

COMMUNICATION

TO: LOS ANGELES CITY COUNCIL

File No. 11-1015

**FROM: COUNCILMEMBER MITCHELL ENGLANDER, CHAIR
PUBLIC SAFETY COMMITTEE**

COMMUNICATION FROM CHAIR, PUBLIC SAFETY COMMITTEE relative to phasing-out the City's Photo Red Light Program, and related First Supplemental Agreement of the Police Department contract with American Traffic Solutions, Inc. (ATS).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. APPROVE the First Supplemental Agreement with ATS, subject to approval of the City Attorney as to form.
2. EXEMPT the First Supplemental Agreement with ATS from the Arizona policy.
3. AUTHORIZE the Police Department to:
 - a. Transfer \$155,000 from Fund 100/70, Account No. 003040, Contractual Services Account to Department of Transportation Fund 100/94, Account No. 001090, Salaries-Overtime for overtime to remove Photo Red Light equipment.
 - b. Prepare Controller instructions for any necessary technical adjustments consistent with this action, subject to approval of the Office of the City Administrative Officer; and, REQUEST that the Controller implement the instructions.
4. REVOKE the City Council's Arizona Policy in light of a reported agreement recently reached between the State of Arizona and a Latino civil rights and advocacy group to end the ban.

Fiscal Impact Statement: The Chief Legislative Analyst (CLA) reports that there will be no impact to the General Fund for the contract and equipment removal costs to phase out the Photo Red Light Program. If the phase-out is continued for six months, the contract would amount to \$107,290. Department of Transportation overtime staff costs for equipment removal would amount to \$155,000. These costs will be funded by the Fiscal Year 2011-12 Police Department Contractual Services Account and the avoided contract payments resulting from termination of the Photo Red Light Program.

Community Impact Statement: None submitted.

Summary:

In a report to Council dated October 11, 2011 (attached to the Council file), the CLA recommends various actions for Council to take relative to the phase-out of the City's Photo Red Light Program. Recommended actions include an exemption from Council's Arizona policy. ATS is headquartered in Arizona and an exemption is needed to approve the accompanying Supplemental Agreement.

The CLA reports that on July 27, 2011, Council terminated the Photo Red Light Program effective July 31, 2011, when the agreement with ATS expired. Council further acted to request that the City Attorney determine the need for a contract with ATS to phase out the Photo Red Light Program, and

should such a contract be required, instructed the Police Department, with assistance of the CLA and the City Administrative Officer, to negotiate an agreement.

The CLA goes on to report that the City Attorney has opined that after the agreement expired, ATS was obligated to provide certain services, at no additional cost to the City, related to citation processing and the citation approval process for Photo Red Light Program violations captured through July 31. After July 31, ATS is not obligated to continue to provide the services and access to technological equipment outlined in the proposed Supplemental Agreement. Because the prior agreement expired, a supplemental agreement rather than an amendment to an existing contract is required to be executed.

The CLA further reports that on September 20, 2011, the Board of Police Commissioners approved the Supplemental Agreement providing for the term and scope of phase-out services.

At the Public Safety Committee meeting held October 14, 2011, Committee Chair discussed this matter with representatives of the City Attorney, CLA, and Police Department. The Committee Chair stated that the National Council of La Raza has reached an agreement with the State of Arizona to end its ban of travel and other forms of business with the state. The Councilmember went on to state that inasmuch as the National Council of La Raza had ended its advocacy for the ban, the City Council should also revoke its Arizona policy. The Committee Chair recommended that Council approve the above recommendations relative to the phase-out of the Photo Red Light Program, further recommending that Council revisit its Arizona policy.

Respectfully submitted,

- NOT OFFICIAL UNTIL COUNCIL ACTS -

MITCHELL ENGLANDER, CHAIR
PUBLIC SAFETY COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
ENGLANDER:	YES
PERRY:	ABSENT
KREKORIAN:	ABSENT
ZINE:	ABSENT

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