

## RESPONSE TO GRAND JURY REPORT

Report Title: *MARIN ON FIRE: Not if, but when.*

Report Date: April 1, 2008

Response by: Michael Lappert Title: Mayor of the Town of Corte Madera

### FINDINGS

- I (we) agree with the findings numbered: F9
- I (we) disagree wholly or partially with the findings numbered: F1-F8, F12  
(See attachment specifying portions of the findings that are disputed or cannot be commented upon, including an explanation of the reasons therefore.)

### RECOMMENDATIONS

- Recommendations numbered R2 have been implemented.  
(See attachment summarizing the implemented actions.)
- Recommendations numbered R1 have not yet been implemented, but will be implemented in the future.  
(See attachment setting forth a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.

Date: June 17, 2008

Signed: \_\_\_\_\_



Number of pages attached 3

Corte Madera Fire Department  
Response to Grand Jury Report  
*MARIN ON FIRE: Not if, but when.*

FINDINGS

1. *Compliance with vegetation management codes and the threat of wildland fires in Marin are not top-of-mind public concerns.*

We partially agree with this finding. In Corte Madera, concern regarding the threat of fire is expressed to the fire department more often, for example, after a newsworthy fire event, and during the late spring when vegetation is drying out. However, Corte Madera cannot represent what the “top-of-mind” concerns are about compliance with vegetation standards as concerns vary between individuals, circumstances, and time. Additionally, Corte Madera cannot comment on the “top-of-mind” concerns within other jurisdictions in Marin County. Therefore, we can only partially agree with this finding.

2. *Easily identifiable egregious vegetation management code violations exist throughout Marin County.*

We partially agree with this finding. Violations of vegetation management codes do exist in Corte Madera. They are identified on an ongoing basis and are handled based on the circumstances, according to the codes and policies of the Town of Corte Madera. The term “egregious” is subjective and therefore not measurable. What we consider “egregious” may not be the same as what “egregious” is intended to mean in this context. However, we would disagree that vegetation management code violations are, by nature, “egregious” and “easily identifiable”, as they require a consideration of the unique conditions underlying the potential violation. We cannot comment on the violations of vegetation management codes in other jurisdictions within Marin County.

3. *Homeowners can decrease fire risk by increasing defensible space, which reduces fuel.*

We partially agree with this finding. Homeowners can decrease amount of damage done to their home by a wildland fire by properly increasing defensible space and reducing fuel. Risk of a fire occurring at a property, however, requires a consideration of several different factors, of which defensible space is only one. Given the modest history of wildland fires in Corte Madera, we cannot comment on the significance of defensible space as a factor of fire risk, as opposed to other factors, within the Town. However, we do agree that increasing defensible space reduces fuel. We cannot comment on the truth of this finding as applied to other jurisdictions within Marin County.

4. *A number of municipalities in Marin have made significant changes in building codes for new construction and major remodels. These new Wildland urban Interface codes have little impact on the vast majority of Marin homeowners.*

We partially agree with this finding. Corte Madera recently designated the portion of the Town typically considered “wildland” a Wildland Urban Interface Fire Area and adopted the

International Wildland-Urban Interface Code, with local amendments. Additionally, Chapter 7A of the California Building Code was also specifically incorporated into the Town's Municipal Code. These codes affect new structures and will also affect structures that undergo major remodel and constitute significant changes. Over time, these new codes will impact more and more structures within the town. Therefore, we disagree that the new codes will have little impact on homeowners within the Town's jurisdiction. We cannot comment on the impact of new codes upon structures within other Marin County jurisdictions.

5. *There is inconsistency in various vegetation management codes throughout the county.*

We are unable to agree or disagree with this finding. We have insufficient information of other jurisdictions' codes to know the consistency of codes between other jurisdictions. Therefore, we are not in a position to agree or disagree with this finding.

6. *Most vegetation management codes and homeowner educational materials are difficult to interpret and confusing to the layman.*

We are unable to agree or disagree with this finding. We have insufficient information to comment upon how a layman views or understands code and educational materials. Therefore, we are not in a position to agree or disagree with this finding.

7. *"Best practice" vegetation management policies require fire department access to the whole property in the company of the owner. No jurisdiction has a plan for this.*

We partially agree with this finding. In Corte Madera, more accurate enforcement is possible when inspecting the entire property. Communicating the hazard to the owner is generally more effective if done face-to-face. Provided that certain conditions are met, there are provisions in state and local codes that allow entry onto private property for the purpose of inspection or abatement in cases where compliance cannot be measured or accomplished by other means. We cannot comment on other jurisdictions' plans as we have insufficient knowledge to do so.

8. *Not all Marin County fire jurisdictions proactively inspect for vegetation management code compliance without a complaint or owner request.*

We partially disagree with this finding. In Corte Madera, all parcels are inspected on an annual basis for compliance with vegetation management standards. Those observed not to be in compliance are issued violation notices. Re-inspections evaluate extent of compliance. Procedures are in place to complete the work if the owner fails to do so. We cannot comment upon the practices of other jurisdictions within Marin County. Therefore, we cannot wholly disagree with this finding.

12. *Significant progress in enforcing vegetation management and defensible space codes will require additional resources and/or a change in direction by governing boards.*

We partially agree with this finding. Corte Madera has adopted more stringent codes which will enable more enforcement of vegetation management and defensible space standards. These changes represent a direction more focused on vegetation management and defensible space, which will enable significant progress in enforcement. Without these improvements in regulatory standards, enforcement could not be improved. We cannot comment on the need for

more resources or a change in direction by the governing boards of other Marin County jurisdictions as we have insufficient knowledge to do so.

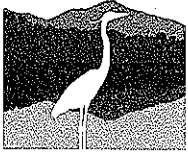
## RECOMMENDATIONS

1. *Governing boards of all fire jurisdictions in Marin County review and update current vegetation management and defensible space codes and homeowner educational materials to be certain they are realistic, achievable, enforceable and easily understood by the public-at-large. The boards should target completion by June 30, 2009.*

This recommendation has been implemented, in part, and will be implemented, in remaining part. Corte Madera has recently completed reviewing and adopting more stringent codes for the identified Wildland Urban Interface Fire Area. No further review or update of these codes is necessary. The Town does intend to implement the second half of this recommendation, by reviewing and updating educational materials as deemed necessary by June 30, 2009.

2. *All fire jurisdictions develop plans with specific goals for compliance and enforcement of vegetation management and defensible space codes by June 30, 2009.*

The Town has developed a plan directed towards compliance with vegetation management and defensible space codes. Our goal has been, and will continue to be, annual inspection of all parcels in Corte Madera, issuance of violation notices, and follow-up to ensure compliance with the recently adopted, more stringent codes. Our goal is to complete these steps on an annual basis by the end of spring or beginning of summer, depending on the weather conditions.



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

300 TAMALPAIS DRIVE  
CORTE MADERA, CA  
94925-1418

[www.ci.corte-madera.ca.us](http://www.ci.corte-madera.ca.us)

TOWN MANAGER  
TOWN COUNCIL  
415-927-5050

TOWN CLERK  
415-927-5086

FINANCE / BUS. LICENSE  
415-927-5055

FIRE DEPARTMENT  
415-927-5077

PLANNING / ZONING  
415-927-5064

BUILDING INSPECTOR  
415-927-5062

TOWN ENGINEER  
PUBLIC WORKS  
415-927-5057

RECREATION DEPARTMENT  
415-927-5072

SANITARY DISTRICT NO. 2  
415-927-5057

TWIN CITIES POLICE AUTHORITY  
415-927-5150

MARIN COUNTY  
COUNSEL'S OFFICE

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June 17, 2008

The Honorable Verna Adams  
Marin County Superior Court  
P.O. Box 4988  
San Rafael, CA 94913

Roberta Robinson, Foreperson  
Marin County Grand Jury  
3501 Civic Center Drive, Room 275  
San Rafael, CA 94903

Dear Honorable Judge Adams and Foreperson Robinson:

Attached you will find Corte Madera's response to the Marin County Civil Grand Jury Report titled "*MARIN ON FIRE! Not if, but when.*" The Town Council reviewed the report and the recommended responses at its regularly scheduled meeting of June 17, 2008.

As required by Sections 933(c), 933.05(a), and 933.05(b) of the California Penal Code, this letter acknowledges receipt of and responds to the April 7, 2008 Marin County Grand Jury report, "*MARIN ON FIRE! No if, but when.*"

Sincerely,

Michael Lappert  
Mayor