August 21, 2007

Honorable M. Lynn Duryee
Presiding Judge
Marin County Superior Court
3501 Civic Center Drive
San Rafael, CA 94903

Dear Judge Duryee:

Forwarded herewith is the Marin County Board of Supervisors’ response (incorporating those for the Director of Health and Human Services) to the 2005-2006 Civil Grand Jury Report “The Marin County Sustainability Team: It’s Not Easy Being Green.”

The Board of Supervisors’ response addresses all Findings and Recommendations for which a response was requested from the Board of Supervisors and the directors of the Community Development Agency and Public Works.

Respectfully submitted,

Steve Kinsey
President, Board of Supervisors

cc: Civil Grand Jury
RESPONSE TO GRAND JURY REPORT FORM

Report Title: The Marin County Sustainability Team: It’s Not Easy Being Green
Report Date: August 21, 2007
Response by: Marin County Board of Supervisors, Director of the Community Development Agency and Director of Public Works

FINDINGS

- We agree with the findings numbered: 8,10,11
- We disagree wholly or partially with the findings numbered: 1,2,3,4,5,6,7,9,12

RECOMMENDATIONS

- Recommendations numbered 5 have been implemented.
  (Attach a summary describing the implemented actions.)

- Recommendations numbered 1 have not yet been implemented, but will be implemented in the future.
  (Attach a timeframe for the implementation.)

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

- Recommendations numbered 2,3,4 and 6 will not be implemented because they are not warranted or are not reasonable.
  (Attach an explanation.)

Date: August 21, 2007

Signed: [Signature]

Number of pages attached 6
FINDINGS

All responses to findings and recommendations are jointly for the Board of Supervisors and the Director of Community Development Agency, except where noted.

F1. The Board of Supervisors has supported the concept of sustainability with a limited number of pilot projects. For the most part, however, it has paid lip service to sustainability and not made it a high priority in the County budget.

Response: Disagree

The Board of Supervisors has made sustainability a core priority within the County mission statement, strategic plan, and capital improvement/operational efforts. For example, in fiscal year 2007/08, the Board approved a $320,000 budget specifically for the sustainability program found within the Community Development Agency (CDA). In addition, over the past several years, the Board has approved substantial funding to a variety of County departments performing sustainability-related activities and initiatives, including but not limited to, the following:

- $757,781 for energy efficiency building upgrades for County-owned facilities (after rebates and grants);
- $332,000 for detailed studies and a business plan of the feasibility of community choice aggregation – to enable Marin municipalities to substantially increase the use of renewable energy;
- $275,000 for energy efficiency, solar and clean wood-burning appliance rebates;
- $240,000 to purchase hybrid vehicles for the County fleet;
- $176,000 for the installation of solar-electric panels on County facilities;
- $90,000 to purchase biodiesel fuels;
- $102,000 to fund the organic and sustainable agricultural coordinator position;
- $35,000 for extra costs to implement the integrated pest management ordinance; and
- $2,500 – for free distribution of florescent light bulbs at the County Fair.

F2. There are no consistent environmental standards for Marin County operations.

Response: Partially disagree

Since Marin County operations and services are subject to many state or federal environmental standards, such as air and water quality regulations, it is difficult to establish a single environmental standard for all county operations. However, as noted in the Marin County Operations Report, many County departments have achieved considerable success in improving environmental outcomes through a wide variety of initiatives including:
• Reducing pesticide use at County facilities;
• Greening our cleaning supplies;
• Recycling batteries;
• Recycling paper and beverage containers at the Civic Center and most off-site County buildings;
• Using biodegradable take-out containers in the cafeteria;
• Establishing telecommuting and flex-time programs for employees to reduce commute traffic and providing E-Gov and E-Library access to reduce vehicle trips to County facilities;
• Providing energy efficiency upgrades in County-owned buildings; and
• Installing solar power on several County buildings.

F3. There are no quantifiable standards in place in Marin County to accurately measure the elements of sustainability progress.

Response: Disagree

There are quantifiable standards to measure progress towards sustainability. For example, Marin's greenhouse gas inventory is quantifiable and is being tracked over time in relation to Board approved greenhouse gas reduction targets. Also, building projects are required by State law to comply with the energy efficiency construction standards included in Title 24 and projects that qualify for the County BEST program are required to exceed these standards by 20%.

The Sustainability Team also administers a green building rating system that includes quantifiable standards. Furthermore, there are over seventy metrics currently being tracked as part of the update to the proposed Countywide Plan, many of which relate directly to sustainability programs and services in Marin.

F4. The Sustainability Team has not been provided sufficient resources to communicate and promote its sustainability programs and services to Marin residents and businesses.

Response: Disagree

The Sustainability Team communicates and promotes its existing programs and services through literature, web-based material, presentations, and participation in events like the County Fair, Home Show and Eco-Fests.
F5. There is not sufficient funding for the Sustainability Team to accomplish fully the sustainability goals set by the Board of Supervisors.

Response: Disagree

Although we recognize that additional funding may be needed to expand current sustainability efforts in the future, we have dedicated significant resources toward our sustainability goals over the past few years.

F6. The Sustainability Team receives no tax-based funds from the County and its total budget comes from grants and fees.

Response: Disagree

For the past several years the County has provided general fund support to the Sustainability team. In Fiscal Year 2007-08, the County is providing approximately $132,000 in tax-based general purpose revenues such as property and sales tax revenue to support the Sustainability Program. As noted in the response to F1, this does not represent the total general fund monies invested in County sustainability efforts. Wherever possible, the County encourages staff to seek outside sources of revenue to expand services to the community. The Sustainability Team has had tremendous success in identifying and receiving special funding to support its program.

F7. The Sustainability Team’s current role is advisory, educational, and research oriented.

Response: Partially disagree

The current role of the Sustainability Team includes considerable advisory, educational, and research-oriented activities. However, Sustainability Team members also participate in preparing legally binding regulations and reviewing permit applications – especially in relation to residential energy requirements and construction wastes. They also participate in the Energy Watch Partnership which conducts energy audits and retrofits.

F8. The Sustainability Team devotes a significant amount of its time and effort in monitoring contracted consultants.

Response: Agree.

F9. The Sustainability Team website is an essential tool, but the Team does not have the resources to make it effective.

Response: Disagree

Although we can always work towards improvement, our Sustainability Team’s website is an essential and effective tool for public outreach.
F10. The Sustainability Team is solely responsible for its own promotional work and receives no professional public information support.

Response: Agree

As with most County programs, the Sustainability Team is largely responsible for its own promotional work.

F11. Marin County has benefited from the Sustainability Team’s cooperative efforts with other agencies in the County and the Bay Area.

Response: Agree.
(Also on behalf of the Director of Public Works)

F12. A Marin County Joint Powers Authority on green buildings and energy conservation would be an effective tool to coordinate County sustainability issues.

Response: Agree

Marin County and its cities and towns have a strong tradition of utilizing joint powers authorities to achieve economies of scale in shared programs. In this instance, a Marin County Joint Powers Authority could be an effective tool to coordinate County sustainability efforts - if Marin towns and cities conclude to such a need and agree to fund and participate in the endeavor.

A Joint Powers Authority is currently being considered to implement community choice aggregation that could also address conservation initiatives.

RECOMMENDATIONS

The 2006-2007 Marin County Civil Grand Jury recommends that the County take the following action:

R1. The County fund an increase of Sustainability Team staff in order to help fulfill County sustainability goals.

Response: Partially Disagree

The Administrator’s Office and the department are currently considering increasing a part-time Sustainability Team planner position to full-time status. Within the context of our countywide priorities, the Board may consider additional funding for expanding sustainability-related activities in the future.

R2. The County budget for a professionally designed and maintained Sustainability website.

Response: Disagree
While we disagree at this time, we do not preclude it from future consideration as we evaluate how we can more effectively implement our County's sustainability goals.

R3. The County provide access to a public information officer for the Sustainability Team to promote visibility and awareness of the Sustainability Team programs and services.

Response: Disagree

Although the County does not have a full-time public information officer, the County Administrator's office works with departments to develop effective communications efforts to promote program goals.

R4. The County introduce a comprehensive Environmental Management System with representatives from every County department, to develop consistent environmental standards for County operations.

Response: Partially disagree
(Also on behalf of the Director of Public Works)

The County agrees that each department should implement environmental practices that could lessen its environmental footprint. While an Environmental Management System may be a viable alternative, we would like to evaluate what is the most appropriate system to achieve our desired results.

R5. The County provide the necessary resources to accurately measure greenhouse gas emissions in the County through the Marin Greenhouse Gas Reduction Plan.

Response: Agree

Our-inventory of Marin County greenhouse gas emissions has been completed and additional funding was set aside by the Board at their July budget hearings to further fund our efforts to reduce greenhouse gases in Marin.

R6. The County initiate a countywide green building and energy conservation Joint Powers Authority.

Response: Disagree

Pursuing a joint powers authority for green building is not warranted at this time. Currently, Marin County is in the process of completing a detailed study and business plan regarding the feasibility of implementing community choice aggregation that would enable increased use of renewable energy supplies and provide an organizational framework for addressing other energy issues. If approved, this program would be conducted under a new joint powers authority with participating Marin towns and cities.
In addition, municipal representatives of Marin towns, cities and the County are already participating in a waste management joint powers authority, the Energywatch Partnership program and recently agreed to cooperate in the pursuit of similar green building programs.