

HOUSE BILL No. 4897

September 7, 2011, Introduced by Reps. Stapleton, Durhal, Stallworth, Tlaib, Hovey-Wright, Hobbs, Lane, Santana, Kandrevas, McCann, Townsend, Ananich, Cavanagh, Rutledge, Howze, Barnett, Olumba, Nathan, Heise, Jackson and Bledsoe and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending sections 2, 4a, and 10 (MCL 124.402, 124.404a, and 124.410), sections 2 and 10 as amended by 1988 PA 481 and section 4a as amended by 1998 PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Authority" means an authority created by or pursuant to
- 3 this act.
- 4 (b) "Board" means the governing and administrative body of an
- 5 authority.
- 6 (c) "Chief executive officer" means, with respect to a city,

1 the mayor of the city and, with respect to a county, either the
2 county executive of the county or, for a county not having a county
3 executive, the chairperson of the county board of commissioners.

4 (d) "Constituent unit" means each of the counties comprising a
5 part of an authority or a council and each city having a population
6 of ~~750,000~~ 600,000 or more within such a county.

7 (e) "Council" means a regional transit coordinating council
8 formed pursuant to section 4a.

9 (f) "Governor" means the governor of ~~the~~ **THIS** state.

10 (g) "Metropolitan area" means an area conforming in general to
11 a consolidated metropolitan statistical area as defined by the
12 United States office of management and budget or 2 or more counties
13 which form a generally recognized urban complex. However, for the
14 purposes of this act, Lapeer county shall not be considered part of
15 a consolidated metropolitan statistical area.

16 (h) "Public transportation facility" means all property, real
17 and personal, public or private, so long as used or useful for
18 general or special transportation service to the public, including,
19 but not limited to, street railways, motor bus, tramlines, subways,
20 monorails, rail rapid transit, and the movement of people thereby
21 together with tunnel, bridge, and parking facilities used in
22 connection with these transportation services of the authority, but
23 shall not include taxis, limousines, highways, ports, airports,
24 charter or sightseeing services, or transportation which is
25 exclusively used for school purposes.

26 Sec. 4a. (1) The chief executive officer of each city having a
27 population of ~~750,000~~ 600,000 or more within a metropolitan area,

1 of each county in which such a city is located, and of all other
2 counties immediately contiguous to such a city shall form a
3 corporation, subject to the limitations of this act, to be known as
4 the regional transit coordinating council for the purpose of
5 establishing and directing public transportation policy within a
6 metropolitan area. The counties of Livingston, Monroe, St. Clair,
7 and Washtenaw shall be collectively represented on the council by 1
8 member, without vote, from 1 of the counties and shall determine
9 their representative member on the council in a manner to be
10 determined by the counties. The county from which the
11 representative member is to be selected shall rotate among the
12 counties at least every 2 years and the member shall be a resident
13 of the county from which the member is to be selected. If 1 or more
14 of the counties of Livingston, Monroe, St. Clair, and Washtenaw
15 withdraw from the authority, the member shall rotate between, and
16 be selected from, the remaining counties.

17 (2) A council formed under this section shall be considered an
18 authority organized pursuant to this act for the sole purpose of
19 receiving transportation operating and capital assistance grants. A
20 council may not exercise any rights, duties, or powers provided to
21 an authority organized pursuant to this act except as is necessary
22 to receive transportation operating and capital assistance grants.

23 (3) The council may adopt public transportation plans for its
24 metropolitan area. The council shall coordinate service overlap,
25 rates, routing, scheduling, and like functions between operators of
26 public transportation. The council shall not have power to employ
27 operating personnel, negotiate collective bargaining agreements

1 with operating personnel, or own operating assets of a public
2 transportation service within the metropolitan area.

3 (4) The articles of incorporation forming the council shall
4 provide for the conduct of the affairs of the council, including
5 provision for the appointment of a general secretary to the council
6 and the allocation between the city and any authority representing
7 the counties of any grants applied for by the council.

8 (5) The council shall be a "designated recipient" for purposes
9 of the former federal urban mass transportation act of 1964, Public
10 Law 88-365, and the regulations promulgated under that act, to
11 apply for federal and state transportation operating and capital
12 assistance grants, but the council may designate a city with a
13 population of more than ~~750,000~~ **600,000** and the authority
14 representing the counties each as a subrecipient of federal and
15 state transportation funds. To the extent required by the federal
16 urban mass transportation act of 1964 and the regulations
17 thereunder, the council and a city with a population over ~~750,000~~
18 **600,000** and the authority representing the counties shall execute a
19 supplemental agreement conferring on a city with a population over
20 ~~750,000~~ **600,000** and the authority representing the counties the
21 right to receive and dispense grant funds and containing such other
22 provisions as are required by federal law and regulation. The
23 general secretary shall submit in a timely manner the council's
24 application for such funds to the responsible federal and state
25 agencies. The application shall designate the distribution of all
26 capital and operating funds which shall be paid directly to a city
27 with a population over ~~750,000~~ **600,000** and the authority

1 representing the counties. If the council is the recipient, the
2 general secretary, as soon as possible, but not more than 10
3 business days after receipt of the funds by the general secretary,
4 shall remit to a city with a population over ~~750,000~~ 600,000 and
5 the authority representing the counties their designated
6 distribution of the funds.

7 (6) The council shall act by a unanimous vote of its
8 membership entitled to vote and shall meet regularly but not less
9 than quarterly. A council member shall not designate another
10 representative to serve in his or her place on the council.

11 (7) The business which the council may perform shall be
12 conducted at a public meeting of the council held in compliance
13 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
14 Public notice of the time, date, and place of the meeting shall be
15 given in the manner required by the open meetings act, 1976 PA 267,
16 MCL 15.261 to 15.275.

17 (8) An advisory committee comprised of riders who are senior
18 citizens or persons with disabilities, or both, and who live within
19 the southeastern Michigan transportation authority shall be
20 established and shall report their concerns to the council on a
21 regularly scheduled basis.

22 (9) Before any state or federal funds are distributed to any
23 of the eligible authorities or eligible governmental agencies
24 coordinated by the council, a financial audit of the transit
25 operations for the fiscal year immediately previous to the most
26 recently completed fiscal year shall be provided to the state
27 transportation department in accordance with section 10h(2) of 1951

1 PA 51, MCL 247.660h. The state transportation department may waive
2 this requirement on a temporary basis. Each audit shall be in
3 accordance with sections 6 to 13 of the uniform budgeting and
4 accounting act, 1968 PA 2, MCL 141.426 to 141.433. Each financial
5 audit shall also be in accordance with generally accepted
6 accounting standards as promulgated by the United States general
7 accounting office and shall satisfy federal regulations relating to
8 federal grant compliance audit requirements.

9 Sec. 10. (1) The following subdivisions shall apply only to
10 authorities other than the southeastern Michigan transportation
11 authority:

12 (a) Authorities shall be governed by a board consisting of 9
13 members. The term of office of the members of the board shall be 3
14 years, except that of the members first appointed 3 shall be for 1
15 year, 3 for 2 years, and 3 for 3 years. All terms shall expire on
16 June 30 except that members shall serve until their successors are
17 appointed. The members of the board may be removed by the
18 appointing authority for cause. Any vacancy in office shall be
19 filled by the governor for the remainder of the unexpired term. The
20 members shall annually elect a chairman and vice-chairman from
21 among their members. The board shall hold regular monthly meetings
22 and special meetings as necessary at times as it determines, and
23 shall designate the time and place of those meetings. It shall
24 adopt its own rules of procedure and shall keep a record of its
25 proceedings. Five members constitute a quorum for the transaction
26 of business and the affirmative vote of a majority of all the
27 members shall be necessary for the adoption of a motion or

1 resolution. The members of a board shall be residents of the
2 counties included in the authority.

3 (b) A county choosing not to participate in an authority may
4 withdraw by a majority vote of its elected county board of
5 commissioners within 1 year after the establishment of the
6 authority and by a 2/3 vote of the board of commissioners at any
7 time thereafter. If a county withdraws from an authority pursuant
8 to this section, the term of a member of the board from the county
9 which withdraws shall expire at the time of the county's
10 withdrawal.

11 (c) Each member of the board shall receive reimbursement for
12 expenses incurred in the discharge of his **OR HER** duties as a board
13 member. Each member of the board may receive compensation of not
14 more than \$35.00 for each meeting of the board the member attends,
15 not exceeding 4 meetings per month. The ~~chairman~~**CHAIRPERSON** of the
16 board may receive compensation of not more than \$45.00 for each
17 meeting of the board the ~~chairman~~**CHAIRPERSON** attends, not
18 exceeding 4 meetings per month. A copy of the proceedings of each
19 board meeting shall be available for public inspection during
20 normal working hours at the offices of the board.

21 (d) Six members of the board shall be appointed by the
22 governor with the advice and consent of the senate, from lists of 3
23 or more names each submitted by the county boards of commissioners
24 of member counties and the mayor of cities within the authority
25 with a population of more than 500,000. Three members shall be
26 appointed directly by the governor with the advice and consent of
27 the senate.

1 (e) An authority shall hold a public hearing on its annual
2 operating and capital budget, financial audits, and construction
3 plans.

4 (f) An authority shall also maintain close working and
5 coordinating relationships with the state, local, and federal
6 agencies or other agencies to the end that duplication of effort is
7 minimized and that the planning and implementation functions work
8 together in the public interest to carry out the purposes of this
9 act.

10 (2) The following subdivisions shall apply only to the
11 southeastern Michigan transportation authority:

12 (a) The board of the southeastern Michigan transportation
13 authority shall be composed of the chief executive officers of each
14 county in which a city having a population of ~~750,000~~ 600,000 or
15 more is located within the area served by the southeastern Michigan
16 transportation authority and of all other counties immediately
17 contiguous to such city, and the representative of each such chief
18 executive officer to be designated in the sole discretion of, and
19 serve at the sole pleasure of, that chief executive officer. A
20 chief executive officer may designate an alternate to serve in his
21 or her place on the board. The counties of Livingston, Monroe, St.
22 Clair, and Washtenaw shall be collectively represented on the board
23 by 1 person from these counties. The counties shall determine their
24 representative member on the board in a manner to be determined by
25 the counties. The county from which the representative member is to
26 be selected shall rotate among the counties at least every 2 years
27 and the member shall be a resident of the county from which the

1 member is to be selected. If 1 or more of the counties of
2 Livingston, Monroe, St. Clair, and Washtenaw withdraw from the
3 authority, the member shall rotate among, and be selected from, the
4 remaining counties.

5 (b) The board by a majority vote shall adopt bylaws and rules
6 of procedure governing its meetings. A majority vote for the
7 adoption of bylaws and rules of procedure and for the transaction
8 of business shall not be effective unless it includes at least 1
9 vote from each county in which a city having a population of
10 ~~750,000~~ **600,000** or more is located, and at least 1 vote from each
11 county immediately contiguous to such city.

12 (c) The business which the board may perform shall be
13 conducted at a public meeting of the board held in compliance with
14 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
15 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws. 1976~~
16 **PA 267, MCL 15.261 TO 15.275.** Public notice of the time, date, and
17 place of the meeting shall be given in the manner required by ~~Act~~
18 ~~No. 267 of the Public Acts of 1976.~~ **THE OPEN MEETINGS ACT, 1976 PA**
19 **267, MCL 15.261 TO 15.275.**

20 (d) The board shall do the following:

21 (i) Obtain an annual audit in accordance with sections 6 to 13
22 of the uniform budgeting and accounting act, ~~Act No. 2 of the~~
23 ~~Public Acts of 1968, being sections 141.426 to 141.440a of the~~
24 ~~Michigan Compiled Laws. 1968 PA 2, MCL 141.426 TO 141.433.~~ The
25 audit shall also be in accordance with generally accepted
26 government auditing standards as promulgated by the United States
27 general accounting office and shall satisfy federal regulations

1 relating to federal grant compliance audit requirements. A copy of
2 the annual audit shall be filed with the state treasurer in
3 accordance with section ~~4(2)~~**4(3)** of the uniform budgeting and
4 accounting act, ~~Act No. 2 of the Public Acts of 1968,~~**1968 PA 2,**
5 **MCL 141.424,** and a copy shall be filed with the state
6 transportation department in accordance with section 10h(2) of ~~Act~~
7 ~~No. 51 of the Public Acts of 1951, being section 247.660h of the~~
8 ~~Michigan Compiled Laws.~~**1951 PA 51, MCL 247.660H.**

9 (ii) Prepare budgets and appropriations acts in accordance with
10 sections ~~14, 15(1)(a) to (g), 15(1)(i), 15(2), 16, 17, 18, and 19~~
11 **14 TO 19** of the uniform budgeting and accounting act, ~~Act No. 2 of~~
12 ~~the Public Acts of 1968, being sections 141.434 to 141.439 of the~~
13 ~~Michigan Compiled Laws.~~**1968 PA 2, MCL 141.434 TO 141.439.**

14 (iii) If ending a fiscal year in a deficit condition, file a
15 financial plan to correct the deficit condition in the same manner
16 as provided in section 21(2) of ~~Act No. 140 of the Public Acts of~~
17 ~~1971, being section 141.921 of the Michigan Compiled Laws.~~**THE**
18 **GLENN STEIL STATE REVENUE SHARING ACT OF 1971, 1971 PA 140, MCL**
19 **141.921.** A copy of the financial plan shall also be filed with the
20 state transportation department.

21 (e) The board may change the name of the authority by a
22 majority vote of the members as described in subdivision (b). The
23 board shall notify the state transportation commission within 10
24 days after a name change is adopted.

25 (f) The board shall guarantee each of the counties of
26 Livingston, Monroe, St. Clair, and Washtenaw, as long as they
27 remain members of the authority, the average percentage of state

1 transportation funds allocated to the authority that each county
2 received in the last 5 fiscal years before the effective date of
3 this subdivision. The state transportation department shall be
4 responsible for determining these percentages.