



HYBRID-MEETING

www.cityofvallejo.net

AGENDA

SURVEILLANCE ADVISORY BOARD REGULAR MEETING 6:00 P.M.

(Council Chambers)
555 Santa Clara
Street
Vallejo, CA 94590

September 15, 2022

Naomi Yun
(Chair)
Andrea Sorce
(Vice Chair)
Michael McMillan
Philip Balbuena
Brooke Reddell
Adam Bregenzar
Lisa Chen

IMPORTANT NOTICE

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Surveillance Advisory Board without prior notice for an item not listed on the AGENDA, no specific answers or responses should be expected at this meeting per State law.

Pursuant to Government Code Section 54954.3 of the Brown Act, members of the public shall be afforded the opportunity to speak on any agenda item of interest to them after being recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Secretary of the Surveillance Advisory Board prior to the consideration of the item or raise their hand via ZOOM: <https://ZoomRegular.Cityofvallejo.net> (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone. For additional instructions on how to speak remotely during public comment, please visit www.cityofvallejo.net/publiccomment. In person speakers will be recognized first.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Surveillance Advisory Board will be available on the City of Vallejo website at www.cityofvallejo.net subject to staff's ability to post the documents prior to the meeting.

NOTICE: Members of the Public will be able to participate in-person or remotely via Zoom. Meeting Location listed above will be open to members of the public 30 minutes prior to the start of the meeting.

PUBLIC COMMENT: Members of the Public may provide public comments during the board Meeting in person or via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Meeting ID 914 0075 0676#

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment

VIEW THE MEETING:

There are four different ways you can view this public meeting:

- In Person
- Watch Comcast local channel 28 & AT&T Channel 99
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://ZoomRegular.Cityofvallejo.net>

If you have any questions regarding any of the following agenda items, please call the Surveillance Advisory Board Secretary at (707) 648-5200.



The Council Chambers in City Hall is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. COMMUNITY FORUM

*Any interested members of the public desiring to communicate with the Surveillance Advisory Board for which another opportunity to speak is not provided on the agenda and which is in the jurisdiction of the Surveillance Advisory Board to resolve may do so in person by submitting a completed speaker's card to the Secretary. OR Via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>), or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone.*

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment. In person speakers will be recognized first. When called upon, each speaker should step to the podium, state his/her name for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to a maximum of three minutes pursuant to Vallejo Municipal Code Section 2.02.300.

5. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

*Members of the public wishing to address the Surveillance Advisory Board on Consent Calendar items may do so in person by submitting a completed speaker's card to the Secretary or via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>), or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone.*

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment. In person speakers will be recognized first. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Surveillance Advisory Board. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

A. APPROVAL OF MINUTES September 6, 2022

6. REPORT OF THE BOARD SECRETARY

7. CITY ATTORNEY REPORT

8. REPORT OF THE CITY COUNCIL LIAISON

9. REPORT OF THE CHAIRPERSON AND MEMBERS OF THE BOARD

10. INFORMATION ITEM

- A. Discussion about the Vallejo Police Department Drone Policy, how drones are used by VPD and how the policy is implemented. Direction to staff. (Presentation from the Police Department)**
- B. Discussion about Emergency Deployment of Technology by the Vallejo Police Department as set forth in Vallejo Municipal Code Section 2.27.030(E). In what circumstances will the authority be used? How will deployment be reported to the board? Direction to staff. (Police Department representatives will be available to answer questions)**

11. FUTURE AGENDA ITEMS

- A. Invite a representative from the Police Department to provide and update on the following:**
 - i. New Technologies and Policies.**
 - ii. New proposed Police Department surveillance items, data, and analysis.**
- B. List of current deployed technologies, cost, length of deployment, and impact of technology. (To be provided to the board by September 30, 2022)**

12. ADJOURNMENT

I, Naveed Ashraf, Surveillance Advisory Board Executive Secretary, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Surveillance Advisory Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Thursday September 12, 2022.

Dated: September 12, 2022



Chief Innovation Officer & IT Director

**SURVEILLANCE ADVISORY BOARD
SPECIAL MEETING MINUTES**

SEPTEMBER 8, 2022

**Council Chambers
555 Santa Clara Street, Vallejo, California**

DRAFT MINUTES

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Boardmembers Balbuena, Chen, McMillan, Reddell, Sorce, and Yun

Absent: Boardmember Bregenzer

Staff present: Secretary Ashraf, Chief Assistant City Attorney Risner and City Clerk Abrahamson

4. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Action: *Moved by Boardmember Chen, seconded by Boardmember McMillan and carried by members present to approve the Agenda (Absent – Bregenzer)*

5. APPROVAL OF MINUTES

A. Special Meeting of July 13, 2022

Actions: *(1) Moved by Boardmember McMillan, seconded by Boardmember Balbuena and carried by members present to adopt the minutes of the July 13, 2022 special meeting (Absent - Bregenzer).*

6. REPORT OF THE BOARD SECRETARY

Secretary Ashraf reported on technology changes for public meetings in the Council Chamber that includes a public comment sign up kiosk, translation, and captioning.

7. CITY ATTORNEY REPORT – None.

8. REPORT OF THE CITY COUNCIL LIAISON – None.

9. ACTION ITEMS

Surveillance Advisory Board Special Meeting Minutes

September 6, 2022

Page | 1

A. Consideration of Adoption of a Resolution of the City of Vallejo Surveillance Advisory Board Recommending Against Deployment of the Flock Gunshot Detection System

Chief Assistant City Attorney Risner provided an overview of the resolution.

Speakers – None.

Action: *Moved by Boardmember McMillan, seconded by Boardmember Chen and carried by members present to adopt Resolution No. 22-001 as presented by staff (Ayes – Balbuena, McMillan, Reddell, and Sorce; Noes – Yun and Chen; Absent - Bregenzer).*

Following discussion/action on Item 9B, Chair Yun reopened this item for public comment and discussion by boardmembers.

Staff responded to questions from Boardmembers. Boardmembers provided comment.

Speakers – Ashley (via Zoom)

Further comments were made by Boardmembers.

B. Consideration of adoption of a Resolution of the City of Vallejo Surveillance Advisory Board Recommending City Council Modify the Codified Meeting Schedule for the Board

Secretary Ashraf recapped the availability of the Council Chambers for scheduling monthly SAB meetings and noted that if the Board wished to keep the regular meetings on the 3rd Thursday monthly, it may conflict with another Commission meeting. In that case, the SAB meeting would be moved to the Vallejo Room.

Boardmembers provided comment.

Action: *Following discussion, it was moved by Vice Chair Sorce, seconded by Boardmember McMillan, and carried by members present to adopt Resolution No. 22-002, a resolution recommending to the City Council changing the current regular meeting date of the 3rd Thursday of every other month to the 3rd Thursday of every month (Noes – Chen; Absent – Bregenzer). It was further recommended that until Council takes action to make this change, Boardmembers reserve the 3rd Thursday of every month for a special meeting, if needed.*

10. REPORT OF THE CHAIRPERSON AND MEMBERS OF THE BOARD – None.

11. FUTURE AGENDA ITEMS

Following discussion by Boardmembers and staff regarding future agenda items as reflected on the meeting agenda, by unanimous consensus of Boardmembers present, the following items will be brought back to the Board at its September 15 regular meeting:

- Presentation by the Vallejo Police Department and discussion regarding the

Department's Drone Policy, how drones are used by VPD and how the Policy is implemented.

- Discussion regarding Emergency Deployment of Technology by the Vallejo Police Department as set forth in Vallejo Municipal Code Section 2.27.030 (E). To include under what circumstances will authority be used and how will deployment be reported to the Board. Representatives from the Police Department present.

12. ADJOURNMENT

Action: *Moved by Boardmember McMillan, seconded by Boardmember Chen and carried unanimously by members present, the meeting adjourned at 6:51 p.m.*

NAOMI YUN, CHAIR

ATTEST:

NAVEED ASHRAF
CHIEF INNOVATION OFFICER/IT DIRECTOR

Unmanned Aerial System (UAS) Operations

607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

607.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

607.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

607.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

Unmanned Aerial System (UAS) Operations

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

607.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

607.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Unmanned Aerial System (UAS) Operations

- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

607.7 RETENTION OF UAS DATA

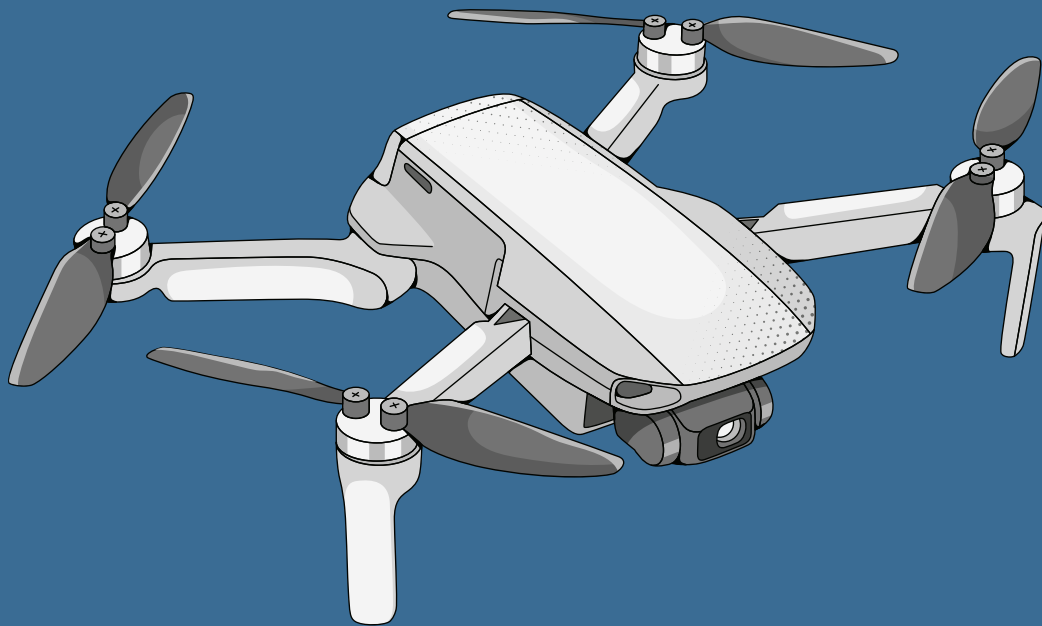
Data collected by the UAS shall be retained as provided in the established records retention schedule.

Vallejo Police Department



Unmanned Aerial System FAQs

Read below to find helpful information on the Vallejo Police Department Unmanned Aerial System (UAS) Drone Program and get answers to frequently asked questions.



Learn more by visiting www.vallejopd.net.

Unmanned Aerial System (FAQs)

1

What is a drone or UAS?

UAS is an Unmanned Aerial System and is commonly called a drone. A drone is an aerial device with an onboard computer that is operated remotely, generally by a pilot on the ground using a handheld controller. Small drones are battery operated, have several rotors like a helicopter, and are equipped with a video camera.

2

Where is the video and photos taken by the UAS stored?

All video and photo evidence taken during any UAS mission is stored in the same manner and location as Body Worn Camera (BWC) video and other investigative evidence. The Police Department utilizes a private “cloud” service, Evidence.com, to store all digital evidence. The service is authorized and certified under both state and federal regulations for the security and protection of confidential information, and is available only for official law enforcement purposes. Evidence is stored and saved for a limited time (one year or less) unless it is categorized as evidence in an actual crime or formal investigation. Then it is stored for a period of time consistent with all other evidence related to that incident/investigation.

3

What training do UAS pilots undergo?

In addition to the training and study required to maintain an FAA Part 107 Remote Pilot License, all VPD UAS Team members train regularly in a variety of locations and settings to ensure operational efficiency. All training is documented, and the records are maintained by VPD and are subject to review by the Federal Aviation Administration (FAA).

4

Who has access to the video and photos?

Video and photos collected by UAS are stored for the purposes of conducting police investigations and subsequent prosecutions. Accordingly, videos and photos are generally accessible to police investigators for official use only. Like all police records, video and photos may also be subject to additional release under the same rules and restrictions as BWC Video and other items of evidence. Generally, UAS photos and video are considered part of the investigative record and are not available to the public under the California Public Records Act (CPRA) or Freedom of Information Act (FOIA). For more details, please refer to the Vallejo Police Department Policy on Portable Audio/Video Recorders.

Unmanned Aerial System (FAQs)

5

How is my privacy protected?

The intent of the 'Tech Team' and drone first responder initiative is to enhance the Police Department's response to emergency calls for service. As such, drones are used during an active response to an emergency or other call for police assistance. VPD policy prohibits drone operators from intentionally recording or transmitting images of any location where a person would have a reasonable expectation of privacy, such as private backyards or inside private buildings, except where authorized by a warrant issued by a judge or in emergency situations.

6

What rules and regulations do UAS pilots follow?

All VPD UAS pilots are subject to FAA regulations related to airspace use, and all must have a valid "Part 107" Remote Pilot License. UAS Pilots are also subject to the Vallejo Police Department Policy on UAS Operations.

7

Why does VPD use UAS other than helicopters?

Helicopters and other manned aircraft (air support) are expensive to operate. Currently, VPD relies on the California Highway Patrol for air support. UAS can be used in a variety of ways that supplement mutual aid air support requests in a cost-effective and efficient manner.

8

When does VPD use Drones?

The Vallejo Police Department uses UAS in a variety of circumstances such as documenting crime and accident scenes, searching for missing or wanted persons, sidoshows, fires, preserving life, maintaining public safety, and evaluating damage after a major incident or natural disasters. These can happen anywhere in the City and the VPD UAS Team will respond to those on an as-needed basis. Other incidents include but are not limited to: barricaded situations, active shooters, high-risk search warrants, hazmat incidents, suspected explosive devices, special events, and training missions/mutual aid support.

9

How do I ask a question or make a complaint about UAS use in Vallejo?

To file a complaint, please contact the Vallejo Police Department Professional Standards Division or [click here](#). For more FAQ related to UAS, please see FAA's link here: <https://www.faa.gov/uas/faqs/>.

Unmanned Aerial System Overview

Mission:

The mission of the Vallejo Police Department's Unmanned Aerial System (UAS) program is to provide airborne support to police operations in a safe, responsible, and measured, transparent manner to preserve the peace and increase the quality of life in the City of Vallejo.

Overview:

Unmanned Aerial Systems (UAS) may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of an UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

History:

The Vallejo Police Department's UAS program (Tech Team) was started in September 2017 when five officers were selected to operate the department's drones. Currently, the Tech Team has five pilots that are trained and certified by the Federal Aviation Administration as unmanned aircraft pilots. Tech Team members are assigned to patrol and can assist with backyard and building searches, photo and video collection of crime scenes, and reconnaissance on calls involving potentially violent suspects and situations. The Tech team is a component of the Vallejo Police Department's Emergency Services Unit (ESU) and has been utilized to assist with SWAT callouts and pre-planned operations such as search warrants and protests.

Benefits of Utilizing UAS Drone Technology:

- Allows officers and authorized personnel to gather important information about hazards, threats or lack thereof;
- Allows officers and authorized personnel to view and develop sound enforcement and de-escalation strategies to safely mitigate crime and avoid unnecessary confrontations.

Outreach

The Vallejo Police Department is committed to increasing transparency by educating our community on drone technology, usage and public safety benefits. The Department will work with community stakeholders and local privacy and civil liberty groups to share information and provide clarity on our policies and procedures.

Learn more by visiting www.vallejopd.net.

ORDINANCE NO. 1859 N.C. (2d)

REPEALING CHAPTER 2.27 OF THE VALLEJO MUNICIPAL CODE ESTABLISHING A SURVEILLANCE ADVISORY BOARD, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES AND FUNCTIONS OF SAID BOARD ADOPTED ON SEPTEMBER 28, 2021 AND REPLACING IT IN ITS ENTIRETY.

SECTION 1. FINDINGS

WHEREAS, the City Council previously adopted an Ordinance of the City Council of the City of Vallejo Adding Chapter 2.27 of the Vallejo Municipal Code Establishing a Surveillance Advisory Board at its September 28, 2021 regular meeting; and

WHEREAS, the City Council desires to repeal the previous ordinance and replace it entirely with a new ordinance.

SECTION 2. CREATION OF BOARD

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Vallejo that Chapter 2.27 adopted by the City Council by ordinance on September 28, 2021 is hereby repealed and replaced in its entirety to read as follows:

2.27.010 – CREATION AND NAME

Pursuant to Charter Section 403, there is hereby created an advisory board to be called the Surveillance Advisory Board to provide advice to the City Council, City Manager and City Departments about the acquisition, deployment and use of Surveillance Technology within the City of Vallejo.

2.27.020 – DEFINITIONS

For purposes of this Chapter 2.27, the capitalized terms below are defined as follows:

- (a) “Board” or “Advisory Board” shall mean the Surveillance Advisory Board of the City of Vallejo
- (b) “City” shall mean the City of Vallejo, California.
- (c) “City Council” shall mean the City Council of the City.
- (d) “City Staff Liaison” shall mean the City staff member assigned by the City Manager to support the Board.
- (e) “Surveillance Technology” shall mean the systematic observation, for law enforcement purposes, of places, persons or things by visual, aural, electronic, photographic, or other means including, but not limited to, the following:
 - 1. International Mobile Subscriber Identity (IMSI) Catchers and other cell site simulators;

2. Unmanned aerial vehicles (drones);
3. Automatic license plate readers;
4. Electronic toll readers;
5. Closed circuit television cameras;
6. Gunshot detection hardware and services;
7. Video and audio monitoring and/or recording technology such as surveillance cameras, wide-angle cameras and wearable body cameras;
8. DNA capture technology;
9. Biometric software including facial, voice, iris and gait recognition software and databases;
10. Software designed to monitor social media;
11. X-ray vans;
12. Software designed to forecast criminal activity or criminality;
13. Radio-frequency I.D. (RFID) scanners; and tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network.

2.27.030 - DUTIES AND FUNCTIONS

The duties and function of the Board shall be:

- (a) To advise the City and City Council on best practices to protect the safety, privacy, and civil rights of Vallejo residents in connection with the acquisition, borrowing, and/or use by City Departments of Surveillance Technology that collects, analyzes, processes or stores information about Vallejo residents.
- (b) To conduct meetings pursuant to this Chapter 2.27 and Chapter 2.26 of the Vallejo Municipal Code in order to collect public input concerning the use of surveillance technology by the City of Vallejo, and to seek advice and testimony from experts, subject to appropriation by the City Council to pay such experts. Nothing herein shall prevent any such expert from providing advice and participating in discussion with the Board at no cost to the City.
- (c) To submit recommendations, findings, and reports to City staff and to the City Council regarding the acquisition, deployment and policy relating to use of Surveillance Technology. Such recommendations include but are not limited to recommendations concerning reasonable alternatives to Surveillance Technology for the benefit of the health and safety of Vallejo residents; and recommendations regarding whether a City

Department should acquire, borrow, or use a particular Surveillance Technology. All such recommendations, findings and reports shall be in writing and shall be directed to the City Department requesting use of the Surveillance Technology with copies to the City Council, City Manager and City Attorney.

- (d) To review and respond to requests for review by the City Council, City Manager and City Departments related to any proposals or agreements to acquire, borrow, or adopt policies related to use of Surveillance Technology. Such requests shall be submitted to the Board by City Staff at least 45 days prior to seeking approval for or finalizing the decision to acquire, borrow or adopt a policy relating to the use of Surveillance Technology. The Board shall provide advice and/or recommendations concerning the proposed Surveillance Technology no later than 45 days after submission by a City Department. If the Board fails to provide advice and or recommendations within 45 days of submission to it by a City Department, the City Department may proceed with the acquisition, borrowing or use of the Surveillance Technology without further input from the Board. Notwithstanding the foregoing, the Board, may provide recommendations and advice at any time concerning the use of any existing Surveillance Technology owned or operated by the City.
- (e) Notwithstanding anything to the contrary herein, in the event of an emergency involving the immediate preservation of life or impending death of any person or persons that requires the use of technology not already in the possession of the City, the City may acquire or borrow said technology without a review by the Board, but shall provide a report to the Board as soon as practicable, but in no event exceeding 30 days, on the emergency use of said Surveillance Technology. In addition, the acquisition or borrowing of additional or replacement Surveillance Technology, previously approved, shall not require recommendation action by the Board except when said technology includes significantly increased or differing capabilities or features than the equipment that was previously approved.
- (f) To draft and recommend for City Council consideration, with the advice and consent of the City Attorney, model legislation on matters relevant to Surveillance Technology.
- (g) To request, receive, and analyze information about any City Department's acquisition, borrowing, or adoption of policies relating to the use of Surveillance Technology. The Board shall have the authority to request non-privileged information about Surveillance Technology from all City Departments. City Departments shall respond timely to information requests from the Board. For purposes of this chapter, "non-privileged information" shall mean any information that is not subject to the attorney/client or attorney work product privileges as defined by state or federal law, personnel information about City employees that is exempt from disclosure pursuant to state or federal law, personal information about any City employee, information concerning any ongoing litigation involving the City or any of its employees and any other information that the City Attorney determines is either privileged or exempt from disclosure pursuant to any applicable state or federal law.

2.27.040 -- MEMBERSHIP AND QUORUM

- (a) The Board shall consist of a total of seven (7) members. The membership shall consist of one resident of Vallejo appointed by each sitting member of the Vallejo City Council and one resident appointed by the Mayor. Members appointed by a sitting member of the Vallejo City Council shall be residents of the City of Vallejo and of the appointing Councilmember's district. At large Council Members may appoint a member from any City Council district. The member appointed by the Mayor may reside anywhere within the City. A proposed member may not serve on both the Board and the Chief's Advisory Board (CAB).
- (b) Each Advisory Board member shall serve as a volunteer without pay.
- (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 may be an employee of any City department or an immediate family member of any City department employee, a member of any other City advisory body or any other City commission or appellate body, or otherwise a government official. Further, no member shall be or have been an employee of any local, state or federal law enforcement agency.
- (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 that profits from decisions made by the Advisory Board.
- (e) Four members of the Board shall constitute a quorum.
- (f) No member shall serve more than eight (8) consecutive years. Former members serving eight consecutive years may be appointed again after a break in service of two (2) years.
- (g) Any action by the Board shall be approved by a majority of members present, provided a quorum exists.
- (h) Applications shall be sought through the normal process used by the City Council for publicizing openings for commission appointments. All applications shall be submitted to the City Clerk who will distribute them to the Mayor and all members of the City Council. The Mayor and the selecting Council Member shall conduct interviews of eligible applicants at a public meeting that has been noticed at least 72-hours in advance.
- (i) The term for each Member shall run concurrently with the term of the appointing Council Member or Mayor notwithstanding the date of appointment. Initial members shall serve on the Board only until the expiration of the term of the appointing elected official and thereafter may again be appointed at the discretion of the appointing elected official

2.27.050 – BOARD STAFF

- (a) The City Manager shall appoint a City Staff Liaison to support the Board, prepare the Board's agendas, prepare staff reports and supporting materials, to serve as the secretary of the Board, to keep the Board's minutes and to be the Board's custodian of records. In preparing agendas for the Board, the City Staff Liaison shall consult with the Chair and Vice-Chair of the Board as well as the City Attorney.
- (b) The City Attorney shall assign an attorney to provide legal advice to the Board on matters concerning the Board. The assigned attorney shall review all agenda items for the Board to ensure compliance with the Ralph M. Brown Act and any other applicable laws and regulations. The assigned attorney shall also ensure that the items on the agenda do not exceed the subject matter jurisdiction of the Board as set forth in this chapter 2.27. In addition, the assigned attorney shall provide advice to the Board at its regular and special meetings.

2.27.060 -- BOARD MEETINGS AND GOVERNANCE

- (a) The Board shall hold regular meetings on the third Thursday of every other month beginning with the first full month after adoption of this ordinance by the City Council. Provided there is no business for the Board to conduct at a regular meeting (i.e. there are no items requiring board action on the agenda), the City Staff Liaison may cancel a regular meeting as long as such cancellation occurs at least 72 hours before the scheduled start of the meeting. The City Staff Liaison may also cancel any meeting in the event of an emergency declared by the emergency authority of the City, State or Federal government. If there is a need to cancel a meeting for any other reason, the City Staff Liaison may only cancel such meeting with the written consent of the Board Chair and Vice Chair. Any meeting cancellation must be in writing and must clearly state the reason for the cancellation. The Board may amend a discussion of the cancellation policy and may, on the affirmative vote of a majority of the Board, suggest to the City Council a different cancellation policy amendment to the cancellation policy, however, such amendment to the cancellation policy must be adopted or amended by the Council and must comply with all applicable laws including, but not limited to, the Ralph M. Brown Act. In no event shall the Board meet less than once every six (6) months. If City staff submits a request for review of an acquisition or borrowing of Surveillance Technology, the Board shall hear the request at its next regular meeting or, if necessary to comply with the timeline in section 2.27.030(d), the Board may hold a special meeting as provided by law. All meetings of the Board shall be subject to the Ralph M. Brown Act.
- (b) In the event of a 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 pursuant to chapter 2.26 of this code. 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 and/or the Municipal Code.
- (c) At the first meeting of the Board, members shall select among themselves officers as set forth in section 2.26.070 of this code. The City Staff Liaison shall serve as the secretary as set forth in section 2.26.070.

2.27.070 – GENERAL RULES AND REGULATIONS

The Board shall comply with the general rules and regulations for all boards, commissions and committees as set forth in Chapter 2.26 of this code unless otherwise provided by ordinance or resolution.

2.27.075 – ENFORCEMENT

Any member of the public shall have the legal right to seek enforcement of this ordinance.

2.27.080 – MODIFICATION OF ORDINANCE

The Board shall have the right to seek changes to this chapter from the City Council as the Board may, by majority decision, feel are needed.

SECTION 3. 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 4. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after adoption by the City Council.

SECTION 5. PUBLICATION

The City Clerk is hereby directed to cause a summary of this ordinance to be published in the manner prescribed by Government Code section 36933(c).

First read at a regular meeting of the Council of the City of Vallejo held on the 16th day of November, 2021 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 7th day of December, 2021 by the following vote:

AYES: Mayor McConnell, Vice Mayor Verder-Aliga, Councilmembers Arriola, Brown, Dew, Loera-Diaz and Miessner
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

DocuSigned by:

F0ED3EAE234144F...
ROBERT H. MCCONNELL, MAYOR

DocuSigned by:

1489DDA6695D425...
DAWN ABRAHAMSON, CITY CLERK