

OFFICE OF THE  
COUNTY ADMINISTRATOR

Matthew H. Hymel  
COUNTY ADMINISTRATOR

December 8, 2020

Daniel Eilerman  
ASSISTANT COUNTY  
ADMINISTRATOR

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, California 94903



Angela Nicholson  
ASSISTANT COUNTY  
ADMINISTRATOR

**SUBJECT:** Response to 2019-20 Grand Jury Report "Climate Change: How Will Marin Adapt?" (September 11, 2020)

Marin County Civic Center  
3501 Civic Center Drive  
Suite 325  
San Rafael, CA 94903  
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Dear Board Members:

**RECOMMENDATION:** Concur in and adopt the attached proposed response to the FY 2019-20 Marin County Civil Grand Jury Report regarding Climate Change adaptations in Marin and authorize the Board President to forward the response to the Presiding Judge of the Marin County Superior Court.

**SUMMARY:** The 2019-20 Civil Grand Jury Report published a report entitled "Climate Change: How Will Marin Adapt?" (September 11, 2020). The report included a request for response from your Board. Attached for your consideration, in accordance with §933 of the California Penal Code, is a proposed response. A copy of the Grand Jury report is also attached for your information.

**FISCAL IMPACT:** None.

**ALTERNATIVE:** The Board may amend any suggested response.

**REVIEWED BY:**

<input checked="" type="checkbox"/>	County Counsel	<input type="checkbox"/>	N/A
<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A
<input type="checkbox"/>	Dept. of Finance	<input checked="" type="checkbox"/>	N/A

Submitted by,

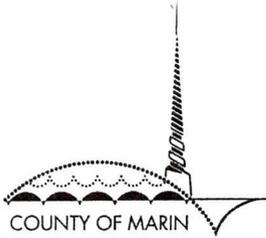
Daniel Eilerman  
Assistant County Administrator

Reviewed by,

Matthew H. Hymel  
County Administrator

Attachment: Response to FY 2019-20 Marin County Civil Grand Jury Report "Climate Change: How Will Marin Adapt?" (September 11, 2020)

CC: Department Directors, Public Works and Community Development Agency



# BOARD OF SUPERVISORS

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Marin County Civic Center  
3501 Civic Center Drive  
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San Rafael, CA 94903  
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December 8, 2020

Honorable Andrew Sweet  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

Dear Judge Sweet:

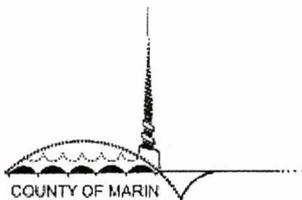
The Marin County Board of Supervisors' response to the FY 2019-2020 Civil Grand Jury Report "Climate Change: How Will Marin Adapt?" (September 11, 2020) is attached.

The attached document responds to all the requests made for responses from the Board of Supervisors.

Respectfully submitted,

Katie Rice  
President, Board of Supervisors

CC: Marin County Civil Grand Jury



## RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

**REPORT TITLE:** "Climate Change: How Will Marin Adapt?"  
**REPORT DATE:** September 11, 2020  
**RESPONSE BY:** County of Marin Board of Supervisors

### GRAND JURY FINDINGS

- We agree with the findings numbered: **F1-F3; F5-F6;**
- We disagree wholly or partially with the finding(s) numbered: **F4 and F7.**

### GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R1 and R4** have been implemented.
- Recommendations numbered **R2-R3 and R5** will not be implemented because they are not warranted or reasonable.

Date: 12-8-2020

Signed: \_\_\_\_\_

Katie Rice, President  
Marin County Board of Supervisors

*Revised  
Re: #8*



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Climate Change: How Will Marin Adapt?"  
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## **GRAND JURY FINDINGS**

### **F1. Climate change mitigation efforts by Marin governments have been notably effective in meeting their goals to reduce greenhouse gas emissions.**

**Response:** Agree. We have worked with our cities, towns, and many other partners to develop an integrated approach toward climate change planning, adaptation and mitigation. Despite some early successes, like reducing County emissions to 20 percent below 1990 levels by 2012 (eight years ahead of schedule), there is still much work to do.

In December 2020, the Board of Supervisors will be asked to adopt the Climate Action Plan Update which includes targets of reducing greenhouse gas emissions levels to 40 percent below 1990 equivalent emissions levels by 2030 via mitigation-based measures and to 60 percent below 2005 emissions levels by 2030 via a combination of mitigation and sequestration measures. The mitigation plus sequestration goal is in line with the Drawdown: Marin goals and is more aggressive than current goals.

### **F2. Adaptation planning is essential to protect local public utility and transportation infrastructure as well as private property interests, and to enable Marin's citizens to maintain their current standards of living.**

**Response:** Agree.

### **F3. With the BayWAVE and C-SMART initial vulnerability assessments completed, the county is now well-positioned to focus on adaptation planning and policies related to sea level rise.**

**Response:** Agree.

### **F4. The existing adaptation efforts across the county pay insufficient attention to the other potential effects of climate change, including impacts on public health, ecosystems, and social equity.**

**Response:** Disagree.

Recent actions have produced significant progress on these concerns. The Grand Jury cites "the working group of Marin's county and municipal planners that helped develop the countywide, multi-jurisdictional local hazard mitigation plan recently adopted by the county's board of supervisors and all the cities and towns" (p. 18). This Working Group has been expanded to encompass the mandates of California Government Code Section 65302(g)(4), which now require that cities and counties update their General Plan Safety Elements to address climate adaptation and resiliency strategies across the full breadth of hazard and safety issues, not just sea level rise.

The Working Group has synthesized this General Plan Safety Element work with the substantive hazard adaptation requirements of the Local Hazard Mitigation Plan (LHMP) Update, which is required to maintain FEMA funding eligibility. The membership of the working group has been expanded to include the Planning Directors of each jurisdiction to strengthen the integration of adaptation planning with broader community development processes.



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Drawdown: Marin is a community-driven campaign to dramatically reduce greenhouse gas emissions and prepare for climate change impacts, with an Executive Steering Committee, Community Outreach Partnership Council, and Stakeholder Collaborative. Dr. Matthew Willis, Marin County Public Health Officer, serves on the Executive Steering Committee and he and his team contribute Public Health information to the ongoing climate discussions as active participants.

Additionally, the recent mandate for an Environmental Justice Element for each General Plan (Gov. Code Sec. 65302(h)(2)) will formalize the growing training and outreach that has already been undertaken to incorporate equity and to substantively engage members of socially vulnerable communities in the planning process. These efforts put into effect the "collaboration to include a consistent, coordinated approach to adaptation planning for all of Marin" called for in the Grand Jury's report.

Marin County Public Works continues to work with data around emergency response, transportation, and sea level rise. Public engagement with the data will move forward in targeted communities to better communicate risks and gather input towards steps that improve resiliency and access for the near and mid-term time periods. These data support vulnerable populations through transit-assistance, emergency centers, and with planning to inform the location of resilience hubs in local communities.

In addition, Marin County Public Works and Marin County Parks are working on restoration projects on county-owned properties. These are multi-benefit projects that include ecosystem improvements, flood and sea level rise protection, and recreation. Current adaptation projects are focused on wetland restoration to take advantage of grant funds and include Bothin and McInnis Marsh, Bolinas Lagoon, Deer Island, and Richardson Bay beach projects. These are critical steps in adaptation as they reduce impacts from wind and waves, reduce water levels, address habitat restoration, and increase flood protection. The challenge for adaptation projects is not simply a lack of coordination, but a need to generate projects that address the problem, garner consensus from the public, and are funded sufficiently for construction, operation, and long-term maintenance.

Sea levels will likely continue to rise, creating a challenge for shoreline scale design and engineering. Consensus is necessary but challenging given the large number of privately owned parcels and varied shoreline uses. Funding sources often favor restoration, but rarely cover the long-term costs associated with maintenance and operation of infrastructure needed to protect critically low-lying developed areas. There is also no permitting or regulatory consensus on what can be permitted outside of a focus on nature-based and habitat-focused wetland restoration projects. While there is intrinsic value in nature-based approaches in locations where they are viable (and the County has been a leader in developing nature-based projects), in many areas they will be inadequate to protect large areas of urbanized Marin from flooding. Many implementation barriers are outside of County control and will likely require a significant revamping of both regulatory permitting (including endangered species laws) as well as CEQA reform, which requires all projects to be evaluated against a static baseline – a sometimes poor assumption in a system where the baseline is changing and litigation often slows projects.

The County's sea level rise planning has long focused on equity and health impacts. Staff have worked with Marin City and the Canal area of San Rafael to learn from the community and support planning for resilience. The County and City of San Rafael recently submitted a grant proposal to work with the Canal around resiliency and adaptation. Additionally, using a grant from the Marin



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Community Foundation, the Drawdown: Marin initiative has attempted to address equity and integrate it meaningfully into the initiative (2018-2020) and identify ways to continue this work as outlined in the Plan, which will go to the Board of Supervisors in December 2020. This is the latest in an ongoing effort to work with vulnerable populations throughout the County.

**F5. There are insufficient staff and financial resources devoted to climate change adaptation efforts across county government as well as in the cities, towns, and other agencies, and many of the existing efforts are highly dependent on grant funding.**

**Response:** Agree.

**F6. Within the county government, there is no single coordinating body focused on climate change, which could impede the ability to unify county efforts around a common strategy and plan.**

**Response:** Agree.

**F7. Cross-jurisdictional collaboration and coordination will be required for successful adaptation efforts, but Marin lacks any overarching organizational or governance structure to facilitate this.**

**Response:** Partially disagree.

Although we agree there is no single entity directing the work of these valuable collaborative and interjurisdictional efforts, there are many ongoing efforts that precisely fit this need – including BayWAVE; Drawdown: Marin (currently led by the County with a new County-nonprofit in development); the Marin Climate & Energy Partnership (MCEP); a cross-departmental and collaborative Climate Action Plan (CAP) subcommittee that coordinates community engagement efforts; and the Environmental Justice and Safety Elements for each General Plan. In addition, the new Marin Wildfire Prevent Authority (MWPA), approved by voters in March, became operational July 1, 2020. Comprised of 17 fire-responsible agencies throughout Marin, the MWPA joint powers resolution underscores the role that climate change plays in the escalating threat of wildfires and the importance of collaboration and coordination.



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## GRAND JURY RECOMMENDATIONS

**R1. The board of supervisors, in collaboration with the municipalities and other agencies affected by climate change, should convene a multi-jurisdictional task force (referred to in this report as the Marin Climate Adaptation Task Force) charged with developing a single, comprehensive, multi-jurisdictional adaptation strategy for all of Marin.**

**Recommendation numbered R1 has been implemented (also see response to F4 above).**

Existing efforts, including BayWAVE; Drawdown: Marin; the General Plan Safety Element in coordination with the Local Hazard Mitigation Plan (LHMP) Update; and the General Plan Environmental Justice Element all point to the collaborative, consistent, coordinated approach to adaptation planning for all of Marin called in the Grand Jury's report.

In addition, Marin County Public Works and Marin County Parks are working on restoration projects on county-owned properties. These multi-benefit projects include ecosystem improvements, flood and sea level rise protection, and recreation. Current adaptation projects are focused on wetland restoration to take advantage of grant funds, including Bothin Marsh and McInnis Marsh, Bolinas Lagoon, Deer Island, and Richardson Bay beach projects. These are critical steps in adaptation as they reduce impacts from wind and waves, reduce water levels, address habitat restoration, and increase flood protection. The challenge for adaptation projects is not simply a lack of coordination with other jurisdictions, but a need to generate collaborative projects that address the problem, garner consensus from the public, and that are funded sufficiently for construction, operation, and long-term maintenance.

BayWAVE maintains a countywide, multi-jurisdictional, multi-agency group through the Technical Working Group formed for the Vulnerability Assessment. It contains staff at local jurisdictions in multiple departments, local agencies, and stakeholders across a number of topic areas. Leadership and guidance for the overall work of BayWAVE is led by the Executive Steering Committee, formed in 2015 and meets monthly to follow progress on adaptation projects and governance challenges with adaptation. The steering committee is made up of county and local elected officials and reports out to their constituency and to larger networks like the Marin County Council of Mayors and Councilmembers.

Drawdown: Marin is a community-driven campaign to dramatically reduce greenhouse gas emissions and prepare for climate change impacts, and meaningfully address equity, with an Executive Steering Committee, Community Outreach Partnership Council, and Stakeholder Collaboratives. It is working to "draw down" carbon emissions to below zero by designing and implementing solutions in 6 Focus Areas: Renewable Energy, Transportation, Buildings and Infrastructure, Carbon Sequestration, Local Food and Food Waste, and Climate Resilient Communities. Drawdown: Marin has completed a two-year planning process and worked with over 150 volunteers to identify 29 local climate change solutions - with 7 solutions endorsed by the Executive Steering Committee for immediate implementation. Drawdown: Marin continues to work on external and internal equity efforts – on-going work that is imperative. All racial, socioeconomic, and age groups must be included. All communities must co-design solutions, define community resilience, and access resources needed to mitigate GHG emissions and adapt. Additionally, Drawdown: Marin needs to address its biases, perspectives, and perceptions that may impact how it approaches climate change and solutions design and implementation.



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While much work has been done, we recognize that much work remains. Limited resources and competing priorities (of local jurisdictions, community groups, and individuals) speak to a significant and complex challenge ahead on this national and global issue.

Additionally, Drawdown: Marin hopes that the new nonprofit-County joint endeavor will be broad-based and inclusive starting with the new Board made up of community members, community-based organizations, local government staff, elected officials, and business leaders who would work collaboratively to address climate change with state and federal partners.

**R2. The board of supervisors should form a new office within county government (referred to in this report as the Office of Sustainability and Resilience) devoted to climate change mitigation and adaptation and reporting to the county administrator's office or the board of supervisors.**

**This recommendation will not be implemented because it is not warranted or reasonable.**

Unfortunately we are limited per California Penal Code [Section 933.05](#) to legally proscribed responses to any Recommendations from the Civil Grand Jury. While we would prefer a different response to this Recommendation, this is the response that best meets this Recommendation.

We do not agree that a new department or new office devoted to climate change mitigation and adaptation is necessarily the best or most effective approach to address an issue that needs to be considered by many County departments. We are supporting cross-departmental teams such as BayWAVE and Drawdown: Marin to address the need to bring government agencies and community partners throughout Marin together to effectively address the scope of effort needed.

While existing and ongoing efforts have been substantive among many community partners, we can only respond formally on behalf of the County of Marin. We agree that County efforts going forward will need to include a structure, including funding and authority, to consider and evaluate a countywide prioritization of mitigation and adaptation projects to address the highest and right priorities to achieve improved greenhouse gas reduction and sea level rise mitigation/adaptation. The County Administrator's Office will develop an annual process to evaluate sustainability and resilience projects. This new annual process will include solicitation of project applications; development of an evaluative criteria; and annual budget recommendations to the County Administrator and Board of Supervisors.

The Community Development Agency's Sustainability Team, which houses both the Climate Action Plan and Drawdown Marin programs, strives for collaboration and communication between County departments. With bi-monthly Climate Action Plan subcommittee meetings, the Team regularly confers with staff of several County departments including Public Works, the Administrators Office, Parks, Health and Human Services, the Department of Agriculture, Weights & Measures, and the Board of Supervisors.

**R3. The board of supervisors should direct the formation and staffing, preferably in the new Office of Sustainability and Resilience, of a centralized grant-seeking function related to climate change mitigation and adaptation efforts for county government.**

**This recommendation will not be implemented because it is not warranted or reasonable.**



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Similarly, we would prefer a different response to this Recommendation. However, this is the response that best meets this Recommendation.

Collaborative grant planning, for which the County has experienced some success in recent years, requires a high level of coordination to obtain non-local funding. While the County has been successful in joint and collaborative grant applications, there is always room for improvement and a need to identify a diversity of funding sources beyond one-time grants. We believe we can continue this success going forward with additional collaboration without having to create a separate new office or division focused on grant application or management. In fact, CDA has successfully obtained grants in the last year to support carbon sequestration planning in West Marin from the Department of Conservation; to include an equity focus in the Drawdown Marin initiative from the Marin Community Foundation; to support energy efficiency planning and implementation from the CA Public Utilities Commission; and to support green business implementation from the CA Environmental Protection Agency.

Public Works has also coordinated efforts across county departments with monthly staff-level meetings to discuss grant opportunities and interest across programs. Public Works currently has a grant from Caltrans that funds work with Marin County Parks and the Golden Gate National Parks Conservancy to plan adaptation for Bothin Marsh and the Mill Valley-Sausalito Bay Trail. A recent grant application to the Ocean Protection Council seeks to work with the City of San Rafael, Canal Alliance, and the Multicultural Center of Marin. BayWAVE program efforts have been inclusive of all bay jurisdictions with studies and data acquisition focused on collaborative outcomes. The Vulnerability Assessment, Adaptation Land Use Guidance, Adaptation Framework, and review of data to support public infrastructure resiliency around transportation and emergency access have been comprehensive in outreach and scope. When reviewing grant opportunities, submittals are collaborative as the department strives to implement countywide resiliency with all County partners.

**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 enable it to support overall climate change planning efforts, including both mitigation and adaptation in cities, towns, and other member agencies throughout the county.**

**Recommendation numbered R4 has been implemented.**

Created in 2007, the Marin Climate and Energy Partnership (MCEP) is a partnership of the eleven Marin towns and cities, the County of Marin, and three public agencies that serve Marin. MCEP coordinates to reduce greenhouse gas emissions in our communities and governmental operations and to prepare for a changing climate. Its mission is focused on discussion, study and implementation of overarching policies and programs, ranging from emission reduction strategies to adaptation, contained in each agency's Climate Action Plan – as well as collecting data and reporting on progress in meeting each partner member's individual greenhouse gas emission targets.

MCEP is enthusiastically supportive of this work, is supportive of expanded opportunities to make further progress, and would welcome additional or new ongoing funding sources which could support the expanded role and required staff to meet its objectives. MCEP has long declared its support for studying, securing funding, and implementing adaptation planning in its mission



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statement.

**R5. The board of supervisors should commission a feasibility study concerning the reorganization of Marin's Flood Control and Water Conservation District. This multi-jurisdictional study should analyze broadening the district's mission to include coastal and bayside sea level rise adaptation across the county as well as revising its governing membership to include representatives of the county and all Marin cities and towns. If the board of supervisors supports the formation of the Marin Climate Adaptation Task Force as recommended in this report, the responsibility for this study could be referred to the task force for consideration at the appropriate time.**

**This recommendation will not be implemented because it is not warranted or reasonable.**

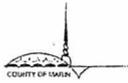
As with our Response to R2-R3, we would prefer a different response to this Recommendation. Funding for the Flood Control and Water Conservation District was created over 40 years ago to fund and maintain flood control facilities and operations. Flood control district funding may only be spent within designated flood zone areas and annual funding is limited by Proposition 13. Existing funding is generally insufficient to maintain existing needs and infrastructure.

Looking to the San Mateo County example cited by the Grand Jury, the new district has a 3 year budget in place - but it needs to find an ongoing funding mechanism to sustain the district for the long term. Marin will need a similar process in place to develop funding for an expanded mission to address sea level rise.

In short, we do not believe that adding a Sea Level Rise mission to that of the Flood Control District is the best approach. We do agree that rising sea levels present an existential challenge that will require new approaches, additional collaboration – including with state and federal participation, and significant and sustainable new funding sources.

The County has engaged with leaders at the federal level for the last several years to explore solutions to the resiliency needs facing communities today. We will continue to seek federal support, for example, to modify Army Corps of Engineers procedures to establish a pilot program that would authorize Army Corps feasibility studies on, and the construction of, flood risk reduction projects - the need for which has been engendered or exacerbated by sea level rise. Federal infrastructure programs must reflect needs that have been created or exacerbated by climate change, including forest management and resiliency, funding for vegetation management and tree mortality, and efforts related to California's extended drought conditions, including efforts to fund wildland fire protection.

Absent significant new investment at the federal or state level, we will continue to explore options for countywide funding sources for climate change - or develop new multi-jurisdictional mitigation and adaptation projects. We will continue advocating for regional, state and federal participation in projects that are realistically beyond the scope or capabilities of our consortium of local governments. In addition, in 2017, along with other Bay Area Counties and Cities, the County initiated litigation seeking to hold the top greenhouse gas-producing companies accountable for their share of current and future county expenses incurred in mitigating sea level rise.



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Date: 12-8-2020  
Marin County Board of Supervisors

Signed:   
Katie Rice, President