

Memorandum

TO: JIM SNIDER; CITY OF WASHINGTON, ILLINOIS **CC:** R. MICHAEL LOWENBAUM

FROM: CONTESSA A. BRUNDRIDGE

DATE: DECEMBER 18, 2023

RE: INVESTIGATION OF POTENTIAL OPEN MEETINGS ACT VIOLATIONS BY CITY COUNCIL MEMBERS

Summary of Issue and Allegations

A proposal for a trunk line sewer project has been ongoing and evolving for several years (dating back to approximately 2013—2015) giving rise to citizen input regarding the placement of the sewer line. The Pudik family has argued against one specific proposal and spoke extensively at several City meetings as well as corresponded with City Council members regarding this project. On or about October 9, 2023, another Washington resident, Joe Arnold, made a Freedom of Information Request for a record of “every communication...” “between any current or former city council member and the Pudik family (or Goat Springs LLC) between January 2018 and November 2023.”

Arnold’s request also stated that he was seeking documents from Council Members’ personal phones and email addresses and alleged that “there are closed door meetings happening between city council members and the Pudiks / Goat Springs that have persuaded city council members to favor this one family over its residents needs.” Arnold’s request alleged he had reason to believe threats or bribes had been made that had impacted the council members.

An internal email search for emails responsive to this Request was initiated and emails located clearly showed that some communication responsive to the Request included council member use of personal emails.

Executive Summary of Findings

Council Members have been improperly utilizing personal email accounts to communicate with residents and constituents while failing to save or properly forward to official email accounts documents that relate to official City business. There is no evidence of threats or bribes, and it does not appear that a quorum outside of emails has taken place inadvertently.

Council Members must be given strict guidance and instruction to utilize official City email accounts when discussing council or City business. Further, if they receive constituent or resident emails, text, or other documents on personal devices, social media accounts, or personal emails pertaining to City business, Council Members should immediately copy and/or forward the communications to their official City email accounts to avoid violation of the Open Meetings Act

("OMA") or the Illinois Freedom of Information Act ("FOIA"). Training should be provided to Council Members to explain when their personal communications become subject to the OMA and when they have a duty to retrieve and turn over emails or other communications stored on personal accounts and/or personal devices. Failure to do so is highly likely to result in lost communications that are subject to the OMA and could create potential liability for the City of Washington.

Documents Reviewed

- Freedom of Information Request made on October 9, 2023 by Joe Arnold
- Council Member email correspondence with Case Pudik compiled as of November 10, 2023
- Personal Correspondence and text messages provided by Brett Adams
- Response tracking indicating responses from each council member
- Text message screen shots provided by Council Member Adams
- Council Member Adams response email to information request sent by City Clerk Valeri Brod
- Case law relating to private email use by public officials
- Illinois Statutory law regarding the OMA

Witnesses Interviewed

- Brett Adams
- Lili Stevens (accompanied by her attorney)
- John Blundy (accompanied by his attorney)

All interviews were conducted separately and lasted approximately thirty minutes to one hour each.

Overview of the Open Meetings Act and the Freedom of Information Acts

The Illinois Open Meeting Act ("OMA") provides Illinois residents with the right to be informed as to the conduct of public business. The law declares that it is the intent of the OMA that public bodies take action in open meetings and deliberate opening.

The Freedom of Information Act ("FOIA") requires that records in the possession of public bodies may be accessed by the public upon written request. Public records includes all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or characteristics, having been prepared or having been or being used, received, in the possession of or under the control of any public body. Exemptions to the FOIA laws are included in Sections 7 and 7.5 of FOIA. Public bodies are not required to create

new records that do not exist and there are no obligations to provide a compilation of information that is not already available in an existing record.

Courts in Illinois have examined the right to request emails and other communications stored on private devices and determined they may be subject to disclosure. In *Better Government Association v. City of Chicago Office of Mayor*, an Illinois appellate court held that public officials' emails and text messages kept in personal, private accounts **are subject to FOIA if they pertain to public business**. The court in *City of Chicago* clarified that a record is a public record under FOIA if it meets two (2) criteria. First, the record must pertain to public business rather than private affairs. Second, the record must have been either prepared for, used by, received by, or in the possession of a public body. In *City of Chicago*, the City of Chicago specifically argued that public officials themselves are not public bodies unless there is a quorum, or they create the document during a quorum meeting (as previously held in *City of Champaign v. Madigan*). Instead, the court reasoned that communications from the officials' personal accounts that pertain to public business are subject to FOIA. *Better Government Association v. City of Chicago Office of Mayor*, 2020 IL App (1st) 190038.

In *City of Chicago*, the Court explained what is required in a search for records responsive to a FOIA request and clarified that a City must request that officials' search their personal account and take reasonable steps to ensure they do so and rejected the argument that such a request is an invasion of privacy.

Based on the *City of Chicago* decision and the current political leanings of the State Attorney General's office it is likely to assume the request received by the City of Washington on October 9, 2023 from Joe Arnold requires the City to request all City council members search their personal devices for communications relating to *public business* that is responsive to the request.

Information Provided by Individual Witnesses and Documents

1. Brett Adams

Council Member Brett Adams has been on the Council for just over six (6) years and was extremely cooperative and engaged in a discussion on the obligation to respond to the relevant FOIA request. Adams explained that City emails are issued to all council members and that the vast majority of emails from residents comes to his City email address. When he receives city related business emails or other communications on his personal phone, he does his best to save those emails to a specific folder on his phone. In response to the FOIA request, Adams searched his phone and all personal email addresses. He provided copies of all emails found in his personal email relating to City business. He also searched all text messages and provided screen shots of any related to City business and this relevant FOIA request.

Adams acknowledged that he joined a Facebook group created by the Pudik family that invited council members to walk the Pudik property and view the areas related to the relevant trunk sewer line proposals. He has since unfollowed the page and believes no records were created relating to this.

Adams was unaware that his personal device and personal messages could be subject to a FOIA request. His prior understanding was that if there was not a quorum or the members were not

in session, their personal devices and personal emails were never subject to the FOIA requests. Under the most recent court rulings, this is certainly a risky position to take. Adams did clarify that he is aware of the quorum rules and has never attended a gathering of council members in which any City business was discussed with a quorum outside of announced City council meetings. He has committed himself to conducting business only at meetings and on City devices whenever possible. When receiving City business emails or texts on his personal device, he plans to forward them to his City email and save them.

Emails stored on his personal device were not problematic. They were, instead, only emails initiated by the Pudik family and sent by the Pudiks to his personal email. There is no evidence of threats or bribes. Instead, Adams admitted he did review the information the Pudik family has provided in an effort to make an informed decision. Adams appeared truthful and forthcoming. He was not evasive and instead appeared willing to do whatever is needed to comply with the law.

2. Liliya Stevens

Council member Stevens has been on the council since May 2019. She is aware of the ongoing debate regarding the sewer line and states that two families have interest in where the sewer line ultimately goes. Stevens appeared for an interview with an attorney. During the interview, I clarified that the scope was simply to ensure the City could meet its responsibilities under FOIA and the OMA. I also clarified there was no concern for personal liability or criminal liability but that her attorney was welcome to stay.

Stevens claimed she never utilized personal emails or personal devices to discuss City business of any kind. The interview largely consisted of walking through the produced emails that included email correspondence between members of the Pudik family and various council members, herself included. The emails clearly indicate there was correspondence on her private email sent by Case Pudik but she believes she never responded from her private email. Emails seemingly do indicate there is a possibility she responded at one point from her private email. She claimed to have searched her device and no additional emails or texts were found relating to City business.

Stevens denied recalling the “citizen” meeting to which Council Members were invited by email and insists that she has never attended any gathering constituting a quorum outside of formal City Council meetings. She claimed she is aware of the creation of a quorum with 5 or more members of City Council and is careful not to inadvertently create a quorum. She denied knowledge of the Facebook group and said that if she attended a walk-through of the Pudik property it was only with one or two Council Members at a time and never created a forum.

Stevens appeared sincere but displayed a lack of memory on emails and details that should stand out. However, she was very open to understanding her obligations under FOIA and the OMA and seems confident in ensuring that she has searched her private emails and personal device and located no other responsive documents. Given this assertion, the City has likely met its obligation to request for such a search as discussed more thoroughly below in the Analysis section.

3. John Blundy

Like Stevens, Blundy appeared for a witness interview with his attorney. The attorney was permitted to stay but not answer questions or ask questions. Blundy has been on City Council for three (3) years and was first appointed by the mayor then re-elected after a special election. He explained that no one wants to have this sewer line on their property and the individual making the FOIA request is the son-in-law of an individual with property on the side where the Pudik proposal would place the sewer line.

Blundy claims that he has never received document retention guidance but that he has no emails or other documents in his possession or on personal emails or devices regarding City business responsive to the relevant request. His response back to the City clerk, however, indicates that he may lack an understanding of what may be responsive. His response stated, "I am not able to find any communications made on my personal device to a Pudik or Goat Springs that were sent or forwarded to a majority of a quorum of the City Council. Have a nice weekend." This is concerning as the *City of Chicago* decision indicates a quorum of the City Council is not necessary on an email to make emails subject to a FOIA request. It is important to the City that Council Member Blundy understands that any email that was prepared for, used by, received by, or in the possession of Council Member Blundy relating to City business regarding the Arnold request is likely responsive to the FOIA request. The *City of Chicago* decision made clear that the quorum requirement is not necessary as that requirement would allow public officials to simply use private emails to conduct business and avoid the spirit of the FOIA law.

Blundy did admit to walking the Pudik property. He stated that he was with Council Member Stevens, but no other council members were present and he was unsure if others Council Members walked the property separately. He denied joining any Facebook groups related to the Pudik property and denied any use of social media to discuss City business whatsoever.

Analysis and Recommendations

It is imperative that Council Members understand their duties under FOIA and the OMA. There is no evidence that a quorum was created for off-site in person meetings and current evidence available does not establish a quorum on emails. Emails dated October 13, 2022 included four (4) council members, some of whom were using personal emails, in correspondence with Case Pudik. Any additional City Council members on an email thread would constitute a quorum and the email thread a meeting. The emails remain subject to FOIA but unless an additional member of the council is included, there is no quorum making it a meeting under the OMA and creating requirements for notice and posting of minutes under the OMA.

Council Members should be aware that when they receive information regarding City business on their private emails or rely on any documents received regarding City business, it is likely to be treated as subject to FOIA. Blundy indicated he only searched for emails with a quorum of council members. He should be advised to search again. Additionally, Council Member McIntyre indicated he felt this was an invasion of privacy and did not indicate he has searched his private devices or personal emails. The City must insist that he search for any responsive documents and should explain that the 2020 case discussed in this memorandum requires the City to ask him to do so.

Moving forward, the City should implement training on council members duties under FOIA and the OMA. Council Members are legally permitted to be influenced by their constituents so long as they do not violate the law in some way (i.e., accepting bribes, skirting OMA rules, holding meetings in violation of the OMA, attempting to hide city correspondence on private emails, etc.). There was no evidence any Council Member knowingly violated the law, accepted a bribe, or had been subject to threats. Certainly, the Pudik family is free and legally allowed to attempt to influence council members with alternative proposals and their opinions. Council Members likewise are free to listen to this input and alternative proposals and act as they find best.

I it appears that Council Members would benefit from a refresher on best practices in communicating with constituents and the importance of using only City issued devices and emails whenever possible. In the future, if Council Members receive anything relating to City business on social media, personal devices, or personal email they should save the document and forward it to their City issued device and email.

The City's obligation under FOIA is to undertake reasonable efforts to obtain and provide all documents relevant to the request made by Joe Arnold. Failure to do can result in up to a \$5,000 per violation fine. For this reason, the City should reiterate to Council Members Blundy and McIntyre that they must search for any documents discussing City business relating to the Pudik family and/or Goat Springs LLC and provide those to the City's Clerk. Once that clarification and request is made, the City will be in compliance with the law. The law requires that it undertake *reasonable* efforts to obtain responsive documents, but it does not require further action. There is no indication that the City is required to retrieve the personal devices or make further demands. The City, however, must make clear that they have requested that Council Members search all personal devices and accounts for responsive information, or the City is likely violating the FOIA law as Illinois courts are currently interpreting the law.

Jim Snider

From: Valeri Brod
Sent: Tuesday, October 10, 2023 9:01 AM
To: Keith Braskich; Jim Snider
Subject: Fwd: Freedom of Information Act Request - City Records (Please use police department FOIA link for all police records) Submitted - Receipt #2023-73NUAG

The following request was received last night during the meeting. I understand that the majority of this request is unanswerable because it contains statements, not requests. I will likely ask them to pare down the request to a more reasonable time frame.

I am at a conference right now and can evaluate this better, later in the day.

Please feel free to share your thoughts at any time.

-Val

From: Sent on Behalf of Valeri Brod <no-reply@egovnotices.com>
Sent: Monday, October 9, 2023 10:00 PM
To: Valeri Brod <vbrod@ci.washington.il.us>
Subject: Freedom of Information Act Request - City Records (Please use police department FOIA link for all police records) Submitted - Receipt #2023-73NUAG

Mon, Oct 09, 2023 22:58

A citizen submitted the following information for one or more item(s) for which you are on the notification list. The information sent to the citizen is as follows.

Confirmation

Thank you, your form has been submitted to the Freedom of Information officer.

Contact Information

Full Name: Joe Arnold
Mailing Address: 1100 Westminster Dr., Washington, IL 61571
Phone Number: 309-648-3111
Email: Jaarnold11.6@gmail.com

Records Requested

Description of Requested Records: I would like a record of every communication via phone(calls and texts) or email or post between any current or former city council member and the Pudik family (or Goat Springs LLC) between January 2018 and November 2023. There is a substantial amount of evidence to suggest that there is inappropriate and subversive alliances between the Pudik family and members of city council that has caused members of council to make irrational decisions that will harm the city and its residents but benefit the Pudik family and Goat Springs LLC. These records should include their personal phones and email addresses as it has been brought to my attention that there are closed door meetings happening between city council members and Pudiks / Goat Springs that have persuaded city council members to favor this one family over its own residents needs. Specifically councilman Blundy has made statements that are in conflict with known facts but are consistent with erroneous statements made by the Pudiks that lead me to believe he is either being threatened or bribed by them.

To stay up to date you can view the status of this item [here](#).

[City of Washington, IL](#)

Valeri Brod

From: Case Pudik (via Dropbox) <no-reply@dropbox.com>
Sent: Wednesday, February 24, 2021 8:03 PM
To: Lilija Stevens
Subject: Case Pudik shared "COW Trunkline Sewer Project Documents" with you



Hi there,

Case Pudik (cpudik@pudik.com) invited you to edit the folder "**COW Trunkline Sewer Project Documents**" on Dropbox.

Case said:

"Hi Lili and John, I think I'm about 3-4 weeks behind in sharing this folder with you. This is a historical resource regarding the trunkline sewer project. You will be able to see all the design plans provided to Pudik beginning with the 2019 Pre-Engineering study through the Pre-Final design drawings received yesterday from the City. Thank you again for being engaged with this project and listening to our concerns. I hope you have had an opportunity to read through our letter and see the exhibits we included. I am always available to answer questions when you have them. I will also reiterate my invitation to walk our property to see the terrain and compare to maps/drawings/application promises, etc. Take care and stay safe! CP"

[Go to folder](#)

Enjoy!

The Dropbox team

[Report to Dropbox](#)

Valeri Brod

From: Case Pudik <cpudik@pudik.com>
Sent: Monday, October 17, 2022 11:00 AM
To: Todd Yoder; Brett Adams; John Blundy; Lilija Stevens
Subject: Re: City of Washington Matters
Attachments: Goat Springs, LLC - HCE email to Carr dated January 7, 2022 - Not sure what the real story is here and it is insane..pdf

I have heard that the highlights were covering up some of the text. Here is the same document without highlights.

Best regards,

Case Pudik
Principal
Pudik, Inc.
Cell: 309-648-4607

From: Case Pudik <cpudik@pudik.com>
Sent: Monday, October 17, 2022 9:53 AM
To: Todd Yoder <tyoder@ci.washington.il.us>; Brett Adams <brettmadams@hotmail.com>; John Blundy <jblundy@ci.washington.il.us>; Lilija Stevens <lilija53@yahoo.com>
Subject: Re: City of Washington Matters

We stand by our comments from last week. So we will not be making any further comments this week. FYI.

Best regards,

Case Pudik
Principal
Pudik, Inc.
Cell: 309-648-4607

From: Case Pudik <cpudik@pudik.com>
Sent: Monday, October 17, 2022 9:41 AM
To: Todd Yoder <tyoder@ci.washington.il.us>; Brett Adams <brettmadams@hotmail.com>; John Blundy <jblundy@ci.washington.il.us>; Lilija Stevens <lilija53@yahoo.com>
Subject: Re: City of Washington Matters

Good morning everyone,
Attached are emails obtained via FOIA regarding the Hamilton Analysis. It is a quick and easy read. I've highlighted some of the comments which provide further evidence to our comments from last week - there are more questions today than answers. As you will see, Howard himself was baffled at the inconsistencies, calling it "insane." Further stating, "...with the inconsistencies between sources, I'm not sure what the real story is here." If he is that confused, how can Strand have such clarity?

We (Pudik family) know the voting situation on council and where the Mayor sits on this project. We simply want you to have confidence to vote no against the Arch. study tonight. The few on City Council want to spend

millions of dollars and destroy private property when they don't truly know the condition of their own sewer. Nor do they truly know the source and cause of the problem. Asking all of us to sacrifice real and personal assets when they aren't willing to do their jobs is one of the biggest con-jobs ever.

Best regards,

Case Pudik

Principal

Pudik, Inc.

Cell: 309-648-4607

From: Case Pudik <cpudik@pudik.com>

Sent: Thursday, October 13, 2022 6:40 AM

To: Todd Yoder <tyoder@ci.washington.il.us>; Brett Adams <brettmadams@hotmail.com>; John Blundy <jblundy@ci.washington.il.us>; Liliya Stevens <liliya53@yahoo.com>

Subject: Fw: City of Washington Matters

Hey everyone,

Please see the email below. These are some key thoughts/speaking points for all of you to consider in advance of Monday's meeting.

Best regards,

Case Pudik

Principal

Pudik, Inc.

Cell: 309-648-4607

From: Troy N. Pudik <TPudik@emrslaw.com>

Sent: Thursday, October 13, 2022 6:22 AM

To: Case Pudik <cpudik@pudik.com>

Cc: Brett Pudik (bpudik@ameritech.net) <bpudik@ameritech.net>

Subject: RE: City of Washington Matters

Case: It is rather simple. A vote to approve the archeological survey [which presupposes that the Strand Route B alignment is the only alignment option for the City to consider] is a vote to not complete a 3rd party alternative analysis that has yet to receive the proper public scrutiny that was promised the citizens of Washington. Nothing in Hamilton's report should be cited to, relied upon or used by the City until it is completed in an open and transparent manner. It's that simple.

Yes, Hamilton's work with regard to the bypass sewer option was scrutinized by Strand resulting in the Robinson work and the notion that 8,200 gpm of I&I had to be removed to make it work [this was not advanced by Hamilton, rather by Strand and Carr]. If the engineers recommending Route B [i.e. Strand] can scrutinize Hamilton's work, then why can't the engineer's for the landowners scrutinize Hamilton's work? An alderperson can simply state that he or she is not in favor of approving an archeological survey without first completing an open and transparent 3rd party alternative analysis with Hamilton's "Draft" Report being scrutinized by the engineer(s) for the landowners. Not fair to scrutinize one recommendation but not the other, especially given the magnitude of the project. More time and money? Yep!! The landowners claim [we know this to be true] that the Route B alignment will cost the City several million dollars more than the alternative alignments based in part on the unexplained discrepancies in Hamilton's cost analysis in the "Draft" report. So more time and money is warranted!! Why do you think the City evaluated a "Draft" report? So that the content of the "Draft" report can never be held against the party preparing the "Draft" report,

because it is a “Draft,” not a finished product. This takes Hamilton off the hook and allows the City to pick through the Draft report to find bits and pieces to use to advance their initiative of getting to the Strand Route B option in the end. Time to move to complete the 3rd party alternative analysis and allow the engineers for the landowners an opportunity to scrutinize Hamilton’s work and the engineering memos prepared by Carr that were intended to supplement Hamilton’s work.

A quick note on the Robinson report and Carr’s engineering memo that preceded the Robinson report:

The Robinson findings are revealing, yet no opportunity for Robinson to present their own findings to the council or to allow the council/public to ask questions about the impact of their findings on the I&I problem [i.e. the 36 cross connections in the City streets], and whether the prudent course of action should be to inspect the “public infrastructure” in other parts of the City [the entire Kern Road corridor from Wilmore to Cummings, which includes basin 5]. This proves to me that the City does not want an objective voice of reason getting in the way of their plan to conclude that there is no “silver bullet” in the Robinson findings.

Carr is compromised on this project – the findings of the Robinson report show 140 residential lateral connections to the City sewer system with a price tag of \$833,000 for achievement of a mere 42 gpm of I&I off the system – not a cost effective initiative to have these laterals fixed! This is not about a bunch of homeowners, this is about fixing the City’s “public” infrastructure. The conclusion one reaches after reading the Robinson report is that the City appears to still have a combined sewer system where storm water and sewer are combined [a languishing problem that should have been resolved back in the 80s after the adoption of the Clean Water Act]. Back in March, Carr authored an Engineering memo that was intended to supplement Hamilton’s work. In that memo he estimated that approx. 1,000 illegal residential lateral connections to the City’s sewer system at a cost of \$10,000,000 to be added to the estimated overall cost of Hamilton’s bypass sewer option. This estimate was off by 900%. Why even put this in a memo? Because he was trying to artificially increase the estimated cost of an alternative option to the Stand Route B option to a level that, viola, exceeded the estimated cost of the Strand Route B. This egregious miss on the cost estimate by Carr should be called out.....at a bare minimum, it warrants a second look at the other cost estimates he has advanced to the council in prior memos relating to this project, namely his cost estimates for all of the proposed route alignments for the project. Another sound reason for finishing the 3rd party alternative analysis and permitting the engineers for the landowners to scrutinize Hamilton’s work [which remains incomplete] and Carr’s memos that supplemented Hamilton’s work.

Troy

Troy N. Pudik
Elias, Meginnes & Seghetti, P.C.
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Facsimile: (309) 637-8514
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promoting, marketing or recommending a partnership or other entity, investment plan or arrangement, and a taxpayer receiving such information under such circumstances should seek advice from an independent tax advisor.

From: Case Pudik <cpudik@pudik.com>

Sent: Wednesday, October 12, 2022 4:50 PM

To: blundjj@gmail.com; Lilija Stevens <lilija53@yahoo.com>; brettmadams@hotmail.com; tmyoder@brewersdist.com

Cc: Troy N. Pudik <TPudik@emrslaw.com>; Brett Pudik <bpudik@ameritech.net>

Subject: City of Washington Matters

Hi everyone,

Hope you are doing well. It was another interesting Council meeting on Monday night. I'd like to follow up with a few more thoughts and also share the verbatim comments our family read on Monday for your reference going forward. I've also attached the 7/12/21 Committee of the Whole written minutes. I included those minutes as reference because of what occurred directly following the meeting on Monday night.

Dave Dingledine called me over and attempted to intimidate me by pointing his finger at me and attempting to stand over me. He got emotional (angry) while talking to me. He was upset that I used his name and his comments out of context - according to him. I responded to his accusation by saying I used the City's own approved minutes for what I wrote/said. And that if he had a problem, he should take it up with the City Clerk. I think that caught him off guard and only pissed him off more. He even said he was pissed off - to which I said welcome to the party or that we are all pissed off. Rest assured, I'm not intimidated by Dave or the way he treats me. I'm confident in what was put in those comments on Monday night - we've (our family, engineers and other representatives) documented so much of this journey beginning in 2020 and studied so much of this project from technical to political. I anticipate Dave only getting more pissed off after our comments are now on Facebook and being floated around town. I also anticipate that he will attempt to discredit me by saying he was taken out of context. It would be great if that happens that one of you can recall the written minutes to dispute his attempt. Its ultimately your call, but by the time he speaks I will not have an opportunity to respond until next month - at that point its too late. I'll also remind all of you that Brian Butler used our name in the council meeting when he held up our cost matrix suggesting we mislead council with the way we labeled the routes and the data on that sheet. Tit for tat is only fair at this point.

Now, regarding Monday's comments and where we go from here. I applaud all of you for your desire to seek the truth and the efforts you've put forth thus far. There are three points I'd like to leave you with as future discussion around this project is coming.

1. The comments we made about the 3rd Party Analysis are critical to this project. The missed opportunities to ask Hamilton technical questions about their analysis were cut off because of the indefinite "hold" on their work. We know the answers to those questions and we suspect several others on City staff and Council do as well. It was another power move that fully contradicts the promises of open, objective and transparent made when this project went out to bid last year. We'd like your support in fighting for the chance to ask those questions - preferably in front of all of you so you can hear first-hand.
2. Hamilton's Alternative E (Relief Sewers) - the discussion around this alternative is puzzling. This option was intended to do (3) things:
 - a. Stop the overflow of raw sewage immediately - that is the whole idea behind the relief sewers being installed. No IEPA coming after Washington like Dennis Carr and Butler want us all to believe. The relief sewers and repairs to the current trunkline pipe would be the priorities on this project and will be built and functioning well before Strands Route B could be built (assuming there are no landowners standing in the way of either option).

- b. Save the City costs so it can utilize a functioning utility intended to last 90-100 years. We don't know the true condition of the current trunkline so yes there could and probably will be some costs to repair. I can't believe that repairing it will be more expensive than fully replacing it through an entirely new route. There's a very strong possibility the City wouldn't need a loan to accomplish "a." above - the unknown factor is the costs for repairs to the current trunkline.
 - c. Just because this first attempt to find I/I didn't produce the right results doesn't mean we give up on the alternative and go to Route B. The I/I is still happening and its 2,000% over regulation. The Robinson report identifies 36 different cross-laterals (smoke coming out of street grates in the curb) - that is storm water washing down streets into those grates and into the sewer system to be treated. The point is that the City has 40-50 years to figure it out and is no longer in violation of the IEPA because of the relief sewers. That was the whole idea behind this alternative seeing the light of day from Hamilton. Low risk, high reward. The risks of what we don't know on this option vs the full installation of Strand's Route B make this a more predictable alternative - lower risk.
3. What does anyone (City staff, engineers, City leaders) really know? Can any of you honestly pull out a document that clearly and definitively tells you the following:
- a. The condition of the current trunkline in use? And subsequently what if any repairs are needed and how much it would cost?
 - b. The source of our I/I problem? Seems like we can say where it isn't or where it is minimal - and that isn't the reason to just go with Route B. The fastest route to being in regulation is Hamilton's alternative.
 - c. Does anyone understand or know the engineering criteria Hamilton used to conduct their analysis?
 - d. Does anyone know if Hamilton analyzed Strand's Route B using the same criteria as the alternative options? Or if they analyzed the Route B at all? Does anyone really know for sure?

These seem like very critical and simply fundamental questions that should be answered before committing to the types of sacrifices (financial, environmental, etc.) other leaders want to make. The first two items 3(a) and 3(b) should have been done in 2016. Because they weren't doesn't mean they shouldn't still be done. I want to note I attached the October 2019 minutes showing Alderman Dingleline want to keep the current trunkline in use even after Strand's Route B was installed. The minutes do not specify the answer, but they do suggest lining the sewer pipe is a repair option. This is not unusual for municipalities to do this. Additionally, it is clear the current trunkline is seen as a viable option and saves both the installation of a new pipe and the decommissioning of a working pipe.

Even Dingleline agrees and has been asking to do this since 2019. Argued it with our engineer in 2021. Hamilton knows it and gave us an alternative in 2022 that shouldn't be tossed out because of some smoke testing. Put the relief sewers in first and get out from under the IEPA. Continue to stay committed to I/I over the years (not months/days) by budgeting for it each year. Knock some out each year to reduce the flow and over time you've improved your City responsibly. The benchmark to beat is \$13M.

Best regards,

Case Pudik
Principal
Pudik, Inc.
Cell: 309-648-4607

Valeri Brod

From: Case Pudik <cpudik@pudik.com>
Sent: Monday, September 13, 2021 1:14 PM
To: Brett Adams; Daniel Cobb; Lilija Stevens; John Blundy; Todd Yoder
Subject: Trunkline RFQ Part 1 - Timeline

Hello everyone.

I am emailing to focus on the RFQ timeline. Today, the Selection Committee is scheduled to meet and score the (7) responding engineering firms which would identify which firm(s) they may consider to interview. The committee has 3 weeks from today to conduct their vetting and contract negotiation. The schedule requires all of it to either be completed or started this week.

That is unnecessary. Interviews can and should be conducted with the top three firms with a final firm selected on September 17th. Negotiations can begin at that time. Updates should be given to the Council throughout the process and to the public at the next two Council meetings. It appears an update will be given tonight - not sure what we will hear.

I've waited until today to point this out due to other significant matters coming before the Council. I think this timeline is significant to conducting a thorough vetting.

Stay tuned. More to come regarding the contract and what should be included in it. The original APTIM letter has many solid points that were not included in the RFQ process but can and should be included in the contract with the selected firm. These points are important for considering the best firm for this project.

Please keep asking questions and requesting information from the Selection Committee every week or sooner. You all will be approving the firm and you need to know what has transpired along the way to feel confident that you know what you are voting on (sorry - had to say that; I realize after the last several months that you all understand that). You don't have to approve a firm if you don't feel comfortable with the process and/or answers provided to your questions along the way and in public Council meetings.

Best regards,

Case Pudik
Principal
Pudik, Inc.
Cell: 309-648-4607

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Valeri Brod

From: Case Pudik <cpudik@pudik.com>
Sent: Monday, September 20, 2021 5:01 PM
To: Brett Adams; Todd Yoder; Liliya Stevens; Daniel Cobb; John Blundy
Subject: Trunkline

Hi everyone,

I wanted to circle back with all of you regarding the trunkline project. By now the Selectin Committee should have submitted their scoring for the engineering firms who submitted their qualifications. I hope interviews of at least the top two will be conducted. The next step following interviews is selection of a firm and contract negotiations with that firm.

The contract has significant implications. At least what is in the contract that firms up the expectations and deliverables for the firm and influences the pricing. Last month you all received a copy of APTIM's letter that was sent to the Mayor and Dennis Carr. They implemented a few of our requests in the letter but it will be unclear and unknown as to what goes into the contract. However, as alderpersons empowered to approve the firm, you have the grounds to see the contract and push for several items that are pertinent to how the firm conducts their work and the deliverables they bring to the City's leaders.

On behalf of landowners and other citizens, I have provided key points we've been advocating for in the contract to insure the analysis gets done in a thorough, technical and transparent manner. And in a manner in which the council is empowered to the right decision on behalf of Washington citizens. Please review the key points below and I certainly hope you advocate for these key measures to be included in this all important analysis.

1. Clear project goals are provided and followed - see APTIM letter which restates the goals from Strand's 2019 Preliminary Engineering Study.
2. The evaluation of the need for construction of influent pumping station improvements - the selected firm should be including this as a part of the scope of services. As I have stated before, Route B unequivocally requires a new pumping station because there is a difference of 10' in elevation. Strand is quoted in the APTIM letter stating that the Farm Creek crossings drive Route B lower than the current influent pump station. This may not be true for other alternative routes. That pump station is a \$3-\$4Mill expense.
3. There has been no mention of decommissioning the existing trunk sewer. Alternative alignments will have varying degrees of impact on this required step which is why it should be part of the scope of work.
4. Alternative alignments analysis should not be limited to those previously identified. The alignments that have been presented should be considered a "head start" in their work. These alternative alignments should be thoroughly analyzed, but the firm should not feel handcuffed to only those if they discover their own alternatives during the project.
5. The firm should be willing to commit to a minimum number of public meetings. A kickoff meeting should absolutely be part of the plan and subsequent progress updates along with sharing analysis and the top alignments for the route. All meetings should allow for questions/answers by citizens and alderpersons. Given the City's behavior on this project in prior years, they should be looking to over-communicate with the public.

6. The selected firm should not present (1) recommended route. The selected firm should present the top (3) routes per the goals/objectives of the project. The firm should be able to clearly articulate the benefits and burdens of each alternative and answer questions about each in a public forum. Follow up questions and a follow-up meeting should be part of the plan before a final decision is made. This is a very complicated project. One meeting with no prior information is not adequate and would be considered the city going back to its slick ways of getting what it wants passed through.
7. There is not a pending deadline. The work needs to be thorough and at a minimum all of you need to feel fully informed before being asked to make a decision. The citizens of Washington are really owed this too. They are paying for it and will pay for it for years/decades to come.

An interview would help the Selection Committee better determine the firms' willingness and capabilities in #5, #6, #4 and #3. As you already know, you don't have to approve a firm just because one is presented. Let's make sure we are all fully informed of the details of the contract to insure this analysis will get done in a non-controversial manner.

Thanks for your time!

Best regards,

Case Pudik

Principal

Pudik, Inc.

Cell: 309-648-4607

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Valeri Brod

From: Case Pudik <cpudik@pudik.com>
Sent: Wednesday, August 18, 2021 8:28 PM
To: Brett Adams; Daniel Cobb
Subject: RFQ Letter
Attachments: Letter to City re RFQ for 3rd Party Alternative Analysis 08-18-2021.docx

Guys,

Here is the first draft letter. The thought is to send to the full council, but we discussed just sending this to a few council members. Here is an alternative option:

We send the attached letter to the (5) alderpersons with little to no edits. We send an edited version of the letter to Dennis Carr/Mayor - the primary and probably only edit is to cut down the first section discussing how Dennis is not objective based on his prior acknowledgement of what a good job Strand did already.

Let me know your thoughts. Also - I am planning to meet with the Mayor and Dennis specifically about the selection committee and the interviewing of the final 2-3 firms. That is consistent with our discussion. I am taking with me Walter Ruppman and Brian Fischer to have "concerned citizens" present and not just landowners.

Let me know your thoughts.

Best regards,

Case Pudik

Principal

Pudik, Inc.

Cell: 309-648-4607

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Valeri Brod

From: John Blundy
Sent: Thursday, August 5, 2021 2:59 PM
To: Case Pudik
Subject: Re: Meeting on Friday

Hi Case,

I'm not available tomorrow evening. Let me know if there's another date/time.

Thanks,
John

From: Case Pudik <cpudik@pudik.com>
Sent: Thursday, August 5, 2021 10:15:31 AM
To: Brett Adams; Lilija Stevens; Todd Yoder; Daniel Cobb; John Blundy
Subject: Meeting on Friday

Would any of you be interested in attending a citizen meeting on Friday night (tomorrow) at 6:30?

Best regards,

Case Pudik
Principal
Pudik, Inc.
Cell: 309-648-4607

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Valeri Brod

From: Case Pudik <cpudik@pudik.com>
Sent: Friday, July 9, 2021 9:19 AM
To: John Blundy
Subject: Re: Alternative for Consideration

John,

Thank you for being an engaged and concerned alderperson. Looking forward to our meeting on Monday. Have to see the agenda first though to be sure.

Best regards,

Case Pudik
Principal
Pudik, Inc.
Cell: 309-648-4607

From: John Blundy <jblundy@ci.washington.il.us>
Sent: Friday, July 9, 2021 9:17 AM
To: Case Pudik <cpudik@pudik.com>
Subject: Re: Alternative for Consideration

Thanks Case... appreciate all the information and effort you guys are putting into this project.

Thanks,
John

From: Case Pudik <cpudik@pudik.com>
Sent: Friday, July 9, 2021 8:51:08 AM
To: Liliya Stevens; Brett Adams; Todd Yoder; John Blundy; Daniel Cobb
Subject: Alternative for Consideration

Hello everyone,

The landowners look forward to our meeting with the City Council on Monday night. What we present will be very similar to what I have shared with all of you regarding this project but will stay positive, substantive and provide common sense arguments for why the City should look analyze all options to find the best option on a project that will cost millions of dollars.

The landowners continue to believe that the long-term, best option for the City is to stay out of Farm Creek. As you have read and will see again on Monday, Farm Creek has been the cause of many problems and will continue to be - both in construction and long-term maintenance. Thus, our advocacy for staying out of it.

Our work has uncovered the design flexibility for this project on the North side of the tracks - there are many options for consideration. And amongst those many options, there appears to be a winner (L-1 and L-2 attached) for everyone. It still involves crossing Farm Creek, but only 2 times vs the 6 for Plan B. It provides the following improvements over the current Plan B option:

- Creek crossings (2 vs 6) - important in construction, future maintenance (of trunkline and crossing infrastructure of creek) and access during critical failure times (flooding)
- Railroad crossings (2 vs 4) on L-1; No tributary sewers extend South of Farm Creek or the RR
- Has the potential to eliminate any and all pump stations - timber rail grinder pump (part of Plan B), STP-2 (\$2.8M in cost)
- Wetlands disruption (permitting, maintenance improvement)
- Linear feet through floodplains (maintenance risk improvement)
- Manhole depths are better than Plan B (a concern aired by Dennis Carr)
- Uses open spaces/pasture to minimize impact to environmental assets which leads to smaller easements needed (also think of land recovery within 1-2 years)
- Avoids the main topography changes at Timber Rail and Cummings
- Less jack and bore construction methods due to topography/creek avoidance
- More access points at STP-1, Bayberry, Timber Rail, Cummings and STP-2 vs only the (2) at STP-1 and STP-2 for Plan B
- We believe it could bring the sewer line in at grade level at STP-2 to eliminate the pump station, but that needs to be proven out

All of the items listed above result in cost reduction for the project construction and the City's long-term maintenance. The exact amount will have to be quantified in analysis and final engineering. But it is obvious to everyone that these are all fact-based cost reductions - we think it may be the most cost-effective solution of all options (Plan B, D-1, E-3). I know that the three landowners would support this solution and it seems like a compromise solution that should get everyone (landowners, homeowners, City, agencies) in support. I would think this is a less offensive solution to homeowners on the North Side vs D-1 and E-3.

I'm sharing this with you to further support why the North side needs to be analyzed. Because this solution crosses Farm Creek, we will not be showing it on Monday - we remain confident that the City should not cross Farm Creek at all. However, this solution can be your idea. We don't need the credit. This is a solution that meets the low criteria (minimizing) set by Strand for this project and still significantly beats the Plan B they want to pursue. While we don't think it sets the bar high enough, it is still a much-improved solution over the desired Plan B option.

The North Side allows for so many more ways to put a winning route together. The South Side has only one and it is very expensive - the Mayor told Troy and City Attorney Braskich at the June 21st meeting the project cost is currently between \$16-\$24M.

Feel free to reach out to me this weekend with questions.

Best regards,

Case Pudik

Principal

Pudik, Inc.

Cell: 309-648-4607

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Jim Snider

From: Valeri Brod
Sent: Wednesday, November 15, 2023 2:36 PM
To: City Council
Cc: Jim Snider
Subject: Additional FOIA Information Needed

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon, all.

Per guidance from the Attorney General's office, I am requesting the following:

Please perform a search of every communication via phone(calls and texts) or email or post between **you** and a member of the Pudik family (or Goat Springs LLC) between January 2018 and November 2023. This includes any personal email addresses, phones, social media accounts or online information sharing services. Please provide me with all responsive files by 8:00 a.m., Monday, November 20, 2023.

Thank you for your time.

Valeri Brod

City Clerk, FOIA/OMA Officer, City Collector, Glendale Cemetery Administration

301 Walnut Street, Washington, IL 61571

P: 309-444-1137 / F: 309-444-9779

vbrod@ci.washington.il.us

www.ci.washington.il.us



NOTICE: E-mail to or from city staff may be subject to disclosure pursuant to the Illinois Freedom of Information Act.

FOIA #1431 – Response Tracking - Supplement

Message between City Council with anyone named “Pudik” or “Goat Springs” between the dates of January 1, 2018 and ~~November 1, 2023~~ request date of October 9, 2023.

	To/From	Replied personally
1	badams@ci.washington.il.us	Responded: I did receive on Monday a text from Case Pudik but deleted it before this request came out. I know it came to Jamie too and she said she provided a copy. I will be forwarding any city related texts to my city email moving forward so there is a record. Thank you. Screen grabs provided.
2	jblundy@ci.washington.il.us	Responded: I am not able to find any communications made on my personal device to a Pudik or Goat Springs that were sent or forwarded to a majority of a quorum of the City Council. Have a nice weekend. Thanks,
3	mbrownfield@ci.washington.il.us	Responded: I have no additional communications with the Pudik's then what I have provided.
4	bbutler@ci.washington.il.us	Responded: To the best of my recollection, I received an unsolicited only one email on my City email address from Troy N. Pudik on the following date: July 1, 2021 (1). I did not reply to this and I did not share or discuss this with any other Council members. IT360 can verify this. To the best of my recollection, I received unsolicited emails on my City email address from Case Pudik on the following dates: July 6, 2021, September 3, 2021 (2), August 7, 2023 (2), August 8, 2023, August 13, 2023 (2), August 30, 2023 (2), September 11, 2023 (2), September 25, 2023, September 29, 2023, October 9, 2023 (3), October 10, 2023, October 11, 2023 I did not reply to any of these and I did not share or discuss these with any other Council members. IT360 can verify this. I have never initiated any email on my City address to any member of the Pudik Family. IT360 can verify this. I have never received a single email or initiated a single email to any member of the Pudik Family at any time from my personal email address(es). I have never received any text messages or initiated any text messages from or to any member of the Pudik Family at any time from any phone numbers, including my personal cell phone. I have never communicated at any time with any member of the Pudik Family through any social media account. I have never communicated at any time with any member of the Pudik Family through any online information sharing services.
5	bmartin@ci.washington.il.us	Responded: Verbally asked for clarification but feels he does not have anything that would qualify as a responsive document.
6	mmcintyre@ci.washington.il.us	Denied response stating: <i>“May you please explain to what portion of OMA, or FOIA the Attorney General office is quoting in their legal request for access to any of my personal communications between any third party that may or may not include business related to the city. I am concerned that my personal privacy is being violated and would ask for legal representation and explanation from our legal counsel on this matter. I am not confirming or denying any communication, but this appears to be witch hunt for information that is not FOIA able information. I consider this request to burdensome and am refusing to give any access to my personal phone, phone calls, text messages, personal email, personal Facebook, personal snap chat, personal LinkedIn, personal instagram for conversations between me and any citizen, non citizen, friend, family member, employee or employer. Please let me know if I need to come in to discuss this or have a meeting with legal. I apologize as I am not trying to kill the messenger I just feel like this is a violation of my personal privacy act of intimidation that I am forced to send this response.”</i>
7	jsmith@ci.washington.il.us	Responded: I received a group text from Case Pudik on Monday @9:46 am to Brett Adams and myself. “Good morning. I'd like to share an important detail regarding the Pudik property where Route B Trunkline location is planned. Our property was acquired via two separate transactions from two separate landowners. In 1985, Jack Pudik purchased the property that had an existing Trunkline easement on it from the Essigs. In 1988/1989, Jack Pudik purchased 40 acres of property West of the property mentioned above from Leman. It neighbors Sam Millers property line. That property has never had an easement for the Trunkline on it. While we may own it that is a new easement for that parcel. It is currently marked at the property line with metal stakes that are painted purple on top of them. That also happens to be our most highly rated oak/hickory timber and the highest elevations in the Trunkline pathway.” Sharing so you know the facts.
8	istevens@ci.washington.il.us	Responded: I have no additional records to provide for the FOIA request received October 9th.
9	t.yoder@ci.washington.il.us	No longer with the City.
10	ddingledine@ci.washington.il.us	No longer with the City.
11	kschone@ci.washington.il.us	No longer with the City.
12	dcobb@ci.washington.il.us	No longer with the City.
13	rblack@ci.washington.il.us	No longer with the City.

Updated 11/20/23