

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

July 21, 2021



Iseminger & Associates, Inc.
877-337-7379

1 EAST CHICAGO WATERWAY MANAGEMENT
2 DISTRICT BOARD OF DIRECTOR'S MEETING
3 CITY OF EAST CHICAGO, ENGINEERING/ANNEX BUILDING
4 4444 RAILROAD AVENUE
5 EAST CHICAGO, INDIANA
6 JULY 21, 2021
7 WEDNESDAY, 5:00 P.M.

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10 TRANSCRIPT OF PROCEEDINGS had in the
11 above-entitled matter on the 21st day of July, 2021 at
12 5:00 p.m. taken through a multi-platform video
13 conferencing system before Gwen Bedford, CSR, within
14 and for the County of Lake, State of Indiana.

A P P E A R A N C E

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

ALSO PRESENT

- MR. DAVID ALONZO, BMO Harris Bank
- MR. MICHAEL NGUYEN, Army Corps of Engineers

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1 MR. FEKETE: State your name for the Court
2 Reporter.

3 MR. RIDLEY: My name is Doug Ridley.

4 MR. FEKETE: Okay. Well, I guess it is 5:03.
5 So I'm going to call to order the East Chicago Waterway
6 Management District Board of Directors meeting.

7 Today's date is July 21, 2021 and the time is 5:03.

8 The first order of business is the roll
9 call.

10 John Bakota?

11 MR. BAKOTA: Here.

12 MR. FEKETE: Henry Rodriguez.

13 MR. HENRY RODRIGUEZ: Here.

14 MR. FEKETE: Patrick Rodriguez?

15 MR. PATRICK RODRIGUEZ: Here.

16 MR. FEKETE: Ted Zagar?

17 (NO RESPONSE)

18 MR. FEKETE: Kevin Doyle?

19 MR. DOYLE: Here.

20 MR. FEKETE: Ray Lopez?

21 MR. LOPEZ: Here.

22 MR. FEKETE: John Fekete? Here. We have a
23 quorum.

24 Next order of business is the Executive
25 Director's Report. Mr. Trevino.

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1 MR. TREVINO: Yes. Fernando Trevino, FMT
2 Consulting. I would like to start off with going over
3 the contents of your -- packet. You have of course the
4 Agenda for Today's Board Meeting to July 21, 2021.
5 You have the Public Meeting posting. You have the
6 Board minutes for June 16, 2021, which is on the Agenda
7 for approval consideration. You have a budget
8 spreadsheet dated today's date and it is regarding
9 the July 21, 2021 Budget Amendment Proposal. You have
10 First Merchant Bank statement for account ending in 608
11 along with check images affiliated with that, with the
12 month of June of 2021.

13 You also have First Merchant Bank
14 statement ending in 616 for the month of June 2021
15 along with the two User Fee deposits that were made in
16 the month of June. One dated June 10th and one dated
17 June 24th. And those are copies with the deposit memo
18 and the deposit receipts.

19 You have a copy of the First Merchant CD
20 and account number ending in 515. You have the ECI
21 Facilities Trust Report on the date of June 30, 2021.
22 You have a copy of the Letter of Authorization, the BMO
23 Harris Bank dated July 21, 2021. You have a copy of
24 the Boyce Systems Maintenance Terms and Conditions
25 Acceptance Agreement, basically our annual software

1 removal. And also attached to that is the original
2 contract.

3 You have People's Bank statement for
4 the -- escrow account and it is for the second quarter
5 of 2021. Then you also have the account for the
6 Tipping Fee Escrow Account and that's also for the
7 second quarter of 2021.

8 You have Attorney Ellen Gregory's report
9 to the Board with a revision date of July 16th. You
10 have a copy of the Army Corps of Engineers Report to
11 the Board dated July 23, 2021. So it an incorrect
12 date, but it is the report for today's Board Meeting.

13 Then you have a copy of payment receipts
14 related to two easements and a Lease Agreement that the
15 Board approved last month. And all three of those
16 deposits were made in the trust.

17 That concludes the items in your --
18 packet. And items since I have handed out the
19 financial statement dated June 30, 2021. The Board
20 members, they specifically have a hard copy of that
21 that was handed out here at the meeting. And that
22 concludes the items in your -- packet.

23 Go over my report to the board. If you
24 recall, last month you might recall we approved a Lease
25 Agreement and an easement with West Shore Pipeline as

1 well as another easement with NIPSCO. The two
2 easements have been reported with Lake County. And the
3 payments for these three items have been received and
4 deposited into the trust. And as I mentioned the
5 copies of the three receipts, those payments are in
6 your -- packet.

7 A Finance Committee Meeting was held
8 July 8th. All three Committee members were able to
9 make it. I want to thank them for their time and their
10 efforts. And we basically reviewed various financial
11 topics, including the different options for the BMO
12 Expiring CD.

13 We also reviewed today's Budget
14 Amendment. We reviewed the 2021 budget status which
15 included the FMT Consulting budget summary. And we
16 reviewed the 2021 User Fee Collection status. There
17 are two action items on today's agenda related to
18 finances, the 2021 budget amendment and the letter of
19 Authorization relate to the Expiring CD and both of
20 those items were reviewed and recommended by the
21 Finance Committee.

22 Regarding User Fees, our 2021 User fee
23 collected/deposited to date is \$236,200 which is about
24 65.5 percent of the total collections. On today's
25 agenda is the approval to extend the 2021 User Fee

1 deadline from July 14th to September 14th which is
2 pretty consistent with the District's prior year
3 practice.

4 Attorney Wieser continues to work on the
5 resolution of the M&M Management prior years unpaid
6 User Fees. And that concludes my report on the User
7 Fees.

8 Regarding the PCA Amendment,
9 conceptually, we have a final document between the
10 District and the Corps that we are ready to present to
11 our management for review and approval. As we
12 understand it, our next steps will be that the Army
13 Corps Secretary's office will approve the traditional
14 amendment to the PCA. Then the District Board will
15 review and consider approval of the amendment and then
16 when approved, we'll sign it and forward it to the
17 Corps to be presented for their review and counter
18 signature. We are hoping to have the document ready
19 for Board review and approval consideration at the
20 August Board Meeting.

21 Regarding the Great Lakes Legacy
22 Project, the fourth modification to the project
23 agreement has been approved by the District and ARBT.
24 And it's also been signed by those parties. It is now
25 going through EPA's approval and signature process.

1 The EPA Project Team does not anticipate any issues
2 with the approval, and their forecast think to have it
3 approved and signed within a couple of weeks.

4 The South Tank Farm project, the
5 90 percent basis of design report is ongoing. BP
6 completed their second round of groundwater sampling
7 and has shared the data with the District and the City.

8 The Lake George Canal East Section
9 reminder that Phase 1 dredging was completed in 2020.
10 And Phase 2 dredging is scheduled to recommence until
11 the Sheet Pile wall project is completed, which is
12 scheduled to be done by 2023.

13 The Lake George Canal middle Cap
14 Project. The Army Corps held the pre-proposal meeting
15 and a site visit meeting with participating contractors
16 on June 28th and June 29th respectively. The proposal
17 due date has been currently extended to July 30th.

18 BP Pipeline Removal Project. BP removal
19 project is ongoing. Field work was paused for a few
20 days due to heavy rains and flooding in that area, but
21 work has now resumed. Regarding the Grand Cal River
22 Junction reaches remedial design. Architect work is
23 ongoing. A handful of the project team had a site
24 visit on July 1st and we also have a meeting next week
25 with EPA to discuss the PCB TSCA hotspots.

1 Our expectation is that after the
2 remedial design is completed, which is forecasted for
3 the first half of 2022, we'll go right into remediation
4 work in this area. And we're recommending the
5 remediation work be done under a separate project
6 agreement between the District and EPA. And that's
7 contingent upon that the remaining balance of the cost
8 share from the other project agreement can be easily
9 transferred to the new project agreement.

10 The Lake George Canal West Project, BP
11 and EPA are independent of the District, are working on
12 drafting a project agreement between the two and that
13 addresses the Lake George Canal Section of the
14 waterway.

15 The work in kind reporting, I started
16 compiling data for the 2021 first half of the Erie
17 Report and also I received a couple of questions from
18 EPA from our prior years' report which I will be
19 working on a response to.

20 Regarding the Canal Street Bridge
21 Project, design of the two Dolphins is ongoing. ACOM
22 which is our engineering firm working on the project is
23 finalizing the design BASIS memorandum for the Dolphins
24 and they're forecasting to have that done by the end of
25 this week.

1 The BP Term Sheet Assignment for the
2 parcels BP is interested in acquiring from the
3 District. We continue to have periodic meetings with
4 BP to advance a separate -- a key component of this
5 process which is actually a statutory requirement to
6 obtain two appraisals. You might recall that the
7 District contracted two appraisers in the past and we
8 are expected to have a draft of the appraisal report
9 within the next couple of weeks.

10 Also we sent BP an outline of the Sales
11 Agreement for review and we're hoping to start working
12 on drafting of the actual Sales Agreement.

13 The Army Corps Board Report is in your
14 packet. Attorney Ellen Gregory will be giving an
15 update on various legal matters.

16 And that concludes my report.

17 MR. FEKETE: Any questions from Mr. Trevino?

18 (NO RESPONSE)

19 MR. FEKETE: Thank you very much. Next order
20 of business is the consideration of Board and the
21 minute notes for the last meeting which was held
22 June 16, 2021. I entertain a motion to approve.

23 MR. BAKOTA: Motion to approve?

24 MR. LOPEZ: Second.

25 MR. FEKETE: We will have a roll call vote.

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1 John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 MR. HENRY RODRIGUEZ: Yes.

5 MR. FEKETE: Patrick Rodriguez?

6 MR. PATRICK RODRIGUEZ: Yes.

7 MR. FEKETE: Ted Zagar?

8 (NO RESPONSE)

9 MR. FEKETE: Kevin Doyle?

10 MR. DOYLE: Yes.

11 MR. FEKETE: Ray Lopez?

12 MR. LOPEZ: Yes.

13 MR. FEKETE: John Fekete? And I vote yes.

14 That motion is approved.

15 Our next order of business is the
16 approval consideration for the 2021 Budget Amendment
17 that Mr. Trevino had explained was basically a transfer
18 from one line item to another line item.

19 MR. LOPEZ: Lopez makes a motion to approve.

20 MR. DOYLE: Kevin Doyle second it.

21 MR. FEKETE: We will have a roll call vote on
22 that. John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 MR. HENRY RODRIGUEZ: Yes.

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1 MR. FEKETE: Patrick Rodriguez?

2 MR. PATRICK RODRIGUEZ: Yes.

3 MR. FEKETE: Ted Zagar?

4 (NO RESPONSE)

5 MR. FEKETE: Kevin Doyle?

6 MR. DOYLE: Yes.

7 MR. FEKETE: Ray Lopez?

8 MR. LOPEZ: Yes.

9 MR. FEKETE: John Fekete? And I vote yes.

10 And the next order of business is the
11 Accounting Consultant Report. Mr. Anderson?

12 MR. ANDERSON: Yes, Tim Anderson from Clifton
13 Larsen Allen. Fernando said you guys were handed a
14 statement which I'm trying to figure out how to get
15 these done a little quicker so that we can have them in
16 the packet. Ran into a little hiccup this month, but
17 that's the goal is to try to get these things to you
18 guys a little earlier.

19 Page Number 2 shows -- it is a statement
20 of cash receipts and cash disbursements showing that
21 through June 30 we have User Fees of \$196,000.
22 Interest income of \$3500 and money obviously from the
23 trust. So our cash receipts into the accounts that we
24 can spend money on were almost \$450,000 through June.
25 And you can see what we spend our money on. The list

12

1 of disbursements there. This is money written --
2 checks written through June 30th, \$245,000. So our
3 cash, our overall cash in the Operating Account and the
4 User Fee accounts has increased \$204,000 from a balance
5 of \$3.9 million on January 1st to \$4.1 million that we
6 have as of June 30th. And you can see the breakdown at
7 the bottom of Page 2 between, you know, what we got in
8 the Operating Account which is basically our unused
9 budget for this year. And then the two User Fee
10 assets, the checking account that has the \$911,000 in
11 it. And then the CDs, a million and a half dollars of
12 CDs. So that's the breakdown of the \$4 million in
13 cash.

14 The next page, I guess it is Page 3 just
15 shows a little bit more detail on those three accounts.
16 The Operating Account which is our budget account that
17 we write our checks out of each month and the User Fee
18 accounts. Not much happens in the User Fee accounts
19 other than transferred to the Operating Account for our
20 annual budget. And then we earn some interest on the
21 checking account and the CDs.

22 Page 4 is the landscape page that shows
23 what we budgeted, what our total appropriation is for
24 '21 by line item. Then there is a column that shows
25 what we spent through June. And then finally this

1 Claims Docket that you have before you today with
2 \$43,000 in claims that you have got plenty of budget in
3 that right most column shows the residual balance in
4 our budget for each line after you cut the checks
5 today. So this is to give the Board members comfort
6 that there's an appropriate budget for every check
7 that you are writing today, and I can assure you that
8 there is. And that unused budget, if you add the
9 claims Docket back to it today, the \$43,000 plus the
10 1.6 unspent budget, that's what is in our operating
11 account. It ties out exactly. So any questions on the
12 financials?

13 MR. PATRICK RODRIGUEZ: Can I ask you who the
14 third party contractor is?

15 MR. ANDERSON: That's the \$20,000 line?

16 MR. PATRICK RODRIGUEZ: Yes. That is
17 correct.

18 MR. ANDERSON: Fernando, help me out.

19 MR. TREVINO: We usually put that in at the
20 beginning of the year, Patrick, for third party
21 contractors or consultants that come up on occasion
22 that we don't anticipate.

23 MR. ANDERSON: I obviously got the detail. I
24 don't have this in front of me. Fernando, if I could
25 get that and e-mail it to you, can you communicate that

1 with the Board Member?

2 MR. TREVINO: Yeah.

3 MR. ANDERSON: I'll do that before I leave
4 here and we'll get it over to you. I just don't know
5 off the top of my head.

6 MR. PATRICK RODRIGUEZ: Is that the one
7 replacing the Arbitrator?

8 MR. TREVINO: So if you look at -- right in
9 the middle of the spreadsheet, you see it says, "User
10 Fees Appeal Officer, legal pursue nonpayments." That
11 is the old description that was revised. The old
12 description wasn't consistent with what was exactly,
13 happening. We had them change the description to
14 match -- better match that we are doing. It matches my
15 spreadsheet as well. But Patrick, we'll get that
16 information to you.

17 MR. PATRICK RODRIGUEZ: Thank you.

18 MR. FEKETE: Tim, does our Money Market show
19 up here anyplace?

20 MR. ANDERSON: The Money Market is -- are you
21 talking about the one that's inside the ECI Facilities
22 Trust?

23 MR. TREVINO: Are you talking about the CD or
24 the --

25 MR. FEKETE: BMO.

1 MR. TREVINO: No, that's a different --

2 MR. FEKETE: Well, my question -- my next
3 question is at some point in time it's nice to know
4 that that is also included in our total overall
5 financial picture, right?

6 MR. ANDERSON: Yeah, I guess how this evolved
7 and I sort of inherited some of this from the way that
8 the City was doing it. We don't consider that ECI
9 Facilities Trust money part of the ECI, you know, the
10 Waterway Management District. I know, Fernando, you
11 and I have gone around on this before. I think that
12 the way it was thought through initially was the
13 Waterway Management District is a beneficiary of that
14 trust. And I know that that's not technically correct
15 either. But this money that I report on each month is
16 just our operating cash and the User Fee money. The
17 trust money is not included on my financials. And we
18 could always do that in the future, because there
19 really is not a ton going on in the trust. It earns
20 interest and makes our annual trust transfer. So it
21 wouldn't be a lot of work. It is kind of confusing to
22 the reader as to, you know, what -- we don't really
23 have unlimited access to that money, you know. It has
24 got to be approved by this person and this person when
25 we do a budget. It's not really --

1 MR. TREVINO: I think the item is official.

2 MR. FEKETE: Right.

3 MR. ANDERSON: So what are we to this trust
4 is the question.

5 MS. GREGORY: We're the trustee, actually.

6 MR. ANDERSON: Yeah. So is it our money or
7 not? I guess that's the question. That was one of the
8 questions I had initially early on is, you know, why we
9 don't report on the whole ball of wax. But I think it
10 was the City of East Chicago when they were -- when the
11 Controller's Office was doing this thing, they were
12 just kind of concerned about the money that was not,
13 you know, did not have all of the strings attached to
14 it as the trust does as far as approvals and
15 requisitions and stuff.

16 MR. TREVINO: Yeah, so way back then the
17 focus was the management of the budget. Once a state
18 approved the budget, the spending of "X" dollars it was
19 the proper oversight and procedures for the spending of
20 that money.

21 MR. ANDERSON: That is a good question, John.
22 Always a good question on this stuff. We should do a
23 little more legwork on that to see what, you know, what
24 kind of -- I can always do a piece of supplemental each
25 month. But it is basically going to be David's, you

1 know, whatever he tells us.

2 MR. FEKETE: David presents it, but if you
3 take a look at the financials, you know, I take a look
4 at that and say here is all the activity that has gone
5 on. We have a balance sheet basically and we've got,
6 you know, things going in, things going out. But --
7 and you are right, for example, the CDs are the CDs.
8 But we have a Money Market out there, which after
9 today's meeting, is going to be a little more
10 substantial if we approve what's recommended. So I
11 mean it is just -- I was just wondering how we would
12 present that as a total overall picture. Why don't you
13 just give it some thought?

14 MR. ANDERSON: It's whatever would benefit
15 the reader, John. And I have always been real
16 conscious of that. I mean if you guys -- if you see a
17 benefit to seeing everything in one report, then we'll
18 figure out a way to do it.

19 MR. PATRICK RODRIGUEZ: I think it is a good
20 idea that we do that because as trustees we have a
21 responsibility --

22 MR. ANDERSON: Okay.

23 MR. PATRICK RODRIGUEZ: -- see where that
24 money is at so we have answers.

25 MR. TREVINO: We have that, but it is

1 piecemeal because Dave presents it under his report.

2 MR. ANDERSON: We could definitely put it in
3 there. I think, like I say, the evolution of this
4 thing was, you know, the City was worried about those
5 accounts because they were the, you know, the stuff in
6 the trust is secured at the bank. Nobody can do much
7 with it. I think they kind of wanted to make sure that
8 this money was being used appropriately. So yeah,
9 we'll work on that. See if we can build a consolidated
10 financial that has everything on one.

11 MR. FEKETE: Sounds good. Any other
12 questions for Mr. Anderson?

13 (NO RESPONSE)

14 MR. FEKETE: Hearing none, thank you, Tim.

15 MR. ANDERSON: Thank you guys. Have a good
16 day.

17 MR. FEKETE: Next order of approval or
18 consideration of the Accounts Payable Voucher Register
19 today July 21st.

20 MR. PATRICK RODRIGUEZ: So moved.

21 MR. DOYLE: Second.

22 MR. FEKETE: We will have a roll call vote.
23 John Bakota?

24 MR. BAKOTA: Yes.

25 MR. FEKETE: Henry Rodriguez?

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1 MR. HENRY RODRIGUEZ: Yes.

2 MR. FEKETE: Patrick Rodriguez?

3 MR. PATRICK RODRIGUEZ: Yes.

4 MR. FEKETE: Ted Zagar?

5 (NO RESPONSE)

6 MR. FEKETE: Kevin Doyle?

7 MR. DOYLE: Yes.

8 MR. FEKETE: Ray Lopez?

9 MR. LOPEZ: Yes.

10 MR. FEKETE: John Fekete? And I vote yes.

11 The next order of the business is the
12 consideration for the BMO Letter of Authorization.

13 This actually is a recommendation that is coming
14 forward from the Finance Committee. And I think -- did
15 you want to explain that?

16 MR. TREVINO: I was going to ask Mr. Alonzo
17 if he could chime in and kind of summarize what the
18 market conditions are and why the -- we went with the
19 recommendation.

20 MR. ALONZO: I'll run through the report real
21 quick and we will definitely touch on that. So the
22 report that I sent out, the first page goes through the
23 charts of historical data. Page 2 will go through the
24 value of the trust. I'm sorry, again, this is David
25 Alonzo, BMO Harris Bank. The value of the trust on

20

1 June 30th was \$4,392,369. That was a positive
2 difference or a gain of \$776 from our last meeting.
3 Year-to-date distributions have been \$250,013.

4 The third page does run through the
5 three accounts that we have. Over the years you sort
6 of consolidated things as they come due.
7 Unfortunately, we have got some CDs coming due at
8 probably not the most ideal time. The Money Market
9 right now has a value of \$690,912 with an interest rate
10 of .1.

11 We have our 11-month CD which is going
12 to expire year end in a couple of days on the 25th,
13 which is currently valued at \$2.5 million. The
14 interest will be paid out at maturity and I'll talk
15 about that in a second. We also have a 13-month with
16 \$1,201,457 at .3 percent and that does not come due
17 until the end of January of next year.

18 Now, to what Fernando was talking about
19 through our Finance Committee meetings, I took a look
20 at all the interest rates right now at the bank. And
21 our 13-month CD and 25-month CD were all priced out at
22 .1 percent. That interest rate on our CDs is the same
23 interest rate that our Money Market is paying. Instead
24 of locking the money up long-term, not having access to
25 it, if ever needed within a time frame, I suggested

1 that we just keep it in the Money Market for the time
2 being. We might have some CD rates changing here
3 within the next couple of weeks. And as I see that
4 happening, I will let Fernando know in case we need to
5 make any recommendations for the next meeting.

6 So my recommendation was to take the
7 maturing CD, the full amount of it when it comes due,
8 deposit it into the Money Market and wait for things to
9 get a little bit better with the rate environment. And
10 it doesn't really pay to go out long-term to get the
11 same interest rate. So the suggestion is that we put
12 it into the Money Market for the time being and then I
13 will keep Fernando in the loop if we need to have
14 another finance meeting to go over some better rate
15 options.

16 MR. FEKETE: Thank you. Let me just
17 interject that as a result of the Finance Committee
18 meeting, the recommendation from the Finance Committee
19 is to basically take the money from the Expiring CD and
20 transfer it directly into the Money Market account and
21 wait for a later time to deal with it if the
22 opportunity presents itself. So that's the
23 recommendation. I'll entertain a motion to accept that
24 recommendation.

25 MR. LOPEZ: Lopez makes the motion to accept

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1 the recommendation from the Board.

2 MR. BAKOTA: Second.

3 MR. FEKETE: We will have a roll call vote.

4 John Bakota?

5 MR. BAKOTA: Yes.

6 MR. FEKETE: Henry Rodriguez?

7 MR. HENRY RODRIGUEZ: Yes.

8 MR. FEKETE: Patrick Rodriguez?

9 MR. PATRICK RODRIGUEZ: Yes.

10 MR. FEKETE: Ted Zagar?

11 (NO RESPONSE)

12 MR. FEKETE: Kevin Doyle?

13 MR. DOYLE: Abstain.

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Yes.

16 MR. FEKETE: John Fekete? And I vote yes.

17 That motion is approved.

18 Mr. Alonzo, we are still within your
19 slot here on the agenda. Is there anything else that
20 you would like to add to your report?

21 MR. ALONZO: No. As a side note, the Money
22 Market will have approximately \$3.2 million in it plus
23 some interest of course when the CD comes due. So
24 obviously that's a larger balance. We normally keep
25 about a half a million dollars. But again, I'll keep

1 an eye on the rates if they come up. And, if anything,
2 it is on Mondays or Fridays. So I'll keep Fernando in
3 the mix and we'll play it by ear and we can always make
4 changes as needed.

5 MR. FEKETE: Thank you very much, David. Any
6 other questions for Mr. Alonzo?

7 MR. PATRICK RODRIGUEZ: I have a question for
8 you David.

9 MR. ALONZO: Yes.

10 MR. PATRICK RODRIGUEZ: When changes is
11 necessary, would the Board of Directors have to approve
12 the change or are you authorized to make the changes
13 for us?

14 MR. ALONZO: So typically if we are going to
15 move money out of the Money Market, we have John sign
16 off on a Letter of Authorization to do that, and then
17 we would just go in and open a CD. And in the past we
18 have just had John either stop by the branch to sign
19 the form for the new deposit. So there would be some
20 documentation. I can't make any changes without those
21 sign offs.

22 MR. PATRICK RODRIGUEZ: Thank you for that.

23 MR. FEKETE: Thank you. Any other questions?

24 (NO RESPONSE)

25 MR. FEKETE: Thank you for your time, David.

1 Next order of business is the 2021 User
2 Fee date extension. As we have in past years from time
3 to time, we have authorized by motion an extension of
4 the User Fee due date to sometime later than originally
5 intended. And so I'm entertaining a motion to extend
6 the due date to September 14th.

7 MR. PATRICK RODRIGUEZ: So move.

8 MR. FEKETE: Do I have a second?

9 MR. HENRY RORIDGUEZ: Second.

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

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Henry Rodriguez?

13 MR. HENRY RODRIGUEZ: Yes.

14 MR. FEKETE: Patrick Rodriguez?

15 MR. PATRICK RODRIGUEZ: Yes.

16 MR. FEKETE: Ted Zagar?

17 (NO RESPONSE)

18 MR. FEKETE: Kevin Doyle?

19 MR. DOYLE: Yes.

20 MR. FEKETE: Ray Lopez?

21 MR. LOPEZ: Yes.

22 MR. FEKETE: John Fekete. And I vote yes.

23 And the next order of business is the
24 Boyce Annual Maintenance Agreement. Mr. Trevino.

25 MR. TREVINO: Yes. So this is our software

1 that we use for management of our finances regarding
2 our User Fees. And it's just the annual maintenance
3 fee regarding the software. And Attorney Gregory has
4 reviewed the renewal agreement.

5 MR. FEKETE: I'll entertain a motion to
6 approve the Boyce Annual Maintenance Agreement.

7 MR. BAKOTA: Motion to approve.

8 MR. HENRY RORIDGUEZ: Second.

9 MR. FEKETE: Roll call vote?

10 John Bakota?

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Henry Rodriguez?

13 MR. HENRY RODRIGUEZ: Yes.

14 MR. FEKETE: Patrick Rodriguez?

15 MR. PATRICK RODRIGUEZ: Yes.

16 MR. FEKETE: Ted Zagar?

17 (NO RESPONSE)

18 MR. FEKETE: Kevin Doyle?

19 MR. DOYLE: Yes.

20 MR. FEKETE: Ray Lopez?

21 MR. LOPEZ: Yes.

22 MR. FEKETE: John Fekete? And I vote yes.

23 And the final item for approval
24 consideration is the appointment of an East Chicago
25 Waterway Management District official for an electronic

1 publication.

2 I recommend that we approve, Fernando
3 Trevino, if we are officials for electronic
4 publications. I'll entertain a motion to approve.

5 MR. HENRY RORIDGUEZ: Approve.

6 MR. DOYLE: Second.

7 MR. FEKETE: Roll call vote.

8 John Bakota?

9 MR. BAKOTA: Yes.

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 MR. DOYLE: Yes.

18 MR. FEKETE: Ray Lopez?

19 MR. LOPEZ: Yes.

20 MR. FEKETE: John Fekete? And I vote yes.

21 Next order of business is the USACE
22 Board Report? Mr. Nguyen.

23 MR. NGUYEN: This is Mike Nguyen with the
24 army corps of Engineer. For the CDF construction, the
25 judging operation contractor has shut down operations

1 and demobilized the piping equipment from the site.
2 Contractors started water treatment in late June and
3 will be continuing for the next two months. For the
4 Phase 2 dike raised, the contractor mobilized on
5 June 7th and has started working on the -- for vertical
6 expansion, basically the dike raise. And construction
7 will be ongoing until probably 2024.

8 Nothing to report on the Blue Cornation.
9 The PCA revision that we've recently reached an
10 agreement with ECWMD on the language of the PCA
11 amendment. And we are going to be sending that up to
12 headquarters for approval.

13 For the real estate parcel, we are still
14 looking at the credit that was submitted to a real
15 estate specialist on earlier this May. And we're
16 currently working to close out the Parkway Improvement
17 Project. The contractor has continued to submit some
18 requests for equitable adjustment that is delaying the
19 contract close out. That is all I have.

20 MR. PATRICK RODRIGUEZ: Mike, I have a
21 question for you.

22 MR. NGUYEN: Sure.

23 MR. PATRICK RODRIGUEZ: I bike out that way
24 every day. The easement, the sidewalk, the easement
25 that the area on Indianapolis boulevard is just

1 littered with trash and debris. Who is responsible for
2 maintaining that outside of --

3 MR. NGUYEN: I would have to get back --
4 since we maintain the fence, we don't usually go out
5 and maintain the parkway, because actually it is not
6 grass. So we don't mow it or anything else. I'll
7 check with our Facility Manager to see if we could
8 clean it up. But has other business in that area, have
9 they been maintaining that parkway and cleaning it up?

10 MR. PATRICK RODRIGUEZ: I know for a fact
11 because I bike out that way every day. I know that BP
12 Amoco is out there cutting their lawn and cleaning up
13 the area. I would have to say yes.

14 MR. FEKETE: And safety.

15 MR. NGUYEN: I'll discuss this with our
16 Facility Manager and make sure that that's part of our
17 area of maintenance and make sure that we go out there
18 periodically to clean up any debris or anything that is
19 in the Parkway.

20 MR. TREVINO: Mike, once you look into that,
21 can you circle back and let me know what was decided so
22 that I could share that with the Board?

23 MR. NGUYEN: Sure.

24 MR. FEKETE: Any other questions for
25 Mr. Nguyen?

1 MR. PATRICK RODRIGUEZ: Thank you, Mike.

2 MR. FEKETE: Next order of business is Ellen
3 Gregory report.

4 MS. GREGORY: I'm Ellen Gregory with Ellen
5 Gregory Law. Both Mike Nguyen and Fernando mentioned
6 the PCA amendments, which are at headquarters. Again
7 once that language gets approved that it will come
8 before the Board for approval and signature and then
9 we'll go back to the Corps for a final signature.

10 The PA fourth mod for the Legacy Project
11 has been signed by both the District and BP and is with
12 the EPA for final signature which is expected in the
13 next two weeks.

14 On the property transfer issue, we
15 continue that periodic call. Fernando mentioned that
16 in his report. The next call is scheduled for this
17 Friday, July 23rd.

18 I continue to watch COVID-19 emergency
19 declaration for the state. It has been extended
20 through the end of July. At this point, as long as the
21 emergency has not been -- as long as it continues to be
22 extended, Board meetings can occur by Zoom or hybrid
23 with some members participating remotely and some
24 participating in person. Once the declaration,
25 emergency declaration is lifted, we'll go back to

1 regular scenario where the regular provisions for
2 electronic meetings will apply. The electronic posting
3 issue that was voted on earlier relates to another
4 change in the open door law which went into effect
5 July 1st, which provides for when there are Board
6 actions that require two publications in a newspaper,
7 they can now happen -- the first one has to be
8 published in the newspaper, and the second and the
9 subsequent publications can occur by posting on the
10 website. That law requires that a political
11 subdivision appoint an official to be assigned
12 responsibilities for electronic posting which is why
13 Fernando Trevino was named for that appointment. And
14 his contact information will be listed on the
15 District's website with his contact information and
16 designation as the official responsible for electronic
17 postings. That is all I have for the legal matters.

18 MR. FEKETE: Any questions for Miss Gregory?

19 (NO RESPONSE)

20 MR. FEKETE: Thank you, Ellen.

21 Any new business to come before the
22 Board? Any other business to come before the Board.

23 (NO RESPONSE)

24 MR. FEKETE: Public comment?

25 (NO RESPONSE)

1 MR. FEKETE: Hearing none, I would like to
2 make one comment for the record. That I really
3 appreciate the efforts that Olga Cosme made in coming
4 by the house, because we had to get a notary signature
5 for the documents that we dealt with and approved at
6 our last Board meeting. And it was -- I was grateful
7 that she was able to stop by and accomplish that. So
8 kind of saved a trip going out and everything else. So
9 sometimes people do these things behind the scene and
10 go unrecognized. Add that to the record. Any other
11 comment?

12 (NO RESPONSE)

13 MR. FEKETE: And with that, I'll make an
14 announcement that the next Board meeting will be
15 August 18, 2021 at 5:00 p.m. at this same facility.

16 With that, I declare this meeting
17 adjourned.

18 (WHEREUPON the meeting was adjourned
19 at 5:49 p.m.)

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STATE OF INDIANA)
)
COUNTY OF MARION)

C E R T I F I C A T E

The within and foregoing meeting was taken
before GWENDOLYN BEDFORD, Certified Shorthand Reporter
and Notary Public, in the City of Marion, Indiana.

The undersigned is not interested in the
within meeting, nor of kin or counsel to any of the
members.

IN TESTIMONY WHEREOF, I have hereunto set my
hand this 17th day of August, 2021



Gwendolyn Bedford
GWENDOLYN BEDFORD, C.S.R.
C.S. R. 15-R-4010

District Board of Directors' Meeting
07/21/2021

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District Board of Directors' Meeting

07/21/2021

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