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Officials applaud NTTA's new ethics policies

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Some of the most powerful and vocal critics of the North Texas Tollway Authority lined up Thursday to applaud changes adopted by the authority in the past 90 days, especially the NTTA board's acceptance of strong new ethics rules and changes in the way it will select major consulting firms.

Two state lawmakers and the county judges from each of the four counties where NTTA operates said the authority has energetically embraced scores of recommendations contained in an audit issued in October.

"It really is remarkable to see the progress that has been made," said Rep. Rafael Anchia, D-Dallas, who led an unsuccessful effort last year to pass legislation subjecting NTTA to state oversight.

Anchia's concerns about NTTA's board came after it voted 5-4 in August 2010 to abruptly scuttle a contract selection process that would have replaced two of NTTA's most longest-serving consulting firms. Reports by *The Dallas Morning News* about collection policies for drivers who don't pay their tolls and concerns about potential conflicts of interest among board members also convinced Anchia that NTTA needed outside scrutiny, he has said.

In October, NTTA also announced that the FBI is investigating potential conflicts of interest among current and previous board members. No one has been charged, though NTTA has agreed to cover legal expenses related to the investigation for director Dave Denison of Lewisville.

To fend off Anchia's bill, NTTA instead agreed to pay for an outside audit controlled by county judges from Dallas, Denton, Tarrant, and Collin counties.

That report, released in October, contained 82 recommendations for changes, including 11 dealing with how it selects its major contractors.

On Thursday, NTTA Chairman Kenneth Barr told Anchia and the judges that about 40 percent of the recommendations have been implemented, and he promised to report back every 90 days until all of them are resolved. State Rep. Linda Harper Brown, R-Irving, was also in attendance at the board meeting.

In particular, Barr touted the ethics policy that for the first time will require board members to disclose their sources of income and business partnerships, a change from the "anything-goes" culture that previously existed at NTTA, according to critics.

Barr also said that all contracts now held by major legacy consultants, some of which have worked for NTTA or its predecessor agency since 1954, will be rebid before the end of the year.

When the contracts are put out for bid, a new rule will impose an absolute "cone of silence" between board members and firms seeking to win those contracts.

Among those patting Barr and the NTTA executive staff on the back were some who have been harshly critical of the authority's handling of ethics and related issues in the past.

"I applaud the effort of the staff in seeing this through to this point," said board member Victor Vandergriff, previous NTTA chairman. He had tried but failed to get the ethics policies changes that have

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since been adopted.

George "Tex" Quesada, a Dallas lawyer appointed late last year to be one of Dallas County's two members on the board, said the NTTA leadership's willingness to make changes recommended in the audit has impressed him.

"I was new when this [audit] came back, so it would have been easy to say there was reluctance to embrace these changes," he said. "But there was very little pushback and institutional resistance to doing these things. The board and the staff have implemented these recommendations lock, stock and barrel."

Denton County Judge Mary Horn singled out Barr "for immediately grabbing the ball and divvying them out to all the different committees."

Behind the accolades, however, hovered notes of caution.

Collin County Judge Keith Self, who alone among the county judges had strongly supported Anchia's legislation, said checking off the items on the to-do list NTTA was given in October is a good start, but only a start.

"What we are really talking about is the need for a change of culture, and that goes beyond a checklist," Self said. "I want to ask you: Is that what we are seeing happening here?"

Barr said it was.

Dallas County Judge Clay Jenkins also cautioned Barr that some of the dozens of items the NTTA has indicated are "implemented" are really works in progress. The judges will be looking not just at the policies, but the results of the policies to see if real change takes place, he said.

Anchia also suggested that NTTA should rethink new rules that appear to decrease the role diversity will play in selecting new contractors.

Currently, the new ethics rules bar board members from voting on contracts that might benefit their spouses, parents or children.

Anchia said the new policy should include some restrictions on when board members can vote on issues relating to cousins, siblings, and others not currently covered.

Anchia said NTTA board members will be asked to attend interim sessions of the House Transportation Committee later this year as the Legislature considers whether additional changes will be needed in 2013.

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