



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Linda Thomas, Chair
DATE: July 10, 2012
SUBJECT: **NET RMA REGULAR BOARD MEETING**

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

DATE: Tuesday, July 10, 2012
TIME: 1:30 pm
PLACE: Texas Country Music Hall of Fame
310 West Panola
Carthage, TX 75633

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 July 10, 2012
Texas Country Music Hall of Fame
310 West Panola
Carthage, Texas 75633
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 Panola and Smith Counties, on the NET RMA website, on the Toll 49 website and in the offices of Atkins on July 6, 2012.

A quorum was declared. There were 12 Board Members present. The meeting was called to order by Chair Thomas at 1:32 PM.

2. INVOCATION

Chair Thomas asked that Panola County Judge, David Anderson, 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, Hudson Old, Keith Honey, James Harris, Jim Stephens, Gaylon White, Celia Boswell, Mike Thomas, Walta Cooke, Gary Halbrooks, Tim Vaughn and Andy Vinson.

Absent Board Members included: Barham Fulmer, Jeff Sandford, Robert Murray, Dave Spurrier and Barry Hughes.

Chair Thomas gave a personal thanks to Panola County Board member Walta Cooke for hosting the board meeting at the Texas Country Music Hall of Fame and to her husband John Cooke who was in attendance and also to Mr. Charles Thomas, her husband, for helping in getting the luncheon together. "We appreciate the hospitality." she stated.

Panola County Judge Anderson thanked the Carthage Economic Development Council for providing the fajita luncheon along with the NET RMA Board for coming to Carthage to have the board meeting there. He then finished by saying, "If there is anything we (Panola County) can do, please give us a call."

4. REMARKS BY PUBLIC OFFICIALS

Former Bowie County Judge James Carlow

A. Update on I-69

Panola County board member Walta Cooke introduced former Bowie County Judge, James Carlow, to the Board so he could give an update on the 1-69 Alliance. Mrs. Cooke mentioned that Mr. Carlow was a Judge in Bowie County for 24 years and has also been involved in banking and agriculture. He is a past recipient of the Roadhand Award from TxDOT and currently represents the Texarkana Chamber of Commerce as the Vice President of the I-69 Alliance.

The I-69 Alliance was formed in 1994 by a local grassroots group with the idea of beginning a "bottom up" approach to getting US 69 turned into an interstate. I-69 is divided into five segments and each has a committee that works on the route and alignments. Those suggestions then get compiled and given to an Advisory Committee. That Committee received all of the comments from the Segment Committees on June 6th and is now meeting to determine the final proposed route. They will then present the findings to the Texas Transportation Commission. I-69 Alliance's biggest obstacle is still funding even though 20% of rail shipping revenue is going to fund I-69. Despite the funding, a milestone was reached when the first I-69 sign was erected in Robstown, Texas back on May 31st. The next signs will be placed at Loop 610 North and South in Houston in December 2012 and then in Texarkana at I-30 in early 2013.

NET RMA Board member and Treasurer Andy Vinson commented that he and some other Rusk County officials think that I-69 should go through Texarkana up US 59 and not over to I-49 in Louisiana. He feels that Henderson along with two other towns got overlooked when the possible routes were drawn up as well.

Judge Carlow closed his update by mentioning that I-69 in Robstown was now officially on the State of Texas road maps.

Chair Thomas thanked Mr. Carlow for coming and for his update.

5. OPEN PUBLIC FORUM / COMMENT PERIOD

There were no public comments made at this meeting.

6. APPROVAL OF MINUTES

- A. Discussion, Consideration and Approval of Minutes for
- May 15, 2012 NET RMA Special Board Meeting

Action Item

Chair Thomas referred the board to the minutes dated May 15, 2012 from the regular board meeting. The Chair entertained a motion to approve these minutes if there were no edits by the Board.

Board Member and Vice Chairman Gary Halbrooks moved the approval. Board Member Jim Harris seconded the motion. The motion carried and the minutes for the May 15, 2012 meeting were approved.

7. CHAIRMAN'S REPORT

Chair Thomas

1. Letters of Support for Longview/Gregg County Transit Project -

A letter was sent out on July 5th to Mr. Rob Stevens, Director of Longview Transit, notifying him of the support the NET RMA gives in regards to the transportation projects going on in Longview and Gregg County. The letter of support was requested by Mr. Stevens and Mr. Chuck Ewing at the last NET RMA Board meeting back in May when they presented an update on the Longview/Gregg County Multimodal Facility project to the Board.

2. Chair Thomas mentioned that some "good news" came from The East Texas Council of Government (ETCOG). A federal grant in the amount of \$320,000 was awarded for the Smith County Multimodal Facility in Tyler. In addition, she stated that there was still the partnership grant from TxDOT that still had existing monies. With both of those funds available for use, it will be a big help in continuing the project.
3. Chair Thomas stated she attended a kick off meeting on the 9th of July for Toll 49 and I-20 Access Study. The meeting was held at Atkins in Tyler. The meeting was attended by several different entities in

the community and the discussions centered on the study that was done regarding access roads/points at Toll 49 and I-20.

4. I-69 Alliance Update -

The update was given by former Bowie County Judge James Carlow and was placed in the Remarks by Public Officials section for the purpose of the minutes being reported.

8. TREASURER'S REPORT

Andy Vinson

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

Action Item

Chair Thomas called upon Board Member and Treasurer, Andy Vinson, to give the Treasurer's Report.

Treasurer Andy Vinson read the financial summary that was in the board books. Mr. Fitzgerald, CPA had prepared the financial highlights from the last eight months. They captured cash in the operating account, funds at Amegy Bank for the Toll 49 Project, notes payable balances on Toll 49, funds remaining to be advanced, year to date administrative costs, year to date capitalized project related expenses and finally the total capitalized project related expenditures on Toll 49 Segment 3B.

Board Member Walta Cooke moved the approval. Board Member Keith Honey seconded the motion. The motion carried.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL PROPOSAL FOR COVERAGES FOR THE NET RMA BOARD (Resolution 12-20)

Action Item

Chair Thomas asked Project Director, Everett Owen, to explain Resolution 12-20 to the Board.

The Resolution explained that the Board would be agreeing to enter into an interlocal agreement with Texas Municipal League Liability Self-Insurance Plan and the Texas Municipal League Property Self-Insurance Plan. This agreement will provide the Board with coverage against certain risks inherent in operating a political subdivision. Specifically the Resolution stated that the Board agrees to pay the \$800/year for the coverage.

Board Member Celia Boswell asked what other RMA's had as far as coverage (standard policy) and if this proposed policy was similar. Lori Winland, with Locke Liddell and counsel for the NET RMA, explained that indeed it was similar to the other policies that are used by some other RMA's in the State.

Board Member Jim Stephens moved for the approval. Board Member Jim Harris seconded the motion. The motion carried.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE NET RMA 2011 AUDIT PREFORMED BY PROTHRO, WILHELMI AND COMPANY PRESENTED BY THE AUDIT COMMITTEE (Resolution 12-21)

Action Item

Walter Wilhelmi of Prothro Wilhelmi gave the report of the 2010-2011 NET RMA Audit to the Board per the request of Chair Thomas. Mr. Wilhelmi stated that the NET RMA was in compliance with the two loan

documents, the SIB and Toll Equity Loan. He complimented the NET RMA on having a very good audit and the handling of its funds properly.

The NET RMA Audit committee, consisting of Mike Thomas and Barham Fulmer, approved the 2010-2011 NET RMA Audit when they had their meeting with Chair Thomas and Walter Wilhelmi on July 5, 2012. The Board therefore was not required to approve it at the meeting.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON LETTER OF SUPPORT FOR TXDOT'S PROPOSED IMPROVEMENTS ON I-20 (Resolution 12-22)

Action Item

Chair Thomas read the Resolution 12-22 to the Board.

It requests that TxDOT consider the inclusion of additional projects to improve mobility and the movement of freight in the I-20 corridor in the 2035 Plan and allocate funding to support planning efforts for these additional improvements in the I-20 corridor. This request is brought on by the proposed expansion of the Panama Canal along with the continued growth in North East Texas leading to increased truck traffic on I-20, therefore, creating a demand for additional infrastructure improvements along the route.

Board Member Jim Harris moved for the approval. Board Member and Vice Chairman Gary Halbrooks seconded the motion. The motion carried.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON LETTER OF SUPPORT FOR TXDOT'S PROPOSED IMPROVEMENTS ON I-69 (RESOLUTION 12-23)

Action Item

Chair Thomas read Resolution 12-23 to the Board.

Certain portions of US 59 are currently designated to be improved and then redesignated as part of the I-69 corridor. Therefore, the request from the NET RMA Board is brought on by the proposed expansion of the Panama Canal along with the continued growth in North East Texas leading to increased truck traffic on portions of the I-69 corridor in northeast Texas region including the portion of Segment 1 which extends from Texarkana to Center, Texas.

It requests that TxDOT consider the inclusion of additional projects to improve mobility and the movement of freight in the I-69 corridor in the 2035 Plan and allocate funding to support planning efforts for these additional improvements in the I-69 corridor.

Board Member Walta Cooke moved for the approval. Board Member Mike Thomas seconded the motion. The motion carried.

13. RAIL COMMITTEE REPORT

Celia Boswell

Mrs. Celia Boswell, Chair of the Rail Committee, gave her update to the Board.

Mrs. Boswell informed the Board that the East Texas Rail Coalition (ETRC) had determined a new name for their group since the last update; it is now called the Texas/Louisiana Rail Connection. Their next meeting will be held on August 7th. The group has finally begun to implement some of the suggestions and direction that have been discussed since its inception.

There will be another "big" meeting held on the 7th of September for some VIP's of transportation to inform them of the group's intention of developing of high speed rail from Dallas to Shreveport. It will be held at University of Texas Health Science Center in Tyler.

Chair Thomas noted at the end of Mrs. Boswell's report that she'd hope the Board members would put the 7th of September on their calendars and would make efforts to attend.

14. PROJECT DIRECTOR'S REPORT (Toll 49)

Everett Owen

Chair Thomas asked Mr. Everett Owen, Project Director for the NET RMA, to discuss Agenda Item 14.

Mr. Owen stated that there was a page in the Board Book that provided the general status of all active projects that the NET RMA has underway. Mr. Owen noted that the most notable recent event was the opening of Toll 49 Segment 5. He asked Mr. Glenn Green, TxDOT Assistant District Engineer, to provide a status update on Segments 5 and 3A.

Mr. Green stated that Segment 5 (from Paluxy to SH 110) was opened during the last week of June, and that traffic on the new segment was already notable. Mr. Green said that Segment 5 was completed by TxDOT slightly ahead of schedule and on budget. He said that cars would be allowed to travel "free" on the segment for the next 30 to 60 days, and then tolling of the segment will begin.

Mr. Green also noted that construction is progressing rapidly on Segment 3A (from SH 155 to SH 31). He said construction is approximately 90% complete, and that Segment 3A should be ready to open in October or November of 2012.

Mr. Owen stated that construction was also progressing rapidly on Toll 49 Segment 3B (SH 31 to I-20). He noted that the Contractor, CH2M Hill, completed over \$4M worth of construction in June. Mr. Owen noted that there are only three more bridges to be completed by the Contractor before they reach I-20.

In addition, Mr. Owen noted that he had just received Toll 49 Transaction Data from the TxDOT TTA Division earlier in the week, and that he and the GEC would be analyzing that data to see how revenue collections are proceeding for both transponder tag collections and video "pay by mail" collections.

Board Member Jim Stephens asked if there was any current information regarding how much revenue is being collected from the open segments of Toll 49. TxDOT representative Glenn Green stated that he did not know off-hand what amounts are being collected.

15. REPORT CONCERNING STATUS OF GEC WORK AUTHORIZATIONS

Mike Battles

Chair Thomas asked Mr. Mike Battles, Project Director of the GEC, to discuss Agenda Item 15.

Mr. Battles touched on several items that the GEC was working on giving the board an update. Mr. Battles stated that all the GEC work was current and those items included:

- The GEC is preparing an ETHG Feasibility Study and a Smith County MMF study.
- The GEC forwarded all requested data to Prothro-Wilhelmi for the 2011 Audit and is developing data for the FY 2013 Budget that will be discussed in August or September. All other financial studies are complete.
- The NET RMA Administrative activities included: preparing materials for the July 10th Board Meeting, monitoring traffic volumes and potential revenue for Toll 49 and prepared summary reports, maintained the Compliance and Oversight data bases and notified Board Members of needed action if any, assisted TxDOT with design and construction coordination for Segments 3A on an as-needed basis and coordinated with T/L Rail Coalition regarding high speed rail planning along I-20.

- Continued posting press releases, board meeting information and traffic notices to both of the web sites for NET RMA and Toll 49.
- Any information related to past board meetings, board members, NET RMA information or Toll 49 information that the Board may need access to that is over three years old is still accessible even though it is not on either of the web sites. It can be obtained by contacting Erin Lavender.

16. ADJOURNMENT

The NET RMA regular board meeting adjourned at 2:33 pm to go into an Executive Session. The Executive Session started at 2:34 pm. The Executive Session of the NET RMA board meeting adjourned at 3:30 pm. Chair Thomas adjourned the regular NET RMA board meeting at 3:31 pm.

BOARD BOOK APPENDIX - COMPLIANCE AND OVERSIGHT

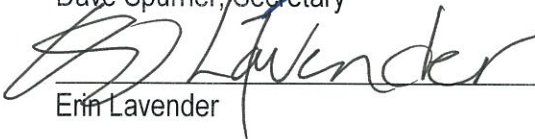
- A. OPEN RECORDS SPREADSHEET
- B. SURETY BOND SPREADSHEET
- C. CONFLICT OF INTEREST SPREADSHEET
- D. TERM EXPIRATION SPREADSHEET
- E. TEC FILING SPREADSHEET



Linda Thomas, Chair



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, including without limitation, discussing of legal issues in *J-W Gathering v. NET RMA*, Cause No. 12-1771-B/A, in the 7th Judicial District, Smith County, Texas.
- 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 2012 Scheduled Board Meetings / Functions

September 2012
NET RMA Board Meeting
TBA

Budget Workshop
TBD

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

Date Pending
TeamTX
Austin, Texas

July 26, August 30 and September 27, 2012
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.