To the Citizens of Marin County:

On behalf of the 2019-2020 Marin County Civil Grand Jury, I am delighted to present summaries of our nine reports. Our jury members are a talented group from a wide range of professional backgrounds and interests, and a large geographical spread across Marin. The nineteen volunteer members of the jury, including the two alternates who joined our ranks when called, devoted their time to investigating, researching, videoconferencing, writing, and publishing reports on a broad array of topics of interest and concern to the citizens of Marin.

Due to COVID-19, our term was extended to a year and a half. Consequently, the recommendations in some of our reports have already been implemented by local governments. It is our hope that the recommendations in all our reports will stimulate community awareness and have a lasting impact on the county.

The topics for investigation were drawn from the experience of the Grand Jurors and a review of previous Grand Jury reports. I thank all of my fellow Grand Jurors for their dedication and for the thousands of hours devoted to this endeavor. I would also like to thank Pro-Tem Greg Walters for his humor and assistance, Presiding Judge Andrew Sweet for his support, Assistant County Counsel Renee Brewer for her advice and Aide to the Grand Jury Rachael Porter for her assistance and care.

Respectfully submitted,
Lucy Dilworth, Foreperson
2019-2020 Marin County Civil Grand Jury

Full versions of all Grand Jury reports (and their public responses) are accessible online at: MarinCounty.org/GrandJury
Follow-Up Report on Web Transparency of Agency Compensation Practices

Many Marin public agencies fail to make the compensation for their elected officials and employees fully transparent on their public websites, despite state legal requirements and past Grand Jury recommendations that they do so. The 2019–2020 Grand Jury examined the current status of 34 Marin public agency websites to determine if they are meeting transparency standards with respect to compensation disclosures.

California law requires most public agencies to report the annual compensation of their “elected officials, officers, and employees” to the state controller’s office, which posts this information on its Government Compensation in California website at publicpay.ca.gov. Each local agency with a website also is legally required to post “in a conspicuous location . . . information on the annual compensation of its elected officials, officers and employees.”

Over and above these basic legal requirements, the public has an interest in understanding compensation policies with regard to elected officials, including information about wages, health and retirement benefits, and reimbursement policies. There is a wide variance in compensation policies and the total amounts and benefits paid to elected officials. The public should be able to access this information easily and quickly rather than having to dig through meeting minutes or policy manuals that may or may not be easy to find on a website.

This investigation revealed that a great majority of audited agency websites failed to comply fully with legal compensation disclosure requirements. Compensation information was often difficult to find and outdated. Information on actual compensation paid to elected officials was also missing, difficult to find, or insufficient. In many cases, it was difficult to find information about compensation policies for elected officials. In contrast, the Marin Municipal Water District (MMWD) and the North Marin Water District each annually post a detailed report on the compensation of their elected officials.

**RECOMMENDATIONS**

**R1.** All agencies should include on their websites a link to the publicpay.ca.gov site showing compensation of their elected officials, officers, and employees.

**R2.** The link to publicpay.ca.gov should be made conspicuous on each website.

**R3.** Agencies should modify their existing publicpay.ca.gov links so that they provide a direct link to their current compensation data on the state site.

**R4.** Agencies should include a link on their board or council web pages that leads directly to their “Elected Officials” page on the publicpay.ca.gov site.

**R5.** Agencies should include on their board or council web pages a comprehensive description of their policies regarding all compensation paid to elected officials.

**R6.** Agencies should publish an annual report detailing the compensation actually paid to their elected officials for the previous calendar year online.

**R7.** Agencies not audited in this report should review their websites for compliance with all the recommendations made to the listed agencies.
Cyberattacks: A Growing Threat to Marin Government

Local governments are targets of opportunity for cybercriminals. Hackers seek unauthorized access to computer networks so they can install ransomware, steal personal information, benefit from fraudulent payments, and disrupt government operations. As our government agencies become more reliant on online systems and remote work capabilities, cybersecurity awareness and best practices are increasingly critical.

Unbeknownst to the public, the Marin County government and most of Marin’s municipalities have suffered financial frauds or debilitating network breaches in recent years. The county lost almost $250,000 in a wire fraud scheme in 2018. More than half of Marin’s 11 cities and towns—Corte Madera, Fairfax, Larkspur, Novato, Sausalito, and Tiburon—have fallen victim to successful breaches, and these are just the ones disclosed to the Marin County Civil Grand Jury.

Our government leaders have not disclosed most of these incidents to other Marin agencies or the public, leaving us underinformed and underprepared.

The Grand Jury focused its investigation on the security of the computer systems used by Marin’s county and municipal governments. This investigation did not attempt to assess the cybersecurity posture of other Marin agencies, but the Grand Jury recommends that all of them undertake a comprehensive review of their cybersecurity practices, if they have not done so already.

RECOMMENDATIONS

R1. Marin County should create an ongoing program to share user education information, other cybersecurity practices, and updates with cities and towns.

R2. Marin County should complete a plan for enhancing MIDAS to improve cybersecurity for its users.

R3. Marin County should offer to collaborate to develop best practices for cybersecurity in Marin’s cities and towns.

R4. The county board of supervisors and the city and town councils should request their managers report, at least annually, on their cybersecurity profile and any measures being taken to improve it.

R5. Local governments should convene periodic discussions, at least annually, in a public forum, regarding the importance of good cybersecurity practices for our government, residents, and other organizations.

R6. Local governments should adopt a policy to report to federal law enforcement any cybersecurity intrusion that results in financial fraud or unauthorized disclosure of information and make that intrusion public.

R7. Local governments should implement: mandatory user training, email flagging and filtering, password management, and backup.

R8. Local governments should complete an analysis of the feasibility of implementing the remainder of the practices described in the Best Practices section of this report.

R9. Local governments should complete an analysis of the feasibility of contracting with a cybersecurity expert to be available to cities and towns on a shared basis.
Finally—A Comprehensive List of Marin’s Public Agencies

Marin County has an astonishing 152 local government agencies, including towns, cities, school districts, and a host of special districts such as community service agencies, joint powers authorities, and agencies providing fire, sanitary, water, recreation, lighting, and other public services. It is hard for taxpayers to track all of them. That is why several Marin County civil grand juries have recommended the development of a comprehensive list of all of these agencies. Several incomplete lists exist, but grand jury recommendations for a single comprehensive list have never been fully implemented. Consequently, the 2019–2020 Marin County Civil Grand Jury has developed such a list together with a proposed method for maintaining it. Public access to this information is important to enable taxpayers to understand and track the agencies they fund.

RECOMMENDATION
R1. The Marin County Department of Finance and the County Clerk should adopt the newly developed public agency list contained in this report and implement a plan to maintain and update it at least annually.

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

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. Key outcomes include the following:

Wildfires
A new joint powers authority, the Marin Wildfire Protection Authority, officially commenced operations on July 1, 2020.

SMART Train
Sonoma-Marin 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.

Vaping Dangers
The Marin County Office of Education and Marin schools launched numerous educational events for students, several schools installed vaping detectors in bathrooms, and several municipalities banned the retail sale of vaping products and flavored tobacco.

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.

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.

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.

Vocational Education
Career technical education programs have been enhanced in Marin, with better promotion of vocational opportunities, better training of academic counselors, and more support provided to Marin’s schools by the Marin County Office of Education.
Climate Change: How Will Marin Adapt?

Our planet is warming, glaciers and ice sheets are melting, sea levels are rising, we are witnessing more extreme weather events and wildfires, and ecosystems are being altered. The future pace of climate change is uncertain, but the trends are ominous. In Marin, a modest 10-inch sea level rise could reach 700 buildings and 8 miles of roads along the bay, and a 60-inch rise, combined with a 100-year storm surge, could inundate 12,000 buildings and 130 miles of roads.

Efforts to address climate change fall into two categories: “Mitigation” measures reduce greenhouse gas emissions to slow climate change, while “adaptation” measures such as seawalls guard against the consequences of climate change. Significant mitigation work has been done in Marin, but plans for adapting to climate change have taken a back seat and have focused almost exclusively on sea level rise. Are Marin’s county, city, and town governments doing enough to adapt to climate change? That is the question at the heart of this report.

RECOMMENDATIONS

R1. The board of supervisors, with the municipalities and other agencies affected by climate change, should convene a task force charged with developing a single, comprehensive, multi-jurisdictional adaptation strategy for all of Marin.

R2. The board of supervisors should form a new office within county government devoted to climate change mitigation and adaptation.

R3. The board of supervisors should direct the formation and staffing, of a centralized grant-seeking function related to climate change.

R4. Each member of the Marin Climate & Energy Partnership, should declare its support for broadening the partnership’s mission and increasing its funding as necessary to support overall climate change planning efforts.

R5. The board of supervisors should commission a feasibility study concerning the reorganization of Marin’s Flood Control and Water Conservation District to focus on coastal and bayside sea level rise.

R6. Each city and town, if it does not have a full-time sustainability coordinator, should appoint a committee or commission charged with monitoring and reporting on its climate change efforts.
Marin educators and mental health professionals agree that there is a mental health crisis in our schools. Students are increasingly prone to anxiety and chronic feelings of hopelessness. More of our youth report thinking of taking their own lives, and some are acting on these dark thoughts. Marin schools have shown great initiative in their attempts to help these young people, but they need assistance. There has never been enough money, and the COVID-19 pandemic now threatens significant cuts in education funding. At the same time, the pandemic is increasing mental health issues for many of these students.

The Grand Jury believes a concentrated community effort, led by the Marin County Office of Education and the county Department of Health and Human Services, is needed to support the wellness efforts at our schools. Some of this work, including collaboration to seek funding and work on suicide prevention, has begun. These efforts provide a roadmap to improved mental health services for Marin students. The path is clear, but there is much work to be done.

RECOMMENDATIONS

R1. Health and Human Services and the Marin County Office of Education (MCOE) should direct the Marin Schools Wellness Collaborative to begin implementation of Strategy 6 of the Suicide Prevention Strategic Plan.

R2. When funding becomes available, MCOE should employ a full-time licensed therapist whose job is to help coordinate wellness services in the schools.

R3. MCOE should designate staff to connect the schools with community agencies that can provide them with mental health services.

R4. MCOE should expand teacher and staff training and parent education around mental health issues.
While the number of firearms in American homes has been increasing every year for many years, a record number of gun purchases were made in the first half of 2020, with June 2020 recording the highest single month on record. Many of these purchases were made by first-time gun owners, most of whom cited self-protection as the reason for their purchase.

Studies indicate that the presence of guns in our homes poses an increased risk of suicide, not only for the gun owner, but for all others living in the home. Although the increased threat of suicide from owning a gun is not a new phenomenon, we are living in times of extraordinary stress and tension, both of which are risk factors for suicide.

Although it is impossible to know exactly how many firearms are in Marin, there are conservative estimates that there could be 100,000 weapons in our homes, offices, and cars. California surveys suggest that about 18,000 of those guns are stored unlocked and loaded, accessible to anyone in the home.

These unprecedented times amplify the importance of how we secure the guns in our midst. It is more important than ever that firearms be handled safely and stored according to law and common sense. Marin County law enforcement, educational institutions, and public health agencies have done some messaging in the gun safety arena, but more needs to be done to educate the public about responsible gun ownership.

This Grand Jury report is focused on what Marin’s elected officials and public administrators can do to encourage safe storage and handling of guns.

**RECOMMENDATIONS**

**R1.** The Marin County district attorney should begin work on a comprehensive public awareness campaign that includes the safe handling and storage of firearms, and the availability of gun violence restraining orders.

**R2.** Each town, city, police authority, as well as the sheriff, should, at least annually, send reminders to its residents regarding the need for safe handling and storage of firearms.

**R3.** Each town, city, police authority, as well as the sheriff should offer free gun locks and publicize a procedure for residents to turn in unwanted weapons.

**R4.** The Marin County district attorney should work with other law enforcement agencies to continue to offer gun buyback programs, funded by public donations or grants.
Opioid Misuse: Strengthening Marin County’s Response

In the late 1990s, the widespread use of prescription opioid pain relievers resulted in one of the most lethal drug-related crises to impact the United States. Marin County has not been spared. From 2006 through 2019, a reported 451 Marin residents died from drug overdoses—the leading cause of accidental death in Marin—and opioids contributed to almost half of those deaths. Currently, an estimated 4,400 county residents suffer from opioid use disorder.

Marin County has responded by creating robust prevention and treatment programs, primarily through its Department of Health and Human Services. The county has taken important steps to prevent opioid misuse, including participating in a statewide system for monitoring the opioid prescribing patterns of healthcare providers. The county also led the formation of RxSafe Marin, a countywide organization dedicated to reducing opioid use and preventing addiction.

For comprehensive treatment of patients with opioid and other substance addictions, the county adopted the Drug Medi-Cal Organized Delivery System, which operates as a managed care plan for treating Medi-Cal-eligible patients.

Despite these laudable programs, the misuse of opioids in Marin County continues. Emergency department visits from opioid overdoses are trending upward. In 2019, the number of opioid-related overdose deaths in Marin was higher than it was in any of the preceding eight years. More needs to be done.

**RECOMMENDATIONS**

**R1.** The Marin County Department of Health and Human Services (HHS) should expand naloxone availability throughout the county in accordance with the American Medical Association guidelines.

**R2.** HHS should conduct a detailed cost-benefit analysis to determine if additional recovery coaches are warranted and, if so, retain them.

**R3.** HHS should expand its efforts to increase the number of X-waivered prescribers and to provide incentives to them to treat more patients.

**R4.** HHS should pursue opportunities to increase the number of beds available in long-term recovery residences.

**R5.** Marin Healthcare District should conduct a cost-benefit analysis to determine if additional substance use navigators are warranted.
Roadblocks to Safer Evacuation in Marin

California’s 2020 fire season got off to an early start in mid-August with dry lightning that sparked five of the six largest wildfires in the state’s history. As of the end of September, nearly four million acres had burned, 22 major wildfires were still active, and 30 people were dead.

As fires burned throughout the San Francisco Bay Area, anxious Marin residents sheltered from heavy smoke and kept a wary eye on the Woodward Fire in the Point Reyes National Seashore, hoping they would not be forced to evacuate at a moment’s notice. People worried whether it would be possible to evacuate safely. The Grand Jury sought to determine whether Marin’s evacuation needs are considered adequately when government entities plan and build improvements to roads and traffic infrastructure.

Funding for transportation-related infrastructure projects is complicated, involving agencies at the local, county, regional, state, and federal levels. The rules and regulations governing these funding sources were largely developed before wildfire was the threat it has become in recent years and before the citizenry was fully aware of the urgent need to be able to evacuate quickly and safely. For instance, the Transportation Authority of Marin was chartered at a time when traffic congestion was high on Marin’s priority list and wildfire evacuation was a remote concern. Times have changed.

Today, there is considerable uncertainty about who has the ultimate responsibility for building the transportation infrastructure capable of evacuating Marin residents safely in a rapidly evolving emergency. The Transportation Authority of Marin has not been willing to include evacuation as a criterion when funding roadway projects. The recently created Marin Wildfire Prevention Authority has neither the authority nor the funds to address the infrastructure needs. In fact, the county, towns, and cities have responsibility for public safety, but they have not prioritized evacuation needs when funding public works projects.

**RECOMMENDATIONS**

**R1.** Local governments should direct their respective planning and public works departments to include evacuation needs when evaluating and recommending public works projects.

**R2.** Local governments should adopt resolutions calling on the Transportation Authority of Marin (TAM) to include evacuation needs when planning and funding infrastructure projects.

**R3.** Local governments should update the safety elements of their general plans to include evacuation planning.

**R4.** TAM should require that evacuation be considered when planning and funding infrastructure projects.

**R5.** The Marin Wildfire Prevention Authority should invite a TAM representative to become a nonvoting member of its Advisory/Technical Committee.
THE CIVIL GRAND JURY EXPERIENCE

The California State Constitution requires the establishment of a Civil Grand Jury in each of the state’s 58 counties. Each county’s Civil Grand Jury acts as a civil “watchdog” to oversee the performance of its local government agencies. This is a different function from a Grand Jury’s role of issuing criminal indictments that may be more familiar to you. Marin County has more than 152 public agencies: including the county itself, cities, towns, school districts, sewer districts, police and fire agencies, other special districts, and joint powers authorities (JPAs). All of these are subject to Grand Jury oversight and investigation.

Each Civil Grand Jury consists of 19 citizens from all walks of life who dedicate their time to studying their county and considering ways to improve its local governance. In addition 11 alternates are selected to stand ready to replace a juror when needed. During its term, the Civil Grand Jury issues reports detailing their findings and recommendations to which public agencies must respond.

WHY PEOPLE APPLY

People from all walks of life apply to the Civil Grand Jury for a multitude of reasons:

- Since I am close to retirement I’d like to continue to be productive and to understand my community in depth.
- I love living in Marin and am eager to use my analytic and interpersonal skills to see that the many public entities continue to function optimally for the benefit of the residents of Marin.
- I want to be able to serve my community and build an even better future for coming generations.

THE APPLICATION PROCESS

Step one: Complete the “Application to Serve on the Marin County Civil Grand Jury” (available on the Civil Grand Jury’s website – link below). In addition to requesting your name and professional background, some confidential information is requested to perform a preliminary background check. This check is needed because jurors will be given access to detention facilities and to confidential information. Those selected as jurors will also be fingerprinted, required to share information about financial investments (Form 700), and have a second background check performed. All such information is kept confidential by the county and only released to agencies as required by law.

Step two: Applicants who meet the basic requirements are invited for an interview. This interview is designed to ensure that there are no hidden agendas or conflicts of interest, and that applicants communicate well. It consists of both a personal and a panel interview (an opportunity to sample the jury experience and see how well applicants interact). The best and most representative 30 applicants are then selected.

Step three: The “30” are invited back for the final selection round. All applicants’ names are placed into a drum and randomly selected by the presiding judge. The first 19 selected will be the “sitting jury.” The remainder are invited to be “alternates.” The sitting jury is immediately sworn in. If a sitting juror resigns for any reason, the next alternate is contacted and invited to join the jury immediately.

HOW THE TERM UNFOLDS

The first week is occupied with training. In addition to learning about responsibilities and powers, committees and investigation techniques, participants start to get to know each other — each of whom has a lifetime of expertise to share. In a typical term, jurors and alternates visit Marin County Juvenile Hall, Marin County Jail, and San Quentin State Prison. These visits are required by law and make a strong impression. Jurors and alternates see, talk to, and eat with people (including inmates) with whom they would not normally interact.

Getting organized/a typical week

After the training, alternates are excused. Jurors organize into investigative and administrative committees and establish a weekly calendar. Committees usually meet weekly in two-hour time slots on Tuesdays, Wednesdays and on Thursday mornings. The entire Grand Jury meets once a week in plenary session. This is usually on Thursdays from 11:00 to 2:00.

Finding a topic

Perhaps the most surprising thing for new jurors is that there is no assigned list of topics to investigate. Jurors may wish to follow up on a previous Civil Grand Jury report, review citizen complaints, research issues that they’ve heard about, or simply learn more about a local agency. By the end of the first month, committees start to explore potential topics. Is there a perception of wrongdoing, inefficiency, or need for improvement? After internal research and discussion, government officials are invited for interviews.

The interview process

Each interviewee signs an admonition acknowledging the obligation not to reveal that they spoke
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with the Civil Grand Jury or the content of conversation. Interviews provide background information and allow pointed questions to be asked in a confidential setting. The Civil Grand Jury is sworn to protect the anonymity of sources, not just for the current term, but forever.

Continuity
In addition to ongoing investigations, the Civil Grand Jury has administrative responsibilities. Perhaps the most important of these is reviewing public agencies’ responses to previously published Civil Grand Jury reports for adequacy, completeness, and timeliness. For example, if an agency promised to make a change by a certain date, the Civil Grand Jury seeks confirmation. Such monitoring ensures that promised changes happen.

The RFI
When a committee has sufficient information and direction, they write a Request for Investigation (RFI). An RFI is an overview of what the committee plans to research and is presented to the entire 19-member body of the Civil Grand Jury (the “Plenary”). If the research proves fruitful, a report is written. The Plenary later reviews and votes on each report.

Sometimes a committee discovers that their “hot topic” is not viable (assumptions prove to be incorrect or changes are already underway) and has to abandon the topic and start anew. Excitement builds as expertise and experience develops. Jurors days are filled with meeting leaders, learning the lingo, understanding motivations, deciphering the law, and finding best practices. Jurors start thinking about solutions to problems, and then validating these solutions through additional research, conversation, and surveys. One key investigative principle is triangulation: to prove anything, three independent sources are required. Triangulation takes time but is key to a report’s effectiveness. Reports don’t simply contain jurors’ thoughts or observations; they contain concepts and solutions based on facts.

Field trips and plenary presentations
The Civil Grand Jury is not all work and no play. There are opportunities to take “field trips” to learn as much as possible about Marin County. Jurors visit a wide variety of agencies and locales and ask questions of experts. In addition, leaders from throughout the county are invited to present at the weekly plenary sessions, sharing details of their organizations and responsibilities. These presentations give a comprehensive overview of local government and the dedicated and talented individuals who serve county residents.

Writing the report
While some investigations continually uncover new information and could go on indefinitely, the Civil Grand Jury must complete its work within its term. At some point investigations must wind down and writing the report described in the RFI must begin. Before drafting the report, jurors can attend a “Report Writing 101” class. The writing process can be the most emotionally-charged phase of the term. During meetings, people agree on high-level concepts but when articulated in detail, committee members may disagree on language, intent, specifics, or logical flow. Members review each other’s contributions, negotiate phrasing, and merge separate ideas into a cohesive, rigorous report draft.

The editing process
Once a committee agrees the report is ready, a draft is passed to the editorial committee. This is the first chance for “fresh eyes” to read the report and offer suggestions. The investigative committee can then make any necessary edits, eventually sharing the report with the Plenary.

Report approval
Members of the Plenary read the committee’s report, share suggestions and ask additional questions before discussing and voting to approve release. As in other Plenary actions, a supermajority (at least 12 of the 19 jurors) must vote to approve.

After Plenary approval, both County Counsel and the presiding judge must sign off on the report. Their role is not to censor the work, but to ensure that the specific language is legally appropriate (i.e., the report is not libelous) and within the jury’s scope of responsibility. If they reject the report, the committee may opt to make necessary changes and seek re-approval. As required by the California Penal Code, a confidential copy is sent to agencies named in the report. This ensures that these agencies have an opportunity to request any factual mistakes be corrected before publication. Finally, the report is published: It is placed onto the Civil Grand Jury’s website and copies are sent to the media for possible coverage.

THE RESULTS
The most tangible result of the jury’s work are the published Civil Grand Jury reports identifying issues and containing recommendations to which specific agencies publicly respond. By law, elected individual office holders have 60 days to respond while boards and councils have 90 days. Responses may indicate the intention to implement the recommendations, further study the concepts, or reject the recommendations as too costly or infeasible. Responses are posted with the reports on the Grand Jury’s section of the county website.

One goal of each independently researched report is to stimulate community awareness and conversation — in the media, at board meetings, and within neighborhood groups. Over the years, Civil Grand Jury reports have addressed a wide variety of topics and have encouraged many measurable changes including: the creation of the Marin Wildfire Prevention Agency, improved website transparency, enhanced gun safety awareness, strengthened government cybersecurity, the dissolution of the Marin Telecommunications Agency, increased police use of body cameras, and improved mental healthcare in our jail.

INTERESTED?
If you have some free time and a passion to make a difference, apply to the next Civil Grand Jury. You’ll learn, share, and connect with other Marinites. Join us.

The Civil Grand Jury accepts applications throughout the year.

To APPLY for CIVIL GRAND JURY SERVICE visit:
MarinCounty.org/GrandJury
Click on “Marin Grand Jury Application”

To request a CIVIL GRAND JURY INVESTIGATION visit:
MarinCounty.org/GrandJury
Click on “Form to Request an Investigation”