

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' - SPECIAL MEETING

April 28, 2021



Iseminger & Associates, Inc.
877-337-7379

District Board of Directors' - SPECIAL MEETING
04/28/2021

**EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' SPECIAL MEETING**

**City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana
Via Zoom/Telephone Conference**

APRIL 28, 2021

1:00 p.m.

**Transcript of the East Chicago Waterway Management
District Board of Directors' Special Meeting had
in the above-entitled matter on the 28th day of
April, 2021, at 1:00 p.m., via Zoom
Video/Telephone conference, before Dawn M.
Iseminger, RPR, and Notary Public, within and for
the County of Porter, State of Indiana.**

District Board of Directors' - SPECIAL MEETING
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A P P E A R A N C E S

JOHN FEKETE, President

KEVIN DOYLE, Vice President

RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer

HENRY RODRIGUEZ, Secretary

PATRICK RODRIGUEZ, Board Member

JOHN BAKOTA, Board Member

FERNANDO TREVINO, FMT Consulting

ELLEN GREGORY, Ellen Gregory Law

Also Present: Tim Anderson, CliftonLarsonAllen

David Alonzo, BMO Harris Bank

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1 MR. FEKETE: I'd like to call to order the
2 East Chicago Waterway Management District Board of
3 Director's Meeting, and today is a special meeting
4 and has been duly posted. The meeting is being
5 held by Zoom conferencing.

6 Having said all of that, today's date is
7 April 28th and the time is 1:03.

8 The first order of business is the roll
9 call. John Bakota?

10 MR. BAKOTA: Here.

11 MR. FEKETE: Henry Rodriguez?

12 MR. HENRY RODRIGUEZ: Here.

13 MR. FEKETE: Patrick Rodriguez?

14 MR. PATRICK RODRIGUEZ: Here.

15 MR. FEKETE: Ted Zagar?

16 (No response.)

17 MR. FEKETE: Kevin Doyle?

18 MR. DOYLE: Here.

19 MR. FEKETE: Ray Lopez?

20 MR. LOPEZ: Here.

21 MR. FEKETE: John Fekete, here. We do have a
22 quorum.

23 Mr. Trevino, the executive directors'
24 report.

25 MR. TREVINO: I'd like to start off by going

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1 over your board packet. And since we met last
2 week, the contents in this board packet are
3 limited to those affiliated with the action items.
4 So the first one is today's board agenda. Also in
5 your packet is the posting for today's meeting
6 that was sent to the papers and also posted on our
7 website. You have a copy of the March 17th board
8 minutes. You have CliftonLarsonAllen's financial
9 report for the month of March 2021. You have the
10 claim docket along with the purchase orders, and
11 check registers, and the checks for the day's
12 meeting. And the claim docket from last week's
13 meeting is dated March 21 -- I'm sorry,
14 April 21st.

15 You have a copy of the 2021 budget
16 amendment and the accompanying transfer memo to
17 First Merchants affiliated with the budget
18 amendment. You have a copy of a proposal for
19 an appraisal from Burgoyne Appraisal Company
20 dated April 20, 2021. You have a copy of a
21 second appraisal proposal from Access
22 Valuation, which is Nick Telema (phonetic), and
23 that's dated March 23rd, 2021. You have a
24 letter agreement dated April 20th with BP, and
25 that is affiliated with the district being

1 reimbursed for those costs of those two
2 appraisals, and the affiliated attachments are
3 included.

4 You have a copy of the project agreement
5 fourth modification. In your packet is a red
6 line of the recent changes as well as a clean
7 copy.

8 And you have a copy of the safety plan,
9 the COVID-19 safety plan, for the district
10 having hybrid board meetings, which means
11 in-person and video conferencing. So those are
12 the items in your board packet.

13 As I mentioned, the only substantive items
14 on the agenda is the action items and my
15 report, and then an additional action item that
16 was added from last week was the First
17 Merchants transfer memo that is affiliated with
18 the 2021 budget. A summary of the action items
19 include the March 17th board minutes, the 2021
20 budget amendments that's necessary to finance
21 the two appraisals that's on today's agenda,
22 the First Merchants transfer memo affiliated
23 with the budget amendment. There's the two
24 appraisal proposals and letter engagements. A
25 BP letter agreement reimbursing the district

1 for the cost of the two appraisals. Also, the
2 Great Lakes Legacy Act project agreement fourth
3 modification.

4 And also related to the Great Lakes Legacy
5 Act project, we've been working on an access
6 agreement that will allow the project team to
7 access property owned by BP and the district to
8 facilitate the project. We should have that
9 access agreement completed and ready for the
10 May board meeting.

11 And then the last action item is the
12 COVID-19 safety plan.

13 Other updates, I'm working on transmitting
14 the 2021 user fee packets. And also another
15 update related to the user fees; we are working
16 on negotiating and resolving the M & M
17 Management prior years unpaid user fee balance,
18 and we're hoping to have something for the
19 board at the May's board meeting. So that
20 concludes my update.

21 MR. FEKETE: Any questions for Mr. Trevino?

22 (No response.)

23 MR. FEKETE: Thank you very much. Next order
24 of business for consideration is the approval of
25 the March 17, 2021, board minutes, and I'll

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1 entertain a motion to approve.

2 MR. DOYLE: Kevin Doyle. Motion to approve.
3 This is Kevin.

4 MR. FEKETE: Okay. And a second? I need a
5 second.

6 MR. BAKOTA: Second, Bakota.

7 MR. FEKETE: Thank you, John.

8 We'll have a roll call vote. John Bakota?

9 MR. BAKOTA: Yes.

10 MR. FEKETE: Henry Rodriguez?

11 MR. HENRY RODRIGUEZ: Abstain.

12 MR. FEKETE: Patrick Rodriguez?

13 MR. PATRICK RODRIGUEZ: Abstain.

14 MR. FEKETE: Kevin Doyle?

15 MR. DOYLE: Kevin Doyle, yes.

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Here.

18 MR. FEKETE: John Fekete, yes.

19 Okay. The minutes are approved.

20 Fernando, did you want to go over the financial
21 report?

22 MR. TREVINO: Sure. Let me get it back in
23 front of me.

24 MR. FEKETE: It's on Page 47, I think.

25 MR. TREVINO: What's that?

1 MR. FEKETE: It's on Page 47 on my packet.

2 MR. TREVINO: Right. So if you look at
3 Page -- well, let's go to the summarized report.

4 MR. FEKETE: Okay.

5 MR. TREVINO: If you look at Page 2, it
6 summarizes for the three months ending in
7 March 31st, and it's a summary of the receipts
8 broken out by interests and trust transfers. The
9 trust transfer is related to the 2021 budget. And
10 then you have a summary of the disbursements and
11 the different accounts. And then it shows a cash
12 balance as of January 1, 2021, and a cash balance
13 as of March 31, 2021. And then the very bottom
14 shows a breakout of the balance by operating
15 account, user fee account, and the certificates of
16 deposit.

17 Page 3 shows the details between the
18 operating account and the balance as of
19 March 31, 2021, for that account, and then the
20 user fee account, the cash balance January 1st
21 versus the cash balance of March 31st. And
22 then the last item is the certificate of
23 deposit balance as of March 31st.

24 And then Page 4 is kind of the important
25 spreadsheet that shows the 2021 budget and also

1 has a list of the items on the claim docket.
2 And then the very last column on the right is
3 the unused budget, and it shows all of the
4 items that are in, you know, in the black. So
5 there's no negative. So Tim always highlights,
6 that what we have in the claim dockets are
7 sufficient in the budget to pay for those
8 items. And the total amount for the claim
9 docket is \$50,778.54. So that's a summary of
10 the report.

11 MR. FEKETE: Okay. Any questions?

12 (No response.)

13 MR. FEKETE: I'll entertain a motion to
14 approve the claim docket itself.

15 MR. LOPEZ: Motion to approve claim docket.

16 MR. DOYLE: Second, Kevin.

17 MR. FEKETE: And Ray made the motion,
18 correct?

19 MR. TREVINO: Yes.

20 MR. LOPEZ: Yes. Yep.

21 MR. FEKETE: Please mention your name when
22 you make a motion or a second.

23 Okay. Roll call vote. John Bakota?

24 MR. BAKOTA: Yes.

25 MR. FEKETE: Henry Rodriguez?

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1 MR. HENRY RODRIGUEZ: Yes.

2 MR. FEKETE: Patrick Rodriguez?

3 MR. PATRICK RODRIGUEZ: Yes.

4 MR. FEKETE: Ted Zagar?

5 (No response.)

6 MR. FEKETE: Kevin Doyle?

7 MR. DOYLE: Yes.

8 MR. FEKETE: Ray Lopez?

9 MR. LOPEZ: Yes.

10 MR. FEKETE: John Fekete, I vote yes. That
11 motion is approved.

12 The next order of business is the budget
13 amendment for 2021 and Fernando explained that
14 with the additional appraisal work we just
15 found it appropriate to increase the budget to
16 discover any additional expenses.

17 MR. TREVINO: Right. And just real quick,
18 John, if I may, it includes the cost of the two
19 appraisals, and then some contingency in the event
20 there is additional current unforeseen costs
21 affiliated with the appraisal work.

22 MR. FEKETE: Okay. Did you want to show us
23 the line item, or how do you want to do that?

24 MR. TREVINO: If Ellen wants to share, it's
25 Page 86. Ellen?

1 (Document is published.)

2 MR. TREVINO: So the budget line item is
3 listed on Line Item 27, ECI parcel appraisals, and
4 the budget amendment is for \$30,000.

5 MR. FEKETE: So it's a new one. You added
6 one at the end?

7 MR. TREVINO: Right.

8 MR. FEKETE: Okay. Because we had talked
9 earlier on about adding it to an earlier one.

10 MR. TREVINO: Right. It would have gotten a
11 little confusing because some of the other line
12 items have trust dollars in them.

13 MR. FEKETE: Okay.

14 MR. TREVINO: And it would have required
15 reaching out to other stakeholders.

16 MR. FEKETE: Yeah. Line Item 9 and 10, we
17 talked about that once before. But you've added a
18 Line Item No. 27.

19 Okay, entertain a motion to approve the
20 \$30,000.

21 MR. LOPEZ: Motion to approve by Lopez.

22 MR. BAKOTA: Second, Bakota.

23 MR. FEKETE: Okay. We have a motion and a
24 second. We'll have a roll call vote.

25 John Bakota?

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1 MR. BAKOTA: Yes.

2 MR. FEKETE: Henry Rodriguez?

3 MR. HENRY RODRIGUEZ: Yes.

4 MR. FEKETE: Patrick Rodriguez?

5 MR. PATRICK RODRIGUEZ: Yes.

6 MR. FEKETE: Ted Zagar?

7 (No response.)

8 MR. FEKETE: Kevin Doyle?

9 MR. DOYLE: Kevin Doyle, yes.

10 MR. FEKETE: Ray Lopez?

11 MR. LOPEZ: Yes.

12 MR. FEKETE: John Fekete, I vote yes. And
13 that motion is approved.

14 Having done that, we need to approve the
15 First Merchants transfer authorization, a
16 letter of a transfer.

17 MR. TREVINO: Yeah, and that amount is the
18 same as the budget amendment, John. It's for
19 \$30,000 to be transferred from what we've been
20 calling the user fee account ending in 616 to the
21 operating account ending in 608.

22 MR. FEKETE: Okay. I'll entertain a motion
23 to approve.

24 MR. DOYLE: Kevin Doyle, to approve.

25 MR. FEKETE: I heard Kevin and someone else?

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1 MR. HENRY RODRIGUEZ: Yeah. I'll take the
2 second. This is Henry.

3 MR. FEKETE: Okay. Henry will take the
4 second. Okay. Kevin made the motion and Henry
5 seconded it.

6 Okay. Roll call vote. John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Yes.

10 MR. FEKETE: Patrick Rodriguez?

11 MR. PATRICK RODRIGUEZ: Yes.

12 MR. FEKETE: Kevin Doyle?

13 MR. DOYLE: Yes.

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Yes.

16 MR. FEKETE: John Fekete, I vote yes.

17 Okay. We have two appraisal proposals
18 before us. Fernando, were you going to explain
19 the difference between the two and how both of
20 them apply?

21 MR. TREVINO: Sure. So just to kind of give
22 you some background, you might recall that BP had
23 expressed interest in acquiring certain parcels
24 that the district owns, and there are various
25 provisions that are required for that transaction.

1 And one of the steps necessary to make that happen
2 is we need two appraisals, and that's part of the
3 statutory requirements. And that's what we have
4 here, is two appraisals. You know, there's
5 separate action items for each appraisal. We
6 probably could have put them together. But to be
7 safe and conservative, each appraisal has its own
8 approval process. So that's what these two
9 proposal and engagement letters represent. That's
10 part of that process. And then just as a
11 reminder, after we approve the two proposals, the
12 third -- the very next one is the letter agreement
13 with BP to reimburse the district for those costs.

14 MR. FEKETE: Okay. This is not an either/or
15 situation. We need both of them?

16 MR. TREVINO: Right.

17 MR. FEKETE: Okay. So the first one is the
18 Burgoyne appraisal proposal. I'll entertain a
19 motion to approve.

20 MR. HENRY RODRIGUEZ: I make a motion to
21 approve, Henry.

22 MR. FEKETE: Okay. And a second?

23 MR. BAKOTA: Second, Bakota.

24 MR. FEKETE: Okay. John Bakota?

25 MR. BAKOTA: Second.

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1 MR. FEKETE: Okay. Roll call vote.
2 John Bakota?
3 MR. BAKOTA: Yes.
4 MR. FEKETE: Henry Rodriguez?
5 MR. HENRY RODRIGUEZ: Yes.
6 MR. FEKETE: Patrick Rodriguez?
7 MR. PATRICK RODRIGUEZ: Yes.
8 MR. FEKETE: Ted Zagar?
9 (No response.)
10 MR. FEKETE: Kevin Doyle?
11 MR. DOYLE: Kevin Doyle, yes.
12 MR. FEKETE: Ray Lopez?
13 MR. LOPEZ: Yes.
14 MR. FEKETE: John Fekete, I vote yes. Then
15 the second one is the access evaluation appraisal
16 proposal. Entertain a motion to approve.
17 MR. LOPEZ: Motion to approve, Lopez.
18 MR. FEKETE: Okay. And a second?
19 MR. HENRY RODRIGUEZ: Second.
20 MR. DOYLE: Kevin Doyle, second.
21 MR. FEKETE: Okay. Was that Henry?
22 MR. HENRY RODRIGUEZ: Yes, sir.
23 MR. FEKETE: Roll call vote. John Bakota?
24 MR. BAKOTA: Yes.
25 MR. FEKETE: Henry Rodriguez?

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1 MR. HENRY RODRIGUEZ: Yes.
2 MR. FEKETE: Patrick Rodriguez?
3 MR. PATRICK RODRIGUEZ: Yes.
4 MR. FEKETE: Ted Zagar?
5 (No response.)
6 MR. FEKETE: Kevin Doyle?
7 MR. DOYLE: Kevin Doyle, yes.
8 MR. FEKETE: Ray Lopez?
9 MR. LOPEZ: Yes.
10 MR. FEKETE: John Fekete, I vote yes.
11 Thank you very much. And now the approval
12 for the reimbursement agreement letter with BP.
13 Entertain a motion to approve Kevin Doyle.
14 MR. DOYLE: Motion to approve, Kevin.
15 MR. LOPEZ: Lopez seconds.
16 MR. FEKETE: Okay. We'll have a roll call
17 vote on that. John Bakota?
18 MR. BAKOTA: Yes.
19 MR. FEKETE: Henry Rodriguez?
20 MR. HENRY RODRIGUEZ: Yes.
21 MR. FEKETE: Patrick Rodriguez?
22 MR. PATRICK RODRIGUEZ: Yes.
23 MR. FEKETE: Ted Zagar?
24 (No response.)
25 MR. FEKETE: Kevin Doyle?

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1 MR. DOYLE: Yes.

2 MR. FEKETE: Ray Lopez?

3 MR. LOPEZ: Yes.

4 MR. FEKETE: John Fekete, I vote yes.

5 The next item is the approval
6 consideration for the fourth modification to
7 the Great Lakes Legacy Act project agreement.
8 I think we have copies of both the red line
9 version and the clean up-to-date version.

10 Any questions? Any discussion?

11 (No response.)

12 MR. FEKETE: Okay. I'll entertain a motion
13 to approve.

14 MR. BAKOTA: Motion to approve, Bakota.

15 MR. FEKETE: Okay.

16 MR. LOPEZ: Second, Lopez.

17 MR. FEKETE: Okay. I have a motion to
18 approve and a second. Roll call rote.

19 John Bakota?

20 MR. BAKOTA: Yes.

21 MR. FEKETE: Henry Rodriguez?

22 MR. HENRY RODRIGUEZ: Yes.

23 MR. FEKETE: Patrick Rodriguez?

24 MR. PATRICK RODRIGUEZ: Yes.

25 MR. FEKETE: Ted Zagar?

1 (No response.)

2 MR. FEKETE: Kevin Doyle?

3 MR. DOYLE: Kevin Doyle, yes.

4 MR. FEKETE: Ray Lopez?

5 MR. LOPEZ: Yes.

6 MR. FEKETE: John Fekete, I vote yes.

7 And then the last item for approval
8 consideration is our COVID-19 safety plan. Is
9 there any discussion on that?

10 (No response.)

11 MR. FEKETE: Hearing none, I'll entertain a
12 motion to approve.

13 MR. BAKOTA: Motion to approve, Bakota.

14 MR. FEKETE: Okay. Do I have a second?

15 MR. HENRY RODRIGUEZ: Second, Henry.

16 MR. FEKETE: Okay. We'll have a roll call
17 vote.

18 John Bakota?

19 MR. BAKOTA: Yes.

20 MR. FEKETE: Henry Rodriguez?

21 MR. HENRY RODRIGUEZ: Yes.

22 MR. FEKETE: Patrick Rodriguez?

23 MR. PATRICK RODRIGUEZ: Yes.

24 MR. FEKETE: Ted Zagar?

25 (No response.)

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1 MR. FEKETE: Kevin Doyle? Kevin?

2 MR. DOYLE: Kevin Doyle, yeah, I can't hear
3 you. What did you say?

4 MR. FEKETE: Did you say -- did I hear your
5 vote on that?

6 MR. DOYLE: Yeah.

7 MR. FEKETE: Okay. Ray Lopez?

8 MR. LOPEZ: Yes.

9 MR. FEKETE: John Fekete, I vote yes.

10 All right. Any new business? Any other
11 business?

12 (No response.)

13 MR. FEKETE: Any public comments?

14 (No response.)

15 MR. FEKETE: Okay. The next board meeting
16 will be May 19th, 2021, at 5:00 p.m. And it is
17 our intention at this time, I believe, to have a
18 Zoom meeting with attendance optional.

19 MR. TREVINO: Yes. And I'll make it a point
20 to post our COVID safety plan on our website as
21 well.

22 MR. FEKETE: Okay. You were going to double
23 check looking back at the minutes on what the
24 building owner does. Do they have any of their
25 own safety protocols or things that we need to

1 follow?

2 MR. TREVINO: I'll have to check with them.

3 MR. FEKETE: Okay.

4 MR. TREVINO: I'll check with them.

5 MR. FEKETE: We're all set then. Any last
6 minute or thoughts?

7 (No response.)

8 MR. HENRY RODRIGUEZ: I don't know if this
9 would fall under -- Fernando, the board packets
10 were sent out and for some reason it wouldn't let
11 me open it. I had trouble. I don't know if you
12 sent it under a different format or not, but I
13 couldn't open it. I tried twice; so I just
14 thought I would let you know.

15 MR. TREVINO: Okay. I'll double check. I'll
16 resend it to you, Henry.

17 MR. FEKETE: I was surprised when it was over
18 200 pages long, and then I realized you put the
19 red line copies in, too, as well.

20 MR. TREVINO: If anyone else had problems
21 opening it, let me know please. Thanks, Henry.

22 MR. HENRY RODRIGUEZ: I'll let you know,
23 Fernando.

24 MR. FEKETE: This meeting is closed. Our
25 next board meeting, as I said, is May 19, 2021.

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C E R T I F I C A T E

I, Dawn M. Iseminger, Registered Professional Reporter (RPR), and Notary Public within and for the County of Porter, State of Indiana, do hereby certify that I appeared on the aforementioned date, time, and location, for the East Chicago Waterway Management District Board of Directors Meeting.

I further certify that I then and there reported in machine shorthand the proceedings of said Special Meeting, and that the testimony was then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a true and accurate record of the proceedings.

I further certify that I am not related by blood or marriage to any of the parties, nor am I an employee of any of the parties or of their attorneys or agents, nor am I interested in any way, financially or otherwise, in the outcome of said litigation.

Dated this 18th day of May, 2021.

Dawn M. Iseminger

Dawn M. Iseminger, RPR
My Commission expires: 9/22/2025



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