



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Non-compliant response received

Moss, Julia <jmoss@ci.capitola.ca.us>

Fri, Sep 15, 2023 at 1:18 PM

To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>, Syda Cogliati <Syda.Cogliati@santacruzcourt.org>

Good Afternoon,

Please see attached updated response from the City of Capitola City Council. Please confirm receipt of this email.

Julia Moss

City Clerk - City of Capitola

831.475.7300 x228

2 attachments



Cyber - Minutes from July 27th.pdf

609K



2023-3eR_Cyber_CapitolaCC_Packet_edits.pdf

219K

City of Capitola

City Council Meeting Minutes

Thursday, July 27, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser
Vice Mayor: Kristen Brown
Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Closed Session – 5 PM

- i. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code § 54957.6)
Negotiator: Chloé Woodmansee, Assistant to the City of Manager
Employee Organizations: Association of Capitola Employees, Police Officers Association, Mid-Management Employees, Confidential Employees, Police Captains, and Management
- ii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)
1) Graciela Cardiel
Claim against the City of Capitola
- iii. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Gov. Code § 54956.9)
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case

Regular Meeting of the Capitola City Council – 6 PM

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 6:00 PM. In attendance: Council Members Brooks, Clarke, Pedersen, and Mayor Keiser. Absent: Vice Mayor Brown

2. Additions and Deletions to the Agenda - None

3. Report on Closed Session – *The City Council met and discussed three items on the Closed Session Agenda. No reportable action was taken.*

4. Additional Materials

- A. Updated Attachments for Item 7F
- B. Correspondence Received - Item 8C (2 emails)
- C. Correspondence Received - Item 8E (3 emails)
- D. Correspondence Received - Item 8F (3 emails)

5. Oral Communications by Members of the Public - None

6. Staff / City Council Comments

- *Police Chief Dally reminded the public of National Night Out on August 1st from 5-7 PM.*
- *Council Member Clarke commended the Random Acts of Capitola Kindness group for their efforts on the Depot Hill fence repair.*

7. Consent Items

- A. City Council Meeting Minutes

Recommended Action: Approve the June 22, 2023, City Council meeting minutes.

B. City Check Registers

Recommended Action: Approve check registers dated June 23, 2023, and July 7, 2023.

C. Liability Claim of Graciela Cardiel

Recommended Action: Reject liability claim.

D. Grand Jury Response – Cyber Security

Recommended Action: Approve the responses to the Grand Jury Report and direct the City Clerk to submit the completed response packet pursuant to California Penal Code Section 933.05.

E. Grand Jury Response – Housing our Workers

Recommended Action: Approve the responses to the Grand Jury Report and direct the City Clerk to submit the completed response packet pursuant to California Penal Code Section 933.05.

F. Jade Street Park Universally Accessible Playground Fundraising Partnership

Recommended Action: 1) Authorize the City Manager to execute a Memorandum of Understanding with the Friends of Santa Cruz County Parks for a fundraising campaign and administration of donations for the Jade Street Park Universally Accessible Playground Project; and 2) approve an administrative policy regarding the Universally Accessible Playground at Jade Street Park Donor Recognition.

G. Plein Air Public Art Prize Amount

Recommended Action: Approve the Art & Cultural Commission recommendation to increase the Plein Air Public Art Festival Competition prize amount from \$1,500 to \$1,800 for first place and from \$800 to \$1,000 for second place.

Motion to adopt the Consent Calendar: Council Member Clarke

Seconded: Council Member Brooks

Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser

Absent: Vice Mayor Brown

8. General Government / Public Hearings

A. State Budget Update from Senator John Laird

Senator John Laird provided a presentation on the State of California Budget.

B. Children and Youth Bill of Rights

Recommended Action: Adopt a resolution adopting the City of Capitola Children and Youth Bill of Rights.

Deputy City Clerk Westly presented the staff report.

Council Member discussion included an overview of the partnership between the City and the Children's Network and Youth Action Network.

Motion to adopt the resolution adopting the Capitola Children and Youth Bill of Rights with direction to staff to research the addition of a \$2,000 stipend for youth participation on City advisory boards: Council Member Brooks

Seconded: Council Member Clarke

Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser

Absent: Vice Mayor Brown

C. Jade Street Park UA Playground Project

Recommended Action: Approve the Final Conceptual Design for the Jade Street Park Universally Accessible (UA) Playground Project.

Public Works Director Kahn and Todd from Verde Design presented the staff report.

Public Comments:

- **Brenda, community member, spoke in support of the UA Playground Project.**
- **Dan Hastley, County Park Friends, spoke in support of the UA Playground Project.**
- **Lisa Duran, Capitola Aptos Rotary Member, spoke in support of the UA Playground Project.**

Council Member discussion included thanks for the Santa Cruz County Park Friends for their fundraising efforts, and encouragement to the community to donate to the fundraiser.

Motion to approve the Final Conceptual Design: Council Member Brooks

Seconded: Council Member Pedersen

Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser

Absent: Vice Mayor Brown

D. Community Center Renovation Project – Budget Update

Recommended Action: 1) Receive update on external funding sources for the Community Center Renovation Project; and 2) authorize Amendment 1 to the Professional Services Agreement with Boone Low Ratliff Architects in the amount of \$374,000 for final design documents, bidding support, and construction administration for the Community Center Renovation Project.

Public Works Director Kahn presented the staff report.

Council Member discussion included clarification on funding sources and timelines.

Motion to authorize Amendment 1 to the Agreement with Boone Low Ratliff Architects:

Council Member Pedersen

Seconded: Council Member Clarke

Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser

Absent: Vice Mayor Brown

E. Capitola Wharf Enhancement Project Preliminary Conceptual Design

Recommended Action: Direct staff to prepare a final concept plan, for consideration by the City Council on August 24, 2023, for the Capitola Wharf Enhancement Project (CWEP).

Public Works Director Kahn presented the staff report.

Public Comments:

- **Community member requested clarification on the conceptual design.**
- **Gerry Jensen, CWET, thanked City staff and Wharf to Wharf staff for their collaboration efforts.**
- **Skip Allen, community member, voiced concerns about enhanced lighting in the conceptual design.**

Council Members expressed thanks to CWET for their efforts, an interest in the addition of a kiosk element, and additional outreach for volunteer opportunities.

Direction provided to staff to prepare a Final Conceptual Design with the addition of a kiosk: Council Member Brooks

Seconded: Council Member Clarke

Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser

Absent: Vice Mayor Brown

F. Capitola Road Pavement Rehabilitation Project

Recommended Action: Approve the plans, specifications, and construction budget of \$1,700,000 for the Capitola Road Pavement Rehabilitation Project; adopt a resolution amending the FY 2023-24 budget; and authorize the Department of Public Works to advertise for construction bids.

Public Works Director Kahn presented the staff report.

The City Council requested that staff provide an update on the ADA recommendations for this project and associated electrical improvements.

Public Comments:

- **Marianne Mahern, resident, requested further consideration of ADA accommodations in the pavement plan.**

Motion to approve the plans, specifications, and budget for the Road Pavement Rehabilitation Project and adopt the resolution: Council Member Brooks

Seconded: Council Member Clarke

Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser

Absent: Vice Mayor Brown

G. City Council Appointments to City Advisory Bodies

Recommended Action: Appoint members of the public to the City of Capitola Arts and Cultural Commission and Historical Museum Board.

City Clerk Moss presented the staff report.

Motion to appoint Jennifer Major to the Arts and Cultural Commission to a term expiring 12/31/2024 and Brian Legakis to the Historical Museum Board to a term expiring 6/30/2024: Council Member Clarke

Seconded: Council Member Pedersen

Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser

Absent: Vice Mayor Brown

9. Adjournment – The meeting was adjourned at 7:36 PM to the next regularly scheduled meeting on August 24, 2023, at 6:00 PM.

ATTEST:

Margaux Keiser, Mayor

Julia Moss, City Clerk



The 2022–2023 Santa Cruz County Civil Grand Jury
Requires the

Capitola City Council

to Respond by August 16, 2023

to the Findings and Recommendations listed below
which were assigned to them in the report titled

Cyber Threat Preparedness

Phishing and Passwords and Ransomware, Oh My!

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. You are required to respond and to make your response available to the public by the California Penal Code [\(PC\) §933\(c\)](#).

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown

in our minutes dated July 27, 2023, Updated on September 1, 2023.

4. **When your responses are complete, please email your completed Response Packet as a PDF file attachment to both**

The Honorable Judge Syda Cogliati Syda.Cogliati@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F19. With one individual responsible for IT services, Capitola does not allocate sufficient resources to cybersecurity, a status that could lead to poor cyber knowledge and unnecessary vulnerabilities.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The City of Capitola allocates sufficient resources to cybersecurity. The City employs an Information Systems Specialist in the City Manager Department and holds a contract with Exceedio for 24-hour technical support, analysis, and security.

F20. The City of Capitola does not have a robust cybersecurity training program, nor does it conduct phishing tests or routinely remind employees to adhere to cybersecurity measures during potential periods of increased threats.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The City is currently working to address the need for robust employee cybersecurity training. At present, the following is in place:

1. Capitola Police Department mandates twice-annual security awareness training for their IT, Captain & Chief, Officers, and Records Staff, as well as Public Works staff, the Volunteers in Policing (VIPs), and cleaning staff.
2. All City employees are required to complete “Email and Messaging Safety” training on an annual basis.

The City is developing new additions to the training plan, such as:

1. The City’s Information Systems Specialist is developing regular phishing tests to be sent to all employees on a rolling basis, with further help and training available to those employees who ‘fail’ phishing tests.
2. The City’s Information Systems Specialist is implementing mandatory cyber security training as a part of New Employee Onboarding that must be completed prior to new employees’ gaining access to the City’s network, shared files, internet, and email.

F21. The City of Capitola does not have a Cybersecurity Plan to address cybersecurity measures city wide, suggesting the city is not adequately mitigating the potential impact of cyber incidents.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Capitola Police Department has adopted Policy Section 806.11 regarding Information Technology and Cybersecurity.

The City has a functioning cybersecurity plan that addresses security concerns and outlines a response plan to a security breach. Staff is also working with the Santa Cruz County Cyber Security Consortium to draft a more comprehensive Cybersecurity Plan template that can be modified for each jurisdiction.

F22. The City of Capitola does not have an Incident Response Plan, which could exacerbate the effects of a cyber incident such as increase the time a network is unavailable or raise the potential financial costs of a resolution.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The City has a Cyber Attack Response plan in place. The plan is modified and updated annually by the Information Systems Specialist.

F23. Capitola does not participate in any cyber-focused information sharing groups, nor does it take advantage of state and federal resources designed to assist small cities with mitigating cyber attacks, thereby forfeiting opportunities to learn best practices and raise their cyber awareness.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The City's Information Systems Specialist participates in:

1. Cyber threat meetings sponsored by Alvarez Technology Group
2. NCRIS.ca.gov Regional Information Center meetings regarding cyber threats
3. MISAC.org
4. Santa Cruz County Cyber Security Consortium

Recommendations

R19. By Fall 2023, Capitola should hire a full-time IT Director to replace the IT Director who departed in mid-2022. The IT Director should oversee and expand IT services, including those of the consulting company, and lead cybersecurity initiatives. (F19)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

The City has never employed an IT Director and does not intend to create/fill such a position.

R20. The City should develop a more robust cybersecurity training and phishing testing program for all employees by Fall 2023 or earlier. (F20)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The City is currently working to address the need for robust employee cybersecurity training:

1. Capitola Police Department mandates twice-annual security awareness training for their IT, Captain & Chief, Officers, Records Staff, as well as Public Works staff, the Volunteers in Policing (VIPs), and cleaning staff.
2. All employees are required to complete “Email and Messaging Safety” training on an annual basis.
3. The City’s Information Systems Specialist is developing regular phishing tests to be sent to all employees on a rolling basis, with further help and training available to those employees who ‘fail’ phishing tests.
4. The City’s Information Systems Specialist is considering including mandatory cyber security training to New Employee Onboarding that must be completed prior to new employees’ gaining access to the City’s network, shared files, internet, and email.

R21. Capitola should establish and implement a Cybersecurity Plan by the end of 2023. Several resources exist to provide a foundation or templates for these plans including NIST Guidelines, CISA resources, and Cal-CSIC guidance. (F21)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The City of Capitola is working with regional entities as a member of the newly formed Santa Cruz County Cyber Security Consortium. One of the group’s main goals is to develop a Cyber Security Plan that can be modified for each individual organization. Staff anticipates this will be completed by November 30, 2023.

R22. By Fall 2023 Capitola should prepare an Incident Response Plan that provides detailed guidance for a city response to a cyber attack. (F22)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The City of Capitola is working with the regional entities as a member of the newly formed Santa Cruz County Cyber Security Consortium. One of the group’s main goals is to develop a Cyber Security Plan, including an Incident Response Plan, that can be modified for each individual organization. **Staff anticipates this will be completed by November 30, 2023.**

R23. When appropriately resourced to monitor cyber threats, and by the end of 2023, Capitola should participate in regional cybersecurity information sharing groups, to gain valuable information to best protect the City. (F23)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The City's Information Systems Specialist currently participates in the regional cybersecurity information-sharing groups listed below and will continue to do so.

1. Santa Cruz County Cyber Security Consortium
2. Cyber threat meetings sponsored by Alverez Technology Group
3. NCRIS.ca.gov Regional Information Center
4. MISAC.org

R24. By mid-2023, Capitola city management should raise the priority it assigns to cybersecurity and demonstrate a recognition of their role in ensuring the security of the City's information networks.(F19–F23)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The City Manager Department has increased prioritizing Information Technology and cybersecurity by:

- 1) Budgeting \$250,000 towards information technology and cyber security
- 2) Joining the Santa Cruz County Cyber Security Consortium
- 3) Increasing employee training, for example with an annual Email and Messaging Safety training and more in-depth Anti-phishing training
- 4) Drafting a more comprehensive Cybersecurity Plan template with the assistance of the SCC Cyber Security Consortium