House Bill 264 (AS PASSED HOUSE AND SENATE)
By: Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th, and others

A BILL TO BE ENTITLED
AN ACT

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to revise such Act; to reconstitute the board of directors; to provide for staggered terms for board members; to provide for a limit on re-appointment of board members; to provide for a designee by the chairperson; to provide for a method for nonparticipating counties to join the Authority; to require board approval of certain payments and award of certain contracts; to remove restrictions on the operation of private enterprises; to remove restrictions on fares, rates, and rental charges for charter, group, and party bus services; to revise the procedure for the issuance of bonds; to revise what entities may exercise eminent domain on behalf of the Authority; to revise the amount of certain payments and contract amounts requiring board approval; to revise requirements for annual reporting; to provide for civil penalties to be set by the board for violation of rules and regulations of conduct; to revise procedures for the collective bargaining process; to provide for a suspension of restrictions on the use of sales and use tax proceeds; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by revising Section 6 as follows:

"(a) On and after January 1, 2017, the Board of Directors of the Authority shall be reconstituted and composed of 18 voting members and two nonvoting members. Four members shall be residents of the City of Atlanta to be nominated by the Mayor and elected by the City Council; five members shall be residents of DeKalb County with three of the four appointees to be appointed by the local governing body thereof Board of Commissioners of DeKalb County and at least one of such appointees shall be a resident of DeKalb County; five members shall be residents of Fulton County; five members shall be residents of Gwinnett County; and five members shall be residents of Cobb County.

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of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur and the fourth appointee to be appointed by a majority vote of a caucus of mayors of the municipalities located wholly in DeKalb County; three members shall be residents of Fulton County to be appointed by the local governing body thereof, and at least one of such appointees shall be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta to be appointed by a majority vote of the Fulton County Board of Commissioners, and two of such members shall be residents of that portion of Fulton County lying north of the corporate limits of the City of Atlanta; one member shall be a resident of Fulton or DeKalb County to be appointed by the Governor; one nonvoting member shall be the Commissioner of the Department of Transportation; and one nonvoting member shall be the Executive Director of the Georgia Regional Transportation Authority. Those board members appointed by a local governing authority, caucus, or the Governor as described in this section in office as of January 1, 2017, shall serve initial terms of office as follows: two of the three appointees of the DeKalb County Board of Commissioners, two of the three appointees of the Mayor and City Council of Atlanta, and one of the two appointees of the caucus of mayors from municipalities lying north of the corporate limits of the City of Atlanta shall serve a term of two years, and the remaining appointees shall serve for terms of four years. No later than December 1, 2016, all board members shall be appointed and each local governing authority or caucus shall designate which board members shall serve an initial term of two years. and that membership position held by a Fulton County resident, appointed by the local governing body of that county, the term of which position expires December 31, 1988, shall, beginning on and after January 1, 1989, be filled by the local governing body of Fulton County appointing a person who is a resident of that portion of Fulton County lying north of the corporate limits of the City of Atlanta; one member shall be a resident of Clayton County to be appointed by the local governing body thereof; and one member shall be a resident of Gwinnett County to be appointed by the local governing body thereof. Four members, representing the State, shall be as follows: the Commissioner of the Department of Transportation who shall be an ex officio member, the State Revenue Commissioner who shall be an ex officio member, the Executive Director of the State Properties Commission who shall be an ex officio member, and the Executive Director of the Georgia Regional Transportation Authority who shall be an ex officio member. The first member who must be a resident of that portion of Fulton County lying south of the corporate limits of the City
of Atlanta shall be appointed by the governing body of Fulton County to take office on July 1, 1985, for an initial term ending December 31, 1986. The two members who are DeKalb County residents and appointed by the governing authority thereof and who are added by this paragraph shall each be appointed by the governing body of DeKalb County to take office on July 1, 1985, for an initial term ending December 31, 1986. After the initial terms of those three members added to the Board in 1985, after the initial two-year terms of those five board members described in this subsection, that governing body or caucus which appointed the member for that initial term to that office shall appoint successors thereto for terms of office of four years in the same manner that such governing body or caucus makes its other appointments to the Board.

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


The Executive Director of the Georgia Regional Transportation Authority and the Commissioner of the Department of Transportation shall become a member nonvoting members of the Board on the effective date of this sentence and shall serve while holding his or her State offices.

Except as provided above, all appointments shall be for terms of four years except that a vacancy caused otherwise than by expiration shall be filled for the unexpired portion thereof by the local governing body appointing entity which made the original appointment to the vacant position, or its successor in office. A member of the Board may be appointed to succeed himself or herself for one four-year term; provided, however, that board membership prior to January 1, 2017, shall not be considered in calculating limits on length of service. Appointments to fill expiring terms shall be made by the local governing body appointing entity prior to the expiration of the term, but such appointments shall not be made more than thirty days prior to the expiration of the term. Members appointed to the Board shall serve for the terms of office specified in this section and until their respective successors are appointed and qualified.

(b) Having initially declined membership on the Board and further participation in the Authority, Cobb County may at any time reclaim its membership on the Board and participate further in the Authority as provided in this subsection (b). The local governing
body bodies of Clayton, Cobb, and Gwinnett County counties may, any other provision of this Act to the contrary notwithstanding, negotiate, enter into, and submit to the qualified voters of their respective counties Cobb County the question of approval of a rapid transit contract between Cobb County the county submitting the question and the Authority, all in accordance with the provisions of Section 24 of this Act. The local governing bodies of Cobb County these counties shall be authorized to execute such rapid transit contract prior to the holding of the referendum provided for in said Section 24; provided, however, that such rapid transit contract shall not become valid and binding unless the same is approved by a majority of those voting in said referendum, which approval shall also be deemed approval of further participation in the Authority. Upon approval of such rapid transit contract, Cobb County the county entering into such contract shall be a participant in the Authority, and its rights and responsibilities shall, insofar as possible, be the same as if it had participated in the Authority from its beginning, and the local governing body of Cobb County the county may then appoint two residents of Cobb County the county to the Board of Directors of the Authority, to serve a term ending on the 31st day of December in the fourth full year after the year in which the referendum approving said rapid transit contract was held, in which event the Board of Directors of the Authority shall, subsection (a) of this Section 6 to the contrary notwithstanding, be composed of 16 such additional members.

(c) Reserved.

d) Except for the ex officio members of the Board, no person shall be appointed as a member of the Board who holds any other public office or public employment except an office in the reserves of the armed forces of the United States or the National Guard; any member who accepts or enters upon any other public office or public employment shall be disqualified thereby to serve as a member.

e) A local governing body An appointing entity may remove any member of the Board appointed by it for cause. No member shall be thus removed unless he or she has been given a copy of the charges against him or her and an opportunity to be publicly heard in his or her own defense in person or by counsel with at least ten days' written notice to the member. A member thus removed from office shall have the right to a judicial review of his the member's removal by an appeal to the superior court of the county of the local governing body which appointed him where the member resides, but only on the ground of error of law or abuse of discretion. In case of abandonment of his the member's office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, removal from office, or disqualification under subsection (d) hereof, the office of a member

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shall be vacant upon the declaration of the Board. A member shall be deemed to have abandoned his the member's office upon failure to attend any regular or special meeting of the Board for a period of four months without excuse approved by a resolution of the Board, or upon removal of his the member's residence from the territory of the local governing body which appointed him qualifying the member to serve on the Board.

(f) Each appointed member of the Board, except the Chairman Chairperson, shall be paid by the Authority a per diem allowance, in an amount equal to that provided by Code Section 45-7-21 of the Official Code of Georgia Annotated, as now in effect or as it may hereafter be amended, for each day on which that member attends an official meeting of the Board, of any committee of the Board, or of the Authority's Pension Committee, or Board of Ethics, or Arts Council, provided, however, that said per diem allowance shall not be paid to any such member for more than 130 days in any one calendar year. If the Chairman Chairperson of the Board is an appointed member of the Board, the Chairman Chairperson shall be paid by the Authority a per diem allowance in the same amount for each day in which the Chairman Chairperson engages in official business of the Authority, including but not limited to attendance of any of the aforesaid meetings. A member of the Board shall also be reimbursed for actual expenses incurred by that member in the performance of that member's duties as authorized by the Board. A Board member shall not be allowed employee benefits authorized under Section 8(b).

(g) The Board shall elect one of its members as chairman chairperson and another as vice-chairman vice-chairperson for terms to expire on December 31 of each year to preside at meetings and perform such other duties as the Board may prescribe. The presiding officer of the Board may continue to vote as any other member, notwithstanding his the member's duties as presiding officer, if he or she so desires. The chairperson may select a designee from current members to act on behalf of the chairperson for official business of the authority. Such designee shall be paid by the authority a per diem allowance in the same amount for each day in which the designee engages in official business of the authority, including but not limited to attendance of any official meeting of the board, of any committee of the board, or of the authority's Pension Committee, Board of Ethics, or Arts Council, provided that said per diem allowance shall not be paid to such member for more than 130 days in a calendar year. The Board shall also elect from its membership a secretary and a treasurer who shall serve terms expiring on December 31 of each year. A member of the Board may hold only one office on the Board at any one time.

(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 voting 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, 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 (Ga. L. 1972, p. 575), as now or hereafter amended Chapter 14 of Title 50 of the Official Code of Georgia Annotated.

(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 voting membership of the Board as it may exist at the time:

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 $200,000.00 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. Any contract involving $200,000.00 or more shall be awarded through a competitive bidding process as described in Section 14 of this Act. The Board by appropriate resolution may delegate to the general manager the general or specific authority to enter into contracts involving less than $100,000.00 $200,000.00 if such contracts are entered into in accordance with Section 14 of this Act.

4. The grant of any concession as contemplated in Section 14(f).

5. The award of any contract for the management of any Authority-owned property or facility as contemplated in Section 14(h).

(j) The Board shall appoint and employ, as needed, a general manager, and a general counsel, none of whom may be members of the Board or a relative of a member of the Board, and delegate to them such authority as it may deem appropriate. It may make such
by-laws or rules and regulations as it may deem appropriate for its own government, not inconsistent with this Act, including the establishment of an Executive Committee to exercise such authority as its by-laws may prescribe.

(k) The treasurer of the Authority and such other members of the Board and such other officers and employees of the Authority as the Board may determine shall execute corporate surety bonds, conditioned upon the faithful performance of their respective duties. A blanket form of surety bond may be used for this purpose. Neither the obligation of the principal or the surety shall extend to any loss sustained by the insolvency, failure or closing of any depository which has been approved as a depository for public funds.

(l)(1) In addition to the requirements of subsection (h) of this section, each member of the Board shall hold a meeting once each 12 months with the local governing body which appointed such member. The Secretary of the Board shall give written notice to each member of the Board, to each local governing body, and to the governing authority of each municipality in the county in which there is an existing or proposed rail line at least two days prior to any 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 such notice. These meetings shall be for the purpose of reporting to the local governing bodies on the operations of the Authority and on the activities of the Board and making such information available to the general public. No activity which requires action by the Board shall be initiated or undertaken at any meeting conducted under this subsection.

(2) The Board shall submit once each three months a written report on the operations of the Authority and on the activities of the Board to each local governing body which appoints a member of the Board.

SECTION 2.

Said Act is further amended by revising subsection (p) of Section 8 as follows:

“(p) The Authority shall have no power to operate taxicabs, or facilities designed exclusively for the transportation of property for hire, nor shall it engage in other activities commonly regarded as private enterprise, except to develop a rapid transit system, provide concessions, off-street parking and other facilities for the comfort, safety and convenience of transit passengers, and otherwise accomplish the purposes and policies expressed and contemplated in this Act: Reserved.”

SECTION 3.

Said Act is further amended by revising subsections (c), (e), (f), and (h) of Section 9 as follows:
"(c) The Board shall determine by its own majority vote after public hearings as
hereinafter provided, the routes, types of construction, equipment, and facilities to be
operated by the Authority, the scheduled services to be made available to the public and;
except for the rates, fares, rentals, and charges for charter, group, and party bus services as
provided in subsection (f) of this Section, the amounts to be charged therefor. Before
making any determinations as to scheduled services or amounts to be charged for such
services, other than amounts charged for charter, group, and party bus services, the Board
shall first hold at least one public hearing after giving notice of the time and place by twice
advertising on different days in the newspaper having the largest circulation in the
metropolitan area not more than ten days nor less than five days prior to the hearing. As
to all other matters, the Board may hold such public hearings as it may deem appropriate,
and as to all public hearings, it may prescribe reasonable rules and regulations to govern
such hearings not inconsistent with this Act."

"(e) Except for determining the rates, fares, rentals, and charges for charter, group,
and party bus services as set forth in subsection (f) of this Section, the function of the Board
under subsections (c) and (d) shall not be delegated or exercised by any other person or
body under any circumstances. Reserved.

(f) Notwithstanding any other provisions of this Act to the contrary, the per-hour rates,
fares, rentals, and charges for charter, group, and party bus services rendered by the
Authority shall be no less than the lowest per-hour rates, fares, rentals, and charges actually
charged for charter, group, and party bus services provided by motor common carriers and
motor contract carriers in the metropolitan area. Any person aggrieved by any
determination of the Board as to any rates, fares, rentals, and charges for charter, group,
and party bus services may challenge same by a petition filed, within thirty days of the
occurrence of the event or determination complained of, with the Public Service
Commission of this State. A hearing, and such other proceedings as may be ordered, upon
the aggrieved party's complaint shall be conducted by the Public Service Commission
within thirty days after the filing of the complaint in order to determine the lawfulness of
the challenged conduct or rates, fares, rentals, and charges for charter, group, and party bus
services. The rulings of the Public Service Commission shall be subject to judicial review
in any superior court of any county of the metropolitan area in which the charge may be
applicable; however, whenever two or more legal actions are brought against the
determination of the Public Service Commission in different superior courts, exclusive
jurisdiction thereof shall be vested in the first such court to docket such a petition and all
other petitions may be refiled in the superior court having exclusive jurisdiction.

Reserved."
"(h)(1) Notwithstanding any other provisions of this Act to the contrary, not later than 120 days after the end of each fiscal year of the Authority, the Board shall adjust the amounts to be charged for transportation services to the public so that the total funds to be received from transit operating revenue during the fiscal year ending June 30, 1980, shall be no less than thirty percent of the operating costs of the system for the immediately preceding fiscal year, and so that the total funds to be received from transit operating revenue during the fiscal year ending June 30, 1981, and for each fiscal year thereafter shall be no less than thirty-five percent of the operating costs of the system for the immediately preceding fiscal year. In making such adjustments, the Board shall be authorized to rely upon estimates of all revenue, patronage, and other factors which may affect the amounts to be charged for transportation services to the public; provided, if such amounts actually charged during one fiscal year resulted in transit operating revenue less than that required under this subsection, the amounts to be charged the immediately succeeding fiscal year shall be sufficient, along with all other transit operating revenue, to make up such deficit as well as meet the other requirements of this subsection.

(2) Any differences between amounts charged for various transportation services to the public including, but not limited to, amounts charged for weekend or off-peak hours’ service, or amounts charged special groups of persons, shall be approved by at least a two-thirds’ vote of the total membership of the Board as it may exist at the time.

Reserved.

(3) Nothing in this subsection (h) shall be construed to change any limitation relating to the subsidy of operating costs of the system under subsection (I) of Section 25 of this Act if such limitation would require increasing transit operating revenue above the amount provided in this subsection.

(4) For purposes of this subsection, ‘transit operating revenue’ shall include all revenue from fares, rates, and charges for transportation services and revenues from all other sources except the sales and use taxes levied pursuant to Section 25 of this Act; and ‘operating costs’ means ‘operating costs of the system,’ as defined in subsection (I) of Section 25 of this Act, and exclusive of depreciation and amortization and other costs and charges as provided in the said definition."

SECTION 4.

Said Act is further amended by revising subsection (h) of Section 10 as follows:

“(h) Bonds of the Authority shall may be sold by public competitive bidding, unless such requirement is waived by the local governments participating in the Authority at the time of such sale, in which event the bonds may be sold or through negotiation with a
prospective purchaser or purchasers. If, with respect to the sale of any particular issue of bonds, public competitive bidding is contemplated, the advertising of the notice of sale and invitation to bid with respect thereto shall be advertised as is customarily done in the handling of governmental bond issues and Section 14(b) as to these matters shall not apply. The Authority may negotiate the sale of its bonds to the Federal Government.”

SECTION 5.

Said Act is further amended by revising Section 12 as follows:

"The Authority shall have no power of eminent domain, but the City of Atlanta and the counties of Fulton, DeKalb, Cobb, Clayton and Gwinnett may, for purposes of the Authority, exercise the broadest power of eminent domain shall be available to them any city or county government within the territorial jurisdiction of the Authority or any agency or joint agency thereof, under any statute, and to convey to the Authority any property so acquired upon payment or credit for the total cost of any acquisition hereunder. For purposes of this section, the power of eminent domain shall lie in a city governing body if the property is located within that city's territorial limits and the power of eminent domain shall lie in a county governing body if the property is located in an unincorporated location within the county. However, no local governing body shall exercise any power of eminent domain hereunder with respect to property located beyond its territorial limits.”

SECTION 6.

Said Act is further amended by revising subsections (b) through (d) of Section 14 as follows:

"(b) All such acquisitions, dispositions and contracts involving $100,000.00 $200,000.00 or more shall be awarded only after advertising in the local newspaper of the largest circulation in the metropolitan area at least once a week in the two weeks prior to the bid opening. Bids shall be publicly opened and read aloud at a date, time and place designated in the invitation to bid. Invitations to bid shall be sent at least one week prior to the bid opening to at least three potential bidders who are qualified technically and financially to submit bids, or, in lieu thereof, a memorandum shall be kept on file showing that less than three potential bidders so qualified exist in the market area within which it is practicable to obtain bids. Prior to the award of a contract which will call for an anticipated aggregate payment of $150,000.00 $200,000.00 or more to the successful bidder, the Authority shall make an accurate and brief summary thereof available to the public in its principal office and shall publish post notice of its intention to award such contract to the successful bidder at least five days prior to such award in the local newspaper of the largest circulation in the metropolitan area in a prominent location on the Authority's website. Such advertisement posting shall state the name of the successful bidder, the amount of the contract and its
subject matter. This provision shall apply to contracts entered into thirty days or more after
the effective date of this Act.

(c) Except as otherwise provided in this Section, written price quotations from at least
three qualified and responsible vendors, or vendees as the case may be, shall be obtained
for all acquisitions, dispositions and contracts involving less than $100,000.00 and over
$10,000.00 $200,000.00 or more, or, in lieu thereof, a memorandum approved by the Board
shall be kept on file showing that less than three vendors or vendees, as the case may be,
so qualified exist in the market area within which it is practicable to obtain quotations.
Acquisitions shall be made from, and contracts awarded to, the lowest responsible
quotation, and dispositions of property shall be made to the highest responsible quotation.

(d) Acquisitions, dispositions and contracts involving $10,000.00 or less less than
$200,000.00 may be negotiated with or without competitive bidding under sound
procurement procedures as promulgated and established by the Board."

SECTION 7.

Said Act is further amended by revising Section 14A as follows:

“The Authority shall have available at its principal office for public inspection at all times
during regular business hours of the Authority an accurate and brief summary disclosing
all material terms of each contract which the Authority has entered into and the terms of
which call for expenditures by the Authority of more than $150,000. The Authority shall
prepare an annual report for the period ending June 30 of each year. Each annual report
shall include a statement of the tax revenue and operating revenue received during the
period, a statement of the total expenditures made during the period and a list of all written
contracts entered into by the Authority during the period which call for the Authority to
expend at any time in the aggregate more than $50,000 $20,000.00. Such list shall also
include any employment or consultant contracts (whether or not written) under which the
employee or consultant is to be compensated at an annual rate of more than $20,000,
including direct and indirect or deferred benefits. When a person or firm, whose salary or
fee is reportable hereunder, shall have his compensation increased at any time, the amount
of such increase and the total new rate shall be reported for the period in which the increase
takes effect. The list of contracts shall state the anticipated amount of funds to be paid
thereunder, or the formula for determining such amount. The Authority shall also prepare
a list of the names of each person, firm or corporation which has received from the
Authority during such period in excess of $20,000, as well as the amount paid to such
person, firm or corporation during such period. The annual report, together with the
Comprehensive Annual Financial Report for the preceding calendar year, and lists required
by this Section shall be filed as a statement, verified by the Chairman of the Board of the
Authority and its General Manager, with members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee, the Governor, the presiding officers of the House of Representatives and the Senate, the State Auditor and with governing authorities of each county and the largest municipality in the area of the Authority's operation. The annual report and lists required by this Section shall be prepared and filed within forty-five days of the end of the reporting period submitted by August 31 of each year, shall be made available at the Authority's principal office for public inspection at all times during regular business hours of the Authority following such filing, and notice of such availability shall be published in a daily newspaper of general circulation within the entire geographic area of the Authority's operation within fifteen days after filing. Such notice shall occupy at least one quarter of a full page in such newspaper shall be posted in a prominent location on the Authority's website within two weeks of submittal of the report to the parties enumerated in this Section. Such report shall display employee identification numbers and job titles, and no names or social security numbers of employees shall be displayed.”

SECTION 8.

Said Act is further amended by revising subsection (a) of Section 16 as follows:

“(a) The Board shall make provision for a system of financial accounting and controls, audits and reports. All accounting systems and records, auditing procedures and standards, and financial reporting shall conform to generally accepted principles of governmental accounting. Copies of each financial report required under this Section shall be furnished delivered to the members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee and posted on the website of the Authority. Notice of such publication shall be delivered in electronic format to each local governing body of each participating local government in the metropolitan area as described in Section 6 of this Act. All financial records, reports and documents of the Authority shall be public records and open to public inspection under reasonable regulations prescribed by the Board.”

SECTION 9.

Said Act is further amended by revising subsections (e) and (g) of Section 17 as follows:

“(e) Not later than December 31, 2016, and every four years thereafter, the Authority shall cause to be performed an independent annual management audit on the condition of management of the Authority at the expense of the Authority, to be supervised and approved by the Metropolitan Atlanta Rapid Transit Overview Committee, and which Authority management audit shall be submitted to the Board of the Authority, the Governor, the State Auditor, and the Metropolitan Atlanta Rapid Transit Overview Committee before
December 31 of each year in which it is required. The management audit shall be performed at the expense of the Authority.”

“(g) The Authority shall submit to the Metropolitan Atlanta Rapid Transit Overview Committee, the presiding officers of the House and Senate, and the Governor an annual report which report shall indicate consultant expenses, other professional services, salaries and expenses of full-time and part-time employees and Board members, and payments rendered by to outside companies, or agencies, or entities by to the Authority for any and all goods, services, and projects. Said report shall be submitted by August 31 of each year and shall include, along with the requirements specified in Section 14A of this Act, the name of the payee, the date of payment, the payment amount, and the purpose of each payment. If such payment was made pursuant to a contract, the date on which the contract was awarded, the length of the contract term, the award amount of the contract, the cumulative payments that have been made toward the contract, including the listed payment, and any related contract or project identification number shall be included in the report alongside the name of the payee, the date of payment, the payment amount, and the purpose of each payment. In addition to a printed copy to be provided to the parties enumerated in this subsection, said report shall be posted in a prominent location on the Authority's website within two weeks of submittal of the report to the parties enumerated in this subsection. The report posted on the Authority's website shall show employee identification numbers and job titles instead of the names of the employees. The employee's social security number shall not be used as the employee's identification number.”

SECTION 10.

Said Act is further amended by revising subsections (a) and (b) of Section 20 as follows:

“(a) The Board may promulgate reasonable rules and regulations, not inconsistent with law, for the control and management of its operations, properties, employees and patrons. Violations of rules and regulations governing the conduct of the public in or upon the Authority's transportation system shall be punishable by a civil fine or penalty in an amount set by the Board. All rules and regulations governing the conduct of the public in or upon the Authority's transportation system and the civil fine or penalty for infraction of such rules and regulations shall be posted in a prominent location on the Authority's website.

(b)(1) The Board may provide for the recognition of authorized representatives of the employees of the Authority and for collective bargaining, in accordance with this subsection, with such authorized representatives.

(2) As used in this subsection, the following terms shall have the following meanings:
(A) 'Authorized representative' means the collective bargaining agent for a class of employees, recognized for such purposes by the Board.

(B) 'Collective bargaining' or 'collectively bargain' means performing the mutual obligation of the Authority and the authorized representatives of represented employees to negotiate, in good faith and to impasse, if necessary, over wages, hours, and other terms and conditions of employment with the bona fide intention of reaching a negotiated agreement.

(C) 'Grievance arbitration' means arbitration of a dispute between the Authority and the authorized representative, acting on behalf of a represented employee, which involves the interpretation of an existing labor agreement and the application of the terms and conditions of that labor agreement to the claims of one or more employees.

(D) 'Labor agreement' means an agreement, including any agreement respecting pension or retirement benefits for represented employees, between the Authority and the authorized representative, entered into in accordance with this subsection, which establishes the wages, hours, and other terms and condition of employment for represented employees of the Authority.

(E) 'Represented employee' means an employee of the Authority who is a member of a class of employees for which the Board has recognized an authorized representative.

(3) Every labor agreement entered into by the Authority shall provide for grievance arbitration and shall specify the procedure therefor. In any grievance arbitration, the arbitrators must base their decision upon the express terms and conditions of an existing labor agreement.

(4) Upon or prior to the expiration of an existing labor agreement, the Authority and the authorized representative shall collectively bargain in an effort to reach a successor or replacement labor agreement. If, after expiration of an existing labor agreement, the Authority and the authorized representative are then unable to agree upon the terms and conditions of a new labor agreement, including but not limited to the issue of wages, they shall jointly select or, failing their agreement, upon the written petition of either or both parties, the Governor shall appoint within 30 days after the receipt of said petition a neutral fact finder to investigate and explore all unresolved collective bargaining issues and to render a report to the Authority, the authorized representative, and the public. The neutral fact finder shall conduct such hearings as may be necessary to provide for the full and fair presentation of all unresolved collective bargaining issues by both parties. That fact finder shall be authorized to sign and issue subpoenas for witnesses or documents, to administer oaths, to take oral or written testimony and to take such other actions as may be needed to make comprehensive findings of fact and recommendations. When a subpoena is disobeyed, any party may apply to the Superior Court of Fulton County for
an order requiring obedience. Failure to comply with that order shall be cause for
punishment as for contempt of court. The costs of securing the attendance of witnesses,
including fees and mileage, shall be computed in the same manner as prescribed by law
in civil cases in the superior court.

(5) The fact finder's report shall recommend as to all unresolved collective bargaining
issues, including appropriate wages, hours and other terms and conditions of employment
for represented employees, and shall set forth supporting factual findings, determined
after due consideration of the factors set forth in subparagraphs (A) through (E) of
paragraph (8) of this subsection, and shall contain a summary of the findings. The report
of the fact finder shall be issued within 30 days after the fact finder is selected or
appointed. Upon issuance, the report shall be distributed by the Authority to the
Governor, the Metropolitan Atlanta Rapid Transit Overview Committee of the Georgia
General Assembly, and each local governing body in the metropolitan area. The fact
finder shall cause the summary of findings to be published once in the newspaper having
the largest circulation in the metropolitan area. The fact finder shall be compensated in
the same manner as a special master pursuant to Code Section 22-2-106 of the O.C.G.A.,
and the costs thereof and any other costs of the proceeding shall be borne equally by the
parties. After selection or appointment of a fact finder pursuant to this paragraph, the
parties may continue to collectively bargain on any issues, including but not limited to
those submitted for fact-finding purposes.

(6) Upon issuance of the fact finder's report, the Authority and the authorized
representative shall continue to collectively bargain in light of the recommendations set
forth in such report. If either party rejects any or all of the fact finder's recommendations
and the parties are otherwise unable, through collective bargaining, to reach agreement
on such issue or issues, then each party rejecting any of the fact finder's recommendations
shall prepare a written statement setting forth the specific recommendations which such
party has rejected, the party's counterproposal on the issue or issues, and the reasons for
rejecting the fact finder's recommendations. Prior to commencement of any proceeding
for interest arbitration, as provided in paragraph (7) of this subsection, each party
required under this paragraph to prepare that statement shall cause it to be published in
the local newspaper having the largest circulation in the metropolitan area and shall
concurrently distribute that statement to the Governor, the Metropolitan Atlanta Rapid
Transit Overview Committee of the Georgia General Assembly, and each local governing
body in the metropolitan area.

(7) If, within the 30 days following issuance of the fact finder's report, the Authority and
the authorized representative are unable to conclude a new labor agreement, either party
may then seek binding interest arbitration of all
unresolved issues between the parties. Such an action may be instituted by the filing of
a petition with the Governor for binding interest arbitration and for the appointment of
an arbitrator. The Governor shall appoint an arbitrator who is a member of the National
Academy of Arbitrators or is approved by the American Arbitration Association within
30 days of the petition. That arbitrator shall decide the issues within 90 days after said
petition shall be filed with the Governor. That arbitrator's decision on those issues shall
bind both the Authority and the authorized representative. That arbitrator may require
the Authority and the authorized representative to provide that arbitrator with such
information as the arbitrator determines to be necessary in resolving the issues for a
judicial determination. In even-numbered years, the petition shall be filed in the Superior
Court of Fulton County and directed to the judge with the greatest length of service in
that court. In odd-numbered years, the petition shall be filed in the Superior Court of
DeKalb County and directed to the judge with the greatest length of service in that court.
The judge, without a jury, shall decide upon the issues within 90 days of filing such
petition. The decision of the judge shall be binding upon the Authority and the
authorized representative, and there shall be no appeal of such decision. The judge may
require the Authority and the authorized representative to provide such information as the
judge determines to be necessary in resolving the issues submitted. In the event any
unresolved collective bargaining issue, including but not limited to wage rates for
represented employees, is not submitted for judicial determination, the parties shall
continue the collective bargaining process with respect to such issues in a good faith
effort to reach agreement on such issues or to agree upon the terms and conditions of a
stipulation or submission agreement to be submitted for judicial determination as
provided for in this paragraph.

(8)(A) In any interest arbitration judicial determination under this subsection, the
arbitrator judge shall be bound by any written stipulation or submission agreement
between the Authority and the authorized representative concerning such determination.
In determining any issue, the arbitrator judge shall also give primary consideration
weight both to the report of the neutral fact finder and to the following factors:

(A)(i) The financial ability of the Authority to pay wages and provide benefits,
whether or not increased, including the budget for the current year, the projected
budget for the subsequent ten years, and the need to maintain adequate reserves, while
adhering to all legal requirements governing the Authority's expenditure of public
funds and revenues and maintaining levels of transit service sufficient to serve the
metropolitan area; and

(B)(ii) The amount, if any, of any fare increase which would be necessary to afford
a wage or salary increase or improvement in fringe benefits or extension of vacation,
holiday, or excused time and the ability of the public to bear a fare increase, with
consideration of the per capita income of those persons in the service area;

(B) The judge shall also give secondary consideration to the following factors:

(C) A comparison between the overall wage and salary levels and fringe benefit
levels and vacation, holiday and excused time allowances of the Authority's
represented employees and other workers in the public and private sectors of the
metropolitan area who perform work requiring similar skills in other major ground
transportation services;

(D) A comparison of the hours and working conditions of the Authority's
represented employees and other workers in the public and private sectors of the
metropolitan area who perform work requiring similar skills in other major ground
transportation services; and

(E) The cost of consumer goods and services within the metropolitan area.

(9) In the event that either party wishes to enforce the decision of the arbitrator, a petition
for such enforcement must be filed within ninety (90) days of such decision. In odd
numbered years, the petition must be filed in the Superior Court of Fulton County and
directed to the senior judge in time of service in that court. In even numbered years, the
petition must be filed in the Superior Court of DeKalb County and directed to the senior
judge in time of service in that court. The court shall confirm the decision unless the
decision is vacated by the court because the court finds that the rights of a party were
prejudiced by:

(A) Corruption, fraud, or misconduct in procuring the decision;

(B) Partiality of an arbitrator appointed as a neutral;

(C) An overstepping by the arbitrators of their authority or such imperfect execution
of it that a final and definite decision upon the subject of such matter submitted was not
made; or

(D) The arbitrator's manifest disregard for the law.

The judge's ruling in this enforcement proceeding shall bind the Authority and the
authorized representative and there shall be no appeal from this decision.

(10) Upon vacating a decision, the court may order a rehearing and determination of all
or any of the issues either before the same arbitrator or before a new arbitrator appointed
as provided by this part. In any provision of an agreement limiting the time for a hearing
or decision, time shall be measured from the date of such order or rehearing, whichever
is appropriate, or a time may be specified by the court.

(11) No employee of the Authority shall engage in any strike, sit-down, slow-down,
walkout, or other concerted cessation or curtailment of work, and no authorized
representative of employees of the Authority shall cause, instigate, encourage, promote
or condone any strike, sit-down, slow-down, walkout, or other concerted cessation or curtailment of work by any employee of the Authority. The Authority shall not unilaterally increase, decrease, or otherwise change the wages, including accrued cost of living allowances, or fringe benefits of represented employees as of the last day of an expired contract pending the establishment of new wages and fringe benefits by negotiation or judicial determination.

Subject to any requirement imposed pursuant to Section 13 (c) of the Urban Mass Transportation Act of 1964, as amended, the Authority at all times shall have the right to determine the method, means, and personnel by which its operations are to be carried on, including the right to hire part-time employees."

SECTION 11.

Said Act is further amended by revising subsection (b) of Section 21 as follows:

"(b) The Authority shall also be exempt from any regulation by the Public Service Commission of this State, except as provided in Section 9(f) of this Act, and except that when any proposed action of the Authority, or any local government on behalf of the Authority, may place a public utility, railroad or public service corporation in violation of the requirements of the Commission, or create the need for collaboration with respect to compliance with the requirements of the Commission, the Authority shall obtain the Commission's cooperation and approval of the proposed action. In such matters and particularly with respect to the matters contemplated in Section 8(j), the Commission shall cooperate with the Authority to accomplish the purposes and policies of this Act."

SECTION 12.

Said Act is further amended by revising subsection (i) of Section 25 as follows:

"(i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be used solely by each local government to fulfill the obligations incurred in the contracts entered into with the Metropolitan Atlanta Rapid Transit Authority as contemplated in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended; provided, however, that no more than fifty percent (50%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection, until January 1, 2002. For the period beginning January 1, 2002, and ending June 30, 2002; and for each fiscal year commencing thereafter until December 31, 2008, no more than fifty-five percent (55%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and for the period beginning January 1, 2009, and ending June 30, 2009, and..."
each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; Such restrictions on the use of annual proceeds from local sales and use taxes shall be suspended through June 30, 2017, except that if the Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the Metropolitan Atlanta Rapid Transit Overview Committee annually, the original and 14 copies of a report of the findings of a completed management performance audit of the Authority's current operations, which audit was performed under contract with and at the expense of the Authority, along with any auditor's recommendations based thereon and the auditor's signed written verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit and allowed access to all its books, records, and documents to the extent the auditor deemed necessary, then for the period beginning January 1, 2003, and ending June 30, 2003, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. For each fiscal year commencing on or after July 1, 2032, no more than sixty percent (60%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and commencing with July 1, 2032, and for every year thereafter, the proceeds of the tax shall not be used to subsidize operations of the transportation system to an extent greater than fifty percent (50%) of the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. In adopting its annual budget, the Board of the Metropolitan Atlanta Rapid Transit Authority shall be authorized to rely upon estimates of all revenues, operating costs, patronage, and other factors which may affect the amount of the fare required to limit the operating subsidy herein provided for. If the results of any year's operations reflect that the proceeds of the tax were used to subsidize operations to an extent greater than herein provided, the Board shall adjust fares in order to make up the deficit in operations during a period of not to exceed three (3) succeeding years. If the results of operations in the Authority's fiscal year commencing July 1, 1980, or in any subsequent fiscal year reflect that the proceeds of the tax were not used to subsidize operations to the maximum extent herein provided, the Board shall reserve any amounts that could have been used to subsidize operations in that fiscal year and later use said reserved amounts and any interest earned on said reserved amounts to provide an additional subsidy for operations in any future fiscal year or years. The words 'operating costs of the system' for purposes of this subsection 25(I) are defined to include all of the costs of that division of
the Authority directly involved and that portion of the nonoperating administrative costs
of those divisions of the Authority indirectly involved, through the provision of support
services, in providing mass transportation services for the metropolitan area, but exclusive
of the costs of the division or divisions directly involved and that portion of the
nonoperating administrative costs of those divisions indirectly involved, in the planning,
design, acquisition, construction, and improvement of the rapid transit system, according
to accepted principles of accounting, and also exclusive of the following costs:

(1) Nonrecurring costs and charges incurred in order to comply with any statute or
regulation concerning either the protection or cleaning up of the environment, or
accessibility by handicapped or disabled persons, or occupational health or safety, or
compliance with any national or state emergencies, or with any judgment, decree, or
order of any court or regulatory agency in implementation of any such statute or
regulation; and

(2) In the case of leases of equipment or facilities that, according to generally accepted
principles of accounting, would not be classified as capital leases, payments of rent, and
other payments for the property subject to such leases or for the use thereof; provided that
any costs for regular maintenance or repair of such equipment or facilities shall not be
excluded.

If any proceeds of the tax levied pursuant to this Act are held for the purpose of planning,
designing, acquiring, or constructing additional facilities or equipment for or improvements
to the rapid transit system and are invested, then all interest earned from such investments
shall be used only for such purposes or for paying the principal of or interest on bonds or
certificates issued for such purposes. Commencing July 1, 1988, and until June 30, 2008,
and only if expressly authorized by the board, interest earned on reserve funds set aside for
rebuilding, repairing, or renovating facilities of the rapid transit system; for replacing,
repairing, or renovating equipment or other capital assets thereof; or from the sale or other
disposition of real property, may, without regard to the original source of the funds so
reserved, be used to pay the operating costs of the system as such costs are defined in this
subsection.”

SECTION 13.

This Act shall become effective on June 1, 2014, except for Section 10 of this Act, which
shall become effective upon its approval by the Governor or upon its becoming law without
such approval.

SECTION 14.

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