



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Jeff Austin III, Chairman
DATE: October 19, 2011
SUBJECT: **NET RMA REGULAR BOARD MEETING**

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

DATE: October 19, 2011
TIME: 1:30 PM
PLACE: Tyler Pounds Field
150 Airport Drive
Tyler, Texas 75704

Enclosed are the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call me at 903.561.6547.

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)
BOARD OF DIRECTORS REGULAR MEETING
1:30 P.M. Wednesday, October 19, 2011
Tyler Pounds Field
150 Airport Drive
Tyler, Texas 75704
PRESIDING: JEFF AUSTIN III, CHAIRMAN

1. CALL TO ORDER AND DECLARATION OF QUORUM

Chairman Austin called the meeting to order at 1:30 PM and declared a quorum present. Notice of this meeting was posted with the Secretary of State's Office, with the County Clerk in Smith County, on the NET RMA website, and in the offices of Atkins on October 14, 2011.

2. INVOCATION

Chairman Austin asked Board Member Gary Halbrooks to give the invocation.

3. WELCOME and INTRODUCTION OF BOARD MEMBERS

Board Members

The Board Members introduced themselves. Present Board Members included: Mike Thomas, Keith Honey, Barham Fulmer, Gary Halbrooks, Dave Spurrier, Jeff Austin, Linda Thomas, Barry Hughes and Bill Rowton. Board Member Bill Rowton commented on the great location for the meeting, the historical aviation museum there at Tyler Pounds Field.

4. REMARKS BY PUBLIC OFFICIALS

There were no public officials present at this meeting.

5. OPEN PUBLIC FORUM / COMMENT PERIOD

There was not a public forum at this meeting.

6. APPROVAL OF MINUTES

A. Discussion, Consideration and Approval of Minutes for

Action Item

- August 17, 2011 NET RMA Regular Board Meeting

Chairman Austin referred the board to the minutes dated August 17th from the regular board meeting. The Chairman entertained a motion to approve these minutes.

Board Member Gary Halbrooks moved the approval. Board Member Dave Spurrier seconded the motion. The motion carried and the minutes for the August 17th meeting were approved.

7. CHAIRMAN'S REPORT

Chairman Austin

Chairman Austin presented his "Chairman's Report" to the Board. Items that the Chairman discussed included the following:

- Mr. Phil Wilson has been named as the new Executive Director of TxDOT. Mr. Wilson is taking the position formerly held by Amadeo Saenz, who retired effective August 1, 2011. Phil Wilson previously served as an aide to U.S. Senator Phil Graham several years ago, as a previous Secretary of State for Texas, and as Deputy Chief of Staff for Governor Rick Perry. He recently served as the Senior Vice President for Public Affairs for Luminant Energy in Dallas. Chairman Austin commented that "Phil Wilson knows NE Texas and will be a great ally to the NET RMA".
- Chairman Austin stated that he will invite new TxDOT Executive Director Phil Wilson to Tyler to discuss transportation needs in NE Texas. Chairman Austin said he would like the TxDOT District staff from the Tyler and Atlanta Districts as well as MPO representatives from Tyler, Longview and Texarkana to join in those meetings.
- Chairman Austin announced that Ms. Deirdre Delisi resigned as Chairman of the Texas Transportation Commission (TTC) to become Chief of Staff for Governor Rick Perry's National Presidential Campaign. Chairman Austin noted that Mr. Ted Houghton was appointed the new Chairman of the TTC. Chairman Austin noted that this was good for NE Texas because Mr. Ted Houghton backed the concepts used for the financial planning and CDA financing of the Toll 49 Segment 3B Design-Build project. Chairman Austin commented that Mr. Ted Houghton knows financing, public-private partnerships and innovative project delivery and he knows NE Texas.
- Chairman Austin then noted that NTTA has recently received some bad press. The Dallas Morning News recently ran several news articles critical about the misuse of outside Auditors and Legacy Contracts (i.e., having contracts with the same consultants and construction contractors for 10 -15 years or more). Articles in the Dallas Morning news were based on a self-audit of NTTA requested by the Counties represented by NTTA. Chairman Austin said that the NET RMA always needs to do what is best for NE Texas and to try and avoid bad publicity.
- Chairman Austin then praised the NET RMA's legal, engineering and financial consultants for doing an excellent job. He praised NET RMA Project Director Everett Owen for doing a good job and for being so prompt and forthcoming in forwarding information and answering questions related to transportation planning and financing in Texas.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE NET RMA FY 2012 BUDGET (RESOLUTION 11-27)

Action Item

Chairman Austin asked Mr. Everett Owen to discuss the NET RMA FY 2012 budget. Mr. Owen explained that the budget presented in the board packet was the same as the draft budget reviewed at the last Board Meeting in August, with the exception of one item. Mr. Owen explained that, because TxDOT Finance Division James Bass had resigned and there were new financial review staff at TxDOT reviewing documents, a TxDOT ruling had been made that the \$1.5M budget line item for Environmental Studies (for the East Texas Hour Glass portion of Toll 49) was not related to Segment 3B and thus not allowed. The TxDOT ruling stated that the use of funds for other studies was not consistent with the Toll 49 Segment 3B SIB and TEL Loan agreements. Mr. Owen further explained that the \$1.5M line item had been removed from the FY 2012 budget as presented in the current board packet.

Mr. Owen further explained that the SIB and TEL Loan Documents required the NET RMA Board to pass a budget effective October 1, 2011. Tom Fitzgerald, NET RMA CPA, pointed out a clause in the agreements that did state if a new budget was not passed, then the current FY 2011 budget would be considered to be the interim FY 2012 budget. However, this posed a problem because the FY 2011 budget was passed when there was no Segment 3B project, and thus did not include funds in the amounts necessary to make Segment 3B construction draws. So not passing the new budget could effectively cause the \$90M Segment 3B construction project to stop.

Mr. Owen recommended that the Board pass the new budget as presented. He noted that the NET RMA had already asked TxDOT in writing to determine how the loan documents could be revised to include the Environmental Studies. Once that determination is made and the additional \$1.5M line item is added back to the loan documents, then the Board will be able to add the \$1.5M back into a revised FY 2012 budget at a later date.

A brief discussion was held between Chairman Jeff Austin, Secretary Dave Spurrier, Finance Committee Chair Gary Halbrooks and others on how best to proceed with the vote on the FY 2012 budget. Board Member Dave Spurrier asked Mr. Owen if we (NET RMA) missed the mark on the approval process with TxDOT. Mr. Owen explained that it wasn't really "missed" rather it got lost in a change of hands at TxDOT due the recent retirements and departures. Chairman Austin then asked if the NET RMA was able to take this issue to another level of management there at TxDOT to get approval. Chairman Austin expressed his extreme discontent with this whole affair and said he would be traveling to Austin next Wednesday, October 26th to take up the issue of the eliminated \$1.5M Environmental Studies with the Texas Transportation Commission, the new TxDOT Executive Director and the TxDOT Finance Division staff. Mr. Spurrier then asked what the timeline of getting the budget approved and what the steps where. Mr. Owen stated that the timeline wasn't easy to say in regards to when the budget would be approved since there is no actual Director of Finance right now at TxDOT.

Chairman Austin then stated that he was very disappointed in this whole approval process and don't like how TxDOT are handling things but the budget should be approved so we can make draw requests, etc. Board Member Gary Halbrooks seconded the Chairman's comment by asking the board what they thought about approving the budget or not. NET RMA CPA Tom Fitzgerald then read to Chairman Austin how the budget approval works according to the loan documents and that last year's budget would go into effect if this current proposed year's budget wasn't approved by the board.

Board Member Barham Fulmer made a motion to pass Resolution 11-27. Board Member Bill Rowton seconded the motion. Dave Spurrier did oppose the motion. The motion carried.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON PROCUREMENT OF AUDITING SERVICES

(RESOLUTION 11-28)

Action Item

Chairman Austin asked Mr. Everett Owen to lead the discussion regarding hiring a NET RMA Auditor. Mr. Owen explained that the new SIB and TEL Loan agreements require the NET RMA to hire an independent auditor that is a "Nationally Recognized Firm". In addition, the NET RMA had already sent a letter to TxDOT asking that the firm of Prothro, Wilhelmi and Company be approved as the NET RMA auditor since they conduct audits using nationally-recognized standards and are already familiar with the NET RMA, but TxDOT denied the request. As a follow-up, TxDOT submitted the names of six national auditing firms that they would accept.

Mr. Owen stated that a letter was sent to each of the six firms asking them to express their interest in being the NET RMA's independent auditor, and several of them had returned a positive reply. So Mr. Owen said that Resolution 11-28 was proposed to allow the GEC staff to issue an RFP for hiring an independent auditor that is "nationally recognized".

Chairman Austin stated that he did not like TxDOT controlling the actions of the NET RMA and that he wanted to "stand up" to the requirement for a "nationally recognized" firm. He asked repeatedly what a "nationally recognized" firm was, what was the definition of a "nationally recognized" firm, and how was the NET RMA to determine who fit that description if they wanted to use a firm other than one of the six that TxDOT listed? Chairman Austin also noted that, in respect of proper rules and procedure, he would ask for a motion, but that if it did not receive a second that the motion and resolution would die on the table.

Board Member Gary Halbrooks also expressed frustration regarding such a confusing request, but noted that the SIB and TEL Loan Documents required the NET RMA to have a "nationally recognized" auditor within 90 days of signing the loan agreements, which was not possible due to the time that had already passed. So he was concerned about the NET RMA being in default on the requirements of the SIB and TEL Loans.

Board Secretary Dave Spurrier suggested that the NET RMA go back to TxDOT and get a clarification on what is the definition of a "nationally recognized" auditing firm. Mr. Spurrier stated that, in the meantime, it might be best to go ahead and pass the resolution so that the GEC could go ahead and prepare an RFP for an auditor and get it ready to be issued. That way, TxDOT might respond on what a "nationally recognized" firm was in time to evaluate whatever proposals were received. Mr. Spurrier was also concerned about the NET RMA being in default of the loan agreements. Board Member Mike Thomas commented that all audit firms regardless of size have the same process that they must go through whether the audit firm is "nationally recognized" or not. The certification process that is used to verify compliance of these audit firms is a national standard. However, nationally recognized firms are usually the largest firms nationally based on the number of clients/jobs they have. Some of the nationally recognized firms are KPMG, Pricewaterhouse Coopers, Deloitte Touché, Ernst and Young and Grant Thornton.

Board Member Bill Rowton made a motion to pass Resolution 11-28. Board Member Barry Hughes seconded the motion. Chairman Austin opposed the motion. The motion carried.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON GEC WORK AUTHORIZATION NO. 18 FOR GENERAL ENGINEERING CONSULTANT SERVICES FOR FY 2012 (RESOLUTION 11-29)

Action Item

Chairman Austin asked Mr. Everett Owen to lead the discussion regarding the FY 2012 GEC. Mr. Owen stated that the Work Authorization for the 2011 GEC services had terminated on September 30, 2011 and that it was time to execute a contract for the FY 2012 GEC services, effective October 1, 2011 and running through September 30, 2012. Mr. Owen said that Resolution 11-29 called for hiring ATKINS as the GEC for FY 2012, and he recommend that the Board pass this resolution, stating that ATKINS had performed and continues to perform very well on the GEC services. Mr. Owen noted that the proposed resolution and associated Work Authorization No. 18 was in the amount of \$354,000, which was the same reduced amount that had been used in FY 2011.

Once the correction of the company from PBS&J to Atkins in the resolution is corrected. Board Member Mike Thomas made a motion to pass Resolution 11-29. Board Member Keith Honey seconded the motion. The motion carried.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON GEC WORK AUTHORIZATION
NO. 19 FOR THE SMITH COUNTY MULTIMODAL FACILITY CONCEPTUAL FEASIBILITY STUDY
(Resolution 11-30)**

Action Item

Chairman Austin asked Mr. Everett Owen to lead the discussion regarding a Work Authorization for a Smith County Multimodal Facility Feasibility Study. Mr. Owen explained that the NET RMA had received a \$120,000 grant from TxDOT and a \$10,000 local match from Smith County to be used for a \$130,000 feasibility study regarding a Smith County Multimodal Facility. Mr. Owen then asked Mr. Mike Battles, Project Director for the GEC, to make a presentation regarding this item.

Mr. Battles walked the Board through an eight-page PowerPoint presentation regarding this project. (Attached) Mr. Battles explained that this facility would include a four or five-story parking garage and a one-story transportation hub where people can go to rent cars or obtain local bus, local taxi, regional taxi, para-transit and greyhound bus service, as well as catch shuttles to local airports and Amtrak facilities. In the future, the facility would be served by light rail with connections to high-speed rail facilities. Mr. Battles mentioned that the facility in Tyler would be similar to existing facilities in Laredo, Dallas, Fort Worth, Albuquerque, Waco and El Paso, among others. The TxDOT grant is valid for a three year period, and the study will include: (1) Purpose and Need for the Facility; (2) conceptual layouts for the facility; (3) development of site criteria to allow for the screening and evaluation of possible facility locations; (4) identification of potential sites in Smith County for the facility; (5) conduct of a feasibility study to determine the financial feasibility of the project; and (6) preparation of a technical memorandum summarizing the findings of the previous tasks.

Following Mr. Battles' presentation, former NET RMA Board Member and Smith County Transportation Committee member Jamal Mohaer mentioned that the feasibility study would also include an evaluation of "alternative fuels" (e.g., natural gas and electric) that could be used by taxis and buses. He also mentioned that Smith County might be interested in hiring a "Concept Management Manager" to assist with the multimodal studies.

Board Secretary Dave Spurrier asked if there were other similar grants for projects in Texarkana and Longview. Mr. Battles responded "yes", and explained that there are other similar TxDOT grant monies being made available, and that in addition there are federal grants being made available to boost transportation funding and construction in the US.

Chairman Austin took the opportunity to describe a recent "Regional Rail Association Meeting" that he attended in Mesquite. He said that the association had developed a list of top rail projects in Texas, corresponding to the results of the recent TxDOT Rail Plan. Chairman Austin said the top two projects had already been funded, and that the concept of a Dallas to Shreveport high-speed rail project was #3 on the list. So the Dallas to Shreveport high-speed rail has potential for becoming a reality, and the Smith County Multimodal Facility is designed to tie directly into the Dallas – Shreveport high-speed rail line.

Board Member Dave Spurrier made a motion to pass Resolution 11-30. Board Member Keith Honey seconded the motion. The motion carried.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON GENERAL COUNSEL HOURLY RATES
(RESOLUTION 11-31)**

Action Item

Chairman Austin asked Project Director Everett Owen to lead the discussion regarding taking action on General Counsel Hourly Rates. Mr. Owen said that the NET RMA's General Counsel, Locke Lord Bissell and Liddell

(LLBL), had been using the same hourly rates since May 2009. Everett said that LLBL had raised their rates every year in January, but those increases had not applied to NET RMA. He said that the rates called for in Resolution 11-31 were the LLBL 2011 rates, and that if the Board did not act now those rates would go up again in January 2012. So Mr. Owen encouraged the Board to "lock in" the current 2011 rates.

Mr. Brian Cassidy, representative of LLBL, stated that these requested rates were the same as those charged to all RMAs in Texas.

Chairman Austin noted for the record that the NET RMA still owes LLBL past fees that were associated with the formation of the NET RMA, but stated that these past fees would be paid once the NET RMA takes over Toll 49 and is able to receive toll revenue.

Board Member Gary Halbrooks noted that when LLBL is in Austin doing legislative lobbying work that is beneficial to all RMAs that they actually divide their time among the RMAs that they represent, so that each RMA is only paying their fair share of the work that is conducted. Mr. Halbrooks stated that he thought this was a very fair approach on LLBL's part.

Board Member Gary Halbrooks made a motion to pass Resolution 11-31. Board Member Linda Thomas seconded the motion. The motion carried.

-----Chairman Austin called for a five (5) minute recess at 2:47 PM-----

-----The board meeting reconvened at 2:52 PM-----

13. DISCUSSION OF AMENDMENTS TO NET RMA BYLAWS AND PROCUREMENT POLICIES Brian Cassidy

Mr. Brian Cassidy, legal counsel with LLBL, spoke on the amendments to the bylaws and procurement policies in regards to the NET RMA. He did reiterate that no action had to be taken on them today since the board did not have a chance to review them prior to the board meeting. Mr. Cassidy said that the information in the Board Packet concerning Bylaws and Procurement Policies had been updated primarily to match recent changes in State Law. For Bylaws, Mr. Cassidy noted that Bylaw Section 16 - Committees had been changed to allow the NET RMA Executive Committee to approve construction change orders that might arise time to time, since the Board only meets every two or three months. Mr. Cassidy mentioned that items in Bylaw 18. Chairman Austin asked if the term used of "executive director" has the same powers as the word "project director. Mr. Cassidy answered yes they do and that the only distinction between them was based on the fact that the "executive director" is a full time employee and the "project director" is a consultant.

The procurement policy changes were mostly legislative changes to the RMAs for example the processes changed for the way CDAs are dealt with. For Procurement Policies, Mr. Cassidy noted that Items 9 and 10 were changed to allow the NET RMA to conduct projects through Comprehensive Development Agreements (CDAs) and by using the Design-Build system of project delivery. The changes do not allow use of Concessions, in accordance with current State Law. Chairman Austin asked Mr. Cassidy if there was anything that needed to be updated as far as technology was concerned and Mr. Cassidy said no there was not. Board Member Dave Spurrier asked if there could be a "red-line" version sent out to the board so the changes that were made could be seen. Mr. Mike Battles answered that the version requested by Mr. Spurrier was already sent out in a prior email to the board.

14. UPDATE ON TXDOT RULEMAKINGS

Brian Cassidy

Mr. Brian Cassidy, legal counsel with LLBL, went through the top three rulemakings that TxDOT made in regards to transportation that would affect the RMAs: to streamline the environmental review process, changed the rules to clarify how counties have to appoint representatives to RMA boards (Mr. Cassidy used the example of Hidalgo County having issues with their appointments there and that they were why this rule was being changed) and that the RMAs have to report less to TxDOT.

15. PROJECT DIRECTOR'S REPORT (Toll 49)

Everett Owen

Mr. Everett Owen gave the Project Director's report. He stated that most of the material behind the report was pictures of the construction and its progress on Segments 3A and 5. He commented on the statuses of all the segments in that 3B is on schedule even though there may be some archeology issues that arise. Segment 3A is ahead of schedule, slightly ahead of 3B and Segment 5 is behind schedule due to the availability of hot mix for the project. Mr. Owen then said even though NTP was granted in April, the actual construction of 3B didn't begin until June due to permitting so all of the work that has already been completed is just from June to present.

16. REPORT CONCERNING STATUS OF GEC WORK AUTHORIZATIONS

Mike Battles

Mr. Mike Battles stated that all current GEC Work Authorizations are on schedule and on or ahead of budget. Mr. Battles then announced that Mr. Jorge Figueredo, former NET RMA GEC Project Director for ATKINS and former Executive Director of NTTA, had been named as ATKINS National Tolls Manager. In addition, Mr. Battles noted that there was updated Toll 49 traffic information in the Board Binder, and said traffic was continuing to increase in volume on Toll 49.

Mr. Battles then commented that the GEC is working with Cypress Interactive of Kilgore, Texas to develop a new web page strictly for Toll 49 Segment 3B. This new web page will give the public a place to go to obtain construction news, as well as find information on pending road closures, lane closures, detours, and other items affecting traffic.

In response to the web page discussion, Chairman Austin stated that the GEC needed to show "safe dates" for the opening of new toll road segments. He also recommended that some type of "clock face" or "countdown counter" be used to illustrate how many days remain before a Toll 49 toll road segment opens up to traffic. Board Member Barham Fulmer cautioned about the dangers of linking to Social Media such as Facebook and Twitter when using a public web page. Board Vice Chair Linda Thomas and Board Secretary Dave Spurrier both commented that they would like a map of Toll 49 on the main front page of the new web site.

Mr. Battles also stated that the new web site would allow Board Members to have NET RMA e-mails, such as john.doe@netrma.org. He mentioned that there was a public information log presented in the Board Binders listing the public inquiries that had been received by the GEC recently, and he noted that the GEC is now receiving more media inquiries and coverage on the construction of Segment 3B than at the start of Segment 3B when not much construction was visible to the public.

Mr. Everett Owen concluded by saying that the GEC Public Information Officer, Ms. Erin Lavender, was scheduled to meet with the CTRMA's Public Information Officer to discuss additional ways to promote public awareness and obtain favorable media coverage with respect to construction and operation of Toll Roads.

17. TxDOT DISTRICT REPORTS

- A. Atlanta District
- B. Tyler District

TxDOT Atlanta Representative
TxDOT Tyler Representative

There was not a representative from the Atlanta District present at this meeting.

Mr. Vernon Webb from the Tyler TxDOT District was present and gave a brief overview of the district statuses on projects and what affects Proposition 12 had on TxDOT. \$3 billion in funds were awarded in all and Tyler TxDOT District received \$32.5 Million, Tyler's MPO received \$5.3 Million and Longview's MPO received \$3 Million. This funding frees up money for other MPO projects.

Loop 571 is having its documentation sent back to ENV.

In Longview, the George Ritchie Road project has been approved to move forward with two more of the segments.

Segment 5 Toll 49 will begin integration work starting January 2012 and will conclude in the Spring 2012 for Segment 5 and late Fall 2012 for Segment 3A, in order to meet their opening dates.

Segment 4 (Lindale Relief Route) has not been funded due to TxDOT running into opposition with FHWA about a new requirement of doing a regional toll analysis which are now required by all RMAs. Regional Toll Analysis studies the environmental justice of minorities and air quality. These type of studies are very costly and lengthy to complete. TxDOT had submitted their environmental studies over three years ago and are currently at a standstill. Mr. Mike Bierma added that this type of study has been conducted in Austin, Houston and the Dallas/Ft. Worth areas and will soon be done in the El Paso area. Chairman Austin stated that there may be a possibility to include the purpose and need in a TxDOT Regional Toll Analysis.

18. METROPOLITAN PLANNING ORGANIZATION REPORTS

- A. Longview
- B. Texarkana
- C. Tyler

Karen Owen
Brad McCaleb
Barbara Holly

Neither Longview nor Texarkana had their representatives present at this meeting.

Ms. Barbara Holly was in attendance at the meeting and gave a brief overview on the status of the Tyler MPO. She stated that the government is proposing to do away with some of the MPOs that have a population under 100,000 meaning that Tyler's MPO may be in jeopardy. About 90% of the MPOs time and resources are spent trying to fight this upcoming law. Mrs. Holly commented that they are currently trying to have surrounding towns and cities that are in Smith County's MSA but not yet already in the MPO to join to attempt to save the MPO.

In addition, the MPO was working on updating the Tyler Master Street Plan and working on support for the high speed rail project from the DFW area to Shreveport.

19. TREASURER'S REPORT

Andy Vinson

A. Discussion, Consideration and Possible Action on the Treasurer's Report

Action Item

Chairman Austin called upon Project Director, Mr. Everett Owen, who thence called upon CPA Mr. Tom Fitzgerald, to present the treasurer's report. Mr. Fitzgerald led a discussion of the financial statements contained in the board binders. He basically noted that two counties, Cass and Van Zandt, had still not paid their 2011 contribution payments of \$2,000 for their Board Members. He also noted that the project expenses listed in the financial statements seemed too high, because funding for segment 3b construction had not been developed when the original FY2011 budget was prepared.

Board Member Gary Halbrooks made a motion to approve the treasurer's report. Board Member Barham Fulmer seconded the motion. The motion carried.

20. RAIL COMMITTEE REPORT

Celia Boswell

A. Update on the ILA between DART and NET RMA

Chairman Austin just mentioned that there was going to be another meeting of the Regional Rail Association a few weeks in Mesquite to continue the discussion of developing project stakeholders and to help evaluate other rail line corridors in addition to the proposed double-tracking of the UP rail road along US 80.

21. PUBLIC OUTREACH AND EDUCATION COMMITTEE REPORT

Andy Vinson

Board Member and Chairman Andy Vinson was not present at the meeting so no report was given.

22. LONG RANGE PLANNING COMMITTEE REPORT

Barry Hughes

Board Member and Chairman Barry Hughes said there was nothing new to report at this time.

23. FINANCE COMMITTEE REPORT

Gary Halbrooks

Board Member and Chairman Gary Halbrooks had nothing else to report at this time.

24. COMPLIANCE AND OVERSIGHT COMMITTEE REPORT

Keith Honey

- A. Open Records Spreadsheet – Per Chairman Austin, all Board Members now need to update their training with the Open Records.
- B. Surety Bond Spreadsheet – all Board Member surety bonds current except newly appointed member, Jeff Sandford, of Bowie County he is still in need of a bond. There is one surety bond that will need to be renewed for Board Member Ed Smith in mid November and then in early December there will be six bonds that will need to be renewed.
- C. Conflict of Interest Spreadsheet - all Board Members have submitted conflict of interest statements except newly appointed member, Jeff Sandford, of Bowie County
- D. Term Expiration Spreadsheet - all Board Members will expire in 2012 or 2013. Board Member Ed Smith III from Harrison County will have his term expire in November 2011.
- E. TEC Filing Spreadsheet - all Board Members except newly appointed member, Jeff Sandford, of Bowie County has filed with the TEC

25. ADJOURNMENT

Prior to adjournment, Contractor CH2M Hill representative Mr. Justin Thayer gave a safety briefing before the Board Members obtained their hard hats and safety vests in preparation for the Segment 3B construction tour.

Chairman Austin dismissed the meeting at 3:45 PM to start the project tour.

The project tour consisted of a review of the Segment 3B construction starting with a stop on the embankment of FM 724 with stops at the bridge site at SH 64 and just south of the fill for the Indian Creek structure. At the Indian Creek fill, the board witnessed a scrap haul by CH 2M Hill the project tour was completed at 5:05 concluding the board activities.

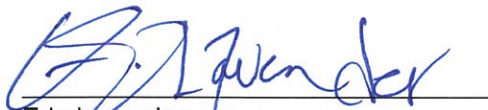
The next NET RMA board meeting was not set up or discussed.

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.**


Linda Thomas, Chair


Dave Spurrier, Secretary


Erin Lavender

FY 2011 Scheduled Board Meetings / Functions

November 2011

NET RMA Board Meeting

(Date and Location TBD)

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

October 27, November 17 and December 15, 2011

Texas Transportation Commission Meeting
Austin, Texas

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.