

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

March 17, 2021



Iseminger & Associates, Inc.
877-337-7379

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2 **EAST CHICAGO WATERWAY MANAGEMENT**
3 **DISTRICT BOARD OF DIRECTORS' MEETING**

4
5 **City of East Chicago, Engineering/Annex Building**
6 **4444 Railroad Avenue**
7 **East Chicago, Indiana**
8 **Via Zoom/Telephonic Conference**

9
10 **March 17, 2021**
11 **Wednesday, 5:00 p.m.**

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15 **Transcript of the proceedings had in the**
16 **above-entitled matter, on the 17th day of March,**
17 **2021, at 5:00 p.m., at the City of East Chicago,**
18 **Engineering/Annex Building, 4444 Railroad Avenue,**
19 **East Chicago, Indiana, via Zoom/Telephone Conference**
20 **before Pamela C. Mokrzycki, Certified Shorthand**
21 **Reporter and Notary Public for the County of Porter,**
22 **State of Indiana.**

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24 **ISEMINGER & ASSOCIATES, INC.**
25 **(877) 337-7379**

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A P P E A R A N C E S :

- MR. JOHN FEKETE, President
- MR. KEVIN DOYLE, Vice President
- MR. RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer
- MR. HENRY RODRIGUEZ, Board Member
- MR. JOHN BAKOTA, Board Member
- MR. FERNANDO TREVINO, FMT Consulting
- MS. ELLEN GREGORY, East Chicago Waterway Board of Directors' Attorney

ALSO PRESENT:

- DAVID ALONZO, BMO Harris Bank
- TIM ANDERSON, Clifton/Larson/Allen

* * * * *

1 MR. FEKETE: Pam, the first thing
2 that we will do is call the meeting to
3 order. And the first order of business
4 is the roll call. So you will get all of
5 the --

6 COURT STENOGRAPHER: Okay. I am
7 having a hard time hearing you. Let me
8 turn my volume all the way up.

9 MR. FEKETE: Okay.

10 COURT STENOGRAPHER: All right, my
11 volume is all the way up.

12 MR. FEKETE: Is that any better?

13 COURT STENOGRAPHER: A little.

14 A VOICE: Yeah, for whatever
15 reason, John, you are muffled.

16 COURT STENOGRAPHER: Yes.

17 (Brief off-the-record discussion
18 had in the proceedings.)

19 MS. GREGORY: I am not seeing
20 anybody waiting.

21 A VOICE: You what?

22 A VOICE: Kevin Doyle texted me
23 and said that he got kicked off or
24 something.

25 MR. DOYLE: Okay. I'm back.

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1 That was scary.

2 COURT STENOGRAPHER: Okay. I just
3 wanted to make sure that I have got
4 everybody. Okay.

5 John, whenever you are ready.
6 sorry.

7 MR. FEKETE: Yeah. Ready. Let's
8 get started. I would like to call to
9 order the East Chicago Waterway
10 Management District Board of
11 Director's Meeting. Today's date
12 is March 17th, and the time is 5:02.

13 The first order of business is
14 roll call.

15 John Bakota?

16 MR. BAKOTA: Here.

17 MR. FEKETE: Henry Rodriguez?

18 MR. RODRIGUEZ: Here.

19 MR. FEKETE: Patrick Rodriguez?

20 (No response.)

21 MR. FEKETE: Pat Zagar?

22 (No response.)

23 MR. FEKETE: Kevin Doyle?

24 MR. DOYLE: Here.

25 MR. FEKETE: Ray Lopez?

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1 MR. LOPEZ: Here.

2 MR. FEKETE: John Fekete?

3 Here. We have a forum.

4 Next order of business is the
5 Executive Director's Report, Mr. Trevino.

6 MR. TREVINO: Yes, Fernando
7 Trevino, with FMT Consulting. I would
8 like to start out by going over the
9 contents of your board packet.

10 COURT STENOGRAPHER: I'm sorry,
11 your board packet? You are going to
12 have to slow down a little bit.

13 I'm sorry.

14 MR. TREVINO: Yeah, I will start
15 by going over the contents of the board
16 packet. It includes the agenda for
17 today's board meeting. A -- Um -- The
18 meeting notice that went out for today's
19 meeting. The board minutes for last
20 month's board meeting which was
21 February 17th, 2017, of course.

22 You have a copy of the claim
23 docket for today's board meeting.
24 Including a copy of the checklist, a
25 copy of the checks, a copy of the

1 purchase orders.

2 Also, you have a copy of First
3 Merchants Bank statement ending in 608
4 along with the copies of the checks that
5 were executed in the month of February.
6 And, again, that's for the account
7 ending in 608 for the month of February.
8 We also have First Merchants Bank
9 statement for account ending in 616
10 for the month of February.

11 COURT STENOGRAPHER: I'm sorry, in
12 666?

13 MR. TREVINO: 616.

14 COURT STENOGRAPHER: I was going
15 to say, that's a bad account number.

16 (Everyone laughing out loud.)

17 MR. TREVINO: Yeah. And then
18 you have a First Merchants Bank account
19 information for the 20-month -- 21-month
20 CD for the account ending in 515 and
21 the run date of that report is March 15th,
22 2021.

23 You have the ECI facility trust
24 report from BMO Harris Bank for the
25 month of February.

1 You have Attorney Ellen Gregory's
2 report to the board with a revision date
3 of March 16th.

4 You also have a copy of the Army
5 Corps of Engineers report to the board
6 dated March 17th, 2021.

7 You have two appraisal reports
8 that are affiliated with the Westshore
9 and NIPSCO easement and lease property
10 request. And one report is from Vale
11 Appraisal Group and that report date is
12 March 9th.

13 COURT STENOGRAPHER: I'm sorry,
14 from what group?

15 MR. TREVINO: Vale, V-a-l-e,
16 Vale Appraisal Group. And that report
17 date is March 9th. And then you have
18 the Skip Appraisal report and that
19 appraisal report date is March 11th and
20 that is by the American Valuation
21 Appraisal Services.

22 And you have a letter from BP
23 Pipelines dated February 22nd, 2021,
24 request for consent to assignment of a
25 right-of-way. So I will be reviewing

1 that with Attorney Weiser Allen and we --
2 I expect to have a recommendation at the
3 April Board meeting.

4 So that concludes the items in
5 your board packet. I will give you a
6 quick report.

7 As I mentioned at the top of
8 today's meeting notice in the board
9 packet, I also mentioned that the
10 appraisals report for the Westshore/
11 NIPSCO easement properties are complete.
12 The reports have been reviewed by
13 Attorney Weiser and I anticipate having
14 the easement and lease agreements
15 affiliated with this prepared in time
16 for the April Board meeting.

17 Regarding budget and finances the
18 trust and non-trust fund related to the
19 2021 budget have been transferred to the
20 '20 -- to the operating budget account.
21 The transfers are reflected in the First
22 Merchants and BMO Bank statements, as well
23 as the Clifton/Larson/Allen financial
24 statements. And the annual state board
25 of account gateway annual financial

1 report was filed last month on February
2 26th. And, Tim, perhaps you could elaborate
3 on that during your report, if you don't
4 mind.

5 The 2021 user fee I am working on.
6 The 2021 user fee invoices and packages,
7 I am hoping to have those submitted
8 sometime in April.

9 Regarding the Great Lakes Legacy
10 Act Project --

11 COURT STENOGRAPHER: Legacy Acts
12 Project?

13 MR. TREVINO: Great Lakes Legacy
14 Act, A-c-t, Project.

15 COURT STENOGRAPHER: Okay.

16 MR. TREVINO: The Great Lakes Legacy
17 Act Project. I'll start by summarizing
18 the Lake George canal middle and east
19 remediation. And the middle -- uh --
20 m-i-d-d-l-e, by the way, because Dawn
21 had some question about that spelling.

22 COURT STENOGRAPHER: Okay.

23 MR. TREVINO: The south tank farm
24 sheet pile wall design is ongoing.

25 COURT STENOGRAPHER: I'm sorry,

1 the tank farm sheet --

2 MR. TREVINO: The south tank farm
3 sheet pile wall design is ongoing.

4 COURT STENOGRAPHER: Okay.

5 MR. TREVINO: BP sent a memo on
6 Friday, March 12th that summarizes the
7 cost for development features for the
8 south tank farm.

9 Phase one, dredging of the Lake
10 George canal east was completed on
11 December 13th. Lake George canal middle
12 cat design is ongoing. The Army Corps
13 submitted the ninety percent design
14 package a couple weeks ago for team
15 review. And comments are due at the
16 end of this week. The project team is
17 working on an access agreement for this
18 section of the Lake George canal. And
19 the west tank farm and south tank farm
20 pipeline removal work is expected to
21 recommence in June of this year. I have
22 been working on the 2020 year-end work
23 in-kind report.

24 Tim, I plan to send you an email
25 either today or tomorrow, you know,

1 we go through that annual process for
2 calculating the indirect rate and so
3 that information that you need I plan to
4 send that to you either today or tomorrow.
5 And then as soon as I get the indirect
6 rate done or as soon as Tim gets that rate
7 calculated and done we will be able to
8 send a draft report to BP for review and
9 then after they review it we will formally
10 submit it to BP.

11 The project team continues to work
12 towards modification of the project
13 agreement.

14 COURT STENOGRAPHER: I'm sorry,
15 the project -- I am kind of getting an
16 echo, Fernando. The project team tends
17 to work.

18 MR. TREVINO: The project team
19 continues to work on the -- We are working
20 to incorporate the remedial design for
21 the Grand Cal' River Reaches and the
22 fourth project agreement modification.
23 I will be working with Tetra Tech to get
24 a proposal to finish the remedial design
25 and the necessary permitting for the

1 Grand Cal' River Reaches. You might
2 recall that Tetra Tech was the
3 engineering firm that performed the
4 remedial investigation of feasibility
5 study at the remedial design for the
6 district a few years ago. For the
7 waterways in East Chicago. So there
8 are costs and scheduled --

9 COURT STENOGRAPHER: I'm sorry,
10 Fernando. So the -- I'm having a hard
11 time. You were breaking up there a
12 little bit.

13 MR. TREVINO: So there are costs
14 and scheduled efficiencies for continuing
15 to use Tetra Tech to finish the design
16 work. Once we get a more thorough
17 proposal we may have to modify the 2021
18 budget line item for this work. The
19 current place holder amount in our 2021
20 budget for this is \$50,000.

21 The next remediation of the
22 Indiana Harbor Ship Canal and Grand Cal'
23 River we continue to have conversations
24 with EPA on preparing a new project
25 agreement for the remediation of this

1 area.

2 Regarding the BP turn sheet
3 agreement for parcels that BP is
4 interested in acquiring. We sent an
5 outline of the agreement for BP's review.
6 Attorney Weiser is working on a checklist
7 necessary to transfer these parcels.
8 One of the checklist items includes a
9 legal opinion from Attorney Weiser that
10 the district is legally able to own and
11 sell parcels located in Hammond. Another
12 item on this checklist is that we need to
13 have at least two appraisals for these
14 parcels so we are working to get proposals
15 and engagement letters with two different
16 appraisal companies. And we can -- we
17 hope to have those done for the April
18 Board meeting.

19 Regarding the Canal Street Bridge
20 Project, the remedy design is ongoing,
21 but in the meantime the Great Lakes
22 Legacy Project team is exploring
23 performing this project under the Great
24 Lakes Legacy Act. And so we will
25 continue to update the board on this

1 possibility.

2 Regarding the Army Corps of
3 Engineers dredging project update, the
4 Corps -- um -- the Corps -- the Corps
5 board report is in your packet and we
6 are continuing to work through the
7 amendment of the PCA.

8 That concludes the items in my
9 report.

10 Pam, are we okay?

11 COURT STENOGRAPHER: Yes. Thank
12 you.

13 MR. FEKETE: Any questions for
14 Mr. Trevino?

15 (No response.)

16 MR. FEKETE: Hearing none.

17 The next order of business is
18 approval of the board minutes for our
19 last meeting, February 17th, 2021.

20 MR. LOPEZ: Okay. I make a
21 motion to approve.

22 MR. FEKETE: Was that Ray?

23 MR. LOPEZ: Yes.

24 MR. DOYLE: Second.

25 MR. FEKETE: When you make a

1 second, say your name for yourself -- or
2 for Pam. Okay?

3 MR. DOYLE: Okay.

4 MR. FEKETE: Okay. Ray had made
5 the motion. Who made the second?

6 MR. DOYLE: Kevin.

7 MR. FEKETE: Kevin. Okay. We
8 will call to order. We will make it
9 a roll call vote.

10 John Bakota?

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Henry Rodriguez?

13 MR. RODRIGUEZ: Yes.

14 MR. FEKETE: Patrick Rodriguez?

15 (No response.)

16 MR. FEKETE: Pat Zagar?

17 (No response.)

18 MR. FEKETE: Kevin Doyle?

19 MR. DOYLE: Yes.

20 MR. FEKETE: Ray Lopez?

21 MR. LOPEZ: Yes.

22 MR. FEKETE: John Fekete?

23 John Fekete, I vote yes. That motion
24 is approved.

25 The next order of business is the

1 accountant consultant report, Mr. Tim
2 Anderson.

3 MR. ANDERSON: Hi guys. Could
4 everybody hear me?

5 COURT STENOGRAPHER: Yes.

6 MR. FEKETE: Yes.

7 MR. LOPEZ: Yes.

8 MR. ANDERSON: Pam, I am going
9 to do this in latin. Is that okay?

10 (Everyone laughing out loud.)

11 COURT STENOGRAPHER: Wait, I
12 think I can't hear you. Excuse me?

13 Excuse me?

14 MR. ANDERSON: All right. I will
15 try to talk as fast as I can.

16 (Everyone laughing out loud.)

17 COURT STENOGRAPHER: Thank you.

18 MR. ANDERSON: So our report is
19 in your packet. The financial statements
20 as of February 28th, so these financials
21 are through the first two months of
22 operation. The page number two has our
23 cash receipts and cash disbursements
24 detailed. Basically, the cash receipts
25 for the first two months are the transfer

1 from the trust for our budget. That was
2 \$250,000. That's showing as a cash receipt
3 and, also, some interest income that we
4 earned. The disbursements are detailed
5 on that statement. We spent \$80,559.00
6 in the first two months. So our cash
7 balances have increased \$171,000.00
8 since the beginning of the year. So
9 at the beginning of the year we had
10 3.9 million roughly in cash. And at
11 the end of February we have \$4,082,000.00
12 in our cash accounts. Page three of the
13 report shows the -- all the debits and
14 credits in those two accounts, nothing
15 new on it, but it shows you all the
16 workings of the account. Both of the
17 accounts. Page four is the important
18 page. That shows how much budget that
19 we have left. And it will roughly
20 equate the balance in our operating
21 checking account. So after we pay the
22 claims docket today we will have an
23 unused budget of \$1,597,000.00. So
24 we have spent 80 of our budget
25 through February and then we have --

1 we have a claims docket before you today
2 for -- (inaudible) 748.

3 COURT STENOGRAPHER: I'm sorry, you
4 broke up. A claims budget for --

5 MR. ANDERSON: We have a claims
6 docket today of \$37,748.

7 COURT STENOGRAPHER: Thank you.

8 MR. ANDERSON: And so we watch
9 very closely all the line items to make
10 sure that we don't exceed our budget in
11 any one category. And we haven't. And
12 we never have. So does anybody have any
13 questions on the reports?

14 MR. LOPEZ: Tim.

15 MR. ANDERSON: Yes.

16 MR. LOPEZ: Ray Lopez. Not on
17 this report, but we turned a report in
18 last month and Tuesday I got an email
19 from Gateway saying that they did not
20 receive our annual verification.

21 MR. ANDERSON: Well, that doesn't
22 sound good. Does it?

23 MR. LOPEZ: I know, I mean, I
24 thought we did everything right.

25 MR. ANDERSON: You know, it used

1 to be that you signed it on paper and
2 mailed that in, but I thought that they
3 did away with that procedure. So do you
4 mind forwarding me that email, Ray?

5 MR. LOPEZ: Okay. I will.

6 MR. ANDERSON: And I will take a
7 look at it.

8 MR. TREVINO: Yeah, I saved a copy
9 of the report we filed.

10 MR. ANDERSON: Yeah, we filed.

11 MR. LOPEZ: Okay. Well, what they
12 are asking for is bonds, insurance, loans,
13 rental property. We don't have any of
14 this stuff.

15 MR. ANDERSON: No. No, I would
16 really like to see what they sent you.
17 I don't know why they wouldn't send
18 me a copy of it.

19 MR. LOPEZ: Yeah, I will --

20 MR. ANDERSON: I am the preparer
21 of it.

22 MR. LOPEZ: Well, I didn't take
23 notice of it right away because I thought
24 that they would have probably sent you a
25 copy, too.

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1 MR. ANDERSON: No.

2 MR. LOPEZ: That was Tuesday.

3 MR. ANDERSON: No, I am sure it's
4 no big deal. We'll -- I'll take care of
5 it. They have us fill out a lot of forms
6 that have zeros on them.

7 MR. LOPEZ: Okay.

8 MR. ANDERSON: Just because every
9 special district in the state has to file
10 the same forms, but, you know, we are
11 very unique in that that we don't have
12 any employees, and we don't do bonding.
13 And so a lot of that -- a lot of those
14 things aren't applicable, but we certainly
15 want to stay in compliance though. So
16 if they sent you something that we need
17 to file we will get it done.

18 MR. LOPEZ: All right. All right.
19 Thank you.

20 MR. ANDERSON: Okay. That is all
21 that I have, Mr. Chairman.

22 MR. FEKETE: Okay. Thank you.

23 The next order of business is the
24 approval consideration for the accounts
25 payable voucher dated March 17th, 2021.

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1 I will entertain a motion to approve.

2 MR. DOYLE: Motion to approve.

3 MR. FEKETE: Kevin. Do I have a
4 second?

5 MR. BAKOTA: Second. Bakota.

6 MR. FEKETE: Okay. Roll call.
7 John Bakota?

8 MR. BAKOTA: Yes.

9 MR. FEKETE: Henry Rodriguez?

10 MR. RODRIGUEZ: Yes.

11 MR. FEKETE: Patrick Rodriguez?

12 (No response.)

13 MR. FEKETE: Pat Zagar?

14 (No response.)

15 MR. FEKETE: Kevin Doyle?

16 MR. DOYLE: Yes.

17 MR. FEKETE: Ray Lopez?

18 MR. LOPEZ: Yes.

19 MR. FEKETE: John Fekete?

20 John Fekete, I vote yes. Okay.

21 That motion is approved.

22 Moving on to the next order of
23 business is the BMO Harris Bank Trust
24 Report. Mr. Alonzo.

25 MR. ALONZO: Yes, David Alonzo,

1 BMO Harris Bank. I am going to run
2 through the trust report. So what these
3 go through our normal monthly -- I mean,
4 our chart will go through the historical
5 values of the trust account. Page two
6 goes through, again, more detail of the
7 ending value for each year. And then
8 on the right-hand column it will show
9 the values of what we withdrew each year.
10 Page three really gives us the main part
11 of the numbers here. So the value of
12 the trust as of February 28th was
13 \$4,390,797.00. Last month we had a
14 budget came out of the \$250,013.00.
15 And there was also a deposit of
16 \$66,309.00 into the money market account
17 which left us a net difference from
18 the end of January to the end of February
19 of negative \$183,657.00. Of course,
20 because of the withdrawal for the budget.
21 We don't really have anything coming
22 due here in the next couple months, but
23 we do have one in -- one CD coming due
24 in July. The rates right now are
25 miserable and not good right now.

1 But we will see what happens in a couple
2 months, but we do have the two and-a-half
3 million dollar CD that will come due on
4 July 25th. So we probably will want to
5 discuss that (gesturing) around the June
6 investment committee meeting. But other
7 than that are there any questions out
8 there?

9 MR. LOPEZ: No.

10 MR. TREVINO: Fernando.

11 COURT STENOGRAPHER: Okay.

12 MR. TREVINO: There is a balance
13 -- What is the balance of the money
14 market, because I thought -- maybe I
15 misheard, but I thought that you said
16 that there was a negative balance in
17 the money market.

18 MR. ALONZO: No, so there was a
19 negative -- the total value of the trust
20 was down \$183,657.00 from the end of
21 July to --

22 MR. TREVINO: Okay.

23 MR. ALONZO: I'm sorry, the end of
24 January until the end of February. The
25 current balance in the money market is

1 \$690,797. So we are making a little bit
2 more than what we typically do, but --

3 MR. TREVINO: Okay.

4 MR. ALONZO: Go ahead.

5 (No response.)

6 MR. ALONZO: I'm sorry, I thought
7 somebody said something. But when that
8 CD comes due in July we can always take
9 some of the excess money from the money
10 market and merge that into a CD.

11 COURT STENOGRAPHER: I'm sorry, was
12 somebody else talking because I heard a
13 noise. I'm sorry, go ahead, David.

14 MR. ALONZO: But, no. Does that
15 answer your question, Fernando?

16 MR. TREVINO: Yes, yes, because I
17 just wanted to make sure.

18 MR. ALONZO: Okay.

19 MR. TREVINO: I didn't -- I -- I
20 must have misheard, I thought that you said
21 there was a negative balance of the money
22 market, but you were saying there is a net
23 -- the net difference is the negative.

24 MR. ALONZO: Yes, the net difference
25 from the end of January to until the end of

1 February. And that negative is due to
2 the withdrawal from -- for the budget.

3 MR. TREVINO: Right.

4 MR. FEKETE: Okay. Are there any
5 other --

6 MR. ALONZO: That's all that I
7 have unless there any other questions.

8 (No response.)

9 MR. FEKETE: Any other questions for
10 Mr. Alonzo?

11 Thank you, David.

12 MR. ALONZO: Yep.

13 MR. FEKETE: And the next order of
14 business --

15 COURT STENOGRAPHER: Speak up a
16 little, John, please. The next order of
17 business --

18 MR. FEKETE: What?

19 COURT STENOGRAPHER: You have to
20 speak up a little bit. The next order of
21 business --

22 MR. FEKETE: The next order of
23 business is the Ellen Gregory report.

24 MS. GREGORY: Yes, Ellen Gregory
25 with Ellen Gregory Law.

1 In addition to a couple of things
2 that Fernando had mentioned, we continue
3 to do work on the amendments to the PCA,
4 the version that was routed to Corps
5 headquarters and headquarters has
6 requested that the attorney at the
7 Chicago district, Kevin Jerbi, redo the
8 revisions in a different format. Todd
9 Rele at Plews Shadley is coordinating
10 with the attorney at the -- um -- division
11 -- at the Corps district office, sorry,
12 to make sure that the new format is
13 consistent with the previous version that
14 was approved by the board.

15 The property transfer matter is
16 ongoing with Jim Weiser helping out with
17 the real estate legal matters. We
18 continue to have periodic calls with
19 BP to keep this work proceeding in a
20 timely manner.

21 We are also continuing to have
22 periodic calls regarding the RICRA
23 close out for various non CDF parcels.
24 Those calls include representatives
25 from EPA, IDEM, BP, and the Corps.

1 And that is all that I have.

2 MR. FEKETE: Any questions for
3 Ms. Gregory?

4 (No response.)

5 MR. FEKETE: Thank you. It's not
6 on the agenda, but we do have in our
7 board package and, Fernando, could you
8 kind of summarize the U.S. Army Corps
9 project report.

10 COURT STENOGRAPHER: Could you
11 summarize the Army Corps report?

12 MR. FEKETE: The U.S. Army Corps
13 project report.

14 MR. TREVINO: Sure. Let me get to
15 that.

16 (Brief pause had in the proceedings.)

17 MR. TREVINO: Sorry, I am trying to
18 find it. Okay. There it is. Okay.

19 So regarding the CDF construction
20 facility and dredging operation plans
21 the contractor has shut down dredging
22 operation and suspended water treatment
23 for the season. Water treatment will
24 resume in the spring. Phase II Dike,
25 dike raise, the contractor is currently

1 preparing their schedule and other
2 submittals for the Corps review.
3 Construction is scheduled to start
4 in the late spring/early summer.

5 COURT STENOGRAPHER: I'm sorry,
6 in the late --

7 MR. TREVINO: Summer.

8 COURT STENOGRAPHER: Sorry, you were
9 braking up.

10 MR. TREVINO: CDF documentation,
11 nothing significant to report regarding
12 oil boom coordination. PCA and non-federal
13 funding the Corps and district have reached
14 an agreement on the PCA commitment and the
15 Corps submitted the PCA amendment package
16 to division on August 27th. The PCA
17 amendment package is currently being
18 revised by the Corps headquarters.

19 Dredging of the Lake George area
20 was completed on December 13th. 23,804
21 cubic yards were removed.

22 Regarding the federal parcel
23 resolution, the Corps real estate staff
24 requested additional information for
25 the Leer, L-e-e-r, credit and received

1 it on July 24th of 2020, and they are
2 currently reviewing the additional
3 information.

4 The parkway improvement construction
5 was completed in April of 2020, and they
6 are working to close out that contract.
7 And that's the summary of Army Corps'
8 report.

9 MR. FEKETE: Okay. Thank you,
10 Fernando. Is there any new business to
11 come before the board?

12 (No response.)

13 MR. FEKETE: Any other business?

14 MR. BAKOTA: John Bakota.

15 Mr. President, I would like to
16 request that our next meeting will be an
17 in-person meeting except for those that
18 don't feel comfortable doing it. I think
19 that most of us have -- I've received both
20 injections already for the virus. And I
21 think many of the board members might have.
22 With the water board that I am on three of
23 us attend, two don't. I mean, I respect
24 their choice not to attend, but I think
25 if we start having in-person attendance,

1 we can probably get back to normal. It's
2 frustrating to go through these damn
3 meetings over and over with this Zoom.
4 We kind of evened it out at the water
5 board meeting where it's more comfortable.
6 And I think we need to start having
7 in-person meetings. I would like the
8 other board members to voice their opinion
9 on it, if you will.

10 MR. FEKETE: Well, we have to also
11 keep in mind that --

12 MR. LOPEZ: Mr. Fekete, I would like
13 to say something.

14 MR. FEKETE: Yeah.

15 MR. LOPEZ: I am on the water board
16 with John and --

17 MR. FEKETE: Yeah.

18 MR. LOPEZ: -- and I had the virus, I
19 haven't had my shots yet. I can't take
20 them until the end of the month. But we
21 have a hard time listening on the phone,
22 and all that. It's very hard, but it's --
23 but I would rather be safe than sorry. I
24 think there are three of us that go by the
25 phone, right, John?

1 MR. BAKOTA: Yeah, there is two
2 of you that -- there's two of you that
3 go by the phone on the water board.
4 Three of us attend the meeting.

5 MR. LOPEZ: Right.

6 MR. BAKOTA: And you --

7 MR. LOPEZ: And we get a lot of
8 phones.

9 MR. BAKOTA: And, you know what, you
10 can say the governor says it, you could say
11 the mayor says it, but it's up to us. I
12 mean, I understand if a person doesn't feel
13 safe doing it, I respect that, but there
14 are members, I think, that will attend. And
15 once we start we could start getting back
16 to normal. Um -- It's frustrating to go
17 through meetings like this. I think --
18 Like I said, we evened it out at the water
19 board meeting. We just have two members
20 that don't attend, and I am sure within a
21 few months they will attend, also.

22 MR. FEKETE: Well, don't forget we
23 have a court reporter, who may or may
24 not be vaccinated. And I am not asking
25 you, Pam.

1 COURT STENOGRAPHER: (Nodding.)

2 MR. FEKETE: But we have Fernando
3 who is younger than all of us, you know.
4 We have David Alonzo who would have to
5 report somehow. And I can't speak for
6 Tim Anderson. There are other people
7 involved other than just the old-timers
8 on the board.

9 MR. BAKOTA: Well, what I am
10 saying is that the people that are able
11 to attend to attend. The rest could
12 attend with Zoom if they want to. Once
13 we start doing it in person we will
14 eventually get back to normal.

15 MR. FEKETE: Well --

16 MR. LOPEZ: Well, you make it sound
17 to give them a chance to come to the
18 meeting. If they wanted to come to the
19 meeting everybody would be saying, "Let's
20 go to the meeting. Let's go to the
21 meeting." Everybody doesn't feel safe
22 yet. I think you got sick and you're okay.
23 I got sick. I still haven't got my shots,
24 but it's bad out there. And people our
25 age are going to be safe than sorry.

1 (Gesturing)

2 MR. TREVINO: Yeah, but Bakota is
3 saying that the folks that don't feel
4 comfortable they can continue to attend
5 via Zoom.

6 MR. BAKOTA: Exactly.

7 MS. GREGORY: From a legal
8 perspective I have been following all
9 of the governor's executive orders. And
10 so, basically, if we have people meeting
11 in person we are going to need to put
12 together, and I am not saying that, you
13 know, that I don't think it's a good idea
14 to do this, I just want to make sure that
15 everybody understands that if we do start
16 having anyone in person we are going to
17 need to put together a plan. And, you
18 know, make sure that all the precautions
19 are taken. I am pretty sure that we don't
20 need to submit the plan to anyone, but I
21 would need to double check and make sure
22 that's the cause since we are a government
23 agency. We want to make sure, you know,
24 that we all do all of documentation and
25 precautions in compliance with the

1 applicable laws.

2 MR. FEKETE: Well, we could do like
3 some of the schools have been doing and
4 have --

5 COURT STENOGRAPHER: I'm sorry, I
6 couldn't hear you, John.

7 MR. FEKETE: We could do like the
8 schools have been doing and doing hybrid
9 meetings.

10 MR. TREVINO: Hybrid being some
11 attend in person and some don't, John?

12 MR. FEKETE: That's right.

13 MR. TREVINO: Yeah. And I think
14 that's what Bakota was suggesting that, you
15 know --

16 MR. BAKOTA: Yeah.

17 MR. TREVINO: The folks that feel
18 comfortable that -- not that it's required
19 to attend in person, but the folks that
20 feel comfortable attending in person can
21 attend in person, and then the others
22 that don't feel comfortable can continue
23 to attend via Zoom form.

24 MR. BAKOTA: Exactly.

25 MR. TREVINO: In the meantime, can you

1 look into what's required and then --

2 MR. RODRIGUEZ: Yeah, and --

3 MR. TREVINO: And, Henry, I cut you
4 off. I'm sorry.

5 MR. RODRIGUEZ: Yeah. Hey, since
6 we rent that room would the owners of the
7 building be comfortable with us being in
8 there?

9 MR. FEKETE: I think that --

10 MS. GREGORY: Well, Linda spends time
11 there already.

12 MR. RODRIGUEZ: Okay. I know he
13 has got his office here, but --

14 MS. GREGORY: He and I have
15 already talked about this and basically
16 the landlord of the building should be,
17 you know, posting precautions for
18 everybody, you know, in the building
19 that have to be complied with. So in
20 addition to putting together our own
21 written plan we need to be coordinating
22 with the landlord to make sure that they
23 are doing everything and we are doing
24 everything.

25 MR. RODRIGUEZ: Yeah, that's what

1 I meant, you know, they have their --
2 their -- uh -- their --

3 MR. TREVINO: Procedures.

4 MR. RODRIGUEZ: Yeah, we need to
5 find out from them what their standards
6 would be, also.

7 MR. TREVINO: All right. Well, I
8 will look into that in the meantime.

9 Ellen, you can kind of look into
10 the checklist that we are required to
11 do by the governor's orders.

12 MS. GREGORY: Right.

13 MR. RODRIGUEZ: They do say that
14 people that have had both shots they can
15 meet without their masks. Medical -- You
16 know, and they say that we can do that if
17 we have had both shots, but still, I
18 wouldn't mind going to a meeting. I would
19 still wear my mask as required, but it's
20 just something that we need to check into.

21 MR. TREVINO: All right. We will
22 look into that.

23 MR. FEKETE: I guess I haven't
24 heard it that way. I heard that you
25 could get together with family members

1 and people that you know that have had
2 vaccinations, but not necessarily going
3 into an open meeting without a mask.

4 MR. RODRIGUEZ: Yeah. Well, I said,
5 different opinions on the two and they say
6 that you can if everybody has been
7 vaccinated with both shots that they can
8 meet without masks on. But I said that
9 I have no issue meeting in person with a
10 mask. I have none.

11 MR. BAKOTA: Well, you know,
12 according to the city ordinance any
13 meeting within the city in person have
14 to be masked. And we do mask at our
15 water board meetings, you know, even
16 though some of us have received both
17 vaccines.

18 MR. FEKETE: Okay.

19 MR. RODRIGUEZ: I guess it's
20 something to look into.

21 MR. TREVINO: Yeah. And Ellen
22 and I can follow up on -- on what is
23 necessary.

24 MR. FEKETE: So we have two follow
25 ups. Fernando is going to check into the

1 building and Ellen is going to check with
2 any required protocols from the state.

3 Okay. Any public comments?

4 (No response.)

5 MR. FEKETE: Okay. Our next board
6 meeting will be April 21, 2021, 5:00 p.m.
7 And it says at the city engineering annex
8 building. Well, we will just have to wait
9 and see how it plays out.

10 MR. TREVINO: Oh, that's probably --
11 I just didn't change it out from prior, so
12 -- Good catch.

13 MR. FEKETE: Okay.

14 MR. TREVINO: (Nodding.)

15 MR. FEKETE: All righty. Well,
16 hearing no other comments, observations,
17 everyone enjoy St. Patrick's Day.

18 (Meeting adjourned.)

19

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C E R T I F I C A T E

I, PAMELA C. MOKRZYCKI, a competent and
duly qualified court stenographer, C.S.R., do hereby
certify that I did report in machine shorthand, the
foregoing proceedings and that my shorthand notes so
taken at said time and place were thereafter reduced
to typewritten transcript under my personal
direction.

I further certify that the foregoing
typewritten transcript constitutes a complete Zoom
record of the said proceedings taken at said time
and place, so ordered to be transcribed.

Dated at Valparaiso, Indiana, this 12th day
of April, 2021.



Pamela C. Mokrzycki
Pamela C. Mokrzycki

District Board of Directors' Meeting

03/17/2021

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