

In The Matter Of:
East Chicago Waterway Board of Directors Meeting

November 20, 2013

Iseminger & Associates, Inc.
Professional Court Reporters
14 Indiana Ave., Suite A - Valparaiso, IN 46383
Toll Free: 877.Dep.Rep9
E-Mail: in_courtreporters@yahoo.com

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MEETING OF THE EAST CHICAGO, INDIANA
DEPARTMENT OF WATER WORKS

Transcript of proceedings had in the above-entitled matter on the 20th day of November, 2013, at 5:05 p.m. at the East Chicago Engineering/Annex Building, 4444 Railroad Avenue, East, Chicago, Indiana, and reported by DOROTHY M. SULLIVAN, Court Reporter and Notary Public.

ISEMINGER AND ASSOCIATES
14 Indiana Avenue, Suite A
Valparaiso, Indiana 46383
(219) 464-2178

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APPEARANCES

- MR. JOHN FEKETE, President
- MS. RAY LOPEZ, Secretary
- MR. HENRY RODRIGUEZ, Board Member
- MR. JOHN BAKOTA, Board Member
- MS. FERNANDO TREVINO, Executive Director of the
East Chicago Waterway Department
- MS. ELLEN GREGORY, East Chicago Waterway
Board of Directors' Attorney

Also Present:
TIM ANDERSON
SCOTT IRELAND
JIM WESCOTT
DAVID ALONZO
NATALIE MILLS

1 MR. FEKETE: I'd like to call to order the
2 meeting of the East Chicago Waterway Management
3 District Board of Directors. Today's date is
4 November 20th. The time is 5:07. We'll have a
5 roll call.

6 John Bakota.

7 MR. BAKOTA: Here.

8 MR. FEKETE: Henry Rodriguez.

9 MR. RODRIGUEZ: Here.

10 MR. FEKETE: Ray Lopez.

11 MR. LOPEZ: Here.

12 MR. FEKETE: John Fekete. Here. Ernest
13 Jones, Mike Ebbert, Rich Gomez.

14 Do we have a quorum? First order of business
15 is Consulting Engineer Report. Mr. Trevino.

16 MR. TREVINO: Yes. Fernando Trevino with
17 FMT Consulting. I'd first like to start off by
18 going over the contents of your board packet.
19 Of course, you have the agenda for November 20,
20 2013. You have in your packet 2013 performance
21 evaluation for my company services, and it's
22 entitled Final Result Summary.

23 You have in your packet a court reporter
24 proposal. Iseminger and Associates. And that's
25 on the agenda for approval for today's services.

- November 20, 2013

1 As a reminder, Mary Slafindor resigned as our
2 court reporter. So that's on the agenda today.

3 You have in your board packet meeting notes,
4 board meeting notes for September 18, 2013 for
5 approval of consideration and October 16, 2013
6 for approval of consideration.

7 You have in your board packet the financial
8 statements of Christian Marsonelon (phonetically)
9 dated October 31, 2013, and the claim document for
10 approval of consideration dated November 20, 2013.

11 You have in your packet a 2013 budget
12 amendment proposal dated November 20, 2013. And
13 that's on the agenda for approval of consideration,
14 along with the backup for the amendment. And
15 that's titled 2013 Budget Review for Consulting
16 Engineers, FMT Consulting, Inc., dated November 20,
17 2013.

18 You have in your packet the 2014 proposed
19 budget, date November 20, 2013, and the supporting
20 documentation as well. And that's also dated
21 November 20, 2013.

22 You have in your packet -- and that's also
23 on the agenda for approval for consideration.

24 You have in your packet an attorney engagement
25 letter with Attorney Tim Wieser. And when we get

1 to that I can elaborate, or Attorney Ellen Gregory
2 can elaborate on the agreement that the board
3 wishes.

4 You have in your packet a transmittal letter
5 dated November 15, 2013 from myself to the Board.
6 And the item transmitted is the Great Lakes Legacy
7 Act Project Agreement and the Statement of Works.
8 And that's in your board packet for approval
9 consideration.

10 You have in your packet a summary of the
11 2014 user fees, and it's broken out by user,
12 the parcel numbers and linear footage. And
13 that's the background information for the 2014
14 user fee assessment that's on your agenda for
15 approval of consideration.

16 You have in your board packet a copy of the
17 signed MOU with the Attorney General's Office,
18 signed back in July. And it's a reminder this
19 was the MOU that -- where we engaged the Attorney
20 General's Office to assist us in collecting unpaid
21 user fees.

22 You have in your packet Citizen Bank
23 statements ending in 608 and 616, both dated
24 10/31/2013 -- 2013.

25 ECI Facility Trust Report dated November 19,

1 2013.

2 A letter from BMO Harris dated August 14,
3 2013.

4 BMO Harris Bank statements ending in 761
5 for the month of October, 2013, and ending in
6 712 for September, 2013.

7 You have a brokerage account statement from
8 BMO Harris Bank ending in 534 for the month of
9 September and for the month of October, 2013.

10 You have in your board packet a Bill of
11 Laden, Number 13054, signed on November 19,
12 2013, and that was for the off-site disposal
13 of prepaid (phonetically) fiber carbon that's
14 collected on the south tank farm.

15 And you have a copy of the diesel oil
16 company customer survey form signed by myself,
17 as a reminder this was approved at the last
18 board meeting. So just a copy for your files.

19 You have in your packet an e-mail from
20 Joyce Atkinson to myself, Attorney Ellen Gregory
21 and a couple others, regarding the INDOT permit
22 extension. And that's affiliated with the booms
23 that are off -- that are in the canal.

24 You have in your packet a letter summary
25 dated November 18, 2013, addressed to myself

- November 20, 2013

1 from Tetra Tech, summarizing their qualifications
2 and experience. And Tetra Tech is in attendance
3 today and will give a presentation on their
4 summary of their experience and qualifications.

5 As a reminder, we're contemplating using
6 Tetra Tech for the Great Lakes Legacy Act
7 Engineering Services. So they're here today to
8 present their expertise.

9 You have a letter dated October 25, 2013
10 from BP. And you have Arcada's reports. One
11 dated September 26, 2013, the other dated
12 November 1, 2013, regarding the progress report
13 and the recovering containment system operations
14 on the site.

15 You have a Department of Army letter dated
16 October 17, 2013 to IDEM, regarding the monthly
17 monitor report for MPDF (phonetically) permit
18 ending in 511. And another similar letter dated
19 November 12, 2013 for the same one. It's for
20 the month of September, 2013. The other one is
21 October, 2013.

22 This is an e-mail from board president John
23 Fekete, as a reminder at the last meeting board
24 member Bakota asked about the status of managing
25 evasive plant species at the Roxanna marsh. So

1 board president Fekete followed up on that. And
2 you see a response from Emily Stork from Indiana
3 Department of Natural Resources.

4 You have an e-mail from Natalie Mills from
5 the Army Corps of Engineers. I asked if she
6 could give us an update on the status of the
7 Indy Boulevard Parkway works. And as you can
8 see, it looks like it's being postponed until
9 2014. And per the Board's request, wanted a
10 summary of what the scope of work would look
11 like. So that's included as well.

12 You have in your packet a Department of the
13 Army letter dated November 19, 2013 to Keith
14 (unintelligible) of ArcelorMittal from Colonel
15 Drummond (phonetically) regarding 2013 final
16 (unintelligible) drudging quantity for supplemental
17 environmental projects.

18 You have in your packet the board report
19 from the Army Corps of Engineers dated November 20,
20 2013.

21 And finally, last, but not least, you have
22 the report dated November 20th of 2013 to the
23 Board from Attorney Ellen Gregory.

24 That concludes the items in your packet.
25 Just a quick update on a few items. A few

1 meetings were held. Some internal and some with
2 EPA in efforts to finalize the project agreement
3 and statement of work. I e-mailed or hand-delivered
4 the agreements to the Board on Friday for review.
5 And as I mentioned, it's on today's agenda for
6 approval consideration.

7 The -- a seminar was held on 11/15, which
8 was this past Friday, on the Grand Cal River
9 remediation. It was held at Purdue Cal.

10 Board member John Fekete and John Bakota
11 were there, as well as myself. And one of the
12 presenters was our board member John Fekete,
13 which he did a really nice job. And I think
14 your topic was on the history of the Grand Cal
15 River. So it was -- and I'll get copies of the
16 handouts to the Board. I got copies, but I
17 didn't put them in your board packet, so I
18 apologize.

19 Another item for the Great Lakes Legacy Act,
20 as I mentioned -- Tetra Tech -- is on the agenda
21 for presentation. So, if the Board has any
22 questions, feel free to follow up with Tetra Tech.

23 Let's see. I spoke with Mr. Gus Flores and
24 asked if he was okay with continuing to be our
25 appeals officer in 2014, and he said he would.

1 Olga Cosby and myself went through some
2 website management training a couple weeks ago.
3 The Finance Committee was held on October 30th.
4 In attendance was Mr. Mike Beaver and John Fekete.
5 And some of the things that were discussed was the
6 2013 budget amendment, the 2014 budget forecast,
7 the 2014 user fee rates and FMT contract terms.

8 And then, for part of it, Attorney Ellen
9 Gregory joined us and we discussed EPA review of
10 the Project Agreement and Statement of Works, and
11 also the real estate attorney contracting.

12 I mentioned Indy Boulevard Parkway was
13 delayed until 2014. I'll have Natalie from the
14 Corps elaborate on that.

15 Attorney Ellen Gregory will report on various
16 legal matters during her report.

17 I attended an 8-hour OSHA safety refresher
18 course on November 6th.

19 And that concludes the items for my report.

20 MR. FEKETE: Are there any questions for
21 Mr. Trevino? Thank you very much.

22 The next order of business is the FMT
23 Consulting Performance Evaluation Report.

24 MR. TREVINO: Yeah, just real quick. I
25 received everyone's feedback on the performance

1 evaluation. I summarized -- put a summary table
2 together based on the raw data. And this year I
3 added another column, which is an average score
4 of -- for each category. So I'll follow up on
5 some of the items and, you know, we'll probably
6 discuss it again during the final committee.

7 So --

8 And if there's any questions, please let me
9 know.

10 MR. FEKETE: I'd just like to clarify a
11 typo. In the third item under my heading, I did
12 not imply that you needed to find a job. I said
13 you did a fine job. So are you worried? Did I
14 say find?

15 MR. TREVINO: I'm glad you caught that typo.

16 MS. RODRIGUEZ: I was going to back you up
17 on that, John.

18 MR. FEKETE: What?

19 MR. RODRIGUEZ: I was going to back you up
20 on that.

21 MR. FEKETE: Oh, you were? Okay.

22 MR. TREVINO: Yeah. So I'll be re-submitting
23 that.

24 MR. FEKETE: That's okay. Approval of
25 consideration for the court reporter. Fernando?

1 MR. TREVINO: Yeah. Just as I mentioned
2 during my report, Mary Slafindor resigned and
3 she's no longer able to make our meetings, so we
4 engaged Iseminger and Associates to do our court
5 reporting today. So I think it's a good idea for
6 the Board to approve the terms of their services.

7 MR. FEKETE: Okay. I'll have a -- entertain
8 a motion to approve the statement that's before
9 us.

10 MR. BAKOTA: Motion to approve.

11 MR. FEKETE: Do I have a second?

12 UNIDENTIFIABLE SPEAKER: Second.

13 MR. FEKETE: All in favor, signify by saying
14 aye.

15 MR. LOPEZ: Now, is this one time or by
16 contract or -- it just says rates and --

17 MR. TREVINO: I'll have to follow up on that.
18 Olga was -- took the lead on finding someone for
19 today, so I have no idea what her availabilities
20 are, or anything like that.

21 MR. LOPEZ: So it's only for now?

22 MR. TREVINO: Yes. Yes.

23 MR. FEKETE: Okay. All in favor signify by
24 saying aye.

25 BOARD MEMBERS: Aye.

1 MR. FEKETE: Any oppositions?

2 (Unintelligible.) Motion approved.

3 The next item for approval is the
4 September 18th board meeting notes. I entertain
5 a motion to approve the minutes of the notes for
6 September 18th. We have a motion. Do I hear a
7 second?

8 MR. RODRIGUEZ: Second.

9 MR. FEKETE: And we have a second from
10 Mr. Rodriguez. All in favor signify by saying
11 aye.

12 BOARD MEMBERS: Aye.

13 MR. FEKETE: Any oppositions? Extensions?
14 Motion approved.

15 Entertain a motion to approve the October 16th
16 board meeting notes. Entertain a motion?

17 MR. BAKOTA: Motion approved.

18 MR. FEKETE: Entertain a second?

19 UNIDENTIFIABLE SPEAKER: (Unintelligible.)

20 MR. FEKETE: Motion the second. All signify
21 by saying aye.

22 BOARD MEMBERS: Aye.

23 MR. FEKETE: Any oppositions? Any extensions?
24 Hearing (unintelligible). Motion approved.

25 The Accounting Consulting Report.

1 Mr. Anderson.

2 MR. ANDERSON: Tim Anderson from Clifford
3 (unintelligible) and Allen. You guys got a copy
4 of the October 31st statement in your packet.

5 THE COURT REPORTER: Just keep your voice
6 up, please.

7 MR. ANDERSON: I'm sorry. Page 2 shows
8 the incoming expenses through October. Cash
9 receipts of 702,000. And you can see our list
10 of disbursements all budgeted, all within the
11 appropriate amounts. So for the ten months
12 ending October 31st, our increase of cash has
13 been 479,000. Cash balance in the operating and
14 the user account at the beginning of the year
15 was 1.250 -- one million two hundred forty-nine
16 thousand. The balance in those two accounts in
17 October 31st was one million seven hundred
18 twenty-eight thousand.

19 Page 3 shows both accounts and the activity
20 for each month in those accounts. To tie back
21 to that last page, it shows the balance in those
22 accounts. The only thing that really happened in
23 October was we wrote some checks.

24 Page 4, I kind of broke this out into two
25 pages so we could read it.

1 MR. LOPEZ: I was going to say thank you.

2 MR. ANDERSON: Year to date checks written.

3 Page 5 has each month of the breakdown of those
4 items. I don't know how useful it is for you to
5 see each month. The prior page just shows --
6 page 4 shows what we have written to-date for
7 all the lines on our budget and what we have
8 left to spend by October 31, '13. And that
9 available budget is what's in our operating
10 account. And so far nothing has -- everything
11 is right in line with the budget through October.
12 And we keep an eye on that when we cut checks.
13 We make sure we don't exceed a budget
14 appropriation.

15 And as of October 31st, we had two hundred
16 and thirty-seven thousand left in our -- in our
17 appropriated budget. And all the cash accounts
18 were reconciled. We're using the software now
19 and everything is going pretty smooth.

20 Any questions about the money? It is
21 there. Thank you.

22 MR. FEKETE: Thank you. The next order of
23 business is the accounts payable voucher dated
24 November 20, 2013.

25 MR. LOPEZ: Motion to accept.

1 MR. FEKETE: We have a motion to accept.

2 I entertain a second.

3 MR. RODRIGUEZ: Second.

4 MR. FEKETE: We have a second? We'll have a
5 roll call vote. John Bakota.

6 MR. BAKOTA: Yes.

7 MR. FEKETE: Henry Rodriguez.

8 MR. RODRIGUEZ: Yes.

9 MR. FEKETE: Ray Lopez.

10 MR. LOPEZ: Yes.

11 MR. FEKETE: John Fekete. I vote yes.

12 Earnest Jones, Mike Ebbert, Rich Gomez. Motion
13 is approved.

14 The next order of business is the
15 consideration for the 2013 Operating Budget
16 Amendment.

17 MR. TREVINO: Yes. You have in front of
18 you the 2013 Budget Amendment dated November 20,
19 2013. And I met with Mr. Tim Anderson yesterday
20 to see what he would recommend on how to amend
21 the budget. And what you have in front of you is
22 the recommendation.

23 MR. FEKETE: Are there any questions? I
24 entertain a motion to approve the 2013 Operating
25 Budget Amendment.

1 MR. BAKOTA: Motion accepted.

2 MR. FEKETE: Entertain a second?

3 MR. RODRIGUEZ: Second.

4 MR. FEKETE: We'll have a roll call.

5 John Bakota.

6 MR. BAKOTA: Yes.

7 MR. FEKETE: Henry Rodriguez.

8 MR. RODRIGUEZ: Yes.

9 MR. FEKETE: Ray Lopez.

10 MR. LOPEZ: Yes.

11 MR. FEKETE: John Fekete. I vote yes.

12 Ernest Jones, Mike Ebbert, Rich Gomez. The
13 motion is approved.

14 Then we have -- the next order of business
15 is the approval for consideration of the 2014
16 Operating Budget.

17 MR. TREVINO: Yeah. You have in front of
18 you the 2014 Operating Budget for consideration.
19 And what you have in front of you is the result
20 of a couple meetings with the Finance Committee.
21 And the final draft that you have in front of you
22 is what's recommended for 2014.

23 And if you -- one of the significant
24 additions to the budget is the Great Lakes
25 Legacy Act, which is also on the agenda today

1 for approval and consideration, the Project
2 Agreement and Statement of Work.

3 MR. FEKETE: Any questions for Mr. Trevino?
4 Entertain a motion to approve.

5 MR. LOPEZ: Motion to approve.

6 MR. FEKETE: Entertain a second?

7 MR. RODRIGUEZ: Second.

8 MR. FEKETE: John Bakota.

9 MR. BAKOTA: Yes.

10 MR. FEKETE; Henry Rodriguez.

11 MR. RODRIGUEZ: Yes.

12 MR. FEKETE: Ray Lopez.

13 MR. LOPEZ: Yes.

14 MR. FEKETE: John Fekete. I vote yes.
15 Ernest Jones, Mike Ebbert, Rich Gomez. The
16 motion is approved.

17 Our next order of business is the attorney
18 engagement letter. Mr. Trevino.

19 MR. TREVINO: Yes. I'll hand that off over
20 to Attorney Ellen Gregory.

21 MS. GREGORY: This agreement was basically
22 my attempt to get a little bit of help on some
23 real estate legal matters, since I don't have
24 a whole lot of background doing real estate
25 law, and some of the real estate issues that

1 are coming up or have come up. So I felt like
2 I needed some help in the real estate expertise
3 area -- were the issue of the Feddler (phonetically)
4 parcel in the middle of the CDF, where they had
5 claimed that they owned some of the property that
6 the Corps had built the CDF on. And getting real
7 estate easements -- the information on easements
8 for all the parcels that the district owns. We
9 hired Merco Blesich (phonetically), which is the
10 real estate advisor. And he's done a good job of
11 getting us started on that. We also need to have
12 some real estate legal advice on that issue.

13 And also the issue of the northwest parcel.
14 And basically, parcels in general that the
15 district owns that we might be transferring off
16 to other parties.

17 And we've got a couple of names, mostly
18 through Merco Blesich, of the local real estate
19 lawyers he had worked with. And after looking
20 through resumes and having conversations with a
21 couple local real estate guys, we -- we decided
22 to go with Jim Wieser, who is with Wieser and
23 Wiley. We met with -- Fernando and I met with
24 him a couple weeks ago, and he's -- he's agreed
25 to the terms of this agreement.

1 Basically, the way the agreement works is
2 that he will be working through me. His invoices
3 will go to me, and then his invoice will appear
4 on mine at the end of the month.

5 And I can answer any other questions, if you
6 have any, on that agreement. But that's basically
7 how the (mumbling) is.

8 MR. BAKOTA: Is there a time limit that we're
9 retaining him or is it --

10 MS. GREGORY: It's open-ended --

11 MR. BAKOTA: Oh.

12 MS. GREGORY: -- because we don't know how
13 long it's going to take to resolve all the real
14 estate issues.

15 MR. FEKETE: We're familiar with the issues
16 that are present today, but we know that there's
17 going to be some things that -- actions coming up.
18 And then the agreement of the Great Lakes Legacy
19 Act, there may be some issues there that we need
20 to address as well.

21 MR. BAKOTA: I mean, he will be available for
22 other issues then?

23 MS. GREGORY: Well, he's primarily a real
24 estate lawyer, so -- I mean, that's why we
25 brought him in.

1 MR. LOPEZ: (Mumbling) real estate of the
2 properties?

3 MS. GREGORY: Just the real estate
4 properties.

5 MR. FEKETE: Entertain a motion to --

6 MR. BAKOTA: Motion to accept.

7 MR. FEKETE: -- the attorney engagement
8 letter. We have a motion. I'll entertain a
9 second.

10 MR. LOPEZ: Second.

11 MR. FEKETE: Any further discussion?
12 (Unintelligible) none. We'll have a roll call
13 vote. John Bakota.

14 MR. BAKOTA: Yes.

15 MR. FEKETE: Henry Rodriguez.

16 MR. RODRIGUEZ: Yes.

17 MR. FEKETE: Ray Lopez.

18 MR. LOPEZ: Yes.

19 MR. FEKETE: John Fekete. I vote yes.
20 Ernest Jones, Mike Ebbert, Rich Gomez. The
21 motion is approved.

22 The next order of business is the Great
23 Lakes Legacy Act Project Agreement between the
24 United States Environmental Protection Agency
25 and the East Chicago Waterway Management

1 District. Which have discussed this at previous
2 meetings.

3 We understand that in entering into this
4 agreement we will be responsible for 35 percent
5 of the local matched costs for this work. We've
6 had a number of reviews and discussions, both in
7 committee and at the full board meeting. Are
8 there any questions?

9 MR. BAKOTA: This is a second reading.

10 MR. LOPEZ: Third.

11 MR. FEKETE: Third.

12 MR. TREVINO: No, this -- the second
13 reading, part of it was when we passed the
14 resolution. If you look at the letter dated
15 November 15th, you'll see a resolution that
16 outlines the Board's commitment to the project,
17 including the 35 percent.

18 MR. BAKOTA: But this will be the final.

19 MR. FEKETE: Yes. This is basically the
20 final of what I would considerate a multi-stage
21 process, as opposed to a one -- one-step or
22 two-step.

23 MR. TREVINO: Right. And let me just
24 say, for the complexity of what we're doing, I
25 thought the -- you know, the Board and the EPA

1 did a really fine job on getting to where we're
2 at today. I mean, the resolution that the Board
3 passed was on -- first reading, on June 19th of
4 this year, and then it was -- the second reading
5 was July 17th. And we submitted the application
6 to the EPA on June 19th. EPA notified us on
7 July 10th that we were given the go-ahead to
8 proceed. To start negotiating the project
9 agreement.

10 Since then we've had various meetings on
11 finalizing the agreements. And -- and the
12 agreements that you have in your board packet
13 today are the result of all that hard work.

14 I did want to mention that there was a
15 few comments or concerns that the Board has
16 expressed over the last couple of months. One
17 was that -- make sure that we evaluate current
18 and ongoing contamination sources. And that's
19 included in the -- in the Statement of Work.
20 Evaluating the benefits of a sediment trap was
21 another idea of the Board. And that's included
22 in the Statement of Work. And also, that the
23 project focused on the canal and river within
24 the City of East Chicago. And that's also
25 addressed in the Statement of Work.

1 So the agreements that you have in front
2 of you are recommended for approval.

3 MR. BAKOTA: I just want to say it's an
4 important step in that the Board is approaching
5 with this. It's the last step of the river and
6 the extension of the river into the (mumbling).
7 So it's a -- it's a big -- it's a big project.

8 MR. FEKETE: I would like to support what
9 Mr. Bakota is saying, because he's been a
10 long-time advocate for environmental cleaning up
11 of the rest of the canal. And this is a step
12 that -- the first step that's necessary.

13 I will entertain a motion to accept the
14 agreement form before us.

15 MR. BAKOTA: Motion to accept.

16 MR. LOPEZ: Second.

17 MR. FEKETE: And we will have a roll call
18 vote. Mr. Bakota.

19 MR. BAKOTA: Yes.

20 MR. FEKETE: Henry Rodriguez.

21 MR. RODRIGUEZ: Yes.

22 MR. FEKETE: Ray Lopez.

23 MR. LOPEZ: Yes.

24 MR. FEKETE: John Fekete. I vote yes.

25 Ernest Jones, Mike Ebbert, Rich Gomez. The

1 motion has been approved.

2 MR. LOPEZ: How long would it take?

3 Because we'd like to speed it up, but I don't
4 know how much paperwork and all that goes --

5 MR. IRELAND: I have two copies here for
6 signature if you want to sign them now or
7 (mumbling) --

8 THE COURT REPORTER: Is this on the record?

9 MR. FEKETE: (Mumbling) on the record.

10 MR. TREVINO: Yes.

11 MR. FEKETE: This is Scott Ireland.

12 THE COURT REPORTER: Could you stand up,
13 please. Scott who?

14 MR. IRELAND: Scott Ireland, I-r-e-l-a-n-d.

15 I have two copies here if you want it. If
16 you are able to sign now, I can get these started
17 through our review process, and we would get things
18 rolling, as long as everything goes smoothly through
19 our shop, which it should. I think we can start
20 sometime in December.

21 MR. TREVINO: Can I have them?

22 MR. LOPEZ: Because I know in past history
23 you start something and it takes five, ten years
24 to even (unintelligible).

25 MR. IRELAND: Well, one thing -- to let me

1 say -- I think we move quickly and we don't stop.

2 MR. LOPEZ: We're hold you to it.

3 MR. IRELAND: Unfortunately, I've got to
4 leave at quarter til, so if you want to sign
5 those now, I can take them back, or if -- it's
6 up to you.

7 MR. LOPEZ: Yeah. We'll sign it now.

8 MR. TREVINO: Well, I just want to scan
9 them for -- I want to get copies for our -- if
10 we could do that.

11 MR. IRELAND: Usually the way we work it
12 is you sign both copies. We sign both copies
13 and I give you a signed copy back. If you want
14 to take it first.

15 MR. FEKETE: The next order of business is
16 the 2014 user fee assessment. And while you're
17 presenting that, I will start signing documents.

18 MR. TREVINO: Okay. As I mentioned earlier,
19 the finance committee met a couple weeks ago to
20 assess the 2014 user fee assessment rate. And
21 the rate recommended for 2014 is eight dollars
22 and ten cents per linear foot.

23 Had a conference call also yesterday with
24 Ellen Gregory and our accountant Tim Anderson,
25 just to make sure that we weren't missing anything.

1 And it was reviewed again by Mr. Anderson's office.

2 And so, that's the recommendation for the Board.

3 MR. LOPEZ: I have a question on this on
4 page 2. These are fees -- and I think it's only
5 fair you should know about this. Union Tech,
6 you've got zero -- it's a postcard.

7 MR. TREVINO: Union -- Union Tank?

8 MR. LOPEZ: Yes. No, US Gypsum. I'm sorry.
9 US Gypsum. Union Tank is above --

10 MR. TREVINO: Do you recall that though?

11 MR. FEKETE: Postcard, no owner. Tax
12 record showed US Gypsum. Is that another piece
13 of property?

14 MR. TREVINO: That may just be the current
15 status of the parcel research. But we'll -- we'll
16 find out -- we'll make sure we find out who the
17 owner is and make sure they get their --

18 MS. GREGORY: Yeah.

19 MR. TREVINO: -- bills.

20 MS. GREGORY: It was just that the Lake
21 County records were inconsistent when you looked
22 at the assessor's records versus the -- you know.

23 MR. LOPEZ: I know, but we're charging
24 everybody, but it looks like one or two are people
25 getting out of it.

1 MR. TREVINO: Okay. We'll make sure that
2 the proper person gets assessed.

3 MR. FEKETE: Okay. I'll entertain a motion
4 to approve the 2014 user fee.

5 MR. LOPEZ: Motion to accept.

6 MR. FEKETE: Do we have a motion to entertain
7 a second?

8 MS. RODRIGUEZ: Second.

9 MR. FEKETE: Second by Mr. Rodriguez. I'll
10 have a roll call vote. John Bakota.

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Henry Rodriguez.

13 MR. RODRIGUEZ: Yes.

14 MR. FEKETE: Ray Lopez.

15 MR. LOPEZ: Yes.

16 MR. FEKETE: John Fekete. I vote yes.
17 Ernest Jones, Mike Ebbert, Rich Gomez. The
18 motion is approved.

19 The next order of business is the Harris
20 BMO Trust Report. Mr. Alonzo.

21 MR. TREVINO: We've got the presentation.

22 MS. GREGORY: Tetra Tech.

23 MR. TREVINO: Tetra Tech.

24 MR. FEKETE: What did I miss? Oh, I guess
25 I have a draft report. You've going to have to

1 hold for a moment.

2 MR. ALONZO: Okay.

3 MR. FEKETE: Okay. David. Tetra Tech.
4 You are -- please introduce yourself to the
5 Board.

6 MR. WESCOTT: Jim Wescott.

7 THE COURT REPORTER: Jim what? Please
8 speak up.

9 MR. WESCOTT: Wescott, W-e-s-c-o-t-t. I
10 wasn't quite sure, but you should have gotten
11 something on the board maybe.

12 MR. TREVINO: Yes. We have your summary
13 of your -- your experience and qualifications
14 that you've provided me. They have it in their
15 board packet.

16 MR. WESCOTT: Okay. I don't really have
17 anything too formal. I can just talk off the
18 information I've got.

19 I'll give you a quick overview. Tetra
20 Tech has been working on the river for about
21 15 years. We started working for Fish and
22 Wildlife Service from the State of Indiana back
23 in the 90's and through early 2000, looking at
24 the river, helping them with the natural resource
25 damage assessment. Tetra Tech was working with

1 GLNPO, Scott Ireland and his group since mid
2 2006, 2007.

3 There was a figure -- we've pretty much
4 done most of the sections of the river in the
5 last six years. Most of the west branch. And
6 we currently have a very large project from
7 Kennedy to Cline Avenue.

8 I think we talked with GLNPO and East Chicago
9 Waterway -- Fernando -- about some of the advantages
10 of using Tetra Tech. We've been a contractor for
11 many years. We know the river. To address some of
12 the questions that have already come up to speed,
13 we know (unintelligible) quickly. I think we were
14 able to kind of get this project done. We -- we
15 know how GLNPO operates. We know the river. We're
16 able to kind of start immediately. We can probably
17 guess the feasibility in getting the designs done
18 faster.

19 And because we've worked here more
20 efficiently from a call standpoint than -- than
21 GLNPO can do with somebody else, and you guys
22 can do with somebody else. Do you have any
23 questions?

24 MR. FEKETE: Have you had a chance to look
25 at the canal itself? There's a question of --

1 (TALKING SIMULTANEOUSLY.)

2 MR. WESCOTT: We have. We've done aerials
3 already. We've looked at the river. Afforded a
4 feasibility study a few years ago. It's one of
5 the main things.

6 We've run the river -- the west-east branch,
7 the Indiana Harbor canal many times. More familiar
8 with that. It's kind of where a lot of the costs
9 end up, I think. But we've also looked at the main
10 Indiana Harbor canal and the Lake George canal as
11 well. So we're familiar with the site. I think
12 we can get started right away.

13 If Scott's able to -- as far as start
14 execute the agreement in December, we can start
15 immediately. We're already -- like I said, the
16 east branch site is going to go another couple
17 of years. So we're already -- kind of already
18 here doing that. And that's another reason that
19 we can be much more efficient, because we're down
20 the street doing one section, and we can use a lot
21 of the same resources to do a feasibility study.
22 And ultimately, they're not designed to get design
23 done quickly, so that it can go to construction.
24 Which GLNPO -- we've already been through that
25 process.

1 There was a design that we do. We already
2 know how EPA's (mumbling) work and how we would
3 access the river. And we already know the
4 construction teams that they have. So we can
5 write a design that's not tailored to one term,
6 but they've got three terms they're going to pull
7 from. Three pre-qualified terms.

8 We know the capabilities of all of them, so
9 we'll write a design that -- we know that they
10 all can execute, so you get a good price of
11 construction standpoint. But also on that we
12 know that they're not going to get in and then
13 not know how to do it right. So that there's not
14 going to be any delays or change orders that
15 increase the cost of the project.

16 MR. BAKOTA: Do you manage the project as
17 it goes along though?

18 MR. WESCOTT: Well, in terms of this phase,
19 we would -- I manage ourselves and, you know,
20 there has been some discussions who manages us.
21 You can ask me about how --

22 (TALKING SIMULTANEOUSLY.)

23 MR. FEKETE: (Unintelligible.)

24 MR. WESCOTT: We're fine either way. When
25 it would go to construction, ideally, we would

1 kind of have the same role that we have now with
2 EPA. The EPA will -- will kind of manage the
3 construction contract to maybe determine, we
4 believe, and potentially stay on as the construction
5 support role. Which is what we're doing right now.
6 Which is -- makes a lot of sense, if we did the
7 design and we can get out there with the
8 construction contractor.

9 And, you know, the river makes things move
10 around and -- and, you know, you get endangered
11 species. Roxanna came up earlier, which we did.
12 We did that last year (mumbling). And I designed
13 that one as well.

14 So we're able to -- it's easier to have the
15 design in there, kind of continuing like a
16 construction support role to make it a lot more
17 efficient. Because they get out there and things
18 are under water and you find things that you really
19 didn't anticipate, and you can easily make changes.

20 MR. BAKOTA: Who approves your study?

21 MR. WESCOTT: The way that it will work is --
22 we -- I mean, we're -- essentially it's that
23 point. And then, EPA has their own consulting
24 firm. We will -- and we know how this works.
25 So, like we will do the feasibility study -- all

1 right -- and then give it to Scott, and he'll have
2 his consultant kind of look at it to basically be
3 a third party review. Like a peer review.

4 But the expectation is that we've already
5 been through it so many times that we -- there
6 isn't a lot of second guessing. I mean, they're
7 going to make sure that we're above board on what
8 we're -- you know, that it makes sense. It's
9 reasonable.

10 But, you know, we're pretty confident that
11 we can get the feasibility study and design down
12 fairly, you know, quickly in -- probably in an
13 18-month period. Because then the (mumbling)
14 will probably take about four months, knowing
15 how EPA works.

16 MR. LOPEZ: Okay. You had mentioned two
17 sites. Which -- which of those two (mumbling).

18 THE COURT REPORTER: Wait. I'm sorry, I
19 can't hear you very well. You need to speak up.

20 MR. LOPEZ: I'm sorry. I was asking him --
21 the sections, you said you're doing one now and
22 one -- which sections are those that you're --

23 MR. WESCOTT: We --

24 MR. LOPEZ: -- cleaning out?

25 MR. WESCOTT: We just finished what's called

1 Roxanna marsh. Which goes from Indianapolis,
2 which is in East Chicago, over to Columbia. Okay.

3 MR. LOPEZ: Right.

4 MR. WESCOTT: And then, we also did Columbia
5 all the way to Hohman, which is (mumbling). And
6 so, the one that we just finished is Roxanna,
7 then Columbia to Indianapolis. That essentially
8 ended in September.

9 And then, we are currently doing a section
10 on the east branch from Kennedy Avenue to Cline
11 Avenue. That started in the spring, and we'll go
12 until the spring of 2015. It all leads together.
13 And then, actually it will go to -- the construction
14 should end in the spring of 2015. And then, because
15 a lot of the areas have a habitat restoration
16 component, the plants will all be planted by the
17 spring of 2015. But there's a warranty period that
18 will build into this. I don't know how much.
19 There's a little bit of habitat restoration on the
20 (mumbling), and there may be some other areas, if
21 you want to take a look at the habitat on.

22 So typically there's a one-year period that
23 we will stay on for like a warranty. So we'll
24 actually be at the east branch site until 2016.

25 MR. BAKOTA: Do you make the evaluation of

1 endangered species on the --

2 MR. WESCOTT: We --

3 MR. BAKOTA: -- within the river?

4 (TALKING SIMULTANEOUSLY.)

5 MR. WESCOTT: We got -- we do the wetland
6 delineation. We've got biologists. We've got --
7 we do a lot of -- on this project we've done a
8 lot of work for the Corps. Like Hegewisch marsh,
9 Indian Ridge. We've done a lot of Corps work in
10 the area. And we're doing a lot of work to control
11 evasive species that we've been trying to work
12 with.

13 Essentially, you know, we -- you know,
14 you're entering into, you know, an agreement
15 that is rather large -- all right -- with GLNPO.
16 And the advantages, we've already been working
17 with GLNPO -- GLNPO for many, many years. We've
18 been working with Scott directly and Diana Mally,
19 his counter partner.

20 And so, we -- you know, we feel -- and I
21 think without putting words in Scott's mouth --
22 I think if -- if -- since we've already worked
23 on the river so long and kind of know a lot of
24 the issues, we know all the permitting people
25 that we can just make this very easy for all

1 parties without -- and we can do it, I think, at
2 really less costs. We've -- we've been operating
3 off of budgets that were put together several years
4 ago. Like projections. And we come in under
5 costs.

6 Like Roxanna, we were about a million dollars
7 under cost. I know the other -- east branch is
8 going to probably be -- we'll come in right at what
9 we estimated that. Which is eighty million. So
10 this one, I don't expect the construction to be
11 anywhere near that. We'll probably -- well, we'll
12 see what it's going to be. It'll probably be
13 equivalent to Roxanna. Roxanna ended up being
14 about forty million dollars for construction and
15 a little bit for oversight.

16 MR. FEKETE: You had some unusual things in
17 the east branch in the -- in the Kennedy Avenue
18 to Cline, based on the presentation that Jim
19 Smith made last Friday.

20 MR. WESCOTT: They're -- yeah, that one I'm
21 not sure -- they're -- the east branch, it's
22 actually gone very well. They -- there was an
23 access issue that we had with one of the
24 industrial partners which -- and that's another
25 thing. I think it will help. You know, you

1 talked about having a real estate attorney
2 earlier. You know, we know a lot of the other
3 stakeholders in the area, and we -- since we
4 know what we're going to need, we can also --
5 it's not just the -- in the river design work
6 that -- we can also look at the peripheral.
7 How to get to the river. What areas that we
8 need to access. Really make it work for the
9 construction contractors so that they can get
10 to the river efficiently. So, ultimately,
11 minimize the overall costs of -- to all the
12 project partners. Because you'll be a project
13 partner, and then GLNPO, and then potentially
14 assist the project partners down the road when
15 they do construction.

16 MR. FEKETE: Okay. Any other questions?

17 MR. TREVINO: Just one thing. If the Board
18 is okay with it, I wanted to ask Mr. Wescott to
19 prepare a proposal for consideration. I mean,
20 it's obvious that his company, Tetra Tech, offers
21 some scheduling cost efficiencies on Great Lakes
22 Legacy project that we're looking at doing. And
23 so, I'd like to ask him to put a proposal together.
24 And then, if everything looks good, maybe even
25 have it at the next board meeting for approval.

1 MR. WESCOTT: I can come back, if you want,
2 and talk through this.

3 MR. LOPEZ: One more question. You do
4 show the map here. You're not doing anything
5 in here, right?

6 MR. WESCOTT: That's the section that we
7 would --

8 MR. LOPEZ: Okay.

9 MR. WESCOTT: That's (mumbling) newer
10 part of the --

11 (TALKING SIMULTANEOUSLY.)

12 MR. LOPEZ: (Unintelligible.)

13 MR. WESCOTT: Right.

14 MR. LOPEZ: Okay.

15 MR. WESCOTT: Up to the navigation canal.
16 I think that's where that stops. And then you've
17 got a part of a section of Lake George.

18 MR. LOPEZ: Well, when you get into a canal,
19 if you find any cars or anything like that, would
20 you let us know?

21 MR. WESCOTT: If it's a Ferrari we may not
22 let anybody know. We found a lot of car parts
23 when we did Roxanna, which is under the tollway.
24 We found fenders and all kinds of stuff under
25 there.

1 It's surprising that we haven't found as
2 much debris actually as we've found -- we've
3 done other sediment jobs.

4 Like we did a project in Toledo, Ohio. For
5 some reason they throw all kinds of stuff in the
6 river in Toledo, Ohio.

7 MR. BAKOTA: Gary branch they found a car
8 with a body in it.

9 MR. WESCOTT: Yeah. That will be the last
10 section that they do on the river.

11 MR. FEKETE: Well, that was -- actually,
12 that -- to be honest with you, he didn't complete
13 his story. It was somebody who ran off the toll
14 road.

15 MR. BAKOTA: Oh, was it?

16 MR. FEKETE: Yeah. And they never found
17 him until they did the dredging later.

18 (EVERYONE TALKING SIMULTANEOUSLY.)

19 MR. FEKETE: No, no, no, it was an accident.
20 You know, the good thing is, they found him and
21 they brought closure to the family.

22 MR. WESCOTT: You know, now that it's
23 signed, I can actually see the project moving
24 (mumbling).

25 MR. LOPEZ: Let Fernando do the paperwork

1 and then -- next month, right?

2 MR. WESCOTT: Right. Can we do that?
3 I can come back. If you have any questions,
4 feel free to --

5 MR. FEKETE: All right. Any other
6 questions? Thank you very much. Just leave
7 a few of your cards around so that we can keep
8 track of you.

9 MR. WESCOTT: I didn't bring any, actually.

10 MR. FEKETE: Next time.

11 MR. WESCOTT: I will.

12 MR. FEKETE: Next time. Okay. Now we can
13 have Mr. Alonzo and the Harris Trust --

14 (TALKING SIMULTANEOUSLY.)

15 MR. ALONZO: David Alonzo, BMO Harris Bank.
16 All right. I'm going to run through our report
17 here. The first page, it goes through our normal
18 (unintelligible) returns and things (unintelligible)
19 of the account and distributions since that time.

20 The value of the trust as of November 19th
21 was six million one hundred fifty-seven thousand
22 nine hundred and seventy-six dollars. That was
23 a -- it was a positive gain of seven thousand
24 twenty dollars from our last meeting. That was
25 attributed to some CD's that ended up paying some

1 interest here this last month.

2 The distribution for 2013 was two hundred
3 thirty-six thousand nine hundred and seventy-five
4 dollars.

5 The third page of the report we had a CD
6 that came due, and we had reinvested that from
7 our last meeting. It was approved to go through.
8 And I (unintelligible) our three-year flex CD.

9 The CD -- you know, we have to keep at least
10 a minimum of half a million dollars in that CD.
11 We have one point five in there right now. If
12 we needed to get some additional money out of
13 there, we can pull out over a million dollars, if
14 it needed to be. So there's some flexibility
15 to pull money out of that account.

16 Really, the next CD that matures will be
17 in April of next year for (unintelligible), one
18 million five hundred and fifteen thousand. And
19 we can probably talk about that more towards
20 February at the finance meeting.

21 The interest rate on that flex CD will
22 (unintelligible) point nine percent. So that
23 was one of our higher paying CD's we have at
24 this point.

25 Are there any questions at all on the

1 report?

2 MR. LOPEZ: Thank you. You made some
3 good investments for us. I know it's hard to
4 do (mumbling).

5 MR. ALONZO: We're sort of restrained of
6 what we can do to work out (mumbling).

7 MR. TREVINO: Thank you.

8 MR. FEKETE: Thank you very much. The
9 next order of business is the Army Corps of
10 Engineers report. Natalie Mills.

11 MS. MILLS: Good evening. Natalie Mills
12 with the US Army Corps of Engineers. I'm back,
13 filling in for Mike again, who has been reassigned
14 to (unintelligible) Berry project for three months.
15 So I'll be with you guys for three months.

16 CDF Construction. The facility and dredging
17 operations plans. Dredging was completed on
18 August 5th, and we're planning to resume in March
19 of 2014. Nothing really going on there.

20 The Retrofit, that we did the driveway work,
21 that work is completed, except for the concrete,
22 which they'll return in the spring to complete.
23 We did terminate the solicitation for the
24 well-point system, (unintelligible) due to
25 contractor's high bids. But also because the

1 gradient was repairing itself. You know, we
2 did the dredging, we filled in the cells, and
3 it's starting to -- the bottom of the cells are
4 sealing, so it's improving the grading essentially.
5 So that contract wasn't necessary.

6 The Windscreen Fence Fabric. I have one
7 here. Mike's last request was to remove the
8 fabric from the mid-point of the CDF along
9 Indianapolis Boulevard to the main gate at Riley
10 Road. I don't know if any kind of action was
11 taken.

12 MR. BAKOTA: We voted on that --

13 MS. MILLS: You did?

14 MR. BAKOTA: -- and we approved that.

15 MR. TREVINO: And we removed it.

16 MS. MILLS: All right. Thank you. CDF
17 Documentation. We're continuing to gather
18 submission of the TSCA permit. We are planning
19 to submit that permit in January to the regulators.
20 So it's a lot of document gathering that we're
21 doing on behalf of US EPA. And I think we're
22 going to also submit it to IDEM.

23 Oil Boom Coordination. I don't have anything
24 new on that. The oil boom was installed across
25 the canal on August 13th.

1 Fernando and Ellen, I do have a question for
2 you. Have you heard anything more about meetings
3 on the oil booms? Have you (mumbling) meetings?

4 MR. TREVINO: Every --

5 MS. MILLS: That's one of the things that's
6 been asked about.

7 MR. TREVINO: Every once in a while there's
8 a meeting after the BP biweekly meeting.

9 MS. MILLS: But nothing on a regular basis?

10 MR. TREVINO: No, there's been --

11 MS. MILLS: Okay.

12 MR. TREVINO: -- nothing regular.

13 MS. MILLS: Okay. So I haven't heard
14 anything more on the future plans for it.

15 PCA Revisions. Ellen and I did talk to
16 Jim once again, just to put a bug in his ear.
17 Like, hey, we still need to make these revisions
18 and get a revised PCA back to him (mumbling).

19 MS. GREGORY: And I did get an e-mail from
20 Kim Sabo --

21 MS. MILLS: Oh, did you?

22 MS. GREGORY: -- saying that he wasn't --
23 we were trying to set up a meeting for tomorrow
24 up in Chicago. He was going to be out of the
25 office this week.

1 MS. MILLS: Okay.

2 MS. GREGORY: So we're going to try and
3 set something up in the next few weeks with him.

4 MS. MILLS: Kim is sick too.

5 MS. GREGORY: Oh, is she?

6 MS. MILLS: The next item I have is the
7 Indianapolis Boulevard Parkway Improvements.
8 The first thing I want to talk about is the
9 real estate coordination. I know there was an
10 e-mail that was sent out with an agreement in
11 August. I did bring the letter again. But we
12 needed to change out the real estate drawings
13 because it did include the Feddler (phonetically)
14 properties. So those drawings are updated.
15 We can (mumbling) it out and we can review --

16 MR. BAKOTA: That's going to be -- they're
17 going to commence that in the spring, right?

18 MS. MILLS: Correct.

19 MR. BAKOTA: The (mumbling).

20 MS. MILLS: Correct.

21 MR. BAKOTA: So that was supposed to have
22 been done --

23 MS. MILLS: Right.

24 MR. BAKOTA: -- whatever the real estate
25 deals --

1 (TALKING SIMULTANEOUSLY.)

2 MS. MILLS: Yeah, real estate, and then
3 funds. We need additional funds (mumbling).

4 MR. BAKOTA: Okay.

5 MS. MILLS: And so, just to (mumbling),
6 we're going to come back early spring as soon
7 as the -- you know, the opportunity to come back
8 and --

9 MR. BAKOTA: Okay.

10 MS. MILLS: -- come back and do that work.
11 That's all I have.

12 MR. FEKETE: Any questions for Ms. Mills?

13 MR. BAKOTA: Good to have you back.

14 MR. TREVINO: Just real quick -- I'm sorry.
15 I was looking at my summary comments -- if you
16 already mentioned it. The Indy Boulevard parkway
17 improvement, where you -- has that been -- I know
18 you said that that's going to be in 2014, but, you
19 know, March, April or -- I mean, is it --

20 MS. MILLS: Yeah. Basically, when --
21 whenever the weather is appropriate for us to
22 get out there and get a crew out there to do
23 the work. Because, you know, we're going to
24 do the work using in-house labor. So whenever
25 they're scheduled and the weather allows

1 (mumbling).

2 MR. BAKOTA: The mayor questioned me on
3 that a number of times.

4 MS. MILLS: Oh, did he?

5 MR. BAKOTA: Because we went to the mayor
6 just as a matter of curtesy to bring the city in
7 on -- you know, it's got to be done.

8 MS. MILLS: Okay.

9 MR. BAKOTA: And after that the mayor was --
10 when's this going to be done? You know. So we
11 have a -- we have something to tell him. When
12 the weather breaks.

13 MR. TREVINO: All right.

14 MS. MILLS: All right. Thank you.

15 MR. FEKETE: Thank you. Our attorneys'
16 report.

17 MS. GREGORY: Ellen Gregory with Ellen
18 Gregory Law. We do continue to participate --
19 Fernando and I participate in the biweekly calls
20 on the status of the consent decree negotiations.
21 There continues to be little to no obvious
22 progress. I think the BP and the Department of
23 Justice's attorney are discussing between
24 themselves some changes to the proposed consent
25 decree, but we haven't seen anything. It seems

1 like every call they say we're going to be seeing
2 something by the next call, but so far we haven't
3 seen anything on that. So that's moving very
4 slowly, as usual.

5 As I mentioned before, the real estate
6 issues, we're going to try and pull in the local
7 real estate order to help us on the Feddler issue
8 and the easements for the various parcels.

9 Fernando and I will be looking through
10 the draft -- Tetra Tech contract that Fernando
11 received from Tetra Tech, and try and have that
12 by the next month's meeting. At the same time
13 that we would be approving the proposal.

14 The PCA, as I mentioned during Natalie's
15 report, we are waiting for the Corps attorney.
16 And Kim Sabo has assigned another lawyer to try
17 and work with us. And she's busy doing Asian
18 (unintelligible) and other matters.

19 So we're going to try and -- within the
20 next few weeks set up a meeting. Not only
21 with changes to the PCA language, but also go
22 over the credits under the PCA.

23 The user fees, as Fernando had mentioned,
24 the 2014 assessments will be going out in
25 January. And we continue to have discussions

1 with the Attorney General's Office about
2 enforcing against non-payers of the user fees.

3 And Fernando and I are also continuing to
4 look at the insurance and risk management issues
5 involving pollution and CDF issues, and hope by
6 next month to be able to have something to report
7 about the direction that we'll take. It's been
8 hard to get the pollution coverage. A lot of the
9 carriers are just not willing to write it. And
10 the State Political Subdivision Risk Fund has
11 exclusions for pollution. So it's been difficult.
12 So we're going to try to move forward on that.
13 And that's all I have.

14 MR. FEKETE: Any questions? Thank you
15 very much. Any new business to bring before
16 the Board?

17 MR. BAKOTA: Mr. President, I'd just like to
18 congratulate my fellow board members on the -- that
19 we took this initiative on the -- remediating that
20 part of the canal. You know what I mean? It's a
21 big step.

22 In my vision, it's going to be years from now
23 that you're going to see people using canoes down
24 that area, and there will be picnics on the shore.
25 And it's far in the future, you know.

1 I ran into a -- it's a great (unintelligible),
2 and it goes -- society grows great when old men
3 plant trees whose shade they know they shall never
4 sit in. You know. And I'm not -- in a disclaimer,
5 all the people involved aren't old men and they're
6 not -- all the people involved aren't men. There's
7 women involved too.

8 And I think we're taking one step if -- you
9 know, maybe if they remember us and look back,
10 they're going to say that, you know, we did a
11 hell of a lot of good here. You know. And I
12 think it's a big project.

13 MR. LOPEZ: I think that's why we're here.
14 I mean, we're all serious about it.

15 MR. BAKOTA: Oh, yeah.

16 MR. LOPEZ: I mean, we put a lot of time
17 into this thing. I think it takes too long.
18 Push, push, push. I might not say it either,
19 but I remember when I used to fish in there
20 when I was a little kid. We'll see what happens.
21 Thank you, John.

22 MR. FEKETE: Well, it's a nonpaying board.
23 I think we've invested a lot of effort into this
24 activity. The payback that we get, seeing the
25 accomplishments that -- that are starting to

1 happen.

2 Speaking of which -- on the river there's
3 just one last -- one segment that was left, and
4 that's from Cline Avenue to the U.S. Steel --
5 end of the U.S. Steel dredging project. Hopefully
6 we'll hear some good news about that tonight too.
7 Stay tuned.

8 MR. LOPEZ: Okay.

9 MR. FEKETE: Any comments from the public?
10 Francine, it's good to see you again.

11 UNIDENTIFIED SPEAKER: Thank you.

12 MR. FEKETE: You've been missing for a
13 while.

14 UNIDENTIFIED SPEAKER: Well, Carlotta is my
15 other staff member. We alternate months.

16 MR. FEKETE: Glad to see you here.

17 UNIDENTIFIED SPEAKER: Good to hear all the
18 good news.

19 THE COURT REPORTER: What's your last name?

20 UNIDENTIFIED SPEAKER: Hint, H-i-n-t.

21 MR. FEKETE: Okay. Our next board meeting
22 will be December 18, 2013, 5:00 p.m., at this
23 building. At this location. I'll entertain a
24 motion of adjournment.

25 MR. BAKOTA: Motion adjourned.

1 MR. FEKETE: Do I entertain a second? All
2 signify --

3 UNIDENTIFIED SPEAKER: Second.

4 MR. FEKETE: -- by saying aye.

5 ALL BOARD MEMBERS: Aye.

6 MR. FEKETE: Any opposition, you can stick
7 around.

8 (HEARING ADJOURNED.)

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