



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Linda Thomas, Chair
DATE: January 14, 2014
SUBJECT: **NET RMA REGULAR BOARD MEETING**

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

DATE: Tuesday January 14, 2014
TIME: 1:30 pm
PLACE: Trinity Valley Electric Cooperative
1800 HWY 243 East
Kaufman, TX 75142

Enclosed are the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call me at 903.509.1552.

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)
BOARD OF DIRECTORS REGULAR MEETING
1:30 PM Tuesday, January 14, 2014
Trinity Valley Electric Cooperative
1800 HWY 243 East
Kaufman, TX 75142
PRESIDING: Linda Thomas, CHAIR

1. CALL TO ORDER AND DECLARATION OF QUORUM

Notice of this meeting was posted with the Secretary of State's Office, with the County Clerk in Kaufman and Smith Counties, on the NET RMA website, and in the offices of Atkins on January 10, 2014. A quorum was declared and the meeting started at 1:32 PM.

2. INVOCATION

Chair Thomas called for Smith County Board Member Barham Fulmer to give the invocation.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Board Members

The NET RMA board members that were present introduced themselves and some gave brief welcoming remarks.

Board members present at the meeting included: Linda Thomas, Dr. James Harris, Barham Fulmer, Hudson Old, Keith Honey, Larry Morse, Jack Traylor, Mike Thomas, Jeff Sandford, Robert Messer, Walta Cooke, Gary Halbrooks and Robert Murray.

Absent board members included: Andy Vinson, Gaylon White, Tim Vaughn, Dave Spurrier and Jim Stephens.

4. OPEN PUBLIC FORUM / COMMENT PERIOD

There were no comments made from the public at the meeting.

5. SWEARING IN OF KAUFMAN COUNTY BOARD MEMBER

Judge Bruce Wood

The newly appointed NET RMA Board member, Robert Messer representing Kaufman County was sworn in by Kaufman County Judge Bruce Wood. Judge Wood gave a brief introduction to Kaufman County first since they were just newly added to the NET RMA. Then Judge Wood introduced Mr. Messer prior to the swearing in ceremony and the Board members had been provided a biography on him before the meeting.

Judge Wood took a few minutes to introduce the Kaufman County Commissioners that were present at the meeting: Jimmy Vrzalik from Precinct 1, Ray Clark from Precinct 2, Kenneth Schoen from Precinct 3 and Tom Manning from Precinct 4. Also present was Kaufman County Clerk Laura Hughes.

Chair Thomas then gave a brief welcome to Mr. Messer and to Kaufman County and urged anyone to ask questions since they are new to the NET RMA. Chair Thomas thanked them for wanting to be involved in the development of transportation in the northeast Texas region by becoming members of the NET RMA.

6. APPROVAL OF MINUTES

A. Discussion, Consideration and Approval of Minutes for:

Action Item

- November 12, 2013 NET RMA Regular Board Meeting

Chair Thomas referred the Board to the minutes dated November 12, 2013 from the regular board meeting.

The Chair entertained a motion to approve these minutes if there were no edits by the Board.

Board Member Robert Murray moved the approval. Board Member Dr. James Harris seconded the motion.

The motion carried and the minutes for the November 12, 2013 meeting were approved.

7. CHAIR'S REPORT

Chair Thomas

A. Meetings of Interest

- Texas Transportation Commission Meeting: November 21st in Tyler, Texas and December 19th in Austin, Texas

www.txdot.gov

- Smith County Commissioners Court Public Meetings for Transportation Reinvestment Zone – Chair Thomas asked that Everett Owen discuss the TRZ meetings in his report.

- 9th Annual Texas Transportation Forum in San Antonio January 7-8, 2014 – Chair Thomas was unable to attend this meeting due to her husband being ill that week.

- TeamTX: Dates pending

www.team-tx.org

8. EXECUTIVE DIRECTOR'S REPORT

Everett Owen

Mr. Everett Owen gave the Executive Director's report and a brief summary is provided below. The full report was given to the Board in the board books.

- Toll Collections/Revenue

Overall the transactions are going well. There was a dip in December due to the ice storm Mr. Owen stated when Board Member Barham Fulmer questioned the low count on December 6-7.

November 2013 = 26,306 transactions per day (66% tag vs 34% video) and December 2013 = 25,688 transactions per day (67% tag vs 33% video)

MSB is sending current bills and making good progress on clearing the backlog from November and December 2013. The GEC and MSB staffs are handling customer calls efficiently. The GEC staff handled 140 calls in November 2013 and 134 calls in December 2013 from Toll 49 customers.

- Toll 49 Operations and Maintenance

There were no maintenance problems in November or December to report. The road operations are going well. Telvent submitted an invoice in November, 2013 for Gantry Maintenance expenditures in the total amount of \$ 20,837.24. TxDOT conducted HazMat cleaning in November and December 2013. Several major culverts near SH110 also were cleaned.

- Toll 49 Segment 4 Financing

TxDOT held a public hearing for environmental document (EIS) for Segment 4 in Lindale on January 9, 2014 at the Lindale High School cafeteria. The hearing went well, no negative comments other than the potentially affected property owners wanting move ahead as soon as possible.

- Smith County TRZ

Commissioners decided to hold off on the Smith County TRZ and postponed the vote until after the Smith County primary elections in late spring. Even though it was postponed, the taxes on development in 2014 will still be on agriculture. Gregg County will be discussing their possible TRZ in the spring as well along with the potential of developing TRZs all along the I-20 corridor.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE SUBMISSION OF A STATE INFRASTRUCTURE BANK LOAN APPLICATION FOR SEGMENT 4 OF TOLL 49 (RESOLUTION 14-01)

Action Item

Mr. Everett Owen was asked by Chair Thomas to discuss the resolution with the Board.

The NET RMA would submit an application for a loan from the SIB to facilitate the financing and development of Segment 4 of the Toll 49 Project. The Board would approve the submission to TxDOT of an application for a SIB loan for funding for Segment 4 of Toll 49 allowing them to begin the loan process when ready. Due to a lengthily waiting period stipulated by federal laws that effect areas of the project including route finalization and ROW purchases, it would be in the Board's best interest to apply early. The early application could also ensure that there is still money for the project available. This would be a new SIB loan for Segment 4 not a refinancing of the SIB loan used for Segment 3B and would be used for purchasing the ROW. A bond sale will take place in late March or early April and will restructure the existing debt paying off the old loans and some of the TELA. The Board will vote to approve the bond issue at the February Board meeting.

Board member Robert Messer during the discussion asked Everett Owen to see the financial plan prior to the Board approving the loan application and any other documents to review.

Board Member Jack Traylor moved the approval. Board Member Walta Cooke seconded the motion. The motion carried.

**10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE SUBMISSION OF A LETTER OF INTEREST TO SEEK TIFIA FUNDING FOR SEGMENT 4 OF TOLL 49
(RESOLUTION 14-02)**

Action Item

Mr. Everett Owen was asked by Chair Thomas to discuss the resolution with the Board.

The NET RMA is currently pursuing the financing and development of additional segments of Toll 49, including Segment 4 and with the Transportation Infrastructure Finance and Innovation (TIFIA) Act of 1998 established a federal credit program under which the U.S. Department of Transportation's Federal Highway Administration (FHWA) may provide federal credit assistance, including loans and lines of credit, to major transportation investments of critical or national significance and could be a potential source of funding for this next Segment.

Mr. Owen determined that submission of a TIFIA loan application for Toll 49 is in the best interest of the NET RMA and explained to the Board that even though the letter of interest gets submitted there is only a 10% chance that a loan would actually be given out. Submitting the letter of interest is the first step in the multi-step application process and determination of eligibility. It also puts TIFIA on notice of this rural project although the final TIFIA application won't be done until the Segment 4 environmental clearance is obtained.

Board Member Barham Fulmer moved the approval. Board Member Mike Thomas seconded the motion. The motion carried.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE 2013 NET RMA ANNUAL REPORT
(RESOLUTION 14-03)**

Action Item

Mr. Everett Owen was asked by Chair Thomas to discuss the resolution with the Board.

Texas Transportation Code requires that the NET RMA file an annual report with the Commissioners Court of each county of the NET RMA no later than March 31 following the conclusion of the preceding fiscal year and the NET RMA Interim Executive Director has provided the Board of Directors with a draft of the annual report for the 2013 fiscal year for their review and comment prior to the board meeting.

The Board was presented with the proposed final draft of the annual report and it is attached in the board books for their approval. Board Member Hudson Old complimented the report and its content. Mr. Old also referenced the section in the report that refers to the Strategic Plan and the counties priority projects stating that there 80 total projects and they need to be get that list down to 10-12 projects. Mr. Old asked that the Board members identify one project in their county as soon as possible and submit them to the Long Range Planning Committee.

Board Member Mike Thomas moved the approval. Board Member Jack Traylor seconded the motion. The motion carried.

12. TREASURER'S REPORT

Action Item
Tom Fitzgerald

Tom Fitzgerald, CPA, presented the Treasurer's report to the Board that they had in their board books.

It was based off of the financial highlights as of November 30, 2013 that covered highlighted line items such as: cash in the operating account at Texas Bank & Trust which was \$342,102, funds at Amegy Bank for the operation of Toll 49 were \$1, 377,801, receivable tolls from CTRMA and MSB for October and November were

\$691,929, accounts payable were \$561,464, Toll 49 revenues for the two month period were \$1,417,833 and general operating expenses totaled \$457,082.

Board Member Keith Honey moved the approval. Board Member Larry Morse seconded the motion. The motion carried.

13. ADJOURNMENT

Chair Thomas adjourned the NET RMA regular board meeting at 2:41 pm.



Linda Thomas, Chair



Dave Spurrier, Secretary



Erin Lavender

BOARD BOOK APPENDIX - COMPLIANCE AND OVERSIGHT

- A. OPEN RECORDS SPREADSHEET
- B. SURETY BOND SPREADSHEET
- C. CONFLICT OF INTEREST SPREADSHEET
- D. TERM EXPIRATION SPREADSHEET
- E. TEC FILING SPREADSHEET

EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE, CHAPTER 551, IF ANY

- A. **Section 551.071. Consultation with Attorney—**Consultation with, and advice from legal counsel concerning pending/contemplated litigation, settlement offers and negotiations, and other legal issues.
- B. **Section 551.074. Personnel Matters—**Deliberation concerning the designation, reassignment, evaluation, compensation, and duties of personnel.
- C. **Section 551.072. Deliberation Regarding Real Property—**Discussion of real property purchase, exchange, lease, donation, including property to be acquired for right-of-way.

Non-Scheduled Meetings / Functions - Where a Quorum Could be Present, but No RMA Business Would be Conducted

Date Pending
TeamTX
Austin, Texas

January 30, February 27 and March 27, 2014 in Austin, Texas
Texas Transportation Commission Meeting

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 Chairman 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 direct the Chairman, 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 Chairman may rearrange the order in which agenda items are considered.

Presenters with audiovisual needs are requested to contact Erin Lavender at (903) 509-1552 ext. 448-1229, 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 Erin Lavender at (903) 509-1552 ext. 448-1229, in advance so accommodations 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 Erin Lavender at (903) 509-1552 ext. 448-1229, at least two working days prior to the meeting so that appropriate arrangements can be made.