

**MINUTES OF THE 574<sup>th</sup> MEETING OF THE OHIO TURNPIKE COMMISSION**

**July 1, 2011**

**Chairman:** (9:06 a.m.) Good morning. Will the meeting come to order? Will the Interim Assistant Secretary-Treasurer, please call the roll?

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Cole

**Mr. Cole:** Present

**Interim Assistant Secretary-Treasurer:** Representative Dovilla

**Representative Dovilla:** Present

**Chairman:** Thank you. Senator Patton indicated he was going to be here, so he might be just a little bit late. Commission Member Smith called to say he would be unable to attend today's meeting. We have a number of guests here today and keeping with past practices I would like everyone to introduce themselves starting with Marty.

**Those in attendance:** Martin Seekely, CFO/Comptroller, Ohio Turnpike; Eric Erickson, Fifth Third; Debby Sideris, Executive Office, Ohio Turnpike; Jennifer Diaz, Legal Department, Ohio Turnpike; Tom Breckenridge, Plain Dealer; Kathy Weiss, Director of Contracts Administration and Government Affairs, Ohio Turnpike; David Miller, Director of Toll Audit, Ohio Turnpike; Captain Chris Zurcher, Ohio State Highway Patrol; Dan Buser, Crain-Langner; Joe Disantis, Right of Way Coordinator, Ohio Turnpike; Doug Hedrick,

Assistant Chief Engineer, Ohio Turnpike; Don Glosser, Crawford, Murphy & Tilly; Tim Ujvari, Maintenance Engineer, Ohio Turnpike; Scott Buchanan, URS; Chris Near, HMSHost; Chris Hopkins, KeyBank; Chuck Cvitkovich, HNTB; Don Taggart, IUOE Local 18; Frank Lamb, Huntington Bank; Glen Stephens, G. Stephens; Lauren Hakos, Public Affairs & Marketing Manager, Ohio Turnpike; Robin Carlin, Director of Human Resources, Ohio Turnpike; Sharon Isaac, Director of Toll Operations, Ohio Turnpike; Christina Graw, Chronicle Telegram; Kamran Majidzadeh, Resource International; Kara Majidzadeh, Resource International; Daniel Van Epps, West Virginia University.

**Chairman:** Thank you. This is the 574<sup>th</sup> meeting of the Ohio Turnpike Commission. We are meeting here at the Commission's headquarters as provided for in the Commission's Code of Bylaws for a Special Meeting. Various reports will be received and we will act on several resolutions, draft copies have previously been provided to the Members. Updated drafts are in the Members' folders. The resolutions will be explained during the appropriate reports. I think we will move right to the resolutions, Chief Engineer, Dan. We will get the minutes after.

**Chief Engineer:** Thank you Mr. Chairman. Before I get into my resolutions I do have three items that I would like to bring to your attention. Included in the Commission Members' folders this morning is the 2010 Comprehensive Annual Report. In accordance with our governing statutes the report has been submitted the Governor, the General Assembly, and other required office holders. I am pleased to report that our independent auditor has reported that they have found an unqualified opinion or a clean report, that letter is on page 21 of the Annual Report and at our August meeting our independent auditor will be providing a presentation to the Commission on the Annual Report. Our construction projects that we have going on this summer, two of our three resurfacing projects have been complete and taken down prior to the holiday weekend as required by the contracts. Our third resurfacing project is shutdown for the summer months and will resume after Labor Day. We do have two mainline projects, the third lane addition in Summit County and the base replacement in Sandusky County that will continue throughout the summer; however two lanes of traffic will be maintained in each direction during all construction time. I am also happy to report that on Wednesday of this week, we opened the Indian Meadows/Tiffin River Service Plazas in Williams County. Commission Member Kidston was present we had what we called a soft opening; we felt it was important to get the facilities open prior to the busy Fourth of July weekend. The facilities opened with fuel service, restrooms, and the C-Store facilities. Next week and the following week the full service restaurants will be opening and if the Commission so desires at that time we can have a formal grand opening of the facilities. I would be happy to answer any questions on those items Mr. Chairman otherwise I will go onto the resolutions.

**Chairman:** Questions for the, please do the resolutions.

**Chief Engineer:** Thank you. I have six resolutions for your consideration this morning Mr. Chairman. The first resolution is awarding Invitation No. 4164 for furnishing approximately 116,000 gallons of liquefied propane for heating at nine of our facilities. The contract has an initial one-year extension, with possible two one-year renewal terms. There were two groups on this invitation and bidders were permitted to bid on one or both groups. As we do with our gasoline pricing, the bid, we use the *Oil Pricing Information Services* publication for

baseline pricing and bidders were required to bid a differential for profit and the shipping on the material. We received two bids in response to the invitation. The apparent low bid for both groups was submitted by Amerigas Propane LP of King of Prussia, Pennsylvania. This bidder proposes to furnish material and services in accordance with specifications and this bidder has performed satisfactorily in the past. Furthermore the total amount bid was below the estimate for the project. Inasmuch as our needs can fluctuate for this material we are recommending a one-year blanket order in the estimated amount of \$260,000. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the bids of **Amerigas Propane, L.P. of King of Prussia, Pennsylvania** for Group I and Group II of Invitation No. 4164, are, and are, by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the Interim Executive Director and the Director of Contracts Administration, or either of them, is hereby authorized: (1) to execute a blanket order Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, (2) to direct the return of the bidders' bid securities at such time as Amerigas has entered into a Contract, (3) to incur expenditures under the Contract in the amounts estimated by the Maintenance Department's staff for the purchase of propane-liquefied petroleum gas fuel, (4) to determine whether to exercise either of the two, one-year renewal options predicated upon satisfactory performance evaluations by the Maintenance Department of the materials and services delivered, and (5) to take any and all action necessary to properly carry out the terms of said Contract.

**Chairman:** Is there a motion to adopt?

**Mr. Pakush:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** We have a resolution before us. Do we have any questions or discussion on the resolution? Comments? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**RESOLUTION NO. 31-2011**

**Resolution Awarding a Contract for the Furnishing of  
Propane-Liquefied Petroleum Gas Fuel  
Pursuant to Invitation No. 4164**

WHEREAS, the Commission has advertised for bids for Invitation No. 4164, which was divided into Groups I and II, for the furnishing to the Commission of approximately 116,000 gallons of propane-liquefied petroleum gas fuel at nine Commission locations for one year, with two possible one-year renewal options; and

WHEREAS, the expenditures of the Commission under this Contract and its extensions will exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, bidders were asked to state the price differential per gallon that they would charge from the Oil Price Information Service (“OPIS”); and

WHEREAS, two bids were received in response to the Invitation, which were reviewed and analyzed by the Maintenance Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Maintenance Engineer states that the lowest responsive and responsible bids for both Groups I and II were submitted by **Amerigas Propane, L.P. of King of Prussia, Pennsylvania**, and that this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the Maintenance Engineer recommends that a one-year blanket order Contract in the estimated amount of **\$260,000.00** be awarded to Amerigas with two possible one-year renewals, pursuant to the same terms and conditions; and

WHEREAS, should amounts expended for propane-liquefied petroleum gas fuel to be purchased under the blanket order Contract or any of its renewals exceed the amount estimated by the Maintenance staff by more than ten (10%) percent, the Commission will be presented with a new Resolution to increase said blanket order Contract amount; and

WHEREAS, the Director of Contracts Administration has advised the Commission that both bidders qualify for consideration under the Commission's Domestic and Ohio Preference Policy; and

WHEREAS, the Commission has been further advised by its Director of Contracts Administration that all bids for Invitation No. 4164 were solicited on the basis of the same terms, conditions and specifications, that the bids of Amerigas for Group I and Group II conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a bid guaranty of good and sufficient surety have been submitted by said bidder; and

WHEREAS, the Interim Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, pursuant to said analyses, has recommended to the Commission that a Contract be awarded to the lowest responsive and responsible bidder for both Group I and Group II, Amerigas Propane, L.P.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bids of **Amerigas Propane, L.P. of King of Prussia, Pennsylvania** for Group I and Group II of Invitation No. 4164, are, and are, by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the Interim Executive Director and the Director of Contracts Administration, or either of them, is hereby authorized: (1) to execute a blanket order Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, (2) to direct the return of the bidders' bid securities at such time as Amerigas has entered into a Contract, (3) to incur expenditures under the Contract in the amounts estimated by the Maintenance Department's staff for the purchase of propane-liquefied petroleum gas fuel, (4) to determine whether to exercise either of the two, one-year renewal options predicated upon satisfactory performance evaluations by the Maintenance Department of the materials and services delivered, and (5) to take any and all action necessary to properly carry out the terms of said Contract.

**Chief Engineer:** Thank you the second resolution this morning is a resolution awarding Invitation No. 4163 for furnishing approximately 66,000 tons of sodium chloride or rock salt for our Maintenance Department's use for the winter of 2011 and 2012. We received bids from four bidders on this invitation; the contract was split into 15 delivery locations along the Turnpike each with individual awards. For all locations except items two, four, six and seven, the contract documents require the Commission to purchase a minimum of 75% of the estimated quantities and due to the uncertainty of the weather the contractor is required to furnish up to 130% of the estimated quantities. The other locations two, four, six and seven due to limited storage have a minimum purchase of 75% and a maximum purchase of 100%. Low bids were received as follows; items 1, 2, 3, 4 and 5, the Detroit Salt Company, Detroit Michigan; item numbers 6, 7, 8, 9, 10, 11 and 12, Cargill, Incorporated Deicing Technology Business Unit, North Olmsted, Ohio; item numbers 13, 14 and 15, Morton Salt Incorporated, Chicago Illinois. The total maximum expenditure on this contract using the 130 and 100% numbers is \$4,581,235.50. Just to give the Commission some idea, these unit cost and extensions are less

than one percent over our 2010 bid prices. The bidders proposed to furnish materials and services in accordance with the contract specifications. They have all furnished satisfactorily in the past and furthermore the total amount bids are below the estimates for the material. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the bids of the following companies:

<u>Items</u>	<u>Company</u>	<u>Total Award</u>
1, 2, 3, 4 & 5	The Detroit Salt Company Detroit, Michigan	\$ 669,576.50
6, 7, 8, 9, 10, 11 & 12	Cargill, Inc. Deicing Technology Business Unit, N. Olmsted, Ohio	\$2,474,983.50
13, 14 & 15	Morton Salt, Inc. Chicago, Illinois	\$1,436,675.50
<b>Grand Total of Awards .....</b>		<b>\$4,581,235.50</b>

for Invitation No. 4163 are, and are by the Commission deemed to be the lowest responsive and responsible bids received, and the Interim Executive Director and the Director of Contracts Administration, or either of them, is hereby authorized to: 1) execute a Contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, which Contract awards reflect 130% of estimated quantities bid for each applicable delivery destination, 2) direct the return to the bidders of their bid securities at such time as the successful bidders have each entered into a Contract, and 3) take any and all action necessary to properly carry out the terms of said Contracts.

**Chairman:** A motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Second?

**Mr. Hruba:** Second.

**Chairman:** Questions, discussions? Kathy or maybe even Myron, Kathy do we have any idea how this compares to ODOT, this particular year? Our numbers?

**Director of Contracts Administration:** Good morning Mr. Chairman, Commission Members. The ODOT invitation as I understand it was due to open on the 28<sup>th</sup>, I think they addended, they were supposed to open today, but I think they opened on the 28<sup>th</sup>, correct Myron?

**Mr. Pakush:** That is correct and I haven't seen the results.

**Director of Contracts Administration:** Right, so the results are not yet available, we were hoping to have an opportunity to review those prior to award, however that was not possible because these bids are only valid through the end of this month, so we will be closely

reviewing those and speaking with Myron and making sure that our prices and the ODOT prices look the same and at that time later on we will report back to the Commission.

**Chairman:** I appreciate that, thank you. Is there anything further, there was an investigation about pricing on salt wasn't there?

**Director of Contracts Administration:** Mr. Chairman, Commission Members at this time, there was an IG, Inspector General's report that was issued last year with concerns regarding overpayments by the state for salt, as I understand it that is presently being investigated at the federal level, nothing new has developed since then we have heard nothing further. We are very pleased to see that the competition for our contracts has developed into three contracts and that started last year with North American Salt coming into the fold, so we are glad to see that the competition has increased in the area.

**Chairman:** Reflecting in the price in just a one percent increase.

**Director of Contracts Administration:** Correct.

**Chairman:** Thank you. Comments or questions? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**RESOLUTION NO. 32-2011**

**Resolution Concerning Award of Contracts for Sodium Chloride  
(Rock Salt) Pursuant to Invitation No. 4163**

WHEREAS, the Commission has duly advertised in accordance with law for bids for Invitation No. 4163 for furnishing its requirements for sodium chloride (rock salt) estimated at approximately 66,000 tons; and

WHEREAS, expenditures under the Contracts to be awarded for rock salt under Invitation No. 4163 will exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contracts; and

WHEREAS, four bids were received in response to the Invitation, which included quotations for rock salt and freight charges to designated delivery locations delineated in the Bid Schedule as Items 1 through 15; and

WHEREAS, the Bidding Documents require that the Commission shall purchase a minimum of 75% of the estimated quantities set forth in the Bid Schedule and, because the severity of the snow and ice season for 2011/2012 is unpredictable, the Bidding Documents also allow for the Commission to purchase up to 130% of the estimated quantities bid for each designated delivery location, except for Items 2, 4, 6 and 7; and

WHEREAS, the bids were reviewed and analyzed by the Maintenance Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Maintenance Engineer states that the following companies submitted the lowest responsive and responsible bids for the rock salt, including freight:

<u>Items and Estimated Tons</u>	<u>Company</u>	<u>Bid Amount based on Estimated Quantities and Freight Charges</u>	<u>Total Bid Including 130% of Estimated Quantities (Excluding Items 2, 4, 6 and 7)</u>
1, 2, 3, 4 & 5 (9,500 tons)	The Detroit Salt Company Detroit, Michigan	\$ 541,805.00	\$ 669,576.50
6, 7, 8, 9, 10, 11 & 12 (37,500 tons)	Cargill, Inc. Deicing Technology Business Unit, N. Olmsted, Ohio	\$1,964,985.00	\$2,474,983.50
13, 14 & 15 (19,000 tons)	Morton Salt, Inc. Chicago, Illinois	\$1,105,135.00	\$1,436,675.50
<b>Totals bid reflecting 130% of estimated quantities (where applicable), including freight</b>			<b>\$4,581,235.50</b>

WHEREAS, the Maintenance Engineer further reports that the bidders propose to furnish materials and services in accordance with the Commission's Specifications, and he, therefore, recommends that the Commission proceed with awards of the following Contracts in the



amounts indicated above: 1) Items 1, 2, 3, 4 and 5 to Detroit Salt; 2) Items 6, 7, 8, 9, 10, 11 and 12 to Cargill; and 3) Items 13, 14 and 15 to Morton Salt; and

WHEREAS, the Director of Contracts Administration has advised the Commission that the low bids of Detroit Salt; Cargill and Morton Salt, as delineated above, comply with the Commission’s Domestic and Ohio Preference Policy; and

WHEREAS, the Director of Contracts Administration has further advised that all bids for Invitation No. 4163 were solicited on the basis of the same terms, conditions and specifications, that the bids of Detroit Salt, Cargill and Morton Salt each conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a bid guaranty and performance bond of good and sufficient surety has been submitted by each bidder; and

WHEREAS, the Interim Executive Director has reviewed the reports of both the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, has made his recommendation that Contracts be awarded for Items 1, 2, 3, 4 and 5 to Detroit Salt; Items 6, 7, 8, 9, 10, 11 and 12 to Cargill; and Items 13, 14 and 15 to Morton Salt; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bids of the following companies:

<u>Items</u>	<u>Company</u>	<u>Total Award</u>
1, 2, 3, 4 & 5	The Detroit Salt Company Detroit, Michigan	\$ 669,576.50
6, 7, 8, 9, 10, 11 & 12	Cargill, Inc. Deicing Technology Business Unit, N. Olmsted, Ohio	\$2,474,983.50
13, 14 & 15	Morton Salt, Inc. Chicago, Illinois	\$1,436,675.50
<b>Grand Total of Awards .....</b>		<b>\$4,581,235.50</b>

for Invitation No. 4163 are, and are by the Commission deemed to be the lowest responsive and responsible bids received, and the Interim Executive Director and the Director of Contracts Administration, or either of them, is hereby authorized to: 1) execute a Contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, which Contract awards reflect 130% of estimated quantities bid for each applicable delivery destination, 2) direct the return to the bidders of their bid securities at such time as the successful bidders have each entered into a Contract, and 3) take any and all action necessary to properly carry out the terms of said Contracts.

**Chief Engineer:** Thank you. The third resolution is awarding Contract No. 70-11-01. This is a contract for embankment rehabilitation in Sandusky County along the Jacob's Road Bridge at Milepost 96.7 and also along the eastbound Mainline from Milepost 90.5 to Milepost 90.7. Both of these projects were on the Commission's 2011 CIP Budget approved in December. We received six bids for performance of the contract. The apparent low bid was submitted by Kokosing Construction Company Incorporated of Columbus, Ohio, in the total amount of \$1,270,540.46. The total amount bid is below the estimate of \$1.5 million dollars for this project, furthermore this contractor has performed satisfactorily in the past for the Commission. The resolution also contains a provision to assign BBC&M Engineering Incorporated of Valley View, Ohio, to the project for the purposes of performing construction inspection and materials testing. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the bid of **Kokosing Construction Co., Inc.** of **Columbus, Ohio**, in the amount of **\$1,270,540.46** for the performance of Contract No. 70-11-01 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Director of Contracts Administration, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to the bidders of their bid security, when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Chief Engineer to assign **BBC&M Engineering, Inc.**, of **Valley View, Ohio** to Contract No. 70-11-01 for the purpose of performing construction inspection and materials testing, in accordance with the Agreement specific to this Project; and

**FURTHER RESOLVED that Project No. 70-11-01 is designated a System Project under the Commission's 1994 Master Trust Agreement.**

**Chairman:** Motion to adopt?

**Mr. Pakush:** So moved.

**Chairman:** Second?

**Mr. Hruby:** Second.

**Chairman:** Motion is made and seconded. Since we have a, and this has been somewhat of a controversial issue for us for a period of time, who on staff would like to explain a little bit especially to the some of the new members on exactly the process and what's happened out here, Kathy do you want to handle that?

**Director of Contracts Administration:** Sure. Mr. Chairman, Commission Members the recent Transportation Budget, House Bill 114 that was adopted this spring contains language in it which in essence is a compromise with Sandusky County for the Commission to go in and

assist with the repair of failing slopes, failing embankments. Prior to this the Commission has had agreements with all of the counties that the Commission will take care of all the overpasses and basically the structure that's removed from the earthen portion and the counties have to take care of the embankments. The problem in Sandusky County has been the unusual condition of the soil that perhaps the Chief Engineer could further elaborate on and unfortunately because they have a lack of funding they have been unable to fix them, they have had a number of closed roads out there, so in working with primarily Senator Gilmore and Senator Patton, we arrived at language under which a compromise was achieved and the Commission has agreed before the end of 2014 to repair 11 of the bridges. You are going to see a resolution coming up for further engineering services in that regard, but this is the first such project for Jacob's Road where the bridge has been closed for about a year, or maybe longer than a year.

**Chief Engineer:** Over two.

**Director of Contracts Administration:** So that's in essence what the compromise was about.

**Chairman:** In our position, just you know if you turn to legal for a second, when these bridges were initially constructed in 1955?

**General Counsel:** Correct, we have as Kathy indicated, had agreements with all of the counties along the Turnpike to maintain the structural components of the overpasses and bridges. However, since the inception of the Turnpike there have been two different AG opinions rendered confirming that the Commission is responsible for the structural components of these bridges and that the counties are responsible for the paved portion of the bridges, for some reason this issue has lingered for over 50 years with Sandusky County, most probably because of the unique soil conditions out there that make maintaining these bridges a little bit more complicated and with the passage of the legislation, the compromise legislation, we are have agreed to maintain specific to Sandusky County some of the components that they have consistently disagreed with that was their responsibility.

**Chairman:** And what we are responsible for under the legislation is to go ahead and fix the approaches to the bridges, we have always been responsible for the bridges, so there's never been an issue there, but the compromise language which is in Transportation Bill gave us additional responsibility, at least in our opinion additional responsibilities. Sandusky County's position is that it was our responsibility always, but as Noelle indicated we felt that we were in decent legal standing, but we went ahead and agreed to repair the approaches which we believe should have been Sandusky County's responsibility and this particular one that we are approving today is \$1.2 million dollars plus expenditure and what do we anticipate for the 11 that ultimately, do we have a ballpark number?

**Chief Engineer:** Mr. Chairman with the engineering, you will see some of the expenditures in the next resolution, along with the inspection and the construction, the cost could approach \$10 million dollars.

**Chairman:** Yes this is the most expensive one.

**Chief Engineer:** This \$1.2 million dollars also includes the mainline slope failure.

**Chairman:** Got it.

**Director of Contracts Administration:** Mr. Chairman I would also add that the compromise language was very narrowly tailored to structures that have had failing slopes up to this point, so we worked very hard to make sure that this wasn't going to open, if you will Pandora's Box on the remainder of the Turnpike. We do have the supporting Attorney General's opinions that would guide anywhere else with respect to the other 12 counties.

**Chairman:** Thank you.

**Mr. Hruby:** So then this if I may Mr. Chairman, this then is throughout the Turnpike not just specific to Sandusky?

**Chairman:** No.

**Director of Contracts Administration:** It is specific.

**General Counsel:** Legislation is specific to Sandusky County.

**Mr. Hruby:** It is specific to Sandusky only?

**Director of Contracts Administration:** Mr. Chairman, Commission Member Hruby without specifically mentioning Sandusky County the legislation was crafted so that it would be specific to Sandusky County.

**Chairman:** Questions or comments? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**RESOLUTION NO. 33-2011**

**Resolution Awarding Contract No. 70-11-01**

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for the following Embankment Rehabilitation Project in Sandusky County: Part A – Jacobs Road Bridge Approaches at Milepost 96.5; and Part B – Slope Repair Along Eastbound Mainline from Milepost 90.5 to Milepost 90.7, herein designated **Contract No. 70-11-01**; and

WHEREAS, expenditures for the award to be made under Contract No. 70-11-01 will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws, Commission action is necessary for said Contract award; and

WHEREAS, the Commission received six bids for the performance of said Contract, and said bids have been reviewed and analyzed by the Commission’s Chief Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 70-11-01 was submitted by **Kokosing Construction Co., Inc.** of **Columbus, Ohio**, in the amount of **\$1,270,540.46**, which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that bids for Contract No. 70-11-01 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Kokosing Construction for Contract No. 70-11-01 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond with good and sufficient surety has been submitted by said bidder; and

WHEREAS, the Commission has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analysis, concurs that Contract No. 70-11-01 be awarded to the lowest responsive and responsible bidder, Kokosing Construction.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Kokosing Construction Co., Inc.** of **Columbus, Ohio**, in the amount of **\$1,270,540.46** for the performance of Contract No. 70-11-01 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Director of Contracts Administration, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to the bidders of their bid security, when appropriate, and 3)

take any and all action necessary or proper to carry out the terms of said bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Chief Engineer to assign **BBC&M Engineering, Inc.**, of **Valley View, Ohio** to Contract No. 70-11-01 for the purpose of performing construction inspection and materials testing, in accordance with the Agreement specific to this Project; and

**FURTHER RESOLVED that Project No. 70-11-01 is designated a System Project under the Commission's 1994 Master Trust Agreement.**

**Chief Engineer:** Thank you, the second, the next resolution is the next phase to this project some of the background is going to be a little bit repetitive. This is a resolution authorizing additional expenditures with BBC&M for geotechnical investigation pursuant to Project 71-10-02. On March 10, 2010, the Commission issued a request for proposals, for engineering and design services pertaining to failing embankments at the Jacob's Road overpass and potentially 10 other locations in Sandusky County. As the Director of Contracts Administration stated and the Commission may recall, at that time the Executive Director agreed to repair the Jacob's Road slopes and the RFP also permitted the provisions to do the work on the 10 additional structures. We received 15 proposals in response to the RFP. As a result of the RFP process, BBC&M of Valley View, Ohio, was selected to do the work. To date we have expended approximately \$111,000 under this design project for both the initial investigation phase and the detailed contract preparation phase for the design of the Jacob's Road project. As the Director of Contracts Administration has stated Amended Substitute House Bill 114 requires the Commission now to repair the 10 additional sites in Sandusky County prior to December 31, 2014. On June 3<sup>rd</sup> of this year BBC&M submitted a proposal in the not to exceed amount of \$530,064.45 for performance of the site investigation services at the 10 additional sites. Following the site investigations we will be able to determine the extent of the repairs required, which projects may be performed by OTC forces and which ones will have to be put out to contract. At that time we will return to the Commission for an additional resolution for the final design fees. If the General Counsel will please read the Resolved?

**General Counsel:** RESOLVED that the Commission concurs that **BBC&M Engineering, Inc.** of **Valley View, Ohio** should perform the additional Services contemplated under Project No. 71-10-02, and authorizes the Chairman and the Director of Contracts Administration to amend the Contract with BBC&M Engineering, Inc. to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Project No. 71-10-02, BBC&M's response thereto and its fee proposals therefor.

**Chairman:** Motion to adopt?

**Mr. Pakush:** So moved.

**Chairman:** Second?

**Mr. Hruby:** Second.

**Chairman:** Questions or discussions? I personally don't, Dan can I just ask you a quick question.

**Chief Engineer:** Yes.

**Chairman:** BBC&M, I am familiar, I certainly I saw there were 15 proposals.

**Chief Engineer:** Yes.

**Chairman:** Tell us a little bit about the firm.

**Chief Engineer:** BBC&M they have done work for us in the past Mr. Chairman, as I said they responded to the proposal. Their technical expertise is in geotechnical engineering and design. They are well suited to this project.

**Chairman:** Thank you.

**Mr. Pakush:** Mr. Chairman, if I could add to that they are also a prequalified geotechnical firm for ODOT, we work with them quite frequently.

**Chairman:** Thank you I am just unaware of the firm, thank you.

**Mr. Cole:** Mr. Chairman as an unpaid spokesperson I guess as well, having toured their facilities before it is a lot more like a laboratory than it is an engineering firm. When you go in it is like you are in a scientific establishment because of the way they do their operations.

**Chairman:** Thank you. Questions or comments?

**Mr. Dixon:** So you are saying this is a good thing.

**Mr. Cole:** This is a good thing.

**Mr. Dixon:** Okay.

**Chairman:** Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**RESOLUTION NO. 34-2011**

**Resolution Authorizing Additional Expenditures with BBC&M International, Inc.  
Under Existing Contract for Geotechnical Investigation, Engineering Design and  
Construction Administration and Inspection Services,  
(Project No. 71-10-02)**

WHEREAS, on March 10, 2010, the Commission issued its Request for Proposals (“RFP”) for Project No. 71-10-02 seeking Geotechnical Investigation, Engineering Design and Construction Administration and Inspection Services pertaining to failing embankments at the Jacobs Road overpass and potentially other failing embankments located at Turnpike overpasses in Sandusky County, Ohio; and

WHEREAS, fifteen proposals were received in response to the RFP on March 31, 2010, and were reviewed by an evaluation team consisting of the Commission’s Chief Engineer, the Assistant Chief Engineer and the Bridges and Structures Engineer, which team ranked the proposal received from **BBC&M Engineering, Inc., (“BBC&M”) of Valley View, Ohio** as the best proposal received; and

WHEREAS, a Contract for the aforementioned services was awarded in May 2010 to BBC&M in the total amount of **\$69,880.01** for the performance of Phase I, Site Investigation services for the Jacobs Road overpass; and

WHEREAS, the Contract was amended in October 2010 to add **\$42,636.84** to complete Phase I of the Project, which included Final Design and Plan Preparation Services for the repair of the Jacobs Road overpass embankments; and

WHEREAS, with the award of Construction Contract No. 70-11-01 for the repair of the Jacobs Road overpass, Phase II of the Project involving Construction Administration and Inspection Services will now commence; and

WHEREAS, recently enacted Am. Sub. H.B. 114 requires the Commission, on or before December 31, 2014, to repair ten additional sites in Sandusky County where embankment failures have occurred, and



WHEREAS, BBC&M has submitted a fee proposal dated June 3, 2011, in the “not-to-exceed” amount of **\$530,064.45** for the performance of Phase I Site Investigation services that are required for the ten additional sites; and

WHEREAS, the Chief Engineer has reviewed the BBC&M fee proposal for the Phase I services at the ten additional Sandusky County sites, and has deemed it to be reasonable and acceptable, and he therefore, recommends that the Commission proceed with said additional Phase I Services; and

WHEREAS, the Commission has been advised by its Director of Contracts Administration that said RFP selection process and the selection of BBC&M conformed with the requirements of Ohio Revised Code Sections 153.65 to 153.71; and

WHEREAS, the continued expenditures by the Commission under the Contract will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, the Commission must authorize the amendment of the Contract for Project No. 71-10-02; and

WHEREAS, the Commission will be presented with a new resolution to authorize the additional expenditures that will be required when a fee proposal is received from BBC&M for the Final Design and Plan Preparation Services for the repair of the ten additional sites; and

WHEREAS, the Commission has reviewed the recommendation submitted by the Chief Engineer the Director of Contracts Administration, and concurs that the Contract for Project No. 71-10-02 should be amended to allow for performance of the required additional Phase I Site Investigation Services, as well as any ensuing Phase II construction administration and inspection services; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission concurs that **BBC&M Engineering, Inc.** of **Valley View, Ohio** should perform the additional Services contemplated under Project No. 71-10-02, and authorizes the Chairman and the Director of Contracts Administration to amend the Contract with BBC&M Engineering, Inc. to perform said services, all in accordance with the terms and conditions of the Commission’s RFP for Project No. 71-10-02, BBC&M’s response thereto and its fee proposals therefor.

**Chief Engineer:** Thank you the next resolution is a resolution authorizing modification of the existing contract of engineering design and construction administration services pursuant to Project 71-08-03. Via Resolution 52-2008, the Commission awarded a contract to Resource International Incorporated of Cleveland, Ohio, for engineering design and program management services for our concrete lane replacement of the original two lanes of the Ohio Turnpike Mainline. In March of this year the Commission may recall that we awarded our first reconstruction project under this program from Milepost 95.9 to Milepost 101.2 in Sandusky

County, that project came in at \$10.8 million dollars. We are now preparing for our next year's construction projects, and to that end Resource has submitted fee proposals in the not to exceed amount of \$172,184 to prepare the construction plans and specifications for the eastbound lanes in Sandusky County from Milepost 95.9 to Milepost 101.2, and also the detailed plans and specifications for the westbound lanes from Milepost 164.8 to Milepost 169.7 in Cuyahoga County. This subtask came in at \$295,217. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the Commission concurs that **Resource International, Inc. of Cleveland, Ohio** should perform the Final Design Services for the replacement of pavement at the locations in Sandusky County and Cuyahoga County as specified herein and as contemplated under Project No. 71-08-03, and authorizes the Chairman and the Director of Contracts Administration to amend the Contract with Resource International, Inc. to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Project No. 71-08-03, Resource's response thereto and its fee proposals dated June 3, 2011.

**Chairman:** Motion to adopt the resolution?

**Mr. Hruby:** So moved.

**Chairman:** Is there a second?

**Mr. Dixon:** Second.

**Chairman:** It has been seconded, questions, discussion? Dan I see that you have been involved from the negotiation standpoint of this.

**Chief Engineer:** Yes.

**Chairman:** You are comfortable with their rate is reasonable?

**Chief Engineer:** Yes Mr. Chairman I believe in here we negotiated the contract from the original proposal, approximately 30%.

**Chairman:** Yeah, I saw that, you are comfortable?

**Chief Engineer:** Yes.

**Chairman:** Comments, questions? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** I am going to abstain from this vote. CT Consultants is a sub-consultant to Resource International under the preliminary design phase, so just cause it is a continuation.

**Chairman:** Thank you. We will note that.

### **RESOLUTION NO. 35-2011**

**Resolution Authorizing Final Design Phase Expenditures with Resource International, Inc. for Pavement Replacement in the Eastbound lanes from Milepost 95.9 to Milepost 101.2 in Sandusky County, and in the Westbound lanes from Milepost 164.8 to Milepost 169.7 in Cuyahoga County, all under the Existing Contract for Engineering Design and Construction Administration and Inspection Services  
(Project No. 71-08-03)**

WHEREAS, via Resolution 52-2008, the Commission awarded a Contract to **Resource International, Inc., (“Resource”)** of **Cleveland, Ohio** for Engineering Design and Construction Administration and Inspection Services pertaining to Program Management Services that were required to develop a testing and evaluation program for the original two lanes of now 56-year-old concrete pavement of the Ohio Turnpike mainline, and preparation of a Master Plan for the orderly replacement of this pavement where necessary; and

WHEREAS, said Project was designated as Project No. 71-08-03; and

WHEREAS; Resource completed Phase 1 (Evaluation and Preparation of the Master Plan Report) and Phase 2, Task 1 (Preliminary Engineering Design Services), which were performed in the not-to-exceed amount of **\$278,082.00**; and

WHEREAS, Resource submitted a fee proposal in July 2010, in the “not-to-exceed” amount of **\$269,066.00** for the performance of Phase 2, Task 2 for the Westbound lanes from Milepost 95.9 to Milepost 101.2, located in Sandusky County, which included preparation of Construction Plans and Specifications required for complete replacement of the original concrete pavement at the locations specified, and which Final Design Services work was authorized by the Commission via Resolution No. 26-2010; and

WHEREAS, Resource has submitted new fee proposals dated June 3, 2011, in the “not-to-exceed” amount of **\$172,184.00** for the performance of Phase 2, Task 2 for the Eastbound lanes from Milepost 95.9 to Milepost 101.2 in Sandusky County, and in the amount of **\$295,217.00** for the performance of Phase 2, Task 2 for the Westbound lanes from Milepost 164.8 to Milepost 169.7 in Cuyahoga County, which proposals include preparation of Construction Plans and Specifications required for complete replacement of the original concrete pavement at the locations specified; and

WHEREAS, the Chief Engineer has reviewed the Resource fee proposals for these Final Design Services, and has deemed them to be reasonable and acceptable, and he therefore, recommends that the Commission proceed with Phase 2, Task 2 under the Contract for the locations specified; and

WHEREAS, the continued expenditures by the Commission under the Contract will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, the Commission must authorize the amendment of the Contract for Project No. 71-08-03; and

WHEREAS, the Commission has reviewed the recommendation submitted by the Chief Engineer and concurs that the Contract with Resource for Project No. 71-08-03 should be amended to allow for performance of the required Final Design Services; and

NOW, THEREFORE, BE IT

RESOLVED that the Commission concurs that **Resource International, Inc.** of **Cleveland, Ohio** should perform the Final Design Services for the replacement of pavement at the locations in Sandusky County and Cuyahoga County as specified herein and as contemplated under Project No. 71-08-03, and authorizes the Chairman and the Director of Contracts Administration to amend the Contract with Resource International, Inc. to perform said services, all in accordance with the terms and conditions of the Commission’s RFP for Project No. 71-08-03, Resource’s response thereto and its fee proposals dated June 3, 2011.

**Chief Engineer:** Thank you Mr. Chairman, the final resolution this morning, is a resolution authorizing the closure of Oak Openings and Fall Timbers Service Plazas at Milepost 49 in Lucas County, Ohio. The Commission is aware that as part of our Capital Improvement Program we have been involved in reconstruction of all of our service plazas facilities. As I stated earlier in my report with the opening of Indian Meadows/Tiffin River Service Plazas in Williams County, that leaves and the current reconstruction of Mahoning Valley/Glacier Hills facilities in Mahoning County. This leaves only the Oak Openings/Fall Timbers facilities as the original 56-year old structures. The Commission is aware that we have contracted with various operators, vendors and other contractors in the plazas and these agreements contain certain provisions requiring notification in the event of termination of the agreements due to closures of the facilities. We are proposing closing these facilities in December 2011. Just to make the Commission aware currently our long term budget forecast includes the reconstruction of these facilities in 2014. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the Interim Executive Director is authorized to close the **Oak Openings and Fallen Timbers Service Plazas** at Milepost 49 in Lucas County **on or after December 1, 2011**, and he and the Director of Contracts Administration are authorized to give notice of the Commission's intended closure of these facilities to all affected operators, vendors and contractors with whom the Commission has contracted to provide services at the facilities in accordance with terms of those respective agreements.

**Chairman:** A motion to adopt the resolution?

**Mr. Pakush:** So moved.

**Chairman:** Second?

**Mr. Hruby:** Second.

**Chairman:** Questions, discussion?

**Mr. Kidston:** You plan to begin reconstruction in 2014?

**Chief Engineer:** Mr. Chairman, Commission Member Kidston that is correct, yes.

**Chairman:** And how far away are the ones that we are just opening right now?

**Chief Engineer:** The new plazas are at Milepost 20, the next plazas coming west are the Blue Heron/Wyandot facilities they are at Milepost 79, so you've got about a 59 mile gap there.

**Chairman:** Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

Mr. Kidston: Yes

**RESOLUTION NO. 36-2011**

**Resolution Authorizing the Closure of Oak Openings and  
Fallen Timbers Service Plazas at Milepost 49 in Lucas County**

WHEREAS, Ohio Revised Code Sections 5537.03 and 5537.04 authorize the Commission to maintain, construct and operate the Ohio Turnpike System, including those service facilities it deems necessary to operate the Ohio Turnpike; and

WHEREAS, the Commission constructed the Oak Openings and Fallen Timbers Service Plazas at Milepost 49 in Lucas County, as part of the original construction of the Ohio Turnpike, which service facilities have not been reconstructed since their opening in 1955; and

WHEREAS, as part of its Capital Improvement Program, the Commission has been engaged in the reconstruction of all of the service plaza facilities; and

WHEREAS, it is the desire of the Commission to demolish the Oak Openings and Fallen Timbers Service Plazas and to begin planning for their reconstruction; and

WHEREAS, the Commission has contracted with various operators, vendors and contractors at the Oak Openings and Fallen Timbers Service Plazas to provide services and amenities to the travelling public; and

WHEREAS, the subject agreements contain provisions requiring notification to the affected operators, vendors and contractors in the event of termination of the agreements due to closure of the facilities.

NOW, THEREFORE, BE IT

RESOLVED that the Interim Executive Director is authorized to close the **Oak Openings and Fallen Timbers Service Plazas** at Milepost 49 in Lucas County **on or after December 1, 2011**, and he and the Director of Contracts Administration are authorized to give notice of the Commission's intended closure of these facilities to all affected operators, vendors and contractors with whom the Commission has contracted to provide services at the facilities in accordance with terms of those respective agreements.

**Chief Engineer:** That completes my report today Mr. Chairman.

**Chairman:** Any questions for the Engineer? Thank you Dan. CFO/Comptroller.

**CFO/Comptroller:** Good morning Mr. Chairman, Commission Members. I have an update on our traffic and revenue for the month of May. This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. The high price of gas

continues to have a negative impact on passenger car traffic as passenger car vehicles miles traveled in May were 4.3% less than last year. Commercial traffic was somewhat less impacted by the price of fuel as commercial vehicle miles traveled in May were 1.1% higher than last year. The decrease in passenger car miles traveled combined with the increase in the percentage of E-ZPass use caused passenger car toll revenues to decline 6.2% in May compared to last year. Toll revenues from commercial vehicles were up 1.2% from May of last year. This chart shows the year-to-date toll revenues through the month of May during each year over the past decade. Toll revenues for the first five months of this year were 81,000 or .1% above the amount from last year. That completes my report on traffic and revenue for the month of May. I have one resolution for your consideration.

**Chairman:** Any questions on? Before we get into the resolution, I am sorry Mr. Dixon, Myron?

**Mr. Dixon:** I saw that you said the revenue from commercial traffic increased, right?

**CFO/Comptroller:** Slightly, yes.

**Mr. Dixon:** Slightly, what happened to the actual VMI for the commercial?

**CFO/Comptroller:** That was up slightly also.

**Mr. Dixon:** It was up?

**CFO/Comptroller:** Yes.

**Mr. Dixon:** Okay, because we did have a slight, this reflects the slight increase that we had for the commercial traffic, am I correct? We had an adjustment on our commercial traffic?

**Chairman:** What do you mean by that?

**Mr. Dixon:** On our commercial trucks? Yes? No?

**CFO/Comptroller:** I am sorry?

**Chief Engineer:** Toll adjustment?

**Mr. Dixon:** Toll, we didn't go up on that?

**Chief Engineer:** No we didn't not since October of 2009.

**Mr. Dixon:** 2009, has it been that long?

**Chief Engineer:** Yeah.

**Mr. Dixon:** Wow, okay.

**Chairman:** Time goes fast when you are having fun.

**Mr. Dixon:** Yeah it really does, okay. Okay I am in there.

**Chairman:** Marty, I would like you to, you know I think we are all aware that we have a rate adjustment that is previously been approved in 2009 that is suppose to occur on January 1, 2012, I believe is the date that is actually supposed to occur. I'd like you, if you could for our next meeting for the August meeting, since that is to occur on the first of the year, to look at how that, you know with the economy still being weak and prices still being difficult; fuel cost going up what we could do to go ahead and avoid having that take effect especially for E-ZPass users. With the concept that if a person is E-ZPass it's beneficial, I am trying again continue to incentivize the people to use E-ZPass on the Ohio Turnpike and the best thing you can do is for the regular users to go ahead and have E-ZPass. I'd like you to look at you know from a dollar and cents standpoint what type of money we generate, we expect to generate from the increase, how we are proposing to use it to see if we can go ahead and potentially delay that increase again.

**CFO/Comptroller:** Okay I will get with URS and look over the toll revenue projections and see what the impact would be of not increasing.

**Chairman:** And something that can give to all the Commission Members so that the Commission Members can look at it and make an intelligent decision on what we want to do on that because if we want to do something we need to take an action otherwise that toll increase is going to go ahead and go into effect.

**Mr. Pakush:** Mr. Chairman if I can just understand your question, your request in terms of additional study or providing info, is it?

**Chairman:** We have, what it is and it is partially because when you do something a few years earlier you don't really remember all the details and maybe it's because of age, for me, but we passed a rate increase in 2008 or 2009 and we have another step, increasing the rates again on January 1, 2012 and I'd like to see what we project for additional revenue that we are going to be generating in 2012 from that rate increase. As we sit here and we talk about the economy and trying to keep commercial vehicles on the toll road, can we potentially again delay that rate increase for a period of time to continue incentivizing the commercial traffic? And maybe we want to look at it from a standpoint if we do that can we delay the rate increase for E-ZPass specifically again incentivizing people to use E-ZPass because I mean that electronically tolling is I think is the way we want to go.

**Mr. Pakush:** I understood your point there I guess, just because I wasn't here with the previous studies and how we even got to this point with the January maybe the part that reanalyzing something new maybe by August maybe could just give us the existing stuff.

**Chairman:** Yeah.



**Mr. Pakush:** Without doing any new analysis.

**Chairman:** I think we are saying somewhat the same thing. Is that there are so many people on the Commission today that weren't here when we did a rate increase, when we put E-ZPass into place which I believe was in eight and that has an automatic toll increase that is set to go into place effect on January 1<sup>st</sup>, 2012. Myself and former Commissioner Member Regula talked about, you know, how tough that will be on the trucking industry, which is a precarious industry and we are trying to do whatever we can as we did with the speed limit increase to keep the commercial vehicles on the Ohio Turnpike and if potentially delaying that rate increase or delaying it as it affects E-ZPass for example might keep more of the commercial vehicles on the road you know, and then how much revenue do we anticipate generating from that, I mean they have those predictions. I am not actually asking him to do anything new, I am asking him to assemble everything so everybody knows what's coming on January 1, 2012, and maybe we want to rethink that, maybe we want to delay that, maybe we want to implement it, I don't know. So, just asking him to provide us with some data.

**Mr. Pakush:** Just the existing data? Providing, so that's that...

**Chairman:** So we know what we think is happening.

**Mr. Pakush:** Correct.

**Chairman:** Okay?

**Mr. Pakush:** Is that how you understand it, just provide us the packet of what you have done in the past.

**CFO/Comptroller:** I wasn't here in 2009, so I will have to look and see what information was presented back then and look at it and I might look and see how close the projections are to what we are actually achieving now to see if there is any difference in the projected toll revenue versus what we are actually achieving at this point.

**Chairman:** I don't know if the projections that we did in 2008, you know said we are going to have revenue here and we are here or we are there or up over here, so if since this is a, we are six months out from, if we don't take any action, a revenue increase do we need it and have we hit the projections, are we under, over. I just think we need to look back and see what in fact has happened. We have the availability of the proposals at that point in time and we have the information today, so we can see exactly where we are at.

**Chief Engineer:** Mr. Chairman if I may. I think in order to make an intelligent projection here we are going to have to go back and use more than just the existing data, we are going to have to recalculate our revenue forecast and recalculate our E-ZPass percentage, penetration rates, we have the bracketed, the toll differential there and also we need one more, you mentioned, delay the increase we are going to need timeframes on the delay in order to see how the projections.

**Chairman:** We are not asking for any action right at this point in time, what we are asking for at this point in time is how has it worked out, where do we stand, where are we at compared to what we anticipated and what are we going to be doing in the future? So let's just look at what we have I'm okay with Myron's comments that let's look at the information that was previously, we made a decision in 2008 that is going to take effect in 2012 are all of our assumptions still correct, we now have the data to go ahead and look at the last year, is that data in fact been correct, when we made our decision as the data that we relied on to make that decision in fact correct?

**Mr. Cole:** Mr. Chairman, I just wanted to be perfectly clear, what you are asking for is a re-visitation of the original data and look at what all the original trend lines are in the actual in comparison to what that was and then are you asking for a recalibration from this point forward to look at that, or are you just asking for the data up-to-date and look at what the original projections were? Or are you asking for new work on a recalibration of what those future revenues would look like, or a stop in time with actual data?

**Chairman:** No, I think we are just okay just looking at existing data, I mean I heard Myron's comments, I am okay with that.

**Mr. Pakush:** I guess I am concerned with what Dan mentioned that in order to do some of the existing data, he has to recalculate something else, I guess I am confused about the whole, what value does it bring?

**General Counsel:** Mr. Chairman, Commission Members there are legal requirements that have to be fulfilled with the statute, and more importantly with the Bond Indenture Agreement if the Commission were to delay implementation of the toll rate adjustment that is scheduled to go into effect and that is what Marty is eluding to, is having URS as the traffic engineer, traffic consultant under the Bond Indenture Agreement to review it also.

**Chairman:** My comment, let me take one step back then, let's just look at the existing data that we have to date, let's look at the existing projections that were done back in 2008 and let's do a comparison of those and just to see exactly where we are at, if it looks like we are right on the numbers then we know where we stand, if we see that we have more revenue or less revenue then we can go ahead and make some adjustment. I'm not suggesting we do anything at this point in time, except I think we ought to be all brought up-to-date, so that we don't have a surprise on January 1<sup>st</sup> one way or another.

**Mr. Pakush:** Because of the, I heard a little bit about something about bond revenue, or whatever and me not fully understanding, this is the first that I've heard you're looking for some data. Maybe we just kind of hold off on asking for something until month until we get a good idea of exactly you're asking so?

**Chairman:** All I am asking, what I have said and I am again re-saying is give us the information that was provided to us in 2008 as far as projected revenue and projected expenses, and take the actual numbers that we now have a couple years of history and see if they in fact

match. Is the revenue, is the revenue approximately equal to the revenue that we have projected, is the, are the expenditures approximately equal?

**Mr. Cole:** Mr. Chairman just to clarify, not a recalculation of a projection going forward, but just an analysis of where we are to date and then on that chart then what's was in 2008 projected out?

**Chairman:** That's why I said in light of your comments....

**Mr. Cole:** Not a calculation, I'm sorry Mr. Chairman not a calculation of a new trend line based on where we are today?

**Chairman:** Existing.

**Mr. Pakush:** I thought it was even, Mr. Chairman excuse me, I thought it was even as simple as something was prepared back in '06 or 7 that established, there must have been a packet of info from back then. Maybe it is just that '06, '07 information getting that together and giving everybody a copy of that, is that basically what you are asking for?

**Mr. Chairman:** What I would like them to add in is that information; I would like them to add in what we have actually experienced. You know we have that availability now, just tell us have we in fact hit the numbers we projected and we anticipated. As I heard today there is a 6% reduction in non-commercial traffic on the road, you know I'd like to go ahead and look at the numbers we actually have experienced and compare those to the numbers that we had for projections.

**Mr. Hruby:** Mr. Chairman?

**Chairman:** Yes sir.

**Mr. Hruby:** Has the budget for 2012 been adopted?

**Chairman:** No.

**Mr. Hruby:** No, so we would not know what the impact would be on the budget with this increase, if you removed it? Is that what you are saying?

**Chairman:** Correct.

**Mr. Hruby:** Okay, thank you.

**Chairman:** Okay, I think we need the Secretary-Treasurer's report.

**CFO/Comptroller:** Sorry I have.....

**Chairman:** I am sorry you have a resolution. I skipped your resolution, resolution concerning the financial condition of the Commission.

**CFO/Comptroller:** Our Master Trust Agreement requires that we perform a mid-year review of our financial condition and certify to our Trustee, the Huntington National Bank, that projected revenues for the year will be sufficient to meet our obligations under the Trust Agreement. Our 2010 Pledged Revenues are shown at the top to this slide. The data in the first column on the bottom of this slide shows our actual Pledged Revenues of \$93.4 million for the first five months of this year. Based on last year's results and our most recent toll revenue projections from Bobby Everhart our URS Traffic Consultant, I have estimated the Pledged Revenues for the last seven months of 2011 at about \$154 million dollars. This yields estimated gross Pledged Revenues for calendar year 2011 of \$248 million dollars. The calculations on this slide demonstrate that based our projected Pledged Revenues of 2011 we expect to meet all three requirements under Section 4.04 of the Trust Agreement. The first requirement is our estimated gross Pledged Revenues exceed the sum of our budgeted operating, maintenance and administrative costs plus the required deposit to the Expense Reserve Account. The second requirement is that our estimated net System Pledged Revenues exceed the sum of our annual debt service requirement plus the renewal and replacement requirement. The third and final requirement is that our estimated debt coverage ratio equal at least 120%. This ratio is required to be at least 150% in the year before the issuance of additional bonds. In addition, the Commission has by resolution established its intent to always maintain a ratio of at least 150%. A coverage ratio of at least 200% is generally required, I'm sorry, generally recognized as the threshold needed to help maintain our AA credit rating. Projected debt coverage ratio of 247% does satisfy the current requirement under our Master Trust Agreement. There is a proposed resolution in your materials entitled "Resolution Concerning the Financial Condition of the Commission", and with your permission Mr. Chairman, I would like to ask the General Counsel to please read the Resolve?

**General Counsel:** RESOLVED that the Commission, having reviewed the analysis prepared by the CFO/Comptroller, determines that there will be sufficient Gross Revenues for fiscal year 2011 together with Series Payments, Additional System Payments and Supplemental Payments to meet the requirements of §4.04(a) of the Trust Agreement, and hereby authorizes and directs the CFO/Comptroller to issue a certificate required by §4.04(b) of the Trust Agreement; and

FURTHER RESOLVED that copies of such certification and a certified copy of this resolution shall be transmitted to the trustee and the rating agencies, and shall be available to any interested party.

**Chairman:** Motion to adopt?

**Mr. Pakush:** So moved.

**Chairman:** Is there a second?

**Mr. Hruby:** Second.

**Chairman:** Questions? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**RESOLUTION NO. 37-2011**

**Resolution Concerning the Financial  
Condition of the Commission**

WHEREAS, §4.04(a) of the Master Trust Agreement (“Trust Agreement”) between the Commission and The Huntington National Bank, as trustee, dated February 15, 1994, requires that on or before July 31 of each year, the Commission shall complete a review of its financial condition for the purpose of estimating whether the Gross Revenues for such Fiscal Year will be sufficient to provide, together with Series Payments, Additional System Payments and Supplemental Payments, the amounts specified in §4.04(a) of the Trust Agreement;

WHEREAS, the Commission’s CFO/Comptroller has analyzed the Commission’s financial condition and has advised the Commission that, on the basis of his analysis, the Commission’s revenues for fiscal year 2011 will be sufficient to meet the requirements of §4.04(a) of the Trust Agreement and he has set forth a detailed statement of the actual and estimated Gross Revenues, Series Payments, Additional System Payments and Supplemental Payments; and

WHEREAS, a certification of same is before the Commission.

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having reviewed the analysis prepared by the CFO/Comptroller, determines that there will be sufficient Gross Revenues for fiscal year 2011 together with Series Payments, Additional System Payments and Supplemental Payments to meet the requirements of §4.04(a) of the Trust Agreement, and hereby authorizes and directs the CFO/Comptroller to issue a certificate required by §4.04(b) of the Trust Agreement; and

FURTHER RESOLVED that copies of such certification and a certified copy of this resolution shall be transmitted to the trustee and the rating agencies, and shall be available to any interested party.

**OHIO TURNPIKE COMMISSION  
MASTER TRUST AGREEMENT SECTION 4.04  
ESTIMATED CALCULATIONS FOR YEAR ENDING DECEMBER 31, 2011**

**REQUIREMENT I**

GROSS PLEDGED REVENUES:		
ACTUAL FOR 1ST FIVE MONTHS OF YEAR	\$ 93,364,918	
ESTIMATE FOR LAST SEVEN MONTHS OF YEAR	<u>154,526,422</u>	
ESTIMATED GROSS PLEDGED REVENUES	\$ 247,891,340	Section 4.04 (a) (i) and 4.04 (b)
OPERATING, MAINTENANCE & ADMINISTRATION COSTS	\$ 116,450,839	Section 4.04 (a) (i) (1)
REQUIRED DEPOSIT TO EXPENSE RESERVE	<u>(700)</u>	Section 4.04 (a) (i) (2)
<b>NET/SYSTEM PLEDGED REVENUES</b>	<b>\$ 131,441,202</b>	<b>Required to be positive</b>

**REQUIREMENT II**

NET/SYSTEM PLEDGED REVENUES	\$ 131,441,202	Section 4.04 (a) (ii)
ANNUAL DEBT SERVICE REQUIREMENT:		
PRINCIPAL	22,590,833	
INTEREST	30,749,810	
LESS: ESTIMATED INVESTMENT EARNINGS	<u>(154,300)</u>	
NET ANNUAL DEBT SERVICE REQUIREMENT	\$ 53,186,343	Section 4.04 (a) (ii)
RENEWAL & REPLACEMENT (R&R) REQUIREMENT	<u>9,100,000</u>	Section 4.04 (a) (ii)
<b>NET/SYSTEM PLEDGED REVENUES LESS DEBT SERVICE AND R &amp; R REQUIREMENTS</b>	<b>\$ <u>69,154,858</u></b>	<b>Required to be positive</b>

**REQUIREMENT III**

NET/SYSTEM PLEDGED REVENUES AS A % OF NET ANNUAL DEBT SERVICE REQUIREMENT	<u>247%</u>	<b>Required to equal 120% or more *</b>
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\* Required to be 150% or more during the Fiscal Year immediately preceding the issuance of additional bonds, or during any twelve (12) consecutive calendar months selected by the Commission out of the fifteen (15) consecutive calendar months immediately preceding such issuance, calculated using the maximum annual debt service on the bonds then outstanding and the the bonds proposed to be issued. Also, the projected ratio must be 150% for each year bonds are scheduled to be outstanding in the event that the Commission implements a non-temporary toll rate reduction. In addition, the Commission has, by resolution, declared its intention as a matter of policy to maintain debt service coverage levels at a target of 150% of annual debt service. Other than in connection with the issuance of additional bonds, or the implementation of a toll rate reduction, the Commission has no obligation to meet such coverage levels, or to maintain a policy of doing so, and the Commission may rescind that policy at any time.

**OHIO TURNPIKE COMMISSION  
ESTIMATED GROSS PLEDGED REVENUES  
FOR THE YEAR ENDING DECEMBER 31, 2011**

<u>Year Ending December 31, 2010:</u>	<u>January - May</u>	<u>June - December</u>	<u>Total</u>
Toll Revenue	\$ 86,227,821	\$ 145,960,785	\$ 232,188,606
Special Toll Permits	1,275,429	2,025,681	3,301,110
Concession & Miscellaneous Revenues	5,396,265	9,961,058	15,357,323
Investment Revenue:			
Revenue Fund	168,540	353,053	521,593
Renewal & Replacement Fund	4,246	9,397	13,643
System Projects Fund	5,132	30,149	35,281
Total Gross Pledged Revenues	<u>\$ 93,077,433</u>	<u>\$ 158,340,123</u>	<u>\$ 251,417,556</u>

<u>Year Ending December 31, 2011:</u>	<u>Actual January - May</u>	<u>Estimated June - December</u>	<u>Estimated Total</u>
Toll Revenue	\$ 86,309,321	\$ 142,160,011	\$ 228,469,332 *
Special Toll Permits	1,380,273	1,801,600	3,181,873
Concession & Miscellaneous Revenues	5,433,967	10,222,700	15,656,667
Investment Revenue:			
Revenue Fund	204,421	290,400	494,821
Renewal & Replacement Fund	6,054	8,476	14,530
System Projects Fund	30,883	43,236	74,118
Total Gross Pledged Revenues	<u>\$ 93,364,918</u>	<u>\$ 154,526,422</u>	<u>\$ 247,891,340</u>

I hereby certify the calculations above to be a fair and honest estimation of the Gross Revenues for the year ending December 31, 2011 in accordance with Section 4.04b of the Master Trust Agreement.



\_\_\_\_\_  
CFO/Comptroller

6/22/2011

\_\_\_\_\_  
Date

\* Estimated toll revenue for the year ending December 31, 2011 was projected by Traffic Consultant, URS.

**Chairman:** Anything further Marty?

**CFO/Comptroller:** No.

**Chairman:** Thank you. Secretary-Treasurer's report, where I inadvertently tried to go before we heard the resolution.

**Secretary-Treasurer:** It's okay. The following items have been sent to the Members since the last scheduled meeting of the Commission on May 16, 2011. They are as read Mr. Chairman:

1. Minutes of the May 16, 2011, Commission Meeting
2. Minutes of the May 24, 2011, Commission Meeting
3. Traffic and Revenue Report, May, 2011
4. Total Revenue by Month and Year, May, 2011
5. Investment Report, May, 2011
6. Traffic Crash Summary Report, May, 2011
7. Financial Statement, May, 2011
8. Various News Articles

That is my report Mr. Chairman, I would be happy to answer any questions.

**Chairman:** Questions? Thank you.

**Secretary-Treasurer:** Thank you Mr. Chairman.

**Chairman:** One housekeeping item that we probably ought to do before we turn it over to the General Counsel is the Minutes of the previous meeting. Can we have a motion to adopt the Minutes of the May meeting?

**Chief Engineer:** May 16<sup>th</sup>.

**Chairman:** May 16<sup>th</sup> meeting?

**Mr. Pakush:** So moved.

**Chairman:** Is there a second.

**Mr. Kidston:** Second.

**Chairman:** Questions? Corrections? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes



**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Abstain.

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Chairman:** Next will be the, that's right we had a Special Commission Meeting on May 24<sup>th</sup>, can we have a motion to adopt the Commission Meeting, Commission Meeting Minutes from May 24<sup>th</sup>?

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Pakush:** Second.

**Chairman:** Corrections, questions? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Abstain.

**Chairman:** Thank you. Next Secretary-Treasurer, we have completed, then we will go to General Counsel.

**General Counsel:** Thank you Mr. Chairman, Commission Members I have three purposed resolutions for your consideration this morning. The first resolution is a housekeeping matter, as you know at the last Commission Meeting; the Commission adopted Resolution Numbers 29-2011 and 30-2011, which would have effectuated the appointment of David Regula, former Commission Member David Regula to the position of Executive Director and Assistant Secretary-Treasurer. The Commission, as you know subsequent to that meeting Mr. Regula confirmed in writing that he would not be accepting these appointments and the proposed resolution would effectuate the acceptance of that and rescind the actual appointment of Mr. Regula to the position of Executive Director and Assistant Secretary-Treasurer. With your permission Mr. Chairman I will read the Resolved?

**Chairman:** Please.

**General Counsel:** RESOLVED that the Commission hereby rescinds the appointment of David O. Regula to the positions of Executive Director and Assistant Secretary-Treasurer pursuant to Resolutions Nos. 29-2011 and 30-2011.

**Chairman:** Motion to adopt?

**Mr. Hruby:** So moved.

**Chairman:** Second.

**Mr. Kidston:** Second.

**Chairman:** Questions? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**RESOLUTION NO. 38-2011**

**Resolution Rescinding Resolutions No. 29-2011 and 30-2011**

WHEREAS; the Commission adopted Resolutions 29-2011 and 30-2011 appointing David O. Regula to the positions of Executive Director and Assistant Secretary-Treasurer effective June 20, 2011; and

WHEREAS, the Commission has been notified by David Regula that he will not accept the appointment to the position of Executive Director; and

WHEREAS, the Commission Members wish to rescind the appointment of David Regula to the positions of Executive Director and Assistant Secretary-Treasurer.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby rescinds the appointment of David O. Regula to the positions of Executive Director and Assistant Secretary-Treasurer pursuant to Resolutions Nos. 29-2011 and 30-2011.

**General Counsel:** The second proposed resolution for your consideration Mr. Chairman and Commission Members would authorize the Interim Executive Director and the General Counsel to purchase insurance policies pursuant to the Request for Proposals for the Commission Comprehensive Property and Casualty Insurance Program. As you know the Commission is required to maintain a comprehensive insurance program because it does pursuant to the provisions of the Master Trust Agreement with Huntington National Bank, that is because the Commission does not enjoy any sovereign immunity and therefore does not have any protection from liability claims as the State of Ohio does enjoy sovereign immunity and qualified immunity. The Insurance Program also protects the Commission's significant property and capital infrastructure from a catastrophic claim. The Commission actually started, the Legal Department started a process for issuing the RFP for the Insurance Program by actually issuing a Request for Proposals for Insurance Consultant last December. The Commission received four proposals from different Insurance Consultants, two of the proposals were submitted by out-of-state consultants and two of the proposals received were by local firms located in the State of Ohio. Using a technical evaluation process developed by the Director of Contracts Administration, the Legal Department awarded the highest score to Crain, Langner & Company of Richfield, Ohio, to award a contract for insurance consulting services. Following the award of the consulting contract, the Legal Department began a process by issuing a Notice for Request for Proposals for insurance broker market assignments on March 18<sup>th</sup> of this year. Whereby interested insurance brokers could request the assignment of insurance market and insurance carriers. The Legal Department subsequently assigned specific insurance market or carriers to 11 different brokerage firms on April 4, 2011. The Commission subsequently received RFP proposals from eight different insurance brokerage firms on May 18<sup>th</sup> and the insurance proposals were reviewed by the Insurance Consultant from Crain, Langner and the Risk Management Coordinator and the General Counsel. Included in your packet are the

recommendations of Crain, Langner and also the Risk Management Coordinator and the General Counsel for the award of insurance policies, and present today is Dan Buser from Crain, Langner who will present an overview of the proposals that were received and the recommendations of the panel that reviewed the proposals.

**Insurance Consultant:** Good morning Mr. Chairman and Commissioners. I will spend a few minutes reviewing insurance programs, insurance marketplace, the General Counsel has explained the process that is conducted. The Commission conducts an insurance marketing process on a cycle of three, your cycle roughly, 2011 is the year for that. Your first slide, next please, the marketplace real quickly in a nutshell. The economy, the Chairman commented is in a state of flux, a volatility that is accurate that also affects the insurance industry, which is a subset of the financial industry that has continued for three years; it's going to continue in the future as well. Things like, events like floods, tsunamis and wind storms affect everybody not just those who actually suffer the damage or loss, the Commission and the Turnpike itself is somewhat immune from that because our geographic loss exposures are very limited, understood, well defined. That's not to say however that the market doesn't have any impact on us or the market conditions because they do. That which happens to Japan affects us even here in Ohio. Counter intuitively market pricing is relatively stable, that is to say pricing, the rates charged insured's, whether they are public entities, private entities or otherwise, are relatively stable. It is counter intuitive because it seems that in a down economy pricing would increase, pricing does not, has not necessarily increased. If you are a good risk, a well run risk and you are fortunate enough to be somewhat loss free and the Commission enjoys those characteristics. The market will probably harden, that's in our vernacular that means the pricing will probably go up, the rates charged for different parts of your business will increase, the number of vehicle count per payroll or revenue or the like. Pricing in 2011 is reflected here, property flat to a 5% increase, general liability and umbrella is flat to some increase depending on the risk's insured, what you do for a living I mean, auto is flat, that to say the rates charged per vehicle or power unit are relative flat, meaning no increases, executive risk that is you public official's liability, your employment practices liability, things like that, flat to slight decreases again depending on the risk insured. If you had international operations, you were traveling abroad that would effect us differently then wouldn't it and that's not the case today. Policy terms, future market conditions. Policy terms by that I mean the grants of coverage afforded you, the Commission in the policies themselves. They're relatively still strong, that is to say we are not seeing a restriction or a constriction of the terms and conditions of insurance granted, the coverage granted to insureds. Future market conditions, what to expect. We expect and when I say we, those who are in the business, I am not an agent or broker, I am a pure consultant, I provide only consulting services, but consultants, agents and brokers alike do predict some hardening, pricing will likely increase depending on the risks insured. Some will be affected much more severely than others, if you are a coastal risk, an international risk, financial risk, those types of insurers are likely to face some significant price increases, next. The insurance program for the Commission is not necessarily special or unique, it is broad, comprehensive, it covers many different lines of coverage and exposures and the activities conducted by the Commission, General Liability, Employee Benefits Liability, Employers Liability. The Commission purchases Auto Liability and Physical Damage, Public Officials' Employment Practices Liability, Commercial Crime Coverage, Umbrella Liability, your Property, Broiler Machinery, Bridge Occupancy, And Use Coverage. There are very few things that the Commission does or

claims which could be alleged against it, which shouldn't fall within the realm or scope or breath of one or more of these types of insurance contracts. That is not to say every policy or the collection of these policies can cover every possible claim, that just not possible, next. The graph in front of you is just a graphical display or showing of the program that the Commission purchases. The purchase of insurance by the Commission has remained relatively constant, stable and predictable for well-nigh a decade. That is to say we haven't made dramatic changes in the program, dramatic changes haven't been, haven't been necessary. Insurance is not a commodity, commercial insurance is not fungible, you're dealing with hundreds of pages of documentation so it's not as if you can simply say I want a something finite that is not, doesn't vary among the different types of policies presented or offered by the carriers. Proposals received, General Counsel indicated that 11 agents and brokers were invited to participate, eight proposals were received and they are received by Arthur J. Gallagher, which is a Chicago firm with major offices in Cleveland; Gardiner Allen in Columbus, Governmental Underwriters also in Cleveland; Hylant; is an Ohio regional firm with offices here in Cleveland; Hoffman is right here in Berea and has offices throughout Northeast Ohio; Jackson Dieken as well in Cleveland and Westlake; Wells Fargo an international brokerage with offices in Cleveland; and Willis of Ohio, likewise an international brokerage with offices in Cleveland. The results of the program are displayed in this chart, it indicates the coverage, the line of coverage purchased, the broker that will place that, that is the intermediary, the insurance company and then we have added what is called an AM Best rating, that is the, the parallel is like a Moody's rating or S&P. AM Best is the leading rating agency for all commercial insurance carriers worldwide. We, the Commission insist on buying coverage from insurance companies of a substantial size, net worth, policy holder surplus and with a A- or better rating or excellent, or we are pleased to say we are buying from an A+, all the coverages from an A+ rated carrier. Premium totals, next slide, it shows year-by-year the last five years; exposures are slightly lower in 2011, which have led to a small but still significant decrease in pricing. By exposures I mean your property values, your TIV, total insurable values down slightly, your payroll is down slightly; full-time employee count is down slightly, power units are down almost flat, but down slightly. Consequently, the size of the entity in those rating, those metrics is down a little bit, your pricing is down. We are very pleased with the degree and the number of participants in this process and that is reflected in good pricing, not every public entity, again I know we don't enjoy sovereign immunity, but it is still a public entity in the world of insurance, not everyone is enjoying this type of program, this type of renewal, next. The next slide is just results in greater detail, showing the pricing by line of coverage, the insured expiring and renewal costs. We use the word renewal it is not, ipso facto that these policies were going to be renewed in fact everyone has equal opportunity to submit a quote for the line of coverage or multiple lines of coverage and the results are shown in front of you. I would point out this if one of the policies in particular had a significant real dollar and percentage increase, if you net that with the Bridge And Occupancy Policy not a high cost policy but nevertheless it did increase if you take that out, the savings, the percentage savings if you will on the program whole would have been much greater, about a 7%, which would be which is really quite impressive. All in all we are pleased with those who participated, level and degree of interest, we think it will be sustained, the insurance market likes the Ohio Commission, the agents and brokers like the Commission, serving the Commission as well. Any questions? Comments?

**Chairman:** Any questions, comments? Thank you. Oh I am sorry Mr. Dixon.

**Mr. Dixon:** When I look at the Turnpike I look at road, flat road, we have some buildings; we have some cars, and I see people traveling on that road. I don't see big factories, I don't see you know a lot of things that can blow away, I don't see, I don't see, maybe I am not looking correctly, but I don't see a lot of exposure and I am just wondering if we were to factor the amount of insurance we paid over the last years and the amount of claims that we have had, I'd like to see where we were. I'd like to see where we were.

**Chairman:** Your concept would be investigating self-insurance?

**Mr. Dixon:** Yes. And maybe we wouldn't do the whole thing self-insurance; but I'd like to see where we were, I'd like to see if we have \$700,000 worth of claims. I doubt it, I kind of doubt it.

**Chairman:** Noelle you had a comment?

**General Counsel:** I am happy to give you that information, I can give you the claim loss runs for the last ten years as compared to prices and but you also have to look at the level of coverage you are getting. I will tell you that if you have one catastrophic claim, whether it is a bridge that has to be replaced, you have a service plaza you're very much exceeding the cost of the insurance.

**Chairman:** What is the cost of the bridge going across the Cuyahoga River?

**Chief Engineer:** Mr. Chairman that bridge was reconstructed in early 2000 – 2001 and it was \$55.5 million dollars construction cost.

**Chairman:** Yeah, and so I mean if something happens, a truck explosion, a fire melts the bridge....

**Chief Engineer:** That happened.

**Chairman:** Terrorist I mean you know, things like that I mean, insurance isn't necessarily, you know and I appreciate your comment that you can go ahead and if you are large enough you can self-insure you can withstand those risks; but I guess insurance really, you know you can't look at it from a business standpoint am I getting a proper value, you hope you don't go ahead and have that claim.

**Mr. Dixon:** Well and you know, please don't get me wrong, please don't get me wrong I understand what you are saying, is there a combination of things, maybe we need to insure a bridge or something like that, but in other areas we can back off and again I am not, we pay this gentlemen to advise us, okay but I just think that you know that it's worth maybe us just looking at.

**Chairman:** Well I think his remarks in here looking at going for example to a, because you have the ability to withstand it going to a quarter million dollar deductible for the bridge

versus a hundred thousand dollar deductible, you know we saved, I think, \$50,000 or something of that nature you know in that magnitude. So I mean as you push your deductibles up to a large extent you are assuming more of that risk and trying to get your premium down and in return by assuming that risk you are in effect are becoming a little bit self-insured on some of those issues.

**Mr. Dixon:** Again just a question Mr. Chairman, not suggesting that we take action, just a question.

**Chairman:** Noelle you are going to put some information together for the Commission.

**General Counsel:** Absolutely.

**Mr. Dixon:** I don't want you to spend a lot of time on it Noelle, just some basics.

**General Counsel:** No problem we can look at cost and coverage as compared to cost and risk. It is a question of risk management and it is also as I started the presentation we are required by the Bond Agreement to maintain certain lines of coverage...

**Mr. Dixon:** Sure that too.

**General Counsel:** So it protects and the bridge policy doesn't cover every bridge but it does cover the major bridges because of the cost involved.

**Chairman:** Eight or nine big ones.

**General Counsel:** Correct, so we are happy to get that information to you.

**Chairman:** Yeah I think at this point in time where we are at it is a question that Commission Member Dixon has proposed and I think that is something to look at for the future but I think today we need to be prepared and go ahead and accept this particular item.

**Mr. Dixon:** And if the guy that we are paying to advise us on this says we should and my lawyer tells me I should then I probably should.

**General Counsel:** And if the Trustee says we should.

**Mr. Dixon:** And if the Trustee says we should.

**Trustee:** Count me in.

**Mr. Dixon:** The Trustee says we should.

**Chairman:** Thank you Mr. Lamb.

**General Counsel:** Mr. Chairman, Commission Members the proposed resolution would award the six lines of coverage to various companies that presented the best proposals, 1) Public Entity General and Automobile Liability Insurance through Arthur Gallagher Risk Management Services on behalf of Travelers Indemnity Company for an annual premium of \$170,578 representing a cost reduction of 16%; 2) Multi-Peril/Property Insurance including terrorism coverage proposed by the Hylant Group on behalf of Affiliated F.M. Insurance Company for an annual premium of \$214,500 representing a cost reduction of 11%; 3) Broad Form Money and Securities/Crime Insurance proposed by Arthur Gallagher Risk Management Services on behalf of Travelers Casualty and Surety Company of America for an annual premium of \$33,900 representing a cost reduction of 17%; 4) Public Officials/Errors and Omissions Insurance proposed by Arthur Gallagher Risk Management Services on behalf of Travelers Indemnity Company for an annual premium of \$9,454 representing a cost decrease of less than 1%; 5) Bridges and Use and Occupancy Insurance, including terrorism coverage, proposed by The Hoffman Group on behalf of Travelers Property Casualty Company of America for an annual premium of \$86,557 representing a cost increase of 12%; and 6) Umbrella/Excess Liability Insurance Coverage, including terrorism coverage, proposed by Arthur Gallagher Risk Management Services on behalf of Travelers Indemnity Company for an annual premium of \$55,830, Wells Fargo Insurance Services USA on behalf of North River Insurance Company and Great American Insurance Company for an annual premium of \$100,928 representing a cost increase of 1%. With your permission Mr. Chairman I will read the Resolve?

**General Counsel:** RESOLVED that the Commission has duly considered such recommendations of its independent insurance consultant, as well as the recommendation of its General Counsel and Risk Management Coordinator, and hereby selects and authorizes the Interim Executive Director and General Counsel to purchase the above-specified insurance policies through Arthur J. Gallagher Risk Management Services, Inc., for Public Entity General and Automobile Liability Insurance, The Hylant Group for Multi-Peril Property Insurance, Arthur J. Gallagher Risk Management Services, Inc. for Broad Form Money and Securities/Crime Insurance, Hoffman Group for Bridge Use and Occupancy Insurance, and Arthur J. Gallagher Risk Management Services, Inc., for Public Officials/Errors and Omissions and Arthur Gallagher Risk Management Services, Inc. and Wells Fargo Insurance Services USA, Inc. for Umbrella/Excess Liability Insurance in accordance with the terms and conditions set forth in the proposals and at the premiums quoted by the respective agent brokerage firms.

**Chairman:** Is there a motion to adopt the resolution?

**Mr. Kidston:** So moved.

**Mr. Hrubby:** Second.

**Chairman:** Motion is made and seconded. Questions?

**Mr. Cole:** Mr. Chairman, just one question about the cyber liability? I saw that option is not being exercised at this time, but there is a recommendation within the report maybe that that be investigated. I just wanted to know what that timeline might be and/or the cost associated with it? Because I saw the, one of the options is only a \$4,000 option, I just wanted to



know again the cost and timeline of investigating that especially with the increased use of E-ZPass and the number of online transaction and its importance to the operations. How that was covered I assume it is through the agreements related to E-ZPass, the other systems we have there, there are things in there that provide for that type of thing but specifically the cyber liability again, the cost and/or the timing of investigating that coverage?

**General Counsel:** Mr. Chairman, Commission Member Cole we will be looking at that within next 30 days, it is policy coverage that we have not explored, this is kind of a new development, because of all the situations that arise in the news, at least a few times a month, bank sites being hacked into, keep in mind and I will ask Kathy to confirm this that the banking transactions associated with E-ZPass are actually handled by an independent firm, they are handled by a credit card servicing company and so we don't handle or monitor those transactions so our exposure is a little bit lower than the normal situation but it is something that we will explore and make a recommendation to the Commission, if it is something we should explore in the future.

**Chairman:** Thank you, anything further? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

### **RESOLUTION NO. 39-2011**

#### **Resolution Authorizing the Purchase of Insurance Policies Pursuant to Request for Proposals for the Commission's Comprehensive Property and Casualty Insurance Program**

WHEREAS, the Commission issued a Notice of Request for Proposals for Insurance Broker Market Assignments on March 18, 2011, whereby interested insurance agent/brokerage

firms could request that the Commission assign certain insurance markets to them to obtain proposals for coverage under the Commission's comprehensive casualty and/or property insurance program; and

WHEREAS, the Commission received requests for market assignments from eleven (11) insurance agent/brokerage firms on or before March 30, 2011, and markets were assigned to all of the agents/brokerage firms that requested such assignments during a pre-bid conference held on April 4, 2011; and

WHEREAS, the Commission issued a Request for Proposals (RFP) for the Commission's Comprehensive Property and Casualty Insurance Program on April 4, 2011, and markets were assigned to all of the agents/brokerage firms that requested assignments during a pre-bid conference held that same day; and

WHEREAS, responses to the RFP were submitted on or before May 18, 2011, by eight (8) agent/brokerage firms on behalf of different insurance carriers, and such responses have been reviewed and analyzed by Crain, Langner & Company of Richfield, Ohio, the Commission's independent insurance consultant, and the Commission's General Counsel and Risk Management Coordinator; and

WHEREAS, Crain, Langner & Co. has made a recommendation for the award of such insurance policies based upon its review and analysis of the proposals received, and the Commission's General Counsel and Risk Management Coordinator concur with the recommendation; and

WHEREAS, the Commission has been advised by the General Counsel that the RFP process was conducted in a manner that was fair and equitable to all participating insurance agents/brokerage firms and insurance carriers and that the Commission may lawfully purchase the respective insurance policies; and

WHEREAS, the Commission's independent consultant, General Counsel and Risk Management Coordinator recommend that the best interests of the Commission would be served by the acceptance of the proposals submitted by the following agent/brokerage firms on behalf of insurance carriers for policies commencing on August 1, 2011 at the corresponding premium quotes submitted as follows:

1. Public Entity General and Automobile Liability Insurance, including terrorism coverage, proposed by Arthur J. Gallagher Risk Management Services, Inc., on behalf of Travelers Indemnity Company for an annual premium of \$170,578 representing a cost reduction of 16%;
2. Multi-Peril/Property Insurance, including terrorism coverage, proposed by The Hylant Group on behalf of Affiliated F.M. Insurance Company for an annual premium of \$214,500 representing a cost reduction of 11%;

3. Broad Form Money and Securities/Crime Insurance proposed by Arthur J. Gallagher Risk Management Services, Inc. on behalf of Travelers Casualty and Surety Company of America for an annual premium of \$33,900 representing a cost reduction of 17%;
4. Public Officials/Errors and Omissions Insurance proposed by Arthur J. Gallagher Risk Management Services, Inc., on behalf of Travelers Indemnity Company for an annual premium of \$9,454 representing a cost decrease of less than 1%;
5. Bridges and Use and Occupancy Insurance, including terrorism coverage, proposed by The Hoffman Group on behalf of Travelers Property Casualty Company of America for an annual premium of \$86,557 representing a cost increase of 12%; and
6. Umbrella/Excess Liability Insurance Coverage, including terrorism coverage, proposed by Arthur Gallagher Risk Management Services, Inc. on behalf of Travelers Indemnity Company for an annual premium of \$55,830, Wells Fargo Insurance Services USA, Inc. on behalf of The North River Insurance Company and Great American Insurance Company for an annual premium of \$100,928 representing a cost increase of 1%.

NOW, THEREFORE, BE IT

RESOLVED that the Commission has duly considered such recommendations of its independent insurance consultant, as well as the recommendation of its General Counsel and Risk Management Coordinator, and hereby selects and authorizes the Interim Executive Director and General Counsel to purchase the above-specified insurance policies through Arthur J. Gallagher Risk Management Services, Inc., for Public Entity General and Automobile Liability Insurance, The Hylant Group for Multi-Peril Property Insurance, Arthur J. Gallagher Risk Management Services, Inc. for Broad Form Money and Securities/Crime Insurance, Hoffman Group for Bridge Use and Occupancy Insurance, and Arthur J. Gallagher Risk Management Services, Inc., for Public Officials/Errors and Omissions and Arthur Gallagher Risk Management Services, Inc. and Wells Fargo Insurance Services USA, Inc. for Umbrella/Excess Liability Insurance in accordance with the terms and conditions set forth in the proposals and at the premiums quoted by the respective agent brokerage firms.

**Chairman:** Noelle before we take your last resolution let's deviate from the agenda and get the reports from some of the advisors, if there are any. Financial Advisor?

**Financial Advisor:** No report today Mr. Chairman.

**Chairman:** Thank you. General Consultant?

**General Consultant:** No report today Mr. Chairman.

**Chairman:** Thank you. Trustee?

**Trustee:** No report Mr. Chairman.

**Chairman:** We had your report earlier, thank you. Highway Patrol?

**Captain Zurcher:** Yes Mr. Chairman, Commission Members good morning. Unfortunately since the last time we met here we have had two traffic fatalities on the Turnpike with two people that were killed. I'd like to give you a brief overview of those crashes. The first was on May 17<sup>th</sup>, at the 193 Milepost eastbound, involved 68-year old Barbara Finicle, she had traveled of the right side of the roadway, struck a guardrail and then came back on the roadway and was struck by two commercial vehicles. That crash occurred during the rain, the reason for loss of control is unknown however she had very poor tires on her car and she had likely hydroplaned. Shortly after that on May 26<sup>th</sup> at 1:46 a.m. we had a traffic crash at the 95 eastbound which was going into the construction zone in Sandusky County. A commercial vehicle was running in the middle lane came up on a minivan that was in the right lane at a significantly slower speed, the tractor trailer drifted into the right lane and struck the minivan in the rear, pushed him off the right side the roadway into a culvert and basically landed on top of the vehicle. That crash is still under, being reconstructed to determine the reasons for the significant difference in speed and ultimately why the semi-driver left the middle lane. I am happy to report throughout the first six months of 2011 our criminal patrol efforts, which we have stepped up significantly throughout Ohio and on the Ohio Turnpike have resulted in more than double the arrest of what we saw last year in drug, weapon and other felony type arrests. We have also assisted 15,000 patrons and customers on the Ohio Turnpike from various things as far as directions to flat tires, that type of thing. Crashes are still up year-to-date approximately 15%, a lot of that was due to the weather and the near constant rain we saw throughout the spring that seemed to be the leading cause of that that seems to have stabilized here now that the weather has improved. That is all I have.

**Chairman:** Questions, comments? Thank you.

**Captain Zurcher:** Thank you.

**Chairman:** Kathy can you answer, as he talks about assisting motorists, we approved a towing contract for a, I believe we approved that for a one year period, we have a right to cancel I believe, we were going to get some information back from the Commission and I realize that you know we said six or seven months, do we have any recommendation on that? Or when do we anticipate seeing something?

**Director of Contracts Administration:** Mr. Chairman, Commission Members and certainly Mr. Castrigano can elaborate on this; since our new Safety Services Director has been on board I have been working closely with him on examining that contract and options that are available to us. We are looking at making some changes to the contract; we have actually met with all of the DVS operators and indicated to them that we are looking at making changes to the contract. I would expect that there should be something available for the Commission to starting looking at hopefully within the next month to so. Would you agree with that timeline sounds about right? So yeah so we are looking at making definite changes.

**Chairman:** Okay thank you. Last item we need to do is the resolution concerning the election of officers, I am going to turn it back over to Noelle.

**Chairman:** Thank you Mr. Chairman, Commission Members as you know according to the Code of Bylaws dated March 17, 2003; the Commission is to elect three officers to the position of Chairman, Vice Chairman and Secretary-Treasurer. The officers service a four year term and the last election was held on July 16, 2007, and in accordance with the provisions of Section I of the Code of Bylaws, a new election is required to be held at the first meeting held by the Commission after the 30<sup>th</sup> day of June this year. Accordingly at this point the Commission does need to have an election of officers. The first position would be the position of Chairman and I would ask if there are nominations?

**Mr. Balog:** I would nominate Jerry Hruby.

**General Counsel:** Is there a second?

**Mr. Pakush:** I second that.

**General Counsel:** Any other nominations? Nominations are closed. Please call the role.

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Abstain.

**General Counsel:** The second position would be for Vice Chairman, is there a nomination for Vice Chairman?

**Mr. Hruby:** I would nominate Joe Balog.

**Mr. Pakush:** I'll second that.

**General Counsel:** Are there any other nominations? The nominations are closed?  
Please call the role.

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Abstain

**General Counsel:** The third position is the position of Secretary-Treasurer, is there a nomination?

**Mr. Pakush:** I will nominate Mr. Kidston.

**General Counsel:** Is there a second?

**Mr. Balog:** I'll second it.

**General Counsel:** Nominations are closed. Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Now let me figure this out. There are no officers left, are there? Yes of course, you are welcome to it Ed.

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston** Abstain.

**General Counsel:** Mr. Chairman with the election I have drafted and prepared a resolution with your permission I will read it.

**General Counsel:** RESOLVED that the election of Jerry N. Hruby, as Chairman of the Ohio Turnpike Commission, Joseph A. Balog, as Vice-Chairman of the Ohio Turnpike Commission, and Edward A. Kidston, as Secretary-Treasurer of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02(C) and Article I of the Commission's Code of Bylaws dated March 17, 2003, to serve until the next election which shall be held at the first meeting of the Commission held after the 30<sup>th</sup> day of June, 2015, or until their respective successors are elected and qualified, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, hereby is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws dated March 17, 2003, and the Assistant Secretary-Treasurer is directed to enter this resolution in the journal of the Commission as a record thereof.

**Chairman:** Is there a motion to adopt?

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Pakush:** Second.

**Chairman:** Questions, comments? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**RESOLUTION NO. 40-2011**

**Resolution Confirming Election of Officers**

RESOLVED that the election of Jerry N. Hruby, as Chairman of the Ohio Turnpike Commission, Joseph A. Balog, as Vice-Chairman of the Ohio Turnpike Commission, and Edward A. Kidston, as Secretary-Treasurer of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02(C) and Article I of the Commission's Code of Bylaws dated March 17, 2003, to serve until the next election which shall be held at the first meeting of the Commission held after the 30<sup>th</sup> day of June, 2015, or until their respective successors are elected and qualified, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, hereby is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws dated March 17, 2003, and the Assistant Secretary-Treasurer is directed to enter this resolution in the journal of the Commission as a record thereof.

**Chairman:** Thank you at this point in time I will turn the gavel over the Mr. Hruby for the conclusion of the meeting.

**Mr. Hruby:** Before I say that I just want to thank you and you run a very efficient meeting. I'm sure that I will have big shoes to fill, so I will do my best. If there is no further business I will accept the motion to adjourn. The next meeting will be Monday, August 15<sup>th</sup> at 10:00 a.m.

**Mr. Balog:** I will make the motion.

**Mr. Pakush:** I'll second.

**Chairman:** Role call.

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes



**Interim Assistant Secretary-Treasurer:** Mr. Hruby

**Mr. Hruby:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Chief Engineer:** We are adjourned.

Time of adjournment is 10:25 a.m.

Approved as a correct transcript of the proceedings of the Ohio  
Turnpike Commission

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Daniel F. Castrigano, Interim Assistant Secretary-Treasurer