

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

February 17, 2022



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

**City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana**

February 17, 2022

5:00 p.m.

Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the above-entitled matter on the 17th day of February, 2022, commencing at 5:00 p.m., taken at City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, and via Zoom Video/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

JOHN FEKETE, President

RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer

HENRY RODRIGUEZ, Secretary

JOHN BAKOTA, Board Member

JAYLAN ROBINSON, Board Member

FERNANDO TREVINO, FMT Consulting

ELLEN GREGORY, Ellen Gregory Law - appearing via
Zoom

Also Present:

Tim Anderson, CliftonLarsonAllen - appearing via Zoom

Jim Wescott of Tetra Tech - appearing via Zoom

David Alonzo, BMO Harris Bank - appearing via Zoom

Mike Nguyen, Army Corps of Engineers - appearing via
Zoom

District Board of Directors' Meeting
02/17/2022

1 MR. FEKETE: I'd like to call to order the
2 board meeting of the East Chicago Waterway
3 Management District. Today's date is February 17,
4 2022, and the time is 5:00. Very good.

5 The first order of business is roll call.

6 John Bakota?

7 MR. BAKOTA: Here.

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Here.

10 MR. FEKETE: Jaylan Robinson?

11 MR. ROBINSON: Here.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Here.

14 MR. FEKETE: John Fekete, here.

15 Kevin Doyle?

16 (No response.)

17 MR. FEKETE: Okay. We have a quorum.

18 Next order of business is the executive
19 directors' report, Mr. Trevino.

20 MR. TREVINO: Yes. Fernando Trevino with FMT
21 Consulting.

22 First I'd like to go over the contents of
23 your board packet. You have today's agenda,
24 you have a copy of the public meeting posting
25 for today's board meeting. You have the board

1 minutes for the January 20th board meeting.
2 You have First Merchants Bank statements for
3 the month of January 2022 for accounts ending
4 in 608 and 616, along with the copy of checks
5 that cleared in the month of January.

6 You have First Merchants Bank CD statement
7 for the 21-month CD, which is with a report run
8 date of February 14th. You have a spreadsheet
9 that summarizes the 2021 budget year end
10 calculations, and it calculates the cash
11 balances for the end of the year.

12 You have two letters of authorization.
13 One to First Merchants Bank and the second to
14 BMO Harris bank related to the transfers needed
15 to fund the board approved 2022 operating
16 budget. Those letters take into account the
17 2021 year end cash balances.

18 You have board resolution 2022-1 related
19 to the collection and management of the
20 district's annual user fees.

21 You have Tetra Tech's monthly Great Lakes
22 Legacy Act, Grand Cal' River remedial design
23 project report dated February 14th. You have a
24 draft of the Great Lakes Legacy Act project
25 proposal for the Grand Cal' River remediation

1 project, phase one, dated February 16th. You
2 have the BMO trust reports through the month of
3 January 2022.

4 You have the Army Corps report to the
5 board dated February 17th. You have Attorney
6 Ellen Gregory's report to the board dated
7 February 15th. You have a Canal Street bridge
8 project update schedule. You have the bank
9 statements from the People's Bank for the
10 tipping fee and dredging fee escrow accounts
11 for the second half of 2021 and for the fourth
12 quarter 2021. And the CliftonLarsenAllen
13 financial statements dated January 31, 2022,
14 were emailed earlier today, and I also provided
15 a hard copy. And then I also provided a hard
16 copy of the FMT Consulting 2021 performance
17 evaluation.

18 And that concludes the items in your board
19 packet. A couple things to update the board
20 on. Regarding the action item on today's
21 agenda, we have the two traditional action
22 items of the board minutes and the monthly
23 claim docket, and we also have the annual trust
24 and non-trust transfer letters to fund the
25 board approved 2022 operating budget. And we

1 also have the approval consideration of board
2 resolution 2022-1 regarding user fees.

3 Regarding finances, the financial report
4 for today's board meeting, as I mentioned, was
5 emailed earlier to the board today. And you
6 were also provided a hard copy. And our
7 accountant, Tim Anderson, will be presenting
8 and reviewing the report later in the board
9 meeting.

10 As a reminder, we have already received
11 the 2022 trust budget approvals for the trust
12 portion of the budget from EPA and IDEM, and we
13 have reviewed and calculated the 2021 budget
14 year end cash balances for each budget line
15 item. And those balances were credited against
16 our 2022 budget line items. As in prior years,
17 I put together a spreadsheet summarizing those
18 calculations, which have been reviewed and
19 confirmed by our accounting consultant. So the
20 trust and non-trust transfers to fund our 2022
21 annual operating budget are on today's agenda
22 for approval consideration.

23 Regarding user fees, in prior meetings I
24 had mentioned that Attorney Ellen Gregory and I
25 would be reviewing the current board

1 resolutions related to the management of the
2 user fees. And based on a few years of
3 experience managing the user fees, we're
4 recommending board resolution 2022-1 regarding
5 the management and collection of user fees.
6 And that's on today's agenda for approval
7 consideration.

8 Regarding the Lake George canal east and
9 middle project, the south tank farm sheet pile
10 wall project, 90 percent design is ongoing. BP
11 presented their 90 percent design at the city's
12 technical review committee on December 8th, and
13 BP submitted their 90 percent design to the
14 project team for review on December 17th. And
15 there have been a few follow-up meetings to
16 discuss questions and comments. The District
17 submitted comments to that design this past
18 Tuesday, on the 15th. And the sheet pile wall
19 construction schedule is currently forecast to
20 be installed by the end of 2023.

21 Regarding the Lake George canal east
22 section, a reminder that phase one dredging for
23 that section of the waterway was completed in
24 2020. Phase two dredging isn't scheduled to
25 recommence until after the sheet pile wall is

1 completed, which would have to be done after
2 2023.

3 The Corps and EPA are working out funding
4 formalities relating to the Corps providing
5 project services for the phase two dredging.

6 Regarding the Lake George canal middle cap
7 project, the Army Corps continues to work with
8 Brennon, the lead contractor on the capping
9 project. The project team continues to work
10 with Brennon on preconstruction submittals.
11 Mobilization is expected to start in the first
12 quarter of this year.

13 Regarding the Grand Cal' River junction
14 reaches remedial design, the Tetra Tech design
15 work is ongoing. The project team continues to
16 have periodic meetings advancing the design
17 work. The board might recall that the project
18 team decided it would make most sense to do the
19 work in phases. So the current plan is to do
20 the project in two phases. Phase one scope of
21 work would include the remediation of the Grand
22 Cal' River west branch and the dredging of a
23 portion of the Indiana Harbor Canal branch, and
24 it would also include the junction wetlands.

25 The wetlands restoration of the portion of

1 the project may be transferred into phase two
2 if we're not able to get the wetlands access
3 confirmed prior to construction.

4 Tetra Tech has submitted draft design
5 drawings and specs for the phase one Grand Cal'
6 River west and Indiana Harbor Canal dredging
7 scope for stakeholder review. Comments from
8 the team are due by the end of this month. As
9 I mentioned in prior meetings, we have been
10 working on submitting a Great Lakes Legacy Act
11 project proposal for the Grand Cal' River
12 remediation phase one work. A draft for that
13 proposal is in your packet. The board might
14 want to consider approving the process and for
15 us to submit a proposal to EPA, which I suspect
16 will be done in a couple weeks. And the
17 project team continues to work on various other
18 ongoing project tasks, which include
19 coordination of the wetland scope, review and
20 coordination of access needs and agreements,
21 and permit coordination.

22 Jim Wescott, project manager for Tetra
23 Tech, is in attendance and will provide a brief
24 update on the project. The project team
25 continues to review the cost share calculations

1 affiliated with the tipping fee agreement which
2 will be used to leverage the work for the Grand
3 Cal' River phase one remediation. This review
4 effort will continue as we work through the
5 tipping fee agreement amendment process.

6 Attorney Ellen Gregory will elaborate on the
7 status of the amendment.

8 Regarding the work-in-kind reporting
9 process, I have started working on the 2021
10 year end cost share report.

11 Regarding the Lake George canal west
12 remediation project, the reminder that this
13 project is between BP and EPA, and that work is
14 ongoing.

15 Regarding the Canal Street bridge project,
16 design of the two dolphins is ongoing. ACOM,
17 the engineering firm working on behalf of the
18 district, continues to work through the
19 permitting process. And an updated project
20 schedule is in your packet.

21 Regarding the BP term sheet agreement for
22 the parcels BP is interested in acquiring from
23 the district, we're continuing to work with BP
24 on parcels and starting to work on the
25 agreement, the term sheet agreement.

1 Army Corps of Engineers board report is in
2 your packet. Project manager, Mike Nguyen, is
3 in attendance and will be giving an update on
4 the Corps project.

5 Attorney Ellen Gregory will be giving an
6 update on various legal matters.

7 Finally, as I mentioned earlier, I
8 presented a copy of the FMT Consulting, Inc.'s
9 2021 performance evaluation. I'd like to thank
10 the board for their feedback; and thank you for
11 your confidence in contracting with FMT
12 Consulting to provide the district the
13 necessary services related to its projects and
14 operations.

15 And that concludes my report.

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

17 (No response).

18 MR. FEKETE: Before moving on, I'd like to
19 make a few comments regarding the performance
20 review that we had for Mr. Trevino.

21 Last year was quite an extensive year in
22 regard to all of the things that were going on.
23 You know, we actually successfully, after much
24 discussion and a lot of effort, got the project
25 cooperation agreement amendment approved. And

1 that was no mean feat to make sure that we had
2 that done.

3 In addition to that, the development of
4 coming up with a draft proposal that we have
5 before us today takes a tremendous amount of
6 work, and a lot of coordination, and a lot of
7 meetings, and a lot of discussion and things of
8 that nature. And I'd like to commend
9 Mr. Trevino for the work and effort that he put
10 into it.

11 And at the same time, I'd also like to
12 commend Attorney Ellen Gregory for all of the
13 work that she's done as well. I think we can
14 say that despite everything else that's going
15 on around us, that's one bright spot in our
16 lives, that we've actually had some successes.
17 And unfortunately it's only the people in this
18 room that can --

19 MR. BAKOTA: You did a lot of work on it too.

20 MR. FEKETE: I know. But it's just us that
21 can congratulate each other. So it's somewhat
22 self congratulatory; but nonetheless it deserves
23 mention and particularly I'll mention it for the
24 record itself. So thanks to Mr. Trevino.

25 MR. LOPEZ: We all concur, for the record.

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1 MR. FEKETE: The next order of business is
2 the approval consideration of the board meeting
3 notes for January 20th.

4 MR. BAKOTA: Motion to approve.

5 MR. FEKETE: Do I have a second?

6 MR. HENRY RODRIGUEZ: Second.

7 MR. FEKETE: All members of the board in
8 attendance are present; so we can approve it by
9 voice vote.

10 All in favor signify by saying aye.

11 (All signify "aye.")

12 MR. FEKETE: Any abstentions or objections?

13 (No response).

14 MR. FEKETE: Hearing none, that motion is
15 approved.

16 Okay, the next order of business is the
17 accounting consultant report, Mr. Anderson.

18 MR. ANDERSON: Yes. Hi guys, can you hear me
19 okay?

20 (All signify "yes.")

21 MR. ANDERSON: Dawn, can you hear me?

22 COURT REPORTER: Yes.

23 MR. ANDERSON: Fernando put a copy of the
24 financial statement in your packet for
25 January 31st.

1 Does everybody have a copy? Or have you
2 guys seen it?

3 MR. TREVINO: Yeah, they have a copy.

4 MR. ANDERSON: Good. All right.

5 So Page 2 of that report shows the income
6 and receipts and disbursements for
7 January 2022. So we've taken in -- during the
8 month of January we took in \$110 of interest.
9 Pretty good collection on the user fees. So
10 we've got \$72,700 of receipts. And last
11 month's claim docket was \$50,407.

12 So our increase in cash -- it says
13 "decrease." That should be "increase."

14 Increase in cash is \$22,309 for the month
15 of January. Started the month with
16 \$3.9 million in the accounts and ended up with
17 \$4 million at the end of January.

18 The break down of the \$4 million in cash
19 is below on Page 2. It shows the operating
20 account. There's a million three. The user
21 fee checking account has a million one in it.
22 And then we've got the CD. So that operating
23 account is really high at this point.

24 So Page 3 has the ins and outs of each of
25 those checking accounts. Didn't earn anything

1 on the CD during January. That will hit next
2 month, or March. So really what's happening is
3 we're just paying our bills and collecting user
4 fees, basically, during January of '22.

5 Page 4 is the one that shows what we've
6 got left in budget after today's claims docket.
7 And there's really nothing that we're even
8 close on. And you wouldn't expect so in
9 January of 2022.

10 So I guess what's interesting to note is
11 this is one of the only months that we are --
12 the unused budget if you add back the claims
13 docket does not actually agree with the
14 operating cash balance, and that's because
15 Fernando has calculated the budget transfers
16 that we need to fund that budget, which total
17 the \$560,000 between them. So if you take that
18 operating cash balance of a million three and
19 add those transfers to it, you get to the
20 unused budget for 2022.

21 So it all balances. It all looks good.
22 Fernando does the job on calculating the
23 required cash balance that has to be
24 transferred subject to approval.

25 And so we are working on the special

1 district annual report that's due March 1st
2 with the state board of accounts that will
3 cover our financial statements for 2021. And
4 we will do a tax return for the trust. And I'm
5 trying to get the BMO trust information
6 incorporated into this monthly report. But
7 it's been slow going; so I need to get up -- I
8 need to get some numbers from David Alonzo.
9 And then I wanted to do that for this month but
10 it just didn't happen, so we'll get them
11 consolidated for sure this year. But I've got
12 to get some numbers to do that with.

13 Do you guys have any questions about any
14 of the accounting?

15 MR. FEKETE: Any questions from the board?
16 Ray?

17 MR. LOPEZ: Hey, Tim, with that check that
18 never went through, we just leave it like it is.

19 MR. ANDERSON: The what?

20 MR. LOPEZ: There's a \$15 check that never
21 went through, right?

22 MR. ANDERSON: Oh. It did. It was just
23 outstanding at the end of last month.

24 MR. TREVINO: I checked the online account,
25 and it got cashed this month.

1 MR. ANDERSON: Yeah. So it was an
2 outstanding -- I saw you struggling with that in
3 your calculation, Fernando. The balance of cash
4 in our world is -- you know, it's not of
5 outstanding checks. So you were trying to balance
6 off of what the bank had and it didn't show that
7 \$15 check because it wasn't cleared yet. And on
8 our records, you know, if we write a check, we
9 take it out of the balance because it's just
10 outstanding, right?

11 MR. FEKETE: Right.

12 MR. ANDERSON: But you did figure it out.
13 You did a great job on the thing. And it's
14 accurate. It's to the penny actually; so...

15 MR. FEKETE: It was driving me crazy why
16 that -- it was like 15.57, whatever it was.

17 MR. ANDERSON: Right.

18 MR. FEKETE: So it took me about 15, 20
19 minutes to figure out that it was that one check.
20 Because I was like, "Why is it off like 15 bucks?"

21 MR. ANDERSON: Fernando, there's a lot of
22 numbers on that page, and if you ever want to hang
23 up the engineering thing, give me a call and we'll
24 get you in at the firm.

25 No, I remember I did that a couple of

1 times, and then you started to do it on your
2 own and I would just check it. And it actually
3 works perfectly. Nicely done.

4 MR. TREVINO: Thank you.

5 MR. FEKETE: Anything else for Mr. Anderson?

6 (No response).

7 MR. ANDERSON: Thanks. Have a good meeting.

8 MR. FEKETE: Thanks, Tim.

9 Okay, that being considered, the next
10 order of business is the approval consideration
11 for the budget trust and non-trust transfer
12 requests. We have two of them. I think we can
13 handle it in one motion. One is to BMO Harris.
14 Is that correct?

15 MR. TREVINO: Yes. One is to BMO Harris
16 related to the trust funds.

17 MR. FEKETE: Right.

18 MR. TREVINO: And the second is to First
19 Merchants Bank related to non-trust funds.

20 MR. FEKETE: Okay. So I'll entertain a
21 motion to make those transfers.

22 MR. HENRY RODRIGUEZ: Make a motion to make
23 transfers.

24 MR. FEKETE: Do I have a second?

25 MR. LOPEZ: Second.

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1 MR. FEKETE: And we have a second. I'll have
2 a roll call vote.

3 John Bakota?

4 MR. BAKOTA: Yes.

5 MR. FEKETE: Henry Rodriguez?

6 MR. HENRY RODRIGUEZ: Yes.

7 MR. FEKETE: Jaylan Robinson?

8 MR. ROBINSON: Yes.

9 MR. FEKETE: Ray Lopez?

10 MR. LOPEZ: Yes.

11 MR. FEKETE: John Fekete, I vote yes.

12 Kevin Doyle?

13 (No response).

14 MR. FEKETE: That motion is approved.

15 The next order of business, then, is the
16 accounts payable voucher register, dated
17 today's date, February 17, 2022.

18 I'll entertain a motion to approve.

19 MR. BAKOTA: Motion to approve.

20 MR. FEKETE: Do I have a second?

21 MR. HENRY RODRIGUEZ: Second.

22 MR. ROBINSON: Second.

23 MR. FEKETE: We have a second.

24 John Bakota?

25 MR. BAKOTA: Yes.

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1 MR. FEKETE: Henry Rodriguez?

2 MR. HENRY RODRIGUEZ: Yes.

3 MR. FEKETE: Jaylan Robinson?

4 MR. ROBINSON: Yes.

5 MR. FEKETE: Ray Lopez?

6 MR. LOPEZ: Yes.

7 MR. FEKETE: John Fekete, I vote yes.

8 Kevin Doyle?

9 (No response.)

10 MR. FEKETE: That motion is approved.

11 And the next order of business is a board
12 resolution regarding user fees.

13 Mr. Trevino, do you want to do an
14 explanation for the record?

15 MR. TREVINO: Yeah. So I had mentioned in
16 the past that Attorney Ellen Gregory and I were
17 going to review the current board resolution
18 that's related to the user fees and offer any
19 recommendations to improve our process and include
20 it in a form of resolution. So we have reviewed
21 the resolutions that we first approved probably
22 more than 10 years ago. And now that we've got a
23 few years of experience in managing and collecting
24 user fees, we put together this resolution that I
25 think is a better process for implementing the

1 user fees regarding timing and collection of user
2 fees, including delinquent payments.

3 MR. FEKETE: One question, because it had
4 come up in the past, but we had two additional
5 items that were added. That was the one property
6 by Kennedy Avenue, the DuPont property.

7 MR. TREVINO: Okay.

8 MR. FEKETE: That's been added?

9 MR. TREVINO: Yes. We've added and that's --
10 so we did discover that were several properties
11 that we needed to add to our user fee collections,
12 and those will be included in the 2022 user fee
13 invoicing. However, those added properties are
14 not impactful to this resolution.

15 MR. FEKETE: Okay. Well, that's something
16 that had come up.

17 With regard to the resolution, I'll
18 entertain a motion to approve.

19 MR. LOPEZ: Motion to approve.

20 MR. FEKETE: Do we have a second?

21 MR. ROBINSON: Second.

22 MR. FEKETE: Okay. John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 HENRY RODRIGUEZ: Yes.

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1 MR. FEKETE: Jaylan Robinson?

2 MR. ROBINSON: Yes.

3 MR. FEKETE: Ray Lopez?

4 MR. LOPEZ: Yes.

5 MR. FEKETE: John Fekete, I vote yes.

6 Kevin Doyle?

7 (No response.)

8 MR. FEKETE: Okay. That motion to approve
9 the resolution as presented has been approved.

10 Next order of business is the Great Lakes
11 Legacy Act and the Grand Cal' River junction
12 remedial design project.

13 MR. TREVINO: Jim, are you on?

14 MR. WESCOTT: I am on. Can you hear me okay?

15 MR. TREVINO: Yes.

16 MR. WESCOTT: I know Fernando covered quite a
17 bit of it in his report. Generally the
18 preliminary design or pre-final design is -- at
19 least for the in-river work was submitted to the
20 project partners.

21 I know the Corps of Engineers has provided
22 some comments back to EPA. Now EPA is giving
23 the other stakeholders a couple weeks.

24 So in March, Tetra Tech will get the
25 comment and we'll update the pre-final design.

1 Based on some conversations of the last few
2 weeks with the Corps and the way they will
3 operate as performing oversight for EPA,
4 there's probably going to be another iteration
5 where we update the designs and then have
6 everybody look at them in June again before
7 they're finalized. I think the goal is to have
8 the finalized design to EPA in July because
9 they go out for bid in August. That's the plan
10 as it currently stands.

11 In the meantime, we're still working on
12 getting access agreements with some of the
13 local entities. I talked to Ken Meyers, who is
14 the sanitary district director today. His
15 board will probably look at the access
16 agreement for their property in March -- at
17 least as a first read, initial review. And I
18 need to follow up with the city because there's
19 a property we need that they own. Hopefully, I
20 have that resolved in a couple of weeks.

21 Generally, it's moving forward. There's a
22 lot of moving parts, as Fernando has talked
23 about. But it should come together.

24 Are there any questions?

25 MR. FEKETE: No. That's a lot of good work.

1 MR. TREVINO: Yeah, I wanted to add, it's
2 probably a good time to talk about the proposal,
3 the draft proposal that's in your packet. We've
4 talked about, I mentioned in the past that we'd be
5 submitting a proposal on behalf of the district to
6 Great Lakes Legacy Act for funding. So I've
7 included a draft to this of the agreement, and
8 John Fekete and I had a chance to talk about what
9 would be a good path forward to be able to submit
10 it in the next week or two, and the procedure that
11 was discussed was that the board would approve the
12 draft proposal knowing that it's not in final form
13 and that Attorney Ellen Gregory and I would be
14 able to submit a modified final proposal to EPA in
15 the next couple weeks with the consideration that
16 there is no substantive changes to the existing
17 draft.

18 And then I think the other part of that
19 was that the board wanted either some
20 communication from Ellen confirming that this
21 draft proposal, final proposal, there weren't
22 any substantive changes.

23 MR. FEKETE: Okay. I'll entertain a motion
24 to approve, for submittal, the proposed Great
25 Lakes Legacy Act project. Notwithstanding if

1 there are any significant changes, we will be
2 informed of that. And given the fact that there's
3 always, upon final review, some minor changes that
4 might occur, but we would rely on our attorney to
5 let us know that the final submittal was submitted
6 without any significant changes.

7 MR. LOPEZ: Motion to approve.

8 MR. ROBINSON: Second.

9 MR. FEKETE: Second, Jaylan.

10 Okay. John Bakota?

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Henry Rodriguez?

13 HENRY RODRIGUEZ: Yes.

14 MR. FEKETE: Jaylan Robinson?

15 MR. ROBINSON: Yes.

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Yes.

18 MR. FEKETE: John Fekete, I vote yes.

19 Kevin Doyle?

20 (No response.)

21 MR. FEKETE: Okay. That motion is now
22 approved.

23 BMO Harris trust report.

24 MR. ALONZO: Good evening. David Alonzo, BMO
25 Harris Bank. Fernando, I just sent you an email.

1 To Tim's point, I thought I had sent the email out
2 along with the trust report, but I went back in
3 and I just sent it to you.

4 I had sent -- the email includes the money
5 market and CD holdings report for every month
6 for 2021. If you'd be kind enough to forward
7 that to Tim. Unfortunately with BMO, in my
8 line of business on investments I have to do
9 monitored email. So if I send it to a third
10 party who is not on those bank accounts,
11 they'll slap my hand. So if you would be so
12 kind as to forward those to Tim, that would be
13 great. I believe that is what we're looking
14 for.

15 When it comes to the trust report, just
16 one small change. I did sort of narrow it down
17 to two pages. I did review the nice graph on
18 the front page. It was a little redundant.
19 But I figure with the New Year, we'll start off
20 with a little bit of a consolidated report.

21 So really now the first page of the report
22 does go through the holdings of the CD and the
23 money market. So the money market balance at
24 the end of the month was \$3,323,243.20. And
25 then the 13-month CD at the end of the month,

1 it actually matured on the 31st; so of course
2 it still had a balance at that time. It was
3 \$1,202,972.88. So the grand total of the trust
4 is \$4,526,216.09. That was a positive
5 difference of \$141.12 worth of interest that
6 was accumulated from the money market account.

7 The next month's report will reflect that
8 CD closed out. It closed out the first day or
9 two, I think, of February. And that money was
10 put into the money market but that will be
11 reflected in the February report.

12 The second page of the report does go
13 through sort of the reason why it removed that
14 first page with the chart, because this goes
15 through the historical data. It's a little bit
16 easier to read. The other one was a bunch of
17 lines on the chart. But at least we can sort
18 of see a little bit better numbers here where
19 we ended the year, where we ended last month,
20 and then the difference in the middle column.
21 The right column does reflect all the
22 distributions that have occurred for the trust.

23 When it comes to the interest rate
24 environment, we've got obviously more than we
25 typically keep in that money market account.

1 The current rates as of Monday when they came
2 out have been the same, which is the 13-month
3 at .3; 25 months at .4; and that's pretty much
4 as far as I would consider. The last time we
5 talked we were waiting to see what the Fed was
6 going to do here, and more than likely we'll
7 see some rate increases coming up soon.

8 So again, everything will be reported in
9 February for that CD that's coming due.

10 Did anybody have any questions for me?

11 MR. FEKETE: No. Not on the report. Thank
12 you very much.

13 Any questions for Mr. Alonzo?

14 (No response.)

15 MR. FEKETE: I was going to ask you, what's
16 your feeling on what the Fed is going to do come
17 March?

18 MR. CONOVER: Well, I've had that
19 conversation quite a bit, and the interesting part
20 of it really is a lot of analysts are looking out
21 and saying, What are they going to do? Are they
22 going to do 50 basis points, a half percent, or
23 are they going to go 25 basis points? And I think
24 it's sort of divided on that.

25 Inflation numbers for December were

1 horrible. They were at a 40-year high.
2 January were not any better. So they have to
3 control it. Or I should say they have to get
4 it under control.

5 The market's concern, of course, is if
6 they do it too rapidly, how they could impact a
7 recovering committee. It seems like -- you
8 know, I've heard the 50 basis point one out
9 there a lot. And I've also heard the 25 basis
10 point. So that's really where, you know, I
11 don't know, I'm probably leaning more
12 towards -- depending on what February's
13 inflation reports come out, if they come out
14 over 7 percent again, I think it might have to
15 go 50 basis points, and then slower thereafter.
16 But if February looks a little bit better, then
17 I would say 25 basis points.

18 But good question. And volatility, of
19 course, with everything going on in Russia, and
20 then the Fed talking sort of compounds the
21 issues. But we'll definitely see some rate
22 hikes here soon.

23 MR. FEKETE: So we can expect if there is any
24 changes, then you would take a look to see what
25 you would have in store for any investment

1 possibilities?

2 MR. ALONZO: Yeah, definitely. I have been
3 keeping an eye on them. They haven't changed a
4 lot from what our initial conversation was of, you
5 know, we weren't too excited at .3 for 13 months.
6 We were going to hang tight. And that rate has
7 been the same, nothing has gotten better under a
8 three-year duration since we had last talked.

9 But as I see those rates tick up, or maybe
10 the terms come down even though the rates might
11 stay the same, I'll get an email forwarded out
12 to Fernando with some interest rates and
13 recommend that we schedule some time to talk
14 with the investment committee.

15 MR. FEKETE: Okay. Very good. Thank you
16 very much for your assistance.

17 MR. ALONZO: Have a safe evening.

18 MR. LOPEZ: Have a good one.

19 MR. TREVINO: Okay.

20 MR. FEKETE: All right. The U.S. Army Corps
21 of Engineer's report to the board, Mr. Nguyen.

22 MR. NGUYEN: Yes. This is Mike Nguyen with
23 the Army Corps of Engineers. Can everyone hear
24 me?

25 (All signify "yes.")

1 MR. NGUYEN: Okay. For the philly (phonetic)
2 operation and dredging contract, we're still
3 preparing the closeout packets for the dredging
4 contract. And for clean harbor, the waste
5 water -- or the water treatment plant will start
6 in the early summer of 2022.

7 For the dike raise, the phase 2 dike
8 raise, construction is ongoing.

9 Nothing to report in regards to the oil
10 boom coordination.

11 For the PCA amendment, nothing new since
12 our colonel signed the PCA amendment on
13 January 5th. And our real estate staff is
14 still working to finalize the alerts credit for
15 Feddeler parcel.

16 And for the Parkway improvements, we're
17 still working on the closeout of that contract.

18 And that's all I have.

19 MR. FEKETE: Okay. Thank you, Mr. Nguyen.

20 MR. NGUYEN: Okay.

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

22 (No response.)

23 MR. FEKETE: Thank you again.

24 MR. NGUYEN: You're welcome.

25 MR. FEKETE: The next order of business is

1 the Attorney Ellen Gregory report.

2 MS. GREGORY: Ellen Gregory with Ellen
3 Gregory Law. We've been on pause for several
4 months regarding the property transfer matter with
5 BP. We're going to be reinitiating periodic calls
6 regarding that, including with Jim Wieser, the
7 district's real estate attorney.

8 On the tipping fee agreement amendment
9 that Mr. Trevino mentioned in his report, Todd
10 Relue, who is our attorney from Indianapolis,
11 is going to be working on the draft of the
12 tipping fee agreement amendment. In parallel
13 with that, the EPA will be coordinating with
14 the Department of Justice to try and get
15 approval to have Cleveland Cliffs' payment
16 obligation deadline extended under their
17 existing consent decree with EPA. And Fernando
18 Trevino and I have been having discussions with
19 EPA regarding a groundwater investigation of
20 ECI parcels that do not include the parcels
21 that are currently undergoing work, such as the
22 confined disposal facility and the south tank
23 farm and the west tank farm. And we will be
24 working on trying to put together an initial
25 scope of work for determining data gaps in the

1 existing data on groundwater in the area.

2 And that's the end of my report.

3 MR. FEKETE: Any questions for Miss Gregory?

4 (No response.)

5 MR. FEKETE: Okay, hearing none. Thank you,
6 Ellen.

7 MS. GREGORY: Yes.

8 MR. FEKETE: Any other business to come
9 before the board?

10 (No response.)

11 MR. FEKETE: Any public comments?

12 (No response.)

13 MR. FEKETE: There's nobody online.

14 Our next board meeting will be March 17th,
15 2022, at 5:00 p.m. at this facility.

16 This meeting is now adjourned.

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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' 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 14th day of March, 2022.



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



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