



August 20, 2024

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

Dick Dumont,  
Foreperson,  
Marin County Civil Grand Jury  
3501 Civic Center Drive, Suite 275  
San Rafael, CA 94903

Re: City of San Rafael response to "Sea Level Rise: The Water is Upon Us We Cannot Run – We Cannot Hide" Marin County Civil Grand Jury report dated May 31, 2024

Dear Judge Talamantes and Foreperson Dumont:

At the regular City Council meeting on August 19, 2024, the San Rafael City Council reviewed the report "Sea Level Rise: The Water is Upon Us We Cannot Run – We Cannot Hide" and in accordance with Penal Code 933 (c) responded to Findings F1 through F6 and Recommendations R1 through R3 as requested.

Should the members of the Grand Jury require additional information, please contact Cristine Alilovich, City Manager, at (415) 485-3384.

Sincerely,

A handwritten signature in blue ink that reads "Kate Colin".

Kate Colin  
Mayor

**RESOLUTION NO. 15337**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED "SEA LEVEL RISE: THE WATER IS UPON US. WE CANNOT RUN - WE CANNOT HIDE"**

**WHEREAS**, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated May 31, 2024, entitled "Sea Level Rise: The Water Is Upon Us. We Cannot Run - We Cannot Hide;" and

**WHEREAS**, the City of San Rafael was invited to respond

**WHEREAS**, pursuant to Penal Code section 933(c), a public agency which receives a final grand jury report addressing aspects of the public agency's operations must, within ninety (90) days, provide a written response to the presiding judge of the Superior Court, with a copy to the foreperson of the grand jury, responding to the report's findings and recommendations pertaining to matters under the control of the governing body; and

**WHEREAS**, Penal Code section 933(c) requires that the "governing body" of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

**WHEREAS**, Penal Code section 933.05 specifies the required contents of a city's response to findings and recommendations of a civil grand jury; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City's response to the Marin County Grand Jury's dated May 31, 2024, entitled "Sea Level Rise: The Water Is Upon Us. We Cannot Run - We Cannot Hide;" a copy of which response is attached hereto as Attachment 1 and incorporated herein by reference.
2. Directs the City Clerk to forward the City's response forthwith to the presiding judge of the Marin County Superior Court, with copy to the foreperson of the Marin County Grand Jury.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 19<sup>th</sup> day of August 2024, by the following vote to wit:

AYES:  
NOES:  
ABSENT:

COUNCILMEMBERS: Bushey, Kertz, Llorens Gulati & Mayor Kate  
COUNCILMEMBERS: None  
COUNCILMEMBERS: Hill



LINDSAY LARA, City Clerk



## 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: San Rafael City Council

### GRAND JURY FINDINGS

- The City agrees with the finding(s) numbered: **F3, F4, F5**
- The City disagrees partially with the finding(s) numbered: **F1, F2, F6**

### GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R1, R2, and R3** do not require a response by the City of San Rafael because they are recommendations for the Board of Supervisors, not the City of San Rafael.

Date: 08/22/24

Signed: Kate Colin  
Mayor Kate Colin



City of San Rafael 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 comprehensive approach to adaptation is beneficial; however, there are inherent differences between jurisdictions and physical areas of the county. These differences should be adequately acknowledged and honored in any comprehensive approach to adaptation. At this moment, staff believes it is premature to recommend a specific governance or funding model to advance adaptation efforts and it is more appropriate to review the findings and recommendations that will arise from the County-led research project that is focused on answering these questions. The City of San Rafael is actively participating in that project and looks forward to contributing to the collaborative effort.

**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

At this time there is an on-going study investigating the most appropriate governance and funding mechanisms to effectively address the challenges of sea level rise. We look forward to participating in that study and reviewing the findings and recommendations. Staff concludes that it would be premature to draw conclusions on the best governance model or funding structure before that study is concluded.

**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

A regional study led by the Bay Conservancy and Development Commission found that San Rafael is the community most at risk of significant impacts due to sea level rise expected in the short term. The potential damages are significant to vulnerable residents, regional infrastructure, and commercial interests. San Rafael is closely connected to neighboring communities economically, socially, and through complex, interconnected infrastructure and transportation networks. Cross-jurisdictional coordination will be essential in developing adequate solutions to sea level rise.



City of San Rafael Response to Grand Jury Report Findings and Recommendations  
"Sea Level Rise: The Water is Upon Us We Cannot Run - We Cannot Hide"  
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**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:** Agree

While planning work is underway and some adaptation projects have moved forward, adaptation efforts need to be scaled up and funding must be allocated from both the state and federal government to implement the measures that the studies identify. Given the long lead time needed to design, permit, fund, and construct large infrastructure projects, it is essential that adaptation be advanced as expeditiously as possible. This is particularly true for East San Rafael, which is already lower than today's highest tides and is experiencing impacts from sea level rise.

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

**Response:** Agree

In San Rafael, thousands of residents live on land that is already lower than today's high tides and will be increasingly vulnerable as sea level continues to rise and the ground continues to subside. Equity considerations must be at the forefront of all adaptation investments and under-represented communities in vulnerable areas, such as East San Rafael, should be prioritized given the life-safety and displacement risks that exist there.

**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

We strongly agree that adaptation investments should be prioritized in under-represented communities most exposed to sea level rise, including the Canal neighborhood. It is not yet clear whether a countywide entity would be the best way to advance this goal advancing adaptation strategies in under-represented communities.



City of San Rafael Response to Grand Jury Report Findings and Recommendations  
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## RECOMMENDATIONS

By March 20, 2025, the following actions should be implemented by:

**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.**

**Response:** The City of San Rafael does not have the authority to direct the Board of Supervisors to implement this recommendation. No further response by the City is required.

**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.**

**Response:** The City of San Rafael does not have the authority to direct the Board of Supervisors to implement this recommendation. No further response by the City is required.

**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 their homes;**
- (d) exposure to infectious diseases due to contaminated standing water;**
- (e) need to relocate temporarily or permanently as a result of floods; and**
- (f) other community-specific risks identified in regional assessments.**

**Response:** The City of San Rafael does not have the authority to direct the Board of Supervisors to implement this recommendation. No further response by the City is required.