



## Record of Meeting | September 28, 2017

The Illinois State Toll Highway Authority (the "Tollway") Board of Directors met in regular session on Thursday, September 28, 2017 in the Boardroom of Tollway Headquarters in Downers Grove, Illinois. The Meeting was held pursuant to By-Laws of the Tollway upon call and notice of the Meeting executed by Chairman Robert J. Schillerstrom and posted in accordance with the requirements of the Illinois *Open Meetings Act*. The Meeting was open to the public.

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

### Call to Order / Pledge of Allegiance / Roll Call

Chairman Bob Schillerstrom called the Meeting to order at approximately 9:00 a.m., inviting attendees to rise and join in the Pledge of Allegiance. He then asked the Board Secretary to call the roll, those Directors present and absent being as follows:

Board Members Present:
Chairman Bob Schillerstrom
Director Jim Banks
Director Earl Dotson, Jr. <i>[entered at 9:14 a.m.]</i>
Director Joe Gomez
Director David Gonzalez
Director Craig Johnson
Director Neli Vazquez Rowland

Board Members Not Present:
Governor Bruce Rauner <i>[ex officio]</i>
Secretary Randall Blankenhorn <i>[ex officio]</i>
Director Corey Brooks

The Board Secretary declared a quorum present.

### Public Comment

Chairman Schillerstrom opened the floor for public comment.

John Madison, of JAS Trucking, Inc., addressed the Board. Mr. Madison commented on the billing logistics involved when rear license plate images on commercial vehicles are utilized for video tolling. He requested that some accommodation of additional time be made in such circumstances.



Chairman Schillerstrom thanked Mr. Madison for his comments.

### **Chairman's Items**

---

*Item 1: Approval of the Minutes of the regular Board of Directors meeting held August 24, 2017.* Chairman Schillerstrom called for a motion to approve **Chairman's Item 1**, the Minutes of the regular Board of Directors meeting held on August 24, 2017, as presented. Director Banks made a motion for approval; seconded by Director Gomez. Chairman Schillerstrom asked if there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom called for a vote. The motion was PASSED unanimously.

Chairman Schillerstrom stated that without objection, action on Chairman's Item 2, concerning the minutes of closed meetings, will be deferred until after consideration in Executive Session.

### **COMMITTEE REPORTS**

Chairman Schillerstrom asked the chair of the following committee of the Board if he had any report to provide on the committee's recent activities:

#### **Finance, Administration & Operations Committee**

Committee Chair Gomez updated the Board on the Finance, Administration and Operations Committee ("FAO Committee") meeting held Wednesday, September 20, 2017, providing the following highlights:

**FINANCE** presented one item which the Committee approved for placement on the full Board agenda, authorizing the refunding of all or a portion of the series 2007A, 2008A, and 2009A bonds. Refunding the 2009A bonds is expected to reduce Tollway debt service costs. Refunding of the 2007A and 2008A bonds would be undertaken to convert synthetic fixed rate debt to traditional fixed rate bonds. All of the proposed transactions are subject to favorable market conditions.

**PROCUREMENT** presented six items, five of which the Committee approved for placement on the full Board agenda. One item is being deferred until next month.

**ENGINEERING** presented 16 items which were each approved by the Committee for placement on the Board agenda.



**LEGAL** presented six items which were reviewed and approved by the Committee. Item 7 was deferred at Committee and will be reviewed in Executive Session today prior to full Board consideration.

*[End of Committee Reports]*

### **Executive Director's Items**

---

**Inspector General's Summary Activity Report:** Executive Director Bedalov introduced T.J. Hengesbach to present the semi-annual activity report from the Office of the Inspector General. [See attached report.](#)

*[Director Dotson entered the Meeting at approximately 9:14 a.m.]*

Chairman Schillerstrom thanked Mr. Hengesbach for his report and good work.

**September 2017 Diversity Statistics:** Executive Director Bedalov provided the following diversity statistics for Tollway procurements to be presented in the current month:

**ENGINEERING** has two construction contracts totaling \$47.5 million and ten professional engineering services contracts totaling \$59.9 million, which include:

- Six firms doing business with the Tollway for the first time,
- Two firms now working as a prime for the first time on a Tollway contract, and
- Eight Partnering for Growth (P4G) commitments.

Of the \$107.5 million in recommended Engineering contract awards, nearly \$36.9 million, or 34 percent, is committed to veteran-owned or disadvantaged firms.

Twelve contracts include commitments for disadvantaged, minority- and women- owned business enterprise (D/M/WBE) firm participation. D/M/WBE commitments range from 13 to 97 percent per contract.

Eleven contracts include commitments for veteran owned firm participation. Veteran commitments range from 1 to 6 percent per contract.

**PROCUREMENT** has five goods and services contracts totaling more than \$6 million to present this month. These contracts include:

- Three firms meeting or exceeding BEP goals.
- One firm meeting Tollway veteran goal.



- One firm registered as a small business.

**Tollway Staff Acknowledgements:** Executive Director Bedalov expressed the agency's deep sadness over the tragic loss of Tollway employee, David Schwarz, who lost his life recently while doing the job he has performed for 25 years. Director Gomez requested a moment of silence to remember David and his family.

## Items for Consideration

---

### Finance

*Item 1: Authorize the issuance of revenue bonds to refund all or a portion of the Series 2007A, 2008A and 2009A Bonds.*

Chairman Schillerstrom called for a motion to approve **Finance Item 1**. Director Gomez made a motion for approval; seconded by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion.

Director Johnson inquired if the Tollway currently holds any Build America bonds, and if so, whether they are being reviewed. Mr. Colsch responded affirmatively to both questions.

Hearing nothing further, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

### Procurement

*Item 1: Award of Contract 17-0152 to CDW Government LLC for the purchase of Cisco Products in an amount not to exceed \$408,603.25 (Order Against CMS Master Contract).*

Chairman Schillerstrom called for a motion to approve **Procurement Item 1**. Director Vazquez Rowland made a motion for approval; seconded by Director Gomez. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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



Nays: None (0)

The motion was PASSED.

*Item 2: Award of Contract 17-0129 to CDW Government LLC for the purchase of NetApp Hardware, Software, Maintenance, Support, Services, and Accessories in an amount not to exceed \$4,739,418.91 (Tollway Invitation for Bid).*

Chairman Schillerstrom called for a motion to approve **Procurement Item 2**. Director Vazquez Rowland made a motion for approval; seconded by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 3: Award of Contract 17-0136 to MDSolutions Inc. for the purchase of Aluminum Extrusions in an amount not to exceed \$558,442.54 (Tollway Invitation for Bid).*

Chairman Schillerstrom called for a motion to approve **Procurement Item 3**. Director Gomez made a motion for approval; seconded by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 4: Award of Contract 15-0013RRR to Interstate Power Systems, Inc. (d.b.a. Interstate PowerSystems) for the purchase of Allison Remanufactured Transmissions, Repair Services, and Replacement Parts in an amount not to exceed \$144,170.90 (Tollway Invitation for Bid).*

Chairman Schillerstrom called for a motion to approve **Procurement Item 4**. Director Gomez made a motion for approval; seconded by Director Dotson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:



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

Nays: None (0)

The motion was PASSED.

*Item 5: Amendment to Contract 15-0178 to National Tek Services, Inc. for the purchase of Red Hat JBoss Software Maintenance and Support in an amount not to exceed \$149,800.00 (Tollway Invitation for Bid).*

Chairman Schillerstrom called for a motion to approve **Procurement Item 5**. Director Banks made a motion for approval; seconded by Director Gomez. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, 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.

## Engineering

*Item 1: Award of Contract RR-17-4325 to Western Utility, LLC for Fiber Optics Relocation, Systemwide, in the amount of \$2,597,340.50.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 1**. Director Banks made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 2: Award of Contract RR-13-4116 to Walsh Construction Company II, LLC for Roadway Reconstruction on the Reagan Memorial Tollway (I-88) from Milepost 138.1 (York Road Plaza) to Milepost 140.5 (Eisenhower Expressway I-290), in the amount of \$44,931,291.06.*



Chairman Schillerstrom called for a motion to approve **Engineering Item 2**. Director Vazquez Rowland made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 3: Acceptance of Proposal from Civiltech Engineering, Inc./ Millennia Professional Services Of Illinois, Ltd., on Contract I-16-4274 for Design Services, on the Reagan Memorial Tollway (I-88) at Milepost 109.3 (IL 47 Interchange), in an amount not to exceed \$2,066,000.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 3**. Director Banks made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 4: Acceptance of Proposal from Cotter Consulting, Inc., on Contract RR-13-4117 for Construction Management Services, on the Reagan Memorial Tollway (I-88), in an amount not to exceed \$1,450,000.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 4**. Director Gomez made a motion for approval; seconded by Director Dotson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.



*Item 5: Acceptance of Proposal from Strand Associates, Inc., on Contract I-17-4297 for Design Services, on the Tri-State Tollway (I-294) from Milepost 22.3 (75th Street) to Milepost 24.1 (I-55 Ramps), in an amount not to exceed \$10,100,000.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 5**. Director Johnson made a motion for approval; seconded by Director Vazquez Rowland. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 6: Acceptance of Proposal from Quigg Engineering, Inc., on Contract I-17-4299 for Design Services, Tri-State Tollway (I-294) from Milepost 29.1 (East West Connector) to Milepost 30.5 (Roosevelt Road), in an amount not to exceed \$2,650,000.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 6**. Director Gomez made a motion for approval; seconded by Director Vazquez Rowland. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, 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 Dotson, Director Gonzalez, Director Johnson, Chairman Schillerstrom (7)

Nays: None (0)

The motion was PASSED.

*Item 7: Acceptance of Proposal from Alfred Benesch & Company/The Roderick Group, Inc. (dba Ardmore Roderick)/2IM Group, LLC, on Contract I-17-4301 for Design Services, on the Tri-State Tollway (I-294) from Milepost 32.3 (St Charles Road) to Milepost 33.5 (North Avenue / Lake Street), in an amount not to exceed \$10,400,000.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 7**. Director Vazquez Rowland made a motion for approval; seconded by Director Gomez. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:





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

Nays: None (0)

The motion was PASSED.

*Item 8: Acceptance of Proposal from A. Epstein and Sons International Inc., (dba Epstein), on Contract I-17-4304 for Design Upon Request, on the Tri-State Tollway (I-294), in an amount not to exceed \$5,000,000.00. [Recusal: Director Gomez]*

Chairman Schillerstrom called for a motion to approve **Engineering Item 8**. Director Dotson made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion.

Director Gomez indicated he wishes to recuse himself from participating in the decision regarding this item.

Hearing nothing further, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

Recusals: Director Gomez (1)

The motion was PASSED.

*Item 9: Acceptance of Proposal from Baxter & Woodman Inc., on Contract I-17-4305 for Design Services, on the Tri-State Tollway (I-294) Various Locations, in an amount not to exceed \$3,462,900.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 9**. Director Banks made a motion for approval; seconded by Director Gonzalez. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.



*Item 10: Acceptance of Proposal from Rubinos & Mesia Engineers, Inc., on Contract I-17-4306 for Design Services, on the Tri-State Tollway (I-294) Various Locations, in an amount not to exceed \$2,715,500.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 10**. Director Gomez made a motion for approval; seconded by Director Vazquez Rowland. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, 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 Dotson, Director Gonzalez, Director Johnson, Chairman Schillerstrom (7)

Nays: None (0)

The motion was PASSED.

*Item 11: Acceptance of Proposal from Hampton, Lenzini & Renwick, Inc., on Contract I-17-4682 for Construction Management Upon Request, on the Elgin O'Hare Western Access (I-490), in an amount not to exceed \$6,000,000.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 11**. Director Banks made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 12: Acceptance of Proposal from Applied Research Associates, Inc., on Contract MO-17-1238 for Pavement Specialist Services, Systemwide, in an amount not to exceed \$16,100,000.00.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 12**. Director Gomez made a motion for approval; seconded by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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



Nays: None (0)

The motion was PASSED.

*Item 13: Acceptance of Proposal from Tecma Associates, Inc., on Contract I-14-4192 for Supplemental Construction Management, on the Jane Addams Memorial Tollway (I-90) at Milepost 62.2 (Barrington Road), in an amount of \$199,373.12 from \$3,903,959.07 to \$4,103,332.19.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 13**. Director Vazquez Rowland made a motion for approval; seconded by Director Gomez. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 14: Amendment to Extra Work Order on Contract I-13-4168 to F.H. Paschen, S.N. Nielsen & Associates, LLC for Roadway and Bridge Reconstruction on the Jane Addams Memorial Tollway (I-90) at Milepost 67.4 (Meacham Road), in the amount of \$125,000.00 from \$26,511,346.15 to \$26,636,346.15.*

Chairman Schillerstrom called for a motion to approve **Engineering Item 14**. Director Banks made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 15: Amendment to Change Order / Extra Work Order on Contract I-13-4168 to F.H. Paschen, S.N. Nielsen & Associates, LLC for Roadway and Bridge Reconstruction on the Jane Addams Memorial Tollway (I-90) at Milepost 67.4 (Meacham Road), in the amount of \$78,000.00 from \$26,636,346.15 to \$26,714,346.15.*



Chairman Schillerstrom called for a motion to approve **Engineering Item 15**. Director Gomez made a motion for approval; seconded by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion.

Director Vazquez Rowland commented on the DBE achieved thus far and asked if the contractor is anticipated to meet is full DBE commitment on the contract. Mr. Giraldo responded affirmatively.

Hearing nothing further, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 16: Land Acquisition – Sale of Excess Property in the amount of \$180,000.00 for parcel NS-08-006A.EX located on the north side of 63rd Street and east of I-355, Woodridge, DuPage County. Cost to Tollway: N/A*

Chairman Schillerstrom called for a motion to approve **Engineering Item 16**. Director Gomez made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

## Legal

*Item 1: Approval of an Intergovernmental Agreement with DuPage County which provides for the transfer of the County's jurisdiction of County Highway 26/Thorndale Avenue from Illinois Route 53 to York Road to the Tollway. Cost to the Tollway: \$0.*

Chairman Schillerstrom called for a motion to approve **Legal Item 1**. Director Gomez made a motion for approval; seconded by Director Dotson. Chairman Schillerstrom asked if there are any



questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 2: Approval of an Intergovernmental Agreement with DuPage County which provides for the exchange of Illinois Route 390 parcels between DuPage County and the Tollway. Cost to the Tollway: \$0.*

Chairman Schillerstrom called for a motion to approve **Legal Item 2**. Director Banks made a motion for approval; seconded by Director Gomez. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, 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.

*Item 3: Approval of an Intergovernmental Agreement with the Village of Elk Grove Village which provides for the exchange of Elgin O'Hare Western Access real estate parcels between Elk Grove Village and the Tollway. Cost to the Tollway: \$0. [Recusal: Director Johnson]*

Chairman Schillerstrom called for a motion to approve **Legal Item 3**. Director Gomez made a motion for approval; seconded by Director Dotson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion.

Director Johnson indicated he wishes to recuse himself from participating in the decision regarding this item.

Hearing nothing further, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)



Recusals: Director Johnson (1)

The motion was PASSED.

*Item 4: Approval of an Intergovernmental Agreement with Flagg Creek Water Reclamation District, the City of Elmhurst, York Township regarding water and sanitary facility relocation with Flagg Creek Water Reclamation District, the City of Elmhurst, and York Township. Cost to the Tollway: \$0.*

Chairman Schillerstrom called for a motion to approve **Legal Item 4**. Director Johnson made a motion for approval; seconded by Director Dotson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 5: Approval of an Intergovernmental Agreement with the Village of Hampshire providing for the connection of water and sewer facilities from a new I-90 Tollway maintenance facility to the Village's existing utilities. Cost to the Tollway: \$0.*

Chairman Schillerstrom called for a motion to approve **Legal Item 5**. Director Dotson made a motion for approval; seconded by Director Johnson. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

*Item 6: Assignment of Bond Counsel. [Recusal: Director Gomez]*

Chairman Schillerstrom called for a motion to approve **Legal Item 6**. Director Vazquez Rowland made a motion for approval; seconded by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion.



Director Gomez indicated he wishes to recuse himself from participating in the decision regarding this item.

Hearing nothing further, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

Recusals: Director Gomez (1)

The motion was PASSED.

Chairman Schillerstrom stated that without objection, action on Legal Item 7 will be deferred until after consideration in Executive Session.

### **New Business**

---

Director Johnson inquired about patron response to the “Put an I-PASS in Every Car” initiative and the effective date of the rate increase for non-I-PASS users. Shana Whitehead, Chief of Business Systems, commented on the positive response rates achieved from current and new I-PASS customers. She further responded that the planned rate increase for non-IPASS users does not take effect until 2018.

Director Vazquez Rowland complimented staff on the marketing campaign for the transponder initiative and inquired whether outreach is to be expanded. Cindy Klima, Chief of Communications, responded affirmatively.

Director Gomez inquired about transponder capture issues experienced with metallic windshields on certain luxury vehicles. Ms. Whitehead responded that license plate mounted transponders are available for customers which experience such issues. She added that in 2018, the agency will also have the ability to prevent video tolling surcharges for specific plates registered appropriately on I-PASS accounts.

### **Executive Session**

---

Chairman Schillerstrom called for a motion to enter Executive Session pursuant to exceptions provided in Sections 2(c)11 and 2(c)21 of the Illinois *Open Meetings Act* to consider Tollway matters related to potential or pending litigation and the minutes of closed meetings. Director Gomez made a motion, pursuant to the sections specified, to enter Executive Session; seconded



by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

At approximately 9:48 a.m., the Board entered into Executive Session.

### **Return from Executive Session and Action (if any)**

---

At approximately 10:06 a.m., the Board re-entered the public session of the Meeting.

*Chairman's Item 2: Approval of the Minutes of the Executive Session of the Board of Directors meeting held August 28, 2017.*

Chairman Schillerstrom called for a motion to approve **Chairman's Item 2**, the Minutes of the Executive Session of the Board of Directors meeting held on August 28, 2017, as presented. Director Gomez made a motion for approval; seconded by Director Dotson. Chairman Schillerstrom asked if there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Schillerstrom called for a vote. The motion was PASSED unanimously.

*Legal Item 7: Authorization to Enter into a Settlement of Claim for Property Damage – Sabrina Bambulas. Cost to the Tollway: As discussed in Executive Session.*

Chairman Schillerstrom called for a motion to approve **Legal Item 7**. Director Johnson made a motion for approval; seconded by Director Banks. Chairman Schillerstrom asked if there are any questions, concerns or requests for discussion. Hearing nothing, Chairman Schillerstrom called for a roll call, the vote of yeas and nays being as follows:

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

Nays: None (0)

The motion was PASSED.

### **Adjournment**

---





There being no further business before the Board, Chairman Schillerstrom requested a motion to adjourn. Motion to adjourn was made by Director Gomez, seconded by Director Johnson. Chairman Schillerstrom called for a vote. The motion was PASSED unanimously.

The Meeting was adjourned at approximately 10:09 a.m.

Minutes taken by: \_\_\_\_\_

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority



Illinois State Toll Highway Authority  
**Office of the Inspector General**

---

**SUMMARY ACTIVITY REPORT**

For the period March 1, 2017 through August 31, 2017

---

Theodor J. Hengesbach  
Inspector General

Hotline: 866.786.5544

Fax: 630.795.7661

<https://www.illinoistollway.com/about/office-of-inspector-general>



**OFFICE OF THE INSPECTOR GENERAL**  
**Theodor J. Hengesbach – Inspector General**

**SUMMARY ACTIVITY REPORT**

**To:** The Office of the Governor  
The Board of Directors of the Illinois State Toll Highway Authority  
The State of Illinois General Assembly

**From:** Theodor J. Hengesbach, Inspector General

**Date:** September 28, 2017

**Re:** Office of the Inspector General Summary Activity Report for the Period Spanning  
March 1, 2017 to August 31, 2017

**INTRODUCTION**

We provide this report pursuant to Section 8.5 of the Toll Highway Act (the Act).<sup>1</sup> The Act created the Office of the Inspector General (OIG) and the Governor-appointed position of Inspector General. On November 9, 2015, Governor Bruce Rauner appointed Theodor J. Hengesbach to this position, and the Illinois Senate confirmed this appointment in February 2017. The appointment runs through June 30, 2020.

**MISSION AND JURISDICTION**

OIG's mission is to foster effectiveness and efficiency in Tollway administration and operations by promoting integrity and accountability of the Tollway board, Tollway employees, and Tollway contractors and vendors. In furtherance of its mission, OIG strives to detect, deter, and prevent fraud, waste, abuse, corruption, misconduct, and mismanagement.

By statute, OIG's jurisdiction extends to Tollway officials, Tollway employees, and Tollway contractors and vendors.<sup>2</sup> As a general rule, the OIG does not become involved in private disputes, labor-management issues, or litigation. Matters investigated by OIG may also fall within the jurisdiction of other agencies (e.g., federal, state, or local law enforcement, other inspectors general, etc.). In such cases, the Inspector General is authorized to refer matters or work jointly with these other agencies to investigate allegations of wrongdoing.

---

<sup>1</sup> 605 ILCS 10/8.5(m) provides: The Toll Highway Inspector General shall provide to the Governor, the Board of the Authority and the General Assembly a summary of reports and investigations made under this Section no later than March 31 and September 30 of each year. The summaries shall detail the final disposition of the Inspector General's recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries shall also include detailed, recommended administrative actions and matters for consideration by the Governor, the Board of the Authority, and the General Assembly.

<sup>2</sup> See 605 ILCS 10/8.5(d).

OIG derives its authority and direction from the Illinois Toll Highway Act<sup>3</sup> and the Illinois Administrative Code.<sup>4</sup>

## **INVESTIGATIONS**

OIG is currently staffed with an Inspector General, a Deputy Inspector General, a Senior Investigator, and an Administrative Assistant. There are currently two vacant Investigator positions. Interviews are being conducted and we expect to bring on new Investigators in the Fourth Quarter of 2017. The Inspector General, Deputy Inspector General and Senior Investigator are certified by the National Association of Inspectors General and the Association of Certified Fraud Examiners. In addition, the Inspector General and the Senior Investigator are members of the Board of Directors for the Illinois Chapter of the Association of Inspectors General. OIG conducts administrative and criminal investigations of alleged violations of law, rule or regulation, and misconduct or mismanagement. OIG also reviews Tollway policies and procedures, and employment and hiring files, and serves as liaison to law enforcement entities.<sup>5</sup>

## **COMPLAINTS**

OIG receives complaints from the general public, Tollway officials and employees, vendors, bidders, and anonymous sources; OIG can also self-initiate investigations and reviews. Complaints are screened and assessed to determine the most appropriate action, which can include opening a Preliminary Investigation (PI),<sup>6</sup> an Investigation (IG), a Review (R), or an Investigative Assistance case (IA)<sup>7</sup> or declination. OIG can also refer matters to Tollway management or another appropriate entity.

Factors that impact these decisions include: the reliability and accuracy of information based on OIG's knowledge of the subject matter; the nature of the conduct alleged and the ability to independently verify the allegations; the age of the conduct complained of; the likely impact on Tollway operations; and the availability of investigative resources. OIG also receives a number of calls relating to I-PASS concerns or toll violations that are referred to Tollway Customer Service Managers.

By law, the identity of any individual providing information or reporting possible or alleged misconduct to OIG may not be disclosed without consent of that individual or as otherwise

---

<sup>3</sup> 605 ILCS 10/8.5.

<sup>4</sup> ILL. ADMIN. CODE title 2, sec. 3430 (2011).

<sup>5</sup> See 605 ILCS 10/8.5(f).

<sup>6</sup> A Preliminary Investigation is initiated to conduct limited-scope inquiries to determine the next appropriate action. Generally, these inquiries are open for 30 days, although one 30-day extension may be approved by the Inspector General.

<sup>7</sup> Investigative Assistance matters include tracking of employee arrests and requests for information or subpoenas from law enforcement, regulatory agencies, or other Inspectors General.

required by law.<sup>8</sup> Furthermore, state and federal Whistleblower laws prohibit retaliation against individuals who provide information to or cooperate with an OIG investigation.

One way OIG receives complaints is via the Tollway OIG Hotline (866-786-5544), and during this reporting period there were 75 incoming calls.

From March 1, 2017 through August 31, 2017, OIG took action in 129 new matters:

Preliminary Investigations	21 opened 11 closed (4 converted to Investigation, 2 converted to Referral)
Investigative Assistance	68 cases opened 66 closed
Investigations	6 opened (6 converted from PI) 4 closed
Reviews	0 opened 0 closed
Referral – Law Enforcement	2 matters referred
Referral – Management	27 matters referred
Declined	5 matters

As of August 31, 2017, the following matters were pending:<sup>9</sup>

Preliminary Investigations	10
Investigative Assistance	3
Investigations	5
Reviews	1

## **REPORTS OF FINDINGS**

Summary reports detailing sustained findings and/or recommendations are submitted to the Board Chair, the Executive Director and appropriate management officials, and set forth investigative findings and recommendations for corrective action. As required by law, narrative summaries (without confidential or identifying information) are provided in semi-annual reports, while final summary reports resulting in discipline of more than 3 days are publicly released in redacted form on the OIG website. OIG also issues Management Advisory Reports to the Board Chair, the Executive Director and appropriate management officials, which describe operational concerns observed by OIG in the course of its activities. Summaries of these notifications and management responses will be provided in the semi-annual reports.

---

<sup>8</sup> See 605 ILCS 10/8.5(k)(1).

<sup>9</sup> These numbers include carry-over from previous reporting period.

There are no recommended administrative actions or matters for consideration by the Governor, the Board of the Authority, or the General Assembly during this period.

The following are summaries<sup>10</sup> of sustained OIG cases concluded between March 1, 2017 and August 31, 2017.

### **OIG Investigations Resulting in Personnel Actions**

#### **Discharge/Termination/Resignation**

##### **IG-2017-005**

OIG received information from Toll Audit concerning a \$1,208.30 cash shortage in a Toll Collector's end-of-day deposit. Toll Audit also provided OIG with relevant video clips from the Collector's booth camera that reportedly showed some suspicious activity. OIG's investigation determined that there was reasonable cause to find that the Toll Collector stole \$1,200 in Tollway revenue, and during an OIG interview the Toll Collector admitted taking the money without authorization.

The Toll Collector resigned and subsequently submitted a check for the missing \$1,200.

The matter has been referred to the DuPage County State's Attorney's Office for prosecution.

Based on this investigation, OIG recommended that the Tollway consider including credit history checks as part of the background review process for Toll Collector positions given that their job function involves custody and unsupervised control of often large amounts of cash as well as personal checks.

#### **Suspension/Counselling**

##### **IG-2017-004**

OIG received notification that a Driver Messenger had reported, as required by Tollway policy, an out-of-state arrest for Operating While Intoxicated, Driving on a Suspended License, and Refusal to Submit to a Chemical test. OIG's Preliminary Investigation confirmed the charges and verified that the employee's position requires a CDL license as a condition of employment. Further investigation determined that the employee had not notified the Tollway that his license had been suspended either in 2016 for failure to maintain insurance, or most recently as a result of his refusal to submit to a Chemical Test following the arrest, in violation of Tollway policies. In addition, because the Tollway was not aware of the prior insurance-related suspension, the employee was allowed to operate Tollway vehicles for several months in late 2016 and early 2017 despite having a suspended license, also in violation of Tollway policies.

---

<sup>10</sup> These summaries are intended to illustrate the general nature and outcomes of these cases for public reporting purposes and thus may not contain all allegations and/or findings for each case.

These actions constituted violations of several provisions of the Tollway Employee Policy and Procedure Manual and the Tollway Vehicle Code, and OIG recommended that the Tollway impose discipline up to and including discharge.

The Procurement Department responded that it agreed with the findings, but because the employee's out-of-state charges had been reduced and the employee currently had a valid CDL, it entered into an agreement under which the employee agreed to not grieve a six week time-served suspension and agreed to submit to counselling and random testing. Procurement reserved the right to impose further discipline if the employee's driving privileges are restricted as a result of the arrest or if the other conditions are not satisfied.

Finally, our investigation identified weaknesses in the Tollway's process for verifying the status of employee driver's licenses and recommended a review of that process and consideration of several areas for improvement.

The Administration Department responded that it has implemented changes to the employee driver's license tracking process that the OIG recommended in an earlier matter (OIG case # IG-2016-004). These changes included requiring departments to confirm each month that employees who must have a driver's license actually possess a physical license. Administration also advised supervisors to remind employees to report any arrest that could result in the suspension or revocation of their driver's license. In addition, Administration agreed to enhance its quarterly Secretary of State license check to make sure that notifications reach appropriate supervisors, and it agreed to develop trainings for employees and supervisors respecting driver's license issues.

## **OIG Investigations Resulting in Administrative Recommendations**

### **IG-2017-002 - Hiring Process**

OIG received an allegation that an internal candidate for a publicly posted Rutan-covered position was unfairly disadvantaged in the interview process. That allegation was not sustained, but the investigation did identify some issues for consideration respecting the interview process. Specifically, OIG recommended better interview question development, better guidance about the interview process for candidates and interviewers, and more complete background checks of selected candidates. In its response, Administration acknowledged these concerns and explained that these issues are being addressed as part of a larger process review and revision being conducted by an outside consultant.

## **Update on Management Responses to Prior OIG Reports**

### **IG-2016-011 - Secondary Employment**

As reported in the March Summary Activity Report, OIG issued a report identifying deficiencies in the Tollway process for approving and monitoring employee requests to perform secondary employment. Tollway policy requires that any employee who seeks to engage in outside employment must notify and receive written approval of their Department Chief before engaging in such activity. Tollway policy imposes certain restrictions on this employment and mandates that any outside employment must not create a conflict of interest that adversely impacts the

Tollway or a conflict of commitment that undermines the employee's work performance or schedule. In response, Tollway Administration revised the Outside Employment Approval Request Form, so that it now requires more information to be provided, which will allow supervisors to more fully assess potential conflicts of interest and commitment. The new form also provides a space for the Department Chief to indicate approval or denial of such requests. Administration disseminated the new form to all Tollway employees via email with instructions to have the form completed once a year between August 1 and August 31.

## **REFERRALS**

The following are summaries of actions resulting from referred matters between March 1, 2017 and August 31, 2017.

### **Management Referrals Resulting in Personnel Actions**

#### **RF-2017-013**

OIG received an interoffice envelope containing a document with personal identifying information and an anonymous note indicating that the document had been found in a copier on the third floor of Central Administration. The document contained personal identifying information of current Tollway employees and dependents, but the note provided no information identifying a potential subject or relevant time frame. The document appeared to be human resources-related so it was referred to the Administration department. Administration responded that it was able to identify the responsible employee who said the document was inadvertently left in the copier. Administration verbally counseled the employee about exercising greater vigilance in securing documents with personal identifying information.

#### **RF-2017-033**

OIG received information from Toll Audit about a cash shortage of more than \$170 in a Toll Collector's cash drawer. OIG referred the documentation and video clips provided by Toll Audit. Operations reviewed the matter and determined that the video was inconclusive. Following a meeting with the employee who denied taking the money, Operations issued a two-day suspension.

### **Management Referrals Resulting in Administrative Actions**

#### **Toll Violations/I-PASS**

During the reporting period, OIG referred 19 matters involving disputes over Toll Violations/Fines or other I-PASS-related concerns to Business Systems. To date OIG has received responses from Business Systems reflecting resolution of 18 of those matters.



## **Law Enforcement Referrals**

In the course of its work, OIG refers potential criminal matters that do not involve Tollway employees or vendors to appropriate law enforcement. During the reporting period, OIG referred several matters to the Illinois State Police, District 15 (ISP, District 15), and criminal proceedings have been initiated from one of those referrals.

### **Toll Evasion/Theft**

OIG received a complaint that several semi-trailer rigs parked in a suburban truck lot had altered license plates in order to evade toll violations. OIG referred the information to Business Systems, which sought assistance from ISP. Based on his investigation, ISP Trooper Adam Miklaszewski identified and arrested a truck driver for altering his license plate to avoid paying tolls. Subsequently, the truck driver was charged with theft, and that matter is currently pending in 18<sup>th</sup> Judicial Circuit Court (DuPage County). In addition to criminal penalties, the prosecution will be seeking restitution for unpaid tolls in excess of \$5,000.

## **RECOVERIES/RESTITUTION**

During the reporting period, the Tollway received the following payments as recoveries/restitution resulting from OIG investigations:

**IG-2017-005 \$1,200.00**

## **GENERAL SUMMARY OF OTHER ACTIVITY**

In addition to investigative and review activities described above, the Inspector General and OIG staff members have initiated and participated in ongoing projects, including:

- Engaging in regular discussions and meetings with Tollway stakeholders including Internal Audit, Diversity, Finance, ISP, the Equal Employment Officer, and Executive Staff about common issues and opportunities for collaboration.
- Working with Information Technology to develop and implement a confidential, electronic complaint intake solution that allows for a secure and encrypted means to report fraud, waste, and misconduct to the OIG.
- Coordinating with Communications to improve the OIG webpage and integrate the new online complaint solution.
- Meeting with new managers during orientation to discuss the role of OIG, and reinforce the common goal of fostering and enhancing integrity in Tollway operations.
- Working with Legal and ISP to update and revise the Tollway Privacy Policy and the process for law enforcement authorities to request and obtain appropriate records.