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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 86347 C.M.S.

INTRODUCED BY MAYOR LIBBY SCHAAF

RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERT T. OLIVER AND DEIRDRE K. MULLIGAN AS MEMBERS OF THE PRIVACY ADVISORY COMMISSION.

WHEREAS, Section 601 of the City Charter provides that members, of City boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the City Council; and

WHEREAS, the Privacy Advisory Commission (Commission) was created by Ordinance No. 13349 C.M.S., adopted January 19, 2016; and

WHEREAS, As provided by Ordinance No. Ordinance No. 13349 C.M.S. the duties and functions of the Commission are as follows:

- (1) Provide advice and technical assistance to the City of Oakland on best practices to protect citizen privacy rights in connection with the City's purchase and use of surveillance equipment and other technology that collects or stores citizen data;
- (2) Conduct meetings and use other public forums to collect and receive public input on the above subject matter;
- (3) Draft for City Council consideration, model legislation relevant to the above subject matter, including a Surveillance Equipment Usage Ordinance;
- (4) Review and make recommendations to the City Council regarding any proposed changes to the operations of the Domain Awareness Center ("DAC") and/or proposed changes to the City's Policy for Privacy and Data Retention for the Domain Awareness Center ("DAC Policy") as specified in Resolution 85638 C.M.S.;
- (5) Submit annual reports and recommendations to the City Council regarding:
(A) the City's use of surveillance equipment, and (B) whether new City surveillance equipment privacy and data retention policies should be developed or such existing policies be amended;

- (6) Provide analyses to the City Council of pending federal, state and local legislation relevant to the City's purchase and/or use of technology that collects, stores, transmits, handles or processes citizen data;
- (7) Privacy Commission shall make reports, findings and recommendations either to the City Administrator or the City Council, as appropriate. An annual report will be presented in writing to the City Council. The Commission may submit recommendations to the City Council following submission to the City Administrator.

WHEREAS, Ordinance No. 13349 C.M.S. further provides that that Commission shall consist of nine (9) members, at least six (6) of whom are Oakland residents; and

WHEREAS, Ordinance No. 13349 C.M.S. also provides in relevant part that members shall be appointed to overlapping terms of three (3) years beginning on March 15th of each year and ending on March 15th three years later and to assure that terms overlap, appointments shall be as follows: three (3) initial members will serve a three-year initial term, three (3) initial members will serve a two-year initial term, and the other three (3) initial members will serve a one-year initial term; and

WHEREAS, Ordinance No. 13349 C.M.S. further provides that all members of the Commission shall be persons who have an interest in privacy rights as demonstrated by work experience, civic participation, and/or political advocacy and that no member may be an elected official. Members of the Privacy Commission may represent the following criteria, with no more than two (2) members representing any one criteria and at least one from each criteria to the extent possible:

1. An attorney, legal scholar, or activist with expertise in privacy, Civil Rights or a representative of an organization with expertise in the same
2. A past or present member of law enforcement who has worked with surveillance equipment and other technology that collects or stores citizen data;
3. An auditor or certified public accountant;
4. A hardware, software, or encryption security professional;
5. A member of an organization which focuses on government transparency and openness or an individual, such as a former government employee, with experience working on government transparency and openness. No member may have a financial interest, employment, or policy-making position in any commercial or for profit facility, research center, or other organization that sells surveillance equipment or profits from decisions made by the Commission; now therefore be it

RESOLVED: That pursuant to City Charter section 601, the City Council hereby confirms the Mayor's appointment of:

- (1) Robert T. Oliver, to serve a one-year term as a District 7 Representative that began March 15, 2016 and will end March 15, 2017; and
- (2) Deirdre K. Mulligan, to serve a three-year term as a Mayoral Representative that began March 15, 2016 and will end March 15, 2019, filling the seat previously held by Will T. DeVries.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

SEP 20 2016

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, ~~REID~~ AND PRESIDENT GIBSON MCELHANEY **7**

NOES - **0**

ABSENT - **REID-1**

ABSTENTION - **0**

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California