

**MINUTES**  
**WORK SESSION OF THE BOARD OF DIRECTORS**  
**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY**

**December 4, 2014**

**12:10 p.m.**

**Board Members Present**

Robert Ashe III  
Harold Buckley, Sr.  
Frederick L. Daniels, Jr.  
Jim Durrett  
Roderick E. Edmond  
Kirk Fjelstul\*  
Freda B. Hardage

**Staff Members Present**

Keith T. Parker, AICP  
Edward Johnson  
Rukiya Eaddy  
Gordon Hutchinson  
Elizabeth O'Neill  
Wanda Dunham  
Robin Henry  
Reginald Mason  
Ryland McClendon  
Donald Williams (Acting)  
Ferdinand Risco  
Davis Allen  
Rhonda Briggins  
Tim Elsberry (Acting)  
Lyle Harris  
Jonathan Hunt  
Amanda Rhein  
Tuan Vo

Also in attendance was Charles Pursley, Jr. of Pursley Friese Torgrimson, LLP.

**Chairman's Report**

---

**Upcoming Meetings**

Thursday, December 18, 2014

- Operations & Safety Committee – 10:00 a.m.
- Business Management Committee (immediately following)

Thursday, January 8, 2015

- Planning & External Relations Committee 10:30 a.m.
- Board – 1:30 p.m.

\* Kirk Fjelstul is Executive Director of Georgia Regional Transportation Authority (GRTA) and therefore is a non-voting member of the MARTA Board of Directors

The December 11, 2014 Audit Committee meeting is cancelled. The new date is Thursday, February 12, 2015.

**Approval of the November 6, 2014 Work Session Minutes**

On motion by Mr. Durrett seconded by Mr. Buckley the minutes were unanimously approved by a vote of 6 to 0, with 7\* members present.

**Fulton County Approves Clayton County**

Chairman Ashe informed Board members and staff of Fulton County's approval of the Rapid Transit Contract and Assistance Agreement (RTCAA). Clayton County, can now join the MARTA system.

**General Manager/CEO Report**

**Transportation Infrastructure Funding Update – R. Briggins**

There have been eight (8) meetings around the state since August 2014, ending on November 20<sup>th</sup> in Rome, Georgia. Chairs of the Committee are Rep J. Roberts and Senator Steve Gooch. MARTA attended six of the eight meetings. MARTA's GM/CEO Keith Parker addressed the Committee in Augusta on September 30<sup>th</sup> and was well-received.

The focus of the Study Committee during the first six meetings was highways and roads. There were some adjustments towards the end and there was some focus on transit and transportation. The Committee is looking at various options - a potential state-wide sales tax, increasing motor fuel tax, the 4<sup>th</sup> penny and possibly one or two counties coming together for a potential T-SPLOST. Good news – they are saying that transit will receive some funding, although the exact amount is unknown at this time. During the Augusta meeting, Mr. Parker focused their attention on permanently removing the 50/50. Additionally, we asked that MARTA be included in any funding source they come up with – making sure transit throughout Georgia have significant investment.

Next Tuesday, the Committee will roll-out its final recommendations. MARTA expects legislation that will deal with transportation funding.

Chairman Ashe said he thinks this is a great project – he would like to get as many safeguards as possible to make sure MARTA is secure.

*2015 Legislative Agenda – R. Briggins*

---

Today, staff will ask the Board's consideration for adoption of MARTA's Legislative Guidelines:

- **Ad Valorem Tax Collection Changes**  
As a result of legislation creating the Title Ad Valorem Tax (TAVT) (HB 386), MARTA became a residual revenue recipient after the State and Counties are "made whole". This has created a vacuum in what was a reliable annual funding source coming from participating jurisdictions. This has been recognized as an unintended consequence of HB 386 by several members of the legislature. MARTA should be included on the list of entities "made whole" by the State prior to residual revenue being dispersed, especially since tax collection estimates of the TAVT outpace that of its predecessor, the stand alone Ad Valorem Tax, even when MARTA's former revenues are included in their total, current, outlays.
  
- **Permanent Elimination of the 50/50 Capital/Operating Sales Tax Split**  
The permanent elimination of this mandate would provide MARTA Board & GM/CEO with the fiscal authority commensurate with its responsibility to manage the overall organization and the flexibility to respond to changing economic conditions.
  
- **Concession Services**
  - MARTA Act language clean-up – give MARTA greater flexibility to solicit proposals
  - Request formal authorization to allow for procurement processes other than competitive bidding services under the TOD and Concessions umbrellas
  
- **Reduce the Need for Supermajority Vote on Certain Items**  
There are several items that only need a simple majority vote for passage. Propose elimination of the supermajority mandate under these circumstances
  
- **Amend Language Pertaining to Sales & Use Tax Rates for Joining System**  
It was discovered that language within the "rate of tax" portion of Section 25 is inconsistent with the precedent set by existing jurisdictional partners who joined the system at a sales and use tax rate of 1%. Though the Clayton County Commission eventually affirmed to proceed with a 1% sales and use tax rate, the validity of the Board's decision was questioned based on

## **Work Session**

**12/4/14**

**Page 4**

language that read "... either one-half (1/2%) percent or one (1%) percent, as determined by that contract between such local governing body and the Authority."

To make potential future jurisdictional partner decisions consistent with existing jurisdictional partner precedent, MARTA proposes eliminating the ½% option from the MARTA Act language permanently.

➤ **Sovereign Immunity**

Grant MARTA the sovereign immunity with limited waiver, enjoyed by other governmental entities. Sovereign immunity helps protect public tax dollars from excessive encroachments and limits the fiscal impact of tort damages awards borne by taxpayers. MARTA is seeking similar immunity levels currently granted to other government entities.

➤ **Ride With Respect Fines/Fees**

To further the work of fine/fee collection for violations of MARTA's "Ride With Respect" code of conduct policy, MARTA proposes further spelling out the process to increase efficiency and enforcement.

### *Resolution Reinstating Juanita Jones Abernathy*

A resolution that will reinstate Mrs. Abernathy as a result of her being out of the country the past few months. The resolution will come before the Board today.

### *Presentation on Window Decal/Bumper Sticker – R. McClendon*

MARTA's Marketing Department was tasked with creating a sticker for cars that show support for the Authority. [Mrs. McClendon presented a mock-up of both window decal and bumper sticker, asking for input from the Board]. The Board generally agreed upon a window decal that says "My Other Car is MARTA".

Mr. Fjelstul announced the GRTA Board will take a vote on the Executive Director's position on December 10, 2014. The Governor's recommendation for this position is Chris Tomlinson.

**Other Matters**

---

On motion by Mr. Durrett seconded by Mrs. Hardage, the Board unanimously agreed by a vote of 6 to 0, with 7\* members present to go into Executive Session to discuss litigation, a personnel matter and real estate at 12:28 p.m.

On motion by Mr. Durrett seconded by Dr. Edmond, the Board unanimously agreed by a vote of 6 to 0, with 7\* members present to adjourn the Executive Session at 1:42 p.m.

\* \* \*

**Adjournment**

---

The meeting of the MARTA Board of Directors adjourned at 1:42 p.m.