



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Linda Thomas, Chair
DATE: Tuesday, March 20, 2018
SUBJECT: **March Board Meeting**

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

DATE: Tuesday, March 20, 2018
TIME: 1:30 PM
PLACE: Pinecrest Country Club
214 Club Drive
Longview, TX 75602
Gregg 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, March 20, 2018, 1:30 PM
Pinecrest Country Club
214 Club Drive
Longview, TX 75602
Gregg 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, March 16, 2018.

Meeting convened at: 1:41.

2. INVOCATION

Barham Fulmer provided the invocation.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Linda Thomas welcomed potential new board member Belinda Andrus who would be replacing Dave Anderson who recently resigned. Present: Bob Moore, Larry Morse, Dave Spurrier, Dan Droege, Gary Halbrooks, Andrea Williams-McCoy (remote), Linda Thomas, Chris Miller, Barham Fulmer, John Cloutier, Nate Priefert and Jason Ray. Mike Thomas joined 2:36PM remotely.

4. OPEN PUBLIC FORUM/COMMENT PERIOD

Commissioner Gary Boyd welcomed the NET RMA. He stated he looked at the vision statement of the NET RMA and a few words stood out -partners and solutions. He stated public service is honorable and what the NET RMA does for the area and their creativity at problem solving should be congratulated. He welcomed the NET RMA to Longview and Gregg County.

5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE FEBRUARY 13, 2018 BOARD MEETING **Action Item**

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

6. CHAIR'S REPORT

Linda Thomas

Linda Thomas stated that they did not make the Washington DC trip due to the weather. She thanked everyone for attending. She stated it was an exciting time as they have the opportunity to present funds to Gregg County. The check presentation will be Wednesday, March 28th at 10AM at the commissioners' court. She stated that she was proud of the Long-Range Planning Committee. She also reminded all board members to get in touch with their judges to send in their priority project applications.

7. PRESENTATION ON IMPLEMENTATION OF 2016 PRIORITY PROJECT FUNDS AWARDED TO GREGG COUNTY

Keith Bonds, Acting City Manager, City of Longview

Keith Bonds, City Manager provided the presentation. He discussed the project that the NET RMA funds helped to complete. He stated that they had excavated about 3 feet on each side at the Hawkins intersection and put a vertical curve on the street that helped mobility. The project cost was about \$600,000 and the funds the NET RMA provided took a large chunk out of it (\$400,000). Dave Spurrier asked how it would affect the Hensley Park development. Keith Bonds replied that a major grocer is pursuing a project in that area and the work at the Hawkins intersection helped. John Cloutier asked if there was a public measure for the project. Keith Bonds responded that the voters approved that the city council removed the park designation so that construction could be completed. He again thanked the NET RMA for their generous contribution.

8. REVIEW AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS

Michelle Colburn

Michelle Colburn provided the presentation. She stated that it would cover the December 31, 2017 period. Michelle also stated that she would provide a quick quarterly review for the board. November was a rough month compared to previous months. Gary Halbrooks asked why that was. Chris Miller responded it was likely due to the gravel damage and construction that occurred on the road around that time. Barham Fulmer stated that the fact that November has one less day than the other two months also affects the revenue significantly. Michelle continued her presentation and stated that the total operating expenses had a difference of \$193,000. This is largely due to legal fees which were up \$80k due to an invoice they had paid in December. Additionally, employee salaries and benefits are also up due to new employees being added which contributed to that difference. Thus, it is unsurprising that expenses have increased. She then continued to say that Toll 49 operating expenses (year to date) for 2017 has proven higher than 2016 but that's likely due to the construction, maintenance and upgrade costs compared to last year. Operating income has a variance of about \$165,000 in losses. Revenue is up about \$105,000; however, expenses are also up about \$260,000 which led to the \$165,000 variance. When looking at revenue comparisons related to actual vs. budget year to date, the numbers show that they are down about 180k in electronic revenues. Video revenues are also down about \$224,000. County contributions have not been sent yet but will be going to the counties by this week or early next week. Overall, they are down 230k for the year. Regarding operating expenses: there was a variance of about \$98,000 largely due to legal fees which took up about \$80,000. Auditing fees are up by about 15k. Other general expenses are up as well due to software/hardware maintenance, court liaisons, and the Hilder Group risk management invoice. Regarding Toll 49 operating expenses for year-to-date vs. budget year-to-date, they are currently below budget about \$44,000. She also noted that while transactions are down, the operating costs are also down. Additionally, cashflow is down about 285k year-to-date compared to budget which is due to revenue being down while expenses have increased. However, with interest and depreciation expenses totaled in, the NET RMA is still ahead of budget by \$94k. Dave Spurrier asked if the interest expense is below budget because the NET RMA is behind on capital expenditure or because they are off on their budget. Barham Fulmer responded they had previously discussed it at the last meeting and it was because it had not been on the budget. Chris Miller stated that previously, the amount was included but in two different categories. The budget number is correct, it was just reflected differently in the past. Jason Ray asked what the other 30k on legal fees was from. Chris Miller responded it was a combination of the settlements for ROW acquisition and the mediation for 3 of those cases. Larry Morse asked Chris Miller if the mediation was funded by the project. Chris Miller responded yes but it is reflected in general expenses.

Motion to approve: Larry Morse, 2nd: Dave Spurrier. Unanimously approved.

9. REPORT ON TOLL 49 TOLLING TRANSACTIONS AND REVENUE

Michelle Colburn

Chris Miller stated that the 11th was one of the worst days in February. 17-18th were the best for the month. The average daily transactions are showing an increase but it's important to keep in mind it's only reflecting 28 days since February is a short month. It seems to be reflecting the construction patterns at the moment as construction has temporarily halted, it seems as though people are returning to the road. They expect the road to continue to have an upward trend. Barham Fulmer responded that it's likely that there will be a large uptick in March as there are 5 Fridays and Fridays are the biggest days.

10. 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 they had a committee meeting earlier. Ongoing discussion on the improvement project has occurred. They are in continued negotiations. There had been a continued forbearance to keep them from pouring

asphalt when it was freezing. They were encouraging them to get some of the other work done while they wait but it doesn't look like that's happened. Dave Spurrier responded that he thought it was agreed already that they would do the other work. Barham Fulmer responded that they had stopped construction as planned but they had not seen work on other non-paving projects. Which has also affected raising the speed limit.

D. Long-Range Planning Committee

John Cloutier

John Cloutier stated they had a conference call meeting where they went over a developing new board member packet. It would be a helpful piece for new board members, commissioners and judges. Everyone on the committee has brought good ideas. He reminded that April 16th is the due date for priority projects.

E. East Texas Hourglass Committee

Dave Spurrier

No report.

F. Investment Committee

Robert Messer

Chris Miller stated they would have a committee meeting before the next meeting.

G. Facilities Committee

Gary Halbrooks

No report.

H. Marketing/Community Relations Committee

Andrea Williams-McCoy

Andrea Williams-McCoy stated that she had received a summary report from Colleen Colby. She stated it has looked good overall and conceptually she liked it. There were only a few notes she had on them. She stated she liked the slogan "Save time, drive Toll 49". She also stated that another key communication point would be to remind people that do drive on toll 49 that those dollars they are spending stay in North East Texas. She would like to work that into the slogan somehow. She would like to have a recommendation for the board by next board meeting. Linda Thomas also responded by saying that she and John Cloutier had talked about how both the Long-Range Planning Committee and the Marketing Committee need to work closely together as they do seem to go hand-in-hand. Andrea Williams-McCoy agreed.

11. PARTNERSHIP UPDATES

A. East Texas Corridor Council

Bob Moore

No report

B. I-69 Alliance Committee

Linda Thomas

Linda Thomas stated that officials are meeting in Washington DC to discuss the I-69 Alliance. She was supposed to be there but the weather did not permit it. Potential significant federal financing is in the pipeline.

C. East Texas Council of Governments

Linda Thomas

No report.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE 2017 NET RMA ANNUAL REPORT. (RESOLUTION 18-11)

Action Item

Chris Miller stated that in the board book is a copy of the annual report for 2017. It is a requirement that the NET RMA provide it to TxDOT. It's essentially the same document with a lot of nice imagery. There was an added section for former board members and new added board members. Next year they hope to add more as well as the new counties. Dave Spurrier asked if the judges were randomly selected to be interviewed. Chris Miller responded yes. They are different

each year. Dave Spurrier asked if once approved, they would be linked to the website. Colleen Colby stated yes.

Motion to approve: Dan Droege, 2nd John Cloutier. Unanimously approved.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO ACCEPT THE 2017 NET RMA AUDIT REPORT.
(RESOLUTION 18-12)**

Action Item

Walter Wilhelmi with Prothro Wilhelmi provided the presentation. Chris Miller reminded all that the audit committee met last week. Mr. Wilhelmi stated that he appreciated the level of engagement the NET RMA had. He stated that the letter basically discussed generally how the audit went. He also stated that the investments this year made it so that they needed to have a small entry. He also commended Michelle Colburn on closing the books for her first year. There was only one audit adjustment which was rare since they normally have several more. On the back of the report, there's a report on financial controls. Part of their process is to follow compliance with bond covenants and as far as the controls go, they had no findings. They also issued a management letter which shows where areas they believe the NET RMA can strengthen. He also stated there were a lot of cost related repairs related to Segment 3B. About 5 million dollars were spent on repairing portions of segment 3B. From a county perspective, they needed to determine how much needed to be counted in expense and how much would be in capitalization. It was determined that \$2 mill or so would be expensed and \$3 million would be capitalized. It was a significant area they spent a long time with. He then asked for questions for the September 30, 2017 financials. None were asked. The financial statements for 2016 were also reported on. He stated they had something come up due to the TxDOT financial agreement which was signed in December 2015 which related to construction costs of Segment 4. Much of that was a grant for Segment 4. \$4 million dollars would be allocated to that project. In October 2016, a request for reimbursement was made to TxDOT but those funds were not received until May 2017. Because the grant created in 2016, they had to go back and include that grant receivable into fiscal year 2016. That was the only change they made in the 2016 audit report. The construction funds were audited to make sure they followed compliance. Gary Halbrooks asked that after all was said and done, was it a good audit. Mr. Wilhelmi responded that yes, all in all it was a good audit. Barham Fulmer wanted to clarify that while the 2016 change was only one thing, they were pleased with the presentation and pleased with their work. Linda Thomas commended Michelle Colburn and the staff that worked on the audit. Barham Fulmer also asked if they needed to make a separate action to accept the restatement of 2016. Brian Cassidy responded yes.

Motion to approve: Barham Fulmer. 2nd: Bob Moore. Unanimously approved.

**14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL SERVICES.
(RESOLUTION 18-13)**

Action Item

Chris Miller responded that this was more of a house keeping action item. Brian Cassidy stated it's related to disclosure issues. There's a need for bond counsel. Chris Miller stated that the board would be giving them....

Dave Spurrier, Larry Morse. Unanimously approved.

**15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE SELECTION OF AND CONTRACTING WITH ONE OR MORE GENERAL ENGINEERING CONSULTANTS.
(RESOLUTION 18-14)**

Action Item

Chris Miller stated that this was an overview of the process that unfolded. He reminded all that they had received the authority from the board to send out an RFQ. His recommendation is that Atkins be the primary GEC and the HNTB with the secondary back-up GEC. The secondary support would not have funds involved. Atkins would handle all activities primarily on the road. They would provide a contract that would be brought back to the board for approval. With HNTB, there would be a contract but no financials attached to it. The reason for secondary GECs would be if the primary does not have the ability to engage in another aspect. The secondary GEC allows for more flexibility. Dave Spurrier asked who

the outside consultants were. Chris Miller responded Everett Owen was involved. Kate stated Ron Fagan, Mark McClanahan, and Tim Reilly were all involved. Dave Spurrier asked if it was a 5-year commitment and also asked why the Board was not involved in this decision. Chris Miller responded that typically board members are not involved. It's a recommendation that Chris Miller brings to the Board. They will be involved in approving the contract. Dave Spurrier stated that the only thing that he would like to see is what areas will be worked in house and what actions the GEC does. Brian Cassidy stated that if they wanted a chance to approve and see the contract, they would need to adjust the wording of the resolution. No dollars are being committed until the change orders are issued. Linda Thomas asked if there were only 2 submissions and Jason Ray asked if that was normal. Kate Wilder responded yes and that CTRMA recently had an RFQ and they only had 3 proposals. Dave Spurrier asked how the contract is negotiated. Chris Miller stated it is hourly. Brian Cassidy stated that work authorizations are generally hourly. They use a formula that was an audited rate. There is a 12% profit ratio. The document has submission of invoices, processes, standards of professional care, etc. Dave Spurrier stated that there was no financial data in there. Brian Cassidy responded in the affirmative.

Motion to approve: Dave Spurrier, 2nd: Larry Morse. Unanimously approved.

**16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN EXTENSION TO THE AGREEMENT WITH FAGAN CONSULTING, LLC FOR TOLL SYSTEMS CONSULTING SERVICES.
(RESOLUTION 18-15)**

ACTION ITEM

Chris Miller reminded all that Ron Fagan is the consultant for toll systems and that his contract had expired. They recommend that they approve it. Andrea Williams-McCoy asked for more information on how Ron Fagan's contract may interact with the CTRMA contract that is currently ongoing with the new vendor. Chris Miller responded that Ron Fagan is the Director of Operations thus he handles several areas of the NET RMA. He does not have direct contact with the CTRMA back office contract, but he is an expert in that field and has proven to be an excellent liaison. Andrea then asked if Ron would continue to be involved with the situation with the Cofiroute and CTRMA negotiations. Chris Miller stated that yes, he would continue to be very involved in working with the CTRMA back office provider once that work is done. He will also continue to serve the NET RMA's needs. The NET RMA does not have a specific relationship with the new back office provider. It is handled through the interlocal agreement with the CTRMA. Everett Owen and Ron Fagan are involved in that they are looking out for the NET RMA's interest. Andrea Williams-McCoy asked if Ron Fagan would be an advocate for the NET RMA interests Chris Miller responded that he is confident in Ron Fagan's abilities. Andrea Williams-McCoy asked if the board would be able to see that contract once it is drafted. Brian Cassidy stated that if they saw the contract and didn't like it, the NET RMA would not need to be a part of the interlocal agreement. Andrea then responded that her only concern was that the NET RMA's interests are properly represented which is why it's important that the people representing the NET RMA are present and deeply involved. Chris Miller stated that he is confident Ron Fagan is representing the NET RMA's interests. He stated it may be a good idea to have Ron Fagan give a presentation on the interlocal agreement. Larry Morse asked if Ron Fagan's contract extension was directly tied to the interlocal agreement. Chris Miller responded that no, it is not. Barham Fulmer responded that Ron Fagan was hired on by both CTRMA and the NET RMA and represents both interests in the negotiations. Dave Spurrier stated it is also important to understand that NET RMA has been working closely with the CTRMA since 2004. He also stated that the only issues he's had with the back-office provider in the past has been the service. Larry Morse asked if the interlocal agreement was extended or renewed continuously. Brian Cassidy responded it is renewed continuously until they opt out of it. He also stated that he wanted to discuss the fee cap legislation. The scope of that legislation only applies to TxDOT owned projects, so the fee structure does not need to follow the cap. Chris Miller stated that they would provide a follow up at the next board meeting. He is hesitant to bring in an interlocal agreement if they are not ready for it. Dave Spurrier stated that the only thing he wanted clarification on was the fee cap because last he remembers discussing, CTRMA was concerned having a different fee cap from TxDOT since they are in the same backyard. Linda Thomas stated that the NET RMA needs the expertise of Fagan Consulting.

Motion to approve: John Cloutier. 2nd: Larry Morse. Unanimously approved.

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

Chris Miller

Chris Miller stated that there were a few items that he had approved. The project development committee reviewed the change orders that he had approved. In total, it was for about 11k.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 12.1 WITH KAPSCH TRAFFICOM TRANSPORTATION, NORTH AMERICA FOR TOLL SYSTEM EQUIPMENT REPLACEMENT ON SEGMENTS 1, 3A, AND 5 OF TOLL 49.

(RESOLUTION 18-16)

Action Item

Kate Wilder provided the presentation. This was for the replacement of treadles at each of the mainline gantries. It is embedded within the asphalt and if they are removed, they are destroyed. With the improvement project, they were destroyed. This change order is for Kapsch to replace those destroyed treadles. John Cloutier asked why this was not added into the budget and wanted to know who didn't notice that the treadles would need to be removed? Kate Wilder responded that they were two separate contracts. The Change Order is a bit of a misnomer. It's not a Change Order similar to what you would find in a contract. Dave Spurrier asked if this amount was included in the original contract that was drafted. Kate Wilder stated that she would need to go back and look at the contract to provide a sufficient answer. Larry Morse stated that a contingency is likely part of the estimate. These are the types of items that fall within a contingency. The question to ask is if this would fall within the contingency category or if it was an oversight. John Cloutier wanted clarification on what can be considered a reasonable oversight and what is not. Chris Miller restated that it is important that they review both contracts (Kapsch and IOC). Dave Spurrier asked if, as Atkins is the GEC, they should have known that the treadles would be taken out. Kate Wilder responded that she would like to go back into the contract to answer that question. Barham Fulmer stated that it would not necessarily be in the upgrading contract but rather, it should have been in the original contract because whether they decided to widen or not, the treadles would need to come out regardless. John Cloutier wanted to be better at eliminating gray areas that they believe will just fall under contingencies. Linda Thomas asked if there are any other possibilities similar to this that would come up? Barham Fulmer responded that they have already done one. It was raising the guard rails. Chris Miller reminded all that the project development committee has looked at the contracts very closely. John Cloutier wants to know what the contractor can be held accountable for. Larry Morse stated that this action is specifically related to approving the invoice for the work that has already been done. Kate Wilder stated that Kapsch is the only provider of this service. They issue here is that they need to be paid. Dave Spurrier wanted clarification if this is a typical change order by Kapsch. Kate Wilder responded that it is a slightly different. Dave Spurrier stated that he would like an update on the comparison of what the board has approved compared to where they are now. A budget to actual.

Motion to approve: Larry Morse. 2nd: Dave Spurrier. Unanimously approved.

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN EXTENSION TO THE AGREEMENT FOR GENERAL ENGINEERING CONSULTANT SERVICES WITH RS&H.

(RESOLUTION 18-17)

Action Item

Chris Miller stated that RS&H is the current GEC for Segment 4. Their current contract ends in May and the completion date of the project is February 2019. His recommendation was to approve this action item and extend their contract. Barham Fulmer stated that the February date is the bonus date for quick completion.

Motion to approve: Dave Spurrier. 2nd: Andrea Williams-McCoy. Unanimously approved.

20. REPORT ON TOLL 49 IMPROVEMENT PROJECT.

Kate Wilder

Kate Wilder provided the presentation. She stated that the original bid including Change Orders totaled about 8 million and the NET RMA has paid about 5.6 million to date. Additionally, because it is a unit bid contract, all payments are verified on actual field quantities times the unit prices provided in the bid. A lot of the pavement area is largely complete. There is a slight overrun on the pavement widening portion. The reason why is the mill and inlay were lumped in there as well to ease transitions. IOC missed their substantial completion time frame and in late January, the GEC decided to

winterize the project out of concern for quality product. They did begin to assess liquidated damages per the contract. The GEC is also reinforcing the rule that requires night time paving to prevent any drops in revenue. They are working to get the contractor to complete the job as quickly as possible which will resume in the spring. John Cloutier asked why they haven't been able to do anything else not related to pavement. Kate Wilder responded that they are currently in discussion to push for that. Barham Fulmer asked if April 2nd is when liquidated damages would start up again. Kate Wilder confirmed. Gary Halbrooks stated that the continual negotiations with the contractor tells him that there is an issue with that contractor. Kate Wilder stated that they have had some troubles with the contractor. Chris Miller stated that they are concerned that they are taking advantage of the completion window. John Cloutier asked how long do they negotiate before they decide to move onto another contractor. Kate Wilder stated that she believes they are a ways off from that but she does not have a clear answer. Chris Miller stated those are some of the issues that are being discussed internally. It is a lengthy process that needs to be discussed fully. Brian Cassidy stated that the contractor would need to be placed on default and then they would need to go through their surety bond. Barham Fulmer stated that the getting someone to finish the job and to guarantee its completion on top of what another contractor has done is difficult. Dave Spurrier asked what leverage the NET RMA has. Kate Wilder stated that liquidated damages which is \$5k/day. Dave Spurrier asked what they're losing in revenue because of the contractor. Kate Wilder stated that she does not have a number at the moment and will need to look it up. Dave Spurrier responded that it seems like it's likely more than 5k/day. Dave Spurrier then asked if the original bid number is the number that represents everything. Kate Wilder stated it is specifically the roadway contractor cost. It is the bid from IOC plus any change orders. Barham Fulmer stated that the real leverage they have, they can call on the surety bond which will basically put the contractor out of business because no bonds will work with them.

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

Kate Wilder

Kate Wilder stated that substantial completion is expected for February 2019. Earthwork and structure costs are 99% complete. Most of the remaining work is related to the road. Construction expenditures are at about \$54.9M expended to date and reflects work performed through March 1, 2018. The total contract amount is about \$78.3 M which includes approved Change Orders 1 through 18. The total project expenditures to date equal \$78.7 M. Total project budget is \$126.2M with a \$13.6M remaining in total contingency.

22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 19.0 WITH WEBBER REGARDING SEEDING AND OFF-SITE CLEAN UP ON SEGMENT 4 OF TOLL 49. (RESOLUTION 18-18)

Action Item

Kate Wilder stated that this change order was provided to the project development and implantation committee. The settlement documentation had seeding and offsite clean-up in the contract. The total not-to-exceed amount is 100k.

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

23. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 20.0 WITH WEBBER FOR REMOBILIZATION FOLLOWING UTILITY RELOCATIONS ON SEGMENT 4 OF TOLL 49. (RESOLUTION 18-19)

Action Item

Kate Wilder stated this was related to earthwork and facility relocation. While ONCOR was out there doing their work, Webber needed to move their equipment and work. On road trucking was needed to move the material. Gary Halbrooks asked why Webber couldn't have spoken with the contractor and have them move their equipment. Kate Wilder stated that it is a bit more difficult than that. There is not much liability they could place on ONCOR for missing their date. There was nothing iron clad that could commit the utility to move. John Cloutier stated that since they are a utility, they can basically do what they want. Barham Fulmer stated that it was aggravated by projects along the road because they were unable to drive on the roads. Gary Halbrooks stated that he understands but it just seems as though common sense gets thrown out the window on these projects. There should have been more discussion between the contractor and ONCOR on scheduling.

Unanimously approved.

24. EXECUTIVE DIRECTOR'S REPORT
A. Community Outreach Meetings

Chris Miller

B. NET RMA Newsletter

C. Department Reports

- 1. Maintenance Department**
- 2. Finance Department**
- 3. Marketing/Public Relations/Human Resources Department**
- 4. Toll Operations/Customer Service Department**

25. ADJOURNMENT – 3:50 PM.

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:

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:

March 29, 2018 – Texas Transportation Commission

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.