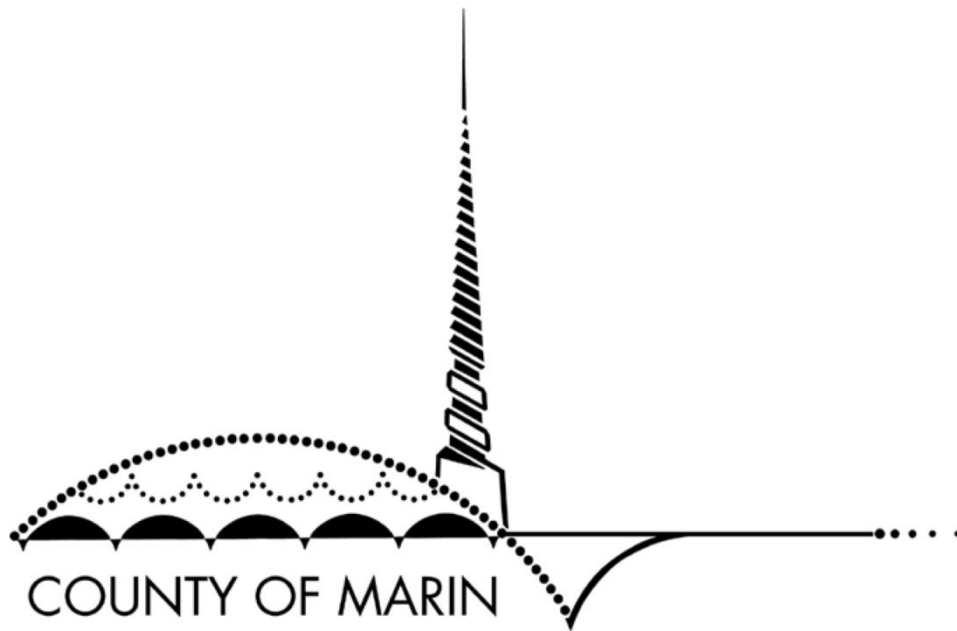


2019–2020 MARIN COUNTY CIVIL GRAND JURY

A One-Year Update on the Issues Covered by the 2018–2019 Marin County Civil Grand Jury Reports

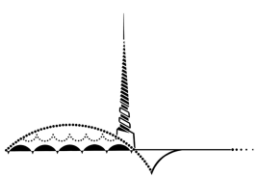
July 20, 2020



A Note about the Coronavirus Pandemic

The 2019–2020 Marin County Civil Grand Jury is issuing its reports during the unprecedented conditions of the COVID-19 pandemic. We are well aware that Marin County is in crisis and that critical public health concerns, operational difficulties, and financial challenges throughout the county have a greater claim to government attention right now than the important issues raised by this Grand Jury.

We are confident that, in due course, Marin will come through this crisis as strong as ever.



A One-Year Update on the Issues Covered by the 2018–2019 Marin County Civil Grand Jury Reports

Summary

Each year, the Marin County Civil Grand Jury investigates local government operations and issues reports recommending areas for improvement. Publication of these reports often results in widespread media coverage, but the public rarely learns whether the agencies implement the jury's recommendations.

This report reviews agency responses to the seven 2018–2019 Grand Jury reports as well as agency actions taken independently by the agencies concerning the issues covered by the reports. This review is up to date as of April 2020. Key outcomes include the following:

1. **Wildfires:** A new joint powers authority, the Marin Wildfire Protection Authority, was formed for wildfire prevention and mitigation. In the March 2020 election, Marin voters approved the Measure C parcel tax to fund the authority with at least \$200 million over the next ten years. The wildfire authority officially commenced operations on July 1, 2020.
2. **SMART Train:** Sonoma-Marín Area Rapid Transit has made modest progress on recommendations to develop plans for getting passengers to and from its stations and develop a transfer system between its Larkspur station and the Larkspur ferry terminal.
3. **Vaping Dangers:** The Marin County Office of Education and Marin schools launched numerous educational events for students regarding the health dangers of vaping, several schools installed vaping detectors in bathrooms, and several municipalities banned the retail sale of vaping products and flavored tobacco.
4. **School Resource Officers:** A number of schools committed to increase their use of on-campus school resource officers. Two grants totaling more than \$1.2 million were obtained by the Marin County Office of Education, the Marin County Sheriff, and San Rafael City Schools to help fund and train these officers, making Marin's school campuses safer.
5. **Government Accountability:** The Marin Telecommunications Agency, an outdated independent agency, announced that it will dissolve, and its essential functions will be transferred to the Marin General Services Authority, saving unnecessary expense.
6. **Public Agency Transparency:** Government transparency concerns raised in the 2018–2019 Grand Jury's report *Special Districts Transparency Update* were not fully addressed by agency responses. Accordingly, the 2019–2020 Grand Jury has issued two additional follow-up reports: one recommending the county publish a comprehensive list of all public agencies in Marin; the other recommending all public agencies improve their web transparency regarding compensation of directors, officers, and employees.
7. **Vocational Education:** Career technical education programs have been enhanced in Marin, with better promotion of vocational opportunities to students and parents, better training of academic counselors, and more support provided to Marin's schools by the Marin County Office of Education.

Background

The California Constitution requires that each county impanel a civil grand jury each year charged with monitoring and inspecting the operations of local government and making recommendations for improvement. Each grand jury has a one-year term and is required to publish at least one report on the outcome of its investigations. The California Penal Code requires public agencies and elected officials to respond to grand jury report findings and recommendations.¹

Because of its limited one-year term, the grand jury that issues a report is no longer in session to check that elected officials and agencies comply with their legal obligations. Consequently, responsibility for monitoring the responses and addressing any deficiencies falls to the succeeding grand jury.

The 2018–2019 Marin County Civil Grand Jury published seven reports, and the 2019–2020 Grand Jury conducted a follow-up review of those reports and the subsequent actions taken since their publication. This report presents the results of that review.

Objective and Approach

The objective of this report is to:

- Update Marin’s residents on actual progress with issues of public concern and governmental effectiveness
- Highlight positive developments made by local governments in the areas that the grand jury investigated
- Facilitate strong and seamless continuity through annual grand jury transitions to reinforce a culture of accountability among local public agencies

The 2019–2020 Grand Jury gathered and reviewed 104 responses to the reports issued by the previous year’s Grand Jury. Many responses were received after the legal deadline. In several cases, multiple follow-up contacts by the Grand Jury were required to elicit a response. But in the end, all were received. Once all responses were received, the Grand Jury reviewed subsequent events, including actions taken by the affected agencies in response to the 2018–2019 Grand Jury reports.

¹ California Penal Code § 933, accessed April 15, 2020, http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=933.

Discussion

A summary for each report follows:

1. Wildfire Preparedness: A New Approach

In the aftermath of recent devastating wildfires in Northern California, the 2018–2019 Grand Jury published a comprehensive report on Marin’s readiness to prevent and respond to wildfires.² In *Wildfire Preparedness: A New Approach*, the Grand Jury made findings and recommendations in four key areas: vegetation management for fuel reduction, public education about wildfire prevention, emergency communications systems such as Nixle and Alert Marin, and evacuation planning. Twenty-seven cities, towns, fire protection agencies, and other entities were addressed by this report.

The report’s central recommendation was that a new countywide agency be formed to lead wildfire prevention and mitigation efforts, and that it be funded with a new sales tax. The Grand Jury’s recommendation, together with support from the fire protection community, led to the formation of the Marin Wildfire Prevention Authority (MWPA) as a new joint powers authority composed of nine local fire districts and eight cities and towns. Tiburon and Belvedere declined membership.³ In the March 2020 election, the voters of Marin approved a parcel tax to fund MWPA. It is estimated that the authority will collect at least \$200 million over the next ten years. It was the only tax measure to pass in Marin in that election. MWPA is initiating operations in 2020.

The Grand Jury report helped to mobilize Marin’s voters and public agencies around the common cause of addressing the wildfire threat.

There is one significant difference between the joint powers authority that the 2018-2019 Grand Jury recommended and the new MWPA as it is constituted. The report suggested that the new agency should have the authority to unify its constituent jurisdictions under one uniform policy-making entity.

However, as it was approved, the MWPA will be an agency that carries out projects through the agreement of its member jurisdictions; it will not be able to require its members to be subject to its rules and policies. Despite this difference, the MWPA will be able to carry out its countywide mission. As structured, it offers a cooperative model to execute cross-jurisdictional projects, and Marin will still have the benefit of a multi-jurisdictional agency dedicated to making the county safer from wildfire through prevention projects and education.

2. SMART: Getting to the Station

SMART train’s ultimate success may very well turn on the availability of convenient options for getting to and from the train station using so-called first mile/last mile options. In *SMART: First*

² Marin County Civil Grand Jury, *Wildfire Preparedness: A New Approach*, April 25, 2019, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2018-19/wildfire-preparedness-a-new-approach>.

³ Marin Wildfire Prevention Agency accessed April 15, 2020, <https://www.marinwildfire.org>.

Mile/Last Mile Options, the 2018–2019 Grand Jury recommended establishing a free shuttle between the ferry terminal and the new Larkspur SMART station that was opened in December 2019.⁴ The report recommended a joint feasibility study of an autonomous shuttle by SMART, the Transportation Authority of Marin (TAM), and Marin Transit. The report also recommended expansion of the Marin Connect Shuttle service beyond northern San Rafael. Responses were required from SMART, Marin Transit, and TAM.

To date, SMART has not established the recommended free shuttle to serve its Larkspur station and the ferry terminal. However, TAM is using a portion of a Federal Highway Administration grant to study the Larkspur SMART ferry terminal connection. Both the City of Larkspur and Golden Gate Transit will be involved in that study. In February 2020, Marin Transit expanded its shuttle service beyond Terra Linda to cover more areas of San Rafael and Santa Venetia.

SMART has developed additional first mile/last mile options, including Lyft discounts, a pilot program for electric bikes, and special ticket packages for its riders.

The defeat of a proposed SMART tax extension in the March 2020 election will likely hurt SMART’s ability to further enhance first mile/last mile services. Measure I would have extended the ¼ percent sales tax that funds SMART for an additional 30 years and given it additional financial flexibility to support additional first mile/last mile programs.

A \$7 million cut in the 2020-2021 SMART budget together with service reductions and a drop in ridership as a consequence of the COVID-19 pandemic will hurt SMART’s ability to contribute to enhancement of first mile/last mile options.

3. Vaping: A Danger to Our Children

The 2018–2019 Grand Jury published a report entitled *Vaping: An Under-the-Radar Epidemic*.⁵ The report recommended that the Marin County Office of Education (“MCOE”) and all school districts increase initiatives to provide students, parents, and the community with more information and support on vaping prevention and cessation. Additionally, the Grand Jury recommended the installation of vaping detectors in school bathrooms and other areas where vaping frequently occurs. The report called for all municipalities that have not banned the sale of flavored tobacco to do so within the subsequent year. Fairfax and Novato were asked to amend flavor bans in their tobacco ordinances to include menthol-flavored tobacco products. The Grand Jury also urged cities and towns to coordinate with the county sheriff to enforce sales bans of flavored tobacco products in retail stores.

Shortly after the report was issued, news of multiple deaths across the nation surfaced, reportedly caused by Vitamin E and other substances added to vaping cartridges. This added impetus to local agency responses to the jury report.

⁴ Marin County Civil Grand Jury, *SMART: First Mile/Last Mile Options*, May 9, 2019, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2018-19/smart-first-mile-last-mile-options>.

⁵ Marin County Civil Grand Jury, *Vaping: An Under-the-Radar Epidemic*, May 16, 2019, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2018-19/vaping-an-under-the-radar-epidemic>.

In responding to the jury report, the Marin County Office of Education said it had already prepared a detailed plan to step up its prevention programs to counter the vaping epidemic. By November 23, 2019, MCOE had made 18 vaping information presentations to more than 1,400 people. MCOE reported 17 school site coordinators, representing each of the high schools in Marin and four targeted middle schools, had been trained.

Prior to publication of the report, MCOE coordinated a funding request from the California Department of Education’s new program: Tobacco Use Prevention Education Youth Engagement to Address Tobacco Related Disparities. This new funding stream is focused on underserved populations. The grants provide the following annual funding for three years: \$224,000 to Tamalpais Union High School District, \$130,000 to Novato Unified School District, and \$105,000 to Ross Valley School District, which serves San Anselmo and Fairfax.

Vaping detectors were installed in three high schools in the Tamalpais Union High School District. Their effectiveness will be evaluated by educators across Marin to determine whether vaping detectors should be used in other schools. Some school districts declined to install detectors for cost reasons, and one because of concerns about its impact on the culture of trust in the district.

Municipalities revisited their respective tobacco ordinances. Fairfax updated its ordinance to include a ban on menthol-flavored tobacco products. The Novato City Council has directed its staff to draft an amendment to its tobacco ordinance to include a ban on menthol flavors. San Rafael, San Anselmo, Corte Madera, Larkspur, and Tiburon adopted bans on sales of flavored tobacco products.

Law enforcement agencies across Marin recommitted to the enforcement of tobacco regulations. The Marin County Sheriff’s Office and the Marin County Health and Human Services Department stated that they will continue to conduct decoy operations on tobacco retailers to enforce bans on illegal tobacco sales.

4. Improving School Safety with More School Resource Officers

School resource officers (SROs) are police officers with special training who are positioned on school campuses to foster good relations between law enforcement and students while also serving as a deterrent to campus violence. A number of Marin schools have SROs at their schools on a full- or part-time basis, but not all do. In [*School Resource Officers Revisited*](#), the 2018–2019 Grand Jury recommended that Marin’s municipalities, law enforcement agencies, and school districts give higher priority to the funding of school resource officers and programs.⁶ The Grand Jury also recommended that the agencies explore cost sharing and new funding sources such as grants, bond issues, and special taxes.

The responses to the report underscore the broad support that this program has garnered. Most of the school districts favored having more SRO positions, additional training, and opportunities for the SROs to communicate and share their expertise and experiences.

⁶ Marin County Civil Grand Jury, *School Resource Officers Revisited*, May 30, 2019, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2018-19/school-resource-officers-revisited>.

Separate from the jury report, the Marin County Office of Education and the Marin County Sheriff's Office received a \$627,000 three-year grant in December 2019 from the California Department of Justice Tobacco Grant Program for a school resource officer to serve in Marin's unincorporated areas. The San Rafael City Schools also received a \$570,000 three-year grant for one additional SRO. Additionally, the Mill Valley Police Department converted a detective position into a full-time SRO position.

The Central Marin Police Authority responded to the Grand Jury report by pointing out that a school resource officer for the Larkspur-Corte Madera School District has been funded at least through 2038 as a result of a ballot initiative passed in 2009.

5. Abolishing Marin's Outdated Telecommunications Agency

The Marin Telecommunications Agency (MTA) is a joint powers authority formed in 1998. It administers the Comcast, AT&T, and Horizon Cable franchises and was charged initially with developing telecommunications policy in Marin County related to cable and broadband. In addition, it has financial responsibility for the Community Media Center of Marin, which provides public access video services, including coverage of public meetings of local agencies.

This 2018–2019 Grand Jury report, *Marin's Telecommunications Disconnect*, questioned whether MTA is needed at all. The report recommended that the agency be dissolved and its responsibilities be either terminated or moved to the Marin General Services Authority, which already runs similar administrative programs for the county, cities, and towns.⁷ The Grand Jury also pointed out that MTA's responsibility has been largely restricted to the collection and disbursement of franchise fees levied on cable television bills, and that it had abandoned its mission to provide strategic leadership on telecommunications issues.

The report requested responses from MTA, the Marin County Board of Supervisors, and nine Marin cities that are members of MTA. MTA and all of its members rejected the report's recommendations. MTA explained that it had already reduced its executive director position from an 80 percent role to 50 percent, eliminated another position, and combined two other roles into one to reduce its operating expenses.

On February 20, 2020, less than eight months after rejecting the recommendations of the Grand Jury, the MTA board voted unanimously to commence a process to dissolve the agency and transfer its responsibilities to the Marin General Services Authority, effective July 1, 2020. Completion of this process is contingent on approval by all members of MTA.

6. Public Transparency of Marin's Local Agencies

As noted in the 2018–2019 report entitled *Special Districts Transparency Update*, the Grand Jury has made repeated recommendations to the Marin County Board of Supervisors that it

⁷ Marin County Civil Grand Jury, *Marin's Telecommunications Disconnect*, June 13, 2019, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2018-19/marins-telecommunications-disconnect>.

publish and maintain a comprehensive list of all of Marin’s public agencies.⁸ This has never been completed. In discussions with public officials, the Grand Jury found there is uncertainty about the exact number of public agencies in Marin, which makes it difficult for the public to know what they all do and whether they are necessary.

Three prior grand jury reports recommended the creation of such an agency list. All reports noted that this list would improve transparency and give citizens easier access to important information about their local governments. These reports included:

- *What Are Special Districts and Why Do They Matter?* May 20, 2014
- *2015-2016 Web Transparency Report Card: Bringing Marin County’s Local Governments to Light*, March 10, 2016
- *Special Districts Transparency Update*, June 20, 2019

In its response to the 2019 report, the board of supervisors said it had implemented the recommendation for “each entity under the board of supervisors” but that excludes agencies such as school districts, water districts, sanitary districts, and similar “independent” agencies. The 2019–2020 Grand Jury determined that this remains a serious deficiency. Accordingly, on June 30, 2020, the Grand Jury published a separate report entitled [*Finally—A Comprehensive List of Marin’s Public Agencies*](#).⁹

The 2016 Grand Jury report recommended that all Marin special districts and joint powers authorities update their websites to provide information about the annual compensation of directors, officers, and employees. This concern about access to compensation information was reiterated in the 2019 Grand Jury report. The 2019–2020 Grand Jury agrees that this remains an area where public transparency is lacking, and it was not satisfied with the response of Marin’s local agencies to this recommendation. Accordingly, in April 2020, the 2019–2020 Grand Jury published a separate investigative report entitled [*Follow-Up Report on Web Transparency of Agency Compensation Practices*](#).¹⁰

7. Improving Career Technical Education Opportunities in Marin’s High Schools

Most Marin parents expect that their children will graduate from college. High schools have mirrored these expectations by stressing the importance of higher education for all students. As a consequence, vocational training, now part of what is called career technical education (CTE),

⁸ Marin County Civil Grand Jury, *Special Districts Transparency Update*, June 20, 2019, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2018-19/special-districts-transparency-update>.

⁹ Marin County Civil Grand Jury, *Finally—A Comprehensive List of Marin’s Public Agencies*, June 30, 2020, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2019-20/finally-a-comprehensive-list-of-marins-public-agencies>.

¹⁰ Marin County Civil Grand Jury, *Follow-Up Report on Web Transparency of Agency Compensation Practices*, April 28, 2020, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2019-20/followup-report-on-web-transparency-of-agency-compensation-practices>.

has not been promoted sufficiently to accommodate students who desire and can benefit from such programs.

The 2018–2019 Grand Jury called attention to this shortcoming in its report *The Status of Career Technical Education in Marin County*.¹¹ The report included several recommendations designed to improve awareness of and the resources available for CTE programs, including a career night for parents and students and training for school counselors. The report also recommended that the Marin County Office of Education form a working group with members of the business community to create and promote these programs.

The county office of education and the four districts having high schools (Novato, San Rafael, Tamalpais Union, and Shoreline) were required to respond to the report’s recommendations.

The county office of education responded favorably to all of the recommendations, indicating that all of them had been or would be implemented. It has a School to Career Partnership board consisting of 28 community leaders, including Marin’s largest employers, to “support career exploration programs and work-based learning experiences for students that teach the skills needed for success in the workplace.”¹² Marin’s office of education also has an internship coordinator to help students locate internship and volunteer opportunities.

All four school districts are also implementing the report’s recommendations. They reported working closely with the office of education’s School to Career Partnership program. Each of the schools also provides some form of career night or career fair to expose students and parents to vocational careers. In their efforts to educate counselors, students, and parents about career technical education options, school districts all reported using an online “CTE Toolkit” developed by the county’s office of education.

Tamalpais Union High School District enables incoming students to take an online skills inventory and provides a career technical education workshop for parents of new students. Older students are given access to a career exploration tool, which allows results to be shared with parents.

Shoreline Unified School District promotes career technical education opportunities starting in K-8 schools, with open houses and other promotional events. In addition to local counselors sharing vocational educational information, the district has had representatives of Santa Rosa Junior College present information to students and parents.

The San Rafael High School District has started two new programs, North Bay Builders Association and Classic Car Restoration, to focus not just on skills development, but also on education about specific vocational career opportunities. At the end of the building program, for example, students can participate in a two-week on-the-job internship. The county office of

¹¹ Marin County Civil Grand Jury, *The Status of Career Technical Education in Marin County*, June 27, 2019, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2018-19/the-status-of-career-technical-education-in-marin-county>.

¹² Marin County Office of Education, *Responses to the 2018–2019 Marin County Civil Grand Jury Report on The Status of Career Technical Education in Marin County*, September 10, 2019, p. 4, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2018-19/responses/the-status-of-career-technical-education-in-marin/cte--mcoe.pdf?la=en>.

education and San Rafael schools collaborated on and were awarded two grants: K-12 Strong Work Force and CTE Incentive Grants, both of which will support expansion of existing career technical educational programs and the development of new offerings. San Rafael also created a districtwide CTE Advisory Committee to promote and further develop career technical education offerings. San Rafael’s course offerings currently include engineering, media, information and technology, business, automotive, construction, and digital audio.

In the Novato Unified School District, all ninth-grade students participate in a college and career readiness course, which includes career exploration materials. Novato has revised this course to add the ability to share results with family and peers. After the Grand Jury issued its report, academic counselors and middle-school deans in Novato received in-depth training focused on college and career readiness and career technical education.

The Grand Jury is also aware that the College of Marin launched a year-long newspaper, radio, and social media campaign in fall 2019 to educate the community on available career technical education options. The college involves its students in performing public outreach efforts to community groups and schools regarding vocational programs.

Findings

- F1. With the active follow-up provided by Marin’s 2019–2020 Civil Grand Jury, Marin’s public agencies generally did a good job of satisfying their legal obligations to respond to grand jury reports.
- F2. Where the 2019–2020 Civil Grand Jury followed up with agencies to obtain additional information regarding actions taken to implement specific recommendations contained in reports issued by the 2018–2019 Grand Jury, those agencies were generally cooperative and forthcoming.

Responses

No responses to this report are requested or required. The report is issued in the interest of transparency, accountability, and responsiveness of local governments.

Note: At the time this report was prepared information was available at the websites listed.

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