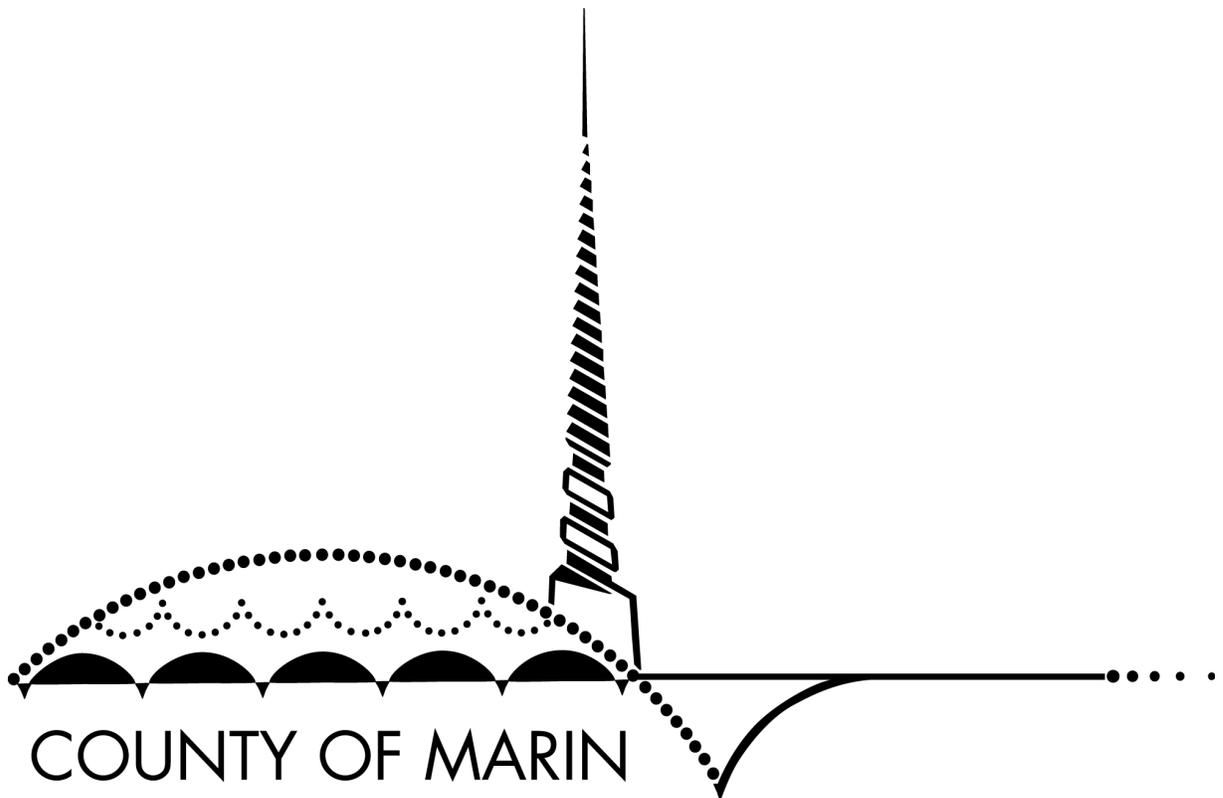
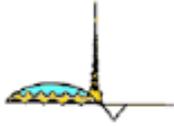


2013/2014 MARIN COUNTY CIVIL GRAND JURY

Evaluation of Responses to the 2012-2013 Marin County Civil Grand Jury Reports

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EVALUATION OF RESPONSES TO THE 2012-2013 MARIN COUNTY CIVIL GRAND JURY REPORTS

SUMMARY

The 2012–2013 Civil Grand Jury issued seventeen (17) formal reports on subjects relating to the governance of the County as well as its various cities, towns, and special districts. All but one report included findings and recommendations, as well as requests for responses from the appropriate entities. The final report was an evaluation of responses to reports released by the 2011-2012 Civil Grand Jury and did not require any responses. Interested parties may access this information via the Marin County Civil Grand Jury website: <http://www.marincounty.org/depts/gj/reports-and-responses>.

The formal reports issued by the 2012-2013 were as follows:

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Because responses were due and provided after the tenure of the 2012-13 Civil Grand Jury, the 2013-2014 Civil Grand Jury reviewed and considered the responses pursuant to the requirements of the State Penal Code 933.05. It should be noted that Penal Code 933 states that the governing body of the public agency shall respond to the presiding judge within 90 days, and that an elected county officer or agency head shall respond to the

presiding judge within 60 days. Department heads can be invited to respond, but the code does not require it.

DISCUSSION

The following summarizes the issues, recommendations, and responses for each of the seventeen reports. The release date is in parentheses following the title of each report.

1. The Community Service Funds: A Revisit After 12 Years (January 7, 2013)

Every year, Marin County allocates money to County Supervisors that can then be granted to various charities, civic groups and selected projects within their individual districts. This resultant fund, established in the early 1990s, has had several names. It is currently referred to as the Community Service Funds (the CSF). This fiscal year, the County Budget has allocated \$349,405 for the CSF to be divided among the five Supervisors. Funds unused in a fiscal year by a Supervisor are carried forward for that Supervisor's CSF cumulative use. Because cumulative unspent program monies from prior years are included in the present year's budget allocations, the currently authorized monies total nearly \$900,000 for fiscal year 2012-2013.

Other California counties with CSF-type discretionary supervisor funds consistently face public criticism. As reported in the press, opinion against these funds is growing. As a result, these funds have been discontinued in two counties and are under investigation by Civil Grand Juries in at least two others. Criticism of these types of programs included the lack of transparency and the appearance of quid pro quo in fund disbursements.

In 2001, the CSF was the subject of a Marin County Civil Grand Jury report. Its report recommended discontinuing the CSF given the lack of transparency, limited public knowledge, absence of an audit and often vague descriptions of its uses. Although the Supervisors disagreed with most of the Grand Jury's findings, several changes were implemented to improve transparency and accountability.

As a result of continuing criticism of the CSF in the press, ongoing negative public comments, and the present tight budget environment, this Grand Jury decided to revisit the CSF. The Grand Jury conducted a detailed review of all disbursements in the past three fiscal years and found a number of troubling procedural and process issues. These included: limited public knowledge of the CSF, lack of records regarding denied requests, organizations receiving funds over multiple fiscal periods and organizations receiving several grants in the same fiscal period. In addition, no minimum or maximum amounts were established for individual grants and no spot audits were made of the disbursements. The individual Supervisors control both the approval of applications and the associated disbursements. The Grand Jury found, during interviews and surveys, that some recipients were encouraged to apply for grants by their Supervisor.

The Grand Jury recommended additional limitations on the use of taxpayer funds allocated to the CSF, the establishment of clear eligibility and other criteria for the awarding of CSF grant, further disclosure and transparency regarding the existence of the CSF, the awarding of grants therefrom, and the elimination of direct Supervisor control over the grants. The recommended improvements should ensure that all potentially eligible recipients are equally informed of the program, and that grants are truly one-time, significantly support a program or event that otherwise would not proceed, and provide Marin County-only educational, environmental, cultural or human services benefits. Grants should be recognized as granted by the County (and thus, its taxpayers) and not by County Supervisors, either individually or collectively. Furthermore, CSF funds presently carried over from prior fiscal years (approximately \$530,000) should not be used in this year's CSF program, and should instead be returned to the County General Fund. If these improvements are not adopted for fiscal year 2013-2014, The Grand Jury recommended the program's termination and the return of unspent funds to the general budget.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended the items listed below. All responses were provided by the Marin County Board of Supervisors.

R1. The process to apply for grants and criteria used to approve or reject potential projects should be readily found on the County's website with an explanation. A link to the website should be included in each Supervisor's web page. This should be done promptly and in any event prior to the beginning of FY 2014.

Response: This recommendation was implemented. Beginning in FY 2013-2014, community service request forms and a description of the program guidelines will be posted on the County website.

R2. Information regarding organizations receiving funds and those denied funds, with the amounts requested, should be made available on the County's website. Ideally, this would be included in the CSF link recommended above in R1. This, too, should be done prior to the bringing of FY 2014.

Response: The recommendation was partially implemented. As part of the revised program, funding recommendations will come to the Board as a policy item. The staff report will include the amount of all sponsored requests and staff recommendations for funding.

R3. To foster broadening of the CSF grants, entities receiving grants should not be eligible to receive a grant in the next fiscal year. Additionally, only one distribution should be made to an organization in any fiscal year.

Response: This recommendation was not implemented

R4. A supervisor should not recommend that any organization of which the Supervisor or a family member is an officer, director, or otherwise plays a policy role, request or receive a grant.

Response: The recommendation was implemented as part of the revised program guidelines.

R5. Minimum and maximum amount of individual grants should be established. The Grand Jury recommends a minimum of \$500, in order to defray government administrative cost of \$400 per distribution. A limit of \$5,000 per grant is recommended as this maximum would help insure that grants are awarded to more recipients organizations.

Response: This response was partially implemented. The revised program will include a minimum of \$1,000 and a maximum of \$10,000 to improve program efficiency.

R6. CSF funds presently carried over from prior fiscal years (approximately \$530,000) should not be used in this year's CSF program, and should instead be returned to the County General Fund. Similarly, funds allocated to a fiscal year that are unused should be returned to the general fund. CSF rollovers to the following year should be eliminated.

Response: This recommendation was partially implemented. Starting in FY 2013-2014, we will not carry forward unused community services funds. However, the carry forward funds from prior year will be set aside for future consideration by the Board of Supervisors for one-time community needs.

R7. Funds should not be allocated to the CSF if there was a deficit in the general fund the previous year or if other County Departments are asked to cut their budget for the next fiscal year.

Response: The recommendation was not implemented. But over the past several years, to respond to the budget challenges the Board has reduced the program by approximately 36% from \$ 550,000 to \$ 350,000 per year in FY 2012- 2013. The revised program that was approved by the Board for next fiscal year will be reduced by an additional \$50,000 to \$300,000.

R8. No CSF funds should be used for any recipients' ongoing program. These grants should be "one time" disbursement by the County's own description.

Response: This recommendation was not implemented.

R9. CSF grants should be restricted to not-for-profit entities.

Response: This recommendation will be implemented with the inclusion of other governmental agencies.

R10. The County Auditor-Controller should conduct spot audits of at least five randomly selected recipient entities each fiscal year to confirm and document that grants are used as requested.

Response: This recommendation requires further analysis. Over the next six months, the Director of Finance will report to the Grand Jury regarding the scope and frequency of spot audits that his staff will provide. To the knowledge of the current grand jury (2013/2014), this report has not been provided.

R11. Control of both the approval of applications and the associated disbursement should be removed from the Supervisors and assigned either to newly established district committees or to the appropriate county administrative office (e.g., HHS or CAO).

Response: This recommendation was partially implemented. Given that the community service allocations are for small dollar amounts it would not be cost-effective, or meet our goal of being responsive to emerging needs, if the Board of Supervisors and their aides were completely removed from providing input on funding requests. Therefore, under the revised program for FY 2013-2014, the Supervisors would need to sponsor a request for it to be considered by the County Administrator for funding.

R12. If the Supervisors cannot agree to implement the above recommendations, then the Grand Jury recommends that immediate steps be taken to terminate the CSF.

Response: The recommendation was not implemented.

2. The Community Service Funds - The Supplement (May 21, 2013)

In early January of 2013, the Grand Jury issued a report, "The Community Service Funds - A Revisit After 12 years." Since this report was issued early in the Grand Jury's term, it was provided with a unique opportunity to respond to the actual actions taken by the Board of Supervisors (BOS) and the County Administrator's Office (CAO) on the recommendations made in the initial report. This new report provides a summary of the initial report, the responses to the recommendations, and the additional steps needed to ensure the Community Service Funds (CSF), as well as the processes to manage the fund, remain fully transparent and meet the needs of all Marin County citizens. Based on interviews with the Supervisors and staff of the CAO, the Grand Jury concluded that County officials were making a genuine effort to improve the CSF program and were willing to implement suggestions for further improvement of CSF operations.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended the items listed below. All responses were provided by the Marin County Board of Supervisors.

RI. The revised CSF Program specifically prioritizes countywide projects and grants that have an impact on more than one Supervisor's District.

Response: This recommendation will not be implemented. Given the size of the grants, many of the allocations that have substantial merit are for a specific community and may not have countywide impact. With that said, countywide projects will also receive serious consideration for funding.

R2. The new CSF Program provides grants that are truly for one-time needs, and not for ongoing recipient programs.

Response: This recommendation will not be implemented. Although the program is not limited to one-time allocations most of the allocations will be one-time in nature. In addition, as stated on our website, allocations that are approved for the current fiscal year only and do not indicate any support for future year funding.

R3. The revised CSF provides objective criteria that will be used to rank applicant's requests. Suggested criteria, for instance, might include consistency with the County's "4-E's" goals (i.e., Economy, Equity, Environment, and Education) and the promotion of that fiscal year's County Budget's theme.

Response: This recommendation will not be formally implemented, but clearly countywide goals will inform staff recommendations for funding.

R4. The Board of Supervisors launch a publicity campaign well before the start of Fiscal Year 2013-14 that explains the revised CSF Program, its application process and the criteria to be considered for grant monies under the Program.

Response: This recommendation has been implemented. We have issued a press release concerning the revised program. In addition, the revised program guidelines and the program request form have been highlighted on a redesigned page of the County's website.

R5. The CAO (and/or the Director of Finance, if appropriate) provide an explanation of the "One-Time Fund" account and the procedures for determining and authorizing expenditures from that account. The explanation should make clear that Supervisors have no preferential District-specific rights to the portion of that account comprised of the \$530,000 "surrendered" by the Board of Supervisors from their cumulative unspent CSF monies. The BOS should review and endorse this explanation.

Response: This recommendation will not be implemented. At this point, there are approximately \$72,000 unspent funds remaining. These funds will be allocated by the full Board at a regularly scheduled meeting for one-time community needs. For example, \$25,000 of these funds was approved by the full Board to be allocated to the Law Library at the Board meeting of July 16th.

R6. The revised CSF Program to be inaugurated in Fiscal Year 2013-14 be evaluated by the CAO at the end of that Fiscal Year and a Report on its operation be provided to the BOS and posted on the County's website. The Report should summarize number of applicants, number of applications rejected and reason for rejection, number of applications granted broken down by sectors that include non-profits, local governments, and any other appropriate categories, and range of dollars granted pursuant to applications received during the Fiscal Year.

Response: This recommendation will not be implemented, but staff will monitor the effectiveness of the revised program and recommend program revisions as necessary.

3. *A Sobering Center In Marin - One Small Step In Solving A Big Problem (February 28, 2013)*

A sobering center gives people a safe place to sleep off the effects of alcohol, receive rehabilitation counseling, and permits the clients to leave the facility without a criminal citation. Marin County does not have a stand-alone sobering center. It has access to a non-medical detoxification center in San Rafael, which because of a decrease in funding, has had a substantial decline in beds over the last few years and now is committed to

providing just two beds “to serve as a sobering center for police and emergency referrals”. That means that individuals picked up in Marin likely will end up either arrested for petty public intoxication or in a hospital emergency department (ED).

The Grand Jury concluded that establishing a sobering center for Marin County will provide a more humane alternative to either jail or a hospital emergency room for public inebriates. In addition, it can generate cost savings and improved efficiency for law enforcement agencies and local hospital ED’s.

To ultimately achieve a stand-alone sobering center, the Grand Jury recommended that (1) the Health and Human Services Department work with County hospitals, the County Jail and County law enforcement agencies to confirm the Grand Jury’s findings and (2) upon confirmation of the findings, the County act to establish a stand-alone sobering center in Marin County.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. The HHS Director distribute this report to the Chronic Alcohol Use with Justice Involvement Project, to the Sheriff, to local police chiefs and to Marin County hospitals for their review.

Response: The Marin County Board of Supervisors responded that the recommendation has been implemented.

R2. The HHS Director work with the Chronic Alcohol Use with Justice Involvement Project with input from the Sheriff, Marin police departments, and Marin County Hospitals to prepare a cost benefit analysis of a stand-alone sobering center in Marin County that would be used in lieu of jail or a hospital ED.

Response: The Marin County Board of Supervisors responded that the recommendation is not warranted and will not be implemented.

R3. The HHS Director work with the Chronic Alcohol Use with Justice Involvement Project, the Sheriff’s Office, Marin police departments and Marin County hospitals to secure funding from the primary beneficiaries identified in this cost benefit analysis to develop a stand-alone sobering center in Marin County.

Response: The Marin County Board of Supervisors responded that this recommendation will be partially implemented by the Department of Health and Human Services (HHS) which has been working with community partners on this issue and it will continue to involve those partners in future responses to matters raised by this report.

R4. The Sheriff’s office and each Marin County police department research and report on the possible cost savings and other benefits achieved from making greater use of a sobering center.

Response: The Marin County Sheriff’s office responded that the recommendation has not yet been implemented but will be implemented in the future. The response further

stated the Sheriff's agreement that reducing incidents of chronic public inebriation requires involvement of social justice groups and Marin's healthcare provider community as well as local law enforcement.

Response: The Fairfax Police Department responded that the recommendation has not yet been implemented but will be in the future. The response further states the Police Chief's agreement that reducing incidents of chronic public inebriation requires involvement of social justice groups and Marin's healthcare provider community as well as local law enforcement.

Response: The Mill Valley Police Chief responded that the Mill Valley Police Department has researched issues referred to in Recommendation R4 and concluded that a sobering center might result in cost savings and efficiencies and could have value in reducing the social stigma associated with public drunkenness.

Response: The Novato Police Department responded that Recommendation R4 will not be implemented because it is not warranted or is not reasonable. The Novato Police Chief states there would be no cost saving from use of a sobering center and that this is a complex social issue that would be best addressed in a comprehensive singular report, as opposed to multiple reports by all Marin County police departments.

Response: The Ross Police Chief and San Rafael City Council responded that the recommendation was not yet been implemented but will be implemented in the future.

Response: The Sausalito City Council responded that the recommendation has not been implemented but may be implemented in the future. The Sausalito Police Chief responded that the recommendation "will" be implemented in the future.

Note: All Marin County Police Chiefs were invited to respond but are not required to, as they are not elected officials. There was no response from:

- The Police Chief of Belvedere
- The Police Chief of Tiburon
- The Police Chief of the Central Marin Police Authority

4. Marin on Fire Redux (March 25, 2013)

Following interviews covering a broad cross-section of fire professionals and emergency personnel, County supervisors, and Marin Municipal Water District (MMWD) directors, the Grand Jury concluded that Southern Marin residents are exposed to the risk of dangerous wildfires due to the dramatic increase of fuel load on the Mt. Tamalpais Watershed. The most significant threat is the aggressive Scotch Broom (Broom), a highly combustible non-native plant that covers 1,200 acres of the Watershed, and is currently spreading at a rate of at least 30 acres per year.

Due to the ineffectiveness of prior control methods, the MMWD proposed the *Wildfire Protection and Habitat Improvement Program* (WPHIP). The plan offers two approaches to control the Broom. Approach 1 is a manual solution with a cost of \$5.6 million annually for full implementation. Approach 2 is a combination of manual efforts and controlled use of Glyphosate, an herbicide currently used in the county parks and open

spaces. Approach 2, with a lower cost of \$1.6 million annually would result in an annual savings of \$4 million over Approach 1. Concerned over the potential harm to humans and other life by the use of herbicides and additives, MMWD proposed a best practices plan to ensure the safe application to eradicate the Broom.

With 13,200 structures within one mile of the watershed boundary in imminent danger of a devastating fire similar to the Oakland Hills firestorm of 1991, the Grand Jury believed the risk of wildfire exceeded the low risk associated with the controlled use of herbicides, and recommended that the MMWD approve Approach 2 as the only reasonable alternative to control Broom infestation within the watershed.

Recommendations and Responses:

The Marin County Civic Grand Jury recommended that:

R1. The MMWD Board adopt Approach 2 with the expectation that the findings of the EIR will support the program to control Broom using Glyphosate based herbicides, an action also recommended by their own subject matter experts.

Response: MMWD Board: Not yet implemented. A preferred approach would not be selected until the EIR process completes the evaluation of the potential environmental impacts.

The EIR is in process as of April 2014. The forty-five day comment period may commence during the fall of 2014; however, the Board anticipates this will be postponed until January 2015, due to the holidays.

R2. The MMWD Board act on policies they conclude are the most effective in the control of Broom, wildfire and the effective management of the MMWD lands.

Response: MMWD Board: Recommendation will be implemented in the future. MMWD noted that effectiveness is an important criterion for choosing a course of action; safety and environmental concerns may be overriding factors.

R3. Existing codes governing defensible space and other fire regulations be rigorously enforced on MMWD and adjacent developed and open-space lands.

Responses:

- MMWD Board: Has been implemented.
- San Anselmo Town Council and Town of Ross: Needs further analysis. Both San Anselmo and Ross note that they have limited resources that impact their ability to rigorously enforce defensible space regulations.
- Fairfax Town Council: Will not be implemented. In matters of fire safety, Fairfax relies on the sound judgment of the Ross Valley Fire Department.
- Mill Valley and City of Larkspur: Agree in the desire that all landowners in their jurisdiction comply fully with applicable codes.
- Town of Corte Madera: Defensible space and other fire regulations are enforced through state-mandated and local codes and regulations on lands located within

the boundaries of the Town. MMWD lands are neither within nor do they border the Town of Corte Madera.

R4. The Marin County Board of Supervisors go on record that control of Broom within the MMWD lands is a high priority and that the most effective means of control should be utilized. This is consistent with the Board of Supervisors existing policy for the county's open space.

Response: MMWD Board: All the actions in either alternative in the WPHIP are consistent with the County's Integrated Pest Management Policies.

Board of Supervisors: Recommendation will not be implemented given that they do not oversee MMWD land, and cannot speak to their land management priorities.

R5. Should a less effective approach to vegetation management be selected (Approach 1), new funding sources should be pursued by the most affected communities.

Responses:

- **MMWD Board:** Requires further analysis since no decision will be made on the WPHIP alternatives until the completion of the environmental review process.
- **San Anselmo Town Council and Town of Ross:** Requires further analysis. MMWD is responsible for managing their lands. If Approach 1 is chosen, MMWD should seek public support for additional funding.
- **Fairfax Town Council:** Will not be implemented. The Town Council objects to the subjective characterization of Approach 1 as a "less effective approach." The Council agrees that "new funding sources" should be identified, but owing to the County-wide importance of this effort, the "most affected communities" are in effect all of the communities in Marin.
- **City of Mill Valley:** Agrees and has enacted a Municipal Services Tax (MST) that provides approximately \$300,000 annually for vegetation management related programs and projects.
- **City of Larkspur:** Agrees. Larkspur recognizes that this challenge requires funding and will readily participate in efforts to develop a long-term funding strategy.
- **Town of Corte Madera:** Recommendation statement does not explain how utilization of particular vegetation management approaches trigger the need to seek new funding sources, nor does it identify the purposes for which such funding should or would be used.

5. *Senior Transportation: On the Road Again* (April 24, 2013)

This report indicated concerns related to the rapidly growing proportion of aging baby boomers in the County, and the strain it creates on the resources available to seniors. The report focused on the impact this population surge will have on transportation services.

Nine informal focus groups were conducted with seniors around the county to determine their transportation needs, given they will stop (or limit) their driving at some point.

The groups' feedback included:

- There is a lack of familiarity with paratransit options, and uncertainty about where to access that information. Note: The ADA requires all public transit operators to provide a special service to eligible disabled individuals whose disabilities prevent them from using lift-equipped public transit. This special service, called "paratransit service," is required by the ADA to complement fixed-route public transit service
- Whistlestop Wheels needs to reduce waiting times.
- West Marin, Northwest Marin, and East San Rafael need paratransit service.
- The paratransit needs of physically-challenged seniors are being met, for the most part.
- In terms of public transportation, access to bus stops and inconvenient schedules were cited as barriers.

The report identified the following funding sources for senior transportation: Measure A (2004), Measure B (2010), and a variety of federal and state grants. A list of all Marin senior transportation options was included, along with an overview of the "best senior transportation options in several other areas" around California.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. Whistlestop Wheels reduce the time spent waiting for Whistlestop service by using more reliable and accommodating scheduling.

Marin Transit Response: This recommendation will not be implemented. Marin Transit uses a state of the art scheduling program for its paratransit program (provided through a contract with Whistlestop Wheels.) However, the shared ride nature of the service and the ADA mandate to accommodate all eligible ride requests inevitably result in some waiting time.

R2. Marin Transit and Whistlestop Wheels initiate local paratransit service to east San Rafael and to west and northwest Marin.

Marin Transit Response: This recommendation will not be implemented beyond existing service levels. There is no available funding to expand the paratransit program beyond its existing limits. However, residents of east San Rafael may schedule paratransit rides on a space available basis, and residents of west Marin are able to request the Stage bus to deviate up to 3/4 mile from its designated route to pick up eligible riders. Eligible seniors in all of these locations have access to the Volunteer Driver and Catch-A-Ride (based on taxi availability) programs.

R3. Marin Transit and the Transit Authority of Marin (TAM) support additional medical appointment shuttles by partnering with Marin General and Greenbrae-area medical clinics.

Marin Transit Response: This recommendation requires further analysis. Marin Transit has previously, unsuccessfully, partnered with Marin General to request grant funding for medical shuttles. Marin Transit will continue to work with medical facilities to identify new partnership and funding opportunities. Current financial resources are not available for such a program.

R4. Marin County's Department of Aging and Adult Services initiate a collaborative effort, such as the creation of a central database, among the patchwork quilt of community volunteer driver programs. Attempts should also be made to involve bilingual volunteers.

BOS Response: This recommendation will not be implemented because it is not warranted or is not reasonable. While Marin Transit will purchase volunteer driver software to better manage driver and customer databases, the HHS Division of Aging and Adult Services will not be maintaining a central database. The Division does not have the resources to manage such a function other than focusing on key work of the Division and serving its clients.

Marin Transit Response: This recommendation has been implemented. Marin Transit has prepared a brochure providing information on all known Volunteer Drive programs in Marin County. Additionally, Marin Transit is in the process of purchasing volunteer driver software, which will be made available to interested volunteer driver programs for use in managing their driver and customer databases.

R5. Marin Transit and TAM provide vans to support a weekend shuttle service transporting seniors to social, cultural and entertainment functions.

Marin Transit Response: This recommendation requires further analysis. Many weekend social, cultural and entertainment functions are accessible through Marin Transit's existing family of services including the Community Shuttle program. Marin Transit staff is available to provide information and individual training to help seniors learn about and use these services. If specific venues are not accessible through the existing services, Marin Transit would have to evaluate whether existing services can or should be expanded to serve these locations based on ridership projections, the suitability of the street network for shuttle service, and the overall interest in the neighborhood for new bus service. It is important to note that as a recipient of federal funding, Marin Transit is prohibited from providing charter services, even free charter service, and service to small groups of seniors as described above may not be allowable under federal regulations.

R6. Marin Transit and TAM partner with area supermarkets to provide neighborhood shopping shuttles.

Marin Transit Response: This recommendation requires further analysis. Marin Transit provides a limited number of shopping shuttles already. Current financial resources are not available for such a program.

R7. Marin Transit and TAM collaborate with Northgate shopping center, Town Center, the Village and other large shopping malls to provide senior shopping shuttles.

Marin Transit Response: This recommendation requires further analysis. Marin Transit provides a limited number of shopping shuttles currently. Northgate mall is served by four fixed route bus lines with service every 15 minutes during the weekday and every 30 minutes during the weekend and is one of the most heavily used stops in the County. Town Center, including the Paradise bus pad, is served by seven fixed route bus lines with service every 10-15 minutes during the weekday and every 30 minutes during the weekend. The Village interior parking lot had been historically served with two shuttle routes but ridership did not warrant continuation of these services to this location. However, two routes continue to provide access to the Village along Tamalpais Drive.

R8. Marin Transit and TAM supply fixed-route or on-call vans to transport seniors living in central and southern Marin's isolated hillside neighborhoods to the nearest bus stop or transit hub.

Marin Transit Response: This recommendation requires further analysis. Funding for public transit is limited and consequently Marin Transit evaluates requests for new transit services based on: the potential ridership, the appropriateness of the area for bus service, and the overall desire of a neighborhood to have bus service. The existing Volunteer Driver and Catch-A-ride subsidized taxi program currently performs this function and will continue to do so to meet the needs of seniors living in central and southern Marin's hillside neighborhoods who wish to get rides to the nearest bus stop or transit hub. Marin Transit and TAM Planning staffs have ongoing discussions on similar transportation options and ideas, and will continue to study the feasibility and explore possible funding sources.

R9. Marin Transit and TAM provide fixed-route or on-call vans to enable seniors living in Marin City's housing projects to travel to Sausalito and connect to other parts of the county.

Marin Transit Response: This recommendation requires further analysis. Marin Transit currently provides fixed route service from the Marin City transit hub to Sausalito. The existing Volunteer Driver and Catch-A-Ride subsidized taxi program can currently meet the needs of seniors living in housing projects who wish to get rides to the nearest bus stop or transit hub. Marin Transit would be interested in working with a volunteer driver to provide on-call van service to seniors in Marin City.

R10. Marin Transit and TAM furnish fixed-route or on-call vans to enable west Marin and northwest Marin seniors to connect more easily to transit hubs in Fairfax, central San Rafael, and Petaluma.

Marin Transit Response: This recommendation requires further analysis. Funding for public transit is limited and consequently Marin Transit evaluates requests for new transit services based on: the potential ridership, the appropriateness of the area for bus service, and the overall desire of a neighborhood to have bus service. Marin transit's West Marin Volunteer Driver Program currently has the ability to provide rides to transit hubs. Marin Transit would be interested in exploring a partnership with a volunteer driver to provide

on-call van service to seniors in west and northwest Marin. Fixed-route service between west Marin and Petaluma is pending funding through a current grant application.

R11. Marin Transit extend Novato’s Dial-A-Ride model to other areas of Marin in addition to the Tiburon route currently under consideration.

Marin Transit Response: This recommendation requires further analysis. Funding for public transit is limited and consequently Marin Transit evaluates requests for new transit services based on: potential ridership, the appropriateness of the area for bus service, and the overall desire of a neighborhood to have bus service.

R12. Marin Transit publicize senior transit information, including Catch-A-Ride taxi brochures and the list of senior transportation options listed in this Grand Jury report, in a variety of locations in addition to retirement homes and traditional senior centers. Other venues might include shopping centers, adult education classes, recreational facilities and farmers’ markets.

Marin Transit Response: This recommendation is not yet implemented. Marin Transit will extend its outreach to include those locations above that are not yet included.

R13. Marin Transit, when appropriate, publicize senior transit information in a variety of modes to include oral presentations, announcements, and videos. Information must be brought immediately and directly to the attention of seniors. Heed may not always be given to printed brochures, flyers, announcements, or notices in seniors newsletters, unless the information is specifically brought to their attention.

Marin Transit Response: Recommendation has been implemented. Marin Transit works through a variety of modes to publicize senior transportation options including presentations, announcements and videos.

R14. Marin Transit translate all transit information, whether in print, on the website, or available by phone, into Spanish and other languages. As the non-English speaking population continues to increase, so does the number of older immigrants in need of transportation services. Outreach efforts need to be diversified to connect with this growing population.

Marin Transit Response: This recommendation has been partially implemented. Marin Transit has recently received a grant to include and involve limited English and non-English speaking Hispanic and Vietnamese seniors and persons with disabilities in the planning process as well as reaching out to these communities in their own language and in culturally appropriate ways to facilitate increased usage of Marin Transit’s programs and services. Marin Transit website text is available in 14 languages through a translation option in the right hand corner of each website page.

R15. Marin Transit supply more complete senior transportation information on the website of the Division of Aging and Adult Services instead of referring seniors to the Marin Access telephone number. Include the “Marin Senior Transportation Options” section of this Grand Jury report.

BOS Response: This recommendation has been implemented.

Marin Transit Response: This recommendation requires further analysis. In addition to providing the phone number for Marin Access, the Division of Aging and Adult Services also provides a link to Marin Transit's senior transportation services on its website. By providing this information through a link to the Marin Access website they can ensure that they are always providing the most up to date information.

R16. Marin Transit simplify the application process for the Catch-A-Ride taxi program by including an application form, both in Spanish and other languages, with each brochure rather than requiring seniors to either download an application or to call Marin Transit to request one.

Marin Transit Response: This recommendation has not yet been implemented.

R17. Marin Transit lower Catch-A-Ride's age requirement to 75 to accommodate healthy non-driving seniors.

Marin Transit Response: This recommendation requires further analysis. Implementing any change to the program eligibility requirements will increase the cost of the program. With the program having been implemented less than a year ago, it may be possible to revisit eligibility requirements if funding permits.

R18. Marin Transit reduce Catch-A-Ride's advance scheduling time to allow for last minute trips and emergency appointments.

Marin Transit Response: This recommendation has been partially implemented. Marin Transit intends to reduce the advance scheduling requirement from three hours to two hours; however, this service is not intended as a means of providing emergency medical transportation.

R19. Marin Transit continue to increase the number of wheelchair accessible taxis as the Catch-A-Ride program expands.

Marin Transit Response: This recommendation requires further analysis. If demand for accessible taxi rides increase, Marin Transit will explore with taxi providers to identify opportunities for funding to purchase new accessible taxis.

6. Libraries Aren't Just for Books Anymore (May 3, 2013)

Libraries used to provide a quiet place to sit and read papers, magazines and books. A library was also a place to go on a study date, cram for an exam, or do research on the lost tribes of Indonesia for your Geography seminar. You could rely on the Reference Librarian to help you find the best sources for your information.

Fast Forward to 2013. We have seen a sea change of choices for obtaining information. We now expect librarians to be computer proficient, able to assist a diverse population - young and old, computer-savvy and novice keyboard newbie, multi-lingual and multicultural patrons. Computers and Internet accessibility at every library mean that librarians have to be ready to guide a variety of patrons through the many choices of an information gathering process.

In reviewing the evolution of the Marin County Free Library (MCFL) during the 11 years following the 2002 Grand Jury report, the Grand Jury found positive growth, change and innovation.

The Grand Jury found a dedicated and knowledgeable staff. In addition to standard organizational duties, some librarians are specialists in teen or children's literature. They provide many popular reading programs for young people as well as adults. MCFL has continued to provide outreach programs and looked for ways to increase the number of people using the library's services. MCFL hosts and sponsors many community events, such as summer reading programs, lectures and workshops on a variety of subjects, tax preparation and job search assistance, and the *One Book One Marin* reading program. For over 20 years, MCFL has continued to support and expand the Marin Automated Resources and Information Network (MARINet) resource-sharing system to include other libraries outside the MCFL system, such as Dominican University in San Rafael. The Marin County Board of Supervisors (BOS) functions as the authority for the MCFL and holds the ultimate responsibility for all MCFL services. The BOS appoints the Director of County Library Services and approves the MCFL budget. To aid in these duties, the BOS appoints members to the Library Commission, three from each of the five Supervisorial districts to act as advisors to the BOS and the Library Director on matters relating to library service.

Two major events have affected change in the MCFL during the past few years. These are the passage of Library Measure A and a decision by MCFL to adopt a new service model/organizational structure for libraries called Single Point of Service (SPS). Measure A (a special tax for the MCFL) was passed in June, 2010 by more than 74% voter approval to supplement the MCFL budget through a \$49 per year parcel tax for 5 years. Single Point of Service (SPS) is a new service delivery model that is being adopted by many libraries around the country. Reference desks and circulation desks are merged to create a single service point for patrons.

The Grand Jury reported in 2012/2013 that there were a few areas of weakness in the MCFL system that needed to be addressed in order to strengthen the MCFL so it could continue to thrive. The Grand Jury recommended that the following objectives be prioritized:

- Improve communication between and among staff and administration
- Redefine the purpose and direction of support groups such as the Library Foundation and the Library Commission
- Procure stable funding
- Strengthen communication with and representation in County government

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. The new MCFL Director of Library Services make improved communication a priority and include all affected groups and stakeholders early in any new MCFL planning process to get feedback and input from Staff. Leadership needs to encourage

staff input in contemplating major changes. Participation could include tasking staff to do research and reports in-house during the planning process.

Responses:

Board of Supervisors (BOS) and Librarian: This recommendation has not yet been implemented, but will be in the next six months.

Library Commission: This recommendation has not yet been implemented, but will be in the next six months

Updated Response April 10, 2014 from County Librarian and Library Commission: Recommendation has been implemented.

R2. The MCFL administration develop a well-defined and reasonably short path to permanent hire status for those (especially “extra hires”) who want to pursue a career in Library service.

Responses:

BOS and Librarian: This recommendation requires further analysis.

Library Commission: This recommendation requires further analysis.

Updated Response April 10, 2014 from County Librarian and Library Commission: The intent is understood. MCFL has vacancies nearing 20% and has put significant resources towards filling these vacancies. The extra hire issue is being addressed at the county level and MCFL is looking forward to changes.

R3. MCFL prepare progress reports and audit of expenditures on Measure A spending and that Library Commissioners, in their capacity as the Independent Citizen Oversight Committee for Measure A, review the status monthly. Both the BOS and Library Commissioners to meet a minimum of twice yearly to discuss and provide guidance on current issues and long term plans for the MCFL, including feedback to the BOS.

Responses:

BOS and Librarian: The recommendation has not yet been implemented, but will be in the future. The commission will implement this beginning in FY 2013-2014.

Library Commission: The recommendation has not yet been implemented, but will be in the future. The Commission will implement this beginning in FY 2013-2014.

Updated Response April 10, 2014 from County Librarian and Library Commission: Library Commission has received measure A reports monthly and a new accounting system will be presented at the April 2014 meeting. This will track Measure A spending through June 2015, and beyond that if Measure A is renewed.

R4. The BOS appoint commissioners to the two vacant positions in District 4 and District 5, and that the BOS make it a policy to promptly find and replace commissioners when needed. When a new commissioner comes to his or her first meeting, the appointing Supervisor should attend and introduce the person to the Commission.

Responses:

BOS and Librarian: This recommendation requires further analysis.

Library Commission: This recommendation requires further analysis.

Updated Response April 10, 2014 from County Librarian and Library Commission: Commission appointments have occurred in a timely manner from the BOS.

R5. The Library Foundation develop a plan to further its stated goals of spearheading community enthusiasm and financial support for the MCFL. The Library Foundation investigate ways to increase long term, consistent funding for the MCFL that can be relied on for continuing library services, such as the FLAGship and the Bookmobile. If such a plan is not forthcoming, the Grand Jury recommends that the Library Foundation consider a merger with the Friends.

Responses:

BOS and Librarian: This recommendation requires further analysis.

Library Commission: This recommendation requires further analysis.

Updated Response April 10, 2014 from County Librarian and Library Commission: The Friends and Foundation have been investigating a possible merger.

R6. MCFL and BOS support Friends with information and recognition! MCFL and BOS should encourage collaboration between the Friends and the Foundation to share ideas and coordinate fund-raising efforts and possibly events.

Responses:

BOS and Librarian: The recommendation has not yet been implemented, but will be in the future.

Library Commission: The recommendation has not yet been implemented, but will be in the future.

Updated Response April 10, 2014 from County Librarian and Library Commission: The Friends and Foundation have now met and are working together. Both volunteer organizations have been critical in the Measure A renewal effort.

R7. MCFL develop a comprehensive work plan including scope, schedule and budget for all work funded through Measure A and make the status of Measure A projects a discussion item at each Library Commission meeting.

Responses:

BOS and Librarian: The recommendation has not yet been implemented, but will be in the future. The Commission will implement this beginning in FY 2013-2014.

Library Commission: The recommendation has not yet been implemented, but will be in the future. The Commission will implement this beginning in FY 2013-2014.

Updated Response April 10, 2014 from County Librarian and Library Commission: Library commission has received Measure A reports monthly and a new accounting

system will be presented at the April 2014 meeting. This will track Measure A through June 2015, and beyond that if Measure A is renewed

R8. MCFL revisit and update its 2007 Vision Plan, with staff and community participation.

Responses:

BOS and Librarian: The recommendation has not yet been implemented, but will be in the future. The Commission will implement this beginning in FY 2013-2014

Library Commission: The recommendation has not yet been implemented, but will be in the future. The Commission will implement this beginning in FY 2013-2014

Updated Response April 10, 2014 from County Librarian and Library Commission: MCFL has been working on a Vision/Strategic Plan, which should be in place by June 30, 2014. Input includes staff, Commission, Foundation, Friends, and BOS.

7. Holding the Bag (May 7, 2013)

This Civil Grand Jury Report investigated the negative impact of the use of plastic bags on the environment. Plastic bags compose approximately 1.2% of California's waste stream. While this may seem a small amount, only 3-9% of the 14 billion plastic bags distributed annually in California are recycled. The remainder ends up in landfills or as litter on land or in the ocean. Between \$33 million and \$103 million is spent each year to manage plastic bag litter in California.

The report also addressed the pros and cons of alternatives and found that paper isn't necessarily better than plastic. The best alternative is reusable bags. Educational initiatives aimed at consumers to encourage the use of reusable bags are vital.

Holding the Bag studied the adoption by other California cities or counties of ordinances banning or restricting the use of plastic carry-out bags. At the time the report was written, 72 California cities or counties had adopted ordinances to ban or restrict the use of plastic carry-out bags. This included the Town of Fairfax and the County of Marin. The Town of Fairfax adopted a plastic bag ban in August 2007. As of January 2011, the County of Marin has had an ordinance banning plastic bag distribution in the unincorporated areas of the County.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) prepare the Model Single-Use Bag Ordinance to implement the strictest rules possible and encourage all agencies to adopt the Ordinance with minimal changes. A ban on single-use plastic carry-out bags should be imposed in all grocery stores, convenience stores, pharmacies and restaurants within the County and apply to all establishments, no matter how large or small.

Response: The JPA responded that they were in the process of preparing a Model Ordinance and associated California Environmental Quality Act (CEQA) analysis for use by Marin’s Cities and Towns. They noted that they could not guarantee that ordinances would follow the “strictest rules possible.”

Follow-up: The final environmental impact report, *Single Use Carryout Bag Reduction Ordinance for Marin County Cities and Towns*, was completed in January 2014 (<http://zerowastemarin.org/assets/Agenda/2014/Item-4-Attach2.pdf>). The JPA Board of Directors certified the Model Single Use Bag Ordinance on behalf of the Member Cities and Towns on January 16, 2014. The Ordinance states, in part, that “No store shall provide to any customer a plastic carryout bag.” A plastic carryout bag “means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. “Plastic carryout bag” includes compostable and biodegradable bags but does not include reusable bags or product bags.” All JPA Member Cities and Towns have been provided the CEQA analysis to facilitate adoption of ordinances.

R2. Marin County and the JPA educate the public on the benefits of reusable bags. Marin County and the JPA develop standardized education guides for all public schools showing the environmental harm done by plastic single-use carry-out bags. Marin County and the JPA develop education materials and distribute them at public events such as farmers’ markets and street fairs.

Response: The County of Marin responded that the County, through the JPA, has a few education/outreach programs currently in operation: Zero Waste Advertising/Media and School Outreach. They noted that the County, like any member of the JPA, will work with the JPA on determining what further education information is needed.

The JPA responded that they “will endeavor to facilitate a robust educational campaign (addressing the reduction of single use bags and the benefits of reusable bags) that will involve as many outreach channels as possible including schools, stores, farmers markets and various other public events. The JPA will also work closely with the JPA’s membership to also promote single use bag reduction with a cohesive theme that can be leveraged across City and Town borders since many shoppers do not necessarily buy many or most of their goods in their own community. The timeline for implementation was To Be Determined.

Follow-up Response (3/11/2014):

- The JPA has developed a website: www.byobmarincounty.org to help facilitate understanding and promote each City and Town ordinance.
- The JPA is developing “window cling” stickers to help shoppers remember to bring their own bag.
- The JPA will cooperate in helping promote a planned “Bring Your Own Bag” week with San Rafael and Novato – and potentially other Cities and Towns in mid-September 2014.

- The JPA Board has authorized distribution of \$50,000 to the Member Cities and Towns to help fund outreach and implementation of the single use bag ordinances.

R3. Marin Towns and Cities adopt an ordinance to ban all single-use plastic carry-out bags using the Model Single-Use Bag Ordinance with minimal, or no, changes, in order to create a true County-wide ordinance. This recommendation was made to the municipalities of Belvedere, Corte Madera, Larkspur, Mill Valley, Novato, San Anselmo, San Rafael, Sausalito, Ross, and Tiburon. Fairfax already had a ban on plastic bags.

Response: All municipalities, with the exception of Tiburon, responded that this recommendation required further analysis because at that time the Model Single-Use Bag Ordinance had not yet been developed by the JPA. Each municipality, with the exception of Tiburon, noted that they supported a ban and would act once the Model Ordinance had been approved by the JPA. Many of them noted that they could not guarantee consistency with the Model Ordinance or other municipalities. Tiburon noted that it generally agrees with the recommendation, however, they rejected the recommendation because the Model Ordinance was not yet available.

Follow-up Response: In March 2014, the Grand Jury sent a letter to each of the municipalities listed above to determine what action they had taken, or planned to take, on implementing a plastic bag ban. The following municipalities have adopted a plastic bag ban, with various implementation dates:

- Novato
- Mill Valley
- San Rafael
- Sausalito

To date, the following municipalities have not implemented a ban on plastic bags, despite their commitment to do so in their response to the May 2013 Grand Jury report.

- Belvedere
- Corte Madera
- Larkspur
- Ross
- San Anselmo

8. STAR Court: A Restorative Justice Success Story (May 10, 2013)

The Grand Jury reviewed the Support and Treatment After Release (STAR) Court, one of a group of special courts within Marin County's Superior Court system. The purpose of the Court is to provide an alternative to incarceration and traditional supervised probation for participants diagnosed with specific kinds of mental illnesses manageable through medication and therapy. The crimes that the participants have committed are generally minor in nature and related to behaviors associated with the symptoms of their mental illness. In order to participate in the Court, participants must be on probation or have

committed a probation-eligible offense. They are required to accept treatment through the STAR Program, the agency that provides their mental health treatment while in the program.

STAR Court is designed to decrease or eliminate the “revolving door” cycle of arrest and incarceration and lead to a safer Marin and a more productive life for participants. By addressing participants’ underlying mental illness and helping them deal with it appropriately, the 18 to 24 month program is expected to provide participants with a greater sense of personal and social responsibility and move them gradually toward self-sufficiency and integration into the community.

Although admired for its humanistic approach, the Court also has its detractors who, while recognizing mental illness can be a factor in their crime, feel the approach is too “soft” on offenders. Others say this is the kind of model program counties should be embracing, for it saves taxpayers money and reduces recidivism.

The 2012-2013 Grand Jury found the STAR Court to be a “distinct asset” to the County, adding in their report, that the Court “provides a compassionate, effective means of addressing the social issues of crime and mental illness in a way that benefits all.”

Recommendations and Responses:

The Grand Jury report included seven recommendations:

R1. It is the stated policy of Community Mental Health Services (CMHS) to include family participation in Marin’s public mental health services where permitted by law and the client. We recommend that the STAR Court work with participants’ families to put into practice the policy of the CMHS.

Responses: The Marin County Board of Supervisors replied that the Department of Health and Human Services (HHS) would implement this recommendation when there is agreement from the client. They concurred that families should be part of a client’s recovery program in those instances when the client agrees with their participation. This effectively increases the size of an individual’s social support network. HHS had already implemented several measures to support this effort, including the placement of an individual providing family support at the psychiatric services site, development and implementation of a “family friendly” release of information and other measures.

R2. We recommend that STAR Court provide, with the consent of participants, a session of orientation for family members to educate the family about how the STAR Court operates and what its goals are. This need not in any way breach client confidentiality.

Responses: The Marin County Board of Supervisors indicated that HHS and the STAR Court Team would “further analyze the recommendation.” The review was to take place “over the next six months.” Their objective: to determine what was currently being done to educate family members about the STAR Court and its goals and to continue the outreach policy already in place. That policy provides interested family members with information about the client’s illness as well as the function of STAR and the treatments the client is likely to receive. HHS was to begin to develop policy and procedures to

address this issue and implement “orientation if done with client’s approval and confidentiality.”

The District Attorney also noted that the recommendation required further analysis. A review will be conducted over the next 6 months with an eye to determining if additional steps can be taken to bring supporting family members into the process.

R3. Prior to graduation, the participant's family should be advised by the STAR Treatment Team of community resources available to the participants and family members, such as ongoing support groups.

Response: The Marin County Board of Supervisors replied that HHS would implement this recommendation with client approval, adding, “When clients choose to discharge themselves from the STAR program, a wrap-up visit with a case manager is the standard of care. However, many clients forego this important meeting, during which clients receive recommendations for follow-up care and invitation to return to STAR program in the future. For those clients who are willing to allow their parents to attend this wrap-up visit, we will provide recommendations regarding the ongoing recovery of the clients.”

R4. Minorities are underserved in STAR Court. This may be due to cultural factors, distrust of the system, issues of language or reluctance to be labeled mentally ill. We recommend that the Handbook provided to participants be translated into Spanish, and that there be increased outreach and engagement with minority populations by the STAR Treatment Team to broaden the referral base.

Response: The Marin County Board of Supervisors replied that HHS would implement this recommendation, agreeing, “The STAR program must continue to be open to all segments of the community.” Further, they indicated HHS would coordinate the effort to translate the Handbook into Spanish. They anticipated implementation “of the translation process in the next few months.”

The District Attorney stated, “The current minority composition is approximately 33%. That percentage does show the current program configuration identifies and incorporates qualifying minority candidates... We agree we need to be sure our program continues to be open to all segments of our community. The suggestion to have available a Spanish version Participant Handbook is a reasonable recommendation for study and again can be discussed with the Star Court Team members.”

R5. The STAR Court Team should place more emphasis on the problems that newly-graduated participants are likely to encounter post-graduation, beginning in the second or third phase of the program. Participants should be encouraged to access team members even after graduation to reduce the risk of relapse.

Response: The Marin County Board of Supervisors replied HHS they would implement this recommendation, indicating the STAR Court Team was already addressing post-graduate STAR client’s continued recovery. The STAR Court manager intended to deemphasize the importance of graduation, and instead emphasize the importance of sustained recovery, self-determination, and self-efficacy, especially to the most vulnerable clients who often struggle after they graduate.

The psychotherapy (i.e., talk therapy) provided to most clients is important for supporting

the development of recovery with clients, and STAR Court program manager expressed an intention to “work with therapists to make this a more prominent aspect of their treatment.” The Board also stated the STAR Court Team would continue to develop other strategies around this idea, including but not limited to: a post-graduation support group, follow-up “check-in” contacts with graduates, opportunities for STAR graduates to mentor current STAR Court clients, and gradual phase out of supervised probation after graduation.

R6. We recommend that graduates be invited and encouraged to continue participating in the peer-counseling group, which meets after court each week. The inclusion of successful program graduates as speakers, role models and sources of information could provide ongoing structure and peer support after the graduate has moved on.

Response: The Marin County Board of Supervisors responded HHS would implement this recommendation. The Department of Health and Human Services will extend the offer to former and graduating clients immediately to participate in the peer-counseling group.

R7. We recommend that legal and law enforcement personnel assigned to the STAR Court be kept in place for as much as two years, if feasible, so there is continuity in the STAR Court process for the wellbeing of the participants.

Responses: Although The Marin County Board of Supervisors replied that this recommendation would not be implemented, due to “competing demands of the District Attorney, Public Defender, and Probation departments,” they added, “all departments will do their best to provide as much continuity as possible for the wellbeing of our participants.”

The District Attorney, in an effort to maintain continuity of the legal resources his office devotes to the Court, configured their coverage away from a rotating departmental assignment to single attorney assigned to the Star Court team. His intent was to keep that dedicated coverage in place, “premised in large measure on an assumption that no additional attorney positions are lost in budget reductions.”

9. Garbology in Marin: Wasted Energy (May 14, 2013)

In view of the pending litigation challenging its 2008 Solid Waste Facility Permit, the Civil Grand Jury Report reviewed the need to extend the useful life of Redwood Landfill (RLI). The report also researched alternative measures that could be used to help Marin County achieve 100% landfill diversion.

Based on a 2008 Environment Impact Report (EIR), the landfill applied for and received a new Solid Waste Facility Permit in 2008 (the 2008 PERMIT), but the validity of the EIR and the 2008 PERMIT were successfully challenged in court. If the appeal currently pending is denied, the landfill will be forced to operate under its 1995 PERMIT, thereby reducing the maximum allowable disposal, which could force its closure within 7-9 years, (2020-2022) - The final date would be determined by waste settlement and compaction. The immediate consequences are:

- Marin will need to find another landfill, a problematic issue since County officials have stated that it will be impossible to find an alternate site within the County. Not finding an alternate site in Marin County means our trash becomes another county's problem and increases our carbon footprint.
- Marin would also lose RLI's proposed landfill gas-to-energy plant, which was part of the 2008 Permit agreement. Such a plant could possibly create enough electricity to supply approximately 6,000 to 8,000 Marin County homes with renewable green energy.

If RLI prevails in its appeal and the life of the landfill is extended, the 2008 PERMIT would extend the useful life for a minimum of approximately 19 years (to 2032).

The Grand Jury explored additional ways of extending the useful life of the landfill by:

- Constructing a waste-to-energy (WTE) facility using plasmafication which, while costly now, may prove to be an effective way to reach zero waste and provide needed energy for the County.
- Exploring possible other biomass conversion (e.g., anaerobic composting) in sufficient quantities to contribute to Marin's renewable energy needs.

The Marin County Civil Grand Jury supported the extension of the landfill's life regardless of the outcome of the legal proceedings and the construction of the landfill gas-to-energy plant to harness the energy for a useful purpose rather than flaring the gas, as is the current situation. The Grand Jury urged the Local Enforcement Agency, Marin Hazardous and Solid Waste JPA (Joint Powers Authority) and the County Public Works Department to explore additional methods for keeping Marin County waste in the county including turning the 6% residual after diversion into energy and possibly achieve 100% landfill diversion. The hope is that we will not have any Wasted Energy.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. The Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) and Local Enforcement Agency (LEA) meet with Redwood Landfill as soon as feasibly possible to gain assurances that the landfill methane gas-to-energy plant will become a reality.

Responses: Redwood landfill responded that they are actively working with the LEA to complete permitting of this project. They held a meeting with the LEA on July 18, 2013 in which Redwood restated its commitment to this project.

Updated response 3-14-14: In November 2013, we were issued a permit for LFGTE and are now seeking funding from Waste Management to construct the facility.

R2. The Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) and Local Enforcement Agency (LEA) ensure that Redwood Landfill completes the Construction and Demolition sort line.

Responses: Redwood landfill responded that they are actively working with the LEA to complete permitting of this project. They held a meeting with the LEA on July 18, 2013 in which Redwood restated its commitment to this project.

Updated response 3-14-14: Redwood has been working closely with the LEA and CalRecycle over the past 12 months on this project. Permitting on the C&D MRF is expected to be completed later this year. The funding request will be submitted within the next 2 months.

R3. The Marin County Public Works Department, Local Enforcement Agency (LEA) and Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) work with Redwood Landfill to ensure the building of an anaerobic digester for food waste, the energy from which can be added to the methane gas-to-energy plant.

Responses: Redwood Landfill responded that this recommendation would not be implemented at this time because “it has already identified the best solution for food waste recycling in our proposed expanded composting operation”.

Updated response 3-14-14: In December of 2013, we received the expanded composting permit. The expanded composting operation was funded in 2013. Construction is about 50% complete and we expect to open the facility in the middle of this year. We are dedicated to helping the County meet its organic waste reduction goals, and we still believe that our Covered Aerated Static Pile composting facility is Redwood’s correct solution for Marin County’s food waste. That being said, digester technology is an area of intense interest within WM right now and we have completed projects in California and other states. We will continue to monitor the development of anaerobic digestion technology and would reevaluate its use at Redwood if at some point in the future it seemed feasible.

R4. The Marin County Public Works Department, Local Enforcement Agency (LEA) and Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) work with Redwood Landfill to explore all options for minimizing future disposal through some cost effective, least polluting form of waste gasification, such as Microwave Plasma Gasification.

Responses: Redwood Landfill responded that this recommendation would not be implemented at this time. They do not believe that gasification is a viable solution for minimizing waste disposal in Marin County at this time. However, they will continue to monitor the development of commercial gasification solutions.

Updated response 3-14-14: Gasification is still not a financially viable solution for minimizing waste disposal in Marin County.

R5. Local Jurisdictions holding MSW franchise agreements mandate, through revisions to the agreements, that haulers dispose of all MSW generated in Marin County in Marin County.

Responses:

- City of Belvedere: Has Been Implemented – The City’s Waste Collection Agreement with Mill Valley Refuse states as of July 2012 the Disposal Facilities currently used by collector are the Redwood Landfill and Marin Sanitary Service.

- Town of Corte Madera: Will not be implemented - The Town's Solid Waste Management agreement with Mill Valley Refuse Service (MVRS) would require an amendment and acceptance by MVRS. Also there is concern regarding mandating where waste should be hauled and potential liability due to Federal and State environmental laws. The Town agreed that waste generated in Marin should stay in Marin, but did not know if it would be cost-effective or appropriate to require it. The Town felt the better approach would be to amend agreements to incentivize disposal in Marin.
- Town of Fairfax: Will not be implemented - The Town's franchise agreement is with Marin Sanitary Service (MSS) The agreement does allow the Town the option to request a proposal from MSS to redirect all or part of the compostable component of the waste stream to a facility in Marin County, if one is permitted during the term of the contract. The council would need to evaluate the various economic and environmental impacts caused by this option.
- City of Larkspur: The City agreed that waste generated in Marin should stay in Marin, but it would not necessarily be cost-effective or appropriate to do so. The City felt the better approach would be to amend agreements to incentivize disposal in Marin.
- City of Mill Valley: Requires Further Analysis. The city's Waste Collection Agreement with Mill Valley Refuse states that "once collected by the Collector, any garbage and green waste becomes the property of the Collector and shall be disposed or diverted to and/or through whatever disposal or diversion facility the City deems appropriate." The Disposal Facility currently used by collector is the Redwood Landfill.
- Novato Sanitary District: Will not be implemented -The District has concerns about exposing its constituents to possible litigation regarding solid waste flow. "The District is instead focusing on implementing the provisions to reduce waste going to landfill in our Zero Waste Franchise Agreement with Novato Disposal."
- Town of San Anselmo: Will not be implemented The Town expressed concerns about the fact that solid waste flow is a contentious legal issue that has not been resolved. They also expressed concerns regarding the possible financial impacts both to the hauler and the community, if the local government unilaterally mandated local disposal.
- City of San Rafael: Requires Further Analysis - The City of San Rafael does hold a municipal solid waste (MSW) franchise agreement that is negotiated every five years with the waste hauler, Marin Sanitary Service. However, mandating that our franchised hauler dispose of all MSW in Marin County would have far-reaching economic, environmental, and legal impacts that would require further investigation before such a mandate could be implemented. Timeline: City staff to review legal considerations with City Attorneys over the next few months. City Staff will meet with Marin Sanitary Service to review economic impacts within the next few months. It is currently unclear that the Grand Jury recommendation will be

- environmentally beneficial due to the competing environmental impacts. City staff will explore the environmental issues pending the outcome of the County's and Redwood Landfill Inc.'s appeal.
- City of Sausalito: Will not be implemented – The City determined that driving to Redwood Landfill vs. Out of County to Keller Canyon would result in an increase in their carbon footprint by more than 50%.
 - Town of Tiburon: Will not be implemented – the Town rejected the recommendation at this time due to the need for economic and environmental analysis, and lack of adequate information regarding the Landfill's litigation. However, the Town agrees with the goals of the recommendation and will give it serious consideration at the appropriate time.
 - Town of Ross: Requires Further Analysis- the Town agrees that ideally solid waste generated in the County should stay in the County, it is not necessarily cost-effective or appropriate to do so. The Town felt the better approach would be to amend agreements to incentivize disposal in Marin.

10. Medical Marijuana: Up in Smoke? (May 17, 2013)

This report focused on the limited access that Marin patients with medical ID cards have to medical marijuana, which has been proven to reduce suffering and pain from a wide variety of illnesses. In recent years, six dispensaries have operated across the county; however, all but one has closed due to city moratoriums or the threat of forfeiture by the federal government. The sole remaining dispensary (Marin Holistic Solutions in Corte Madera) will lose its lease in May 2014.

Serious concerns were expressed in the report over the fact that without safe access to medical marijuana, patients may have to resort to the open market, with no guarantee of purity or quality. "Well-defined oversight by the Board of Supervisors should support patient safety and well-being by ensuring properly regulated access to medical marijuana..."

The report highlighted that the issue is impacted significantly by current laws that almost seem to conspire to confuse. California voters enacted the Compassionate Use Act of 1996 allowing seriously ill people to use marijuana for medical purposes when authorized by a physician. Though legal under California law, medical marijuana is illegal under Federal law.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended the items listed below. All responses were provided by the Marin County Board of Supervisors.

R1. The Board of Supervisors respect the will of the voters and the intentions of the Compassionate Use Act by using its authority to uphold access to medical marijuana within the county

Response: This recommendation will be partially implemented. The County currently

issues medical marijuana permits to help individuals legally access medical marijuana; however, given the Federal law and recent court actions it is illegal for local governments to be prescriptive in the allowance of dispensaries... Given this, the County does not plan to change its land use and zoning laws at this time.

R2. The County Department of Health and Human Services establish standards for edible medical marijuana sold in Marin County.

Response: This recommendation will not be implemented. The County does not have the authority to establish standards for edible medical marijuana.

R3. The Board of Supervisors, in concert with law enforcement, the Planning Commission, and representatives from the Alcohol and Drug Advisory Board, develop a viable set of ordinances for medical marijuana dispensaries in the unincorporated areas of the County.

Response: This recommendation will not be implemented. Given the federal law and recent enforcement actions, we are not taking action to change our land use and zoning codes for the permitting of medical marijuana dispensaries at this time.

UPDATE: On February 27, 2014, the Marin Independent Journal reported that members of the Board of Supervisors are "exploring options for a county ordinance or other mechanism that would allow for medical marijuana cooperatives in Marin."

11. Assembly Bill 109: How Will It Impact Our Jail? (May 28, 2013)

The State of California's Public Safety Realignment Act of 2011, Assembly Bill 109 (AB 109) was passed and with it came a dramatic shift of responsibilities from the State to the counties, including Marin, for the incarceration and care of thousands of additional felons. Prior to passage of AB 109, those felons who will now be incarcerated in County jails, were housed in State prisons and, upon release, supervised by state parole agents.

AB 109 now prescribes responsibility of counties for (1) incarceration of low level offenders, i.e., felons convicted of non-violent, non-serious, and non-sexual offenses, (2) felons on post-release community supervision, and (3) parole violators.

The Grand Jury report raised concerns that steps should be taken to assure that AB 109 will not lead to charges of overcrowding, and inadequate medical, dental and mental healthcare against the Marin County Jail.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. The Board of Supervisors must advocate for state laws to establish a maximum jail sentence for AB 109 inmates.

Response: The Marin County Board of Supervisors responded that the recommendation has been implemented.

R2. The Board of Supervisors must increase jail funding, enabling the Sheriff to upgrade the Marin County Jail's current educational and rehabilitative programs, exercise opportunities, and the needed facilities to enable all such efforts, in order to satisfy the needs of long-term AB 109 inmates and enhance staff safety.

Response: The Marin County Board of Supervisors responded that the recommendation has been implemented using AB109 realignment funds. Funding for AB109 inmates is recommended by the Community Corrections Partnership (CCP). The Marin County Sheriff responds that educational and rehabilitative programs have been increased/improved but that it is impossible to increase the size of the jail. There is no response from the Marin County Chief Probation Officer.

R3. The Board of Supervisors must increase jail funding, enabling the Sheriff to upgrade the current healthcare treatment, and healthcare facilities of the Marin County jail to meet the mental health, medical, and dental needs of long-term AB 109 inmates.

Response: The Marin County Board of Supervisors responds that the recommendation will not be implemented at this time. Additional funding for AB 109 inmate health needs is available through a contingency fund established by the CCP. The jail provides mental health, medical, and dental care that meets requirements for county facilities. State prisons may have different requirements, but the County meets current standards for the care of its inmates. The Marin County Sheriff also responds that the recommendation will not be implemented at this time. There is no response from the Marin County Chief Probation Officer.

R4. The Board of Supervisors must expand sobering center services in Marin County.

Response: The Marin County Board of Supervisors responds that this recommendation has been implemented.

12. Marin's Retirement Health Care Benefits: The Money Isn't There (June 3, 2014)

Much has been written about government pensions but there is another retirement benefit, retiree health care, which is large and mostly unfunded. Currently, most government entities pay for both retired and current employees on a "pay-as-you-go" or "Pay-Go" basis, meaning that the cost comes out of the current operating budget. Only the current year's medical insurance costs for retirees are paid under this approach. As more employees retire, this burden will eat into the funds needed to sustain the present level of service provided to the citizens of Marin.

The Grand Jury investigated government entities' provisions to meet growing retiree medical health care costs for current employees and for those already retired. The Grand Jury reviewed the most recent actuarial valuations and financial statements that we were provided and found that with few (but important) exceptions, local Marin entities are failing to recognize a looming financial burden. This burden upon future generations of citizens (and customers, in the case of some special districts) will come about as a result of not implementing reduced retiree health care benefits, or from not funding them earlier (pre-funding), or both.

The Grand Jury's investigation disclosed that the 40 government entities (the County, cities and towns, special districts and school districts) they surveyed have a collective liability of about \$577 Million but have set aside only about \$55 Million. Taxpayers and customers thus face future increased costs of \$522 Million, nearly 91% of the collective liability, to pay for the benefits that have been promised.

If each service provider put aside a portion of the anticipated future retirement health care costs, the money invested today would earn a return, thereby reducing payments that taxpayers and customers would be required to make in the future when retirees receive their promised health care benefits.

Of all the entities studied, the County has by far the largest unfunded liability for meeting retiree health care benefits. At the end of its 2011 Fiscal Year, the County was short about \$293 million (or about \$2,627 per county household).

Of the 40 entities the Grand Jury studied, only 12 have funded more than 5% of the liability presently owed for future benefits. Twenty-six of the forty have made no funding at all for those promised benefits.

What this means in simple terms is that if the liability problem is not addressed within the next few years, each Marin County household will be assessed significant additional taxes or will see a dramatic reduction in services.

Failure to invest now to cover retiree benefits that employees have already earned is ethically questionable, and jeopardizes the likelihood that the promised benefits can or even will be provided. If the benefits are to be provided by future large diversions of funds away from other services, then the public is entitled to an explanation.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. Begin setting aside in separate investment accounts, if it is not already doing so, each year's funds for amortizing its retiree health care benefits' UAAL, (Unfunded Actuarial Accrued Liability) in addition to its "Pay-Go" funding of those benefits for present retirees.

Responses:

- Has been implemented (13): City of Mill Valley, City of San Rafael, Kentfield Fire Protection District, Las Gallinas Valley Sanitary District, Marin Municipal Water District, Mill Valley School District, North Marin Water District, Novato Fire District, Ross Valley Fire Department, San Rafael City Schools, Tamalpais Union High School District, Town of Fairfax, Town of Ross
- Will be implemented in the future (1): Marin-Sonoma Mosquito District
- Will not be implemented (5): City of San Anselmo, City of Belvedere, Marinwood Community Services District, Novato Unified School District, Ross Valley School District

R2. Begin a program to lower the amortization period for funding its retiree health care benefits UAAL from as much as 30 years presently, to approach (within 10 years), the commonly used 17-year amortization period for retiree pension funding.

Responses:

- Has been implemented (7): City of San Rafael, Kentfield Fire Protection District, Marin Municipal Water District, Mill Valley School District, North Marin Water District, San Rafael City Schools, Town of Ross
- Requires further analysis (7): City of Belvedere, City of Mill Valley, Novato Fire District, Las Gallinas Valley Sanitary District, Marin-Sonoma Mosquito District, Ross Valley Fire Department, Tamalpais Union High School District,
- Will not be implemented (6): City of San Anselmo, County of Marin, Marinwood Community Services District, Novato Unified School District, Ross Valley School District, Town of Fairfax

R3. Negotiate caps on the amounts it commits to pay existing and new employees for retiree health care benefits.

Responses:

- Has been implemented (10): City of Belvedere, City of Mill Valley (for new employees), City of San Rafael, Las Gallinas Valley Sanitary District, Marin Municipal Water District, North Marin Water District, Novato Fire District, Novato Unified School District, Ross Valley School District, Tamalpais Union High School District
- Has been partially implemented (1): County of Marin
- Will be implemented in the future (1): Town of Fairfax
- Requires further analysis (4): Kentfield Fire Protection District, Mill Valley School District, Ross Valley Fire Department, Town of Ross,
- Will not be implemented (4): Marin-Sonoma Mosquito District, Marinwood Community Services District, San Rafael City Schools, Town of San Anselmo

R4. Negotiate a higher retirement age than the currently applicable age for the commencement of retiree health care benefits.

Responses:

- Has been implemented (8): City of Mill Valley, City of San Rafael, Kentfield Fire Protection District, Marinwood Community Services District (for safety employees), Mill Valley School District, Novato Fire District, Ross Valley School District, Tamalpais Union High School District
- Will be implemented in the future (1): Marin Municipal Water District
- Requires further analysis (2): Ross Valley Fire Department, Town of San Anselmo
- Will not be implemented (9): City of Belvedere, County of Marin, Las Gallinas Valley Sanitary District, North Marin Water District, Marin-Sonoma Mosquito

District, Novato Unified School District, San Rafael City Schools, Town of Fairfax, Town of Ross

R5. Require active employees to make a contribution towards the cost of their retiree health care benefit.

Responses:

- Has been implemented (10): City of Belvedere, City of Mill Valley, City of San Rafael, Mill Valley School District, Novato Fire District, Novato Unified School District, Ross Valley Fire Department, Ross Valley School District, San Rafael City Schools, Town of Fairfax
- Will be implemented in the future (1): North Marin Water District
- Requires Further Analysis (6): County of Marin, Kentfield Fire Protection District, Las Gallinas Valley Sanitary District, Marin Municipal Water District, Tamalpais Union High School District, Town of Ross
- Will not be implemented (3): Marin-Sonoma Mosquito District, Marinwood Community Services District, Town of San Anselmo

R6. Place a link on its website to provide the latest actuarial valuation of its AAL (Actuarially Accrued Liability), its UAAL, its consequent percent funded, its discount rate (annual percentage) used to determine these values, and a projection of outlays (“Pay-Go”) for retiree health care benefits for each of the current and subsequent 10 years.

Responses:

- Has been implemented (10): City of Mill Valley, Kentfield Fire Protection District, Marin-Sonoma Mosquito District, Marinwood Community Services District, Mill Valley School District, North Marin Water District, , Ross Valley Fire Department, San Rafael City Schools, Tamalpais Union High School District, Town of San Anselmo,
- Has been partially implemented (1): County of Marin
- Will be implemented in the future (7): City of Belvedere, City of San Rafael, Las Gallinas Valley Sanitary District, Marin Municipal Water District, Novato Unified School District, Town of Fairfax, Town of Ross
- Requires Further Analysis (1): Novato Fire District
- Will not be implemented (1): Ross Valley School District

13. MARIN’S SOFTWARE SAGA CONTINUES – BUT IS THERE MERIT IN ATOM? (June 10, 2013)

Published June 10, 2013, this report focused on decisions the County has made over the last decade related to its software systems. In 2004 the Marin Board of Supervisors

(BOS) realized that the County’s Enterprise Resource Planning (ERP) system was outdated and needed to be replaced. The project was given the acronym “MERIT” – Marin Enterprise Resource Integration Technology. In the nine years that followed, the Supervisors spent \$30 Million to achieve this software conversion goal. In 2013 the ERP system was operating at 50% of what was promised and was barely meeting the County’s basic needs (while costing \$2.5 Million per year to maintain.) Consequently, the BOS commissioned another ERP conversion project to be completed by 2016 called “ATOM” – Administrative Technologies of Marin.

The report focused on two questions:

- Did the decisions and ensuing actions of the County’s key players contribute to MERIT’s poor results?
- Are any of the deficiencies of the old project (MERIT) showing up in the new one (ATOM)?

Recommendations and Responses:

The Marin County Civil Grand Jury recommended the items listed below. All responses were provided by the Marin County Board of Supervisors:

R1. The BOS reconfigure the ATOM governance to appoint the County Administrators Office (CAO) and the Information Systems Technology (IST) Director as Project Directors with full authority to manage the project, and equal responsibility for its successful completion.

Response: Recommendation implemented. BOS gave overall responsibility for the ATOM project to the County Administrator and project management responsibility to the IST Director.

R2. The BOS elevate the current Project Manager role to senior, full-time Project Manager status reporting to the Project Directors and having responsibility for all project operations.

Response: Not yet implemented but will be implemented in the future. “If the Board approves going forward with systems implementation, the project manager will have functional authority over the project team and its operations consistent with Project Management Institute (PMI) standards for a strong matrix framework.”

April 17, 2014 Update: “We expect to fully implement this recommendation in July when the project implementation begins.”

R3. The BOS advise the CAO, IST Director, and PM to develop a comprehensive project plan and change management plan for ATOM in accordance with Project Management Institute (PMI) standards.

Response: Not yet implemented but will be implemented in the future. “A comprehensive project plan and formalized management plan is being developed for system implementation. Project planning and change management activities have been occurring with each phase of the project to date.”

April 17, 2014 Update: “We currently have a draft project plan and change management plan. We expect to finalize these plans once the selection of the new system vendor takes place by June 2014. These plans are dependent on the final selection of a vendor since the methodologies will differ among the various software vendors. As we develop these plans, they will be shared with our Ad Hoc working group that has been assembled to provide expertise outside review of our major project milestones.”

R4. The BOS establish a schedule of regular briefings at which the ATOM Project Directors and the Project Manager present a progress summary (dashboard) for all major facets of the project.

Response: Not yet implemented but will be implemented in the future. “The Board subcommittee receives regular briefings, as does the Board at major project milestones. This will continue with dashboard summaries for all major facets of the project.”

December 18, 2013 Update: “Regular briefings are currently presented to the Board of Supervisors based on project milestones. A project dashboard report has been developed, and we will provide that as part of our next milestone update, which will be in the software selection phase where we narrow the field of vendors to the top two or three finalists. The project is estimated to enter the implementation phase in July 2014. At that time, we plan to begin providing at least quarterly updates to the Board of Supervisors.”

April 17, 2014 Update: “On February 4, 2014, a briefing was held with the Board of Supervisors ATOM sub-committee. The agenda for this briefing was confined to narrowing the field of vendors to three finalists invited to come on site to demonstrate their software. The progress dashboard report was not presented at this time. The subcommittee will be meeting the first week of May 2014 for another briefing and the report will be presented and discussed as an agenda item at that meeting.”

R5. The BOS reduce Marin’s reliance on outside consultants and hire outside consultants only when the requesting department can fully demonstrate the lack of that expertise within the department.

Response: This recommendation requires further analysis. “The Administrative Service departments (CAO, HR, IST, DOF) are striving to use staff before contracting with outside consultants. Nonetheless, the project will need some level of outside consultants for both expertise and short-term staffing needs, as the County’s workforce has decreased by 12% in the last four years. To learn lessons from the MERIT implementation, even as we utilize consultants, we need to ensure that the project remains driven by staff, and that County staff develops the expertise to run the system independently. In some instances, it would be short-sighted and more costly to hire permanent County staff with long-term benefit obligations for a three-year project.”

April 17, 2014 Update: “We believe that we are largely following this recommendation as we consider contracts related to the Atom system project. However, we are not recommending a formal Board policy with regard to selection and implementation of our financial system project that would limit the Board’s discretion to only include the criteria stated in the Grand Jury’s recommendation.”

R6. The BOS require departments requesting outside consultants to use the contract with the consultant to acquire the missing expertise, unless the scope of the consulting is unique and limited.

Response: This recommendation requires further analysis. “Our bottom line is that we want to deliver a successful project implementation. We will not be successful if we are dependent on consultants. At the same time, we will not be successful if we are not able to utilize consultants when circumstances and project success require it.”

April 17, 2014 Update: “We believe that we are largely following this recommendation as we consider contracts related to the ATOM system project. However, we are not recommending a formal Board policy that would limit the Board’s discretion to only include the criteria stated in the Grand Jury’s recommendation.”

R7. The BOS identify or develop an objective advisory resource (OAR) who is a subject matter expert in IST Project Management, to review the design and governance of ATOM, and to brief the BOS on any potential problems or recommended changes.

Response: This recommendation has been implemented. “The Chief Information Officer (Director of IST) is convening an Ad Hoc working group to provide outside expertise to the BOS subcommittee and County Administrator.”

R8. The BOS identify or develop an OAR entity and formally insert that resource into its decision-making process for all major projects.

Response: This recommendation will not be implemented because it is not warranted for all major projects. “Different projects will require different levels of review and oversight. The BOS reserves the right at any time to appoint subcommittees and call upon independent advisors to help fulfill their oversight responsibilities.”

14. Elections in Marin: Cheaper by Mail? (June 18, 2013)

This was a report on the Marin County Elections Department and the current status of Vote-By-Mail (VBM) in Marin County and in the State. The report is in response to a citizen proposition that the County could save money by moving to 100% VBM ballots.

In 2004, a law was passed to allow any California voter to file as a permanent VBM voter. Since then, the percentage of VBM voters in California has grown from 27% in the 2002 election to 52% in last year’s Presidential election.

California elections are governed by the California Elections Code and the Secretary of State’s regulations. The Grand Jury found that although 100% VBM would save money, the California Elections Code precludes 100% vote-by-mail balloting except in precincts with fewer than 250 ballots or in special elections. Accommodations must always be made to allow all voters, including those with disabilities or non-English speakers, to vote in elections.

The Elections Department estimates that an election in Marin County costs about \$1 million. If Marin County were to go to 100% VBM, the Elections Department estimates that the County would save between \$100,000 and \$200,000 per election.

The Grand Jury recommends that the Board of Supervisors take steps to encourage the adoption of 100% VBM for all elections.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

R1. The Board of Supervisors encourage our elected representatives in the State Legislature to allow individual counties to adopt 100% VBM for all elections.

Response: This recommendation has been implemented. The Marin County Board of Supervisors has taken a position to support allowing individual counties to adopt 100% VBM for all elections in its annual legislative plan.

R2. If the State adopts 100% VBM provisions at the discretion of each county, then the Board of Supervisors seek recommendations from the Registrar of Voters and the Election Advisory Committee whether or not to pursue 100% VBM.

Response: This recommendation has not yet been implemented, but will be implemented if state law is adopted to allow this option.

R3. The Board of Supervisors acknowledge the significant contribution of election volunteers at Agenda Meetings subsequent to each general election.

Response: This recommendation has not yet been implemented, but will be implemented in the future. After each general election, the Registrar of Voters will submit a resolution to the Board of Supervisors acknowledging the significant contribution of election volunteers.

15. College of Marin Foundation - What's Now? What's Next? -Revised (June 20, 2013)

Last year's Grand Jury report, "College of Marin Foundation--What's Now, What's Next," investigated the plight of this not-for-profit fundraising instrument of the College of Marin (COM). In May 2013, it was revealed that between late 2011 and early 2012, the Foundation's Board of Trustees (Board), had "repurposed" 156 donor accounts and used the \$464,464 they contained for what the Board had deemed necessary expenditures. This was accomplished with neither the consent nor knowledge of those who had funded the accounts involved. The Grand Jury report provided an overview of COM Foundation's (CoMF) situation with five findings and related recommendations, and invited responses from ex-officio members of the Foundation's Board of Trustees as well as former Board members.

Recommendations and Responses:

The Jury concluded a lack of transparency regarding the Foundation's methods and finances contributed to \$464,464 in donor funds being spent on non-donor designated purposes and suggested the following be undertaken as a remedy:

R1. The Board of Directors of the current Foundation and any successor organization collecting funds in support of College of Marin, its students, programs and departments, make public, on a quarterly basis, the status of the Foundation or its successor, its assets and plans for the immediate future.

Response from the Foundation: Has not been implemented but will be implemented in the future. The Foundation will provide financial statements on a quarterly basis, which will be available to the public. As to plans for the future, the Foundation directors are committed to transparent and regular communications with the public... While we cannot guarantee there will be new information available to report to the public on a quarterly basis, we will commit to reporting to the public in the most efficient and effective way possible as new information becomes available.

R2. College of Marin's Advancement Office file for USC 501(c)(3) and State of California 23701e status.

Responses from the District: Requires further analysis. We recently received a legal opinion memorandum on tax issues related to the District's fundraising program... In light of the receipt of this information, President Coon will be providing the information in the opinion memorandum and the Grand Jury's recommendation to the District's Board of Trustees for consideration. The Board of Trustees would need to decide if there is a benefit to pursuing this course of action; however, the college is authorized under federal tax law to receive tax-deductible donations without taking this step.

CoMF has since reported that it would consider application for USC 503©(3) status and, if approved, it would seek tax-exempt status under the State tax code.

R3. The Foundation immediately file IRS Form 990 Return of Organization Exempt from Income Tax, and State Form RRF-1, Annual Registration Renewal Fee Report to Attorney General of California, for 2012 to renew the organization's registration as a public benefit corporation. These forms must be on file for the Foundation to collect money legally or to proceed with dissolution.

Response from the Foundation: Recommendation numbered R3 has been implemented.

R4. The College, immediately following the dissolution of the Foundation, create an independent body to collect and administer donations to benefit students and programs of the College.

Response from the Foundation: Requires further analysis. The Foundation Board of Directors has not reached a decision to dissolve the Foundation. Again, we are currently working with the State Attorney General's Office to determine the next steps.

Response from the District: Given that the College of Marin is within permitted by law to receive all types of personal and corporate gifts as well as grant funds, the creation of a separate independent body may not be necessary. However, the District is deferring its decision-making process on these issues until the Foundation completes its consultative process with the Attorney General's Office and makes a determination about the future of the Foundation.

R5. College of Marin’s Office of Advancement contact outside sources, including service groups, to arrange for emergency funds for students in immediate need of financial assistance until a permanent program to address these needs is established.

Response from the District: Recommendation numbered R5 has not yet been implemented, but will be implemented in the future. The Foundation historically had a relatively small discretionary fund (less than \$10,000 annually) to assist students with emergency personal needs, such as bus fare or meal vouchers; not scholarships or book grants. The college’s Advancement office is actively developing a comprehensive fund development program that will appropriately and effectively support the needs of students and College programs. In less than a year’s time, the Advancement Office has raised in excess of \$450,000.

16. Planning for Schools Emergencies (June 26, 2013)

This Civil Grand Jury decided to measure the extent of readiness of schools to respond to a variety of emergencies. They wanted to see to what extent districts and schools have put in place the necessary preparations for ensuring safe and secure campuses.

The Grand Jury administered two separate surveys, one for school district superintendents and the other for school administrators, usually principals. The response to the surveys and follow up interviews with school administrators and principals showed that most schools are committed to the goal of emergency preparedness. In general, Marin public schools are prepared for potential danger and have solid plans to implement quick and reasoned response. Most have built safety communities, which include first responders and other local resources and involve the parents.

The School Site Emergency Plan is the basic preparedness reference for administration, staff and teachers for public schools. Almost all Marin County School Site Emergency Plans in place are based on the Marin County Office of Education Model Plan. Once the School Site Emergency Plans are put in place, they must be taught and practiced until the response/action becomes second nature to classroom personnel and other school staff.

Marin County schools are safe places for our children, yet improvements can always be made. Most districts and schools act on their own in the area of emergency preparedness. The Grand Jury concluded that countywide cooperation and action would elevate the level of emergency preparedness. The Grand Jury proposed that the Marin County Office of Education take a larger, more active role in the management of countywide emergency preparedness. Up to now, the Marin County Office of Education has operated as a resource and consultant for the districts. The ideal vehicle for a more involved approach is the existing Marin School Emergency Preparedness Council.

Recommendations and Responses:

The Marin County Civil Grand Jury recommended that:

Please note there are twelve school districts and the Marin County Office of Education (MCOE) responding. Their responses are not always the same as they are all separate entities.

R1. The Marin County Office of Education take a strong leadership role with the current Marin Schools Emergency Preparedness Council, whose aim in turn should be to manage emergency preparedness activities on a countywide basis

Responses: All districts, except Mill Valley and San Rafael City School agreed that this recommendation is being implemented. Mill Valley agrees with the concept, but feels it is the MCOE's responsibility to implement the recommendation. San Rafael City School believes there is a need for further analysis.

Most districts responses were very similar to the following:

The School District will continue to support the leadership being provided by the MCOE through the collaborative work of all districts in the MSEPC.

R2. The Marin Schools Emergency Preparedness Council create guidelines in the areas of school safety and emergency preparedness. Every school should name a school safety officer who interacts with the Council .The Council should be the decision-making body for all Marin public safety and emergency preparedness issues.

Response: All districts, except Novato, Dixie and the MCOE, agreed to implement this recommendation. The County response stated the ultimate decision-making body in all school districts is the elected Board of Trustees. MSEPC is a collaborative group and, as such, does not have the legal authority to be a decision-making body. However, even those who implemented the recommendation expressed a similar disclaimer: While the _____ School District Board of Trustees is the ultimate decision making body for the _____ School District, we do take seriously the recommendations of the Marin School Emergency Preparedness Council (MSEPC). While many stated that they have leadership staff participating with the council, only Mill Valley has appointed a school safety officer for each school.

R3. The Marin Schools Emergency Preparedness Council Develop countywide performance standards, goals, and testing in the area of school safety and emergency preparedness.

Response: Almost all districts either did not implement this recommendation or said it needed further analysis. Even those who said they would implement the recommendation noted there should be local control. Most of the districts provided a similar response: Responsibility for setting standards and testing for school safety should be left to those with expertise who live in the area. Each school district is unique and therefore individual site plans need to be serviced independently. This is a case where one size does not fit all. The MCOE did not agree to implement, thus making it very difficult if not impossible for any entity to implement this recommendation.

R4. The Marin Schools Emergency Preparedness Council report to the citizens of Marin County, on an annual basis, the state of emergency preparedness of all our district and schools.

Response: The school districts in most cases did not implement. Even when they said they would implement, it was the district reporting to the public, not the county MSEPC. Most districts responded similarly: This is another area where it is the responsibility of the elected Board of Trustees to report to the constituents of the district the state of

emergency preparedness in our schools. Once again the county did not take responsibility for this recommendation. They stated: The MSEPC will review and research and develop best practices and strategies to share with school districts to communicate to their staffs and communities regarding local preparedness goals and activities. In short, the county did not implement this recommendation because it believes each school and school district should report directly to its citizens, not the MSEPC. Not implemented.

R5. All Marin County schools must, independent of the Red Cross or other non-school sources, purchase and maintain appropriate emergency supplies on their campuses.

Response: All but one school district said this recommendation was implemented. San Rafael City School said it needed further analysis although their written response was very similar to general responses provided by most districts: Given the challenges of maximizing the limited resources available to educate the children in our schools, it is prudent for us to explore all resources that might help provide emergency supplies including our local school PTAs, the business community and non-profit agencies. Many districts gave detailed information on their schools emergency supplies. All districts provided statements similar to the following: We agree that no one source should be depended upon to provide adequate emergency supplies. The county agreed to work with the districts help meet this recommendation.

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