

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

August 18, 2021



Iseminger & Associates, Inc.
877-337-7379

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

4
5 **City of East Chicago, Engineering/Annex Building**
6 **4444 Railroad Avenue**
7 **East Chicago, Indiana**
8 **Via Zoom/In-Person Conference**

9
10 **August 18, 2021**
11 **Wednesday, 5:00 p.m.**

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15 **Transcript of the proceedings had in the**
16 **above-entitled matter, on the 18th day of August,**
17 **2021, at 5:00 p.m., at the City of East Chicago,**
18 **Engineering/Annex Building, 4444 Railroad Avenue,**
19 **East Chicago, Indiana, via Zoom/In-Person Conference**
20 **before Pamela C. Mokrzycki, Certified Shorthand**
21 **Reporter and Notary Public for the County of Porter,**
22 **State of Indiana.**

23
24 **ISEMINGER & ASSOCIATES, INC.**
25 **(877) 337-7379**

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

- MR. JOHN FEKETE, President
- MR. RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer
- MR. HENRY RODRIGUEZ, Board Member
- MR. JOHN BAKOTA, Board Member
- MR. FERNANDO TREVINO, FMT Consulting
- MS. ELLEN GREGORY, East Chicago Waterway Board of Directors' Attorney
- MR. PATRICK RODRIGUEZ, Board Member via Zoom

ALSO PRESENT VIA ZOOM:

TIM ANDERSON, Clifton/Larson/Allen

* * * * *

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1 MR. FEKETE: Everyone all set?

2 MR. RODRIGUEZ: We've got four people.

3 MR. FEKETE: Good, we've got a quorum.

4 Call to order the East Chicago
5 Waterway Management District Board of
6 Directors' Meeting. Today's date is
7 August 18, and the time is 5:06.

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

10 John Bakota?

11 MR. BAKOTA: Here.

12 MR. FEKETE: Henry Rodriguez?

13 MR. RODRIGUEZ: Here.

14 MR. FEKETE: Patrick Rodriguez?

15 (No response.)

16 MR. FEKETE: And then Ted Zagar.

17 COURT STENOGRAPHER: Zagar?

18 MR. FEKETE: Zagar, Z-a-g-a-r.

19 (No response.)

20 COURT STENOGRAPHER: Thank you.

21 MR. FEKETE: And then Kevin Doyle?

22 (No response.)

23 MR. FEKETE: And then Ray Lopez?

24 MR. LOPEZ: Here.

25 MR. FEKETE: John Fekete? Here.

1 We have a quorum.

2 The first order of business is the
3 Executive Directors' Report, Fernando
4 Trevino.

5 MR. TREVINO: Yes, I would like
6 to start by going over the contents of
7 your board packet. You have the agenda
8 for today's board meeting, August 18th
9 of 2021. You have the Certificate
10 Regarding Lobbying and Non Fedron Sponsor
11 Self-Certification of Financial Capability
12 for Grievance form and then the third form
13 is Certificate of Authority. And I will
14 explain those three forms in my report.

15 You have the public meeting posting
16 for today's board meeting. You have an
17 engagement letter, amendment to Plews,
18 P-l-e-w-s.

19 COURT STENOGRAPHER: Thank you.

20 MR. TREVINO: You have -- That's the
21 attachment. One second.

22 (Brief pause had in the proceedings.)

23 You have the Clifton/Larson/Allen
24 Financial Statement dated July 31st, 2021.
25 You have the claim docket for today's

1 board meeting, along with all the
2 affiliated attachments which include the
3 purchase order, the checks.

4 You have the Canal Street Bridge
5 Project Schedule dated July 16th, 2021.
6 And you have permit application documents
7 affiliated with the Canal Street Bridge
8 Project.

9 You have BMO's ECI facility trust
10 report dated July 31st, 2021, along with
11 David Alonzo's fill notes and the notes
12 dated August 18th, 2021.

13 You have the Army Corps of Engineers'
14 report to the board dated August 18th,
15 2021.

16 You have Attorney Ellen Gregory's
17 report to the board for today's meeting
18 with a revision date of August 15th, 2021.
19 And then you have the First Merchant Bank
20 statements for account ending in 608 for
21 the month of July of 2021 along with the
22 copy of the checks that were all cashed
23 and processed in the same month.

24 You have First Merchant's Bank
25 statement for account ending in 616 for

1 the month of July of 2021.

2 And you have a copy of First
3 Merchant Bank CD for account ending in
4 515 with the run date of August 12th,
5 2021.

6 You have a copy of the user fee
7 deposits that were made in the month of
8 July. One dated July 1st, July 8th,
9 July 14th, July 15th, July 26th, and
10 July 29th. All of 2021. You have People's
11 Bank statement for the continuing fine
12 escrow account for the month of July
13 of 2021.

14 And then you also have Peoples Bank
15 account statement for the dredging escrow
16 account and that's also for the month of
17 July of 2021.

18 I also sent the board minutes for
19 the July 21st board meeting. That's an
20 item sent but part of your board packet
21 that was sent early this morning. And that
22 concludes -- And then I also handed out a
23 letter from Attorney Weiser Wyllie dated
24 August 17th, 2021, related to M&M
25 Management Company unpaid user fee

1 settlement. And I will explain that
2 during my report.

3 So that includes all the items that
4 are part of the board packet. As far as
5 my report regarding, as I mentioned, that
6 we have a Plews engagement letter that's
7 in your packet and on the agenda it's
8 recommended for approval and that's for
9 Plews legal efforts on the PCA amendment
10 negotiation with the Corps regarding user
11 fees, our 2021 user fees collected and to
12 date is approximately 355,000 which is
13 approximately 99% of the 2021 user fee
14 assessments. Attorney Weiser has completed
15 the settlement agreement with M&M
16 Management for unpaid user fees, he
17 received a check for \$2,500.00 related
18 to that settlement. And it's for unpaid
19 user fees for prior years and it includes
20 this year, 2021 user fees. Once I receive
21 the check it will be deposited to our First
22 Merchant -- I mean -- Yeah, First Merchant
23 user fee account. Regarding the PCA
24 amendment, conceptually both the district
25 and the Corps have agreed on the final

1 PCA amendment document and language. Both
2 the district and the Corps we continue to
3 work on finalizing that approval process.
4 And part of the Corps' approval process is
5 they have asked us to update the three
6 forms that I have mentioned that were in
7 your board packet. And they have already
8 been approved and signed, but that was
9 done more than a year ago and these
10 three forms are on the agenda for approval
11 consideration. And, again, they include
12 the certification regarding lobbying, self-
13 certification of financial capability, and
14 the certification of authority. We are
15 hoping to have the Corps' approval process
16 completed and the final PCA amendment
17 finalized at the time of the September
18 board meeting.

19 Regarding the Great Lake Legacy Act
20 Project, the project agreement's fourth
21 modification is a reminder that the
22 District and AR/BP has approved and signed
23 the PA's fourth modification a couple
24 months back. The EPA's approval and
25 signature process is still ongoing. The

1 EPA project team does not anticipate any
2 issues with the approval and we are hoping
3 to get it signed sometime soon.

4 The south tank farm sheet pile wall
5 project. The ninety percent basis of
6 design report is ongoing. BP is in the
7 process of installing additional
8 piezometers along the south parcels as
9 a part of their groundwater modeling
10 efforts.

11 The Lake George Canal East section.
12 Phase I dredging was completed in 2020 and
13 all subsequent dredging is on pause until
14 Phase II dredging recommences after the
15 sheet pile wall is completed. Which
16 is scheduled to be done by the end of 2023.

17 The Lake George Canal Middle Cap
18 Project. The Army Corps of Engineers
19 have received contractor proposals for
20 the cap project and they are going through
21 their proposal review process.

22 Regarding BP's pipeline removal
23 project. BP's pipeline removal project
24 is ongoing. BP has removed and stockpiled
25 approximately 15,500 linear feet of piping

1 and they have pumped the approximately
2 20,000 gallons of fluid from the
3 excavations.

4 Regarding the Grand Cal' River
5 Junction Reaches Remedial Design. Tetra-
6 Tech design work is ongoing. We have been
7 working on identifying access needs and we
8 are also assessing what impacts, if any,
9 the wetlands will have on the design. Our
10 scheduled forecast that design to be
11 completed in the first half of 2022.

12 Regarding the Lake George Canal West
13 DP and ETA are working on drafting a
14 project agreement between the two that
15 addresses that section of the waterway.

16 Regarding the work in-kind reporting
17 I finalized my responses to questions EPA
18 had on prior year's reports which was
19 emailed a couple weeks ago.

20 Also, I have been working on the 2021
21 semiannual report which is due at the end
22 of this month.

23 Regarding the Canal Street Bridge
24 Project the design of the two dolphins
25 is ongoing. AECOM -- And that's

1 A-E-C-O-M, has prepared the design permit
2 applications which are in your packet and
3 on the agenda for approval consideration
4 which includes delegating me and AECOM's
5 Bill Weaver to represent the district as
6 necessary in the permit application
7 process.

8 Regarding BP what we have termed --
9 what we have titled BP Term Sheet Agreement
10 and that's regarding the parcels that BP is
11 interested in acquiring from the district.
12 We continue to have periodic meetings with
13 BP to advance this effort. You might
14 recall that a statutory requirement for the
15 sale of these parcels is to obtain at least
16 two appraisals. A couple months ago the
17 district approved two appraisal contractors
18 to perform the two required appraisals and
19 we received draft reports which we will be
20 reviewing in the next couple weeks. And I
21 anticipate the report will be completed
22 sometime in September. Also, we sent BP
23 an outline of the sales agreement for their
24 review a few weeks ago just to get the ball
25 rolling on the drafting of the transfer

1 agreement.

2 The Army Corps report is in your
3 packet regarding the Section 10 Permit.
4 I have put together and submitted the
5 invoice for our 2020 efforts and that has
6 been sent to BP and that's consistent with
7 the Section 10 Permit Agreement that the
8 district has with BP.

9 Attorney Ellen Gregory will be giving
10 an update on various legal matters.

11 And that concludes my report to the
12 board.

13 MR. FEKETE: Thank you, Mr. Trevino,
14 any questions?

15 MR. RODRIGUEZ: Nope.

16 MR. TREVINO: Okay.

17 MR. FEKETE: Okay. Hearing none.

18 The next order of our business is
19 the approval consideration of a board
20 meeting note for July 21st, 2021.

21 MR. BAKOTA: Motion to approve.

22 MR. FEKETE: Bakota. Okay. Second?

23 MR. RODRIGUEZ: Second.

24 MR. FEKETE: Okay. Second. I think
25 we can have a voice vote on this.

1 MS. GREGORY: Yes, you can.

2 MR. FEKETE: Okay. All in favor
3 signify by saying aye?

4 ALL: Aye.

5 MR. FEKETE: Any opposition,
6 objections?

7 (No response.)

8 MR. FEKETE: Motion is approved.

9 The next order of business is the
10 approval consideration for the Plews
11 engagement letter.

12 MR. TREVINO: And, again, the Plews
13 engagement letter is related to their effort
14 -- their legal services and efforts related
15 to the PCA Amendment with the Army Corps of
16 Engineers.

17 MR. LOPEZ: Motion to approve.

18 MR. FEKETE: That's Ray Lopez. Do I
19 have a second?

20 MR. RODRIGUEZ: Second.

21 MR. FEKETE: Henry Rodriguez.

22 Okay. We will have a row call vote.

23 John Bakota?

24 MR. BAKOTA: Yeah.

25 MR. FEKETE: Henry Rodriguez?

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1 MR. RODRIGUEZ: Yes.
2 MR. FEKETE: Patrick Rodriguez?
3 (No response.)
4 MR. FEKETE: Ted Zagar?
5 (No response.)
6 MR. FEKETE: Kevin Doyle?
7 (No response.)
8 MR. FEKETE: Ray Lopez?
9 MR. LOPEZ: Yes.
10 MR. FEKETE: John Fekete? I vote
11 yes. That motion is approved.
12 The next order of business is the
13 Accounting Consulting Report, Mr. Anderson.
14 MR. ANDERSON: (No response.)
15 MR. TREVINO: Tim?
16 MR. ANDERSON: (No response.)
17 MR. TREVINO: Tim, do you hear us?
18 MR. ANDERSON: Can you hear me all
19 right?
20 MR. TREVINO: Yep.
21 MR. FEKETE: Yep.
22 MR. ANDERSON: How about now?
23 MR. TREVINO: Yep.
24 MR. ANDERSON: I will try to speak
25 slow.

1 COURT STENOGRAPHER: Thank you.

2 MR. ANDERSON: You guys have a copy
3 of the July 31st financial statements in
4 your packet.

5 MR. TREVINO: Yes, that was emailed
6 to --

7 MR. FEKETE: Yes.

8 MR. ANDERSON: Okay. So the first
9 page, page two, shows the cash receipts and
10 disbursements of our operating account and
11 the user fee account.

12 MR. TREVINO: Yeah, it starts on page
13 sixteen.

14 MR. ANDERSON: So our total cash at
15 the end of July, July 31st, was 4.2 million.
16 And you can see the breakdown of that 4.2
17 on page two at the bottom. The operating
18 account, which is our unspent budget for
19 2021. And then the user fee account and
20 the CDs are user fee money which is at 2.5.
21 So we had talked last month about somehow
22 trying to incorporate the trust into this
23 financial statement. Excuse me. And David
24 and I have yet to connect. We need to set
25 some kind of a routine up where he can give

1 me the summary of the accounts inside the
2 trust and then we could incorporate those
3 into the statement. It is just that right
4 now there is no time. And so we have got --
5 We have got to figure how -- Fernando, I
6 will probably need your help with that
7 piece. We have got to figure out how to
8 get BMO to give us something a little
9 quicker than the night of the meeting.
10 But we are not -- You know, it is not
11 going to be rocket science. We just have
12 to set up a routine of doing that. So for
13 now the 4.2, you know, that's not trust
14 money, that's our operating cash and our
15 user fee money that totals the 4.2.
16 Page three of that report shows each of
17 the three accounts, the operating cash,
18 the user fee cash account, and then the CDs
19 that are, you know, part of that user fee
20 fund that just shows each account and the
21 goings on inside the account. Page four is
22 the important page. Your claims docket
23 today has \$33,129.00 of things to pay and
24 it shows the breakdown of those items on
25 that claims docket. And it shows you --

1 To the rightmost column it shows you the
2 balance of each of those appropriations
3 that we made back when the budget was set
4 up and approved. And so as you can see we
5 are not close on a whole lot of things,
6 but there's plenty of punches left on any
7 line item and we keep a close eye on that
8 each month to make sure that we are not
9 exceeding the budget. And I would never
10 put a claims docket in front of you guys
11 that had a claim that would exceed any
12 line on the budget. We watch that really
13 closely. I guess that's it. Do you guys
14 have any questions on the report, or on any
15 of the --

16 MR. LOPEZ: Nothing.

17 MR. TREVINO: (Nodding.)

18 MR. ANDERSON: -- on any of the --

19 MR. TREVINO: This is Fernando, Tim.

20 I just wanted to highlight that I thought
21 that you mentioned it was the third column
22 has the -- the -- is a summary of all the
23 budget amendments that the board has
24 approved, including the one last month
25 when we transferred \$5,000.00 from one

1 account to another.

2 MR. ANDERSON: Right, yes. The --
3 How it works is that the original budget
4 that guys you passed is 1.6 and then you
5 would add last year's unpaid claims, that's
6 the 30,000. And then these budget
7 amendments that you do so that our --
8 you know, our total appropriation for '21
9 was actually 1.9 million and we spent
10 289,000 of that through July with checks
11 that we wrote. And then you have got the
12 claims docket before you, so that is how we
13 come up to that 1,623 number, you know, and
14 that equates the balance that's left in the
15 operating account. It's different because
16 of the claims docket today and the little
17 bit of interest that we earned on the
18 checking account. But basically the 16 is
19 the balance that's in that cash account to
20 spend, so --

21 And, Fernando, I just -- you know,
22 you and I will have to work with David to
23 figure out what we can do on the trust to --
24 I reached out a little bit to him to see if
25 he had any ideas on how we can do this and I

1 haven't heard back from him. So I don't
2 think it's a real big deal, but we need to
3 set it up. I would like to come next month
4 with a new financial that has got it all on
5 there.

6 MR. TREVINO: Well, let's work to
7 try to get it done by the next board
8 meeting.

9 MR. ANDERSON: Okay.

10 MR. TREVINO: I'll follow up --

11 MR. ANDERSON: It shouldn't be hard.
12 All that is in there is a bunch of CDs and
13 they know when -- you know, they know when
14 those -- when those CDs are going to mature.
15 So it should be like a once a year kind of
16 thing where we say, "Okay. Here is the CDs
17 that we have and this is what they are going
18 to pay." So it shouldn't be that hard.
19 It's just a matter of getting him, you know,
20 nailed down to get these reports out of the
21 bank.

22 MR. TREVINO: I will follow up, Tim.
23 I will reach out to Dave and maybe we will
24 set up a meeting in the next week or so to
25 at least start the process.

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1 MR. ANDERSON: Yeah, that would be
2 great.

3 MR. TREVINO: All right.

4 MR. FEKETE: Okay.

5 MR. ANDERSON: Okay. That's all
6 I have, fellows, if you don't have any other
7 questions.

8 MR. LOPEZ: Thank you.

9 MR. FEKETE: Thank you, Tim.

10 MS. GREGORY: Patrick Rodriguez
11 joined by Zoom at 5:28 in the middle of
12 Tim Anderson's report. I just wanted to
13 let you know.

14 MR. FEKETE: Okay.

15 MS. GREGORY: Patrick, are you on?

16 MR. P. RODRIGUEZ: I am.

17 MR. TREVINO: Hi, Patrick.

18 MR. FEKETE: Hi, Patrick Rodriguez.

19 MR. P. RODRIGUEZ: Hi, guys.

20 MR. FEKETE: How are you doing?

21 MR. P. RODRIGUEZ: Doing well. Thank
22 you.

23 MR. FEKETE: Well, let the record show
24 that Patrick Rodriguez has now joined us via
25 Zoom. Welcome.

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1 MR. TREVINO: Okay.

2 MR. FEKETE: Okay. I have to see
3 where I am. Here I am.

4 And the next order of business is
5 the approval consideration for the accounts
6 payable voucher register dated August
7 18th, 2021.

8 MR. LOPEZ: Motion to approve.

9 MR. FEKETE: Okay. We have a motion
10 to approve.

11 MR. BAKOTA: Second.

12 MR. FEKETE: We have a second. Let's
13 have a roll call vote.

14 Patrick, do you have this information?

15 MR. TREVINO: He should. It was
16 emailed.

17 MR. P. RODRIGUEZ: I can't hear you,
18 John, all I hear is muffling.

19 MS. GREGORY: Do you have the board
20 packet?

21 MR. P. RODRIGUEZ: I do not. I was
22 unable to unload (SIC) it. The internet is
23 sparse out here.

24 MR. FEKETE: Okay. We will have a
25 roll call vote on the motion to approve

1 the accounts payable.

2 John Bakota?

3 MR. BAKOTA: Yes.

4 MR. FEKETE: Henry Rodriguez?

5 MR. RODRIGUEZ: Yes.

6 MR. FEKETE: Patrick Rodriguez?

7 MR. P. RODRIGUEZ: Abstained.

8 MR. FEKETE: Okay. Ted Zagar?

9 (No response.)

10 MR. FEKETE: Kevin Doyle?

11 (No response.)

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Yes.

14 MR. FEKETE: John Fekete? I vote
15 yes. That motion is approved.

16 The next order of business is
17 the consideration of three amendment
18 certificates as required by the Army
19 Corps in order to conclude the discussions
20 on the PCA.

21 MR. TREVINO: (Nodding.)

22 MR. FEKETE: Entertain a motion?

23 MR. RODRIGUEZ: I make a motion to
24 approve.

25 MR. FEKETE: We have a motion, Henry

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1 Rodriguez. Do we have a second?

2 MR. BAKOTA: Second.

3 MR. FEKETE: We have a second from
4 John Bakota. All in favor -- Okay. We
5 will have a row call vote.

6 John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. RODRIGUEZ: Yes.

10 MR. FEKETE: Patrick Rodriguez?

11 MR. P. RODRIGUEZ: Yes, I can hear
12 that one.

13 MR. FEKETE: Ted Zagar?

14 (No response.)

15 MR. FEKETE: Kevin Doyle?

16 (No response.)

17 MR. FEKETE: Ray Lopez?

18 MR. LOPEZ: Yes.

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

21 The next order of business is the
22 Canal Street Bridge Project. We have three
23 applications and we need to delegate the
24 authority to sign these applications to
25 Fernando Trevino.

1 MR. TREVINO: And Bill Weaver from
2 AECOM.

3 MR. FEKETE: Okay.

4 MR. LOPEZ: Mr. Chairman, I want to
5 make a motion.

6 MR. FEKETE: (Nodding.)

7 MR. LOPEZ: I move that the board
8 delegate authority to Fernando Trevino and
9 FMT Consulting, Inc. to coordinate and
10 sign the necessary permit application for
11 the Canal Street Bridge Project. This
12 delegation includes authorizing Fernando
13 Trevino and FMT Consulting to take whatever
14 measures are necessary to complete and
15 acquire such permits. Fernando Trevino
16 and EMT (SIC) Consulting are further
17 authorized to delegate to William Weaver
18 a -- what is that A-E-C-O-M-s -- AECOM's
19 Vice President, and/or other A-E-C-O-M
20 representatives to act on the district's
21 behalf as its agent or agents in the
22 processing of the permit applications
23 and furnishing information in support
24 of such applications.

25 MR. FEKETE: Okay.

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1 MR. LOPEZ: It's a formal motion.

2 MR. FEKETE: Okay. You heard the
3 motion.

4 Do we have a second?

5 MR. RODRIGUEZ: Second.

6 MR. FEKETE: And Henry Rodriguez a
7 second.

8 I have a roll call vote. John Bakota?

9 MR. BAKOTA: Yes.

10 MR. FEKETE: Henry Rodriguez?

11 MR. RODRIGUEZ: Yes.

12 MR. FEKETE: Patrick Rodriguez?

13 MR. P. 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, sir.

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

22 The next order of business is the
23 BMO Trust Report.

24 MR. TREVINO: Yes. Mr. Alonzo was
25 not able to make today's meeting so I will

1 read his summary on his behalf.

2 Let me just get to it. Here we go.

3 All right. So page one highlights
4 the historical value of the trust since
5 1997 and the distributions of each year
6 since that time.

7 Page two. The current value of the
8 trust is 4.43 million. This is an increase
9 of 37,663 from our last meeting. And from
10 our last meeting was -- and it was from
11 interest of 11,444 on our CD that matured
12 on July 25th.

13 Interest from the money market and
14 three checks that were deposited by Fernando
15 which totaled \$26,167.50.

16 Page three shows the value of the
17 money market and CDs. The CD that matured
18 in the amount of 2.5 million was deposited
19 into our money market in July until rates
20 increase on CDs. We will monitor rates and
21 give updates as CD rates change. The next
22 CD matures on January 31st of 2022.

23 And that concludes Mr. Alonzo's
24 report.

25 MR. FEKETE: Okay. Thank you,

1 Mr. Trevino.

2 The next order of business is the
3 USAEC -- ACE Corps report.

4 COURT STENOGRAPHER: I'm sorry, the
5 USAEC?

6 MR. FEKETE: USACE --

7 COURT STENOGRAPHER: Okay. Thank you.

8 MR. FEKETE: Mr. Trevino.

9 MR. TREVINO: Yes.

10 MR. FEKETE: Or I take it Mr. Winn
11 is not on the --

12 MR. TREVINO: Yes, he did send me a
13 notice that he was not going to be able to
14 make it.

15 MR. FEKETE: Okay.

16 MR. TREVINO: So I can give the update
17 on his behalf.

18 Regarding the CDF construction
19 contractor will demobilize barges from
20 the site at the end of September.

21 COURT STENOGRAPHER: I'm sorry, will
22 demobilize?

23 MR. TREVINO: Will demobilize barges
24 from the site at the end of September.
25 Water treatment is ongoing regarding the

1 Phase II Dike Raise. The contractor
2 mobilized on June 7th and construction is
3 ongoing.

4 Regarding the CDF documentation,
5 nothing significant to report on coil boom
6 coordination.

7 Regarding the PCA and non-federal
8 funding under the PCA revision the Corps
9 and the district reached an agreement. The
10 Corps headquarters proposed changes to the
11 PCA amendment need an -- need an updated
12 certification of sponsor's financial
13 capability, and certificate of authority,
14 and certificate regarding lobbying for
15 the Corps' headquarters to send the PCA
16 amendments to the Assistant Secretary of
17 the Army for approval.

18 The federal parcel resolution. The
19 Corps real estate staff requested additional
20 information on the LERR credit and received
21 it on July 24th of 2020. And they received
22 an updated letter on May 18th to request
23 LERR credit, L-E-R-R, in the amount of
24 \$95,261.82.

25 Parkway improvement construction

1 was complete at the end of April of last
2 year and they are working to close out the
3 contract.

4 That concludes the Army Corps of
5 Engineers' report to the board.

6 MR. FEKETE: Okay. Any questions
7 for Mr. Trevino?

8 (No response.)

9 MR. FEKETE: The next order of
10 business is the Ellen Gregory report.

11 Ms. Gregory.

12 MS. GREGORY: Ellen Gregory of Ellen
13 Gregory Law.

14 (Squealing noise from Ms. Gregory's
15 laptop.)

16 MS. GREGORY: Sorry about that.

17 The several legal matters that are
18 going Fernando Trevino mentioned. The PCA
19 amendment continued to move forward with
20 the Corps' fourth modification --

21 MR. FEKETE: Fourth modification?

22 MS. GREGORY: -- fourth modification
23 of the project agreement for the Great
24 Lakes Legacy Act.

25 MR. FEKETE: Put that next to your

1 mask.

2 MS. GREGORY: Property transfer
3 matter continues to move forward with the
4 assistance of Jim Weiser on the real estate.

5 And then finally the -- we continued
6 to be able to hold four meetings by Zoom,
7 or in person, or in a hybrid manner and
8 we continue to implement and enforce our
9 COVID safety plan during our board meetings.

10 We will continue to update the Indiana
11 law on what the COVID requirements are as we
12 go forward.

13 And that's all that I have.

14 MR. FEKETE: Any questions for
15 Ms. Gregory?

16 (No response.)

17 MR. FEKETE: Thank you. Any new
18 business to come before the board.

19 (No response.)

20 MR. FEKETE: I do have one and that's
21 we need to entertain a motion to designate
22 Jim Weiser to negotiate --

23 MR. TREVINO: Actually, we are
24 approving the negotiated settlement.

25 MR. LOPEZ: -- settlement. Yeah.

1 MR. TREVINO: Correct.

2 MR. FEKETE: Wait a minute, that's not
3 what you said before. I thought we need to
4 designate him to do that.

5 MR. TREVINO: No, we have already
6 designated him at a --

7 MR. FEKETE: Okay. Strike that. Do
8 you need to entertain a motion?

9 MR. LOPEZ: To settlement.

10 MR. FEKETE: Yeah, to -- to settle
11 the past year's amount due from M & M
12 Corporation and include the assessment
13 for this year of 2021. The total amount
14 is \$2,500.

15 MR. LOPEZ: I second the motion.

16 MR. FEKETE: Okay. We will have a --
17 John Bakota?

18 MR. BAKOTA: Yes.

19 MR. FEKETE: Henry Rodriguez?

20 MR. RODRIGUEZ: Yes.

21 MR. FEKETE: Patrick Rodriguez?

22 MR. P. RODRIGUEZ: Yes.

23 MR. FEKETE: Ted Zagar?

24 (No response.)

25 MR. FEKETE: Kevin Doyle?

1 (No response.)

2 MR. BAKOTA: Ray Lopez?

3 MR. LOPEZ: Yes.

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

5 Okay. That motion is approved.

6 Any other business to come before the
7 board?

8 (No response.)

9 MR. FEKETE: Any public comments?

10 (No response.)

11 MR. FEKETE: Hearing none the next
12 board meeting will be September 15th, 2021,
13 at 5:00 p.m. at this facility. This --

14 I declare this meeting adjourned.

15 MR. LOPEZ: Order. Thank you,
16 Mr. Chairman.

17 MR. FEKETE: Okay.

18 (Said meeting so adjourned.)

19 T-H-E E-N-D.
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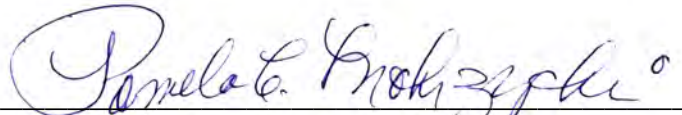
C E R T I F I C A T E

I, PAMELA C. MOKRZYCKI, a competent and
duly qualified court stenographer, C.S.R., do hereby
certify that I did report in machine shorthand, the
foregoing proceedings and that my shorthand notes so
taken at said time and place were thereafter reduced
to typewritten transcript under my personal
direction.

I further certify that the foregoing
typewritten transcript constitutes a complete record
of the said proceedings taken at said time and place,
so ordered to be transcribed.

Dated at Valparaiso, Indiana, this 24th
day of August, 2021.




Pamela C. Mokrzycki

District Board of Directors' Meeting

08/18/2021

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