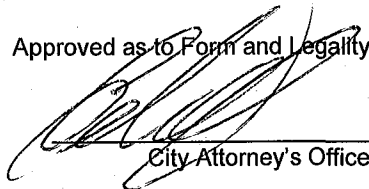


FILED
OFFICE OF THE CITY CLERK
OAKLAND



City Attorney's Office

2019 JUL 11 PM 3:15

OAKLAND CITY COUNCIL

RESOLUTION NO. 87755 = C.M.S.

RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACQUIRE AND USE VEHICLE-MOUNTED AUTOMATIC LICENSE PLATE RECOGNITION TECHNOLOGY (ALPR) FOR PARKING MANAGEMENT AND ENFORCEMENT PURPOSES; (2) APPROVING THE SURVEILLANCE IMPACT REPORT FOR THE DEPARTMENT OF TRANSPORTATION'S ALPR (DOT'S ALPR); AND (3) APPROVING AND ADOPTING THE SURVEILLANCE USE POLICY FOR DOT'S ALPR AS CITY POLICY

WHEREAS, approval of this resolution will authorize City staff to use vehicle-mounted Automatic License Plate Recognition technology for the intended purpose of parking management and enforcement (DOT ALPR) by the Department of Transportation (DOT); and

WHEREAS, City vehicles used for parking enforcement can be equipped with DOT ALPR cameras and systems and connected to the City's current parking citation system; and

WHEREAS, DOT ALPR-equipped vehicles can be used to support the active management of the City's parking supply by efficiently collecting data such as occupancy and turn-over rates; and

WHEREAS, the alternative means of collecting parking management data of this type is costly consultants; and

WHEREAS, DOT ALPR-equipped vehicles can be also be integrated into ongoing parking enforcement efforts, significantly enhancing staff's capacity to enforce the growing number of resident permit parking and other time-limited areas; and

WHEREAS, DOT ALPR-equipped vehicles can be combined with other innovations in the City's parking citation management system to make parking easier in Oakland, for example, digital or virtual permits based on vehicle license plates can eventually replace permits based on stickers and hanging placards, which are costly to produce, distribute and procure; and

WHEREAS, DOT's proposed ALPR technology is a form of surveillance technology subject to the acquisition, use, and policy requirements set forth under Chapter 9.64 (Surveillance Ordinance) of the Oakland Municipal Code; and

WHEREAS, OMC Section 9.64.030 provides that City staff must obtain City Council approval for the acquisition and use of new surveillance technology; and

WHEREAS, OMC Section 9.64.020 requires that prior to seeking Council approval for the acquisition and use of surveillance technology, City staff must first develop a Surveillance Impact Report and Surveillance Use policy, present such policy to the Privacy Advisory Commission (PAC) and that the PAC shall then provide feedback to staff and make a recommendation as to whether or not the City Council should accept the surveillance use policy proposed by City staff; and

WHEREAS, Pursuant to the Surveillance Ordinance requirements referenced above, Department of Transportation (DOT) staff has presented a Surveillance Impact Report and a Surveillance Use Policy for ALPR before the PAC, worked extensively with and received feedback from PAC and responded to public comment on the topic of ALPR for Parking Management and Enforcement; and

WHEREAS, The ALPR Surveillance Use Policy and Surveillance Impact Report incorporates the recommendations of the PAC. This policy specifies what are authorized uses for ALPR for parking management and enforcement, and setting forth practices for data collection, retention, sharing, and annual reporting; and

WHEREAS, OMC Section 9.64.030.2 requires that for City Council to authorize the acquisition of use surveillance technology, it must do all of the following:

- Approve City's staff's surveillance impact report,
- Approve City's staff's surveillance use policy,
- Consider the recommendation(s) of the PAC on the proposed surveillance technology, and
- Make a finding that the benefits to the community of the surveillance technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and

WHEREAS, pursuant to OMC Section 9.64.020.2.B, the PAC recommends that the City Council adopt the DOT ALPR Surveillance Technology Use Policy (Attachment A); and

WHEREAS, City staff recommends that City Council make a cost benefit determination as required by OMC Section 9.64.030.2 in favor of authorization for the DOT ALPR because the use of vehicle-mounted ALPR for parking management and enforcement should save staff time and taxpayer dollars, and City staff has developed a surveillance use policy that safeguards civil liberties and civil rights and evaluated such concerns in drafting the surveillance impact report for DOT ALPR and in discussions with the PAC; and

WHEREAS, City Council adopted Resolution 87051 C.M.S. authorizing the City Administrator or her designee to execute an agreement with Conduent for the procurement of a parking citation management system, including an option for DOT ALPR systems; and

WHEREAS, funds in the amount of \$366,000.00 for procuring the first five ALPR systems was approved by City Council as part of the Fiscal Year 2018-2019 Mid-Cycle Budget; now, therefore be it

RESOLVED: That pursuant to Oakland Municipal Code Section 9.64.030.2, the City Council approves City's staff's surveillance impact report for the DOT ALPR technology, as provided in *Attachment B*; and be it

FURTHER RESOLVED: That the City Council approves and adopts the surveillance use policy for DOT ALPR as a City policy, as provided in *Attachment A*; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, City Council has considered PAC's recommendation in favor City Council authorizing the acquisition and use of the DOT ALPR; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, for the reasons referenced above by City staff and addressed in the agenda report and surveillance impact report accompanying this resolution, the City Council finds that the benefits to the community of the surveillance technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and so authorizes the City Administrator or designee's acquisition and use of the DOT ALPR; and be it

FURTHER RESOLVED: That City Council's authorization of the acquisition and use vehicle-mounted DOT ALPR is for two purposes: 1) parking management, enabling the efficient collection of parking data in support of actively managing the City's parking supply; and 2) parking enforcement, increasing staff's capacity to enforce code violations in an increasingly complex parking system; and be it

FURTHER RESOLVED: That any changes to the adopted Surveillance Use Policy for DOT ALPR must be forwarded to the Privacy Advisory Commission and City Council for review and approval; and be it

FURTHER RESOLVED: That, if necessary, the funds in the amount of \$366,000.00 now available for the procurement for the ALPR system in General Purpose Fund (1010), Mobility Management Organization (35247), Contract Contingencies Account (54919), Non-Project (1003469) be carried forward to Fiscal Year 2019-2020, without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

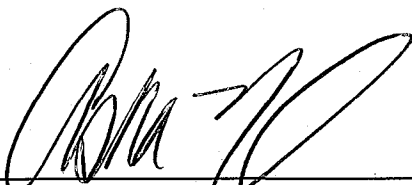
JUN 18 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:



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