

# MOTOR VEHICLE PARKING AUTHORITY

A GUIDE FROM KLC MUNICIPAL LAW

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## **MOTOR VEHICLE PARKING AUTHORITY**

In order to play any game, you must first learn the rules. The same holds true for the law surrounding motor vehicle parking authorities. It is impossible to carry out the duties of motor vehicle parking authorities unless you familiarize yourself with the applicable state statutes, as well as your local ordinances, that govern.

Statutes are not contained in some magical spell book. There is no forbidden wisdom in a statutory code book. You do not need a law school education to understand their meaning. We wanted to remove some of the mystique from the law by compiling this simple pdf document. It contains the entire portion of Kentucky Revised Statutes which pertain to motor vehicle parking authorities.

Feel free to use this guide in any way that you deem fit. The reason we wanted to present this as a pdf though is because a pdf does have just a little bit of magic, truth be told. A pdf is word searchable. If you have the pdf on a laptop during a meeting and an issue comes up - you can plug the words in and hopefully the relevant portion of the law pertaining to motor vehicle parking authorities will pop up. Failing that, you can always call the KLC Municipal Law Department at 800.876.4552.

*The KLC Municipal Law Team*



**94.810 Creation; powers; fees; joint city-county motor vehicle parking authorities**

- (1) Any city by ordinance may create motor vehicle parking authorities, or at any time, the legislative body of a city by ordinance and the fiscal court of the county containing the city may enter into an agreement to form a joint city-county motor vehicle parking authority. Such parking authorities shall have the power of acquisition, creation and operation of public street and off-street parking facilities. The fees charged need not be limited to the cost of operation and administration but may be for revenue.
- (2) If a city, already having a motor vehicle parking authority in existence, enters into an agreement to form a joint parking authority with the county, the agreement shall provide for the assumption of the debts and liabilities of the existing parking authority by the joint parking authority and the transfer of any assets of the existing parking authority, including real property and improvements, to the joint parking authority.
- (3) The termination of an agreement between a city and county to form a joint parking authority will not result in the continued existence of a city motor vehicle parking authority, unless specifically provided for in the agreement.

**94.815 Appointment; terms; removal of members; status of authority**

- (1) A city parking authority shall consist of five (5) persons appointed by the mayor with the approval of the city legislative body, to serve as commissioners of the local parking authority. Three (3) of the commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), and three (3) years, respectively, and the remaining two (2) of such commissioners shall be designated to serve for terms of four (4) years each, from the date of their appointment. Upon expiration of the staggered terms, the successors shall be appointed for a term of four (4) years. Appointments to complete unexpired terms of office shall be made in the same manner as the original appointments.
- (2) A joint city-county parking authority shall consist of six (6) commissioners. Three (3) of the commissioners shall be appointed by the mayor with the approval of the city legislative body. Three (3) of the commissioners shall be appointed by the county judge/executive with the approval of the fiscal court. The three (3) commissioners who are first appointed by the mayor shall be designated to serve for terms of one (1), two (2) and three (3) years respectively and the same shall be true for the commissioners initially appointed by the county judge/executive. Upon expiration of the staggered terms, the successors shall be appointed for a term of four (4) years. Appointments to complete unexpired terms of office shall be made in the same manner.
- (3) The commissioners shall constitute the governing body of the parking authority and shall adopt such bylaws, rules and regulations as are necessary for governing of the authority. Any commissioner may be removed from office upon a vote of a majority of the members of the governing body which approved his appointment for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance, after at least ten (10) days' written notice of the hearing to the member whose conduct is in question and to all members of the governing body. At the hearing the member may be represented by counsel and may appear personally and present such pertinent evidence as he wishes. If after the hearing the governing body determines that he is guilty of the charges they shall remove the member from the authority within seven (7) days, and there shall be a vacancy of the office.
- (4) The commissioners of a motor vehicle parking authority are a body corporate constituting a public corporation and a governmental agency within the meaning of KRS 58.010, and shall have all the powers granted by KRS 58.010 to 58.170.



**94.820 Compensation of commissioners**

The legislative body may fix the compensation of the commissioners whose appointment they approve. The compensation of a commissioner shall not be decreased during the term to which he was appointed.

**94.830 Property exempt from condemnation**

Property now used or hereafter acquired for off-street parking by a private operator shall not be subject to condemnation.

**94.835 Rental or lease of property**

The parking authority may rent or lease to any individual, firm or corporation any portion of the premises established as an off-street parking facility for service concessions, commercial uses or otherwise, after first advertising for bids therefor by publication not less than once a week for two (2) consecutive weeks in a newspaper of general circulation in the city making two (2) publications in all.

**94.840 Interest in property or contract; disclosure**

No member or employee of a parking authority shall acquire any interest, direct or indirect, in any project or in any property including or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any member or employee of any authority owns or controls an interest, direct or indirect in any property included in any project, which interest was acquired prior to his appointment or employment, he shall disclose the same in writing to the authority at the time of his appointment and the disclosure shall be entered upon the minutes of the authority.