CITY of CLOVIS

MEMORANDUM

ADMINISTRATIVE MEMORANDUM NO. 18-02

SUBJECT: Drone Use Policy

FROM: Luke Serpa, City Manager

DATE ISSUED: September 1, 2018

PURPOSE AND SCOPE

The purpose of this Drone Use Policy ("Policy") is to provide guidelines and oversight related to drones operated by the City of Clovis employees, volunteers or contractors. The City of Clovis is dedicated to embracing technologies that help improve its services while protecting the privacy and safety of its residents. The use of drones in the public interest is expected to benefit residents of the City through more efficient use of City resources.   The term "drone" means an unmanned aircraft flown by a pilot via a ground control system, or autonomously through use of an on-board computer, communication links or any other additional equipment.

This Policy is intended to guide employees, volunteers and contractors of participating departments with pre-approved drone programs. The Policy applies to all departments participating in the City's drone program, including boards and commissions, employees, contractors, and volunteers. Elected officials, consultants, and vendors while working on behalf of the City are also required to comply with this Policy.

POLICY

This Policy requires each participating department to adopt and maintain a policy outlining the need and uses of drones by that department.   Such policies shall incorporate or reflect the requirements outlined in this Policy and Resolution 18-77: A Resolution of the City Council of The City of Clovis, California, Authorizing Use of Unmanned Aircraft Systems. Departments may add requirements to their drone policies, but may not remove any requirement outlined in this document. Each department must establish a list of Authorized Uses for which the department will use drones. Such list shall be reflected within the department's policy.

City Manager 559.324.2060 • Community Services 559.324.2095 • Engineering 559.324.2350
Finance 559.324.2130 • Fire 559.324.2200 • General Services 559.324.2060 • Personnel/Risk Management 559.324.2725
Planning & Development Services 559.324.2340 • Police 559.324.2400 • Public Utilities 559.324.2600 • TTY-711

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The departmental drone policy must be reviewed and signed by all drone operators in the participating department, and any individuals with access to drone data that may contain Personal Identifiable Information. Engaging in the unauthorized use of drones or activities that are inconsistent with the department and/or this Policy may subject an employee to discipline, up to and including termination of employment, as well as to applicable State or Federal fines and penalties. Nothing in this Policy shall modify or reduce any due process rights provided pursuant to the employee's collective bargaining agreement, State, or Federal law.

All department policies must be forwarded to the City Attorney's Office and Risk Management Division for review prior to adoption and prior to updated revisions being approved. All department policies must incorporate this policy by reference.

POLICY REQUIREMENTS

This Policy, as well as all department policies must comply with all City, State, Federal laws and regulations, and with all State and Federal Constitutional guarantees.

Specifications:
Each City drone must have a global positioning system. The software and/or firmware used to operate the drone must be up to date, maintained and reviewed periodically.

Safety:
Drones must be operated in a safe manner. Drones should not be operated in a way that causes personal injury or property damage. Drones may not have features (e.g., lights, coloring) or be used in a way that distracts drivers or other aircraft.

Drones that lose GPS signals must have the capacity to be set to hover in place and such programing must be used. Additionally, drones that lose signals to their remote operator or when low power is detected should be set to return to home/origin.

Training:
Drone operators must obtain remote pilot certifications from the Federal Aviation Administration (FAA) or a certified provider, and shall comply with all other FAA requirements.

Prohibited Zones:
Drones may not be used within any FAA no-fly zone unless approved by the appropriate authority. City drone operators shall comply with FAA rules.

Privacy:
Departments must have an Authorized Use purpose to collect information using a drone, or use drone-collected information. Departments must remove all personal

identifiable information from raw data footage that is incidentally collected and for which such removal is consistent and compliant with other Federal and State laws.

Data Security:
Departments are advised not to maintain archives of raw, unprocessed drone data once the business purpose is accomplished. Distribution of raw drone data is restricted to authorized department staff (designated by the department head) for the purpose of cleansing and processing data only. In all other circumstances, the City may not exchange raw, unprocessed drone-collected data between departments or disclose such data to the public except for exigent public safety needs or as allowed or required by law.

Departments may store raw data up to a maximum of one (1) year if it is being kept for a business purpose. Exceptions to this standard are allowed. If the data may be used for evidence the time may be extended without further review or approval as determined by the department head or designee. However, any other exception must be supported with documentation, which establishes a clear rationale. This documentation must be maintained at all times by the department staff and must be reviewed and approved by the City Attorney's Office.

Insurance:
Departments are required to provide the Risk Management Division with the drone make, model, FAA registration number, etc., to be added to the City's insurance policy prior to operation. Prior to the approval of any agreement for third-party drone services, the contractor shall agree in writing to indemnify the City and file with the Risk Management Division evidence of the required insurance as set forth in **EXHIBIT A**. Should you have any questions related to insurance limits, please contact the Risk Management Division.

DEFINITIONS

Authorized Use:
Identified uses for specific operations consistent with a public purpose for utilization of drones (e.g. water tower inspections, training, topographic surveying, etc.).

Personal Identifiable Information:
Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

<u>Raw Drone Data:</u>
Information collected by a City drone that is unprocessed and may contain personal identifiable information. The distribution and use of raw drone data is tightly restricted.

QUESTIONS

All questions regarding this policy should be directed to the employee's supervisor, the department director or to the General Services Director.

Exhibit A
Insurance Requirements – Drone Contractors

General Liability
Contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than two million dollars ($2,000,000) per occurrence, four million dollars ($4,000,000) general aggregate, for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. Contractor's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10 to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies.

Workers' Compensation
Contractor shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance with limits of at least one million dollars ($1,000,000). Contractor shall submit to City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of City, its officers, agents, employees, and volunteers.

Auto Liability
Contractor shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than $2,000,000 per accident. If Contractor owns no vehicles, this requirement may be met through a non-owned auto endorsement to the CGL policy.