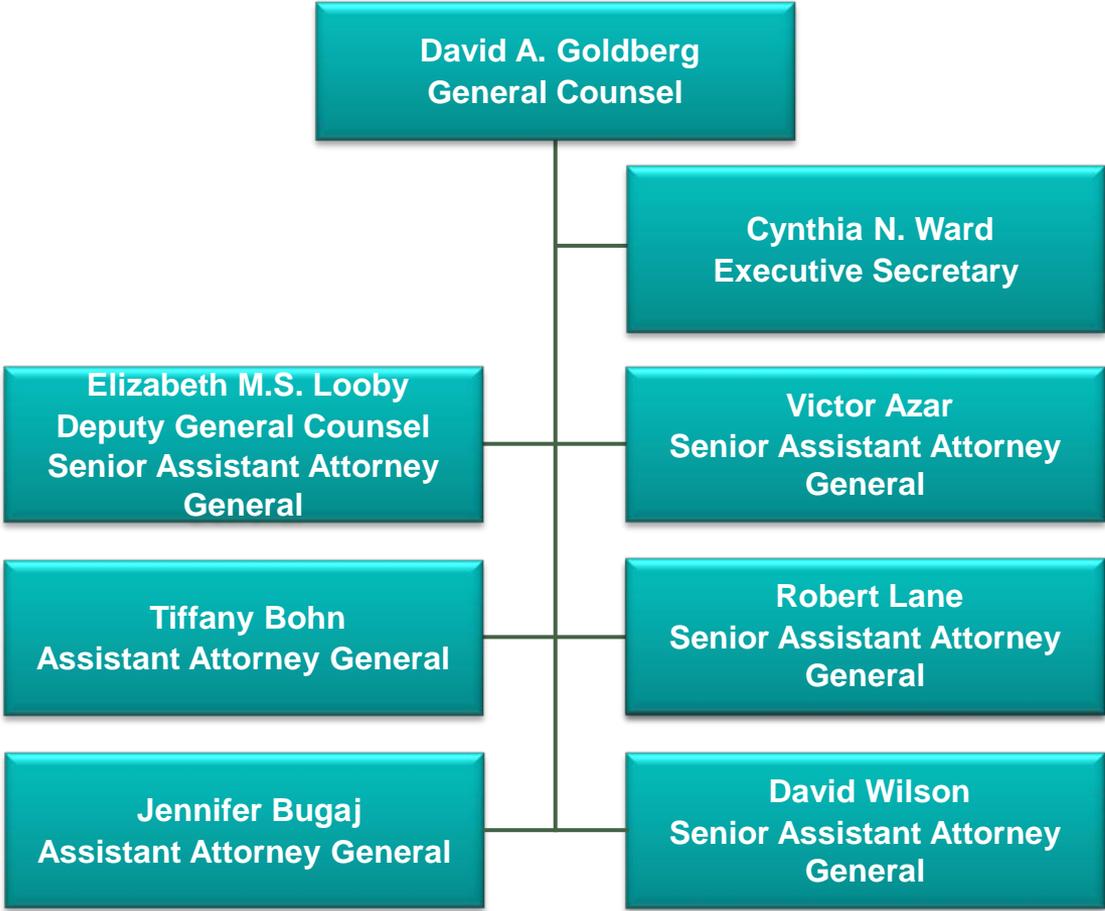




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## **Legal Department Overview**

# Legal Department



# Key Departmental Functions/Roles

## ■ Legal Department is a bureau of the Office of the Attorney General

### General

- General Counsel reports to Executive Director and Attorney General
- Provides legal assistance in all aspects of Tollway operations

## ■ Types of legal issues

- Interpretation and counseling
  - Illinois Toll Highway Act (Tollway's enabling state law)
- Contract preparation
  - Drafting/reviewing requests for proposals (RFPs)
  - Review for form and constitutionality all monetary contracts
- Administration
  - Provide legal counsel regarding policy (legislative initiatives, transportation industry, electronic tolling)
  - Negotiate union contracts
  - Toll violations counseling – hardship reviews



# Key Departmental Functions/Roles

## ■ Finance operations

- Prepare bond transaction documents; liaison with outside transactional counsel
- Assist with risk management issues

## ■ Litigation

- Personal injury (Tollway customers and/or employees)
- Employment (discrimination, union issues, workers' compensation)
- Land acquisition – Tollway has condemnation powers
- Recovery of expenses (property damage)
- Violation enforcement -- liaison with outside collection firms
- Constitutional challenges to Tollway business and processes

## ■ Board/Executive Office

- Assist in preparing/reviewing monthly agenda and resolutions
- Provide advice and counsel on conduct of Board meetings/operation (Open Meetings Act, etc.)
- Review minutes prior to voting
- Review/redact executive session minutes
- Internal investigations



# Department Board/Committee Items

## ■ General utility agreements

- Agreements with various utilities that will be impacted by Tollway construction projects (usually needing to relocate utility lines/cables)
- Agreements outline the general financial and construction responsibilities, as well as the Tollway's approval, documentation and invoicing procedures

## ■ Union agreements

- Tollway employees are represented by four unions (AFSCME, SEIU, Teamsters, MAP)
- Collective bargaining agreements require Board consideration and approval



# Department Board/Committee Items

## ■ Land acquisition matters

- There are generally two types of real estate matters considered by the Board
  - The first type consists of the public identification of specific real estate properties to be condemned for Tollway purposes
  - The second type of matter concerns “administrative” real estate settlements (negotiated deals) for amounts that exceed pre-approved staff limits

## ■ Administrative rules

- In addition to the Toll Highway Act, the Tollway is governed by Administrative Rules that the Board creates (toll violation process, speed limits, roadway procedures)
- Changes to these rules require Tollway Board approval and filing/approval in General Assembly



# Department Items on Today's Board Agenda

## ■ Intergovernmental Agreements (IGAs)

- ❑ IGAs consist of agreements between Tollway and one or more governmental entity. The IGAs typically identify the parties' contracting responsibilities, allocation of costs, maintenance responsibilities and the allocation of other responsibilities that might be associated with the underlying project.
- ❑ IGAs are exempt from state procurement law, but some legislative efforts geared toward regulating larger-scale IGAs.
- ❑ General examples are with: (i) towns for allocating construction costs, (ii) IDOT for assigning responsibilities on projects with overlapping jurisdiction, (iii) a state agency providing some type of consideration for a Tollway service provided or (iv) operating agreements with Illinois State Police (usually regarding ISP District 15).
- ❑ Today's IGAs cover (i) construction for Elgin O'Hare Western Access Project affecting Franklin Park; (ii) a public university's performance of specialized safety studies for the Tollway; and (iii) an ISP sharing agreement for motorcycles.



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# Department Items on Today's Board Agenda

## ■ **Litigation/dispute settlements**

- Proposed settlements that may involve Tollway paying an adverse party or establishing other terms and conditions. Regular types of cases include: personal injury, workers compensation, employment, contract, civil rights and real estate.
- Today's matter, to be discussed substantively in executive session (not public), relates to a payment dispute with a contractor and following negotiations a tentative resolution is available in lieu of litigation. The Board re-enters the public meeting to formalize its approval.



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**THANK YOU**