



July 16, 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 "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk" Marin County Civil Grand Jury report dated April 26, 2024

Dear Judge Talamantes and Foreperson Dumont:

At the regular City Council meeting on July 15, 2024, the San Rafael City Council reviewed the report "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk" and in accordance with Penal Code 933 (c) responded to Findings F1 through F6 and Recommendations R1 through R4 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. 15235

**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 "WITH POWER COMES RESPONSIBILITY YOUTHS UNDER
AGE 16 OPERATING CLASS 2 E-BIKES: A SAFETY RISK"**

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

WHEREAS, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated April 26, 2024, entitled "With Power Comes Responsibility Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk;" and

WHEREAS, at a regular City Council meeting held on July 15, 2024, the City Council discussed the report's findings and recommendations.

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 April 26, 2024, report, entitled "With Power Comes Responsibility Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk," 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 15th day of July 2024, by the following vote to wit:

AYES: Councilmembers: Bushey, Kertz & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill & Llorens Gulati



LINDSAY LARA, City Clerk



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk"
REPORT DATE: April 26, 2024
RESPONSE BY: San Rafael City Council

GRAND JURY FINDINGS

- We agree with the finding(s) numbered: **F1, F2, F3, F4**
- We disagree wholly or partially with the finding(s) numbered: **F5, F6**

GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R2, R3** have not yet been implemented but will be implemented in the future.
- Recommendation numbered **R1** requires further analysis.
- Recommendation numbered **R4** will not be implemented because they are not warranted or are not reasonable.

Date: 07/16/24

Signed: _____

Kate Colin
Mayor Kate Colin



City of San Rafael Response to Grand Jury Report Findings and Recommendations
"With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk"

April 26, 2024

RESPONSE TO GRAND JURY FINDINGS

F1. The increasing number of e-bike accidents involving youths under the age of 16 presents a public health and safety danger in Marin.

Response: Agree

The City agrees that e-bike incidents involving youth are a significant threat to health and safety in Marin.

F2. The operation of class 2 e-bikes by persons under the age of 16 poses a significant risk to the safety of e-bike operators, other bike riders, passengers, and pedestrians on sidewalks, streets, multi-use paths, and trails in Marin.

Response: Agree

The City agrees that improper or unlawful operation of class 2 e-bikes by youth poses a significant safety risk.

F3. The emerging and increasing safety issues related to class 2 e-bike use by operators under the age of 16 has not been addressed by Marin County or the municipalities in a uniform manner.

Response: Agree

The City agrees that greater coordination among Marin agencies about e-bike policies and enforcement can help deter their unsafe operation. The City is working with other agencies in Marin on a countywide task force to develop findings and recommendations to address this issue.

F4. For all practical purposes, the State of California has abdicated its responsibility to regulate the use of class 2 e-bikes, leaving it up to the County of Marin and the Marin municipalities to create their own regulations.

Response: Agree

The City is committed to working with law enforcement agencies and community members in Marin through participation in a countywide task force develop consistent regulations for e-bike use.

F5. The funding to continue the e-bike specific safety and training program (E-bike Smart Marin) provided by the Marin County Bicycle Coalition is not sustainable without new sources of funding.

Response: Partially Disagree



City of San Rafael Response to Grand Jury Report Findings and Recommendations
"With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk"

April 26, 2024

It is not within the City of San Rafael's realm of responsibility to agree or disagree with this finding. The Marin County Bicycle Coalition is a private nonprofit organization; the City has no administrative or programmatic control over the organization.

F6. Marin County public schools are not currently able to implement additional bicycle safety training programs for students, beyond what has been offered by Safe Routes to Schools for many years.

Response: Partially Disagree

It is not within the City of San Rafael's realm of responsibility to agree or disagree with this finding. This finding pertains to matters relating to Marin County public schools which operate under the control of their respective legislative bodies.

RESPONSE TO GRAND JURY RECOMMENDATIONS

R1. By December 31, 2024, the Board of Supervisors, and each municipality in Marin should take all steps necessary to adopt an ordinance with regard to class 2 e-bikes with, at minimum, the following provisions:

- (a) Only people aged 16 or older may operate class 2 e-bikes.**
- (b) Operators of class 2 e-bikes must wear helmets.**
- (c) All passengers on class 2 e-bikes must wear helmets.**

Staff recommend more research and analysis before adopting an e-bike-specific ordinance; however, the City agrees that provisions a through c should, at a minimum, be included.

Staff recommend that a countywide task force be established, as stated in the Civil Grand Jury's Recommendation 2, to discuss and develop uniform regulations for e-bike use. The City will work diligently with other jurisdictions to develop countywide regional regulations and bring an ordinance to the City Council for consideration as soon as possible.

R2. By December 31, 2024, the County of Marin and each municipality in Marin should take all steps necessary to establish a joint task force or committee to investigate and consider coordination among the county and municipalities about adopting a county-wide uniform set of regulations regarding e-bike use within the County of Marin.

The City agrees with this recommendation and will work with partners in other jurisdictions to establish a taskforce by December 31, 2024.

The City of San Rafael's response is limited to the part of the recommendation to begin the process of collaborating with the County and other municipalities in Marin. Members of the San Rafael Police Department have reached out to allied law enforcement agencies in neighboring communities to begin a coordinated effort in the furtherance of establishing the joint task force to address this issue.



City of San Rafael Response to Grand Jury Report Findings and Recommendations
"With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk"
April 26, 2024

R3. Any task force or committee as described in Recommendation 2, above, should consider inviting representatives from Marin County schools, law enforcement, public health officials, and bicycle advocates to provide their input.

The City agrees with this recommendation and will implement it by December 31, 2024.

Prior to the publishing of the Marin Civil Grand Jury report, members of the San Rafael Police Department acknowledged the growing issue of e-bike safety within the community. In response, members of the San Rafael Police Department reached out to our community partners, including San Rafael City Schools, Marin bicyclist advocacy groups, e-bike retailers, and concerned residents to obtain their input and participation in addressing the issues of e-bike safety in San Rafael. The City is committed to bringing this inclusive and coordinated approach to the joint task force.

R4. By December 31, 2024, the Board of Supervisors should explore options for additional funding for student and public education in Marin County about e-bike safety.

This recommendation is directed to and pertains to matters solely under the control of the County of Marin Board of Supervisors. Therefore, this recommendation does not require action or a response by the City of San Rafael.