

RESOLUTION NUMBER R- 315760

DATE OF FINAL PASSAGE SEP 16 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CONFIRMING AN APPOINTMENT TO THE
PRIVACY ADVISORY BOARD AND WAIVING CERTAIN
REQUIREMENTS OF COUNCIL POLICY 000-13.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Privacy Advisory Board (Board) is established in San Diego Municipal Code sections 26.42 and 26.43 (Municipal Code) to advise the Mayor and Council of the City of San Diego (Council) on policies and issues related to privacy and surveillance intended to ensure transparency, accountability, and public deliberation in the City of San Diego's (City) acquisition and use of surveillance technology.

B. The Board shall consist of nine members, and six of the nine Board members shall reside in the City.

C. All Board members shall have a demonstrated interest in privacy rights through work experience, civic participation, and/or political advocacy.

D. Board members shall be appointed from the following representative areas of organizational interest, expertise, and background: (1) at least one attorney or legal scholar with expertise in privacy or civil rights, or a representative of an organization with expertise in privacy or civil rights; (2) one auditor or certified public accountant; (3) one computer hardware, software, or encryption security professional; (4) one member of an organization that focuses on open government and transparency or an individual, such as a university researcher, with experience working on open government and transparency; and (5) at least four members from equity-focused organizations serving or protecting the rights of communities and groups

historically subject to disproportionate surveillance, including communities of color, immigrant communities, religious minorities, and groups concerned with privacy and protest.

E. No member may have a prohibited financial interest, employment, or policy-making position in any commercial or for-profit facility, research center, or other organization that sells data products, surveillance equipment, or otherwise profits from recommendations made by the Board.

F. Members serve two-year terms, limited to a maximum of eight consecutive years, and members serve until a successor is duly appointed and confirmed. All terms shall expire on March 15 in the year of termination.

G. Under San Diego City Charter (Charter) section 43(c) and Council Policy 000-13, if the Mayor is vested with authority to appoint members of boards and does not take such action within 45 days after a vacancy occurs, the Council shall make such appointments.

H. The seat designated for a member of an organization that focuses on open government and transparency or an individual, such as a university researcher, with experience working on open government and transparency (Open Government and Transparency Seat), has been vacant since this Board's inception.

I. Under Council Policy 000-13, when the Council exercises its authority to make an appointment to a board when a seat has been vacant for more than 45 days, "[t]he Council President will post a memorandum to the Council as a public notice on a City Council meeting agenda, calling for Councilmembers to submit nominations of candidates to fill the seat(s), along with any supporting materials for the nomination." Council Policy 000-13 further states "Councilmembers shall provide any such nominating materials . . . within 10 days of the date on the City Council agenda"

J. Under Charter section 43(c) and Council Policy 000-13, on August 2, 2024, the Council President issued a memorandum calling for nominations for Council appointments to the Board (Memo). The Memo identified one vacant seat on the Board, the Open Government and Transparency Seat, and required Councilmembers to submit all nominations directly to the Director of Legislative Affairs by 5:00 p.m. on August 21, 2024.

K. Council meetings have been adjourned for the month of August, and its next regularly scheduled meeting will be held on September 9, 2024. Therefore, there was no agenda for a Council meeting between when the Council President issued the memo and when nominations were due.

L. Councilmember Kent Lee nominated Ioana Magdalena Donea for the Open Government and Transparency Seat. No other applications or nominations were received for this vacant seat.

M. Under Council Policy 000-13, if the number of nominees equals the number of vacancies, the nominees may be elected by general consent or acclamation to fill the position.

N. The Office of the City Attorney prepared this Resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

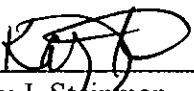
Be it resolved by the Council of the City of San Diego based on the Recitals set forth above:

1. The following appointment, to serve as a member of the Privacy Advisory Board, for the term expiring as indicated, is made and hereby confirmed:

| NAME | CATEGORY | TERM ENDING |
|---|--|----------------|
| Ioana Magdalena Donea (University City, District 6) (Appointment filling a vacant seat) | Open Government and Transparency Seat | March 15, 2025 |

2. The Council waives the Council Policy 000-13 requirement that the Council President post notice of the vacancy and call for nominations on a City Council meeting agenda due to the regularly scheduled legislative recess.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

 Kathy J. Steinman
 Senior Deputy City Attorney

KJS:jvg
 August 27, 2024
 Or.Dept: Council President
 Doc. No. 3772918

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
SEP 10 2024

DIANA J.S. FUENTES
 City Clerk

By 

 Deputy City Clerk

Approved: 9/16/24

 (date)



 TODD GLORIA, Mayor

Vetoed: _____
 (date)

 TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 10 2024, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Joe LaCava | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Henry L. Foster III | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kent Lee | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage SEP 16 2024

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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