



BOARD OF DIRECTORS

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

THURSDAY, JUNE 9, 2022

ATLANTA, GEORGIA

MEETING MINUTES

CALL TO ORDER AND ROLL CALL

Chair Rita Scott called the meeting to order at 1:42 P.M.

Board Members

Present:

Roberta Abdul-Salaam
Stacy Blakley
William Floyd
Roderick Frierson
Russell McMurry
Al Pond
Kathryn Powers
Rita Scott
Reginald Snyder
Heather Aquino

Board Members

Absent:

Robert Ashe III
Jim Durrett
Freda Hardage
Thomas Worthy
Roderick Mullice

Staff Members Present:

Collie Greenwood
Melissa Mullinax
Ralph McKinney
Raj Srinath
Luz Borrero
Rhonda Allen
Manjeet Ranu
Peter Andrews
George Wright

Also in Attendance: Justice Leah Ward Sears
Kirk Talbott
Jonathan Hunt
Colleen Kiernan
Keri Lee
Jacqueline Holland
Tyrene Huff
Kenya Hammond

PUBLIC COMMENTS (SUBMITTALS VIA TELEPHONE, U.S. MAIL AND IN PERSON)

Ed Williams [in person]
Sherry Williams [in person]
Michael Fleming [in person]
Rep. Viola Davis [in person]
J. Lawrence Miller [in person]
Brian Sumlin [in person]
Ed Williams [via email]

1. APPROVAL OF THE MAY 12, 2022 BOARD OF DIRECTORS MINUTES

On a motion by Board Member Snyder, seconded by Board Member Blakley, the motion passed by a vote of 8 to 0 with 2 members abstaining and 10 members present.

2. EXTERNAL RELATIONS COMMITTEE

Committee member Kathryn Powers reported that the Committee met on May 19, 2022, and received the following briefings:

- a. Briefing – Riders’ Advisory Council [RAC] Update
- b. Briefing – MARTA Reach Update

3. AUDIT COMMITTEE

Committee Vice-chair William Floyd reported that the Committee met on May 19, 2022 and received the following briefings:

- a. MARTA FY22 External Audit Engagement
- b. Internal Audit Activity Briefing
- c. FY23 Proposed Internal Audit Plan

4. PLANNING & CAPITAL PROGRAMS COMMITTEE

Committee Chair John Pond reported that the Committee met on May 26, 2022, and received the following briefing:

- a. Briefing - Capital Programs FY22 3rd Quarter Update

5. OPERATIONS & SAFETY COMMITTEE

Committee Vice-chair Roberta Abdul-Salaam reported that the Committee met on May 26, 2022, and approved the following resolutions:

Approval of Resolutions 5a, 5b and 5c. On a motion by Board Member Pond, seconded by Board Member Blakley, the resolution passed by a vote of 8 to 0 with 2 members abstaining and 10 members present.

6. BUSINESS MANAGEMENT COMMITTEE

Committee Chair Roderick Frierson reported that the Committee met on May 26, 2022, and approved the following resolutions:

Approval of Resolutions 6a, 6b, 6c, 6d, 6e and 6f. On a motion by Board Member Snyder, seconded by Board Member Pond, the resolution passed by a vote of 8 to 0 with 2 members abstaining and 10 members present.

7. RESOLUTION

Resolution Authorizing the Execution of a Ground Lease Agreement with the City of Brookhaven for the Development of a City Hall at the Marta Brookhaven/Oglethorpe Station, Marta Parcel D3116.

On a motion by Board Member Snyder, seconded by Board Member Pond, the resolution passed by a vote of 8 to 0 with 2 members abstaining and 10 members present.

8. OTHER MATTERS

None

9. COMMENTS FROM THE BOARD

None

10. ADJOURNMENT

The Board meeting adjourned at 2:06 P.M.

Respectfully submitted,



Tyrene L. Huff
Assistant Secretary to the Board

YouTube link: <https://youtu.be/bYs2uNIUt4>

June 9, 2022 Board Meeting Public Comments

Received via (404) 848-6000, marta.board@itsmarta.com, public@itsmarta.com

Summary: One customer provided a public comment

1 – E-mail

0 – Voice Messages

1.) Message Date: Thursday, June 9, 2022

10:09 a.m. (Via Public and Board Email)

Dr. Ed. Williams

Truthcrushtheearth@gmail.com

From Dr. Ed Williams

[Begin Public Comment]

Good Afternoon Directors:

My Name is Ed Williams, I have lived in unincorporated south DeKalb for over twenty years. I am the chair of the group Concerned Citizens for Effective Government.

In 1971 the citizens in DeKalb and Fulton counties voted to levy a tax for 50 years. I was 7 years old at the time and was not old enough to vote or petition the courts. I did not turn eighteen until the early eighties after MARTA began illegally amending the RTCAA contract. The reality is that most of the citizens in this room and in the metropolitan areas living in DeKalb and Fulton counties have not had an opportunity to vote on any MARTA service contract.

The reason the RTCAA passed in DeKalb and Fulton counties is that they held the referendum at the county level and did not separate the Atlanta precincts as they had done in 1968 when the first referendum fell. In 1971 there were more residents living in the Atlanta city limits than in the DeKalb and Fulton counties rural areas. In 2022, the population of DeKalb and Fulton counties has increased by almost 1 million citizens and we should have another referendum for transit services and a new list of projects after 50 years. It is time

The big elephant in the room is that the state has codified into law that it shall not contribute any state funding although the state has several board members sitting on the MARTA board. The sales tax funding mechanism came about in 1971 because homeowners did not want transit funding done as part of property taxes. This is the reason that a referendum was held in 1971 for voters to approve the sales tax levy for 50 years.

MARTA is seeking attorney fees from me, a community activist, educator, and resident of DeKalb County who grew up right here in the Summer Hill community in the shadow of the home of the Braves and Falcons. I am a product of the Atlanta Public Schools, Morehouse College, and Clark Atlanta University. My mom worked at Grady Memorial Hospital as a nurse and my father served in the US Army. Born here in Georgia at the Fort Benning US Army Military bases and raised in the ATL and graduated at the top of my high school class.

MARTA in its April 7, 2022 motion for legal fees claims asserts that I must be held accountable for the attorneys' fees and costs for exercising his right to petition the government through the courts while using peaceful means even though I have not exhausted my appeals and MARTA has not shown that I have acted in bad faith.

My Complaint seeks to do two things: (1) to prevent MARTA from illegally continuing to "extend" the RTCAA beyond August 31, 2021; (2) to prevent MARTA from illegally continuing to levy a sales tax beyond August 31, 2021, without a new referendum.

I am exercising my constitutional right to petition his government for illegal taxation.

MARTA is spending taxpayer funds to deny citizens an opportunity to vote on whether a sales tax should be continued to be levied and the kinds of transit services projects they want to fund.

MARTA seeks to prevent me from exercising my First Amendment right "to petition the Government for a redress of grievances". This right is at the heart of our democracy and the first and arguably the most important right. The government should not be able to use taxpayer money to deny citizens the right to petition their government and to intimidate and retaliate against citizens from seeking justice.

I do not seek damages or legal fees. My lawsuit focuses on the MARTA transit service **contract illegal extension and sales tax levy where voter approval is required in a referendum.**

The MARTA transit service RTCAA contract approved by voters in 1971 was to provide use of the transit system for no more than 50 years period.

MARTA in its motion for attorney believes that my right to petition his government should be limited and sanctioned.

The MARTA Board should not permit the law firm Holland and Knight to continue to pursue attorney fees against me and other citizens who are acting in the public interests and who are exercising their constitutional right to petition the government for redress and grievances.

Citizens in Georgia have a right to seek justice, equity, due process, and equal justice in a court of law. Is it fair for a billion-dollar agency to sue a citizen for exercising his constitutionally protected right?

Thank You

[Public Comment End]

Ed Williams Attachment:

Entitled – Citizen Rights MARTA Legal Fees Public Comment June 9 2022

P.O. Box 361626
Decatur, Georgia 30036
(678) 304-7736
9 June 2022

MARTA Board of Directors
Metropolitan Atlanta Rapid Transit Authority
2424 Piedmont Road
Atlanta, Georgia 30324
(404) 848-5000
marta.board@itsmarta.com
public@itsmarta.com

Re: MARTA SEEKS TO RUNOVER CITIZEN RIGHTS

From Dr. Ed Williams

[Begin Public Comment]

Good Afternoon Directors:

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The big elephant in the room is that the state has codified into law that it shall not contribute any state funding although the state has several board members sitting on the MARTA board. The sales tax funding mechanism came about in 1971 because homeowners did not want transit funding done as part of property taxes. This is the reason that a referendum was held in 1971 for voters to approve the sales tax levy for 50 years.

MARTA is seeking attorney fees from me, a community activist, educator, and resident of DeKalb County who grew up right here in the Summer Hill community in the shadow of the home of the Braves and Falcons. I am a product of the Atlanta Public Schools, Morehouse College, and Clark Atlanta University. My mom worked at Grady Memorial Hospital as a nurse and my father served in the US Army. Born here in Georgia at the Fort Benning US Army Military bases and raised in the ATL and graduated at the top of my high school class.

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My Complaint seeks to do two things: (1) to prevent MARTA from illegally continuing to "extend" the RTCAA beyond August 31, 2021; (2) to prevent MARTA from illegally continuing to levy a sales tax beyond August 31, 2021, without a new referendum.

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Citizens in Georgia have a right to seek justice, equity, due process, and equal justice in a court of law. Is it fair for a billion-dollar agency to sue a citizen for exercising his constitutionally protected right?

Thank You

[Public Comment End]

References

Long Version MARTA Seeks To Runover Citizen Rights

https://drive.google.com/file/d/147Iq-xSiO7EFWII2TEOgwfqi_YM5oliF/view?usp=sharing

Plaintiff's Reply Brief Williams v. MARTA

https://drive.google.com/file/d/1tPgt0Y9t9p66tYv0Z5dy7n7rSRzH_pI0/view?usp=sharing

Plaintiff's Response to Motion for Attorney Fees

https://drive.google.com/file/d/1r7x0cIqg_zu70W81OQ_B_Hiv4zuj-x4/view?usp=sharing

Plaintiff Complaint / Petition

<https://drive.google.com/file/d/1k62tKun6JCRn3mwaQbrvKJgrAQlrvZae/view?usp=sharing>

Plaintiff Complaint / Petition with full Exhibits

<https://drive.google.com/file/d/1UrrNzkda0Ptxiok3FNIDaVn8dvR89-b0/view?usp=sharing>

MARTA LEGAL ISSUES

<https://drive.google.com/file/d/1pNYteisTHpUFLIvjpFeWcHIJCLkHP5pf/view?usp=sharing>

Issues with Metropolitan Area Transit

<https://ccegov.blogspot.com/2019/08/metropolitan-area-transit-and-issues-of.html>

Ed Williams. Ed.D. Chair

Concerned Citizens For Effective Government

<https://www.facebook.com/groups/ccegov/>

<http://ccegov.blogspot.com>

(678) 304-7736

email: truthcrushtheearth@gmail.com

Twitter: <http://Twitter.com/@truthcrushthee2>

**RESOLUTION AUTHORIZING A MODIFICATION IN CONTRACTUAL
AUTHORIZATION FOR PREVENTIVE MAINTENANCE & REPAIR SERVICES FOR
BUS FIRE SUPPRESSION & GAS DETECTION SYSTEMS,
CONTRACT NUMBER IFB B41132A**

WHEREAS, on November 16, 2018, the General Manager entered into a Contract with CINTAS Fire Protection for Preventive Maintenance & Repair Services for Bus Fire Suppression & Gas Detection Systems, Invitation for Bids B41132A; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to increase the contract value to provide for known changes and additions to the contract; and

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

WHEREAS, the Department of Internal Audit will be requested to perform a price/cost analysis to determine fair and reasonable pricing; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO or his delegate be, and hereby is, authorized to extend the contract term and increase the authorization for Contract No. B41132A Preventive Maintenance & Repair Services for Bus Fire Suppression & Gas Detection Systems from \$1,961,269.53 to \$2,161,269.53.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

A0EF047927B94DA...

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR THE PROCUREMENT
OF PARATRANIST VEHICLES, RFP P50182**

WHEREAS, the Authority is authorized by Section 14(m) of the MARTA Act to procure goods and services without competitive bidding if it is impracticable to prepare adequate specifications and an adequate description on the basis of which to solicit competitive bids; and

WHEREAS, the Interim General Manager/CEO has certified, in accordance with Section 14(m) of the MARTA Act, that the procurement of Paratransit Vehicles is impracticable through the solicitation of competitive bids; and

WHEREAS, award of a Contract for the procurement of Paratransit Vehicles, after the solicitation of proposals and selection of a preferred proponent pursuant to Section 14(m) of the MARTA Act, is subject to approval by the Board of Directors.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO, or his designee be, and hereby is, authorized to solicit proposals for the procurement of Paratransit Vehicles by means other than competitive bidding, in accordance with Section 14(m) of the MARTA Act, through the use of Request for Proposals.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

A0EF047927B94DA...

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR THE PROCUREMENT OF
TARGETED CLEANING SERVICES, IFB B47530**

WHEREAS, the Authority's Office of Facilities has identified the need for the Procurement of Targeted Cleaning Services, Invitation for Bids Number B47530; and

WHEREAS, on January 13, 2022, the Metropolitan Atlanta Rapid Transit Authority duly sent advance notice of the Invitation for Bids to potential Bidders; and

WHEREAS, notices of the said Invitation for Bids were advertised in the local newspaper of the largest circulation in the Atlanta metropolitan area, once in each of the two weeks prior to opening bids; and

WHEREAS, all Bidders were given an opportunity to protest the bid instructions, specifications, and/or procedures; and

WHEREAS, On February 24, 2022 at 2:00 p.m., local time, Nine (9) bids were publicly opened and read aloud; and

WHEREAS, the bid submitted by Imagann Facility Support Services, Inc., is responsive and responsible and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by Public Facilities & Services, Inc., is responsive and responsible and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by Level Seven Facilities Service, Inc., is responsive and responsible and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by Keystone Management, LLC is responsive and responsible, and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by Brighter Image, Inc., is responsive and responsible, and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by Vectour Group, Inc., is responsive and responsible, and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by A-Action Janitorial Service, Inc., is responsive and responsible, and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by Good Success Company, Inc., is responsive and responsible, and the bidder is capable of performing the Contract; and

WHEREAS, the bid submitted by Disinfectant Solutions of Atlanta, LLC is responsive and responsible, and the bidder is capable of performing the Contract.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO or his delegate be, and hereby is, authorized to execute a Contract on substantially the same terms and conditions as contained in the Invitation of Bids Number B47530, Procurement of Targeted Cleaning between the Authority and Imagann Facility Support Services, Inc., Public Facilities & Services, Inc., Level Seven Facilities Service, Inc., Keystone Management, LLC, Brighter Image, Inc., Vectour Group, Inc., A-Action Janitorial Service, Inc., Good Success Company, Inc., and Disinfectant Solutions of Atlanta, LLC, in the combined amount of \$36,790,256.62.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
A0EF047927B94DA

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR THE PROCUREMENT
OF TRANSIT BUS SHELTERS AND ADVERTISING, RFP P50145**

WHEREAS, the Authority is authorized by Section 14(m) of the MARTA Act to procure goods and services without competitive bidding if it is impracticable to prepare adequate specifications and an adequate description on the basis of which to solicit competitive bids; and

WHEREAS, the Interim General Manager/CEO has certified, in accordance with Section 14(m) of the MARTA Act, that the procurement of Transit Bus Shelters and Advertising is impracticable through the solicitation of competitive bids; and

WHEREAS, award of a Contract for the procurement of Transit Bus Shelters and Advertising, after the solicitation of proposals and selection of a preferred proponent pursuant to Section 14(m) of the MARTA Act, is subject to approval by the Board of Directors.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO, or his designee be, and hereby is, authorized to solicit proposals for the procurement of Transit Bus Shelters and Advertising by means other than competitive bidding, in accordance with Section 14(m) of the MARTA Act, through the use of Request for Proposals.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
A0EF047927B94DA...

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING A MODIFICATION IN CONTRACTUAL
AUTHORIZATION FOR DESKTOP EQUIPMENT AND DEPLOYMENT SERVICES,
RFP P38567-A**

WHEREAS, on December 5, 2018 the General Manager entered into a Contract with Dell Marketing, L.P. for Desktop Equipment and Deployment Services, Request for Proposals P38567-A; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to extend the term and increase the contract value to provide for known changes and additions to the contract; and

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

WHEREAS, the Department of Internal Audit will be requested to perform a cost analysis to determine fair and reasonable pricing; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO or his delegate be, and hereby is, authorized to extend the contract term and increase the authorization for Contract No. P38567-A Microsoft License Enterprise Services from \$3,992,002.67 to \$6,792,002.67.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
A0FE047927B9ADA

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING THE MODIFICATION IN CONTRACTUAL
AUTHORIZATION FOR RENEWAL OF MAINTENANCE SUPPORT FOR THE CISCO
SMARTNET DEVICES, CONTRACT NUMBER IFB B47511**

WHEREAS, on September 13, 2021 the General Manager entered into a Contract with Netsync Network Solutions for Renewal of Maintenance Support for the Cisco Smartnet Devices, Invitation for Bids B47511; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to increase the contract value and extend the contract term to provide for known changes and additions to the contract; and

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

WHEREAS, the Department of Internal Audit will be requested to perform a cost analysis to determine fair and reasonable pricing; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO or his delegate be, and hereby is, authorized to extend the contract term and increase the authorization for Contract No. B47511 Renewal of Maintenance Support for the Cisco Smartnet Devices from \$436,602.72 to \$967,985.19 .

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews

A0FE047927B94DA...

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR THE PROCUREMENT OF
EMPLOYEE VOLUNTARY BENEFITS PROGRAM REQUEST FOR
PROPOSALS NUMBER P48735**

WHEREAS, the Authority's Office of Human Resources has identified the need for the Procurement of Employee Voluntary Benefits Program, Request for Proposals Number P48735; and

WHEREAS, On October 29, 2021 the Metropolitan Atlanta Rapid Transit Authority duly sent to potential offerors notice of its Request for Proposals for the Procurement of Employee Voluntary Benefits Program, RFP P48735; and

WHEREAS, notice of the said Request for Proposals was advertised in the local newspaper of the largest circulation in the Atlanta metropolitan area, once in each of the two weeks prior to the proposal deadline; and

WHEREAS, all Proponents were given the opportunity to protest the proposal instructions, specifications, and/or procedures; and

WHEREAS, on January 20, 2022 at 2:00 p.m., local time, ten (10) proposals were received; and

WHEREAS, the Authority's staff determined that LegalShield, MetLife and Purchasing Power submitted the most advantageous offer and other factors considered, and is technically and financially capable of providing the services.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/Chief Executive Officer or his delegate be, and hereby is, authorized to execute three (3) separate Contracts on substantially the same terms and conditions as contained in the Request for Proposals Number P48735, for the procurement of Employee Voluntary Benefits Program between the Authority and LegalShield for Pre-Paid Legal Services, MetLife for Pet Insurance and Purchasing Power for Employee Purchasing.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

A0EF047927B94DA...

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING A MODIFICATION IN CONTRACTRACTUAL
AUTHORIZATION FOR THE MASTER SERVICES AGREEMENT, LOA L50057**

WHEREAS, on October 21, 2021 the General Manager entered into a Contract with Talent Connections, LLC for the Master Services Agreement, Letter of Agreement L50057; and

WHEREAS, the total contract amount was \$96,000. The Department of Human Resources requested additional funds to be added to the current contractual agreement with Talent Connections, LLC in the amount of \$82,500; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to increase the contract value by \$50,000 and extend the contract term for four (4) months to support the continuation of services through the end of the contract term.

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO or his delegate be, and hereby is, authorized to extend the contract term and increase the authorization for Contract No. L50057, Master Services Agreement from \$178,500.00 to \$228,500.00.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
RESOLVED
A0EF047927B94DA...

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

RESOLUTION APPROVING THE OPERATING AND CAPITAL BUDGETS FOR FISCAL YEAR 2023

WHEREAS, the Metropolitan Atlanta Rapid Transit Authority Act of 1965 (Georgia Laws 1965, p. 2243), as amended (the “Act”) requires that the Metropolitan Atlanta Rapid Transit Authority (the “Authority”) adopt certain operating and capital funds budgets for each fiscal year following the public hearing held on such budgets; and

WHEREAS, the Board of Directors of the Authority (the “Board”) is required to adopt the Fiscal Year 2023 budgets on or before the last day of the current fiscal year following a public hearing and review of said budgets for Fiscal Year 2023; and

WHEREAS, the Operating and Capital Funds Budgets for the fiscal year beginning July 1, 2022 (the “Fiscal Year 2023 Budgets”) have been prepared and presented to the Board; and

WHEREAS, the Board has been requested to approve a resolution to adopt the Fiscal Year 2023 Budgets; and

WHEREAS, the Board has reviewed the proposed Fiscal Year 2023 Budgets, and has reviewed estimates of revenues, operating costs (including the utilization of lease and rental income and earnings on principal from the prior fiscal years’ sales tax surpluses to fund operating costs), patronage and other similar factors; and

WHEREAS, the Board has determined, following such review and the public hearings held as required by the Act, that the proposed Operating and Capital Funds Budgets for Fiscal Year 2023 should be adopted;

WHEREAS, in addition, the Board desires to maintain flexibility in the financing of capital improvements undertaken by the Authority from time to time; and

WHEREAS, it may be necessary for the Authority to expend monies from the Authority's existing funds prior to the issuance of revenue bonds issued to finance capital improvements, and the Board desires to put in place necessary steps to preserve the ability of the Authority to issue revenue bonds and to reimburse the Authority for certain expenditures made prior to the issuance of such revenue bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority as follows:

- 1) That the proposed Fiscal Year 2023 Budgets, set forth in summary form in Exhibit "A" (which Exhibit "A" and which Fiscal Year 2023 Budgets are attached hereto and by this reference incorporated herein in their entirety), be and hereby are adopted as the Authority's official budgets for Fiscal Year 2023;
- 2) That, as set forth in Exhibit "A", the sums of:
 - i) Six hundred sixty-three million twenty-nine thousand nine hundred ten dollars (\$663,029,910) for Gross Operating Expenditures;
 - ii) Seven hundred sixteen million nine hundred ninety-seven thousand one hundred eighty-two (\$716,997,182) for the Capital Improvement Program Cash Disbursements.
- 3) That the revenues or funds described in the Fiscal Year 2023 Budgets as summarized in Exhibit "A" hereto be and hereby are authorized to be used to pay operating costs of the Transit System together with any other revenues or funds not specifically identified herein that by law may be used for such purposes;
- 4) That the fare structure, as shown in Exhibit "B", will be in effect during Fiscal Year 2023;
- 5) That all daily parking lot and parking decks will be free for patrons parking less than 24 hours, with the exception of the long term overnight parking at College Park, Lindbergh, Lenox, Kensington, Brookhaven/Oglethorpe University, Doraville, Medical Center, Dunwoody, Sandy Springs, and North Springs Stations as shown in Exhibit "B";

- 6) That at the discretion of the General Manager/CEO and pursuant to the terms of The MARTA Act, the Sales tax revenues may be utilized for capital and operating expenses accordingly; and

- 7) That all lawful acts of the General Manager/CEO or chosen delegates heretofore taken or commenced on behalf of the Authority in pursuance of the programs, purposes and objectives reflected in the budgets for Fiscal Year 2023 or any preceding year be and hereby are ratified and affirmed.

Adopted this 9th day of June, 2022

(SEAL)

ATTEST:

(Assistant) Secretary

APPROVED AS TO LEGAL FORM:



Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority

RESOLUTION AUTHORIZING THE EXECUTION OF A GROUND LEASE AGREEMENT WITH THE CITY OF BROOKHAVEN FOR THE DEVELOPMENT OF A CITY HALL AT THE MARTA BROOKHAVEN/OGLETHORPE STATION, MARTA PARCEL D3116

WHEREAS, the City of Brookhaven desires to construct a new city hall in a portion of the Authority's Brookhaven/Oglethorpe Rail Station parking lot and relocate certain City of Brookhaven government services to the newly constructed facility; and

WHEREAS, pursuant to Section 8(r) of the MARTA Act of 1965 the Authority is permitted to enter into a sale, lease or other disposition of real property without being required to make public advertising; and

WHEREAS, the Board has determined that MARTA should enter a ground lease with the City of Brookhaven; and

WHEREAS, the parties have negotiated a 50-year fair market value ground lease with a purchase option for real property in the southwestern surface parking lot of the Authority's Brookhaven / Oglethorpe Station, which is bordered by Peachtree Street NE to the west and North Druid Hills Road to the south; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO or his delegate is hereby authorized to do all acts, perform all things, and execute on behalf of the Authority all instruments of conveyance, other instruments and agreements as necessary to effectuate the execution of a ground lease (and related documents in furtherance of the ground lease) with the City of Brookhaven, Georgia for the development of Authority Parcel D3116 as a city hall facility.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

AOEF047027B04DA

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**