superior Court
825 Brown Street
Napa, California 94559

SEP 11 2002

Re: City of Napa Responses to the 2001 – 02 Grand Jury Findings and Recommendations

Dear Judge Snowden:

Attached are the official responses of the City of Napa City Council, City Manager, Chief Building Inspector, Department of Public Works, Code Enforcement Officer, Fire Chief, Police Department and Housing Authority to the 2001 – 2002 Grand Jury Findings and Recommendations. Each was named as required respondents. These official responses were approved by the City Council on September 10, 2002.

The areas of the 2001 – 2002 Grand Jury Report requiring a response from the City of Napa include:

- Building inspection
- Code enforcement
- Napa – Vallejo Waste Management Authority (of which of the City of Napa is a represented member)
- Napa Valley Unified School District
- Special Needs Housing.

These responses are respectfully submitted for your review and acceptance.

Sincerely,


Patricia Thompson
City Manager

Encl.: City of Napa responses to the 2001 – 2002 Grand Jury findings and recommendations

Response to 2001-02 Grand Jury Findings and Recommendations: City of Napa Building Inspection

This is in response to the final report of the Napa County Grand Jury regarding the investigation of the City of Napa Building Division. We would like to thank the Grand Jury Committee for their time and their service in the review of the Building Division.

We are very pleased with the final outcome listed in Finding 3, which states that the Grand Jury found that the City of Napa Building Department is performing its duties in an appropriate manner. As you know, the Building Division enforces State mandated building standards including Building, Electrical, Plumbing, Mechanical and Energy Codes. In order to insure that future buildings and structures comply with these standards, plans and specifications are submitted to the Building Division; those plans are reviewed for code compliance; correction letters are developed when necessary; building permits are issued after the plans are approved and inspections are provided to insure compliance with the approved plans.

Even though the Building Division is regulatory in nature, Staff is continually trained to embrace the concept that people in the construction community are our valued customers and our goal is to find creative solutions and solve the difficult problems that arise in plan review or during inspections in the field. At times, this puts the Building Division in a precarious position because the end user, the building owner, occupant and general public, are also our customers. Therefore, the creative solutions that we ultimately approve cannot compromise the intent of the code or the safety of those customers.

With that in mind, the Building Division continues to receive compliments from all aspects of the construction community. Customers express their opinions that we are very pleasant and responsive compared to other jurisdictions. Letters of gratitude and customer service questionnaires have been received that give praise to the Building Division. A customer service award was presented to the Building Division in recognition of extra effort. However, Finding 1 of the Grand Jury Final Report seems to suggest that there are different perceptions regarding our customer service.

Finding 1:

The Grand Jury found there to be widespread dissatisfaction in the construction community with the Napa City Building Department in its Building Permit Activities. The Grand Jury heard the comment several times that the contractors, engineers and designers refuse to do business in Napa because of the City of Napa Building Department

Recommendation 1:

The City Council should instruct the Napa Building Department to take specific steps to promote better customer relations.

Response:

The Building Division agrees in part with Finding 1. We are aware of some dissatisfaction within the community. However, based upon the numerous positive customer service questionnaire cards and comments that we continually receive, we do not agree that the dissatisfaction is widespread.

In response to Recommendation 1, we have assigned staff to personally contact the commenting individual if we receive any negative customer service questionnaire comment cards.

Also, in an effort to promote better customer relations, an annual Building Division Open House will be established. This will be an opportunity for anyone involved in the construction community to sit down with Staff, discuss the operations of the Division and enjoy some informal exchange of

ideas. Emphasis will be placed on the fact that everyone should have the same goal, to build a good product that meets minimum code standards. It always takes a team effort to build a good product and each one has a role in that team effort, including the Building Division.

Finding 2:

The dissatisfaction results from the Building Department changing its procedures to more rigorously enforce the Building Codes.

Recommendation 2:

Professionals in the building community should take classes offered by the Building Division to learn about updated Building Codes.

Response:

We agree with Finding 2, that the dissatisfaction is based upon the fact that the Building Division changed its procedures to more rigorously enforce the building codes. However, the Building Division changed its procedures in order to comply with law. In 1995, the Board of Registration for Professional Engineers and Land Surveyors approved Policy Resolution 95-01. This resolution required professional registration for any plan checking position responsible for reviewing the work of other licensed professionals (architects or professional engineers).

Prior to Policy Resolution 95-01, the City of Napa Building Division performed plan review with building inspectors, not licensed professionals. This was common for many smaller jurisdictions. In order to comply with this new requirement, the City utilized the services of a consulting engineering firm to review the plans submitted by licensed professionals. Subsequently, the City of Napa established the position of Plan Check Engineer and hired a licensed engineer in January 1996.

Consequently, plans submitted by licensed professionals prior to 1995 were not reviewed and scrutinized to the level they are today. In this regard, the Building Division has changed its procedure to more rigorously enforce the building codes.

Additionally, building codes are constantly amended. Every three years there are new building codes adopted and mandated by the State of California. These codes become more and more stringent after calamities such as the Northridge earthquake in Southern California. For example, because of new technology learned following this destructive earthquake, all previous structural and seismic provisions were changed with the adoption of the 1998 California Building Code. These were major changes in the way structures could be designed.

Each City Building Inspector, the Plan Check Engineer and the Chief Building Official have taken update courses to gain knowledge of these new code provisions. Each aforementioned employee is certified through the International Conference of Building Officials, ICBO, in the building codes. As such, each is required to take exams and re-certify every three years. This process insures that each employee has the required knowledge to perform competent plan review and/or inspection services. Therefore, Building Division Staff is more knowledgeable today than in years past. In this regard, the Building Division is more rigorously enforcing the building codes because the employees have more training and knowledge of the codes.

Recommendation 2 encourages professionals in the building community to take classes and learn about updated Building Codes. In an effort to assist with this recommendation, the Building Division proposes to take the following actions:

- Provide code up-date workshops for the construction community and convey information on new code changes.

- Send Solano/Napa Builders Exchange information regarding applicable seminars and training opportunities that are available in our area. The Builders Exchange could provide the construction community with the appropriate advertisements in their newsletter. This would be in addition to the information that is currently available at the Building Division counter.
- Offer customer workshops/training on how to expedite projects through the Building Division.
- Provide surveys/questionnaires to assist the construction community with specific needs such as requests for additional handouts or typical details, specific requests for topics of discussions at future workshops, training suggestions and for information concerning new products.

The Building Division is currently developing a workshop on "Conventional Construction Provisions." This is proposed for early fall, after school classes begin. Code requirements for light-frame wood construction will be clarified and various techniques will be delineated to show how to design projects without requiring plans to be prepared by licensed professionals.

- Publish checklist of typical plan review corrections used by all plan check Staff. This will help designers know which items generally need to be included in plan submittals.

The implementation of these items will help professionals in the construction community take advantage of classes and training opportunities. Additionally, they will help promote better customer relations, which will help fulfill Recommendation 1.

Finding 3:

In spite of the dissatisfaction, the Grand Jury found that the City of Napa Building Department is performing its duties in an appropriate manner.

Recommendation 3:

None.

Response:

We concur with Finding 3, in their last interview with me, the Grand Jury Committee explained that the Building Division was performing its duties in an appropriate manner. As they commended me and shook my hand, they further encouraged me by saying, "Keep up the good work." That comment was appreciated very much. However, we know there is always room for improvement and the City of Napa is committed to that goal. Recently, the City of Napa hired a consulting firm, MAXIMUS, to perform a study and analysis of the City's Private Development Review process, which includes the plan review and inspection services provided by the Building Division. The City's goal is to ascertain if the City can make any improvements to its management practices of providing more efficient and responsive service to the public. A final report will be provided which will include a detailed summary of the analysis performed in the study and a plan of implementation for recommended improvements. The City will review the report and decide which recommendations to implement in order to improve the Private Development Review process.

M. Bruce Gunn, Chief Building Official, respectfully submits these responses for your review and acceptance.

**Response to 2001-02 Grand Jury Findings and Recommendations:
City of Napa Code Enforcement**

Finding 1. The Code Enforcement Section of the Fire Department is understaffed, under funded and has inadequate office space.

Recommendation 1. The City Council should provide the staff and space for the CEO to function properly.

Response: Over the past two years the Code Enforcement Section was understaffed due to a resignation and medical leave. We are currently fully staffed and have added a part-time employee. We believe we are able to adequately address the workload.

Like many other City Departments, we are cramped for space. Currently, there is no additional space available in the Community Services Building.

Finding 2. At the time of the Grand Jury inquiry, the Code Enforcement Department had a backlog of 52 complaints.

Recommendation 2. None

Response: The Code Enforcement Section currently has a backlog of approximately 50 complaints. This is an appropriate number and can be handled in a timely manner.

Finding 3. There are insufficient funds raised from fines to pay for the cost of Code Enforcement.

Recommendation 3. The fines should be increased to provide proper funding for Code Enforcement.

Response: It is true that Code Enforcement fines do not cover the cost of the Section. The City's philosophy has been to help their citizens gain compliance, while maintaining the neighborhoods, rather than generate fees. Currently the City's General Fund is used to support the Sections activities.

Fire Chief Joe Perry respectfully submits these responses for your review and acceptance.

**Response to 2001-02 Grand Jury Findings and Recommendations:
Napa – Vallejo Waste Management Authority**

Finding 1. The JPA has no staff of its own and is operated by the Napa County Department of Environmental Health staff in a very efficient manner. No single person is assigned full time to the JPA. Two or three of the Department's staff are assigned to the JPA along with their regular duties.

Recommendation 1. The JPA should continue to be operated without a staff of its own.

Response: The purpose of the Napa – Vallejo Waste Management Authority is to provide cost effective coordination of solid waste processing, transfer and disposal services, including the acquisition, construction, financing and operation of a transfer facility, and to protect the environment from past solid waste management practices within the service area. The Authority is a separate and unique governmental entity from each of its members. As such, only the Authority Board has direction over the Authority's activities, and not the individual members. Each member appoints a person to serve on the Authority Board of Directors and should monitor their activities, but when serving on the Authority's Board of Directors, the directors serve the entire service area, not just the member's area.

The Authority members' response to the 2001-02 Grand Jury Findings and Recommendations has been discussed, and even though each could respond separately, the response of the individual members' is the same as the Authority's responses. As such, the member's response is included within the Authority's response (which is submitted separately).

Finding 3. The JPA is paying Allied \$54 a ton. It includes the cost of operation of the transfer station, transporting the waste to Keller Canyon and the fees charged by Allied to dispose of the waste at Keller Canyon. Because the \$54 per ton is not broken down, it is not possible to tell if Allied is making more than it should on the cost of the operation of the transfer station, the transportation of the waste and the cost of disposal. The actual cost of burying the waste should be \$8 to \$9 per ton.

Recommendation 3. The JPA should allow no further extensions of Allied's contract, and when the contract expires in 2007 the JPA should open Allied's contract to competitive bidding. The Request for Proposals should require each bidder to itemize the various elements of the bid:

1. Operation of the transfer station
2. Transportation from the transfer station to the landfill
3. Disposal of the waste at the landfill.

The JPA could then award the low bid on operations to the lowest bidder for operations. If the low bid for transportation from the transfer station to the landfill was from a different bidder the low operations bidder could be allowed to meet the transportation bid, or there could be bids awarded to different entities to take advantage of both low bids. The low bid for disposal at the landfill could come from yet another bidder. In any event it will be possible to issue a contract at a price that combines the lowest bid for the cost of operation of the transfer station, the cost of transportation and the cost of disposal at a landfill.

Response: As noted in the "Response" above, the Authority is a separate and unique governmental entity from made up of each of its members. As such, only the Authority Board has direction over the Authority's activities, and not the individual members. Each member appoints a person to serve on the Authority Board of Directors and should monitor their activities, but when serving on the Authority's Board of Directors, the directors serve the entire service area, not just the member's area.

The Authority members' response to the 2001-02 Grand Jury Findings and Recommendations has been discussed, and even though each could respond separately, the response of the individual members' is the same as the Authority's responses. As such, the member's response is included within the Authority's response (which is submitted separately).

Response by Jill Pahl, Assistant Director, Napa County Environmental Management Department, as transmitted through Jed Christiansen, Finance Director, City of Napa.

**Response to 2001-02 Grand Jury Findings and Recommendations:
Police Department Response to Selected Findings re:
Napa Valley Unified School District**

Finding 3. Student drop-off areas are dangerous. One principal stated that drop-offs and pick-ups were the scariest parts of the day. These areas are too small and not configured for modern traffic.

Recommendation 3. The drop-off areas must be reconfigured and enlarged. The schools have more than adequate acreage to accomplish this.

Response: The Napa Police Department works closely with the schools to ensure a safe environment for students including the areas around which students are dropped off and picked up. We have initiated volunteer valet pilot projects at some schools, assign officers full time at the middle and high schools and have one officer assigned as a DARE and liaison officer at each elementary school in the city. We will assist and provide input to the district regarding any proposed physical changes to their school drop off and pick up points.

Police Chief Dan Monez respectfully submits this response for your review and acceptance.

Response to 2001-02 Grand Jury Findings and Recommendations: Special Needs Housing

Finding 1. The current economy is placing ever more individuals and families at risk of losing their shelter. Without some intervention, the rolls of the homeless may significantly increase.

Response: The Napa City Council and Housing Authority of the City of Napa agree with Finding 1 of the Grand Jury that changes in the local economy can have an impact on increasing the number of families faced with homelessness.

Recommendation 1. Redouble efforts to prevent families and individuals from losing housing. Sustain and increase funding for the Rental Assistance Program and continue landlord-tenant mediation. Publish more widely the hotline phone number for those in immediate danger of losing shelter.

Response: Recommendation 1 has already been implemented by the Napa City Council and Napa Housing Authority. The Napa Housing Authority applies for additional Section 8 Vouchers for the Rental Assistance Program on an ongoing regular basis to provide additional rental assistance. Currently, the Housing Authority is assisting over 1150 families and individuals and has a current funding application into HUD for an additional 90 Vouchers. Landlord-tenant mediation continues to be a high priority and is supported by both the City of Napa and the Napa Housing Authority.

Finding 2. The City of Napa has established an objective to provide permanent emergency shelters for 35 single men, 20 single women and 20 families.

Response: The Napa City Council agrees with Finding 2, which represents the objectives contained in the City of Napa 5 year Consolidated Plan.

Recommendation 2. The current numbers of homeless individuals and families exceed the City of Napa's five – year goal for permanent emergency shelters and a review of this projection should be undertaken.

Response: Recommendation 2 has already been implemented by the City of Napa through its annual update and submittal of the HUD required "Continuum of Care Plan", which includes the latest information on the extent of homelessness in Napa County and the current priorities for funding. The Napa Housing Authority is the lead governmental agency for the preparation and submittal of the Continuum of Care Plan and preparation of individual funding applications in coordination with members of the Continuum of Care Committee to address needed priorities in the Continuum of Care.

Finding 3. The Sullivan Shelter is slated for imminent closure and needs to be replaced immediately.

Response: The Napa City Council agrees with Finding 3 that the Sullivan Shelter needs to be replaced as soon as possible.

Recommendation 3. A replacement facility for the Sullivan Shelter needs to be located. The new shelter should provide space for at least twice the number currently able to be housed at the Sullivan building. The appropriate city/county agencies should set aside sufficient funds to qualify for state/federal matching funds.

Response: The Napa City Council fundamentally agrees with recommendation 3, but needs to point out that implementation of locating an appropriate site for a new shelter with increased capacity and acquiring the necessary funds to construct the facility will require further analysis by all appropriate agencies. Currently, the City of Napa is participating with other appropriate governmental and community groups in analyzing an initiative of the Gasser Foundation to set aside an approximately 2 acre site for a proposed 40-50 bed adult shelter and 24 unit transitional housing complex. The City of Napa will continue to actively participate with other appropriate agencies and community groups in analyzing this recommendation and others related to finding a location for and developing a new shelter, as well as identifying and submitting for appropriate funding sources to construct a new shelter.

Finding 4. The winter homeless shelter located on the grounds of the former California Department of Forestry (CDF) facility on Jefferson Street is no longer available because a senior housing project is slated to be built on that site.

Response: The Napa City Council agrees with Finding 4 that the Jefferson Street site is no longer available for use as a winter homeless shelter.

Recommendation 4. A new site needs to be located for the winter shelter prior to the onset of inclement weather in 2002. The appropriate city/county agencies should set aside sufficient funds to qualify for state/federal matching funds.

Response: The Napa City Council supports the provision of a winter shelter, but needs to point out that implementation of Recommendation 4 will require further analysis by the lead governmental agency, Napa County Health and Human Services, which is responsible for the shelter program and identification of an adequate site and funding. The City of Napa will continue to participate with other appropriate agencies in analyzing this recommendation and identifying an appropriate alternative site for this purpose.

Finding 5. A significant amount of General Assistance money (over \$400,000) is spent on temporary lodging for homeless individuals and families each year.

Response: The Napa City Council does not have any direct knowledge or oversight responsibilities regarding the expenditure of General Assistance funds and therefore cannot comment on the accuracy of Finding 5.

Recommendation 5. The money expended for temporary lodging of homeless individuals and families might be better spent on the expansion of existing facilities and the lease/purchase of more permanent facilities. Napa County should explore the possibility of site control either through long-term leases or real estate acquisition.

Response: The Napa City Council does not have any oversight responsibilities regarding the expenditure of the identified General Assistance funds and, therefore, cannot comment on whether or not to implement the Grand Jury recommendation regarding the reallocation of these funds to another priority.

Finding 6. A number of homeless individuals prefer their street existence and refuse to participate in shelter and treatment programs. Some of these individuals are involved in criminal behavior directed against our community.

Recommendation 6. Many homeless individuals refusing shelter or treatment still require assistance in obtaining basic food and clothing needs. However, if their lifestyle choice includes criminal activities, our community should be protected from these individuals. County services should be designed to help support their basic needs while also providing for the safety and rights of the rest of our community.

Response: This recommendation is directed at "County services" over which the City of Napa has no responsibility or oversight. However, the Police Department is an active partner in the multi-agency homeless task force including outreach activities to the street homeless. We regularly conduct sweeps of encampments looking for illegal activity, wanted persons, parolees, probationers and sex offenders, while encouraging the street homeless to access available services to change their lifestyle.

The Police Department believes that the permanent solution to the street homeless problem is not more services or more cops but rather a change in State law regarding the treatment of the mentally ill and habitually intoxicated. Until that happens, the Police Department will continue to use the tools and resources at its disposal to ensure the public's safety as best we can.

Finding 7. The committee noted that there are available grant monies at both the state and federal level that are not being obtained by Napa County agencies, both public and non-profit. Substantial sums may be acquired by the county to address the needs of the homeless population, which could substantially ameliorate the problem. It appears that there is a lack of persons with the knowledge and aptitude required to apply for these specific grants.

Response: Partially disagree with this Finding. In the past five years, the Napa Continuum of Care has been very successful in acquiring nearly \$2 million dollars in competitive federal funds under the Continuum of Care funding process. These funds have been used to provide rental assistance for homeless families, transitional housing for homeless families, homeless outreach workers and the Hope Resource Center. The Continuum of Care funding process has very complex funding criteria that limits the amount of funds eligible for jurisdictions the size of Napa, and Napa County Continuum of Care has done well in maximizing the available funds available from the various homelessness programs funded under the Continuum of Care. Regarding funding for the construction of new shelters, that funding is separate from the Continuum of Care process, is categorical and very competitive. Do agree that additional expert consultants to assist in applying for these funding would be helpful.

Recommendation 7. Health and Human Services should ensure that at least one employee has sufficient training and experience in grant-writing to be able to assist the various members of the Continuum of Care in order to facilitate the receipt of additional grant monies to fund the necessary projects.

Response: The Napa City Council does not have any oversight responsibilities regarding Health and Human Services and, therefore, cannot comment on whether or not to implement the Grand Jury recommendation regarding providing additional training to their staff on grant writing skills related to homeless activities. However, the City of Napa is supportive of this recommendation, and has already implemented it relative to Napa Housing Authority staff involved in the Continuum of Care process. The City will continue to identify opportunities for additional training to improve our competitiveness for state and federal grants to fund priority homeless projects and programs.

Finding 8. There is an ongoing problem with the homeless which requires several man-hours of City police involvement each month. Private property owners are requiring police assistance in evicting mobilehomes from their parking lots.

Recommendation 8. County and City agencies should undertake an investigation into the possibility of setting aside some public land where the homeless could legally park their vehicles overnight, together with the provision of rudimentary services such as bathroom facilities.

Response: The Police Department strongly disagrees with this recommendation. Such a location would present a serious public health and public safety threat to the community. We believe that it would become a haven for criminals, drug and alcohol use and sales, prostitution, and fights. It would generate garbage, raw sewage, and trash that would all have to be cleaned up by the City. Any location of such a "no-man's land" would surely generate a neighborhood outcry. Finally, we believe that for the City to provide such a location with those kinds of services would further enable the street homeless to maintain this dangerous, unhealthy, and destructive lifestyle with no incentive to access services.

Housing Authority Executive Director Peter Dreier and Police Chief Dan Monez respectfully submit these responses for your review and acceptance.