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Record of Closed Meeting | December 15, 2016

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 10:03 a.m. on Thursday, December 15, 2016 to discuss Tollway matters related to the purchase of real property, potential or pending litigation, and the minutes of closed meetings, pursuant to exceptions provided in Sections 2(c)5, 2(c)11, and 2(c)21 of the Illinois *Open Meetings Act*.

[Bolded entries indicate issues which may require follow-up to present or report to the Board.]

Executive Session Attendance

Board Members Present:
Chairman Bob Schillerstrom
Director Jim Banks
Director Corey Brooks
Director Earl Dotson, Jr.
Director Joe Gomez
Director Craig Johnson
Director Vazquez Rowland

Staff Present for all or portions of the Meeting:
Greg Bedalov (Executive Director)
David Goldberg (General Counsel)
Rocco Zuccherro (Chief Planning Officer)
Christi Regnery (Board Secretary)

Directors discussed the minutes of a closed session meeting.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the Board of Directors meeting held on November 17, 2016. He inquired of the Board whether there are any questions, concerns or requests for amendment.



In response to a Director's question, Chairman Schillerstrom explained that the minutes of closed session meetings are raised in Executive Session, prior to the Board acting on them in public session, in order to provide members an opportunity to discuss or amend their contents in a forum appropriate to their confidential nature. He clarified that the minutes of closed session meetings remain confidential until they are reviewed semi-annually and a determination is made by the Board that specific contents are appropriate for public release.

Hearing nothing further, Chairman Schillerstrom advised that Board action on the Minutes of the Executive Session will occur upon return to the regular session of the Meeting.

Directors discussed land acquisition activities and related pending litigation.

Final Settlement of Condemnation Litigation - Parcel EO-1A-12-024 (Legal Item 1):

Staff provided a summary of a condemnation action filed by the Tollway which seeks fee taking of 6,269 square feet of commercial property located in DuPage County, parcel EO-1A-12-024, needed in connection with the Elgin O'Hare Western Access ("EOWA") Project. Staff explained that order vesting title was previously obtained in 2013 by ruling of a quick take condemnation hearing and upon the Tollway's deposit of preliminary just compensation, as determined by the court, in the amount of \$120,000. Staff advised that a significant issue remained how to value this corner lot property due to loss of access rights to Rohlwing Road. Staff reported that the Tollway is now in receipt of the final settlement report *[Discussion related to land acquisition and litigation strategy are redacted.]* in the amount of \$375,000 *[Discussion related to land acquisition and litigation strategy are redacted]* the Legal Department and the Land Acquisition Manager are recommending approval of a final settlement in this amount.

A Director inquired about the seemingly lengthy time needed to resolve the condemnation action. Staff responded that following a quick-take procedure (whereby the Tollway promptly obtains legal title), it is not uncommon for the parties to take several years to reach agreement on the final award of compensation.

[Mr. Zucchero departed the Executive Session at this time.]

Directors discussed a workers' compensation settlement.

A Workers' Compensation Settlement – Sam DeMaria (Legal Item 3): General Counsel provided a summary of the workers' compensation claim by Sam DeMaria for accepted injuries sustained to his right arm and shoulder while performing his duties as an equipment operator/laborer. He reported that a negotiated settlement between the parties has been reached for \$78,000. He advised that both the Legal Department and outside counsel are recommending



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approval of the settlement agreement reached. *[Discussions related to litigation and personnel matters are redacted.]*

Directors discussed land acquisition activities and related pending litigation.

[Discussion related to land acquisition and litigation strategy are redacted.]

Re-Enter Public Session

There being no further business requiring Executive Session, Chairman Schillerstrom called for a motion to re-enter the public session of the regular Board Meeting. Director Johnson made such a motion; seconded by Director Gomez. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

Yeas: Director Johnson, Director Gomez, Director Banks, Director Brooks, Director Dotson, Director Vazquez Rowland, Chairman Schillerstrom (7)

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:35 a.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | January 26, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 10:16 a.m. on Thursday, January 26, 2017 to discuss Tollway matters related to the performance of specific employees, purchase of real property, potential or pending litigation, and the minutes of closed meetings, pursuant to exceptions provided in Sections 2(c)1, 2(c)5, 2(c)11, and 2(c)21 of the Illinois *Open Meetings Act*.

[Bolded entries indicate issues which may require follow-up to present or report to the Board.]

Executive Session Attendance

Board Members Present:
Chairman Bob Schillerstrom
Director Jim Banks
Director Earl Dotson, Jr.
Director Joe Gomez
Director Gonzalez
Director Craig Johnson
Director Vazquez Rowland
Director Sweeney

Staff Present for all or portions of the Meeting:
Greg Bedalov (Executive Director)
David Goldberg (General Counsel)
Rocco Zuccherro (Chief Planning Officer)
Mike Woodward (Land Acquisition Manager)
Christi Regnery (Board Secretary)

Directors discussed the minutes of a closed session meeting.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the Board of Directors meeting held on December 15, 2016. He inquired of the Board whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman



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Schillerstrom advised that Board action on the Minutes of the Executive Session will occur upon return to the regular session of the Meeting.

Directors discussed land acquisition activities.

[Discussions related to land acquisition are redacted.]

[Mr. Zucchero and Mr. Woodward departed the Executive Session at this time.]

Directors discussed land acquisition activities and related pending litigation.

[Discussions related to land acquisition and litigation strategy are redacted.]

Re-Enter Public Session

There being no further business requiring Executive Session, Chairman Schillerstrom called for a motion to re-enter the public session of the regular Board Meeting. Director Johnson made such a motion; seconded by Director Banks. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

Yeas: Director Johnson, Director Banks, Director Dotson, Director Gomez, Director Gonzalez, Director Vazquez Rowland, Director Sweeney, Chairman Schillerstrom (8)

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:34 a.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | February 23, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 10:15 a.m. on Thursday, February 23, 2017 to discuss Tollway matters related to the performance of specific employees, collective bargaining, purchase of real property, security procedures for the safety of employees or public property, potential or pending litigation, and the minutes of closed meetings, pursuant to exceptions provided in Sections 2(c)1, 2 (c)2, 2(c)5, 2(c)8, 2(c)11, and 2(c)21 of the Illinois *Open Meetings Act*.

[*Bolded entries indicate issues which may require follow-up to present or report to the Board.*]

Executive Session Attendance

Board Members Present:
Chairman Bob Schillerstrom
Director Jim Banks
Director Corey Brooks
Director Earl Dotson, Jr.
Director Joe Gomez
Director Gonzalez
Director Craig Johnson
Director Vazquez Rowland
Director Sweeney

Staff Present for all or portions of the Meeting:
Greg Bedalov (Executive Director)
David Goldberg (General Counsel)
Kevin Artl (Chief of Staff)
Christi Regnery (Board Secretary)
T.J. Hengesbach (Inspector General)

Directors discussed the Inspector General's Summary Activity Report.



Chairman Schillerstrom introduced T.J. Hengesbach, Tollway Inspector General, to provide a briefing for the Board on items likely to be included in the Office of Inspector General's ("OIG's") Summary Activity Report (to be formally presented in March), which is conveyed semi-annually to the Tollway Board, the Office of the Governor and the Illinois General Assembly, pursuant to requirements of the *Toll Highway Act*. He explained that a preview of the report for the period of September 1, 2016 to February 28, 2017 is being provided in Executive Session to allow Directors an opportunity for discussion of personnel and security issues not appropriate for public session.

Mr. Hengesbach prefaced his briefing with an update on an OIG administrative matter, noting that two OIG investigators have recently resigned and efforts are underway to fill these positions. Mr. Hengesbach then summarized a memo distributed to Board members detailing nine OIG investigations which resulted in corrective or disciplinary actions to Tollway personnel, ranging from employee discharge/termination to verbal reprimands.

Mr. Hengesbach also commented on practices related to personnel who may be associated with cash shortages in toll audits, or receipt of gratuities or gifts in the performance of Tollway duties.

[Discussions related to security and personnel matters are redacted.]

[Mr. Hengesbach departed the Executive Session at this time.]

Directors discussed the minutes of a closed session meeting.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the Board of Directors meeting held on January 26, 2017. He inquired of the Board whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom advised that Board action on the Minutes of the Executive Session will occur upon return to the regular session of the Meeting.

Directors discussed land acquisition activities and related pending litigation.

[Discussions related to land acquisition and litigation strategy are redacted.]

Directors discussed security procedures for the safety of employees.

Staff advised the Board that turnstiles are to be installed at the entrances to Tollway Headquarters to provide improved security (preventing building entry without appropriate credentials) and effective integration with the facility's access control system.



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A Director requested confirmation that concealed carry of handguns is prohibited at public Tollway buildings. Staff confirmed.

Re-Enter Public Session

There being no further business requiring Executive Session, Chairman Schillerstrom called for a motion to re-enter the public session of the regular Board Meeting. Director Johnson made such a motion; seconded by Director Banks. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

Yeas: Director Johnson, Director Banks, Director Brooks, Director Dotson, Director Gomez, Director Gonzalez, Director Vazquez Rowland, Director Sweeney, Chairman Schillerstrom (9)

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:50 a.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | March 23, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 11:06 a.m. on Thursday, March 23, 2017 to discuss Tollway matters related to collective bargaining, the purchase of real property, potential or pending litigation, and the minutes of closed meetings pursuant to exceptions provided in Sections 2(c)2, 2(c)5, 2(c)11, and 2(c)21 of the Illinois *Open Meetings Act*.

[*Bolded entries indicate issues which may require follow-up to present or report to the Board.*]

Executive Session Attendance

Board Members Present:
Chairman Bob Schillerstrom
Director Jim Banks
Director Corey Brooks
Director Earl Dotson, Jr.
Director Joe Gomez
Director Craig Johnson
Director Neli Vazquez Rowland
Director Jim Sweeney

Staff Present for all or portions of the Meeting:
Greg Bedalov (Executive Director)
David Goldberg (General Counsel)
Kevin Artl (Chief Operating Officer)
Elizabeth Oplawski (Deputy General Counsel)
John Donato (Chief of Procurement)
Christi Regnery (Board Secretary)

Directors discussed the minutes of a closed session meeting.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the Board of Directors meeting held on February 23, 2017. He inquired of the Board whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman



Schillerstrom advised that Board action on the Minutes of the Executive Session will occur upon return to the regular session of the Meeting.

Directors discussed a litigation settlement.

Litigation Settlement – *Guida v. ISTHA* (Legal Item 3): General Counsel provided background on the case of *Guida v. ISTHA*, a personal injury suit emanating from an accident that occurred in November of 2008 at the Plaza 19 toll collection facility. He explained that the Plaintiff was driving a Pace bus (as an employee of Academy Coach Lines) when it collided with the Tollway's iron gate used for access control, the end of which penetrated the bus causing significant injuries to the Plaintiff's ankle. He reported that the parties have recently reached a preliminary agreement, on the eve of trial, to settle all claims for \$60,000, *[Discussions related to litigation and litigation strategy are redacted.]* General Counsel advised that the Legal Department *[Discussions related to litigation and litigation strategy are redacted.]* is recommending approval of a global settlement as proposed.

The Board expressed consensus in support of authorizing settlement of the matter as presented.

Directors discussed land acquisition activities and related pending litigation.

[Discussion related to land acquisition and litigation strategy are redacted.]

Directors discussed potential litigation.

Staff reported that a protest has been received by the state Chief Procurement Officer from a submitting firm, Xerox State & Local Solutions, Inc., which applied for award of Tollway contract 14-0065 for the purchase of automatic toll payment machines ("ATPMs"). Staff advised that the contract award to BIT Mobility Solutions LLC, approved by the Board at its February meeting, is therefore stayed pending resolution of the protest.

[Discussions related to litigation and litigation strategy are redacted.]

A Director inquired about a protest filed concerning the contract award for excavation of stockpiled soil (on property in process of acquisition by the Tollway) near the O'Hare Airport. Staff responded that the City of Chicago has the lead on the subject contract and is also responsible for administering the protest process, currently in progress.

Directors discussed pending litigation.



General Counsel reported that the Tollway has recently been served with a lawsuit by O'Hare Record Retention Center, Franklin Park, IL, claiming additional fees due them related to the retrieval by the agency, upon contract conclusion, of approximately 7000 storage boxes from their facility. Directors and staff then briefly discussed the facts and merits of the complaint.

Re-Enter Public Session

There being no further business requiring Executive Session, Chairman Schillerstrom called for a motion to re-enter the public session of the regular Board Meeting. Director Vazquez Rowland made such a motion; seconded by Director Dotson. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

Yeas: Director Vazquez Rowland, Director Dotson, Director Banks, Director Brooks, Director Gomez, Director Johnson, Director Sweeney, Chairman Schillerstrom (8)

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 11:29 a.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | April 27, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 11:52 a.m. on Thursday, April 27, 2017 to discuss Tollway matters related to the purchase of real property, potential or pending litigation, and the minutes of closed meetings pursuant to exceptions provided in Sections 2(c)5, 2(c)11, and 2(c)21 of the Illinois *Open Meetings Act*.

[Bolded entries indicate issues which may require follow-up to present or report to the Board.]

Executive Session Attendance

Board Members Present:
Chairman Bob Schillerstrom
Director Jim Banks
Director Earl Dotson, Jr.
Director David Gonzalez
Director Joe Gomez
Director Craig Johnson
Director Neli Vazquez Rowland
Director Jim Sweeney

Staff Present for all or portions of the Meeting:
Greg Bedalov (Executive Director)
Elizabeth Oplawski (Acting General Counsel)
Kevin Artl (Chief Operating Officer)
Bob Lane (Sr. Assistant Attorney General)
Paul Kovacs (Chief Engineering Officer)
Rocco Zuccherro (Deputy Chief of Engineering)
Mike Woodward (Land Acquisition Manager)
Christi Regnery (Board Secretary)

[Secretary's note: Due to operator error, the initial approximately two minutes of the Executive Session were not recorded. Minutes were taken throughout by the Board Secretary and during such time, no action was taken by the Board.]

Directors discussed the minutes of a closed session meeting.



Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the Board of Directors meeting held on March 23, 2017. He inquired of the Board whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom advised that Board action on the Minutes of the Executive Session will occur upon return to the regular session of the Meeting.

Directors discussed land acquisition activities and related pending litigation.

[Discussion related to land acquisition and litigation strategy are redacted.]

[Mr. Lane, Mr. Woodward, Mr. Zuccherro, Doug Felder and Mark Mathewson departed the Executive Session at this time.]

Directors discussed potential litigation.

[Discussions related to litigation and litigation strategy are redacted.]

Directors discussed pending litigation.

Acting General Counsel provided a brief background on the case of *Reniece Wright v. ISTHA and Deborah Allen*, a recently filed Federal employment discrimination suit brought against the agency (and Ms. Allen in her official capacity) by a Tollway employee suspended for displaying a racially inappropriate note in the office. She advised the Board that the law firm of Laner Muchin, Ltd., has been engaged to represent the interests of the Tollway and Ms. Allen in this matter. *[Discussions related to litigation and personnel matters are redacted.]*

Acting General Counsel then provided a brief background on the case of *Robert Nelson v. Gina Harding and ISTHA*, a recently filed lawsuit emanating from an automobile accident. She explained that a police cruiser driven by Ms. Harding, an Illinois State Police District 15 Trooper performing her official duties at the time, collided with and caused damage to the Plaintiff's vehicle.

[Director Vazquez Rowland departed the Meeting at approximately 12:30 p.m.]

Re-Enter Public Session

There being no further business requiring Executive Session, Chairman Schillerstrom called for a motion to re-enter the public session of the regular Board Meeting. Director Banks made such a motion; seconded by Director Gomez. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:



Executive Session of the Board of Directors Meeting

Yeas: Director Banks, Director Gomez, Director Dotson, Director Gonzalez, Director Johnson, Director Sweeney, Chairman Schillerstrom (7)

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 12:31 p.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority