

RESOLUTION NO. 90-2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
CONTINUING PHOTO RADAR ENFORCEMENT UNDER NEW TECHNOLOGY, MAKING
FINDINGS, AND RATIFYING PRIOR DETERMINATIONS**

WHEREAS, in January, 2008, police chief Larry Kanzler reported his photo radar work to the City Council, explaining the City's speed-related traffic problems, explaining legislative authority, and requesting a resolution to contract with Automatic Computer Systems, Inc. (ACS), to procure photo radar equipment; and

WHEREAS, at its regular session on January 15, 2008, Council authorized Milwaukie Police Department to begin photo radar speed enforcement, premised on Chief Kanzler's report that speed impacts traffic safety in the City's residential neighborhoods, school zones, and other areas, whereafter in March, 2008 the City began this enforcement; and

WHEREAS, at its regular session on February 11, 2011, Chief Jordan updated Council on traffic crash statistics and sought Council's direction to renew the City's photo radar contract with its vendor, ACS; and

WHEREAS, Chief Jordan informed Council that there was a serious problem with speeding on 224 and 99E, and it was on the basis of that information that Council approved continued use of photo radar; and

WHEREAS, in May, 2011 Council authorized a new contract with ACS, under which ACS will replace the City's "wet film" photo radar equipment with more efficient digital equipment; and

WHEREAS, Chief Kanzler's memorandum of January 15, 2008, and Chief Jordan's memos of January 28 and September 27, 2011, support Council findings and are incorporated by reference into this Resolution; and

WHEREAS, the Legislative Reports of Sergeant John Hipes for program years 2008-2009, and of Sergeant Floyd Marl for program years 2009-2010, also support Council findings and are incorporated by reference into this Resolution;

NOW, THEREFORE, the Milwaukie City Council finds as follows:

1. Since January 1, 2008, traffic speed has had a negative impact on safety on streets with a history of injury crashes or an unusually high number of crashes; and
2. Since January 1, 2008, Highway 99E and Highway 224 have been and continue to be zones of danger in the City where speed has had and continues to have a negative impact on traffic safety, being then and now the primary location of more than 50% of the accidents that occur in the City; and
3. Since January 1, 2008, the following have been and continue to be areas where speeding has had a negative impact on traffic safety:

McLoughlin Blvd @ 8600 Block southbound
Highway 99 @ Harrison St. northbound

Highway 99 @ Harrison St. southbound
Highway 99 @ Moores St. northbound
McLoughlin Blvd. @ 10300 Blk. southbound
Hwy 224 @ SE Lake Rd. westbound
Hwy 224 @ SE Lake Rd. eastbound
McLoughlin Blvd. @ SE Monroe St. northbound
McLoughlin Blvd. @ SE Jefferson St. southbound
5545 SE Johnson Creek Blvd. westbound

4. Since January 1, 2009, the following have been and continue to be areas where speeding has had a negative impact on traffic safety:

Highway 99 @ Milport St
McLoughlin Blvd. @ 10400 Block northbound
Highway 224 @ SE Harrison St. eastbound
Highway 224 @ SE 37th Ave. eastbound
McLoughlin Blvd. @ 11500 Block northbound
Highway 224 @ Monroe St. eastbound
King Rd. @ 44th eastbound
King Rd. @ 44th westbound

5. Council confirms that its January 15, 2008 decision to begin photo radar enforcement was premised on a finding that speed had a negative impact on streets in three types of areas: 1) school zones, 2) residential areas, and 3) other areas as recited in these findings. Council ratifies these as findings of the dates specified above and deems the findings retroactive to those dates; Council also ratifies all prior acts of city officials and contractors related to photo radar use in areas where speeding negatively impacts traffic safety.

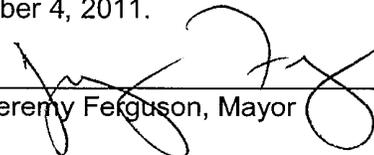
NOW, THEREFORE, BASED UPON THE FOREGOING FINDINGS, IT IS HEREBY RESOLVED:

The Milwaukie Police shall continue the use of photo radar as previously directed to reduce the incidence of speeding and improve traffic safety.

Introduced and adopted by the City Council on October 4, 2011.

This resolution is effective on October 4, 2011.

APPROVED AND ADOPTED on October 4, 2011.

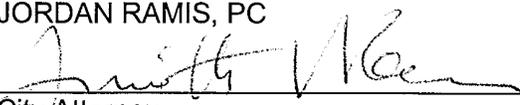


Jeremy Ferguson, Mayor

ATTEST:



Pat DuVal, City Recorder

APPROVED AS TO FORM:
JORDAN RAMIS, PC


City Attorney