

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA ESTABLISHING A PILOT PROGRAM TO OPERATE AN AUTOMATED LICENSE PLATE RECOGNITION SYSTEM (ALPR SYSTEM) AND APPROVING SAID POLICY; AND APPROVING A SERVICES AGREEMENT FOR THE RELATED INSTALLATION OF SURVEILLANCE CAMERAS AND EQUIPMENT AT THE INTERSECTION OF COMMERCE WAY AND WASHINGTON BOULEVARD, IN THE CITY OF COMMERCE**

**WHEREAS**, it is the City of Commerce City Council intent to implement an Automated License Plate Recognition ("ALPR") System as a pilot program, by approving an ALPR System Privacy Policy in order to assist law enforcement's and public safety's enforcement efforts to capture information related to the culprits of criminal and dangerous activity, including drivers and spectators who engage in street racing, by having the surveillance equipment and ability to read the license plates of vehicles engaged in criminal activity; and

**WHEREAS**, while the use of automated license plate scanning technology is widespread throughout the State of California, the use of this system needs to be balanced with implementing and enforcing a policy to protect data collected and used for lawful purposes only; and

**WHEREAS**, in 2016, the state legislature took action to oversee the collection of license plate information, and state law regulates the collection, disclosure and use of ALPR information by imposing specified requirements on ALPR operators and end-users; and

**WHEREAS**, for the calendar year commencing on August 24, 2019 through August 24, 2020, there have been a reported 168 speeding/racing incidents in the City of Commerce; and

**WHEREAS**, the operation of an ALPR system, adoption of an ALPR Privacy Policy, and by installing surveillance cameras and related equipment, specifically at the intersection of Commerce Way and Washington Boulevard, on a temporary basis, will provide City staff and the Los Angeles County Sheriff Department with a necessary enforcement means to capture license plate images, even if the vehicles used for the underlying activities flee, and will further serve as a criminal activity deterrent; and

**WHEREAS**, the City Council is concerned about protecting the privacy of its residents and visitors with respect to the retention and use of data obtained by ALPRs and neighborhood surveillance cameras; and

**WHEREAS**, because the City of Commerce contracts with the Los Angeles County Sheriff's Department ("County Sheriff") for law enforcement services, the City will be adopting the County Sheriff's existing ALPR Policy as its own, since the County Sheriff's ALPR Privacy Policy, amongst other things, is consistent with state law requirements, including, it places clear limits on surveillance, prevents the misuse of data by limiting when

data can be used and who can access it, and limits data retention by keeping information only as long as it is necessary; and

**WHEREAS**, this Resolution also designates a trained City Manager designee to monitor the ALPR System, along with designated County Sheriff Department Deputies who service the City, during a proposed one (1) month trial basis period; and

**WHEREAS**, the attached Services Agreement proposes the equipment be provided by Sea Hawk Surveillance and Avigilon at no expense to the City of Commerce; and

**WHEREAS**, after the trial period of this pilot program, City staff will report back to the City Council with the results of the temporary implementation and operation of an ALPR System and corresponding surveillance cameras, and provide information and potential recommendation(s), including whether a permanent ALPR System, Policy and corresponding surveillance system should be adopted and implemented; and

**WHEREAS** on September 1, 2020, the City of Commerce, pursuant to Civil Code Section 1798.90.55(a), conducted a duly noticed public hearing to consider the City of Commerce's intention to operate an Automated License Plate Recognition System ("ALPR System"), which is defined as "a means of a searchable computerized database resulting from the operation of one or more mobile or fixed cameras combined with computer algorithms to read and convert images of registration plates and the characters they contain into computer-readable data," the adoption of a ALPR policy, and the installation of surveillance cameras and related equipment. [Civil Code Section 1798.90.5]; and

**WHEREAS**, after conducting the public hearing, including considering Staff's report, presentation, oral and evidentiary information, and providing the public with an opportunity to provide comment, it is the City Council's intention to approve this Resolution approving the operation of an ALPR system by adopting an ALPR System Privacy Policy, and approving of a services agreement with Seahawk for the installation of surveillance cameras and related equipment, to operate as a pilot program.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:**

**Section 1. Recitals.** City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct, and incorporates them herein as findings and as a substantive part of this Resolution.

**Section 2. Intention.** It is the City of Commerce City Council intent to implement an Automated License Plate Recognition ("ALPR") System as a pilot program, by approving an ALPR System Privacy Policy in order to assist law enforcement's and public safety's enforcement efforts to capture information related to the culprits of criminal and dangerous activity including drivers and spectators who engage in street racing, by having the equipment and ability to read the license plates of vehicles engaged in criminal activity, to create a safer environment for all those who live, work and visit the City, which cameras may be used for the purpose of detecting and deterring crime, to help emergency services personnel maintain public order, to monitor pedestrian and vehicle traffic activity, to assist in the preparation of traffic reports, and to assist City officials in prosecuting and/or defending civil or administrative actions.

**Section 3. Adoption of Los Angeles County Sheriff ALPR System Privacy Policy.** Due to the City of Commerce contracting with the Los Angeles County Sheriff's Department ("County Sheriff") for law enforcement services, the City hereby adopts the County Sheriff's existing ALPR Policy as its own, which is attached hereto and incorporated herein by this reference, since the County Sheriff's ALPR System Privacy Policy, amongst other things, is consistent with state law requirements, including, it places clear limits on surveillance, prevents the misuse of data by limiting when data can be used and who can access it, and limits data retention by keeping information only as long as it is necessary. Further, pursuant to Section II of the attached, City Council hereby designates a trained City Manager designee to monitor the ALPR System, along with designated County Sheriff Department Deputies who already contractually service the City, during the proposed trial basis period.

**Section 4. Posting of approved ALPR System Privacy Policy.** City Staff is hereby directed to post on its City website, (<http://www.ci.commerce.ca.us/>), this Resolution incorporating and approving the ALPR System Privacy Policy, and post same as well, prior to commencing its pilot program.

**Section 5. Approval of Services/Terms of Engagement Agreement with Seahawk and the Temporary Installation of Surveillance Cameras and Related Equipment.** The attached Services/Terms of Engagement Agreement with Sea Hawk Surveillance, Inc. in substantially the same form as approved by the City Attorney, subject to final, technical revisions as required and as approved by the City Attorney, is hereby approved, for the installation of surveillance equipment by Sea Hawk Surveillance and Avigilon, at no expense to the City of Commerce, in the intersection of Commerce Way and Washington Boulevard. City Manager, or his or her designee, are authorized to execute said Agreement on behalf of the City.

**Section 6. Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Resolution is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council declares that it would have adopted this Resolution, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Resolution are declared to be severable.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Ivan Altamirano, Mayor

ATTEST:

\_\_\_\_\_  
Lena Shumway, City Clerk