

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 97

A RESOLUTION TO CREATE THE CLAYTON COUNTY - ATLANTA AIRPORT PUBLIC TRANSPORTATION DISTRICT; TO ESTABLISH THE GEOGRAPHICAL BOUNDARIES OF SAID DISTRICT; TO SPECIFY THE PURPOSES OF SAID DISTRICT; TO AUTHORIZE THE LEVY OF TAXES WITHIN SAID DISTRICT; TO ESTABLISH AN EFFECTIVE DATE FOR THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County ("County") is authorized by the Constitution of the State of Georgia to provide public transportation services and to create special districts within which public transportation services may be provide, Const. 1984, Art. IX, §II, ¶III; and

WHEREAS, the County is authorized by the Constitution of the State of Georgia to exercise the power of taxation for public transportation services and to exercise such powers of taxation within any special district created for public transportation purposes, Const. 1984, Art. IX, §II, ¶III; Const. 1984, Art. IX, §IV, ¶¶ I-II; and

WHEREAS, pursuant to and in accordance with the Constitution of the State of Georgia, Const. 1945, Art. XVII, §I, ¶ I-V, Const. 1976, Art. XIII, §I, II, the General Assembly of the State of Georgia created the Metropolitan Atlanta Rapid Transit Authority ("Authority") as a joint public instrumentality of the City of Atlanta and the Counties of Fulton, DeKalb, Clayton and Gwinnett, Ga. Laws 1965, pp. 2243 et seq., as amended, and as hereafter amended ("MARTA Act"); and

WHEREAS, by popular referendum conducted on June 16, 1965, the voters of the County voted in favor of further participation in the Authority, see Ga. Laws 1966, p. 3264; and

WHEREAS, in 1980 the General Assembly amended the MARTA Act to authorize the Board of Commissioners of the County to create a special service district to be known as the Clayton County - Atlanta Airport Public Transportation District and to enter into contracts for and on behalf of said District with the Authority for the provision of public transportation services to and from and within said District, MARTA Act §24 (1), Ga. Laws 1980, pp. 3831, 3833; and

WHEREAS, said 1980 Amendment to the MARTA Act provided as a condition precedent to the exercise of the aforesaid powers by the County that 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 ("Rapid Transit Contract and Assistance Agreement"), 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 the

MARTA Act throughout its territorial limits shall also provide for the extension of the Rapid Transit System and project into the county to provide Rapid Transit services within the 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 the county other than the proceeds of the sales and use tax levied throughout its territorial limits, Ga. Laws 1980, pp. 3831, 3833; and

WHEREAS, effective as of May 27, 1980, the parties to the Rapid Transit Contract and Assistance Agreement have adopted that certain Sixth Amendment thereto amending Subparagraph l(g) to provide that any rapid transit contract between the County on behalf of the entire county and the Authority which requires the County to levy the sales and use tax authorized by the MARTA Act throughout its territorial limits shall also provide for the extension of the Rapid Transit System and Project into the County to provide rapid transit services within the 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 the County other than the proceeds of the sales and use tax levied throughout its territorial limits; and

WHEREAS, it is the intent of the Board of Commissioners of the County by this Resolution to create and establish the Clayton County-Atlanta Airport Public Transportation District in accordance with and pursuant to the aforesaid Constitution, statutes, and contract.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Board of Commissioners of the County that the Clayton County-Atlanta Airport Public Transportation District is created, established and empowered as follows:

Section 1. Creation. There is hereby created a special service district to be known as the Clayton County-Atlanta Airport Public Transportation District ("District").

Section 2. Geographical Scope. The District shall encompass that area in the County now or hereafter owned or controlled by the City of Atlanta for airport purposes, and

(A)..which is now or hereafter used by the Authority or which the Authority has the right to use for a Transportation Project (as defined in the MARTA Act), or

(B) which is now or hereafter used for a Public Airport Passenger Terminal. For purposes of this Resolution, the term "Public Airport Passenger Terminal" shall be defined as those areas that are both open to the general public and located inside buildings used primarily for air passenger ticketing, baggage handling, boarding or deplaning of aircraft and including all areas therein providing accommodations, goods, services, food, and beverages for sale to or use by the public, as well as public parking lots servicing such buildings, but not including areas outside such buildings or parking lots such as, but not limited to, adjoining apron or ramp areas where aircraft are parked, serviced, fueled or receive food catering services, and runways, taxiways, open areas and buildings which are leased to air carriers or others primarily for purposes other than air passenger handling.

Section 3. Purposes. The District shall exist for the provision of public transportation services and for the construction, maintenance and operation of a

Transportation Project (as defined in the MARTA Act) to and from and within the District.

Section 4. Levy of Sales and Use Tax. The County may, by separate resolution and pursuant to a rapid transit contract between and among the County, the County acting for and on behalf of the District, and the Authority, levy a retail sales and use tax upon the retail purchase, retail sale, rental, storage, use or consumption of tangible personal property, and the services described and set forth in Ga. Laws 1951, p. 360, as amended, on sales, uses and services rendered, in the geographical area within the District. Such tax as now or hereafter levied by the County solely within the District shall be used solely, for public transportation purposes in accordance with any rapid transit contract now or hereafter entered into by, between, and among the County, the County acting for and on behalf of the District, and the Authority.

Section 5. Act and Resolution as Contracts. The MARTA Act, this Resolution, and any resolution as described in Section 4 of this Resolution for the levy of a retail sales and use tax within the District, constitute contracts with the holders of revenue bonds issued under the MARTA Act, as declared in Section 10(q) of the MARTA Act, and said contracts are made in part for the purpose of securing and inducing investors to buy the revenue bonds of the Authority, and the provisions of the Federal and Georgia Constitutions prohibiting the passage of laws impairing the obligations of contracts to protect the rights and security of the holders of such bonds under such contracts from impairment by the General Assembly of the State of Georgia, by the County, or by the County acting for and on behalf of the District.

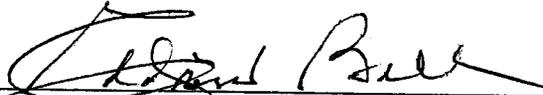
Section 6. Governing Body. The Board of Commissioners of the County shall be the sole authority having power to act for or on behalf of the District, and no other person, entity, agency or body shall have any power or authority to in any way act upon, alter, modify, or otherwise affect in any manner whatsoever the District.

Section 7. Effective Date. The effective date of this Resolution shall be October 1, 2007. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

{SIGNATURES NEXT PAGE}

Adopted this 5th day of June, 2007.

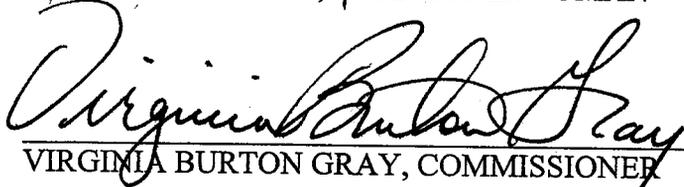
CLAYTON COUNTY BOARD OF COMMISSIONERS



ELDRIN BELL, CHAIRMAN



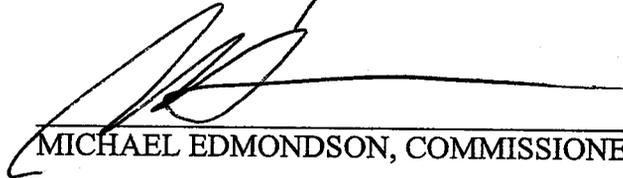
SONNA SINGLETON, VICE CHAIRWOMAN



VIRGINIA BURTON GRAY, COMMISSIONER

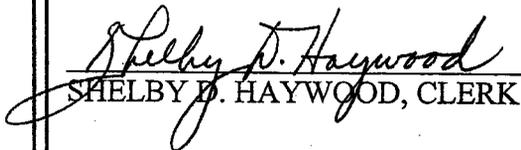


WOLE RALPH, COMMISSIONER



MICHAEL EDMONDSON, COMMISSIONER

ATTEST:



SHELBY D. HAYWOOD, CLERK