

JOHNSON COUNTY COMMISSIONERS COURT

Filed For Record 9:55A M



JUL 15 2014

County Clerk Johnson County  
By [Signature] Deputy

RICK BAILEY  
Commissioner Pct. #1

ROGER HARMON  
County Judge

JERRY D. STRINGER  
Commissioner Pct. #3

KENNY HOWELL  
Commissioner Pct. #2

Alison Hitchcock  
Assistant to Commissioner's Court

DON BEESON  
Commissioner Pct. #4

THE STATE OF TEXAS

§  
§  
§

COUNTY OF JOHNSON

ORDER #2014-31

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**RESOLUTION AND ORDER APPROVING THE FORMATION OF THE NTTA  
CONTIGUOUS COUNTY ADVISORY COMMITTEE, AND SUPPORTING  
RELATED LEGISLATION AND NTTA'S 2015 LEGISLATIVE GOALS  
GENERALLY**

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BE IT REMEMBERED, at a regular meeting of the Commissioners' Court of Johnson County, held on the 14<sup>th</sup> day of July, 2014, on motion made by Commissioner Jerry Stringer, and seconded by Commissioner Don Beeson, the following Order was adopted:

WHEREAS, the North Texas Tollway Authority ("NTTA") is a regional tollway authority and political subdivision of the State of Texas, and constructed and now operates the Chisholm Trail Parkway; and

WHEREAS, the Chisholm Trail Parkway is expected to promote economic development along its 28-mile corridor, greatly reduce travel times between Cleburne and Fort Worth, and enhance regional mobility generally; and

WHEREAS, the Chisholm Trail Parkway represents the culmination of extensive collaboration between, commitment from, and effort by Johnson County, NTTA, and NTTA's member counties; and

WHEREAS, Johnson County and NTTA desire to further that collaboration by providing Johnson County a formalized and continuing means to offer input on NTTA matters within the county and affecting Chisholm Trail Parkway; and

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**WHEREAS**, to that end, NTTA and Johnson County intend to form the NTTA Contiguous County Advisory Committee ("CCAC") and to jointly support legislation to codify the CCAC and effectuate related statutory changes ("CCAC Legislation"), and the proposed CCAC Charter and the proposed CCAC Legislation are attached; and

**WHEREAS**, once fully implemented, the foregoing will result in Johnson County becoming the inaugural member of the CCAC; and

**WHEREAS**, NTTA is collaborating with its member and contiguous counties to develop an overall legislative program for the 84<sup>th</sup> Texas Legislature that is expected to include, in addition to the CCAC Legislation, statutory revisions to improve toll enforcement remedies, enhance NTTA customer experience, protect NTTA employee safety, and preserve existing authority for the effective operation of NTTA, which overall legislative program NTTA will present for the Court's consideration at a later time; and

**NOW THEREFORE BE IT ORDERED, ADJUDGED AND DECREED** that the Johnson County Commissioners Court hereby approves and supports (1) the formation and operation of the CCAC pursuant to the CCAC Charter and (2) the introduction and passage of the CCAC Legislation; and

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that upon the creation of the CCAC, the Court will select Johnson County's representative to that Committee.

DONE IN OPEN COURT THIS 14<sup>th</sup> DAY OF JULY, 2014.



Roger Harmon, Johnson County Judge

Voted:  yes, \_\_\_ no, \_\_\_ abstained



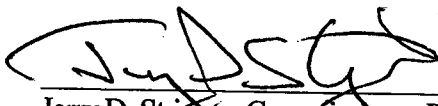
Rick Bailey, Commissioner Pct #1

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained



Kenny Howell, Commissioner Pct #2

Voted:  yes, \_\_\_ no, \_\_\_ abstained



Jerry D. Stringer, Commissioner Pct #3

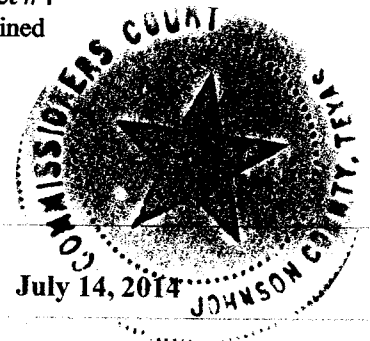
Voted:  yes, \_\_\_ no, \_\_\_ abstained



Don Beeson, Commissioner Pct #4

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained

Attest: Becky Williams  
County Clerk



**ATTACHMENT TO ORDER NO. 2014-31**

**Charter of the Contiguous County Advisory Committee  
of the Board of Directors of North Texas Tollway Authority**

**I. Statement of Policy**

**A. Formation of the Committee and Purpose:** The Contiguous County Advisory Committee (the "Committee") is formed as a standing and purely advisory committee of the Board of Directors (the "Board") of the North Texas Tollway Authority (the "Authority") and pursuant to Section 44 of the Authority's Bylaws (the "Bylaws") to provide:

- (1) representation of, and opportunities for input by, the elected officials and citizens of counties which are not part of the Authority and in which a portion of one or more of the Authority's turnpike projects is located;
- (2) reliable and beneficial information and advice to the Board regarding how to optimize the construction and operation of those projects and to contribute to addressing the mobility needs of those counties; and
- (3) support by those counties and their elected officials and citizens for the Authority's activities and goals, and to assist the Authority in achieving its statutory mission generally.

**II. Committee Composition and Meetings**

**A. The Committee's Members:** The Committee will be composed of:

- (1) the Director of the Authority appointed by the Governor pursuant to Subsection 366.251(b), who shall serve as the Committee's chair;
- (2) one (1) additional Director of the Authority appointed by the Board's presiding officer selected pursuant to Subsection 366.251(j); and
- (3) one (1) member appointed by resolution or order of the commissioners court of each county (a "Contiguous County"):
  - a. that is not part of the Authority under Section 366.031,
  - b. that is contiguous to a county that initially created the Authority as described in Subsection 366.031(c), and

- c. in which the Authority has awarded the primary construction contract for a turnpike project pursuant to Section 366.161(2).

A Committee member appointed pursuant to this Section II.A. is referred to as a "Member," and a Member appointed pursuant to Subsection II.A.(3) hereof is referred to as a "Contiguous County Member."

The Board's presiding officer may appoint himself or herself as a Member of the Committee pursuant to Subsection II.A.(2) hereof. Alternatively, if the presiding officer does not appoint himself or herself as a Member of the Committee, the then-current presiding officer serves as an ex-officio Member of the Committee having the same rights as the other Members, but without an obligation to attend Committee meetings and without being counted in determining the number required for a quorum or whether a quorum is present.

For the avoidance of doubt, a project for which the Authority provides tolling services pursuant to Section 366.038, or which is otherwise not owned and operated by the Authority, is not a turnpike project for the purposes of Subsection II.A.(3)c.

**B. Terms of the Committee's Members:** The Member selected pursuant to:

- (1) Subsection II.A.(1) hereof will serve on the Committee and as its Chair until the person's term as the Governor's appointee to the Board expires;
- (2) Subsection II.A.(2) hereof will serve until the earlier to occur of the expiration of that person's term as a Director or that person is replaced by the Board's presiding officer; and
- (3) Subsection II.A.(3) hereof will serve a term of two (2) years, commencing on September 1 (or as soon thereafter as the Contiguous County Member is appointed and takes the oath of office) and ending on August 31 of the second year thereafter; provided, however, that the person ceases to be a Contiguous County Member when the Contiguous County from which he or she is appointed becomes part of the Authority or otherwise ceases to satisfy the conditions for qualifying as a Contiguous County.

A commissioner's court of a Contiguous County may by resolution or order remove and replace a Contiguous County Member that it appointed; ~~a replacement Contiguous County Member shall serve during the unexpired portion of the term of the replaced Contiguous County Member.~~

- C. **Meetings:** It is intended that the Committee will meet at least once each calendar quarter, provided there is adequate business to conduct to warrant a meeting. Subject only to the Committee chair's authority and responsibility to run an efficient and legally compliant meeting, a Contiguous County Member may request through the Committee's chair that an item be placed on the Committee meeting agenda.

Minutes, tape recordings, or other records complying with the Texas Open Meetings Act and consistent with the record-keeping procedures for other Board committees shall be prepared for every Committee meeting and provided to the Board pursuant to Section III.B. hereof.

Notwithstanding that the Committee is strictly advisory, cannot bind the Authority, and is not expected to involve a quorum of the Board, all meetings of the Committee shall conform to the Texas Open Meetings Act. Except as provided in the last sentence of this Section II.C. and consistent with the Bylaws, all meetings of the Committee shall be conducted in accordance with *Robert's Rules of Order* pursuant to statutorily proper notice of meeting posted as provided by law. To the extent procedures prescribed by applicable statutes, including the Texas Open Meetings Act, the Bylaws, or this Charter conflict with *Robert's Rules of Order*, the statutes, the Bylaws, or this Charter shall govern.

### III. Committee Duties, Responsibilities and Processes

The Committee and its Members shall have the following duties, responsibilities, and roles in carrying out its advisory purpose:

- A. **Representation of, and Opportunities for Input by, all Contiguous Counties:** Every Contiguous County Member shall:
- (1) receive Board agendas and agenda materials, excluding items related to closed session or that are otherwise confidential;
  - (2) receive notice of, and be invited to attend, all open meetings of both the Board and its other committees, provided, however, he or she does not vote or count toward a quorum at any such meetings and, unless approved by a majority of Directors attending the applicable Board or other committee meeting, does not attend closed sessions; and
  - (3) be provided access to the Authority's staff for questions to be addressed, updates provided, and materials obtained.

Each Contiguous County Member is encouraged and charged to bring to the attention of the Committee and, if appropriate, the Authority's staff issues related to the Authority's turnpike projects or overall activities in the applicable Contiguous County, including recommendations to enhance those projects and activities.

- B. Advise the Board to Optimize the Authority's Activities in Each Contiguous County:** The Committee's chair shall report to the Board regarding every Committee meeting within the later of fifteen (15) days after each meeting or the next Board meeting, which report may be accomplished by circulating the minutes prepared pursuant to Section II.C. hereof.
- C. Support the Authority's Activities and Goals:** The Committee shall work to enhance relations between each Contiguous County, its citizens and elected officials, and the Authority so as to:
- (1) optimize the construction and operation of all turnpike projects located in the Contiguous County;
  - (2) enlist support for the Authority's activities and goals, including its legislative goals; and
  - (3) assist the Authority in achieving its statutory mission generally.
- D. The Role of the Committee and the Contiguous County Members:** The Committee shall perform all activities consistent with applicable law, the Bylaws, and this Charter. The Committee advises, but in no way binds, the Authority or the Board.

A Contiguous County Member is a member of the Committee, but is neither a Director of the Authority nor a member of any other Board committee, does not vote at any Board or any other committee meeting, and cannot serve as an officer of the Authority. Provided, however, the foregoing shall not prevent a Contiguous County Member from being appointed a Director of the Authority by the Governor under Subsection 366.251(b), in which event the person shall cease to be a Contiguous County Member, and shall serve as chair of the Committee as a Director of the Authority under Section II. A.(1) of this Charter. By serving on the Committee, each Contiguous County Member acknowledges receipt and review of the "NTTA Board of Directors Ethics Policy" ("Ethics Policy") and that he or she is subject to the same ethical and conflict of interest obligations as a Director of the Authority, including the Ethics Policy. Consistent with Subsection 366.251(g), an elected official is not eligible to serve on the Committee.

**E. Effective Date and Miscellaneous:** This Charter takes effect upon the latter to occur of:

- (1) the passage of a resolution or order by the Johnson County Commissioners Court indicating support for both (a) the formation and operation of the Committee pursuant to the terms of this Charter and (b) the passage of legislation intended for the 84th Legislative Session (2015) to amend Chapter 366 to conform with the approach reflected in this Charter,
- (2) the amendment of the Bylaws to specifically authorize the creation of the Committee, and
- (3) the Board's approval of this Charter by written resolution.

All statutory section references in this Charter shall be to the Texas Transportation Code unless otherwise indicated.

ATTACHMENT TO ORDER NO. 2014-31

For Discussion Purposes Only

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to regional tollway authority projects located outside the boundaries of the authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 366.031, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) A county that is not part of an authority and in which an authority turnpike project is located becomes part of the authority on the date the authority determines that:

(1) recorded electronic toll collections at toll assessment facilities located in the county are not less than four percent of all recorded electronic toll collections on all of the authority's turnpike projects;  
and



(2) the population of the county is at least four percent of the aggregate population of all the counties of the authority.

SECTION 2. Subchapter B, Chapter 366, Transportation Code, is amended by adding Section 366.0311 to read as follows:

Sec. 366.0311. ADVISORY COMMITTEE FOR CERTAIN PROJECTS. (a) An authority shall create an advisory committee at the time the authority enters into the primary construction contract for a turnpike project to be located in a county that is not part of an authority to advise the board of directors on matters related to projects located in counties that are not part of the authority.

(b) The advisory committee is composed of the following members:

(1) the director appointed by the governor who will serve as the chair of the advisory committee;

(2) an additional director appointed by the presiding officer of the board of directors as the presiding officer deems appropriate; and

(3) one member from each county that is not part of an authority and in which a project is located appointed by the commissioners court of that county.

(c) An advisory committee member appointed under subsection (b) (3) is not a director of the authority for the purposes of

Section 366.251 or any other purpose.

(d) The board of directors may adopt rules governing the operations and duties of an advisory committee.

SECTION 3. Section 366.161, Transportation Code, is amended to read as follows:

Sec. 366.161. TURNPIKE PROJECTS EXTENDING INTO OTHER COUNTIES. An authority may acquire, construct, operate, maintain, expand, or extend a turnpike project in:

(1) a county that is a part of the authority; or

(2) subject to Section 366.031(e), a county in which the authority operates or is constructing a turnpike project if the turnpike project in the affected county is a continuation of the authority's turnpike project or system extending from an adjacent county.

SECTION 4. Section 366.251(c), Transportation Code, is amended to read as follows:

(c) In addition to directors appointed by a commissioners court under Subsection (b), the commissioners courts of each county that created the authority under Section 366.031 [~~of the authority~~] shall appoint one additional director [~~if the county is:~~

~~(1) a county that created the authority under Section 366.031; or~~

~~(2) a county in which all or part of a turnpike project of not less than 10 centerline miles in length is located and has been open for use by the traveling public for at least three years].~~

SECTION 5. This Act takes effect September 1, 2015.