



2021–2022 MARIN COUNTY CIVIL GRAND JURY

An Update on the Issues Covered by the 2019–2020 Marin County Civil Grand Jury Reports

April 11, 2022

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 Grand Jury’s recommendations.

This report reviews agency responses to the eight 2019–2020 Grand Jury reports as well as actions taken independently by the agencies concerning the issues covered by the reports. This review is up to date as of January 2022. Key outcomes include the following:

1. Opioid Misuse

Due to the growing number of drug overdoses in Marin County, with almost half attributed to opioids, the Grand Jury recommended that the Marin County Department of Health and Human Services and the Marin Healthcare District improve and expand areas of treatment. Both entities responded favorably and provided improvements to existing services.

2. Evacuations in Marin

The Grand Jury called on Marin’s county, town, and city governments, and the Transportation Authority of Marin (TAM) to consider required wildfire-evacuation procedures when planning roadway projects. While most of the jury’s recommendations were rejected, TAM adopted language in its 2021 strategic plan encouraging Marin’s public works planners to include wildfire evacuation projects among proposals that could be funded with local transportation taxes.

3. Firearm Safety in Marin

Against a backdrop of proliferating gun sales at the national and local levels, a trend that only accelerated during the Covid pandemic, the jury addressed a range of gun safety issues. All respondents reacted favorably to the jury’s recommendations to increase education, make gun locks more readily available, and commit to a countywide buyback program sponsored by the Marin County District Attorney. The DA’s Office indicated that the gun buyback program will be implemented once Covid protocols are eased.

Additionally, the DA's Office and local community leaders partnered in planning a yearlong gun safety and awareness campaign.

4. Mental Health Challenges in Our Schools

The Grand Jury made recommendations for improvements in programs to mitigate the mental health crisis in Marin's schools where many students are experiencing increased anxiety and a sense of hopelessness. The jury recommended that the schools begin implementing elements of the County's suicide prevention plan. Measures have been taken to improve program collaboration and access to mental health services throughout Marin County schools.

5. Climate Change

The County and most of Marin's municipalities rejected a Grand Jury recommendation to establish a multi-jurisdictional task force charged with developing a comprehensive strategy for mitigating and adapting to climate change. A jury recommendation to reorganize and add climate change adaptation to the mission of the County's flood control agency was also rejected. Instead, local agencies opted to continue relying on established strategies, including updating their respective climate action plans for 2030 and 2045.

6. A Comprehensive List of Marin's Public Agencies

Marin County has more than 150 local government agencies. Several Marin County Civil Grand Juries have recommended the development and maintenance of a single comprehensive list. As this has never been fully implemented, the 2019-2020 Grand Jury developed the list along with a proposed methodology to maintain it. The list was issued on June 30, 2020, but a recommendation that the list be maintained and regularly updated by either the County Clerk or the County's Department of Finance was rejected.

7. Cyberattacks

Following security breaches and subsequent Grand Jury recommendations, Marin's county and municipal governments strengthened their cybersecurity policies and systems. Marin's local governments now publicly report breaches and share best practices with one another. In July 2020, the County also committed to installing new hardware that provides a menu of enhanced security features that can be requested and implemented by each municipality.

8. Web Transparency of Agency Compensation Practices

Despite the State's legal requirements and two prior Grand Jury reports (2015-2016, 2016-2017) that recommended Marin public agencies make compensation for their elected officials and employees fully transparent on their websites, the Grand Jury found that many jurisdictions had failed to do so. Following recommendations by the 2019-2020 Grand Jury, a sample audit by the jury indicated that agencies had successfully updated their websites to report the required information properly.

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 is required to publish at least one report on the outcome of investigations conducted during its term. California Penal Code §933 requires public agencies and elected officials to respond to grand jury report findings and recommendations.¹

Because of its one-year term, a grand jury that generates a report often is no longer in session and cannot ensure 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 2019–2020 Grand Jury published eight reports requiring agency responses. The 2021–2022 Grand Jury reviewed those reports and the subsequent actions taken by the agencies. This report presents the results of that review.

OBJECTIVES AND APPROACH

The objectives of this report are to:

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

The 2021–2022 Grand Jury gathered and reviewed 120 responses submitted by local governments to the reports issued by the previous Grand Jury and noted key outcomes.

DISCUSSION

A synopsis and update for each Grand Jury 2019-2020 report follows.

1. Opioid Misuse: Strengthening Marin County’s Response

In [Opioid Misuse: Strengthening Marin County's Response](#), the Grand Jury recounted that from 2006 through 2019, 451 Marin residents died from drug overdoses, half of which were attributed to opioids.² Marin County and supporting agencies addressed this crisis by

¹ California Penal Code §933
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=933.

² Marin County Civil Grand Jury, *Opioid Misuse: Strengthening Marin County’s Response*, December 14, 2020, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2019-20/opioid-misusestrengthening-marincountys-response.pdf?la=en>.

strengthening their prevention and treatment programs. Despite these efforts, the number of opioid related overdoses in 2019 was higher than in any of the eight preceding years.

Due to the continuing challenge, the Grand Jury recommended that the Marin County Department of Health and Human Services (HHS):

- Make naloxone, an opioid overdose antidote, more widely available throughout the county
- Conduct a cost-benefit analysis to determine if additional recovery coaches are warranted for substance users
- Increase the number of medical personnel trained and authorized to prescribe the necessary drugs for medication-assisted treatment
- Pursue funding and access to more beds in long-term recovery residences.

In addition, the Grand Jury recommended that the Marin Healthcare District conduct a cost-benefit analysis to determine if more substance abuse navigators are warranted in emergency departments.

In response to the Grand Jury report:

- HHS committed to expand the naloxone program
- The County deferred an analysis of increasing the number of recovery coaches, pending additional funding
- The County implemented the expansion of naloxone prescribers through training, support of emergency room departments, and advocacy to decrease regulatory burdens on those prescribers
- HHS applied for and received funding through a multi-year grant that supports additional recovery residence capacity for participants in the Adult Drug Court program beginning in 2021
- The Marin Healthcare District conducted an analysis which showed an additional substance abuse navigator position is warranted. Marin Health will seek grant funding to fill that position.

2. Roadblocks to Safer Evacuation in Marin

In [Roadblocks to Safer Evacuation in Marin](#), the Grand Jury found that the Marin County Board of Supervisors, and town and city councils, were not sufficiently considering evacuation needs as an element to be reviewed when approving roadway projects in their jurisdictions.³ The jury also noted that the Transportation Authority of Marin (TAM) was not sufficiently considering evacuation needs when planning, reviewing, and funding roadway improvements, including evacuation routes that cross multiple jurisdictions.

³ Marin County Civil Grand Jury, *Roadblock to Safer Evacuation in Marin*, December 14, 2020, <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2019-20/roadblocks-to-safer-evacuation-in-marin>.

The Grand Jury specifically recommended that:

- The County, towns, and cities include evacuation needs among their criteria for evaluating, recommending, and funding public works projects, and that they formally ask TAM to do the same
- The County, towns, and cities update the safety elements of their general plans to include evacuation planning
- TAM formally establish evacuation as one of its criteria for consideration when planning and funding traffic projects
- The Marin Wildfire Prevention Authority (MWPA) invite a TAM representative to become an at-large, non-voting member of its Advisory/Technical Committee to support program development, funding, and implementation of improvements to evacuation routes.

The formal recommendations were rejected as unnecessary or needing further analysis. However, TAM adopted language in its 2021 Strategic Plan encouraging the county, towns, and cities to include evacuation-related roadway projects in their respective applications for funding.

TAM and the MWPA agreed they could collaborate on evacuation needs without TAM having a formal seat on the MWPA’s Advisory/Technical Committee. The MWPA stated that it had partially implemented the Grand Jury’s recommendation by using TAM’s expertise in implementing the Zonehaven Evacuation Management Platform, which was announced a month after the Grand Jury report was released.

3. The Gun Next Door: Firearm Safety in Marin County

In [The Gun Next Door: Firearm Safety in Marin County](#), the Grand Jury called for increased gun safety by recommending that Marin’s municipalities and law enforcement agencies:⁴

- Conduct public awareness and educational programs on the safe handling and storage of firearms
- Annually send gun safety reminders to their citizens
- Offer free gun locks and publicize procedures for turning in unwanted firearms
- Continue to offer gun buyback programs.

All responding entities have either implemented or continued their public education programs addressing firearm safety and the importance of using gun locks. For example, Mill Valley and San Rafael sent gun safety flyers to their residents.

In response to the Grand Jury’s report, the District Attorney announced the formation of a multidisciplinary collaborative in March 2021 to promote firearm safety in Marin. The Marin Gun Safety Collaborative includes representatives from mental health and health care providers, including the Suicide Prevention Collaborative, the Marin Interfaith Council, the

⁴ Marin County Civil Grand Jury, *The Gun Next Door: Firearm Safety in Marin County*, October 30, 2020 <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2019-20/the-gun-next-door-firearm-safety-in-marin.pdf?la=en>.

Marin City Ministerial Alliance, the Marin County Cooperation Team, members of law enforcement, and the advocacy organizations Brady United and Moms Demand Action for Gun Sense in America.

In addition, the District Attorney posted a new instructional video on the efficacy of gun restraining orders. It also hosted a webinar on gun safety on June 17, 2021, and is planning another gun safety and awareness program in 2022. The County and all municipalities have agreed to participate in a firearms buyback program to be scheduled by the District Attorney once Covid protocols are lifted.

4. Reading, Writing and Therapy: Mental Health Challenges in Our Schools

In [Reading, Writing, and Therapy: Mental Health Challenges in Our Schools](#), the Grand Jury identified the need for a community response to improve wellness efforts in our schools.⁵ Many Marin County students are experiencing increased anxiety and, at times, feelings of hopelessness.

The Grand Jury recommended that the Marin Office of Education and the Department of Health and Human Services direct the Marin Schools Wellness Collaborative to begin implementing Strategy 6 of the Marin County Suicide Prevention Strategic Plan of 2020 in order to foster safe and healthy environments on all school campuses.⁶

Further, the Grand Jury recommended that the Office of Education:

- Hire a full-time licensed therapist to help coordinate wellness services in schools (when funding becomes available)
- Designate staff to connect schools with community agencies that can provide services for mental health
- Expand teacher, staff, and parent education in regard to mental health issues.

In response, the Marin County Board of Supervisors and Office of Education stated that the Marin Schools Wellness Collaborative has already begun implementing Strategy 6 of the Suicide Prevention Strategic Plan. This implementation includes evidence-based training and education for students, ensuring that all districts have protocols for crisis response, postvention, and mental health screeners, and developing school-wide interventions to prevent behavior challenges.

Further, the Marin County Office of Education responded that it has already begun connecting schools with community agencies that can provide mental health services and has expanded teacher, parent, and student training around mental health issues.

⁵ Marin County Civil Grand Jury, *Reading, Writing and Therapy: Mental Health Challenges in Our Schools*, October 23, 2020

<https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2019-20/reading-writing-and-therapy-mental-health-challenges-in-our-schools>.

⁶ *Strategy 6: The Marin County Suicide Prevention Strategic Plan*, January 2020

https://www.marinhhs.org/sites/default/files/files/servicepages/2020_01/marin_county_suicide_prevention_strategic_plan-final-jan_2020.pdf.

In June 2021, the Marin Independent Journal reported that Marin County had received a four-year, \$4 million grant to coordinate and support mental health services in the county’s behavioral health division and Novato and San Rafael school districts. This grant will fund expansion of wellness services for the county and both school districts.

5. Climate Change: How Will Marin Adapt?

In [Climate Change: How Will Marin Adapt?](#), the Grand Jury assessed the work performed throughout the county by its municipalities, agencies, and county departments in addressing the expected impact of climate change on Marin.⁷ The jury identified two strategies for addressing climate change: mitigation and adaptation.

The jury found adaptation efforts in Marin to be underfunded and understaffed, with insufficient coordination among jurisdictions and between agencies. The jury recommended increasing adaptation efforts including developing plans to build seawalls, restoring shoreline and wetlands, relocating buildings and highways to higher ground, and preventing wildfires.

The Grand Jury recommended that the Board of Supervisors:

- Convene a multi-jurisdictional task force charged with developing a single comprehensive adaptation strategy for all of Marin
- Form a new county office reporting to the Supervisors or County Administrator to help centralize Marin’s climate change efforts and strengthen its grant seeking efforts
- Commission a study on the feasibility of reorganizing and broadening the charter of the Flood Control and Water Conservation District to include responsibility for adapting to sea level rise along Marin’s coastal and bayside shorelines.

The jury also recommended that the Marin Climate Energy Partnership, which has focused on mitigation, expand its mission to include comprehensive support for municipalities on adaptation as well as mitigation programs. The jury also called on Marin’s municipalities to hire staff and/or appoint a committee or commission to monitor and report on their respective climate change efforts.

The majority of Marin’s municipalities deferred a decision on whether to form a multi-jurisdictional climate change task force pending further analysis. Marin’s Board of Supervisors rejected the jury’s recommendations. It stated that the current mechanisms for addressing climate change are sufficient and that it is not necessary to form a new county office or task force for coordinating climate change programs.

In December 2020, the Board of Supervisors adopted an update of the Climate Action Plan for Marin which identified targets and measures for 2030.

⁷ Marin County Civil Grand Jury, *Climate Change: How Will Marin Adapt?*, September 11, 2020 <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2019-20/climate-change-how-will-marin-adapt>.

6. Finally - A Comprehensive List of Marin's Public Agencies

In [Finally - A Comprehensive List of Marin's Public Agencies](#), the Grand Jury recognized the need for a comprehensive list of all of Marin's over 150 public agencies.⁸ This includes towns, cities, school districts, special districts such as community service agencies, joint powers authorities, and agencies providing fire, sanitary, water, recreation, and other public services.

The Grand Jury compiled this list and recommended that it be maintained and annually updated on an ongoing basis by either the County Clerk or the Board of Supervisors through the County's Finance Department. The list is intended to help residents identify and contact government agencies funded by the taxpayers.

Both the County Clerk's Office and the Board of Supervisors disagreed with the finding that this information is difficult to access and rejected the recommendation that they maintain and update this list.

7. Cyberattacks: A Growing Threat to Marin Government

In [Cyberattacks: A Growing Threat to Marin Government](#), the Grand Jury referenced the more than \$300,000 in losses from previously undisclosed cybersecurity breaches and recommended that the County and its municipalities publicly report breaches and strengthen cybersecurity measures.⁹ The agencies responded positively to nine jury recommendations, reporting that they had or would be implemented.

In response to a Grand Jury call for collaboration and shared practices, Marin County hosted a meeting with Marin's municipalities and formed the Marin Information Security Collaboration (MISC), which meets quarterly. The County also established a website for sharing security information and resources.

In addition, Marin County committed to publishing a regularly scheduled information security newsletter on best practices for county and municipal employees. The County also committed to installing new hardware that provides a menu of enhanced security features that can be requested and implemented by each municipality.

Municipalities committed to reviewing and potentially adopting best security practices, including mandatory user training, wherever they are financially feasible. These agencies also committed to investigating and potentially contracting for shared cybersecurity services. Marin's municipalities responded that they had, or would, produce annual reports on their security programs together with any steps being taken to strengthen them, as well as hold annual public hearings on cybersecurity.

⁸ 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>.

⁹ Marin County Civil Grand Jury, *Cyberattacks: A Growing Threat to Marin Government*, May 11, 2020 <https://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2019-20/cyberattacks-a-growing-threat-to-marin-government>.

8. Follow-Up on Web Transparency of Agency Compensation Practices

In the [Follow-Up Report on Web Transparency of Agency Compensation Practices](#), the Grand Jury audited the websites of 34 of Marin’s public agencies.¹⁰ This investigation revealed that many of the audited agencies did not properly fulfill their obligations to disclose compensation of their elected officials and public employees. Some agency websites had outdated or insufficient information. Others had data that was difficult to find or was simply missing.

Since transparency of compensation of elected officials is essential in maintaining trust in government, the Grand Jury recommended that all agencies:

- Include on their websites a link to the publicpay.ca.gov site showing the current compensation of their elected officials, officers, and employees
- Include a link on their board or council web pages that leads directly to their “Elected Officials” page on the publicpay.ca.gov site
- Provide a comprehensive description of their policies regarding all compensation paid to elected officials on their website
- Publish an online annual report detailing the compensation actually paid to their elected officials for the previous calendar year.

Fifty-four agencies were tasked with responding to these recommendations. All respondents made improvements in their transparency or said they will implement the needed improvements. A sample audit found general compliance with the Grand Jury’s recommendations.

FINDING

F1. The 2021–2022 Grand Jury found that Marin’s public agencies satisfied their legal obligations to respond to grand jury reports.

RECOMMENDATIONS

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.

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_-web-transparency-of-agency-compensation-practices.