



## COUNCIL AGENDA REPORT

### City of Anaheim OFFICE OF CITY ATTORNEY

**DATE:** JUNE 8, 2010

**FROM:** OFFICE OF CITY ATTORNEY

**SUBJECT:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, CALIFORNIA, ORDERING THE SUBMISSION OF A PROPOSED AMENDMENT TO THE CITY CHARTER TO THE ELECTORS OF SAID CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 2, 2010. (MEASURE NO. 1 – RED LIGHT CAMERAS)

**ATTACHMENT (Y/N):** YES

**ITEM #** 22

#### **RECOMMENDATION:**

That the City Council approve and adopt the attached resolution ordering the submission of a proposed amendment to the Anaheim City Charter to the electors of the City at the general municipal election to be held on November 2, 2010. (Measure No. 1 – Red Light Cameras) to prohibit all automated traffic enforcement systems, commonly known as red light cameras, within the jurisdictional limits of the City of Anaheim.

#### **DISCUSSION:**

At the April 13, 2010, Council meeting, the City Council unanimously approved placing on the November election ballot a proposed charter amendment prohibiting automated traffic enforcement systems, more commonly known as red light cameras, in the City of Anaheim.

California Vehicle Code Section 21455.5 authorizes the installation of automated traffic enforcement systems, commonly known as red light cameras, at intersections or other places where vehicles are required to stop, such as crosswalks, provided that certain conditions are met by the governmental agency desiring to install such devices. The language of the proposed amendment attached to the resolution is more detailed than the language of the proposed amendment presented to Council at its April 13 meeting, in order to clarify the Council's intent that no City Official may directly or indirectly authorize the use of red light cameras or other automated traffic enforcement systems, as that term is defined in Vehicle Code Section 21455.5, in the City of Anaheim.

If the proposed charter amendment passes, the use of all automated traffic control systems will be prohibited within the jurisdictional limits of Anaheim until such time as the voters of Anaheim, by way of another Charter amendment, determine to allow the systems in the City.

**IMPACT ON THE BUDGET:**

To the extent that the existence of red light cameras in the City would result in an increase of traffic citations and subsequent fines, the proposed Charter amendment would prevent the City from collecting those fines.

Respectfully submitted,

CRISTINA L. TALLEY  
City Attorney

**Attachment:**

1. Resolution

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RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, CALIFORNIA, ORDERING THE SUBMISSION OF A PROPOSED AMENDMENT TO THE CITY CHARTER TO THE ELECTORS OF SAID CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 2, 2010. (MEASURE NO. 1 – RED LIGHT CAMERAS)

WHEREAS, pursuant to Section 1302 of the City Charter, the City Council of the City of Anaheim heretofore adopted its Resolution No. 2010-\_\_\_\_\_ calling and giving notice of the holding of a general municipal election in the City of Anaheim to be held on Tuesday, November 2, 2010; and

WHEREAS, pursuant to authority provided by Section 3 of Article XI of the Constitution of the State of California, Section 1303 of the Anaheim City Charter, and Section 9255(a)(2) of the Elections Code of the State of California, the City Council of the City of Anaheim desires to submit to the qualified electors of said City certain proposed amendments to the Charter of the City of Anaheim; and

WHEREAS, the City Council of the City of Anaheim is authorized by the California Constitution, the Anaheim City Charter, and by state statute to submit said proposed amendments to the Anaheim City Charter to the qualified electors of said City at said general municipal election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1.

That, pursuant to Section 3 of Article XI of the California Constitution, Section 1303 of the Anaheim City Charter and Section 9255(a)(2) of the Elections Code of the State of California, it is hereby ordered that the following ballot measure proposing an amendment to the Charter of the City of Anaheim be submitted to the qualified electors of said City at the general municipal election to be held in said City on November 2, 2010:

Measure No. 1:

The full text of Measure No. 1 is set forth on Attachment No. 1 attached hereto and incorporated herein by this reference as if set forth in full.

Said Measure No. 1 shall appear upon the ballots for said general municipal election in substantially the following form:

<b>PROHIBITION OF AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS (RED LIGHT CAMERAS).</b> Shall Section 1213 be added to the City Charter to prohibit the use of red light cameras or other automated traffic enforcement systems in the City of Anaheim?	Yes	
	No	

SECTION 2.

That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 3.

That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14301 of the Elections Code of the State of California.

SECTION 4.

That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding general municipal elections.

SECTION 5.

That the notice of the time and place of holding the election is hereby given and the City Clerk is hereby authorized, instructed and directed to give further or additional notice of the election, in such time, form and manner as required by law.

SECTION 6.

That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this    day of    , 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By \_\_\_\_\_  
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF ANAHEIM

Doc. No. 77334.1

## ATTACHMENT NO. 1

That new Section 1213 be, and the same is hereby, added to the Charter of the City of Anaheim to read as follows:

### **Section 1213. PROHIBITION OF AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS (RED LIGHT CAMERAS).**

No ordinance shall be adopted by the City Council which would permit or authorize any red light camera or other automated traffic enforcement system in the City of Anaheim. Any ordinance adopted by the City Council in violation of this section shall be null and void.

Neither the City Council, nor any officer or employee of the City when acting in his or her official capacity, shall (i) take any action which would directly or indirectly result in the authorization, approval or installation of any red light camera or other automated traffic enforcement system in the City of Anaheim; or (ii) acquiesce or concur in any action or decision of any other governmental agency or governmental official having jurisdiction concerning such red light cameras where a protest or objection procedure is available to the City and where failure to so protest or object could result in the authorization, approval, or installation of any red light camera or other automated traffic enforcement system in the City of Anaheim; or (iii) approve, authorize, execute or enter into any agreement or understanding, or take any other action of any nature whatsoever, which would authorize, approve, or in any way facilitate or result in the installation of any red light camera or other automated traffic enforcement system in the City of Anaheim, including, but not limited to, any agreement or understanding relating to the installation of any red light camera or automated traffic enforcement system which would result in the receipt by the City of any revenue of any kind from such cameras or automated system.

The term “red light camera or other automated traffic enforcement system” as used in this section shall mean and include any automated traffic enforcement system, as that term is used in California Vehicle Code Section 21455.5, or any successor legislation thereto, which is used to enforce any provision of the California Vehicle Code.

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