



Napa County Grand Jury 2019-2020

*Serving Napa County and its
Citizens Since Statehood*



Consolidated

FINAL REPORT

CONSOLIDATED FINAL REPORT

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Top Left: Cary Robnett – Napa

Leah Miller – Napa

Denise Rosselli – **Sergeant-at-Arms** – Napa

David Rouatt – Napa

Sonya Milton – Napa

Second Row: Renee Acosta – Napa

Kim Phinney – **Recording Secretary** - St. Helena

Tom Nelson – Yountville

Francine Knittel – Napa

Connie Sauer – Stueland – Napa

Third Row: Michele Tonascia Stanley – Napa

John Morris – **Foreperson** – Napa

Barbara LaSalle – Napa

Paul Renne – Napa

Yolanda Woods – Napa

Fourth Row: Mike Wallace – **Foreperson Pro Tem** – Napa

Charles Bertagna – Napa

Marty Spitz – Napa



Napa County Grand Jury

1754 Second St, Suite D

Napa, CA 94559

*A Tradition of Stewardship
A Commitment to Service*

August 20, 2020

To the Citizens of Napa County:

On behalf of the 2019-2020 Napa County Grand Jury I am pleased to present our Consolidated Report consisting of six investigative reports produced during the past year, and the annual review of the reports prepared by the 2018-2019 Grand Jury.

The 2019-2020 Grand Jury was impaneled on July 16, 2019 and charged by Judge Victoria Wood. We have met weekly as a body, with many more hours of individual committee work necessary to carry out our charge as the citizens' watchdog to scrutinize public agencies, officers, and transactions within the County. The resulting investigations have included background studies, document reviews, interviews, the assessment of the information gathered, and preparation of the final reports.

As with everyone else, we were challenged by the restrictions imposed by Covid-19 virus. New skills in teleconferencing were gained and the communications difficulties of not being able to meet face-to-face were overcome. Fortunately, most of our interactions with the various public agencies were completed before the social distancing restrictions were imposed.

Several of the investigations conducted by your Grand Jury were the result of issues brought to our attention by members of the community. We appreciated that you took time to share your concerns and we appreciate the cooperation we received from the interviewees throughout the County that assisted in our investigations.

We hope that you find the enclosed reports interesting and informative. The responses to these reports prepared by individuals and agencies within the County can be found on the Superior Court website (www.napa.courts.ca.gov) as they are submitted. Finally, we encourage the residents of Napa County to consider applying for future Grand Jury service. You will find this service rewarding.

Respectfully,

A handwritten signature in blue ink that reads "John K. Morris".

John K. Morris
Foreperson
2019-2020 Napa County Grand Jury



Napa County Grand Jury

1754 Second St, Suite D

Napa, CA 94559

*A Tradition of Stewardship
A Commitment to Service*

August 20, 2020

The Honorable Mark Boessenecker
Presiding Judge
The Superior Court of California
County of Napa
Criminal Courthouse
1111 Third Street
Napa, CA 94559

The Honorable Victoria Wood
Grand Jury Supervising Judge
The Superior Court of California
County of Napa
Criminal Courthouse
1111 Third Street
Napa, CA 94559

Your Honors:

The members of the 2019-2020 Napa County Grand Jury thank you for the opportunity to serve the County in this capacity. We are honored to have been selected to do this important work and are please to present our Consolidated Report.

The social distancing restrictions imposed by the Covid-19 virus challenged the jury to find new ways to carry out our duties, and alternative ways to interact with each other and with the larger community.

Our work would not have been possible without the help of our counsel, Silva Darbinian, the Court Executive Officer Bob Fleshman, the Court Administrative Assistant Connie Brennan, our County Analyst Sue Kuss, and the generosity of the Gasser Foundation and the Napa Valley Country Club in providing a venue for our plenary sessions. A special word of thanks to Judge Wood who reviewed and approved all our reports.

We trust that our six investigative reports and response review have contributed to good government in Napa County. The Grand Jury inquired into the condition of the Napa County Jail but did not issue a formal report.

Respectfully,

A handwritten signature in blue ink that reads "John K. Morris".

John K. Morris
Foreperson
2019-2020 Napa County Grand Jury

Acknowledgments

The 2019-2020 Napa County Grand Jury gratefully acknowledges assistance and support from the following:

Honorable Elia Ortiz, Presiding Judge, Napa County Superior Court

Honorable Victoria Wood, Grand Jury Supervising Judge, Napa County Superior Court

Silva Darbinian, Chief Deputy County Counsel, County of Napa

John Meyers, Deputy County Counsel, County of Napa

Robert Fleshman, Chief Executive Officer, Napa County Superior Court

Leigh Sharp, Management Analyst, County of Napa

Susan Kuss, Management Analyst, County of Napa

The Gasser Foundation, Joseph Peatman, President and Jennifer Johnson, Office Manager

Sean Scully, Editor, and the reporting and production staffs of the Napa Valley Register

Napa Chapter, California Grand Jury Association

California Grand Jury Association

The Napa County employees who assisted in our investigations

Overview of the Napa County Grand Jury

The Grand Jury is a judicial body comprising of nineteen citizens. Once impaneled, it acts as an “arm of the court,” as authorized by the State Constitution and to be a “watchdog” for the people of the community. Its activities are funded by the County, which adopts a budget for the Grand Jury.

The present Grand Jury system evolved from earlier ecclesiastical courts beginning in 1164 when Henry II of England impaneled the first 16-man Grand Jury to remove criminal indictments from the hands of the church. In 1635 the first American Grand Jury was impaneled in the Massachusetts Bay Colony and by 1683 Grand Juries were present in all of the colonies. These early Grand Juries were present in all of the colonies. These early Grand Juries began the practice of returning “presentments,” which were primarily against public officials and different from criminal indictments.

Only a few states now have some form of Grand Jury with any type of “watchdog” function. California, where Grand Juries have existed since the original constitution in 1850, has the last remaining comprehensive Grand Jury system.

Grand Jury Functions

By law a Grand Jury has three distinct functions: indictment, accusation, and investigation. Indictment is the act of bringing criminal charges against a person. Accusation is the act of bringing criminal charges against an official of government or of a public agency that may result in removal from office. By far the most frequently exercised function is that of civil investigation known as the “watchdog” function.

In this function, the Grand Jury investigates areas of government to determine if it can function better, save money, reduce staffing, and generally examine the way governments conduct business, particularly with respect to any evidence of malfeasance, misappropriation or mismanagement. Committees are formed to study citizen complaints or comments and to visit various county and city facilities. The Grand Jury may select additional areas for review.

The Grand Jury’s jurisdiction is countywide. It covers any elected or appointed official and any government body connected to the County, including a city, special district, joint-powers agency, redevelopment agency, housing authority, all special purpose assessing or taxing districts, plus jails and prisons in the County. School districts curriculum are state functions and are outside the Grand Jury’s jurisdiction. Private partnerships and contracts can be investigated only in regard to the local government aspects of any contract. The Superior Court is a state body and cannot be investigated.

Selection & Qualification of Grand Jurors

Each of California's 58 counties empanels a new Grand Jury to conduct civil investigations of county and city governments and to consider evidence to decide whether to return accusations for government officials' misconduct or criminal indictments. Grand Jurors are selected by the Judges of the Superior Court from a variety of means: applications, the petit jury rolls and personal knowledge. The Grand Jury operates on a fiscal year, July 1 to June 30.

Grand Jurors must be citizens of the United States, 18 years or older and a resident of the County for one year prior to being selected. They must be in possession of natural faculties, be of ordinary intelligence, of sound judgement, of fair character and have sufficient knowledge of the English language.

The Napa County Superior Court, with the assistance of the Napa Chapter, California Grand Jury Association, recruits jurors in the late winter and spring of each year. Persons interested in jury service should look for announcements at that time. More information is available from Court Administrative Assistant Connie Brennan at 707 299-1110, connie.brennan@napa.courts.ca.gov



**NAPA COUNTY GRAND JURY
2019-2020**

**FINAL REPORT
APRIL 30, 2020**

**The City of Napa's Sidewalks:
Watch Your Step!**

The City of Napa's Sidewalks: Watch Your Step!

April 2020

SUMMARY



Fig. 1. 2019/2020 Grand Jury.
Displaced Neighborhood Sidewalk.
2020.



Fig. 2. 2019/2020 Grand Jury.
Close-up of the same displaced sidewalk,
showing a displacement of eight inches.
2020.

Based upon both informal complaints and personal observations regarding sidewalk conditions, the 2019/2020 Napa County Grand Jury (Jury) investigated the City of Napa's sidewalk repair and maintenance programs, with a particular focus on the City's residential neighborhoods. The Jury's initial inquiry was simple: what is the City doing to repair neighborhood sidewalks that present a tripping hazard? The Jury focused on two questions: 1) how does the City decide which sidewalks to repair each year, and 2) does the City adequately inform the public of their sidewalk repair plans and completed projects?

The City of Napa's Public Works Department (PWD) is responsible for the City's sidewalk repair programs. Between fiscal year 2016/17 through fiscal year 2020/21, PWD has spent or is scheduled to spend over \$9,200,000 on sidewalk repairs. Despite the yearly repair efforts of the PWD, many of the City's residential sidewalks have remained uneven, cracked, broken, or missing, sometimes for years. For example, nearly half of the sidewalks described on one PWD database as having more than four inches of vertical displacement had been in that database for five years or longer.

Most of PWD's neighborhood sidewalk repair budget has been spent on sidewalk repairs performed as a first step to a street surface repaving project. As explained to the Jury by PWD staff, sidewalks and curbs need to be repaved before streets are resurfaced. Large stretches of residential sidewalks are replaced or repaired during these street resurfacing projects. The selection of these locations and the timing of these repairs are determined entirely by street surface condition, not the condition of the sidewalks. Many damaged sidewalks are repaired in

this way. However, if a street does not need resurfacing, a severely damaged sidewalk could remain unrepaired for years.

Damaged or displaced sidewalks impose costs upon the City that go beyond the budgeted cost of repairs. Displaced sidewalks can cause people to trip. Tripping on sidewalks can cause injuries. The injuries impose financial costs to the City. The Jury found that between January 2014 and November 2019, the City paid \$822,040.18 to resolve sidewalk trip-and-fall claims.¹ This amount does *not* include the additional cost of paying outside legal counsel or an outside claim administrator to assist with claims and lawsuits.

The Jury recommends the PWD adopt changes in processes, adopt definitions, develop a repair plan, and clarify or augment their public reporting. These changes are all foundational: they are needed to help the PWD better identify, describe, and complete repairs to the most damaged sidewalks in the City’s neighborhoods. The PWD has performance goals and is aware of damaged neighborhood sidewalks. The Jury’s recommendations are therefore designed to increase public awareness of, and PWD’s accountability for, the City of Napa’s sidewalk repair projects.

GLOSSARY

City: The City of Napa

LSPP: Local Streets Paving Plan

Jury: The 2019/2020 Napa County Grand Jury

PWD: Public Works Department

Trip-and-fall: A term used internally within the PWD to refer to a sidewalk area that presents a tripping risk.

WAM: Workorder Asset Management

BACKGROUND

The City of Napa’s neighborhoods are often tree-lined and the roots from these neighborhood street trees can cause the sidewalks to crack or become displaced. Street trees are the trees located within the “right of way” between the homeowner’s property and the street. The right of way is the area behind the curb that includes the planting strip and the sidewalk.² Property owners are responsible for the maintenance of sidewalks and street trees located in the right-of-way adjacent to their property.³ Nevertheless, many cities in California, Napa included, undertake some sidewalk maintenance, repairs, and/or replacement.

¹ The payments to resolve these claims do not come out of the PWD’s budget. They are paid out of the City’s risk management fund.

² Napa Municipal Code Section 17.06.030, https://qcode.us/codes/napa/view.php?topic=city_of_napa_municipal_code-17-17_06-17_06_030&frames=on.

³ California Streets and Highways Code Section 5610, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=SHC§ionNum=5610; Napa Municipal Code 12.44.050, http://qcode.us/codes/napa/view.php?topic=city_of_napa_municipal_code-12-12_44-12_44_050&frames=on.

Two groups within the PWD have primary responsibility for sidewalk repairs. The PWD's Engineering Division is responsible for sidewalks located in the right-of-way next to major streets that help to connect City streets to major roadways and highways. The Operations group is responsible for local streets and neighborhoods. The Operations group is not a part of the Engineering Division. It is a separate group reporting to the Director of Public Works. The Operations group, not the Engineering Division, manages and sometimes performs residential neighborhood street paving and sidewalk repairs. The Jury focused its inquiry on the work of the Operations group and its residential sidewalk programs.⁴

In 2019, the PWD experienced several personnel changes and management reorganizations.⁵ As a result, most of the managers directly responsible for the City's neighborhood sidewalk repair and replacement programs are new to their current roles. The Public Works Director, the Operations Manager, the Associate Civil Engineer in charge of Operations Engineering, and the Streets/Sidewalks Superintendent were all new to their positions in 2019.

METHODOLOGY

In conducting its investigation, the Jury completed the following steps:

- Interviews
 - The Jury conducted seven interviews with officials in the Public Works Department, City Attorney's Office, and the City Manager's Office.
- Research
 - The Jury researched state and local codes addressing right-of-way maintenance standards in California and Napa.
 - The Jury requested and reviewed numerous budget documents relating to the City of Napa's sidewalk maintenance and repair programs.
 - The Jury requested and reviewed documents relating to claims and settlements for trip-and-fall accidents on sidewalks in the City.
 - The Jury reviewed the City's website pages devoted to the PWD's sidewalk maintenance and repair programs.
 - The Jury requested and reviewed documents regarding the PWD's records of known sidewalk issues, sidewalk repairs completed, and planned sidewalk repairs or replacement.
 - The Jury took photographs of displaced neighborhood sidewalks.

⁴ Formerly, key components of the Operations group were part of the Maintenance Division. As a result of the recent reorganizations, the Maintenance Division no longer exists but is still referenced in various locations on the cityofnapa.org website.

⁵ Napa Mid-Cycle Budget Fiscal Year 2018/19, 87-88, <https://www.cityofnapa.org/ArchiveCenter/ViewFile/Item/132>.

DISCUSSION

The City of Napa’s Sidewalk Budget

Each year, the City of Napa allocates funds from the City’s General Fund as well as other funding sources for residential neighborhood sidewalk repair or replacement projects. The Sidewalk Improvement Program, the program for repairing the City’s sidewalks, receives a specific allocation separate from other programs within the purview of the PWD. According to the City’s budget adopted on June 18, 2019, and additional information obtained from the PWD, the City spent or plans to spend the following amounts for its Sidewalk Improvement Program:

Table 1. Sidewalk Improvement Program Funding

2016/17 Actual	2017/18 Actual	2018/19 Actual	2019/20 Adopted	2020/21 Adopted	TOTAL
\$2,102,477	\$1,414,838	\$1,252,832	\$2,771,300⁶	\$1,700,900	\$9,242,347

Sources: City of Napa Operating and Capital Improvement Budget Fiscal Years 2019/20 and 2020/21, 197, <https://www.cityofnapa.org/ArchiveCenter/ViewFile/Item/139>, and additional updated information for fiscal year 2018/19 that was provided by the PWD.

Databases of Reported Sidewalk Concerns

For years, the PWD maintained more than one database recording sidewalk condition problems. The databases consisted of citizen reports, PWD staff observations, and data resulting from a laser measurement process. Some of these databases were part of a system that is now being phased out.⁷ The databases had incompatible formats or programs and could not be combined. In some cases, such as the laser measurements, the information contained in the databases could not be accessed by PWD staff.

Citizen complaints regarding sidewalks have typically come to the PWD either through email, phone, or more recently through the “service request” button on the City’s website.⁸ The complaints were recorded on the “Sidewalk Service List,” a spreadsheet of what the PWD staff refers to as “trip-and-falls.” A trip-and-fall, as that term is used by PWD staff, is a sidewalk with a vertical displacement that could create a tripping risk.

⁶ According to PWD staff, the Sidewalk Improvement Program acts like its own fund. Unspent funds fall back into the reserves and, according to PWD staff, actual expenditures have been much lower than the budgeted amounts. The increase indicated for 2019/20 reflects a carryover of these unspent funds from prior years.

⁷City of Napa Operating and Capital Improvement Budget Fiscal Years 2019/20 and 2020/21, 353, <https://www.cityofnapa.org/ArchiveCenter/ViewFile/Item/139>.

⁸ City of Napa Service Center, <https://www.cityofnapa.org/277/Service-Center>. There is no comparable button or link on the PWD’s webpage.

The Sidewalk Service List was created, in part, through the initiative of citizens who contacted the PWD to report a sidewalk issue; however, it was not a complete inventory of the City’s cracked, broken, or displaced residential sidewalks. For example, neither of the two sidewalk areas shown in the 2020 photographs below are on the list. Both of the sidewalks show a vertical displacement of six inches.



Fig. 3. 2019/2020 Grand Jury. *Displaced sidewalk not on the sidewalk service list.* 2020.



Fig. 4. 2019/2020 Grand Jury. *Close-up view of the same sidewalk as Fig.3, showing a displacement of nearly 6 inches.* 2020.



Fig. 5. 2019/2020 Grand Jury. *Another displaced sidewalk not listed on the sidewalk service list.* 2020.



Fig. 6. 2019/2020 Grand Jury. *Close-up view of the same sidewalk shown in Fig. 5. This view shows the displacement of nearly six inches.* 2020.

Although the list was not a complete inventory, it included 2,377 entries as of late October 2019, when the PWD ceased updating the list as part of a conversion to a new database system. Most of the entries included an indication of the severity of the sidewalk problem as well as the date on which the problem was first reported. The severity of the problem was described using a ranking system.

A ranking of “1” on the sidewalk list indicated a sidewalk vertically displaced by approximately one inch. Rankings of “2,” “3,” or “4” similarly reflected the rough estimate of the number of inches of vertical displacement. A ranking of “5” indicated a vertical

displacement of more than four inches. The Jury observed that some of the sidewalks listed as “5” were vertically displaced by as much as eight inches.

The final version of the Sidewalk Service List included 165 entries with the most severe displacement rating of “5.” Seventy-six of those entries had been added to the list prior to March 2015 and had remained on the list for nearly five years or more.



Fig. 7. 2019/2020 Grand Jury. *Series of sidewalk segments displaced by more than four vertical inches. This segment of sidewalk has been on the “Sidewalk Service List” since at least March 2015.*
2020.

A similar list maintained by the PWD recorded repairs completed either by the City or the adjacent property owners. This list showed that a total of 50 separate street addresses with a sidewalk displaced at a severity level of “5” were repaired at some point prior to November 2019.

In late 2019, the PWD began to consolidate the information from its various sidewalk lists and databases into one new consolidated database with a new data management system. The consolidation takes advantage of two software products. The first is a geographic information system (GIS), used citywide to pinpoint and “analyze relationships between geographic locations.”⁹

The second software program essential to the PWD’s data consolidation efforts is also part of a citywide program that PWD has now begun to adopt. This second system is a Workorder Asset Management system (WAM).¹⁰ As described in the City’s most recently published budget, WAM “is a computer-based system to capture and manage data related to

⁹ Discussion of GIS on the County of Napa website, <https://www.countyofnapa.org/1196/Geographic-Information-Systems-GIS>.

¹⁰ Napa Operating and Capital Improvement Budget Fiscal Years 2019/20 and 2020/21, 353, <https://www.cityofnapa.org/ArchiveCenter/ViewFile/Item/139>.

where assets are located, what condition they are in, when they need to be replaced, and who has worked on them.”¹¹

In November 2019, the PWD began to load information from the older sidewalk databases into a consolidated database for use with the new WAM program. WAM is expected to allow the PWD staff to sort and analyze those data in more useful ways than in the past. PWD staff were unable to describe the process for evaluating the success of their conversion to WAM or their ability to use it effectively.

The City of Napa’s “Sidewalk Improvement Program” and “One-Off” or “Priority” Projects

The City’s budget adopted on June 18, 2019, provides the following overview of the Sidewalk Improvement Program:

The Sidewalk Improvement Program utilizes City crews to remove, replace, install and maintain curb, gutter, sidewalk, driveway approaches, valley gutters, ADA [Americans with Disabilities Act] ramps and other concrete associated needs each year using a variety of funding sources. The program aims to install a minimum of 1,200 cubic yards of concrete every year. The Sidewalk Improvement Program allows the City to stretch General Fund and Gas Tax funding sources to provide a widespread benefit throughout the community. The program typically completes work in the Local Streets Paving Program (LSPP) neighborhoods prior to the streets being re-paved. However, crews additionally work in priority areas to address tripping hazards and other sidewalk issues.¹²

The PWD’s Operations group typically manages and performs the work of repairing or replacing neighborhood sidewalks according to a schedule proscribed by the LSPP. PWD staff periodically update a map which is sometimes referred to as the “LSPP Map” and sometimes called the “10 Mile Map.” The map visually depicts neighborhood streets that will be repaved according to a paving schedule that roughly mirrors the life expectancy of the streets. It reflects the goal of repaving all of the City’s residential streets over a 14-year period by paving 10 miles of residential streets each year using City crews.¹³

A street’s asphalt surface runs up to the gutter areas, so before street repaving can occur the City must first make any needed repairs to the sidewalks, gutters, curbs, and ramps. The LSPP, therefore, dictates much of the scheduling for sidewalk repairs. Sidewalk repairs performed in conjunction with the LSPP tend to repair cracked or displaced sidewalks in a contiguous area and, for that reason, can be more cost effective than single spot repairs. PWD staff repeatedly stressed during interviews that repairing large areas of sidewalks prior to street repaving allows the City to repair more sidewalks. Spot repairs of severely displaced sidewalks come second, when there is room in the budget toward the end of the fiscal year.

¹¹ Ibid.

¹² City of Napa Operating and Capital Improvement Budget Fiscal Years 2019/20 and 2020/21(2019), 196, <https://www.cityofnapa.org/ArchiveCenter/ViewFile/Item/139>.

¹³ City of Napa Website, PWD Street Paving Description, <https://www.cityofnapa.org/498/Street-Paving>.

The City budget states that the PWD is required to perform some “priority” sidewalk repairs each year, in addition to the repairs performed prior to street repaving. The budget includes a “Program Metrics” discussion that provides a “target” of 50 of these priority repairs each year. The term “priority” is not defined in the budget or within the PWD.¹⁴ PWD staff responsible for reporting the number of completed priority projects for inclusion in the budget were unable to provide documentation to support an established written definition for the term. The PWD reported in the City’s most recently published budget that 100 “priority” projects had been completed in 2017/18, twice the target number for the year.¹⁵ The PWD staff were unable to provide documents to support this number. The PWD does not publish a list of priority projects completed each year.

In multiple interviews with PWD staff, the Jury was told about “one-off” sidewalk repair projects. Although the term “one-off” is undefined, from conversations with PWD staff, the Jury understood it to refer to a sidewalk repair that is performed separately from the sidewalk repairs completed as part of the LSPP. In response to a Jury request for a list of “one-off” repairs, PWD staff created a document that reported 28 “one-offs” completed between August 1, 2017, and September 21, 2019. The overlap between these “one-offs” and the reported “priority” projects is unclear.

The PWD does not have a written policy or written guidance describing which “one-off” or priority projects will be performed each year or the order in which those projects should be performed. Historically, PWD staff selected “one-off” projects by attempting to identify a small group of repairs that could be completed cost-effectively at one time and within the remaining budget for the year. The Jury learned through interviews that on at least one occasion, a persistent homeowner convinced the Parks and Recreation Department and the PWD to prioritize the removal of a tree and an associated sidewalk repair. In addition, during interviews the PWD staff made statements indicating that they may consider whether a displaced sidewalk is located near a school when deciding to perform a “one-off” repair.

In response to the Jury’s requests for written policies and procedures relating to sidewalk issues, the Jury was told that the PWD had no such written policies. More specifically, the PWD has no written policy for the selection of “one-off” or “priority” projects. Because the PWD’s process for selecting these projects is informal, it is not clear how the selection process relates to the most displaced sidewalks such as the 165 level “5” entries on the PWD’s Sidewalk Service List.

The PWD’s Sidewalk Repair and Replacement Programs

Within the Operations group, sidewalk repairs and replacement have typically been performed in four ways:

- 1) Entirely by City employees;
- 2) Jointly by City employees and private contractors hired by the city;

¹⁴ City of Napa Operating and Capital Improvement Budget Fiscal Years 2019/20 and 2020/21, 196, <https://www.cityofnapa.org/ArchiveCenter/ViewFile/Item/139>.

¹⁵ Ibid.

3) By a private contractor hired by the City to “shave” or “grind” sidewalks displaced by one to two inches, or;

4) By property owners or their contractors through a “Cost-Share” program that partially reimburses property owners for their sidewalk repair costs.¹⁶

The advantage of the Cost-Share program to the City and property owners is the speed with which a displaced sidewalk can be repaired: “The Sidewalk Cost-Share Program was enacted by City Council in 1990 for expedient repair of sidewalks and other frontage improvements damaged by street trees throughout the City. The program allows property owners to replace street trees, sidewalk, curb, gutter, and driveway approaches and receive a partial reimbursement from the City. The program is funded yearly by the General Fund.”¹⁷

As described on the City of Napa’s website, the City’s Cost-Share program offers property owners reimbursement of either 50% of the repair cost *or* up to \$4.00 per square foot of sidewalk and driveway approach concrete replacement, whichever is lower.¹⁸ As the cost of hiring a contractor to perform this work has steadily increased, it is almost always the case that the \$4.00 per square foot reimbursement will be the lower of the two. PWD staff are aware of the changing cost structure and estimated that the current reimbursement level is closer to 30% of the costs incurred by the adjacent property owner.

Public Information Regarding the PWD’s Sidewalk Programs

The current version of the City of Napa’s website went live in January 2018 after a comprehensive redesign process.¹⁹ The PWD’s portion of the website includes descriptions of its sidewalk repair and replacement programs. It also provides a detailed explanation of the Cost-Share program and the necessary forms for requesting a Cost-Share permit. The website does not include the LSPP Map, a description of scheduled sidewalk projects, or a list of completed “priority” sidewalk repairs. Much of the content on the new website was copied from prior versions of the City’s website.

Through 2019, the website included the following description of the Sidewalk Improvement Program:

In advance of the Street Resurfacing Program, our in-house maintenance crews in conjunction with contractors, work ahead of planned paving work to repair or install sidewalk, curb, gutter, and ADA ramps. The program aims to install 1,200 cubic yards of

¹⁶ City of Napa website, PWD discussion of the Cost-Share program and related materials, <https://www.cityofnapa.org/DocumentCenter/View/835/Sidewalk-Repair-Program;PDF?bidId=>.

¹⁷ City of Napa website, general discussion of PWD sidewalk programs, <https://www.cityofnapa.org/365/Sidewalks-Curbs-Gutters>.

¹⁸ City of Napa website, PWD discussion of the Cost-Share program and related materials, <https://www.cityofnapa.org/DocumentCenter/View/835/Sidewalk-Repair-Program;PDF?bidId=>.

¹⁹ City of Napa Operating and Capital Improvement Budget Fiscal Years 2019/20 and 2020/21, 17, <https://www.cityofnapa.org/ArchiveCenter/ViewFile/Item/139>.

concrete which typically allows work at 250 to 300 locations. The program budget is approximately \$1.5 million.²⁰

The term “locations” is not defined or explained in the document. Based upon interviews with PWD staff, however, a “location” may be one displaced sidewalk segment and there can be multiple “locations” per street address. It is not clear how this reference to “locations” relates to the “one-offs” discussed internally within the PWD or to the “priority” areas referenced in the city’s budget.

Certain PWD staff have independent authority to update the PWD’s portions of the City’s website. The PWD does not need prior approval from other City of Napa staff or departments before updating their portion of the website. In addition, the PWD can update their portion of the website as frequently as needed. There are no technical limitations that would prevent inclusion of maps or other materials to describe the PWD’s sidewalk programs. The City allows departments such as the PWD to make changes as needed and would allow the PWD to include maps or other material to inform the public. In addition, the PWD may include a service request button or link on the PWD’s webpages. This is a function not presently part of the PWD pages but present on other pages devoted to other city departments.²¹

The Financial Cost in Terms of Claims and Lawsuits

Despite the City’s annual sidewalk repair efforts, many of the City’s sidewalks remain displaced and cracked. Between January 1, 2014, and November 2019, the City resolved 59 separate claims that had alleged an injury resulting from a trip-and-fall accident on a Napa sidewalk.²² While most claims do not result in a payment, some do. During this same 2014 to November 2019 time period, the City paid \$822,040.18 to resolve sidewalk trip-and-fall claims. This amount does *not* include the cost of paying outside legal counsel and claims administrators to assist with the claims and lawsuits nor does it include the cost of City staff time. The total cost to Napa of sidewalk trip-and-fall claims is, therefore, higher than just the \$822,040.18 paid to claimants to resolve the claims.

FINDINGS

- F1. Nearly all of the Public Works Department’s annual neighborhood sidewalk repair budget is spent on projects associated with the Local Streets Paving Program rather than those individual segments of vertically displaced sidewalks that present the most serious tripping risks.

²⁰ City of Napa website, general discussion of PWD sidewalk programs, <https://www.cityofnapa.org/365/Sidewalks-Curbs-Gutters>.

²¹ See, e.g., the link offered by the Parks and Recreation Department on their website page, <https://www.cityofnapa.org/377/Trees-Urban-Forestry>.

²² The city provides a form for all claims reporting an incident in which the claimant believes “the City of Napa has caused a loss or damage to [the claimant’s] person or property,” <https://www.cityofnapa.org/151/Claims>.

- F2. Because the Public Works Department lacks a written plan for determining which “one-off” or “priority” projects will be undertaken, repair decisions appear to be made subjectively.
- F3. Because the Public Works Department lacks a written plan for determining when “one-off” or “priority” projects will be performed, scheduling of these repairs appears random.
- F4. Because the Public Works Department lacks written definitions of key terms such as “location” and “priority” that are used in published documents or webpages, the use of these terms is confusing to readers.
- F5. The Public Works Department does not publish a list of “priority” projects completed each year, making it difficult for residents of the City of Napa to assess the City’s progress in repairing dangerous sidewalks.
- F6. The Public Works Department does not adequately inform residents of the City of Napa of its sidewalk repair schedule.
- F7. The Public Works Department’s webpage does not include a service request button or email link to the City of Napa’s service request page. The webpage therefore does not offer an easy way to report sidewalk problems.
- F8. The Public Works Department’s recordkeeping and public reporting are unclear because in both their internal and external communications as well as their internal records, the Public Works Department uses undefined terms such as “one-off,” “location,” and “priority.”
- F9. The Cost-Share program has not kept pace with the actual cost of sidewalk replacement. The 50% reimbursement level being offered is rarely available to homeowners.
- F10. The Public Works Department has not adopted a method for assessing the success of the Workorder Asset Management system conversion and its implementation in helping staff address sidewalk displacement issues.

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 PWD’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.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019/2020 Napa County Grand Jury requests responses as follows:

- From the following within 90 days:
- City of Napa City Council (F1-F10 and R1-R8)

INVITED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019/2020 Napa County Grand Jury invites responses as follows:

- From the following within 90 days:
- City of Napa Director of the Public Works Department (F1-F10 and R1-R8)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



**NAPA COUNTY GRAND JURY
2019-2020**

**FINAL REPORT
May 22, 2020**

**IN SEARCH OF MORE HOUSING IN NAPA
COUNTY**

In Search of More Housing in Napa County

May 22, 2020

SUMMARY

The need for additional housing of all kinds remains a significant challenge for all communities in California. The recent fires worsened this problem in Napa County; over 650 destroyed homes reduced the inventory of housing even more. (See appendix 1) Many homeowners, faced with rebuilding, found that construction costs exceeded their insured values, leaving them unable to rebuild. Hundreds of homeowners found themselves competing to find rentals. Housing scarcity became a focus for the 2019-2020 Napa County Grand Jury. (The Jury) What were once called “granny units” are a possible untapped source of additional housing. These units, now known as Accessory Dwelling Units (ADUs) became the focal point of our review. Recent *Napa Valley Register* news articles¹, *National Public Radio Forum*,² and local ABC 7³ have all focused on how ADUs could be part of the housing solution and perhaps how they could represent “affordable housing” units. The Jury undertook to see how this potential housing resource was being supported by our local government officials as part of the solution to provide more housing.

The Jury saw varying degrees of streamlining in the County and municipalities’ planning and building approval processes. For example, the City of Napa has simplified several planning approval steps and made available online both a 10-page “Submittal Requirements”⁴ and an 18-page ADU document⁵ with planning requirements and planning fees. The Jury believes that this is a beginning, but the planning approval process still lacks the clarity and simplicity that could encourage a homeowner to undergo a complex construction project. Neither sequential approval steps, nor a flow chart are provided. There is not a single point of contact that a potential ADU homeowner can access. Napa County and the other Napa County city websites have less ADU information.

The State has been active in new ADU legislation, making ADU approval a requirement for all California counties since 2017 despite past local restrictions. Effective 2020, the State has

¹ Napa issues more affordable housing permits, seeks ways to promote more, https://napavalleyregister.com/news/local/napa-issues-more-affordable-housing-permits-seeks-ways-to-promote/article_f1f95799-dd99-598b-a510-fde8681b548e.html, Dec.21, 2018

² Bills attempt to reach California housing goals through accessory dwelling units, <https://www.kqed.org/forum/2010101875142/rebroadcast-bills-attempt-to-reach-california-housing-goals-through-accessory-dwelling-units>, Dec.31, 2019

³ Backyard homes could be the answer to Bay Area housing crisis, <https://abc7news.com/society/backyard-homes-could-be-answer-to-bay-area-housing-crisis/5435475/>, Aug.5,2019

⁴ Accessory Dwelling Unit ADU, Junior ADU, <https://www.cityofnapa.org/DocumentCenter/View/3478/Accessory-Dwelling-Unit-ADU--Junior-ADU-PDF>, July 18,2018

⁵ Accessory Dwelling Unit How-To Permit Guide for Homeowners, <http://www.cityofnapa.org/documentcenter/view/6145>, Jan.31,2020

also mandated the elimination of water, sewage, and education impact fees for ADU units less than 750 square feet in area and graduated fees for larger units.

The Napa Valley Community Foundation (NVCF), a Napa community-focused non-profit organization, recognizing ADUs as an avenue for increased housing, has developed an ADU education plan to increase homeowner knowledge of ADUs. The plan was developed in coordination with the County and all County municipalities. The 2020 education plan will include a program coordinator who vets ADU vendors and experts and an interactive website with an ADU cost and rent calculator. City-by-city pre-approved ADU plans are part of the longer-term plan. Local city and county planning officials have all expressed strong support for this NVCF initiative.

The Jury, with NVCF housing experts providing guidance, projects that upwards of 250 ADU units per year could be built in future years in Napa County. Based upon current building costs and realistic interest rates and amortization periods, detached ADUs are unlikely to produce affordable housing as currently defined by the State. Junior ADUs and garage conversions costing less, including pre-designed and pre-approved units might represent affordable units. The Jury recommends that Napa County and local governments not rely solely on the Napa Valley Community Foundation for added ADU education to prospective ADU homeowners but develop their own on-line and off-line programs.

GLOSSARY

ADU. Accessory Dwelling Units. ADUs, or in-law apartments, are self-contained apartments, cottages, or small residential units, that are located on a property that has a separate main, single-family home. Examples include an apartment over the garage, a converted garage made into a housing unit, a tiny house (on a foundation) in the backyard or a basement apartment.⁶

Baird & Driskell. A California Housing Consultancy, based in Oakland, hired by the NVCF⁷

Junior Unit. An ADU built into an existing structure with a separate entrance with a maximum of 500 square feet in area

NVCF,⁸ the Foundation. Napa Valley Community Foundation. According to its website aspires to “mobilize resources ...and to provide leadership on vital community issues.” It further describes itself as a “public charity, grant-making foundation, a philanthropic advisor, and a staging ground for people, resources and ideas... We link donors to projects that do good in our community.”

NVUSD. Napa Valley Unified School District

NapaSan. Napa Sanitation District

⁶ https://en.wikipedia.org/wiki/Secondary_suite

⁷ <https://www.bdplanning.com/>

⁸ https://www.napavalleycf.org/what_we_do

2019 State of California Legislation (Senate Bill No 13 Chapter 653). Recent legislation affecting ADUs⁹

The Jury. The 2019-2020 Napa County Grand Jury

METHODOLOGY

In its investigation, the Jury completed the following:

Interviews:

The Jury conducted 11 interviews with senior housing development management at the City of Napa, County of Napa, and City of American Canyon. Interviews were also conducted with personnel at the Gasser Foundation, the Napa Valley Community Foundation, expert housing consultants hired by the Napa Valley Community Foundation, and a jury member. This juror was excused from jury discussions regarding the ADU investigation.

Research:

- The Jury reviewed the 2019 State of California Legislation (Senate Bill No 13 Chapter 653) regarding ADUs.
- The Jury reviewed extensive focus group research and executive reports on ADUs produced by housing experts hired by the NVCF.
- The Jury reviewed news articles sourced from the *Napa Valley Register*, the *Calistoga Tribune*, the *St. Helena Star*, *ABC 7 News San Francisco*, *Aug.5, 2019*, and *NPR Forum*.
- The Jury reviewed the websites of the County of Napa, the City of Napa, and the City of American Canyon.
- The Jury reviewed the websites of NapaSan and the NVUSD.
- The Jury reviewed the San Mateo County ADU website and cost calculators.

BACKGROUND

With a median home price of \$695,000¹⁰ (January 2020) and with median rents at \$2,439 a month,¹¹ housing in Napa is expensive. A renter would require an hourly pay of at least \$46.90¹² to live at the \$2,439 median rent level¹² in Napa. These facts are a well-known area of concern to city leaders and the community at large.

⁹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB13,see Appendix 2

¹⁰ Bay Area Real Estate Services Data, December 2019

¹¹ January 2020 Zillow estimate

¹² City: Napa tenants need \$47 an hour to afford median rent, https://napavalleyregister.com/news/local/city-napa-tenants-need-an-hour-to-afford-median-rent/article_5967495b-7352-5c54-a895-e56e49ca113f.html, Oct.4, 2019

¹² Napa's going all in to promote granny flats, Feb.4,2020/Mar.3, 2020, https://napavalleyregister.com/news/local/napa-s-going-all-in-to-promote-granny-flats/article_f031b550-9ac8-5c58-b19b-cedab059dbc9.html#tracking-source=home-top-story-1d,

Napa is going all in to promote “granny flats”



Napa Valley Register File Photo February 4, 2020

The *Napa Valley Register* has regularly reported on this concern and possible solutions to the problem. The lack of available housing inventory is the main problem. In a story published on April 10, 2019, the *Register* reported that to encourage the construction of Accessory Dwelling Units (ADUs), the City of Napa’s Planning Commission approved a simplified permitting path in which owners submit a single application for plans.¹³



Fig. 2. Napa Valley Register File Photo. October 24, 2019.

On October 23, 2019, a Napa town hall meeting focused on housing took place. Liz Alessio, Napa Council member, is quoted by the *Napa Valley Register*, “Napa needs about 2,989 additional homes to meet demand but has just under 1,000 new units in the pipeline. Incentivizing homeowners to build accessory dwelling units (sometimes known as granny units) remains a community aim.”¹⁴

¹³ Napa to smooth the path toward accessory housing, https://napavalleyregister.com/news/local/napa-to-smooth-the-path-toward-accessory-housing/article_ae90a920-1001-5295-ac02-b598c2185b96.html, Apr.10, 2019

¹⁴ Cost of living town hall looks at community affordability, https://napavalleyregister.com/news/local/cost-of-living-town-hall-looks-at-community-affordability-and/article_cdf35b8e-1ef2-57fb-9db4-6b4c33a30b69/html

The Jury decided to review whether the City’s process was indeed becoming simplified for the prospective ADU owner. The review was expanded to include the County of Napa and the City of American Canyon.

DISCUSSION

The ADU Building Approval Process and Fees and Costs



Fig.3. NVCF Brochure photo artwork

Table 1.
ADUs Built in the County of Napa and the Cities of Napa and American Canyon 2014-2018

	2014	2015	2016	2017	2018	2014-18	Eligible ADU Parcels
Napa County	8	7	13	15	13	56	5,437
American Canyon	1	1	0	0	3	5	4,723
City Napa	10	3	3	17	21	54	20,057
Total	19	11	16	32	37	115¹⁵	30,217¹⁶

Data Source: Baird & Driskell, *Understanding the Market, 2019*, 10-11

City of Napa

There have been 54 ADUs completed in the City of Napa in the 5-years from 2014 through 2018. For 2019, 50 plus are in the pipeline.¹⁷ Given the projected need for housing in Napa, a substantial increase in ADUs would significantly add to the City’s housing inventory. ADUs were not a City focus at that time. Now they are.

The City has streamlined the ADU building approval process by eliminating one phase of the building plan submissions process, now requiring only one submission of documents.

¹⁵ 34 additional units were also added in Calistoga, St. Helena and Yountville during the 5-year period

¹⁶ There are 3,994 eligible parcels in Calistoga, St. Helena and Yountville

¹⁷ Gasser Foundation PowerPoint Presentation, May 2019

However, the single submission requires the prospective builder to submit six and possibly seven sets of building plans to separate departments in the City, a complicated requirement for a first-time homeowner.

The City of Napa does have available online a 10-page *ADU Submittal Requirements* and an 18-page guide, *Accessory Dwelling Unit How-To Permit Guide for Homeowners*. It lists prospective Planning and Building Department approval requirements and fee costs as shown in Table 2 below. The approval steps are not sequenced in a way that a first-time ADU homeowner can easily follow. The fee table below suggests the complexity of the building approval process. (See Appendix 4 for the current Napa City Planning Department requirements for an ADU.)

The good news for prospective ADU builders is that the newly passed 2019 State of California Legislation (Senate Bill No 13 Chapter 653) has effectively restricted the imposition of impact fees for ADUs less than 750 square feet. This bill prohibits a local agency such as NapaSan, a special district such as NVUSD, or a water corporation such as the City of Napa Water Utility from imposing any impact fee for ADUs less than 750 square feet. The bill requires impact fees for ADUs greater than 750 square feet to be proportionate to the cost of the original structure and simplifies rules regarding setback and parking requirements.

Even with these State legislative changes effective in 2020, the City of Napa Planning Department approval fees remain \$2,500 to \$10,000. (See Table 2) Units over 750 square feet will have graduated impact fees from NapaSan and the NVUSD totaling up to \$15,000. Additional property taxes could be assessed, as well, on all sizes of ADUs. No rationale is provided for City Planning Department fees such as Park Impact, Affordable Housing, Street Improvement, and Utility Underground. Focus groups indicate that higher fees discourage ADU conversions.

Table 2.
Residential Fee Estimates for a City of Napa ADU as of 1.01.2020

	Garage Conversion	500 Square feet ADU	750 Square feet ADU	1,200 Square Feet
Building Permit	\$1,052.50	\$1,052.50	\$1,052.50	\$1,189.66
Building Plan Check	\$694.65	\$694.65	\$694.65	\$785.18
Fire Plan Check	\$252.60	\$252.60	\$252.60	\$285.52
Planning Plan Check	\$105.25	\$105.25	\$105.25	\$118.97
Building Standards Admin Fund	\$1.00	\$1.00	\$1.00	\$5.00
SMIP Tax	\$0.50	\$0.50	\$0.50	\$13.13
Park Impact Fee	\$0		\$2,293.00	\$2,293
Plumbing Fee	\$158.00	\$158.00	\$158.00	\$158.00
Mechanical Fee	\$158.00		\$158.00	\$158.00
Electrical Fee	\$158.00	\$158.00	\$158.00	\$158.00
Insulation Fee	\$158.00	\$158.00	\$158.00	\$158.00
Affordable Housing Impact	\$0	\$0	\$3,562.50	\$5,700.00
Street Improvement	\$0	\$0	\$1,233.00	\$1,233.00
Utility Underground	\$0	\$0	\$1,127.00	\$1,127.00
Const. Demo. Debris	\$0	\$0	\$0	\$100.00
Const. Dem. Recycling	\$0	\$0	\$0	\$200.00

Sub Total City Fees	\$2,738.5	\$2,422.5	10,954.00	\$13,628.00
NVUSD Impact Fee ¹⁹	\$0	\$0	\$2,842.50	\$4,737.50
NapaSan Impact ²⁰	303.00	303.00	\$7,165.00	\$10,106.00
Total	\$3,041.50	\$2,725.50	\$20,961.50	\$28,525.50

Source: City of Napa [Accessory-Dwelling-Unit-Permit-Guide-PDF, 13-15](#)

Consultant focus groups indicate that the biggest impediment to ADU conversions by interested homeowners is the unknown scope of the venture, in particular, the cost.²¹ With cost being a prime deterrent to affordable housing ADU conversions, the Napa City Housing Department has an “affordable ADU housing initiative,” providing up to \$75,000 in forgivable loans (\$50,000 for a Junior Unit) if an ADU is rented over five years at low-income rates. This is currently defined by the State to be \$1,055/month for a studio and \$1,206/month for a one-bedroom apartment in Napa County. The program includes additional grants of up to \$2,000 for design services or an architect. The annual City budget for this program is \$350,000. While helpful, the City Housing Department budget on this initiative will only impact five to seven ADUs a year.

The City recently approved a new 20-unit housing subdivision in which six units will be pre-designed for an ADU: “All the owner would have to do is add an exterior door and install kitchen and bathroom fixtures using the plumbing that is already in the walls.” This is an imaginative step by the City.²²

The City of Napa Housing Department and Napa County conducted three ADU workshops in 2019, providing a forum for the general public to hear from experts and a venue for questions and discussion. Future workshops are planned in 2020 along with a Housing Department ADU Communication Plan.

Jury interviews with City of Napa Housing Development leaders pointed to a new ADU-focused initiative by the Napa Valley Community Foundation (NVCF). In written communications the Jury was told, “We are planning to work in collaboration with the Community Foundation once its new ADU Center Director is hired and the website and calculator are officially launched.”²³ The goal of the NVCF initiative is to educate prospective ADU homeowners on planning steps and costs. The NVCF initiative will be briefly discussed later in this report. Napa City Housing Development personnel believe that the NVCF program will have a substantial impact on Napa City ADU growth over the next five years.

Napa County

¹⁹ Source NVUSD web site \$3.79/square foot | <https://www.nvUSD.k12.ca.us/developerfees>

²⁰ <https://www.napasSan.com/149/Rates-Fees>

²¹ Baird and Driskell “Understanding the ADU Market” 2019

²² East Napa subdivision swapping vineyard views for ADUs, https://napavalleyregister.com/news/local/approved-east-napa-subdivision-swapping-vineyard-views-for-adus/article_4eb8ddc5-7914-59a6-954c-aa60031de129.html, Jan.24, 2020

²³ City of Napa Housing Department

There have been 56 ADU conversions over the past five years in Napa County. In interviews with a senior County Planning official, no forecast for additional ADUs was provided.

Effective March 2020, the County added a new improved ADU section on its Planning Department website,²⁵ including a Planning Fee outline for a range of ADU sizes, a five page Planning Steps Check-list²⁶ plus a three-page ADU summary on its website which provides an ADU Question-and-Answer section.²⁷ The newly published 2020 planning fees total from \$9,000 to \$12,000 for ADUs ranging from 500 square feet to 1,200 square feet. In 2020, there are added sewer, water, and NVUSD impact fees for units greater than 750 square feet bring total fees of \$9,000+ for a 500 square foot ADU, \$20,000 for a 750+ square foot ADU and \$27,000 for a 1,200 square foot detached unit. The County fees are higher than the fees for smaller (e.g. 400-500 square feet) ADUs in the cities of Napa and American Canyon but are comparable for units 750 square feet and larger.

Table 3
Residential Fee Estimates for a Napa County ADU as of 3.01.2020

	500 Square feet ADU	750 Square feet ADU	1,200 Square Feet
Inspection Fire	\$453.64	\$616.44	\$942.04
Plan Review Fire	\$294.87	\$400.69	\$612.33
Plan Review Environmental	\$154.00	\$154.00	\$154.00
Plan Review Engineering	\$493.00	\$493.00	\$493.00
Inspection Engineering	\$187.00	\$187.00	\$187.00
Residential New Dwelling Plan	\$1,724.00	\$1,724.00	\$1,724.00
Plan Review Public Works	\$93.00	\$93.00	\$93.00
Plan Review Standard	\$1,796.29	\$2,009.09	\$2,434.69
Inspection New Dwelling Plumbing	\$318.20	\$355.90	\$431.29
Inspection New Dwelling Mechanical	\$228.39	\$255.44	\$309.55
Inspection New Dwelling Electrical	\$207.86	\$232.48	\$281.73
Imaging Plan Residential	\$15.00	\$15.00	\$15.00
State Strong Motion Residential	\$26.00	\$39.00	\$65.00
State Building Standards Surcharge	\$8.00	\$12.00	\$20.00
Permit Issuance	\$71.00	\$71.00	\$71.00
Building Inspection Fee	\$2,566.13	\$2,870.13	\$3,478.13
Certified Access Specialist Program	\$4.00	\$4.00	\$4.00
General Planning Surcharge	\$293.35	\$322.22	\$381.96
Sub Total City Fees	\$9,189.34	\$10,141.40	\$12,045.53
NVUSD Impact Fee ²⁸	\$0	\$2,842.50	\$4,737.50
NapaSan Impact ²⁹	303.00	\$7,165.00	\$10,106.00
Total	\$9,492.34	\$20,184.90	\$26,889.03

²⁶²⁵ <https://www.countyofnapa.org/2750/Accessory-Dwelling-Units-ADUs>

<https://www.countyofnapa.org/DocumentCenter/View/3655/Submittal-Checklist-New-Residential-PDF>

²⁷ <https://www.countyofnapa.org/DocumentCenter/View/3655/Submittal-Checklist-New-Residential-PDF>

²⁸ Source NVUSD web site \$3.79/square foot | <https://www.nvUSD.k12.ca.us/developerfees>

²⁹ <https://www.napas.com/149/Rates-Fees>

Effective 2020, based upon the new State legislation, the County has updated its ADUs' housing ordinances. The updates reflect relaxing setbacks, parking requirements, and assessed fees for units less than 750 square feet.³⁰ Senior officials of Napa County Planning, Building and Environmental Services Department also expressed their reliance on the NVCF Initiative for increased ADU education to County homeowners.

American Canyon

From 2014 through 2018, five ADUs have been permitted in American Canyon. In 2017, to encourage ADU construction, American Canyon waived all sewer and water impact fees for ADUs less than 750 square feet. With the new 2020 state law, NVUSD Impact fees will also be waived for units less than 750 square feet.

American Canyon has a two-page ADU Guide on its website that provides very basic information on the steps required in the planning process.³¹ A fee schedule provided separately by the American Canyon Community Development Office indicates general planning fees totaling between \$1,000 and \$4,000 per ADU unit. This is several thousands of dollars below the fee structure charged by the City of Napa, particularly for a garage conversion or a smaller 400-square-foot unit and over \$10,000 less on ADUs over 750 square feet in size. However, NapaSan and NVUSD impact fees would add close to \$10,000 on ADUs over 750 square feet. City of American Canyon Housing Development Department personnel indicated in writing that they are directly involved with the NVCF initiative and strongly support it.

Table 3
Residential Fee Estimates for a City of American Canyon ADU for 2020³²

	Garage Conversion	400 Square feet ADU	750 Square feet ADU
Building Permit	\$297	\$297	\$1,495
Building Plan Check	\$134	\$134	\$651
Fire Plan Check	\$115	\$115	\$115
Planning Plan Check	\$100	\$100	\$167
Building Standards Admin Fund	\$1	\$1	\$1
SMIP Tax	\$4	\$4	\$4
Park Impact Fee	\$0	\$0	\$1,573
Plumbing Fee	\$63	\$63	\$186
Mechanical Fee	\$63	\$63	\$186
Electrical Fee	\$84	\$84	\$222
Insulation Fee	\$0	\$0	\$0
Affordable Housing Impact	\$0	\$0	\$0
Street Improvement	\$0	\$0	\$0

³⁰ Napa County Chapter 8.80 Amendments to Ordinances

³¹ <https://www.cityofamericancanyon.org/home/showdocument?id=16944>

³² Source of data: American Canyon Community Development Office

Utility Underground	\$0	\$0	\$0
State Energy Compliance	\$30	\$30	\$65
Tech fee	\$7	\$7	\$52
Traffic Impact fee	\$0	\$0	\$1,061
Civic Facility fee	\$0	\$0	\$457
Sub Total City Fees	\$898	\$898	\$6235
NapaSan impact Fee ³³	\$303	\$303	\$6,883.00
NVUSD Fee ³⁴	\$0	\$0	\$2,842.50
Total	\$1,201	\$1,201	\$15,961

Source of data: American Canyon Community Development Office email to The Jury

Napa County and Cities' ADU Building Costs

Based upon interviews with senior planning officials in the City of Napa and Napa County, the average construction cost for ADUs is estimated to range from \$375-\$400 per square foot for a detached ADU. Interviewed housing consultants agree. This significant per square foot cost is due to post 2017 fire demand for contractors, builders, and materials. Potential architect fees add to the cost.

Financing for ADU construction poses a significant threshold for potential ADU homeowners to meet. It requires both good credit and financial resources. A small detached 500 square foot one-bedroom “home-improvement-store quality” ADU at \$400 per square foot will cost about \$200,000 plus fees. A fifteen-year \$200,000 home equity loan amortized at 7% will result in monthly payments of \$1,797.³⁵ Calculations of likely homeowner mortgage, taxes insurance and maintenance costs necessitates a rent of \$2,100 a month or more is required to break even (See Appendix 1 for these calculations.) This is true for the 500 square foot unit, and larger and/or more upscale ADUs would generate higher costs and require a higher rent. In an all-cash ADU investment, a homeowner would need to compare the return on an alternative \$200,000 investment versus the net proceeds from the ADU. It is worth noting that the ADU adds comparable value to the home’s net worth. However, at \$2,100 a month or more, one-bedroom detached ADU rentals are not considered low income housing.

³³ Source: <http://www.napasand.com/151/Capacity-Charges>

³⁴ Source NVUSD web site \$3.79/square foot | <https://www.nvUSD.k12.ca.us/developerfees>

³⁵ <http://mortgage-x.com/calculators/amortization.htm>

Figure 4 Detailed garage-conversion



Photo Source: BuildinganAdu.com.

The smallest ADUs are designated as Junior Units.³⁶ These 250-400 square foot units are built within an existing house with a separate entrance . They cannot be greater than 500 square feet. Junior units have basic cooking and bathroom facilities. A similar two-car garage conversion is typically 400 square feet. Because the external frame and possibly wiring and plumbing connections are already present, the Garage Conversion and Junior Units cost less, possibly as low as \$60,000-\$100,000.³⁷ They could potentially represent affordable housing, particularly if supported by a program like the subsidy program offered by the City of Napa Housing Department.³⁸

Other Community Efforts: The Napa Valley Community Foundation 2020 Initiative

Aside from Napa governmental agencies, other civic groups have simultaneously considered proposals to aid in the housing dilemma. The Napa Valley Community Foundation,³⁸ a non-profit 501 © (3),³⁹ public charity, whose stated goal is to “provide leadership on vital community issues and fund key projects through donors interested in making an impact in the community.” The Foundation has undertaken the sponsorship of an ADU education initiative on

³⁶ <https://www.cacities.org/Top/Partners/California-City-Solutions/2016/Junior-Accessory-Dwelling-Units>

³³ <https://www.buildinganadu.com/adu-blog/how-to-save-money-with-a-garage-conversion-adu>. Link provides a detailed garage conversion cost projection.

³⁷ <https://www.buildinganadu.com/adu-blog/how-to-save-money-with-a-garage-conversion-adu>. Link provides a detailed garage conversion cost projection.

³⁸ With added monthly costs of \$150-\$200 and a monthly mortgage payment of \$540 -\$900 (\$60,000 - \$100,000 amortized at 7% over 15 years), a rent in the “affordable housing range”(\$1055 for a studio,\$1206 for a one-bedroom) is possible.

³⁸ <https://www.napavalleycf.org>

³⁹ [https://en.wikipedia.org/wiki/501\(c\)\(3\)_organization](https://en.wikipedia.org/wiki/501(c)(3)_organization)

behalf of all Napa County communities. The program is modeled on a well-received and successful ADU website-and-education program developed for San Mateo County.

In this effort, NVCF has hired an experienced housing consulting firm to study the issue. In 2019, they conducted focus group research and a market analysis on potential ADU homeowners in Napa County.⁴⁰

The following are their key findings:

- Based upon a housing consultant review of zoning codes, there are over 30,000 potential ADU conversion sites within Napa County, 20,000+ in the City of Napa. Napa and American Canyon represent the most likely Napa County cities for ADUs due to demographics and supportive governments.
- The most promising demographic for ADUs are households that are building ADUs for aging parents, adult children or family members with disabilities. A second but growing market are homeowners interested in rental income. Potential homeowners focused on rental income typically stay interested for years but are slow to act. With the right incentives, such as reduced impact fees and a simpler planning and building process, they may be quicker to act. A third market are homeowners interested in downsizing by moving into their ADU and renting their primary residence for income.
- People fear the permitting process and want to manage risk. Key questions for them are:
 - How long will the planning and building inspection processes take?
 - What are all the possible fees charged across all the city departments?
 - Under what circumstances will a lender grant a home equity loan?
 - What interest rate can a homeowner secure and how long an amortization period?
 - What are the property tax implications and insurance costs?

Beginning in 2020, in conjunction with the County of Napa and its constituent cities, the NVCF will provide an education program with both website⁴¹ and in-person services to help homeowners design, build and lease ADUs. All Napa County cities have been contacted and are included in the program. Each is supplying the NVCF with detailed planning steps, approval requirements, contact personnel, and fees that can be built into ADU website cost calculators. A vetted list of ADU-related vendors such as mortgage brokers, appraisers, contractors, designers, architects, prefab-ADU manufacturers will be included. An annual ADU Expo to promote and cover new state laws, ADU financing and city-by-city planning rules is planned. Preapproved building designs for each Napa County city are targeted for the third and fourth quarters of 2020. The Foundation has invested over \$350,000 in development funds to-date for the education program and will budget \$350,000-\$400,000 or more per annum over the next two years.

⁴⁰ Baird and Driskell, Understanding the Market, 2019

⁴¹ www.sonomanapaadu.org

Figure 5. Pre-approved ADU building plans illustration

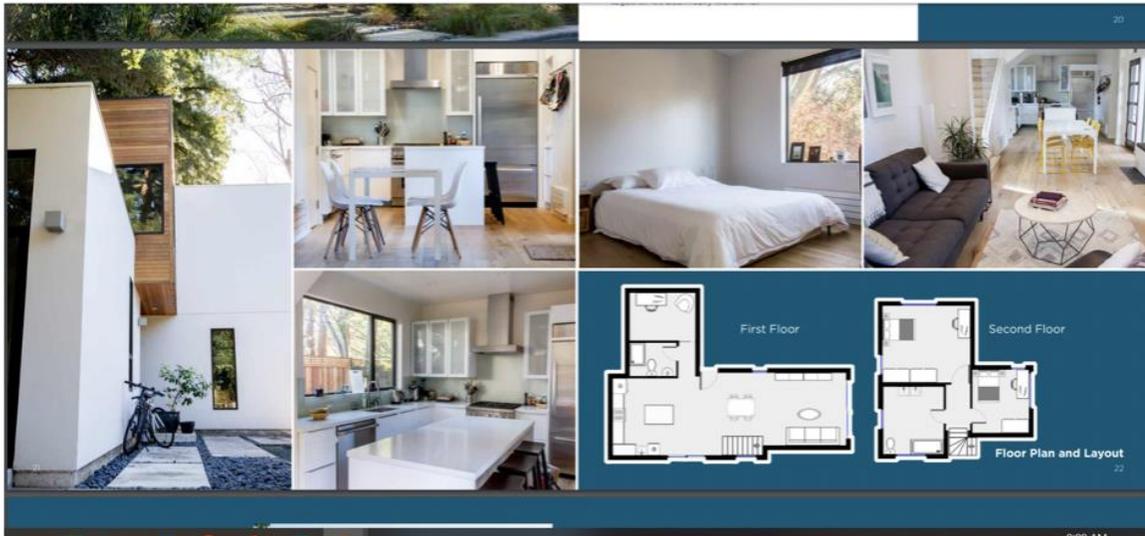


Photo Source: NVCF Brochure artwork

With this NVCF effort and Planning and Building Department support from the County of Napa, the City of Napa, and the City of American Canyon, and based on information from the NVCF housing consultant, upwards of 750 to 1,000 ADU units could be built over the next five years. This could represent up to a third of the current 3,000 rental-housing-unit shortfall in Napa County. Napa County, the City of Napa, and the City of American Canyon had begun to make improvements on their own education programs, but they are all currently relying on the work of the Foundation to take the leadership role.

Table 4.
ADU Estimates

Year	2020	2021	2022	2023	2024	5-year total
ADU / yr.	100	150	200	250	250	950
ADU cum.	100	250	450	700	950	

Source: Annual estimates are based upon Jury interviews with the NVCF and its housing consultancy experts. Some of the ADU builds will occur in St. Helena, Calistoga and Yountville.

FINDINGS

F1. The Grand Jury, with guidance from a housing consultancy, projects that 750-1,000 ADU units could possibly be built across Napa County including the cities of Napa and American Canyon in the next five years.

F2.a) The City of Napa’s website has acceptable ADUs educational information on planning requirements and fees.

F2. b) The County of Napa website has very basic approval steps and fees on ADUs added in March 2020.

F2.c) The City of American Canyon has no significant educational information or planning steps and fees for ADUs.

F3. Neither the County of Napa nor the cities of Napa and American Canyon have ADU planning and approval steps “sequenced” in written material or on their website.

F4. The County of Napa and the cities of Napa and American Canyon are largely relying on the NVCF education program to improve homeowners’ knowledge on how to build and finance an ADU or Junior Unit.

F5. Neither the County of Napa nor the cities of Napa and American Canyon have listed an ADU Housing Development single-point-of-contact person or position that could expedite the planning and building approval process for a homeowner.

F6. The County of Napa and the cities of Napa and American Canyon have implemented simpler (than prior years) planning and building approval procedures for ADUs and Junior Units, but the processes could be further streamlined.

F7. Neither the County of Napa nor the cities of Napa and American Canyon provide pre-approved ADU building designs which could reduce approval costs.

F8. Napa County and the City of Napa continue to charge significant planning and building approval fees on all sizes of ADUs that discourage ADU builds.

F9. Detached ADUs do not realistically represent an affordable housing resource for Napa County and the Cities of Napa and American Canyon.

F10. Junior Units and Garage Conversions may fall into the affordable housing range, particularly if subsidized by the cities or County.

RECOMMENDATIONS

The Jury recommends that Napa County and the Cities of Napa and American Canyon to:

R1. upgrade their websites with detailed ADU planning steps, approval fees and impact fees (units over 750 square feet) and/or provide a Flow Chart of the step-by-step process and implement these actions no later than December 31, 2020.

R2. promote the NVCF ADU education initiative on their websites, in print and online media, and implement these actions no later than December 31, 2020.

R3. name a dedicated ADU Point Person who will expedite the planning and building approval process for individual ADU households and implement this action no later than December 31, 2020.

R4. develop pre-approved ADU building plans, promote these plans on their upgraded websites, and implement this no later than December 31, 2020.

R5. reduce and/or eliminate discretionary ADU fees (such as Park fee or Affordable Housing fee) and implement these actions no later than December 31, 2020.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Napa County Grand Jury requires responses as follows:

- County of Napa Board of Supervisors (F1-F10 and R1-R5)
- City of Napa City Council (F1-F10 and R1-R5)
- City of American Canyon City Council M (F1-F10 and R1-R4)

INVITED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Napa County Grand Jury invites responses as follows:

- County of Napa Director of Planning, Building and Environmental Services (F1-F10 and R1-R5)
- City of Napa Community Development Director (F1-F10 and R1-R5)
- City of American Canyon City Manager (F1-F10 and R1-R4)
- President of the Napa Valley Community Foundation (F2 & R3)

APPENDICES

Appendix 1.

October 17 Northern California wildfires,

https://en.wikipedia.org/wiki/October_2017_Northern_California_wildfires,2019

Appendix 2.

Homeowner secondary financing interest costs for an ADU run a minimum of 2.5% -3.0 % *or more* above 30-year mortgage rates and are almost never more than 15-years⁷. Many are amortized over 10-years. This substantially increases ADU monthly amortization costs to the homeowner. Additional expenses for insurance, maintenance, taxes, etc. will add \$300 a month or more. The homeowner will also need to plan for times when the unit is unrented or if the tenant fails to make the required rent. (Jury Note: there could be tax write-off implications if the unit is rented. However, the overall cost of the ADU construction could be deducted as depreciation over an amortization period)

Appendix 3. The Required Planning Submissions for an ADU in the City of Napa

SUBMITTAL MATERIALS

Some submittal requirements may be waived depending on the type of project. Unless waived on this form with a cross-out/staff initial, all submittal information shall be provided before the application is accepted as complete.

If another City permit or Project entitlement is also required, the materials supporting the added permit or entitlement must also be submitted.

If your application requires multiple permits or entitlements, submit the number of plan sets for the permit or entitlement that requires the largest number of plans sets.

- 1 **Planning Application Form** - Completed and signed by all property owners holding a title interest.
- 2 **Fee/Initial Deposit** - Administrative Permits are a \$620 flat fee. Check payable to City of Napa.
- 3 **Written Project Description** - shall describe the architectural and site design intent, how the proposed structures and site development fit with the surrounding area, and meet applicable design guideline objectives. Projects also need to fill out the attached Design Guidelines checklist.
- 4 **Identification of other professionals** whose services were required in the preparation of the tentative map including the names and addresses of engineer and surveyor.
- 5 **Development Summary Table** - a completed development summary table.
- 6 **Site context board analysis** - to help analyze how the project will fit its surroundings (See Attachment 3). Include a map of the (typically several block) area where the site is located. Site photos to show existing structures and site features (trees, creeks, views to/from the site, slopes, etc.). Site photos to show existing structures and site features (trees, creeks, views to/from the site, slopes, etc.).
- 7 **Preliminary Title Report** - not more than 90 days old.
- 8 **Statement of Consideration** - in accordance with Appendix A-4 of the California Green Building Standards Code the application shall include a Statement of Consideration indicating that the project

Revised: 07/18/2018

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Page 1 of 6

⁷ <https://www.bankrate.com/loans/home-improvement/>

design includes, but is not limited, to the specified voluntary features whenever possible. See the website of the California Building Standards Commission for more information.

- 9 **SITE PLAN DRAWINGS - (6 full size copies and a reduced set of all plan and map sheets at 8.5" X 11") - fully dimensioned and accurately drawn. Use as many sheets as necessary. Information may be combined as long as the plans are easy to read. Site plan shall include the following basic information:**
 - a **Vicinity map** - Show site in relationship to local and major cross streets, named; include a north arrow.
 - b **Site and adjacent properties** - Location of all existing structures identified by type and indicating which are proposed to be removed and which will remain. Include the project site *and* adjacent property at least 100 feet beyond site, adjacent building footprints and approximate height, and streets (labeled) leading to the site.
 - c **Boundaries** - All existing and proposed property lines, tract name, easements (size and type called out), right-of-ways, trails, and the like. Approximate dimensions of all lots, radii of all curves and central angles.
 - d **Parking, Traffic Safety, Access and Circulation Plan** - Location/dimensions of existing and proposed: on-site parking/ on street parking spaces and backup/turnaround areas.
 - e **Trees** - All trees over 6" in diameter measured 54" above existing grade. Provide their common name, size, condition, drip line and location onsite. Note whether any are "Significant Trees" designated by the City that are strictly protected. Any trees proposed to be removed shall be identified along with the reasons why they are proposed for removal. In addition, show trees in the adjacent public right-of-way within 30 feet of the area proposed for development, and on adjacent properties with drip lines over the project site. An arborist report and photographs may be required.
 - f **Natural features and constraints** - Site features including creeks and adjacent riparian vegetation, wetlands, major rock outcroppings, landslides, flood zones, earthquake faults and related setbacks.
 - g **Other site development** - All decks; fences and walls including retaining walls; monument signs; bicycle racks; refuse disposal and outdoor storage areas with proposed screening, etc. The project will need to include detail design and materials. vegetation, wetlands, major rock outcroppings, landslides, flood zones, earthquake faults and related setbacks.
 - g **Other site development** - All decks; fences and walls including retaining walls; monument signs; bicycle racks; refuse disposal and outdoor storage areas with proposed screening, etc. The project will need to include detail design and materials.
 - h **Utilities Plan** (extending 100+ feet beyond site boundaries) - Location and size of existing and proposed: water-related facilities including but not limited to water mains with valve locations, water services to each parcel, water meter locations, fire sprinkler risers, backflow devices, fire hydrants within 300 feet, blow-offs and water wells; sewers; existing and proposed overhead utilities and poles; and all existing and proposed easements for these facilities. For sewer systems, top of structures and invert elevations shall be shown along with sewer laterals pipe size, slope and tie-in elevations at the existing downstream system. Slopes and elevations of proposed sewers and storm drains shall be indicated. The plan will need to identify all utility poles that will be removed and the line segments to be undergrounded. Existing gas mains, fiber optic lines, electrical lines, and other utilities shall be shown on plan.
- 10 **BUILDING PLANS - (6 full size copies and a reduced set of all plan and map sheets at 8.5" X 11") - Plans shall be submitted with the application and shall include the following:**
 - a **Building elevations** - Show all elevations of the proposed project with materials, colors, and dimensions specified. Height is measured from grade to top of roof. The purpose of such drawings is to show how the building is architecturally compatible with its surroundings, and, in hillside areas, how it also fits with the site. The drawings shall include door and window details.
 - b **Floor and roof plan** - A floor plan for all existing and proposed structures or alterations, clearly labeled and prepared to scale, indicating the use of each room, exterior doors and windows. The roof plan shall indicate direction of slope, roof pitch, location and screening of rooftop mechanical equipment.

- 11 **Materials** - A materials list including a material and color board shall accompany the application. *If materials are unclear, material samples may be requested.*
- 12 **Storm Drainage Analysis** - Unless waived by the City Engineer, the project shall provide a storm drainage study/hydrologic analysis and/or onsite detention; check with Public Works Engineering Division and/or follow the City Drainage Standards which may be obtained at Public Works Department website.
- 13 **Erosion and Sediment Control Plan (ESCP)- “Best Management Practices” (BMP’s)** - List and show on the plans the methods (“BMP’s” - See Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance website. Complete and submit the reference Erosion and Sediment Control Plan.

ADDITIONAL SUBMITTAL REQUIREMENTS IN CERTAIN CIRCUMSTANCES

- 14 If the project proposes conversion of an existing accessory structure (non-habitable) to a habitable structure, the following must be completed PRIOR TO submittal of this application:
 - a Provide the distance from finished grade to finished floor. A minimum clearance of six inches (6”) is required per the California Building Code.
 - b You must provide evidence that the structure’s foundation meets the requirements of the California Residential Code in effect at the time of submittal.
 - c You must provide evidence that the building materials used in the construction of the existing accessory structure (non-habitable) are suitable for a habitable accessory dwelling structure.
- 15 If the project proposes a habitable structure, a **Soils and/or Geotechnical Report** - Unless waived by the Chief Building Official, a soils investigation and/or geotechnical report shall be provided to identify any building or access siting concerns. The report shall include a comprehensive geologic investigation that shows the impact that faults and fault trances will pose to a proposed structure.
- 16 **IF GRADING AND DRAINAGE ARE PROPOSED - SITE PLAN DRAWINGS-** (6 full size copies and a reduced set of all plan and map sheets at 8.5” X 11”) - fully dimensioned and accurately drawn. Use as many sheets as necessary. Information may be combined as long as the plans are easy to read. Site plan shall include the following basic information:

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



**NAPA COUNTY GRAND JURY
2019-2020**

**FINAL INQUIRY REPORT
May 8, 2020**

**NAPA COUNTY ELECTIONS:
Results You Can Count On**

Napa County Elections

May 8, 2020

SUMMARY

The ability to vote and to have a personal impact in the election of City, County, State and Federal officials is a treasured right of all US citizens. With news reports of suspected election security breaches in other locations, residents of Napa County may wonder about the security of the voting process.¹ Are their votes counted and reported accurately and fairly?

The 2019/2020 Napa County Grand Jury (the Jury) elected to investigate the electoral process in Napa County, based on a letter of concern submitted by a Napa County resident. The complaint letter centered on social media and the security of election announcements. The Jury broadened the scope of the investigation to include electoral fraud, election accuracy and interference including social media security.

Electoral fraud is the illegal interference with the process of an election, including in-person voter fraud and fraudulent absentee or mail-in ballots. Voter fraud can occur at different points of the election process, from registration to the tallying of ballots. Election accuracy concerns include validating registered voters, ballot distribution, ballot collection and ballot tallying.²

The advent of the internet and the widespread use of social media have created concerns about the potential for election interference.³ There are examples of individuals and entities interfering with elections in the United States and other countries. Interference can be the direct cyber-attack of election results, the posting of inaccurate articles on social media such as Facebook or the posting of false election returns prior to polls closing.

The election results of Napa County are posted to the Napa County's website, www.countyofnapa.org. Unauthorized access to this site or the County's social media sites such as Facebook or Twitter could have a negative effect on election results through the posting of inaccurate or false election results or incorrect voter instructions.

The Jury investigated the threat of voter fraud, election report accuracy and interference and concluded that the Napa County Election Department rigidly follows requirements and guidelines set forth by the Napa County Election Administration Plan (EAP).⁴ In addition, the

¹ Kristen Nyman and Kathryn Waldron, "Friendly Fire: The No. 1 Threat to America's Election Cybersecurity." Feb 5, 2020, Accessed Feb 10, 2020

<https://www.governing.com/security/Friendly-Fire-The-No-1-Threat-to-Americas-Election-Cybersecurity.html>

²Wayne Rash, "Election Security Faces First Major Test in Iowa." Jan 31, 2020. Accessed Feb 12, 2020

<https://www.forbes.com/sites/waynerash/2020/01/31/election-security-faces-first-major-test-in-iowa/#5b71567815bd>

³Alan Greenblatt, "Despite Concerns About Election Security, 'Vulnerabilities Abound'." Nov 15, 2019, Accessed Feb 13, 2020

<https://www.governing.com/topics/politics/Despite-Concerns-About-Election-Security-Vulnerabilities-Abound.html>

⁴ "Voter's Choice Act, Updated Election Administration Plan." Jan 14, 2020, Accessed Feb 17, 2020

Election Division adheres to procedures prescribed by the California Secretary of State.⁵ The Jury concludes that each citizen's vote is accurately counted, tallied and reported.

In order to reduce the risk of false or inaccurate election data being posted on the County's social media sites, the Jury recommends that the Napa County Election Division and County public information personnel review their login security procedures. The Jury recommends that multi-factor authentication of passwords be adopted. The Jury also recommends that all social media posts be logged by individual, time, date and content.

GLOSSARY

Adjudicated Ballot

A process of determining the intent of a voter who has submitted a damaged ballot or a ballot that requires interpretation, e.g. a write-in candidate.

California County Information Services Directors Association (CCISDA)

The California County Information Services Directors Association is the official organization of the County Information Technology Directors and Chief Information Officers throughout the state of California. CCISDA represents all 58 California counties in the area of information technology and county government.

California Voter's Choice Act (VCA)

A law passed in 2016 to expand options on how and when voters in California cast their votes.⁶

CIO

Chief Information Officer

Election Administration Plan (EAP)

Napa County's EAP defines the Vote-by-Mail ballot process including the County's Vote Centers and Ballot Drop Box locations.

Help America Vote Act (HAVA)

The Help America Vote Act is a major federal election reform law passed by Congress in 2002. HAVA was established to assist states in replacing outdated voting equipment, establish new minimum administration standards for federal elections and establish the Election Assistance Commission (EAC).⁷

<https://www.countyofnapa.org/DocumentCenter/View/15927/Napa-County-Election-Administration-Plan-PDF>

⁵ "VoteCal", nd, Accessed Feb 3, 2020

<https://www.sos.ca.gov/elections/voter-registration/votecal-project/>

⁶ "Voter's Choice Act.", nd, Accessed Feb 3, 2020

<https://www.sos.ca.gov/elections/voters-choice-act/>

⁷ "Help America Vote Act (HAVA) of 2002." nd, Accessed Feb 5, 2020

[https://ballotpedia.org/Help_America_Vote_Act_\(HAVA\)_of_2002](https://ballotpedia.org/Help_America_Vote_Act_(HAVA)_of_2002)

IT

Information Technology

Mobile Ballot Printer

A mobile ballot printer provides ballots on demand at VoteCenters. Printers and supporting software are certified on a biennial basis.⁸

Multi-factor Authentication

Multi-factor Authentication, often referred to as two-factor authentication, requiring two or more identification sources such as a password, cell phone code and/or fingerprint.⁹

Napa County Election Division

The Napa County Election Division manages all aspects of elections including candidate processing, voter registration, ballot distribution, ballot collection, ballot counting and election results.

Provisional Ballot

A provisional ballot is provided to voters whose eligibility is uncertain or whose identity cannot be confirmed. Election officials investigate the validity of a provisional ballot within two to three days of an election.

Risk Limiting Audit

A risk limiting audit is an audit of an election contest that provides strong statistical evidence that the election outcome is accurate.¹⁰

The Jury

The 2019/2020 Napa County Grand Jury.

U.S. Election Assistance Commission (EAC)

The U.S. Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA). EAC is an independent, bipartisan commission responsible for developing policies to meet HAVA requirements. EAC also serves as a national clearing house of information on election administration.¹¹

VoteCal

A statewide centralized voter registration database that is linked to the County's voter registration servers.¹²

⁸ "California Code of Regulations, Title 2, Division 7, Chapter 4. Ballot Printing." nd, Accessed Jan 7, 2020 <https://www.sos.ca.gov/administration/regulations/current-regulations/elections/ballot-printing/#article1>

⁹ "Back to basics: Multi-factor authentication (MFA)." Jun 28, 2016, Accessed Jan 10, 2020 <https://www.nist.gov/itl/applied-cybersecurity/tig/back-basics-multi-factor-authentication>

¹⁰ "What is a risk limited audit?" nd, Accessed Dec 29, 2019 <https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditFiles/UnderstandingRiskLimitingAudits.pdf>

¹¹ U.S. Election Assistance Commission. nd, Accessed Jan 12, 2020 <https://www.eac.gov/about-the-useac>

¹² "VoteCal", nd, Accessed Feb 3, 2020 <https://www.sos.ca.gov/elections/voter-registration/votecal-project/>

BACKGROUND

“Fair and free elections are a hallmark of American democracy. The American people’s confidence in the value of their vote is principally reliant on their confidence in the security and resilience of the infrastructure that makes the Nation’s elections possible.”¹³

“If the people don’t have confidence in the outcome of an election, then it becomes difficult for them to accept the policies and actions that pour forth from it.”¹⁴

Historically, there have been concerns about election results being fair and accurate. Prior to computers and the internet, these concerns centered around ballot stuffing, incorrect recording of votes, tampering with voting machines and voter impersonation. While recent elections, such as the 2000 presidential election focused on the need for improved methods of vote casting and counting, the rise in the use of computers and the internet have introduced new ways to defraud the election process.¹⁵

The Jury reviewed the election processes in Napa County to determine if new policies and procedures implemented since the 2000 election have increased the safety and fairness of the election process. Is my vote counted correctly?

METHODOLOGY

The Jury obtained information through the following sources:

- Seven interviews with the County Registrar of Voters, County IT Professionals and the County Public Communication Webmaster.
- Documents
 - Election Administration Plan
 - Voter’s Choice Act
 - Ballot Custody flow data
 - Public Information Release example
- Public election data available on sites, including Napa County, the CA Secretary of State and DMV
- Site visit to the Napa County Election Division office

DISCUSSION

A review of election processes in Napa County and how they adhere to VoteCal standards are presented in this section.

¹³ “Election Infrastructure Security.”, nd, Accessed Jan 6, 2020
<https://www.cisa.gov/election-security>

¹⁴ Kim Zetter, “The Crisis of Election Security.” Sept 26, 2018, Accessed Jan 4, 2020
<https://www.nytimes.com/2018/09/26/magazine/election-security-crisis-midterms.html>

¹⁵ Thomas E. Mann, “Reflections on the 2000 U.S. Presidential Election.” Jan 1, 2001, Accessed on Dec 28, 2019
<https://www.brookings.edu/articles/reflections-on-the-2000-u-s-presidential-election/>

Voter Registration

Napa County is one of only 14 California Counties authorized to conduct any election as an All-Mailed Ballot and Vote Center election. The conversion to all-mailed ballots is a key element of the California Voter's Choice Act (VCA) that was signed into law in 2016.¹⁶ The primary goal of the VCA is to increase voter participation and expand voting options. Paper ballots are sent to registered voters 29 days before the election, allowing ample time to fill in the ballot and return to the Election Division via mail, drop box, Vote Center or Election Division office. Prior to VCA, voters would be limited to voting on election day at a predefined location unless an absentee ballot was requested in advance.

VoteCal is the State of California's centralized voter registration database. The VoteCal servers are located in Sacramento and service all 58 counties. Napa County election officials use VoteCal to check for duplicate registrations, verify registered voters who move from one county to another and to check for those who have been convicted of a felony crime that would preclude them from being eligible to vote.

There are three ways to register to vote in Napa County. The data from all methods are stored and maintained on VoteCal and Napa County election servers:

1. Paper.

Citizens may pick up a voter registration form at the Election Division, city halls, libraries and post offices throughout the County. The Election Division will mail a voter registration on request. Completed registration forms can be mailed to the Election Division office or delivered in person. Voter registration data is entered manually by County election staff and is simultaneously entered on the VoteCal statewide server.

2. Online.

Registration can be completed online at <https://registertovote.ca.gov>. The applicant's signature is automatically pulled from DMV records, if available. This allows ballot signatures to be compared to the DMV signature when a ballot is submitted.

3. Department of Motor Vehicles (DMV)

Those who apply for a driver's license or an Identification Card are automatically registered to vote if eligible. To be eligible to vote, a registrant must be

- A United States Citizen
- A residence address in California
- At least 18 years old
- Not currently in a state or federal prison or on parole for conviction of a felony
- Not currently found mentally incompetent to vote by a court¹⁷

The registrant must provide an electronic signature at a DMV kiosk. The electronic signature and voter registration are transferred electronically to VoteCal and the Napa County election database server. Access to electronic signatures allows election

¹⁶ "Voter's Choice Act, Updated election Administration Plan." Jan 14, 2020, Accessed Feb 4, 2020
<https://www.countyofnapa.org/DocumentCenter/View/15927/Napa-County-Election-Administration-Plan-PDF>

¹⁷ "California Motor Voter Program", nd, Accessed Feb 4, 2020
<https://www.dmv.ca.gov/portal/dmv/detail/dl/motorvoter>

staff to compare signatures on mail-in ballots. The applicant can opt out if not a citizen or if undocumented. Applicants who are not able to provide proof of legal citizenship in the United States may apply for a California Driver’s License under the provisions of AB 60. Those who are issued a Driver’s License under this provision are not eligible to vote.¹⁸

Ballot Chain of Custody

Ballot Creation

Napa County has 170 different precincts, each requiring a unique paper ballot. A precinct ballot is based on the combination of multiple cities, school districts, police districts and municipal districts across Napa County. ProVote, a private third-party service company located in Paso Robles, prints the ballots for all individuals who are registered by the print deadline.¹⁹



Figure 1. 2019/2020 Napa County Grand Jury. Napa Election Division Office. 2019

Ballot Delivery

Twenty-nine days before the election, ProVote mails all ballots to registered voters. ProVote mails printed ballots to the Election Division to be mailed to those registering after the cutoff deadline. For those who register to vote within 29 days of election, ballots are mailed to registered voters directly from the Napa County Election Division. Printed ballots are stored in a secure room at the Napa County Election office located at 1127 First Street in the City of Napa and are mailed to those who register to vote within 15 days of the election. Ballots can also be printed on an as-needed basis at all Vote Centers up to and including election day.

¹⁸ “AB 60 Driver License.”, nd, Accessed Feb 4, 2020
<https://www.dmv.ca.gov/portal/dmv/detail/ab60>

¹⁹ ProVote Solutions “Company Overview.” Nd, Accessed Feb 4, 2020
<https://www.provotesolutions.com/index.php/about-us/company-overview>



Figure 2. 2019/2020 Napa County Grand Jury. Secure ballot room. 2019.

In addition, individuals can register to vote and obtain ballots at one of the ten Napa County Vote Centers.²⁰ One of these Vote Centers opens 29 days prior to an election, and one additional Vote Center opens 10 days before an election. All 10 Vote Centers are open the Saturday prior to the election. (See Appendix 2.) Each Vote Center is equipped to provide conditional voter registration and a ballot printed on a state certified Mobile Ballot Printer from any of the 170 county precincts.

Ballot Security

The ballot room is only accessible with a unique key card assigned to a vetted election department individual. Access is monitored, recorded and saved to a server with a time stamp and employee identification. Room access data is stored for a minimum of one year.



Figure 3. 2019/2020 Napa County Grand Jury. 2019. Key Fob Access to Ballot Room. 2019.

²⁰ Vote Center "Introduction." Nd, Accessed Jan 14, 2020
<https://www.ncsl.org/research/elections-and-campaigns/vote-centers.aspx>

Collecting Ballots

There are three methods of collecting completed ballots from voters in Napa County:

1. Vote-by-mail

Completed ballots are delivered from the voter by the United States Postal Service to the secure ballot room located at the Napa County Election Division office. Ballots are hand counted, as they arrive, in advance of the election. Ballots postmarked on the day of the election can be officially counted if they arrive within three days after the election.

2. Drop Box

Voters can deposit their completed ballot received in the mail in secure drop boxes set up at locations throughout the County, e.g. across from Starbucks at the Redwood Plaza on Solano Avenue. Currently there are six drop boxes. Due to their popularity, 11 drop boxes are planned for the 2020 election. (See Appendix 1.)

The boxes are available on a 24/7 basis 28 days prior to election day. Two election workers collect the ballots, count and log the number of ballots, then deliver them to the secure ballot room at the Napa County Election Division office. Drop boxes are secured by a lock and a tamper-evident seal. Only elections officials have access to the keys or lock combination. If keyed locks are used, each lock has a unique key.

3. Vote Center

Completed ballots can be deposited at drop boxes available at each Vote Center. Two election workers gather, log and deliver these sealed ballots to the secure ballot room. Ballots can be personally delivered directly to the Election Division office at 1127 First Street. The Election Division office is counted as one of the Vote Centers. On Election day, election staff are available, at street level, to collect ballots from those dropping off sealed ballots from their car.

Completed Ballot Tally

Election Staff

The Registrar of Voters has overseen the Election Division since 1998.

The Napa Election Division is staffed with five full-time employees, including

- A Manager – 11 years' experience
- An Election Services Assistant – with nine years' experience
- Three Record Assessment Assistants with six to nine years' experience.

During the month leading up to an election, approximately 70 temporary election workers are hired to staff the vote centers and assist election officials. Five to seven contract workers supplement election division staff to process completed ballots including signature verification, ballot counting and adjudication of ballots. Once the signatures have been verified and the envelopes opened, the ballots are extracted from the envelopes and delivered to vote-by-mail boards. A board is a group of four specially trained election workers who prepare the ballots for counting and box the ballots for storage after they are counted. There are usually four boards that

begin their work on the Friday before the election and end on the Monday following the election.²¹

Vote Tally Test

Prior to election day, a test of the vote counting scanners is performed by election officials. A set of pre-marked sample ballots are manually counted then processed through the vote counting scanners. The results are compared for accuracy, recorded and transmitted to the Secretary of State. The public is invited to witness the process.



Figure 4. 2019/2020 Napa County Grand Jury. Ballot Counting Room. 2019

Completed ballots collected from all sources are stored in the secure ballot room unless they are being processed. Signatures on each ballot are verified manually by the election staff. This is done by comparing ballot signatures to electronically stored signatures obtained from voter registration records. After signature verification, the ballots are sorted and bundled by precinct. Vote-by-mail ballots are processed as they are received. After receipt, it takes about two days for a vote-by-mail ballot to be entered in Napa County's election server database. On election day, the pre-sorted and validated ballots are counted with the scanners, then boxed and sealed. Napa County uses a third-party vote counting software company, Dominion Voting, to count the ballots.²² Dominion Voting is certified by the Secretary of State.

Election day scanner validation is performed using a Risk Limited Audit. The audit utilizes a statistically derived number of ballots. This number of ballots is randomly selected and manually counted then electronically counted with the vote scanners. Results are compared and reported to the Secretary of State. In addition, 1% of the received ballots are manually counted and compared to machine results.

Ballots that are damaged, stained or marked in such a way that machine counting is not possible are documented and processed manually or adjudicated. An example would be if a voter

²¹ Data obtained during interview with the Registrar of Voters. Nov 19, 2019

²² Dominion Voting company overview, nd, Accessed Jan 3, 2020
<https://www.dominionvoting.com/products>

inserted a write-in candidate. Discretion is used by senior election officials to determine what was intended by the voter. All paper ballots are stored for 22 months then destroyed. If the voter's intent can't be determined, election officials formally notify the voter for clarification.

Any registered voter in Napa County can check if their vote-by-ballot or provisional ballot was received and counted by the Election Division by logging onto CalVote's website <https://voterstatus.sos.ca.gov>. If a ballot is not accepted, a reason is posted. The voter can then contact the Election Division to attempt a remedy.²³

In the November 6, 2018 election, 50% of the ballots were returned by mail (USPS), 31% via the drop boxes and 19% at the Vote Centers.



Figure 5. 2019/2020 Napa County Grand Jury. Ballot Scanning Machines. 2019

A screenshot of the voter status website. On the left is a "Personal Information" form with fields for First name, Last name, California driver license or identification card number, Social Security number (last 4 numbers), and Date of birth. Below the form are "Next" and "Clear" buttons. A blue arrow points from the form to the right, where a "Show Status" button is located. Below the button, the results are displayed: "For this election, you were mailed a vote by mail ballot." followed by "Date ballot was mailed by county 10/8/2018 12:00:00 AM", "Date ballot was received by county 10/31/2018 12:00:00 AM", "County NAPA", and "Ballot Status Accepted".

Personal Information	
To find your record, you will need to enter some personal information. Close your browser when you are done to protect your personal information.	
First name*	<input type="text"/>
Last name*	<input type="text"/>
California driver license or identification card number*	<input type="text"/>
Social Security number (last 4 numbers)*	XXX-XX- <input type="text"/>
Date of birth*	Select month <input type="text"/> Select day <input type="text"/> (YYYY)
<input type="button" value="Next"/> <input type="button" value="Clear"/>	

For this election, you were mailed a vote by mail ballot.

Date ballot was mailed by county	10/8/2018 12:00:00 AM
Date ballot was received by county	10/31/2018 12:00:00 AM
County	NAPA
Ballot Status	Accepted

Figure 6. Voter Status. <https://voterstatus.sos.ca.gov>. 2019

²³ Voter Status, nd, Accessed Jan 5, 2020
<https://voterstatus.sos.ca.gov>

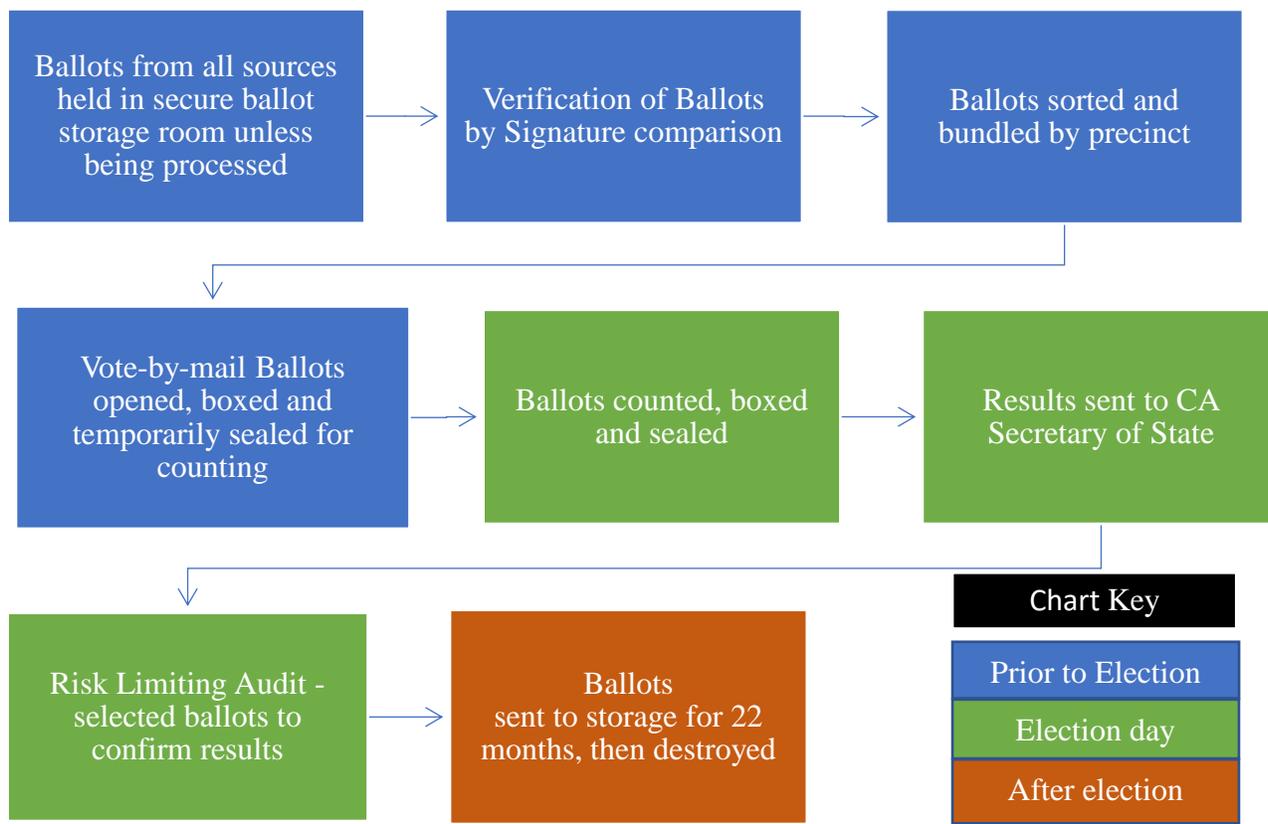


Figure 7. 2019/2020 Napa County Grand Jury. Ballot Chain of Custody. 2019²⁴

Publish Election Results

After the polls close at 8pm, on the day of the election, the results are transmitted to the Secretary of State via FAX and a VoteCal secure link. At the same time, election officials and other county personnel responsible for the county’s website and the county’s social media content publish election results to the County website and social media websites. Posted documents are reviewed by the head of the Election Division prior to publication. Documents posted to the County website are in PDF format. Facebook and Twitter are currently the only social media websites used for Napa County election results. Napa County's Election Division has no policy in place regarding access, logging, or accountability for their social media accounts.

²⁴ Chart data received from the Napa County Registrar of Voters, Jan 7, 2020

The following table summarizes actions taken by the Napa County Election Division:

Table 1: A Summary of Election Risks

Election Step	Risk	Action
Voter Registration	Fraudulent registered voters	Voter registration data and electronic signatures of citizens who register to vote at the DMV are transferred to the State’s VoteCal database as well as the County’s election database server. The VoteCal database provides a centralized source to help prevent ineligible parties from registering to vote.
	Duplicate Registrants	VoteCal serves all California counties. The system detects if a resident is registered in more than one county or address within a county.
	Hackers penetrating the state’s registered voter computers	Arizona ²⁵ and Illinois ²⁶ experienced minimal damage when hacked. AB 1043 and AB 1044 were signed into law in August 2019 to improve cybersecurity defenses and better safeguard California voter data. ²⁷
	Hackers remove the name of a registered voter from voter list	A registered voter who has his name removed may re-register at a Vote Center up to and including election day.
Ballot Distribution	Duplicate ballots	Duplicate ballots are possible if a registered voter changes party affiliation. VoteCal is programmed to detect duplicates and notify County election officials.

²⁵ Dustin Volz, “Arizona election database targeted in 2016 by criminals, not Russia: source.” April 8, 2018, Accessed Jan 5, 2020

<https://www.reuters.com/article/us-usa-cyber-election/arizona-election-database-targeted-in-2016-by-criminals-not-russia-source-idUSKBN1HF11F>

²⁶ Rick Pearson, “3 years after Russia hackers tapped Illinois voter database, officials spending millions to safeguard 2020 election”, Aug 5, 2019, Accessed Jan 10, 2020

<https://www.chicagotribune.com/politics/ct-illinois-election-security-russian-hackers-20190805-qtoku33szjdrhknwc7pxbu6pvq-story.html>

²⁷ Press release, “Governor Gavin Newsom Signs Campaign and Election Cybersecurity Legislation, July 12, 2019, Accessed Feb 7, 2020

<https://www.sos.ca.gov/administration/news-releases-and-advisories/2019-news-releases-and-advisories/governor-gavin-newsom-signs-campaign-and-election-cybersecurity-legislation/>

Election Step	Risk	Action
Ballot Collection	Lost Ballots from USPS	If one suspects their ballot was lost in the mail, they can verify at a County Voter Center. Provisional ballots can be printed, and votes cast at Vote Centers starting 29 days before an election.
	Lost ballots from Ballot Boxes	Two election personnel retrieve ballots dropped off at ballot boxes. Ballots are counted then transferred to the secure ballot room at the Election Department. A paper trail of the custody chain is maintained at the Elections Office.
	Hand delivered lost ballots	Ballots that are hand delivered to the Election Division are counted and delivered to the secure ballot room at the Election Division office.
	Forged ballots	Each cast ballot is checked for correct signature against the signature on file with the County election servers. The signatures are also stored on the VoteCal servers in Sacramento.
Ballot Tallying	Fraudulent signature	Signatures on every ballot are checked against signatures electronically stored on the election servers. Signatures are obtained from DMV records.
	Altered ballots	Ballots with write-in candidates or otherwise altered are processed as adjudicated ballots by senior election officials.
	Damaged ballots	Damaged ballots are physically inspected, and if the intent of the ballot is clear, votes are tallied. Adjudicated ballots are scanned and stored.
	Ballot security	Ballots are stored in a secure ballot room at the Election Office. Access is by key Fob. Only election staff are allowed access.
	Lost or stolen ballot	A registered voter can check the status of their ballot online for when it was received and counted by the Election Division.
Election Results Reporting	Tampered results reported to the CA Secretary of State	Election results are transmitted to the CA Secretary of State via facsimile to a secure VoteCal connection. Facsimiles are not subject to alteration. The connection to the VoteCal servers could, in theory, be penetrated. VoteCal server data is compared to the FAX data for verification. All election data is retained on the County election servers, providing a backup verification, if required. Communications between County servers and VoteCal servers are continuously monitored on election day.

Election Step	Risk	Action
	Hacking Napa County's election servers	<p>Results are posted to the County's website after they are approved by the head Election Department official. Documents are automatically generated and printed as PDF documents that are not edited by election personnel or county website content manager.</p> <p>The election servers are not connected to the internet. They are only plugged into the wall for power. The servers are physical bolted to a table in the secure ballot counting room, reducing the possibility of being penetrated.</p>
	Using hacked passwords to access county website	Napa County Information Technology Services sets password policies. They adhere to best practices set by the California County Information Services Directors Association (CCISDA).
	Hacking Facebook election posts with misinformation	Election results posted on Facebook are limited to links back to the County website. There is a possibility a hacker could hack the County's Facebook page and alter the link or post false results. Strengthened login credentials may be required. The Facebook pages are reviewed by election officials and the County Web Manager during and immediately after the election for correct content.
	Post-election hacking of county social media websites	The County does not have a policy for monitoring County social media sites after the election results (or links to the County website) have been posted.

CONCLUSION

From the registration process to the posting of election results on election day, the Napa County Election Department exercises electoral transparency on voter registration and in providing a clear chain of custody for paper ballots. According to County Election Officials, in the last 20 years, there has only been one case of voter fraud involving duplicate ballots. Napa voters should be confident that their votes are being counted fairly and accurately while maintaining secret ballot confidentiality.

FINDINGS

F1. Napa County's Election Division accurately registers voters and maintains a secure database.

F2. Napa County's Election Division accurately counts, records and reports citizens' votes.

F3. Napa County's Election Division's lack of policy regarding social media account access exposes them to risk of someone using their accounts to post false or misleading election information on social media.

RECOMMENDATIONS

R1. The Grand Jury recommends the Napa County Election Division and County Webmaster strengthen social media Password policy including a robust schedule for password updates and dual authentication logins by November 1st, 2020.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Jury requests responses as follows:

1. Napa County Board of Supervisors (F3-R1)
2. Director of the Napa County Election Division (F3-R1)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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APPENDICES

1. Drop Box Locations
2. Vote Center Locations

Appendix 1: Drop Box Locations

Drop Box Locations	Address
Napa County Election Division	Alley – 2 nd Street Parking Garage Alley, Napa
Cooke Orthodontics	3392 Solano Ave., Napa
Soscol Ave at Lincoln Ave.	South of Soscol Plaza across from Walmart
East side of South Jefferson Ave.	Near Chevron and Goodwill
Napa Valley College	2277 Napa-Vallejo Hwy
City of American Canyon City Hall	4381 Broadway, American Canyon
Walgreens Parking Lot	Broadway St., American Canyon (awaiting approval)
Yountville Community Center	6516 Washington St. (near the library drop box)
St. Helena Library	1492 Library Lane, St. Helena
City of Calistoga	Fair Way – next to bus stop (outside CalMart)
Howell Mountain Market & Deli	15 Angwin Ave, Angwin

Source: Voter’s Choice Act. Updated Election Administration Plan. Napa County – Jan 14, 2020

Appendix 2: Vote Center Location

Vote Centers	Location	Days Open before Election
Napa County Election Division	1127 First St., Napa	29
Holiday Inn Express	5001 Main St., American Canyon	10
American Canyon Boys & Girls Club	60 Benton Way, American Canyon	3
Yountville Veterans Home	260 California Blvd, Yountville	3
Napa Valley College – Upper Valley Campus	1088 College Ave., St. Helena	3
Calistoga Community Center	1307 Washington St., Calistoga	3
Angwin Fire House	275 College Ave., Angwin	3
Crosswalk Community Church	2590 1 st ., Napa	3
Las Flores Community Center	4300 Linda Vista, Napa	3

Source: Voter’s Choice Act. Updated Election Administration Plan. Napa County – Jan 14, 2020



NAPA COUNTY GRAND JURY 2019-2020

FINAL REPORT May 4, 2020

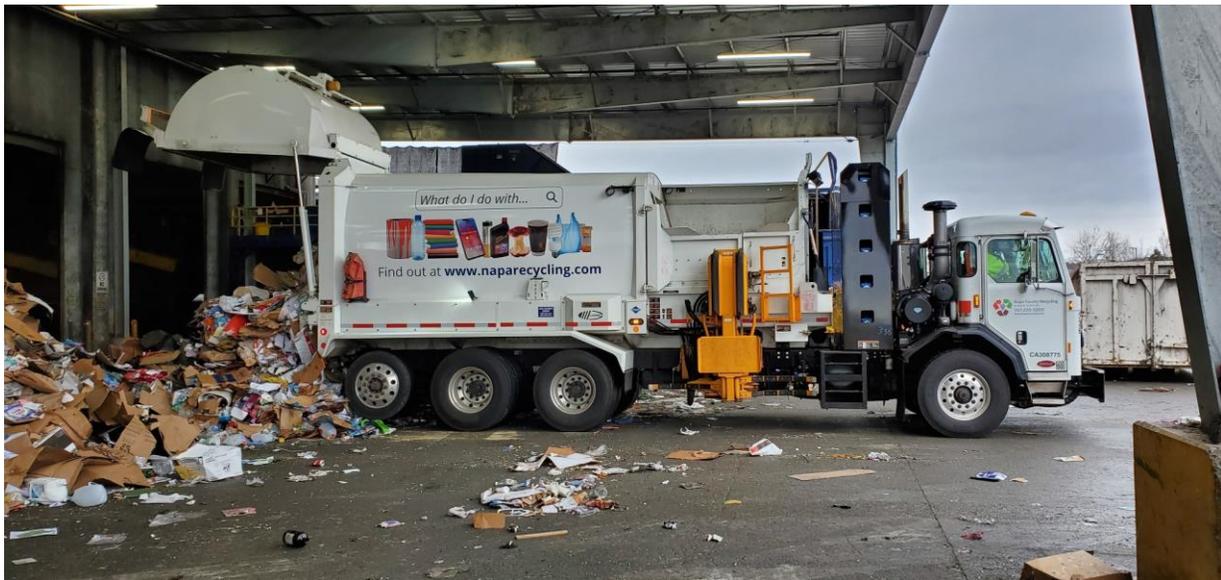


Figure 1. NRWS. *Recycling Truck at Work.* 2020.

CITY OF NAPA GARBAGE RATE HIKE RAISES A STINK: WHAT'S BEHIND THE INCREASES?

CITY OF NAPA GARBAGE RATE HIKE RAISES A STINK

SUMMARY

On July 25, 2019, the Napa City Council approved a garbage rate increase affecting more than 23,000 residential and commercial ratepayers in the City of Napa (City).¹ The rate increases were spread out over a three-year period beginning in August 2019 through December 2022, with annual increases in January of each year. The garbage rate increases were projected to help fill a \$3.3 million shortfall in the 2020 Solid Waste and Recycling program's budget. The 2019/2020 Napa County Jury (Jury) opened an investigation into the reasons behind the rate increases initially in response to concerns raised by Jury members. The Jury wanted to know if the rate increases were justified.

The last garbage rate hike for the City of Napa occurred in 2016. Many changes in the garbage service for the City have taken place since that time. The Jury's main focus was to examine the changes in the garbage service to determine if these changes were the primary reasons behind the new rate increases. Additionally, the Jury examined the City's Utilities Department's lines of communication to inform the ratepayers of the rate increases.

The City contracts their garbage service out to a private company called Napa Recycling and Waste Service (NRWS). NRWS has provided garbage service for the City since 2005. Recyclable materials are sorted and packaged for sale to foreign and domestic markets at the Materials Diversion Facility (MDF) on Devlin Road in southern Napa County. Solid waste materials are collected at the Napa Transfer Station (the "dump") then hauled to a landfill in Suisun City.

The City's Utilities Department is responsible for managing the Solid Waste and Recycling budget. In April 2019, three months before the rate increases were approved, they published a *Proposed Increase To Solid Waste And Recycling Rates* booklet outlining in detail the reasons behind the rate hike.² The booklet was mailed to all ratepayers as required by California law under Proposition 218, The Right To Vote On Taxes Act of 1996.³

The booklet contained a protest notice for ratepayers who wish to oppose the rate increases. It also contained information about the 2020 Solid Waste and Recycling budgeted revenues and expenditures. The Jury examined the booklet for a clear rationale in explaining to the ratepayers the reasons behind the rate increases. The Jury also looked for clarity in how the ratepayers were advised about how revenues and expenditures are allocated and spent in the 2020 Solid Waste and Recycling budget.

At the beginning of FY 2019, expenditures in the City's Solid Waste and Recycling budget began to exceed revenues. The shortfalls were related to several factors affecting the solid waste

¹ "Council OKs Garbage Rate Hike," July 25, 2019, <https://www.hyune@napanews.com>.

² City of Napa Publication, *Proposed Increases to Solid Waste & Recycling Rates*, July 25, 2019, p2.

³ Legislative Analysts Office.

https://lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html. December 1996.

and recycling program.⁴ The most compelling factor was the loss of revenue from the sale of recyclable materials to overseas markets that led to higher NRWS costs to the City.

A factor affecting an increase in expenditures to the City was a need for major capital improvements at the MDF. These improvements ensure compliance with new state-mandated California recycling, clean air, and clean water regulations. All of these regulations impact the solid waste and recycling program both financially and operationally.

The Jury concluded that the recent changes in the garbage service were significant enough reasons to warrant the rate increases. The rate increases were justified and timely, given a projected budget shortfall in the 2020 Solid Waste and Recycling program's budget. The Jury found that the City could have been more transparent with the ratepayers by explaining in greater detail how the solid waste, recycling revenues, and expenditures are allocated and spent.

The Jury recommends that the City provide ratepayers within six months with more detailed information about each of the budget categories under the revenue and expenditures section of the annual budget. This information could be included with the monthly garbage bill.

GLOSSARY

Assembly Bill (AB) 1826 – State Mandated Commercial Organics Recycling Program

Assembly Bill (AB) 341 – State Mandated 75% percent Diversion Rate from Landfills by 2020

CNG – Compressed Natural Gas is an alternative fuel

CY – Calendar Year – A twelve-month period that begins on January 1 and ends on December 31

Enterprise Fund – Enterprise Funds under California law pertain to the costs of providing goods or services to the general public, which are primarily financed through user fees. Enterprise funds do not come from taxes. They come from the fees paid by the individuals who use the service. Enterprise funds are self-supporting and are separate from a City's general tax fund.

FY – Fiscal Year – A twelve-month financial period used by the City of Napa that begins on July 1 and ends on June 30

Gate Fees – Fees from individuals that are collected at a recycling or solid waste facility

MDF – Materials Diversion Facility is the facility where recyclable materials are sorted and processed for sale to global and domestic markets.

NRWS – Napa Recycling and Waste Service provides the City of Napa with their garbage service.

NVUSD – Napa Valley Unified School District

Proposition 218 (California) – The Right to Vote on Taxes Act, 1996

⁴ City of Napa, *Utilities Department, Solid Waste & Recycling Collection Service Rate Study For 2019-2020*, p 5.

PWD - Public Works Department

SWRB – Solid Waste Revenue Bonds

BACKGROUND

Garbage Service for the City of Napa

The City’s garbage service contract with Napa Recycling and Waste Service dates back to 2005. Prior to 2005, garbage service for the City of Napa was managed and operated by Waste Management Inc., a large, nationwide franchised garbage company. The City switched from Waste Management to NRWS in 2005 because NRWS was locally owned and more responsive to community needs.

In April 2018, the Napa City Council extended the City’s garbage service contract with NRWS for 14 years, through the year 2031. The contract extension allowed the City to expand their recycling programs already in place, to include a 75 percent diversion level of recyclable materials away from a landfill by the end of 2020. The contract extension allowed for long-term planning to comply with California’s new Mandatory Commercial Recycling Regulation, AB 341.⁵ AB 341 established the guidelines for the City to achieve this goal. This regulation established the new statewide goal of 75 percent diversion through source reduction, recycling, and composting.

NRWS provides garbage service to approximately 23,000 residential and commercial customers in the City limits. According to the City’s Utilities Department staff, the public/private working relationship between the City and NRWS is cooperative and cost-effective. The City’s agreement in 2018, to extend NRWS service contract for 14 years is one example of the confidence the City has in the quality of garbage service provided by NRWS.

NRWS collects recyclable materials daily and transports them to the Materials Diversion Facility (MDF) located on Devlin Road in southern Napa County. Employees at the MDF sort and process the recyclable materials for distribution on the global markets. Solid waste materials (non-recyclable items considered trash) are also collected daily and taken to a transfer station next to the MDF where they are eventually trucked to a landfill in Suisun City at a cost to the City. The City of Napa does not have a landfill. The City of Napa is projected to spend \$3.4 million dollars in 2020 to cover the cost of sending solid waste materials to a landfill outside Napa County.⁶

The City owns the property where the MDF and the composting facility is located, but NRWS manages the facility. NRWS owns and maintains their own fleet of 28 garbage trucks and employs approximately 70 personnel at the MDF.

Personnel from the City manage the weigh stations where the fees are collected. A majority of the solid waste and recyclable materials received at the MDF and transfer station comes from the City of Napa, although a small amount of these materials comes from areas outside of Napa County. The cities outside of Napa County who use the City of Napa’s recycling facility pay the standard gate fee.

⁵ California Legislative Information.

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341.

⁶ City of Napa, *Utilities Department, Solid Waste & Recycling Collection Service Rate Study For 2019-2020*, p 14.

Fiscal Responsibilities

NRWS is the collection and recycling contractor for the City of Napa. Besides providing curbside garbage service, NRWS is responsible for collecting the ratepayer's monthly garbage bills payments. The money collected by NRWS goes into the City's Solid Waste and Recycling Enterprise Fund. Enterprise funds are separate from the City's tax dollars. These funds come from the fees paid by the individuals who use the service. The City's Utilities Department manages the Enterprise Fund.

NRWS bills the City of Napa throughout the year for their garbage service as provided in their service contract. The budgeted cost to the City for FY 2020 for garbage service provided by NRWS is \$21.1 million. This cost represents 63 percent of the total expenditures the City of Napa spends to provide garbage service to their ratepayers.⁷

The budgeted City collection revenues for FY 2020 are \$19.6 million. These revenues represent 58 percent of the total revenues received by the City from their residential and commercial ratepayers. Other sources of revenue include collection fees at the MDF and from the sale of recyclable materials on global and domestic markets. The loss of revenue reflected in the 2020 budget accounts for the \$1.5 million shortfall.

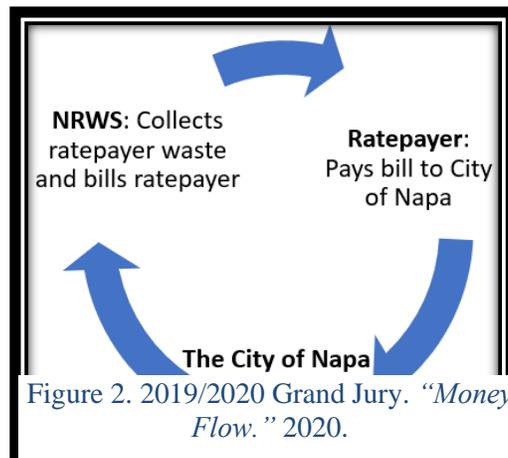


Figure 2. 2019/2020 Grand Jury. "Money Flow." 2020.

Grand Jury Investigative Focus

The 2019/2020 Napa County Grand Jury focused on two targeted areas of the City's garbage service during their investigation into the City's decision to raise the garbage rates in 2019. The first area of investigation was a thorough examination of the reasons behind the recent rate increases. The Jury's focus was on the changes in the garbage service for the City of Napa in recent years to determine how much the changes impacted the decision to increase garbage rates.

A second area of investigation was an examination of the *Proposed Increase To Solid Rate And Recycling Rate* booklet, which was published by the Utilities Department prior to the City

⁷ City of Napa Publication, *Proposed Increases to Solid Waste & Recycling Rates*, July 25, 2019, p 4.

Council's rate increases were approved. The booklet further contained a protest notice for ratepayers who wished to oppose the rate increases as required by Proposition 218.⁸ It also contained information for the ratepayer about what is included in the residential and commercial solid waste and recycling services.

The booklet further included pie charts showing different categories of the 2020 Solid Waste and Recycling revenues and expenditures. The Jury focused on the clarity of information published in the booklet and how the booklet was made available to all ratepayers.

METHODOLOGY

The Jury visited the following facilities:

The Materials Diversion Facilities (MDF) on Devlin Rd. in southern Napa County

The solid waste Transfer Station on Devlin Road in southern Napa County

GreenWaste Recovery Recycling and Materials Diversion Facility in San Jose

The Jury interviewed eight personnel/members from the following entities:

City of Napa Department of Public Works

City of Napa Utilities Department

City Manager's Office

Napa County Taxpayers Association

Napa Recycling and Waste Service (NRWS)

Napa's County Hispanic Chamber of Commerce

Napa City Council

The Jury researched the following recycling operations:

Placer County's City of Roseville's Single-Stream Recycling Program⁹

Santa Clara County's City of San Jose's GreenWaste Recovery Recycling program¹⁰

The Jury reviewed the following documents:

⁸ Legislative Analysts Office.

https://lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html. December 1996.

⁹Roseville Trash and Green Waste.

https://www.roseville.ca.us/government/departments/environmental_utilities/at_your_service/trash_and_green_waste.

¹⁰San Jose Recycles. <https://www.sanjoserecycle.org/>.

City of Napa's *Solid Waste and Recycling Collection Service Rate Study, June 2019*

City of Napa Utilities Department's Budgets, 2014 through 2019

California Assembly Bill 341, Mandatory Commercial Recycling Act, 2012¹¹

California Assembly Bill 1826, Mandatory Commercial Organics Recycling Act, 2016¹²

California Proposition 218, The Right to Vote on Taxes Act, 1996¹³

Proposed Increase To Solid Waste And Recycling Rates booklet, Utilities Department, April 2019

City of Napa's Disposal Reduction Policy, 2012

Napa Valley Register articles, 2009-2019, City of Napa Solid Waste and Recycling Services

DISCUSSION

WHY ARE THE RATE INCREASES NEEDED?

The Utilities Department's Solid Waste and Recycling Enterprise Fund used their reserve funds in FY 2017/2018 to cover higher Napa Recycling and Waste Service expenditures. Several operational changes with the garbage service began in 2016 and continued through 2018. The Solid Waste and Recycling fund was reduced from \$7.2 million to \$4.2 million over this time to cover the costs for these operational changes. The reserve fund balance is anticipated to be exhausted by the end of FY 2019/2020.¹⁴ The City cannot fund the garbage service with revenue from tax dollars because the Solid Waste and Recycling fund is classified as an Enterprise Fund.

Without reserve funds, the Solid Waste and Recycling Enterprise Fund is not sustainable, which could result in a reduction of regular garbage service for the City's 23,000 ratepayers. The Utilities Department told the Jury that failure to maintain adequate capital reserves in the Enterprise Fund would necessitate some combination of future borrowing or higher rate increases for future ratepayers. Facing a \$3.3 million shortfall in the 2020 Solid Waste and Recycling budget and declining reserve funds, the City Council voted unanimously to approve the rate increases beginning in August 2019. The rate increases are expected to restore the reserve funds to the 2017/2018 levels by the end of 2022.

OPERATIONAL CHANGES AT NRWS

1) Declining Sales of Recyclables

¹¹ California Legislative Information.

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341.

¹² Cal Recycle. <https://www.calrecycle.ca.gov/recycle/commercial/organics>.

¹³ Legislative Analyst's Office

https://lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html.

¹⁴ City of Napa Publication, *Proposed Increases to Solid Waste & Recycling Rates*, July 25, 2019, p 4.

The most significant change affecting the higher expenditures for NRWS in 2017/2018 was the loss of revenue from the sale of recycling materials to overseas markets. Paper products and plastics are processed at the MDF and sold on the global markets. China was the largest overseas market for recyclables coming from the US prior to 2018. Beginning in 2017, China’s market for recyclables began to decline, forcing US recycling companies to explore other domestic and global markets for the sale of recyclable plastic and fiber material.¹⁵

Recyclable materials, such as plastics and paper products, that have the greatest impact on sales revenue has decreased from an average of \$98 per ton (2014) to \$54 per ton (2018). (See Figure 3.) The global markets for plastics and paper products are expected to rebound, but the NRWS officials could not offer a definitive timeline forecast. The revenue loss in materials sales for FY 2020 to the Solid Waste and Recycling budget is projected at \$1.2 million (20% of total revenues).

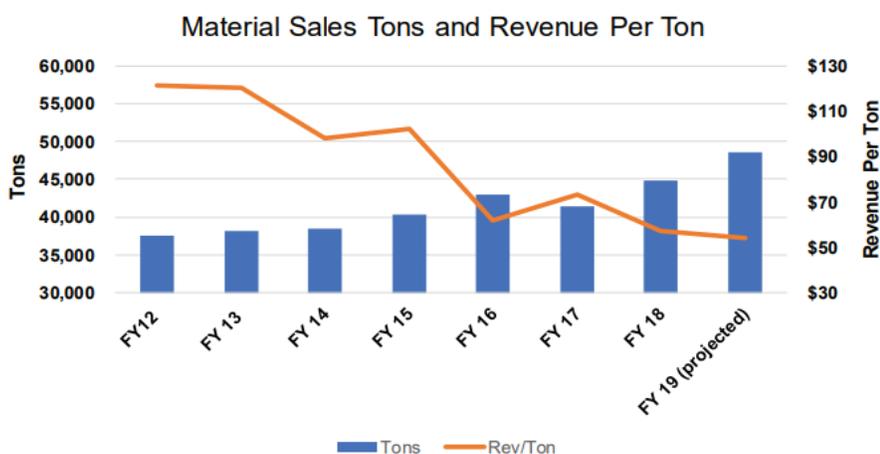


Figure 3. City of Napa. “Material Sales Tons and Revenue Per Ton.” 2019.

2) Upgrades to Collection Trucks and Recycling Equipment

NRWS currently has 28 collection trucks in operation. The average life span of a collection truck is 10 years, and many of the trucks in service were 13 years old before they were replaced. The City’s first contract in 2005 with NRWS extended for 13 years, which provided a timeline for the timely replacement of the collection trucks. The City’s 2018 14-year service contract extension with NRWS will enable the garbage company to continue to invest in the replacement of their collection trucks. The replacement cost of a new truck is \$ 500,000.

Twenty of the trucks currently in operation are new. All trucks are fueled by compressed natural gas (CNG). Seven of the older trucks were refurbished and converted to run on CNG. One remaining truck will be refurbished by the end of 2020. Compressed natural gas is one of the cleanest burning alternative fuels with reduced greenhouse gas emissions.¹⁶

¹⁵ Ibid

¹⁶ US Department of Energy. https://afdc.energy.gov/vehicles/natural_gas_emissions.html.

The new trucks are equipped with more rear-mounted and front-mounted cameras for improved pedestrian and traffic safety. The new trucks also have cameras mounted inside the collection hopper to identify large materials that are placed in the wrong container; e.g. electronic devices dumped in any of the three containers or non-recyclable materials dumped in the blue container. NRWS provides two written contamination letters to residents who violate this regulation. Beginning with the third contamination incident, NRWS can levy Council-approved contamination charges to the ratepayers who continue to violate the contamination regulation.

The NRWS contract extension also allocated approximately \$4 million for an improved sorting process at the Materials Diversion Facility. The upgrades included a new cardboard screen, new belts, a second baler, a glass cleaning system and a sorting “robot” (See Figure 4.) that can make over eighty “picks” per minute. The robot separates metal objects away from other recyclable material.



Figure 4. NRWS. “AI Sorting.” 2020.

According to the Utilities Department, the cost increase to the City for the upgrades to the trucks and facility is estimated at \$15 million, which equals an increase of \$2.1 million per year. Combined with the \$1.2 million in lost revenue from declining sales of recyclable materials, and the annual increased cost of \$2.1 million for facility upgrades, the Solid Waste and Recycling 2020 budget was left with a \$3.3 million shortfall.

3) Capital Improvements from the 2016 Bond Measure

In 2016, the City issued a \$12.5 million Solid Waste Revenue Bond (SWRB) to fund several major capital improvements at the MDF. The improvements were made to comply with new state-mandated clean water and clean air regulations.¹⁷ As new industries moved into properties near the MDF, the City was required to improve odor control at the composting facility. The City was also required to build specialized collection ponds that treat the water used in the composting process.

One of the major improvements included a covered aerated static pile (CASP) concrete bunker where food scraps and other materials that can produce odor will be received, pre-processed,

¹⁷ City of Napa, *Utilities Department, Solid Waste & Recycling Collection Service Rate Study For 2019-2020*.

and then composted (See Figure 5). The CASP bunker is fully operational. In 2016, a \$2.5 million organics receiving building was constructed at the MDF along with a \$ 2.9 million organics pre-processing system to receive, screen, sort, grind, and remove contamination from compostable organics received at the MDF.¹⁸



Figure 5. NRWS. “CASP Construction.” 2019.

The Solid Waste Revenue Bond measure also funded improvements to the storm-water system at the MDF to comply with new state clean-water regulations. These improvements are expected to be completed in 2020. The debt service for these bonds is \$900,000 per year, paid for by ratepayers in their monthly bills.

4) State-mandated Recycling Regulations

In 2011, the State of California’s legislature passed AB 341, requiring all cities and counties to reach a goal of diverting 75% of all recyclable materials away from a landfill by 2020. In 2015, the legislature passed AB 1826, requiring all cities and counties to participate in a Commercial Organics Recycling Program.¹⁹ The Utilities Department increased their staffing in FY 2016/2017 to keep pace with full compliance of California’s newest recycling regulations. The position of “Waste Prevention Specialist (WPS),” was created in 2018 to fully implement AB 1826 in an effort to increase the diversion of recyclable waste and food scraps away from landfills.

AB 341 is designed to meet California’s 75% diversion rate by the end of 2020. The law requires California commercial enterprises and public entities to adopt bold new recycling practices that help divert recyclable materials away from a landfill. AB 1826 requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste.²⁰ The Utilities Department staff expects that the program will be fully operational in more than 250 restaurants, schools, and grocery stores within the city limits by the end of 2020.²¹

The Waste Prevention Specialist works closely with the Napa Valley Unified School District to promote and implement the City’s recycling programs. The WPS also consults with local restaurants, fast food outlets, and grocery stores to ensure they are in full compliance with new state-mandated recycling regulations.

¹⁸ https://napavalleyregister.com/news/local/future-napa-recycling-plant-may-turn-s-wood-waste/article_85f2633d=c45d-5555-9020-73a93b1c4414.html. July 24, 2017, Howard Yune.

¹⁹ Cal Recycle. <https://www.calrecycle.ca.gov/recycle/commercial/organics>.

²⁰ Ibid

²¹ Ibid

CITY OF NAPA 2019/2022 GARBAGE RATE INCREASES

A garbage rate increase of 12 percent above the existing rate went into effect on August 1, 2019 affecting 23,000 residential and commercial ratepayers in the City of Napa. An additional 10 percent increase went into effect on January 1, 2020, to be followed by annual increases of 8 percent on January 1, 2021 and 6 percent on January 1, 2022. These annual rate increases amount to a 36 percent rate hike over the course of three and a half years.

Table 1. Proposed Rate Increases for 2019/2022

Service	Previous Rate	Aug-2019	Jan-2020	Jan-2021	Jan-2022	Total
20 gal	\$21.65	\$24.25	\$26.68	\$28.81	\$30.54	\$8.89
35 gal	\$27.14	\$30.40	\$33.44	\$36.12	\$38.29	\$11.15
65 gal	\$41.63	\$46.63	\$51.29	\$55.39	\$58.71	\$17.08

Source: 2019/2020 Grand Jury. 2020.

The City Council also approved rate increases in November 2019, for residential and commercial customers who bring their own recyclables to the MDF (Self-Haul). The new self-haul rate increases stretch over a four-year period with successive rate increases scheduled each July from 2020 to 2023. Revenue from higher fees for self-haul customers is expected to add \$63,000 to the 2020 Solid Waste and Recycling Enterprise Fund.

GARBAGE SERVICE RATES (NINE BAY AREA COUNTIES)

The Jury used the data in a survey provided by the Solid Waste and Recycling manager to compare the City of Napa’s new monthly rates with those 25 neighboring cities. The average rate for a 65-gallon residential container ranged from \$24 per month in Fairfield (Solano County) to \$100 per month in Palo Alto (Santa Clara County). The survey did not have any documented evidence to evaluate the overall quality of garbage service for the 25 cities. The survey showed that the City of Napa’s new rates are competitive and fall within mid-range for all 25 cities (See Table 2).

Table 2: Comparing Garbage Rates of Nine Bay Area Counties

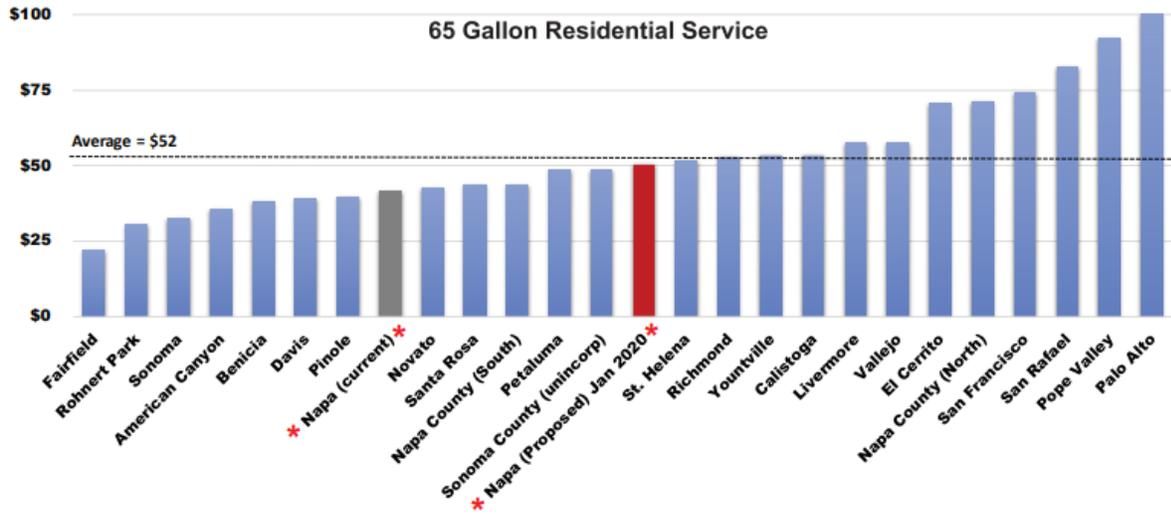


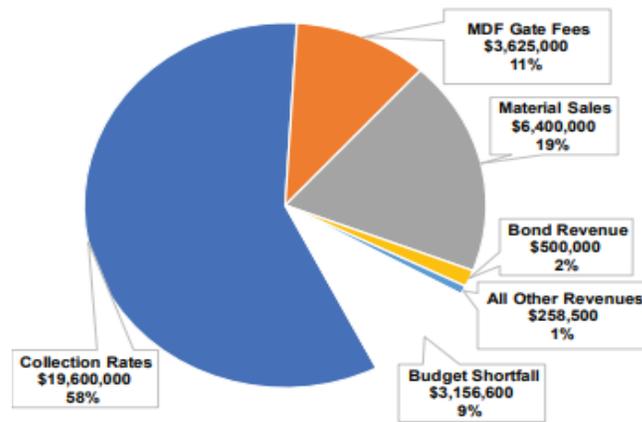
Chart based on current jurisdiction rates, many of which will likely increase over the next year.

Source: City of Napa. 2019.

PROPOSED INCREASE TO SOLID WASTE AND RECYCLING RATES BOOKLET

In April 2019, The Utilities Department published a well-illustrated, six-page informational booklet called the *Proposed Increase To Solid Waste And Recycling Rates*. This booklet was mailed to all property owners and ratepayers. The booklet outlined the reasons behind the rate increases and provided the ratepayers with information about the different levels of service. It also included two budget pie charts outlining the expenditures and revenues of the 2020 Solid Waste and Recycling budget (See Figure 6). The budget pie charts were helpful, but the Jury found that they lacked full clarity in explaining to the ratepayers how revenues are collected and how expenditures are spent.

Fiscal Year 2020 Budgeted Revenues



Total: \$30,383,500

Fiscal Year 2020 Budgeted Expenditures

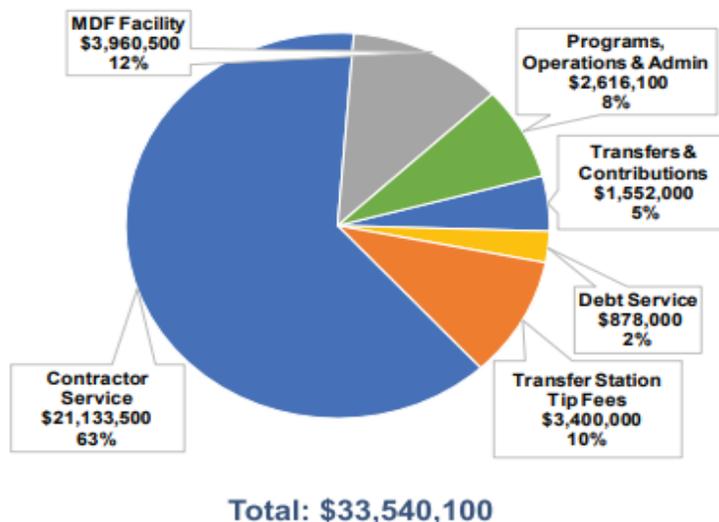


Figure 6. City of Napa. "Fiscal Year Revenues and Expenses." 2019.

Several of the budget categories under expenditures could be better clarified. For example, the Jury learned through interviews that the City of Napa has incurred to date, costs in the amount of \$5 million related to the settlement of a lawsuit in 2001 involving the closure of the old Coombsville dump on Coombsville Road.²² The Jury did not investigate the details of the lawsuit. The Jury's interest was with how the Utilities Department's pie charts showed these expenditures.

The City's Solid Waste & Recycling budget is sharing the burden with the City's Risk Management Fund of paying down the lawsuit debt. The Solid Waste and Recycling Enterprise fund is paying \$2.5 million of this debt, and the City's Risk Management Fund is paying the remaining \$2.5 million.²³ The pie chart did not make this expenditure clear. Further, there wasn't any reference material the ratepayer could access to get better clarification about the City's Risk Management Fund's agreement with the Utilities Department to share equally this cost with the ratepayers. The annual cost to the Solid Waste and Recycling budget for this lawsuit debt is \$400,000.

An additional expenditure under Programs, Operations, and Administration was the costs for repair and maintenance of streets due to impacts caused by the weight of solid waste, recycling and yard waste collection trucks. The costs to the city for these repairs in FY 2018/2019 was \$1.9 million. The Jury found that this expenditure was not fully explained as to how street repair costs are charged to the Solid Waste and Recycling Enterprise Fund budget.

RATE INCREASE PROTEST NOTICE (PROPOSITION 218)

Rate increases to public services in the State of California, such as garbage, water and sanitation are subject to guidelines as outlined in California's Proposition 218, The Right To Vote

²² https://napavalleyregister.com/news/local/city-of-napa-pays-millions-to-settle-lawsuit-over-planned/article_fbf96af-5b68-b69e-60b25c75b8d.html. August 29, 2018, Howard Yune.

²³ City of Napa, *Utilities Department, Solid Waste & Recycling Collection Service Rate Study For 2019-2020*, p 22.

On Taxes Act of 1996. Proposition 218 mandates that the proposed rate increases must be published and sent to all property owners, followed by a 45-day public review period. The law further states that within the 45-day public review period, the ratepayer must be notified that they have the right to protest the rate increases. If 50% plus one of the total number of ratepayers return the protest notice, the rate increase cannot be enforced by the City Council.

The law does not say that local cities have to provide a hard copy of the protest notice. It only specifies that a city must notify the ratepayer about the proposed rate increases and give the ratepayer the opportunity to protest the rate hike. The Utilities Department went beyond the requirements of Proposition 218 with the publication of the *Proposed Increase To Solid Waste And Recycling Rates* booklet, which included the protest notice. The protest notice could be hand delivered or mailed to City Hall.

The rate increases booklet, along with the protest notice, were printed in English without any notification directing the Spanish-speaking ratepayers where they could access the Spanish version of the booklet. The Jury was told that a Spanish version was available online, and at City Hall upon request. The Utilities Department informed the Jury that the next rate hike notification will include instructions written in Spanish, directing the Spanish-speaking ratepayers to a website link where they can access the Spanish version of the entire rate increases booklet, including the protest notice.

The Utilities Department exceeded the minimum requirements of Proposition 218. Notification was mailed to ratepayers in advance of the rate hike approval. They provided ratepayers with a hard copy of the protest notice, and they also provided ratepayers with information on how to lower their monthly garbage bills by recycling more of the materials they may be putting into the solid waste container (gray).

Residential ratepayer's monthly garbage bills are calculated on the size of the gray solid waste container. They range from 20 gallons to 95 gallons. The Utilities Department is encouraging ratepayers to save money by using smaller gray containers while using the other containers (blue and brown) for recyclable materials.

The rate increases in the *Proposed Increase To Solid Waste and Recycling Rates* booklet were well documented and the reasons behind the rate hike were explained in detail. The booklet contained budgetary pie charts showing revenues and expenditures for the 2020 Solid Waste and Recycling budget. The Jury felt that the pie charts were well illustrated but lacked clarity in explaining how all of the expenditures were spent.

FINDINGS

- F1. The garbage rate increases were timely and justified, given the need to offset a \$3.3 million shortfall in the Utilities Department 2020 Solid Waste and Recycling Enterprise Fund.
- F2. The 2020 Solid Waste and Recycling expenditure budget pie chart showing expenditures lacked full clarity in outlining the cost of the 2001 Coombsville dump lawsuit liability debt.
- F3. The 2020 Solid Waste and Recycling budget pie chart showing expenditures lacked clarity in outlining the cost of repairs to city streets caused by the weight of the garbage trucks.

F4. The reduction of sales in recyclable materials to global markets negatively impacted the City of Napa’s Solid Waste and Recycling 2020 budget and is contributing to the \$3.3 million budget shortfall.

RECOMMENDATIONS

The Napa County Grand Jury recommends that

R1. The City of Napa’s Utilities Department Director notify all ratepayers through their monthly bill where to locate information explaining in detail 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 update annually.

R2. The City of Napa’s Deputy Public Works Director continue to explore new sources of revenue for the sale of recyclable materials to both domestic and foreign markets to offset any future Solid Waste and Recycling budget shortfall.

COMMENDATIONS

C1. The Jury commends the City of Napa’s Utilities Department staff and the City’s Community Relationships Officer for their efforts in exceeding the minimum Proposition 218 guidelines that require notification to ratepayers of any proposed rate increase.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

- City of Napa City Council Members (F2, F3, F4) (R1, R2)

INVITED RESPONSES

- City of Napa’s Community Relationships Officer (F2, F3, F4,) (R1, R2)
- Materials Diversion Manager (F2, F3, F4) (R1, R2)
- Utilities Department Director (F2, F3, F4,) (R1, R2)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX 1

CITY OF NAPA
SOLID WASTE RATES PROTEST FORM

You do not need to complete this form if you do not oppose the proposed rate increase. If you wish to protest the proposed rate increase, you may use this sample form.

_____ Check here if you protest the proposed rate increase and agree with the following:

I protest the proposed rate increase for the collection of solid property owner and/or responsible for paying the solid waste rates for this property.

Comments or Reasons for the Protest (optional):

Street Address _____

Signature

Printed name

Mail to:
Napa City Clerk
P.O. Box 660
Napa, CA 94559-0660

Deliver in Person to:
Napa City Clerk
955 School Street
Napa, CA 94559-0660

-OR-

*** Please mail this protest form back in a stamped envelope**

In order to be counted, all written protests must be received by the City, whether sent by mail or delivered in person, by the close of the public hearing on July 23, 2019 at 6:30 pm.



**NAPA COUNTY GRAND JURY
2019-2020**

**FINAL REPORT
May 27, 2020**

**NAPA COUNTY JUVENILE HALL:
EXCEPTIONAL COSTS**

Napa County Juvenile Hall: Exceptional Costs

May 27, 2020

SUMMARY

Napa County Juvenile Hall is a secure facility operated by the Napa County Probation Department. Its primary purpose is to provide the detention of juveniles awaiting a hearing or other short-term disposition.

The two tables below tell an important story showing an inadequacy of fiscal oversight. Since the opening of Napa County Juvenile Hall's facility in 2005, staff has remained relatively constant and the detainee population has sharply declined.

FY	Staff	Average Daily Population
2005-2006	37	44-50
2010-2011	36.75	36
2014-2015	36.75	30
2019-2020	36.75	16

Table 1: Table created by 2019-2020 NCGJ with information sourced from Napa County Juvenile Hall

Similarly, despite the decreasing number of detainees, the annual budget has continued to increase due to the Napa County Probation Department's request to staff for 50 detainees.

FY	Budget	Average Daily Population
2005-2006	\$3,243,208.38	44-50
2010-2011	\$4,804,745.00	36
2014-2015	\$5,323,077.00	30
2019-2020	\$6,825,755.00	16

Table 2: Table created by 2019-2020 NCGJ with information sourced from Napa County Adopted Annual Budgets and Napa County Juvenile Hall

As a result, the present cost to house a detainee is approximately \$1,160 per day as opposed to a cost of approximately \$205.00 when the facility was opened in 2005.

The 2019-2020 Napa County Grand Jury visited Napa County Juvenile Hall (NCJH) and interviewed members of its staff, the Napa County Probation Department staff, and some juvenile detainees. The management and staff appear to be well-trained and committed to working with the juvenile detainees to enable them to become productive citizens. The Jury found the facility to be safe, secure, and clean. However, it appears to be significantly overstaffed for the relatively small number of juvenile detainees in the facility on any given day.

The Jury recommends the Board of Supervisors and the Probation Department reduce Napa County Juvenile Hall's staffing consistent with its present population. The Jury also recommends the Board of Supervisors appoint a task force to explore alternative uses for the under-used facility.

GLOSSARY

ADP: Average Daily Population

BOS: Napa County Board of Supervisors

BSCC: State of California Board of State and Community Corrections

CONSOLIDATED ANNUAL PLAN: Juvenile Justice Crime Prevention & Youthful Offender Block Grant Report

CSA: California Corrections Standards Authority (Predecessor to BSCC)

CCSAS: California State Association of Counties

HHSA: Health and Human Services Agency

JHC: Juvenile Hall Counselor

JJCPA-YOBG: Juvenile Justice Crime Prevention Act & Youthful Offender Block Grant

MHC: Mental Health Counselor

NCJH: Napa County Juvenile Hall

NCPD: Napa County Probation Department

NVUSD: Napa Valley Unified School District

RATED CAPACITY: The number of beds approved by BSCC that can be used by a Juvenile Facility based on the design requirements of Title 24, Part 1, Article 2, Section 13-201(c)6, of the California Code of Regulations

TITLE 15: BSCC California Minimum Standard for Local Detention Facilities, Crime Prevention and Corrections Division 1, Chapter 1, Subchapter 5

BACKGROUND

California Penal Code Sec. 919(b) requires the Napa County Grand Jury to make inquiry into the condition and management of all public prisons within the County, including the Napa County Juvenile Hall. Pursuant to that mandate, the 2019–2020 Napa County Grand Jury made an initial visit to NCJH on September 9, 2019, where it toured all areas of the facility accompanied by the Superintendent and the Assistant Superintendent. During the tour the Jury was able to observe the various steps in the process whereby a juvenile is initially placed into NCJH, integrated into the population, and how his/her progress is monitored during the time a juvenile is incarcerated. The Jury discussed with the staff the various programs offered to the detainees. The Jury visited the kitchen and spoke with staff who provided information regarding the overall approach to assuring that the dietary needs of the juvenile detainees are met. Finally, time was spent in the recreational areas, both indoor and outdoor, observing the two pods containing the individual living and sleeping areas for the juvenile detainees, and visiting the academic classroom.

METHODOLOGY

During its inquiry the Jury

1. Conducted a tour of the Napa County Juvenile Hall facility
2. Conducted ten interviews, most of which were at NCJH, with the following:
 - Two members of the NCPD
 - Three members of the NCJH Administration
 - One member of HHSA

- One member of the BOS
 - One NCJH on-site Counselor
 - One member of the Napa County Risk and Emergency Administration
 - Informal interviews with juvenile detainees at NCJH
3. Reviewed the following documents:
- Title 15 Minimum Standards for Juvenile Facilities
 - Minor’s Grievance Reports for NCJH for 2005–2019
 - Past Grand Jury Reports on NCJH, 2005–2019
 - NCJH Procedural Manual
 - NCJH Line Item Budgets, FYs 2005-2006, 2010-2011, 2017-2018, 2018-2019, and 2019-2020
 - Board of State and Community Corrections Inspection, November 28, 2017
 - Review of Non-Regulations Requirements, December 4-5, 2017
 - BSCC #7357 Biennial Inspection Pursuant to Welfare & Institutions Code 209 and 885, February 14, 2018
 - Probation Department Budget NCJH General Fund 1000, Div.14210
 - NCJH Staff List and Staffing Schedule for October 2019
 - NCJH Organizational Chart
 - Updated NCJH Policy and Procedure Manual, including current Title 15 revisions
 - BSCC Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant, March 2019
 - NCJH Budget 2020
 - BSCC Juvenile Justice Crime Prevention Act: 2015 and 2016, Progress Report for Functional Family Therapy
 - BSCC Juvenile Justice Offender Block Grant 2019 Expenditure and Data Report due date October 1, 2019
 - BSCC Youthful Offender Block Grant Funding Application Juvenile Justice Development Plan for Fiscal Years 2014-2015, 2015-2016, and 2016-2017
 - Additional Budget breakdown provided by NCJH Administrative staff
 - California State Association of Counties, *Juvenile Justice Facilities in California Report and Tool Kit*

DISCUSSION

Introduction

The management of NCJH is one of the responsibilities of the Napa County Probation Department’s Chief Probation Officer. The Chief is responsible for all Juvenile Probation Services as well as the Adult Division of the Probation Department. The former Chief Probation Officer, who served for 17 years, retired as of February 7, 2020. The position has been filled by the prior Deputy Probation Officer who has been with the Probation Department since 1994. The day-to-day management of NCJH is vested in the Juvenile Hall Superintendent and his Assistant.

NCJH was built in 2004 and is a two-story facility consisting of 43,000 sq. feet with two podular design detention units (pods) with a Rated Capacity of 60 juvenile detainees. Podular design is a concept for detention facilities in which housing cells, dormitories, or sleeping rooms

are positioned around the perimeter of a common dayroom forming a housing/living unit. Rated Capacity is the number of beds approved by State of California Board of State and Community Corrections (BSCC) that can be used by a juvenile facility based on the design requirements of the California Code of Regulations.¹ In addition to the number of beds capacity limitations imposed by Title 24, BSCC requires that the facility have a minimum staffing level which meets the requirements of Section 1321, Title 15, Minimum Standards for Juvenile Facilities. This Section specifies that the following minimum standards must be met:

- A. During the hours that youth are awake, one wide-awake youth supervision staff member for each 10 youth in detention
- B. During the hours that youth are confined to their room for the purpose of sleeping, one wide-awake youth supervision staff member for each 30 youth in detention
- C. At least two wide-awake youth supervision staff members on duty at all times regardless of the number of detainees
- D. At least one youth supervision staff member on duty who is the same gender as youth housed in the facility
- E. Personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, kitchen, or maintenance shall not be classified as youth supervision staff positions

The Jury does not consider itself qualified to determine the specific number of staff required by Title 15 for 16 detainees. If 36.75 full time staff, excluding management, is sufficient for 50 detainees, some number less than that would be sufficient for 16 detainees. Regardless of the population in Napa County Juvenile Hall, the Napa County Probation department has continued to seek funding to staff at an assumed level of 50 detainees.

Average Daily Population

At the time the NCJH was opened in 2005 its Average Daily Population was 44 with a staff of 37. This was deemed to be sufficient to meet the Title 15 staffing requirements for a maximum detained population of 50 juveniles. During the years between 2005 to 2010, the facility exceeded the 50-detainee capacity approved by BSCC, requiring the NCPD to go to the Napa County Board of Supervisors for funding for additional staff. Since at least 2014, when the ADP was 24, the population has never exceeded 20 and has dropped as low as 11 on some days.

As shown in the graph below, for the last 10 years NCJH's daily population has been below the 50-detainee capacity for which it is presently staffed.² At present the average stay for a detainee is less than 30 days. There is no indication that this trend will reverse itself given California's emphasis on rehabilitation over incarceration.

¹ Board of State and Community Corrections, "Minimum Standards for Local Detention Facilities", 2013, <http://www.bscc.ca.gov/wp-content/uploads/Adult-Title-24-Min-Standards-for-Local-Detention-Facilities-2013.pdf>

² Napa County, California Adopted Budget, FY 2019-2020, <https://www.countyofnapa.org/ArchiveCenter/ViewFile/Item/559>

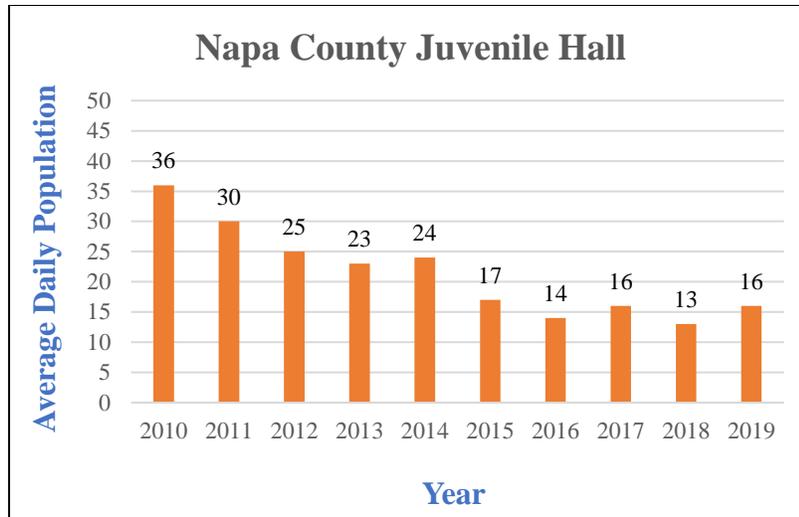


Fig. 1: Figure created by 2019-2020 NCGJ with information sourced from Napa County Juvenile Hall

This drop in the NCJH population is not unique to Napa County; it is true statewide and has resulted in several counties closing their juvenile hall facilities and/or combining the services with other counties to provide for the detention of juvenile offenders. A particularly comprehensive article entitled “*Empty Cells, Rising Costs*” published on March 25, 2019, in the San Francisco Chronicle,³ detailed the present landscape of the problem and the responses in California. The San Francisco Board of Supervisors has voted to close its Juvenile Hall within two years.

The 2017-2018 Napa County Grand Jury in its Final Report⁴ entitled, “Empty Beds: Juvenile Hall Review,” recognized this continuing under-use of NCJH facilities, but did not address the staffing concern. The Jury adopted a Finding, consistent with the position of the Probation Department, that a consolidation of its juvenile detention facilities was not optimal for serving Napa County youth. The 2017-2018 Jury recommended that the BOS respond to the following:

determine whether excess Juvenile Hall physical capacity and staffing above near-term projected needs can be put to an alternative use. The results of the study should be published.

The BOS rejected this recommendation as “not warranted” based upon the representation by the Chief Probation Officer that she continues to review the best usage of the facility and staffing. Thus, the BOS said no further study was necessary.

³ San Francisco Chronicle, Joaquin Palomino and Jill Tucker, “Empty Cells, Rising Costs”, 3/25/19, <http://digital.olivesoftware.com/Olive/ODN/SanFranciscoChronicle/shared/ShowArticle.aspx?doc=HSFC%2F2019%2F03%2F25&entity=Ar00101&sk=C88D2038&mode=text>

⁴ The Superior Court of California, County of Napa, “Grand Jury Reports and Responses”, 2017-2018, <http://www.napa.courts.ca.gov/grand-jury/reports-response%202017-2018>

FY 2019-2020 Staffing

The present staffing level for FY 2019-2020 for NCJH is 36.75 made up of the following permanent positions, the same as it was in FY 2005-2006 and FY 2018-2019:

• Assistant Juv. Hall Superintendent	1
• Cook 1	1.5
• Food Service Coordinator	1
• Juvenile Hall Counselor II	1
• Juvenile Hall Counselor II (Flex)	20.25
• Juvenile Hall Superintendent	1
• Legal Clerk II (Flex)	1
• Senior Juvenile Hall Counselor	6
• Supervising Juvenile Hall Counselor	4
TOTAL	36.75

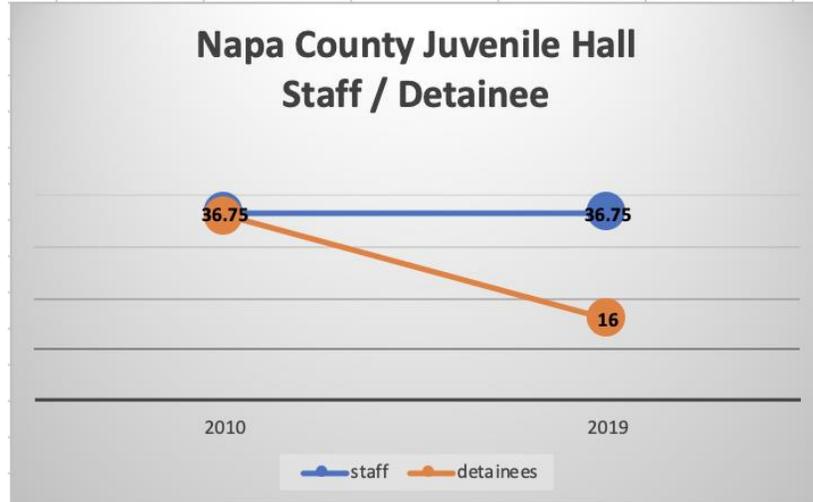


Fig. 2: Figure created by 2019-2020 NCGJ with information sourced from Napa County Juvenile Hall

NCJH management provided no explanation as to why budgeted staffing levels for a facility housing 16 detainees have continued to remain the same as for a facility housing 50 detainees other than they understood Title 15 required it based on the existence of two pods. The organizational chart of NCJH reflects a staffing for one of the detention pods with 2 Juvenile Hall Supervisors and 16 Juvenile Counselors. The staffing in the other detention pod is shown as 2 Juvenile Hall Supervisors and 14 Juvenile Hall Counselors, with two positions presently vacant. The Jury was unable to find any support that Title 15 mandated the present staffing for 16 detainees, particularly when one pod has one juvenile detainee.

Budget

Despite the significant reduction in the juvenile population being served by NCJH noted above, a review of the Annual Budgets for NCJH from FY 2010-2011 through FY 2019-2020 does not reflect a similar decline in expenditures.

FY	Total Budget	Salaries & Benefits	ADP
2005-2006	\$3,243,208.38	\$2,819,502.04	44-50
2010-2011	\$4,804,745.00	\$4,114,614.00	36
2014-2015	\$5,323,077.00	\$4,377,947.00	30
2019-2020	\$6,825,755.00	\$5,019,179.00	16

Table 3: Table created by 2019-2020 NCGJ with information sourced from Napa County Adopted Annual Budgets and Napa County Juvenile Hall

These figures do not include the additional resources provided to NCPD to serve juveniles whether in custody or on probation:

- Teachers from Napa Valley Unified School District
- Mental health counselors from Napa County Health and Human Services Agency
- State and federal grants for specific programs
- Outside non-profit organizations which provide programs

As presently staffed, the cost to operate NCJH for fiscal year 2019-2020 is approximately \$1,160 per day per detainee. These budget numbers are driven by the Probation Department’s request to staff the facility with an assumed capacity of 50 juvenile detainees. The Jury recommends that the Probation Department and the Board of Supervisors reduce the staff to a level more consistent with the actual number of detainees.

Potential New Usages

In 2019 NCPD instituted a program called New Horizons. This Program is intended to take youth who would be ordered by the Juvenile Court to a long-term residential care facility of which there are none in Napa County. The idea is to house them in one of the juvenile detention pods at NCJH to reduce to the hardship of travel on families. NCPD can recommend to the Napa County Juvenile Court that a juvenile detainee be removed from the home and placed in treatment at NCJH. Once approved by the Court, the juvenile detainee would be housed in this pod separate and apart from other juvenile detainees who are awaiting a hearing or are in short-term detention. Under the terms of the New Horizons program:

- the juvenile will be under the supervision of a juvenile hall counselor
- housed in a separate detention unit

Juveniles in the New Horizon Program will:

- attend an outside NVUSD school on a full-time basis
- may have an outside job
- may have home passes
- will be offered programs including those for drug or substance abuse and mental health programs not available in NCJH

Initially, there were three juvenile detainees in the New Horizons Program. At the time of this writing there is one juvenile detainee in the Program. The Probation Department advised the Jury that it did not contemplate that the population in the New Horizons Program will ever

exceed 10. As noted above, this pod reflects a staffing level of 16, including two Supervisors for a detention unit contemplated to at most house 10 detainees.

In January 2019, the California State Association of Counties, chaired by Napa County Supervisor Alfredo Pedroza, created a Juvenile Hall Utilization Workgroup. The workgroup issued its Report and Tool Kit in November 2019,⁵ outlining possible options for how counties could move forward in solving this under-use problem. The Tool Kit is designed to provide a framework for an analysis by the decision-makers in each county to analyze the best use of a juvenile hall facility and meet the needs of the Juvenile Justice System. The Jury believes this Tool Kit would be an appropriate tool for Napa County to review for possible implementation.

FINDINGS

The Napa County Grand Jury finds as follows:

- F1. The physical facilities at Napa County Juvenile Hall provide a safe, clean, and secure environment for the detained juveniles in compliance with Title 15.
- F2. The management and staff appear to be well-trained and fully committed to working with the juvenile detainees to become productive citizens.
- F3. The facility is over-staffed for the actual number of juvenile detainees.
- F4. Title 15 does not require Napa County Juvenile Hall to be staffed for 50 juvenile detainees. There is no legal impediment to reducing staffing to a level more consistent with the actual number of juvenile detainees.
- F5. There is a need to find additional uses for the Napa County Juvenile Hall facility.
- F6. The California State Association of Counties' Report and Tool Kit would be helpful to Napa County in determining other uses for the Juvenile Hall facility.

THE JURY RECOMMENDS

- 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.
- R2. The Board of Supervisors 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

⁵ California State Association of Counties, "Juvenile Justice Facilities in California: Report and Tool Kit", November, 2019, https://www.counties.org/sites/main/files/file-attachments/juvenile_hall_report_and_toolkit_2019.pdf?1576174740

to convene no later than December 31, 2020, with directions to issue a public report with its recommendations no later than June 30, 2021.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Napa County Grand Jury requests responses within 90 days as follows:

From the following Government Officials:

- Napa County Board of Supervisors (F1-F6 and R1-2)
- Chief Probation Officer, Napa County Probation Department (F1-4 and R1-2)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 9229 requires that reports of the Grand Jury not contain the name of any person or fact leading to the identity of any person who provides information to the Grand Jury.



**NAPA COUNTY GRAND JURY
2019-2020**

**FINAL REPORT
August 1, 2020**

**NAPA COUNTY PROBATION DEPARTMENT
AND DEPARTMENT OF CORRECTIONS
CONTRACT ADMINISTRATION
Who is Minding the Store?**

**NAPA COUNTY PROBATION DEPARTMENT AND DEPARTMENT OF
CORRECTIONS CONTRACT ADMINISTRATION
Who is Minding the Store?**

August 1, 2020

SUMMARY

The Napa County Department of Corrections (NCDC) and Napa County Probation Department (NCPD) are responsible for ensuring the health services mandated by Title 15, Minimum Standards for Local Detention Facilities and Title 15, Minimum Standards for Juvenile Facilities (Title 15).¹ To satisfy that mandate, the Napa County Board of Supervisors (BOS) entered into Professional Services Agreement Number 1902018 (Wellpath Agreement) with the California Forensic Medical Group (CFMG). Exhibits “A” and “B” to the Wellpath Agreement call for the preparation and retention of numerous written records relating to the health services provided at Napa County Jail (NCJ) and Napa County Juvenile Hall (NCJH).

The 2019-2020 Napa County Grand Jury (Jury) requested an opportunity to examine the Wellpath administrative documents related to healthcare. The Jury found that most of the documents required by the Wellpath Agreement were not initially in the possession of either the NCDC or the NCPD and appear to have never been requested from Wellpath. The absence of this documentation led the Jury to wonder how these two departments could determine if Wellpath was performing the services for which it was being paid. Further investigation disclosed payment procedures identified in the Wellpath Agreement and the Napa County Auditor-Controller’s Office accounts payable procedure were not being followed and apparently were not fully understood by individuals responsible for carrying out these procedures. The failure of the NCDC and NCPD to have the Wellpath documentation in their possession and the questionable handling of Wellpath invoices raises serious concerns as to the administration of the Wellpath Agreement.

This report does not address the medical care provided to detainees in Juvenile Hall or those incarcerated in the County Jail.

DISCUSSION

The County of Napa entered into a Professional Services Agreement with CFMG (Wellpath) effective January 1, 2019, “in order to provide health care services to inmates in custody of the Napa County Department of Corrections and wards housed in the Juvenile Justice Facility.” The Scope of Work required of Wellpath is detailed in Exhibits A and B of the Wellpath Agreement.

Exhibit A of the Wellpath Agreement contains 27 sections defining the services to be provided by Wellpath. The Jury lacked the time and resources to investigate all 27 sections and elected to concentrate on the below listed four sections which did not involve any patient specific

¹ <http://www.bscc.ca.gov/wp-content/uploads/Adult and Juvenile, Titles-15-Effect-4-1-17.pdf>

medical information. The remaining 23 sections of the Scope of Work were not investigated by the Jury.

- Procedures Manual
- Quality Management Program
- Health Care Staff Procedures (Adult and Juvenile Facilities)
- Basic Training for Corrections Personnel (Adult & Juvenile Facilities)

Beginning with verbal requests for documentation from County employees appearing as witnesses before the Jury during the fall of 2019, virtually none of the items requested were provided. In February of 2020 the Jury requested in writing general documentation relating to the four areas identified above,² and in March of 2020 the following specific documents were requested:³

- Policy and Procedures Manual with requisite declaration page indicating review/approval.
- Annual record of review and approval of all policies and procedures.
- Quarterly Medical Administrative Committee meeting minutes (4).
- Monthly health care staff meeting minutes (12).
- Records of quality improvement emergency drills
- Monthly statistical reports of health care services (12).
- Continuous Quality Improvement (CQI) Program details.
- CQI quarterly meeting minutes/summaries (4).
- Process and/or Outcome Quality Improvement Studies (minimum of one per year).
- Outcome Quality Improvement studies.
- Annual Calendar of Quality Improvement studies.
- Minimum thresholds for site-specific issues or problems to be studied
- Random sampling procedures for audits
- Annual review of effectiveness of the CQI program.
- Contractor and Corrections Department personnel training records.

The Jury experienced a significant delay in obtaining any of these documents, most of which were not obtained until May of 2020. The Jury acknowledges that NCDC was dealing with the Covid-19 pandemic when the written request was received.

It became apparent to the Jury that neither the NCDC nor NCPD held copies of the administrative documents which Wellpath was required to prepare under the terms of the Wellpath Agreement except for outdated Policy and Procedure Manuals. Because of the Jury's requests to the County, on April 29, 2020, Wellpath provided the County a few of the documents (see Enclosure (1)). There is no indication that either NCDC or NCPD adequately monitored Wellpath's performance in the preparation of required administrative documents. Since the Contractor's documents were not obtained by NCDC or NCPD for examination until April of 2020, the Jury questioned how these agencies could have confirmed that the goods or services had

² Grand Jury letter Ser: 1920-064 dated February 24, 2020

³ Grand Jury letter Ser: 1920-066 dated March 12, 2020

been received prior to that date as required by the Napa County Auditor-Controller's Office as a prerequisite for payment of invoices.

The following paragraphs detail some of the deficiencies identified by the Jury in course of its investigation. Please note that the Jury limited its documentation request to calendar year 2019.

Procedures Manual, Wellpath Agreement Exhibit "A" Items 1:

Section 1.1.a of Appendix "A" requires the development and maintenance of Procedures Manuals for both Adult and Juvenile facilities and invokes the requirements of BSCC Title 15. Section 1.1.c. of Exhibit "A" specifies:

Contractor shall review each policy, procedure, and program at least yearly with input from County staff and revise as necessary. The review process and any revisions should be presented at the first quarterly Quality Management Committee Meeting.

It was not until July of 2020 that NCDC and NCPD were able to produce documentation that the procedures had been reviewed and approved on June 3, 2019. The annual review for 2020 is overdue.

Quality Management Program/Health Service Audits (Adult and Juvenile Facilities), Wellpath Agreement Exhibit "A" item 3:

Section 3.a. of Appendix "A" requires the implementation of a comprehensive Quality Management Plan. Section 3.b. states the "Contractor shall assess the quality and adequacy of health and pharmaceutical services annually and provide an annual written report to the County. Section 3.c. requires a monthly statistical report on monthly activities. Section 4.d. specifies that the "Contractor shall hold quarterly Quality Management Committee Meetings consisting of Contractor and County staff..." Wellpath procedures require that meeting minutes be documented and disseminated to attendees.

The Jury anticipated that NCDC and NCPD would be able to provide 24 monthly statistical reports for calendar year 2019 (12 each from NCDC and NCPD). The required data is specified in Wellpath Procedure A04. Instead, the Jury received a single NCDC summary report for 2019.

Meeting minutes are documented, and attendees are permitted to see, but not retain, copies of the minutes. This policy is defended based on an undefined legal confidentiality. Witnesses confirmed that these minutes do not contain any patient specific personal or medical information. The Jury has not been provided with a definition of the "legal confidentiality" concerns.

Some additional Quality Management documentation requested by the Jury was defined by Wellpath as part of its Continuous Quality Control (CQI) program. Wellpath objected to providing documentation related to the CQI Program.

Documentation Withheld by Wellpath:

Term 21 of the Wellpath Agreement reads as follows:

COUNTY, any federal or state grantor agency funding all or part of the compensation payable hereunder, the State Controller, the Comptroller General of the United States, or duly authorized representatives of any of the above, shall have access to any books, documents, papers and records of Contractor which are directly pertinent to the subject matter of this Agreement for the purposes of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, CONTRACTOR shall maintain all required records for at least seven (7) years after COUNTY makes final payment for any of the work authorized hereunder and all pending matters are closed, whichever is later.

Despite signing the Wellpath Agreement containing Term 21 above, in a letter to the Jury,⁴ Wellpath asserts:

“Since even employees of Napa County do not qualify as workforce members under the Patient Safety Act in certain instances, and the requested documentation is not shared with anyone outside of the Workforce, it would breach confidentiality of the Patient Safety Work Product to allow anyone other than Wellpath to receive or maintain copies of Work Product.”

If NCDC and NCPD knew that there was documentation which they would not be permitted to see, at the very least they should have required that Wellpath provide written certification that the documentation has been prepared. Unfortunately, having apparently never requested to see this contractually required data, neither NCDC nor NCPD were aware of its existence. Neither NCDC or NCPD are able to provide verifiable evidence that Wellpath has prepared and maintained documents required by Exhibit “A” Item 3.a. for those items which Wellpath has chosen to define as “Patient Safety activity work products” under the provisions of 42 U.S.C.A. 299b

Health Care Staff Procedures (Adult and Juvenile Facilities), Wellpath Agreement Exhibit “A” item 4:

Section 1.4.c. of Appendix “A” requires the following:

Procedures shall be in writing, and reviewed and updated at least annually. Each document will bear the date of the most recent review or revision and signatures of the reviewers. A declaration paragraph at the beginning of the manual will outline the fact that the entire manual has been reviewed and approved and followed by the proper signatures.

In July 2020 it was determined by the County that the Health Care Staff Procedures Manual described did not exist as a separate entity but had been combined with the Policy and Procedure Manual, as described above, by Wellpath. The Jury does not take exception to the fact that the two sets of procedures were combined into a single manual. However, once again the

⁴ Wellpath letter addressed to the Napa County Grand Jury, Re: Confidentiality of Wellpath Documents, dated April 29, 2020

County was unaware of this combining of manuals until attempting to respond to the Jury's documentation request. The June 3, 2019, certification documents noted above also apply to the Health Care Staff Procedures and are therefore also overdue.

Basic Training for Correction Personnel (Adult and Juvenile Facilities), Wellpath Agreement Exhibit "A" Items 1.14:

Nine items were provided in response to the Jury's request for Wellpath training documents specified in Section 1.14 of Appendix "A." One document was a course outline prepared in 2018, the remaining eight documents were class attendance records. The course outline was prepared by the Department of Corrections, not Wellpath. No Wellpath course outlines were provided. Three of the attendance documents were dated in 2015, four in 2018, and one in 2020. None of the documents were dated in 2019. This training documentation submittal was wholly unresponsive to the Jury's request. Neither NCDC nor NCPD provided verifiable evidence that any contractually required training was provided by Wellpath during calendar year 2019, nor any indication that the County had addressed this discrepancy.

Data Response Summary

The County's response to the documentation requested is shown in Enclosure (1). As noted in Enclosure (1) the County simply noted that in many cases neither NCDC nor NCPD had any documents responsive to the Jury's request (i.e., they had never been obtained from Wellpath). In response to the Jury's request (but not as the result of an NCDC or NCPD administrative inquiry) Wellpath did ultimately provide an explanation as to why some of the documentation was not available.

For those items identified by "Note 2," Table 2 of Enclosure (1), neither NCDC nor NCPD has provided verifiable evidence that the items have been prepared. For those items identified as "Provided" in Table 2, the documents came into the possession of the County for the first time on April 29, 2020,⁵ and only in response to the Jury's request. Neither NCDC nor NCPD appear to have made an adequate effort to verify that Wellpath is complying with the administrative terms of the Wellpath Agreement.

Contractor Audit

As noted above, the Jury concentrated on only four of the twenty-seven sections of the Scope of Work defining the services to be provided by Wellpath (i.e., 15%). In each of the four areas, the Jury identified deficiencies in the documentation provided. Given the number and significance of the deficiencies identified in this small sampling, the Jury believes that the County should audit in detail Wellpath's performance under the Wellpath Agreement. The citizens of Napa County who pay more than three million dollars/year for these services deserve assurance that they are receiving full value.

Documents Not Examined

⁵ Napa County Office of County Counsel email, RE: Grand Jury Document Request, dated 5/11/2020

The below listed documents are a subset of those provided to the County by Wellpath on April 27, 2020.

- CQI quarterly meeting minutes/summaries (4).
- Process and/or Outcome Quality Improvement Studies (minimum of one per year).
- Outcome Quality Improvement studies.
- Annual Calendar of Quality Improvement studies.

The Jury has not been afforded the ability to examine these documents for the reason noted below:

NCDC and Probation, working with Wellpath, their contracted medical services provider, have searched for and collected the documents responsive to each request to the extent such documents exist. During that process, Wellpath asserted some confidentiality and privilege objections to the Departments release of a subset of responsive document to the Grand Jury. The Department themselves do not object to providing you with all of the documents you have requested, but in light of these third-party objections, the Department will hold the documents that Wellpath asserts cannot be disclosed until the Grand Jury notifies the Department that Wellpath's objections have been resolved.

The Jury chose not to enter an undefined, third-party, confidentiality agreement with the County's contractor. These documents are held by the County. Neither NCDC nor NCPD have disputed the Jury's classification of these records as "public documents."

Wellpath Invoices

Submission of Wellpath Invoices

The Wellpath Agreement contains the following provision: "CONTRACTOR shall submit invoices *not more often than quarterly* [emphasis added] to the Director of Corrections for Napa County Department of Corrections and Chief Probation Officer for Juvenile Hall...." This requirement is prudent in that it reduces the administrative burden on the County for the handling of invoices and also is advantageous for taxpayers with respect to the time value of money (TVM).⁶ However, Wellpath submits invoices to the County monthly, the invoices are approved by the NCDC and NCPD monthly, and paid by the Auditor-Controller's Office monthly.

Section 4 of the Wellpath Agreement is entitled: Method of Payment. Although not explicitly stated, the Wellpath Agreement is apparently a "Fixed Price" contract (Section 3(a) Compensation). The Wellpath Agreement states:

If the Agreement provides for a fixed price, and CONTRACTOR presents interim invoices, CONTRACTOR must state the percentage of work completed, which must be verified by COUNTY, i.e., 35% design, 95% design, draft report, et

⁶ The time value of money (TVM) is the concept that money you have now is worth more than the identical sum in the future due to its potential earning capacity.

cetera, at which time CONTRACTOR shall be paid the equivalent percentage of the fixed price.

The Jury was advised that this provision is not followed. Wellpath does not state the percentage of work completed. Neither NCDC nor NCPD verify that the goods and services have been provided.

Contractual Confirmation That Goods or Services Have Been Received

The Napa County Auditor-Controller's Office has a recommended Procedure entitled: Accounts Payable Procedures for Departments. Under the detailed procedures, the individual with approval authority is to "*Confirm that the goods or services have been received;*" [emphasis added]. The Jury was advised that in the case of the Wellpath Agreement, this confirmation was limited to verifying that the monthly amount invoiced by Wellpath was consistent with the County's budgeted amount. There was no evidence that any attempt was made to verify that the goods or services had been provided.

Exhibit A invokes the California Government Code Section 7550 requiring that "each document or report prepared by CONTRACTOR for or under the direction of COUNTY pursuant to this Agreement shall contain the numbers and dollar amounts of the Agreement and all subcontractors under the Agreement relating to the preparation of the document or written report..." The Jury could find no evidence that this provision is enforced.

One Size Fits All

The Jury was disturbed by the County's failure to enforce various provisions of the Wellpath Agreement ranging from maintenance of records, to work product verification, to invoicing policies. One County employee offered a possible explanation for these apparent irregularities: "The County has one standard professional services agreement which is applied to a variety of contracting needs and not all the provisions specified in the agreement are applicable to every situation." Based on the Jury's investigation the "one size fits all" explanation appears highly probable, but unacceptable. For example, the Jury wonders why the County would sign a Professional Services Agreement with Wellpath containing the existing Term 21 (Access to Records) when both parties knew (or should have known) that there are documents which "are directly pertinent to the subject matter" of the agreement but which Wellpath does not permit County employees to view. Contract provisions that cannot (or will not) be enforced are worse than useless. The disbursement of public monies requires due diligence at all levels of administration.

FINDINGS

- F1. Neither NCDC nor NCPD provided verifiable documentation that the required annual Wellpath/County reviews and approvals of the Procedures Manual have been conducted after June 3, 2019, indicating inadequate monitoring of Wellpath's administrative performance.
- F2. Neither NCDC nor NCPD provided verifiable documentation that any contractually required training was provided by Wellpath during calendar year 2019 indicating inadequate monitoring of Wellpath's performance.
- F3. Neither NCDC nor NCPD are able to provide verifiable documentation that Wellpath has prepared and maintained documents required by Exhibit "A" Item 3.a. for those items which Wellpath has chosen to define as "Patient Safety activity work products" under the provision of 42 U.S.C.A. 299b, indicating inadequate monitoring of Wellpath's performance.
- F4. Neither NCDC nor NCPD provided verifiable evidence that the items annotated as "The Department does not have any documents responsive to this request." in Enclosure (1), Table 2, have been produced, indicating inadequate monitoring of Wellpath's performance.
- F5. The County has public documents within its custody which it is withholding from examination by the Jury based on objections from Wellpath.
- F6. The Jury identified a significant number of administrative deficiencies in a limited sampling of Wellpath's work indicating inadequate monitoring of Wellpath's performance.
- F7. Not all the Wellpath Agreement Terms or Appendix "A" Scope of Work Items are uniformly administered, indicating inadequate monitoring of Wellpath's performance.

- F8. The Napa County Department of Corrections and Napa County Probation Departments approve Wellpath invoices based solely on the basis that a submitted claim agrees with the budgeted amount, not by verification of work performed. The taxpayers of Napa County are billed more than 3 million dollars a year based on this limited information.
- F9. The Wellpath Agreement calls for quarterly submittal of invoices, but the County accepts monthly submittals adding to the cost of administering the Agreement.

THE GRAND JURY RECOMMENDS:

- R1. NCDC and NCPD 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.
- 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.
- 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.
- 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.
- 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.
- R6. The Napa County Auditor-Controller, the Departments of Corrections and Probation, County Counsel, and County Executive Officer are to review the provisions of the Wellpath Agreement, including Exhibits “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.
- 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.
- 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 2020-2021.

ENCLOSURE (1)

RESPONSES TO DATA REQUESTS

TABLE 1

County Counsel Response for NCPD dated 4/27/2020

1	Policy & Procedures manual	Provided
2	Annual Record of review and approval	Note 1
3	Quarterly Medical Administrative Committee meeting minutes (4)	Note 1
4	Monthly health care staff meeting minutes (12)	Note 1
5	Records of quality improvement drills	Note 1
6	Monthly statistical reports of health care services (12)	Note 1
7	Continuous Quality Improvement (CQI)	Note 1
8	program details	Note 1
9	CQI quarterly meeting minutes/summaries (4)	Note 1
10	Process and/or Outcome Quality Improvement Studies	Note 1
11	Outcome Quality Improvement studies	Note 1
12	Annual Calendar of Quality Improvement studies	Note 1
13	Minimum thresholds for site-specific issues or problems	Note 1
14	Random sampling procedures for audits	Note 1
15	Contractor and Corrections/Probation Department personnel training records	Provided
Note 1	After a search of documents in its care, custody in control, the Probation Department found no documents responsive to this request. The Department believes these documents to be in the care, custody and control of Wellpath.	

TABLE 2

County Counsel Joint Response for NCPD & NCDC dated 5/1/2020

1	Procedures Manual Documents, 1.1.a, 1.1.b, and 1.1.c	Provided
2	Quality Management Program/Health Service Audits, paragraphs 1.3.a., 1.3.b., 1.3.c., and 1.3.d.	Note 2
3	Health Care Staff Procedures, 1.4.c	No
4	Basic Training for Correction Personnel, 1.14.a. and 1.14.b.	Provided
5	Health Care Staff Qualification, Development and Training, 1.24.a	Note 2
6	Policy and Procedures Manual w/declaration page	Provided
7	Annual record review and approval of all policies and procedures	Note 2
8	Quarterly Medical Administrative Committee meeting minutes	Note 2
9	Monthly health care staff meeting minutes	Note 2
10	Records of quality improvement emergency drills	Note 2
11	Monthly statistical reports of health care services	Provided
12	Continuous Quality Improvement (CQI) Program Details	Note 2
13	CQI quarterly meeting minutes/summaries	Provided
14	Process and/or Outcome Quality Improvement Studies	Provided
15	Outcome Quality Improvement Studies	Provided
16	Annual Calendar of Quality Improvement studies	Provided
17	Minimum threshold for site-specific issues or problems to be studied	Note 2
18	Random sampling procedures for audits	Note 2
19	Annual review of effectiveness of the CQI program	Note 2

Note 2 The Department does not have any documents responsive to this request.



**NAPA COUNTY GRAND JURY
2019-2020**

FINAL REPORT

May 25, 2020

**REVIEW OF RESPONSES TO THE
2018-2019 GRAND JURY REPORTS**

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Review of Responses to the 2018-2019 Grand Jury Reports

May 25, 2020

I. SUMMARY

California Penal Code Section 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.¹ 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 two following 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 following four 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.
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 public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. The recommendation shall not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The 2018-2019 Napa County Grand Jury issued its Consolidated Report on June 24, 2019. The report consisted of eight individual final reports, one of which was a review

¹ Subdivision (c) provides that: “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 supervises or controls.”

of responses to the 2017-2018 Grand Jury reports. The Grand Jury made findings and recommendations in all of its investigative reports, except for the final report on Juvenile Hall where there were findings but no recommendations. As part of the Grand Jury's commitment to continuity, its processes, and to the law, the 2019-2020 Grand Jury has analyzed for statutory compliance all the required responses by elected officials, agency heads, and government agencies to all eight of the 2018-2019 Grand Jury's investigative reports.²

In ten instances the responses did not comply with Penal Code Sections 933 and 933.05. The 2019-2020 Grand Jury recommends that jurisdictions pay closer attention to the code requirements when responding to Grand Jury findings and recommendations. Specifically, if the respondent disagrees wholly or partially with a finding the response must identify the portion of the finding that is disputed and an explanation of the reason for the dispute. If a recommendation will not be implemented or is not reasonable, the response must include an explanation for non-implementation. The Methodology section of this report defines the response requirements.

In two instances the required responses were received after the stated deadline and only after the 2019-2020 Grand Jury requested a response.

II. METHODOLOGY

The 2019-2020 Grand Jury evaluated responses to the 2018-2019 Grand Jury's recommendations to ensure compliance with Sections 933 and 933.05 using the statutory criteria.

§933(c) Were responses 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 requirement of Section 933.05?

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 Section 933.05 (b)?

1. The recommendation has been implemented, with a summary regarding the implemented action; or

² The 2018-2019 Grand Jury Continuity Report did not solicit comments.

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 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.

III. DISCUSSION

Timelines

Details of 2018-2019 report publishing dates and due dates of the responses are shown below in Table 1. Most responses were provided within the specified time requirements.

Table 1: Publishing and Due Dates of 2018-2019 Reports

Review of Responses to 2018-2019 Napa County Grand Jury

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED ³
City of Napa	June 24, 2019	September 24, 2019	September 10, 2019	N/A

City of Napa Traffic Signal Synchronization Study

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED
City of Napa	June 24, 2019	September 24, 2019	September 10, 2019	N/A

³ If the respondent did not reply by the deadline imposed by the Penal Code, the 2019-2020 Grand Jury requested an update.

Enforcing Short-Term Vacation Rental Codes in the Napa Valley

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED
City of Napa	June 24, 2019	September 24, 2019	City of Napa-Sept 12, 2019	N/A
Planning & Board of Supervisors (BOS)		September 24, 2019	September 24, 2019	N/A

Juvenile Hall—Mental Health Services

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED
Napa County Board of Supervisors	April 11, 2019	July 11, 2019	May 9, 2019	N/A

Napa County Water Quality—It’s a Matter of Taste

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED
City of American Canyon	June 14, 2019	September 14, 2019	October 17, 2019	October 2, 2019
City of Calistoga			September 10, 2019	N/A
City of Napa			September 17, 2019	N/A
City of St. Helena			September 10, 2019	N/A
Local Agency Formation Commission (LAFCO)			July 5, 2019	N/A
Town of Yountville			August 13, 2019	N/A

St. Helena—A Small Town with Big City Problems

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED
City of St. Helena	June 25, 2019	September 25, 2019	September 10, 2019	N/A

Under a Microscope--Napa County Jail Healthcare Services

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED ⁴
Napa County Board of Supervisors	May 13, 2019	August 13, 2019	August 11, 2019	N/A

Where's My Costco?—A History of the Napa Pipe Project

RESPONDENT	DATE PUBLISHED	REPLY DUE	DATE RECEIVED	DATE UPDATE REQUESTED
City of Napa	June 28, 2019	September 28, 2019	September. 25, 2019	N/A
Napa County Board of Supervisors (BOS)		September 28, 2019	September 24, 2019	N/A

IV. FINDINGS

F1. With two exceptions, all the responses to the 2018-2019 Napa County Grand Jury reports were completed and returned within the required timeframe:

1. The due date for the report “Napa County Water Quality—It’s a Matter of Taste,” was September 14, 2019; however, the City of Napa did not respond until September 17, 2019.
2. City of American Canyon did not respond until October 17, 2019.

F2. With two exceptions, all respondents complied with Sections 933 and 933.05 of the Penal Code:

1. Ten responses to Recommendations in the report, “St. Helena—A Small Town with Big City Problems,” by the City of St. Helena did not comply with 933 and 933.05 of the Penal Code. Please refer to requirements on Summary on Page 3.
2. The response to Recommendation 3 in the report “City of Napa Traffic Signal Synchronization Study” indicates the recommendation will be

implemented in the future but does not specify a date, as required by Penal Code Section 933.05 (b), Item 2.

V. REVIEW OF RESPONSES

City of Napa Traffic Signal Synchronization Study

The 2018-2019 Napa County Grand Jury Found	Required/Invited (Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
F1. The Transportation Operations Center (TOC) is understaffed given the recent vacancy of one full-time senior engineering aide. This position is not expected to be filled for several months.	City Response* *Refers only to matters under control of the City of Napa.	The City of Napa agrees with this finding.
F2. A final purchasing decision on an upgraded system has yet to be finalized while one of the bidders is re-visiting their proposal on pricing.	City Response	The City of Napa disagrees with this finding.
F3. The traffic signals at the on and off ramps of Highway 29 and Redwood Road/Trancas Avenue (sic) are under the control of Caltrans making it difficult for the City of Napa to efficiently control the traffic along the Trancas corridor.	City Response	The City of Napa agrees with this finding.
F4. The Department of Public Works does not have a Master Plan for the systemic repair, maintenance and replacement of its traffic lights.	City Response	The City of Napa partially disagrees with this finding.
The 2018-2019 Napa County Grand Jury Recommendations	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
R1. The Director of Public Works fill the vacant Senior Engineering Aide position at the TOC as soon as possible.	City Response	This recommendation has been implemented.

R2. When the 2019-2020 fiscal budget becomes effective on July 1, the Department of Public Works finalize the selection of a traffic management software package and initiate the purchasing process for the installation commencing by January 1, 2020.	City Response	This recommendation has been implemented.
R3. The City Council and PWD resume negotiations with Caltrans for the release of control of the traffic signals located on Redwood Road/Trancas Street at the intersection of Highway 29, by March 31, 2020.	City Response	This recommendation has not been implemented but will be implemented in the future. (See brief discussion in original report.)
R4. The Grand Jury recommends that the PWD develop a comprehensive Master Plan for the systemic repair, maintenance and replacement of the traffic signals in their jurisdiction by December 31, 2020.	City Response	This recommendation has not been implemented but will be by December 31, 2020.

Enforcing Short-Term Vacation Rental Codes in Napa Valley

The 2018-2019 Napa County Grand Jury Found	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
F1. Neither the County of Napa Code Compliance division nor the City of Napa Code Enforcement division have enough staff to manage all the code compliance and enforcement complaints they receive from the public in a timely fashion.	City Response	The City of Napa partially agrees with this finding.
	Director Planning, Building, and Environmental Services	The Director disagrees partially with the finding as it pertains to the County.

	Board of Supervisors (BOS)	The BOS agrees with the Director.
F2. Both the County and City of Napa Municipal Code are outdated, unwieldy, and in need of revision. Officials recognize that the task is difficult with the current staff, and violations cannot be completely remedied. This leaves code enforcement officers without sufficient resources to enforce the County/City codes for the benefit and protection of citizens.	City Response	The City of Napa disagrees with this finding.
	Director Planning, Building, and Environmental Services	The Director disagrees partially with the finding as it pertains to the County.
	Board of Supervisors (BOS)	The BOS agrees with the Director.
F3. The County has an estimated 450 non-permitted STVRs within the unincorporated areas of the County. This not only deprives the County of much-needed housing stock for residents and workforce but also denies revenue to hotels as well as Transient Occupancy Taxes to the County and its cities. The number of non-permitted STVRs in the City of Napa is unknown.	City Response	The City of Napa agrees with this finding.
	Director Planning, Building, and Environmental Services	The Director agrees with this finding.
	Board of Supervisors (BOS)	The BOS agrees with the Director.
F4. Both the County of Napa Code Compliance officers as well as the City of Napa Code Enforcement Officers have restricted work schedules that limit their ability to monitor STRV violations during peak evening and weekend hours when many violations occur.	City Response	The City of Napa disagrees with this finding
	Director Planning, Building, Environmental Services	The Director disagrees partially with the finding as it pertains to the County.
	Board of Supervisors (BOS)	The BOS agrees with the Director.
F5. STVR owners are aware of the resource limitations faced by City and County enforcement teams and	City Response	The City of Napa partially agrees with this finding.

are thus adept at avoiding detection and/or prosecution.	Director Planning, Building, and Environmental Services	The Director disagrees partially with the finding.
	Board of Supervisors (BOS)	The BOS agrees with the Director.
F6. The County CC officer is a potentially dangerous occupation. Officers are issued bullet proof vests but are not supplied the appropriate tools, such as pepper spray, to defend themselves.	City Response	Not required.
	Director Planning, Building, and Environmental Services	Director disagrees partially with the finding.
	Board of Supervisors (BOS)	The BOS agrees with the Director.

The 2018-2019 Napa County Grand Jury Recommendations	Required/Invited Respondent	Responses
R1. Both the County of Napa Compliance division and the City of Napa Code Enforcement division evaluate their staffing ratios versus complaints received and cases investigated. This should be completed by December 31, 2019.	City Response	This recommendation will be implemented.
	Director Planning, Building, and Environmental Services	The recommendation will not be implemented by the County because it is not warranted.
	Board of Supervisors (BOS)	The BOS agrees with the Director.
R2. Both the County of Napa and the City of Napa complete a revision to their respective codes by June 30, 2020. These revisions should remove outdated codes which are no longer enforced as well as make it easier for residents to find answers to their most common code questions.	City Response	This recommendation will not be implemented regarding Vacation Rental Ordinance, which is current and effective.
	Director Planning, Building, and Environmental Services	The recommendation will not be implemented by the County because it is not warranted.
	Board of Supervisors (BOS)	The BOS agrees with the Director.

R3. When staff turnover allows, both the City and County of Napa consider an alternative workweek for new CE officers hires that would allow for evening and/or weekend coverage.	City Response	This recommendation is currently being implemented.
	Director Planning, Building, and Environmental Services	The recommendation will not be implemented by the County because it is not reasonable.
	Board of Supervisors (BOS)	The BOS agrees with the Director.
R4. The County explore ways to reduce the number of non-permitted STVRs in the unincorporated areas of the county by June 30, 2020.	Director of Planning, Building, and Environmental Services	The recommendation requires further analysis.
	Board of Supervisors (BOS)	The BOS agrees with the Director.
R5. The County authorize and train CC officers to be armed with pepper spray by June 30, 2020.	Director of Planning, Building, and Environmental Services	The recommendation has not yet been implemented.
	Board of Supervisors (BOS)	The BOS agrees with the Director.

The 2018-2019 Napa County Grand Jury Commendations:	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
The Napa Valley Register has recently reported that the City and County CC/CE teams have taken legal action against several non-permitted STVRs and the Grand Jury strongly support those actions and the accompanying public show of enforcement.	City Response	
	Director Planning, Building, and Environmental Services	N/A
	Board of Supervisors (BOS)	The BOS appreciates the Grand Jury commending enforcement staff's efforts.

Mental Health Services in the Napa County Juvenile Hall

The 2018-2019 Napa County Grand Jury Found;	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
F1. The Napa County Juvenile Hall staff works collaboratively and cohesively with the mental health counselors and the medical staff from Wellpath to provide adequate mental health services to all juveniles who are in custody.	Board of Supervisors	The respondent agrees with the finding.
F2. The Napa County Office of Education’s Crossroads School provides juveniles with a pathway to continue their education toward earning a high school diploma.	Board of Supervisors	The respondent agrees with the finding.

The 2018-2019 Napa County Grand Jury Commendations;	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
C1. The Grand Jury commends the Napa County Juvenile Hall staff, the mental health counselors, and the medical staff from Wellpath for their dedication and professionalism in providing mental health services to all juveniles who are in need of these services.	N/A	N/A
C2. The Grand Jury commends the Napa County Office of Education and their supporting staff at Crossroads School for their commitment to offer a pathway to High School graduation.	N/A	N/A

Napa County Water Quality: It's a Matter of Taste.

The 2018-2019 Napa County Grand Jury Found	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
F1. Drinking water supplied by all Napa County municipalities meets all USEPA and State Water Resources Control Board standards and is safe to drink.	City of Napa	The respondent agrees.
	City of American Canyon	The respondent agrees.
	City of St. Helena	The respondent agrees.
	City of Calistoga	The respondent agrees.
	Town of Yountville	The respondent agrees.
F2. Drinking water supplied by each municipality is acknowledged by all Napa County Public Works officials to have, from time to time, predictable Taste and Odor (T&O) and color issues which, while not unsafe, the water-consuming public may find objectionable and a cause for concern.	City of Napa	The respondent partially disagrees.
	City of American Canyon	The respondent partially disagrees.
	City of St. Helena	The respondent partially disagrees.
	City of Calistoga	The respondent partially disagrees.
	Town of Yountville	The respondent partially disagrees.
F3. Communication of water quality testing and T&O and color issues to the public by all Napa County Public Works municipalities is inconsistent and, at times, inadequate.	City of Napa	The respondent partially disagrees.
	City of American Canyon	The respondent disagrees.
	City of St. Helena	The respondent disagrees.
	City of Calistoga	The respondent disagrees.
	Town of Yountville	The respondent disagrees.

F4. Napa County Public Works officials are aware of existing T&O and color issues and a number of municipalities are assessing and testing various treatment options for improvement, including long-term capital improvements.	City of Napa	The respondent agrees.
	City of American Canyon	The respondent partially agrees.
	City of St. Helena	The respondent partially disagrees.
	City of Calistoga	The respondent agrees.
	Town of Yountville	The respondent partially disagrees.
F5. Public Works officials countywide treat T&O and color issues as less important than Federal and State regulated contaminant standards, thereby minimizing T&O and color concerns in their water treatment standards and reporting.	City of Napa	The respondent disagrees.
	City of American Canyon	The respondent disagrees.
	City of St. Helena	The respondent disagrees.
	City of Calistoga	The respondent disagrees.
	Town of Yountville	The respondent disagrees.
F6. All municipalities lack formal written procedures for the handling of water quality complaints.	City of Napa	The respondent disagrees.
	City of American Canyon	The respondent partially disagrees.
	City of St. Helena	The respondent partially disagrees.
	City of Calistoga	The respondent agrees.
	Town of Yountville	The respondent partially disagrees.
F7. There are large disparities in household drinking water and wastewater rates between municipalities, with smaller, up-valley cities in Napa County paying much higher costs for the same	City of Napa	The respondent agrees.
	City of American Canyon	The respondent agrees.
	City of St. Helena	The respondent agrees.
	City of Calistoga	The respondent agrees.

amount of residential drinking water and wastewater.	Town of Yountville	The respondent agrees.
F8. Residents of mobile home parks, gated communities and apartment buildings do not always receive communication about water quality or taste and odor issues—rather the owner/operator/manager of the site receives required water notifications and is not required to pass the notification on to the individual residents.	City of Napa	The respondent agrees.
	City of American Canyon	The respondent does not agree.
	City of St. Helena	The respondent partially disagrees.
	City of Calistoga	The respondent agrees.
	Town of Yountville	The respondent partially disagrees.

The 2018-2019 Napa County Grand Jury Recommendations	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
R1. Each Napa County municipality’s Department of Public Works explain on its City and/or Department of Public Works website, in water invoices, via social media and other local media, what on-going water quality tests are taken, where and when they are taken and what is required if the results do not meet USEPA and State standards. Each of Napa County’s five Department of Public Works should implement these actions no later than June 30, 2020.	City of Napa	The recommendation has been implemented in part, but will be implemented by June 30, 2020.
	City of American Canyon	The recommendation has been implemented.
	City of St. Helena	This recommendation has been implemented.
	City of Calistoga	This recommendation has been implemented.
	Town of Yountville	The recommendation has been implemented.

<p>R2. Each Napa County municipality's Department of Public Works advise citizens of known and anticipated T&O and color issues by notices on its Department of Public Works website and within social media and news media. Each of Napa County's five Departments of Public Works should implement these actions no later than June 30, 2020.</p>	City of Napa	The recommendation has been implemented.
	City of American Canyon	The recommendation has been implemented.
	City of St. Helena	This recommendation has been implemented.
	City of Calistoga	This recommendation has been implemented.
	Town of Yountville	The recommendation has been implemented.
<p>R3. Each Napa County municipality's Department of Public Works identify, evaluate, and estimate water treatment process improvements and long-term capital improvement programs that could mitigate T&O and color issues in their respective water treatment operations. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.</p>	City of Napa	The recommendation has not been implemented but will be in the future in the timeframe described in the full response.
	City of American Canyon	The City partially agrees and will evaluate improvements as part of its planned Water Treatment Plant Master Plan effort scheduled to take place in FY19/20 and FY20/21. It will not be implemented until the LAFCO Municipal Service Review process and report are completed.
	City of St. Helena	This recommendation has been implemented.
	City of Calistoga	This recommendation has not been implemented but will be evaluated and considered in the future.
<p>R4. Each Napa County's municipality's Department of Public Works publish T&O and color quality measures and results as part of their Annual Consumer Confidence Water Quality Report provided to the citizens. Each of</p>	City of Napa	The recommendation has been implemented.
	City of American Canyon	This recommendation has not yet been implemented but will be in the future by June 30, 2020.

<p>Napa County’s Department of Public Works should implement this action in the 2019 Report published by June 30, 2020.</p>	<p>City of St. Helena</p>	<p>This recommendation has not been implemented but will be implemented in the future by June 30, 2020.</p>
	<p>City of Calistoga</p>	<p>This recommendation has been partially implemented.</p>
	<p>Town of Yountville</p>	<p>The recommendation has not been implemented but will be in the future by June 30, 2020.</p>
<p>R5. Each Napa County municipality’s Department of Public Works establish a formal written complaint policy identifying how complaints should be received, processed, tracked, responded to, and reported, including a written complaint resolution notice to be issued for every complaint. Each of Napa County’s Department of Public Works should implement these actions no later than June 30, 2020.</p>	<p>City of Napa</p>	<p>With respect to establishing a formal written policy, this recommendation has not been implemented but will be by June 30, 2020.</p> <p>With respect to a written complaint notice to be issued for every complaint, this recommendation will not be implemented because it is not warranted.</p>
	<p>City of American Canyon</p>	<p>The recommendation has been partially implemented and full implementation is expected by June 30, 2020</p>
	<p>City of St. Helena</p>	<p>The recommendation has been partially implemented and full implementation is expected by June 30, 2020.</p>
	<p>City of Calistoga</p>	<p>With respect to establishing a formal written policy, this recommendation has not been implemented but will be by June 30, 20.</p> <p>With respect to a written complaint notice to be issued for every complaint, the recommendation mostly been implemented. The written complaints will be reported as required by the State Water Control Board.</p>

	Town of Yountville	This recommendation has been partially implemented and full implementation is expected by June 30, 2020.
R6. Each Napa County municipality's Department of Public Works establish a formal written communication policy identifying how to better communicate to and interact with customers in mobile home parks, gated communities, and apartment residents that are beyond the water meter. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020.	City of Napa	This recommendation has been implemented, in part. Additional portions of this recommendation will not be implemented because it is not reasonable for the City to attempt to directly communicate with end users of City water services that are not the City's customers.
	City of American Canyon	This recommendation has been partially implemented and full implementation is expected by June 30, 2020.
	City of St. Helena	The recommendation has been partially implemented and full implementation is expected by June 30, 2020.
	City of Calistoga	This recommendation will not be implemented.
	Town of Yountville	This recommendation has been partially implemented and full implementation is expected by June 30, 2020.

<p>R7. The LAFCO Municipal Service Review of drinking water and wastewater countywide resources recommendations are due in February 2020. Each Napa County municipality’s senior municipal elected officials should review, evaluate, respond to, and where appropriate, incorporate the LAFCO MSR recommendations into each Napa County municipality’s operating and long-range plans. Each of Napa County’s senior elected municipal officials should implement these actions by no later than June 30, 2020.</p>	<p>City of Napa</p>	<p>The recommendation has not yet been implemented but will be once the LAFCO Municipal Service Review has been finalized.</p>
	<p>City of American Canyon</p>	<p>The recommendation requires further analysis of a discretionary action of LAFCO when the report is finally released. As with other recommendations and reports from LAFCO, the City is committed to a thorough review and analysis of this report once it is published. However, before the City can commit to implement a course of yet unknown recommendations, it would be appropriate for the City to review, evaluate, and fully understand the scope and implications of the recommendations contained in the LAFCO MSR.</p>
	<p>City of St. Helena</p>	<p>The recommendation requires further analysis as the referenced report has yet to be completed.</p>
	<p>City of Calistoga</p>	<p>This recommendation has not yet been implemented but will be once the LAFCO Service Review has been finalized.</p>

	Town of Yountville	The recommendation requires further analysis as the referenced report has yet to be completed.
	LAFCO	The respondent agrees with the recommendation. The LAFCO MSR is scheduled to be completed in February 2020. Any recommendations contained in the MSR will be more likely to be acted upon if they are reviewed, evaluated and responded to by each Napa County municipality as recommended by the Grand Jury.

St. Helena: A Small Town with Big City Problems

The 2018-19 Grand Jury Found:	Required/ Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
F1: The City’s financial forecasting is not performed by an actuary thereby leaving the results suspect. It is not reasonably possible to do a five-year financial planning without accurate revenue and expense data and forecasts.	City of St. Helena	The respondent disagrees with this finding.
F2: The City’s capital improvement plan does not list amounts to be expended for the Water and Wastewater Enterprise projects mandated by federal, state, and local authorities. The upper York Creek Dam, Bell Canyon Reservoir and Wastewater projects have been on the CIP docket for many years, without beginning construction or making other material forward progress toward their completion.	City of St. Helena	The respondent disagrees with this finding.
F3: The various projects facing the City place tremendous time and	City of St. Helena	The respondent disagrees with this finding.

expertise burdens on the City staff. City staff lack specific expertise to manage some of these complicated dam and reservoir projects.		
F4: The City has not adhered to its own Capital Improvement Plans for the previous ten years. This is especially notable concerning how few of the major projects listed repeatedly in the CIPs over these years — have been completed.	City of St. Helena	The respondent partially disagrees with this finding.
F5: The City’s Water and Wastewater Enterprise rates are suspect, due to an inaccurate water and wastewater rate report.	City of St. Helena	The respondent disagrees with this finding.
F6: The SHAPE Committee recommendations to the City did not include less expensive options in the SHAPE Committee Report.	City of St. Helena	The respondent disagrees with this finding.
F7: On a regular basis, the City’s Comprehensive Annual Financial Report has not funded the cost of deferred asset maintenance, which has left its physical assets in disrepair.	City of St. Helena	The respondent disagrees with this finding.
F8: The cost of the “City Attorney” is remarkably higher than comparable small cities in Northern California.	City of St. Helena	The respondent partially disagrees with this finding
F9: There is no budgeted or written method for dealing with the City’s unfunded pension liabilities as reported to the City in the Bartel and Associates Report.	City of St. Helena	The respondent disagrees with this finding.
F10: The City’s residents are not adequately informed of the financial impact of decisions made by the City Council and City Staff.	City of St. Helena	The respondent disagrees with this finding.

The 2018-2019 Napa County Grand Jury Recommendations	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
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R1: Prior to issuance of the 2020-2030 CIP, the City should engage an experienced outside actuarial firm, or assign a qualified member of City Staff, to generate a professionally appropriate Long-Range Financial Forecast, for the fiscal years beginning July 1, 2020 and thereafter.	City of St. Helena	This recommendation is rejected.
R2: The City should adopt a system that prioritizes payments for projects mandated by federal, state or local authorities to go into effect no later than the fiscal year beginning July 1, 2020. This mandate should provide that lesser projects cannot subvert any prioritized projects. Projects that are mandated by law (i.e. Upper York Creek Dam and Wastewater Plant retrofit) should be assigned to a City Council member for oversight and project management to completion. This Council member should be required to provide regular periodic status reports to all St. Helena citizens.	City of St. Helena	The City's response does not comply with Penal Code §933.05. ⁵
R3: No later than Fiscal Year beginning July 1, 2020, the City should adhere to its Capital Improvement Plans.	City of St. Helena	The City's response does not comply with Penal Code §933.05. ⁵
R4: For larger and more complex projects such as Bell Canyon Reservoir, Upper York Creek Dam and the Wastewater Plant retrofit, the City should consider hiring or otherwise engaging the services of an outside project manager to oversee the project, in order to lessen the burden on City Staff and assure a timely and appropriate outcome for the project completion.	City of St. Helena	The City's response does not comply with Penal Code §933.05. ⁵

⁵ See Summary on Page 3 for response requirements

These assignments should take place commensurate with the start of July 1, 2020 budget year.		
R5: The City should review and implement the findings in the new Water Rate study, on or before June 30, 2020, and thereafter review then-current and relevant engineering and rate studies to determine appropriate multi-tiered Water and Wastewater rates.	City of St. Helena	The City's response does not comply with §933.05. ⁶
R6: In accordance with the new Water Rate and no later than June 30, 2020, the City should identify, review and renegotiate all water contracts with commercial and residential users located inside and outside the City limits. All such rates and contracts should be identified publicly to all City taxpayers and residents.	City of St. Helena	The City's response does not comply with Penal Code §933.05. ⁶
R7: The City should follow and seriously consider the findings in the current LAFCO municipal services review, cited in the Water Quality Report by the 2018-2019 Grand Jury, published June 14, 2019.	City of St. Helena	The City's response does not comply with Penal Code §933.05. ⁶
R8: The City should reconsider the proposed City Hall Project on or before June 30, 2020. The estimated costs and sources for funding the proposed City Hall project should be included on the most current Capital Improvements Plan docket and Long-range Financial Forecast. Emphasis should be placed on the City's existing real property assets as "City Hall" offices.	City of St. Helena	The City's response does not comply with Penal Code §933.05. ⁶
R9: Beginning in the 2020-2021 Fiscal Year beginning July 1, 2020, and continuing thereafter, the City	City of St. Helena	The City's response does not comply with Penal Code §933.05. ⁶

⁶ See Summary on Page 3 for response requirements

<p>should allocate a designated percentage of the General Fund each year for additional payments toward its unfunded liabilities to CalPERS as well as deferred maintenance costs for City real property assets.</p>		
<p>R10: Beginning with the fiscal year commencing on July 1, 2020, as the City hires additional full-time personnel, such as new full-time firefighters, the City should recalculate the effect of such hires on unfunded pension liabilities to CalPERS and include those new liabilities in the allocated budget.</p>	<p>City of St. Helena</p>	<p>The City's response does not comply with Penal Code §933.05.⁷</p>
<p>R11: No later than December 31, 2019, the City should conduct an analysis of its legal expenditures and associated results in order to determine whether any changes need to be made to the City's current legal support and strategy. The results of this analysis and any accompanying recommendations should be shared with the public.</p>	<p>City of St. Helena</p>	<p>The City agrees</p>
<p>R12: The City should develop and enhance its system of community-based communications to highlight important financial issues affecting City residents. The communications could be published in the weekly St. Helena Star or by e-mail or both. Re-advertise the City email communications system and how City residents can access these communications on a regular basis.</p>	<p>City of St. Helena</p>	<p>The City's response does not comply with Penal Code §933.05.⁷</p>

⁷ See Summary on Page 3 for response requirements

**DEPARTMENT OF CORRECTIONS (NCDC) ANNUAL REVIEW:
UNDER A MICROSCOPE: NAPA COUNTY JAIL HEALTHCARE SERVICE**

The 2018-2019 Napa County Grand Jury Found;	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
F1. The mental health counselors and the correctional officers do not participate on a regular basis in joint training workshops focused on recognizing the symptoms of mental illness.	Director of Corrections	The respondent disagrees partially with the finding.
F2. The Napa County Jail lacks sufficient inpatient psychiatric health treatment facilities to provide inmates access to comprehensive mental health therapeutic treatment services.	Board of Supervisors	The respondent disagrees partially with the finding.
F3. The NCJ medical staff provides inmates with reasonable access to medical and psychiatric health care services under Title 15 of the California Code of Regulations, Minimum Standards for Adult Correctional Facilities.	Board of Supervisors	The respondent agrees with the finding.
F4. A new Napa County jail with a dedicated 28-bed medical unit is in the design phase of construction with a completion date of March 2022.	Board of Supervisors	The respondent agrees with the finding.

The 2018-2019 Napa County Grand Jury Recommended;	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
R1: The Grand Jury recommends that the Director of the Department of Corrections establish, by December 2019, a joint training program for mental health counselors and correctional officers for the purpose of offering continuing education on topics including the awareness and	Director of Corrections	This recommendation has been implemented.

sensitivity to the symptoms of mental illness.		
R2. The Grand Jury recommends that the Board of Supervisors re-evaluate, by December 2019, the Carey Group's 2007 Adult Correctional System Master Plan's recommendation to include a 32- bed section in the new jail dedicated solely to comprehensive mental health therapeutic services.	Board of Supervisors (BOS)	This recommendation will not be implemented.

The 2018-2019 Napa County Grand Jury Commendations;	Required/Invited Respondent	Responses For full responses go to http://www.napacourt.com/grand-jury/reports-response%202018-2019
C1. The Grand Jury commends the management team of the Department of Corrections for their leadership and professionalism in their efforts to install high expectations from all of the correctional staff.	Board of Supervisors (BOS)	The Board of Supervisors appreciates the Grand Jury commending staff and vendors during the past year
C2. The Grand Jury commends the mental health counselors and the primary medical staff from Well path for their dedication and commitment in providing the inmates at Napa County Jail access to urgent and routine medical and psychiatric health care services.	N/A	N/A

Where's My Costco? - A History of the Napa Pipe Project

The 2018-2019 Napa County Grand Jury Found	Required/Invited Respondent	Responses For full responses go to: http://www.napacourt.com/grand-jury/reports-response%202018-2019

F1. While the Napa County Board of Supervisors and County Staff generally have been in favor of the Napa Pipe Development since 2007, due to its housing and affordable housing components, the Napa City Council and Staff were decidedly against it for many years from the time of its original purpose.	City Response	The City of Napa partially disagrees with this finding.
	Board of Supervisors (BOS)	The BOS disagrees partially with the finding as it pertains to the County.
F2. The opposition to the project by many in the City leadership caused much political infighting and led to years of delays in the development of the property.	City Response	The City of Napa disagrees with this finding.
	Board of Supervisors	The BOS disagrees wholly with the finding as it pertains to the County.
F3. The City and County finally decided to work together on the project only after Costco had been introduced to the plan and a direct mail campaign showed how much County residents wanted the retailer.	City Response	The City of Napa disagrees with this finding.
	Board of Supervisors	The BOS disagrees partially with the finding as it pertains to the County.
F4. The Developer has made frequent and substantial changes to the project plan and phasing, which have caused numerous delays in obtaining City and County approvals.	City Response	The City of Napa agrees with this finding.
	Board of Supervisors	The BOS agrees with the finding as it pertains to the County.
F5. The Developer sought changes to the Napa Pipe Plan that in 2018, led the City and County to work quickly with the state legislature to seek legislation that would allow for Napa County to report RHNA credit in the current cycle for units built at Napa Pipe in areas already annexed to the City of Napa.	City Response	The City of Napa agrees with this finding.
	Board of Supervisors	The BOS agrees with the finding as it pertains to the County.
F6. The cost of construction has increased substantially since the Napa Pipe Development was initially proposed, which further complicates the financial ramifications of a project this size.	City Response	The City of Napa agrees with this finding.
	Board of Supervisors	The BOS agrees with this finding.

F7. The current situation requiring the Developer to work with two separate governmental entities for plan and design approval, as well as procurement of building permits, adds cost and complexity that have resulted in continued project delays.	City Response	The City of Napa partially disagrees with this finding.
	Board of Supervisors	The BOS agrees with this finding.
F8. Even if the City and County do everything in their power to enable the Developer to begin construction, it will still be up to the Developer to actually make the decision to do so.	City Response	The City of Napa agrees with this finding.
	Board of Supervisors	The BOS agrees with this finding.

The 2018-2019 Napa County Grand Jury Recommendations	Required/Invited Respondent	Responses (for full responses go to: http://www.napacourt.com/grand-jury/reports-response%202018-2019)
R1. Assuming SB 235 is signed into law in the summer of 2019, the City and County of Napa should move as quickly as possible to annex the balance of the Napa Pipe Property into the City so that the Developer only has to deal with one entity for permitting, zoning, design, and other related building issues. This annexation should take place no later than January 1, 2020.	City Response	This recommendation has not yet been implemented.
	Board of Supervisors	This recommendation has not yet been implemented.

Department of Corrections Napa County Jail

Section 919 of the California Penal Code requires the Grand Jury to “inquire into the condition and management of the public prisons within the County.” The 2019-2020 Napa County Grand Jury conducted a physical inspection of the Napa County Jail. The Jury observed that the Jail correctional personnel performed their duties in a professional manner and the physical condition of the facility appeared to be satisfactory. In addition to the formal inspection, all members of the Jury had the opportunity to tour the jail facility. The administrative staff and Correctional Officers were very helpful. Their time and effort are appreciated. The Jury did not issue a final report on the Jail.