

DISCUSSION DOCUMENT

Proposed changes to Calgary Parking Authority Bylaw

~~Strikethrough text~~ indicates proposed deletions
Double underlined text indicates proposed additions

BYLAW NUMBER 28M2002

BEING A BYLAW OF THE CITY OF CALGARY TO ESTABLISH THE CALGARY PARKING AUTHORITY

WHEREAS the Act provides that City Council may pass bylaws in relation to the establishment and functioning of Council committees;

AND WHEREAS s. 17 of the *Highway Traffic Act* provides that City Council may establish a commission, to be known as a parking authority, and give it power:

- (a) to operate all or any off-street parking areas, structures or facilities owned by the municipality or established on land to which the municipality has title, and
- (b) to enter into agreements with any person for the construction, operation or management of off-street parking areas, structures, or facilities, whether or not the municipality owns the land or has an interest in it;

AND WHEREAS it is desirable for the City to establish a parking authority to be entrusted with the management, control, operation, and maintenance of designated off-street parking areas, structures or facilities owned or leased by the City;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

- 1. This Bylaw may be referred to as the "Calgary Parking Authority Bylaw".
- 2. In this Bylaw, unless the context otherwise requires, the term:
 - (a) "*Act*" means the *Municipal Government Act* R.S.A. 2000, c. M-26 as amended or substituted from time to time;
 - (b) ~~"*Authority*" means Calgary Parking Authority as established pursuant to this Bylaw;~~

- (b) "Calgary Parking Authority" or "Authority" means the operational entity known as the Calgary Parking Authority and includes the General Manager and all staff reporting directly or indirectly to the General Manager;
- (b.1) "Calgary Parking Committee" or "Committee" means the committee of Council established pursuant to this Bylaw;
- (c) "City Manager" means the person designated by Council as its chief administrative officer, or his designate;
- (d) "City" means the municipal corporation of the City of Calgary or the area contained within the boundaries of the City of Calgary where the context so requires;
- (e) "Council" means the Municipal Council of the City;
- (f) "deficit" means the amount by which expenditures exceed revenue as recorded in the annual audited financial statements of the Authority;
- (g) "elector" means a person entitled to vote at municipal elections in the City;
- (h) "Elector-member" means a member of the Authority Committee who is an elector, but is not a member of Council or a member of City Administration;
- (h.1) "General Manager" means the individual appointed by the Committee pursuant to this Bylaw;
- (i) "municipal impound lot" means any area, structure or place operated and managed by the Authority for the purpose of storing seized vehicles;
- (j) "parking facilities" means any parking permit system, area, structure, street, place, device, or arrangement acquired, constructed or used for the public parking of vehicles ~~that is owned or leased by the City and which has been designated by Council for management by the Authority.~~

ESTABLISHMENT AND MANDATE OF THE PARKING AUTHORITY CALGARY PARKING COMMITTEE

3. (1) The Authority Calgary Parking Committee is hereby established ~~with~~ as a committee of Council to oversee the Authority with respect to the following purposes:
- (a) implement the parking policies and framework established by Council;
- (b) arrange for the provision of parking facilities;

- (c) manage and operate the parking facilities that are owned or leased by the City and which have been designated by Council for management by the Authority:
 - (c.1) provide parking services for parking facilities owned or leased by third parties, or manage and operate such parking facilities:
- (d) manage and operate a parking enforcement program pursuant to the provisions of the Calgary Traffic Bylaw 26M96, as amended, and the Traffic Safety Act, R.S.A. 2000, c. T-6;
 - (d.1) manage and operate municipal impound lots:
- (e) report to and advise Council, and City business units as appropriate, on matters related to the parking of vehicles in the City;
- (f) generate sufficient funds from its operation of parking facilities to finance its ongoing operations, service capital debt and meet financial return expectations established by Council;
- (g) demonstrate leadership in customer service by taking a proactive approach to customer complaints and feedback, regularly communicating with customers and establishing and tracking performance metrics;
- (h) ensure Authority operations are efficient and effective; and
- (i) to perform all duties and functions delegated by Council pursuant to this Bylaw, subject to the provisions of the Act;
- (j) manage parking permit programs:
- (k) manage records of the Authority; and
- (l) develop, maintain, utilize, enhance and/or commercialize parking-related technologies.
- (2) DELETED BY BYLAW 32M2011, 2011 APRIL 11.
- (3) To facilitate the mandate of the Authority Committee, the Authority may, with the sole approval of the Committee:
 - (a) enter into routine parking contracts with its customers;
 - (b) ~~rent surplus space, not needed for public parking purposes, without the approval of Corporate Properties, Land Committee or Council;~~
 - (c) ~~lease the parking facilities, land or space controlled by the Authority to third parties without the approval of Corporate Properties, Land Committee or Council; and~~

- (b) enter into leases, licenses of occupation or rental agreements to lease, license or rent land or space to or from third parties;
 - (d)(c) enter into agreements or joint ventures with other public agencies or private entities to operate their parking facilities for a fee for the provision of services to or the management or operation of third party owned parking facilities; and
 - (d) procure goods and services as authorized by the budget approved by Council and in accordance with the applicable Council policies, and issue purchase orders for such goods and services.
- (4) DELETED BY BYLAW 32M2011, 2011 APRIL 11.
- (5) The Authority and senior members of City administration shall work together to identify and agree on the types and levels of services that City administration will provide to the Authority including, without limitation:
- (a) legal services, as may be deemed appropriate by the City Solicitor;
 - (b) insurance and claims management;
 - (c) customer service and communications;
 - (d) information technology;
 - (e) real estate and development services;
 - (f) corporate security; and
 - (g) procurement and supply management.
- (6) The Committee may establish policies for the Authority but where it has not established a policy, the relevant Council or City administration policy will apply.

COMPOSITION OF THE AUTHORITY COMMITTEE

4. (1) The Authority Committee shall be composed of nine (9) members appointed by Council, consisting of two (2) members of Council, five (5) ~~electors~~ Elector-members and the General Manager, Transportation and the Chief Financial Officer.
- (2) The members of the Authority Committee who are Council members shall be appointed for a one year term annually at the organizational meeting of Council.

- (3) ~~The five (5) electors appointed by Council to the Authority shall not be members of Council or employees of the City.~~
- (4) The five (5) ~~elector members~~ Elector-members of the Authority Committee shall be appointed at the Organizational Meeting of Council for a term of two years, except that the first term of an elector shall be for one year only.
- (4.1) Despite subsection (4), an Elector-member may serve until his or her successor is appointed. The service of an Elector-member beyond the appointed term shall not count toward the limit on the length of service as set out in subsection (5)(a) if the additional service is one year or less.
- (5) (a) ~~Elector members~~ Elector-members may only be appointed for a total of four a maximum of three consecutive terms, for a total of ~~seven~~ six years.
- (b) Council members may only be appointed for a total of six one-year terms. Terms served by a Council member prior to October 24, 2011 shall not count towards the term limit maximum.
- (c) ~~A member may be appointed for consecutive terms.~~
- (c) Despite subsection (5)(a), an Elector-member may serve more than six consecutive years if authorized by a two-thirds vote of Council.
- (6) The Authority Committee shall identify preferred skill sets for new Authority Committee members, and provide to Council an assessment of new applicants against such skill sets for the organizational meeting of Council.
- (7) All members of the Authority Committee must attend the Authority Committee annual organizational meetings.
- (8) If the office of a any member of the Authority Committee becomes vacant, Council shall appoint another member to complete the ~~terms~~ term of that member.
- (8.1) When an appointment is made to fill an Elector-member vacancy pursuant to subsection (8):
- (a) if the balance of the term to be served is one year or less, that service shall not count toward the limit on the length of service, set out in subsection (5)(a); and
- (b) if the balance of the term to be served is more than one year, that service shall count toward the limit on the length of service set out in subsection (5)(a).
- (9) The General Manager, Transportation and the Chief Financial Officer may each appoint a designate to attend any meeting of the Authority Committee and such designate shall have the same rights and privileges as the General Manager,

Transportation and the Chief Financial Officer, including the right to debate, vote and count toward quorum.

OFFICERS OF THE AUTHORITY COMMITTEE

5. (1) The Authority Committee shall select from its Elector-members a person who shall be:
 - (a) the Chair of the Authority Committee; and
 - (b) the Vice Chair of the Authority Committee.
- (2) The selection of the Chair and Vice Chair shall be made each year at the Authority's Committee's first meeting following Council's Organizational Meeting.
- (3) The terms of the Chair and Vice Chair shall be limited to four consecutive one-year terms.
- (4) The Chair shall be responsible for the conduct of meetings of the Authority Committee, in accordance with procedures established for committees of Council.
- (5) The Vice Chair shall perform all duties of the Chair when the Chair is unable or unavailable to perform those duties.
- (6) The Chair and Vice Chair shall have a vote on all matters requiring a decision by the Authority Committee.
- (7) Each ~~elector member~~ Elector-member of the Authority Committee may be paid an amount not in excess of one thousand five hundred dollars per year, or such other amount as directed by Council, from funds generated from the operation of parking facilities.

APPOINTMENT OF THE GENERAL MANAGER

6. (1) The Authority Committee shall be responsible to engage appoint, oversee and ensure the accountability of a General Manager.
- (2) The General Manager shall manage the operations of the Authority and undertake the roles and responsibilities as established by the Committee.
- (3) The Authority Committee shall set remuneration of the General Manager.
- (4) The Committee may delegate any of its powers, duties and functions to the General Manager, except the Committee's powers pursuant to section 5 and subsections 6(1) and 6(3).

- (5) The General Manager may further delegate power, duties and functions to any person directly or indirectly reporting to the General Manager.

FINANCING OF OPERATIONS

7. (1) The Authority Committee may set parking rates for all parking facilities and may vary such rates between different structures and locations ~~in accordance with~~ subject to any policies established by Council.
- (2) The Authority Committee shall provide for the cost of management and operation of the Authority in accordance with policies established by Council, ~~to be funded by a sum, equivalent to the maximum on-street hourly parking rate in the City, from each parking violation voluntary payment made to the City in lieu of prosecution in the year along with the net annual receipts from:~~
- ~~(a) — operation of City on-street and off-street parking meters;~~
 - ~~(b) — taxi zones established;~~
 - ~~(c) — permits granted by the City for parking places;~~
 - ~~(d) — operation of the parking facilities, computed by deducting from the gross receipts:
 - ~~(i) — salaries paid to members of the Authority;~~
 - ~~(ii) — salaries paid to managers of the parking facilities;~~
 - ~~(iii) — salaries paid to all other employees of the parking facilities; and~~
 - ~~(iv) — any other deduction the Authority sees fit; and~~~~
 - ~~(e) — the occupation of real estate owned by the City and operated by the Authority.~~
- (3) The Authority Committee shall:
- (a) be subject to the direction of Council for the authorization of any public funds expended by it;
 - (b) provide the City with an annual financial statement of ~~it's~~ the Authority's operations, verified by its auditor, in a form acceptable to the City;
 - (c) annually present its proposed budget to Council for approval; and
 - (d) be subject to a financial returns policy as approved and periodically reviewed by Council.

- (4) No charge or deficit incurred by the Authority shall be included directly or indirectly in the expenditures listed in a Bylaw establishing a mill rate for taxation of the City pursuant to the Act.
- (5) Council may, in the manner provided for in the Act, enact a bylaw to levy a special local benefit assessment to finance the acquisition or construction of new parking facilities.

TITLE TO LAND

8. (1) The title to all land used in the operation of the parking facilities owned by the City pursuant to this Bylaw shall be acquired and held in the name of the City.
- (2) Upon recommendation by the Authority Committee, Council may authorize the construction of new parking facilities.
- (3) ~~The Authority shall submit~~ All proposed acquisitions and dispositions of parking facilities, other than a lease, license of occupation or rental agreement pursuant to subsection 3(3)(b), to the Land Committee of Council for its consideration and ultimate decision by Council are subject to the approval of Council.

INSPECTION OF RECORDS

9. (1) During normal office hours, the Authority Committee shall allow the City Manager or his designate, and the Chief Financial Officer or his designate, access to all books, records and accounts of the Authority.
 - (2) The Authority Committee shall assist the City officials referred to in subsection (1) to obtain and inspect any books, records, accounts or other financial information pertaining to the Authority held by the Authority or its auditor.
10. Bylaw 7343 is hereby repealed.
 11. This Bylaw comes into force on the date it is passed.