



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Linda Thomas, Chair
DATE: Tuesday, November 13, 2018
SUBJECT: **November Board Meeting**

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

DATE: Tuesday, November 13, 2018
TIME: 1:30 PM
PLACE: Van ISD Board Room
250 North Pecan St.
Van, TX 75644
Van Zandt 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 13, 2018, 1:30 PM
Van ISD Board Room
250 North Pecan St.
Van, TX 75644
Van Zandt County

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 9, 2018.

1:32 PM. In attendance: Barham Fulmer, Dave Spurrier, Larry Morse, Robbie Shoults, Keith Honey, Dan Droege, Gary Halbrooks, Linda Thomas, Chris Miller, Robert Messer, Chet Clayton, Belinda Andrus, Tim McRae, John Cloutier, Jim Harris, Robert Messer on the phone- Andrea Williams-McCoy

2. INVOCATION

Linda Thomas asked all for a moment of silence out of respect for the family's affected by the tragic accident on the road.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Chet Clayton welcomed everyone to Van Zandt County. He thanked Van Zandt county.

4. OPEN PUBLIC FORUM/COMMENT PERIOD

none

5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE OCTOBER 9, 2018 BOARD MEETING. Action Item

Motion to approve: James Harris. 2nd: Dan Droege. Unanimously approved.

6. CHAIR'S REPORT Linda Thomas

A. Restructuring of Committees and New Board Officers

Linda Thomas congratulated all on the opening of Segment 4. She also announced the restructuring of committees and new board officers. She also stated the NET RMA doesn't officially elect committee officers till February, so the previous officers will remain officers until then.

7. COMMITTEE REPORTS

A. Executive Committee/Audit Committee Linda Thomas

No report

B. Personnel Committee Jason Ray

No report.

C. Project Development & Implementation Committee Barham Fulmer

Barham Fulmer stated that they had a conference call November 1st. They had a few change orders that Chris Miller had approved. All of those are on the agenda today and will be discussed later on.

D. Long-Range Planning Committee John Cloutier

no report.

E. East Texas Hourglass Committee Dave Spurrier

Dave Spurrier stated the next meeting will be a week before the next board meeting. He would like to call on Mr. Ramirez to provide a report on financials. Mr. Ramirez stated they have solicited proposals for the bank loan for the environmental and traffic and revenue studies for Segments 6 and 7-the bulk of it for Segment 6. Regions Bank was the only proposal they received. This loan is at the 4th lien. There are 3 liens and an indenture. This is an obligation that would be in the 4th lien. Most banks have been reluctant to submit a proposal due to that 4th lien. The proposal from Regions was received on Friday. In the first week of December, they would like to give a more concrete proposal. He then stated that he would like to go through the handout he provided quickly. They would like to look at a tax-exempt vs a tax loan. Because it is pre-payable at any time, they wouldn't have any advanced financing issues. It can

create more work for the legal team which would drive up legal costs but the rate would more than make up for that. The principle amount is \$10 million. The first maturity would be January 1, 2023 and final maturity would be in 2024. The Interest rate is at 4.82 but the tax-exempt rate is 3.80. Making this loan, because it is a 4th lien, the bank will ask for there to be no other outstanding debt while this one is in process. Fees and expenses will likely equal about 20k. Robert Messer asked what other fees may there be to pay off the loan? Dave Spurrier stated it is built into the rate. Robert Ramirez concurred and stated that all fees are in the rate; however, the legal fees are not built in the rate. Robert Messer asked if 80k would be the total expense of the loan. Robert Ramirez stated yes, that he believes so. Robert Messer then asked what would happen at the first maturity. Mr. Ramirez stated that it would amortize. He then asked, given the current level, would the NET RMA have enough cash flow to pay these expenses? Mr. Ramirez stated yes, he believed with current projections, they would have enough. Barham Fulmer asked if it is anticipated if this cost will be rolled into the next financing venture? Dave Spurrier stated the intention is to take this out as permanent financing. Chet Clayton asked what the time frame would be for permanent financing. Chis Miller stated it would be about a 3-3.5 years as they would first need to get through the environmental stage. Robert Messer then asked what would be the factor between being tax exempt vs. taxable? Richard Ramirez stated that the legal team would need to look at the costs to see what would be eligible to be tax exempt.

F. Investment Committee

Robert Messer

Robert Messer stated they had previously matched their investment with the cashflow and since they are coming to the end of the construction cycle, it is a good idea to set up a meeting to see where they are and what immediate cash demands there are. He asked Chris Miller to set up a meeting on the calendar in December to discuss this.

G. Facilities Committee

Gary Halbrooks

No report.

H. Public Communications Committee

Andrea Williams-McCoy

No report.

8. PARTNERSHIP UPDATES

A. East Texas Corridor Council

Linda Thomas

No report.

B. I-69 Alliance Committee

Linda Thomas

Linda Thomas stated the annual meeting will be in Houston the following week.

C. East Texas Council of Governments

Linda Thomas

No report.

9. REVIEW AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS.

Michelle Colburn

Michelle Colburn provided the presentation. She stated that the fiscal year has come to an end. The first discussion will be comparing September 2018-2017. They are working on a budget-to-actual analysis for the next meeting. Starting with operating revenue, the numbers are down 800k compared to last year. Total operating expenses are essentially on track compared to last year with just a 38k difference. They are down about 2mill on Toll 49 Operating expenses due to the Segment 3B asphalt expense. Operating expenses are up 1mill compared to last year. Other income and expenses are about 2mill behind last year. The change in net position is about 800k behind last year. Total revenue (year-to-date vs. budget) is 1.7M behind budget. They are on track with the re-analyzed budge that occurred in July. Total operating expenses are 180k over budget. Total Toll 49 operating expenses are about 280k over budget. Operating income is about 2mill behind budget. Total other income and expenses are about 2mill ahead of budget and a large reason for that is interest expense. It's really more like 500k ahead of budget. Total income is about 200k behind budget for the year. Total current assets equal about 44.8M. Capital assets equals about 332.3M. Total assets are at 391M. Total current liabilities equal about 8.8M. Net asset total equals about 175.9M. Chris Miller stated that they will be working with Robert Messer on the analysis before they present it to the board next meeting.

Motion to approve: Gary Halbrooks; 2nd: John Cloutier. Unanimously approved.

10. REPORT ON TOLL 49 TOLLING TRANSACTIONS AND REVENUE.

Chris Miller

A. Comprehensive Transactions Report

Chris Miller stated that the comprehensive transaction report will be presented on a quarterly basis. Dave Spurrier asked if these could be emailed to them after the meeting. Chris Miller stated yes, they would do that. Chris with CDM Smith provided the presentation. He stated it is very data heavy so the presentation will be a highlight. The first slide is a quick summary on the toll road policy and showcased the toll rates. It is consistent with the 2-year cycle of the toll rate policy. In 2019 they will raise the rates following that policy. In 2017, towards the latter part of the summer, transaction began to slide down. They monitored to see what was happening and observed that the trend continued in 2018. The first two months of the year were considerably lower than what they observed previously. It seemed that transactions seemed to peak in 2016. Transactions have been very comparable compared to 2017 in the Southern gantries. It seems like the northern area is where transactions fell. It's consistent with where construction was. The transactions are beginning to show an upward trend in the recent months. Transactions are starting to get back above the 2017 level. The expectation is growth in the future. Along the different gantries, the truck transactions have shown positive trends for the pieces that connect to I-20. All other segments though, transactions have decreased. The data revealed that most truck participation is due to the I-20 and 69 connections. In the Southern gantries, truck traffic is much higher along the Old Jacksonville gantry. However, the Paluxy exit is lower. From a monthly perspective, in the earlier part of the year, truck transactions were lower but they have begun to build back up. There was a slight decrease compared to previous years but nothing to be worried about. Additionally, the weekday transactions have shown a general decline. However; trucks have continued to increase which tells them that it is the automobiles that have really decreased in transactions. In the first quarter of 2018, again there was a decrease in transactions due to winter months. In the later months, there has been more stability but not growth. This stability is likely due to the weekend transactions balancing out the decline in weekday transactions. Trucks are not utilizing the road as much on weekend. However, in the corridor that connects I-20, there is an increase. Average weekday truck transactions have remained flat. There is a balanced profile as it relates to truck traffic. The overall message is a declining weekday transaction, but truck traffic remains stable. The composition of the trucks has shown that the 5 axle trucks are the ones that utilize the north-south piece of the toll road due to the connection of I-20 and 64. He then stated that the electronic users (tag users) have started to decline. However, the video usage has grown and kept that stable. It is generally preferred that tag users grow over time. They will do more analysis to see why this is occurring. James Harris asked if new customers tend to be the reason for more video customers over tag. He stated yes. The I-20 connection seems to be utilized more throughout the weekend. In summary, they are projecting that transactions will be around 47.4M compared to the projected 47.5. So overall, despite the flattening and lower transactions, they are still basically in line with the projections. Revenue is expected to reach 52.2M which is close to the projected which was 52.1M. Keith Honey asked if they had originally expected a dip while they had construction going on for Segment 4-7? Chris stated yes. John Cloutier stated that it is impressive that the projections have stayed so accurate. Dave Spurrier asked if there are any significant positive or negative trends to note? Chris stated that the population seems to be within what they had expected; however, the driving trend around the Tyler region has decreased in general. There has been an overall decline in demand in the Tyler region. Linda Thomas asked if part of the reason for the decline was the expansion of Grande Blvd. Chris stated that he believed so. They had taken that into consideration as part of their analysis.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO ADOPT AN AMENDMENT TO THE NET RMA TOLLING AND ROAD USE POLICIES.

(RESOLUTION 18-53)

Action Item

Ron Fagan provided the presentation. It proposes changes to the tolling policy. Specifically, it is for billing fees. It is for the differential between pay by mail and tag rate. It is partially due to the change in the processing company. They are proposing a monthly bill whereas before it was a twice monthly bill that a customer would receive. Billing will also be cumulative. Proposed fees are not cumulative with this new process. There is a reduction in fees for them. He also stated that these fees are closer to NTTA. The cost for a pay-by-mail transaction is considerably higher thus, it was recommended to increase the premium from 33% to 50%. The agencies that have a 33% premium above transponder

rate never reach 75% tag users whereas 50% lead to 80% tag usage in the NTTA. There are also new account types. Registered commercial post-paid accounts can be made that gives account users the ability to automatically pay monthly or utilize a manual payment. For regular customers, they can also create prepaid registered accounts. It works similarly to tag accounts in that individuals need to keep money within their account and transactions are automatically taken out of their account. These will have a 30% increase rather than the 50% in fees. John Cloutier asked if there has been any revenue analysis with this? Ron Fagan stated it would remain revenue neutral. Larry Morse asked if the commercial account has to have a minimum number of vehicles to establish an account? Ron Fagan stated no. Dave Spurrier asked if there are trends as to why customers do not have a tag? Ron Fagan stated it's largely due to customers believing they do not use it enough. Dave Spurrier asked if the operators would be able to tell customers of this new option to create an account? Ron Fagan stated he is sure they will be trained to let customers know of all options available to them. Ron Fagan stated that the new system will begin immediately once it's up and running. Brian Cassidy stated that there is also a base rate increase that will occur in 2019 as part of the 2-year policy increase. Chris Miller stated that it was reported at the last meeting that this was coming.

Motion to approve: John Cloutier; 2nd: Jim Harris. Unanimously approved.

12. REPORT ON PROPOSALS FOR FINANCING FOR PRE-DEVELOPMENT COSTS FOR SEGMENTS 6 AND 7 OF TOLL 49. **Richard Ramirez**

Discussed during the East Texas Hourglass Committee report.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 1.0 WITH ATKINS FOR GENERAL ENGINEERING SERVICES FOR FY 2019.
(RESOLUTION 18-54) **Action Item**

Kate Wilder provided the presentation. It is an annual work authorization. This included technical studies and support and quality control. The total is 324.5k. It does coincide with the budget. Dave Spurrier asked if it is fixed rate or an up-to amount. Kate Wilder stated it is up to.

Motion to approve: Gary Halbrooks. 2nd: Robert Messer. Unanimously approved.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 2.0 WITH ATKINS FOR SYSTEMS MAINTENANCE SUPPORT SERVICES ON TOLL 49 FOR FY 2019.
(RESOLUTION 18-55) **Action Item**

Kate Wilder stated this is again another yearly work authorization. It is primarily for maintenance. She stated it will be at the direction of the Board of Directors or the director of maintenance. Total cost is 131.9K. John Cloutier asked if Mark McClanahan would be providing reports on areas that he needs? Mark McClanahan stated that the number is an up-to number that he has looked over. Dave Spurrier asked if the road is looked over 7 or 5 days a week. Everett Owen stated 5. Mark McClanahan stated they have an agreement with TxDOT for weekends so it's closer to 7. Dave Spurrier asked if the 132k would be spent? Everett Owen stated that he expects it will come in a little under 132k.

Motion to approve: John Cloutier, 2nd: Nate Priefert. Unanimously approved.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 3.0 WITH ATKINS FOR MAJOR RENEWAL AND REPLACEMENT SUPPORT ON TOLL 49 FOR FY 2019.
(RESOLUTION 18-56) **Action Item**

Kate Wilder stated this is another annual work authorization. The task included program management, preparation of erosion and drainage repair. It includes developing one course surface treatment for Segments 2 and 5. The total is 116.6k. John Cloutier asked if this was just for planning the one core surface treatment. Kate Wilder stated yes. Keith Honey asked if the erosion control plans are a situation where they won't know if a problem is there until it happens? Kate Wilder stated that they have already gotten to the problematic parts but they anticipate there is a lot more work to

be done.

Motion to approve: Gary Halbrooks, 2nd: Larry Morse. Unanimously approved.

16. REPORT ON NET RMA MARKETING ACTIVITIES AND PLANS.

Chris Miller

Chris Miller stated that the first slide has shown the level of donations for the grand opening event. As far as advertising goes, throughout the area there have been 11 message boards placed around the toll road. They are on I-20, US 69, on the toll road, inside Tyler at Cumberland with a message saying that Segment 4 open. There have also been radio advertisements on KTBB which has an extensive audience. Those have been running throughout the summer as various milestones of 3B were reached. Now with Segment 4 open, it will begin to focus on that. Digitally, they have had 100k impressions /month. They have also had 15 tv commercials weekly for 30 days. They have been running on channel 7 which has roughly 80% of viewership in Tyler. Dave Spurrier asked if they will cover the opening? Chris Miller stated yes. He then stated that billboards have also been placed as well. There are 5. Some on I-20 heading east. The farther out one on I-20 was just advertising Toll 49. The closer in customers get to Tyler, the more the advertising begins to focus on Segment 4. They are also doing newspaper ads. Colleen Colby stated they have done 3 paper ads and have had 3 sticky note ads. Chris Miller stated that they also have text alerts, Facebook notifications, Twitter notifications and the website and banner of the website have also been updated. James Harris asked how to be put on Google Maps and Ways? Colleen stated they were already on both according to last week. John Cloutier asked if the distracted driving is still a campaign the NET RMA is pushing? Is it possible to keep that within the marketing message? Colleen Colby stated that generally you don't want to have too many messages out all at once so for this, the focus has been just the grand opening. James Harris asked when the next Texas state map would be printed and if Toll 49 would be on that? Chris Miller stated they were unsure but would find out. The comprehensive plan is to keep a continuous effort to address low transactions. The purpose of the Tv, digital, billboard etc. advertising is to keep Toll 49 on customer's minds. Construction and other various issues including the double billing issue with TxTag likely pushed customers away from using the toll road, so they are working to bring that ridership back. Chris stated that there has been confusion on whether TxTag is the only one that works on the toll road (which it's not) so they are working to make sure customers know they can use several different tags on Toll 49. The NET RMA is also working with Cogensia which is a data driven marketing analysis firm that will help show the different demographics of customers and who is riding on the road. He also stated they may be at that point where they should get an RFP with a marketing firm to help figure out the next 3 years. Outreach presentations are done on a regularly monthly basis to get the word out. The NET RMA will also have in-house signups for tags for any customers that walk into the office, whether it's TxTag or NTTA that they would like to join up with. He also stated that Andrea Williams-McCoy is also working on getting videos displayed in various areas of DFW to catch customer eyes. Dan Droege stated that he liked the idea of getting a marketing firm. John Cloutier stated that perhaps they are underperforming with rural counties. James Harris stated that "mom and pops" still utilize maps, so making sure they have Toll 49 on maps is important. Chet Clayton stated that he believes perhaps some of the decline in ridership is the fear that it is not as safe as other roads. He believes that customers need to know that the road is just as safe as any other road. Data proving that could help. James Harris asked if they know how many customers are local? Chris Miller stated that Cogensia will help with that. John Cloutier stated that he agrees with Chet which is why it would be a good idea to have the message about distracted driving and its dangers. Barham Fulmer asked if it would be worth choosing certain days to make riding on the toll road free to get customers on it and used to it. It cuts out a lot of time. He believes that if they get customers on the road, they will come to realize what a time saver the toll is. Colleen Colby stated that coming soon on the website, there will be information on Segment 6 as well as the US 271 feasibility study.

17. REPORT ON REPAIRS ON THE IH-20 BRIDGE AT TOLL 49.

Tammy Sims

Tammy Sims provided the presentation. The contract was awarded to Gibson & Associates, Inc. The total was a not to exceed amount of 440k which included a contingency. They had five bidders and Gibson & Associates was the lowest bid. The largest items are jacking structures which had the highest variability within all bidders. The next step is to execute the contract, Gibson will submit a jacking plan, preconstruction meeting, notice to proceed and then construction (30 working days). Then they will be tracking the cost for insurance reimbursement. Linda Thomas asked

where Gibson & Associates are located? Tammy Sims stated Balch Springs. Dave Spurrier asked if it is still expected to just be a 1-day closure? Tammy Sims stated that it is what they are expecting; however, if the North end needs to be realigned, it may need an additional day. Chris Miller stated that Gibson & Associates did good work for TxDOT according to TxDOT. Keith Honey asked if I-20 would need to be closed as well. Tammy Sims stated it will be shut down overnight to relieve traffic. Barham Fulmer asked how much of the cost is reimbursable? Tammy Sims stated that the time paid toward Atkins will be reimbursable. Robert Messer stated that Gibson came at much lower than the others, should they be worried? Tammy Sims stated she would be if she didn't already know that variation is normal for this kind of work and if she didn't know the contractor; but she is familiar with the contractor and does not believe it will be a problem.

18. REPORT ON CONSTRUCTION OF SEGMENT 4 OF TOLL 49.

Kate Wilder

Kate Wilder stated that Segment 4 was opened last week. The contractor has been paid 76.8M from September. The total amount is 80.9M which does not include the 600k early completion bonus. The project expenditure to date equals 107.1M expended to date. There is 19.1M remaining in the original budget. The remaining funds include: 4.7M with about 4.1M of remaining of budget funds. That 600k difference is due to the early completion incentive that will be paid out. The remaining budget is 20.1M. The remaining cost is anticipated to be about 7.8M. Barham asked if this included ROW. Kate Wilder stated it does to the best of their knowledge. Ongoing construction activities include punch list items, vegetation establishment, miscellaneous striping and rip rap at mainline bridge.

19. REPORT ON CHANGE ORDERS APPROVED BY THE EXECUTIVE DIRECTOR SINCE PREVIOUS BOARD MEETING.

Chris Miller

Kate Wilder stated that there were a handful of small change orders. These were discussed with the project development and implementation committee. Change order 27 dealt with adding the unit price in for sod and rip rap. There was no increase to the previous change orders. It was just an addition of unit price. The other small value change order included guard rail extension and modifications to the signal of US 69 requested by TxDOT. Total cost was about 16.5k.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 36.0 WITH WEBBER FOR RIP RAP AND SODDING ON SEGMENT 4 OF TOLL 49. (RESOLUTION 18-57)

Action Item

Kate Wilder stated this was also discussed with the Project Development and Implementation committee. It supplemented the two modifications in Item 19. Block sodding and rip rap are included. The total cost is 50k. Dave Spurrier asked if now the good time was to put down sod. Kate Wilder stated yes. Barham Fulmer stated that although this is one that could be approved by Chris, they still wanted to present it to the board. John Cloutier asked what guarantee do they get if the sod doesn't take? Everett Owen stated that they have a 1-year warranty. Chris Miller stated that the sod they put down on 849 helped prevent erosion. Larry Morse stated that it will be installed at the direction of NET RMA. It's a unit cost number. Kate Wilder stated that all block sodding they have put in the road has worked well.

Motion to approve: Barham Fulmer. 2nd: John Cloutier. Unanimously approved.

21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 7.0 WITH IOC COMPANY, LLC FOR MISCELLANEOUS QUANTITY ADJUSTMENTS ON SEGMENTS 1, 2, 3A, 3B, AND 5 OF TOLL 49. (RESOLUTION 18-58)

Action Item

Kate Wilder stated this change order is for the Improvement Project. It was discussed with the Project Development and Implementation Committee. It is meant to cover over-runs on the project. It covers: embankment and permanent seeding in areas outside Segment 3, additional asphalt needed to accommodate the asphalt thickness from 2.0" to 2.5" and an increase on milling distance. The total cost impact is about 74k. That increased the total contract total to about 8.5M. They are also looking into the liquidated damages. Dave Spurrier asked if the liquidated damages are a done deal or do they need to be negotiated. Everett Owen stated largely a done deal.

Motion to approve: Larry Morse. 2nd: James Harris. Unanimously approved.

22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE LEGISLATIVE PRIORITIES FOR THE 86TH LEGISLATIVE SESSION.

(RESOLUTION 18-59)

Action Item

Brian Cassidy provided the presentation. He stated that it is the adoption of the legislative agenda for the next session. There were significant changes in the composition of the House of Representatives. The race for the Speaker of the House has changed to Rep. Dennis Bonnen. There has been no indication of who the Transportation Committee head would be just yet. Nothing is a done deal quite yet. They expect they may be playing defense on the Senate side. There has been talk of eliminating system financing which would be detrimental to the toll road. They will need to fight against that. There is also an effort to possibly require that toll roads need to be voted on. It would be a difficult process if that happened. On the customer service issue, the NET RMA is not a tag issuer. It has been particularly difficult to get TxTag to reveal any information on NET RMA's customers. There has been recognition that the fee number with TxDOT is rather low. There has been an effort to make all tolls to fall within a universal fee amount. There has been some thought to lower the number of outstanding bills to bring customers to court. There has also been talk to make it so their registration is on hold if they have outstanding tolls. Transportation reinvestment zones have had some improvements and enhancements in recent years. The issue has been in the past that counties don't have the ability to utilize the tools out there in order to come down on habitual violators. There is an effort to fix that. They will be working with RMA leadership to consolidate and coalesce around issues. Jim Harris asked where representative Chris Paddie fits within the structure. Brian Cassidy stated that he is well regarded and so having him on the Transportation Committee would be a definite positive.

Motion to approve: James Harris, John Cloutier: 2nd. Unanimously approved.

23. EXECUTIVE DIRECTOR'S REPORT

Chris Miller

A. Update on Troup to Whitehouse Abandoned Railroad ROW Plan

Chris Miller stated that the NET RMA has been working with several cities within the area. They were notified by the UP that it is no longer an option. The original plan was that TxDOT would be a partner in this and help fund however, they have indicated that they will back out. It really depends on how badly the NET RMA wants to pursue this. He will be bringing this back to the Executive Committee. Gary Halbrooks stated that the issue is if the board wishes to continue with this, where is the money going to come from? Chris Miller stated that the consensus is that it will be gone once it's gone. Larry Morse asked what the total cost would be? Chris Miller stated 500k. Gary Halbrooks stated that they had raised about 100k and the remaining 400k would be paid by TxDOT. But TxDOT is not there anymore. John Cloutier stated that the contiguous right away is certainly important. Larry Morse asked how wide the ROW? Everett Owen stated he believed it was 50ft. on each side. Larry Morse stated it would be a good refresher on this issue. John Cloutier stated it shouldn't be something that's too easily given up on. Linda Thomas asked if the non-participation by TxDOT has halted the process? Gary Halbrooks stated yes. John Cloutier stated that he would get information for the board to present on it.

B. Community Outreach Meetings Regarding Toll 49

C. Update on Grand Opening Ceremony for the Lindale Relief Route

Chris Miller stated the grand opening will begin promptly at 4PM. He also stated that the NET RMA's hearts go out to the families affected by the accident. He and Mark McClanahan will be talking with authorities soon to get more information. There is a process that needs to be taken in order to provide information to the board. Chris Miller stated that the December meeting is planned to be held at Robbie Shoults new facility. Also, January 8th is the planned meeting in January but they would like to move it to the third Tuesday of the month (15th). He also stated that he had discussions with Robert Messer to host a half day event in February to just talk about the persistent and present issues. Barham Fulmer confirmed that the grand opening is being held at the TXM Grill house and not the toll road itself.

Larry Morse stated that on October 31st they held the stakeholder meeting for the feasibility study. They had invited the city council, commissioners, school board, utilities, industrial foundation and Upshur county business round table. Atkins provided the presentation and then they had a breakout meeting to look at the map. There was excellent communication and it was very well received.

24. ADJOURNMENT

3:54

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 4, 2018 – Ribbon Cutting for Opening of Lindale Relief Route on Toll 49

December 11, 2018 – Marshall, TX – Harrison County

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

November 15, 2018 – 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 the conclusion of all other agenda items, 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 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.