



# WHAT HAVE THEY DONE? AN UPDATE ON THE RESPONSES TO THE 2022–2023 MARIN COUNTY CIVIL GRAND JURY REPORTS

April 8, 2024

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## SUMMARY

Each year, the Marin County Civil Grand Jury investigates local governmental operations, and then issues reports recommending areas for improvement. Publication of these reports often results in widespread media coverage. However, the public rarely learns whether the agencies actually implement the grand jury's recommendations.

This report summarizes what, if any, additional steps have been taken by certain agencies to implement or further analyze the 2022–2023 Grand Jury (prior Grand Jury) recommendations set forth in six of the eight prior Grand Jury reports.<sup>1</sup> Specifically, this report summarizes what the relevant agencies have done to implement the prior Grand Jury recommendations, or what the agencies stated would be implemented in the future. Additionally, this report will outline what efforts have been made to further analyze the prior Grand Jury recommendations. Finally, this report will consider whether circumstances have changed regarding those recommendations that the agencies stated were not warranted or were unreasonable.

The 2023-2024 Grand Jury (current Grand Jury) makes the following conclusions regarding the responses to the prior Grand Jury reports:

### **1. Justice Delayed Is Justice Denied - Marin District Attorney's Office in Crisis**

- a. The Marin County Board of Supervisors (Board of Supervisors) and the County Executive's Office, formerly known as the County Administrator's Office, partially implemented Recommendation no. 1. The funds for a comprehensive analysis of the District Attorney's Office have been approved, but the analysis has not commenced, yet. Marin County (the County) either partially or substantially implemented Recommendation nos. 2-6.
- b. The District Attorney's Office substantially implemented Recommendation nos. 2-5, and partially implemented Recommendation no. 6. The District Attorney hired one paralegal and would like to hire more paralegals if the positions are budgeted. The District Attorney's Office has not yet implemented Recommendation no. 7. The District Attorney's Office has not provided a quarterly report regarding the backlog of cases.

### **2. The Coming Wave of Older Adults - Is Marin Prepared?**

- a. The County will not implement Recommendation no. 1, elevating the Office of Aging and Adult Services to a division-level department, because the County contends that it is cost prohibitive to elevate the office to a division-level department within the Health and Human Services Department. However, the County has either partially or substantially implemented Recommendation nos. 2-7.
- b. The Commission on Aging contends that the County has not, but should implement Recommendation no. 1. The Commission on Aging disagrees with the County that

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<sup>1</sup> Most of the recommendations made by the prior Grand Jury in their report, *Electrical Resiliency - It's Time to Do More*, were not requested to be implemented, yet. That report was not investigated by the current Grand Jury for this report. With respect to the prior Grand Jury report, *Build More ADUs - An Rx to Increase Marin's Housing Supply*, the current Grand Jury determined that of the 57 different governmental agencies that responded to the recommendations, all of those agencies that could implement the recommendations have done so. As a result, that report was not investigated by the current Grand Jury for this report.

Recommendation nos. 2 and 3 have been implemented. The Commission on Aging agrees that the County has either partially or substantially implemented Recommendation nos. 4-7.

**3. Novato’s Chronic Fiscal Deficits: A Call to Action**

- a. The City of Novato (the City) has not implemented Recommendation no. 2, creating and funding a new position of independent auditor. The City claims it already faces significant fiscal challenges and implementation of this recommendation would add new ongoing expenses to the City's already strained operating budget. The City has not implemented Recommendation no. 3, having the Finance Advisory Commission issue quarterly reports. The City contends that the Finance Advisory Commission is responsible for reviewing financial information; it does not issue quarterly financial reports on the City’s financial condition. The City has either partially or substantially implemented recommendation nos. 1 and 4-7.

**4. Marin’s Behavioral Health Services: All Calls for Help Need to Be Answered**

- a. The County has either partially or substantially implemented all of the prior Grand Jury recommendations.

**5. SMART at a Crossroads: Here Today, Gone Tomorrow?**

- a. SMART has substantially implemented all of the prior Grand Jury recommendations.

**6. Dam and Reservoir Safety - Water May Save Us - Water May Drown Us**

- a. Marin Municipal Water District has substantially implemented all of the prior Grand Jury recommendations.
- b. North Marin Water District has substantially implemented all of the prior Grand Jury recommendations.

## **BACKGROUND**

The California Constitution requires that each year every county impanel a civil grand jury charged with monitoring and inspecting the operations of local government and making recommendations for improvement, if appropriate. Each grand jury is required to publish at least one report on the outcome of investigations conducted during its term. California Penal Code §933 requires public agencies and elected officials to respond to the grand jury’s findings and recommendations.<sup>2</sup>

A grand jury in California is typically limited to a one-year term. Following issuance of a report a grand jury usually concludes its term, and therefore cannot ensure that elected officials and agencies comply with their legal obligations. Consequently, responsibility for monitoring the responses and addressing any deficiencies falls to the succeeding grand jury.

The prior Grand Jury published eight reports requiring governmental agencies and elected official responses to all of the findings and recommendations. As defined by the Penal Code, responses were due within 60 days of report publication for elected officials, and within 90 days

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<sup>2</sup> California Penal Code §933 [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=933](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=933), (accessed 3/4/24).

of publication for public agencies. Each finding required a response of Agree, Partially Disagree, or Wholly Disagree, with an explanation of any disagreement. Each recommendation required a response of Implemented, Will Be Implemented, Requires Further Analysis, or Will Not Be Implemented, with associated timelines and explanations.

The current Grand Jury reviewed the prior Grand Jury reports and the subsequent responses provided by the agencies and elected officials. The current Grand Jury reported its findings regarding those responses on December 15, 2023. Subsequently, the current Grand Jury conducted further investigations to determine what, if anything, the agencies have done in the interim regarding the prior Grand Jury recommendations. This report presents the results of those follow-up investigations. Each of the prior Grand Jury reports and the agency responses can be accessed at the Marin County Civil Grand Jury website.<sup>3</sup>

## OBJECTIVES AND APPROACH

The objectives of this report are to:

- Update County residents on actual progress with issues of public concern and governmental effectiveness that the prior Grand Jury investigated.
- Highlight developments achieved by local governments in the areas that the prior Grand Jury investigated.
- Facilitate seamless continuity through annual grand jury transitions, and thereby reinforce the accountability of local public agencies that the prior Grand Jury investigated.

In preparation of this report, the current Grand Jury conducted confidential interviews with agency heads, county managers, city managers, and community leaders knowledgeable about the issues presented in the prior Grand Jury reports. The current Grand Jury also reviewed agency records; financial reports; department budgets; both public and non-public records; agency and commission agendas, minutes, and accompanying documentation; as well as scientific, and journalistic information. The current Grand Jury also requested documentation from some interviewees that was relevant to the decision makers or otherwise guided their actions. Finally, the current Grand Jury's research included follow-up correspondence with some of the interviewees.

This report includes excerpts from the prior Grand Jury reports and information from the individual agency responses to six of the eight reports for which responses were required. The excerpts from the prior Grand Jury reports, including the prior Grand Jury summaries (with some clarifications), the prior Grand Jury recommendations, and the agency responses to those recommendations are italicized in this report. This review includes information available as of March 20, 2024.

This report was issued by the current Grand Jury with the exception of one juror who had a potential conflict of interest. This grand juror was recused from all parts of the investigation, including interviews and deliberations, and the writing and approval of this report.

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<sup>3</sup> <https://www.marincounty.org/depts/gj/reports-and-responses>, (accessed 3/4/24).

## DISCUSSION

A synopsis and update for six reports from the prior Grand Jury follows:

### 1. Justice Delayed Is Justice Denied — Marin District Attorney’s Office in Crisis (May 15, 2023)

#### The Prior Grand Jury’s Summary

*The prior Grand Jury concluded that there is a substantial backlog of criminal cases pending in Marin County. This backlog affects the community at large, including victims of crime, people charged with crimes, and the law enforcement agencies responsible for investigating and prosecuting criminal cases. Once charges are filed in Marin, there is an unreasonable delay in bringing these cases to a resolution - in many cases more than a year. The prior Grand Jury’s investigation concluded that the District Attorney’s Office is the primary reason for the delays in resolving criminal cases in Marin.*

#### Prior Grand Jury Recommendations, Agency Responses and Current Grand Jury Update

**R1.** *By November 1, 2023, the Marin County Board of Supervisors should request the Marin County Executive to hire an independent consultant who reports to the County Executive’s Office to analyze operations of the District Attorney’s Office with the following objectives: reducing the overwhelming caseloads of deputy district attorneys, facilitating timely production of discovery materials, implementing early evaluation of cases to promote plea negotiations, improving office morale, and updating the case management system.*

- **County Response:** *The Board of Supervisors responded that this recommendation will be implemented.*

**UPDATE:** The Board of Supervisors and the County Executive’s Office approved the expenditure of \$500,000 to hire an outside consulting firm to perform a comprehensive organizational and operational analysis of the District Attorney’s Office. The Board of Supervisors, the County Executive’s Office and the District Attorney’s Office have been working with the consulting firm to finalize the terms of the contract. The terms of the contract are expected to be finalized and work on the contract is expected to commence in the next few months.

**R2.** *By December 1, 2023, the District Attorney’s Office should hire two or more highly experienced former deputy district attorneys on short term (6 - 12 mos.) contracts whose sole responsibility would be to reduce the backlog of cases through plea negotiations, starting with the longest pending cases.*

- **District Attorney Response:** *The District Attorney responded that this recommendation has been implemented.*
- **County Response:** *The Board of Supervisors responded that this recommendation needs further analysis because there is approximately \$750,000 available for short-term staffing in this year’s budget.*

**UPDATE:** The Board of Supervisors approved the expenditure of \$750,000 for short-term staffing in the District Attorney's 2023-2024 FY year budget. As a result, the District Attorney hired one highly experienced former district attorney whose main responsibility was to reduce the backlog of cases through plea negotiations. The former district attorney was successful in helping reduce the backlog of cases. However, because of restrictions on how much work retired former county employees can complete, the former district attorney will not be able to work much longer. The prior Grand Jury reported that there were 325 cases on the trial calendar as of February 2023. As of February 15, 2024, there were 245 cases on the trial calendars in Marin Superior Court.

**R3.** *Once the caseload has been significantly reduced, the District Attorney's Office should hire experienced deputy district attorneys to maintain caseloads at a manageable level.*

- **District Attorney Response:** *The District Attorney responded that this recommendation has been implemented.*
- **County Response:** *The Board of Supervisors responded that this recommendation needs further analysis. The County Executive's Office will continue to work with the District Attorney to review, and budget for appropriate staffing levels with the goal of maintaining caseloads at a manageable level.*

**UPDATE:** The District Attorney's Office received funds from the County Executive's Office to hire an experienced deputy district attorney, but it took the District Attorney's Office over one year to find an experienced candidate. Subsequently, that attorney left the office, but has returned to fill a different position in the office, and the original position has not been refilled. The District Attorney's office claims it has difficulty filling empty attorney positions because it cannot pay newly hired attorneys as much as they can receive in other counties. In addition, the District Attorney's Office contends that many of the new attorney positions do not provide candidates with full benefits.

**R4.** *By December 1, 2023, the District Attorney's Office should implement a new process to provide discovery materials (e.g., police report, defendant's criminal history, and camera footage) to defense counsel within a reasonable time of arraignment.*

- **District Attorney Response:** *The District Attorney responded that this recommendation has been implemented.*
- **County Responses:** *The Board of Supervisors responded that this recommendation has been implemented.*

**UPDATE:** The District Attorney's Office implemented a new internal system to track and distribute discovery materials to defense counsel in a meaningful and timely manner. The system is not perfect, and some of the kinks are being ironed out, but overall, the system appears to be working.

**R5.** *By December 1, 2023, the District Attorney's Office should institute a position, such as an expeditor, that is primarily responsible for facilitating plea negotiations in misdemeanor cases.*

- **District Attorney Response:** *The District Attorney responded that this recommendation has been implemented.*
- **County Responses:** *The Board of Supervisors responded that this recommendation has been implemented.*

**UPDATE:** The expeditor hired by the District Attorney has helped reduce the backlog of cases (See the update to R2, above).

**R6.** *By October 1, 2023, the District Attorney's Office should hire paralegals to assist attorneys with discovery, witness coordination, and trial preparation.*

- **District Attorney Response:** *The District Attorney responded that this recommendation has not been implemented.*
- **County Response:** *The Board of Supervisors responded that this recommendation needs further analysis based on the results of an independent review by an outside expert to examine this issue and provide recommendations.*

**UPDATE:** The District Attorney's office has hired one paralegal. The District Attorney has requested funds to hire additional paralegals, but the funds are not included in the current budget.

**R7.** *By November 1, 2023, the District Attorney's Office should commence providing a quarterly update and statistical report to the Board of Supervisors and the County Executive's Office on its progress to reduce the backlog of criminal cases.*

- **District Attorney Response:** *The District Attorney responded that this recommendation has not been implemented and will be in the future.*
- **County Response:** *The Board of Supervisors responded that this recommendation has not been implemented and will be in the future.*

**UPDATE:** This recommendation has not been implemented. The County and the District Attorney's Office have been negotiating about the content of the quarterly report, but no agreement has been reached. As a result, the District Attorney has not provided the Board of Supervisors and the County Executive's Office with a quarterly report detailing the progress being made to reduce the backlog of criminal cases. Discussions are ongoing.

## 2. The Coming Wave of Older Adults — Is Marin Prepared? (May 30, 2023)

### The Prior Grand Jury's Summary

*The question the prior Grand Jury considered is whether Marin County is prepared to properly fund the level of social and special services required by older adults. Aside from funding, is Marin's Office of Aging and Adult Services properly staffed and organized to deliver these services? In January 2021 the State of California released a Master Plan for Aging, a comprehensive framework designed to prepare the state for the significant changes expected with the increase of California's population of older adults. Marin can use this blueprint to gauge how the county is prepared for the older adult population. The Master Plan for Aging Report identified Five Bold Goals for 2030. The primary question for the prior Grand Jury was how the County was going to organize and financially achieve those Five Goals which are listed below:*

- 1. Housing for all ages and stages: Communities that are age-, disability-, and dementia-friendly and climate- and disaster-ready.*
- 2. Health Reimagined: Access to the services needed to live at home and to optimize health and quality of life.*
- 3. Inclusion and Equity—Not Isolation: Lifelong opportunities for work, volunteering, engagement, and leadership and protected from isolation, discrimination, abuse, neglect, and exploitation.*
- 4. Caregiving that Works: Prepared for and supported through the rewards and challenges of caring for aging loved ones.*
- 5. Affording Aging: Economic security for as long as we live.*

### Prior Grand Jury Recommendations, Agency Responses, and Current Grand Jury Update

**RI.** *By December 31, 2023, the Board of Supervisors should elevate the Office of Adult and Aging Services (AAS) to a division-level department within the Health and Human Services Department. The lead executive within AAS should be on a peer level with other directors within HHS as part of the HHS Executive team.*

- **County Response:** *The Board of Supervisors responded that this recommendation will not be implemented because creating a stand-alone Aging Department outside of Social Services would create a scenario where Social Services dollars could no longer support existing staffing costs.*
- **Commission on Aging Response:** *The Commission on Aging responded that this recommendation requires further analysis. The Commission on Aging contends that this recommendation is imperative and needs to be implemented as quickly as possible. While the Director of Aging and Adult Services will participate on the Health and Human Services (HHS) Executive team as of July 1, 2023, this position does not report to the Director of HHS, and AAS remains an office within the Social Services Division of HHS rather than a Division.*

**UPDATE:** The County still maintains that to create a stand-alone Adult and Aging Services Division or Department within HHS, with no increase in services or productivity, would conservatively add costs of at least \$700,000 to \$1 million annually. The Commission on Aging still firmly contends that AAS should be a division-level Department within HHS. The



Commission on Aging asserts that it is imperative that AAS obtain the status that it deserves in light of the number of aging adults in Marin County, and to better serve them. Further, the Commission on Aging maintains that the lead executive within AAS should be promoted to a peer level with other directors within HHS as part of the HHS Executive team. In addition, it contends that the Deputy County Executive has not thoroughly explained the cost analysis to the Commission on Aging. Finally, the Commission on Aging states there has yet to be a public discussion between the County and the Commission on Aging where the proposed new structure and the cost analysis can be presented and discussed.

**R2.** *By November 30, 2023, the Board of Supervisors should finish reviewing and then formally approve the Integrated Aging Services (IAS) Study accepted at the February 7, 2023, Board of Supervisors meeting.*

- **County Response:** *The Board of Supervisors responded that this recommendation has been implemented.*
- **Commission on Aging Response:** *The Commission on Aging responded that this recommendation has not yet been implemented. The Commission on Aging requested that this be on a Board of Supervisors' agenda by no later than November 1, 2023. The intent is to approve the IAS Study and support the recommendations in the Study.*

**UPDATE:** The County contends that the IAS Study contains several options for solving the perceived problems. Thus, the County is not required to approve each, and every option presented. The County accepted the IAS Study in February 2023. Since that time, the County has approved a significant number of investments for older adults that were contained in the IAS Study. The Commission on Aging maintains that none of the IAS Study recommendations have been implemented, the most important of which was to elevate AAS to a division-level department.

**R3.** *During the FY25 budget preparation cycle, the Board of Supervisors should direct AAS and HHS to prepare a larger AAS FY25 budget consistent with the IAS Study so as to be ready for implementation during the FY25 budget year.*

- **County Response:** *The Board of Supervisors responded that this recommendation requires further analysis because while the IAS Study represents an important source of input, it does not capture the full investment in older adult services across all HHS programs, including Social Services, BHRS, Public Health, and Whole Person Care/Homeless Services.*
- **Commission on Aging Response:** *The Commission on Aging responded that this recommendation has not yet been implemented, but it will be implemented in the time frame noted.*

**UPDATE:** The County contends that it has increased the budgets of many agencies that provide services to older adults across all HHS programs, not just AAS. The Commission on Aging reports that budget increases in older adult services across all HHS Programs have not been adequate.

**R4.** *By December 31, 2023, the Board of Supervisors should direct HHS or AAS - as appropriate - to begin the design of a multilingual electronic “doorway” or portal for older residents and family members through which to access information regarding County services from a single point of entry, with initial design, operational goals and a preliminary budget defined.*

- **County Response:** *The Board of Supervisors responded that this recommendation requires further analysis because HHS already has a multilingual information and assistance line portal (415-473-INFO (4636)) designed to provide support and access to County and partner services for older adults.*
- **Commission on Aging Response:** *The Commission on Aging responded that this recommendation has not yet been implemented, but it will be implemented by AAS, with staffing support by HHS.*

**UPDATE:** The County added a bilingual staff person to the information line, 415-473-INFO, to target callers who do not speak English. In addition, the County is exploring the use of the 211 phone system in Marin. The Federal Communications Commission designated 211 as the 3-digit number for information and referrals to social services and other assistance in 2000. The Commission on Aging asserts that the existing information line, 415-473-INFO, is a good way to offer support. However, this line needs to be consistently answered in a timely manner. There are informed social workers answering the calls, but often the calls go to an answering machine and are not returned in a timely manner. Ideally this line would function around the clock.

**R5.** *By December 31, 2023, the Board of Supervisors should direct HHS or AAS - as appropriate - to begin the design of a comprehensive database-driven communication system. This system should enable Older Adult County residents and/or family members to register and opt-in to receive information on aging services, and receive calls or texts as needed for natural disaster notification, wellness checks, etc.*

- **County Response:** *The Board of Supervisors responded that this recommendation requires further analysis. There are systems already in place that allow for these types of notifications, especially in regard to disaster notification.*
- **Commission on Aging Response:** *The Commission on Aging responded that this recommendation requires further analysis. Several different approaches may be needed to develop a registry of older adults and family members to receive calls/texts for natural disasters, wellness checks, and information on aging services.*

**UPDATE:** The County has been exploring the 211 phone system, as mentioned above, with respect to R4. In addition, the Office of Emergency Management was created last year by the Board of Supervisors to move the Office of Emergency Services from the Sheriff's Office into the County Fire Department. That sort of disaster effort is being developed and spearheaded within the Office of Emergency Management because its personnel are disaster professionals, and the 211 staff would not have that expertise. There is also a significant effort to support the Office of Emergency Management to develop what is called a county long-term recovery plan. The Commission on Aging agrees that creating a comprehensive registry is a challenge and very difficult to keep up to date. The Commission on Aging would like to see an increased role by neighborhood watch groups for wellness checks.

**R6.** *By December 31, 2023, the Board of Supervisors should direct HHS or AAS to create an ombudsman position within AAS to assist CBOs and non-profits which provide aging services (e.g., West Marin Senior Services, Vivalon, etc.) in submitting funding and/or services requests.*

- **County Response:** *The Board of Supervisors responded that this recommendation will not be implemented because a new Deputy County Executive who acts as a liaison with communities and service providers in unincorporated areas of the County was added to the County Executive's Office in 2023.*
- **Commission on Aging Response:** *The Commission on Aging responded that while this recommendation is innovative, it requires further analysis.*

**UPDATE:** A new Deputy County Executive who acts as a liaison with communities and service providers in unincorporated areas of the County was added to the County Executive's Office in 2023. It is too early to determine if that individual will be available to provide those services county-wide. The Commission on Aging agrees that this position is new, and time will tell how effective this role will be in linking CBO's and non-profits which provide aging services.

**R7.** *By December 31, 2023, the Board of Supervisors should direct HHS or AAS - as appropriate - to fund a "travel stipend" based on the mileage to/from San Rafael County offices to client location based on the applicable IRS mileage rate for IHSS caregivers providing services in rural areas.*

- **County Response:** *The Board of Supervisors responded that this recommendation requires further analysis. The County and the In-Home Supportive Services (IHSS) Public Authority of Marin await negotiations regarding a new contract for Marin's 1,800 IHSS providers effective January 1, 2024.*
- **Commission on Aging Response:** *The Commission on Aging responded that this recommendation requires further analysis. This recommendation is important and should be relatively easy to analyze and implement. The analysis and eligibility requirements should include the county's fiscal office, Marin In Home Supportive Services (IHSS) Public Authority, and AAS. In addition, it should be completed by no later than December 31, 2023.*

**UPDATE:** The IHSS contracts are currently being negotiated. Those negotiations may include some sort of a travel stipend, or they may result in a pay increase, both of which would support travel costs. Counties are advocating that the state support these efforts, as well. The Commission on Aging noted that the IHSS salaries have increased to \$18 per hour, but the travel stipend has not yet been increased.

### 3. Novato's Chronic Fiscal Deficits: A Call to Action (June 8, 2023)

#### The Prior Grand Jury's Summary

*The prior Grand Jury found that while the Novato City Council (the City Council) has known for more than a decade about looming financial challenges and deficits, it has not taken sufficient measures to resolve them. In recent years, the City of Novato's (the City) revenues have not covered its operating expenses. The prior Grand Jury made seven recommendations designed to correct these deficiencies. Warnings regarding chronic fiscal deficits have been provided in writing by City Managers every year for over a decade. In addition, the approved City of Novato budgets have also included warnings of deficits. These deficits have been realized in recent years and are currently having an adverse impact on the City of Novato's revenue as well as on its operations, putting Novato's financial sustainability at risk. Attempts to curtail expenses have been ineffective in remedying these ongoing fiscal deficits. For example, budget cuts designed to reduce staffing levels left fewer people to perform the same or greater workload, resulting in overburdened staff members, low wages, difficulties in hiring and retaining employees, and reduced services for Novato's approximately 53,000 residents.*

*The report identified several challenges that face the City, such as a lower median household income than the County overall, property tax constraints, and complex factors that compromise the City's governance due to special districts located within and around the City. Despite these challenges, the prior Grand Jury found that the City Council has not adequately pursued options for ongoing sources of revenue.*

#### Prior Grand Jury Recommendations, Agency Responses and Current Grand Jury Update

**RI.** *By December 1, 2023, design and begin implementation of a plan to address Novato's ongoing structural financial deficit. This plan should include resources, staff, and systems necessary to institute strong financial controls to improve its financial condition and to enable timely, independent financial audits.*

- **Response:** *The City Council responded that this recommendation will be implemented.*

**UPDATE:** Although the City adopted a strategic plan that includes several fiscal strategies, a fiscal sustainability plan that addresses Novato's ongoing structural financial deficits has not been designed or implemented. The fiscal year's structural deficit through December 2023 was \$2.6 million. Several new financial controls have been implemented, including a centralized contracting process that includes control checks to ensure adherence to purchasing policies and contract requirements, a credit card use policy, and a quarterly budget reporting process that includes actuals as compared to the previous year, as well as benchmarks. Planning is underway to develop additional financial controls that will be implemented moving forward. A system that has been put into place to enable timely independent financial audits, and completion of overdue audits for past years is ahead of schedule.

**R2.** By December 1, 2023, the City Council, in consultation with the Finance Advisory Commission, should consider creating and funding a new position of an independent internal auditor with the authority to investigate and report on City operations.

- **Response:** The City Council responded that this recommendation will not be implemented because the City already faces significant fiscal challenges and implementation of this recommendation will add new ongoing expenses to the City's already strained operating budget.

**UPDATE:** There are no plans to create or fund a new position of an independent auditor.

**R3.** By December 31, 2023, require the Finance Advisory Commission to issue quarterly financial reports on the City's financial condition and require that the reports be discussed at City Council meetings.

- **Response:** The City Council responded that this recommendation will not be implemented. The Finance Advisory Commission's role is advisory in nature; its responsibility is to review financial information, not prepare it.

**UPDATE:** The Finance Advisory Commission does not issue quarterly financial reports on the City's financial condition.

**R4.** By December 31, 2023, develop a schedule to install and maintain comprehensive records management systems for all City operations by June 30, 2025.

- **Response:** The City Council responded that this recommendation needs further analysis. The City Council dedicated one-time funding in the amount of \$26,000 to implement a comprehensive records management system in fiscal year 2021-2022.

**UPDATE:** The City purchased a records management system, and it is currently implementing this system. The new system is up and running in the City Clerk's Office and in the Finance Department, where contracts are underway. The City has also started to implement the system in other areas where standalone documents, such as audits and budgets, need to be retained. The timing of rollout to all City operations will take place based on finances and the availability of staff resources.

**R5.** By October 1, 2023, begin strategic planning to increase the City's sales tax.

- **Response:** The City Council responded that this recommendation needs further analysis. The City Council directed staff to study the potential for a sales tax measure and other revenue ideas at their Strategic Planning session on August 4 and August 5, 2023.

**UPDATE:** Plans are in place for a November 2024 ballot initiative to increase the City's sales tax by \$0.75. A campaign is underway to educate the community that of the 8.5 percent sales tax currently collected in Novato, only 1.25 percent is returned to the City.

**R6.** *By December 31, 2023, initiate a comprehensive inventory and review of the City's entire portfolio of properties to identify opportunities for more cost-effective use of each holding. The assessment, including recommendations and timelines for implementation, should be completed no later than May 1, 2024.*

- **Response:** *The City Council responded that this recommendation will be implemented.*

**UPDATE:** A comprehensive list of more than 400 properties has been presented to the City Council. A joint meeting was held with the Economic Development Advisory Commission and the Finance Advisory Commission to review the list and develop evaluation criteria to determine their best use. To date, no decisions have been made regarding any of the properties.

**R7.** *By December 31, 2023, implement a plan to address the operational and financial condition of the Marin Valley Mobile Country Club (MVMCC), including an evaluation of options for rent increases.*

- **Response:** *The City Council responded that this recommendation will be implemented.*

**UPDATE:** The City Council created an ad hoc subcommittee that has been meeting with the Park Acquisition Corporation so the residents can reach a decision as to whether to purchase the MVMCC. If the residents opt not to make the purchase, the City plans to work on finding ways to manage the MVMCC more efficiently and effectively.

## **4. Marin’s Behavioral Health Services: All Calls for Help Need to Be Answered** (June 20, 2023)

### **The Prior Grand Jury’s Summary**

*Compared to national and state averages, Marin County residents have demonstrated a higher need for behavioral health services. This is indicated by rates of suicide, medication for behavioral health issues, and substance abuse treatment. In Marin County, mental health issues frequently coexist with substance abuse. Behavioral health is receiving heightened community attention, and the need for critical crisis response services is increasing. After three years of living through a pandemic, plus economic concerns, political unrest, a war, unimagined gun violence, and a shortage of behavioral health providers, more individuals are seeking behavioral health services and support. Access to these resources in Marin County needs to keep pace.*

*This increased demand for behavioral health services led the prior Grand Jury to investigate how Marin County’s Behavioral Health and Recovery Services (BHRS) is addressing the entire community’s behavioral health needs. Specifically, the prior Grand Jury focused on how residents access BHRS services and how mental crisis and behavioral health calls are being answered. What is being done to provide 24-hours-a-day/7-days-a-week (24x7) behavioral health crisis response services to all Marin residents? Finding and accessing behavioral health services can be confusing for individuals seeking help. This report highlighted these challenges and the need for clear and immediate communication through quickly identified resources. Time is important in crisis situations.*

*Experts agree that it is highly preferable that all behavioral health request calls be answered “live” by a qualified behavioral health specialist. That specialist can then assist or provide a warm transfer (defined as a live person to another live person) to another resource who can address the specific behavioral health need. The longer that help is delayed, the fewer treatment resolutions are available to the individual, which may negatively impact outcomes. The prior Grand Jury concluded that BHRS has not consistently met the need of answering all behavioral health calls with a live qualified specialist.*

### **Prior Grand Jury Recommendations, Agency Responses and Current Grand Jury Update**

**RI.** *By December 31, 2023, the Marin County Board of Supervisors should direct the County’s BHRS division to develop and begin to implement a written strategic plan and operating budget detailing the enhancement, expansion, and funding of the 988 Lifeline Call Navigation Center to become the one call/one door entry for county residents who are seeking immediate help with a behavioral health crisis.*

- **Response:** *The Board of Supervisors responded that this recommendation will not be implemented. BHRS has an existing contractual relationship with Buckelew Programs to support the 988 Lifeline and the County only provides a portion of the operational budget for 988. In addition, 988 is a nationally promoted call line for people who are in a behavioral health crisis. For individuals seeking outpatient, planned behavioral health services, 988 would not be an appropriate first contact.*

**UPDATE:** The County's position on this recommendation has not changed. The County has partnered with the 988 Lifeline Call Navigation Center. The County's interest in expanding and enhancing its partnership with the 988 Lifeline Call Navigation Center is a topic of ongoing conversations between the County and Buckelew Programs. Currently, the County is not looking to have the 988 Lifeline Call Navigation Center serve as the point of entry to the County's system. However, the County is interested in the 988 Lifeline Call Navigation Center having a direct connection with the County's Mobile Crisis Response Team.

**R2.** *By December 31, 2023, the Marin County Board of Supervisors should direct the County's BHRS division to develop a new public awareness and educational outreach campaign promoting the 988 Lifeline Call Navigation Center.*

- **Response:** *The Board of Supervisors responded that this recommendation will be implemented.*

**UPDATE:** Public awareness and education of the 988 Lifeline Navigation Center were promoted in September of 2023 during Suicide Prevention month. In addition, approximately \$45,000 has been budgeted for marketing of suicide prevention efforts at high visibility outlets, such as at bus stops and via newspaper advertisements. Advertising will increase in May, which is Mental Health month. The County has also conducted radio interviews and has posted on social media about mental health issues. Advertising programs have also been leveraged or created by Buckelew Programs.

**R3.** *By December 31, 2023, the Marin County Board of Supervisors should direct the County's BHRS division to create a new Behavioral Health Crisis Services department reporting directly to the division director. The new department would integrate the Access Team, the Mobile Crisis Response Team, the Crisis Stabilization Unit, and oversight of the 988 Lifeline Call Navigation Center under a single responsible and accountable management structure.*

- **Response:** *The Board of Supervisors responded that this recommendation will not be implemented. Reorganizing existing programs and structures within BHRS would require significant further exploration and outreach. BHRS has limited resources to support administrative expansion, and a new Crisis Services system within BHRS would likely require additional management and administrative staff.*

**UPDATE:** All of the departments that are included in this recommendation are already under the umbrella of the director of HHS and BHRS. Another issue that will potentially change how the County proceeds with any suggested reorganization is the recently-approved Proposition One. Proposition One will create a shift in the County's funding. One of the ways that the County anticipates responding to Proposition One is to focus on service delivery rather than administration, as well as to work with the County's larger Health and Human Services Department to find inefficiencies within the administration. Reorganizing into the type of new department or division within BHRS, as suggested by the prior Grand Jury, would require additional investments in administration, which the County is not prepared to make at this time.



**R4.** *By December 31, 2023, the Marin County Board of Supervisors should direct the County's BHRS division to create an organizational plan to improve its utilization and outcome reporting across the Mobile Crisis Response Team, the Crisis Stabilization Unit, the Access Team and the 988 Lifeline Navigation Call Center: 1) its sharing of that data across the units within BHRS; 2) its consolidated reporting and conclusions based on that consolidated data; and, 3) its ability to consequently make informed decisions regarding staffing, funding, program development, and new service opportunities to improve behavioral health outcomes.*

- **Response:** *The Board of Supervisors responded that this recommendation needs further analysis. Over the next six months, BHRS expects to conduct an analysis of the various data sharing and reporting mandates and the technological capabilities of a new electronic health record and health information exchange.*

**UPDATE:** BHRS launched a new electronic health record system, *Smart Care*, last July. There is a need for more data in order to fully implement the recommendation. As a result, the County needs more time to work on this issue. BHRS is still in the implementation phase with their new electronic health record, the Mobile Crisis Team and the Crisis Stabilization Unit. BHRS is not yet able to extract reliable data from the system. BHRS plans to have a more consolidated data reporting and sharing system in place in another six months, which will enable it to make data-informed decisions.

**R5.** *By December 31, 2023, the Marin County Board of Supervisors should direct the County's BHRS division to develop a plan and operating budget to transition the Mobile Crisis Response Team to 24x7.*

- **Response:** *The Board of Supervisors responded that this recommendation will be implemented.*

**UPDATE:** The Mobile Crisis Response Team transitioned to around the clock service prior to the December 31, 2023 target date. The current three-year Mental Health Services Act plan was used to create some new positions. BHRS also obtained two grants that help fund that team.

## 5. SMART at a Crossroads: Here Today, Gone Tomorrow? (June 22, 2023)

### The Prior Grand Jury's Summary

*In March 2020, Marin County voters defeated a measure to extend the sales tax established to support SMART for another 30 years. This was a clear sign that voters did not believe that SMART's board and existing management had accomplished what they promised, nor did voters have confidence and trust in the board's performance. This vote occurred prior to the Covid 19 pandemic, during which ridership was even more compromised. The prior Grand Jury found that the SMART board and management team must continue to construct and improve the system and regain public support in the organization's mission, or the service will be in even more serious jeopardy.*

*The prior Grand Jury examined past and current funding and revenue sources, as well as recent ridership trends. The original financial models were based on ridership numbers that never materialized. Those ridership numbers were reduced during the pandemic. Ridership thus far has failed to return to pre-pandemic levels. It is clear from that report that there must be new sources of revenue and better marketing for the service in the near future. Without a marketing plan and new sources of funding the service will continue to run at a loss and may cease to exist when sales tax funding ends in 2029.*

### Prior Grand Jury Recommendations, Agency Responses and Current Grand Jury Update

**RI.** *By December 1, 2023, the Board of Directors should initiate a fully transparent, public process to be completed by April 1, 2024, that examines how SMART might continue funding its operations beyond April 2029, including an evaluation of when the voters would decide whether to continue levying a sales tax for SMART's operations.*

- **Response:** *The SMART Board of Directors responded that this recommendation will be implemented.*

**UPDATE:** The board requested that staff hire a consultant to conduct a public survey to evaluate the feasibility of securing the needed tax extension prior to FY 2029. It is clear that without some tax extension in FY 2029 or FY 2030, SMART will be forced to stop service and sell off assets. The SMART Board of Directors initiated what they believed to be a fully transparent process regarding the timeline for a tax extension at a board meeting on September 20, 2023. At that meeting, staff presented three scenarios demonstrating how SMART could continue funding its operations beyond April 2029:

- Scenario 1 (Base Plan) - Successfully pass a tax extension prior to FY2029.
- Scenario 2 - The sales tax is not extended: continue service levels through FY2029, then reduce services by seven percent in FY2030. This scenario does not leave any funds for dissolution.
- Scenario 3 - The sales tax is not extended prior to FY2028: continue service levels at 50 percent for FY 2029-2030. This scenario preserves reserves if a tax is extended in FY2030 and leaves funds for dissolution if the tax extension is not passed in FY2030.

**R2.** *By December 1, 2023, the SMART Board of Directors should direct staff to develop a written strategic marketing communications and public outreach plan and budget focused on educating voters in Marin County about the community benefits derived from the continued operation of the SMART rail system.*

- **Response:** *The SMART Board of Directors responded that this recommendation will be implemented.*

**UPDATE:** On August 16, 2023, the board directed staff to comply with this recommendation. Staff presented a public outreach plan to the board on October 18, 2023. The plan included reaching out to targeted audiences to present current metrics of performance and the public benefit of maintaining and growing the rail service. One common argument against the tax is that SMART does not produce sufficient revenue from the fare box (seven percent of needed operating revenue). It was noted that, with the exception of the Golden Gate Bridge District, seven percent is in line with other more mature transit systems (e.g., BART, Caltrain, etc.). In other words, it is rare for any public transit system to generate most of its operating revenue from fares. It is well recognized that other sources of funding are needed. SMART staff have committed to a \$301,800 investment in a formal marketing plan. SMART also plans to work hard to inform the public about the societal and environmental benefits of continuing service. According to SMART, ridership levels have increased following the COVID pandemic. In addition, the original economic projections were based on the completed system. There are currently four stations that have not yet come on line (projected for 2025). Staff is working to link these stations to potentially lucrative tourist activities in Windsor and the wine country. Staff are also currently pursuing partnerships to link rides from the SMART stations to Sonoma State and to the Larkspur Ferry terminal (so-called Smart-Connect Shuttle).

**R3.** *The SMART Board of Directors should consider hiring consultants to help evaluate the feasibility and timing of future tax measures.*

- **Response:** *The SMART Board of Directors responded that this recommendation will be implemented.*

**UPDATE:** On September 20, 2023 the board directed the staff to hire consultants to help plan for the successful passage of a tax extension. At that meeting a scope of work was presented which included the following:

- Public opinion polling
- Gap analysis (current vs. ideal)
- Development of a strategy for innovative collaboration with key stakeholders
- Development of a marketing and public outreach plan

SMART also acknowledges that increasing ridership will greatly improve the fare revenue. However, SMART must also maintain and improve reliability of service and first/last mile connections. Building confidence in the board and management are also high-priority activities that are underway. Management is trying out new ideas, including, but not limited to, lower fares for students and seniors, improved weekend connection to Larkspur Ferry, and expanded service to include late evening trains on Saturday and Sunday. In 2023 SMART

carried more than 100,000 bicycles. In July 2023, more than 60,000 SMART riders were not in their cars on the roads and freeways. SMART also provides jobs and business opportunities. Seventy-eight percent of SMART employees live in Marin or Sonoma counties, providing jobs and revenue for Marin County businesses. SMART's staff is currently working to update the 2024 five-year strategic plan. This update has been shaped in part by a public meeting where more than 50 residents participated in a video planning session. SMART also acknowledges that for SMART to succeed it is crucial that Marin and Sonoma county residents recognize the societal and quality of life benefits of traffic reduction on Highway 101, the positive environmental impact of fewer automobiles, the affordability of safe and reliable train transit, and the easy connections to recreational and tourist enterprises.

## 6. Dam and Reservoir Safety - Water May Save Us - Water May Drown Us (June 27, 2023)

### The Prior Grand Jury's Summary

*Atmospheric rivers are long regions in the atmosphere that carry vast amounts of water vapor that eventually fall in the form of very large rainstorms. Such pronounced weather events may replenish dwindling water levels in dams and reservoirs (collectively referred to as “dams”). In light of protracted droughts, this water may save us, however scientists worry that future deluges may bring these structures to the brink of failure and potentially major downstream floods. Thus, this water may drown us.*

*Scientists warn us that climate change is already causing increases in size and frequency of atmospheric rivers, which may contribute to dam and reservoir failures. From October 1, 2022, through March 31, 2023, there were over 30 atmospheric rivers across the West Coast. This number exceeded the average for this period, which is nine. Marin Municipal Water District (MMWD, now known as Marin Water) and North Marin Water District (NMWD) are the owners of the only eight dams in Marin requiring regulation by the California Division of Safety of Dams (DOSD). This report focused on the fact that the latest science on changing climate atmospheric weather events is not incorporated in these two districts' dam hazard mitigation plans.*

*The average age of dams in the U.S. is 50 years, yet the average age of dams in Marin County is 87 years, or 37 years older than the national average. In the event of dam failure, risks to life, property, and the economy increase because populations downstream have grown significantly since dams were built. The prior Grand Jury concluded that regulatory agency requirements for dam safety do not incorporate the latest scientific information on climate change. These agencies do not require specific approaches or methodologies to define dam safety assessment and risk mitigation plans to be employed by dam owners. Further, these agencies require that the dam owners be solely responsible for their dams' safety. Therefore, the prior Grand Jury recommended that the two Marin water districts strategic plans should include new, state-of-the-art hazard mitigation strategies. Additionally, access to dam failure inundation maps (maps showing areas likely to flood), and Federal Emergency Management Agency (FEMA) information regarding flood insurance (the only flood insurance available in the United States) must be easily accessible by the public.*

### Prior Grand Jury Recommendations, Agency Responses and Current Grand Jury Update

**RI.** *By March 15, 2024, MMWD and NMWD should establish a Climate Change and atmospheric rivers working group to consider, and begin to develop, new hazard mitigation actions. These should be based on the current scientific projections regarding atmospheric rivers and other extreme precipitation events.*

- **MMWD Response:** *MMWD responded that this recommendation needs further analysis. The benefit of forming such a working group as compared to participation in existing groups engaged in the same issues is unclear. MMWD expects to evaluate this recommendation within the next six months.*
- **NMWD Response:** *NMWD responded that this recommendation will be implemented.*

**MMWD UPDATE:** MMWD analyzed this issue further, but decided that it would be more appropriate and efficient to join an existing group than to create their own group with just NMWD. As a result, MMWD joined the Center for Western Weather and Water Extremes (CW3E), along with the County and NMWD. CW3E is part of UC San Diego Scripps Institution of Oceanography. CW3E is an elite research group working on atmospheric rivers and climate change.

**NMWD Update:** In conjunction with MMWD, NMWD also joined the Center for Western Weather and Water Extremes (CW3E). NMWD is also part of the Water Affiliates Group (WAG). This group specifically researches short-term forecasting of atmospheric rivers. In addition, this group has knowledge that relates to management of reservoirs. NMWD has also had a long-standing relationship with the County Flood District, going back to 1985, when Stafford Dam was modified (the dam was raised). Stafford Dam’s spillway also has a flood control design. In addition, NMWD is a member of the Association of State Dam Safety Officials (ASDSO). ASDSO is a national group which is open to dam owners and dam engineering consultants. NMWD also subscribes to Stanford Woods Institute for Environment Research Group, a group that sponsors conferences and webinars about climate change. In addition, NMWD has several FEMA documents that NMWD refers to for safety program information.

**R2.** *By December 31, 2023, the two water districts should begin work to expand their respective hazard mitigation plans, which should include a new section dedicated to climate change, and a discussion of atmospheric rivers and their accelerating potential threats to dam and reservoir safety.*

- **MMWD Response:** *MMWD responded that this recommendation will be implemented.*
- **NMWD Response:** *NMWD responded that this recommendation will be implemented.*

**MMWD Update:** MMWD has a hazard mitigation plan that covers hazards, including dam failure, drought, earthquakes, severe weather, wildfires, climate change, and major flooding. MMWD is currently updating its hazard mitigation plan. The updated plan will include the latest information on atmospheric rivers and their potential threat to dam safety. The current Grand Jury received a copy of the MMWD 2022 Hazard Mitigation Plan (HMP). This plan does not include a section dedicated to atmospheric rivers. The 2022 HMP includes the following statement about dam safety related to climate change:

*Dams are constructed with safety features known as “spillways.” Spillways are put in place on dams as a safety measure in the event of the reservoir filling too quickly. Spillway overflow events, often referred to as “design failures,” result in increased discharges downstream and increased flooding potential. Although climate change will not increase the probability of catastrophic dam failure, it may increase the probability of design failures.<sup>4</sup>*

MMWD is also developing plans for a spillway study for each of its dams. A request for proposal was developed and staff is going to select a contractor to perform this study within the next two years. In addition, the Department of Water Resources Division of Safety of

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<sup>4</sup> *Marin Municipal Water District Hazard Mitigation Plan*, March 2022, page 15-11, [https://www.marinwater.org/sites/default/files/2022-04/2022-03-23\\_MMWD\\_Hazard\\_Mitigation\\_Plan\\_Final.pdf](https://www.marinwater.org/sites/default/files/2022-04/2022-03-23_MMWD_Hazard_Mitigation_Plan_Final.pdf), (accessed 3/4/24).

Dams inspects all of MMWD’s dams each year. Each of the MMWD dams was “judged safe for continued use” as of the latest inspections in 2023.<sup>5</sup>

**NMWD Update:** NMWD has been in partnership with the County's Multi-jurisdictional Hazard Mitigation Plan since 2017. This plan is in the process of being updated for 2024. NMWD’s appendix to that global plan has been totally revamped. NMWD has been working on this plan since 2022, and is currently waiting for its approval from FEMA, through Cal OES, (a state agency that works with FEMA). Once the plan has been approved, NMWD’s chief engineer will take it to the NMWD board, hopefully in March or April 2024. If it is fully adopted, there will be an NMWD chapter in that document.

**R3.** *By January 1, 2026, the water districts (at the time of their next dam inspections, and when their hazard mitigation plans are revised) should provide the public with new information about the updated plans. This information needs to ensure that they effectively consider flood risks in light of the new science, thus ensuring that the public is aware of this.*

- **MMWD Response:** *MMWD responded that this recommendation will be implemented.*
- **NMWD Response:** *NMWD responded that this recommendation will be implemented.*

**MMWD Update:** The district will present the new HMP to the board in a public meeting. If additional monitoring equipment is installed in the future to measure the effects of atmospheric river events, these data summaries will be sent to the DSOD. MMWD contends that atmospheric rivers, by definition, are not a threat to dams, but they could be a threat to the spillways. To assess this threat to MMWD’s spillways, the district is planning the spillway study, mentioned above with respect to R2.

**NMWD Update:** Shortly after the prior Grand Jury report was published, NMWD revamped its website to include a dedicated page specific to Stafford Lake and Dam.<sup>6</sup> This webpage includes a Stafford Dam facts sheet with history, physical characteristics, and the engineering that NMWD has been performing. On the webpage, there is a link to the National Flood Insurance Program and QR codes to get more information. The webpage also includes a copy of the flood inundation map to see what would happen if the dam were to fail. The website is modeled after the US Army Corps of Engineers and NMWD is keeping it up to date.

**R4.** *By September 30, 2023, both water districts should update their websites to include links to the inundation and FEMA maps. They should also provide links to the National Flood Insurance Program.*

- **MMWD Response:** *MMWD responded that this recommendation has been implemented.*
- **NMWD Response:** *NMWD responded that this recommendation has been implemented.*

**MMWD Update:** MMWD provides links to inundation maps and to FEMA flood insurance rate maps on its Dam Safety program portal.<sup>7</sup>

**NMWD Update:** NMWD has always had inundation mapping on its website going back to

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<sup>5</sup> DSOD 2023 dam inspection reports

<sup>6</sup> Stafford Lake and Dam - North Marin Water District (nmwd.com) <https://nmwd.com/your-water/stafford-dam/>, (accessed 3/4/24).

<sup>7</sup> Dam Safety Program | Marin Water, <https://www.marinwater.org/damsafetyprogram>, (accessed 3/4/24).

2021, when the state approved that mapping.<sup>8</sup> The FEMA flood map link was added to NMWD's website sometime around the date that NMWD's response to this report was due to the prior Grand Jury.<sup>9</sup>

**R5.** *By December 31, 2023, dam owners should provide the public with easily accessible information on flood risks, as FEMA and National Flood Insurance may not have entirely incorporated the most recent dam inundation maps.*

- **MMWD Response:** MMWD responded that this recommendation has been implemented.
- **NMWD Response:** NMWD responded that this recommendation will be implemented.

**MMWD Update:** MMWD provides links to inundation maps and FEMA flood insurance rate maps on its Dam Safety program portal. (See footnote 7.)

**NMWD Update:** NMWD has always had inundation mapping on its website going back to 2021, when the state approved that mapping. The FEMA flood map link was added to NMWD's website sometime around the date that NMWD's response to this report was due to the prior Grand Jury. (See footnote 6.)

**R6.** *By December 2023, both water districts should begin to explore collaborations with scientific institutions to learn from, expand their toolkit of mitigation strategies, and thus augment the safety of their dams in light of growing risks posed by atmospheric rivers.*

- **MMWD Response:** MMWD responded that this recommendation will be implemented.
- **NMWD Response:** NMWD responded that this recommendation will be implemented.

**MMWD Update:** As stated in the update to R1, above, MMWD joined the Center for Western Weather and Water Extremes (CW3E). In addition, MMWD is in the process of completing its dam spillway study, which will reveal the condition of the spillways. Finally, MMWD currently participates in webinars and email updates from the California-Nevada Drought Early Warning System.

**NMWD Update:** As stated in the update to R1, above, NMWD joined the Center for Western Weather and Water Extremes (CW3E). The safety and benefits of Stafford Dam are of primary importance to NMWD. Therefore, understanding the short-term and long-term impacts, as well as the benefits from atmospheric rivers, is the key reason for NMWD's partnership with CW3E. CW3E, in partnerships with the National Weather Service, NOAA, Army Corps of Engineers, and others, is the top research institute regarding atmospheric rivers.

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<sup>8</sup> This webpage can be accessed via NMWD's Stafford Lake and Dam webpage - See Footnote 6.

<sup>9</sup> This webpage can be accessed via NMWD's Stafford Lake and Dam webpage - See Footnote 6.



## FINDINGS

- F1.** Regarding the prior Grand Jury's report entitled *Justice Delayed Is Justice Denied — Marin District Attorney's Office in Crisis*, the current Grand Jury finds that the District Attorney's Office has not implemented Recommendation No. 7, although the District Attorney's Office originally responded that this recommendation would be implemented. Quarterly reports to the Board of Supervisors on the current caseloads are not being submitted and the public is therefore unable to assess whether progress is being made toward clearing the backlog of cases.
- F2.** Regarding the prior Grand Jury's report entitled *The Coming Wave of Older Adults — Is Marin Prepared?*, the current Grand Jury finds that the County and the Commission on Aging are in stark disagreement about implementation of all of the prior Grand Jury recommendations, including the future status of Aging and Adult Services.

## RECOMMENDATIONS

- R1.** By September 30, 2024, The District Attorney's Office should start providing the requested quarterly update and statistical report regarding its progress in reducing the backlog of criminal cases to the Board of Supervisors and the County Executive's Office.
- R2.** By September 30, 2024, the Health and Human Services Department should commence open, public discussions with the Commission on Aging regarding the future status of the Office of Adult and Aging Services and the funding of adult programs, including the cost analysis and rationale for not elevating the Office of Adult and Aging Services to a division-level department within the Health and Human Services Department.

## REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the current Grand Jury requires responses from the following governing bodies:

From the following elected county official within 60 days:

- Marin County District Attorney (F1, R1)

From the following governing body within 90 days:

- Marin County Board of Supervisors (F1-F2, R1-R2)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

## INVITED RESPONSES

Pursuant to Penal code section 933.05, the current Grand Jury invites responses to its Findings and Recommendations as follows:

- Director of Health and Human Services (F2, R2)
- Marin County Commission on Aging (F2, R2)

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.