

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTOR'S MEETING

February 15, 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 February 15, 2024

7 THURSDAY 5:00 P.M.

8
9 TRANSCRIPT OF PROCEEDINGS had in the
10 above-entitled matter on the 15th day of February, 2024
11 at 5:00 p.m. held at the City of East Chicago
12 Engineering/Annex Building, 444 Railroad Avenue, East
13 Chicago, Indiana.

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A P P E A R A N C E

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- MR. JOHN FEKETE, PRESIDENT
- MR. JOHN BAKOTE, BOARD MEMBER
- MR. HENRY RODRIGUEZ, BOARD MEMBER
- MR. RAY LOPEZ, BOARD MEMBER
- MR. JALAN ROBINSON, BOARD MEMBER

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

- ALSO PRESENT:
- MR. MICHAEL NGUYEN, ARMY CORPS OF ENGINEERS
- MR. JIM WESCOTT, Project Manager (VIA ZOOM)

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

2 MR. FEKETE: I would like to call to order
3 the East Chicago Waterway Management District Board of
4 Directors' regular public meeting. Today's date is
5 February 15th and the time is 5:04 p.m. First order of
6 business is the roll call. We have Jalan Robinson.

7 MR. ROBINSON: Here.

8 MR. FEKETE: John Bakota?

9 MR. BAKOTA: Here.

10 MR. FEKETE: Henry Rodriguez?

11 MR. RODRIGUEZ: Here.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Here.

14 MR. FEKETE: John Fekete? Here. We have a
15 quorum.

16 Next order of business is the Executive
17 Director's report.

18 MR. TREVINO: This is Fernando Trevino with
19 FMT Consulting. I would like to start off by going
20 over the contents of your Board packet. You have
21 today's agenda. You have the public meeting posting
22 for today's meeting. You have the Board minutes for
23 January 18, 2024 Board meeting.

24 Now on your agenda you have an approval for
25 also the December 21st Board meetings. But we've

1 approved those at the January meeting. So we are just
2 approving the January 18th Board meeting minutes.

3 You also have today's claim docket dated
4 February 15, 2024, along with copies of Purchase Orders
5 and a check register. You have the CliftonLarsenAllen
6 report dated January 21, 2024 for the month of January,
7 which were e-mailed earlier today and hard copies were
8 provided today.

9 You have a copy of the District's 1099
10 reports its 2023 contractors. You have a spreadsheet
11 that summarizes my 2023 Operating Budget Cash Balance
12 calculations.

13 You have a letter dated February 15, 2024 to
14 BMO related to the transfer of trust funds to finance
15 our 2024 operating budget. And you have a similar
16 Letter of Direction dated February 15, 2024 to First
17 Merchants. That is related to the transfer of
18 non-trust funds to finance our 2024 Operating Budget.

19 You have a Letter of Direction dated
20 February 2, 2024 to First Merchant which is signed by
21 Board member, Ray Lopez, related to the transfer of
22 funds to a CDARS, and that is C-D-A-R-S and CD. And
23 also included are the CDARS and CD application forms
24 that were signed by Ray Lopez to open those CDARS and
25 CDs consistent with the Letter of Direction.

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1 You have an engagement letter between the
2 District and Krieg DeVault and the file preference
3 letter dated January 30, 2024 from Plews.

4 You have AECOM's Canal Street Bridge Project
5 Closeout Report dated February 12, 2024 minus the
6 attachments.

7 You have AECOM's Progress Report schedule,
8 budget summary and invoicing through January of 2024.

9 You have TetraTech's monthly progress report
10 for January. That's dated February 12, 2024.

11 You have a South Tank Sheet Pile Wall
12 scheduled with the revision date of January 31, 2024.

13 You have Jacobs Sheet Pile Wall construction
14 monthly progress report through January, dated
15 January 31, 2024.

16 You have BMO's trust reports dated
17 January 31, 2024.

18 You have a copy of the Army Corps report to
19 the Board dated February 15, 2024.

20 You have an e-mail from Corps PM Mike Nguyen
21 dated February 8, 2024 related to dates for a Board
22 tour of the CDF.

23 You have Attorney Ellen Gregory's report to
24 the Board with a revision date February 13, 2024. You
25 have Attorney Ellen Gregory letter dated February 13,

1 2024 proposing an increase to her billing rates.

2 You have Jim Wieser's letter dated
3 February 9, 2024, proposing an increase to his billing
4 rate.

5 You have First Merchants Bank statements for
6 the month of January 2024 for accounts ending in 608
7 and 616. Also included is a copy of First Merchants CD
8 Report with a run date of February 12th. The January
9 bank statement ending in 616 includes a \$3.27 million
10 deposit from Cleveland Cliffs related to the
11 three-party tipping fee agreement amendment between the
12 District, the Army Corps of Engineers and Cleveland
13 Cliffs. You also have a copy of the checks that
14 cleared for the month of January for the account ending
15 in 608.

16 You have the Peoples Bank statement for
17 calendar year 2023 along with the fourth quarter of
18 2023 for both Tipping Fee and Dredging Fee Escrow
19 accounts.

20 And last, but not least, you have documents
21 affiliated with the renewal of the District's property
22 and liability insurance.

23 That concludes the items in your Board
24 packet. I would like to go over a few things for my
25 report.

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1 Reviewing the action items on today's agenda,
2 we have the Board meeting minutes for January 18, 2024.
3 I mentioned the Board minutes for December 21st were
4 approved at the January Board meeting.

5 The monthly claim document with today's
6 date of February 15, 2024 is also for approval
7 consideration.

8 We also have the 2024 budget transfer request
9 from trust and non-trust accounts to fund the District
10 2024 operating budget.

11 We have the ratification of investments
12 directions for the CDARS and CDs through First
13 Merchants.

14 We have the Krieg De Vault contract and Plews
15 file preference letter. And we have a ratification of
16 the settlement agreement property transfer documents.

17 Regarding finances, ratification to recent
18 investment directions which were -- which differed from
19 the discussions in Board direction given at the January
20 Board meeting due to assessment of additional
21 information. The conclusion was to go with a 13th week
22 CDARS and six-month bank CD and leave the balance in
23 the Money Market where its interest rate was modified
24 to a pretty decent rate of four percent. Board members
25 were polled and supported the change. Copies of the

1 two investment packages are in your packet. And I'm
2 now asking the Board to ratify the new investment
3 direction for the record.

4 I completed the 2023 yearend cash balance
5 calculation which was subsequently used to calculate
6 the transfer recommendations from the trust and
7 non-trust accounts to fund the 2024 operating budget.
8 These calculations were reviewed and confirmed by our
9 accountant, Vanessa Vargas. Copies of the tables and
10 transfer memos are included in your packet as
11 mentioned. And the transfers are on today's agenda
12 for approval consideration.

13 I mentioned also a check from Cleveland
14 Cliffs in the amount of \$3.27 million was deposited in
15 early January. And also we are renewing our liability
16 and property insurance for 2024.

17 Regarding User fees, I've started working on
18 a 2024 User Fee assessment process. Attorney Weiser's
19 office will be helping us to review the property
20 ownership data.

21 Regarding the PCA amendment, as I reported to
22 the Board, we have received it and deposited
23 \$3.27 million from Cleveland Cliffs related to the
24 Tipping Fee Agreement Amendment. We continue to
25 communicate with the Corps regarding their final

1 accounting, project close out and transfer funds. The
2 Corps has informed us that they plan to reimburse the
3 District \$2.698 million. Based on Cleveland Cliff's
4 check to the District and what the Corps has informed
5 us, that they plan to reimburse us. My calculations
6 indicate that we are short approximately \$316,000 and
7 some change. I had attorney Todd Relue review my
8 calculations and he confirmed that my understanding of
9 the shortfall was correct. Attorney Relue sent to
10 Corps and Cleveland Cliffs a letter dated January 24,
11 2024 notifying them of the balance shortfall. And
12 Cleveland Cliffs has responded that they are reviewing
13 the basis of our letter.

14 Regarding the Great Lakes Legacy Act project,
15 the South Tank Sheet Pile Wall construction is ongoing.
16 A copy of Jacobs monthly progress report for the month
17 of January is in your Board packet. The Sheet Pile
18 wall has forecasted to be completed spring of this
19 year.

20 Regarding the Lake George Canal's E section,
21 the Corps managing the dredging project on EPA's
22 behalf. The Corps has received and is reviewing the
23 data for additional environmental sediment samples that
24 were collected last year and they are planning on
25 collecting additional geotechnical samples. That's

1 scheduled to be done spring of this year.

2 Phase 2 dredging of the Lake George Canal
3 East and the orphanariums are scheduled to be done in
4 2025.

5 Lake George Canal Middle Cap Project, the
6 Army Corps of Engineers is managing that project on
7 EPA's behalf. The main part of the Cap Project is
8 completed. Brennan's subcontractors completed the eco
9 construction activities in the fourth quarter of last
10 year and they will be back for the eco work in the
11 spring of this year.

12 Regarding the Lake George Canal --
13 Remediation Project, remediation work between BP and
14 EPA is ongoing.

15 Regarding the Grand Cal River Junction
16 Reaches Remedial Design, Tetrattech's Remedial Design
17 work is ongoing. The project team continues to have
18 bi-weekly project team meetings to discuss
19 coordination, planning and management of remediation of
20 the Grand Cal from two phases into one phase, which
21 would include the entire Grand Cal River Junction
22 Reaches. Coordination of additional site investigation
23 plan designed completion, property access coordination,
24 permit applications, coordination with Buckeye
25 regarding the junction marsh, coordination with the

1 former city dump site and community engagement.

2 Regarding the schedule for the Grand Cal
3 River Junction Reaches in 2024, we're forecasting that
4 EPA is to complete their source control memo,
5 completing the additional site investigation work,
6 finalizing the concept of doing the entire Grand Cal
7 River in one phase versus two phases, finalizing the
8 remedial design and the project agreement. And then
9 the start of construction in 2025.

10 Regarding our cost sharing reporting started
11 working on the District's 2023 Annual Work and Kind
12 Report. Project Manager, Jim Wescott of TetraTech is
13 present today and can provide additional updates and
14 answer any questions.

15 Regarding the Canal Street Bridge Project.
16 The project has been completed. The invoice from
17 Thatcher for the approved Change Order is included in
18 today's claim docket. I have submitted an invoice to
19 the City for \$300,000 consistent with the MOU and the
20 June 15, 2023 clarification letter. The Project
21 Closeout Report has been finalized and a copy of the
22 report minus the attachment is included in your Board
23 packet.

24 Regarding the Atlantic Richfield Settlement
25 Agreement, the \$4.5 million affiliated with the

1 agreement has been received and deposited in the
2 District account. The property transfer was completed
3 in January, which is the month before. The project
4 team is working on completing various ancillary action
5 items affiliated with the Settlement Agreement. A
6 copy of the Army Corps of Engineers is in your Board
7 packet. Project Manager, Mike Nguyen will be providing
8 an update to the Board. Mike has provided various
9 dates to conduct a site visit of the CDF for the Board
10 and right now the date that the Board selected was
11 March 13th at 1:00 p.m.

12 Attorney Ellen Gregory will give an update on
13 various legal matters. And both Attorney Ellen Gregory
14 and Attorney Jim Weiser has submitted proposals to
15 increase their rates. It has been quite a few years
16 since they have modified their rates. Jim Weiser has
17 not modified his rate at all since he started with us
18 and it is close to 10 years now. So when we get to
19 other new business, if we could entertain those
20 proposals, I can summarize that for the Board. That
21 concludes my report.

22 MR. FEKETE: Any questions for Mr. Trevino?
23 Thank you.

24 The next order of business is the
25 consideration of Board meeting notes. We have two of

1 them. The first one is December 21, 2023 Board
2 minutes. I'll entertain a Motion to Approve.

3 MR. BAKOTA: Motion to approve.

4 MR. FEKETE: I have a second?

5 MR. LOPEZ: Second.

6 MR. FEKETE: And I'll entertain a voice vote.
7 All those in favor signify by saying "aye".

8 (A CHORUS OF AYES)

9 MR. FEKETE: Any opposition or abstentions?

10 (NO RESPONSE)

11 MR. FEKETE: That motion is approved.

12 I'll entertain a motion to approve the
13 January 18, 2024 Board minutes.

14 MR. RODRIGUEZ: Motion to approve.

15 MR. FEKETE: Do I have a second?

16 MR. ROBINSON: Second.

17 MR. FEKETE: I'll entertain a voice vote.
18 All in favor signify by saying "aye".

19 (A CHORUS OF AYES)

20 MR. FEKETE: Any oppositions or abstentions?

21 (NO RESPONSE)

22 MR. FEKETE: That motion is approved.

23 The next order of business is the
24 Accountant Consultant report. Vanessa, are you with
25 us?

1 MS. VARGAS: Can you hear me now? Okay.

2 Good afternoon. Vanessa Vargas with DLA. In front of
3 you, you have a copy of the financial statements on a
4 cash basis dated January 31, 2024. If you turn to
5 Page 2, we will begin with the Statement of Cash
6 Receipts and Cash Disbursements for the one month ended
7 January 31, 2024. In January you received interest
8 income of \$47,406.42 as well as a Tipping Fee Agreement
9 Deposit in the amount of \$3,273,151.97. Bringing your
10 total receipts to \$3,320,568.39. You had total
11 disbursements in the amount of \$331,925.21. This
12 brings us an increase in cash balance in the amount of
13 \$2,988,643.18 18.

14 You began the year with a cash balance in the
15 amount of \$8,709,684.13. Your cash balance as of
16 January 31, 2024 totaled \$11,698,327.31.

17 If you turn to Page 3, we will continue with
18 the schedule of the cash account activity for the
19 one-month ended January 31, 2024. Your operating
20 account began the year with a cash balance in the
21 amount of \$1,121,983.80. You've earned interest income
22 in the amount of \$3,497.53. You had cash disbursements
23 totaling \$331,908.21. This brings your operating cash
24 balance as of January 31, 2024 to \$793,573.12.

25 Your User Fee account began a year with a

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1 cash balance of \$5,224,499.34. You've earned interest
2 in the amount of \$27,716.67. You had a cash
3 disbursement in the amount of \$17. You received a
4 deposit totaling \$3,273,161.97. This brings your User
5 Fee account balance as of January 31st to
6 \$8,525,360.98.

7 Your CD began the year with a balance of
8 \$2,363,200.99. You've earned interest in the amount of
9 \$16,192.22. This brings your CD balance as of
10 January 31st to \$2,379,393.21.

11 If you turn to Page 4, we'll continue with
12 the schedule of 2024 available budget as of
13 February 15, 2024. Your total 2024 budget
14 appropriation was \$1,306,000. Adding that in accounts
15 payable dated 12/31/2023 in the amount of \$345,897.21
16 brings your 2024 total appropriation to \$1,651,897.21.
17 You have had cash disbursement for the one-month ending
18 January 2024 total \$331,908.21.

19 In front of you, you have a claims docket
20 dated February 15, 2024 totaling \$48,763.97. Within
21 this claim docket, there is a 2023 payable which will
22 go against the 2023 budget, which is shown on the next
23 schedule. But the total for the 2024 budget is
24 \$33,724.97. This brings your unused budget for 2024 to
25 \$1,286,264.30.

1 If you turn to Page 5, we are also including
2 a schedule of 2023 available budget as of February 15,
3 2024 due to the change quarter totaling \$15,039 which
4 was included in the claim docket. Your 2023 budget
5 appropriations totaled \$1,709,850. Your accounts
6 payable dated December 31, 2022 totaled \$32,521.75.
7 You had a budget amendment in 2023 in the amount of
8 \$271,000, bringing your 2023 total appropriation to
9 \$2,013,371.75. You have had cash disbursements for the
10 12-month ended December 2023 totaling \$891,717.49.

11 In your claim docket dated January 18, 2024
12 you paid \$330,858.21. And included in your claims
13 docket dated February 15, 2024 is the Change Order for
14 \$15,039 which brings your unused budget for 2023 to
15 \$775,757.05. Are there any questions?

16 MR. FEKETE: Any questions for Vanessa?
17 Hearing none. Thank you, Vanessa.

18 Next order of business is the approval
19 consideration for the Accounts Voucher Register.

20 MR. ROBINSON: I'm making a motion.

21 MR. FEKETE: I have a motion. Do I have a
22 second?

23 MR. RODRIGUEZ: Second.

24 MR. FEKETE: We'll have a roll call vote.
25 Jalan Robinson?

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1 MR. ROBINSON: Yes.

2 MR. FEKETE: 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 next order of business is the 2024
11 budget trust and non-trust request memo. Mr. Trevino?

12 MR. TREVINO: Yes, as in prior years at the
13 conclusion of the calendar year, we go through and
14 calculate what the cash balances are for both the trust
15 and non-trust. So I did that for 2023 and shared my
16 calculations with Vanessa. She confirmed them. So
17 basically we used cash balances from the prior year to
18 offset the transfers that are needed in the new year,
19 in this case, 2024.

20 So the amount requested for the trust is
21 \$251,083.25. And the amount requested from the
22 non-trust account or to First Merchants is \$278,830.16.
23 And again those are both related to the financing of
24 the 2024 operating budget which has already been
25 approved.

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1 MR. FEKETE: I'll entertain a motion for the
2 budget transfer?

3 MR. BAKOTA: Motion to approve.

4 MR. RODRIGUEZ: Second.

5 MR. FEKETE: We'll have a roll call vote.
6 Jalan Robinson.

7 MR. ROBINSON: Yes.

8 MR. FEKETE: John Bakota?

9 MR. BAKOTA: Yes.

10 MR. FEKETE: Henry Rodriguez?

11 MR. RODRIGUEZ: Yes.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Yes.

14 MR. FEKETE: John Fekete. I vote yes.

15 The next order of business is the
16 ratification of the investment direction, the bank CD
17 and CDARS. Mr. Trevino?

18 MR. TREVINO: Yes. At our January Board
19 meeting we reviewed the various investment options.
20 The Board approved those particular investment options.
21 After the Board meeting, we were able to obtain
22 additional information. It was concluded to change
23 that direction to go into one CDARS and one CD. And
24 that change in direction was poled with the Board and
25 they all agreed to do that, to go that direction. So

1 that after that, I submitted the Letter of
2 Authorization to First Merchants and then Board member
3 Ray Lopez signed all the affiliated documents for the
4 CDARS and the CD. The Letter of Authorization and the
5 documents that Board member, Ray Lopez, signed is in
6 your packet. I think it is good practice just to
7 ratify, come back to the Board and ratify that
8 direction and enter it into the record.

9 MR. FEKETE: Are there any questions for
10 Mr. Trevino? I think speaking on my behalf there was a
11 lot of conversation that was going on between Fernando
12 and myself and Mr. Lopez about CDs and CDARS and things
13 of that nature. And I think just about all the
14 questions that we had, at least speaking for myself,
15 were answered. And to our satisfaction, my personal
16 recollection is that when we first approached the
17 concept of CDARS, there was some ambiguity associated
18 with it. That made us feel a little uncomfortable
19 about going with it. This goes back a number of years
20 when we had David Alonzo representing BMO Harris.

21 I think as time has progressed, we became
22 more comfortable what the concept was and how it
23 applies to us and how we can take advantage of it. And
24 really to make matters complete, is that Ellen Gregory,
25 our attorney, and Mr. Trevino were in conversation with

1 --

2 MS. GREGORY: The Depository Board.

3 MR. TREVINO: The State Depository.

4 MR. FEKETE: Some gentleman at the State who
5 was really on top of this stuff and he is in charge of
6 it. And he basically answered any of the questions
7 that we had. And kind of alleviated any major concerns
8 that we had so that we felt comfortable going ahead
9 with the proposal that is before us now.

10 MR. TREVINO: I think one of the main things
11 that came out of the conference call with the State was
12 if the bank or the institution where our government
13 funds are held are with a State-approved bank, then the
14 State will ensure the monies beyond the \$250,000
15 Federal Insurance threshold. That was a key take away
16 from that.

17 And then the other aspect of the change was
18 that we're earning four percent in the Money Market, in
19 the Money Market accounts with First Merchants. That
20 was another significant aspect of the change. That was
21 something that Debbie Mim from First Merchants had
22 offered. So those were the two main aspects. Anything
23 else, Ellen?

24 MS. GREGORY: No.

25 MR. FEKETE: The four percent that we see on

1 the Money Market, that is there?

2 MR. TREVINO: Yes.

3 MR. FEKETE: That is a pretty healthy number
4 for doing not much of anything.

5 MR. TREVINO: Yes. So the CDARS that we
6 entered into is a \$500,000 13-week CDARS at
7 4.5 percent. And then the CD was a six-month CD for \$1
8 million dollars at 5.10 percent. So I think there's a
9 motion and a second. I don't think -- did it get voted
10 on yet? I don't think it got voted on.

11 MR. LOPEZ: No, it didn't.

12 MR. TREVINO: So we need to vote.

13 MR. FEKETE: I'll entertain a motion.

14 MR. BAKOTA: Motion to accept. You asked for
15 a motion?

16 MR. FEKETE: Don't whisper, please. I have a
17 second?

18 MR. RODRIGUEZ: Second.

19 MR. FEKETE: We're good. It will be a roll
20 call vote for this. Jalan Robinson?

21 MR. ROBINSON: Yes.

22 MR. FEKETE: John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 MR. RODRIGUEZ: Yes.

1 MR. FEKETE: Ray Lopez?

2 MR. LOPEZ: Yes.

3 MR. FEKETE: John Fekete. I vote yes.

4 Now the next order of business is the
5 approval consideration for -- is it Kreig DeVault
6 contract and the Plews, the file preference? You want
7 to explain that?

8 MR. TREVINO: So Attorney Todd Relue, who was
9 formally with Plews left Plews to join Krieg DeVault.
10 And Todd was a key member of our team when we were
11 working on the PCA Amendment with the Corps and the
12 Tipping Fee Amendment with Cleveland Cliffs. It is our
13 discretion on whether we wanted to stay with the law
14 firm or follow Todd Relue. We're recommending we
15 follow Todd Relue and enter into a new contract with
16 his new firm. So that's the part, the Krieg DeVault
17 contract. And then the Plews file preference, we are
18 recommending that we inform Plews that we want them to
19 transfer the files so that the files follow Todd Relue.
20 I don't know if Ellen wanted to add anything to that
21 that. No? Okay, so the recommendation is to approve
22 the Engagement Letter and have the files transferred to
23 the --

24 MR. FEKETE: So there is really two parts.
25 It is an Engagement Letter with --

1 MR. TREVINO: With Krieg DeVault.

2 MR. FEKETE: And then notifying Plews that we
3 request a file transfer?

4 MR. TREVINO: Right.

5 MR. FEKETE: So there is two parts to the
6 motion. I'll entertain the motion.

7 MR. ROBINSON: Motion.

8 MR. FEKETE: You've got to speak up.

9 MR. BAKOTA: Second.

10 MR. FEKETE: Very good. Thank you.

11 MR. LOPEZ: This is expenses that we are
12 agreeing to. It's on the last page.

13 MS. GREGORY: Schedule B, right. Some of
14 these we actually had a conversation with. We didn't
15 have a conversation. We proposed that some of these be
16 deleted because they really didn't seem relevant. He
17 said no, we're not going to change it. But just know
18 that most of these are not going to be relevant. Is
19 that what your question was, why all these expenses
20 that don't seem to be applicable to us?

21 MR. TREVINO: It seems like there was a form
22 that they used. And we asked that they delete a lot of
23 them. Don't seem that they apply to us. He said they
24 couldn't delete them. He understood they wouldn't
25 apply.

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1 MR. LOPEZ: We are hiring him?

2 MR. TREVINO: Right.

3 MR. LOPEZ: And if he uses these facilities,
4 we have to pay for them?

5 MR. TREVINO: Well, I mean if he includes
6 them in the invoice, we would challenge him.

7 MS. GREGORY: I mean the matter that he is
8 handling for us involves so few items other than just
9 him giving us advice. So I was looking at the invoices
10 that carefully, but I'm assuming that the bills that we
11 have been receiving from him have been primarily just
12 his time. Is that accurate?

13 MR. TREVINO: Yes.

14 MR. LOPEZ: On the motion.

15 MR. FEKETE: All right.

16 MR. RODRIGUEZ: Motion to approve.

17 MR. FEKETE: Do I have a second?

18 MR. TREVINO: You already did that. You just
19 need a roll call.

20 MR. FEKETE: Jalan Robinson?

21 MR. ROBINSON: Yes.

22 MR. FEKETE: John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 MR. RODRIGUEZ: Yeah.

1 MR. FEKETE: Ray Lopez?

2 MR. LOPEZ: Yes.

3 MR. FEKETE: John Fekete. I vote yes.

4 The final approval and consideration is
5 the ratification of a settlement agreement and property
6 transfer documents that we have before us.

7 MR. TREVINO: Basically the Board has already
8 given Board President Fekete authorization to sign
9 documents affiliated with the transfer of properties
10 related to the settlement agreement. But Attorney
11 Ellen Gregory thought it would be a good idea to have
12 the Board ratify all documents supplemental to the
13 execution of the deed and closing statements. So that
14 is the recommendation is that the Board ratify all
15 that.

16 MR. FEKETE: I'll entertain a motion to
17 approve the ratification of the settlement agreement?

18 MR. RODRIGUEZ: Motion to approve?

19 MR. ROBINSON: Second.

20 MS. GREGORY: You are not approving the
21 settlement agreement. That was approved a year ago.
22 You are approving just to transfer documents that
23 relate to the transfer.

24 MR. FEKETE: Okay.

25 MR. LOPEZ: Thanks.

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1 MR. FEKETE: So with that modification or
2 enhancement --

3 MR. LOPEZ: I was going to ask the same
4 thing.

5 MR. TREVINO: Was it moved and seconded?

6 MR. FEKETE: Yes. Jalan Robinson?

7 MR. ROBINSON: Yes.

8 MR. FEKETE: John Bakota?

9 MR. BAKOTA: Yes.

10 MR. FEKETE: Henry Rodriguez?

11 MR. RODRIGUEZ: Yes.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Yes.

14 MR. FEKETE: John Fekete. I vote yes.

15 Now for the Canal Street Bridge project
16 update.

17 MR. TREVINO: I think I gave the gist of the
18 update during my project report. The project closeout
19 report has been finalized. A copy of it is in your
20 Board packet minus the attachments. And I've submitted
21 a \$300,000 invoice to the City, which is consistent
22 with the MOU that we have with the City and consistent
23 with the June 15, 2023 clarification letter.

24 The Thatcher invoice that's affiliated with
25 the Change Order is in your claim docket that you just

1 approved. So that concludes the Canal Street Bridge
2 Project. So if there is any additional updates on that
3 I'll provide it in the future.

4 MR. FEKETE: Okay. Next order of business is
5 the Great Lakes Legacy Act Grand Calumet River.

6 MR. TREVINO: Is Jim on?

7 MR. WESCOTT: All right. I know Fernando
8 covered some of it earlier. So we're starting on last
9 month defining Phase 1 and 2. We are also -- we are
10 currently have worked in the District -- notified last
11 week to collect a number of samples which Fernando is
12 aware of. We have actually been talking about this
13 since November. So this spring TetraTech will be in
14 the river on the canal and in marsh, the Buckeye, for
15 the marsh that is --- so in a nutshell, for the
16 Reporter, we are working on the design, since the
17 contract was approved last month. And then concurrent
18 with this design work, we are working with the EPA to
19 collect a number of samples in the river and along the
20 river, that will happen this spring. And the plan is
21 for the sampling work, the EPA's funding and the design
22 work that the District is funding to all kind of come
23 together this summer and we will have the design
24 packages done by the end of the summer. Did you catch
25 all that?

1 COURT REPORTER: Yes.

2 MR. WESCOTT: Is there any questions from
3 anybody at the table?

4 MR. FEKETE: You have any questions for
5 Mr. Wescott?

6 (NO RESPONSE)

7 MR. FEKETE: Thank you, Jim. Next order is
8 the Great Lakes Legacy Act, Sheet Pile Wall Project
9 update.

10 MR. TREVINO: I covered a little bit of that
11 in my Executive Director's report. The Sheet Pile Wall
12 Project is ongoing. It's going well. They are
13 forecasting to complete the wall this spring of this
14 year. They will continue to do groundwater and water
15 management system assessment over the next few months.
16 So if the Board is interested, I did a walk-through a
17 few weeks ago and it's pretty impressive to see that
18 project going on from up close. So if the Board
19 members are interested in doing a walk-through, I could
20 check to see if they are open to that.

21 MR. BAKOTA: I would like to see it. I took
22 a walk there and it's amazing the work that they have
23 done there. It's a big project.

24 MR. FEKETE: You talked earlier about putting
25 together kind of like a follow-up booklet of the work

1 that is being done on the Canal Street. I think they
2 ought to do the same thing with all the nice pictures
3 that we have had over the last couple of years. And
4 the work that they are doing over there, because they
5 are just absolutely amazing.

6 MR. BAKOTA: It would be good as a historical
7 thing in the future. A lot we do here isn't held for
8 the future.

9 MR. FEKETE: It is quite a bit of work.

10 MR. TREVINO: I'll follow-up. I'll see if I
11 can coordinate something.

12 MR. FEKETE: I even would be willing to say
13 we hire somebody to do it like a historian or somebody
14 like that just to put together all the pictures and the
15 story behind it on our behalf, because it's a very
16 worthwhile project.

17 MR. BAKOTA: It is.

18 MR. FEKETE: Probably next to the CDF itself,
19 it is probably the most significant project that we
20 have been involved with.

21 MR. BAKOTA: I didn't realize that it was
22 that big a project until I looked, you know --

23 MR. FEKETE: Everything that they had to do.

24 MR. TREVINO: It is.

25 MR. BAKOTA: It is so amazing.

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1 MR. LOPEZ: Every time I look at the
2 pictures, it's big. The guys are that small.

3 MR. FEKETE: We can talk about that and see
4 if there is something that is available.

5 MR. BAKOTA: It is workable, I mean as far as
6 going to see it.

7 MR. TREVINO: There is a couple of areas that
8 are hard to navigate.

9 MR. FEKETE: I encourage everybody to take
10 the time and look at all the pictures, because I am
11 absolutely amazed. I was going to print some out but I
12 don't have enough cartridge space in my printer for all
13 the photographs.

14 Okay the next order of business is the
15 BMO Trust Report.

16 MR. TREVINO: Bob Santori was not able to --
17 Bob, are you on? I don't think that Bob is on. He
18 said he wasn't going to be able to make it. So there
19 is two main accounts with our trust account. One is a
20 Certificate of Deposit. So as of January 31, 2024, the
21 total is \$3,618,868.62. And that interest rate is
22 3.34 percent. And the maturity is December 18th of
23 2024. And then the other account is a Money Market
24 account and that balance is \$592,219.57.

25 So towards the end of this year, when

1 that CD expiration date is near, we'll circle back to
2 see what our recommendations would be. And that
3 concludes the BMO Trust report.

4 MR. FEKETE: Any questions? Discussion?
5 Moving on. Attorney Ellen Gregory's report. Army
6 Corps.

7 MR. BAKOTA: Army Corps.

8 MR. TREVINO: Welcome back, Mike.

9 MR. NGUYEN: Mike Nguyen with the Army Corps
10 of Engineers. For the Philly operation, we are still
11 working on the large contract. Hopefully you will get
12 it awarded by the spring so that treatment can start by
13 the summer.

14 For the Dyke Raise construction, we'll
15 resume most likely next month if weather holds up. For
16 the dredging contract, we had a preconstruction meeting
17 this week. They anticipate to start dredging probably
18 in August. It would be after the Dyke Raise is
19 complete.

20 And then for the PCA, the reason why I
21 came today is that the colonel actually signed a letter
22 and I have the letter here for Mr. Fekete and
23 Mr. Trevino. It is basically closing out the cost --
24 and requesting the Tipping Fee Escrow accounts and the
25 dredging escrow accounts sent to ECWD and closing out

1 the escrow account.

2 MR. TREVINO: So the amount of refund hasn't
3 changed, right, Mike, the \$2.698 million?

4 MR. NGUYEN: Yes.

5 MR. LOPEZ: They were waiting for us to
6 deposit the money?

7 MR. NGUYEN: It's both the Tipping fee and
8 Escrow Account, tipping and dredging escrow account.

9 MR. LOPEZ: Thank you.

10 MR. NGUYEN: For the Parkway, we are
11 expecting once a month in cleaning as needed.

12 MR. BAKOTA: Thank you on that. Every once
13 in a while I drive through there and notice that it has
14 been taken care of really well.

15 MR. NGUYEN: You are welcome. That is all I
16 have.

17 MR. FEKETE: Thank you, Mike. Sorry about
18 the oversight. How could I do that?

19 MR. NGUYEN: That's fine.

20 MR. LOPEZ: They'll start dredging in August?

21 MR. NGUYEN: So the contractor discussed that
22 they had another project in the area. And they would
23 dredge that first and then come to the Indiana Harbor
24 in probably August.

25 MR. TREVINO: That is all part of the federal

1 navigation.

2 MR. NGUYEN: Federal channels. And there is
3 no Cleveland Cliffs or EPA dredging this year.

4 MR. TREVINO: Is it forecasted to be done
5 starting in 2025.

6 MR. NGUYEN: Correct. And this is going to
7 be focusing on the hard sediment in the Canal. We
8 tried to dredge EPA's Lake George and with the
9 environmental bucket.

10 MR. TREVINO: That was because it was too
11 hard. What were you guys calling it, the material?

12 MR. NGUYEN: Hard Pan. So it is like sediment
13 that gets depressed.

14 MR. BAKOTA: What do they use, a heavier
15 bucket now and then?

16 MR. NGUYEN: No, we were looking to sort of
17 like a jackhammer, impact kind of thing.

18 MR. TREVINO: So it is almost concrete
19 consistency kind of.

20 MR. NGUYEN: It's hard. If you look at the
21 budget that's like a pretty heavy bucket.

22 MR. TREVINO: They couldn't penetrate it.

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

24 MR. NGUYEN: One more thing. I think the
25 next Board meeting is going to be -- I won't be able to

1 attend that one because I'll be on spring break with
2 the family.

3 MR. TREVINO: You can't call in?

4 MR. NGUYEN: Different time zone, different
5 country.

6 MR. TREVINO: Thanks, Mike.

7 MR. FEKETE: Now Ellen Gregory's report.

8 MS. GREGORY: Ellen Gregory with Ellen
9 Gregory Law. One of the items that Mr. Trevino
10 mentioned, the settlement agreement follow-up items. I
11 have been working with both him and Jim Weiser. We
12 plan to set up a meeting with ARBP to go through the
13 items that were part of the settlement agreement that
14 still needs to be addressed and even though the
15 transferred has already occurred. I'll be coordinating
16 with the Fernando and Attorney Weiser for the 2024 User
17 Fees. And I've started reviewing the -- contract that
18 we will have prepared for next month's Board meeting
19 for approval. That is it.

20 MR. FEKETE: Any other new business to come
21 before the Board?

22 MR. TREVINO: Yes. I wanted to mentioned
23 that in your Board packet there were a couple proposal
24 letters from -- one from Attorney Ellen Gregory and one
25 from Attorney Jim Weiser basically proposing to

1 increase their billing rates. Attorney Ellen Gregory
2 rate hasn't changed in over eight years. And she's
3 proposing to increase her bill rate from \$275 an hour,
4 to \$300 an hour. And the expenses for travel from \$900
5 to \$1100. And the recommendation is to approve the
6 modification of her Engagement Letter.

7 MR. FEKETE: We have a recommendation. I'll
8 entertain a motion to approve the recommendation.

9 MR. BAKOTA: Motion to approve.

10 MR. FEKETE: Do I have a second?

11 MR. RODRIGUEZ: Second.

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

13 Jalan Robinson?

14 MR. ROBINSON: Yes.

15 MR. FEKETE: John Bakota?

16 MR. BAKOTA: Yes.

17 MR. FEKETE: Henry Rodriguez?

18 MR. RODRIGUEZ: Yes?

19 MR. FEKETE: Ray Lopez?

20 MR. LOPEZ: Yes.

21 MR. FEKETE: John Fekete I vote yes.

22 MR. TREVINO: The second recommendation is
23 for Attorney Jim Weiser. He has been working with us
24 for close to ten years, if not over ten years. His
25 rate has never changed. So Attorney Weiser is

1 recommending his billing rate change from \$175 per hour
2 to \$225 per hour. And so the recommendation is to
3 approve the amendment to the Engagement Letter in that
4 effect.

5 MR. ROBINSON: Make a motion?

6 MR. LOPEZ: Second.

7 MR. FEKETE: We have a motion and a second.
8 Roll call vote. Jalan Robinson?

9 MR. ROBINSON: Yes.

10 MR. FEKETE: John Bakota?

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Henry Rodriguez?

13 MR. RODRIGUEZ: Yes?

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Yes.

16 MR. FEKETE: John Fekete I vote yes.

17 MR. TREVINO: One of things that wasn't clear
18 is that when the new rates would take effect. So I
19 asked Attorney Gregory when her proposed rate would be
20 in effect and so it would be March 1st for Attorney
21 Ellen Gregory and Jim Weiser. All right.

22 MR. FEKETE: Any other business to come
23 before the Board? Any public comments? Our next Board
24 meeting will be March 21, 2024 at 5:00 p.m. at this
25 facility. I'll entertain a motion to adjourn.

1 MR. RODRIGUEZ: Motion to adjourn.

2 MR. BAKOTA: Second.

3 MR. FEKETE: All in favor signify by saying
4 "aye".

5 (A CHORUS OF AYES)

6 MR. FEKETE: Any abstentions?

7 (NO RESPONSE)

8 MR. FEKETE: Hearing none, this meeting is
9 closed.

10

11 (WHEREUPON the meeting was

12 adjourned at 6:00 p.m.)

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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 19th day of February, 2024.

16



Gwendolyn Bedford

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

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