

Spending Public Money to Preserve Marin's Agricultural Heritage: Is Anyone Watching?

June 10, 2024

SUMMARY

Marin County (Marin) is a place known for its wonderful mixture of suburban and rural landscapes. It is a short distance from any location in Marin to a place where one can find oneself in an undeveloped, natural setting. It is not far to the ocean, or to a redwood grove, or to a beautiful expanse of rolling farmland. Marin is also a place with a longstanding relationship with agriculture. Centuries-old farms and ranches make up a good part of its undeveloped scenic beauty.

With the establishment of the Marin Agricultural Land Trust (MALT) in the 1980s, the County of Marin (the County) gained a partner in its continued commitment to preserve Marin's natural beauty and agricultural heritage (the County Goals). To advance these County Goals, public monies have been allocated to help farming and ranching families continue to use their properties for agricultural purposes, rather than development. Tens of millions of dollars of public money have been dedicated over the years to this use in the form of grants, tax breaks, and the creation of easements by which the owners of the agricultural land are paid to completely give up all rights to develop their property into anything other than an agricultural operation.

Over the years, the vast majority of these public monies have been received by a relatively small group of families who have been the owners of agricultural land in West Marin. Many of these families have also been, and are, members of the various governmental and non-governmental entities which provided, and still provide the funds and oversee the process of protecting the County Goals. The ties between land ownership and funds-granting agencies have caused many Marin residents to question the methods by which these public monies are allocated and the adequacy of the measures the County is taking to ensure that the County Goals are being advanced and protected throughout the process.

This Grand Jury has examined how the County chooses to attain its preservation goals through the expenditure of public funds. The Grand Jury has investigated how the County is overseeing activities on land that has received public money to ensure that the County Goals are being benefited and furthered by the expenditure of these public funds.

In its investigation, the Grand Jury has not found any evidence of fraud or illegal activity. However, the manner of distribution of these public funds (and to whom) has created a public perception of self-dealing by those involved in the process of granting the funds. The Grand Jury found that the County has for all practical purposes outsourced the oversight of the properties receiving these monies to MALT, a private, non-governmental organization. Further, the County

is doing little to oversee MALT's activities. This report makes recommendations to address the concerns of the public over perceived conflicts of interest and ways in which the County can ensure the County Goals are being achieved and protected.¹ This report also recommends ways in which the County can exercise meaningful oversight over the expenditures of public money and reasonably act to lessen the likelihood of actual or perceived conflicts of interest or the improper use of taxpayer money.

BACKGROUND

Introduced in 2012, Measure A was a countywide, ten-year, one-quarter cent sales tax aimed at providing essential funding for parks, open space, and agriculture in Marin. Since its enactment, Measure A has generated over \$128.5 million in tax revenues. In June, 2022, Marin residents voted to renew Measure A for nine more years. In the first fiscal year since its renewal, Measure A generated an additional \$14.2 million in tax revenues.² Funding for the preservation and enhancement of agricultural lands was and continues to be made pursuant to Measure A's Farmland Preservation Program (Farmland Preservation).³

Between 2014 and April, 2024, \$22.7 million of public money was approved for Farmland Preservation investment as matching grants in privately held lands in Marin through a single private entity, MALT.⁴ These funds have been used exclusively to purchase Agricultural Conservation Easements (Agricultural Easements).⁵ Since the current Measure A is in effect until 2031, the County will continue to make additional disbursements into the future. Despite the existence of the Measure A Community Oversight Committee (Oversight Committee), the County exercises little *actual* oversight of the overall process through which these monies are allocated or how the interests of the County are protected post-allocation.

¹ See Appendix C for a list of published articles.

² See Appendix A.

³ Since 2022 known as the Sustainable Agriculture Program. In this report the term "Farmland Preservation" will be used in referring to the program.

⁴ See Appendix B. As of the writing of this Report, Measure A Subrecipient Audits by the Marin County Department of Finance show that \$16.7 million of the \$22.7 million has already been distributed to MALT.

⁵ Marin County Parks website, *About Us*, <https://www.parks.marincounty.org/about-us/measure-a>, (accessed 4/29/24).

Agricultural Land Trusts and Agricultural Easements

An agricultural land trust is a nonprofit, charitable organization that actively works to permanently conserve land. These trusts can take different forms, but their primary goal is to protect farmland from development into housing or other non-agricultural purposes and ensure its availability for future generations. They are usually tax exempt organizations, organized under IRS Code Section 501(c)(3) or 501(c)(2).⁶

Land trusts can be used for preserving space for agricultural uses. Farmers or ranchers may enter into agreements with a land trust to ensure their lands remain operational farmland. By entering into these agreements, farmers and ranchers relinquish their rights to develop the land while still maintaining ownership of the land. This agreement is generally called an Agricultural Easement.

An Agricultural Easement is a voluntary, legally recorded deed restriction placed on specific property, solely used for agricultural production. An Agricultural Easement is the primary tool used by agricultural land trusts to protect farmland. The land trust (or the government agency) is the holder of the deed. The easement may be donated by the landowner, purchased by the easement holder, or some combination of the two. Agricultural Easements in West Marin have been primarily purchased with a combination of public and private funding. Agricultural Easements are in place in perpetuity, regardless of who owns the land.⁷ Each Agricultural Easement is negotiated between the landowner, the easement holder, and any funding sources. Typically, in Marin, the easement holder will conduct an annual visit to the property to verify that the uses of the property are consistent with the terms of the individual easement.

Conservation Districts

The Marin Resource and Conservation District (Conservation District), discussed below, also received Farmland Preservation funds during the initial years after Measure A's enactment. Funding for this period totaled a little more than \$1.2 million.⁸ For the first ten years that Measure A has been in effect (2012-2022), these funds could only be used to enhance the agricultural and natural resource values on properties protected with an Agricultural Easement.⁹ With the renewal of Measure A in 2022, the Conservation District started to receive twenty percent of Farmland Preservation funds. However, the requirement of spending all of these funds on Agricultural Easement-protected properties was removed. The Conservation District now allocates some of these Measure A funds to ranchers and farmers for on-farm and conservation programs (stewardship).

⁶ Natural Agriculture Law Center, *Legal Issues with Land Trusts: What is a Land Trust?*, <https://nationalaglawcenter.org/legal-issues-with-land-trusts-what-is-a-land-trust>, (accessed 4/28/24).

⁷ California Department of Conservation, *Agricultural Conservation Easements*, https://www.conservation.ca.gov/dlrp/grant-programs/Pages/ACE_Overview.aspx, (accessed 4/29/24).

⁸ Marin County Parks website, *About Us* tab, see Annual Reports and Compliance Audits links at bottom of the page, <https://www.parks.marincounty.org/about-us/measure-a>, (accessed 4/17/24).

⁹ Marin County Parks website, *Ordinance 3586*, https://www.parks.marincounty.org/-/media/files/sites/marin-county-parks/about-us/measure-a/measurea_ordinanceno3586.pdf?la=en, (accessed 4/29/24).

Recipients of Measure A Funds

Agricultural activities in Marin are conducted, for the most part, by members of a small group of farmer/rancher families, many of whom have been engaged in agriculture in Marin for more than a century. Members of these same families also have served, and currently serve, on the boards of MALT and the Conservation District.¹⁰ As a result, the same people or members of the same families have been in roles that approve, oversee, *and* receive money, which include a sizable amount of public funds. This has resulted in a public perception of actual or apparent conflicts of interests.¹¹

How Measure A Funds Flow to Landowners and Their Projects

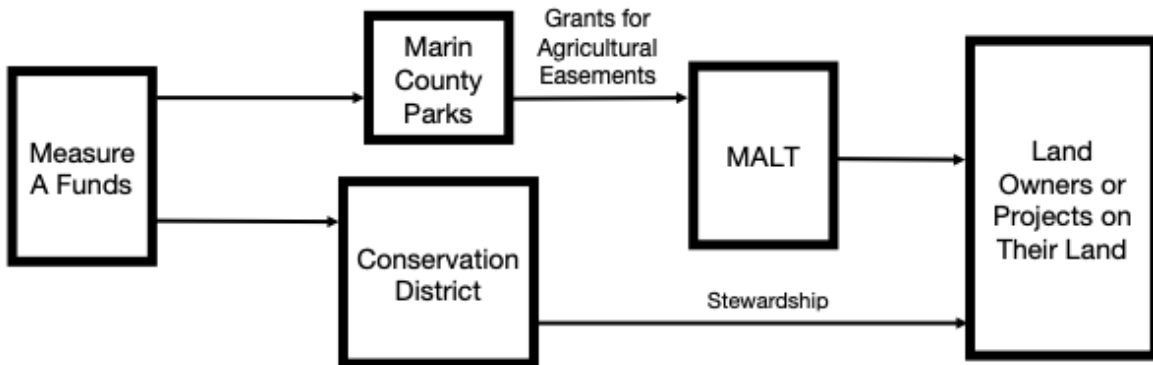


Diagram produced by the Grand Jury showing the flow of Measure A funds through Marin entities, based on the Measure A ordinances.

¹⁰ For the purposes of this report, the Grand Jury has used the terms “families” and “closely related” to mean people in the same immediate family including parents, children, siblings, grandchildren and the spouses of any such individuals.

¹¹ See Appendices C and D.

APPROACH

In an effort to determine if the Conservation District and the Oversight Committee are effectively advancing the County's Goals in the expenditure of Measure A funds, the Grand Jury began an investigation into the methods being used by the County to:

- make initial grants for the acquisition of Agricultural Easements;
- oversee the continuing obligations of the landowners subject to the Agricultural Easements;
- establish that the Oversight Committee was actually performing oversight functions in relation to the spending of Measure A public funds; and
- determine how to best avoid any potential or real conflict of interest claims with regard to the spending of Measure A funds.

The Grand Jury conducted detailed interviews of County officials, County employees, board members, staff, and members of the public with specific knowledge regarding the issues presented in this report.

In addition, the Grand Jury reviewed many relevant documents, including the following:

- Official County documents
- Newspaper articles
- Video recordings and emails
- Secondary source documents
- Follow-up documents supplied by interviewees at the request of the Grand Jury
- Dozens of documents and online links related to the Conservation District, including the Minutes of the Conservation District from 2012-2023
- Spreadsheets detailing expenditures of Measure A funds, and different conservation projects initiated and completed from 2012-2023
- Correspondence between members of Marin County Parks (Marin Parks) and the Oversight Committee members
- Agricultural Easement grant deeds
- Property tax records of ranches and farms which received Agricultural Easements both prior to and as a part of Measure A matching grants
- February 4, 2023 complaint to the Fair Political Practices Commission regarding alleged violations of the Political Reform Act and Government Code section 1090 by the Conservation District and related documents, including the Conservation District's response

The Grand Jury also listened to the audio recordings of the Oversight Committee's public meetings from May 2014 to February 2024.

The Grand Jury concluded its investigation on April 23, 2024.

DISCUSSION

Measure A

Pursuant to County Ordinance No. 3586, which was enacted in 2012, revenues generated from Measure A taxes were allocated to three distinct programs overseen and administered by Marin Parks:¹²

- 65 percent for the Parks and Open Space Program
- 20 percent for the Farmland Preservation Program
- 15 percent for City, Town, and Applicable Special District Programs

When Measure A was renewed in 2022, these percentages did not change. However, Farmland Preservation was renamed the Sustainable Agriculture Program. Pursuant to County Ordinance No. 3760, ten percent of all revenues generated annually by Measure A have been made available to support the funding of Agricultural Easements.¹³ Appendix E details a comparison of Measure A allocations between 2012 and 2022 ordinances.

Measure A Grant Applications For Agricultural Easements

Qualified nonprofit organizations seeking to obtain public funds to advance the County Goals must submit a grant application. There are a number of items required to be included in each grant application, many of which speak to the continued use of the property for agricultural purposes. Currently the grant applicant must provide:

- A description of present and potential agricultural use of the property given its soils, topography, water resources, size, and other factors
- A presentation of any evidence that the land proposed for protection is likely to be converted to non-agricultural use in the foreseeable future
- A statement setting out the agricultural capacity and intended future use of the property
- A description of the fiscal and technical capacity of the grant applicant to carry out the proposed project
- A presentation of an Easement Monitoring and Reporting Plan¹⁴

Further, all Agricultural Easements obtained in whole, or in part, with Measure A funds are required to include a provision specifying continued productive agricultural uses on the property and annual reporting obligations on the part of the owner of the property.

Interviews, together with a review of the current Farmland Preservation grant application process, confirm the following: There is no requirement to include a specific and detailed report

¹² Marin County Parks website, *Ordinance 3586*, https://www.parks.marincounty.org/-/media/files/sites/marin-county-parks/about-us/measure-a/measurea_ordinanceno3586.pdf?la=en, (accessed 4/29/24).

¹³ Marin County Parks website, *Ordinance 3760*, https://www.parks.marincounty.org/-/media/files/sites/marin-county-parks/about-us/measure-a/ordinance_no_3760.pdf?la=en, (accessed 4/29/24).

¹⁴ Marin County Parks website, *Measure A Farmland Preservation Program Grant Application*, https://www.parks.marincounty.org/-/media/files/sites/marin-county-parks/about-us/farmland-preservation-grants/2020_06_22_farmlandpreservationprogram_grantapplication.pdf?la=en, (accessed 4/29/24).

on the agricultural economic viability of the property. Also, neither Marin Parks nor the Oversight Committee regularly review or consider the continued economic viability of the properties subject to Agricultural Easements that have used public funds. Further, the County has not standardized the definition of “economically viable operation”. No County agency critically monitors the reports required of the property owner by the terms of the Agricultural Easement. The private entities applying for grants of Measure A funds are not required to provide copies of minutes, recordings and other documents which relate to the selection of the property that will be the subject of the Agricultural Easement. The County does not currently receive information from non-public sources about how properties are selected for Farmland Preservation grants. The following diagram describes the grant application process for obtaining Measure A funding for an Agricultural Easement:

Agricultural Easement Grant Application Process

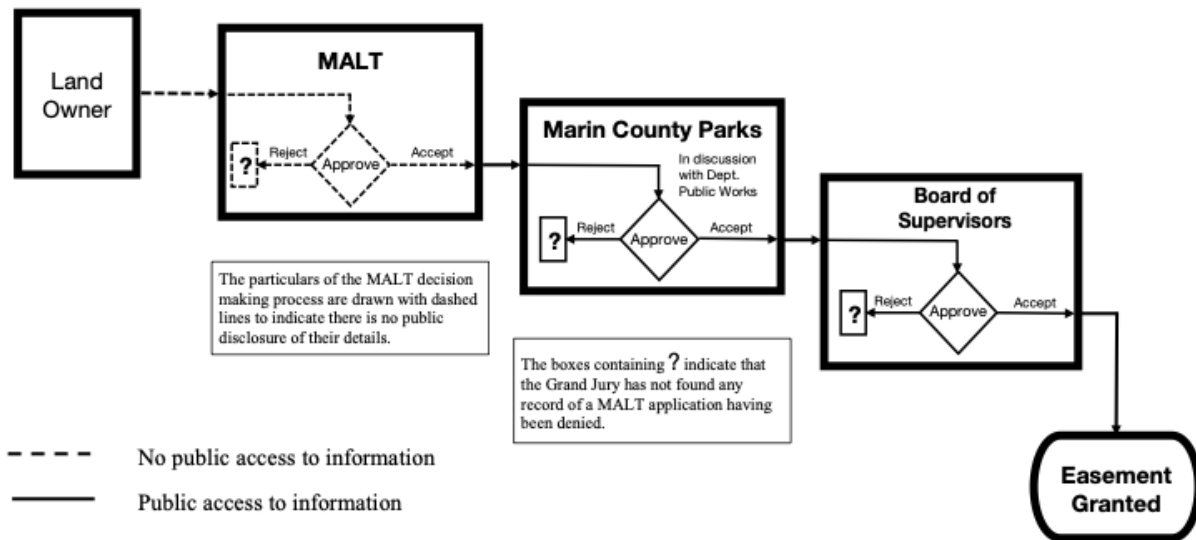


Diagram created by the Grand Jury from information received from interviews, County websites, and from public documents, in order to illustrate the Farmland Preservation grant application process

Measure A Community Oversight Committee

Pursuant to the original Measure A Ordinance, the Oversight Committee was established by the County Board of Supervisors (Board of Supervisors) on March 26, 2013.¹⁵ The Oversight Committee held its first public meeting on May 29, 2014.

As set forth in its bylaws, the ongoing purposes of the Oversight Committee are to:

- Review expenditures of Measure A funds on an annual basis to ensure they conform with the Measure A Expenditure Plan
- Oversee an annual audit
- Prepare an annual report describing how funds were spent

These tasks are completed in partnership with Marin Parks staff, independent auditors, and the County Department of Finance.

People interviewed for this investigation have stated that the members of the Oversight Committee offer little more than a rubber stamping of decisions suggested by Marin Parks staff. The Oversight Committee members only review actions that have already been taken. They verify that public funds shown to have been spent by the annual audits they oversee, in fact, have been spent as indicated. Notwithstanding its name, it appears that the Oversight Committee does not provide any real oversight of the expenditure of Measure A public funds. The members do not verify that the funded projects are free from conflicts of interest or that the projects are the most suitable of all projects proposed. They do not confirm the continued viability of the agricultural operations being conducted on the subject property. They do not critically review the grant applications. In fact, at least one prior Oversight Committee board member believes their membership was terminated when they expressed interest in a more thorough examination of project proposals.¹⁶

Interviewees also stated that no one on behalf of the County currently performs any of the following functions:

- Review of the actual Agricultural Easement grant applications regarding the following:
 - potential conflicts of interest
 - the economic viability of the proposed management plan
 - the accuracy of the appraisal value of the easement being granted
- Obtain and review a complete copy of the annual reports required to be submitted by the landowner to the easement holder by the terms of the Agricultural Easement
- Obtain and review a complete copy of the annual monitoring report required from easement holders by the terms of the Agricultural Easement to ensure the economic

¹⁵ Marin County Public Access Viewer, *Links to Measure A Oversight Committee Bylaws*, https://pav.marincounty.org/PublicAccessBC/result.html?COID=236&OBKey_832_1=97, (accessed 4/29/24).

¹⁶ Richard Halstead, "Spurned Marin Commissioner Protests Decision Not to Reappoint Her," *Marin IJ*, October 21, 2022, <https://www.marinij.com/2022/10/21/spurned-marin-commissioner-protests-decision-not-to-reappoint-her>, (accessed 4/29/24).

viability of the farming operation and to verify the continued viability of the farm operation on the property

- Obtain and review the report of the Oversight Committee's findings prior to the Board of Supervisors' decision on the grant application

As a result, neither the Oversight Committee, nor any other entity on behalf of the County, is providing any effective oversight regarding activities meant to further the County Goals for which they are receiving Measure A funds.

Marin Agriculture Land Trust and Measure A Funds

Since its founding in 1980, MALT has pioneered the use of Agricultural Easements in the preservation of farm and ranchlands in Marin.¹⁷ In May, 1983, MALT and the County entered into a cooperative agreement to preserve Marin's agricultural land.¹⁸ Since then, MALT has placed 95 Agricultural Easements on ranches and dairies in West Marin. Over 57,000 acres of Marin land are now subject to these easements, and MALT has paid over \$100 million to the owners of these properties for these easements.¹⁹ In this way, the County Goals are being advanced by the activities of MALT. As a result, the County has been a consistent supporter of MALT's conservation efforts through the use of Agricultural Easements.

County support for farmland preservation extends back to 1988, when the Board of Supervisors passed Resolution 88-298, allocating \$15 million of grants directly to MALT for the acquisition of Agricultural Easements.²⁰ These grants were made from 1989 through 2000 and used funding provided to the County by the California Wildlife and Park Land Conservation Act (Prop. 70).²¹ Over half a dozen of these grants were made through MALT to families who later received Agricultural Easements with Measure A funding. Additional Board of Supervisor discretionary grants, averaging less than \$40,000, were made directly to MALT between 1993 and 2014. These grants by the Board of Supervisors totaled over \$900,000.²²

As a result, by 2014 Prop 70 funding had been exhausted and the annual Board of Supervisor grants to MALT were relatively small. However, Measure A matching grant funding extended the County's longstanding support of farmland preservation. Including Measure A funds, the

¹⁷ Public Records Request document, *1980 Marin County Board of Supervisors Resolution 80-148 Recognizing MALT*, <https://rebrand.ly/1980BOSResolutionRecognizingMALT>, (accessed 4/29/24).

¹⁸ Public Records Request document, *3rd Amendment to the Marin County Open Space District-MALT Cooperative Agreement*, <https://rebrand.ly/MCOSA-MALTAgreement>, (accessed 4/29/24).

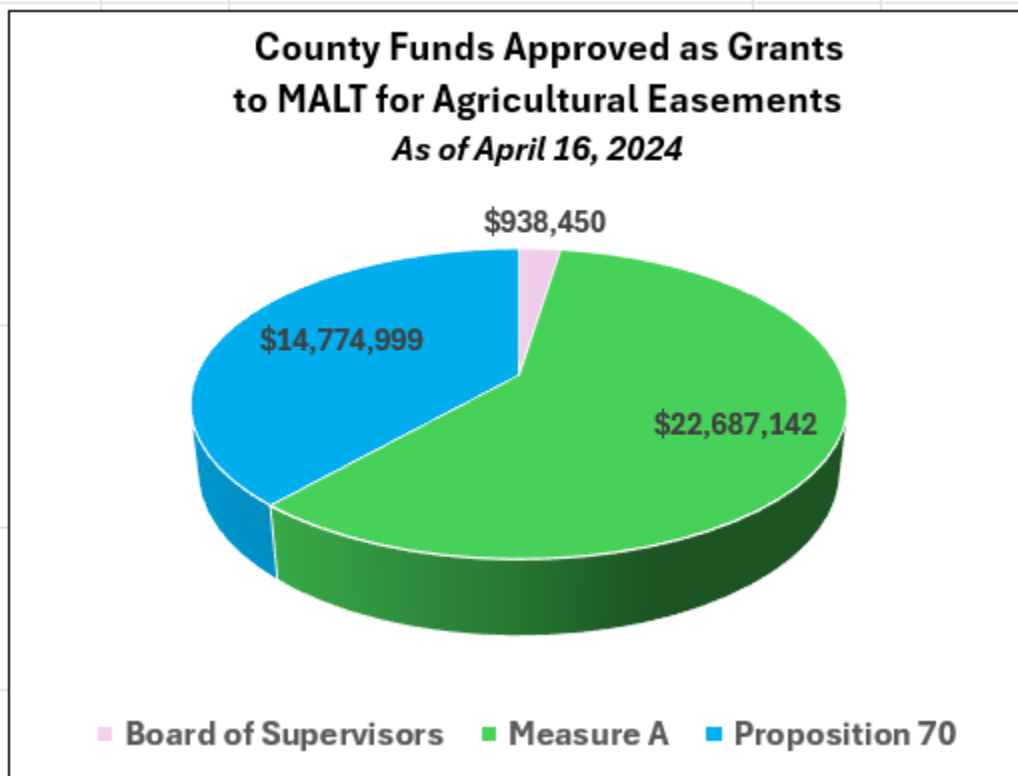
¹⁹ Marin Agriculture Land Trust website, *What We Do, Where We Work*, <https://malt.org/where-we-work>, (accessed 4/29/24).

²⁰ Public Records Request document, *1988 Marin County Board of Supervisors Resolution 88-288 Adopting an Agricultural Easement Program*, <https://rebrand.ly/1988BOSResolutionFundingEasements>, (accessed 4/29/24).

²¹ See Appendix F.

²² See Appendix F.

County has provided over \$38.4 Million to MALT for Agricultural Easements over a thirty-five year period.²³



Sources: Link to Public Access Viewer for Board of Supervisors Meetings (Appendix F); Measure A - Marin County Parks (<https://www.parks.marincounty.org/about-us/measure-a>)

Measure A Funds and Mandatory Agricultural Use

In 2011, MALT began including stronger, more restrictive agricultural usage language in the Agricultural Easements being placed on agricultural lands. This mandatory agricultural use language stipulates that the land must continue to be used for commercial agriculture purposes forever, regardless of any change in ownership.

After 2011, MALT began working with landowners who had been granted Agricultural Easements prior to 2010 to add an amendment to the original Agricultural Easement grant incorporating the mandatory agricultural use language. Landowners were paid for this change. The use of this restrictive language in the Agricultural Easement grant deeds protects the County Goals against landowners who might not need the land to turn a profit and therefore choose to farm it only lightly, contrary to its historical use.²⁴

²³ Grand Jury work paper detailing the County of Marin Funding to MALT for Agriculture Conservation Easements, <https://rebrand.ly/MarinFundingToMALTforEasements>, (accessed 4/29/24).

²⁴ Marin Agricultural Land Trust website, News & Issues, Press Releases, *Farming Future of Two Marin Ranches Secured by Innovative Land Use Agreement*, p. 4, https://malt.org/press_releases/farming-future-of-two-marin-ranches-secured-by-innovative-land-use-agreement, (accessed 4/29/24).

The Conservation District's Disbursement of Measure A Funds

In 1938, California generated legislation authorizing the formation of soil conservation districts. Division 9 of the CA Public Resources Code gives Resource Conservation Districts authority to oversee and manage countywide or regional natural resource conservation projects on both public and private lands. Special districts are established under the authority of a state's statutes. Marin's Conservation District was established on May 20, 1959.

The Conservation District board is currently composed of five people. The Conservation District's website states that there are two ranchers on the Conservation District board, one environmentalist, one organic vegetable grower, and one oyster grower.²⁵ Pursuant to CA Public Resources Code §9301, the Conservation District Board "shall consist of five, seven, or nine directors. The number of directors may be changed by resolution adopted by a majority of the members of the board of directors ..."²⁶

From Fiscal Year periods 2013-2014 through 2022-2023, the Conservation District received nearly \$1.6 million in Measure A funding and spent over \$936,000 enhancing the watersheds and farmlands of the Conservation District.²⁷ Many of these Conservation District projects were partially funded with matching grants from MALT.²⁸ Since the passage of the new Measure A in 2022, the Conservation District is no longer restricted to spending these funds on lands with Agricultural Easements.

Audits of Subrecipients of Measure A Funds

In order to ensure that Measure A expenditures conform to the Expenditure Plan contained within Ordinance No. 3760, the Oversight Committee engages the County Department of Finance Internal Audit division (Department of Finance) each fiscal year to conduct an annual compliance audit over disbursement of Measure A funds as grants. The overall objective of the audit is to verify that the subrecipients of Measure A funds are in compliance with their corresponding grant agreements with the County. Subrecipients, as used in this report, means a non-county public or private agency receiving Measure A Funds. These subrecipient audits are intended, in part, to verify that the Measure A funds are used in accordance with the requirements of the relevant Measure A Expenditure Plan. Audits are performed on a selected number of subrecipients each year.²⁹

²⁵ Marin Resource Conservation District website, About the RCD, *Frequently Asked Questions About the Marin RCD*, <https://www.marinrcd.org/programs/home2/faqs>, (accessed 4/29/24).

²⁶ California Department of Conservation website, 2015 California Public Resource Code Division 9, p. 19, <https://www.conservation.ca.gov/dlrp/RCD/Documents/DIVISION%209.pdf>, (accessed 4/29/24).

²⁷ Marin County Parks website, *About Us* tab, see Annual Reports and Compliance Audits links at bottom of the page, <https://www.parks.marincounty.org/about-us/measure-a>, (accessed 4/17/24).

²⁸ Grand Jury work paper detailing the Marin Resource Conservation District Measure A Project List Work Plans and Expenditures, <https://rebrand.ly/MeasureAProjectWorkPlansandExpenditures>, (accessed 4/29/24).

²⁹ Marin County Parks website, *About Us*, see Annual Reports and Compliance Audits links at bottom of the page, <https://www.parks.marincounty.org/about-us/measure-a>, (accessed 4/29/24).

A review of those audits showed that in most, but not all, of the years in which the Conservation District and MALT received Measure A funds, they were each subsequently audited by the Department of Finance. MALT has been the single largest subrecipient of Measure A funds in all fiscal years in which it received funds since Measure A funding started. Further, a review of subrecipient audits of Measure A funds by the Grand Jury showed that the Conservation District was the largest public agency recipient of Measure A farmland funds in eight out of the ten fiscal years between 2012-2023.³⁰

Committee and Board Membership in General

As most of the Conservation District board members are actively engaged in agriculture, their ability to attend regular board meetings may be hampered by the demands on their time by their primary focus: farming and ranching. This, coupled with the fact that they should be recusing themselves from participating in decisions concerning projects on their, or their family's property, means that it may be difficult to obtain a quorum for board decisions.

Interviews confirmed that there is no active County effort to consider or control conflicts of interest, perceived conflicts of interest, or recusals of Conservation District board members or Committee members in the decisions of either the Conservation District or the Oversight Committee. The grants are distributed amongst a relatively small population of West Marin farmers, many of whom are related, and many of whom are, or have been, on the board of directors of MALT and the Conservation District.

A review of the Conservation District minutes confirms that the Conservation District board members have inconsistently applied the recusal process. In at least two cases, members participated in the final vote to fund projects on which they had previously abstained from voting.³¹ These situations have led to a public perception that County (public) funds are being allocated in a less than transparent way and may be subject to conflicts of interest.³²

³⁰ Grand Jury work paper, *Subrecipient Auditing of Measure A Funds Received by MALT and the Resource District*, <https://rebrand.ly/SubrecipientAuditingOfMeasureAMALTFunds>, (accessed 4/29/24).

³¹ Grand Jury work paper, *Resource District Board Abstention Summary*, <https://rebrand.ly/ResourceDistrictBoardAbstentionSummary>, (accessed 4/29/24).

³² While technically not illegal, such activities exacerbate the public perception of conflict of interest.

Conclusion

For more than ten years, Measure A tax revenues have provided significant funding to help protect and enhance Marin's parks, open spaces, and farmlands. This funding, in turn, has helped to ensure that Marin remains such a unique place to live, work, and enjoy its natural beauty. However, with regard to Farmland Preservation (now called Sustainable Agriculture), there is a public perception of self-dealing and conflicts of interest. Based on the foregoing, the Grand Jury makes the following findings and recommendations.

FINDINGS

- F1.** Due to a lack of transparency concerning the details of the disbursement of Measure A funds, there is a public perception that there may be conflicts of interest in the way that the funds are being allocated.
- F2.** The County of Marin has a stated and long-held interest in assuring that viable agricultural business activities exist, and continue to exist, on properties which are subject to Agricultural Conservation Easements obtained using Measure A funds.
- F3.** The Measure A Community Oversight Committee, established as part of the Measure A ballot initiative, is limited in its ability to conduct a thorough oversight of Measure A recipients.
- F4.** The County of Marin currently does not independently verify the accuracy of appraisals submitted with Farmland Preservation Program grant applications, the continued viability of the property as an agricultural operation, nor the identities of all parties participating in the funding decisions for these grants.
- F5.** Individuals from a small group of West Marin farming families that are often beneficiaries of Measure A funds are consistently among the members of the Marin Resource Conservation District Board of Directors, creating a public perception of conflicts of interest in the disbursement of public funds.
- F6.** Membership on the Board of Directors of the Marin Resource Conservation District is limited by the absence of any meaningful outreach to the public when terms expire, or vacancies arise.
- F7.** The difficulty in filling vacancies on the Measure A Community Oversight Committee is caused, at least in part, by the absence of any meaningful outreach to the public when such vacancies arise.
- F8.** Public confidence in the disbursement of Measure A funds is undermined by the failure of the Marin County Department of Finance to conduct annual audits of all recipients of Farmland Preservation Program funds.

RECOMMENDATIONS

The Grand Jury recommends that by December 31, 2024:

R1. The Board of Supervisors should require that all future grant applications for \$25,000 or more of Measure A funds include the following:

- (a) copies of all minutes, recordings and other documents of the grant application process which relate in any way to the selection of the property that is the subject of the grant application;
- (b) the identities of all parties who participated in the discussions, or decision making in the process leading to the grant application;
- (c) a specific and detailed report on the property's agricultural economic viability, including but not limited to, the Initial Agriculture Management Plan specified in the deed of the Agricultural Conservation Easement between the easement holder and landowner;
- (d) a mandate that an annual report be submitted to Marin County Parks and the Measure A Community Oversight Committee outlining the property's continued agricultural economic viability, including at a minimum, copies of all easement monitoring and reporting plans submitted to the easement holder and any revision made to a copy of the initial agricultural management plan; and
- (e) a disclosure of any family relationship between the property owner and the grant applicant's governing body, any member of the Board of Directors of Marin Resource Conservation District or any member of the Measure A Community Oversight Committee.

R2. The Board of Supervisors should authorize, and require that the Measure A Community Oversight Committee undertake the following for all future Farmland Preservation Program grant applications and grants:

- (a) review all grant applications for conflicts of interest;
- (b) review all grant applications to ensure the economic viability of the proposed management plan;
- (c) review all grant applications to confirm the accuracy of the appraised value of the easement being granted;
- (d) require the grant applicant, as part of its required annual report, to include a review and analysis of the plans to keep the property in productive agricultural use and to deliver to the Measure A Oversight Committee a complete copy of that report within 30 days of its completion.

- R3.** The Board of Supervisors should require the Measure A Community Oversight Committee to report its findings regarding any grant application to the Board of Supervisors prior to the Board of Supervisors' decision on funding said application.
- R4.** The Board of Supervisors should deny any grant application where Farmland Preservation Program funds will be awarded to any person, or their family, who is serving as a member of the board of directors of the Marin Resource Conservation District or MALT, or a member of the Measure A Community Oversight Committee.
- R5.** The Board of Supervisors should develop and implement an expanded outreach program aimed at increasing public awareness of the existence of openings on the Measure A Community Oversight Committee, and how to apply for these openings.
- R6.** The Board of Supervisors should require the Department of Finance to conduct an annual audit of all recipients of \$100,000 or more of Farmland Preservation Program funds.
- R7.** The Marin Resource Conservation District should expand the number of its directors from five to seven.
- R8.** The Marin Resource Conservation District should develop and implement an expanded outreach program aimed at increasing public awareness of the existence of openings on its board of directors and the application process for those positions.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requires responses from the following governing bodies within 90 days:

- Marin County Board of Supervisors (F1-F5, F7-F8; and R1(a), (b), (c), (d), (e); R2(a), (b), (c), (d); R3-R6)
- Marin Resource Conservation District Board of Directors (F1, F5-F6; and R4, R7-R8)

The governing body 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

The Grand Jury invites the following entities to respond to the Findings and Recommendations listed below within 90 days:

- Measure A Community Oversight Committee (F1-F5, F7-F8; and R1(a), (b), (c), (d), (e); R2(a), (b), (c), (d); R3-R5)
- Marin County Department of Finance (F8; and R6)
- Marin County Department of Public Works, Real Estate Division (F4)
- Marin County Parks Department (F4, F7-F8; and R1(d))
- Marin Agricultural Land Trust (F1-F2, F4, F8; and R1(a), (b), (c), (d), (e); R2(a), (b), (c), (d); and R3-R6)

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.

APPENDIX A: Marin County Parks Measure A Tax Allocations and Revenues, FY 2013-2014 through 2022-2023

This is a Grand Jury compilation sourced from annual audits performed by Badawi & Associates, CPAs for Marin County Parks. See [Measure A - Marin County Parks](#), (accessed 4/5/23)

Fiscal Year	Parks & Open Space Program	Farmland Preservation Program	Cities, Towns and Special Districts	FARE	Total Revenues
2013 - 2014	\$9,397,434	\$2,891,518	\$2,168,639		\$14,457,591
2014 - 2015	\$8,306,578	\$2,555,870	\$1,916,902		\$12,779,350
2015 - 2016	\$8,653,432	\$2,662,594	\$1,996,946		\$13,312,972
2016 - 2017	\$8,565,546	\$2,635,553	\$1,976,664		\$13,177,763
2017 - 2018	\$8,673,852	\$2,668,878	\$2,001,658		\$13,344,388
2018 - 2019	\$9,538,065	\$2,934,789	\$2,201,092		\$14,673,946
2019 - 2020	\$8,948,013	\$2,753,235	\$2,064,926		\$13,766,174
2020 - 2021	\$10,105,916	\$3,109,513	\$2,332,134		\$15,547,563
2021 - 2022	\$8,592,707	\$2,643,910	\$1,982,932		\$13,219,549
2022 - 2023	\$8,518,406	\$1,855,596	\$1,965,786	\$765,452	\$13,105,240
TOTAL	\$89,299,949	\$26,711,456	\$20,607,679	\$765,452	\$137,384,536

APPENDIX B: Measure A Grants to MALT from Marin County

This is a Grand Jury compilation sourced from the Marin County Open Data Portal, Farmland Preservation Program - Marin County Parks, https://data.marincounty.org/County-Government/Farmland-Preservation-Program-Marin-County-Parks/b6f2-hn2g/about_data; and from Marin County Public Records Requests. Specific links are in Table entries below and can be verified by searching Board of Supervisors' meeting minutes, available at: <https://pav.marincounty.org/publicaccessbosrecords/>

Date	Measure A Grant Amount	BOS Agenda, Minutes	Contract Agreements	Marin Parks Staff Reports
2014	\$537,000	Thacher Ranch	Agreement	Staff Report
2015	\$412,000	Murphy Ranch	Agreement	Staff Report
2015	\$519,950	Gallagher Ranch	Agreement	Staff Report
2016	\$1,115,000	Wilson Hill Ranch	Agreement	Staff Report
2016	\$0*	Dolcini Beltrametti Ranch	Agreement	Staff Report
2016	\$916,599	E. Martinelli Ranch	Agreement	Staff Report
2017	\$1,658,482	Evans-Giacomini Ranch	Agreement	Staff Report
2017	\$1,325,482	Furlong Ranch	Agreement	Staff Report
2018	\$1,814,916	Taylor-Bivalve Ranch	Agreement	Staff Report
2018	\$1,727,617	McIssac Ranch	Agreement	Staff Report
2018	\$1,717,400	Millerton Ranch	Agreement	Staff Report
2019	\$1,516,000	Ielmorini Ranch	Agreement	Staff Report
2022	\$1,817,300	McDowell Ranch	Agreement	Staff Report
2022	\$1,365,300	Duncan Ranch	Agreement	Staff Report
2023	\$1,502,350	Bivista Ranch	Agreement	Staff Report
2023	\$1,802,300	Spring Valley Ranch	Agreement	Staff Report
2024	\$2,520,396	Corda Ranch	Agreement	Staff Report
2024	\$419,050	Hicks Mountain Ranch	Agreement	Staff Report
TOTAL	\$22,687,142			

* Funds returned to the County

APPENDIX C: Articles Appearing in Local Publications Describing Concerns About Perceived Self-Dealing and Conflict of Interest Over the Granting and Receiving of Measure A Funds

Martin Griffin and Barry Spitz, "Marin Voice: MALT's involvement threatens funding renewal for Measure A", *Marin IJ*, September 20, 2021, <https://www.marinij.com/2021/09/20/marin-voice-malts-involvement-threatens-funding-renewal-for-measure-a>, (accessed 3/27/24).

Susan Ives, "Follow the Money: What Measure A Proponents Aren't Telling You", *Marin Post* blog, May 2, 2022, <https://marinpost.org/blog/2022/5/2/follow-the-money-what-measure-a-proponents-arent-telling-you>, (accessed 3/27/24).

Linda Rames, "Marin Voice: Measure A must include more fire prevention funding, cut MALT", *Marin IJ*, November 6, 2021, <https://www.marinij.com/2021/11/06/marin-voice-measure-a-must-bring-back-fire-prevention-funding-cut-malt>, (accessed 3/27/24).

Peter Byrne, "Paradise Cost: The Price of Supporting Private Ranching With a Sales Tax", *Pacific Sun*, May 25, 2022, <https://pacificsun.com/paradise-cost>, (accessed 4/29/24).

Dick Spotswood, "Measure A works if strict scrutiny of easements is guaranteed", *Marin IJ*, May 10, 2022, <https://www.marinij.com/2022/05/10/dick-spotswood-measure-a-works-if-strict-scrutiny-of-easements-is-guaranteed>, (accessed 3/27/24).

Richard Halstead, "Marin factions await fate of controversial parks tax measure", *Marin IJ*, May 7, 2022, <https://www.marinij.com/2022/05/07/marin-factions-await-fate-of-controversial-parks-tax-measure>, (accessed 3/27/24).

Richard Halstead, "Marin survey: Support falling for farm conservation spending", *Marin IJ*, October 20, 2021, <https://www.marinij.com/2021/10/20/marin-survey-support-falling-for-farm-conservation-spending>, (accessed 3/27/24).

Dick Spotswood, "MALT's value as protector of farmland fuels supervisors' Measure A concerns", *Marin IJ*, December 18, 2021, <https://www.marinij.com/2021/12/18/dick-spotswood-malts-value-as-protector-of-farmland-fuels-supervisors-measure-a-concerns>, (accessed 3/27/24).

Editorial Board, "MALT needs to improve oversight, pursue transparency", *Marin IJ*, October 26, 2020, <https://www.marinij.com/2020/10/26/editorial-malt-needs-to-improve-oversight-pursue-transparency>, (accessed 3/27/24).

Richard Halstead, "Marin farmland trust sues county to block document release", *Marin IJ*, September 7, 2020, <https://www.marinij.com/2020/09/07/marin-farmland-trust-sues-county-to-block-document-release>, (accessed 3/27/24).

The Shame of Point Reyes website, "Small Family Farms" - *The Dynastic Wealth of Point Reyes Ranch Families*, <https://shameofpointreyes.weebly.com/the-dynastic-wealth-of-point-reyes-ranch-families.html>, (accessed 4/29/24).

APPENDIX D: West Marin Families Associated with Both Distributing and Receiving Public Monies

The families listed below have received funding for Agricultural Easements,³³ or funding of Conservation District grants,³⁴ and have family members who have served on the Board of Directors of MALT³⁵ or on the Board of Directors of the Conservation District.³⁶ An October 1, 2020 article in the *Pacific Sun-Bohemian* reported that “since 1980 more than 30 MALT board members have benefited from 38 easement sales totaling more than \$49 million. Fifty-five percent of \$90 million in easements bought over 40 years has benefited board members.”³⁷ In addition, over the past ten years, there have been several other articles written about perceived conflicts of interests amongst these West Marin families.³⁸

Barboni Family: William Barboni - Past multiple term Director of the Conservation District, 1973-1996; William Barboni II (son of William) - past multiple term Director of MALT, 2012-2022,³⁹ recipient of funding for three different Agricultural Easements, totaling \$6,016,000 from MALT and from California Coastal Conservancy funds, 2002 and 2012 (two).⁴⁰

Corda Family: Henry Corda - Past multiple term Director of the Conservation District, 1990-2016; Corda Ranch, recipient of \$1,000,000 Board of Supervisors funding from Proposition 70, for an Agricultural Easement, FY 1993-1994.⁴¹

Dolcini Family: Earl J. Dolcini - Past multiple term Director of MALT from the early 1980's through the mid-1990's; Sam Dolcini (son of Earl), past multiple term Director of MALT, 1999-2008, 2012-2020; recipient of three grants totaling \$2,835,000 in Board of Supervisors funding

³³ Marin County Parks website, *About Us*, see Annual Reports and Compliance Audits links at bottom of the page, <https://www.parks.marincounty.org/about-us/measure-a>, (accessed 4/29/24).

³⁴ Grand Jury work paper detailing the Marin Resource Conservation District Measure A Project List Work Plans and Expenditures, <https://rebrand.ly/MeasureAProjectWorkPlansandExpenditures>, (accessed 4/29/24).

³⁵ Grand Jury work paper detailing Past and Current Board of Directors for the Marin Agricultural Land Trust (MALT) <https://rebrand.ly/PastAndPresentMALTBoard>, (accessed 4/29/24).

³⁶ Grand Jury work paper detailing the Election Records of the Past and Current Board of Directors of the Marin Resource Conservation District <https://rebrand.ly/PastandCurrentResourceDistrictDirectors>, (accessed 4/29/24).

³⁷ Peter Byrne, “MALT Board of Directors’ Conflicts of Interest Exposed as Legal Battle Unfolds”, <https://pacificsun.com/malt-board-of-directors-conflicts-of-interest-exposed-as-legal-battle-unfolds>, *Pacific Sun*, October, 1, 2020, (accessed 4/29/24).

³⁸ The Shame of Point Reyes website, “*Small Family Farms*” - *The Dynastic Wealth of Point Reyes Ranch Families*, <https://shameofpointreyes.weebly.com/the-dynastic-wealth-of-point-reyes-ranch-families.html>, (accessed 4/29/24); Peter Byrne, “Paradise Cost: The Price of Supporting Private Ranching With a Sales Tax”, <https://pacificsun.com/paradise-cost>, *Pacific Sun*, May 25, 2022, (accessed 4/29/24).

³⁹ MALT Website, Press Release, *Agricultural Leaders Join MALT Board of Directors*, https://malt.org/press_releases/agricultural-leaders-join-malt-board-of-directors, July 30, 2013, (accessed 5/7/24).

⁴⁰ Kelli Peterson, “Measure A Millionaires”, <https://marinpost.org/letters/2022/06/05>, letter to *The Marin Post*, June 5, 2022, (accessed 5/8/24); MALT Website, Press Release, *MALT Joins Forces to Preserve Historic Barboni Ranch*, https://malt.org/press_releases/malt-joins-forces-to-preserve-historic-barboni-ranch, February 1, 2013, (accessed 5/7/24); *Coastal Conservancy Staff Recommendation*, p. 5, https://scc.ca.gov/webmaster/ftp/pdf/sccb/2012/1203/20120329Board08_Barboni_Ranch.pdf, March 29, 2012, (accessed (5/7/24).

⁴¹ Public Records Request, *1993 Board of Supervisors Resolution 93-290 Authorizing Funding for Agricultural Easement for Corda Ranch*, <https://rebrand.ly/1993BOSResolutionCordaRanch>, (accessed 4/29/24).

from Proposition 70, FY 1991-1992 (two) and FY 1993-1994;⁴² recipient of \$833,250 of Marin Parks Measure A matching grant funding for an Agricultural Easement, FY 2016-2017.⁴³

Evans Family: Julie Evans Rossotti - Past multiple term Director of MALT, 2010-2016; Dolores Grossi Evans (mother of Julie), is the co-owner of Evans Ranch, which was the recipient of \$1,658,482 in Measure A funding for an Agricultural Easement, FY 2017-2018, as well as a Measure A-funded Conservation District grant for \$18,000, FY 2018-2019.⁴⁴

Giacomini Family: Waldo Giacomini, was a founding Director of the Conservation District in 1971, serving multiple terms through 1990; Robert Giacomini (Waldo's son) served multiple terms as a Director of the Conservation District, 1997- 2022. Robert also was a Director of MALT, serving multiple terms from the early 1980's through 1993; Linda Giacomini Stray (Robert's daughter) was a Director of MALT, serving multiple terms from 2005-2013; Diana Giacomini Hagan (Robert's daughter) has served as a Director of MALT since 2018; Giacomini Dairy, owned by Robert, is a recipient of three Conservation District Measure A grant fundings in FY 2019-2020 and FY 2020-2021 (two), totaling \$48,056.⁴⁵

Martinelli Family: Peter Martinelli - Past multiple-term Director of the Conservation District, 2017-2024; Past multi-term Director of MALT 2008-2017; Recipient of four Conservation District Measure A grant fundings in FY 2015-2016, FY 2017-2018, FY 2018-2019, FY 2020-2021, totaling \$83,049;⁴⁶ Paradise Valley Ranch (Fresh Run Farms) recipient of \$2,500,000 in MALT funding for an Agricultural Easement in 2014.⁴⁷

Poncia Family: Al Poncia - Past Founding Director of MALT, 1980; Loren Poncia (son of Al) - past Director of MALT, 2000-2006, 2008-2010; Lisa Poncia (wife of Loren, daughter-in-law of Al) - current Director of MALT since 2017; Poncia-Moreda Dairy (owned by Al Poncia) is a recipient of \$33,559.50 in Measure A funding from the Conservation District for improvements to the dairy, FY 2023-2024;⁴⁸ Poncia received an additional \$19,051 from MALT as a part of the work done on the dairy; recipient of a \$347,000 grant from Marin BOS for an Agricultural Easement, FY 1990-1991.⁴⁹

⁴² Public Records request to California State Parks, *Project Listing 1988 Bond Act*, pp. 2-3, <https://rebrand.ly/Proposition70GrantsToMALT>, (accessed 5/7/24).

⁴³ These monies were subsequently returned to the county. See also Peter Byrne, "Conflicts of Interest Exposed as Legal Battle Unfolds", <https://pacificsun.com/malt-board-of-directors-conflicts-of-interest-exposed-as-legal-battle-unfolds>, *Pacific Sun*, October 1, 2020, (accessed 4/29/24).

⁴⁴ See Appendix B for a list of Measure A Grants to MALT and ranches which received the grant funding

⁴⁵ Grand Jury work paper detailing the Marin Resource Conservation District Measure A Project List Work Plans and Expenditures, rows 45, 52, and 53, (accessed 4/29/24).

⁴⁶ Grand Jury work paper detailing the Marin Resource Conservation District Measure A Project List Work Plans and Expenditures, rows 16, 29, 40, and 54, (accessed 4/29/24).

⁴⁷ MALT Website, *Profile in Preservation: Paradise Valley Ranch*, <https://malt.org/land-protection/profile-in-preservation-paradise-valley-ranch>, January 13, 2020, (accessed 05/07/24).

⁴⁸ Grand Jury work paper detailing the Marin Resource Conservation District Measure A Project List Work Plans and Expenditures, row 76.

⁴⁹ Public Records Request, *1991 Board of Supervisors Resolution 91-52 Funding for Agricultural Easement for Poncia Ranch*, <https://rebrand.ly/1991BOSResolutionPonciaRanch>, (accessed 4/29/24).

Taylor Family: John Taylor - Past multiple term Director of MALT, 2015-2019; Recipient of four Conservation District Measure A grant fundings in FY 2019-2020, FY 2020-2021, FY 2021-2022 (two fundings), totaling \$51,742;⁵⁰ Bivalve Ranch (co-owned by wife, Karen Taylor) was the recipient of \$1,814,916 in Measure A funding for an Agricultural Easement, FY 2017 - 2018; Bivista Ridge Ranch was the recipient of \$843,441 in Measure A funding for an Agricultural Easement, FY 2023 - 2024.⁵¹ Karen Taylor's father is Steve Doughty, past, multiple term Director of the Conservation District, 2000-2017.

⁵⁰ Grand Jury work paper detailing the Marin Resource Conservation District Measure A Project List Work Plans and Expenditures, rows 44, 51, 59, and 60.

⁵¹ See Appendix B for a list of Measure A Grants to MALT and the ranches which received the grant funding.

APPENDIX E

ALLOCATION OF MEASURE A FUNDS, 2012 & 2022

Measure A, Passed in 2012



PARKS AND OPEN SPACE: 65%

- Protect or restore natural resources and maintain existing county working farms open space (80%)
- Preserve natural lands (20%)



FARMLAND PRESERVATION: 20%

- Protect Marin County farmland at risk of subdivision and development and preserve Marin's working farms and ranches, through the funding, via matching grants for Agricultural Conservation Easements



CITIES, TOWNS & SPECIAL DIST. 15%

- Award grants that support parks, open space and recreational facilities

Measure A, Passed in 2022



PARKS AND OPEN SPACE: 65%

- Maintain County parks and preserves preservation and recreation (65%)
- Reduce wildfire risk (25%)
- Award grants to help support acquisition of lands with high natural resource value (10%)



SUSTAINABLE AGRICULTURE: 20%

- Support conservation easements to permanently protect working farms and ranches (50%)
- Award competitive matching grants to support sustainable food systems in Marin (30%)
- Provide matching grants to support Marin Resource Conservation District (20%)



CITIES, TOWNS & SPECIAL DIST. 15%

- Award grants that support parks, for open space and recreational facilities in Marin cities, towns and special districts (100%)

Source: Created by Grand Jury from Marin County Parks website and Measure A Annual Reports

APPENDIX F: Grants made prior to the enactment of Measure A by the Marin Board of Supervisors and from Proposition 70 Funds to MALT for Agricultural Easement Grants

This is a Grand Jury Work Paper Compilation from the following sources: for Board of Supervisor grants to MALT - the Public Access Viewer, <https://pav.marincounty.org/publicaccessbosrecords> and the Marin Granicus viewer, https://marin.granicus.com/ViewPublisher.php?view_id=36; For Proposition 70, a Public Records request to California State Parks - <https://rebrand.ly/Proposition70GrantsToMALT>

Board of Supervisors Discretionary Grants	
Year	Amount
1993	\$26,500
1994	\$27,825
1995	\$27,825
1996	\$27,825
1997	\$27,825
1999	\$27,825
1999	\$250,000
2000	\$27,825
2001	\$30,000
2002	\$30,000
2003	\$30,000
2004	\$30,000
2005	\$30,000
2006	\$30,000
2007	\$30,000
2008	\$30,000
2009	\$30,000
2010	\$30,000
2011	\$30,000
2012	\$30,000
2012	\$75,000
2013	\$30,000
2014	\$30,000
TOTAL	\$938,450

Board of Supervisors Proposition 70 Grants	
Year	Amount
1989	\$385,271
1989	\$213,012
1991	\$332,143
1991	\$1,019,447
1991	\$352,106
1991	\$205,745
1991	\$774,014
1991	\$231,235
1991	\$1,043,248
1991	\$323,661
1992	\$1,011,700
1992	\$902,354
1992	\$1,248,926
1992	\$135,812
1992	\$130,509
1992	\$407,175
1992	\$908,215
1992	\$335,920
1993	\$869,429
1993	\$969,878
1993	\$989,166
1993	\$1,014,324
1994	\$332,925
1998	\$238,784
1998	\$400,000
TOTAL	\$14,774,999