



BATA Board of Directors Meeting Agenda

Thursday, August 10, 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 June 29, 2023*
- Consideration of Accepting the following Minutes and Reports*
 - b. *Finance Oversight Team Notes of July 24, 2023*
 - c. *Q3 Ridership Report*
 - d. *Q3 Organizational Scorecard*
 - e. *Q3 Turnover Report*
 - f. *Board Request Tracker*
 - g. *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
9. Chairperson's Report – Richard Cochrun
10. Committee Reports
 - a. Finance Oversight Team – Richard Cochrun
11. Quarterly Finance Reports - Phil Masserant
 - a. FY23 Q3 Financial Statements

12. Old Business
13. New Business
 - a. Presentation of Purchase Offers for 3233 Cass Road and 2470 Diamond Drive
 - b. Authorization for Executive Director to execute purchase agreements for the sale of 3233 Cass Road and 2470 Diamond Drive
 - c. MPO Resolution
 - d. Interlocal Agreement with Grand Traverse and Leelanau Counties
 - e. Articles of Incorporation Revision
 - f. Distribution of Revised Bylaws
(Approval will be requested at the September meeting)

 - g. FY24 Revised Budget
 - h. Tentatively Agreed Contract extension with Teamsters Local 214 Driver/Mechanics and Dispatchers through September 30, 2025
 - i. Lump Sum Payment to MERS
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 Regular Board of Directors Meeting Minutes
416 Front St, Suttons Bay, MI 49682, Suttons Bay Library
Thursday, June 29, 2023 @ 1:30 pm

1. Call to Order by Chairperson Cochrun at 1:30 pm
2. Pledge of Allegiance and Moment of Silence
The Pledge of Allegiance was recited, and a Moment of Silence observed.

3. Roll Call

Richard Cochrun	Present
John Sommavilla	Present
Robert Fudge	Present
Heather Harris-Brady	Absent
Brad Jewett	Absent
Jamie Kramer	Present
Joe Underwood	Present

Also Present: Kelly Dunham, Eric Lingaur, Chris Davis, Phil Masserant, Paul Clausen and Britny Schwartz.

4. First Public Comment

Justin Reed: Justin is an active rider of BATA and shared his positive experience with the new app but states that Google Maps and Transit App are not working for real time tracking. He is in favor of the MPO moving forward but is concerned about a comment made by Director Underwood regarding the MPO at the May 22 Road Commission Board Meeting as well as Director Underwood's ties to the Road Commission. Justin shared that he felt as though the comment made doesn't look good coming from a BATA Board Member and feels as though Board members should be more supportive of public transit. The MPO will assist working as a collaborative transit community as BATA is a support for commuting, workers.

Mitch Treadwell: Mitch stated that he is a regular rider of BATA, and he is grateful for Bayline real time tracking as it allows him to time his commute better. He also stated that the Traverse City Board of Commissioners were not as cooperative during the previous MPO discussions, and he is hoping for additional support from them moving forward.

5. Approval of Agenda/Declaration of Conflict of Interest

On a motion made by Joe Underwood and seconded by Jamie Kramer, the BATA Board of Directors approves the June 29, 2023, Regular Meeting Agenda as presented.

MOTION CARRIED: 5-0

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 in parentheses on the agenda is approved by a single Board action adopting the consent calendar.

Consideration of Approving the following Minutes

- a. *Regular Board Meeting Minutes of April 27, 2023*

Consideration of Accepting the following Reports

- b. *Finance Oversight Team Notes of May 22, 2023, and June 12, 2023*
- c. *Governance Committee Minutes of June 12, 2023*
- d. *April and May Finance Reports*
- e. *Board Request Tracker [no new items]*
- f. *Correspondence*

On a motion made by Jamie Kramer and seconded by Robert Fudge, the BATA Board of Directors moves to approve the June 29, 2023, Consent Calendar as presented.

MOTION CARRIED: 5-0

7. Any items removed from the Consent Calendar – Richard Cochrun

8. Executive Director's Report – Kelly Dunham

Director Dunham thanked the Board for making the trip to Suttons Bay for the meeting. She gave a brief highlight of the service changes that went into effect on Monday, June 26. App is working much smoother, spent some time on the bus this week and sees a great improvement.

GMV providing real time tracking, makes riding more viable for riders.

City Loop 7: East/West route, fare free for a short time. There were 40 rides delivered in the first 3 days.

Kelly also provided insight into correspondence included in the packet regarding the removal of late evening hours. The community feedback helped the operations team to evaluate the importance of service for our riders and the decision was ultimately made to shift resource hours to continue to provide public transit as an option for evening riders who utilize the service for transportation to their place of employment.

An update was provided regarding Cherry Festival support, additional service hours. She also thanked our drivers and dispatch for voluntarily picking up shifts to cover the additional 160 hours of service provided throughout the week of Cherry Festival.

There is a new proposed state budget that is on the Governor's desk that, if approved, will add an additional 60 million dollars to the state transit budget, this addition of funds would see around 35-40% of BATA's budget to be covered by state funding, it is currently at 34%.

The employment lawsuit that was filed in 2020 has been ruled on in BATA's favor.

- a. HQ Facility/Owner's Representative Report

Jerry Tomczak, Program Manager, Cunningham-Limp

Jerry provided an update on the new build project and shared a milestone schedule update.

Sewer, water, and retention ponds will be completed by next week. Soils and Structures have been on site to ensure inspections are completed and appropriate. Hoping to put the base coat of asphalt down in August vs next Spring. Headquarters: Footings should be completed by next week; masonry block is ahead of schedule.

Wall panels arriving and enclosed by end of July.

Facilities will be completed by mid-July next year.

Concerns: Panels, electrical gear could be a concern.

Transfer station balanced out – Footing in September and will be completed by November. Site related work completed in the Spring. Will be able to use the transfer station as soon as it is completed.

Kelly will send the weekly updates from Christman to the Board of Directors moving forward.

- b. Hiring Report – Chris Davis
Chris provided an update on the current staffing levels, retention and hiring rates, as well as the overtime work from Cherry Festival.

- 9. Chairperson's Report – Richard Cochrun
Director Cochrun stated that they are still working on resolving the issue between the BATA Board and GT County Board of Commissioners, hoping to have this resolved by our next Board meeting (August 10th).

- 10. Committee Reports
 - a. Finance Oversight Team – Richard Cochrun
Provided an update on the topics that the FOT is currently working on, including wages and incentive. Potential to implement changes for the 2023 budget.
Listing Agent recommendations have been made for the sale of the Diamond and Cass buildings.
 - b. Governance Committee – John Sommavilla
John provided an update on a large position selection, that selection is currently on hold.

- 11. Old Business
No old business was presented.

- 12. New Business
 - a. 2023 Tax Rate Request Resolution Form L-4029 for Grand Traverse and Leelanau Counties
Phil provided an update on the yearly resolution to ensure that all payments are made during the appropriate fiscal year.

On a motion made by Joe Underwood and seconded by Jamie Kramer, the BATA Board of Directors authorizes the millage rate of .4788 for Grand Traverse and Leelanau Counties as presented on form L-4029.

Roll Call:

John Sommavilla	YES
Robert Fudge	YES
Jamie Kramer	YES
Joe Underwood	YES
Richard Cochrun	YES

MOTION CARRIED 5-0

- c. Cass Rd/Diamond Dr Listing Agent Recommendation

3 proposals were reviewed by the FOT, CCIM designation held by 1 agent which was then interviewed by the FOT.

On a motion made by John Sommovilla and seconded by Robert Fudge, the BATA Board of Directors moves to award the listing of Cass Rd/Diamond Dr to Dan Stiebel and Scott Hardy from Coldwell Banker Commercial-Schmidt be approved as presented and recommended by the Finance Oversight team.

MOTION CARRIED 5-0

- d. Extension of \$10,000 Recruiting Incentive Recommendation
Chris provided an overview of the extension of the Recruiting Incentive and ensured that this is not being used as a permanent solution, the extension will provide time to analyze driver wages in the upcoming budget. It will also allow conversation to be had with the Union during their contract negotiation period.

On a motion made by Robert Fudge and seconded by Jamie Kramer, the BATA Board of Directors moves to approve the Extension of \$10,000 Recruiting Incentive be approved as presented and recommended by the Finance Oversight team.

MOTION CARRIED 5-0

- e. Executive Director Salary Band Recommendation
Chris gave an overview of the request, which is an adjustment to the salary band applied to the executive director's position to keep in alignment with the remaining non-bargaining salary bands, per a recent compensation study.

On a motion made by Jamie Kramer and seconded by Robert Fudge, the BATA Board of Directors moves to approve the Executive Director Salary Band be approved as presented and recommended by the Finance Oversight team.

MOTION CARRIED 5-0

- f. MPO Intergovernmental Agreement Recommendation
Kelly gave an overview of TTCI (Traverse Transportation Coordinating Initiative), the practicing MPO (Metropolitan Planning Organization) board. The 2020 census resulted in the MPO designation of the region. The MPO will provide additional federal tax dollars to the region for use by the City of Traverse City, the county road commissions, and BATA. The funding source is intended to ensure more public participation on project selections and a more regional approach to planning of the transportation network.
Joe Underwood asked for clarification on if this would open BATA up to additional grant requests, Kelly said she was not aware of any additional opportunities for grants at this time. Also shares that he feels it is a positive thing for the community and he has chosen to abstain due to this role on the Grand Traverse County Road Commission. This will be the final agreement for now, unless the MPO board requests changes. If an agency chooses to say no, they will not be included in the MPO designation.

On a motion made by Jamie Kramer and seconded by John Sommovilla, the BATA Board of Directors moves to approve the MPO Intergovernmental Agreement as presented.

Roll Call

John Sommovilla	YES
Robert Fudge	YES

Jamie Kramer YES
Joe Underwood ABSTAINED (Conflict of Interest)
Richard Cochrun YES

MOTION CARRIED 4-0-1

14. Board Discussion Items
No items were presented.

15. Second Public Comment*
Linda Joppich, Interlochen. Thanked the Board for their Service, and Kelly's support during the recent changes to BATA services. She would also like to provide information to the community regarding the services and how to pick the best ride for them and their needs.

Justin Reed thanked the Board for their support of the MPO as well as Commissioner Underwood for abstaining from the vote. Shared that the voters spoke for themselves with the BATA millage passing. Also spoke regarding the current GT County commissioner conversation regarding the increase of the Board of Directors, that the public view is that the commissioners are focused more on the control of the board instead of the wellbeing and interest of community members.

Mitch Treadwell thanks the Board for the collaboration during this meeting as well as thanks the Board for making the effort to have a special bus to bring traverse city residents to this meeting.

16. Directors' Comments and Announcements/Open Floor
John Somnavilla requests an update to Route 10 and how it has been improved for service to Northport. Kelly explained that there was previously 1 stop per day in Northport. Link (on-demand) provides service to all of Grand Traverse and Leelanau Counties. This allows riders to request a bus on their own schedule.
John also asks Kelly to provide stats on how many people are denied a ride, Kelly stated that the new technology will have the ability to provide that information and it will be an important performance indicator that staff will be watching. The service will continue to be promoted.

17. Adjournment

On a motion made by John Somnavilla, BATA Board of Directors moves to adjourn the June 29, 2023, Regular Meeting of the BATA Board of Directors at 2:34 pm.

Approved on _____

Robert A. Fudge, Secretary

BATA
Finance Oversight Team
Notes

1:00pm July 24, 2023
3233 Cass Road, Traverse City, MI

1. Review Budget Preparation Process

Phil provided an overview of the process he used to develop the budget, which was largely a bottom-up effort.

2. Review Financial Analysis of Frontline Compensation

The FOT reviewed the financial impact of various frontline payscale increases. Consensus support was to increase all frontline (mechanics, dispatchers and drivers) payrates by \$4/hour. Phil will incorporate the increased in wages into the revised FY 24 budget to be presented the Board on August 10, 2023.

3. Discuss Existing \$10,000 Recruiting and Retention Incentive

In conjunction with the increased wages above, the FOT supports terminating the recruiting and retention incentives for frontline employees September 30, 2023. All existing employees participating in the retention incentive will be paid out on a prorated basis for their number of months earned in the 3-year program. The final payouts of the incentive program will be made on September 29, 2023, ensuring the additional 18% federal reimbursement be captured.

4. Review FY 24 Revised Budget

The FOT reviewed the detailed budget revisions for FY 24 that the BATA Board of Directors will consider adopting at its August 10th meeting.

5. Review Process for Evaluating Property Offers

The FOT discussed the process and timelines associated with reviewing the offers for the Cass Road and Diamond Drive facilities. Offers will be reviewed with the FOT on August 7th and the full board in closed session on August 10th. The FOT recommends authorizing the executive director to execute the purchase agreement thereafter.

BATA

Bay Area Transportation Authority

RIDERSHIP

Q3 2023 Ridership Report

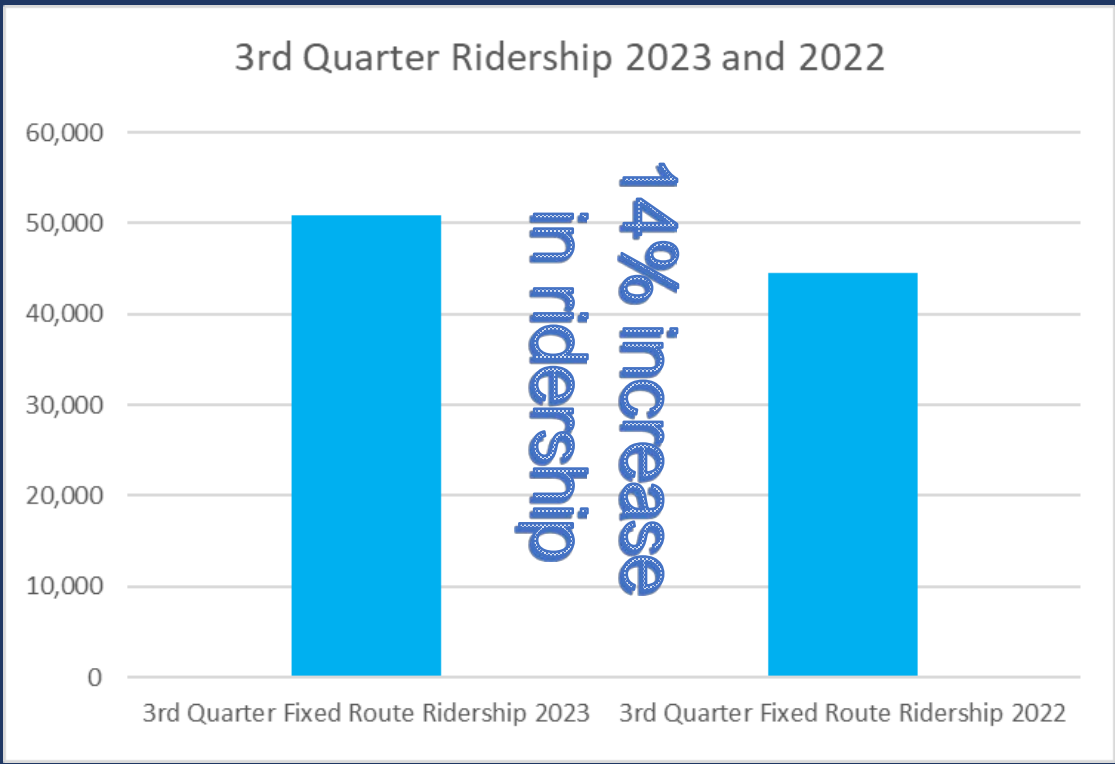
3rd Quarter Fixed Route Ridership 2023	2nd Quarter Fixed Route Ridership 2023	3rd Quarter Fixed Route Ridership 2022	% Change from 2022 ridership
50,905	58,151	44,524	1.143316

Fixed Route

2023: 50,905

2022: 44,524

Fixed Route Ridership



Q3 2023 Ridership: Links

Agency

Village
link

link
on-demand

2023 Q3:

6,599

9,747

20,150

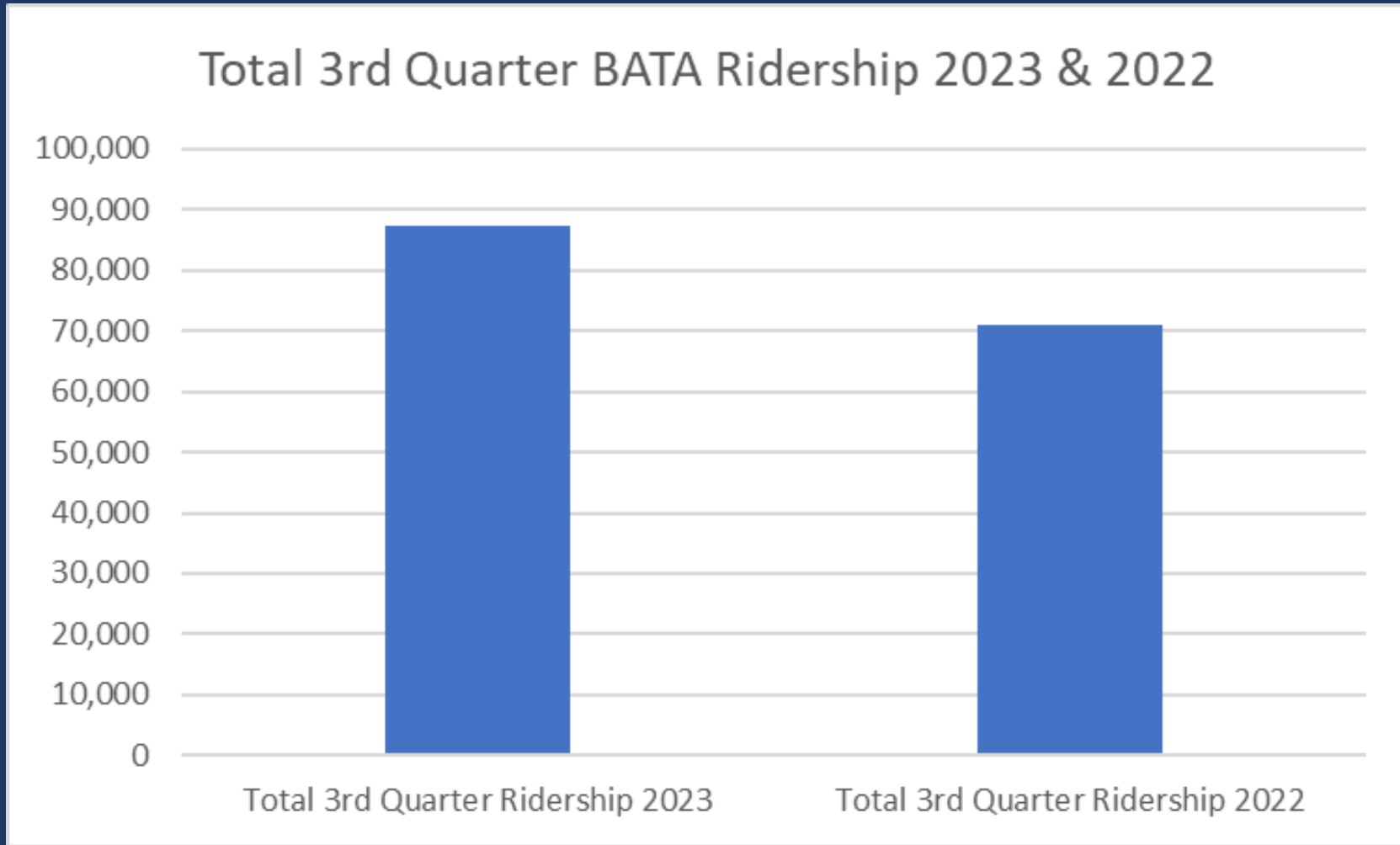
2022 Q3:

9,250

8,748

7,705

Q3 2023 Ridership: Total Ridership



2023 Q3: 87,401

2022 Q3: 70,897

**23%
increase
in ridership**

2023 Organization Performance Scorecard													
	Strategy	Metric	2022 Benchmark	Performance Goal	Points	Metric Definition	Data Source	Q1	Pts	Q2	Pts	Q3	Pts
Safe	Safety	Preventable Passenger Injuries per 500k miles	0.34	0.34	5	Number of preventable passenger injuries per 500k miles.	Passenger Injury Log & Max miles report	0	5	0	5	0	5
		Days Since Last Preventable Accident	45	48	5	Higest number of days between all preventable accidents. This includes both non-reportable and reportable collisions. Number can roll over from previous quarters.	Accident Log	20	2.1	45	4.7	49	5
		Preventable Reportable Collisions (per 100k miles)	0.3	0.2	10	Number of preventable, reportable vehicle collisions recorded each quarter per 100k miles driven	{Recordable Accident Log (801/802)/ Total Miles} x 100,000	0.5	4.0	0.7	2.9	0.2	10
		# of days between employee injuries	118	40	5	Number of days between employee reportable injuries	Injury log	50	5	52	5	127	5
					25				16		18		25
Efficient	Financial Success	Cost recovery	9.25%	TBD	5	The percent of eligible operating expenses recovered by direct revenues	QuickBooks	10.93%	5.0	12.15%	5.0	11.09%	5.0
		Operating Expense per Hour	\$77.64	TBD	5	Total eligible operating costs divided by number of service hours	QuickBooks	\$75.50	5.0	\$79.56	4.9	\$76.47	5.0
		Operating Expense per Mile	\$5.35	TBD	5	Total eligible operating costs divided by number of miles	QuickBooks	\$5.03	5.0	\$5.44	4.9	\$5.18	5.0
		Operating Expense per Trip	\$33.84	TBD	5	Total eligible operating costs divided by number trips	QuickBooks	\$ 23.47	5.0	\$ 24.76	5.0	\$25.58	5.0
					20				20		20		20
High-Quality	Customer Experience	Net Promoter Score	64%	67%	10	The percentage of promoters minus the percentage of detractors in response to the Net Promoter Score question (Annually 2nd & 4th Quarters)	Customer Survey	56%	8.4	56%	8.4	56%	8.4
		Overall Customer Satisfaction	84%	88%	10	Average percentage of customer satisfaction with BATA's service delivery. (Annually 2nd & 4th Quarters)	Customer Survey	79%	9.0	79%	9.0	79%	9.0
					20				17.3		17.4		17.4
	Employee Success	Employee Satisfaction	84%	88%	10	Overall score on annual survey which determines if employees feel they would refer BATA to their friends/family	Annual survey in June	84%	10	84%	10	84%	10
		Employees' Equipped for Success	88%	92%	10	Overall score on annual survey which determines if employees feel as though they have the tools needed to deliver quality service	Annual survey in June	88%	10	88%	10	88%	10
				20				20.0		20.0		20.0	
Reliable	Performance-Based Culture	Average Department Scorecard Score	92%	95%	5	A quarterly average of departmental performance scores	Dept. Scorecards	94%	4.9	94%	4.9	98%	5
		Monthly Departmental Scorecard Results Shared	NA	100%	5	Departmental Scorecard results shared within each department each month	Monthly Departmental Report	100%	5	100%	5	100%	5
		Bus Observations by Admin Staff		100%	5	An average of 3 bus observations/quarter performed by each member of the admin staff	SmartSheet Dataset	86%	4.3	82%	4.1	92%	4.6
					15				14.2		14.0		14.6
Overall Performance Score					100				88		89		97

BATA MISSION

BATA Delivers safe, high-quality, efficient and reliable transportation services in its region that link people, jobs and communities.

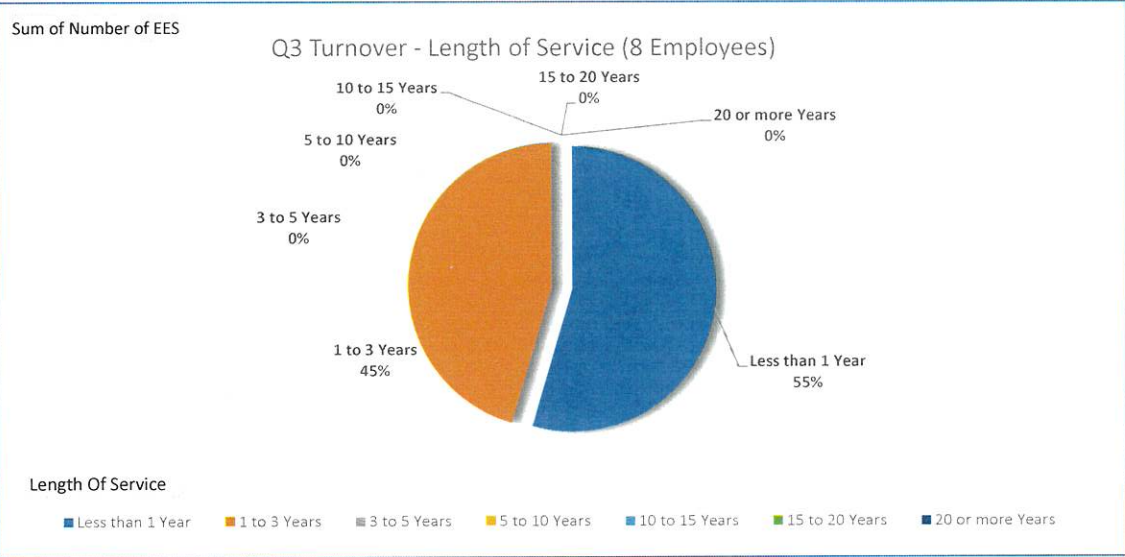
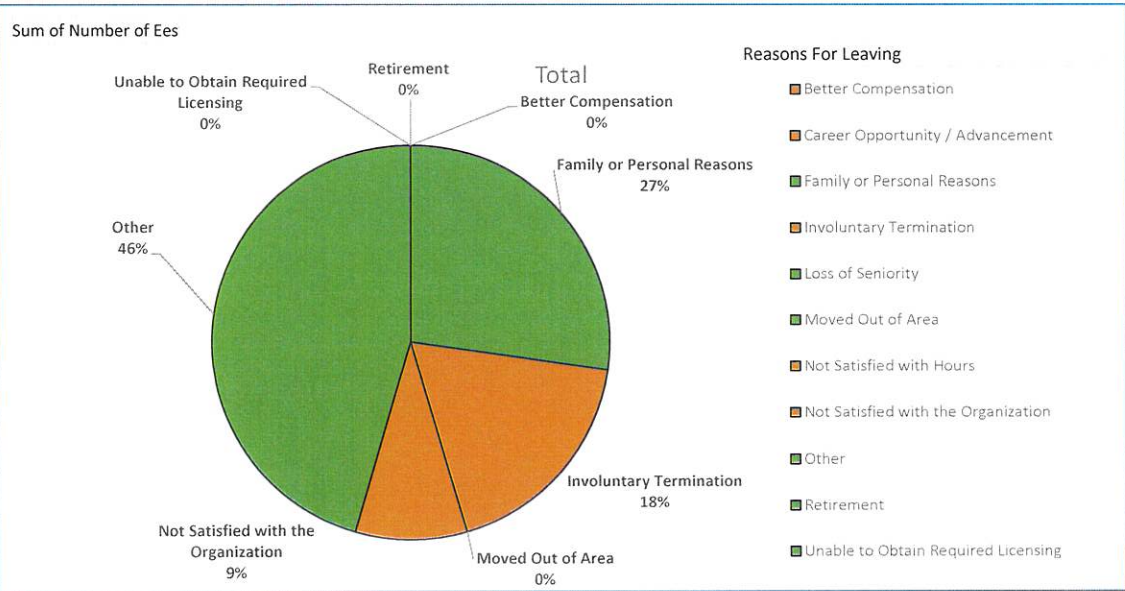
Q3 2023 Turnover Report

Q3 2022

Position	Number of Ees
Driver	6
Operations Supervisor	1
Dispatcher	1
Custodian/General Laborer	1
Total Employee Turnover	9
Total # of Employees	107

Q3 2023

Position	Number of Ees
Driver	10
Dispatcher	1
Total Employee Turnover	11
Total # of Employees	112



*Total # of employees is based on employee count at the beginning of the reporting quarter

COMPLIMENTS TO BATA STAFF

Date Received	Employee	Route #	Comment	Dept
06/08/23	Shane, Jim W, Nikeyia, Bill		Shane was worried about me crossing a busy street so he helped me out and was really sweet. Jim is fantastic and so nice, he goes out of his way for people. Nikeyia is also very nice and helpful. Bill the mobility guy has been wonderful and helping me out.	
06/13/23	Craig		A women bought a snack cake from the vending machine at Hall St then boarded the bus, she sat the cake on the seat while she was paying then sat down and asked where her cake went. Once she realized what she had done, she pulled it out from under her and it was flat as a pancake. Craig made light of the situation and we laughed and joked about it all the way home. It was the best trip I have ever had on one of the buses.	
06/14/23	John, Rodger M		John always has really nice conversations with me, he drives a nice, safe bus and goes out of his way to say "have a nice day." Rodger is always friendly and we have the best conversations.	
06/15/23	Nikeyia, Todd M		Nikeyia is always so friendly and helpful and I really like riding with her. Todd is so friendly and wonderful to talk to.	
06/20/23	Jim Dyke		Jim goes out of his way to understand my limitations visually, medically and physically. He is very mindful of safety for me. Thank you so much for hiring Jim, I wish you had 100 Jimmy D's available.	
6/30/2023			You guys help me whenever I have needed help, I am 88 years old and sometimes I give you a hard time but I don't mean to. Sometimes I get confused but you seem to set me right, you seem to do everything and you are just the greatest people I've ever met to help people. Thank you ever so much!	
7/1/2023	Dispatch		Appreciates getting text messages for the ride that he just scheduled for the next day. The dispatcher that took his request was very nice.	
7/2/2023	Dispatch		I called asking for scheduling for tomorrow and when I went back to my phone, I was already set up. Thank you!	
7/6/2023	Jim Dyke, Shane		The two drivers I rode with today were so kind and thoughtful and sure know their way around town.	
7/9/2023	Kathleen		Kathleen helped me 3-4 times tryng to get quotes for Greyhound/Indian Trails as my phone wasn't working.	

Greetings BATA Board of Directors!

We've got a big agenda this month, with several positive developments to share. First, let me inform you of a few non-meeting items that may be of interest. Next week is the Northwest Michigan Fair and BATA will be deviating our Loop 12 bus to provide transportation to the fair. Through a partnership with BASA, we'll be offering free rides for seniors all day Monday August 7th. TCAPS has informed us that they will continue to offer free rides for students into the upcoming school year as the service last year was a successful supplement to their bussing program. City Loop 7 has been gaining popularity. New routes take time to garner ridership so I'm glad to see there has been interest in it. Additionally, a targeted marketing effort is going out next week to residents surrounding Loop 7 to encourage more ridership.

First up in new business will be a presentation of the purchase offers received to date on our 2 listed properties. Next on the agenda, you'll see an MPO resolution. This is more or less a housekeeping issue as we approved participation in the MPO last meeting. MDOT requires our participation to be in the form of a resolution. Additionally, we have the Interlocal Agreement with Grand Traverse and Leelanau Counties to resolve the dispute between the BATA Board and the Grand Traverse County Commission. The corresponding revised articles of incorporation and the distribution of the amended bylaws are also included on the agenda. The bylaws require 10 days' notice to the board members before a vote, so those will be acted upon in September.

The revised budget for FY24 that Phil has prepared for us includes an increase in our state operating reimbursement to 40.85% (the highest it's been since I can remember) as well as increased fare revenue and interest income. On the expense side we've budgeted for full-service levels and included a \$4/hr wage increase for all drivers, mechanics, and dispatchers. This increase allows us to be more competitive in similar markets and will allow us to sunset the existing recruiting and retention incentive. Phil has also cleaned up the fuel projections in this budget and recategorized our construction management fees to be capitalized. BATA remains in a strong financial position for FY24.

Related to the revised budget is the Teamsters' contract extensions, and the MERS lump sum payment recommendations which will be presented at the meeting.

I look forward to seeing all of you next week. If you have any questions in the meantime, please don't hesitate to reach out to me.

Respectfully,

Kelly Dunham

BAY AREA TRANSPORTATION AUTHORITY

STAFFING UPDATE – August 3, 2023

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

Driver FTE goal to meet summer 2023 service level – 71.8 FTE

SUMMER 2023 SERVICE LEVEL FTE NEEDED

6.7 FTE

*The previously reported FTE needed was only for service hours and did not include pre/post trip hours nor PTO/LOA hours.

Chris Davis

BATA Income Statement
For the Nine Months Ending June 2023

	June 2023 YTD			Budget		
	Actual	Budget	Variance	Annual Budget	Budget Remaining	% of Budget
Revenues						
Fare Box Revenue	\$ 404,133 1	\$ 286,551	\$ 117,582	\$ 382,065	\$ (22,068)	106%
Auxiliary Trans Revenue	151,109 2	99,828	51,281	133,106	(18,003)	114%
Non-Trans Revenue	10,338	567	9,771	761	(9,577)	1358%
Local Revenue	1,760,667 3	1,748,252	12,415	4,521,234	2,760,567	39%
Local Service Contract	221,411	209,223	12,188	288,844	67,433	77%
State Formula & Contracts	2,430,972 4	3,047,733	(616,762)	4,154,215	1,723,244	59%
Federal Operating Grants	1,275,545 4	1,598,729	(323,184)	2,164,538	888,993	59%
CRRSAA/CARES Act	1,227,581 4	1,546,268	(318,687)	2,094,583	867,002	59%
Other Revenue: Interest	337,721 5	91,753	245,968	132,806	(204,915)	254%
Other Revenue: Refunds and Credits	216,472 6	24,318	192,154	32,422	(184,050)	668%
Total Revenues	\$ 8,035,949	\$ 8,653,222	\$ (617,274)	\$ 13,904,573	\$ 5,868,625	58%
Expenses						
Salaries & Wages	3,541,386 7	4,489,324	(947,938)	6,140,337	2,598,951	58%
Paid Leave	330,948	330,948	-	441,264	110,316	75%
Fringe Benefits	1,157,521 7	1,415,714	(258,193)	1,911,747	754,226	61%
Services	567,301	542,791	24,510	772,037	204,736	73%
Fuel & Lubricants	454,501 8	831,537	(377,036)	1,108,719	654,218	41%
Materials & Supplies	268,455	319,759	(51,304)	427,028	158,573	63%
Utilities	104,690	118,357	(13,667)	149,262	44,572	70%
Insurance	515,660	445,023	70,637	593,358	77,698	87%
Misc Expense	39,021	29,386	9,635	39,613	592	99%
Interest			-			
Operating Leases & Rentals	13,375	13,104	271	17,472	4,097	77%
Total Expenses before Depreciation	6,992,859	8,535,943	(1,543,084)	11,600,837	4,607,978	60%
Net Income before Depreciation	1,043,089	117,279	925,810	2,303,736	1,260,647	45%
Depreciation	832,968	790,731	42,237	1,054,291	221,323	79%
Net Income (Loss)	210,121	(673,452)	883,573	1,249,445	1,039,324	17%

BATA Income Statement Notes
For the Nine Months Ending June 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; 40% 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 June 2023 was 5.08%. It was 1.21% 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

BATA Statement of Net Position
June 2023

	<u>Jun 30, 23</u>	<u>Jun 30, 22</u>	<u>\$ Change</u>	<u>% Change</u>
ASSETS				
Current Assets				
ICS/Money Market - General Fund	\$ 372,217	\$ 7,133,409	\$ (6,761,192)	-94.8%
ICS/Money Market - Cap/Op Funds	-	1,812,522	(1,812,522)	-100.0%
Treasury Bill - Cap/Op/New Fac	2,702,255	2,853,781	(151,526)	-5.3%
Total Cash	<u>3,074,472</u>	<u>11,799,712</u>	<u>(8,725,240)</u>	<u>1</u> -73.9%
Michigan Class - General Fund	1,381,534		1,381,534	
Michigan Class - Operating Reserve	2,434,203		2,434,203	
Michigan Class - Capital Reserve	5,250,827		5,250,827	
Michigan Class - New Facility Reserve	2,674,483		2,674,483	
Total Michigan Class	<u>11,741,047</u>	<u>-</u>	<u>10,359,513</u>	<u>2</u>
Accounts Receivable	36,419	139,594	(103,175)	3 -73.9%
Due (to) from State	(497,258)	(221,283)	(275,975)	4 124.7%
Due from Federal	871,613	884,430	(12,817)	-1.4%
Property Taxes Receivable	-	-	-	
Prepaid Expenses	236,293	224,132	12,161	5.4%
Total Current Assets	<u>15,462,585</u>	<u>12,826,585</u>	<u>2,636,000</u>	<u>20.6%</u>
New Facility (CIP)/Land Acquisition	3,549,402	488,034	3,061,368	5 627.3%
Fixed Assets (net of depreciation)	5,638,467	6,052,508	(414,040)	6 -6.8%
Deferred Outflows of Resources for Pension Obl.	738,811	488,012	250,799	7 51.4%
Net Pension Asset	714,759	422,758	292,001	7
TOTAL ASSETS	<u>\$ 26,104,025</u>	<u>\$ 20,277,896</u>	<u>\$ 5,826,128</u>	<u>28.7%</u>
LIABILITIES & NET POSITION				
Liabilities				
Current Liabilities				
Accounts Payable	\$ 99,169	\$ 245,478	\$ (146,309)	-59.6%
Accrued Expenses	326,914	558,755	(231,842)	-41.5%
Deferred Revenue	1,828	859	969	112.8%
Other Current Liabilities	8,236	34,845	(26,609)	-76.4%
Total Current Liabilities	<u>436,147</u>	<u>839,937</u>	<u>(403,790)</u>	<u>-48.1%</u>
Net Pension Liability	-	(1)	1	7 -100.0%
Deferred Inflows of Resources for Pension Obl.	919,964	642,257	277,707	7 43.2%
Total Liabilities	<u>1,356,111</u>	<u>1,482,193</u>	<u>(126,082)</u>	<u>-8.5%</u>
Net Position				
Assigned				
Operating Reserve Fund	2,434,203	2,035,194	399,009	19.6%
Capital Fund	5,225,052	1,886,998	3,338,054	176.9%
Land Acquisition Fund	-	848,921	(848,921)	-100.0%
New Facility Fund	5,218,356	5,412,095	(193,739)	-3.6%
Total Assigned	<u>12,877,611</u>	<u>10,183,208</u>	<u>2,694,403</u>	<u>26.5%</u>
Investment in Capital Assets	9,187,869	6,540,541	2,647,328	40.5%
Restricted for Pension	533,606	268,514	265,092	98.7%
Unrestricted	2,148,827	1,803,440	345,388	19.2%
Total Net Position	<u>24,747,914</u>	<u>18,795,703</u>	<u>5,952,211</u>	<u>8</u> 31.7%
TOTAL LIABILITIES & NET POSITION	<u>\$ 26,104,025</u>	<u>\$ 20,277,896</u>	<u>\$ 5,826,128</u>	<u>28.7%</u>

BATA Statement of Net Position Notes
June 2023

	<u>Account(s)</u>	<u>Explanation</u>
<u>1</u>	Cash	Moved accounts to Michigan Class Investment Pool
<u>2</u>	Michigan Class	Investment Pool started March 2023
<u>3</u>	Accounts Receivable	PY Included large TCHC Receivable
<u>4</u>	Due from State	Decrease \$97K FY22 payable \$400K FY23 payable
<u>5</u>	New Facility (CIP)/Land Acquisition	Increase New Facility Construction costs
<u>6</u>	Fixed Assets	Decrease Accumulated depreciation + disposals
<u>7</u>	Deferred Outflows of Resources Deferred Inflows of Resources Net Pension Liability	GASB 68 audit adjustment, as of 9/30/22 <u>Deferred Outflows of Resources \$738,811</u> Difference in experience \$54,263 Difference in assumptions \$337,555 Contributions subsequent to the measurement date \$346,993 <u>Deferred Inflows of Resources (\$919,964)</u> Difference in experience change (\$133,781) Difference between projected and actual earnings (\$786,183) <u>Net Pension Asset \$714,759</u> Plan fiduciary net position \$10,856,504 Total pension liability (\$10,141,746)
<u>8</u>	Net Position	Increase Positive net income

**BATA Operating Reserve Fund
June 2023 YTD**

	Independent Bank	Michigan Class	Treasury Bill	Adjustments	Reserve Fund Total
Balance at September 30, 2022	\$ 638,931	\$ -	\$ 1,724,269	\$ -	\$ 2,363,200
Increases:					
Interest Income	6,693	33,794			40,487
Investment Income			30,516		30,516
Total Increases	\$ 6,693	\$ 33,794	\$ 30,516	\$ -	\$ 71,003
Cash Transfers	\$ (645,624)	\$ 2,400,409	\$ (1,754,785)		-
Balance at June 30, 2023	\$ -	\$ 2,434,203	\$ -	\$ -	\$ 2,434,203

FY23 Revised Budgeted Expenses	\$ 11,717,139
Balance as a % of FY23 Revised Budgeted Expenses*	20.8%
*Maximum Balance = 30%	\$ 3,515,142

**BATA Capital Reserve Fund
June 2023 YTD**

	Independent Bank	Michigan Class	Treasury Bill	Adjustments	Reserve Fund Total
Balance at September 30, 2022	\$ 765,442	\$ -	\$ 1,120,387	\$ 3,631	\$ 1,889,460
Increases:					
Interest Income	8,020	59,061			67,081
Investment Income			19,828		19,828
FY2023 Funding: 2.5% of budgeted revenue				347,614	347,614
FY2022 Surplus (Approved 4/27/23)				2,948,861	2,948,861
Total Increases	\$ 8,020	\$ 59,061	\$ 19,828	\$ 3,296,475	\$ 3,383,384
Decreases:					
FY23 Q1-#30 (Concrete pads)				(9,500)	(9,500)
FY23 Q2-#49 (DVR's)				(12,518)	(12,518)
FY23 Q3-#30 (Shelters)				(25,775)	(25,775)
Total Decreases	\$ -	\$ -	\$ -	\$ (47,793)	\$ (47,793)
Cash Transfers	(773,462)	5,191,766	(1,140,215)	(3,278,088)	-
Balance at June 30, 2023	\$ -	\$ 5,250,827	\$ -	\$ (25,775)	\$ 5,225,052
					-
Balance after approved transfer	\$ -	\$ 5,250,827	\$ -	\$ (25,775)	\$ 5,225,052

**BATA New Facility Reserve Fund
June 2023 YTD**

	Independent Bank	Michigan Class	Treasury Bill	Adjustments	Reserve Fund Total
Balance at September 30, 2022	\$ -	\$ -	\$ 5,411,433	\$ (98,072)	\$ 5,313,361
Increases:					
Interest Income		41,081	7,663		48,744
Investment Income			34,821		34,821
Total Increases	\$ -	\$ 41,081	\$ 42,484	\$ -	\$ 83,565
Decreases:					
Mansfield Land Use Consultants				(27,518)	(27,518)
Cunningham-Limp				(23,256)	(23,256)
Progressive AE, Inc.				-	-
Garfield Charter Township				(56,300)	(56,300)
Grand Traverse Co. DPW				(52,755)	(52,755)
Soils and Structures, Inc.				(14,862)	(14,862)
Various Owner Direct				(3,880)	(3,880)
Total Decreases	\$ -	\$ -	\$ -	\$ (178,570)	\$ (178,570)
Cash Transfers		2,633,402	(2,751,663)	118,261	-
Balance at June 30, 2023	\$ -	\$ 2,674,483	\$ 2,702,255	\$ (158,382)	\$ 5,218,356

Investment Income	\$ 87,746
T Bill Maturity at 8/10/23	\$ 2,790,000

**BATA Locally Funded Capital Projects Budget
FY2023**

<u>Project #</u>	<u>Project Description</u>	<u>Owner</u>	<u>Asset Category</u>	<u>Priority</u>	<u>Useful Life</u>	<u>Budget</u>	<u>Q1-Q4 Spend</u>	<u>Contract Balance</u>	<u>Q4 Budget Remaining</u>
Capital Projects Budget, New									
52	Hall St AC Unit Replacement	Kurt	Building Imprvmts	A	10	\$ 24,784	29,850	-	(5,066)
53	Hall St Boiler Replacement	Kurt	Building Imprvmts	A	10	50,000	21,556	52,006	(23,561)
54	Hall St Carpet Replacement	Kurt	Building Imprvmts	C	10	5,000	-		5,000
55	Hall St DSX Door Locks	Kurt	Building Imprvmts	C	10	10,000	6,800	-	3,200
		Total				\$ 89,784	\$ 58,206	\$ 52,006	\$ (20,427)
Capital Projects Budget, Ongoing									
7A	Motors/Transmissions/Body Work	Kurt	Vehicle Parts	A	3	\$ 100,000	4,499		95,501
7B	Bldg/Grds Improvements, Equipment Replacement	Kurt	Buildings	A	6		-		-
9	General IT	Eric	Technology	A	6	7,000	-		7,000
13	Local Vehicle Purchase (Buses and Components)	Kurt	Vehicles	A	5-12		-		-
30	Annual Shelter, Bench, Signage and Stop Placemaking	Kurt	Oper Equipmt	A	10	50,000	35,275		14,725
49	Vehicle Technologies (Replacement, e.g. MDTs, Fareboxes, Radios)	Eric	Technology	A	5-10	26,460	12,518		13,942
		Total				\$ 183,460	\$ 52,292	\$ -	\$ 131,168
Capital Projects Budget, Contingency (10% of budget)						\$ 27,324	-		\$ 27,324
Total						\$ 300,568	\$ 110,497	\$ 52,006	\$ 138,066

Bay Area Transportation Authority



Traverse Transportation Coordinating Initiative
Resolution: 2023-05
Approval of MPO Resolution

RESOLUTION TO ESTABLISH AN INTERMUNICIPALITY COMMITTEE UNDER MICHIGAN
PUBLIC ACT 200 OF 1957 FOR PURPOSES OF TRANSPORTATION PLANNING IN THE
TRAVERSE STUDY AREA

WHEREAS, the urban transportation planning regulations implementing sections of the Federal-Aid Highway Act of 1962, and the Urban Mass Transportation Act of 1964, as amended, require that each urbanized area, as a condition of receipt of Federal transportation capital or operating assistance, having a continuing, cooperative and comprehensive (3-C) transportation planning process that results in plans and programs consistent with the comprehensively plan development of the urbanized area; and

WHEREAS, Michigan Public Act 200 of 1957 provides for the creation, by two or more municipalities, of an Intermunicipality Committee for the purpose of studying area problems; and

WHEREAS, the Bay Area Transportation Authority elected to participate in the formation of the Metropolitan Planning Organization through participation in the Traverse Transportation Coordinating Initiative (TTCI), and

WHEREAS, the conditions for the participation of eligible entities and the requirements for formation of the MPO Policy Board and committees to the board, rules of procedure and overall operation of the collaborative body are contained within the attached referenced Traverse Transportation Coordinating Initiative Intergovernmental Agreement for Participants of the Metropolitan Planning Organization, and

WHEREAS, bylaws for TTCI have been drafted and are attached and referenced as the Traverse Transportation Coordinating Initiative (TTCI) Bylaws.

NOW, THEREFORE, BE IT RESOLVED, that the Bay Area Transportation Authority authorizes their participation as an eligible entity in the creation of what is hereinafter referred to as the Traverse Transportation Coordinating Initiative (TTCI) Metropolitan Planning Organization;

On a motion made by _____ seconded by _____, to adopt the Resolution in support of the establishment of an intermunicipality committee, under Michigan Public Act 200 of 1957, for the purposes of transportation planning in the Greater Traverse Study Area.

Roll call vote:

Ayes- _____
Nays- _____

CERTIFICATE

I, _____, do hereby certify that the foregoing is a true copy of a resolution adopted by the Bay Area Transportation Authority Board, at a regular board meeting, held at the Bay Area Transportation Authority on August 10, 2023.

Name

Title

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is entered into this ____ day of _____, 2023, between **GRAND TRAVERSE COUNTY** (“Grand Traverse”), **LEELANAU COUNTY** (“Leelanau”) and **BATA** (“BATA”), collectively, “the Parties.”

WHEREAS, this Interlocal Agreement is entered into pursuant to the Urban Cooperation Act of 1967, MCL 124.501, *et. seq.*;

WHEREAS, BATA was formed under the Public Transportation Authority Act, 1986 PA 196 (MCL 124.451 *et seq.*) by the filing of Articles of Incorporation; and

WHEREAS, on February 23, 2023, the BATA Board of Directors approved amended Articles of Incorporation and amended Bylaws and Rules of Procedure; and

WHEREAS, the parties desire to establish and define the rights, responsibilities, and obligations of the Parties regarding the composition of the BATA Board of Directors, including the number of members, membership eligibility, and the appointment of members, and intend that the BATA Articles of Incorporation and Bylaws and Rules of Procedure be further amended as necessary to be consistent with this Agreement as provided below.

THEREFORE, for and in consideration of the covenants contained herein, the parties mutually agree as follows:

1. **Political Subdivision Membership**. The Political Subdivision Members of BATA are Grand Traverse County and Leelanau County. No new Political Subdivision Members shall be permitted unless approved by resolution from the governing bodies of Grand Traverse County and Leelanau County.
2. **BATA Board Composition and Mission**. The BATA Board of Directors shall be composed of 7 members, comprised of 4 members appointed by majority vote of the Grand Traverse County Board of Commissioners, 2 members appointed by majority vote of the Leelanau County Board of Commissioners (collectively these 6 members appointed by the Grand Traverse County Board of Commissioners and the Leelanau County Board of Commissioners are the “County Representatives”), and 1 At-Large member appointed by a 2/3rds supermajority of the BATA Board (the “At-Large Representative”). Upon appointment, Board members shall exercise sound judgment and shall endeavor to make informed decisions that carry out the purposes of BATA as established in the BATA Articles of Incorporation.
3. **Board Appointments**.
 - a. Each County shall appoint a County Commissioner to serve as a member of the BATA Board for a term running concurrent with their elected term on the County Commission (the “Ex Officio Members”).

- b. All other members of the BATA Board shall be appointed for three-year terms. The members currently serving on the BATA Board shall continue serving until the term end date that was designated at the time of their initial appointments. For any member appointed or reappointed after the date of this Agreement, excluding the Ex Officio Members, the term shall end on September 30 of the third year of the members appointed term, even if the member has not served a full three years as of that date. The purpose of moving to a September 30 end date is to align with BATA's fiscal year.
 - c. The County Representatives appointed to the BATA Board by the Leelanau County Board of Commissioners and the Grand Traverse County Board of Commissioners shall be residents of their respective Counties.
 - d. Two of the County Representatives from Grand Traverse County must reside in the urban areas of the County, which are the areas within the jurisdictional boundaries of the proposed metropolitan planning organization (MPO), as shown on the attached **Exhibit A**. Of the remaining two, one must reside in a rural area (*i.e.*, an area outside of the boundaries depicted in **Exhibit A**).
 - e. The At-Large Representative may be a resident of either Grand Traverse County or Leelanau County.
 - f. In appointing the At-Large Representative, the BATA Board shall give consideration to the factors described in the attached **Exhibit B**.
 - g. Prior to making any appointment to BATA, the appointing County shall solicit input from the BATA Board regarding the types of expertise and experience that would be most useful to the BATA Board given its current composition, with reference to the factors described in the attached **Exhibit B**. The appointing County shall consider such input in making the appointment but shall not be constrained by it.
4. **Changes in Board Composition or Membership Eligibility.** For so long as this Agreement remains in effect, any change to the BATA Board composition as expressed in Section 2 or to BATA Board member eligibility as expressed in Section 3 requires the approval of a 2/3rds supermajority of the BATA Board and is contingent upon subsequent ratification by a majority of both the Grand Traverse County Board of Commissioners and the Leelanau County Board of Commissioners to be effective.
5. **Executive Director, Capital Improvements and At-Large.** For so long as this Agreement remains in effect, the following actions will require a 2/3rds supermajority of the BATA Board:

- a. The appointment or rescission of appointment without cause of the BATA Executive Director; and
- b. Approval or cancellation of capital improvement projects with a total project value of \$1,000,000.00 or more; and
- c. The appointment or rescission of appointment for the At-Large Representative.

6. **Removal of Board Members.**

- a. Leelanau and Grand Traverse each have the power, acting through their respective Boards of Commissioners, to remove the County Representatives it appointed to the BATA Board from the BATA Board pursuant to MCL 46.11(n).
- b. The BATA Board may remove the At-Large Representative from the BATA Board if, in the Board's opinion, such member is incompetent to execute properly the duties of the office or if, on charges and evidence, the Board is satisfied that the member is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, the member shall not be removed for that misconduct or neglect unless charges of misconduct or neglect are presented to the BATA Board or the Chair of the BATA Board, notice of a hearing, with a copy of the charges, is delivered to the member, and a full opportunity is given the member to be heard, either in person or by counsel.
- c. Leelanau and Grand Traverse hereby agree not to remove any current County Representative to the BATA Board from the Board on the basis that such member voted in favor of the amendments to the BATA Articles of Incorporation and BATA Bylaws and Rules of Procedure that were adopted on February 23, 2023. To the extent not prohibited by law, all such County Representatives to the BATA Board are intended third-party beneficiaries of this Agreement with respect to the protection from removal provided by this subsection. If any Party attempts to remove any such member in breach of this subsection, that Party shall be in material breach of this Agreement and any non-breaching Party shall be entitled to terminate this Agreement immediately upon written notice to the other Parties.

7. **Dispute Resolution.** The Parties shall use reasonable efforts to resolve any dispute arising under this Agreement within thirty (30) days of the date of a notice from any party regarding a term of this Agreement. Each party may designate representatives to meet to address the dispute and will work cooperatively to schedule this meeting.

8. **Notices.** The Parties will send, by first class mail or via the email listed below (or the email for the successor individual holding the position), all correspondence and written notices required or permitted by this Agreement to the following addresses:
- a. BATA: Kelly Dunham
BATA Executive Director
3233 Cass Rd.
Traverse City, Michigan 49684
dunhamk@bata.net
 - b. Leelanau County: Deborah Allen
Leelanau County Administrator
8527 E. Government Center Dr.
Suttons Bay, Michigan 49682
dallen@leelanau.gov
 - c. Grand Traverse County: Nate Alger
County Administrator
Grand Traverse County
400 Boardman Ave., Traverse City, MI 49684
nalger@gtcountymi.gov
9. **Implementation.** The Parties agree to implement the necessary steps to amend the BATA Articles of Incorporation and BATA Bylaws and Rules of Procedure to be consistent with this Agreement.
10. **No Impact or Impairment of Law.** Nothing in this Agreement shall be construed as having any impact on or impairment of any Federal, State or local law, including but not limited to the Public Transportation Authority Act, and any statutory procedures for the removal of appointees by County Boards of Commissioners, except as expressly addressed in Section 6.c.
11. **Term and Termination.** This Agreement shall remain in effect for so long as BATA remains in existence and operation or until: (1) the Agreement is terminated as provided in Section 6.c; or (2) the Agreement is amended by a written document signed by all Parties, by and through their duly authorized representatives.
12. **Non-Discrimination.** The Parties agree that they will not discriminate against any employee or applicant for employment (with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment) because of race, color, age, sex, religion, national origin, height, weight, marital status, disability, political affiliation, familial status, veteran status, or other characteristic protected by law.

The Parties shall adhere to all applicable Federal, State and local laws, ordinances, rules and regulations and policies prohibiting discrimination, including, but not limited to, the following:

- A. The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
- B. The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.
- C. Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat. 355, as amended, and regulations promulgated thereunder.
- D. The Americans with Disabilities Act of 1990, P.L. 101-336, 104 Stat 327 (42 USC §12101 *et seq.*), as amended, and regulations promulgated thereunder.

Breach of this section shall be regarded as a material breach of this Agreement.

- 13. **Waivers**. No failure or delay on the part of any of the Parties to this Agreement in exercising any right, power or privilege hereunder shall operate as a waiver thereof nor shall a single or partial exercise of any right, power or privilege preclude any other or further exercise of any other right, power or privilege. Moreover, and without limitation, nothing herein shall be construed to limit to any party the defense of governmental immunity.
- 14. **Third-Party Beneficiaries**. Other than as provided in Section 6.c., this Agreement is not intended to be a third-party beneficiary contract and confers no rights on anyone other than the Parties hereto.
- 15. **Invalid Provisions**. If any clause or provision of this Agreement is rendered invalid or unenforceable because of any State or Federal statute or regulation or ruling by any tribunal of competent jurisdiction, that clause or provision shall be null and void, and any such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of this Agreement. It shall be considered to be deleted and the remainder of this Agreement shall not be affected thereby. Where the deletion of the invalid provision would result in the illegality and/or unenforceability of this Agreement, this Agreement shall be considered to have terminated as of the date in which the provision was rendered invalid or unenforceable.
- 16. **Entire Agreement**. This Agreement is the complete and exclusive statement of the agreement between the Parties with respect to the subject matter thereof and supersedes all prior negotiations, representations, proposals, agreements, and other communications between the Parties either oral or written with respect to the subject matter thereof.
- 17. **Controlling Law**. This Agreement shall be governed in accordance with the laws of the State of Michigan applicable to contracts entered into and wholly to be performed within the State of Michigan.

Exhibit A
MPO Boundaries

Map 1: Census Urbanized Area



Table 1: MPA Commuter Patterns

<i>Civil Division</i>	<i>Percent of Workers Who Worked Outside of Civil Division</i>	<i>Percent of Commuters, Commute Time to Work 15 - 29 Minutes</i>
Acme Township	75.3%	43.8%
Blair Township	82.1%	59.8%
East Bay Charter Twp.	72.5%	52.9%
Garfield Charter Twp.	67.0%	41.1%
Green Lake Township	74.0%	51.0%
Long Lake Charter Twp.	88.4%	61.1%
Peninsula Township	70.1%	40.8%
City of Traverse City	43.4%	35.1%
Whitewater Township	80.1%	41.8%
Elmwood Charter Twp.	83.6%	58.9%
Bingham Township	89.2%	50.2%

US Census Bureau 2021 ACS Data

Exhibit B
Competencies, Traits, and Skills for Board members.

General Competencies and Traits Expected for all Board Members	Description
Integrity	<i>We expect board members to have the highest ethical standards, a commitment to sound financial stewardship, and an understanding of and adhere to the “duty of loyalty” from well-established public or private nonprofit corporation law.</i>
Sound judgment	<i>We expect board members to demonstrate objectivity, adhering to the “duty of care” when deliberating and making decisions on behalf of the organization.</i>
Commitment to the organization’s mission, values and vision	<i>We expect board members to understand and support our purpose, goals, culture, and operating philosophy. Board members champion our organization through proactive communication and representation in the community.</i>
Willingness to devote sufficient time to Board work	<i>We expect board members to understand and commit to their duties as outlined in the Board Roles and Responsibilities Policy and By-laws.</i>
Leadership	<i>Board members have demonstrated leadership in other community activities and are willing to consider leadership roles in board activities and committees.</i>
Strong community ties	<i>Board members are reflective of the communities/populations we serve and are generally respected community members.</i>
Strong communication skills	<i>Board members have demonstrated abilities to listen and speak, effectively practicing the art of “appreciative inquiry” at meetings and events. Members consistently demonstrate respectful and productive communication habits.</i>
Support for meaningful diversity on the Board	<i>Board members support diversity of thought, race, ethnicity, gender, socio-economic status, age, and other indicators reflective of our communities.</i>
Consensus-building	<i>Board members are expected to work toward consensus, using debate and discussion to build a culture of mission-based decision-making.</i>
Visionary	<i>Board members demonstrate vision for the role of public transit, and promote the growth and progress of BATA’s region.</i>
Systems Thinking	<i>Board members are expected to have some experience in complex systems, with an understanding of how to consider long-term or wide-ranging ramifications in their deliberations and decision-making, as well as an understanding of effective collaboration with other organizations.</i>

Additional Competencies or Skill Sets that may be <u>considered individually</u> for a well-rounded board team	Description
Financial Acuity	<i>An understanding of and experience with financial and accounting principles.</i>
Organizational Performance Acuity	<i>An understanding of and experience with the fundamentals of performance metrics, LEAN, accountability systems, or similar principles.</i>
Marketing and Communications Acuity	<i>An understanding of and experience with media, marketing, and effective communication approaches.</i>
Group Facilitation skills	<i>An understanding and experience with getting every voice heard in an objective, productive and non-threatening manner. This is particularly important for those who aspire to chair the Board.</i>
Experience on other public board(s)	<i>An understanding of the unique needs, roles and characteristics of a public service organization.</i>
Thought leader in the community	<i>An ability to positively influence others in the community – those who will speak on our behalf and get others to support the organization.</i>
Executive experience	<i>An understanding of, and some experience with the challenges of leadership in a complex organization.</i>
Public Transit Knowledge and/or Transportation Experience	<i>A base of knowledge about and experience with transportation systems in general and public transit specifically.</i>
Geographic Diversity	<i>An even distribution of geographical differences across our jurisdiction: cities and villages, suburban townships, and rural townships.</i>

In addition, the BATA Board will strive to maintain membership that will allow the Board to be comprised of at least one representative of each of the following:

- City of Traverse City
- BATA rider or rider representative
- Multi-modal transportation representative (e.g., TART, Norte, or Groundworks)
- Urban township representative (*i.e.*, Garfield, East Bay, Acme, Elmwood)
- Rural township representative

**ARTICLES OF INCORPORATION
OF
BATA**

ARTICLE I

The name of the corporation is BATA, hereinafter referred to as the "Authority."

ARTICLE II

The Authority created under these Articles is a new and successor organization to the Bay Area Transportation Authority, pursuant to the Public Transportation Authority Act. 1986 PA 196.

ARTICLE III

The Members of the Authority shall be Grand Traverse County and Leelanau County. No new political subdivision members shall be permitted unless approved by resolution from the governing bodies of Grand Traverse County and Leelanau County.

ARTICLE IV

The Authority shall be directed and governed by a ~~seven~~⁹-person ~~(7)~~ Board of Directors, herein referred to as the "Board." Four (4) members will be appointed by a majority vote of Grand Traverse County, and shall appoint four members of the Board. two (2) members shall be appointed by a majority vote of Leelanau County shall appoint two members of the Board (collectively the "County Representatives"). The County Representatives shall be residents of their respective Counties. Two (2) of the County Representatives from Grand Traverse County must reside in the urban area of the county which are areas within the proposed metropolitan planning organization ("MPO"), as shown on the attached Exhibit A. Of the remaining ~~7~~ two, one must reside in rural areas (i.e. outside of the boundaries of the MPO.

One (1) At-Large member shall be appointed by a 2/3rds supermajority of the BATA Board. The At-Large Representative may be a resident of either Grand Traverse County or Leelanau County. In appointing the At-Large Representative, the BATA Board shall give consideration ~~not~~ to the factors described in the attached Exhibit B.

Prior to making any appointment to BATA, the appointing County shall solicit input from the BATA Board regarding the types of expertise and experience that would be most useful to the BATA Board giving its current composition, with reference to the factors described in the attached Exhibit B. The appointing County shall consider such input in making the appointment but shall not be constrained by it.

Upon appointment, Board members shall exercise sound judgment

and shall endeavor to make informed decisions that carry out the purposes of BATA as established in these Articles. The three remaining seats shall be "at large" and shall be appointed by the majority vote of those members appointed and qualified to serve. The three at large Board members shall be appointed every three years for a three-year term. Each county's appointees shall be appointed for three-year terms.

Grand Traverse County and Leelanau County shall each appoint a County Commissioner to serve as a member of the BATA Board for a term running concurrent with their elected term on the County commission (the "Ex Officio Members").

All other members of the BATA Board shall serve three (3) year terms, ending on September 30 of the third year. The members currently serving on the BATA Board as of the effective date of these Articles of Incorporation, as amended, shall continue serving until the term-end date that was designated at the time of their initial appointments. For any member appointed or reappointed after the date of these amended Articles, excluding the Ex Officio Members, the term shall end on September 30 of the third year of the members appointed term, even if the member has not served a full three years as of that date.--

Notwithstanding any provision of these Articles of Incorporation, the voting requirement thresholds provided in this Article IV shall be calculated based on the number of members that are: (1) appointed and serving at the time the vote occurs; and (2) eligible to vote on the matter in question.

ARTICLE V

Leelanau and Grand Traverse counties each have the power, acting through their respective Boards of Commissioners, to remove the County Representatives it appointed to the BATA Board from the BATA Board pursuant to MCL 46.11(n).

The BATA Board may remove the At-Large Representative from the BATA Board if, in the Board's opinion, such member is incompetent to executed properly the duties of the office or if, on charges and evidence, the Board is satisfied that the member is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, the member shall not be removed for that misconduct or neglect unless charges of misconduct or neglect are presented to the BATA Board or the Chair of the BATA Board, notice of hearing, with a copy of the charges, is delivered to the member, and a full opportunity is given to the member to be heard, either in person or by counsel.

ARTICLE VI

The Authority is to be financed through grants of money or property from federal or state governments, other revenues from

federal or state governments, fees from riders, fees from contract users, financial contributions from federal, state, county, city or township governments, taxes authorized by the voters or by members, and other miscellaneous sources. .

ARTICLE VII

The registered office and the registered agent of the Authority shall be as designated in the Bylaws.

ARTICLE VIII

The name and address of the incorporator is the Bay Area Transportation Authority, 3233 Cass Road, Traverse City, MI 49684.

ARTICLE VIIIIX

The purposes for which the Authority is created are:

1. To, pursuant to 1986 Public Act 196, as amended (Act 196), plan, promote, purchase, acquire, establish, own, lease, operate, or cause to be operated, maintained, improved, enlarged, or modernized, public transportation facilities and system within and outside the limits of the Members.
2. To do all things reasonably necessary, proper, or convenient for the accomplishments of any of the above purposes.

ARTICLE IX

The Authority is hereby empowered to do anything authorized or permitted by Act 196, expressly or by implication, and to do any other lawful act reasonably necessary, proper, suitable, or convenient for the achievement of furtherance of the purposes above-stated.

Actions taken by the BATA Board shall generally require the affirmative vote of a majority of the Board members present, except as otherwise provided in these Articles of Incorporation or by applicable law. The following actions will require a 2/3rds supermajority vote of the Board members appointed and serving: (1) the appointment or rescission of appointment without cause of the BATA Executive Director; (2) approval or cancellation of capital improvement projects with a total project value of \$1,000,000 or more; and (3) the appointment or rescission of appointment of the At-Large Representative.

ARTICLE XI

- ~~1. The Board members appointed by the Members shall be residents of the public entity appointing them and shall be over the age of 18 years. Board members may be elected or appointed officials of a political subdivision.~~
- ~~2. The term of each Board member shall begin on December 31.~~
- 4.1. The Board shall hold at least an annual meeting at such place and time as shall be fixed by the Board. The Board shall, at its annual meeting, elect a chairperson, vice-chairperson, and secretary, who shall be members of the Board. The Board shall have the authority to appoint a treasurer and recording secretary, who need not be members of the Board. The Board shall transact such other

business as may be necessary at its annual meeting and shall fix the time and place for regular meetings.

- ~~5-2.~~ The Authority and the Board shall be subject to the provisions of 1976 Public Act 442, as amended, (Freedom of Information Act) and 1976 Public Act 276, as amended, (Open Meetings Act).
- ~~6-3.~~ The Board shall supply a system of accounts to conform to the system required by law and shall provide for the auditing of said accounts at least once a year by a certified public accountant.
- ~~7-4.~~ The Board shall adopt bylaws, policies, and procedures it deems reasonably necessary or proper for the conduct of the business of the Board and for accomplishing the purposes for which the Authority is created.
- ~~8-5.~~ The Board shall employ an Executive Director with such duties and authority as shall be determined by the Board. The Executive Director shall adopt rules, regulations, and/or policies governing the employees, property, and facilities under the Authority's jurisdiction.
- ~~9-6.~~ The Executive Director of the Authority shall be charged with the responsibility of causing these Articles of Incorporation to be published in the Record Eagle and the Leelanau Enterprise and the printed copies of the Articles of Incorporation to be filed as provided in Act 196.

ARTICLE

XI I

These Articles of Incorporation may be amended at any time by written document signed by not less than two-thirds (2/3) of the entire Board.

Notwithstanding the foregoing, Any change to the BATA Board composition or member eligibility as provided in Article IV shall require the approval of a 2/3rds supermajority of the BATA Board and is contingent upon subsequent ratification by a majority of both the Grand Traverse County Board of Commissioners and the Leelanau County Board of Commissioners to be effective.

ARTICLE

XIII I

The Restated and Amended Articles of Incorporation shall be effective on, the **day of** , **2023.**

I hereby certify that the Restated and Amended Articles of Incorporation of BATA were adopted by the affirmative vote of not less than two-thirds of the entire BATA Board, at a meeting

held on _____, 2023.

Robert A. Fudge, Secretary



**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, FEBRUARY 23, 2023, REVISED _____, 2023~~Revised _____, 2023~~

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~~ nine 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.

~~BATA's Board Governance Committee shall strive to maintain membership that will allow BATA's Board of Directors to be comprised of at least one representative of each of the following:~~

- ~~— City of Traverse City~~
- ~~— Rider and/or Rider Representative~~
- ~~— Multi-modal Transportation Representative (such as TART, Norte, Groundworks)~~
- ~~— Rural Townships Representative~~
- ~~— Urban Townships Representative i.e., Garfield, East Bay, Acme, Elmwood~~

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
- 4.5. Approval of Agenda – Conflict of Interest
- 5.6. Consent Calendar*
 - a. Approval of BATA Board Meeting Minutes
 - b. Acceptance of Reports and Other Minutes
 - c. Correspondence
- 6.7. Items Removed from Consent Calendar
- 7.8. Executive Director's Report
- 8.9. Chairperson Report
- 9.10. Committee Reports
- 10.11. Quarterly Finance Reports
- 11.12. Old Business
- 12.13. New Business
- 13.14. Board Discussion Items
- 14.15. Second Public Comment

~~15.16.~~ Directors' Comments and Announcements/Open Floor

~~16.17.~~ 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 _____, 2023

BATA
FY2024 Operating Budget
As of August 1, 2023

State Percentage	34.87%	34.58%	40.85%	5.99%
Federal Percentage	36.00%	18.00%	18.00%	-18.00%
Total	70.87%	52.58%	58.85%	-12.01%

	Revised Budget 2023	Original Budget (Jan) 2024	Budget Adjustment	Revised Budget (Aug) 2024	PY Change	Inc(Dec) PY Bud %
401: Farebox Revenue						
40100 Passenger Fares	\$ 382,065	\$ 444,000	\$ 86,243	\$ 530,243	\$ 148,178	39%
406: Auxiliary Trans						
40610 Concessions	1,706	1,600	-	1,600	(106)	-6%
40615 Advertising	99,000	110,000	-	110,000	11,000	11%
40620 Intercity Ticket Sales	32,400	32,400	-	32,400	-	0%
40699 Other Auxiliary Transportation Revenues	-	-	-	-	-	
407: Nontransportation Revenue						
40760 Gain on Sale of Capital Assets	-	-	-	-	-	
40799 Other Non-Transportation Revenues	761	750	-	750	(11)	-1%
408: Local Revenue						
40800 Taxes Levied by Transit Agency	4,521,234	4,767,199	-	4,767,199	245,965	5%
409: Local Service Contract						
40930 Local Contract Service/Federal Source	278,964	301,204	-	301,204		8%
40950 Local Contract Service/Local Source	9,880	23,000	(15,500)	7,500	(2,380)	-24%
40999 Other Local Contracts & Reimbursements	-	-	-	-	-	
411: State Formula & Contracts						
41101 State Operating Assistance	4,057,532	4,222,226	659,034	4,881,260	823,728	20%
41114 Cap Cont Reimb for Oper Exp "Mobil Mgmt"	16,114	16,114	-	16,114	-	0%
41199 Other MDOT/ PTD Contracts "JARC"	80,569	80,570	-	80,570	1	0%
413: Federal Contracts						
41301 Federal Section 5311	2,094,583	2,197,493	(46,858)	2,150,635	56,052	3%
41314 Cap Cont Reimb for Oper Exp "Mobil Mgmt"	64,455	64,455	-	64,455	-	0%
41361 CARES Act	2,094,583	-	-	-	(2,094,583)	-100%
41398 RTAP	5,500	5,500	-	5,500	-	0%
414: Other Revenue						
41400 Interest Income	132,806	120,000	80,000	200,000	67,194	51%
41401 Investment Gain/Loss	-	-	-	-	-	
440: Other Revenue						
44000 Refunds and Credits	32,422	100,000	-	100,000	67,578	208%
Total Revenue	\$ 13,904,573	\$ 12,486,511	\$ 762,919	\$ 13,249,430	\$ (655,143)	-5%

LBO Revenue Changes from Prior Year	State	Federal
Change from Reimbursement Rate	\$ 696,507	\$ (2,094,583)
Change from Eligible Expense	\$ 127,220	\$ 56,052
Prior Year Change	\$ 823,727	\$ (2,038,531)

		Revised Budget 2023	Original Budget (Jan) 2024	Budget Adjustment	Revised Budget (Aug) 2024	PY Change	Inc(Dec) PY Bud %
501: Labor							
50101	Operators' Salaries & Wages	\$ 3,554,481	\$ 3,732,203	\$ 162,853	\$ 3,895,056	\$ 340,575	10%
50102	Other Salaries & Wages	2,087,208	2,191,570	(78,446)	2,113,124	25,916	1%
50103	Dispatchers' Salaries & Wages	498,648	523,580	56,802	580,382	81,734	16%
502: Fringe Benefits							
50200	Other Fringe Benefits	1,658,518	1,725,846	23,538	1,749,384	90,866	5%
50210	DC Pensions	34,574	36,303	5,078	41,381	6,807	20%
50220	DB Pensions	659,919	692,914	(35,159)	657,755	(2,164)	0%
503: Services							
50302	Advertising Fees	42,000	42,000	-	42,000	-	0%
50305	Audit Costs	24,780	26,000	-	26,000	1,220	5%
50399	Other Services	705,257	797,164	(162,602)	634,562		-10%
504: Materials & Supplies							
50401	Fuel & Lubricants	1,108,719	1,164,159	(235,625)	928,534	(180,185)	-16%
50402	Tires & Tubes	60,257	63,872	-	63,872	3,615	6%
50404	Major Supplies Under \$5,000	-	-	-	-	-	
50499	Other Materials & Supplies	366,771	388,996	(2,300)	386,696	19,925	5%
505: Utilities							
50500	Utilities	149,262	182,100	(2,062)	180,038	30,776	21%
506: Insurance							
50603	Liability Insurance	593,358	627,808	-	627,808	34,450	6%
508: Purchased Transportation Service							
50800	Purchased Transportation Service	-	-	-	-	-	
509: Misc Expenses							
50902	Travel, Meeting & Training	22,408	22,400	7,600	30,000	7,592	34%
50903	Association Dues	17,205	21,469	-	21,469	4,264	25%
50909	Loss on Disposal of Assets	-	-	-	-	-	
50999	Other Miscellaneous Expenses	-	-	-	-	-	
512: Operating Leases & Rentals							
51200	Operating Leases & Rentals	17,472	16,300	-	16,300	(1,172)	-7%
513: Depreciation							
51300	Depreciation	1,054,291	1,110,624	-	1,110,624	56,333	5%
Total Expense		\$ 12,655,128	\$ 13,365,308	\$ (260,322)	\$ 13,104,986	\$ 449,858	4%
Net Income		\$ 1,249,445	\$ (878,797)	\$ 1,023,241	\$ 144,444	\$ (1,105,001)	-88%
Net Income before Depreciation		\$ 2,303,736	\$ 231,827	\$ 1,023,241	\$ 1,255,068	\$ (1,048,668)	-46%
Less:							
Capital Reserve		(689,304)	(615,022)	(38,146)	(653,168)	36,136	-5%
Designated for New Facility				-			
Designated for Technology				-			
Net Income before Depr & after Reserve/Designation		\$ 1,614,432	\$ (383,195)	\$ 985,095	\$ 601,900	\$ (1,012,532)	-63%

		Revised Budget 2023	Original Budget (Jan) 2024	Budget Adjustment	Revised Budget (Aug) 2024	PY Change	Inc(Dec) PY Bud %
Ineligible Expenses							
550: Ineligible Expense							
54000	Ineligible Refunds and Credits	\$ 32,422	\$ 100,000	\$ -	\$ 100,000	\$ 67,578	
55005	Ineligible Local Contracts	-	-	-	-	-	
55006	Other Ineligible Interest Expense			-		-	
55007	Ineligible Depreciation	809,526	878,376	-	878,376	68,850	
55008	Other Ineligible Expenses			-		-	
55009	Ineligible Association Dues		2,000	-	2,000	2,000	
55010	Other Ineligible Exp assoc. with Aux & NonTrans			-		-	
56002	Ineligible Expenses Associated with Advertising			-		-	
57099	Other Local/ Federal/ State.	9,971	10,000	-	10,000	29	
57402	RTAP	5,500	5,500	-	5,500	-	
57604	Other Ineligible Op Exp paid by Capital Contract	80,569	80,569	-	80,569	-	
58009	Loss on Disposal of Assets	-	-	-	-	-	
58020	Ineligible Defined Benefit Pension	-	-	-	-	-	
Total Ineligible Expense		\$ 937,988	\$ 1,076,445	\$ -	\$ 1,076,445	\$ 138,457	
Total Eligible Expense (net of JARC)		\$ 11,636,571	\$ 12,208,293	\$ (260,322)	\$ 11,947,971	\$ 311,401	
Revenues in Excess of Eligible Expenses		\$ 2,268,002	\$ 197,648	\$ 1,023,241	\$ 1,301,459	\$ (966,544)	

MEMORANDUM

TO: BATA Board of Directors
FROM: Chris Davis, Director of Human Resources
SUBJECT: One Year Contract Extension
DATE: August 3, 2023



The current contracts with the drivers/mechanics and dispatchers are scheduled to expire on September 30, 2024. With support from BATA's Finance Oversight Team, a tentative agreement has been reached with the Teamsters Local 214 to extend the contracts through September 30, 2025. The terms of the agreement are a \$4 per hour wage increase effective October 1, 2023 in lieu of the contractual formula increase on February 1, 2024. The benefits of the contract extension include the following:

- *Allows BATA to terminate the recruiting/retention incentive (frontline participating employees will be paid out at a prorated sum) and replace it with a competitive wage scale.
- *The payment to frontline employees for the accrued liability on the \$10K retention/recruiting incentive would be paid to employees in September while BATA is still receiving the additional 18 percent federal reimbursement. There is ample room in the FY23 budget to provide the payout.
- *Creates a competitive wage scale to recruit and retain frontline employees.
- *Allows BATA to offer new and existing employees a livable wage.
- *The contract extension would move the next negotiation timeline to a year after BATA's move into its new facility.
- *The projected cost of the tentative agreement has been included in the revised FY24 budget.

Please let me know if you have any questions or need additional information regarding the tentative agreement.