

Regular Town Council Workshop

March 18, 2024

1:30 PM

Town Council Chambers

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I. ZOOM LINK FOR PUBLIC PARTICIPATION

The Town reserves the right to close Public Comment via Zoom at any time. In-person comment will continue to be taken and written comments can always be submitted to Town Council by emailing: council@jacksonwy.gov.

To join, click the link or copy to your browser: <https://us02web.zoom.us/j/87609523651?pwd=b2RCeUVyWlBhODJWNHZZJRkViYjJrdz09>

Or join at zoom.com with Webinar ID **876 0952 3651** and Password: **83001** or join by phone **+1 719 359 4580**

II. CALL TO ORDER AND ROLL CALL

III. WORKSHOP ITEMS

- A. Setting FY25 Draft Revenue Projections and Reserve (Tyler Sinclair and Kelly Thompson, 30 mins)
- B. Admonishment and Censure (Lea Colasuonno, 60 mins)
- C. Potential Initiative (PI) List Review (Susan Scarlata, 30 mins)
- D. Consideration of a Request for Proposals for Parking Management Equipment and Software (Charlotte Frei and Michelle Weber, 30 mins)

IV. MATTERS FROM MAYOR AND COUNCIL

V. UPCOMING AGENDA UPDATE

- A. Council Priorities and Upcoming Agendas

VI. EXECUTIVE SESSION

Adjourn to executive session to consider, discuss and conduct safety and security planning that, if disclosed, would pose a threat to the safety of life or property pursuant to W.S. 16-4-405(a)(xii).

Please note that at any point during the meeting, the Mayor may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

STAFF REPORT



Meeting Date:	March 18, 2024	Meeting Title:	Workshop
Submitting Department:	Administration/Finance	Presenter:	Tyler Sinclair and Kelly Thompson
Agenda Item:	FY2025 Draft Sales & Lodging Tax Projections and General Fund Reserve Discussion	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to discuss and seek Council input on setting Fiscal Year 2025 sales and lodging tax budget projections and the desired General Fund reserve amount.

Requested Action.

The requested action is for Council to provide direction on setting FY2025 sales and lodging tax budget projections and the desired General Fund Reserve amount.

Recommendations.

Staff recommends Council set FY2025 sales tax projections at a 3% growth rate over estimated FY2024 actual collections, set FY2025 lodging tax projections at a 3% growth rate over estimated FY2024 actual collections and maintain the current General Fund reserve target of 25% of net operating expenditures.

Background.

The Town of Jackson has started staff level work drafting the Fiscal Year 2025 (FY25) budget.

Analysis.

One of the first steps in preparing the FY25 budget is to set the annual revenue growth rate for the upcoming fiscal year. The projected growth rate allows the Town Manager and staff to draft a balanced budget, which meets proposed budget expenditures. The Town utilizes all resources available to set these revenue projections and will continue to consider current and forward-looking revenue and expenditure trends and indicator information to help guide and inform our FY2025 budget preparations. Town staff use available methods, trends, and public sources to make this estimate but note that much of the data that drives tourism and sales tax is proprietary or is not available.

Sales and Lodging Tax

Looking back, the Town projected a 3% increase in sales tax collections for the FY24 budget over FY23 actual sales tax collections. As of January, actual collections are at 3.1% where the approved FY24 budget projected 3%. This trend means we are \$13,331 ahead projections for FY24. This difference means the Town is projected to end FY24 with \$24,190,513 in sales tax collections instead of the \$ 24,177,183 projection. The Town projected a 3% increase in Lodging tax collections for the FY24 budget over FY23 actual lodging tax collections. As of January activity, actual collections are 1.5% where the approved FY24 budget projected 3%. This trend means we are \$19,616 behind projections for FY24. This difference means the Town is projected to end FY24 with \$1,880,665 in lodging tax collections instead of the \$1,900,281 projection.

When considering resources and agencies to assist in making this projection staff focused on information related to the 6 largest sales tax categories in Teton County as follows:

<u>Minor Industry Code</u>	<u>% of Total Collections</u>
Retail Without Building & Mailorder	25%
Traveler Accommodation	19%
Full-Service Restaurants	12%
Building Material And Supplies Dealers	8%
Electronic Shopping And Mailorder Houses	7%

Government - Motor Vehicle Tax	6%
	76%

Building on this staff looked at the percentage change in these 6 categories over the past year and since 2019 as follows:

Minor Industry Code	% of Total Collections	Increase / -Decrease from Prior Period July - February 2019 vs 2024	
Retail Without Building & Mailorder	25%	31%	898,198
Traveler Accommodation	19%	76%	1,415,358
Full-Service Restaurants	12%	20%	280,659
Building Material And Supplies Dealers	8%	81%	559,465
Electronic Shopping And Mailorder Houses	7%	473%	782,276
Government - Motor Vehicle Tax	6%	47%	281,370
	76%		4,217,325

Minor Industry Code	% of Total Collections	Increase / -Decrease from Prior Period July - February 2023 vs 2024	
Retail Without Building & Mailorder	25%	0.5%	17,057
Traveler Accommodation	19%	13%	381,197
Full-Service Restaurants	12%	-3%	(49,296)
Building Material And Supplies Dealers	8%	17%	180,123
Electronic Shopping And Mailorder Houses	7%	-13%	(136,025)
Government - Motor Vehicle Tax	6%	7%	55,787
	76%		448,843

Based upon review of this information and discussions with category professionals, staff offer the following general observations:

- **Retail w/out Building & Mail Order**
 - This is the largest category including all types of retail sales excluding Building Materials and Electronic Shopping and Mail Order, for example office supplies, sporting goods, furniture stores, liquor, auto and machine equipment and parts, etc.
 - This category has seen steady growth from 2019 and from 2023 to 2024. Staff finds that the transition from bricks and mortar retail to electronic sales seems to have stabilized in recent years. Staff looks at trends in effective population which gives an indication of the amount of people including locals, commuters, and tourists in the valley purchasing goods when considering this area. In addition, staff finds that the increased wealth in the community that has risen significantly in the past few years may affect this trend going forward.
- **Travel Accommodations**

- The Travel and Tourism Board is projecting a 3-4% increase in Lodging tax collections for FY25. As a result staff is recommending a 3% increase for the Town for FY25.
- The Travel and Tourism Board is projecting Teton County to have a slightly higher occupancy over the Town for FY25. Important topics to consider for FY25 are an increase in American's travelling abroad possibly leading to a decrease in local visitation and a recent trend that "booking pace" (the amount of time prior to travel a guests books), is significantly decreasing making it much harder to project future visitation.
- Town has not added new significant Lodging supply over the past year to increase its share of Lodging Tax collections as it is collected at the point of sale. Two items of note are the Rusty Parrot Lodge and changes to short-term rental regulations may affect this number in FY25.
- Average Nightly Rates seem to be remaining steady at a high price point compared to previous years. It will be important to track summer visitation to see how/if the high average daily rates affect occupancy and length of stay which could affect local spending.

- **Full Service Restaurants**

- This category seems to track comparable to Travel Accommodations but is impacted by effective population or the total number of people in the valley, which has increased recently with second homeowners staying for longer periods of time and overall visitation up.

- **Electronic Shopping and Mail Order Houses**

- This category has seen significant growth from 2019 but has slowed recently, staff noted above that the transition from bricks and mortar shops may have stabilized leading to a more consistent trend going forward.

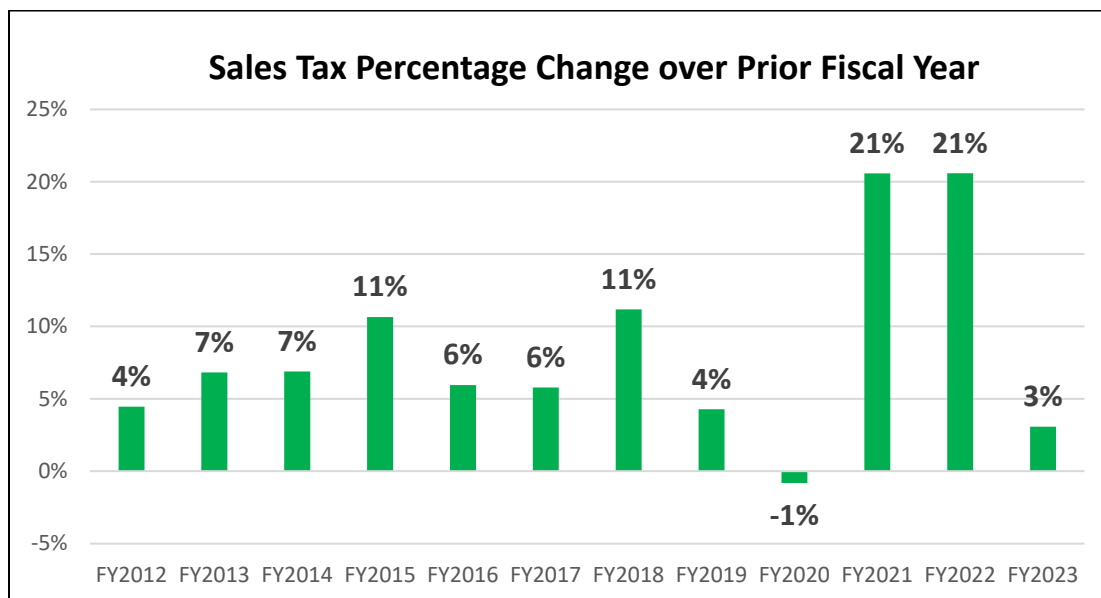
- **Building Material and Supplies Dealers**

- This year staff took a closer look into building permit data and associated purchasing and sales tax collection in this sector. We found that historically this sector is a small (8% of total sales tax revenues) and stable provider of revenue for the Town. Staff notes that even a 50% change in building industry revenue would only affect overall Town revenue by approximately 2%. About half of building permit activity is remodels/residential additions that do not add commercial floor area, lodging units, or residential units. This steady pace of construction activity protects building permit activity from falling off a cliff. Generally speaking, single dwelling units provide a floor to this category with multi-dwelling unit providing the ceiling. We build on average 85 single dwelling units per year (2002-2022 Town+County) with a standard deviation of 27 (low 43, high 131). We build 66 multi-dwelling units per year with a stand deviation of 55 (low 2, high 238). Combined all residential growth is approximately 150 units per year, this trend has been pretty stable for 2 decades. Lodging construction is similar to multi-unit construction in its construction impact and year-to-year variability. Commercial floor area construction is also highly variable year-to-year and has been in decline for 20 years. Building permit activity is not increasing but units/permit and unit/valuation are. All types of permits are taking longer to build, indicating that construction labor is the governor to this sector not demand or zoning. Construction jobs in Teton County Wyoming, Teton County Idaho and Northern Lincoln County have been flat (but moving around) since the end of the Teton County, Wyoming construction boom in 2000. A final thought on this sector is that increased wealth in our community is closely correlated with increases in construction generated sales tax revenue; and far more correlated than permit volume. As wealth in our community continues to grow so does the cost per square foot per unit leading to increased building sales tax revenue.

- **Government – Tax Collected on Motor Vehicles**

- Recent growth in this category may be attributed to increases in effective population, with more second homeowners staying longer in the valley and thus purchasing more vehicles.
- Overall, the cost of vehicles has risen significantly over recent years due to supply chain shortages leading to additional increases in this category.

In addition, staff looked at historical sales tax percentage change over prior fiscal year as shown below:



Staff notes that the community has experienced continuous growth in sales tax collections year over year since 2012, at an average of 6% per year when 2021 and 2022 are excluded.

Based upon review of this information staff is recommending a 3% growth rate increase above FY24 actual revenue for Sales Tax and 3% increase in Lodging Tax collections. This would generate approximately \$24,777,834 in Sales Tax, of which \$721,684 would be additional recurring revenue for FY25 over FY24 and \$1,937,085 in Lodging Tax of which \$56,420 would be additional recurring revenue for FY25 over FY24. This estimated tax revenue is expected to fund 75% of the General Fund. Staff has included below a chart showing a range of sales tax projections by percentage change and dollar value for consideration.

	FY2023 Actual	FY2024 Estimate	2% Projection	3% Projection	4% Projection
1% Local Sales Tax (5th Cent)	\$ 10,505,372	\$ 10,820,534	\$ 11,036,945	\$ 11,145,150	\$ 11,253,355
1% State Sales Tax	\$ 12,850,112	\$ 13,235,616	\$ 13,500,328	\$ 13,632,684	\$ 13,765,041
Total	\$ 23,355,485	\$ 24,056,150	\$ 24,537,273	\$ 24,777,834	\$ 25,018,396
Percent Change	3.1%	3.0%	2.0%	3.0%	4.0%
Dollar Change	\$ 696,952	\$ 700,665	\$ 481,123	\$ 721,684	\$ 962,246

Note: Each 1% adjustment increases or decreases revenue by \$240,561.

In addition, staff is recommending continuing our adaptable budgeting process for FY25. Similar to previous fiscal years, we propose that the Town review revenue projections quarterly and if we are leading budget projections in a notable way, we work with Council to add funding to Council priorities that were not included in the adopted budget. If projections are lagging, staff will recommend adjustments to expenditures.

General Fund Reserve

The Town does not have a formal General Fund reserve policy. The Town historically has set the General Fund budget reserve target annually during the budget review and adoption process. For FY2024, the Town's General Fund budget reserve target is as follows:

“Due to the General Fund’s reliance on elastic revenue sources and the historical uncertainty surrounding expenditures, the annual General Fund unreserved ending fund balance target is 25% of that year’s estimated net operating expenditures. However, General Fund unreserved ending fund balance will always equal or exceed at least 20% of the prior year’s net operating expenditures.”

In researching this topic last year, staff found that individual communities determined their reserve target based upon a combination of state requirements and individual/unique characteristics found in their community, there is no one-size-fits-all approach. For Jackson, staff has previously provided below areas for Council consideration as you discuss and consider this topic.

- o State of Wyoming has no statute on General Fund reserves, leaving full discretion to determine it to Council.
- o The Town is dependent on sales tax for approximately 77% of its revenue. Being so dependent on this single source of revenue leaves us subject to short-and long-term fluctuations dependent on international, national, state and local impacts. Reserves allow us to manage these fluctuations.
- o The Town must actively manage cashflow from tourism elasticity during the year due to the seasonality of sales tax collections. Reserves allow us to manage this.
- o Reserves carry the Town through declines in revenues/recessions.
 - Sufficient reserves allow time to fund critical core services while reducing Level of Service strategically.
- o Reserves allow the Town to repair and maintain our greater than \$200M invested in capital assets.
 - Inflation currently far exceeds historical replacement costs. The Town requires reserves to supplement for emergency and scheduled Capital Improvement Plan spending.

For purposes of reserve discussion, staff recommends that we limit it to the Town General Fund and not include Capital and Enterprise Funds although they are all related. Staff plans to further discuss Capital and Enterprise Fund reserves during upcoming Budget meetings.

In addition, staff has previously provided the following research related to best practice and policy from similar agencies and national organizations to assist the Town in discussing our approach to our General Fund budget reserve target for FY25.

National Organizations and Other States

- o Government Financial Officers Association (GFOA) best practice is for communities to have no less than two months of regular General Fund operating revenues or regular general fund operating expenditures.
- o International City Managers Association (ICMA) best practice regarding reserves is to ensure a minimum of six months of General Fund operating expenditures.
- o Some states, including Montana, Utah and Colorado, cap (set a maximum) the amount of reserves a jurisdiction can maintain.

Peer Communities

- o Cody: 6 months of operating expenses for the ensuing fiscal year.
- o Teton County: 2.5 months of regular, on-going operating expenses including transfers out.
- o Vail: 35% of annual revenues.
- o Park City: Maintain at approximately the legal maximum; 35% of total, estimated, fund revenues.
- o Aspen: 25% of annual appropriated expenditures, including recurring transfers.

Staff has provided the chart below for Council to consider how the various approaches to General Fund reserve translate to actual dollars. Staff have included both revenue and expenditures as various entities use both for their basis. For comparison, under the Town’s current target of maintaining a reserve of approximately 25% of that year’s estimated net operating expenditures, the Town reserve would be approximately \$9,746,000.

Basis:	20%	25%	30%	2.5 months	6 months
Revenue	6,556,000	8,195,000	9,834,000	6,829,000	16,390,000
Expenditures	7,797,000	9,746,000	11,696,000	8,122,000	19,493,000

Based upon review of this information, staff is not recommending any change to the Town General Fund reserve policy. Regarding implementation of the current policy, staff would monitor the Reserve Fund balance quarterly and if it goes below 20%, would notify Council and discuss potential budget adjustments. Similarly, if the reserve exceeds 30%, we would notify Council and discuss potential budget adjustments.

Possible Alternatives.

- To consider lower or higher Town projected sales and lodging tax projections.
- To consider an amendment to the current Town General Fund reserve target policy

Comprehensive Plan & Priority Alignment.

In order to take actions that align with and move our goals forward as outlined in the Comprehensive Plan, a sound budget is necessary, and that includes setting projected sales and lodging tax revenue. Chapter 8 - Quality Community Service Provision calls for *“Timely, efficient and safe delivery of quality services and facilities in a fiscally responsible and coordinated manner.”*

Fiscal Impact.

There is no fiscal impact associated with this report.

Staff Impact.

The staff impact of preparing this information for the March 18, 2024, meeting is approximately 25 hours.

Attachments or Links.

None

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items.*

Item A

I move to approve ___% sales and ___% lodging tax projection for development of the draft FY25 Budget.

Item B

I move to maintain the current General Fund reserve policy.

STAFF REPORT



Meeting Date:	March 18, 2024	Meeting Title:	Workshop
Submitting Department:	Legal	Presenter:	Lea Colasuonno
Agenda Item:	Censure: Consideration of Adding Admonition and Censure Procedures to Town Council Rules and Regulations	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is for Council to review and consider updates to the Town Council Rules and Procedures to implement admonition and censure procedures.

Requested Action.

Staff requests Council review and consider the attached draft Town Council Rules and Procedures for admonition and censure. Staff suggests Council read the draft Town Council Rules and Procedures before reading the staff report.

Recommendations.

Staff recommends Council review and consider the attached draft Town Council Rules and Procedures for admonition and censure. If Council is inclined to adopt censure, specific recommendations for the various constituents of admonition and censure are provided in the staff report.

Background.

The Town of Jackson has no formal mechanism for the governing body to express collective disapproval of an individual member's conduct. The established way formal governing bodies do so is by enshrining a censure process in their rules. Council previously took the following steps:

- February 9, 2023: Council directed staff to provide a scoping report about the time and staff capacity it will take to research and present a censure ordinance and policy for the Town Council.
- July 17, 2023: Staff presented a scoping report and Council directed staff to research and present a staff report on censure policy and ordinances, as appropriate, at a future Council meeting.
- October 16, 2023: Staff presented a comprehensive presentation on censure and Council considered and discussed three key policy questions, ultimately directing staff to present, *as appropriate*, ordinance(s) and additions to the Council Rules and Procedures for formal censure, admonition, and the imposition of repercussions.

Analysis & Key Policy Questions.

Based on Council direction at the October 16, 2023 meeting, the draft set of procedures attached to this staff report includes the following elements:

- **Admonition.** The attached draft for consideration includes both admonition and censure. While the latter is formal Council discipline, admonition sets up the potential (but not requirement) for an informal reprimand. Specifically, admonition is a formal letter *from the Mayor* reminding a Councilmember that a particular type of behavior violates a standard of conduct, and that, if it occurs, persists beyond a single marginal incident, or is found to have occurred to a serious degree, it could lead to censure.
- **Trigger for Censure and Admonition is Specified.** As discussed in October 2023 and in more detail below, the draft attached for review sets out five standards that, if violated, may result in admonition or censure. In short, the draft strikes a balance between using too general of a trigger (e.g., "conduct that amounts to moral turpitude") and too narrow of one (e.g., "any violation of the Council Rules and Procedures or state law").
- **Procedures.** The draft has three procedures. **First**, admonition has its own procedure, which is more limited than censure and, again, is not Council action. **Second**, there is a procedure for censure for a violation of a standard

that occurs *during a Council* meeting. And **third**, there is a procedure for censure for a violation of a standard that occurs *outside of a Council* meeting. Two censure procedures were set up to account for the fact that who has information and evidence is different when a violation occurs during versus outside of a Council meeting.

- **Addition of Potential Repercussions for Violations.** As previously discussed, Council has the ability to temporarily suspend a Councilmember from privileges, and options provided for consideration were: Travel paid for by the Town, participation in “Chats with Council,” representing Council in a liaison role, and sitting on Council committees or taskforces. In working through the standards for which a Councilmember may be censured, and specifically for inappropriate conduct (i.e., harassing, discriminatory, abusive, disrespectful, indignant) toward another (including other Councilmembers or staff) three more options were added, specifically being temporarily prevented from: attendance at staff functions or meetings, meeting one-on-one with staff, and presence in Town facilities other than for Council Meetings.

Key Policy Question 1: If Council is inclined to adopt procedures, should they include admonition or only censure?

As discussed previously, there is no requirement to include admonition in the Council’s discipline procedures. Some bodies (whether cities, boards, or multi-state organizations, etc.) include it, while others do not. The benefits to having it include i) the opportunity to educate a member that may not have considered the violative nature of an action (or series of actions), ii) access to a graduated system to put a member on notice before moving to the more serious censure process, and iii) given mayors already mediate conflict among members, i.e., perform this function informally and out of public view, providing a clear process to graduate from that to a formal, public process supports effective governance. Potential downsides to admonition, on the other hand, include, first, the potential for abuse, i.e., repetitious use and a member using it as a platform for grandstanding and, second and relatedly, the mayor being placed in the role of a public arbiter for tit-for-tat complaints. In short, admonition should not be used in lieu of members resolving conflict through civil discourse between themselves and having it in place makes that possible.

Key highlights to how admonition is drafted include:

1. Admonition is not Council action; it is mayoral action alone.
2. The request for admonition occurs publicly during Matters from Mayor and Council.
3. The request requires the requesting member to specify, in writing, the conduct at issue by including the date and details of the alleged violation as well as the standard they allege was violated. This (and element No. 2) serves multiple purposes – requiring public remarks and a prepared written allegation requires the requesting member to seriously consider their request, and both requirements clarify the issue for the Mayor and the public.
4. Admonition requests are concluded in public during Matters From Mayor and Council. This serves the dual purposes of ensuring the public and public record are clear about the result of the admonition request and ensures, though not formal Council discipline, the subject member’s conduct is appropriately publicized (if admonition is warranted that is established and if it was not warranted that is also made clear).
5. The final decision on whether to issue the letter of admonition or to issue a letter that admonition was not warranted rests with the mayor, but the mayor is limited to those two options.
6. Admonition does not require investigation, but may include it. The reasoning for not *requiring* investigation is because the violations for which admonition are appropriate are, generally, minor. If the alleged violation occurred to a “serious degree” or persisted “beyond a marginal incident” or there is concern that it did, the option investigation remains available.
7. Following up a request for admonition – whether an investigation is instigated or not – is carried out by the mayor.

Some options for Council with respect to admonition, include:

1. Making it Council action (rather than mayoral action).
 - ✓ It is not drafted this way because the disadvantage is that there is then, effectively, no difference between admonition and censure and admonition serves no utility.
2. Moving admonition to a non-public process.

- ✓ It is not drafted this way because the disadvantage is that it is not transparent, dulling some of its effect and, more importantly, creating an air of secrecy and mystery around Council for the public.
- 3. Adjust individual procedural elements.
 - ✓ The draft intentionally requires Councilmembers to write and publicly state their request, the Town Manager to accept the complaint, and mayor to provide one of two letters to create clarity around the process and ensure the process is completed.
- 4. Having a third-party support the mayor in following up on a request for admonition.
 - ✓ Staff ultimately placed the responsibility on the mayor for admonition (not censure) due to its, expected, limited nature, the mayor's elevated stature and responsibility for Council as a body, and ultimate duty of the mayor to foster a functioning governing body. There is not a clear disadvantage to having a third-party support the mayor in the admonition process.
- 5. Eliminating admonition from the Council discipline procedures.
 - ✓ As noted, admonition is not required.

Staff Recommendation: If Council is inclined to adopt disciplinary procedures, staff recommends including admonition. While there are pros and cons, staff finds adding the option for this process will more likely than not foster, promote, and maintain effective governance because it provides a means for members to process grievances of established norms.

Key Policy Question 2: If Council is inclined to adopt procedures, what set of standards will be the trigger for admonition and censure?

The hallmark of issuing an admonition or censure is when members of a governing body conduct themselves in ways that injure the good name and reputation of a city, that undermine the effectiveness of the governing body as a whole, the integrity of the government, and the trust of the public in its public officers. Undermining integrity and trust in people and institutions can be instigated and furthered by a broad spectrum of conduct. As a result, a challenge in crafting the basis for censure lies in crafting a standard that is neither too general (e.g., Council Working Agreements have imprecise language) nor too specific (e.g., only using one single rule of debate as a basis). Three approaches to dealing with this challenge are:

Approach 1: Set out a specific list of standards for which admonition or censure may result. An example of this is:
The following constitute the Laws and Regulations which may give rise to a request for censure: . . . California Political Reform Act of 1974 . . . Regulations of the Fair Political Practices Commission. . . Statutes concerning conflicts in government contracts . . . Statutes concerning political activity of city officers . . . Statutes concerning unlawful use of government resources . . . Title 7 of the Civil Rights Act or the Fair Employment and Housing Act.

A strength of this approach is its clarity.

Weaknesses to this approach include the ability for a member to navigate around the specific list to avoid censure, and making the list so long it is endless and unwieldy. The latter can be mitigated by limiting the list, while the former is very difficult to allay.

Approach 2: Set out one or a few deliberately crafted sentences that permit censure for conduct that, in day-to-day parlance, falls within the category of "inappropriate." An example of this is:

All elected officials of the city are expected to conform to the highest standards of personal and professional conduct. The Council shall have the power to adopt, by a two-thirds vote, a resolution of censure with respect to any member of the Council whose actions constitute a gross failure to meet such high standards, even if the action does not constitute a ground for removal from office under the Charter.

A strength of this approach is that it fixes the issue of a calculating, clever navigation around the rules.

A weakness of this approach is that the language could be so broad that it fails to provide notice of the conduct that subjects one to censure.

An additional issue that is not a weakness in the approach itself, but rather in its execution, is the failure by members to use censure language appropriately. On one hand, it is possible the broadness of the language captures so much conduct that it becomes susceptible to abuse (overuse for thin transgressions) thus devaluing censure, on the other hand, the same broadness can lead to the failure to use censure when appropriate (underuse) which ultimately leads to non-action despite serious transgressions of norms. Mitigation strategies for these are to draft carefully with awareness of the issue, to adopt this type of standard consciously and knowingly, and include procedural guardrails to moderate potential overuse.

Approach 3: Combine the first two approaches by listing specific triggers and including a clause specific to conduct that falls outside of those triggers, but nonetheless is censurable. An example of this is that, generally, the United States House of Representatives may censure members for:

Violations of statutory law, including crimes; for violations of internal congressional rules; or for any conduct which the House of Representatives finds has reflected discredit upon the institution.

The strength of this approach is that it mitigates the weaknesses listed above.

The weaknesses are those listed above, and the corresponding mitigation strategies apply.

Staff Recommendation: If Council is inclined to adopt censure procedures, staff recommends, and the attached draft reflects, Approach 3 because conduct violations do severely injure the functioning of the Council as a whole, undermine public confidence and trust in Council, tarnish the Town's reputation, and impair the ability of the government to function, meaning setting up a censure procedure without recognizing that is deficient. The attached draft includes the following:

1. *Specific sections of Rules and Procedures.* These govern conduct within Council meetings, however, not all of the Rules and Procedures are relevant to Council conduct, thus those that are relevant are listed and the others excluded. Included provisions are:
 - ✓ Section VII Rules of Debate covering issues such as being recognized by the mayor, taking turns speaking, and time limits for comments.
 - ✓ Section IX Rules of Decorum prohibiting delaying, disrupting, impeding the order and decorum of meetings, and interrupting other Councilmembers.
 - ✓ Section XVIII Town Council Board and Committee Liaisons setting forth the affirmative and negative duties/role of Councilmembers when serving as liaisons.
 - ✓ Section XX Town Attorney prohibiting requesting the Town Attorney to undertake research, legal work, preparing ordinances/resolutions without Council action or, in emergencies, approval from the mayor.
 - ✓ Section XXI Research for Members of the Town Council prohibiting requesting staff undertake research and the like without working through the Town Manager.
 - ✓ Section XXII Official Correspondence from the Mayor or Members of the Town Council prohibiting councilmembers from sending letters on official letterhead as a councilmember approving/disapproving positions without a vote of Council (in contrast to personal letters).
2. *Applicable Provisions of the Statutes for Government Ethics and Confidentiality.* Wyo. Stat. § 9-13-101 to § 9-13-107 and Wyo. Stat. § 16-4-405(b), which are the state standard for municipal elected officials.

3. *Respecting the Policy Role of Town Officials.* Interfering with the structure of the Town government and hindering staff's responsibility for the execution of decisions of the Council as a body debilitates government. Thus, this standard provides that all members shall respect that Council determines the policies of the Town with the advice, information, and analysis provided by staff, contracted professional services providers, the public, as well as board, taskforce, and commission members resulting in the Town Manager implementing those policies. Council members shall not interfere with the administrative functions of the Town or the professional duties of Town staff nor shall they impair the ability of staff to implement Council decisions.
4. *Respecting Council Decisions.* While discourse and expression of individual perspectives is important *during* decision making, once a decision is made supporting the legitimacy and authority of the final determination and not undermining the final, collective Council decision is required.
5. *Integrity of Council.* The general conduct clause was crafted by **a)** acknowledging both personal and professional conduct standards are relevant in public service, **b)** limiting the universe of people the standards apply to (members of Council; Town staff; board, taskforce, and commission members; contracted professional services providers; and the public), and **c)** using well-established, circumscribed standards (treating these others with dignity and respect; prohibiting abusive, harassing, or discriminatory conduct; prohibiting defamatory personal attacks, and prohibiting attacks upon motives or character).

Options for Council with respect to the triggers, include:

1. Choose a different approach (staff recommends Approach 3).
2. Have a set of triggers for admonition and a set of triggers for censure.
3. Subtracting or adding provisions from the Council Rules and Procedures that could trigger admonition or censure.
4. Add ethical standards to the state minimums provided.
5. Change the language of one or more of triggers 3, 4, or 5.
6. Not include one or more of triggers 1-5.
7. Add an additional provision to the staff list of 1-5.

Key Policy Question 3: If Council is inclined to adopt procedures, is it comfortable with the overarching procedural structure?

At the October meeting, Council directed both admonition and censure to be presented. In doing so, staff made intentional and specific decisions about how these process will function as a complete set of discipline – i.e., how they relate to each other, how they function individually, and the Council role vis-à-vis professional staff's role. The skeleton of that structure, which is **staff's recommendation** and reflected in the draft, is as follows:

1. Both admonition and censure have the same triggers.
2. Both admonition and censure are public, requiring a requesting member to write their alleged complaint with specificity, publicly state it, and provide it to the Town Manager at a Matters from Mayor and Council.
3. Both admonition and censure conclude publicly.
4. Both admonition and censure have definite time periods, after which a complaint cannot be brought.
5. Both admonition and censure include process to ensure accused members are treated fairly, specifically informed of the allegation, given time to prepare a defense, to appear and defend themselves, and to be fairly treated; however, the process for being fairly treated differs between admonition, censure for conduct during a Council meeting, and censure for conduct outside of a Council meeting.
6. Neither admonition nor censure have public comment.

7. Admonition is a mayoral action: It is executed by the mayor, including an investigation if it occurs (not required), and is a final decision of the mayor.
8. Censure is formal Council action and includes support from staff (for conduct during a Council meeting) and from staff and an outside third-party (for censure for conduct outside of a Council meeting).
9. Censure is bifurcated: 1) There is a procedure for alleging a standard was violated during Council meetings, and 2) there is a procedure for alleging a standard was violated outside of a Council meeting.

Key Policy Question 4: If Council is inclined to adopt procedures, does it want penalties as an option for censure and, second, if so, which potential penalties?

At the October 2023 meeting Council requested a draft with potential repercussions – i.e., if a censure will be issued, Council would be able to do so without or with penalties. As discussed, these potential consequences do not implicate the rights of councilmembers as elected officials and members would be suspended temporarily for definite timeframes. The initial staff report included four penalty options, but staff ultimately recommends seven as follows:

1. Travel paid for by the Town.
2. Participation in “Chats with Council.”
3. Representing Council in a liaison role.
4. Sitting on Council committees or taskforces.
5. Attendance at staff functions or meetings.
6. Meeting one-on-one with staff.
7. Presence in Town facilities other than for Council Meetings.

Staff Recommendation: If Council is inclined to adopt potential penalties to accompany its censure procedures, staff recommends these seven penalties be included. While the first four consequences focus on a members public activities that are voluntary engagement opportunities Council makes available for its members (travel, liaison, committee, Chats with Council), the latter were added to address Council interaction with staff at voluntary events developed by the Town – 1) attending staff functions (holiday parties, summer barbeques, monthly department events), meeting with staff privately (meeting with staff with another person is retained to ensure Councilmembers can fulfill a need for information regarding items before the body), and general presence in Town facilities divorced from their official duties at a meeting. These items were added to address situations where censure occurred because of inappropriate conduct vis-à-vis staff.

Possible Alternatives.

Council could elect to:

- 1) Maintain the status quo and not adopt a censure procedure.
- 2) Direct staff to make changes to the draft Council Rules and Regulations (various options are provided above).

Comprehensive Plan & Priority Alignment.

Enshrining rules of procedure for internal operations meets Section 8 of the Comprehensive Plan, providing quality community services by supporting the ability to timely and efficiently delivering quality government services.

Fiscal Impact.

The direct fiscal impact of this item is zero, as no external costs are incurred to amend the Council Rules and Procedures.

Staff Impact.

The staff impact of this item was sustained mostly in the Legal Department, wherein research, as well as drafting of the procedure, staff report, and PowerPoint took place. The Town Attorney closely consulted and coordinated with Administration in finalizing the recommendations. In total the Legal Department spent 80 hours on this item (since its inception) and the Administration, 20 hours.

Attachments or Links.

- 1) Council Rules and Procedures with the draft new Section XXV.
- 2) October 16, 2023 Staff Report

Suggested Motion.

I move to adopt the updated Council Rules and Procedures as presented.

Section XXV. Censure and Admonition

- A. Purpose. The Council is committed to the ethical practice of government in service of the residents of the community. It is the policy of the Town Council that all of its members conform to certain standards and that failure to do so tends to injure the good name of the Town and undermine the effectiveness of the Town Council as a whole. If a member is accused of failing to meet the standards, they have the right to be informed of the allegation and given time to prepare a defense, to appear and defend themselves, and to be fairly treated. This Section sets out the standards and procedures for the Town Council for admonition and censure.
- B. Violations of the below standards (“Standards”) may form the basis for admonition or censure.
 - 1. *Sections of these Rules and Procedures.* Section VII Rules of Debate; Section IX Rules of Decorum; Section XVIII Town Council Board and Committee Liaisons; Section XX Town Attorney; Section XXI Research for Members of the Town Council; and Section XXII Official Correspondence from the Mayor or Members of the Town Council.
 - 2. *Applicable Provisions of the Statutes for Government Ethics and Confidentiality.* Wyo. Stat. § 9-13-101 to § 9-13-107 and Wyo. Stat. § 16-4-405(b), as the same may be amended.
 - 3. *Policy Role of Town Officials.* Councilmembers shall respect and adhere to the Town Manager structure of the Town government. In this structure, Council determines the policies of the Town with the advice, information, and analysis provided by staff, contracted professional services providers, the public, as well as board, taskforce, and commission members resulting in the Town Manager implementing those policies. Councilmembers shall not interfere with the administrative functions of the Town or the professional duties of Town staff nor shall they impair the ability of staff to implement Council decisions.
 - 4. *Council Decisions.* Expression of individual thoughts, ideas, and points of view is to be respected and encouraged as integral to the Council’s decision-making process. Once a decision is made by the Council, each Councilmember shall support the legitimacy and authority of the final determination of the Council, irrespective of their personal position on the issue, and shall not take actions outside the meeting that are aimed at undermining a Council decision.
 - 5. *Integrity of Council.* Councilmembers shall conform to the highest standards of personal and professional conduct. Councilmembers shall treat members of Council; Town staff; board, taskforce, and commission members; contracted professional services providers; and the public with dignity and respect, and shall refrain from abusive, harassing, or discriminatory conduct against these parties, defamatory personal attacks against them, as well as attacks upon their character or motives.
- C. Admonition. Admonition is a formal letter issued by the Mayor for specified conduct that violates the Standards, reminding a member that a particular type of behavior is in violation. An admonition may be directed to any member of the Town Council, reminding them that a particular type of behavior violates the Standards, and that, if it occurs, persists beyond a single marginal incident, or is found to have occurred to a serious degree, it could subject the member to censure. An admonition may be issued in response to a particular alleged action or actions. An admonition may be issued without a formal investigation or hearing because it is a warning or reminder. An admonition is not Council action.
- D. Censure. Censure is an official condemnation by Town Council in response to specified conduct by one

of its own members. Censure should not follow an occasional error in judgment, which occurs in good faith and is unintentional. Censure is disciplinary in nature and requires the formal adoption of a resolution setting forth the subject Councilmember's alleged violations of the Standards, after a public hearing, and vote by Council. Censure may include an investigation and will protect the due process rights of the subject Councilmember. Censure carries no fine or suspension of the rights of the Councilmember as an elected official.

E. Admonition Procedure.

1. Contents. The Mayor or any Councilmember may file a written admonition complaint concerning an alleged violation of the Standards by another member or the Mayor. The complaint shall include the following:
 - a. Specific statements, including dates of incidence(s) and supporting evidence of specific conduct, alleged to violate the Standards.
 - b. Specific references to sections of the Standards the complainant alleges were violated.
2. Filing. Admonition complaints shall be stated publicly during Matters from Mayor and Council and the written complaint shall be simultaneously delivered to the Town Manager. Complaints must be filed within thirty (30) calendar days of discovering the alleged violation.
3. Investigation. The Mayor (or if the Mayor is involved, the Mayor Pro Tempore; or if the Mayor and the Mayor Pro Tempore are involved, the acting Mayor Pro Tempore; or if Mayor, the Mayor Pro Tempore, and the acting Mayor Pro Tempore are involved, the longest serving Councilmember, and if two members have served the same amount of time, the member whose last name is first alphabetically), is not required to, but may, investigate the facts in an admonition allegation as necessary.
4. Determination. Whether an investigation is undertaken or not, within fifteen (15) calendar days from the date a complaint is filed, the Mayor (or appropriate Councilmember) shall provide one of the following:
 - a. A letter of admonition counseling the subject member about the conduct executed by the Mayor (or appropriate Councilmember). The letter shall be appended to an agenda item under Matters from Mayor and Council.
 - b. A letter summarizing the finding that admonition was not warranted executed by the Mayor (or appropriate Councilmember). The letter shall be appended to an agenda item under Matters from Mayor and Council.
5. No public comment will be taken on an admonition letter.

F. Censure Procedure for Conduct During Council Meetings.

1. With respect to alleged violations of Standards occurring during a Council meeting, there is no need for external testimony since the witnesses are Councilmembers and were present, thus a censure hearing shall proceed without external witnesses.
2. Complaint Procedure.

- a. Contents. The Mayor or any Councilmember may file a written complaint concerning an alleged violation of the Standards by another member or the Mayor. The complaint shall include the following:
 - a. Specific statements, including dates of incidence(s) and supporting evidence of specific conduct, alleged to violate the Standards.
 - b. Specific references to sections of the Standards the complainant alleges were violated.
 - b. Filing. Complaints shall be stated publicly during Matters from Mayor and Council and the written complaint shall be simultaneously delivered to the Town Manager. Complaints must be filed within thirty (30) calendar days of discovering the alleged violation.
 3. Hearing Motion. A Councilmember may move at the Council meeting in which the complaint is filed, or the meeting immediately following that includes a Matters from Mayor and Council, but no other meeting, to have a censure hearing placed on the next Town Council meeting and noticed on the agenda consistent with these Rules and Procedures. The motion shall direct staff to include a draft censure resolution. The subject Councilmember shall have the right to be heard prior to any decision by Council on the matter.
 4. Vote and Resolution.
 - a. A vote on a motion to censure a Councilmember requires a 2/3 majority of Council to pass, not a majority of the Councilmembers present, unless a quorum of three Councilmembers are present, in which case a unanimous vote to censure is required.
 - b. A motion for censure must include that Council finds, by a preponderance of the evidence, that the subject Councilmember's conduct violated the Standards and must adopt a Resolution of Censure.
 - c. A motion may include repercussions suspending the subject member from one or more of the following privileges for a specified temporary period of time:
 - a. Travel paid for by the Town.
 - b. Participation in "Chats with Council."
 - c. Representing Council in a liaison role.
 - d. Sitting on Council committees or taskforces.
 - e. Attendance at staff functions or meetings.
 - f. Meeting one-on-one with staff.
 - g. Presence in Town facilities other than for Council Meetings.
 - d. The subject Councilmember may participate in deliberations and vote on the censure resolution.
 - e. No public comment will be taken on a censure resolution.
- G. Censure Procedure for Conduct Outside Meetings.
 1. Contents. The Mayor or any Councilmember may file a written complaint concerning an alleged violation of the Standards by another member or the Mayor for conduct occurring outside a

Council meeting. The complaint shall include the following:

- a. Specific statements, including dates of incidence(s) and supporting evidence of specific conduct, alleged to violate the Standards.
 - b. Specific references to sections of the Standards the complainant alleges were violated.
2. Filing. Censure complaints shall be stated publicly during Matters from Mayor and Council and the written complaint shall be simultaneously delivered to the Town Manager. The Town Manager shall forward the complaint to all Councilmembers. Complaints must be filed within ninety (90) calendar days of discovering the alleged violation.
3. Investigation. The Town Manager, or their designee, shall engage a third-party (person or entity) with the requisite knowledge, skills, and expertise to investigate the complaint and provide a report, including a conclusion as to whether a preponderance of evidence exists to warrant censure to the Town Manager, or their designee.
4. Report. Within thirty (30) calendar days from the date a complaint is filed, the Town Manager, or their designee, shall disseminate the written report from the third party to all Councilmembers.
 - a. If a preponderance of evidence exists to warrant censure, a censure hearing, including the report and a draft censure resolution, shall be placed on a Town Council meeting, noticed on the agenda consistent with these Rules and Procedures, but in no case less than 20 days or more than 45 days after the report was provided to Council.
 - b. If there is not a preponderance of evidence to warrant censure, the complaint shall not proceed to censure, and the report may recommend an admonition be issued to counsel the subject member about the conduct that gave rise to the complaint. If admonition is recommended, the report shall include a draft of the letter of admonition.
5. Hearing. The subject Councilmember shall be afforded the opportunity for a hearing at a Town Council meeting, if the subject member so elects.
 - a. The hearing shall be chaired by the Mayor (or if the Mayor is involved, the Mayor Pro Tempore; or if the Mayor and the Mayor Pro Tempore are involved, the acting Mayor Pro Tempore; or if Mayor, the Mayor Pro Tempore, and the acting Mayor Pro Tempore are involved, the longest serving Councilmember, and if two members have served the same amount of time, the member whose last name is first alphabetically).
 - b. The hearing chair shall introduce the agenda item, including, at a minimum, reading the allegations.
 - c. The hearing chair shall allow the subject Councilmember and the Councilmember that filed the complaint to give an opening statement (if they so elect) of no more than three (3) minutes in length each.
 - d. The hearing chair shall allow the councilmember that filed the complaint to present testimony, limited to five (5) minutes in length.
 - e. The hearing chair shall allow the subject Councilmember to present testimony, limited

to five (5) minutes in length.

- f. The hearing chair shall allow the subject Councilmember and the councilmember that filed the complaint to each give a closing statement (if they so elect) of no more than three (3) minutes in length each.
- g. Either the Councilmember that made the complaint or the subject Councilmember may request to extend the time limits noted above. The hearing chair may extend a time limit if they determine that additional speaking time is necessary to adequately address the allegations.

6. Vote and Resolution.

- a. A vote on a motion to censure a Councilmember requires a 2/3 majority of the Council to pass, not a majority of the Councilmembers present, unless a quorum of three Councilmembers are present, in which case a unanimous vote to censure is required.
- b. A motion for censure must include that Council finds, by a preponderance of the evidence, that the subject Councilmember's conduct violated the Standards and must adopt a Resolution of Censure.
- c. A motion may include repercussions suspending the subject member from one or more of the following privileges for a specified temporary period of time:
 - a. Travel paid for by the Town.
 - b. Participation in "Chats with Council."
 - c. Representing Council in a liaison role.
 - d. Sitting on Council committees or taskforces.
 - e. Attendance at staff functions or meetings.
 - f. Meeting one-on-one with staff.
 - g. Presence in Town facilities other than for Council Meetings.
- d. The subject Councilmember may participate in deliberations and vote on the censure resolution.
- e. No public comment will be taken on a censure resolution.

STAFF REPORT



Meeting Date:	October 16, 2023	Meeting Title:	Workshop
Submitting Department:	Legal	Presenter:	Lea Colasuonno
Agenda Item:	Consideration of Adding Censure to Town of Jackson Municipal Code	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is for Council to review and consider adding censure to Town of Jackson Municipal Code.

Requested Action.

Staff requests Council review and consider adding censure to Town of Jackson Municipal Code and the Council Rules and Procedures.

Recommendations.

Staff recommends Council review and consider adding censure to Town of Jackson Municipal Code and the Council Rules and Procedures.

Background.

At its February 9, 2023 meeting, Town Council directed staff to provide a scoping report about the time and staff capacity it will take to research and present a censure ordinance and policy for the Town Council. Staff presented the scoping report at the July 17, 2023 Council Meeting, during which Council directed staff to research and present a censure policy and ordinances, as appropriate, at a future Council meeting.

Analysis & Key Policy Questions.

What is the definition of "censure"?

As a general matter, "censure" is a formal, majority vote of the governing body on a resolution disapproving a member's conduct. As the Supreme Court noted in a recent 2022 case on the subject, censure has occurred since colonial times and continues today. Censure is public with due process, including ordinances or rules (authorized by ordinance) detailing the reasons censure can be initiated, the investigation steps, and the public presentation of findings, a defense, final decision and, if deemed appropriate, a censure resolution.

Are there actions Council can take short of formal "censure"?

Yes, many cities include not just censure in their ordinances and rules but also some lesser level of disapproval of the conduct of a member, commonly referred to as "reprimand" or "admonition," to address conduct that falls short of warranting formal censure, but is nonetheless out of line with the governing body's Rules and Procedures, values as expressed in the working agreement, state laws, or Town policies. These often take the form of a reminder to a member that a particular type of behavior falls outside these norms, and that, if it occurs, persists beyond a single marginal incident, or is found to have occurred to a serious degree, could subject the member to censure. These usually take the form of a vote of Council recorded in the minutes, with no accompanying resolution.

What is the "punishment" involved in censuring a member?

As stated, censure is a resolution by the entire Council stating its disapproval of a member's conduct, and that public resolution itself is the "punishment" for the conduct.

Are there additional repercussions Council can issue when a member's conduct violates Council values, Town law, or policies?

Yes, it is possible to authorize other repercussions, specifically, suspending a member from certain privileges of being a member of the Jackson Town Council. Importantly, what the member could be suspended from are self-created opportunities the Council invented for its members. They are not statutory duties associated with being a councilmember. Concisely put, these repercussions do not interfere with or exclude the member from performing the essential functions of their elected position. Examples include prohibiting a member, for a specified amount of time, from:

- Travel to represent the Council.
- Participation in “Chats with Council.”
- Liaison positions.
- Sitting on Council committees or taskforces.

Key Policy Question 1: Does Council want to enact a censure ordinance (and the associated process and procedures)?

- The advantages to having a censure ordinance and accompanying process and procedure is that it sets expectations for Councilmembers, the Town organization, and the public, i.e., it establishes behavioral criterion and a course of action for transgressions of them. There are no clear disadvantages to establishing a censure ordinance.

Key Policy Question 2: Does Council want to enact an admonition ordinance (and the associated process and procedures)?

- The advantages of enacting a “reprimand” or “admonition” ordinance and accompanying process and procedure are that they allow Council to address conduct that falls short of warranting formal censure, but is nonetheless out of line with the governing body’s values, laws, or policies, thus enabling graduated or hierarchical actions that put a Councilmember on notice of issues with their conduct and providing the member the opportunity to change course before formal censure. A potential disadvantage, it could be argued, is that this creates a lack of clarity for members and too much process. In sum, one could take the position that a member acts in a way that is censurable or not, and that there is nothing in between.

Key Policy Question 3: If Council is inclined to put censure in place, does it also want to include the potential for “penalties” or “repercussions”?

- The advantages to this addition fall under the possibility that the formal reading of a resolution is simply not adequate in some situations, thus having some additional options is warranted. Second, it could be argued that it is possible in today’s political climate that a resolution would operate as an incentive for some offenders, posited as evidence that their behavior was righteous, and boasted as a badge of honor, thus having either no or a negligible effect.

Possible Alternatives.

Council could elect not to add censure or lesser counterparts (admonition or reprimand) to the Code and the Council Rules and Procedures.

Comprehensive Plan & Priority Alignment.

Not applicable.

Fiscal Impact.

The fiscal impact of this item, should Council elect to enact censure, includes ordinance and resolution adoption. Once ordinances pass three readings, there are costs associated with advertising that may run approximately \$1000 per ordinance, depending on the length. Resolutions have no cost associated their passage. There is no direct cost to amend the Rules and Procedures.

Staff Impact.

The staff impact of this item was sustained in the Legal Department, wherein research, as well as ordinance, procedure, staff report, and PowerPoint drafting took place. The Town Attorney coordinated with the Town Manager in finalizing the recommendations. In total the Legal Department spent 18 hours on this item and the Town Manager, 4 hours. Should Town Council proceed with adoption of censure provisions, updating the Council Rules and Procedures and the steps involved in that process would amount to an additional 7 hours of staff time.

Attachments or Links.

- None.

Suggested Motion.

I move to direct staff to present appropriate ordinance(s) and additions to the Council Rules and Procedures for censure at a future Council meeting.

STAFF REPORT



Meeting Date:	March 18, 2024	Meeting Title:	Town Council Workshop
Submitting Department:	Town Manager's Office	Presenter:	Susan Scarlata
Agenda Item:	Review of Potential Initiatives (PI) List	Public Comment:	Yes

Purpose & Policy Considerations.

Town Council recently requested a review of its Potential Initiatives (PI), which was started in 2022 as a 'parking lot' for items that Town Council wants to flag but that are not current priorities for work by Town staff.

Requested Action.

Staff requests Council read this staff report, consider culling some items from the PI List, which are being addressed, and discuss potential options for assessing the PI list.

Recommendations.

Staff recommend removing items analyzed below and maintaining the PI list without prioritizing items on it.

Background.

The current PI list started to be maintained at Town Council's retreat in January of 2023. Items have been added to the PI List both as Councilmembers have requested and after hearing scoping reports with items that did not rise to priority level for the body. At Council's 2024 retreat, working with senior staff, items brought forward ended up in four possible categories as follows.

- Council's Calendar and Work Plan
- Staff Threshold
- Ongoing
- PI List

Items with support from a majority of Councilmembers populated Council's calendar and Work Plan. Items brought forward by staff that do not necessarily need a considerable amount of Council consideration or action this year such as the AV Update to Council Chambers and the Policy Manual Update, were categorized as "Staff Threshold." Items Council had already voted forward such as a potential Long-Term Lease for the Fair and Rodeo grounds and renewal of the Equity Task Force, were categorized as "Ongoing." Items that did not end up in any of the other three categories were placed on the Potential Initiatives (PI) List, which is a "parking lot" that documents potential items for consideration at future retreats and/or if time becomes available.

Analysis & Key Questions.

A screenshot of the PI List is included below and there are some items on it that are being addressed in this year's work plan, so they can likely be removed. This includes:

- ✓ The 'Long-Term Budget Situation and Implications,' will be addressed in discussions of 'Budget Strategy,' which is a big part of Council's current calendar and Work Plan.
- ✓ Between the Town's 'Budget Strategy' discussions and 'Joint Funding' dialogue with the County, 'Adding a Mill of Property Tax' and a 'Lodging Tax Increase' may also be addressed.
- ✓ Over the last year, the Town invested considerable time in its relationship with the county through the 'Joint Funding Task Force' and will do so again as work begins to update the Joint Powers Agreement for Fire/EMS, meaning the 'Invest More Time in Relationship w/ County' item is/will be addressed.

- ✓ Additionally, the Town Manager is working on a structural reorganization, which will ideally address the 'Prioritizing Organizational Transformation,' item and lessen the need for an outside evaluator to assess 'Org. Structure and Transformation.'
- ✓ Finally, creation of the Town Manager's office and future plan to further prioritize strategy will also mean there is not a need for the 'Senior Staff Being Strategic & Proactive' item.

Removing these 7 items would leave 9 from 2023 and 15 from 2024.

POTENTIAL INITIATIVE (PI) LIST		
ITEMS	REQUESTOR	DATE OF REQUEST
2024		
Dog Off-Leash/Dog In Park Ordinance Review	HML	26-Feb-24
Workforce Housing Mitigation	Council	Jan '24 Retreat
Alternate-Side Winter Parking	Council	Jan '24 Retreat
Re-Evaluation of 2:1 Workforce Bonus	Council	Jan '24 Retreat
Snow King Event Center Improvements	Council	Jan '24 Retreat
LDR General Update 2024	Council	Jan '24 Retreat
Comprehensive Update to Town Planning Fees	Council	Jan '24 Retreat
Hillside LDR Update	Council	Jan '24 Retreat
Fire/EMS Vol/Staffing Model & Dynamics	Council	Jan '24 Retreat
Fire/EMS Continued Growth/Demand	Council	Jan '24 Retreat
Willow & Gill Safe Streets	Council	Jan '24 Retreat
5-year CIP & Equity Framework	Council	Jan '24 Retreat
Title 5: Revenue or Compliance	Council	Jan '24 Retreat
Future Staffing for Town Departments	Council	Jan '24 Retreat
Town Employee Housing Strategy	Council	Jan '24 Retreat
2023		
Comprehensive Parking Review	JR	13-Nov-23
Long-Term Budget Situation & Implications	JSC	13-Nov-23
Indoor Vaping Ordinance	Council vote after Scoping	17-Jul-23
Franchise Request from Toro Blanco Group	AJ	1-May-23
Invest More Time in Relationship w/ County	JR	Feb. '23 Retreat
Information Technology 5-Year Work Plan	JSC	Feb. '23 Retreat
Geographic Information System (GIS)	JSC	Feb. '23 Retreat
Revisit Comp Plan Definitions of 'Healthy Community'	JR	Feb. '23 Retreat
Revisit Comp Plan Definitions of 'Healthy Economy'	JS	Feb. '23 Retreat
Alternative Forms of Government, Expanding # of Council Seats	JSC	Feb. '23 Retreat
Outside Evaluator to Assess Org. Structure & Transformation	JS	Feb. '23 Retreat
Adding Mill of Property Tax	AJ	Feb. '23 Retreat
Town Manager Prioritizing Organizational transformation	JS	Feb. '23 Retreat
Senior Staff Building in Time to be Strategic & Proactive	JS	Feb. '23 Retreat
Lodging Tax Increase	AJ	Feb. '23 Retreat
County Water Sewer Connections & Staffing	AJ	Feb. '23 Retreat

Key Question #1: Is Council comfortable removing the items mentioned above related to the budget, revenue, internal structure and strategic work, and the Town's relationship with the County?

Key Question #2: Do Councilmembers that proposed any other items listed wish to remove them?

Key Question #3: Is there anything else listed that Councilmembers would like to vote on removing?

Prioritization

Staff does not recommend prioritizing the PI list because even if time becomes available on Council's Calendar, there are still many other factors that must be considered before staff can work on additional items. Staff capacity and department plans are laid out each year based on job duties, planning documents, and Council's Priorities. Adding items mid-course is rarely possible, especially for high-impact and/or heavy lift items that will take significant time and effort. Staff could support Council in prioritizing 3 to 5 items on the PI List through an email process utilizing the Delphi Method. If Council chooses to prioritize the PI List through discussion or a method other than the Delphi, it will need to occur at an additional meeting.

Key Question #4: Is Council interested in prioritizing the PI List?

Possible Alternatives.

Council could choose not to make any changes to the PI List.

Comprehensive Plan & Priority Alignment.

The Comp Plan's vision is to 'Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for future and current generations. Just like braided strands within a rope create its core, appreciation of the ecosystem in all aspects of our life is only as strong as our commitment to all three Common Values: Ecosystem Stewardship; Growth Management; and Quality of Life. Town Staff does its best to keep these common values in mind in supporting Town Council with its calendar and priorities to help ensure the Town is operating in ways that align with our community's macro-level vision to help achieve it.

Fiscal Impact.

There is no fiscal impact for this item at this time.

Staff Impact.

Staff in the Town Manager's office work to maintain, update, and share the Potential Initiatives list. Staff spent a total of 8 hours writing, analyzing, and updating this staff report.

Attachments or Links.

NA

Suggested Motion.

I move to remove items listed in this staff report and additional items discussed.

STAFF REPORT



Meeting Date:	March 18, 2024	Meeting Title:	Town Council Workshop
Submitting Department:	County Administration/Jackson Police Department	Presenter:	Charlotte Frei & Chief Michelle Weber
Agenda Item:	Consideration of a Request for Proposals for parking management equipment and software	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is for the Town Council to consider directing staff to draft an RFP to procure an electronic “armbar” for use at the Millward & Simpson Parking Garage (“Parking Garage”).

Requested Action.

Staff requests Council review the attached materials and consider directing staff to draft and release an RFP to procure a software-as-a-service and equipment vendor to deliver and install appropriate technology for parking enforcement at the Parking Garage.

Recommendations.

Staff recommends Council direct staff to draft an appropriate RFP and release it through the Town’s procurement process.

Background

Staff has identified ongoing issues at the Parking Garage, and staff worked with the Town Manager to bring this item before Town Council.

The Town of Jackson website states that the Parking Garage is “located at the intersection of Millward and Simpson and connected to the Vertical Harvest greenhouse, just a few blocks from the Town Square. Parking is allowed here for up to 48-hours at a time, except the top level from 3-7 am from November 1 to April 15. This free parking garage also has a free electric charging station.”

PURPOSE OF PARKING GARAGE: The Parking Garage contains 209 covered spaces on levels 1, 2, and 3 combined plus 70 spaces on the uncovered 4th floor. In the 2019 Downtown Parking study, the consultant (Kimley Horn) recommended this lot be converted to 48-hour parking and that downtown businesses encourage their employees to park here so that street parking would be available to customers of businesses. In conjunction with the 3-hour on-street parking limit, it was expected that this would make the Parking Garage the most reasonable alternative for downtown employees. Appropriate electrical conduit was installed when the Parking Garage was constructed anticipating installation of parking management equipment at a later date.

The Center For the Arts (CFA) was required to pay for a portion of the construction of the Parking Garage to offset CFA’s on-site parking requirements; CFA has an agreement with the Town to pay construction costs for 147 spaces (51.9% of the total spaces). The spaces are not allocated exclusively to CFA users; any space is free to any user unless signed otherwise (*e.g.*, for EV charging or veterans)

HISTORY OF ISSUES: The Parking Garage has a history of challenges. The 48-hour limit allows for more uses than just day parking for downtown employees. During the summer months, travelers or seasonal employees who live in their vehicles use the Parking Garage to park for several days, and sometimes these temporary residents leave human waste in the Parking Garage since restrooms are locked overnight. Town Public Works staff or White Glove Cleaning (contracted to clean restrooms) clean up after this unintended use. Second, anecdotally, staff are also aware that guests of Springhill Suites may use the Parking Garage to avoid paying for the garage

under the Springhill Suites. Additionally, Jackson PD Community Service Officers (CSOs) also observe Turo vehicles (a short-term car rental option) and other personal vehicles regularly using the Parking Garage for longer-term vehicle storage. Business and personal storage users move their vehicles to a different space every 48 hours. The Parking Garage is signed for stays of up to 48-hours, and vehicles should leave the Parking Garage after 48 hours (and then re-enter if needed).

One of the recommendations of the 2019 Downtown Parking study was to eliminate the Taxi2Fly program to free up space for downtown employees to park. Furthermore, the Downtown Parking Study objective #4 indicated 'Employees' are the highest priority user group for off-street parking facilities such as the Parking Garage (Objectives 1, 2, and 3 noted that on-street parking facilities should be prioritized for Customers and visitors, RVs, Transit, residents/guests, and freight depending on location). From the study:

“Reasoning: Long-term vehicle storage should not be considered a priority use of the Parking Garage during the peak summer season. By freeing up approximately 70 vehicle parking spaces within the Parking Garage during the peak summer season (141 spaces during the winter), employees who previously parked in the Home Ranch lot can be directed to the Parking Garage.

Intended Outcomes: Increased parking availability within the Parking Garage that can be used by employees (priority user group #1) as well as customers and visitors.”

CAPACITY OF PD: To patrol the Parking Garage, CSOs initially walk through the entire Parking Garage on foot and mark vehicles with a chalk line. This gives them an idea of the likely citations. Then the CSO drives through the Parking Garage to write citations. The process of walking, marking, and writing citations takes a CSO approximately 2 hours per enforcement trip, and CSOs may visit the Parking Garage 2 or more times each day.

MOST RECENT ISSUES: In November 2023, a CSO observed several rental car employees moving cars around the Parking Garage so that the chalk lines (used to determine whether a vehicle has been parked longer than 48 hours) would not be detected by Jackson PD. Such behaviors (to avoid exiting after the 48-hour limit) could be eliminated altogether by an armbar with license plate reader technology (described in more detail in the **Analysis** section).

PARKING UTILIZATION IN SUMMER AND WINTER: CSOs note that utilization of the parking structure tends to increase in winter. Overall, from December 16-31 indoor spaces were occupied 62%-89%; overall utilization of the top/uncovered floor varied from 0-9%. CSOs noted that the top floor tends to be utilized more during the summer months. August 2018 parking utilization data for the Parking Garage suggests that 50-65% of garage spaces are utilized during peak summer days/times. CSOs note winter parking use tends to be higher because on-street parking is not permitted overnight.

Furthermore, the Jackson PD data gathering noted that:

“There were 14 vehicles that were recorded at all 16 data collections. Of these vehicles, one was a permitted vehicle, and one was an exempt vehicle. This leaves 12 vehicles that are possibly utilizing the parking structure as a permanent location. Outside of when other community service officers and I catch individuals trying to move their vehicle from one spot to another, it is not typically possible to confirm [whether] these vehicles are ... leaving the structure for the required 3 hours before parking again.”

With twelve vehicles observed across all 16 collections and observations ranging from 130 to 193 vehicles occupying the entire structure, Jackson PD's data suggests that as much as 9% of the Parking Garage space may be used as a long-term parking solution for individuals or businesses.

OBJECTIVES: Per the 2019 Downtown Parking Management Strategy, the objective of the Parking Garage is to provide a reliable parking alternative for employees, customers, and visitors to Jackson. The Parking Garage is

also the permitted location for four (4) residents of Pearl at Jackson Affordable Homeowners; thoughtful shared parking arrangements (such as where employees park during the day and residents can park overnight) can help reduce overall community parking needs. Commercial vehicle storage/staging and long-term personal vehicle storage in the Parking Garage are not among the identified objectives of the 2019 Downtown Parking Management Plan.

Analysis.

Based on data collected by CSO Barnett (attached) and the experience of other Jackson PD officers, a significant portion of the Parking Garage is occupied by businesses and individuals that were not priority user groups identified in the 2019 Downtown Parking Management Plan. The current 48-hour limit at the Parking Garage is not encouraging the desired uses for the Parking Garage. Staff analysis suggests a parking management mechanism, such as an 'armbar' that controls and monitors entries and exits, is needed to resolve the use of the structure and the enforcement/management impacts on Jackson PD and Town Public Works.

PARKING MANAGEMENT TECHNOLOGY:

Many vendors offer parking management equipment and software. Parking technology vendors can propose the appropriate combination of license-plate recognition devices, cameras, armbars, ticket vending machines, and kiosks to serve the specific needs of a community or a given location. Staff has done preliminary research and determined many parking issues could be resolved and goals could be met by using parking management technology:

1. **Reduce the burden on the Jackson PD by automating parking policy enforcement:** Automated technology can issue a ticket when a vehicle approaches the gate and the driver presses a button to request an entry ticket. The equipment will not issue a ticket to a pedestrian or bicyclist, and the ticket is associated with the license plate on the vehicle attempting to enter. If the vehicle attempts to back out of the garage to give the ticket to someone else (or another vehicle), the system will invalidate the ticket immediately. Because the ticket is linked to a specific license plate, someone could not pull a ticket and attempt to use it to exit the Parking Garage with another vehicle that has already been parked inside. In other words, the ticket is only valid if it is issued to a person in a vehicle and that vehicle crosses the gate. The entry ticket must be used to exit the Parking Garage, and the parking management software can be configured to charge for parking over a certain amount of time.
2. **Reduce commercial and overnight use:** As noted above, a smart parking management system enforces parking restrictions through a system of monitoring with cameras and other equipment. An entry ticket is associated with a vehicle, which will discourage commercial vehicles and other longer-term storage users. A payment system can be designed to further discourage overnight parking that creates additional work/clean-up for PD and Public Works.
3. **Improve parking turnover:** The highly configurable technology can be programmed to allow for up to 8 or 10 hours of parking for free, then stays over 10 hours could have a sliding payment scale to discourage stays longer than e.g. 15 hours. The time limit and sliding payment scale can be configured to achieve the policy objectives and desired uses of the Parking Garage. By setting time limits that are automatically enforced, turnover is encouraged without a need for more officer patrols.
4. **Ensure parking is available for downtown employees and residents:** Many parking management technology vendors can program access via a 'key fob' or RFID badge. For example, a resident of an affordable housing development can use their key fob to park as needed in the garage without using entry tickets. Employee badges could be programmed to permit access to the garage. Technology can also facilitate parking entry ticket validation for customers shopping at local businesses.
5. **Improves alignment with housing, transportation, land use, and level of service policy goals adopted by elected officials:** Reducing site-specific parking requirements can help the Town of Jackson meet transportation and housing goals, and using technology to manage parking dynamically can help reduce

site-specific parking needs. Reducing the workload on Jackson PD allows officers to redirect their time to higher and better uses.

Staff also visited with Jackson Hole Airport operations staff to understand their experience with SkiData as a parking equipment and management software provider. Airport operations staff noted that when prior to implementation, they walked the 381 spaces in the rental/long-term parking lot for 3 hours each day chalking vehicles and writing citations. After the installation of the SKIDATA system, staff estimated they spend a maximum of 30 minutes per day addressing parking issues, a reduction of 83% of staff time. Note there are 279 spaces in the Parking Garage compared to 381 in the Airport long-term parking lot.

In short, parking management technology is highly configurable. Parking technology features can be implemented in combinations that facilitate the Town's transportation and public space policy objectives.

INTERDEPARTMENTAL STAFF INPUT:

Parking issues in the downtown area generally, and in the Parking Garage specifically, involve multiple Departments. As noted above, both PD and Public Works spend staff time addressing impacts of non-compliance. The Public Works Department believes parking management should be a priority initiative to alleviate not only the issues discussed above, but also other issues related to streets management. The Planning Department notes that Springhill Suites guests have paid Springhill Suites parking available to them. Transportation staff note that managing parking is a critical task to realizing the transportation vision of the Comprehensive Plan and Integrated Transportation Plan.

Alternatives.

- To consider no changes to technology or enforcement.
- To consider reducing the free parking period from 48 hours to a shorter time span (this would involve updating signs and manual enforcement practices accordingly).

Comprehensive Plan & Priority Alignment.

The guiding vision and chapter goal for Multimodal Transportation (Chapter 7) of the Comprehensive Plan is:

Travel by walk, bike, carpool, or transit will be more convenient than travel by single-occupancy vehicle.

Chapters 7 and 8 of the Comprehensive Plan Principles include:

“Principle 7.1 – Meet future transportation demand with walk, bike, carpool, transit and micromobility infrastructure”, and

“Policy 8.1.a: Maintain current, coordinated plans for delivery of desired service levels

Exploring parking management technology at the Parking Garage will allow law enforcement (specifically Jackson PD) to manage service levels. Parking management technology will also allow transportation staff to understand Parking Garage demand to manage service levels and evaluate community-wide transportation demand management strategies. An armbar is expected to be less time-consuming for staff than the current patrol process; the armbar could reduce staff time at the Parking Garage by up to 80%. Parking management technology can also provide automated data for transportation planning staff to evaluate the success of parking policies in the Town of Jackson to inform future policy and programming.

Fiscal Impact.

Staff's preliminary estimate, based on a high-level review of software and equipment vendors, is that software and equipment can be procured for less than \$250,000. There will be an ongoing annual maintenance fee which staff estimates to be approximately \$25,000.

In return for this capital outlay and annual maintenance fee, Jackson PD and Town Public Works will have more time in their day for other tasks than patrolling and maintaining the parking garage, respectively. Public Works and Transportation staff will have valuable data to make informed policy recommendations to Town Council.

The Town of Jackson has \$223,216 in parking exactions, which are restricted to use on parking projects, to fund this program.

Staff Impact.

The amount of staff time to develop this staff report included 25 hours for Jackson PD to conduct the parking study, meetings and staff report. Transportation staff spent 6 hours in meetings and working on this staff report. Town Planning and Public Works Directors each spent one hour discussing the contents of staff report.

Attachments or Links.

Parking Structure Study by CSO Raquel G. Barnett, dated January 5, 2024

Suggested Motion.

I move to direct staff to develop a Request for Proposals (RFP) to procure parking management equipment and software and release the RFP via the Town of Jackson procurement process.

Jackson Police Department

Parking Structure Study

160 S. Millward Street

Jackson, WY 83001



Raquel G. Barnett

Community Service Officer

January 5, 2024

TABLE OF CONTENTS

Purpose	p. 2
Background	p. 2
Methods	p. 3
Findings	p. 5
Analysis	p. 9
Conclusions	p. 11
Appendix A: Parking Structure Maps	p. 12

PURPOSE

An observational study was conducted in the parking structure at 160 South Millward Street in Jackson, WY to evaluate occupancy levels. Results from this study will help inform stakeholders on how the parking structure can be managed to best serve the community moving forward.

BACKGROUND

In December 2023, I was asked by Chief Michelle Weber to conduct a parking study regarding the vehicle occupancy of the parking structure at 160 South Millward Street. The findings from the study are intended to help with understanding the overall usage of the structure and provide key data to inform future decision making regarding the management of the parking structure.

As a community service officer, I have spent many hours and days walking up and down the parking structure rows. My initial observations of the structure are that it is a facility used often by employees, visitors, and residents. The utilization rate of the structure flows with the seasons and fluctuates greatly based on events currently happening in town. For example, when the Center for the Arts holds special events, the parking structure is often full for the first 3 floors.

There is a noticeable influx of vehicles utilizing the parking structure starting November 1st, when vehicles are no longer allowed to park on town streets from 0300-0700 hours. In the winter months, there have been several vehicles that never appear to leave the structure. The current ordinances for the parking structure impose a 48-hour limit on all parked vehicles (**10.04.225A**). By or at the 48-hour mark, a vehicle must leave the structure for 3 hours prior to parking again. This ordinance is currently enforced by community service officers chalking tires with dates and returning 48 hours later to issue citations for unmoved vehicles. This enforcement method has been successful enough to result in 71 violations in November 2023 and 71 violations in December 2023. These numbers are a stark jump from just 11 citations for 48-hour violations in September 2023. The current enforcement methods make it difficult to identify when vehicles have simply been moved across the row to a different spot.

METHODS

Orientation of Parking Structure Spaces

A map of the parking structure was created to track precise parking space usage (see **Appendix A: Parking Structure Map**). The parking spots are numbered starting on the south-east corner of the bottom (first) floor. Starting at number “1”, spaces count up the exterior rows of the structure. At the last exterior spot on the fourth floor, the numbers continue to count up as you move down the interior spots. In total there are 279 parking spaces available in the structure. Seventy of the parking spaces are on the top (fourth) floor and 209 spaces are indoor on floors one through three.

Data Collection

Each data collection began at spot number one and followed the numbered spaces. If a vehicle was occupying a spot, the license plate, temporary license plate, or VIN was recorded. If there was not a vehicle occupying a spot, the spot was marked as empty. Occasionally, vehicles in the parking structure were not parked in any space. For these vehicles, the license plate and floor number of the vehicle were recorded. These vehicles were not attributed to a numbered space; however, they were included in any calculations surrounding occupancy. Additional information that was noted includes: any vehicle that displayed an official parking structure parking pass, vehicles that displayed exempt plates, and vehicles that could be identified as commercial use.

Data was collected from December 16th, 2023, through December 31st, 2023. An initial data collection was completed on Saturday December 16th at 1045 hours, concluding at 1208 hours. Other collection dates are Sunday December 17th, Thursday December 21st, Sunday December 24th, Thursday December 28th, and Sunday December 31st. On these dates a collection was completed in the morning, midday, and evening to observe the occupancy at different parts of the day. On the 17th, 21st, and 24th the collections were completed at approximately 0800, 1300, and 1830 hours each day. In order to get an idea of what kind of vehicles were staying overnight, collections were completed at approximately 0615, 1045, and 1545 hours on the 24th and 28th.

All collected data was consolidated into an excel workbook. The data sets were then three pertinent groupings. The data sets are labeled as: “COMPLETE – Floors 1-4”, “INDOOR – Floors 1-3”, and “OUTDOOR - Floor 4”.

Occupancy Calculations

Using the collected data, several calculations were made to help interpret occupancy totals and to define the types of usage occurring. Below is a description of each of the calculations.

Occupied #

Total number of vehicles inside the parking structure during the present data collection. This count includes any vehicles that were not in a designated spot.

Total % Occupied

The percentage of parking spaces occupied by a vehicle during the current data collection. This value is calculated by dividing *Occupied #* by the total number of available parking spaces, 279. This value was also calculated for the 209 Indoor spaces and 70 outdoor spaces by dividing the number of vehicles in each section by the number of available spaces in that section.

% of Occupied

This value is the calculated percentage that a given category of vehicle makes up of the present *Occupied #* of vehicles. This value has been calculated for the commercial, exempt, and permit vehicle categories.

Commercial

A count of commercial vehicles in the parking structure. Vehicles that were flagged as commercial use either had explicit vehicle markings for a business or were fleet vehicles that appeared to be stored in the structure but not actively rented at the time. Ordinance **10.04.225C** prohibits commercial vehicles in the parking structure and defines a commercial vehicle as “any self-propelled or towed vehicle capable of carrying ten or more persons exclusive of the driver, whether a van, truck, bus, or otherwise; or any self-propelled or towed vehicle used to transport persons and property in the furtherance of any commercial or business purposes; or any self-propelled or towed vehicle used in commerce to transport passengers or cargo.”.

Exempt

A count of exempt vehicles in the parking structure. This includes city, county, and other vehicles with official exempt license plates displayed.

Permit

A count of vehicles displaying official parking permits in the parking structure. At this time of this study, there are 4 official parking permits specially issued to residents of townhomes at the corner of Jackson Street and Pearl Avenue.

Vehicle Recurrence

Beyond total occupancies, the collected data was analyzed to assess how vehicles utilize the parking structure. This was achieved by taking the first collection of license plates on December 16th and tracking those 160 plates across the other 15 collections. By tracking plates over time, we can better understand how often and how long vehicles may be utilizing the facility.

FINDINGS

Complete: Floors 1-4

Date	12/16	12/17	12/17	12/17	12/21	12/21	12/21	12/24
Hours	1045	0800	1300	1800	0810	1300	1800	0800
Occupied #	160	193	147	168	142	136	132	185
% Occupied	57%	69%	53%	60%	51%	49%	47%	66%
Commercial	11	10	6	10	6	3	4	4
% of Occupied	8%	5%	4%	6%	4%	2%	3%	2%
Exempt	3	3	3	2	1	1	3	2
% of Occupied	2%	2%	2%	1%	1%	1%	2%	1%
Permit	1	1	1	1	1	1	1	2
% of Occupied	1%	1%	1%	1%	1%	1%	1%	1%
Date	12/24	12/24	12/28	12/28	12/28	12/31	12/31	12/31
Hours	1300	1800	0630	1030	1600	0600	1100	1530
Occupied #	144	151	182	130	130	186	139	130
% Occupied	52%	54%	65%	47%	47%	67%	50%	47%
Commercial	4	6	2	2	1	2	1	0
% of Occupied	3%	4%	1%	2%	1%	1%	1%	0%
Exempt	2	2	2	2	2	3	3	3
% of Occupied	1%	1%	1%	2%	2%	2%	2%	2%
Permit	2	2	2	2	2	2	2	2
% of Occupied	1%	1%	1%	2%	2%	1%	1%	2%

Chart 1.1: This chart displays the calculated figures for occupancy for the entire parking structure for each date and time of data collection.

Indoor: Floors 1-3

Date	12/16	12/17	12/17	12/17	12/21	12/21	12/21	12/24
Hours	1045	0800	1300	1800	0810	1300	1800	0800
Occupied #	153	180	137	162	142	136	132	179
% Occupied	73%	86%	66%	78%	68%	65%	63%	86%
Commercial	11	10	6	10	6	3	4	4
% of Occupied	7%	6%	4%	6%	4%	2%	3%	2%
Exempt	3	3	3	2	1	1	3	2
% of Occupied	2%	2%	2%	1%	1%	1%	2%	1%
Permit	1	1	1	1	1	1	1	2
% of Occupied	1%	1%	1%	1%	1%	1%	1%	1%
Date	12/24	12/24	12/28	12/28	12/28	12/31	12/31	12/31
Hours	1300	1800	0630	1030	1600	0600	1100	1530
Occupied #	138	149	182	129	130	186	139	129
% Occupied	66%	71%	87%	62%	62%	89%	67%	62%
Commercial	4	6	2	2	1	2	1	0
% of Occupied	3%	4%	1%	2%	1%	1%	1%	0%
Exempt	2	2	2	2	2	3	3	3
% of Occupied	1%	1%	1%	2%	2%	2%	2%	2%
Permit	2	2	2	2	2	2	2	2
% of Occupied	1%	1%	1%	2%	2%	1%	1%	2%

Chart 1.2: This chart displays the calculated figures for occupancy for the indoor portion of the parking structure for each date and time of data collection. The indoor portion of the parking structure includes floors 1-3.

Outside: Floor 4

Date	12/16	12/17	12/17	12/17	12/21	12/21	12/21	12/24
Hours	1045	0800	1300	1800	0810	1300	1800	0800
Occupied #	7	13	10	6	0	0	0	6
% Occupied	10%	19%	14%	9%	0%	0%	0%	9%
Commercial	0	0	0	0	0	0	0	0
% of Occupied	0%	0%	0%	0%	0%	0%	0%	0%
Exempt	0	0	0	0	0	0	0	0
% of Occupied	0%	0%	0%	0%	0%	0%	0%	0%
Permit	0	0	0	0	0	0	0	0
% of Occupied	0%	0%	0%	0%	0%	0%	0%	0%
Date	12/24	12/24	12/28	12/28	12/28	12/31	12/31	12/31
Hours	1300	1800	0630	1030	1600	0600	1100	1530
Occupied #	6	2	0	1	0	0	0	1
% Occupied	9%	3%	0%	1%	0%	0%	0%	1%
Commercial	0	0	0	0	0	0	0	0
% of Occupied	0%	0%	0%	0%	0%	0%	0%	0%
Exempt	0	0	0	0	0	0	0	0
% of Occupied	0%	0%	0%	0%	0%	0%	0%	0%
Permit	0	0	0	0	0	0	0	0
% of Occupied	0%	0%	0%	0%	0%	0%	0%	0%

Chart 1.3: This chart displays the calculated figures for occupancy for the outdoor portion of the parking structure for each date and time of data collection. The outdoor portion of the parking structure includes only floor 4.

Recurrence of Vehicles

Occurrences	Number of Vehicles
1	21
2	12
3	14
4	19
5	10
6	4
7	15
8	12
9	7
10	3
11	8
12	4
13	4
14	7
15	5
16	14
21	1

Chart 2.1: This chart displays the number of times vehicle plates were recorded across the 16 separate data collections on different days and times.

ANALYSIS

Overall Occupancy: Floors 1-4

The highest observed occupancy in the parking structure was 193 vehicles, or 69%, on December 17th at 0800 hours. The lowest occupancy observed in the parking structure was 130 vehicles, or 47% occupancy on three separate data collections. The overall average occupancy across all data sets was 153 vehicles, or 55% occupancy. The average morning, mid-day, and evening occupancies were 178 (64%), 143 (51%), and 142 (51%), respectively. The higher morning occupancy rate may be explained by an overlap of overnight stay vehicles and individuals arriving in town for the day or work. Vehicles left over from overnight parking alone could also be an explanation for elevated morning occupancy.

Indoor Occupancy: Floors 1-3

The peak observed occupancy of the indoor section was 186 vehicles, or 89%, on December 31st at 0600 hours. The lowest occupancy observed for floors 1-3 was 129 vehicles, or 62% occupancy on two separate data collections. The overall average occupancy across all data sets was 150 vehicles, or 72% occupancy.

Outdoor Occupancy: Floor 4

There was a low occupancy rate observed across all data sets for the fourth floor. This result is likely contributed to by winter weather considerations as well as ordinances preventing parking from 0300-0700 hours on the fourth floor to allow for snow removal this time of year. Based on my experience, this section of the parking structure is used much more in the summer months.

Commercial Vehicles

Commercial vehicle numbers were overall low and proceeded to get lower as the study progressed. It is possible that data sets may have skewed information due to the proximity of the study to the holiday season. In general, many businesses have time off and might not be travelling to Jackson as much as they typically do. Additionally, fleet vehicles that I have typically observed being consistently present in the parking structure were not recorded. Due to the holiday an influx of travelers may have resulted in these fleet vehicles being rented out and parked elsewhere for much of the study duration.

Another note to consider on the number of commercial vehicles is the enforcement done in the previous few months to deter commercial use of the parking structure. For example, in the month of November 2023, 11 citations for no commercial vehicles in the parking structure (**10.04.225C**) were issued. The number of citations does not include the numerous written warnings that were issued. Cited commercial vehicles of note were property management vehicles, cleaning company vehicles, and taxis. Commercial vehicle drivers might be interested in utilizing the parking structure if the ordinance were ever to change.

Indicating vehicles that fit into the commercial category also presented some challenges. While some commercial vehicles are clearly marked, others were inferred to be commercial use from observation and officer experience. Clues that pointed to commercial use vehicles included vehicle lack of personal belongings, frequency of occupancy in the structure, matching vehicle models with similar plates, and observation of a singular individual moving multiple vehicles. These parameters aside, it is likely that there are a greater number of commercial vehicles present that have managed to go undetected.

Aside from specifically commercial vehicles, there is no present way to track commercial usage of the structure. While not explicitly prohibited, neighboring hotels utilize the parking structure for housing their guests' vehicles rather than needing to provide their own accommodations for their customers. As the demand for parking grows, the unmonitored commercial usage of the parking structure may put a strain on this public amenity in the future.

Exempt Vehicles

There is nothing particularly of note to report regarding exempt vehicles. There were three different exempt vehicles observed in the structure over the study duration: one state, one community college, and one county vehicle.

Vehicle Recurrence

Of the 160 plates tracked from the initial license plate collection, the most common occurrence of a license plate was those that were recorded that single time with a total of 21 vehicles. A high number of single instance plates could suggest a decent turnover of short-term parked vehicles.

The second most common occurrence was 19 vehicles that appeared 4 times in the study. I took a closer look at the occurrences of vehicles that appeared in 4 data collections to see to interpret the nature of their visits. When reviewing the dates and recorded spots of each occurrence, I observed that 8 of the vehicles were collected as four in a row suggesting a one-time overnight stay. Seven of the vehicles had clearly visited the structure on two or more separate occasions. The last four were collected in a row but were split between 2-3 spots suggesting they either moved their vehicle or left for a short while before returning to a new parking space.

There were 14 vehicles that were recorded at all 16 data collections. Of these vehicles, one was a permitted vehicle, and one was an exempt vehicle. This leaves 12 vehicles that are possibly utilizing the parking structure as a permanent location. Outside of when other community service officers and I catch individuals trying to move their vehicle from one spot to another, it is not typically possible to confirm that these vehicles are not leaving the structure for the required 3 hours before parking again.

There is an outlier displayed on the chart where one plate was counted at 21 recurrences, which is more than the total 16 data collections. While synthesizing the data for December 31st I noticed that I had recorded the same plate twice on two of the data collections but only one occurrence of this plate on the third collection that day. This information suggests that an individual has spit their license plates and is displaying one on the rear of the registered vehicle and one on the rear of a different vehicle, resulting in occurrences greater than the total number of data collections.

CONCLUSION

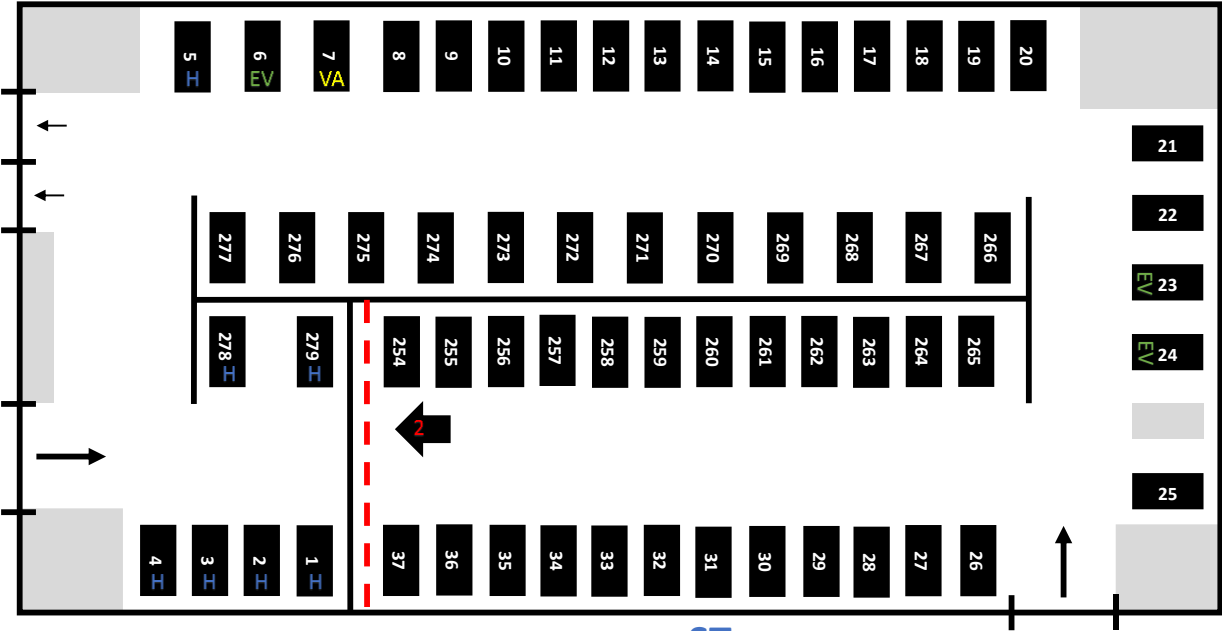
The parking structure is a community amenity widely utilized throughout the year. The parking structure provides reliable parking for local employees, visitors, and residents. Based on the collected data, the utilization of the structure is very mixed. Some vehicles pay the parking structure multiple quick visits or an overnight stay while it appears that other vehicles may be making the parking structure their permanent home this time of year.

Occupancy rates in the structure are highest in the morning at an average occupancy of 64%, or 174 vehicles. Comparing the total average occupancy of 55% vs average indoor occupancy of 72%, we can see that indoor parking sees significantly greater utilization this time of year. It's important to highlight that the peak recorded indoor occupancy was 186 vehicles, or 89%, which is notably close to indoor capacity.

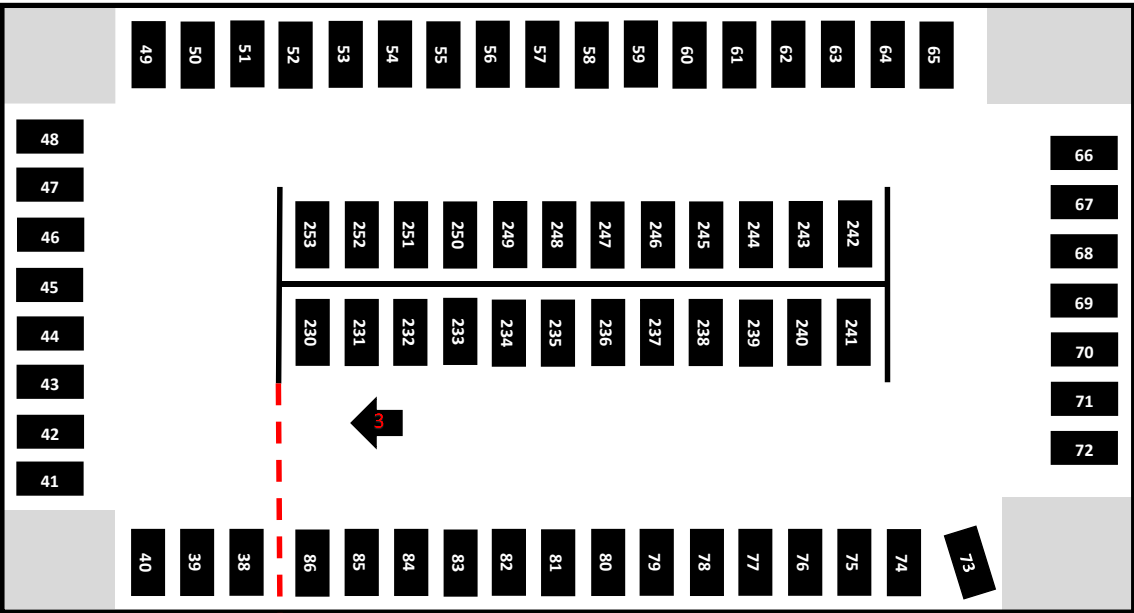
LIMITATIONS

Data collected for this study may be skewed by the proximity of data collection to the holidays. Furthermore, it is representative only of vehicle occupancy in winter months. It is likely that if this study was replicated during the summer season, we would observe very different numbers.

APPENDIX A: Parking Structure Maps



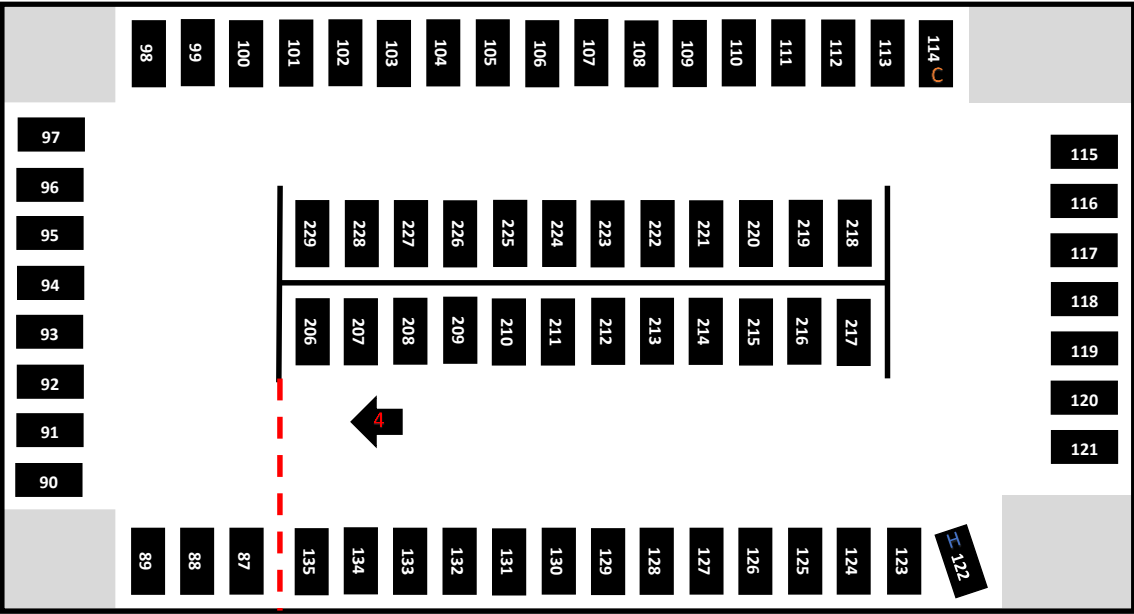
PARKING STRUCTURE 1ST FLOOR



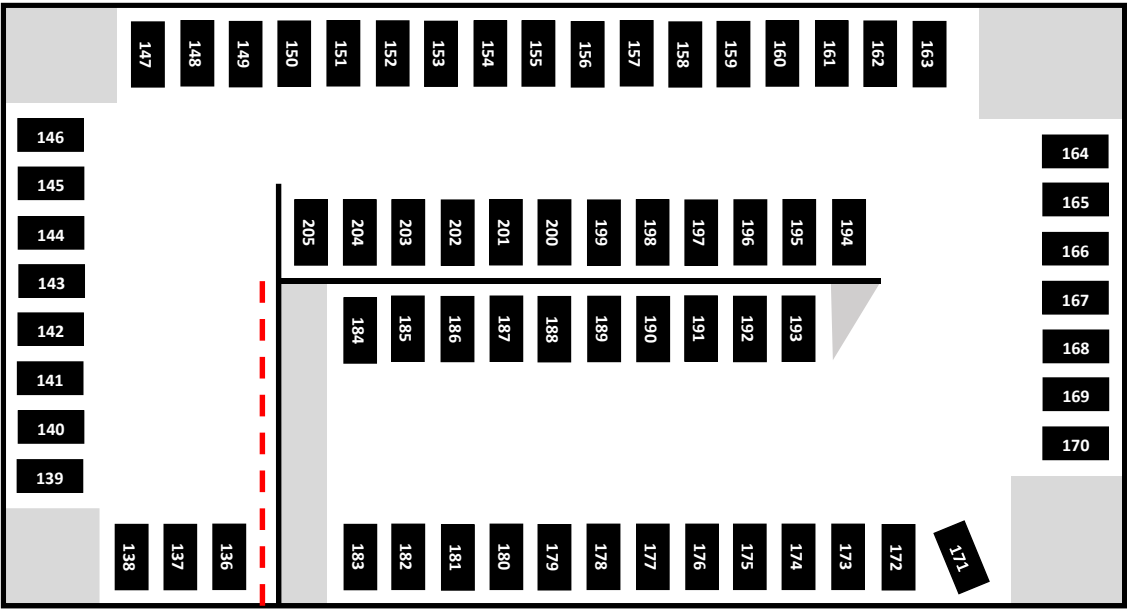
PARKING STRUCTURE 2ND FLOOR

Note: Figures not to scale. For illustrative purposes only.

APPENDIX A: Parking Structure Maps (Cont.)



PARKING STRUCTURE 3RD FLOOR



PARKING STRUCTURE 4TH FLOOR

Note: Figures not to scale. For illustrative purposes only.

COUNCIL WORK PLAN CALENDAR 2024		
JANUARY	FEBRUARY	MARCH
TOWN MTGS.	TOWN MTGS.	TOWN MTGS.
Equity Task Force Presentation	Title 7, Animals	Budget & Revenue Strategy
Pre-Construction Bid for Stilson-	Censure Ordinances-	Equity Task Force Updated Resolution
Snow King & Willow Stop Sign	LDR General Update 2023	Fairgrounds & Rodeo Lease Extension
	Kelly Place Deed Restriction	PI List Review
JIM	JIM	JIM
Cancelled	Joint Department Funding Task Force Discussion	Housing Department Work Plan & Housing Supply Plan
		Regional Transportation Work Plan
APRIL	MAY	JUNE
TOWN MTGS.	TOWN MTGS.	TOWN MTGS.
Budget & Revenue Strategy	Budget & Revenue Strategy	Budget & Revenue Strategy
Legislative Debrief & Resolutions for WAM	Gregory Lane Design	County Water Quality Plan Update
Karns Meadow EA & CUP Preview	Stormwater Management Plan	Community Solar
Furthering Accessibility @ Town Bldgs. & Sites (scoping)	Total Comp/Benefit Review/PD Staff Retention	Accessible Housing Policy Upgrades
Right to Nature Resolution	Title 15 Updates Building & Constructions	Final Sustainability Plan, GHG Inventory
Fire JPA	Equity Task Force Appointments (Special Mtg.)	Town Mobility Overlay
		Fire JPA
SPECIAL MTG. (April 22)	JIM	JIM
Long Range Planning Work Plan & Indicator Report	90 Virginian Lane Developer Selection	Modernizing Mobility for West Jackson Plan
	SS4A Vision, Goals, & Leadership Commitment	90 Virginian Lane Developer Selection (if cont.)
	Mobility Hub Study & Next Steps	Fire JPA
	Community Wildfire Protection Plan (WUI)	Regional Transportation CIP
	Fire JPA	

COUNCIL WORK PLAN CALENDAR 2024 (CONTINUED)		
JULY	AUGUST	SEPTEMBER
TOWN MTGS.	TOWN MTGS.	TOWN MTGS.
Budget & Revenue Strategy	Budget & Revenue Strategy	Budget & Revenue Strategy
	Update to Wastewater/Sewer Policies	Pay As You Throw Pricing/Alcohol Container Reso
JIM	JIM	JIM
90 Virginian Lane Ground Lease & Dev. Agreement	Housing Dept. Rules & Regs Issues Identification	Housing Dept. Rules & Regs Clean-Up
Cow Pasture 1 & 2 Softball Field Replacement	Stilson GMP Budget Approval	
Fire JPA		
OCTOBER	NOVEMBER	DECEMBER
TOWN MTGS.	TOWN MTGS.	TOWN MTGS.
Budget & Revenue Strategy	Budget & Revenue Strategy	Budget & Revenue Strategy
Gregory Lane - Design & Construction	Legislative Approach Prep	Fire/EMS Level of Service & Expectation Setting
	Mobility Overlay	
JIM	JIM	JIM
SS4A Safety Action Plan Update	Housing Dept. Rules & Regs Adoption	Rec Center 6-Month Operations & Revenue Review
	Transportation CIP & Grant Opportunities	Options for Dedicated Transportation Funding
	Regional Transportation Needs Assessment	
SHIFTS & CHANGES		
Furthering Accessibility @ Town Bldgs. & Sites (scoping)	Moved from March to April	
Right to Nature Resolution	Moved from March to April	
Regional Transportation CIP	Moved from April to June	
Community Wildfire Protection Plan	Added to May JIM at Request of Interim Fire Chief	
Joint Alternative Funding Options	Moved to TBD	
Fire JPA	Removed from March	