

ORDINANCE NO. __

**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**

WHEREAS, the City has identified surveillance technology, such as intelligent cameras and automated license plate readers (“ALPRs”), as critical tools for solving criminal investigations; and

WHEREAS, the City finds surveillance technology acts as a “virtual officer” by providing real-time, objective evidence to City peace officers without having to rely on witnesses to crimes; and

WHEREAS, in evaluating how to modernize its public safety infrastructure, the City finds surveillance technology has been successfully implemented in nearby jurisdictions; and

WHEREAS, in seeking to incorporate surveillance technologies, the City also desires to safeguard the privacy and data security of its residents; and

WHEREAS, City staff also recommend that the City Council adopt a comprehensive “Surveillance Use Policy” prior to approval of any contract for surveillance technology; and

WHEREAS, at its regular meeting on April 6, 2026, the City Council directed staff to prepare a Surveillance and Privacy Protection Ordinance that will strike the necessary balance between utilization of modern policing tools and protection of civil liberties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUTTER CREEK DOES ORDAIN AS FOLLOWS:

Section 1.

Chapters 2.55 is added to the Sutter Creek Municipal Code to read as follows:

**CHAPTER 2.55 – SURVEILLANCE TECHNOLOGY
AND PRIVACY PROTECTIONS**

2.55.010 – Council approval required for contracts, agreements, grant applications and donations involving surveillance technology.

The Council shall approve each of the following:

- A. Applications for grants, acceptance of state or federal funds, or acceptance of in-kind or other donations of surveillance technology;
- B. Notwithstanding any delegation of authority to award contracts in this code,

contracts of any type and any amount that include acquisition of new surveillance technology;

- C. Use of City Council-approved surveillance technology for a purpose, in a manner, or in a location outside the scope of prior City Council approval; or
- D. Agreements with a non-City entity to acquire, share, or otherwise use surveillance technology or the information it provides.

2.55.020 – Council approval of surveillance use policy.

Any agreement entered into under Section 2.55.010 must conform to the City Council-approved Surveillance Use Policy. If no current Surveillance Use Policy covers an approved activity, the Council shall adopt a new policy or amend an existing policy to address the new activity before entering into a vendor agreement.

2.55.030 – Information required.

Unless it is not reasonably possible or feasible to do so, before City Council approves a new activity listed in Section 2.55.010, the City will make available to the public a surveillance evaluation and a proposed Surveillance Use Policy for the proposed activity.

2.55.040 – Determination by City Council that benefits outweigh costs and concerns.

Before approving any new activity listed in Section 2.55.010, the City Council shall assess whether the benefits of the surveillance technology outweigh its costs. The City Council shall consider all relevant factors, including financial and operational impacts; enhancements to services and programs; and impacts on privacy, civil liberties, and civil rights.

2.55.050 – Oversight following Council approval.

Beginning after the close of fiscal year 2026-27 and annually thereafter, the City shall produce and make available to the public an Annual Surveillance Report. The Annual Surveillance Report should be noticed as an informational report to the City Council. The City Council may calendar the Annual Surveillance Report or any specific technology included in the report for further discussion or action, and may direct that (a) use of the surveillance technology be modified or ended; (b) the Surveillance Use Policy be modified; or (c) other steps be taken to address Council and community concerns.

2.55.060 – Definitions.

The following definitions apply to this chapter:

- A. “Annual Surveillance Report” means a written report, submitted after the close of the fiscal year and that includes the following information with respect to the prior

fiscal year:

1. A description of how each City Council-approved surveillance technology was used, including whether it captured images, sound, or information regarding members of the public who are not suspected of engaging in unlawful conduct;
 2. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the types of data disclosed, and the reason for the disclosure;
 3. A summary of any community complaints or concerns about the surveillance technology;
 4. Non-privileged and non-confidential information regarding the results of any internal audits, information about violations of the surveillance use policy, and any actions taken in response;
 5. Whether the surveillance technology has been effective at achieving its identified purpose;
 6. The number and nature of Public Records Act requests relating to the surveillance technology;
 7. Annual costs for the surveillance technology and for compliance with this surveillance and privacy protection ordinance, including personnel and other ongoing costs, and sources of funding;
 8. Other relevant information as determined by the City Manager; and
 9. The Annual Surveillance Report will not include information that may compromise the integrity or limit the effectiveness of a law enforcement investigation.
- B. “Surveillance evaluation” means written information, including as part of a staff report, including:
1. A description of the surveillance technology, including how it works and what information it captures;
 2. Information on the proposed purpose, use and benefits of the surveillance technology;
 3. The location or locations where the surveillance technology may be used;

4. Existing federal, state, and local laws and regulations applicable to the surveillance technology and the information it captures; the potential impacts on civil liberties and privacy; and proposals to mitigate and manage any impacts; and
 5. The costs for the surveillance technology, including acquisition, maintenance, personnel and other costs, and current or potential sources of funding.
- C. “Surveillance technology” means any device or system primarily designed and actually used or intended to be used to collect and retain audio, electronic, visual, location, or similar information constituting personally identifiable information associated with any specific individual or group of specific individuals, for the purpose of tracking, monitoring or analysis associated with that individual or group of individuals. Examples of surveillance technology include: intelligent cameras, which are video systems with software that classify objects and enable rapid footage searches; automated license plate readers (“ALPRs”), which are high-speed cameras that capture license plates and compare them against “hotlists” for stolen vehicles or warrants; drones with cameras or monitoring capabilities; biometrics-identification technology and facial-recognition technology. For the purposes of this chapter, "surveillance technology" does not include:
1. Any technology that collects information exclusively on or regarding City employees or contractors;
 2. Standard word-processing software; publicly available databases; and standard message tools and equipment, such as voicemail, email, and text message tools;
 3. Information security tools such as web filtering, virus detection software;
 4. Audio and visual recording equipment used exclusively at open and public events, or with the consent of members of the public; and
 5. Medical devices and equipment used to diagnose, treat, or prevent disease or injury.
- D. “Surveillance Use Policy” means a stand-alone policy or a section in a comprehensive policy that is approved by the City Council, before entering into an agreement under Section 2.55.010, and contains:
1. The intended purpose of the surveillance technology;
 2. Uses that are authorized, any conditions on uses, and uses that are prohibited;

3. The information that can be collected by the surveillance technology;
4. The safeguards that protect information from unauthorized access, including, but not limited to, encryption, access-control, and access oversight mechanisms;
5. The time period for which information collected by the surveillance technology will be routinely retained; the process by which the information is regularly deleted after that period lapses; and conditions and procedures for retaining information beyond that period;
6. If and how non-City entities can access or use the information, including conditions and rationales for sharing information, and any obligations imposed on the recipient of the information; and
7. A description of compliance procedures, including functions and roles of City officials, internal recordkeeping, measures to monitor for errors or misuse, and corrective procedures that may apply.

2.55.070 – No private right of action.

This chapter is not intended and shall not be interpreted to create a private right of action for damages or equitable relief on behalf of any person or entity against the City or any of its officers or employees.

Section 2. CEQA FINDING.

The City Council finds that the provisions of this Ordinance are exempt from the California Environmental Quality Act (“CEQA”) because the instant ordinance involves administrative activities and thus is not a project, as the Act defines, pursuant to Section 15378(b)(2) of the CEQA Guidelines. To the extent the adoption of this Ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from environmental review because it can be seen with certainty that the adoption of the ordinance would not have any significant impact on the environment.

Section 3. REPEAL OF INCONSISTENT ORDINANCES

Any provisions of the Sutter Creek Municipal Code inconsistent with this Ordinance are hereby repealed.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent

jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Sutter Creek hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional.

Section 5. PUBLICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Sutter Creek.

PASSED, APPROVED, AND ADOPTED this ____ day of June 2026 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Claire Gunselman, Mayor

ATTEST:

Pam Caronongan, City Clerk

Date