



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Linda Thomas, Chair
DATE: Tuesday, April 11, 2017
SUBJECT: **April Board Meeting**

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

DATE: Tuesday, April 11, 2017
TIME: 1:30 PM
PLACE: Panola College Student Center
Frances B. Ross Ballroom
1109 W. Panola
Carthage, TX 75633
Panola County

Enclosed please find the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call K'Lin Noble at 903.630.7447.

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)
BOARD OF DIRECTORS REGULAR MEETING
Tuesday, April 11, 2017, 1:30 PM
Panola College Student Center
Frances B. Ross Ballroom
1109 W. Panola
Carthage, TX 75633
Panola 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, April 7, 2017.

A quorum was declared and the meeting was called to order at 1:32pm. Gary Halbrooks stepped outside to take a phone call. Quorum was maintained.

2. INVOCATION

Chair Thomas asked Bob Moore of Van Zandt County to give the invocation.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Present were: Chair Linda Thomas, Vice Chair Gary Halbrooks, Secretary Dr. James Harris, Treasurer Robert Messer, Dave Spurrier, Keith Honey, John Cloutier, Barham Fulmer, Hudson Old, and Bob Moore. Attending by remote access: Dan Droege, Larry Morse.

Not Present: Jason Ray, Robert Murray, Mike Thomas

4. SWEARING IN OF PANOLA COUNTY BOARD MEMBER

Chair Thomas introduced Panola County Judge Lee Ann Jones, who swore in new Panola County board member David Anderson. Mr. Anderson is replacing Walta Cooke who resigned February 28, 2017.

5. OPEN PUBLIC FORUM/COMMENT PERIOD

Visitors from Whitehouse were introduced. Aaron Smith, James Wansley and Ernie LaFlure attended to provide information on the UPROW project.

6. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE FEBRUARY 14, 2017 BOARD MEETING **Action Item**

Motion to approve: Dr. James Harris, 2nd: Bob Moore. The minutes were unanimously approved.

7. CHAIR'S REPORT

Linda Thomas

Chair Thomas advised the board that forms would be sent out for staff evaluations, saying that some staff have worked quite a while without the benefit of an evaluation, and with Chris Miller's 1 year anniversary approaching, it is a good time to get these done.

8. TREASURER'S REPORT

Tom Fitzgerald

Tom Fitzgerald presented the February financial statement. Motion to approve: Robert Messer, 2nd: Bob Moore. The statement was unanimously approved.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON AN HONORARY RESOLUTION FOR FORMER BOARD MEMBER WALTA COOK.

Chair Thomas presented the resolution and an award plaque to former Board Member Walta Cooke for her years of service and dedication to the NET RMA. Motion to approve resolution: Barham Fulmer, 2nd: Dr. Jim Harris. The resolution was unanimously approved.

10. EXECUTIVE DIRECTOR'S REPORT

Chris Miller

A. County and Partner Meetings

1. **Rusk County** – Meeting was in March. Director Miller plans on going to Bowie County in April, Van Zandt County in May and Titus County in June. Hoping to get to meet with all the County Commissioners these months.

B. Update on Development of NET RMA Newsletter

We are putting together another newsletter for distribution

C. Discussion of Potential Regional Forum

Planning on a forum for the fall. We will have a draft form of an agenda for the forum at the May board meeting.

D. Update on Employee Insurance Provider

The office staff has been approved by the carrier to obtain TML health insurance starting May 1.

E. Update on Auditing Services

Keith Honey and his Audit Committee recommended finishing up this year with things the way they've been (using Prothro Wilhelmi) for this year's audit, and obtaining a formal procurement for Jan 2018.

F. Update on Habitual Violators Program

The Smith County attorney has pushed back on the language used in the ILA, and has asked for language granting discretionary enforcement, to be added which would give the Tax Assessor/Collector more latitude on enforcement. The language now makes it mandatory for the TA/C to enforce all plates that are filed with the DMV for registration hold. This is mostly a political option giving the TA/C the ability to selectively enforce whose registration is held or not held due to the filing. NET RMA and Smith County are still working through this, and it's not to the point of execution yet.

G. Update on Back Office Services Procurement

Being handled by CTRMA. There are 6 proposals, including MSB. Award will be issued in June. Backoffice service could be different than what we have now. Concerns of board members, citizens and customers have been considered.

H. Marketing Program for TxTag

We now have TxTAG packets in the office for distribution to customers who inquire. We are working on getting NTTA tags too. We don't take any payments for any of this in the office. We plan to have some days of off-site distribution of these in Smith County, and other places if there is an interest in that.

I. Update on Development of UP Right-Of-Way Corridor

Dr. Jim Harris stepped out to take a call @ 1:59pm. A quorum was maintained.

Aaron Smith, Whitehouse City Manager, Ernie LaFlure and James Wansley made a presentation on the UP ROW Corridor development progress. They stated that they have obtained permission to pursue a grant, it's an 80/20 grant specified as Rails to Trails.

Gary Halbrooks rejoined the meeting at 2:08pm

J. Update on Reynolds & Kay

Status at this point is the Owner of Reynolds and Kay has approached us very upset about the removal of the change order last board meeting in Feb. We are working with them on addressing some claims that they have, that they have presented to RS&H. We will send that to Brian Cassidy at Locke Lord and they will see what we can do, legally, with addressing their concerns. We will work with the system to make sure they are compensated fairly according to what we can do.

11. COMMITTEE REPORTS

- A. **Executive Committee/Audit Committee** Linda Thomas
Chair Thomas had no report.
- B. **Personnel Committee** Dr. James Harris
The evaluation forms, insurance have already been presented in the Executive Directors report.
- C. **Project Development & Implementation Committee** Barham Fulmer
Dr. Harris rejoined the meeting at 2:14pm
Mr. Fulmer had no report.
- D. **Long-Range Planning Committee** John Cloutier
Mr. Cloutier stated that Priority Project applications are coming in, and the plan is to meet and score them in May.
- E. **East Texas Hourglass Committee** Dave Spurrier
Mr. Spurrier had no report.
- F. **Investment Committee** Robert Messer
The March 9 Investment meeting results showed an increase of \$188, 600 from the investments that have been made. While the gain is modest, it's encouraging.
- G. **Facilities Committee** Gary Halbrooks
Mr. Halbrooks had no report.

12. PARTNERSHIP UPDATES

- A. **East Texas Corridor Council** Bob Moore
Senator Hall met with Commissioner Austin to discuss East/West traffic by rail. It was a productive discussion.
- B. **I-69 Alliance Committee** Robert Murray
Mr. Murray was not in attendance. There was no report.
- C. **East Texas Council of Governments** Linda Thomas
Chair Thomas had no report.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE 2016 NET RMA AUDIT REPORT.

(RESOLUTION 17-15)

Action Item

Motion to approve amended audit report: John Cloutier, 2nd: Keith Honey Resolution was unanimously approved.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO DESIGNATE AUTHORIZED SIGNATORIES FOR NET RMA BANK ACCOUNTS.

(RESOLUTION 17-16)

Action Item

Motion to approve: Gary Halbrooks, 2nd: Dr. Jim Harris. Resolution was unanimously approved.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 16 WITH ATKINS FOR DEVELOPMENT OF ECONOMIC DEVELOPMENT IMPACT MAP.

(RESOLUTION 17-17)

Action Item

Motion to approve: Dave Spurrier, 2nd: Dr. Jim Harris

Discussion: Dave Spurrier stated that the board has already decided to do this map. Keith Honey stated that the Board would like this map continually updated. Hudson Old asked for education on how TxDOT prioritized projects to promote.

Links the Board would like to see added to the website include: MPO's, EDC's and other such pertinent organizations that can help promote economic development.

Resolution was unanimously approved.

16. REPORT ON MAINTENANCE ACTIVITIES ON SEGMENT 3B OF TOLL 49.

Kate Wilder

- 1) Mill and inlay
- 2) QC testing – failure, requires asphalt replacement. Costs will be laid back on asphalt supplier.
- 3) Erosion control
 - a. Slope repair
 - b. Vegetative watering
 - c. Heavy rains washed away young vegetation
 - d. Repairs are required due to rains

17. REPORT ON SEGMENT 3B WIDENING PROJECT.

Kate Wilder

- 1) 4 ft of pavement widening
- 2) Pavement overlay
- 3) Restripe
- 4) Rumble strips
- 5) Add signage
- 6) Lighted signage

Begin by April 2017, wrap up Aug 2017, completion October 2017. Largely night work, 9pm – 6 am, with single lane closures and pilot cars. Shoulder closures for equipment as needed.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 17 WITH RS&H FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE TOLL 49 IH 20 TO SH 110 IMPROVEMENT PROJECT.

(RESOLUTION 17-18)

Action Item

Motion to approve: John Cloutier, 2nd: Gary Halbrooks.

Discussion: Barham Fulmer stated that the WA has 594 hours or 15 weeks of full time hours, 1733 hour with 347 overtime hours, or 43 weeks (10 months) of full time hours for the inspector. Is that amount of hours really necessary? Everett Owen stated that it was, because of the amount of time the inspector will spend doing the work will not just be 8-5 hours, but at any time his service is needed, including weekends and other off hours.

Resolution was unanimously approved.

19. UPDATE ON CONSTRUCTION OF SEGMENT 4 OF TOLL 49.

Kate Wilder/Everett Owen

- 1) Erosion control deficiencies
- 2) Shut down work
- 3) Brought back into compliance
- 4) Archeology is finished with field work
- 5) Time delay plan depends on TxDOT approval of no more field work required and NET RMA approval of delay plan. As it stands now, the time of delay is from June 2018 to September 2018, but time can be made up to a great degree once everything resumes.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE AGREEMENT WITH WILDWOOD ENVIRONMENTAL CREDIT COMPANY, LLC FOR THE PURCHASE OF ADDITIONAL MITIGATION CREDITS FOR SEGMENT 4 OF THE TOLL 49 PROJECT.

(RESOLUTION 17-19)

Action Item

Motion to approve: John Cloutier 2nd: Gary Halbrooks Resolution was unanimously approved.

21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE AGREEMENT WITH THE SCOTT SHAVER TRUST NO. TWO FOR THE PURCHASE OF ADDITIONAL MITIGATION CREDITS FOR

**SEGMENT 4 OF THE TOLL 49 PROJECT.
(RESOLUTION 17-20)**

Action Item

Motion to approve: Barham Fulmer 2nd: Dr. Jim Harris Resolution was unanimously approved.

22. PROJECT DIRECTOR'S REPORT

Everett Owen

Transaction numbers are catching up with last year at this time. We are hoping to surpass last year's numbers by June. There are roughly 33k transactions a day. The low dollar values may be due to more people having tags for payment. Detailed numbers (trucks vs cars) will be provided at the May meeting.

23. LEGISLATIVE UPDATE

Brian O'Reilly

2 months left in this session. Everything is moving slowly due to the Budget process. 654 bills were filed pertaining to transportation, Locke Lord is tracking 302 of those for RMA impact. TxDOT grants to toll authorities was knocked out of the budget, and authorization for items such as Seg 6 & 7 was extended.

24. ADJOURNMENT

There being no more business, Chair Thomas adjourned the meeting at 3:18pm.

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:

May 9, 2017 – Henderson, TX (Rusk County)

June 13, 2017 – Terrell, TX (Kauffman County)

July 11, 2017 – Tyler, TX (Smith County) - Annual Budget Workshop

September 12, 2017 – Texarkana, TX (Bowie County)

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

April 27, 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 903.630.7447 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 903.630.7447 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 903.630.7447 at least two working days prior to the meeting so that appropriate arrangements can be made.