



BOARD OF DIRECTORS

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

THURSDAY, OCTOBER 13, 2022

ATLANTA, GEORGIA

MEETING MINUTES

CALL TO ORDER AND ROLL CALL

Chair Rita Scott called the meeting to order at 2:07 P.M.

Board Members

Present:

Roberta Abdul-Salaam
Robert Ashe III
Stacy Blakley
Jim Durrett
William Floyd
Roderick Frierson
Kathryn Powers
Rita Scott
Reginald Snyder
Heather Aquino¹

Board Members

Absent:

Freda Hardage
Russell McMurry¹
Al Pond
Thomas Worthy
Rod Mullice

Staff Members Present:

Collie Greenwood
Melissa Mullinax
Ralph McKinney
Raj Srinath
Luz Borrero
Rhonda Allen

¹Russell McMurry is the Commissioner of the Georgia Department of Transportation (GDOT) Heather Aquino is the Interim Executive Director of the Georgia Regional Transportation Authority (GRTA). Per the MARTA Act, both are non-voting members of the Board of Directors.

Peter Andrews
George Wright
Josh Rowan

Also in Attendance:

Torrey Kirby
Jonathan Hunt
Colleen Kiernan
Paula Nash
Donna DeJesus
Jacqueline Holland
Tyrene Huff
Kenya Hammond

PUBLIC COMMENTS (SUBMITTALS VIA TELEPHONE, U.S. MAIL AND IN PERSON)

Ed Williams [via email]
Shanita Chandler [in person]
Vincent Fort [in person]
Hans Klein [in person]

1. APPROVAL OF THE MINUTES

Approval of the September 8, 2022, Board of Directors Meeting Minutes

Approval of the September 8, 2022, Board of Directors Meeting Minutes. On a motion by Board Member Ashe III, seconded by Board Member Blakley, the motion passed by a vote of 7 to 0 with 2 members abstaining and 9 members present.

2. PLANNING & CAPITAL PROGRAMS COMMITTEE REPORT

Committee Chair John Pond reported that the Committee met on September 29, 2022, and approved the following resolutions:

Committee Chair Report Planning & Capital Programs

Approval of Planning & Capital Programs Committee Resolutions 2a & 2b. On a motion by Board Member Ashe III, seconded by Board Member Blakley, the resolution passed by a vote of 7 to 0 with 2 members abstaining and 9 members present.

3. OPERATIONS & SAFETY COMMITTEE REPORT

Committee Chair W. Thomas Worthy reported that the Committee met on September 29, 2022, and approved the following resolution:

Committee Chair Report Operations & Safety

Approval of Operations & Safety Committee Resolutions 3a, 3b, 3c, 3d & 3e. On a motion by Board Member Snyder, seconded by Board Member Ashe III, the resolution passed by a vote of 7 to 0 with 2 members abstaining and 9 members present.

4. BUSINESS MANAGEMENT COMMITTEE REPORT

Committee Chair Roderick Frierson reported that the Committee met on September 29, 2022, and approved the following resolutions:

Committee Chair Report Business Management

Approval of Business Management Committee Resolutions 4a, 4b, 4c, 4d, 4e, & 4f. On a motion by Board Member Durrett, seconded by Board Member Blakley, the resolution passed by a vote of 7 to 0 with 2 members abstaining and 9 members present.

5. RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN CLAYTON COUNTY AND MARTA FOR A PROGRAM COORDINATOR POSITION [TABLED FROM SEPTEMBER 8, 2022 BOARD MEETING]

Approval of the Resolution Authorizing the Execution of an Intergovernmental Agreement ("IGA") Between Clayton County and MARTA for a Program Coordinator Position

Approval of the Resolution Authorizing the Execution of an Intergovernmental Agreement ("IGA") Between Clayton County and MARTA for a Program Coordinator Position On a motion by Board Member Powers, seconded by Board Member Durrett, the resolution passed by a vote of 8 to 0 with 1 member abstaining and 9 members present.

6. OTHER MATTERS

Approval of a Resolution of the MARTA Board of Directors Appointing a Member to the Board of the Technology and Energy Enhancement Authority. On a motion by Board Member Durrett, seconded by Board Member Floyd, the resolution passed by a vote of 8 to 0 with 1 member abstaining and 9 members present.

Approval of a Resolution to Enter into Negotiations with the Peebles Corporation, Bolster Real Estate Partners, Exact Capital and Third & Urban [The "Developer"] for the Development of Parcel D5015 at Bankhead Station, RFP P47501. On a motion by Board Member Durrett, seconded by Board Member Ashe, the resolution passed by a vote of 8 to 0 with 1 member abstaining and 9 members present.

Approval of a Resolution Granting a Conditional Waiver from the MARTA code of Ethics to WSP USA to Contract with MARTA While Manjeet Ranu is Employed by WSP USA Prior to Six Months from the Conclusion of His Voluntary Termination of Employment with MARTA. On a motion by Board Member Durrett, seconded by Board Member Ashe, the resolution passed by a vote of 8 to 0 with 1 member abstaining and 9 members present.

7. COMMENTS FROM THE BOARD

None

8. ADJOURNMENT

The Board meeting adjourned at 2:33 P.M.

Respectfully submitted,



Tyrene L. Huff
Assistant Secretary to the Board

YouTube link: <https://youtu.be/BKJw63ebklq>

October 13th, 2022 Board Meeting Public Comments
Received via (404) 848-6000, marta.board@itsmarta.com, public@itsmarta.com

Summary: One customer provided a public comment

1 – E-mail

0 – Voice Messages

1.) Message Date: Thursday, October 13, 2022 9:04 a.m. (Via MARTA Board Email) &
9:04 a.m. (Via Public Email)

Dr. Ed. Williams

Truthcrushtheearth@gmail.com

Good Afternoon Board of Directors:

I am the chair of the Concerned Citizens for Effective Government. MARTA has committed several Open Meetings Act violations. MARTA did not post its July and August board meeting minutes until October, even though it had approved the minutes and held a September Board meeting. MARTA failed to post its July and August final Board Meeting minutes in a timely manner on its website. The minutes are supposed to be made available after the next board meeting. Recently the MARTA Board made a decision to execute an Interim General Manager/CEO Employment Agreement with Collie Greenwood without public notice as a walk-on item during the August 11 board meeting, and recently the Board held a special called meeting on October 3, 2022, and the only agenda item was an executive session to discuss a personal matter. Three days later MARTA releases a press release stating “ (MARTA) Board of Directors’ GM/CEO Search Committee voted to advance interim GM/CEO Collie Greenwood as the sole finalist for the permanent position” Any vote taken by a board committee should have been in public as required by OCGA 50-14-3(b)(2) “The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available.” See OCGA 50-14-1(b)(1)(2)(3). This action also appears to have violated the Board Bylaws notice under Article II, section 5,

The MARTA Board search committee took action in an executive session. There is no record that it voted in an open meeting between October 3 and October 6, 2022, before MARTA published the press release.

I did not see any YouTube video or summary minutes that provide any evidence that there was a meeting open to the public and MARTA did not provide the public with proper notice.

The Search Committee voted on October 3, 2022, as noted in the October 6, 2022 press release made in the executive search. There were no video or summary minutes of any search committee vote in an open public meeting. The MARTA Board search committee took official action to reduce the 5 candidates down to a finalist and made a public announcement without having ever taken a public vote by the search committee or the full MARTA Board. The important issue is that it has announced that it eliminated 4 candidates. This is a violation of OCGA 50-14-3(b)(2) " The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. " Also, it is the MARTA Board, not the search committee under the MARTA Act that appoints the CEO/GM." See MARTA Act 6(j).

The Search Committee would likely need to vote in public in an open meeting first and then submit their decision to the full board to vote since it was already published as to the process that would be used for all candidates. I think changing the process would open MARTA up to litigation by the other candidates who were eliminated without a public vote and a process that was not transparent.

Recently the MARTA Board voted on a contract for acting CEO Collie Greenwood. However, this item was not on the July or August Board Meeting Agendas. The Board had expected to vote on the matter during the meeting however, it failed to place the items on the agenda. However, this item was not on the July or August Board Meeting Agendas. The Board had expected to vote on the matter during the meeting however, it failed to place the items on the agenda

History seems to be repeating itself. As you know I filed an Open Meetings Act violation with the attorney General in 2018, and then filed a lawsuit. MARTA at that time decided to reverse its employee waiver decision it made in June 2018 and re-voted the item on the October 2018 MARTA Board agenda and voted on it.

All citizens have a right to expect those who practice law or hold an office of trust and who take an oath to faithfully follow the law. It is the right of all citizens to hold their government accountable within the provisions of the Constitution through a petition,

Thank You

Ed Williams,

Ed Williams Attachment: (5 Pages)

Entitled –Concerned Citizens For Effective Government MARTA Board Meeting Oct 13 2022

Edward E. Williams, Ed.D.
P.O. Box 361626
Decatur, Georgia 30036
13 October 2022

MARTA Board of Directors
Metropolitan Atlanta Rapid Transit Authority
2424 Piedmont Road
Atlanta, Georgia 30324
(404) 848-5000
marta.board@itsmarta.com
public@itsmarta.com

Re: **Open Meetings Act Violations and Violations of the MARTA Act**

[Begin Public Comment]

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Thank You

Ed Williams,

[End Public Comments]

References

MARTA General Counsel Leah Sears Ward former Justice of the GA Supreme Court argues against legal fees, at the same time seeking legal fees against Plaintiff Ed Williams in Williams v. MARTA S22A1161 Gwinnett Operations LLC et al. v. Michelle McKinney, Administrator S22X1097

<https://www.gasupreme.us/october-05-2022/?fbclid=IwAR3rpgVPoSdyksnteti9jf-do8g3dQfvGSe4xRNe4COQVgzbX060AhLVdw0>

What do we need to do to get public officials to listen to residents? Campbellton Road Corridor and NPUs Public Comment from a resident to the MARTA Board Sept 8, 2022, MARTA Board Meeting. Ms. Mona Muhammad speaker

<https://www.youtube.com/watch?v=416g48K8thc?start=6231&end=120>

MARTA seeks \$166K in attorneys' fees for 'frivolous' lawsuit against its operating contract

<https://saportareport.com/marta-seeks-166k-in-attorneys-fees-for-frivolous-lawsuit-against-its-operating-contract/sections/reports/johnruch/>

Public Comments made at MARTA Board Meeting on August 11, 2022, 1 hour 50 minutes into the video,

<https://www.youtube.com/watch?v=GIN0bXWMxkY&t=6660s>

Public Comments made at MARTA Board Meeting on June 9, 2022, 1 hour 50 minutes into the video,

<https://www.youtube.com/watch?v=bYs2ulNIUt4&t=6600s>

OP/ED: Public must demand new referendum for MARTA sales tax, speak out against retaliatory actions

<https://ocgnews.com/op-ed-public-must-demand-new-referendum-for-marta-sales-tax-speak-out-against-retaliatory-actions/>

Long Version MARTA Seeks To Runover Citizen Rights

[https://drive.google.com/file/d/147Iq-xSiO7EFWII2TEQgwfqi_YM5oljF/view?](https://drive.google.com/file/d/147Iq-xSiO7EFWII2TEQgwfqi_YM5oljF/view?usp=sharing)

Plaintiff's Reply Brief Williams v. MARTA

https://drive.google.com/file/d/1tPgt0Y9t9p66tYv0Z5dy7n7rSRzH_pI0/view?usp=sharing

Plaintiff's Response to Motion for Attorney Fees

https://drive.google.com/file/d/1r7x0cIgg_zu70W81OO_B_Hiv4zuj-x4/view?usp=sharing

Plaintiff Complaint / Petition

<https://drive.google.com/file/d/1k62tKun6JCRn3mwAObrvKJgrAQlrvZae/view?usp=sharing>

Plaintiff Complaint / Petition with full Exhibits

<https://drive.google.com/file/d/1UrrNzkdA0Ptxiok3FNIDaVn8dyR89-b0/view?usp=sharing>

MARTA LEGAL ISSUES

<https://drive.google.com/file/d/1pNYteisTHpUFLIvjpFeWcHIJCLkHP5pf/view?usp=sharing>

Issues with Metropolitan Area Transit

<https://ccegov.blogspot.com/2019/08/metropolitan-area-transit-and-issues-of.html>

Ed Williams. Ed.D. Chair
Concerned Citizens For Effective Government
<https://www.facebook.com/groups/ccegov/>
<http://ccegov.blogspot.com>
(678) 304-7736
email: truthcrushtheearth@gmail.com
Twitter: <http://Twitter.com/@truthcrushthee2>

**RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
("IGA") BETWEEN CLAYTON COUNTY AND MARTA FOR A PROGRAM COORDINATOR POSITION**

WHEREAS, on November 4, 2014, the residents of Clayton County approved a referendum to dedicate a one-cent sales tax for the expansion of MARTA service to Clayton County; and

WHEREAS, on February 11, 2020, Clayton County passed the 15th Amendment to the Rapid Transit Contract and Assistance Agreement (RTCAA) to extend the one-cent sales tax to fund MARTA bus and high-capacity transit service through June 30, 2057; and

WHEREAS, MARTA has planned enhancements in Clayton County to provide high-capacity transit service with the Southlake Bus Rapid Transit ("BRT"), the Clayton County Transit Hub, the MARTA Operations and Maintenance Facility in Forest Park, and the MARTA Bus Shelter Program; and

WHEREAS, the Parties desire to designate a Program Coordinator to support the collaborative work for the planned enhancements in Clayton County regarding the planning, program management, design, permitting, utility coordination, right of way coordination, and construction coordination;

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority hereby authorizes the Interim General Manager / CEO, or his authorized delegate, as provided for in the By-Laws of the Authority, to execute the IGA with Clayton County for Program Coordinator Position.

APPROVED AS TO LEGAL FORM:

DocuSigned by:
Peter J. Andrews
A0EF047927B94DA...

Counsel, Metropolitan Atlanta

Rapid Transit Authority

**RESOLUTION OF THE MARTA BOARD OF DIRECTORS APPOINTING A MEMBER TO THE BOARD OF THE
TECHNOLOGY AND ENERGY ENHANCEMENT AUTHORITY**

WHEREAS, pursuant to the passage of House Bill 762 during the 2021 Legislative Session of the Georgia General Assembly, the Fulton Technology and energy Enhancement Authority (“TEA”) was created; and

WHEREAS, the TEA is charged with identifying, target and alleviating the specific elements relating to the underdevelopment of technological resource and energy in those areas with Fulton County where such advancements are lacking; and

WHEREAS, the TEA is governed by a Board consisting of seven members; and

WHEREAS, one of the members of the TEA Board is to be appointed by the MARTA Board of Directors; and

WHEREAS, in May of 2021 the MARTA Board of Directors appointed Collie Greenwood to the TEA Board; and

WHEREAS, following his appointment as Interim GM/CEO of MARTA in January of 2022, Mr. Greenwood delegated his spot to Raj Srinath, Chief Financial Officer of MARTA and the MARTA Board wished to formalize the delegation of the spot to Mr. Srinath.

NOW THEREFORE BE IT RESOLVED, the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority hereby ratifies the delegation by Mr. Greenwood and appoints Raj Srinath, Chief Financial Officer, to serve on the TEA Board of Directors.

APPROVED AS TO LEGAL FORM:

A handwritten signature in black ink, appearing to be 'Raj Srinath', is written over a horizontal line.

Counsel, Metropolitan Atlanta

Rapid Transit Authority

AUTHORIZATION TO ENTER INTO NEGOTIATIONS WITH THE PEEBLES CORPORATION, BOLSTER REAL ESTATE PARTNERS, EXACT CAPITAL AND THIRD & URBAN (THE "DEVELOPER") FOR DEVELOPMENT OF PARCEL D5015 AT BANKHEAD STATION, RFP P47501

WHEREAS, On January 13, 2022 the Metropolitan Atlanta Rapid Transit Authority duly sent to potential Offerors notice of its Request for Proposals for the Development of Parcel D5015 at Bankhead Station; and

WHEREAS, notice of the said Request for Proposals was advertised in the local newspaper of the largest circulation in the Atlanta metropolitan area once in each of the two weeks prior to the proposal deadline; and

WHEREAS, all Proponents were given the opportunity to protest the proposal instructions, specifications, and/or procedures; and

WHEREAS, on May 4, 2022 at 2:00 p.m., local time, three (3) proposals were received; and

WHEREAS, the Authority's staff determined that the Peebles Corporation, Bolster Real Estate Partners, Exact Capital and Third & Urban submitted the most advantageous offer and other factors considered and is technically and financially capable of providing the services.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the Interim General Manager/CEO or his delegate be, and hereby is, authorized to enter into negotiations to develop a term sheet with the Peebles Corporation, Bolster Real Estate Partners, Exact Capital and Third & Urban for the procurement of Request for Proposals Number P47501, Development of Parcel 5015 at Bankhead Station.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

A RESOLUTION GRANTING A CONDITIONAL WAIVER FROM THE MARTA CODE OF ETHICS TO WSP USA TO CONTRACT WITH MARTA WHILE MANJEET RANU IS EMPLOYED BY WSP USA PRIOR TO SIX MONTHS FROM THE CONCLUSION OF HIS VOLUNTARY TERMINATION OF EMPLOYMENT WITH MARTA

WHEREAS, Manjeet Ranu held the position of Chief of Capital Programs, Expansion and Innovation until September 23, 2022, having tendered his voluntary resignation on September 6, 2022, the first business day after accepting a conditional offer of employment with WSP USA, for the position of Senior Vice President, National Planning, contingent on MARTA confirmation of Code of Ethics compliance; and

WHEREAS, the MARTA Code of Ethics, as amended on March 1, 2022, Section 13, is interpreted to prohibit MARTA from contracting—existing and future contracts—with a vendor that employs a former MARTA employee within six months from the termination of employment date; and

WHEREAS, WSP USA currently has multiple contracts with MARTA and may seek future new contracts with MARTA during the six-month period established in Section 13 of the MARTA Code of Ethics; and

WHEREAS, the MARTA Code of Ethics, Section 18 directs an initial question of interpretation of the Code of Ethics to the Chief Legal Counsel; and

WHEREAS, Chief Legal Counsel, a member of MARTA's management, opined that based on past Board of Directors precedent on substantially similar matters, the Board of Directors is the appropriate venue for rendering a decision on a waiver from the provision of Section 13 prohibiting existing and new contract work with MARTA by WSP USA within the six-month period commencing from Mr. Ranu's conclusion of employment with MARTA; and

WHEREAS, Section 1 of the MARTA Code of Ethics designates the Board of Directors as the decision-maker on a waiver from the Code; and

WHEREAS, the Board of Directors have reviewed this request and found that that WSP should not be prohibited from contracting with MARTA within six months of Mr. Ranu leaving his employment with MARTA.

NOW BE IT THEREFORE RESOLVED by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority on this 13th day of October, 2022 that a waiver from the provision of Section 13 of the MARTA Code of Ethics or any other provision of the Code of Ethics prohibiting WSP USA from maintaining existing contracts or entering into new contracts during the six-month period following the conclusion of Mr. Ranu's employment with MARTA is hereby granted, provided that WSP USA is prohibited from utilizing Mr. Ranu on any MARTA project for a period of six months following the conclusion of Mr. Ranu's employment and is forever prohibited from utilizing Mr. Ranu for the forthcoming procurement of (1) the

immediate next General Planning Contract and (2) the I-285 Top End Express Lanes Transit projects.

APPROVED on this 13th day of October, 2022 by the Metropolitan Atlanta Rapid Transit Authority Board of Directors.



Approved as to Legal Form