

**BI-STATE DEVELOPMENT  
EXECUTIVE COMMITTEE MEETING  
OPEN SESSION MINUTES  
September 3, 2019 9:00 AM**

**Executive Committee Members in Attendance**

Michael S. Buehlhorn, Chair  
Aliah Holman, Vice Chair  
Justin Zimmerman, Treasurer, via phone  
Vernal Brown, Secretary

**Other Board Members in Attendance**

Herbert Simmons  
Derrick Cox  
Fred Pestello

Constance Gully - absent  
Rose Windmiller - absent  
Irma Golliday - absent

**Staff in Attendance**

Barbara Enneking, General Counsel and Deputy Secretary  
Myra Bennett, Manager of Board Administration  
Patti Beck, Director Communications  
Ted Zimmerman, Vice President Marketing and Communication

**Others in Attendance**

Lisa Stump, Lashly and Baer

1. **Open Session Call to Order**  
**9:00 a.m.** Chairman Buehlhorn called the Open Session of the Executive Committee Meeting to order at 9:00 a.m.
2. **Roll Call**  
**9:01 a.m.** Roll call was taken, as noted above.
3. **Adjournment to Executive Session – If such action is approved by a majority vote of the Bi-State Development Agency’s Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, §10.080(D) Closed Records; Legal under**

**§10.080(D)(1); Real Estate under §10.080(D)(2); Personnel under §10.080(D)(3); Health Proceedings under §10.080(D)(4); Employee Negotiations under §10.080(D)(5); Data Processing under §10.080(D)(6); Purchasing and Contracts under §10.080(D)(7); Proprietary Interest under §10.080(D)(8); Hotlines under §10.080(D)(9); Auditors under §10.080(D)(10); Security under §10.080(D)(11); Computers under §10.080(D)(12); Personal Access Codes under §10.080(D)(13); Personal Information under §10.080(D)(14); Insurance Information under §10.080(D)(15); Rail, Bus, or Facilities Safety and Accidents under §10.080(D)(16) or Protected By Law under §10.080(D)(17).**

**9:02 a.m.** Chair Buehlhorn requested a motion to allow the Committee to move into closed session as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080, (D) (1), to discuss legal matters.

A motion to move into Executive Session was made by Commissioner Simmons and seconded by Commissioner Brown. A roll call vote was taken as follows:

Aliah Holman – Yea  
Vernal Brown – Yea  
Fred Pestello – Yea

Michael S. Buehlhorn – Yea  
Derrick Cox – Yea  
Herbert Simmons – Yea  
Justin Zimmerman – Yea

**Motion passed unanimously, and the Committee moved into executive session at 9:03 a.m.**

The Committee reconvened to the Regular Meeting at approximately **10:13 a.m.**

Commissioner Cox asked that the Board of Commissioners vote on the release of Executive Session meeting minutes at the next meeting, scheduled to be held on September 27, 2019, according to the new Board policy. Commissioner Zimmerman asked that this item be placed on the agenda, and Executive Session minutes be distributed to the Commissioners in advance of the meeting for review.

Commissioner Cox asked if discussion could be held regarding which laws apply to Bi-State Development, such as Illinois law, Missouri Sunshine law, and FOIA. Chair Buehlhorn noted that this item is not on today's agenda; however, it is an item that could be placed on the next Committee meeting agenda.

Chair Buehlhorn noted that, per recent changes to Board Policy, no final action votes will be taken in a closed meeting or closed (executive) session. For items requiring final action, a roll call vote shall be taken in open session.

Barbara Enneking, General Counsel and Deputy Secretary, noted that, as discussed in Executive Session, the proposed motion is as follows: Move that the Board provide a limited waiver of the attorney client privilege relating to the Lashly & Baer legal opinion of August 23, 2019, for the sole and limited purpose of allowing the members of the St. Louis County Council and the County Executive to view the opinion in a confidential manner. The Board believes it is necessary in this limited circumstance, given the current decisions to be made by St. Louis County relating to the funding of the Bi-State Development Agency. Nothing herein should be

construed to waive the attorney client privilege under any other circumstances, for any other purpose, or in any other regard.

The motion, as noted, was made by Commissioner Brown and was seconded by Commissioner Holman.

Aliah Holman – Yea  
Vernal Brown – Yea  
Fred Pestello – Yea

Michael S. Buehlhorn – Yea  
Derrick Cox – Yea  
Herbert Simmons – Yea  
Justin Zimmerman – Yea

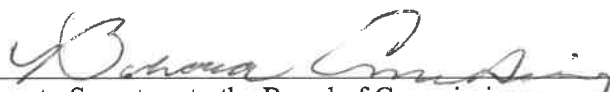
**Motion passed by a vote of 7 to 0.**

Chair Buehlhorn stated that, being no further business, he would entertain a motion to adjourn. Commissioner Simmons made a motion to adjourn the meeting, and the motion was seconded by Commissioner Holman. Chair Buehlhorn called for a roll call vote.

Aliah Holman – Yea  
Vernal Brown – Yea  
Fred Pestello – Yea

Michael S. Buehlhorn – Yea  
Derrick Cox – Yea  
Herbert Simmons – Yea  
Justin Zimmerman – Yea

The motion passed by a vote of 7 to 0, and the meeting was adjourned at approximately 10:18 a.m.

  
Deputy Secretary to the Board of Commissioners  
Bi-State Development