

MINUTES OF THE TWO HUNDRED AND NINETY-SECOND MEETING
October 7, 1975

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the conference room of the Ohio Department of Transportation building at 139 East Gay Street in Columbus, Ohio at 11:00 A.M. on October 7, 1975 with key members of the staff; a representative, Harvey A. Harnden, of the Consulting Engineers; a representative, P. Joseph Sesler, of the Trustee, the Ohio National Bank; members of the press and others in attendance. The Chairman said that all Members were present. Therefore, those members present were: O. L. Teagarden, Ralph H. Anderson, Daniel E. Bricker, Richard D. Jackson and James W. Shocknessy.

The Chairman said the minutes of the meeting of September 9, 1975 were before the Commission.

A motion was made by Mr. Bricker, seconded by Mr. Jackson, that the minutes for the meeting of September 9, 1975 which had been examined by the Members and on which the corrections suggested by the Members had been made be approved without reading.

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Bricker, Mr. Jackson, Mr. Teagarden, Mr. Anderson,
Mr. Shocknessy.

Nays: None.

The Chairman declared the minutes stood adopted with all Members voting in the affirmative.

The Chairman reported that the press had covered rather extensively the fact that 20 years before on October 1 the Turnpike was opened from border to border. Governor Frank J. Lausche snipped the ribbon and the Chairman had said the Lord's prayer and Governor Lausche had said: "Remove all barricades! Open all gates!" He said it was one of that Governor's great gestures and it was a beautiful evening and that he, the Governor and others were there to see efforts of several cruel years crowned with glory. He said the next morning he drove the length of the Turnpike and for days counted the number of entries to it to see whether or not the Turnpike was going to be a success. He said Governor Lausche had been skeptical from the beginning about the Turnpike. Mr. Teagarden said Governor Lausche was not the only one who had been skeptical. The Chairman said because the Governor had been skeptical he would get reports regularly during the day and would tell the Governor how much traffic the Turnpike had. He said it was perfectly clear from the beginning that the Turnpike was going to be incorporated within the transportation system and it became part of the system right away because the

system had been panting for it. He said the Commission never had a concern and that its Members had already made up their minds that the Turnpike was going to be a success because the Commission spent over \$15 million to build the service plazas. He said there had been some suggestions from the Consulting Engineers and others about having the service plazas built by the concessionaires and owned by them but the Commission did not really want that, so some \$15 million had been taken out of the fund raised by the sale of the bonds and the interest on the bond money to build the service plazas. He said the Commission was right and that it had not been concerned, because the Commission knew the Turnpike was going to be a success. He said the service plazas had therefore paid a high return from the very beginning, which they would not have done had the concessionaires built them.

The Chairman reported also that on the night of the 20th anniversary, the Standard Oil Company of Ohio took over operation of the service stations without any real incident. He said he had been a little bit apprehensive about the employees of the former station operators who were demanding that the Commission require the Standard Oil Company employ them. He said that was none of the Commission's business and so, of course, the Commission had done nothing. He said he talked to Colonel Frank C. Blackstone, Superintendent of the Ohio State Highway Patrol, on the afternoon of the 30th and the Executive Director, Allan V. Johnson, had been in constant touch with Captain Frank C. Nedveski of District 10, the unit of the Patrol on the Turnpike and that a double patrol was instituted up and down the Turnpike that night, but there had been no real incidents. The Chairman asked Tom Diemer of the Associated Press if he had heard of any incidents. Mr. Diemer said the Cleveland Bureau of the Associated Press had been informed about the situation and that he assumed that Bureau had sent out some sort of special coverage. He said he did not know if the Associated Press had done anything but he had seen some newspapers that had stories about the changeover.

The Chairman reported also that the revenues for the Ohio Turnpike for September, 1975 were estimated at \$3,755,000 or \$250,000 less than the revenues for September, 1974, mainly because of adverse weather throughout the month. He said it was not the good vacation month that September 1974 had been.

The Chairman reported also that a resolution to adopt a preliminary budget for 1976 would be offered later by the Secretary-Treasurer, Mr. Anderson.

The Chairman reported also that the Annual Report of the Consulting Engineers had been received.

The Chairman said that the bond purchases on October 3 had been satisfactory but that the price paid had been a little bit high. He asked Mr. Sesler whether the higher prices were due to fears that the City of New York would fail to honor its municipal bonds. Mr. Sesler said there was no question about it. He said one had to take into consideration that the municipal bond market as a whole had had a big reaction to the New York City situation. The Chairman said the price was not exorbitant but it was higher than he had expected and that the offerings had been

fewer. He said the number of Ohio Turnpike bonds tendered was probably lower than on any previous occasion. Mr. Sesler said the Trustee had been tendered bonds to the face value of only \$513,000 over the amount actually purchased which was an amount far lower than the Trustee had ever rejected before. He said the Trustee had always had at least \$2 million in face value more offered than they had bought. The Chairman said that the Executive Director and the Comptroller had been at the Trustee's office at the time of the offering and that the Trustee had waited until almost 12 o'clock noon before the last offer came in. Mr. Sesler said the last offer had been made at about two minutes to twelve and that at that time the offerings were still short about \$250,000 of the amount that the Trustee had planned to be able to buy with the funds available and then at the last moment \$750,000 in face value of bonds were offered and that put the amount tendered over the amount of money the Trustee had available in the redemption account for bond retirements. Mr. Sesler said the high tender was 92.99 and the average price paid was 92.5. The Executive Director said there was one tender very close to 96. Mr. Sesler said that tender was rejected.

Mr. Teagarden asked how many bonds were purchased. The Chairman said that the bond purchases amounted to \$3,494,000 in face value and said that that brought the outstanding indebtedness to under \$100,000,000 at \$99,512,000. The Chairman asked Mr. Sesler what the Trustee thought would be the future course of the price of Ohio Turnpike revenue bonds. Mr. Sesler said that the next purchase would be in December and it was going to be another close market situation. He said there was concern that New York City would default on its bonds. The Chairman said that that possibility made the $3\frac{1}{4}\%$ interest on Ohio Turnpike revenue bonds look much better than many 6% or 7% municipal bonds. He said that was why the Executive Director had been present at the tender because the Chairman wanted to have a view of what was going on. Mr. Sesler said the Trustee had been very pleased to have the Executive Director and the Comptroller, William G. Gerber, present at the time the purchases were made.

Mr. Teagarden observed that the United States Government had just borrowed money at 8% for some 20 months and asked whether that would have an effect on the market. The Chairman said that the Federal government issue had appeared before the day of the tender. He said it was for \$8 billion, a ridiculous amount of money. He said he thought at the time that the government was going to be out of business.

Mr. Teagarden said he was of the opinion that as the Commission approached final payment it would not be able to buy the bonds on the open market but it would have to call them. The Chairman said he had always known that but he did not expect it to happen five years before final retirement. Mr. Teagarden said the outstanding bonds were under \$100 million now and he imagined those bonds remaining were pretty closely held. The Chairman said that much of the outstanding debt was held in big blocks and Mr. Sesler agreed. Mr. Teagarden said in view of the fact that the government was offering a high interest rate, that there might be some effect upon the price of Ohio Turnpike bonds. The Chairman said that it ought to have such an effect and it should have had such an effect at the time of the October purchases. Mr. Teagarden said he was surprised that it had not had such an effect. Mr. Sesler said the problem was that institutional investors were aware of prices and that now it had reached the point where small investors, those holding

\$5,000 or \$10,000 or \$100,000 face value of bonds were not being reached. He said if they were reached he was sure something could be done to make it easier to pick up more bonds. The Chairman said that such investors had not paid more than 80 to 85 and that most of the bonds being retired now were purchased by their holders on the market in that price range. Mr. Sesler said that was true except for small individual holders who had paid close to par. The Chairman said that the bonds that had been traded a few years before had been traded in the 80's and so that when they were sold at 92, their holders were getting a good return but he agreed with Mr. Teagarden that the time would come when the market would be dried up. Mr. Teagarden said he had a friend who was holding \$100,000 in Ohio Turnpike bonds that he had bought at 85 and he had told Mr. Teagarden a few days before that he was not interested in selling and he had told Mr. Teagarden that he planned to hold the bonds until final payment when he planned to sell them at par. The Chairman said that Mr. Teagarden's friend might do even better than that before the end because the Commission might have to call bonds at 101, which he hoped they would not have to do. He said he would consider it an evil day when the Commission had to call bonds at 101. The Director of Transportation asked whether the Commission had the right to call bonds at 101. The Chairman said the Commission would be required to call at 101. The Director of Transportation asked whether that would be in 1992. The Chairman explained that if the Commission had money in the redemption account, the trust indenture required that it be used to purchase bonds and if the Commission could not buy bonds on the open market, the Commission was then required to call and the call price until June 1, 1982 was 101 and 100 thereafter. The Chairman said the bonds would be paid off before 1982 or he would have told many lies. Mr. Teagarden said he would be a liar along with the Chairman. The Chairman said he hoped that the Commission would never have to call at 100, but he would not like to call at 101. Mr. Bricker said his term ended in 1982. The Chairman said he was sure Mr. Bricker understood that the Commission would not be dissolved by virtue of paying off the debt. He said the Commission would continue and could continue to build roads because the Commission was not, as a legal matter, created to build the Ohio Turnpike. He said as a practical matter, it was created to build the Turnpike, but as a legal matter, it was empowered to build highways. Mr. Bricker said the Committee on Employee Relations would still be going on. The Chairman said that Mr. Bricker had done a great job with the Committee and that he prayed that Mr. Teagarden and Mr. Bricker would continue to do it because they had done a great job.

The Chairman directed that the General Counsel, Francis K. Cole, should read the preamble of the Ohio Turnpike Act. The General Counsel read from the Ohio Turnpike Act as follows:

"In order to remove the present handicaps and hazards on the congested highways in this state, to facilitate vehicular traffic throughout the state, to promote the agricultural and industrial development of the state, and to provide for the general welfare by the construction of modern express highways embodying safety devices including center divisions, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the Ohio turnpike commission may construct, maintain,

repair, and operate turnpike projects at such locations as are approved by the governor, and in accordance with such alignment and design standards as are approved by the director of transportation, . . ."

The Chairman said that the Commission had not been created to build just one road but had been created to build highways so whenever the Governor and the Director of Transportation wanted to have toll roads built, all they had to do was send the Commission a letter and a schemata. Mr. Bricker said that was good to know, that he had been looking for a road in the Dublin area. The Director of Transportation said one could not get from Gay Street to Dublin.

The Chairman said the report of the Chairman was accepted as offered. He said the report of the Secretary-Treasurer would be received.

The Secretary-Treasurer, Mr. Anderson, reported that since the last meeting, the following had been sent to all members:

1. Detail of Investment Transactions which took place in September 1975.
2. Traffic & Revenue Reports for August, 1975.
3. Financial Statements as of August 31, 1975.
4. Draft of the minutes of the September 9, 1975 meeting.
5. Month-end release for September, 1975.

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He said the report of the Committee on Budget and Finance would be received.

The chairman of the Committee on Budget and Finance, Mr. Anderson, reported that the Commission staff had prepared the preliminary budget for 1976 and that the budget had been reviewed by the Committee on Budget and Finance, and that the budget had been finally reviewed by the Committee chairman, the Executive Director and the Comptroller on October 3, 1975. He said the total amount of the proposed budget was \$16,797,700. Mr. Anderson said the figure was \$1,826,200 or 12.20% higher than the 1975 budget of \$14,971,500. He said the proposed budget reflected the continuing extraordinary inflationary pressures that were being experienced in all areas of the economy and included several increases which could not be avoided or controlled by the Commission such as approximately \$300,000 for the operation of the new interchanges with State Route 2, which would eventually become I-90, and I-680; \$235,800 in Patrol expenses; and almost \$200,000 in Public Employees' Retirement System contributions largely brought about by the increase in employer contribution rate from 10% to 12%. He said other than the inflationary and other unavoidable increases, the budget contemplated retaining operations essentially as they were, specifically keeping the

permanent work force at the present level and maintaining tight control over the use of part time employees and overtime, yet continuing an effective and efficient operation.

Mr. Anderson reported further that the proposed preliminary budget along with the Reserve Maintenance Fund deposit of \$9,500,000 recommended by the Consulting Engineers and an estimated bond interest requirement of \$3,050,000, resulted in estimated expenditures of \$29,300,000 which were approximately the same as 1975 expenditures. He said the income for 1976 was estimated at \$42,000,000, which was the same as the estimate for 1975, and that the proposed budget would permit the Commission to continue on the same financial course.

Mr. Anderson reported further that a resolution setting forth the preliminary budget in the classifications requested by the Consulting Engineers and setting forth an estimate of income for the year and providing for the deposit to the credit of the Reserve Maintenance Fund of the amount recommended by the Consulting Engineers had been prepared and was in the Members' folders. He said the budget items contained in the resolution had been recommended by the Commission staff, the Committee on Budget and Finance and by the Consulting Engineers and he offered the resolution and recommended that it be adopted.

A resolution adopting preliminary budget for the fiscal year 1976 and providing for reserve maintenance fund deposits during said year was moved for adoption by Mr. Anderson, seconded by Mr. Teagarden, as follows:

RESOLUTION NO. 19-1975

"WHEREAS it is provided by Section 505 of the trust agreement dated June 1, 1952 between the Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now First National City Bank, New York), as co-trustee, that on or before the 20th day of October in each fiscal year, the Commission will adopt a preliminary budget of income and current expenses for the ensuing fiscal year;

"WHEREAS the Commission's chairman of the Committee on Budget and Finance, the executive director and comptroller have submitted a preliminary budget of income and current expenses for the fiscal year 1976 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission;

"WHEREAS all reasonable requests of the consulting engineer as to the classifications in which such budget shall be prepared have been complied with, and the consulting engineer has advised the Commission that said budget classifications meet with its approval and that it has no further requests with respect to said classifications;

"WHEREAS the consulting engineer has made a recommendation as required by Section 504 of the aforesaid trust agreement, as to the amount to be deposited to the credit of the Reserve Maintenance Fund during the ensuing fiscal year for the purpose of paying the cost of major repairs, equipment replacement, bridge painting, renewals, replacements and improvements and other purposes as set forth in Section 509 of the said trust agreement, and the amount so recommended is \$9,500,000; and

"WHEREAS the Commission desires to provide for deposits to the credit of the Reserve Maintenance Fund during the year 1976 of the amount recommended by the consulting engineer;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following:

<u>1976</u>	
<u>Preliminary Budget of Income and Current Expenses</u>	
Income	\$42,000,000
Current Expenses	
Administration & Insurance	\$3,204,300
Operations	13,400,900
Trust Indenture Expense	<u>192,500</u>
Total Current Expenses	\$16,797,700
<u>Amount to be Deposited to the Credit of the Reserve</u>	
<u>Maintenance Fund</u>	
Total Amount	\$9,500,000

"FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said budget of income and current expenses, and of the amount to be deposited to the credit of the Reserve Maintenance Fund during the ensuing fiscal year with the trustee and to mail copies thereof to the consulting engineer and to the principal underwriters forthwith. "

The Chairman asked if Mr. Anderson wished to make any further statements about the resolution. Mr. Anderson said that when he, the Executive Director and the Comptroller had gone through all the items on October 3 he found no differences from those he found in going through budgets for his own companies. He said everything was increasing in price and there were additional expenses over

which the Commission had no control. He said he felt the budget represented what his Committee felt it should be and that was the thought of the various heads of departments.

The Chairman asked the Executive Director for his comments. The Executive Director said he could repeat what Mr. Anderson had said. He said he considered it a realistic budget. He said the staff was making a very diligent effort to stay within the operating budget for 1975 and was within it and he expected that the staff would be able to do the same on the 1976 budget. The Chairman said that no supplemental budget had to be adopted in 1974. The Executive Director said the budget for 1974 had been amended slightly to transfer some funds from one account to another within the budget but it did not have to be supplemented. He said the Commission had been within .4 of 1% of the budget at the end of the year. The Chairman said that was pretty neat figuring, and he hoped the budget for 1976 was as neat and that it looked like a good job to him. He said he certainly gave everyone credit who worked on it. The Chairman asked Mr. Harnden if the Consulting Engineers were satisfied. Mr. Harnden said the Consulting Engineers were satisfied and that he had reviewed the budget with the staff of the Ohio Turnpike Commission and the budget was contained in the Consulting Engineers' report with precisely the same total.

The Chairman asked if the representative of the Trustee wished to say anything. Mr. Sesler said that the Trustee accepted the budget.

In the absence of further discussion, a vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Anderson, Mr. Teagarden, Mr. Jackson, Mr. Bricker,
Mr. Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 19-1975.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Teagarden, said he had no report on the restaurants but he did want to make some comments with reference to the service stations. He reported that he had been present at the changeover of operators of service stations at the Commodore Perry Plaza at midnight September 30-October 1. He said it reminded him of Barnum and Bailey's Circus, with the trucks waiting to unload their equipment and start setting up. He said as fast as the previous operator removed his pumps, the Standard Oil Company of Ohio put theirs in. He said he had been spoken to because he was too close to the operation and one of the foremen walked up to him and asked him if he were with the Standard Oil Company and he said no. He said

the foreman said, "Well, then, you'd better get out of the road. The people are working here."

Mr. Teagarden reported further that he had been very much disturbed on the evening of October 2 when many persons called during the six o'clock question and answer period on radio station WOHO in Toledo, and practically all of them seemed to think that the public was going to have to pay higher prices. He said the news reporter for the station had called him and asked if he could clarify the situation. Mr. Teagarden said he had read the reporter the release which the Chairman had made and had said, "The contract with Standard Oil provides that prices charged will be no higher than those charged by major companies off the Turnpike in the immediate vicinity of the several stations respectively, a provision which the Commission will rigidly enforce." He said he had told the reporter that he did not need to make any further comment, and that most reporters knew Mr. Shocknessy and that he had had experience recently with oil companies and he felt that that experience would probably carry over to the Standard Oil Company of Ohio. He said he had pointed out further that the Standard Oil Company's prices at the opening were lower than the prices that their predecessor had charged at that time. He said the predecessor company had been charging 60.8 a gallon and the Standard Oil Company's price was 59.9 a gallon. Mr. Teagarden said he wished to stress that Standard Oil could not charge a higher price at any station than the prices that were charged off the Turnpike by major companies.

Mr. Teagarden reported further that the WOHO reporter had tried to clear the matter up but the people continued to call in. He said he wanted to make the price policy clear because there still was a belief in the minds of a great many people that Standard Oil could charge whatever it wanted to on the Turnpike. He said the reporter, in answering them, had said, "Well, why don't you go out on the Turnpike and buy some gasoline and see what the price is? Then you will be convinced."

The Chairman said that Mr. Teagarden was rigidly watching and enforcing the policy. Mr. Teagarden said the staff was watching and if there ever was a time when they would be watching it was now because the public was skeptical.

The Chairman said that apropos of the brouhaha that he had with Texaco he wanted to mention that he had been advised that no station operator cooperated more fully in the transfer than Texaco. He said Texaco gave full cooperation in the transfer and he wanted to acknowledge publicly that it was to their credit that they were not rancorous about anything that happened in 1973.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no reports from the Director of Transportation or from the Committee on Safety. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, reported that as a result of some of the discussions in the Committee on Employee Relations he had been advised

that a bill had been proposed to place the Commission employees under Civil Service. The Chairman said he did not agree with that language. He said there was a proposal that there be a bill but no bill had been submitted to the General Assembly. The Executive Director agreed that that was the case but said that the document had come into the possession of the staff and he had asked that the proposal be analyzed by the Commission's labor counsel.

The Chairman said that he was aware that one of the unions to which some employees on the Turnpike belonged had prepared a document which the union hoped to have introduced in the General Assembly. He said he had looked at the document and had given it to the members of the Committee on Employee Relations and to Mr. William C. Hartman of Squire, Sanders and Dempsey, the Commission's labor advisor. He said the Commission would have an analysis of it but it was not his idea of a very sophisticated bill or a bill that was intended to do anything except perhaps exert some pressure on the Commission, because the subject of Civil Service was bigger than the employees of the Turnpike. Mr. Teagarden asked whether the bill could be introduced at the present session of the Legislature. The Chairman said it could be introduced by unanimous consent and in any case the General Assembly would reconvene in January. He said he was just getting into the record that just such a thing existed so that it would be in the record that the Commission was aware of it but it was not a bill, it was a document that was proposed to be a bill.

The Executive Director reported also that he was at the Turnpike along with other staff members on the night of the service station changeover and that everything went off without any serious incident and it was truly as Mr. Teagarden had pointed out, a complex change. He said he wished to compliment Sohio, for one, for pulling it off without any serious difficulties because it did involve complete change of all products in the plazas.

The Executive Director said further that it included changing all the pumps and all the signs and everything was accomplished without any interruption of service.

The Executive Director reported also that Texaco did provide the best cooperation with Sohio according to Sohio, but he wanted to say also that Texaco cooperated with the Commission from the time the temporary injunction was granted in 1973 prohibiting them from rationing fuel. He said Texaco personnel had cooperated fully with the staff in the two-year period that followed and were professional in their attitude. The Chairman said Texaco had been under the order until the end of the contract and that the suit against Texaco could be dropped. The Executive Director said the lawsuit was now moot and had been dismissed at the request of the Commission and Texaco.

The Chairman said on behalf of the Commission he wished to congratulate the Executive Director and the staff for the great logistical job they had done with the old operators and the new operators in getting the thing under way. He said the record should show that the Commission appreciated the work that was

done, by the Executive Director and by his staff.

The Executive Director thanked the Chairman.

The Executive Director reported also that copies of the Greiner report, which had been submitted in accordance with the Trust Agreement, had been furnished to the Trustee and the Co-Trustee. He said the detailed inspection logs which had been prepared in the course of the inspection had been furnished to the staff as soon as they were prepared and the correction of any deficiencies noted in those logs was already underway. He said any deficiencies that might have been noted were minor.

The Executive Director reported further that the inspection of bridges was conducted in accordance with the National Bridge Inspection Act and the required forms had been forwarded to the Ohio Department of Transportation. He said all facilities were in good condition with only minor deficiencies noted. The Chairman determined that the Director of Transportation was satisfied with the bridge reports.

The Chairman asked whether Mr. Harnden wanted to make any comment on the inspection. Mr. Harnden said he had nothing to add.

The Executive Director reported that the inspection report by the Consulting Engineers had been received directly from the Baltimore office of the J. E. Greiner Company by mail and that he had received copies of the transmittal letters that were sent to the Trustee and Co-Trustee. The Chairman determined that the Ohio National Bank had received its copy of the report.

The Executive Director reported also that resurfacing of the interchanges at Exits 4 and 8 by Commission forces was essentially completed and the paving of the tandem trailer lots at Exits 10 and 11 by contract was complete. He said the toll plaza at the interchange with I-680 was 85% complete and probably would be completed by the end of the month. He said he had conferred with the deputy director of District Four of the Ohio Department of Transportation which had jurisdiction over the four related I-680 projects and had been advised that I-680 was not likely to be opened to the Turnpike before the end of the year and possibly not until Spring of 1976 depending on the progress on the state projects. He said he did not consider that a delay in the opening presented any problem for the Ohio Turnpike Commission. He said opening of the interchange before all of the related projects were ready would cause traffic problems, rather than cure them, and therefore he did not recommend such action. He said he would keep in touch with the Department of Transportation and its District Office and the Director of Transportation to monitor the projects and he would advise the Commission at future meetings of the progress.

The Chairman said the report of the Executive Director was accepted as offered. He ascertained there would be no report from the Trustee. He said the report of the General Counsel would be received.

The General Counsel, Mr. Cole, said he had submitted his litigation report which was self-explanatory and that the only case which might warrant any oral report was the Stacey case. The Chairman said the Stacey case had warranted oral reports for twenty years. The General Counsel said, as he had reported, the trial had been held and the court had tentatively allowed a third amended petition over the strenuous objection of counsel for the Ohio Turnpike Commission. He said Commission counsel had anticipated that their motion to strike the third amended petition would be ruled on before the record was transcribed. He said the defendants had therefore promptly filed briefs in support of the motion to strike and Stacey had answered the briefs and had referred to an affidavit filed by Lorin Hogue, local counsel for the Commission, in another case. Commission counsel felt that Mr. Hogue should personally respond to the attack, so Mr. Hogue filed a reply brief in addition to the Commission's on the motion. General Counsel said the record was then received and Stacey's counsel filed a supplementary brief citing portions of the record, to which Commission counsel also responded. General Counsel said that Stacey's counsel again replied so that made seven or eight briefs on the motion itself. He said that Stacey's lawyer then filed a brief on the merits in two parts, Part One, and then a little later, Part Two. He said the Commission's counsel had responded to that brief and the Court was waiting for Stacey's attorney's reply to the Commission's latest answer. The General Counsel said Stacey was asking for \$150,000. The Chairman said Stacey's attorney's fees must be quite large over the past 20 years. The General Counsel said V. N. Holderman & Sons had been dismissed from the action. The Chairman asked how old Mr. Stacey was and the General Counsel said he was in his late 70's.

The Chairman said the report of the General Counsel was accepted as offered.

The Chairman said he had had to resign as a trustee of Wilberforce University because he had been appointed to the Board of Regents of the State of Ohio, and he had been advised that Allan V. Johnson, Executive Director of the Ohio Turnpike Commission, was going to be named as his successor on the Board of Trustees at Wilberforce. He said he had told Mr. Johnson that he thought he would do a better job than the Chairman had done.

The Chairman determined there was no report from the Department of Information and Research.

A resolution ratifying the actions of administrative officers was moved for adoption by Mr. Teagarden, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 20-1975.

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions

taken on behalf of the Commission since the Commission's last meeting on September 9, 1975, and the Commission has duly reviewed and considered the same;

"NOW, THEREFORE, BE IT

"RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on September 9, 1975 hereby are ratified, approved and confirmed."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Teagarden, Mr. Bricker, Mr. Jackson, Mr. Anderson,
Mr. Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 20-1975.

There being no further business to come before the Commission, a motion was made by Mr. Bricker, seconded by Mr. Jackson, that the meeting adjourn until November 4, 1975, subject to call of the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Bricker, Mr. Jackson, Mr. Teagarden, Mr. Anderson,
Mr. Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 11:56 A.M.

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



Ralph H. Anderson, Secretary-Treasurer