

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTOR'S MEETING

March 17, 2022



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 MARCH 17, 2022

7 THURSDAY 5:00 P.M.

8
9 TRANSCRIPT OF PROCEEDINGS had in the
10 above-entitled matter on the 17th day of March, 2022 at
11 5 :00 p.m. held at the city of East Chicago
12 Engineering/Annex Bulding 444 Railroad Avenue, East
13 Chicago, Indiana.

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A P P E A R A N C E

- MR. JOHN FEKETE, PRESIDENT
- MR. KEVIN DOYLE, BOARD MEMBER
- MR. JOHN DAKOTE, BOARD MEMBER
- MR. HENRY RODRIGUEZ, BOARD MEMBER
- MR. RAY LOPEZ, BOARD MEMBER
- MR. JALON ROBINSON, BOARD MEMBER

- MR. FERNANDO TREVINO, FMT CONSULTING
- MS. ELLEN GREGORY, ELLEN GREGORY LAW

- ALSO PRESENT:
- MR. TIM ANDERSON, BMO HARRIS BANK
- MR. MICHAEL NGUYEN, ARMY CORPS OF ENGINEERS

District Board of Director's Meeting
03/17/2022

1 P R O C E E D I N G S

2 MR. DOYLE: Good afternoon to everybody.
3 Pleasure to be here. And we're going to open the East
4 Chicago Waterways Management District, Board Meeting.
5 And let's call the order. Let's have a roll call.

6 John Fekete?

7 MR. FEKETE: Here.

8 MR. DOYLE: Kevin Doyle. He's here. Randy
9 Lopez?

10 MR. LOPEZ: Here.

11 MR. DOYLE: Henry Rodriguez?

12 MR. HENRY RODRIGUEZ: Here.

13 MR. DOYLE: John Dakota?

14 MR. DAKOTA: Here.

15 MR. DOYLE: Jalon Robinson?

16 MR. ROBINSON: Here.

17 MR. DOYLE: Our first order of business, the
18 Executive Director's Report, Fernando.

19 MR. TREVINO: Fernando Trevino for FMT
20 Consulting. First, I would like to start off by going
21 over the contents of your board packet. You have a
22 copy of today's meeting agenda. You have the public
23 meeting posting for today's meeting. You have the
24 Board Minutes for last months Board Meeting which was

1 February 17th.

2 You have First Merchant Bank statements
3 for the month of February of 2022 for accounts ending
4 in 608, 616, along with a copy of the checks that
5 cleared last month.

6 You also have First Merchant's Bank CD
7 statement for the 21-month CD that we have with a run
8 date of March 14, 2022.

9 You have the BMO Trust reports through
10 February 28, 2022. And there is a typo on one of the
11 reports that says, "Month ending 1/31/2022 and it
12 should be 2/28/2022."

13 You have the Army Corps' report to the
14 board dated March 17th.

15 You have Attorney Ellen Gregory's report
16 to the board dated March 16th.

17 You have Tetra Tech monthly Great Lakes
18 Legacy Act Grand Cal River remedial design project
19 report dated March 14, 2022.

20 You have Attorney Gregory,'s March 9,
21 2022 memo confirming the Grand Cal River Remediation
22 Phase I Proposal regarding the Great Lakes Legacy Act
23 was not substantively different from the February 17th
24 draft that was approved by the Board.

1 You have a memo from Rothschild
2 Insurance Agency and the attachment related to it
3 regarding the District's Commercial Insurance Policy
4 renewal.

5 You have Clifton, Larson, Allen's
6 financial statement dated February 28, 2022, which was
7 e-mailed to you earlier today and I also gave you a
8 hard copy of it along with the hard copies of the claim
9 docket POs and checks. And those are the items in your
10 Board packet. I would like to go over a brief report.

11 Regarding the items, action items on
12 today's agenda, you have the two traditional action
13 items of the Board minutes and the monthly claim
14 docket. Also, there was a Fedler LLC property claims
15 in the newspaper which was forwarded to Attorney Wieser
16 for review. And once we hear back from him on if that
17 had anything to do with our federal LLC situation.
18 I'll report back to the Board.

19 Regarding finances, the Financial Report
20 for today's Board meeting was e-mailed to you earlier
21 today as I mentioned in a hard copy provided today.
22 Tim Anderson will be presenting and reviewing the
23 Financial Report later in the meeting.

24 At our February board meeting, the Board

1 approved two transfer requests affiliated with our 2022
2 Operating Budget. One was from the trust account and
3 the other from the non-trust account. Those transfers
4 have been made and recorded in Tim's accounting report.
5 And also the BMO update on the investment options are
6 also -- or David Alonzo was supposed to be here.

7 MS. GREGORY: He hasn't joined yet.

8 MR. TREVINO: He hasn't joined yet. He was
9 going to give us an update on investment options.

10 Regarding user fees, I will be starting
11 to work on the 2022 user fee packet and invoices which
12 will include our annual communicator.

13 Regarding the Great Lakes Legacy Act
14 project, the Lake George Canal East project, the South
15 Tank form sheet pile wall project, the design is
16 ongoing. BP submitted their 90 percent design to the
17 project team for review. And there have been several
18 meetings, project team meetings to review the project
19 team's questions and comments. An updated 90 percent
20 design will be submitted to the team for final review
21 by April 8th with final comments due April 22nd. And
22 the 90 percent design is scheduled to go out for a
23 30-day comment period at the end of April with the
24 comment period concluding on May 30th.

1 And then after that, a presentation will
2 be held in front of the Board at a public meeting and
3 we are forecasting that to be at a June Board meeting.
4 The 90 percent design is scheduled to be completed by
5 the end of June. And the sheet pile wall construction
6 is scheduled to be installed by the end of 2023.

7 Regarding the Lake George Canal East
8 Section with a reminder Phase I dredging was completed
9 in 2020. Phase II dredging isn't scheduled to
10 recommence until after the sheet pile wall is
11 completed, which as I mentioned is scheduled to be done
12 by 2023. And the Corps will be managing the dredging
13 project on behalf of EPA.

14 Regarding the Lake George Canal middle
15 project, the Army Corps continues to work with Brendon,
16 the lead mediation contractor on the capping project.
17 Brendon preconstruction submittals is ongoing and
18 mobilization is expected to start this month.

19 Regarding the Grand Cal River Junction
20 Regis Remedial Design, Tetra Tech design work is
21 ongoing. The project team continues to have periodic
22 meetings advancing the design work. And we continue to
23 work on various projects, tasks, including the wetlands
24 coordination, property access coordination and several

1 other tasks. A draft of the design was sent to the
2 project team for review. Comments were submitted to
3 EPA which were compiled and summarized for Tetra Tech's
4 consideration.

5 Regarding the remediation of the Grand
6 Cal River, a project proposal for the Phase I sediment
7 remediation was submitted to EPA last week on
8 March 9th.

9 At our February Board meeting, the Board
10 asked Attorney Gregory to submit a memo confirming that
11 there weren't any substantive changes from the
12 February 17th draft that the Board approved. Attorney
13 Gregory drafted and sent the confirmation memo
14 requested by the Board. It was dated March 9th, but it
15 was sent on March 10th. A copy of the memo and the
16 reference attachment is in your Board packet. We have
17 a Technical Review Committee meeting with EPA to review
18 the proposal on April 1st.

19 Jim Wescott, Project Manager for Tetra
20 Tech was supposed to be in attendance. Has he joined
21 yet?

22 MS. GREGORY: He is not on.

23 MR. TREVINO: So the project team continues
24 to work on calculations affiliated with the PCA and the

1 tipping fee agreement amendments which will be used to
2 leverage the Great Lakes Legacy Act funding or the
3 Phase I remediation.

4 The PCA amendment has been completed in
5 our efforts to amend the tipping fee agreement
6 continues to move forward. The District is taking the
7 lead on developing a first draft of the amendment. So
8 we are working on that. Part of the Great Lakes Legacy
9 Act project is to demonstrate or produce work in kind,
10 work that gets credited towards the project. And I
11 have been working on the 2021 year-end work in kind
12 report. I'm hoping to have a draft by the end of this
13 week and officially send it to the EPA by the end of
14 this month.

15 Regarding the Lake George Canal
16 remediation that work is ongoing and there is a
17 reminder that the project is between BP and EPA.

18 Regarding the Canal Street Bridge
19 project, the design of the two dolphins is ongoing.
20 AECOM, the engineering firm we've hired to do the work
21 continues to work through the permitting process. I'm
22 planning to have a proposal and engagement letter from
23 AECOM at our April Board meeting that will include
24 their services to complete the design and take us all

1 the way through the bidding process.

2 Regarding the BP term sheet agreement
3 for parcels BP is interested in acquiring from the
4 District, we were on hold for a couple of months
5 allowing BP to confirm with their management what
6 direction they were going to take regarding the formal
7 ECI Refinery Parcels. BP has recently informed us that
8 they are still interest in acquiring all the former ECI
9 parcels, the non-CDF ECI parcels.

10 So we have resumed our efforts on the
11 drafting of a settlement agreement regarding the
12 properties. Attorney Gregory will be given a update on
13 the groundwater characterization of the former ECI
14 parcels and various others. And the Corps report, as I
15 mentioned is in your Board packet, Corps Project
16 Management, Mike Nguyen is in attendance and will be
17 giving an update to the Board later in the agenda.
18 That concludes my report.

19 MR. DOYLE: Any questions for Fernando?
20 Okay. Next, Approval consideration of the Board
21 meeting notes for February 17, 2022.

22 MR. FEKETE: Motion to approve.

23 MR. DOYLE: We have a second.

24 MR. LOPEZ: Second.

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1 MR. DOYLE: We are going to do a roll call
2 since John's -- John Fekete?

3 MR. FEKETE: Yes.

4 MR. DOYLE: Ray Lopez? You already said
5 second.

6 MR. LOPEZ: Yes.

7 MR. DOYLE: Rodriguez?

8 MR. HENRY RODRIGUEZ: Yes.

9 MR. DOYLE: John Dakota?

10 MR. DAKOTA: Yes.

11 MR. DOYLE: Jalon?

12 MR. ROBINSON: Yes.

13 MR. DOYLE: We're good.

14 Now, the Accounting Consulting Report,
15 financials through February.

16 MR. ANDERSON: Hi guys. You guys have a copy
17 of this in front of you? Page 2 of that report. It
18 says at the top "Statement of Cash Receipts and Cash
19 Disbursements." That is the cash receipts and
20 disbursements of the operating account and the user fee
21 account and we have got a couple of CDs. This is Tim
22 Anderson.

23 MR. ANDERSON: This is a summary of the cash
24 in those accounts which was \$3,992,000 at the beginning

1 of the year, January 1st. And at the end of the
2 February, we had in those accounts \$4,000,341. And you
3 can see the breakdown below on that Page 2 of how it
4 falls. We've got a \$1.8 million in the Operating
5 Account. That would be for the 2022 budget. And then
6 the other accounts, that's the User Fee account. That
7 is a checking account with \$986,000 in it. And then we
8 have got \$1.5 million in CDs.

9 The receipts basically interest income,
10 user fees and that trust transfer that Fernando talked
11 about, the \$398,000 is what we transferred out of that
12 BMO trust account. And then the expenses, the
13 disbursements are what we've, you know, what we've
14 written in checks for January and February of 2022. So
15 the cash is increased \$349,000 in those first two
16 months.

17 Down on Page 3 of that report, it just
18 shows those three accounts and what's happening in
19 those accounts. So the first section up there is the
20 Operating Account that we used for our budgeted
21 expenses. And you can see basically that there has
22 been two transfers that Fernando alluded to, the
23 \$398,000 from the trust. And then the \$162,000, the
24 balance comes from the User Fees checking account. You

1 could see that right below, right below that top
2 section in the middle. That's the money coming out
3 of the User Fee account and going into our Operating
4 Account.

5 And then the CDs we've accrued \$1300 in
6 interest for January and February on the CDs. And then
7 the last page of the report, Page 4, shows you guys
8 that the basic object of Page 4 is to give you guys all
9 comfort that you have an adequate budget to approve
10 your claims docket. So the claims docket there has
11 \$37,000 on it. Every line on the budget is very
12 important that every line on the unused budget is a
13 positive number after the claims docket. So we watch
14 that figure very closely to make sure that you are
15 spending the money in line with the budget
16 appropriations and we are. The \$1.8 million that is
17 sitting there in an unused budget that equates to the
18 balance in the operating account, cash account. So the
19 theory is that that Operating account would always have
20 our unused budget. And it's not just a theory of
21 words. If you take the unused budget plus the claims
22 docket for today, that agrees with the balance in the
23 Operating Account.

24 So there is plenty of budget and the

1 expenses are coming in just like they were budgeted and
2 and everything balances. Any questions on this report
3 guys?

4 MR. LOPEZ: Thank you.

5 MR. DOYLE: Thank you.

6 MR. ANDERSON: The Special District Annual
7 Report has been filed with the State Board accounts.
8 They have another questionnaire about payroll which has
9 been filed. And then we have a Form 1041 that we have
10 to file for the trust. It is not due yet, but we will
11 file that and then we will have taken care of all
12 compliance requirements for 2021 which I think is
13 important that you guys know. So that's my report,
14 your Honor.

15 MR. DOYLE: Thank you very much. Thanks
16 again guys.

17 Okay, the next thing is the Claim Docket
18 8/17/2020.

19 MR. TREVINO: I wanted to verify something on
20 the Claim Docket. The Claim Docket has an itemized
21 list of the vendors that are being paid and check
22 numbers. And when I went to print out the checks,
23 there was a glitch in one. And it basically printed a
24 vendor twice. So in order to correct it, I had to go

1 to the next number on the sequence from the checks.
2 So I did check with Tim and so we're going to fix that
3 after the fact, right?

4 MR. ANDERSON: Yes.

5 MR. TREVINO: So I voided one of the checks
6 that were printed twice and that is why when I pass
7 around the packet, you'll see one of the checks is
8 voided.

9 MR. ANDERSON: It should give you guys
10 comfort to know that Fernando agonized over this all
11 day. And it's okay. We can have errors and we can
12 void checks. It is not a problem. It was nothing more
13 than a jam in the paper feeder or something like that.
14 So we will make sure that we adequately memorialize the
15 void and it will be fine.

16 MR. DOYLE: Okay. With that, the Claim
17 Docket dated 3/17/2022, can I have a motion to approve
18 that, please?

19 MR. LOPEZ: Motion.

20 MR. HENRY RODRIGUEZ: Second.

21 MR. DOYLE: Okay, I'm going to do a roll
22 call. John?

23 MR. FEKETE: Yes.

24 MR. DOYLE: John Dakota?

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1 MR. DAKOTA: I vote yes.

2 MR. DOYLE: Jalon?

3 MR. ROBINSON: Yes.

4 MR. DOYLE: Henry?

5 MR. HENRY RODRIGUEZ: Yes.

6 MR. DOYLE: And I think I did me. Yes. Did
7 I ask you, Ray?

8 MR. LOPEZ: Yes.

9 MR. DOYLE: Approval for accounts payable
10 voucher.

11 MR. TREVINO: We just did that.

12 MR. DOYLE: We just did that? That's part of
13 it. I thought we used to see a thing with the checks.

14 MR. TREVINO: That is what he is signing.

15 MR. DOYLE: My bad. How about the GLA GCR
16 Junction Reach Remedial Design project update.

17 MR. TREVINO: Is Jim on? Hang on tight,
18 David. Your agenda item is next.

19 I guess Jim Wescott wasn't able to
20 attend, but I gave, you know, I don't know what he
21 would have added to my update. The remedial design is
22 ongoing. We submitted the Great Lakes Legacy Act
23 proposal for Phase I remediation which includes the
24 complete restoration of Grand Cal River west section

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1 and some dredging in the Harbor Canal section and then
2 also some work in the junction marsh area. And our
3 presentation to EPA's technical review committee is
4 scheduled for April 1st. So that's an update on the
5 Grand Cal River projects.

6 MR. DOYLE: BMO Trust Report.

7 MR. ALONZO: So I was going to run through
8 the report here and then I am going to talk about the
9 follow up I had with Fernando with some interest rates.
10 Meaning I consolidated it down to two sheets. So the
11 first one can go through the balances of the accounts
12 and list them all.

13 First account is the Money Market
14 account and the second one was the CD. So we actually
15 had the CD came due I think the last day of February.
16 So that deposit was placed into the current Money
17 Market account. So the total value of the trust is
18 \$4,128,304.79. The balance of the trust on February,
19 28th was \$4,128,304.79 and that was a difference of a
20 negative \$397,911.29. So when we look at the second
21 page, it is really going to show why it is negative
22 because we didn't do the disbursement of the trust.
23 The deposit over to First Merchant, the withdrawal was
24 for, \$398,338.19. So we did earn some interest of

1 course on the CD when it came due and also on the Money
2 Market account. So that's why those two monies don't
3 mesh. The interest from the CD and all the interest
4 from the Money Market and then of course the withdrawal
5 from the trust account.

6 Obviously, as we saw yesterday, you
7 might have seen the Feds raised interest rates. It has
8 yet to impact bank CDs. It is probably a little too
9 early for that. We might see something into next week.

10 Last week -- I believe it was last week
11 or the week prior, I reached out to Fernando to just
12 inquire about the investment policy of the trust. I
13 had noticed that clients that I work with on the
14 investment side, we use brokerage CDs. And if we go
15 back years ago, we used to have those as part of the
16 trust. And it was called CRs. They were FDIC insured
17 from various banks across the US. It didn't cost
18 anything to do. I noted those interest rates like on a
19 one year CD were around one percent. Where retail bank
20 and probably every other bank around the area is
21 probably in the same range of .3. So like right now we
22 are at 13-months at .3 with BMO and 25 months at 24
23 with BMO. And those rates have not changed since we
24 have made the deposits.

1 So we took a look at the investment
2 policy along with some of the banks that were -- the
3 term -- it is banks that we can only use within the
4 State of Indiana according to investment policies. So
5 unfortunately we wouldn't be able to do those brokerage
6 fees, because a lot of those banks like Goldman Sachs,
7 Ally Bank, Citibank are not on that list. And there is
8 some other banks too that are out there that are not on
9 that list.

10 So I just wanted to throw it out there
11 to Fernando, just to let you know where our rates were
12 on those and if it was an option, that I wanted to make
13 sure I was able to bring it to the attention for this
14 account. But as it stands, we are unable to go down
15 that path. So we are still just going to maintain the
16 balance like we talked about previously in the Money
17 Market account and continued to keep an eye on interest
18 rates on BMO's end to see as those move and we might
19 see some movement potentially next week. If so, I'll
20 be in contact with Fernando and we will go down that
21 path too. Was there any questions at all on the trust?

22 MR. LOPEZ: No.

23 MR. ALONZO: Pretty much all the CDs have
24 matured. We have all the money sitting in that cash

1 account for the time being. So I'll keep Fernando
2 posted and that is all I have.

3 MR. DOYLE: Thank you very much. Army Corps
4 report.

5 MR. NGUYEN: This is Mike Nguyen with the
6 Army Corps of Engineering. Just for the update on the
7 construction. We're preparing the close out -- for the
8 dredging contract. For Queen Harbor, we'll start water
9 treatment in early summer. We have a preconstruction
10 meeting tomorrow. And for the Phase II bike race
11 construction is ongoing. For the CDF documentation,
12 for the oil boom coordination, it is nothing
13 significant to report.

14 For the PCA and non-federal funding, the
15 PCA amendments, the PCA amendment was signed by the
16 Colonel on January 5th. I think I could take that out.
17 I think we are still removing the -- negotiating the
18 new tipping fee agreement with EPA and that is not
19 really related to the Corps, I mean competing with
20 Cleveland Cliff.

21 For the feather parcel, we're still
22 working to finalize the LERR credit. And for the
23 Parkway improvement, we've actually closed out this
24 contract. We sent the final closeout package to the

1 contractor this week. We're going to be moving that
2 from the agenda and nothing else to report.

3 MR. DOYLE: Guys, you have any questions?
4 None. Okay, Attorney Ellen Gregory reporting, please.

5 MS. GREGORY: Ellen Gregory with Ellen
6 Gregory Law. Fernando has mentioned in his report the
7 groundwater investigation. This was EPA and Item
8 Rick -- Divisions are interested in gathering
9 information on the status of the groundwater, a non CDF
10 ECI parcels. Fernando and I have put together an
11 outline input from Rick Nagel at EPA. And the next
12 step in that process is to send out to various
13 engineering firms for the work, the initial work that
14 will be done on that project.

15 The property transfer term sheet
16 Fernando had mentioned, we have an outline of an
17 agreement which is being distributed to the parties,
18 the tipping fee agreement amendment that both Fernando
19 and Mike Nguyen mentioned is moving forward now that
20 the PCA has been amended.

21 And finally, the Governor has lifted the
22 COVID State of Emergency in Indiana. And therefore,
23 the electronic meetings policy will move forward from
24 now on under the Non-emergency Declaration, which has

1 implications for how many people need to be attending
2 each meeting in person and how many remote meetings any
3 one Board member is allowed to attend remotely in a
4 year. And that is all I have.

5 MR. DOYLE: Any questions, anybody? Any
6 other or new business to bring out. Nothing. Any
7 public comments? Well, that seems to conclude the
8 meeting for today. I hope I did it justice. The next
9 Board meeting is April 21, 2022 at 5:00 p.m. And
10 that's a wrap. I do make a motion to adjourn.

11 MR. DAKOTA: Second.

12 MR. DOYLE: All in favor?

13 (A chorus of "ayes")
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1 STATE OF INDIANA)

2)

3 COUNTY OF L A K E)

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5 C E R T I F I C A T E

6

7 The within and foregoing meeting was taken
8 before GWENDOLYN BEDFORD, Certified Shorthand Reporter
9 in the City of GARY, State of INDIANA.

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

13 IN TESTIMONY WHEREOF, I have hereunto set my
14 hand this 20th day of April, 2022.



Gwendolyn Bedford

GWENDOLYN BEDFORD, C.S.R.
No. 084-003700

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