



AGENDA SPECIAL MEETING OF THE OAKLEY CITY COUNCIL

Tuesday, July 09, 2024
6:00 PM

Oakley Council Chambers located at 3231 Main Street, Oakley, California 94561

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we **Live** in a safe, dynamic community, **Work** together to build the future, and **Play** in our own backyard.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road. Agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561. Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, please contact us at (925) 625-7000.

The City of Oakley provides social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Envision Oakley, Oakley OnDemand on the City's website, and by emailing info@ci.oakley.ca.us.

If you require special accommodation, please call the City Clerk's office at (925) 625-7000 before the meeting or contact City staff at the meeting.

Please keep cell phones/electronic devices turned off during the meeting. Please be advised that City Council meetings are video recorded and attendees may appear on video.

Information Regarding Public Comment

Members of the public may address the Council on items of interest that are within the City's jurisdiction. In

compliance with State law, the council may not take action or have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the Mayor calls the items. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a public speaker card available in the lobby and submit it to the City Clerk seated in the Council Chamber **prior to the agenda item being called**. The Mayor will call you by name to the podium to hear your comment. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. Online public comments are accepted until 5 p.m. the day of the meeting and can be submitted at <https://www.ci.oakley.ca.us/online-public-comment-card/>.

1.Call to Order and Roll Call

2.Pledge of Allegiance to the Flag

3.Public Comments

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items.

4.Closed Session

4.1 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (One potential case based on California Attorney General letter dated June 24, 2024 concerning automatic license plate reader practices)

[Letter re ALPR](#)

5.Adjourn



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

June 24, 2024

Chief Paul Beard
City of Oakley Police Department
3231 Main Street
Oakley, CA 94561

RE: Automated License Plate Recognition System Information Practices

Dear Chief Beard:

The California Department of Justice is committed to ensuring that the personal information of California's residents and visitors is protected in accordance with state law. Based on recent news reporting, the Attorney General's Office understands that the City of Oakley Police Department maintains a practice of sharing information captured by Automated License Plate Recognition ("ALPR") systems with out-of-state and/or federal law enforcement agencies. As our office has previously informed you, this practice violates state law.

In 2015, California passed Senate Bill ("SB") 34, which governs the use of data captured by ALPR systems. Among other things, SB 34 imposes limitations on releasing or sharing that data. On October 27, 2023, the Attorney General's Office published Information Bulletin No. 2023-DLE-06, reminding law enforcement agencies of their obligations under SB 34.¹ The Bulletin was addressed to all California state and local law enforcement agencies, including your own. It advised, among other things, that SB 34 prevents California's law enforcement agencies from sharing ALPR system information with out-of-state and federal agencies.

As described in Information Bulletin No. 2023-DLE-06, SB 34 only permits sharing ALPR information with "another public agency," and only as "otherwise permitted by law." (Civ. Code, § 1798.90.55(b).) It narrowly defines a "public agency" to mean "the state, any city, county, or city and county, or any agency or political subdivision of the state or a city, county, or city and county, including, but not limited to, a law enforcement agency." (*Id.* § 1798.90.5(f).) Because out-of-state and federal agencies do not meet SB 34's definition of a "public agency," sharing with those agencies is prohibited by law.

On November 8, 2023, Oakley Police Lieutenant Robert Roberts contacted the Attorney General's Office with an inquiry regarding this prohibition. On November 16, our office responded to his inquiry, reiterating the above limitations on sharing ALPR information. On March 25, 2024, the San Francisco Chronicle published an article quoting Lieutenant Roberts as

¹ The Bulletin is available at: <https://oag.ca.gov/system/files/media/2023-dle-06.pdf>.

reporting that your agency is “still sharing [ALPR] data with agencies outside of California,” contrary to our office’s guidance.²

The Attorney General’s Office is dedicated to ensuring compliance with SB 34. To that end, we invite you to meet with our office to discuss your agency’s ALPR information practices, including Oakley Police Department Policy 430. It is our sincere hope that we can collaborate to align your agency’s ALPR information practices with state law and obviate the need for legal action. Should your agency refuse to do so, however, the Attorney General stands ready to obtain a court order enjoining the sharing of ALPR information in violation of state law.

Please contact Deputy Attorney General Michael S. Cohen at (916) 210-6090 or Michael.Cohen@doj.ca.gov by July 12, 2024, indicating your willingness to work with the Attorney General’s Office to protect this sensitive information as state law requires. We thank you in advance for your cooperation.

Sincerely,



VENUS D. JOHNSON
Chief Deputy Attorney General

For ROB BONTA
 Attorney General

² Bob Egelko, *California Police Are Still Sharing License Plate Data with Anti-Abortion States*, S.F. Chronicle (Mar. 25, 2024) <https://www.sfchronicle.com/politics/article/police-data-sharing-19257348.php>.