



## MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members

FROM: Linda Thomas, Chair

DATE: Tuesday, November 14, 2017

SUBJECT: **November Board Meeting**

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

**DATE:** Tuesday, November 14, 2017  
**TIME:** 1:30 PM  
**PLACE:** Gilmer Civic Center  
1925 N. Wood St.  
Gilmer, TX 75644  
Upshur 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 Blattman at 903.630.7894.

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Tuesday, November 14, 2017, 1:30 PM**  
**Gilmer Civic Center**  
**1925 N. Wood St.**  
**Gilmer, TX 75644**  
**Upshur 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 10, 2017.*

Meeting began at: 1:30 PM. Judge Anderson left at 3:38PM

**2. INVOCATION**

Gary Halbrooks provided the invocation.

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

In attendance: Jason Ray, Hudson Old, Cory Floyd, Barham Fulmer, Dr. James Harris, Gary Halbrooks, Linda Thomas, Chris Miller, John Cloutier, Larry Morse, Judge David Anderson, Dave Spurrier, Andrea McCoy

Judge Fowler of Upshur County welcomed board members. Thanked the NET RMA board for what they do. Thanked them for being here and the work.

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

Hudson Old introduced Mike Fields, Commissioner of Precinct 2 of Titus County who said he was honored to be there. He stated that RMAs are a wonderful program and commented that since he had become commissioner, he has seen the completion of 32 bridges for a total of around 8 million dollars. Commissioner Fields also stated that the training Task 2 program that focuses on transportation is a great program that, he believed, would benefit all public servants involved in transportation. He said that in 1999, 3 Farm to Market roads were commissioned and people were afraid that it would kill downtown, but it only fostered more growth. It helped move 18 wheelers outside of Mount Pleasant which helped shopping within Mount Pleasant. He also stated that 2 years ago, he met with Upshur County officials to discuss the importance of collaborating with other counties. There is a lot of overlap in projects between the two counties that benefit all. He also said that he is proud of what the NET RMA is doing and encouraged the board members to consider the training course he mentioned earlier. Linda Thomas thanks for his message and said she appreciated their recent successes in Mount Pleasant.

**5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE OCTOBER 10, 2017 BOARD MEETING**

**Action Item**

Motion: Gary Halbrooks. 2<sup>nd</sup>: Bob Moore. Unanimously approved.

**6. CHAIR'S REPORT**

**Linda Thomas**

Linda Thomas thanked everyone for traveling to Upshur County. She also stated that TxDOT is starting a new driver awareness campaign that serves to remind drivers to stay alert. The NET RMA will have a link on their website in order to help further TxDOT's cause. She also wished everyone a happy and safe Thanksgiving. She also stated that she wanted to share a little bit about the Rural Planning Organization. It is the ETCOG answer for rural areas. They have been working side-by-side with the NET RMA on priority projects. They have put together a list of projects which she will share with Long Range Planning Committee in order to see if any of their projects intersect with the NET RMA's.

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

**Michelle Colburn**

Michelle Colburn stated that these were the financial statements for month ending on August 31<sup>st</sup>. She first reviewed the Statement of Net Position. Capital assets generally stayed the same. Construction and progress will change. Statement of revenues and expense take away is that electronic and toll revenue is down. Video violation fees have also decreased

but overall, revenue is up from last year. Toll Tags account for most of the revenue. Operating expenses are up about 25% compared to last year but that is largely due to doubling office staff, the office move, and rent have greatly attributed to that. For Toll 49 operating expenses, roadway maintenance is lower than last year. Last year there was more spending due to ice events. This year, NET RMA is on track in spending regarding maintenance expenses. Income statement of net position has decreased compared to last year largely due to revenues decreasing and expenses increasing. The revenue comparison between August of this year and year-to-date budget. The NET RMA is down on revenues for electronic and video violation fees by about \$400,000. In August and September, the NET RMA received about \$1 million in revenue from CTRMA which is more compared to last year due to issues with the HUB. The five categories in which the NET RMA's expenses are up are accounting, legal fees, other general expenses, project director, and general engineering consultants. She explained that accounting fees are up due to the change in software and the NET RMA transition into internal accounting. Legal fees – (legislative, Toll 49, NET RMA fees). These categories will be discussed next month. Other general expenses include marketing, software and hardware, annual report cost, staffing cost, and other general expenses. The project director was involved in training Michelle to take over financials which is why the General engineering consultants have increased due to general maintenance expenses being higher. Dave Spurrier requested receiving a full financial report before the board meeting that matches the presentation so that he and the other board members can have time to review it. Chris Miller responded that the board does not have the full presentation because changes are made frequently made to it up until the board meeting date and he wanted to avoid confusion by not flooding the members with too many documents.

Motion: Dr. James Harris 2<sup>nd</sup>; John Cloutier, unanimously approved.

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

**Chris Miller**

### **A. Update on Right-of-Way Acquisition Activities**

Chris Miller stated that the NET RMA is still going forward with negotiations. The track is expected to go to court in December. Barham Fulmer stated that it takes about a month to reach mediation. He reminded the board that in the past, the other party was uninterested in negotiations, so mediation is generally the first time they have any discussion with the opposing party. He hoped that a mediation will be set up and that they will work towards the settlement. He did not want to give any details on the issue unless they decided to go into executive session. Barham also stated that he felt good about the issue and is looking forward to getting it resolved. Linda Thomas thanked Barham and the committee for their good work. Chris Miller stated that he met with Gregg County officials to give them an update on the NET RMA. He mentioned that Judge Stoudt and the County are looking for the reimbursement for their project. Dave Spurrier asked if Judge Stoudt is aware of what he needs to do to receive that reimbursement. Chris Miller responded yes because he signed an agreement. Linda Thomas asked if any funds for priority projects have been dispersed. Chris Miller answered no.

### **B. Report on NET RMA Marketing Strategy**

Chris Miller stated that the website and newsletter metrics are provided via handout. He also mentioned that the newsletters are sent out to around 365 public officials. Newsletter metrics, bi-monthly newsletter that gets sent out. Newsletters are sent out to public officials. He also mentioned that the NET RMA's marketing budget of \$40,000 in comparison to the CTRMA which is 1.7 million. He mentioned that he does not expect a marketing budget similar to CTRMA and that 40k is a fair starting point but it won't go too far in the future. One potential option that for road awareness would be to utilize radio and tv in the Smith County area/immediate area around Tyler. There has also been internal discussion to run a marketing campaign once construction is complete to get back any drivers they may have lost in the process. Linda Thomas responded that to initiate road promotion, the NET RMA needs someone that is knowledgeable of road marketing and business PR so they can have a better idea of what an appropriate budget would be. She then asked if Andrea McCoy had an experience with this. Andrea McCoy said she had some experience but wanted to ask if a marketing goal has been set by the board. Chris Miller responded no and stated that he and Colleen Colby have provided a marketing action plan to the board that was centered around improvements around the road. It was meant to explain why there may be inconvenience on the road. He agreed that there needs to be

marketing goals set in place. Andrea McCoy stated that it seemed to her that there is room to grow and develop the website. Andrea McCoy asked if there have been any paid campaigns. Colleen Colby replied that there have been several paid campaigns related to maintenance and promoting new board members. Chris Miller stated that the Board will have a strategic planning meeting to discuss the goals they want to focus on for the year. Chris also stated that there are many opportunities outside of tolling that the NET RMA can be involved in and marketing should be used to highlight that. Hudson Old then asked if Andrea could come up with a list of marketing goals to the board in the next few meetings. Andrea McCoy answered she would be happy to do that, but it is first important for the staff and board to develop goals. Linda Thomas stated that it may be advantageous to have a committee formed. Bob Moore stated that marketing is extremely important, and it may be worthwhile for some members to get together to brainstorm what could work. He said he would be happy to work on that with Andrea. Dave Spurrier asked Chris what his assessment of the marketing data was. Chris Miller answered that the NET RMA has a lot of untapped potential. Dave Spurrier asked Gary Halbrooks if he knew whether the people of Smith County were aware that they could save time using I-20. Gary Halbrook responded that not everyone is aware. Dave Spurrier then asked if it would be advantageous to have a billboard that advertises that. Gary Halbrooks answered that from his perspective, telling people they can save time and money is a good way to, at the very least, get a person's attention.

#### **C. Report on Toll 49 Tolling Transactions and Revenue**

Chris Miller stated that Fridays tend to be the highest traffic days with Sundays being the lowest. There continued to be an impact on transactions due to construction. He also stated that they will monitor holiday traffic to see any trends. Chris Miller also mentioned that the NET RMA is now tracking performance of customer encounters and resolutions.

**MSB Presentation:** Bill Blackman, Director of Operations provided a presentation that discussed the key metrics for the 2017 fiscal year. In 2017, 1.1 million letters were mailed out and there has been a year-over-year increase. HUB conversion did have some impact on that, however revenue was kept flat due to their efforts to combat the issues following the HUB conversion. He also discussed the new information added to bills in order to aid customers and streamline the process. Andrea McCoy asked if the buck slips provided by MSB could be used by the NET RMA to put out PSAs. Bill Blackman answered yes. Jim Harris asked if it was possible to see where the recipients of the physical bills resided. Bill Blackman answered yes and that they just needed to ask. Dave Spurrier asked how they measure success with the phone service. Bill Blackman answered that they have hired a 3<sup>rd</sup> party entity who allows people to participate in a survey on how they did. Dave Spurrier then asked if it is possible to keep credit cards on file for pay by phone clients. Bill Blackman answered no. Dave Spurrier then asked how long it typically takes to pay a phone bill. Bill Blackman answered that it takes about 7 minutes. Dave Spurrier asked if there was anyway to make it more efficient. For example, if it would be possible to pay by just pressing one or two buttons. Bill Blackman answered that in his opinion, they do have an efficient system. Barham Fulmer asked if the message center is a replacement or an addition to the buck slips. Bill Blackman responded that it was a replacement of the buck slips. Jason Ray asked if there was a webchat service in place. Bill Blackman answered yes and that the average usage is about 400 webchats per month. He also said that the average time to pay bills through this service is about 10 minutes due to gaps in response. Commercial entities seem to prefer webchat.

#### **D. Department Reports**

##### **1. Maintenance Department**

John asked Mark McClannahan if the NET RMA was saving money on maintenance due to overlays and because the NET RMA is now handling maintenance in house. Mark McClannahan answered yes. Chris Miller responded that now they have their own maintenance director, they are capable of interacting directly with the contractors.

##### **2. Finance Department**

##### **3. Marketing/Public Relations/Human Resources Department**

##### **4. Toll Operations/Customer Service Department**

## **9. 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 answered that they had a joint meeting with project and executive committee. It was largely to talk about archeological issues. Total allocated contingency was 27 million and approximately 10 million of that was for the project while 16 million was contingency for ROW acquisition. So far, they have expended 10.1 mill of the regular 10.3 contingency. They have not spent any contingency from the ROW and said they are in line with budget at present, so any added costs would need to dip into that contingency. There was a question asking if leftover funds from the contingencies could be added to other projects and the answer is, yes. He also noted that bringing safety measures to 3B has been the biggest single cost and it was not in the original contract. Doing so before the road was built was cheaper than doing it after, but it was still 4.4 million. That's where a huge chunk of contingency went. The next item that has taken a sizable chunk was the archeological study. He showed where the archeological studies were taking place via handout and explained that the archeological challenges ended up being a much bigger issue than was anticipated. Because of this, \$2.9 mill has gone to archeological issues. In total, 72% of the funds have been used on safety improvements and archeological studies. He went on to say that they have approved the extension of the contract for the delays which set the road back to completion in June 2019. Some additional contractor costs are currently under negotiation. He reiterated the impact the archeological study had on contractor and their ability to work. He stated that despite this, they have been fortunate with the great success of the ROW acquisition to fall back on but there will be additional change orders. John Cloutier recommended that once the road opens, it may be beneficial to inform the public of these archeological issues to explain the reasons for the time extension and added cost. Andrea McCoy stated that this is another instance in which proper marketing would be beneficial. She also asked if any PSAs had gone out discussion this issue. Chris Miller answered that there have not been due to restrictions currently in place. Barham Fulmer commented that if the archeological artifacts go to a museum, the NET RMA should be credited in some way. Hudson Old responded that it could be good publicity to have it go to a local museum. Jim Harris commented that Texas Highway might be interested in the story. Andrea McCoy then stated that she thought it would be a good proactive step to make the public aware of why the project has been delayed. I think it would be a proactive step to make people aware of why the project has been delayed.

### **D. Long-Range Planning Committee**

**John Cloutier**

John Cloutier first wanted to remind the counties that priority projects were coming up and to make sure to turn them in on time. He also stated that they were still working on the board member handbook as a guide to new board members. Hudson Old asked if the benefits of being an RMA member would be included. John answered that it would likely be in the handbook. Hudson Old asked if there were any updates on Camp County as they had previously wanted to join. John Cloutier responded that a second county has stated that they wanted to join, and they are currently working on Cass County. Linda Thomas stated that bylaws show what the mission is. John Cloutier agreed and then stated that he will build the handbook in congruence with the bylaws. Dave Spurrier commented that it was discussed listing out in writing the accountability of members. John Cloutier answered that the handbook would do that and that it will be a handbook for both judges and future board members. Linda Thomas stated that it's just going to give an idea of what being a board member is all about. John Cloutier stated that he wanted to have a skeleton ready before the next meeting to help move it along.

### **E. East Texas Hourglass Committee**

**Dave Spurrier**

No report.

### **F. Investment Committee**

**Robert Messer**

No report.

### **G. Facilities Committee**

**Gary Halbrooks**

No report.

**10. PARTNERSHIP UPDATES**

**A. East Texas Corridor Council**

**Bob Moore**

No report.

**B. I-69 Alliance Committee**

**Linda Thomas**

No report. Linda: They will have an annual meeting in December.

**C. East Texas Council of Governments**

**Linda Thomas**

Linda Thomas stated that the NET RMA is in their books and they are working with them to get more projects in rural areas.

**11. UPDATE ON PROGRESS TOWARD THE 2016 NET RMA STRATEGIC PLAN.**

**Chris Miller**

Chris Miller asked the board members to start thinking about the format they would like for the January meeting. It will be an update on where the NET RMA is. There has been a lot of progress made and pointed to the transportation forum in September as evidence. He also recommended that the board think about what comes next after Toll 49 is complete. He felt that it could be beneficial to see how the NET RMA can be involved in a non-tolled project. He then recommended that they either meet in Tyler, or move it to Longview or change it each year.

**12. PRESENTATION ON THE NET RMA ECONOMIC DEVELOPMENT IMPACT MAP.**

**Tammy Sims**

Tammy Sims stated that they created the map using Arc GIS software which is one of the largest map hosts in the world. The NET RMA owns the data so no one else will be able to change or move the items. She explained that the map is web based and it should be up and running in the next few weeks. She described the map and goes through a brief presentation on how it works and the different options it offers. Major economic assets are featured in the map. Major assets were defined as having at least 100 employees, or freight of at least 50 or more truckloads per day, or ship out more than 10 railcars per day. John Cloutier commented that some of the information may be outdated. Dave Spurrier asked if they had cross referenced this data with the local economic development corporations. Tammy Sims answered yes. Chris Miller said that both the NET RMA and Atkins compiled the information by reaching out to judges, EDCs and so on. Tammy Sims stated that in addition to economic sites, other information can be seen on the map such as NET RMA boundaries, TxDOT districts, TxDOT ADT, MPO Areas, Parks, National Forest boundaries, rail roads, wetlands, FEMA national flood hazard, topographic information, etc. She also stated that TxDOT projections can also be added. Dave Spurrier asked what was employed to make this map accurate. Did they consult with the CEO of the Chamber and MPOs? Chris Miller responded that that was the next step and that the goal was to have board members help narrow down the information that they would like to see on their county. Dave Spurrier commented that he would rather not put up the map until accuracy can be confirmed. John Cloutier stated that for his county, he would like to have oil field locations and then asked if the map would be able to cater to each count since each has their own unique assets. Tammy Sims said that they can, but it needs to be all or none to avoid confusion with the public. Andrea McCoy suggested discussing the metrics used to measure for each county at the next board meeting. Dave Spurrier asked what the purpose of having the map is. Chris Miller answered that the purpose was to facilitate transportation and regionalism. This map gives a regional approach to how various forms of transportation interact with economic assets. Hudson Old commented that the point of the NET RMA is to recognize assets and issue in all counties involved. This map would help see what assets are available in the 12-county region. Larry Morse added that it is a tool that could help facilitate further development. Hudson Old stated that regional planning and education of the public is a frugal way to get the most out of their dollar. Educating board members and county officials and city officials is a clear benefit and the map is one way to argue their case intelligently.

**13. REPORT ON THE TOLL 49 IMPROVEMENT PROJECT.**

**Kate Wilder**

Kate Wilder provided the presentation and stated that in December 2017, it is expected the segment 3B overlay. Final acceptance is expected to occur on March 2018. Recent activities include: completion of one course surface treatment on Segment 3B, and near completion on restriping for passing lanes and flush median on segments 1,2,3A and 5.

Upcoming activities include: 2.4-inch asphalt overlay of segment 3B for the final surface, restriping segment 3B for passing lanes and flush median, installation of permanent signs, mow strips, and adjustment of guardrail.

**14. REPORT ON THE EROSION CONTROL PROJECT ON SEGMENT 3B OF TOLL 49.**

**Kate Wilder**

Kate Wilder provided the report. Recent activities include the Kerns pond clean out, silt removal, spillway improvements, backfill, sod and seed installation. She also stated that the erosion control project is complete.

**15. REPORT ON CONSTRUCTION OF SEGMENT 4 OF TOLL 49.**

**Kate Wilder**

Kate Wilder provided the report. She cited project challenges regarding the archeological site. She stated that field work had been completed early the previous week and that the site will be open to the contractor upon TxDOT's approval of the field report. She also stated that it is estimated the project will reach final acceptance in June 2019. \$44 million has been expended since the start of the project through October 1, 2017. \$75.6 million of the total contract amount includes approved Change Order 1 – 13. Recent construction activities include the completion of the final bridge substructure elements and all beam placement and the completion of the final two major culverts.

**16. REPORT ON SEGMENTS 6 AND 7 OF TOLL 49.**

**Everett Owen**

Chris Miller commented that this item is now on the agenda because it is now officially a project. He went on to say that they wanted it to be a regular item of discussion on the agenda. Everett Owen stated that they had submitted the application are now waiting for a commitment from TxDOT. They don't plan on any work until they get that commitment. Barham: in case you see traffic backed up on i20, it has nothing to do with toll 49. Truck

**17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 12.4 WITH RS&H FOR CONTINUED ARCHEOLOGICAL SERVICES ON SEGMENT 4 OF TOLL 49.**

**(RESOLUTION 17-60)**

**Action Item**

Kate Wilder stated that this was a supplemental WA on additional archeological studies on the segment 4 project. This was presented to the Project Development committee in November. It is to account for the added archeological work that needed to be done. The supplemental amount was for \$184,521.32.

Motion: John Cloutier. 2<sup>nd</sup>: Jim Harris. Unanimously approved.

**18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 2 WITH IOC COMPANY FOR METAL BEAM GUARD FENCE ADJUSTMENTS FOR THE TOLL 49 IMPROVEMENT PROJECT.**

**(RESOLUTION 17-61)**

**Action Item**

Kate Wilder stated that the change order was regarding metal beam guard fence adjustments with the IOC company. Design standards have changed since the beginning of this project. Current standards require taller height requirements and thus this change order is to account for that. Change order amount is for \$313,516.20. Jason ray asked what segment this is regarding. Kate Wilder answered it only applied to segment 3B which is a 10 mile stretch. Barham Fulmer stated that there was a combination of factors discussed. Not only had the standard changed, but the added 2 inches of asphalt made the existing ones that much shorter compared to the roadway. Kate wilder agreed and said that after internal discussion, it was decided that it would be prudent to change the guardrails throughout and not just the new ones that had been installed.

Motion: John Cloutier; 2<sup>nd</sup>: Larry Morse. Unanimously approved.

**19. ADJOURNMENT 4:27**

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## **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 attorney-client matters (real estate, litigation, contracts, personnel, and security) under Chapter 551 of the Texas Government Code:**
  - 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 12, 2017 – Marshall, TX  
January 9, 2018 – Tyler, TX  
February 13, 2018 – Mount Pleasant, TX  
March 20, 2018 – Longview, TX  
April 10, 2018 – Carthage, TX  
May 8, 2018 – Henderson, TX  
June 12, 2018 – Terrell, TX  
July 10, 2018 – Jacksonville, TX

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

November 16, 2017 – Texas Transportation Commission

### **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.