

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2017-32

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA APPROVING AND AUTHORIZING THE EXECUTION, BY THE CHAIRMAN OF THE CLAYTON COUNTY BOARD OF COMMISSIONERS, OF THE 15TH AMENDMENT TO THE RAPID TRANSIT CONTRACT AND ASSISTANCE AGREEMENT BETWEEN THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY AND THE CITY OF ATLANTA, DEKALB, FULTON AND CLAYTON COUNTIES; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, on July 1, 2014, the Clayton County Board of Commissioners passed Resolution 2014-165 agreeing to enter the Rapid Transit Contract and to join the Rapid Transit Contract and Assistance Agreement (“Contract”) with the Metropolitan Atlanta Rapid Transit Authority (“MARTA”) for the acquisition, construction, improvement and operation of a rapid transit system within Clayton County; and

WHEREAS, on January 11, 2017, the MARTA Board of Directors approved a resolution for the Fifteenth Amendment to the Rapid Transit Contract and Assistance Agreement and is now requesting that the City of Atlanta, Dekalb, Fulton and Clayton Counties approve said Fifteenth Amendment pursuant to Sections 4(d) and 5 of the Contract; and

WHEREAS, pursuant to O.C.G.A. § 32-9-13, the City of Atlanta was authorized to levy a retail sales and use tax of up to .50 percent in addition to the 1 percent currently authorized by the MARTA Act, once such tax was approved by a majority of the qualified voters of the City in a referendum, which such referendum was held and approved on November 8, 2016; and

WHEREAS, pursuant to the aforementioned Code section a list of rapid transit projects, within or serving the City that are to be funded by the .50 percent, is to be incorporated into the Contract, which such list of approved projects is annexed to the Fifteenth Amendment as Exhibit "A"; and

WHEREAS, the Rapid Transit Contract and Assistance Agreement currently provides for the collection of the tax authorized by the MARTA Act at the rate of one penny until and including June 30, 2047 at which time it will revert to one-half penny; and

WHEREAS, pursuant to an Act of the General Assembly approved May 15, 2015, the MARTA Act, Section 25, was amended to authorize the collection of the maximum rate of the MARTA tax at one penny until June 30, 2057; and

WHEREAS, the Fifteenth Amendment to the Contract will amend the Contract and Engineering Report to include (1) the additional .50 percent tax in the City of Atlanta, (2) the list of projects within or serving the City of Atlanta funded by the additional .50 percent tax, and (3) the extension of the collection of the one penny tax for MARTA from June 30, 2047 to June 20, 2057, in compliance with the General Assembly's change to MARTA Act, Section 25; and

WHEREAS, Atlanta, Fulton, Dekalb, and Clayton have negotiated additional benefits for the local jurisdictions to include (1) that MARTA is required to receive the local jurisdictions approval when acquiring land; (2) that MARTA provide permanent trash receptacles, benches and trash collection at all bus stops; and (3) remove all reference to Clayton County SPLOST from the agreement; and

WHEREAS, the County deems it in the best interest of the County and the County will best be served by entering into the Fifteenth Amendment to the Rapid Transit Contract and Assistance Agreement with the Metropolitan Atlanta Rapid Transit Authority.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY AND IT IS HEREBY RESOLVED

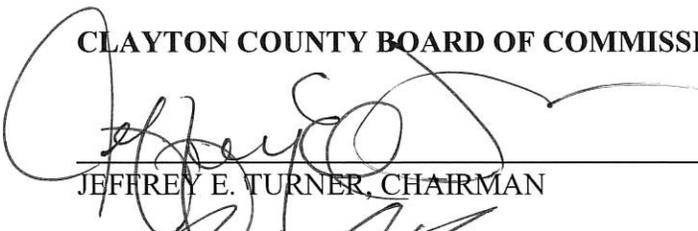
Section 1. The Board of Commissioners authorizes Clayton County to enter into the 15th Amendment to the MARTA Rapid Transit Contract and Assistance Agreement, which is attached to this Resolution.

Section 2. The Board of Commissioners authorizes the Chairman to execute the agreement and otherwise perform all acts necessary to accomplish the intent of this Resolution.

Section 3. The effective date of this Resolution shall be when approved by the Board of Commissioners of Clayton County.

SO RESOLVED, this 2nd day of May, 2017.

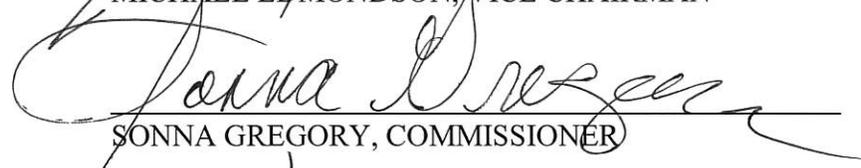
CLAYTON COUNTY BOARD OF COMMISSIONERS



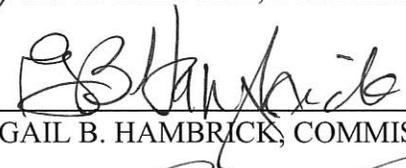
JEFFREY E. TURNER, CHAIRMAN



MICHAEL EDMONDSON, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER



FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



SANDRA T. DAVIS, CLERK