



**DATE:** Monday, August 18, 2025  
**TIME:** 7:00 PM  
**PLACE:** 400 South Vine Street, Urbana, IL 61801

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## AGENDA

Chair: *Grace Wilken, Ward 6*

- A. Call to Order and Roll Call
- B. Approval of Minutes of Previous Meeting
  - 1. 7-21-2025 Committee of the Whole Meeting Minutes
- C. Additions to the Agenda
- D. Presentations and Public Input
  - 1. OSF HealthCare Heart of Mary Medical Center Update – J.T. Barnhart, President and Christopher Manson, Vice President of Government Relations
- E. Staff Report
- F. New Business
  - 1. Ordinance No. 2025-08-024: An Ordinance Revising the Annual Budget Ordinance (Budget Amendment #1 – Omnibus) – HRF
- G. Unfinished Business
  - 1. Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases – CM's Wilken and Kolisetty
- H. Council Input and Communications
- I. Adjournment

## PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions, and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and the general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner. Public Input will be taken in the following ways:

### Email Input

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: [citycouncil@urbanail.gov](mailto:citycouncil@urbanail.gov). The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

### Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

### Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than two (2) hours, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or

behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

**Accommodation**

If an accommodation is needed to participate in a City meeting, please contact the City Clerk's Office at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2366
- Email: [CityClerk@urbanil.gov](mailto:CityClerk@urbanil.gov)



City of Urbana  
400 S. Vine Street, Urbana, IL 61801  
[www.urbanaininois.us](http://www.urbanaininois.us)

## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** August 18, 2025, Committee of the Whole

**Subject:** An Ordinance Revising the Annual Budget Ordinance (Budget Amendment #1 – Omnibus)

### Summary

#### *Action Requested*

Forward the budget amendment authorizing these adjustments for approval at the August 25, 2025, City Council meeting. This budget amendment requires six affirmative votes, including the Mayor, in order to pass.

#### *Brief Background*

This ordinance seeks Council approval to amend the FY2026 Annual Budget. Proposed adjustments include rebudgets across multiple accounts, a correction to Fire Station bond payments, funding for a fire truck engine replacement, allocation of ARPA funds, appropriation of newly awarded grants, and other routine housekeeping items.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

The requested items are intended to enable City staff to better serve Urbana residents.

#### *Strategic Goals & Plans*

The proposed changes align with the Mayor and Council 2024-2025 Goals, specifically **Strategic Area #1: Public Safety & Well-Being** **Strategic Area #2: Housing** and **Strategic Area #3: Infrastructure**.

#### *Previous Council Actions*

The City Council approved [FY2026 Annual Budget](#) on June 25, 2025.

### Discussion

#### *Additional Background Information*

##### General Fund (100):

Hotel Royer Development Incentive – Interfund Loan: On June 2, 2025, City Council approved the interfund loan from the General Fund to the Central TIF Fund to provide interim funding for the Hotel Royer development incentive, pending the City's bond issuance ([Ordinance No. 2025-05-017](#)).

This amendment accounts for approximately eight months of interest income (\$133,500) to be received from the Central TIF Fund, based on the anticipated timeline for issuing bonds.

**Patrol Training:** This amendment adds \$32,708 reimbursable training funds for Patrol officers. The training costs will be fully reimbursed by the Illinois Law Enforcement Training and Standards Board (ILETSB).

**Grants:** This amendment reflects the appropriation of newly awarded grant funds in the budget:

- \$16,030 from the Edward Byrne Memorial Justice Assistance Grant (JAG) for the Police Department ([Resolution No. 2025-02-015R](#))
- \$8,400 from the Illinois Department of Natural Resources (IDNR) Certified Local Government Grant for Historic Preservation Website ([Resolution No. 2025-07-060R](#))

**Rebudgets:**

- **Public Works - Tree Donation Funds:** \$33,318 in unspent tree donation funds from FY2025 will be rebudgeted to FY2026 to support tree orders.
- **Community Development:**
  - **Housing Study:** \$50,000 in funding for the Housing Study will be rebudgeted to FY2026.
  - **Software Implementation:** Due to a delay in OpenGov software implementation, the City will need to extend its CitizenServe license for another year. To cover the cost, \$19,500 in unspent technology services funds from FY2025 will be rebudgeted to FY2026.
  - **Social Services Funding:** Unspent social services funds (\$437,112) from FY2025 will be rebudgeted to FY2026 to continue supporting approved programs and services.

**Technical Error:** Due to a minor technical error, one account in the Community Development budget was entered incorrectly. This amendment corrects the error and increases the budget in account 10050510-52102 (Technology Services) by \$4,509.

**Capital Improvement & Replacement Fund (200):** This amendment moves the Public Works Facility Improvements project to a new project to improve project tracking and financial reporting. The project itself remains unchanged; this is an administrative adjustment to streamline monitoring and accounting.

**Vehicle & Equipment Replacement Fund (300):** The purchase of Special Operations equipment for the Fire Department, originally planned for FY2025, has been deferred to FY2026. This amendment rebudgets the funds to reflect the updated timeline.

**American Rescue Plan Fund (350):** This change includes the allocation of funds in the ARPA Fund to support various approved programs. These adjustments ensure continued implementation of

projects aligned with the City's ARPA spending priorities and reflect updated cost estimates and funding needs.

Debt Service Fund (365): This change adjusts the budgeted principal and interest payments to reflect the updated amounts listed in the official debt service schedule for the Fire Station bonds. The interest rate on the bonds is 3.91%.

Equipment Services Fund (600): An additional \$54,335 is needed to cover the cost of a fire truck engine replacement performed by an external vendor. The current Fleet Operating budget for Equipment Repair & Maintenance does not have sufficient funding to cover this major rehabilitation expense. The necessary funds will be transferred from the General Fund to support this one-time repair.

#### *Fiscal and Budget Impact*

The estimated unassigned ending fund balance in the General Operating Fund is \$12,022,410, representing 25.16% of recurring expenditures. This exceeds the policy requirement by \$78,208, limiting the City's ability to absorb any new major expenditures. This amount excludes \$5,473,000 reserved for at-risk federal grant programs and funds set aside for the second and third years of the Community Engagement Team pilot program.

#### *Recommendation*

Forward the budget amendment authorizing these adjustments to the FY2026 budget with a recommendation for approval at the August 25, 2025 City Council meeting.

#### *Next Steps*

If the proposed adjustments mentioned above are approved, the revisions detailed in the exhibit will be incorporated into the FY2026 Annual Budget.

#### **Attachments**

1. An Ordinance Revising the Annual Budget Ordinance

Originated: Don Ho, Senior Financial Analyst / Budget Coordinator

Approved: Elizabeth Hannan, HR & Finance Director

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REVISING THE ANNUAL BUDGET ORDINANCE**

**(Budget Amendment #1 – Omnibus)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, and may exercise any power and perform any function pertaining to its governmental business and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted by the Illinois Constitution of 1970; and

**WHEREAS**, the corporate authorities of the City heretofore did approve the annual budget ordinance of and for the City of Urbana for the fiscal year beginning July 1, 2025 and ending June 30, 2026; and

**WHEREAS**, the said corporate authorities find that revising the annual budget ordinance by deleting, adding to, changing, or creating sub-classes within object classes and object classes themselves is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs; and

**WHEREAS**, funds are available to effectuate the purpose of such revision; and

**WHEREAS**, the Budget Director may not make such revision under the authority so delegated to the Budget Director pursuant to 65 ILCS 5/8-2-9.6 or Urbana City Code Section 2-133.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AND THE MAYOR, BEING THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS**, as follows:

**Section 1.**

The annual budget ordinance shall be and the same is hereby revised as set forth in the exhibit appended hereto and made a part hereof as if fully set forth herein.

**Section 2.**

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of two-thirds of the corporate authorities then holding office (6 of 8 votes) of the City of Urbana, Illinois, at a duly noticed and convened meeting of the said corporate authorities.

**PASSED BY THE CORPORATE AUTHORITIES** this \_\_ Day of \_\_\_\_\_, 20\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_ Day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
DeShawn B. Williams, Mayor

Budget Amendment 2025/26 - 01 - Exhibit A

General Ledger Code	Project String	Description	Current Budget	Revised Budget	Difference	Reason
<b>GENERAL OPERATING FUND (100)</b>						
<u>Revenues</u>						
100-41150		GENERAL FUND: STATE GRANTS - CULTURE & RECR	-	8,400	8,400	IDNR GRANT
100-41320		GENERAL FUND: FEDERAL GRANTS - PUBLIC SAFETY	-	16,030	16,030	JAG GRANT
100-45110		GENERAL FUND: INVESTMENT INCOME (INTND LN)	-	133,500	133,500	INTEREST PAYMENTS FOR INTERFUND LOAN
100-46210		GENERAL FUND: DEPARTMENT REIMBURSEMENTS	125,000	157,708	32,708	PTI TRAINING - PATROL
<b>Total Revenues</b>			<b>49,792,654</b>	<b>49,983,292</b>	<b>190,638</b>	
<u>Expenditures</u>						
10020201-51410		POLICE PATROL: SMALL TOOLS & EQUIPMENT	-	16,030	16,030	JAG GRANT
10020201-52320		POLICE PATROL: TRAVEL, EDUCATION AND TRAINING	95,123	127,831	32,708	PTI TRAINING - PATROL
10030300-59600		FIRE OPERATIONS: TFR TO EQUIPMENT SERVICES	518,918	573,253	54,335	FIRE TRUCK ENGINE REPLACEMENT
10040401-52906-40907		URBAN FORESTRY: LANDSCAPING SERVICES	-	33,318	33,318	REBUDGET - TREE DONATION
10050510-52999		PLANNING AND ZONING: OTHER CONTRACTUAL SERVICES	765	50,765	50,000	REBUDGET - HOUSING STUDY
10050510-50120		PLANNING AND ZONING: SALARY - TEMPORARY EMPLOYEES	6,216	14,020	7,804	IDNR GRANT
10050510-50220		PLANNING AND ZONING: FICA AND MEDICARE	28,032	28,628	596	IDNR GRANT
10050510-52102		PLANNING AND ZONING: TECHNOLOGY SERVICES	-	4,509	4,509	TECHNICAL ERROR
10050521-52102		CODE COMPLIANCE: TECHNOLOGY SERVICES	80,488	132,590	52,102	REBUDGET - OPENGOV SOFTWARE
10050523-52999		SOCIAL SERVICES: OTHER CONTRACTUAL SERVICES	825,109	1,262,221	437,112	REBUDGET - SOCIAL SERVICES
<b>Total Expenditures</b>			<b>55,411,896</b>	<b>56,100,411</b>	<b>688,514</b>	
<b>Ending Fund Balance (estimated)</b>			<b>17,729,951</b>	<b>17,804,607</b>	<b>74,656</b>	
<b>CAPITAL IMPROVEMENT &amp; REPLACEMENT FUND (200)</b>						
<u>Expenditures</u>						
20040470-53200-40800	40800-CONST-PUBWORKS	CIP FUND CAPITAL PROJECTS: BUILDING - CITY FACILITY IMPROVEMENT	6,999,056	499,056	(6,500,000)	PUBLIC WORKS FACILITY IMPROVEMENT
20040470-53200-40807	40807-CONST	CIP FUND CAPITAL PROJECTS: BUILDING - PW FACILITY IMPROVEMENT	-	6,500,000	6,500,000	PUBLIC WORKS FACILITY IMPROVEMENT
<b>Total Expenditures</b>			<b>10,996,214</b>	<b>10,956,214</b>	<b>-</b>	
<b>Ending Fund Balance (estimated)</b>			<b>459,763</b>	<b>459,763</b>	<b>-</b>	
<b>VEHICLE &amp; EQUIPM REPLCMNT FUND (300)</b>						
<u>Expenditures</u>						
30060600-53440	VERF-FD-244	VEHICLE & EQUIP REPLACEMENT: OTHER EQUIPMENT	356,860	406,000	49,140	REBUDGET FIRE SPECIAL OPERATIONS TRUCK
<b>Total Expenditures</b>			<b>1,517,261</b>	<b>1,566,401</b>	<b>49,140</b>	
<b>Ending Fund Balance (estimated)</b>			<b>10,992,082</b>	<b>10,992,082</b>	<b>-</b>	
<b>CENTRAL TIF FUND (344)</b>						
<u>Expenditures</u>						
34450501-54200		ECONOMIC DEVELOPMENT: INTEREST	-	133,500	133,500	INTEREST PAYMENTS FOR INTERFUND LOAN
<b>Total Expenditures</b>			<b>2,594,201</b>	<b>2,727,701</b>	<b>133,500</b>	
<b>Ending Fund Balance (estimated)</b>			<b>5,682,357</b>	<b>5,548,857</b>	<b>(133,500)</b>	
<b>AMERICAN RESCUE PLAN FUND (350)</b>						
<u>Expenditures</u>						
35060620-52500		AMERICAN RESCUE PLAN: INTERGOVERNMENTAL AND AGENCY	-	174,416	174,416	APPROVED ARPA PROGRAMS
35060620-52800		AMERICAN RESCUE PLAN: GRANT MISC CONTRACTUAL SERVICE	-	310,037	310,037	APPROVED ARPA PROGRAMS
<b>Total Expenditures</b>			<b>1,128,783</b>	<b>1,613,236</b>	<b>484,453</b>	
<b>Ending Fund Balance (estimated)</b>			<b>702,207</b>	<b>217,754</b>	<b>(484,453)</b>	
<b>DEBT SERVICE FUND (365)</b>						
<u>Expenditures</u>						
36560630-54100		2025 GENERAL OBLIGATION BONDS: PRINCIPAL	400,000	265,880	(134,120)	REVISED DEBT SERVICE PAYMENT AMOUNT
36560630-54200		2025 GENERAL OBLIGATION BONDS: INTEREST	832,910	830,000	(2,910)	REVISED DEBT SERVICE PAYMENT AMOUNT
<b>Total Expenditures</b>			<b>1,232,910</b>	<b>1,095,880</b>	<b>(137,030)</b>	
<b>Ending Fund Balance (estimated)</b>			<b>(107,910)</b>	<b>29,120</b>	<b>137,030</b>	
<b>Equipment Services Fund (600)</b>						
<u>Revenues</u>						
600-49100		EQUIPMENT SERVICES FUND: TFR FROM GENERAL FUND	1,323,215	1,377,550	54,335	FIRE TRUCK ENGINE REPLACEMENT
<b>Total Revenues</b>			<b>1,428,361</b>	<b>1,482,696</b>	<b>54,335</b>	
<u>Expenditures</u>						
60040460-52202		EQUIPMENT SERVICES: EQUIPMENT REPAIR & MAINT	170,380	224,715	54,335	FIRE TRUCK ENGINE REPLACEMENT
<b>Total Expenditures</b>			<b>1,397,263</b>	<b>1,451,598</b>	<b>54,335</b>	
<b>Ending Fund Balance (estimated)</b>			<b>970</b>	<b>970</b>	<b>-</b>	

## MEMORANDUM TO THE URBANA, IL COMMITTEE OF THE WHOLE & CITY COUNCIL

**Meeting:** May 19, 2025 Committee of the Whole

**Subject:** Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Surveillance Technology and databases

**Sponsors:** Council Members Grace Wilken & Jaya Kolisetty

### Summary

#### *Action requested*

City Council is asked to approve the attached Ordinance, which requires and clarifies the process for procurement and use of policing technology and databases that can be used to monitor, track, and identify specific individuals or groups. This Ordinance codifies the public approval process for specific surveillance technologies or databases; it does not dictate the use of any given technology (that would be voted on by Council).

Overall, the Ordinance establishes the Council approval and public input process for new and existing policing technologies and databases. The attached definitions clarify the relevant types of technology and databases, the Use Report, Use Policy, and Policing Technology Annual Report.

#### *Brief Background & Previous Action*

City of Urbana adopted the Ten Shared Principles on June 22, 2020 in Resolution No. 2020-06-031R which states “We reject discrimination toward any person that is based on race, ethnicity, religion, color, nationality, immigrant status, sexual orientation, gender, disability, or familial status;” provides support to “build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles” and advocates for “the four pillars of procedural justice, which are fairness, voice (i.e., an opportunity for citizens and police to believe they are heard), transparency, and impartiality”

City of Urbana reaffirmed its commitment as a sanctuary city in Resolution No. 2016-12-070R, stating that “the City Council and the Mayor will join with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants...” and that “no city employee or official or department or agency of the City of Urbana shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or the investigation is required by a court order...”

The City of Urbana commissioned the completion of a review of UPD and UFD policies and staffing requirements by Berry Dunn consultants. The report on the first phase of the study included community stakeholder meetings, professional stakeholder meetings, community interest group and individual meetings, and an online survey, all of which included responses from community members showing “a desire for more active transparency” (page 58). The report noted transparency as one of the four pillars of procedural justice and is included in the six pillars of 21<sup>st</sup> Century Policing, and that not providing transparency through community input “can foster mistrust and damage relationships” (page 159).

In, September of 2021, the Urbana City Council was asked to approve a budget amendment, allowing the City to move funds in order to purchase automatic license plate readers. After much discussion and public input, including Town Hall Meetings, the budget amendment failed, with a 4 to 3 vote, in November of 2021. This instance highlighted the fact that there was no procurement policy for police surveillance technology.

During the budget discussions in June of 2023, Council Members Wilken and Evans proposed additional language to the budget ordinance that clarified the intended use of approved funds and required Council approval and due public process for the purchase of certain surveillance technologies. That proposed language failed, with a 5 to 2 vote. There was feedback from Council members on how to improve the language, and comments that they would entertain a discussion about surveillance policy in the future.

In response to the proposed budget language, on the June 26, 2023 City Council meeting, Mayor Marlin stated that, “The city of Urbana will not authorize or purchase Automated License Plate Reader (ALPR) technology, without explicit majority approval from the Urbana City Council. While the prior debate and vote on ALPRs centered on a budget amendment to purchase ALPRs, rather than a general policy statement, the council discussion and 4-3 vote defeating the amendment, made the position of the majority of council very clear.”

The attached Ordinance is a product inspired from years of discussion and thought in the Urbana community. The Ordinance is intended to simply codify the understanding by which the City has been operating for years, and define mechanisms public reporting. It has undergone some preliminary reviews, and continued feedback and collaboration is welcomed.

#### *Financial Impact*

There is no expected direct financial impact of this Ordinance.

#### *Additional Information & Resources*

Model Legislation from the Policing Project, New York University School of Law (this is similar to the originally proposed Ordinance):

<https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5df2acb192c2512f27a73c12/1576185009882/ADAPT+Act.pdf>

General resources on legislation for policing technology from the Policing Project:

<https://www.policingproject.org/policing-technology-model-statutes-and-legislative-resources>

Ordinance on surveillance technology from Boston, MA (these definitions were used for the updated Ordinance):

<https://www.boston.gov/sites/default/files/file/2021/09/Docket%20%230397%20%282%29.pdf>

Boston Police Department 2023 Annual Surveillance Technology Report:

[https://www.boston.gov/sites/default/files/file/2024/07/2023%20City%20of%20Boston%20Annual%20Surveillance%20Reports\\_0.pdf](https://www.boston.gov/sites/default/files/file/2024/07/2023%20City%20of%20Boston%20Annual%20Surveillance%20Reports_0.pdf)

Oakland, CA Ordinance to amend the City Code regarding police surveillance:

<https://cao-94612.s3.us-west-2.amazonaws.com/documents/OMC-9.64-January-2021-005.pdf>

Oakland, CA Privacy Commission – other resources and ordinances:

<https://www.oaklandca.gov/documents/privacy-advisory-board-ordinances-and-resolution>

ACLU Community Control Over Police Surveillance (this is the same group that created the guiding principles that were attached in the packet for the December 16, 2024 Committee of the Whole meeting):

<https://www.aclu.org/community-control-over-police-surveillance#:~:text=The%20proliferation%20in%20local%20police,color%20and%20low%20income%20communities.>

Research on data privacy and communities of color, from the Brookings Institution:

<https://www.brookings.edu/articles/police-surveillance-and-facial-recognition-why-data-privacy-is-an-imperative-for-communities-of-color/>

ACLU article on the use of ALPR data by ICE (US Immigration and Customs Enforcement) to target people who have immigrated to the US, including in Illinois and in “sanctuary cities”:

<https://www.aclu.org/news/immigrants-rights/documents-reveal-ice-using-driver-location-data>

Forbes article on lawsuits over license plate readers:

<https://www.forbes.com/sites/larsdaniel/2024/10/22/warrantless-surveillance-federal-lawsuit-challenges-flock-safety-cameras/>

ACLU model legislation: <https://www.aclu.org/documents/community-control-over-police-surveillance-model-bill>

**Attachments**

1. Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Surveillance Technology and Databases (version 6)
2. Attachment A, Definitions (Ordinance No. 2024-12-042)

Ordinance No. 2024-12-042

**AN ORDINANCE ESTABLISHING APPROVAL, POLICY, AND REPORTING REQUIREMENTS FOR SURVEILLANCE TECHNOLOGY AND DATABASES**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Resolution constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, the City of Urbana reaffirmed its commitment as a sanctuary city in Resolution No. 2016-12-070R, stating that “the City Council and the Mayor will join with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants...” and that “no city employee or official or department or agency of the City of Urbana shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or the investigation is required by a court order...”; and

**WHEREAS**, the City of Urbana adopted the Ten Shared Principles on June 22, 2020 in Resolution No. 2020-06-031R which states “We reject discrimination toward any person that is based on race, ethnicity, religion, color, nationality, immigrant status, sexual orientation, gender, disability, or familial status;” provides support to “build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles” and advocates for “the four pillars of procedural justice, which are fairness, voice (i.e., an opportunity for citizens and police to believe they are heard), transparency, and impartiality”; and

**WHEREAS**, it is the Urbana City Council (“Council” or “City Council”) and City’s responsibility to legislate matters of public safety and accountability to the public, and any use or expense of surveillance technology or major systems regarding public safety require due public process and approval from City Council; and

**WHEREAS**, the Urbana City Council finds that no decision relating to surveillance technology should be made without collaborative community input and consideration of the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by Article I of the Illinois Constitution and the First, Fourth, and Fourteenth Amendments to the United States Constitution; and

**WHEREAS**, the use of surveillance technologies are known to have had a significant, detrimental impact on civil rights and civil liberties, namely the invasion of an individual's privacy and infringing on their right to be left alone, including those guaranteed by the First, Fourth and Fourteenth Amendments to the United States Constitution, and thus it is incumbent on the police or other agency seeking to fund, acquire, or use a surveillance technology to expressly identify the potential adverse impacts the technology may have on civil rights and civil liberties and what specific measures it will undertake to prevent such adverse impacts; and

**WHEREAS**, surveillance technologies can create oppressive, stigmatizing environments when used indiscriminately, continuously, or pervasively, especially for communities that have historically been disproportionately targeted by their use, such as communities of color, low income communities, and politically active communities; and

**WHEREAS**, the urgency to publicly process the acquisition of surveillance technologies is necessitated by new concerns whether surveillance technologies will be used to apprehend people from out-of-state seeking abortions and other reproductive healthcare in Illinois; people without legal immigration status who seek asylum and would be sought for deportation; peaceful individuals or organizations exercising their rights, including expressing grievances against the government; and people whose race, national origin, ethnic identity, gender identity, sexual orientation, or other protected demographics place them under potential for additional surveillance; and

**WHEREAS**, the need for a public process to acquire surveillance technologies is further required because of the likelihood that federal law enforcement agencies will access any data stored by surveillance technologies; and

**WHEREAS**, as of the passing of this ordinance, there is no current city policy on the use and acquisition of police surveillance technology, and it is therefore necessary to clarify the Council's position on the required processes of public accountability;

**NOW THEREFORE BE IT ORDAINED** by the City Council, of the City of Urbana, Illinois, as follows:

**Section 1. Purpose:**

The purpose of this ordinance is to provide transparency, oversight, and accountability regarding the acquisition and use of surveillance technology and surveillance data by the City of Urbana and all departments and officials (hereinafter "City" or "City Department"), and to protect privacy, civil rights, and racial and immigrant justice.

## Section 2. Approval Process for Surveillance Technology and Database Acquisition or Use

- (a) Any City Department seeking to acquire or use new surveillance technology or surveillance data, shall, prior to such acquisition or use obtain ~~written~~ approval **by majority vote** of the Urbana City Council prior to purchasing, acquiring, or using any new surveillance technology or database (as defined in Attachment A of this Ordinance), which includes linking or cross-referencing existing databases, adding new categories of data to a database, or using new analytic tools on an existing database.
- (b) At least sixty (60) days prior to seeking approval of a surveillance technology or database, the City shall submit to the City Council and make publicly available a written **and unredacted** surveillance technology or database “Use Report,” along with a draft of the proposed surveillance technology or database “Use Policy” (as defined in Attachment A of this Ordinance).
- (c) The public shall have forty-five (45) days subsequent to filing of the surveillance technology or database “Use Report” and “Use Policy” to submit formal comments to the City Council.

## Section 3. Standard for Approval of Surveillance Technology or Database

- a) When evaluating a request for the use of surveillance technology or a database, the City Council may consider a range of factors, including but not limited to:
- i) The potential public safety benefits and effectiveness of the technology.
  - ii) The economic, social, and community costs associated with its implementation and use.
  - iii) Any potential impacts on civil liberties and civil rights, including privacy concerns.
  - iv) The possibility of disparate impacts on specific communities or groups.
  - v) Safeguards or oversight mechanisms that could mitigate risks or unintended consequences.
  - vi) Alternative methods or technologies that could achieve similar outcomes with fewer negative effects

## Section 4. Reporting and Approval of Existing Surveillance Technologies and Databases

- (a) For all existing or hereinafter approved surveillance technology and databases in use, a “**Surveillance** Technology Annual Report” will be publicly available and presented to City

Council each year, which includes a current copy of the “Use Policy” for each technology and other information included in the definitions in Attachment A.

(b) For all surveillance technology and databases referenced here that are already in use at the time this Ordinance is approved:

(i) The City shall present to City Council a “Use Report” and “Use Policy” for each technology or database in use, within one hundred twenty (120) days of the passing of this Ordinance, unless otherwise extended with ~~written~~ approval by majority vote from City Council. No more than two (2) extensions shall be granted for any individual technology or database in use.

(ii) The existing surveillance technologies and databases shall require a formal approval process (as outlined in Section 1 and 2 of this Ordinance) as soon as the information on each technology is made available.

(iii) If the Council has not approved the continuing use of the surveillance technology, including the Use Report and the Use Policy, within one hundred eighty (180) days of its submission to the Council, unless otherwise extended, the City Department shall cease its use of the surveillance technology and the sharing of surveillance data therefrom until such time as Council approval by majority vote is obtained in accordance with this Ordinance.

(iv) During the period that continued use is not approved, the technology or database contract shall not be renewed or extended even if the result would be the termination of availability of the use before one hundred eighty (180) days.

## **Section 5. Contractual Agreements Involving Surveillance Technology & Databases**

(a) Except where otherwise allowed under this Ordinance all contracts or agreements for the acquisition or use of surveillance technology, regardless of duration or cost, shall require formal approval by a majority vote of the City Council prior to execution.

(b) Prior to approval, the City Department shall provide all members of City Council with an unredacted copy of any and all contract(s) or other agreement(s) for the purchase, acquisition, or use of any new surveillance technology or database, including proposed non-disclosure agreements (NDAs) that are required to be executed in tandem with a purchase or acquisition agreement

(c) The Mayor's Office and all City Departments are hereby prohibited from entering into any contract or other agreement that facilitates the receipt of privately generated and owned surveillance data, or government generated and owned surveillance data, to any non-governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this ordinance that violate this section shall be terminated as soon as is legally permissible.

## Section 6. Exigent Circumstances

(a) Notwithstanding the provisions of this ordinance, the Urbana Police Department or other City Department may temporarily acquire or temporarily use surveillance technology in exigent circumstances for a period not to exceed 30 days, with approval from the Mayor or their designee, without following the provisions of approval stated in this ordinance before that acquisition or use. No more than two (2) consecutive periods of exigent circumstantial use shall be granted for any individual technology or database.

(b) If the Urbana Police Department or other City Department acquires or uses surveillance technology in exigent circumstances under this section, the Urbana Police Department or other City Department must:

(i) Report that acquisition or use to the City Council in writing within 30 days following the end of those exigent circumstances and the use of the surveillance technology.

(ii) Submit a Use Report and, if necessary, a technology-specific Use Policy to the City Council regarding that Surveillance Technology within 30 days following the end of those Exigent Circumstances.

(iii) Include that surveillance technology in the next Surveillance Technology Annual Report to the City Council following the end of those Exigent Circumstances.

(iv) If the Urbana Police Department or other City Department is unable to meet the 30-day timeline to submit a surveillance technology Use Report and, if necessary, a technology-specific Use Policy to the City Council, the Urbana Police Department or other City Department must notify the City Council in writing requesting to extend this period. The City Council may grant extensions in 30-day increments beyond the original 30-day timeline to submit a surveillance technology Use Report, and, if necessary, a technology-specific Use Policy.

(v) Any surveillance technology Use Report, and, if necessary, any technology-specific Use Policy submitted to the City Council under this subsection shall be made publicly available on the City's website upon submission to the City Council.

(vi) Any Surveillance Technology Use Report and, if necessary, technology-specific Use Policy submitted to the City Council under this section may be redacted to the extent required to comply with an order by a court of competent jurisdiction, or to exclude information that, in the reasonable discretion of the Urbana Police Department or other City Department, would, if disclosed, materially jeopardize an ongoing investigation or otherwise represent a significant risk to public safety and security; provided, however, that any information redacted pursuant to this paragraph will be released in the next Surveillance Technology Annual Report following the point at which the reason for such redaction no longer exists.

(c) Departments using approved surveillance technologies or other technologies with unutilized and unapproved surveillance capabilities may apply a technical patch or upgrade that is necessary to mitigate cyber security threats to the City's environment. The department shall not use any unapproved new surveillance capabilities of the technology until the requirements of this ordinance are met or unless the Mayor or the Mayor's designee determines that the use is unavoidable; in that case, the Mayor shall request City Council approval as soon as possible. The request shall include a report to the City Council of how the altered surveillance capabilities were used since the time of the upgrade.

## **Section 7. Exclusionary Rule; Deletion/Destruction Requirement**

(a) Any data or other information created or collected in contravention of this ordinance, and any data or information derived therefrom, shall be deleted and destroyed as soon as possible, in accordance with state and federal laws, and may not:

(i) Be offered as evidence by any City government entity, agency, department, prosecutorial office, or any other subdivision thereof, in any criminal or civil action or proceeding against any member of the public, except as evidence of the violation of this Act; or

(ii) Be voluntarily provided to another person or entity for use as evidence or for any other purpose.

(b) Notwithstanding the above, if, upon the discovery of data or other information that was created or collected in contravention of this ordinance, it appears such data or

information may be material to the defense in a criminal prosecution, a copy of the relevant, potentially material data or other information shall be turned over to the defendant before it is deleted and destroyed.

### **Section 8. Annual Surveillance Technology Report Oversight**

- (a) Upon request, representatives of City Council, the Civilian Police Review Board, and the Human Rights Commission shall be given full and open access to information relevant to the enforcement of this ordinance or complaints made to their Board or Commission regarding surveillance technology or databases subject to this ordinance, in compliance with the Open Meetings Act, City confidentiality policies, and other relevant state and federal laws.
- (b) The Civilian Police Review Board (CPRB) shall collaborate on the Surveillance Technology Annual Report, Use Report, and Use Policy of each surveillance technology or database subject to this ordinance, with a final vote on the recommendation by CBRP before moving to the City Council, Committee of the Whole. .... (changes to CPRB ordinance)
- (c) The Civilian Police Review Board and the Human Rights Commission shall hear complaints made to their Board or Commission regarding surveillance technology or databases subject to this ordinance in accordance with Chapter 19 Article 3 and Chapter 12 of the Urbana City Code of Ordinances.

From ACLU Model Bill (<https://www.aclu.org/documents/community-control-over-police-surveillance-model-bill>)

### **Section 8. Community Advisory Committee on Surveillance**

(A) Within three (3) months of the adoption of this Act, the City Council shall appoint a Community Advisory Committee on Surveillance to provide the City Council with broad principles to help guide decisions about if and how surveillance technologies should be used by the City and its municipal agencies.

(1) The membership of the Community Advisory Committee on Surveillance should reflect the diversity of the City's residents, and special efforts should be made to ensure communities that have historically been disproportionately subjected to government surveillance are well-represented.

(2) The Community Advisory Committee on Surveillance shall have a Chair and Vice Chair, who shall be elected annually by the members of the Committee.

(B) Every year, by no later than September 15, the Community Advisory Committee on Surveillance shall produce and submit to the City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance, which shall address, at a minimum, the following:

(1) What communities and groups in the City, if any, are disproportionately impacted by the use of surveillance technologies, what disparities were perceived and/or experienced, and what were the resulting adverse impacts on the community's or group's civil rights and/or civil liberties;

(2) With respect to each perceived or experienced disparity identified in response to Section 8(B)(1), what remedial adjustments to laws and policies, including but not limited to prior approvals granted pursuant to Section 1(A), should be made so as to achieve a more just and equitable outcome in the future.

(3) With respect to each remedial adjustment identified in response to Section 8(B)(2), what additional funding, implementation strategies, and/or accountability mechanisms would be needed to effectuate the adjustment; and

(4) In light of the collective responses to Section 8(B)(1)-(3), what new approaches and considerations should the City Council bring to future reviews of applications submitted pursuant to Section 1(A).

## **Section 9. Definitions**

The list of relevant definitions is included in Attachment A as part of this Ordinance.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSTENTIONS:

Darcy E. Sanderfur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2024.

Diane Wolfe Marlin, Mayor

**ATTACHMENT A**

(Ordinance No. 2024-12-042)

**Definitions:**

- 1) *Exigent Circumstances* means the Urbana Police Chief or their designee's good faith and reasonable belief that an emergency involving danger of death, physical injury, or significant property damage or loss, similar to those that would render it impracticable to obtain a warrant, requires the use of the surveillance technology or the surveillance data it provides. The use of surveillance technology in exigent circumstances shall not infringe upon an individual's right to peacefully protest or exercise other lawful and protected constitutional rights. Exigent circumstances for the purposes of this temporary acquisition and use shall be of the type of emergency situations as contemplated under Chapter 6 of the City Code.
- 2) *Surveillance* means the act of observing or analyzing the movements, behavior, or actions of identifiable individuals.
- 3) *Surveillance Data* means any electronic data collected, captured, detected, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology which is used or acquired by the City or operated at the direction of the City.
- 4) *Surveillance Technology* means any device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, associational, or similar information specifically associated with, or capable of being associated with, any identifiable individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.
  - a) Examples of Surveillance Technology include, but are not limited to:
    1. International mobile subscriber identity (IMSI) catchers and other cell-site simulators;
    2. Automatic license plate readers;
    3. Electronic toll readers;
    4. Closed-circuit television cameras except as otherwise provided herein;
    5. Biometric Surveillance Technology, including facial, voice, iris, and gait-recognition software and databases;
    6. Mobile DNA capture technology;
    7. Gunshot detection and location hardware and services;
    8. GPS tracking systems that monitor an individual's location without authorization;
    9. X-ray vans;

10. Video and audio monitoring and/or recording technology, such as surveillance cameras;
11. Surveillance enabled or capable light bulbs or light fixtures;
12. Tools, including software and hardware, used to gain **unauthorized** access to a mobile device, computer, computer service, or computer network;
13. Social media monitoring software;
14. Through-the-wall radar or similar imaging technology;
15. Passive scanners of radio networks;
16. Long-range Bluetooth and other wireless-scanning devices;
17. Thermal imaging or “forward-looking infrared” devices or cameras;
18. Electronic database systems containing Surveillance Data about Identifiable Individuals;
19. Radio-frequency identification (RFID) scanners; and
20. Software designed to integrate or analyze data from surveillance technology, including surveillance target tracking and predictive policing software.

b) Surveillance Technology does not include the following devices, software, or hardware, which are exempt from the requirements of this ordinance, unless the devices, hardware, or software are modified to include additional surveillance capabilities:

1. Routine office hardware, such as televisions, computers, and printers, that are in widespread public use and will not be used for any surveillance or surveillance- related functions;
2. Parking ticket devices (PTDs) and related databases;
3. Manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is used for manually capturing and manually downloading video and/or audio recordings;
4. Cameras installed in or on a police vehicle;
- #. Body-worn cameras as required by the Illinois Law Enforcement-Worn Body Camera Act, 50 ILCS 706/10-1 et seq., as amended;
5. Cameras installed pursuant to state law authorization in or on any vehicle or along a public right-of-way solely to record traffic violations or traffic patterns, provided that the Surveillance Data gathered is used only for that purpose;
6. Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles;
7. City databases that do not and will not contain any Surveillance Data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology;

8. Manually-operated technological devices that are used primarily for internal City communications and are not designed to surreptitiously collect Surveillance Data, such as radios and email systems;
9. Parking access and revenue control systems, including proximity card readers and transponder readers at City-owned or controlled parking garages;
10. Card readers and key fobs used by City employees and other authorized persons for access to City-owned or controlled buildings and property;
11. Cameras installed on City property solely for security purposes, including closed-circuit television cameras installed by the City to monitor entryways and outdoor areas of City-owned or controlled buildings and property for the purpose of controlling access, maintaining the safety of City employees and visitors to City buildings, and protecting City property;
12. Security cameras including closed-circuit television cameras installed by the City to monitor cashiers' windows and other cash-handling operations and to maintain the safety of City employees and visitors to such areas;
13. Cameras installed solely to protect the physical integrity of City infrastructure; and
14. Technology that monitors only City employees in response to complaints of wrongdoing or in order to prevent waste, fraud, or abuse of City resources.

(c) "Use Report" shall mean a publicly released, legally enforceable written report that includes, at a minimum, the following:

- (i) Information describing the surveillance technology and how it works;
- (ii) Information on the proposed purpose(s) of the surveillance technology;
- (iii) If the surveillance technology will not be uniformly deployed throughout the city, what factors will be used to determine where the technology will be deployed or targeted;
- (iv) The fiscal impact of the surveillance technology;
- (v) An assessment of whether use of the surveillance technology will have an unwarranted disparate impact on protected classes and demographics, as defined in the Illinois Civil Rights Act of 2003, the Urbana Human Rights Ordinance, and other relevant laws and policies.
- (vi) An assessment identifying any potential adverse impacts the surveillance technology, if deployed, might have on civil liberties and civil rights, and what specific, affirmative measures will be implemented to safeguard the public from the potential adverse impacts.

(d) “Use Policy” shall mean a publicly released, legally enforceable written policy governing the use of the surveillance technology that, at a minimum, includes and addresses the following:

- (i) What specific purpose(s) the surveillance technology is intended to advance.
- (ii) Description of the authorization for use of the policing technology: specifically, what legal and procedural rules will govern each authorized use; what potential uses of the surveillance technology will be expressly prohibited such as the warrantless surveillance of public events and gatherings; and how and under what circumstances will surveillance data that was collected, captured, recorded, or intercepted by the police technology be analyzed and reviewed.
- (iii) Description of data collection, protection, and retention: specifically, what types of surveillance data will be collected, captured, recorded, intercepted, or retained by the police technology; what safeguards will be used to protect surveillance data from unauthorized access; for what maximum limited time period the surveillance data will be retained; and by what process the surveillance data will be regularly deleted after the retention period.
- (iv) Description of data sharing: specifically, which governmental agencies, departments, bureaus, divisions, or units will be approved for data sharing; how such sharing is necessary for the stated purpose and use of the surveillance technology; and what mechanisms will ensure any entity sharing access to the surveillance technology or surveillance data complies with the applicable surveillance use requirements within the Urbana “Use Policy” and does not further disclose the surveillance data to unauthorized persons and entities.

(e) “Surveillance Technology Annual Report” shall mean a written report covering each surveillance technology in use over the past year that is publicly released at least once per year and shall, at a minimum, include the following:

- (i) A summary of how each surveillance technology and database was used.
- (iii) Total annual costs for each surveillance technology and database, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.
- (iii) How often collected surveillance data was shared with and received from any external persons or entities; under what legal standard(s) the information was disclosed; and the justification for the disclosure(s).
- (iv) A summary of complaints or concerns that were received about each surveillance technology and database.

(v) The results of any internal audits, any information about violations of the Use Policy, and any actions taken in response to complaints or concerns.

(vi) Justification for the continued use of each surveillance technology and database and safeguards to protect civil liberties, privacy, and against discrimination.