



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Gary Halbrooks, Vice Chair
DATE: Thursday, October 14, 2021
SUBJECT: **October Board Meeting**

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

DATE: Thursday, October 14, 2021
TIME: 1:30 PM
PLACE: 2772 S. Southeast Loop 323
Tyler, TX 75701
Smith County

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

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)
BOARD OF DIRECTORS REGULAR MEETING
Thursday, October 14, 2021
2772 S. Southeast Loop 323
Tyler, TX 75701
Smith County

Notice of this meeting was posted with the Secretary of State's Office and on the NET RMA website and office on Monday, October 11, 2021.

October 14, 2021 1:35 PM the meeting was called to order by Gary Halbrooks. Glenn Green: For those on virtually, we are having to go through and re-verify there is enough for a quorum. Glenn asks Colleen Colby to reassure that we have a quorum with the count.

October 14, 2021 1:44 PM the meeting was called to order by Gary Halbrooks.

2. WELCOME & INTRODUCTION OF BOARD MEMBERS

Glenn Green welcomes everyone to meeting and does roll call. Derrick Choice, James Harris, Robbie Shoults, John Cloutier, Marcia Daughtrey, Dan Droege, Larry Morse, Gary Halbrooks, Dave Spurrier, Ben Hamilton, Robert Messer
Glenn Green: We now have a quorum.

3. OPEN PUBLIC FORUM/COMMENT PERIOD

Gary Halbrooks; welcome everyone and thank you for joining us. We have an open public speaker. We will turn the floor over to Robert Wilson.

Gary lets him know he will have 3 minutes to speak. Thank you for being here.

Mr. Wilson: has no unpaid tolls. Over 2 million Texas drivers have been placed in collections. Time to cap fines and fees, impounding cars and locking vehicle registrations and making ordinary citizens into criminals over an unpaid toll bill. Toll fines and fees are out of control and making Texas drivers an unlimited ATM machine. Feels the tolls are a license to steal across the state. Pandemic induced economy. Hidden run-away tax scheme must end. Hopefully NET RMA will end the tolls on Toll 49 when the road is paid for. Spoke about permanent changes to employment. Spoke on the expansion in Austin. Why can't NET RMA remove the tolls. Thank you.

4. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE SEPTEMBER 14, 2021 REGULAR BOARD MEETING.

Gary Halbrooks motion to approve the minutes for September 14, 2021, Board Meeting. Motion for approval Dan Droege, 2nd Marcia Daughtrey. Motion is approved unanimously.

5. VICE CHAIR'S REPORT

No Chair's report

Gary Halbrooks

6. COMMITTEE REPORTS

A. Executive Committee

Nothing to report

Gary Halbrooks

B. Community Relations Committee

Nothing to report

Andrea Williams McCoy

C. East Texas Hourglass Committee

Dave Spurrier- will meet with Gregg County Judge Oct 22nd State Hwy 42 project. Scheduled next one January 7th and the board is working on some items and hopefully have everything wrapped up by then.

Dave Spurrier

D. Finance Committee

Nothing to report

Robert Messer

E. Member Outreach Committee

Nothing to report

John Cloutier

F. Personnel Committee

Nothing to report

Jason Ray

G. Project Development & Implementation Committee

Nothing

Larry Morse

7. REVIEW AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS.

Diane Johnston- where we are for the 11th month, that ended august 31st. Tag Revenue \$10,970,229 over budget by 2%, Net Video \$6,146,004 over budget by 18%, Total Operating Revenue \$17,150,233 over budget by 7%, Total Operating Expenses \$1,973,492 is under budget by 3%, Toll 49 Operating Expenses \$2,249,551 under budget by 13 %, Total Other Income \$16,948,463 under budget by 4%, Total Net Income \$4,021,273 under budget by 35%, all for August financials we obviously hit our year end. in the process of getting all the books closed out and audit underway.

Motion to approve outstanding budget. 1st motion Robert Messer, 2nd Dan Droege.

Motion passes unanimously

8. REPORT ON TOLL 49 TOLLING TRANSACTIONS AND REVENUE.

Diane Johnston: Month of September we did trend up from August with a total of \$41,734 average a day. Still above from previous years.

Gary Halbrooks: average transactions are up past 2019. We did dip down and then go back up.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A BUILDING LEASE AGREEMENT FOR OFFICE SPACE FOR THE NET RMA.

(RESOLUTION 21-25)

Action Item

Glenn Green: Former Chair had appointed committee to look for and evaluate for office space for NET RMA. Since nearing 5-year lease. Gary Halbrooks; presenting findings. Appointed ADHOC committee to assist with process. Russell Paterson's group assisted to secure current office space. Specifications were put together and reviewed with Russell. Had 10 different responses of interest to 3 or 4. Asked for proposals. Then down to 2. Built a lease comparison for each space. RFT were responded to and covered with staff. Then submitted to Messer and Jason Ray. Came back with affirmation and then executive committee last week. With an affirmation. Location is on Pruitt Dr. Located near Kinsey Dr. More attractive facility single story, easier access to office, economically on par with rental rate and landlord agreed to make all physical changes to property to fit the needs of the RMA. Staff safety has a 3 ingress and egress options. Receptionist will be shielded from the public. Staff is protected if something were to go wrong. Committee is making recommendation to approve. Lease has been agreed to assuming the Board approves today. The lease will be signed within a day or two. Any questions our attorney Preston can answer them. No questions or comments. Motion to approve 1st Marcia Daughtrey, 2nd Robert Messer. Motion passes unanimously.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR INCIDENT RESPONSE FOR MAINTENANCE AND TRAFFIC OPERATIONS.

(RESOLUTION 21-26)

Action Item

Glenn Green: usual agreement to supplement our maintenance agreement under the supervision of Mr. McClanahan. When more urgent situations that come up such as snow and ice this year TxDOT was very responsive and willing to assist with snow and ice removal. Cover expenses and formalize for future services with TxDOT. Robert Messer: \$100,000 fee is this standby? Glenn Green; yes. Mark McClanahan: we only pay if they come out and do something. Gary Halbrooks; clarified we only pay up to a maximum of \$100,000. Glenn Green: we pay only when needed or they don't get paid anything. Their facility sits at the corner of Toll 49 and this is not a burden on the tax payers since we do pay for everything within this agreement. Do we need to put some other things in place in the event that they cannot get to us? Probably, we were very lucky in this last ice storm to receive services. James Harris: Will we purchase equipment? Glenn Green: we have thought about some rental equipment to give us an option. We want to be able to offer better services. We also want someone that can be on site when needed. Motion to approve 1st Dan Droege, 2nd Derrick Choice. Motion passes unanimously.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 4 WITH SICE, INC. FOR TOLL SYSTEM EQUIPMENT REPLACEMENT.
(RESOLUTION 21-27)**

Action Item

Glenn Green: our new toll provider to replace current equipment. We would normally use our current provide KAPCHE. SICE was chosen since they can do the replacements at a lower cost for treadles, AVI older that need to be updated, NVI. We would be doing this under our current contract with KAPCHE. Robert Messer; is that \$83,000, correct? Gary- gave updated rate \$121,099.37. Larry Morse moves to approve 2nd Marcia Daughtrey. Motion approved unanimously.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE PROCUREMENT POLICIES REGARDING CONSTRUCTION CONTRACTS.
(RESOLUTION 21-28)**

Action Item

Glenn Green: we amend our policy to include the process that we use to utilize our maintenance contract so we take bids and interview them. Best value, we will be able to evaluate them on past performance, project manager, cost, bid price plus the value. Gary Halbrooks; will this be done with a grading scale? Glenn Green; correct. There is an interview process that wasn't done with larger contracts. Although an overlay, still relatively small and we need to insure that have the capability to provide high quality product on a schedule and we are not in a situation that will affect our revenue. Product and time are directly proportionate to do this in one pass, correctly with high quality the first time. Larry Morse motion to approve, 2nd Robert Messer. Motion passed unanimously

13. TRAINING ON ETHICS ISSUES AND THE NET RMA INTERNAL COMPLIANCE POLICY.

O'Reilly- required training for board members and employees every 2 years. Conflict of interest or ethics issues. (Covering his slides that we added to the presentation).

Conflicts of interest board members and employees

Ch 171 disclosure- when to file affidavit

Ch 176 disclosure- file conflict of interest disclosure statement/vendor/when the statement must be filed

Gifts and Honoraria/what can't be accepted/what can be accepted/what is a conflict of interest

NET RMA property only for business purposes

Public Information and Retention of Records avoid using personal email

Open meetings- walking quorum- do not send texts emails or other electronic communications during an open meeting

Personal financial statements- allows board members to use the paper form/due April 30th or have 1 extension/

Compliance standards and procedures

Questions Glenn/O'Reilly/Cassidy

14. EXECUTIVE DIRECTOR'S REPORT.

Glenn- nothing to add

15. ADJOURNMENT

Gary- 2:28 PM meeting is adjourned

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.

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.

OPEN COMMENT PERIOD

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, including an item listed on the agenda. Public comment must be made during the open comment period. You must be recognized by the presiding officer.

Each speaker will be allowed a **maximum of three (3) minutes**. 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 presiding officer, 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 presiding officer 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 meeting, please contact the 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 the NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.