



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: MAY 18, 2026

FROM: DEREK COLE, CITY ATTORNEY

SUBJECT: INTRODUCTION AND WAIVER OF FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK ADDING CHAPTER 2.55 TO THE SUTTER CREEK MUNICIPAL CODE PERTAINING TO SURVEILLANCE TECHNOLOGY AND PRIVACY PROTECTIONS

Background and Analysis

The City of Sutter Creek is exploring the modernization of its public safety infrastructure. Specifically, the Police Department identified “intelligent” cameras and Automated License Plate Readers (“ALPRs”) as critical tools for deterring crime and solving investigations.

Alongside the need to modernize its policing tools is the City’s duty to protect privacy, data security, and the civil liberties of its residents. At its April 6, 2026 regular meeting, the City Council directed staff to prepare an ordinance that mandates the development of a Surveillance Use Policy before entering into any vendor agreement for surveillance technology.

The Surveillance Use Policy (“policy”), which the City Council must adopt, will be a legally binding manual specifying authorized use of the proposed technology, data retention, access rights, and third-party sharing limits. Thereafter, the Council may approve the technology if it finds: the technology is effective for the stated purpose; the benefits to the community outweigh the costs; and there are no feasible alternatives with less privacy impacts.

The proposed ordinance also requires the Police Department to present an Annual Surveillance Report to Council, detailing: usage statistics prescribing how frequently the technology was deployed; audit results verifying that data retention schedules were followed, in accordance with the policy; and a summary of any community complaints.

By adopting this ordinance, the Council ensures any future vendor agreements are subject to certain privacy requirements as binding terms—protecting the City from legal liability and contract cancellations, as seen in other jurisdictions.

Fiscal Impact

There is no financial impact associated with the adoption of the Surveillance and Privacy Protection Ordinance. Future costs will be associated with the acquisition of surveillance technology via hardware and software subscriptions.

Recommendation

The City Council should consider adopting the Surveillance and Privacy Protection Ordinance.

ATTACHMENTS:

1. Surveillance and Privacy Protection Ordinance