

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE NORTH EAST TEXAS  
REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 11-17**

WHEREAS, the North East Regional Mobility Authority (“NET RMA”) was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Cass, Panola, Van Zandt, Wood and Titus joined the Authority and are represented on the Board of Directors; and

WHEREAS, on June 14, 2007, the Texas Transportation Commission (the “Commission”) approved Minute Order Number 110964 in which it identified a list of candidate projects, including Toll 49, for development, construction, and operation as toll projects; and

WHEREAS, in Resolution No. 08-12, dated June 18, 2008, the NET RMA exercised its option to be the entity to develop Toll 49; and

WHEREAS, Chapter 370 of the Texas Transportation Code authorizes regional mobility authorities to develop projects through use of comprehensive development agreements (“CDA”s); and

WHEREAS, the NET RMA identified Segment 3B of Toll 49 (the “Toll 49 Segment 3B Project”) as a project it intends to develop through a design/build comprehensive development agreement (“CDA”); and

WHEREAS, on March 31, 2011, following a procurement process conducted in accordance with Section 9 of the NET RMA’s Policies and Procedures Governing Procurements of Goods and Services, the NET RMA entered into a design/build CDA for the development of the Toll 49 Segment 3B Project with CH2M HILL Constructors, Inc.; and

WHEREAS, in connection with oversight of the construction of the Toll 49 Segment 3B Project by CH2M HILL Constructors, Inc., it is important to provide for the independent testing of materials used in the project; and

WHEREAS, TxDOT has the resources and expertise to provide such testing services at a reasonable cost; and

WHEREAS, NET RMA consultants recommend that the NET RMA enter into an Interlocal Agreement with TxDOT to provide material testing and inspection services in connection with the Toll 49 Segment 3B Project.


NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby authorizes NET RMA consultants to negotiate an Interlocal Agreement between TxDOT and the NET RMA for the provision of material testing and inspection services in connection with the Toll 49 Segment 3B Project; and

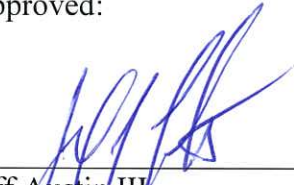
BE IT FURTHER RESOLVED, that the Chairman or his designee is authorized to execute such Interlocal Agreement on behalf of the NET RMA.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 18th day of May , 2011.

Submitted and reviewed by:

Approved:

 *by permission LFW*  
C. Brian Cassidy  
General Counsel for the North East  
Texas Regional Mobility Authority

  
Jeff Austin III  
Chairman, Board of Directors  
Resolution Number 11-17  
Date Passed: 05/18/11

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE NORTH EAST TEXAS  
REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 11-16**

WHEREAS, the North East Regional Mobility Authority (“NET RMA”) was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Cass, Panola, Van Zandt, Wood and Titus joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA requires the services of a project director to provide project development and related services; and

WHEREAS, in Resolution No. 06-17, dated October 3, 2006, the NET RMA Board of Directors approved entry into an interlocal agreement (“ILA”) with the CTRMA for the provision of such services; and

WHEREAS, project director services have heretofore been provided pursuant to the ILA with the CTRMA; however, for ease of administrative purposes, the CTRMA has requested that the NET RMA procure project director services independent of the ILA and that the ILA be terminated at an appropriate time; and

WHEREAS, in Resolution No. 10-22, dated November 16, 2010, the Board of Directors authorized NET RMA consultants to initiate the process of procuring project director services; and

WHEREAS, on March 21, 2011, the NET RMA issued a request for applications from individuals interested in providing the NET RMA with project director services; and

WHEREAS, the NET RMA received a response to the request for applications from Everett Owen, P.E., and NET RMA consultants have reviewed Mr. Owen’s application and determined that he is the best qualified individual to provide project director services to the NET RMA; and

WHEREAS, the Board of Directors concurs in the assessment of Mr. Owen’s qualifications and desires to select him to serve as the NET RMA’s Project Director.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors selects Everett Owen, P.E. as the best qualified individual to provide project director services to the NET RMA; and

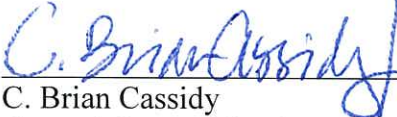
BE IT FURTHER RESOLVED, that the Chairman or his designee is authorized to negotiate and execute an agreement with Mr. Owen for the provision of such services; and

BE IT FURTHER RESOLVED, that the ILA with the CTRMA be terminated subsequent to execution of a contract with Mr. Owen.

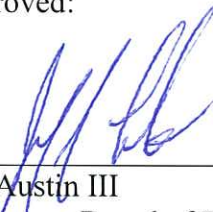
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 18th day of May , 2011.

Submitted and reviewed by:

Approved:

  
C. Brian Cassidy  
General Counsel for the North East  
Texas Regional Mobility Authority

*in permissi  
by LFW*

  
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Jeff Austin III  
Chairman, Board of Directors  
Resolution Number 11-16  
Date Passed: 05/18/11