

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 2.24 OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING THE PARKING AUTHORITY BOARD SO TO MODIFY THE ENTITY'S NAME, UPDATE ITS ESTABLISHED PURPOSE AND DUTIES, AND REVISE THE TERMS OF MEMBERSHIP THERETO

WHEREAS, the Parking Authority Board proposes a change to its name to better reflect the activity of the board, updating the purpose statements to recognize the board's role in advising and overseeing transit programs, and providing for the Board to assist the City in multi-modal access involving bicycle and pedestrian facilities and improvements. The Parking Authority Board also requests a reduction in the number of members and simplification appointee representation, in addition to changes to filling vacancies consistent with what is being proposed for other boards and commissions; and

WHEREAS, the City Council finds the proposed amendments provide updated detail and clarity to the chapters below and streamline the procedure for vacancy appointments by providing for fulfillment of the current term, and the next regular term, if the current term has less than one year (12 months) remaining; and

WHEREAS, the members currently serving on the Parking Authority Board shall continue in their current positions serving their current terms as members of the Transportation and Parking Board; and

WHEREAS, the City Council finds the proposed amendments are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Chapter 2.24 establishing the Parking Authority Board is hereby amended as follows:

2.24.010 – TRANSPORTATION AND PARKING BOARD

Pursuant to the authority conferred by the City Charter, there is created an advisory Transportation and Parking Board. The purpose of the Board shall be to:

A. Review and make recommendations to the City Council regarding undertaking and adopting Parking Management Studies and Strategic Planning;

B. Review and make recommendations to City Council concerning a parking professional for management of the City's parking assets, recommend the adoption of policies to maximize the effective utilization of these assets, and to be accountable to the City Council and the Transportation and Parking Board for budgeted revenues and expenditures for parking facilities;

C. Review and make recommendations to the City Council concerning the acquisition, funding, construction and operation of parking facilities within the City, including surface parking, and proposals for future parking lots and structures;

D. To undertake, implement and oversee policies, programs and expenditures concerning transit and parking as approved by the City Council.

E. To advise City Council on multi-modal access, facilities and programs, including bicycle, pedestrian and transit, within the City of Manitou Springs and oversee implementation of transit programs operated by or on behalf of the City.

2.24.020 - Membership.

A. The Transportation and Parking Board shall consist of seven regular members appointed by the City Council who are intended represent the various parking sectors of the City, inclusive of business, residential and recreational concerns.

The City Council may also appoint up to three alternate members to the Transportation and Parking Board. Each alternate shall be appointed for a term of three years. Alternates are invited and requested to attend all meetings of the Board, but are not required to do so. Alternate members may take part in the discussion of any matter that comes before the Board. An alternate member may not vote on any such matter unless seated in place of an absent member. However, no alternate member shall be eligible to vote unless he or she has attended all of the meetings at which the matter to be voted upon has been discussed. An alternate member may be considered for appointment to fill the unexpired term of a vacant position on the Board. If so appointed, the alternate shall resign his or her alternate position.

All regular and alternate members must be qualified electors of the City of Manitou Springs.

B. Vacancies of the Transportation and Parking Board shall be filled for the remainder of the unexpired term. If there is less than one year remaining on the term, the member shall be appointed to fill the remainder of that term and the next full term.

The City Council shall have sole discretion to appoint members. If the City Council fails to appoint a member, the seat shall remain vacant until a new appointment is made by the City Council.

C. Members of the Board shall be appointed to serve three-year staggered terms commencing December 1. Terms shall be staggered based upon the initial appointments that were made to the Board's predecessor, the Parking Advisory Board, which were for one year (two members), two years (two members) and three years (three members).

D. Any members whose term expires may seek reappointment. Term limits shall not apply. Each member shall serve without compensation.

2.24.030 - City Staff

A. A non-voting City staff member shall be assigned by the City Administrator or designee to participate in discussions and support and advise the Board. Such City staff member shall serve as the liaison

between the City and any parking management vendor or parking consultant and communications between the City and parking management shall be coordinated through this staff person.

2.24.040 - Powers and duties.

The Transportation and Parking Board shall have the following powers and duties:

- A. Make recommendations to the City Council regarding the parking elements specifically including the adoption of the Parking Management Action Plan;
- B. Make recommendation to the City Council on parking fees, parking enforcement procedures, installation of pay to park devices, and provisions for parking permits within the City;
- C. Recommend to the City Council, the purchase or lease of interests in property for parking purposes within or without the City, including provisions for funding such acquisitions;
- D. Investigate and report to Council on use of various federal, state, local or private sources of funding, as may be available to fund parking services, enforcement, expansion or construction of parking facilities;
- E. Review the parking requirements in the City's development codes and make recommendations to the City Council concerning such requirements;
- F. Hear citizen comments concerning parking within the City at its regular meetings;
- G. Inform the public concerning parking facilities within the City by the use of maps and signage and by public information announcements;
- H. Provide and promote parking and transportation alternatives for employees within the City;
- I. Assist the City Council in the formulation of long-range plans for parking, including a Capital Improvement Plan for parking facilities.
- J. Communicate with the Manitou Springs Metropolitan Parking District for the purpose of coordination of the management and operations of the City and Metro District public, parking lots.

The Transportation and Parking Board shall serve solely in an advisory role, and shall have no power to act on behalf of or legally bind the City of Manitou Springs.

2.24.050 - Funding.

The City Council may provide by ordinance for the acquisition, construction, maintenance and operation of city-owned parking facilities, buildings, stations, or lots within the City and may pay for their cost by revenues assessed and collected as rentals, fees or charges from the operation of such facilities or from pay to park devices, or charges from enforcement activities or charges or from payments in lieu from development construction projects. The City may acquire and develop parking facilities by the issuance of revenue bonds of the City, which bonds may be retired by revenues generated by all parking-related activities conducted by the Transportation and Parking Board on the City's behalf.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on first reading and ordered published this 7th day of February, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the February 21, 2017 City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: February 9, 2017 (in full)
City's Official Website and City Hall

At the February 21, 2017 meeting, 2nd hearing was tabled until the March 7, 2017 meeting.
Published: February 23, 2017
City's Official Website and City Hall

Passed on second reading and adopted by City Council this 7th day of March, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Published: March 9, 2017 (in full)
City's Official Website and City Hall