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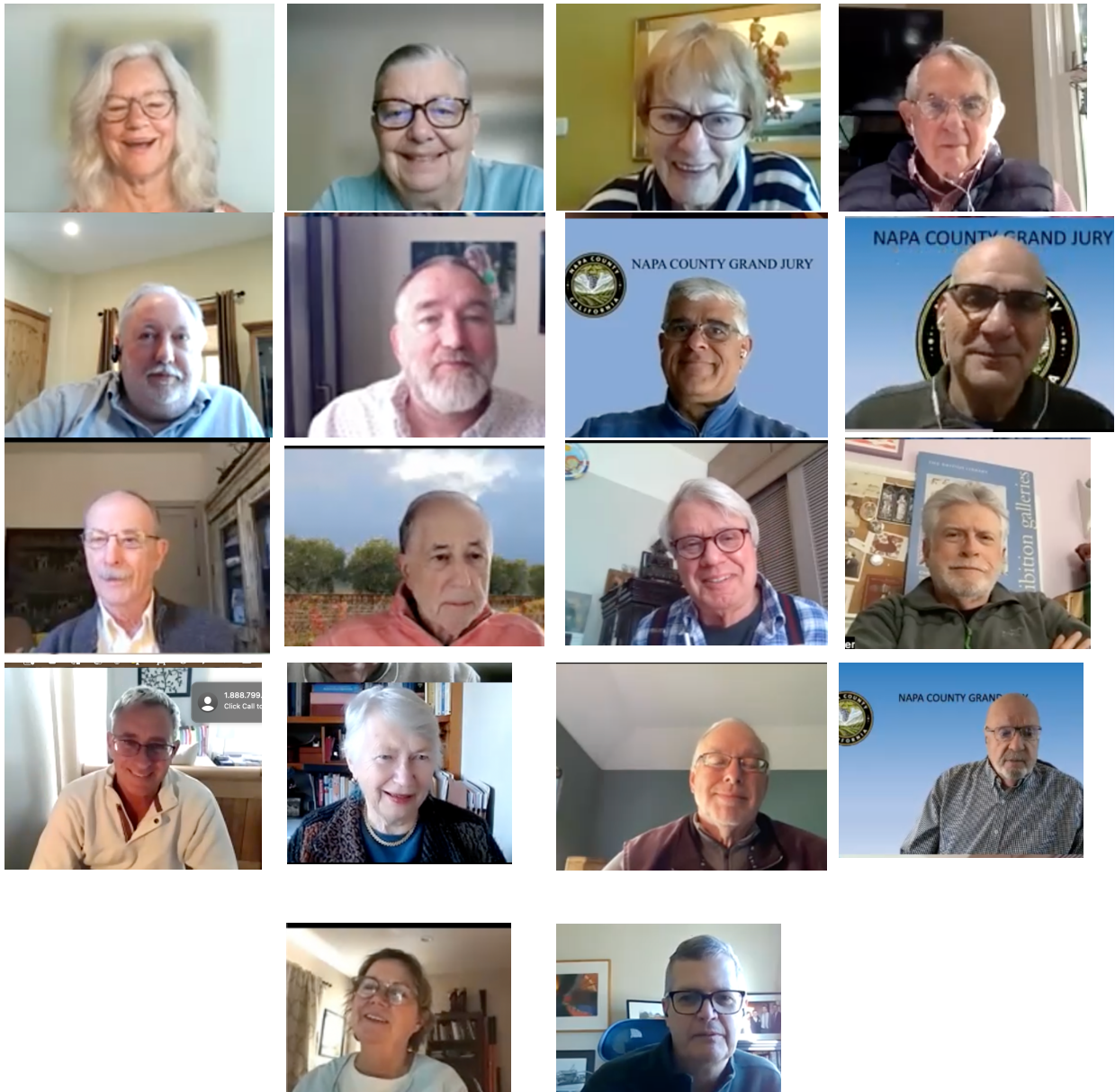


CONSOLIDATED FINAL REPORT

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THE 2021-2022 NAPA COUNTY GRAND JURY



Top Row:	Elizabeth Ellsworth, Suzanne Sommer, Pam Hewitt, Frank Smith
Second Row:	Ken DeJarnette, Christian Philips, Roy Yared, Al Bahn
Third Row:	Rich Walloch, Robert Lieber, Tom Knoblauch, Neil Watter
Fourth Row:	Jim Haller, Elizabeth Parker, Dan Chomko, Michael Stone
Bottom Row:	Susan Wheeler, Tim Knutson

2021-2022 NAPA COUNTY GRAND JURY ROSTER

Michael Stone, Foreperson	Napa
Albert Bahn	Napa
Daniel Chomko	Napa
Ken DeJarnette	Napa
Elizabeth Ellsworth	Angwin
James Haller	Napa
Pam Hewitt	Napa
Thomas M. Knoblauch	Napa
Timothy Knutson	Napa
Robert Lieber	Napa
Elizabeth Parker	Napa
Christian Philips	Napa
Frank L. Smith	Napa
Suzanne Sommer	Napa
Richard Walloch	St. Helena
Neil Watter	Napa
Susan M. Wheeler	Napa
Roy Yared	Napa



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY GRAND JURY
1754 SECOND STREET, SUITE D
NAPA, CALIFORNIA 94559

June 30, 2022

To our fellow Napa County Citizens:

The 2021-2022 Napa County Grand Jury is pleased to present this Consolidated Final Report on the investigations undertaken during its unprecedented eighteen-month term. These reports reflect countless hours of hard work and careful consideration relating to matters that, in the opinion of this Grand Jury, deserved examination and evaluation on behalf of the Napa community.

As one might expect from a term that commenced in January 2021, the Jury's work was greatly impacted by the pandemic. Notwithstanding the limitations imposed, the Jury was able to use technology to carry out its work in a vigorous and, we believe, effective fashion. Reflective of the commitment shown by the Jury's members, some weekly meetings included the attendance of jurors who telecommuted in from their vacations in Hawaii and as far away as Sweden. One member routinely attended meetings, participated in interviews and committee debates from the East Coast due to matters that had not been anticipated at the outset of our term. All of this occurred in an environment of differing technical experience and abilities among members of the Jury. In addition to the time demands of the investigative process, many of the jurors found it necessary to learn or re-learn computer skills in which they had not been trained or had needed to use in their professional careers. Their good humor and willingness to adapt and learn was notable.

The 2021-2022 Grand Jury began with the statutory nineteen members, all of whom (except the Foreperson) were randomly chosen from a list of applicants. In addition to the original nineteen, thirteen alternate jurors were selected to fill anticipated vacancies that might develop over the term. Both groups received initial training and in the end all of those alternates ultimately took a seat on the Jury. Nonetheless, we are completing our term with only eighteen jurors. Those who found it necessary to withdraw from the Grand Jury did so for all the reasons one might expect: workload, health reasons, relocation out of the area and acceptance of new employment that precluded their participation. We extend our appreciation to all those who participated but ultimately found it necessary to withdraw for whatever reason. Special thanks are also due to those who agreed to step into service on the Grand Jury after the Grand Jury was well underway. Indeed, the last alternate joined the Grand Jury in August 2021 and, nonetheless, made an exceptionally valuable contribution.

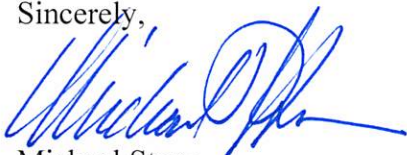
Some of these investigations were generated by issues brought to the attention of the Jury by members of the community through the citizen complaint process. A form for identifying potential investigation subjects can be found on the Napa County Grand Jury website (<https://www.napa.courts.ca.gov/general-information/grand-jury>) and we encourage Napa County residents to use that form to assist next year's Grand Jury in their selection of topics.

The 2021-2022 Napa County Grand Jury hopes that you find the reports contained herein to be both interesting and informative. We feel certain that they will provide important education about Napa County. Responses prepared by the various individuals and agencies identified in each report will be sent to the Court and will be posted on the Grand Jury website referenced above under the section entitled "Grand Jury Reports and Responses." We encourage you to review and consider these responses as they are submitted. In doing so, we hope you will consider that our investigations could only represent a snapshot of what we observed during the course of our term and that, in some instances, corrective and/or more creative solutions may have already been initiated.

Finally, we thank all the citizens and county, city and local government officials and employees who without exception cooperated with candor and good humor in the course of our investigations. Without their assistance, we could not have accomplished what is presented here.

We appreciate having had the opportunity to be of service to the community and encourage you to consider applying for the Grand Jury in the future. You will find it to be a rewarding experience.

Sincerely,



Michael Stone

Foreperson

Napa County Grand Jury, 2021-2022



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY GRAND JURY
1754 SECOND STREET, SUITE D
NAPA, CALIFORNIA 94559

June 30, 2022

Hon. Cynthia P. Smith
Presiding Judge
Superior Court of California
County of Napa

Hon. Victoria Wood
Grand Jury Supervising Judge
The Superior Court of California
County of Napa

Your Honors:

The 2021-2022 Napa County Grand Jury thanks you for the opportunity to serve the Court and our fellow citizens. We appreciate having been selected to undertake the investigations that are reported upon in this Consolidated Report.

This Grand Jury faced the unprecedented complication of having most of its term dominated by the pandemic and the consequential limitations on in-person meetings and interviews. Adversity breeds innovation, however, and we were able to develop systems that facilitated remote meetings, interviews, discussions, and document exchange, notwithstanding a general lack of technology savvy within the group as a whole. We hope our example will be of assistance to the incoming members of the Grand Jury.

The twelve investigative reports, coupled with the response review contained in this Consolidated Report represent the collaborative effort of all the jurors who participated throughout the year, not only those eighteen of us who presently remain, but those who found it necessary to withdraw at various stages of the 2021-2022 term. We trust these reports will serve to inform the public and to encourage better and more efficient government.

We would be remiss in failing to acknowledge the assistance of our counsel, Silva Darbinian, the Court Executive Officer, Bob Fleshman and his staff, as well as County Analyst Daniel Sanchez, without whose assistance we would have not been able to produce these reports.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael Stone".

Michael Stone

Foreperson, Napa County Grand Jury 2021-2022

Acknowledgments

The 2021-2022 Napa County Grand Jury gratefully acknowledges assistance and support from the following:

Honorable Cynthia P. Smith, 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

Bob Fleshman, CEO of the Napa County Superior Court

Daniel Sanchez, Management Analyst, County of Napa

The Trustees of the Gasser Foundation and Jennifer Johnson, Office Manager

Napa Chapter of the California Grand Jury Association

California Grand Jury Association

The Napa County employees, elected and appointed officials who assisted our investigations.

Overview of the Napa County Grand Jury

The Grand Jury is a judicial body composed of nineteen citizens. Once impaneled, it acts as an “arm of the court,” as authorized by the State Constitution, and functions as a “watchdog” for the people of the community. Its activities are funded by the County, which adopts a budget for the Grand Jury. Neither the County nor the Court exercises any supervisory power over the Grand Jury and all proceedings are, by specification in the California Penal Code, subject to strict confidential rules.

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 the colonies. These early Grand Juries began the practice of returning “presentments,” which were primarily against public officials and were different from criminal indictments.

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

Grand Jury Functions

By law Grand Jury has three distinct functions: indictment, accusation and investigation. Indictment is the bringing of 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 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 outside the Grand Jury’s jurisdiction. Private partnerships and contracts can be investigated only regarding local government aspects of any contract. The Superior Court is a state body and cannot be investigated.

Selection & Qualifications 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 sources: applications, jury rolls and personal knowledge. The Grand Jury normally operates on a fiscal year, July 1 to June 30.

Grand Jurors must be citizens of the United States, 18 years of age 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 judgment, of fair character and have sufficient knowledge of the English language.

The Napa County Superior Court, with the assistance of the Napa Chapter of the California Grand Jury Association, recruits jurors in the late winter and spring each year. Persons interested in jury service should look for announcements at that time. More information is available on the Superior Court's website: <https://www.napa.courts.ca.gov/general-information/grand-jury>.

Fire On the Mountain

The Closure of Old Howell Mountain Road: The Effect on Angwin Residents

Report Date: May 31, 2022



AP Photo Glass Fire September 27, 2020

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SUMMARY

Angwin is an unincorporated mountain / forest community of approximately 2,600 residents, and a college with a varying population of approximately 1,200 students and staff. The nearby

community of Deer Park has a resident population of 1,300, a 150-bed hospital with staff and patients. The area also has a large transient agricultural workforce supporting the surrounding wine industry.



The primary road servicing the area from the west to/from St. Helena is Deer Park Road. Historically, Old Howell Mountain Road, constructed approximately 130 years ago, has been a far less travelled alternative route. It is narrow, winding and steep; prone to wash outs during winter storms which historically, the county has repaired. The road is not viewed by the population as a major throughfare, but as an alternate emergency exit route in case of fire or other disaster.

A severe storm in January 2017 heavily damaged Old Howell Mountain Road which was subsequently closed and not repaired. The damage to the road was extensive as the hillside itself is unstable.

While multiple agencies concurred with the decision not to repair the road, the local community believes they were not adequately

informed of, or involved in, the decision which may have a serious impact on their ability to evacuate the area if required to do so.

The Napa Valley Board of Supervisors should reach out to all the local area populations and conduct an onsite, public forum to fully discuss the issues with repairing the road and address their concerns over potential emergency evacuation issues.

BACKGROUND

In April 2021, the 2021-2022 Grand Jury became aware that Angwin community residents were expressing concern and surprise at what they saw as Napa County's failure to repair an important emergency evacuation route, especially in the light of increasingly dangerous future fire seasons in the area. As a result the Grand Jury decided to initiate an investigation into three issues: 1) the adequacy of Angwin's evacuation routes during a wildfire (in particular, Old Howell Mountain Road); 2) whether Angwin residents had been made aware of available evacuation routes; and 3)

whether Angwin residents had been informed of the reasons for the County's decision not to re-open Old Howell Mountain Road.

The concerns of the Angwin's residents centered on their ability to evacuate Angwin in the eventuality of a wildfire similar to those in 2020, the Sonoma-Lake-Napa Unit Fire (LNU) and the Glass Fire. Angwin can be exited by Howell Mountain Road and Ink Grade Road from the northeast, leading to Pope Valley, and by Deer Park Road to the southwest. However, the LNU Fire required the closures of both Howell Mountain Road and Ink Grade Road. This left Deer Park Road as the only route out of Angwin, providing an exit toward the southwest and St. Helena. During the Glass Mountain Fire, however, Deer Park Road was closed for several days, requiring residents to exit Angwin on Howell Mountain Road to the northeast. Old Howell Mountain Road would have provided an alternative evacuation route, had it been available at that time.

Currently, Old Howell Mountain Road has been declared permanently unavailable to residents. It is barricaded near the top of the road where it meets Deer Park Road, and also near the bottom, about 1.4 miles from its intersection with Silverado Trail, near Pope Street. Cal Fire and Napa County Public Works Office of Emergency Management have advised the County Board of Supervisors that the road is unsafe because of a loss of 75% of the road surface in a January 2017 landslide. They note that the road is narrow, winding, and because of the heavily wooded area below it, a virtual "death trap" in the event of a wildfire. Nonetheless, many Angwin residents see the road as a critical evacuation route in the case of a fire or emergency, should all other current routes be blocked. This difference of view became the focus of the Grand Jury investigation.

METHODOLOGY

The Grand Jury began its Angwin Emergency Evacuation to determine when, or if, Old Howell Mountain Road in Angwin, closed since 2017, would be repaired and open for any vehicle use. Importantly, the Grand Jury wanted to explore whether the road closure had been adequately explained to the community and if they were offered an opportunity to question the decision in an open-forum environment.

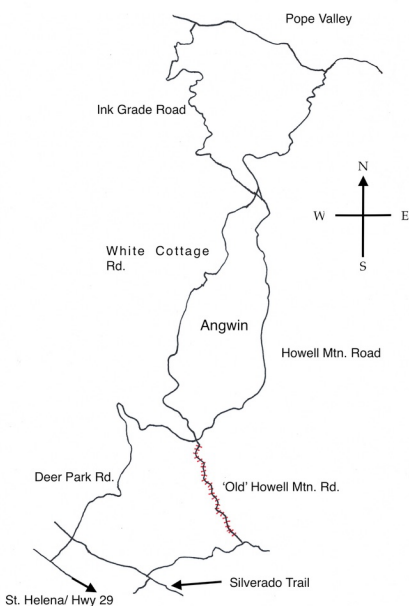
Over the course of the next six months, the Grand Jury interviewed seven individuals identified as having either direct or indirect knowledge of the road closure. Those county personnel questioned included representatives from the Napa County Department of Public Works, Office of Emergency Services, and the County Board of Supervisors. Others interviewed included a representative from the fire station in Angwin and Angwin residents actively involved in community matters.

In addition to the interviews, the Napa Valley *Register*, the St Helena *Star* and the *Weekly Calistogan* newspapers were searched for articles and columns about the closure. Letters to the Editor were also reviewed for indications of Angwin residents' concerns. The Napa County website for the Board of Supervisors was examined for agenda items and/or minutes from Board meetings where the road closure was discussed.

DISCUSSION

A severe storm of January 2017 brought excessive rainfall to Napa County. There were landslides and road closures throughout the county. One of the roads heavily damaged was Old Howell Mountain Road, the only route, other than Deer Park Road, between Angwin and St. Helena. Deer Park Road is far safer and more widely used than Old Howell Mountain Road, which has suffered road closures due to washouts many times over the 130 years it had been in use. The 2017 road closure was the third from storm damage after 2010, when the U.S. Army Corps of Engineers shored up and repaired the road. Napa County Public Works repaired the road again in 2014 when storm damage washed out the road's surface. After each of the road repairs, Old Howell Mountain Road was reopened. However, the severity of the 2017 storm washed out 75% of the roadway surface in sections, according to a December 8, 2020 report to the Board of Supervisors, and the road has not been reopened since.

Map of Angwin



Like many mountain roads in Napa County, Old Howell Mountain Road is narrow and winding, proceeding up to a steep incline. At many points there is a rock face on one side and a steep drop-off on the other. Angwin residents have become accustomed to the road being closed periodically for repairs, something which has happened multiple times in the last twenty years. After the January 2017 washout, however, Old Howell Mountain Road was not repaired. Many residents expected that it would be. Later in the summer of 2017, wild fires in the area increased local residents' sense of urgency about the need to reopen the road for use in an emergency evacuation.

The Camp Fire in the town of Paradise, California occurred in November 2018. People of Angwin followed the fire with a special sense of dread. The deaths of many of the 85 people tragically lost

in that fire were due, in part, to a lack of adequate evacuation roads. The situation was similar to that which Angwin residents feel they might face, since the only current evacuation route to St. Helena, to the southwest, is Deer Park Road. Residents, fearing a potential tragedy like the Camp Fire, have argued that Old Howell Mountain Road should be repaired and available for use.

Angwin is surrounded by forest and is approximately 1,800 feet in elevation. It is home to approximately 2,600 residents. In addition to the residents, Angwin is home to Pacific Union College, with a student population between 900-1200 students, and a staff and faculty of 250. Angwin has one preschool, one public elementary school, one private elementary school, and one private high school. Angwin's public high school students attend St. Helena High School. Angwin has an all volunteer Fire Department, and a small shopping area comprised of many businesses. There is also a large, partially transient, agricultural workforce that drives to and through Angwin to access the many vineyards and wineries in the vicinity. Nearby Deer Park has a population of 1,300 residents. St. Helena Hospital in Deer Park has a staff of approximately 1,050 employees and 297 volunteers, and has 151 beds for patients.

Most of Angwin and the surrounding area of Howell Mountain were under an advisory evacuation order during the Atlas/Tubbs Fire of October 2017. During the 2020 LNU Complex and Glass Fires, all of Angwin was under mandatory evacuation for a total of 21 days. Those evacuations happened without injury or loss of life.

Since the January 2017 closure of Old Howell Mountain Road, residents of Angwin and nearby communities have expressed their desire to have Old Howell Mountain re-opened, if only as an emergency evacuation route. The *Napa Register* has printed several letters to the editor on the topic; residents have written to Board of Supervisors; and an Op-Ed article was written in the *Register* recommending that money be spent to repair the road. One *Napa Register* letter to the editor received a printed response from the Napa County Public Works Office quoting a figure of \$3 million to repair the road (this would amount to one-third of the the Napa County Public Works' annual budget) and explaining that adequate funds were not available to support a repair of such magnitude.

The Grand Jury's research indicates that the \$3 million repair estimate was incomplete, because it only included the cost of patching the surface of the roadway where the asphalt has washed away. Local authorities interviewed by the Grand Jury, including from Napa County Public Works, Cal Fire, Napa County Fire Department and local road construction companies, all stated that the issues that would need to be addressed to repair Old Howell Mountain Road are far more serious than just patching missing asphalt and would cost far more than \$3 million. All of these experts described the impracticality of repairing the 130 year-old road. Reasons cited included the fact that it was built on soft soil, has had multiple asphalt repairs over the years, and includes a three-mile section that is starting to slip down hill. In short, the road has lost its structural integrity. A 2020 report from Napa County Public Works stated that even if repairs happened to the damaged section of road, there could be no assurance that the next major storm would not damage another portion of the road.

Based on these recommendations, the Napa County Board of Supervisors voted in December 2020 not to repair Old Howell Mountain Road. This Grand Jury agrees with that decision, even though it also recognizes that many local residents disagree with the decision. These residents are

concerned that devastating wildfires are likely to become an increasingly frequent occurrence in the area and they believe that multiple evacuation routes are necessary for the safety of residents, workers and students.

During its investigation the Grand Jury spoke to multiple Angwin residents, some of whom felt that the closure was the proper decision. Nonetheless, no matter which side they took, nearly all felt they had not been given an adequate opportunity to hear directly from the Board and to provide their input. Similarly no individual interviewed remembered that they were notified in advance about the Board of Supervisors' vote on the road closure.¹ The decision, which affected so many, appears to have come as a surprise to most residents. The goal of this report is to bring clarity and understanding about Napa County's decision to close Old Howell Mountain Road.

FINDINGS

- F1. Many Angwin residents interviewed stated they did not recall having received notice prior to the Napa County Board of Supervisors' 'yes vote' in favor of keeping Old Howell Mountain Road closed. The Grand Jury is aware that under the Brown Act, no more than 72 hours' notice of any agenda item is required. But despite repeated efforts, the Grand Jury was unable to confirm that even so minimal a notice occurred. Moreover, given the level of local concern about Old Howell Mountain Road, more prominent notice and even the opportunity for a public hearing would have been appropriate. Had this happened, years of concern and confusion could have been avoided.
- F2. These residents believe that they did not receive an explanation of why Old Howell Mountain was not repaired and they were not adequately represented in the decision-making process.
- F3. The residents of Angwin have been impacted multiple times by evacuations due to wildfires and want to have as many evacuation routes as possible, in order to avoid a tragedy like the Paradise, California scenario.
- F4. The Napa County Board of Supervisors caused unnecessary mistrust in their local government by not sufficiently communicating with Angwin-area residents regarding the closure of Old Howell Mountain Road.
- F5. Multiple agencies, including , Napa County Office of Emergency Services, Napa County Public Works, CalFire, Napa County Fire Department and local construction companies have deemed the road unrepairable, due to a nearly three-mile long section of unstable ground and other hazards; however, the Napa County Office of Emergency Services and the Napa

¹ Only after careful research was the Grand Jury able to find a general reference to Howell Mountain Road on the December 8, 2020 Board of Supervisors meeting agenda. Item 10B included the following: "Director of Public Works requests discussion and possible direction on the status of Old Howell Mountain Road." Supporting Documents and a Roads 4 Year Plan were also referenced. Public comments by one resident were not read but added subsequently after the meeting. There was no mention of a final vote.

County Board of Supervisors did not effectively communicate to the public their reasons for their decision not to repair the road.

RECOMMENDATIONS

- R1. The Napa County Office of Emergency Services should hold a public forum with Angwin residents and explain the reasons for the closure of Old Howell Mountain Road. Other relevant agencies should be invited to attend.
- R2. During this forum, the Napa County Office of Emergency Services should explain feasibility and potential cost of repairing the road.
- R3. The forum should provide residents an opportunity to have their questions answered and to express their opinions about the decision to close Old Howell Mountain Road. This forum should take place before September 1, 2022.

REQUEST FOR RESPONSES

The following responses, required pursuant to Penal Code sections 933 and 933.05, are requested from the following agency head within 60 days:

- Napa County CEO, for Napa County Office of Emergency Services

F1, F2, F3, F4

R1, R2, R3

INVITED RESPONSES

- Angwin Volunteer Fire Department Fire Chief

F1, F2, F3, F4

R1, R2, R3

- President, Angwin Community Council

F1, F2, F3, F4

R1, R2, R3

- Napa County Board of Supervisors

F1-F5

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**2021-2022 Grand Jury Compliance and Implementation Report
of
2019-2020 Grand Jury Report Recommendations and Responses
“The City of Napa’s Sidewalks - Watch Your Step”**



May 31, 2022

2021-2022 Grand Jury Report on Compliance and Implementation of 2019-2020 Grand Jury Report Recommendations and Responses

“The City of Napa’s Sidewalks - Watch Your Step”

SUMMARY

The 2021-2022 Napa County Civil Grand Jury performed a Compliance and Implementation Review of the City of Napa’s responses to a Report issued by the 2019-2020 Napa County Civil Grand Jury, “The City of Napa’s Sidewalks – Watch Your Step.” The earlier Report assessed compliance with the California Penal Code to ensure that the recommendations agreed upon for implementation by the City of Napa were being met and that Napa residents, particularly those affected by the need for sidewalk repair, were duly informed.¹

The complete text of the 2019-20 Report appears on the following website:

<https://www.napa.courts.ca.gov/general-information/grand-jury/grand-jury-reports-responses>

The website also provides links to the City of Napa’s responses to the Report’s findings and recommendations.

In addition, the City of Napa Public Works Department website on Sidewalks, Curbs, and Gutters provides information about how Napa manages sidewalk repair:

<https://www.cityofnapa.org/365/Sidewalks-Curbs-Gutters>

The Grand Jury’s review of the City of Napa’s responses could not find publicly available information to confirm compliance with all its responses or how residents might learn of sidewalk repair priorities and progress. The current investigation was opened to explore this concern.

BACKGROUND

On June 24, 2020, the City of Napa responded to the 2019-2020 Grand Jury report, “The City of Napa’s Sidewalks—Watch Your Step.” The City agreed to implement six of the report’s eight recommendations by December 31, 2020 (see Appendix for the full text of findings, recommendations and responses). The current 2021-2022 Grand Jury made a follow-up request in October of 2021 to determine whether implementation had occurred and whether the public had been informed about the changes made. It did so because an examination of the City’s website was not helpful. Napa’s City Manager responded to the Grand Jury’s request but did not provide the Grand Jury with information on some implementation items. The Grand Jury followed up by contacting the Public Works Department, the department responsible for managing sidewalk

¹ Responses to all Grand Jury reports are required pursuant to California Penal Code sections 933 and 933.05.

repairs. The Grand Jury asked for documentation about the action taken to address the Report's concerns. The Public Works Department answered the Grand Jury's questions about the City's program for sidewalk repair, but issues remained.

An investigation followed to understand: 1) how the City approaches sidewalk repair, given that more sidewalks need repair than the current annual budget can fund; and 2) whether the City is sufficiently transparent so that residents can learn how sidewalk repairs are addressed.

METHODOLOGY

In conducting this follow-up investigation, the Grand Jury conducted interviews and corresponded with the Public Works Department. It also conducted research focused on the following:

- The Sidewalk Repair Policy/Procedure, which listed all concrete repairs completed in 2020-2021; a description and map of the Napa Neighborhood Streets and Sidewalk program; and Prioritization Maps for Napa schools and Travel Paths.²
- The City of Napa's 2021 fiscal year settlements for claims relating to 'trip-and-fall' accidents on City sidewalks.
- City website pages focused on the Public Works Department's sidewalk maintenance and repair effort.
- Approaches taken by nearby cities and counties to sidewalk repair (e.g., Sacramento, Fairfield, Sonoma, San Rafael, Vallejo, and Santa Rosa) to provide comparisons to Napa's approach.

DISCUSSION

The 2019-2020 Grand Jury published a thorough report on Napa's sidewalk repair issues, "The City of Napa's Sidewalks—Watch Your Step." The Report made eight recommendations, six of which the City agreed to implement by December 31, 2020 (see Appendix). The current Grand Jury found that since that report, several positive actions have occurred which should address the City's sidewalk repair needs in both short- and long-term:

- Annual budget allocations for sidewalk repair have increased between 2019 to 2021 from approximately \$1.5M to \$2.5M.
- The Public Works Department amended its sidewalk repair policies/procedures in response to the 2019-2020 Grand Jury report; this information was not, however, available to the public.
- The City of Napa has increased the percentage of repair costs for which it reimburses residents who participate in the Sidewalk Cost Share Program from 50% to 60% as a result of the 2019-2020 Grand Jury report.
- The Public Works Department has also added a feature on its website so that citizens can report specific sidewalks in need of repair, but it is not easily accessible.

² Travel Paths exist throughout the County of Napa to support non-automotive transportation.

The City of Napa has many sidewalks in need of repair, but only a limited budget for such work, which is insufficient for repairing all damaged sidewalks in a single year.³ As a result of the Napa Neighborhood Streets and Sidewalk Program and its systematic prioritization of sidewalks to be repaired, the Public Works Department has on their website a map of Napa neighborhoods with sidewalks to be addressed for repair by year spanning the period 2009 to 2026. In lieu of a permanent replacement of a sidewalk, the City of Napa offers two types of temporary repairs to be done by the Public Works Department: 1) sidewalk shaving, if the displaced concrete is less than 2 inches high, or 2) an asphalt patch to make the sidewalk displacement smoother, rather than an abrupt rise.

The City of Napa also offers a Cost Share Program to encourage residents to hire their own contractors to replace sidewalks adjacent to their properties. If accepted, it will reimburse the property owner up to 60% of approved costs of the repair. On average, applications for the Cost Share Program receive a response within seven days from receipt and the resident receives reimbursement within 20-30 days after completion of the work by a property owner's contractor. When compared to several nearby cities (e.g., Sacramento, Fairfield, Santa Rosa, San Rafael, Sonoma, and Vallejo), the City of Napa's Sidewalk Cost Share Program offers generous reimbursement for residents' sidewalk repair work. The cities noted offer either no reimbursement, or a much smaller contribution to residents for costs incurred in repairing or replacing sidewalks adjacent to their property.

To summarize, the City of Napa has shown exceptional commitment to repairing heavily damaged sidewalks with three programs noted above. Its current website is outdated and only somewhat informative; it does not describe the management of full-time repair crews and contractors or describe the City's commitment to residents and what they can expect when they inquire about sidewalk repair. Residents could benefit from more information and links to frequently asked questions (FAQ's), a popular technique on consumer-oriented websites.

The Grand Jury found that much information already exists about Napa's sidewalk repair policy and procedures, but only on internal documents. Information such as the following is not readily available to the public:

- Annual budget for each repair program;
- How and why damaged sidewalks are prioritized, using specific criteria which is then calculated;
- How and why the Napa Neighborhood Streets and Sidewalks Program is significantly more efficient than would be a single priority repair program;
- How residents can use the cost sharing program to accelerate repairs and how quickly they should anticipate their applications to be approved and repair reimbursed; and
- When and why the City uses sidewalk 'shaving' and asphalt patching, rather than sidewalk replacement, to address sidewalks of lower priority.

³ Napa's sidewalk repair funds originate from grants, funding from Senate Bill 1, The Road Repair and Accountability Act of 2017, the gasoline tax, and the general fund.

FINDINGS

- F1. The City of Napa has developed a systematic and criteria-based approach to prioritizing sidewalk repairs.
- F2. The City of Napa strives for efficiency, due to its limited number of repair crew personnel (22 full time repair crew personnel), in order to maximize sidewalk repairs throughout the year.
- F3. The City of Napa has identified the following five important sidewalk conditions, each assigned a numerical score (1-5), to determine repair prioritization:
 - A. Pedestrian travel areas
 - B. Years until the sidewalk falls onto the schedule of repair under the Napa Neighborhood Streets and Sidewalk Program
 - C. Tree issues around the sidewalk
 - D. Proximity to schools
 - E. Size of concrete displacement
- F4. The Public Works Department goal for sidewalk repair is to group by proximity/location the highest-ranked priority projects, in order to develop a list of the maximum number of high priority repairs that can be completed as a single project. The goal is to complete repairs ranging from a minimum of 9 to a maximum of 15 locations to minimize movement of repair crews and maximize efficiency.
- F5. The Public Works Department views efficiency in sidewalk repairs as a major factor in the timely repair of all damaged sidewalks. The Public Works Department has evidence and experience that the sidewalk repair rates of the Napa Neighborhood Program are four to five times greater than completing individual priority locations.
- F6. City residents do not have easy access to sidewalk repair information due to the Public Works Department's outdated sidewalks website. An updated website could help to inform the public about the City of Napa's strong financial and operational commitment to sidewalk repair given budgetary constraints.

RECOMMENDATIONS

- R1. The City of Napa should describe the rationale and advantages of the Napa Neighborhood Streets and Sidewalk Program on the Public Works Department website.
- R2. The City of Napa should use its Public Works Department website to explain the prioritization of sidewalk repair, including shaving and asphalt patching under the Napa Neighborhood Streets and Sidewalks Program.
- R3. The City of Napa should use the Public Works Department website to explain how crew efficiency assists in getting more sidewalk repairs completed each year.

- R4. The City of Napa should use the Public Works Department website to emphasize the Cost Sharing program and the benefits it provides to residents whose sidewalks are not scheduled for near-term repairs.
- R5. The City of Napa should update the Public Works Department website to reflect its strong financial and operational commitment to sidewalk repair year over year and to describe any plans for the future.

REQUIRED RESPONSES

The 2021-2022 Napa County Civil Grand Jury requests the following responses pursuant to Penal Code sections 933 and 933.05:

The Napa City Council (F1-F6 and R1-R5)

The Mayor of the City of Napa (F1-F6 and R1-R5)

INVITED RESPONSES

- The Napa City Manager (F1-F6 and R1-R5)
- The City of Napa Director of the Public Works Department (F1-F6 and R1-R5)

APPENDIX

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

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

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

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

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

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

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

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

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

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

Implementation Date

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

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

OFFICE OF THE PUBLIC DEFENDER

Equal Justice for All?

**2021-2022 Napa County Civil Grand Jury
May 31, 2022**



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SUMMARY

The 2021-2022 Grand Jury learned that some misdemeanor defendants, those unfamiliar with the legal system, or suffering from mental disability, and particularly those with no or limited English, are at risk for poor outcomes, sometimes as serious as deportation, when their cases are settled without legal representation.¹ For those accused of crimes, whether felonies or misdemeanors, the court process can be confusing; this is particularly true for those with limited or no English skills. Legal representation can help to alleviate this problem. After an investigation which included interviews, review of data, and observation of arraignments, the Grand Jury recommends that to address this potential disparity and possible violation of the California Constitution, Napa County consider adding resources to the Napa County Public Defender so that all misdemeanor defendants have access to legal advice during their arraignments.

BACKGROUND

This investigation focused on the adequacy of representation of indigent misdemeanor defendants who were legally entitled to representation by the Napa County Public Defender in accordance with the Constitutions of the United States and California as well as California Penal Code Section 19.6.² Nonetheless, when no Public Defender is available in the courtroom, misdemeanor defendants may fail to request representation, preferring a rapid disposition of their matters, sometimes not understanding the legal impact such a decision.

METHODOLOGY

The Grand Jury's investigation included interviews of past and current staff in the Napa County Public Defender's Office and focused especially on attorneys who represent misdemeanor defendants in court. An attorney in the Napa County District Attorney's Office and an immigration consultant to the Public Defender's Office were also interviewed. In addition, the panel requested, received, and evaluated statistical data from the Napa County Public Defender; it also reviewed and compared online historical budget information for the Napa County Public Defender and the Napa County District Attorney; California and U. S. appellate court decisions addressing the legal rights of misdemeanor defendants; and legal cases against other counties in California involving public defender services. Grand Jurors also personally observed several court arraignments, using the court's public access video conferencing system.

¹ In California, a misdemeanor is described as any offense where the maximum sentence is no longer than one year in a county jail.

² The California Constitution, Article 1, § 15—Declaration of Rights, provides: "The defendant in a criminal case has the right to a speedy public trial, to compel attendance of witnesses in the defendants' behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant."

DISCUSSION

A. General

All indigent defendants in California charged with a misdemeanor or felony offense are entitled to the services of a public defender if they so request; after such a request, attorneys are subsequently appointed by the court. In the case of felony defendants, most are initially held in custody after arrest and an attorney from the Office of the Public Defender is appointed routinely by the court at the time of their arraignment.³ In most situations, the Public Defender will have been informed about the person in custody and, prior to the arraignment, will have had the opportunity to meet with the defendant in jail,⁴ determine eligibility for the Public Defender's services, and determine whether the eligible defendant wants representation by the Public Defender.

Misdemeanor defendants face a different situation because most are not initially confined to jail. Instead, upon arrest, misdemeanor defendants are typically given a citation and Notice to Appear in court on a specific date, and then immediately released.⁵ Thus, unless the defendant initiates contact,⁶ Public Defender attorneys do not have the opportunity to meet with such defendants because they are not in custody prior to their initial arraignment in court. The Grand Jury has learned that most defendants do not understand their right to seek counsel and so do not seek contact with the Public Defender prior to arraignment. The first encounter between a Public Defender and a misdemeanor defendant not in custody thus usually could not occur, if it does at all, other than in the courtroom at the time of the arraignment.

B. Arraignments

Arraignments are scheduled by the court. Felony and misdemeanor arraignments are held separately, each type normally on the same days and times each week. However, each week some felony and misdemeanor arraignments are held outside the days and times of these fixed schedules. A District Attorney is required to be present at all arraignments to present the charges and interact with a defendant's attorney, if there is one. The Public Defender generally has lawyers who are available to appear at arraignments which are held at the usual fixed times, but not always available outside the fixed times. This results from the fact that Public Defender attorneys have many other duties to perform as part of their responsibilities, including, for example, preparing for and attending trials of their clients, obtaining evidence to assist them in representing defendants, interviewing clients, potential clients, and witnesses, preparing legal documents to file in court, and appearing at court hearings in matters involving their clients.

³ The arraignment is the formal court proceeding at which the charges against the defendant are set forth by the court, and the defendant may enter a plea to the charges (e.g., not guilty), agree to an offer from the District Attorney to resolve the case (a "proffer"), or ask for a delay in responding to the charges.

⁴ From early 2020 to date, visits to imprisoned defendants by the Public Defender have been restricted due to the prevalence of Covid-19.

⁵ This process is the same as a traffic citation, for example.

⁶ If a misdemeanor defendant is incarcerated, the Public Defender may be able to meet or interview the defendant in the same way as would be done with a felony defendant.

At arraignments, several matters are addressed by the judge presiding at the hearing. Importantly, the judge reads the charges against the defendant and asks if the defendant understands them. Nonetheless, the interactions between the judge and the defendant, if not represented by an attorney who speaks for the defendant, are limited and do not include providing legal advice. The judge determines whether the defendant appears to be mentally competent and has a basic understanding of English. If the defendant does not seem to have a grasp of English, the judge will have a Spanish-language interpreter translate for the defendant. The translators, however, are prohibited from rendering legal advice to the defendant; their sole role is to convert spoken and written English into Spanish.⁷

C. Right to Counsel

The judge will ask the defendant if he or she is represented by counsel. If the response is negative, which is quite typical, the judge asks the defendant if they want an attorney and tells the defendant if they cannot afford counsel, the court will appoint one without charge. If the defendant requests an attorney and qualifies for the services of a public defender, one will be appointed for the defendant. Until appointed by the court, a public defender cannot legally represent a defendant.

D. The Charges

After initial questions, the judge next reads defendants the charges against them, and asks if the defendant understands them. In addition, the defendant is informed of the right to see the evidence the District Attorney will use to prosecute the charges and the right to bring witnesses to court to testify on his or her behalf.

E. The Plea

In misdemeanor cases, the District Attorney presents the court with written charges and a proposed resolution, called a proffer. The proffer contains the proposed sanction(s) the defendant would face, if the defendant agrees to plead guilty to the charges. The proposed penalty can include monetary fines, time in the County Jail, and periods of probation. By accepting the proffer, the defendant agrees to the penalties as proposed.

The judge presents the proffer to the defendant once the defendant has been informed of their legal rights. If the defendant is represented by an attorney, the attorney can attempt to negotiate a modification of the proposed disposition of the case, although the District Attorney is not obligated to agree to do so. If the defendant does not have counsel, such a dialogue is unlikely to occur, since the defendant usually is not conversant with the process and the possibility and parameters of such negotiations. In addition, if the proffer would not require the defendant to serve time in jail, even if a defendant would be subject to a period of probation, defendants are often highly motivated to plead guilty without seeking advice from counsel, to avoid disruption in their daily lives and employment.

⁷ Non-English-speaking defendants in Napa County are primarily Spanish-speaking individuals, and an English-Spanish translator is present in court to serve them, if needed. If a defendant speaks a language other than English or Spanish, the court will delay the proceedings to arrange for a translator for that language.

Notably, some non-citizen defendants are not lawfully present in the United States, perhaps because of an illegal entry or overstaying a visa. Depending upon the crimes for which they are accused, if they plead or are found guilty, these defendants may face additional adverse consequences of which they are not aware, such as deportation, refusal of reentry into the U. S. if they leave, and increased penalties for future offenses. It is noted that there is a written advisement of potential immigration consequences included on the standard unrepresented misdemeanor plea form the defendant usually is provided when pleading guilty at arraignment. The plea form is translated for non-English speakers, and states: “CITIZENSHIP - If you are not a United States citizen, a plea of Guilty or No Contest could result in your deportation, exclusion from admission to this country, or denial of naturalization. You should consult an attorney prior to making any decisions and upon request, the Court will continue your case for that purpose.” The degree to which a defendant is capable of understanding the admonition and the listed consequences, and thus would initiate a request for counsel, however, is far from certain. Many interviewees believe that the likelihood that the defendant will understand the potential consequences of a guilty plea is significantly greater when the defendant is represented by counsel.

F. Staffing

The Public Defender’s Office reports that it has sufficient legal staff to be present in the courtroom where regularly scheduled weekly misdemeanor arraignments are held. Nonetheless, in addition to the regularly held arraignments, there are arraignments at other times during the week, when the Public Defender’s authorized legal staff may not be able to be present due to other responsibilities.

The Public Defender and key personnel on the staff uniformly told the Grand Jury that the addition of one staff attorney would enable the Office to provide attorneys at almost all misdemeanor ‘not-in-custody’ arraignments. The presence of a Public Defender increases the likelihood that a defendant will ask for counsel. The judge will always appoint a public defender to represent a defendant who qualifies for and requests representation. The designation of a public defender to represent the defendant offers the opportunity to consult with counsel before entering a plea. Where there are potential additional adverse consequences to a defendant for a plea of guilty, the defending attorney can advise the defendant of the risks, so that the defendant can make an informed decision about which plea he or she may wish to enter – guilty or not guilty.

FACTS

During its investigation, the Grand Jury established the following facts.

1. Public Defender services are available only to indigent defendants who request representation. Services are typically provided by a Deputy Public Defender, although the Public Defender can represent defendants as well.
2. If the defendant qualifies for such services and requests them, by law the Court must appoint a Public Defender to serve as the defendant’s attorney in order that representation can begin.

3. Qualifying felony defendants are generally provided Public Defender services automatically.
4. Misdemeanor defendants who have not been imprisoned (“not in custody”) for the offense charged generally do not have contact with a Public Defender, if at all, until after they are arraigned in court.
5. Misdemeanor defendants are more likely to request Public Defender services if there is a Public Defender in the courtroom at the time of their arraignment.
6. The Public Defender presently does not have the resources to staff an attorney in courtrooms for all misdemeanor arraignments.
7. Some misdemeanor defendants do not request the Public Defender’s services, due to: (a) a desire to enter a guilty plea to charges when no jail time is proposed by the District Attorney and their release is immediate; and (b) a lack of understanding of the nature of the charges against them and the potential adverse consequences of a guilty plea.
8. The lack of understanding can result from the following factors: (a) language issues – despite translators being used in the courtroom; (b) mental issues – despite the presiding judge screening for such issues; and (c) complex legal issues that only an attorney can explain to the defendant.
9. For non-citizen misdemeanor defendants there may be additional immigration consequences to a guilty plea or conviction, such as immediate or future deportation on further conviction.
10. Where there are potential immigration consequences, the Public Defender’s office has available the advice of a consulting immigration law expert, which can help the defendant avoid unintended adverse consequences associated with a guilty plea.

FINDINGS

- F1. A guilty plea can have serious consequences for any misdemeanor defendant, including an increase in potential penalties on future charges.
- F2. A guilty plea by a non-citizen misdemeanor defendant can have additional serious consequences, including immediate deportation on the charges, or deportation on future charges.
- F3. There are likely cases where unrepresented misdemeanor defendants pleaded guilty without full comprehension of the potential consequences on their immigration status or future penalty increases.
- F4. Where a Public Defender is appointed, the potential for a defendant to make a fully informed response to a proffer, i.e., a proposed resolution, is much greater.
- F5. Avoiding the unintended consequences described above would be enhanced if there was a Public Defender in the courtroom at every arraignment.

- F6. Funding of an additional attorney in the Office of the Public Defender would enable the office to provide a Public Defender at virtually all misdemeanor arraignments.
- F7. Given present resources and staffing, the Public Defender's office provides consistently high-quality representation to defendants in the cases in which it is appointed.

RECOMMENDATION

- R1. This Grand Jury recommends that the Board of Supervisors consider funding the Office of the Public Defender to support an additional attorney with the priority of attending misdemeanor arraignments not otherwise covered, and handling other work as needed.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

- The Napa County Board of Supervisors

F1, F2, F3, F4, F5, F6 and F7

R1

- The Public Defender

F1, F2, F3, F4, F5, F6 and F7

R1

- The District Attorney:

F1, F2, F3, F4, F5, F6 and F7

R1



**NAPA COUNTY CIVIL GRAND JURY
2021-2022**

**FINAL INVESTIGATIVE REPORT
MAY 31, 2022**

NAPA COUNTY ANIMAL SHELTER

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NAPA COUNTY ANIMAL SHELTER FINAL INVESTIGATIVE REPORT

SUMMARY

In March 2021, the 2021-2022 Napa County Civil Grand Jury learned of public concerns regarding compliance with a modification to the Napa County Municipal Code, Section 6.04.230 (see Appendix A), the result of a 2016 ballot initiative known as Measure A which became effective January 2017. Measure A required new practices and procedures for the Napa County Animal Shelter in euthanizing animals and was designed to reduce the number of animals that might otherwise have been destroyed.

Over several months the Grand Jury's investigation included interviews, document review, and a Shelter tour. At the conclusion of its investigation, the Grand Jury determined that the Shelter was adhering to the new requirements, an important result to alleviate public concerns about compliance with the new Napa County Code. However, during the investigation, other areas of concern were identified and the investigation was broadened to examine the impact of Measure A on animals, either with irremediable suffering or where aggressive behavior posed a danger to Shelter staff.

BACKGROUND

In March 2021, the Napa County Civil Grand Jury began an investigation initially focused on whether the Napa County Animal Shelter was in compliance with Measure A regarding the handling of animals, particularly as regards euthanasia. The investigation responded to concerns expressed by some Napa County residents.

Pursuant to that Ordinance and the Asilomar Accords Agreement,¹ the Shelter publishes a quarterly and annual report of Live Release Statistics. The complete text of the Accords can be found in Appendix B of this report.

The Asilomar Accords Agreement is a set of criteria, guiding principles, standardized definitions, and a statistics table for tracking shelter populations, with a formula for determining live release rates in shelters. The purpose of the Accords and the live release rate formula is to create a uniform system so that shelters and other concerned individuals can understand the progress of lifesaving efforts by shelters on a nationwide basis.

¹ In August 2003, Animal welfare organization leaders throughout the United States participated in a conference at the Asilomar Conference Center in Pacific Grove, California, designed to develop uniform definitions to standardize the categories of treatment for dogs and cats in both public and private shelter/rescue organizations. The goal was to create standard definitions for annual reporting as a first step toward collecting and reporting reliable data on the number of at-risk animals across the nation.

METHODOLOGY

The Grand Jury's Animal Shelter investigation included three activities:

- A review of the Shelter's population and Live Release Statistics;
- Interviews with multiple Shelter and related personnel; and
- A tour of the Shelter facility.

The Grand Jury received and reviewed documentation that formed the basis for the quarterly and annual reports required by Measure A. This documentation included results of blood work, x-rays, and conclusions from the attending veterinarian. The Grand Jury also requested and received documents regarding the policies and procedures governing Animal Services officers and their training requirements.

Interviews were conducted both in-person and via Zoom with seven individuals: three Shelter personnel, two volunteers, and two Animal Services members.

Shelter staff provided the Grand Jury with an extensive tour of the Animal Shelter facility, focusing on areas for housing dogs. The shelter area devoted to problem animals not suitable for adoption was also toured.

DISCUSSION

A. Overview

The Napa County Animal Shelter is a part of the County's Public Works Department. In March 2021 this Grand Jury began an evaluation of the Animal Shelter's compliance with Napa County Ordinance 2016-03, Measure A. As a result of a 2016 general election ballot initiative, this measure became effective in January 2017 and its full text was incorporated in the Napa County Code of Ordinances, Title 6, Chapter 6.04, Section 6.04.230 (see Appendix A). The Ordinance laid out specific practices required for Shelter personnel to follow prior to the destruction of any surrendered or impounded dog, cat or rabbit. The investigation's focus was to validate compliance with the Ordinance requirements by assessing the actual Live Release rates between 2018 and 2021.

In general, the Ordinance requires that the Shelter publish (on a website, or other publicly accessible location), the Live Release Rate for (a) the prior calendar quarter and (b) the annual Live Release Rate for the prior three years, using the methodology and formulas developed pursuant to the Asilomar Accords. A higher percentage indicates that more animals are being adopted, reclaimed, or transferred to another shelter or animal rescue group. Both quarterly and annual Live Release Statistics are available in report form on the Animal Shelter's website on the Napa County Government website.

Annual reports were obtained from 2018 through 2021, as well as two random quarterly reports, from 4Q2020 and 4Q2021. The Grand Jury requested and received timely

backup documentation for both of those quarterly reports, including the following documents:

- Copies of veterinary reports on animals euthanized in this period,
- The written mitigation plan when adoption challenges were determined,
- Copies of documents demonstrating that two county personnel authorized and consented to euthanasia of each animal,
- Documentation demonstrating that a minimum 48-hour notice be given to active non-profit animal welfare organizations prior to euthanasia, and
- Copies of any complaints and/or records of non-compliance violations for this same period.

This information allowed the Grand Jury to conclude that of 14 animals euthanized during the fourth quarter of 2020, 11 were determined to have irremediable suffering by an attending veterinarian and were subsequently euthanized. One dog had completed five weeks of socialization training through a local animal rescue site, but was ultimately unsuccessful in controlling its aggressive behavior, including biting. A second dog participated in behavioral assessment during this period but bit a handler who required medical attention. The third animal, a cat, was reported by its owner to demonstrate significant aggression, an assessment with which an Animal Services officer concurred and the cat was euthanized.

The Grand Jury also requested and received backup for the fourth quarter of 2021 Live Release Statistics. The outcomes reported were for one dog, one rabbit, and 11 cats and consisted of documents from participating veterinary hospitals providing euthanasia due to irremediable suffering.

B. Interviews and Site Visits

From July through October 2021, the Grand Jury interviewed seven county staff associated with the Shelter and participated in a tour of the facility. It learned that the Shelter has approximately 150-200 animals under its care at any given time. Animals are assigned a specific identification number, and all pertinent information is tracked on a paper record called the Daily Observation & Treatment Chart attached to each animal's enclosure. Examples of notations include consumption of food and water, urination, and visual cues as to health and vitality. This information is also entered into a database known as "Shelter Buddy." During the tour, the Grand Jury observed all containment facilities, including quarantine areas, an examination room, supply storage areas, an exercise yard, and a medical room used for first aid and the administration of vaccines and/or antibiotics.

The Grand Jury also learned that intake for cats and dogs includes administering specific vaccinations and that the Shelter has, when space is available, cared for pigs, cattle, chickens, and horses during emergency situations such as a wildfire.

The Grand Jury interviewed two volunteers, selected at random, in order to learn what activities volunteers handled. Each had 20 or more years' experience working with animals. They explained that some volunteers are dog walkers only, while others spend time helping cats and kittens learn to socialize. They described walking dogs, occasionally fostering animals, and administering medications when necessary. Both volunteers expressed a sense of personal satisfaction with their volunteer work.

The Grand Jury also interviewed Napa County Animal Services Officers, who report to the Napa County Undersheriff and are responsible for the control and care of wild or stray animals found in the county; these officers are required to have a valid P.C. 832 certificate (Arrest and Firearms). Due to the responsibility for impounding injured or stray animals, these officers interact with the Shelter personnel on a regular basis and have office space located in the Shelter building. When an owner cannot be immediately identified through licensing or microchipping, the animal, typically a dog, is impounded. In such cases, the Shelter will take the necessary steps prescribed by Measure A, among other things, providing necessary medical care, re-homing, locating the owner, or release to an animal rescue (501c) organization.

C. Non-Adoptable Animals

All animals, either surrendered or impounded, are subject to the provisions of Measure A. Animals may not be destroyed, regardless of health, injury, feral nature, or age, unless the Shelter has taken specific steps set forth in the Napa County Municipal Code, 6.04.230. "Feral nature" includes animals that are aggressive, pose a danger to the community, and/or are dangerously reactive to some type of triggering stimulus.

Upon intake, all medical and behavioral issues of the animal are evaluated by staff, and that information is recorded in the Shelter Buddy database; additional steps, required by the Ordinance are also followed:

- Notifying non-profit animal rescue organizations when material adoption challenges exist.
- Providing prompt and necessary veterinary care, training or fostering.
- Providing notice within 48 hours of all impounded or surrendered animals, and prior to destruction, to any active non-profit (501c status) who have requested such information.

Prior to the destruction of any impounded or surrendered animal, two county personnel, neither of whom may report to the other, must attest to meeting the required Ordinance steps. Each county official must also sign an acknowledgment statement and consent to euthanize.

To address unmanageable animals, the Shelter can engage an animal behaviorist, but only on a pro bono basis. This step may be limited with respect to modifying aggressive or reactive behavior, a process that can take weeks or months to complete. Such delays with animals (generally dogs) present a challenge to achieving adoption.

Obtaining the services of a pro bono animal behaviorist, even for one animal, can be a difficult and lengthy process. Often such efforts have not been accompanied by assurances of success, and consequently, the animal will not be suitable for adoption.

D. Irremediable Suffering

When an animal is surrendered or impounded and determined to have serious health and/or injury causing irremediable suffering, that animal *cannot* be euthanized without the prior approval of a licensed veterinarian. This restriction can lead to unreasonable time-consuming efforts.

The Shelter maintains a contractual agreement with one or more local veterinarians. To the extent possible, sick or injured animals are turned over to the care of these pet hospitals. In some instances, the Animal Services officer may take an animal directly to the veterinarian. Nonetheless, occasionally that step is not immediately possible or practical, and the animal may remain in the shelter and continue suffering.

The Shelter is able to perform euthanasia when requested by an animal's owner. This action is often taken when professional care becomes too expensive for the owner due to the need for prolonged medications, x-rays, surgeries, or repeated visits to the veterinarian. The Shelter will attempt to offer other alternatives such as re-homing, but this rarely succeeds, given the likely need for extensive medical care.

E. Live Release Outcomes

The two charts below represent data collected from the Shelter's website. The Live Release Statistics for cats are historically lower than that of dogs due to their free-roaming nature, greater risk of being hit by a vehicle, an absence of licensing and chip identification, venturing too far away from their owners, or un-spayed females without a home while caring for kittens.

**NAPA COUNTY ANIMAL SHELTER
LIVE RELEASE OUTCOMES BY YEAR**

	Adoptions	Reclaimed	Trf /Other *	Total	Euthanized**
2018					
Dogs	423	515	44	982	24
Cats	521	145	95	761	97
Rabbits	40	0	6	46	0
2019					
Dogs	338	478	27	843	11
Cats	574	53	94	721	79
Rabbits	28	0	23	51	0
2020					
Dogs	190	441	63	694	12
Cats	308	135	159	602	46
Rabbits	18	1	13	12	0
2021					
Dogs	183	350	36	569	9
Cats	353	67	43	463	49
Rabbits	19	4	1	24	1

* Transferred to Rescue Organizations/Re-homing ** Does not include owner Requested

LIVE RELEASE STATISTICS AS A % OF TOTAL SPECIFIC ANIMALS

2018	Dogs = 97.6%	Cats = 87.3%	Rabbits = 100%	Total = 93.2%
2019	Dogs = 98.7%	Cats = 89.0%	Rabbits = 100%	Total = 94.4%
2020	Dogs = 98.3%	Cats = 92.4%	Rabbits = 100%	Total = 95.6%
2021	Dogs = 98.4%	Cats = 90.7%	Rabbits = 95.8%	Total = 94.4%

FINDINGS

- F1. The Napa County Animal Shelter cares for approximately 150-200 animals every month. The Shelter has the ability to quarantine animals, administer medications, isolate problem animals when necessary, and rehabilitate some animals demonstrating problematic behaviors.
- F2. Impounded or surrendered animals with significant behavioral problems create an immediate barrier to adoption or foster care. The Napa County Code requires that a pro-bono Animal Behaviorist attend to these problematic situations; this can be difficult and time-consuming to manage. During the Grand Jury's visit to the Shelter, several dogs were observed to be agitated inside their enclosures and were generally unapproachable due to the potential for injury.
- F3. A dog with a feral nature must be offered to a non-profit organization for possible adoption.
- F4. Socialization, including a mitigation plan to deal with the behavior problems of aggressive animals, may not be achievable given the obstacle of obtaining a pro bono behaviorist. This path is rarely viable since the time devoted to the animal is limited and may be insufficient to change the animal's behavior and make it suitable for adoption.
- F5. Shelter managers explained that the requirement for approval to euthanize animals must be obtained by a licensed veterinarian via a telephone consultation. This requirement can result in unintended consequences when a veterinarian's approval cannot be quickly obtained. There may be requests for vital signs, injury identification, or other specific information, which take time to provide and are likely to lead to the same conclusion held by the Shelter personnel in the first case, i.e., the animal cannot be saved.

RECOMMENDATIONS

- R1. In order to resolve animal behavior problems more rapidly, this Grand Jury recommends that the Shelter secure a contract with a Certified Animal Behaviorist. This specialist would be asked to commit to a defined period of time each week/month to develop a program for each such animal that may ultimately lead to adoptability. In the contrary situation the Behaviorist, with concurrence from a Shelter supervisory person, may determine that no amount of behavior modification training will guarantee that an animal will be able to thrive in a home environment without the possibility of future aggression or unpredictable impulsive actions.
- R2. The Ordinance currently states that two county personnel, neither of whom reports to the other, have the authority to euthanize animals after seven specific steps outlined in the Ordinance have been completed regardless of health, injury, feral nature, or age. An exception to these conditions should be made when the suffering cannot be relieved, i.e., irremediable suffering. In this instance, this Grand Jury recommends that the two county personnel (a Shelter Attendant and

the Shelter Manager) should have the authority to euthanize an animal without having completed these steps, if it has been determined that an animal is suffering needlessly. A ballot measure with voter approval would be required to expand this exception to include Animal Shelter staff. Shelter personnel are fully trained and competent to perform owner requested euthanasia; this Grand Jury recommends that they should have the authority to do so when necessary to relieve irremediable suffering.

- R3. **COMMENDATION:** The Shelter personnel have a unique responsibility within Napa County governmental agencies. They must accommodate the needs of the public and provide shelter for animals sometimes under trying emotional circumstances. They are able to care for many species of animals besides dogs, cats, and rabbits, which are the focus of the Live Release Statistics. They have on occasion housed various birds, chickens, rodents, cattle, pigs, and horses particularly when a natural disaster occurs, such as recent wildfires.
- R4. **COMMENDATION:** Shelter personnel seek to find alternatives for surrendered animals, such as non-profit animal welfare organizations able to adopt animals and locate foster homes, often a difficult task.
- R5. **COMMENDATION:** Based on site visits and interviews with Shelter personnel, two Animal Services officers, and two volunteers, the Shelter has performed a very credible job in improving the Live Release outcomes while meeting Measure A requirements.

REQUEST FOR RESPONSES

REQUIRED RESPONSES

A response from the following governing body is requested within 90 days:

R2: Napa County Board of Supervisors

R1: Director, Napa County Public Works

INVITED RESPONSES

The following unelected local government officials are invited to respond:

Napa County Sheriff's Department, Undersheriff, Animal Services

Manager, Napa County Animal Shelter

APPENDIX A - NAPA COUNTY CODE, ANIMALS

6.04.230 - Impounded and surrendered animals—Notice to owner—Disposition.

A. The animal control officer and the animal shelter shall observe the following rules in the course of managing the lives of impounded and surrendered dogs, cats and rabbits:

1. Subject to the provisions of subsection (A)(3) of this section, in the case of impoundment of a dog, cat, or rabbit whose owner can reasonably be expected to be positively identified, the animal shall continue to be impounded for a period of six days while all reasonable steps necessary to notify the owner of the impoundment are taken. Such steps shall not be required to include publication of notice in a newspaper. If the owner or a representative of the owner is successfully notified, the animal shall continue to be impounded for a period of not more than four days from the date of notification, during which period the animal may be redeemed in accordance with Section 6.04.240 of this code. If at the end of the four-day period the owner has not redeemed the animal, it shall be handled in accordance with subsection (A)(3) of this section.

2. Subject to the provisions of subsection (A)(3) of this section, in the case of impoundment of a dog, cat, or rabbit whose owner cannot be reasonably expected to be positively identified, the animal shall continue to be impounded for a period in compliance with applicable California Food and Agriculture Code sections, during which period the animal may be redeemed in accordance with Section 6.04.240 of this code. If at the end of such period the animal has not been redeemed, it shall be handled in accordance with subsection (A)(3) of this section.

3. Subject to the exclusions in subsection (A)(4) of this section, any impounded or surrendered dog, cat, or rabbit being considered for destruction may not be destroyed, regardless of health, injury, feral nature, or age, unless the animal shelter shall have first taken the following steps:

a. Complete for each animal:

i. A written behavioral and medical evaluation of the animal by qualified staff, which evaluation shall be made available to the public and to non-profit organizations described in subsections (A)(3)(c) and (d);

ii. Notify the non-profit organizations described in subsections (A)(3)(c) and (d) upon initial identification by staff of material adoption challenges; and

iii. A mitigation plan when such adoption challenges are determined to exist for the animal;

b. Provide prompt and necessary veterinary care; appropriate socialization; exercise; reasonable accommodation of special needs in situations such as nursing mothers, un-weaned animals, geriatric animals, or extremely frightened animals; and seek a live

outcome in partnerships with non-profit animal welfare organizations, including, but not limited to, training, fostering, and veterinary/medical support.

c. Make provision for not less than forty-eight hours notice of all impounded and surrendered animal scheduled for destruction to any active non-profit (501(c)(3) status) animal welfare organizations who have requested such notification;

d. Permit the release of an impounded or surrendered animal scheduled for destruction to any active non-profit (501(c)(3) status) animal welfare organizations upon request of the organization, provided that owners shall retain the same right of reclamation as if the animal was still in the shelter; and no such request has been made within forty-eight hours of such notice; and

e. Prior to destruction of an impounded or surrendered animal, two county personnel, neither of which reports directly to the other, have each determined that the shelter has acted in accordance with this section and has each signed an acknowledgement and consent to euthanize the animal.

4.Exclusions. Subsection (A)(3) shall not apply to:

a. An animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian;

b. A dog that, after physically attacking a person, has been determined to be dangerous either by:

1) qualified staff pursuant to the American Professional Dog Trainers' Dog Bite Scale or similar industry standard; or

2) a dog trainer or behaviorist provided by a non-profit organization described in subsections (A)(3)(c) and (d) at no cost to the shelter. A written record of the assessment prepared by qualified staff, dog trainer or behaviorist shall be made available to the public;

c. An animal experiencing irremediable physical suffering as determined by a licensed veterinarian via telephone consultation.

B. The animal shelter shall dispose of or destroy all other impounded animals in accordance with applicable provisions of the California Food and Agricultural Code.

C. The animal shelter shall maintain and publish on its website, or other publicly accessible location, the following:

1.List of active non-profit (501(c)(3) status) animal welfare organization partners who have requested notice of any animals scheduled for destruction;

2.Live release rate for the prior calendar quarter, and the annual live release rate for the prior three years, utilizing methodologies and formulas developed in the

Asilomar Accords of 2004D. For the purpose of this section, animal means dogs, cats, and rabbits.

(Ord. 1305 § 1 (part), 2008)

APPENDIX B – ASILOMAR ACCORDS

ASILOMAR ACCORDS

I. Preface

In August of 2004, a group of animal welfare industry leaders from across the nation convened at Asilomar in Pacific Grove, California for the purpose of building bridges across varying philosophies, developing relationships and creating goals focused on significantly reducing the euthanasia of healthy and treatable companion animals in the United States.

Through hard work, lively discussion and brainstorming, a common vision for the future was adopted. The leadership of the following organizations participated in the original, and/or subsequent meetings, and were involved in the drafting of the "**Asilomar Accords**":

Martha Armstrong	The Humane Society of the United States
Richard Avanzino	Maddie's Fund
Pamela Burns	Hawaiian Humane Society
Mark Byers	Spanish Fork Animal Control (UT) & the National Animal Control Association (NACA)
Perry Fina	North Shore Animal League and The Pet Savers Foundation
Mark Goldstein, D.V.M.	San Diego Humane Society and SPCA
Belinda Lewis	Fort Wayne Animal Care & Control
Dave Loftus	Pet-Ark
Jane McCall	Dubuque Humane Society
Jan McHugh-Smith	Humane Society of Boulder Valley
Steven McHugh	Unison Business Development
Nancy McKenney	Humane Society for Seattle/King County
Dan Morrison	Southeast Area Animal Control Authority
John Nagy	Dumb Friends League & the Society of Animal Welfare Administrators (SAWA)
Cheryl Naumann	Arizona Humane Society

Robert Rohde	Dumb Friends League
Edwin Sayres	American Society for the Prevention of Cruelty to Animals
John Snyder	The Humane Society of the United States
Karen Terpstra	Pasadena Humane Society & SPCA
Gary Tiscornia	SPCA of Monterey County & the Society of Animal Welfare Administrators (SAWA)
Marie Belew Wheatley	American Humane Association

II. Guiding Principles

1. The mission of those involved in creating the Asilomar Accords is to work together to save the lives of all healthy and treatable companion animals.
2. We recognize that all stakeholders in the animal welfare community have a passion for and are dedicated to the mutual goal of saving animals' lives.
3. We acknowledge that the euthanasia of healthy and treatable animals is the sad responsibility of some animal welfare organizations that neither desired nor sought this task. We believe that the euthanasia of healthy and treatable animals is a community-wide problem requiring community-based solutions. We also recognize that animal welfare organizations can be leaders in bringing about a change in social and other factors that result in the euthanasia of healthy and treatable animals, including the compounding problems of some pet owners'/guardians' failure to spay and neuter; properly socialize and train; be tolerant of; provide veterinary care to; or take responsibility for companion animals.
4. We, as animal welfare stakeholders, agree to foster a mutual respect for one another. When discussing differences of policy and opinion, either publicly or within and among our own agencies, we agree to refrain from denigrating or speaking ill of one another. We will also encourage those other individuals and organizations in our sphere of influence to do the same.
5. We encourage all communities to embrace the vision and spirit of these Accords, while acknowledging that differences exist between various communities and geographic regions of the country.
6. We encourage the creation of local "community coalitions" consisting of a variety of organizations (e.g., governmental animal control agencies, nonprofit shelters, grassroots foster care providers, feral cat groups, funders and veterinary associations) for the purpose of saving the lives of healthy and treatable animals. We are committed to the belief that no one organization or type of organization can achieve this goal alone, that we need one another, and that the only true
7. solution is to work together. We need to find common ground, put aside our

differences and work collaboratively to reach the ultimate goal of ending the euthanasia of healthy and treatable companion animals.

8. While we understand that other types of programs and efforts (including adoption, spay and neuter programs, education, cruelty investigations, enforcement of animal control laws and regulations, behavior and training assistance and feral cat management) play a critical role in impacting euthanasia figures, for purposes of this nationwide initiative we have elected to leave these programs in the hands of local organizations and encourage them to continue offering, and expanding upon, these critical services.

9. In order to achieve harmony and forward progress, we encourage each community coalition to discuss language and terminology which has been historically viewed as hurtful or divisive by some animal welfare stakeholders (whether intentional or inadvertent), identify "problem" language, and reach a consensus to modify or phase out language and terminology accordingly.

10. We believe in the importance of transparency and the open sharing of accurate, complete animal-sheltering data and statistics in a manner which is clear to both the animal welfare community and the public.

11. We believe it is essential to utilize a uniform method for collecting and reporting shelter data, in order to promote transparency and better assess the euthanasia rate of healthy and treatable animals. We determined that a uniform method of reporting needs to include the collection and analysis of animal-sheltering data as set forth in the "Animal Statistics Table." These statistics need to be collected for each individual organization and for the community as a whole and need to be reported to the public annually (e.g., web sites, newsletters, annual reports). In addition, we determined that each community's "Live Release Rate" needs to be calculated, shared and reported annually to the public, individually by each organization and jointly by each community coalition. Both individual organizations and community coalitions should strive for continuous improvement of these numbers. The "Animal Statistics Table" and formulas for calculating the "Live Release Rate" are set forth in Section IV of these Accords.

12. We developed several standard "definitions" to enable uniform and accurate collection, analysis and reporting of animal-sheltering data and statistics. We encourage all communities to adopt the definitions which are set forth in Section III, and implement the principles of these Accords.

13. While we recognize that many animal welfare organizations provide services to companion animals other than dogs and cats, for purposes of this nationwide initiative we have elected to collect and share data solely as it relates to dogs and cats.

14. We are committed to continuing dialogue, analysis and potential modification of this vision as needs change and as progress is made toward achieving our mission.

15. Those involved in the development of the Asilomar Accords have agreed to make a personal commitment to ensure the furtherance of these accords, and to use their professional influence to bring about a nationwide adoption of this vision.

III. Definitions

In order to facilitate the data collection process and assure consistent reporting across agencies, the following definitions have been developed. The Asilomar participants hope that these definitions are applied as a standard for categorizing dogs and cats in each organization. The definitions, however, are not meant to define the outcome for each animal entrusted to our care. A glossary and more specific details and examples are included in the appendix portion of this document.

Healthy: The term "healthy" means and includes all dogs and cats eight weeks of age or older that, at or subsequent to the time the animal is taken into possession, have manifested no sign of a behavioral or temperamental characteristic that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, a congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future.

Treatable: The term "treatable" means and includes all dogs and cats who are "rehabilitatable" and all dogs and cats who are "manageable."

Rehabilitatable: The term "rehabilitatable" means and includes all dogs and cats who are not "healthy," but who are likely to become "healthy," if given medical, foster, behavioral, or other care equivalent to the care typically provided to pets by reasonable and caring pet owners/guardians in the community.

Manageable: The term "manageable" means and includes all dogs and cats who are not "healthy" and who are not likely to become "healthy," regardless of the care provided; but who would likely maintain a satisfactory quality of life, if given medical, foster, behavioral, or other care, including long-term care, equivalent to the care typically provided to pets by reasonable and caring owners/guardians in the community; provided, however, that the term "manageable" does not include any dog or cat who is determined to pose a significant risk to human health or safety or to the health or safety of other animals.

Unhealthy and Untreatable: The term "unhealthy and untreatable" means and includes all dogs and cats who, at or subsequent to the time they are taken into possession,

(1) have a behavioral or temperamental characteristic that poses a health or safety risk or otherwise makes the animal unsuitable for placement as a pet, and are not likely to become "healthy" or "treatable" even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community; or

(2) are suffering from a disease, injury, or congenital or hereditary condition that adversely affects the animal's health or is likely to adversely affect the animal's health in the future, and are not likely to become "healthy" or "treatable" even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community; or

(3) are under the age of eight weeks and are not likely to become "healthy" or "treatable," even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community.

Glossary of Terms

A) Beginning Shelter Count (date): The number of dogs and cats in your shelter or in your care including fosters at the beginning of the reporting period. The reporting period is annual – either a calendar year or a fiscal year. (date) refers to the first day of the reporting period written in the following format: month/day/year.

Intake (Live Dogs & Cats Only): This table only deals with live dogs and cats for which your shelter or animal group assumed responsibility. Dogs and cats categorized as "dead on arrival" or DOA are not included in these statistics. For intake animals, status is determined at the time paperwork is initiated.

B) From the Public: The number of live dogs and cats your shelter or animal group received from the public. This includes dogs and cats turned in or surrendered by their owners/guardians; stray dogs and cats turned in by the public; stray dogs and cats picked up in the field; and dogs and cats impounded for cruelty investigation, custody care, and statutory/ordinance impoundment.

C) Incoming Transfers from Organizations within Community/Coalition: The number of dogs and cats your shelter or animal group received from other animal organizations participating in your collaborative group. (This only applies if the reporting organization is working collaboratively with other shelters/groups

in their area.) NOTE: On the community or coalition level, C (*Incoming Transfers from Organizations within Community/Coalition*) should equal J (*Outgoing Transfers to Organizations within Community/Coalition*)

D) Incoming Transfers from Organizations outside Community/Coalition: The number of dogs and cats your shelter or animal group received from animal organizations that are not participating in your collaborative group. NOTE: If you are not part of a collaboration that is compiling statistics, then all your incoming transfers would be listed here.

E) From Owners/Guardians Requesting Euthanasia: The number of dogs and cats turned in or surrendered to your shelter or animal group by their owners/guardians for the purpose of euthanasia. This includes all categories of dogs and cats (healthy, treatable-rehabilitatable, treatable-manageable, unhealthy & untreatable). [See M, N, O, P for definitions of healthy, treatable-rehabilitatable, treatable-manageable, unhealthy & untreatable.]

F) Total Intake: The sum of lines B through E. This includes all live dogs and cats for which your shelter or animal group assumed responsibility.

G) Owner/Guardian Requested Euthanasia (Unhealthy & Untreatable Only): The number of unhealthy & untreatable dogs and cats your shelter or animal group euthanized at the request of their owners/guardians and the number of dogs and cats ordered to be euthanized by legislative, judicial or administrative action. Do not include any dogs and cats your shelter or animal group euthanized at the request of their owners/guardians and who were considered to be healthy, treatable-rehabilitatable or treatable-manageable at the time of death. [See M, N, O, P for definitions of healthy, treatable-rehabilitatable, treatable-manageable, unhealthy & untreatable.]

H) Adjusted Total Intake: Lines F minus G. Total Intake minus the number of unhealthy & untreatable dogs and cats your shelter or animal group euthanized at the request of their owners/guardians. [See P for definition of unhealthy & untreatable category.]

I) Adoptions: The number of dogs and cats your shelter or animal group placed with members of the public. Do not include dogs and cats in foster homes or dogs and cats transferred to other animal welfare organizations.

J) Outgoing Transfers to Organizations within Community/Coalition: The number of dogs and cats your shelter or animal group turned over to other animal organizations within your collaborative group.

(This only applies if the reporting organization is working collaboratively with other shelters/groups in their area.) NOTE: On the community or coalition level, J

(Outgoing Transfers to Organizations within Community/Coalition) should be equal to C (Incoming Transfers from Organizations within Community/Coalition)

K) Outgoing Transfers to Organizations outside Community/Coalition: The number of dogs and cats your shelter or animal group turned over to animal organizations that are not part of your collaborative group. NOTE: If you are not part of a collaboration which is compiling statistics, then all your outgoing transfers would be listed here.

L) Return to Owner/Guardian: The number of stray dogs and cats your shelter or animal group reunited with their owners/guardians and the number of dogs and cats reclaimed by their owners/guardians. **Dogs & Cats Euthanized:** The number of dogs and cats your shelter or animal group euthanized, broken down into the following categories: healthy; treatable-rehabilitatable; treatable- manageable; and unhealthy & untreatable. Dogs and cats are categorized at the time of euthanasia. [See M, N, O, P for definitions of healthy, treatable-rehabilitatable, treatable-manageable, unhealthy & untreatable.]

M) Healthy (Includes Owner/Guardian Requested Euthanasia): The number of healthy dogs and cats that your shelter or animal group euthanized including the number of healthy dogs and cats your shelter or animal group euthanized at the request of their owners/guardians.

The term "healthy" means and includes all dogs and cats eight weeks of age or older that, at or subsequent to the time the animal is taken into possession, have manifested no sign of a behavioral or temperamental characteristic that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future.

N) Treatable – Rehabilitatable (Includes Owner/Guardian Requested Euthanasia): The number of treatable – rehabilitatable dogs and cats that your shelter or animal group euthanized including the number of treatable – rehabilitatable dogs and cats your shelter or animal group euthanized at the request of their owners/guardians. (These conditions are generally considered to be curable.)

The term "treatable" means and includes all dogs and cats who are "rehabilitatable" and all dogs and cats who are "manageable." The term "rehabilitatable" means and includes all dogs and cats who are not "healthy," but who are likely to become "healthy," if given medical, foster, behavioral, or other care equivalent to the care typically provided to pets by reasonable and caring pet owners/guardians in the community.

O) Treatable – Manageable (Includes Owner/Guardian Requested Euthanasia): The number of treatable – manageable dogs and cats that your shelter or animal group euthanized including the number of treatable – manageable dogs and cats your shelter or animal group euthanized at the request of their owners/guardians. (These conditions are generally considered to be chronic.)

The term "treatable" means and includes *all dogs and cats who are "rehabilitatable" and all dogs and cats who are "manageable."* The term "manageable" means and includes *all dogs and cats who are not "healthy" and who are not likely to become "healthy," regardless of the care provided; but who would likely maintain a satisfactory quality of life, if given medical, foster, behavioral, or other care, including long-term care, equivalent to the care typically provided to pets by reasonable and caring pet owners/guardians in the community; provided, however, that the term "manageable" does not include any dog or cat who is determined to pose a significant risk to human health or safety or to the health or safety of other animals.*

P) Unhealthy & Untreatable (Includes Owner/Guardian Requested Euthanasia): The number of unhealthy & untreatable dogs and cats that your shelter or animal group euthanized including the number of unhealthy & untreatable dogs and cats your shelter or animal group euthanized at the request of their owners/guardians and the number of dogs and cats ordered to be euthanized by legislative, judicial or administrative action.

The term "Unhealthy and Untreatable" means and includes *all dogs and cats who, at or subsequent to the time they are taken into possession, (1) have a behavioral or temperamental characteristic that poses a health or safety risk or otherwise makes the animal unsuitable for placement as a pet, and are not likely to become "healthy" or "treatable" even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community; or (2) are suffering from a disease, injury, or congenital or hereditary condition that adversely affects the animal's health or is likely to adversely affect the animal's health in the future, and are not likely to become "healthy" or "treatable" even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community; or (3) are under the age of eight weeks and are not likely to become "healthy" or "treatable," even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community.*

Q) Total Euthanasia: Sum of lines M through P. This includes all dogs and cats your shelter or animal group euthanized (Healthy, Treatable – Rehabilitatable, Treatable – Manageable, and Unhealthy & Untreatable). [See M, N, O, P for

definitions of healthy, treatable-rehabilitatable, treatable-manageable, unhealthy & untreatable.]

R) Owner/Guardian Requested Euthanasia (Unhealthy & Untreatable Only):

The number of unhealthy & untreatable dogs and cats that your shelter or animal group euthanized at the request of their owners/guardians and the number of dogs and cats ordered to be euthanized by legislative, judicial or administrative action. Do not include any dogs and cats your shelter or animal group euthanized at the request of their owners/guardians and who were considered to be healthy, treatable-rehabilitatable or treatable-manageable at the time of death. [See M, N, O, P for definitions of healthy, treatable- rehabilitatable, treatable-manageable, unhealthy & untreatable.]

S) Adjusted Total Euthanasia: Total Euthanasia minus Owner/Guardian Request Euthanasia (Unhealthy & Untreatable Only). [See P for definition of unhealthy & untreatable category.]

T) Subtotal Outcomes: Sum of lines I through L plus S. This includes the number of dogs and cats that your shelter or animal group adopted, transferred, returned to owner/guardian. Do not include the number of dogs and cats who died or were lost while in your shelter or in your care or the number of unhealthy & untreatable dogs and cats that your shelter or animal group euthanized at the request of their owners/guardians or the number of dogs and cats ordered to be euthanized by legislative, judicial or administrative action. [See P for definition of unhealthy & untreatable category.]

U) Died or Lost in Shelter/Care: The number of dogs and cats for which your shelter or animal group assumed responsibility and who died or could not be accounted for. This includes the number of dogs and cats who died of medical complications (and were not euthanized), died in foster care or in transit, or were lost or stolen from the shelter.

V) Total Outcomes: Sum of lines T and U. This is the total number of dog and cat outcomes which includes the number of dogs and cats your shelter or animal group adopted, transferred, returned to owner/guardian plus the number of dogs and cats for which your shelter or animal group assumed responsibility and who died of medical complications (and were not euthanized) or were lost or stolen (from the shelter or foster care). Total outcomes do not include the number of unhealthy & untreatable dogs and cats that your shelter or animal group euthanized at the request of their owners/guardians or the number of dogs and cats ordered to be euthanized by legislative, judicial or administrative action. [See P for definition of unhealthy & untreatable category.]

W) Ending Shelter Count (date): The number of dogs and cats in your shelter or in your care including fosters at the end of the reporting period. The reporting period is annual – either a calendar year or a fiscal year. (date) refers to the last day of the reporting period written in the following format: month/day/year.

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.¹ 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*.²

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

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

² 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”³ 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

³ 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.⁴

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

⁴ 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.⁵

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”.⁶

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.

⁵ 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”

⁶ 2017-2018 Napa 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

NAPA COUNTY CIVIL GRAND JURY
2021-2022

FINAL INVESTIGATIVE REPORT
June 13, 2022

CITY OF NAPA
COMMUNITY DEVELOPMENT DEPARTMENT



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SUMMARY

Within the city limits of Napa, some residents wish to build new homes, add a separate dwelling or, in some cases, alter an existing dwelling. These efforts can range from simple improvements to major teardowns and remodels as well as new construction of condominiums, apartments, new single-family homes and estate-like properties with multiple structures.

All of these actions are regulated by the Napa City Community Development Department (CDD). The 2021-2022 Napa County Civil Grand Jury became aware of complaints about the CDD's review process and opened an investigation to assess the Department's responsiveness to the needs of residents, architects, and developers.

The five divisions within the CDD review building plans and construction for both residential and commercial purposes. The City's Department of Public Works must also review the plans for larger projects and for City entities outside of the CDD, such as the City of Napa Fire Department.

The process of reviewing blueprints and inspecting the subsequent construction falls within the purview of the CDD. This is relatively straightforward for home improvements as well as the addition of accessory dwelling units. For other new construction projects, however, the approval process is more involved. The Grand Jury examined the workings of this approval process and found that, for new construction, as many as seven different departments are required to approve the blueprints and plans.

The Grand Jury found that problems created by the COVID pandemic shutdown highlighted the need for improvements in the permitting process. First, digital tools should be improved so that blueprints can be reviewed on-line. Second, an expeditor should be assigned to monitor each project and make sure that the work of reviewing and sign-off by each department is completed in a timely fashion.

The Grand Jury also found that there is no systematic review of applications for permits on structures with potential historic importance.

BACKGROUND

The City of Napa Community Development Department (CDD) with the following five divisions is one of the largest and most diversified departments in Napa City Government:

1. Planning
2. Building
3. Economic Development and Housing
4. Code Enforcement
5. Parking

The Community Development Department’s mission statement is to “deliver professional and responsive services to enhance the quality of life in the community.” (See website at cityofnapa.org).

The CDD provides community planning, development review and inspection services for the City of Napa. The CDD facilitates the permitting process in a manner that is consistent with city, state, and federal standards. The Department is also responsible for regulating Historic Building Preservation. The CDD charges planning and building fees and also collects money generated from parking violations. This income adds to the General Fund of the City of Napa.

The COVID pandemic lockdown presented significant challenges to the functioning of the CDD. All of its offices were closed to the public and all documents had to be submitted online. The current CDD information technology system is outdated. Use of this outdated system has caused delays and complaints from the public, creating the impression that the Department was not being responsive.

The 2021-2022 Napa County Civil Grand Jury became aware of public concern expressed about the functioning of the CDD and opened this investigation to assess its responsiveness to the public.

METHODOLOGY

During its investigation, the Grand Jury reviewed the following documents:

- *City of Napa Community Development Department, Responsibilities, Policies and Procedures.*
- *City of Napa Planning Department, Responsibilities, Policies and Procedures.*
- *City of Napa Buildings Department, Responsibilities, Policies and Procedures.*
- *City of Napa Code Enforcement Division, Responsibilities, Policies and Procedures.*
- *City of Napa Cultural Heritage Commission, Responsibilities, Policies and Procedures*
- *City of Napa General Plan, Historic Resources.*
- *Napa County Landmarks, Mission Statement.*
- *Napa Register, Articles*

The Grand Jury also conducted a total of eight interviews, including architects, a non-profit agency that interacts with the Community Development Department, current and former City of Napa employees, and Commissioners from the Planning Commission who advise the Community Development Department.

DISCUSSION

The CDD, because of its broad responsibilities, deals with Napa residents and businesses in many areas. Its effectiveness was impacted by the COVID19 pandemic in various ways.

First, City offices were closed during much of 2020; thus, residents and businesses which sought approval for projects and permits could not have face-to-face access with department staff. Access to staff was strictly online, either through websites, email, or phone calls and texting.

Face-to-face interaction has been the traditional way for the CDD staff to work with the public. Moreover, a careful review of a common sets of plans is essential to any project approval. This might, however, have been accomplished just as efficiently using on-line meetings. Nonetheless, when COVID19 arrived, the Department did not have adequate technological capabilities to substitute face-to-face access to department staff, something key to enable residents to obtain necessary reviews. Because their review process was only possible with face-to-face interaction, CDD's goal of providing timely reviews and approvals was severely compromised during the pandemic shutdown.

Second, during this period delays in plan approvals were also exacerbated by other problems. Antiquated manual systems prevented digital submission of plans to CDD divisions. As a result, seven separate hard copies of plans were required to be submitted for each project because each division (and several outside of CDD) needed its own copy. This added extra time and expense for architects, developers, and residents as they sought approval for building permits. It also slowed response times for collaboration.

Moreover, often new information from citizen groups is presented at the public meetings; this can be a reason that a Planning Commission decision is delayed.

Further, during the pandemic, the department's budget was cut by 10% to address the City's unforeseen revenue shortfalls. This action affected staffing levels, which declined still further during 2020-2021 due to voluntary staff attrition. As a result, department staff was required to work remotely with insufficient digital capability for plan reviews. Subsequent attrition resulted in still more additional work for the remaining staff.

Third, the Project Approval and Permit process slowed even more because of the pandemic. The City required that CDD give existing businesses (e.g., restaurants) priority review of projects to help them remain in business by fast-tracking permit reviews for parklets and various outdoor dining areas. The Grand Jury commends the City for its support in keeping existing businesses open in the face of a public health crisis, but this resulted in delays of new project reviews.

Due to the frequency of complaints expressed by Napa residents regarding untimely project and permit approvals, the Grand Jury sought to understand why there is a

perceived lack of responsiveness by the CDD's Building and Planning Divisions¹ and opened this investigation.²

Efficient reviews by the CDD are important because of the continuing need to support new housing and businesses as well as existing project improvements in the City of Napa. All new building projects require approvals. The Grand Jury also tried to better understand how CDD processes and approval cycles vary when the owners of historical buildings seek to improve their properties.

During the course of the investigation the Grand Jury also learned about the development of the Napa 2040 General Plan. The General Plan touches all aspects of Community Development (e.g., neighborhood development, possible areas for constructing new housing, climate change, and transportation). The last General Plan was completed in 1998; the new one will set the stage for Napa's future.

At the beginning of the investigation, it was clear that two primary factors contributed to the long CDD response times on reviews and approvals of projects and permits. First, for many years the City deferred investment in new technologies that would allow digital submission of architectural and construction drawings for the CDD review process. Currently, hard copies of drawings are required for every project and permit application, including changes deemed necessary by the officials or modifications by the applicants. In most cases, seven separate hard copies are required because digital sharing and collaboration are not possible between the CDD divisions, and the Departments of Public Works, Fire, Utilities, Parks and Recreation, and sometimes the Cultural Heritage Commission, an advisory board to the City Council, if they are part of the review.

The Grand Jury also found that there is no single person who coordinates or expedites the entire plan submittal and approval process to ensure that all CDD divisions and all other Departments of Public Works, Fire, Utilities, Parks and Recreation that are involved work in a timely manner. A case manager for each project would be valuable for keeping the process on track.

The Grand Jury also learned that sophisticated civic software is commercially available and is used by other California cities of similar size to Napa to manage approval processes digitally. This software could speed up approval cycles, reduce errors, access necessary data bases, interface with other essential systems, and keep a digital record of all reviews and approvals.

The Grand Jury inquired into the status of the City's information technology (IT) capabilities. The City does not possess software like that described in the previous paragraph. Past City Managers apparently did not prioritize investment in newer technologies which would digitize certain manual activities associated with CDD project

¹ The Grand Jury did not investigate three other CDD divisions - Parking, Code Enforcement, and Economic Development.

² This investigation appears to be the first ever review of Divisions of the CDD by a Napa County Civil Grand Jury.

review. The current City Manager, however, has emphasized updating IT systems and last year the City Council approved a new investment in an IT management system called Tyler Intergov. This new system will automate much of the CDD's manual review and should decrease CDD review and response times. Unfortunately, the estimated time required to implement this new system is 16-18 months from project inception, which only began in February of 2022.

The Grand Jury is encouraged that the City is prioritizing these IT investments with budget allocations and a signed agreement with the vendor to proceed. The City should do everything possible to 'fast track' implementation of the Tyler Intergov system. This would entail early training and incentives to encourage CDD employees to increase understanding of the system's capabilities and new operational timeframes.

Nonetheless, given the amount of time required before the new system becomes operational, the Grand Jury recommends that other steps be taken to address the responsiveness and review time issues in the short term.

The Grand Jury recommends that the City invest in an experienced project manager to oversee the new system's conversion and implementation among the CDD's five divisions. A project manager could assure residents that the Department will meet or exceed the estimated conversion time of 16-18 months. The project manager could also help increase proficiency among CDD employees who will use the new system. These steps will help the City to take advantage of this new IT management system as soon as possible so that concerns about timely reviews and responsiveness can become a thing of the past.

In addition, the Grand Jury found that the City's response to the COVID pandemic further harmed CDD's responsiveness. City office closures, reduction in CDD's budget leading to staff layoffs, and management and staff attrition all contributed to a lack of responsiveness.

Management jobs were vacant or manned by an interim person, recruiting suffered, and positions went unfilled, all of which caused slowdowns in review of plans and projects. This unforeseen reduction in productivity, due to personnel changes and the manual review process, resulted in the delayed investment in IT technology. A reduction in responsiveness was inevitable.

Napa's development fees cannot be compared to other cities fees because they all use different formulas and policies and do not include identical items and or services. CDD fees are based on having fully staffed personnel so an applicant will not have to pay for an outside consultant.

The Grand Jury also learned about the review process for projects involving historic buildings. There are over 2,500 registered historic properties in Napa; the City has maintained a database of these properties since 1998. The Grand Jury found that no one

in CDD's Planning Division has training in historic preservation. This lack of competency causes two problems:

1. Historic preservation concerns may not be considered when the owner of a building on the department's list applies for a renovation improvement permit.
2. Without a CDD staff member trained in historic preservation, no one is cross-checking the inventory of historic buildings or consistently interfacing with the Cultural Heritage Commission³ to ensure that historic preservation is maintained throughout the renovation process. In several cases, the Commission has not been made aware of an impending renovation.

Given the number of Napa's historically significant properties, the City of Napa Building Division should add a staff member trained in historic preservation. Other California cities similar to Napa in population size and historic property inventory have done so.

The Grand Jury also recommends that the City develop an historic property resource data base and that it be incorporated into the new Tyler Intergov IT system. This will allow any historic building change received by the CDD to be flagged upon submission of an application. The appropriate internal and external historic property experts can then be brought into the approval process in a timely manner.

Because of the continuing demand for more housing in Napa, the Grand Jury also explored the relationship between the CDD Planning Division, the Planning Commission, and the City Council. The Planning Commission plays a dual role in the City's government. First, the Napa Planning Commission is an advisory body for the City Council on matters related to land use and planning, particularly related to amendments to the City's General Plan policies and zoning ordinance. The Planning Commission is also the decision-making body for specified land use actions, including conditional use permits and design review permits. The Planning Commission relies on staff from the City's Planning Division to accomplish its goals. Representatives of the Planning Division meet with the full Planning Commission before every bi-monthly meeting of the Commission to discuss current land use issues. In practice, most planning, building, and development decisions are made by the CDD and do not go the Planning Commission, except for large projects. CDD and Planning Commission decisions can be appealed to the City Council.

FINDINGS

- F1. The City of Napa's Community Development Department's IT system is obsolete, does not meet current needs, and has contributed to delays in review processes.

³ The Cultural Heritage Commission is a five-member advisory body to the City Council on matters related to preservation of historic resources.

- F2. A new IT system will be implemented by the City over the next 16-18 months starting in February 2022.
- F3. The contracts for the new IT system have been signed and the funds allocated. The CDD currently does not use the current IT system but in the future it will be integrated into the new IT system. The new system will be Tyler Intergov and is cloud based, which is a substantial advantage. This system will be integrated into all of the other City systems of the other departments that are involved in the application review process.
- F4. Most documents project applicants need to complete the CDD review process will be submitted and available online at full implementation of the new IT system. It will no longer be necessary to provide multiple copies of plans because all departments involved in the review process of projects will be able to access the same data online.
- F5. The CDD's application review process and general responsiveness to the public were adversely affected by the COVID pandemic.
- F6. Citizen groups often provide new information at the public meetings to the Planning Commission which can result in a delay of a project.
- F7. The Grand Jury believes that CDD's fees are appropriate since they cover services not provided by other jurisdictions.
- F8. The absence of expertise in CDD regarding the renovation of historic sites means that some historic building project applications might not receive appropriate review.

RECOMMENDATIONS

- R1. The Grand Jury recommends that management fast-track the implementation of the Tyler Intergov Information System and encourage CDD'S employees in their training and use of the new system.
- R2. The City should designate a project manager to have oversight over the review process for plans as they move through departments and oversee the timeframe to increase efficiency.
- R3. The City should develop an historic buildings resource database and integrate it into its new IT system.
- R4. The Grand Jury suggests that the Planning Commission and City Council meet yearly to discuss future growth and development issues.

- R5. The Community Development Department should educate the public about the Napa City fee structures to make clear they include services that are not offered by other cities. This approach results in extra costs outside the fee services in those other cities.
- R6. The Grand Jury recommends that the CDD either designate a planning staff member or contract with a consultant who specializes historic preservation.

REQUEST FOR RESPONSES

The following responses, required pursuant to Penal Code sections 933 and 933.05:

- The Napa City Council

F1 thru F7

R1 thru R6

INVITED RESPONSES

The following individuals are invited to respond:

- The Napa City Community Development Department Director

F1 thru F7

R1 thru R6

- The Napa City Manager

F1 thru F6

R1 thru R7

**NAPA COUNTY CIVIL GRAND JURY
2021-2022**

FINAL INVESTIGATIVE REPORT

ATTAINING OUR BROADBAND FUTURE IN NAPA COUNTY

June 7, 2022

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SUMMARY

Catastrophic fires and the pandemic vividly illustrate that fast, reliable, and affordable broadband¹ access for all Napa County (County) residents is not a luxury—it is a necessity. Amongst County leadership, there appears to be little debate that broadband access is as important as electricity or water, akin to a utility. It is true that the investment to expand broadband access to bridge the County’s digital divide,² will be substantial, and beyond the County’s current resources. But there is good news. Californians are nearing what many describe as a “once-in-a-generation” investment in broadband from both State and Federal funds totaling billions of dollars.

The Napa County Civil Grand Jury examined how prepared the County is to compete for these funds and whether they will be able to productively use them if they are awarded. Although the County has recently increased the pace of its preparations, the Grand Jury believes that the County should be ready now to compete for the funding; the competition for those funds from other public entities and Internet Service Providers (ISPs)³ will be fierce.

Despite the enthusiastic support for the notion of “broadband for all,” the County’s actions reveal the truth—broadband is not a high priority to County leadership, and the County currently exhibits few characteristics that make it an “attractive” broadband grant recipient. Unlike neighboring counties, Napa has not invested in a broadband strategic plan, designated a lead agency to strategize and implement a plan, dedicated resources, meaningfully engaged County stakeholders (towns, cities, public agencies, schools, healthcare providers and others), or made progress toward identifying “shovel-ready” projects.

The provision of fast, reliable, and affordable broadband services to all County residents is a complicated undertaking fraught with a shifting political environment, significant decisions (e.g., public versus private ownership) and a dynamic technological landscape. With only a few exceptions, County leadership (elected and non-elected) appear unaware of critical broadband issues, and unprepared for key choices that the County will soon confront.

However, with immediate action as outlined below, the County can position itself to compete more effectively as the funding floodgates open. Education, strategic plans, resource dedication, stakeholder coordination, and forums for community input are all actions the County should

¹ At its most basic level, broadband refers to a fast, constant and reliable high-speed internet communications network typically delivered through fiber optic, wireless, copper cable, DSL or satellite. The Federal Communications Commission has defined broadband in terms of speed (minimum of 25 Mbps download and 3 Mbps upload speeds). That definition is considered outdated, and today most experts agree that the speeds must be significantly higher. In California, the Governor’s office stated it should be at least 100 megabits per second download speed to guide infrastructure investments. See California Executive Order N-73-20 (<https://www.gov.ca.gov/wp-content/uploads/2020/08/8.14.20-EO-N-73-20.pdf>). The term “affordable” encompasses the idea that broadband needs to be reasonably available to all regardless of social or economic status. See also, the bibliography for several reference materials providing a more in-depth discussion of broadband.

² The ‘digital divide’ is the gap between those with fast and reliable internet access and those without it. The digital divide is multifaceted and includes many factors such as access, affordability, quality, and having the necessary skills and technology to make use of it.

³ An ISP is a company that provides subscribers with access to the internet.

undertake if it has the will to do so. Napa should not waste a once-in-a-generation opportunity to close the digital divide in the County. Napa should position itself for its digital future.

BACKGROUND

Initially, the Grand Jury, like many County residents, sought to understand why broadband and cellular access/reliability in the County is inconsistent and often non-existent. Certain areas of Napa County seem to lack any cellular coverage or access to fast broadband. The wildfires over the past several years demonstrated that the reliability of service during emergencies was terrible in many areas, leading to some potentially serious consequences. The Grand Jury also observed that the pandemic put immense pressure and increased demand on broadband resources as usage, bandwidth requirements, and need for consistent reliability skyrocketed, exacerbating access issues for many residents.

As the Grand Jury quickly discovered, most of the causes of broadband and cellular access and reliability were already known to those studying the problem for the County. Following the 2017 fires, the County retained the services of Magellan Advisors. The first Magellan study was conducted, in part, to assess the damage done by the 2017 fires and the overall quality of the remaining County cellular and broadband network. *See*, the Infrastructure Assessment Report. The purpose of the second study, was to examine opportunities to improve the network infrastructure and provide recommendations for expanding and strengthening it. *See*, the Recommendation Report. These reports are detailed and answer many technical questions regarding the inadequacy of the County's broadband infrastructure. The County's digital divide is exacerbated by geography, socio-economic status, and inconsistent service by ISPs. The cost to solve these issues, including addressing the inadequacy of the infrastructure and issues of affordability, is significant and beyond the financial means of the County on its own. The Grand Jury recommends that all interested parties read the two reports issued by Magellan Advisors.⁴

During the course of its review, the Grand Jury became aware that new broadband funding, which had long been a pipe dream of many, was going to occur as part of spending at both State and Federal levels to enhance infrastructure and stimulate the economy in response to the severe financial consequences of the pandemic. The Grand Jury also learned about the substantive steps taken by neighboring counties to address their broadband access issues (some of which were taken even before the pandemic). As the Grand Jury began looking at what steps the County had taken to move toward fast, reliable, and affordable broadband, both California and the Federal government enacted massive funding bills for broadband which will soon be distributed through grants. The processes and rules associated with obtaining those grants are close to being finalized by the administering agencies.

⁴ Magellan published the *Napa County Fiber Infrastructure Engineering Assessment Report*, (12/2018) (the "Infrastructure Assessment Report") (<http://www.mendocinobroadband.org/wp-content/uploads/Napa-County-Fiber-Infrastructure-Engineering-Assessment-Report.pdf>) and the *Napa County Network Infrastructure Assessment: Opportunity Analysis and Recommendation Report* (9/17/2020) (the "Recommendation Report") (<https://services.countyofnapa.org/AgendaNet/DownloadDocument.aspx?type=BOS&doctype=ATTACHMENT&id=55222>).

As opposed to looking at why broadband access/reliability in Napa County is so poor, the Grand Jury pivoted to reviewing whether the County is prepared to compete for the broadband grants becoming available. If the County acts decisively, those broadband grants have the potential to help bring “broadband to all” County residents. It is an enormous opportunity that must not be wasted.

METHODOLOGY

The Grand Jury’s broadband investigation employed the following methodology:

- Review of a broad range of pertinent broadband-related information including County consultant reports, Board of Supervisors materials, regulatory and legislative documents, media stories and analyses thereof, materials published by organizations in which the County is a member, and reports published by similarly situated counties.
- Interviews of County employees identified as having broadband responsibilities.
- Interviews of the senior County elected and non-elected officials.
- Interviews of non-County employees and official stakeholders.
- Development of facts, findings, and recommendations.
- Drafting a Final Report.

DISCUSSION

Few Napa residents can forget how the 2017 and 2020 wildfires caused vast hardship and devastation across the County, or how the ongoing Covid pandemic has changed lives. During these events, too many in Napa realized that there were significant internet limitations affecting the ability of County residents to communicate with others, receive health care/advice, educate children, obtain government services, work at jobs from home, or operate businesses. In many cases, the cause of this was the absence of fast, reliable, and affordable broadband service. There is a digital divide across our County due to factors including geography, socioeconomic status, and inconsistent service by ISPs which is intolerable. Worse, it is a gap which appears to be growing.

This is not a new problem. As the Federal Communication Commission (FCC) recognized in 2010, “Broadband is the great infrastructure challenge of the early 21st century. Like electricity a century ago, broadband is a foundation for economic growth, job creation, global competitiveness, and a better way of life.”⁵ Yet despite such pronouncements, including numerous comments from County leadership echoing the FCC’s utility sentiment to the Grand Jury,⁶ the County has made painfully slow progress since the 2017 fire to ensure improved broadband access for County residents, and only recently began ramping up its efforts.

⁵ Federal Communications Commission, National Broadband Plan, Executive Summary (<https://transition.fcc.gov/national-broadband-plan/national-broadband-plan-executive-summary.pdf>).

⁶ See also, Berry Eberling, “*Napa County worried about spotty cell, Internet service, especially in emergencies,*” *Napa Valley Register*, November 21, 2018. One County supervisor is quoted as saying, “We need to treat it the same as water. We need to treat it same as electricity, heat, garbage services,” and another said “Our goal here is to have this kind of access be like landline access was treated in the 1930s . . . Everyone should have it.”

It is unclear whether some of Napa's cellular and internet infrastructure and service have even recovered to 2017 service levels.⁷ Those fires destroyed cellular towers, impeded much of the County's electrical service, and often left emergency responders unable to use their phones or the internet to ascertain the extent or location of the fires. Perhaps more critical, responders were often left with few alternatives but knocking on doors to alert the affected public with vital warnings to evacuate and provide information regarding the progress of the fires. In many cases, emergency responders, county residents, and businesses had no reliable means of communication with the outside world for days - many for much longer.

Most parents will also recall their distress as the pandemic shut down schools, forcing their children into virtual learning. Unfortunately, for some their distress was far greater since they could not afford reliable internet access or perhaps lived in rural areas not serviced by an internet carrier.⁸ Imagine a child having to sit in a parking lot or on a bench outside a business just to access the business' free wi-fi in order to participate in school or do their homework. Even worse, imagine a young child living in those parts of the County that do not have any internet connectivity and being isolated for months at a time from even virtual contact with teachers or classmates, relying solely on hardcopy homework packets sent to his or her mailbox.

Interviewees provided reports of senior citizens with inadequate broadband access struggling to access needed health care through telemedicine or to find and schedule a Covid vaccination appointment. Others spoke of frustrated employees who were forced to work from home and unable to maintain a Zoom connection.. These and other similar examples make clear that fast and reliable broadband service is not a luxury, it has become a necessity for most of us.

There is good news. Californians are edging closer to what has frequently been described as a once-in-a-generation investment in broadband from both State and Federal sources. Of particular note is California Senate Bill 156,⁹ which provides approximately \$5 billion for broadband development in the State, and the Federal Infrastructure Investment and the Jobs Act, which

⁷ It is not easy to ascertain the facts regarding recovery since the County is reliant on ISPs, who are not forthcoming or transparent. The Grand Jury heard from several sources that the County is, as one official put it, "no better, or slightly worse," than before the fires. *See also*, the Magellan Infrastructure and Recommendation reports state that large areas of the county lack cell phone coverage. Places such as Aetna Springs, Chiles Valley, Pope Valley and Wooden Valley appear to effectively have no high-speed internet. *See also*, Napa County 2022 State Legislative and Regulatory Platform, (<https://www.countyofnapa.org/DocumentCenter/View/6495>), p.8, wherein the County supports requiring increased transparency from telecommunications service companies, like ISPs, regarding infrastructure damage after a disaster, such as the fires.

⁸ For a more detailed discussion of various perspectives on equity and broadband *see*, Kevin Taglang, "Broadband Equity: Addressing Disparities in Access and Affordability," *Benton Institute for Broadband and Society*, May 6, 2021 ("Not all households in the United States can subscribe to home internet service, sometimes due to non-existent or inadequate infrastructure and other times due to the inability to afford the cost of service. While a higher share of rural households lacks a broadband subscription compared to the share of urban households, by total numbers, three times as many non-subscribing households are located in non-rural areas. And while 80 percent of White adults report having home broadband, this is true of only 71 percent of Black adults and 65 percent of Hispanic adults).

⁹ Governor Newsom Signs Historic Broadband Legislation to Help Bridge Digital Divide (SB 156), (<https://www.gov.ca.gov/2021/07/20/governor-newsom-signs-historic-broadband-legislation-to-help-bridge-digital-divide/>).

allocates approximately \$65 billion to help enable fast and reliable high-speed internet.¹⁰ The amount of funds becoming available for broadband access improvement is extraordinary.

However, Napa County faces critical questions: *how prepared is it to compete for these funds, and will the County have the wherewithal to make productive use of the funds if they are awarded to Napa?* As one senior County official indicated, to win grants you have to compete and “be an attractive recipient.” Unfortunately, the Grand Jury found that the County is not yet as prepared to compete as it could be and currently exhibits few characteristics that could be characterized as “attractive.” On issues from broadband strategic planning to organization and staffing, to local partnerships, and community and stakeholder involvement, the County’s stance for several years has been more reactive than proactive, thus “unattractive”. Given the scale of the need throughout both California’s rural and urban counties for broadband investment, the competition for grants will be intense as other County governments, agencies, and even private ISPs,¹¹ seek a piece of the funding as the monetary flood gates open.

To be fair, it is not as though the County has done nothing and there are passionate County leaders (both elected and non-elected) who are both concerned and are trying to do something about improving broadband access. The County has participated with neighboring counties in the North Bay/North Coast Broadband Consortium (NBNCBC),¹² and more recently, through its membership in the Rural County Representatives of California (RCRC),¹³ joined the Golden State Connect Authority (GSCA).¹⁴ The GSCA is a joint powers authority (JPA) designed by the RCRC for the purpose of increasing access to reliable, affordable high-speed broadband for all rural Californians. The County also engaged Magellan, who, as stated previously, published two

¹⁰ Edward Booth, “Rep. Mike Thompson highlights Federal investments into broadband infrastructure,” *Napa Valley Register* Jan. 8, 2022 (“It’s the largest funding the Federal government has ever provided for broadband expansion,” Thompson said.”); *see also*, Fact Sheet: The Bipartisan Infrastructure Deal (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>).

¹¹ Historically ISPs have successfully sought and obtained state and federal grants and funds to expand or improve their equipment or service areas. Moneys have often been allocated to these providers without any coordination with or approval by local governments. In California, even though public funds have typically paid for these improvements, the ownership of these assets is transferred to the provider upon work completion. With regard to the new funding coming available, it is unclear at present whether proposed CPUC rulemakings will require County signoff on proposals from private providers. Such a signoff requirement provides greater public input and better ensures that broadband accessibility improves in underserved or is extended to non-served areas. Given the unwillingness of ISPs to be transparent, and their obvious commercial motivations, local governments should not expect ISPs to solve their broadband access issues or use grant funding to the benefit of all their residents.

¹² The NBNCBC is a regional consortium made up of Sonoma, Marin, Mendocino, and Napa counties. It is funded in part by a grant from the California Advanced Services Fund (CASF) Rural and Urban Regional Broadband Consortium Grant Account. The stated vision of the NBNCBC is “to have the persistent digital divide in Marin, Mendocino, Napa, and Sonoma counties eliminated.” The mission of the NBNCBC, in part, is to “develop a strategic broadband plan for each county based on “last mile” community needs and integrate the county plans into a regional plan.” *See* <http://www.mendocinobroadband.org/wp-content/uploads/2.-NBNCBC-1st-Quarter-Report.pdf>.

¹³ *See*, <https://www.rcrcnet.org>. The RCRC currently has 38 member counties. Its economic development program has three main support focuses: (1) forest resiliency and fire prevention; (2) infrastructure (other than Broadband); and (3) Rural Broadband. It has recently focused significant successful efforts on obtaining state and federal funds that are directed towards improving the speed and reliability of broadband in rural areas and to assisting smaller counties to prepare themselves to compete successfully for funds to make that happen.

¹⁴ *See*, <https://goldenstateconnect.org/>.

reports.¹⁵ It more recently hired CBG Communications, Inc. (CBGC) to assist the County in developing a broadband road map and action plan. In addition, the County created an internal working group, composed initially of three employees who work on broadband-related issues part-time and who meet periodically¹⁶ to help formulate strategy and policy. In late 2021 the County held a meeting under the name of ‘The Napa County Broadband Partnership’ (NCBP), attended by an invited group of external stakeholders, composed of town and city officials, County agency, emergency response, medical, educational, and business representatives, and other interested parties. The County also recently included broadband as part of its 2022 State Legislative and Regulatory Platform as one of roughly forty Priority 2 subjects.¹⁷

It is also important to note that local governments have little authority or wherewithal to meaningfully participate in broadband issues. The primary entities that regulate the industry are the FCC and the California Public Utilities Commission (CPUC). Those two entities have attempted to incentivize or (when they can) require ISPs to improve access to underserved or non-served areas, but the improvements necessary to do so are usually very expensive and would not be cost-effective from the ISPs’ perspective. As a result, regulators’ efforts have often been unsuccessful. County and local governments have had little regulatory authority or money to affect where broadband infrastructure is located within their boundaries. Their involvement with ISPs has mostly been relegated to responding to things like provider requests for public right-of-way use and design or land use commission reviews for proposed tower locations. ISPs typically decide who gets what service since they own the equipment and usually make decisions about where it is located and how it is used.¹⁸

However, things are changing, and the County should be better prepared. In fact, as early as 2018, the NBNCBC (the County being a participant) published a report in the aftermath of the 2017 Northern California wildfires that said, “It is evident there is not enough public attention or awareness directed towards telecommunications issues in the affected counties.”¹⁹ The NBNCBC recommended that counties develop (a) a “*broadband strategic plan . . . with input from all stakeholders*,” (b) “*review internal processes* for all telecommunications related procedures and identify more efficient solutions to effectively deploy broadband,” and (c) form “*public-private*

¹⁵ See, The Infrastructure Assessment Report and the Recommendation Report.

¹⁶ Two part-time County employees were added just recently: an analyst in the County Executive’s office and an employee associated with the Lake Berryessa concession (an area with limited broadband access).

¹⁷ The Platform also contains another 5 Priority 1 items.

¹⁸ With respect to ISPs, it’s important recognize that their interests do not necessarily align with that of the County or its residents. Data provided to the CPUC by private ISPs about broadband availability in Napa County prior to 2017 incorrectly indicated that much of the population of the County had fast and reliable broadband. Magellan found in its Infrastructure Assessment Report that while more densely populated areas are reasonably well served by ISPs, who offer internet speeds that meet FCC minimums, large portions of the East County and smaller pockets along the Western County border were underserved or unserved. Even in more populated areas, like the towns of Napa and St. Helena, the speed and reliability of cellular and broadband service can differ markedly from neighborhood to neighborhood, and block-to-block. In addition, connectivity options through providers may not be affordable for rural and/or lower income residents (e.g., options like satellite connectivity in rural areas).

¹⁹ NBNCBC Telecommunications Outage Report: Northern California Firestorm 2017 (2018), p.8 (<https://ecfsapi.fcc.gov/file/1053130424752/EAS-1.-NBNCBC-Telecommunications-Outage-Report-2017-Firestorm.pdf>).

*partnerships among county and local governments and providers . . . to coordinate goals and pursuits.”*²⁰ The report also noted that with respect to loss of communications (e.g., cellular, landline and internet) during the 2017 fire, “*Napa County experience[ed] the most severe impacts.*”²¹

The 2020 Magellan Recommendation Report, created for the County, also echoed similar recommendations, including (a) prioritizing opportunities based on “Napa County *strategic goals and issues*,” (b) *formally assigning responsibility* for promoting and tracking broadband development to a *County agency or department*, (c) developing *organizational capacity* to engage. . . stakeholders,” and (d) *review policies* since “a cursory review of the County code suggests there may be multiple opportunities to promote network development via policy changes.”²²

Despite these recommendations made four years ago by the NBNCBC and two years ago by Magellan, the Grand Jury found little indication that the County’s leaders have a real sense of urgency to undertake the recommended actions.²³ None of the NBNCBC and Magellan recommendations would require significant public expenditure; the actions recommended could have been completed by now. All recommendations are needed sooner than later to better position the County to compete for additional funding and then make productive use of any funds that are awarded.

We recognize that many aspects of providing broadband access will require significant investment and the participation of the State or multiple jurisdictions. But that does not prevent the County from starting now to develop a strategic plan that will inform critical choices, prioritize public investments in alignment with strategic goals, provide positions on critical issues like reliability and affordability, influence planning and decision making, and create personnel and governance structures to execute the County’s vision.

After numerous interviews and reviews of many documents, the Grand Jury has seen limited evidence that the County has worked to complete a strategic plan and it is significantly behind neighboring Counties with respect to planning and communication with stakeholders. Multiple County officials told the Grand Jury that it does not have a broadband strategic plan; one individual even indicated uncertainty about where the County’s vision should come from.

The County’s current approach seems to be putting the proverbial cart before the horse, since it appears to be creating an action plan before developing a strategic plan. In a September 20, 2020 Board of Supervisors’ agenda letter (Agenda Letter), County staff stated the Magellan Assessment Report, is *not a strategic plan* and does not provide direction on how the above opportunities

²⁰ *Id.*, p.8.

²¹ *Id.*, p.6. The Magellan Infrastructure Assessment Report also estimated that the 2017 fires damaged: 25,000 feet of fiber-optic based network infrastructure, 300,000 feet of copper-based network infrastructure, and 21 cellular/fiber tower locations in the County.

²² See, Magellan Recommendation Report, pp. 62-64.

²³ In addition, there are other significant recommendations from both reports that are not discussed here because they would have required extensive public funds.

should be prioritized.”²⁴ But instead of recommending the creation of a County strategic plan, the Agenda Letter recommended that the “Board authorize a Request for Proposal to contract with a consultant(s) to develop an *action plan* based on the Assessment [Report], and apply for and seek grant funding to deploy broadband in priority areas and implement an action plan using future grant funding.”²⁵ Even this recommendation seemed to take a protracted period of time, since the County contracted with CBG in May 2021, nine months after the Agenda Letter.²⁶ That said, the Grand Jury was told that CBG is close to issuing a report and updating the Board of Supervisors.

The County is attempting to remedy its lack of a broadband strategic plan, which is acknowledged by interviewees as important. They have opted to join the GSCA’s application to the US Department of Commerce, Economic Development Administration (EDA) for grant funding to support the preparation of a strategic plan for the County. If successful, the GSCA will provide grant administration including project and fiscal reporting, as well as project management over the contractor hired by the grant. Unfortunately, as of the date of this report, the grant had not yet been awarded by the EDA. It is unclear when a plan will be completed and adopted if the grant is awarded or what the County will do if it is not awarded.

With the exception of Napa, all members of the NBNCBC developed broadband strategic plans for their counties. Nearby Marin, Sonoma, and Mendocino Counties all have county broadband strategic plans.²⁷ If broadband is a utility worthy of being a high priority, as many County leaders stated to the Grand Jury (and the other NBNCBC members found the funding to develop broadband strategic plans), why hasn’t our County developed its own plan?

Responsibility for broadband issues has not been assigned to any County agency or department, only an informal part-time workgroup. The Grand Jury saw no evidence that the County has reviewed its policies and procedures to identify how to speed up and/or simplify broadband implementation.²⁸ However, some interviewees were not sure what the Grand Jury meant when it asked whether policies and procedures have been reviewed, or why that might be necessary. Some interviewees mentioned that it might be useful to have a “dig once” policy similar to other counties. Another suggested that the policy might not be a good fit with County departments responsible for

²⁴ Napa County Board of Supervisors Board Agenda Letter from Chief Information Officer Information dated September 22, 2020 (<https://services.countyofnapa.org/AgendaNetDocs/Agendas/BOS/9-22-2020/10A.pdf>).

²⁵ *Id.*

²⁶ RFP-ITS112001---Napa-County-Broadband---Notice-Of-Intent (countyofnapa.org).

²⁷ See Mendocino County Digital Infrastructure Plan: 2019-2025 (<https://www.edfc.org/wp-content/uploads/2015/12/Final-Digital-Infrastructure-Plan-for-Mendocino-County-12.31.18.pdf>), Digital Marin Strategic Plan, (<https://godigitalmarin.org/strategic-plan/>), and Sonoma County Broadband Strategic Plan (<http://www.mendocinobroadband.org/wp-content/uploads/Sonoma-County-Broadband-Strategic-Plan.pdf>) Sonoma has also had its Access Sonoma Broadband Program for several years. See Access Sonoma Broadband (<https://sonomacounty.ca.gov/EDB/Access-Sonoma-Broadband/>).

²⁸ As noted in Magellan Recommendation Report, “County policies and processes can create barriers” and “inconsistent policies regarding local cities and neighboring counties impedes investment.” p.p. 64-65. For a more robust discussion of how policies and procedures can impact broadband development see the Sonoma County Broadband Strategic Plan, p.p. 104-5.

road construction and their funding authorities.²⁹ A review of policies and procedures that impact broadband development, in order to see if there are opportunities to simplify processes or speed approvals, seems like an important, low-cost, proactive action that the County could take in order to be better prepared to compete for broadband grant funding.

In addition, the Grand Jury could not identify any single County employee who is assigned to work full-time (or even a majority of their time) to move the County broadband agenda forward. In fact, when asked what steps the County could take, one senior County official agreed that acquiring and implementing broadband grants will take, in their words, “administrative infrastructure . . . which requires hiring people.” It seems likely that State and Federal grant funds will go to projects that are more shovel-ready, consistent with a clear strategy for that county, or supported by multiple agencies or stakeholders in the County, all of which take resources to organize.

As noted above, the Grand Jury did identify a working group comprised of County employees who were engaged part-time on issues related to broadband.³⁰ While the Grand Jury found members of the working group talented and clearly attuned to many of the relevant issues, all of them have significant primary job duties (and in some cases substantive secondary responsibilities as well). They cannot possibly spend sufficient time moving the very complex broadband agenda forward.³¹ A common refrain heard by the Grand Jury from many County officials was “we are spread thin.”³² Most likely, this group does not have the time or the knowledge to prepare a “queue” of broadband projects that could be shovel-ready, in preparation for grant funding. Neither would they be in a position to manage the implementation of any project that was funded. It also does not have time to organize or run a more active stakeholder group. The result of this lack of staffing is likely be a significant loss of state and federal broadband funding for Napa.

To remedy this staffing problem, the County should designate a lead agency or department, and staff it with knowledgeable full-time resources with an adequate budget. It is the Grand Jury’s

²⁹ “A ‘Dig Once’ Policy can be an important tool that can be utilized to maximize the efficiency and lower the cost of public works and infrastructure projects through combining efforts. For example, during road construction, installing conduit or conduit with fiber, at the same time as other trenching, reduces the cost of installing fiber and means that the road won’t have to be torn up to install it at a later date. This tactic can be used around any kind of sewer, water, or electrical infrastructure work.” Mendocino County Digital Infrastructure Plan: 2019-2025, p. 25.

³⁰ It is unclear to the Grand Jury whether this working group is the “Broadband Task Force” recommended in the Magellan Recommendation Report and that is a requirement of the grant application made by the GSCA to the EDA. The Magellan Recommendation Report describes the Broadband Task Force as “an inclusive body” with a “formal process to acquire resources, guide development, and provide oversight for network infrastructure.” See Magellan Recommendation Report, p. 62.

³¹ See Pew Charitable Trust, How States Are Expanding Broadband Access: New Research Identifies tactics for Connecting Unserved Communities, 2020 (<https://www.pewtrusts.org/en/research-and-analysis/reports/2020/02/how-states-are-expanding-broadband-access>) (“Having staff dedicated to broadband is important to avoid having work on the issue become ‘other duties as assigned.’ Staff who are focused on broadband can develop expertise. And assigning them to the issue creates accountability and responsibility and provides stakeholders with a point of contact”).

³² The Grand Jury is cognizant that the Covid pandemic has severely stretched many County resources. Members of the working group also have significant pandemic response duties and they are to be commended for their dedication to public service.

understanding that the County is taking initial steps toward establishing a full-time project manager; additional human infrastructure is vital to allow the County to organize its thoughts and efforts and better compete for and obtain available Federal or State funds. However, if the County does not adequately staff and manage the broadband issues, it will almost certainly miss out on funding opportunities which is a fear expressed by some of those interviewed by the Grand Jury. As a result, the fate of County residents' broadband future may remain in the hands of private ISPs, whose motivations are often misaligned with the interests of the County and its residents.³³

In addition, the County has not meaningfully engaged the County's towns, cities, medical, education, emergency response, businesses, and other stakeholders. It also has not provided a mechanism for citizen input about broadband issues.³⁴ The County cannot address reliable and fast broadband for County residents on its own and must work collaboratively with these parties and entities. The Grand Jury found no evidence of significant attempts at engagement by the County prior to a single stakeholder briefing given in late 2021. It did not meaningfully engage some of the primary stakeholders affected by the 2017 and 2020 fires or issues related to the Covid pandemic. In the case of one stakeholder, whose entity is heavily reliant on consistent broadband service, the Grand Jury was told that it is hard for them to plan or make investments of any kind when it is not known what the County may or may not do. Others indicated that they have had to expend significant amounts of their own money on contingency planning, based on that uncertainty.

Stakeholder engagement is critical because, as one senior County official told the Grand Jury, collaboration is often important to successful grant acquisition, i.e., to be "attractive." In the November 2021 NCBP briefing, the County described to invited attendees the status of County broadband efforts.³⁵ In a presentation shown at the meeting, the importance of improving the competitive stance of the County through collaboration was highlighted.³⁶ While the attendees interviewed by the Grand Jury thought that the meeting was a positive development, none were clear about (a) the group's purpose, or (b) whether it was intended to be an ongoing forum. The County conducted a follow-up survey after the meeting. However, the Grand Jury has learned that

³³ Based on multiple interviews, it is apparent to the Grand Jury that the County appears to be consciously taking a very conservative fiscal approach to broadband, and eyeing it from a transactional perspective (e.g., waiting to see if it can obtain grant funding for a strategic plan, or to hire full time staff) versus an ongoing requirement that must be sustained. Hopefully this is changing based on recent steps. The County appears to considering whether to hire a project manager (e.g., creating a job description, having discussions with Sonoma and San Francisco Counties regarding their broadband positions).

³⁴ Stakeholder engagement was a recommendation made in the Magellan Recommendation Report and the NBNCBC Telecommunications Outage Report: Northern California Firestorm 2017.

³⁵ Attendees included representatives of educational, public safety, medical, transportation, and business entities, along with local towns and cities.

³⁶ See Napa Countywide Broadband Partnership Meeting Presentation, November 3, 2021, pp 3-4. The presentation also highlighted the actions taken by the County from 2014 to 2021 "to increase broadband service". *Id.*, p.2. To the best of the Grand Jury's knowledge, over the course of the 7 years highlighted, no actions articulated (e.g., from joining the NBNCBC in 2014 to "Action plan and roadmap with CBG" in 2021) led to a direct increase in County broadband service. In addition, the reference to CBG refers to a plan and roadmap that the NCGJ understands is still in development as of the date of this report, and not one that was published in 2021.

the forum is unlikely to be an ongoing entity, at least in the near term. Unlike Napa County, other Northern California counties have had broadband stakeholder groups for several years that meet regularly.³⁷

An effective and active stakeholder task force would have a written purpose, scope, and timeline known and agreed upon by its members. It could (a) assist the County in developing a vision and strategic plan that addresses the needs of residents, local agencies, and commercial entities, and (b) help coordinate local partnerships to acquire grant funding and resolve project implementation issues. The task force could also foster community support and cooperation for the County's digital future. This may require forming one or more JPAs, developing a Memoranda of Understanding, or engaging other entities to achieve the County's goals, and it will certainly require the County and its stakeholders to reach consensus with respect to broadband issues, including a common vision and view of roles and leadership.

The Grand Jury also observed insufficient awareness on the part of senior County officials³⁸ of the critical broadband issues and the choices that they are likely to confront. To be fair, there are senior County officials who are well-versed about broadband issues, including one who has been actively involved in the NBNCBC and RCRC for several years, but is retiring at the end of 2022. However, others who will be key decision-makers appeared unaware of the significant activities or priorities of groups like the NBNCBC, RCRC, and GSCA or many details about recent broadband infrastructure funding sources. For instance, one key GSCA project is to help foster the installation and operation of open-access, municipal broadband infrastructure. The significance of this project is that it could help finally to bring broadband services to areas where it has not been economically viable for private providers to extend services. In these areas, some form of local public entity might install and end up owning and managing the broadband infrastructure, which would be a significant departure from past practices. ISPs could lease a connection to this publicly owned infrastructure and extend their services to remote areas in an economically viable manner. Even though Napa County is a participant in the GSCA, the Grand Jury found that most elected and senior County officials interviewed were not well-versed about the GSCA's and the RCRC's initiatives, including those involving public versus private ownership. Possibly for that reason alone, they appear to have a distinct bias against public ownership. The Grand Jury is not taking a position on the private versus public ownership issue, but this seems to be one of several strategic issues for which the County should develop a thoughtful position after significant briefing and discussion, and address as part of a strategic plan.³⁹

Conversely, as opposed to focusing on strategic issues, the Grand Jury found that some senior County officials seemed to have perspectives that were very tactical and narrow and had little understanding of broadband-related issues. The Grand Jury perceived hesitancy to take proactive steps for fear of increasing payroll and related expenses, and that a good starting point might be if ISPs came to the County and offered a plan for expanding broadband access, stating what they needed. The Grand Jury does not believe that this would be a good approach. If history is any

³⁷ See, e.g., Broadband Alliance of Mendocino County (<http://www.mendocinobroadband.org/about/>).

³⁸ To be clear, the Grand Jury is not referring to members of the working group referenced earlier.

indication, it is very doubtful that any provider will provide a plan that places the interests of all County residents ahead of the ISPs' profit motivations.

There are many ways that the Board of Supervisors and County Executive could better educate themselves on broadband issues and choices in order to provide more effective leadership, especially in light of the impending retirement of one key member who has been the Board member most actively involved in broadband issues for years. The provision of fast and reliable broadband services to all County residents is a very complicated undertaking fraught both with a shifting political environment, significant choices (e.g., public versus private), and a dynamic technological landscape. In order to provide informed guidance regarding policy direction and the organization of local government, the Board of Supervisors and County Executive need to develop a greater understanding of the County's digital needs, choices, and potential. This includes activities like regularly being briefed on progress towards completing the County's strategic plan by full-time County staff whose function is to move County broadband issues forward. The BOS could also benefit from regular briefings on RCRC and NBNBCB broadband initiatives. It could also gain valuable insight and stakeholder buy-in by making the NCBP an ongoing entity, emphasizing its role and importance by having briefings by its representatives, participating in NCBP events, and seeking its input.

In summary, the Grand Jury believes that the County should be better prepared to compete for the once-in-a-generation funding that is becoming available. The County has not yet attained momentum with respect to improving broadband access for County residents. While wildfires and the pandemic have vividly illustrated the necessity of fast and reliable broadband for all residents, and County leaders express enthusiastic support for the notion of broadband for all, the County's actions demonstrate that broadband is not a high priority. The Grand Jury understands the County's limited power and resources to address on its own the enormous costs associated with connecting all of its residents. We applaud the efforts of a few dedicated County employees, all with significant other primary responsibilities, who have somehow found time to drive these issues forward. Now is the time for reinforcements and renewed effort. There are several actions that the County could have taken and should take now. Many do not require significant capital expenditures and could have been undertaken before the pandemic. If broadband is as important as electricity or water - and the Grand Jury believes that it is--it warrants a much higher priority and the immediate attention of senior County leadership to ensure that Napa is prepared to compete for funds and make productive use of any received. Napa must not waste this opportunity to close the digital divide and position the County for its digital future.

FINDINGS

- F1. Recent fires and the pandemic have demonstrated that all County residents need access to fast, reliable, and affordable broadband.
- F2. The digital divide in the County (and the challenges and inequities it exacerbates), has not been significantly narrowed since the 2017 fires; in fact, it may have widened.
- F3. While most County leaders interviewed expressed support for fast and reliable broadband for all County residents, analogous to a utility, few articulated any substantive perspective on how to achieve this goal or what steps have been taken to do so.

- F4. In the past year, the broadband funding landscape has changed dramatically with Federal and State governments set to distribute billions of dollars through competitive grants to local governments and private providers.
- F5. The competition for broadband grants from other public entities and Internet Service Providers (ISPs), whose interests may not complement Napa County, is sure to be fierce.
- F6. Winning broadband grants will require the County to be prepared to compete. This will take extensive planning, adequate staffing, and coordination with County's cities and towns and other stakeholders.
- F7. The County's leadership has not devoted sufficient time and resources to broadband strategic planning. Leadership is insufficiently aware of the decisions regarding strategic and tactical options and choices that they will need to soon make and has not demonstrated adequate urgency considering how soon the funding process will begin. Waiting for that process to be fully defined before taking action will leave the County even further behind at the starting gate.
- F8. Despite recommendations urging it to do so as early as 2018, the County has not developed a broadband strategic plan that sets forth its vision and includes priorities, defines the choices that will need to be made, and provides for personnel and a governance structure.
- F9. The County has not taken steps, as recommended by its consultants, to establish a lead County agency or department to review local policies affecting broadband across various County jurisdictions to ensure they are consistent, sensible, and broadband-friendly.
- F10. The County has only allocated part-time staff resources (for whom broadband is only one of many important roles), to work on broadband issues, whereas other similarly situated counties appear better prepared, staffed, and are much further along in their planning processes.
- F11. Unlike neighboring counties, the County, its cities and towns, and other stakeholders have only recently started communicating with each other regarding their broadband needs. They do not seem prepared to coordinate strategies, development, the pursuit of grant funding, or project implementation.
- F12. The NCBP does not have a clearly articulated purpose or agenda that is understood by its participants and does not yet appear to be an effective stakeholder group.
- F13. While the County's involvement with the RCRC, NBNBCB, and GSCA is positive, the speed with which the County is moving seems to be stuck in an out-of-date paradigm, when State and Federal funds were largely unavailable, and local agencies did not play a significant role in efforts to extend fast and reliable broadband availability.
- F14. There are no established ongoing forums for County residents, businesses, governmental units, schools, medical and emergency response, and others to identify and communicate with County leadership about their broadband needs, except about one-off access or service complaints.
- F15. The County has no priorities or queue of broadband projects that are "shovel-ready" for implementation, nor any resources available to identify such projects or supervise their implementation if they are funded.

- F16. Without proper preparedness to compete for broadband grant funding (including a coherent strategic plan, adequate staffing, resources, and County-wide stakeholder coordination) the County may not be as successful at acquiring funds as it should be, and efforts may remain ad hoc and passive.

RECOMMENDATIONS

- R1. The Board of Supervisors and County Executive should, no later than October 1, 2022, prepare and execute a plan to better educate themselves about broadband issues and the choices that must be made.
- R2. The County should develop and publish a Strategic Plan no later than December 1, 2022, that is not simply a list of possible projects proposed by contractors or private providers, but instead includes, at a minimum, (a) a County vision for broadband that addresses issues like reliability and affordability, (b) the specific broadband access and performance enhancement goals it expects to achieve, (c) the County's priorities (so that, if needed, choices can be made), (d) how the County plans to accomplish those goals, and (e) the County staffing and governance structure to implement and oversee the plan.
- R3. The County should, no later than October 1, 2022, designate a lead agency or department, staff it with knowledgeable full-time resources, including a broadband project manager, and provide an adequate budget to help the County define its vision and priorities, understand grant authorities' policies and application procedures, coordinate with stakeholders, and prepare to compete for State and Federal funding in a well-organized, non-ad hoc fashion.
- R4. The County should, no later than December 1, 2022, create an effective and active stakeholder task force with a written purpose, scope, and timeline understood and agreed to by its members. The task force should (a) actively assist the County in developing a vision and strategic plan that addresses the needs of residents, local agencies, and commercial entities, and (b) help coordinate local partnerships to compete for, acquire, and implement grant funding.
- R5. The County should, no later than December 1, 2022, establish and actively foster ongoing forums for County residents, businesses, government, schools, and medical and emergency response entities to provide input and communicate with County leadership about their ongoing broadband access and telecommunication needs.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

- Napa County Board of Supervisors (R1, R2, R3, R4, R5)
- Napa County Chief Executive Officer (R1, R2, R3, R4, R5)

GLOSSARY

- CASF – California Advanced Services Fund
- CBG – CBG Communications, Inc.
- CPUC – California Public Utilities Commission
- DEICCF – Digital Equity Initiative California Community Foundation
- DSL – Digital Subscriber Line
- EDA – US Department of Commerce, Economic Development Administration
- FCC – Federal Communications Commission
- GIS – geographic information system
- GSCA – Golden State Connect Authority
- ISP – Internet Service Providers
- JPA – Joint Powers Authority
- Mbps – Megabytes Per Second
- NCBP – Napa County Broadband Partnership
- NBNCBC – North Bay/North Coast Broadband Consortium
- RCRA – Rural County Representatives of California

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**NAPA COUNTY CIVIL GRAND JURY
2021-2022**

FINAL INVESTIGATIVE REPORT

COVID VACCINATIONS IN NAPA COUNTY

June 13, 2022

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SUMMARY

The COVID-19 (Covid) pandemic dramatically impacted the Napa Valley and its residents. As of April 30, 2022 there were 27,343 recorded cases of Covid and 143 deaths in the County attributed to it.¹ Many residents have been hospitalized or suffered from symptoms of the disease. Lives, lifestyles, and behaviors have been irreparably altered. Education has been set back. Vital social interactions were interrupted. Families, co-workers, lovers, and friends could not safely meet in person for extended periods. Weddings were canceled. Family and friends could attend funerals only virtually. Differing opinions about Covid vaccinations and restrictions resulted in rifts, resentments, and threats of violence. Businesses and careers were devastated. Jobs disappeared.

COVID-19 would have been so much worse without the diligent and heroic efforts of the County's Public Health Division (PHD), the County's Public Health Officer (PHO), Dr. Karen Relucio, and the many other unsung heroes of the County's Covid pandemic response team.

The Napa County Civil Grand Jury investigated Napa County's rollout of Covid vaccinations to County residents because Covid might be the greatest public health threat faced in our lifetime. Even more, it may be a precursor of things to come. The investigation focused on a critical question: is Napa County prepared to respond to an event of similar magnitude? The Grand Jury sought to assess whether the County's Covid vaccination rollout might be repeatable if a similar level of countywide response was required in the future.

The Grand Jury found no easy answers but lessons which could be learned from Napa's experience in responding to COVID-19.

Metrics show that the County's overall vaccination efforts were successful—particularly when compared to other similarly sized California counties.

Thus, a very large portion of the County's population has received vaccinations. As a result, they are protected from the most severe symptoms of Covid and the risk of hospitalization from it.² As of April 30, 2022, 81.6% of Napa's eligible residents were “fully vaccinated” against Covid with a Federal Food and Drug Administration (FDA)-approved vaccine, and 64.7% had received a “booster” vaccination.³ These rates are among the top 10 for counties in the State of California. Moreover, all counties with higher “fully vaccinated” rates have significantly larger populations,

¹ COVID-19: Vaccinations and deaths in Napa County, *see* <https://insight-editor.livestories.com/s/v2/copy-of-vaccine/2b41b516-d82a-4292-8206-b36ffca0316c>; https://news.google.com/covid19/map?hl=en-US&mid=%2Fm%2F0121_&gl=US&ceid=US%3Aen.

² <https://insight-editor.livestories.com/s/v2/community-impact-of-vaccines/c510808a-d65b-4132-b3be-fd4ccc09d750>.

³ “Fully vaccinated” means that the recipient has received their full primary series of vaccination (e.g., in the case of the Pfizer-BioNTech vaccine, two doses).

with larger healthcare systems and public health programs than Napa.⁴ These metrics also indicate that many lives have been saved as a result of vaccination rollout efforts in Napa County.

Covid posed a challenge of daunting size. The County's response was only possible because of the diligence and energies of a huge network of responders. Large segments of the public workforces of the County, its towns and cities worked countless hours. Many volunteers and private entities (both commercial and non-profit) participated as well, contributing resources, goodwill and initiative as they cooperated with the county's healthcare community.

The vaccine rollout was not perfect. Nonetheless, failings resulted from uncertainties surrounding Covid and how to combat it, not from a lack of will or effort. Responders, led by PHD, successfully overcame:

- huge unknowns about the disease,
- a vaccine supply chain that took many months to meet demand,
- periodic complexities created by State and Federal governments,
- insufficient resources allocated to PHD and difficulties in hiring additional staff,
- inadequate County public information resources to effectively communicate with County residents about the vaccines and how obtain vaccinations, and
- remarkable burdens placed on the public workforce by County politicians, as well as agents of misinformation.

BACKGROUND

The first Covid case was reported in Northern California on February 26, 2020.⁵ On March 4, 2020, Governor Gavin Newsom declared a state-wide "state of emergency" related to Covid, pursuant to Section 8625(c) of the Government Code.

The Napa County response to the Covid pandemic was and continues to be led by the County's Department of Health & Human Services (H&HS) PHD, and the Napa County PHO, Dr. Karen Relucio.

California law and the Napa County Code assigns the County's PHO with the primary responsibility for leading the County's response to public health emergencies, such as the Covid pandemic. The PHO may take any preventive measure deemed necessary to protect and preserve the public from any public health hazard within his or her jurisdiction during any "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code.

⁴ https://covid19.ca.gov/vaccination-progress-data/?gclid=CjwKCAjw6dmSBhBkEiwA_W-EoN1L6SDINfriEfQSpQcEj5YoQWQcUD94QE4BCDvuzD387Q--qQ48zBoC74wQAvD_BwE.

⁵ <https://www.sacbee.com/news/local/health-and-medicine/article240674471.html>.

In March 2020, Napa County initiated its Emergency Operations Center (EOC) to operate as the central focus of the County's response to the COVID pandemic. This is a personnel management structure which is also used by the County for other emergency responses, like fires and earthquakes, pursuant to the County's Emergency Operations Plan (HHSA-EOP). The EOP required that, instead of, or in addition to, performing their normal job functions, many County and local town/city personnel from other departments were required to support PHD and play vital roles in the County's Covid response. And they did. The County continued to employ an EOC incident command structure until November 2021.⁶ Many of these public employees worked extended overtime shifts without vacations or breaks throughout the County's response to the Covid epidemic; the lengthy use of the EOC is notable. Similarly, many other healthcare professionals outside of government also worked remarkably long hours for extended periods.

At the beginning of the Covid vaccination rollout, the HHSA-EOP did not include detailed regional vaccine distribution or vaccination procedures. PHD published a 'Napa County Covid-19 Vaccination Plan' (12/1/2020) which described some basic planning components for COVID vaccinations in the County. The plan was aligned with the California Department of Public Health (CDPH) guidance for the allocation and administration of vaccinations. However, many aspects of the vaccine rollout were very dynamic and PHD's approach had to be modified many times to conform to changing conditions.

The document also outlined general local vaccination strategies based on multi-sector collaboration with stakeholders who played significant roles in the response. However, little was known at the time the document was prepared about details of the State and Federal programs for supplying vaccines into the County and distributing them to the parties that administered the vaccine doses. The document did describe a multiagency County Healthcare Coalition, including representatives from hospitals, outpatient clinics, skilled nursing facilities, managed care organizations, Napa County Medical Society, pharmacists, pre-hospital providers, physicians, and others who worked together with PHD to coordinate the County's vaccination rollout.

METHODOLOGY

The Grand Jury's investigation of Napa County's Covid vaccination rollout employed the following methodology:

- Review of Covid response-related resources, including written materials, County records and meeting recordings, State and Federal regulatory and administrative records and documents, newspaper stories and analyses, websites and social media sites, and related materials;
- Interviews of current and former County employees involved in the County's Covid response efforts, including with the County PHD and Emergency Services, senior County officials, non-County employees and area medical professionals; and
- Development of findings and recommendations and drafting of this report.

⁶ The OEC was partially reinitiated in December 2021 with the onset of the Omicron Covid variant.

DISCUSSION

A. Vaccines Finally Arrive in Napa

Covid vaccines first arrived in the County and began to be administered in early December 2020, soon after the FDA's issuance of emergency use approvals for the Moderna and Pfizer-BioNTech vaccines. The first shipments of vaccines were received by the County and either used by PHD in its initial vaccination efforts or allocated by PHD to other entities in the County to administer the doses. When hospitals and other healthcare systems received their vaccine allocations, they first vaccinated their in-house healthcare workers so that they could continue to respond to the pandemic with the least possible risk.

PHD and other entities, like OLE Health, Kaiser Permanente, Adventist Health, and Providence Health, soon had enough vaccine doses to start deploying vaccination clinics (PHD's clinics used clinical and non-clinical County staff and volunteers, including from the county's Medical Reserve Corps [MRC]).⁷ PHD also focused its initial efforts on providing vaccinations at acute care facilities, nursing homes, and Napa State Hospital.⁸

The County initially employed a homegrown "Vaccine Interest Form" for County residents to register for vaccination appointments and a PrepMod software system to schedule them. In February 2021, the County was required to join the statewide MyTurn scheduling and recordkeeping program and stopped using its own software system. Thereafter, county residents registered with MyTurn and were supposed to be notified and have their vaccination appointments scheduled by that system.⁹ However, during the first months of its use, MyTurn proved to have many software problems and limitations. For example, it could not initially be used to schedule vaccinations with many large medical providers, pharmacies, or community clinics, or for homebound seniors.¹⁰ From the first use of MyTurn, scheduling vaccination appointments became a troubling 'black box' for many County residents.

Records of Covid vaccination administration are entered on the California Immunization Registry (CAIR), a web-based database. When doses are administered anywhere in the state, the CAIR required data elements are collected and conveyed to the CDPH.¹¹

⁷ The MRC is composed of medical and non-medical volunteers who complete core competency courses set by the national MRC program.

⁸ PHD does not have a mobile clinic vehicle to assist them in their off-site vaccination efforts. Adventist Health had a mobile clinic vehicle and has made frequent use of it throughout the Covid response, especially supporting their remote vaccination clinic efforts.

⁹ Scheduling programs in Napa and other counties that seemed to be working well were discarded and replaced with a system that proved troublesome. See, e.g., Spencer Custodio, "OC's Coronavirus Vaccine App Othena Could Be Irrelevant When Blue Shield Takes Over Statewide Distribution," *Voices of OC* (March 1, 2021). <https://voiceofoc.org/2021/03/ocs-coronavirus-vaccine-app-othena-could-be-irrelevant-when-blue-shield-takes-over-statewide-distribution>.

¹⁰ See, e.g., Barbara Ostrov, "State's 'MyTurn' website bypassed for most vaccine appointments" *Cal Matters* (April 22, 2021). <https://calmatters.org/health/coronavirus/2021/04/myturn-vaccine-appointments-problems/>.

¹¹ A personal digital California Covid Vaccination record is available at <https://myvaccinerecord.cdph.ca.gov/>.

B. Who Administered the Vaccinations?

As vaccine supplies increasingly came into the County from Federal and State sources during the winter and early spring of 2021, so did the number of entities who administered the vaccinations.

Eventually, Covid vaccines were sent by State and Federal sources directly to the entities that actually administered doses (rather than to the County to be further distributed by PHD as done initially).¹²

All of the entities listed in footnote 12 (as well as other healthcare entities and professionals) were key members of Napa's team of Covid vaccinators. OLE Health, St. Helena Hospital/Adventist Health, Kaiser Permanente, and PHD in particular appear to have administered the most doses of vaccine to County residents after December 2020, but all involved played very important roles.

The State's shipments of COVID vaccines to PHD and others are delivered under the federal Centers for Disease Control and Prevention (CDC) COVID-19 Vaccination Program. Under the CDC program and like the other Federal programs, vaccines are procured and distributed by the Federal government at no cost to enrolled COVID vaccination providers. Counties and MCEs request vaccines from the State through its CalVax portal, which was initially designed for distributing flu vaccines. The State decides who gets the vaccines and how much. Manufacturers are then instructed by the State to send the allocated vaccine doses directly to the counties or MCEs. In February 2021, the State of California designated Blue Shield as a "third party administrator" which took over responsibility for the allocation of State-distributed vaccine doses to MCEs and counties. In July 2021, CDPH took back that role from Blue Shield.¹³

To receive more allocations of vaccines from the State, the counties and MCEs were required to report to the State the vaccinations they administered in a timely manner and to use all the supplies that they were allocated.

PHD was generally not informed about the direct vaccine shipments sent to MCEs or to other entities through the various distribution channels. There was no formal coordination mechanism between the supply chains to help PHD determine to whom vaccine shipments were being sent, how much was being sent, nor how those entities receiving it planned to use it. PHD had to initiate and maintain a regular dialogue with the local recipients of vaccines and attempted to coordinate their vaccination efforts to try to ensure availability throughout the County.¹⁴

¹² Federal vaccine supply programs included the Retail Pharmacy Program for COVID-Vaccination (doses sent to local participants including Safeway, CVS, Pharmaca, Rite Aid, Lucky, and Walgreens), and the Pharmacy Partnership for Long-Term Care Program (CVS and Walgreens). Doses were also sent by the federal government directly to Health Resources and Services Administration (HRSA)-funded health centers (e.g., OLE Health). The State of California continued to allocate vaccines to the counties, but also sent them directly to entities like health systems that are multi-county entities (MCEs) (e.g., Kaiser Permanente, Adventist Health, and Providence Health).

¹³ See, e.g., Emily Hoeven. "Delays emerge in Blue Shield vaccine rollout," CalMatters. (February 25, 2021) <https://calmatters.org/newsletters/whatmatters/2021/02/delays-emerge-in-blue-shield-vaccine-rollout/>.

¹⁴ PH has also regularly participated with the Association of Bay Area Public Health officials that has met frequently throughout the Covid response to facilitate the counties' coordination efforts.

C. Vaccinations in Demand

For the first several months of 2021, doses of Covid vaccines were in short supply in the County and the surrounding region relative to the demand.

When PHD was initially scheduling vaccination appointments in the County, it used the relatively clear-cut criteria for identifying who gets vaccinated first, based on criteria that were employed in past mass-vaccination efforts (e.g., the H1N1 flu pandemic in 2009-10). These included vaccinating healthcare workers first so they could continue their work, and thereafter individuals based on their age and medical condition.

By late February 2021, the State began requiring that all counties use the State's relatively complicated set of vaccination eligibility criteria.¹⁵ This requirement was accompanied by a clear but somewhat competing message from the State that vaccinations were to be administered as fast as possible and no doses were to be wasted.

The State's eligibility criteria combined some of the past mass-vaccination administration factors (e.g., age and medical conditions), but also added eligible job sectors and other categories that prioritized certain groups over others. Some job categories used (e.g., educators, food workers, and agricultural workers) lacked clear or commonly used definitions so PHD was unable to proactively notify members of those groups about getting vaccinated. Also, operators of vaccination clinics could not readily distinguish between those who should be eligible and those who were not. The list of eligible health conditions became so long that they could not readily be verified at vaccine administration locations. Some locales also required proof of county residency to receive a vaccination. Most who administered vaccinations came to rely on self-attestations of eligibility from vaccine recipients rather than devoting the significant resources needed to evaluate evidence of job-related risk, residency, medical condition, and the other elements of the State's criteria.

The State's eligibility criteria to receive vaccinations not only caused complications for those administering vaccines, but also resulted in feelings of unfairness on the part of some residents about who was receiving vaccinations. This resulted in distrust, further fostered by rumors, many spread on social media, of people 'scamming' the system or using political influence to receive privileged treatment or lying about their eligibility to get vaccinations. The counties were on the front lines and were blamed whenever people felt aggrieved or unfairly treated. The counties often were the ones who had to try to rationalize or explain things like the State's criteria to those who were not yet eligible to receive vaccinations.

D. Public Health in Napa

Over the last few decades, the nature of Napa's public health function has changed. Funding for PHD has decreased and elected officials' view of the role of a public health department has changed. The number and scope of tasks that PHD itself has been expected to fulfill in the past (e.g., administering testing and vaccinations), has decreased. Increasingly, these services must be

¹⁵ The state's vaccination eligibility criteria became increasingly complicated over time as additional categories and factors were added.

obtained from private, non-governmental entities (some commercial and some non-profit entities). These trends are not unique to Napa County.

PHD played many vital roles in the County's Covid response. Yet, due to the large and dynamic scope of the Covid response and the size of PHD's budget and staff, there were some limits to what services PHD could perform. For example, while PHD played essential roles in coordinating vaccinations, larger scale administration of vaccinations or testing in the County had to be performed by other healthcare providers. Several local medical professionals (from outside of government) interviewed were consistently complementary of PHD. They nonetheless indicated surprise that PHD was not able to play a larger role in administering vaccinations or testing.

Many of the Covid response functions and activities performed by private, non-governmental entities were not made clear in the County's pandemic response plan. There were few County contracts, agreements, or memoranda of understanding executed with these entities, and, therefore, these entities operated without specific commitments to the County about the scope of their activities or obligations. Some of the County's more complicated tasks as it assesses its After-Action Review lessons learned from its Covid response will be assessing the appropriate scope of PHD's role in future public health emergencies and assessing whether response plans can better specify and document the responsibilities of non-governmental healthcare entities.¹⁶

One reason for limits on the number of functions PHD could perform was the frequent turnover of County personnel during the County's Covid response, especially for people assigned to certain PHD job categories. State and Federal funding has recently allowed the County to supplement some of its workforce who support PHD and the Covid response activities, but competition for qualified technical resources has been difficult.¹⁷

E. Public Information

The County's Public Information Officer (PIO) is the County's public "mouthpiece,"¹⁸ but there was frequent turnover in the PIO position for the County government and the County's Covid EOC's PIO function. The County has generally assigned both functions to a single individual. The recurrent turnover of personnel in the PIO role and the County's lack of resources allocated to communicate with residents about emergency responses resulted in poor communication and information gaps during the County's Covid response.

The County's communication to residents about its response to Covid and vaccination availability was insufficient and consisted mostly of posts and occasional News Flashes on PHD's otherwise

¹⁶ An "After-Action Review" looks back at how the County's OEC operated in responding to an emergency and assesses what changes should be made.

¹⁷ This is due in part to high demand from everywhere for workers with the required skills for the jobs, the cost of living in this area, and the fact that the job funding has generally been for temporary positions, which makes those positions less attractive to some applicants. For example, since the incumbent retired in 2021, PH has been unsuccessful in replacing its director of Public Health nursing for almost a year.

¹⁸ The PIO communicates and disseminates critical information from the county to its residents. The PIO also shares the county's perspective with the media and the public and responds to requests for information.

useful COVID website¹⁹ or the County’s general website. The County also conducted weekly Facebook Live updates and a weekly Public Health Officer’s report. Communication with local media outlets included briefings on metrics, including numbers of cases, deaths, and vaccination doses administered. However, the Grand Jury’s survey of Napa Valley Register stories about Covid vaccinations between December 2020 and the beginning of May 2021, revealed that during a key period the County shared little instructive information about how to obtain vaccinations.²⁰

The County’s minimalist approach to engaging with local media during the Covid vaccination rollout and its relatively sparse social media presence consistently left the County ‘playing catchup,’ instead of proactively informing its residents about important issues. The County did not adequately explain to residents the slow and inconsistent vaccine supply streams into the County and when and how vaccinations might be available for any but the initial groups who were vaccinated. The County provided little explanation about the criteria about who would receive vaccinations. As a result, some residents questioned the fairness of how doses were being distributed. Those dedicated to questioning facts or sharing misinformation about the efficacy of vaccines gained harmful inroads because the County was not effective in leading the dialogue and then seemed to do little to counter false reports.

Because no qualified County PIO resource was available, busy individuals like the County’s PHO and others were often thrust into playing additional roles, responding to media inquiries, in addition to their many other vital responsibilities.

F. Vaccination Appointment Availability

Throughout the Covid vaccination rollout, to succeed in locating and obtaining vaccination appointments (in Napa and elsewhere) one needed to have a computer, technical savviness, and a reliable internet connection. It was also necessary to have transportation, the ability to take off from work, obtain childcare, and access real-time information about where vaccinations might be available on a given day (at least until early in May 2021, when vaccine supplies arriving in Napa Valley began to catch up with demand). Information about vaccine availability was generally not obtainable from the County or MyTurn, and usually came from communicating with friends or from social media. Many County residents lacked these resources and were at a significant disadvantage in trying to obtain vaccinations.

Nonetheless, the County did set up an effective call center. This resource assisted many residents, and provided information about the County’s Covid response, vaccines, and means of obtaining vaccinations. Unfortunately, a lack of awareness about the call center’s services limited its reach.

The County did use multiple outreach tools to attempt to reach “hard-to-contact” segments of the population, employing “trusted messengers” to communicate about the need for vaccinations and how to arrange to get them.

¹⁹ <https://www.countyofnapa.org/2739/Coronavirus-COVID-19>.

²⁰ The exception being information about the “vaccine inquiry” involving a County Supervisor that was conducted by the law firm Meyers Nave at the behest of the Board of Supervisors (report dated 5/5/2021).

Some healthcare providers used their trusted messenger status to communicate with their patients and other County residents about vaccination eligibility. They also tried to help those eligible to schedule vaccination appointments. Unfortunately, these efforts were sporadic and uncoordinated, and many County residents were never contacted.

The need for computer savviness was especially great prior to late-April 2021 when the County's vaccine supplies were significantly less than the demand for vaccinations and uncertainty about future vaccine availability was at its apex. Residents were often unable to schedule nearby vaccinations; as many as 25% of vaccinated Napa residents took advantage of sources outside the County.²¹

Since early May 2021, vaccinations have generally been readily available from multiple sources, even after booster shots first were approved in September 2021 and April 2022.

FINDINGS

- F1. A very large portion of the County's population is protected from the most severe effects of Covid because they have received FDA-approved vaccinations. An increasingly large number of adults have received boosters and children are receiving vaccinations that have FDA emergency use approvals for vaccines for the younger age groups. As of the date of this report, however, approved vaccinations were still not available for children under age 5.
- F2. PHD staff, led by Dr. Karen Relucio, has worked long hours with high energy and great diligence to deal with the many challenges related to the Covid pandemic response. They have performed admirably and provided effective and needed leadership to the County's Covid vaccination rollout efforts.
- F3. The scope of services for which the Napa County PHD has been funded has decreased over the last several decades. During the County's Covid response, PHD worked extremely well within the limits of its funding and intended scope but lacked sufficient resources to be more fully involved in actually administering vaccinations and performing testing. The precise roles that PHD plays versus those of the rest of the healthcare system should be considered carefully. The Grand Jury found that the success of the County's Covid Pandemic response relied extensively on the participation, resources, goodwill, initiative, and cooperation of volunteers and private entities (commercial and non-profit). The current County public health model should be carefully evaluated to ensure that the success of PHD could be repeated predictably, should a County response of the magnitude required for Covid be necessary in the future.
- F4. The County did not have an adequate plan in place to readily guide the County's Covid vaccination rollout. While PHD communicated frequently and regularly with the many responding non-governmental entities, the roles, responsibilities, and scope of involvement of those entities were generally not well-articulated in a plan and not fully anticipated by some of the participants. Some of the responding entities were more cooperative and better-

²¹ PHD's vaccination statistics are not sufficiently precise to accurately calculate the extent of this phenomenon and there were many reasons for residents to seek their vaccinations elsewhere; however, during this period most neighboring counties imposed "residents only" restrictions on their vaccine applications, which would seem to make it more difficult to get vaccinations outside of Napa.

able (or better-resourced) than others. If these anticipated response participants and their roles are not better addressed by a County plan, or in agreements or memoranda of understanding with the parties, there may be inefficiencies, redundancies, and gaps in effort as a result.

- F5. Response plans for public health emergencies cannot anticipate all possible contingencies. On the other hand, the Covid response illustrated a range of issues for which advance work on identifying options and available resources is paramount. Alternatives for vaccine storage, handling, and distribution, possible eligibility criteria for the order in which individuals receive vaccinations, communication approaches for more effectively notifying residents about vaccines and vaccinations, and mechanisms for easier access to vaccination appointments for all county residents should all be assessed. The County does not always have significant leeway when it is required to follow the lead of State and Federal governments, but the County must be prepared for those instances where such leadership is not forthcoming or circumstances do not allow time to develop and evaluate options in a leisurely fashion.
- F6. The County's Covid Pandemic response was made more difficult at times by the vast scope of what was needed. In addition, some State and Federal government decisions, actions, policies, and policy changes caused complications, as did inconsistent communication from the State to the counties.
- F7. The County did not always effectively communicate with its residents during the Covid vaccine rollout. Insufficient PIO resources, frequent turnover in the PIO role, and a lack of support or emphasis by County leadership for open and proactive communication undercut the County's efforts. The County did not communicate enough with county residents about the effectiveness of Covid 19 vaccines and the availability of vaccinations at a time when residents deserved more. Residents were not given enough reassurance that the County was on top of the issues and up to the task of making sure that timely vaccinations would be available for everyone who wanted them (although thankfully, it turned out that they were). Some residents' concerns are illustrated by the large number who felt that they had to seek vaccinations from sources outside the County.
- F8. The Grand Jury observed that County government leaders devote few resources to the PIO function; as a result, those assigned to the task often had so many demands on their time that they had little capacity to engage in anything but reactive communication efforts. The County has usually had only one PIO on staff to handle communication about all County issues, even during emergencies. This staffing was clearly insufficient during the County's Covid response.
- F9. The Grand Jury found no evidence of a coordinated effort by the County to try to systematically deliver, directly or through healthcare providers, some form of individual communication to each County resident reassuring them about the utility and importance of receiving vaccinations and providing assistance about how to obtain them. Telling residents to sign up for MyTurn was not a panacea for the first five months of the vaccination rollout.
- F10. Many County residents, including "at-risk" groups, did not have sufficient access to computers, reliable internet access, or tech-savviness to get access to vaccination appointments. For these and other reasons, they were at a significant disadvantage. The County's call center and outreach efforts helped, but awareness about the scope of these

services was limited. The County seemed to provide insufficient assistance to these residents, especially when vaccine doses were in short supply.

- F11. The County's initial choice to use an EOC personnel structure for the Covid response was appropriate and important but using it continuously for over a year and a half resulted in a depleted and exhausted County workforce and left many other County services unperformed for a long period.
- F12. The County either did not sufficiently consider transitioning earlier to a different personnel structure than the EOC or allocated insufficient resources to evaluate and implement other options for continuing its Covid response. A different personnel structure than the "all hands-on deck" EOC approach used for Covid (even though its sense of urgency was toned down to some extent over time) could have allowed some County resources to return more quickly to their normal functions, while providing additional needed technical and other support to the PHD to continue their response work.
- F13. The County's ability to respond to other emergencies could have been significantly hindered by the long-term use of this EOC structure for the Covid response. Due to Napa County's relatively small size, many of the same resources must be employed whenever County responds to fires, earthquakes, and other emergencies, including substantial public health group resources. It is beyond the scope of this investigation to assess whether the County's emergency responses to the devastating fires from August through October 2020 were hampered by the continued use of the EOC structure approach for Covid, or whether key staff were over-stretched and not performing at peak efficiency. There is little question that the County was very lucky that the 2021 fire season in Napa was a relatively quiet one.
- F14. This investigation did not include a review of the "vaccine inquiry" involving a County Supervisor that was conducted by the law firm Meyers Nave at the behest of the Board of Supervisors (report dated 5/5/2021). However, multiple interviewees volunteered their concerns about the timing of the inquiry (seen as unnecessarily during the height of the vaccine rollout) and its purpose. During the investigation, PHD staff was diverted from their vital responsibilities responding to a public health emergency just to be scrutinized and questioned by Meyers Nave. The Grand Jury was told multiple times that the inquiry left an already over-taxed and over-stressed staff extremely demoralized. Apparently, those wounds have not healed.

COMMENDATION

The Grand Jury commends the Napa County PHD for their dedication, leadership, and commitment to the residents of Napa County in all aspects of the County's Covid response, including providing Covid vaccinations.

RECOMMENDATIONS

- R1. The County should conduct a Covid response After-Action Review, identify lessons learned from its response activities, and fund and implement the review's findings. The review should not be conducted solely by County government "insiders," but also should include other stakeholders and as well as County residents.
- R2. As part of this After-Action Review, the County should evaluate the role, staffing, and funding of PHD to determine what changes and enhancements should be made so that the division can both meet the County's ongoing public health needs and be optimally staffed to address its potential response roles in a future public health emergency. If the review determines that staffing and funding of PHD should be enhanced, a timeline and action plan should be established to implement the enhancements.
- R3. The County should revise its Emergency Response Plans so that it is better prepared should a similar public health emergency occur in the future. The plans should attempt to spell out or better provide for the significant roles that are expected to be performed by private, non-governmental entities. For example, in a pandemic response the PHD may be expected to play a largely oversight and coordination role and would not itself be staffed to perform large-volume administration of vaccines or testing of them. If that is the case, the roles of private, non-governmental entities that will do the bulk of the vaccinations and testing should be documented in the plans and, to the extent possible, in contracts or memoranda of understanding with the County. Their work should be financially supported by the County in appropriate cases. If significant roles and responsibilities are not better-documented, PHD will continue to spend a great deal of its energy during a response trying to enlist and coordinate the participation of others. If this happens, the County runs the risk that those parties will not be as able or willing to play certain key functions, including devoting and donating the needed resources, should the need arise.
- R4. Based on its Covid response experiences, PHD should assess what advance work can be done on identifying optional approaches and available resources to reduce its real time burden in the event of a similar future public health response.
- R5. Napa County's EOC model should be evaluated to determine how it can be better structured to manage concurrent emergencies. The EOC plan should also establish a process that requires the transition from "emergency" to "ongoing" response after a much shorter period of time than was employed for the Covid response. After the transition the focal activity (in this case Public Health) should be adequately reinforced to continue the County's response activities. This would allow (a) non-emergency County functions to more quickly return to normal and County staffers to return to their roles and responsibilities, (b) less-encumbered County emergency resources would be available should a concurrent emergency occur, and (c) the integrity of the County workforce would be maintained.
- R6. The County should also provide additional PIO resources so that the County government can more effectively, accurately, and proactively communicate with its residents about critical information. The County should, at a minimum, have separate PIOs for emergency operations and the County's day-to-day functions. Additional resources should be allocated

to develop public information support capacities throughout the County government, not just a single position at its center. This should include subject matter experts designated in key groups like Public Health who are trained and able to work on public information issues and assist those with PIO responsibilities. County residents deserve clear and informative communication from their government.

- R7. The EOC and the County's Response Plans for public health emergencies should include more detailed PIO/communication details than presently exist. They should define and allocate the needed communication approaches and resources and identify the technical and public information skills required to fill those roles. Communication plans should spell out available communication mechanisms, stress the importance of proactive communication to residents about the risks of the public health concern, and explain the importance of the treatment or vaccination and how to readily obtain it.
- R8. Whenever a mass-vaccination effort is needed, the County should identify mechanisms to systematically deliver, directly or through healthcare providers, individual communication to each resident about the importance of receiving vaccination or other treatment and assistance to readily obtain them.
- R9. The County should consider whether procuring a mobile clinic vehicle (or similar capability), along with sufficient staff to operate it, would assist PHD in their off-site vaccination efforts or other responsibilities.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

- Napa County Board of Supervisors (R1, R2, R3, R4, R5, R6, R7, R8, R9)
- Napa County Chief Executive Officer (R1, R2, R3, R4, R5, R6, R7, R8, R9)
- Napa County Public Health Officer (R1, R2, R3, R4, R5, R6, R7, R8, R9)
- Napa County Emergency Services Officer (R1, R2, R3, R4, R5, R7)

GLOSSARY

CAIR-- California Immunization Registry

CDC--Federal Centers for Disease Control and Prevention

CDPH—California Department of Public Health

DH&HS—Napa County Department of Health & Human Services

EOC--Napa County Emergency Operations Center

EOP—Emergency Operations Plan

FDA-- Federal Food and Drug Administration

HHSA-EOP—Napa County Emergency Operations Plan

MRC--Medical Reserve Corps

MCE—Health systems that are multi-county entities (e.g. (e.g., Kaiser Permanente, Adventist Health, and Providence Health)

PHD--Napa County Public Health Division

PHO—Napa County Public Health Officer

PIO—Public Information Officer

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Napa County Civil Grand Jury

2021-2022

Homelessness: Much is Being Done – More is Required

June 14, 2022



A Napa homeless camp called the Bowl had grown to include several dozen tents and structures. Residents were told to leave by Nov. 16, 2021, according to local agencies. Jennifer Huffman, Napa Valley Register

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SUMMARY

Homelessness, a serious widespread problem across the United States, continues to defy resolution, despite many efforts. In California, limited affordable housing exacerbates the problem. The February 2021 California State Auditor's report noted:

With more than 151,000 Californians who experienced homelessness in 2019, the state has the largest homeless population in the nation, but [the State's] approach to addressing homelessness is disjointed...At least nine state agencies administer and oversee 41 different programs that provide funding to mitigate homelessness, yet no single entity oversees the state's efforts or is responsible for developing a statewide strategic plan.¹

Napa County's approach to homelessness is similarly hampered. Over thirty entities provide services for Napa's homeless, but with little true coordination of their efforts or strategic planning. To attempt to address this, the City of Napa recently assigned an administrator to oversee the municipal services for the homeless.²

News reports and social media platforms, many replete with negative comment, raise concerns about the impact homelessness is having on local communities. Napa citizens have complained that the increase in the homeless population has led to vagrancy, sanitation problems, health and safety concerns related to increased presence of the mentally ill, and visible public drug and alcohol abuse. Responding to the significant level of citizen concern about the problem of homelessness, the 2021-2022 Napa Grand Jury opened this investigation.

In 2020 Napa County's homeless population was officially estimated at 464 people, a 46% increase over any of the last six years.³ Service providers estimate even higher numbers.⁴

At least 33 governmental, non-profit, faith-based, and volunteer organizations, work diligently with advisory committees and boards to address the challenges presented by homelessness in Napa County. Staff, volunteers, and outreach workers consistently demonstrate dedication, competence, and compassion in their work with the homeless. Better coordination of these efforts could provide services in a more efficient and cost-effective manner.

Issues related to homelessness are complicated. The primary cause is scarce and expensive housing. However, many local residents have resisted proposals to increase housing opportunities for the homeless. Some believe that most homeless suffer from mental illness and substance abuse; they see them as potentially dangerous and do not want housing projects located near their neighborhoods (*see*, Appendix B). In general, the public generally assumes that most homeless are "chronically homeless," as opposed to people who could otherwise be stable workers but cannot afford Napa housing.⁵

¹ Audit: California Effort to Solve Homelessness Disjointed and Ineffective" Courthouse News Service, Matthew Renda, February 11, 2021.

² "Napa city manager wants former county deputy CEO to tackle homelessness," Howard Yune, Apr 15, 2021, https://napavalleyregister.com/news/local/napa-city-manager-wants-former-county-deputy-ceo-to-tackle-homelessness/article_6d0d98c5-ac04-5530-9775-9c9da2082702.html

³ There are multiple ways used to estimate an area's homeless population. This discussion is based on the annual 'Point-in-Time' (PIT) survey. Napa PIT estimates were 323 people in 2019, 322 in 2018, 315 in 2017, and 317 in 2016.

⁴ Local school personnel interviewed by the Grand Jury have observed especially high numbers of homeless school children, who are often not included in official counts.

⁵ *See*, Appendix B--Read More About: The Community Sees Two Sides to Homelessness.

This Grand Jury report examines many issues related to homelessness and describes some of the barriers to local relief efforts. It also offers some potential solutions. In doing so, it notes the complexity of the problems and the difficulties faced by the various stakeholders and service providers in their efforts to reach common goals. More suggestions will be made in the “Recommendations” section of this report, but the Grand Jury has concluded that readers should focus on the following key areas of concern:

- (1) the need for coordinated leadership among City and County officials;
- (2) the need for increased case management to assist homeless persons struggling with mental illness and substance abuse;
- (3) increased temporary and permanent housing for the homeless;
- (4) the need for coordinated leadership among City and County officials; and
- (5) a better data collection and sharing system which can be used by all stakeholders to analyze trends and help with decisions about what are the best and most needed interventions.

BACKGROUND

The history of homeless in Napa dates to the 1970’s; reporting and actions to assist the homeless began in about 1982. Modest efforts followed to alleviate the problem. A permanent winter shelter was created at the Napa Valley Expo in 1983, operated until the present.⁶

Homelessness in Napa is growing. The most recent 2020 point in time (PIT) count⁷ estimates 464 homeless individuals in Napa County, an increase of 44% over a relatively static number between 2016-2019.⁸

Other systems, such as the Homeless Data Integration System (HMIS), are also used to estimate a community’s homelessness. The HMIS count relies on information from service providers and is not restricted to a count of homeless camps on a given morning. The 2021 survey counted 575 homeless individuals in Napa County. The Grand Jury found that these figures significantly underreported school age children, making the full extent of the problem less accurate.

⁶ See, “the Napa Valley Register, “The Birth of Homelessness,” Kevin Courtney, January 25, 2020. Mr. Courtney recalled that not much was written about homelessness in the 1970s. He wrote his first story in the Register in late 1982 about a homeless couple camping by Napa Creek near Highway 29. Four years later, he wrote about a homeless veteran in Yountville but by the next year “the homeless issue exploded in the Register.” A shelter was opened at the First Presbyterian Church but was considered only “a 10-week experiment”. Local activists then backed the creation of a tent city on Riverside Drive near downtown Napa, but the tent dwellers were ousted and subsequently moved to the entrance of Browns Valley. After nineteen days, the police issued a deadline for them to leave. That December, a permanent winter shelter opened in a county building at Third and Coombs. Napa has had a year-round shelter ever since.

⁷ The PIT survey is a snapshot of one January day and may fail to capture the true extent of homelessness since it may not tally some--like those who have no home in the traditional sense, but who may have temporary shelter with friends or family.

⁸ There are multiple ways used to estimate the homeless population in each area. The most frequently approach is the PIT survey, which is required by the U.S. Department of Housing and Urban Development (HUD). The PIT count, which is a physical count of sheltered and unsheltered people experiencing homelessness observed on a single night in January each year. The PIT is a creation of the Department of Housing and Urban Development (HUD) which requires that the local Continuum of Care (CoC) (an entity created pursuant to HUD regulations for all communities) to conduct the annual count. The CoC must also conduct a separate count of unsheltered people experiencing homelessness every other year (odd numbered years). The latest available PIT count is from 2020; no count was undertaken in 2021 due to the pandemic. The 2022 data is not yet available. The PIT is a well-structured standardized procedure which relies upon experienced and knowledgeable participants who are versed in the likely locations of homeless encampments, vehicles serving as “homes,” and other places where individuals are likely to seek shelter. Nonetheless, it is just a snapshot of what homelessness may look like on a specific day and time.

The homeless are Napa residents but without a fixed address, or at risk of losing their residence. They often face challenges due to personal and/or financial instability and sometimes suffer from mental and emotional challenges. Extreme poverty is the strongest predictor of homelessness for families, and at least 11% of American children living in poverty are homeless. There is a growing imbalance between housing costs and wages. Rising rental costs and falling vacancy rates makes those with low incomes ever more vulnerable to homelessness. Once someone loses a place to live, regaining permanent housing is difficult. This is particularly true in Napa.⁹



Tony Rodgers, who is homeless, received a care bag and water from OLE Health staffers. To mark National Health Center Week the nonprofit was distributing care packages at and near a Napa homeless camp called the Bowl. Jennifer Huffman, Register

Substance abuse and psychological disorders affect a significant part of the homeless community. These can include conditions like depression and bipolar disorder, schizophrenia, anxiety disorders and substance abuse.¹⁰ A recent Napa County review estimated that 54% of the County's homeless suffer from mental illness.¹¹ Traumatic brain injury affects over half of the adult homeless population,¹² while alcohol abuse and

⁹ Wages in 14 of the top 20 growth occupations in Napa have a mean starting wage of less than \$9/hour, much less than the \$16.25/hour needed to afford a one-bedroom apartment at federal fair market rates. The Napa County housing wage represents 122% of the national mean renter wage of \$13.34/hour.

¹⁰ In January 2015, the most extensive national survey ever undertaken found 564,708 people were homeless on a given night in the United States. Depending on the age group in question, and how homelessness is defined, the consensus estimate as of 2014 was that, at minimum, 25 percent of the American homeless—140,000 individuals—were seriously mentally ill at any given point in time. Forty-five percent of the homeless—250,000 individuals—had some indication of mental illness. More would be labeled homeless if these were annual counts rather than point-in-time counts. Read more at: <https://mentalillnesspolicy.org/consequences/homeless-mentally-ill.html>.

¹¹ Health and Human Services Client demographics (Health Management Information Services 2021).

¹² In a prospective review of studies, researchers found the lifetime prevalence of any severity of traumatic brain injury (TBI) in homeless and marginally housed individuals was 53.1 percent, and the lifetime prevalence of either moderate or severe TBI was 22.5 percent. https://journals.lww.com/neurotodayonline/fulltext/2020/02060/traumatic_brain_injury_in_homeless_people_is.4.aspx

drug dependency remain prevalent.¹³

But the homeless in Napa are not just statistics. They are people in need without a stable place to spend each night.

A traditional approach for managing homeless populations involves moving people from food and meal programs to emergency shelters and back to food and meal programs every day. Over time this has also included moving people in and out of motels, hospital emergency rooms, and even correctional institutions. This approach provides temporary relief from homelessness but appears to contribute to a seemingly endless cycle of homelessness due to the failure to shift persons from dependency on social supports to increased self-sufficiency.¹⁴

In Napa, those seeking homeless shelters (*See*, Appendix C) find the following:

- South Napa Shelter- Overnight and day services for adults (Capacity aged 18 and over), located at 100 Hartle Court.
- Winter Shelter- Overnight services from mid-November to mid-April, located at the Napa Valley Expo.
- Rainbow House Family Shelter.
- NEWS (domestic violence shelter).

Others are housed in less temporary arrangements and progress towards finding permanent homes. Still others find shelter wherever they can, including in homeless encampments.

In July 2021 California Governor Newsom signed an historic housing and homelessness funding package consisting of a \$12 billion investment over two years, focused on addressing behavioral health, housing, and solutions to tent encampments, and including housing options for people with severe mental health challenges. It also included \$5.8 billion for an additional 42,000 housing units (*see*, Appendix A).

Yet soon after the City of Napa took a different and less supportive path.

In November 2021, the Napa Valley Register reported the City of Napa's plan to close a local homeless encampment, "The Bowl," for the stated purpose of facilitating flood control and dredging of the Napa River.¹⁵ Some saw this development in a negative light. Although partner agencies had collaborated in efforts

¹³ According to the Substance Abuse and Mental Health Services Administration, 38% of homeless people are dependent on alcohol and 26% are found to abuse other drugs. The HMIS data collection system reported that 43% of homeless persons in Napa struggled with some type of substance abuse.

¹⁴ The Churn: Explaining the vicious cycle of homelessness (solutionsforchange.org).

¹⁵ In November 2021, the Napa Valley Register reported about a Napa homeless encampment called "The Bowl", and efforts by local officials to close it so the site can be used for flood control and dredging of the Napa River. A city press release described the plan for The Bowl's closure: "Our goal is to use proactive and client-centered strategies to help campers move indoors, engage in housing, and support services, and safely store their personal belongings while identifying permanent housing solution." Bowl residents responded to the news with anger and frustration. Some wanted to know what would happen to their possessions. Others were concerned about what would happen with their pets because the homeless shelter only allows pets used as service or companion animals. Many saw this decision as just another in a series of relocations of the homeless and another disruption in their lives. A local homeless shelter offered to rental storage spaces for peoples' possessions, but this did not entirely alleviate concerns.

to clean up The Bowl when Napa's winter homeless shelter opened, the eventual process employed by the City was poorly coordinated and unsupportive of homeless residents.¹⁶



Kelly Hampton of Napa empties a secondary storage tent at her campsite at the Bowl, once a south Napa homeless camp.
Jennifer Huffman, Register

These conflicting developments illustrate a basic conundrum of the homeless dilemma: at a strategic level, there is significant support to address the problem, but efforts struggle to find support for effective local implementation.

METHODOLOGY

To understand homelessness in Napa County, the Grand Jury conducted over 30 interviews with civic leaders and public administrators, elected officials, homeless outreach workers, clergy, service providers and data analysts from local governmental agencies, subject matter experts, clergy members and nonprofit service providers. The goal was to gain a variety of perspectives about homelessness and to learn about the services delivered.

The Grand Jury also reviewed a multitude of written materials, including reports and data generated by local government and private agencies, articles from the Napa Valley Register and other news sources, magazines, and websites, and other reports and plans describing strategies to combat homelessness.

¹⁶ Those affected by the closure were told that beds were reserved for them at the Napa Winter Homeless Shelter when it opened on November 16, 2021, but the transition was not smooth and many Bowl residents responded with anger and frustration.

The Grand Jury members also toured the South Napa Homeless Shelter at 100 Hartle Court.

The Grand Jury is sharing all that it has learned by including extensive information in the Appendices, Glossary and Bibliography included with this Report.

DISCUSSION

The challenge of homelessness is a national concern. Articles in newspapers across the country daily provide us with grim and heartbreaking stories about the economic pressures that have resulted in the loss of employment and subsequent homelessness. These pressures have increased since the start of COVID-19. Despite these challenges, however, there has been some progress toward providing shelter and housing for those forced to live on the street. The Grand Jury spoke with many dedicated, competent, and compassionate government officials, outreach workers, shelter staff and volunteers who are all dealing with aspects of trying to reduce homelessness.

The Grand Jury interviewed several individuals who spend their time in ongoing outreach efforts for the homeless. They have managed to develop closer ties with those persons living in shelters and in encampments and heard their stories about the circumstances leading to their homelessness. Initial outreach efforts can lead to “case management,” which involves consideration of a homeless person’s future housing needs as well as addressing their health care. There is general consensus that more outreach workers and case managers are needed to ensure ongoing stability. A large percentage of homeless persons suffer from significant mental health problems as well as substance abuse. These individuals often require long-term treatment and care (*see*, Appendix H).

There is some debate as to whether a “housing first” approach should be the preferred approach to solving homelessness, as opposed to helping a person first resolve mental health and substance abuse challenges. The federal and local official policy stance is clear: housing first. The Grand Jury believes that this is a false dichotomy. It is not one or the other first. A case can be made that for some homeless persons the provision of immediate housing will lead to a successful outcome of personal recovery. On the other hand, for others the providing of immediate housing is unlikely to guarantee a long-term resolution for individuals with significant mental health problems or substance abuse conditions. The Grand Jury has concluded that it is not an “either/or” situation of choosing housing first versus mental health treatment. Instead, Napa faces a “both/and” challenge--of needing to provide both housing and mental health treatment at the same time. This approach is referred to as “supportive housing”--housing with support services, not one or the other (*see*, Appendix E).

The shortage of available health and social services in Napa makes it difficult for homeless persons, especially those with physical, mental health or addiction disabilities, to get the assistance needed to maintain housing and stability (*see*, Appendix G).

The lack of available land for creating affordable housing was also examined during this investigation. The Grand Jury found no clear reason for why a portion of State Hospital property could not be used for a new shelter location or affordable housing projects (although negotiating a lease for the property would be required). Instead, it learned that State Hospital officials were developing a “Master Plan” for future property usage for assigning sites for NSH workforce, staff members who commuted long distances. Similarly, during this investigation, the Grand Jury learned about available parcels of land near Skyline Park and other locations, such as the Veterans Home in Yountville, church properties, and closed school sites (e.g., Harvest Middle School, Yountville Elementary and Stonebridge/Carneros). but found little progress towards finalizing new locations.

The new County Jail Reentry Facility is being considered by senior County officials for use as transitional housing of homeless people, as opposed to post-incarceration housing. The County was successful in obtaining permission from the State Board of Correctional Facilities to use the site for Isolation and Quarantine services during COVID and may have similar success in obtaining permission to alleviate the homelessness crisis. The facility may be available due to the insufficient number of eligible people for the reentry facility.

Survey of Napa Residents About Homelessness

Notwithstanding the bureaucratic inaction reported by some Napa residents, the Grand Jury believes that it may be the community's response to homelessness which constitutes the major obstacle to reducing its impact (see, Appendix B). In May 2021 Napa residents were surveyed regarding their views about the homelessness problem.¹⁷ Several responses indicated significant anger and frustration directed toward local officials, who, they believe, are failing to respond to violations of the law, unsafe encampments, and sanitation problems. There are those who are sympathetic to the plight of homeless persons but believe that there is a lack of treatment and care for the mentally ill and individuals struggling with addictions. There is strong sentiment that affordable housing projects should *not* be developed near residential neighborhoods. Finally, there were a number of respondents who acknowledged the fact that they have not taken any steps themselves to provide any aid or support to the homeless (see, Appendix D).

Many factors contribute to the losing one's home and living on the street. There are no quick solutions to resolving the problem of homelessness. On the other hand, there has been a considerable outlay of funds and resources by federal, state, and local agencies. Success is generally measured by how many homeless persons have received housing over the course of a year, and according to Napa County records there were 102 persons who received housing support in 2021. Unfortunately, there remains a significant shortage of affordable housing, or government supported housing, necessary to solve the homelessness crisis. This gap is clearly evidenced by the growing population of the homeless in Napa and the strain it places on local services.

The model of service in Napa has shifted from a collection of largely unrelated services toward a more focused strategy. This strategy moves beyond the policy of "Housing First" to a new model of supportive housing represented by the Valle Verde project and Wine Valley Lodge.¹⁸ To achieve this new direction, a "leadership council" should be established with those individuals or entities that control most of the resources involved in the provision of supportive housing. This council would have to have the political will to work with federal, state, and local agencies and would need to demonstrate a shared strategy of inviting all stakeholders to rally behind the supportive housing model (see, Appendix F).

Finally, evidence suggests that there is insufficient use of any formal organizational model by Napa agencies serving the homeless. As a result, there is no shared vision for how best to coordinate program funding decisions, track the impact of services, and maintain an understanding of how to maximize the numerous resources being offered by Federal, State, and local sources.

¹⁷ See, Appendix B--Read More About: The Community Sees Two Sides to Homelessness.

¹⁸ Napa County provides some funding for transitional and affordable housing. Heritage House and Rainbow House are examples of county transitional housing. The County received \$4 million from the American Rescue Plan Act for homeless housing projects and directed \$1.8 million to the renovation of Wine Valley Lodge.

The County is planning on further utilizing Wine Valley Lodge (made possible by Project Room Key), which will soon be converted to permanent housing for 54 individuals "with the highest acuity". There has been "enormous success with transferring clients from the shelter to the Lodge. Some clients reportedly look much healthier after a few months stay."

FINDINGS

- F.1 There are several City and County officials providing leadership toward the goal of reducing homelessness, but a lack of a unified integration of the various stakeholders.
- F.2 There is a lack of case management to ensure that all homeless persons are directed to the proper social services and health care.
- F.3 The Grand Jury found it difficult to determine how much money County departments spend on addressing homelessness issues. County budgets/spending information do not attribute expenditures to that level of detail.
- F.4 The current data collection systems used do not provide sufficient analytical data for examining the use of social services. Current data are not being used by administrative support staff to analyze trends specific to demographic groups and to develop enhanced utilization of local services.
- F.5 There is a lack of social services available for homeless persons in general, especially those with physical, mental health or addiction disabilities.
- F.6 The HHS' Crisis Stabilization Unit (CSU) lacks sufficient bed capacity to manage the increasing number of crisis cases which limits services for homeless people in crisis.
- F.7 There is available land which could be used for the development of housing for the homeless. Several interviewees stated that suitable land may be available on Napa State Hospital property, the Veterans Home in Yountville, church properties, and closed school sites (e.g., Harvest Middle School, Yountville Elementary and Stonebridge/Carneros).¹⁹ Unfortunately, there is no evidence of progress towards finalizing such new locations.
- F.8 Some potential affordable or temporary housing projects have not been approved due to community resistance or NIMBYism. Both the Heritage House and Valle Verde housing projects initially met with community resistance.
- F.9 Current unused space at Juvenile Hall could be converted to general housing for homeless youth, but only if authorized by the Court.

¹⁹ To attempt to address the shortage of available property for the development of emergency shelters and affordable housing, Governor Gavin Newsom issued Executive Order N6-19 directing the Department of General Services (DGS) and the Department of Housing and Community Development (HCD) to identify and prioritize excess state-owned property and aggressively pursue sustainable, innovative, cost-effective housing projects. The Napa County sites identified were: lower Skyline Wilderness Park; Caltrans properties near Imola Avenue, Redwood Road, and Stanley Lane; Highway 29 at Green Island Road in American Canyon; and along Highway 29 near Yountville. Napa State Hospital has also been considered as possible land for affordable housing development. County housing officials have approached Napa State Hospital administrators to discuss land usage but have been informed that the hospital is currently developing a Master Plan for future hospital land usage including the consideration of workforce housing for their own employees who have to commute long distances. Other sites mentioned as possibilities for housing projects are the Yountville Veterans Home, closed school sites, churches, and the Jail Reentry facility.

RECOMMENDATIONS

- R.1 A leadership council should be formed by those government officials and stakeholders who control the most resources directed to the goal of supportive housing.
- R.2 The Continuum of Care should compile an inventory of services available to homeless persons to better inform clients and promote increased collaboration and effective delivery of services by providers.
- R.3 County officials need to develop a more detailed program budget which would make it easier to determine how much money is spent toward homelessness on an ongoing basis.
- R.4 Homeless Management Information System data should be more easily accessible to all HMIS users from different City and County departments (while maintaining privacy requirements) to improve the efficiency and quality of service delivery.
- R.5 The Napa County HHSA should hire additional Mental Health and Substance Abuse counselors to assist in crisis management and outreach efforts for the homeless. In addition, the County should increase the number of beds at The Crisis Stabilization Unit to ensure that crisis cases are not diverted to Queen of the Valley Medical Center.
- R.6 The Napa County Public Health Division should form a task force, including personnel providing law enforcement, mental health, and emergency medical services, to treat people suffering from drug induced mental disorders, with special emphasis on crises resulting from the use of P2P methamphetamine and Fentanyl.
- R.7 Napa County Board of Supervisors and County Housing and Homeless service departments should enact policies and procedures to facilitate the use of land for low income and permanent supportive housing (e.g., the Wine Valley Lodge).
- R.8 City Managers and the County Executive Officer should disseminate more data and information about homelessness to educate Napa residents about the causes and extent of homelessness in Napa and its effect upon persons living on the street. An example of this would be developing respective government websites to include an information dashboard on homelessness and homelessness prevention.
- R.9 The County CEO and Napa County Director of Corrections should work to convert the current Reentry Facility to transitional housing for the homeless.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

- Napa County Board of Supervisors (R.1- R.9)
- Napa County Executive Officer (R.1 – R.9)
- Director, Napa County Housing and Homeless Services (R.2, R.5, R.8, R.9)
- Director, Department of Corrections (R.9)

INVITED RESPONSES

- The Napa City Manager (R1, R.3, R.4)
- The City of Napa, Assistant to the City Manager for Housing and Homeless Services (R.1, R.2, R.3, R.4, R.9)
- Continuum of Care Board (R.1–R.9)

APPENDIX A--Read More About: Napa County Spending Attributed to Homelessness

The Grand Jury found it difficult to determine how much money County departments spend on addressing homelessness issues. County budgets/spending information generally do not attribute expenditures to that level of detail. The following is what the Grand Jury could only estimate.

Napa County Adopted Budget for Fiscal Year 2021/2022						
https://www.countyofnapa.org/ArchiveCenter/ViewFile/Item/740						
				2019-2020	2020-2021	2021-2022
				ACTUAL	ACTUAL	BUDGETED
Fund	BU #	Description	Page #	Amount	Amount	Amount
PUBLIC ASSISTANCE						
1000	10215	Housing and Homeless Services	A47	\$ 9,519,441.19	\$ 7,491,291.14	\$ 2,349,000.00
2000	20006	HHSA-Self Sufficiency	A177	\$22,474,443.02	\$22,554,436.09	\$ 24,603,274.00
2030	20008	HHSA-Homelessness and Housing	A180	\$ 1,416,749.82	\$ -	\$ -
2080	20300	Housing and Homeless Services	A192	\$ -	\$ -	\$ 7,734,651.00
2080	20800	Affordable Housing	A205	\$ 6,222,168.40	\$ 2,327,445.42	\$ 3,354,337.00
				<u>\$39,632,802.43</u>	<u>\$36,267,895.63</u>	<u>\$ 40,909,093.40</u>

These amounts are from the Napa County budget for expenditures associated with homelessness. The numbers for Housing and Homeless Services refer to county expenditures for emergency shelters, encampment clean-up, and efforts to transition homeless people back into housing. HHSA-Self Sufficiency refers largely to costs related to handicapped people who are housed to assist them in maintaining their independence and to prevent them from becoming homeless. Amounts for Affordable Housing are included because the Grand Jury sees affordable housing as helping to prevent homelessness and as part of the exit strategy from homelessness.

Napa County Adopted Budget for Fiscal Year 2021/2022						
https://www.countyofnapa.org/ArchiveCenter/ViewFile/Item/740						
				2019-2020	2020-2021	2021-2022
				ACTUAL	ACTUAL	BUDGETED
Fund	BU #	Description	Page #	Amount	Amount	Amount
HEALTH AND SANITATION						
2000	20001	HHSA-Public Health	A156	\$11,784,914.50	\$14,782,538.08	\$ 15,084,458.00
2000	20002	HHSA-Mental Health	A161	\$15,891,428.30	\$20,458,607.17	\$ 21,116,500.00
2000	20003	HHSA-Alcohol and Drug Services	A165	\$ 5,770,458.16	\$ 6,179,594.98	\$ 7,923,660.00
2460	24602	Emergency Medical Services	B60	\$ 191,038.16	\$ 174,420.87	\$ 233,000.00
2460	24603	Vital and Health Statistics-Health	B61	\$ 13,000.00	\$ 19,000.00	\$ 13,600.00
2460	24605	HRSA-Health Resources and Services	B62	\$ 153,819.82	\$ 199,570.19	\$ 154,440.00
				<u>\$33,804,658.94</u>	<u>\$41,813,731.29</u>	<u>\$ 44,525,658.00</u>

A significant portion of the services listed under Health and Sanitation are used by homeless people. The Napa County Health and Human Services Agency (HHSA) does not separate the data between homeless and other clients in their record keeping. Many subject matter experts interviewed stated that a significant amount of the HHSA and Sanitation expenditures is used for helping homeless individuals. The numbers above reflect all county monies spent for any person within Napa County.

REFERENCES FOR APPENDIX A

[VI-SPDAT-v2.01-Single-US-Fillable.pdf \(pehgc.org\)](#)

Microsoft Word - Napa CoC New Project Scoring Tool 2017 R&R FINAL - approved 8.16.17.docx
(countyofnapa.org)

Napa County Amounts Spent for Fiscal Year 2020-2021 and Amounts Budgeted for 2021-2022.xlsx (14.6 KB)

APPENDIX B--Read More About: The Community Sees Two Sides to Homelessness

Many Napa residents work diligently to address the problem of homelessness. This Grand Jury is deeply impressed by their passion and commitment. But the issue of homelessness is complex and so are peoples' perceptions and opinions about it. A May 2021 survey of Napa residents by the City of Napa Homeless Services about their perceptions of homelessness produced a wide range of responses, as well as constructive ideas from Napa residents. The following list summarizes the main themes:²⁰

1. Some residents believe that the homeless are mentally ill, substance abusers and potentially dangerous.
2. Blame is often placed on City and County Government for contributing to homelessness by placing too much emphasis on tourism and lack of emphasis on creating affordable housing.
3. Some residents are troubled by the fact that certain laws are ignored to accommodate the homeless, such as trespassing and violation of public easement terms. Public drunkenness is also sometimes ignored.
4. Some residents believe that the availability of so many social services encourages homeless people from out of County to migrate here.
5. There is a perception that homeless encampments are not properly monitored for unsanitary conditions which develop from trash and waste build-up, that few rules appear either not to exist or are not enforced for preventing trash accumulation, and that property owners should be required to monitor and properly dispose of trash build-up.
6. Some residents believe that the homeless are not being treated like normal people and that they should be asked to indicate what resources they need.
7. Some residents opine that sites for tiny home villages for the homeless should be located away from residential areas.
8. Some respondents believe that Napa State Hospital would be a good location for creating homeless shelters and housing.
9. Some residents believe that there should be greater emphasis placed on helping the homeless "to get back on their feet" as opposed to diverting them into housing without solving their problems.
10. Some residents stated that they do not feel safe enjoying some of the local parks (e.g., Kennedy Park) due to the proximity of homeless encampments.
11. There is some perception that stakeholders or partners in resolving homelessness are not united by a single strategic plan for combatting homelessness.
12. Some residents feel that they lack adequate information about what is being done to address homelessness and how effective the current services have been with respect to alleviating it.

²⁰ <https://www.surveymonkey.com/r/NapaCity2021HomelessSurvey>.

APPENDIX C--Read More About: Shelter and Services



In 2015, the County and City of Napa launched a joint multi-year process to review and attempt to transform the region's homelessness crisis and response system. The goal was to identify and address the needs of the community with an in-depth systems analysis which produced detailed reports: (1) The 10 Year Plan to End Homelessness, and (2) the Official "Updated Napa Plan to End Homelessness") to drive the region's homeless system.²¹

In 2017, the County and City of Napa entered into a Joint Powers Agreement (JPA) aimed at achieving more cooperation between their homeless outreach and housing systems.²² The JPA's strategies to reduce homelessness in the Napa City and Council included:

- (1) Establishing the Napa Funders' Collaborative to bring together key community stakeholders with the goal of aligning homelessness funding and policy in the region;
- (2) Developing an affordable and supportive housing funding mechanism called the Napa Flexible Housing Funding Pool (Flex Pool);
- (3) Developing public and private resources for the operation of housing and supportive services for households experiencing homelessness;
- (4) The creation and implementation of a coordinated entry system to standardize the matching of housing and service resources to people experiencing a housing crisis in order to maximize positive housing outcomes and ensure equity and transparency in the system; and
- (5) Joint funding and County management and hiring of a Napa Homeless Services Coordinator.

²¹ NAPA COUNTY TEN YEAR PLAN TO END HOMELESSNESS

<https://services.countyofnapa.org/AgendaNet>.

Microsoft Word - Napa Homeless Plan Update - Community Review Final Draft - October 2018 (countyofnapa.org)

²² A-180225B Cooperative Joint Powers Homeless Services.pdf (1.1 MB).

In 2018 Napa County began to update its “10-Year Strategy to End Homelessness”, which was developed with input through community meetings, surveys, and feedback periods. This plan was recommended by the United States Interagency Council on Homelessness (USICH), a federal agency that supports and encourages local jurisdictions to develop and implement 10-year strategies to end homelessness.²³

In January 2019, the Napa CoC officially adopted the updated Napa Plan to End Homelessness.²⁴ A wide range of services were developed²⁵ so that by 2021, 1,377 persons had received Abode services, including housing navigation, day center attendance and shelter services. As a result, 102 individuals exited homelessness into permanent housing.

Abode Services is based in Fremont, CA. and serves seven California counties. It is the main clearing house for homeless services in the region. Napa Abode operates the 101 bed South Shelter at 100 Hartle Ct. where one can be referred to services and programs, and the Winter Shelter at Napa Valley Expo (Capacity 45 beds). The Napa Abode has six outreach workers. Napa Abode shelter considers itself a “system,” not a place. People use the facility for a range of services, including taking showers, mail delivery, laundry, groceries, and mental health support. OLE Health operates a medical clinic at the shelter. The main requirement to be able to stay there is being able to exhibit “self-care,” the ability to conduct the activities of daily living. In addition, the shelter has other requirements which must be met in order to stay there. Residents are asked to sign an agreement that illegal substances and alcohol are prohibited on the premises, food is prohibited in the dorms, and people must abide by noise restrictions. A person can be banned from the shelter for possession of drugs or alcohol, fighting, and other violations listed in the agreement. If someone has alcohol or drug withdrawal symptoms, 911 is to be called for transport to the hospital. Referrals to the shelter are made by a variety of community organizations: St. Helena and Queen of the Valley hospitals, Catholic Charities, and family members. One does not need to be a Napa resident to be sheltered as there have been clients from Oakland, Richmond, Vallejo, Vacaville, and Fairfield.

²³ County of Riverside 10-Year Strategy to End Homelessness, p. 6, [Riv_County-10year.pdf \(riversideca.gov\)](#).

²⁴ [Microsoft Word - Napa Homeless Plan Update - Community Review Final Draft - October 2018 \(countyofnapa.org\)](#)

²⁵ A recommendation was made by one service provider managing homelessness services as “things had previously been kind of fractured.” The City of Napa would handle outreach activities through Abode while the County would manage the Whole Person Care program (with \$4 million funding), which ended on December 31, 2021. The new program is Cal-Aim (California Advancing and Innovating MediCal). It is a far reaching, multi-year plan to transform California’s Medi-Cal program and make it integrate more seamlessly with other social services. It is intended to help persons with the greatest needs by providing proactive outreach services. Partnership Health Plan will run the program locally. Cal-Aim defines homelessness as a medical concern for persons on Medi-Cal.

Fremont’s Abode Services contracted with the CoC as the main clearing house for homeless services. Napa Abode operates the South Shelter where one can be “linked” to programs and the Winter Shelter. It is considered a “system,” not a place and employs six outreach workers. Homeless individuals use the facility for services, including showers, mail delivery, laundry, groceries, and mental health support. OLE Health operates a medical clinic at the shelter. The main requirement to be able to stay in the shelter is “self-care,” the ability to take care of one’s activities of daily living. In addition, there are requirements which must be met in order to stay in the shelter. Residents are asked to sign an agreement that there will be no illegal substances on the premises, no food in the dorms, and noise restriction. A person can be banned from the shelter for possession of drugs or alcohol, fighting, and other violations listed in the agreement. Referrals to the shelter are made by a variety of community organizations: St. Helena and Queen of the Valley hospitals, Catholic Charities, and family members. One does not need to be a Napa resident to be sheltered and there have occasionally been “outsiders” coming from Oakland, Richmond, Vallejo, Vacaville, and Fairfield.

Over the course of 2021, Napa Abode provided services to 1,377 Napa County homeless. This number includes housing assistance, day center attendance and shelter services. One Hundred-Two individuals were able to use local Abode's services to exit homelessness into permanent housing.

The Abode shelter also serves as a "hub" where services are available for persons living on the street or in encampments. Abode also has an outreach team which coordinates with the outreach specialist at the Napa Police Department. The Adobe outreach team canvases nine locations to assist homeless individuals and connect them with services. Also, Abode is a "hands off" program which means that the staff do not place hands on the shelter residents, either for discipline or health care.

There are at least two Adobe staff present for each shift at the shelter. These staff persons are referred to as *shelter monitors* who are responsible for checking-in residents and coordinating clients' needs. They know most of the clients by first name. There is a *shelter coordinator* who is second in command and in training to become a manager. There are three *housing navigators or case managers* who help clients fill out applications and complete the process for housing placement. There are four *outreach staff* who work with the day center clients and canvas homeless target areas and other outdoor communities in order to provide information about the shelter.

A capital improvement project is underway to expand the South Napa shelter capacity from 69 to 101 beds. The project is slated to be completed by March 2023 and will feature a Day Center. The daily population of the shelter varies as renovations are currently underway. Current estimate is that, on average, 59 beds are used out of a 62-bed capacity. Before COVID-19, the capacity was 50 per day.

Abode is working with the Gasser Foundation, which donated both the land for the South Napa Shelter apartments for low-income individuals, and construction costs for the OLE Clinic building adjacent to the shelter. The Gasser Foundation has voiced concerns about whether an increase in the homeless population could potentially detract from nearby commercial interests. Gasser may require Abode to provide additional security services if the shelter size is expanded.

Abode coordinates its services with the Napa Police Department's outreach coordinator, serving nine locations with an impressive staff structure.

APPENDIX D--Read More About: Who are the Homeless?

The U.S. Department of Housing and Urban Development (HUD) has defined “homeless” and “at risk of homelessness.”

Those considered homeless include individuals and families who:

- (1) lack a fixed, regular, and adequate nighttime residence, such as those living in emergency shelters, transitional housing, or places not meant for habitation, or
- (2) will imminently lose their primary nighttime residence (within 14 days), provided that no subsequent housing has been identified and the individual/family lacks support networks or resources needed to obtain housing, or
- (3) (for unaccompanied youth under 25 years of age, or families with children and youth who qualify under other Federal Statutes, such as the Runaway and Homeless Youth Act,) have not had a lease or ownership interest in a housing unit in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment, or
- (4) (for an individual or family who is fleeing or attempting to flee domestic violence) has no other residence and lacks the resources or support networks to obtain other permanent housing.

Those at risk of homelessness include individuals and families who:

- (1) have an annual income below 30 percent of median family income for the area, as determined by HUD, and
- (2) do not have sufficient resources or support networks, immediately available to prevent them from moving to an emergency shelter or place not meant for habitation, and
- (3) exhibit one or more risk factors of homelessness, including recent housing instability or exiting a publicly funded institution or system of care such as foster care or a mental health facility.

In the 2018 PIT count summary report, the Napa Continuum of Care (CoC) identified the following sub-populations of those who are homeless:

- Chronically homeless: 158 persons met the HUD definition of Chronically Homelessness (92 unsheltered and 66 sheltered). The number of chronically homeless persons increased by 18% from 134 persons in 2017 to 158 persons in 2018, with a 74% increase in unsheltered individuals classified as chronically homeless (from 53 persons to 92 persons).
- Homeless Adults without Children: In 2018, 114 single adults met the HUD definition of homeless.
- Youth: The number of unsheltered unaccompanied homeless youth decreased from 16 persons in 2017 to five persons in 2018. The count of sheltered persons in youth-headed households (including unaccompanied youth and parenting youth and their families) increased from nine persons in 2017 to 11 persons in 2018.
- Veterans: the number of unsheltered veterans increased from eight persons in 2017 to 13 persons in 2018, while the count of sheltered veterans increased from nine persons in 2017 to 10 persons in 2018.

Results from the most recent Point-in-Time count (2020) are presented below:

	NAPA RESIDENTS EXPERIENCING HOMELESSNESS	
Definitions	Data	
	Point-in-Time (PIT) Count	Homeless Information System (HMIS) Count
HOMELESS: The Department of Housing and Urban Development (HUD) identifies individuals as HOMELESS across four categories of experience: 1. Literal homelessness. 2. At-risk of imminent homelessness. 3. Youth defined as experiencing homelessness under other federal statutory definitions including the definition used by school districts, 42 USC 11434a(2). OR 4. Survivors who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent housing.	464	1076
UNSHELTERED VS SHELTERED HOMELESS: Among those in category 1, individuals experiencing homelessness are further identified as either unsheltered or sheltered: • An UNSHELTERED individual is one whose primary nighttime residence is a public or private place not meant for human habitation. • A SHELTERED individual is one living in a designated publicly- or privately-operated emergency shelter providing temporary, safe living arrangements.	303 161	592 484
CHRONIC HOMELESSNESS: An individual experiencing homelessness is further identified as CHRONICALLY HOMELESS when: • The individual has experienced unsheltered or sheltered homelessness for more than 12 of the previous 36 months, and has a disability.	203	405
AT-RISK OF EXPERIENCING HOMELESSNESS: Individuals who have sought help from service providers to avoid experiencing homelessness.	NOT INCLUDED in PIT count	624

In 2020, the Napa Police Department Outreach Team posted the following data, which was collected separately from the HMIS data system and provides some perspective on the types of services received by those clients who were willing to speak with outreach workers:

	Number of People Served
Housed	32
Diverted to housing by paid bus with services or other modes of transportation.	79
Contacted in the Office	135
Contacted in the Field/ Street Outreach	929
Drug & Alcohol Crisis/detox Contacts	180
Mental Health Contacts	123
Homeless Prevention (Homes Saved from eviction)	55

APPENDIX E--Read More About: How Does the Transition from Homelessness to Housing Work?

Many factors contribute to homelessness. The horrors of childhood trauma and poverty, mental illness and chronic drug abuse are all predictors that a person will be homeless. Others, for example, the President of the National Alliance to End Homelessness, explain that the primary problem results from housing that is too scarce and expensive.

Certainly, high rents are a principal obstacle to finding housing for the homeless. The current tight rental market, with less than 2% vacancy overall and 0% vacancy of affordable housing units, is compounded by credit issues, a lack of identification, and criminal background problems. All of this is particularly true in Napa.²⁶

The Grand Jury's investigation also revealed an acute shortage of available property for developing emergency shelters and affordable housing. Unfortunately, despite State mandates, efforts by local officials to find potential properties have been unavailing.²⁷ Some successful service models are evolving including a "Housing First" policy and a new approach of "supportive housing" represented by the Valle Verde project and Wine Valley Lodge.

²⁶ In Napa there are approximately 75 housing vouchers dedicated to the homeless and another 100 vouchers dedicated to families that would lose their children to welfare if they became homeless. Given this number of vouchers, an estimated 14% of resources are devoted to homeless persons. Unfortunately, the vouchers can only provide temporary relief and there is the potential of falling back into homelessness after a year.

The County is working on providing the funding for transitional and affordable housing. (Heritage House and Rainbow House are examples of local transitional housing.) The County currently received 4 million dollars from the American Rescue Plan Act devoted to housing projects. \$1.8 million has been directed to the renovation of Wine Valley Lodge, which will soon be converted to permanent housing for 54 individuals "with the highest acuity". There has been "enormous success with transferring clients from the shelter to the Lodge. Some clients reportedly look much healthier after a few months stay."

²⁷ Governor Gavin Newsom issued Executive Order N6-19 and ordered the Department of General Services (DGS) and the Department of Housing and Community Development (HCD) to identify and prioritize excess state-owned property and aggressively pursue sustainable, innovative, cost-effective housing projects. The Napa County sites identified were: lower Skyline Wilderness Park; Caltrans properties near Imola Avenue, Redwood Road, and Stanley Lane; Highway 29 at Green Island Road in American Canyon; and along Highway 29 at Yountville. Napa State Hospital has also been considered as an area having possible available land for affordable housing development. County housing officials have approached Napa State Hospital administrators to discuss land usage, but they have been informed that the hospital is currently developing a Master Plan for future hospital land usage including the consideration of workforce housing for their own employees who must commute long distances to work.

Other sites mentioned as possibilities for housing projects are the Yountville Veterans Home, closed school sites, churches, and the Jail Reentry facility.

The Grand Jury believes that this new direction would benefit from the creation of a leadership council, composed of those who control the resources needed for supportive housing. This council would be better positioned to work with federal, state, and local agencies and to design and implement a common strategy, inviting all stakeholders to participate in and support the new model.

Such a leadership council would address the principal problem identified by the Grand Jury in examining the problem of homelessness: a lack of any formal organizational model to guide public and private Napa agencies serving the homeless. Without such a coherent shared vision for coordinating service, funding, and monitoring decisions, it is not possible to maximize the resources being available from federal, state, and local sources, both public and private.

Four strategies were designated as necessary to establish goals, outcome measures and timelines to develop a systematic response to ensure that homelessness is prevented when possible. These include:

- Better access to the homeless system for the most vulnerable homeless.
- Prioritization and alignment of resources to ensure effective use of resources.
- Increased exits from the homeless system into permanent housing; and
- Efforts to integrate homeless 'systems' into mainstream health, criminal justice, and child welfare systems.

APPENDIX F--Read More About: Who is In Charge?

The Continuum of Care (CoC) is a regional planning body required by HUD to coordinate housing and services funding for homeless families and individuals. It also serves as a “think tank” of volunteers working to improve services to Napa’s homeless population.²⁸

CoC’s goal is to promote communitywide commitment to ending homelessness. Its mission is funding nonprofit providers and gaining support from State and local governments to rehouse homeless individuals and families, minimizing the trauma and dislocation of their experience. while promoting access to and effective utilization of mainstream programs for optimized self-sufficiency (*see*, Glossary).

The CoC uses data to rate projects for the homeless. While not without criticism, it relies on a Vulnerability Index to prioritize those who are helped.²⁹ It uses the Homeless Data Integration System (HDIS) to gather data from across the state and to display it through dashboards which provides information about the participants served by the CoC, their demographics, and the services rendered. In Napa, this data shows that 346 families with children and 129 unaccompanied youth are being accessed by CoC services.

A scored report to determine future funding is provided annually to HUD about Napa’s CoC activities. Napa provides administrative support for the CoC, but has no authority over its activities.

The success of these efforts depends on the partnerships between CoC and those entities that distribute resources (e.g., state, and local governments and Public Housing Authorities). When these parties effectively work together on a shared mission to address homelessness, it can make a significant impact on local efforts to end homelessness.

²⁸Scoring criteria and selection priorities approved by the CoC determine the extent to which each project addresses HUD’s policy priorities. It contracts with Home Base to assist in the ranking through the consolidated application process made up of three parts: (1) the CoC application and system data; (2) the priority listing, which is the ranked list of projects requesting CoC renewal and new project funding; and (3) the project applications.

The CoC also uses data generated from an assessment tool called the Vulnerability Index- Service Prioritization Decision Assistance Tool (VI-SPDAT) to rate homeless persons according to need. The scores produced by this instrument are used to assist in determining housing funding priorities based on need.

²⁹It is claimed that some people, who could successfully overcome their problems with a little help, are ignored, while the most vulnerable are being helped over and over. Also, housing people who do not take care of themselves, discourages landlords from renting to people who receive rental assistance.

Who Else Contributes?

Beyond the governmental agencies involved in seeking to reduce homelessness, 33 non-governmental entities were identified as working in Napa to assist the homeless. Some are faith-based, others are not affiliated with any organized religion, but all are committed to reaching out to those in need.

NAPA COUNTY CONTINUUM OF CARE MEMBERS:

Napa Health and Human Services - Mental Health
VOICES Youth Center
Queen of the Valley Medical Center - CARE Network
Napa Police Department - Homeless Outreach
OLE Health
Community Representative
Abode Services
Veterans Resource Center
Housing Authority of the City of Napa
Fair Housing Napa Valley
Lived Homeless Experience
County of Napa Health and Human Services - Alcohol & Drug Services
NEWS (Napa Emergency Women's Services)

HMIS PARTICIPATING AGENCIES:

Abode Services
Health & Human Services Agency Programs
NPD-Outreach
Buckelew
Home to Stay Program
Progress Foundation-Hartle Court Housing

Catholic Charities

Mentis QVMC – Care Network

Napa County Housing & Homelessness Services

Nation's Finest (Formerly Veterans Resource Centers of America)

Napa Valley Housing Authority

The following entities are essential parties to preventing and ending homelessness in Napa. During the course of its investigation, the Grand Jury collected information related to each:

- Napa County Health and Human Services Agency (DHHS) (including Mental Health and Alcohol and Drug Services).
- Substance Abuse and Mental Health Services Administration (DHHS)
- Napa Police Department Outreach (in coordination with Applied Survey Research)
- City of Napa Housing Authority
- Greater Napa Fair Housing Center
- OLE Health
- Providence Queen of the Valley Medical Center; Adventist Health St. Helena; Kaiser Permanente Napa
- Partnership Health Plan and Providence/St. Joseph Health
- Catholic Charities
- Whole Person Care (designed to improve the health of high-risk, high utilization patients, focusing on homeless individuals or persons at risk for homelessness).
- Napa Homeless Management Information System (HMIS)
- Napa Valley Register
- South Napa Shelter (100 Hartle Court, 69 expanded to 101 beds); Nightingale Center (11 beds operated by Catholic Charities); Napa Valley Expo (winter shelter, 45 beds)
- Abode Services (Shelter Operator which oversees outreach efforts in partnership with Napa Police Department Homeless Outreach Team and Napa County Health and Human Services).
- Napa Continuum of Care (CoC): formed a coordinated entry system (CES) involving the coordination of intake, assessment, and referral processes.
- Napa Flexible Housing Funding Pool (Flex Pool)

- Napa County's CalWORKS Rapid Re-Housing Program: the CalWORKs Housing Support Program (HSP) was established by SB 855 (Chapter 29, Statutes of 2014) to assist homeless CalWORKs families in quickly obtaining permanent housing and to provide wrap-around supports to families to foster housing retention.
- City of Napa's Section 8 Landlord Mitigation Program: The Housing Authority of the City of Napa (HACN) administers rental assistance programs throughout the County for low-income seniors, families, and persons with disabilities. The City of Napa administers Tenant Based Rental Assistance within the City for income qualified households.
- Napa Funders Collaborative (oversaw the launch and operation of Napa's first-ever Flexible Housing Funding Pool (Flex Pool) in 2017. This is a new mechanism to pool funds and resources from multiple sources to create housing opportunities for the homeless).
- Napa Foundations: Napa Community Foundation; Napa Valley Vintners; Peter and Vernice Gasser Foundation.
- California Emergency Solutions and Housing (CESH): The California Emergency Solutions and Housing (CESH) Program provides funds for a variety of activities to assist persons experiencing or at risk of homelessness as authorized by SB 850 (Chapter 48, Statutes of 2018). The California Department of Housing and Community Development (HCD) administers the CESH Program with funding received from the Building Homes and Jobs Act Trust Fund (SB 2, Chapter 364, Statutes of 2017)
- National Alliance to End Homelessness: a nonpartisan, nonprofit organization whose sole purpose is to end homelessness in the United States.
- National Coalition for the Homeless (a national network of people who are currently experiencing or who have experienced homelessness, activists and advocates, community-based and faith-based service providers).
- National Health Care for the Homeless Council: their mission is to build an equitable, high-quality health care system through training, research, and advocacy in the movement to end homelessness.
- McKinney-Vento Homeless Assistance Program (The McKinney-Vento Homeless Assistance Act (PL100-77) was the first major federal legislative response to homelessness).
- No Place Like Home (NPLH): program which draws on the sale of \$1.8 billion in state bonds to pay for housing for the chronically homeless and mentally ill. Napa has been awarded \$7.9 million (more than a quarter of the estimated \$28.5 million cost). The Supportive Housing Pipeline Oversight Committee will implement No Place Like Home funding requirements.

- Corporation for Supportive Housing (CSH): Supportive housing is very affordable rental housing forming a platform of stability for vulnerable people who do not have a home or are leaving institutions or hospitals. It is linked to intensive case management and life-improving services like health care, workforce development and child welfare.
- U.S. Department of Housing and Urban Development (HUD)

APPENDIX G--Read More About: What's needed in Napa to help the homeless?

Outreach workers interviewed told the Grand Jury that they believe addressing the following needs would help the homeless in Napa:

- There is a need to help people obtain shared housing and to add to current homeless services. They said that there is also the need for self-sufficiency programs, where individuals can learn how to support themselves, to find jobs, to write resumes, and to learn trade skills.
- There is the need for outreach programs to provide homeless persons information about drug addiction and where they can receive treatment for drug addiction. The opioid epidemic poses new challenges due to the increased use of fentanyl and P2P methamphetamine.
- There is a need to have outreach workers who are licensed mental health workers with a clinical background. In addition, specific training is now found to be necessary for working with the homeless mentally ill.
- It would be useful to have a day center where people do not need to formally sign-in before receiving services. Another location, separate from the homeless shelter, would provide the range of additional services necessary.
- The crisis center currently has limited beds and resources to handle the high volume of homeless persons needing emergency psychiatric care.
- The homeless shelter used to have on site job training, provided by volunteers. Job training stopped March 2020 due to COVID. Job training, budgeting classes, and useful other adult education classes would be of great benefit. Also, expungement classes--where one learns how to get one's criminal record expunged, a serious impediment to obtaining housing—would be helpful.

APPENDIX H--Read More About: Mental Illness and Crisis Intervention

Many local residents believe that mentally ill homeless persons should be required to receive psychiatric care. Seriously mentally ill persons were previously forced to receive care through LPS Conservatorship proceedings which resulted in involuntary hospitalization to a psychiatric facility. Currently, Napa County has adopted Laura's Law which can provide mandatory outpatient care for individuals with significant mental health and criminal histories. Laura's Law had previously been considered an "opt in/opt out" program, with Napa County deciding to "opt in." Governor Newsom has recently announced his "Care Court" plan, which would also involve mandatory care for the severely mentally ill.

Medication use among the homeless mentally ill is complex and cannot be considered separately in the context of daily life struggles and efforts to meet basic needs. Multi-level interventions are needed to optimize medication use. Optimally, healthcare professionals including community pharmacists should reinforce beliefs that medication-related benefits outweigh the burdens and then tailor services given the context of homelessness.

Sometimes outreach workers accompany police officers when there might be the need to help deescalate someone who is showing signs of wanting to hurt oneself or others. Outreach workers can assist in transporting troubled individuals to the crisis center (with a capacity of seven adults and two youth), or follow-up with them at a later date. Section 5150 procedures can be implemented, if necessary, when a person is a danger to self or others, or gravely disabled (not being able to care for oneself). The Under the 5150 ensures procedures, that a person can be taken to a crisis center and held for up to 72 hours to undergo evaluation and treatment. A case worker can now attempt to obtain collateral information (for example, speaking with a relative) once someone has been involuntarily detained under this process. One case worker interviewed remarked, "We need to expand our crisis services. We want there to be enough staff and resources available so that if someone is in crisis, we can get them over there. If the crisis center is full, we have to take someone to the Queen of the Valley or St. Helena Hospital." Another case worker indicated that she has completed as many as six 5150s in a day and that there have been occasions when space was not available at the crisis center.

GLOSSARY

Abode Services: provides emergency shelter and outreach services, as well as manage several housing programs for residents of Napa County experiencing homelessness. Their services include emergency assistance, referral to community support services, and connection to housing interventions and landlord engagement and support. In Napa, Adobe has an outreach team of five, who are regularly out in the community proactively connecting homeless to services. Founded in Alameda County in 1989, Abode Services has expanded to serve Alameda, Santa Clara, Santa Cruz, San Mateo, and Napa counties.

Aldea: provides critical mental health treatment, foster care and adoption, and support services. Aldea helps more than **3,900** people annually in Napa and Solano counties who face obstacles to accessing and receiving effective treatment. Aldea Behavioral Health Services includes: outpatient rehabilitation, group counseling, substance abuse education, counseling for families, case management, and housing services.

All Home Program: advances regional solutions that disrupt the cycles of poverty and homelessness and create more economic mobility opportunities for extremely low-income (ELI) people.

American Rescue Plan Act: provides \$350 billion in emergency funding for state, local, territorial, and tribal governments to respond to the covid-19 public health emergency.

Applied Survey Research (ASR): helps its partners understand data and then transform data into action. In this way, communities and other stakeholders can access pure numbers, leverage it into accurate insights, determine how to apply it to planning and programs, and then implement the action steps necessary to create meaningful and lasting change.

Buckelew: a nonprofit with Supported Living Programs in *Napa* to assist people with serious mental illness who are homeless or at risk of homelessness to live as independently as possible. Currently, Buckelew also provides supported housing for homeless persons.

CalAIM: California Advancing and Innovating Medi-Cal is a far reaching, multiyear plan to transform California's Medi-Cal program and integrate it more seamlessly with other social services. Led by California's Department of Health Care Services, the goal of CalAIM is to improve outcomes for the millions of Californians covered by Medi-Cal, especially those with the most complex needs. CalAIM identifies homelessness as a health care problem.

CalWorks: CalWORKs is a public assistance program that provides cash aid and services to eligible families that have children in the home. The program serves all

fifty-eight counties in the State and is operated locally by County welfare departments.

Care Court (Community Assistance, Recovery and Empowerment Court):

CARE Court offers court-ordered individualized interventions and services, stabilization medication, advanced mental health directives, and housing assistance –while remaining community-based. Plans can extend from 12 to 24 months. In addition to their full clinical team, the client-centered approach also includes a public defender and a supporter to help individuals make self-directed care decisions.

Catholic Charities: employs the Housing First Model, the homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness, thus ending their homelessness, and serves as a platform to help them pursue personal goals and improve their quality of life. This approach is guided by the belief that people need basic necessities (e.g., food and a place to live) before attending less critical needs (e.g., getting a job, budgeting properly, attending to substance use issues). Additionally, Housing First is based on the theory that client choice is valuable in housing selection and supportive service participation, and that exercising that choice is likely to make a client more successful in remaining housed and improving their life.

Center Point: a residential addictions treatment program on the grounds of Napa State Hospital. Center Point operates the Co-Educational Adult Withdrawal Management and Residential Treatment Program in Napa County to assist those needing an intensive highly structured treatment environment, including withdrawal management with a one-to-seven-day length of stay, including non-medical interventions and preparation for entry into treatment.

Napa City Manager: responsible for planning, directing, managing, and reviewing all activities and operations of the City; coordinates programs, services, and activities among City departments and outside agencies; ensures the financial integrity of the municipal organization; and represents the City's interests.

Continuum of Care (CoC): a regional or local planning body required by HUD that coordinates housing and services funding for homeless families and individuals. The Napa City & County CoC is a consortium of non-profit, faith-based, and government agencies that supply homeless services to the population of Napa County and carry out the Ten-Year Plan to End Homelessness. CoC activities are guided by a steering committee, selected from the member agencies (e.g., nonprofit organizations, state and local governments and public housing agencies.)

CoC Program Project Ranking Tool: an optional tool that can be used by CoCs to evaluate project performance and rank projects based on CoC priorities. The CoC Program is an essential resource in helping HUD meet the national goals of

preventing and ending homelessness in the United States. CoCs use objective, performance-based scoring criteria and selection priorities approved by the CoC to determine the extent that each project addresses HUD policy priorities. CoCs reallocate funds to new projects whenever that would improve outcomes and reduce homelessness. They also consider how much each project spends to serve and house an individual or family as compared to other projects serving similar populations.

Corporation for Supportive Housing (CSH): founded in 1991, CSH works locally with the Continuum of Care (CoC) to provide technical assistance to improve housing solutions and realign data systems with the goal of ending homelessness.

County Executive Officer (CEO): Napa County's chief administrative officer, responsible to the Board of Supervisors for overseeing the day-to-day management and coordination of County operations. The CEO also recommends the appointment of and supervises ten non-elected department heads.

Crisis Stabilization Unit (CSU): provides immediate response on a short-term basis (i.e., less than 24 hours) to help individuals of all ages affected by problems and symptoms associated with acute mental health crises. The provided services are designed to stabilize and alleviate the crisis and symptoms, allowing individuals to return home or transition to the appropriate level of care. Crisis stabilization services also include medication evaluation and psychiatric medication for those with a serious mental health problem who may be at risk of experiencing an acute mental health crisis.

Diversion: an intervention to immediately address the needs of those who have just lost their housing and become homeless. Diversion uses a client-driven approach; its goal is to help the person or household find safe alternative housing immediately, rather than entering shelter or experiencing unsheltered homelessness. It is intended to ensure that the homelessness experience is as brief as possible, to prevent unsheltered homelessness, and to avert stays in a shelter.

Emergency Housing Vouchers: The Housing Authority accepts direct referrals for Emergency Housing Vouchers from the CoC's Coordinated Entry System and from NEWS. Eligibility criteria includes families and individuals who are homeless, recently homeless, at-risk of homelessness, and fleeing or attempting to flee domestic violence, dating violence, stalking, and human trafficking.

5150: Section 5150 of the Welfare and Institutions Code allows a person with a mental illness to be involuntarily detained for a 72-hour psychiatric hospitalization against their will.

Flexible Housing Subsidy Pools (FHPs or FHSPs): an emerging systems-level strategy to fund, locate, and secure housing for people experiencing

homelessness in a more coordinated and streamlined way. Its funding can be spent quickly to help end a client's existing homelessness or to prevent homelessness.

Gasser Foundation: a Napa foundation which annually contributes \$1.5 to \$2.0M to local hospitals, hospices, homeless shelters and cultural organizations. It also has a work force training initiative operating in conjunction with the local community college. As a long-standing leader in and a steward of the community, Gasser recently appended its mission to include environmental sustainability as a principal factor in all its activities.

Heritage House and Valle Verde Housing: a 2.9-acre project site located at 3700, 3710, and 3720 Valle Verde Drive, north of the intersection of Firefly Drive in the City of Napa. The project proposes to rehabilitate the vacant Sunrise Napa Assisted Living Facility with 58-unit single-room occupancy (SRO) units of permanent supportive housing with on-site supportive services and 8-one-bedroom accessible units (Heritage House). The project would also include construction of a new three-story multi-family apartment building with a 24-unit apartment complex (Valle Verde). City File No. PL17-011.

HomeBASE: a state program that assists families leaving emergency shelters to transition to permanent housing and can provide a maximum of \$10,000 over a 12-month period to cover housing-related costs (e.g., rental start-up costs, first and last month's rent, and security deposits).

HMIS: a Homeless Management Information System (HMIS) is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness. Each CoC is responsible for selecting an HMIS software solution that complies with HUD's data collection, management, and reporting standards.

Housing Authority: The City's Housing Division staffs the Housing Authority of the City of Napa (HACN) and provides countywide Section 8 rental assistance.

Housing First: a policy that supports providing permanent housing as quickly as possible to homeless people, and other supportive services afterward. It is an alternative to a system of emergency shelter/transitional housing progressions. Housing First moves the homeless individual or family immediately from the streets or shelters into their own accommodations.

HUD: the U.S. Department of Housing and Urban Development is responsible for national policy and programs that address America's housing needs, in order to improve and develop the nation's communities, and enforce fair housing laws.

Joint Power Agreement (JPA): a contract between two or more public agencies (e.g., city, county, school district, or special district such as a municipal utility

authority) which allows the agencies to cooperatively provide services or exercise shared powers outside each agency's normal authority.

Landlord Risk Mitigation Pool: an added protection for landlords willing to rent to someone with limited income, a poor rental history, or a criminal history. The funds can cover excessive damages to the rental unit, lost rent, or legal fees beyond the security deposit.

Laura's Law "Laura's Law" is the name used for assisted outpatient treatment (AOT), which is sustained and intensive court-ordered treatment in the community for individuals with severe untreated mental illness and a history of violence or repeated hospitalization. Typically, AOT is only used until a person is well enough to maintain his or her own treatment regimen. In other states, it has been used as an alternative to court-ordered hospitalization and as a "bridge" to maintain psychiatric stability after discharge from hospitalization

Martin v. Boise: was a 2018 decision by the U.S. Court of Appeals for the Ninth Circuit in response to a 2009 lawsuit by six homeless plaintiffs against the City of Boise, Idaho regarding the City's anti-camping ordinance. The ruling held that cities cannot enforce anti-camping ordinances if they do not have enough homeless shelter beds available for their homeless population. The decision was based on the Eighth Amendment to the U.S. Constitution's prohibition on cruel and unusual punishment.

McKinney-Vento Homeless Assistance: The McKinney-Vento Act provides rights and services to children and youth experiencing homelessness, which includes those who are: sharing the housing of others due to loss of housing, economic hardship, or a similar reason; staying in motels, trailer parks, or campgrounds due to the lack of an adequate alternative; staying in shelters or transitional housing; or sleeping in cars, parks, abandoned buildings, substandard housing, or similar settings.

Mentis: is one of Napa's oldest nonprofits, providing bilingual affordable mental health services. The agency offers transitional and permanent housing programs with case management.

N6-19: To address the shortage of housing for Californians, Governor Newsom ordered the Department of General Services (DGS) and the Department of Housing and Community Development (HCD) to identify and prioritize excess state-owned property and aggressively pursue sustainable, innovative, cost-effective housing projects.

N23-20: Governor Newsom issued Executive Order N-23-20 to immediately and urgently provide state government assets to provide shelter and housing for those who are homeless, including state excess land and travel trailers.

Napa County Housing Authority (NCHA): primarily addresses the need for safe and affordable housing for farm workers, particularly those who are migrant/seasonal workers and support Napa County's agricultural economy. The three farm worker centers provide housing for a critical underserved segment of Napa residents.

Napa Funders Collaborative: formed in 2016, it comprises representatives from various departments in the City and County of Napa, health system partners, and philanthropic partners, some not historically engaged in addressing homelessness.

Napa Police Department: works to build rapport with clients by introducing them to the services available in Napa County. The police work as advocates, case managers, and housing counselors to help clients find the services needed to lead them to long-term stable housing. Their effort strengthens the community by helping those in need while working to reduce non-emergency calls to vital law enforcement and fire services in Napa County. A Napa Police Department Homeless Outreach Specialist leads efforts within the City of Napa.

National Alliance to End Homelessness: a nonprofit, non-partisan organization committed to preventing and ending homelessness in the United States.

NEWS: NEWS (Napa Emergency Women's Shelter) supports victims of domestic violence and sexual abuse.

NIMBYism: an acronym for the phrase "not in my back yard." NIMBY characterizes opposition by residents to proposed developments in their local area, as well as support for strict land use regulations.

No Place Like Home Program: legislation signed July 1, 2016 by then Governor Brown which dedicated up to \$2 billion in bond proceeds for the development of permanent supportive housing for persons in need mental health services who are experiencing homelessness, chronic homelessness, or otherwise at risk of chronic homelessness. The bonds are repaid by funding from the Mental Health Services Act (MHSA). In November 2018 voters approved Proposition 2, authorizing the sale of up to \$2B in revenue bonds and the use of a portion of Proposition 63 taxes for the NPLH program.

OLE Health Clinic: operates seven clinics in two counties, serving nearly 40,000 patients. It is the only nonprofit health center in Napa County and the non-government federally qualified health center in Fairfield. Comprehensive services are provided including medical, dental, optometry, behavioral health, and pharmacy across clinic sites.

Partnership Health Plan (PHC of California): a non-profit community-based health care organization that contracts with the State to administer Medi-Cal

benefits through local care providers to ensure Medi-Cal recipients have access to high-quality comprehensive cost-effective health care.

P2P (phenyl-2-propanone): a new type of more dangerous meth, with an increased likelihood of severe mental illness and other adverse mental health effects. P2P meth is often laced with other drugs like Fentanyl; users who seek help for their addiction have reported a detox process of nearly six months. Those using P2P meth will likely experience a rapid decline in physical health, including liver failure, after even short periods of use.

Point-in-Time (PIT) Count: an annual survey of homeless individuals in the United States, conducted by local CoCs on behalf of the U.S. Department of Housing and Urban Development.

Progress Foundation: founded in 1969 during the de-institutionalization movement, it is a reform effort which sought to move people from state psychiatric hospitals back into the community. However, local treatment systems were ill-equipped to support individuals with mental illness and for the next three decades the Progress Foundation developed supportive, community-based programs to support these clients—and keep them from returning to institutions or correctional facilities.

Project Roomkey: established in March 2020 as part of the State’s response to the COVID-19 pandemic, its purpose is to provide non-congregate shelter options for people experiencing homelessness, to protect human life, and to minimize strain on health care system capacity.

Safe Haven: a facility that provides shelter and services to hard-to-engage homeless persons with serious mental illness who are living on the streets and are unable or unwilling to participate in supportive services. Safe Havens usually follow a “harm reduction” model of services.

Section 8: vouchers for those who earn less than 50% of the area median income; 75% of the vouchers are restricted to people making below 30% of median income.

Senate Bill 20 (SB20): legislation introduced by Sen. Bill Dodd, D-Napa to allow Napa County to negotiate with the state Department of General Services to buy the 850-acre Skyline Wilderness Park.

Serenity Homes: a Sober Living Environment and residential addictions treatment program where people live for approximately one year in group homes. Developed by John Apodaca and sometimes referred to as Johnny A’s.

Single room occupancy (SRO): housing typically aimed at residents with low or minimal incomes, allowing them to rent small, single rooms with modest furnishings (e.g., bed, chair, and possibly a small desk, refrigerator, microwave, or

sink). Tenants typically share a kitchen, toilet, or bathroom. SRO units range in size from 80 to 140 sq ft. and are rented out as a permanent or primary residence within a multi-tenant building.

Sober Living Environment: a live-in facility where all residents are recovering addicts and receive group support. Someone convicted of a DUI may be required to join a sober living environment.

South Napa Shelter: a 69-bed facility for adults, it has served individuals experiencing homelessness since 2006. The South Napa Day Center (formerly known as the Hope Center) moved from its downtown location to the South Napa Shelter in 2018. Services during the day include showers, mail delivery, laundry, lunch, medical clinic, social services, and housing navigation.

Social Security Disability Income (SSDI): The difference between SSI and SSDI is SSI is based on income limitations while SSDI is based on the number of work credits obtained. To qualify for SSDI, one must have a specific number of work credits based on age. To qualify for SSI, one must be within specific income limits set by the Social Security Administration.

Supplemental Security Income (SSI): monthly benefits to people with limited income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI.

Supported Living Programs: a continuum of supported accommodations, ranging from high level integrated support, housing for complex needs, homelessness, low level step-down care, to housing in later life. In each, housing plays a central role in providing the necessary mental health support to individuals.

System Navigators: those who provide help connecting individuals and families in need to mental health services, transportation, resources, and referral services throughout Napa County, with a focus on the Latino community. They provide support and guidance in connecting with a variety of mainstream resources (e.g., mental health care, physical health, Medi-Cal, Food Stamps, and housing services).

System Performance Measure (SPM): seven metrics developed by HUD to measure the CoC's impact on ending homelessness. They evaluate progress towards reducing the number of people becoming homeless and helping people who are homeless obtain rapid and stable housing. SPMs are designed to show progress over time and are reported annually to HUD. They are also used to score the CoC Consolidated Application.

Transient Occupancy Tax (TOT): a temporary tax on lodging at Napa's hotels, motels, inns, hostels, and similar places, authorized under State Revenue and Taxation Code section 7280, as an additional source of non-property tax revenue for local governments. This tax is levied for the privilege of occupying a room or

rooms or other living space in a hotel, motel, inn, tourist home or house, or other lodging for a period of 30 days or less. The imposed tax rate for accommodations at lodging facilities in the unincorporated area of Napa County is 13%.

United States Interagency Council on Homelessness: the only Federal level agency with responsibility for ending homelessness, it works with nineteen federal agencies and departments, and other public and private partners to improve federal spending outcomes for homelessness.

VOICES Napa: provides young people aging out of foster care with family-like support, acceptance, and accountability as they set their own goals and pursue them across VOICES' youth-led core programs: Health and Wellness, Career and Education, and ILP-Independent Living Program.

VI-SPDAT Vulnerability Index- Service Prioritization Decision Assistance Tool: a questionnaire given to homeless individuals seeking services which asks questions about their living situation, disabilities, medical conditions, encounters with the justice system, whether they are in danger, financial situation, and psychosocial factors. The VI-SPDAT questionnaire yields a vulnerability score. With a score of 10 to 15 the client is eligible for Permanent Supportive Housing. With a score of 5 to 9 a client is eligible for Rapid Rehousing. If the score is lower than five, they are helped with diversion, which can include help with obstacles to reuniting with family, Cal-fresh or some other assistance.

Wine Valley Lodge: a facility operated by Napa County since March 2020 for homeless housing under Project Roomkey and for pandemic-related isolation and quarantines. The Napa City Council also approved a \$3M loan for the project from the affordable housing impact fee, adding to \$4M approved by the Napa County Board of Supervisors for the project.

Winter Shelter: a 59-bed facility at the Napa Valley Expo. From mid-November to mid-April, individuals can access an overnight stay with a bed at the Winter Shelter by signing up at South Napa Shelter the same day. First round of check-ins is from 5 p.m. to 5:30 p.m. Second round is from 7 p.m. to 7:30 p.m. Each Winter Shelter resident must depart the following morning.

Wraparound (Supportive) Services: services provided residents of supportive housing to facilitate residents' independence (e.g., case management, medical or psychological counseling and supervision, childcare, transportation, and job training).

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