



AGENDA MEMORANDUM
for the City Council Meeting of September 13, 2016

DATE: September 6, 2016
TO: Mayor and Council
FROM: Rebecca Huerta, City Secretary
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Discussion and consideration of an ordinance proposed by citizens through initiative proceedings to repeal the red light camera civil penalty.

CAPTION:

Discussion and consideration of an ordinance proposed by citizens through initiative proceedings to repeal the red light camera civil penalty.

PURPOSE:

The City Charter, through initiative proceedings, allows citizens to propose ordinances to the City Council. A group of citizens has filed a petition to propose an ordinance repealing the civil penalty of \$75.00 against the owner of a motor vehicle that proceeds in violation of the red light at an intersection with a red light camera enforcement.

BACKGROUND AND FINDINGS:

On July 5, 2016, the City Secretary was presented with a statement of intent to circulate a petition to propose an ordinance repealing Section 53-97(b) of the City Code of Ordinances, which currently establishes a civil penalty of \$75.00 against the owner of a motor vehicle that proceeds in violation of the red light at an intersection with a red light camera enforcement.

Per the Charter, the City Attorney drafts an ordinance in legal form containing the substance of the ordinance, and the City Secretary presents the initiative for the Council's consideration. The City Council has 45 days from the date of presentment (until October 14) to consider the adoption of the ordinance as presented. If the Council fails to take action within the allotted time, then the City Secretary must provide petition pages to the petitioner for circulation among the City's registered voters. The petitioner will have 90 days to gather signatures of at least five percent of the registered voters to place a proposition on the ballot at the next regular city council elections. Within 20 days, the City Secretary will determine if enough signatures were obtained. If the petition does not contain the required number of signatures, then the petitioner has an additional 10 days to supplement signatures, with such supplemental signatures to be verified within 10 days by the City Secretary.

If a valid petition is submitted, the Council would include a proposition to adopt or reject the proposed ordinance on the ballot at the next regular city council elections. To meet the

requirements outlined in the Charter and election law, the proposition could be placed on a ballot no earlier than the **November 2018** regular city council elections.

OTHER CONSIDERATIONS

The City's contract with RedFlex Traffic Systems for the photo red light enforcement program expires on April 26, 2017, at which time there is an automatic five-year renewal unless the City provides written notice of non-renewal at least 30 days before the end of the current term. For more information on the contractual and financial implications of repealing the red light camera civil penalty, please see attached fact sheet.

ALTERNATIVES:

The City Council is not required to act today. The Council has three options:

1. Vote in support of the ordinance on first reading and second reading.
2. Vote against the ordinance.
3. Postpone action on the item.

If the Council decides not to take action today, the mayor or five council members may place the proposed ordinance on a future agenda within the next 45 days for consideration. If the ordinance is rejected or action is not taken by October 14, 2016, the City Secretary will furnish petition pages to the proponents for circulation.

CONFORMITY TO CITY POLICY: The ordinance complies with requirements of the City Charter.

EMERGENCY / NON-EMERGENCY:

Non-emergency.

DEPARTMENTAL CLEARANCES:

Legal
Police
Finance

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

LIST OF SUPPORTING DOCUMENTS:

Statement of Intent to Circulate Petition
Ordinance
Contract – Redflex Traffic Systems, Inc.
Fact Sheet – Red Light Camera Program