



Minutes of the
Executive Session of the Board of Directors Meeting

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Record of Closed Meeting | June 22, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 9:38 a.m. on Thursday, June 22, 2017 to discuss Tollway matters related to the appointment of counsel, 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 Corey Brooks
Director Earl Dotson, Jr.
Director Joe Gomez
Director David Gonzalez
Director Craig Johnson
Director Neli Vazquez Rowland

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

Directors discussed the minutes of a closed session meetings.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Sessions of the Board of Directors held from April 2009 through April 2017. He explained that pursuant to the Illinois *Open Meetings Act*, the Board is required to semiannually review the written minutes of all



closed meetings and make a determination, which is then reported in an open session, that the need for confidentiality still exists as to all or part of those minutes or that the minutes or portions thereof no longer require confidential treatment and can be released publically. Chairman Schillerstrom confirmed that Directors have received for their review the Executive Session Minutes from April 2009 to April 2017 showing content proposed by Acting General Counsel for public release and continued redaction. He then inquired of the Board if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom advised that Board action on these Minutes will occur upon return to the regular session of the Meeting.

Directors discussed land acquisition activities.

[Discussions related to land acquisition are redacted.]

Directors discussed workers' compensation settlements.

A Workers' Compensation Settlement – James Clement (Legal Item 3): Acting General Counsel provided a summary of the workers' compensation claim by James Clement for injuries sustained to his right arm and shoulder while performing his duties as an equipment operator/laborer. She reported that the claimant's injuries resulted in permanent restrictions which preclude him from returning to his previous position and that a negotiated settlement, which considers the loss to the person as a whole, has been reached between the parties for \$152,307.55. *[Discussions related to litigation and personnel matters are redacted.]*

A Director asked whether pre-employment testing is used to determine a prospective employee's physical fitness for a particular job or role. Staff responded that physical screenings are performed to determine quantitative physical limits and to ensure capabilities are in line with the physical demands of the job.

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

A Workers' Compensation Settlement – Timothy Menzer (Legal Item 4): Acting General Counsel provided a summary of the workers' compensation claim by Timothy Menzer for injuries sustained to his lower back while performing his duties as an equipment operator/laborer. She reported that a negotiated settlement between the parties has been reached in the amount of \$66,264.66, which includes permanency as well as outstanding temporary total disability benefits. *[Discussions related to litigation and personnel matters are redacted.]*



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Directors discussed pending litigation.

Acting General Counsel provided a brief background on the case of *Reniece Wright v. ISTHA and Deborah Allen*, a Federal employment discrimination suit brought against the agency (and Ms. Allen in her official capacity) by a former Tollway employee who was suspended (and subsequently terminated) for displaying a racially inappropriate note in the office. *[Discussions related to litigation and personnel matters 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 Gomez made such a motion; seconded by Director Vazquez Rowland. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:04 am

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



Executive Session of the Board of Directors Meeting

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Record of Closed Meeting | July 27, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 9:49 a.m. on Thursday, July 27, 2017 to discuss Tollway matters related to the appointment of counsel, potential or pending litigation, and the minutes of closed meetings pursuant to exceptions provided in Sections 2(c)1, 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

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

Directors discussed the minutes of a closed session meetings.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the June 22, 2017 Board of Directors meeting. He then inquired of the Board if there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom advised that Board that action on these Minutes 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 pending litigation are redacted.]

Directors discussed a workers' compensation settlement.

A Workers' Compensation Settlement – Eugene Jacoby (Legal Item 6): Acting General Counsel provided a summary of three workers' compensation claims by Eugene Jacoby for a series of injuries sustained by Mr. Jacoby while performing his duties as an equipment operator/laborer. *[Discussions related to litigation and personnel matters are redacted.]* She reported that a negotiated settlement has been reached between the parties for \$100,000.00. She further reported that separately, the Tollway will be obligated to fund a Medicare Set-Aside once that amount has been submitted to and approved by Medicare. *[Discussions related to litigation and personnel matters are redacted.]*

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

Directors discussed pending litigation and the appointments of counsel.

Authorization to appoint Outside Counsel (Legal Item 4): *[Discussions related to pending litigation and personnel matters are redacted.]*

The Board expressed consensus in support of appointing (retroactively) the law firm of Pugh, Jones & Johnson to conduct an independent investigation in this matter and of compensating the firm for work already performed.

Authorization to appoint Outside Counsel (Legal Item 5): Acting General Counsel stated that staff is seeking approval to appoint the law firm of Franczek Radelet to conduct an independent investigation in response to a referral by the Inspector General for potential discrimination in a hiring related decision. *[Discussions related to pending litigation and personnel matters 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 Banks made such



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a motion; seconded by Director Brooks. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:28 am

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | August 24, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 9:35 a.m. on Thursday, August 24, 2017 to discuss Tollway matters related to performance of specific employees, purchase or lease 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)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 Earl Dotson, Jr.
Director Joe Gomez
Director David Gonzalez
Director Craig Johnson
Director Neli Vazquez Rowland

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

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 September), 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 March 1, 2017 to August 31, 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 then summarized a memo distributed to Board members detailing five OIG investigations which resulted in corrective or disciplinary actions to Tollway personnel, ranging from employee discharge/termination to counselling.

Directors and staff discussed the thresholds and circumstances in which cases of theft are pursued criminally. Chairman Schillerstrom noted that these matters are referred to the State's Attorney's Office, which has sole authority to make charging decisions and is responsible for ensuring that appropriate cases get charged.

Directors and staff then discussed Tollway procedure for verifying employees' drivers' licenses as well as requirements of the Tollway Employee Policy and Procedure Manual and the Tollway Vehicle Code regarding notification of driver's license suspension by employees utilizing Tollway vehicles. Mr. Hengesbach advised the Board that based on recommendations made by the OIG, the agency has implemented revisions to enhance the employee driver's license tracking process.

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

Directors discussed the minutes of a closed session meetings.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the July 27, 2017 Board of Directors meeting. He then inquired of the Board if there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom advised that Board that action on these Minutes will occur upon return to the regular session of the Meeting.

[Mr. Woodward, Mr. Kovacs, and Mr. Zuccherro entered the Executive Session at this time.]

Directors discussed land acquisition activities.

Identification of Real Estate Parcels (Engineering Item 11): [Discussions related to land acquisition are redacted.]



Directors discussed land acquisition activities and related pending litigation.

Final Settlement of Condemnation Litigation – Parcel EO-1A-12-048 (Legal Item 2):
[Discussions related to land acquisition and pending litigation are redacted.]

Directors discussed pending litigation.

Authorization to enter into a Settlement of Claim for Property Damage – Sabrina Bambulas (Legal Item 3): Staff provided a summary of a property damage claim filed by the Tollway which emanates from a multi-vehicle accident that occurred in 2013 causing extensive damage to Tollway property in the amount of approximately \$208,000. Staff explained the accident occurred as a result of actions of Ms. Bambulas; however, the Tollway's damages exceed the \$5,150.68 of remaining available insurance proceeds (of a \$100,000 policy) after prior settlement by the carrier with other parties involved. *[Discussions related to pending litigation are redacted.]* Director Gomez indicated he may know the family of Ms. Bambulas and wishes to recuse himself from participating in the decision regarding this matter.

[Discussions related to pending litigation are redacted.] Chairman Schillerstrom observed that with the recusal of Director Gomez, there will not be available a quorum necessary to act upon this item. He advised that the item will therefore be deferred in open session to the next Board meeting.

Directors discussed pending litigation.

Acting General Counsel provided a brief background on the case of *Reniece Wright v. ISTHA and Deborah Allen*, a Federal employment discrimination suit brought against the agency (and Ms. Allen in her official capacity) by a former Tollway employee who was suspended (and subsequently terminated) for displaying a racially inappropriate note in the office. *[Discussions related to personnel matters and pending litigation are redacted.]*

Directors discussed land acquisition activities and related pending litigation.

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

Re-Enter Public Session



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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 Gomez made such a motion; seconded by Director Johnson. Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

Yeas: Director Gomez, Director Johnson, Director Dotson, Director Gonzalez, Director Vazquez Rowland, Chairman Schillerstrom (6)

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:25 am

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | September 28, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 10:03 a.m. on Thursday, September 28, 2017 to discuss Tollway matters related to potential or pending litigation and the minutes of closed meetings pursuant to exceptions provided in Sections 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 David Gonzalez
Director Craig Johnson
Director Neli Vazquez Rowland

Staff Present for all or portions of the Meeting:
Greg Bedalov (Executive Director)
Kevin Artl (Chief Operating Officer)
Bob Lane (Assistant Attorney General)
Paul Kovacs (Chief Engineering Officer)
Mike Colsch (Chief Financial Officer)
Christi Regnery (Board Secretary)

Directors discussed the minutes of a closed session meetings.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the August 24, 2017 Board of Directors meeting. He then inquired of the Board if there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom advised that Board that action on these Minutes will occur upon return to the regular session of the Meeting.



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Executive Session of the Board of Directors Meeting

Directors discussed pending litigation.

Authorization to enter into a Settlement of Claim for Property Damage – Sabrina Bambulas (Legal Item 7): Staff provided a summary of a property damage claim filed by the Tollway which emanates from a multi-vehicle accident that occurred in 2013 causing extensive damage to Tollway property in the amount of approximately \$208,000. Staff explained the accident occurred as a result of actions of Ms. Bambulas; however, the Tollway’s damages exceed the \$5,150.68 of remaining available insurance proceeds (of a \$100,000 policy) after prior settlement by the carrier with other parties involved. *[Discussions related to pending litigation are redacted.]* Legal Department is therefore recommending that the Tollway accept settlement in the amount of \$25,150.68, *[Discussions related to pending litigation 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 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:

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

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:09 am

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



Minutes of the
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Record of Closed Meeting | October 26, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 10:03 a.m. on Thursday, October 26, 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 Corey Brooks
Director Earl Dotson, Jr.
Director Joe Gomez
Director Craig Johnson
Director Neli Vazquez Rowland

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

Directors discussed the minutes of a closed session meetings.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the September 28, 2017 Board of Directors meeting. He then inquired of the Board if there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom



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

Directors discussed land acquisition activities.

Identification of Real Estate Parcels (Engineering Item 17): [Discussions related to land acquisition are redacted.]

Directors discussed pending litigation.

Authorization to enter into a Workers Compensation Settlement – Peter Turcato (Legal Item 3): Acting General Counsel provided a summary of the workers compensation claim by Peter Turcato for a left shoulder injury sustained by Mr. Turcato while performing his duties as an equipment operator/ laborer. [Discussions related to pending litigation and personnel matters are redacted.] She then reported that a negotiated settlement has been reached between the parties for \$250,000.00. She further reported that separately, the Tollway would be obligated to fund a Medicare Set-Aside once that amount has been submitted to and approved by Medicare. [Discussions related to pending litigation and personnel matters are redacted.]

Upon conclusion of the discussion, the Board expressed consensus in support of authorizing settlement of the workers' compensation matter as presented.

Litigation Settlement – Rogers Industrial Park, L.P. (Legal Item 4): [Discussions related to land acquisition are redacted.]

Litigation Settlement – Reniece Wright (Legal Item 5): Acting General Counsel provided a brief update on the case of *Reniece Wright v. ISTHA and Deborah Allen*, a Federal employment discrimination suit brought against the agency by a former Tollway employee who was suspended (and subsequently terminated) for displaying a racially inappropriate note in her office. [Discussions related to pending litigation and personnel matters are redacted.]

Directors discussed land acquisition activities.

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

Re-Enter Public Session



Minutes of the
Executive Session of the Board of Directors Meeting

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

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:46 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 | November 29, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in Executive Session at approximately 10:12 a.m. on Thursday, November 29, 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 Corey Brooks
Director Earl Dotson, Jr.
Director Joe Gomez
Director David Gonzalez
Director Craig Johnson
Director Neli Vazquez Rowland

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

[Secretary's note: Due to malfunction, the audio of the Executive Session of the Board of Directors meeting was not recorded. Notes were taken throughout by the Board Secretary and used to construct the minutes of the meeting. No action was taken by the Board during the Executive Session.]



Directors discussed the minutes of a closed session meetings.

Chairman Schillerstrom raised for consideration the Minutes of the Executive Session of the October 26, 2017 Board of Directors meeting. He then inquired of the Board if there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom advised that Board action on these Minutes 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 Meeting at this time.]

Directors discussed collective bargaining.

Collective Bargaining Agreement – MAP (Legal Item 4): Staff reported that a collective bargaining agreement has been reached with the approximately twenty telecommunicators of the Metropolitan Alliance of Police, Chapter 135. Staff clarified that the agreement provides a two percent increase on the four-year contract, which concludes on May 30, 2021, and will be applied retroactively to a start date of May 11, 2017.

[Discussions related to collective bargaining issues are redacted.]

Directors discussed pending litigation.

Litigation Settlement – Reniece Wright (Legal Item 5): Acting General Counsel provided a brief update on the case of *Reniece Wright v. ISTHA*, a Federal employment discrimination suit brought against the agency by a former Tollway employee who was suspended (and subsequently terminated) for displaying a racially inappropriate note in her office. *[Discussions related to litigation and personnel matters are redacted.]*

Directors discussed land acquisition activities.

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



Minutes of the
Executive Session of the Board of Directors Meeting

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:

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

Nays: None (0)

The motion was PASSED.

The Executive Session concluded at approximately 10:32 a.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority