

# BOARD OF SUPERVISORS

PRESIDENT  
Dennis Rodoni  
4TH DISTRICT

August 20, 2024

VICE PRESIDENT  
Mary Sackett  
1ST DISTRICT

Honorable Mark A. Talamantes  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

2ND VICE PRESIDENT  
Eric Lucan  
5TH DISTRICT

Dear Judge Talamantes,

Katie Rice  
2ND DISTRICT

The Marin County Board of Supervisors' response to the FY 2023-2024 Civil Grand Jury Report "*Sea Level Rise: The Water is Upon Us. We Cannot Run – We Cannot Hide*" (May 31, 2024) is attached. The attached document responds to all the requests made for responses from the Board of Supervisors.

Stephanie Moulton-Peters  
3RD DISTRICT

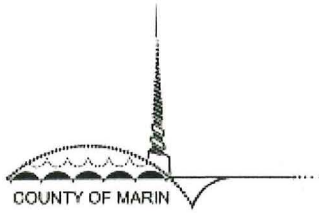
Derek Johnson  
COUNTY EXECUTIVE  
CLERK OF THE BOARD

Respectfully submitted,

Carla Kacmar  
ASSISTANT CLERK OF THE BOARD

Dennis Rodoni  
President, Board of Supervisors  
CC: Marin County Civil Grand Jury

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## RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: *“Sea Level Rise: The Water is Upon Us. We Cannot Run – We Cannot Hide”*  
REPORT DATE: May 31, 2024  
RESPONSE BY: County of Marin Board of Supervisors

### GRAND JURY FINDINGS

- We agree with the finding numbered: **F3**
- We disagree wholly or partially with the findings numbered: **F1 – F2; F4 – F6**

### GRAND JURY RECOMMENDATIONS

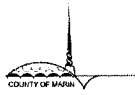
- Recommendation numbered **R1, R3** will not be implemented because they are not warranted or reasonable
- Recommendations numbered **R2** has not been implemented and will be implemented in the future

Date:

8/20/2024

Signed:

\_\_\_\_\_  
President, Board of Supervisors



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Sea Level Rise: The Water is Upon Us. We Cannot Run – We Cannot Hide" (May 31, 2024)

## **RESPONSE TO GRAND JURY FINDINGS**

### **F1. A comprehensive countywide agency is necessary to effectively address the impacts of sea level rise in Marin County.**

Response: Partially Disagree

We agree that a countywide governance structure could help ensure cohesive planning and implementation of sea level rise adaptations for Marin County. We cannot agree conclusively with this finding, as we cannot state with certainty that a countywide "agency" is the only governance structure that can effectively address the impacts of sea level rise. Effective governance structures come in many forms (i.e. partnership agreements, memorandum of understandings, JPAs). The Grand Jury's conclusion that a countywide agency is necessary appears premature.

The County is currently conducting an analysis of potential governance structures, with the goal of finding a strategy that is most responsive to the nuanced needs of municipalities and regions within incorporated and unincorporated areas of the county. Potential options might include a County agency, a Joint Powers Authority (JPA), or other cross-jurisdictional collaboration. County staff expect to bring recommendations to the Board of Supervisors regarding a countywide sea level rise strategy in Summer 2025.

### **F2. To be effective, a countywide agency created to address sea level rise in Marin County should include the County of Marin, all cities and towns, and appropriate special districts in Marin County as funding participants.**

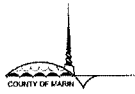
Response: Partially Disagree

We agree that an effective governance solution to address sea level rise needs to include the interests of the County, municipalities, unincorporated communities, and appropriate special districts. As discussed in the response to F1 above, we cannot agree conclusively that this goal is best served by a new agency. The analysis referenced in the response to F1 above will serve to assess the best governance structure for sea level rise adaptation in Marin. Expected outcomes from this analysis will include a review of potential governance structures, recommendations on the most effective strategy, and funding needs for implementation. These recommendations are expected to come to the Board of Supervisors for consideration in Summer 2025.

### **F3. The complete failure to create and implement effective countywide sea level rise adaptation projects in Marin County will result in significant damages and losses to commercial and residential properties as well as infrastructure, both public and private.**

Response: Agree

We agree that sea level rise will result in significant damages and losses to Marin, as well as other coastal regions, without effective, multijurisdictional strategies to mitigate impacts. The potential impacts of sea level rise include significant risks to private property, protected wildlands, and infrastructure. Significant work has already been done throughout the county on vulnerability assessments as well as the development and implementation of adaptation



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Sea Level Rise: The Water is Upon Us. We Cannot Run – We Cannot Hide" (May 31, 2024)

projects. The County is currently working with municipal partners and other stakeholders to determine an appropriate governance structure to better coordinate existing efforts, and ensure that future efforts are aligned to address the county's nuanced needs while maximizing access to limited grant funding. As a significant portion of the Marin shoreline is privately owned, participation and consensus from private property owners will be required for a comprehensive solution.

**F4. The 2034 deadline imposed by Sections 30985-30985.8 of the California Public Resources Code for each California county to submit its official sea level rise mitigation plan is "too little too late" for Marin county, and delaying action until then will expose coastal and Bay areas to unnecessary flooding risks, financial and other losses.**

Response: Partially disagree

While we agree that any delay in sea level rise mitigation exposes the Marin community to additional risks, we cannot state with precision that the State deadline is "too little too late". While the State of California has set a deadline of 2034 for cities and counties to submit their plans, the County, as well as our municipal partners, are actively working on the issue. Entities in Marin are not waiting until 2034 to adopt sea level rise strategies. As referenced in the responses to F1 and F2 above, the County and multiple jurisdictional partners are currently researching and analyzing the options that best suit countywide needs, with a recommendation to the Board expected in Summer 2025.

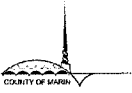
**F5. Under-represented populations reside in areas that are severely vulnerable to sea level rise because they are in low-lying ground.**

Response: Partially Disagree

While we agree that some under-represented, lower income areas are subject to disproportionate risk from sea level rise, communities across all socio-economic strata are subject to risk in Marin. Some underrepresented communities are not at immediate risk from sea level rise flooding, but may be disadvantaged in their ability to recover from disaster. Conversely, some wealthier communities are immediately vulnerable as they are located on low-lying areas of the shoreline. We feel that the most equitable sea level rise strategy involves providing communities with what they need to mitigate the risks, across all socio-economic and geographic categories. Sea level rise and other climate related challenges must be faced with solutions that span all geographies and populations, and consider the unique challenges faced by individual communities.

**F6. Sea level rise plans to be developed by a countywide entity should include adaptation strategies that directly apply to under-represented communities in low-lying areas with great exposure to sea level rise, such as the Canal District, areas of Novato, and Marin City, among others.**

Response: Partially Disagree



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Sea Level Rise: The Water is Upon Us. We Cannot Run – We Cannot Hide" (May 31, 2024)

While we agree that sea level rise response plans must include strategies that directly apply to under-represented communities, we cannot agree without further analysis that a new agency is the most appropriate way to serve these and other communities. While the current ongoing analysis will certainly include strategies targeted to help underrepresented communities in low-lying areas, execution and management of these plans remains subject to further study. In many cases these plans may already exist within municipalities, County agencies, Community Response Teams, regional agencies, or a combination of these.

## RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

**R1. The Board of Supervisors, in collaboration with Marin county cities, towns, Bel Marin Keys Community Services District and Marin Water should create a comprehensive countywide agency with authority to plan and implement adaptation efforts addressing the impacts of sea level rise in Marin County.**

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

We agree that a comprehensive countywide *governance structure* would help to ensure cohesive planning and implementation of sea level rise adaptations for Marin County. We cannot commit to the specificity of an *agency*, as proposed by the Grand Jury, without further analysis. Any governance structure, be it an agency, a joint powers authority (JPA), or other entity; needs to be responsive to the nuanced needs of the diverse regions and communities in the county. The County has recently launched an analysis to determine the best method of countywide governance to advance solutions to sea level rise, inclusive of communities, municipalities, state agencies, and federal agencies. We are engaging in this project without pre-conceived notions regarding which type of governance structure will be most effective. We want the outcome to be informed by the specific needs of all stakeholders. Based on the current project schedule, a recommended structure will come to the BOS for approval in summer of 2025.

**R2. The Board of Supervisors should actively enlist the participation and support of state and federal legislators toward the creation and funding of this comprehensive countywide agency.**

This recommendation has not been implemented but will be implemented in the future.

Once a governance structure is recommended by staff and approved by the Board of Supervisors, state and federal legislators will be engaged as appropriate based on the regulatory and funding environment associated with the recommended structure. The regulatory and jurisdictional environment is complex, including CalTrans, utility companies, transportation authorities, flood control districts, regulatory and permitting agencies, and others. Based on the current project schedule, a recommended structure will come to the BOS for approval in summer of 2025. An implementation plan, including any state or federal legislative actions required, will be included with the structure proposal. Whichever governance structure is ultimately decided upon, a key role of the body will be to act as a convener to bring together this myriad of local and external stakeholders.



County of Marin Response to Grand Jury Report Findings and Recommendations  
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**R3. The Board of Supervisors should require the newly created countywide entity to create plans that recognize and address sea level rise exposure and the specific risks to the populations in the Canal District, Marin City, specific areas in Novato, and all low-lying geographic regions where lower income populations reside. The plan should identify and address the risks impacting those populations, which include:**

- a) Risks of becoming stranded due to inaccessible roads**
- b) Lack of transportation if evacuations are called**
- c) Mold that may grow inside of their homes**
- d) Exposure to infectious diseases due to contaminated standing water**
- e) Need to relocate temporarily or permanently as a result of floods**
- f) Other community – specific risks identified in regional assessments**

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

We agree that any countywide sea level rise strategy needs to consider the risks listed by the Grand Jury in this recommendation. There are several existing plans, from a variety of stakeholders, that identify and address these risks. A governance body will be critical in bringing together the various entities working on sea level rise adaptation in Marin, to coordinate an integrated vision and plan. Having a lens on equity and supporting lower income communities at risk is essential to achieving sustainable, equitable outcomes. We cannot commit to this recommendation as proposed by the Grand Jury because, as stated previously in responses to the Findings and Recommendations above, a comprehensive review of the potential governance structures should be completed before committing to a single course of action. While this may include formation of a countywide agency, other governance structures such as a JPA, special district, or other cross-jurisdictional body may prove to be a more feasible solution. Based on the current project schedule, a recommended structure will come to the BOS for approval in summer of 2025.