

City of Tamarac
Interoffice Memorandum
Financial Services Department

To: Michael C. Cernech, City Manager
Through: Christine Cajuste, Interim Director Financial Services
Date: August 26, 2020
Re: Temporary Resolution # 13482 Approving the Wind Down Agreement with American Traffic Solutions (ATS)

Recommendation:

The Interim Director of Financial Services recommends placing TR # 13482 on the August 26, 2020 City Commission Agenda for approval.

Issue:

Wind Down Agreement with American Traffic Solutions (ATS) upon the termination of the Professional Services Agreement effective July 19, 2020.

Background:

In 2010, the Florida Legislature adopted the "Mark Wandall Traffic Safety Program," § 316.0083, Florida Statutes (the "State Act"), which, among other things, expressly preempted to the State the subject matter of using unmanned cameras/monitoring devices, referred to as traffic infraction detectors, in the State Act and defined therein, to enforce violations of red light indications on traffic control devices as of July 1, 2010.

In 2010, the City Commission adopted Ordinance No. 2010-16, which authorized the use of unmanned traffic infraction detectors (red light cameras) to enforce red light violations within the City.

In October 2012, the City entered into an agreement with American Traffic Solutions to provide Red Light Cameras at certain intersections within the City.

On July 10, 2013 the City of Tamarac and ATS executed the Second Addendum to the Agreement which amended the agreement to reflect changes in Florida Statutes as a result of the 2013 Legislative Session.

On August 26, 2015 the City of Tamarac and ATS executed the Third Addendum to the Agreement which allowed for the resumption of the Red-light Camera program after it terminated on May 27, 2015. The Third Amendment to the Agreement allowed the City to resume its Red-Light camera program and, if challenged, present the modified program to the courts for review. The two primary changes reflected that all camera shots would be forwarded to and available for review by the Traffic Infraction Enforcement Officer and the City (BSO) would forward/download UTC Hearing files directly to the Clerk of Court. Previously, only potential violations were forwarded for review and ATS downloaded the UTC files to the Clerk of Court.

ATS relaunched as Verra Mobility Corporation in 2018 and began operations as ATS also known as (AKA) Verra Mobility.

The Wind Down agreement would allow the City to have continued access to the ATS system for review of violations and ATS would continue the billing and collection for violation that occurred up to and including July 19, 2020. The Wind Down agreement incorporates all the of the cost neutrality elements of the original contract which reflects that ATS would only be paid to the extent that the City's retention of revenue is sufficient to pay the monthly fee.

Fiscal Impact:

With the Approval of the Winddown agreement ATS will be paid from funds received from the program after payments to the State of Florida and the allotted allocation for the services of BSO. The maximum monthly fee will be \$46,750, in comparison the fee for the month of July 2020 was \$21,694.06.