

In the Matter Of:
East Chicago Waterway Management

MEETING OF APRIL 18, 2018

April 18, 2018



Iseminger & Associates, Inc.
877-337-7379

1 EAST CHICAGO WATERWAY MANAGEMENT

2 DISTRICT BOARD OF DIRECTORS' MEETING

3 City of East Chicago, Engineering/Annex Building

4 4444 Railroad Avenue

5 East Chicago, Indiana

6 April 18, 2018

7 Wednesday, 5:00 p.m.

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Transcript of the proceedings had in the
above-entitled matter, on the 18th day of
April, 2018, at 5:00 p.m., at the City of East
Chicago, Engineering/Annex Building, 4444 Railroad
Avenue, East Chicago, Indiana, before Peggy S.
LaLonde, Certified Shorthand Report and Notary
Public for the County of Porter, State of
Indiana.

ISEMINGER & ASSOCIATES, INC.
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Valparaiso, Indiana 46383
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A P P E A R A N C E S:

- MR. KEVIN DOYLE, Board Member
- MR. JOHN BAKOTA, Board Member
- MR. HENRY RODRIGUEZ, Board Member
- MR. PATRICK RODRIGUEZ, Board Member
- MR. RAY LOPEZ, Board Member
- MR. FERNANDO TREVINO, FMT Consulting
- MS. ELLEN GREGORY, Ellen Gregory Law

* * * *

1 MR. DOYLE: Okay. I'd like to call to
2 order the East Chicago Waterway Management District
3 Board of Directors' meeting. Today is April 18th, and
4 the time is 5:07.

5 So, the first order of business is
6 role call. John Bakota?

7 MR. BAKOTA: Here.

8 MR. DOYLE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Here.

10 MR. DOYLE: Patrick Rodriguez?

11 MR. PATRICK RODRIGUEZ: Here.

12 MR. DOYLE: Ted Zagar? (No Response) Ray
13 Lopez?

14 MR. LOPEZ: Here.

15 MR. DOYLE: John Fekete? (No Response)
16 Kevin Doyle? Here. We have a quorum.

17 With that we'll have the Executive
18 Director's report. Fernando?

19 MR. TREVINO: Okay. Fernando Trevino,
20 with FMT Consulting.

21 First I'd like to start off with
22 going over the contents of your Board packet. You
23 have the Board minutes from March 21st, 2018. You
24 have the claims docket dated April 18, 2018.

25 You have First Merchant's bank

1 statements for accounts ending in 608 and 616 for
2 the month of March 2018.

3 You have an agreement titled,
4 Cost Share Agreement, between Atlantic Richfield
5 Company, BP Products of North America, Inc., and
6 East Chicago Waterway Management District for the
7 Great Lakes Legacy Act project work. And the
8 revision date is dated 4/17/2018.

9 You have the ECI Facility Trust
10 report from BMO Harris dated March 31, 2018. And
11 the bank account statement for account ending in
12 712, which is also BMO Harris bank statement also
13 for the month of March 2018.

14 You have the Army Corps of
15 Engineers report to the Board dated April 18, 2018.

16 You have Attorney Ellen
17 Gregory's report to the Board, with the revision
18 date of April 16, 2018.

19 You have a letter from Mayor
20 Copeland to Allison Crane of BP dated April 12,
21 2018, and another letter from Atlantic Richfield,
22 Allison Crane to Mayor Copeland dated March 30,
23 2018. Letter from BP dated April 9, 2018, regarding
24 pipeline survey work being done.

25 You have a report from Parsons

1 dated April 5, 2018, regarding monthly bird
2 observation and monthly report number 31 for the
3 month of March 2018.

4 That concludes the Board packet.
5 And then I also gave you a copy of the financial
6 statement for CliftonLarsonAllen, which was wasn't
7 ready by the time I e-mailed the report, so I handed
8 that out, and that's for the month of March 2018.

9 So couple of things to report
10 on. We have began to receive User Fee payments for
11 2018 User Fee invoices. Last week deposit was made
12 in the amount of approximately \$38,000. We received
13 additional checks today, which we plan to deposit
14 this week.

15 Update on the Great Lakes Legacy
16 Act Project. As you may recall, we have been
17 working hard to finalize the Great Lakes Legacy Act
18 Cost Share Agreement with this District and AR and
19 BP, so we have great news. The Cost Share Agreement
20 is in the Board packet and on the agenda for Board
21 approval consideration. The site agreement includes
22 various provisions, including certain financial
23 commitments from the District and BP. Part of our
24 financial commitment includes the \$500.00 from the
25 Trust and the use \$250,000 carry over credit from

1 previous phases. It also includes work that BP is
2 responsible for under an Administrative Order that
3 BP has with EPA, also includes our cooperation on
4 the design construction and OM sheet pile wall
5 constructed on our property known as the South Tank
6 Farm. And also includes how we plan to divvy up any
7 Cost Share dollars, if any are remaining after the
8 conclusion of this project agreement. Do you want
9 to add anything to that Ellen?

10 MS. GREGORY: No, I think you covered it
11 all.

12 MR. TREVINO: The next step will be to
13 approve the Project Agreement for the remediation of
14 certain sections of Lake George Canal. That
15 agreement will include the District, AR and EPA.
16 The site agreement in your packet, on the agenda
17 today, will be how we are going to coordinate and
18 fund the local share portion of the project
19 agreement.

20 Regarding the dredging project,
21 it's scheduled to begin early May. We have had a
22 couple meetings with Waterway stakeholders to
23 discuss the process for responding to oil sheens
24 that may develop and reach ll during dredging
25 activities. A call tree was developed and e-mailed

1 to all stakeholders. The Corps update report is in
2 your packet.

3 Summarize the action items on
4 your agenda include the meeting notes, the claims
5 docket, and the Great Lakes Legacy Act Cost Share
6 agreement with AR and BP. Attorney Ellen Gregory
7 will give an update on various legal matters, and
8 that concludes my report.

9 MR. DOYLE: Thank you, Fernando. Next on
10 the agenda is approval consideration of the Board
11 meeting minutes?

12 MR. LOPEZ: So moved.

13 MR. BAKOTA: Second.

14 MR. DOYLE: We have a motion and second,
15 pretty quickly may I add. All in favor?

16 (All signify aye.)

17 MR. DOYLE: Doesn't look like we have any
18 opposition. Hearing none, motion is proved.

19 Are you going to go over --

20 MR. TREVINO: Yeah. Mr. Tim Anderson
21 wasn't able to make this meeting, so I'll quickly go
22 over the financial statement presented by
23 CliftonLarsonAllen.

24 If you go to page 2, it's a
25 summary of the receipts and disbursements in the

1 Operating account and User Fee account. And the
2 Operating account has a balance of approximately
3 918,000 and the User Fee account is two point two 87
4 million, with a total balance of 3.2 million.

5 If you go to page 3, it's a
6 summary of the debits and credits related to the
7 Operating account and the User Fee account,
8 including the interest earned on cash disbursements
9 by month for the calendar year 2018.

10 And then the last page, which is
11 page 4, is the budget analysis spreadsheet. And if
12 you go to the last two columns, you see cash
13 disbursements for April, so that's a summary of what
14 the Board is approving at today's Board meeting in
15 the claims docket.

16 And the last column is the
17 unused budget or the budget balance for 2018. So as
18 you can see, every line item there is money
19 available to pay for the invoices that are on
20 today's claims docket. And that concludes the
21 summary of the financial statement.

22 And then the only other thing is
23 that you also have in your packet the claims docket
24 for approval consideration for today April 18, 2018.

25 MR. DOYLE: Before we do that, I just want

1 to say, this paper is quality. Did you notice that
2 it's not recycled? And the print is big for us old
3 guys, I appreciate that.

4 Next order of business, approval
5 of the accounts payable register.

6 MR. LOPEZ: Motion to approve.

7 MR. DOYLE: Do I get a second?

8 MR. BAKOTA: Second.

9 MR. DOYLE: Okay. I'll take a roll call.

10 Mr. Bakota?

11 MR. BAKOTA: Yes.

12 MR. DOYLE: Henry Rodriguez?

13 MR. HENRY RODRIGUEZ: Yes.

14 MR. DOYLE: Patrick Rodriguez?

15 MR. PATRICK RODRIGUEZ: Yes.

16 MR. DOYLE: Ray Lopez?

17 MR. LOPEZ: Yes.

18 MR. DOYLE: Kevin Doyle? I vote yes.

19 Motion is approved.

20 Next order of business looks
21 like GLLA project Cost Share Agreement. We have
22 that for consideration. Do I have an a motion to
23 approve?

24 MR. LOPEZ: Motion to accept.

25 MR. DOYLE: Do I have a second?

1 MR. HENRY RODRIGUEZ: Second.

2 MR. DOYLE: Roll call.

3 MR. DOYLE: Okay. I'll take a roll call.

4 Mr. Bakota?

5 MR. BAKOTA: Yes.

6 MR. DOYLE: Henry Rodriguez?

7 MR. HENRY RODRIGUEZ: Yes.

8 MR. DOYLE: Patrick Rodriguez?

9 MR. PATRICK RODRIGUEZ: Yes.

10 MR. DOYLE: Ray Lopez?

11 MR. LOPEZ: Yes.

12 MR. DOYLE: Kevin Doyle? I vote yes.

13 It's approved. With that, we have the BMO Harris
14 Trust report.

15 MR. ALONZO: David Alonzo, with BMO
16 Harris. This is a reported update on a few things.
17 Of course the first page always goes through the
18 historical values of the account. Nothing changes
19 until we update on an annual basis.

20 The second page goes through
21 when I generated this from our March 31st, the value
22 of the Trust was \$4,664,654. That was a difference
23 from the last meeting of 21,417. I'll talk about
24 that in a second. And then year-to-date
25 disbursements, and of course total disbursements

1 since 1997 was about 20 million dollars.

2 That third page, I was
3 unfortunately unable to make the last meeting, I
4 would have much rather been here. I was having a
5 kidney stone blasted out of me. That being said I'm
6 here. I know we had updated this Trust report a
7 little bit. We really wanted to start looking at
8 the values of the Trust based on the statement cycle
9 instead of pretty much couple days before. So the
10 numbers will always reflect the monthly statements
11 when they cut, which is typically on the 31st. And
12 those statements are going to be for the money
13 market account. There's 332,000 in there right now
14 and also for the essential business account. The
15 essential business account provides the additional
16 FDIC and eliminates a lot of cost.

17 The CDs, on the other hand we
18 see in that far right column highlighted in yellow,
19 interest is paid quarterly and at different times.
20 So the next month's statement will reflect a bigger
21 jump in interest payments because all four
22 certificates will be paying out interest. We do
23 have two CDs that come do here in a very short
24 period of time, so at the end of June and into mid
25 July. So we'll probably want to talk about that

1 some time in the last month and half. Rates have
2 gotten better, which is a good thing, so we might
3 have additional needs for money to go out and so we
4 can keep that in the Money Market account for the
5 time being.

6 The new columns we added were
7 the deposits and credits. This will be to make sure
8 we check what goes in and comes out from the
9 deposits. That 21,000, that BP check was deposited
10 in the account, which I believe was on -- I don't
11 know the date on that. It was the beginning of
12 March, that first week of March. It did run on that
13 statement cycle which was --

14 MR. PATRICK RODRIGUEZ: 21,000?

15 MR. ALONZO: 21,365, March 8th.

16 MR. PATRICK RODRIGUEZ: Okay, March 8th.

17 MR. ALONZO: That's deposited and little
18 bit of interest earned, strictly from the Money
19 Market account, because all the CDs pay interest in
20 a few days here and we'll be reporting next months
21 on that.

22 MR. LOPEZ: We have two CDs that are
23 coming due, one in June and one in July, right?

24 MR. ALONZO: Correct. We'll have about
25 2.1 million or so coming up that we can look at

1 maybe laddering out. Short-term rates have gotten a
2 little better. Five-year, bringing this in
3 perspective, in three percent. Short-term rates are
4 running better. I'll include the statements in the
5 report just so we have those too and so we can look
6 at this. Any questions at all?

7 MR. DOYLE: Any questions? (No Response)
8 Thanks. Next order of business, Attorney Ellen
9 Gregory's report.

10 MS. GREGORY: Ellen Gregory, with Ellen
11 Gregory Law. Most of what I've been working on in
12 the last month has been described by Fernando. The
13 site agreement with BP regarding the Great Lakes
14 Legacy project. The next step on that is to get the
15 language in the PA finalized and get that sent
16 through EPA and BP and the Water Management District
17 before that is signed, and that will be signed
18 contemporaneously with the site agreement, and the
19 Administrative Order between EPA and BP.

20 We are also waiting to hear back
21 from the Corps on either revisions to the PCA, with
22 the agreement between the Waterway Management
23 that's all I have.

24 MR. DOYLE: Any questions? (No Response)
25 Okay. With that, new business?

1 MR. LOPEZ: Yes. I would bring up the
2 fact that we need to reimburse Fernando for
3 attending that Chamber of Commerce meeting.

4 MR. TREVINO: Chamber of Commerce luncheon
5 where mayor of East Chicago, Mayor Anthony Copeland
6 was the keynote speaker. And the request is to
7 reimburse for my attendance and Attorney Ellen
8 Gregory's attendance.

9 MR. DOYLE: Okay, do I have a second?

10 MR. BAKOTA: Second.

11 MR. DOYLE: Okay, roll call. Mr. Bakota?

12 MR. BAKOTA: Yes.

13 MR. DOYLE: Henry Rodriguez?

14 MR. HENRY RODRIGUEZ: Yes.

15 MR. DOYLE: Patrick Rodriguez?

16 MR. PATRICK RODRIGUEZ: Yes.

17 MR. DOYLE: Ray Lopez?

18 MR. LOPEZ: Yes.

19 MR. DOYLE: Kevin Doyle? I vote yes.

20 That motion is approved.

21 Is there any other or any new
22 business anybody wants to bring up?

23 MR. PATRICK RODRIGUEZ: I was just
24 wondering if we are replacing any Board members down
25 the line?

1 MR. BAKOTA: Why, do you have information
2 --

3 MR. PATRICK RODRIGUEZ: I'm wondering. I
4 notice there's been an absence of a Board member and
5 I just wondering if there has been any discussion
6 about his absence.

7 MR. BAKOTA: Last we heard he may return.

8 MR. TREVINO: The last I spoke with him,
9 he was having some personal problems that he was
10 trying to work out, and he gave me the impression
11 that he was going to still be involved. So I did
12 give him a call -- I did call him before this Board
13 meeting and I left him a message. I'll follow-up
14 again.

15 MR. PATRICK RODRIGUEZ: Thank you.

16 MR. DOYLE: Anything else? (No Response)
17 Any public comments? (No Response) No public
18 comments. With that the next the next Board meeting
19 is scheduled for May 16, 2018, at 5:00 p.m., at the
20 City Engineering Annex Building, right here.

21 So with that do I have a motion to
22 adjourn?

23 MR. BAKOTA: Motion to adjourn.

24 MR. PATRICK RODRIGUEZ: Second.

25 MR. DOYLE: That's it. All in favor

1 signify by saying aye?

2 (All signify aye.)

3 MR. DOYLE: Good job. That concludes this
4 meeting.

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6 (MEETING ADJOURNED.)

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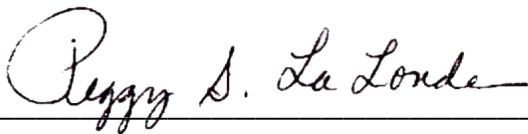
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C E R T I F I C A T E

I, Peggy S. Lalonde, Certified Shorthand Reporter (CSR), and Notary Public within and for the County of LaPorte, State of Indiana, do hereby certify that I appeared at the City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, on the 18th day of April, 2018, to report the proceedings had of the District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings given at said time and place, 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 said proceedings had.

Dated this 13th day of May, 2018.



Peggy S. LaLonde, CSR

My Commission expires: 02/06/2018



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Zagar 3:12