

GWINNETT COUNTY

BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: **A Resolution To Provide For The Calling Of An Election To Determine The Question Of The Approval Of A Contract For The Provision Of Rapid Transit Services, Dated August 2, 2018, Between Gwinnett County And The Metropolitan Atlanta Rapid Transit Authority**

READING AND ADOPTION: August 1, 2018

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

On motion of **Chairman Nash**, which carried **5-0**, the Gwinnett County Board of Commissioners hereby adopts the following Resolution:

A RESOLUTION TO PROVIDE FOR THE CALLING OF AN ELECTION TO DETERMINE THE QUESTION OF THE APPROVAL OF A CONTRACT FOR THE PROVISION OF RAPID TRANSIT SERVICES, DATED AUGUST 2, 2018, BETWEEN GWINNETT COUNTY AND THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

WHEREAS, Gwinnett County is a thriving, vibrant community that has experienced growth and progress over multiple decades; and

WHEREAS, Gwinnett County, with its healthy economy, quality of life, and community amenities, continues to attract people and businesses; and

WHEREAS, the population of Gwinnett County is projected to increase by almost 500,000 residents by 2040, leading to even more congestion than currently exists; and

WHEREAS, business traffic and freight truck movements are also projected to increase greatly over the next two decades due, in part, to the positive impact on Gwinnett's economy resulting from the expansion of the Savannah Port; and

WHEREAS, the Gwinnett County Board of Commissioners desires to take steps to address the growing traffic and congestion issues by providing additional options for travel in order to keep Gwinnett County a preferred place for people and businesses; and

WHEREAS, over the last three years, Gwinnett County has updated its comprehensive transportation plan and created the first transit development plan for the County with the involvement of many residents, businesses, and other organizations; and

WHEREAS, the transportation and transit planning process identified the need for expanded transit options within Gwinnett County; and

WHEREAS, the robust public outreach and collection of opinions that were part of the development of these two plans identified a high level of interest in expanded transit options and support for implementing those; and

WHEREAS, on July 17, 2018, the Board of Commissioners approved a comprehensive transit development plan for Gwinnett County designated as the Connect Gwinnett Transit Plan; and

WHEREAS, the Plan establishes a countywide, long-term vision for transit services within the County and recommendations regarding its funding and implementation; and

WHEREAS, the Connect Gwinnett Transit Plan provides a road map for development of transit services and facilities to serve the current and future needs of Gwinnett County residents; and

WHEREAS, Official Code of Georgia Annotated Section 32-9-20 authorizes Gwinnett County to determine the extent of its financial participation in such a rapid transit system; and

WHEREAS, if Gwinnett County and the Metropolitan Atlanta Rapid Transit Authority approve the terms of a contract for the provision of rapid transit services in Gwinnett County, Gwinnett County is authorized to call for a referendum to be placed on the ballot on March 19, 2019; and

WHEREAS, the referendum would place before the voters the question of whether the contract for the provision of rapid transit services shall be approved; and

WHEREAS, on August 1, 2018 Gwinnett County approved a contract with the Metropolitan Atlanta Rapid Transit Authority for the provision of rapid transit services pursuant to the provisions of Official Code of Georgia Annotated Section 32-9-20 and the contract was duly executed thereafter; and

WHEREAS, the Gwinnett County Board of Commissioners wishes to express its appreciation to the Metropolitan Atlanta Rapid Transit Authority for the cooperation and effort demonstrated throughout the negotiation of the contract; and

WHEREAS, the contract incorporates and relies heavily on the Connect Gwinnett Transit Plan recently approved by the Gwinnett County Board of Commissioners; and

WHEREAS, the Board of Commissioners has determined that the provision of rapid transit services is in the best interest of the residents of Gwinnett County;

NOW, THEREFORE, BE IT RESOLVED BY THE GWINNETT COUNTY BOARD OF COMMISSIONERS, pursuant to the authority granted to Gwinnett County in Official Code of Georgia Annotated Section 32-9-20, that the County Clerk is hereby authorized and directed to transmit this Resolution to the Elections Superintendent to issue the call for a referendum for the purpose of submitting to the electors of Gwinnett County the question whether the contract for the provision of rapid transit services between Gwinnett County and the Metropolitan Atlanta Rapid Transit Authority, dated August 2, 2018, shall be approved.

BE IT FURTHER RESOLVED that upon receipt of this Resolution, the Elections Superintendent shall issue the call for the referendum not less than ninety days prior to March 19, 2019 as prescribed by Official Code of Georgia Annotated Section 21-2-540, and the Elections Superintendent shall submit the question of whether the contract for the provision of transit services between Gwinnett County and the Metropolitan Atlanta Rapid Transit Authority, dated August 2, 2018, shall be approved to the qualified voters of Gwinnett County on March 19, 2019.

BE IT FURTHER RESOLVED that this Resolution and the call for the referendum is hereby expressly made contingent on approval and execution by the Metropolitan Atlanta Rapid Transit Authority of the contract for the provision of transit services dated August 2, 2018. Verification of the approval and execution of the contract for provision of rapid transit services shall be provided by the Metropolitan Atlanta Rapid Transit Authority. Such verification may be submitted to the Chairman of the Gwinnett County Board of Commissioners.

BE IT FURTHER RESOLVED that the Elections Superintendent shall issue the call for the referendum in all respects complying with the Georgia Elections Code and Official Code of Georgia Annotated Section 32-9-20.

BE IT FURTHER RESOLVED that the Gwinnett County Board of Registrations and Elections is hereby requested to call an election in all voting precincts within the territorial limits of Gwinnett County on March 19, 2019 for the purpose of submitting to the qualified voters of Gwinnett County

the question whether the contract for the provision of transit services between Gwinnett County and the Metropolitan Atlanta Rapid Transit Authority, dated August 2, 2018, shall be approved.

BE IT FURTHER RESOLVED that, as provided in State law, the ballots to be used in the election shall have printed thereon the following question to be determined by the voters:

“() YES Gwinnett County has executed a contract for the provision of transit services,
() NO dated as of August 2, 2018.
Shall this contract be approved?”

BE IT FURTHER RESOLVED that the ballot shall have printed thereon the word “YES” and the word “NO” in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded, and said election shall be held in accordance and in conformity with the laws of the State of Georgia. If a majority of those voting in such election vote in favor of the proposition submitted, the rapid transit contract as approved shall become valid and binding in accordance with its terms.

BE IT FURTHER RESOLVED that the Gwinnett County Board of Registrations and Elections is hereby requested to hold such election in accordance with the election laws of the State of Georgia and to canvass the returns, declare the result of the election and certify the result to the Secretary of State and to the Commissioner of Revenue. The Gwinnett County Board of Registrations and Elections is also hereby requested to certify the result of the election to the Gwinnett County Board of Commissioners in addition to any other person designated by law to receive the same. The Gwinnett County Board of Commissioners shall officially declare the result to the election.

BE IT FURTHER RESOLVED that the Gwinnett County Board of Registrations and Elections is hereby requested to publish a notice of the date and purpose of the election once a week for four weeks immediately preceding the week during which the referendum is to be held in the official organ of Gwinnett County, and the notice to the electors of Gwinnett County shall state that on the day named therein an election will be held to determine the question of whether or not Gwinnett County shall enter into the proposed rapid transit contract and said notice shall contain the full text of the proposed contract, which contract shall set forth the obligations of the parties thereto. None of the documents or exhibits which are incorporated in such contract by reference or are attached to such contract and made a part thereof shall be published. Said notice shall contain language in substantially the following form:

NOTICE OF ELECTION
TO THE QUALIFIED VOTERS OF GWINNETT COUNTY

NOTICE is hereby given that on the 19th day of March, 2019, an election will be held in all of the election districts within the territorial limits of Gwinnett County at which time there will be submitted to the qualified voters of Gwinnett County for their determination the question whether or not the contract for the provision of transit services between Gwinnett County and the Metropolitan Atlanta Rapid Transit Authority, dated August 2, 2018, shall be approved.

All persons desiring to vote in favor of approving the contract for the provision of transit services between Gwinnett County and the Metropolitan Atlanta Rapid Transit Authority, dated August 2, 2018, shall vote "YES" and all persons opposed to the contract for the provision of transit services between Gwinnett County and Metropolitan Atlanta Rapid Transit Authority, dated August 2, 2018, shall vote "NO" as to the question propounded, to-wit:

" YES Gwinnett County has executed a contract for the provision of transit services,
 NO dated as of August 2, 2018.
Shall this contract be approved?"

The several places for holding said election shall be in the regular and established election districts of Gwinnett County, Georgia and the polls shall be open from 7:00 o'clock A.M. until 7:00 o'clock P.M. on the date fixed for the election.

The last day for qualified residents of Gwinnett County to register to vote to be eligible to vote in the Special Election referenced herein is February 19, 2019. Those qualified voters in said Special Election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia.

BE IT FURTHER RESOLVED that the Clerk of the Board of Commissioners is hereby authorized and directed to forthwith furnish the Chairman of the Gwinnett County Board of Registrations and Elections with a duly certified copy of this Resolution in order that the Board of Registrations and Elections shall issue the call for such Special Election to be held on March 19, 2019

and that the Board of Registrations and Elections shall take such action in the premises as provided by law.

BE IT FURTHER RESOLVED that the proper officers and agents of Gwinnett County are hereby authorized to take any and all further actions as may be required in connection with the contract for the provision of transit services between Gwinnett County and Metropolitan Atlanta Rapid Transit Authority, dated August 2, 2018, that is the subject of the March 19, 2019 Special Election.

BE IT FURTHER RESOLVED that any and all Resolutions in conflict with this Resolution be and the same are hereby repealed.

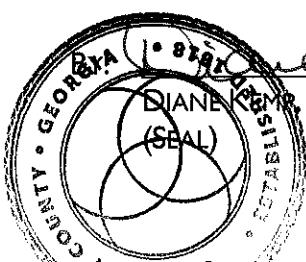
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

THIS RESOLUTION is adopted this the 1st day of August, 2018.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash
CHARLOTTE J. NASH, CHAIRMAN

ATTEST:



APPROVED AS TO FORM:

By: Van Stephens
VAN STEPHENS, CHIEF ASSISTANT COUNTY ATTORNEY