

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2018-109

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA TO CREATE A SPECIAL SERVICE DISTRICT TO BE KNOWN AS THE CLAYTON COUNTY-ATLANTA AIRPORT PUBLIC TRANSPORTATION DISTRICT; TO AUTHORIZE A LEVY OF A RETAIL SALES AND USE TAX; TO AUTHORIZE THE COUNTY AND ITS DEPARTMENTS TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE CHAIRMAN AND HIS DESIGNEE, THE CHIEF OPERATING OFFICER AND THE COUNTY ATTORNEY TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Metropolitan Atlanta Rapid Transit Authority Act of 1965 (Ga. Laws 1965, p. 2243)(“the Act”), as amended, authorizes Clayton County to create a special service district to be known as the Clayton County-Atlanta Airport Public Transportation District (“the District”), which shall encompass that area in Clayton County owned or controlled by the City of Atlanta for airport purposes (A) which is used by the Metropolitan Atlanta Rapid Transit Authority (“the Authority”) or which the Authority has the right to use for a Transportation Project or (B) which is used for a Public Airport Passenger Terminal; and

WHEREAS, the Act authorizes the County to levy a retail sales and use tax (“the Tax”) in the District that shall be only apply in the geographical area of the District; and

WHEREAS, the Tax levied in the District may be used to provide for public transportation services and for the construction, maintenance and operation of a Transportation Project to and from and within the District; and

WHEREAS, the County is authorized to enter into contracts for and on behalf of the District with the Authority for the provision of the aforesaid services and System to and from and within said District; and

WHEREAS, a condition precedent to the County exercising any power to create the District, the Rapid Transit Contract and Assistance Agreement by and between the

Authority, the Counties of Fulton and DeKalb, and the City of Atlanta, dated September 1, 1971, as amended, must first be amended to provide that any rapid transit contract between Clayton County on behalf of the entire county and the Authority which requires Clayton County to levy the sales and use tax authorized by this Act throughout its territorial limits shall also provide for the extension of the rapid transit system and project into Clayton County to provide rapid transit services within Clayton County on substantially the same basis that such services are provided or will be provided within Fulton and DeKalb counties, without the necessity of any payment being made by Clayton County other than the proceeds of the sales and use tax levied throughout its territorial limits; and

WHEREAS, the County has satisfied this condition precedent; and

WHEREAS, the County deems it in the best interest of the County and the County will best be served by creating a district to be known as the Clayton County-Atlanta Airport Public Transportation District pursuant to the authority granted in the Act.

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

Section 1. The Clayton County Board of Commissioners hereby creates a special service district to be known as the “Clayton County-Atlanta Airport Public Transportation District,” which shall encompass that area in Clayton County now or hereafter owned or controlled by the City of Atlanta for airport purposes (A) which is now or hereafter used by the Metropolitan Atlanta Rapid Transit Authority (“the Authority”) or which the Authority has the right to use for a Transportation Project or (B) which is now or hereafter used for a Public Airport Passenger Terminal.

Section 2. The Board of Commissioners hereby authorizes the levy in said special service district of a retail sales and use tax only in the geographical area of the special district corresponding, so far as practicable, with the Georgia Retailers' and Consumers' Sales and Use Tax Act (Georgia Sales and Use Tax Act), in 1951 Ga. Laws, page 360, as amended, which is now codified as O.C.G.A. §§ 48-8-1 et seq., as it may be from time to time amended. However, no tax shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the District, regardless of the point at which title passes, if such delivery is made by the seller's vehicle, U.S. mail, common carrier or by private or contract carrier licensed by the Interstate Commerce Commission or the Georgia Public Service Commission. The tax authorized to be levied herein shall apply, any law to the contrary

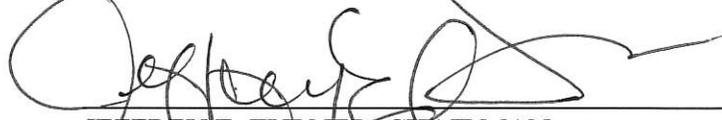
notwithstanding, to the retail sale, rental, storage, use, or consumption of motor fuel as the term 'motor fuel' is defined by O.C.G.A. § 48-9-2.

Section 3. The Board of Commissioners hereby authorizes the County and its departments to work in conjunction with the intent of this resolution. The Board of Commissioners further authorizes the Chairman and his designee, the Chief Operating Officer and the County Attorney to perform all acts necessary to accomplish the intent of this Resolution to include the negotiation of an agreement for and on behalf of said District with the Authority for the provision of services to and from and within said District. Any agreement between the County and the Authority shall be approved by the County at a properly scheduled and advertised meeting of the Board of Commissioners. The Board of Commissioners further authorizes the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense.

Section 4. The effective date of this Resolution shall be when approved by the Board of Commissioners of Clayton County.

SO RESOLVED, this 16th day of October, 2018.

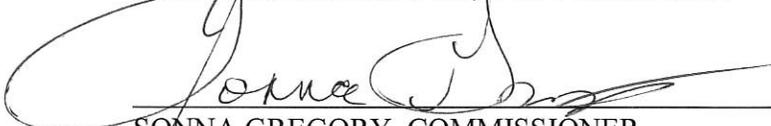
CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



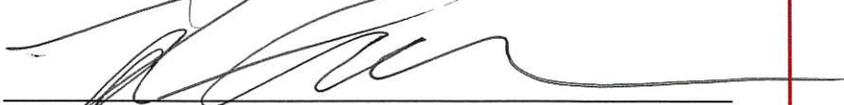
MICHAEL EDMONDSON, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL HAMBRICK, COMMISSIONER



FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:


SANDRA T. DAVIS, CLERK