

RESOLUTION NO. R2018-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE FORMING OF A CITIZEN OVERSIGHT COMMITTEE AND ESTABLISHING ACCESS TO CITY DATA OBTAINED BY ANYCOMM NETWORK NODES

WHEREAS, the City of Yuma (City) and anyCOMM Holdings Corporation (anyCOMM) have entered into a contract for the installation of a City-wide network of nodes (Nodes) to be located on City infrastructure, such as street lights and traffic signal cabinets; and,

WHEREAS, the Nodes have the ability to provide advanced lighting control, a Gigabit speed wireless mesh network, cellular carrier offload capabilities, digital video technology and various other capabilities; and,

WHEREAS, the Nodes will provide the City with useful tools for investigating crimes, traffic collisions and critical public safety incidents; and the security monitoring of community special events; and,

WHEREAS, the City wishes to establish policies, procedures, safeguards, and oversight for the City's use of the information and City data obtained from the Nodes, to ensure that legal privacy and rights of citizens are protected; and,

WHEREAS, the City desires to ensure that the City data collected from the Nodes is handled in a proper and legal manner, in compliance with the United States and Arizona Constitutions, and all Federal, State, and local laws;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The City Council hereby forms a Citizen Oversight Committee (Oversight Committee) which consists of the Mayor or his designee, and four City citizens appointed by the City Council in accordance with City Charter Article IX. The initial term of the committee members shall be as follows: two members whose term shall expire December 31, 2020, and two members whose terms shall expire December 31, 2022. After the committee members' initial terms, the committee members shall be appointed for staggered four-year terms. The committee members shall serve without compensation. The Oversight Committee shall provide policy change recommendations to City Council as needed. The Oversight Committee will meet at least semiannually or as needed to provide oversight and review the purpose for accessing City data collected by the Nodes. This review, when completed, will be provided in a written report to the City Council and City Administrator.

SECTION 2: The City Administrator will form a Review Committee, under the City Administrator's authority, to provide operational oversight, establish internal procedures for all access and retrieval of City data collected by the Nodes. The Review Committee will meet on a quarterly basis or as needed. In all cases, fourth amendment constitutional rights, rules regarding warrants, and search and seizure will be adhered to. The Review Committee may recommend formal policy changes to City Council. In those cases, a copy will be also sent to the Oversight Committee.

SECTION 3: Authorization is given for the Yuma Police Department (YPD) and the Yuma Fire Department (YFD) to request, obtain, and/or access City data, without prior approval of Council, City Administrator, or the Review Committee, when needed for criminal justice purposes, post-incident; to

include criminal investigations, traffic collision investigations, crime deterrence, training purposes, public safety and exigent circumstances. YPD's access to, and retrieval or collection of City data will be in strict compliance with all federal, state, and local laws and policies. Once the information and/or data is downloaded, it will be handled in the same manner as other evidence is handled by YPD.

SECTION 4: Authorization is given to YPD and YFD to access real-time City data without prior approval of City Council, City Administrator, or the Review Committee for the purpose of public safety emergencies and exigent circumstances where lack of immediate action may lead to death, serious injury or a severe breach of law. In all other cases, access to real-time City Data will be in strict compliance with all Federal, State, and local laws and policies. Independent recording of live video by staff is prohibited.

SECTION 5: City data is not in the possession or control of the City of Yuma, and is not subject to public record laws until such time as a copy is obtained by the City. Persons requesting data of which the City does not have a copy shall be referred to anyCOMM. When the City obtains a copy of City data it then becomes public record and is subject to retention and release as required by Federal, State and local law. Only the City will be allowed direct access to City data (live or recorded) except as may be required by the courts.

SECTION 6: Requests for access to real-time information and data provided by the Nodes on public streets and rights-of-way, to perform traffic counts, and monitoring of traffic to assist in traffic control and changes to traffic signal timing, will be provided to the Review Committee for consideration and approval

Adopted this _____ day of _____ 2018.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney