



**BOARD OF DIRECTORS**

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY**

**BOARD**

**THURSDAY, OCTOBER 14, 2021**

**MEETING MINUTES**

Board Chair Rita Scott called the meeting to order at 1:32 P.M.

<b>Board Members Present</b>	<b>Staff Members Present</b>
Roberta Abdul-Salaam	Jeffrey Parker
Robert Ashe, III	Collie Greenwood
William Floyd	Rhonda Allen
Roderick Frierson	Melissa Mullinax
Al Pond	Borrero, Luz
Kathryn Powers	Manjeet Ranu
Rita Scott, <b>Chair</b>	Raj Srinath
Reginald Snyder	Ralph McKinney
	Elizabeth O'Neill

Also, in attendance: MARTA Board General Counsel Justice Leah Ward Sears of Smith, Gambrell & Russell, LLP; Allison Dyer, Holland & Knight, LLP, Kenneth Gregor, Grady Smith, Michael Hightower, Brenda Dillard, Karimah Dillard-Mickey Steve Smith; other MARTA staff: Jacob Vallo, Robin Boyd, Debbie Frank, Jacqueline Holland, Donna DeJesus, Jonathan Hunt, Kevin Hurley, Kenya Hammond, IT Techs and Tyrene Huff.

**Public Comment** *[See attached]*

Ed Williams  
Kenneth Mitchell

1. **Approval of September 9, 2021 Board Meeting Minutes**

Board Chair Rita Scott asked for a motion to approve the minutes. A motion to approve was made by Board Member Pond and seconded by Board Member Floyd. The minutes were approved unanimously by a vote of 8 to 0 with 8 members present.

2. Resolution Authorizing the Issuance, Sale, Execution and Delivery of the Metropolitan Atlanta Rapid Transit Authority Subordinate Sales Tax Commercial Paper Notes, Series 2021B and Subordinate Sales Tax Variable Rate Note Series, 2021C

Deputy Chief Financial Officer, Kevin Hurley, respectfully requested approval of the resolution. A motion to approve was made by Board Member Ashe, seconded by Board Member Abdul-Salaam. The resolution was approved unanimously by a vote of 8 to 0 with 8 members present.

3. Resolution Authorizing the Acceptance of an Offer and Settlement for the Property acquisition of 5265 Old Dixie Road, MARTA Parcel 8097B, City of Forest Park for the Clayton County Multi-Purpose Operations and Maintenance Facility

Sr. Director of TOD, Jacob Vallo, respectfully requested approval of the resolution. A motion to approve was made by Board Member Pond, seconded by Board Member Frierson. The resolution was approved unanimously by a vote of 8 to 0 with 8 members present.

4. Resolution Authorizing the Acceptance of an Offer and Settlement for the Property Acquisition of 5163 Old Dixie Road, MARTA Parcel 8097A, City of Forest Park for the Clayton County Multi-Purpose Operations and Maintenance Facility

Sr. Director of TOD, Jacob Vallo respectfully requested approval of the resolution. A motion to approve was made by Board Member Ashe, seconded by Board Member Abdul-Salaam. The resolution was approved unanimously by a vote of 8 to 0 with 8 members present.

5. Resolution Authorizing the Rescission of the Award of Request for Proposals Number P40628, Joint Development of Parcel D3210 at Peachtree Center Station-Entrance 2 to RD Management, LLC and Kelce/FB Winecoff, LLC, and Termination of Term Sheet with RD Management, LLC and Kelco/FB Winecoff, LLC

Sr. Director of TOD, Jacob Vallo, respectfully requested approval of the resolution. A motion to approve was made by Board Member Abdul-Salaam, seconded by Board Member Ashe. The resolution was approved unanimously by a vote of 8 to 0 with 8 members present.

6. Resolution Authorizing the Rescission of the Award of Request for Proposals Number P35023, Joint Development of Parcel D3020 at Arts Center Station to Cousins-Integral Arts Central Station, LLC

Sr. Director of TOD, Jacob Vallo, respectfully requested approval of the resolution. A motion to approve was made by Board Member Ashe, seconded by Board Member Pond. The resolution was approved unanimously by a vote of 8 to 0 with 8 members present.

7. Resolution Authorizing the Solicitation of Proposals for the Development of Parcel D3020 at Arts Center Station

Sr. Director of TOD, Jacob Vallo, respectfully requested approval of the resolution. A motion to approve was made by Board Member Ashe, seconded by Board Member Floyd. The resolution was approved unanimously by a vote of 8 to 0 with 8 members present.

8. Resolution Authorizing the Award of a Contract for Right of Way [ROW] Consulting Services for the Summerhill/Capital Avenue Bus Rapid Transit [BRT] Project,

Request for Price Proposals [RFPP] Number P49477

Sr. Director of TOD, Jacob Vallo, respectfully requested approval of the resolution. A motion to approve was made by Board Member Abdul-Salaam, seconded by Board Member Floyd. The resolution was approved unanimously by a vote of 8 to 0 with 8 members present.

9. **Planning and Capital Programs Committee Report**

Committee Chair Al Pond reported that the Committee met on Thursday, September 30, 2021 and approved the following resolutions:

- a. Resolution Authorizing the Award of a Contract for the Procurement of System Engineering Services, REI, AE46193
- b. Resolution Authorizing the Award of a Contract for the Procurement of On-Call Claims Analysis Services, RFP P47040
- c. Resolution Authorizing the Award of a Contract for the Disposal of Land Parcel D3050 – 3344 Valley Road, NE, IFB B48262

Committee Chair Pond requested approval of the resolutions, which were seconded by Board Member Floyd. The resolutions were approved unanimously by a vote of 8 to 0 with 8 members present.

Committee Chair Pond reported that the Committee received the following briefing:

- d. Briefing – Clayton County High-Capacity Transit Update

10. **Operations & Safety Committee Report**

Committee Chair W. Thomas Worthy reported that the Committee met on Thursday, September 30, 2021 and approved the following resolutions:

- a. Resolution Authorizing a Modification in Contractual Authorization for Bus & Rail Vehicle Consulting Services, AE 34733
- b. Resolution Authorizing an Extension and Modification to the Technical Support & Spare Supply Services for the Atlanta Streetcar, FC-9839
- c. Resolution Authorizing the Award of a Contract for the Procurement of Police Computer Aided Dispatch/Records Management System, RFP P46669

Committee Chair Worthy requested approval of the resolutions, seconded by Board Member Abdul-Salaam. The resolutions were approved unanimously by a vote of 8 to 0 with 8 members present.

Committee Chair Worthy reported that the Committee received the following briefing:

d. Briefing – Mobility Update

11. **Business Management Committee Report**

Committee Chair Roderick Frierson reported that the Committee met on Thursday, September 30, 2021 and received the following briefing:

- a. Briefing – MARTA Short-Term Borrowing: Commercial Paper and Liquidity Facility

12. Resolution in Remembrance of Morris J. Dillard

Board Chair Rita Scott read the Resolution into the record. Mr. Parker said a few words of remembrance. Morris Dillard's wife, Brenda Dillard, thanked the Board and MARTA on behalf of the family.

13. **Other Matters**

None

14. **Comments from the Board**

None

15. **Adjournment**

The Board meeting adjourned at 2:10 P.M.

Respectfully submitted,



Tyrene L. Huff  
Assistant Secretary to the Board

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

**November 11, 2021 Board Meeting Public Comments**  
**Received via (404) 848-6000, [marta.board@itsmarta.com](mailto:marta.board@itsmarta.com), [public@itsmarta.com](mailto:public@itsmarta.com)**

**Summary: One customer provided a public comment**

**1– E-mail (Sent to [marta.board@itsmarta.com](mailto:marta.board@itsmarta.com) and [public@itsmarta.com](mailto:public@itsmarta.com))**

**0 – Voice Messages**

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1.) Message Date: Thursday November 11,2021 9:03 a.m. (Via Public and Board Email)

Dr. Ed. Williams

[Truthcrushtheearth@gmail.com](mailto:Truthcrushtheearth@gmail.com)

**Good Afternoon Directors:**

I am chair of the group Concerned Citizens for Effective Government. I am a taxpayer and resident of DeKalb County however I have never had the opportunity to vote on a MARTA transit contract or its services as a resident of DeKalb County.

The only MARTA referendums held in DeKalb and Fulton counties were in 1971. The MARTA board has extended the transit contract to 2057 without a referendum. This represents one hundred years of disenfranchisement and taxation without representation.

This is one of the reasons why Cobb's and Gwinnett's citizens are weary of MARTA. The MARTA Board members are not elected and MARTA treats a transit contract as a perpetual law, which it changes at will without any legislative authority.

We fought a Revolutionary War over taxation without representation, yet today we have Board representatives and legal counsels who seem to be clueless of the basis of our tax laws or chose to act in the manner that replaces the sovereign authority of the state. There cannot be two sovereigns. One for everyone else, and a different one for DeKalb and Fulton counties. The 1983 Georgia Constitution no longer allows local constitutional amendments, and the 1964 local constitutional amendment which authorized the creation of a multi-county transit system which later became MARTA provided that the General Assembly had the power of taxation, not MARTA.

The MARTA Act sections 24 and 25, require any financing of a transit contract that incorporates a sales tax to have a referendum in order for a sales tax to be levied in the local jurisdiction. There are no provisions under the laws of the state that provides that a local sales tax can be levied without a referendum or that it can be extended without a referendum.

MARTA has violated the constitution in regards to the transit contract regarding the Impairment clause which prohibits governments from changing the terms of a contract while it is in operation; the Intergovernmental Agreement clause which prohibits contracts from being more than 50 years without a renewal; and the taxing Authority without a referendum to approve a tax not specifically levied by General Law or authorized under the constitution.

The question I have today for the MARTA Board is what does it mean to have the right to vote, but be denied the opportunity to do so? It seems that we fought this battle over 60 years ago. So, Why does MARTA seek to continue to disenfranchise DeKalb, and Fulton Counties' residents and deny them the opportunity to vote on a sales tax that finances the MARTA operations under the RTCAA, but yet allow Gwinnett County, City of Atlanta, and Clayton County referendums?

The MARTA transit agency is not a state authority and the MARTA Board members are not elected. The MARTA Board is an administrative body, it does not have legislative authority.

What does it mean when the MARTA Board is being ill-advised by its General Counsel, and legal services employees that the residents can be taxed without their consent or representation and that it's okay and that it is good public policy?

MARTA had no legal authority to pass any resolutions approving the extension or amendments of the RTCAA without a referendum to extend the one percent sales tax beyond August 31, 2021.

A citizen-taxpayer has standing to seek injunctive relief to enjoin MARTA officials from continuing to extend and enforce the 1971 sales tax and transit contract beyond 50 years without a referendum in DeKalb and Fulton Counties.

MARTA has extended the 1971 sales tax and transit contract referred to as the RTCAA to 2057 without voter approval in DeKalb and Fulton.

MARTA claims that the General Assembly levied the MARTA sales tax in the MARTA Act section 25. The only thing that the General Assembly did in the MARTA Act was to authorize that a local jurisdiction could call for a referendum to levy a sales tax. The General Assembly did not levy any MARTA sales tax.

Bus services were not extended to Clayton County until there had been a referendum. Similarly, In Gwinnett County, both the MARTA board and Gwinnett County Commission passed resolutions to join MARTA and signed a contract. However a sales tax was not levied because it was contingent on voter approval.

In Gwinnett County, the voters did not approve the contract which had a sales tax embedded in it, as such the contract was not executed and the sales tax was never levied despite the fact that the General Assembly authorized through the MARTA Act section 25 that a one percent sales tax could be levied in the Fulton, DeKalb, Clayton, and Gwinnett.

The Gwinnett contract failed despite the fact that MARTA board approval and the Gwinnett commission voted to approve the resolution. It should be noted that Gwinnett has had two referendums one in 1990 and also in 2019 both failed to be approved by voters.

If the General Assembly in the MARTA Act had levied the one percent sales tax then there would be no reason to obtain voter approval through a local referendum and Gwinnett County would be part of the MARTA system, but this is not the case.

The power of taxation lies with the state and the General Assembly. There is no SPLOST, T-SPLOST, HOST, E-HOST, LOST, E-SPLOST, or any other local sales tax that can be levied or extended without a referendum.

What is the meaning of having the right to vote, but be denied the right?

Thank you

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