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July 30, 2024

Honorable Mark A. Talamantes  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

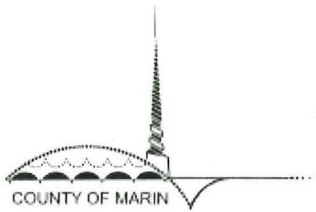
Dear Judge Talamantes,

The Marin County Board of Supervisors' response to the FY 2023-2024 Civil Grand Jury Report "*Cyber Preparedness: Are We There Yet?*" (May 17, 2024) is attached. The attached document responds to all the requests made for responses from the Board of Supervisors.

Respectfully submitted,

Dennis Rodoni  
President, Board of Supervisors

CC: Marin County Civil Grand Jury



## RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "Cyber Preparedness: Are We There Yet?"  
REPORT DATE: May 17, 2024  
RESPONSE BY: County of Marin Board of Supervisors

### GRAND JURY FINDINGS

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

### GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R6 and R10** have been implemented.
- Recommendations numbered **R1 and R9** have not yet been implemented, and will be implemented in the future.
- Recommendations numbered **R4 and R7–R8** require further analysis.
- Recommendations numbered **R2-R3 and R5** will not be implemented because they are not warranted or reasonable.

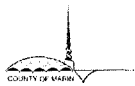
Date:

7/30/2024

Signed:



President, Board of Supervisors



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Cyber Preparedness: Are We There Yet?"  
(May 17, 2024)

**RESPONSE TO GRAND JURY FINDINGS**

**F1. Contracts for Information Technology, Information Systems, and Cybersecurity services between third-party providers and Marin County governmental agencies should contain a Business Continuity clause, or other language, protecting that agency from a sudden cessation of services provided by the third-party provider.**

Response: Agree

The County of Marin Information Services and Technology (IST) department relies on multiple vendors to provide critical services to County departments that serve the public. Including a Business Continuity clause in vendor contracts will help ensure these services are available in the event of a cyberattack or other disaster impacting vendor systems.

**F2. Marin County municipalities should have current, written contracts with third-party providers of Information Technology, Information Systems, and Cybersecurity services, and should not continue to use those providers' services without a current contract.**

Response: Agree

The County of Marin has written contracts in place to ensure service delivery.

**F3. Membership in insurance risk pools provides the benefits of cybersecurity assessments and audits, which highlight cybersecurity deficiencies and make suggestions for improvement.**

Response: Agree

The County of Marin maintains a Cyber insurance policy with AIG and is not part of the Bay Cities JPIA, or any pool, for Cyber insurance. AIG provides support and consulting time regarding any cyber risks. As part of this engagement, an extensive renewal process occurs yearly, in which the County must meet certain standards to maintain coverage.

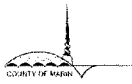
Insurance risk pools for Marin's cities and towns may bring many of the same benefits more cost-effectively than could be achieved individually.

**F4. Having a completed, adopted and regularly updated cybersecurity plan helps ensure that all staff within a government agency are working together to optimize that organization's cyber preparedness and security.**

Response: Agree

The County of Marin has a cybersecurity plan in place to help ensure continuity of operations during actual or suspected security incidents, which is reviewed and updated annually.

**F5. Joint Powers Authorities in Marin County exist to provide more efficient and cost-effective services to the people of Marin.**



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Response: Partially Disagree

While we agree that Joint Powers Authorities may provide efficient and cost-effective services, alternative arrangements may provide similar benefits at less cost or complexity. For example, direct service contracts between an agency with more capacity and/or expertise, and other agencies can be used to provide services with a defined scope of work without the formal structure, governance, and operations expense of a JPA.

**F6. The current County Collective Bargaining Agreements prevent the Marin County Department of Information Systems & Technology from unilaterally negotiating managed service agreements (outsourcing work to third parties).**

Response: Agree

Generally speaking, the County cannot unilaterally outsource work within a class specification without completion of the parties' meet and confer obligations. Laws that govern labor relations; management; and union rights, terms, and conditions of represented employees, are also covered in collective bargaining agreements (CBAs).

## RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends that by December 31, 2024:

**R1. Marin agencies should require a current (executed within the last five years), competitively-bid, written contract which includes business continuity language for any third-party Information Technology services they use.**

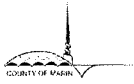
This recommendation has not been implemented and will be in the future.

The County of Marin Department of Information Services and Technology (IST) will identify standard business continuity language to be included in contracts. Implementation of the language into contracts will be prioritized based on business need and contract renewal dates and may extend beyond the Grand Jury's recommended timeframe.

**R2. The Board of Supervisors should authorize the creation of a new position within the Department of Information Services and Technology for the 2025-2026 fiscal year, with specific responsibilities to assist other County agencies in cybersecurity awareness, training, implementation, and monitoring of cybersecurity systems.**

This recommendation will not be implemented because it is not warranted or reasonable.

Development of a new County position would be infeasible within the Grand Jury's recommended timeframe. County staff met with city and town stakeholders in June 2024 to discuss the recommendations of this Grand Jury report and to determine potential interest in the County providing direct cybersecurity services to Marin municipalities. A few options were



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discussed, including the establishment of a Cybersecurity JPA, direct service contracts, and continuing with existing services through the Marin Security and Privacy Council. Several municipalities reported cybersecurity upgrades and projects already in progress and declined interest in the coming fiscal year. Some others reported potential interest depending on cost. More research and engagement with city and town stakeholders would be required to determine whether this recommendation is warranted, research that will exceed the Grand Jury's identified timeline.

**R3. The Board of Supervisors should require that the Marin Department of Information Services and Technology evaluate the formation of a Cybersecurity Joint Powers Authority to raise overall cyber preparedness amongst its members, and for the purpose of acquiring and maintaining perimeter defense protection systems for preventing and eliminating ransomware and other more sophisticated cyberattacks.**

This recommendation will not be implemented because it is not warranted or reasonable.

As reported in the response to R2 above, County staff engaged potential municipal stakeholders in June 2024 to discuss the recommendations of this report, including potential interest in a JPA. While a few reported some level of interest dependent upon cost, others expressed that they had initiated local cybersecurity upgrades and projects in their jurisdictions and would not be interested in making any changes in the coming fiscal year.

Direct service contracts with some interested agencies are more likely achieve many of the same objectives at less cost than forming a JPA, which requires a formal structure, governance, and operations expense, and the County remains open to such arrangements where viable.

**R4. The Board of Supervisors should create two new system-engineering positions to be filled by cybersecurity experts who would be responsible for conducting security risk assessments, providing recommendations and implementing cybersecurity solutions for public agencies in Marin, among their other tasks.**

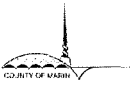
This recommendation requires further analysis.

Any positions to be added by the County of Marin would be considered in the context of the County's budget capacity and cost-benefit analysis informed by the likelihood and extent of any direct service contracts with potential stakeholder agencies. The creation of any new County positions for this purpose is not likely within the Grand Jury's recommended timeframe.

**R5. If and when a Joint Powers Authority is created, one of these positions would serve as a County member of the new organization and a liaison with the Chief Information Security Officer.**

This recommendation will not be implemented because it is not warranted or reasonable.

Insofar as direct service contracts with some interested stakeholder agencies are likely to be more cost-effective and provide many of the same benefits as a JPA, defining membership of a JPA is premature. As stated in responses to R2 and R3, there is uncertainty about how many



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municipalities would wish to join given cybersecurity upgrades and projects in their jurisdictions but the County will remain open to direct service contracts where viable.

**R6. All Marin municipalities should:**

- a) take all steps necessary to acquire an appropriate .gov or .ca.gov domain;**
- b) formulate and adopt a plan for rolling out a .gov or .ca.gov website and emails by the start of the 2025-2026 Fiscal Year.**

This recommendation has been implemented.

The County of Marin acquired the MarinCounty.gov domain in September 2022, and the conversion of County e-mail to MarinCounty.gov was completed in June 2024. The conversion of the County's web site is in progress and is expected to be complete by June 2025.

**R7. The Board of Supervisors should require that the Marin Department of Information Services and Technology:**

- a) develop a plan to redefine a secure network infrastructure of the MIDAS system which solely focuses on providing access to law enforcement, emergency response and justice systems, or other online County services, and exclude Internet Service Provider services;**
- b) take all steps necessary to transition administration of MIDAS from Marin IT to The County of Marin Department of Information Services and Technology.**

This recommendation requires further analysis.

This recommendation requires further consideration to determine the best path forward for the future of MIDAS. An evaluation of MIDAS and options for the future are currently underway, with results expected later this calendar year.

**R8. The Board of Supervisors require that the Marin Department of Information Services and Technology and the Department of Human Resources develop a plan for negotiating the inclusion of language that allows for managed service agreements in new Collective Bargaining Agreements with MAPE and MCMEA that will start in July of 2025.**

This recommendation requires further analysis.

This recommendation cannot be unilaterally implemented without agreement from MAPE and MCMEA as provisions in their Collective Bargaining Agreements specifically limit contracting out bargaining unit work. MAPE and MCMEA agreements are not open for bargaining until the first half of 2025 and first half of 2026, respectfully.

The Myers Milias Brown Act also clarifies requirements for the parties to bargain before any work that is represented by a union may be "outsourced" via contracting out. While the Board of Supervisor's strategic objectives for successor bargaining will be developed later this calendar year, we will review this recommendation as we develop those objectives for upcoming successor bargaining."



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**R9. The Board of Supervisors requires that the Marin Department of Information Services and Technology update its Top 10 Cybersecurity Tips for Organizations at least once a year.**

This recommendation has not been implemented and will be in the future.

The Top 10 Cybersecurity Tips for Organizations will be reviewed and updated by October 2024, to coincide with Cybersecurity Awareness Month. Other cybersecurity resources and best practices are available from the National Cybersecurity Alliance (NCSA), the Cybersecurity and Infrastructure Security Agency (CISA), and the National Institute of Standards and Technology (NIST). The County will evaluate the relevance of the Top 10 list going forward, and may pivot to linking to resources from other agencies. Regardless of the option selected, the Top 10 list will be updated at least annually beginning in October.

**R10. The Board of Supervisors requires that the Marin Department of Information Services and Technology more directly promote, through the Marin Security and Privacy Council, its Top 10 Cybersecurity Tips for Organizations to all of Marin's public agencies.**

This recommendation has been implemented.

The Top 10 Cybersecurity Tips for Organizations is already highlighted when new agencies join the Marin Security and Privacy Council. The County's Chief Information Security Officer will partner with the County's Director of Communications to determine the best strategy to further promote the Top 10 list, and other resources, through the Marin Security and Privacy Council.