

Max Perrey
Mayor
Caroline Joachim
Vice Mayor
Urban Carmel
Councilmember



Katherine Jones
Councilmember
Stephen Burke
Councilmember
Todd Cusimano
City Manager

September 14, 2026

The Honorable Judge Stephen P. Freccero
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Foreperson Bambara
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

Re: Response to Marin County Civil Grand Jury Report: MCE, Marin Clean Energy: A Series of Missteps Highlight Need for Governance Changes

Dear Judge Freccero and Foreperson Bambara,

At its regular meeting on September 8, 2026, the City Council reviewed the report "*MCE, Marin Clean Energy: A Series of Missteps Highlight Need for Governance Changes*" dated June 16, 2026. The report calls for a response from the City of Mill Valley to findings F4, F5, F6 and recommendations R5 and R6.

Please see the attached response to the Grand Jury report from the City.

Should the members of the Grand Jury require any additional information, please feel free to contact me at 415-388-4033 or citymanager@cityofmillvalley.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Max Perrey".

Max Perrey
Mayor
City of Mill Valley

RESOLUTION NO. 26-61

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CITY
OF MILL VALLEY'S RESPONSE TO THE 2025-2026 MARIN COUNTY
CIVIL GRAND JURY REPORT TITLED "MCE, MARIN CLEAN
ENERGY: A SERIES OF MISSTEPS HIGHLIGHT NEED FOR
GOVERNANCE CHANGES", DATED JUNE 16, 2026**

**THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND
RESOLVES AS FOLLOWS:**

SECTION 1. Pursuant to Penal Code section 933, a public agency which receives a 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.

SECTION 2. Penal Code section 933 specifically requires 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.

SECTION 3. The City Council of the City of Mill Valley has received and reviewed the Marin County Grand Jury Report, dated June 16, 2026, titled "MCE, Marin Clean Energy: A Series of Missteps Highlight Need for Governance Changes" and has added the discussion of this report to the September 8, 2026 City Council meeting agenda to consider the City's response.

SECTION 4. The City Council approves and authorizes the Mayor to execute the City's response to the Marin County Grand Jury's June 16, 2026 report, titled "MCE, Marin Clean Energy: A Series of Missteps Highlight Need for Governance Changes", a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 5. The City Clerk is hereby directed to forward the City's response forthwith to the presiding judge of the Marin County Superior Court and to the foreperson of the Marin County Civil Grand Jury.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **8th** day of **September 2026**, by the following vote:

AYES: Councilmembers: Perrey, Joachim, Burke, Jones.
NOES: None.
ABSENT: None.
ABSTAIN: Councilmember: Carmel.



Max Perrey, Mayor

ATTEST: 

Risa De Ferrari, City Clerk

EXHIBIT A

RESPONSE TO GRAND JURY REPORT

Report Title: "MCE, Marin Clean Energy: A Series of Missteps Highlight Need for Governance Changes"

Report Date: June 16, 2026

Response By: Mayor and Mill Valley City Council

GRAND JURY FINDINGS:

- We partially disagree with the findings numbered: F4 and F5

GRAND JURY RECOMMENDATIONS:

- Recommendation numbered R5 has been implemented.
- Recommendation numbered R6 will not be implemented because it is not warranted or reasonable.

DATE: September 14, 2026

Signed: 
Max Perrey, Mayor

ATTEST: 
Risa De Ferrari, City Clerk

Number of pages attached: 2

RESPONSE TO FINDINGS:

F4. Many Board members have – quite understandably – limited expertise regarding a large and complex company such as MCE.

CITY RESPONSE: We partially disagree with the finding.

The City agrees that MCE is a large and complex public agency operating within a rapidly changing energy market.

However, the City disagrees with the Grand Jury's assertion that many Board members have limited expertise regarding a large and complex company such as MCE because the City does not have sufficient knowledge to assess the level or scope of expertise that individual MCE Board members possess.

F5. All MCE Board members are local elected officials who face competing demands on their limited time and resources; as a result, meeting attendance has often been poor, and insufficient for optimally effective governance.

CITY RESPONSE: We partially disagree with the finding.

The City agrees that MCE Board members are local elected officials who balance their MCE responsibilities with other public-service and professional commitments. The City also recognizes that regular participation by appointed Board members, or their designated alternates, when necessary, is an important component of effective governance.

However, the City disagrees that the attendance information presented in the report is sufficient to support the characterization that MCE Board attendance has "often been poor" or that attendance has been inadequate for effective governance. While the City agrees that regular Board participation is essential, it does not conclude that the information provided, standing alone, establishes the broader finding regarding the effectiveness of MCE's governance.

The City supports continued attention to Board and alternate participation as part of MCE's ongoing governance review and efforts to strengthen Board practices.

RESPONSE TO RECOMMENDATIONS:

R5. By December 31, 2026, all of MCE's Marin jurisdictions (and preferably, all 38 jurisdictions covered by MCE) should implement a process by which its appointed Board member (or, in that person's absence, the designated alternate member) commits to attending each regular Board meeting.

CITY RESPONSE: The recommendation has been implemented with respect to the City of Mill Valley.

The City of Mill Valley (the City) has an established process for appointing representatives and alternates to regional boards and commissions, including MCE, and expects appointed representatives to fulfill the associated responsibilities. As noted in Finding 5, the City agrees with the Grand Jury that consistent attendance is important to effective governance. As part of the appointment process, the City will continue to consider a representative's ability to participate consistently.

The City also supports MCE periodically reviewing Board attendance and evaluating whether its existing attendance requirements are effective. MCE's Operating Rules and Regulations already establish attendance expectations and provide mechanisms for addressing repeated absences.

R6. By December 31, 2026, all of MCE's Marin jurisdictions (and preferably, all 38 jurisdictions covered by MCE) should reassess their appointments of chosen Board members to prioritize those with the most extensive financial and energy expertise.

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

The City agrees with the underlying goal of ensuring that MCE Board members are equipped to provide meaningful oversight, however, financial and energy expertise should not be the overriding factor in determining appointments. The City considers several factor when determining appointments, including attendance, interest, availability, institutional knowledge, and community representation. The City also considers the local official's expertise, and experience in public budgeting, policy development, and accountability. While financial and energy expertise is important, it should be considered alongside all other factors.

Given the nature of MCE's operations, the City believes Board members should be supported institutionally through orientation, ongoing education and training, clear and timely staff reports, and access to appropriate independent expertise when necessary. Attendance, continuity, and institutional knowledge are all important to effective governance. The City supports MCE's ongoing governance review and believes that this is an appropriate opportunity to consider whether additional training, governance practices, committee structures, or other reforms would strengthen the Board as a whole.
