

**NAPA COUNTY CIVIL GRAND JURY**

**2021-2022**

**FINAL INVESTIGATIVE REPORT**

**June 13, 2022**

**NAPA COUNTY'S CLIMATE ACTION COMMITTEE:**

**WHERE'S THE ACTION?**

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## SUMMARY

The 2021-2022 Napa Grand Jury undertook to examine the workings and accomplishments of the Napa County “Climate Action Committee,” now functioning under a formal cooperative Joint Powers Agreement (JPA). The Grand Jury concluded that the committee in its present form is not fulfilling the goals and responsibilities set forth in either its origin document or the JPA that currently governs its operation. While potentially well intentioned, it has failed to provide timely measurable goals and action plans to its constituent jurisdictions. It has accomplished little since its first public meeting in November 2019, notwithstanding that its members frequently express the need for concerted, coordinated efforts to address the climate emergency confronting the world.

## BACKGROUND

After examining the status of Napa County’s Climate Action Plan (CAP), the previous 2017-2018 Napa County Grand Jury concluded that it remained a “work in progress,” notwithstanding that it had been proposed ten years previously. At the time of that investigation, climate change was described as an immediate and significant health, environmental, economic, and national security danger that would likely have planetary consequences.<sup>1</sup> Since the date of that Grand Jury report, the potential consequences of greenhouse gas emissions (GHG), in the estimation of the majority of the scientific community, has risen to the level of a planetary *emergency*.<sup>2</sup>

One of the findings of the previous Grand Jury was that there was the lack of climate action planning coordination existent between the jurisdictional communities within Napa County. Whether or not related to that finding and the recommendation that such a collaborative structure be created, the six Napa County governmental jurisdictions subsequently passed resolutions to form a Climate Action Committee (CAC) in June 2019. After much debate, the jurisdictions agreed to create a Joint Powers Agreement structure that was described in some meetings as a “middle of the road” solution which left the committee in an advisory capacity only. The 2021-2022 Grand Jury undertook an evaluation of that committee’s workings seeking to determine whether it has lived up to the modest goals it set for itself and, further, to determine whether the Climate Action Committee in its present iteration provides the Napa Valley community with the leadership necessary to effectively address the climate emergency which is upon us.

## METHODOLOGY

In preparing this report about the Napa Climate Action Committee (CAC), the Grand Jury interviewed seven CAC members and several county and local jurisdiction staff members. The

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<sup>1</sup> 2017-2018 Napa Grand Jury Final Report: Napa County Climate Action Plan – A Work in Progress.

<sup>2</sup> UN News, April 2022: “UN climate report: It’s ‘now or never’ to limit global warming to 1.5 degrees;” Scientific American, April 12, 2021: “We Are Living in a Climate Emergency, and We’re Going to Say So.”

Grand Jury also interviewed various Napa County community members active and knowledgeable in the promotion of Green House Gas (GHG) reduction efforts.

Monthly CAC meetings, mostly through the CAC video recordings were reviewed, along with articles in the Napa Register and Saint Helena Star about local climate action activities. Finally, the Grand Jury also reviewed websites of the following Agencies to better understand and follow their actions:

- California Air Resources Board (CARB)
- Bay Area Air Quality Management District (BAAQMD)
- California Energy Commission
- Upper Valley Waste Management District
- California Building Standards Commission
- Napa County 2018 Draft Climate Action Plan
- Charge Point Website
- EVGO Website
- State of California Public Utilities Commission
- Contra Costa County Climate Action Committee
- Sonoma County Climate Action Committee

## **DISCUSSION**

This investigation sought to determine how effective Napa’s Climate Action Committee had been in coordinating and implementing county-wide programs seeking to address the effects of greenhouse gas emissions and to determine whether it provided meaningful assistance to the various member entities in their individual efforts to do so. As the investigation proceeded, the Grand Jury expanded its inquiry to consider whether the current CAC structure and charter can be effective in accomplishing its stated mission.

The CAC is the only body focused on county-wide climate change mitigation activities. The original resolutions upon which the Committee was formed proposed that the Committee would identify countywide goals and strategies for addressing climate change, including an updated greenhouse gas (GHG) inventory, countywide goals and timelines, and common GHG reduction standards for each jurisdiction to adopt independently and that it would “develop cost estimates and funding opportunities for shared projects ....”<sup>3</sup> The Committee held its first public meeting in November 2019. In the January 2020 meeting, much discussion occurred about what the Committee should be and what it could be. The prevailing sentiment from the Committee members was that climate change was an emergent situation that required action rather than promises. One person suggested that the Committee might more accurately be identified as the “Emergency Climate Action Committee.” As another member pointed out, people come together best when they are confronted with an emergency that requires co-dependent conduct and that such an

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<sup>3</sup> Proclamation: “Countywide Commitment to Address Climate Change,” June 2019; Napa County Board of Supervisors Board Agenda Letter, April 20, 2021; Recitals in Cooperative Joint Powers Agreement to Fund and Administer The Napa Countywide Climate Action Program, adopted April 20, 2021

emergency is now in front of us. Unfortunately, that cooperative action-based spirit, to which Committee members have repeatedly given lip service, has not been backed with concrete action.

Nowhere is the lack of action, as opposed to rhetoric, better demonstrated than by the committee's path to organizing itself. Notwithstanding the fact that there was general agreement at the Committee's first public meeting in November 2019 that there was a need for an integrated plan within the County that would provide real, rather than aspirational, goals and a system to monitor the progress toward those goals, the Committee spent the next *fifteen months* developing an agreed upon Joint Powers Agreement (JPA). In the end, this JPA essentially preserved the independence of each jurisdiction within it and dictated that the organization would be advisory only. Although the Committee received presentations on various subjects during those intervening months and entertained public comment urging it to take action on the subject of GHG reduction, its only actual accomplishment was eventually to agree on funding an updated GHG inventory, a project that had been on the books for the County for many years.<sup>4</sup>

Similarly, the Committee initially identified the potential need for a collaborative approach to developing an Electric Vehicle (EV) charging station infrastructure in Napa Valley. It sought and was provided an inventory of the number, location and type of existing EV charging stations at its April 24, 2020 meeting. Even so, development of plans and budgets for EV charging expansion and procurement did not proceed. Moreover, CAC members as a group did not appear to be aware of the details and extent of EV charging station subsidy programs currently available through the California Energy Commission and the Bay Area Air Quality Management District. It was not until its most recent meeting (April 2022) that the Committee reached a general agreement on retaining a consultant to create an EV charging plan, a process estimated to take an additional six to nine months. Even so, that recommendation needs to return to each jurisdiction for its approval of funding before the RFP (Request for Proposal) process to retain such a consultant can begin.

In the course of its interviews, the Grand Jury was repeatedly told that much of the delay in completing action items was due to the lack of a current GHG inventory (now due in August/September 2022). All interviewees agreed, however, that percentage-wise, the new inventory will likely mirror the results of the 2009 inventory. By far the largest contributors to GHG in Napa Valley are transportation (including agricultural vehicles) and buildings. Essentially, the targets for GHG reduction have not and will not change. Nonetheless, the CAC has made no significant attempts to promote programs that would address these sectors since its inception in 2019. Neither has it sought out cooperation from, or the significant expertise existent in, the agricultural sector. It has thus failed to consider vineyard-related hydrocarbon emissions that might be addressed on a collaborative basis.

Further, the Grand Jury observed that, although most of the cities and towns within Napa County have some sort of Climate Action Plan or a commitment to complete one in the near future, there is absolutely no mechanism in place to determine whether such plans are current with technology and science, nor is there any monitoring to determine if the goals and actions to be taken have been actually accomplished. There is thus no plan underway to determine what potential efficiencies and cost savings might be accomplished by county-wide cooperation on various potential GHG mitigations. Models of well-developed county-wide plans that have implemented such methods

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<sup>4</sup> The County's existent GHG inventory was completed in 2009 and is based on data from 2005.

are available from nearby counties such as Sonoma County. Napa does not have to “reinvent the wheel.” It can and should take cues from these other neighboring jurisdictions.<sup>5</sup>

The attitude of each jurisdiction in Napa County is dominated by a tendency of wanting to ‘go their own way,’ examining and adopting programs that only make sense for each of them. The Grand Jury concluded that the CAC is not living up to its charter of “identifying mutually agreed upon climate goals and action items for consideration by the individual Member Agencies.” It has failed to recommend intelligent county-wide programs to address the climate change impact of transportation and buildings, and ways of measuring them, the only way of making progress towards realistic targets.

In its previous report of the still incomplete Napa County Climate Action Plan, the 2017-2018 Grand Jury observed:

“Almost to a person, there is agreement that a collaborative effort by all the County jurisdictions is the preferred method of dealing with climate change issues, yet, presently all are “going it alone.” They point to unaligned interests making consensus difficult to achieve as the reason. Many say their individual efforts are too far down the road now to make a joint project a reality, and don’t want the possible recriminations of being thought to be the one(s) that put the brakes on ongoing efforts”.<sup>6</sup>

Apparently, little has changed in the past four years. The various jurisdictions continue to have cooperation issues when action, rather than rhetoric is called for.

The Grand Jury’s investigation found that the CAC’s structure contributes to its lack of success. It is an ungainly body of mostly elected officials, limited by its advisory status. It lacks vision and county-wide leadership to bring the different jurisdictions together to adopt and address a set of common goals and to monitor the member jurisdictions’ progress. The individual CAC members express the intent to address climate change with new programs but their inability to agree on a structure that would elevate this body to something more than an “advisory only” status has blunted the committee’s impact and prevented it from addressing GHG issues on a timely county-wide basis.

In fairness, the Grand Jury observed that the CAC has provided a single point of contact with the public on the issue of GHG reduction. Potentially, individuals and group representatives no longer need to attend meetings at six different jurisdictions to make themselves heard on the subject. Yet this is blunted to some extent by the problem of each jurisdiction going its own way and operating on a non-collaborative course. The latter would be minimized if authority for GHG mitigation actions was centralized in the CAC.

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<sup>5</sup> See for example: Regional Climate Protection Authority (Sonoma County) at <https://rcpa.ca.gov/what-we-do/climate-action-2020/> Imbedded link to “Regional Climate Action Plan”

<sup>6</sup> 2017-2018Napa County Grand Jury Final Report, p. 9.

## **FINDINGS**

- F1. The CAC has not been effective in developing and implementing actions for county-wide programs to combat climate change.
- F2. Interviews of Napa CAC members confirmed that the Napa County CAC has decided not to take any major steps toward greenhouse gas (GHG) reduction until the GHG study is released.
- F3. Interviews revealed that the CAC was generally unfamiliar with the EV charging station subsidy programs currently available through the California Energy Commission and the Bay Area Air Quality Management District.
- F4. The CAC struggles with a lack of county-wide GHG mitigation funding. However, it has not placed a priority on having an experienced, effective grant and funding pursuit individual on staff to seek and secure GHG reduction grants, even though grant subsidies for programs like EV charging stations currently exist.
- F5. Past studies have stated that the two largest GHG emission categories are Transportation and Buildings. The Grand Jury's interviews confirm that these two categories are expected to remain the top two items in the GHG study currently underway. The CAC in its three years of existence has not defined and proposed any action items to address the top two categories of emissions.

## **RECOMMENDATIONS**

- R1. The CAC should increase the sense of urgency in implementing GHG emission reduction actions.
- R2. The CAC should create monitoring protocols that seek to identify what its individual members have set as goals and to identify whether they have met meaningful standards consistent with those goals. These should be formalized and reported to the CAC on a quarterly basis.
- R3. The CAC should provide a detailed prioritized list of potential projects for possible grant funding and either retain or designate a current staff person as a grant researcher and writer to identify and seek grants from any possible source.
- R4. The CAC should restructure itself to provide authority over and accountability of its member jurisdictions.

R5. To benefit its work, the CAC should consider the following actions:

- Reducing the number of CAC members, currently from 12 (2 per jurisdiction), to 6 (1 per jurisdiction) to facilitate faster action, use of advisors and plan development.
- Utilize county citizens familiar with GHG emission reduction strategies to assist the CAC in the preparation of recommended actions.

## **RESPONSES**

The following responses under Penal Code sections 933 and 933.05 are requested from the following elected city officials:

### **REQUIRED RESPONSES**

- Town Council of Yountville
- City Councils of Napa, American Canyon, St. Helena and Calistoga
- The Napa County Board of Supervisors
- The Climate Action Committee, a Joint Powers Agreement Authority under California law