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## IV. REVIEW OF RESPONSES TO THE 2014-15 GRAND JURY REPORT ON MANAGEMENT OF GROUNDWATER AND RECYCLED WATER

### DISCUSSION

The 2014-15 Napa County Grand Jury investigated current practices, criteria, regulations, and processes that govern the availability of groundwater and recycled water within Napa County. The Grand Jury also investigated recycled water use within the Napa Valley. Napa Sanitation District (NSD) is the largest source of recycled water in the county.

On March 31, 2015, the 2014-15 Grand Jury submitted its final report on Management of Groundwater and Recycled Water. The Grand Jury report included seven findings and six recommendations. The Grand Jury requested responses as follows:

- Napa County Board of Supervisors: **R1, R2, R3**
- Napa Sanitation District Board of Directors: **R4, R5, R6**
- City of Napa: **R5, R6**

### RECOMMENDATIONS AND RESPONSES

#### 1. GROUND WATER

**R1.** By December 31, 2015, the Napa County Public Works Department to develop contingency plan, approved by the Board of Supervisors, that lays out the major steps to be taken in the event of severe drought conditions.

**Board of Supervisors' Response:** The recommendation will be implemented in the context of the Alternative Groundwater Sustainability Plan, due to the State between June 30, 2016 and January 1, 2017.

**R2.** By June 30, 2016, The Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.

**Board of Supervisors' Response:** The recommendation requires further analysis. This recommendation will be considered in the context of the Alternative Groundwater Sustainability Plan, due to the State between June 30, 2016 and January 1, 2017. Development of the plan will include significant outreach to and input from the public. The Board of Supervisors will consider and determine the necessary amount of metering and reporting in the context of this public discussion.

**R3.** By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

**Board of Supervisors' Response:** The recommendation requires further analysis. This recommendation will be considered in the context of the Alternative Groundwater Sustainability Plan, due to the State between June 30, 2016 and January 1, 2017. Development of the plan will include significant outreach to and input from the public. The Board of Supervisors will consider and determine the necessary amount of metering and reporting in the context of this public discussion.

## **2. RECYCLED WATER**

**R4.** The Napa Sanitation District should immediately begin exploring additional opportunities to expand its wastewater storage and infrastructure capacity through funds that may be available from the passage of California Proposition 1, the \$7.1 Billion "Water Quality, Supply, and Infrastructure Improvement Act of 2014."

**Napa Sanitation District Board of Directors Response:** This recommendation is currently being implemented.

The District is a founding member of the North Bay Water Reuse Authority, which was formed to help communities in Marin, Sonoma and Napa County to develop recycled water projects, complete the environmental analysis and studies required, and find federal and state funding support for the projects.

The District is currently studying the development of new and expanded recycled water storage as part of the NBWRA's current "Phase 2" study. This work will culminate in the necessary analysis, community outreach and reports that are required under NEPA and CEQA to obtain any federal or state grant support, including Proposition 1 funding.

Once the environmental studies are completed, the District intends to apply for federal and state grants, including Proposition I funding, to support expansion of recycled water storage and infrastructure capacity projects.

**R5.** By June 30, 2016, the Napa Sanitation District and the City of Napa Water Department should begin negotiations to extend the current agreement that requires the sanitation district to reimburse the water department for lost revenue when a city water customer converts to recycled water.

**Napa Sanitation District Board of Directors Response:** As discussed above, the District and City of Napa staffs have already held preliminary discussions on extension of the service agreement. The District will actively seek an agreement that promotes recycled water use and that provides for the conversion of sites irrigated with potable water to recycled water where appropriate and feasible.

**City of Napa Response:** This recommendation has been implemented. The City and NSD have had communications over the past year regarding the potential to expand the service area covered by the agreement to include Silverado Middle School and Tulocay Cemetery. As noted above,

these discussions will require an extension of the term of the current agreement. The City remains open to continuing those discussions with NSD to extend the term of the current agreement, and negotiate necessary amendments to the agreement as a part of that negotiation.

**R6.** By December 31, 2015, the Napa Sanitation District and the City of Napa Water Department should begin working with local officials, lobbying groups, and trade associations to persuade the State to fund the conversion of Napa State Hospital to recycled water for its irrigation purposes.

**Napa Sanitation District Board of Directors Response:** The District has worked with local representatives of Napa State Hospital, as well as the State's Department of Mental Health and State Department of General Services, to assist in the Hospitals conversion from potable water to recycled water for irrigation. District staff has also worked with local and state elected officials to seek support for the conversion to recycled water. The District and the City have also worked cooperatively to provide information and support necessary for conversion. The District will continue to provide support necessary to assist the State in the conversion of its property to recycled water for irrigation purposes.

**City of Napa Response:** This recommendation has been implemented. The City has been supportive of the State Hospital conversion to recycled water for many years. On multiple occasions, City staff has worked with NSD to calculate the amount of reimbursement to the City for the conversion so that local officials could meet with State Hospital representative. Page 5-13 of the City's 2010 Urban Water Management Plan (submitted to the State) specifies that the City will continue to support the expansion of NSD recycled water for irrigation by fulfilling the agreement for recycled water with NSD and supporting the conversion of Napa State Hospital.

## **V. REVIEW OF RESPONSES TO THE 2014-15 GRAND JURY REPORT ON NAPA COUNTY FIRE DEPARTMENT**

### **DISCUSSION**

A review of the Napa County Fire Department was conducted to determine the overall organization of the firefighting units within Napa County as well as to evaluate the training of the volunteer fire personnel. The 2014-2015 Grand Jury had the opportunity to interview several of the top staff employees of the Napa County Fire Department. The Grand Jury also interviewed several Napa County staff employees who regularly interface with Napa County Fire Department staff as well as with the Napa County volunteer firefighters. The Grand Jury also conducted tours of several volunteer fire stations and interviewed volunteer firefighters associated with the stations.

As the result of its investigation, the Grand Jury made four findings and four recommendations. The Grand Jury requested responses from the following individuals and governing bodies:

- Napa County Fire Chief: **R1**
- Nine Volunteer Fire Chiefs: **R1, R2, R3**
- Napa County Executive Office: **R1, R4**
- Napa County Board of Supervisors: **R1, R3**
- Napa County Treasurer's Office: **R4**

## **RECOMMENDATIONS AND RESPONSES**

**R1:** By September 1, 2015, the Fire Service Advisory Committee to establish a regular meeting schedule, circulate the meeting minutes and update the FSAC website within 10 days of every meeting, in order to inform the community and firefighter ranks of scheduled meetings and agendas. In addition, the minutes for each FSAC meeting are to be circulated within 10 days of each meeting to all the members of the Napa County Fire ranks to keep them informed of the issues and the efforts to address them.

**Napa County Fire Chief's Response:** This recommendation has not been implemented but will be implemented by September 1, 2015. The Fire Services Advisory Committee adopts a meeting schedule at the first meeting of each calendar year. The Fire Services Advisory committee meets the second Thursday of the odd months (January, March, May, July, September, and November) at 1:00pm in the Napa County Board of Supervisors Chambers located at 1195 Third Street in Napa. Special meetings may also be called by the chair of the committee. Staff is completing the upload by the end of August of all prior meeting agendas, minutes and documents which will be located on the Fire Services Advisory Committee link by accessing:  
<http://www.countyofnapa.org/CountyFire/>

Any volunteer member or interested community member may be added to the email distribution list by contacting Stacie McCambridge at [stacie.mccambridge@countyofnapa.org](mailto:stacie.mccambridge@countyofnapa.org). Agendas and minutes are sent to each Volunteer Fire Chief. Per the current communication protocol, it is the responsibility of the Volunteer Fire Chiefs to forward the agenda and minutes to their company members.

**Napa County Executive Office's Response:** The Napa County Executive Office concurs with the response of the Napa County Fire Chief.

**Napa County Board of Supervisor's Response:** The Board of Supervisors concurs with the response of the Napa County Fire Chief.

**Napa County Volunteer Fire Chiefs' (NCVFC) Response:** The volunteer chiefs agree with this recommendation. Clear and timely communication is a must. The Volunteer Chiefs agree with Finding 1. The FSAC meetings have largely been postponed or cancelled due to career FSAC members having other legitimate obligations during their normal working hours. The consequence of meeting cancellations results in little to no forward progress on important issues.

The communication flow of the sub-committees should also be addressed. We recommend creating links at the county website to better communicate the agendas and minutes of the sub-groups.

Many in the volunteer ranks are involved and committed to this process. Most must take time off of work to attend these important meetings and the Volunteer Chiefs would like to acknowledge those sacrifices.

**R2:** By September 1, 2015, the nine Napa County Volunteer Fire Chiefs to re-address their issues with the Memorandum of Agreement and the Site Use Agreement documents by sharing with the FSAC a detailed letter that lists and highlights each concern.

**NCVFC Response:** The Volunteer Chiefs disagree with this recommendation. The Volunteer Chiefs have provided Barry Biermann, Napa County Fire Chief, and Kevin Twohey, Liaison, with a list of our concerns and possible remedies for the MOA and are waiting for the County to respond. We have been notified by the County Fire Chief that we will have a response by July 31. As of this date, August 2, 2015, we have not received a response. Our agreement is between us and the County. If we are unable to come to an agreement, then we may use the FSAC, a public forum, to assist in resolving any pending issues. Until then, we will work tirelessly to achieve a mutual understanding based on collaborative efforts.

**R3:** By September 1, 2015, the Fire Service Advisory Committee to ask for input from all the Napa County Fire volunteer firefighters with regard to training issues and by December 31, 2015, to present a plan to resolve the identified training issues.

**Napa County Board of Supervisor's Response:** This recommendation has not been implemented, but will be implemented by December 31, 2015. Working with the Fire Services Advisory Committee Training Subcommittee, the Fire Chief will circulate a survey to all volunteer members by September 30, 2015. The results will be presented to the Training Subcommittee that will be responsible for reviewing responses and formulating recommendations for consideration by the Fire Services Advisory Committee and the Fire Chief.

**Napa County Volunteer Fire Chiefs' Response:** The Volunteer Chiefs agree with this finding. The training sub-group has been engaged in adjusting the training requirements to meet industry standards in an effort to make compliance obtainable and realistic for volunteers. We agree that a survey may be a good tool to assist in creating a plan to facilitate training improvements. The volunteer departments Training Officers have been invited to provide questions to be included on the survey.

**R4:** By December 31, 2015, Napa County Administration staff to implement procedures to pay volunteer firefighters for wages that were earned while on cover assignments within 30 days of their assignment.

**Napa County Executive Officer's Response:** This recommendation will not be implemented because it is not reasonable. The County of Napa has a contract with the State of California to

provide emergency firefighter coverage for the "State mission" whereby volunteers get compensated by the State to respond to non-County fire incidents (i.e., a major wildfire in Northern California) or cover State stations when career firefighters are dispatched to incidents outside Napa County. Acceptance of "cover assignments" is not required by the County and is completely voluntarily. The County does not encourage or suggest that volunteers take time off of work from regular jobs to work on cover assignments. To provide for higher compensation rates to the volunteers as discussed below, the County agreed to serve as a pass-through to allow interested volunteers the ability to provide the resources under an Assistance By Hire Agreement with the State of California. The State is responsible to compensate those that choose to accept State assignments. The County has no control over assignments, timely processing of paperwork by the State, or confirmation of hours worked and payment due-this is all processed by the State of California. This process can take weeks and sometimes months, dependent on the length of the assignment, magnitude of the incident and the accurate completion of paperwork provided directly to the State by the participating volunteers. The County cannot submit or correct paperwork and cannot process payments until the State certifies the hours and participation of each volunteer and notifies the County of pending payment. While the County can discuss the issue of turnaround time with the State of California, staff cannot guarantee the State's process will occur within 30 days.

The County typically processes regular volunteer stipend payments four times per year. Any Assistance By Hire payments authorized by the State of California and passed through to Napa County are included in the quarterly stipend payment processing. Where the County may be able to assist in shortening the time frame for volunteers to receive Assistance By Hire payments is by running a special "off cycle" payment process when the County receives approval of pending payments from the State of California. Due to the additional workload involved with limited payroll staff, off cycle payroll processes are not optimal and may result in additional costs to the County. However, the County feels it is fair and will run an off cycle process when the State authorized payment totals more than \$1,000 for any one individual and the normal payroll process cycle is more than 30 days in the future.

Alternatively, the volunteer firefighters may sign up to be emergency workers directly with the State of California which may reduce the payment time as the County of Napa would be removed from the pass-through role. The County maintains an Assistance By Hire contract for the benefit of the volunteer firefighters, not the benefit of the County of Napa. This agreement allows the County to set a State payment rate on behalf of the volunteers. The maximum a volunteer firefighter could be compensated by signing up directly with the State of California is \$16.74 per hour. The County's established pass through rate is \$28.42 per hour. The Fire Department continues to serve as the pass through as staff believes that the benefit of the increased compensation rate outweighs the additional time to receive paychecks. If the volunteer firefighters collectively disagree, staff will assist with the transition to direct enrollment with and payment by the State of California. If the volunteer firefighters continue with the pass through arrangement, the Fire Chief will provide to the volunteers an annual notification that Assistance By Hire assignments are voluntary and that the processing timelines that come with the acceptance of any assignment.

**Treasurer Office's Response:** The Napa County Treasurer's Office concurs with the response of the Napa County Executive Office. The Auditor-Controller's Office, not the Treasurer's Office, is responsible for the processing of payments. The Treasurer's Office defers to the Auditor-Controller for additional comment.

**Auditor-Controller's Response:** Although not named in the report, my office is responsible for processing the checks, and I concur with the response of the Napa County Executive Officer.

## **VI. RESPONSE TO THE GRAND JURY FINAL REPORT: ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?**

### **DISCUSSION**

The Grand Jury undertook an investigation to determine if the Napa County Planning Department is issuing winery use permits that conform to the requirements of the Winery Definition Ordinance (WDO), which regulates wineries located within the Napa County Agriculture Preserve. The Grand Jury also investigated if the Planning Department is adequately monitoring the compliance of the wineries with their use permit requirements.

The focus of this investigation was to determine if the Planning Department has followed the guidance of the WDO in issuing use permits and if the winery audits are sufficient to determine if the wineries are in compliance with their use permit requirements.

The Grand Jury's investigation resulted in five findings and five recommendations to which responses were requested from the Napa County Board of Supervisors.

### **RECOMMENDATIONS AND RESPONSES**

**R1:** By January 1, 2016, the Planning Department to increase the number of yearly winery code enforcement audits from the current rate of 20 audits per year so that every winery would be audited at least every five years or at such intervals that the Planning Commissioners or County Supervisors deem to be appropriate.

**Napa County Board of Supervisors Response:** The Board of Supervisors agrees with this recommendation. At their meeting on March 3, 2015, the Board directed staff to bring back recommendations on expanding the wine audit. The Agricultural Protection Advisory Committee (APAC) is expected to make its tentative recommendation on the structure of the wine audit (including expansion of the audit) on July 27, 2015. The APAC recommendations will be forwarded to the Planning Commission on September 2, 2015. The Commission, in turn, will forward their recommendations to the Board of Supervisors on November 24, 2015.

**R2:** By June 30, 2016, the Planning Department and the Planning Commissioners to develop a process for monitoring and inspecting winery water treatment and disposal. A plan for monitoring water usage should also be implemented.

**Napa County Board of Supervisors Response:** The Board of Supervisors disagrees with this recommendation. The majority of wineries located in the unincorporated area are on private wells. The County does not have any ordinance that currently mandates metering and/or monitoring of private wells. Such requirements have been imposed on individual properties, but only when the County has determined that there is substantial cause for enhanced review, not as a standard requirement. Further, it is unclear how limiting the County's review solely to wineries would provide a complete or accurate understanding of groundwater resources. The Board of Supervisors believes that the issue of water monitoring and usage should be considered within the overall context of the forthcoming Groundwater Sustainability Plan Alternative. With regards to wastewater treatment, all winery discharges are regulated and inspected by the California Regional Water Quality Control Board. Having the County establish a parallel program to the existing State procedures would be unnecessary and costly.

**R3:** By January 1, 2016, the Planning Department to make the inspection reports of non-compliant wineries more transparent to the public in much the same fashion as health code violations of restaurants are reported.

**Napa County Board of Supervisors Response:** The Board of Supervisors partially agrees with this recommendation. More transparency in the code enforcement process would allow both residents and visitors to know which wineries are in compliance and which are not, as well as the nature of the violations. However not all information can be made publicly available. For instance, it is County Counsel's opinion that the production, crush, and grape sourcing data provided by individual winery operators in forms submitted to the ATTB and California Department of Food and Agriculture (CDFA) are proprietary under State and Federal law and may not be disclosed to the public. Similarly, although the names of non-compliant wineries are not released as a part of the wine audit, staff does make copies of Notices of Violation available to the public upon request, which includes the name of the property owner where the alleged violation occurred. Any other details of cases where there are ongoing violation investigations would not be available to the public. The Board will take up the issue of transparency within the overall context of the wine audit recommendations being forwarded to it by the APAC and the Planning Commission.

**R4:** By June 30, 2016, the county Board of Supervisors and the Planning Commissioners to determine whether the Winery Definition Ordinance (WDO) as written provides the regulatory framework necessary to maintain a winery industry that is consistent with the Agriculture Preserve Ordinance.

**Napa County Board of Supervisors Response:** The Board of Supervisors agrees with this recommendation. Due to growing concern regarding the rate, location, and intensity of winery development projects in the unincorporated area, the Board of Supervisors formed the APAC on

March 17, 2015. The intent of the APAC was to make recommendations to the Planning Commission regarding revisions to the standards governing the development and expansion of wineries, operations, activities, and related matters. The APAC is required to report on its recommendations to the Planning Commission by September 2, 2015. The Planning Commission is then mandated to make its recommendations to the Board of Supervisors by November 10, 2015.

**R5:** By June 30, 2016, the Planning Commissioners to establish and publish a range of penalties and/or operating restrictions for non-compliance infractions of use permit requirements. Such action should encourage wineries to be more cognizant of the cost of non-compliance.

**Napa County Board of Supervisors Response:** The Board of Supervisors agrees with this recommendation. Staff is currently working on a Frequently Asked Questions (FAQ) hand-out, which would include information regarding the types of fines and penalties that may be assessed for non-compliance. The hand-out will be posted on-line and will be included in future compliance workshop presentations provided by staff to the wine industry and other interested members of the public.

## **VII. RESPONSE TO THE GRAND JURY FINAL REPORT ON NAPA COUNTY JAIL AND DEPARTMENT OF CORRECTIONS JUNE 2015**

### **DISCUSSION**

The Napa County Jail (NCJ) is located in downtown Napa in the Hall of Justice, which was enlarged in 1989 to accommodate a total of 264 inmates. Both male and female inmates are housed in the NCJ as well as sentenced inmates awaiting transfer to state prison, convicted inmates awaiting sentencing, and those inmates awaiting arraignment or trial.

As mandated by law, the Grand Jury annually is required to conduct a physical inspection of all jail facilities in the county with a review of jail operations and programs. The 2014-2015 Grand Jury inspected the Napa County Jail in November 2014. In compliance with the mandate, this Grand Jury investigated the following issues:

- the physical condition of the jail
- assaults on jail personnel
- the need for a new jail facility

The Grand Jury interviewed Napa County Department of Corrections management and correctional officers, and Napa County Human Resources Division, Public Defender Office, and Sheriff's Office staff. In addition, the following Napa County publications and County and State of California websites were reviewed:

- Board of State and Community Corrections (biannual inspection of jails):  
<http://www.bscc.ca.gov>
- BSSC Assoc. of Criminal Justice Research - Jail Assault on Staff statistics:  
<https://public.tableausoftware.com/profile/kstevens#!/vizhome/ACJROctober2013/About>
- Napa County Dept. of Corrections Budget:  
<http://countyofnapa.org/Pages/Default.aspx?keywords=budget&StartPage>
- SB 863 Correctional Facilities construction:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB863](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB863)
- SB-1022 Correctional facilities.(2011-2012):  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120SB1022](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1022)

As the result of its inspection, the 2014-15 Grand Jury made five findings and four recommendations to the Napa County Board of Supervisors.

## **RECOMMENDATIONS AND RESPONSES**

**R1:** By January 1, 2017, the Board of Supervisors, the Napa County Executive Officer, and the Napa County Department of Corrections (NCDC) Director to fund and implement the scheduled move and upgrade of the NCDC Control Room.

**Board of Supervisors Response:** The Board of Supervisors agrees with this recommendation. Recognizing the importance of this move, the project has been funded and design was completed in early 2014, with the pre-qualifications of potential bidders beginning thereafter. Due to the August 2014 earthquake the final phase of the bidding process was necessarily delayed. Additionally, since that time, the manufacturer (General Electric) of the specialized computer hardware that operates the controls throughout the facility has alerted the County that the computer model to be used for the project is up for review and may require an upgraded design. Once this issue is resolved the bidding process will be completed, and will take approximately 90 days. Some portions of this project have already been completed, including the construction of the new control room. Full construction of this project will take approximately 18 - 24 months after final bids are awarded.

**R2:** By June 30, 2016, the Board of Supervisors to compete for jail construction funding under SB-863 and to consider a bond measure to fund part of the construction of a new jail.

**Board of Supervisors Response:** The Board of Supervisors agrees with this recommendation. The County is preparing an application to compete for jail construction funding to replace unusable beds and increase programming opportunities for inmates. The Board of Supervisors will consider approval to staff to submit the application on August 11, 2015 with the final application for the funding due to the Board of State Community Corrections (BSCC) August 28, 2015. The County will be notified of conditional award status for the funding in December 2015. The County is exploring additional options for future funding opportunities and the Board of Supervisors will consider funding strategies by June 30, 2016.

**R3:** By June 30, 2016, the BOS and NCDC Director to devise a plan to include increased staffing and jail capacity to better manage NSH patients/inmates who enter NCDC.

**Board of Supervisors Response:** The Board of Supervisors disagrees with this recommendation. The Board of Supervisors has already increased staffing at the jail to address increases in work load over the past few years following Realignment and the changing profile of inmates. Post-earthquake as the NCDC Director identified inmate population and operational issues, the Board increased the contract with Solano County from 75 beds to 125 beds to meet the potential additional capacity needs. Ultimately, the new jail construction will include a larger capacity to house mental health inmates which includes those from Napa State Hospital and other inmates in custody who also have mental health needs. The Director does not feel that increased staffing or adding additional capacity within the current jail is appropriate for this situation.

**R4:** The Napa County BOS and NCDC Director to include a body scanner in the 2016-2017 budget to help prevent contraband from entering the jail.

**Board of Supervisors Response:** The Board of Supervisor disagrees with this recommendation. The NCDC Director would support the inclusion of a body scanner in the new jail; however, the body scanner equipment cannot be placed in the current jail due to space issues in the booking area. The optimal location for body scanners would be in the booking area which is the entry point for new arrestees. Unfortunately, the jail's booking area is not configured to hold body scanner equipment. This cannot be accomplished without creating a major construction project in an area that is critical to the jail's day to day operations and needs to remain operational at all times. The scanner cannot be placed in the vehicle sally port either as it would impede the flow of police cars in and out of the facility. Additionally, the body scanners are not 100% reliable and there have been instances in other facilities where even with the use of body scanners, inmates have been successful in smuggling in contraband. It is certainly a deterrent and it may stop some inmates from bringing in contraband. However, the current jail does not have the ability to place large-size equipment into the booking area. The County will explore the option to locate a body scanner with a new jail in the future.

## VIII. FINDINGS AND RECOMMENDATIONS

### Discussion

The Grand Jury has noted some laxity about the timeliness of official responses to the 2014-2015 Grand Jury's reports. Elected officials or agency heads have 60 days and governing boards have 90 days to respond to a grand jury report or to notify the Presiding Judge that their report will be late with an explanation for its lateness. In both cases, the allowed time begins on the date the report is issued by the Grand Jury. Five of the twelve responses to the 2014-2015 Grand Jury's reports were sent late, and this Grand Jury received no explanations for the lateness of these reports. The lack of such explanations suggests that officials and governing boards may have become lax about their responsibilities to respond promptly to grand jury reports.

Several responses to the 2014-2015 Grand Jury's recommendations indicated acceptance of the recommendations but gave neither specific plans and timelines for implementation nor reasons for delaying implementation, as required by California Penal Code section 933.05 (a).

### **Findings and Recommendations**

As the result of its review of responses to the 2014-2015 Grand Jury, this Grand Jury makes the following two findings and recommendations.

**Finding 1:** Some respondents to the 2014-2015 Grand Jury reports were tardy with their responses. These responses varied in lateness from one or two days to three weeks.

**Finding 2:** Some respondents to the 2014-2015 Grand Jury reports have accepted recommendations without indicating any plans or timelines for implementation or reasons for delaying action.

**Recommendation 1:** In response to F2, that the Board of Supervisors and County Treasurer promulgate to all their officers and department heads specific instructions that their responses to the Grand Jury include implementation plans and timelines, or reasons for delaying action, when they accept a Grand Jury recommendation.

### **Requests for Responses**

Pursuant to California Penal Code section 933.05, the 2015-2016 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: **F1, F2, R1**
- Napa County Treasurer: **F1, F2, R1**
- City of Napa: **F1**

## APPENDIX

<b>Table 2. 2014-15 Grand Jury Reports and Response Summary</b>			
Report	Recommen- dation	Respondent	Response
Juvenile Hall	R1	Chief Probation Officer	Accepted; implementation delayed by earthquake damage
	R2	"	Accepted; implementation delayed by earthquake damage
	R3	"	Rejected; recommendation deemed unwarranted
HHS Agency	R1	Board of Supervisors	Accepted; will be implemented
	R2	"	Not accepted; issue requires further analysis by outside consultant
	R3	"	Accepted; implementation to begin in July 2015
	R4	"	Accepted; implementation to begin in July 2016
	R5	"	Not accepted; issue requires further analysis
	R6	"	Not accepted; issue requires further analysis
	R7	"	Accepted; recommendation will be implemented
	R8	"	Not accepted; issue requires further analysis
Groundwater	R1	Board of Supervisors	Accepted; will be implemented in context of State plan, due in 2016
	R2	"	Not accepted; issue requires further analysis per State plan
	R3	"	Not accepted; issue requires further analysis per State plan
	R4	Sanitation District Board	Accepted; currently being implemented
	R5	"	Accepted; currently being implemented
	R6	"	Accepted; currently being implemented
	R5	City of Napa	Recommendation has been implemented
	R6	"	Recommendation has been implemented
Fire Department	R1	Napa County Fire Chief	Accepted; will be implemented by 9/1/2015
	R1	Volunteer Fire Chiefs	Accepted; no information given on implementation
			Rejected; Chiefs are awaiting response to their concerns from NCFC
	R2	"	
	R3	"	Accepted; will implement survey of personnel training needs
	R1	Napa County Executive	Concurs with Napa County Fire Chief
	R4	"	Rejected; recommendation deemed unreasonable
	R1	Board of Supervisors	Concurs with Napa County Fire Chief
	R3	"	Accepted; will be implemented by 12/31/2015
	R4	Napa County Treasurer	Concurs with Napa County Executive
Wineries	R1	Board of Supervisors	Accepted; Board expects to receive implementing proposals by 11/24/2015
	R2	"	Rejected; recommendation deemed unreasonable
	R3	"	Accepted in part; some information cannot legally be made public
	R4	"	Accepted; report due from APAC* 9/2/2015, from Planning Commission 11/10/2015
	R5	"	Accepted; staff currently working on FAQ to be posted and distributed when done
Napa County Jail	R1	Board of Supervisors	Accepted; implementation delayed by earthquake damage
	R2	"	Accepted; application for funding to be submitted on 8/11/2015, notification of award by 12/2015
	R3	"	Rejected; staffing already increased and extra beds contracted with Solano County
	R4	"	Rejected; recommendation appropriate for new jail, but space not available currently

\* Agricultural Protection Advisory Committee





**NAPA COUNTY GRAND JURY  
2015-2016**

**April 29, 2016**

**FINAL REPORT**

**FACILITY MANAGEMENT  
WILL THE LIGHTS STAY ON WHEN THE  
POWER GOES OUT?**



## **FACILITY MANAGEMENT**

### **WILL THE LIGHTS STAY ON WHEN THE POWER GOES OUT?**

#### **SUMMARY**

The Grand Jury became interested in how well the county's facilities are being managed and whether or not energy efficiencies are being realized through proper maintenance of HVAC equipment and controls. The Grand Jury elected to expand its inquiry into all critical systems in county buildings. The Jury's motivation was to ensure that the county is providing safe, comfortable and healthy facilities for its employees and citizens. The Jury found that the county's buildings are very well maintained. Buildings are attractive and clean and there is little, if any, sign of wear and tear. Temperatures are comfortable and ventilation is adequate.

The Jury further found that the Public Works and Information Technology Services Departments did a commendable job following the August, 2014, earthquake in relocating departments to temporary space in a matter of days. This was an enormously complex task given that 100,000 square feet of county office space had sustained damage, requiring over 400 employees to be relocated, some of them multiple times. By Tuesday morning, August 26<sup>th</sup>, only two days after the earthquake, virtually all departments were operating and providing services to county residents. The Public Works Department then set about the earthquake repair work, including building system upgrades and maintenance items when appropriate to do so. By October and November 2014, plans and budgets were completed, bids had been solicited, and repair work was underway, except in the Historic Courthouse and the Hall of Justice, where significant structural damage was incurred. Division and department heads informed the Grand Jury that they received excellent communication from the recovery teams and that those teams actively sought input from the operating units when developing plans and schedules for the repair work. These managers credited all county departments for their hard work, long hours, and outstanding teamwork in making the earthquake recovery effort a success, but they universally singled out the Public Works and Information Technology Services Departments for special recognition.

The Jury did find issues, however, with the management of contracts for the maintenance of critical building systems. Service contracts for HVAC equipment, elevators, and emergency power generators were allowed to expire on July 1, 2015, and the inspections and testing regimen by third party specialists was effectively suspended on that date. Elevator inspections did continue on a month-to-month basis until October 31, 2015, but were suspended thereafter. There is no guarantee that such testing would ensure future performance of the equipment, but it is the opinion of the Grand Jury that every reasonable step should be taken to improve the odds that the equipment will work when needed.

The Jury has requested the Board of Supervisors to commend the Public Works and Information Technology Services Departments for outstanding performance in the earthquake recovery effort. The Jury has also requested the Board of Supervisors to direct the County Executive Officer to ensure that maintenance contracts for critical equipment and services are not allowed to lapse in the future.

## **GLOSSARY**

- HVAC –Heating, Ventilation, and Air Conditioning –Mechanical system which circulates air at the desired volume and temperature to work spaces.
- VAV (Variable Air Volume) Box –Device which controls the volume and temperature of air supplied to a zone, or portion of a building controlled by its own thermostat.
- Pneumatic Controls –“Old” technology which adjusts temperature and airflow settings of VAV boxes via a system of compressed air lines.
- Digital Controls –“New” technology which adjusts the temperature and airflow settings of VAV boxes via electronic signals.
- Central Plant –Large piece of HVAC equipment which, along with ancillary air handling units, provides air at the desired volume and temperature to VAV boxes to maintain zones at their desired thermostatic settings. Typically one central plant serves an entire building.
- Package Units –Smaller HVAC units, usually located on rooftops, which provide air at the desired volume and temperature to VAV boxes to maintain zones at their desired thermostatic settings. Usually, several package units are required to serve a single building.
- RFP –Request for Proposals –An invitation for qualified vendors to submit proposals for a defined set of services. Typically RFPs include the scope of work and the term of the agreement.
- Load Testing –Testing of backup generators to make sure they provide the required amount and quality of electrical power to perform in an emergency situation, using a “load bank”to simulate the power demand the generator is expected to deliver in an emergency.
- Switch Gear –Electro-mechanical equipment which switches the supply of electrical power from its normal source to emergency generators, and back.

## **BACKGROUND**

Recognizing the significant investment the county has in its facilities, the Grand Jury wanted to know how well those buildings are being maintained. Of particular interest was energy efficiency. Given the large number of buildings maintained by the county, and the wide range of their size and complexity, the Jury questioned who is maintaining the county’s HVAC equipment and how well they are doing it, starting with how often the HVAC systems were being inspected and by whom. This original area of interest grew to include other facility related issues such as cleanliness, the condition of high wear surfaces, such as carpets and walls, and the maintenance of critical building systems such as elevators, HVAC systems, and emergency power generators. The motivation for the Jury’s investigation in this area was to ensure that the county is providing safe, pleasant, and healthy buildings for its employees and citizens, and to ensure that those facilities will be able to continue to function in the event of a natural or man made disaster.

## **METHODOLOGY**

The Grand Jury began its investigation by interviewing managers at various levels within the Public Works Department to gain an understanding of how the county manages its buildings to make sure that they are clean, safe, and comfortable places to work, especially how it handles the maintenance of critical building systems, such as elevators, HVAC equipment, and emergency power generators. Contracts with four maintenance contractors, Bell Products (HVAC systems and pneumatic controls), Siemens (digital HVAC controls), Kone (elevators), and Peterson Power Systems (emergency power generators), were examined to review such things as scope of work, frequency of inspection, the terms of the agreements, and renewal provisions. Tours were conducted of major county facilities, including the county Administration Building on Third Street, the Hall of Justice, the Carithers Building on Parkway Mall, and all the buildings on the South Campus to check for cleanliness, level of general maintenance, and comfortable and consistent temperatures. The Grand Jury reviewed the earthquake recovery process with the Public Works Department and interviewed senior managers whose departments were displaced to gain their perspectives on how the process was managed.

### **Documents Reviewed**

- Maintenance service contracts for Bell Products, Kone and Peterson for the period July 1, 2012 to June 30, 2015.
- Maintenance Service Contract for Siemens Building Technologies for the period July 1, 2013 to June 30, 2018.
- Purchase orders for work performed by Bell Products, Kone, and Peterson for the period January 1, 2012 to December 1, 2015.
- Property Management Department inspections reports for emergency generators July 1, 2015 to December 1, 2105.
- Property Management work order activity for Bell Products, Kone, and Peterson for the period July 1, 2015 to December 1, 2015.
- Earthquake damage assessment and plans for departmental moves to temporary space and back.

## **DISCUSSION**

### **Cleanliness and Level of General Maintenance**

The Grand Jury found the county facilities it toured to be clean and well maintained. Temperatures in work spaces were comfortable and there appeared to be adequate ventilation. There was no evidence of worn carpets or marred walls. Lighting was adequate and all fixtures were working. Office partitions were in good condition. Restrooms and break areas were spotless.

### **Post Earthquake Recovery and Repair**

At the time of the Grand Jury inspections in September 2015, restoration work to address earthquake damage was just being completed and departments were in the process of moving back into their permanent spaces after being housed in temporary locations. It was evident to jurors during the tours that Public Works had been smart in executing the repair work by seizing

the opportunity to perform building system upgrades. HVAC controls were upgraded from pneumatic to digital, carpet and partition systems were upgraded, and needed maintenance work was completed while the buildings were vacant and opened up for earthquake repairs. County employees and senior managers the Grand Jury interviewed were all complimentary about the condition of their refurbished spaces. They also praised the way in which Public Works and Information Technology Services handled the post earthquake recovery, including the very complex move to temporary facilities, getting them up and operating quickly, and moving them back. After the earthquake damaged about 100,000 square feet of county office space, over 400 people were relocated to conference rooms, training rooms, rented space, the newly acquired South Campus, and even to a folding table outside on the plaza, complete with furniture, phones, and computers. Virtually all county services were available to residents on Tuesday, August 26<sup>th</sup>, just two days after the earthquake. Repair and renovation work was quickly specified and bid out and construction was underway by November 2014. This earthquake recovery work, except for repairs in the Historic Courthouse and the Hall of Justice, where significant structural damage was incurred, was completed by September 2015. Displaced departments were then moved back into their permanent spaces smoothly and efficiently. Unfortunately, departments that were housed in the Historic Courthouse and the Hall of Justice, the Probation Department for example, will not be moved back to their permanent space until the extensive structural repair work in those facilities is finished, now estimated to be at the end of 2016 in the case of the Hall of Justice and sometime in 2017 for the Historic Courthouse. The Jury acknowledges that this successful result is due to long hours, hard work, and dedication of the entire county workforce, but especially to the people in the Public Works and Information Technology Services Departments.

### **Maintenance Contracts**

The Grand Jury is concerned, however, that contracts with three building system maintenance providers, Bell Products (HVAC equipment and pneumatic controls), Kone (Elevators), and Peterson Power Systems (emergency power generators) were allowed to expire on July 1, 2015. Although county employees did a rudimentary level of testing on generator motors and HVAC equipment, but regular inspection and testing by these third party specialists was suspended on July 1<sup>st</sup>. These vendors continued to do some work on a purchase order by purchase order basis, but were not directed to continue the inspection and testing regimen they were performing under their contracts. Elevator inspections did continue on a month-to-month basis until October 31, 2015, but were suspended thereafter.

All three vendors had annual contracts starting on July 1, 2012, with one year renewals starting on July 1, 2013 and July 1, 2014. Because these contracts were at their three year limit, the Public Works Department was obliged to send out RFPs to negotiate new contracts to provide these maintenance services beyond July 1, 2015. Allowing time for vendors to respond to the RFPs and time for county personnel to review the proposals, the RFPs should have been sent out no later than May 1, 2015 to avoid a lapse in contracted maintenance services. The RFP for elevator maintenance was issued on January 12, 2016. The new contract is expected to start on either March 22, 2016 or April 5, 2016, following approval by the Board of Supervisors, approximately nine months after the last contract expired and five months after the previous contractor suspended inspections.. The RFP for emergency generator maintenance was issued on January 29, 2016 and the new contract is scheduled to start on April 5, 2016, nine months

after regular inspection and testing was last done. The RFP for HVAC equipment maintenance was issued on February 22, 2016 and the new contract is expected to start on April 19, 2016, nine and a half months after the last contract expired. There is evidence that the Public Works Department was extremely busy with earthquake recovery work and that there was a desire to take the time to make sure the RFPs contained the most up-to-date specifications for scope of work. However, the choice to delay the RFPs placed the reliable performance of critical building systems at risk.

### **HVAC Equipment**

Under its prior contract Bell Products conducted quarterly testing of all HVAC equipment, including central plants and package units all the way down to VAV boxes and thermostats. Not every piece of equipment was tested each quarter, but by the end of a twelve month period every single piece was inspected at least once. After the expiration of the contract, Bell Products continued to do repair work and some inspection, but far short of its prior inspection program, putting the Property Management Department in a position of being reactive in responding to air temperature and ventilation issues instead of addressing problems before they develop.

### **Elevators**

The county has over sixty elevators in service, each requiring annual inspection for preventative maintenance. Kone is doing repair work as requested, but suspended regular inspection activity at the end of October 2015. County maintenance people are not trained, equipped, or authorized to do this work. Without regular inspections by third party specialists, needed adjustments and repairs may go unnoticed, which could in turn compromise the reliability and safety of this equipment.

### **Emergency Power Generators**

County maintenance personnel have been performing basic inspections on generator motors on a monthly basis since July 1, 2015, such as checking battery charge, fuel levels, and lubricant levels, and have been test starting the units. However, county personnel are not trained, equipped, or authorized to load test the generators or test the switch gear. These tests were performed semi-annually by Peterson under its contract, but have not been performed since July 1, 2015. Although there is no assurance that a successful test will ensure that a generator will perform when it is needed, the Jury believes that every opportunity should be taken to increase the odds of proper operation, particularly in facilities like the Hall of Justice, Juvenile Hall, and the communications tower on Mt. St. Helena, by thoroughly and professionally testing these units on schedule.

## **FINDINGS**

- F1:** The Public Works Department is maintaining county facilities in a way that provides county employees and citizens with clean, safe, and pleasant buildings in which to conduct the county's business.
- F2:** The Public Works and Information Technology Services Departments did a masterful job of earthquake recovery. Over 400 people were relocated to temporary spaces and were back in operation in only two days. Except for the historic courthouse and the Hall of

Justice, which both incurred significant structural damage, earthquake repairs were completed in little over a year. The Public Works Department took the opportunity to include building system upgrades and maintenance items while the impacted spaces were vacant. The displaced departments, except the ones housed in the historic courthouse and the Hall of Justice, were smoothly and efficiently moved back to their permanent spaces as the renovations were completed.

**F3:** RFPs for maintenance contracts for critical building systems were not sent out on time, allowing the existing contracts to expire on July 1, 2015 without renewal or replacement. Although a basic level of inspection and testing was done by county maintenance personnel and some inspection and repair work was done by vendors on a purchase order by purchase order basis, the inspection regimen by third party experts on HVAC equipment, elevators, and emergency power generators was suspended with the expiration of the maintenance contracts on July 1, 2015. Elevator inspections continued on a month-to-month basis until October 31, 2015, but were suspended thereafter. The lack of regular thorough inspection and testing by third party specialists could lead to the increased risk of failure of this critical equipment when it is needed most.

## **RECOMMENDATIONS**

**R1:** The County Board of Supervisors should commend the Public Works and Information Technology Services Departments for the post earthquake recovery work they performed.

**R2:** The County Board of Supervisors should direct the County Executive Officer to compile a list of contracts for the maintenance of critical equipment and services and to institute a policy that RFPs for replacement contracts be distributed at least sixty days in advance of the expiration dates of such contracts. This policy should be in place by December 31, 2016. Any deviations from this policy should be approved by the County Executive Officer on a case by case basis.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

Napa County Board of Supervisors: **F1, F2, F3, R1, R2**

## **INVITED RESPONSES**

County Executive Officer: **F3, R2**

## **DISCLAIMER**

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  
2015-2016**

**May 6, 2016**

**FINAL REPORT**

**NAPA COUNTY JUVENILE HALL**



# NAPA COUNTY JUVENILE HALL

## SUMMARY

The 2015-2016 Grand Jury inspected Napa County Juvenile Hall (NCJH) and conducted formal interviews with management and staff, and informal interviews with detainees. The mission of NCJH is to remove juvenile offenders from the community and to offer them rehabilitation programs which will enable a successful return to family and community.

The 2015-2016 Grand Jury found that NCJH is well maintained and provides a safe and healthy environment for juveniles with a strong focus on rehabilitation and education. The 2015-2016 Grand Jury was concerned that previously identified problems with video camera surveillance have not been resolved.

## BACKGROUND

Each year, as mandated by State Law, the Napa County Grand Jury must physically inspect all jail and detention facilities within Napa County. Napa County Juvenile Hall (NCJH) is one of the detention facilities required to be inspected.

Two previous Grand Juries found and recommended that outdated video surveillance cameras, which produced poor quality and uneven sequencing of images, be replaced. Previous Juries also found that some areas of NCJH are not covered adequately by camera surveillance thus creating "blind spots". This Grand Jury felt that additional investigation into these findings should be explored to confirm that the situation was resolved, as well as ensuring NCJH was following protocol for the safety and well-being of employees and detainees.

## METHODOLOGY

### A. Interviews Conducted

Napa County Probation Office  
Two NCJH Supervisors  
Two NCJH Counselors  
Ten NCJH Detainees (informal interviews)

### B. Documents Reviewed

NCJH Grand Jury Reports – 2009-2014  
NCJH Population Statistics – January 2006-December 2015  
NCJH Orientation for Minors  
NCJH Medical Screening Form  
NCJH Classification Assessment  
Napa County Juvenile Justice Center Behavioral Summary  
Napa/American Canyon Peer Court Program  
NCJH Policy and Procedures Manual

NCJH Minor's Grievance Reports, June-December 2015  
NCJH Fire, Food, Health, and Safety Reports 2014-2015  
Juvenile Hall-Crossroads School Yearly Report, 2014-15  
NCJH Organization Chart, 2015  
NCJH Probation Division Budget-Juvenile Hall, FY2015-16  
Juvenile Justice Commission Annual Inspection Report, 2015

### **C. Napa County Juvenile Hall Facility Inspection**

Sally Port, Holding, and Booking areas  
Control Desk, including Observational and Padded Cells for Juveniles at risk  
Prospect and Merit Wards, including Cells and Control Desks  
Shower Facilities in both Wards  
Common Areas in both Wards  
Outside Recreation Areas  
Kitchen  
Library  
Family Visiting Area

### **DISCUSSION**

Grand Jury interviews were conducted with counselors, supervisors, superintendents as well as the Chief Probation Officer. During each interview we heard from highly professional, courteous, and well-trained professionals who were dedicated to the successful rehabilitation of the youths they support, and who treat both the youths and one another with respect and courtesy.

The 2015-2016 Grand Jury found the NCJH to be secure and well maintained. Overall, NCJH provides a safe and healthy environment for the detainees and staff. Medical care, counseling, and education programs are provided for each youth with the goal of rehabilitation and successful return to family and community. There is a high level of professionalism, dedication, and respect among the staff at NCJH. The youths are required to treat each other and staff with courtesy and respect. The rules are made clear and good behavior and achievement of goals is rewarded. Work done in cooperation with the Juvenile Probation Department and other community agencies is crucial to successful rehabilitation. The steady decline in census at NCJH and in the number of juveniles on probation in Napa County is testimony to the successful implementation of meaningful programs.

Funding for NCJH comes from the Napa County General Fund and the State of California. The requested budget for FY2016 represents a 4% increase over FY2015 from \$5.323M to \$5.35M. The budget reflects an increase of \$157,524 in salaries and benefits resulting from a three-year labor agreement negotiated in FY2014-15, and an increase in cost for services by the medical service provider, California Forensic Medical Group.

There is a close working relationship between NCJH and the Napa County Juvenile Probation Department. Juvenile probation programs are fundamental to the rehabilitation process as they help facilitate the transition for NCJH detainees as they re-enter the community. The Napa