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NAPA COUNTY GRAND JURY
c/o Court Executive Office
825 Brown Street
Napa, CA 94559

A Tradition of Stewardship
A Commitment to Service

June 30, 2017

To the Residents of Napa County:

The 2016-2017 Napa County Grand Jury is pleased to present its Consolidated Final Report to the citizens of Napa County. The Grand Jury issued six Final Reports on its investigations during its one-year term of service to the County. The Consolidated Final Report combines them in one overall Report.

As fixed by law, our Grand Jury consisted of nineteen members that were sworn into service on July 19, 2016 for a one-year term. During this term, five jurors resigned and were replaced by three alternates. We served under Napa County Superior Court Presiding Judge Mark S. Boessenecker and Grand Jury Supervising Judge Elia Ortiz. As required by law, Deputy County Counsel Silva Darbinian reviewed each Report for compliance with applicable statutes before it was submitted to Judge Ortiz who approved it.

The Grand Jury is a civil grand jury. Some of our investigations were mandated by statutes; others were of subjects chosen by the Grand Jury. In addition, we received and investigated a number of complaints from citizens. Our investigations included numerous interviews of elected and appointed officials, County and City employees, other interested parties and County residents, as well as detailed document reviews, facility tours and site visits. Not all of our investigations resulted in published reports.

Shortly after their issuance, each of our Final Reports became available for viewing or downloading on the Napa County Grand Jury web page, located at <http://www.napacourt.com/grand-jury/reprts-response%2016-2017>. Grand Jury reports of prior years are also posted for viewing, as well as agency responses to Grand Jury reports.

My Grand Jury colleagues and I appreciated the opportunity to be of service to our Napa County fellow citizens.

Sincerely,

A handwritten signature in cursive script, reading "Margaret Niland". The signature is written in black ink and is positioned above the printed name.

Margaret Niland, Foreperson
2016-2017, Napa County Grand Jury



NAPA COUNTY GRAND JURY
c/o Court Executive Office
825 Brown Street
Napa, CA 94559

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June 30, 2017

The Honorable Mark S. Boessenecker
Presiding Judge
Superior Court of California
County of Napa
825 Brown Street
Napa, CA 94559

The Honorable Elia Ortiz
Grand Jury Supervising Judge
Superior Court of California
County of Napa
825 Brown Street
Napa, CA 94559

Re: 2016-2017 Napa County Grand Jury Consolidated Report

Dear Judge Boessenecker and Judge Ortiz

The 2016-2017 Napa County Grand Jury hereby presents its Final Consolidated Report to the Presiding Judge and the Grand Jury Supervising Judge of the Superior Court of California, County of Napa.

On behalf of the members of the 2016-2017 Grand Jury, I would like to express our appreciation for the opportunity to serve on the Grand Jury. In the course of our inquiries, we have been fortunate in dealing with an exceptional group of city and county employees whose time and cooperation have aided our investigations.

The Grand Jury expresses its appreciation to Chief Deputy County Counsel Silva Darbinian and Judge Ortiz for their work in reviewing final reports before their release to affected agencies. The Grand Jury also offers its appreciation to Napa Superior Court Chief Executive Officer Richard Feldstein and Court Administrative Assistant Connie R. Brennan for their administrative support.

Sincerely,

A handwritten signature in black ink that reads "Margaret Niland". The signature is written in a cursive, flowing style.

Margaret Niland, Foreperson
2016-2017 Napa County Grand Jury

Acknowledgments

The 2015-2016 Napa County Grand Jury gratefully acknowledges assistance and support from the following:

The Honorable Mark S. Boessenecker, Presiding Judge, California Superior Court, County of Napa

The Honorable Elia Ortiz, Grand Jury Supervising Judge, California Superior Court, County of Napa

Allison Haley, District Attorney, County of Napa

Richard D. Feldstein, Chief Executive Officer, California Superior Court, County of Napa

Connie Brennan, Court Administrative Assistant, California Superior Court, County of Napa

Silva Darbinian, Chief Deputy County Counsel, Napa County

Helene Franchi, Principal Management Analyst, Executive Office of Napa County

Joseph Peatman, President, The Gasser Foundation

Jen Johnson, Office Manager, The Gasser Foundation

News and Production Staff, Napa Valley Register

California Grand Jurors Association

Napa Chapter, California Grand Jurors Association

Overview of the Napa County (Civil) Grand Jury

The following provides a broad overview of the Napa County (Civil) Grand Jury, its origins, what it does and how it functions.

A. Brief History of the Grand Jury

The Napa County Grand Jury has its historical roots in the English grand jury system dating back to the twelfth century. The grand jury protected citizens from the arbitrary authority of the Crown. In California, the institution of the grand jury is preserved in section 23 of article 1 of the State Constitution, which requires one or more grand juries to be drawn and summoned at least once a year in each county. The principal function of a California civil grand jury is to inquire into the affairs of local government. The civil grand jury is an arm of the state judicial system. It is not a law enforcement agency.

B. Function of the Napa County (Civil) Grand Jury

The responsibility of a civil grand jury is to conduct investigations into county and local government to ensure that they are being operated honestly and efficiently. A county grand jury does not have jurisdiction over federal or state agencies, and therefore has no authority to investigate federal or state agencies. A civil grand jury focuses on specific matters within its jurisdiction.

In their investigative work grand jurors are expected to be fair, show sound judgment and maintain absolute confidentiality. A grand jury is not a forum from which to express political ideals or viewpoints. The ultimate goal of the grand jury's work is to make recommendations that are useful and will improve governmental operations.

C. Final Reports of a (Civil) Grand Jury

A civil grand jury may, but is not required to, issue a final report upon completion of an investigation. Following approval by the Supervising Judge, the grand jury provides a copy of the report to the governing body of the affected agency or to an elected official. Affected agencies and elected officials are required to respond to a final report to the Presiding Judge of the Napa Superior Court.

D. Response to Final Report - Findings

The legal requirement for response to grand jury findings and recommendations are set forth in California Penal Code Section 933.05. For the assistance of respondents, Section 933.05 of the Penal Code is summarized below. The person or entity must respond in one of two ways:

- That they are in agreement with the finding or
- That they disagree, wholly or partially, with the finding. In which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

E. Response to Final Report –Recommendations

Recommendations by the Grand Jury require action. The responding person or entity must report action on each recommendation in one of four ways:

- The recommendation has been implemented, with a summary of the action(s) taken.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis. If the respondent replies in this manner, the law requires a detailed explanation of the analysis or study and a time frame not to exceed six months from the date of publication of the Grand Jury's final report by which time the recommendation will be discussed.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation as to why it is not warranted or reasonable.

F. Budgetary or Personnel Recommendations

If a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond, if the grand Jury so requests. While the response by the Board of Supervisors may be somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

G. Time and to Whom to Respond

The Penal Code provides two different response methods:

- Public Agency – The governing body (i.e. Board of Supervisors, a City Council, a Board of Directors, a Board of Governors of a Special District a School Board etc.) of a public agency must respond within 90 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.
- Elected Officer or Agency Head – All elected officers or heads of agencies that are required to respond must do so within 60 days of service of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.

H. More Information

For an application for civil grand jury service, general questions, comments, or more information, please write, call or email:

Ms. Connie Brennan, CCLS – Court Administrative Assistant Superior Court of California,
County of Napa, 825 Brown St. Napa, 94559
Telephone: (707) 259-8305 Fax: (707) 299-1250
Email: grandjury@napa.courts.ca.gov