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TO: ALL BOARD MEMBERS OF MCE
RE: TWO CRITICAL PUBLIC ITEMS AT YOUR UPCOMING MEETING OF JULY 16, 2026
DATED JULY 14, 2026

On July 16, 2026, MCE has scheduled two important items to be discussed in public. The first is the creation of an Ad Hoc CEO Search Committee (Item 7 on the calendar) and the second is a discussion of the Marin County Grand Jury report (Items 8 and 9 on the calendar). In this memo to the Board of Directors, I wish to emphasize three issues about these calendar items.

First of all, there is one omission on the proposed agenda that is a puzzle. The omission is with regards to the proposed formation of an Ad Hoc CEO Search Committee. Specifically, there is no listing of a time for public comment for this item. In contrast, the agenda notes that the discussion of the Marin County Grand Jury report will include a specific item for public comment on that issue. See Item 8 of the agenda. As a member of the public, I sincerely hope that this was simply an inadvertent oversight and that the Board will indeed allow public comment on the proposal for the formation of the Ad Hoc Search Committee.

Secondly, it appears that voting to create an Ad Hoc Search Committee now is putting the cart before the horse. The Board has just voted to enter into an expensive consulting contract to review the governance at MCE and make recommendations on how it can be improved to provide better transparency, assumption of true accountability and how the Board can take back the statutorily mandated governing of the organization. Obviously, if the report is as thorough as it should be, the recommendations that it should make will definitely impact the duties and obligations of the next CEO. How can a search committee now make representations to any candidate as to what specifically will the scope of the job before the governance report is issued and acted on by the Board of Directors? It would be dishonest to advertise and interview any potential candidate before the governance report is dealt with by this Board.

Finally, turning to the issue of Marin County Civil Grand Jury (GJ) report, it has been out now for a month. During that time, I hope that each and everyone of you have read it thoroughly. More importantly, I hope that everyone has also read the memo I submitted for your June 18, 2026 meeting wherein I described how a civil grand jury works. For ease of reference, I have extracted the part of my prior memo dealing with the operation of a grand jury and attached it hereto as Exhibit 1. The purpose for reminding the Board of how a GJ works is to stomp on once and for all, ANY claim that the report was rigged or influenced by an outside source. Any such claim is absolutely false. To make such a claim is to besmirch the honor of the hardworking citizens who spent dozens of hours on this report with nothing but the goal of improving the governance at MCE. If any members of the Board are still not convinced of the impartiality of the GJ and its report, I challenge that person or persons to present admissible evidence to substantiate such a claim.

I look forward to a comprehensive response by this Board to the GJ report as required by law.

EXHIBIT 1

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