



Legislation Text

File #: 12-1040, **Version:** 1

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 (AATA), Washtenaw County, and the Cities of Ann Arbor and Ypsilanti (R-12-078). On June 4, 2012, in response to adopted changes to the original agreement by the City of Ypsilanti and AATA, Ann Arbor City Council approved the amendment of the 4-Party Agreement and the proposed Articles of Incorporation for the New Authority attached as Exhibit A to the Agreement (R-12-244). The City of Ypsilanti subsequently readopted the 4-Party Public Transportation Agreement and the Articles of Incorporation consistent with the June 4, 2012 Ann Arbor City Council approved documents.

On August 1, 2012, following a public hearing on the proposal, the Washtenaw County commissioners approved the 4-Party Public Transportation Agreement. However, before approving the Agreement, the County commissioners further amended the Articles of Incorporation. This action requires the resubmission of the Agreement and its attached Articles of Incorporation as amended for final approval to the City Councils of Ann Arbor and Ypsilanti and the AATA Board.

The Washtenaw County amendment to the Articles of Incorporation revised Section 10.01, Amendment, to require amendment of the Articles of Incorporation only upon a four-fifths majority vote of the directors appointed and serving on the Authority (i.e. 12 of the 15 board members) instead of the two-thirds vote requirements previously adopted by Ann Arbor, Ypsilanti and AATA. No other amendments were made by the County Commissioners; however, the implementation of 4/5th requirement necessitated changes to Section 5.01 to recognize no change was being made to the 2/3 vote of the Board related to budgets and since amendments are referenced in Section 5.01 the inclusion of the change to 4/5 vote for amendments. Additionally conflict language should have been added to Section 10.01 to recognize the statutory and Articles provisions to which the 4/5 vote does not apply. The version before City Council for adoption includes all of these corrective changes.

Attachment: Washtenaw County commission adopted 4-Party Public Transportation Agreement and Articles of Incorporation

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Sponsored by: Council members Taylor and Briere

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;

Whereas, On August 1, 2012, the Washtenaw County Board of Commissioners amendment the Articles of Incorporation attached to the Public Transportation Agreement prior to approving the Agreement, increasing the vote required to amend the Articles of Incorporation from two-thirds to four-fifth of the directors appointed and serving on the Authority; and

Whereas, Under the terms of the Public Transportation Agreement the amendment of the Articles of Incorporation requires that the remaining parties to the Agreement re-approve the Articles in the form approved by Washtenaw County;

RESOLVED, That Ann Arbor City Council, being fully advised and having reviewed and considered the amendment made and approved by the Washtenaw County Board of Commissioners to the Articles of Incorporation, Exhibit A of the Public Transportation Agreement, amend the 4-Party Public Transportation Agreement and its Exhibit approved by the Ann Arbor City Council on June 4, 2012 to incorporate the Washtenaw County amendment to Section 10.01 of the Articles of Incorporation; and

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