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THE BOARD OF SUPERVISORS OF MARIN COUNTY

June 24, 2008

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

Dear Judge Adams:

Forwarded herewith is the Marin County Board of Supervisors' response (incorporating those for the Marin Civic Center Vision Committee, the Marin County Parks and Open Space Commission and the Marin Center Renaissance Partnership) to the 2007-2008 Grand Jury Report "*Location, Location, Location: Marin's Emergency Operations Facility.*"

The Board of Supervisors' response addresses all Findings and Recommendations for which a response was requested from the Board of Supervisors and the related agencies.

Respectfully submitted,

Charles McGlashan
President, Board of Supervisors

cc: Civil Grand Jury

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RESPONSE TO GRAND JURY REPORT FORM

Report Title: Location, Location, Location: Marin's Emergency Operations Facility

Report Date: April 14, 2008

Response by: Marin County Board of Supervisors
Marin County Administrator

FINDINGS

- We agree with the findings numbered: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
- We do not disagree wholly or partially with any of the findings

RECOMMENDATIONS

- Recommendations numbered 1, 2 and 3 have been implemented.
- Recommendation number 4 requires further analysis.

Date: June 24, 2008

Signed: _____

Number of pages attached: 4

Marin County Board of Supervisors

Response to Findings and Recommendations from the Grand Jury Report April 14, 2008 entitled *"Location, Location, Location: Marin's Emergency Operations Facility."* Note: The Civic Center Conservancy only discussed Findings #6 and #7, and Recommendation #3 under the scope of their purview.

- F1. California's stricter "essential services" standards for seismic safety of buildings housing public safety functions mandate construction of a new Emergency Operations Facility in Marin County to house its Emergency Operations Center, Office of Emergency Services, Sheriff's Department, and several other public safety and emergency dispatch functions.**

Response: Agree.

- F2. The Marin County Civil Grand Jury recommended in three prior reports that Marin County construct a permanent essential services building to house the county's public safety services and functions.**

Response: Agree.

- F3. The Board of Supervisors appropriately retained qualified, professional experts to conduct due diligence reviews of five potential sites and to advise and recommend the development of a Civic Center Master Facilities Plan, Civic Center Master Design Guidelines and Site Feasibility Studies to determine how and where to build the mandated Emergency Operations Facility on the Civic Center Campus.**

Response: Agree.

- F4. The Board of Supervisors appropriately relied on the professional expertise of qualified consultants when it rejected four potential sites and selected the 7.26-acre site east of Civic Center Drive for construction of the new Emergency Operations Facility.**

Response: Agree.

The Cultural Services Commission discussed that the selected 7.26-acre site east of Civic Center Drive is the best location for the planning, development and construction of the Emergency Operations Facility. They unanimously voted to let the Board of Supervisors know they fully support the Board's decision on the site for this project. The Parks and Open Space Commission had no comment on the report.

- F5. The public discussions, disclosures and actions by the Board of Supervisors at public meetings fully establish that the Board's selection of the 7.26-acre sites for construction of the Emergency Operations Facility:**
(a) did not sidestep a public vote under the 1992 Open Space Ordinance,
(b) did not sidestep historical precedent and land use policies of the Frank Lloyd Wright vision, (c) did not lock the public out of the site decision, (d)

did not result in a malfunction of the Board's responsibilities, and (e) will not unduly impact the neighborhood adjacent to the 7.26-acre site.

Response: Agree.

- F6. The Frank Lloyd Wright 1972-1990 Marin County Civic Center Master Plan (the FLW Master Plan) contemplates construction and integration of buildings with protected, adjoining open space and parklands throughout the Civic Center Campus.**

Response: Agree.

The Civic Center Conservancy unanimously agreed with this Finding by the Grand Jury.

- F7. The FLW Master Plan specifically recommends the construction of a building and a two-story parking structure on the 7.26-acre site east of Civic Center Drive selected by the Board of Supervisors for the new Emergency Operations Facility. Construction of the EOF on the selected site is consistent with the FLW Master Plan and vision, and allegations to the contrary by the Marin County Civic Center Vision Committee (the Committee) are unfounded.**

Response: Agree.

The Civic Center Conservancy unanimously agreed with this Finding by the Grand Jury.

- F8. The Committee's proposed Measure A is unnecessary, costly and disruptive. If successful, the efforts of the Committee to acquire voter approval of Measure A to extend prohibitions of the 1992 Open Space Ordinance to the east side of Civic Center Drive in order to stop construction of the Emergency Operations Facility on the selected 7.26-acre site will delay and severely hinder fulfillment of an urgent community public safety mandate.**

Response: Agree.

If successful, this initiative would limit constructing anything greater than 250 square feet anywhere east of Civic Center Drive, which includes the Marin Center Veterans' Auditorium and Exhibit Hall areas. For example, the women's restroom expansion, an external addition of approximately 1,400 square feet at the Marin Center Veterans' Auditorium in 2002 would have been subject to this initiative and would have required a vote of all of Marin County. The added cost and schedule delays that result from a vote requirement increase the risk of not having a modern Emergency Operations Facility to serve the public after a severe seismic event. Construction costs are escalating from 6 to 15% annually. Every year this project is delayed means additional costs.

- F9. The claim of the Committee that its proposed Measure A is required to protect or "save recreational areas, open space and parks" is inconsistent**

with the plans, policies and protections of recreational areas, space and parklands in the FLW Master Plan.

Response: Agree.

- F10. The broad, countywide public safety mandate for the EOF on the selected 7.26-acre site far outweighs the narrow private interests of the adjacent homeowners who will also benefit from the enhanced public safety, security and protection that a new EOF will secure for all of the county's residents.**

Response: Agree.

- F11. The Board of Supervisors has the authority to take appropriate action necessary to ensure the construction of the EOF on the 7.26-acre site to fulfill critical public safety needs. Such action could include development and placement on the same election ballot of a competing initiative to defeat Measure A. This would ensure uninterrupted implementation of the FLW Master Plan and defeat the costly and disruptive burdens that Measure A would heap on the County.**

Response: Agree.

The Board of Supervisors and staff are considering several alternatives to ensure the construction of this project on the approved site if the Measure A ballot initiative qualifies for the upcoming election. The Board of Supervisors would consider placing a competing measure on the ballot if necessary.

- R1. The Board of Supervisors and Marin County staff and experts expedite the planning, development and construction of the mandated Emergency Operations Facility on the selected 7.26-acre site east of Civic Center Drive as one of the County's highest priorities for community public safety.**

Response: Implemented.

The County recently hired Staubach Northern California to formulate a project delivery plan that would expedite delivery and construction of the project to the extent possible.

- R2. The Board of Supervisors and Marin County staff and experts continue to solicit and consider public and neighborhood inputs on the design and configuration of the Emergency Operations Facility to be built on the 7.26 acre site.**

Response: Implemented.

Sheriff and County Administrator staff will continue to visit various neighborhood groups and community organizations throughout the County to present this project, hear comments and answer questions. These community outreach meetings will occur during the design and the environmental review phases of

the project. County staff are exploring further ways in which to seek community feedback in the design process.

- R3. The Board of Supervisors require the design and construction of the Emergency Operations Facility on the 7.26 acre site be consistent with Civic Center Master Design Guidelines and the policies and recommendations of the Frank Lloyd Wright Master Plan.**

Response: Implemented.

The Board of Supervisors Civic Center Master Design Guidelines, adopted December 20, 2005, are based upon the objectives, principles and goals of the Frank Lloyd Wright Master Plan, and on design principles from Frank Lloyd Wright. The future architect will be required to adhere to the Master Design Guidelines.

The Civic Center Conservancy unanimously agreed with this Recommendation by the Grand Jury.

- R4. If the Marin Civic Center Vision Committee's proposed initiative Measure A qualifies for an election ballot, the Board of Supervisors take appropriate action necessary to ensure the construction of the EOF on the 7.26-acre site to fulfill critical public safety needs. Such action could include development and placement on the same election ballot of a competing initiative to defeat Measure A.**

Response: Not implemented; requires further analysis.

The Board of Supervisors and staff are considering several alternatives to ensure the construction of this project on the approved site if the Measure A ballot initiative qualifies for the upcoming election. The Board of Supervisors would consider placing a competing measure on the ballot if necessary.