

HOUSE BILL No. 4637

April 30, 2013, Introduced by Reps. Heise, McMillin, Farrington, Somerville, LaFontaine, Lund, Goike, Kesto, Hooker and Howrylak and referred to the Committee on Transportation and Infrastructure.

A bill to amend 2012 PA 387, entitled "Regional transit authority act," by amending sections 2, 4, 5, and 6 (MCL 124.542, 124.544, 124.545, and 124.546) and by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Authority" means a regional transit authority created
3 under this act.

4 (b) "Board" means the governing body of an authority.

5 (c) "City" means a city incorporated under the home rule city
6 act, 1909 PA 279, MCL 117.1 to 117.38.

7 (d) "Cost plus construction contract" means a contract under
8 which the contractor is paid a negotiated amount, regardless of the
9 expenses incurred by the contractor.

1 (e) "County executive" means the county executive of a county
2 or, if the county does not have an elected county executive, the
3 chair of the county board of commissioners.

4 (f) "Department" means the state transportation department.

5 (g) "Fiscal year" means the time period between October 1 of a
6 calendar year through September 30 of the following calendar year.

7 (h) "Governor's representative" means a resident of a public
8 transit region who is appointed to the board by the governor under
9 section 5(1)(a).

10 (i) "Local road agency" means that term as defined in section
11 9a of 1951 PA 51, MCL 247.659a.

12 (j) "Member jurisdiction" means a city or county that appoints
13 a member of a board under section 5.

14 **(K) "MUNICIPALITY" MEANS A CITY, VILLAGE, OR TOWNSHIP.**

15 **(I)** ~~(k)~~—"Public transportation" means the movement of
16 individuals and goods by publicly owned bus, rapid transit vehicle,
17 or other conveyance that provides general or special service to the
18 public, but not including school buses or charter or sightseeing
19 service or transportation that is used exclusively for school
20 purposes. Public transportation includes the movement of
21 individuals and goods by privately owned bus, railroad car, rapid
22 transit vehicle, or other conveyance that, under a contract with an
23 authority, provides general or special service to the public, but
24 not including school buses or charter or sightseeing service or
25 transportation that is used exclusively for school purposes. Public
26 transportation is a transportation purpose within the meaning of
27 section 9 of article IX of the state constitution of 1963.

1 (M) ~~(l)~~—"Public transportation facility" means all plants,
2 equipment, work instrumentalities, and real and personal property
3 and rights used or useful for public transportation.

4 (N) ~~(m)~~—"Public transportation provider" means a public or
5 private entity that provides public transportation services and
6 includes a contractor providing services to a public transportation
7 provider. Public transportation provider includes an authority or
8 agency existing on or created after ~~the effective date of this act.~~
9 **DECEMBER 19, 2012.** Public transportation provider includes an
10 authority formed under any of the following:

11 (i) 1963 PA 55, MCL 124.351 to 124.359.

12 (ii) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7,
13 MCL 124.501 to 124.512.

14 (iii) 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

15 (iv) 1951 PA 35, MCL 124.1 to 124.13.

16 (v) The public transportation authority act, 1986 PA 196, MCL
17 124.451 to 124.479.

18 (vi) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to
19 141.140.

20 (O) ~~(n)~~—"Public transit region" means an area of this state
21 consisting of a qualified region. Public transit region also
22 includes a county **OR A MUNICIPALITY** added to a public transit
23 region by an authority under section 4.

24 (P) ~~(o)~~—"Public transportation system" means a system for
25 providing public transportation in the form of light rail, rolling
26 rapid transit, or other modes of public transportation and public
27 transportation facilities to individuals.

1 (Q) ~~(p)~~—"Qualified county" means a county in this state with
2 the largest population according to the most recent decennial
3 census.

4 (R) ~~(q)~~—"Qualified region" means a geographic area of this
5 state that includes a qualified county and the 3 counties with the
6 largest populations according to the most recent decennial census
7 that are contiguous to the qualified county.

8 (S) ~~(r)~~—"Rolling rapid transit system" means bus services that
9 may combine the technology of intelligent transportation systems,
10 traffic signal priority, cleaner and quieter vehicles, rapid and
11 convenient fare collection, and integration with land use policy.
12 Rolling rapid transit may include, but is not limited to, all of
13 the following:

- 14 (i) Exclusive rights-of-way.
- 15 (ii) Rapid boarding and alighting.
- 16 (iii) Integration with other modes of transportation.

17 Sec. 4. (1) A county **OR A MUNICIPALITY** that is not included in
18 a public transit region and is not a participant in an authority
19 may petition an authority to become a part of the public transit
20 region and the authority, subject to approval of the petition by
21 resolution of the governing body of the petitioning county **OR**
22 **MUNICIPALITY.**

23 (2) A petitioning county **OR MUNICIPALITY** shall be added to a
24 public transit region and an authority if both of the following
25 conditions are satisfied:

26 (a) The petitioning county **OR MUNICIPALITY** is adjacent to a
27 county that is, at the time of the petition, included in the public

1 transit region.

2 (b) The addition of the petitioning county **OR MUNICIPALITY** to
3 the public transit region and the authority is approved by the
4 board.

5 (3) If an authority is levying an assessment under section
6 10(2) or a motor vehicle registration tax under section 10(3), or
7 both, a petitioning county **OR MUNICIPALITY** that satisfies the
8 conditions under subsection (2) is a provisional member of the
9 authority without voting power or transportation service from the
10 authority until the assessment levied by the authority under
11 section 10(2) or the motor vehicle registration tax under section
12 10(3), or both, is approved by a majority of the electors of the
13 petitioning county **OR MUNICIPALITY** at the first general or special
14 election held on a regular date as provided in the Michigan
15 election law, 1954 PA 116, MCL 168.1 to 168.992, to occur at least
16 71 days after appointment of a board member representing the
17 petitioning county ~~under~~ **OR MUNICIPALITY AS PROVIDED IN** section
18 5(12).

19 **SEC. 4A. (1) A COUNTY OR A MUNICIPALITY MAY WITHDRAW FROM AN**
20 **AUTHORITY WITHIN 1 YEAR AFTER CREATION OF THAT AUTHORITY UNDER THIS**
21 **ACT BY A RESOLUTION OF WITHDRAWAL APPROVED BY A MAJORITY VOTE OF**
22 **THE MEMBERS ELECTED TO AND SERVING ON THE GOVERNING BODY OF THAT**
23 **COUNTY OR MUNICIPALITY.**

24 **(2) A COUNTY OR A MUNICIPALITY MAY WITHDRAW FROM AN AUTHORITY**
25 **AT ANY TIME AFTER 1 YEAR AFTER CREATION OF THAT AUTHORITY UNDER**
26 **THIS ACT BY A RESOLUTION OF WITHDRAWAL APPROVED BY A 2/3 VOTE OF**
27 **THE MEMBERS ELECTED TO AND SERVING ON THE GOVERNING BODY OF THAT**

1 COUNTY OR MUNICIPALITY.

2 (3) IF A COUNTY SEEKING TO WITHDRAW FROM AN AUTHORITY UNDER
3 THIS SECTION HAS AN ELECTED COUNTY EXECUTIVE UNDER 1973 PA 139, MCL
4 45.551 TO 45.573, THE COUNTY EXECUTIVE MAY VETO A RESOLUTION OF
5 WITHDRAWAL. A VETO MAY BE OVERRIDDEN BY A 2/3 VOTE OF THE MEMBERS
6 ELECTED TO AND SERVING ON THE COUNTY BOARD OF COMMISSIONERS OF THAT
7 COUNTY.

8 Sec. 5. (1) An authority shall be directed and governed by a
9 board consisting of all of the following:

10 (a) One governor's representative appointed by the governor,
11 who shall serve without vote.

12 (b) Two individuals appointed by the county executive of the
13 county within the public transit region with the second largest
14 population according to the most recent decennial census.

15 (c) Two individuals appointed by the county executive of the
16 county within the public transit region with the third largest
17 population according to the most recent decennial census.

18 (d) Two individuals appointed by the county executive of a
19 county within the public transit region with the fourth largest
20 population according to the most recent decennial census.

21 (e) Two individuals appointed by the county executive of the
22 qualified county within the public transit region. One of the 2
23 individuals appointed under this subdivision shall be a resident of
24 a city within the qualified county with the largest population
25 according to the most recent decennial census.

26 (f) One individual appointed by the mayor of the city within
27 the qualified county with the largest population according to the

1 most recent decennial census.

2 (g) After the initial appointment of board members under
3 subsection (2), if the addition of a petitioning county **OR**
4 **MUNICIPALITY** is approved by the board under section 4, 2
5 individuals appointed by the county executive of the petitioning
6 county **OR THE GOVERNING BODY OF THE PETITIONING MUNICIPALITY** as
7 provided in subsection (12).

8 (2) Initial appointments of the members of a board shall be
9 made within 90 days after the creation of an authority, and a board
10 may not exercise any powers, duties, functions, or responsibilities
11 under this act until all of the initial members identified under
12 subsection (1) are appointed and qualified. Except as otherwise
13 provided in this section, members of a board shall be appointed for
14 a term of 3 years. Of the members initially appointed, 1 of the 2
15 board members appointed by each county executive under subsection
16 (1)(b) to (e) shall be appointed for an initial term of 1 year, a
17 board member appointed under subsection (1)(f) shall be appointed
18 for an initial term of 2 years, and the governor's representative
19 and 1 of the 2 board members appointed by each county executive
20 under subsection (1)(b) to (e) shall be appointed for an initial
21 term of 3 years. If a vacancy occurs on a board other than by
22 expiration of a term, the vacancy shall be filled in the same
23 manner as the original appointment for the remainder of the term. A
24 board member may continue to serve until a successor is appointed
25 and qualified.

26 (3) A board member shall not be an employee of the county or
27 ~~city~~**MUNICIPALITY** appointing the board member under subsection (1)

1 or an employee of a public transportation provider operating in a
2 public transit region.

3 (4) A board member shall not be a currently serving elected
4 officer of this state or a political subdivision of this state.

5 (5) A board member shall be a resident of and registered
6 elector in the county or ~~city~~ **MUNICIPALITY** from which he or she is
7 appointed.

8 (6) A board member shall have substantial business, financial,
9 or professional experience relevant to the operation of a
10 corporation or public transportation system.

11 (7) Upon appointment to the board, a board member shall take
12 and subscribe to the oath of office required under section 1 of
13 article XI of the state constitution of 1963.

14 (8) A board member shall serve without compensation, but may
15 receive reimbursement for necessary travel and expenses consistent
16 with relevant statutes and the rules and procedures of the civil
17 service commission and the department of technology, management,
18 and budget, subject to available funding.

19 (9) An individual who is not of good moral character or who
20 has been convicted of, pled guilty or no contest to, or forfeited
21 bail concerning a felony under the laws of this state, any other
22 state, or the United States shall not be appointed or remain as a
23 member of the board.

24 (10) A member of a board shall discharge the duties of the
25 position in a nonpartisan manner, in good faith, in the best
26 interests of this state, and with the degree of diligence, care,
27 and skill that an ordinarily prudent person would exercise under

1 similar circumstances in a like position. A member of the board
2 shall not make or participate in making a decision, or in any way
3 attempt to use his or her position as a member of the board to
4 influence a decision, on a matter before an authority in which the
5 member is directly or indirectly interested. A member of a board
6 shall not be interested directly or indirectly in any contract with
7 an authority or the department that would cause a substantial
8 conflict of interest. A member of a board shall comply, and a board
9 shall adopt policies and procedures that require members to comply,
10 with the requirements of this subsection and all of the following:

11 (a) 1978 PA 472, MCL 4.411 to 4.431, as if the board member
12 were subject to that act and that board member's receipt of a gift
13 or compensation would be in violation of that act if given by a
14 lobbyist, a lobbyist agent, or a representative of a lobbyist under
15 that act.

16 (b) 1978 PA 566, MCL 15.181 to 15.185.

17 (c) 1968 PA 318, MCL 15.301 to 15.310, as if he or she were a
18 state officer.

19 (d) 1968 PA 317, MCL 15.321 to 15.330, as if he or she were a
20 public servant.

21 (e) 1973 PA 196, MCL 15.341 to 15.348, as if he or she were a
22 public officer.

23 (11) No contract entered into by an authority and no bonds,
24 notes, or other obligations issued by an authority shall be void or
25 voidable except as provided in 1968 PA 318, MCL 15.301 to 15.310,
26 or 1968 PA 317, MCL 15.321 to 15.330. A contract entered into by an
27 authority or a bond, note, or other obligation issued by an

1 authority is not void or voidable by reason of a board member's
2 failure to comply with ~~subsections~~ **SUBSECTION** (10) (a) to (e).

3 (12) If a county **OR MUNICIPALITY** is added to a public transit
4 region under section 4, the board members representing the transit
5 district consisting of that county **OR MUNICIPALITY** shall be
6 appointed under subsection (1) within 30 days after the conditions
7 of section 4(2) (a) and (b) have been satisfied and at least 71 days
8 prior to an election under section 4(3). If an assessment levied
9 under section 10(2) or a motor vehicle registration tax under
10 section 10(3), or both, is not approved under section 4(3), the
11 appointment of a board member under this subsection is void.

12 (13) The governor may remove a board member from office for a
13 violation of subsection (9) or (10).

14 Sec. 6. (1) Within 30 days after the appointment of the
15 members of a board under section 5, the board shall hold its first
16 meeting at a date and time to be determined by the governor's
17 representative. The governor's representative shall serve without
18 vote and shall serve as chairperson of the board. The board members
19 shall elect officers as necessary. The board shall elect all
20 officers annually.

21 (2) The business of a board shall be conducted at a public
22 meeting held in compliance with the open meetings act, 1976 PA 267,
23 MCL 15.261 to 15.275. Public notice of the date, time, and place of
24 the meeting shall be given in the manner required by the open
25 meetings act, 1976 PA 267, MCL 15.261 to 15.275. A board shall
26 adopt bylaws consistent with the open meetings act, 1976 PA 267,
27 MCL 15.261 to 15.275. After organization, a board shall adopt a

1 schedule of regular meetings. A board shall meet at least once each
2 quarter. A special meeting of a board may be called by the
3 chairperson of the board or as provided in the bylaws of the board.

4 (3) A majority of the voting members of a board constitute a
5 quorum for the transaction of the business of an authority. Actions
6 of a board shall be by simple majority vote of all voting members
7 of the board, except as follows:

8 (a) A board shall provide in its bylaws that the following
9 actions require the approval of 7/9 of the voting members, and the
10 7/9 must include the affirmative vote of at least 1 member from
11 each participating county and a member appointed under section
12 5(1)(f):

13 (i) The placing of a question of the levy of an assessment
14 under section 10(2) on the ballot by an authority.

15 (ii) The determination of the rate of, or amount of, any
16 assessment to be requested by an authority at an election.

17 (iii) The placing of a question of approving a motor vehicle
18 registration tax on the ballot by an authority.

19 (iv) The determination of the rate of, or amount of, any motor
20 vehicle registration tax to be requested by an authority at an
21 election.

22 (b) A board shall provide in its bylaws that the following
23 actions require the unanimous approval of all voting members of the
24 board:

25 (i) A determination to acquire, construct, operate, or maintain
26 any form of rail passenger service within a public transit region.

27 (ii) A determination to acquire a public transportation

1 provider. Unless an authority secures the affirmative vote of a
2 majority of the electors of each member county in the public
3 transit region as provided in section 7(2), the authority shall not
4 acquire a public transportation provider that does business in a
5 public transit region unless both of the following conditions are
6 satisfied:

7 (A) All accrued liabilities, funded and unfunded, of the
8 public transportation provider being acquired have been paid or are
9 required to be paid by a person other than the authority.

10 (B) The board unanimously agrees to comply with all
11 requirements for obtaining federal operating and capital assistance
12 grants under the moving ahead for progress in the 21st century act,
13 Public Law 112-141, and the regulations promulgated under the
14 moving ahead for progress in the 21st century act, Public Law 112-
15 141, with respect to the public transportation provider being
16 acquired.

17 (iii) A determination to place on a ballot the question of
18 acquiring, accepting responsibility for, or obligating itself to
19 assume liability for or to pay any legacy costs, including, but not
20 limited to, costs associated with litigation, claims, assessments,
21 worker's compensation awards or charges, swap losses, pensions,
22 health care, or other postemployment benefits, of a public
23 transportation provider that may be purchased, merged with,
24 assumed, or otherwise acquired by an authority.

25 (4) A board shall keep a written or printed record of each
26 meeting. A written or printed record of each meeting and any other
27 document or record prepared, owned, used, in the possession of, or

1 retained by an authority in the performance of an official function
2 shall be made available to the public under the freedom of
3 information act, 1976 PA 442, MCL 15.231 to 15.246.

4 (5) A board shall provide for a uniform system of accounts for
5 an authority to conform to and for the auditing of the authority's
6 accounts. The board shall obtain an annual audit of an authority by
7 an independent certified public accountant and report on the audit
8 and auditing procedures under sections 6 to 13 of the uniform
9 budgeting and accounting act, 1968 PA 2, MCL 141.426 to 141.433.
10 The audit shall be in accordance with generally accepted government
11 auditing standards and shall satisfy federal regulations regarding
12 federal grant compliance audit requirements. An audit obtained
13 under this subsection shall be filed with the state treasurer and
14 the department.

15 (6) Within 90 days after the first board meeting, a board
16 shall adopt and maintain a budget for the fiscal year in accordance
17 with the uniform budget and accounting act, 1968 PA 2, MCL 141.421
18 to 141.440a.

19 (7) Within 90 days after the first board meeting, a board
20 shall establish policies and procedures for the purchase of, the
21 contracting for, and the providing of supplies, materials,
22 services, insurance, utilities, third-party financing, equipment,
23 printing, and all other items as needed by an authority to
24 efficiently and effectively meet its needs using competitive
25 procurement methods to secure the best value for the authority. A
26 board shall make all discretionary decisions concerning the
27 solicitation, award, amendment, cancellation, and appeal of

1 authority contracts. In establishing policies and procedures under
2 this subsection, a board shall provide for the acquisition of
3 professional services, including, but not limited to, architectural
4 services, consulting services, engineering services, surveying
5 services, accounting services, services related to the issuance of
6 bonds, and legal services, in accordance with a competitive,
7 qualifications-based selection process and procedure for the type
8 of professional service required by an authority.

9 (8) Beginning 1 calendar year after the creation of an
10 authority under this act, the board shall submit a report to the
11 house of representatives and senate appropriations subcommittees on
12 transportation and the house of representatives and senate
13 committees on transportation on March 31 of each year that includes
14 all of the following information from the preceding calendar year:

15 (a) Financial status of the authority.

16 (b) Financial status of public transportation providers within
17 the public transit region.

18 (c) Operating costs of the authority.

19 (d) The status of any rolling rapid transit system.

20 (e) The average daily and annual ridership of a rolling rapid
21 transit system.

22 (f) The dashboard developed by the authority under subsection
23 (9) (d).

24 (g) The number and severity of any accidents that occur that
25 involve a rolling rapid transit system.

26 (9) Within 120 days after the first board meeting, a board
27 shall establish a website for the authority and the authority shall

1 post on the website its budget, policies and procedures, and
2 updates on authority activities and transactions and the progress
3 of any project, including, but not limited to, a proposed rolling
4 rapid transit system, as they become available. An authority shall
5 also post all of the following information on a website established
6 under this subsection:

7 (a) An asset management plan for all revenue vehicles and
8 facilities, major facility components, and major pieces of
9 equipment as defined by the department. An authority shall update
10 the asset management plan annually.

11 (b) The method used by the authority to determine the
12 percentage of operating costs that will be funded with local funds
13 and the percentage that will be funded with fares. An authority
14 shall update this information every 3 years.

15 (c) A plan and a commitment to conduct a survey of user
16 satisfaction and a survey of general public satisfaction with the
17 services and performance of the authority once every 3 years. An
18 authority shall provide results for the most recent completed
19 surveys under this subdivision to the department.

20 (d) A dashboard of the authority's performance that includes,
21 at a minimum, the information required under subdivisions (a)
22 ~~through TO~~ (c). The dashboard shall also include annual performance
23 indicators for the authority that have been established by the
24 board. The dashboard shall be readily available to the public, and
25 the authority shall update the dashboard annually.

26 (10) A board may not enter into a cost plus construction
27 contract unless all of the following apply:

1 (a) The contract cost ~~is~~**WILL BE** less than \$50,000.00.

2 (b) The contract is for emergency repair or construction
3 caused by unforeseen circumstances.

4 (c) The repair or construction is necessary to protect life or
5 property.

6 (d) The contract complies with state and federal law.

7 (11) Within 90 days after the first board meeting, a board
8 shall adopt a procurement policy consistent with the requirements
9 of this act and federal and state laws relating to procurement.
10 Preference shall be given to firms based in a public transit region
11 and each county **AND MUNICIPALITY** within a public transit region,
12 consistent with applicable law.

13 (12) Nothing in this section shall be construed as creating a
14 quota or set-aside for any ~~city~~**MUNICIPALITY** or any county in a
15 public transit region, and no quota or set-aside shall be created.

16 (13) An authority shall issue an annual report to the board
17 and each member jurisdiction within a public transit region
18 detailing all contracts entered into and listing the names and
19 headquarters of all authority vendors with whom the authority has
20 contracted for services during the previous fiscal year.

21 (14) Within 90 days after the first board meeting, a board
22 shall establish and adopt all of the following:

23 (a) A policy to govern the control, supervision, management,
24 and oversight of each contract to which an authority is a party.

25 (b) Procedures to monitor the performance of each contract to
26 ~~assure~~**ENSURE** execution of the contract within the budget and time
27 periods provided under the contract. The monitoring shall include

1 oversight as to whether the contract is being performed in
2 compliance with the terms of the contract, this act, and federal
3 and state law. The chief executive officer or other authorized
4 employee of an authority shall not sign or execute a contract until
5 the contract is approved by the board.

6 (c) Policies to ensure that an authority does not enter into a
7 procurement or employment contract with a person who has been
8 convicted of a criminal offense related to the application for or
9 performance of a contract or subcontract with a governmental entity
10 in any state. As used in this subdivision and subdivision (d),
11 "person" includes affiliates, subsidiaries, officers, directors,
12 and managerial employees of a business entity, or an individual or
13 entity who, indirectly or directly, holds a pecuniary interest in a
14 business entity of 20% or more.

15 (d) Policies to ensure that the authority does not enter into a
16 procurement or employment contract with a person who has been
17 convicted of a criminal offense, or held liable in a civil
18 proceeding, in this state or any other state, that negatively
19 reflects on the person's business integrity, based on a finding of
20 embezzlement, theft, forgery, bribery, falsification or destruction
21 of records, receiving stolen property, violation of state or
22 federal antitrust statutes, or similar laws.

23 (15) An authority is not required to use competitive bidding
24 when acquiring proprietary services, equipment, or information
25 available from a single source, such as a software license
26 agreement. An authority may enter into a competitive purchasing
27 agreement with the federal government, this state, or other public

1 entities for the purchase of necessary goods or services. An
2 authority may enter into lease purchases or installment purchases
3 for periods not exceeding the useful life of the items purchased
4 unless otherwise prohibited by law. In all purchases made by an
5 authority, if consistent with applicable federal and state law,
6 preference shall be given first to products manufactured or
7 services offered by firms based in the authority's public transit
8 region, including, but not limited to, the ~~cities~~ **MUNICIPALITIES**
9 and counties in a public transit region, and second to firms based
10 in this state. An authority shall actively solicit lists of
11 potential bidders for authority contracts from each ~~city~~
12 **MUNICIPALITY** and each county in a public transit region. Except as
13 otherwise provided in this section, an authority shall utilize
14 competitive solicitation for all purchases authorized under this
15 act unless 1 or more of the following apply:

16 (a) An emergency directly and immediately affecting service or
17 public health, safety, or welfare requires the immediate
18 procurement of supplies, materials, equipment, or services to
19 mitigate an imminent threat to public health, safety, or welfare,
20 as determined by an authority or its chief executive officer.

21 (b) Procurement of goods or services is for emergency repair
22 or construction caused by unforeseen circumstances when the repair
23 or construction is necessary to protect life or property.

24 (c) Procurement of goods or services is in response to a
25 declared state of emergency or state of disaster under the
26 emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

27 (d) Procurement of goods or services is in response to a

1 declared state of emergency under 1945 PA 302, MCL 10.31 to 10.33.

2 (e) Procurement of goods or services is in response to a
3 declared state of energy emergency under 1982 PA 191, MCL 10.81 to
4 10.89.

5 (f) Procurement of goods or services is under a cooperative
6 purchasing agreement with the federal government, this state, or
7 another public entity for the purchase of necessary goods and
8 services at fair and reasonable prices using a competitive
9 procurement method for authority operations.

10 (g) The value of the procurement is less than \$25,000.00, and
11 the board has established policies or procedures to ensure that
12 goods or services with a value of less than \$25,000.00 are
13 purchased by the board at fair and reasonable prices, including a
14 requirement that for purchases and sales of \$25,000.00 or less, but
15 over \$5,000.00, written price quotations from at least 3 qualified
16 and responsible vendors shall be obtained or a memorandum shall be
17 kept on file showing that fewer than 3 qualified and responsible
18 vendors exist in the market area within which it is practicable to
19 obtain quotations. Procurement of goods or services with a value of
20 less than \$5,000.00 may be negotiated with or without using
21 competitive bidding as authorized in a procurement policy adopted
22 by the board.

23 (16) Notwithstanding any other requirement of this act, if an
24 authority applies for and receives state or federal funds that
25 require the authority to comply with procurement or contracting
26 requirements that are in conflict with this act, the state or
27 federal requirements shall take precedence over the requirements of

1 this act.

2 (17) A board may employ personnel as it considers necessary to
3 assist the board in performing the powers, duties, and
4 jurisdictions of the authority, including, but not limited to,
5 employment of a chief executive officer and other senior executive
6 and administrative staff. A board shall hire a chief executive
7 officer and any necessary support staff for the chief executive
8 officer. Individual board members shall not hire or be assigned
9 personal staff.

10 (18) A board shall establish policies to ensure that the board
11 and an authority do not do either of the following:

12 (a) Fail or refuse to hire, recruit, or promote; demote;
13 discharge; or otherwise discriminate against an individual with
14 respect to employment, compensation, or a term, condition, or
15 privilege of employment, or a contract with the authority in a
16 manner that is not in compliance with state or federal law.

17 (b) Limit, segregate, or classify an employee, a contractor,
18 or an applicant for employment or a contract in a way that deprives
19 or tends to deprive the employee, contractor, or applicant of an
20 employment opportunity or otherwise adversely affects the status of
21 an employee, contractor, or applicant in a manner that is not in
22 compliance with state or federal law.

23 (19) A board shall create a citizens' advisory committee that
24 consists of public transit region residents. The citizens' advisory
25 committee shall be composed as follows:

26 (a) Forty percent of the committee shall be made up of users
27 of public transportation, as follows:

1 (i) At least 25% of the users of public transportation on the
2 committee shall be senior citizens or persons with disabilities.

3 (ii) Two users of public transportation from each of the
4 following ~~counties~~ within the public transit region for the
5 authority:

6 (A) The qualified county.

7 (B) The county with the second largest population according to
8 the most recent decennial census.

9 (C) The county with the third largest population according to
10 the most recent decennial census.

11 (D) The county with the fourth largest population according to
12 the most recent decennial census.

13 (iii) Two users of public transportation from the city in the
14 qualified county with the largest population according to the most
15 recent decennial census.

16 (iv) Two users of public transportation from each additional
17 county **OR MUNICIPALITY** participating in the authority under section
18 4 and not listed in subparagraph (ii).

19 (b) Twenty percent of the committee shall be made up of
20 individuals from organizations representing senior citizens and
21 persons with disabilities.

22 (c) Forty percent of the committee shall be made up of
23 individuals representing business, labor, community, and faith-
24 based organizations.

25 (20) A citizens' advisory committee created under subsection
26 (19) may meet at least once every quarter. The citizens' advisory
27 committee may make reports to a board, including recommendations,

1 at each board meeting. A citizens' advisory committee may do all of
2 the following:

3 (a) Review and comment on the comprehensive regional public
4 transit service plan for a public transit region and all annual
5 updates.

6 (b) Advise a board regarding the coordination of functions
7 between different owners and operators of public transportation
8 facilities within a public transit region.

9 (c) Review and comment on a specialized services coordination
10 plan required by section 10e of 1951 PA 51, MCL 247.660e.

11 (d) Upon request of a board, provide recommendations on other
12 matters that concern public transportation in a public transit
13 region.

14 (21) A board shall create a public transportation provider
15 advisory council that consists of 2 members appointed by each
16 public transportation provider in the public transit region. The
17 public transportation provider advisory council may make reports to
18 a board, including recommendations, at each board meeting. The
19 public transportation provider advisory council shall only make
20 recommendations to a board on the following issues:

21 (a) Coordination of service.

22 (b) Funding.

23 (c) Plans.

24 (d) Specialized services.

25 (e) Other matters as requested by a board.