



Legislation Text

File #: 12-0753, **Version:** 2

Resolution to Approve Amendment to 4-Party Public Transportation Agreement for Creation of Public Transportation System

On March 5, 2012, City Council was the first to approve a 4-Party Public Transportation Agreement between Ann Arbor Transportation Authority, Washtenaw County, and the Cities of Ann Arbor and Ypsilanti.

On May 15, 2012, the City of Ypsilanti considered the 4-Party Public Transportation Agreement as adopted by the City of Ann Arbor. The Ypsilanti City Council made three amendments to the Ann Arbor approved Agreement: (1) deleting the language in Article 3(a) and (b) which deducted a municipal service charge of 1% from the annual millages of both municipalities, (2) deleted the language in Article 8(d) which deducted the additional municipal service charge of 1% of the annual millage at the time of collection of taxes payable to the City of Ann Arbor which had been carried over from the current City/AATA Agreement to cover the administrative review costs associated with the submissions and reviews required under Article 8(d); and (3) added language to Article 8(f) specifically authorizing in and by Ypsilanti the continued collection and transfer of the full Charter Transportation millage to the new Act 196 TA.

In addition, Exhibit A, Articles of Incorporation, were amended. As indicated in the attachment several of the amendments to the Articles, as passed by City Council on March 5, 2012, addressed phrasing (for example: "The New Transportation Authority" is now listed simply as "Authority", the Washtenaw County Clerk/Register is now listed as Clerk; membership on the Board is referred to as directors); restructuring (for example the purpose of the Articles has been moved from Section 3.03 to Section 3.01; membership has been added to the existing jurisdictional boundaries text in Section 3.02); and clarifying the publication (use of the *Washtenaw Legal News*).

Substantive changes to the Articles include:

- Section 4.01, Initial Board, has been revised to include a table listing the number and appointing entity for the board membership, as well as address the selection of alternates and their authority. Review of the make-up of the Board has been moved to a new Section 4.02.
- Section 4.03, Term (renumbered), now included to address the expiration of an alternate's term.
- Section 4.04, Resignations, Vacancies and Removals (renumbered) now includes specific grounds for removal of a director.
- Section 4.07, Board Qualifications (renumbered) includes the restriction that directors may not hold office in violation of the Michigan Incompatible Offices Act.
- Section 5.01, Public Meetings, has been revised to redefine a quorum and require 2/3rds approval of all directors for approval of the budget and amendments to the Articles.
- Article 9 has been revised to allow for publication of notice of the annual audit has been obtained rather than publication of the audit itself.
- Section 10.02, Dissolution, has been revised to clarify that dissolution is not automatic when a member political subdivision is released or withdraws from membership as provided for in the

Articles.

On May 16, 2012, the Board of the AATA adopted the 4-Party Public Transportation Agreement and Exhibit A Articles of Incorporation in the form adopted by the City of Ypsilanti.

Because the City of Ypsilanti and the AATA Board did not adopt the same form of the 4-Party Public Transportation Agreement and Articles of Incorporation as the City of Ann Arbor it is necessary to resubmit the documents for amendment to the Ann Arbor City Council. All parties must adopt the Agreement and the Articles in the same form.

Attachment: Ypsi/AATA Board adopted 4-Party Public Transportation Agreement
Ypsi/AATA Board adopted Articles of Incorporation (Exhibit A)

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsored by: Council members Taylor and Briere

Whereas, The Ann Arbor City Council approved a 4-Party Public Transportation Agreement and its attached exhibit Articles of Incorporation on March 5, 2012;

Whereas, The Ypsilanti City Council considered and amended the 4-Party Public Transportation Agreement and its attached exhibit Articles of Incorporation on May 15, 2012;

Whereas, The Board of the Ann Arbor Transportation Authority considered and approved on May 16, 2012 the 4-Party Public Transportation Agreement and its attached exhibit Articles of Incorporation as amended and adopted by the Ypsilanti City Council; and

Whereas, All parties must approve the Public Transportation Agreement with the same terms and conditions prior to the filing of the Articles of Incorporation by Washtenaw County creating a new Act 196 Authority;

RESOLVED, That Ann Arbor City Council, being fully advised and having reviewed and considered the amendments made and approved by the City of Ypsilanti and the AATA to the 4-Party Public Transportation Agreement, amend the 4-Party Public Transportation Agreement approved by the Ann Arbor City Council on March 5, 2012 to incorporate the Ypsilanti amendments to Articles 3(B) 8(F) and retain the language in Articles 3(A) and 8(D) deleted in the 4-Party Public Transportation Agreement approved by Ypsilanti; and

RESOLVED, That Ann Arbor City Council being fully advised and having reviewed and considered the amendments made approved by the City of Ypsilanti and the AATA to the Articles of Incorporation (to be appended to the 4-Party Agreement), amend the Articles of Incorporation approved by the Ann Arbor City Council on March 5, 2012 to incorporate all of the Ypsilanti amendments; and

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the 4-Party Public Transportation Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

As Amended by Ann Arbor City Council on June 4, 2012