



CITY OF NOVATO
CALIFORNIA

August 28, 2024

The Honorable Mark Andrew Talamantes
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

**RE: Marin County Civil Grand Jury Report “Sea Level Rise: The Water is Upon Us
We Cannot Run - We Cannot Hide”**

Dear Judge Talamantes,

At its regularly scheduled meeting held on August 27, 2024, the Novato City Council reviewed the above Marin County Civil Grand Jury Report, which invited the City of Novato to respond to the Findings and Recommendations contained within the report.

Attached please a copy of the City's response.

If the members of the Grand Jury require additional information, please contact Novato's City Manager Amy Cunningham via email at acunningham@novato.org.

We deeply value the work of the Marin County Civil Grand Jury, and appreciate their service to our residents, and the broader Marin County community.

Sincerely,

Mark Milberg
Mayor

Attachments (1)

cc: Rod Kerr, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

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Mayor Mark Milberg | Mayor Pro Tem Tim O'Connor | Councilmembers Pat Eklund ▪ Rachel Farac ▪ Susan Wernick
City Manager Amy Cunningham

EXHIBIT A

Response to Grand Jury Report

Report Title: Sea Level Rise: The Water is Upon Us We Cannot Run - We Cannot Hide

Respondent/Agency Name: City of Novato


Your Name: Mark Milberg Title: Mayor

GRAND JURY FINDINGS

- I (We) agree with findings numbered: **F5 and F6**
- I (We) disagree partially with findings numbered: **F3 and F4**
- I (We) disagree wholly with findings numbered: **F1 and F2**

GRAND JURY RECOMMENDATIONS

- Recommendation numbered R1: The recommendation will not be implemented because it is not warranted or is not reasonable.
- Recommendation numbered R2: The recommendation will not be implemented because it is not warranted or is not reasonable.
- Recommendation numbered R3: The recommendation will not be implemented because it is not warranted or is not reasonable.

Date: 8/27/24 Signed: 
Mark Milberg, Mayor
City of Novato

Number of pages attached: **3**

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: Disagree wholly.

While the City of Novato agrees that more formal collaboration amongst the County of Marin, Marin cities, towns, special districts, and public agencies is essential to effectively address the impacts of sea level rise, the City does not support the creation of a new countywide agency at this time.

The City is eager to learn more about, and participate in, the County-funded 'Marin County Sea Level Rise Adaptation Organizational Structure and Decision-Making Process' project currently being undertaken by consultant AECOM. Once this work is complete, the City of Novato will be in a better position to make an informed decision on the merits of establishing a countywide agency.

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: Disagree wholly.

Should the Marin County Board of Supervisors agree with the Marin Civil Grand Jury recommendation that the creation of a countywide agency is required to address sea level rise, the funding mechanisms to stand up and sustain the agency would need to be thoroughly vetted before the City of Novato could support the effort. In addition, the City would need to be confident that there is not an existing agency that could provide the leadership and governance structure required to accelerate sea level rise efforts in the County.

A significant amount of funding and staff time has already been, and is currently being, invested in planning for sea level rise including the development of both multi-jurisdictional plans, as well as hyper-local plans.

The City of Novato requires more information about how a proposed sea level rise adaptation organizational structure and decision-making process would address and reduce duplicative efforts before supporting the creation of a new agency.

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: Disagree partially.

While the City of Novato agrees that the accelerated implementation of effective countywide sea level rise adaptation projects is necessary to avoid damages and losses

to commercial and residential properties, as well as infrastructure (both public and private), it is unclear whether the creation of a new countywide agency is the best approach to move this work forward.

Once the County-funded '*Marin County Sea Level Rise Adaptation Organizational Structure and Decision-Making Process*' project currently being undertaken by consultant AECOM is complete, the City of Novato will be in a better position to make an informed decision on the merits of establishing a countywide agency.

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: Disagree partially.

In June 2024, the Novato City Council allocated funding to engage a consultant team from PlaceWorks to update the City's General Plan Safety Element. The Safety Element Update (Update) will include an analysis of climate change vulnerabilities, a comprehensive set of adaptation and resilience goals and policies, and an evaluation of evacuation-constrained residential lots. The Update will comply with the requirements of Senate Bill (SB) 379 and SB 99.

Climate change vulnerabilities include but are not limited to sea level rise, drought, extreme heat, wildfires, and flooding. Additionally, the Update also intends to meet the requirements of SB 272, which requires local governments in the coastal zone and/or San Francisco Bay Conservation and Development Commission jurisdictional area to develop a sea level rise plan, thereby increasing the potential to receive state funding for sea level rise projects in Novato in the future. At a minimum, the Update will set the groundwork for the City's compliance with Government Code Sections 30985-30985.8.

The City and its consultant are also committed to ensuring that strategies identified in the Safety Element can be implemented as quickly as possible to protect lives, property, and community well-being.

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

Response: Agree.

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: Agree.

RESPONSE TO GRAND JURY 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: This recommendation will not be implemented because it is not warranted or is not reasonable. It is not applicable to this jurisdiction and should be commented on by the Board of Supervisors only.

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: This recommendation will not be implemented because it is not warranted or is not reasonable. It is not applicable to this jurisdiction and should be commented on by the Board of Supervisors only.

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: This recommendation will not be implemented because it is not warranted or is not reasonable. It is not applicable to this jurisdiction and should be commented on by the Board of Supervisors only.