



STATE OF NORTH CAROLINA
TURNPIKE AUTHORITY

MICHAEL F. EASLEY
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER
EXECUTIVE DIRECTOR

**BOARD OF DIRECTORS MEETING
MINUTES**

Tuesday, July 11, 2006
Board Room, NCTA Offices

Members present: Lyndo Tippet, Chairman
Lanny Wilson, Vice-Chairman
Perry Safran, Secretary/Treasurer
John Culbertson – via telephone
Anthony Fox
Bob Spencer
Robb Teer

Members Absent: Allan Dameron
Sang Hamilton, Sr.

Also attending: David Joyner, Executive Director

Chairman Tippet called the meeting to order at 1:40 pm. He declared a quorum and read the Governor's ethics statement.

Chairman Tippet called on Secretary-Treasurer Perry Safran for approval of the June minutes. The minutes were approved as presented.

Frank Wilson & Associates presentation: Chairman Tippet called on Executive Director David Joyner who introduced Frank Wilson to present a report on the focus group studies held for the candidate toll projects a few months ago. Mr. Wilson shared video clips from the focus groups which allowed the Board members an opportunity to hear public opinion regarding the proposed toll roads. Mr. Spencer asked how the participants in the focus groups were selected. Mr. Wilson stated that a Raleigh-based organization was used to recruit the participants with the criteria that they be licensed drivers, registered voters, and residents of areas affected by the particular project. NCTA Communications Director Julia Jarema added that efforts were made to select participants with different backgrounds.

Board of Ethics Report: Chairman Tippet stated that the NCTA Board was appointed as follows: one ex-officio, two by the Speaker of the House, two by the Senate President Pro-Tem, and four by the Governor. He said that one of the requirements of a Board member was to file a Statement of Economic Interest with the Board of Ethics.

Chairman Tippettt stated that evaluations of possible conflicts of interest from the Board of Ethics had been received for Perry Safran and Robb Teer. He noted that these would be recorded in the July Board meeting minutes and attached to the minutes for public review. (Copies attached). Chairman Tippettt said that no actual finding of a conflict of interest was found, only a potential for conflict.

Committee Reports:

Executive Committee: Chairman Tippettt reported that a draft policy dealing with revenue retention was referred to the Finance Committee for their review and recommendation to the Board at the August meeting.

Plans and Programs Committee: Anthony Fox chaired the committee since Mr. Culbertson participated in the meeting via conference call. Mr. Fox made a motion to approve the execution of a contract between the NCTA and the NC Department of Transportation as presented, understanding that certain corrections could be made and noted that paragraph 42 was amended to refer to NCDOT funds and not state and federal funds. Also, earmarked funds would be dealt with in a separate agreement presented at a later time. He noted that Lanny Wilson abstained from participating in that action. Mr. Safran moved that Mr. Wilson be recused from participating in the action at the Board level, which was seconded by Mr. Fox. The motion to approve the NCDOT/NCTA contract was approved unanimously.

Finance Committee: Bob Spencer stated that the Finance Committee met and had two motions for full Board approval. Mr. Spencer made a motion to approve the execution of a contract between the NCTA and the private engineering firm of Parsons, Brinckerhoff, Quade & Douglas for the performance of the project development, environmental, and preliminary engineering associated with the development of an environmental impact statement (EIS) for the NCTA candidate project, the Mid-Currituck Sound Bridge. The contract not-to-exceed amount is \$2,590,000. The motion was unanimously approved. The second motion was to approve a contract between the NCTA and the private engineering firm of Arcadis for the performance of the project development, environmental development and preliminary engineering studies associated with the development of a re-evaluation report for the Western Wake Parkway. The contract not-to-exceed amount is \$500,000. This amount would include all work necessary to prepare the project for let in 2008. The motion was approved unanimously.

Personnel Committee: The Personnel Committee did not meet.

Chairman Tippettt stated that Executive Director David Joyner and staff was moving forward with the projects with a great deal of energy and added that he has been very pleased with Mr. Joyner's leadership over the past year.

Executive Director David Joyner noted that the NCTA staff had increased to ten. He introduced the new staff.

Mr. Joyner reported that the traffic and revenue results and the financial feasibility study results for the Gaston East-West Connector and the Monroe Connector would be discussed. He said that the results for the Cape Fear Skyway should be available in November after a new model is integrated into the study and that the results for the Mid-Currituck Bridge should be ready in late September or early October. Mr. Joyner said that the Highway 70 Corridor study should be presented within the next two weeks.

The public comment portion of the meeting began. Chairman Tippet recognized Wayne Huffman, Secretary for the Snee Farm Homeowner's Association in Brunswick County, who read a prepared statement concerning the Cape Fear Skyway.

Chairman Tippet thanked Mr. Huffman for his comments and recognized the two other homeowners that he brought with him. Chairman Tippet asked if anyone else wished to speak, and no one came forward.

The meeting was adjourned at 2:47pm.

Minutes prepared by: Jane Strickland



NORTH CAROLINA BOARD OF ETHICS

MAIL SERVICE CENTER 1324
RALEIGH, NC 27699-1324
WWW.DOA.STATE.NC.US/DOA/ETHICS

GEORGE F. BASON
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

December 27, 2005

The Honorable Michael F. Easley
Governor of North Carolina
Raleigh, North Carolina 27699

Re: Evaluation of Statement of Economic Interest filed by
Robert D. Teer, Jr., NC Turnpike Authority

Dear Governor Easley:

In accordance with Section 5 (b) of Executive Order Number One ("the Order"), we have completed our evaluation of supplemental information related to the statement of economic interest mentioned above.

We did not find an actual conflict of interest. We did find a potential for conflict of interest.

Mr. Teer's basic evaluation has not changed. Based on his 2002 filing, as continued in supplemental filings, Mr. Teer's business activities are real estate development, property management, leasing, tenant representation, and construction management and consulting. He owns numerous parcels of real estate in Durham and Wake County. In July 2005, Mr. Teer disclosed that he is developing a retail shopping area at the intersection of I-540 and NC 55. Part of this development will involve requesting that the NC DOT maintain a road which will be within a few miles of the proposed Triangle Parkway Toll Road, one of the Authority's possible projects. The Authority recently voted to study making two sections of the Wake Freeway/I-540 toll roads, one of which is contiguous to Mr. Teer's development. This obviously creates the potential for conflict of interest, and Mr. Teer must exercise appropriate caution in the performance of his public duties. Among other things, he must totally recuse himself from any Authority actions or decisions involving projects with which he is associated.

Section 7 of the Order addresses rules of conduct for all covered Public Officials. Specifically, Public Officials must perform their duties in a manner to promote the best interests of the public. This includes avoiding both conflicts of interest and appearances of conflict. Because conflicts of interest may arise while performing their public duties, public officials should not participate in any proceedings in which their impartiality might reasonably be questioned due to their financial, familial, personal, or professional relationship with a participant in the proceeding. In addition, Authority members are subject to the provisions of N.C.G.S. §§136-13, 136-13.1, 136-14, and any other applicable statutes.

We are sending a copy of this letter to the Chairman of the Authority so that our findings can be recorded in the Authority's minutes pursuant to section 6 (c) of the Order.

Sincerely,

Perry Y. Newson
Executive Director

cc: Mr. Robert D. Teer, Jr.
Chairman of the Authority

PHONE: 919-733-2780 FAX: 919-733-2785 E-MAIL PERRY.NEWSON@NCMAIL.NET



NORTH CAROLINA BOARD OF ETHICS

MAIL SERVICE CENTER 1324
RALEIGH, NC 27699-1324
WWW.DOA.STATE.NC.US/ETHICS/

ROBERT L. FARMER
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

June 15, 2006

The Honorable Michael F. Easley
Governor of North Carolina
Raleigh, North Carolina 27699

Re: Evaluation of Statement of Economic Interest filed by
Perry R. Safran, North Carolina Turnpike Authority

Dear Governor Easley:

In accordance with Section 5 (b) of Executive Order Number One ("the Order"), we have completed our evaluation of the Statement of Economic Interest ("SEI") mentioned above.

We did not find an actual conflict of interest. We did find a potential for conflict of interest.

The North Carolina Turnpike Authority is an independent public agency created to, among other things, study, plan, design, establish, purchase, construct, operate, and maintain "Turnpike Projects" within the State. While located within the Department of Transportation ("DOT" or "the Department") for administrative purposes, the Authority exercises all of its powers independently.

As he has since his appointment to the Turnpike Authority, Mr. Safran represents numerous clients who do business with the Department. This list of clients changes from time to time, and the nature of the representation may even involve pursuing claims against the Department (*not* the Authority). While this does not create an actual conflict of interest with respect to his service on the Turnpike Authority, it does create the potential for conflict of interest. Mr. Safran must exercise appropriate caution in the performance of his public duties. He must be particularly careful not to gain or use, or appear to gain or use, any inside or confidential information or influence through his public position.

Section 7 of the Order addresses rules of conduct for all covered Public Officials. Specifically, Public Officials must perform their duties in a manner to promote the best interests of the public. This includes avoiding both conflicts of interest and appearances of conflict. Because conflicts of interest may arise while performing their public duties, public officials should not participate in any proceedings in which their impartiality might reasonably be questioned due to their financial, familial, personal, or professional relationship with a participant in the proceeding. In addition, Authority members are subject to the provisions of N.C.G.S. §§136-13, 136-13.1, 136-14, and any other applicable statutes.

We are sending a copy of this letter to the Chairman of the Authority so that our findings can be recorded in the Authority's minutes in accordance with section 6 (c) of the Order.

Sincerely,

Perry Y. Newson
Executive Director

cc: Mr. Perry R. Safran

PHONE: 919-733-2780 FAX: 919-733-2785 E-MAIL PERRY.NEWSON@NCMAIL.NET