Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	RS2022-1883	**Name:**	
Type:	Resolution	**Status:**	Passed
File created:	11/18/2022	**In control:**	Metropolitan Council
On agenda:	12/6/2022	**Final action:**	12/6/2022
Title:	A resolution authorizing the Metropolitan Government to enter into an agreement with private entities to acquire, share, or otherwise use surveillance technology, and install surveillance technology onto or within the public right of way.		
Sponsors:	Kevin Rhoten, Jeff Syracuse, Russ Pulley, Courtney Johnston, Zach Young, John Rutherford, Bob Nash, Joy Styles, Gloria Hausser, Jennifer Gamble, Robert Swope, Brett Withers, Thom Druffel, Larry Hagar, Tonya Hancock, Jonathan Hall		
Indexes:			
Code sections:			
Attachments:	1. Exhibit, 2. Proposed Amendment - RS2022-1883 - Rhoten, 3. Proposed Amendment - RS2022-1883 - Rhoten - Attachment		

Date	Ver.	Action By	Action	Result
12/13/2022	1	Mayor	approved	
12/6/2022	1	Metropolitan Council	adopted	
12/6/2022	1	Metropolitan Council	public hearing	
12/6/2022	1	Transportation and Infrastructure Committee	approved with an amendment	
12/6/2022	1	Public Health and Safety Committee	approved with an amendment	
12/5/2022	1	Budget and Finance Committee	approved with an amendment	
11/25/2022	1	Metropolitan Council	advertised	

A resolution authorizing the Metropolitan Government to enter into an agreement with private entities to acquire, share, or otherwise use surveillance technology, and install surveillance technology onto or within the public right of way.

WHEREAS, pursuant to BL2021-961, the Metropolitan Council amended Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of license plate scanner technology in the public rights of way; and,

WHEREAS, Section 13.08.080(G)(14) of the Metropolitan Code of Laws requires a six-month pilot program prior to full implementation related to the license plate reader system; and,

WHEREAS, Section 13.08.080(C) of the Metropolitan Code of Laws requires approval by the Metropolitan Council by Resolution adopted after a public hearing prior to installing surveillance technology onto or within the public right of way, or entering into an agreement with private entities to acquire, share, or otherwise use surveillance technology; and,

WHEREAS, Section 13.08.080(D) of the Metropolitan Code of Laws states, “The approval by the metropolitan council for any action set forth in subsection 13.08.080(C) above shall be granted only upon the determination that the benefits to the citizens and residents of Nashville and Davidson County outweigh the costs; that the proposal will safeguard civil liberties and civil rights; and that, in the judgment of the metropolitan council, no

alternative with a lesser economic cost or impact upon civil rights or civil liberties would be as effective."; and,

WHEREAS, the Metropolitan Government wishes to enter into an agreement with private entities to acquire, share, or otherwise use surveillance technology, and install surveillance technology onto or within the public right of way; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this resolution be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan Government is hereby authorized to enter into an agreement with private entities to acquire, share, or otherwise use surveillance technology for a license plate reader system, and install this technology onto or within the public right of way.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution authorizes the Metropolitan Government to enter into an agreement with private entities to acquire, share, or otherwise use surveillance technology, specifically license plate scanner technology ("LPR"), and to install surveillance technology onto or within the public right of way.

Section 13.08.080.C of the Metropolitan Code of Laws requires approval by the Metropolitan Council by Resolution adopted after a public hearing prior to installing surveillance technology onto or within the public right of way or entering into an agreement with private entities to acquire, share, or otherwise use surveillance technology. LPR is considered surveillance technology pursuant to the definitions in Section 13.08.080.A.

Pursuant to Section 13.08.080.D, the Council shall grant approval of an action set forth in 13.08.080.C "only upon the determination that the benefits to the citizens and residents of Nashville and Davidson County outweigh the costs; that the proposal will safeguard civil liberties and civil rights; and that, in the judgment of the metropolitan council, no alternative with a lesser economic cost or impact upon civil rights or civil liberties would be as effective."

This resolution authorizes the Metropolitan Government to enter into an agreement with private entities to acquire, share, or otherwise use surveillance technology for a license plate reader system and to install this technology onto or within the public right-of-way. Attached to the resolution is the Request for Quotation ("RFQ") for an automated license plate reader/recognition system for the Metropolitan Government. The intent of the RFQ is to enter into agreements with one or more of the top scoring offerors for each proposed solution, such as fixed-LPR, vehicle-based mobile LPR, and trailer-based mobile LPR for use by the Metropolitan Nashville Police Department.

Any use of LPR by any department of the Metropolitan Government is also governed by Section 13.08.080.G. This section contains requirements about the maintenance of an LPR system, including the purposes for which LPR may be used and the storage and retention of LPR data. In addition, Section 13.08.080.G.14 requires that a department engage in a six-month pilot program prior to the full implementation of that department's LPR system. If this resolution is approved and a purchase agreement is executed, MNPD will be

required to submit a report to the Council on the efficacy of the six-month pilot program and any policies implemented to carry out the use of the LPR system. The use of LPR technology by MNPD must cease at the end of the six-month period, unless the Council approves the full implementation of the department's use of LPR by resolution.