



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

RECD JAN 8 11

January 21, 2011

Dan Takasugi, P.E.
Public Works Director
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

Re: Responses Should Conform To Law - 2009-2010 Grand Jury Final Report on Water: Our Precious, Critical Resource Response

Dear Mr. Takasugi:

The 2010-2011 Napa County Grand Jury thanks you for your responses to the 2009-2010 Grand Jury's Final Report titled Water – Our Precious, Critical Resource.

Although it was not specifically requested, you are also required by the provisions of California Penal Code Section 933.05 (a) to respond to the findings contained in that report. We therefore request that you respond to **findings 1, 2, 4, 8, 10, 14, 15, 17 and 18** as prescribed by law

In conformance with the provisions of California Penal Code Section 933.05 (b) we also ask that you respond to **recommendations 1, 2, 4, 9, 10 and 14** as prescribed by law.

For your reference, California Penal Code Section 933.05 (a) and (b), set forth verbatim below, gives explicit instructions for how public agencies (including county departments and agencies, and all public agencies geographically situated within county borders, e.g., cities and their police departments) must respond to a grand jury report.

933.05.

(a) For purposes of subdivision (a) of Section 933, as to each grand jury **finding**, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

2009-2010 Grand Jury Finding	Agency's Response to Finding	Response does not comply with California Penal Code 933.05(a).
1. Water quality testing in all municipalities in Napa meets current California Department of Public Health and EPA Clean Drinking Water Act requirement. Water Quality Reports are available annually from all Napa County municipalities.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.
2. In the event of supply disruption from the NBA, the County and its municipalities will depend on water from municipal reservoirs and water storage facilities.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.
4. A major earthquake would likely cause a significant disruption to water delivery infrastructure throughout the County.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.
8. Recycled water is a non-potable supply option to alleviate demands on potable water programs.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.
10. Calistoga uses 100 to 200 acre-feet per year of its wastewater and distributes it to	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and

about twenty locations.		include explanation.
14. None of Napa County's public water systems fluoridate their water supplies.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.
15. Fluoridated water has a documented significant oral health benefit and fluoridating water in Napa County was recommended as a component for community dental health improvement.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.
17. Annual savings in oral healthcare to County residents is projected to exceed the estimated costs of operating water fluoridation systems at the County public water systems.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.
18. No County municipalities have applied for funding to fluoridate their public water systems.	No response was made to this finding.	Respondent must indicate 933.05 (a) (1) or (2), and if (2), identify disputed portion and include explanation.

2009-2010 Grand Jury Recommendation	Agency's Response to Recommendation	Response does not comply with California Penal Code 933.05(b).
1. Municipalities within the County develop, expand, and formalize agreements to provide water allocations to address a catastrophic loss of water.	We agree with the finding and recommendation, and it is already being implemented in large part. Calistoga has two sources of potable water supply – from its own Kimball Reservoir and from its share of the North Bay Aqueduct (NBA) project. The NBA water is treated to potable water standards and 'wheeled' to Calistoga by the City of Nap; i.e. Calistoga is a wholesale water 'customer' of the City of Napa. The cities of Napa and Calistoga have long-standing and formal water service agreements to implement the water supply relationship, and the arrangements are further strengthened on a regular basis through staff communication and coordination efforts. In	Respondent must indicate 933.05(b) (1) that the recommendation has been implemented, with a summary regarding the implemented action, or 933.05(b) (2) that the recommendation has not been implemented, but will be implemented in the future, with a timeframe, or 933.05(b) (3) that the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report or 933.05(b) (4) the recommendation will not be

	<p>addition, public works and water utility staff from the entire county meet monthly as a Water Technical Advisory Committee to discuss and coordinate items of mutual interest with respect to water quality and water supply reliability. Staff at the various agencies within the County also have initiated and developed projects to improve the reliability of the water supplies during regular and emergency operational periods. For example, the cities of Napa, St. Helena, and Calistoga have recently completed the first phase (a Conceptual Design and Feasibility Study) of the Dwyer Pump Station project, which would provide enhanced and more reliable distribution of potable water in the upper Napa valley area, to the benefit of each of the cities. The Public Works Director shall work with other municipalities in the County to develop and formalize any further agreements, as may be mutually beneficial, to provide water allocations and water supply reliability to address a catastrophic loss of water.</p>	<p>implemented because it is not warranted or is not reasonable, with an explanation therefore.</p> <p>This is not a finding. It is a recommendation. Please answer accordingly to the law above.</p>
<p>2. All County municipalities evaluate means to increase the capacity, and enhance the survivability, of municipal reservoirs and water storage facilities.</p>	<p>Calistoga agrees with the finding, except as it pertains to the City's Kimball Reservoir. The recommendation should not be implemented at this time with respect to increasing the capacity of Kimball Reservoir at this time, because it is not fiscally justifiable. In the late 1990's, Calistoga undertook a comprehensive review of long-term water supply options, and elected to increase water supplies through the purchase of additional water allocations through the North Bay</p>	<p>Respondent must indicate 933.05(b) (1) that the recommendation has been implemented, with a summary regarding the implemented action, or 933.05(b) (2) that the recommendation has not been implemented, but will be implemented in the future, with a timeframe, or 933.05(b) (3) that the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for</p>

	<p>Aqueduct system. Calistoga's water supplies are adequate for its projected growth, as specified by the General Plan and it is not warranted or economically feasible at this time to also increase the Kimball Reservoir supply. Kimball Dam and Reservoir are inspected regularly by City staff and on an annual basis by the City staff and representatives of the State of California, Division of Safety of Dams, to ensure the facility is operated both safely and reliably. With respect to treated water storage, the City of Calistoga has secured all necessary funding, and anticipates beginning construction within nine months, on the Mount Washington Water Storage Tank project, which will increase the City's capacity to store treated water by over 125%.</p>	<p>discussion by the officer or head of the agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report or 933.05(b) (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.</p> <p>This is not a finding. It is a recommendation. Please answer accordingly to the law above.</p>
<p>4. Each County municipality prepare a plan to ensure rapid repair of the water delivery system and include procedures for emergency water delivery to facilities responsible for providing immediate health and safety aid to the communities' population, especially local hospitals, shelters, and emergency centers.</p>	<p>Calistoga agrees with the finding. The recommendation has already been implemented – the City already has an Emergency Response Plan (ERP), dated December 2004, as required by various laws and requirements as promulgated by the United States Environmental Protection Agency and the California Department of Public Health. The ERP, prepared and submitted in accordance with applicable laws, outlines, and guidance documents, was based in part on the completed vulnerability assessment of the City of Calistoga's water system. The ERP includes various operating procedures and action plans to protect and restore the water system during and following an emergency</p>	<p>Respondent must indicate 933.05(b) (1) that the recommendation has been implemented, with a summary regarding the implemented action, or 933.05(b) (2) that the recommendation has not been implemented, but will be implemented in the future, with a timeframe, or 933.05(b) (3) that the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report or 933.05(b) (4) the recommendation will not be implemented because it is not</p>

	<p>event. The City is also allowed by its Municipal Code to declare an emergency, procure necessary services and supplies via expedited emergency procedures, and request mutual aid during an emergency.</p>	<p>warranted or is not reasonable, with an explanation therefore.</p>
<p>9. The County and all municipalities continue development and expansion of recycled water projects to alleviate future water shortages.</p>	<p>Calistoga agrees with the finding and recommendation, and it is already being implemented in large part. Calistoga has provided disinfected tertiary-treated recycled water to customers for many years. Calistoga seeks to expand the use of recycled water to new customers, when it is economic and feasible to do so. In some cases, the use of recycled water is specified as a mandatory condition of approval for new development projects. For example, the large and prominent Solage resort, which opened in 2007, is a relatively new and significant recycled water user. In 2009, Calistogans used approximately 761 acre-feet of potable water, while using 320 acre-feet of recycled water. Calistoga expects the beneficial re-use of recycled water to continue and expand modestly into the foreseeable future.</p>	<p>Respondent must indicate 933.05(b) (1) that the recommendation has been implemented, with a summary regarding the implemented action, or 933.05(b) (2) that the recommendation has not been implemented, but will be implemented in the future, with a timeframe, or 933.05(b) (3) that the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report or 933.05(b) (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.</p> <p>This is not a finding. It is a recommendation. Please answer accordingly to the law above.</p>
<p>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.</p>	<p>Calistoga is open to discussing this recommendation, however the existing systems of partially interconnected utility systems, water supply agreements, and constructive cooperation among the County and the municipalities, is adequate to meet the needs of Calistoga. Calistoga has a well-developed, two-source potable water supply system, which is sized to meet the City's needs to grow</p>	<p>Respondent must indicate 933.05(b) (1) that the recommendation has been implemented, with a summary regarding the implemented action, or 933.05(b) (2) that the recommendation has not been implemented, but will be implemented in the future, with a timeframe, or 933.05(b) (3) that the recommendation requires further analysis, with an explanation and the scope and</p>

	<p>in accordance with its General Plan. Calistoga's recycled water system provides a substantial amount of tertiary-treated recycled water to approximately two dozen customers, and Calistoga is implementing plans to expand the system when it is economic and feasible to do so. Given the geographic remoteness of Calistoga from the other (larger) municipalities in the County, Calistoga believes its current utility systems are sufficient to meet community requirements.</p>	<p>parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report or 933.05(b) (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.</p>
<p>14. That within six months American Canyon, Calistoga, St. Helena, and Yountville prepare capital cost proposals for fluoridation of their water supplies.</p>	<p>Calistoga has concerns with this finding. While fluoridation does have certain benefits, it is not required for a small system such as Calistoga's, and there is no community support for such an initiative. Calistoga is currently undertaking a comprehensive review of the City's water system, including the operation and funding of same, as part of a water rate-setting process. During approximately 18 publicly-noticed meetings conducted by the Council-appointed advisory committee, there was extensive public commentary and participation, but no requests for fluoridation. In light of the substantial water rate increases now being contemplated, even without the provision of new fluoridation systems the additional costs of fluoridation (estimated on an order-of-magnitude basis of \$80,000 initially plus \$6,000 per year) do not appear to be justified. Furthermore, City water customers can make choices on fluoride use through widely available, over-the-counter fluoride supplements and toothpaste.</p>	<p>Respondent must indicate 933.05(b) (1) that the recommendation has been implemented, with a summary regarding the implemented action, or 933.05(b) (2) that the recommendation has not been implemented, but will be implemented in the future, with a timeframe, or 933.05(b) (3) that the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report or 933.05(b) (4) the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.</p> <p>This is not a finding. It is a recommendation. Please answer accordingly to the law above.</p>

Please send your update to The Honorable Stephen T. Kroyer, Presiding Judge, Napa Superior Court, 825 Brown Street, Napa, CA 94559 and a courtesy copy to me.

Sincerely,

A handwritten signature in cursive script that reads "Judith Bernat". The signature is written in black ink and is positioned above the printed name.

Judith Bernat
Forewoman
2010-2011 Napa County Grand Jury

cc: The Hon. Stephen T. Kroyer