

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2018 – 54

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ACCEPT GRANT OR OTHER FUNDS FROM THE STATE OF GEORGIA TO COMPENSATE THE COUNTY AND THE QUALIFIED CLAYTON COUNTY MUNICIPALITIES FOR THE LOSS OF REVENUE DUE TO THE SUSPENSION BY THE GOVERNOR OF THE COLLECTION OF THE JOINT LOCAL OPTION SALES TAX ON AVIATION FUEL AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT OR LEGISLATIVE ACTION BY THE GENERAL ASSEMBLY RESULTING IN THE LOSS OF THIS REVENUE AND FURTHER TO EVIDENCE THE COUNTY'S INTENT NOT TO CHALLENGE THE GOVERNOR'S AUTHORITY TO IMPOSE SUCH A SUSPENSION AND FURTHER NOT TO APPEAL THE DECISION OF THE 11TH CIRCUIT COURT OF APPEALS IN THE CASE OF CLAYTON COUNTY, GA. ET.AL. VS. FAA, FILE NUMBER 17-10210; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE RELATING THERETO; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County ("the County") approved the collection of a local option sales tax pursuant to O.C.G.A. §48-8-110 et. seq. (L.O.S.T.); and

WHEREAS, pursuant to said section, L.O.S.T. applies to aviation fuel collected at Hartsfield Jackson Atlanta International Airport ("Hartsfield"); and

WHEREAS, as a result of an interpretation of the Federal Aviation Administration ("FAA"), a dispute exists regarding whether, under federal law, taxes on aviation fuel must

be used exclusively for aviation purposes by a local government entity that does not own an airport and cannot receive federal airport grant funds; and

WHEREAS, the County is not the owner or operator of Hartsfield or any other airport and is not able to use tax revenue for aviation purposes; and

WHEREAS, the Governor proposed, and the General Assembly approved, during the 2018 session of the Georgia General Assembly a budget amendment (HB 683) for funds to be used to offset a loss up to \$27,000,000 in L.O.S.T. revenue by the County up to the collection period approved pursuant to the referendum authorizing the L.O.S.T. as a result of the loss of the tax on aviation fuel at Hartsfield; and

WHEREAS, the County has been notified by the office of the Governor that the Governor intends to suspend the collection of all taxes on aviation fuel that are not exempt under the FAA interpretation effective July 1, 2018; and

WHEREAS, the County, in light of this decision, and in exchange for the payment of the grant funds set aside in the State budget for funding a loss up to \$27,000,000 in L.O.S.T the County is willing to forego any challenge to the authority of the Governor to take such action and further not to appeal further the decision of the 11th Circuit Court of Appeals in the case of Clayton County, Ga., et. al. v. FAA, File Number 17-10210.

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 agrees that in exchange for the payment of the \$27,000,0000 funds to Clayton County set aside in the 2018 State of Georgia budget to offset lost revenue by Clayton County as a result of the loss of the L.O.S.T. on aviation fuel at Hartsfield, the Board will not take any action to challenge the Governor's authority to suspend the collection of said taxes and further, the Board will not appeal the decision of the 11th Circuit Court of Appeals in the above referenced matter.

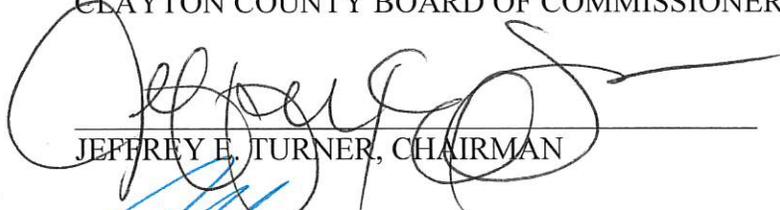
The Board authorizes the Chairman to execute agreements in the form of grants or otherwise and perform other actions necessary to facilitate the receipt of the funds. The Board further authorizes the Chief Financial Officer to amend the Budget where necessary to reflect the receipt of said funds into the general fund of the County.

Section 2. In the event the funds from the State are distributed to the County in total, the County will distribute the funds to the Cities according to the L.O.S.T. distribution percentages effective on the date of this Resolution.

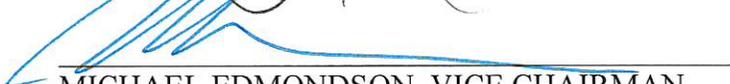
Section 3. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 5th day of June, 2018.

CLAYTON COUNTY BOARD OF COMMISSIONERS



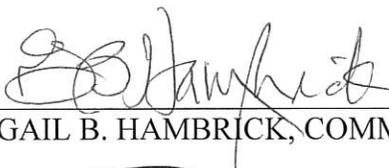
JEFFREY E. TURNER, CHAIRMAN



MICHAEL EDMONDSON, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER



FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



SANDRA DAVIS, CLERK