

ORDINANCE NO. 3553

ORDINANCE OF THE CITY OF CHULA VISTA ADDING  
CHULA VISTA MUNICIPAL CODE CHAPTER 2.65,  
“PRIVACY PROTECTION AND TECHNOLOGY ADVISORY  
COMMISSION”

WHEREAS, the City of Chula Vista adopted a Smart City Strategic Action Plan “Action Plan” in September 2017, establishing itself as a leader in the growing “smart city” movement, earning recognition locally, nationally, and internationally for its innovative planned approach to using technology to create a more efficient and effective government; and

WHEREAS, the City of Chula Vista continues to leverage innovative technology and data tools to better serve and engage residents, enhance sustainability, improve public safety, and promote local economic development; and

WHEREAS, a key goal of the Action Plan approved by Council in September 2017 is to continue efforts to become a more open and transparent City; and

WHEREAS, to support this goal, the City has set an objective to maximize the use of data and analytics to improve services and increase public access to City information; and

WHEREAS, this effort involves ensuring that citywide technology and sensitive personal information collected is managed and utilized in a secure, transparent, and safe way; and

WHEREAS, in April 2022, the Chula Vista City Manager formed a 12-member Technology & Privacy Advisory Task Force “Task Force” to provide the City Manager policy recommendations for consideration in the development of a citywide policy on technology and privacy issues; and

WHEREAS, over the course of six months, the Task Force held ten public meetings, received two on-site departmental tours, and held two community meetings resulting in 37 policy recommendations, including the formation of a Privacy and Technology Advisory Commission; and

WHEREAS, on November 1, 2022, based on input from the Task Force, key stakeholders, and City staff, the City Council of the City of Chula adopted the City of Chula Vista Privacy Protection and Technology Transparency Policy (Council Policy 112-04) “Policy”; and

WHEREAS, the Policy enhances City operations through a more reliable, secure, and safe city network and data management process, increased oversight of citywide technology systems, and improved accountability, transparency, and increased public trust; and

WHEREAS, the Policy provides, in section 2, that City will establish a Privacy and Technology Advisory Commission responsible for a broad range of advisory duties to help advance the City Council priorities of improving sensitive personal information management, security, and privacy; and

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WHEREAS, City staff now recommends adding Chapter 2.65 to the Chula Vista Municipal Code, establishing the Privacy Protection and Technology Advisory Commission and its rules and procedures.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

**Section I.** That Chapter 2.65 is hereby added to the Chula Vista Municipal Code, to read as follows:

Chapter 2.65  
PRIVACY AND TECHNOLOGY ADVISORY COMMISSION

2.65.010 Creation.

There is hereby created a Privacy Protection and Technology Advisory Commission (the "Commission"). The provisions of Article VI of the City Charter, the general rules governing boards and commissions set forth in Chapter 2.25 CVMC, and the provisions of this chapter shall govern the Commission.

2.65.020 Purpose and intent.

It is the purpose and intent of the City Council in establishing the Commission to create an advisory body to receive public input and serve as a resource to advise and make recommendations to the City Council to advance the City Council priorities of improving sensitive personal information management, security, and privacy.

2.65.030 Functions and duties.

The functions and duties of the Commission shall be as follows:

- A. Review and advise the City Council on the City's technology use policies.
- B. Review and advise the City Council on City's Surveillance Technology impact reports and annual reports, as described in the Privacy Protection and Technology Transparency Policy (Council Policy 112-04).
- C. Review, consider, and provide recommendations to the City Council on the acquisition of Surveillance Technology, as described in the Privacy Protection and Technology Transparency Policy (Council Policy 112-04) during the City's acquisition process.
- D. Review and advise the City Council on the procurement standards for agreements involving Sensitive or Surveillance Technology, as described in the Privacy Protection and Technology Transparency Policy (Council Policy 112-04).

#### 2.65.040 Limits on authority.

Per Charter Section 600, the Commission shall have no authority to direct the conduct of any department. The Commission is advisory in nature, and as such shall have no authority to approve, disapprove, or prevent any City action.

#### 2.65.050 Membership.

A. The Commission shall consist of seven Voting Members and one Ex Officio member to be nominated and appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter.

1. District-Based Appointments. Four Voting Members shall be nominated and appointed in accordance with the district-based appointment process specified in CVMC 2.25.052(C). A nominee shall not be required to live in the same district as the respective nominating Council member.

2. General Appointments. Following the four district-based appointments, three additional Voting Members shall be nominated and appointed in accordance with the general appointment process specified in CVMC 2.25.052(A), with a goal of addressing all areas of expertise identified in Subsection C.

3. Future Vacancies. Future vacancies of District-Based Appointment seats and General Appointment seats shall be filled pursuant to subsection A.1. or A.2. above, respectively, with the aim to preserve the Commission's subject matter competency as outlined in subsection C.

B. Non-residents of the City of Chula Vista may be appointed and serve as Voting Members or Ex Officio Members if they own and operate a business and/or property with a physical address in the City of Chula Vista. Appointment of non-resident members must be passed by at least a four-fifths vote of the Council, in accordance with Charter section 602(D).

C. All Commission members should have expertise and background in at least one of the fields described in subsections (C)(1) through (5) below. Each of the expertise fields described in subsections (C)(1) through (5) below should be represented by at least one Voting Member. Notwithstanding the foregoing, the absence of candidates with expertise in one of the following areas shall not preclude the appointment of the full Commission.

1. Information Technology & Data Security: Experience and/or expertise in cyber security and sensitive personal information management and protection.

2. Privacy Protection: Experience and/or academic or legal background related to individual privacy protection, open government principles and structures, and/or government transparency.

3. Accounting and Finance: Experience and/or professional credentials in contracting, procurement, public auditing, control, compliance, and/or general oversight professional services.

4. Public Safety: Experience and/or expertise in federal, state, or local government public safety functions and operations.

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5. Equity and Civil Rights: Experience or legal background in the advocacy for marginalized groups and communities who have traditionally experienced privacy and civil rights concerns based on sex, gender, disability, socio-economic profile, national origin, culture, or ethnic background.

D. The City Manager or designee with expertise in the fields described in subsection (C)(1) through (5), above, shall have the opportunity to review applications and provide input on the applicant's qualifications, which shall be considered by the Mayor or City Councilmember before a nomination is made.

E. The Ex Officio Member shall be nominated by the City Manager and appointed in accordance with the Designated Member Appointment Process specified in CVMC 2.25.052(D). For purposes of CVMC 2.25.052(D), the City Manager is the Nominating Authority.

2.65.060 Meeting frequency and schedule.

In accordance with CVMC 2.25.200, the Commission shall set the date, time, and location of its regular meetings by written resolution and may change its regular meeting day, time, or location by written resolution. The Commission's meeting schedule shall include at least one regular meeting every other month through December 31, 2024, and then one regular meeting quarterly thereafter.

## **Section II. Severability**

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

## **Section III. Construction**

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

## **Section IV. Effective Date**

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

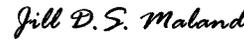
## **Section V. Publication**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

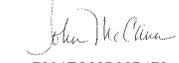
Approved as to form by

DocuSigned by:  
  
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 Maria V. Kachadoorian  
 City Manager

DocuSigned by:  
  
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 Jill D.S. Maland  
 Lounsbery Ferguson Altona & Peak  
 Acting City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of July 2023, by the following vote:

AYES: Councilmembers: Cardenas, Chavez, Gonzalez, and Preciado  
 NAYS: Councilmembers: McCann  
 ABSENT: Councilmembers: None

DocuSigned by:  
  
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 John McCann, Mayor

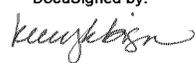
ATTEST:

DocuSigned by:  
  
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 Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
 COUNTY OF SAN DIEGO    )  
 CITY OF CHULA VISTA    )

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3553 had its first reading at a regular meeting held on the 11th day of July 2023, and its second reading and adoption at a regular meeting of said City Council held on the 25th day of July 2023 and was duly published in summary form in accordance with the requirements of state law and the City Charter.

7/31/2023  
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 Dated

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 Kerry K. Bigelow, MMC, City Clerk