



June 18, 2019

The Honorable Paul M. Haakenson
Presiding Judge
Marin County Superior Court

Mr. Pat Randolph
2018-2019 Foreperson,
Marin County Civil Grand Jury
P.O. Box 4988
San Rafael, CA 94913

Re: City of San Rafael response to "Wildfire Preparedness: A New Approach" Marin County Civil Grand Jury report dated April 18, 2019

Dear Judge Haakenson and Foreperson Randolph:

At the regular City Council meeting on June 17, 2019, the San Rafael City Council reviewed the report "Wildfire Preparedness: A New Approach" and in accordance with Penal Code 933 (c) responded to recommendations R1, R3 through R13, and R15 as requested. The response is attached.

Should the members of the Grand Jury require additional information, please contact Jim Schutz, City Manager, at (415) 485-3070.

Sincerely,

Gary Phillips
Mayor

RESOLUTION NO. 14688

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY'S RESPONSE TO THE APRIL 25, 2019 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED "WILDFIRE PREPAREDNESS: A NEW APPROACH"

WHEREAS, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations must, within ninety (90) days, provide a written response to the Presiding Judge of the Superior Court, with a copy to the Foreperson of the Grand Jury, responding to the Report's findings and recommendations; and

WHEREAS, Penal Code section 933 specifically requires that the "governing body" of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

WHEREAS, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated April 25, 2019, entitled "Wildfire Preparedness: A New Approach", and has added the discussion of this report at the June 17, 2019 City Council agenda to consider the City's response;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City's response to the Marin County Grand Jury's April 25, 2019 report, entitled "Wildfire Preparedness: A New Approach", a copy of which is attached hereto and incorporated herein by reference.
2. Directs the City Clerk to forward the City's response forthwith to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 17th day of June 2019, by the following vote to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, McCullough & Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Gamblin



LINDSAY LARA, City Clerk

UNIFIED RESPONSE TO GRAND JURY FINDINGS

All the agencies/jurisdictions required to respond to the “Wildfire Preparedness: A New Approach” collaborated to create this response to the findings and recommendations. See the attachments to this response which include agency/jurisdiction specific clarifications as needed to augment this document.

F1. Existing vegetation management codes are both inconsistent and inconsistently enforced.

Response: **Agree.**

Fire agency policies differ, as do inspection and enforcement procedures.

- *City of San Rafael – see Attachment A.*

F2. There are not enough trained vegetation inspectors or fuel reduction crews.

Response: **Agree.**

Although fire agencies are doing their best to reduce vegetation around existing homes, additional resources and dedicated staff are necessary to enhance existing efforts.

- *City of San Rafael – see Attachment A.*

F3. Current vegetation enforcement procedures are slow, difficult and expensive.

Response: **Agree.**

Although each municipality has its own code enforcement procedures, a consistent countywide approach would allow for a more efficient and effective enforcement effort.

- *City of San Rafael – see Attachment A.*

F4. Government agencies and safety authorities cannot currently manage vegetation on public lands.

Response: **Partially Disagree.**

While municipal governments do not have authority beyond their own jurisdiction, a coordinated countywide effort could help bring focus and consistency, as well as potentially additional resources, to enhance existing efforts on public lands.

Government agencies and safety authorities can and do manage vegetation on public lands over which they have jurisdiction to the extent that resources and funding are available. Much more can be done, which is one of the many reasons the Marin cities, towns, fire agencies and County have formed a working group to explore the creation of a countywide wildfire prevention program to be funded by a parcel tax on the March 2020 ballot.

F5. All property owners are responsible for vegetation management on their property, yet they are not sufficiently educated about vegetation management and many do not have the physical and financial resources to create defensible space.

Response: **Agree.**

Although education has been provided through individual fire agencies and FIRESafe Marin, we agree that education efforts need to be understood by broader sections of the community. Grant programs should be considered for those that may not have the physical or financial means to complete necessary work.

F6. Wildfire preparedness education is inconsistent and fails to reach most citizens, especially parents of young children.

Response: **Partially Disagree.**

Education is offered in a consistent fashion countywide by the fire agencies and FIRESafe Marin. The demographics of our hosted meetings/forums and exercises generally lack a younger demographic - especially parents of young children. Agencies need to create new forms of outreach to garner participation from this demographic.

F7. The most effective method of education is person to person in neighborhoods.

Response: **Agree.**

Defensible space home evaluations with a trained professional are the preferred and best method for educating residents.

F8. Although Marin has 30 plus Firewise neighborhoods, the most in California, they only cover a small percentage of population and land.

Response: **Agree.**

We agree that Firewise Communities are a great mechanism for bringing communities and neighborhoods together. They provide an organized approach to reducing hazards and risks.

F9. Sufficient public funds have not been provided to sustain comprehensive wildfire preparedness education.

Response: **Agree.**

Generally, fire agencies are funded for response and mitigation of emergency incidents. Development into the Wildland Urban Interface and climate change, with attendant major fires in recent years, are requiring resources greater than those available by local municipalities and fire agencies.

F10. Educating the public requires a different set of skills than firefighters usually have.

Response: **Partially Disagree.**

Firefighters have experience that adds value to educating the public; however, they also have other, often more pressing responsibilities. Dedicated public education staff and defensible space home evaluators can spend more quality time on task than Firefighters.

F11. Any hesitation to use the WEA system can be deadly even if its alerts might reach people outside of its intended target zone.

Response: **Partially Disagree.**

All appropriate emergency alert systems should be used to the fullest capacity as soon as possible depending on the conditions and needs to maximize safety. The WEA system is not geographically specific and can bleed over to areas where evacuations are not necessary. This would result in adding unnecessary traffic to already congested roadways impeding evacuation egress of those most affected. We agree it is a useful tool, but it must be well-coordinated between the incident commander and Sheriff’s Office of Emergency Services.

F12. Alert Marin sends the most accurately targeted warnings to endangered populations, but it reaches too few residents because it is not well publicized. Both Alert Marin and Nixle require opt-in registration, a serious design flaw.

Response: **Partially Disagree.**

Nixle and Alert Marin are two very different systems. Nixle, by design, is an “opt-in” solution providing general information to the public. Alert Marin is an emergency notification system. Nixle and Alert Marin information is publicized at almost every community event hosted by Fire Departments and Sheriff-OES, with information also available on social media and agency websites.

Listed and unlisted/blocked Marin County landline and VoIP (Voice over Internet protocol) phone numbers are already included in our emergency notification system (Alert Marin), unless the owner specifically requests to have their phone number opted-out. Cell phone numbers are not included in Nixle and do require registration in our Self-Registration Portal. We agree that more of our residents need to “opt-in” with their cell phone numbers. Additionally, we support changes in State law mandating that cellular information be accessible with an “opt-out” provision like landlines and VoIP data. We are also pursuing newly available authority to cooperate with utility companies to obtain customer cell phone numbers for these purposes.

We will work with legislators to support bills like SB 46 (Hueso; 2019) which would allow local governments to enter into agreements to access resident cell phone contact information for enrolling county residents in a county-operated public emergency warning system.

F13. Sirens could be a useful and reliable warning system if their numbers and locations were increased to broaden their reach and if they were enhanced with a customized message through LRAD.

Response: **Partially Disagree.**

Long Range Acoustical Device (LRAD) is the name brand of one type of acoustical notification system. This system may have limited reach and limited ability to be heard inside a building. Local testing has provided mixed results based on topography and other outdoor existing noise. This type of system will not be effective in some areas of the County.

F14. In the WUI and in many town centers, infrastructure and roads are inadequate for mass evacuations.

Response: **Agree.**

- *City of San Rafael – see Attachment A.*

F15. Evacuation routes are dangerously overgrown with vegetation and many evacuation routes are too narrow to allow safe passage in an emergency.

Response: **Agree.**

Marin County has many narrow roads with limited access and overgrown vegetation, often in sloped and difficult terrain. Much of the vegetation encroachment into the road right of way is the responsibility of homeowners. Public works agencies regularly work with fire agencies identifying and working in the most critical areas.

F16. Emergency planners often do not publicize evacuation routes due to their mistrust of the public.

Response: **Disagree.**

In 2009 the Marin County Fire Agencies developed mutual threat zone maps, pre-identifying primary and secondary evacuation routes as well as evacuation zones. This information is available for first responders to access in conventional paper maps or online. It has also been made available to mutual aid responders outside of Marin County. Fire agencies are in the process of making these maps publicly available.

We do caution residents to take personal responsibility and identify and regularly travel different routes away from their home. Wildland fires can be very dynamic and depending on wind and topography can change direction with little to no warning. A pre-identified evacuation route may not be the safest route for residents to take deepening upon the specific type and location of the incident.

- *City of San Rafael – see Attachment A.*

F17. Town councils, planners, and public works officials have not addressed traffic choke points, and, in some instances, they have created obstacles to traffic flow by the installation of concrete medians, bump outs, curbs, speed bumps, and lane reductions.

Response: **Partially Disagree.**

Although we agree that more needs to be done, we do not agree that public officials have not attempted to address these issues to date. Additionally, while we agree that traffic flow in an evacuation warrants renewed attention in our circulation planning, many of the elements labeled as “obstacles to traffic flow” by the Grand Jury are intended to increase public safety on a daily basis under regular conditions. Each agency must weigh these daily safety concerns against the use of roads during an evacuation.

F18. No studies have been performed to determine how long it would take to evacuate entire communities via existing evacuation corridors.

Response: **Agree.**

The fire chiefs are exploring opportunities with technology companies and higher educational institutions studying this type of work. Large scale evacuation planning needs further study and development within Marin.

F19. The implementation of traffic-light sequencing and coordination to allow mass egress, and the conversion of two-way roads into one-way evacuation routes to ease traffic congestion, are dangerously delayed and years away from being implemented.

Response: **Agree.**

Large scale evacuation planning needs to identify which corridors would benefit greatest from contra-flow traffic-light sequencing. Coordination with public works agencies and identification of funding sources would be needed to make this a reality.

F20. Public transit is a neglected asset of emergency response preparedness: all operators except one transit agency are left out of the command structure and none is integrated into the emergency radio communication system MERA.

Response: **Partially disagree.**

Use of the term “neglected” suggests an active decision to exclude transit from emergency response preparedness. The current arrangements reflect an assessment by transit officials of their ability to respond to disasters. Many of these protocols reflect planning for a broad spectrum of disasters that might occur, and it would be appropriate to revisit these protocols for the “new normal” concerning wildfire preparedness and response to an event concentrated in Marin County.

F21. A bureaucratic culture of complacency and inertia exists in Marin. Government often fails to act quickly to repair known gaps in emergency preparedness, to think flexibly, and to prioritize safety in its planning and policies.

Response: **Disagree.**

We agree that more needs to be done to address this critical public safety issue in the face of what now is commonly referred to as the “new-normal.” Accelerating climate change has led to larger, costlier, and more frequent wildfires in the state than ever before, burning almost year-round. Because of this, all fire agencies, the County, cities and towns are working together to explore the creation a countywide wildfire prevention program.

F22. No countywide comprehensive, coordinated policies have been made and no funds have been allocated to prepare for wildfires.

Response: **Disagree.**

There are several coordinated documents, policies or procedures within Marin County including: Mutual Threat Zone Plan, Community Wildfire Protection Plan, and the 2017 North Bay “Lessons Learned” report. All of Marin’s agencies are evaluating their budgets and making difficult decisions to make more money available for wildfire preparedness. It is our belief that a stream of revenue dedicated to this purpose is the best route to addressing the resource needs identified in these documents.

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. Create a comprehensive, countywide vegetation management plan that includes vegetation along evacuation routes, a campaign to mobilize public participation, and low-income subsidies.

This recommendation requires further analysis.

The Marin cities, towns, fire agencies and the County are addressing this recommendation with a working group to explore the creation of a countywide wildfire prevention program governed by a countywide joint power authority. We agree that more needs to be done to address this critical public safety issue in the face of what now is commonly referred to as the “new-normal.” Accelerating climate change has led to larger, costlier, and more frequent wildfires in the state than ever before, burning almost year-round. Because of this, all fire agencies, the County, and its cities and towns are working together to explore the creation of a countywide wildfire prevention program.

The program scope for an ongoing, locally-controlled, countywide wildfire prevention program would include the following:

- Fire fuel reduction and vegetation management
- Defensible-space home evaluations and education
- Evacuation planning and neighborhood preparedness
- Alert and warning enhancements
- Pursuit of grant funds for countywide efforts, as well as grant funding for to assist seniors, financially disadvantaged and those with access and functional needs with preparedness measures.

This program would require new ongoing funding. We are currently exploring a potential countywide parcel tax measure in March 2020.

R2. Hire at least 30 new civilian vegetation inspectors and at least eight fire/fuels crews focused on fuel reduction in the high risk areas of the county, including federal, state and local public lands.

This recommendation requires further analysis.

As stated in our response to Recommendation No. 1, a countywide wildfire prevention initiative would include expanded defensible-space home inspections and education. A working group of fire chiefs and city/town managers are exploring options to ensure the most appropriate and cost-effective solutions are considered to improve defensible space countywide. This enhanced program would require new, ongoing resources. The staffing of this effort would be subject to policy decisions of a countywide JPA and/or the governing board of responsible fire agencies.

R3. Develop and implement a fast, streamlined procedure to enforce vegetation citations.

This recommendation requires further analysis.

Fire prevention officers throughout the county are working on a countywide, streamlined approach updating codes and processes. It is the intention of the group to implement some items as part of regular code adoption cycle this fall. Larger scale collaboration and a more streamlined approach will be addressed as part of the countywide wildfire prevention program. At the countywide level, our intention is to educate homeowners for cooperative compliance. Addressing non-compliance would be a matter for each jurisdiction to address.

R4. Adopt and deliver a comprehensive education program focused on action for all residents of Marin on a regular schedule by a team of expert trainers.

This recommendation requires further analysis.

A countywide wildfire prevention program would include a comprehensive education program for all residents. Although agencies have made efforts to educate the public, without additional resources to enhance existing efforts, we believe these efforts will continue to be insufficient and not consistent throughout the County.

R5. Promote the creation of Firewise Communities in every neighborhood by all local jurisdictions.

This recommendation has already been implemented.

As the Grand Jury report points out, Marin currently has over 30 Firewise neighborhoods. With the creation of a countywide wildfire prevention program, our current efforts can be substantially enhanced and expanded throughout the County.

R6. Employ individuals with skills in public speaking, teaching, curriculum design, graphics, web design, advertising, community organization, community relations, and diplomacy to educate the public.

This recommendation has already been implemented

We currently have very articulate fire professionals and FIRESafe Marin educating the public. However, we recognize more needs to be done and this work may not need to be done by our firefighters, who often have competing response priorities.

R7. Collect Marin residents’ information and add it to Alert Marin and Nixle databases to make them opt-out systems.

This recommendation requires further analysis.

This recommendation would require changes in State law. We will work with legislators to support bills like SB 46 (Hueso; 2019), which would allow local governments to enter into agreements to access resident cell phone contact information for enrolling county residents in a county-operated public emergency warning system.

We are also pursuing newly available authority to cooperate with utility companies to obtain customer data for these purposes, but state legislation would be needed to obtain cell phone contact information.

R8. Expand the use of sirens with LRADs.

This recommendation requires further analysis.

Sirens and LRAD’s have limited reach and ability to be heard inside a building. Local testing has provided mixed results based on topography and other competing outdoor existing noise. This type of system does have valuable application in some areas within the County. For those communities for which these logistical challenges can be overcome, there is considerable appeal for technology such as LRAD’s, which carry a more specific message than sirens. To be effective, sirens require communitywide understanding of their meaning and what is expected of residents when they are sounded.

R9. Research, develop, and publish plans for the mass movement of populations along designated evacuation routes.

This recommendation requires further analysis.

Large scale evacuation planning needs to identify which corridors would benefit the most from contra-flow and traffic-light sequencing. The use of experts in this field should be engaged. Coordination with public works agencies and additional funding from a countywide wildfire prevention initiative will be a critical component to our success.

- *City of San Rafael – see Attachment A.*

R10. Give the highest priority to mitigating known choke points and to maximizing the capacity of existing evacuation routes.

This recommendation requires further analysis.

Large scale evacuation planning needs to identify “choke points”. The use of traffic analysis experts in this field should be engaged. Coordination with public works agencies and additional funding from a countywide wildfire prevention initiative will be a critical component to our success.

R11. Incorporate and prioritize plans for mass evacuations in all pending and future traffic/road projects along major escape routes.

This recommendation requires further analysis.

Consideration of mass evacuations is an important element for agencies to add to their assessment of road-related capital projects. However, prioritizing evacuation plans above all other considerations may lead to design decisions that impair other important considerations, such as safe use of roads on a daily basis. A balanced lifestyle of each project is required.

- *City of San Rafael – see Attachment A.*

R12. Educate, prepare, and drill for evacuations in all communities.

This recommendation has been implemented.

Although all Marin Fire agencies have done this work to some extent, a countywide wildfire prevention program would substantially expand efforts to educate, prepare and drill for evacuations through Marin.

City of San Rafael – see Attachment A.

R13. Fully integrate public transit into the MERA communications system without further delay.

This recommendation requires further analysis.

The member agencies of MERA welcome the addition of transit agencies serving Marin. It will be necessary to analyze how to integrate these agencies in a manner that is fair and equitable.

R15. Establish in the form of a Joint Powers Authority an umbrella organization for wildfire planning and preparedness (vegetation management, public education, alerts, and evacuation), funded by a ¼ cent sales tax.

This recommendation requires further analysis.

The Marin cities, towns, fire agencies and County are addressing this recommendation with a working group to explore the creation of a countywide wildfire prevention program governed by a countywide joint power authority. The program scope for ongoing, locally-controlled, countywide wildfire prevention program would include the following:

- Fire fuel reduction and vegetation management
- Defensible-space home evaluations and education
- Evacuation planning and neighborhood preparedness
- Alert and warning enhancements
- Pursuit of grant funds for countywide efforts, as well as grant funding to assist seniors, financially disadvantaged and those with access and functional needs with preparedness measures.

This program would require new, ongoing funding. We are currently exploring a potential countywide parcel tax measure in March 2020. Based on our feedback from Marin fire-responsible agencies, we believe that a parcel tax is the appropriate funding mechanism.

In addition, we believe the Grand Jury’s recommendation may have been based on their assumption that “each jurisdiction would have to pass exactly the same parcel tax measure for the same amount at the same time.” It is worth noting that, based on the support of agencies that are responsible for fire suppression, it is allowable for the Board of Supervisors to place a single, countywide parcel tax measure on the ballot. A recent example is Measure A on the November 4, 2014 countywide ballot, which implemented a countywide parcel tax for the Marin Emergency Radio Authority (MERA). Therefore, the results of a countywide measure would require a two-thirds support countywide, but would not require two-thirds support in each jurisdiction.

City of San Rafael – Supplemental Responses to Findings F1, F2, F3, F14, F15, F16, and Recommendations R9, R11 and R12

F1. Existing vegetation management codes are both inconsistent and inconsistently enforced.

While some polices are inconsistent across the county, the differences are largely related towards moves by jurisdictions to strength codes to address the growing threat of wildfire. The City of San Rafael adopted an aggressive vegetation plan in 2007, and actively works to remove known high fire risk plants in the Wildland Urban Interface through inspections and notices.

F2. There are not enough trained vegetation inspectors or fuel reduction crews.

In addition, San Rafael works to reduce vegetation in open space, including fuel breaks and creating defensible space around homes bordering public lands.

F3. Current vegetation enforcement procedures are slow, difficult and expensive.

In addition, San Rafael believes a uniform abatement process, including public hearings, property inspections, and subsequent fuel reduction work would help improve the procedures and progress fuel reduction efforts with incorporative property owners.

F14. In the WUI and in many town centers, infrastructure and roads are inadequate for mass evacuations.

The City of San Rafael acknowledges many areas throughout the City and County have limited evacuation routes. The City has included an evaluation of existing routes and needs for improvements in the 38-point City Council approved Wildfire Action Plan. The City is also committed to improving the way in which evacuation routes, associated planning, and areas of refuge are shared with the public. The City is also committed to reducing the potential need for mass evacuation through its vegetation management program and working to identify and share community areas of refuge, in which residents can find temporary safety from a wildfire, until a safe evacuation route to an evacuation center or shelter can be identified, coordinated, and shared.

F15. Evacuation routes are dangerously overgrown with vegetation and many evacuation routes are too narrow to allow safe passage in an emergency.

In addition, San Rafael believes limited funding and avenues for abatement proceedings limit the ways in the City can address some areas of concern.

F16. Emergency planners often do not publicize evacuation routes due to their mistrust of the public.

In addition, San Rafael does not believe the lack of widely shared evacuation maps has to do with mistrust of the public, but rather the variable nature of a wildfire and potential to cause harm by committing to a singular publicized plan.

R9. Research, develop, and publish plans for the mass movement of populations along designated evacuation routes.

In addition, the City of San Rafael Public Safety Staff currently has planned general evacuation routes for the neighborhoods of San Rafael. City Public Safety Staff have worked closely with county staff in developing the Mutual Threat Zone (MTZ) maps, including various evacuation routes. Generally speaking evacuation routes are guidelines which must be flexible based on the circumstances at the time of a critical incident. As conditions change in real time during an incident, routes and plans change to keep evacuees out of harm's way. While evacuation route planning is essential, current information on environmental conditions during an incident will be the ultimate determiner of safe routes and safe locations for staging evacuees.

City staff offer numerous community outreach and training events to help residents be better prepared for a disaster. This includes information on evacuation routes and the importance of knowing at least two ways out of their neighborhoods. Residents are encouraged to drive or walk alternate routes on a regular basis. The City also looking to expand outreach relating to areas of refuge and helping residents identify areas that may be safe to wait out a fire until a safer evacuation is possible.

The recently adopted San Rafael Wildfire Prevention and Protection Plan also addresses evacuation (item 32), including expanding support of neighborhood evacuation drills and coordination with transportation providers.

R11. Incorporate and prioritize plans for mass evacuations in all pending and future traffic/road projects along major escape routes.

In addition, as traffic signal improvement projects take place, the City of San Rafael is continually improving signalization throughout the city to give San Rafael the ability to modify traffic patterns during emergencies. The City is installing intersection monitoring equipment, new controllers, new signal heads and mast arms, fiber-optic cabling and other improvements to provide dynamic and controllable signals as it upgrades intersections. These improvements will allow San Rafael to monitor and manage traffic flows in high volume circumstances including during emergencies.

R12. Educate, prepare, and drill for evacuations in all communities.

In addition, the City of San Rafael has provided information to residents regarding wildfire danger as well as other natural disasters. These information sessions have often come in the form of public safety personnel presentations at neighborhood association gatherings. These presentations have taken place in the recent past and are ongoing. Any trainings or evacuation plans would be strictly scenario-based as wildfires are unpredictable and specific to environmental conditions at the time making specific plans regarding these events problematic. The City is also working on creating a template that can be used by neighborhood groups to facilitate family evacuation drills and neighborhood safety fairs.