

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 December 21, 2016
7 Wednesday, 5:00 p.m.

8
9 Transcript of the proceedings had in the
10 above-entitled matter, on the 21st day of
11 December, 2016, at 5:00 p.m., at the City of East
12 Chicago, Engineering/Annex Building, 4444 Railroad
13 Avenue, East Chicago, Indiana, before Peggy S.
14 LaLonde, Certified Shorthand Report and Notary
15 Public for the County of LaPorte, State of
16 Indiana.

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21 ISEMINGER & ASSOCIATES, INC.
22 14 Indiana Avenue
23 Valparaiso, Indiana 46383
24 (219) 464-2178
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A P P E A R A N C E S:

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

ALSO PRESENT:

- TIM ANDERSON, CliftonLarsonAllen
- JIM WESCOTT, Tetra Tech
- NATALIE MILLS, U.S. Army Corps of Engineers

* * * *

1 MR. FEKETE: I'd like to call to order
2 The meeting of the East Chicago Waterway Management
3 District Board of Directors. Today's date is December
4 21st, 2016, at 5:00 p.m. First order of business is
5 roll call. John Bakota?

6 MR. BAKOTA: Here.

7 MR. FEKETE: Henry Rodriguez?

8 MR. HENRY RODRIGUEZ: Here.

9 MR. FEKETE: Patrick Rodriguez?

10 (No Response)

11 MR. FEKETE: Ted Zagar?

12 (No Response)

13 MR. FEKETE: Kevin Doyle?

14 MR. DOYLE: Here.

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Here.

17 MR. FEKETE: John Fekete? Here. We have
18 a quorum. First order of business is the FMT
19 Consulting Engineering, Fernando Trevino.

20 MR. TREVINO: Fernando Trevino, FMT
21 Consulting. To start with we'll go over your Board
22 packet. You have the Board minutes for November 16,
23 2016.

24 You have the CliftonLarsonAllen
25 financial statements dated November 30, 2016. You

1 have the claim docket for tonight's meeting for
2 approval consideration dated December 21, 2016.

3 You have First Merchants Bank
4 statements for account ending in 608 and 616, for
5 the month of November 2016.

6 You have resolution 2016-5 for the
7 Great Lakes Legacy Act Project and 2016, resolution
8 2016-6 also for the Great Lakes Legacy Act Project,
9 and the spending of 500,000 from the Trust for the
10 project.

11 You have in your packet a
12 spreadsheet summarizing the budget amendment request
13 and the spreadsheet dated December 21, 2016. And a
14 second spreadsheet that only includes the 2017 Trust
15 budget and it's dated December 21, 2016, and that
16 also outlines the budget amendment that's on the
17 agenda that's affiliated for the Trust.

18 You have in your packet project
19 proposal from the Waterway Management District and
20 BP, and it's to the Great Lakes Legacy Act funding,
21 and it's for work along the Lake George Canal area.

22 You have the CliftonLarsonAllen
23 engagement letter and it's dated December 21st,
24 2016, and that's also on the agenda for approval.

25 You have an INDOT right-of-way

1 permit and the affiliated attachments in your
2 packet, that's also for approval consideration.

3 You have the ECI Facility Trust
4 report dated December 19th, 2016 from BMO Harris
5 Bank. You have the BMO Harris Bank account
6 statement for account number ending in 761 for the
7 month of November 2016.

8 You have Tetra Tech's report to the
9 Board, dated December 13, 2016, and it's for the
10 month of November.

11 You have Attorney Ellen Gregory's
12 report to the Board with revision date of
13 December 19th, 2016.

14 And you have a letter from the
15 Department of Army to Margaret Guerrero of EPA
16 regarding the TSCA permit application. And I don't
17 know if I mentioned the date of the letter is
18 November 21st, 2016.

19 And a couple items that I have
20 handed out that weren't e-mailed with the Board
21 packet includes the U.S. Army Corps of Engineers
22 report to the Board dated December 21st, 2016. And
23 I also provided a summary of my performance
24 evaluation for 2016 and that summary report is dated
25 today's date, December 21st, 2016.

1 That concludes the items in your
2 Board packet.

3 Just to go over a few things, to
4 highlight some of the items on the agenda that
5 require Board approval consideration. We have the
6 Board minutes from November 18, 2016. The accounts
7 payable voucher dated December 21st, 2016.
8 Resolution 2016-5, use of Trust and non-trust for
9 the Great Lakes Legacy Act Project. Resolution
10 2016-6 for use of 500,000 from the Trust for the
11 Great Lakes Legacy Act Project. And 2017 budget
12 amendment requesting 500,000 from the Trust and
13 \$65,000 from the non-trust to be used for the Great
14 Lakes Legacy Act Project.

15 You also have approval consideration
16 for the Great Lakes Legacy Act Project application.
17 The CliftonLarsonAllen engagement letter for 2017.
18 The INDOT permit application, and the 2017 monthly
19 executive and public meeting announcement schedule
20 for 2017.

21 Jim Wescott is here to present an
22 update on the Great Lakes Legacy Act Project.
23 Attorney Ellen Gregory will give an update on legal
24 matters. And Natalie Mills will give an update
25 regarding the Corps dredging project. And that

1 concludes my report.

2 MR. FEKETE: Any questions?

3 (No Response)

4 MR. FEKETE: Thank you very much. Next
5 order of business is the approval of Board minutes.
6 I'll entertain a motion for approval of Board
7 minutes of November 18th, 2016.

8 MR. BAKOTA: Motion to approve.

9 MR. FEKETE: We have a motion. Do I have
10 a second?

11 MR. LOPEZ: Second.

12 MR. FEKETE: Any questions?

13 (No Response)

14 MR. FEKETE: I will consider a voice vote.
15 All in favor signify by saying aye?

16 (All signify aye.)

17 MR. FEKETE: Any opposition?

18 (No Response)

19 MR. FEKETE: Hearing none, the minutes are
20 approved. Accounting consulting report for
21 November 2016, Mr. Anderson?

22 MR. ANDERSON: Tim Anderson, with
23 CliftonLarsonAllen. You have a copy of the
24 financial in your packet. The first page with
25 numbers on it is a summary of the cash receipts and

1 disbursements of the District through November 30th.
2 We had cash receipts in the two checking accounts of
3 696,000. And we have had disbursements of 445,000
4 and you can see how they shake out. The big
5 projects were the Great Lakes Legacy line and you
6 can see that our cash is increased 251,000 during
7 the year. The User fees and the Trust transfer are
8 covering our expenses. Cash balance in the two
9 checking accounts that we have at the beginning of
10 the year was \$2,058,000, and as of November 30th,
11 the balance is \$2,000,309.

12 Page 3 shows the two accounts, the
13 Operating account and the User fee account, which
14 are the two checking accounts that we have and the
15 monthly interest that's earned, and the cash
16 disbursements that are made each month. The
17 Operating account is what we use for our budget. So
18 the balance in that account roughly equates the
19 unspent budget that we have at the end of November.
20 And then the User fee account is just where the User
21 fees go and then we take some money out of there for
22 our budget.

23 Page 4, the landscape page. Any
24 trouble reading it this month? Did I do it right
25 this time? This is an important page. So this page

1 shows the '16 budget that was approved. And then we
2 have some payables leftover from '15 of 99,000. So
3 our total available spend was 708,000. We had cut
4 checks through November of 445,000. You have a
5 claims docket today of 33. So our unused budget at
6 the end of today, after you cut the checks for
7 today, is 229,000 and that represents money that we
8 haven't, that we budgeted but we didn't spend, and
9 you can see how it shakes out. We are always
10 watching to make sure we don't go over any given
11 line. So you can see that some of them, it's pretty
12 tight, but the others we didn't spend it.

13 Any questions that you have? (No
14 Response) We're gearing up to have you approve the
15 budget for '17, so we are going to add 16 payables
16 to it and we'll all continue on. Thank you.

17 MR. FEKETE: Thank you. Any questions?

18 MR. LOPEZ: Have a nice holiday.

19 MR. ANDERSON: Thank you, you do the same.

20 MR. FEKETE: No questions for Mr.
21 Anderson, next order would be to approve the
22 accounts payable voucher presented today's date,
23 December 21st, 2016. I will entertain a motion. Do
24 I hear one?

25 MR. DOYLE: Motion to accept.

1 MR. FEKETE: Okay, do I have a second?

2 MR. LOPEZ: Second.

3 MR. FEKETE: Okay, we have a simultaneous
4 motion and a second. Any questions?

5 (No Response)

6 MR. FEKETE: Okay, we'll have a roll call
7 vote. John Bakota?

8 MR. BAKOTA: Yes.

9 MR. FEKETE: Henry Rodriguez?

10 MR. HENRY RODRIGUEZ: Yes.

11 MR. FEKETE: Patrick Rodriguez?

12 (No Response)

13 MR. FEKETE: Ted 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? I vote yes.

20 The motion is approved.

21 The next order of business, and
22 actually the next two orders of business pertain to
23 resolution involving the Great Lakes Legacy Act
24 Project, and I'll have Mr. Trevino explain that.

25 MR. TREVINO: Yes. The first resolution

1 2016-5, basically amends our resolution that we
2 passed in 2013. It was 2013-4. And it basically
3 supports the Waterway Management District's
4 involvement in the Great Lakes Legacy Act Project.
5 There were a couple of provisions from the 2013
6 resolution that were amended. One was, particularly
7 was the amount of cost share that the District would
8 support the project. The 2013 was fixed at 65 and
9 35. And the project, as we move forward, is going
10 to vary between 60 percent and 65 percent and 30 and
11 35 percent. And those terms will be outlined in the
12 project agreement should all this continue to move
13 forward and we enter a project agreement with the
14 local partners and EPA.

15 And the second resolution is for
16 the commitment of 500,000 from the Trust to be used
17 towards the Great Lakes Legacy Act Project. And
18 although the Board will pass this resolution, and if
19 the Board also approves the budget amendment, it
20 still requires approval from IDEM and EPA. So these
21 are like the first steps towards getting the monies
22 transferred.

23 MR. FEKETE: Okay, any questions?

24 MR. LOPEZ: Yes. On the dark print where
25 it says, dark print it says specific mechanisms or

1 contributions shall be set forth in the project
2 agreement. So we have 65 and --

3 MR. TREVINO: So in 2013 the agreement was
4 that we would contribute 35 percent of the total
5 cost and the Great Lakes Legacy Act would contribute
6 65 percent. But because of the type of local shares
7 that are contributing towards the project, it's
8 going to vary between 65 and 60 percent from EPA and
9 30 and 35 percent from the Waterway Management
10 District.

11 MS. GREGORY: 35 and 40.

12 MR. TREVINO: 35 and 40 percent, thank
13 you. Rather than to be stuck with a firm number, we
14 wrote it so the resolution would be flexible and the
15 exact amount would be outlined in the project
16 agreement.

17 MR. LOPEZ: So it won't have to go back to
18 agreement, this gives you leeway.

19 MR. TREVINO: Right.

20 MR. LOPEZ: Okay, thank you.

21 MR. TREVINO: Any other questions?

22 (No Response)

23 MR. FEKETE: Okay, I'll entertain a motion
24 to approve the first resolution, which is 2016-05,
25 the use of the Trust and non-trust for the Great

1 Lake Legacy Project.

2 MR. BAKOTA: Motion to approve.

3 MR. LOPEZ: Second.

4 MR. FEKETE: We have a motion and a
5 second. Any questions?

6 (No Response)

7 MR. FEKETE: Roll call vote. John Bakota?

8 MR. BAKOTA: Yes.

9 MR. FEKETE: Henry Rodriguez?

10 MR. HENRY RODRIGUEZ: Yes.

11 MR. FEKETE: Patrick Rodriguez?

12 (No Response)

13 MR. FEKETE: Ted 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? I vote yes.

20 That motion is approved.

21 I'll entertain the second motion to
22 approve resolution 2016-06, the use of \$500,000 from
23 the Trust for the Great Lakes Legacy Act Project.

24 Do I have a motion to approve?

25 MR. HENRY RODRIGUEZ: Motion to approve.

1 MR. FEKETE: Do I have a second?

2 MR. DOYLE: Second.

3 MR. FEKETE: We have a second. Any
4 questions?

5 (No Response)

6 MR. FEKETE: 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 (No Response)

12 MR. FEKETE: Ted Zagar?

13 (No Response)

14 MR. FEKETE: Kevin Doyle?

15 MR. DOYLE: Yes.

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Yes.

18 MR. FEKETE: John Fekete? I vote yes.

19 That motion is approved.

20 And then consistent with what we
21 have just done, we need the budget amendment, the
22 third item for approval, and that is entitled 2017
23 budget amendment, 500,000 Trust, 100,000 non-trust.

24 MR. TREVINO: Can I clarify?

25 MR. FEKETE: Yes.

1 MR. TREVINO: So the budget amendment is
2 500,000 from the Trust and it's 65,000 from the
3 non-trust, for a total of 100,000. So the amendment
4 is adding 65,000 to 35.

5 MR. FEKETE: Okay. So this should have
6 been 65,000, which is --

7 MR. TREVINO: Right.

8 MR. FEKETE: Okay. So let me repeat that.
9 The budget amendment of \$500,000 for the Trust and
10 \$65,000 for the non-trust, that is the action before
11 us. I'll have a motion.

12 MR. BAKOTA: Motion to approve.

13 MR. FEKETE: Do I have a second?

14 MR. HENRY RODRIGUEZ: Second.

15 MR. FEKETE: I have a second. Any
16 questions?

17 (No Response)

18 MR. FEKETE: Roll call vote. John Bakota?

19 MR. BAKOTA: Yes.

20 MR. FEKETE: Henry Rodriguez?

21 MR. HENRY RODRIGUEZ: Yes.

22 MR. FEKETE: Patrick Rodriguez?

23 (No Response)

24 MR. FEKETE: Ted Zagar?

25 (No Response)

1 MR. FEKETE: Kevin Doyle?

2 MR. DOYLE: Yes.

3 MR. FEKETE: Ray Lopez?

4 MR. LOPEZ: Yes.

5 MR. FEKETE: John Fekete? I vote yes.

6 That motion is approved.

7 Great Lakes Legacy Act Project
8 application.

9 MR. TREVINO: So the application that's in
10 your packet has been drafted as a team effort
11 between myself and BP, and it basically spells out
12 that we are requesting a project to be done in the
13 Lake George Canal. And if you look on page 21, it
14 also specifies the project funding that the local
15 non-federal sponsors would bring to the table, and
16 it includes the 500,000 from the Trust and 250,000
17 from the Waterway Management District, overmatch
18 from that was left from the remedial design.

19 And again those details would be
20 further outlined in the project agreement, but at
21 this point IT'S a project proposal that kind of
22 initiates the process with EPA and they review it
23 and they will let us know if it's approved. And
24 once approved, then we enter into the project
25 agreement phase.

1 So the proposal that's in front of
2 you is stamped draft. So we'll still be circulating
3 it for comments, but it's somewhere between 98,
4 99 percent complete, if not a hundred percent
5 complete at this point. But the project agreement,
6 when we get to that, hopefully we get to that phase,
7 the Board will have another opportunity to evaluate
8 the details of the contractual arrangements
9 affiliated with the project.

10 MR. FEKETE: This basically is asking for
11 approval to go ahead and enter into this discussion.

12 MR. TREVINO: Yes, it's approving -- so
13 once the Board approves it, it will allow me to
14 submit this to the Great Lakes Legacy Act Project
15 or EPA.

16 MR. LOPEZ: So it's 98 percent done.

17 MR. TREVINO: If not a hundred.

18 MR. LOPEZ: Two percent leeway.

19 MR. TREVINO: You never know.

20 MR. LOPEZ: Motion to accept.

21 MR. FEKETE: We have a motion. Do I have
22 a second?

23 MR. HENRY RODRIGUEZ: Second.

24 MR. FEKETE: We have a second. Any
25 questions?

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(No Response)

MR. FEKETE: Roll call vote. John Bakota?

MR. BAKOTA: Yes.

MR. FEKETE: Henry Rodriguez?

MR. HENRY RODRIGUEZ: Yes.

MR. FEKETE: Patrick Rodriguez?

(No Response)

MR. FEKETE: Ted Zagar?

(No Response)

MR. FEKETE: Kevin Doyle?

MR. DOYLE: Yes.

MR. FEKETE: Ray Lopez?

MR. LOPEZ: Yes.

MR. FEKETE: John Fekete? I vote yes.

Motion is approved.

Next order of business the
CliftonLarsonAllen engagement letter for 2017.

MR. TREVINO: Yes. So every year we renew
the engagement letter with CliftonLarsonAllen for
the accounting services they provide us. The draft
that you have before you has been reviewed by
Attorney Ellen Gregory. It's recommended for
approval.

MR. FEKETE: Okay.

MR. LOPEZ: Motion to accept.

1 MR. FEKETE: I have a motion to accept.
2 Do I have a second?

3 MR. BAKOTA: Second.

4 MR. FEKETE: I have a second. Any other
5 questions?

6 (No Response)

7 MR. FEKETE: Roll call vote. John Bakota?

8 MR. BAKOTA: Yes.

9 MR. FEKETE: Henry Rodriguez?

10 MR. HENRY RODRIGUEZ: Yes.

11 MR. FEKETE: Patrick Rodriguez?

12 (No Response)

13 MR. FEKETE: Ted 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? I vote yes.

20 The motion is approved.

21 And we have a permit application
22 before us for INDOT. Would you explain that please?

23 MR. TREVINO: Yes. As part of our
24 agreement with BP, known as a Section 10 permit,
25 there is also, that's part of that, is an INDOT

1 permit and Attorney Ellen Gregory has helped put it
2 together. But we had originally submitted a permit
3 and received a permit from INDOT, but this is
4 basically renewing it. And it's affiliated with the
5 booms that are along the canal. Do you want to add
6 anything?

7 MS. GREGORY: Yes. Basically it's a
8 permit to allow them to attach like a magnet
9 basically to the bridge. So the booms are attached
10 by a magnet to the bridge and that's what requires
11 the permit from INDOT.

12 MR. LOPEZ: The bond and fees are waived?

13 MS. GREGORY: Yes, waived.

14 MR. HENRY RODRIGUEZ: That's the bridge on
15 the boulevard, Indianapolis Boulevard.

16 MS. GREGORY: Yes.

17 MR. FEKETE: Any other questions?

18 (No Response)

19 MR. FEKETE: I'll entertain a motion.

20 MR. LOPEZ: Motion to approve.

21 MR. FEKETE: I have a motion.

22 MR. HENRY RODRIGUEZ: Second.

23 MR. FEKETE: I have a motion and second.

24 Roll call vote. John Bakota?

25 MR. BAKOTA: Yes.

1 MR. FEKETE: Henry Rodriguez?
2 MR. HENRY RODRIGUEZ: Yes.
3 MR. FEKETE: Patrick Rodriguez?
4 (No Response)
5 MR. FEKETE: Ted Zagar?
6 (No Response)
7 MR. FEKETE: Kevin Doyle?
8 MR. DOYLE: Yes.
9 MR. FEKETE: Ray Lopez?
10 MR. LOPEZ: Yes.
11 MR. FEKETE: John Fekete? I vote yes.

12 The motion is approved.

13 The last order of business for
14 approval consideration is the monthly meetings that
15 we have. We have both the monthly executive meeting
16 and public meeting. The meetings are held on the
17 third Wednesday of every month with executive
18 meeting at 4:00 o'clock and the public meeting at
19 5:00 o'clock. Meetings are held in this room, which
20 is 4444 Railroad Avenue, and we have the meeting
21 dates before you. So I will entertain a motion to
22 approve this and we can do a voice vote on this.

23 MR. BAKOTA: I make a motion to approve.

24 MR. HENRY RODRIGUEZ: Second.

25 MR. FEKETE: I have a motion and second.

1 All in favor signify by saying aye.

2 (All signify aye.)

3 MR. FEKETE: Any opposition?

4 (No Response)

5 MR. FEKETE: That motion is approved.

6 MR. TREVINO: And I just want to mention
7 that these dates will be posted on our web site.

8 MR. DOYLE: The next Board meeting is
9 January 20th and here it says January 18th, what's
10 the difference.

11 MR. TREVINO: That's a good catch. It's
12 the 18th, January 18, 2017.

13 MR. FEKETE: Okay, good point.

14 MR. TREVINO: So the date that's listed
15 above is correct.

16 MR. FEKETE: We'll restate it when we get
17 to that point to make it correct. Thank you very
18 much. BMO Harris report.

19 MR. TREVINO: Yes. Mr. Alonzo isn't here,
20 so I'll go over some of the highlights of the
21 report. Page 1, highlights the historical value of
22 the Trust since 1997 and the distributions each year
23 since 1997.

24 Page 2, is the current value of the
25 Trust, that's 5.588 million and that's as of

1 December 19, 2016, which reflects a \$59.00 gain from
2 the last meeting and the gain was solely from the
3 money market interest. There was one distribution
4 in 2016 of \$276,950.

5 Page 3, shows the value of the money
6 market essential business checking account and CDs.
7 CD interest was credited last month and will be
8 credited again at the end of January on the last
9 column, that's reflected in the February 2017
10 report. And that concludes the Trust report.

11 MR. FEKETE: Great Lakes Legacy Act
12 Project update, Mr. Wescott.

13 MR. WESCOTT: Good evening. So we haven't
14 done much. You have looked at the reports in the
15 last couple of months because the project agreement
16 have been negotiated, BP ideas for doing some
17 additional work up near the Whiting refinery. And
18 so we have been assisting Fernando with sort of
19 written costs based on the resolution in the last
20 couple of weeks and see what we can do over the next
21 meeting. Any questions for me? (No Response)
22 Okay.

23 MR. FEKETE: Thank you. U.S. Army Corps
24 of Engineers report.

25 MS. MILLS: Good evening. Natalie Mills

1 with U.S. Army Corps of Engineers. The facility and
2 dredging operation contract, we have suspended work,
3 stopped the dredging and water treatment until the
4 Spring of 2017.

5 Equipment storage facility, we are
6 basically wrapping up that contract. We have a few
7 punch list items that we are wrapping up, so we are
8 about done with that work as well. Not much
9 construction work was going on.

10 Documentation, we are still
11 coordinating the TSCA permit. Haven't heard
12 anything on when a public meeting is going to be
13 scheduled. They told us in January and they haven't
14 circulated any dates. Obviously when I hear a date,
15 it will be posted, so we'll all find out at the same
16 time. And we are planning for TSCA dredging in
17 2017, that's the plan. Obviously we need the permit
18 before we can actually do the dredging, so we won't
19 schedule it until we actually a permit in hand.

20 Oil boom coordination. Nothing
21 significant to report. It's in the close position
22 and will remain close until we return back for
23 dredging.

24 We did have a meeting. Ellen and
25 Fernando came down to the District office last week.

1 We discussed future discussion on the PCA and also
2 discussed the cost sharing portion of the project
3 and how we are going to proceed with the letter that
4 you all provided to us and the refund. There is
5 some discussion among counsel on how to get the
6 approval for it and anticipate a response shortly.

7 As far as a new contract, the FY-16
8 to FY-21 dredging and operation contract, they are
9 in there submittal phase. We'll be transitioning
10 from the old contract to the new contract in the
11 March timeframe. So you know it's the same
12 contractor, it's still Kokosing, so that should be
13 easy transition.

14 MR. FEKETE: Still have to go through the
15 process.

16 MS. MILLS: Yes. They still have to go
17 through the process, like accident prevention plan,
18 environmental protection plan. The same process as
19 if it's a new contractor. They are still required
20 to go through that process and they are in that
21 initial phase right now. They are coordinating
22 those initial phase, and that's all. That's all I
23 have at this juncture. Anybody have any questions?

24 MR. FEKETE: Any questions?

25 (No Response)

1 MR. FEKETE: Thank you very much.
2 Attorney Ellen Gregory report.

3 MS. GREGORY: Ellen Gregory, with Ellen
4 Gregory Law. I don't have a whole lot of new things
5 to report. Fernando and Natalie covered the cost
6 share meeting that we had with the Corps last week.
7 Fernando and I were going to be making a couple of
8 changes to that letter based on the discussion with
9 Kim. So you should be expecting some of those
10 responses from us.

11 The next call for the consent decree
12 is going to be tomorrow. Primarily most of the
13 discussions have been centered around the Great
14 Lakes Legacy Act. It's my understanding that BP and
15 EPA have been also discussing changes to the consent
16 degree based on the Great Lakes Legacy work.

17 Another issue related to the TSCA
18 permit that we did discuss last week, we met with
19 Natalie and Kim, in Chicago, the issue of the
20 ownership of the CDF property. The fact that the
21 Feddeler parcel is still technically not owned by us
22 so we need to resolve that. We think we are making
23 progress with BP getting that transferred.
24 Hopefully by the next meeting we'll have more to
25 report and the transfer of the Feddeler parcel,

1 which will help with the TSCA issue, but also let us
2 move forward with the Army Corps and getting the
3 appraisal for the Feddeler parcel so we can move
4 forward with discussions with Feddeler regarding
5 their claim. And that's all I have.

6 MR. FEKETE: Okay. Thank you very much.
7 Any questions?

8 (No Response)

9 MR. FEKETE: New business?

10 MR. TREVINO: Yes. I think at the October
11 Board meeting the Board approved the transfer of
12 money from an expiring CD, and that transfer
13 included some paperwork that was required from BMO
14 Harris, and that included a resolution that we are a
15 not-for-profit organization and a letter of
16 authorization. The Board approved both documents,
17 but just for clarification, I think it's a good idea
18 to assign that resolution a number just to keep
19 track with our recordkeeping. And so that
20 resolution would be 2016-4.

21 And since then the letter of
22 authorization that was signed and approved at the
23 time, Mr. David Alonzo had mentioned that their
24 staff required the letter to say that it was we were
25 a non-profit organization. So I'd ask the Board to

1 approve that resolution that was approved be
2 resolution 2016-4 and also approve this letter of
3 authorization that now says not-for-profit
4 organization.

5 MR. FEKETE: So these are just minor fixes
6 to resolutions that we have already passed, just for
7 clarification.

8 MR. TREVINO: Yes, it is. It's just,
9 number one, giving it a number because in essence
10 that is a Board resolution, although it is a BMO
11 protocol. And the letter of authorization now says
12 not-for-profit organization and it also has what the
13 new CD account number is. So those are the only
14 differences, but I think just for clarification
15 purposes and, you know, just to make sure we are
16 dotting our I's and crossing our T's. I think it's
17 important to enter that into the record and have the
18 Board approve it.

19 MR. FEKETE: Okay.

20 MR. BAKOTA: Could we put that on the
21 letterhead permanently?

22 MR. TREVINO: Enter what?

23 MR. BAKOTA: Not-for-profit.

24 MR. TREVINO: That's something to think
25 about.

1 MR. FEKETE: That's a good idea. We'll
2 have to take that up and we'll think about that.
3 But for the moment, do I entertain a motion to
4 approve this recommendation?

5 MR. BAKOTA: Motion to approve.

6 MR. FEKETE: Do I have a second?

7 MR. HENRY RODRIGUEZ: Second.

8 MR. FEKETE: I think since this is a
9 housekeeping thing we can take it under a voice
10 vote. All in favor signify by saying aye.

11 (All signify aye.)

12 MR. FEKETE: Any opposition?

13 (No Response)

14 MR. FEKETE: Hearing none, the motion is
15 approved. Any other business to come before the
16 Board?

17 (No Response)

18 MR. FEKETE: Any public comments?

19 MR. LOPEZ: Yes. I want to wish everybody
20 a happy holiday and new year.

21 MR. BAKOTA: Same to you.

22 MR. LOPEZ: I think we did good this year.
23 We're still here.

24 MR. TREVINO: That's always good. That's
25 a good sign.

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MR. FEKETE: I think in reflection you take a look back, we are making progress, but like somebody says, a lot of this work moves is laser speed, but it's progress. Thank you all. Any other public comments?

(No Response)

MR. FEKETE: Okay, hearing none, the next Board meeting will be January 18th, 2017, at 5:00 p.m., at the City Engineering Annex Building, in the large conference room. I have a motion for adjournment.

MR. BAKOTA: Motion to adjourn.

MR. HENRY RODRIGUEZ: Second.

MR. FEKETE: All in favor signify by saying aye

(All signify aye.)

MR. FEKETE: This meeting is concluded.

(MEETING ADJOURNED.)

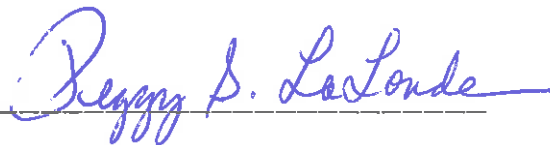
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C E R T I F I C A T E

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 21st day of December, 2016, 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 January, 2017.



Peggy S. LaLonde, CSR

My Commission expires: 3/14/2018

