

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2009 - 78

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO AMEND THAT CERTAIN GAS SERVICE CONTRACT FOR NATURAL GAS VEHICLE SERVICE (EXPERIMENTAL), RATE V-52, DATED AS OF JULY 27, 1994, WITH ATLANTA GAS LIGHT COMPANY PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE COUNTY PURCHASED GAS FOR USE AS AN ENERGY SOURCE FOR THE PROPULSION OF MOTOR VEHICLES; TO AUTHORIZE THE CHAIRMAN TO EXECUTE A FIRST AMENDMENT AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County (the "County") and Atlanta Gas Light Company ("AGLC") are parties to that certain Gas Service Contract for Natural Gas Vehicle Service (Experimental), Rate V-52, dated as of July 27, 1994 (the "Service Agreement") whereby the County agreed to purchase gas for use as an energy source for the propulsion of motor vehicles at the County's premises located at 1348 Government Circle, Jonesboro, Georgia; and

WHEREAS, through its Fleet Maintenance Department, the County assessed and determined that it is in the County's best interest to explore alternative fueling sources, finding it no longer economically feasible to continue purchasing gas under the terms of the Contract; and

WHEREAS, pursuant to Section 9 of the Service Agreement, the County agreed that, as a condition of service under the designated rate in the Service Agreement, the County would purchase a minimum of 361,180 therms from AGLC during the fourth year and each thereafter of the Service Agreement (the "Minimum Take Provision"); and

WHEREAS, the County has requested that AGLC amend the Service Agreement by deleting the Minimum Take Provision, and AGLC is willing to do so; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County, and the County will best be served by amending the Service Agreement with AGLC for the above-stated purpose.

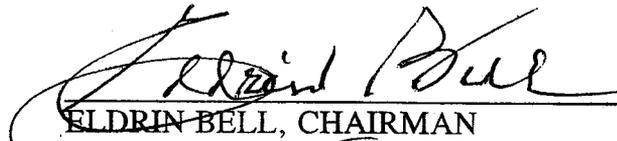
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

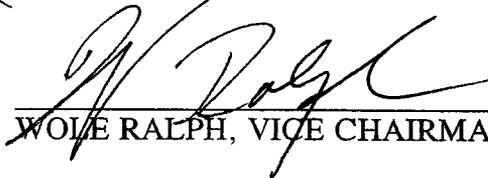
Section 1. The Board of Commissioners hereby authorizes Clayton County to enter into a First Amendment with Atlanta Gas Light Company ("AGLC"), providing for the terms and conditions under which that certain Gas Service Contract for Natural Gas Vehicle Service (Experimental), Rate V-52, dated as of July 27, 1994 (the "Service Agreement"), will be amended. The Board of Commissioners hereby authorizes the Chairman to execute the First Amendment to the Service Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect the modification of the Service Agreement. The First Amendment shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Board of Commissioners may approve.

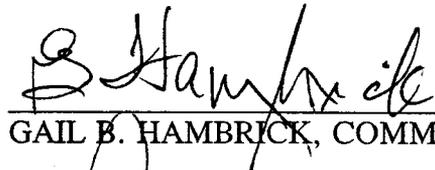
Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

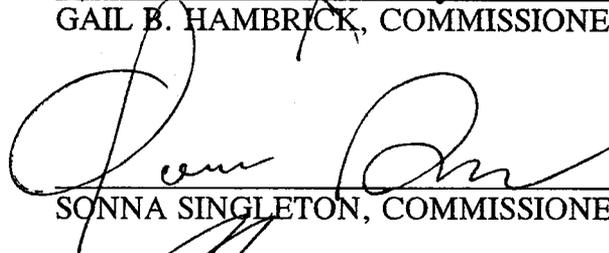
SO RESOLVED, this the 12th of May, 2009.

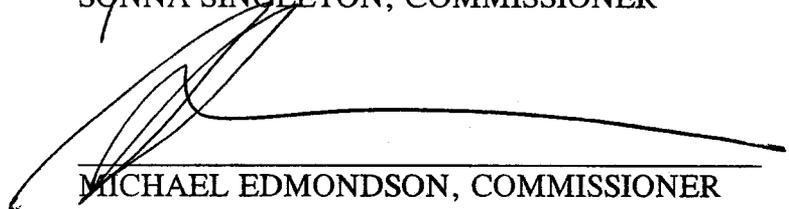
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

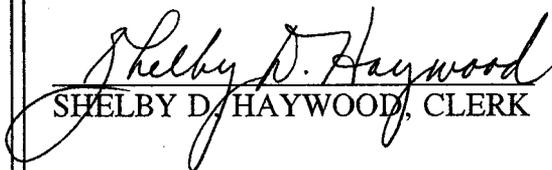

WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK