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CALL TO ORDER

[Time: 00:00:14]

Mayor Borowsky: Good evening, I would like to call the October 6th City Council Regular Meeting and Work Study Session to order. City Clerk Ben Lane, will you please provide a roll call.

ROLL CALL

City Clerk Ben Lane: Thank you, Mayor. Mayor Lisa Borowsky.

Mayor Borowsky: Present.

Ben Lane: Vice Mayor Maryann McAllen.

Vice Mayor McAllen: Present.

Ben Lane: Councilmembers Jan Dubauskas.

Councilwoman Dubauskas: Here.

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CLOSED CAPTION TRANSCRIPT**

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Ben Lane: Barry Graham.

Councilman Graham: Here.

Ben Lane: Councilmember Adam Kwasman.

Councilman Kwasman: Here.

Ben Lane: Kathy Littlefield.

Councilwoman Littlefield: Here.

Ben Lane: And Solange Whitehead.

Councilwoman Whitehead: Here.

Ben Lane: City Manager Greg Caton.

City Manager Greg Caton: Here.

Ben Lane: City Attorney Luis Santaella.

City Attorney Luis Santaella: Present.

Ben Lane: City Treasurer Sonia Andrews.

City Treasurer Sonia Andrews: Here.

Ben Lane: Acting City Auditor Lai Cluff.

Acting City Auditor Lai Cluff: Here.

Ben Lane: And the Clerk is present. Thank you, Mayor.

Mayor Borowsky: Thank you very much. This evening we have Scottsdale Police Officer Shollock, Savage and Ortiz as well as Scottsdale Firefighters Logan Darling and if anyone requires any assistance whatsoever from these public safety individuals, please let a member of our staff know. For the pledge I would like to ask Vice Mayor McAllen to lead us in that.

PLEDGE OF ALLEGIANCE

Vice Mayor McAllen: I pledge allegiance to the flag of the United States of America, and to the Republic for

which it stands: One nation under God, indivisible, with liberty and justice for all.

Mayor Borowsky: All right. For the invocation, Councilman Kwasman will help us with that.

INVOCATION

[Time: 00:01:38]

Councilman Kwasman: Thank you, Madam Mayor. Madam Mayor, tomorrow marks the 3rd anniversary of the horrific October 7 attacks. A day that was is something that the Jewish people around the world never thought we would ever, ever be able to see again think we'd ever have to endure again, something that is truly seared into the minds and the hearts of every person who loves freedom in the west and cherishes family, justice and righteousness.

Today I am so proud to call a person doing the invocation, a gentleman by the name of Yaniv. Please come to the podium. Yaniv is a true what we call a hero of Israel. Born in New York, he joined the IDF in April 2022, the Israeli Defense Force. Joined the paratroopers, an elite brigade, where he became a sniper in that brigade. Over a year of training, I believe, just to be able to get that, and I think that only a very small percentage qualify to become a sniper. He was discharged in December 2024, but he was there on October 7 and got the call that so many were under such horrible distress, facing murder, rape, the killing of children, so many innocents, lives extinguished at the hands of radical Islamic fascism. Yaniv lost one member of his team and lost two members of his company in battle. He had eight to ten incursions into Gaza where he faced heavy fighting. Three incursions into Lebanon. He came home three into Lebanon. His love of his community and quada and Torah is so unbelievably inspiring and proud to call him one of our newest Scottsdale residents. Ladies and gentlemen, Yaniv.

Yaniv Zadeh: It's an honor that I'm here. I'm kind of shocked, first time I'm in some kind of Council, so far I'm liking it a lot. Wanted to introduce myself. My name is Yaniv. I moved to Israel when I was nine years old from New York with my whole family. My father wanted to show the whole family what the love of Israel is and being Jewish and surrounded with your whole family and just understanding where your roots come from, and I finished the Army, and I decided to go back to New York in January 2025. I have to say I'm very happy that I came here to Scottsdale and I'm loving it, and life here is great. But it all comes into account that I have to recap and think everything that has happened since, especially in the service, and I wanted to say a little prayer that I wrote, almighty God, we thank you tonight for the extraordinary blessings we too often take for granted. For our safety, for our liberty, for our families, and for the privilege of living in a community governed by laws and settled by words. You have seen what it looks like if those blessings disappear.

I was in Israel on October 7 when thousands of terrorists crossed into peaceful communities and families faced horror no child, parent or grandparents should ever know. Why it gives perspective to a night like tonight. Here our disagreements may be passionate, we may argue over safety, budgets, roads, zonings, development, and the proper direction of our city, but we are blessed that these are our arguments, we debate them freely, peacefully and without fear for the life of our children or our neighbors. God help us never mistake disagreement for enmity or give our leaders wisdom, humility courage and perspective. Protect those who protect us. Bless this Council, bless Scottsdale, bless the United States of America, and Grant peace and security to all people.

In addition to that, I wanted to add a little experience I had from battle, I know that there's a lot of course backlash on Israel and the whole conflict, and I want to give a personal experience that I haven't often shared with a lot of people. As a sniper, you're very alone. You're very alone, many times you find yourself 2 or 3:00 in the morning behind the gun, everybody sleeping when you have two friends guarding the building, everything is in your hands, you decide, you're the person that makes the decision whether you take that shot.

So, I personally will never forget one of the biggest experiences I had was I was on the gun, I believe it was around 3:00 p.m., somewhere in the afternoon, and we had we had a code of ethics, if you don't see a gun or a terrorist, you're absolutely not no shooting, no shooting, that includes women, children, obviously, and this is not only for the sake of not doing the right thing, for the sake of your own mental health. My job was all I wanted was to end it and go back and see my mother and father. Are I have my other's mother's cooked meals I was thinking about. You appreciate the small things you have in life.

So, what I was saying, I was in the gun, and I saw have visions where other people can't see because I'm a sniper, so I could see behind the wall and behind that wall and I see two men ordering a kid to walk on the strip, where it's a war zone, where they know they're not supposed to go on, so me and a very in a very stressful situation, I see the kid walking slowly, and slowly. All that kid wants to do, kick a soccer ball, want to go back to his parents, have a good time, and in a very stressful situation, are for me, it's not even negotiation, shooting is not an option, you have a little kid over here. You can't even you can't even imagine, another kid can't get home because of an idea of war, an idea of an ideology for the sake of my health and for this kid's life and for everything around you. It wasn't even an option. So of course what you have to do in a situation like that, you have to shoot near, obviously not around the kid in any way, and see him go scared and you run back.

And this sums up to a thought that just tells you how valuable life is, how every day you wake up, you cry over and you complain over such small stuff, I got a ticket today I got pulled over by a cop, I wasn't able to finish this today. Are and to understand the idea in life, and how grateful we are that I just came here from New York, so it's a different type of chaos, a different type of war over there, I come here in such a peaceful community, I see people that are so down to earth, you have such a nice community, walking outside, the sun is shining, get in your car, have millions of parking spacings, which for me is heaven, and I wanted to saw it's honestly an honor that I'm here today and it was an honor I got to protect the Jewish people and my family living in Israel and hopefully we'll have we'll have a peaceful life for years ahead, and for us, God willing, we'll stay a strong country as a community of Scottsdale, we'll continue doing what we are doing and thank you guys so much, it's been an honor for speaking, thank you.

Mayor Borowsky: Thank you. Thanks for coming to see us tonight. All right.

MAYOR'S REPORT

[Time: 00:10:32]

For the Mayor's Report, I've got a couple of things to talk about. First, I just want to start by sending condolences to the family of Bob Lettieri who passed away just this last week, why and Bob was a member he was actually my appointee on the Budget Review Commission. So, condolences go out to Bob's family and we wish them the best as they go through this difficult time.

The second thing I want to talk briefly about is we I think a lot of people know we went Economic

Development department, I joined them going to so did Councilwoman Dubauskas going to Taipei last month, and I wasn't sure what to expect, but whatever expectation I had or would have had were far exceeded as people have heard me talk about.

Yesterday I want people to know that wasn't just a stop, we went to visit, that's the end of the story last night, I attend last night I attended and Kevin Burke our Economic development Director attended the opening of the the TICO, the Taipei Economic and cultural office. They have set up a presence, and it's supported with government officials, elected officials, or appointed officials, asks and their sole purpose is to be kind of the first source or resource for the large number of Taiwanese businesses and individuals that are coming to into Arizona. It's a real big economic, financial commitment by Taipei, by the government in Taiwan, and it was interesting they announced that in lifestyle investment will follow, apparently, they've had 400 babies already, Taiwanese babies, because of TSMC people that have moved here. So really, really interesting, couldn't have been a nicer event, and I'm just looking forward to inviting them to our community here in Scottsdale, both their investment and their patronage of our beautiful city.

And then lastly, I'm going to make a special recognition, October is a will hereby declare through a proclamation October as McDowell Sonoran Preserve Month in Scottsdale. What a beautiful addition it is to our community. 30,500 acres of Sonoran Desert which preserves the natural beauty and character that makes Scottsdale so special. And the proclamation recognizes a tremendous partnership among the McDowell Sonoran Conservancy, the Preserve Commission, who we heard from just an hour or so ago, city staff and countless volunteers, countless, lots of people out there volunteering who helped steward our remarkable reserve preserve resource. I have issued a proclamation. Are you coming down, Jenna Kohl?

Preserve Director Jenna Kohl: Thank you, Mayor, members of Council, good evening. I welcome Steve Coluccio, Chair of the Preserve Commission and Mike Roberts who is the Chair of the Conservancy board to accept the proclamation this evening. Thank you.

Mayor Borowsky: Thank you so much. Why don't you come up to the front. Yeah.

PRESENTATION/INFORMATION UPDATES

[Time: 00:16:02]

Mayor Borowsky: Next, we have a presentation by the Scottsdale Fire Department, who will present on our very own Chief Tom Shannon will present cancer surveillance initiatives for firefighters. I would like to invite Chief Shannon down to the mic.

Fire Chief Tom Shannon: Good evening, Madam Mayor, members of the Council. Thank you for allowing me to present tonight on an important issue impacting the fire service overall and your firefighters here in Scottsdale specifically. Documented directly by our own workers' compensation data. Today, this evening, I will cover three things. What research nationally tells us about firefighting and cancer, what our own claims data here in Scottsdale shows what the proposed path forward might look like. Next slide.

Before I show you some Scottsdale-specific numbers, I want to ground this in national research because this is not only an isolated department concern. NIOSH studies, the NIOSH study is the largest of its kind, including 33,000 career fight fears cross three major cities. It found a 9% increase in cancer diagnosis and 14% increase in

cancer deaths compared to the general public, international association of firefighters data shows that cancer is now the leading cause of line of duty death nationally, more than fire and trauma combined. A peer-reviewed analysis shows specific cancers specific testicular, breast, skin and prostate cancer are elevated well above population rates and this is documented peer-reviewed hazard and not emerging or speculative concern.

This slide shows Scottsdale Fire Department data and is pulled directly from our risk management claims partners and their data banks. We have experienced 32 cancer claims since 2013, affecting 30 individual firefighters. Claim incurred costs to the city has been over \$1.96 million and we have lost one firefighter in the line of duty to cancer, Cory Yule who was a 21-year veteran. I would like to talk through the chart because the trend is the real story. Claims were sporadic in the early years and then jumping sharply in 2023 with eight claims in that year alone and six in 2025. That increase is not necessarily because firefighting suddenly became dangerous, it's because we were really actively doing surveillance and this is the efficacy rather than the problem worsening because we know that firefighting is a dangerous business. Next slide.

So, beyond the claim itself, absences carry a staffing cost. Every apparatus in Scottsdale must run a minimum crew strength of four persons. So, when someone is out for illness or cancer treatment, for example, we backfill with overtime. This is the fastest option, but it is most expensive. A single ten-week leave equals 23, 24 hour shifts or roughly about \$34,000 in backfill on top of the average claim cost, it exacerbates the overall single departure from the truck. Next slide.

This slide represents the cost of time off truck for those members impacted by cancer to date. As you can see the cumulative cost of this is nearly \$1.5 million in terms of the impact, and that continues to exacerbate the costs. Obviously, there's a human impact that frankly is much more consequential than the financial costs. Next slide.

[Time: 00:20:11]

So, two things are notable on this slide, first the breakdown by cancer type. 20 of our 32 claims are skin cancers, including basal, squamous cell, and melanoma that's from cumulative sun exposure. And the moment a category for prevention, sunscreen and gear decontamination can help us in this area. Secondly Scottsdale is committed to research partnerships for many years. We parted with Cigna and HonorHealth for early live fire surveillance as well as the University of Arizona in recent studies. Two findings are worth flagging, and that is the forever chemical also known as PFOS found in old turnout gears has been linked to lower memory scores in our own personnel and that's a real measurable finding. The second is blood donation studies which we have been involved with which is hopeful and more research is required. Essentially through blood donation we essentially filter our own blood and reduce the amount of forever chemicals in our bloodstream. There is some hope that that would reduce the genetic vulnerability if you will of cells, that might lead to cancer being formed.

What does this mean for Scottsdale? These four recommendations flow directly from the data you just saw. Sustaining and expanding our screening is the highest leverage investment. It's really what's catching our cancers early. Exposure reduction, including gear decontamination moving towards PFAS and breathing apparatus compliance during overhaul attacks the root cause for the skin cancer number that we just observed. Staying in the research partnership costs us participation time and not dollars and it's how we will get ahead of the next finding instead of reading about it after the fact. And protecting presumptive cancer coverage and case management support which we have been so fortunate with our partnership in risk has been effective.

I can't mention more strongly the the true blessing that is here in Scottsdale in that one of the foremost cancer researchers and experts in this space for firefighters is our very own cancer center in Vincere, up in the Airpark. And Dr. Vershalee Shukla she's saved more firefighters than virtually anything I can imagine on this issue and she's our partner here in Scottsdale and we have been truly blessed in this just by fortune that she's here right under our roof. Next slide.

The statutes are pretty clear. The law presumes that 18 cancers are occupational, and this list is not ambiguous anymore. There was a time when the list was a bit ambiguous and quite simply was commas were problems in the statute and generalities of cancers were problems in the statute and that has been cleaned up most recently. All that is required is that we continue to participate in our already annualized 1582 Firefighter exam, which ensures that we have been reasonably assessed for health issues and that we're participating in all of the preventative measures that are required. And as and what is also in this statute is that the cancer presumption doesn't end when the retirement occurs. It continues up to 15 years, five within the Arizona statute and there is a federal component to this. Up to age 65 when you are eligible for additional healthcare services federally. But that that's so important. Some of our firefighters don't don't develop cancer until they have retired and so we need to protect them as well. Next slide.

Moving ahead in the six-year screening, really what we proposed is to continue with the screening program that is aggressive in a cyclical form. We have consulting with Dr. Shukla and the researchers and we believe that a three-year cycle of assessment with a cycle of assessment with a one-year break, gets us in the right cycle to catch cancers appropriately in the age of the career firefighters. So, a three-year firefighter might not have been exposed to that many fires. It makes sense that after three years we start to rotate them into the process. It starts out low at \$222,000 for a surveillance program this year. And it it can grow sizably based on the number of eligible parties in that year. It's not like we will see the sequential growth over time. It will cycle in bulks as large groups become eligible and we just hired about 100 people over the last year and a half. We will see a spike in that surveillance effort. Next slide.

[Time: 00:25:49]

So, what is driving the growth? Really first our eligible workers workforce is simply growing, up to 48% of our over six years as more firefighters across the five-year threshold occur. Secondly, our three-year recycle means people come back through the program on schedule, and in fiscal year 3031 specifically, I large hiring co-hart from five years earlier crosses the flesh hold threshold and that's why you see the spike. Through excellent planning and forecasting we can anticipate fairly accurately what surveillance costs might require in the future. Next slide.

So really at the end of the day, it's all about early detection. Life-saving care and cost mitigation, not three separate goals. They are the same goal, just seen from three different angles. A cancer caught early through screening is more survivable to the firefighter and less traumatic to their family and dramatically less costly to the city. That comparison at the bottom of the slide is the number I have asked you to remember, and that is that cost of the screening is generally stable over time versus the cost of the claim on average. And that that really is not a hypothetical tradeoff. That's an actual experience based on our claims history.

So, in closing, I want to thank the city manager for his leadership on this. I want to thank this Council for their past leadership in terms of funding, budget requests and previous administrations for the same. This is where the human factor comes in because every one of us knows somebody who has been touched by cancer. It's our

firefighters that are up against a bit of a higher risk. I can assure you, we are doing everything as leaders in the fire service to avoid exposure when we can. We have changed our tactics over the years to really be cautious about exposing our folks unnecessarily, but it really is going to take collective effort from both you the policymakers, us as administrators to really try to reduce the amount of loss by cancer.

I want to thank you for the past considerations, and I would expect that you might see a budget request in the future for additional surveillance training. I'm happy to answer any questions.

Mayor Borowsky: Thank you, Chief Shannon, appreciate that. And Vice Mayor McAllen.

[Time: 00:28:22]

Vice Mayor McAllen: Thank you, Mayor and Chief Shannon, and the city manager for really investing in this. Our city has already been touched. Captain Cory Yule passed away at 42. He left behind a wife and four children on our behalf. I believe your efforts moving forward should be supported fully because when we catch it early, then we have survivors and nobody is left behind and that's the whole idea behind it. So, thank you for all of your work.

Mayor Borowsky: Councilwoman Whitehead.

Councilwoman Whitehead: Thank you, Mayor, thank you, Chief. I think we were all supporters to adopting a policy for cancer screening for our entire fire department. And but also, you had mentioned expect a budget request in the future. This is something we need to address prior to the next budget cycle. So, I will be looking for amending the current funding so that immediately January we already have the testing start. And also, what you mentioned is about how cancer sometimes has a lag time. And so, I would like to see firefighters who have retired, five years post-retirement also have access to this, this cancer screenings. And let me see if there was any other items I want to but I think you said it best. You know, this is about caring for the people who care for us every day of the week, but also it's it makes sense. It makes financial sense and more importantly, it's our duty. So, you've got my support. Thank you for the presentation.

Mayor Borowsky: Councilman Graham.

Councilman Graham: Mayor thank you. The presentation was very good. I noticed the average age of diagnosis is mid-30s and the current screening starts the whole body around for MRI at around 35 years of age. Is that a good age. Are we reaching members early enough or is there any thought about younger members?

Chief Shannon: Madam Mayor, members of Council. Great question. I wish Dr. Shukla was here. I asked her this specific question many times. And when is the right time to start testing? And she assures me that our the surveillance plan that we have is contemporary. Things burn much nastier than they ever have. It has to do with the way that industry builds things we are looking at that closely. I believe the program we have is statistically supported in terms of looking at where we're at, but we are watching some of the some of the rarer, more aggressive cancers are being seen in the younger firefighters and we're watching that very closely. So, I'm not going to I'm not going to say yes or no. I'm just going to say I hear what you're saying. We're looking at that very closely.

Councilman Graham: Thank you. And just a couple more questions. The I know we lost we mentioned we

lost a member two years ago. And one is terminal, and three are in remission. Does the current policy cover those three or is it going to?

Chief Shannon: No, the claims you are mentioning are work comp claims. This is a point of pride. I can't say this without getting upset. The city has never declined a cancer claim. Not every city does that. You know, my nephew died in Goodyear. His claim was never resolved, and his claim was clearly identified in statute and that is a lack of courage on that community's part that Scottsdale has never shown. So congratulations to you all.

Councilman Graham: Well, very good. And then my last question was and thank you for sharing that. I understand there's more than 400 members and it's a cycle that reaches a third of them each year. If someone is approaching the mid-30s is there a way that someone moves up in line, rather than waiting their turn. Have you contemplated that?

Chief Shannon: We have. Let's say we have a fire that includes an exposure where the fire includes heavy metals or something particularly dangerous. We will might move folks up into that surveillance or we might actually take them out of line and and do baseline. Obviously, it takes a while for cancers to develop but we might want to take them out of line and get a baseline to make sure that anything that we see in the future can't can be definitively ruled out as having not been present at the time. But all things are in play when it comes to exposure and we have a very close tie between cause and origin, type of incident we have and then symptomatology and diagnosis later.

Councilman Graham: Thanks for answering my questions. Thank you.

Mayor Borowsky: Councilwoman Littlefield.

[Time: 00:34:01]

Councilwoman Littlefield: Thank you, Mayor. I'm in full support of my colleague Solange Whitehead and Maryann McAllen, on their statements. I think people who put their lives on the line for us, knowingly do it for us, we owe them. And I think it's our duty and responsibility to make sure that they get the best care possible. Thank you.

Mayor Borowsky: Thank you, Chief Shannon, and I'm sure I speak for everyone on this dais and all the city staff thank you for all of your service and for all of the brave men and women that serve in the fire department, especially not only the risks you are exposed to and the context of your job but the health risks that go along with that. So thank you for that.

Chief Shannon: Thank you.

Mayor Borowsky: All right. We will turn back to the McDowell Sonoran Conservancy, for the key priorities statistics and service areas. Presenting is Jenna Kohl, Preserve Director and Angy Shearer, the Chief Executive Officer of the McDowell Sonoran Conservancy and Mike Roberts Chair of the Conservancy. Thank you go ahead.

Preserve Director Jenna Kohl: Thank you, honorable member, Jenna Kohl Preserve Director back to introduce our partners at the McDowell Sonoran Conservancy and that's essentially to the long-term care of the preserve. They have over 600 volunteers that conduct research, education programs, community outreach, that really

expand our ability to protect the landscape and engage the community.

Just as importantly, the scientific data that they collect directly informs our management decisions, ensuring that we're making thoughtful evidence-based decisions and choices to keep the preserve healthy and accessible now and for generations to come. So I'm pleased to introduce the two leaders from the Conservancy this evening, first Mike Roberts, their board Chair Mike Roberts, a seven year Scottsdale resident and a master steward who has 3,600 volunteer hours in the preserve and also Angy Shearer. She's a steward herself. You can often see her out in the trails engaging with the volunteers and the visitors anesthesia residents. And we're grateful for their partnership. And with that, I will turn it over to them to present them with an update and to outline their vision for the future.

Chair Mike Roberts: Thank you. We are going to talk a little bit differently. Sometimes, frankly, we can go on a little bit about the preserve. We will assume everyone knows what it is and where it is and lots of things about the preserve. We will talk more about what we do and the impact of that. In the meantime, next slide, please.

We have been here 35 years. Thank you for the proclamation. That was great to have that this evening but, of course, we are 35 years old. I was just a boy. But the we're an independent nonprofit. A highly organized volunteer force. It's been very well developed and we're obviously it goes to the city of Scottsdale. Our vision is preserving the Sonoran Desert for future generations. We do what we do for the long term and the future. That's our investment that everyone benefits from. People who come from far and wide or, of course, our local residents and community.

[Time: 00:38:20]

Angy Shearer: Next Slide. So just to break down the core stewardship program. We have over 600 volunteers that are very dedicated to doing this. It's like a full-time job to them and it's their honor to serve. And if you look at last year's hours, we did 73,000 hours in the preserve to make sure that it stays healthy, that the visitors stay safe, they enjoy it. We want to be good role models for what the community members come in, the tourists come in and do. So we just really want to make sure it stays pristine, and if you see it broken down, we spend about 25,000 hours doing science with our 200 citizen science stewards and then we have 48,000 that are doing the community, the welcoming, and helping you pick out the hike, making sure you're safe and then the community education. And Mike is going to go into it a little bit more. So next slide.

Mike Roberts: Thank you, yes. So by the way, one of the rumors was we were a little bit stressed, but I'm pleased to say now this last fiscal year, we're able to put some money in reserves and that stress is gone. So now we can focus 100% on our mission. This is some of it, just going a little bit deeper with what we are going to talk about this evening. It gives you an idea of 33,000 hours of people actually in the preserve. You see us at the trailheads. You will see us, we're roving the desert and we're excuse me, we are talking to people would come to the preserve who come to the preserve. We actually are greeting everyone there. And by the way, the 110,000 are actual conversations. That's not just saying hello and how are you? That's actually passing on information about the preserve, about giving them directions. So, it's actually a conversation with an impact.

And by the way, 33,000 hours, if you worked every day for you know, 365 days a year, you would actually and eight hours a day, that would represent about 11 and a half years. That's just one year for us, a lot of time. A lot of people know us for trail maintenance and construction. For instance, we are the people would go out when recent rains have been have been pretty intense. Sometimes we get trail damage from that and so we're the

people that go out and repair those, keep them safe for visitors and our visitors to the preserve. And, of course, the key thing is that we're always there when say a Saguaro falls across the trail. We are the guys who go out and cut it up and put it to the side. These are two of our programs. Let's go one level deeper with another slide.

One of the things that that we impact and I think Chief Shannon actually said this last year, talking about the fact that when people go into the preserve, when it's hot, you know, we're the people who greet them and help them to pick and choose the right sort of excursion that isn't going to get them into trouble. So, we're not there just to help them to enjoy it, but also to make sure that they come back. So the we're also where the trail conditions, the weather, and so we believe that that actually reduces the number of rescues honestly. And so we're fortunate in Scottsdale to have a low number of of problems. At the same time, ironically, the other thing is true. We actually see people on the trails occasionally who are in trouble. And you will be surprised home people are reluctant to call help. We will help them make the right decision and get help.

[Time: 00:42:17]

Finally, one the things struck me over the last few years is now the increasing number of our international visitors. Obviously, we have our residents would we know. We see people on the trails we know all the time, however, the other day I was actually I was actually it was earlier this year, I was talking to a lady who visits here every year. She was British, by the way, and so I recognized her accent. She and her husband visit every year and they have been for the last 13 years. They use their two weekly vacation every year to come to the preserve and they hike it every day. And there's an increasing number of people, I met people from Norway, France, Sweden, and Belgium, and, of course, across the U.S.A. who do come here because of that unique environment that we have and the ability to enjoy it. So, as we call it, keeping people safe, informed and inspired one conversation at a time.

Angy Shearer: Next slide. So, the other part of what we do is we love to get out in the community. We love to educate. We love to show the impact. So, you will see on this screen that we have 140 guided hikes and bikes and walks that we invite the community. It's free of charge. We and over 1100 people participating in that. We love to educate. And so we do 17 lectures at the Mustang Library each year. And I think one the more important numbers on here is the 14 HOAs that we engage. We make sure we touch the people who live around the preserve, as you are moving in and as you are new, we want you to understand that it is not a park. It is a desert. You need to be prepared. You need to wear appropriate shoes, a hat, sunscreen, all the things because we have a lot of people who move in and out and we want to make sure that they take care of the preserve as much as we do. We want to engage the next generation. This year we will reach out to 1,500 kids and bring them in the preserve for the field trips and if they can't make it, we go into the classroom. Next slide.

If you want to dig a little bit deeper into the science so that's the other side of what we do, we do have three full-time staff that lead the 200 citizen scientists and if you look, you have to really understand that ecosystem in order to protect it. So, these seven programs are what our volunteers and our staff dedicate a lot of time to in order to make sure that the bats, the butterflies, the tortoises, native plants, the pollinators, everything is acting as it should. And that's an important part of what we do that nobody knows. They just see a mass of people in blue shirts around the preserve, out this with their clipboards and that's what they're doing is they are gathering data to make sure the preserve stays pristine. Next slide.

So, this year is a pivotal year for us. We have the ten years of the baseline data which you need to see trends

and we partnered with desert data labs and they built us a specific database that analyzes scientific data, we can read the data, analyze, it get trends and understand what we're working with and if something is amiss, we can go to the city right away. We can make recommendations. We come up with solutions and we can take care of it in real-time. Very excited.

So, in closing, we have been doing this for 35 years. It is my turn to be the CEO. It's my honor to be the CEO. I'm going to make sure that we take care of the preserve the way the citizens and the city expects us to. Thank you.

Mayor Borowsky: Thank you so much. Councilwoman Whitehead would like to say just a few words.

[Time: 00:46:09]

Councilwoman Whitehead: Thank you. And anyone who has not seen the summer wildflowers out there, oh, my gosh, get out there. I want to call out two preserve pioneers we have Christine Kovach and we have Carla. Thank you for getting the ball rolling.

Mayor Borowsky: Thank you. Thank you both for being here. We appreciate it.

Mike Roberts: Thank you.

Mayor Borowsky: Thank you. All right.

EXECUTIVE SESSION

As is always the case, during tonight's meeting, the Council may make a motion to recess into executive session, if we need legal advice on any applicable item on the agenda, if so authorized by the Council that executive session would be held immediately and would not be on to the public. However, we would return to this Regular Meeting thereafter.

MEETING MINUTES

[Time: 00:47:01]

Moving on to Meeting Minute approvals. I would ask for a motion to approve Special Meeting Minutes of September 8, 2026 and Regular Meeting Minutes of September 8, 2026.

Vice Mayor McAllen: So moved.

Councilwoman Whitehead: Second.

Mayor Borowsky: Please indicate your vote.

Before we get to the Consent Agenda, I want to recognize that we have 25 speakers on Flock camera items and I'm going to ask people to limit their comments to two minutes instead of three. And that still turns out to be at least an hour. So, I'm going to and because of the rest of the agenda, I would like to ask for support from my

colleagues to move the two Work Study Sessions, the Employee Memorial Program and the Data Center Zoning ordinance to either the next regularly scheduled meeting or a meeting that can accommodate those in the future. I personally think the data center zoning ordinance should be combined with the water discussion that we have coming up on October 20th. So, I will include that in the motion.

Councilwoman Whitehead: I will second. That seems reasonable.

Mayor Borowsky: We have a motion and a second. Please indicate your vote to move these items. That passes. So staff if you can reassign those, that would be fantastic.

CONSENT AGENDA

[Time: 00:48:54]

Moving right along to our Consent Agenda items I believe is our next course of business. It is, indeed. We have consent agenda items 1 through 14. Item 7 was removed from the agenda on Friday at the request of staff. Unless any members have questions on any of the Consent Agenda items or the request to move any of those off the Consent Agenda, I will entertain a motion for items number 1 through 14 with the exception of 7; is that right, Ben?

Ben Lane: That's correct, Mayor.

Mayor Borowsky: 1 through 6 and 8 through 14.

Councilwoman Littlefield: So moved.

Councilwoman Whitehead: Second.

Councilman Graham: Oh, Mayor.

Mayor Borowsky: Yes.

Councilman Graham: You offered if any of the members had a question about the Consent items.

Mayor Borowsky: I'm sorry.

Councilman Graham: I wanted to ask our city treasurer about item number 14, which pertains to I'm sorry. Yeah, item 14. It pertains to operating budget adjustments, if she would be willing to say a little more about the adjustments that we're voting on and anything any other context that might be helpful for the City Council.

[Time: 00:50:19]

City Treasurer Sonia Andrews: Yes, thank you, Mayor and Council. So, the operating adjustments, there's one adjustment that is a reclass. The first adjustment is to reclass the Human Services Department budget into the Parks and Recreation department budget to combine the Parks and Recreation and Human Services budget.

So there's no increase in the overall budget, just a reclass to combine those two budgets for a realignment of those departments. So that's the first one. Another one is a transfer of budget between two categories within the Human Resources department, and that is to allocate funding for contractual services for professional training and that, again, does not increase the overall budget for the department. It's just to move some budget from the personnel category to the contractual services category for training, for some training dollars.

The next budget adjustment is \$60,000 from contingency to contractual services for the City Treasurer's office and that is to we did not hire our accounting manager. We were not able to hire an accounting manager and so we have some GASB, and we needed to hire a CPA consulting firm to assist us, and that's to help us with the GASB implementation.

And then the last one is to move in the special program fund to the downtown cultural trust for the new parking structure and that is just a moving of the cash. It doesn't affect the budget. It's just to move the cash where it needs to go.

Councilman Graham: That's for the parking structure in the northeast quadrant; is that right?

Sonia Andrews: Yes, that is correct.

Councilman Graham: I figured there wasn't any net overall change. I was just kind of curious about some of those changes. Thank you. That's a good explanation. Thank you, Mayor.

Mayor Borowsky: Of course. I don't see any other questions or comments, and I don't think we have any speakers on this. No. So let's go ahead and take a vote.

REGULAR AGENDA - ITEM 15

Moving on to the Regular Agenda, number 15, the city of Scottsdale 10-year public art plan. And we'll hear from Kati Ballares, Scottsdale Arts and I see Kevin Burke is up there also so have at it

[Time: 00:53:04]

Economic Development & Tourism Senior Director Kevin Burke: We are pleased to bring forward Scottsdale's new ten-year public art plan for your consideration and approval. Scottsdale has a long and proud tradition of investing in public art which contributes to the character and the identity of our community. As part of the last fiscal year budget, the Council authorized additional dollars specifically for Scottsdale Arts to develop a new long-range plan to help guide that work into the future. The plan will provide a long-term framework to guide Scottsdale's public art program, helping ensure that future investment are thoughtful, strategic and aligned with the character and aspirations of the community. Here tonight to present the plan and its recommendations is Kati Ballares, Director of Scottsdale Arts. It's all yours.

Mayor Borowsky: Welcome, Kati.

Scottsdale Arts Pubic Arts Director Kati Ballares: Good evening, thank you, Mayor, Vice Mayor. I'm Kati Ballares, I'm here to present the ten-year public art plan for Scottsdale. A long-term vision that will guide the program's work over the next decade. We have completed research, recommendations and internal review with city staff,

and we're excited to bring the plan to you for consideration tonight.

Before getting into the plan, let me give you a little context about the program. For over 53 years, Scottsdale public art has been a part of Scottsdale's identity. Today the city's collection boasts over 160 pieces in the permanent collection, as well as over 1,000 portable pieces. Our staff is managing over 60 different projects in this fiscal year. It's important to distinguish that these public art pieces are assets of the city of Scottsdale. We do not own them at Scottsdale public art. Scottsdale Arts and our program is contracted to administer this program and care for the collection but they remain the property of the city for the purpose of the citizens and the public to enjoy. This unique partnership is one of the reasons why Scottsdale is recommended and respected as a leader in the field of public art.

We are also highly recognized for our approach to maintenance in the field and this is something that becomes increasingly important as our collection continues to grow and age. In fact, we're so highly regarded that 100 public art administer zoning ordinance and artists from all over the country are coming here in November for a conference to learn more about our program, what we have built, and how we're moving forward.

Also just to share about the work happening right now. I want to share the three most recent projects, wolf at the Thompson Peak Dog Park and you see one of our four-legged friends enjoying it there. And then prior to that is the fire station honoring the work of our first responders and that's by Maria Salinger and then companion by Chris Kolash, they are by local artists and that's an important part of our collection that we also create opportunities for Arizona artists, while bringing nationally and internationally recognized artists to Scottsdale.

[Time: 00:56:48]

And now, let me get into the plan. So, if our program is already so strong, why do we need a plan? Well, Scottsdale Arts has changed and Scottsdale the city has changed since 2012 when our last plan was adopted and just like any other city department, we need current research and guidance that aligns our program with the city's growth and priorities to ensure that we are being fiscally responsible with the way we're carrying out the program and our care of the city's assets.

So, the plan has two purposes. First, to create a roadmap for the future that aligns Scottsdale public art with the city's goals; and second, to ensure that we're taking care of the collection we have already built for future generations much like the preserve just talked about as well. In short, this plan is about being intentional, both by what we create and what we already have.

So, to talk a little bit about how the plan was developed, as a program with over 50 years of legacy, that works in partnership with a nonprofit and the city, we needed a plan that would synthesize a very complicated combination of goals, tasks and visions.

So, we brought together three things. The goals of the city of Scottsdale, and its plans, Scottsdale Arts vision to create a world-class arts destination and community feedback. The goal was to create a plan that did not exist in isolation, but make sure that it connected public art to the broader direction of the city, including opportunities for creative place making, community engagement and support for local artists.

Working with the consulting firm Art Builds Community would is a team of four highly respected and regarded public art professionals we took a pretty comprehensive approach to the research. Together we spent six

months reviewing city of Scottsdale and Scottsdale Arts policies and procedures and benchmarking our program against other comparable cities.

Equally important in that six months was community input. We connected with more than 625 individuals through surveys, interviews, visioning meetings, workshops and public meetings. That research and engagement led us to identify where the program is strong, where we can improve, and where there are opportunities for Scottsdale to continue leading in this field.

And the final slides I will walk you through the five main themes the recommendation but before I do, I want to point out a few things. Approving this plan does not commit any funds or policy change. It provides us with a roadmap of guidelines for what to pursue over the next ten years and any research or proposed changes will come back to this Council on an individual basis so that you can explore them deeply together with us.

Number two, it's also important to remember that this plan is meant to take place over the next ten years. So, the recommendations are written in a way that they will roll out over time and in response to the current city needs.

[Time: 00:59:48]

All right, let's get into it. The consultants gave us specific tasks in each. I will start with the each one. Strengthening the collaboration. These are all internal processes that we can work on to improve upon our collaborative relationship between city and contractor. One recommendation is to hold an annual orientation for city staff of how public art works and how it integrates into city projects.

The second recommendation is that the city manager's office would assign a specific department liaison to work with us on identifying the right types the opportunities and public art projects to pursue. Just to highlight, the last one, there is an addendum in the plan, appendix BI that was included in your pact. That is an outline directly from the research that pulled out what priorities were from each capital department and capital project that would be a good theme or opportunity to help us better identify what those projects would be and how they would be most impact the city.

Number two, optimizing operations we improve the internal processes for how the art, the percent for art gets assigned to each project and potentially for allowing a portion of those percents to provide a method for larger maintenance projects for the aging collection. Also in our research conversations, we often heard about expanding our art and private development or cultural improvements program geographically. Currently it's limited only as a bonus option in Old Town and airpark. And so, this would require deeper collaboration between Scottsdale Public Art and the city Planning Department to ensure that any of those recommendations or changes would be in alignment with the city's goals for development.

Finally, involving the Scottsdale Arts program earlier in the process. We will be more efficient and integrating public art at 30% or more in a capital improvement project, make a program and a project much more cost efficient and effective.

The third category is fostering local talent. This specific category highlights new strategies and ideas with which to do that. Number four is elevate impacts. This is the aspirational big picture of a ten-year plan. Think about your favorite art in a city. Like The Bean, or the Trevi Fountain in Rome. People make destination trips to go see.

So, this category of recommendations gives us a strategy for how we as Scottsdale public art can work with the city to best identify what that next iconic artwork is going to be and where is the best place for it in this city. And a lot of our work is iconic, Love is iconic, but we are not the only city that has it. I get excited thinking about what Scottsdale's next piece will be and I hope you do too.

Finally, and this is a big art of the plan is enhancing the stewardship because we are an older program, these are ideas and relations that really focus on maximizing our already strong collection management procedure. We have a ten-year maintenance plan looking ahead and trying to anticipate every single maintenance of every single piece of the program, but there's always room for improvement and continued evaluation. This program is growing and ageing each year and I feel it's my personal responsibility and Scottsdale Arts to carry this on and the stewardship is an ongoing need for outreach to increase public understanding. My aunt and uncle have lived in Scottsdale for 40 years and they always were trying to get me to move here. They loved living here and a great quality of life and they loved their day-to-day experiences but when I moved here to do public art, they had no idea that the city was making that investment into their day-to-day life. So, telling them about my work and the process and the artists and the city staff that put that work into enhance their day-to-day experience gave them a much greater appreciation for the work of the city. And so, I just I share that little anecdote to demonstrate that a well-planned public art program is something very visible, that your community it makes them realize how many you invested.

Thank you, your support will guide Scottsdale to lead the field of public art by continuing to weave creative energy into our city for the next decade and taking care of our collection for future generations. Again, approving this plan tonight doesn't commit any financial responsibilities or policy changes but guides us in our priorities of which of items to tackle first. So, thank you again for your time and attention and I will take any questions.

Mayor Borowsky: Thank you very much. Councilwoman Whitehead.

[Time: 01:06:07]

Councilwoman Whitehead: Thank you. Great presentation. I'm really excited about this. I think ultimately the value of a city or a community isn't what we build, it's how we maintain what we have. And certainly, we have seen a lot of support for maintaining what we have from murder constituents. I really like from our constituents. I really like this. I have my personal picks of what I think needs to be maintained next or fixed back up. You mentioned that our public art is very visible, it is, but it's also very functional. Historically, we always built art we have built infrastructure with public art and that's art of what makes Scottsdale so special.

So I know there's other speakers, I will move the city of Scottsdale 10-year public art plan, and I ask my Council to adopt Resolution 13793, approving the city of Council 10-year public art plan pursuant to contract number 2026-012-COS, a management services agreement between the city of Scottsdale and Scottsdale Arts. And say that obviously the devil is in the details and we will all be working on that.

Councilwoman Littlefield: Second.

Mayor Borowsky: Councilwoman Littlefield did. Councilman Kwasman.

Councilman Kwasman: Thank you Madam Mayor. I want to congratulate the process. I think someone who was

in New York, when Kristo and Jon Claude about their beautiful Saffron Gates throughout central park. My parents are from Chicago and able to go and visit and see the Bean quite often and understand when iconic art comes.

The only question I had was where is the place for the next great like, the elephant migration that's going on and all the great traveling pieces of art that we make sure that we're on that list, that it's not just Miami, that it's not just other the other great cities on the East Coast, but they don't they don't get they don't get to California without coming to here first.

Mayor Borowsky: Okay. Thank you. Vice Mayor McAllen.

Vice Mayor McAllen: Thank you, Mayor. Thank you for your presentation, Kati. I also want to mention that and I actually support the ten-year plan, but one the things a little aside from your presentation is our public art program also rescues art. That to become part of our permanent collection, just look over here, you see the Paolo Soleri Bell. To purchase that is probably you know, there's not a price that could be made. It's one the largest bells ever made here locally by artists in Paradise Valley. The weavings, all of these pieces of art that may start in one area can be saved and I do want to give you kudos.

Recently Kati helped me rescue some art made by a local artist, Patricia Badenoch who is in the audience. They were six pieces of art that were going to not have a home and so I reached out to actually Gerd for the center for the arts and asked if there was a possibility. He put me in touch with Kati, Kati, said let's see if it fits into the structure. It had to have value and made by a local artist, it had to have been historic and it hit all those categories and they rescued six pieces of beautiful art and I'm grateful that you see value in that and that you are willing to use them as an example for other artists and she will be using them in public programs for children showing them how to paint in the future. So, thank you so very much. I just wanted to say, you know, there's so much more to the layers of the art and how we use public art all the way down from teaching students to visitors. So, thank you.

Mayor Borowsky: Councilman Graham.

[Time: 01:09:44]

Councilman Graham: That was a good presentation. A lot of collaboration went into that. Just a few questions for you. I know there's money for restoration. So, pieces we own stay in good shape.

Kati Ballares: We have about \$136,000 each year to maintain our collection. Occasionally, we have a piece that requires more extensive restoration. For example, the walls along the Pima Freeway that really needed to be repainted in the last year. We had to do an additional request for that amount of money that could not we couldn't cover it with our 136,000 annual maintenance budget. So thinking about taking a small percentage percent for art and building a repository that could build up over time would help us have a cushion to be able to absorb some of those larger maintenance projects that will have to be that will have to happen over time.

Councilman Graham: That's what I was wondering is you are putting together a conservation list. How far along are you on that?

Kati Ballares: So, I have an extensive conservation list. I have every single piece of public art and its regular

maintenance plan over the next ten years, plus an additional list of what we consider conservation from an art term and that's any maintenance above \$25,000. On that list, I think I have three pieces that rise to that level at this point. We do our best to maintain them such that they don't rise to that point but occasionally it does happen.

Councilman Graham: Yeah, when you yeah when we have our art and it was said that the maintenance of that art is you know, says a lot because when it looks weathered and kind of falling behind on maintenance, it's an issue. It's something that this Council really cares about. Something jumped out at me is the artist residency at the McDowell Sonoran Preserve. Can you say more about this.

Kati Ballares: This was an idea that came after visiting and hiking in the preserves. Not that we would have an artist create artwork in the preserve but that we would talk to the McDowell Sonoran Conservancy talking about educational programming that they may want to involve our public artists in helping to communicate their mission.

Councilman Graham: So there's not going to be residencies?

Kati Ballares: No. No. That makes it sound like there would be people living in the preserve.

Councilman Graham: It sounds like people are going to be -there's going to be occupants or abodes on the preserve. So, we will just clear that up. Thank you. I understand a working group if it should reach past Old Town in the airport and before any ordinance change would obviously come back to us. What do you who would sit on that group? Do the neighborhoods get a turn. What would that look like before it came to Council?

[Time: 01:13:06]

Kati Ballares: You mean with the private art or the cultural improvements program?

Councilman Graham: Yes.

Kati Ballares: We would work with the city Planning Department, I think, to identify the developers in specific areas because they would be the one carrying the financial burden of that requirement or, you know, bonus option. Of and then beyond that, yes, any time we create public art in a space, we try to encourage community development whether it be a neighborhood environment or whatever business stakeholders are in the area. And we currently don't require public developers to do that when they create their own artwork but a part of this plan recommendations that we have more robust encouragement of them to do that.

Councilman Graham: That has been one of those things as far as the options because not all of the big projects in those in those areas have sort of met, you know it kind of it kind of becomes a check the box, and if you can get more flexibility but really sort of leveraged in the best way for your community. That can be an improvement. I noticed it would put a product core team before an artist is chosen with one of them on the panel. That seems like a fair way for the people who live with the piece to have a say. Is that meant for every capital project or only the larger ones?

Kati Ballares: It's meant for every capital projects. We haven't called it a core team, but we do typically involve neighborhood communities. We go specifically to the city's project team who have done outreach prior to us

coming on board and we identify who those public entities will be, whether they be if it's in a neighborhood, neighborhood residence or if it's in a more commercial area, a commercial property or property owners.

Councilman Graham: You that's what the plan calls it a project core team. What do you call it now?

Kati Ballares: Right now we call it a community representative sitting on our selection committee and typically depending on the size of the project we have one or two community representatives on each artist collection panel.

Councilman Graham: This is more formalizing it.

Kati Ballares: This is more formalizing it.

Councilman Graham: Thank you for your presentation and your work.

[Time: 01:15:36]

Mayor Borowsky: Thanks Kati. So, I recently joined the Board of Scottsdale Arts. I'm thrilled to be part of that process. And during my first board meeting, the same presentation was presented, and so I had a sneak preview, if you will, one the things that struck me that I think we could really improve upon, at least from the city's perspective, is the garage at Brown and Second Street. Everybody knows I was opposed to that garage. But if we were going to do that garage, I thought having a significant and amazing design component to it would be a real plus.

In fact, my second month in office, on that discussion, I brought internationally claimed architect David Hovey, Jr. in to meet with city staff and one of my colleagues here to talk about what great things you could do with design. And he showed us amazing pictures of garages in Chicago and other cities that are destination art pieces. Not that he would do it because he's an architect, not an artist. But it could have been an amazing component. I know Scottsdale Arts was contacted when it was at 60% design already in and you mentioned here tonight that the magic number is 30%, where you should be called and as a result, it was kind of like what can we do kind of at this quote/unquote last minute. So, I'm not sure if it's Kevin Burke moving forward is looking at, but I could see where far more collaboration could take place between Scottsdale and Scottsdale Arts. At 30% build you can do a lot more with a lot less than at 60%. That was a real lost opportunity. I can only attribute that to the disconnect that has existed between Scottsdale Arts and the city.

And looking back at February of 2025, odd but true factoid. That caused my colleagues to report me to the county Attorney to David Hovey for a beautiful design for the garage. We should have listened to David Hovey is my look back on that. Of course, that was found to be completely unfounded and false information. Nonetheless, I do thank you for your presentation and hopefully moving forward we can we can get to an earlier start on incorporating art into the projects.

Kati Ballares: Thank you.

Mayor Borowsky: Thank you. All right. I don't have any speakers on the art presentation. We have a motion and a second. I will take a vote on that. Thank you. All right.

REGULAR AGENDA – ITEM 16

[Time: 01:18:56]

Moving on to item 16, the Flock camera usage. And for the presentation tonight, first I would personally like to say to Chief LeDuc, we pray for your expeditious recovery. He had a little injury, nothing serious. We're glad to know that, but thank you for pinch hitting, our Assistant Police Chief Christopher Watson and he's got Lee Campbell with him here tonight. So, we're all really looking forward to our presentation. Please proceed.

Assistant Police Chief Christopher Watson: Thank you. Good evening, Mayor and members of the Council. We're honored to be here tonight and share with you. Prior to that, I want to address the absence of Chief LeDuc and this is something where Assistant Chief Campbell and I are only here because we were able to finally convince Chief LeDuc to listen to his doctors and not show up. I say that with seriousness because truly, this topic is so important to him, and the opportunity to share with all the Councilmembers and also with our community how the police department is using it was very important.

So, thank you for directing this discussion. I want to say up front that we welcome it. Residents deserve to understand how we're using this technology, the safeguards around it, and tonight is a chance for all of us to show them. We do have an extensive presentation for you and hopefully it will answer the majority of the questions you might have during that presentation, as well as questions the community might have.

There's an important public safety tool at the center of this discussion. And we believe that the conversation needs to start with facts. ALPR saves lives. It helps find endangered and missing people, it helps local violent offenders and solve cases that would be unsolved and it's being challenged by a narrative that far too often describes it as facial recognition, continuous tracking or unconstitutional mass surveillance. That's not how Scottsdale uses ALPR. ALPR does not use facial recognition. It does not identify the person driving a vehicle or passenger in the vehicle. It captures a license plate, and limited vehicle information on a public roadway. Our data is retained for a limited period. Search must be conducted for legitimate criminal justice purposes only. Access is controlled and that use is governed by our policy and we audit it. Most importantly, our audits have identified zero misuse by Scottsdale police officers.

The constitutional discussion also deserves precision. Courts have long recognized that there's no reasonable expectation of privacy on a license plate displayed on a public roadway. Recent federal appellate decisions have continued to uphold lawful ALPR use under the circumstances before those courts. Like any other law enforcement tool, however, ALPR can be misused. That's exactly why policy, limiting access, retention limits, auditing and accountability all matter. And that's the distinction I hope we make here today. The question should not be whether technology can theoretically be misused. Almost any investigative tool can. The question is how does Scottsdale use it? What are the safeguards we put around it? And what has allowed our officers to accomplish for the community we serve?

There's a broader national movement that are questioning law enforcement technology, what some described as defund the police 2.0. Whatever label chooses to be put on it. It should not be driven by fear, slogans or inaccurate descriptions of how the technology is used. They should be driven by evidence and that's what I intend to give you here today with Assistant Chief Campbell. Tonight, we'll walk you through how the technology works, the rules that govern it, and what we proposed to strengthen that accountability.

[Time: 01:23:25]

I want to start with everything we do is our mission. We are united in purpose and selfless in action to ensure a safe Scottsdale. When we talk about community, that means everyone. That means the people who live here, who work here, who visit here. And that mission belongs to all of us. Our residents and the Council have always stood behind a safe Scottsdale. Delivering on it takes more than a commitment. It takes the right tools and resources, the trust of our community and this Council to use those tools and resources responsibly. And a safe Scottsdale includes their privacy, protecting both of those things is part of our job.

On February 7, 2024, a woman was killed in New York, in a New York hotel. The man accused of that murder later came here to the valley. On February 17th, a woman was violently attacked and stabbed in Phoenix and on February 18th, another young woman was stabbed multiple times in Surprise. The suspects fled in a stolen vehicle. Our cameras read that plate as the car came into Scottsdale. Our real-time crime center followed the reads to a parking garage at Fashion Square Mall. Our officers were able to locate that vehicle after setting a perimeter on the third floor of Fashion Square garage. He tried to drive away but our officers topped him and take him into custody without further incident. Only after the arrest did Arizona investigators come to the conclusion that he was actually the suspect in the New York homicide. We had a shopping mall. We had a violent suspect and no one else hurt. That's what this conversation is about tonight.

Flock cameras help to prevent violence and crimes of great magnitude and that's exactly what happened here. Scottsdale police received information about a stabbing and related stolen vehicle from a neighboring agency. A real-time crime center technician immediately entered the negotiated license plate of the stolen vehicle into the hot list for Flock, which allows the system to notify agencies if a specific license plate is captured on photo.

Within minutes of entering that information into the system, knock was able to provide a recent digital image of the vehicle and the direction in which it was traveling. This allowed officers to respond quickly to a specific location and position themselves to intercept the vehicle. Ultimately the suspect and stolen vehicle were found in the parking garage at Scottsdale Fashion Square Mall. The suspect was located as he was seated inside of vehicle. Officers made contact with the suspect and gave commands. And he was taken into custody without any further incident. The suspect was transported later to the Scottsdale jail for booking. Flock provided timely information that helped officers locate and safely apprehend the suspect. This suspect was wanted in connection with a murder in New York, aggravated assault in Phoenix and carjacking and stabbing in Surprise.

[Time: 01:27:25]

Hello, this is Pastor Darryl DelHousaye, and I'm the grandfather of the young lady that was stabbed last Saturday at Glendale and 19th at the coffee shop. Anyway, I'm calling just to say thank you. Thank you because I know Sunday it was the Scottsdale Police Department that picked him up. They picked him up in the stolen car and nabbed him and got him off the street. I'm one grateful grandfather and I wanted to thank the Scottsdale Police Department for doing that.

Before he came to Arizona a woman had been killed. If he hadn't been stopped, he would have killed someone else. Right now, a young woman is walking around safe because of the LPR. Here's how we will use our time tonight. First the standard we hold ourselves to and then the technology, what it is, how it works day-to-day and the safeguards we have around it. Then we will show you what ALPR has delivered for the Scottsdale

community. We'll close with what we proposed to strengthen accountability, what it would mean to lose this tool, and the direction we're asking you all for.

I want to be clear about one thing from the start. Public safety and privacy are not opposing goals. We can have both and that's something that you should demand of us. We are here tonight because you all directed this conversation, which is how it should work and we will be very candid. What happened in some of the other Arizona agencies raised some real questions about privacy, oversight, accountability and misuse. Those are fair questions and our residents deserve to have the answers to those questions. A lot is circulated about Scottsdale and how we use it. Some of it has been missing context, some of it has been accurate. Tonight is for us to put the facts in front of you. We are asking for a full discussion of how the program works, your review on the seven measured provided to you by the city manager and Chief LeDuc on August 27th. Respecting individual rights is not a constraint on this work. It's the basis of it.

These four commitments are the standard we're asking you to hold us to. One, is it lawful? Every use requires a justified law enforcement purpose. A criminal investigation or a specific public safety concern. And we'll always respect the 4th Amendment and work within that in anything we do.

[Time: 01:30:53]

Two, accountability. Every search is limited and named to a person. It's documented. It's auditable. There has there are no anonymous searches in the use of ALPR in Scottsdale. Three, effective. If we're going to use it, it has to deliver results. Not just arrests but recoveries, finding vulnerable people in our community, and stopping violent offenders. Fourth, transparency. We have to communicate this in our community and we have to understand the rules we follow and the guide lines we work within. If the program can't meet all four and then it should change, and we mean that.

Let's start with what the technology actually it is and what it isn't. And ALPR takes a snapshot when a vehicle passes on a public road. It records the plate, the date and time, the location, and the basic details of the vehicle such as color, body trim, et cetera. It checks that that plate against hot lists from state and national crime records and from local documented cases. If there's a match, it alerts our staff. That alert is a lead, a person still has to verify that before doing anything with it.

Now, what it does not do and this is where we want to spend a lot of time. It does not use facial recognition. It does not identify drivers or passengers. It's not a GPS tracker. It only knows when a car passed a fixed camera. No one can search it without a case number, without a call for service or a documented law enforcement purpose. And every search is logged to a named person. We don't keep it indefinitely to put patterns on people. It reads plates on public roads. It doesn't watch people.

Our program consists of 85 fixed cameras across the city. Plate data is kept 185 days unless it becomes evidence in a case. Searching and entry records are kept for one year per state retention schedules. We will talk about the 185 days later on. That's something that we are constantly evaluating, but I I would encourage the Council, as you think about that topic and some of the conversation behind it, don't compare Scottsdale to a Gilbert or a Peoria or some of our neighboring communities because Scottsdale is incredibly unique in our community needs to include the the seasonal visitors, winter visitors and seasonal residents that Scottsdale consists of. So, our needs will be different along with some of the other things we will talk about.

Scottsdale has used ALPR technology since 2008, nearly two decades. And when we initially used ALPR technology that was approved by our City Council in 2008. The current program began in 2023, and the current contract began in 2023 and runs through June of 2028. I want to address something directly, that this contract that we're currently on was approved administratively through the city purchasing within the existing procurement authority. That was lawful. But what we're hearing very clearly from residents and from this Council is the technology like this deserves specific accountability and a process. That's one the measures that we're proposing tonight is a technology ordinance. The goal of that is simple. Anyone who intentionally misuses the information should face consequences outside and beyond just department discipline.

Our own policy is the first layer. Scottsdale owns data. We own the plate images, the locations, the alerts, the audit logs. Flock uses that data only to provide service to us. Under the current contract, we have an amended contract that was signed in September which follows the new state law, Arizona Revised Statute 44-79.53, which cannot sell or share our data with third parties. Other agencies don't get a copy of our data. An Arizona agency has to request it. And a Scottsdale administrator has to approve it. Right now, we have we also added another layer of an attestation that we are having other agencies here locally in Arizona sign prior to being able to use our data. Even then, they only see a Scottsdale record when they're searching for a specific plate with a stated reason that's justified a justified law enforcement purpose that the vehicle actually passed one of our cameras. They can't pass our records on to another agency, and we can limit sharing by agency if we desire to do so. Federal sharing is turned off. It can only be turned on if we chose to do so and something like that would go through the city attorney, and members the Council. Flock doesn't release our data on an informal request, any warrants or subpoenas would go through the city attorney.

[Time: 01:36:27]

Flock can only access our data for support and maintenance and when they do, that shows up on our logs. The data is encrypted and it's the criminal justice data is stored in a government cloud like any egregious information would be and up to those standards. None of this replaces our own audits or our own guardrails. It's just another layer on top of that.

Now let's talk about how it works, how a plate gets on a list, who can see the data and what happens when we have an alert. First, I will start with some brief terminology and some definitions. A read is one snapshot of one plate at one camera. An alert is a possible match on a hot list. Possible. Not confirmed. A hot list is a list of plates that are tied to a crime record or a documented local case. There are two ways to get on a hot list. The first is the most common, that is through the NCIC, or ACIC, the National Crime Database or the State Crime Database. That's things such as someone being on a terrorist watch list, a stolen vehicle, stolen plate, warrants, missing and endangered persons, Amber alert, Silver alerts, Blue alerts, protection or sex offenders. Scottsdale doesn't add those. The only plates our people add are vehicles that are tied to a documented local case. And only detectives trained and trained hot list users can enter those plates.

The automatic entries come from the same record that our officers would get any time they they run an inquiry through NCIC or ACIC. When our staff enter a plate, the entry has to include the plate, a case number, call for service number, the investigation, type, who asked for it, and why. The plate comes off when the investigation need ends. And we check a random sample of that every quarter. If there's no case number, there's no entry into the system. And entry plates to track people at protests or free-speech events is prohibited by our Scottsdale policy.

Who can see Scottsdale's data? Only Arizona law enforcement agencies and no one else. And there's about 65 of those and, again, we are now sending out attestations to each one of those to sign to agree to all of Scottsdale's guidelines. Inside the Scottsdale Police Department, own trained users trained users with individual log-ins have access to that. When someone no longer needs access, it's removed within one business day. And we review that list every year to ensure it's up to date.

Outside of Scottsdale PD, Arizona police and sheriff agencies can request that, can request data but, again, they have to fit all of those guidelines. There's no out-of-state agencies and there's no federal agencies that have access to our data. Our data is never sold. State law prohibits that and Flock recently signed an updated contract complying with that law. Even prior to that, there was already a data clause and we updated that contract language specific to the new law. For any of our employees who need access to the system, and are deemed appropriate, they have to receive training first. If any of our users haven't accessed the the system in 90 days, they lose that access. If they want to re-access it, they have to go through a remedial training by our trainers in this area. And all employees who leave the current assignment or leave the police department lose access. Last December we asked Flock to limit who could see our data and on February 9th this year, we received written confirmation that Scottsdale's ALPR data was shared only with law enforcement agencies in Arizona.

Now, the system won't run a search until the officer fills out the offense type, the case or the call for service number. The reason field is mandatory. That's something that we put in place by policy. Every search is logged under the person would ran it. So it can be audited. If there's again, if there's no case number, no call for service number, there's no search that's done.

[Time: 01:41:23]

This is what an officer actually sees. As you can see from the picture, they see a photo of the plate. It's blurred out here for obvious reasons. They see a photo of the vehicle, and they see the date and time and location that it was run. There's no name. There's no address. There's no pictures of drivers or passengers. There's no facial recognition.

I want to be clear about this. An alert is a lead. It's not a reason to stop someone. A camera reads a plate and flags a possible match. That match is checked against the original record which would be NCIC or ACIC for a stolen vehicle or something like that and it would be the case file for any local entry that we have put in there. Then the officer has to independently check that again. So, it goes through our real-time crime center, whoever got it, does a check to verify and then the officer also has that responsibility to verify. And the officer, not the camera, is responsible for considering reasonable suspicion or probable cause to take any action. The technology helps us narrow where to look, but a person still has to establish that legal basis. And if you one step tonight, that's probably the most important one. Before anyone acts, the alert has to be checked, checked again and if it doesn't match, nothing happens.

If you are a driver, here is what it means for you. An alert alone never leads to a stop. If the record doesn't check out, there's there's no contact. On our side, again, the dispatch, the dispatcher, the dispatch supervisor or real-time crime center employee who gets that first alert, confirms the alert, and then they put out an attempt to locate. Once the attempt to locate is put out, an officer reverifies that before acting and the outcome is documented. The real-time crime center gets almost 50 to 100 alerts, alerts a day, and we act on 0 to 5 a day on average. Most of the alerts are investigative and not actionable for patrol. An alert tells an officer where to look. It never tells them who to stop.

You may hear that you can support law enforcement and not support license plate readers. We would push back on that. ALPR is one of our most important safety tools for officers, for our community, for everyone else on the road. Officers learn a car is stolen or tied to a crime before they walk up to the window, not after. This is played out in our city where our officers are ambushed but they were ready because of this. That gives them the time to call for backup and choose a safer place for a stop on a crisis call, they know what they're walking into. That protects the person too. Quite often, when we get an alert for a stolen car, we're able to wait to do enforcement until that vehicle is stopped or parked. That can replace a high-speed pursuit through a neighborhood or innocent people getting injured and then it also means that officers are spending less time looking at people who would have done nothing wrong. Every one of these protects the public too. Rules only matter if they are written down, followed and checked. Here's how we do all three. All right.

[Time: 01:44:59]

Assistant Chief Lee Campbell: Our ALPR policy is public. Anyone can read it on our policy portal and I would encourage you to do that. It is also a standard, the Scottsdale Police Department has voluntarily sought out accreditation for three decades. The department has been accredited by the commission on accreditation for law enforcement agencies since 1994 and by the Arizona Law Enforcement Accreditation Program since 2021. Being a dually accredited law enforcement agency demonstrates a high level of compliance. Both accreditation agencies have specific standards for license plate readers requiring a written policy addressing four areas. Guidelines for use, data and security and access, operator training, and data storage and retention. Our policy meets those standards and outside assessors have consistently found us in compliance. Case numbers on every search, independent audits and the ban on tracking protesters goes beyond the accreditation standards. Use is limited to criminal investigations or specific public safety concerns only. Using it for personal reasons is strictly prohibited. Only the real-time crime center staff, dispatch supervisors when the real-time crime center is not available. Detectives can only enter plates for their own units. Every search requires a documented purpose and a case number. No one may use it to track people to exercise free speech or protesting. Training is required before anyone gets access and access comes off within one business day when it's no longer needed.

Policy matters only if someone checks and here's how we detect misuse. Our audit flags warning signs. Searches more than 30 days back. Several case numbers on one plate. One person repeatedly searching the same plate and searches outside of networks create a flag. An auditor who had nothing to do with the search reviews it against the case and the policy. Anything that can't be matched to a documented purpose goes to the real-time crime center supervisor, is then entered into blue teams for an internal review with internal affairs and usure supervisors. Setting the standard makes sure we take all of these incidents seriously. If misuse is sustained, the consequences are displayed, referral to the Arizona Post Officer Standards and Training Board and criminal referral where the law allows.

Our audits have found no misuse. We sent several searches for outside review and everyone was found to be within policy. But I want to be direct with you. No agency can promise that misuse will never happen. Any system used by people can be misused by a person. And we won't stand here and guarantee otherwise. What I will tell you is we will not get comfortable. We will hold ourselves to a high standard. We look at a lot of things and every flag gets a thorough review. These safeguards are built to catch misuse early to limit the harm and hold people accountable. If someone misuses the system, there will be consequences. Zero doesn't mean we stop looking. What it means is that it's working. We have asked the city auditor to verify that independently.

The legal framework. Privacy concerns deserve to be taken seriously and so does an accurate depiction of the

law. You can see the ninth circuit which controls here in Arizona that running a license plate is note a 4th Amendment violation. Plates are displayed in plain view precisely so vehicles can be identified. And in March of this year, the Fifth Circuit looked at historical ALPR data and found a warrant was not needed. An ALPR camera captures the license plate on a public roadway at a specific time and location. When compared to cell phone data, which requires a warrant, can be used to track a pattern of life. What our people should be able to access, for what purpose, for how long, and for what oversight?

[Time: 01:49:37]

Assistant Chief Watson: A tool is only the worth keeping if it delivers. Let me show what you ALPR has done for Scottsdale. First research surrounding ALPR and the value in the investigation. In a federally funded study right here in Mesa officers using ALPR readers found nearly three times as many stolen vehicles and recovered twice as many. In Atlantic City, fixed cameras were associated with fewer shootings, auto thefts and property crimes.

Now the qualifications on some of these studies and the data behind. In Mesa, recoveries went up, but auto thefts stayed consistent. Another national study gains in solving the cases were not significantly once they controlled for other factors and even in Atlantic City, another crime program started around the same month. So the effects couldn't be fully separated. Here's the honest summary, the research supports ALPR as an investigative tool and the evidence that it reduces crime is very promising but still developing.

We sit here today as one of the top 5% of the safest cities in the nation. We have experienced a sharp decrease in group A. crimes, the most serious of crimes, and we have absolutely no doubt that ALPR technology has played a role in that. The reality is, this was all done without sacrificing the expense of civil liberties. When people hear about license plate readers, they tend to think about arrests. But what we want you to see is not a stat or an arrest. We want you to see what that is meant for our residents. From January through August, just of this year, ALPR has helped us locate five vulnerable people. That's family members who were reunited with family instead of worse. A man with dementia who had driven off, plate reads in traffic cameras helped us to reach him. He went home to his family. A veteran in crisis found hours after a hotline call. Officers were able to intervene and get them the help they needed.

On violent crime, just in April, we had 90 rounds fired at a short-term rental with eight people inside. No one was injured thankfully, but plate reads led to the arrests, multiple arrests in that case. A hate crime was solved when the attack placed the suspect vehicle at the scene. An assault led to a traffic stop. Two women were being forced into sex work and rescued because of that and a third was found at a hotel in that investigation. And property, 27 stolen vehicle recoveries just this year have been tied to an arrest. One owner in another jurisdiction had a stolen car and was told it was a civil matter. An analyst from our agency spotted it cycling through multiple stolen plates over time and that car was located and went back to its owner. And a multistate offender accused of stealing and using credit cards at a home improvement store was identified through plate reads and arrested on multiple felony charges. Just this week alone, our department and investigators have arrested two burglary suspects who were prolific in our city. That's through LPR.

Since 2003, ALPR has \$2.7 million of recovered value in stolen vehicles and that number is probably closer to 3 million at this point. Behind those numbers are Scottsdale residents, missing family members who have been located, victims identified and connected to help and cars returned to the people who rely on them for their way of life. There's also a privacy point here. ALPR lets us focus on specific vehicles tied to documented cases instead of a broad general approach.

In August 23rd of this year, a 79-year-old man with dementia drove away from his home while his wife was working. He didn't have a phone. When officers arrived this was no idea when he had left, where he had gone. Plate reads showed where his car had last been seen and at one time. Our officers were able to find him wandering in the summer heat and were able to intervene before it was too late. He's now home safe with his wife and family. Without plate reads, we would have had no idea where to look, what time frame.

[Time: 01:55:12]

We have so many stories, statistics like this, but each one is tied to a person. It's tied to a family. It's tied to a member of our community. As Assistant Chief Campbell previously stated, our audits have found no misuse. Here's how we propose to make the program even stronger than it is now. This year the legislature passed SB-15-51, businesses could no longer sell or share camera data with third parties and our contract has been amended to reflect that. A Bill to set statewide ALPR standards did not pass but we are expecting more Bills in this next session.

Scottsdale supports statewide standards, including criminal penalties for misuse and we'll continue to work through that through the Arizona associations of Arizona Association of Chiefs of Police locally, and nationally through the International Association of Chiefs of Police who did issue standards for responsible ALPR use this last August. Those included documented purpose for each entry, restricted access, alerts treated as lead. Audit trails, prompt investigation of any misuse and limits on sharing. All of those things are the same standards we will hold ourselves against. We have been approached by lawmakers who want to use Scottsdale's policies and practices as a foundation for state legislation. Federally they are moving in the same direction. The goal is guardrails, not elimination.

You have heard some of the valley agencies and where where they stand. This is the full picture as we know it right now. Most are still continuing with ALPR use, including Phoenix and Mesa, the two largest cities in the valley, and our neighbor Paradise Valley. Gilbert just finished a study session this last month to reaffirm their program. Four agencies have either paused or ended their ALPR use and we respect those decisions but we are different. With much more complex realities, we have the largest sporting event in the world. We have internationally attended sporting events, about 12 million visitors a year and the largest preserve and so on and so on. Most of the decisions followed some sort of misuse or the fear of misuse. Our audits found none. Our answer is not elimination and stronger safeguards, not fewer tools. The state lawmakers have told us again and again. That Scottsdale's policy will be used as the model ALPR discussion.

Before we talk about what it would mean to lose this tool, I want to take you back to a case that is that sits heavy in Scottsdale. This is a case that our police chief Joe LeDuc was one of the initial detectives on. On the night of April 9, 2001, an ATM camera at 74th Street and McDowell captured Robert Fisher. As you can see in the picture, his wife Marie's Toyota 4Runner was parked behind him. The next morning, the family home exploded, Marie, Mary and the two children were murdered. They were found dead. Fisher was accused of the murders, but gone. It took us ten days and a tip from a camper who found his vehicle lost in the woods in Young, Arizona, 100 miles of the north of where we are at. Ten days. In 2001, we had no way of knowing where that vehicle went or where it was. With ALPR, investigators could have had a direction of travel within hours not days. I can't tell you, standing here, that would it would have ended differently but our detectives would have had a real opportunity.

This case sits heavy with every one of us, even to this day. And it will until justice is brought to that family.

We need to talk about what the world looks like, Scottsdale looks like without ALPR technology. It's not a math question. It's not how many officers does it take. ALPR technology works 24 hours a day, seven days a week and gives our investigators avenues that were not available 20 years ago and you saw exactly what that looked like. Stepping away from it would be a giant leap back in time, in service and overall capability.

Here's what it would mean for Scottsdale. Slower. Leads that take minutes today would take hours, days, weeks. Costlier. You would have more officers, more officer hours on every case, taken from patrol time or paid in overtime. That affects the public, how quickly we can solve cases, and bring them justice. Fewer cases solved, including the 27 stolen vehicles that were recovered this year and tied to suspects. Our mission to ensure a safe Scottsdale does not change. What changes is how quickly we find the stolen car, the missing person or the vehicle tied to a crime.

I want to briefly talk about a Tempe case that has been in the news recently. On September 4th, a 16-year-old girl was struck down in Tempe. Victim of a hit-and-run and in critical condition. Our thoughts and prayers are with her and with her family. That occurred at an intersection where an ALPR camera was. However, the week before, they had shut down those cameras. And this is not an indictment against Tempe investigators. They're incredible. They have amazing officers and a great department, but that's what the technology looks like. We are over a month past that, and they still do not have an offender in that case. That's what we're talking about tonight.

[Time: 02:01:31]

Scottsdale welcomes nearly 12 million visitors a year, including almost 2 million international visitors. We have the most incredible signature events to include the WM Phoenix open, Barrett-Jackson, the Arabian Horse Show and all of those and many more drawing international crowds. Several of those events are federally risk rated events, meaning that they draw the kind of attention that makes them potential targets. When a vehicle tied to a terrorist watch list enters the city, ALPR alerts officers so they can verify that record and respond before that vehicle ever reaches a crowd.

Scottsdale is a world-renowned destination for events, entertainment, and tourism and it's built on a reputation of safety and exceptional service. Public safety and privacy are not opposing values. This technology has helped us find dangerous offenders, locate vulnerable people who are missing, recover stolen property, support human trafficking investigations and step in before more harm was done and in some cases as we have talked about tonight, save lives. Powerful technology requires powerful safeguards. That's what we deliver. Our audits have found no misuse and we will keep strengthening the program through an independent audit, a technology ordinance with real penalties, vendor evaluation, and public transparency. Technology is going to keep changing. Our responsibility is to make sure that our safeguards change with it to ensure that our standards never do. Which brings me back to where we started. As part of our community, we're united in purpose and selfless in action to ensure a safe Scottsdale. These tools help us to ensure that safe Scottsdale. You have heard about some of the other cities, the other problems, some different choices made but we're asking you all to judge Scottsdale and our police department on our city's needs and on our community.

The City Manager and Chief LeDuc outlined seven measures in the memo to City Council on August 27th. We have added an eighth here tonight. First an independent auditor or an independent review by the city auditor. We have requested it and that is that is in progress right now. It covers who has access. It will cover policy compliance, hot list entries, sharing with other agencies, retention, vendor access, security,

and our own audit process and how we're doing that.

Second, technology ordinance. This is something that chief and city manager are working with the city attorney on, that will include criminal penalties for intentional misuse wherever Arizona law allows. Third, we'll immediately evaluate and we are evaluating other vendors and data models to see if Scottsdale can keep this capability while gaining more control over its data that includes storage, encryption, vendor access, verified deletion, breach notification and the ability to cut off access immediately. Thinking of that Tempe model, what we would ask and encourage from the Council is if we do decide to shift vendors and go to a different model that there isn't any overlap in our coverage. We're entering one of the busiest seasons in Scottsdale with multiple high-level events and we need this technology.

[Time: 02:05:10]

Fifth sorry fourth, public technology website showing what we use, as far as technology, the rules and audit summaries. That work is already underway by our amazing folks. Fifth, we'll reduce we'll look at reducing the number of people with access. That work is also underway and has been getting done. Sixth, every user will sign a policy on an annual basis, and go through those rules and seventh, we'll keep reviewing that retention number. That's something we have been talking about as far as legal standards and what works for our community.

As we talk about that again, I would encourage you to remember our winter visitors and our seasonal residents who oftentimes don't report crimes until weeks or months after they have been committed. The first two items on here put independent eyes and Council authority on this program. The eighth item that Chief LeDuc is introducing tonight is an independent study. That's what that's what we want to add that. Would include partnership with an outside agency, potentially a university of sorts or or something like that, to do a completely unbiased study on ALPR.

That brings us to the discussion. The calls still come in. The only question is how they end. We want to leave you with one thing tonight, behind ALPR is every ALPR success story is not just a camera or a database. It's a person. It's the missing child we're trying to find. It's the victim of violent offense waiting for an answer. It's a family hoping to be reunited with a loved one. It's people hoping that we identify the person responsible. It's the officer trying to locate a dangerous suspect before someone else gets hurt. That's what this technology means to us. ALPR has become one of the most important investigative tools in modern law enforcement, but with that capability comes responsibility and Scottsdale has taken the responsibility very seriously through policy, restricted access, limited retention, supervision, auditing, and accountability.

The men and women of Scottsdale Police Department put their safety on the line every day to ensure a safe Scottsdale. Scottsdale's repeatedly been recognized as one of the nation's safest communities and those results don't happen by accident. They happen through exceptional people, exceptional leadership, sound policing, community partnerships and the responsible use of modern technology.

So, as you consider the future and how we manage ALPR, we ask only that that decision be based on what the technology actually does, how we use it, the safeguards we have in place, and the lives and the case behind each cases behind each of those statistics, not fear, not rhetoric, not a false description of the technology, but facts, results, accountability, and public safety. That's the standard we believe that this deserves. Thank you very much for your time and we are here for any questions you may have.

Mayor Borowsky: Thank you to both of you. Excellent presentation. I'm going to take the public speakers next. Can you leave this up, though? I personally want to look at that last slide that you had, the eight bullet points eventually. We can go through those. All right.

PUBLIC COMMENT

The first speaker Darryl DelHousaye, is that Pastor Darryl? I hope I'm not blowing your cover. Welcome.

[Time: 02:08:54]

Darryl DelHousaye: Thank you. My name is Darryl DelHousaye. Pastor of Scottsdale Bible Church for 25 years, president of the Phoenix Seminary for 25 years, chancellor, in other words my heart is here in Scottsdale. I am the grandfather who made that phone call. I was such a grateful, grateful heart. It was early 2024, my eldest granddaughter, working at a very well-known coffee shop, she went and took a break in the early afternoon, early afternoon in the sitting in her car in a parking lot and a young man attacks her. He drives a knife in her head six times. Drives a knife in her neck, cuts down deep and he flees because a woman from the emergency coming the building next door saw the blood and ran over he ran. They tried to stop the bleeding. They had to rush her to Lincoln Hospital. She was unconscious and we thought we had indeed, lost our first grandchild.

The very next day in Surprise, the same young man attacks a woman in McDonald's. She's in the restroom. He crawls over and he attacks her and to this day she survives but she is partially paralyzed. He escaped and he saw a car that was still running so he stole the car and he left. All within 24 hours of my granddaughter being attacked. All within 24 hours, the Scottsdale Police Department had located this young man on the third floor in the Fashion Square parking structure where many of you shop and he was there waiting for another victim.

All I can say is I had to all the police department and express such deep gratitude and that's what you heard. And so the whole thing within 24 hours they say justice moves slowly but as far as stopping those who would destroy people, that can move quickly. That can move quickly.

And by the way, that little gal that was stabbed six times in the head and we thought we lost her, God's grace, she survived and just three months ago, gave Holly and I our first great grandchild. Thank you.

Mayor Borowsky: Thank you, pastor Darryl. I'm sorry I pronounced sorry. Stop the show. Thank God she's okay. All right. John Suppes is next, followed by Jim Hill, Jay Jacobs and thank you, Pastor Darryl by abiding by the two minutes and I would ask everyone else to do the same. Thank you.

[Time: 02:12:09]

John Suppes: God bless you, sir, and your family. Thank you for allowing us to speak today. My name is John Suppes and my wife Chris is here behind me. We have been residents of Scottsdale for 28 years. We live in Mirabelle, a north community. One of the reasons we moved here was for safety. A lot of other things but safety was a big one. When we saw this on the agenda, we were very anxious to talk and at least to hear it and I appreciate the opportunity to do so. We're firm believers in giving the Scottsdale Police Department all the tools

they need to keep us safe, 100%.

Congresswoman Littlefield made a comment from the fire department chief, and you said we have to take care of their healthcare, 100%. You are 100% right. We also have to give all of our first responders the schools they need to do their the tools they need to do their jobs. So, thank you for that comment.

I'm going to talk about three more incidents. I don't know all the details but you will get the hint. One of them might have been in the presentation. A couple years ago you probably remember the south American robbery group that was driving us all crazy. I know the license plate readers had a big impact in that, catching that group.

The recent truck sex trafficker who was just on the news last week, Peoria, caught them. Saved two 15-year-old girls. The one, though, that hits me, almost as hard as the one that was just presented, was a couple years ago, a small child, an infant was abducted. It was in one of the western suburbs, and one one of the western towns, they knew the license plate. Through a number of cities, got all the way to Mesa, and Mesa had grappler, a device that can grab a car and luckily, they caught the gentleman or the person with the infant.

Now, I can only imagine I realize and understand the privacy, I totally do. But if any of us had a small child kidnapped in a car, I would think we would want them to have every tool in the book to try to save them, and they did. So please keep that in mind.

So, we understand the privacy issue, but the policy and the procedures that were just outlined, they look outstanding. And that's why Scottsdale Police Department is in the top 5% in the country, because they have these procedures to do what's right. So please keep the you know, trust them. They're put together. They are great people and they know what they're doing and so trust them.

Mayor Borowsky: Hey, John, I'm sorry, the two minutes has passed. Thank you.

John Suppes: I think you get the point.

Mayor Borowsky: We do. And thank you for your heartfelt input. Jim Hill, followed by Jay Jacobs and then Jeff Gentry.

[Time: 02:15:32]

Jim Hill: Good evening, my name is Jim Hill, I'm a retired detective from Scottsdale PD. Currently president of the Maricopa Colleges Police Officer Association and I have been a cop for almost 40 years. There's been a lot of talk about the Flock system and outrage about liberty and patriotism. I will tell you, that's what I will talk about because that's my wheelhouse. My people settled the frontiers of Pennsylvania. They fought the French and Indian Wars, 18 of them served in the continental Army with general George Washington. They lived in areas that were prone to raids and warring factions. To think that they wouldn't have taken advantage of an early-warning system is crazy. They didn't hide from early warning. They posted lookouts and ran ranger, and they had dogs and logbooks. They wanted proof of who did it. The warning and fact finding were survival, it wasn't tyranny. What they rejected was a distant authority holding the record. A red coat was not watching a road to his own homestead, a red coat was distant tyrant holding the keys to the information.

We have violent crime, violent criminals, cartels, terrorists, a Flock -type system is just a modern version of what

my ancestors used them when the raiding party was coming. Eyes on approach, a record of who passed, useful if it stays local and closed and punishable when misused and dangerous if it's manufactured in cloud or some far off holds the keys. So, you have the opportunity as Scottsdale City Council to exercise local control. Set the precedent and create an ordinance it codifies everything that the Scottsdale PD has in place but make it punishable if the edicts are violated. That's where we need to go. It needs guardrails. You don't throw away an early-warning system. Our ancestors would have scoffed at that. Its not some kind of tyranny to include that. That's what I want to ask you to do, keep those guardrails in place. Codify them. Thank you.

Mayor Borowsky: Thanks, Jim. Appreciate your input. Jay Jacobs, Jeff Gentry and then Jason Alexander.

[Time: 02:17:56]

Jay Jacobs: Good evening, I'm Jay Jacobs, I'm the semiretired CEO of the JCC, the Jewish Community Center and the CEO of the Levine Community Center, we're 32 acres at the corner of Sweetwater and Scottsdale. On campus each and every day we have over 500 kids and three different schools. We also hear Sonoran Sky School, another 800 or so kids much each day we have 3,000 visits to our campus, which equates to over 1 million visits a year. We make sure we keep our campus safe by having our own security team, augmented by the daily presence of a off-duty Scottsdale P.D. And the support we get from Scottsdale P.D. is incredible and very, very much appreciated.

For us, the early-warning is essential in the world we live in, the early-morning can be the between us averting a disaster or having a catastrophe. And that's how we almost have to think about this. If we know something potentially can happen, we can avoid it. If we don't know, we we see in the news every single day of what goes on. So, the bottom line is, if we're going to keep our kids safe or keep people safe, and so on, we need to do the right thing with the limitations and the restrictions that were explained but we need the early-warning detection. We need to do the right thing. Thank you.

Mayor Borowsky: Thank you. Next Jeff Gentry.

[Time: 02:19:38]

Jeff Gentry: Good evening, Mayor, Vice Mayor, Councilmembers thank you for having me, I'm Jeff Gentry, I'm the Undersheriff of Maricopa County. Sheriff Sheridan sends his regards and regrets he couldn't be here personally. We have spoken at length on this topic and we are aligned in the comments that I will share with you in support of maintaining ALPRs. Nearly any tool that law enforcement has can be misused. And there are many. They can be exploited by someone pursuing a personal gain. That possibility deserves serious attention. It is precisely why we establish safeguards restrict access and hold people accountable for their misuse. Some protections are imposed through agency policies, some through legislation.

For ALPR, responsible safeguards should include exactly what the assistant chief said, they should include authorized investigative purposes, documents searches, access, controls, retention limits, audits and meaningful consequences for misuse. Those protections have to be enforced, having a policy on paper isn't only the beginning. Leadership must ensure that employees follow it, and that violations are addressed. Responsible safeguards are the key to bringing technology, effective law enforcement, and public trust into harmony. As technology has advanced throughout our society, law enforcement has got to keep pace. ALPR has become a vital investigative tool. It helps us identify vehicles, develop leads and corroborate evidence.

And ALPR does not determine who was driving or prove that somebody committed a crime. Deputies or in your case officers, must verify the information and build that case. But a verified photograph documenting a vehicle at a particular place in time is particularly good evidence that a human memory alone cannot reliably supply. That's my two minutes.

Mayor Borowsky: It goes by fast.

Jeff Gentry: I have a lot more to tell you. Thank you. The Sheriff's Office is in support of ALPR.

Mayor Borowsky: That says it all, really. Thank you very much. Thank you to Sheriff Sheridan for sending you along. Appreciate it. Jason Alexander followed by Linda Rizzo and then Michal Joyner.

[Time: 02:22:36]

Jason Alexander: Sorry. I'm going to begin by quoting from a post Councilwoman Whitehead made. After a 7-0 vote to agendize the Flock camera usage on the regular agenda, after the 9/22 meeting, the item mysteriously appeared on the work study agenda, placing the discussion at the end of a long meeting, limiting public comments to three residents, five residents, excuse me. In short, putting residents last, again. The Council's required to discuss issues if public, yet this surprise change, once again, is presumably the result of a private conversation after the Council meeting adjourned, underscoring what Scottsdale has lost with the current Council majority, honesty and transparency. 25 of us are planning to speak tonight, if this was on Work Study that would not be the case. It's about transparency. Clerk Lane took credit for moving the item to the work study, thinking he was making an improvement. I'm not so sure.

Ben Lane's been here five, six years. He's paid hundreds of thousands of dollar to dot every I and cross every t. I believe, like Councilwoman Whitehead that there was presumably a private conversation that moved this to the work study who was behind that conversation? We can assume Barry Graham has a track record of going to staff. He was found guilty of violating the ethics code based on this very issue and may I have the overhead, please? Back in November, when this issue came before Council last, Barry Graham tried to make this statement about the Council's policy. Into this statement. One line, not mentioning automatic license plate readers, not mentioning Flock, obscuring and obfuscating the conversation, instead of making it transparent. Thank you.

Mayor Borowsky: Thank you, Jason. Next Linda Rizzo, hello and Michal Joyner and Kevin Watts.

[Time: 02:24:53]

Linda Rizzo: Good evening, Mayor Borowsky and members of the Council, my name is Linda Rizzo, and my address is on record. I would like to convey some remarks by Senator Josh Hawley at a September 23rd Judiciary Committee hearing. Quote, what seems to make these networks unique is not just the sheer numbers of cameras, it's the fact that they're all linked together and powered and searchable by A.I. It's unlike anything we have ever seen in this country before. They store and catalog details like vehicles make, model, color, location, date, time. Flock 's searchable features include dents and roof cracks and vehicle damage and racks on the roof or racks on the back, or specific bumper stickers even. You think about that. I mean, Flock can tell you if a car has a Trump sticker or a Harris sticker or a pro-life America sticker or an N.R.A. sticker. It's really quite extraordinary. He goes on to say, all across the country, practically every state in the union now has these cameras. Hundreds of thousands of them recording billions of images every single month and the question is,

where are all of these images going? Who is using them? What are the privacy protections for them? How do we make sure this kind of surveillance is consistent with the constitution in the United States.

In Arizona who indeed has access to this data? We have seen reports of a man tracking a wife's movements. We had an instance of data leaked for a political hit here in our city. The honor system works only when honor is present. Who's is next? Someone in my religious community or yours? Or will it be based on a grudge against your child's sports team? Madam Mayor and members of City Council, the Arizona Constitution actually provides for an expectation of privacy when we conduct our private affairs. Understand that this equipment and these systems are not limited to the brand Flock. Please do what is necessary to end surveillance in Scottsdale. Thank you.

Mayor Borowsky: Thank you. Michael Joyner and Kevin Watts and then Eric Fowler.

[Time: 02:27:23]

Michal Joyner: Mayor, Vice Mayor and City Council my name is Michal Joyner and my address is on record. I am here to express my strong support for the continued implementation of Flock cameras. Concerns have been raised regarding privacy violations, yet it is noteworthy that surveillance is already prevalent in our daily lives. I would be willing to bet that everyone in this room has cameras installed at their homes for security. Also, we have them in every commercial space we go. During a recent ride along that I took with the police, I witnessed a hit-and-run suspect being apprehended in less than five minutes due to Flock. Similarly in Casa Grande two weeks ago, there was a vicious murder solved within 24 hours and they gave full credit to Flock cameras.

Such technology might have helped maybe not prevent the murder of Nancy Guthrie, but it might have helped identify the person that did it. Despite increased funding and staffing of our amazing police department, it's impractical to monitor every intersection without technological aid. Flock cameras offer a solution to enhanced public safety. I personally would like to see Flock cameras on every single intersection that ticketed every person that runs a red light.

The initial concerns appear to stem from misuse of isolated incidents that are being addressed by local authorities in the cities where those incidents occurred and I trust our amazing police department, our city manager, our city attorney, and our chief of police to come up with good policy that will both protect and keep us safe. I urge you to vote to keep the Flock cameras in place and support our police department. Thank you.

Mayor Borowsky: Thank you. Kevin Watts, Eric Fowler and then Eugene Rose.

[Time: 02:29:41]

Kevin Watts: Wow, excuse me for a second. Madam Mayor, and members of the Scottsdale City Council thank you for this opportunity. My name is Kevin Watts, I serve as the Vice President of the Fraternal Order of Police. We represent 9500 members here in the state of Arizona. I'm here with the continued use of the automated license plate reader technology. The discussion surrounding automated license plate readers raises legitimate concerns, privacy, access to information, proper limits of law enforcement technology but the question deserves serious consideration, but they need to be asked along two equally important questions, what does the technology do for public safety? And what safeguards are in place to prevent this use?

The Scottsdale Police Department has outlined an amazing policy today and they have committed to your transparency and safety and security. I'm abbreviating because of the time. ALPR is not facial recognition. It does not identify drivers or passengers; it provides leads to honest investigators who are here serving you every day.

Across Arizona those leads have produced meaningful results and in Prescott they ALPR, connected investigators to a shooting that otherwise would have gone unsolved. In Peoria, two vulnerable elderly men were located, one 150 miles away from where they thought he would be. This is live data and real people returned to their loved one. For Scottsdale, there's particular value because of the community hosts major. S that attracts hundreds of thousands of residents as we have heard. None of this means ALPR should be operated without restrictions. The Scottsdale Police procedures are among the ones I have read robust and very comprehensive. And I have reviewed several. They require legitimate law enforcement public safety purpose and trained personnel. The department also prohibits the use of the system to track protests and other protected free speech activities another great event.

These are relevant facts that are straightforward, ALPR has demonstrated public safety value local vulnerable people. We believe those facts deserve careful consideration as the Council evaluates the Scottsdale ALPR program. Thank you for this opportunity to present on behalf of the Arizona Fraternal Order of Police and all the members.

Mayor Borowsky: Thank you, Kevin. All right, Eric and then Gene and then Lottie Kimball.

[Time: 02:32:19]

Eric Fowler: Good evening, Mayor and Council, I'm Eric Fowler Chair of the Libertarian Party. Just five days ago a federal judge in Oklahoma ruled on a Flock search. A deputy saw a car with California plates and for no other reason pulled a month of their travel history in Flock. A judge ruled that that search violated the driver's fourth amendment rights and threw out the evidence. She called these systems indiscriminate mass surveillance. It's not misinformation when a federal judge says that it's mass surveillance.

In August, a different federal judge in Mississippi ruled on I a cell phone tower dumb company grabs all the records every phone near a tower to find one. They are per se unconstitutional general warrants. Per se, no exceptions not even for a warrant. As the court put it, the government cannot have access to the entire haystack for one needle. Injure audits check a search against your own rules. They never ask whether the haystack should exist in the first place. The collection itself is the misuse, and nobody voted on it. Tonight's presentation said it was administratively approved through city purchasing. Staff signed it. Now if a massive police drone swarm comes up next, will the staff avoid a Council vote again?

From that Oklahoma case, if we all look, the deputy's body camera filmed after the Flock. And on the right is a heat map of where the car had been. You never saw that the police slides, did you? That's a pattern of life. That is every bit of that person's movement, and it's not just some picture of a license plate as claimed by the police. Every car that passes by the 85 camera goes into a database like this kept for six months. Please ask them to delete the data and cancel this dang contract. Thank you very much.

Mayor Borowsky: Thank you. Let's keep the applause no applause, please. We're trying to get through this.

Everyone has two minutes.

Eric Fowler: Can I give this to the Council or the...

Mayor Borowsky: Give it to our city clerk thank you so much, Eric. Gene Rose and Lottie Kimball and then the former police chief, I think I see him in the back.

[Time: 02:34:53]

Eugene Rose: Mayor and Councilmembers, thank you for allowing me to speak, my name is Eugene Rose. My address is on record. I want to begin by saying that I strongly support law enforcement. I want Scottsdale to be safe and I respect the difficult job that our police officers perform. I happen to have been in past to be a member of the Ohio Association of Police Chiefs and the Fraternal Order of Police Association.

But supporting law enforcement does not mean living government unlimited technological power to monitor innocent people. Scottsdale operates 85 Flock license plate reader cameras. These cameras record vehicles traveling through our community and Scottsdale's current policy provides for retention of non-evidentiary Flock data for 185 days. The Constitutional question is not whether a police officer can key my license plate while I drive down a public street, of course, they can. The question is whether the government should be able to automatically record, retain, search, and potentially share the movement of people who are not suspected of any crime.

That concern is grounded in the fourth amendment. In the United States vs. Jones, the Supreme Court recognized that GPS monitoring can create a significant privacy concern. Justice Sotomayor warned about surveillance capable of revealing the whole the whole of a person's movements. That's the issue here. I'm not asking this Council to declare every license plate reader unconstitutional. The courts have not decided that yet. But technology has changed the nature and the scale of surveillance and Scottsdale does not have to wait for a court to tell us where the constitutional line is. This isn't about accusing Scottsdale police officers of misconduct. It's about limiting what government can do before misuse occurs.

And please don't simply replace Flock with another company's version of the same technology, whether the name is Flock, Axon, Motorola, or someone else, the constitutional concerns remain. I respectfully ask you to discontinue the Flock program immediately and establish that Scottsdale will not adopt similar mass location surveillance technology without clear, legal authority, meaningful limits and appropriate judicial oversight.

Mayor Borowsky: Thank you, Gene.

Eugene Rose: Thank you.

Mayor Borowsky: Lottie Kimball, Alan and then Patty Badenoch.

[Time: 02:37:54]

Lottie Kimball: Good evening, Mayor Borowsky. My name is Officer Kimball. I'm here representing the Scottsdale Fraternal Order of Police. This conversation gives us an opportunity to separate fact from misinformation, better understand ALPR technology and determine how Scottsdale can continue providing effective public safety while

protecting the constitutional rights and privacy of our residents.

As we have already heard tonight, license plate reader technology is not too new to Scottsdale ALPR is relatively straight forward it captures limited information about vehicles on roadways, and it does not use racial recognition or identify occupants or independently provide personal information about anyone. Access to law enforcement systems is restricted and authorized personnel for legitimate criminal purposes and searches are logged and subject to oversight and auditing. Those safeguards all matter and were all explained. So, do legitimate concerns about the company's entrusted in storing and protecting this information, questions surrounding Flock safety, cybersecurity, data sharing and privacy deserves serious considerations.

If this Council determines that Scottsdale should transition to another provider offering stronger protection then that's a conversation worth having but transitioning responsibly to a better system is very different than eliminating an existing public safety capability before replacement is operational. You heard it from the example at Tempe, an unsolved hit and run just next door. That is the concern we bring before you tonight, not whether Scottsdale should continually evaluate its technology and safeguards, but whether we should create an unnecessary gap in our investigative capabilities while doing so.

Scottsdale's entering its busiest times of the year our major events place additional demands on officers responsible for keeping our visitors and residents safe. ALPR technology is one of the tools that provide information and also help officers better understand all the circumstances they may encounter. The F.O.P. represents the officers who serve this community every day, but we are also members of this community. When the uniform comes off, we shop the safe businesses we live in the same neighborhoods and our families spend time here. We love working in the city and take pride in serving the residents and providing safety. We also ask that you care about our safety as well. We want effective tools for our officers and the public to have confidence that the tools are being used responsibly about the safeguards. The goals don't have to compete with one another.

Our request tonight is simple, give Scottsdale the time necessary to make these decisions responsibly and allow the existing system while the city evaluates alternatives and identifies a long-term solution that meets Scottsdale standard for both public safety and privacy. We don't have to choose between protecting our community and protecting the rights of people would live here. We can and should demand both.

Mayor Borowsky: Thank you. Alan Rodbell. Patty Badenoch and then Christopher Miller.

[Time: 02:41:02]

Alan Rodbell: Anybody that knows me, I say 20 minutes to say, hello my name is Alan Rodbell, Winstone Trail, 85266. Thank you, Mayor and Council for allowing me to speak. When I started in law enforcement 50 years ago, I've been an officer for 45 years, our technology were whistles and our data banks were like three-ring binders sitting on detectives' desks with Polaroid pictures. There was no technology. I saw a number of technologies some were successful and poor and failed. Sometimes the ones that were not successful but good technologies for us to use in the future, we worked them right to make sure we balanced public safety and the needs and the cares and the concerns of the citizen.

There's a lot of concern here and I get that. I think that's the finest presentation I have ever seen. I got a chance to look at that online, just before coming down here. It answered almost every question or concern I could come

up with. There may somebody additional ones. My recommendation is in the interest of time, is that we look at the recommendations by the city manager and the police chief and we follow those and include citizens in the debate and the discussion. I think there's grounds here to keep the technology, not throw the baby out with the bath water and deal with some of the concerns we can deal with and make sure this is a safe community that it deserves to be.

When we started it program back in 2008, it was five communities and Salt River, which never got together with us, to create a fusion center. That fusion center started us talking to each other across jurisdictional lines where we started to share information for the first time. This new technology was being introduces at the time, and a lot of us had our doubts about it or how it would work. And yet we saw double digit reductions in crime in our city year after year. We saw Scottsdale become one of the safest cities in America and we saw it labeled as a great place to raise children. Don't throw the baby out with the bath water. Don't light our hair on fire and run off the cliff following behind some other city would hasn't thought this through. Think it through.

We put you up here to lead. We put you up here to make our communities safe for all of us and we put you up here to problem solve. This is the problem that can be solved. It's an issue that can address citizen concerns which are legitimate concerns and balance the need for technology.

Mayor Borowsky: Thank you. Patty Badenoch, Christopher Miller and then Mark Yule.

[Time: 02:43:54]

Patty Badenoch: Patty Badenoch, 40-year resident of Scottsdale. Guardrails we need to address is not to accommodate the camera. Instead, equate how much population we can handle relative to the known fact that the percentage of crime is directly related to the number of people we can handle. This formula of growth in order to sustain our quality of life is a developer's mantra we hear all the time. So, we compromise our freedoms incrementally.

Instead of supporting cameras, slow down the growth in Scottsdale. The people who live here by and large do not want to see Scottsdale become another NYC. Again, slow down the growth in Scottsdale. In the meantime, I prefer to see more police with greater pay than to pay for the use of the over surveillance gimmick called Flock. Thank you.

Mayor Borowsky: Thank you very much. Christopher Miller. And then Mark Yule and Felipe Priess.

[Time: 02:45:14]

Christopher Miller: Good evening. As a student of the federalist and anti-federalist, I'm astounded by a lot of what I heard tonight. Let's pretend the data presented is accurate. Let's pretend to accept the appeal to the notions, so what? They still must be abolished. Opponents say there's to privacy, a single officer seeing a plate on the street is not an issue. A system that captures. If I followed a stranger for weeks on end recorded every stop to understand that individual's personal life, I would have a harassment charge, and the phone tracker. They require a warrant even more so if anyone on the City Council or on the police force say we should keep these for maximum security or there's already other cameras in public, those individuals should be forced to reread "1984 ." Have the courage to say no to these organizations that present flawed data and false promises, a city that says they need the plate readers to do there job, is like a doctor that says they need an A.I.

to read medical forms or a teacher who says they need A.I. to do their classes.

To the outside observer it makes it seem like you don't have the skills or the knowledge to do your job and the rise of the surveillance state. As you vote to abolish these cameras and do your small part to bankrupt this disgusting un-American company. Jefferson, Madison, Washington, Adams, would be wondering why are we flirting with surveillance and not cutting these down tonight. It's not courageous to vote to abolish ALPRs. It's your duty. Thank you.

Mayor Borowsky: Thank you. Mark Yule, Felipe Priess and Jason Dragon.

[Time: 02:47:15]

Mark Yule: Good evening. My name is Mark Yule, I'm a 40-year resident of Scottsdale and I'm also the father of the line of the death duty officer that you honored earlier. So, on that behalf, thank you, but that has nothing to do with how I'm speaking today. I'm a founding member of a church in north Scottsdale and today, I simply would like to remind the Council of the most repeated instruction in God's word is fear not. Don't be afraid, I'm not going to give a sermon.

I would like to review. There's a certain term called technophobia that is present as we speak here today. That was present hundreds of years ago with the introduction of the telegraph, technophobia hit because people thought the telegraph poles were sucking the moisture out of the air. And there was quite a bit of hysteria regarding that. A similar technophobia happened with electricity and people were assumed they would have to wear rubber clothing or were afraid to turn on the light switch because of the new technology. And I believe that history is repeating itself with the current controversy of this technology. Suspicious media reporting, exaggerated claims of misuse and a general climate of mistrust and paranoia have created a false narrative that this useful technology will be dangerous. Especially to our fourth amendment rights of privacy. I'm going to leave those legal questions for those better equipped to handle that argument.

I'm here as a common citizen, simply to ask the Council not to be caught up in the hype and the hysteria but instead listen carefully to the number of safeguards that have been instituted to protect against misuse. Consider the mass number of crimes that have been solved or the number of human lives that have been saved with technology and weigh the benefits that this technology provides to keep Scottsdale a better place. And as with any technology, ask those who are developing and using it to maintain the highest standards of accountability. And let's not be afraid to allow this technology to provide the benefits. And I'm simply going to close with the prayer that was offered earlier, that this Council would be wise and courageous and fear not.

Mayor Borowsky: Thank you so much. Felipe, then Jason and then Vincent La.

[Time: 02:49:49]

Felipe Priess: Good evening, Mayor, Vice Mayor and City Council. I'm here to petition against ALPRs in our city. Pretty usage policies don't matter. They don't matter. This is a flawed and dangerous technology. Flock cameras track every single person, not just criminals, every time anyone drives past one of these cameras, they are logged. This builds up a profile on everyone, where they live where they work, where they worship and what kind of legal help they pursue. If they participate in a protest, and, et cetera. All is recorded and all is searchable. Case of misuse and abuse happen every day.

Also, Scottsdale plays Flock to save for 185 days when the standard is seven days, something is wrong here. In the age of runaway artificial intelligence, it's very easy to notice a pattern going on. Everything wants to track you, every app and website wants a copy of your I.D. and a face scan. Cars having hard wired cell information, transmitting your location at all times and now starting with 2027 model years all cars are required to have cameras facing the driver for your safety, yeah right. As we have seen, the government will do anything it can to track its citizens for whatever reasons it may be and Flock cameras are part of the system. You are simply naive to not think so. This is not just about reading line plates.

Flock safety also makes surveillance drones actual flown A.I. powered video cameras and mobile stations. This has been an increasingly big issue where every in the country even more here in Arizona where towns like Cave Creek, Chandler, Cottonwood, Flagstaff, Payson, Sierra Vista, South Tucson, Surprise and Tempe have cancelled their Flock/ALPR programs. Majority cite misuse and abuse as it's the story throughout the country. Last night the Scottsdale Police Chief defended the usage of Flock bringing up all the reasons but one statement that caught my ears was he said the city will be less safe without Flock and I and I think that's a ridiculous statement because the police department have been doing a great job since ever. And excellent work three years ago when the Flock cameras were used in Scottsdale. I think that point is not valid and they will continue to do a great jobs anyway and three points.

Mayor Borowsky: Felipe, sorry, your time is up.

Felipe Preiss: Thank you so much.

Mayor Borowsky: We appreciate it. Jason Dragon, Vincent La, and Christine Burke.

[Time: 02:52:36]

Jason Dragon: Thank you, Mayor and Councilmembers. My James is Jason Dragon. I live here in Scottsdale. My address is on file. In the interest of time, I'm not repeating other speakers. I have one specific ask for the Council and that's to look at that 185-day retention policy, six months, we're indiscriminately logging every vehicle, whether or not they are suspected of any crime or wrongdoing. Keep the alerts. Keep the hot lists, keep the things that are driving these success stories that I hear, but I'm not convinced that any of that policing that we have heard about tonight requires it certainly doesn't require six months' worth of history of reads on these cameras when the standard set by Flock is 30 days and that was even recently changed to 7 days. Thank you.

Mayor Borowsky: Thank you so much. Vincent, Christine, and then Alex Hartwell.

[Time: 02:53:36]

Vicent La: All right. Good morning, Mayor good evening, Mayor and members the Council my name is Vincent La. My address is on file. During the previous November 2025 meeting regarding ALPR systems I discussed security issues regarding Flock and other ALPR technology, and evidence has shown the issue has gotten worse. A recent Arizona mirror report of Lake Havasu found that Houston Texas' police department made 74,000 searches of their data in a 30-day period between June and July of 2025.

On the other hand, AZDPS, Phoenix, Mesa and Las Vegas metropolitan only accounted for 26,000 searches at a minimum allowing a very far away agency to conduct a large volume of requests undermines the value of any auditing logs. And the logs even less useful when investigation and LOL are the provided reason for many searches. The concept of limiting the rate of requests is basic software engineering that I do every day, yet Flock safety has not done it. The recent cancellation of Sheboygan, Wisconsin's Flock contract is instructive. The City Council and chief police that they were under a 30-day retention period. That was shattered when a Flock representative tried to sell them five years of aggregated traffic data for engineering purposes. How Flock collected five years of data with 30-day retentions should be answered. Similarly, Flock publicly claims they have no federal law enforcement access, yet Denver canceled their contract because they believed I.C.E. had access to their systems.

I have followed Flock safety's chief strategy officer on Twitter and based on his posts he would have us believe that if we cancel Flock, we are going to turn into Albuquerque or somewhere worse. They have us believe if at the remove Flock we would have tens of thousands of missing children, and we would have way more auto theft, yet Flock 's own officially published data contradicts this. Flock 's Amber Alert pairing has solved 100 cases and the Manhattan Institute, a pro ALPR organization cites an 11% decrease in motor theft, not an elimination. So, thank you for having this discussion and I ask you to make sure the audit looks at more than just our contractual the face value of the contract. Thank you.

Mayor Borowsky: Thank you so much. All right, Christine, Alex and then Ken Ellsworth.

[Time: 02:56:03]

Christine Burke: Good evening. Y'all know who I am. I wish I would have known, I would have brought all my boys with me so I could be represented too. But, you know, I kind of stand on myself and when you have authority and when you are doing the right thing, it can stand for itself.

Since I don't have a lot of time, I wanted to talk about the fact that I was a cop in south Florida where we have a lot of tourists, and we never seem to have a problem. I didn't need a Flock. And you have NCIC, that you run the tag, you use proper police procedure before you walk up to the car so that they run 'em and you can be safe because that's horrible and a lot of cops have lost their lives doing that.

I heard a lot about stolen cars, but I have never still gotten my answer about the low clearance rate on the sexual assault victims. And if Flock is so fabulous, why aren't we at 100% clearance rate? The issue here is the Constitution. It's not about policy and procedure. I understand that's a component, but, look, we have got laws and people don't obey them. That's we have the police. It's about honoring the Constitution first and being proactive and realizing, like some of our law enforcement partners have here in the valley and across the United States, that there's a problem there. You don't have to wait until something bad happens. Right? Ignorance is no excuse if you don't know the law. You don't have to wait for the judgment. Stop tracking me. I 100% don't support this. You guys get warrants all the time, it takes five minutes. It's all electronic. Way easier than when I had to do it. Just do the right thing and represent the citizens and I fully support law enforcement, good cops.

Mayor Borowsky: Thank you, Christine. Alex and then Ken and then Bradley Upton. I do not see Alex. So, let's go to Ken. Do I see Ken? No. Bradley Upton? Andrew Costello. Reuben White? Oh, there you go. Andrew Costello.

[Time: 02:58:38]

Andrew Costello: Mayor, members of the Council thank you for having us tonight. I have lived in Scottsdale for 30 years. Graduated from Saguaro. Graduated from Scottsdale Community College. For a few years, right around the 2008 financial crisis, owned a business here in Scottsdale.

And here's the thing, when the officers that gave the presentation tonight, I believe that you guys are acting in good faith. I believe that that the concept of bringing ALPR in is in good faith. My concern is more about the vendor. When I owned my business, it was a comic bookstore, we had here was one vendor, right? There was Diamond Comic Distributors. If they misacted if they didn't deliver our product, we were stuck. We couldn't do anything. When they changed policies, we had to go along with it, and we had no choice in that. So, my concern, not so much as everything we're doing but what happens when Flock changes the rules, right? And I know you said no rhetoric, but this is a serious question, when technology and A.I. are involved, we do have to be concerned with what happens with our vendors are changing the rules, when they change their policies. What do their contracts say? You know? And and I don't know. That's where my concerns are. Thank you.

Mayor Borowsky: Thank you very much. And our last speaker is Reuben White.

[Time: 03:00:22]

Reuben White: Hi, I'm Rueben. I'm a Ph.D. student at ASU. So, I'm anything but technophobic but let me start by saying thank you to the City Council and the police force towards their efforts towards public safety. I completely realize that the idea behind three cameras comes from a good place, but what makes America a great country we live in a high trust society. One where we generally trust each other to follow the law, not because we fear an all-seeing eye but because it's the right thing to do.

What does this have so do with Flock? I worry that these cameras move us towards a low trust society. I trust the Scottsdale Police Department to do the right thing not abuse the system, especially with these safeguard systems that's not enough. We're told it's only a license plate reader and that might be true now but if you go to Flock 's they talk about the vehicle-to-person pipeline. That's very temporary. On publicly available Flock maps, there's no roads in view. I don't want to live in a community where people are feeling constantly watched. Would you want to feel watched the moment you step outside of injure door. I think everyone would honestly answer no. Compliance created through fear doesn't make for a healthy community, society or country. Thank you.

Mayor Borowsky: Thank you. That concludes the public comment on this item. So, I will invite you gentlemen back up to address any questions. Councilwoman Whitehead.

[Time: 03:02:00]

Councilwoman Whitehead: I would like to thank the Mayor and my colleagues for having this meeting. Because in Scottsdale, different issues bring us together as a community and I you know this was one of them. I think, like most of you, I had a visceral reaction to the abuses that we read about suddenly and really the loss of trust, as one of our speakers said, didn't uphold the commitment they made to us or our society by a vendor. It's fascinating to have this discussion. I can tell you behind the scenes our police department has recognized the problem and been working on this for quite some time. Many of us up here or in communications, constantly,

with with the concerns that we're hearing from the community and how you are police department is working to handle those concerns that are very, very real. This idea of being monitored is scary. And I think the last speaker about one vendor having larger plans. Vendors can have whatever plan they want, but it's up to us, the government to put up the safeguards.

I wanted to address a couple of comments. Jason, I hear you loud and clear on the 185 days. Michael, sorry, they're not speed cameras. And I also wanted to call out former officer who mentioned having local control. That's very, very important to me because at some point, the state and we have seen this will step in. So, it's important for us. We know what is best for our community and that's what we're trying to achieve here. So, I as I said, I had a reaction. We all had that reaction to the abuses. We're grateful, but not surprised that none of those abuses were here within our police department.

I do have a motion, but I just want to quickly cover what it what the motion does. We've seen communities react, like the city of Tempe. We don't we don't blame them for their reaction, but as a city here, what we're trying to do is take a measured approach. As another speaker said, we're elected to solve problems, not to react. So that is what we're working on, is to solve a problem, and that is to protect at all cost privacy, but also protect public safety, and those are two things that we have always done well as a city. So, some of the the police, I can't, they did a great job with their presentation, but we are I am in support of an ordinance and that ordinance, again, abuses will be criminal.

[Time: 03:05:09]

Also, another one of the speakers mentioned the other agencies, criminals don't stay within city boundaries. They go wherever they want. So how do we share that data? We're looking at that. We are going to uphold other agencies to our high level of and our safeguards. Independent audit, that's outside, and again, one of the speakers, you got it in terms is of it will not just be a it will not be a superficial audit. It will be an independent and deep dive audit but also have internal audits which we do very well in the city of Scottsdale. Vendor reevaluation. And we're looking to have that done as soon as possible. Transparency page, there has been I mean, myself, we all we're bombarded with a lot of information. Some of it was true, some of it was not true and so our police department will be putting up a public-facing transparency page, so we are all better informed. User access, not every police officer needs access to the system. So, we're looking at limiting that. Federal access has been an issue and that was through a backdoor, not through us, through the vendor that we chose. So that has been we'll be looking at that or we'll be changing that. And training and oversight of our officers and then back to Jason's request, that retention and the other recommendations. None of us are up here as experts but we're up here to do right by you, by listening to experts and listening to you and keeping all of us safe.

So, with that, I'm going to move to direct the city manager, the city attorney, city auditor and other appropriate city staff to take the following actions about the city's use of automated license plate reader technology, number one, ordinance and I apologize, it's a lengthy motion, but hopefully it will we'll get a discussion out of it.

Number one ordinance prepare an ordinance governing the city's use of ALPR technology, including criminal penalties for misuse and bring it back for City Council consideration at the December 1, 2026 Council Meeting. Independent audit, the city auditor will conduct an initial independent audit of the city's use of ALPR, and the safeguards in place for it. Thereafter, the city auditor shall conduct an annual audit of the use of the ALPR

technology to ensure it is used appropriately. Vendor evaluation and contract transition, prior to December 1, 2026, unless it is administratively impossible to evaluate alternative ALPR vendors, the goal is to keep the public safety benefits of keeping the ALPR technology while identifying options over control of data ownership, privacy, and data sharing. As part of this evaluation, review the city's current contract with Flock safety and report back on how and when the city may exit and the report will cover the contract's termination provisions notice requirements and in any relates costs and penalties, the return transfer or certified destruction of city data held by the vendor, a transition plan that keeps ALPR public safety capabilities in place during any change of vendor, and a recommended timeline for ending the current contract and moving to a new vendor if one is selected.

[Time: 03:08:57]

It is the City Council's intent not to fund the Flock safety contract for fiscal year '27/28. The city manager is directed to leave funding for Flock safety contract out of the proposed fiscal year '27/28 budget. Staff will be staff will also identify any non-appropriation termination and notice steps needed to end the contract by Okay. So, we will go slower sorry. I speak fast. Okay. So, my colleague has asked me to go slower. So let me read that final item on this list. The again, the City Council's intent not to fund Flock contract for fiscal year '27/28, the city manager is directed to leave the funding for the Flock safety contract out of proposed budget and we'll also identify the non-appropriations termination and notice steps needed to end the contract by June 30, 2027. So that a replacement solution is in place no later than fiscal year '27/28.

Transparency page, explore creating a public technology transparency web page that identifies and describes technologies used by the city for law enforcement, user access, consider limiting the number of city users who have access to the ALPR technology and data, federal access, include in the proposed ordinance policy or both a provision that prohibits federal government access to the city's ALPR technology and data, except to the extent required by law such as pursuant to a validly issued subpoena or warrant.

Training and oversight require ever authorized ALPR user to complete annual training and sign an annual attestation. Also require an annual review of the city's ALPR policies, retention, review the current retention schedule for ALPR in a shorter retention period is appropriate. Seek any necessary approval for the Arizona State Library Archives and public records, and other recommendations that our law enforcement bring back to us.

Vice Mayor McAllen: I will second that motion.

Mayor Borowsky: Do you want to repeat it Vice Mayor McAllen, so we all know what we're talking about?

[Time: 03:11:48]

Vice Mayor McAllen: That would be ditto. I actually have a question if that's all right. My question thank you, Assistant Chiefs Watson and Campbell. I appreciate you pinch hitting. You did a fabulous job. You truly did. Chief LeDuc, I'm sure is watching. They did a good job.

My question is and what I would like to see in there as part of this consider this is for you to think about when when writing these, is what happens when that other agency that signs an agreement with us, one of their employees goes astray. Do we cut that relationship? Suppose it's the city of Phoenix. Do we cut that because they're a big user. I mean, these are things to think about. So that needs to be a caveat somewhere. We need to be looking at if another agency that we trust that we have a great relationship with, one of their employees

messes up. How do we deal with that. So, I'm just I don't expect an answer.

I do appreciate also the Fraternal Order of Police and the Scottsdale Professional Association of Officers how they how they rallied to meet with all of us, the police officers, the chiefs, to answer our questions. It's been a really long two weeks reviewing and reviewing and I just appreciate everybody's access and answering our many questions because, again, we're not professionals, but doing our due diligence is our job. So, thank you.

Mayor Borowsky: Councilman Kwasman.

[Time: 03:13:28]

Councilman Kwasman: Thank you, Madam Mayor. Councilwoman Whitehead, can you repeat the federal sharing aspect and here here's why I might offer an amendment. I don't want to be in a situation where there is a 9/11 situation or an emergency and we need to share information if it's emergent. And I think that the police officers can say this is not that wouldn't be an ongoing investigation, that would be that would be a situation where there is an ongoing investigation will have warrants and subpoenas. An emergent situation is a terrorist attack that needs to have or an imminent threat, that needs to have some sort of department sharing situation in place.

Councilwoman Whitehead: So, I believe that my motion does cover that, but perhaps I will turn to our city attorney to answer the I can read I will read it again for everybody, but then I would like you to answer that question. But certainly...

Councilman Kwasman: Add it explicitly, it's fine.

Councilwoman Whitehead: Yeah, why don't we have a copy.

Mayor Borowsky: Because we have Open Meeting Laws.

Councilwoman Whitehead: I will go ahead and read it again. Federal access includes a provision that prohibits federal government access to city's ALPR technology and data, except to the extent required by law, such as pursuant to a validly issued subpoena and warrant. Can you address that concern and whether we need to amend this?

City Attorney Luis Santaella: Mayor and members of the City Council, there's a concept in Constitutional Law exigent circumstances. In order to go into a home, you need a search warrant. For example, In the police show up and they see that a man is assaulting the wife or something, they can enter the house without a warrant. So, the current language, as required by law, could cover exigent circumstances to be absolutely safe, we could include a provision that says in the event of a terrorist incident, such as a warrant, subpoena, or terrorist incident, could cover the circumstances that the Councilman is talking about.

Councilman Kwasman: Then I would like to make an amendment to the motion that number seven, stating explicitly that that all right. To include in the proposed ordinance, policy, or provision, prohibiting ALPR technology and data, except to the extent required by law, such as pursuant to a validly issued subpoena, warrant, or exigent circumstance, including but not limited to terrorist investigations or any other emergency investigation.

Councilwoman Whitehead: So, I will accept that friendly amendment, understanding the public needs to understand that this is the beginning of the discussion and not the end.

Councilman Kwasman: Right. Madam Mayor can I ask one more thing?

Mayor Borowsky: Sure.

[Time: 03:17:12]

Councilman Kwasman: So, this is there is just an aspect here I think you're seeing large-scale agreement for the principles right here, among the Council, but there is just a there's a lot of information packed into all of the motions that were just made, and it looks like some people because of Open Meeting Law were given information beforehand and other members haven't been able to get that information. Just on paper so that we could see it. Do we want to I mean to a point of, like, I know we have been here a long time. I'm just throwing this out here. I'm spit balling do we want to take a five-minute recess and print this out so we can see it on paper and then vote on it and finalize the debate? I just don't know why we have been here long enough. I just want to see it on paper, just to see it and then and then support it.

Mayor Borowsky: I would oppose that because it's not going to take five minutes. That would take a very long time to go through all of that material. What if I may just suggest, I understand the spirit of where you are coming from. If I if I may just suggest so long as the key components, you know, comports with your agreement we can then pitch it to the city attorney who brings it back for approval at the October 20th meeting for a final approval and circulates a draft. I think that would be...

Councilman Kwasman: I at the that that's reasonable. I agree.

Mayor Borowsky: Let's do that.

Councilman Kwasman: Do we have to go through a full out of interest do we have to go through a full debate over the final drafting of it?

Mayor Borowsky: No. Excuse me, Councilman Kwasman, I didn't mean to interrupt you. If the city attorney circulates it, we will all have the opportunity to not only have digested it but have consulted with our city attorney at the same time. So, and then we can tweak it, you know, not a whole presentation.

Councilman Kwasman: Okay.

Mayor Borowsky: City attorney, go ahead.

Luis Santaella: Mayor and members of the City Council, what I would suggest versus the October 20th meet is we bring back an ordinance on December 12th not December 1st, that was in the original motion, just because October 20th, the city clerk has informed me, it's pretty jam packed. If that works.

Mayor Borowsky: So, I Luis, I would oppose that, because this is a package. She's obviously done a lot of work and if everyone approves it, it would take five minutes from the dais. So, I don't see the issue with that.

Luis Santaella: I'm not totally sure what you're suggesting be brought back on October 20th. Is it an ordinance...

Mayor Borowsky: The ordinance that's based on the motion. A draft ordinance. Would you do the draft ordinance...

Luis Santaella: If it's simply the draft ordinance, then, gentlemen, it can be brought back on October 20th. Not everything else.

Mayor Borowsky: Let's keep going. I thought I saw Councilman Graham. Councilwoman Dubauskas.

Councilwoman Dubauskas: Councilman Whitehead, may I see a copy of the document? Thank you.

Councilman Kwasman: Madam Mayor.

Mayor Borowsky: Let's move on to Councilman Graham.

[Time: 03:20:40]

Councilman Graham: I requested to speak and I was just going to ask Councilwoman Whitehead to repeat her motion but we are now going far beyond that. And so, I think I'm siding with the majority sentiment that I'm sensing. So, thank you.

Mayor Borowsky: Vice Mayor McAllen. Oh, you already spoke. Did you speak, right, Vice Mayor? Okay. Councilwoman Littlefield.

Councilwoman Littlefield: Thank you, Mayor. Could could copies be made of this motion so we can all have a copy and read it because I have never seen this motion and I wouldn't know what I was voting on. So, I would appreciate having a copy made.

Mayor Borowsky: Sure. I can't make it right here, but we can find someone.

Councilwoman Littlefield: You can't.

Mayor Borowsky: Terrance, do you want to make some copies? I would like to ask some questions, Solange. Thanks, Councilwoman Whitehead. So, I have a bunch of questions and I think it will play into some additions to that. First of all, there are two issues here. I agree with everything that Gene Rose said. There are two issues here that are distinct and really unrelated. The constitutional issue, and I appreciate the cases you cited; however, this is an unanswered question. This extreme advanced technology, and the touchstone word is you're the Fourth Amendment does guarantee you a right to privacy, every citizen in the United States, okay in Arizona, Constitutional as well. And the case law has evolved to where there's an expectation that intermittent observation is acceptable. This is not intermittent. If there's 83 cameras that are on 24/7, that are observing vehicles going through intersections, and following them based on criteria, that sounds good in this presentation, but we know there can be an abuse of that, based on the individuals directing, pardon the pun, the traffic. So, this persistent and constant. It's not intermittent. It will be interesting when this if and when this goes up, potentially, all the way up to the Supreme Court. So, I'm not convinced that this does not violate the

Constitution. In fact, I think that it does.

And when we talk about following someone talked about, well, this makes our streets safer. I couldn't agree more. It sure does but at the cost of the Constitutional requirements and protections, that we all have. And what's next? Why don't we put readers in every single person's car? Right? And require that. That would make our streets even safer. Let's keep going. You know, I won't go as far as to say a little ankle bracelet on people knowing their whereabouts at all times. Really. If the if the making the streets 100%, you know, unequivocally safe, that's not what our country was built on, we have a police force and that in order to do that, you follow people. That's not what our Constitution provides allows for. So, I have the confidence in our Scottsdale Police Department. I think we have been a safe city for a long time like Alan Rodbell pointed out. I do think this makes catching the criminals easier and more expeditious. I do agree with that. Plenty of examples of how that has been the case.

You know, I want to know from you gentlemen, an excellent presentation, Chief LeDuc is probably very, very proud. That's why I thought this would work out great. And we do miss Chief LeDuc. Of those eight considerations, which have been implemented since the August 27th memo was issued?

[Time: 03:24:55]

Assistant Chief Watson: Mayor Borowsky, members of the Council, thank you for that question and the opportunity to share. So far, the things that have already been implemented, we have requested the independent audit of the city auditor. That is coming soon. The technology ordinance, as you have also heard, we have been communicating and working with the city attorney on what that looks like. The evaluation of alternative vendors that's being done as we speak. That's something we have already looked at.

That being said, that process does take time and and right now, we are obligated by contract with Flock through the end of this Flock through the end of this fiscal year. Just for the City Council's knowledge, that is something that we would still be in line for on the budget. I'm looking at my financial experts and ensuring that that is the case. Yes. So that's just food for thought. That also gives us an opportunity if we were able to stretch that date from December 31st to potentially the end of the fiscal year, that would give us more opportunity to go through those procurement guidelines and have that extra time. The fifth item on there, the consideration of reduction of users that's already been in the works, and has continued to be done. Number six, the annual attestations, that's being done and has already been implemented. The review of our current retention schedule is also being done. That 185 days as it was referred to earlier was a timeline that we got from the Arizona policies on retention, and and have been abiding by.

However, 185 days is not sacred to us. That's something we are looking at, but we would ask again that as the Council directs that discussion date; they continue to keep in mind the needs of our community opposed to some of the other communities that maybe have shorter timelines. And then eighth and final, that has not been implemented yet. That's just an idea that Chief LeDuc would like to bring to the Council today, and give you that assurance that that's something that we're going to look into.

Mayor Borowsky: Is that the same thing as a third-party independent audit?

Assistant Chief Watson: Mayor Borowsky, the independent third-party audit would be done by the city auditor. What he's talking about an entire independent study of the whole system, and that would be done in

partnership probably with a local university.

Mayor Borowsky: Okay. I have a couple more questions here. You mentioned the hot list. And you mentioned MVD matters. How do they qualify author for the hot list? What does that mean?

Assistant Chief Watson: Mayor Borowsky.

Mayor Borowsky: Can you give us examples?

[Time: 03:27:55]

Assistant Chief Watson: Thank you for that question. So, the majority of vehicles that would be identified in that hot list are, come from NCIC or ACIC, that's the National Crime Database or the Arizona Crime Database. That includes registered vehicles associated directly with the registered sex offender, terrorist watch list, those stolen vehicles, stolen plates, things like that. The other way that vehicles would get on our Scottsdale hot list is through our investigators entering that from a local case. And that data, the Scottsdale data is only accessed by Arizona agencies with Scottsdale approval.

Mayor Borowsky: So, for me, the hot list or the criteria for looking at the tracking, right, should be only in the most extreme crimes. I think kidnapping, you know, violent crime is that is known to us, an Amber Alert or a Silver Alert, like you talked about where someone's life is at risk. I think we have to have a very tight list of what constitutes a basis, a good faith basis to be looking at this. And I didn't hear that tonight. So, I really want to see a very, very strict list of how we're how we're doing this with not a lot of with no gray area, excuse me.

In addition, there's a couple of other things here that I want to talk about. I wouldn't I don't I would not support anything that's any more than 30 days retention. You said not to look at other cities because they're not Scottsdale, but I did look closely at Peoria's criteria and how they observe and and enforce protections, and I think they're pretty good! I mean, 30-day maximum retention policy, they have kind of a they have a very limited staff profile that can access. Not everybody on the force, not every sworn officer. They have 54 people in their police department that can actually access this technology and engage in it. I think that's a really wise move so that there is really tight accountability and they have a two-tier check system. If one person of those 54 wants to access it, they have to get somebody else to to participate and sign off on that too. I think that's a great thing too. That that can certainly diffuse and limit any temptation to misuse any of this access or data.

Other ideas where is my list? Here we go. The third-party independent audit is really important for me to support continued use. In fairness, I don't think it should be our city auditor. I think it should start with our city auditor and I think it should be our city auditor that identifies a schedule and independent third party that is very well versed in this technology, because it's something I think you have to know more than what's going on in the city of Scottsdale as has been pointed out, data can be breached as it gets outside of our possession. So having someone really well versed in this do the audit, I believe is very, very important.

Publication of restrictions, and use and everything that our policy is, including as much transparency as possible on our website so that the general public can access that very I think is a must. And, I have a question, you said that Scottsdale doesn't share the contract was changed that Flock couldn't share the data. Does Scottsdale own our P.D.'s data? Our city's data?

Assistant Chief Watson: Mayor Borowsky, yes. Scottsdale does own all of our own data. And even when Flock accesses that data, we're we have that notification, and we we have that gets audited as well. As well as the Senate Bill that passed just recently, Flock has already signed that amended contract that is in line with the restriction against selling or sharing any data outside of our police department.

[Time: 03:32:48]

Mayor Borowsky: Okay. And then getting back to the audit, I would support a 30-day rotating you know, every 30 days an internal audit, however, using A.I., I think is a good and also limiting the user population, and then I would I really would like to see more frequent than annual reviews, because I think this is so important. I would like to see the first audit done in the next 90 days in terms the initial audit from our city auditor with recommendations for third-party independent auditors that are highly versed in this technology.

And so that's a lot of changes to that, but I do think strengthening it, strengthening all protections in the short run, especially until we get different technology that maybe has more safeguards than what we have already got, I think is really important. So would you agree to those amendments?

Councilwoman Whitehead: Yeah, so my motion was to get the ball rolling. I really liked what my colleagues had to say Vice Mayor McAllen and definitely I agree with pretty much everything the Mayor said. Again, we're not the experts but we're giving some direction on what we would like to see and we're moving pretty quickly. This is not this is a fast-moving train. We want it fixed. We want to protect our privacy and we want to protect our public.

Mayor Borowsky: Yeah, we want to do it right as Councilwoman Littlefield said. And, you know, depending on what comes out of the audit, hopefully you are right, there are no anomalies. I have to find that hard to believe, no offense, that in all of this time, a year and a half no, sorry, since 2023 that we have been using this I really find it hard to believe that there's not been one anomaly that would be surprising, even if it was a mistake, but having an independent third party do this would be important to find out really what this looks like. I think for you guys too. So, all right. I am going to call on Councilman Graham.

Councilman Graham: Mayor, thank you. So just for clarity here, Councilwoman Whitehead, did you is this was this your motion here, the paper that was handed out to the rest of the dais?

Councilwoman Whitehead: You know, I didn't look at what he handed. I assume it was my motion. I just want to mention that while we cannot share oh, sorry. I would just like to say well, I just want to say the motion was..

Councilman Graham: I have a few things to say but...

Councilwoman Whitehead: That's fine, can I just finish, the motion is based on what the police have presented to us. It's based on the public safety that we have all received but we can't share within. Go ahead, Councilman Graham thank you for allowing me to explain.

Councilman Graham: I think your motion was not your motion was not to approve an ordinance, it was to direct them to craft the ordinance, right? Okay. And that was for what date again? Okay. For December. I'm just asking, I'm just trying to get a handle on what's going on here. Because because I have heard your microphone is not on. I can't hear you.

[Time: 03:36:14]

Councilman Kwasman: to that point, what is December 1, versus October 20th. December 1 was to get the actual was to get actual ordinances going. The only one for October 20th was only supposed to was basically to get this on paper which we all have now which is the original can we just take five minutes and put this on paper. We now have it on paper. December 1 was December 1st is still the recommended tact by both the police officers and the and the city to try to get this done right and I think that with all due respect, we could get we could add things to it and we could add alternative motions or amend, put alternative motions on it and get everything ready to go as a package as we move along. This doesn't have to be this seems to be a great start.

Mayor Borowsky: I don't know why we would wait. They said they could put it together by October 20th but city attorney, go ahead.

Luis Santaella: Mayor, members of the City Council, just a couple of points. Yeah, we can get an ordinance by October 20th. The city clerk did inform me that items for the next meeting were actually due today. So, it does present some logistical issues for him and his staff. In terms of the motions on the floor, it sounds like Councilwoman Whitehead has agreed to the Mayor's amendments however, the second would also have to agree to those amendments as well. Now, it is we will have to do this in haste. So, it would be easier and more effective for us to bring it the ordinance back on December 1st now that we know exactly what you want.

Councilman Graham: Why not earlier in November.

Luis Santaella: Sure. I mean is there a November 10th is that the next yeah, November 10th because when you do things in haste, you can make mistakes. And we'll give it our best shot and do it for October 20th if that's what you want.

Mayor Borowsky: That's what I want but... What is your birthday.

Councilwoman Littlefield: October 20th.

Councilman Kwasman: I'm so confused. Madam Mayor, why don't we do this as amended. We have a hit and you have an amend package to it and whenever you want to put the amendment package forward, we will just put an amendment package on this but we have this why is that ridiculous. We do that all the time with

Mayor Borowsky: Let's just...

Councilman Kwasman: Ordinances.

Mayor Borowsky: That's no necessary. She just accepted the amendment.

Councilman Kwasman: You said 15 things, I don't know what you said.

Mayor Borowsky: That's why we're bringing an ordinance back and -everyone will receive a copy of it before it gets to a vote.

Councilwoman Dubauskas: We can't vote on something that we're not voting on.

Mayor Borowsky: We're giving them direction to prepare the ordinance for review and approval.

[Time: 03:39:25]

Councilman Kwasman: I would support I would support the the ordinance as amended already with just the emergency aspect of it. And then I would support gladly support a Mayor's amendment package...

Mayor Borowsky: Why is that necessary? She just accepted it. The second just accepted my amendments.

Councilman Kwasman: Can the second go through...

Mayor Borowsky: I can go back through them if it's necessary.

Vice Mayor McAllen: I think it is necessary. I do.

Mayor Borowsky: So, you do understand we're not voting on the ordinance tonight?

Councilman Kwasman: Madam Mayor, we could vote on this tonight. We have we now have it in writing. What I'm saying is that the original statement that we could we need to push that until for a week or for a couple of weeks is no longer necessary because we have this in writing now.

Mayor Borowsky: So let me go back through them again then, since this first accepted it and the second accepted it, let's go back through them. Hey, Ben, did you take the notes. Do you want to go back through them?

Ben Lane: Mayor, this is what I have. I may not have everything and I apologize. I'm going to so here's my best shot. So, I believe you indicated that a very strict hot list. The retention fee limited to 30 days. You additionally want an outside audit, like recommendation from the city auditor related to an outside audit. Those are the things I got down.

Mayor Borowsky: Having a much smaller pool of people authorized to use the technology. I think that was in your motion. Having a second set of human approval or eyes on the search or on the access to the technology that right?

Councilman Kwasman: Madam Mayor, what does that mean?

Mayor Borowsky: Two people, a second person has to approval you can't unilaterally access it without the approval of another designated authorized user, which makes sense. They are all on beat. That doesn't seem to be a stretch. Does it already happen?

Assistant Chief Watson: Mayor, Vice Mayor, currently as long as you are a trained user of the of the technology, then you can enter that, as long as you have that D.R. or case for service number, type of investigation and reason for use. So, the two-tiered system, I don't personally think we would have any issue with that.

Vice Mayor McAllen: So, me, it seems akin to second signer on a checking account.

[Time: 03:42:22]

Luis Santaella: Mayor and members of Council, if I may, there's two types of searches. One is an historical search where you are going back and looking at an investigative searches and then the other one could be a real-time alert. So, it's impractical, I think, and this is the assistant chiefs can correct me that in a real-time alert you could have a supervisor or an officer approve it. It's something so, for example, a car with a vulnerable person drives by at the intersection of First and Main, that's a real-time alert that would not have been the result of a search. So, I think it needs to be very clear that there's a you distinguish between the two.

Also, in terms of things like the retention schedule, we can petition the state to give us a different retention schedule, but we have to get their approval. Generally, you wouldn't want to put an retention schedule in an ordinance or the hot list criteria. That would change over time. Those are things you would do generally in policy and not in a statute or ordinance. I want to make those points clear, so we absolutely understand what we're doing.

Mayor Borowsky: Okay. Thank you. 30-day retention policy. That was the other one. I don't think if...

Luis Santaella: Subject to state approval.

Mayor Borowsky: You have to get state approval to reduce your retention policy?

Luis Santaella: Every state establishes the retention schedules. They have to get approval and they set the minimum amount of time. So, in order to change whatever our current thing is, we have to petition the state. Not a difficult process, but it but it's it's outside of our control.

Mayor Borowsky: Why do we retain for 185 days but Peoria retains for 30?

Luis Santaella: There's two items, the LPR logs, I believe, are supposed to be maintained under the state schedule for a year and then non-evidentiary law enforcement recordings, which can be body camera videos, it could be some other a dash cam video, whatever, are supposed to be retained for 185 days. So, whether Peoria or other cities have petitioned the state for a different schedule, a custom schedule, that's possible, or they or they are not requirement.

Mayor Borowsky: Okay. I would like to see an audit on this current use, historical use, within 90 days. Can you do that?

Acting City Auditor Lai Cluff: Mayor, Councilmembers, yes, we can get that scheduled right away.

Mayor Borowsky: Okay with you?

Councilwoman Whitehead: Yes.

Councilman Kwasman: I thought you said you don't want to have the auditor do the audit.

Mayor Borowsky: The initial one. Or if that's the best idea moving forward. All right. And I think that's it. Go ahead, Lai.

[Time: 03:45:20]

Lai Cluff: I was going to add that normally when we do a technical audit like that, we may bring in a specialist during that portion, however, if we are going to transition to another vendor, we may not want to do that at this time. So, we could do that in the future, depending on how you approach that.

Mayor Borowsky: Well, you decide or you make that recommendation so we can trust you to do that. I just don't think it's the city auditor, you guys bring in experts if it's something technical. So that makes sense. That's your you would be doing what I'm trying to accomplish.

Lai Cluff: Yes, thank you.

Mayor Borowsky: All right. And that was it. Good? Okay? Second?

Councilwoman Whitehead: Yeah, I will just say that my motion includes an ordinance and many other items so a lot of these items won't fall into the ordinance but I also want to add Vice Mayor McAllen's recommendation that we understand how we address violations outside of our jurisdiction, even if we have that agreement with that jurisdiction. Thanks.

Mayor Borowsky: Councilman Graham.

Councilman Graham: Councilwoman Whitehead, you said violations outside of our jurisdiction, can you clarify that?

Councilwoman Whitehead: Yeah, it was actually Vice Mayor McAllen's concern that was raised, we will have agreements with jurisdictions that they have the same safeguards that we have, prior to those jurisdictions is having our LPR data, but the Vice Mayor asked what if we find that one of the officers or someone in that jurisdiction has violated it, what is what is the consequence? How do we address that? So I...

Councilman Graham: Okay.

Councilwoman Whitehead: I think that's a good thing to know.

Councilman Graham: Very good.

Luis Santaella: Mayor and members of Council. I can address that question of Councilman Whitehead. If they violate our ordinance and the data is housed here, that's there could be possible criminal consequences. But generally, depending on the totality of the circumstances, there would be an elevated level. If it's it depends on the misuse. And this happens right now with the criminal history information, where the ultimate option is they cut off access. But the agency fired that officer and we can continue to trust that agency. So it will vary. You probably don't want a one size fits all solution. We should have a plethora of solutions. One question I do have for the Council, is I'm a little bit confused about the ordinance, when to bring it back. My preference, obviously is December 1st. I understand that members the Mayor and some other members may

want it back sooner. I heard November date thrown out there. I just need to know for sure what date we're doing it. And then keep in mind the logistical issues, the city clerk is facing.

Councilwoman Whitehead: I mentioned December 1, I'm flexible based on what my majority Council wants to do.

Mayor Borowsky: All right, Councilman Kwasman.

Councilman Graham: Oh, Mayor.

Mayor Borowsky: I forgot, Councilman Graham still has the floor.

[Time: 03:48:37]

Councilman Graham: I just want to make sure. Obviously the program, as it stands is going to be scrapped and we're going to you know, we're doing a lot of reforms and are we getting are we incorporating because I like a lot of what Mayor Borowsky's changes are. They are incorporated in kind of what we're doing here. Is that a fair statement?

My other question, just to my colleagues just to make sure we consider this, but the have we do we feel comfortable about who owns data, as far as this what we're I know that we own it, but as far as that in ordinance, and that policy, whether no matter which vendor it is. I don't want to rely on the vendor to tell us that it's our data and so then we get another vendor and it's like well, this vendor has different terms and conditions. I just, I want to make sure that that's part of this what we're doing and it's in the ordinance.

Luis Santaella: Normally we wouldn't put that in ordinance but we could have a section of the ordinance that deals with mandatory contract provisions just like the state did with the mandatory contract provision where it says that an ALPR vendor can't sell the data to a third party. So, we could take what we think are the most important things that the that the Council has directed in terms of what contract provisions such as we will always maintain ownership of the data. The data can't be sold, the data has to be encrypted, stuff of that nature and put it basically in a supplementary or purchasing code. So, we certainly could work on that.

Councilman Graham: I just the incentive for the vendors to keep a copy of the data is so enormous what they could do with it or commoditize it. That safeguard, I think we're sort of talking about that. The one thing that I think about is maybe we have this, but an audit log that can't be edits. Maybe that's kind of part what we're talking about. And because you can go in there and you can say I did this and then you can go back and change an audit, a think a non-editable audit log is a very important safeguard. It would be nice to have some sort of public page where people could see that these are displayed if we can contemplate something like that. We can know the amount of cameras, where they are, where they are located. Just some sort of public disclosure. I'm not exactly sure what that looks like how that would be to fine.

Luis Santaella: Link that's on their transparency page.

Councilman Graham: Yeah. And I want to make sure some of that is in there. Also, maybe the last thing is are we comfortable with who we're sharing this with, because it's like we own the data but then there's we have people that use it. We have A. I., whatever it is, and then you you it's it also gets shared with other entities and

so closing the sharing list, I just want to make sure that's part of what we're doing here too. So, and I can say more about that if you want more clarity, but it's name the agencies that we may share with. Limit them to Arizona or to the short list for Council wants. And I think that's kind of covered by this motion. Would you generally agree with that. Okay. Very good. Thank you, Mayor.

Mayor Borowsky: Thank you. Councilwoman Dubauskas.

Councilwoman Dubauskas: I wanted to ask a question about the provision in here not to fund Flock safety and what that would do to the budget because if we intend to bring another vendor back we would budget for the new vendor? We would un-budget for Flock and how would you budgeting work on that? I want to make sure that we're not creating a workflow problem later down the road. Thank you.

[Time: 03:52:55]

City Treasurer Sonia Andrews: Mayor, members of the Council, I believe we can adjust the budget accordingly that we wouldn't have a problem. I think it sounds like we have a budget of \$280,000 or something like that, is it a specific line item or maybe multiple line items. So, if we went with a different vendor, there will be savings from hopefully that line item and if there isn't, then we could use contingency dollars or other budget transfers to adjust for that.

Councilwoman Dubauskas: And then we would have presumably during the budgeting period, which we will soon be entering a line item for an alternate vendor. Is that how you would do it?

Sonia Andrews: That would be correct. It's probably under a contract line item. It's not its own individual line item but it will be under an expenditure category.

Councilwoman Dubauskas: Okay. Thank you.

Mayor Borowsky: Councilman Kwasman.

Councilman Kwasman: Thank you. I want to get some clarity on the amendment, or the aspect that talked about agencies having different standards than we did. And so, let's say you had the city of Phoenix that had a different relationship with the federal government that our Flock framework has with the federal government. Does that mean because they have a different framework, the federal government therefore we can't communicate or coordinate with Phoenix now, and their Flock which we would normal do right now?

Luis Santaella: Mayor and members of the Council, I think what we would require is agencies we share the information, they can't then share it with a third party.

Councilman Kwasman: Okay. We do it that way. So, it's just a I just want to make sure that it's a smart approach to as opposed to throwing babies out with bath water.

Assistant Chief Watson: Pardon me, Mayor, members the Council, that's how we are operating right now, and even with the new attestation that we're requiring agencies who we share with in Arizona to sign, that's that's all communicated throughout that attestation.

Councilman Kwasman: Cool.

Mayor Borowsky: Councilwoman Whitehead.

[Time: 03:55:18]

Councilwoman Whitehead: Okay, something that Councilman Graham said that I want to bring to your attention. I think this is done with, for instance, the body cams that the vendor the data is encrypted. So, the vendor does not even have access to the data, and I know when I met with the different police groups that that was going to be or that was going to be a requirement. So that way we don't we remove the aspect of trust. We simply require that the data be encrypted so the federal government would have to come or another party would come to us, the owner of the data. Thank you.

Mayor Borowsky: All right. It looks like we're done with the questions and comments, and with that I really appreciate your presentation tonight, and oh, yeah. The motion and the second. I guess we should vote after all of that. Who is tired?

Councilwoman Littlefield: Could you repeat that?

Councilman Graham: No.

Ben Lane: Mayor, I apologize. I want to make sure this is on the record because some of this was done off microphone. The ordinance is coming back on December 1st. Is that the Council consensus?

Councilman Graham: Yes.

Ben Lane: Okay. I'm seeing it's Council consensus. That's what will be in the minutes.

Mayor Borowsky: All right, city clerk, you just spoke. So, let's take a vote on the language here. All right. Okay. That concludes the Regular Agenda.

PUBLIC COMMENT

We do have non-agendized comments. I don't know if anyone is still here for that. Let me see. I know Jason Alexander, it looked like he left. Oh, you're here. There we go. Carla is here and Mark Rentz is here.

[Time: 03:57:08]

Carla: Hi, it's late, and so I will be fast. Scottsdale, Carla, peaceful valley resident and long-time trolley user. I have just wanted to report on a couple of things that have been happening as the trolley changes management.

First off, they're not exactly running on time. But that's probably transition. So, we'll give it a grace period. But last Thursday something happened that has never happened in all the years I have been riding on the trolleys and that's a lot of years. The trolley ran out of fuel. A group of us got picked up at Mustang and were headed south so Via Linda and the trolley was 15 minutes off. And we don't go that far and the driver pulls over

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and explains she's running out of fuel and had to call her supervisor. They told her to try to nurse it around the corner to the Corp Yard but that she had to off-load all the passengers right there. So, there was no place to sit. But thankfully there was shade. And two fellas who had to be at work took off fast walking. The rest of us started texting.

But this one poor gentleman is standing on the sidewalk with all of this traffic, and he was supposed to be at Laguna to pick up his little girl, and he is frantically calling relatives trying to get someone to pick the child up. That was kind of sad to watch. So, the reason I'm standing up here sharing all this is I want all of you to understand that the people who use these trolleys and most of them are Scottsdale residents, we really count on them. So as new management and the city move forward, I just ask you to please remember that. Thank you.

Mayor Borowsky: Thank you. And sorry to hear that, Carla. Next Jason Alexander.

[Time: 03:59:17]

Jason Alexander: Could I have the overhead, please. And if you could zoom in on my phone, but what's most important here is the audio. This is a clip from the meeting on September 22nd. Audio recording.

What we heard this was Kathy Littlefield calling into the meeting and instead of Kathy, Bob answering for her. Councilwoman Littlefield, if you are unwilling, unable or disinterested in serving your job, Bob Littlefield was not elected, four times voters have said they do not want Bob Littlefield, and I think this is absolutely shameful that he would be answering questions for you. You have said for years to treat you as your own person, you used the justification for not having a conflict of interest suit against you regarding Axon that he does his thing and I do mine. You said we don't discuss it. We do not hold meetings in our house. Well, clearly this is not true, and it calls into question everything that has ever been brought up about conflict of interest, about coordination between you serving as treasurer on an independent expenditure committee and on his campaign committee and I think it's really terrible. But I think in some ways it sums up the questions have surrounded your entire terms of service.

I will switch gears for a moment and talk about data centers. And read some quotes here. I have repeatedly listened to developers try to convince residents it has less impact than single-family homes. Hyperbolic hearsay. Residents deserve the facts and not political rhetoric based on ideology. We need to look at supply and demand. We can't give away our water while undermining your water security and quality of life. These are all statements from Councilman Graham regarding develop. Data centers but our water quality and security at resident act and anyone who has taken campaign donations from data center developers, I think should consider seriously consider recusing themselves from serious data center discussions. One more time on the overhead, this is from Councilman Graham's Q2 finance report, \$3,500s from Baker Development who have planned to build a data Center...

Councilwoman Dubauskas: Is this electioneering, looking at a campaign finance report...

Mayor Borowsky: Excuse me, Councilwoman Dubauskas, can you direct your point of order appropriately?

Councilwoman Dubauskas: Sure, Madam Mayor, is this a point of order, this seems to be referring to a current Council candidate and so it seems to be perhaps electioneering.

Mayor Borowsky: If you could stay away from electioneering, that's the policy.

Jason Alexander: I will simply say anyone who has accepted help from data center developers should seriously consider recusing themselves from data center conversations, because data centers put our water security at risk and should not be based on ideology. Another phrase that Councilman Graham, I believe, has used is if you say yes to them once, we will never say no to them again. Thank you.

Mayor Borowsky: Thank you. And Councilwoman, Councilman Graham, let's way until after. Do you want to speak now?

Councilman Graham: I will say something real quick if that's okay.

Mayor Borowsky: Sure.

Councilman Graham: I was preferred to and I am make a quick remark. I want to defend Councilwoman Kathy Littlefield and her service. Elected three times. The most popular, the person nobody has gotten more votes in Scottsdale's history. Her service has been memorable. Kathy Littlefield sets the standard for defending residents' quality of life, watching their tax dollars.

Mayor Borowsky: Councilman Graham. While I agree with you about our colleague here, if you if you have been attacked is what you're supposed to be responding to.

Councilman Graham: And thank you, Mayor. And I will say that Councilwoman Littlefield deserves our respect because her service has been memorable. Thank you.

Mayor Borowsky: All right. Mark Rentz, you can close out this delightful, long meeting. Stick the landing. That's pretty funny.

[Time: 04:04:21]

Mark Rentz: Mayor, City Councilmembers, city manager and staff, my name is Mark Rentz, I'm here speaking on my behalf. First of all, it's my pleasure to come before you during the public forum and be able to give you my comments a mere three hours no, four hours and four minutes after this meeting was convened. I note that the seats are pretty much empty. So, I didn't have a chance for my fellow public members to hear my comments, but so be it.

Let me start my comments about my first by first turning to the city manager and extending my thanks for your response to my petition there are many points in there I may not necessarily agree with you on, I thought it was very professional and comprehensive and I thank you for that. You know, the notion of premature is an interesting concept in the world of policy making. It's a double-edged sword. On the one hand, it can be used to avoid making rash decisions that have not been fully vetted. On the other hand, it can be used to Stonewall the furtherance of and potential implementation of policy that that is necessary to address a critical issue. That was the purpose of my petition. The purpose of my petition was to hope that the City Council would see the need to move ahead with a couple of projects critical to diversifying, I dare use that word, diversifying and expanding Scottsdale's water supply.

On June 9th, the City Council, before the Bureau of Reclamation made its final decision, passed a modified capital improvements projects budget that dropped from line-item financing both the advanced water purification program expansion and maintenance and further maintaining it, and investments in the Bartlett Dam. The reasons given were that it was premature, that it was before certain studies had been made, before certain regulations by the state may be put into play. My point is simply this, that my purpose of my petition was to keep those projects moving ahead.

Three things have happened since June 9th that are critical. Critical to the city of Scottsdale. Number one, the Bureau of Reclamation issued its final decision, which meant that the state of Arizona is gonna have 740, I hope you will give me a little extra time since I was here so long. 740,000-acre feet of water will be cut from our allocation in the Colorado River. That's the first one.

The second one is the drought continues. We have been in a drought since the beginning of this century. It is still with us. Yes, we got .04 of an inch above normal average. That was thankful to the storms we had at the end of September. Third of all, another blow was made to some of the opportunities when the California , Central Arizona Project declined to accept purified Scottsdale purified water because it's prohibited under the law. I bring this back to you all and I will close, madam chair, I appreciate your indulgence. Madam Mayor, I close this all by saying we don't have the time. He with not have the luxury of continuing to delay programs. A program may not work out effectively.

Mayor Borowsky: Okay. Thank you very much.

Mark Rentz: And therefore, I encourage you to as you move forward in this new fiscal year, I encourage you to think seriously about bringing those projects back online. Thank you very much for indulging me.

Mayor Borowsky: Thank you, Mark. Thanks for sticking around. All right. We don't have anything else. Anyone else want to bring up a new project or issue? Okay. Well, good thing you voted against those Work Study items staying on the on the thing. All right, move to adjourn.

Councilman Graham: I had a comment.

Mayor Borowsky: You do? Sorry, Councilman Graham.

COUNCILMEMBER REPORTS

[Time: 04:09:30]

Councilman Graham: Thank you, Mayor. I just wanted to invite people to the Eldorado I wasn't I was caught off guard. But there's the Eldorado Park's Community Meeting, 5:30 p.m. tomorrow, Eldorado Park community center near Miller and Miller and Oak. And hope to see you there.

Mayor Borowsky: Vice Mayor McAllen.

Vice Mayor McAllen: Thank you, Mayor. I do want to applaud our city special events staff through the Economic Development Department, they did a great job assisting the farmers market and I want to thank my colleagues, the Mayor and Solange for working with the the three of us working with the farmer's market people to make

that move, that transition. It was fabulous, for those of you who didn't attend, be there next Saturday. Rave reviews online, in person.

Mayor Borowsky: It was good.

Vice Mayor McAllen: A huge success.

Mayor Borowsky: All right. I think that concludes our evening. Thanks so much.

Councilman Kwasman: Move to adjourn.

Mayor Borowsky: Adjourned.

ADJOURNMENT

[Time: 04:10:48]