



A Tradition of Stewardship  
A Commitment to Service

Board of Supervisors

1195 Third St.  
Suite 310  
Napa, CA 94559  
www.countyofnapa.org

Main: (707) 253-4421  
Fax: (707) 253-4176

Diane Dillon  
Chair

August 10, 2010

The Honorable Stephen T. Kroyer  
Presiding Judge  
Superior Court of California, County of Napa  
825 Brown Street  
Napa, CA 94559

**FILED**

AUG 17 2010

Clerk of the Napa Superior Court  
By: C. Brennan  
Deputy

Dear Judge Kroyer:

As required by Penal Code Section 933(c), enclosed is the response to the 2009-2010 Final Reports on the Napa County Criminal Justice Facilities Juvenile Justice Center/Juvenile Hall, Napa County Criminal Justice Facilities Department of Corrections/County Jail, Napa Special Investigations Bureau 24 Hour Drug Hotline: (707) 224-DRUG and Water Our Precious, Critical Resource.

Grand Jury activity takes place over the course of a number of months. As such, their findings and recommendations often address issues which county departments have already identified as problems and to which solutions are in the process of being developed.

The Board acknowledges the members of the 2009-2010 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Diane Dillon in cursive.

Diane Dillon, Chair  
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2010-2011 Grand Jury

Received  
Napa Superior Court

AUG 17 2010

Court Executive Office

Brad Wagenknecht  
District 1

Mark Luce  
District 2

Diane Dillon  
District 3

Bill Dodd  
District 4

Keith Caldwell  
District 5

**NAPA COUNTY  
RESPONSE TO THE GRAND JURY REPORT  
FISCAL YEAR 2009-10**

**WATER**

**Our Precious, Critical Resource**

**Recommendation No. 1:** Municipalities within the County develop, expand, and formalize agreements to provide water allocations to address catastrophic loss of water.

***Response, Napa County Board of Supervisors:*** The Board of Supervisors concurs with the Grand Jury's Recommendation No. 1 but the County is not the appropriate agency to implement this Recommendation. The County does not operate, own, or manage any water or wastewater systems in the Napa Valley and is not the appropriate agency to facilitate the development of agreements between the cities to provide water allocations to address catastrophic loss of water during emergencies. The appropriate agency for facilitating agreements to provide water allocations among agencies to address catastrophic loss of water is the Napa County Flood Control and Water Conservation District and each of the cities in Napa County. The Board of Supervisors agrees with the NCFCWCD response to the Grand Jury dated August 3, 2010.

**Recommendation No. 6:** NCFCWCD conduct a countywide hydro-geologic groundwater survey and develop a management plan as a County priority.

***Response, Napa County Board of Supervisors:*** The Board of Supervisors concurs with the Grand Jury's Recommendation No. 6 that a countywide hydro-geologic groundwater survey and groundwater management plan is necessary. However, the NCFCWCD is not the appropriate agency to conduct the hydro-geologic groundwater survey and to develop a management plan for the County. The County of Napa is the appropriate agency and is currently underway with a study that is evaluating existing groundwater data, determining additional data needs, developing a monitoring program, and developing a groundwater conditions report that will be the first steps leading to the development of a comprehensive groundwater management plan for the County of Napa. The County expects this work to be complete in September 2010 and the final report to be presented to the County Board of Supervisors in September for acceptance and direction. A groundwater management plan will follow the collection of additional groundwater data and a monitoring effort and will be implemented over the next several years. In addition, County staff is following recent legislation and participating in classes and workshops in an effort to remain informed and proactively address groundwater management planning in Napa County.

**Recommendation No. 7:** BOS develop regulations to ensure adequate groundwater supply for future needs.

***Response, Napa County Board of Supervisors:*** The Board of Supervisors agrees with the Grand Jury's Recommendation No. 7 and is currently underway with a study that is evaluating existing

groundwater data, determining additional data needs, developing a monitoring program, and developing a groundwater conditions report that will be the first steps leading to the development of a comprehensive groundwater management plan for the County of Napa. The County expects this work to be complete in September 2010 and the final report to be presented to the County Board of Supervisors in September for acceptance and direction. It is anticipated that the current work on groundwater will capture the data that will lead to modifications to the County's Groundwater Conservation Ordinance addressing the protection of groundwater for future needs. Implementation of this recommendation will take place incrementally over several years as data to warrant modifications to regulations and the groundwater management plan is captured and analyzed.

**Recommendation No. 8:** The City of Napa and NSD identify a process for, and develop an implementation plan to, integrate NSD and PWD into a single department.

***Response, Napa County Board of Supervisors:*** The Board of Supervisors disagrees with the Grand Jury's Recommendation No. 8 and believes it is premature to implement a plan to integrate NSD and the City of Napa PWD into a single department and agency without further analysis and study. The recommendation warrants review and may prove to be advantageous to the residents and customers these agencies serve, but it is premature to assume a combined agency is in the best interest of the community. NSD serves a customer base that includes areas outside the city such as the industrial area surrounding the Napa County Airport. Review of combining these two agencies needs to consider the protection of sewerage service to the entire NSD service area and review the governance to ensure that properties within the district that are outside the city limits are provided with sewer infrastructure, and potentially potable water service. The City of Napa provides potable water service outside the city but has different regulations and service rates for those properties residing outside the city. It would be important to review and ensure properties residing outside the city limits are provided sewer infrastructure, and potentially potable water service, and have a voice in the operation, regulations, and cost of service for services provided by a combined agency.

The County of Napa is not the responsible agency and will defer timing of review and analysis of this recommendation to NSD and the City of Napa. If NSD and the City of Napa initiate discussions and study of a combined agency, the County needs to be a part of those discussions and study to protect both current and possible future customers of NSD in areas outside the city limits.

**Recommendation No. 9:** The County and all municipalities continue development and expansion of recycled water projects to alleviate future water shortages.

***Response, Napa County Board of Supervisors:*** The Board of Supervisors agrees with the Grand Jury's Recommendation No. 9 and is currently working closely with NSD and participating in the North Bay Water Reuse Authority that is planning and lobbying for funding for recycled water projects including the MST and Carneros areas of southern Napa County where there are known or suspected water deficiencies. Expanding recycled water infrastructure in the MST and

Carneros areas will alleviate future water shortages in two of the more vulnerable areas of the County. The County is also supportive of using recycled water throughout the County and will work cooperatively with other municipalities that have recycled water expansion projects that will offset the use of potable water.

Significant progress has been made toward the extension of recycled water infrastructure to the MST groundwater deficient area. Efforts are ongoing and a plan to extend recycled water depends on funding and includes the cooperation of the County, NSD, City of Napa, and the Napa State Hospital. A plan laying out the schedule and steps to developing a design and the financing to construct the first phase of a recycled water project are being completed and will be presented to the Board of Supervisors in August 2010. The County, working closely with NSD, has participated in the North Bay Water Reuse Authority and has completed and approved the environmental review of the MST Recycled Water Project. The North Bay Water Reuse Authority has also secured Federal funding for 25% of the cost to design and construct the pipeline to the MST area. Efforts continue to secure additional funding needed to begin construction of the recycled water infrastructure. The County has an Assessment District Engineer under contract to assist with development of property assessments and the necessary information and engineer's report to take a proposed assessment for funding the local share of the construction costs to the properties that will benefit from the extension of recycled water to the MST area. NSD is actively pursuing easements to construct a recycled water pipeline through the Napa State Hospital providing the hospital the opportunity to utilize recycled water for irrigation of the hospital grounds rather than potable water from the City of Napa.

**Recommendation No. 10:** The County, all municipalities, and NSD investigate the process and economics for the formation of a countywide utility district to benefit the County residents and holistically manage the availability, distribution, and economics of potable and recycled water.

***Response, Napa County Board of Supervisors:*** The Board of Supervisors disagrees with the Grand Jury's Recommendation No. 10 and will not be investigating the process and economics for the formation of a countywide utility district to provide potable and recycled water. There are a number of independent water systems serving the residents of Napa County. As is typical in all other counties in California, these systems have evolved over time to meet the individual needs of each separate city, town, or community. All water agencies in the County are operated independently and the County believes that they should remain as autonomous entities and not be governed by a single water agency. Each water agency in the County operates its water system according to the need and desire of its community and at the direction of the board or council that governs its operations and actions. This form of management allows for each community to have local control and prevents a larger population or neighboring community from dictating local needs and desires. This does not prevent unity in water delivery in Napa County. Where economics and geographic location have allowed, agencies have interconnected their water systems and have worked cooperatively and jointly to deliver potable water and recycled water to their customers.

All five cities have interconnected piping systems giving them the ability to exchange potable water and pursue joint projects to develop new water supplies. One water supply common to

three of the five cities is the State Water Project (SWP) water received through the North Bay Aqueduct (NBA), which is operated by the State Department of Water Resources (DWR). The NCFCWCD contracts with DWR for this water and subcontracts this water to three of the five cities. The other two cities have agreements for water supplies with the City of Napa. The SWP contract is substantial, supplying more than half of the cumulative water supply needs of the cities. The NCFCWCD acts as the coordinator of the NBA water delivery and interacts and negotiates with DWR on the cities' behalf regarding the operation and changes to the SWP. The NCFCWCD is a member of the State Water Contractors Association and through this association provides oversight and review of the SWP to ensure DWR is operating the water system appropriately and is pursuing improvements and new supplies on the members' behalf.

This cooperative effort and coordination among agencies provides the unity of potable water service and recycled water delivery the Grand Jury has recommended in the County of Napa. The County also believes that maintaining independence is appropriate and ensures that the residents of each agency have financial, operational, and planning control of their respective water systems serving their local residents.

**Recommendation No. 12:** NSD proactively and aggressively identify funding sources to accelerate expansion of recycled water service in Napa.

***Response, Napa County Board of Supervisors:*** The Board of Supervisors agrees with the Grand Jury's Recommendation No. 12 and is currently working cooperatively with NSD to develop a plan to fund the extension of infrastructure to the MST groundwater deficient area. Please refer to response to Recommendation No. 9 for further detail about the County's efforts working with NSD to identify funding sources and expand the use of recycled water.