



BATA Board of Directors Meeting Agenda

Thursday, September 28, 2023 @ 1:00pm

115 Hall St, Traverse City, MI

1. Call to Order - Chairperson
2. Pledge of Allegiance and Moment of Silence
3. Roll Call
4. First Public Comment*
5. Approval of Agenda/Declaration of Conflict of Interest

6. Consent Calendar

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with in one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the consent calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted on the agenda is approved by a single Board action adopting the consent calendar.

Consideration of Approving the following Minutes

- a. *Regular Board of Directors Meeting Minutes of August 10, 2023*
- b. *Special Board of Directors Meeting Minutes of August 24, 2023*
- c. *Closed Session Meeting Minutes of August 24, 2023, to be distributed at the September Board Meeting*

Consideration of Accepting the following Minutes and Reports

- d. *Finance Oversight Team Notes of September 18, 2023*
- e. *Governance Committee Minutes of September 18, 2023*
- f. *August Income Statement*
- g. *Title VI Policy*
- h. *Board Request Tracker*
- i. *Correspondence*

7. Any items removed from the Consent Calendar
8. Executive Director's Report – Kelly Dunham
 - a. HQ Facility/Owner's Representative Report
Jerry Tomczak, Program Manager, Cunningham-Limp
 - b. Hiring Report – Chris Davis
 - c. Employee Engagement Survey – Chris Davis
9. Chairperson's Report – Richard Cochrun

10. Committee Reports
 - a. Finance Oversight Team – Kelly Dunham
 - b. Governance Committee – John Sommovilla
11. Old Business
12. New Business
 - a. FY24 Capital Projects – Kelly Dunham
 - b. Support letter of Reappointment of John Sommovilla and Robert Fudge
 - c. Bylaws Approval
 - d. Diamond Dr Facility
14. Board Discussion Item
15. Second Public Comment*
16. Directors Comments/Open Floor
17. Adjournment

Public Comment:

Any interested party or person may address the board on any matter of BATA concern during public comment. Comments will be limited to 5 minutes and a one-minute warning will be given when needed. Any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting may be terminated by the presiding officer. Once you have completed your public comment the board may ask any clarifying questions. If needed, you will be assigned a member of BATA's staff to follow up directly on any open concerns.



BATA Board of Directors Meeting Minutes

Thursday, August 10, 2023 @ 1:00pm
115 Hall St, Traverse City, MI

- 1. Call to Order Richard Cochrun called the meeting to order at 1:02pm
- 2. Pledge of Allegiance and Moment of Silence
The Pledge of Allegiance was recited, and a Moment of Silence was observed.

3. Roll Call

Richard Cochrun	PRESENT
John Somavilla	PRESENT
Robert Fudge	PRESENT
Heather Harris-Brady	PRESENT
Brad Jewett	ABSENT
Jamie Kramer	PRESENT
Joe Underwood	PRESENT

4. First Public Comment*

Fern Spence: Fern shared that she believes BATA to be an essential service and thanks the Board for continuing to support the community. She suggested that BATA consider implementing a first/last mile model for buses and bike racks for customers to ride bikes to the transfer station.

Kevin Query: From 3West Real Estate advised the Board that his client is prepared to offer \$ 50,000 higher than the current highest offer. Mr. Query stated that all parties should be given the ability to counteroffer after being told of the highest offer accepted and stated that this option was not offered to their team but would like the Board to consider their offer before making a final decision.

5. Approval of Agenda/Declaration of Conflict of Interest

On a motion made by Joe Underwood and seconded by Robert Fudge, the BATA Board of Directors approved the Agenda for the August 10, 2023, Regular Board of Directors Meeting as presented.

MOTION CARRIED: 6-0

Joe Underwood requested clarification on why the MPO Resolution is back on the agenda, Kelly clarified that MDOT requires a resolution, last month's agenda item was just an agreement. Joe will abstain from voting on the MDOT resolution due to his continued conflict of interest.

Robert Fudge requested clarification on if Jamie Kramer can vote on the Interlocal Agreement due to her being a Leelanau County Commissioner and having voted on the Interlocal agreement as a

Leelanau County Commissioner. Kelly stated that she had the legal advice that all BATA Board members can vote on the Interlocal Agreement.

6. Consent Calendar

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with in one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the consent calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted on the agenda is approved by a single Board action adopting the consent calendar.

Consideration of Approving the following Minutes

a. *Regular Board of Directors Meeting Minutes of June 29, 2023*

Consideration of Accepting the following Minutes and Reports

b. *Finance Oversight Team Notes of July 24, 2023, and August 7, 2023*

c. *Q3 Ridership Report*

d. *Q3 Organizational Scorecard*

e. *Q3 Turnover Report*

f. *Board Request Tracker*

g. *Correspondence*

On a motion made by Joe Underwood and seconded by John Sommavilla, the BATA Board of Directors moved to approve the August 10, 2023, Consent Calendar as presented.

MOTION CARRIED: 6-0

7. Any items removed from the Consent Calendar

No items were removed from the Consent Calendar

8. Executive Director's Report – Kelly Dunham

Executive Director Dunham highlighted items from her report regarding ridership numbers along with technological improvements made. She also shared that several BATA staff members will be attending the MPTA Conference next week and will have updates from FTA, MDOT and networking opportunities. A proposed site visit for 1:00 pm on August 24th was presented to Board Members – Kelly will send a calendar invitation to the Board to confirm.

a. HQ Facility/Owner's Representative Report

Jerry Tomczak, Program Manager, Cunningham-Limp

Jerry reported that the building is currently under budget and ahead of schedule by approximately 2 weeks, the building will be fully enclosed by Thanksgiving. He also shared that they are working in conjunction with Garfield Township on building a crosswalk to ensure ease of access to the site by the nearby housing complexes.

The transfer station site will be scheduled for completion around May of 2024.

b. Hiring Report – Chris Davis

Chris Davis reported on recruiting numbers, 21 for the year so far. 3-4 drivers per month in training classes. Training includes 4 weeks of 40 hours of training per week.

9. Chairperson's Report – Richard Cochrun

Chairperson Cochrun shared that there has been a resolution reached between the Leelanau and Grand Traverse County Commissioners.

10. Committee Reports
 - a. Finance Oversight Team – Richard Cochrun
Chairperson Cochrun referred Board Members to the notes in the packet for a report on the FOT minutes.

11. Quarterly Finance Reports - Phil Masserant
 - a. FY23 Q3 Financial Statements
Phil Masserant gave an overview of the Q3 Financial Statements. Highlights included the MiClass interest rate currently at 5.4%, a T-Bill that is maturing today that will be sent to MiClass and be available for Owner Direct Costs on the new facility as needed.
An update on changes to the Capital Budget was given as the boiler replacement and the Hall St carpet replacements are expected to be completed by the end of the quarter.
John Sommavilla requested information on why the cost of the boiler replacement was higher than the original budget. Kelly stated that the cost of the replacement was higher than the original quote.

Heather Harris-Brady requested an update on the pending bus order. Kelly stated that there are additional delays. Heather asked if there would need to be additional funds allocated to repairs of the current buses. This will be discussed at the September meeting when the Board looks at the FY24 Capital Budget that is being set.

On a motion made by Joe Underwood and seconded by John Sommavilla, the BATA Board of Directors accepts the Finance Reports as presented.

MOTION CARRIED: 6-0

12. Old Business
No old business was presented.

13. New Business –
 - a. Presentation of Purchase Offers for 3233 Cass Road

Due to the public comment on an additional offer, the presentation of current offers is out of date. Listing agent Scott Hardy reported that the opportunity was given for additional offers to be made and that if it is allowed for contingencies for this bidder (in attendance), then all other bidders will need to be given the same opportunity. Scott would like to have further discussion with BATA before proceeding.

The Finance Oversight Team would like to evaluate the offers and ensure a fair process. FOT will meet next week to review the new information and call a special Board Meeting to handle this if needed.

- b. Authorization for Executive Director to execute the purchase agreement for the sale of 3233 Cass Road

On a motion made by John Sommavilla and seconded by Jamie Kramer, The BATA Board of Directors moved to table the authorization of the Executive Director to execute the purchase agreement for the sale of 3233 Cass Road as recommended by the FOT.

MOTION CARRIED: 6-0

c. MPO Resolution

On a motion made by Heather Harris-Brady and seconded by Jamie Kramer, the BATA Board of Directors approved the MPO Resolution as presented.

ROLL CALL

HEATHER HARRIS-BRADY	YES
JAMIE KRAMER	YES
JOE UNDERWOOD	ABSTAINED
ROBERT FUDGE	YES
JOHN SOMMAVILLA	YES
RICHARD COCHRUN	YES

MOTION CARRIED: 5 Ayes
1 Abstained
0 Nays

d. Interlocal Agreement with Grand Traverse and Leelanau Counties

Brad Jewett (who was not in attendance) asked Kelly to share with the Board that he supports the interlocal agreement and believes it is a fair resolution for all parties and will allow us to get back to focusing on our mission.

On a motion made by Joe Underwood and seconded by Jamie Kramer, the BATA Board of Directors approved the Interlocal Agreement with Grand Traverse and Leelanau Counties as presented.

ROLL CALL

HEATHER HARRIS-BRADY	YES
JAMIE KRAMER	YES
JOE UNDERWOOD	YES
ROBERT FUDGE	YES
JOHN SOMMAVILLA	YES
RICHARD COCHRUN	YES

MOTION CARRIED: 6-0

e. Articles of Incorporation Revision

Chairperson Cochrun reminded the Board that the original reason for the February Articles of Incorporation was at the direction of a professional opinion and was made based on the increase of population and change of population demographics since the original AOI was adopted.

Kelly had one additional change to make to the AOI revision at the Counties' attorney's request to include clarifying language in Article IV, the first paragraph. Additions are highlighted. "Of the remaining two (2), from Grand Traverse County, one (1)."

On a motion made by Joe Underwood and seconded by Jamie Kramer, the BATA Board of Directors approves the Articles of Incorporation Revision as presented and amended.

MOTION CARRIED: 6-0

- f. Distribution of Revised Bylaws
(Approval will be requested at the September meeting)
Kelly shared there is a 10-day notice requirement before asking the Board to vote on changes to the Bylaws is why they are being distributed at this meeting and voted on at the next meeting.

- g. FY24 Revised Budget
Phil shared the budget revision with Board members since the January original budget was a rough budget due to his short tenure with the organization at that time. The revised budget includes increased fare revenue, reduced service contracts (due to TCFF), increased operating reimbursement from the state (34% to 40.85%). The Federal reimbursement reflects the traditional 18%.
Expenses increased to reflect labor costs based on service hours (160,000) and wage and benefit increases for all frontline employees.
Chris shared that the \$4.00/hr wage increase would be in lieu of the 2.5% increase for 2024 contained in current contract language.

Heather Harris-Brady requested an update on FTE: Chris shared that we are currently needing 7 FTE to fill existing service levels.

On a motion made by Joe Underwood and seconded by Robert Fudge, the BATA Board of Directors voted in concurrence of approving the FY24 Revised Budget and the One Year Contract Extension with Drivers/mechanics and dispatchers through Teamsters Local 214 as recommended by BATA Administration and the Finance Oversight Team as presented.

MOTIONS CARRIED: 6-0

- h. Tentatively Agreed Contract extension with Teamsters Local 214 Driver/Mechanics and Dispatchers through September 30, 2025
See motion above.

- i. Lump Sum Payment to MERS
Phil explained to the Board that BATA has 2 defined benefit divisions (admin and drivers), Currently the divisions are funded at 84% and 111% respectively. He recommends making a one-time payment to MERS to bring the admin division to 100%. The advantage of making the payment in the current fiscal year is that we have plenty of eligible expenses left with the state as well as the additional 18% federal operating.
John Sommavilla requested additional funding we'd receive by making this payment, Phil stated that we will get an additional reimbursement of 18% which equates to approximately \$90,000. The lump sum amount if paid by August 31, 2023, is \$489,657.

On a motion made by Jamie Kramer and supported by Joe Underwood, the BATA Board of Directors approved a Lump Sum Payment to MERS in the amount of \$489,657.00 as recommended by the Finance Oversight Team.

MOTION CARRIED: 6-0

14. Board Discussion Item

Kelly requested a discussion of the board's strategic planning effort which was put on hold mid-process last spring; she would like to reconvene on October 26th. Kelly will reach out to the consultant and confirm availability asap.

Eric Lingaur shared with the board that the annual Customer Satisfaction Survey is in preparation with intention to public at the end of August. He asked Board Members to share any questions they would like to have asked on this survey.

15. Second Public Comment*

Linda Joppich: Linda shared frustration with the new process for scheduling deviations which requires her to call dispatch daily. When dispatch returns her call to confirm it often sounds like the deviation was already scheduled. This seems inefficient for all and she would like to know if there is a better way this can be accommodated. Regarding the customer survey, she would like BATA to ask customers about specific scheduling processes. Linda also stated that she feels the BATA Board should have Rider Representation to ensure that current riders' needs are being met and feedback is being heard.

Mitch Treadwell: Would like to share that he is glad to see the Board approve the MPO process to help connect the regional transportation plan.

16. Directors Comments/Open Floor

Heather Harris-Brady: Heather shared that due to a recent surgery, she had to rely on BATA to get around town. While she had chosen occasionally to use it before, she had never had to rely on it until now. She shared the process of utilizing the bus service with the new app, she stated that she is impressed with the ease of the app and service timing.

Heather also reminded the board that her seat will need to be filled soon as her term expires on 12/31/2023.

Heather encourages the Board to investigate beginning that process, Kelly stated the Governance Committee will start that process during the September Governance Committee meeting.

17. Adjournment

On a motion made by Robert Fudge, the BATA Board of Directors moved to adjourn the August 10, 2023 Regular Meeting of the BATA Board of Directors at 2:11pm.

Approved on _____

Robert A. Fudge, Secretary



BATA Board of Directors Special Meeting Minutes
Thursday, August 24, 2023 @ 12:00pm
115 Hall St, Traverse City, MI

- 1. Call to Order - Chairperson Cochrun called the meeting to order at 12:00 pm.
- 2. Pledge of Allegiance and Moment of Silence

Roll Call

Richard Cochrun	PRESENT
John Somavilla	PRESENT
Jamie Kramer	TARDY (Arrived 12:05)
Joe Underwood	ABSENT
Heather Harris-Brady	PRESENT
Robert Fudge	PRESENT
Brad Jewett	PRESENT

Also in attendance: Kelly Dunham, Eric Lingaur, Phil Masserant, Keir Rasmussen and Britny Schwartz.

- 3. First Public Comment*

Kevin Query – Addressed the Board on behalf of his client who formerly submitted an offer for the purchase of the building at 3233 Cass Rd. He is here today to learn the outcome of the Board’s decision to consider the new offers that were submitted to BATA representatives (at the meeting) in the amount of \$2.32 million with an escalation clause of \$15,000 higher than any other bid received, without a cap. Mr. Query encouraged the board to increase communication regarding the due process that was followed during the sale process of the building.

- 4. Approval of Agenda/Declaration of Conflict of Interest

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors approved the August 24, 2023 Special Meeting Agenda as presented.

MOTION CARRIED: 6-0

- 5. Closed Session
 - a. Closed session pursuant to MCL 15.268(1)(h) To consider material exempt from discussion or disclosure by state or federal statute – a written legal opinion.

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors moved to go into a closed session at 12:05 pm pursuant to MCL 15.268(1)(h), to consider material exempt from discussion or disclose by the state or federal statute – a written legal opinion.

MOTION CARRIED: 6-0

On a motion made by Brad Jewett and seconded by Heather Harris-Brady, the BATA Board of Directors moved to adjourn Closed Session at 12:32 pm and reopen the Regular Meeting.

MOTION CARRIED: 6-0

Chairperson Cochrun requested a motion to approve adhering to the original listing process for BATA's properties based on discussion amongst the board and its legal representation.

On a motion made by Brad Jewett and seconded by John Sommavilla, the BATA Board of Directors approved the defined and established purchase process as conducted with an August 1, 2023, deadline.

Heather Harris-Brady reemphasized that this decision is being made based on the discussion between the BATA Board and their attorney in the Closed Session.

John Sommavilla	YES
Jamie Kramer	YES
Heather Harris-Brady	YES
Robert Fudge	YES
Brad Jewett	YES
Richard Cochrun	YES

MOTION CARRIED: 6-0

6. Old Business

a. Presentation of Purchase Offers for 3233 Cass Road

Scott Hardy from Coldwell Banker Commercial Schmidt, Realtors presented the original 3 offers that were submitted by the August 1, 2023 deadline.

Brad Jewett requested the recommendation from FOT on what offer they would recommend accepting.

John Sommavilla from the Finance Oversight Team stated that FOT worked with the broker to ensure all questions were answered to satisfaction and recommends accepting the highest offer of \$2.1 million.

b. Authorization for Executive Director to execute the purchase agreement for the sale of 3233 Cass Road

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors authorized the Executive Director to execute the purchase agreement for the sale of 3233 Cass Road as recommended by the Finance Oversight Team.

ROLL CALL:

John Sommavilla	YES
Jamie Kramer	YES
Heather Harris-Brady	YES
Robert Fudge	YES
Brad Jewett	YES

Richard Cochrun YES

MOTION CARRIED: 6-0

Chairperson Cochrun additionally stated that although members of the public may have felt as though the sale of 3233 Cass Road should have been handled as an auction sale, this would lead him to question why they did not add an escalating clause in the original offer to begin with. Offers were reviewed based on the original August 1, 2023, deadline.

Scott Hardy also stated that the offer accepted was \$200,000 over the asking price as well as substantially over the commercial appraisal price.

Brad Jewett noted that as discussed in the Closed Session of this meeting; that all offers that were reviewed today were offers that were received by the August 1, 2023, deadline.

7. Second Public Comment*
 No public comment was made.

8. Directors Comments/Open Floor

9. Adjournment

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors moved to adjourn the August 24, 2023, Special Meeting of the BATA Board of Directors at 12:48 pm.

Approved on _____

Robert A. Fudge, Secretary

**BATA
Finance Oversight Team
Notes**

**1:00pm September 18, 2023
3233 Cass Road, Traverse City, MI**

Members Present: John Somnavilla, Robert Fudge, Kelly Dunham, Phil Masserant, Chris Davis

Members Absent: Richard Cochrun

1. Review Diamond Drive Offers and Property Sale

The FOT reviewed 2 active offers on the Diamond Drive Facility. While the offers received are good (above asking price), discussion was held on the value of retaining the property rather than selling it at this time. The new facility doesn't offer as much warehouse space as what BATA has currently with the Diamond facility and the new facility will require additional maintenance equipment. Staff recommends holding onto Diamond until the move to the new facility has been made and a determination of warehouse storage needs can be made.

Additionally, Diamond Drive is BATA's only locally funded asset, meaning there are no requirements to give proceeds and/or revenues from it back to the FTA. Annual operating costs of the facility are approximately \$8500/year which could be offset by renting the office area of the facility.

2. Review FY24 Capital Expenditures

The FOT reviewed the FY24 Capital Projects that will be presented to the full board for approval on September 28, 2023. The FY24 plan includes a \$50,000 snowmelt repair at Hall Street and a \$95,000 purchase of an industrial sweeper/scrubber maintenance equipment item for the new bus garage. A full overview of the Hall Street snow melt system will be provided to the full board at the regular meeting.

3. Review Cunningham-Limp Contract Change Order #3

Cunningham-Limp's contract amount was based on a September 2022 construction start date with an agreement that if construction didn't start then, work performed prior to construction would be tracked and billed on an hourly basis from September to the start of construction. Change order #3 for \$23,294

reflected the charge for those hours and was approved by the FOT as it was in keeping with the previously board approved change order (#2).

4. Progressive AE Additional Compensation Request

The contract with Progressive was developed several years ago, prior to the final scope and cost of the HQ project being determined. They have requested additional compensation to account for the added risk and expense incurred on BATA's project. The FOT discussed the merits of the request and the budget capacity to compensate them. The FOT requested additional information from Progressive and will review this item again at the next FOT meeting.

Future Meeting Items:

Capital Reserve Policy Review – October 2023



BATA Governance Committee Minutes

Monday, September 18, 2023, 12:00p.m.
Cass Road Conference Room
3233 Cass Road
Traverse City, Michigan 49684

1. Call to Order by Chairperson

John Sommovilla called the meeting to order at 12:00 pm.

Members present: John Sommovilla, Robert Fudge and Heather Harris-Brady (via phone).

Others Present: Kelly Dunham, Britny Schwartz

2. First Public Comment

No public comment was made.

3. Old Business

No old business was presented.

4. New Business

a. Review Board Seats Expiring 12/31/23.

Heather Harris-Brady will not be running for reappointment.

Robert Fudge will be applying for reappointment by Grand Traverse County.

John Sommovilla will be applying for reappointment by Leelanau County.

The timing of county communication was discussed, this committee will be recommending the full board support to send a letter to the respective county requesting reappointment of John and Robert. If the Board chose not to send a recommendation, then the Board would need to send them the characteristics we are looking for with the county appointment seat.

The Governance Committee will seek support at the September Board meeting to send a letter to each county to request reappointment of the 2 incumbents while filling the expiring board seats.

b. Identify Characteristics to be Sought for Each Seat

Discussion ensued on this topic ending in consensus to delay filling the at-large seat vacancies until the County appointments are known. The Governance Committee can then review the board characteristics gap to be sought in filling the at-large director.

c. Discuss Incompatibility of Office Issue

During discovery related to the Grand Traverse County Commission concerns with BATA's board governance actions in February 2023, a concern of a potential Incompatibility of Office Issue existed on the BATA Board. The issue has remained open since that time.

The Governance Committee directed Kelly Dunham to move forward with obtaining a legal opinion on the matter so that it can be closed out one way or another.

5. Second Public Comment

6. Adjournment called by John Somnavilla and seconded by Robert Fudge at 12:33 pm.

BATA Income Statement
For the Eleven Months Ending August 2023

	August 2023 YTD			Budget	Annual Budget	Budget Remaining	% of Budget
	Actual	Budget	Variance				
Revenues							
Fare Box Revenue	\$ 505,571	<u>1</u> \$ 350,229	\$ 155,342	\$ 382,065	\$ (123,506)	132%	
Auxiliary Trans Revenue	182,514	<u>2</u> 122,012	60,502	133,106	(49,408)	137%	
Non-Trans Revenue	10,470	693	9,777	761	(9,709)	1376%	
Local Revenue	2,733,539	<u>3</u> 2,499,401	234,138	4,521,234	1,787,695	60%	
Local Service Contract	278,883	265,597	13,286	288,844	9,961	97%	
State Formula & Contracts	3,375,547	<u>4</u> 3,726,370	(350,823)	4,154,215	778,668	81%	
Federal Operating Grants	1,650,620	<u>4</u> 1,948,930	(298,310)	2,164,538	513,918	76%	
CRRSAA/CARES Act	1,589,464	<u>4</u> 1,884,811	(295,347)	2,094,583	505,119	76%	
Other Revenue: Interest	548,306	<u>5</u> 131,719	416,587	132,806	(415,500)	413%	
Other Revenue: Refunds and Credits	227,804	<u>6</u> 29,722	198,082	32,422	(195,382)	703%	
Total Revenues	\$ 11,102,719	\$ 10,959,483	\$ 143,236	\$ 13,904,573	\$ 2,801,854	80%	
Expenses							
Salaries & Wages	4,363,507	<u>7</u> 5,445,429	(1,081,922)	6,140,337	1,776,830	71%	
Paid Leave	404,492	404,492	-	441,264	36,772	92%	
Fringe Benefits	1,916,859	<u>7</u> 1,727,564	189,295	1,911,747	(5,112)	100%	
Services	653,164	696,156	(42,992)	772,037	118,873	85%	
Fuel & Lubricants	557,461	<u>8</u> 1,016,323	(458,862)	1,108,719	551,258	50%	
Materials & Supplies	327,874	391,599	(63,725)	427,028	99,154	77%	
Utilities	122,235	138,961	(16,726)	149,262	27,027	82%	
Insurance	611,522	543,917	67,605	593,358	(18,164)	103%	
Misc Expense	42,027	35,179	6,848	39,613	(2,414)	106%	
Interest			-				
Operating Leases & Rentals	13,809	16,205	(2,396)	17,472	3,663	79%	
Total Expenses before Depreciation	9,012,950	10,415,825	(1,402,875)	11,600,837	2,587,887	78%	
Net Income before Depreciation	2,089,768	543,658	1,546,110	2,303,736	213,968	91%	
Depreciation	1,018,072	966,449	51,623	1,054,291	36,219	97%	
Net Income (Loss)	1,071,696	(422,791)	1,494,487	1,249,445	177,749	86%	

BATA Income Statement Notes
For the Eleven Months Ending August 2023

	<u>Account Name</u>	<u>Explanation</u>
<u>1</u>	Passenger Fares	Increased Ridership; 37% increase over prior year
<u>2</u>	Advertising Revenue	Increase in new advertisements; 52% increase over prior year
<u>3</u>	Taxes Levied by Transit Agency	Increase in property tax values. Majority of taxes are collected on summer tax bill (Jul-Sep). 3.7% increase over prior year.
<u>4</u>	State Operating Assistance Federal Section 5311 ARPA/CRRSSA/CARES Act	Budget forecasted at full service levels. FY2023 State Operating 34.58%, Federal 5311 Operating 36% (includes 18% ARPA)
<u>5</u>	Interest Income	Fed Funds Rate for August 2023 was 5.33%. It was 2.33% last year.
<u>6</u>	Refunds and Credits	\$119k Insurance claims and \$77k Propane fuel credit
<u>7</u>	Salaries and Fringe Benefits	Decreased staff and service levels
<u>8</u>	Fuel & Lubricants	Decrease in gallons consumed and favorable experience in fuel rates



TITLE VI PLAN

I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

Bay Area Transportation Authority (BATA) hereinafter referred to as BATA, is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

This plan was developed to guide BATA in its administration and management of Title VI-related activities.

Title VI Coordinator Contact Information

Bay Area Transportation Authority

Eric Lingaur

Title VI Coordinator

3233 Cass Road

Traverse City, MI 49684

(231) 941-2324

II. Title VI Information Dissemination

Title VI information posters (see Appendix G) shall be prominently and publicly displayed in the BATA facility and on their revenue vehicles. The name of the Title VI coordinator is posted and available at 3233 Cass Road, Traverse City, MI 49684 and www.bata.net. Additional information relating to nondiscrimination obligation can be obtained from BATA's Title VI Coordinator.

Nondiscrimination information shall be disseminated to BATA employees annually (see Appendix A). This information reminds employees of BATA's policy statement, and of their nondiscrimination responsibilities in their daily work and duties. All employees of BATA are provided a copy of the plan and are required to sign an Acknowledgement of Receipt (see Appendix B).

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and BATA's expectations to perform their duties accordingly.

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from BATA where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IV. Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of BATA's Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and Title VI investigations.

V. Title VI Complaint Procedures

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names, and contact information of any witnesses.
- Other information that you deem significant

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing or by e-mail with BATA at the following address:

Eric Lingaur, BATA
Title VI Coordinator
3223 Cass Road
Traverse City, MI 49684
231.941.2324 (phone)
231.932.2052 (fax)
lingaure@bata.net

NOTE: BATA encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

All complaints alleging discrimination based on race, color, or national origin in a service or benefit provided by BATA will be directly addressed by BATA. BATA shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, BATA shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within seven days (see Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

BATA will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from BATA, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Once sufficient information for investigating the complaint is received by BATA, a written response will be drafted subject to review by the transit's attorney. If appropriate, BATA'S attorney may administratively close the complaint. In this case, BATA will notify the complainant of the action as soon as possible.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights
 Attention: Title VI Program Coordinator
 East Building, 5th Floor – TCR
 1200 New Jersey Ave., SE Washington, DC 20590

VI. Title VI Investigations, Complaints, and Lawsuits

Lawsuits, Complaints, or Investigations Alleging Discrimination

Type (Investigation, Lawsuit, Complaint)	Date	Summary of Complaint	Status	Action(s) Taken

VII. Four Factor Analysis

BATA is required to take reasonable steps to ensure meaningful access to their programs and activities by Limited English Proficiency (LEP) persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.
- the frequency with which LEP individuals meet the program.
- the nature and importance of the program, activity, or service provided by the program to people's lives; and
- the resources available to the grantee/recipient or agency, and costs.

Factor 1: Number/Proportion of LEP Persons in Service Area

BATA has examined the 2020 Census report and was able to determine that in the Grand Traverse County area, 2.9% (2,632) of residents aged five and older speak another language other than English at home, including 27% of those (704) that speak English less than very well. In Leelanau County Area, 4.4% (932) of the residents aged five and older speak a language other than English at home, including 23.5% of those

(219) that speak English less than very well. Spanish is the most common language after English in both Grand Traverse and Leelanau Counties.

Factor 2: Frequency of Contact with LEP Persons

BATA verbally surveyed drivers and dispatchers since the Census of 2020, finding that BATA has had sporadic requests for interpreters and/or translated BATA documents that range from several a day in the summer (primarily Spanish, but a growing number of Ukrainian, Russian, and Asian languages) to very few or none in the winter for weeks or months at a time. Overall, the staff and drivers have had moderate contact with LEP individuals that can range in frequency depending on the season.

Factor 3: Nature and importance of the program, activity, or service provided by the program in people's lives

Access to the services provided by BATA is critical to the lives of many residents in the service area. Many people depend on BATA's services for access to jobs and for access to essential community services like schools, shopping, and medical appointments. Because of the essential nature of the services and the importance of these programs in the lives of many of the region's residents, there is a need to ensure that language is not a barrier to access.

Factor 4: The resources available to BATA and overall costs.

BATA assessed the available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost, and which documents would be the most valuable to be translated when the populations would support it. After analyzing the four factors, BATA **does not** feel that a formal LEP plan is needed at this time.

Limited English Proficiency (LEP) Plan

BATA will use the following guidelines and resources to assist persons with limited English proficiency:

BATA will have the Census Bureau's "I Speak Cards" available at the BATA operations facility and transfer stations. Although staff may not be able to provide immediate translation assistance, we will utilize the cards to identify language needs.

If an interpreter is needed immediately, in person or on the telephone, staff will use the "I Speak Cards" to help determine what language assistance is needed. Staff shall then utilize technology such as smartphone apps or Google Translate or contact www.language.com for assistance. On the Language Line webpage, staff will select the **Need an Interpreter Now** link in the popup window and follow the directions to receive an access code.

BATA will add to our webpage the Title VI policy and complaint Procedures.

BATA will educate our staff on the following procedures:

1. Understanding the Title VI policy and LEP responsibilities.
2. How to access language assistant services via www.language.com
3. Document language assistance requests
4. The procedure if a Title VI and/or LEP complaint is filed.

VIII. Public Participation Plan

BATA's community and minority outreach plan is based on the following principles:

- Flexibility - The engagement process will accommodate participation in a variety of ways and be adjusted as needed.
- Inclusiveness – BATA will proactively reach out to and engage low income, minority and LEP populations from BATA's service area.
- Respect - All feedback will be given careful and respectful consideration.
- Initiative-taking and Timeliness - Participation methods will allow for early involvement and be ongoing.
- Clear, Focused and Understandable - Participation methods will have a clear purpose and use for the input and will be described in language that is easy to understand.
- Honest and Transparent - Information provided will be accurate, trustworthy, and complete.
- Responsiveness – BATA will respond and incorporate appropriate public comments into transportation decisions.
- Accessibility – Meetings will be held in locations which are fully accessible and welcoming to all area residents, including, but not limited to, low-income and minority members of the public and in locations relevant to the topics being presented and discussed.

As an agency receiving federal financial assistance, BATA has made the following community and minority outreach efforts since the last submission of a Title VI program:

BATA has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities.

BATA submits to the Michigan Department of Transportation annually an application for funding. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period and a review by the Local Advisory Council.

BATA currently publishes hours of service and any changes in route schedules.

BATA’s Board of Directors holds monthly meetings that the public is invited to attend, and these meetings are recorded and placed on our website. www.bata.net. Once per quarter meetings are held in the evening to accommodate people that cannot attend during daytime hours.

Public Meetings. When a new service is proposed information is disseminated to the neighborhoods affected and public meetings are scheduled. BATA utilizes different meeting sizes, formats, and times to encourage community engagement.

Public Service Announcements. BATA uses PSAs as a way to communicate changes in service, public input meeting, press releases, and any other information that needs to reach the public. These PSAs are distributed to radio, television stations as well as traditional print media.

Website. All information regarding public meetings, program changes, service alerts, and any newsworthy information is displayed on our website. The website has an email feature for the public to comment or ask questions on BATA activities.

Digital Displays. BATA has several digital displays in our lobby areas at Hall Street and Cass Road Transfer Stations to improve communication about events and input sessions with the public.

Public Assessments and Surveys. BATA conducts rider customer satisfactions surveys twice a year via print and online surveys. BATA also periodically conducts community needs assessments with both community stakeholder groups and individuals to help gather feedback to make improvements and plan for future service. The most recent community needs assessment was conducted over a six-month period in 2022.

BATA has a complaint procedure that is available to the public at any time and is also available to the public via info@bata.net or by calling 231-941.2324.

IX. Membership of Non-Elected Committees

BATA will publicly advertise and post on our website to encourage minority participation on non-elected committees such as the LAC (Local Advisory Council).

Body	Caucasian	Latino	African American	Asian American	Native American	2 or more races
Population Grand Traverse County	92.2%	3.3%	0.9%	0.9%	1.3%	2.0%

Population	90.3%	4.5%	0.6%	0.6%	3.2%	1.9%
Leelanau Co						
Local Advisory Council	100%					

X. Equity Analysis

BATA is currently constructing a facility (a vehicle storage facility, maintenance facility, operations center) and completed a Title VI equity analysis following the procedures listed below:

BATA completed a Title VI equity analysis during the planning stage and approved by MDOT in September of 2021 regarding where a project is located or sited to ensure the location is selected without regard to race, color, or national origin.

When evaluating locations of facilities, BATA gave attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result.

BATA did not determine that the location of the project will result in a disparate impact based on race, color, or national origin.

XI. Fixed Route Service Standards

Vehicle Load Standards

BATA's eight (8) fixed routes that operate within the Traverse City area typically run at approximately 80% load capacity at any given time. Those buses consist of twenty-five (25) foot cutaway with ten (10) and two (2) seating capacity.

Vehicle Headway Standards

Service generally operates every 20, 30, 60, or 120 minutes Monday through Friday from 6:00 am until 10:00pm depending on the route. On Saturdays, the five routes operate every twenty (20) to 120 minutes from 9:00am until 9:00pm depending on the route. Sunday service has a single route that operates every thirty-five (35) minutes from 9:00am until 9:00pm. Complete schedules and operational hours are found at www.bata.net.

Scheduling involves the consideration of several factors including ridership productivity, density of transit dependent population and activities, availability of resources and transportation demand management.

On Time Performance Standards

Ninety (90) percent of BATA's transit fixed route vehicles will complete their established runs no more than one (1) minute early or five (5) minutes late in comparison to the established schedule/published timetables.

Service Availability Standards

BATA will distribute fixed route transit service as equally as possible among residential transit riders, hotels, attractions, and employers using public meetings to gather input on new routes or revisions to routes. BATA will review stop usage on a regular basis and make the necessary adjustment to serve the largest rider population base available.

XII. Service Policies

Distribution of Transit Amenities

BATA distributes transit amenities that lend to comfort, convenience, and safety in the following ways:

- a) Seating is strategically placed in many locations along our fixed routes and at stop locations where demand response passengers are asked to transfer vehicles. The seating is provided in the form of more than 60 shelters, benches outside local businesses, and indoor/outdoor seating at our two transfer stations.
- b) BATA has two transfer stations that include indoor waiting rooms, comfortable seating, bathrooms, drinking fountains, vending machines, trash receptacles, recycling, digital display monitors, route brochures, ADA automated doors, wheelchair accessibility and service attendants. The outside waiting area is also ADA compliant and includes benches, bike racks, and signage for each bus route.
- c) BATA's more than 60 shelters are well identified with transit graphics and are distributed among the many fixed routes based on demand. The shelters are wheelchair accessible, provide a bench, system map information, stop information, brochures, many have trash receptacles and are glass to ensure safety through visibility. Our newest shelters have lighting and heating for added security and comfort.
- d) Route and general transit information is distributed in the following ways:
 - o Printed materials for each route and general policies are available at each transfer station, in shelters, and at popular destinations within the community such as libraries, hospitals, etc.
 - o Bus stop signage is provided at each bus stop location along our fixed route system on a signpost or on the shelter.
 - o System wide maps can be found in BATA's shelters.
 - o Digital displays in our two transfer station lobbies include route information and other pertinent passenger information such as policy changes or new programs.
 - o BATA website (www.bata.net) is designed responsively for any mobile device and includes schedule information, route maps, hours of operation, policies, fares, contacts, education on public transit, and assistance on how to ride the bus.

- Google Maps, Apple Maps, the Transit App, BATABUSTRACKER.COM includes all BATA's fixed route information and can be used to track live bus locations.
- e) All BATA facilities are one level and do not require the use of escalators or elevators.

Vehicle Assignment

BATA assigns vehicles to routes based on three factors. The first factor includes the age and condition of the vehicle. Newer vehicles are assigned to routes with the most mileage and are used more frequently than older vehicles. Older vehicles are assigned as spares or used on shorter routes to keep maintenance costs at a reasonable level. The second factor evaluates the type of bus and available seating. BATA assigns buses based on the demand of each route and seats/wheelchair slots available for each type of bus. The third factor takes the maneuverability of the bus and the route into consideration. Larger buses are hard to maneuver through small spaces, which can exclude some buses from specific routes.

Appendix A Employee Annual Education Form

Title VI Policy

No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of BATA are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to contact:

In all dealings with citizens, use courtesy titles (i.e., Mr., Mrs., Ms., or Miss) to respectfully address them without regard to race, color, or national origin.

Appendix B Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of BATA Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

Employee signature

Print name

Date

Appendix C Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against in transit services, please provide the following information to assist us in processing your complaint.

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____ (home)

_____ (cell) _____ (message)

Are you filing this complaint on your own behalf? yes* no

*If yes to this question, please give that person’s information below.

Person discriminated against:

Address of person discriminated against:

City, State, Zip Code:

Please indicate why you believe the discrimination occurred:

_____ race or color
_____ national origin
_____ income
_____ other

What was the date of the alleged discrimination?

Where did the alleged discrimination take place?

Please describe the circumstances as you saw it:

Please list all witnesses' names and phone numbers:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court? yes no

If yes, check all that apply:

- Federal Agency _____
- Federal Court _____
- State Court _____
- State Agency _____
- Local Agency _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone number: _____

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

Attn: Eric Lingaur
Title VI Coordinator
3223 Cass Road
Traverse City, MI 49684
231.941.2324 (phone)
231.932.2052 (fax)
lingaure@bata.net

Your signature

Print name

Date

APPENDIX D Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against **BATA** alleging

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 231.941.2324 or write to me at this address.

Sincerely,

Eric Lingaur
Title VI Coordinator
3223 Cass Road
Traverse City, MI 49684
231.941.2324 (phone)
231.932.2052 (fax)
lingaure@bata.net

APPENDIX E Letter Notifying Complainant the Complaint Is Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your letter of **(DATE)** against **BATA** alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. *(If a hearing is requested, the following sentence may be appropriate.)* You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Eric Lingaur
Title VI Coordinator
3223 Cass Road
Traverse City, MI 49684
231.941.2324 (phone)
231.932.2052 (fax)
lingaure@bata.net

APPENDIX F Letter Notifying Complainant the Complaint Is Not Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against BATA alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

BATA has analyzed the materials and facts pertaining to your case for evidence of the authority's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from BATA, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Eric Lingaur
Title VI Coordinator
3223 Cass Road
Traverse City, MI 49684
231.941.2324 (phone)
231.932.2052 (fax)
lingaure@bata.net

APPENDIX G

Samples of Narrative to be included in Posters to be Displayed in Revenue Vehicles and Facilities

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

BATA is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services based on race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by BATA, you may contact our office at:

Eric Lingaur
Title VI Coordinator
3223 Cass Road
Traverse City, MI 49684
231.941.2324 (phone)
231.932.2052 (fax)
lingaure@bata.net

For more information, visit our website at **www.bata.net**.

COMPLIMENTS TO BATA STAFF

Date Received	Employee	Route #	Comment	Dept
08/03/23	Linda Cushman	Link 9	Person saw BATA bus pull up and into a parking spot so the rider didn't have to walk a ways in the rain to board the bus. They said that the bus driver is worth their money.	
08/05/23	Glen Fekken	Link 12	Thank you Mr. Glen for turning around in our driveway instead of our neighbors, you are the first one to do that.	
08/07/23			Customer really likes the new maps that have been produced for the Village and City Loops and is very grateful that we have put in Route 7 as well.	
08/07/23	Jim Dyke	Link 6	Driver did a great job avoiding a head on collision on Veterans when oncoming traffic crossed the center line.	
08/07/23	Tracy Melville	Dispatch	Thank you so much for getting back to me about the county fair. You're always so awesome at what you do.	
8/10/2023	Floyd Laparr	Bayline	Customer rode Bayline with Floyd today and he did an excellent job!	
8/14/2023	Lorrie Towne	Dispatch	Thank you to Lorrie for holding onto my phone as well as the driver that turned it in. Wants to commend Doris for going out of her way for her and being a wonderful driver and dear person.	
8/18/2023	Doris Morgan	Link	Ryan was having a really hard day when Mark pulled up to the Crossings stop and just started a conversation with him. Ryan said that just helped him get out of his own head. Mark is kind and compassionate and Traverse City is better because he is in it.	
8/19/2023	Mark Ewing	Route 7	Rochelle picked me up and took me to my appointment, she had such command of that bus, she drove it beautifully. You have got to keep her there.	
8/29/2023	Rochelle Trzcinski	Link	Susan rode to 601 Fitzhugh with Craig, when she was getting off the lift with her walker, her wheel got stuck in a hole and she started to fall. Craig caught her and kept her from falling and hurting herself, he stood there with her for a couple of minutes and made sure she was okay and helped calm her down. He wished her a good day and told her to go rest a bit. He is a wonderful person and she highly recommends him.	
8/30/2023	Craig Petersen	Link	Link driver is really fantastic, he greeted everyone, reminded them to fasten their seatbelts and was kind and pleasant the whole trip. He really deserves some kuddos.	
9/1/2023	Jim Dyke	Link 6	My first time using the link service and it was a very good experience, Mary did a wonderful job driving and she was very kind.	
9/6/2023	Mary Murphy	Link	This person was driving on State St and "foolishly" pulled out in front of one of our buses, luckily our driver was paying really great attention. The person wanted to appologize and thank us for hiring such good drivers and let us know we do great work.	
9/5/2023				
9/8/2023	Matt Mathison, Doug Kratochvil, Floyd Laparr		Several drivers called in today and we were already short on coverage for the day, Matt, Floyd and Doug K all stayed over to help with coverage.	

COMPLIMENTS TO BATA STAFF

9/6/2023

Jim Danek

Dispatch

Jim was on his way back to Cass from running a rescue when another driver was involved in an accident, Jim was not too far away so he pulled into a parking lot and waited until he knew if another bus was needed and then radioed that he was close by and on his way. He assisted in the pouring rain with transferring Agency riders from one bus to another.

Kelly Dunham

Board Correspondence
Item

From: Kelly Dunham
Sent: Tuesday, August 08, 2023 4:04 PM
To: Joan Hawley
Subject: RE: New Scheduling App

Good Afternoon Joan,

Thank you for reaching out to the BATA Board. I have been advised by BATA staff that Robert's transportation issues have been resolved. I believe one of our operations managers, Adam BeVier, has spoken with Sam and that the open issues were resolved. I empathize with your family's frustration adapting to the new system. We take our mission to serve the community very seriously and strive to meet these needs every day. If there are open issue's with Robert's transportation, please let me know so that I can follow up with staff on next steps.

Sincerely,

Kelly Dunham
Executive Director
Bay Area Transportation Authority
p 231.933.5544
c 231.675.2885

BATA DELIVERS SAFE, HIGH-QUALITY, EFFICIENT, AND RELIABLE TRANSPORTATION SERVICES IN ITS REGION THAT LINK PEOPLE, JOBS, AND COMMUNITIES.

From: Joan Hawley <jhawley0220@gmail.com>
Sent: Tuesday, August 01, 2023 11:47 AM
To: BATA Board <bataboard@bata.net>
Subject: New Scheduling App

BATA Board:

It is with great frustration that I am contacting you today. I live in Leelanau county and supported your last mileage. I am the grandmother of Robert Siddall who is autistic and depends on BATA to get him to his job at the Homestead in Glen Arbor. He resides at Brickways in Traverse City and also his home in Glen Arbor. He attends GTI in Traverse City 3 days a week and works at the Homestead 2 days a week. His father has taken over the job of scheduling Robert's rides. Sam, Robert's father, has experienced extreme frustration with your new scheduling system. He, by the way, is a robotics engineer and very adept at computers. He has experienced nothing but problems with your system. 1. When he schedules on his phone for Robert his name comes up with the driver and they ride around looking for Sam instead of Robert. He has called repeatedly with this issue to no avail. 2. He has difficulty getting Robert scheduled since he has to wait until the next day and like today the bus was full only to be told to start at Midnight the night before. 3. The bus times are inconsistent and Robert either arrives early or late to work. Jobs for him are not easy to obtain and he depends on BATA to get him to work. Your mission is to serve the community. I would think you would want to strive to help the most needy. Robert is 26 and unable to drive and his job is his life. Wouldn't it be wonderful if he could schedule his rides consistently so that he can keep his job and lighten his father's load with a regular schedule!

Sincerely,
Joan Hawley

2023

GRAND TRAVERSE COUNTY

BOARD MEMBER BASICS

Thursday, October 5, 2023 10:00AM - 12:00PM
The Governmental Center, 2nd Floor Training Room
400 Boardman Ave, Traverse City, MI 49684

Presented By:
Matt Nordfjord, Esq.
Grand Traverse
County Civil Counsel

This two-hour training seminar is designed to prepare and refresh County board, committee, and authority members on the basic legal framework and operational considerations that apply to elected and appointed officials. With the goal of helping avoid common issues, impart a greater understanding of the law and provide an opportunity to discuss questions.

Recent County board appointees are required to attend via County Policy and elected officials are requested to participate in this seminar during their first year of service. Experienced board, committee and authority members may also find this seminar to be helpful by providing an update on evolving legal issues and policies. Department heads and those directly reporting to boards/committees should find the seminar beneficial as well.

This year's discussion will include the following topics:

- Role and relationship between elected officials, Courts, and the County Board of Commissioners
- Open Meetings Act
- Freedom of Information Act
- Conflict of Interest Rules
- Contracts with Public Offices
- Board Rules and Parliamentary Procedures

Members of other local municipal boards are welcome to attend.

GET REGISTERED TODAY!

Click the link below

[Registration Link](#)

Contact Lisa Emery, with County Administration @ lemery@gtcountymi.gov or 231-922-4780 with any questions.

Greetings BATA Board of Directors!

There's been a lot going on since our last regular meeting (there always is truthfully). In an effort to give you a more comprehensive look into what's been happening, I'd like to try out a new "bullet list" approach for my report and would like your feedback as to how you like it (I fully recognize it may be information overload so feel free to be honest).

- Hosted guests from the FTA the third week of August that were in the area for the MPTA conference at Crystal Mountain. Time was spent riding the Bayline, Links, and touring the new facility. All were very impressed with our service and the facility project. These are important connections and relationships to build as we become a direct recipient of federal funding.
- Several members of the management team attended the MPTA conference, getting the most up to date intel from MDOT, the FTA, and peers on industry related topics.
- School transportation support details were finalized and rolled out. We are still working on improving the options available to the Leelanau Montessori students as the service change to on-demand in Leelanau County isn't working well for their needs.
- Launched the annual customer survey (open through September with results available in October).
- Received the results from the annual employee survey (presentation to the Board at this month's meeting).
- Successfully transitioned to BATA's new IT managed service partner, Next IT.
- Outstanding advertising sales, surpassing \$100,000 fiscal year goal and closing the biggest sale of the year (\$40,000) with 4Front Credit Union.
- Working with GTI and CMH to add additional contracted service to improve meeting the needs for agency clients.
- Reviewing VIA (Link) performance and evaluating any modifications that may be necessary to achieve our service delivery goals.
- Continued working with GMV (new fixed route technology) to work through glitches in the new system and build staff confidence.
- Working with the DDA and the Parking Advisory Committee to explore the potential of downtown circulator.
- The HR staff has been heavily focused on recruiting and onboarding and transitioning to the new HRIS/Payroll system. The HR coordinator resigned in mid-August, so the department is currently short-staffed. Chris and her team have been doing a great job covering the workload, which will hopefully be alleviated with a full-time replacement soon.
- It's insurance renewal season for all of our liability coverages and our employee benefits. We are seeking bids on the employee benefit package this year and expect quotes by the end of the month/early October.
- The Governance Committee and the FOT met earlier this month (minutes and notes in packet and related items on the agenda).
- Met with the new TCHC Executive Director, bringing him up to speed on our partnership, the project, open items, etc.

- Developed the FY24 Capital Budget (On the agenda for approval this month).
- Continued planning and oversight of the endless details related to the new facility and the transition to it.
- Last but not least, we took delivery of a new bus, finally! One of our (5) new Freightliners arrived after being on order for more than 2 years. It will be used primarily on agency routes. We expect to be getting 3 of our new 450 Cutaways in over the next month also!

Those are the highlights...there is certainly much more that happens in the day to day, but I want you to have a good feel for the initiatives we're working on and to feel confident that BATA has a very dedicated and hard-working team. I feel very fortunate!

I'll be attending the APTA conference next month, networking with transit peers and getting the latest in areas we'll be facing in the near future...yard management software, fare systems, scheduling software, facility equipment, and electrification equipment. I look forward to providing you with an update on that next month!

I look forward to seeing all of you next week...in the meantime, as always, reach out if you have any questions or concerns.

Respectfully,

Kelly Dunham

STAFFING UPDATE

BAY AREA TRANSPORTATION AUTHORITY

Driver staffing goal to meet the Transit Master Plan for full service: 81 FTE

Driver FTE goal to meet current service level – 71.8 FTE

Current service level FTE needed: 7.9 FTE

Chris Davis

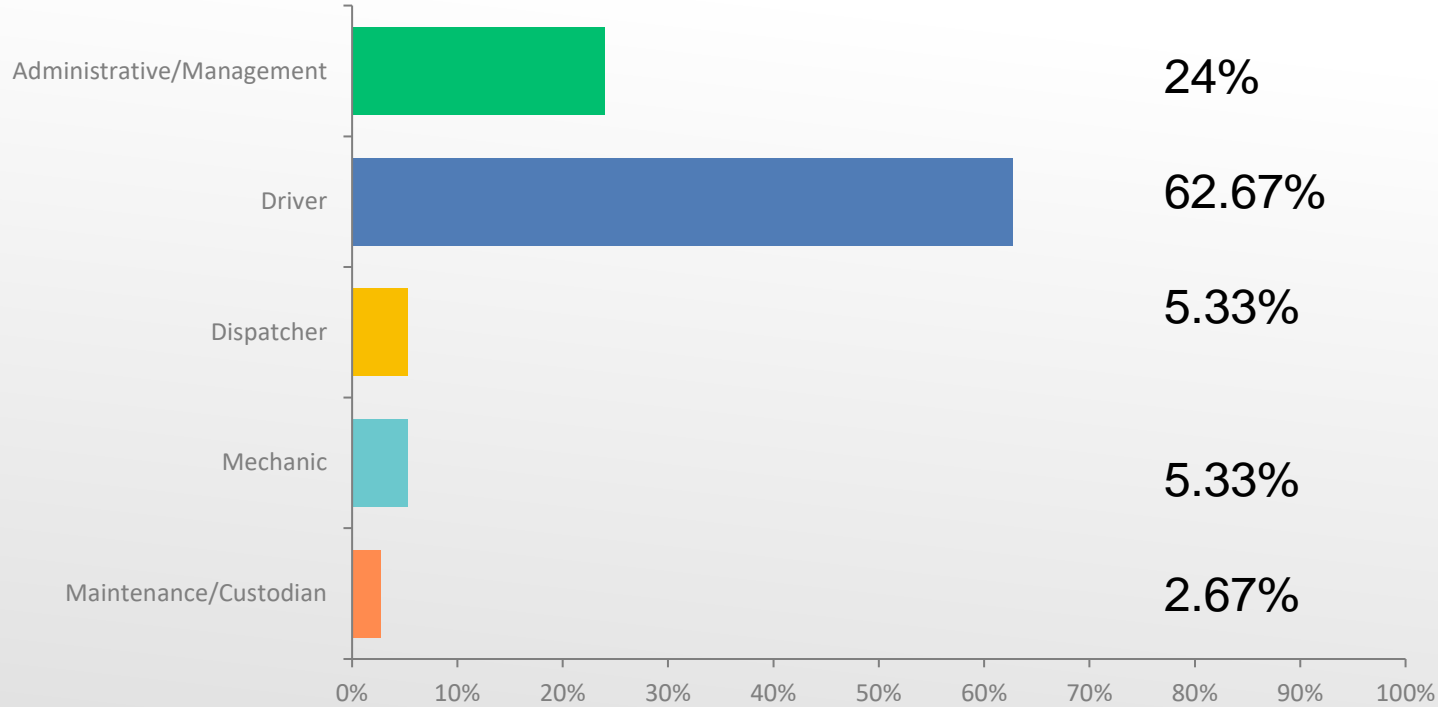
9/21/23

2023 Annual Employee Engagement Survey

Wednesday, July 19, 2023

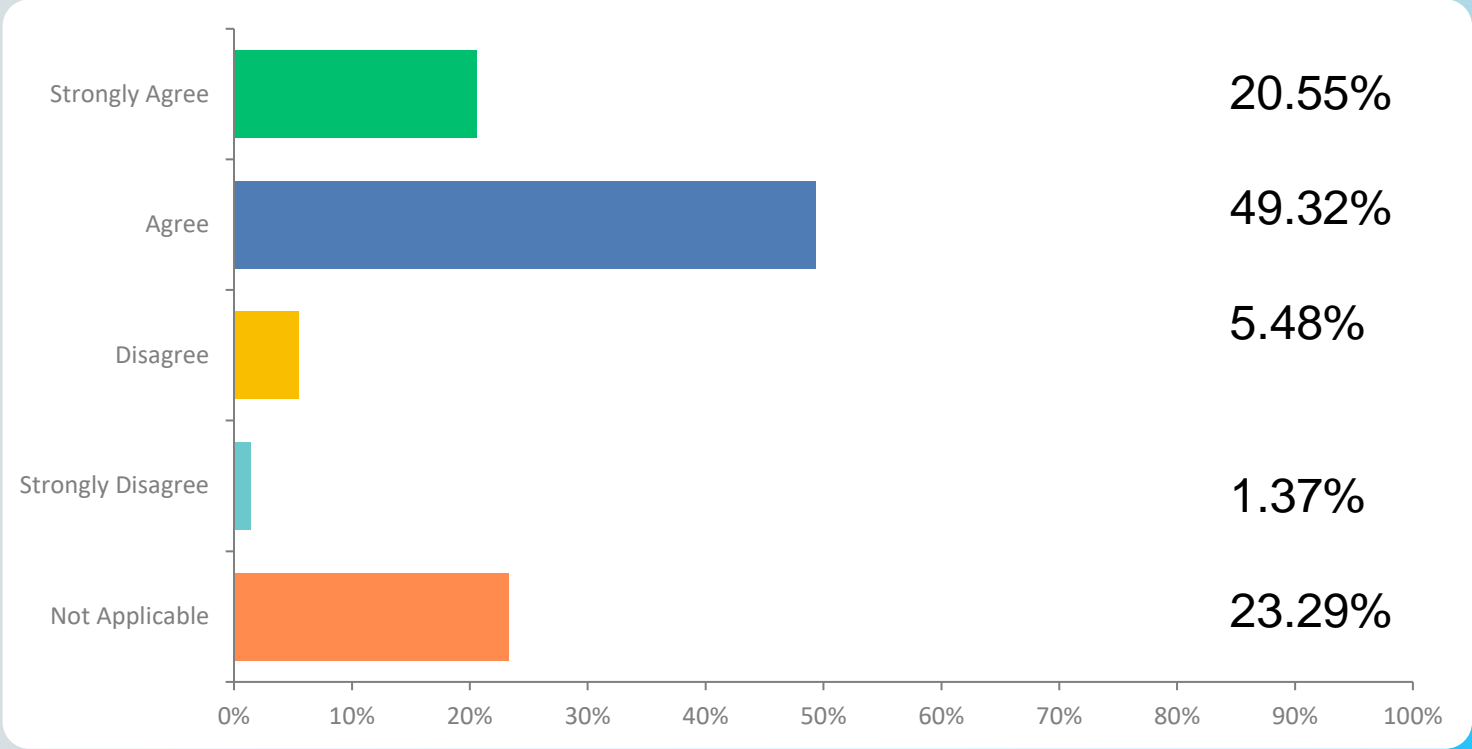
Chris Davis

Q1: What is your job role?

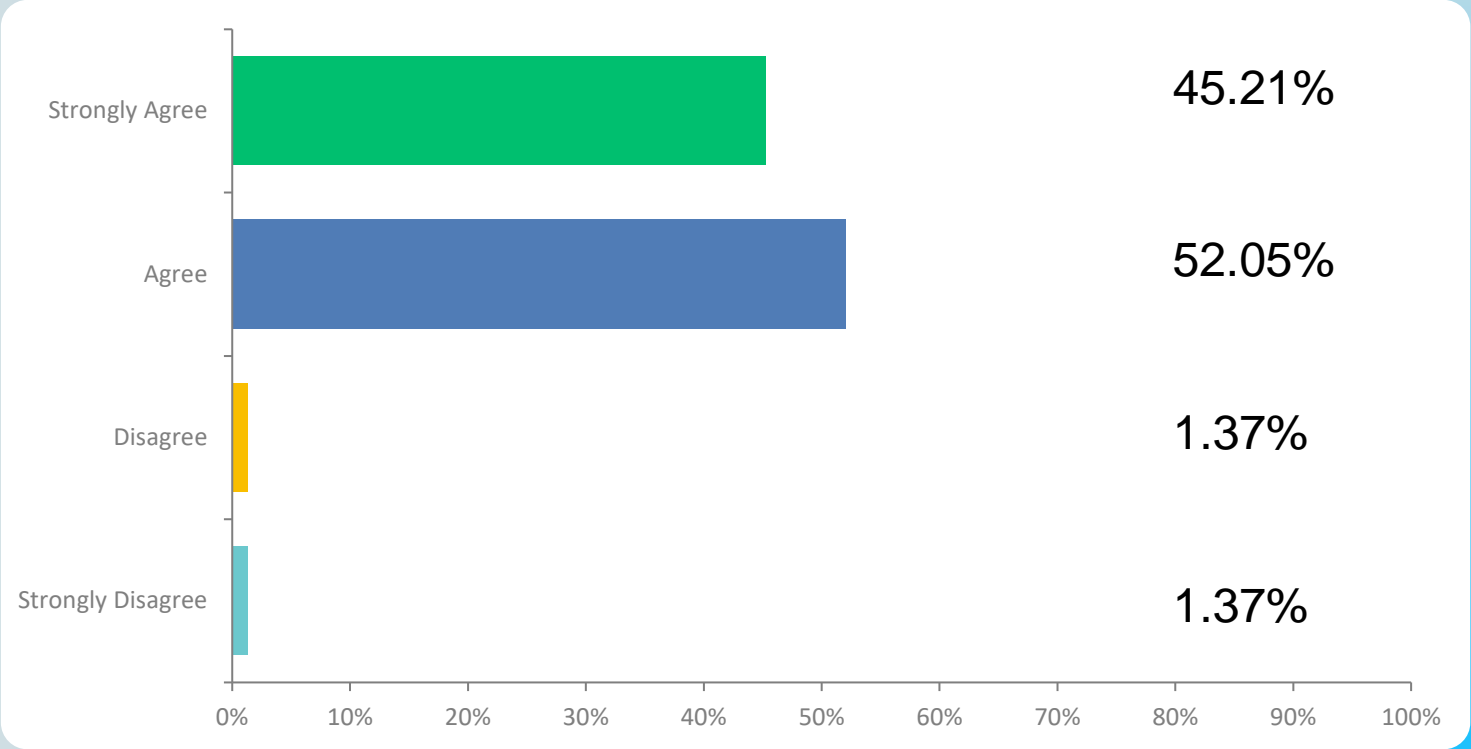


67% of Employees Responded
89% of Employees²⁹ Responded in 2022

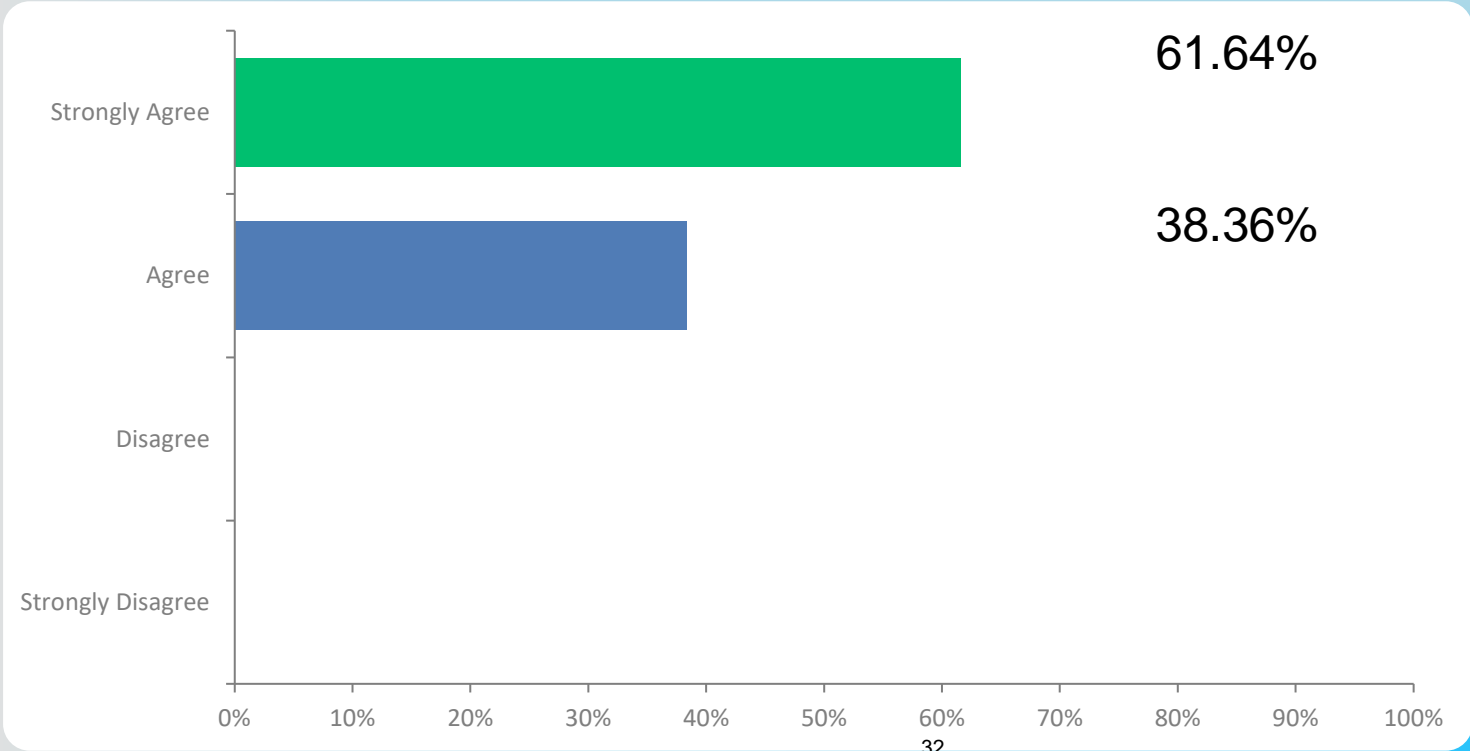
Q2: I am satisfied with the TAPTCO training my organization offers.



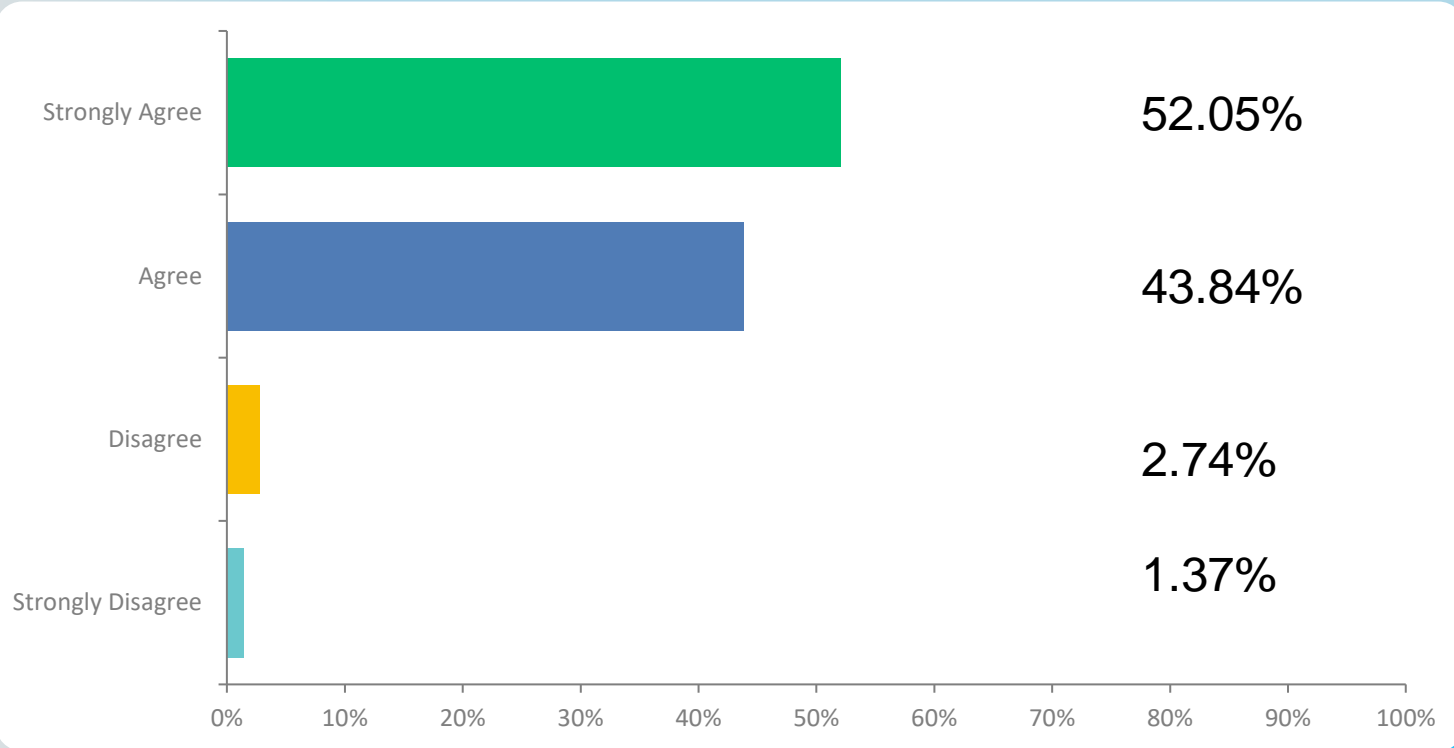
Q3: I have a clear understanding of the company's mission and values.



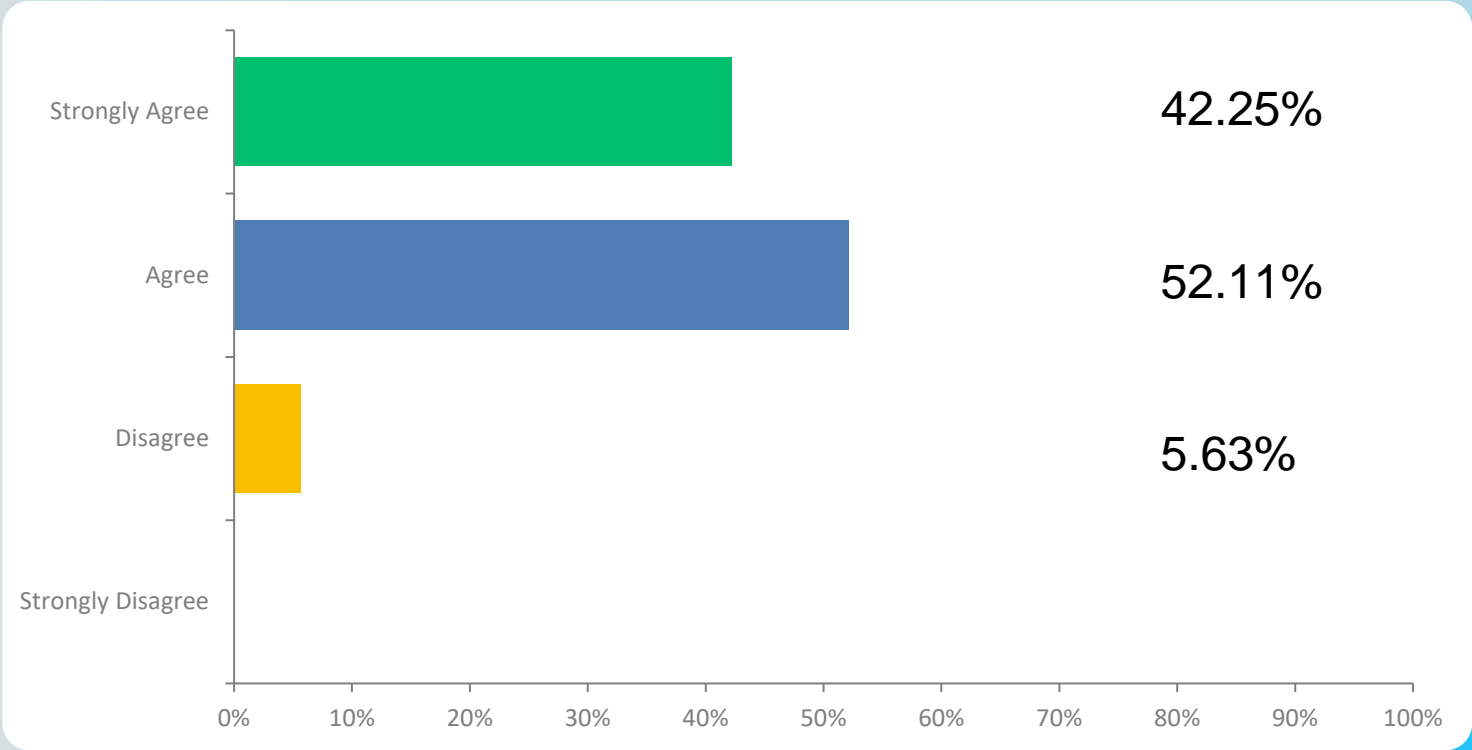
Q4: My position has a direct impact on our mission: BATA delivers safe, high-quality, efficient, and reliable transportation services in its region that link people, jobs, and communities.



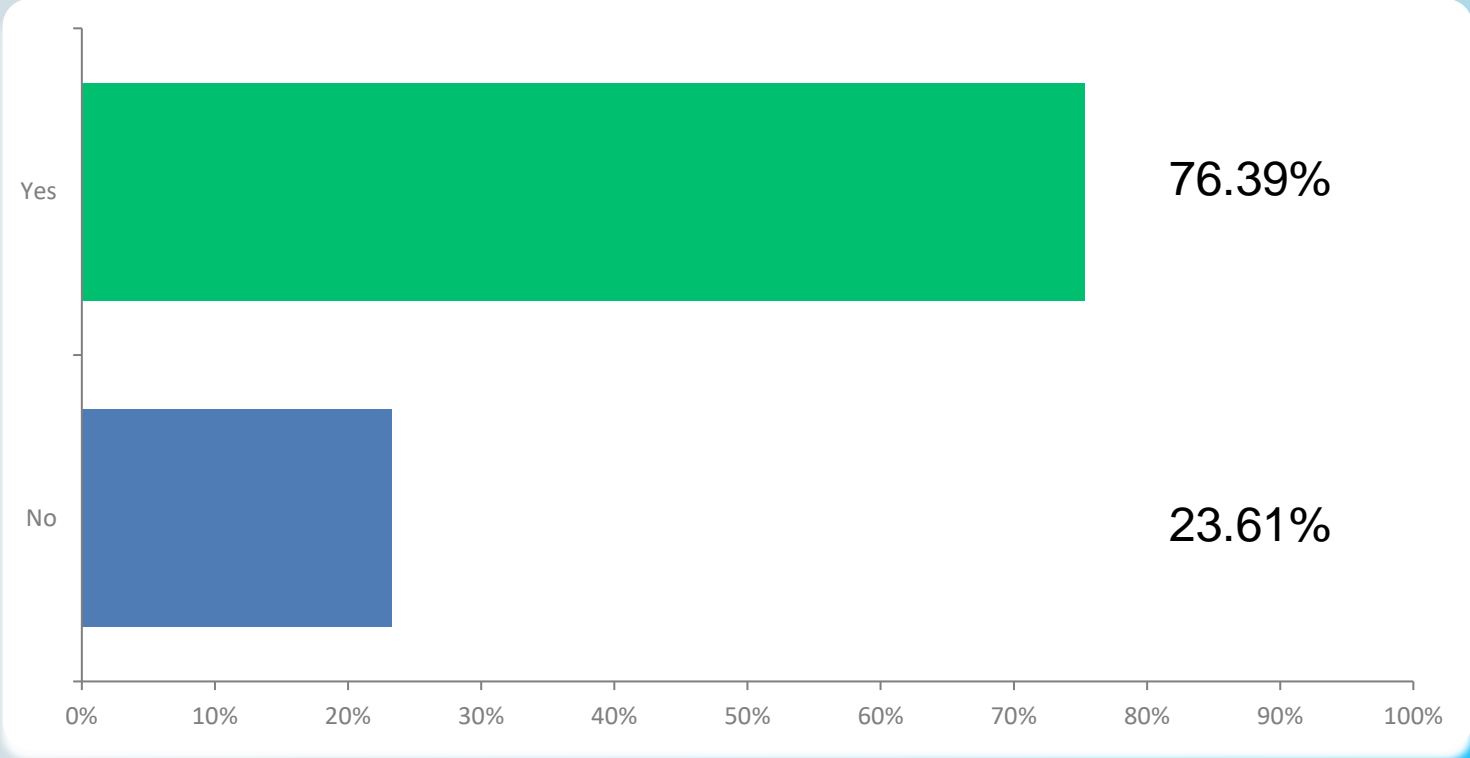
Q5: I am willing to take on new tasks as needed.



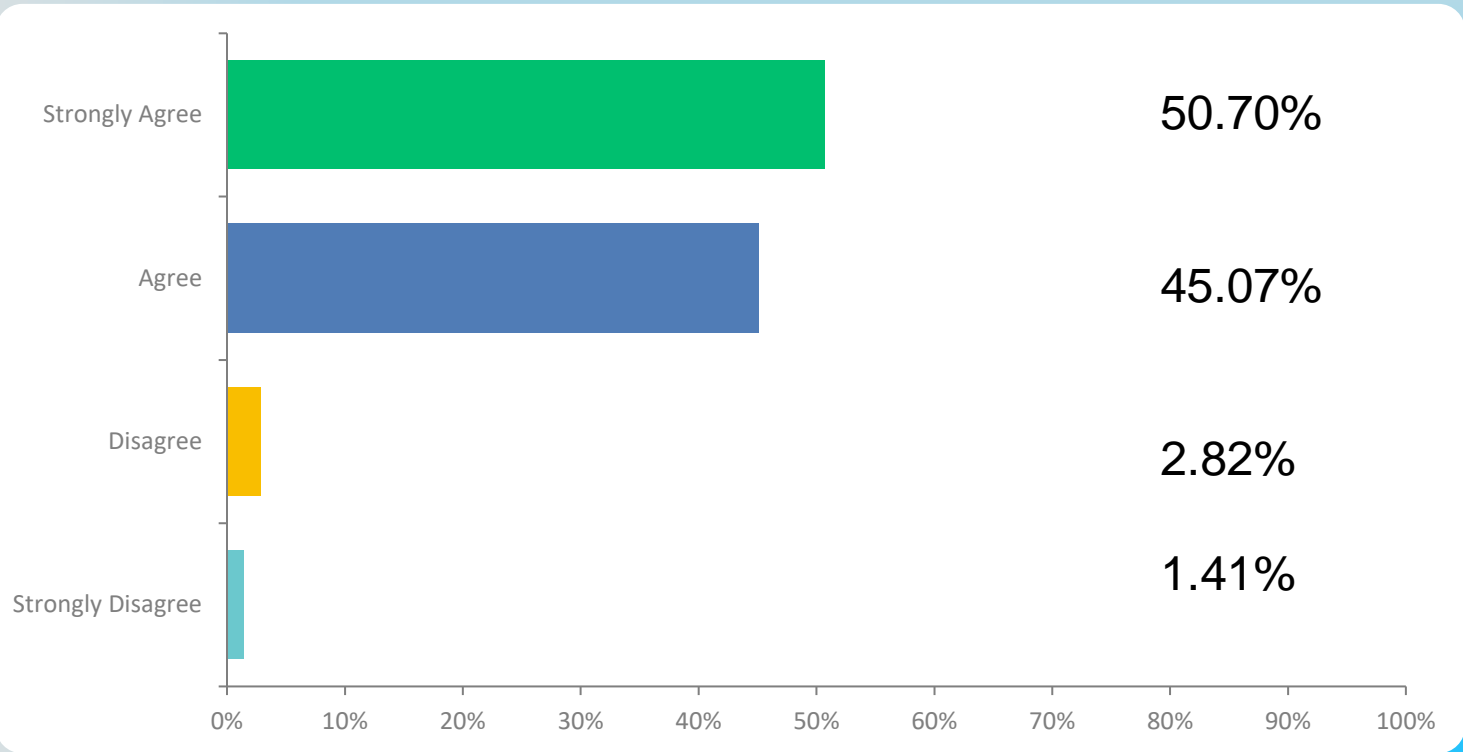
Q6: I willingly accept change.



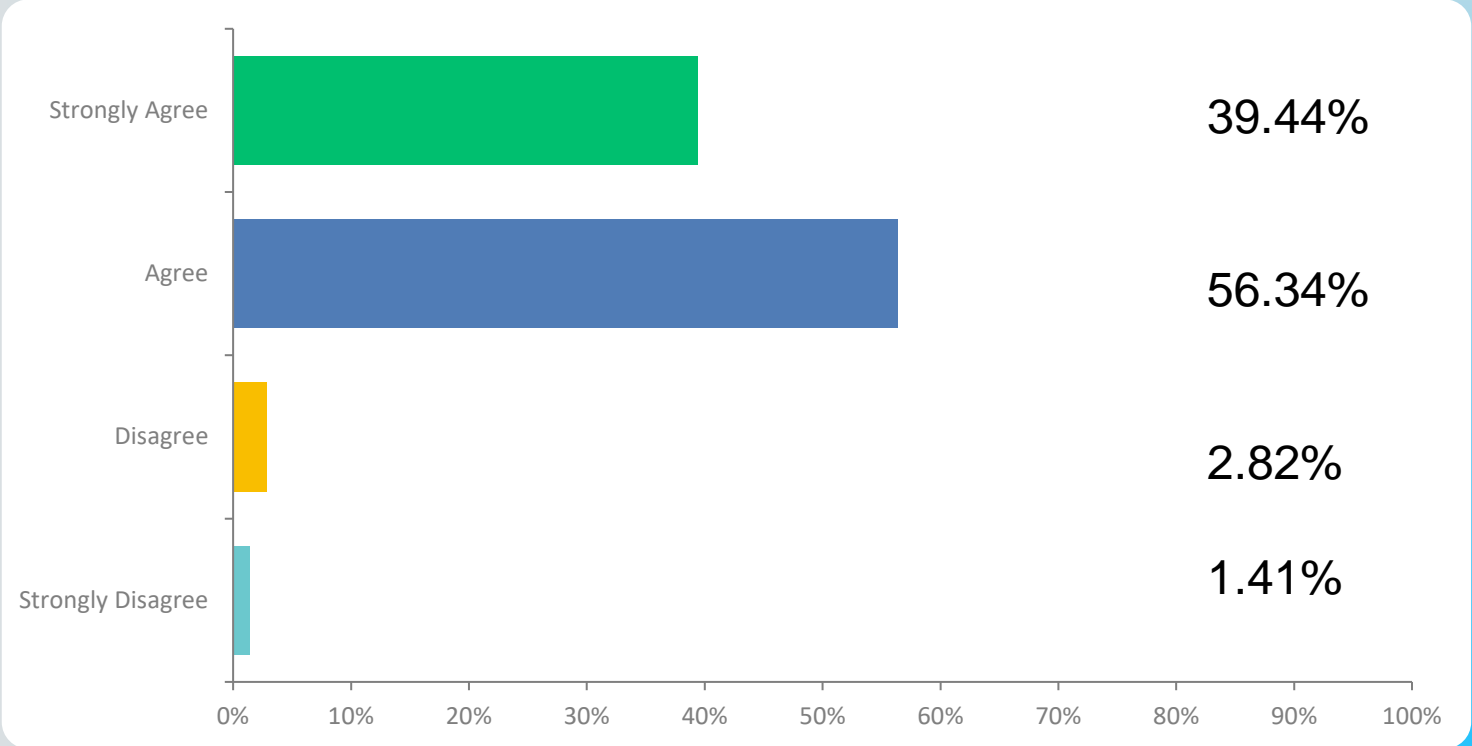
Q7: Do YOU trust your leadership?



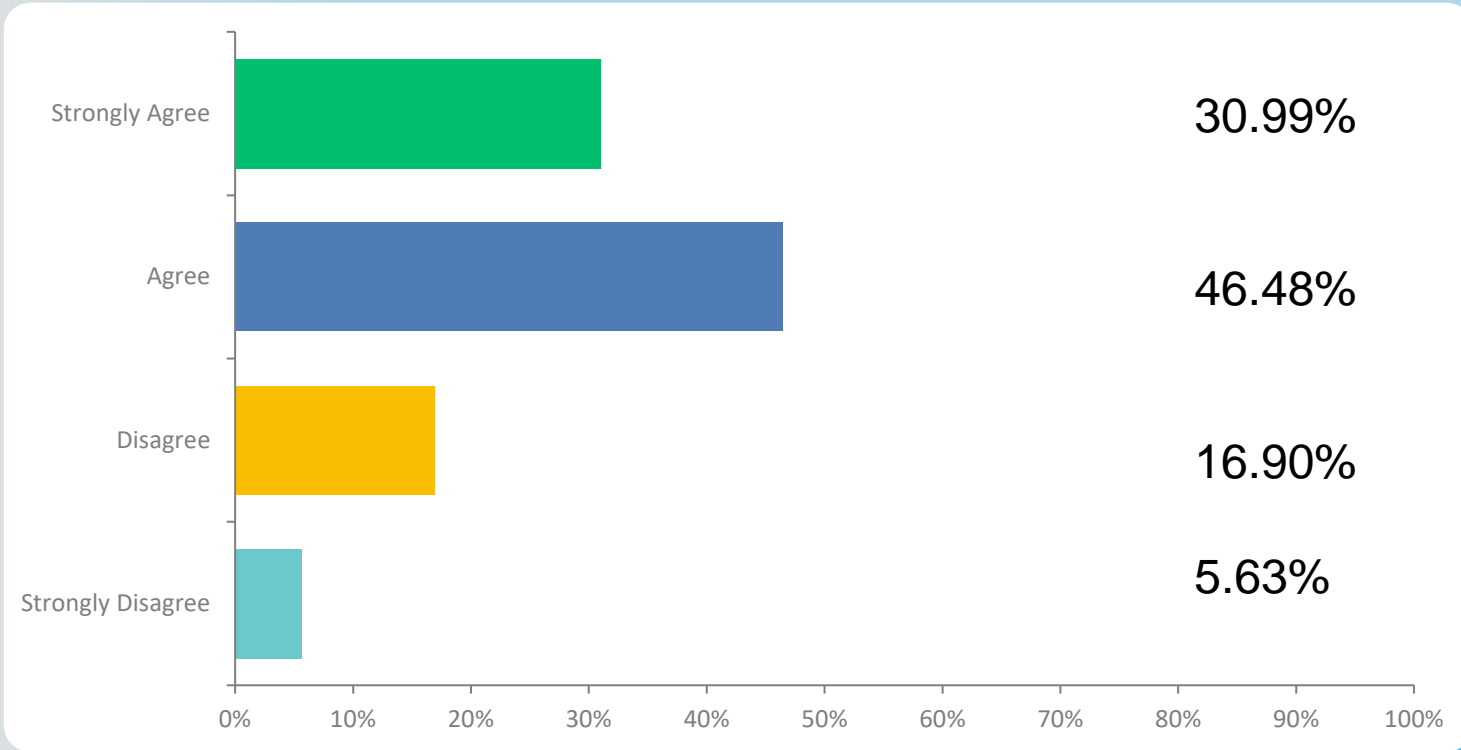
Q8: I am treated with respect and appreciation regardless of race, gender, position, function/department, age, disability, etc.



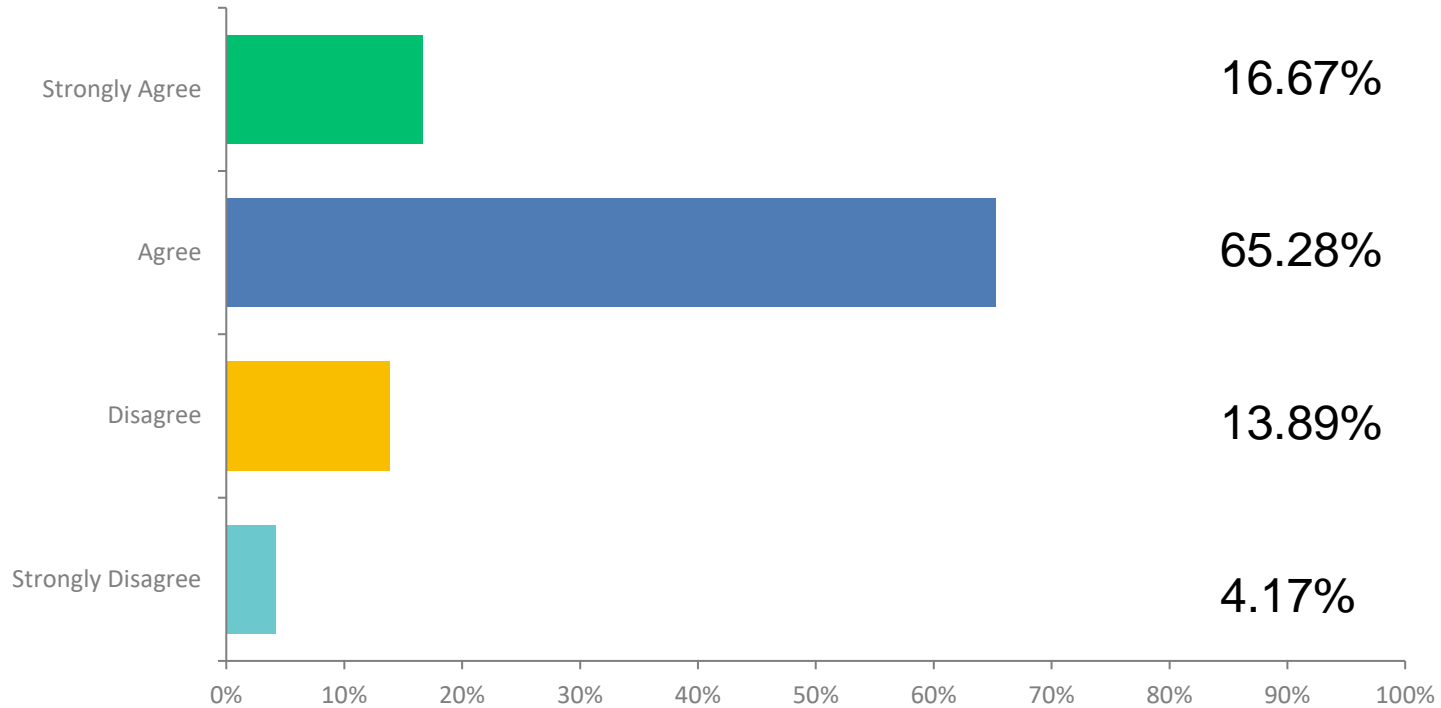
Q9: My organization is dedicated to diversity and inclusiveness.



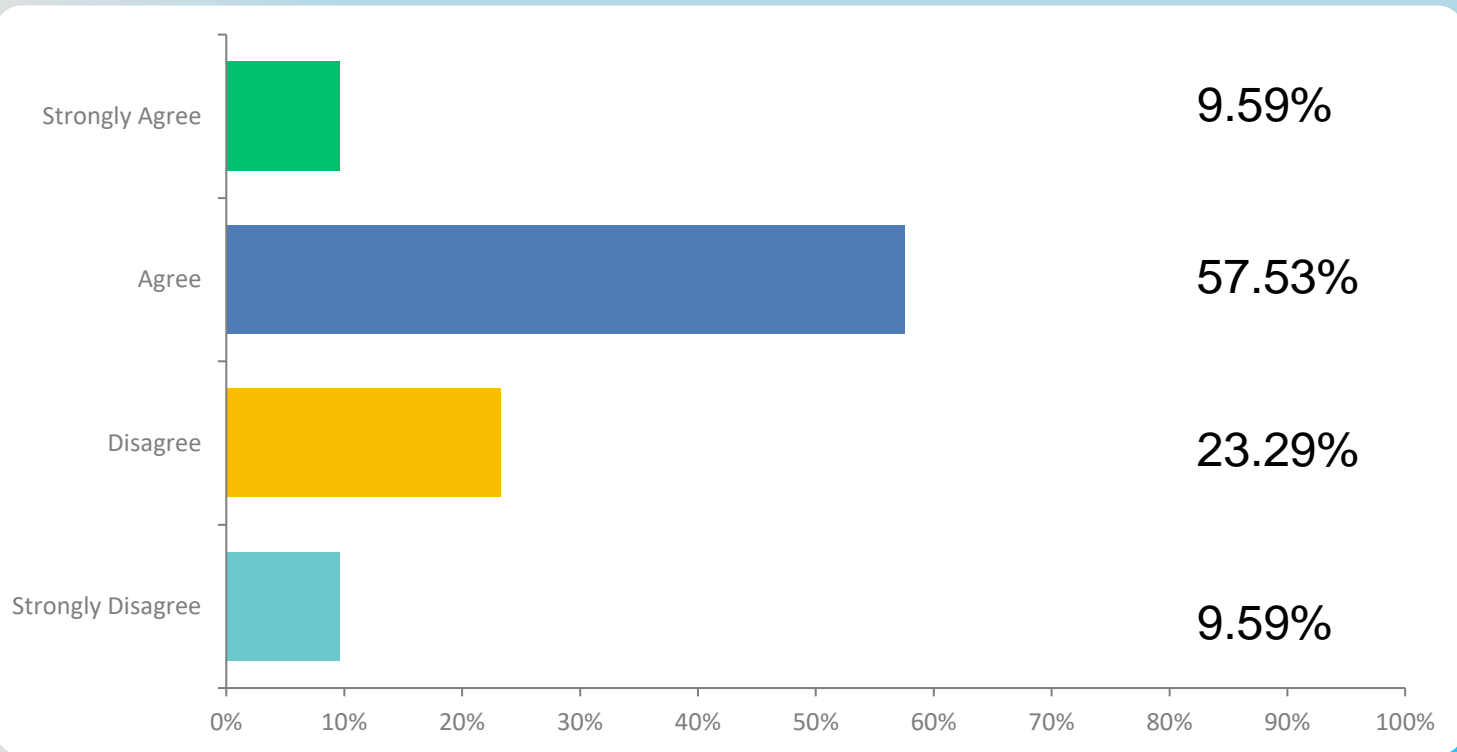
Q10: I have the opportunity to provide feedback and input for key decisions.



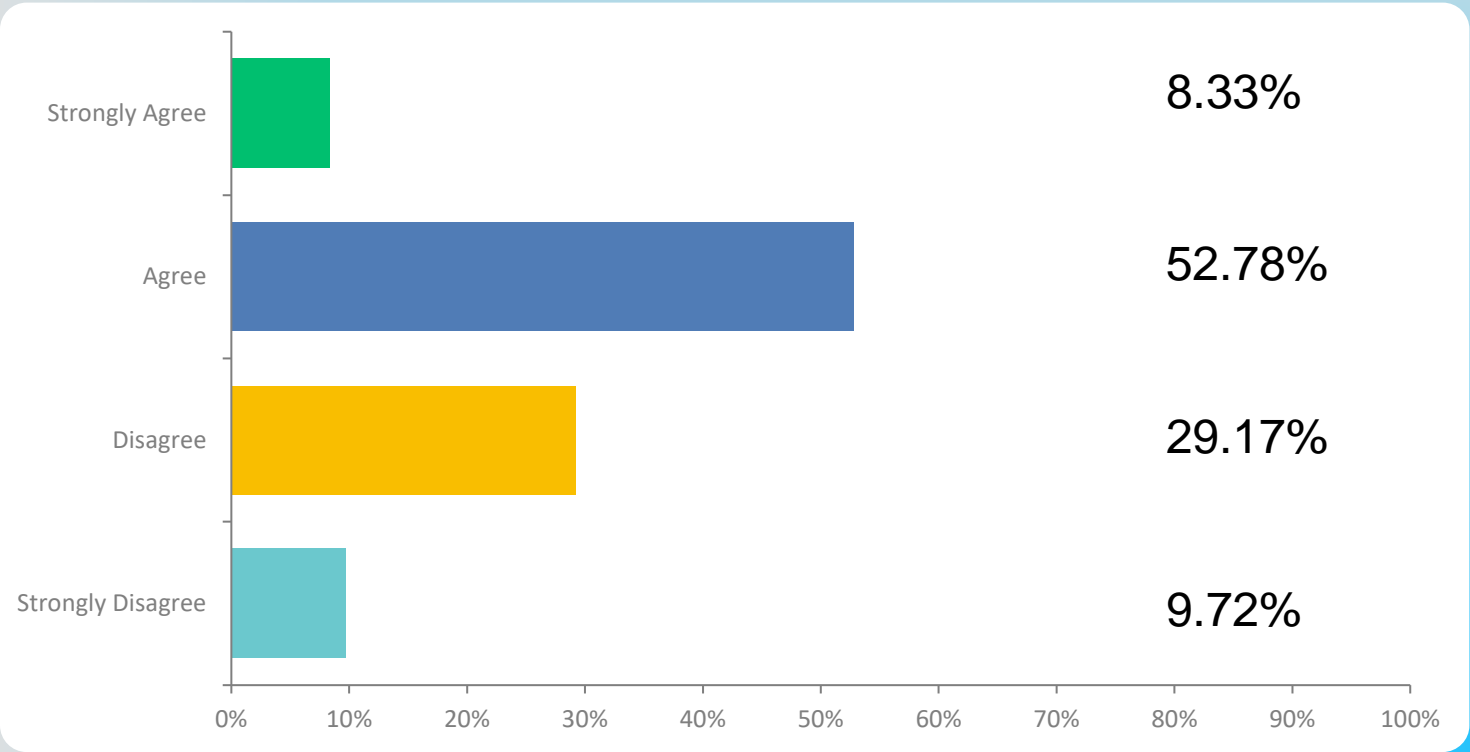
Q11: Employees treat other employees as customers.



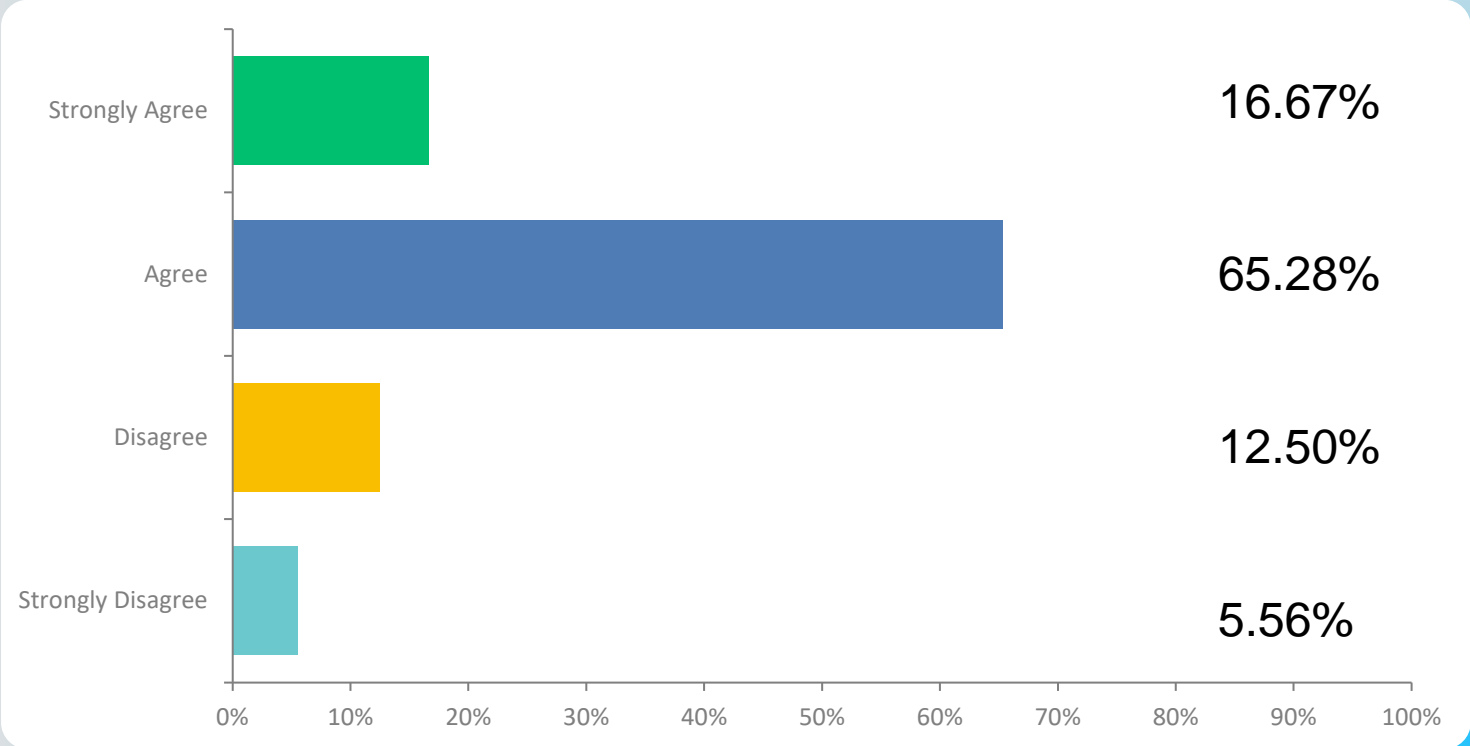
Q12: The hourly rate/salary I receive is fair relative to my local market.



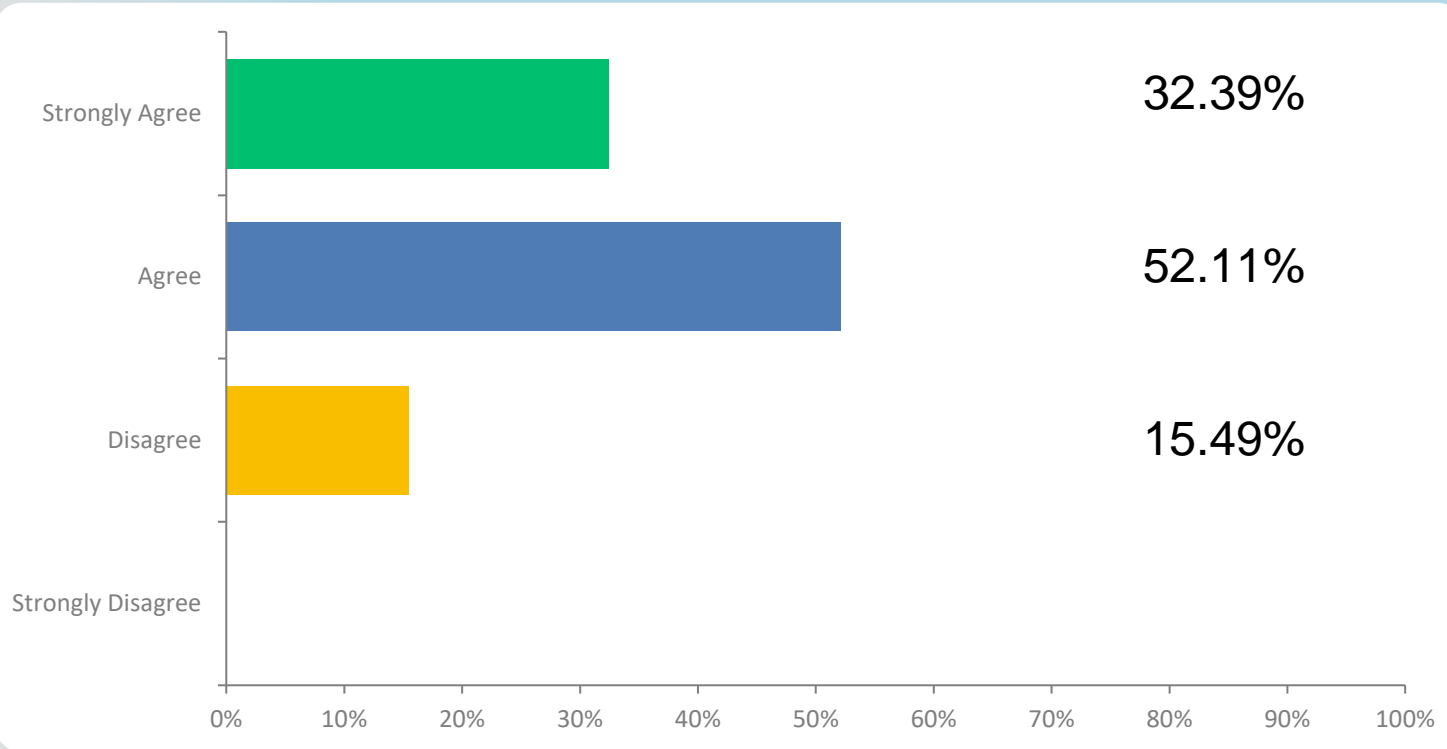
Q13: I am satisfied with my total compensation (pay, benefits, incentives, paid time off, retirement plans, etc).



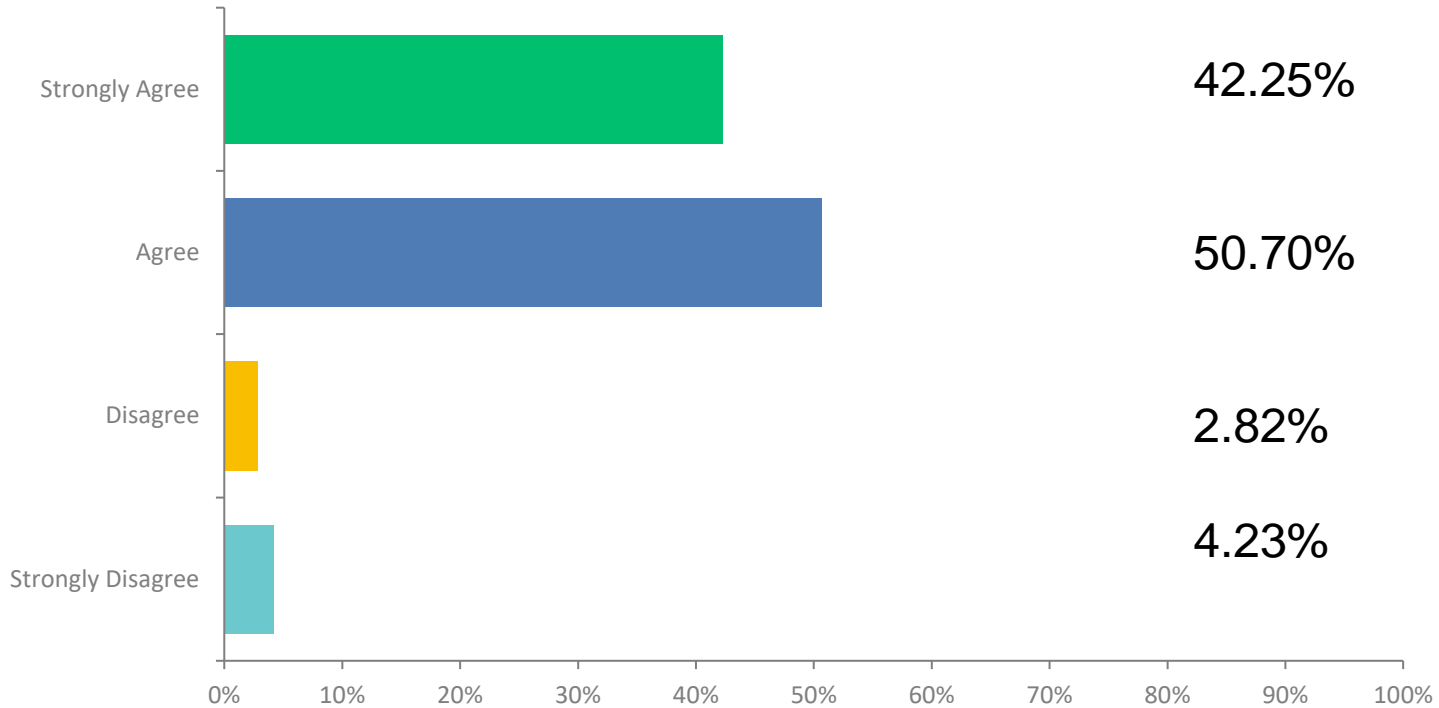
Q14: Communication between senior leaders (directors) and employees is good in my organization.



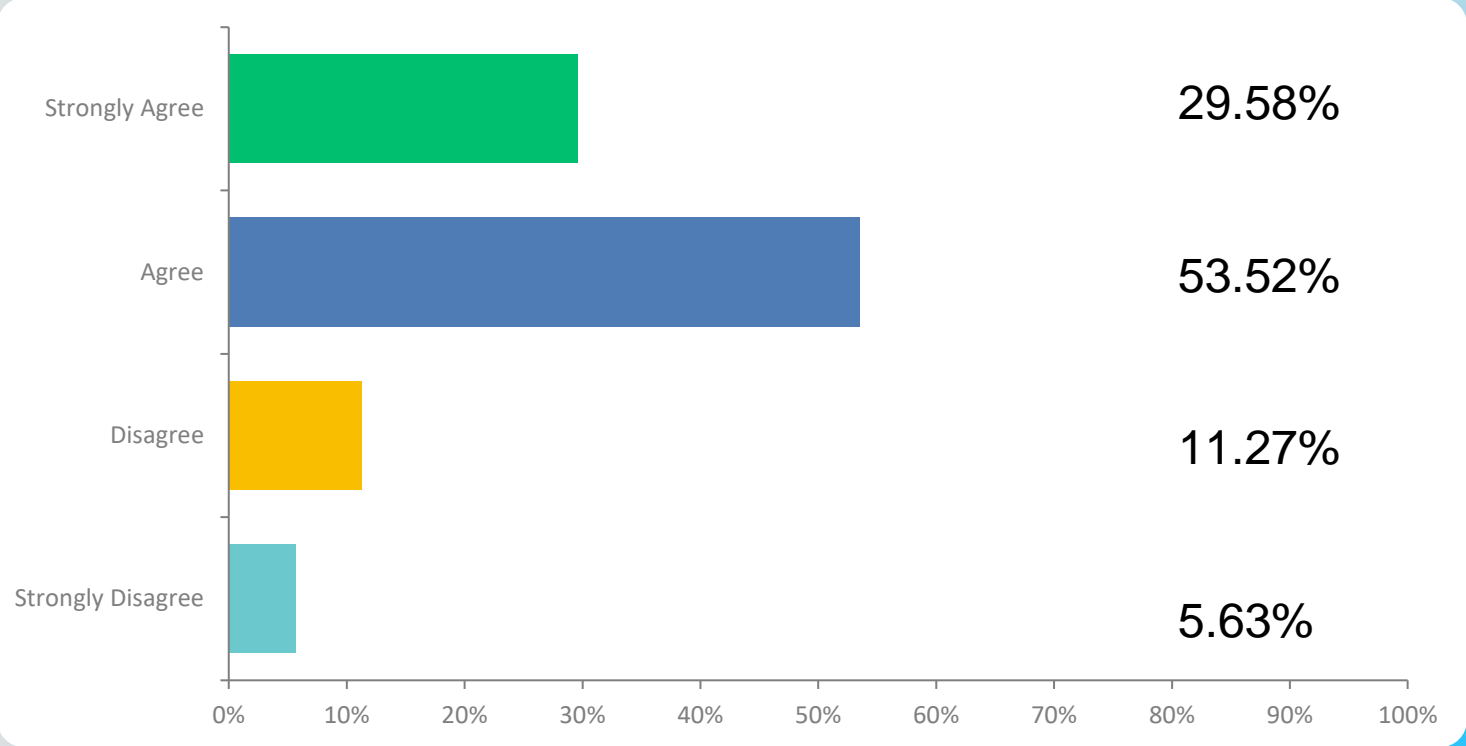
Q15: My manager/supervisor recognizes strong job performance.



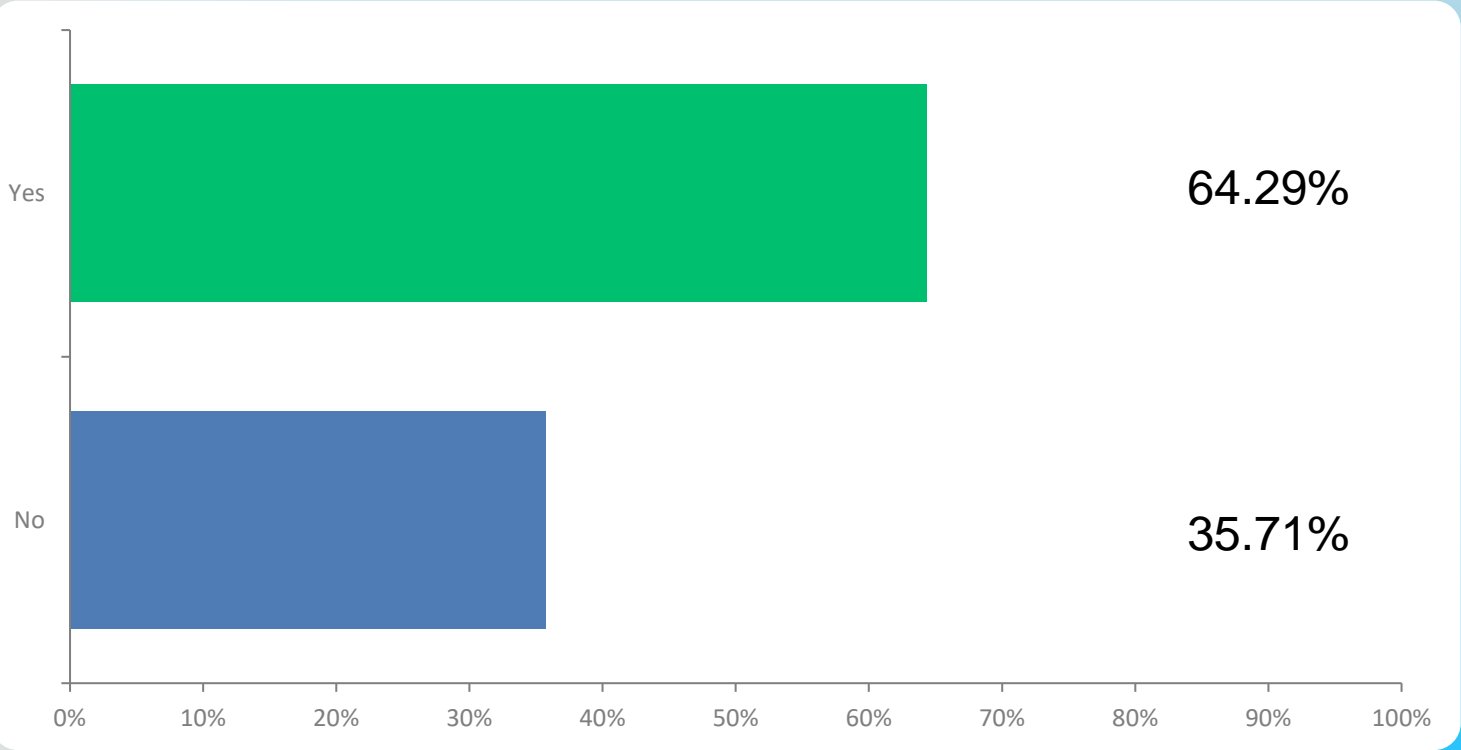
Q16: My supervisor and I have a good working relationship.



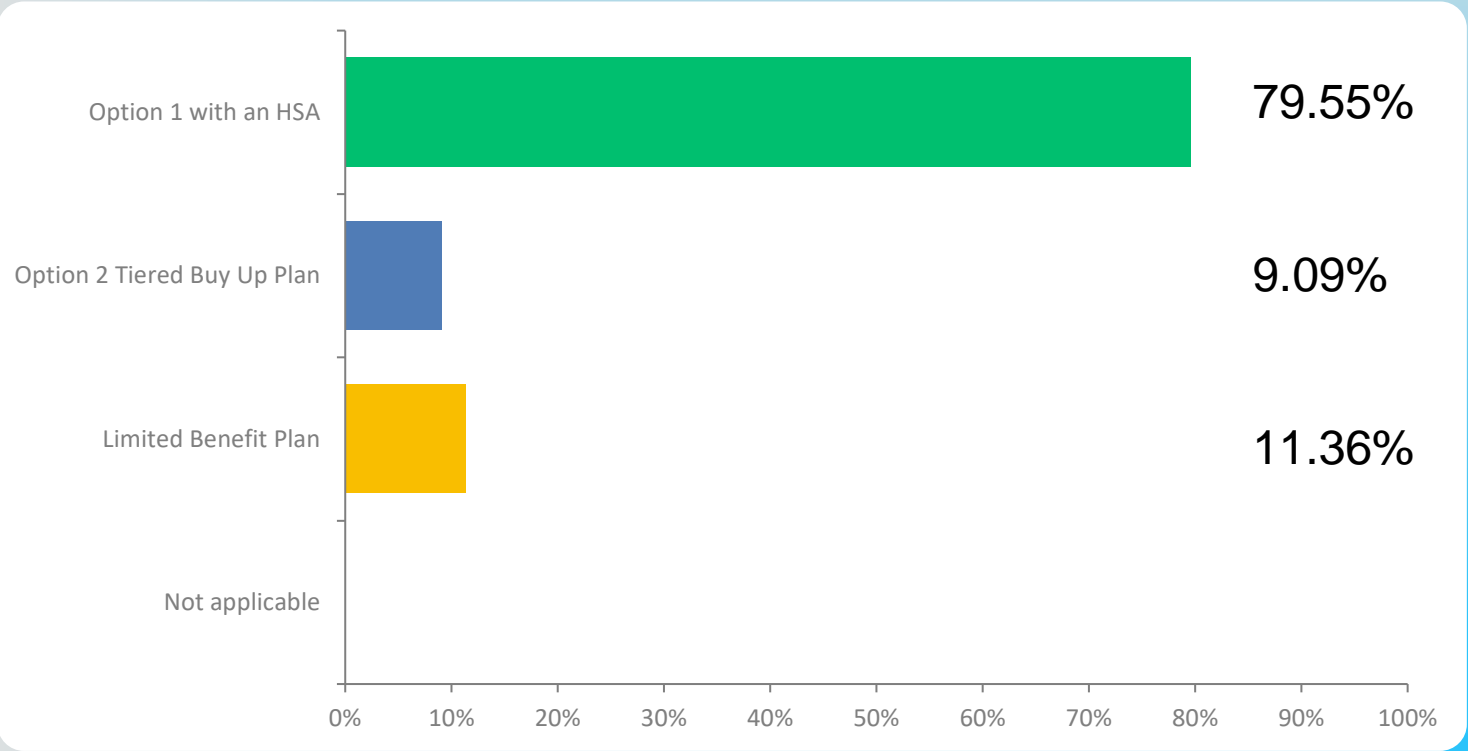
Q17: I am able to make decisions affecting my work.



Q18: I participate in medical insurance offered by the organization (Dental, Vision, Medical, etc).

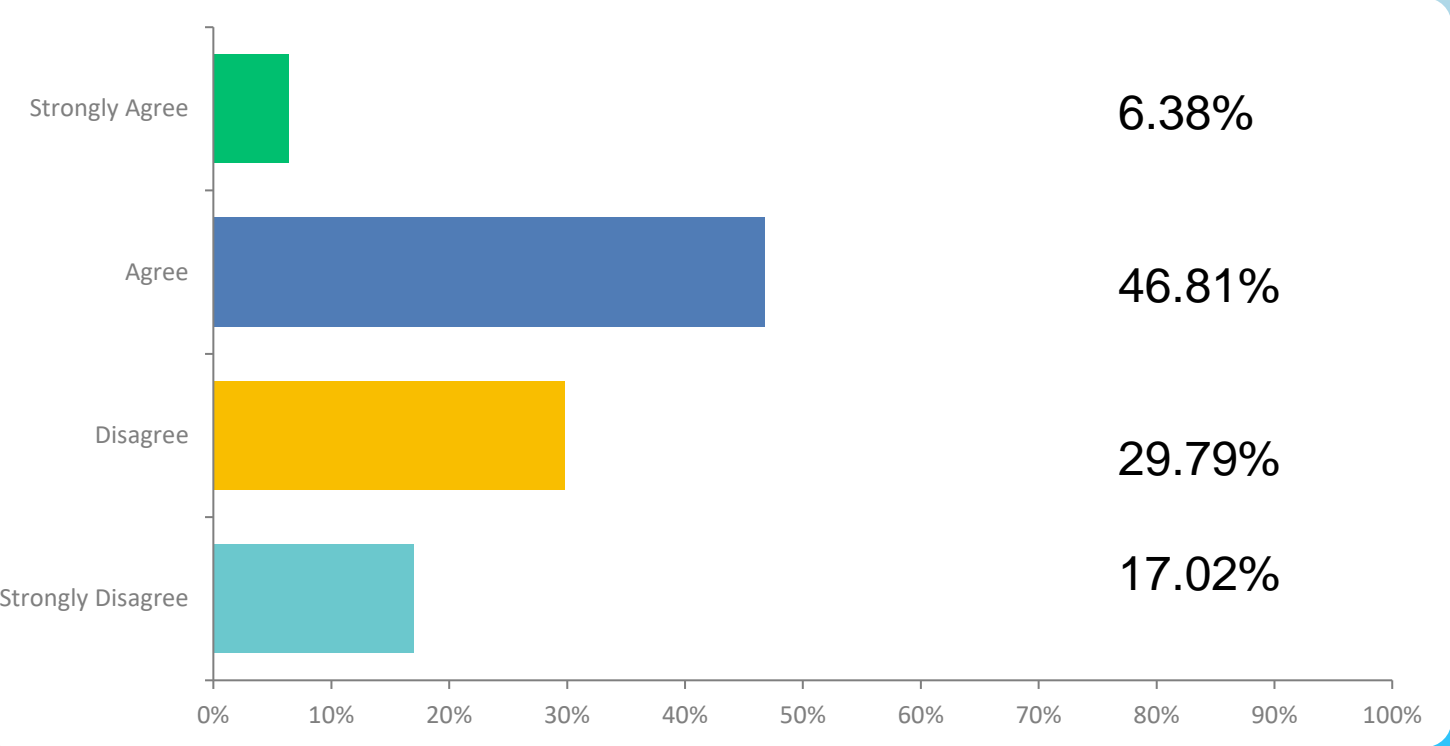


Q19: Please indicate which medical plan you participate in?



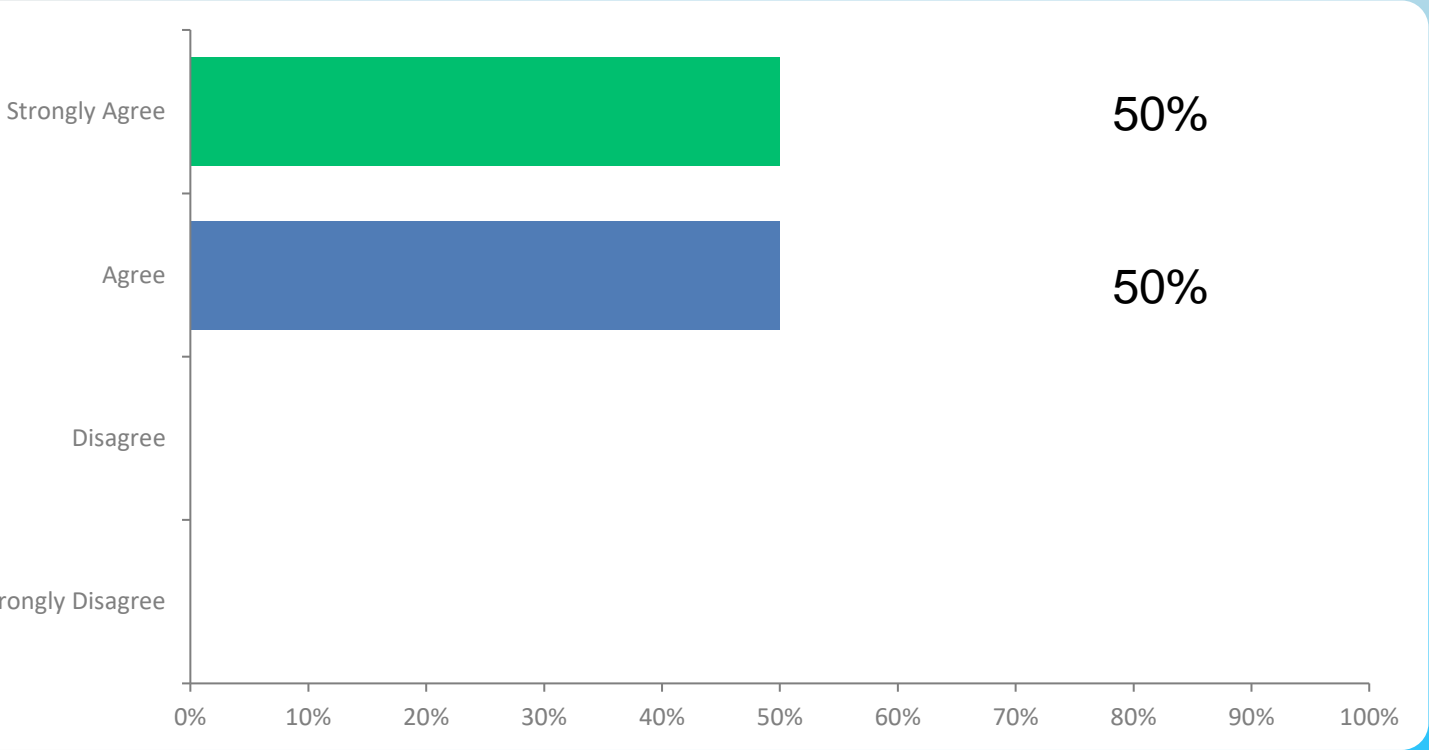
Q20: I am satisfied with the medical benefits offered by my organization.

Option 1 with an HSA



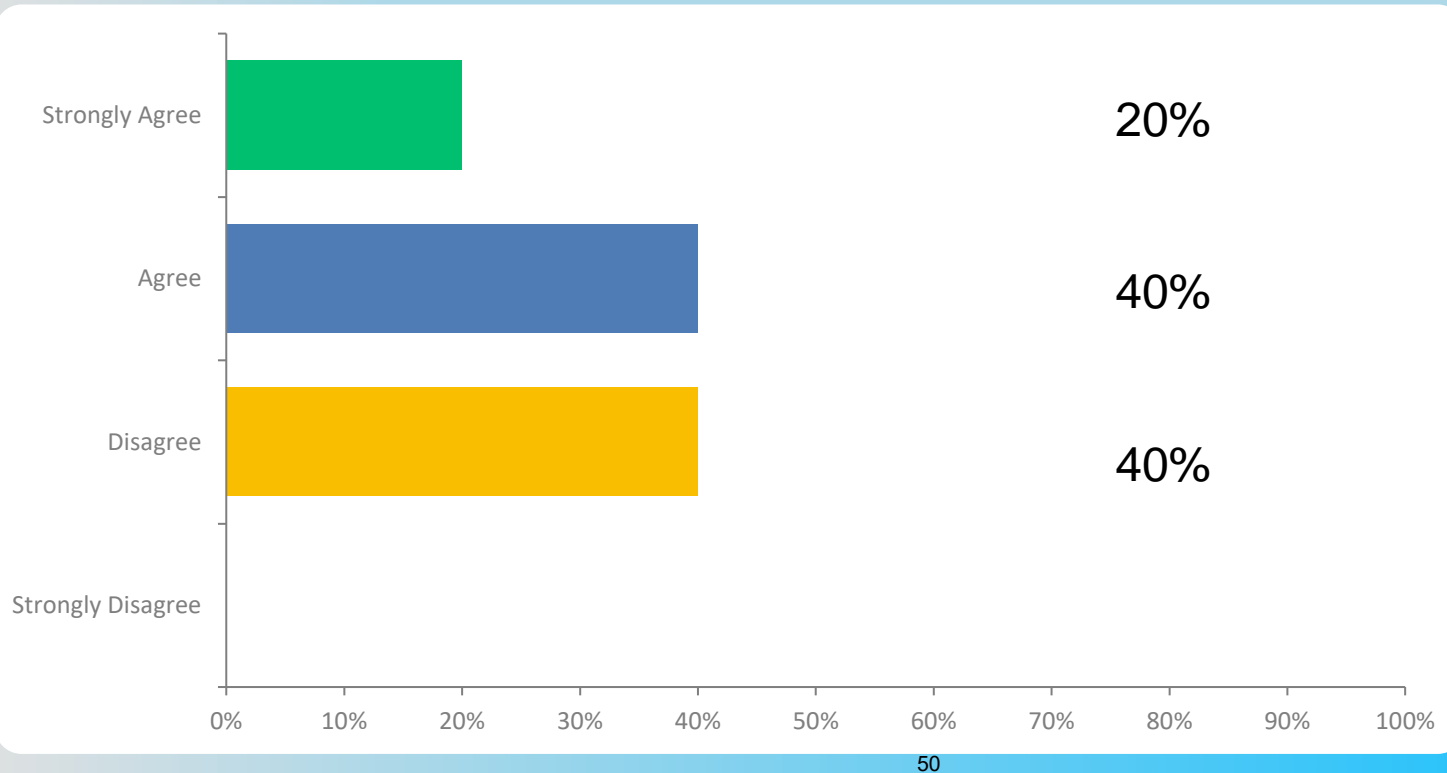
Q21: I am satisfied with the medical benefits offered by my organization.

Option 2: Tiered Buy Up Plan



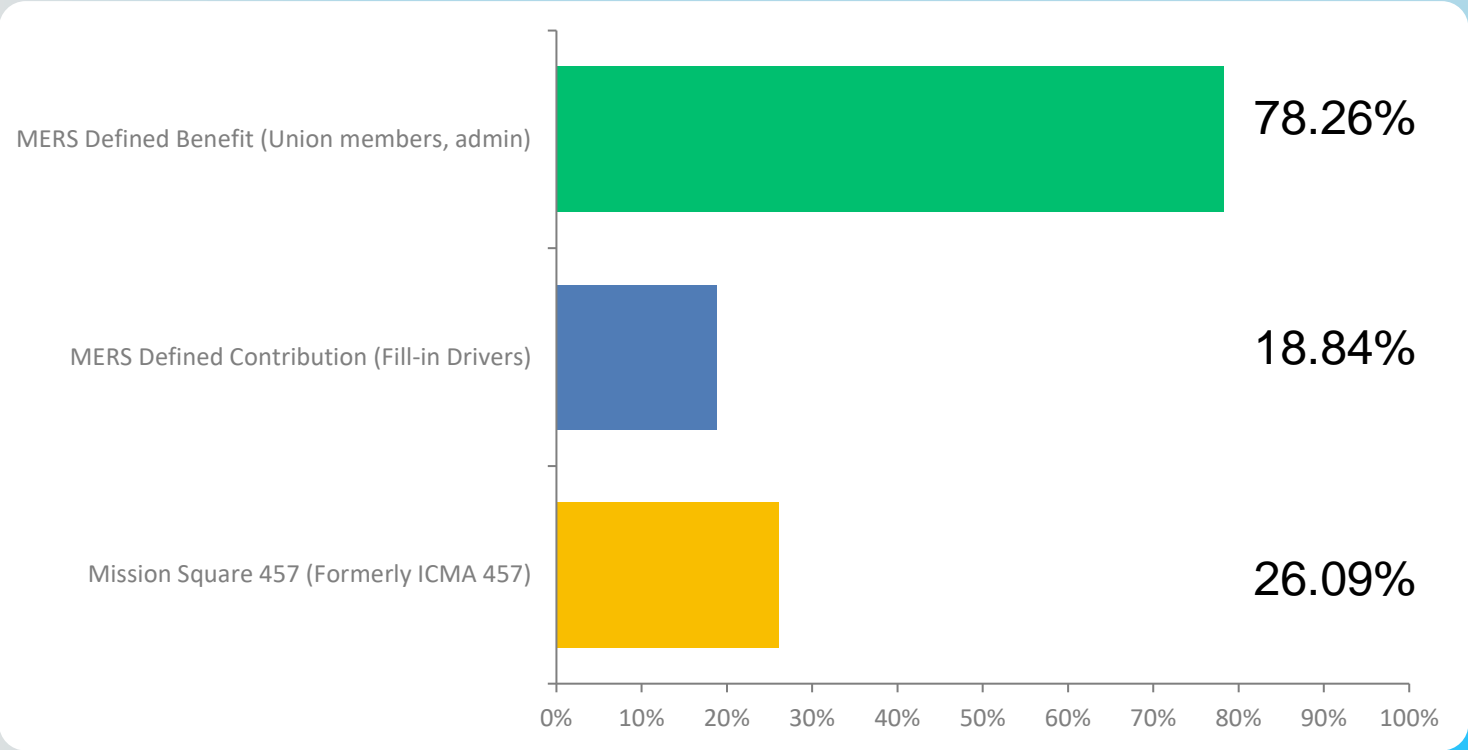
Q22: I am satisfied with the medical benefits offered by my organization.

Option 3: Limited Benefit Plan



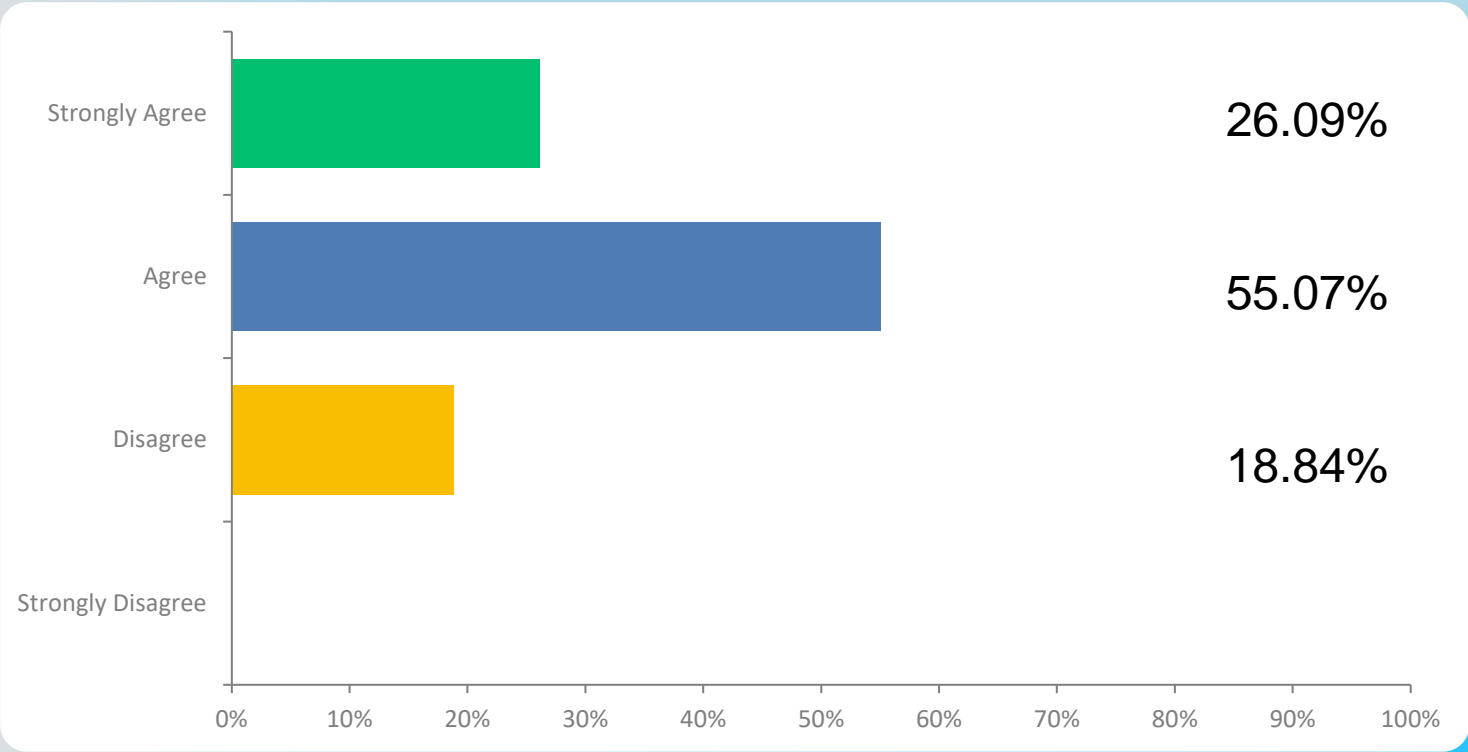
50

Q23: Which retirement plan(s) are you currently contributing to?



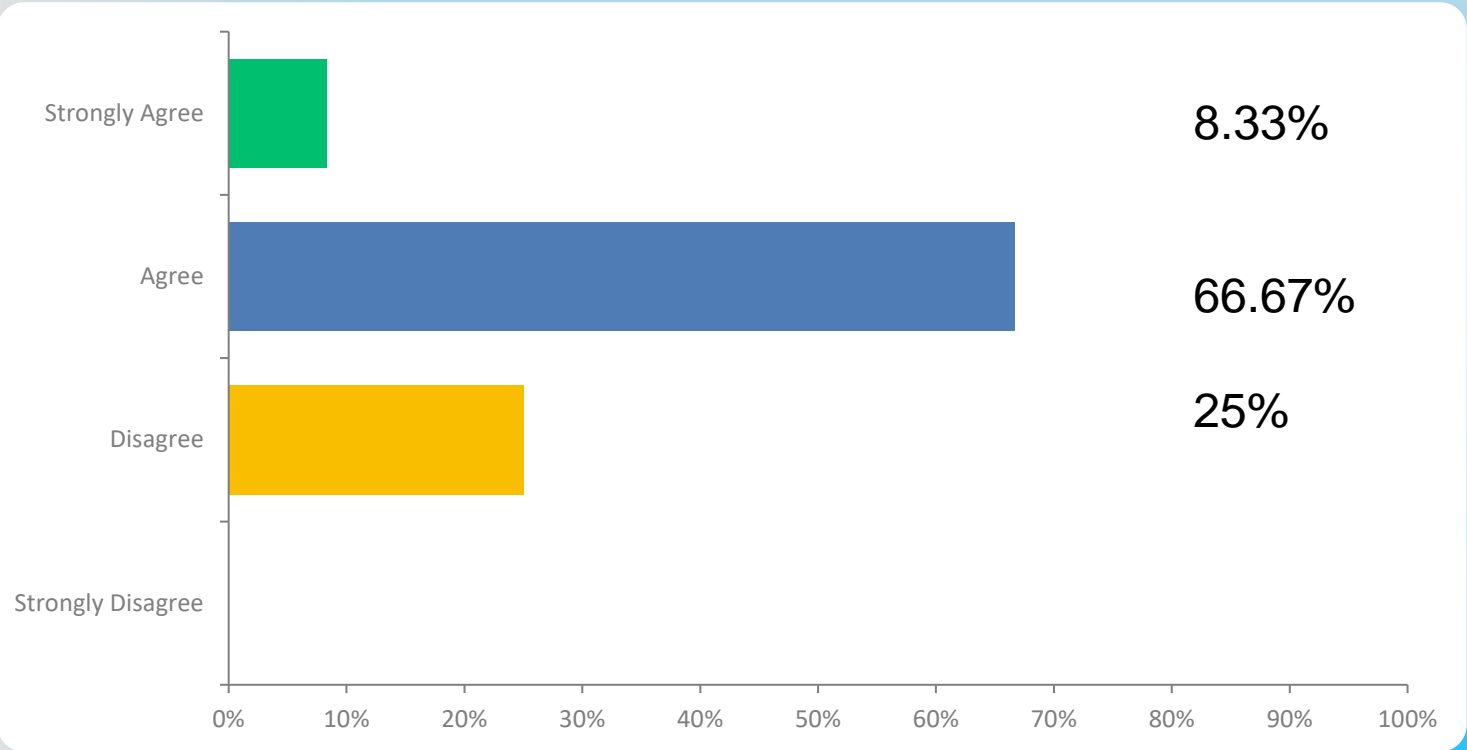
Q24: I am satisfied with the retirement plan offered by my organization.

MERS Defined Benefit (Union Members, Admin)



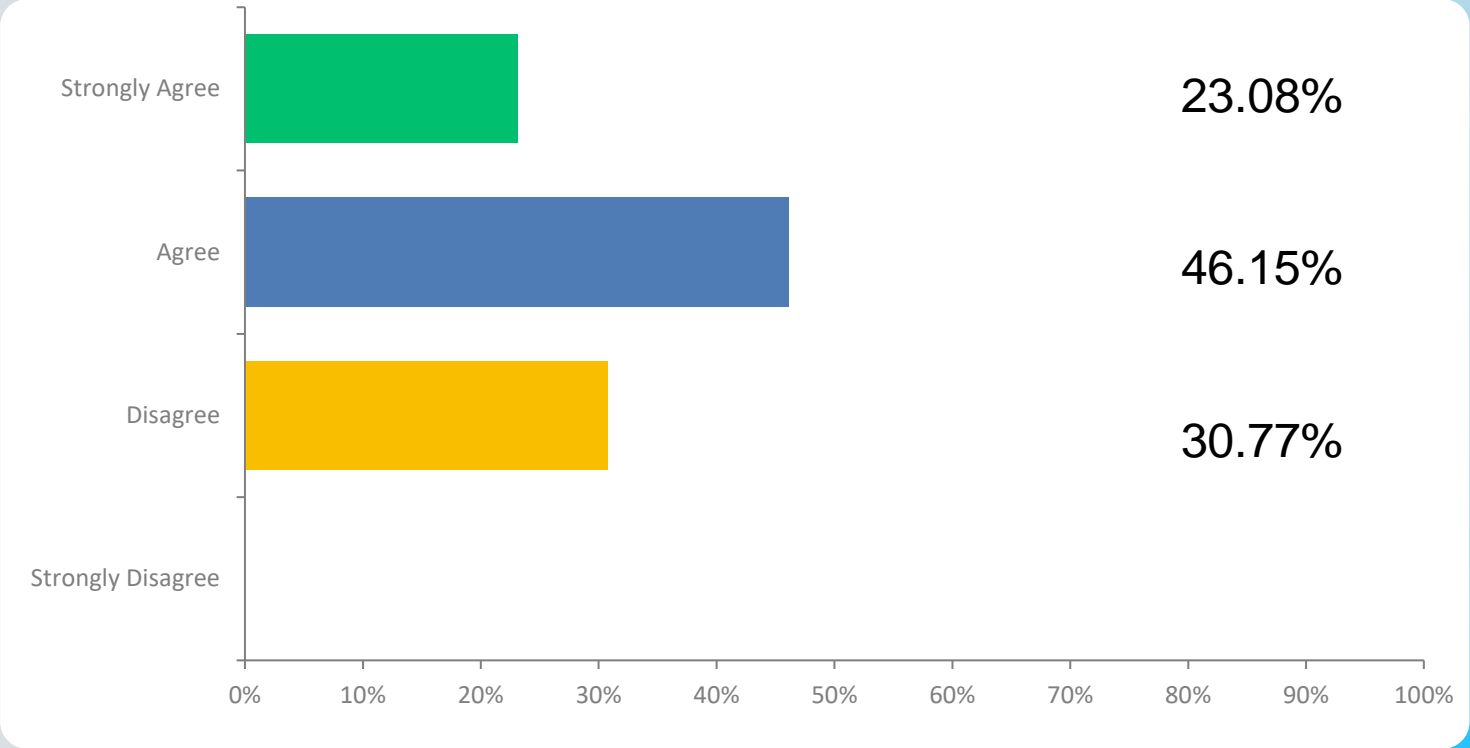
Q25: I am satisfied with the retirement plan offered by my organization.

MERS Defined Contribution (Fill-In Drivers)

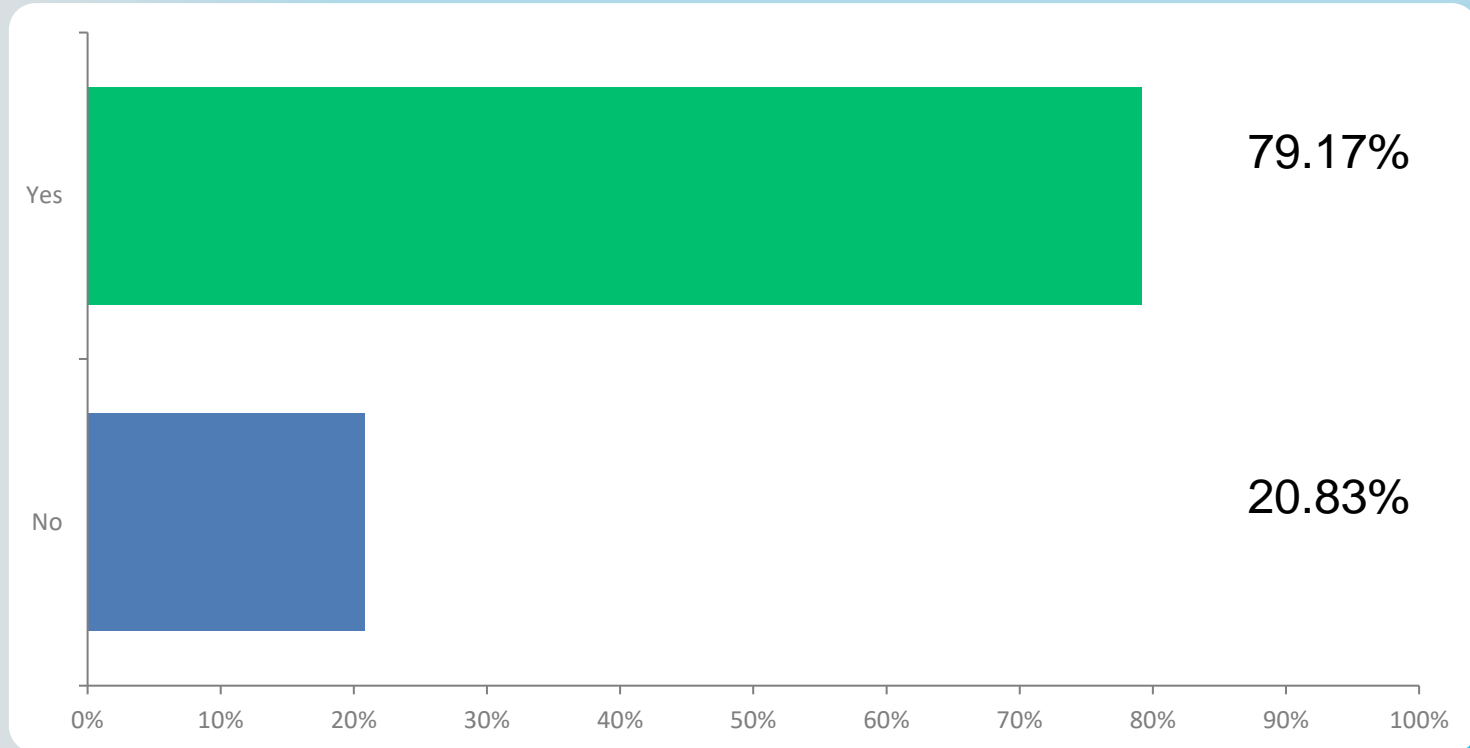


Q26: I am satisfied with the retirement plan offered by my organization.

Mission Square 457 (Formerly ICMA 457)

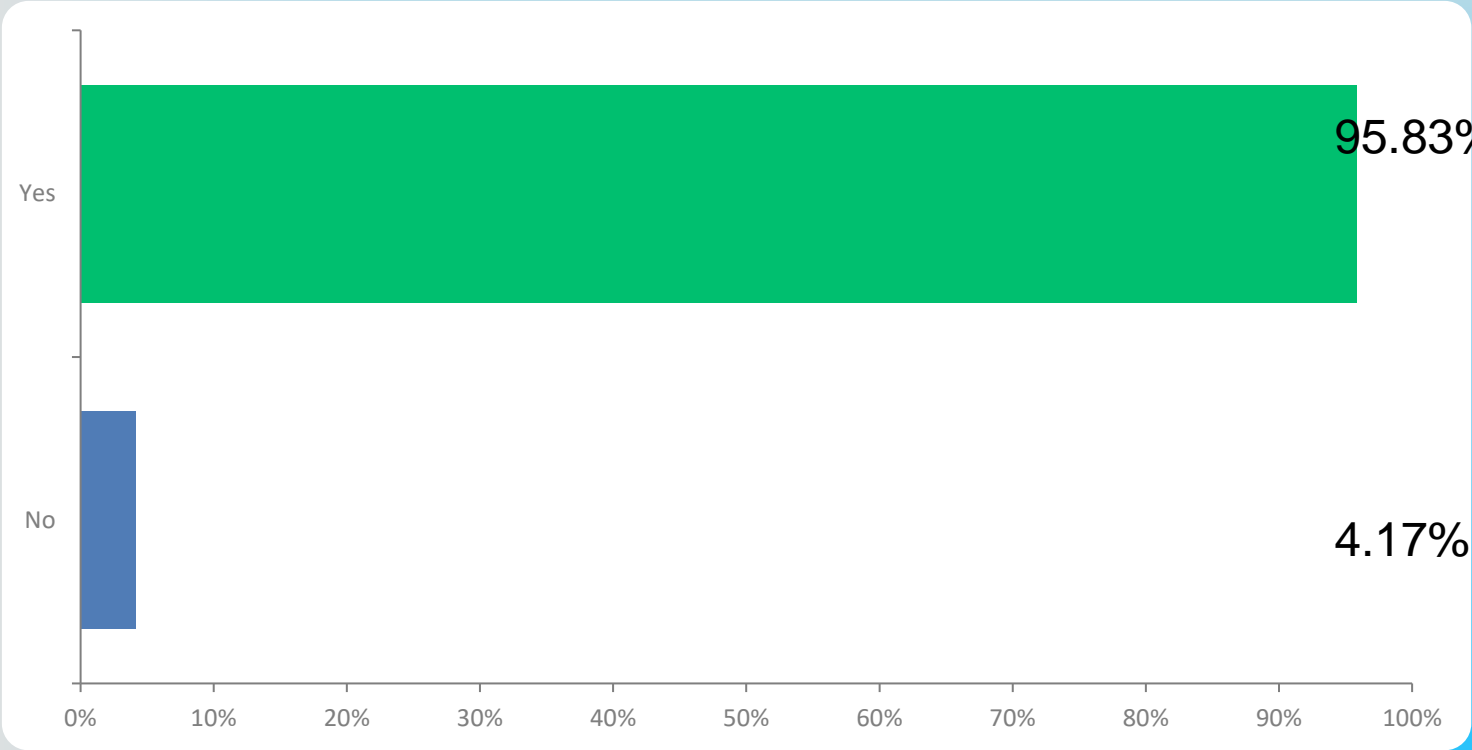


Q27: Would you recommend BATA as an employer to friends and family?

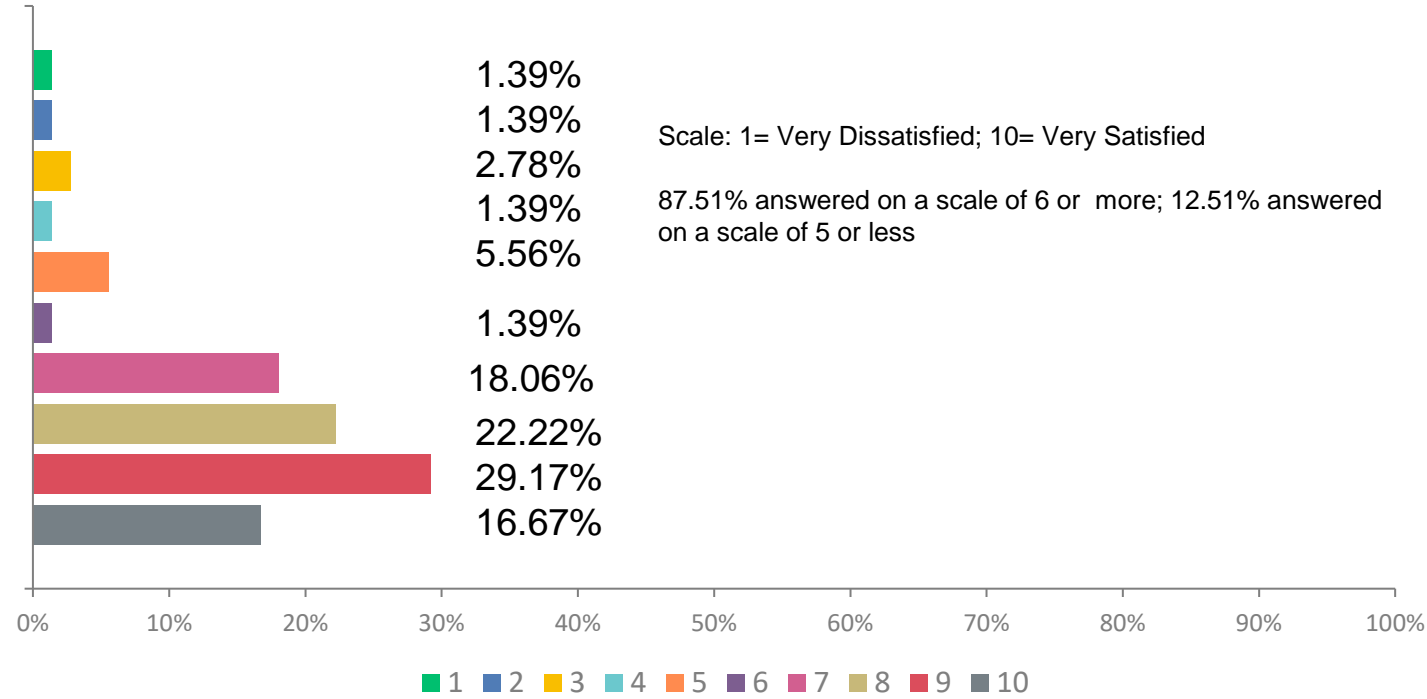


55

Q28: Do you feel you have the tools needed to deliver quality service?



Q30: Please rate your overall job satisfaction from 1 being very dissatisfied, 10 being very satisfied.



Next Steps...

Chris Davis

**BATA Locally Funded Capital Projects Budget
FY2024**

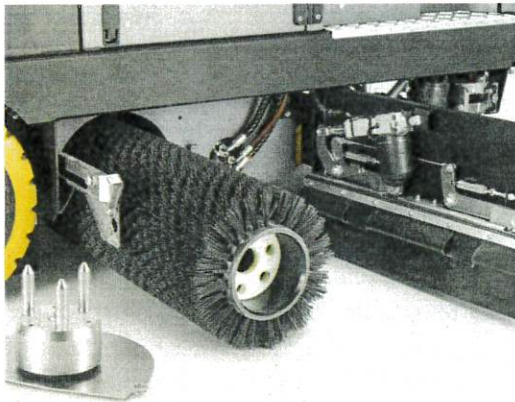
<u>Project #</u>	<u>Project Description</u>	<u>Owner</u>	<u>Asset Category</u>	<u>Request Type</u>	<u>Priority</u>	<u>Useful Life</u>	<u>FY24 Budget</u>	<u>FY25 Forecast</u>	<u>Notes</u>
Capital Projects Budget, Ongoing									
24A	Motors	Kurt	Vehicle Parts	Contingency	A	3	\$ 75,000	\$ 75,000	
24B	Annual Shelter, Bench, Signage and Stop Placemaking	Kurt	Oper Equipmt	Project	A	10	75,000	75,000	
24C	General IT	Eric	Technology	Contingency	A	6	7,000	7,000	
23 C/O	Vehicle Technologies (Replacement, e.g. MDTs, Fareboxes, Radios)	Eric	Technology	Contingency	A	5-10	13,942		Carryover from FY23
24D	Vehicle Technologies (Replacement, e.g. MDTs, Fareboxes, Radios)	Eric	Technology	Contingency	A	5-10	26,460	26,460	
Total							\$ 197,402	\$ 183,460	
Capital Projects Budget, New									
24E	Hall St Snowmelt Repairs	Kurt	Facility	Project	A	15	\$ 50,000		
24F	Garage Sweeper	Kurt	Equipment	Project	A	12	95,000		Order in FY24 for new facility
	Snow Tractor and Grounds Mower	Kurt	Equipment	Project	A	12		53,000	
	2 Rolling Roof Ladders	Kurt	Equipment	Project	A	12		2,000	
	Grounds Gator	Kurt	Equipment	Project	A	12		18,000	
	Scissor Lift	Kurt	Equipment	Project	B	12		10,000	
Total							\$ 145,000	\$ 83,000	
Capital Projects Budget, Contingency (10% of budget)				Contingency			\$ 34,240	\$ 26,646	
Total							\$ 376,642	\$ 293,106	

KÄRCHER

makes a difference



*Shown with optional overhead guard



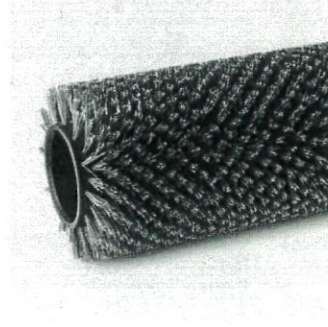
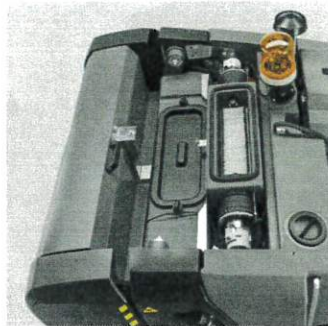
SCRUB AND SWEEP AT THE SAME TIME.

Double your productivity with this full-size, highly-productive sweeper and scrubber combo.

It's about time.

Every aspect of the Kärcher B 300 R I was designed to save you time and money. This machine achieves an astronomical 178,144 ft²/hr cleaning performance. Scrub while you sweep with this dual-purpose industrial cleaner. Enjoy the practicality of the 59-inch maximum dump height of the large 47.5-gallon debris container. Pivotal side-brushes ensure you clean close to the edge every time. To ensure you get a quick return on your investment we built the B 300 with a best-in-class 69-inch working width.

Count on the heavy-duty steel frame and the Kubota LPG or diesel engine to provide power and reliability for years to come. Never lose sight of where you are going with the commanding view from the driver's seat of the B 300.



1 Extremely productive

- Scrub and sweep with one machine at the same time
- Best-in-class productivity with a class-leading width of 69 inches
- Get up to 178,144 ft²/hr with this time saving model

2 Easy to use

- Hydraulic high-dump disposal feature is productive and practical
- Good visibility from unobstructed driving position
- Close to the edge cleaning at both sides with pivotable side brushes / scrub deck
- Simple, yet robust controls

3 Heavy-duty construction

- Massive heavy-duty steel frame

4 Designed for the real world

- Unlimited runtime with LPG or diesel fuel
- LPG or diesel driven combustion engine for power and reliability
- Kubota engines for efficient and powerful use



**BYLAWS AND RULES OF
PROCEDURE OF
BATA**

ADOPTED JULY 26, 1996, REVISED MARCH 31, 1999, REVISED JANUARY 30, 2013,
REVISED APRIL 30, 2014, REVISED FEBRUARY 24, 2016, REVISED JANUARY 27,
2022, REVISED FEBRUARY 23, 2023, **PENDING SEPTEMBER DRAFT REVIEW.**

PREAMBLE

This public body corporate, having been created pursuant to Act 196 of 1986, as amended, Public Acts of the State of Michigan (the “Act”), is named BATA (the “Authority”), and pursuant to the Act, power is granted to the Board of Directors of the Authority (the “Board”) to make such rules and bylaws for its government as it may deem appropriate, not inconsistent with the Act creating the Authority. The bylaws of the Board are as follows:

ARTICLE I

OFFICES

Section 1. Office. The principal office of the Authority shall be 3233 Cass Road, Traverse City, MI 49684.

ARTICLE II

BOARD OF DIRECTORS

Section 1. General Powers. The property, affairs, and business of the Authority shall be managed by the Board to the extent of the powers and authority delegated to the Board by the Act. No person shall be entitled to exercise a proxy vote for any Board member. The governing body of the Authority is the Board.

Section 2. Number, Tenure and Qualifications. The Board shall consist of seven members who shall be appointed as provided in its Articles of Incorporation. The Board shall exercise all of the powers and duties set forth under the provisions of said Act.

Section 3. Board Composition. It shall be the responsibility of the BATA Board Governance Committee to identify gaps in representation on the BATA Board as at-large seats are appointed. The Governance Committee shall endeavor to maintain balance in Board composition when recommending the at-large seat appointments. The Board composition shall be maintained in accordance with its Articles of Incorporation.

Section 3. Regular Meetings. Regular meetings of the Board shall be held at such times and places determined from time to time by resolution of the Board. If the date fixed for any such regular meeting be a legal holiday under the laws of the state of Michigan, then the same shall be held on the next succeeding secular day not a legal holiday under the laws of the state of Michigan, or at such other time within the month as may be determined by resolution of the Board. At such meetings the Board may transact such business as may be brought before the meeting. Virtual attendance is allowed within the parameters of the Open Meetings Act.

Section 4. Order of Business*. Conduct of a regular meeting shall require the following items of business:

1. Call to Order by Chairperson
2. Pledge of Allegiance/Moment of Silence
3. Roll Call/Quorum
4. First Public Comment
5. Approval of Agenda – Conflict of Interest
6. Consent Calendar*
 - a. Approval of BATA Board Meeting Minutes
 - b. Acceptance of Reports and Other Minutes
 - c. Correspondence
7. Items Removed from Consent Calendar
8. Executive Director’s Report
9. Chairperson Report
10. Committee Reports
11. Quarterly Finance Reports
12. Old Business
13. New Business
14. Board Discussion Items
15. Second Public Comment
16. Directors’ Comments and Announcements/Open Floor
17. Adjournment

*The Chairperson may establish the order of business, subject to an objection by a Board member in which case the order shall be decided by the Board. Items may be added to the Consent Calendar at the discretion of the Chairperson.

Section 5. Agenda Materials. Preparation of agenda materials for annual, regular, and special Board meetings shall be the responsibility of the Executive Director.

Section 6. Special Meetings. A special meeting of the Board may be called at any time by the Chairperson or Executive Director at his/her discretion. Special meetings shall also be called by the Executive Director after having received a written request by two members of the Board. Within 48 hours of written request by two members of the Board, the Executive Director shall schedule the special meeting within ten calendar days from the date of receipt of the second written request. Notice of special meetings stating the purpose shall be given to each member of the Board not less than 18 hours prior to the day named for the meeting.

Section 7. Study Sessions of the Board. Study sessions of the Board may be held periodically as determined by the Chairman or by the Board. Notice of such study sessions shall be given to each member of the Board orally at least two days prior to the date of holding of such study sessions.

Section 8. Minutes of Meetings. The Board shall keep minutes of each meeting of the Board showing the date, time, place, members present, members absent, and any decisions made at the meeting. The minutes shall be public records open to public inspection and shall be available for public inspection not later than eight business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five business days after the meeting at which the minutes are approved by the Board.

Section 9. Open Meetings. The Board shall follow the Open Meetings Act.

Section 10. Quorum. A simple majority of the Board shall be necessary to constitute a quorum for a meeting.

Section 11. Voting. All official action by the Board shall be taken in public session and shall be by resolution or motion. The affirmative vote of a majority of members present and qualified to vote shall be necessary for the adoption of any resolution or motion. All votes of the Board shall be taken and recorded by the Secretary. A roll call vote shall be taken when called for by any member of the Board.

Section 12. Vacancies. The Board may declare a vacancy occurring among its members by reason of death, resignation, disqualification, incapacity to serve, removal from office in accordance with law, BATA's Articles of Incorporation or otherwise. A vacancy shall be filled in the manner provided for appointment in the Articles of Incorporation. No vacancies on the Board shall impair the power of the Board to transact any and all business for the Authority and perform all its duties as provided for by the Act.

Section 13. Compensation. Each member of the Board shall receive reimbursement for expenses incurred in the discharge of his/her duties as a Board member. Each member of the Board may receive compensation as determined by the Board.

Section 14. Issue Policy Memoranda. The Board shall from time to time, issue policy

memoranda, the purpose of which is to maintain continuity, coherence, and consistency in the policies of the Board for the benefit of all Board members and for the guidance of the Executive Director and staff.

Section 15. Public Comment. At any regular or special meeting, any interested person may address the Board on any agenda item if recognized by the presiding officer. Any interested person may address the Board on any matter of BATA concern during an agenda item designated Public Comment. The comment of any member of the public or special interest group may be limited in time to not more than five (5) minutes by the presiding officer. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive or impedes the orderly progress of the meeting. The presiding officer shall control the order and duration of any public comment, subject to appeal.

ARTICLE III

OFFICERS

Section 1. Executive Director. The Executive Director shall be hired by the Board of Directors to be the Chief Executive of the Authority. The Executive Director shall have control and management of the Authority and shall be responsible for the business of the Authority and the employees thereof. The Executive Director shall direct the enforcement of all resolutions, rules, and regulations adopted by the Board. The Executive Director shall normally attend all meetings of the Board. The Executive Director shall be responsible for all purchases on behalf of the Authority. All of the above powers shall be exercised by the Executive Director under the general policy of the Board, consistent with the Authority's annual operating budget as approved by the Board.

Section 2. Officers of the Board. The officers of the Board shall be elected by the Board from among its members and shall be a Chairperson, Vice-Chairperson and Secretary. Terms shall be for one year with elections annually at the annual meeting.

Section 3. Vacancies. Should any office described above become vacant, the Board shall elect a successor from among its members at a regular or special meeting of the Board and such election shall be for the unexpired term of said office.

Section 4. Duties. Board member officers:

(a) Chairperson. The Chairperson of the Board shall have the following powers and duties.

- (1) Preside, when present, at all meetings of the Board and shall consult with the Executive Director on the agenda for regular and special Board meetings.
- (2) Propose and discuss motions and shall vote on all resolutions and motions but the Chairperson shall vacate the chair when participating in discussions or when proposing motions.
- (3) Together with the Executive Director, execute and acknowledge in the name of

the Authority all mortgage, bonds, and other instruments of indebtedness except that the Board, by resolution, may authorize the Chairperson and the Executive Director to execute short term promissory notes provided that both of the authorized signatures appear on the short term promissory note.

(4) Appoint members of committees with concurrence of the Board.

(5) Be a member ex-officio without voting authority of all committees.

(6) Perform all such other duties as from time to time shall be assigned by the Board.

(b) Vice-Chairperson. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform all the duties of the Chairperson, and when so acting, shall have all the powers of, and be subject to all the restrictions upon the Chairperson.

(c) Secretary. The Secretary shall cause minutes to be kept of all meetings and shall attend to the giving and receiving of all notices of the Authority and the Board. The Secretary may designate a BATA employee to assist in performing these duties.

Section 5. Registered Agent. The Executive Director shall be the registered agent and the principle office the registered address.

ARTICLE IV

COMMITTEE

Section 1. Committees.

Established. The Board may by resolution establish committees which shall consist of members of the Board as may be appointed by the Chairperson, with the concurrence of the Board.

Duties. The instructions, procedures, and scope of the committee's responsibility shall be determined by the Board.

ARTICLE V

FISCAL YEAR

Section 1. Fiscal Year. The fiscal year of the Authority shall be a fiscal year beginning in the first day of October of each year and ending on the 30th day of September the next ensuing year.

ARTICLE VI

AMENDMENTS TO BYLAWS

Section 1. Bylaws. These Bylaws may be altered, amended, or repealed and new Bylaws adopted, by vote of five members of the Board at any regular or special Board meeting, provided that at least ten days' written notice incorporating the exact language of the proposed change has been given to all members of the Board.

ARTICLE VII

PARLIAMENTARY RULES

Section 1. Parliamentary Rules. Except where inconsistent with the Act or these Bylaws, Robert's Rules of Order, as from time to time revised, shall govern the proceedings of the Board and its committees.

ADOPTED JULY 26, 1996, REVISED MARCH 31, 1999, REVISED JANUARY 30, 2013,
REVISED APRIL 30, 2014, REVISED FEBRUARY 24, 2016, REVISED JANUARY 27, 2022,
REVISED, FEBRUARY 23, 2023, REVISED AUGUST 10, 2023

Robert A. Fudge, Secretary