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Please review before meeting.

From Ron Arlas <rarlas@mac.com>

Date Thu 6/18/2026 4:42 PM

To liz.alessio@countyofnapa.org <liz.alessio@countyofnapa.org>; ebeckman@cortemadera.org <ebeckman@cortemadera.org>; mbelotz@danville.ca.gov <mbelotz@danville.ca.gov>; kbirdseye@ci.benicia.ca.us <kbirdseye@ci.benicia.ca.us>; bcoler@townoffairfaxca.gov <bcoler@townoffairfaxca.gov>; mebrownsolanocounty.com <mebrownsolanocounty.com>; kjacobs@novato.org <kjacobs@novato.org>; bkircher@townofrossca.gov <bkircher@townofrossca.gov>; cwalker-EXT <cwalker@sananselmo.gov>; maika@cityofsanrafael.org <maika@cityofsanrafael.org>; jmcormick@lovelafayette.org <jmcormick@lovelafayette.org>; meadows@ci.oakley.ca.us <meadows@ci.oakley.ca.us>; bpainter@cityofnapa.org <bpainter@cityofnapa.org>; Charles.Palmares@cityofvallejo.net <Charles.Palmares@cityofvallejo.net>; mperrey@cityofmillvalley.gov <mperrey@cityofmillvalley.gov>; hollithertiburontowncouncil@gmail.com <hollithertiburontowncouncil@gmail.com>; Mary.Sackett@marincounty.gov <Mary.Sackett@marincounty.gov>; swilkinson@cityofbelvedere.org <swilkinson@cityofbelvedere.org>; DBailey@herculesca.gov <DBailey@herculesca.gov>; mayor@walnut-creek.org <mayor@walnut-creek.org>

Cc Ron Arlas <rarlas@mac.com>

 1 attachment (26 KB)

Comments on Grand Jury report on MCE-June 2026.pdf;

[You don't often get email from rarlas@mac.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Please review short article before meeting. It is an explanation of how a Grand Jury actually works.

Thank You.

Ron Arlas
Marin County Civil Grand Jury
2018-2019

TO: ALL BOARD MEMBERS OF MCE
RE: MARIN COUNTY GRAND JURY REPORT ENTITLED: MCE, MARIN CLEAN ENERGY;
A SERIES OF MISSTEPS HIGHLIGHT NEED FOR GOVERNANCE CHANGES,
DATED JUNE 16, 2026

On June 16, 2026, the Marin County Grand Jury (GJ) issued a report entitled “MCE, Marin Clean energy: A series of Missteps Highlight Need of Governance Changes” (the Report). The Report is an exhaustive, well-researched and documented examination of the operation of MCE. And, as required by the statutes governing all California Civil Grand Juries, it concludes with a series of recommendations which must be responded to in detail by the agency and entities that are the subject of the report.

To understand the true impact of the Report, it is necessary to understand how a civil GJ works in CA. First of all, the actual jurors are initially selected through an application and subsequent interview process. From a whittled-down group of applicants, the Marin County Superior Court Judge who is in charge of the grand jury, then selects 30 applicants. Thereafter, a totally random selection process occurs whereby the Superior Court judge literally pulls names out of a bingo-like spinning cage to determine who will be on the GJ and who will then be alternates. The first 19 names become the sitting jurors and the balance are the alternates. This process occurs in public so there is no way that anyone can claim that the make-up of the GJ was determined in advance. After the selection, the Judge administers an oath to the selected jurors and the alternates. The oath requires them to agree to uphold all of the applicable laws and to acknowledge that their work is totally confidential and must not be disclosed in any way, shape or form to anyone outside of their grand jury panel.

The GJ term begins on July 1st and runs through the following June 30th. After selection, the jurors go through a 3 day training period whereby they are taught the rules and processes that they MUST follow. Included in this training is again, an emphasis on confidentiality. Thereafter, the 19 members self-select into committees and start to research issues to investigate. By October, the various committees have settled on their topics and research into the issues had begun. As stated in the “Approach” section of the Report, (pgs. 7-8), the committee working on this report lists the specific types of research it did to gather information in order to draft a fair and balanced report. As part of this approach, the Report states that they even talked to 14 individuals including representatives of MCE’s management.

It needs to be emphasized here that throughout the process of the term of any GJ, none of the members are allowed to discuss anything about their research, their investigation, their observations and their conclusions with ANYONE outside of their GJ. Obviously, when the GJ asks to interview people as part of their investigation, the general topic of the discussions will be apparent to the interviewees, but not what the jurors are actually investigating.

After completing their investigation or as much as they are able to given the fact that their term is one year, the jurors will then sit down to write their report. As an aside, the Report notes on pg. 8, that the investigation ended on May 15, 2026. Thus, anything that might involve the topic in the report that occurred after May 15, 2026 would obviously not be discussed in the report.

After the written report is finished, it goes through a series of reviews, including a review by the Marin County Counsel and the Superior Court judge in charge of the GJ. In addition, a draft copy is sent to the subject agencies for comments on the facts stated in the report. Comments from any agency about the contents, other than the facts stated therein, are not allowed at this time. Only after all of these reviews is the report published and officially sent to the subject agencies for their review and response. California Penal Code Section 933

mandates that governing bodies that are the subject of any GJ report then have 90 days to respond to the recommendations contained in such report.

It has come to my attention that some member(s) of the MCE Board may have expressed the opinion that this Report was influenced by or rigged by entities or others outside of the actual Grand Jury members. As a member of the 2018-2019 Marin County Civil Grand Jury report, I find such comments or viewpoints to not only be insulting to the honor of the members of the GJ that did this report but show the commentators ignorance of how a CA civil grand jury works. In fact, by making their comments, these members actually prove that some of the points that the Report make are accurate. For example, the members who insist on deferring to the staff on almost all of the critical issues involving energy purchasing contracts are either willfully ignorant of their own Rules and Resolutions or are purposely dodging their responsibilities as Board members.

One of the more disingenuous, and rather frankly insulting comments by some of the Board members, as noted on pg. 9 of the Report, is the asinine comment that because Marin County Board members come from small cities and towns, they “have too much time on their hands compared to members who serve larger populations.” Perhaps those members from the larger cities who are “so busy with other matters” should resign if they don’t have the time to do a competent job representing their constituents to this very important agency. As noted in footnote 37, pg. 8, of the Report, the governing body of MCE consists of a person from each entity that belongs to MCE. It should be noted that this governing clause, Article 4, Section 4.1, does NOT require that the representative be an elected official from the respective party. I am sure that somewhere in the population of those “larger populations” an elected council can find and appoint a knowledgeable citizen who does have the time to devote to actively participating in the proper GOVERNANCE of MCE.

The bottom line is that the Report is an excellent, comprehensive and overdue examination of MCE. If there are members of the Board who don’t have an open mind to consider what was written and instead try to disparage the Marin community citizens who spent hours working to come up with this excellent report, then said Board members are like those who insist on shooting the messenger because they don’t like the message. And that attitude is one that is a disgrace to their respective oaths of office.