



LOMBARD POLICE DEPARTMENT



Date: July 29, 2010

To: David A. Hulseberg, AICP, ICMA-CM

From: Ray Byrne
Chief of Police

Re: First Amendment to First Amendment to Agreement with RedSpeed Illinois

On June 19, 2008, the Village Board entered into an Agreement with RedSpeed Illinois for a red light photo enforcement program. In February of 2009, the Agreement was amended (First Amendment) to clarify the obligations of the parties as it related to paying for IDOT required LED upgrades of the signals at both intersections where red light photo enforcement was contemplated. Under the First Amendment, RedSpeed paid for the upgrades at Finley and Roosevelt beyond what was required after the Public Works Department received a grant.

The First Amendment also memorialized the costs to upgrade the signals at North Avenue and Route 53 (\$24,222 total cost) and that the cost to upgrade this intersection would be shared equally between the Village and RedSpeed as contemplated in the original Agreement. As a result, the Village of Lombard would be required to contribute \$12,111 to provide the necessary upgrades.

You will recall that following the Village Board meeting of April 15th, and after reviewing our program after a year of being operational, the Board indicated a desire to continue the red light photo enforcement program at North Avenue and Route 53. In order to continue the program, IDOT requires that the LED upgrades be completed. However, there were naturally concerns about funding the costs of the upgrades from the Village's perspective. The First Amendment to the First Amendment to the Agreement with RedSpeed addresses the Village's concerns. Most notably, the Amendment provides that:

- RedSpeed will recoup the Village's costs for the upgrade only by retaining any monthly fees that would normally be due to the Village from monthly citation payments
- **Cost neutrality is assured to the Village.** The Village shall never have to pay RedSpeed more than the actual cash received from monthly citation payments less monthly fees **irrespective of any deficiency that may be owed from the Village to RedSpeed** at any time for the IDOT upgrade cost payments.



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In view of the protections afforded to the Village in this First Amendment to the First Amendment to the Agreement, I would respectfully recommend that the Village President be authorized to execute it. The Amendment has been signed by RedSpeed and reviewed by Attorney George Wagner of Klein, Thorpe & Jenkins. If you should have any questions, or would like additional information, please do not hesitate to contact me.

cc: Carl Goldsmith, Director of Public Works
Tim Sexton, Director of Finance