

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 21, 2011

TO: Honorable Members of the City Council

FROM: Gerry F. Miller *G. Miller for*
Chief Legislative Analyst

Council File: 11-1015
Assignment No: 11-06-0595

**Motion (Cardenas-Parks) Regarding the Photo Red Light Program
and Exemptions from Boycott of Arizona Companies**

SUMMARY

On June 17, 2011, the City Council began consideration of a Motion (Cardenas—Parks) which seeks to authorize an extension of the current contract with American Traffic Solutions, Inc. (ATS) for operation of the City’s Photo Red Light (PRL) Program. The Motion states that the Council should be presented with an analysis of the financial and traffic safety impacts, and to explore potential legislative changes to improve the effectiveness of the PRL program. The Motion also seeks to extend the contract with the current vendor on a month-to-month basis up to an additional year while this review is undertaken. (C.F. 11-1015)

Council continued the item to June 21 and requested this Office and the City Attorney’s Office to provide responses on the following issues:

1. Whether the Council has the legislative authority to direct the Police Commission to do something else after the Commission has already taken its action.
2. Whether the current PRL vendor is an Arizona based company, and whether there are standards/criteria for contracts that have been granted exemptions from the City's boycott.
3. Applicable state law(s) which prohibit the City from using PRL system for revenue generation.

The City Attorney’s Office will address in Council subjects #1 and #3 above. Below are responses to subject #2 regarding the Arizona boycott and Council consideration of exemptions from this policy.

Q: Is the current PRL vendor (American Traffic Solutions) an Arizona based company?

A: Yes. On June 23, 2010, Council approved the recommendations of the City Administrative Officer to authorize the Chief of Police to execute a 10-month extension of the existing PRL contract with American Traffic Solutions (ATS) pending release and the Request for Proposal and completion of the process for a new contract. Included in this action was a “one-time exemption for the Police Department from the Council policy against contracting with businesses headquartered in the State of Arizona to allow the Department to extend this contract with ATS, inasmuch as there is a significant benefit to public safety by allowing this program to continue.” (C.F. 07-1202-S9)

This exemption was also re-authorized on April 26, 2011 to extend the existing PRL contract by an additional 90 days, with a new expiration date of July 31, 2011, to enable completion of the RFP process. (C.F. 11-0554)

- Q: What are the standards/criteria for contracts that have been granted exemptions from the City's boycott?*
- A: The Council has granted exemptions from the City's boycott for new contracts and travel on a case-by-case basis. The following summarizes the exemptions that have been considered and/or granted by the Council:

Company	Department	Contract No.	Purpose	Basis for Request	Council Action
American Traffic Solutions	LAPD	C-109495	Photo Red Light Program	Public safety benefit; contract extension pending completion of RFP process	Approved (C.F. 07-1202-S9, 11-0554)
TASER International	LAPD	Purchase Order	Non-lethal use of force devices: equipment, cartridges, maintenance	No other alternative vendor for non-lethal use of force devices	Approved (C.F. 10-1633)
Community Work Incentives Coordinator Training	Disability	Travel	Return-to-work programs for Social Security disability beneficiaries	Highly valued certification program for assisting the disabled in seeking greater employment opportunities	Approved (C.F. 11-0612)
Airborne Law Enforcement Association Conference, Tucson, AZ	LAPD	Travel	Annual conference/training for police helicopter pilots	Enhance aviation training	Received & filed (C.F. 10-0991)

On May 12, 2010, Council requested the City Attorney to prepare and present an ordinance to restrict City contracting with persons and entities based in, or with headquarters in, Arizona. The draft ordinance was transmitted to the City Clerk on June 17, 2011. (C.F. 10-0002-S36)

GFM:JWG:jrd