



RESPONSES TO THE 2023–2024 MARIN COUNTY CIVIL GRAND JURY REPORTS: AN OVERVIEW

January 31, 2025

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SUMMARY

Each year, the Marin County Civil Grand Jury (Grand Jury) investigates local governmental operations and issues reports recommending areas for improvement. Publication of these reports often results in widespread media coverage.

This report summarizes the agencies' responses to the ten 2023–2024 Grand Jury investigative reports, all of which included recommendations. In the ten reports, a total of 72 findings and 59 recommendations were made. A total of 38 agencies including the Board of Supervisors (BOS), the District Attorney, the Sheriff, the Resource Conservation District, the Marin Municipal Water District, the Office of Education, the Bel Marin Keys Community Services District, cities and towns, and public school districts, were each required to respond to at least one report.

A summary of all responses to the Grand Jury's Findings and Recommendations can be found in Appendix A at the end of this report. Please note that all text appearing in *italics* in the document is taken verbatim from the previous Grand Jury reports.

BACKGROUND

The California Constitution requires each year every county impanels a civil grand jury to monitor and inspect the operations of local government and make recommendations for improvement. Each grand jury must 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 grand jury report findings and recommendations.¹

Because of its one-year term, a grand jury that generates a report often is no longer in session when responses are due, and 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 2023–2024 Grand Jury published ten reports requiring governmental agency and elected official responses to all the findings and recommendations. As required by the Penal Code, responses were due within 60 days of report publication for elected officials and within 90 days 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.

¹ California Penal Code §933
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=933, (accessed 11/11/24).

The 2024–2025 Grand Jury reviewed those reports and the subsequent responses provided by the agencies. This report presents the results from that review. The reports and the agencies' responses can be accessed at Marin County's website.²

OBJECTIVES AND APPROACH

The objectives of this report are:

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

This report includes extracts from the 2023–2024 Grand Jury Reports and information from the individual agency responses to the ten reports for which responses were required. This review includes information available as of November 11, 2024.

DISCUSSION

A report synopsis and summary of responses for each report from the Grand Jury 2023–2024 follows:

² 2023–2024 Civil Grand Jury Reports, <https://www.marincounty.gov/departments/grand-jury/civil-grand-jury-reports/2023-2024-civil-grand-jury-reports>, (accessed 11/11/24).

What Have They Done? An Update on the Responses to the 2022–2023 Marin County Civil Grand Jury Reports

Released April 8, 2024

Each year, the 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. 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.

This report followed up on these 2022–2023 Grand Jury reports:

- Justice Delayed Is Justice Denied — Marin District Attorney’s Office in Crisis
- The Coming Wave of Older Adults — Is Marin Prepared?
- Novato’s Chronic Fiscal Deficits: A Call to Action
- Marin’s Behavioral Health Services: All Calls for Help Need to Be Answered
- SMART at a Crossroads: Here Today, Gone Tomorrow?
- Dam and Reservoir Safety: Water May Save Us - Water May Drown Us

Excluding the report regarding building more ADUs, most of the respondents stated that a recommendation had been implemented or would be implemented; many of the respondents stated that a recommendation needed further analysis; and some of the respondents replied that they would not implement a recommendation.

One hundred seventeen responses from fifty-seven different respondents were required to the Grand Jury’s recommendations in the Build More ADUs report. The Board of Supervisors (BOS) and the municipalities were each required to respond to all six recommendations; the remaining respondents were each required to respond to only one recommendation. Several of the respondents stated that a recommendation had been implemented or would be implemented; many of the respondents stated that a recommendation needed further analysis; and some of the respondents stated they will not implement a recommendation because it is not warranted or reasonable. The 2023–2024 Grand Jury made 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 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.*

Based upon the initial responses provided by the District Attorney for the *Justice Delayed Is Justice Denied - Marin District Attorney's Office in Crisis* report for R7, and by the BOS for *The Coming Wave of Older Adults - Is Marin Prepared?* report for R1 - R3, the following, additional recommendations were made, and responses were received:

Additional Recommendations and Responses

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.

- The BOS stated that this recommendation required further analysis. The BOS agreed that quarterly reports are warranted and feasible in the future and that the organizational study referenced in the findings will provide insight as to when quarterly reporting will be feasible. The BOS further stated that they welcomed input from the District Attorney on how they can help facilitate the process. The BOS will continue to explore this issue with the District Attorney and will partner on a regular reporting process informed by evaluation of an organizational study anticipated to be completed this calendar year.
- The District Attorney stated that the recommendation has not yet been implemented but would be in the future. The District Attorney however, did not give a timeframe for completion. The District Attorney further stated that the office looked forward to reporting quarterly to the BOS once the independent consultant (65th North Group) completes an analysis of office operations and identifies appropriate data to be included in workload update reports.

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 (AAS) 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

- The BOS responded that this recommendation had been implemented. The BOS further stated that on March 29, 2024, HHS provided a second presentation to the Commission on Aging to discuss the financial structure of the Aging and Adult Services Division within HHS. This presentation provided fiscal and service delivery data demonstrating the positive impact of all HHS divisions on the older adult population in Marin.
- The Marin County Commission on Aging (MCCOA), the Invited respondent, disagreed with the BOS updated response regarding public discussions of the financing and elevation of AAS to a divisional-level department within HHS. MCCOA responded that the discussions were delayed due to the departure of the Director of HHS and the hiring of the director of AAS. MCCOA asked that a new director of AAS not be hired until public discussions of the elevation of AAS to a divisional-level department had been done. This request did not receive a reply from HHS and a new director of AAS was hired. MCCOA also stated that the BOS had not documented nor proven that elevating AAS would cost \$700,000 to \$1,000,000 annually.

A Free Public Education Includes School Supplies

Released on April 19, 2024

California law is clear that school supplies are included in a free public education. Public schools throughout the state are required to provide, at no cost to students or their families, all the supplies, materials, and equipment necessary to fully participate at school. Nevertheless, at the outset of the school year, many schools in Marin County distribute school supply lists to students and their families.

The Marin County Civil Grand Jury (Grand Jury) conducted an investigation to determine the extent to which students and their families are requested to buy school supplies that schools are required to provide. While the use of supply lists varies throughout the school districts, the Grand Jury concluded that many schools asked, or suggested, that students or their families purchase supplies that schools are required to provide. In addition, teachers often use their personal funds to pay for supplies so their students can fully participate in school activities.

Recommendations and Responses

The Grand Jury made seven recommendations to, and required responses from the Marin County Office of Education (MCOE) and Superintendent of Schools (Superintendent), as well as each of the 16 school districts in the County (Bollinas-Stinson, Kentfield, Laguna Joint, Lagunitas, Larkspur-Corte Madera, Mill Valley, Miller Creek Elementary, Nicasio, Novato Unified, Reed Union, Ross, Ross Valley, San Rafael City, Sausalito Marin City, Shoreline Unified, and Tamalpais Union High School)

The recommendations are listed below. Because of the large number (17) of required respondents, as well as the uniformity of the responses from all required respondents, the results are summarized in the narrative following the recommendations.

R1. All Marin public schools should follow California’s “free public education” law.

- Fourteen of the sixteen school districts had already implemented this recommendation, as had the MCOE and the Superintendent. The Ross Valley School District stated they would implement by the start of their 2024–2025 school year, and San Rafael City School District stated that it would implement by August 21, 2024.

R2. Marin public schools should provide, at no cost to the students or their families, all the supplies, materials, and equipment necessary for students to fully participate at school.

- Fourteen of the sixteen school districts had already implemented this recommendation, as had the MCOE and the Superintendent. The Ross Valley School District stated they would implement by the start of their 2024–2025 school year, and San Rafael City School District stated that it would implement by August 21, 2024.

R3. Marin public schools should not distribute school supply lists to students or their families.

- Fourteen of the sixteen school districts had already implemented this recommendation, as had the MCOE and the Superintendent. The Larkspur-Corte Madera School District stated they would implement the recommendation in the 2024–2025 school year, and San Rafael City School District stated that it would implement it by August 21, 2024.

R4. Marin public schools should not distribute school supply lists that indicate the supplies are optional.

- Fourteen of the sixteen school districts had already implemented this recommendation, as had the MCOE and the Superintendent. The Larkspur-Corte Madera School District stated they would implement the recommendation in the 2024–2025 school year, and San Rafael City School District stated that it would implement it by August 21, 2024.

R5. The superintendent of each school district should ensure that the schools in their districts are in compliance with California law with respect to school supplies.

- Fifteen of the sixteen school districts had already implemented this recommendation, as had the MCOE and the Superintendent. The Larkspur-Corte Madera School District stated they would implement the recommendation in the 2024–2025 school year.

R6. If a Marin public school chooses to solicit donations of any kind from anyone, whether the solicitation is on paper, verbal, or electronic, such as a website or email, the school should make it clear that donations are not required but rather are entirely voluntary.

- All required respondents stated that they had implemented this recommendation.

R7. Marin public schools should not put teachers in a position where they need to use their personal funds to provide supplies, materials, or equipment for students to fully participate at school.

- Fifteen of the sixteen school districts had already implemented this recommendation, as had the MCOE and the Superintendent. The San Rafael City School District stated they would implement the recommendation by August 21, 2024.

With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk

Released April 26, 2024

Marin County roads, trails, and paths are enjoyed by many cyclists throughout the year. Over the past decade, the popularity of electric bicycles (e-bikes) has grown, with nationwide e-bike sales almost doubling between 2020 and 2021.³ E-bikes are now used by all types of bike riders in Marin, including commuters, mountain bikers who need a little help getting up steep trails, riders with disabilities or other physical limitations, casual adult riders, and children.

Unfortunately, some riders under the age of 16 are not ready for the power of the e-bikes they are operating. Additionally, some young riders are operating e-bikes that have multiple power modes or aftermarket modifications that make them illegal. The rate of e-bike accidents in Marin among children aged 10-15 is far higher than it is with any other age groups. This has led bike advocacy groups, law enforcement, and public health officials to issue warnings and advisories to Marin families about the danger of e-bikes for children.

The laws in California and in Marin do not closely regulate e-bike use. California designates three classes of legal e-bikes. All are limited to 750 watt electric motors. Class 1 and class 3 e-bikes only get electric assistance when the pedals are in use, with class 1 limited to 20 mph assisted speed, and class 3 limited to 28 mph assisted speed.⁴ Class 2 e-bikes offer pedal-assist electric power, up to 20 mph, and also have a throttle device which will power the bicycle to move even when the rider does not pedal at all. Many class 2 e-bikes can be easily modified to remove the throttle-assisted speed limit, so those e-bikes can travel much faster than 20 mph. These modified bikes no longer legally qualify as e-bikes. Several bills have been proposed in the California State Legislature to further regulate the use of e-bikes, especially among children under age 16. In addition, a few Marin municipalities have passed ordinances regarding e-bikes.

The Marin Civil Grand Jury conducted an investigation to determine the extent of the problem when children under age 16 operate e-bikes in Marin, and to explore possible solutions. The Grand Jury concluded that children under age 16 who operate class 2 e-bikes in Marin pose a danger to themselves and others. The Grand Jury also concluded that the same dangers do not apply to youths riding class 1 e-bikes in Marin.

³ Boudway, Ira, Bloomberg, “America’s Best-Selling Electric Vehicles Ride on Two Wheels,” January 21, 2022, <https://www.bloomberg.com/news/articles/2022-01-21/u-s-e-bike-sales-outpaced-electric-cars-in-2021>, subscription required (accessed 11/11/24).

⁴ These e-bikes have a sensor to detect the rate of travel. If the bicycle is going 20 mph (class 1 or 2) or 28 mph (class 3), the electric motor is programmed to shut off. Like non-electric bicycles, e-bikes can all travel above those rates, such as when they are coasting downhill.

Recommendations and Responses

The Grand Jury made three recommendations to, and required responses from both the BOS and the 11 municipalities in Marin. An additional recommendation was made just to the BOS:

R1. By December 31, 2024, the Board of Supervisors, and each municipality in Marin should take all steps necessary to adopt an ordinance with regard to class 2 e-bikes with, at minimum, the following provisions:

- (a) Only people aged 16 or older may operate class 2 e-bikes.*
- (b) Operators of class 2 e-bikes must wear helmets.*
- (c) All passengers on class 2 e-bikes must wear helmets.*

- The BOS stated this recommendation will be implemented presuming that California AB 1778 was adopted. AB 1778 was signed into law by Governor Newsom on September 30, 2024.⁵
- The City of Mill Valley stated that following the work of the County of Marin Joint Task Force, staff will provide the Mill Valley City Council with an update by the Spring of 2025 to consider R1 (a, b, c) and make amendments to the City’s current E-Bike Ordinance as appropriate.
- Corte Madera, Fairfax, Larkspur, Sausalito, and San Anselmo stated this recommendation would not be implemented. Reasons given for not implementing the recommendation included the lack of evidence of throttle control on an e-bike causing more accidents than an ebike with pedal assist, and misclassification and mislabeling of e-bikes,
- Belvedere, Novato, Ross, San Rafael, and Tiburon stated that more analysis was needed for this recommendation. Novato stated that this matter would be brought up to the City Council on or before October 26, 2024. Belvedere stated that this would be done by December 31, 2024, and Tiburon stated it would be done by June 30, 2025, now that AB 1778 has been signed into law.

R2. By December 31, 2024, the County of Marin and each municipality in Marin should take all steps necessary to establish a joint task force or committee to investigate and consider coordination among the county and municipalities about adopting a county-wide uniform set of regulations regarding e-bike use within the County of Marin.

- The BOS stated this recommendation will be implemented presuming that California AB 1778 was adopted.
- The Town of Ross stated that they had implemented this recommendation.
- Belvedere, Mill Valley, and San Rafael stated that this recommendation would be implemented. Belvedere and San Rafael stated they would implement a task force by the end of the year. Mill Valley did not provide a timeframe.

⁵ Damon Connelly, Assemblyman District 12 website, “Eight Connolly Bills Become California Law”, <https://a12.asmdc.org/press-releases/20240930-eight-connolly-bills-become-california-law>, (accessed 11/11/24).

- Corte Madera, Larkspur, and San Anselmo stated that this recommendation would not be implemented. Corte Madera and San Anselmo both stated that because their respective municipalities had not concluded that new local regulations will be the most effective way to address e-bike safety, that it was not worth the time and effort to form and convene a task force.
- Fairfax, Novato, Sausalito, and Tiburon stated that more analysis was needed for this recommendation. Novato stated that this matter would be brought back to their city council for an update and to determine next steps by October 26, 2024. The other municipalities did not provide a timeframe.

R3. Any task force or committee as described in Recommendation 2, above, should consider inviting representatives from Marin County schools, law enforcement, public health officials, and bicycle advocates to provide their input.

- The BOS stated this recommendation will be implemented presuming that California AB 1778 was adopted.
- The Town of Ross stated that they had implemented this recommendation.
- Belvedere, Mill Valley, and San Rafael stated that this recommendation would be implemented. Belvedere and San Rafael stated they would implement a task force by the end of the year. Mill Valley did not provide a timeframe.
- Corte Madera, Larkspur, and San Anselmo stated that this recommendation would not be implemented as it is not warranted.
- Fairfax, Novato, Sausalito, and Tiburon stated that more analysis was needed for this recommendation. Novato stated that this matter would be brought back to their city council for an update and to determine next steps by October 26, 2024. The other municipalities did not provide a timeframe.

R4. By December 31, 2024, the Board of Supervisors should explore options for additional funding for student and public education in Marin County about e-bike safety.

- The BOS stated this recommendation requires further analysis. The BOS agreed that additional public education, particularly in schools, is one effective tool in combating e-bike injuries, and cited other published bike safety initiatives.

Cyber Preparedness: Are We There Yet?

Released on May 17, 2024

Cyber preparedness is the practice of ensuring that an organization has a strategy or plan to prevent, respond to, and recover from a cyberattack or incident. This strategy is a collaborative effort that all of an organization's staff shares in, not just the individuals or department responsible for Information Technology (IT) or Information Systems (IS).

The Grand Jury has looked into how different agencies in Marin County have continued to become more cyber prepared in order to meet the ever-changing and more complicated technology challenges required to keep their online content and information secure from hackers and other threat actors. This report also provides an overview of cybersecurity practices and systems currently in existence. This is intended to encourage Marin government entities to review their plans and to consider various options to further enhance their cybersecurity measures.

Recommendations and Responses

The Grand Jury made eight recommendations to, and required responses from the BOS, and two recommendations to and required responses from Marin's 11 municipalities:

R1. Marin agencies should require a current (executed within the last five years), competitively-bid, written contract which includes business continuity language for any third-party Information Technology services they use.

- Seven of the eleven municipalities in the County (Belvedere, Corte Madera, Larkspur, Ross, San Rafael, Sausalito, and Tiburon) stated they had implemented this recommendation. Three municipalities (Fairfax, Mill Valley, and San Anselmo) said they would implement the recommendation in the future. Novato was the only municipality stating that it would not implement the recommendation. Novato did not believe it was warranted because Novato does not use third-party services to provide ongoing IT operations. The BOS stated they would implement the recommendation but did not provide a time frame. Mill Valley and San Anselmo stated that recommendation would be completed by the start of fiscal year 2025–2026.

R2. The Board of Supervisors should authorize the creation of a new position within the Department of Information Services and Technology for the 2025–2026 fiscal year, with specific responsibilities to assist other County agencies in cybersecurity awareness, training, implementation, and monitoring of cybersecurity systems.

- The BOS stated this recommendation would not be implemented because it was not warranted or reasonable, and developing the position for the start of the 2025–2026 fiscal year, which commences on July 1, 2025, would not be feasible. The BOS further stated that County staff had engaged in discussions with several of the municipalities to discuss the County providing direct cybersecurity services to Marin's municipalities. Some

municipalities expressed interest depending upon cost, while some declined because they had made cybersecurity upgrades and had other cybersecurity projects in progress.

R3. The Board of Supervisors should require that the Marin Department of Information Services and Technology evaluate the formation of a Cybersecurity Joint Powers Authority to raise overall cyber preparedness amongst its members, and for the purpose of acquiring and maintaining perimeter defense protection systems for preventing and eliminating ransomware and other more sophisticated cyberattacks.

- The BOS stated this recommendation would not be implemented because it was not warranted or reasonable. The BOS further stated that in the staff discussions with municipalities noted in their response to R2, they had discussed the formation of a Joint Powers Authority (JPA). Some municipalities expressed interest in participating in a JPA, depending upon cost, while others, as mentioned in R2, declined interest in participating in a JPA, at least within the next fiscal year.

R4. The Board of Supervisors should create two new system-engineering positions to be filled by cybersecurity experts who would be responsible for conducting security risk assessments, providing recommendations and implementing cybersecurity solutions for public agencies in Marin, among their other tasks.

- The BOS stated the recommendation needed further analysis but did not provide a time frame as to when this analysis would be completed.

R5. If and when a Joint Powers Authority is created, one of these positions would serve as a County member of the new organization and a liaison with the Chief Information Security Officer.

- The BOS stated this recommendation would not be implemented, as it was not warranted or reasonable. Responses to R2 and R3 relating to the uncertainty of municipalities to participate in a JPA were also referenced.

R6. All Marin municipalities should:

a) take all steps necessary to acquire an appropriate .gov or .ca.gov domain;
b) formulate and adopt a plan for rolling out a .gov or .ca.gov website and emails by the start of the 2025–2026 Fiscal Year.

- All eleven municipalities stated this recommendation would be implemented in the future. The BOS stated the recommendation had already been implemented.

R7. The Board of Supervisors should require that the Marin Department of Information Services and Technology:

a) develop a plan to redefine a secure network infrastructure of the MIDAS system which solely focuses on providing access to law enforcement, emergency response and justice systems, or other online County services, and exclude Internet Service Provider services;

b) take all steps necessary to transition administration of MIDAS from Marin IT to The County of Marin Department of Information Services and Technology.

- The BOS stated that this recommendation required further analysis and an evaluation of MIDAS is currently underway, with results expected later in the calendar year.

R8. The Board of Supervisors require that the Marin Department of Information Services and Technology and the Department of Human Resources develop a plan for negotiating the inclusion of language that allows for managed service agreements in new Collective Bargaining agreements with MAPE and MCMEA that will start in July of 2025.

- The BOS stated this recommendation required further analysis. According to the BOS the recommendation could not be unilaterally implemented because it required the approval of both MAPE and MCMEA. The terms of their respective Collective Bargaining Agreements specifically limit contracting out of bargaining unit work. MAPE and MCMEA agreements are not open to bargaining and negotiation until the first half of 2025 and first half of 2026, respectively.

R9. The Board of Supervisors requires that the Marin Department of Information Services and Technology update its Top 10 Cybersecurity Tips for Organizations at least once a year.

- The BOS stated that this recommendation would be implemented by October of 2024. A review of the County webpage, <https://www.marincounty.gov/departments/it/cybersecurity/top-10-cybersecurity-tips-organizations> confirmed that this has been accomplished.

R10. The Board of Supervisors requires that the Marin Department of Information Services and Technology more directly promote, through the Marin Security and Privacy Council, its Top 10 Cybersecurity Tips for Organizations to all of Marin's public agencies.

- The BOS stated the recommendation is already implemented.

An Analysis of the Use and Oversight of County Purchase Cards **Released on May 23, 2024**

Large organizations like the County of Marin (the County) employ the use of business credit cards for specific purposes. These include the purchasing of goods and services in situations where the expense is a small dollar amount, out of the ordinary, needed under urgent circumstances (e.g. disasters, investigations, etc.), or where there are suppliers/vendors who cannot employ the usual purchase order and invoice payment system used for most of the procurement needs of the County.

Within the County, business credit cards used by employees are known as Purchase Cards and CAL-Cards, and the terms are used on an interchangeable basis (CAL-Cards). CAL-Card purchases historically account for annual expenditures ranging from \$2.9 million to \$3.9 million. The majority of purchases under \$5,000 are made with cards rather than purchase orders (PO's).

This report explored the use of CAL-Cards by the County. There are a large number of CAL-Cards in use in Marin compared to other counties of similar size. It is often not clear that cardholders are making purchases from suppliers with competitively bid best pricing.

The Grand Jury found considerable variability in the oversight and processing of CAL-Card purchases. This is the result of a structure of joint management by Procurement within the Department of Public Works and the Department of Finance. The Grand Jury is recommending that the Department of Finance assume all administrative, oversight, audit, and training activities for CAL-Cards.

Since CAL-Cards can be subject to misuse, the Grand Jury is recommending tighter approval controls and better training for department leaders and cardholders. The recommendations in this report are intended to standardize the use and oversight of the CAL-Card program in order to mitigate the possibility of misuse and financial risk.

Recommendations and Responses

The Grand Jury made a total of eight recommendations to, and required responses from the BOS:

R1. By December 31, 2024 the Board of Supervisors should direct the office of the County Executive Officer to transfer the responsibility for the operation, oversight, and training of the CAL-Card system in the County of Marin to the Department of Finance.

- The BOS stated this recommendation required further analysis. The analysis could be covered as part of the effort to operationalize the recent shift from a County Administrator to a County Executive model. This response seems consistent with the recent public announcement⁶ by the BOS to have an independent consultant look into the organizational structures of several County agencies including the Department of Public Works, which currently manages the CAL-Card program. No timeframe was given to complete the analysis.

R2. By December 31, 2024 the Board of Supervisors should direct the office of the Chief Executive Officer to provide the Department of Finance with the appropriate staffing levels and resources to fulfill the administrative responsibilities of Marin County’s CAL-Card system.

- The BOS stated this recommendation required further analysis. The partial disagreement with finding F3 (*The Department of Finance does not currently have adequate resources to administer all aspects of the CAL-Card Program.*) further stated that an organizational assessment should be conducted before assigning oversight of CAL-Card to the Department of Finance. No timeframe was given to complete the analysis.

By March 31, 2025, the Marin County Department of Finance should:

R3. Begin using the automated Human Resources system to document all initial and annual training, and attestation for the use of CAL-Cards.

- The BOS stated this recommendation required further analysis. The use of existing Human Resources systems to document or administer training related to CALCards will need to be analyzed for feasibility. No timeframe was given to complete the analysis.

R4. Set a timeline for the review and update of the CAL-Card Policy Manual.

- The BOS stated this recommendation will be implemented because the CAL-Card Policy Manual is currently being revised. That revision should be completed by December 2024.

R5. Create a method to ensure that a preferential governmental price is obtained when CAL-Cards are used for travel.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. Part of the rationale for rejecting the recommendation was the requirement that County employees abide by the Travel Guidance document⁷, the Purchasing Manual, and CAL-Card Manual. The CAL-Card is a method of payment, and like any method of payment is subject to the guidance of these documents.

⁶ Richard Halstead, “Marin County to hire consultant for potential restructuring,” Marin IJ, November 1, 2024, <https://www.marinij.com/2024/11/01/marin-county-to-hire-consultant-for-potential-restructuring/>, (accessed 11/11/24).

⁷ Marin County Website, “Administrative Regulation 1”, <https://www.marincounty.gov/departments/executive/budget-and-priority-setting/administrative-regulations/administrative-regulation-1>, (accessed 11/11/24)

R6. Set up an audit system to monitor travel expenses and adherence to the County travel policy.

- The BOS stated this recommendation would be implemented in the future but did not specify a timeframe of implementation. The BOS did state that the Department of Finance will develop an audit system to periodically test a random sample of travel submissions for compliance as part of its regular audit processes.

R7. Implement the “Notice of Non-Compliance”, currently being developed, to document, track, and remedy violations in CAL-Card processes.

- The BOS stated this recommendation has been implemented.

R8. In conjunction with the Department of Human Resources, set up an automatic notice to the appropriate person in the Department of Finance whenever a cardholder’s job status changes.

- The BOS stated this recommendation required further analysis. The BOS stated that a study on software-based or workflow-based solutions would need to be conducted before committing to this recommendation. No timeframe was given to complete the analysis.

Sea Level Rise: The Water Is Upon Us. We Cannot Run - We Cannot Hide

Released May 31, 2024

The National Oceanic and Atmospheric Administration (NOAA) projects a 12-inch increase in sea level for the San Francisco Bay Area between now and 2050. The consequences of sea level rise will not suddenly bubble up in 2050 in Marin, or elsewhere. Impacts are already being seen and felt and they will become even more apparent and damaging over the coming years.

Marin is facing 10-12 inches of sea level rise in the span of 26 years. But the water has already arrived. Marin residents have been experiencing sea level rise and related tidal flooding in Corte Madera, Marin City, Mill Valley, and Sausalito, among other towns. This trend will only increase in frequency and intensity over the coming years. Focusing on Marin County's bayside areas, this Grand Jury report addresses the following five aspects of sea level rise:

- 1. Sea level rise projections for 2050, resulting in possible financial losses and other impacts.*
- 2. SB272, titled Sea Level Rise Planning and Adaptation, a 2023 state law requiring all California coastal cities to formulate sea level rise plans to be completed no later than 2034.*
- 3. Information about newly emerging efforts to create a county-wide agency to address sea level rise in Marin, spearheaded by the Board of Supervisors.*
- 4. Details about sea level rise initiatives in Marin that are being conducted independently by cities and towns with great exposure to flooding.*
- 5. A description of how OneShoreline, also known as the San Mateo County Flood and Sea Level Rise Resiliency District, functions. The report describes how OneShoreline functions, its advantages and challenges. OneShoreline offers insights as to how a Marin countywide sea level rise entity could be formed and operate.*

Recommendations and Responses

The Grand Jury made three recommendations to, and required responses from the BOS:

R1. The Board of Supervisors, in collaboration with Marin county cities, towns, Bel Marin Keys Community Services District and Marin Water should create a comprehensive countywide agency with authority to plan and implement adaptation efforts addressing the impacts of sea level rise in Marin County.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. In the response, the BOS stated agreement that “a comprehensive countywide governance structure would help to ensure cohesive planning and implementation of sea level rise adaptations for Marin County.” However, the BOS could not commit to the specificity of an agency, as proposed by the Grand Jury, without further analysis. The BOS further added “The County has recently launched an analysis

to determine the best method of countywide governance to advance solutions to sea level rise, inclusive of communities, municipalities, state agencies, and federal agencies.”

R2. The Board of Supervisors should actively enlist the participation and support of state and federal legislators toward the creation and funding of this comprehensive countywide agency.

- The BOS stated this recommendation would be implemented in the future. The BOS stated that based on the current project schedule, a recommended structure will come from staff to the BOS for approval in summer of 2025. It would include an implementation plan, including any state or federal legislative actions required.

Note: As an Invited respondent, the City of Sausalito commented on this recommendation, stating that if the BOS choose to actively enlist the participation and support of state and federal legislators, they would like to understand more about potential participation.

R3. The Board of Supervisors should require the newly created countywide entity to create plans that recognize and address sea level rise exposure and the specific risks to the populations in the Canal District, Marin City, specific areas in Novato, and all low-lying geographic regions where lower income populations reside. The plan should identify and address the risks impacting those populations, which include:

- (a) risks of becoming stranded due to inaccessible roads;*
- (b) lack of transportation if evacuations are called;*
- (c) mold that may grow inside their homes;*
- (d) exposure to infectious diseases due to contaminated standing water;*
- (e) need to relocate temporarily or permanently as a result of floods; and*
- (f) other community-specific risks identified in regional assessments.*

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. While agreeing that any countywide sea level rise strategy needs to consider the risks listed by the Grand Jury in recommendation R3, the BOS could not commit to this recommendation nor commit to a single course of action until a comprehensive review of the potential governance structures was completed.
- The City of Sausalito, an Invited respondent, commented on this recommendation, stating its support of plans and implementation efforts that prioritize equity according to the California Adaptation Planning Guide.⁸

⁸ ResilientCA.org website, The Adaptation Planning Guide provides guidance to local governments on local adaptation and resiliency planning, <https://resilientca.org/apg/>, (accessed 11/11/24).

To Learn or Not to Learn: Are Children With Learning Differences Set Up for Success

Released June 6, 2024

Roughly 14 percent of Marin’s public school students participate in special education programs because those students have been assessed as having various learning differences.⁹ In this report, the Grand Jury used the term “learning differences” to refer to the unique ways some people process information.¹⁰ In the United States as a whole, up to one in five students may have a learning difference, which can manifest as challenges in organization, memory, or attention.¹¹ These challenges are most apparent in academic skills such as reading, writing, and math. While many students occasionally encounter academic struggles, students with learning differences may endure difficulties throughout their educational journey and beyond.

In 2022, the Grand Jury published a report titled “Marin Schools: A Prescription for COVID Recovery,” highlighting the negative effects of COVID-19 on education for an entire generation of Marin students. The shift to remote learning magnified the challenges faced by children with learning differences, providing a stark example of the broader educational disruptions caused by the pandemic, especially when considering these students' specific needs.¹²

The combination of challenges faced by students with learning differences and the pandemic caused disruptions to education raises a question: Are Marin public schools currently doing all they can to meet the needs of students with learning differences? Therefore, the Grand Jury undertook this investigation to address that question. Among the areas investigated were these specific topics:

- *Do school districts provide suitable information to parents and guardians about the rights of children with learning differences so that they may receive necessary special education services?*
- *Do students who appear to have learning differences have sufficient access and opportunity to be assessed by the school district?*
- *Are students who are assessed as needing an Individualized Education Program (IEP) receiving the accommodations and services that are promised and due to them pursuant to their IEP?*
- *For Marin students with an IEP, are the hours of services specified in the IEP plan being provided to the student?*
- *How is data on IEP services being collected and analyzed in Marin?*

⁹ See Appendix B for specific enrollment numbers.

¹⁰ Other terms sometimes used to describe people with learning differences include neurodiverse, learning disability, learning disorder, academic impairment, and others. Some terms have specific legal meanings, but this report broadly concerns students with learning differences that qualify them for special education services.

¹¹ Amy Barto, “The State of Learning Disabilities Today,” Learning Disabilities Association of America, 2023, https://ldaamerica.org/lda_today/the-state-of-learning-disabilities-today , (accessed 11/11/24)

¹² Kate Henley Averett, "Remote Learning, COVID-19, and Children with Disabilities," AERA Open, 2021, <https://doi.org/10.1177/23328584211058471>, (accessed 11/11/24)

Recommendations and Responses

The Grand Jury made four recommendations to, and required responses from the MCOE and the Superintendent, as well as each of the 16 school districts in the County (Bollinas-Stinson, Kentfield, Laguna Joint, Lagunitas, Larkspur-Corte Madera, Mill Valley, Miller Creek Elementary, Nicasio, Novato Unified, Reed Union, Ross, Ross Valley, San Rafael City, Sausalito Marin City, Shoreline Unified, and Tamalpais Union High School).

The recommendations are listed below. Because of the large number (17) of required respondents, as well as the uniformity of some of the responses from all required respondents, the results are summarized in the narrative following the recommendations.

R1. Each school district should inform parents and guardians at least annually about special education services and resources available to their students, such as Matrix and the Special Education Local Plan Area.

- The BOS, all school districts, the MCOE, and the Superintendent of Schools all stated that this recommendation had been implemented.

R2. Each school district should develop and implement targeted communication strategies tailored to all parents and guardians regarding their student's rights concerning learning differences.

- The BOS, all school districts, the MCOE, and the Superintendent of Schools all stated that this recommendation had been implemented.

R3. Each school district should use the Special Education Information System service tracking module to track every student's Individualized Education Programs allocated service hours and the hours provided to each student.

- Eight of the school districts - Laguna, Lagunitas, Mill Valley, Miller Creek Elementary, Nicasio, Novato Union, Ross Valley, and San Rafael City, stated that this recommendation had been implemented. An additional school district, Bollinas-Stinson Beach, stated that this recommendation would be implemented in the current school year.
- Four of the school districts - Kentfield, Reed Union, Sausalito Marin City, and Shoreline, stated that the recommendation needed further analysis. The analysis would be completed in the current school year.
- The Larkspur-Corte Madera, Ross and Tamalpais Union High School districts, responded that they would not implement the recommendation. All school districts responded that they were all currently utilizing a system to effectively maintain the necessary information to track Individualized Education Program (IEP) service delivery at no cost to each of the districts.
- The MCOE and Superintendent of Schools also stated that the recommendation would not be implemented. They stated that "There are no findings that each school district in Marin County is not effectively tracking Individualized Education Program (IEP) service

delivery. Further, all Marin County school districts are using a service delivery tracking system consistent with the California Department of Education’s guidelines.”

R4. The Marin County Office of Education should analyze each school district’s Individualized Education Programs compliance data and make the results available to the public in its annual report.

- The Superintendent of Schools, speaking on behalf of the MCOE stated this recommendation would not be implemented. He added that it is the California Department of Education that is required to establish a rigorous data collection process and evaluation program for monitoring the delivery of special education services to students with IEPs. Hence, the responsibility for monitoring and analyzing service delivery rests with the California Department of Education.

Spending Public Money to Preserve Marin’s Agricultural Heritage: Is Anyone Watching? Released June 10, 2024

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 regarding perceived conflicts of interest and ways in which the County can ensure the County Goals are being achieved and protected. 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.

Recommendations and Responses

The Grand Jury made a total eight recommendations: four that required responses from the BOS, two that required responses from the Marin Resource Conservation District (MRCD), and two that required responses from both the BOS and the MRCD:

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.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable.
- The BOS stated that for R1(a) and R1(b) it would be atypical for the County to ask a private, non-profit for meeting minutes, rosters of meeting attendees, or other internal records.
- For R1(c) the BOS stated that “continued productive agriculture use” was not the same as being “economically viable”, and added that “Preservation of existing farmland, rather than economic impact, is the primary factor in evaluation” of farms holding an Agricultural Conservation Easement (ACE).
- For R1(d) the BOS stated that the annual reports submitted to County staff ensured the terms of the ACE relating to continuation of commercially productive agriculture have been upheld.

- For R1(e) the BOS stated that Marin County Department of Parks and Open Space (Parks) staff will include a section in the Farm Preservation Program application checklist that addresses conflict of interest in the next revision of the Measure A grant application.

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; and*
- (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.*

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable.
- As the BOS had previously stated in their response to R1(e), the BOS reiterated for R2(a) that future grant cycles will include content addressing conflict of interest in the application materials.
- Similarly, as the BOS had previously stated in their response to R1(c), for R2(b) economic viability was not a part of Farmland Presentation grants.
- For R2 (c) and R2(d), the BOS stated that these recommendations were outside the scope of work defined by the Measure A Oversight Committee bylaws.

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.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated that this recommendation was outside the scope of work defined by the Measure A Oversight Committee bylaws.

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.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated that Farmland Preservation Program grants are not awarded to individuals or families but are made solely to qualifying nonprofit organizations. The BOS reiterated that the agreement to have Parks staff add an item addressing conflict of interest to the grant application checklist in the next Measure A grant cycle would address this issue. The BOS further added that a prohibition against

any Board Member of MALT or a member of the MACOC from receiving Measure A grant-funded easements is not feasible.

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.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated recruitment and outreach activities for committees charged with oversight roles are administered by the Office of the County Executive's (County Executive) Clerk of the Board division.

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.

- The BOS stated this recommendation would be implemented in the next audit cycle. The BOS stated that Parks will request the Department of Finance audit recipients of the Farmland Preservation Grant Program annually.

R7. The Marin Resource Conservation District should expand the number of its directors from five to seven.

- The MRCD stated that it requires further analysis of this recommendation. The MRCD further stated that conversations had begun with County Counsel to explore the expansion of seats in October of 2021, and they remain interested in exploring this option within the next 6 months.

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

- The MRCD stated that this recommendation would be implemented. In addition to the outreach program, the MRCD stated that the following would be accomplished:
 - Encouraging the MRCD's partners and representative Supervisors to publish the availability of seats in newsletters.
 - Posting more detailed information on the marinrcd.org website about the application process and qualifications permanently, and not solely during the availability of vacancies.
 - Advocating for Measure A and/or county funding appropriations associated with outreach to increase the public's awareness of the MRCD's community impacts and therefore the interest of prospective Board member candidates.

Note: The Invited respondent to this report, the Marin Agricultural Land Trust (MALT), did submit a response to this report, but they did not specifically address any of the Findings or Recommendations in their submission. Instead, MALT described and detailed what agricultural lands they had protected with Measure A funding.

Older Adults on the Brink of Homelessness: Time to Act is Now

Released on June 21, 2024

Marin County (Marin) has one of the highest costs of living in California. High housing costs and a fast-growing population over the age of 60 are key contributing factors to a homelessness crisis among older adults in Marin. Throughout this report, the Grand Jury is defining “older adults” as age 60 and above. The County of Marin (the County) and many community-based organizations are working hard to address this challenge. Despite the progress being made, the County is unable to keep up with the flow of older adults falling into homelessness.

The root cause of homelessness is the lack of affordable housing. Long-term planning to increase the supply of affordable housing is essential to solving the homelessness crisis in the years ahead. While pursuing this goal, the Marin County Board of Supervisors (the Board) needs to make the plight of older adults a priority and take action to prevent this burgeoning population from becoming homeless.

The 2023–2024 Marin County Grand Jury (Grand Jury) reviewed the County’s current homelessness programs and services and concluded that little or no attention is being paid to prevention. There are few services for older adults on the precipice of losing their housing. Despite several previous Grand Jury reports regarding the growing need to prioritize the housing needs of older adults, there remains a lack of urgency in establishing a systemic approach that would ensure a long-term commitment to implementing and maintaining practical solutions that prevent older adults from falling into homelessness.

Support is increasing for programs and services designed to prevent people on the precipice from falling into homelessness. For example, during this Grand Jury investigation three new major reports were released, all of which support the key findings and recommendations found in this Grand Jury report:

- *The U.S. Department of Housing and Urban Development (HUD) 2023 Annual Homelessness Assessment Report to Congress published in October 2023¹³*
- *The California IMPACT Committee Report: Master Plan for Aging’s Year 3 In Review (April 2024)¹⁴*
- *Toward Dignity: Understanding Older Adult Homelessness, Findings from the California Statewide Study of People Experiencing Homelessness (Benioff Homelessness and Housing Initiative), May 23, 2024¹⁵*

¹³ U.S. Department of Housing and Urban Development (HUD), Addressing Homelessness Among Older Adults: Final Report, October 2023, <https://aspe.hhs.gov/sites/default/files/documents/9ac2d2a7e8c360b4e75932b96f59a20b/addressing-older-adult-homelessness.pdf>, (accessed 11/11/24).

¹⁴ The California Master Plan for Aging, IMPACT Committee Report: Master Plan for Aging’s Year 3 In Review, April 2024, <https://justiceinaging.org/impact-committee-report-master-plan-for-aging-year-3-in-review/>, (accessed 11/11/24).

¹⁵ Kushel and Moore, Toward Dignity: Understanding Older Adult Homelessness, Findings from the California Statewide Study of People Experiencing Homelessness, (University of California Press), May 23, 2024,

Recommendations and Responses

The Grand Jury made a total of eight recommendations that required responses from the BOS:

R1. The Marin County Board of Supervisors should create and issue a mandate for aging equity, similar to the vitally-important mandate for racial equity, thereby requiring the Area Agency on Aging, as well as other departments, to prioritize aging equity in any strategic plan.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. While the BOS agreed that supporting a growing older adult population is a high priority, they stated that there were already a number of BOS approved investments related to age equity (as referenced in their responses to the Grand Jury’s findings).

R2. The Marin County Board of Supervisors should direct the Office of the County Executive to develop and fund a strategic plan for homelessness prevention as recommended by the federal Department of Health and Human Services in its October 2023 report.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated that the County Executive works extensively with HHS and other departments with related expertise to facilitate homeless prevention strategies.

R3. The Marin County Board of Supervisors should direct the Community Development Agency to be the lead county agency in addressing the steps and actions necessary to prevent adults aged 60 and above from falling into homelessness, including coordination with community-based and private organizations.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated that older adult homelessness is a “multifaceted challenge involving homelessness response, prevention, and housing affordability. The Community Development Agency (CDA), HHS, and other County departments will continue to work with community partners to address this complex issue.”

R4. The Marin County Board of Supervisors should direct the Community Development Agency to promote affordable housing options, including shared housing and rent subsidies.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated six priorities that drive departmental objectives have been developed, the first of which is a focus on affordable housing and addressing homelessness. The BOS added multiple County agencies and departments, including HHS, the County Executive, and the CDA were developing and maintaining programs which address homelessness and affordable housing.

<https://homelessness.ucsf.edu/resources/reports/toward-dignity-understanding-older-adult-homelessness> , (accessed 11/11/2024).

R5. The Marin County Board of Supervisors should direct the Public Communications Division to develop a public education and communication plan to educate older adult residents of Marin County about the programs, resources, and services available to address homelessness and homelessness prevention.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated that while the County’s Public Information Officer plays a role in disseminating information on a number of initiatives, partners such as HHS and the CDA were better suited to this outreach and public education.

R6. The Marin County Board of Supervisors should direct the Community Development Agency to implement an assessment tool that is specific to adults aged 60 and above who are housed and on the brink of homelessness.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS felt that this recommendation fell outside the scope of work of the CDA.

R7. The Marin County Board of Supervisors should direct the Community Development Agency to provide ongoing support to ensure full implementation of the “Doorway” universal waitlist portal.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS felt that the resources for those seeking housing “are currently, and best handled by other partners internal and external to the County.” The BOS did not specify the referenced partners.

R8. The Marin County Board of Supervisors should begin issuing quarterly public reports on the status of the strategic plan for homelessness prevention for older adults.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated that such reports were a part of the public BOS meetings.

Note: In contrast with the BOS responses to the Grand Jury’s recommendations, the Invited respondent to this report, the Older Adults Committee (OAC) of the Housing Policy Steering Committee agreed with all of the Grand Jury’s recommendations, except for R3. The OAC commends the report for “highlighting the crisis of homelessness that older adults (defined as those aged 60 and above) in the County are experiencing at increasingly alarming levels.” Further, “OAC applauds and echoes the Grand Jury’s call for the BOS to enact a homelessness prevention strategy focused on the particular needs and vulnerabilities of older adults.”

Marin County Justice Center: A Model for Change

Released on June 28, 2024

Marin’s County Jail and Juvenile Hall are dated, deteriorating facilities and do not comport with contemporary standards for a modern-day detention facility. In addition, the populations of these two facilities have changed dramatically over the last twenty years, requiring a fresh look at how the facilities themselves can contribute to rehabilitating the residents and reduce the rate of recidivism. The Marin County Civil Grand Jury (Grand Jury) has concluded that the creation of a Marin County Justice Center (Marin Justice Center) with a campus-like environment will best meet the dual objectives of promoting rehabilitation and providing a secure environment for staff and detainees.

Marin County Jail

The Marin County Jail (County Jail), which was completed in 1994, is plagued by deferred maintenance and aging mechanical equipment. To reduce its visibility at the Civic Center, the County Jail was deliberately buried into the hillside, which has prevented future expansion. The incarcerated population, detainees, and staff all suffer from a lack of natural light and fresh air in the bunker-like setting. Its underground location has produced a nearly windowless facility with a severe lack of space. This has limited the programming offered to the current mix of incarcerated individuals: those who are serving their sentences and those whose cases have yet to be adjudicated. The County Jail is now dealing with an incarcerated population unlike the low level detainees who may have been incarcerated when the jail was built.

There have been two dramatic changes in the County Jail population over the last twenty years. California Assembly Bill 109 (AB 109), enacted in 2011, resulted in an increase in individuals convicted of low-level felonies serving their time in the County Jail instead of in a state prison. This has resulted in convicted individuals serving longer County Jail sentences and further complicating the inmate classification system. The second significant change in the incarcerated population is the substantial increase in people suffering from mental illness and substance abuse.

The complexity of the County Jail inmate classification system and an increasing number of individuals that require single-cell housing is straining the jail’s physical capacity. Programming is becoming ever more difficult to provide because of the lack of space and the safety requirements put in place to keep certain jail populations constantly separated. The County Jail also lacks adequate medical and mental health facilities to treat people with mental health and substance abuse disorders. The lack of these facilities results in the transportation of individuals requiring treatment to local hospitals at substantial expense because they must be accompanied by sheriff’s deputies at all times.

The County Jail is required to comply with older versions of Title 15 and Title 24 of the California Code of Regulations (CCR) which cover the minimum standards for local detention facilities. At least one significant standard applicable to the County Jail has been grandfathered

into compliance. This disturbing issue is the existence of ligature points in the cells that have been used several times in the past and as recently as August 2023 for people to commit suicide by hanging. The elimination of these ligature points is on a Capital Improvement Projects list regularly reviewed by the Board of Supervisors for action. The current repair/replacement project is budgeted for \$2.4 million dollars and is presently projected to be initiated in 2025–2026.

The Grand Jury has concluded that the County Jail is woefully inadequate for its current incarcerated population, the sheriff's deputies, and staff who work in the facility.

As a result of its investigation, the Grand Jury is recommending that the Marin Board of Supervisors initiate a study to consider the creation of a Marin Justice Center, which would accommodate detainees charged with misdemeanors and low-level felonies. The Center would include mental health, medical, substance abuse, and recreational facilities. The existing County Jail would be retained to house people who present a high security risk to other detainees and County Jail personnel. Ideally, the Marin Justice Center would be located near the Civic Center for convenient access to the courts.

Marin County Juvenile Hall

The Marin County Juvenile Hall (Juvenile Hall) was constructed in the early 1960s and suffers from deferred maintenance and failing mechanical systems. It is in a constant state of disrepair. With ballooning maintenance costs, it will continue to deteriorate over time. It was built to serve a different population than today's juvenile offenders. In addition, Juvenile Hall does not offer a more home-like, non-institutional setting that is part of recent changes in the treatment of juveniles.

The facility is certified for 40 beds, which is far more than needed to house the current daily average of eight juvenile detainees. It is inconveniently located for family visitation and is severely lacking in dedicated areas for programming. Current policies and the approach to juvenile justice have changed significantly during the last two decades. The focus has shifted to restorative justice and diversion programs meant to keep juveniles out of prison-like detention centers. This enlightened approach has resulted in far fewer juveniles being confined in locked detention facilities throughout the state.

As a result of its investigation, the Grand Jury is recommending that the Marin Board of Supervisors include plans in its study to fund and build a smaller juvenile detention facility as part of the Marin Justice Center. This would be a separate facility for juveniles with access to the food, recreational, medical, mental health, and other facilities on the Marin Justice Center campus.

Recommendations and Responses

The Grand Jury made a total of five recommendations: four that required responses from the BOS, and one that required a response from both the BOS and the Marin County Sheriff (Sheriff):

R1. The Marin County Board of Supervisors should initiate a study to consider the creation of a Marin Justice Center, which would accommodate detainees charged with misdemeanors and low-level felonies. The Marin Justice Center might include mental health, medical, substance abuse, recreational, and programming facilities. Ideally, the Marin Justice Center could be located at or near the Civic Center.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS stated that construction of a new Marin County Jail (Jail) facility or justice center would be cost-prohibitive and would not address the ineffectiveness of incarceration as a tool to treat addiction and mental illness in the community.

R2. In the study for a Marin Justice Center, the existing Marin County Jail should be used for incarcerated individuals with classifications that pose a significant security risk to Sheriff's deputies, staff or other detainees. This would also allow for better access to programming spaces for this segment of the incarcerated population.

- The Sheriff did not agree with this recommendation. The Sheriff stated that incarcerated persons and other demographics are already safely housed and treated. The Sheriff noted that security risk individuals are typically not eligible for programming due to safety concerns.
- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS reiterated the Sheriff's response to this recommendation, as described above.

R3. To safeguard the lives of the general jail population, the Marin County Board of Supervisors should fund and direct the immediate removal of the ligature points in the Marin County Jail.

- The BOS stated this recommendation would be implemented in the future. The BOS stated that the Sheriff's Office, the Department of Public Works, and the Behavior Health and Recovery Services were all actively exploring Jail improvement projects to enhance safety and mitigate harm to incarcerated persons. Until this collaborative work and analysis was completed, the BOS could not give a timeframe for implementation.

R4. The Marin County Board of Supervisors should include a small juvenile facility in its study for a Marin Justice Center campus. This would be a separate facility for juveniles, but with access to the food, recreational, medical, mental health, educational, and other facilities on the Marin Justice Center campus.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS noted that in their response to finding F6 (*The Marin County Juvenile Hall is a dated, prison-like facility that does not create the restorative justice atmosphere of a modern-day juvenile detention facility*), the current juvenile hall facility is adequate for providing comprehensive restorative justice programming to the small number of incarcerated youth in the county. The BOS also stated in their response to R1 that a study of the Juvenile Justice environment in Marin County is currently being conducted; however, R1 contained no such language. The BOS also reiterated that construction of a new Justice Center would be cost prohibitive.

R5. The Marin County Board of Supervisors should close the existing Juvenile Hall when the new juvenile facility is opened.

- The BOS stated this recommendation would not be implemented because it is not warranted or reasonable. The BOS disagreed that youth incarceration facilities in Marin do not meet modern day standards or have insufficient space to address the mental health and substance use needs of the incarcerated population. The BOS stated the current Juvenile Hall facilities adequately serve the needs of the small population of incarcerated youth in Marin.

FINDING

F1. The 2024–2025 Grand Jury finds that all of Marin County’s public agencies satisfied their legal obligations to respond to reports from the 2023–2024 Grand Jury.

RECOMMENDATION

There are no recommendations based on this report, and, thus, no responses are requested or required. The report is issued in the interest of transparency, accountability, and responsiveness of local governments.

APPENDIX A: Summary of all responses to the Findings and Recommendations of the Grand Jury Reports from all Required Respondents

Table I. Summary of Responses to the Grand Jury’s Findings			
Civil Grand Jury Report Name	Agreed	Partially Disagreed	Disagreed
A Free Education Includes School Supplies	82	3	0
An Analysis of the Use and Oversight of County Purchase Cards	0	6	4
Cyber Preparedness: Are We There Yet?	60	9	3
Marin County Justice Center: A Model for Change	1	2	10
Older Adults on the Brink of Homelessness: The Time to Act is Now	13	6	8
Sea Level Rise: The Water is Upon Us. We Cannot Run - We Cannot Hide	8	20	8
Spending Public Money to Preserve Marin’s Agricultural Heritage: Is Anybody Watching?	1	1	8
To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?	18	108	0
Update on Responses to the 2022–2023 GJ Reports	0	3	0
With Power Comes Responsibility - Youths Under 16 Operating Class 2 E-Bikes: A Safety Risk	49	13	3
TOTAL	232	171	44
% of Responses	51.9%	38.3%	9.8%

Table II. Summary of Responses to the Grand Jury’s Recommendations

Civil Grand Jury Report	Has Been Implemented	Will Be Implemented	Needs Further Analysis	Will Not Be Implemented
A Free Education Includes School Supplies	109	10	0	0
An Analysis of the Use and Oversight of County Purchase Cards	1	2	4	1
Cyber Preparedness: Are We There Yet?	11	13	3	5
Marin County Justice Center: A Model for Change	0	1	0	5
Older Adults on the Brink of Homelessness: The Time to Act is Now	0	0	0	8
Sea Level Rise: The Water is Upon Us. We Cannot Run - We Cannot Hide	0	1	0	2
Spending Public Money to Preserve Marin’s Agricultural Heritage: Is Anybody Watching?	0	2	2	5
To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?	44	1	3	5
Update on Responses to the 2022–2023 GJ Reports	0	1	1	0
With Power Comes Responsibility - Youths Under 16 Operating Class 2 E-Bikes: A Safety Risk	2	9	15	9
TOTAL	168	39	27	42
% of Responses	60.9%	14.1%	9.8%	15.2%

APPENDIX B: Students with IEPs/IFSPs/ISPs by Marin Public School District

Local Education Agency	Students with IEPs/IFSPs/ISPs	Student Population 2022–2023	Percent of Total
Bolinas-Stinson Union	18	101	18%
Kentfield Elementary	125	1056	12%
Lagunitas Elementary	24	160	15%
Laguna Joint Elementary	<11	16	0%
Larkspur-Corte Madera	141	1262	11%
MCOE ¹⁶	300	497	60%
Mill Valley Elementary	292	2369	12%
Miller Creek Elementary	226	1825	12%
Nicasio	<11	34	0%
Novato Unified	914	7474	12%
Reed Union Elementary	104	1024	10%
Ross	32	358	9%
Ross Valley	220	1724	13%
San Rafael City Elementary	572	4290	13%
San Rafael City High	297	2668	11%
Sausalito Marin City	57	318	18%
Shoreline Unified	90	470	19%
Tam Union High	721	4937	15%
TOTAL	4,167+	30,583	14%

¹⁶ MCOE manages classes for high-need special education students at various locations around the county.