

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

January 18, 2024



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 January 18, 2024

7 THURSDAY 3:00 P.M.

8
9 TRANSCRIPT OF PROCEEDINGS had in the
10 above-entitled matter on the 18th day of January, 2024
11 at 3:00 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. JOHN BAKOTE, BOARD MEMBER

MR. HENRY RODRIGUEZ, BOARD MEMBER

MR. RAY LOPEZ, BOARD MEMBER

MR. FERNANDO TREVINO, FMT CONSULTING

MS. ELLEN GREGORY, ELLEN GREGORY LAW

ALSO PRESENT:

MR. MICHAEL NGUYEN, ARMY CORPS OF ENGINEERS

MR. JIM WESTCOTT, Project Manager

P R O C E E D I N G S

1
2 MR. TREVINO: On Zoom we have two attendees,
3 Ellen, you and Jim. That's it.

4 MS. GREGORY: Yes.

5 MR. TREVINO: On Zoom is Attorney Ellen
6 Gregory and Project Manager, Jim Wescott.

7 MR. FEKETE: Okay, I would like to call to
8 order the East Chicago Waterway District Board of
9 Directors regular public meeting. Today's date is
10 January 18th and the time is 3:11.

11 First order of business is the roll
12 call. Jalan Robinson? John Bakota?

13 MR. BAKOTA: Here.

14 MR. FEKETE: Henry Rodriguez?

15 MR. RODRIGUEZ: Here.

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Here.

18 MR. FEKETE: John Fekete, here. We have a
19 quorum. Executive Director's Report, Mr. Trevino.

20 MR. TREVINO: With the FMT Consulting would
21 like to start off by going over the contents of your
22 Board packet. You have a copy of today's agenda.
23 You have a copy of the meeting posting for today's
24 meeting. You have the Board minutes for November 16th
25 and December 21st Board meetings. You have the 2024

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1 Trust budget approval letters from EPA dated
2 January 16th and January 17 respectively. You have a
3 copy of today's Claim Docket dated January 18, 2024
4 only with copies of the purchase orders and check
5 register.

6 You have a copy of the
7 CliftonAllenLarsen Financial Report dated 12/31/2023
8 for the month of December. And those were e-mailed and
9 also hard copies were provided to the Board at
10 today's meeting.

11 You have three Services Agreements
12 between the District, CliftonLarsenAllen for 2024 which
13 includes Outsourcing Compilation Statement of Work and
14 Outsourcing Special Services Statement of Work and the
15 Entity Tax Compliance Statement of Work.

16 You have a copy of Board Resolution
17 2024-1 Investment Procedures Policy and you have the
18 Board Resolution 2024-2 regarding depositing and use of
19 funds received by the District.

20 You have an e-mail dated January 16,
21 2024, from Debbie Mim, First Merchants regarding
22 various SCDARS terms and rates. Scdars is S-C-D-A-R-S.

23 You have an e-mail dated January 13,
24 2024 from me to the City of East Chicago providing a
25 project update on the Canal Street Bridge, Dolphin

1 Project.

2 You AECOM's progress report scheduled,
3 Budget Summary and Invoicing through December of 2023.

4 You have Thatcher's Proposed Change
5 Order and Invoice dated January 17, 2023.

6 You have TetraTech's Monthly Progress
7 Report for December and that's dated January 16, 2024.
8 You have a copy of TetraTech's contract to complete the
9 remedial design. It includes combining the two phases
10 of the Grand Cal River Remediation into one phase. And
11 included providing support through the construction
12 bidding process.

13 You have the BMO Trust Report dated
14 December 31, 2023. You have First Merchant Bank
15 statements for the month of December 2023 for accounts
16 ending in 608 and 616, along with the copy of the one
17 User Fee deposit recorded in December and copies of
18 checks that cleared last month.

19 Also included is a copy of the First
20 Merchant CD report with a run date of January 16, 2024.
21 You have a copy of the December bank statement for the
22 account ending in 616. And it includes a deposit of
23 \$4.5 million from Atlantic Richfield related to the
24 three-party settlement agreement between the District
25 the City and Atlantic Richfield.

1 You have the Army Corps report to the
2 Board dated January 18, 2024. You have Attorney Ellen
3 Gregory's report to the Board with the revision date of
4 January 15, 2024. And you have a copy of the Jacobs
5 Sheet Pile Wall Construction Project Monthly Progress
6 Report through the month of December dated January 2,
7 2024.

8 And that includes the items in your
9 Board packet. To go over a couple of items to report
10 to the Board. I wanted to inform the Board that Mayor
11 Copeland asked if I would be interested in serving on
12 BP's SEP Committee related to air issues. And I said
13 that I would be. So I'm informing the Board of that
14 appointment.

15 Regarding the meeting notes for November
16 and December, there were a couple of typos here and
17 there. The one that I wanted to point out and make
18 part of the record was the December 21, 2023 meeting
19 notes on Page 14, Line 11. It should be "FMT
20 Consulting" and not COSME regarding approval of
21 additional hours.

22 Regarding the action items on today's
23 agenda, we have several action items. It includes the
24 Board minutes for November 16th and December 21st. We
25 have the monthly Claim Docket. We have three Statement

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1 of Work Service Contracts with CliftonLarsenAllen for
2 2024. We have a Board resolution 2024-1 regarding the
3 District's Investment Policy. Board Resolution 2024-2
4 regarding funding received and used by the District.
5 We have investment of funds. We have Thatcher Change
6 Order affiliated with the Canal Street Bridge Dolphin
7 Project. We have TetraTech contract related to the
8 Grand Cal River Remediation Project.

9 Regarding finances, the
10 CliftonLarsenAllen Financial Report, as I mentioned,
11 was e-mailed to you earlier. Actually the one I
12 e-mailed to you was updated. So I will e-mail you the
13 corrected one after today's meeting, but the
14 corrected one was provided hard copies to you at
15 today's meeting. So that's the one that we've
16 reviewed.

17 A Finance Committee was held on
18 January 9th to review investment options with First
19 Merchants, among other topics. We do have good news
20 related to the 2024 Budget. We have received approval
21 letters from both EPA and IDEM related to the 2024
22 Trust Budget dollars. And as I mentioned, those copies
23 of approval letters are in your packet.

24 I plan to have 2023 cash balance
25 calculations and 2024 budget transfer requests

1 completed by the February Board meeting.

2 A CliftonLarsenAllen Rep will not be
3 able to make our Board meeting today. So I will
4 present the financial report today.

5 Regarding User Fees, the 2023 User Fees
6 as reported last month have been collected at
7 100 percent. And we will start working on the 2024
8 User Fees.

9 Regarding the PCA Amendment and Tipping
10 Fee Amendment, we've received and deposited
11 \$3.273 million from Cleveland Cliffs. We continued to
12 communicate with the Corps regarding their final
13 accounting and project close out and transfer. The
14 Corps has informed us that they plan to transfer
15 \$2.698 million. Based on the Cleveland Cliffs'
16 reimbursement and the Corps' amount that they plan to
17 reimburse us, we still believe that we are short
18 approximately \$316,000. So I will be working with
19 Attorney Gregory and Attorney Todd Relue confirming
20 this calculation whether there is a shortage or not.
21 And we will be documenting that in a letter to the
22 Corps, Cleveland Cliff, if we confirm that that's the
23 case.

24 Regarding the Great Lakes Legacy Act
25 Project, the South Tank Sheet Pile Wall Project

1 construction is ongoing. As I mentioned, a copy of the
2 Jacob's Monthly Progress Report is in your Board
3 packet. The Sheet Pile Wall is forecasted to be
4 completed by earlier 2024.

5 Regarding the Lake George Canal East
6 section, the Corps managing this dredging project on
7 EPA's behalf. Corps has completed the collection of
8 additional environmental settlement samples and they
9 will now work on collecting additional geotechnical
10 sampling and that's scheduled to be done in the spring.

11 Phase II dredging of the Lake George
12 Canal east and orphaned areas is scheduled to be done
13 in 2025.

14 Regarding the Lake George Canal Middle
15 Cap Project, the Army Corps of Engineers is managing
16 this as well. The main part of the Cap project is now
17 completed. Brennan's subcontractor completed the Equal
18 Construction activities in the forth quarter of last
19 year and will be back for additional eco work in the
20 spring of this year.

21 Regarding the Lake George Remediation
22 Project, that work is ongoing and that is between BP
23 and EPA.

24 Regarding the Grand Cal River Junction
25 Reaches Remediation Project, TetraTech continues to

1 work on working on the remedial design. And we
2 continued to have -- we're going from weekly project
3 team meetings to biweekly. And some of the stuff that
4 we work on includes coordination of additional site
5 investigation plan, designed completion, property
6 access coordination, permit applications, coordination
7 of the junction marsh, coordination with the former
8 City dump, community engagement and coordination and
9 planning and management of remediating the entire Grand
10 Cal River Junction area in one phase versus two phases.

11 Regarding the schedule for the the Grand
12 Cal River Junction Reaches Remediation, in 2024 we are
13 forecasting EPA to complete their source control memo,
14 completion of the additional site investigation work,
15 finalizing the concept of doing the entire Grand Cal
16 River in one phase versus two phases, and finalizing
17 the project agreement.

18 And for 2025, we are forecasting the
19 start of the remediation construction. And as I
20 mentioned, there is a contract on today's agenda for
21 Approval Consideration for TetraTech, to finalize the
22 remedial design support on the additional site
23 investigation plan, combining the two phases into one
24 phase and providing a bidding process support. And Jim
25 Westcott of TetraTech is present today and can provide

1 additional updates in answering questions.

2 Regarding the Canal Street Bridge Project, as
3 I mentioned at the last Board Meeting, Thatcher has
4 completed the construction of the two dolphins.

5 Thatcher submitted a proposed Change Order where AECOM,
6 Attorney Gregory and myself had a couple of meetings
7 with representatives from Thatcher to review and
8 negotiate their Change Order.

9 The conclusion of our negotiation is the
10 Change Order and invoice that's in your packet for
11 review and Approval Consideration. We plan to finalize
12 the Project Closeout Report before our February Board
13 meeting.

14 Regarding the Atlantic Richfield
15 Settlement Agreement, the \$4.5 million affiliated with
16 the agreement has been received and deposited into the
17 District account.

18 The finalization of the property
19 transfer was delayed due to issues associated with the
20 sales disclosure forms. Attorney Weiser worked with
21 representatives from Lake County, Atlantic Richfield
22 and the title company to resolve the issues. We are
23 expecting that to be resolved and promptly properly
24 transferred by the end of this month. The Army Corps
25 of Engineers Report is in your Board packet. Did Mike

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1 join us?

2 MS. GREGORY: Yes.

3 MR. NGUYEN: I'm here.

4 MR. TREVINO: Mike Nguyen is in attendance
5 and will be providing an update report to the Board.
6 And Attorney Ellen Gregory will give us an update on
7 various legal matters. And that concludes my report.

8 MR. FEKETE: Thank you. Any questions? Next
9 order of business is the election of officers as we do
10 every January.

11 MR. LOPEZ: I would like to make a motion
12 that John Fekete for President.

13 MR. BAKOTA: I'll second it.

14 MR. FEKETE: You want to do it individually?

15 MR. TREVINO: You can or you can do the whole
16 slate. I mean because everyone has agreed to continue
17 to serve in their capacities. So do you want me to
18 read off the current capacities?

19 MR. LOPEZ: Ray Lopez nominates John Fekete
20 for President. Jalan Robinson for Vice President.
21 Henry Rodriguez for Secretary. And I don't know if
22 it's okay for myself. I nominate myself for Treasurer
23 and Fiscal Officer.

24 MR. FEKETE: From a technical standpoint we
25 don't have an Investment Officer.

1 MR. TREVINO: There is one that's appointed
2 through the Board resolution.

3 MR. FEKETE: By the President.

4 MR. TREVINO: Ellen, help me out.

5 MS. GREGORY: Yeah, I think we need to have a
6 motion for and Investment Officer. Under the State
7 Statute we have to have an individual that's called an
8 Investment Officer.

9 MR. TREVINO: And in the past that has been
10 you, John.

11 MR. FEKETE: Make me the Investment Officer.

12 MR. LOPEZ: I make John Fekete Investment
13 Officer.

14 MR. BAKOTA: That was a nomination for all he
15 read? I'll second it.

16 MR. FEKETE: We have a nomination presented
17 and a second. Do I need to read them off again or are
18 we clear?

19 MR. TREVINO: It might not be bad.

20 MR. FEKETE: Okay, President, John Fekete,
21 Vice President, Jalan Robinson, Secretary, Henry
22 Rodriguez, Treasurer and Fiscal Officer, Ray Lopez and
23 Investment Officer, John Fekete. All in favor signify
24 by saying "aye".

25 (A CHORUS OF AYES)

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1 MR. FEKETE: No opposition or abstention?

2 (NO RESPONSE)

3 MR. FEKETE: That motion is approved.

4 We can appoint a Finance Committee
5 members as the Investment Officer. I would appoint
6 myself. Jalan Robinson and Ray Lopez.

7 The next order of business is the
8 Approval Consideration of Board Meeting notes for
9 November 16th.

10 MR. LOPEZ: Motion to accept.

11 MR. FEKETE: Second?

12 MR. RODRIGUEZ: Second.

13 MR. FEKETE: All signify by saying "aye".

14 (CHORUS OF AYES)

15 MR. FEKETE: That motion is approved.

16 Motion for the December 21, 2023
17 minutes.

18 MR. BAKOTA: Motion to accept.

19 MR. FEKETE: We need a second.

20 MR. RODRIGUEZ: Second.

21 MR. FEKETE: All signify by saying "aye".

22 (A CHORUS OF AYES)

23 MR. FEKETE: Any abstentions or objections?

24 (NO RESPONSE)

25 MR. FEKETE: Hearing none, the motion is

1 approved.

2 Accountant Consulting Report was
3 presented earlier.

4 MR. TREVINO: You want me to summarize it?

5 MR. FEKETE: Sure.

6 MR. TREVINO: So you have a copy of the
7 CliftonLarsenAllen Financial Statement dated
8 December 31, 2023. On Page 2 as of December 31, 2023 a
9 total receipts is \$5,301,066.18. Disbursements,
10 \$891,717.49. You have a cash balance as of January 1,
11 2023 of \$4,300,335.44. The cash balance as of
12 December 31, 2023 is \$8,709,684.13. In the Operating
13 Account is \$1,121,983.80. The User Fee account has
14 \$5,224,499.34. Certificate of Deposit, \$2,363,200.99.

15 The next page is Page 3 and is the
16 schedule of cash of account activity. In the Operating
17 Account the cash balance as of January 1, 2023 is
18 \$1,439,851.14. Then it has a list of items that have
19 been voided and cash disbursements. And I point to you
20 one item that's a voided check of 2188, and the amount
21 of \$352. And that check is affiliated with Iseminger.
22 They had reported that the check was lost and never
23 received. So the reissuance of that check is on
24 today's Claim Docket.

25 The operating cash balance as of

1 December 31, 2023 is \$1,121,983.80 cents. The
2 Certificate of Deposit Balance as of December 31, 2023
3 is \$2,363,200.99.

4 Going to Page 4, that is a summary of
5 our 2023 Budget. If you look at the column second from
6 the right is the summary of the Claim Dockets of
7 today's -- the Claim Docket that is on today's
8 agenda. And total for that Claim Docket is
9 \$330,858.21. And as you can see, all of the unused
10 budget items, it is all in the black still. There is
11 funding to finance today's Claim Docket.

12 Turning to the next page, Page 5, again
13 the second column from the right is the Claim Docket
14 and you will see one item on that list of \$1,050. And
15 that's for the office lease. And the reason that's on
16 a separate statement is because that's going against
17 the 2024 Budget. Although it's going the 2024 Budget,
18 it is on today's Claim Document.

19 And then the second column that's titled
20 12/31/2023 Payables, under the Canal Street Bridge
21 projects, that total is \$320,053.90. And that is
22 because it includes the potential Change Order that is
23 on today's agenda for Approval Consideration. So if
24 the Change Order is approved, then that will be the
25 amount for that budget line item because that will be

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1 approved at the February Board meeting, but that's a
2 2023 Budget line item. So that includes the summary.

3 MR. FEKETE: The next order of business is
4 the Approval Consideration for Accounts Payable Voucher
5 Register dated today's date, January 18th. Entertain a
6 motion to approve.

7 MR. RODRIGUEZ: Motion to approve.

8 MR. FEKETE: And a second?

9 MR. BAKOTA: Second.

10 MR. FEKETE: Roll call vote. Jalan Robinson?
11 John Bakota?

12 MR. BAKOTA: Yes.

13 MR. FEKETE: Henry Rodriguez?

14 MR. RODRIGUEZ: Yes.

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Yes.

17 MR. FEKETE: John Fekete. I vote yes. That
18 motion is approved.

19 The next order of business is Approval
20 Consideration for the Service Contract with
21 CliftonLarsen's accounting firm. Do I have a motion to
22 approve?

23 MR. LOPEZ: Motion to approve.

24 MR. FEKETE: Do I have a second?

25 MR. RODRIGUEZ: Second.

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1 MR. FEKETE: Okay, a roll call vote. Jalan
2 Robinson? John Bakota?

3 MR. BAKOTA: Yes.

4 MR. FEKETE: Henry Rodriguez?

5 MR. RODRIGUEZ: Yes.

6 MR. FEKETE: Ray Lopez?

7 MR. LOPEZ: Yes.

8 MR. FEKETE: John Fekete. I vote yes. That
9 motion is approved.

10 The Second Service Contract under
11 consideration is the one with TetraTech. Do I
12 entertain a motion to approve?

13 MR. BAKOTA: Motion to approve?

14 MR. FEKETE: And a second?

15 MR. RODRIGUEZ: Second.

16 MR. FEKETE: Roll call vote. Jalan Robinson?
17 John Bakota?

18 MR. BAKOTA: Yes.

19 MR. FEKETE: Mr. Rodriguez?

20 MR. RODRIGUEZ: Yes.

21 MR. FEKETE: Ray Lopez?

22 MR. LOPEZ: Yes.

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

25 The next order of business for

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1 consideration is the Board Resolution 2024-1, our
2 investment policy as it was discussed. This is a redo
3 of a previous investment policy, just updating it. Do
4 I have a motion to approve?

5 MR. RODRIGUEZ: Motion to approve.

6 MR. FEKETE: Is there a second?

7 MR. LOPEZ: Second.

8 MR. FEKETE: Jalan Robinson? John Bakota?

9 MR. BAKOTA: Yes.

10 MR. FEKETE: Mr. Rodriguez?

11 MR. RODRIGUEZ: Yes.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Yes.

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

16 MR. LOPEZ: Point of order, Mr. Chairman?

17 MR. FEKETE: Go ahead.

18 MR. LOPEZ: Did we vote on the Claim Docket?
19 I don't think we took a vote on the Claim Docket?

20 MR. TREVINO: I think we did.

21 MR. LOPEZ: We voted for the December
22 finances, but we didn't vote on the Claim Docket.

23 MR. FEKETE: We don't vote on the Claim
24 Docket. It is just presented.

25 MR. TREVINO: No, we vote on the Claim Docket

1 because it has to be approved. I think it was. Can
2 you check your notes?

3 MR. FEKETE: The accounts payable, because
4 I've got it marked off.

5 MR. TREVINO: Well, that's the same thing as
6 the accounts payable voucher --

7 MR. FEKETE: Yeah.

8 MR. TREVINO: -- it's the Claim Document.

9 MR. FEKETE: Is the same thing.

10 MR. TREVINO: Right. I think what might be
11 confusing is he said the "payable". You called it
12 something else. The "Account Payable Voucher" and here
13 it says "Claim Document" and maybe that is the
14 confusion.

15 MR. FEKETE: You combined the titles, I
16 think.

17 MR. TREVINO: Yeah. I believe it was
18 approved. Roz.

19 MR. LOPEZ: Okay. Next.

20 MR. FEKETE: Are you okay?

21 MR. LOPEZ: Yeah.

22 MR. FEKETE: Next item is the Board
23 Resolution 2024-2 funds received and used by the
24 District.

25 MR. TREVINO: Yes. Ellen, would you mind

1 giving a quick summary of this particular resolution
2 and everything remains the same other than the title?

3 MS. GREGORY: Yeah, so the title, which will
4 be different from what was in the packet, the new title
5 will read "East Chicago Water Management District-A
6 Resolution Regarding Placement and Use of Certain
7 Monies Received." And this resolution relates to the
8 District's use of monies received related to real
9 estate owned such as leases, other agreements for other
10 entities to use property which we've received monies
11 from for. \$4.5 million which has recently been
12 received by the -- under the property transfer
13 settlement agreement. And this resolution basically
14 states that because those monies were originated from a
15 source other than trust assets, the District can
16 utilize those funds in any way it chooses that is not
17 required to place those monies back into the ECI
18 facilities trust account.

19 So if anybody has any questions about
20 that, I would be glad to answer them.

21 MR. FEKETE: Any questions for Ellen? Any
22 questions for Fernando? I'll entertain a motion to
23 approve.

24 MR. RODRIGUEZ: Motion to approve.

25 MR. FEKETE: And a second?

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1 MR. LOPEZ: Second.

2 MR. FEKETE: Jalan Robinson? John Bakota?

3 MR. BAKOTA: Yes.

4 MR. FEKETE: Mr. Rodriguez?

5 MR. RODRIGUEZ: Yes.

6 MR. FEKETE: Ray Lopez?

7 MR. LOPEZ: Yes.

8 MR. FEKETE: John Fekete. I vote yes. That
9 motion is approved.

10 The next order of business is the
11 Approval Consideration of Investment of Funds. This
12 was discussed on January 9th at the Finance Committee
13 meeting. And it was agreed that we should present a
14 latter approach to invest our money. In other words,
15 so much money would be invested in a shorter timeframe
16 and then continuing on. And all of this would be based
17 on a review of progressive planning on our part. And I
18 believe Mr. Trevino has come up with a schedule.

19 MR. TREVINO: Yes. So the schedule would be
20 after the monies are transferred to Finance or
21 Operating Budget, we would leave approximately
22 \$250,000. And then 13 weeks for \$500,000, 26 weeks for
23 \$1 million, 52 weeks for \$2 million, and then the
24 balance would be 104 weeks.

25 MR. FEKETE: Okay. Any questions for

1 Mr. Trevino on that schedule? Hearing none, I'll
2 entertain a motion to approve the schedule as
3 presented?

4 MR. BAKOTA: Motion to approve.

5 MR. FEKETE: A second.

6 MR. RODRIGUEZ: A second.

7 MR. FEKETE: Jalan Robinson? John Bakota?

8 MR. BAKOTA: Yes.

9 MR. FEKETE: Mr. Rodriguez?

10 MR. RODRIGUEZ: Yes.

11 MR. FEKETE: Ray Lopez?

12 MR. LOPEZ: Yes.

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

15 The next order of business is the Canal
16 Street Bridge Project Update. Mr. Trevino?

17 MR. TREVINO: Yes, so as mentioned, the
18 dolphin's that are affiliated with the Canal Street
19 Bridge Project has been installed and completed.
20 Thatcher has submitted their final billing including
21 retainage. I have reviewed the final billing and
22 retainage with the AECOM and they recommend payment of
23 those two invoices. And then I also mentioned that
24 there is a Change Order in your bid packet that we've
25 been negotiating for the last few weeks between our

1 project team and Thatcher. And so the Change Order
2 that is presented in your Board packet for approval is
3 what we are recommending.

4 MR. FEKETE: Okay. So I need a motion to
5 approve the Thatcher contract Change Order.

6 MR. RODRIGUEZ: Motion to approve.

7 MR. FEKETE: And a second?

8 MR. LOPEZ: Second.

9 MR. FEKETE: Jalan Robinson? John Bakota?

10 MR. BAKOTA: Yes.

11 MR. FEKETE: Mr. Rodriguez?

12 MR. RODRIGUEZ: Yes.

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Yes.

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

17 And another consideration is the
18 TetraTech contract for future work.

19 MR. LOPEZ: Motion to accept.

20 MR. TREVINO: I think we did that one.

21 MR. BAKOTA: No. I heard TetraTech mentioned
22 earlier.

23 MR. LOPEZ: Well, motion to accept.

24 MR. TREVINO: Okay, just to make sure.

25 MR. FEKETE: I thought we did Thatcher and

1 then TetraTech.

2 MS. GREGORY: We approved the contract and we
3 were going to have Scott give us an update.

4 MR. TREVINO: Go ahead. Is Jim still on?

5 MR. WESTCOT: You want me to? Let me cover
6 the progress report first. We continued to work on the
7 existing contract. There isn't really -- because of
8 the recent changes where we are trying to combine
9 everything, we haven't been doing much under the
10 existing contract. Once the new contract is approved,
11 which I think we need to vote on tonight. We'll begin
12 and try to consolidate the two phases. Most of the
13 effort is going to be in the Phase II work which we
14 haven't done anything with and trying to merge into
15 Phase I, and that should all be done by the fall. We
16 are not redoing any work. It is all new work
17 basically. Any questions?

18 MR. FEKETE: I missed that.

19 MR. TREVINO: And I guess the other thing
20 just to kind of summarize the schedule, Jim, we are
21 looking at it in 2024, completing the project
22 agreement, completing the direction to do the entire
23 Grand Cal River in one phase, of course the remedial
24 design. Any other major tasks to be completed in 2024?

25 MR. WESTCOT: It's mostly permits and getting

1 the drawings and specs to cover both phases. And like
2 Fernando mentioned, help with the project agreements.
3 A lot of the stuff we did for Phase I. We are just
4 doing again for this combined project.

5 MR. FEKETE: Okay. So we need to approve
6 that.

7 MR. TREVINO: The contract, I thought we did.

8 MR. WESTCOT: I heard you guys vote on it.
9 Maybe I misheard. It was in with the other stuff
10 earlier.

11 MR. TREVINO: I thought it was.

12 MR. FEKETE: Everything is lumped together.
13 I thought we were doing Thatcher and then we were going
14 to do this.

15 MR. TREVINO: Yeah, but when we did the CLA
16 2024 Service Contract, right after that you did the --
17 you said there is another Service Contract, TetraTech.

18 MR. FEKETE: I know we proposed them
19 together.

20 MR. WESTCOT: If you approve it twice, do we
21 get paid double?

22 (LAUGHTER)

23 MR. BAKOTA: As long as it is covered. There
24 was a motion right?

25 MR. LOPEZ: I made the motion.

1 MR. BAKOTA: Second. We haven't voted on it
2 yet.

3 MR. TREVINO: Well, if we haven't voted on
4 it, then you probably should start from new.

5 MR. FEKETE: Vote on it?

6 MR. TREVINO: If it was just mentioned, I
7 would, just to be clear, I would ask for a motion and a
8 second.

9 MR. FEKETE: Okay. Jalan Robinson?

10 MR. TREVINO: Wait.

11 MR. BAKOTA: Start over. Mention that.

12 MR. TREVINO: Ask for a motion to approve the
13 contract and then you are starting from scatch, you
14 know, because we are having a hard time remembering.

15 MR. FEKETE: Approve the TetraTech contract.

16 MR. RODRIGUEZ: Motion to approve.

17 MR. LOPEZ: I made the motion to approve at
18 that time.

19 MR. FEKETE: Second?

20 MR. LOPEZ: Second.

21 MR. FEKETE: I'll take a roll call vote.

22 Jalan Robinson? John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Mr. Rodriguez?

25 MR. RODRIGUEZ: Yes.

1 MR. FEKETE: Ray Lopez?

2 MR. LOPEZ: Yes.

3 MR. FEKETE: John Fekete. I vote yes. That
4 motion is approved.

5 Next order of business is the BMO Trust
6 Report.

7 MR. TREVINO: Is Bob on?

8 MS. GREGORY: No.

9 MR. TREVINO: Some of our folks, I guess,
10 didn't remember that it was -- our Board meeting was
11 changed to 3 o'clock. Do you want me to give a quick
12 summary of it, John? I'll give a quick summary.

13 So you have the BMO Trust Report in your
14 packet. Let me just get to it real quick. So the
15 Certificate of Deposit ending in 150 has a balance of
16 \$3,618,868.62 as of December 31st and the Money Market
17 as a balance of \$592,219.57. The Certificate of
18 Deposit with the account ending in 150 has a maturity
19 date of December 18, 2024. And that kind of summarizes
20 the BMO Trust Report. Any questions?

21 MR. FEKETE: Well, just looking at the prime
22 Money Market from what we heard from our Finance
23 Committee meeting yesterday, that's a low rate.

24 MR. TREVINO: That's a good point.

25 MR. FEKETE: We'll have to think about that.

1 Have some discussion.

2 MR. TREVINO: Good catch.

3 MR. FEKETE: Okay. Any questions from
4 Mr. Trevino on the BMO Report other than what I just
5 said? US Army Corps Board Report?

6 MR. NGUYEN: Yes, this is Mike Nguyen. Can
7 everyone hear me? So for the Facility Operations, we
8 are still working on performance scope work. It should
9 be ready to go out for solicitation once the contract
10 is awarded, water treatment will resume probably in,
11 sometime in the summertime.

12 For the Dike Raise construction, it is
13 shut down for the winter. The construction will resume
14 sometime in the spring of 2024. Maybe targeting March
15 or April timeframe.

16 For the dredging contract, we have
17 awarded a new dredging contract to Roen Salvage. Gave
18 up the notice to proceed and the dredging won't start
19 until the Dike Raise construction is complete. So we
20 are anticipating probably dredging to resume probably
21 by the July or August timeframe. The Dike Raise is
22 scheduled to be completed by June of 2024.

23 For the Oil Boom Coordination, nothing
24 significant to report.

25 For the PCA, basically when we completed the

1 cost transfer, started drafting the letter, fortunately
2 that was the time a lot of people took vacations during
3 the Christmas and New Year's timeframe. Everyone is
4 back in the office and the letter is being routed for
5 the Colonel's signature. And once signed, it would be
6 sent to ECWMD and should expect a check for
7 \$2.6 million, around \$2.7 million within 10 to 14 days
8 of receiving the letter.

9 For the Parkway, we'll continue to
10 inspect the Parkway monthly and proceed as needed. And
11 that's all I have.

12 MR. FEKETE: Any questions from Mr. Nguyen?
13 Hearing none, okay, Attorney Ellen Gregory's Report?

14 MS. GREGORY: Ellen Gregory with Ellen
15 Gregory Law. As Mr. Trevino mentioned, the property
16 transfer of BP is moving forward. Jim Weiser, our real
17 estate attorney has been taking the lead and is working
18 with VP on final issues related to the sales
19 disclosures.

20 I also assisted Mr. Trevino with the CLA
21 engagement letters which were approved today, as well
22 as the TetraTech contract for the Grand Cal River work.

23 I also worked with Mr. Trevino on the
24 Investment Policy Resolutions and updating that policy
25 per the statute and the investment policy can't be

1 effective for more than four years. So around January
2 of 2028 we'll be updating again. There was no changes
3 in the investment policies from the previous version
4 which was four-years ago.

5 The resolution in regards of any
6 treatment of monies received, I also worked on that and
7 helped Mr. Trevino finalized it, and regarding the
8 Canal Street change over. And finally, Mr. Trevino and
9 I will be working on preparing User Fee assessments for
10 the 2024 calendar year. And that is all I have to
11 report.

12 MR. FEKETE: Any questions for Miss Gregory.

13 MR. LOPEZ: Thank you, Ellen.

14 MS. GREGORY: You're welcome.

15 MR. FEKETE: Any new business to come before
16 the Board? Any public comments? Hearing none, our
17 next board meeting will be February 15th at 5 p.m. at
18 this building. I'll entertain a motion to adjourn?

19 MR. BAKOTA: Motion to adjourn.

20 MR. FEKETE: All those in favor, signify by
21 saying "aye".

22 (A CHORUS OF AYES)

23 MR. FEKETE: Any opposition?

24 (NO RESPONSE)

25 (The meeting was adjourned at 4:00 p.m.)

1 STATE OF INDIANA)

2)

3 COUNTY OF LAKE)

4

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, County of Lake and State of
10 Indiana.

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

14 IN TESTIMONY WHEREOF, I have hereunto set my
15 hand this 21st day of January, 2024.



Gwendolyn Bedford

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

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District Board of Directors' Meeting

01/18/2024

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