

Napa County 2021-2022

Grand Jury Continuity/Response Report

for

2019-2020 Grand Jury Reports

TABLE OF CONTENTS

	PAGE
SUMMARY	3
METHODOLOGY	4
ANALYSIS OF 2019-2020 REPORTS	5

SUMMARY

The California Penal Code, Section 933(c) obligates elected officials or agency heads to respond within 60 days of publication of a Grand Jury report requiring their response; governing bodies must respond within 90 days.

Section 933.05 also specifies that responses should be transmitted to the presiding judge of the Superior Court in one of the following formats:

1. Disagreement with the *Finding*: the respondent disagrees wholly or partially with the finding, specifying reasons, within the following four formats:
2. The Recommendation was implemented, with the following action specified.
3. The Recommendation was not implemented but will be within a specified timeframe.
4. The recommendation requires further analysis, explanation and study, and a timeframe for completion six months from the Grand Jury Report publication date.
5. The recommendation shall not be implemented, as unwarranted, unreasonable, or without explanation.

The 2019-2020 Napa County Grand Jury published seven reports, between April 30 and August 1, 2020. Six reports are the Grand Jury's own final investigation reports about entities within its jurisdiction conducted during its term of office; the seventh report reviews in summary all investigation reports of the previous 2018-2019 Grand Jury along with the respective responses of the responsible elected officials, agency heads or governing bodies.

The six investigative reports of the 2019-2020 Grand Jury reviewed by the current 2021-2022 Grand Jury, together with the respective official respondents of each, are identified below:

REPORT	RESPONDENT
1. City of Napa Garbage Rate Hike Raises a Stink-What's Behind the Increases	Napa City Council
2. City of Napa's Sidewalks - Watch Your Step	Napa City Council
3. In Search of More Housing in Napa County	American Canyon City Council Napa City Council & Napa Community Development Director Napa County Board of Supervisors & Director of Planning Building Environmental Services
4. Napa County Elections-Results You Can Count on	Napa County Board of Supervisors Napa County Clerk Ex Officio Registrar of Voters
5. Napa County Juvenile Hall Exceptional Costs	Napa County Board of Supervisors & Chief Probation Officer
6. Napa County Probation & Department of Corrections Contract Administration-Who is Minding the Store	Napa County Board of Supervisors County Executive Officer Auditor-Controller Chief Probation Officer & Director of Corrections

METHODOLOGY

All Grand Jury reports must contain *Findings* and *Recommendations* which responding officials are required to address. After review of each of the six investigation reports issued by the 2019-2020 Grand Jury, along with their respective Findings and Recommendations, with the single exception of Report 2, “City of Napa’s Sidewalks,” the 2021-2022 Grand Jury found all responses of the designated officials to the remaining five reports to be timely and consistent with all relevant legal obligations, as set forth in California Penal Code Sections 933 and 933.05. With regard to “City of Napa’s Sidewalks,” as more fully described at Section III below, the 2021-2022 Grand Jury has asked for further responses from the City Manager of Napa, the relevant responding official for that report.

ANALYSIS OF 2019-2020 REPORTS

As summarized below, the 2021-2022 Grand Jury accepted the analysis of five of the above 2019-2020 investigative reports, as recommended by its Continuity and Response Committee. The report entitled “City of Napa Sidewalks - Watch Your Step” remains under review by the 2021-2022 Grand Jury.

1. “City of Napa Garbage Rate Hike Raises a Stink- What’s Behind the Increases”

The 2019-2020 Grand Jury recommended that:

R1. The City of Napa's Utilities Department Director should notify all ratepayers through their monthly bill where to locate information explaining how all revenues and expenditures are allocated and spent for the 2020 Solid Waste and Recycling budget. The Jury recommends that this information is to be sent out no later than December 31, 2020 and updated annually.

On May 4, 2020, the 2019-2020 Grand Jury published a second report which further investigated garbage rate hikes. The 2021-2022 Grand Jury analysis of the report and its responses follows.

The Napa City Council made the following responses to these *Recommendations*:

R1. This *Recommendation* has not yet been implemented but will be implemented by December 31, 2020. The city routinely provides reports to the City Council on the status of the Solid Waste and Recycling budget. The most recent report was presented at a public meeting on March 3, 2020, to identify the revenues and expenditures that occurred from July 1, 2019, to December 31, 2019. The city understands and agrees with the Grand Jury's interest in providing additional details to ratepayers beyond these budget reports to City Council. The Utilities Department's work plan for 2020 includes enhanced outreach to ratepayers to provide education and updates on budgets and projects. By December 31, 2020, information will be provided to ratepayers regarding actual revenues and expenditures in the Solid Waste and Recycling budget for fiscal year 2019-2020 as well as budgeted items for fiscal year 2021-2022. Information will be provided in the monthly bill on where to locate this information. Will be implemented by December 31, 2020.

R2. The City of Napa's Public Works Director continues to explore new sources of revenue for the sales of recyclable materials to both domestic and foreign markets to offset any future Solid Waste and Recycling budget shortfall. This *Recommendation* has been implemented.

As noted previously, the Solid Waste Fund is in the Utilities Department under the direction of the Utilities Director and not the Public Works Director. The Materials Diversion Administrator has primary responsibility for managing the Solid Waste

Fund within the Utilities Department. The Materials Diversion Administrator has been working closely with Napa Recycling and Waste Services (NRWS) to explore opportunities for system or program improvements that would help mitigate and/or enhance market values for recyclable materials sold from Napa. In addition to the cardboard screener, second baler, sorting robot and glass cleaner that were approved as part of the 2018 Contract Amendment with NRWS, the City and NRWS have already implemented some key items as described below to protect market value for Napa ratepayers and the Solid Waste Fund.

On October 15, 2019, the City Council adjusted gate fees for the public to cover operational and capital expenses. On April 21, 2020, the City Council approved and established a new gate rate for recyclable material (usually mixed "single stream" recyclables from other jurisdictions/haulers) as a new revenue source to offset declined market values, higher operating costs, and potential market volatility. The combined impact of these additional revenues is projected at approximately \$794,000 for FY2020/21. This revenue will help cover increasing expenses and variable market value for sale of recyclable materials. NRWS, at their expense, has also installed an "eddy" current to better capture high-value aluminum for the sort line as well as a second "sorting robot" to focus on other marketable materials like PET plastic bottles and milk/juice cartons. These improvements are currently operational and are expected to generate new revenue of \$300,000 to \$400,000 annually.

As part of managing the Solid Waste and Recycling budget, the city will continue to seek new sources of revenue and optimize the revenue from recyclable material sales.

No recommendation for follow up was made for this report.

Response to Recommendations	Implemented	Will be Implemented/Date	Further Study Date	Will not be Implemented
R1		12/31/2020		
R2	4/21/2020			

The 2021-2022 Grand Jury recommended no further follow up action on this 2019-2020 report.

2. “City of Napa Sidewalks - Watch Your Step”

The 2019-2020 Grand Jury made the following *Recommendations*:

R1. The Jury recommends that Public Works Department publish definitions of the terms “priority,” “location,” and “one-off” whenever those terms are used in documents or information made available to the public, to be completed by December 31, 2020.

R2. The Jury recommends that the Public Works Department adhere to their published definitions of terms such as “priority,” “location,” and “one-off” in their recordkeeping efforts so that Public Works Department’s reporting on the number of sidewalk repairs is consistent and clear, to be completed by December 31, 2020.

R3. The Jury recommends that the Public Works Department adopt a written policy governing the selection of individual “one-off” or “priority” repair projects, to be completed by December 31, 2020.

R4. The Jury recommends that the Public Works Department adopt a written policy governing the timing of work on “one-off” or “priority” projects, to be completed by December 31, 2020.

R5. The Jury recommends that the Public Works Department develop a 5-year plan for repairing all sidewalks with a vertical displacement of four inches or more, to be completed by December 31, 2020.

R6. The Jury recommends that Public Works Department annually publish on the City of Napa’s website a street address list of priority projects completed each year, to be completed by December 31, 2020.

R7. The Jury recommends that the Public Works Department update its portion of the City of Napa’s website to better inform citizens. At a minimum, the update should include the most current schedule or map for sidewalk repairs as well as a link to facilitate citizen reporting of sidewalk issues, to be completed by December 31, 2020.

R8. The Jury recommends that the Public Works Department develop a schedule and methodology for assessing the success of the conversion to the Workorder Asset Management system and their ability to use it effectively, to be completed by December 31, 2020.

The Napa City Council responded to each of the above *Recommendations* committing to the following implementation schedule contained in a June 2020 communication from the Napa City Manager Steve Potter:

Implementation Date

R1	12/31/2020
R2	12/31/2020
R3	12/31/2020
R6	12/31/2020
R7	12/31/2020
R8	12/31/2020

On review, the 2021-2022 Napa County Grand Jury found that none of these commitments appeared to have been satisfactorily met. Accordingly, on October 14, 2021, the Grand Jury’s Foreperson sent a letter to the City requesting a brief description of how and when the recommendations were completed, further noting that until such information was received Grand Jury’s website would reflect responses that are past due or non-compliant. Review of this investigation remains open.

3. “In Search of More Housing in Napa County”

The 2019-2020 Grand Jury investigated the factors that contribute to Napa’s continuing lack of affordable housing. Its recommendations and the responses of the City Councils of Napa, the Napa Community Development Director, the Napa County Board of Supervisors and the Napa Director of Planning Building Environmental Services follow:

<i>Recommendation</i>	American Canyon	City of Napa	Napa County
1. Upgrade Web Site	12/ 31/2020	By 12/31/2020	Will, no date
2. Promote ADU education	Yes	By 12/31/2020	Before end of year
3. Name Point Person	Will do, no date	By 1st Quarter 21	By 12/31/2020
4. Develop Pre-approved plans	Contingent	Yes	No, cannot due to sites
5. Reduce Fees	Yes		No action required

The 2021-2022 Grand Jury recommended no further follow-up action on this 2019-2020 report.

4. “Napa County Elections - Results You Can Count On”

The 2019-2020 Grand Jury investigated the Elections Department of the Napa County Assessor and Recorder Office with the following recommendations.

- 1. The Grand Jury recommends the Napa County Elections Division and County Webmaster strengthen social media password policy including a robust schedule for password updates and dual authentication logins by November 1, 2020.

Napa County Board of Supervisors and Napa County Clerk Ex Officio Registrar of Voters responded as follows:

Response	Implemented	Implement Date	Further Study Date	Will not Implement
The Elections Division agrees with the finding, but the Election Division does not have any social media sites. We will work with county social media providers to make sure that we publish any election related messages only on county sponsored sites with multi-factor authentication.		12/31 2020		
Board of Supervisors: ITS will integrate multi-factor authentication on County social media sites no later than September 30, 2020, which will include a robust schedule for password updates. Updates to the existing Social Media Use Policy will be completed no later than December 31 2020		12/31/2020		

The 2021-2022 Grand Jury recommended no further follow-up action on this 2019-2020 report.

5. “Napa County Juvenile Hall Exceptional Costs”

The Napa County Juvenile Hall is required to be investigated annually. The 2019-2020 Grand Jury made the following recommendations.

R1: The Probation Department is to reduce its staffing level for Napa County Juvenile Hall to a level consistent with the historical trends of the past ten years and consistent with the requirements of Title 15. This reduction in staffing is to be accomplished no later than June 30, 2021, and reflected in the Napa County's Adopted Budget for Napa County Juvenile Hall for FY 2021-2022.

The Chief of Probation responded to this recommendation as follows:

The recommendation has not yet been implemented but will be by the next fiscal year. The decline in the juvenile hall population has been gradual and is happening throughout California because of significant change over the last decade in how the juvenile justice system responds to youth. During this same period, California's birthrate began to fall and the number of youths in custody continued to decrease, however, the need for programs required to support these youth increased as they were more challenging. Juvenile Hall Counselors were trained in Evidence Based Programming to provide services to youth with mental health and trauma issues. The same number of facility staff were needed to provide meaningful programming and not just supervise youth. As the population continued to decline the number of staff was reduced through attrition. The department recognizes the population may continue to decline after the pandemic and has already begun the process of reducing staff and exploring options for the facility as briefly outlined in the response to *Finding 5*. Response, Board of Supervisors: The Board of Supervisors agrees with the Chief.

The 2019-2020 further recommended:

R2: The Board of Supervisors should consider using The Tool Kit created from the Juvenile Hall Utilization Workgroup. The Board of Supervisors and the Probation Department are to convene a task force consisting of relevant governmental agencies to study and suggest alternative uses for the under-used Napa County Juvenile Hall facility. This task force is to convene no later than December 31, 2020, with directions to issue a public report with its recommendations no later than June 30, 2021.

The Chief of Probation responded to this recommendation as follows:

The recommendation has not yet been implemented and the goal is to establish alternatives by the next fiscal year. Use of the California State Association of Counties' Report and Tool Kit has been and will continue to be used as a guide. The Chief Probation Officer will continue to work closely with the Presiding Judge, District Attorney, Public Defender, and Corrections Director to discuss issues, trends, and challenges in the criminal justice arena. In future discussions with the group, the Juvenile Hall facility will be added to list of potential topics. With guidance from these partners, the Juvenile Justice Coordinating Committee, and in collaboration with the County Executive Officer and Board of Supervisors, we have the

knowledge, history, and ability to review the use of the facility and implement any changes that are most beneficial to the youth, families, and community we serve without the need for a formal task force. Numerous considerations are being evaluated and considered and pending legislation and shifting ideologies will affect the way Juvenile Justice is addressed in California and the country in the coming months.

The Napa County Board of Supervisors indicated its agreement with the Chief of Probation.

Responses	Implemented	Date to be Implemented	Further Study/Date	Will not Implement
R1		12/31/2020	6/30/2021	
R2		Pending further investigation		

The 2021-2022 Grand Jury recommended no further follow-up action on this 2019-2020 report.

6. “Napa County Probation and Department of Corrections Contract Administration - Who’s Minding the Store”

The Napa County Jail is required to be investigated annually. The 2019-2020 Grand Jury made the following recommendations.

R1: Napa County Department of Corrections and Napa County Probation Department require Wellpath to maintain the Procedures Manual in accordance with the provisions of the BSC Title 15 and the Wellpath Agreement. This action to be completed by December 31, 2020, and thereafter for the term of the Agreement.

The Director of Corrections and Chief of Probation responded as follows:

The recommendation has been implemented. The Procedures Manual is in compliance with CMA-IMQ accreditation standards, BSCC and CCR Title 15 Standards, and with the provisions of the Wellpath Agreement. In 2020, the review of the Procedures Manual was delayed due to COVID-19 and plans are in place for the 2020 review to be completed by December 31, 2020.

The Board of Supervisors responded that it agreed with the Director and the Chief.

The 2019-2020 Grand Jury further recommended:

R2: NCDC and NCPD require Wellpath to provide training for Probation and Correctional Personnel in accordance with the provisions of the Wellpath Agreement. This action to be completed by December 31, 2020, and annually thereafter.

The Director of Corrections and Chief of Probation responded:

The recommendation has been implemented. In accordance with the Agreement Wellpath will facilitate medical training as needed at each site. NCDC and NCPD are required to submit an annual training plan to BSCC for approval. Each employee is required to receive 24 hours of annual training.

Training topics are rotated for the year based on department need. NCPD Juvenile Hall Counselors (JHCs) have received four hours of Medication and Communicable Disease Training from Wellpath every two years at minimum and typically annually. First Aid/CPR is an annual requirement for all JHC's and provided by in-house trainers. Mental Health training is also provided annually by outside providers. NCDC and NCPD will collaborate with Wellpath when developing an annual training plan and ensure that it is monitored in accordance with the Wellpath agreement.

The Board of Supervisors responded that it agreed the Director and the Chief.

The 2019-2020 Grand Jury further recommended:

R3: NCDC and NCPD require Wellpath to certify the preparation of "Patient Safety activity work products." This action to be completed by December 31, 2020, and annually thereafter.

Response, Corrections Director and Chief of Probation: The recommendation has been implemented. Wellpath uses the term "Patient Safety Activity Work Products" to define a protected classification of information collected as part of its Quality Management Plan. This plan is available upon request by NCDC and NCPD and is reviewed by the Departments as needed.

The Board of Supervisors responded that it agreed the Director and the Chief.

The 2019-2020 Grand Jury further recommended:

R4: NCDC and NCPD are to establish the existence of those items required by the Wellpath Agreement, but which are not held by the County, to be verified by June 30, 2021.

The Director of Corrections and Chief of Probation responded:

The recommendation has been implemented. The Director and Chief have access to all information necessary to administer the contract with Wellpath.

The Board of Supervisor responded that it agreed the Director and the Chief.

The 2019-2020 Grand Jury further recommended:

R5: The Napa County Board of Supervisors institute a one-time audit of Wellpath's compliance with the Scope of Work contained in the Wellpath Agreement. This audit to be independent of the NCDC and NCPD, and to include a physician with contract administration experience. This audit to be completed no later than June 30, 2021.

The Director of Corrections Director and Chief of Probation responded:

The recommendation will not be implemented by the County because it is not warranted or reasonable. NCDC and NCPD are working closely with Wellpath to implement a more prescribed process for verification and/or review of the above-mentioned documents.

The Board of Supervisor responded that it agreed with the Director and the Chief.

The 2019-2020 Grand Jury further recommended:

R6: The Napa County Auditor-Controller, the Departments of Correction and Probation, County Counsel, and County Executive Officer are to review the provisions of the Wellpath Agreement, including Exhibit's "A" and "B," and institute the appropriate Services Agreement amendments or modifications, as provided for in the Agreement, necessary to reflect the actual contract requirements. This action to be completed by December 31, 2020.

The Director of Corrections Director and Chief of Probation responded:

The recommendation has not yet been implemented but will be implemented in the future. NCDC and NCPD are reviewing the existing contract and will request amendments, as necessary. Any contract amendments agreed to by Wellpath will be presented for Board of Supervisors approval before December 31, 2020.

The Board of Supervisors, Auditor-Controller and County Executive Officer responded that they agreed with the Director and the Chief.

The 2019-2020 Grand Jury further recommended:

R7: The Napa County Auditor-Controller, together with the Departments of Correction and Probation, is to establish clearly defined criteria for the confirmation that goods or services have been received from Wellpath. These criteria are to be put in place by December 31, 2020.

The Director of Corrections and Chief of Probation responded:

The recommendation has not yet been implemented but will be implemented in the future. NCDC and NCPD will review and ensure that the Procedure entitled "Accounts Payable Procedures for Departments" is implemented by December 31, 2020.

The Auditor-Controller responded that he agreed with the Director and Chief.

The 2019-2020 Grand Jury further recommended:

R8: The County of Napa should not accept Wellpath invoices submitted more frequently than quarterly. This policy to be implemented by the second quarter of fiscal year 2021-2022.

The Auditor-Controller responded that the recommendation was implemented as of July 2020.

Respondent <i>Recommendation</i>	Implemented	Will be Implemented/Date	Further Study Date	Will not be Implemented
R1	Already done	Update 12/31/2020		
R2	As needed at each site			
R3	Already done	Repeated as needed		
R4	Implemented			
R5				Not warranted, nor reasonable
R6		12/31/20		
R7		2nd Qtr., 2021		
R8	Done 7/20			

The 2021-2022 Grand Jury made no recommendation for follow up on this report.