

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO ADDING
ARTICLE #####**

**OF THE MUNICIPAL CODE ESTABLISHING AN AD HOC SURVEILLANCE ADVISORY
BOARD, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND
DEFINING THE DUTIES AND FUNCTIONS OF SAID BOARD.**

SECTION 1. ESTABLISHMENT

Pursuant to Section 403 of the Charter of the City of Vallejo, there is hereby created a Vallejo Ad Hoc Surveillance Advisory Board (hereinafter referred to as the “Advisory Board”).

SECTION 2. FINDINGS

Whereas, the City Council finds that members of the community should be a central part of decisions related to any city department’s acquisition and use of surveillance technology and other systems that may collect, analyze, process and store information about Vallejo residents;

Whereas, increased surveillance using technology has a direct impact on civil rights, racial justice, and Vallejo residents. It is the policy of the city to identify and prevent the harms of such surveillance, including any disparate impacts on diverse Vallejo residents;

Whereas, police violence and misconduct are pressing concerns in Vallejo that have damaged community trust in local law enforcement;

Whereas, police violence, misconduct, and surveillance have historically harmed Black and Brown Vallejo residents at disproportionate rates;

Whereas, governments use surveillance technology in ways that amplify existing racial bias, and technologies such as facial recognition and predictive policing software have demonstrable racial biases, all of which jeopardizes people’s safety, freedom, and civic participation;

Whereas, the City of Vallejo and the Vallejo City Council are engaged in ongoing efforts to increase oversight and transparency of city departments in response to community requests;

Whereas, questions of civil rights and liberties related to government surveillance are complex, impact many stakeholders, and benefit from public debate, diverse expertise, and community consent;

Whereas, surveillance technologies include but are not limited to international mobile subscriber identity (IMSI) catchers and other cell site simulators; unmanned aerial vehicles (drones); automatic license plate readers; electric toll readers; closed-circuit television cameras; gunshot detection hardware and services; video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; mobile DNA capture technology; biometric software or technology, including facial, voice, iris, and gait-recognition software and databases; software

designed to monitor social media services; x-ray vans; software designed to forecast criminal activity or criminality; radio-frequency I.D. (RFID) scanners; and tools, including software and hardware, use to gain unauthorized access to a computer, computer service, or computer network;

Accordingly, the City Council finds that greater community participation on matters relating to surveillance technology and other systems that may collect, analyze, process, or store information about Vallejo residents to be of particular mutual interest to the City government and its people.

SECTION 3. DUTIES AND FUNCTIONS

The duties and function of the Advisory Board shall be:

- (a) To advise the City of Vallejo and City Council on best practices to protect the safety, privacy, and civil rights of Vallejo residents in connection with the following subject matter: the acquisition, borrowing, and/or use by City Departments of surveillance technology or other systems that collect, analyze, process or store information about Vallejo residents, and any related agreements or funding.
- (b) To conduct meetings and use other public forums to collect public input on the above subject matter, and to seek the advice and testimony from experts.
- (c) To submit recommendations, findings, and reports to City staff and to the Vallejo City Council regarding the above subject matter. Such recommendations include but are not limited to recommendations regarding whether a City Department should acquire, borrow, or use a particular surveillance technology or system that collects, analyzes, processes or stores information about Vallejo residents. City Departments and City Staff shall affirmatively provide the Advisory Board with information related to any proposals or agreements to acquire, borrow, or use such technologies or systems at least 60 days prior to seeking approval for such decisions.
- (d) To draft and recommend for City Council consideration model legislation on matters relevant to the above subject matter.
- (e) To request, receive, and analyze information about any City Department's acquisition, borrowing, or use of surveillance technology and other systems that collect, analyze, process or store information about Vallejo residents. The Advisory Board shall have the authority to request information from City Departments relating to the above subject matter. City Departments shall respond timely to information requests from the Advisory Board.
- (f) Staff assistance shall otherwise be provided to the Advisory Board as determined by the City Manager, pursuant to his or her authority under the Charter to administer all affairs of the City under his or her jurisdiction.

SECTION 3. MEMBERSHIP AND QUORUM

- (a) The Advisory Board shall consist of a total of ten (10) members. The membership shall consist of at least one resident of Vallejo appointed by each sitting member of the Vallejo City Council, one member of municipal City of Vallejo staff to be appointed by the City Manager with the approval

of the Mayor of Vallejo, and two members chosen by the Council-appointed members and who have expertise on issues related to government surveillance, government transparency, technology, and/or civil rights and liberties. Members appointed by a sitting member of the Vallejo City Council shall be residents of the City of Vallejo and of the appointing member's district.

- (b) Each Advisory Board member shall serve as a volunteer without pay except for the appointed municipal staff member.
- (c) All members of the Advisory Board shall be persons who have an interest in privacy and civil rights as demonstrated by work experience, civic participation, and/or political advocacy. No member, except the staff member appointed by the City Manager, may be an employee or immediate family member of an employee of a city department or a government official.
- (d) No member may have a financial interest, employment, or policy-making position in any commercial or for-profit facility, research center, or other organization with a commercial interest in surveillance technology or systems or that profits from decisions made by the Advisory Board.
- (e) Six members of the Advisory Board shall constitute a quorum.
- (f) The members shall be appointed for one-year term that begins on the first day the Advisory Board meets. Members may have their terms renewed for additional one-year terms.
- (g) Any action by the Advisory Board shall be approved by a majority of members present, provided a quorum exists.

SECTION 4. BOARD MEETINGS AND GOVERNANCE

- (a) The Advisory Board shall meet at an established regular interval, day of the week, time, and location suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings scheduled for a time or place other than the regular day, time and location shall be designated special meetings. Written notice of special meetings shall be provided to the members, and all meetings shall comport with any City or State open meetings laws, policies, or obligations.
- (b) In the event of vacancy caused by resignation and/or disability or death, the appointing entity may appoint a replacement to fill out the remaining period of the term. Members may continue to serve as holdovers beyond their term until their appointing entity renews their term or replaces them. Members may be removed from the Advisory Board in accordance with the City Charter.
- (c) At the first meeting of the Advisory Board, members shall select among themselves a chair to preside over meetings, a vice-chair to preside over meetings if the chair is not present, and a secretary to keep records for the Advisory Board. Such officers shall serve at the pleasure of the Advisory Board. At a subsequent meeting and within 120 days of the Advisory Board's first meeting, the appointed members shall interview, consider, and vote to appoint two members with expertise with issues related to government surveillance, technology, and/or civil rights and liberties.
- (d) The Advisory Board shall remain in effect until the City Council ordains by ordinance at a public

meeting that their services are no longer required by the City Council, provided that such action shall occur only if the City Council first publicly announces that it intends to change the Advisory Board at least 90 days prior to the meeting where such an ordinance may be considered. The public announcement shall be posted on the City Council's website and noticed on regular City Council agendas until such a vote is held.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Article. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE

This ordinance shall become effective immediately.