CITY OF CUPERTINO

AGENDA

TICC

10185 North Stelling Road, Quinlan Conference Room
Wednesday, September 25, 2024
7:00 PM

Special Meeting

Members of the public wishing to observe the meeting may do so in one of the following ways:

1) Attend in person at Quinlan Community Center, 10185 N. Stelling Road
2) The meeting will also be streamed live on and online at https://youtube.com/@cupertinocitycommission

Members of the public wishing to comment on an item on the agenda may do so in the following ways:
1) Appear in person at Quinlan Community Center, 10185 N. Stelling Road
2) E-mail comments by 4:00 p.m. on Wednesday, September 25 to the legislative body at TICC@cupertino.gov. These e-mail comments will also be posted to the City's website after the meeting.

Oral public comments may be made during the public comment period for each agenda item.

Members of the audience who address the legislative body must come to the lectern/microphone and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.

NOTICE AND CALL FOR A SPECIAL MEETING OF THE TECHNOLOGY, INFORMATION, AND COMMUNICATIONS COMMISSION

NOTICE IS HEREBY GIVEN that a special meeting of the Technology, Information, and Communications Commission is hereby called for Wednesday, September 25, 2024, commencing at 7:00 p.m. in Quinlan Community Center Conference Room, 10185 North Stelling Road, Cupertino, California 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

ROLL CALL

APPROVAL OF MINUTES

1. Subject: Approve the July 3, 2024, regular meeting minutes
Recommended Action: Approve the July 3, 2024, regular meeting minutes.
A - Draft Minutes 07-03-24

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Commission on any matter within the jurisdiction of the Commission and not on the agenda. Speakers are limited to three (3) minutes. In most cases, State law will prohibit the Commission from making any decisions with respect to a matter not on the agenda.

WRITTEN COMMUNICATIONS

NEW BUSINESS

2. Subject: Review proposed staff amendments to TICC Cupertino Municipal Code Chapter 2.74
Presenter: Tommy Yu, CGCIO, Infrastructure Manager
Recommended Action: Review proposed amendments
A - CMC Chapter 2.74 Proposed Amendments

3. Subject: Provide update on promoting the Santa Clara County Sheriff's Office Camera Registry Program
Presenter: Tommy Yu, CGCIO, Infrastructure Manager
Recommended Action: Provide update on promoting the Santa Clara County Sheriff's Office Camera Registry Program

4. Subject: Review the Draft TICC Annual Report to City Council Presentation
Recommended Action: Finalize the Draft TICC Annual Report to City Council Presentation
A - Draft Presentation

5. Subject: Receive overview of the City's Artificial Intelligence (AI) Policy
Presenter: Teri Gerhardt, CGCIO, Chief Technology Officer
Recommended Action: Receive overview of the City's Artificial Intelligence (AI) Policy
A - Artificial Intelligence (AI) Policy

6. Subject: Receive Cybersecurity Subcommittee Report from Commissioners Donthi and Kumar
Recommended Action: Receive Cybersecurity Subcommittee Report from Commissioners Donthi and Kumar

OLD BUSINESS

7. Subject: Review TICC 2024 Schedule and Work Plan
Recommended Action: Review TICC 2024 Schedule and Work Plan
A - Schedule and Work Plan 2024

STAFF AND COMMISSION REPORTS

8. Subject: Review the 2024 Mayor's Meeting Calendar
Recommended Action: Review the 2024 Mayor's Meeting Calendar
A - Mayor's Meeting 2024 Calendar

9. Subject: Receive update from the Mayor's Meeting with the Commissioners
Recommended Action: Receive update from the Mayor's meeting with the Commissioners

10. Subject: Receive Commissioners Report
Recommended Action: Receive Commissioners Report

FUTURE AGENDA SETTING

ADJOURNMENT

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request in advance by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the members after publication of the agenda will be made available for public inspection. Please contact the City Clerk's Office in City Hall located at 10300 Torre Avenue, Cupertino, California 95014, during normal business hours.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the City Council, Commissioners or staff concerning a matter on the agenda are included as supplemental material to the agendized item. These written

communications are accessible to the public through the City website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.

CITY OF CUPERTINO

Agenda Item

24-13345

Agenda Date: 9/25/2024
Agenda #: 1.

Subject: Approve the July 3, 2024, regular meeting minutes

Approve the July 3, 2024, regular meeting minutes.

TECHNOLOGY, INFORMATION & COMMUNICATIONS COMMISSION
Regular Meeting
July 3, 2024, 7:00 p.m.
Quinlan Conference Room
10185 N. Stelling Road

DRAFT MINUTES

CALL MEETING TO ORDER
Meeting was called to order at 7:06 pm

ROLL CALL

Commissioners Present:	Prabir Mohanty, Emma Shearin, Mukesh Garg, Balaram Donthi
Commissioners Tardy:	Sudeep Kumar
Staff Present:	Tommy Yu, Infrastructure (IT) Manager

APPROVAL OF MINUTES

1. **Subject: Approve the May 3, 2024, regular meeting minutes.**

Commissioner Donthi made a motion to approve the May 3, 2024, regular meeting minutes with a minor amendment below:

Update pg. 7, Future Agenda Setting:

> *"Chair Mohanty and the Commission relayed interest in reviewing proposed TICC Muni updates and goal setting. Chair Mohanty and Commissioner Kumar expressed interest in inviting **Way**mo to provide a presentation to the Commission."*

Vice Chair Shearin second the motion.

Motion passes with Commissioner Kumar absent.

ORAL COMMUNICATIONS
This portion of the meeting is reserved for persons wishing to address the commission on any matter not on the agenda. Speakers are limited to three (3) minutes per person. In most cases, state law will prohibit the commission from making any decisions with respect to a matter not listed on the agenda.

Commissioner Kumar joined the meeting at 7:11 p. m.

NEW BUSINESS

2. **Subject: Discuss Cybersecurity forum**

The Commission discussed a potential Cybersecurity forum.

Chair Mohanty made a motion to form a Cybersecurity Subcommittee consisting of Commissioners Donthi and Kumar.

Commissioner Garg seconded the motion.

Motion passes unanimously.

The Cybersecurity subcommittee's objectives will be to find and recommend appropriate venue(s), while taking into consideration limited staff resources.

3. **Subject: Receive Artificial Intelligence (AI) updates from the City**

Staff Liaison Yu provided a summary of AI updates to the Commission.

The updates included:

- City Staff is working on developing an AI Policy
- Staff is piloting 10 Microsoft CoPilot licenses to understand the capabilities and develop use cases
- Staff meets once a month to share experiences and ideas
- The City is a member of the GovAI Coalition and attends the meetings regularly

The GovAI Coalition is led by the City of San Jose and is composed of over 600 public servants from over 250 local, county, and state governments that represent over 150 million Americans across the nation united in a mission to promote responsible and purposeful AI in the public sector.

The GovAI Coalition is committed to:

1. Using AI for social good,
2. Ensuring ethical, non-discriminatory, and responsible AI governance,
3. Promoting vendor accountability,
4. Improving government services, and
5. Fostering cross-agency collaboration and knowledge sharing.

The Commission thanked Staff Liaison Yu for the updates and expressed interest in receiving routine updates. Mr. Yu concluded agenda item relaying he will relay request to staff.

4. **Discuss new initiatives and/or Projects that can be included as part of the Commissions 2024 Workplan and Schedule**

Chair Mohanty brought up the Camera registry program for discussion.

Staff Liaison Yu provided background on the item and next steps including doing a social media campaign that covers posts on Nextdoor, Facebook, and the City's social media channels.

The Commission and Staff Liaison Yu discussed working with the Communications team to develop a strategy including the Commission's recommendations and distribute via the Block Leaders Program while working with the Sheriff's Office and Office of Emergency Management on best practices on what to advertise and how to advertise.

Chair Mohanty discussed inviting Waymo for a presentation to educate the Commission and Community.

Vice Chair Shearin recommended adding the Presentation to the September regular meeting.

Staff Liaison Yu reminded the Commission the Presentation format should consist of education as opposed to sales format given current City Budget constraints.

The Commission concluded discussion.

OLD BUSINESS

5. **Subject: Review TICC 2024 Schedule and Work Plan**

The Commission reviewed and discussed the Schedule and Workplan.

As part of Review, Commissioners availability was discussed.

The Commission concluded confirming availability for the next regular meeting on September 4, 2024.

STAFF AND COMMISSION REPORTS

6. **Review Mayor's Meeting 2024 Calendar**

Chair Mohanty and Vice Chair Shearin assigned attendance for the mayor's meeting.
July 10th (zoom): Vice Chair Shearin
September 18 (in-person): Chair Mohanty

7. **Receive update from Mayor's meeting with Commissioners.**

General updates provided by Chair Mohanty who attended the May meeting.

8. **Subject: Receive Commissioners Report**

General updates provided.

FUTURE AGENDA SETTING

The Commission relayed interest in receiving AI updates, Camera Registry Program, Cybersecurity Subcommittee, proposed TICC Muni updates, and inviting Waymo to provide a presentation to the Commission.

ADJOURNMENT

Chair Mohanty adjourned the meeting at 8:04 pm.

SUBMITTED BY:	APPROVED BY:
_____	_____
Marilyn Pavlov, Commission Secretary	Prabir Mohanty, Chair

CITY OF CUPERTINO

Agenda Item

24-13346

Agenda Date: 9/25/2024
Agenda #: 2.

Subject: Review proposed staff amendments to TICC Cupertino Municipal Code Chapter 2.74
Presenter: Tommy Yu, CGCIO, Infrastructure Manager

Review proposed amendments

CHAPTER 2.74: CUPERTINO TECHNOLOGY, INFORMATION, AND COMMUNICATIONS COMMISSION*

* Prior ordinance history: Ords. 1099, 1166, 1167, 1233, 1280, 1321, 1465 and 1697.

2.74.010 Established.

The Technology, Information, and Communications Commission (formerly Telecommunications Commission of the City) is established and shall consist of five members ~~from among the qualified electors of the City~~, none of whom shall be officials or employees of the City, nor cohabit with, as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. All members shall be City of Cupertino residents. Members of the Technology, Information, and Communications Commission shall be appointed by the City Council.

(Ord. 2010, 2007; Ord. 1995, (part), 2007; Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Technology, Information, and Communications Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 6 (part), 2018; Ord. 1974, § 4 (part), 2006; Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.030 Vacancy–Removal.

Any member may be removed by a majority vote of the City Council. If a vacancy occurs other than by expiration of a term vacancies shall be filled by appointment of the City Council and shall be for the unexpired portion of the term of office vacated.

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Commented [TC1]: Qualified electors currently are voting members, who typically need to be US citizens. Removing this section allows non-citizen Cupertino residents to serve. Previous consultation with CAO indicates this is potentially acceptable to be consistent with other commissions. The Planning Commission is the only other commission with this requirement.

Commented [TC2]: Add residency requirement to be consistent with other commissions

(Ord. 1965, (part), 2005; Ord. 1714, (part), 1996)

2.74.040 Meeting–Quorum–Officers–Staff.

A. The Technology, Information, and Communications Commission shall hold regular meetings at least once every three months and at the discretion of the Commission shall hold other meetings as may be necessary or expedient. A majority of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

B. The Commission shall elect a chairperson and a vice chairperson, both of whom shall serve at the pleasure of the Commission. The terms of office shall be for one year.

C. The City Manager shall appoint a staff member to attend Commission meetings and to provide liaison and support as needed. (Ord. 21-2234, Att. A (§ 4), 2021; Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.050 Records.

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 6 (part), 2018; Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.060 Duties, Powers and Responsibilities.

The Cupertino Technology, Information, and Communications Commission shall have the following duties, powers and responsibilities, and such others as the members shall be entrusted with by the City Council from time to time. The commission shall:

1. Advise the City Council and City Manager on all matters relating to technology, information, and communications within the city of Cupertino;

~~2. Evaluate compliance with any franchise or other agreement between the City and technology, information, and communications providers and make recommendations to the City Council;~~

Commented [TC3]: No longer relevant to review franchise agreements due to DIVCA and CPUCC taking over many of these aspects.

~~3. Conduct periodic reviews of technology, information, and communications providers, facilities and products and make recommendations on such subjects to the City Council;~~

Commented [TC4]: These are typically operational duties of IT dept staff and TICC has not been involved in this aspect.

~~4. Recommend amendments to the City's telecommunications policy of the City Council;~~

Commented [TC5]: Operational item that IT dept staff should handle.

~~5.~~2. Serve as a liaison between the City, the public and the technology, information, and communications providers in enhancing information and education. Such activities include providing an opportunity for input to residents and disseminating noncommercial, educational materials about

technology, information, and communications services;

~~6. At the request of the City Manager, provide assistance in examining methods to obtain equivalent franchise fees or other economic benefits from service providers;~~

~~7.~~3. Provide support for community access television, especially public and educational access, and give guidance when needed for development and implementation of access channels and programming;

~~8.~~4. Recommend ways to foster the City's best use of technology, information, and communications infrastructure and services for the maximum benefit of the community.

~~9.~~ Provide education to the community on the responsible and safe use of technology, information, and communications infrastructure and services, including cybersecurity education and best practices.~~.~~

(Ord. 1965, (part), 2005: Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.070 Budget.

The Technology, Information, and Communications Commission shall submit an annual budget to the City Council for its review and approval. All expenditures require the approval of the City Manager or his designee. Any grants for program production or other purposes require the approval of the City Council.

(Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.075 Compensation–Expenses.

Members of the Technology, Information, and Communications Commission shall serve without compensation. Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager. (Ord. 21-2234, Att. A (§ 2, part), 2021)

2.74.080 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City officers or the delegation to the Technology, Information, and Communications Commission of any authority or discretionary powers empowered by law on such Council or officers.

(Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

Commented [TC6]: No longer relevant to review franchise agreements due to DIVCA and CPUCC taking over many of these aspects.

CITY OF CUPERTINO

Agenda Item

24-13399

Agenda Date: 9/25/2024
Agenda #: 3.

Subject: Provide update on promoting the Santa Clara County Sheriff's Office Camera Registry Program
Presenter: Tommy Yu, CGCIO, Infrastructure Manager

Provide update on promoting the Santa Clara County Sheriff's Office Camera Registry Program

CITY OF CUPERTINO

Agenda Item

24-13398

Agenda Date: 9/25/2024
Agenda #: 4.

Subject: Review the Draft TICC Annual Report to City Council Presentation

Finalize the Draft TICC Annual Report to City Council Presentation

City of Cupertino

Technology, Information, and Communications Commission (TICC)

Monday, November 4, 2024

CUPERTINO

Who Are We

Prabir Mohanty, Chair

Emma Shearin, Vice Chair

Sudeep Kumar

Balaram Donthi

Mukesh Garg

What We Do

The TICC Commission consists of five members appointed by the City Council to four-year terms. The Commission is required to hold at least one regular meeting each quarter. Meetings are held at 7 p.m., the first Wednesday of the scheduled month at Quinlan Community Center Conference Room.

As per section 2.74.060 Duties, Powers and Responsibilities. of the City's Municipal Code, the Cupertino Technology, Information, and Communications Commission shall have the following duties, powers and responsibilities, and such others as the members shall be entrusted with by the City Council from time to time. The commission shall:

1. Advise the City Council and City Manager on all matters relating to technology, information, and communications within the city of Cupertino;

2. Evaluate compliance with any franchise or other agreement between the City and technology, information, and communications providers and make recommendations to the City Council;

3. Conduct periodic reviews of technology, information, and communications providers, facilities and products and make recommendations on such subjects to the City Council;

4. Recommend amendments to the City's telecommunications policy of the City Council;

5. Serve as a liaison between the City, the public and the technology, information, and communications providers in enhancing information and education. Such activities include providing an opportunity for input to residents and disseminating noncommercial, educational materials about technology, information, and communications services;

6. At the request of the City Manager, provide assistance in examining methods to obtain equivalent franchise fees or other economic benefits from service providers;

7. Provide support for community access television, especially public and educational access, and give guidance when needed for development and implementation of access channels and programming;

8. Recommend ways to foster the City's best use of technology, information, and communications infrastructure and services for the maximum benefit of the community.

9. Provide education to the community on the use of technology, information, and communications infrastructure and services.

What We've Done

CWP Cybersecurity Public Education 2023

What We've Done (cont'd)

CWP Cybersecurity Public Education 2023

What We've Done (cont'd)

CWP Cybersecurity Public Education 2023

What We've Done (cont'd)

Championed new technologies through the budget process:

- Air & Noise Quality Sensor by Lehigh and Stevens Creek Quarries
- Adaptive Traffic signal
- Multi-modal traffic count
- Review of current Fiber Optics Master Plan

What We Plan On Doing

- Cybersecurity Education Subcommittee
- Promote Santa Clara County Sheriff's Camera Registry Program

Thank you!

CITY OF CUPERTINO

Agenda Item

24-13391

Agenda Date: 9/25/2024
Agenda #: 5.

Subject: Receive overview of the City's Artificial Intelligence (AI) Policy
Presenter: Teri Gerhardt, CGCIO, Chief Technology Officer

Receive overview of the City's Artificial Intelligence (AI) Policy

Artificial Intelligence (AI)	**Administrative Policy Manual** Policy #
	Attachments: AI Fact Sheet (for use with vendors)
Effective Date: August x, 2024	**Responsible Department:** Innovation & Technology
Related Policies & Notes: Records Retention Policy and Schedule Technology Use Policy Internet Privacy Policy	

Section 1. Policy Statement

Policy. The City supports and promotes the use of all Artificial Intelligence (AI) systems deployed or used by the City of Cupertino. The AI systems may be freeware, automatically installed, included in software used by the City, or directly purchased and deployed for City use. The Innovation & Technology (I&T) Department will be the lead in conducting the procurement and technical review of AI systems. The IT Department will consult with any impacted customer departments, risk management, purchasing, City Attorney's Office and the City Manager's Office to determine if an AI system should be cautioned against or blocked from use due to risks to the public, staff or City. This policy applies to all AI users (full-time staff, part-time staff, casual/temporary staff, interns, consultants, contractors, partners, and volunteers) who may be purchasing, configuring, developing, operating, supporting, or maintaining the City of Cupertino's AI systems or who may be leveraging AI systems in their work or to provide services to the City of Cupertino. This policy does not apply to elected or appointed officials.

Purpose. The purpose of this policy is to establish a comprehensive governance structure and user guidelines that allow the City of Cupertino to use Artificial Intelligence (AI) systems for the benefit of the community while safeguarding against harms.

The key objectives of the AI Policy are to:

- Provide guidance that is clear, easy to follow, and supports decision-making for the AI user who may be purchasing, configuring, developing, operating, leveraging, or maintaining the City's AI systems to provide services to the City of Cupertino.
- Ensure that when using AI systems, the City or those operating on its behalf, adhere to the Guiding Principles outlined in Section 2 with regards to how AI Systems are purchased, configured, developed, operated, or maintained.
- Define roles, responsibilities, and risk assessment and management processes related to the City use of AI systems.
- Establish and maintain processes to assess and manage risks presented by AI systems used by the City.
- Align AI systems governance with existing data governance, security, and privacy measures.
- Define prohibited uses of AI systems.
- Establish "sunset" procedures to safely retire AI systems that no longer meet the needs

of the City.

- Define how AI systems may be used for legitimate City purposes in accordance with applicable local, state, and federal laws, and existing City policies.

The City's AI systems and the data contained therein will be purchased, configured, developed, operated, and maintained as defined in this policy.

Applicability. As directed by the City Manager, the I&T Department provides management and oversight for all activities directly related to information technology and information security for the City. Under this authority, the CTO and his/her designee(s) are responsible for enforcing information technology related policies and standards. As such, this policy is applicable to all users.

Definitions.

Algorithm: A series of logical steps through which an agent (typically a computer or software program) turns particular inputs into particular outputs. AI algorithms learn from training data to generate models.

Artificial Intelligence (AI): "Artificial intelligence" or "AI" is a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments[1]. AI systems use machine- and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.

Artificial Intelligence (AI) Database: A structured collection of data, essential for machine learning and intelligent decision-making. It enables efficient handling and processing of large data volumes, crucial for AI applications. AI uses databases for predictive analytics, natural language processing, and real-time decision-making.

Artificial Intelligence (AI) Hallucination: An AI hallucination is a response by an AI that appears confident and accurate but does not seem to be justified by its training data. It occurs when an AI model creates something that's not real and not based on its own data or facts. The model fills in details that are not accurate. It can result in ridiculous or non-sensical outputs that are far from reality or do not make sense. AI hallucinations can occur in large language models (LLMs) like OpenAI's GPT4 or Google PaLM, or in generative AI tools like ChatGPT.

Artificial Intelligence (AI) System: Any data system, software, hardware, application, tool, sensor, or utility that operates in whole or in part using AI[2] and generates outputs including, but not limited to, predictions, recommendations, or decisions that augment or replace human decision-making. This includes generative AI where a system creates content such as text, audio, or images in response to human or computer inputs. This extends to software, hardware, algorithms, and data generated by these systems, used to automate large-scale processes or analyze large data sets.

Artificial Intelligence (AI) User: Full-time staff, part-time staff, casual/temporary staff, interns, consultants, contractors, partners, and volunteers who may be purchasing, configuring, developing, operating, supporting, or maintaining the City of Cupertino's AI systems or who may be leveraging AI systems to provide services to the City of Cupertino.

[1] Definition from 15 U.S.C. 9401(3)
[2] Definition from United States Executive Order No. 14110 on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

Automated-Decision Systems[3]: Automated-Decision Systems (ADS) are systems that use algorithms, machine learning, or artificial intelligence to make decisions or assist in decision-making processes without human intervention. These systems analyze data, recognize patterns, and apply pre-defined rules or learned behaviors to make decisions in various domains. However, caution should be exercised when using an ADS especially in hiring decisions. An applicant's tone of voice, facial expressions or other physical characteristics or behavior may constitute unlawful disparate treatment of or have an unlawful adverse impact on individuals based on race, national origin, gender, or several other protected characteristics.

Chatbot: An AI-driven software application that simulates human conversation to provide automated responses, answer questions, and perform tasks. Chatbots are used for customer service, information retrieval, and interactive communication on websites and messaging apps.

Generative AI: A system that creates content such as text, audio, or images in response to human or computer inputs. Current examples of Generative AI include ChatGPT, Google Gemini, Microsoft's GPT-3, and RoBERTa. Please note: Grammarly is a digital writing assistant that utilizes *artificial intelligence* to help users improve their writing. Unlike Generative AI, which creates new content from scratch, Grammarly focuses on analyzing and enhancing existing text.

IT Governance: refers to the City's IT Governance structure that clarifies accountability, supports strategic alignment, delivers value, manages resources, mitigates risks, and measures performance. IT Governance involves leadership from the highest levels to ensure compliance with regulations, internal controls, and the effective use of IT Department resources.

Section 2. Guiding Principles and Responsibilities for Responsible AI Systems

A. These principles describe the City's values with regard to how AI systems are purchased, configured, developed, operated, or maintained.

(1) **Effectiveness**: AI systems are reliable, meet their objectives, and deliver precise and dependable outcomes for the purpose and contexts in which they are deployed.

(2) **Transparency:** Where possible, an AI system, its data sources, operational model, decision-making process, and policies that govern its use are understandable and documented.

(3) **Equity**: AI systems support equitable outcomes for everyone. Bias in AI systems is effectively managed with the intention of reducing harm for anyone impacted by its use.

(4) **Accountability**: Roles and responsibilities govern the deployment and maintenance of AI systems, and human oversight ensures adherence to relevant laws and regulations.

(5) **Human-Centered Design**: AI systems are developed and deployed with a human-centered approach that evaluates AI powered services for their impact on the public.

(6) **Privacy**: Privacy is preserved in all AI systems by safeguarding personally identifiable information (PII) and sensitive data from unauthorized access, disclosure, and manipulation.

[3] Definition from Civil Rights Council Proposed Modifications to Employment Regulations Regarding Automated-Decision Systems

(7) **Security & Safety**: AI systems maintain confidentiality, integrity, and availability through safeguards that prevent unauthorized access and use. Implementation of AI systems is reliable and safe, minimizing risks to individuals, society, and the environment.

B. Several roles are responsible for enforcing this policy, outlined below.

(1) The Chief Technology Officer (CTO), or designee, is responsible for directing City technology resources, policies, projects, services, and coordinating the same with all departments. The CTO, or designee, shall actively ensure AI systems are used in accordance with all applicable policies.

(2) The IT Infrastructure (Security) Manager, or designee, is responsible for overseeing the enterprise security infrastructure and cybersecurity operations, updating security policies, procedures, standards, and guidelines, and monitoring policy compliance. They are also responsible for using the City's network and technology hardware in compliance with City policies.

(3) The IT Managers, or designees, are equally responsible for overseeing the enterprise's digital privacy practices, data processing practices, and responsible usage of software and applications in compliance with City policies. They are also responsible for overseeing the privacy practices of AI systems used by or on behalf all departments.

(4) Department Heads are responsible for ensuring AI systems within their departments comply with City policies. They must coordinate with the CTO and IT Managers, oversee AI integration, and report any risks or issues to the City Manager or CTO.

(5) The CTO is responsible for maintaining this policy

(6) The City Manager, or designee, is responsible for evaluating the usage of AI systems and directing a department to alter or stop its usage of AI systems or a partner's usage of AI systems on behalf of the department when the policy is violated or an AI system is harmful to AI users, the public, or the City.

Section 3. General Guidelines

Subd. 1. General Guidelines for Purchasing or Installing AI

When purchasing, configuring, developing, operating, installing, or maintaining AI systems, the City will:

A. Uphold the Guiding Principles for Responsible AI Systems (Section 2).

B. Understand that the procurement process may take longer than normal to allow for the appropriate risk and technical assessments.

C. Understand that the Guiding Principles and Guidelines for AI systems also apply to free-to-use, freemium, open source, software-as-a-service (SaaS), and any other solution formats, whether or not a purchase needs to be made.

D. Conduct an AI Review when purchasing or installing a new AI system to assess the potential risk of the AI system. The CTO and IT Management Team are responsible for coordinating review of AI systems used by the City as detailed.

E. Obtain technical documentation about AI systems using the AI FactSheet or create equivalent documentation if the AI system is internally developed. The IT Department will coordinate with the Administration Services Department and Purchasing Division to ensure vendors complete the AI FactSheet when needed.

F. Vendors and contractors that supply AI systems are required to comply with the Standards and Requirements for AI Systems overseen by the I&T Department, Administration Services Department, and Purchasing Division. Exceptions will be agreed upon between the I&T Department, Administration Services Department, City Attorney's Office and Risk Management.

G. In the event of an incident involving the use of the AI system, the City will follow an Incident Response Plan. The CTO and IT Infrastructure (Security) Manager, or designees, along with department AI system owners, are responsible for overseeing the security practices of AI systems used by or on behalf of City departments.

Subd. 2. Requirements for Using AI

A. All AI tools used for work purposes that require an account will be used explicitly for City use. Personal accounts are not permitted for work use.

B. Assume that all work products (e.g., transcription notes from a meeting) related to AI tools and content are subject to relevant Public Records Act requests and should be handled in accordance with Administrative Policy Chapter 5 Section 8 (California Public Records Act Request Procedures).

C. Never input confidential or non-public documents or images into an AI system, as these will become part of the AI database available for public use.

D. AI Users are responsible for all work products produced or generated using AI systems used for work purposes. The consequences of AI use are the responsibility of humans and cannot be deferred to the software and/or system. Staff assume all review of content produced by AI prior to using or publishing the content or images. Constant verification and maintaining a "zero-trust" approach to ensure content is accurate and used appropriately (e.g. avoid creating or using deepfake content). ***Users need to be aware that AI is not a search engine or a consistently reliable source of information. It is essential for users to review and validate the content generated by AI to identify and correct any inaccuracies or nonsensical details, known as AI hallucinations.***

Subd. 3. Acceptable Uses of AI

The range of uses of AI are wide, and new capabilities are frequently introduced. This list provides a set of examples to be used as guidance but is not intended to be a complete list:

A. AI systems and tools that are natively installed as part of a City system upgrade or release.

B. Creating an outline for written content. While AI can be used as a starting point, the final product should be edited and modified by the City's AI Users. Examples include: emails, letters, documentation, project artifacts, agendas, speaker notes, presentation outlines or slides, social media posts, procurement documentation (RFPs, RFIs, etc.), website content, formal reports, informal documents, policies, procedures, job descriptions, and press releases.

C. Copying a document into an AI system to summarize and/or query it.

D. Suggesting writing improvements (e.g., write your document and have AI provide suggestions for simpler words or better context).

E. Analyzing different types of data, to include verifying data or content to be valid (e.g., detection tools that identify inconsistencies typically associated with deepfakes.)

F. Idea generation.

G. Creating images or graphics

H. Language (foreign or plain English) translation.

I. Public Safety technology meta-data detection (e.g., Body-Worn Camera footage, Drones, ALPRs)

J. Acting as a chatbot for public and staff consumption, such as on the City's website.

K. Creating code or algorithms to be used in system development or design, provided that the AI-generated code has been reviewed and vetted by staff.

Subd. 4. Prohibited Uses of AI

The use of certain AI systems is prohibited because they process sensitive information and there is a high risk that they can cause harm. This includes the following prohibited uses:

A. Biometric identification – the live identification of an individual using technologies including, but not limited to, facial recognition and iris scanning, without that individual's knowledge or meaningful consent.

B. Emotion analysis, or the use of computer vision techniques to classify human facial and body movements into certain emotions or sentiment (e.g., positive, negative, neutral, happy, angry, nervous).

C. Fully automated decisions that do not require any meaningful human oversight but substantially impact individuals.

D. Fully automated decisions related to hiring, disciplinary action, or personnel matters.

E. Social scoring, or the use of AI systems to track and classify individuals based on their behaviors, socioeconomic status, or personal characteristics.

F. Cognitive behavioral manipulation of people or specific vulnerable groups – such as AI-driven tools or algorithms designed to influence or alter an individual's decision-making process or belief system. These systems use psychological, behavioral, or emotional data to create targeted strategies that can manipulate thoughts, feelings, or actions, particularly focusing on vulnerable groups or individuals.

If staff become aware of an instance where an AI system has caused harm, staff must report the instance to their supervisor and the IT Department as soon as possible.

Subd. 5. Sunset Procedures

If an AI system operated by the City or on its behalf ceases to provide a positive utility to the City as determined by the CTO and IT Governance, the use of that AI system must be halted unless express exception is provided by the City Manager or City Council. If the abrupt cessation of the use of that AI system would significantly disrupt the delivery of City services, usage of the AI system shall be gradually phased out over time.

Section 4. Enforcement

A. All AI users are required to follow this policy.

B. Any use of AI that is found to be harmful to AI users, the public, and/or the City will be altered or stopped.

C. Violations will be investigated by Human Resources. Abuse of this policy may result in disciplinary action.

City Manager's signature: _____

Date: _____

AI FactSheet for Third Party Systems

Please provide details regarding your Artificial Intelligence (AI) product by filling out the FactSheet template below. You can find an example of a completed FactSheet on page 3.

Vendor Name	
System Name	
Overview	Brief summary of the AI system.
Purpose	What function does the AI system perform, and for what purpose? If the system performs multiple functions, list each discretely and reference below. For features that are configurable, please describe all configuration options and default settings.
Intended Domain	What domain is the AI system intended to be applied in?
Training Data	How was the AI system trained? What data was used? How often is data added to the training set? Was all training data legally obtained and its use fully licensed?
Test Data	What data was used to test system performance? Under what conditions has the system been tested?
Model Information	General description of the model(s) used (e.g., large language model, transformer, deep learning, supervised learning, built on an existing open source model, computer vision)
Update procedure	In general, how often are the models updated for users? Will the user have a choice in moving to the updated model or staying on the current model? What documentation is available for new versions of the model?
Inputs and Outputs	What are the inputs to the AI system? What are its outputs? What interfaces and integrations are supported?
Performance Metrics	What are the performance metrics? What is your current level of performance on these metrics? How can the user monitor performance in the deployment environment?
Bias	What biases does the tool exhibit and how does it handle that bias? This can include but is not limited to biases on human factors such as gender, race, socioeconomic status, disability, culture, age, or other protected classes, or biases on general factors such as a sampling bias, survivorship bias, detection bias, or observer bias.
Robustness	How does the AI system handle outliers? Do overwritten decisions feed back into the system to help calibrate it in the future?
Optimal Conditions	What conditions does the model perform best under? Are there minimum requirements for the quantity of records/observations?

Poor Conditions	What conditions does the model perform poorly under? What are the limitations of the AI system? What kinds of errors can it make (e.g., hallucinations) and what conditions make those errors more likely?
Explanation	How does the AI system explain its predictions? Are the outcomes of the AI system understandable by subject matter experts, users, impacted individuals, and others?
Jurisdiction-specific Considerations	Please describe any considerations relevant to local, state, industry, or other specific jurisdictional regulations.

Impact Assessment Questionnaire

How is the AI tool monitored to identify any problems in usage? Can outputs (recommendations, predictions, etc.) be overwritten by a human, and do overwritten outputs help calibrate the system in the future?	Problems in usage can include false negatives, false positives, bias, hallucinations, and human-reported quality issues (such as poor translations or poorly generated images).
How is bias managed effectively?	This can include ways to monitor bias, or abilities to toggle parameters to change observed bias in the model.
Have the vendors or an independent party conducted a study on the bias, accuracy, or disparate impact of the system? If yes, can the City of San José review the study? Include methodology and results.	This can include bias impact reports, algorithmic impact reports, or others.[1]
How can the City of San José and its partners flag issues related to bias, discrimination, or poor performance of the AI system?	This can include ways to report inaccurate or concerning decisions/classifications made by the AI system, or ways to retroactively review past system actions.
How has the Human-Computer Interaction aspect of the AI tool been made accessible, such as to people with disabilities?	Has it been assessed against any usability standards, and if so what was the result?
Please share any relevant information, links, or resources regarding your organization's responsible AI strategy.	URL to any broad AI policy or strategy.

[1] See "Algorithmic bias detection and mitigation: Best practices and policies to reduce consumer harms" for an example bias impact report template: https://www.brookings.edu/articles/algorithmic-bias-detection-and-mitigation-best-practices-and-policies-to-reduce-consumer-harms/.

Example FactSheet

This is an example of the AI FactSheet above completed by a fictitious company. This is only here for reference and does not need to be included in the completed form.

Vendor Name	**XYZ Technologies, Inc.**
System Name	Audio Classifier
Overview	This document is a FactSheet accompanying the Audio Classifier model on IBM Developer Model Asset eXchange.
Purpose	This model classifies an input audio clip.
Intended Domain	This model is intended for use in the audio processing and classification domain.
Training Data	The model is trained on the AudioSet dataset by Google. New data is added to the training set daily. The AudioSet database was legally obtained and its use is fully licensed.
Test Data	The test set is also part of the AudioSet data. There was a 70:20:10% split of the data into train:val:test. The ratio of samples/class was maintained as much as possible in all the splits. The system has been tested in X,Y,Z conditions.
Model Information	The audio classifier is a two-stage model: • The first model (MAX-Audio-Embedding-Generator) converts each second of input raw audio into vectors or embeddings of size 128 where each element of the vector is a float between 0 and 1. • Once the vectors are generated, there is a second deep neural network that performs classification.
Update procedure	In general, the model is updated annually. If the user does not wish to move to the updated model, the user cannot continue to use the system. Documentation for all new versions of the model can be found on the website at this link.

<table>
<tr><td>Inputs and Outputs</td><td>Input: a 10 second clip of audio in signed 16-bit PCM wavfile format.

Output: a JSON with the top 5 predicted classes and probabilities.</td></tr>
<tr><td>Performance Metrics</td><td><table>
<tr><th>Metric</th><th>Value</th></tr>
<tr><td>Mean Average Precision</td><td>0.357</td></tr>
<tr><td>Area Under the Curve</td><td>0.968</td></tr>
<tr><td>d-prime</td><td>2.621</td></tr>
</table>The user can regularly monitor these metrics [here].</td></tr>
<tr><td>Bias</td><td>The majority of audio samples in the training data set represent voice and music content. Potential bias caused by this over-representation has not been evaluated. Careful attention should be paid if this model is to be incorporated in an application where bias in voice type or music genre is potentially sensitive or harmful.</td></tr>
<tr><td>Robustness</td><td>This audio classifier is not robust to the L-infinity and L2 norms for the HopSkipJump attack.

<table>
<tr><th></th><th>L2</th><th>L-Infinity</th></tr>
<tr><td>5th Percentile</td><td>887.0 (200.9)</td><td>5.5 (4.9)</td></tr>
<tr><td>10th Percentile</td><td>1496.6 (720.6)</td><td>7.53 (5.73)</td></tr>
<tr><td>15th Percentile</td><td>3723.1 (4707.2)</td><td>52.8 (41.8)</td></tr>
<tr><td>25th Percentile</td><td>7187.9 (---)</td><td>187.6 (198.1)</td></tr>
<tr><td>50th Percentile</td><td>11538.6 (---)</td><td>502.8 (---)</td></tr>
</table>The susceptibility of the model to the two attacks. The parenthetical values in the table above represent the fitted curve evaluated at 11 iterations. (When we are unable to fit a curve, or the result is negative, we denote by ---.)

Overwritten decisions are fed back into the system to help calibrate it in the future.</td></tr>
<tr><td>Optimal Conditions</td><td>When the input audio contains only one or two distinct audio classes.
When the audio quality is high with lesser noise.</td></tr>
<tr><td>Poor Conditions</td><td>The system can misclassify audio:
When the audio contains more than two distinct classes, and
When the audio quality is low with more noise.</td></tr>
<tr><td>Explanation</td><td>While the model architecture is well documented, the model is still a deep neural network, which largely remains a black box when it comes to explainability of results and predictions.</td></tr>
</table>

Jurisdiction-specific Considerations	N/A

Algorithmic Impact Assessment Questionnaire

How is the AI tool monitored to identify any problems in usage? Can outputs (recommendations, predictions, etc.) be overwritten by a human, and do overwritten outputs help calibrate the system in the future?	**The system can be monitored in usage, and audio classification decisions can be retroactively overwritten by a human. The overwritten decisions can help calibrate the system in the future if desired.**
How is bias managed effectively?	Users have access to performance metrics that can be used to understand if the bias in voice-type or music style is harmful.
Have the vendors or an independent party conducted a study on the bias, accuracy, or disparate impact of the system? If yes, can the Agency review the study? Include methodology and results.	Yes. Results from the third-party study can be provided upon request.
How can the Agency and its partners flag issues related to bias, discrimination or poor performance of the AI system?	The system provides a web portal to each customer to show the results of the system and its impact on transit performance in the form of reports and graphs.
How has the Human-Computer Interaction aspect of the AI tool been made accessible, such as to people with disabilities?	The system is embedded into a graphics user interface that is compliant with modern screen readers, and provides the option for auto-generated dictation of text on the screen.
Please share any relevant information, links, or resources regarding your organization's responsible AI strategy.	Information about our responsible AI strategy can be found on our website at this link.

CITY OF CUPERTINO

Agenda Item

24-13347

Agenda Date: 9/25/2024
Agenda #: 6.

Subject: Receive Cybersecurity Subcommittee Report from Commissioners Donthi and Kumar

Receive Cybersecurity Subcommittee Report from Commissioners Donthi and Kumar

24-12863

Agenda Date: 9/25/2024
Agenda #: 7.

Subject: Review TICC 2024 Schedule and Work Plan

Review TICC 2024 Schedule and Work Plan

Technology, Information, and Communications Commission 2024 Schedule and Work Plan					
~~**January 3 Meeting**~~	~~**March 6 Meeting**~~	~~**May 1 Meeting**~~	~~**July 3 Meeting**~~	**September 25 Meeting**	**November 6 Meeting**
~~Approve prior meeting minutes~~	~~Elect Chair and Vice Chair positions~~	~~Approve prior meeting minutes~~	~~Approve prior meeting minutes~~	Approve prior meeting minutes	Approve prior meeting minutes
~~Discuss City Council Work Program Items~~	~~Video Division Overview presentation~~	~~*City Council Work Program con't*~~	~~Cybersecurity Forum~~	*Proposed Amendments to TICC Muni Code*	*McClellan AR Debrief*
~~Infrastructure Division Overview presentation~~	~~Recommend City Council Work Program item~~	~~*Next Steps for Proposed Amendments to TICC Muni Code*~~	~~New Initiatives and/or Projects~~	*AI Policy*	*2025 WorkPlan*

Summary of Duties – Powers – Responsibilities of Technology, Information, and Communications Commission

Source: Cupertino, CA Municipal Code, Chapter 2.74.060: TICC

The Cupertino Technology, Information, and Communications Commission shall have the following duties, powers and responsibilities, and such others as the members shall be entrusted with by the City Council from time to time. The commission shall:

1. Advise the City Council and City Manager on all matters relating to technology, information, and communications within the city of Cupertino;
2. Evaluate compliance with any franchise or other agreement between the City and technology, information, and communications providers and make recommendations to the City Council;
3. Conduct periodic reviews of technology, information, and communications providers, facilities and products and make recommendations on such subjects to the City Council;
4. Recommend amendments to the City's telecommunications policy of the City Council;
5. Serve as a liaison between the City, the public and the technology, information, and communications providers in enhancing information and education. Such activities include providing an opportunity for input to residents and disseminating noncommercial, educational materials about technology, information, and communications services;
6. At the request of the City Manager, provide assistance in examining methods to obtain equivalent franchise fees or other economic benefits from service providers;
7. Provide support for community access television, especially public and educational access, and give guidance when needed for development and implementation of access channels and programming;
8. Recommend ways to foster the City's best use of technology, information, and communications infrastructure and services for the maximum benefit of the community.
9. Provide education to the community on the use of technology, information, and communications infrastructure and services.

(Ord. 1965, (part), 2005: Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

CITY OF CUPERTINO

Agenda Item

24-13349

Agenda Date: 9/25/2024
Agenda #: 8.

Subject: Review the 2024 Mayor's Meeting Calendar

Review the 2024 Mayor's Meeting Calendar

ATTACHMENT A

TECHNOLOGY, INFORMATION & COMMUNICATIONS COMMISSION

Mayor's Meeting 2024 Calendar

~~**JANUARY 10**~~
~~*Mayor's Mtg*. in-person 6-7:30 pm~~
~~at Quinlan Center~~
~~Chair/Vice Chair~~

~~**FEBRUARY**~~
~~*Canceled*~~

~~MARCH 13~~
~~*Mayor's Mtg*. Zoom,~~
~~6-7:30 pm~~
~~Chair/Vice Chair~~

~~**APRIL**~~
~~*Canceled*~~

~~**MAY 8**~~
~~*Mayor's Mtg*. in-person 6-7:30 pm~~
~~at Quinlan Center~~
~~Chair Mohanty~~

~~**JUNE**~~
~~*Canceled*~~

~~**JULY 17**~~
~~*Mayor's Mtg*. Zoom,~~
~~6-7:30 pm~~
~~Vice Chair Shearin~~

~~**AUGUST**~~
~~*Canceled*~~

SEPTEMBER 18
Mayor's Mtg. in-person 6 – 7:30 pm
at Quinlan Center
Chair Mohanty

OCTOBER
Canceled

NOVEMBER 20
Mayor's Mtg. zoom,
6-7:30 pm
Vice Chair Shearin

DECEMBER
Canceled

CITY OF CUPERTINO

Agenda Item

24-13350

Agenda Date: 9/25/2024
Agenda #: 9.

Subject: Receive update from the Mayor's Meeting with the Commissioners

Receive update from the Mayor's meeting with the Commissioners

CITY OF CUPERTINO

Agenda Item

24-13351

Agenda Date: 9/25/2024
Agenda #: 10.

Subject: Receive Commissioners Report

Receive Commissioners Report