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Record of Closed Meeting | April 30, 2020

Pursuant to exceptions provided in Sections 2(c)5, 8, 21 and 29 of the Open Meetings Act (5 ILCS 120/2(c)5, 8, 21, and 29), on Thursday, April 30, 2020 at approximately 11:34 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to the purchase or lease of real property, security procedures/employee and public safety, the minutes of closed meetings and internal audit controls.

Executive Session Attendance

| Board Members Present: | Staff Present for all or portions of the Meeting: |
|-----------------------------|---|
| Chairman Will Evans | José Alvarez (Executive Director) |
| Director Jim Connolly | Kathleen R. Pasulka-Brown (General Counsel) |
| Director Steve Davis | Derek Messier (Chief Operating Officer) |
| Director Alice Gallagher | Christi Regnery (Board Secretary) |
| Director Karen McConnaughay | Cassandra Rouse (Chief Strategy & Implementation Officer) |
| Director Scott Paddock | Shaun Farmer (Chief Internal Auditor) |
| Director Gary Perinar | Joe Kambich (Chief of Information Technology) |
| Director Jim Sweeney | |

Directors discussed internal audit controls

Chairman Evans inquired of the Board whether there are questions for Mr. Kambich, Mr. Farmer or Ms. Rouse regarding internal audit controls or identification of potential risk areas. Hearing nothing, Chairman Evans thanked these staff for participating.

[Mr. Farmer, Mr. Kambich and Ms. Rouse disengaged from the Executive Session at this time.]



Directors discussed the minutes of a closed session meeting

Chairman Evans raised for consideration the Minutes of the Executive Session of the March 26, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.

Directors discussed land acquisition activities

Amendment of Land Acquisition Resolutions (Legal Item 2): General Counsel informed Directors that the Board approved, on August 15, 2019, an amendment to Resolution 21849 for the Tri-State Tollway (I-294) Project, which added 5 parcels that may potentially need to be acquired by condemnation to Exhibit A thereto. She noted that Exhibit A of the Resolution incorrectly identified four of the five added parcels. She explained that Legal Item 2 corrects Exhibit A to properly identify the four parcels in Resolution 21849 and related Resolutions 21868, 21883, 21902, 21928 and 22003.

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director McConnaughay made such a motion, seconded by Director Connolly. The motion PASSED unanimously.

The Executive Session concluded at approximately 11:48 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 | May 21, 2020

Pursuant to exceptions provided in Sections 2(c)5 and 21 of the Open Meetings Act (5 ILCS 120/2(c)5, 21), on Thursday, May 21, 2020 at approximately 11:20 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to the purchase or lease of real property and the minutes of closed meetings.

Executive Session Attendance

| Board Members Present: | Staff Present for all or portions of the Meeting: |
|-----------------------------|---|
| Chairman Will Evans | José Alvarez (Executive Director) |
| Director Jim Connolly | Kathleen R. Pasulka-Brown (General Counsel) |
| Director Steve Davis | Derek Messier (Chief Operating Officer) |
| Director Alice Gallagher | Christi Regnery (Board Secretary) |
| Director Karen McConnaughay | |
| Director Scott Paddock | |
| Director Gary Perinar | |
| Director Jim Sweeney | |

Directors discussed the minutes of a closed session meeting

Chairman Evans raised for consideration the Minutes of the Executive Session of the April 30, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.

Directors discussed land acquisition activities



Identification of Real Estate Parcels (Legal Item 3): Pursuant to the Tollway’s obligation (arising from *ISTHA v. DiBenedetto*) to identify real estate interests it may need to acquire by condemnation, staff provided a summary table for the Systemwide Project parcel identification report, noting the addition of one (1) parcel.

[Discussions related to land acquisition are redacted.]

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director McConnaughay made such a motion, seconded by Director Connolly. The motion PASSED unanimously.

The Executive Session concluded at approximately 11:43 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 | June 25, 2020

Pursuant to exceptions provided in Sections 2(c)5 and 21 of the Open Meetings Act (5 ILCS 120/2(c)5, 21), on Thursday, June 25, 2020 at approximately 10:28 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to the purchase or lease of real property and the minutes of closed meetings.

Executive Session Attendance

| Board Members Present: | Staff Present for all or portions of the Meeting: |
|--------------------------------|---|
| Chairman Willard S. Evans, Jr. | José Alvarez (Executive Director) |
| Director James Connolly | Kathleen R. Pasulka-Brown (General Counsel) |
| Director Stephen Davis | Derek Messier (Chief Operating Officer) |
| Director Alice Gallagher | Christi Regnery (Board Secretary) |
| Director Karen McConnaughay | |
| Director Scott Paddock | |
| Director Gary Perinar | |
| Director James Sweeney | |

Directors discussed the minutes of a closed session meeting

Chairman Evans raised for consideration the Minutes of the Executive Session of the May 21, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.

Directors discussed land acquisition activities



Identification of Real Estate Parcels (Legal Item 2): Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*) to identify real estate interests it may need to acquire by condemnation, staff provided a summary table for the Tri-State Tollway Project parcel identification report, noting the addition of nine (9) parcels.

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director McConaughay made such a motion, seconded by Director Connolly. The motion PASSED unanimously.

The Executive Session concluded at approximately 10:36 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 | July 16, 2020

Pursuant to exceptions provided in Sections 2(c)4, 5, 11 and 21 of the Open Meetings Act (5 ILCS 120/2(c)4, 5, 11, 21), on Thursday, July 16, 2020 at approximately 10:21 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway business related to matters before a quasi-adjudicative body, the purchase or lease of real property, pending or probable litigation and the minutes of closed meetings.

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

Executive Session Attendance

| Board Members Present: | Staff Present for all or portions of the Meeting: |
|--------------------------------|---|
| Chairman Willard S. Evans, Jr. | José Alvarez (Executive Director) |
| Director James Connolly | Kathleen R. Pasulka-Brown (General Counsel) |
| Director Stephen Davis | Derek Messier (Chief Operating Officer) |
| Director Alice Gallagher | Christi Regnery (Board Secretary) |
| Director Karen McConaughay | Dee Brookens (Chief Procurement and Compliance Officer) |
| Director Scott Paddock | |
| Director Gary Perinar | |
| Director James Sweeney | |

Directors discussed the minutes of a closed session meeting

Chairman Evans raised for consideration the Minutes of the Executive Session of the June 25, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.



Directors discussed land acquisition activities

Identification of Real Estate Parcels (Legal Item 1): Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*, 275 Ill. App. 3d 400, 405 (1st Dist. 1995)) to identify real estate interests it may need to acquire by condemnation, the General Counsel provided a summary table for the I-57/I-294 Interchange Phase II Project parcel identification report, noting the addition of one (1) parcel.

Discussion of probable or pending litigation

Administrative Real Estate Settlement Supplement – Groot Industries (Legal Item 2): General Counsel provided a summary of an Administrative Real Estate Settlement Supplement relative to Parcel WA-3D-12-006, which includes a waste transfer and material recovery facility located in Elk Grove Village, IL. She stated that these real estate interests are needed in conjunction with the Elgin O'Hare Western Access ("EOWA") Project.

General Counsel recapped for Directors that in October 2019, pursuant to Resolution 21905, the Board of Directors approved expenditures of up to \$20,000,000.00 to acquire and fully satisfy acquisition and business relocation costs relating to the Groot facility. She stated that final acquisition and relocation costs total \$20,563,024.00, \$563,024.00 more than the previously authorized upper limit, but include significantly enhanced DBE commitments. *[Discussion related to land acquisition and litigation strategy are redacted.]* A Director requested confirmation the final settlement includes construction costs to rebuild the waste transfer and material recovery facility. General Counsel confirmed.

[Dee Brookens entered Executive Session at this time.]

Discussion of matters before a quasi-adjudicative body

Staff provided Directors with background on protests (seeking administrative reconsideration) filed with the State's Chief Procurement Officer ("CPO") by non-winning bidder Walsh Construction Company II, LLC on contract I-18-4704 and Lorig Construction Company on contract I-19-4491, both awarded at the March 26, 2020 Board of Directors meeting. Staff noted the bids received from these firms, although the low-bids on the contracts, were deemed non-responsive by the Tollway for failure to comply with diversity goals stated in the contracts.

Staff provided additional details on the disputed issue, particularly, notice and the timeliness of the request for administrative reconsideration. Staff reported that the CPO recently sustained the protests of both firms, noting that the Tollway failed to abide by the administrative reconsideration



provisions of the solicitation. Additionally, the CPO instructed the Tollway to revise its solicitation language to state that companies may request administrative reconsideration after they receive written notice of “non-responsiveness.” Staff verified that the Tollway has complied with these instructions.

Staff further stated that in response to the CPO’s findings, administrative reconsideration would be given to both parties, and a meeting has been scheduled for each to meet with the Chief of Diversity. Staff noted the Tollway will review the firm’s diversity submissions and “good-faith efforts” to determine if they satisfied contract requirements. Staff explained that if after administrative reconsideration, the Chief of Diversity determines that the contractors satisfied the contract requirements relative to diversity goals, the Tollway will award the contracts to the protesting firms (the initial low bidder). If the Chief of Diversity determines the contractors failed to satisfy those contract requirements, and remain non-responsive, the Tollway will seek a final decision on non-responsiveness from the CPO.

Directors and staff discussed current procurement processes and timelines, potential changes, as well as communications with vendors regarding “good faith efforts” needed to comply with contract requirements relative to diversity goals. A Director requested that copies of the CPO’s protest findings be circulated to all Directors for review and further discussion. **Chairman Evans stated the CPO’s protest findings will be circulated post-meeting**, and he proposed that follow-up discussion occur during Executive Session of the August Board of Directors meeting.

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director McConnaughay made such a motion, seconded by Director Sweeney. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Sweeney, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 10:47 a.m.

Minutes taken by: _____ /s/ on original



ILLINOIS STATE TOLL HIGHWAY AUTHORITY

Minutes of the
Executive Session of the Board of Directors Meeting

Meeting Date
July 16
2020



Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | August 20, 2020

Pursuant to exceptions provided in Sections 2(c)1, 4, 21 and 29 of the Open Meetings Act (5 ILCS 120/2(c)1, 4, 21, 29), on Thursday, August 20, 2020 at approximately 11:40 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway business related to personnel matters, matters before a quasi-adjudicative body, the minutes of closed meetings and internal audit controls.

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

Executive Session Attendance

| |
|--------------------------------|
| Board Members Present: |
| Chairman Willard S. Evans, Jr. |
| Director James Connolly |
| Director Stephen Davis |
| Director Alice Gallagher |
| Director Karen McConnaughay |
| Director Scott Paddock |
| Director Gary Perinar |
| Director James Sweeney |

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| Staff Present for all or portions of the Meeting: |
| Kathleen R. Pasulka-Brown (General Counsel) |
| Christi Regnery (Board Secretary) |

Directors discussed Internal Audit controls

Chairman Evans inquired if there were any questions concerning risk assessment or internal audit controls related to the Audit Committee presentation provided earlier. No questions were raised by Directors.



Directors discussed the minutes of a closed session meeting

Chairman Evans next raised for consideration the Minutes of the Executive Session of the July 16, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.

Discussion of matters before a quasi-judicative body

[Discussions related to litigation and personnel are redacted]

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director McConnaughay made such a motion, seconded by Director Sweeney. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Sweeney, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 12:47 p.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



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Record of Closed Meeting | September 17, 2020

Pursuant to exceptions provided in Sections 2(c)5, 11 and 21 of the Open Meetings Act (5 ILCS 120/2(c)5, 11, 21), on Thursday, September 17, 2020 at approximately 11:00 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to the purchase or lease of real property, probable or pending litigation and the minutes of closed meetings.

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

Executive Session Attendance

| Board Members Present: | Staff Present for all or portions of the Meeting: |
|--------------------------------|---|
| Chairman Willard S. Evans, Jr. | Kathleen R. Pasulka-Brown (General Counsel) |
| Director James Connolly | Christi Regnery (Board Secretary) |
| Director Stephen Davis | |
| Director Alice Gallagher | |
| Director Karen McConnaughay | |
| Director Scott Paddock | |
| Director Gary Perinar | |
| Director James Sweeney | |

Directors discussed the minutes of a closed session meeting

Chairman Evans next raised for consideration the Minutes of the Executive Session of the August 20, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.



Directors discussed land acquisition activities

Identification of Real Estate Parcels (Legal Item 4): Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*, 275 Ill. App. 3d 400, 405 (1st Dist. 1995)) to identify real estate interests it may need to acquire by condemnation, General Counsel provided a summary table for the Central Tri-State Tollway (I-294) Project parcel identification report, noting the addition of six (6) parcels.

Directors discussed pending or probable litigation

General Counsel provided a summary of the lawsuit filed against the Tollway in August 2019 by the Teamsters Health and Welfare Fund and Legal & Educational Assistance Fund, claiming insufficient contribution payments and unpaid past and future contributions. She advised the Board that in December 2019, the Tollway filed a motion to dismiss Plaintiffs' complaint and the court subsequently dismissed one of the three counts. She reported that the Tollway has since filed a motion for partial reconsideration of the Order allowing Plaintiffs' remaining two counts to stand. She noted that in addition, the Tollway filed requests to admit that highlight contractual provisions which should be interpreted to preclude the Tollway from having to make contributions to Plaintiffs and a related motion. General Counsel stated that the Tollway is currently awaiting rulings on both motions. General Counsel also stated that the Tollway notified Plaintiffs of its intent to terminate their contracts, thereby capping potential exposure for future benefits contributions beyond March 2021 or, potentially, earlier.

General Counsel then provided an update on an ongoing dispute between the Tollway and Mythics, Inc., an Oracle reseller, concerning support service fees for Oracle products. *[Discussions related to litigation and litigation strategy are redacted.] [Director Sweeney disconnected from the audio conference during the Executive Session.]*

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director McConnaughay made such a motion, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Chairman Evans (7)

Nays: (0)



The motion PASSED.

The Executive Session concluded at approximately 11:10 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 | October 15, 2020

Pursuant to exceptions provided in Sections 2(c)11 and 21 of the Open Meetings Act (5 ILCS 120/2(c)11, 21), on Thursday, October 15, 2020 at approximately 11:30 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to probable or pending litigation and the minutes of closed meetings.

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

Executive Session Attendance

| |
|--------------------------------|
| Board Members Present: |
| Chairman Willard S. Evans, Jr. |
| Director James Connolly |
| Director Stephen Davis |
| Director Alice Gallagher |
| Director Karen McConnaughay |
| Director Scott Paddock |
| Director Gary Perinar |
| Director James Sweeney |

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| Staff Present for all or portions of the Meeting: |
| Kathleen R. Pasulka-Brown (General Counsel) |
| Christi Regnery (Board Secretary) |

Directors discussed the minutes of a closed session meeting

Chairman Evans next raised for consideration the Minutes of the Executive Session of the September 17, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.



Minutes of the
Executive Session of the Board of Directors Meeting

Directors discussed pending or probable litigation

General Counsel provided a summary of the workers' compensation matter of Tijuana Williams, a Tollway employee who suffered a lower back injury while performing her duties as a Tollway maintenance worker. *[Discussions related to litigation and personnel are redacted]* She reported that a negotiated settlement between the parties has been reached for \$200,000, *[Discussions related to litigation and personnel are redacted]*

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director McConnaughay made such a motion, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director McConnaughay, Director Connolly, Director Davis, Director Gallagher, Director Paddock, Director Perinar, Director Sweeney, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 11:39 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 19, 2020

Pursuant to exceptions provided in Sections 2(c)5, 11 and 21 of the Open Meetings Act (5 ILCS 120/2(c)5, 11, 21), on Thursday, November 19, 2020 at approximately 10:55 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to the purchase or lease of real property, probable or pending litigation and the minutes of closed meetings.

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

Executive Session Attendance

| Board Members Present: | Staff Present for all or portions of the Meeting: |
|--------------------------------|---|
| Chairman Willard S. Evans, Jr. | Kathleen R. Pasulka-Brown (General Counsel) |
| Director James Connolly | José Alvarez (Executive Director) |
| Director Stephen Davis | Christi Regnery (Board Secretary) |
| Director Alice Gallagher | |
| Director Karen McConnaughay | |
| Director Scott Paddock | |
| Director Gary Perinar | |
| Director James Sweeney | |

Directors discussed the minutes of a closed session meeting

Chairman Evans raised for consideration the Minutes of the Executive Session of the October 15, 2020 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.



Directors discussed land acquisition activities

Identification of Real Estate Parcels (Legal Item 2): Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*, 275 Ill. App. 3d 400, 405 (1st Dist. 1995)) to identify real estate interests it may need to acquire by condemnation, General Counsel provided a summary table for the Central Tri-State Tollway (I-294) Project parcel identification report, noting the addition of seventeen (17) parcels.

Directors discussed the Toll Violation Payment and Settlement Guidelines

[Discussions related to security procedures are redacted]

Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director Sweeney made such a motion, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Sweeney, Director Connolly, Director Davis, Director Gallagher, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 11:04 a.m.

Minutes taken by: _____ /s/ on original

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority