



Bis-Man Transit Board Meeting

January 28, 2021, 11:30AM

<https://us02web.zoom.us/j/87044615007>

Call in #: (312)626-6799; Meeting ID: 870 4461 5007

Welcome & Introductions

Approval of Agenda

Consent Agenda

1. Previous Month's Minutes
 - a. Attachment A – December Regular Meeting
 - b. Attachment B – January Finance Committee Meeting
 - c. Attachment C – January Special Meeting
2. Financial Report
 - a. Attachment D
3. Ride Stats
 - a. Attachment E

Public Comment

New Business

1. National Express Microtransit Presentation – Jason Beevis *Director of Technology and Innovation*
2. City of Lincoln Contract Discussion
 - a. Attachment F
3. Board of Directors/CTAG Bylaw Discussion
 - a. Attachment G

Standing Committee Update

Ad Hoc Committee Update

1. Central Hub Task Force Goals/Objectives
 - a. Attachment H



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Unfinished Business

1. July 4th Paratransit Holiday Hours
 - a. Attachment I
2. No Show Policy
 - a. Attachment J
3. Paratransit Capacity Limit

Executive Director Report

1. Funding Update
2. TransLoc/Fixed Route Update
3. Advertising Update

Operations Report

Other Business

Adjourn

- ☐ **The next Board Meeting will be held February 25, 2021 at 11:30am.**



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A



Bis-Man Transit Regular Board Meeting Minutes

December 17, 2020, 11:30 A.M.

Via Zoom

Attending:	President/Shalna Laber	Vice President/Lynn Wolf
	Sec. /Tres. DeNae Kautzmann	Glenn Lauinger
	Lacey Long	Helen Baumgartner
	Karel Sovak	Royce Schultze
	Commissioner Guy	Commissioner Rohr

Not Attending:	Steve Heydt
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Staff:	Deidre Hughes	Taylor Kitzen
	Mike Mundahl	Craig Thomas
	Danae Thiery	Tom Reisenauer

Guests:	Trevor Vannett
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Meeting was called to order at 11:30 A.M.

Approval of Agenda: Shauna requested that the “Route Redesign Launch Discussion” Be moved from Unfinished Business and be discussed with the New Route Task Force Dissolution. Karel moved to approve the amended agenda. Royce seconded the motion. Motion carried unanimously.

Consent Agenda: Karel moved to approve the consent agenda. Lynn seconded the motion. Motion carried unanimously.

Public Comment: N/A

Standing Committee Update

1. **Finance Committee Update:** DeNae advised there were no other updates to the Finance Committee other than what was included in the committee minutes.

Ad Hoc Committee Update

1. **New Route Task Force Dissolution:** Deidre discussed that at the last meeting on December 2nd it was agreed that the New Route Task Force be dissolved pending the approval of the Fixed Route Redesign. The Bismarck City Commission approved the Fixed Route Redesign on December 8th. Deidre recommended that the new routes start after new AVL software is installed with a launch date of February 1st, 2021. The Board agreed with the launch date of February 1st, 2021. DeNae moved to dissolve the New Route Task Force. Karel seconded the motion. Motion carried unanimously.
2. **Central Hub Task Force Creation:** Shauna explained that it was in the Strategic Plan that a Central Hub be completed as a 2021 goal. Karel asked if this would mimic the New Route Task Force or if it would be a group focused on carrying out the logistics. Deidre explained her vision was to create a Task Force of the MPO, Board Members, City of Bismarck Engineers, and Bis-Man Transit staff to meet and bring what is discussed back to the Board for approval every couple of months. DeNae moved to approve creating the Central Hub Task Force. Karel second the motion. Motion carried unanimously.

New Business:

1. **2021 Budget Approval:** Deidre explained that the Finance Committee had reviewed the budget in detail at the last meeting and that the large expenses would include a utility truck and a cutaway bus that will be used for both fixed route and paratransit services. Both of these vehicles will be paid for by a grant with an 80/20 split. Deidre also pointed out that ridership is expected to be lower the first quarter of 2021 due to COVID-19. Lynn moved to approve the 2021 Budget. DeNae seconded the motion. Motion carried unanimously.

- 2. Accounts Receivable Write Off Recommendation:** Deidre explained to the Board that there were accounts receivable items on the books that have not been resolved for years. Corrective actions will be put in place moving forward to ensure this type of bookkeeping doesn't happen as often in the future. Deidre said that the large Fargo VMAC balance will be pursued and she will report back as soon as the agency contact responds. Glenn moved to write off the accounts receivable amounts as presented with the exception of Fargo VMAC. Helen seconded the motion. Motion carried unanimously.

Executive Director Report:

- 1. Grant Update:** Deidre gave an update that the 5310 and 5339 grants that were approved at the last Board Meeting have been approved by the Bismarck City Commission, MPO TAC, and Policy Board. These grants have been submitted to the NDDOT. The Otto Bremer grant has been submitted with an expected response in the Spring 2021.
- 2. Triennial Update:** Deidre updated the Board that all items were submitted to the FTA by the December 15th deadline and more information will come late January 2021. Deidre explained that the DBE portion of the Triennial will be a deficiency due to a policy change that was missed by both Bis-Man Transit and the MPO. There will be corrective action by both parties moving forward.
- 3. 2020 Highlights:** Deidre discussed all of the positive changes and projects that have been made in 2020 and that she is looking forward to 2021. Shauna thanked Deidre and the Board for all of their hard work this past year. Lynn asked for a copy of Deidre's highlights to be sent to the Board. Commissioner Guy commented that the Bismarck City Commission is pleased to have Deidre come to the meetings and trusts the information that she presents. Commissioner Rohr commented that the Mandan City Commission had no concerns at this time.

Operations Report: Craig discussed that his operations team has worked hard this past year with all of the unknowns of COVID-19 and he is proud of the work they have done. Craig discussed that in 2020, the average month had 200 no show rides. Craig recommended to the Board that a policy be put in place in the near future to help bring this number down. Revenue hours and on-time schedules are negatively impacted by no show rides. Craig thanked Deidre and her team for being nice to work with and is re-energized for 2021.

Other Business: Karel discussed that the Administration Committee held a meeting on December 15th to discuss the recommendation made by the Finance Committee. Karel explained all of the projects and work completed by the Executive Director this year and how it should be awarded as a "job well done". Karel moved to reward the Executive Director with a \$5,000 bonus to be paid by December 31st, 2020. DeNae seconded the motion. Motion carried unanimously.

Meeting adjourned at 12:18 P.M.

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Bis-Man Transit

Finance Committee Meeting

January 20, 2020 2:00 pm
Via Zoom

Attending: DeNae Kautzmann, Chair; Shauna Laber; Glenn Lauinger

Staff: Deidre Hughes, Executive Director and Taylor Kitzan, Accountant

Deidre lead the discussion as to Finance issues on the January Board Agenda.

1. July 4, 2021 Holiday Hours were previously approved from 10:30 am to 10:30 pm. However, July 4th falls on a Sunday this year and normal Sunday hours are from 7:30 am to 2:30 pm. CTAG will be notified and asked to review and comment at their March meeting. Finance recommends that normal Sunday hours be followed subject to Board consideration of any response from CTAG.
2. No Show Policy was developed similar to Fargo and Grand Forks which the FTA has approved. Proposed Policy—after 4 no shows in 30 days, 1st violation-warning, 2nd violation-7-day suspension, 3rd violation-14-day suspension, 4th violation-21-day suspension. The FTA allows for suspension, but not a monetary penalty. Finance recommends approval of suspension schedule after 3 no shows in a 30-day rolling period.
3. Paratransit capacity limit was discussed with Anton from Bismarck Burleigh Public Health. If riders are social distancing and wearing masks, he believes we can increase passengers up to 6 or 8. FTA allows us to mandate masks. Finance recommends approval leaving the number (6 or 8) up to the Board to determine. Finance recommends same capacity for fixed route.
4. No action required on City of Lincoln's request to review contract subsidy. Rides have decreased. Contract is up at end of the year.
5. By law review of CTAG and Board discussed because CTAG provides free rides to members. Compensation within the Board of Director Bylaws and CTAG Bylaws is inconsistent. DeNae will review and report to Deidre, Shauna and Glenn.
6. Funding update: Our 5307 funds were cut, we are not eligible for additional CARES Funding. In 2021 we will be fine, but will have a huge deficit in 2022. Deidre shared that Don Swain, National Express region manager, suggested Micro Transit as a way to reduce cost. It operates similar to a taxi service. He is willing to provide a presentation on it. Deidre will see how soon he could address Finance or the Board. Glenn suggested exploring partnering with a taxi service to reduce operating costs as an additional avenue to check into.

Meeting adjourned at 2:55 pm.



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Bis-Man Transit Special Board Meeting Minutes

January 12, 2021, 2:00 P.M.

Via Zoom

Attending:	President/Shawna Laber	Sec. /Tres. DeNae Kautzmann
	Lacey Long	Steve Heydt
	Glenn Lauinger	Helen Baumgartner
	Commissioner Nancy Guy	

Not Attending:	Vice President/Lynn Wolf	Karel Sovak
	Royce Schultze	

Staff:	Deidre Hughes	Taylor Kitzen
	Mike Mundahl	

Guests:	Rachel Drewlow	Craig Thomas
	Tom Reisenauer	Danae Thiery



Meeting was called to order at 2:03 P.M.

Public Comment: N/A

1. **Paratransit Capacity Limits:** Deidre explained that there is an increase in ridership on paratransit buses causing a stress on the system. Because of this increase in ridership, the four passengers to one driver ratio on paratransit buses is becoming an issue to On-time Performance and Excessive Trip Duration. If paratransit continues to abide by this ratio, Bis-Man Transit may have to turn riders away during peak times during the week in the afternoon. Staff recommends to the Board changing this ratio to six passengers to one driver on paratransit buses.

DeNae discussed that she was not in favor of changing the ratio due to the social distancing guidelines set by the CDC and World Health Organization. Further, she stated that we have a moral obligation to protect passengers. Steve commented that the paratransit buses are small and increasing riders on the bus will make social distancing impossible for both the riders and drivers. Steve recommended making it an option to decrease fares for non-peak times to balance the ridership throughout the day. Deidre responded that fares cannot be changed unless fares for both paratransit and fixed route services are changed. DeNae asked if there was a way to restrict rides to essential rides only. Deidre answered that it is a violation to ask what the nature of business is; however, schedulers are able to recommend that a ride be scheduled at a different time if the rider wants to schedule at a peak-time.

Shauna asked how increasing the number of riders on a paratransit bus helped On-time Performance and Excessive Trip Duration. Craig explained that currently if there is a rider waiting to get on the bus at the hospital and the bus drives by, the driver cannot pick up that rider if there are four riders on the bus already. This causes the driver to have to go back and increasing wait time for the rider outside of the hospital. DeNae suggested not accommodating rides for those that would be over capacity at peak times to help with on time performance. Shauna asked what the riders thought of the increase of passengers on the bus. Craig answered that most of rider's complaints are wait times and trip duration. Craig suggested when scheduling a ride to ask the rider if they would be comfortable with more than four passengers on the bus at a time.

Steve made the comment that Craig's suggestion would be fine for those who are able to schedule their own rides, but not for those who have another individual schedule a ride for them. Danae commented that most riders who are not able to schedule rides themselves are part of the day programs that are riding with more than the current ratio. Deidre stated that Fargo and Grand Forks Public Transportation were recommending social distancing, but not enforcing it.



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Deidre explained that the guidelines by CDC were set in March of 2020 before safety precautions were in place to help prevention. DeNae commented that the mask mandate will be expiring on January 18, 2021 which makes social distancing more critical. Commissioner Guy added that the governor will be re-evaluating extending the mask mandate on that date. Commissioner Guy asked if there was any rider input on this subject. Shauna recommended that a survey go out to the riders to ask them their opinions to be able to form a better solution going forward.

DeNae moved to table the discussion until the next Board Meeting while staff gathers information from the users and see whether the mask mandate will continue. Steve seconded the motion. Motion carried unanimously. Deidre asked the Board if Transit should turn away rides or inform riders that the trip may take longer than normal due to COVID-19 precautions until the next Board Meeting. Steve commented to let the media know to inform riders that ridership is increasing; however, through the rest of January there will be additional wait times. Steve added to inform riders to schedule rides at non-peak times to reduce wait times. Deidre discussed putting the survey in the press release, linking it to the website and Facebook, and emailing to CTAG members. Steve stated we should encourage riders to join the next Board meeting to speak on this subject.

Commissioner Guy discussed information of the COVID-19 vaccine and immunity. Glenn commented that riders and stakeholders would rather wait for the bus or ride the bus longer than be denied a ride. Steve asked if there was an email confirmation after a ride is scheduled that is sent to the riders and if verbiage could be added about the extended wait times. Deidre answered that a text confirmation is sent 10 minutes before the scheduled ride to remind the riders of their ride. Shauna recapped to make the survey short and to have the results presented at the next Board Meeting.

Meeting adjourned at 2:52 P.M.



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December 2020

MONTHLY REPORT

	Month	YTD	PY Month	PY YTD	% INC/DEC OVR PYM	% INC/DEC OVR PYTD	
RIDERSHIP							
FIXED ROUTE	4,178	55,445	8,008	102,538	-47.83%	-45.93%	
PARATRANSIT	6,243	71,063	8,762	108,609	-28.75%	-34.57%	
Total	10,421	126,508	16,770	211,147	-37.86%	-40.09%	
FR AVG. DAILY BOARDINGS	160.69						
DR AVG. DAILY BOARDINGS	201.39						
			Pass./Hour	Pass./Hour	Pass./Hour		
REVENUE HOURS	Month	YTD	Month	YTD	PY YTD	PY YTD	% INC/DEC OVR PYTD
FIXED ROUTE	1,820.00	18,400.17	2.30	3.01	4.93	20,810.6	-11.58%
PARATRANSIT	2,311.51	28,714.62	2.70	2.47	2.81	38,614.8	-25.64%
Total	4,131.51	47,114.79	2.52	2.69	3.6	59,425.4	
			Pass./Mile	Pass./Mile			
REVENUE MILES	Month	YTD	Month	YTD	PY YTD		% INC/DEC OVR PYTD
FIXED ROUTE	30,663	307,701	0.14	0.18	346,423		-11.18%
PARATRANSIT	31,389.87	378,455.59	0.20	0.19	523,427		-27.70%
Total	62,052.87	686,156.59	0.34	0.37	869,850		-21.12%
ON TIME PERFORMANCE	Month	YTD	PY Month	PY YTD	% INC/DEC OVR PYM		% INC/DEC OVR PYTD
FIXED ROUTE			82.06%	80.34%			
PARATRANSIT	94.00%	97.20%	95.00%	96.00%	-1.05%		1.25%
RIDERSHIP PER ROUTE							% INC/DEC
ROUTE	Month	YTD		PY Month			OVR PYM
BLACK	779	10425		1370			-43.1%
BLUE	698	10489		1409			-50.5%
GREEN	442	7611		1177			-62.4%
RED	759	10267		1696			-55.2%
BROWN	739	8170		1278			-42.2%
PURPLE	761	8483		1078			-29.4%
U-Mary	45	1088		225			-80.0%
ACCIDENTS	Month	Month at Fault	YTD	YTD at Fault			
FIXED ROUTE	0	0	4	4			
PARATRANSIT	1	0	7	6			
SERVICE VEHICLE	0	0	0	0			
COMPLAINTS	Month	YTD					
FIXED ROUTE	1	22					
PARATRANSIT	2	38					
Office Staff	0	1					
COMPLIMENTS	Month	YTD					
FIXED ROUTE	0	1					
PARATRANSIT	1	21					
Office Staff	0	4					

F



November 15, 2018

Service Agreement between the Bis-Man Transit Board and the City of Lincoln

Whereas: The Bis-Man Transit Board agrees to provide transportation services to the City of Lincoln residents who qualify for paratransit services as described in Bis-Man Transit's published literature, beginning January 1, 2019 and ending December 31, 2019 with the option to extend for two additional one year terms. This agreement will automatically renew with the existing terms unless notice not to extend the agreement is sent in writing or by email to the other party by October 31. This service will be provided during the normal operating hours of Bis-Man Transit.

Whereas: The City of Lincoln agrees to pay The Bis-Man Transit Board the sum of \$20,000 for paratransit/demand response transportation services during each term of this agreement. These funds are to be paid in two installments of \$10,000; the first installment will be due each year by January 31, and the second installment of \$10,000 will be due by July 31, of each year. In the event that average monthly boardings in Lincoln exceed 175 trips during a period of six consecutive months or if either gas or diesel fuel exceed \$3.50 per gallon for six consecutive months, Bismar Transit may seek a proportionate amount of additional funds from the City of Lincoln. If additional funding is not provided under these circumstances, Bis-Man Transit may immediately terminate this agreement.

Whereas: The City of Lincoln and Bis-Man Transit agree to negotiate a funding sustainability plan by October 1, 2021 describing how the City of Lincoln will fund transportation services in 2022 and beyond.

Whereas: In the event that Bis-Man Transit services cease to operate due to the loss of Federal and/or State funding, the amount due from the City of Lincoln will be prorated accordingly.

Name Roy R. Kert

Signature [Signature]

Date 12-10-2018

Bis-Man Transit Board

Name Gerard L. Wise

Signature [Signature]

Date Dec 6 2018

City of Lincoln

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Lincoln Ride Summary	
2019	
Pickups	528
Drop Off	499
TOTAL	1027

2020	
Pickups	398
Drop Off	363
TOTAL	761

Mandan Ride Summary	
2019	
Pickups	24743
Drop Off	23694
TOTAL	48437

2020	
Pickups	15763
Drop Off	15878
TOTAL	31641

Cost per Ride Based on \$20,000 agreement

\$ 19.47

\$ 26.28

2019 Mill

\$ 187,710.93

\$ 3.88

2020 Mill

\$ 193,591.93

\$ 6.12

Cost per ride based on mill levy \$



BY-LAWS OF BIS-MAN TRANSIT BOARD

ARTICLE I. NAME

The name of this corporation shall be Bis-Man Transit Board.

ARTICLE II. PURPOSE

The primary purpose of the Bis-Man Transit Board is to identify, promote, coordinate, establish transportation services in the cities of Bismarck and Mandan, and other areas as determined by the Board (Service Area) for the general public, individuals with a disability as defined by the Americans with Disabilities Act (ADA), and senior adults, defined as age 70 or over, utilizing federal, state, county, and local funding sources from the areas served.

ARTICLE III. MEETINGS OF THE CORPORATION

Section 1. Annual Meeting. An Annual Meeting of the Board of Directors shall be held during the month of April in conjunction with the regularly scheduled meeting each year, with exact date, time and place of meeting to be established by the Board of Directors for the purpose of electing Directors, and the transaction of other regular Board business. If the election of Directors shall not be held on the day designated herein for any Annual Meeting, or any adjournment thereof, the Board of Directors shall cause the election to be held at the special meeting of the Board of Directors as soon as convenient. New board members begin serving at the next regularly scheduled Board meeting.

Section 2. Place of Meeting. The Board of Directors may designate any place within the service area as the place of meeting for any Annual Meeting or for any special meeting.

Section 3. Notice of Meeting. Written or printed notice stating the place, day and hour of any meeting of Board Members shall be delivered, either personally, electronically or by mail, to each member not fewer than five (5) nor more than thirty (30) days before the date of such meeting, by or at the direction of the President, or the Secretary, or the officers or person calling the meeting. The purpose or purposes for which the meeting is called shall be stated in the notice.

Section 4. Annual Meeting Quorum. A simple majority of the Board of Directors shall constitute a quorum.

ARTICLE IV. BOARD OF DIRECTORS

Section 1. General Powers. Except as otherwise provided in the by-laws, the Board of Directors shall have full power to operate and manage this corporation.

Section 2. Eligibility. Any individual who resides or works in the service area is eligible to serve on the Board of Directors of Bis-Man Transit. If a board member ceases employment

and/or no longer lives in the service area, they are no longer eligible to serve on the Board. The vacancy will be handled consistent with Section 4. Vacancies.

Section 3. Number and Term Length Directors shall be elected at the Annual Meeting for staggered three-year terms, divided equally among the total number of Directors. Each Director shall hold office until the end of the term or until a successor shall be elected and qualified.

The number of Directors shall be determined by the Board of Directors provided the number shall not be less than seven (7), and not more than eleven (11).

Section 4. Vacancies. Any vacancy occurring on the Board of Directors and any position to be filled by reason of any increase in the number of Directors, shall be filled by the Board of Directors. Directors elected to fill a vacancy shall be elected for the unexpired term of their predecessor in office.

Section 5. Removal of Directors. Any Director may be removed from office for cause by a two-thirds (2/3) majority vote of the total Directors. Cause includes but is not limited to: fraud, conflict of interest, personal conduct deemed prejudicial to the Board of Directors interest, and failure to perform. The Executive Committee shall adopt rules of procedure regarding the removal of a director.

Section 6. Regular Meetings. The Board of Directors may provide by resolution the time and place for the holding of regular meetings of the Board without other notice than such resolution. Within the year, there shall be no fewer than six (6) regularly scheduled Board meetings.

Section 7. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any three (3) Directors. The person or persons authorized to call special meetings of the Board may designate any place within the Bis-Man Transit Board service area as the place for holding any special meeting of the Board called by them.

Section 8. Notice. Notice of any special meeting of the Board, of Directors shall be given at least two (2) days previously thereto by written notice delivered personally, electronically or sent by mail to each Director at his/her address as shown by the records of the corporation. The attendance of the Director at any meeting shall constitute a waiver or notice of such meeting. The purpose of any special meeting of the Board shall be specified in the notice or waiver of notice of such meeting.

Section 9. Quorum. The majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, but if fewer than the majority of the Directors is present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice. Once a quorum is established, it shall remain for the duration of the meeting.

Section 10. Manner of Acting. The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless otherwise provided by law, these by-laws, or the standing rules.

Section 11. Informal Action. Any action required to be taken at a meeting of the Board of Directors shall be conducted in a manner consistent with North Dakota Open Meeting Law.

Section 12. Conflict of Interest- The standard of behavior is for the Board of Directors to scrupulously avoid conflicts of interests of Bis-Man Transit on one hand, and personal, professional, and business interests on the other. This includes avoiding potential and actual conflicts of interest, as well as perceptions of conflicts of interest.

The purpose of this section is to protect the integrity of the Bis-Man Transit Board decision-making process, to enable our constituencies to have confidence in our integrity, and to protect the integrity and reputations of board members. Upon or before election, hiring, or appointment, Board Members will make a full, written disclosure of interests, relationships, and holdings that could potentially result in a conflict of interest. This written disclosure will be kept on file and will be updated as appropriate.

In the course of meetings or activities, Board Members will disclose any interests in a transaction or decision where Board Members (including their business or other nonprofit affiliations), their family, and/or significant other, employer, or close associates will receive a benefit or gain.

In the event a possible conflict of interest arises, the Board Member shall abstain from any further involvement or action with respect to such matter, unless the remainder of the Board of Directors, after due consideration of the matter, determines no such conflict in fact exists.

Any Director having such a duality or possible conflict of interest shall not be counted in determining a quorum for the meeting. The minutes of the meeting shall reflect such disclosure, abstention from voting and the quorum situation.

The foregoing shall not be construed to prevent a Director from briefly stating his/her position in the matter, nor from answering pertinent questions of other Directors.

Section 13. Confidentiality. It is the intent of the corporation to conduct its business in open sessions and in a manner consistent with North Dakota Open Meeting Law.

Section 14. Compensations. The Officers and Directors shall serve without compensation, but reasonable expenses incurred may be reimbursed when expended for and in the interest of the corporation and approved by the Board of Directors.

ARTICLE V. OFFICERS

Section 1. Number and Title. The officers of the corporation shall be a President, Vice President, Secretary and Treasurer, and such other officers as may be elected in accordance with the provisions of this Article.

Section 2. Election and Term of Office. The officers of the corporation shall be elected annually by the Board of Directors at the Annual Meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until their successor shall be duly elected and qualified.

Section 3. Vacancies. Vacancies may be filled, or new offices created and filled, at any meeting of the Board.

Section 4. Removal. Any officer elected or appointed by the Board of Directors may be removed by an affirmative vote of two-thirds (2/3) of the total Board whenever, in its judgement, the best interest of the corporation would be served thereby.

Section 5. The President. The President shall preside at all meetings of the Board of Directors. He or she shall sign with the Secretary, or any other proper officer of the corporation authorized by the Board of Directors, any deed, mortgage, bond, contract or other instrument which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated to some other officer or agent of the corporation; in general, he or she shall perform all duties which shall be prescribed by the Board of Directors from time to time.

Section 6. The Vice President. In the absence of the President or in the event of the President's inability or refusal to act, the Vice President or designee shall perform the duties of the President, and when so acting shall have all the powers of and be subject to all the restrictions upon the President. Any Vice President shall perform other duties as from time to time may be assigned by the President or by the Board of Directors.

Section 7. The Secretary. The Secretary shall keep the minutes of the Board of Directors meetings; see that all notices are duly given in accordance with the provisions of these by-laws or as required by law; be custodian of the corporate records; keep a register of the name and post office address of each corporate Board member; and, in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the President or the Board of Directors.

Section 8. The Treasurer. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the corporation; the Treasurer shall assure the bookkeeper receives and gives receipts for money due and payable to the corporation from any source whatsoever and

deposit all monies in the name of the corporation in such bank or other financial institution as shall be elected in accordance with Article VII of the by-laws, and in general, perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Board of Directors. The Treasurer shall, with the appropriate standing committee, prepare an Annual Operating Budget showing income and expenses to be presented to the Board for approval.

ARTICLE VI. COMMITTEES

Section 1. Executive Committee. The Executive Committee shall consist of the officers of the corporation and, by Board decision, the chairpersons of the standing committees. The powers of this committee shall be determined by the Board.

Section 2. Other Standing Committees. The Board of Directors may establish such additional committees as are necessary and appropriate to carry out the business of the corporation. Committees designated by the Board of Directors may be composed entirely of officers, entirely of members of the Board of Directors, or may include riders of the system. Each committee shall have the duties and responsibilities delegated to it by the Board of Directors.

Section 3. Appointment. The chairperson of each standing committee shall be appointed by the President of the Board of Directors and with the advice and consent of the Board of Directors. Such committee chairpersons shall be selected from among the Board membership.

Committee members shall be appointed by the chairperson of each committee in consultation with the President of the Board of Directors. Committee members may or may not be members of the Board of Directors.

Section 4. Commissions. The duties, responsibilities, authority and composition of all standing committees and ad hoc committees shall be stated in writing and adopted by resolution of the Board of Directors.

Section 5. Term of Office. All committee members shall serve until the first Annual Meeting following their appointment or until their successors have been appointed.

Section 6. Reports. Each committee shall submit activity reports to the Board of Directors as prescribed in its commission.

ARTICLE VII. EMPLOYED STAFF

Section 1. Employees. The Board of Directors may authorize the employment of such full- or part-time employees as are appropriate to carry out the programs and business of the corporation. The compensation and other terms of employment shall be set by the Board of Directors, who may enter into contracts of employment with such employees on behalf of the corporation. The Board of Directors may delegate the duties and responsibilities of employment to an Executive Director, to the President, or to such other officers or employees as the Board of Directors may determine.

ARTICLE VIII. MISCELLANEOUS PROVISIONS

Section 1. Indemnification. The corporations shall indemnify any Director, officer or former Director or officer of the corporation against expenses actually and reasonably incurred by him/her in connection with the defense of any action, suit, or proceeding, civil or criminal, in which he/she is made a party by reason of being or having been a Director or officer, except in relation to matters as to which he/she is adjudged in such action, suit or proceeding to be liable for gross negligence or willful and intentional misconduct in the performance of duty to the corporation.

Section 2. Principal Office. The principal office of the corporation shall be at such location within the Bis-Man Transit Board service area as shall be determined by the Board of Directors.

Section 3. Depositories. All funds of the corporation, not otherwise employed, shall be deposited from time to time to the credit of the corporation in such banks, savings and loan associations, trust companies, or other depositories whose accounts are insured against loss by the F.D.I.C. or similar governmental insurance programs as the Board of Directors may elect.

Section 4. Contracts. The Board of Directors may authorize any officer(s) or agent(s) of the corporation, in addition to the officers authorized by these by-laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

Section 5. Checks, Drafts, Etc. All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the corporation shall be signed according to organization policies in a timely manner.

Section 6. Fiscal Year. The fiscal year of the corporation shall end on the last day of December in each year.

Section 7. Investment. Any funds of the corporation which are not needed currently for the activities of the corporation may, at the discretion of the Board of Directors, be invested in such investments as are permitted by law.

Section 8. Annual Audit. The financial books and records of the corporation shall be audited annually by an approved accounting firm.

Section 9. Books and Records. The Board shall direct employed staff to maintain adequate records for the purpose of complying all federal, state and local regulations and audit requests. All books and records of the corporation may be inspected by any Board member, or his agent or attorney or the general public, for any proper purpose at any reasonable time.

Section 10. Dissolution. Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Section 11. Non-Discrimination. This Board provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or genetics. In addition to federal law requirements, the Board complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities.

1. Political Activity. The corporation, or any Director, shall not, in any way, use corporation funds in the furtherance of, or engaging in, any political activity for or against any candidate for public office. No portion of Board funds or official corporation resources shall be used for Directors to lobby, in any way attempt to influence, or imply the board has a position on legislation. This does not limit the right of any Director to appear on their own behalf before any legislative committee.
2. Gifts. The Board of Directors may accept on behalf of the corporation, any contribution, gift, bequest or devise for the general purposes or for any special purposes of the corporation.
3. Parliamentary Procedure. All Board of Directors meetings shall be governed by Roberts' Rules of Order (Current Edition).
4. Bonding. The Board of Directors may require the Treasurer and any other officer of the Board of Directors, or employee of the corporation to give a bond for the faithful discharge of his/her duties in such sum and with such surety or sureties as the Board of Directors shall determine. The corporation shall pay the premiums required for such bonds.

ARTICLE IX. AMENDMENTS

These by-laws may be altered, amended or repealed and a new set of by-laws adopted by a two-thirds (2/3) majority vote of the Board of Directors. At least ten (10) days prior, written notice setting forth a proposed action and times and place of meeting shall be given to all Directors.

SECRETARY'S CERTIFICATION

This is to certify that the foregoing By-Laws of Bis-Man Transit Board have been duly adopted by the Board of Directors at a meeting held on

_____.

Dated _____

Secretary_____

- Bis-Man Transit Board –

Citizen Transportation Advocacy Group

BYLAWS

Article I - NAME

The name of this Group shall be the Citizen Transportation Advocacy Group (CTAG). Establishment of the Group is authorized by the Bis-Man Transit Board.

Article II - OBJECTIVE

The CTAG serves to provide the Bis-Man Transit Board (BMTB) with advice, comments and suggestions pertaining to multi-modal plans, programs, and projects administered by BMTB of interest to the citizens of the Bismarck/Mandan community. The group shall serve in an advisory capacity with its objective being to act as a sounding board for the BMTB staff in developing plans and programs to address public transportation in a multi-modal framework. The functions of the group shall include, but are not limited to the following:

1. Advise BMTB staff and the BMTB Board of Directors on consumer issues related to the design of the public transportation system, its ancillary systems/services, performance, policies, marketing and communications.

Article III - COMPOSITION-QUALIFICATION AND TERMS

CTAG members shall be appointed by the Bis-Man Transit Board, and shall serve at the pleasure of the Bis-Man Transit Board. Members representing specific jurisdictions (*) will be nominated by their respective jurisdiction. The BMTB will strive to appoint Group members that represent the diverse makeup of the Bismarck/Mandan community including members of underrepresented groups.

The CTAG will consist of up to a maximum of twenty (20) members. Members will be appointed based on their representation of the following constituencies:

Interest	Number of Members
Bismarck resident*	1
Mandan resident *	1
U-Mary Representative *	1
BSC Representative*	1
United Tribes Representative*	1
Bismarck Public Schools Representative *	1
Mandan Public Schools*	1
The Downtowners Association *	1
Mandan Progress*	1
BMDA or Chamber of Commerce	1
Member Representing the Senior Population	1
Senior Rider	1
Paratransit Rider	1
Member Representing Disabled Population	1
Frequent Fixed Route Rider	1
Student Rider	1
Member Representing Active Transportation Interests	1
Member Representing Low Income Housing and/or Homeless Interests	1
Member Representing the Healthcare Field	1

All members, while understanding that they may have been appointed by virtue of a particular position or interest they hold or represent, must also understand that they represent ALL of the citizens of the community as advocacy group members.

Initial appointments to the Group shall be six for a one-year term, six for a two-year term and six for a three-year term. Subsequent to the initial appointment, the term of appointment shall be for two years, which may be renewed. Members shall draw lots to determine term of initial appointment.

Article IV- MEMBERSHIP WITHDRAWAL

Membership may be withdrawn by the BMTB Executive Director for any of the following reasons:

1. Three (3) consecutive unexcused absences or five (5) absences in an eighteen month period.
2. Misrepresentation at time of appointment with respect to personal use of BMTB's service.
3. If member does not reside in the BMTB service area or ceases to represent the constituency to which the member was assigned.

Article V - OFFICERS AND DUTIES

The Group members will elect a Group Chair and Vice-Chair by a majority of the members present at the October/November/December meeting. A quorum is necessary to hold the elections. Offices will be held for one year or until their successors are elected.

The Chair will preside at all meetings. Should the Chair be absent, the Vice-Chair will preside. In the unlikely event both Chair and Vice-Chair are absent; the remaining members will select an alternate member to preside.

The Chair may appoint ad hoc committees on an as-needed, non-scheduled basis to accomplish a specific task and report back to the full CTAG. Ad hoc committees must have less than a quorum of CTAG members. The CTAG may not direct the ad hoc committee on how to fulfill its function or when it should meet.

BMTB staff will provide the administrative support for the Group including e-mailing minutes and agendas to members, and any other related duties.

Article VI - MEETINGS

The CTAG shall meet quarterly (or more frequently as deemed necessary) at a date, time and place set by resolution of the BMTB effective January 2018, unless otherwise scheduled by the majority of a quorum. Additional meetings may be required to address time sensitive matters.

All CTAG meetings will be held in accordance with open meeting laws (Century Code 44-04-17.1 through 44-04-31.). Public Notice of all meetings shall be given pursuant to the open meeting laws.

Agenda items will be agreed upon by the Chair and the BMTB staff representative, or upon motion of the Group. Any Group member may make recommendations for the agenda.

Each member shall have one (1) vote and a quorum shall consist of more than 50% of voting members. A majority vote of the quorum shall be necessary to present an issue to the Executive Director and to the BMTB Board of Directors.

All actions of the Group shall require the approval of a majority of the quorum present.

Article VII - PARLIAMENTARY PROCEDURE

The rules contained in "Roberts Rules of Order", shall govern the Group in all cases to which they are applicable, and not inconsistent with the bylaws of the Group.

Article VIII - PROHIBITED ACTIVITIES

No individual member shall represent the CTAG to the general public or at a BMTB Board meeting without majority vote of a quorum at a CTAG meeting prior to the representation.

No CTAG member will represent BMTB to the general public without consent of the Executive Director (or designee) prior to the representation.

Article IX. IMPERTINENCE-DISTURBANCE AND MEETING

Any person, including Group members, making personal, impertinent or indecorous remarks while addressing the Group may be barred by the chairperson from further appearance before the Group at that meeting, unless permission to continue is granted by an affirmative vote of the Group. The chairperson may order any person, including Group members, removed from the Group meeting who causes a disturbance or interferes with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

Article X. COMENSATION

All members of the CTAG operate on a voluntary basis and will not be compensated for their time. Free rides will be provided for active CTAG members on the public transportation system up to the value of a fixed route monthly pass, each month.

Interest		Number of Members
Bismarck resident*	Jillian Schaible	1
Mandan resident *	Lorraine Davis	1
U-Mary Representative *		1
BSC Representative*		1
United Tribes Representative*		1
Bismarck Public Schools Representative *		1
Mandan Public Schools*	Laura Just	1
The Downtowners Association *	Kate Herzog	1
Mandan Progress*		1
BMDA or Chamber of Commerce		1
Member Representing the Senior Population	Mike Chaussee	1
Senior Rider	Susan Dingle	1
Paratransit Rider	Trevor Vannett	1
Member Representing Disabled Population	Jeannie Pedersen	1
Frequent Fixed Route Rider		1
Student Rider		1
Member Representing Active Transportation Interests	Tanya Jo Smith	1
Member Representing Low Income Housing and/or Homeless Interests	Heather Salhus	1
Member Representing the Healthcare Field		1

Highlighted names indicate members who have recently stepped down or have requested a different individual stand in for them.



Central Hub Task Force

Objective: The Central Hub Task Force will determine the need and viability of a centrally located hub (building or office) for fixed route riders to gather while awaiting upcoming bus arrivals. If the task force determines a central hub is viable, they will outline the process to achieve this.

Goal: Identify possible locations and partnerships for a central hub

- Interview city planning department for any possible locations
- Conduct interviews with potential key partners including City Commission, UMary, Bismarck Industries
- Determine the minimal requirements for a centralized hub (renting vs. owning, manned vs. unmanned, on-street vs. off street parking)
- If it is not a viable acquisition at this time, determine what the trigger point is with ridership to revisit discussion

Process and Suggested Steps:

- Convene the group, establish meeting process and communication, set the meeting calendar
- Assign responsibilities and accountabilities
- Brainstorm opportunities, using members' subject expertise, and planning project data

Membership: The Central Hub Task Force should be comprised of individuals from the Bis-Man Transit/ National Express Staff, Board of Directors, City of Bismarck, MPO.

Timeframe: The Central Hub Task Force should begin work April of 2021. The Task Force will meet bi-monthly based on member's availability. A survey will be distributed to members to determine the best possible meeting times.

Completion: The Task Force will be dissolved upon completion of this objective.



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Paratransit Trips for the 4th of July

4-Jul-20

Trips

10:00 AM	6
11:00 AM	9
12:00 PM	2
1:00 PM	7
2:00 PM	2
3:00 PM	9
4:00 PM	7
5:00 PM	6
6:00 PM	2
7:00 PM	3
8:00 PM	1
9:00 PM	2
10:00 PM	3

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4-Jul-19

Trips

10:00 AM	10
11:00 AM	8
12:00 PM	8
1:00 PM	11
2:00 PM	6
3:00 PM	6
4:00 PM	10
5:00 PM	4
6:00 PM	3
7:00 PM	2
8:00 PM	3
9:00 PM	1
10:00 PM	4

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January 28, 2021

TO: Bis-Man Transit Board of Directors

FROM: Deidre Hughes, Executive Director

SUBJECT: No Show Policy

RECOMMENDATION: Staff recommends approval of the No Show Policy.

BACKGROUND: The current No Show Policy only applies to Subscription Riders, which makes up approximately 20% of our riders. A “No Show” is defined as an unnotified missed trip which adversely effects the efficiency and effectiveness of service. No shows significantly add to the cost of operating ADA complementary paratransit service.

DISCUSSION: The purpose of implementing the No Show Policy is to encourage riders to cancel trips within 30 minutes of the defined pick-up time. In 2019, 3,369 trips were no shows. In 2020, 2,350 were no shows. By putting in place an easy to understand No Show Policy, the number of occurrences and the negative fiscal impact will decrease substantially. Operations will be tasked with tracking and notifying riders who violate this policy.



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Bis-Man Transit No-Show Policy

In order to be considered “a no show”, each of the following conditions has occurred:

- The customer has a scheduled paratransit trip.
- The ADA vehicle arrives at the scheduled pick-up point within the scheduled thirty (30) minute pick-up window.
- The driver waits at least five (5) full minutes beyond the start of the scheduled pick-up window, and the customer fails to board the vehicle.

Late cancellations will be counted as a no-show for the purposes of this policy.

A late cancellation occurs when the customer (or customer's representative) fails to call dispatch thirty (30) minutes or more prior to the scheduled pick-up time to cancel his/her ride.

If the customer has more than one ride scheduled, having a no-show does not automatically cancel the rest of the rides for the day. It is still the customer's responsibility to call and cancel the remaining rides for the day. If the rides are not cancelled, and the customer does not ride, the result would be additional no-shows.

Bis-Man Transit will track scheduled trips, no-shows, and late cancellations by customer. Bis-Man Transit will identify customers who have three (3) or more no-shows/late cancellations within any thirty (30) day period.

On the day the rider violates the no-show/late cancellation policy, the following progressive action will be taken:

- First occurrence — A warning letter will be issued advising the rider that he/she has violated Bis-man Transit's no-show/late cancellation policy.
- Second occurrence — Customer will receive a seven (7) day* suspension.
- Third occurrence — Customer will receive a fourteen (14) day* suspension.
- Fourth occurrence — Customer will receive a twenty-one (21) day* suspension.

Appealing a Warning or Suspension

Customers are given the opportunity to appeal a suspension of service with Bis-Man Transit. If any citizen using the Bis-Man Transit system has a concern or disagreement, they are asked to submit their issue in writing. All written appeals will be investigated and a response issued within five (5) working days.

If the individual is not satisfied with the response received from the Administrative office, they have the right to appeal the decision to the Bis-Man Transit Board of Directors at their next scheduled meeting.

After the Board of Directors has reviewed the situation, they will provide a written response within ten (10) working days.

If the individual is not satisfied still, they have the right to appeal it to the Bismarck City Commission.

No-shows are EXCUSED when the trip is missed for the following reasons:

- The customer has a family emergency
- Mobility aid failure
- Appointment cancelled/delayed for reasons not the customers fault
- Adverse weather: Snow storm, extreme heat or extreme cold
- Staffing error: The transit coordinator did not make all the cancellations the client requested; or customer just found out the ride was scheduled for the wrong day, time, or location; or the customer was not informed that his/her pick-up time was changed, and was not ready.

No-shows or cancels are NOT EXCUSED when the trip is missed for the following reasons:

- Customer didn't want to travel today
- Customer changed their mind about using appointment
- Customer didn't know or forgot that he/she had a ride scheduled or was supposed to call to cancel
- Customer got another ride
- Customer told someone else he/she was not planning to travel (driver, facility, etc.)
- Someone else scheduled the ride for him/her
- Customer does not want to ride with specific driver or passenger, or on a specific vehicle



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