



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members  
FROM: Gary Halbrooks  
DATE: Tuesday, November 14, 2023  
SUBJECT: **November Board Meeting**

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

**DATE:** Tuesday, November 14, 2023  
**TIME:** 1:30 PM  
**PLACE:** NET RMA Offices  
1011 Pruitt Place  
Tyler, Texas 75703

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

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Tuesday, November 14, 2023, 1:30 PM**  
**NET RMA Offices**  
**1011 Pruitt Place**  
**Tyler, Texas 75703**

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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, 2023.*

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

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

In Person – Gary Halbrooks, Andrea Williams-McCoy, Chet Clayton, Curtis Rath, Dave Spurrier, Jason Ray, John Cloutier, Larry Kellam, Larry Morse, Matthew Watts, Marcia Daughtrey, Robert Messer, Rush Harris, Dr. John Ray

Zoom – Mac Abney, Dan Droege, Nathan Tafoya

**4. CHAIR'S REPORT.**

**Gary Halbrooks**

**5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE OCTOBER 17, 2023 REGULAR BOARD MEETING.**

Larry Morse – 1<sup>st</sup>, John Cloutier – 2<sup>nd</sup>, Motion Approved

**6. COMMITTEE REPORTS.**

ETHG: Dave Spurrier – He begins by giving a history of the East Texas Hourglass Committee. In April of 2018, Chris Miller was the executive director, and segment 6 discussions started. September 2019 - they narrowed down the routes from 21 to 3. In 2020, segment 6 was delayed because of Covid. 2021 – they started the NEPA process, and after this was delayed due to the comparison of Segment 6 and other projects. Multiple meetings happened in 2022 to discuss the status and movement in 2022. In 2023 a plan was developed, but staff has requested time due to outside communication.

Public Outreach: John Cloutier – He discusses how priority projects are supposed to be the mortar to the bricks. We help finish the project. With Harrison County we have come to an understanding that they will fund the project, but we will fund 30% of the project.

Rush Harris – Big thank you on behalf of Harrison County.

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

Dianne – Total revenue is over budget by 17%, total revenue and fees (video, net) is under budget by 22%, total operating revenue is over budget at 3%, total operating expense is over by 7%. Toll 49 operating expenses is over budget at 7%, total other income budget is over by 9%, and total net income is over budget by 59%. Questions?

John Cloutier – Is this video tolling normal?

Discussion ensued between board members about financials.

Robert Messer – Our revenue grew by 11%, which is good.

Robert Messer - 1<sup>st</sup>, Larry Morse – 2<sup>nd</sup>, Motion approved.

**8. UPDATE ON OCTOBER 2023 TOLL 49 TOLLING TRANSACTIONS AND REVENUE REPORT.**

**CDM SMITH**

Glenn – This is supposed to be a follow up to our last meeting in regard to Mr. Dave Spurrier’s question.

Justin Winn gives presentation on transaction comparisons since 2005.

Dave Spurrier – We had the original projects to predict revenue. How many T&R studies have been done?

Justin – I am not sure from 2005 to 2013. We have had multiple studies done since 2013.

Larry Morse – When they did the study, did that include the whole hourglass?

Dave – I am not sure, but I believe we have not done one for the whole hourglass.

Discussion ensued with the board.

**9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT FOR THE 2024 TOLL 49 MAINTENANCE PROJECT.  
(RESOLUTION 23-26)**

**Action Item**

Glenn Green – As discussed in our last meeting, we were going through the advertising process to obtain a maintenance company. Staff recommends that the board select Dry Creek Construction. If we approve, for 2 years and maybe extendable.

Gary Halbrooks – Do we have a history with them.

Glenn Green – Yes, we have done business with them in the past. When we conducted the interview process, we used multiple outside sources to judge the submissions.

Dave Spurrier – This is not new, we have done this in the past

Dave Spurrier -1<sup>st</sup>, Larry Morse – 2<sup>nd</sup>, Motion Approved.

**10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONSULTING SERVICES AGREEMENT WITH PUBLIC WERKS, INC.  
(RESOLUTION 23-27)**

**Action Item**

Glenn Green – We want to see if this is a contract we want to pursue. This will help us evaluate if this is something we want to do.

John Cloutier – Talks about how rail could be a very important opportunity for our organization. It has been very beneficial for Rusk county in replacing funds that were needed.

Gary Halbrooks – Is this something you want to move forward with?

Nathan Tafoya – What jobs have been presented to you?

John Cloutier – I don’t necessarily know if that is beneficial to get into. Loose lips sink ships, and every project is different and fast moving.

Nathan Tafoya – I would like to delay this for a month. I want to have a conversation with Public Werks before moving forward with this.

John Cloutier – We are not hiring an operator. We want to hire a consultant to figure out if this is something we want to pursue as an organization. Sometimes waiting is not always beneficial. I hope the board wants to move forward with this.

Nathan Tafoya and John Cloutier had a discussion.

John Cloutier – This a five-month contract to allow them to educate our organization.

Dave Spurrier – I am excited that we have a board member that is excited about rail. I say we move forward with it.

John Cloutier – I say we go into executive session to discuss issues.

Nathan Tafoya – I have asked to be on the rail committee, but it concerns me. I don't understand a study that hasn't been done can't be delayed. The urgency concerns me.

Dave Spurrier – What are your concerns?

Nathan Tafoya – There are concerns with the company its self-due to a lawsuit. This may not be in the board's best interest.

Discussion ensued between board members.

Glenn clarifies what the resolution says.

Glenn Green – The fee will not be paid until we issue to proceed, so we can execute today and a committee meeting before moving forward.

Robert Messer – Nathan has serious concerns, but I think we need to hear from him and that be part of the motion.

Dave Spurrier – Let's go ahead and a designate a rail committee.

Robert Messer – I want to approve a motion with a stipulation that we work everything before moving forward.

Robert Messer – 1<sup>st</sup>, John Ray – 2<sup>nd</sup> with stipulation, Motion approved. Nathan Tafoya opposed.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE EXECUTIVE DIRECTOR ANNUAL PERFORMANCE EVALUATION.  
(RESOLUTION 23-28)**

**Action Item**

Board went into Executive Session at 2:44

Board is back in open session at 3:05

Board took now action in executive session

Chet Clayton – We recommend he gets a 5% raise in compensation.

Chet Clayton – 1<sup>st</sup>, Curtis Rath – 2<sup>nd</sup>, Motion Approved.

**12. ADJOURNMENT.**

## **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 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.