1	EAST CHICAGO WATERWAY MANAGEMENT
2	DISTRICT BOARD OF DIRECTORS' MEETING
3	
4	City of East Chicago, Engineering/Annex Building
5	4444 Railroad Avenue
6	East Chicago, Indiana
7	Via Zoom/Telephone Conference
8	
9	May 20, 2020
10	Wednesday 5:00 p.m.
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14	Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the
15	above-entitled matter on the 20th day of May, 2020, at 5:00 p.m., via Zoom/telephone conference,
16	before Dawn M. Iseminger, RPR, and Notary Public, within and for the County of Porter, State of
17	Indiana.
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1	APPEARANCES
2	MR. JOHN FEKETE, President
3	MR. KEVIN DOYLE, Board Member
4	MR. HENRY RODRIGUEZ, Board Member
5	MR. PATRICK RODRIGUEZ, Board Member
6	MR. RAY LOPEZ, Board Member
7	MR. FERNANDO TREVINO, FMT Consulting
8	MS. ELLEN GREGORY, Ellen Gregory Law
9	ALSO PRESENT:
10	MR. MIKE NGUYEN, Army Corps of Engineers
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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 May 20th and
4	the time is 5:00.
5	I'd like to add that this meeting is being
6	conducted via teleconferencing using the method
7	known as Zoom videoconferencing.
8	For the record, we'll call roll call as
9	the first order of business.
10	John Bakota?
11	(No response.)
12	MR. FEKETE: Henry Rodriguez?
13	MR. HENRY RODRIGUEZ: Henry Rodriguez here.
14	MR. FEKETE: Patrick Rodriguez?
15	MR. PATRICK RODRIGUEZ: Patrick Rodriguez
16	here.
17	MR. FEKETE: Ted Zagar is not present.
18	Kevin Doyle?
19	MR. DOYLE: Here.
20	MR. FEKETE: Ray Lopez?
21	MR. LOPEZ: Ray Lopez is here.
22	MR. FEKETE: John Fekete, I'm here. So we
23	have a quorum.
24	The first order of business is the
25	executive directors' report, Fernando Trevino.
	3

FERNANDO TREVINO: Fernando Trevino with FMT Consulting. As in the past, I'll go over and summarize the contents of your board packet.

You have the agenda for today's board meeting dated May 20. You have the executive and public meeting posting that was sent to the papers and also posted on our website. You have the April 15, 2020, board meeting notes for approval consideration. You have the CliftonLarsenAllen financial statement dated April 30, 2020. You have the claim docket in your board packet dated May 20th, 2020, along with a summary of the check register and the purchase orders affiliated with all the invoices that we are requesting to be approved.

You have First Merchant's Bank statement for accounts 608 and 616, along with the copies of the checks that have been cashed under 608. Is it 608? Let me double check that. Yeah, I think it's account ending in 608.

You have the First Merchant Bank account statement for the 12-month CD ending in 898 and the 24-month CD ending in 936, and both reports were run on -- when were they run? It says as of March 16.

You have the ECI Facility Trust report from BMO Harris, and that's dated March 30th of 2020. You have the East Chicago Waterway

Management District electronic signature policy with the revision date of May 17, 2020, and that's on the agenda for approval consideration. You have the letter from the district to Natalie Mills from the Army Corps of Engineers stating that we have no objection for putting Great Lakes Legacy Act sediments in the CDF, and that's on the agenda for approval consideration.

You have three letters that are related to

You have three letters that are related to the process for the PCA amendment, and one is from the treasurer financial officer, Mr. Ray Lopez, a second letter is from Attorney Ellen Gregory, and then the third letter is from John Fekete. And as I mentioned, those three letters are on the agenda for approval consideration.

You have copies of the user fee deposits that were made in May. One is dated May 6 and the second user fee deposit was dated May 14th.

You have Attorney Ellen Gregory's report with the revision date of May 17th, 2020. And

you have the Army Corps report to the board with a revision date of May 20, 2020.

You have a memorandum from AECOM, Jim Adams, and it's related to Indiana Harbor Canal at Canal Street bridge, improvement options, and that memo is dated May 19th, 2020.

You have a report from Parsons, a monthly bird observation monitoring report number 56 for the month of April 2020.

And that summarizes the contents of your board packet.

I'll give the board a quick update on a few items. Because today's board meeting was originally advertised to meet in person but now we're meeting via video/telephone, we posted today's meeting in the papers with the 48 hours advance notice, and it was also posted on our website. We have received some inquiries from Buckeye related to some of their pipeline equipment on our property and they're interested in renewing their easement and the possibility of adding to their real estate needs.

We also received an inquiry from Parsons related to a BP pipeline project, so we're

working with both of those entities on some of their inquiries.

The 2020 user fees, we began to receive checks and payments for the 2020 user fees. To date, I've deposited approximately \$128,000, and all of those deposits were done in the month of May.

We continue to work with M&M Management on their delinquent account. A reminder that we reported to the board in the past that we had received a notice of their property going on tax sale. So we're working through all of those issues.

The PCA and tipping fee resolution, we're continuing to work toward the resolution of modifying both of those agreements. We met yesterday with the Corps to continue to work towards the modified PCA. The next step is to meet with EPA and ArcelorMittal to make sure the amended tipping fee agreement tracks harmoniously with the amended PCA.

Based on our current efforts and progress, the Corps and the team believes we can have an amended PCA and tipping fee agreement in time

to complete the ArcelorMittal sediment dredging this year.

The Great Lakes Legacy Act project is a reminder the district submitted the 2019 year end cost share report a couple of weeks ago.

The project team received an updated 30 percent basis of design report for the sheet pile wall and west tank farm bank stabilization, and ARBP submitted that updated report on Friday, May 15th. The project team is working on an updated master project schedule; so once we have that updated master schedule, I plan to share it with the board.

Phase one dredging for the Great Lakes
Legacy Act work is still scheduled for this
year. And I mentioned that there is a "no
objection" letter in your packet for use of the
CDF for dredge sediments from the Great Lakes
Legacy Act project.

The other project I'm working on is the Canal Street bridge project. AECOM submitted a summary of their remedy options along with their recommendation for the Canal Street bridge project. That memo is included in your

1	board packet. The next step is to review the	
2	options and recommendations with the board.	
3	And if the board is okay with it, I would then	
4	meet with the Corps and stakeholders along with	
5	the City to make sure that everyone was on	
6	board with the recommended option.	
7	The Army Corps report on the dredging is	
8	in your board packet. I believe Mike Nguyen is	
9	in attendance, and he can give us an update	
10	when we get to that.	
11	And that concluded my update.	
12	MR. FEKETE: Any questions for Mr. Trevino?	
13	(No response.)	
14	MR. FEKETE: Hearing none, I thank you very	
15	much.	
16	The next order of business is the approval	
17	consideration for the board meeting notes for	
18	last months meeting, April 15, 2020. We'll do	
19	this by role call just to facilitate the video	
20	conferencing.	
21	John Bakota?	
22	(No response.)	
23	MR. FEKETE: Henry Rodriguez?	
24	MR. HENRY RODRIGUEZ: Henry Rodriguez, yes.	
25	MR. FEKETE: Patrick Rodriguez?	
	9	

1	MR. MR. PATRICK RODRIGUEZ: Patrick
2	Rodriguez, yes.
3	MR. FEKETE: Ted Zagar, not present.
4	Kevin Doyle?
5	MR. DOYLE: Kevin Doyle, yes.
6	MR. FEKETE: Ray Lopez?
7	MR. LOPEZ: Yes.
8	MR. FEKETE: John Fekete, I vote yes. That
9	motion is approved.
10	The next order of business is the
11	accounting consultant report. Mr. Trevino.
12	MR. TREVINO: Yes. Let me get back to that.
13	So the first page of the report summarizes
14	the statement of cash receipts and cash
15	disbursements through April 30, 2020. The cash
16	balance as of April 30, 2020, is \$3,806,406.75,
17	and it summarizes the total in the operating
18	account, the user fee account and the CD
19	accounts; and that total is the same total as
20	the cash balance that I mentioned.
21	The next page is a schedule of cash
22	activity through April 30 of 2020. The cash
23	balance at the beginning of the year was
24	\$694,368.31, and the user fee account cash
25	balance as of January 1, 2020, was \$850,313.95.

1	And then the Certificate of Deposit balance for	
2	the two CDs along with the interest is	
3	\$2,086,062.01.	
4	The next page is kind of, as Tim says, the	
5	important one that kind of summarizes our 2020	
6	budget. It's broken down by all the line items	
7	and various columns. The second-to-the-last	
8	column is a summary of the items on today's	
9	claim docket, and the claim docket total is	
10	\$42,688.19. And if you look at the last	
11	column, it's the unused budget for 2020, and	
12	you can see all the items are still in the	
13	black.	
14	And that summarizes the financial report.	
15	MR. FEKETE: Okay. Any questions? Comments?	
16	(No response.)	
17	MR. FEKETE: Thank you very much.	
18	The next order of business is the approval	
19	consideration for the accounts payable voucher	
20	dated today's date, May 20, 2020. I'll	
21	entertain a motion for approval.	
22	MR. LOPEZ: Motion to approve.	
23	MR. MR. PATRICK RODRIGUEZ: I'll second.	
24	MR. FEKETE: Okay. Roll call vote. Any	
25	questions?	
		11

1	(No response.)	
2	MR. FEKETE: John Bakota?	
3	(No response.)	
4	MR. FEKETE: Henry Rodriguez?	
5	MR. HENRY RODRIGUEZ: Henry Rodriguez, yes.	
6	MR. FEKETE: Patrick Rodriguez?	
7	MR. MR. PATRICK RODRIGUEZ: Patrick	
8	Rodriguez, yes.	
9	MR. ZAGAR: Ted Zagar, not present.	
10	Kevin Doyle?	
11	MR. DOYLE: Kevin Doyle, yes.	
12	MR. FEKETE: Ray Lopez?	
13	MR. LOPEZ: Yes.	
14	MR. FEKETE: John Fekete, I say yes. The	
15	motion is approved.	
16	The next order of business is the approval	
17	consideration for the electronic signature	
18	policy. Were there any questions about the	
19	policy? I think we discussed it at our last	
20	meeting and verbally agreed that we would move	
21	ahead with the policy, and it is now before us	
22	in a written document, so I'll entertain a	
23	motion to approve.	
24	MR. MR. PATRICK RODRIGUEZ: This is Pat	
25	Rodriguez. Motion to approve.	
		12

1	MR. LOPEZ: Ray Lopez, second.
2	MR. FEKETE: Thank you very much. Any
3	questions?
4	(No response.)
5	MR. FEKETE: Okay. Roll call vote. John
6	Bakota?
7	(No response.)
8	MR. FEKETE: Henry Rodriguez?
9	MR. HENRY RODRIGUEZ: Henry Rodriguez, yes.
10	MR. FEKETE: Patrick Rodriguez?
11	MR. MR. PATRICK RODRIGUEZ: Patrick
12	Rodriguez, yes.
13	MR. FEKETE: Ted Zagar, not present.
14	Kevin Doyle?
15	MR. DOYLE: Kevin Doyle, yes.
16	MR. FEKETE: Ray Lopez?
17	MR. LOPEZ: Yes.
18	MR. FEKETE: John Fekete, I vote yes. And
19	that motion is approved.
20	The next order of business is a "no
21	objection" letter from the district to the Army
22	Corps of Engineers for the use of the CDF for
23	non-federal channel material. I'll entertain a
24	motion to approve this letter.
25	MR. HENRY RODRIGUEZ: Henry Rodriguez, motion
	13

1	to approve.
2	MR. LOPEZ: Ray Lopez, second.
3	MR. FEKETE: Okay. We had Henry and Ray
4	approve. We'll have a roll call vote.
5	John Bakota?
6	(No response.)
7	MR. FEKETE: Henry Rodriguez?
8	MR. HENRY RODRIGUEZ: Henry Rodriguez, yes.
9	MR. FEKETE: Patrick Rodriguez?
10	MR. MR. PATRICK RODRIGUEZ: Patrick
11	Rodriguez, yes.
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	The next order of business is the approval
20	consideration for three amendment certificates
21	in conjunction with the PCA that's being
22	negotiated. I guess this was at a request of
23	the Army Corps of Engineers.
24	MR. LOPEZ: Could we approve each one
25	individually?
	14

1 MR. FEKETE: I think so. 2 MR. MR. PATRICK RODRIGUEZ: Yes. 3 MR. FEKETE: Patrick is saying yes. MR. PATRICK RODRIGUEZ: We should. 4 MR. FEKETE: Okay. The first letter is a 5 non-federal sponsor cell certification with 6 7 financial capability for agreements. It's open 8 for a motion to approve. 9 MR. HENRY RODRIGUEZ: Henry Rodriguez, motion 10 to approve. 11 MR. FEKETE: Okay, we had Henry. Do I have a 12 second? 13 MR. PATRICK RODRIGUEZ: Patrick Rodriguez, 14 motion to second. 15 MR. FEKETE: Okay. Any questions? 16 (No response.) 17 MR. FEKETE: Hearing none, we'll have a roll 18 call vote. 19 John Bakota not here. Henry Rodriguez? 20 MR. HENRY RODRIGUEZ: Henry Rodriguez, yes. 21 MR. FEKETE: Patrick Rodriguez? 22 MR. PATRICK RODRIGUEZ: Patrick Rodriguez, 23 yes. 24 MR. FEKETE: Ted Zagar? 25 (No response.)

1	MR. FEKETE: Kevin Doyle?
2	MR. DOYLE: Kevin Doyle is abstaining.
3	MR. FEKETE: Okay. John Fekete, I vote yes.
4	The next document is a certificate of
5	authority to be signed by Ellen Gregory.
6	MR. LOPEZ: Ray Lopez makes a motion to
7	approve.
8	MR. FEKETE: Okay, motion by Ray. Do we have
9	a second?
10	MR. HENRY RODRIGUEZ: Henry Rodriguez.
11	MR. FEKETE: Ray and Henry, okay.
12	Roll call vote. John Bakota is not here.
13	Henry Rodriguez?
14	MR. HENRY RODRIGUEZ: Henry Rodriguez, yes.
15	MR. FEKETE: Patrick Rodriguez?
16	MR. PATRICK RODRIGUEZ: Patrick Rodriguez,
17	yes.
18	MR. ZAGAR: Ted Zagar is not here.
19	Kevin Doyle?
20	MR. DOYLE: Yes.
21	MR. FEKETE: Ray Lopez?
22	MR. LOPEZ: Yes.
23	MR. FEKETE: John Fekete, I vote yes.
24	The third to be approved is the
25	certification regarding lobbying to be signed

by the president, John Fekete. I'll entertain 1 2 a motion to approve. 3 MR. LOPEZ: Ray Lopez makes a motion to 4 approve. MR. FEKETE: One at a time. Who said that? 5 That was Kevin Doyle, I 6 MR. TREVINO: 7 believe, first. 8 MR. DOYLE: Yeah, it was me. 9 MR. FEKETE: Okay. And the second? 10 MR. TREVINO: Hang on. I quess I'd ask our attorney, if Kevin is abstaining, shouldn't he not 11 12 make a motion to approve? 13 MS. GREGORY: Yes. And I think Kevin is 14 abstaining for all three of these certificates. 15 MR. PATRICK RODRIGUEZ: I think he only 16 abstained for one certificate, because he voted on 17 the other one. So his vote under Roberts -- these 18 are three segregate -- he can vote on each one or 19 choose not to. 20 MR. TREVINO: Yeah. And I didn't catch if he 21 voted on the second one. But I think as a matter 22 of order, I think it was the intent that Kevin was 23 going to abstain on all three. 24 MR. PATRICK RODRIGUEZ: Under Roberts, since 25 we're addressing each one individually, he'll have

1 to abstain on each one. But he voted "yes" on one 2 and "no" on the other -- he abstained on the 3 other, correction. So on the next vote --4 MR. FEKETE: That's what's transpired so far. 5 MR. PATRICK RODRIGUEZ: Right. So on this segregated issue he can vote "yes," "no," or 6 7 "abstain." 8 MR. TREVINO: Okay. 9 MR. DOYLE: It really doesn't matter anymore 10 because I don't work for those guys. 11 MR. TREVINO: Okay. 12 MR. LOPEZ: Okay. 13 MR. FEKETE: And this is on the PCA. 14 Kevin, you seconded the vote; is that 15 correct? 16 MR. PATRICK RODRIGUEZ: I think Kevin made 17 the primary motion. 18 MR. DOYLE: I motioned. 19 MR. PATRICK RODRIGUEZ: He made the primary 20 and Henry made the second. MR. FEKETE: Okay. We'll have a roll call 21 22 vote. John Bakota, not here. 23 Henry Rodriguez? 24 MR. HENRY RODRIGUEZ: Yes, Henry Rodriguez. 25 MR. FEKETE: Patrick Rodriguez? 18

1	MR. PATRICK RODRIGUEZ: Patrick Rodriguez
2	votes yes.
3	MR. FEKETE: Ted Zagar is not here.
4	Kevin Doyle?
5	MR. DOYLE: Yes.
6	MR. FEKETE: Ray Lopez?
7	MR. LOPEZ: Yes.
8	MR. FEKETE: John Fekete, I vote yes. Okay,
9	that motion is approved.
10	New business, Ellen Gregory.
11	MS. GREGORY: We're not doing The Corps
12	report?
13	MR. FEKETE: Is Mike Nguyen on?
14	MS. GREGORY: Mike Nguyen?
15	MR. NGUYEN: Yes, I'm on.
16	MR. FEKETE: Mike, give us the Army Corps of
17	Engineers report.
18	MR. NGUYEN: All right. For the CDF
19	construction we started water treatment and
20	dredging scheduled to resume in late June, early
21	July. Pre-dredge public meeting is scheduled for
22	17, June, at 6:00 p.m., after the board meeting
23	which was originally scheduled for today but we
24	everyone decided to push it off until the next
25	board meeting.

1	Nothing new on the oil boom coordination.	
2	The PCA negotiation is ongoing. And for Lake	
3	George, we're still working with EPA on the	
4	agreement for the Lake George dredging.	
5	Nothing new to report on the real estate.	
6	And we've completed the Parkway improvement	
7	project, and I believe Fernando forwarded	
8	pictures of the completed work to the board.	
9	And that's all I have.	
10	MR. FEKETE: Any questions for Mr. Nguyen?	
11	(No response.)	
12	MR. FEKETE: Thank you very much.	
13	MR. PATRICK RODRIGUEZ: John, with respect to	
14	the oil booms on the canal, is there any analysis	
15	with respect to how much oil was being captured in	
16	the booms, how many gallons that is being	
17	remediated, and how long and how much we captured	
18	so far since the boom has been in place?	
19	MR. NGUYEN: That would be a question for BP	
20	Amoco because they're the ones who are actually	
21	capturing the boom. We're just doing coordination	
22	with them for our dredging contract.	
23	MR. FEKETE: Okay. Thank you, Mike.	
24	MR. NGUYEN: Okay.	
25	MR. HENRY RODRIGUEZ: Mike, this is Henry	20

1 I took a walk and looked at that wall Rodriquez. 2 and it looked pretty good. It does look really 3 good. 4 MR. NGUYEN: Good. MR. FEKETE: 5 I was looking at the photographs. This is John Fekete. I was looking 6 at the photographs and all I could think of is, 7 "John Bakota ought to be very happy." 8 9 We ought to call it the John Bakota 10 Parkway. 11 In any event, it's a great job. I think it's a lot more than we expected. 12 13 MR. TREVINO: Yeah, it looks great. 14 MR. NGUYEN: Thank you. I hope everyone is 15 happy with it. MR. FEKETE: On the sidewalks, there were 16 some chalk marks. Are those diamonds? 17 Is that to 18 maintain five feet social distancing if you're 19 walking? 20 MR. NGUYEN: I don't think we had that in 21 mind when we designed the wall. It looks like chalk marks on the 22 MR. FEKETE: 23 sidewalk, and I was looking at that I thought, 24 "Well they're probably spaced out." 25 All right. Next order of business is the

1	Ellen Gregory report. Ellen.
2	MS. GREGORY: Ellen Gregory with Ellen
3	Gregory Law. Just kind of reiterating some of the
4	things Fernando had mentioned; the E-signature
5	policy which we put together. As you recall, last
6	month we went ahead and approved the use of
7	electronic signatures for signing documents.
8	There's no state requirement that there be a
9	policy in place but it's a recommendation under an
10	attorney general opinion, so we went ahead and put
11	together a policy which was just approved.
12	Negotiations with the PCA, both Mike and
13	Fernando have discussed that. Those are
14	ongoing.
15	Real estate issues; the Buckeye issue that
16	Fernando had mentioned. Jim Weiser has taken
17	the lead on that as the real estate attorney.
18	Then the letter of "no objection" for the
19	CDF, which Fernando also mentioned. And that
20	was basically it for the legal issues over the
21	last month.
22	MR. FEKETE: Okay. Any questions?
23	(No response.)
24	MR. FEKETE: Okay. Hearing none, any other
25	business?

1	MR. LOPEZ: This is Ray Lopez. On the
2	Merchants First Merchants Bank, we have a CD
3	that two of them are due in July. I think the
4	finance committee should meet on that one. And
5	also Harris Bank, we have a CD that's going to be
6	due in July. It's kind of early but we should
7	take some consideration, the finance committee.
8	MR. TREVINO: I'll follow up on that.
9	MR. LOPEZ: Okay. Thank you.
10	MR. FEKETE: Thank you, Ray.
11	Any other business to come before the
12	board?
13	(No response.)
<b>14</b>	MR. FEKETE: Any public comments?
15	(No response.)
16	MR. FEKETE: The next board meeting will be
17	June 17, 2020, at 5:00 p.m., hopefully at the City
18	Engineering Building. If not, we'll be doing
19	videoconferencing again.
20	Thank you. Everybody stay healthy and
21	safe. This meeting is adjourned.
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23	
24	
25	23
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1	CERTIFICATE
2	I, Dawn M. Iseminger, Registered Professional Reporter (RPR), and Notary Public within and for
3	the County of Porter, State of Indiana, do hereby certify that I appeared on the aforementioned
4	date, time, and location, for the East Chicago Waterway Management District Board of Directors
5	Special Meeting.
6	I further certify that I then and there reported in machine shorthand the proceedings of
7 8	said Special Meeting, and that the testimony was then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a
9	true and accurate record of the proceedings.
	I further certify that I am not related by
LO	blood or marriage to any of the parties, nor am I an employee of any of the parties or of their
11	attorneys or agents, nor am I interested in any way, financially or otherwise, in the outcome of
12	said litigation.
13	Dated this 10th day of June, 2020
14	SEAL ★
15	Dawn M. Iseminger, RPR
16	My Commission expires: 9/22/2025
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### District Board of Directors' Meeting 05/20/2020 Index: \$128..CDS

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