

**CONNECT TRANSIT
BOARD OF TRUSTEES
PROCEEDINGS OF MAY 3, 2016
UPTOWN STATION, 4TH FLOOR, COUNCIL CHAMBERS
NORMAL, IL 61761**

The regular meeting of the Board of Trustees of Connect Transit was held at Uptown Station, 4th Floor Council Chambers, Normal, Illinois 61761 on May 3, 2016 at 4:30 p.m.

TRUSTEES PRESENT: Bill Wilson, Chairman
 Mike McCurdy, Vice-Chairman
 Ryan Whitehouse, Secretary
 Judy Buchanan
 John Thomas

TRUSTEES ABSENT: John Bowman
 Jennifer McDade

CITY MANAGERS:

STAFF PRESENT: Andrew Johnson, General Manager
 Isaac Thorne, Chief Operating Officer
 Julie Beer, Executive Assistant

The meeting was called to order by the Chairman at 4:30 p.m. Roll call was taken.

Mark Peterson, Town Manager, Town of Normal arrived at 4:33 p.m.

Trustee Jennifer McDade arrived at 4:34 p.m.

Chairman Bill Wilson stated Trustee John Bowman was away on work related business and had requested to participate in the meeting remotely. Noting a quorum present, Chairman Wilson requested a motion to allow Trustee John Bowman to participate in the meeting via telephone conference call.

Motion by Secretary Ryan Whitehouse, seconded by Trustee Judy Buchanan to allow remote participation by Trustee John Bowman.

AYE: All

NAY: None

Motion carried.

Trustee John Bowman joined the meeting via telephone conference call at 4:37 p.m.

PUBLIC COMMENTS

Bonnie Johnson addressed the Board. She stated she was stunned to learn about the groups of residents whose routes would be eliminated by the new route restructure.

Marilyn Evans addressed the Board. She is a retired teacher and also handicapped. She has attended many Connect Transit meetings. She also attended the public hearing the previous night. She was surprised to hear some of the comments at the public hearing. She stated communication with riders could improve. She noted that she sees notices on the buses, however, the lettering is small and they are difficult to read while the bus is moving. Not everyone, especially the elderly and poor have Internet. There needs to be better communication for the elderly and lower income residents.

Tony Grant addressed the Board. He stated he has had very good discussions with the staff of Connect Transit regarding the proposed route restructure. He believes the proposal as a whole and has a lot of potential, but there are also some negatives. He understands that change is necessary. He recommended the Board vote down the proposed route restructure as it is now. He believes there are more opportunities for additional changes to be made.

David Hales, City Manager, City of Bloomington arrived at 4:39 p.m.

CONSENT AGENDA

1. Approval of Minutes of Previous Budget Work Session of March 22, 2016, Annual Meeting of March 22, 2016 and Regular Board Meeting of March 22, 2016.
2. Disbursements for Month of March, 2016
3. Financial Report for Month of March, 2016
4. Capital and Self Insurance Reserve Fund Balances for month of March, 2016
5. Monthly Statistical Reports for month of March, 2016
6. FY 2016 Third Quarter Ridership Data and Trends

Trustee John Bowman commented regarding the decrease in ridership. He questioned the impact of the loss of the State Farm Ride to Work Program. He encouraged staff to reach out to those State Farm riders to return to Connect Transit.

Motion by Trustee Jennifer McDade, Seconded by Trustee Judy Buchanan that the Consent Agenda be approved.

AYE: All

NAY: None

Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Motion by Vice Chairman Mike McCurdy, Seconded by Trustee Judy Buchanan to move item F3, Approval of the Transit Route and Frequency Recommendations of the Comprehensive Operational Analysis to the first item of New Business.

AYE: Chairman Bill Wilson, Vice Chairman Mike McCurdy, Secretary Ryan Whitehouse, Trustee Judy Buchanan, Trustee Jennifer McDade and Trustee John Thomas.

NAY: Trustee John Bowman

Motion carried.

Approval of the Transit Route and Frequency Recommendations of the Comprehensive Operational Analysis

Motion by Vice Chairman Mike McCurdy, Seconded by Trustee John Thomas that the transit route and frequency recommendations of the Comprehensive Operational Analysis (COA) final report posted March 31, 2016 in the public notice be approved with the following additions:

- Inclusion of the "Gold line" as indicated on the map attached. Service frequency will be two 30 minute loops, one in each direction, for an effective frequency of once an hour in each direction
- Adjusting the "Blue line" to continue west on Empire until Lee, south on Lee until Locust, and east on Locust until Center, as indicated on the map attached.

Inclusion of provision for a "First mile/last mile" pilot program to extend coverage via Uber/Taxi service for areas losing fixed route bus service under the COA recommendations. While pilot details are still being developed, staff anticipates having a program in place when COA route changes are implemented and anticipates Connect to cover a subsidy of \$4 per ride, which would likely cover the estimated fare to utilize the program. The pilot would also include providing Connect Mobility ADA paratransit service to the piloted areas.

Vice Chairman Mike McCurdy read a written statement. He has several reasons for voting to approve the proposed route restructure. Those reasons include the addition of Sunday bus service, the track record of the COA consultant, Nelson/Nygaard, increased ridership, increased frequency, increased employment opportunities and more efficient use of taxpayer dollars.

Vice Chairman McCurdy stated the Board would hold Connect Transit staff accountable for finding a solution for the first mile/last mile gap.

He noted the ability of public transportation to influence better land use practices. He hoped that the proposed route restructure would spur future transit oriented development.

Vice Chairman McCurdy stated the proposed route restructure is the beginning of another process. A route overhaul has never taken place in the Bloomington/Normal community. It is time. This community has changed. It is not the same as it was 5, 10 or 40 years ago. The new route system could be tweaked as the Connect Transit staff and Board of Trustees continue to examine and monitor as it moves forward.

Secretary Ryan Whitehouse addressed the Board. He thanked everyone that has attended the listening sessions and the public hearing. He stated he has heard all of their comments and concerns.

Secretary Whitehouse read a written statement. He stated when the plan was released; he had concerns, particularly for the loss of service to certain areas of the community. His largest concern is the perception that Connect Transit does not care about the citizens of the community and that the decision to approve the proposed route restructure had already been made. He stated it was not the intention of the Board of Trustees to make riders feel as though their opinions did not matter.

Secretary Whitehouse noted that solutions have been provided for two (2) of his concerns, which included the creation of the Gold Route to serve West Bloomington. He stated he supports the plan in principal, but the vote to approve the proposed route restructure should be postponed until the May 24, 2016 Regular Board meeting. Postponing would allow time to inform riders about changes to the plan, find a solution to the first mile/last mile gap and take into consideration comments received during the Public Hearing held on May 2, 2016.

Trustee Jennifer McDade addressed the Board. She echoed Secretary Ryan Whitehouse's comments.

She stated her gratitude for the work that has been done and the input that has been received. Her goal is not to vote no to the proposed route restructure, but to make more tweaks to it before voting yes.

Trustee McDade stated she has seen an enormous amount of progress in the prior month. It is her belief that additional progress to address community concerns and the first mile/last mile gap can be made.

She encouraged Connect Transit staff to work hard over the upcoming three (3) weeks. She plans to vote yes to the proposed route restructure once the proposal represents all of the progress that can be made.

Trustee Judy Buchanan addressed the Board. She stated postponing the vote to approve the proposed route restructure until the May 24, 2016 Regular Board meeting was inappropriate. The proposed route restructure could move forward and Connect Transit staff would continue to work to resolve outstanding issues.

Trustee John Thomas addressed the Board. He stated he has been a long term Trustee. He knew early in his tenure that a COA and route restructure was badly needed. The proposed route restructure had been a long process and actually began before the Nelson/Nygaard COA. It had

been a part of the selection process for hiring a new General Manager. This route restructure has been something the Board has been considering long before the official start of the COA process in October, 2015.

Trustee Thomas noted his objection to postponing the approval of the route restructure. Postponing would cut short the time needed to print route maps, publicize the changes and educate the public, prior to the Illinois State University students returning in August.

Trustee Thomas stated the extraordinary care that has been taken, the experience of the consultants, the numerous listening sessions and the extraordinary due diligence given, he was confident with the route restructure proposal. If necessary, additional tweaks could be made prior to implementation.

David Hales, City Manager, City of Bloomington addressed the Board. He supported the motion to postpone the vote to approve the proposal until the May 24, 2016. He appreciated the work that has been completed, including the work that has been made over the last week. He had discussions with City of Bloomington Aldermen who represent West Bloomington. The Aldermen had had serious concerns regarding the lack of coverage on the West Side. They were sincerely appreciative of the recently added "Gold" route which will allow coverage for their wards. He stated that a short delay in the approval would be a small sacrifice to help ensure that any questions are answered.

Trustee John Bowman addressed the Board. He stated a lot of additional details have been driven out over the last week. He was in favor of postponing the vote. He appreciated all of the work that has been done, however he believes that additional work could be done. He believed that an additional three (3) weeks would allow for additional details to be driven out.

Mark Peterson, Town Manager, Town of Normal stated given the fact that three (3) of the seven (7) voting Trustees did not feel comfortable approving the proposed route restructure at this meeting, he saw no harm in a three (3) week delay. He stated his personal support of the proposed route restructure, however, it sounded like there were a few additional details that needed to be flushed out. He encouraged Connect Transit staff to have discussion with the three (3) opposing Trustees regarding details of their concerns. This is a major decision of this Board.

Vice Chairman Mike McCurdy stated he was unsure of what would be gained by the additional three (3) weeks. He viewed the route restructure as an ongoing process. Once approved, there would be educational sessions and plenty of time to educate the riding public on those changes and how to navigate the system. He was not in favor of postponing the vote. He requested that Andrew Johnson, General Manager inform the Board of the impact postponing the vote would on the implementation process.

Andrew Johnson, General Manager addressed the Board. He stated since October of 2015, Connect Transit has held eight (8) public listening sessions, five (5) internal listening sessions, and 27 meetings throughout the community with individual businesses and organizations. What was heard at the public hearing on May 2, 2016 was a reiteration of concerns previously expressed. Some of those concerns included service on Washington Street. Those concerns have been addressed with the recently created "Gold" route.

Mr. Johnson stated in terms of remaining concerns, he was only aware of the first mile/last mile gap, an issue that had just come about in mid-April. Discussions to address this concern included an option of partnering with Uber to assist with this issue. Additionally, a discussion had held with the Amalgamated Transit Union Local 752 (ATU) earlier in the day to discuss other options. Connect Transit is committed to a solution.

One of the pieces built into the implementation of the new route restructure is time to properly educate the community, Connect Transit staff, and employ the additional people needed to provide the additional service. Three (3) months is enough time to do that, two (2) months would be very tight, and could potentially cause a disservice to the community by not having enough time to properly implement the changes.

Trustee Judy Buchanan stated she is in agreement with Vice Chairman Mike McCurdy and General Manager Andrew Johnson. The Board of Trustees and the General Manager have made a commitment to a solution for the first mile/last mile gap. She is confident that this last piece will be satisfied.

Secretary Ryan Whitehouse stated his concern regarding the first mile/last mile gap. He noted that the "Gold" route was just recently created. The public was not aware of this recent development until the public hearing the previous night. If the public is aware of the changes, it would put them at ease.

Trustee Judy Buchanan agreed, noting that change is very difficult. She noted that often changes are only meaningful when they become reality. The education process is very important.

Vice Chairman Mike McCurdy agreed with Trustee Buchanan. A three (3) week delay would hinder the implementation and time needed to properly educate the public on the new routes.

Trustee John Bowman noted that many comments received at the public hearing was a lack of trust by the riding public. The three (3) week delay would allow them to feel more comfortable.

Vice Chairman Mike McCurdy responded that there would be three (3) months to accomplish same.

Trustee John Thomas noted it would be impossible to make changes until the new route restructure was implemented and performance reviewed. Passing the route restructure at this time allows the time necessary to properly implement it and give it its best chance for success.

Trustee Jennifer McDade questioned if the Board was setting up an either/or situation. She stated there is the general support of the Board for this proposal. She stated there is opportunity to build consensus with the City and Town Councils. The role of the Board is to provide governance and promote consensus between all of the different groups.

Chairman Bill Wilson stated there is clear support for the proposed route restructure; it seemed to come down to timing. He noted that the first mile/last mile gap plays into the process but is not a part of the COA.

He stated in light of having three (3) of the seven (7) voting Trustees' discomfort approving the proposal at this meeting, he was in favor of postponing the vote until the May 24, 2016 Board meeting.

Motion by Trustee Jennifer McDade, Seconded by Secretary Ryan Whitehouse that the transit route and frequency recommendations of the Comprehensive Operational Analysis (COA) final report posted March 31, 2016 in the public notice with the following additions: (1) Inclusion of the "Gold line". Service frequency will be two 30 minute loops, one in each direction, for an effective frequency of once an hour in each direction, (2) Adjusting the "Blue line" to continue west on Empire until Lee, south on Lee until Locust, and east on Locust until Center, and (3) Inclusion of provision for a "First mile/last mile" pilot program to extend coverage via Uber/Taxi service for areas losing fixed route bus service under the COA recommendations. While pilot details are still being developed, staff anticipates having a program in place when COA route changes are implemented and anticipates Connect to cover a subsidy of \$4 per ride, which would likely cover the estimated fare to utilize the program. The pilot would also include providing Connect Mobility ADA paratransit service to the piloted areas, be postponed until the May 24, 2016 Regular Board meeting.

AYE: Chairman Bill Wilson, Secretary Ryan Whitehouse, Trustee John Bowman and Trustee Jennifer McDade.

NAY: Vice Chairman Mike McCurdy, Trustee Judy Buchanan and Trustee John Thomas.

Motion carried.

Recommendation to Support Grant Application for Replacement Buses

Andrew Johnson, General Manager introduced this item. He stated there is a new pool of funding available for the replacement of buses called the "Lo or No Emissions Program". Staff is preparing a Department of Transportation Discretionary Grant application for the replacement of heavy duty and light duty buses. The Section 5339 Bus and Bus Facilities Discretionary Grant application will request the replacement of twenty buses. Under the Lo or No Emissions program five (5) light-duty replacement vehicles.

Secretary Ryan Whitehouse questioned if there was a need for Congressional letters of support for this grant application. Mr. Johnson responded that Connect Transit staff would collect any additional support letters needed.

Motion by Secretary Ryan Whitehouse, seconded by Trustee Jennifer McDade that the Board of Trustees provides a letter of support for a Section 5339 Bus and Bus Facilities Discretionary Grant application.

AYE: All

NAY: None

Motion carried.

Reconditioned Engine and Transmission Purchase and Installation RFP #16-05

Andrew Johnson, General Manager introduced this item. He stated that the 2011 Gillig buses are reaching the point where their engines need to be reconditioned. Cummins Crosspoint, LLC is the sole source provider for this project.

Motion by Vice Chairman Mike McCurdy, seconded by Trustee John Bowman that a firm fixed price be approved in an amount not to exceed \$214,445.28 with Cummins Crosspoint, LLC to replace four (4) engines and two (2) transmissions on four (4) buses, and the General Manager be authorized to issue Purchase Orders for same.

AYE: All

NAY: None

Motion carried.

Universal Access Agreement with Illinois State University

General Manager Andrew Johnson introduced this item. This is the annual Illinois State University Universal (ISU) Access Agreement. This year, the contract has been negotiated at a 2.5% increase over the previous year.

Vice Chairman Mike McCurdy questioned if the 2.5% increase was on Connect Transit's glide path with ISU. Mr. Johnson responded that it is not; however, in light of the lack of funding to ISU from the State of Illinois, Connect Transit felt that pressuring ISU for a larger increase was not in the spirit of Connect Transit/ISU partnership.

Vice Chairman McCurdy stated a recurring issue he has had is in regard to ISU's printed materials. He stated Connect Transit is missing an opportunity by not being branded on ISU's marketing materials. He urged Connect Transit staff to continue working to include Connect Transit on ISU's marketing materials.

Trustee John Bowman questioned Connect Transit's liability regarding the new electronic fareboxes in regard the collection and transmission of Non-public Personal Information (NPI) through the cloud-based service being supplied by the vendor, in light of the Data Security Addendum incorporated into the ISU contract. Isaac Thorne, Chief Operating Officer stated that Connect Transit held a Hold Harmless Agreement with the electronic farebox provider, Genfare.

Trustee Jennifer McDade questioned if the ISU Universal Access Agreement was being executed with the proposed routes in the COA route restructure. Mr. Thorne responded that the agreement was being submitted with the existing routes, not the proposed routes.

Motion by Trustee Judy Buchanan, seconded by Vice Chairman Mike McCurdy that the Illinois State University Universal Access Contract in the amount of \$532,740 for fiscal year 2017 be approved.

AYE: All

NAY: None

Motion carried.

**AGREEMENT BETWEEN THE BLOOMINGTON-NORMAL
PUBLIC TRANSIT SYSTEM AND
ILLINOIS STATE UNIVERSITY FOR
FACULTY, STAFF AND STUDENT TRANSIT SERVICES
April 18, 2016**

This Agreement is made by and between the Board of Trustees of Illinois State University (ISU) and Bloomington Normal Public Transit System (Connect Transit).

Whereas ISU and Connect Transit have agreed that benefits accrue to both parties in providing a means by which ISU may provide for fare prepayment for ISU students, faculty, staff and University High School students utilizing the Connect Transit fixed route buses and,

Whereas ISU and Connect Transit have agreed to terms, which will allow ISU students, faculty, staff and University High School students to use the fixed route services of Connect Transit without the requirement to pay the posted fare.

ARTICLE I – RECITALS

Whereas Connect Transit provides bus service open to the public on a regular basis, along fixed routes, during published hours and at published frequencies; and

Whereas Connect Transit service provides a satisfactory means of transporting many University faculty, staff, and students, as well as staff members of University-affiliated agencies to and from their place of residence and the University campus; and

Whereas the use of Connect Transit services by faculty, staff, and students is advantageous to the University as well as the cities of Bloomington and Normal, Illinois.

Therefore, be it resolved that the following responsibilities be carried out by the parties to this agreement as set forth below.

ARTICLE II – RESPONSIBILITIES OF CONNECT TRANSIT

2.1. Connect Transit shall honor the University faculty, staff and student photo identification card and/or other approved credential when presented by current University faculty, staff, and students to

Connect Transit agents and bus drivers and regard it as a Connect Transit bus pass. It is understood by the parties that during the term of this Agreement, Connect Transit may install or operate electronic card readers in buses to read and/or scan the faculty, staff and student photo identification card upon entry of an ISU passenger to a bus. Notwithstanding the implementation of any such system, the parties agree that mere presentation of the card by University faculty, staff, or student, regardless of whether the card is scanned, shall be sufficient for Connect Transit agents and bus drivers to regard the photo identification card as a Connect Transit bus pass.

2.2. Connect Transit shall provide established and regularly publicized Bloomington-Normal citywide public transportation service including, but not limited to: service through the ISU Campus on bus routes known as the Redbird Express, Nite Ride and Late Nite Ride Routes. Appendix A provides a comprehensive list of the hours and frequencies of service and transit stop locations currently provided for the Redbird Express, Nite Ride and Late Nite Ride routes. All transit services described in this paragraph are provided to ISU faculty, staff, students and University High School students upon presentation of their University photo identification card and/or credential provided by the University. Service will be provided to all others according to a fare schedule established by Connect Transit. Connect Transit Board of Trustees could vote to change ISU Campus bus routes. Any adjustments to routes will be noted and added to the service description at least [30] days prior to the effective date of any change. Appendix A includes the current and proposed comprehensive list of the hours and frequencies of service and transit stop locations currently provided for the Redbird Express route. In the event adjustments to ISU Campus bus routes constitutes a reduction or increase in the transit stop locations, hours of service, or frequency of services, the parties agree the monthly payment in Section 3.3 is subject to renegotiation.

2.3. In providing the public transit services described in sections 2.1 and 2.2 of this Article, Connect Transit shall act as an independent contractor and not as agents or employees of the University. Additionally, the University shall not have, and shall not exercise any control over Connect Transit operations in connection with providing the public transits services described in sections 2.2 and 2.3 of this Article. The University shall not have and shall not exercise any control or supervision whatsoever over drivers providing transit service. All bus drivers will be employed by Connect Transit, shall constitute Connect Transit's employees only, shall not constitute agents or employees of the University, and shall be subject solely to the supervision and control of Connect Transit.

2.4. Connect Transit shall provide ISU with a detailed breakdown of ridership numbers on a monthly basis for students, faculty, and staff by route for all Connect Transit routes. This information shall be sent monthly to Illinois State University, c/o Director of Parking and Transportation, 709 N. Main Street, Normal, Illinois 61790-92500.

2.5. Connect Transit shall provide audited financial statements annually, when the audit is complete, generally by November. This information shall be sent to Illinois State University, c/o Director of Parking and Transportation, 709 N. Main Street, Normal, Illinois 61790-92500.

2.6. Connect Transit shall provide in-house telephone information services to callers seeking information about the evening bus service.

2.7 Connect Transit shall provide a detailed breakdown to ISU for the budgeted cost of transit services provided under the terms of this agreement, including hourly operating expense rates, before and after the application of the Downstate Operating Assistance Program (DOAP) subsidy.

2.8 Connect Transit shall notify ISU of the percentage and contract amount of the DOAP subsidy they are granted in FY2017.

ARTICLE III – RESPONSIBILITIES OF THE UNIVERSITY

3.1. RIDER IDENTIFICATION. University shall identify current faculty, staff and students at the Bloomington-Normal campus of the University through the issuance of a photo identification card, and/or an approved alternate credential. As necessary, University agrees to provide mutually agreed upon information regarding current faculty, staff, and students at the Bloomington-Normal campus that may be required to enable the operation of electronic systems to scan the University photo-identification cards. Connect Transit agrees to abide by the terms of the Data Security Addendum (Appendix B) with respect to any data or electronic information provided by ISU.

3.2. Contract Payment Terms

3.3. The University shall pay Connect Transit a monthly amount of \$44,395.00 over a twelve month period beginning July 1, 2016 and ending June 30, 2017. This amount will be the total of all transit servicing the ISU community.

3.4. The University shall process payments to the Connect Transit upon receipt of invoices submitted to the Office of Parking & Transportation Services, c/o, Director of Parking & Transportation Services at, 709 N. Main Street, Normal, Illinois 61790.

ARTICLE IV – LIABILITY AND RISK

4.1 INSURANCE. Connect Transit shall provide for a Certificate of Insurance to be issued naming the Board of Trustees of Illinois State University as an additional insured with respect to general liability. The required insurance coverage shall be provided by an insurance company that has a current Best's Rating of B+: IV, or better, or is approved by Illinois State University. This Certificate of Insurance must be received and approved before commencement of operations. The Certificate must evidence the following coverage in at least the limits stipulated. Connect Transit agrees to maintain such insurance for the duration of the project or the term for which services will be rendered.

- I. Workmen's Compensation (including Occupational Disease) under the terms of the Illinois Workmen's Compensation Act.
- II. Employer's Liability: \$500,000.

III. General Liability: \$1,000,000 per occurrence.

IV. Automobile Liability: \$5,000,000 per occurrence.

4.2 LIABILITY. Neither party shall be legally liable for any negligent or wrongful acts, either of commission or omission, chargeable to the other, unless such liability is imposed by law. This Agreement shall not be construed as seeking to either enlarge or diminish any obligation or duty owed by one party against the other or against third parties.

ARTICLE V – MARKETING AND INFORMATION

Each party shall, through the various means available to each, publish agreed upon information regarding the services provided pursuant to this Agreement. Each party shall bear its full cost of publishing such information in its own publications. Neither party will use the name of the other in any form of advertising or publicity without the express written permission of the other party.

ARTICLE VI – PUBLIC SAFETY

6.1 The parties acknowledge and agree that public safety is of the highest concern and that each shall take appropriate actions to maximize the safety of riders, pedestrians, bicyclists, other vehicles, property and any other related considerations. Subject to any limitations set forth in this Agreement or otherwise by law, such actions may include, but shall not be limited to, driver training, educational programming regarding public safety, consolidation of stops, and pedestrian safety infrastructure improvements and initiatives. The parties will cooperate and collaborate in good faith on public safety initiatives.

6.2 Connect Transit shall maintain driver qualification records in accordance with requirements of state and federal law and shall make such records available for purposes of pending litigation to the University or its agents for inspection and copying upon reasonable notice and during normal business hours.

ARTICLE VII – TERM AND TERMINATION

7.1. This Agreement shall be in effect from July 1, 2016 through June 30, 2017.

7.2. In the event of an alleged material breach, the aggrieved party shall so advise the other party by written notice indicating in specific detail the nature and basis of the alleged breach. The alleged breaching party shall cure the breach within One-Hundred-Twenty (120) days from its receipt of notice; if the breach is not remedied to the reasonable satisfaction of the aggrieved party within the cure period, the aggrieved party may terminate this Agreement upon One-Hundred-Twenty (120) days written notice.

7.3. All accounts shall be settled on a pro-rated basis in the event of termination of this Agreement prior to its full term.

ARTICLE VIII – AMENDMENTS

This Agreement may be modified or renewed only by a written instrument signed by both parties. Fixed route hours and compensation may be modified to this Agreement at any time by amendment.

ARTICLE IX – COOPERATION

The parties agree to meet quarterly during the term of this agreement to discuss any aspects of the service, including but not limited to routing, service periods, and frequencies. The parties agree to meet in the month of January 2017 to discuss the status of any potential budgetary issues. While the parties recognize the importance of consultation and cooperation in the evaluation of decisions relating to public transit services and agree to collaborate whenever possible and permissible, final decisions relating to public transit services, and in particular Article II, shall be the sole and exclusive responsibility of Connect Transit.

Connect Transit shall give notice to ISU regarding any changes to routing, service periods and frequencies no later than 30 days prior to the implementation of the changes. Notice shall be directed to the Office of Parking & Transportation Services, c/o, Director of Parking & Transportation Services at 709 N. Main Street, Normal, Illinois 61790.

ARTICLE X – NOTIFICATION

All communications required or permitted under this Agreement, except as otherwise noted, shall be in writing and shall be sent by registered or certified mail, return receipt requested, or by overnight courier service to the party's representative listed below.

Notices to the University shall be sent to: to the Office of Parking & Transportation Services, c/o Director of Parking & Transportation Services at, 709 N. Main Street, Normal, Illinois 61790-92500.

Notices to Connect Transit shall be sent to General Manager, Connect Transit, 351 Wylie Drive, Normal, Illinois 61761.

ARTICLE XI – MISCELLANEOUS

11.1. PARTY STATUS. Neither party is agent, employee, legal representative, and partner or considered a participant of a joint venture of the other. Neither party has the power or right to bind or commit the other.

11.2. NO BENEFICIARIES. The parties do not intend for this Agreement to create any rights, or rights of enforcement, in third parties.

ARTICLE XII - SEVERABILITY

12.1. SEVERABILITY. If a court of competent, jurisdiction finds any provision of this Agreement legally invalid or unenforceable, such finding will not affect the validity or enforceability of any other provision of this Agreement and the parties will continue to perform. If the Agreement cannot be performed in the absence of the provision, this Agreement will terminate upon one-hundred-twenty (120) written notice by one party to the other party.

12.2. ASSIGNMENT. This Agreement shall bind, and inure to the benefit of, the parties and any successors to substantially the entire assets of the respective party. Neither party may assign this Agreement without first obtaining the prior written consent of the other party. Any attempted assignment without consent is void.

12.3. FORCE MAJEURE. Each party will be excused from performance of the Agreement only to the extent that performance is prevented by conditions beyond the reasonable control of the affected party. The party claiming excuse for delayed performance will promptly notify the other Party and will resume its performance as soon as performance is possible.

12.4. EFFECT OF WAIVERS. No waiver of any right, remedy, power or privilege by any party shall be effective unless made in writing. No waiver of any breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or of any other provision of this Agreement.

ARTICLE XIII – REPRESENTATION ON AUTHORITY OF PARTIES/SIGNATORIES

Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

Illinois State University Approvals:

FOR: The Board of Trustees of Illinois State University

BY:

Vice President of Finance & Planning Date:

President Date:

Legal Counsel Date:

Bloomington Normal Public Transit System Approvals:

FOR: Bloomington Norman Public Transit System Board of Trustees

By:

Date:

Bill Wilson, Chairman

Date:

Ryan Whitehouse, Secretary

FY 2017 Proposed Budget – Executive Summary

Andrew Johnson, General Manager introduced this item. He stated that the proposed budget includes the proposed route restructure. Connect Transit must apply for funding from the State of Illinois.

Mark Peterson, Town Manager, Town of Normal suggested that the Board adopt the proposed FY 2017 Budget. He stated that it is not unusual to adopt a proposed budget and make amendments as needed.

Motion by Trustee Judy Buchanan, seconded by Trustee Jennifer McDade that the Fiscal Year 2017 Budget be adopted.

AYE: All

NAY: None

Motion carried.

GENERAL MANAGER'S REPORT

Andrew Johnson, General Manager informed the Board that the new fareboxes are on site. The training process for their use has begun.

The Maintenance Director, Carol Rokos had recently resigned. A new Maintenance Manager was hired, Jeff Douglas, however, he had already left the meeting. He would introduce Mr. Douglas at the next Board meeting.

TRUSTEE'S COMMENTS

Vice Chairman Mike McCurdy commended staff for the outreach process throughout the COA process.

Secretary Ryan Whitehouse questioned when the public comment summary would be public record. Julie Beer, Executive Assistant responded that the comments would be public the next day, and would be posted on Connect Transit's website.

Trustee Jennifer McDade stated that she would compose an email on the changes she would like to see to the proposed route restructure. She would email it to the Board and to Connect Transit staff.

Trustee John Bowman inquired regarding a courtesy stop at stop lights/stop signs. He encouraged Connect Transit staff to consider same.

Vice Chairman Bill Wilson stated he strongly supports the COA proposed route restructure. He appreciated the discussion at this meeting.

ADJOURNMENT

Motion by Trustee Judy Buchanan, Seconded by Trustee Jennifer McDade to adjourn.

AYE: All

NAY: None

Motion carried.

Time: 5:54 p.m.

Ryan Whitehouse, Secretary