

APPROVED AS TO FORM AND LEGALITY


Celso Ortiz (Sep 5, 2024 17:25 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION RECEIVING THE ANNUAL SURVEILLANCE REPORT ON THE OAKLAND PUBLIC WORKS ILLEGAL DUMPING SURVEILLANCE CAMERA PROGRAM AND APPROVING PROPOSED AMENDMENTS TO THE ILLEGAL DUMPING SURVEILLANCE CAMERA PROGRAM USE POLICY AS RECOMMENDED BY THE PRIVACY ADVISORY COMMISSION

WHEREAS, pursuant to the Surveillance Technology Ordinance, codified as Chapter 9.64 of the Oakland Municipal Code (OMC), the Oakland City Council approved the Oakland Public Works Department's (OPW's) implementation of the Illegal Dumping Surveillance Camera Program (Camera Program) and the Illegal Dumping Surveillance Camera Program Use Policy (Use Policy) on January 18, 2022, pursuant to City Council Resolution No. 89000 C.M.S., in response to the growing impacts of illegal dumping and the need to have more enforcement tools to catch illegal dumpers; and

WHEREAS, OPW launched the Camera Program in March 2022; and

WHEREAS, pursuant to OMC Sections 9.64.020 and 9.64.030, following City Council's initial approval, the following approval process must occur for OPW to continue to use and make modifications to the Camera Program:

- City staff submits an Annual Surveillance Report with information on the Camera Program outcomes to the Privacy Advisory Commission (PAC);
- City staff submits proposed changes in the Use Policy on the Camera Program to the PAC for feedback;
- After review by the PAC, City staff submits the Annual Surveillance Report, the proposed Use Policy changes, and the PAC's recommendation, to the City Council for review and approval;
- Based upon information provided in staff's Annual Surveillance Report and after considering the recommendation of the PAC, the City Council makes a determination that the benefits to the community of the Camera Program outweigh the costs; that the proposal will safeguard civil liberties and civil rights; and that, in the City Council's judgment, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective, and approves of the continuing use of the Camera Program and proposed modifications to the Use Policy; and

WHEREAS, for the reporting period of April 2023 through March 2024, the Camera Program resulted in 59 citations; and

WHEREAS, in an effort to better integrate City resources and initiatives to reduce illegal dumping and address other nuisance crimes, the Environmental Enforcement Unit (EEU) was reorganized under OPW's Environmental Services Division (ESD) effective July 1, 2024; and

WHEREAS, in response to the reorganization of the EEU under ESD, staff recommends amending Section D, Data Access, of the Use Policy to authorize the following OPW employees to directly access and/or view surveillance camera information and the camera vendor to access the surveillance system to provide ongoing technical support:

- OPW Director and OPW Bureau of Environment's Assistant Director will be given access to view video data;
- Environmental Services Manager and Recycling Program Manager, who oversee the EEU, will be able to add/delete users in accordance with the data access needs outlined in this section, and will be granted admin/super user access;
- EEU staff – Clean Community Supervisor, EEU Administrative Analyst, EEU Administrative Assistant, and EEOs – who are tasked with checking cameras for illegal dumping activities and remote monitoring the portable observation device (POD)/license plate recognition (LPR) POD units – will be given access to view video, control PTZ cameras, as well as search and download video evidence. EEU staff will not have the ability to add/delete users;
- Security Lines U.S. – Technical staff for as-needed technical support; and

WHEREAS, staff recommends replacing in the Use Policy all references of “DVR,” digital video recorder, with “NVR,” network video recorder, to reflect the new video recorders being used for the new LPR cameras; and

WHEREAS, pursuant to the requirements outlined above, on July 9, 2024, OPW staff presented to the PAC its Annual Surveillance Report on the Camera Program's second year of operation and received the PAC's feedback; and

WHEREAS, at the July 9, 2024 meeting, the PAC received and accepted the Annual Surveillance Report with a recommendation for staff to provide in future Annual Surveillance Reports the dates when each camera was moved; and

WHEREAS, OPW staff returned to the PAC on August 1, 2024 to present the above proposed amendments to Section D of the Use Policy; and

WHEREAS, at the August 1, 2024 meeting, the PAC considered and approved OPW staff's recommended amendments to the Use Policy; now, therefore, be it

RESOLVED: That the City Council receives and accepts the Annual Surveillance Report on the Camera Program, as provided in Attachment A; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.030.2.B, the City Council has considered the PAC’s recommendation in favor of City Council authorizing the proposed modifications to the Camera Program as reflected in the Use Policy; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.030.2.B, for the reasons referenced above by City staff and addressed in the Annual Surveillance Report accompanying this resolution, the City Council finds that the benefits to the community of the Camera Program outweigh the costs (cost benefit determination); that the Camera Program 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 City’s staff’s proposed amendments to the Use Policy for the Camera Program; and be it

FURTHER RESOLVED: That the City Council approves and adopts the proposed amendments for the Use Policy for the Camera Program as City policy, as provided in Attachment B; and be it

FURTHER RESOLVED: That the proposed amendments to the Use Policy for the Camera Program shall be reviewed and approved by the City Attorney for form and legality prior to implementation.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California