



CONTRA COSTA COUNTY

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Staff Report

File #: TMP-7713

Agenda Date: 12/17/2024

Agenda #:

To: Board of Supervisors

From: Internal Operations Committee

Report Title: 2024 ANNUAL REPORT OF THE INTERNAL OPERATIONS COMMITTEE AND DISPOSITION OF REFERRALS

Recommendation of the County Administrator Recommendation of Board Committee

RECOMMENDATIONS:

1. ACCEPT the 2024 Annual Report of the Internal Operations Committee (IOC) of the Board of Supervisors.
2. RECOGNIZE the excellent work of the County department staff who provided the requisite information to the IOC in a timely and professional manner, and members of the Contra Costa community and private industry who, through their interest in improving the quality of life in Contra Costa County, provided valuable insight into our discussions, and feedback that helped us to formulate our policy recommendations.
3. CONTINUE the following referrals 2025 IOC: (1) County Financial Audit Program, (2) Annual Report on Fleet Internal Service Fund and Disposition of Low Mileage Vehicles, (3) Advisory Body Recruitment, (4) Process for Allocation of Propagation Funds by the Fish and Wildlife Committee, (5) Advisory Body Triennial Review, (6) Animal Benefit Fund Review, (8) Triennial Review of County Procurement Policies, and (9) Review of Proposed Updates to the County’s Administrative Bulletins as requested by the County Administrator.
4. TERMINATE the following referrals: (7) Racial Justice Oversight Body Dysfunction, (10) Managed Care Commission Bylaws Update, (11) Public Art on County Property and Rights of Way, and (12) Memorials/ Dedications Policy.

FISCAL IMPACT:

None.

BACKGROUND:

The 2024 Internal Operations Committee (IOC) was composed by Supervisor Diane Burgis, who served as Chair, and Supervisor Candace Andersen, who served as Vice Chair. During 2024, the Internal Operations Committee (IOC) met 10 times, worked on 13 referrals, made 13 reports to the Board, interviewed applicants and made recommendations to fill 33 seats for certain advisory bodies whose composition requirements must be monitored.

Our Committee appreciates the time and effort of County staff who prepared reports and analyses for

Committee discussion, the valuable time and input of the many County residents who attended our meetings, and the efforts of the staff to the Board's advisory bodies to recruit, screen, and nominate individuals to our Committee for approval and appointment by the Board. Their efforts in this regard allowed the IOC to focus more of its time on the following subjects:

1. County Financial Audit Program. Since 2000, the IOC reviews, each February, the annual schedule of audits and best practices studies proposed by the Auditor-Controller. The Auditor-Controller's Office presented a report of its 2023 audit work and proposed 2024 Audit Schedule to the IOC on March 11, 2024, which the IOC accepted and approved, and reported to the Board on March 19, 2024 (Item C.5). This is a standing referral. **RETAIN**
2. Annual Report on Fleet Internal Service Fund and Disposition of Low Mileage Vehicles. Each year, the Public Works Department Fleet Manager analyzes the fleet and annual vehicle usage and makes recommendations to the IOC on the budget year vehicle replacements and on the intra-County transfer of underutilized vehicles, in accordance with County policy. In FY 2008/09, following the establishment of an Internal Services Fund (ISF) for the County Fleet, to be administered by Public Works, the Board requested the IOC to review annually the Public Works department report on the fleet and on low-mileage vehicles. The IOC received the 2022/23 fleet report on March 11, 2024 and reported out to the Board of Supervisors on March 19, 2024 (Item C.4). This is a standing referral. **RETAIN**
3. Advisory Body Recruitment. On December 12, 2000, the Board of Supervisors approved a policy on the process for recruiting applicants for selected advisory bodies of the Board. This policy requires open recruitment for all vacancies to At Large seats appointed by the Board. The IOC made a determination that it would conduct interviews for At Large seats on the following bodies: Affordable Housing Finance Committee, Retirement Board, Advisory Fire Commission, Integrated Pest Management Advisory Committee, Planning Commission, Treasury Oversight Committee, and the Fish & Wildlife Committee, as well as other advisory bodies as the need should arise; and that screening and nomination to fill At Large seats on all other eligible bodies would be delegated to each body or a subcommittee thereof.

In 2024, the IOC submitted recommendations to the Board of Supervisors to fill 33 vacant seats on various committees and commissions. The IOC interviewed individuals for seats on the Affordable Housing Finance Committee, Los Medanos Health Advisory Committee, Advisory Fire Commission to the Contra Costa Fire Protection District, Contra Costa Resource Conservation District, Contra Costa Transportation Authority Citizens Advisory Committee, East Bay Regional Parks District, Fish and Wildlife Committee, Integrated Pest Management Advisory Committee, Law Library Board of Trustees, Mosquito and Vector Control District, Planning Commission, and the Treasury Oversight Committee.

In 2025, the IOC will need to recruit and interview for the County Connection Citizens Advisory Committee, County Retirement Board, Affordable Housing Finance Committee, and the Law Library Board of Trustees. This is a standing referral. **RETAIN**

4. Process for Allocation of Propagation Funds by the Fish and Wildlife Committee. On November 22, 2010, the IOC received a status report from the Department of Conservation and Development (DCD) regarding the allocation of propagation funds by the Fish and Wildlife Committee (FWC). The IOC accepted the report along with a recommendation that IOC conduct a preliminary review of annual FWC grant recommendations prior to Board of Supervisors review. On February 2 and again on November 18, 2024, the IOC received reports from DCD proposing, on behalf of the FWC, the 2024

Fish and Wildlife Propagation Fund Grant awards. The IOC approved the proposals and recommended grant awards for 23 proposals totaling \$186,587, which the Board of Supervisors unanimously approved on February 27 (Item C.6) and December 3, 2024 (Item C.36). This is a standing referral. **RETAIN**

5. Advisory Body Triennial Review. Beginning in 2010 and concluding in 2011/2012, the Board of Supervisors conducted an extensive review of advisory body policies and composition, and passed Resolution Nos. 2011/497 and 2011/498, later superseded by Resolution Nos. 2020/1 and 2020/2, which revised and restated the Board's governing principles for the bodies. The Resolutions deal with all bodies, whether created by the BOS as discretionary or those that the BOS is mandated to create by state or federal rules, laws or regulations. The Resolutions directed the CAO/CoB's Office to institute a method to conduct a rotating triennial review of each body and to report on the results of that review and any resulting staff recommendations to the Board, through the IOC, on a regular basis. The first phase report of the current Triennial Review Cycle was completed, reported to the IOC on May 13, 2024 and approved by the Board of Supervisors on June 4, 2024 (Item C.3), including extending the Library Commission through March 2027 and with follow-up action recommended in 2025 to examine whether and when to reactivate the Agricultural Advisory Task Force. This is a standing referral. **RETAIN**
6. Animal Benefit Fund Review. On May 12, 2015, the Board of Supervisors adopted the fiscal year 2015/16 budget, including a referral to the Internal Operations Committee to review the Animal Benefit Fund and, in March 2016, the Board directed that the review be made by the IOC annually to assess the impact of the Animal Benefit Fund on the community and families. On October 14, 2024, the IOC received the eighth annual report on the Animal Benefit Fund covering FY 2023/24 and reported to the Board on November 5, 2024 (Item C.1). This is a standing referral. **RETAIN**
7. Racial Justice Oversight Body Dysfunction. On July 11, 2022, the IOC received a report from the County Probation Department regarding operational problems of the RJOB. The Public Protection Committee has previously received a report from a consulting firm engaged by the Office of Reentry & Justice at the Probation Department to provide technical assistance and meeting facilitation services for the RJOB. During the update, the Burns Institute highlighted several emerging issues hindering the RJOB's future work to include: changes in leadership and membership resulting in challenges with maintaining quorum, specifically at the Subcommittee levels; ambitious Task Force recommendations that are beyond the capacity and scope of the membership; and limited staffing resources to support the membership's requests for data collection, management, and analyses necessary to implement the recommendations of the RJOB. The County Administrator's Office identified additional issues: (1) the existing RJOB charge is vague; (2) staff support is insufficient to the RJOB's needs; (3) RJOB subcommittees are self-forming and, therefore, not always balanced; and (4) there is high interest in participation and no term limits. It was decided that CAO and Probation would work with the Office of Racial Equity and Social Justice, once fully established, and bring recommendations for changes to the RJOB bylaws and reporting structure back to the IOC at a future date.

In October 2023, the Co-Directors of the new Office of Racial Equity & Social Justice were appointed. Shortly afterwards in early 2024, the Office of Reentry & Justice (ORJ) and the Office of Racial Equity & Social Justice (ORESJ) began collaborating to plan for transitioning the administrative and staffing responsibilities in Summer/Fall of 2024. Throughout this period, ORESJ Co-Directors - who are staff to the Equity Committee - attended RJOB meetings and met with RJOB leadership to assess the operational challenges facing the Body. During an annual update on RJOB's work to the Equity Committee in April 2024, the Equity Committee members agreed to hold a joint meeting session with

the RJOB. The Equity Committee brought RJOB bylaws recommendations to the Board of Supervisors on August 13, 2024. The ORESJ Co-Directors are working on recommendations to better support the Body to present at an upcoming joint Equity Committee and RJOB meeting. Since the Equity Committee has apparently assumed leadership on this matter, it is recommended that the referral to the IOC be terminated. **TERMINATE**

8. Triennial Review of County Procurement Policies. On June 2, 2023, in the context of adopting updated County procurement policies, the Board referred to the Internal Operations Committee a triennial review of County procurement (Purchasing, Contracting, Small Business Enterprise, Local Bid Preference) policies to ensure harmony among the various policies and procedures and directed the Purchasing Agent to return to the Internal Operations Committee with a schedule of policies and procedures to be reviewed in each year of the triennial cycle. On October 14, 2024, the IOC received a report and recommendations from Public Works pertaining to the SBE and Outreach Programs. The IOC recommended, on November 13, and the Board approved on November 12, 2024 (Item C.5), updates to the SBE Program and abolishment of the old Outreach and eOutreach programs in favor of outreach requirements contained in the recently adopted Purchasing Policy. The next Purchasing policy review is scheduled for October 2027. **RETAIN**

9. Review of Proposed Updates to the County’s Administrative Bulletins. In separate referrals on April 24, 2023 and June 27, 2024, the Board referred to the IOC, at the recommendation of the County Administrator, a review of several existing and proposed new administrative policies on subjects including office space, requesting real estate and capital project services, real estate asset management, purchasing (see #8), social media, cybersecurity, and artificial intelligence. We recommend continuation of this referral for review of administrative policies as requested by the County Administrator. **RETAIN**
 - a. Capital Facilities/Real Estate. On June 10, 2024, the IOC received a report and recommendations from the County Administrator’s Office to update and consolidate several administrative policies on office space, capital projects and real estate management into one administrative policy. These recommendations were forwarded to and approved by the Board on June 25, 2024 (Item C.9). **TERMINATE**

 - b. Social Media Policy. The Board of Supervisors, on September 24, 2024 (Item C.33), formally adopted Resolution No. 2024/321, the County Social Media Policy, and directed the Office of Communications and Media to develop and provide training to County departments. **TERMINATE**

 - c. TikTok Ban. On August 1, 2023, the IOC recommended, and the Board approved with amendments, updates to the County’s Social Media Policy, which prompted a new referral to the IOC regarding institution of a countywide ban on the TikTok social media application. Following the Board’s August 1, 2023 direction to study how best to implement a ban on TikTok on County devices, the IOC received a report on September 11 that provided additional information on risks associated with the TikTok platform, the status of TikTok bans elsewhere, and the County’s ability to implement a TikTok ban on County devices and limitations on that ability. The IOC provided direction to staff to continue developing IT device management tools to support enforcement of the ban on media platforms controlled by an “entity of concern” or a “country of concern” that holds 10 percent or more of the voting shares of a social media platform, or if the platform uses software or an algorithm controlled by a country of concern.” The proposed TikTok ban has been suspended

pending the outcome of a First Amendment challenge filed in May in the U.S. Court of Appeals for Washington, D.C. **RETAIN**

- d. Cybersecurity Policy (New policy). On July 8, 2024, the Department of Information Technology proposed to the IOC a new policy on cybersecurity. This policy was reviewed by the Board and promulgated to County departments by the County Administrator on October 1, 2024.

TERMINATE

- e. Artificial Intelligence Policy (New policy). During its August 1, 2023 regular meeting, in the context of updating the County's Social Media Policy, staff discussed with the Board of Supervisors the problem of mis- and disinformation proliferated on the County's social media pages and the need for a protocol to combat mis- or disinformation. Misinformation is simply false information. Disinformation is the intentional spreading of misinformation.

On September 11, 2023, the Internal Operations Committee (IOC) directed staff to draft a set of interim guidelines, like the cities of San Jose and Boston, to provide departments with some guardrails for AI use, and directed staff to continue researching reliable ways to identify AI-generated content posted within public comments on county website and social media pages, and then bring back updates to the Committee as appropriate. Office of Communications and Media Director Kristi Jourdan prepared an initial draft policy. Subsequently, the County Administrator assigned the Chief Information Officer Marc Shorr and Chief Information Security Officer Nathan Wiebe to prepare a final draft County policy on artificial intelligence in County operations.

At its July 8, 2024 meeting, in the context of reviewing the proposed Cyber/Information Security Policy, Marc Shorr briefly discussed how AI is presenting both exciting opportunities and new and difficult challenges in terms of IT security. For example, by agreeing to the Terms and Conditions of many popular AI platforms, staff may inadvertently be consenting to the platform owning any data - potentially private data -- entered onto the platform via user prompts. He said that the AI Policy in development would address security risks around AI and would dovetail with the County's Cyber/Information Security Policy.

On October 14, 2024, the Department of Information Technology proposed to the IOC a new policy on artificial intelligence. **TERMINATE unless referred back to the IOC**

- f. P300 Policy. The County Administrator's Office maintains personnel policies and practices to assist departments in their position and staffing needs to meet their service delivery mandates. Over the past 30+ years, updates to Administrative Bulletin No. 400 "Position Adjustment Requests" have been codified in a patchwork of resolutions and simple memoranda with no comprehensive policy review and update. The County Administrator asked the IOC to review administrative policy changes meant to clarify terminology, address countywide position management responsibilities and the types of position adjustments, clarify which position adjustments may be approved administratively, and affirm that the County Administrator will provide to the Board an annual reconciliation of position changes. The policy update is being transmitted to the Board today in a separate report. **TERMINATE unless referred back to the IOC**

10. Managed Care Commission Bylaws Update. The third phase of the current Advisory Body Triennial Review Cycle was completed on May 8, 2023 with follow-up action recommended with respect to the Managed Care Commission. A review of the Managed Care Commission's bylaws and meeting

procedures was anticipated during 2023. Draft bylaws were submitted by the Commission for consideration but were returned for additional work and review by County Counsel. However, it was subsequently determined that bylaws revisions were no longer necessary. Therefore, it is recommended that this referral be removed. **TERMINATE**

11. Public Art on County Property and Rights of Way. On February 6, 2024, the Board of Supervisors referred to the Internal Operations Committee the development and recommendation of a policy and procedures governing placement of art on County property and public rights-of-way. The Public Works Department periodically receives inquiries about placement of murals on retaining walls and other public locations that may be within the public rights-of-way or on public land or buildings. The IOC discussed this matter on March 11 and September 9, 2024 and provided additional direction to Public Works and the County Administrator prior to bringing a draft policy and undecided policy issues to the Board on November 5, 2024. The Board, on November 5, decided to continue the matter to its December 3, 2024 meeting for further deliberation. **TERMINATE unless referred back to the IOC**
12. Memorials/Dedications Policy. On May 14, 2024, the Board referred to the IOC the development of a policy on establishing memorials on County property other than County buildings and rooms in buildings, which are already governed by existing policy. The IOC provided direction on the policy scope and Public Works proposed, and the Board approved, on June 4, 2024 (Item D.1) the Plaques and Memorials Policy. **TERMINATE**

CONSEQUENCE OF NEGATIVE ACTION:

N/A