

# CITY OF OAKLAND

## AGENDA REPORT

2007 JUN 26 10:10 AM  
**TO:** Office of the City Administrator  
**ATTN:** Deborah A. Edgerly  
**FROM:** Police Department  
**DATE:** June 26, 2007

**RE:** **A Report And Proposed Resolutions Authorizing The City Administrator To 1) Waive The Standard Competitive Bid Process And Approve A Modified Competitive Process; 2) Award A Contract To Redflex Traffic System, Inc., For The Lease, Installation And Maintenance Of A Red Light Camera Enforcement System (RLCES) Throughout The City And For Program Services For A Period Of Thirty-Seven (37) Months In An Amount Not-To-Exceed Four Million Three Hundred Twenty Thousand Dollars (\$4,320,000.00), With An Option For The City To Extend The Agreement Up To Four Years, In Two-Year Increments, Under The Same Terms And Conditions; 3) Exercise The Contract Extensions Without Returning To Council, and 4) Authorize The Addition Of One Full-Time Non-Sworn Position To The Police Department To Review Recorded Violations And Determine If A Citation Shall Be Issued; 5) Set July 17, 2007 As The Date For The Public Hearing Concerning The RLCES In The City Of Oakland As Required By California Vehicle Code Section 21455.6; 6) Appropriate All Revenues And Accrued Interest Generated By The RLCES To The Traffic Safety Fund (2416), Organization (101380), Program (PS14), Project To Be Determined; And 7) Support State Legislation To Modify Section 21455.5(e) Of The California Vehicle Code To Allow The Monitoring And Use Of Photographic Records Captured By An Automated Enforcement System, For Law Enforcement Purposes Outside Of The Enforcement Of Red Light Violations**

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### SUMMARY

The Oakland Police Department seeks to implement a Red Light Camera Enforcement System (RLCES)<sup>1</sup> to increase traffic safety, and fund the expansion of traffic management efforts within the City of Oakland. Staff has prepared a resolution authorizing the City Administrator to 1) waive the standard competitive bid process and approve a modified competitive bid process, 2) award a contract to Redflex Traffic System, Inc. (RTS), for the lease, installation and maintenance of a Red Light Camera Enforcement System (RLCES) throughout the City and for program services for a period of 37 months in an amount not-to-exceed \$4,320,000.00, with an option for the City to extend the agreement up to four years, in two-year increments, under the same terms and conditions, 3) exercise the contract extensions without returning to Council, 4)

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<sup>1</sup> As referenced throughout this report, one system or installation is equivalent to one camera. There may be more than one camera at any intersection.

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authorize the addition of one full-time non-sworn position to the Police Department to review recorded violations and determine if a citation shall be issued, and 5) set July 17, 2007 as the date for the Public Hearing concerning the RLCES in the City of Oakland as required by California Vehicle Code section 21455.6. The Police Department also seeks approval of a separate resolution directing the City's lobbyist to draft and support legislation to modify Section 21455.5(e) of the California Vehicle Code to allow law enforcement agencies to use photographic records captured by an automated enforcement system for law enforcement purposes other than the enforcement of red light violations.

### **FISCAL IMPACT**

Approval of this resolution will authorize the City Administrator to enter into a contract with RTS, in an amount not to exceed \$4,320,000.00, for the lease, installation and maintenance of a Red Light Camera Enforcement System for 37 months, with an option for the City to extend the agreement up to four years, in two-year increments, under the same terms and conditions. Further, approval will allow the City to accept and appropriate all revenues plus interest generated from traffic citations issued from evidence retrieved from the RLCES to the Traffic Safety Fund (2416), Account (43111) Organization (101380), Program (PS14), and Project to be determined. Said appropriations will be used to fund O & M and personnel expenses associated with the RLCES program, as well as the expansion of other traffic management projects.

Approval of this resolution will also authorize 1.0 FTE position (Police Services Technician II) to administer the program. This position will be added to the Police Department's authorized personnel and will require an appropriation of \$67,866 plus \$10,000 in annual O&M.<sup>2</sup> These costs will be covered by the RCLES revenue.

The fixed cost per *installation* ranges between \$5,000.00 and \$6,000.00 per month. Actual pricing will be determined on an intersection specific basis. A typical intersection has two installations; one to cover each opposing direction. The program is cost covering, using only the revenues received from fines to pay the Department's administrative costs and the cost of leasing the system. The total monthly amount of funds received from fines will be reconciled against the monthly administrative costs and service fees. Because the program is cost covering, staff recommends granting authority to the City Administrator to exercise the contract extensions, in her discretion, without return to Council.

The program is self-sustaining; acceptance of this resolution will not require additional appropriations from the General Purpose Fund. The City will incur no up-front costs associated with the installation of the RLCES. Redflex Traffic System, Inc. will provide a 90-day payment grace period that includes the statutorily required 30-day warning period<sup>3</sup>. This will allow the

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<sup>2</sup> The personnel costs do not include any premiums that may be attached, i.e. bilingual pay.

<sup>3</sup> Per the California Vehicle Code, agencies are required to give a 30-day warning period prior to issuing citations.

City to receive revenues generated from citations before the first payment is due to RTS. The grace period should mitigate any financial exposure to the City and be sufficient enough to support the administrative costs and monthly payments to RTS. Therefore, the General Purpose Fund will not be impacted.

Industry experience suggests that each system will issue 10 violations per day with an issuance rate of 75% and a collection rate of 60%. The standard fine is \$140 per violation, yielding expected monthly gross revenues of \$18,900 per system. It is expected that citation activity will diminish over time; the systems may then be moved to other problem locations in the City.

## **BACKGROUND**

On September 4, 2006, in cooperation with the City's Purchasing Department, a competitive Request for Proposals process was initiated by the Department and closed for bidding on October 2, 2006. The City received proposals from the following three vendors:

- American Traffic Solutions (ATS)
- Nestor Traffic Solutions
- Redflex Traffic Systems (RTS)

After a comprehensive review of each of the proposals, the vendors were called in to provide a detailed oral analysis of their product and services on January 18, 2007. The vendors were evaluated on the following criteria:

- Type of technology and demonstrated effectiveness
- Program management experience and methodology
- Implementation experience and methodology
- Vendor financial strength
- Total cost and value
- Demonstrated experience with Alameda County Courts

The competitive process used to assess the potential vendors provided for selection of the vendor based on a combination of performance factors as well as equipment and maintenance prices. This hybrid approach was used to account for a very important factor- the vendor's track record of having accurate technology and evidence handling that has been accepted by the Alameda County Superior Court. Based on the vendor evaluation process, staff selected Redflex Traffic Systems, Inc. as the most qualified vendor for the RLCES project. The table below illustrates the critical factors reviewed:

*Evaluation Table*

<b>Factor</b>	<b>ATS</b>	<b>Nestor</b>	<b>RTS</b>
<b>Type of technology and demonstrated experience</b>	Three (3) operational cities in California. Less than 24 months of operational experience. Less than 10 operational systems in each program. <u>Did not meet the City's specification.</u> Experienced program startup and maintenance issues in Capitola. Limited demonstrated experience.	Less than 10 operational cities in California. Programs terminated in Fresno and Santa Fe Springs for operational issues. Poorly demonstrated experience.	Over 50 operational programs in California. Operational in California since 1998. Only vendor to provide integrated and synchronized still and video images at the point of violation. Strongest technology and most secure evidence.
<b>Program management experience and methodology</b>	Less than three operational programs in California, and in one of the programs (Capitola) the City issued improper citations and erroneous duplications.	Two programs have been terminated. Recently reduced headcount by 30%.	Demonstrated experience with Alameda County Courts. Positive program management reference from the adjacent program in Emeryville. Supported the City of Fremont since 2000.
<b>Implementation experience and methodology</b>	Less than a total of 10 systems implemented in California. Poor initial system performance. City of Millbrae required 4 months of "fixing" after system installation,	Less than two new programs implemented in California over the last 12 months. No large-scale implementation experience in last 12 months. Supports the Los	In excess of 300 operational systems in California. Approximately 70% of the California market. Selected in 100% of the latest RFPs in the State of California over last six months,

Factor	ATS	Nestor	RTS
	as the vendor did not use proper lighting or sensors.	Angeles contract, but LADOT does its own installation, not Nestor.	including Riverside, Glendale, Lancaster and Montebello with recent contracts in Menlo Park and Burlingame. Most experience with CalTrans.
<b>Vendor financial strength</b>	Small, privately held. Been in business (supporting operational programs) for approximately two (2) years.	Publicly traded. Poor financial health and no history of profitability.	Publicly traded. Strong income statement, balance sheet and cash flow. Documented history of profitability.
<b>Total cost and value</b>	\$5,395	\$4,500	\$5,000-6,000

In summary, RTS is the largest, longest-established, and most knowledgeable vendor in the California market and is in full compliance with both the recommendations of the California State Auditors Office and the California Vehicle Code. The Company also has a sterling reputation for its proven customer service and demonstrated program benefits, and its technology is documented to provide the most accurate and efficient citation issuance program. The Redflex system is already well established in the Alameda County Superior Court.

Additionally, RTS has the most user-friendly, web-based police management application suite, and programs that allow violators to view their violation evidence through a secure internet site.

RTS was the only vendor among the three able to meet all of the requirements of the Department.

**KEY ISSUES AND IMPACT**

*Red Light Camera Enforcement Systems*

Each year across the United States, crashes associated with the running of red lights claim the lives of more than 800 people and injure an additional 200,000 people. More than half of the deaths attributed to this traffic violation occur to motorists and pedestrians who are not the red light violators, leaving no debate to the fact that red light violators are dangerous drivers who put other road users at risk.

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Red Light Camera Enforcement has proven to be a strong deterrent to these types of violations. This system is currently being used in over 70 cities across the State of California and locally. Six cities in Alameda County currently support photo enforcement programs and one additional city is presently conducting an RFP process.

Prior to implementing a program in August of 2000, the City of Fremont had experienced a 31% increase in crashes related to red light violations. Recently (since the implementation of photo enforcement) the City documented a decrease in crashes in excess of 40% at camera equipped intersections.

The California Vehicle Code (CVC) has permitted photo enforcement of intersections since 1996. The requirements are detailed in Section 21455.5 and 21455.6 of the CVC, and include:

- Identifying the system with signs visible to traffic approaching from all directions or posting signs at all major entrances to the City (OPD will post signs to traffic approaching from all directions)
- Ensuring system locations meets the specific criteria outlined in the Traffic Manual of the Department of Transportation for minimum yellow light change intervals (Generally, the standard is one (1) second of yellow time per ten (10) miles per hour (MPH) of the posted speed limit on the roadway)
- Issuing a warning and public service announcements for a period of thirty (30) days in advance of the utilization of an automated enforcement system
- Holding a public hearing on the proposed use of an automated enforcement system prior to a jurisdiction entering into a contract for the use of such a system

The California Vehicle Code also states that these responsibilities are to be conducted by either a sworn peace officer or a qualified employee (i.e., civilian) of a law enforcement agency. By adding one full-time PST position to the Department for purposes of monitoring RLCES violations, traffic enforcement officers will be more available to address other traffic issues throughout the City.

*In order to effectively implement and administer the RLCES, staff will be required to:*

1. Review recorded violations via secure internet connection;
2. Decide whether to issue a citation based on the evidence viewed;
3. Maintain specific office hours to meet with citizens who request a meeting;
4. Prepare for, and testify in court on citations that are appealed; and
5. Respond to requests for information concerning citations.

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*Proposed Amendment to Vehicle Code Section 21455.5(e)*

There are increasing demands from various neighborhoods for the installation of video surveillance systems to help improve public safety and capture evidence of criminal activity. Automated red light photo enforcement systems are capable of providing streaming video that can be used by law enforcement agencies to monitor specific locations. These systems are capable of capturing and storing images of crimes other than red light violations. However, Section 21455.5(e) of the California Vehicle Code prohibits the use of the images for any purpose other than the enforcement of red light violations.

The second resolution associated with this report would direct the City's lobbyist to draft and support State legislation to modify Section 21455.5(e) of the California Vehicle Code to allow law enforcement agencies to monitor and use the streaming video images captured by automated enforcement systems for the purpose of improving public safety. The legislation would also allow the use of those images for evidentiary purposes other than the enforcement of red light violations, such as reckless driving, assaults, public nuisance activity, drug dealing, etc. A proposed text change of the Vehicle Code is attached.

**PROJECT DESCRIPTION**

The Police Department will initially install 20 systems at locations with high frequencies of collisions where red light violations were listed as the primary collision factor. The number and locations of installations shall be managed by the Department's Traffic Section in accordance with California Vehicle Code Section 21455.5.

Automated red light camera systems are designed to supplement conventional law enforcement by accurately identifying traffic violations (24-hours a day) without the presence of a police officer. The system works by continuously monitoring a traffic signal. After the signal phase turns red and a violator triggers the sensor system, a set of cameras provide a series of high resolution digital still photographs, and full motion video of the offending vehicle going through the intersection during the red phase; images of the offending driver's license plate and vehicle(s) are clearly captured. The camera records the date, time, speed of the vehicle and the elapsed time of both the yellow and red signal phasing. The system provides clear violation images 24-hours a day under a wide range of light and weather conditions. Images are carefully reviewed by law enforcement personnel, and a citation is mailed to the violator for infractions that clearly demonstrate a preponderance of evidence.

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*The City's goal for the program is to achieve these policy objectives:*

- Reduce the total number of crashes at selected intersections
- Reduce instances of right-angle collisions at selected intersections
- Reduce instances of red light running at selected intersections

Based upon collision data retrieved during the period of January – December 2006 (where red light violations are the primary collision factor) the following is a list of proposed intersections for installation of the RLCES. The final determination will be made based on public safety and violation information received by the Department after Redflex surveys the intersections for red light running data.

<b>Ranking</b>	<b>#Collisions</b>	<b>Location</b>	<b>Council District</b>
1	14	Castro St. @ 11 <sup>th</sup> St.	3
2	10	Northgate Ave. @ 27 <sup>th</sup> St.	3
3	6	Webster St. @ 12 <sup>th</sup> St.	2
4	5	Jackson St. @ 6 <sup>th</sup> St.	2
4	5	Foothill Blvd @ High St	5
5	4	Hegenberger Rd. @ I-880	7
6	3	San Leandro Blvd @ 66 <sup>th</sup> Ave	6
7	2	Oakland Ave. @ MacArthur Blvd.	1/3
7	2	Jackson St. @ 8 <sup>th</sup> St.	3
7	2	Jackson St. @ 7 <sup>th</sup> St.	2
7	2	Brush St. @ 18 <sup>th</sup> St.	3
7	2	MacArthur Blvd @ 82 <sup>nd</sup> Ave	6
7	2	MacArthur Blvd @ Beaumont Ave	1
7	2	MacArthur Blvd @ 35 <sup>th</sup> Ave	4
8	1	Franklin St. @ 14 <sup>th</sup> St.	2/3
8	1	Market St. @ 36 <sup>th</sup> St.	1/3
8	1	Market St. @ 35 <sup>th</sup> St.	1/3
8	1	MacArthur Blvd @ 98 <sup>th</sup> Ave	7

## **SUSTAINABLE OPPORTUNITIES**

*Economic:* Redflex Traffic Systems Inc. has already secured relationships with local partners to support a wide-scale public outreach program, and is committed to opening a local customer service office within Oakland city limits.

*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. Drivers will become more aware of the RLCES and drive more cautiously in other areas of the City. Officers will be free to monitor other parts of the City for traffic violations.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

There are no disability or senior citizen access related issues with this report.

## **RECOMMENDATION / RATIONALE**

The Red Light Camera Enforcement System is an extremely effective tool for increased community and traffic safety. It aides in the reduction of intersection collisions and makes more effective use of police resources, at no financial risk to the City.

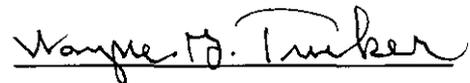
Staff recommends acceptance of this report and approval of two proposed resolutions authorizing the City Administrator, or her designee, on behalf of the City of Oakland, to:

- Waive the standard competitive bid process and approve the modified competitive bid process used in assessing the proposals submitted in response to the RFP;
- Negotiate and enter into a contract with Redflex Traffic System, Inc. (RTS) to install Red Light Camera Enforcement Systems at various locations throughout the City for a period of thirty-seven (37) months in an amount not-to-exceed \$4,320,000.00, with an option for the City to extend the agreement up to four years, in two-year increments, under the same terms and conditions. The management of the system and installation locations shall be performed by the Police Department's Traffic Section in accordance with California Vehicle Code Sections 21455.5 and 21455.6;
- Exercise the contract extensions, in her discretion, without return to Council;
- Add one non-sworn position to the Police Department to review recorded violations (evidence obtained from the RLCES) via secure internet connection and determine if a citation shall be issued;
- Set July 17, 2007 as the Public Hearing date as required by California Vehicle Code Section 21455.6;

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- Appropriate all revenues and accrued interest generated by the RLCES to the Traffic Safety Fund (2416), Organization (101380), Program (PS14), Project to be determined; and
- Direct the City's lobbyist to draft and support State legislation to modify Section 21455.5(e) of the California Vehicle Code to allow the monitoring and use of photographic records captured by an automated enforcement system for law enforcement purposes outside of the enforcement of red light violations.

Respectfully submitted,



Wayne G. Tucker  
Chief of Police

Prepared by:  
Lt. Anthony Banks, Sr.  
Traffic Operations Section

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

*Attachments:*

1. Proposed Legislation

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21455.5. (a) The limit line, the intersection, or a place designated in Section 21455, where a driver is required to stop, may be equipped with an automated enforcement system if the governmental agency utilizing the system meets all of the following requirements:

(1) Identifies the system by signs that clearly indicate the system's presence and are visible to traffic approaching from all directions, or posts signs at all major entrances to the city, including, at a minimum, freeways, bridges, and state highway routes.

(2) If it locates the system at an intersection, and ensures that the system meets the criteria specified in Section 21455.7.

(b) Prior to issuing citations under this section, a local jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.

(c) Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated enforcement system. As used in this subdivision, "operate" includes all of the following activities:

(1) Developing uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establishing procedures to ensure compliance with those guidelines.

(2) Performing administrative functions and day-to-day functions, including, but not limited to, all of the following:

(A) Establishing guidelines for selection of location.

(B) Ensuring that the equipment is regularly inspected.

(C) Certifying that the equipment is properly installed and calibrated, and is operating properly.

(D) Regularly inspecting and maintaining warning signs placed under paragraph (1) of subdivision (a).

(E) Overseeing the establishment or change of signal phases and the timing thereof.

(F) Maintaining controls necessary to assure that only those citations that have been reviewed and approved by law enforcement are delivered to violators.

(d) The activities listed in subdivision (c) that relate to the operation of the system may be contracted out by the governmental agency, if it maintains overall control and supervision of the system. However, the activities listed in paragraph (1) of, and subparagraphs (A), (D), (E), and (F) of paragraph (2) of, subdivision (c) may not be contracted out to the manufacturer or supplier of the automated enforcement system.

(e) (1) Notwithstanding Section 6253 of the Government Code, or any other provision of law, photographic records made by an automated enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for the purposes of this article. Photographic records may be used by law enforcement agencies for any law enforcement purpose.

~~(2) Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential, and may not be used for any other purpose.~~

(3) Except for court records described in Section 68152 of the Government Code, the confidential records and information described in paragraphs (1) and (2) may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.

(f) Notwithstanding subdivision (d), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

(g) (1) A contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment may not include provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment authorized under this section.

(2) Paragraph (1) does not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

Comment [OPD1]: Language to be eliminated

Comment [OPD2]: Language to be added.

Comment [OPD3]: Language to be eliminated with no proposed replacement language



City Attorney

OFFICE OF THE CITY CLERK

2007 JUL 14 PM 3:10

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) WAIVE THE STANDARD COMPETITIVE BID PROCESS AND APPROVE A MODIFIED COMPETITIVE PROCESS, AND 2) AWARD A CONTRACT TO REDFLEX TRAFFIC SYSTEM, INC., FOR LEASE, INSTALLATION AND MAINTENANCE OF A RED LIGHT CAMERA ENFORCEMENT SYSTEM (RLCES) THROUGHOUT THE CITY AND FOR PROGRAM SERVICES FOR A PERIOD OF THIRTY-SEVEN (37) MONTHS IN AN AMOUNT NOT-TO-EXCEED FOUR MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$4,320,000.00), WITH AN OPTION FOR THE CITY TO EXTEND THE AGREEMENT UP TO FOUR YEARS, IN TWO-YEAR INCREMENTS, UNDER THE SAME TERMS AND CONDITIONS, AND 3) EXERCISE THE CONTRACT EXTENSIONS WITHOUT RETURNING TO COUNCIL, AND 4) AUTHORIZING THE ADDITION OF ONE FULL-TIME NON-SWORN POSITION TO THE POLICE DEPARTMENT TO REVIEW RECORDED VIOLATIONS AND DETERMINE IF A CITATION SHALL BE ISSUED, AND 5) TO SET JULY 17, 2007 AS THE DATE FOR THE PUBLIC HEARING CONCERNING THE ESTABLISHMENT OF A RED LIGHT CAMERA ENFORCEMENT SYSTEM (RLCES) IN THE CITY OF OAKLAND AS REQUIRED BY CALIFORNIA VEHICLE CODE SECTION 21455.6, AND 6) APPROPRIATE ALL REVENUES AND ACCRUED INTEREST GENERATED BY THE RED LIGHT CAMERA ENFORCEMENT SYSTEMS TO THE TRAFFIC SAFETY FUND (2416), ORGANIZATION (101380), PROGRAM (PS14), PROJECT TO BE DETERMINED**

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

**WHEREAS**, the Oakland Police Department seeks to implement a Red Light Camera Enforcement System (RLCES) within the City of Oakland to increase traffic safety, and fund the expansion of traffic management efforts throughout the City; and

**WHEREAS**, on September 4, 2006, a competitive Request for Proposals process was initiated by the Department, in cooperation with City's Purchasing Department to identify a suitable vendor for the RLCES project; and

**WHEREAS**, the competitive process used provided for selection of the vendor based on a combination of performance factors as well as equipment and maintenance prices; and

**WHEREAS**, based on the vendor evaluation process, staff selected Redflex Traffic System, Inc., as the most responsive and qualified vendor for the RLCES project; and

**WHEREAS**, The monthly cost of the systems at 20 installations (i.e., at approximately 10 intersections) in the City will range from \$100,000.00 to \$120,000.00; and

**WHEREAS**, payment will be deferred for a period of 90 days from the date of installation to allow some revenue generation to occur before vendor payments become due; 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, therefore, it is recommended that a new full-time, non-sworn position (Police Services Technician II) be created to carry out these duties; and

**WHEREAS**, it is anticipated that revenue generated by the RLCES program will cover all program costs including the vendor's equipment, installation, maintenance and program services costs and City's administrative and personnel (fully burdened salary of one PST II) costs; and

**WHEREAS**, it is recommended that all revenue and accrued interest generated by the RLCES program be appropriated and deposited into the Traffic Safety Fund (2416), Organization (101380), Program (PS14), Project to be determined, and used to pay all program costs and fund other traffic management endeavors; and

**WHEREAS**, the City Administrator has determined that any contract for services awarded hereunder are 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; now, therefore be it

**RESOLVED:** That, pursuant to Oakland Municipal Code Title 2, section 2.04.050.I.5, the City Council hereby finds and determines that it is in the City's best interests to waive the City's standard *lowest, responsible bid process* for the lease of a Red Light Camera Enforcement System (RLCES), and approves the multi-factor, performance-based competitive process used to select the proposed program vendor described in the agenda report accompanying this item; and be it

**FURTHER RESOLVED:** That the City Council hereby awards a contract to Redflex Traffic Systems, Inc. for the lease, installation and maintenance of a Red Light Camera Enforcement System (RLCES) and for program services for a period of thirty-seven (37) months in an amount not-to-exceed four million three hundred twenty thousand dollars (\$4,320,000.00), with an option for the City to extend the contract for up to four additional years in two-year increments, under the same terms and conditions, and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to exercise the contract extensions, in her discretion, without returning to Council; and be it

**FURTHER RESOLVED:** That the City Council shall conduct a Public Hearing on July 17, 2007, concerning the establishment of a Red Light Camera Enforcement System in the City of Oakland as required by California Vehicle Code section 21455.6; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to create one full-time, PST II position in the Police Department, to review recorded violations and determine when citations will be issued as required by California Vehicle Code Sections 21455.5 and 21455.6; and be it

**FURTHER RESOLVED:** That the City will incur no up-front costs associated with the installation of the RLCES, and Redflex Traffic System, Inc. will defer payments to the vendor for a period of 90 days, which will allow the City to receive program revenues before the first payment to Redflex Traffic Systems comes due; and be it

**FURTHER RESOLVED:** That all revenues and accrued interest generated from the RLCES program shall be appropriated and deposited into the Traffic Safety Fund (2416), Organization (101380), Program (PS14), Project to be determined, and used to pay all program costs and fund other traffic management endeavors ; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said agreement with Redflex Traffic System, Inc. as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

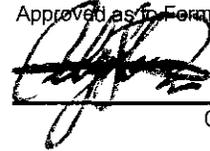
ABSENT-

ABSTENTION-

ATTEST \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council,  
City of Oakland, California

# OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

2007 JUN 14 PM 3:10

**RESOLUTION DIRECTING THE CITY'S STATE LOBBYIST TO DRAFT, AND OBTAIN A LEGISLATIVE SPONSOR FOR, STATE LEGISLATION TO MODIFY SECTION 21455.5(e) OF THE CALIFORNIA VEHICLE CODE TO ALLOW THE MONITORING AND USE OF PHOTOGRAPHIC RECORDS CAPTURED BY A RED LIGHT CAMERA OR SIMILAR AUTOMATED ENFORCEMENT SYSTEM, FOR LAW ENFORCEMENT PURPOSES OUTSIDE THE ENFORCEMENT OF RED LIGHT VIOLATIONS**

**WHEREAS**, notwithstanding Section 6253 of the Government Code, or any other provision of law, California Vehicle Code Section 21455.5(e) limits the use of photographic records made by an automated enforcement system to governmental agencies and law enforcement agencies only for the purposes of enforcing the traffic laws related to red light violations; and

**WHEREAS**, automated enforcement systems are capable of providing streaming video which can be monitored in *real time* or searched for archived images that provide evidence that can be used by law enforcement agencies for valid law enforcement investigative and administrative public nuisance, and public safety purposes, in addition to the enforcement of red light violations; now, therefore be it

**RESOLVED:** That the City's State Lobbyist is hereby directed to draft an amendment to Section 21455.5(e) of the California Vehicle Code that would allow law enforcement agencies and local enforcement officials to use photographic or any other evidence from red light camera or similar automated enforcement systems for any law enforcement purpose, in addition to red light violation enforcement currently authorized, and to locate a legislative sponsor for the bill.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council,  
City of Oakland, California