

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2009 - 167

A RESOLUTION TO AUTHORIZE THE EXECUTION OF THE AMENDMENT OF THE AGREEMENT BETWEEN CLAYTON COUNTY AND METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY REGARDING THE OPERATION OF C-TRAN; TO AUTHORIZE THE EXECUTION OF THE TERMINATION OF THE AGREEMENT BETWEEN CLAYTON COUNTY AND METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY FOR THE MANAGEMENT OF C-TRAN; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO PROVIDE FOR THE PAYMENT OF ALL OBLIGATIONS SET FORTH IN SAID AMENDMENT AND TERMINATION; AND TO TRANSFER AND EXPEND ANY REQUIRED FUNDS, ALL AS MAY BE REQUIRED UNDER THE TERMS OF SAID AGREEMENTS; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION AND FOR OTHER PURPOSES.

WHEREAS, Metropolitan Atlanta Rapid Transit Authority ("MARTA") and Clayton County entered into an Agreement dated April 9, 2007 and expiring on March 31, 2010 for MARTA to provide management functions for C-TRAN, the fixed route and paratransit bus service established and funded by Clayton County, said Agreement being identified as County RFP #06-50 ("the C-TRAN Management Agreement"); and

WHEREAS, MARTA and Clayton County entered into an Intergovernmental Agreement dated September 27, 2007 and expiring on June 30, 2010 ("the C-TRAN Operations Agreement") whereby MARTA has agreed to provide for the operation of C-TRAN; and

WHEREAS, the funding for such management and operations is provided by the County as well as federal grant funds awarded by the Federal Transit Administration; and

WHEREAS, MARTA and Clayton County have identified the need to amend the C-TRAN Operations Agreement and terminate the C-TRAN Management Agreement so that all activities undertaken by MARTA on behalf of the County for the provision of C-TRAN services will be compensated under the terms of the C-TRAN Operations Agreement; and

WHEREAS, Clayton County is indebted to MARTA for expenses incurred by MARTA for performance of MARTA's obligations under the C-TRAN Management Agreement and the C-TRAN Operating Agreement which remain unpaid; and

WHEREAS, Clayton County deems it in the best interest of the County to amend the C-TRAN Operations Agreement and terminate the C-TRAN Management Agreement to support the continued operation of C-TRAN service.

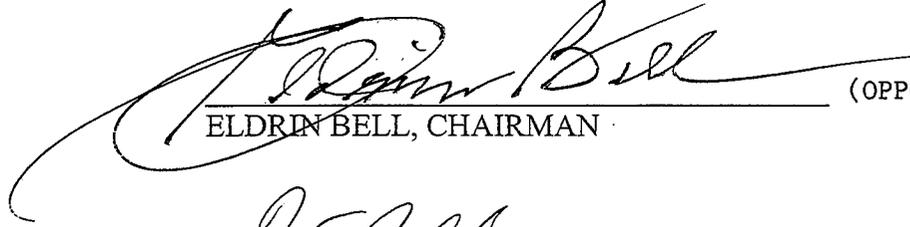
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The Board of Commissioners authorizes Clayton County to enter into the First Amendment to the C-TRAN Operations Agreement substantially in the form attached as Exhibit A and to enter into a Termination Agreement for the C-TRAN Management Agreement substantially in the form attached as Exhibit B. The Board of Commissioners authorizes the Chairman to execute said agreements and otherwise perform all acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required funds, all as may be necessary under the terms of said agreements to provide for payment of all sums due MARTA under said agreements.

SECTION 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 13th day of October, 2009.

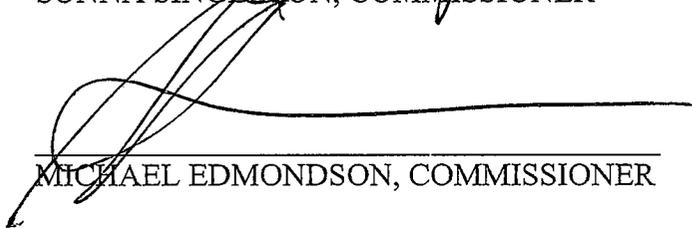
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN (OPPOSED)


WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK