CCTRA RESOLUTION NO. 2011- 3025 -04-11

STATE OF TEXAS **COLLIN COUNTY TOLL ROAD AUTHORITY MEETING MINUTES**

COUNTY OF COLLIN **MARCH 21, 2011**

On Monday, March 21, 2011, the Collin County Toll Road Authority Board of Directors met in Regular Session in the Town of Prosper Municipal Chambers, 108 W. Broadway, Prosper, Texas with the following members present, and participating, to wit:

Present: President Keith Self
Precinct 1 Director Matt Shaheen
Precinct 2 Director Cheryl Williams
Precinct 3 Director Joe Jaynes
Precinct 4 Director Duncan Webb

1. President Self called to order the meeting of the **Collin County Toll Road Authority** at 6:08 p.m.

2. Consent agenda to approve. President Self asked if any member of the Board of any member of the audience had an item they wanted pulled from the consent agenda for individual consideration. Hearing none, Director Webb made a motion to approve the consent agenda. (Time: 6:08 p.m.)

Motion by: Director Duncan Webb
Second by: Director Matt Shaheen
Vote: 5 – 0 Passed

a. AI-33365 Filing of the February 28, 2011, Minutes, County Clerk.
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GENERAL DISCUSSION

3. AI-33368 Interlocal Agreement with NTTA regarding the Outer Loop, County Judge.

Bill Bilyeu, County Administrator, came forward with an update, stating agreements were moved back and forth between the attorneys for the County and the NTTA. The latest copy answers a question Commissioner Webb had about specific language in the agreement, and a letter was forwarded to the Commissioners before the meeting with a better definition of "desirable property". The County attorney feels the definition fits the scenario the Court is looking for. It would not result in a land grab or any additional rights-of-way. Commissioner Webb was referring to item 5cIV of the agreement which reads in part "the

Authority deems necessary or desirable to own". He wanted the word "desirable" removed. He asked Jim Shepherd, County Attorney, if he was okay with the agreement. Mr. Shepherd came before the Court and stated he thought the letter made it clear what they meant by "desirable" and he had no problem with the agreement. Mr. Shepherd handed Commissioner Shaheen a copy of the letter referred to earlier and stated it was intended to give the Court comfort that there wouldn't be a land grab. Discussion followed between Mr. Shepherd and Court members. The words "or desirable" were not removed from the agreement; however, they were defined. Mr. Bilyeu stated the Executive Director of NTTA said they approved the agreement as presented to the Court. Judge Self wanted clarification that the agreement was approved; he had a voice mail earlier in the day saying it was not approved. Allen Clemson, Executive Director, NTTA, stood and said the Board voted to approve the interlocal agreement. Mr. Shepherd said the Board voted on the agreement, but not the letter. Commissioner Shaheen wants to strike the word "desirable". Commissioner Jaynes asked Mr. Shepherd, if approved, would the letter become part of the agreement. Mr. Shepherd said that is the intent. Commissioner Shaheen had a sentence he wanted struck from the agreement.

Commissioner Webb stated he was comfortable and made a motion to accept the agreement with the letter as written. Judge Self said his concerns were not addressed in the letter and he asked for other comments. Commissioner Shaheen read paragraph 7aii: "The execution of this Agreement evidences that all previous disagreements between the Authority and the County regarding (A) the delivery of the Outer Loop and (B) existing or proposed legislation conferring or affecting the toll project development rights of the Authority or the County have been resolved." He stated he wanted section B removed from the agreement; he doesn't agree with the sentence and doesn't feel it is germane to the agreement with the Outer Loop. Mr. Shepherd stated the answer he has received is the intent and purpose of this agreement is to allow us to operate with the authority regardless of what current or future legislation might bring. Discussion continued.

Commissioner Webb said "resolve" doesn't mean we support their definition of primacy; it just says we resolved our dispute. Commissioner Shaheen said we haven't. Commissioner Webb replied when we sign the agreement, we have. Commissioner Williams said the intent is this agreement will supersede; this is what we're operating under and that's what we're resolving. Commissioner Jaynes felt this agreement protected the County. We have our agreement with our Regional Tollway Authority. Judge Self gave a history of the creation of the CCTRA and said this agreement kills both reasons we established the CCTRA. Commissioner Williams said she disagreed with the Judge.

Commissioner Shaheen made a motion to strike 7aii. Commissioner Webb stated he has already presented a motion. Commissioner Shaheen again stated

he would not support the agreement with that inaccurate sentence. (Time: 6:24 p.m.)

Motion by: Director Duncan Webb
Second by: Director Joe Jaynes
Nay: Judge Keith Self
Commissioner Matt Shaheen
Vote: 3 – 2 Passed

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EXECUTIVE SESSION

There being no reason to recess into Executive Session and no further business of the Board of Directors, President Self adjourned the meeting at 6:24 p.m.

Keith Self, President

Matt Shaheen, Director

Cheryl Williams, Director

Joe Jaynes, Director

Duncan Webb, Director