

**EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING**

**City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana
Via Zoom/Telephone Conference**

July 15, 2020

Wednesday 5:00 p.m.

**Transcript of the East Chicago Waterway Management
District Board of Directors' Meeting had in the
above-entitled matter on the 15th day of July,
2020, at 5:00 p.m., via Zoom/telephone conference,
before Dawn M. Iseminger, RPR, and Notary Public,
within and for the County of Porter, State of
Indiana.**

A P P E A R A N C E S

MR. JOHN FEKETE, President

MR. HENRY RODRIGUEZ, Board Member

MR. PATRICK RODRIGUEZ, Board Member

MR. RAY LOPEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT:

TIM ANDERSON, CLIFTONLARSENALLEN

MR. MIKE NGUYEN, Army Corps of Engineers

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1 MR. FEKETE: Call to order the East Chicago
2 Waterway Board of Directors' meeting. Today's
3 date is July 15, and the time is 5:00.

4 The first order of business is roll call.

5 John Bakota, not here.

6 Henry Rodriguez?

7 MR HENRY RODRIGUEZ: Here.

8 MR. FEKETE: Patrick Rodriguez?

9 MR. PATRICK RODRIGUEZ: Here.

10 MR. FEKETE: Ted Zagar is not here.

11 Kevin Doyle is not here.

12 Ray Lopez?

13 MR. LOPEZ: Here.

14 MR. FEKETE: John Fekete, here. We have a
15 quorum.

16 The next order of business is the
17 executive director's report, Mr. Treviño.

18 MR. TREVIÑO: Yes. Fernando Treviño, with
19 FMT Consulting, executive director.

20 I'd like to start by going over the
21 contents of your board packet. You have the
22 board agenda for today's meeting. You have the
23 June 17, 2020, board minutes. You have a copy
24 of the letter of authorization to transfer
25 \$15,000 for the budget amendment that was

1 approved at our last board meeting. You have a
2 copy of the claim docket with today's date,
3 along with the check register and a copy of the
4 purchase orders for all the invoices.

5 You also have a copy of the First
6 Merchant's Bank statement for account ending in
7 608, along with the affiliated copies of the
8 check images that were cashed during the month
9 of June. You also have the First Merchant Bank
10 statement ending in 616 for the month of
11 June 2020. And you have the 12-month CD report
12 and the 24-month CD report, both from First
13 Merchants, with the run date of July 13th,
14 2020.

15 You also have a copy of the user fee
16 deposits that were made in the month of June,
17 and there's five of those. You also have
18 copies of the past due notices that were sent
19 out to companies who hadn't paid their user
20 fees as of June 1st. And you might recall that
21 the board agreed to extend the deadline to
22 August 1st, and that's what is stated in the
23 letters. Since then we've received additional
24 payments from some of those companies that
25 received those past due notices.

1 You have the BMO ECI Facility Trust report
2 dated June 30, 2020. You have the U.S. Army
3 Corps of Engineers report to the board dated
4 July 15, 2020. And you have Attorney Ellen
5 Gregory's report to the board with a revision
6 date of July 14, 2020. That includes the items
7 in your board packet, just to kind of go over a
8 few items.

9 Because today's board meeting was
10 originally advertised to meet in person but we
11 are now meeting via video and telephone, we
12 posted today's meeting in the papers with 48
13 hours advanced notice. The meeting was also
14 posted on our website, and a meeting notice was
15 also sent to the list of stakeholders that we
16 have on our e-mail list.

17 At last month's June board meeting, the
18 board approved a 2020 budget amendment for the
19 Plews legal work that's affiliated with the PCA
20 and the tipping fee agreement resolution. And
21 on today's agenda is the approval for that
22 transfer, which is \$15,000.

23 An update on the 2020 user fees. To date
24 we've collected approximately \$320,000, which
25 is around 89 percent of the total. A reminder

1 that the district agreed to extend the deadline
2 to August 1st, and I'll report an update at our
3 August board meeting on any balances due, and I
4 mentioned that the copies of the past due
5 letters that were sent out to companies are in
6 your board packet. And we continue to work
7 through the M & M Management delinquent
8 account. I've been working with Jim Wieser on
9 that. That's been kind of slow because of some
10 of the courts being backlogged and closed due
11 to COVID-19, but we're still working on that.

12 The PCA and tipping fee agreement
13 resolution, we continue to work towards,
14 hopefully, a friendly resolution with the
15 Corps, EPA, and ArcelorMittal. We received
16 kind of a resolution proposal from
17 ArcelorMittal, and the team has been reviewing
18 and considering the proposal. Our hope is
19 still that we reach a friendly resolution on
20 the remaining issues.

21 Regarding the Great Lakes Legacy Act
22 project, the basis of design -- the 30 percent
23 basis of design report has been finalized.
24 Phase one dredging is still scheduled to occur
25 this year. We had an update meeting with Mayor

1 Copeland regarding the sheet pile wall, the
2 South Tank Farm redevelopment, and other
3 topics, and I'll be reporting any followups at
4 our subsequent board meetings.

5 I'm working with the planning department
6 and the building department and their
7 commissioners to coordinate the sheet pile wall
8 project presentations to their technical review
9 committee. It's currently recommended to have
10 two presentations to their committee. The
11 first presentation will be at the 30 percent
12 design, which is now. And that first
13 presentation will be a no-action presentation,
14 and it's basically to make the city and the
15 committee aware of the project.

16 And then the second presentation would be
17 the action presentation, and that will be done
18 around the 90 percent completion of the design,
19 and that's in about a year from now. So we're
20 trying to schedule the first presentation
21 during the month of September.

22 The Canal Street bridge project, AECOM,
23 the engineering firm we hired on the project,
24 was given the go-ahead to reach out to
25 stakeholders to present the recommendation,

1 which is to build between two and four dolphins
2 to improve safety through that former Canal
3 Street bridge area.

4 The mayor agreed with the recommendation
5 and asked me to meet with their finance
6 consultant, Jim Bennett, which I have met with
7 him and he has agreed to budget the project in
8 2021. The total cost is to be cost shared
9 50/50 between the district and the city, and
10 that's per the existing MOU that we have with
11 the city. The project is forecasted to be
12 constructed in 2021.

13 The Corps' report on dredging is in your
14 board packet and Mr. Mike Nguyen has joined us
15 today to give an update on that.

16 And Attorney Ellen Gregory will be giving
17 an update on various legal matters. And that
18 concludes my report.

19 But I did want to mention that when I went
20 through the items that were in your board
21 packet, in that same e-mail I sent you the
22 CliftonLarsenAllen financial statement which is
23 part of that board packet. I just sent it
24 separately because I think it's protected and
25 for some reason you can't merge it into another

1 PDF; so I had to send it separately. So it's
2 sent separately but a part of the board packet.
3 Tim Anderson has joined us, so he'll be giving
4 an update on the district's finances.

5 That concludes my report.

6 MR. FEKETE: Did you mention the BMO Harris?

7 MR. TREVIÑO: Yeah. I mentioned it's in your
8 board packet. The report?

9 MR. FEKETE: You're giving us an update on
10 that?

11 MR. TREVIÑO: Yeah, I can give an update. I
12 don't think David has joined us today, so I can
13 pinch-hit for Mr. Alonzo.

14 MR. FEKETE: I do have another question. You
15 mentioned AECOM, and they've been asked to proceed
16 with the presentation to stakeholders and
17 presumably the U.S. Coast Guard. Has there been a
18 date set for that?

19 MR. TREVIÑO: No, there hasn't been a date
20 set. My understanding is they're going to reach
21 out to the Army Corp of Engineers, the Coast
22 Guard, and other waterway stakeholders to present
23 the recommendations.

24 MR. FEKETE: Okay.

25 MR. TREVIÑO: When we do set a date for that,

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1 I'll make sure I communicate that to the board.

2 MR. FEKETE: Okay. Anyone else have any
3 questions for Mr. Treviño?

4 (No response.)

5 MR. FEKETE: Thank you, Fernando.

6 The next order of business is the approval
7 consideration of the board meeting notes for
8 our last meeting, which was June 17, 2020.
9 I'll entertain a motion to approve those
10 meeting notes.

11 MR. LOPEZ: Motion to approve.

12 MR. PATRICK RODRIGUEZ: This is Patrick. I
13 second.

14 MR. FEKETE: Okay. All in favor, signify by
15 saying "aye."

16 MR. RAY LOPEZ: Aye.

17 MR. PATRICK RODRIGUEZ: Aye.

18 MR. FEKETE: Aye. Any opposition?

19 (No response.)

20 MR. FEKETE: Hearing none, the motion is
21 approved.

22 The next order of business is the approval
23 consideration for the First Merchants transfer
24 for the 2020 budget amendment approval, which
25 was actually approved at our last meeting.

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1 I'll entertain a motion to approve the
2 transfer.

3 MR HENRY RODRIGUEZ: Motion to approve.

4 MR. LOPEZ: Motion.

5 MR. FEKETE: Okay. We have Henry and Ray?

6 MR. LOPEZ: Yeah, I second.

7 MR. FEKETE: Let's have a roll call vote on
8 that. John Bakota?

9 (No response.)

10 MR. FEKETE: Henry Rodriguez?

11 MR HENRY RODRIGUEZ: Yes.

12 MR. FEKETE: Patrick Rodriguez?

13 MR. PATRICK RODRIGUEZ: Yes.

14 MR. FEKETE: Ted Zagar?

15 (No response.)

16 MR. FEKETE: Kevin Doyle?

17 (No response.)

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 the
23 accounting consultant report. Mr. Anderson.

24 MR. ANDERSON: Can you guys hear me, okay?

25 MR. FEKETE: Yes.

1 MR HENRY RODRIGUEZ: Yes.

2 MR. ANDERSON: Everybody has a copy of the
3 report?

4 (All respond "yes".)

5 MR. ANDERSON: I'll just run through the
6 report. Page 2 is the statement of cash receipts
7 and cash disbursements. This is six months. It's
8 hard to believe it's already June.

9 But up at the top is the income that
10 we've -- or the receipts, I should say.

11 (Document is now screen shared
12 and published.)

13 MR. ANDERSON: Oh. I like that. Nice.

14 So we've taken in \$607,000, which is
15 interest, user fees, and the money from the
16 trust, for our budget. And then you can see
17 the different categories of expenses. So of
18 that 607-, we've spent \$202,000; so we should
19 see an increase in our cash accounts of 405-.
20 And it does work; the balance of the CDs, user
21 fee account, and the operating accounts of
22 January 1st was \$3.6 million. This, of course,
23 does not include the trust. This is just our
24 operating account, the user fee account, and
25 those two CDs that we have.

1 So at the end of June we had \$4,010,000,
2 almost 11-. \$4,010,959. And those accounts
3 are reconciled each month, and we get
4 statements on the CDs each month, so there's
5 4 million, and that's not in the trust.

6 Page 3, that just shows the operating
7 account sort of separately from the user fee
8 account. The operating account is where we
9 write all our checks. So those are the monthly
10 claims dockets that you guys are approving.
11 And then you see the trust transfer and the
12 transfer from the user fee account. You will
13 see a \$15,000 transfer that you guys just
14 approved next month on the user fee account.
15 Then there's the two CDs down there at the
16 bottom, and so this page just shows the
17 goings-on, those balances we looked at on the
18 prior page.

19 And then the last page is the important
20 page. This shows what your original budget was
21 for 2020 in the left most column. A million
22 sixty-one. Then we get to add to that our
23 payables from last year, \$16,537. Then we
24 actually did put the budget amendment in there.
25 So the total budget for 2020 is a million

1 ninety-two. And we spent \$202,000 through
2 June, and you've got a claims docket of
3 \$29,364; so we have an available budget of
4 861-. And we watch that unused budget column
5 pretty close, on the right, to make sure that
6 we're not exceeding budget on any item.

7 So the 861- will trace back to the balance
8 in the operating checking account. That's it.

9 Any questions?

10 MR. LOPEZ: Thank you.

11 MR. ANDERSON: Nothing, huh? It is pretty
12 exciting stuff. But the accounts are all
13 reconciled. You guys should feel comfortable
14 about that. And the S.D.A.R. report was filed --
15 I guess that was pre-COVID, now that I think about
16 it. Ray came in and signed off. We filed
17 everything that we're supposed to file with the
18 district and -- or with the state. And we have
19 one tax return to file on the trust itself by
20 September 15th, which we will do. But everything
21 else has been filed and accepted at this point.

22 MR. FEKETE: Okay.

23 MR. ANDERSON: That's what I've got.

24 MR. LOPEZ: Thank you.

25 MR. FEKETE: Thank you, Tim.

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1 MR. ANDERSON: You bet.

2 MR. FEKETE: All right. The next order of
3 business is the approval consideration for the
4 accounts payable voucher register dated today's
5 date, July 15th. I'll entertain a motion to
6 approve.

7 MR. LOPEZ: Motion to approve.

8 MR HENRY RODRIGUEZ: I second.

9 MR. FEKETE: Okay. We have a motion to
10 approve and a second by Henry.

11 Okay. We'll have a roll call vote. John
12 Bakota?

13 (No response.)

14 MR. FEKETE: Henry Rodriguez?

15 MR HENRY RODRIGUEZ: Yes.

16 MR. FEKETE: Patrick Rodriguez?

17 MR. PATRICK RODRIGUEZ: Yes.

18 MR. FEKETE: Ted Zagar?

19 (No response.)

20 MR. FEKETE: Kevin Doyle?

21 (No response.)

22 MR. FEKETE: Ray Lopez?

23 MR. LOPEZ: Yes.

24 MR. FEKETE: John Fekete, I vote yes. That
25 motion is approved.

1 The next order of business is the U.S.
2 Army Corps of Engineers report. Mr. Nguyen.

3 MR. NGUYEN: Yes. Mike Nguyen, with the Army
4 Corps of Engineers.

5 For the dredging, we're continuing to
6 treat water, and dredging is scheduled for
7 September. We conducted the pre-dredge public
8 virtual meeting on June 17th at 6:00 p.m.
9 After the board meeting. The meeting went
10 well.

11 For the oil boom coordination, there's
12 nothing to report.

13 The PCA, the Corps, and ECWMD reached an
14 agreement in principle on the PCA amendment,
15 and ArcelorMittal has submitted their proposal
16 on the tipping fee amendment earlier this
17 month, on July 2nd. ArcelorMittal's proposal
18 included no non-Fed dredging for 2020, amending
19 the consent decree to extend the supplemental
20 environmental project funding deadline to 2028,
21 and the schedule of payments to address the
22 increased construction costs associated with
23 the CDF. Our counsel is currently reviewing
24 the proposal.

25 For Lake George we're actually moving

1 forward to finalize -- or trying to get an
2 approval from our division office to enter into
3 that agreement with EPA. We're still waiting
4 for approval. That approval is coming. And we
5 should be issuing a dredging task order to our
6 contractor to dredge the Lake George branch
7 this year.

8 For Feddeler, I think we're scheduling a
9 meeting next week to discuss the additional
10 information we need from ECWMD for the alerts
11 credit.

12 On the Parkway improvements, the
13 construction is complete and we're just working
14 to close it out.

15 That's all I have for my report.

16 MR. FEKETE: Any questions for Mr. Nguyen?

17 MR. LOPEZ: Yeah. Is Lake George supposed to
18 be going this year, the dredging?

19 MR. NGUYEN: Yeah, so the dredging is going
20 to be occurring probably later on this year. The
21 reason why we don't want the dredging to occur
22 first, because if it stirs up any oil or anything
23 else, we'll still be moving back and forth to
24 dredge the other areas in the canal. So if we
25 dredge that last, we'll ensure that BP places the

1 oil boom along the Indianapolis area and prevent
2 all the oil sheen from migrating elsewhere.

3 MR. LOPEZ: All right. Thank you.

4 MR. NGUYEN: Okay.

5 MR. FEKETE: Good question. And great
6 answer.

7 Okay. Next is Attorney Ellen Gregory
8 report.

9 MS. ELLEN GREGORY: Ellen Gregory with Ellen
10 Gregory Law.

11 Most of the things I have to report either
12 Fernando or Mike Nguyen have already mentioned.
13 But the legal matters that are ongoing include
14 the PCA and the tipping fee agreement
15 negotiation, looking at the ArcelorMittal
16 proposal and coordinating with the Corps and
17 EPA, trying to come to an agreement amongst all
18 of the parties. We are trying to set up a call
19 early next week with the Corps to discuss the
20 PCA credits for work that's been done in the
21 past related to the Feddeler parcel.

22 The Canal Street bridge, Fernando and I
23 are working on putting together a modification
24 to the existing MOU with the city to include
25 the change and scope of work for installation

1 of the navigation dolphins at the Canal Street
2 bridge.

3 And then ongoing, I've been following the
4 COVID -- the governor's executive order regarding
5 continuity of government operations to make sure
6 that the district is in compliance with new orders
7 that come down regarding the COVID-19 state of
8 emergency.

9 And that's it.

10 MR. FEKETE: Okay. Any questions for
11 Miss Gregory?

12 (No response.)

13 MR. FEKETE: Any new business to come before
14 the board?

15 MR. TREVIÑO: John, did you want me to
16 summarize the BMO Harris report?

17 MR. FEKETE: Yeah. Give us a brief summary
18 on that, because I think we all have copies on it.

19 MR. TREVIÑO: Yeah. I'll just highlight on a
20 couple major items. And the first is just to give
21 you the current value of the trust, which is
22 \$4,485,900. And then the other major items to
23 report on is that one of the CDs will be expiring
24 at the end of the month, so I'll be reaching out
25 to the finance committee to set up a meeting to

1 have a recommendation at our next board meeting
2 for that expiring CD.

3 Any questions on that?

4 MR. FEKETE: Okay. Yeah, I'm glad you
5 mentioned that because we had talked about it some
6 time ago that we had some CDs that were expiring
7 or ready to expire. So that's good. We'll have a
8 meeting and come up with a recommendation. Thank
9 you very much.

10 Any other business to come before the
11 board?

12 (No response.)

13 MR. FEKETE: Any public comments?

14 (No response.)

15 MR. FEKETE: Our next board meeting will be
16 August 19, 2020, at 5:00 p.m., hopefully at the
17 City Engineering Building. If not, it will be via
18 teleconferencing, which seems to be working out
19 pretty well now. Thank you all for joining in.

20 MR. TREVIÑO: Ray, and the rest of the board,
21 be on your toes for e-mails regarding the signing
22 of the claim docket.

23 And, Ray, I'll send you that transfer
24 letter as well.

25 MR. FEKETE: Meeting adjourned.

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MR. PATRICK RODRIGUEZ: So moved or seconded.

C E R T I F I C A T E

I, Dawn M. Iseminger, Registered Professional Reporter (RPR), and Notary Public within and for the County of Porter, State of Indiana, do hereby certify that I appeared on the aforementioned date, time, and location, for the East Chicago Waterway Management District Board of Directors Special Meeting.

I further certify that I then and there reported in machine shorthand the proceedings of said Special Meeting, 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 the proceedings.

I further certify that I am not related by blood or marriage to any of the parties, nor am I an employee of any of the parties or of their attorneys or agents, nor am I interested in any way, financially or otherwise, in the outcome of said litigation.

Dated this 17th day of July, 2020

Dawn M. Iseminger

Dawn M. Iseminger, RPR
My Commission expires: 9/22/2025



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