

# **Clerk of the Board of Supervisors Audiovisual Recording Devices**

## **Annual Surveillance Report for July 1, 2022 – June 30, 2023**

### **1. Description of How Surveillance Technology Was Used**

Pursuant to the approved Clerk of the Board Surveillance Use Policy for Audiovisual Recording Devices, this reporting period the Office of the Clerk of the Board of Supervisors (COB) used fixed and portable audio and video recording devices in meeting rooms including Board Chambers, Isaac Newton Senter (INS) Auditorium, Room 157, and other locations for the purpose of recording public meetings. Board Chambers has approximately six cameras and fixed audio recording equipment and INS has fixed audio recording equipment. All other rooms use portable audio recording equipment.

During these meetings, the surveillance technology captured images and sounds of members of the public who provided public testimony to various meeting bodies, and who were on camera when camera feeds were directed toward the audience. Any personal information captured was provided by the individual member of the public in attendance at the meeting.

Since the onset of COVID-19 in Santa Clara County, the Clerk of the Board has transitioned to holding some meetings via the Zoom digital meeting platform in addition to in a physical location, which is covered under the Countywide Computers with Audiovisual Recording Capabilities Surveillance Use Policy.

Handheld recorders are tracked on an equipment sign-out sheet and COB management audited the logs during this reporting period as described below in Section 4.

During this reporting period, handheld recorders were utilized for approximately 277 meetings. Fixed audiovisual recording devices were utilized for approximately 108 meetings.

### **2. Data Sharing with Outside Entities**

Pursuant to the Surveillance Use Policy, video recordings of Brown Act meetings were made available to the public on the County agenda portal as well as on YouTube. Certain audio recordings of Brown Act meetings of County Boards and Commissions, for which video is not recorded, were also made available to the public on the County agenda portal.

No specific sharing of audiovisual data occurred beyond the distribution of recordings noted below under Public Records Act Requests.

### **3. Community Complaints and Concerns**

Any community complaints regarding the use of the audiovisual recording devices are routed to the Administrative Unit for tracking.

COB did not receive any community complaints or concerns relating to use of audiovisual recording devices during the reporting period.

### **4. Audit / Policy Violations**

COB management audited the handheld recorder check-out logs and identified no issues. New employees are trained on check-out procedures by their manager or lead.

### **5. Effectiveness in Achieving Identified Purposes of Surveillance Technology**

COB utilizes recordings created with surveillance technology as part of the permanent record of proceedings of the Board of Supervisors, Board Policy Committees, and other County Brown Act bodies. The technology has been effective in achieving this purpose.

Use of the surveillance technology provides direct and indirect benefit to the public. Audiovisual recordings enable members of the public to view and/or listen to the full proceedings and deliberation of the recorded meeting bodies, and therefore provides benefit to individuals who are unable to attend the meetings in-person, as well as to those who wish to review the proceedings after the proceeding has concluded. Additionally, recordings are utilized to refine minutes after each meeting, and without the usage of surveillance technology, the Clerk of the Board would either have less accurate minutes or would be required to hire court reporters to provide verbatim real-time transcripts. The Clerk of the Board believes that the limitations established by the Surveillance Use Policy, which limits usage of audiovisual recording devices to circumstances where there is no expectation of privacy, provide reasonable safeguards to address concerns regarding privacy, civil liberties, and civil rights.

### **6. Public Records Act Requests**

The COB received and fulfilled 44 requests for audio recordings of Boards and Commissions meetings and meetings of the Assessment Appeals Boards.

### **7. Annual Costs**

Ongoing costs per year are as follows:

1. Equipment (software/hardware) and licensing: \$169,001.10
2. Professional Services and support (excluding Business Relationship Management Team and Technology Services and Solutions Department time/support): \$110,353.33
3. Replacing handheld recorders at end of life: approximately \$150 each as needed

4. Zoom licensing: \$36,500 for a 10,000-participant webinar account

Major upgrades to Chambers, including upgrades that fall under the category of surveillance technology, are addressed through the 10-Year Capital Improvement Program. Requests for technological modifications are submitted through the Information Technology Governance Group, and subsequently addressed through the annual budget process each Fiscal Year.

Due to their frequent use, handheld recorders are expected to require periodic replacement. Recorders are replaced on an individual basis at end of life, and the most recent handheld recorders were purchased in January 2018. Fifteen handheld recorders were purchased at the end of Fiscal Year (FY) 2022-2023 but due to them being defective they were returned to the vendor in early FY 2023-2024. The Office of the Clerk of the Board expects to purchase approximately 15 recorders in FY 2023-2024. The cost of replacing handheld recorders is absorbed within the Clerk of the Board normal operating budget.

Zoom licensing, covered under the Annual Report for the Countywide Computers with Audiovisual Recording Capabilities, is expected to be an ongoing cost per the Board's directive to expand remote public participation to County Brown Act meetings.

The Office of the Clerk of the Board spent \$23,329 in FY 2022-2023 on monitors, cameras and other equipment required to retrofit existing meeting rooms to fulfill the Board of Supervisors' direction to expand remote public participation. This equipment was purchased in FY 2022-2023 but was not installed or used until FY 2023-2024. While the new equipment included new cameras and audio devices, this new equipment did not provide additional surveillance capabilities beyond those previously employed by the Clerk of the Board.

Ongoing costs will be absorbed as part of the Office of the Clerk of the Board operational budget.