

NORTH TEXAS TOLLWAY AUTHORITY  
NTTA Legal Services Committee Meeting Minutes  
November 7, 2013

A public notice of this meeting containing all items was filed in the Office of the Secretary of State as required by Chapter 551 of the Texas Government Code, referred to as "The Open Meetings Act."

Minutes of the NTTA Legal Services Committee meeting held at the North Texas Tollway Authority, 5900 West Plano Parkway, Plano, Texas, on November 7, 2013, beginning at 12:00 a.m.

**CALL TO ORDER**

Committee Chairman Elliott called the meeting to order at 12:07 p.m.

**1. ESTABLISHMENT OF QUORUM**

Committee Chairman Elliott established a quorum by calling the roll. The following committee members were in attendance:

William Elliott	Committee Chairman
Mojoy Haddad	Member
George (Tex) Quesada	Member

The following ex officio non-voting members were in attendance:

Gerry Carrigan	CEO/Executive Director
Tom Bamonte	General Counsel
Frank Stevenson	Board Counsel
Magdalena Brady	Director of Internal Audit

Chairman Barr, Vice Chairman Moore, Director Ellis-Kirk, Director Willard, and Director Knowles were also in attendance.

NTTA employees attending the Committee meeting were: Gerry Carrigan, CEO/Executive Director; Lorelei Griffith, Secretary; Karen Madison-Ponds, Assistant Secretary; Janice Davis, AED of Strategic & Innovative Solutions/Treasurer; Dana Gibson-Boone, Director of Cash and Debt Management/Assistant Treasurer; Horatio Porter, CFO; Tom Bamonte, General Counsel; Magdalena Brady, Director of Internal Audit; Ray Zies, Controller; Felix Alvarez, Director of Procurement Services.

Also present at the meeting representing the Authority were Frank Stevenson, Locke, Lord, Board Counsel to the Authority; Greg Schaecher, McCall Parkhurst & Horton, Bill Mahomes, Mahomes Bolden, PC, Bond Counsel to the Authority.

**2. General public comments not related to specific agenda items**

No comments were made under this item.

3. Approval of minutes from the November 7, 2013 Legal Services Committee meeting

Director Quesada made a motion to approve the minutes, and Director Haddad made the second motion. The motion was approved unanimously. (Resolution No. 13-109)

***New Business***

4. Order pursuant to Section 372.110(a) of Transportation Code authorizing prohibition of motor vehicles owned by "habitual violators" from operation on NTTA toll projects

Tom Bamonte, General Counsel, briefed the Committee on this item stating the only business item approval of the habitual vehicle order ban. Mr. Bamonte provided the statute and the resolution by expounding on the overlap between the two, harmony between the two, and the recommendation for approval. Mr. Bamonte stated the Senate Bill 1792, as it applies to the habitual violators, individuals with 100 or more unpaid tolls and other statutory criteria. Mr. Bamonte described the three new HV remedies; the registration block, vehicle ban, and vehicle impoundment.

Committee Chairman Elliott inquired about the process description in order for the Committee members to know for certain which documents are handled and by whom. Chairman Elliott questioned the choice of resolution opposed to another form policy document or plan document. Director Quesada inquired about HCTRA approach, their analogy to NTTA's executive director and the fundamental differences.

Mr. Bamonte and Mr. Stevenson addressed the questions of the Committee concerning the language by governing body of the resolution that was taken from Chapter 284 which is applicable to HTRA. Mr. Bamonte stated that HTRA has a very comparable format and a parallel delegation of authority to the executive director of Harris County Toll. Staff responded to questions of the Committee.

Director Haddad made a motion to move this item to the full Board, and Director Quesada seconded the motion. The motion was passed unanimously.

***Old Business***

5. Special projects

- A. Update on legal agreement depository project
- B. Legal agreement "boilerplate" project: Phase 3

Tom Bamonte, General Counsel, provided the Committee members with the Special projects material listed above.

Committee Chairman Elliott requested the top ten, fifteen policy issues inherent in the boilerplate languages from Mr. Rain. Mr. Bamonte will provide this information next month to the Committee members.

- 6. Committee informational items
  - A. Two-month draft agenda outlook
  - B. Legal budget information
  - C. Litigation update
  - D. D&O insurance review

Tom Bamonte, General Counsel, briefed the Committee on items listed above stated the ongoing process and staffs outreach issues.

Vice Chairman Moore inquired about the D&O insurance review and items that aren't insured as well.

Committee Chairman Elliott indicated yes it covers the indemnity.

7. **EXECUTIVE SESSION – Pursuant to Chapter 551, Subchapter D, Texas Government Code**

- A. Section 551.071, to receive advice from legal counsel about pending or contemplated litigation and/or settlement offers or other legal matters.

1. Collections litigation

No Executive Session held.

8. Adjournment

The meeting adjourned at 12:29 p.m.



William Elliott, Chairman  
NTTA Legal Services Committee



Karen Madison-Ponds, Assistant Secretary