



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Jeff Austin III, Chairman
DATE: March 4, 2011
SUBJECT: **NET RMA SPECIAL BOARD MEETING**

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

DATE: Friday, March 4, 2011
TIME: 10:00 am
PLACE: PBS&J Tyler Office
909 ESE Loop 323, Suite 520
Tyler, Texas 75701

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 SPECIAL MEETING
10:00 A.M., FRIDAY, MARCH 4, 2011
PBS&J TYLER
909 ESE LOOP 323, SUITE 520
TYLER, TEXAS 75701
PRESIDING: JEFF AUSTIN III, CHAIRMAN**

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 Smith County, on the NET RMA website, and in the offices of PBS&J on March 1, 2011.

This was a call in conference held at the offices of PBS&J in Tyler. A roll call vote was taken and the board members present on the line were as follows: Jeff Austin III, Barham Fulmer, Linda Thomas, Barry Hughes, Celia Boswell, Gary Halbrooks, Andy Vinson, Dave Spurrier, David Stevenson, and Mike Thomas.

Other attendees in on the call included: Brian Cassidy, Everett Owen, James Hernandez, Margo White, Bob Colley and Lori Fixley-Winland.

Other members of the public that sat in on the call included: Julie Mayo, Randy Hopmann, David Godwin, Charlie Varnell, Erin Lavender, Mike Battles and Forrest Fischer.

There was no executive session required per Brian Cassidy. The meeting commenced at 10:25am after two additional board members were needed to call in to make it a quorum.

**2. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF A RESOLUTION AUTHORIZING EXECUTION OF A STATE INFRASTRUCTURE BANK (SIB) LOAN AGREEMENT AND A TOLL EQUITY LOAN AGREEMENT WITH TXDOT FOR TOLL 49 SEGMENT 3B; AUTHORIZING THE ISSUANCE AND DELIVERY OF SEPARATE PROMISSORY NOTES IN CONNECTION WITH SUCH LOAN AGREEMENTS; APPROVING THE TRUST AGREEMENT; AND APPROVING OTHER MATTERS RELATED THERETO
(RESOLUTION 11-13)**

Action Item

Chairman Austin read the resolution and then asked Brian Cassidy to explain/summarize it. He said it is a operative resolution. It allows the NET RMA to get the loan documents executed with TxDOT and then get the documents submitted to the Attorney General's office for final execution. Once the loans are signed off on, the notice to proceed will be issued to the contractor, CH2M Hill.

The SIB and Toll Equity loans will be paid off in eight years with a maturity date set at 2039 even though they will be paid off well before that; scheduled for 2019. The Trust Agreement was approved in the February 28th meeting and Amegy Bank was named the Trustee.

Board member Gary Halbrooks made a motion to pass Resolution 11-13. Board member David Stevenson seconded the motion. The motion passed by a roll call vote with 10 voting YES.

3. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF A PROJECT DEVELOPMENT AGREEMENT WITH TXDOT FOR TOLL 49 (RESOLUTION 11-14)

Action Item

Chairman Austin read the resolution. Brian Cassidy referred to this resolution as a “nuts and bolts” type of document of how the NET RMA and TxDOT will work together to build and complete Segment 3B of Toll 49. After construction is complete and the road is open to traffic, all the work will transfer to the NET RMA. The NET RMA will then have control of Toll 49 segments 1, 2,3A, 3B and 5.

Board member Gary Halbrooks, asked a question regarding the years that the document says Segment 3B will be completed. He thought the completion date was 2013 but the document said 2015. He was wondering if TxDOT just need some extra time and that was why the document said 2015. Randy Hopmann, District Engineer of the Tyler TxDOT district, answered Mr. Halbrooks question by simply saying he apologized because it was a type-o and that it was corrected to 2012 actually. Segments 5 and 3A will be completed by the end of 2012 and that Segment 3B will be finished by the very beginning of 2013 Mr. Hopmann added.

This resolution will allow Project Director Everett Owen to execute documents that pertain to the project.

Board member Mike Thomas made a motion to pass Resolution 11-14. Board member Barry Hughes seconded the motion. The motion passed by a roll call vote with 10 voting YES.

****After the resolution was passed some discussion between the board members occurred including Chairman Austin asking when the NTP could be given to the contractor. Everett Owen, Project Director, said that as soon as the Attorney General's office approves the paperwork and the loans close a NTP can be issued.

There was discussion by Brian Cassidy regarding the appointment of a new treasurer to the board. Andy Vinson will be sworn in at the next NET RMA board meeting; until then, he will serve as Interim Treasurer until the board approves his appointment.

The Chairman & Dave Spurrier talked briefly about the ETHG and that the ETHG committee needed to reconvene. This committee needs to identify a “segment of champions” to help garner public support and funding. Everett Owen then spoke about the budget (“study money”) for the ETHG and how it was originally a \$5.5 million and included an EIS but then was reduced to just a route study for only \$1.5 million. This was because an EIS is only good for 3 years and then must be updated.

4. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF AN INTERIM OPERATIONS AND MAINTENANCE AGREEMENT WITH TXDOT FOR TOLL 49 (RESOLUTION 11-15)

Action Item

*******TABLED*******

5. ADJOURNMENT

Board member Gary Halbrooks made a motion to adjourn the meeting. Board member David Stevenson seconded the motion. The motion passed and the meeting was adjourned at 10:41 am.



Jeff Austin, III Chairman



Dave Spurrier, Secretary



Erin Lavender

**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.

NOTE: Certain members of the Board may attend and participate in this meeting via conference call. The conference call portion of the meeting will be available for access by the general public at the same facility where the meeting is being held.

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, secretary, or staff liaison *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.