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OAKLAND

2012 SEP 13 PM 5:59

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Chief Howard Jordan
Chief of Police

SUBJECT: Red light Camera Enforcement Program

DATE: September 11, 2012

City Administrator

Date

Approval

9/13/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that Council adopt a resolution authorizing the City Administrator to (1) approve the extension of the August 31, 2007 contract authorized by Resolution 80789, C. M. S. as amended by Amendment No. 1 (August 24, 2011) and Amendment No. 2 (March 15, 2012) to Redflex Traffic System, Inc. ("Redflex"), for the lease, expansion, and maintenance of the Red Light Camera Enforcement System (RLCES) installed by Redflex under the Agreement throughout the City and for additional program services for a period of thirty six (36) months in an amount not to exceed two million one hundred sixty four thousand five hundred dollars (\$2,164,500), and (2) appropriate all revenues in excess of expenditures to the Red Light Camera program.

EXECUTIVE SUMMARY

Staff has prepared a report on the progress of the Red Light Camera System program and a Report and Resolution authorizing the City Administrator or her designee to enter into an amendment of the Agreement (Amendment No.3). This will be the third amendment and extends the Agreement from its current expiration date (September 30, 2012 to September 30, 2015) and caps the City's payment for Redflex's services at two million one hundred sixty four thousand five hundred dollars (\$2,164,500).

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The City Council authorized the implementation of a Red Light Camera Enforcement System (RLCES) program in July 2007. As a result, the Oakland Police Department entered into a contract with the approved vendor, Redflex, which had an initial term of three years from the date of the first installation of the RLCES at an intersection, referred to in the Agreement as the "Installation Date."

In September 2011, the City of Oakland City Administrator amended the original contract extending the termination date six (6) months to March 22, 2012, so that the fiscal viability of the program could be analyzed. In March 2012, the City of Oakland City Administrator again amended the original contract extending the termination of the 2007 contract to September 23, 2012. Neither amendment exceeded the original Agreement Cap of \$4,320,000.00. The City will have paid Redflex just over \$3,000,000.00 as of September 2012 under the original Agreement.

RLCES is a photographic program which is designed to deter running of red lights at identified intersections. Between July 2007 and September 2011, thirteen (13) approaches were established at eleven (11) intersections. State laws authorizing RLCES require law enforcement agencies to directly review recorded violations and determine if citations will be issued. The processing of RLCES violations includes the viewing of all photographic video captured by the system and intensive use of databases to identify the responsible violator prior to the issuance of a citation. One PTE Police Service Technician II (PST) was staffed to complete this task. There are a number of reasons processors can utilize to reject a violation.

In reviewing the statistical collision data, it appears as though the incidents of collisions reduced at the majority of intersections where the RLCES has been installed. As the RLCES program matured, staff identified four areas directly impacting the effective execution of the program:

- Insufficient staffing
- Need for legal assistance
- Public Works support
- IT support

In August 2011, while preparing an informational report for City Council, a discrepancy was noted between the actual amounts generated by the RLCES program, as noted by Alameda County Superior Court (County Court) monthly revenue statements and reported deposits into the RLCES designated account by City Treasury due to the limited detail in the transmittal that accompanies the County Court's check to the City. This discrepancy led to notification to the Public Safety Committee that the RLCES had lost \$261,000 since its inception.

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In October 2011, Redflex representatives, OPD Fiscal, and County Court Finance staff met to better understand the breakdown of the County Court's monthly check to the City and how it compared to the RLCES income report generated by the County. During that meeting, it was determined that the RLCES was viable. In fact, the RLCES was operating at surplus. Since October 2011, OPD Fiscal has been working with the City Treasury to further identify RLCES revenues and to properly allocate revenue to the RLCES project.

In March 2012, the City Administrator approved a second extension of the termination date for six (6) months. The current Redflex contract is scheduled to terminate on September 23, 2012. Staff, City Attorney's Office representatives and Redflex have negotiated the Amendment which will extend the Agreement for an additional thirty-six (36) months in an amount not to exceed two million one hundred sixty four thousand five hundred dollars (\$2,164,500). The Amendment reduces the monthly Redflex service fee from \$76,110 to \$60,125 and also provides for Redflex to suspend monthly service fees for 90 days in the event of approach deactivation due to construction.

In order to resolve this discrepancy and determine the true financial viability of the RLCES program, and without exceeding the Agreement Cap, staff requested an extension of the Redflex contract for six (6) months which was scheduled to terminate in September 2011. In September 2011, the City Administrator approved the extension of the termination date for six (6) months.

In December 2011, staffing of the RLCES program increased from one (1.0) PTE Police Service Technician II (PST) to three (3) PST's which allows for faster and more thorough processing of violations and a slight reduction in overtime used to process violations.

Staff requested legal assistance from the City Attorney's Office to handle legal appeals, provide legal analyses and present legal arguments in court (if required). The City Attorney's Office advised that they do not have the staffing to support this request unless funding is diverted to the City Attorney's Office for this purpose.

Staff and Public Works increased communications regarding construction projects at red light camera intersections, which impact the ability to issue citations.

With regard to other Cities that have decided to discontinue their Red Light Camera Enforcement System programs, there are six (6) cities that contracted with Redflex and will or have cancelled their programs. These cities are San Carlos, Burlingame, Rocklin, Yuba City, Union City, and Emeryville. The reason among the majority of these Cities' decision to terminate their programs was connected to the financial feasibility of the program.

OUTCOME

Staff will continue to operate a Red Light Camera Enforcement System Program in the City in accordance with Oakland Police Department General Orders.

OPD and the City Attorney's Office have negotiated a proposed thirty six (36) month extension to the current contract with Redflex. The significant changes to the contract are as follows:

- Extend contract term to March 23, 2015, with the ability to amend the contract termination date in two (2) year increments twice.
- Change monthly fee charged per installation to \$4,625.00 per month for existing installations, \$6,000 per month for new installations. Prices will increase every year based on Consumer Price Index. The current cost of the contract is a monthly service fee of \$76,110, which will decrease to \$60,125 upon the extension of the contract.
- Compel Redflex to provide personnel to testify in court.
- Change the termination provision:
 - Modify Termination for Convenience clause
 - If contract is terminated without cause the City must pay Redflex all undisputed amounts then due and payable and an amount which the Parties shall agree upon which shall represent the proportion of all then uncompleted (or completed but not yet accepted) Deliverables .
- Change the number of approaches covered by the agreement from 20 to 30.
- Redflex will share a portion of electrical service installation cost over \$2500.
- Redflex will suspend the monthly fee, for 90 days, if an approach is deactivated due to construction.
- Adds a Limitation of Liability provision (direct damages only, capped at ticket revenue actually received for past calendar year; exclusion for indemnification obligations)
- Funds allocated for upgrade of RLCES processing computers and systems.
- All other terms and conditions not expressly modified by these changes will remain unchanged from the current contract.

BACKGROUND/LEGISLATIVE HISTORY

RLCES is a traffic safety program, aimed at reducing collisions by providing consistent enforcement of California Vehicle Code (CVC) 21453- Circular Red or Red Arrow. This program utilizes photographic technologies to obtain photographs of vehicle license plate and drivers who fail to comply with California Vehicle Code (CVC) 21453. Photographs are retained on a server, viewed, and investigated by program processors in an effort to determine whether a violation of 21453 has occurred. Violators are mailed citations for payment in Alameda County Superior Traffic Court. The fine for RLCES issued citations is the same as citations issued by law enforcement officers.

Collision Reduction

Staff requested collision information from Traffic Engineering for all approaches. Due to issues at the state level, complete data is not available for 2011. Consequently, the collision data for 2010 is the most current data used.

Locations	"Live" Date	Date range before installation	Collisions one year before installation	Collisions one year after installation
66 th Ave. & San Leandro Blvd.	9/26/08	9/25/07-9/25/08	11	10*
Jackson St. & 7 th St.	11/22/08	11/21/07-11/21/08	4	2
MacArthur Blvd. & 82 nd Ave	5/21/09	5/20/2008-5/20/2009	4	9*
Foothill Blvd. & High St.	9/30/09	9/30/2008 – 9/29/2009	13	5
High St. & Brookdale Ave	10/30/2009	10/30/2008 – 10/29/2009	6	4
Northgate St. & 27 th St.	12/3/2009	12/3/2008 – 12/2/2009	17	6
Market & 36 th St.	1/5/2010	1/5/2009 – 1/4/2010	11	6
Market St. & 35 th St.	1/5/2010	1/5/2009 – 1/4/2010	8	1
Redwood Rd. & 35 th Ave	12/30/2009	12/30/2008 – 12/29/2009	1	2
Mac Arthur Blvd. & Oakland St.	1/29/2010	1/29/2009 – 1/28/2010	11	1
Mac Arthur Blvd. & Beaumont St.	3/2/2010	3/2/2009 – 3/1/2010	16	4

*In the first six months of 2010 there was only one collision in these intersections.

City Council initially requested an informational report on the current status of the program to include information on the following inquiries:

1. Cost to operate vs. revenue generated.

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2. Is the contract with the vendor expiring?
3. Effectiveness in other cities. Have some cities abandoned this system?
4. How this process works.

Cost to operate versus revenue generated

This will be addressed in the Analysis section.

Is the contract with the vendor expiring?

The original Agreement was set to expire on September 24, 2011 (if Council approval was not sought to exercise the first two-year extension). The Agreement was amended to extend the time for performance of the contract work for six months from September 25, 2011 to March 25, 2012, to update the Living Wage Adjustments to the then current rate, to add the Prompt Payment Ordinance, the Arizona and Arizona-Based Businesses provision, the Dispute Disclosure provision to the Agreement and to study whether the program was operating in the black. This Amendment No. 1 did not exceed the Agreement Cap of \$4,320,000.00, as the City has paid Redflex every month after the first camera installation, which was in September 2008, under the Agreement, bringing the current total paid to Redflex as of September 2012 to \$3,010,433.94.

The Agreement was amended for an additional six months to extend the time for performance of the contract work from March 26, 2012 until September 30, 2012, to further update the Living Wage Adjustments to the then current rates and, again, added the Prompt Payment Ordinance, the Arizona and Arizona-Based Businesses provision, the Dispute Disclosure provision to the Agreement and to complete the study as to whether the program was fiscally viable. This Amendment No. 2 did not exceed the Agreement Cap of \$4,320,000.00, as the City has been paying Redflex every month since the first camera installation in September 2008, under the Agreement. The City will have paid Redflex \$3,010,433.94 as of September 2012.

Council can either accept proposal to amend the contract as recommended above or allow the contract to expire and discontinue the program.

Have some cities abandoned this system?

Oakland Police RLCES processors regularly attend the Redflex processors meetings held at the Fremont Police Department. To date, there are six (6) cities, which contracted with Redflex, that will or have cancelled their programs. These cities are San Carlos, Burlingame, Rocklin, Yuba City, Union City and Emeryville. The prevailing reason for termination among these Cities was based on the financial feasibility of the program.

The most recent city that has terminated is the City of Emeryville. Factors that led to the cancellations of the Emeryville RLCES program include:

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- Major City construction projects at two red light camera locations (resulted in approached inoperable for over five months)- Emeryville lost citation revenue during that time while still paying monthly RTS fees
- Re-entry into 30 day warning period for all approaches as a result of not entering an initial 30 day warning for each newly installed approach prior to issuing payable citations resulting in citation revenue loss while paying monthly RTS fees

- Revenue not being credited to Emeryville when received via Alameda County Superior Court Central Collections process
- Insufficient staff dedication to processing violations which led to loss in revenue

How does the RLCES process work?

- The system detects a violation, takes photographs and video of the violation, records the incident date/time/location and stores it as a captured incident.
- The information is transmitted to Redflex via a secure electronic connection
- The incident is reviewed no less than three times by Redflex personnel to make sure there is a valid violation
- The incident is electronically submitted to the Oakland Police Department account on the Redflex server
- Each incident is reviewed by Oakland Police Department Personnel to assure there is a valid violation
- Oakland Police Department Personnel make sure the driver information is correct and matches the DMV photograph
- If the DMV photograph matches the Redflex photograph of the driver a citation is sent to the driver of the vehicle
 - The citation is sent to the Alameda County Court and is processed in the same manner as any other citation
- If Oakland Police Department Personnel cannot identify the driver a "Notice of Violation" is sent to the registered owner

Red light photographic footage is reviewed for all violations and various databases are searched by RLCES program staff in an attempt to determine whether a violation did occur and identify the responsible driver. Incidents can be rejected for the following reasons:

Gender mismatch	Invalid offense
Safe turn on red	Funeral procession/Police controlled intersection
Emergency vehicle responding	Yielding to an emergency vehicle

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No video	No images
Duplicate nomination	On or pass the stop bar (PD)
Weather conditions	Red light not visible on video / image
Incorrect speed	Police discretion
Plate unidentifiable	Plate obstruction (PD)
Driver unidentifiable images poor	Face obstruction
Sun glare	Determined by processor

If it is determined that a violation did occur and the vehicle driver is sufficiently identified, a citation is mailed to the driver's residence. If the vehicle is registered to a corporation, company or the driver cannot be sufficiently identified, a corporate notice is mailed to the registered vehicle owner.

Corporate notices are notices (not citations) mailed to all vehicles registered to a company or corporate or commercial fleet name and registered owners of violator vehicles alerting the registered owners that their vehicle was identified as being involved in a red light camera violation. These notices also ask for assistance from registered owners in identifying the driver depicted in the violation photograph, known as "nominating" the true driver.

Nominations are signed statements by the registered owner or alleged violator, received by RLCES processors, declaring they are not the driver of the vehicle or they are identifying (or "nominating") another party as the driver of the vehicle.

Since the RLCES has been staffed with three (3.0) FTE PST's, the quality of investigations to determine the appropriate driver of violator vehicle has increased, which has led to a reduction in the number of "corporate notices" issued.

Key Issue

RLCES Revenue Tracking

There are currently 13 RLCES approaches installed and operational at 11 intersections; additional installations have been delayed pending a decision on the financial viability of the program. The discrepancy noted with the City's tracking and depositing of revenue generated by the RLCES has been a major issue due to limited information provided to the City by the County Court and County Collections with the monthly checks sent to the City that cover various City activities.

In the meeting with the County Court Finance it was determined that fees paid as a result of the violator's initial find entering into a collections process were being combined with other collections resulting in from traffic operations and transmitted to the city as a lump transmittal. So, if a violator fails to pay the fine associated with the citation, which leads to payment via a collection process or if the violator establishes a payment plan, the revenue received has not been credited to the RLCES project. The County has not been able to isolate the collections attributable to the RLCES and thus, the City's financial system does not accurately attribute this revenue to the RLCES project.

The amount of RLCES revenue received from the County's collections efforts each month varies, however, staff believes that approximately 70% of the revenue from collections can be attributed to the RLCES. Staff is continuing to work with the County to provide more detailed transmittal information so that collections can be accurately attributed to RLCES.

Concerns

Staffing

The RLCES program was originally staffed with 1.0 FTE Police Services Technician 11 (PST). Both sworn and non-sworn personnel work overtime on an as needed basis to process the citation backlog. The current system workload calls for three full-time employees to minimize the risk of backlogs occurring.

Legal Support

Initially, Red Light Camera traffic citations are being vigorously challenged by defense attorneys in court and several cities have discontinued their programs. When this occurs, staff needed an attorney to appear in court, present legal argument, file pleadings, and defend cases that are appealed. The PST's that are funded by the Program are only in court to present evidence and cannot present legal arguments on behalf of the City. The District Attorney does not handle these cases due to lack of staff and resources. Staff has had discussions with the City Attorney's Office and they are interested in providing these additional services to support this program.

Appropriate funding will be allocated to fund such legal work on a case-by-case basis when requested.

ANALYSIS

RLCES Revenue Tracking

There are 13 RLCES approaches installed and operational at 11 intersections. In September 2011, Oakland Police Traffic realized that the RLCES program showed signs of reducing traffic collisions, but staff decided to delay adding additional approaches until the financial viability of

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the program was determined. In October 2011, it was determined that the RLCES program is viable.

In August 2011, Oakland Police Traffic staff began the process of preparing an informational agenda report for City Council regarding the status of the RLCES program which included trying to determine the financial viability of the program. The OPD Traffic Section found that there was a discrepancy in the financial figures noted in a monthly report provided by Alameda County Superior Court and the revenue transmittal from Alameda County Court Finance. The discrepancy led to notification to the Public Safety Committee that the RLCES had lost \$261,000 since its inception.

Gross Revenues on the RLCES as reported by Alameda Court Superior Monthly reports versus Oracle system

Fiscal Year	Revenues as reported by the Alameda County Superior Court	Revenues as reported by the Oracle system
2009	(155,639.72)	(221,990.09)
2010	(623,463.21)	(466,927.52)
2011	(1,436,112.62)	(1,000,007.49)
2012	(277,161.00)	(193,941.00)
Total	(\$2,492,376.55)	(\$1,882,866.10)

**Through September, 2011.*

In October 2011, a meeting took place which included representatives from Redflex, OPD Fiscal Services Division, and Alameda County Superior Court personnel to discuss the discrepancy between the income report generated by the County and the transmittal of funds to the City of Oakland. During that meeting, it was determined that financial status of the RLCES previously reported to Public Safety Committee was incorrect. The monthly report provided by Alameda County Superior Court was accurate. Therefore, based on the monthly RLCES income reports, it has been determined that RLCES generated \$609,510 in revenue more than indicated by the transmittals as of September 2011.

On October 1, 2011, the Alameda County Superior Court switched to a new citation management software system called TCMS (Traffic Case Management System). Since the implementation of the TCMS, the County has not been able to provide the previously provided monthly RLCES

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income reports. OPD Fiscal has been in discussions with the County Court to develop a method of tracking the fines generated by the RLCES, but at this time, the County Court is focused on fixing issues associated with implementation of the new system and is unable to develop customized reports.

According to RLCES records, from October 1, 2011 through June 30, 12, the RLCES program processed 14,425 RLCES citations. The average of a citation is \$160. Therefore, with a 75% collection rate, it is estimated that the RLCES program generated revenue of \$1,709,400 during this period.

While staff is unable to obtain a report outlining revenue specifically generated by the RLCES program, based on the new information and overall better understanding of RLCES revenue as well as an increase in citations, court cases, counter contact, and phone calls related to RLCES, staff has concluded that the RLCES program is financially viable.

Cost to operate versus revenue generated – Project to Date

Revenues*	(4,201,776.55)
Expenditures	3,063,325.00
Net (Revenue)/Expenditures	(\$1,138,451.55)

**Estimated Revenues*

Staffing

From the inception of the RLCES program until December 2011 one (1) FTE Police Service Technician II (PST) was assigned to fully implement the RLCES program. Program staffing was supplemented with restricted duty officers, as available, and sworn officer overtime in order to process citations in a timely manner.

In December 2011, the RLCES program increased PST staffing to three (3.0) FTE PST's. Both sworn and non-sworn personnel work overtime on an as needed basis to process the citation backlog.

PSTs are given the overtime assignments, before officers, whenever possible. Currently, RLCES is using between 0-30 hours of overtime a week to keep up with the backlog. The majority of backlog issues occur as a result of newly assigned PST's learning to process the violations, complying with MBS days, and approved leave.

Overtime Funds used to maintain program pre versus post addition of two (2) PST staff.

Prior to adding two additional PST positions to the RLCES program, the average cost of an officer to perform the work on overtime was \$61.20 per hour. In contrast, the average cost of the

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two additional PST positions to perform the work on straight time is \$48.32 per hour. Therefore, this staffing change increases capacity to process citations and is more cost-effective; improving the financial viability of the program.

Legal Support

Due to limited staffing, the District Attorney's Office cannot assign personnel to support the RLCES. The City Attorney's Office handles routine legal work, provides legal advice, attends meetings and provides consultation on matters pertaining to the Redflex Agreement and program implementation. To this end, the City Attorney has informed the Chief of Police and City Administrator that funding for additional legal work will be required and OPD has agreed to pay for additional City Attorney work specific to the RLCES program on an as needed basis.

POLICY ALTERNATIVES

<i>Alternative #1</i>	Renew contract with RTS
<i>Pros</i>	Safety benefits or program continue
<i>Cons</i>	Continued legal attacks on validity of program without representation to defend unless funds are made available for this purpose
<i>Reason for not recommending</i>	
<i>Alternative #2</i>	Let contract with RTS expire
<i>Pros</i>	No challenges to program
<i>Cons</i>	Significant reduction in ability to monitor intersections which may result of an increase in collisions
<i>Reason for not recommending</i>	

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

Staff has consulted with OPD fiscal, Traffic Engineering, and the City Attorney's office for the preparation of this report as well as implementation of the RLCES program.

COST SUMMARY/IMPLICATIONS

AMOUNT OF RECOMMENDATION/COST OF PROJECT

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The total cost of this recommendation without adding additional installations is two million one hundred sixty four thousand five hundred dollars (\$2,164,500) over a three-year period. This cost includes maintenance to the Red Light Camera Enforcement Systems.

COST ELEMENTS OF AGREEMENT/CONTRACT:

Contract renewal

OPD and the City of Oakland City Attorney's Office have negotiated a proposed thirty six (36) month extension to the current contract with RTS. The significant changes to the RTS contract are as follows:

- Extend contract term to March 23, 2015;
Change monthly fee charged per installation to \$4,625.00 per month for existing installations, \$6,000.00 per month for new installations. Prices will increase every year based on CPI. The current cost of the contract is a monthly service fee of \$76,110, which will decrease to \$60,125 upon the extension of the contract.
- Compel RTS to provide personnel to testify in court.
- Change the termination provision
 - Modify Termination for Convenience clause
 - If contract is terminated without cause the City must pay Redflex all undisputed amounts then due and payable and an amount which the Parties shall agree upon which shall represent the proportion of all then uncompleted (or completed but not yet accepted) Deliverables .
- Change the number of approaches covered by the agreement from 20 to 30.
- RTS will share a portion of electrical service installation cost over \$2500.
- RTS will suspend the monthly fee, for 90 days, if an approach is deactivated due to construction.
- Add a Limitation of Liability provision (direct damages only, capped at ticket revenue actually received for past calendar year; exclusion for indemnification obligations)

SOURCE OF FUNDING:

All revenues and expenditures generated by the Red Light Camera Enforcement System shall be appropriated to the Traffic Safety Fund (2416) Police Department Traffic Operations organization (107510), program (PS14), project P328920.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

RTS has received approximately \$2,363,145 from the City for services rendered through March 2012. RTS has been a very responsible vendor. They perform all of their contractual obligations

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quickly and efficiently. Their representatives are responsive, and the company provides personnel to testify in court free of charge, even though it is not required by the contract.

SUSTAINABLE OPPORTUNITIES

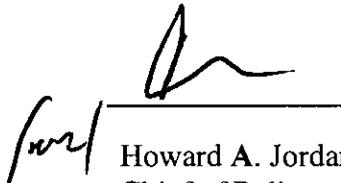
Economic: It is anticipated that monthly revenues received from citations generated from the RLCES will approximate \$30,000 to \$40,000 (net); thereby increasing City funds available for use on traffic safety programs.

Environmental: There are no environmental opportunities identified in this report.

Social Equity: Use of the Red Light Camera Enforcement System will reduce the number of injury collisions involving vehicles and pedestrians, which will increase traffic safety throughout the City. Additionally, drivers will become more aware of the RLCES and drive more cautiously in other areas of the City. Installation of this system will also provide an opportunity for officers to monitor other parts of the City for traffic violations. In addition to traffic violations, the RLCES has already been used as a tool in capturing other criminal activities, including assault with a deadly weapon, vehicular manslaughter, and robbery; and assisted in the identification and arrest of the offenders. This system also eliminates racial profiling issues.

For questions concerning this report, please contact Sharon Williams, Lieutenant of Police, at 510-777-8637.

Respectfully submitted,


Howard A. Jordan
Chief of Police
Oakland Police Department

Prepared by:
Lt. Sharon Williams
Special Operations Division
Oakland Police Department

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Quiana Holmes
City Attorney

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OAKLAND

OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: (1) EXTEND THE CONTRACT BETWEEN THE CITY OF OAKLAND AND REDFLEX TRAFFIC SYSTEM INC. ("REDFLEX") FOR THREE ADDITIONAL YEARS FROM SEPTEMBER 2012 TO SEPTEMBER 2015 TO CONTINUE THE RED LIGHT CAMERA ENFORCEMENT PROGRAM WHICH ALLOWS THE CITY TO IMPROVE TRAFFIC SAFETY BY ENFORCING RED LIGHT VIOLATIONS; (2) INCREASE THE CONTRACT AMOUNT OF \$4,320,000 BY AN ADDITIONAL \$2,164,500 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$6,484,500.

WHEREAS, each year across the United States, collisions associated with red light violations claim the lives of more than 800 people and injure an additional 200,000 people; and

WHEREAS, state laws authorizing red light camera enforcement systems require law enforcement agencies to directly review recorded violations and determine when citations will be issued; and Revenue generated by RLCES program has covered all program costs including vendor equipment, installation, maintenance and program service costs and City's administrative and personnel (fully burdened salary of three PST II) costs; and

WHEREAS, on July 17, 2007, the City Council held a public hearing and voted to approve the establishment of a redlight camera enforcement system in the City of Oakland; and

Red Light Camera Enforcement Program

WHEREAS, on July 17, 2007, consistent with staff's Supplemental Information Report to the Public Safety committee, the City Council passed Resolution 80789 authorizing the City Administrator to enter into a 3-year Agreement with Redflex, with an option to extend the contract term for four additional years, for an amount not to exceed \$4,320,000.00; and

WHEREAS, the Agreement was originally for 3 years from the date Redflex installed at least one Intersection Approach under the Agreement and was subsequently amended on August 24, 2011 and again on March 15, 2012, without exceeding the Agreement Cap, in order to extend the term of the Agreement and conform the Agreement to updated Council policies respecting the Living Wage Adjustments, the Prompt Payment Ordinance, the Arizona and Arizona-Based Businesses provision and the Dispute Disclosure provision and the Agreement now expires on September 23, 2011; and

WHEREAS, the City Administrator has determined that the Agreement is for services of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, in accordance with California Penal Code Section 1463.11, all revenues generated by the RLCES program be appropriated and deposited into the Traffic Safety Fund (2416), Police Department Traffic Operations Organization (107510), Program (PS14), Project P328920, and used to pay contract costs and all administrative costs associated with the RLCES, (including the salary of three full time Police Service Technician II), and all accrued interest shall be used to fund Police Department traffic safety equipment projects and fund other traffic management endeavors;

NOW, THEREFORE, BE IT

RESOLVED, that the City Council hereby authorizes the City Administrator to extend the Agreement with Redflex, as previously amended, for three additional years from September 24, 2012 to September 23, 2015 for \$2,164,500 for an amount not to exceed \$6,484,500 ("Agreement Cap"); and be it

Red Light Camera Enforcement Program

FURTHER RESOLVED, that all revenue generated by the RLCES program be appropriated into the Traffic Safety Fund (2416), Police Department Traffic Operations Organization (107510), Program (PS14), Project P328920, and used to pay contract costs and all administrative costs associated with the RLCES, (including the salary of three full time Police Service Technician II), and all accrued interest shall be used to fund Police Department traffic safety equipment projects and fund other traffic management endeavors; and be it

FURTHER RESOLVED, that, contingent upon the prior review and approval of the City Attorney's office, the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurance and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increases in the Agreement Cap set forth herein, without returning to City Council; and be it

FURTHER RESOLVED, that the City Administrator or her designee shall place a copy of the fully executed Redflex Agreement amendment on file with the Offices of the City Clerk; and be it

THEREFORE RESOLVED, that the City Attorney shall approve the Agreement and contract terms as to form, content and comportment with all applicable rules, regulations and policies.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California