



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Jeff Austin III, Chairman
DATE: April 13, 2011
SUBJECT: **NET RMA SPECIAL BOARD MEETING**

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

DATE: Wednesday, April 13, 2011
TIME: 11:00 A.M.
PLACE: Atkins – Tyler Office
909 ESE Loop 323 Suite 520
Tyler, TX 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
11:00 A.M. Wednesday, April 13, 2011
Atkins – Tyler Office
909 ESE Loop 323
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 ATKINS on Friday April 8, 2011.

The meeting was officially called to order by Secretary Dave Spurrier at 11:10 AM. Chairman Austin had to step away for another phone call so he asked Mr. Spurrier to call the meeting to order.

2. ROLL CALL

Lori Fixley-Winland was present for the call representing the legal counsel of Locke, Lord, Bissell & Liddell, LLP. Brian Cassidy was unable to be on the call due to the fact that he was in a legislative session.

Board members present on the conference call where as follows: Chairman Jeff Austin III, Bill Rowton, Celia Boswell, Keith Honey, Barham Fulmer, Jeff Sandford, Gary Halbrooks, Ed Smith, Dave Spurrier, Barry Hughes and Rodney Gilstrap.

Board members absent for the conference call are as follows: Andy Vinson, Robert Murray, Linda Thomas, Walta Cooke, Mike Thomas and Hudson Old.

3. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON NET RMA BOARD MEMBERS TO FILE FINANCIAL DISCLOSURE STATEMENTS WITH THE TEXAS ETHICS COMMISSION

BRIAN CASSIDY

Lori Fixley-Winland started off by giving a short overview of the requirements for filing the 2011 report that actually covers 2010; the January 1, 2011 to December 31, 2011 period. She had also mentioned that she had tried to make available on the conference call a representative from the TEC but no one was able to attend. She commented that they did say in lieu of their absence on the call, that anyone could call them with additional questions after the call if necessary. Directors of RMAs are and have been required to file personal financial statements if their county and related counties have a population over 200,000. The fact that Smith County's population rose over 200,000, according to the last census, means that the NET RMA board now must file their personal financial statements with the Texas Ethics Commission.

Once her introduction was concluded, she opened the floor to questions that any board members had. She did preface that some things she probably would not be able to answer and suggested that the board members could and should call the TEC directly if any questions went unanswered.

Board member, Gary Halbrooks, asked about partnerships and his real estate partnerships specifically and if he should disclose it two separate times or just once. Lori said to be safe and to put it down twice; better to be more explanatory than not enough. Gary Halbrooks then asked about any IRAs and if they needed the amounts to be listed as well. Lori explained that yes, they do need to show the amounts since those would be

considered a part of his financial makeup. He then asked if he should include his personal financial statement that he keeps as part of the submittal for TEC. Lori did caution him that if he was to submit his personal financial statement to the TEC, that then it would be part of the public record. She didn't think that it was necessary to voluntarily put that information out there.

Secretary, Dave Spurrier, then asked a series of questions regarding the process of filing. He asked about "other sanctions" associated when a late fee isn't paid in regards to filing, as well as the fees in general for not filing with the TEC and about the need to attach additional forms containing financial information if necessary. Lori then answered in that there are two separate types of penalties associated with not filing or not paying for your fees: civil and criminal. The civil penalty carries with it a \$10,000 maximum fine and the criminal penalty is a Class B misdemeanor with a maximum 180 days jail time.

Board member Keith Honey then asked if this also applied to other boards that he served on such as a Chamber, an Economic Development or church boards. Lori thought that it might but wasn't sure so she advised Mr. Honey to contact the TEC directly. Several other board members commented on this issue and some discussion ensued.

Some other questions were asked by board members.

Towards the end of the call, a letter was referenced by Celia Boswell. She read her letter aloud to inform the rest of the board members. A few others said that they too had received the same letter. The letter was from the TEC regarding their filing and a possible need for requesting an extension. The Chairman asked for those who did receive a letter to get a copy of it to Lori and to Keith Honey. Chairman Austin also asked that ALL future board members be given the form required to file to the TEC and made sure they understand what all that entails for them.

4. ADJOURNMENT

The meeting was adjourned by Chairman Austin at 12:00 PM.

He thanked everyone that called in and participated in the Q&A session. He said, "I'm sorry ladies & gentlemen" for you having to go through this process and knows what a "headache" it will be to submit all of the required paperwork. He then thanked everyone for their service on NET RMA board.



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.

FY 2011 Scheduled Board Meetings / Functions

DETCOG – June 23, 2011 in Nacogdoches, Texas

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

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.