

CITY OF ANN ARBOR
CITY CLERK
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COUNTY ADMINISTRATOR
220 NORTH MAIN STREET, P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645

November 5, 2012

Clerk Jacqueline Beaudry
City of Ann Arbor
301 East Huron Street
Ann Arbor, MI 48104

Re: Official 30-day Notice under Public Act 196 for Local Communities to Decide Whether to Withdraw from "The Washtenaw Ride" Countywide Transportation Authority.

Dear Clerk Beaudry,

On October 3, 2012, the Articles of Incorporation to form the a new Transportation Authority ("TA") to be known as the Washtenaw Ride were filed in accordance with Public Act 196 of 1986 (MCLA 124.451 et seq). The filings took place with the Washtenaw County Clerk's Office, the Michigan Department of Transportation and the Michigan Secretary of State. Since Washtenaw County was the sole incorporator of the new TA, all local governmental entities within Washtenaw County were automatically included within the new TA. Public Act 196, however, provides that each of these local governmental entities shall be entitled to a 30 day opt out period to be removed from the new TA.

On or about October 3 you received a letter from the Ann Arbor Transportation Authority ("AATA") which stated, in part, that your community had a deadline of November 2, 2012 to participate or withdrawal from the new TA. It is important to note that this notice was sent to comply with a requirement set by the Washtenaw County Board of Commissioners that each local governmental entity be notified of the creation of the new TA before the Articles of Incorporation could be filed; it was not, however, the official 30 day opt-out notice required under Public Act 196.

Section 8 of Public Act 196 (MCLA 124.458) specifically outlines the process for sending out the official 30-day “opt-out” notice. According to MCLA 124.458(5) a local governmental entity is automatically included in the new TA unless it gives timely notice that it wishes to opt out of the TA. This notice must be given at least 30 days after the incorporation of the new TA or after having received the official opt out notification as provided in subsection (7) whichever is later. Subsection (7), in turn, states that the *new TA shall notify each of the political subdivisions included in the TA that they have the right to opt out of the TA by providing notice to the new Authority of its intent to opt out within 30 days after receiving the official notice.* The letter dated October 3 was sent by AATA, not the new TA; as such, it was not the official notice under Public Act 196 which triggers the 30 day opt out period.

Until the new TA’s board of directors is appointed, Washtenaw County, as the sole incorporator of the TA has the right to send out the official 30 day opt out notice under Public Act 196. **This letter is your official notice under MCLA 124.458(5)(7) that your local community will have 30 days after receiving this notice to opt out of the new TA. As this letter is being sent on November 5, 2012, you will have until the end of business on December 10, 2012 to opt out of the new TA.** The County has built 5 additional days in the response time to account for the time it takes for your community to receive this mailed notice. Upon receiving this notice, your community has the right to take the following actions.

- If your community would like to withdraw in its entirety or withdraw particular electoral precincts from the new TA, your board must pass a resolution indicating such full or partial withdrawal from the new TA on or before the end of business on December 10, 2012. If your community has already passed such a resolution in response to the October 3, 2012 letter from the AATA, that resolution will be honored by the new TA and no further action is necessary. **If, however, you passed such a resolution prior to the incorporation of the TA (October 3, 2012) please have your local governing body pass another resolution ratifying the original resolution of withdrawal.** Once approved, please return any approved resolution to Washtenaw County Administration, 220 N. Main St., Ann Arbor, Michigan 48107.
- If your community has previously opted out of the new TA pursuant to the October 3, 2012 letter and you wish to now be re-included in the TA, please pass a resolution in favor of participation in the new TA and send a copy to Washtenaw County Administration, 220 N. Main Street, Ann Arbor, Michigan 48107 on or before the end of business on December 10, 2012.
- If your community would like to participate in the new TA and have taken no action to date, no further action is necessary; your community is already in the TA.

If you have questions on the opt-out process, please call or e-mail the Washtenaw County Corporation Counsel, Curtis Hedger. He can be reached at (734) 222-6745 (office) (734) 660-8297(cell) or at hedgerc@washtenaw.org.

Sincerely,

A handwritten signature in black ink that reads "Verna J. McDaniel". The signature is written in a cursive style with a large, looping initial "V".

Verna J. McDaniel