



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members  
FROM: Linda Thomas, Chair  
DATE: Tuesday, November 12, 2019  
SUBJECT: **November Board Meeting**

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The next meeting of the NET RMA is scheduled as follows:

**DATE:** Tuesday, November 12, 2019  
**TIME:** 1:30 PM  
**PLACE:** Terrell City Council Chambers  
201 E. Nash Street  
Terrell, TX 75160  
Kaufman County

Enclosed please find the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call Bianca Felux at 903.630.7894.

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)**  
**BOARD OF DIRECTORS REGULAR MEETING**  
Tuesday, November 12, 2019  
Terrell City Council Chambers  
201 E. Nash Street  
Terrell, TX 75160  
Kaufman County

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**1. CALL TO ORDER AND DECLARATION OF QUORUM**

*Notice of this meeting was posted with the Secretary of State's Office and on the NET RMA website and office on Friday, November 8, 2019.*

Began at 1:35.

**2. INVOCATION**

Dan Droege provided the invocation.

**3. WELCOME & INTRODUCTION OF BOARD MEMBERS**

On phone: Larry Morse, Dave Spurrier, Dr. James Harris. In attendance: Linda Thomas, John Cloutier, Barham Fulmer, Keith Honey, Dan Droege, Chris Miller, Gary Halbrooks, Jason Ray, Chet Clayton, Nate Priefert, Belinda Andrus, Mike Thomas.

Judge Richards welcomed all and stated that he is proud to host the NET RMA. He believes that the way to get things done in transportation is by building teams and cooperating so they're happy to be a part of the NET RMA. Mayor Carmona thanked all on behalf of the city. He stated that he also believes in these partnerships and thanked all for their hard work. Mike Sims, City Manager, stated that he considers Linda Thomas to be a great friend. They have worked off and on together for a long time. He stated it's great to see an organization grow and his involvement dates back to his days in transportation.

**4. SWEARING IN OF CAMP COUNTY BOARD MEMBER KEN PILGRIM**

Moved to the next board meeting.

**5. OPEN PUBLIC FORUM/COMMENT PERIOD**

No comment.

**6. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE OCTOBER 8, 2019 BOARD MEETING.** **Action Item**

Motion to approve: Gary Halbrooks, 2<sup>nd</sup>: Chet Clayton. Unanimously approved.

**7. CHAIR'S REPORT**

**Linda Thomas**

No report except to wish everyone a happy Thanksgiving. There will likely be a call-in meeting in December rather than a full meeting.

**8. COMMITTEE REPORTS**

**A. Executive Committee**

**Linda Thomas**

No report.

**B. Personnel Committee**

**Jason Ray**

No report.

**C. Construction and Maintenance Committee**

**Barham Fulmer**

No report.

**D. Member Outreach Committee**

**John Cloutier**

No report.

**E. East Texas Hourglass Committee**

**Dave Spurrier**

No report.

**F. Investment Committee**

**Robert Messer**

No report.

**9. PARTNERSHIP UPDATES**

**A. East Texas Corridor Council**

**Linda Thomas**

No report.

**B. I-69 Alliance Committee**

Linda Thomas

They will be having their annual meeting in Houston on Monday 25<sup>th</sup> before Thanksgiving. They have a speaker with the US department of Transportation that will be attending.

**C. East Texas Council of Governments**

Linda Thomas

No report.

**D. Metropolitan Planning Organization/Texas Department of Transportation Updates**

Chris Miller

Chris Miller stated that they were officially invited to be a participating agency within the Jacksonville Relief Route.

**10. REVIEW AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS.**

Dianne Johnston provided the presentation and stated there still needs to be an adjustment for the toll receivables and the allowance account. There will likely be some additional payables as well that will need to be accrued. Starting with the balance sheet: total assets equal 387M. Liabilities are 209M which includes an accrued payroll liability and also a liability for compensated absences. The difference between the two is the net assets of 177M. Statement of revenues and expenses: total operating revenue is 17M which is a 34.77% increase over FY 2018. Total operating expenses are 9.95% over FY 2018. Total Toll 49 operating expenses is over September 2018 by .01%. This includes the bridge repair cost. Other income expense section: net expense is over the 2018 figure by 7.5M. The variance in the month to date columns can be found in the interest expense. It reflects interest expense for the Segment 4 project which was removed. For FY 2019, they don't have to capitalize any interest expense due to a new governmental accounting standard that they are implementing. Barham Fulmer asked if that was reflected in the new budget? Dianne Johnston replied yes. This has led to a deficit of 4.9M. Budget to actual: Actual revenue is under budget by 4%. Overall variance moved from -6 to -4 from August to September so a little bit was made up. Total operating expenses was less than budget by 2%. No variances that have not already been explained. Toll 49 operating expenses: actual is over budget by 4%. Again, no variances that were not covered previously. Barham Fulmer stated bridge repair is what put it over. Dianne Johnston confirmed. An item causing this variance is the depreciation expense. Net income shows a net loss that is higher than what was budgeted by 3.8M. This is due to revenue being under budget and expenses being over budget. She stated that an audit will be undertaken in December.

Motion to approve: Keith Honey, 2<sup>nd</sup>: Mike Thomas. Unanimously approved.

**11. REPORT ON TOLL 49 TOLLING TRANSACTIONS AND REVENUE.**

Chris Millers stated that in October, the average was just shy of 40k. It moved upwards again after the strange dip in September. He stated they are excited about the continuing growth of transactions.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE AGREEMENT FOR PAY BY MAIL RECEIVABLES MANAGEMENT SERVICES WITH SOUTHWEST CREDIT SYSTEMS, L.P. (RESOLUTION 19-41)**

Action Item

Everett Owen stated the next two items are both related. They concern an ILA with CTRMA and their desire to participate with the NET RMA and their contract with SWC to collect back debt. The NET RMA already did their own procurement and decided to go with SWC. This changes the agreement with SWC to allow the CTRMA to participate in the contract. Barham Fulmer asked if there were any advantages to us? Everett Owen stated none other than helping the CTRMA. It doesn't affect the NET RMA in any other way. Barham Fulmer stated that we are accommodating them as they have accommodated us.

Motion to approve: Barham Fulmer, 2<sup>nd</sup> Dan Droege. Unanimously approved.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY FOR PAY BY MAIL RECEIVABLES MANAGEMENT SERVICES. (RESOLUTION 19-42)**

Action Item

Everett Owen stated that this is just the accompanying agreement with the CTRMA. Their board has already agreed to the ILA. The ILA is pretty much exactly the same as if they were the primary and we were the sub. It allows them to go directly to SWC with questions or concerns so it doesn't impact the NET RMA.

Motion to approve Gary Halbrooks, 2<sup>nd</sup>: Nate Priefert. Unanimously approved.

**14. REPORT ON SEGMENT 6 FEASIBILITY REPORT.**

Dave Spurrier stated that this is just a formal process of the full report to the board. Andy Atlas stated that he is going to give a very

brief summary of where they stand on Toll 49. The feasibility study began on September 11, 2018 and was completed on November 8, 2019. Once it went out, an email was sent to stakeholders that were interested. There are also 2 copies of the reports at the NET RMA offices for anyone that wishes to come in and look at it in person. It is also online for public perusal. Final proposed route options are purple, yellow and teal. He wanted to make a note that there are going to be opportunities for adjustments to be made to those routes so they are not final. There is a lot more studying and public involvement to go through. They have done a lot of public involvement to date. The working group has a lot of representatives from the City of Tyler, Chapel Hill, UT Tyler, etc. They all come from some of the major districts in the area. They met 4 times with the working group. They also held 2 public workshops that had 200+ attendees. They also held office hours over a 6 day period where they met with over 80 individuals who would be directly affected by one of the 3 routes. They also sent letters to more than 300 home/land owners that may be impacted by the routes. They are continuing that open process and will continue to meet with a broad array of public moving forward. Next, they will initiate the environmental impact statement. A notice of intent must first be published and once that has been completed, they will host a scoping meeting. They will have a public scoping meeting in the spring and will be presenting purpose and need of the project. A design conference will be held in early December with TxDOT as well. The final EIS will have a final statement in spring of 2022. Linda Thomas asked what the exact distance between the loop and the purple route would be? Andy Atlus stated he would need to get her that information later. She then asked if they will be as straight as the picture? Andy Atlus stated yes, and for the curves that will be present, they will be long. Linda Thomas asked what the main concerns they continue to hear? Andy Atlus stated that the concerns are mostly personal. It's all questions about their homes or the potential of buying a home. They are meeting with these people in person and helping them as best they can to navigate and understand what the next steps are.

#### **15. LEGISLATIVE UPDATE.**

Brian Cassidy stated that a detailed report is in their board. He stated that the contracting and procurement section has some changes between contractors and owners of a project. It will affect us going forward but not materially. There is a lot on open meetings act. A clarification that people have a right to come to your meetings and criticize you, they are allowed to do so. There are other issues related to walking quorums which is prohibited. There will be interim hearings to study issues related to project and delivery. The only issue related to tolling is about transponders but the NET RMA does not handle that. There is a question as to who will be the house committee chair. They do not believe they will have the same chair and imagine it will be someone different.

#### **16. EXECUTIVE DIRECTOR'S REPORT.**

**Chris Miller**

Chris Miller stated that they will show them two videos. One is a maintenance update and the other is about DV plates. Chris Miller stated that the resolution on the ROW for the railroad. TxDOT has signed off on their part of it and the NET RMA has signed on their part too. TxDOT still has it but he expects they will have something from them soon. Chris Miller stated that for the Toll 49 DV plate video, they were able to work with 2 Disabled Veterans that ride the road frequently and they spoke about all of the great things the road has done for them. The maintenance folks have helped over 40 people throughout the month with vehicles that were broken on the side of the road. The main focus was to get the car off the road and help someone out. Barham Fulmer asked if there has been a date in place for the January meeting. Colleen Colby stated that January 14<sup>th</sup> would be the next date.

##### **A. Maintenance Update**

Chris Miller asked Mark to speak on TxDOT and the emergency maintenance. Mark McClanahan stated that they shot the road for us without us asking them which was a great help. They have good rapport with TxDOT so they have been looking out for the NET RMA. The relationship and work rapport is getting better. He also stated that he and Dale responded to a complaint regarding a branch on someone's yard. Dale was able to respond quickly.

##### **B. Camp and Cass County Meetings**

#### **17. ADJOURNMENT**

Meeting adjourned: 2:21

#### **EXECUTIVE SESSION - PURSUANT TO CHAPTER 551, SUBCHAPTER D, TEXAS GOVERNMENT CODE, IF ANY**

- **At any time during the meeting of the NET RMA Board of Directors, the Board may meet in executive session for consultation concerning matters under Chapter 551 of the Texas Government Code, including:**
  - A. Section 551.071. Consultation with Attorney—Consultation with and advice from legal counsel concerning pending/contemplated litigation, settlement offers and negotiations, ongoing disputes and potential disputes, and other legal issues.**
  - B. Section 551.072. Deliberation Regarding Real Property—Discussion of real property purchase, exchange, lease, license, gift, donation, and/or negotiated settlement, including property to be acquired for right-of-way.**
  - C. Section 551.074. Personnel Matters—Deliberation concerning the appointment, employment, reassignment,**

evaluation, duties, discipline, and/or dismissal of personnel.

**Tentatively Scheduled NET RMA Board Meetings:**

December 10, 2019 – Rusk County

**Non-Scheduled Meetings / Functions - Where a Quorum could be Present, but No RMA Business would be conducted:**

November 14, 2019 – Texas Transportation Commission meeting

**PARTICIPATION BY TELEPHONE CONFERENCE CALL:**

One or more members of the Board may participate in this meeting through a telephone conference call, as authorized by Section 370.262, Texas Transportation Code. Under that law, each part of the telephone conference call meeting that by law must be open to the public shall be audible to the public at the meeting location. During the meeting, the identification of each party shall be clearly stated prior to speaking, and the meeting shall be documented by written minutes. On conclusion of the meeting, the written minutes of the meeting will be made available to the public.

**COURTESY RULES**

Thank you for your presence. The NET RMA appreciates your interest. If you wish to address the RMA on any agenda item, Public Participation Forms will be available before the meeting. These forms must be filled out and turned in to the RMA Chair or Secretary *prior* to the time the agenda item in question is addressed by the RMA.

You must be recognized by the Chair. (NOTE: Items will not necessarily be presented in the order they are posted.)

**OPEN COMMENT PERIOD**

At such time as is designated on the Agenda, the Board will allow an open comment period, **not to exceed one hour**, to receive public comment on any other matter that is under the jurisdiction of the Board. Public comment that does not relate to a specific agenda item must be made during the open comment period.

Each speaker will be allowed such time as is identified by the Chair, but in no event more than a **maximum of three (3) minutes**. Speakers must be signed up prior to the beginning of the open comment period. For subjects that are not otherwise part of the agenda for the meeting, Board members may neither comment nor question speakers during the open comment period, but may request the Chair, or a recognized committee, to investigate the subject further. No action will be taken on matters that are not part of the agenda for the meeting.

**NOTE**

Enumerated agenda items are assigned for ease of reference only, and will not necessarily be considered by the Board in that particular order. The Chair may rearrange the order in which agenda items are considered.

Presenters with audiovisual needs are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting.

**ACCESSIBILITY STATEMENT FOR DISABLED PERSONS**

This meeting site is accessible to disabled persons as follows: wheelchair ramp at the main entrance. If any special assistance or accommodations are needed in order to attend this RMA meeting, please contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for person who are deaf or hearing impaired, and readers of large print or Braille, are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.