

RESPONSE TO GRAND JURY REPORT FORM

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

Report Date: April 1, 2008

Response by: Governing Board, San Rafael Fire Department

By: Mayor Albert J. Boro for the San Rafael City Council

FINDINGS

- I (we) agree with the findings numbered: 2, 3, 4, 8, 9, and 10
- I (we) disagree wholly or partially with the findings numbered: 1, 5, 6, 7, 11, and 12

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered 2 have been implemented.

(Attach a summary describing the implemented actions.)

- Recommendations numbered 3 have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

- Recommendations numbered _____ require further analysis.

(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)

- Recommendations numbered 1 will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: 6/25/08 Signed: Albert J. Boro

Number of pages attached 10

CITY OF



San Rafael

Agenda Item No: 11

Meeting Date: June 2, 2008

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Chris Gray, Fire Chief /s/ CG
Keith Schoenthal, Admin. Chief

City Manager Approval: /s/ KN

SUBJECT: Consideration of A Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael's Response to Marin County Grand Jury Report entitled: "Marin on Fire! Not If, But When"

RECOMMENDATION: Staff recommends that the City Council adopt the Resolution approving the response to the Grand Jury report, authorizing the Mayor to execute it, and directing the City Clerk to forward the response to the Presiding Judge of the Marin County Superior Court and the Foreperson of the Grand Jury.

BACKGROUND: In its report dated April 1, 2008, "Marin on Fire! Not If, But When," the 2007-2008 Marin County Grand Jury made several finding and recommendations, and submitted the report to the City of San Rafael for a formal response. The Grand Jury requested responses to the following findings and recommendations:

- Finding F1. Compliance with vegetation management codes and the threat of wildland fires in Marin are not top-of mind public concerns.
- Finding F2. Easily identifiable egregious vegetation management code violations exist throughout Marin County.
- Finding F3. Homeowners can decrease fire risk by increasing defensible space, which reduces fuel.
- Finding F4. 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.
- Finding F5. There is inconsistency in various vegetation management codes throughout the county.
- Finding F6. Most vegetation management codes and homeowner educational materials are difficult to interpret and confusing to the layman.
- Finding F7. "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.
- Finding F8. Not all Marin County fire jurisdictions proactively inspect for vegetation management code compliance without a complaint or owner request.
- Finding F9. Resources for fire jurisdiction inspection and enforcement are limited, and homeowner costs for compliance can be extremely high.
- Finding F10. The San Rafael Fire Department in August 2007 adopted a novel vegetation management approach, combining a simple and clear code with a specific aggressive three-year enforcement plan.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

- Finding F11. While it is too early to evaluate long-term results in San Rafael, there are initial indications that homeowner response is positive and vegetation risk is being reduced. If successful, the San Rafael experiment would demonstrate one way to bridge the gap between where we are and full compliance—at costs acceptable to both fire departments and homeowners.
- Recommendation R1. 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.
- Recommendation R2. All fire jurisdictions develop plans with specific goals for compliance and enforcement of vegetation management and defensible space codes by June 30, 2009.
- Recommendation R3. The City of San Rafael provide quarterly reports to all other fire jurisdictions in Marin on the results of its new aggressive approach to vegetation management.

ANALYSIS: The Grand Jury's report provided their assessment on many aspects of Vegetation Management from public apathy, to the public being unaware of what is required of them due to lack of adequate codes and homeowner education materials, to inconsistent code adoption and enforcement. The Grand Jury made a number of findings and recommendations.

In San Rafael, due in large part to the City Council's proactive approach to private and public vegetation management, we have largely met most of the Grand Jury's requests. The following are the proposed responses to the requested findings and recommendations in the report.

Finding F1. Compliance with vegetation management codes and the threat of wildland fires in Marin are not top-of mind public concerns.

Response: *We partially agree with this finding. In a community where public safety is a high priority, San Rafael policy makers have been working with neighborhood residents to implement a prevention partnership that was developed to address the wildland fire threat. Through leadership by the City Council and Fire Department, significant mitigation measures have been initiated to provide defensible space on both public and private property. Uniform compliance with our adopted vegetation management ordinance is essential in maintaining a disaster resistant community. California is often referred to as one of the most natural-disaster-prone states in the country. Lessons learned from countless tragedies should be more than enough to make emergency preparedness a high priority. Unfortunately, memories regarding disasters, whether local or distant can be short term. Government must maintain an ongoing investment in prevention strategies and response resources must remain the constant focus of investment to increase disaster resistance. In order to improve disaster resistance efforts, effective response to such disasters require coordination and investment to improve outcomes.*

Finding F2. Easily identifiable egregious vegetation management code violations exist throughout Marin County.

Response: *We agree with this finding.*

Finding F3. Homeowners can decrease fire risk by increasing defensible space, which reduces fuel.

Response: *We agree with this finding.*

Finding F4. 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.

Response: *We agree with this finding.*

Finding F5. There is inconsistency in various vegetation management codes throughout the county.

Response: *We partially agree with this finding. The State of California recently adopted minimum regulations for vegetation management that apply to local jurisdictions. San Rafael made a conscious*

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

decision to exceed the minimum state standards with the adoption of an Ordinance, on July 16, 2007. The State minimum code is found in Appendix II-A of the Uniform Fire Code and / or in Section 4290 of the State Public Resources Code. It may be the interpretation and enforcement of the codes that is inconsistent, not the codes themselves. A wildfire does not observe jurisdictional boundaries. Consistent interpretation and enforcement of vegetation management standards will reduce the impact and severity of wildfires in Marin.

Finding F6. Most vegetation management codes and homeowner educational materials are difficult to interpret and confusing to the layman.

Response: *We partially agree with this finding. San Rafael has worked closely with homeowners to distribute what we feel to be informative and effective educational materials. The Fire Department will continue to make periodic revisions, based on new information and community input.*

Finding F7. "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.

Response: *We partially agree with this finding. We disagree with this statement as it is relative to San Rafael. San Rafael maintains a voluntary inspection program that is offered to homeowners within the Wildland Urban Interface area to evaluate their property. If and when enforcement is necessary for compliance, a provision for "Right of Entry" is included in our Ordinance and Fire Department staff can utilize the Inspection Warrant process to compel review of the entire property.*

Finding F8. Not all Marin County fire jurisdictions proactively inspect for vegetation management code compliance without a complaint or owner request.

Response: *We agree with this finding.*

Finding F9. Resources for fire jurisdiction inspection and enforcement are limited, and homeowner costs for compliance can be extremely high.

Response: *We agree with this finding.*

Finding F10. The San Rafael Fire Department in August 2007 adopted a novel vegetation management approach, combining a simple and clear code with a specific aggressive three-year enforcement plan.

Response: *We agree with this finding.*

Finding F11. While it is too early to evaluate long-term results in San Rafael, there are initial indications that homeowner response is positive and vegetation risk is being reduced. If successful, the San Rafael experiment would demonstrate one way to bridge the gap between where we are and full compliance—at costs acceptable to both fire departments and homeowners.

Response: *We partially agree with this finding. We feel that in the 10 months since adoption of our Vegetation Management Ordinance that both citizen awareness and voluntary compliance are very high. We are also assisting homeowners with numerous brush disposal and recycling opportunities and by offering professional assistance within their neighborhoods to alleviate a portion of the cost for maintaining their property in a fire-safe manner.*

Recommendation R1. 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.

Response: *We will not be implementing this recommendation due to the fact that it is not warranted at this time. On July 16, 2007, after many months of public hearings and input, San Rafael adopted a comprehensive Ordinance that includes vegetation management to our standards and a three year communitywide work-plan. Upon completion of this initial three year period, we will re-evaluate the*

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 4

performance and effectiveness of the Ordinance. Implementation of consistent wildfire prevention standards and their enforcement are critically necessary steps to achieve a fire resistant community.

Recommendation R2. All fire jurisdictions develop plans with specific goals for compliance and enforcement of vegetation management and defensible space codes by June 30, 2009.

Response: *This recommendation has been implemented.*

Recommendation R3. The City of San Rafael provide quarterly reports to all other fire jurisdictions in Marin on the results of its new aggressive approach to vegetation management.

Response: *This recommendation has not yet been implemented. Our staff presented a sample report to the City Council at our June 2, 2008 meeting (copy attached) that they will be updating the City Council with quarterly. We have directed staff to also share this report, electronically, with the other fire jurisdictions in Marin.*

Attached to this Staff Report is a report on San Rafael's vegetation management activities.

OPTIONS:

- Approve the Resolution
- Modify Resolution and/or Responses to Findings and Recommendations

ACTION REQUIRED: The City is required to respond to the Grand Jury Report. Penal Code section 933(c) states in part: "No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations...[contained in the report]." In compliance with this statute, staff has drafted for City Council consideration, a Resolution approving a proposed response, copies of which are attached for your review.

Attachment A: Resolution

Attachment B: Grand Jury Report "Marin on Fire! Not If, But When"

Attachment C: Quarterly Report of Fire Department Vegetation Management activities

CITY OF SAN RAFAEL

SAN RAFAEL, CALIFORNIA

MEMORANDUM

DATE: June 24, 2008

TO: Albert J. Boro, Mayor of San Rafael
Honorable Verna Adams, Superior Court Judge
Roberta Robinson, Foreperson, Marin County Civil Grand Jury

FROM: Keith Schoenthal, Fire Department Administrative Chief

SUBJECT: Grand Jury Report, "Marin on Fire! Not if, but when"

Mayor Boro, Foreperson Robinson, Honorable Judge Adams,

During the compilation of the Staff Report to the City Council that was the cover Staff Report for City of San Rafael Resolution 12501 the response to Finding F12 was inadvertently left off. The Staff Report recommendation for Finding F12 was as follows:

Finding F12. Significant progress in enforcing vegetation management and defensible space codes will require additional resources and/or a change in direction by governing boards.

Response: *We partially agree with this finding. We disagree with this statement as it is relative to San Rafael. In a community where public safety is a high priority, San Rafael policy makers have been working with neighborhood residents to implement a prevention partnership that was developed to address the wildland fire threat. The San Rafael policy makers have already changed direction and provided additional resources to gain the upper hand in vegetation management.*

Vegetation Management Program - June 2, 2008

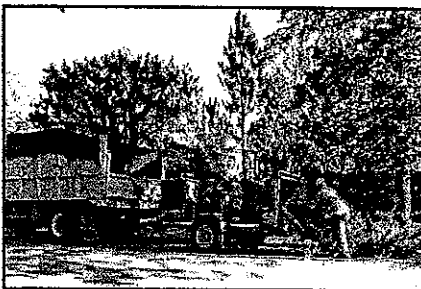


With the leadership and support of the City Council, we are on schedule with our three year implementation of the Vegetation Management Ordinance, adopted in August of 2007. The Dominican Neighborhood is setting a good example where out of 900 parcels, less than 10 % remain working on compliance with our progressive fire safety measure. Overall, voluntary cooperation has been outstanding. We have also taken steps to inform the entire community about the risks associated with hazardous vegetation and are seeing the results of neighborhoods taking action, far ahead of schedule. After all, fire doesn't care about time frames or boundaries, except those of the east bay and ocean. City Open Space area is being cleared at a steady pace as well to reduce hazardous fuel that has accumulated over many years.

Fire Department staff members have presented educational programs throughout the Community, emphasizing that a prevention partnership between residents and the City of San Rafael, is one of the best methods to protect neighborhoods from wildfire. Residents are provided with step-by-step information and personal instruction on how to achieve defensible space. Chipper Day events are being regularly scheduled and have helped our neighborhoods by providing City-funding to pick up vegetation that has been removed. This effort reduces costs for participating homeowners helping them to achieve fire safe compliance, while creating recyclable materials that can be returned to their landscaping.

3-year Compliance Enforcement Schedule

| |
|----------------------------------|
| August 2007 – August 2008 |
| Dominican |
| Lincoln, San Rafael Hill |
| Fairhills |
| Country Club |
| August 2008 – August 2009 |
| Bayside |
| Upper Toyon |
| Santa Venetia |
| Villa Real/Loch Lomond |
| Bret Harte Ridge |
| West End |
| Gerstle Park |
| August 2009 – August 2010 |
| Los Ranchitos |
| Channing Heights |
| Glenwood |
| Terra Linda |
| Peacock Gap |
| Southern Heights |



Chipper Day Crew



Homeowner's Efforts



Pre-Ordinance Conditions



Defensible Space





Vegetation Management Quarterly Report - May 31, 2008

| Neighborhood | Education, Inspection, and Enforcement Procedures | | | | | | | |
|-------------------------|---|-------------------------|---------------------------|--------------------------|-------------------|------------------------|---------------------------------------|---|
| | Homeowner Presentations Presented | Total Homes in WUI Area | Issued Enforcement Orders | Re-Inspected & Completed | Issued Extensions | Issued Admin. Hearings | Re-Inspected & Remaining in Violation | Property Evaluations Completed by Request |
| Dominican | Mar 3 rd & 11 th | 900 | 232 | 166 | 80 | 2 | | 105 |
| Lincoln/San Rafael Hill | Oct. 8th | 875 | 100* | | | | | 88 |
| Fairhills | Feb 9 th & 11th | | | | | | | 92 |
| West End | May 5th | | | | | | | |
| Glenwood | Jan 26th | | | | | | | |
| Gerstle Park | Jan 24th | | | | | | | |
| Country Club | May 15 th | | | | | | | |
| Montecito | May 10th | | | | | | | |
| Southern Heights | Aug. 8th | | | | | | | |
| Peacock Gap | April 15th | | | | | | | |


| Neighborhood | City's Open Space Areas | | | Chipper Day Programs | | | | |
|-------------------------------|-------------------------|-----------------|------------------|---------------------------|------------------------|------------------------------|-----------------|--|
| | Acres | Cleared to Date | Cost to Date | Areas Completed & Planned | Number of Participants | Cu. Yds Green Waste Recycled | Cost to Date | |
| Dominican | 6.6 | 94% | \$33,537 | April 3 rd | 110 | 200 | \$10,700 | |
| Lincoln/San Rafael Hill | 15.3 | 100% | \$43,996 | May 19 th | 70 | 160 | \$6,780 | |
| West End | 1.4 | 100% | \$8,637 | May 5 th | 87 | 70 | \$3,600 | |
| Fairhills | 0.1 | 100% | \$5,003 | April 28 th | 92 | 220 | \$9,460 | |
| Glenwood | 4.7 | 22% | \$9,288 | June 2 nd | | | | |
| Barbier Park | 3.4 | 12% | t.b.d. | | | | | |
| Gerstle Park | 3.5 | 80% | \$11,392 | | | | | |
| Open Space Rd. Maint. & Signs | | | \$31,284 | | | | | |
| Open Space Spraying | | | \$1,100 | | | | | |
| TOTALS - to date | | | \$144,237 | | | | \$30,540 | |


*Note: Enforcement Orders in process

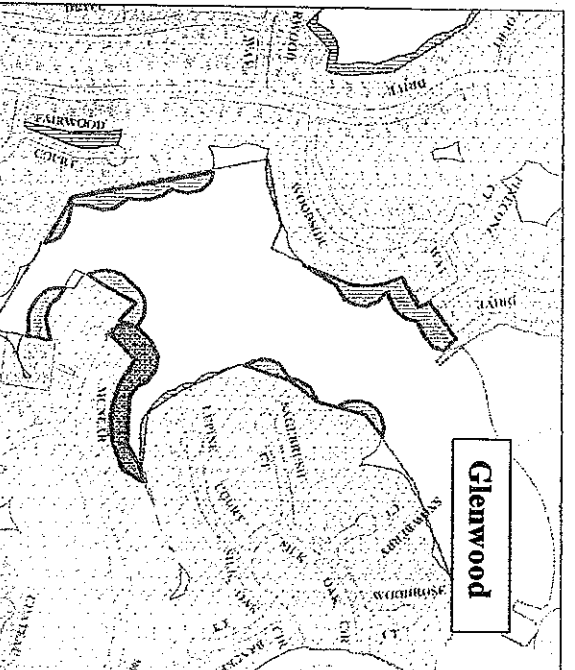
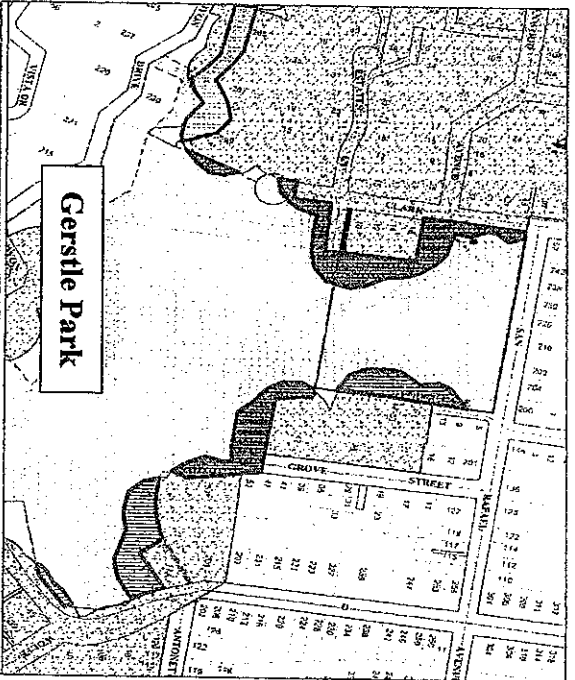
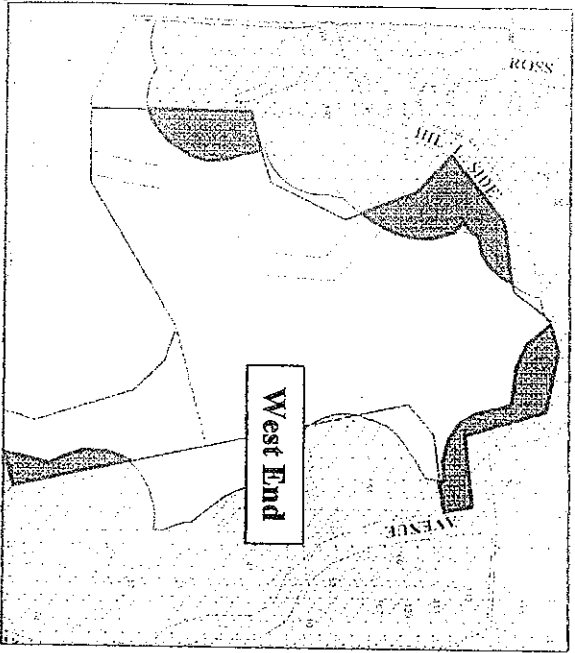
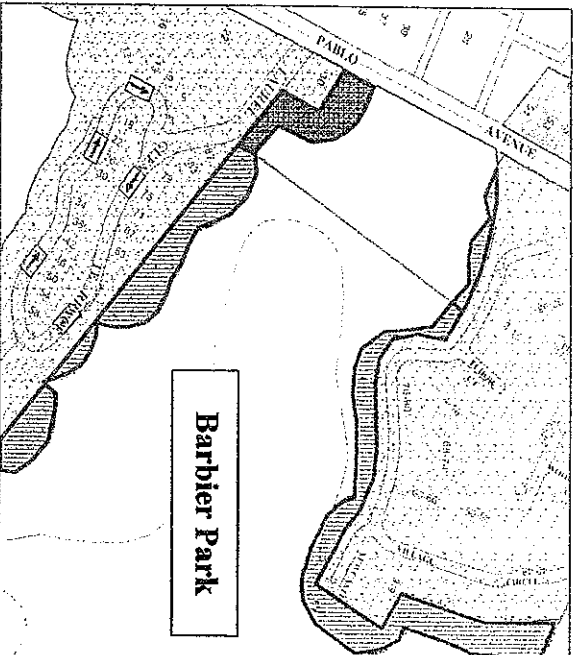
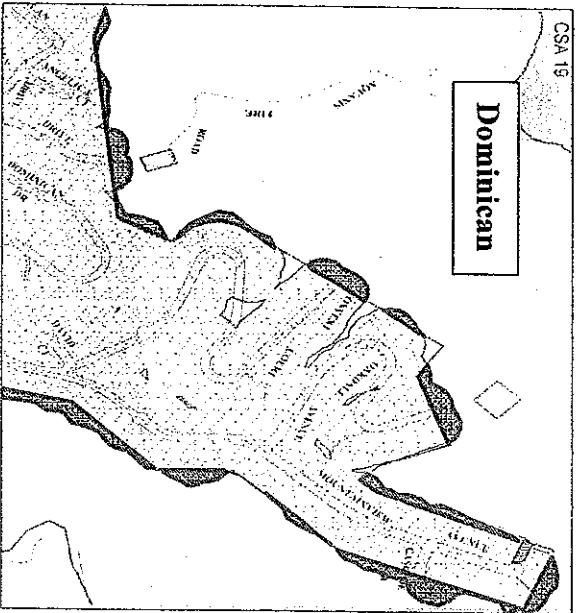
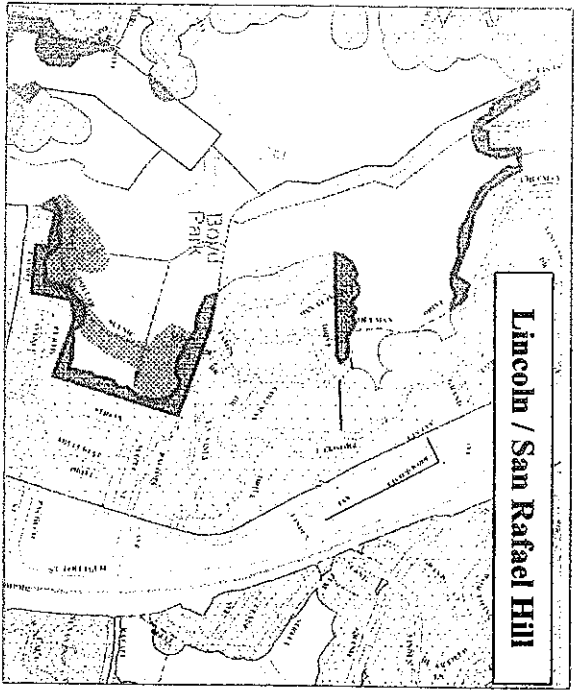
Major Areas of Open Space Clean-Up

(see WUI Area map, next page)

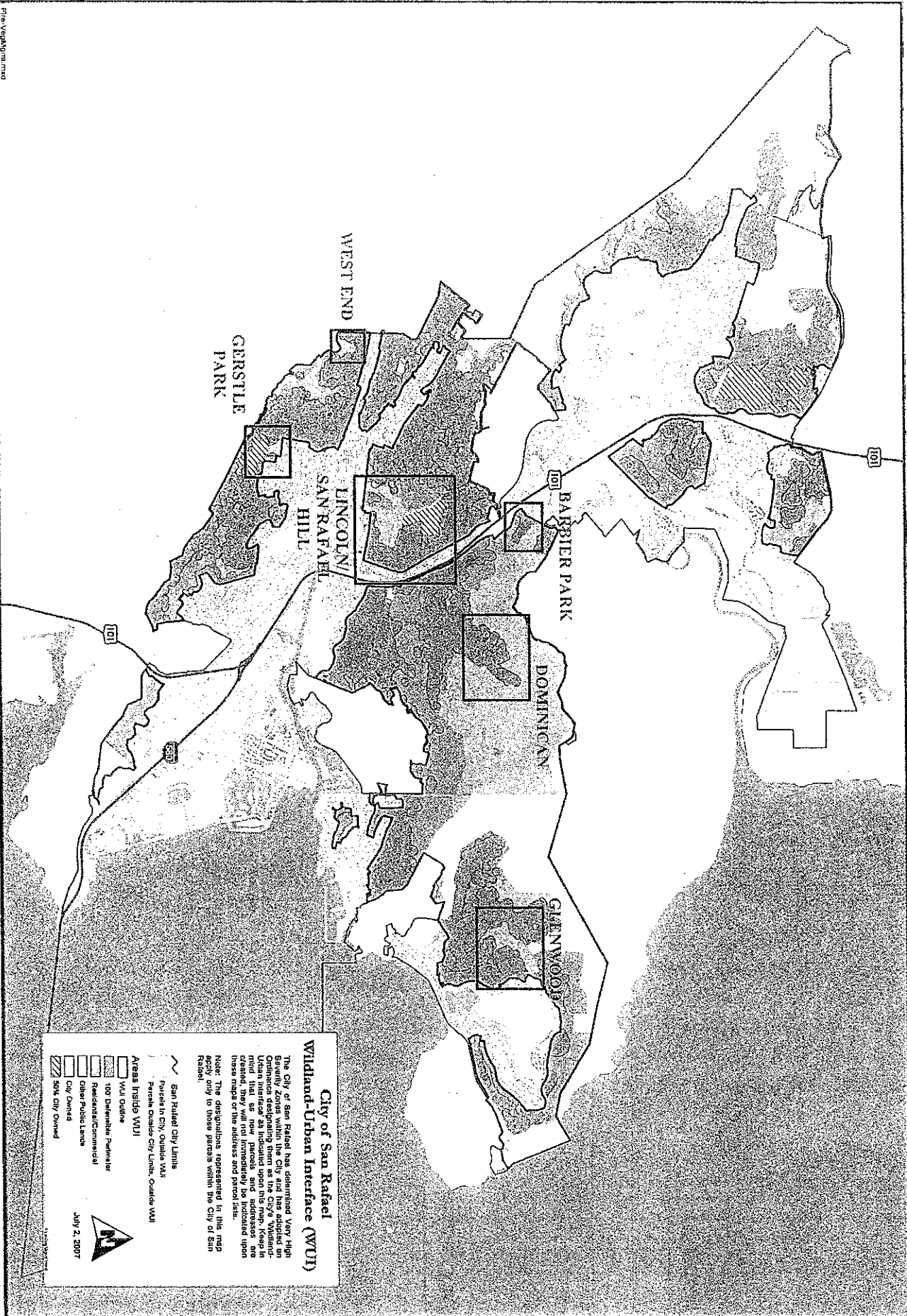
LEGEND

CLEAN-UP
REQUIRED 

COMPLETED 



WILDLAND URBAN INTERFACE AREA MAP



City of San Rafael Wildland-Urban Interface (WUI)

The City of San Rafael has determined Very High Severity Zones within the City and has adopted an Ordinance designating them as Very High Severity Zones. Keep in mind that as new parcels and addresses are created, they will not immediately be indicated upon these maps or the address and parcel lists.

Note: The designations represented in this map apply only to those parcels within the City of San Rafael.

- San Rafael City Limits
- Parcels in City Outside WUI
- Parcels Outside City Limits, Outside WUI
- Areas Inside WUI
- WUI Outside
- 100' Development Footprint
- Residential/Commercial
- Other Public Land
- City Owned
- 50% City Owned

July 2, 2007



Keith Schoenthal

From: Chris Gray
Sent: Tuesday, June 03, 2008 9:49
To: 'Anita Tyrrell-Brown'; 'Roger Meagor'; 'joe.runyon.b@bayer.com'; 'kenny94970@aol.com'; 'madelynjoe@aol.com'; 'Barry Heying'; 'Bob Ritter (E-mail)'; 'Bob Sinnott (E-mail)'; 'Denis Walsh'; 'Inverness'; 'Jim Fox'; 'Ken Massucco'; 'Marc Revere'; 'Mark Horick'; 'Paul Smith (E-mail)'; 'Rich Pearce (E-mail)'; 'Rob Hoggan'; 'Roger Sprehn'; Tom Roach
Cc: Diana Toci; Keith Schoenthal; Ian Madfes; Brad Mark; Ritt Hewitt; Jim Lydon; Jeffrey Buscher; Jeff Conover
Subject: Marin Civil Grand Jury Report - MARIN ON FIRE! Not if, but when.
Attachments: SNR Response Marin on Fire.pdf

Marin Fire Chief's,

Please accept the attached response from the City of San Rafael to the Marin Civil Grand Jury Report - MARIN ON FIRE! Not if, but when. The San Rafael City Council adopted the attached Resolution at its meeting on June 2, 2008.

Our response also includes a quarterly report (Attachment C), that we are producing for the City Council and Community. This quarterly update on our progress with the vegetation management program, will also serve to address Recommendation #3 in the Grand Jury Report. A copy of the actual Civil Grand Jury Report (Attachment B) is not included with our attachment due to its size. As you know, the link to the document is available at http://www.co.marin.ca.us/depts/GJ/main/cvgrjr/2007gj/marin_on_fire.pdf.

Please feel free to contact me personally if you have any questions relative to our response or if we may assist you in any possible way.

Respectfully submitted,



CHRISTOPHER GRAY
FIRE CHIEF

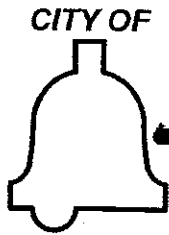


San Rafael

FIRE DEPARTMENT
1039 C STREET
SAN RAFAEL, CA 94901
(415) 485-3304

Chris.Gray@cityofsanrafael.org

"Our Mission...is to help"



San Rafael

Mayor
Albert J. Boro

Council Members

Greg Brockbank

Damon Connolly

Barbara Heller

Cyr N. Miller

Fire Chief

Christopher Gray

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

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

June 25, 2008

Re: Grand Jury Report - **MARIN ON FIRE! Not if, but when**
Report Date: **April 1, 2008**

Honorable Judge Adams and Foreperson Robinson:

On Monday night, June 2, 2008, the City of San Rafael City Council met in regular session beginning at 8:00 pm. At that meeting one of the items considered was their required response to the Grand Jury Report. Enclosed are the following items relative to the City Council's deliberations regarding their response to you:

- The Resolution authorizing Mayor Boro to respond to the Grand Jury.
- The Grand Jury's required Report Form, signed by Mayor Boro.
- The Staff Report with Staff's recommendations for responses.
- A quarterly report of San Rafael Fire Department's Vegetation Management activities.
- An email, from Fire Chief Gray, to all other Fire Chiefs in Marin County.

The last two documents are in response to Recommendation 3 of the Grand Jury and will be provided to our City Council on a quarterly basis, followed by dissemination to the Marin Area Fire Chief's.

Sincerely,

Keith J. Schoenthal
Division Chief
SNR Fire, Support Services Division

RESOLUTION NO. 12501

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING AND AUTHORIZING THE MAYOR AND CITY COUNCIL TO
EXECUTE THE CITY OF SAN RAFAEL RESPONSE TO THE 2007-2008 MARIN
COUNTY GRAND JURY REPORT
ENTITLED, "MARIN ON FIRE! NOT IF, BUT WHEN"**

WHEREAS, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations, must comment on the Report's findings and recommendations contained in the Report in writing within ninety (90) days to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury; and

WHEREAS, Penal Code section 933 specifically 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 meeting pursuant to the Brown Act; and

WHEREAS, the City Council of the City of San Rafael has received and reviewed the 2007-2008 Marin County Grand Jury Report, dated April 1, 2008, entitled "Marin On Fire! Not If, But When" and has agendaized it at this meeting to consider and approve a response.

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 of San Rafael's response to the 2007-2008 Marin County Grand Jury Report entitled, "Marin On Fire! Not If But When," copy attached hereto.
2. Directs the City Clerk to forward the City's Grand Jury Report response to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

I, Esther C. Beirne, 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 2nd day of June, 2008, by the following vote to wit:

AYES: COUNCILMEMBERS: Brockbank, Connolly, Heller, Miller & Mayor Boro

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



ESTHER BEIRNE, City Clerk

COPY