

MINUTES OF THE 526th MEETING OF THE OHIO TURNPIKE COMMISSION

October 16, 2006

Chairman: The meeting will come to order. Will the Assistant Secretary Treasurer please call the roll?

Assistant Secretary-Treasurer: Mr. Balog

Mr. Balog: Here

Assistant Secretary-Treasurer: Mr. Regula

Mr. Regula: Here

Assistant Secretary-Treasurer: Mr. Dixon

Mr. Dixon: Here

Assistant Secretary-Treasurer: Mr. Kidston

Mr. Kidston: Here

Assistant Secretary Treasurer: Mr. Proctor

Mr. Proctor: Here

Assistant Secretary-Treasurer: Senator Armbruster

Senator Armbruster: Here

Assistant Secretary-Treasurer: Representative Buehrer

Representative Buehrer: Here

Assistant Secretary-Treasurer: All are in attendance Mr. Chairman.

Chairman: Welcome to everyone. We have a number of guests here today, and keeping with past practice, I would like everyone to introduce themselves. Jim would you start: Jim Steiner, Ohio Turnpike; Eric Erickson, Fifth Third Bank; Bobby Everhart, URS; Heidi Jedel, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Kathy Weiss, Ohio Turnpike; Jacob Merriman, HNTB; Katie Ott, HNTB; Don Glosser, Lichtenstein; Rob Fleischman, Ohio Turnpike; Mike Burgess, URS; David Patch, Toledo Blade; Glen Stevens, G. Stevens; Carol Ferrell-Jones, Ohio Turnpike; David Miller, Ohio Turnpike; Frank Lamb, Huntington Bank; Mark Fisher, A.G. Edwards; Marty Davis, Ohio Trucking Association; Howard O'Malley, B&T Express; Tim

Reidy, Nat City Investments; Floyd Jeffries, Ohio Operating Engineers; Steve Delone, Ohio Operating Engineers; Lauren Hakos, Ohio Turnpike.

Chairman: Thank you. This is the 526th meeting of the Ohio Turnpike Commission, and we are meeting here at the Commission's Headquarters as provided for in the Commission's Code of Bylaws for a regular meeting because of the date. Various reports will be received and we will act on several resolutions. Draft copies have been previously provided to the Members and updated drafts are also in the Members' folders. The resolutions will be explained during the appropriate reports. Could I have a motion to adopt the minutes of the August 28, 2006 Commission Meeting?

Commissioner Dixon: So moved.

Commissioner Regula: Second.

Executive Director: Mr. Dixon

Mr. Dixon: Yes

Executive Director: Mr. Regula

Mr. Regula: Yes

Executive Director: Mr. Kidston

Mr. Kidston: Yes

Executive Director: Mr. Proctor

Mr. Proctor: Yes

Executive Director: Mr. Balog

Mr. Balog: Yes

Executive Director: Five yeas and the minutes are adopted.

Chairman: If there are no questions, we will proceed with the report of the Secretary-Treasurer, Mr. Dixon.

Commissioner Dixon: Mr. Chairman, you have before you a report from the Secretary-Treasurer submitted on October 16th. There are no additions to this report. I will answer any questions about this report.

Chairman: Are there any questions for Mr. Dixon? Thank you. Next, the Executive Director, Mr. Suhadolnik.

Executive Director: Mr. Chairman, just one note for the Members. I think that you all received a letter that we were invited to three town meetings. One in Strongsville, one in Berea and one in Olmsted Falls regarding noise and other issues. We will be attending those meetings, the first one is this Thursday and one is in November and one in December. If anybody didn't receive a copy, I would be happy to give you one. That's all I have to report.

Chairman: Thank you. Deputy Executive Director, Jerry Pursley.

Deputy Executive Director: Thank you Mr. Chairman and Members of the Commission. The first resolution to be considered this morning authorizes awarding agreement SPJ-6 to A.D.W., Inc. of Parma, Ohio to provide cleaning and janitorial services at the Great Lakes and Towpath Service Plazas. This agreement is for an initial term of two years with five possible one year renewals. A.D.W., Inc. was determined by the Technical Evaluation Committee and the Commission's Purchasing Manager to have submitted the best and most cost effective proposal of the three that we received pursuant to our RFPs. Copies of the Committee Report and the Cost Performance Index are in the Commission folders. This agreement with A.D.W. is scheduled to commence on November 12th with a monthly fee of \$20,950 per plaza, an hourly rate of \$9.25 for any additional services requested by the Commission. A.D.W. has satisfactorily performed cleaning and janitorial services for the Commission at four pairs of service plazas over the years. General Counsel please read the Resolved.

General Counsel: RESOLVED that the proposal submitted by **Any Domestic Work, Inc., d/b/a A.D.W., Inc.** of Parma, Ohio, which included the following price proposal:

<u>Service Plaza</u>	<u>Monthly Per Plaza Fee</u>	<u>Annual Fee</u>	<u>Hourly Rate</u> *
Great Lakes	\$20,950.00	\$251,400.00	\$9.25
Towpath	\$20,950.00	\$251,400.00	\$9.25

** for any added requested services*

is, and is by the Commission determined to be, the **best** of all proposals received for the performance of Agreement SPJ-6 and is accepted; and

FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to: 1) execute Agreement SPJ-6 with **Any Domestic Work,**

Inc., d/b/a A.D.W., Inc. to furnish janitorial services at the Commission's **Great Lakes and Towpath Service Plazas** for an initial term of **two (2) years commencing November 12, 2006**; 2) direct the return of the proposal guaranty provided by all RFP respondents, with their proposals, as soon as said Agreement with A.D.W., Inc. is executed; 3) extend the Agreement predicated on satisfactory performance reviews by the Director of Service Plaza Operations for no more than five (5), successive one (1) year periods, pursuant to the terms and conditions of the aforesaid Agreement; and 4) to take any and all action necessary or proper to carry out the terms of said Agreement.

Chairman: Is there a motion to adopt?

Commissioner Kidston: So moved

Commissioner Dixon: Second

Chairman: Questions on the resolution before us? I have one quick question. It talks about the five, one-year successive terms, assuming we agree with the conditions and the work they are doing, is that a unilateral option on our part?

Deputy Executive Director: We have the right to initiate the renewal. The provider may or may not enter into the renewal agreement. In the past we have had renewal agreements with many providers and not a single time have they not renewed.

Chairman: So it's not a unilateral, it's a mutual with both parties.

Deputy Executive Director: Yes.

Chairman: Thank you. Call the roll please.

Executive Director: Mr. Kidston

Mr. Kidston: Yes

Executive Director: Mr. Dixon

Mr. Dixon: Yes

Executive Director: Mr. Regula

Mr. Regula: Yes

Executive Director: Mr. Balog

Mr. Balog: Yes

Executive Director: Mr. Proctor

Mr. Proctor: Yes

Executive Director: Five years, the resolution is adopted.

RESOLUTION NO. 39-2006

Resolution Awarding Agreement SPJ-6 for Janitorial Services at the Commission's Great Lakes and Towpath Service Plazas

WHEREAS, on August 31, 2006, the Commission issued its Request for Proposals (RFP) to furnish janitorial services at the Commission's **Great Lakes and Towpath Service Plazas** (*Agreement SPJ-6*) for an initial term of two (2) years, which may be extended for not more than five (5) successive one-year periods; and

WHEREAS, the Commission's RFP was posted on the Commission's website, was advertised in four (4) different newspapers and copies of the RFP were mailed to sixty-two (62) known cleaning and janitorial service firms; and

WHEREAS, three (3) companies submitted proposals to furnish janitorial services at the Commission's Great Lakes and Towpath Service Plazas, which proposals were duly opened on September 21, 2006, as provided in said published notice; and

WHEREAS, an evaluation committee comprised of the deputy executive director, the director of service plaza operations and the eastern division service plaza manager reviewed the proposals submitted and awarded technical scores to each respondent; and

WHEREAS, the Cost Proposals were then unsealed by the Commission's purchasing manager who divided the technical scores awarded by the amounts of the price proposals submitted in order to identify the "best" cost performance index among the three (3) respondents; and

WHEREAS, as a result of this process, the evaluation committee has recommended that an Agreement be entered into with **Any Domestic Work, Inc., d/b/a A.D.W., Inc.** of Parma, Ohio, which submitted the following price proposal:

<u>Service Plaza</u>	<u>Monthly Per Plaza Fee</u>	<u>Annual Fee</u>	<u>Hourly Rate *</u>
Great Lakes	\$20,950.00	\$251,400.00	\$9.25
Towpath	\$20,950.00	\$251,400.00	\$9.25

** for any added requested services*

WHEREAS, the director of contracts administration advises that: 1) the RFP conforms to the requirements of applicable statutes including Ohio Revised Code Sections 5537.07 and 5537.13, 2) due and full consideration has been given to the proposals received, the respondents' qualifications and their abilities to perform the required services, and 3) the aforesaid proposals were solicited on the basis of the same terms and conditions with respect to all RFP respondents and potential respondents; and

WHEREAS, the director of contracts administration further advises that A.D.W., Inc. has provided a proposal guaranty of good and sufficient surety and evidence of its ability to provide the required performance bond and insurance as set forth in the RFP, and that the Commission may legally accept said proposal from A.D.W., Inc.; and

WHEREAS, the executive director has reviewed the evaluation committee's and the director of contracts administration's written recommendations and concurs with the selection of A.D.W., Inc.; and

WHEREAS, the Commission has determined that the proposal submitted by A.D.W., Inc. of Parma, Ohio, is the **best** of all proposals received in response to the advertisement of said RFP.

NOW, THEREFORE, BE IT

RESOLVED that the proposal submitted by **Any Domestic Work, Inc., d/b/a A.D.W., Inc.** of Parma, Ohio, which included the following price proposal:

<u>Service Plaza</u>	<u>Monthly Per Plaza Fee</u>	<u>Annual Fee</u>	<u>Hourly Rate *</u>
Great Lakes	\$20,950.00	\$251,400.00	\$9.25
Towpath	\$20,950.00	\$251,400.00	\$9.25

** for any added requested services*

is, and is by the Commission determined to be, the **best** of all proposals received for the performance of Agreement SPJ-6 and is accepted; and

FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to: 1) execute Agreement SPJ-6 with **Any Domestic Work, Inc., d/b/a A.D.W., Inc.** to furnish janitorial services at the Commission's **Great Lakes and Towpath Service Plazas** for an initial term of **two (2) years commencing November 12, 2006**; 2) direct the return of the proposal guaranty provided by all RFP respondents, with their proposals, as soon as said Agreement with A.D.W., Inc. is executed; 3) extend the Agreement predicated on satisfactory performance reviews by the Director of Service Plaza Operations for no more than five (5), successive one (1) year periods, pursuant to the terms and conditions of the aforesaid Agreement; and 4) to take any and all action necessary or proper to carry out the terms of said Agreement.

Chairman: Anything further? Thank you. Chief Engineer, Dan.

Chief Engineer: Thank you Mr. Chairman. I have one resolution this morning also for janitorial services. However, this is for our 31 toll plazas and three Ohio State Highway Patrol posts pursuant to Invitation 4056. This invitation was split into three groups geographically across the Turnpike. We received two bids in response to each group. These

contract terms are for one year, with the provisions for a one, one-year extension. The apparent low bid in response to Group I was submitted by Any Domestic Work, d/b/a A.D.W. in the monthly fee of \$6,255.00. The apparent low bid in response to Group II was submitted by American Maintenance Services, Inc. out of Youngstown, Ohio in the amount of \$5,000.00. It should be noted that this bidder is also offering a 5% term discount. The apparent low bid in response to Group III was submitted by A Better Choice Cleaning Co. from Boardman, Ohio. However, this bid was non-responsive due to the fact that the bidder failed to submit the required guarantee bond. Therefore, this bid must be rejected. The apparent second low bid in response to Group III was also submitted by American Maintenance Services, Inc., of Youngstown, Ohio in the amount of \$5,600.00 a month also offering a 5% term discount. If the General Counsel would please read the Resolved.

General Counsel: RESOLVED that the apparent low bid received for Group III from A Better Choice Cleaning Company of Boardman, Ohio was non-responsive due to that bidder's failure to submit the requisite bid guaranty with its bid, and said bid is hereby rejected, and

FURTHER RESOLVED, that the following bids:

<u>Group</u>	<u>Company</u>	<u>Monthly Fee</u>	<u>Annual Fee</u>
I	Any Domestic Work, Inc. dba/ A.D.W., Inc. Parma, Ohio	\$6,255.00	\$75,060.00
II	American Maintenance Services, Inc. Youngstown, Ohio	5,000.00	60,000.00
III	American Maintenance Services, Inc. Youngstown, Ohio	5,600.00	<u>67,200.00</u>
Total Award			\$202,260.00

under Invitation No. 4056 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the chairperson and executive director, or either of them, is hereby authorized to: (1) execute Contracts with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; (2) direct the return to the bidders of their bid guaranty at such time as the above-mentioned bidders have entered into their respective Contracts and furnished the performance bond required thereby; (3) renew said Contracts for a one (1) year period after completion of a satisfactory performance review by the Toll Operations Department; and (4) take any and all action necessary to properly carry out the terms of said Contracts.

Chairman: Motion to adopt?

Mr. Regula: So moved

Chairman: Second?

Mr. Kidston: Second

Chairman: Any questions or discussion on the resolution before us? Please call the roll.

Executive Director: Mr. Regula

Mr. Regula: Yes

Executive Director: Mr. Kidston

Mr. Kidston: Yes

Executive Director: Mr. Proctor

Mr. Proctor: Yes

Executive Director: Mr. Dixon

Mr. Dixon: Yes

Executive Director: Mr. Balog

Mr. Balog: Yes

Executive Director: Five yeas, the resolution is adopted.

Resolution No. 40-2006

Resolution Awarding Contracts for Cleaning and Janitorial Services at the Commission's Toll Plazas and OSHP Posts 89, 90 and 91 under Invitation No. 4056

WHEREAS, the Commission posted Notice on its Website and advertised in six (6) newspapers for bids for Invitation No. 4056 for furnishing all service and materials for cleaning all the Commission's thirty-one (31) Toll Plazas and Ohio State Highway Patrol Posts 89, 90 and 91; and

WHEREAS, this Invitation was divided into the following groups: **Group I** (*Interchanges 2 through 91 and Swanton Patrol Post 89*); **Group II** (*Interchanges 110 through 173 and the Milan Patrol Post 90*); and **Group III** (*Interchanges 180 through 239 and the Hiram Patrol Post 91,*) and bidders were given the option to submit bids for any or all Groups; and

WHEREAS, the Commission received two (2) bids in response to Group I, two (2) bids in response to Group II and two (2) bids in response to Group III; and

WHEREAS, it is anticipated that the expenditures by the Commission for furnishing all service and materials for cleaning all the Commission's Toll Plazas and Ohio State Highway Patrol Posts 89, 90 and 91 under Invitation No. 4056 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 the award of such Contracts; and

WHEREAS, the Commission's director of contracts administration advises that the apparent low bid submitted for Group III by A Better Choice Cleaning Company of Boardman, Ohio was non-responsive as the bidder failed to submit the required bid guaranty, and, therefore, in accordance with Ohio Revised Code Section 5537.07(A), that bid must be rejected by the Commission; and

WHEREAS, the remaining bids received were reviewed by the director of toll operations who has stated that the lowest responsive and responsible bids from companies proposing to furnish materials and services in accordance with the Commission's specifications were submitted as follows:

<u>Group</u>	<u>Company</u>	<u>Monthly Fee</u>	<u>Annual Fee</u>
I	Any Domestic Work, Inc. dba/ A.D.W., Inc. Parma, Ohio	\$6,255.00	\$75,060.00
II	American Maintenance Services, Inc. Youngstown, Ohio	5,000.00	60,000.00
III	American Maintenance Services, Inc. Youngstown, Ohio	5,600.00	<u>67,200.00</u>
Total Award			\$202,260.00

WHEREAS, by memorandum dated September 21, 2006, the Commission's chief engineer concurs with the above-mentioned recommendation of the Commission's director of toll operations; and

WHEREAS, the Commission's director of contracts administration has advised the Commission that bids for Invitation No. 4056 were solicited on the basis of the same terms, conditions and specifications with respect to all bidders, that the procedures followed by the Commission's officials in advertising and reviewing bids received for Invitation No. 4056 were conducted in accordance with Sections 5537.07 and 9.312 of the Ohio Revised Code, and that a bid guaranty of good and sufficient surety was provided by both ADW and American Maintenance Services, Inc.; and

WHEREAS, the Commission's director of contracts administration has further advised that the Commission may legally enter into a Contract with Any Domestic Work, Inc., dba/ A.D.W., Inc. for Group I and with American Maintenance Services, Inc. for Groups II and III as the lowest responsive and responsible bidders proposing to furnish the Commission with services and materials for cleaning all the Commission's Toll Plazas and Ohio State Highway Patrol Posts 89, 90 and 91 under Invitation No. 4056; and

WHEREAS, the executive director has reviewed the reports of the director of toll operations, the chief engineer and the director of contracts administration and has made his recommendation to the Commission that Contracts be awarded to the above-mentioned lowest responsive and responsible bidders predicated upon such analyses; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT RESOLVED that the apparent low bid received for Group III from A Better Choice Cleaning Company of Boardman, Ohio was non-responsive due to that bidder's failure to submit the requisite bid guaranty with its bid, and said bid is hereby rejected, and

FURTHER RESOLVED, that the following bids:

<u>Group</u>	<u>Company</u>	<u>Monthly Fee</u>	<u>Annual Fee</u>
I	Any Domestic Work, Inc. dba/ A.D.W., Inc. Parma, Ohio	\$6,255.00	\$75,060.00
II	American Maintenance Services, Inc. Youngstown, Ohio	5,000.00	60,000.00
III	American Maintenance Services, Inc. Youngstown, Ohio	5,600.00	<u>67,200.00</u>

Total Award \$202,260.00

under Invitation No. 4056 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the chairperson and executive director, or either of them, is hereby authorized to: (1) execute Contracts with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; (2) direct the return to the bidders of their bid guaranty at such time as the above-mentioned bidders have entered into their respective Contracts and furnished the performance bond required thereby; (3) renew said Contracts for a one (1) year period after completion of a satisfactory performance review by the Toll Operations Department; and (4) take any and all action necessary to properly carry out the terms of said Contracts.

Chief Engineer: That's all I have this morning Mr. Chairman.

Chairman: Thank you. General Counsel, Noelle.

General Counsel: Mr. Chairman, Commission Members, I have two proposed resolutions for your consideration. The first resolution relates to a property damage claim that the Commission has against Metropolitan Trucking Company and Lincoln General Insurance related to an accident that occurred on Oct. 17, 2005 involving a driver for Metropolitan Trucking Company. As a result of the accident, which involved two trucks, the Metropolitan Trucking Co. driver was cited by the State Highway Patrol, the other driver was not. There was considerable property damage resulting from a fire that caused pavement damage and also other repairs related to the accident. As I have reported to you in the attached confidential memorandum we have made efforts to try to settle this claim and I do anticipate that we will be successful. However, at this point the insurance carrier is refusing to reimburse us for a satisfactory amount. With your permission I will read the Resolution.

RESOLVED that legal proceedings be begun and prosecuted, if necessary, to recover those sums that were incurred as a result of the property damages caused by Metropolitan Trucking Company; and

FURTHER RESOLVED that the General Counsel be, and she is hereby instructed to do or cause to be done all things that may be appropriate or necessary, whether by agreement or through legal proceedings, to ensure the recovery of amounts owed the Commission by Metropolitan Trucking Company and Lincoln General Insurance.

Chairman: Motion to adopt?

Mr. Regula: So moved

Chairman: Is there a second?

Mr. Kidston: Second

Chairman: Does anyone have any questions on the resolution before us? Please call the roll.

Executive Director: Mr. Regula

Mr. Regula: Yes

Executive Director: Mr. Kidston

Mr. Kidston: Yes

Executive Director: Mr. Balog

Mr. Balog: Yes

Executive Director: Mr. Dixon

Mr. Dixon: Yes

Executive Director: Mr. Proctor

Mr. Proctor: Yes

Executive Director: Five yeas, the resolution is adopted.

RESOLUTION NO. 41-2006

**Resolution Directing that Legal Proceedings be Initiated
Against Metropolitan Trucking Company and Lincoln General Insurance to Recover
Amounts Owed the Commission**

WHEREAS, the Commission has been advised by its General Counsel that on October 17, 2005, a driver for Metropolitan Trucking Company was driving westbound on the Turnpike and was involved in an accident whereby he struck another truck from behind; and

WHEREAS, the accident resulted in the Commission suffering property damage in the total amount of \$61,060.50; and

WHEREAS, the driver for Metropolitan Trucking Company was issued a citation by the State Highway Patrol for an assured clear distance violation; and

WHEREAS, the Commission has been advised by its General Counsel that it has demanded full payment of its damages from Metropolitan Trucking Company and its insurance carrier, Lincoln General Insurance, but as of the present date the company and insurance carrier have refused to make full payment for the damages incurred as a result of the accident; and

WHEREAS, the General Counsel has advised that it may be necessary for legal proceedings to be initiated against Metropolitan Trucking Company and Lincoln General

Insurance in order to recover those amounts necessary to compensate the Commission for the property damages incurred.


NOW, THEREFORE, BE IT

RESOLVED that legal proceedings be begun and prosecuted, if necessary, to recover those sums that were incurred as a result of the property damages caused by Metropolitan Trucking Company; and

FURTHER RESOLVED that the General Counsel be, and she is hereby instructed to do or cause to be done all things that may be appropriate or necessary, whether by agreement or through legal proceedings, to ensure the recovery of amounts owed the Commission by Metropolitan Trucking Company and Lincoln General Insurance.

I, Gary C. Suhadolnik, Executive Director of the Ohio Turnpike Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on October 16, 2006, at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike Commission on this 16th day of October, 2006.



Gary C. Suhadolnik
Executive Director

General Counsel: The second proposed resolution relates to a newly filed case against the Commission and Robin J. Carlin, who is the Human Resources Director for the Commission. The plaintiff in that case was previously employed by the Commission. He was terminated as a roadway worker as a result of leaving the scene of an accident that he was involved in, in January 2005. As I reported to you in the memorandum, he is alleging age discrimination. However, the reason for his termination related to leaving the scene of the accident. We have been involved in good faith negotiations with the union regarding this. You should be aware that the union in this case did represent Mr. Haynes and they have withdrawn their request for arbitration in this matter. This claim does fall under the Commission's Public Official Errors and Omissions Policy. However, I am proposing the Commission authorize the Executive Director or, you, Mr. Chairman to execute an indemnification agreement to the extent this claim is not covered by the policy and only to the extent that there is a determination that Ms. Carlin was acting within the scope of her authority. Unlike state employees, Commission employees do not have personal immunity or qualified immunity, as a matter of law. Because the Commission itself does enjoy sovereign immunity, this is a piece of mind for the employee in question. I think it's important as a policy matter and it's been done in the past that the Commission recognize that the Human Resource Director was acting within the scope of her authority. With your permission, I'll read the Resolved.

RESOLVED that the Chairman or Executive Director or either of them are authorized to enter into the attached indemnification agreement between the Commission and Robin Carlin.

FURTHER RESOLVED that the General Counsel shall continue to report to the Commission regarding this matter, and to do all things necessary to undertake the defense of the Commission and its employee.

Chairman: Motion to adopt?

Commissioner Dixon: So moved

Chairman: Second?

Commissioner Kidston: Second

Chairman: Any questions on the resolution before the Commission?

Commissioner Dixon: As a form of policy, we don't have any blanket indemnification on our employees?

General Counsel: Under the terms of the policy which specifically provides that the employees are additional insureds under the policy. As I indicated, it would be very unusual for this claim not to be covered. However, insurance carriers sometimes do issue a Reservation of Rights letter where they state up front, we have not gotten a letter indicating a Reservation of Rights. To answer your question Mr. Dixon, employees are covered under the policy. This is more of a peace of mind for the employee in question because she has been named as a defendant.

Commissioner Dixon: Are we indemnified?

General Counsel: Yes

Commissioner Dixon: We are

Chairman: She was named personally in the litigation, I haven't seen the lawsuit?

General Counsel: Correct.

Chairman: So she wasn't named in her official capacity, she was named personally?

General Counsel: She was named officially and personally.

Chairman: Okay.

General Counsel: Which under Ohio's Anti-Discrimination Statute employees can be. Under Title VII of the Federal Anti-Discrimination Statute, you cannot be sued in your individual personal capacity.

Chairman: Is there, I haven't seen the litigation, is there an allegation that she acted in any way except for in her official capacity?

General Counsel: No.

Chairman: I anticipate then that the insurance company will probably go ahead and cover this, but I agree with the concept to us passing this. She is doing her job. She is doing what we are asking. She is doing a good job.

General Counsel: She is responsible for enforcing the terms of the Collective Bargaining Agreements in the workplace.

Chairman: Very interesting too with the union's position on it. Any further questions? Call the roll.

Executive Director: Mr. Dixon

Mr. Dixon: Yes

Executive Director: Mr. Kidston

Mr. Kidston: Yes

Executive Director: Mr. Proctor

Mr. Proctor: Yes

Executive Director: Mr. Regula

Mr. Regula: Yes

Executive Director: Mr. Balog

Mr. Balog: Yes

Executive Director: Five yeas, the resolution is adopted.

RESOLUTION NO. 42-2006

Resolution Authorizing the Executive Director or Chairman to Execute an Indemnification Agreement with Robin J. Carlin

WHEREAS, The Commission and one of its employees, Human Resources Director Robin J. Carlin were named as defendants in the matter of Bennie Haynes v. Ohio Turnpike Commission, et al., now pending in the Cuyahoga County Court of Common Pleas; and

WHEREAS, The Commission has received a report from its General Counsel regarding the underlying facts relating to this claim, and that this matter has been reported to the Commission's insurance carrier; and

WHEREAS, The Executive Director and General Counsel have advised the Commission that the allegations contained in the Complaint relate to disciplinary matters that were handled by the Human Resources Director in the scope and performance of her job duties; and

WHEREAS, the Commission's employees do not enjoy the benefits and protection of the personal immunity provisions set forth in O.R.C. Sections 9.86 and 9.87 that have been granted to employees of the State of Ohio; and

WHEREAS, the Commission has purchased public officials errors and omissions insurance coverage for its members and employees for the same public policy purposes, and intends to undertake the defense and representation of its employee in this matter or any expense it might incur in the future to the extent such expenses or costs are not covered by the Commission's insurance coverage.

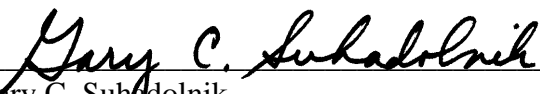
NOW, THEREFORE, BE IT

RESOLVED that the Chairman or Executive Director or either of them are authorized to enter into the attached indemnification agreement between the Commission and Robin Carlin.

FURTHER RESOLVED that the General Counsel shall continue to report to the Commission regarding this matter, and to do all things necessary to undertake the defense of the Commission and its employee.

I, Gary C. Suhadolnik, Executive Director of the Ohio Turnpike Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on October 16, 2006, at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike Commission on this 16th day of October, 2006.



Gary C. Suhadolnik
Executive Director

General Counsel: I have nothing further.

Chairman: Thank you Noelle. Mr. Steiner, CFO/Comptroller.

Mr. Steiner: Good morning Mr. Chairman, Commission Members. I would like to give you a brief update on our traffic and revenue for the first nine months of the year. This chart shows the passenger car miles traveled on the Ohio Turnpike over the past two years. After slight growth during the first four months of this year, our passenger car traffic dropped off significantly during the months of May through August and with the recent decline in fuel prices the miles traveled by passenger cars in the month of September increased to 4.4% above the level reached last year. September commercial vehicle miles traveled were 3.7% above the level

from 2005. This bar chart shows the year-to-date miles traveled and despite the improvement in September, the passenger car miles traveled during the first nine months of this year were down .8% compared to last year and were lower than every year since 2001. Miles traveled by commercial vehicles during the first nine months of 2006 were up 6.2% compared to last year. With the increased traffic, the revenues from passenger cars were up 4.3% in September compared to last year. Revenues from commercial vehicles were up 3.4% in September compared to 2005. Due to the high fuel prices during the peak summer driving season, our revenues from passenger cars during the first nine months of 2006 were down 1% from last year reaching their lowest level since 2001. Fortunately, as a result of the continued growth in the national economy, the revenues from commercial vehicles were up 6.5% from the first nine months of last year and our total year-to-date toll revenues were up 3.3% in comparison to last year. Finally, starting in January 2005, we began receiving \$1.3 million per month from ODOT to purchase excess Turnpike capacity. Those payments ended on June 30th of this year and including the ODOT funding our total revenue from all sources for the first nine months of this year were \$2.5 million or 1.5% higher than those from last year. Without the capacity purchase from ODOT our total revenues would have been \$654,000.00 lower than those from the first nine months of calendar year 2000. Mr. Chairman, that completes my report and I'll be happy to respond to any questions.

Chairman: Thank you. Any questions for Mr. Steiner? Other reports? Patrol is not here today. I believe they have an event and they indicated that if they had anything significant they would relay that to Mr. Suhadolnik.

Executive Director: Nothing to report.

Chairman: Financial advisor, Mr. Erickson.

Mr. Erickson: No report today.

Chairman: Thank you. Trustee, Mr. Lamb?

Mr. Lamb: No report Mr. Chairman.

Chairman: I've got one last comment before we adjourn the meeting. If you saw in the newspaper that Joe Balog won \$62,000 in a fishing tournament, don't ask me for a loan. That wasn't me. But my son said that he would go ahead at the usury rates of an interest loan whatever everybody else needed. That was my son that won the \$62,000.00 in Sandusky Bay last weekend.

Commissioner Kidston: I have got a tiger today that he can buy from me.

Chairman: Congratulations on your tigers also. Anybody else? Any other comments? If not, I'll entertain a motion to adjourn.

Commissioner Kidston: Moved

Chairman: Is there a second?

Commissioner Regula: Second

Executive Director: Mr. Kidston

Mr. Kidston: Yes

Executive Director: Mr. Regula

Mr. Regula: Yes

Executive Director: Mr. Dixon

Mr. Dixon: Yes

Executive Director: Mr. Proctor

Mr. Proctor: Yes

Executive Director: Mr. Balog

Mr. Balog: Yes

Executive Director: Five yeas.

Chairman: We are adjourned. We have two issues at 11:30 a.m. We are holding a public hearing on the proposed rate increase, so we will be back here at 11:30 a.m. Anybody that wants to stay, please feel free and the next meeting is set for November 20, 2006 at 10:00 a.m.

The meeting concluded at 10:23 a.m.

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

George F. Dixon, Secretary-Treasurer