

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

**RESOLUTION NO. 13-36**

WHEREAS, the North East Texas 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, Panola, Wood, Cass, Van Zandt, and Titus joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA is currently responsible for the maintenance and operation of Segments 1, 2, 3A, 3B, and 5 of the Toll 49 project (collectively, “Toll 49”); and

WHEREAS, the NET RMA is currently evaluating the development of Segments 4 and 7 of the Toll 49 project (“Segments 4 and 7”); and

WHEREAS, Chapter 791 of the Texas Government Code provides that any one or more public agencies may contract with each other for the performance of governmental functions or services in which the contracting parties are mutually interested; and

WHEREAS, Section 370.033 of the Transportation Code provides that regional mobility authorities may enter into interlocal agreements with other governmental entities for project development related services, including agreements with the Texas Department of Transportation (“TxDOT”); and

WHEREAS, TxDOT has previously entered into contracts for the provision of various traffic and revenue services for TxDOT projects; and

WHEREAS, NET RMA representatives and TxDOT staff have identified potential benefits of entering into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code and Section 370.033 of the Texas Transportation Code pursuant to which the NET RMA would have access to certain traffic and revenue services as necessary to support the financing of Segments 4 and 7 through TxDOT and its existing contracts; and

WHEREAS, NET RMA representatives recommend that the NET RMA negotiate and enter into an Interlocal Agreement with TxDOT to secure certain traffic and revenue services as necessary to support the financing of Segments 4 and 7 through TxDOT and its existing contracts, with the

terms, scope and conditions of such Interlocal Agreement to be mutually agreed to by the NET RMA and TxDOT.

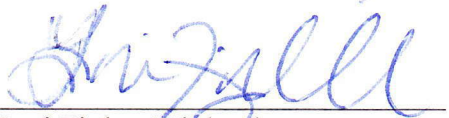
NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby approves the negotiation and execution of an Interlocal Agreement with TxDOT to secure certain traffic and revenue services as necessary to support the financing of Segments 4 and 7 through TxDOT, with the terms, scope and conditions of such Interlocal Agreement to be mutually agreed to by the NET RMA and TxDOT; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Interim Executive Director to take such actions as may be necessary to negotiate and finalize an Interlocal Agreement with TxDOT consistent with this Resolution and that such Interlocal Agreement may be executed by the Interim Executive Director upon its completion under the terms hereof.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 10th day of September, 2013.

Submitted and reviewed by:

Approved:



Lori Fixley Winland  
General Counsel for the North East  
Texas Regional Mobility Authority



Linda Ryan Thomas  
Chair, Board of Directors  
Resolution Number 13-36  
Date Passed: 09/10/13