

House Bill 745

By: Representative Maddox of the 59th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965,"
2 approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to change certain
3 provisions relating to voting power of certain members of the Board; to provide an effective
4 date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved
8 March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by striking subsection (a)
9 of Section 6 and inserting in its place the following:

10 "(a) The Board of Directors of the Authority shall be composed of 18 members. Four
11 members shall be residents of the City of Atlanta to be nominated by the Mayor and elected
12 by the City Council; five members shall be residents of DeKalb County to be appointed by
13 the local governing body thereof and at least one of such appointees shall be a resident of
14 that portion of DeKalb County lying south of the southernmost corporate boundaries of the
15 City of Decatur and at least one of such appointees shall be a resident of that portion of
16 DeKalb County lying north of the southernmost corporate boundaries of the City of
17 Decatur; three members shall be residents of Fulton County to be appointed by the local
18 governing body thereof, and at least one of such appointees shall be a resident of that
19 portion of Fulton County lying south of the corporate limits of the City of Atlanta and that
20 membership position held by a Fulton County resident, appointed by the local governing
21 body of that county, the term of which position expires December 31, 1988, shall,
22 beginning on and after January 1, 1989, be filled by the local governing body of Fulton
23 County appointing a person who is a resident of that portion of Fulton County lying north
24 of the corporate limits of the City of Atlanta; one member shall be a resident of Clayton
25 County to be appointed by the local governing body thereof; and one member shall be a
26 resident of Gwinnett County to be appointed by the local governing body thereof. The

1 members of the Board representing Clayton and Gwinnett Counties shall not be voting
2 members. Four members, representing the State, shall be as follows: the Commissioner
3 of the Department of Transportation who shall be an ex officio member; the State Revenue
4 Commissioner who shall be an ex officio member; the Executive Director of the State
5 Properties Commission who shall be an ex officio member; and the Executive Director of
6 the Georgia Regional Transportation Authority who shall be an ex officio member. These
7 members of the Board representing the State shall not be voting members. The first
8 member who must be a resident of that portion of Fulton County lying south of the
9 corporate limits of the City of Atlanta shall be appointed by the governing body of Fulton
10 County to take office on July 1, 1985, for an initial term ending December 31, 1986. The
11 two members who are DeKalb County residents and appointed by the governing authority
12 thereof and who are added by this paragraph shall each be appointed by the governing body
13 of DeKalb County to take office on July 1, 1985, for an initial term ending December 31,
14 1986. After the initial terms of those three members added to the Board in 1985, that
15 governing body which appointed the member for that initial term to that office shall
16 appoint successors thereto for terms of office of four years in the same manner that such
17 governing body makes its other appointments to the Board.

18 The initial terms of the four members added in 1976 by the above paragraph shall be as
19 follows: the member from DeKalb County to be appointed by the local governing body
20 of DeKalb County shall be appointed no later than sixty days after the effective date of this
21 subsection for a term ending December 31, 1978, and shall take office immediately upon
22 appointment; the Commissioner of the Department of Transportation, the State Revenue
23 Commissioner and the Executive Director of the State Properties Commission shall become
24 members of the Board on the effective date of this subsection and shall serve while holding
25 their State offices.

26 The Executive Director of the Georgia Regional Transportation Authority shall become a
27 member of the Board on the effective date of this sentence and shall serve while holding
28 his or her State office.

29 Except as provided above, all appointments shall be for terms of four years except that a
30 vacancy caused otherwise than by expiration shall be filled for the unexpired portion
31 thereof by the local governing body which made the original appointment to the vacant
32 position, or its successor in office. A member of the Board may be appointed to succeed
33 himself or herself. Appointments to fill expiring terms shall be made by the local
34 governing body prior to the expiration of the term, but such appointments shall not be made
35 more than thirty days prior to the expiration of the term. Members appointed to the Board
36 shall serve for the terms of office specified in this section and until their respective
37 successors are appointed and qualified."

SECTION 2.

Said Act is further amended by striking subsection (h) of Section 6 and inserting in its place the following:

"(h) The Board shall hold at least one meeting each month. The Secretary of the Board shall give written notice to each member of the Board at least two days prior to any called meeting that may be scheduled, and said Secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for his giving notice as above. A majority of the total membership of the Board, as it may exist at the time, shall constitute a quorum. On any question presented, the number of members present shall be recorded. By affirmative vote of a majority of the members present who have the power to vote, the Board may exercise all the powers and perform all the duties of the Board, except as otherwise hereinafter provided or as limited by its bylaws, and no vacancy on the original membership of the Board, or thereafter, shall impair the power of the Board to act. All meetings of the Board, its Executive Committee or any committee appointed by the Board shall be subject to all provisions, except for Section 2(a), of an Act providing that all meetings of certain public bodies shall be open to the public, approved March 28, 1972."

SECTION 3.

Said Act is further amended by striking subsection (i) of Section 25 and inserting in its place the following:

"(i) Notwithstanding any other provisions of this Act, the following actions by the Board shall require the affirmative vote of one more than a majority of the total ~~membership~~ number of members of the Board, as it may exist at the time, who have the power to vote:

(1) The issuance and sale of revenue bonds as contemplated in Section 10 or equipment trust certificates as contemplated in Section 11.

(2) The purchase or lease of any privately owned system of transportation of passengers for hire in its entirety, or any substantial part thereof, as contemplated in Section 8(c) or 8(d). Prior to the purchase or lease of any such privately owned system a public hearing pertaining thereto shall have been held and notice of such public hearing shall have been advertised as provided in Section 9(c) hereof. Provided that no sum shall be paid for such privately owned system of transportation in excess of the fair market value thereof determined by a minimum of two appraisers and approved by a majority of the local governments participating in the financing of such purchase.

(3) The award of any contract involving \$100,000.00 or more for construction, alterations, supplies, equipment, repairs, maintenance or services other than professional services, or for the purchase, sale or lease of any property. The Board by appropriate resolution may delegate to the general manager the general or specific authority to enter

1 into contracts involving less than \$100,000.00 if such contracts are entered into in
2 accordance with Section 14 of this Act."

3 **SECTION 4.**

4 Said Act is further amended by striking subparagraph (2) of subsection (h) of Section 9 and
5 inserting in its place the following:

6 "(2) Any differences between amounts charged for various transportation services to the
7 public including, but not limited to, amounts charged for weekend or off-peak hours'
8 service, or amounts charged special groups of persons, shall be approved by at least a
9 two-thirds' vote of the total ~~membership~~ number of members of the Board, as it may exist
10 at the time, who have the power to vote."

11 **SECTION 5.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law
13 without such approval.

14 **SECTION 6.**

15 All laws and parts of laws in conflict with this Act are repealed.