

In the Matter Of:

East Chicago Waterway Management - Meeting of December 20, 2017

December 20, 2017



Iseminger & Associates, Inc.
877-337-7379

12/20/2017

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 20, 2017
7 Wednesday, 5:00 p.m.
8

9 Transcript of the proceedings had in the
10 above-entitled matter, on the 20th day of
11 December, 2017, 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.
17
18
19
20

21 ISEMINGER & ASSOCIATES, INC.
22 14 Indiana Avenue
23 Valparaiso, Indiana 46383
24 (219) 464-2178
25

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

MR. JOHN FEKETE, Board Member

MR. JOHN BAKOTA, Board Member

MR. HENRY RODRIGUEZ, Board Member

MR. RAY LOPEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT:

TIM ANDERSON, CliftonLarsonAllen

NATALIE MILLS, Army Corps of Engineers

* * * *

1 MR. FEKETE: I'd like to call to order the
2 East Chicago Waterway Management District Board of
3 Directors' meeting. Today's date is December 20th.
4 The time is 5:02 o'clock. We'll have roll call.
5 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 (No Response)

15 MR. FEKETE: Ray Lopez.

16 MR. LOPEZ: Here.

17 MR. FEKETE: John Fekete? Here. We have
18 a quorum.

19 First order of business is the
20 Executive Director's report, Mr. Trevino.

21 MR. TREVINO: Fernando Trevino, with FMT
22 Consulting. I'd like start by going over the
23 contents of your Board packet.

24 You have the Board minutes for
25 November 15th, 2017. You have the financial

1 statement dated November 30, 2017, produced by
2 CliftonLarsonAllen. You have the claims docket
3 dated December 20, 2017, that's on the agenda for
4 approval consideration. You have First Merchant
5 Bank statement for accounts ending in 616 and 608,
6 for the month of November 2017. And you have one
7 User fee deposit memo dated November 9, 2017, that
8 was deposited in the month of November. You have
9 Verizon purchase order in your Board packet. You
10 have an engagement letter with the Waterway
11 Management District and CliftonLarsonAllen for the
12 2018 calendar year, and that's on the agenda for
13 approval consideration. You also have the INDOT
14 right-of-way permit application in your Board
15 packet, and that is on the agenda for approval
16 consideration. You have the ECI Facility Trust
17 report from BMO Harris Bank, along with the
18 statement for the month of November for accounts
19 ending in 712 and 761. You have the Army Corps of
20 Engineers report to the Board dated December 20,
21 2017. You have Attorney Ellen Gregory report to the
22 Board, with a revision date of December 18, 2017.
23 You have an invoice from the Waterway Management
24 District to BP for \$13,000 and that's for
25 reimbursement for appraisal work that the District

1 did for six parcels of property. You have a letter
2 from Atlantic Richfield Company dated December 6,
3 2017. It's monthly progress report number 33. You
4 have an e-mail from myself to the Attorney General
5 office, Mr. Newman, regarding the continuance of an
6 MOU between the District and the Attorney General
7 Office for User fee collection. That concludes the
8 items in your packet.

9 Couple things to report on. We
10 had the Board approved doing two appraisals on six
11 parcels of property that the District owns. Those
12 appraisal reports have been completed and the
13 invoices for that work is in your claim docket.

14 Also in your packet was an
15 invoice to BP for \$13,000 and that's for
16 reimbursement that they agreed to pay for the
17 appraisal reports.

18 The Great Lakes Legacy Act
19 project. The project team continues to work towards
20 finalizing a project agreement and the cost share
21 agreement. And per my contract, we are to conduct
22 an annual performance evaluation, which has been
23 completed and results shared with the Board. And
24 that concludes my report.

25 MR. FEKETE: Any questions for Mr.

1 Trevino? Hearing none, thank you very much.

2 The next item is the approval
3 consideration of the Board meeting notes, and just
4 to make a correction in the name, it's not Mr.
5 Baylock, it's Mr. Jason Shoff. So with that
6 correction, I will entertain approval of the Board
7 meeting notes for November 15, 2017.

8 MR. BAKOTA: Motion to approve.

9 MR. LOPEZ: Second.

10 MR. FEKETE: All in favor signify by
11 saying aye.

12 (All signify aye.)

13 MR. FEKETE: Any opposition? Hearing
14 none, the motion is approved.

15 Next order of business is
16 accounting consultant report, Mr. Anderson.

17 MR. ANDERSON: Tim Anderson,
18 CliftonLarsonAllen. I was a little tardy, you
19 actually have a hard copy. This is as of
20 November 30th.

21 Page 2, has our cash receipts
22 through November 30th and our cash disbursements for
23 the same period. Interest income User fees and the
24 transfer from the Trust, that's our 1.2 million of
25 revenue receipts. And then our disbursements, which

1 have not been that much this year, \$351,836. We
2 have budgeted to do a lot of things, but as far as
3 cash disbursements through November, that's the
4 total.

5 So our cash accounts, the User
6 fee account, and the Operating account have really
7 bumped up this year. So those two accounts were
8 2.2 million at the beginning of the year, and as of
9 November 30, 3,145,000. And you can see how they
10 are broken out. There is 858 in the budget account,
11 the general checking, and 2.2 million in the User
12 fee account.

13 Page 4 -- or page 3 of this
14 report just shows all the details, the way the State
15 Board likes to look at it. The interest earned by
16 month and the cash disbursements by month, with the
17 budget transfers. So you can see how each month it
18 is accumulated.

19 And then, of course, page 4 is
20 the important page. This has got the budget
21 appropriations. So had a budget of 1.1 million in
22 the left most column. We had some payables from
23 2016 that we get to add to our budget
24 appropriations. So we had a total spend of
25 1,209,000. And we have spent, as we discussed

1 there, about 351,000 through November. And then you
2 have a claims docket today of \$75,769. So we have
3 available unused budget of 781,000, which ties back
4 to that balance in the Operating. It's really a
5 balance in our Operating account after we cut those
6 checks. So we are not really tight on any line
7 items, don't see any problems.

8 So, we get one more crack at
9 this unused '17 budget. Your checks you write in
10 January will actually apply to this month, and then
11 we roll into next year's budget. Any questions?

12 MR. LOPEZ: Do we have that report -- is
13 there a report we have to do?

14 MR. ANDERSON: Yeah. You get the joy of
15 doing that again with me. We have to report to the
16 State Board of Accounts, it's the end of January.

17 MR. LOPEZ: I got an e-mail, but it wasn't
18 explaining anything.

19 MR. ANDERSON: We do a special District
20 annual report with the State Board of Accounts,
21 which is a big thing, and then I do it and you send
22 it in. And then there is a couple other reports
23 that the State Board need, they want to know -- we
24 don't have any employees, but they like to know
25 about obligations that we have, rental lease

1 agreements and this kind of thing. So there's a few
2 different reports we file in addition to the 1099
3 and all that good stuff. We'll take care of all of
4 it.

5 That's all I have got. Thanks.

6 MR. FEKETE: Okay. The next order of
7 business is the approval consideration of the
8 accounts payable voucher dated December 20, 2017, I
9 would entertain a motion to approve?

10 MR. HENRY RODRIGUEZ: Motion to approve.

11 MR. FEKETE: Do I have a second?

12 MR. BAKOTA: Second.

13 MR. FEKETE: Okay, roll call vote. John
14 Bakota?

15 MR. BAKOTA: Yes.

16 MR. FEKETE: Henry Rodriguez?

17 MR. HENRY RODRIGUEZ: Yes.

18 MR. FEKETE: Ray Lopez?

19 MR. LOPEZ: Yes.

20 MR. FEKETE: John Fekete? I vote yes.
21 That motion is approved.

22 The next order of business is
23 the approval consideration for the Verizon purchase
24 order.

25 MR. LOPEZ: Motion to accept.

1 MR. FEKETE: We have a motion. Is there a
2 second?

3 NR, BAKOTA: Second.

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

5 MR. BAKOTA: Yes.

6 MR. FEKETE: Henry Rodriguez?

7 MR. HENRY RODRIGUEZ: Yes.

8 MR. FEKETE: Ray Lopez?

9 MR. LOPEZ: Yes.

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

12 Next order of business is
13 approval consideration for the CliftonLarsonAllen
14 engagement letter for the year 2018. I would
15 entertain a motion to approve.

16 MR. HENRY RODRIGUEZ: Motion to approve.

17 MR. LOPEZ: Second.

18 MR. FEKETE: We have a motion and a
19 second. Roll call vote. John Bakota?

20 MR. BAKOTA: Yes.

21 MR. FEKETE: Henry Rodriguez?

22 MR. HENRY RODRIGUEZ: Yes.

23 MR. FEKETE: Ray Lopez?

24 MR. LOPEZ: Yes.

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

1 That motion is approved.

2 Next order of business is the
3 approval consideration of INDOT, Indiana Department
4 of Transportation, right-of-permit application. Do
5 I have a motion to approve?

6 MR. LOPEZ: Motion to approve.

7 MR. FEKETE: Is there a second?

8 MR. BAKOTA: What is that?

9 MR. FEKETE: Fernando?

10 MR. TREVINO: Yeah. So, they are
11 attaching some right-of-ways to the booms that are
12 in the canal to capture any oil sheens are being
13 attached to the Indy Boulevard bridge. In order to
14 do that, you need a permit from INDOT.

15 MR. BAKOTA: Okay.

16 MR. TREVINO: So that's what the
17 application is. And then the last page of the
18 application is the map of Indy Boulevard bridge and
19 the approximate location of the attachment.

20 MR. BAKOTA: Okay, thanks. Second.

21 MR. FEKETE: Okay. Roll call vote. John
22 Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 MR. HENRY RODRIGUEZ: Yes.

1 MR. FEKETE: Ray Lopez?

2 MR. LOPEZ: Yes.

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

4 That motion is approved.

5 Next order of business is
6 approval of the 2018 monthly executive and public
7 like meeting announcement schedule as published in
8 our agenda for this month.

9 MR. TREVINO: So, as part of our process
10 before the beginning of the year is to announce our
11 regularly scheduled executive and public meeting
12 schedule. And so these are consistent with what we
13 have done for the last several years. It's the
14 third Wednesday of the month, 4:00 o'clock is the
15 Executive Session, 5:00 o'clock is the public
16 meeting. And after Board approval, we also posted
17 these on our web site.

18 MR. FEKETE: Okay. I'll entertain a
19 motion to approve these dates.

20 MR. BAKOTA: Motion to approve.

21 MR. FEKETE: And a second?

22 MR. HENRY RODRIGUEZ: Second.

23 MR. FEKETE: We'll have a voice vote. All
24 in favor signify by saying aye.

25 (All signify aye.)

1 MR. FEKETE: Any opposition? Hearing
2 none, the motion is approved.

3 Next order of business is the
4 BMO Harris Bank Trust report.

5 MR. TREVINO: You have in your packet the
6 report from BMO Harris. Mr. David Alonzo wasn't
7 able to be here, but I'll summarize the report.

8 Page 1, highlights the
9 historical values since 1997, and also the
10 disbursements each year since 1997.

11 Page 2, the current value of the
12 Trust is 4,852,097, and that's as of December 18,
13 2017, and it reflects a decline in the value of \$54
14 from the last meeting, which is due from the Prime
15 Money Market. No CD interest paid until the end of
16 next month, January of 2018.

17 Page 3, shows the values of the
18 Money Market essential business checking account and
19 CDs. The next CD interest will be credited at the
20 end of October and will be reflected in the November
21 Board meeting review. Next CD matures in June of
22 2018. That summarizes the report.

23 MR. FEKETE: Okay. Any questions for Mr.
24 Trevino? Hearing none, thank you very much.

25 And the next order of business

1 is Army Corps report. Miss Mills.

2 MS. MILLS: Good evening. The dredging
3 contract, they stopped work, stopped the dredging
4 shortly after Thanksgiving. They have dredged
5 approximately 94,100 cubic yards in 2017, which
6 we're still waiting on the final surveys to get what
7 the final quantity is.

8 They're going to continue to
9 operate the gradient control system. The plan as
10 stated here is to dredge approximately 230,000 cubic
11 yards. So they have another 140,000 to go, or so,
12 when we resume in the Spring of 2018. And that
13 includes 30,000 cubic yards.

14 With respect to the oil boom
15 coordination. Fernando, can I have a copy of the
16 schematic you have for that permit?

17 MR. TREVINO: Sure.

18 MS. MILLS: I don't have that on the PCA.
19 I know that our attorney is working on a draft.
20 When it's going to be ready to be released I'm not
21 quite clear, but I know he's working on it because I
22 asked him about.

23 MR. TREVINO: Who's working on it?

24 MS. MILLS: Our attorney. As far as
25 Feddeler, I have asked to see the letter because two

1 months ago I reported that the letter was routing,
2 so I have asked, well, where is it? So I haven't
3 seen it. There were comments to the draft. So I
4 haven't seen the final draft with comments
5 incorporated so that we can share that with you
6 guys. That's it.

7 MR. FEKETE: Any questions for Miss Mills?
8 I do have a question -- not a question -- a request.
9 From time to time we are asked when we are out and
10 about how much total cubic yards have been dredged
11 from the beginning of the project to-date. If you
12 could provide that, we'd appreciate that.

13 MS. MILLS: Okay. It's about 1.1 million
14 cubic, but I can give you the exact.

15 MR. FEKETE: From the starting point?

16 MS. MILLS: From 2012.

17 THE COURT: Okay. No other questions.
18 Hearing none, thank you very much.

19 Next order of business then is
20 the Attorney Ellen Gregory report.

21 MS. GREGORY: Ellen Gregory, Ellen Gregory
22 Law. Not much new other than what has been reported
23 by Fernando and Natalie. We continue to have
24 biweekly calls with the ECI group. The last call
25 was on December 7th.

1 We are also having biweekly
2 calls with the Great Lakes Legacy Act group. The
3 last call with them was December 15th. We continue
4 to move forward, as Fernando mentioned, with the
5 project partners on the PA for the Great Lakes
6 Legacy Act Project and site agreement.

7 Couple other things that I have
8 worked on has been INDOT permit extension that was
9 just voted on. And then a draft MOU, which has been
10 submitted to the Attorney General Office regarding
11 Attorney General assistance on collecting unpaid
12 User fees. That's all I have.

13 MR. FEKETE: Okay. Any questions for Miss
14 Gregory? Hearing none, thank you.

15 MS. MILLS: I do have something, a
16 question. I was on a call today -- not a call, it
17 was a meeting, in person, on some other items and
18 the PA came up. And they are under the impression,
19 Brenda Jones, that you all were going to be voting
20 on it today or maybe you should make sure she knows
21 where you guys are in the process.

22 MS. GREGORY: Will do. Thank you.

23 MR. FEKETE: Okay. Any new business to
24 come before the Board? Any other business? Any
25 public comments?

1 Our next Board meeting will be
2 January 17, 2018 at 5:00 p.m., at this facility.

3 I would entertain a motion for
4 adjournment.

5 MR. BAKOTA: Motion to adjourn.

6 MR. FEKETE: Do I have a second?

7 MR. HENRY RODRIGUEZ: Second.

8 MR. FEKETE: All in favor signify by
9 saying aye?

10 (All signify aye.)

11 MR. FEKETE: We are adjourned. Merry
12 Christmas to everyone.

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15 (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 20th day of December, 2017, 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 12th day of January, 2018.



Peggy S. LaLonde

Peggy S. LaLonde, CSR

My Commission expires: 3/14/2018

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