

**EAST CHICAGO WATERWAY MANAGEMENT DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
September 18, 2013 BOARD MEETING**

A meeting of the Board of Directors of the East Chicago Waterway Management District was held on September 18, 2013 at 4444 Railroad Avenue, East Chicago, Indiana.

**Agenda Item I – Call to Order/Roll Call**

The meeting was called to order at 5:04 p.m. by Board President, John Fekete followed by a roll call of the Board Members:

**BOARD of DIRECTORS PRESENT:**

JOHN FEKETE, President  
RAY LOPEZ, Secretary  
MIKE EBERT, Treasurer  
JOHN BAKOTA, Board Member  
HENRY RODRIGUEZ, Board Member

**BOARD of DIRECTORS ABSENT:**

ERNEST JONES, Vice President  
RICH GOMEZ, Board Member

**ALSO PRESENT:**

FERNANDO M. TREVINO, Executive Director, FMT Consulting, Inc.

A quorum of Directors was present, and the meeting was duly convened.

**Agenda Item II – Consulting Engineering Report – FMT Consulting, Inc.**

Report was given by Fernando M. Trevino of FMT Consulting, Inc., which went over items in the board packets, as well as action items to be taken.

Summary of board packet contents - Form Exhibit-A – FMT performance evaluation; August 21, 2013 Board Minutes; Financial Statements by CliftonLarsonAllen dated August 31, 2013; Claim Docket dated September 18, 2013; Email from FMT to the Board – requesting Mission Statement options dated September 9, 2013; Strategic Plan Report 2014 – 2017; Strategic Plan excerpt 2014 – 2017; Citizens Financial Bank monthly statements dated 08/30/13 for accounts ending in 608 and 616; BMO Harris' ECI Facilities Trust report dated 09/17/13; BMO Bank statements for accounts ending in 761 for July 2013 and August 2013, account ending in 712 for August 2013 and BMO Harris' Brokerage account statement dated August 2013 for account ending in 534; Letter from Mary Slafindor dated 09/05/13; ARCADIS letter dated 09/12/13

titled former ECI refinery liquid waste profile certification; Letter from Department of the Army dated 08/26/13 regarding monthly monitoring report for the month of July 2013; Army Corps monthly report dated 09/18/13 to the ECWMD Board; and Attorney Ellen Gregory monthly report dated 09/18/13 to the ECWMD Board.

Fernando, FMT, gave an update on a few items:

- User Fees – The Attorney General’s Office has counter-signed the MOU that was approved by this Board at the July 2013 meeting.
- Great Lakes Legacy Act Update:
  - o The District provided comments to the EPA on the Project Agreement.
  - o The District recently received a statement of work, which was part of the agreement. Review and Comments to the statement of work should be completed and transmitted to the EPA by this week.
  - o On 09/05/13, Fernando met with Scott Ireland to discuss project management options. Fernando will be reviewing results of the meeting, with the finance committee and hopes to present a recommendation at the next Board meeting.
- Strategic Planning – Fernando has been working with Praxis’ on the Strategic Plan document, for presentation to the Board. A copy of the Plan is in the Board members packet. My Plan is to have the Strategic Plan on next month’s agenda for approval consideration. That would give the Board ample time to review and provide comments.
- The Keystone Software transition is progressing. Fernando hopes the transition to the software will be done by the next Board meeting.
- Ongoing meetings attended – Canal Oil Response meetings; Army Corps Contractor dredging meetings; and BP biweekly meetings.
- 2014 Draft Budget – Fernando will be contacting the Finance Committee to set up a meeting to work on the 2014 Budget and present at the next Board meeting.
- Website – Received an off-line sample of the website. Working with the assigned representative from the State to fine tune and finalize the layout of the information. On the Agenda today is a presentation of the off-line current status.
- Real Estate – Attorney Ellen Gregory will report on some of the work to date.
- The Indianapolis Blvd. Parkway Improvement – Fernando provided the City with two landscape rock options to choose from for the parkway to the Corps.
  - o The Corps and the District is working on resolving access to the area.
  - o The Corps will take the lead on coordinating the activities with INDOT.
- FMT Performance Evaluation – Form is in the Boards packet. The performance evaluation per contract is due November 1, 2013. Fernando mentioned that the evaluation is required by contract but also is very important to him in his efforts to provide the best service possible. If received by the next meeting, a summary report will be provided.
- At the last meeting there was a question; Why the District was paying for accounting forms? I discussed this with Mr. Tim Anderson and his position was that CliftonLarsonAllen was providing man power services only. I’ve reviewed the request for proposal that we submitted the accounting firms and contract; it is not clear. It is my

suggestion that when we revisit the accounting contract for 2014, we make that more clear.

- Mission & Vision statements for approval and consideration. We have narrowed down both statements, where the Board might consider approving. Once approved they would be added to the website.

### **Agenda Item III – FMT Performance Evaluation**

John Fekete encouraged all Board members to complete the Performance Evaluation form as expeditiously as possible to proceed with the annual evaluation.

### **Agenda Item IV – Approval Consideration of Board Meeting Notes**

Approval Consideration of the August 21, 2013 Board Meeting Notes – Motion was made by Ray Lopez and seconded by John Bakota – all ayes, motion was approved.

### **Agenda Item V – Accounting Consultant Report**

Financials through August 2013 – Tim Anderson presented and summarized the financial reports prepared by CliftonLarsonAllen.

- Statement of Cash Receipts and Cash Disbursements, for the Eight Month ended August 31, 2013,
- Schedule 1 – Summary of Cash Accounts Activity, For the Eight Month ended August 31, 2013,
- Schedule 2 – Balance Available Budget, as of August 31, 2013
- Accounts Payable Voucher Register dated September 18, 2013
- Software Transition – CliftonLarsonAllen, Olga Cosme, and Fernando received training on the new software; Olga will conduct the Cash Receipts and CliftonLarsonAllen will conduct the Budget, Cash Disbursements, and appropriating – remotely.
- Check to Boyce – There was a question on a check written to Boyce, which was a purchase for checks and other necessary accounting forms that had to be ordered. The contract language will be revised the next time it is presented for approval.

There were no questions on the reports presented by Tim Anderson.

**Agenda Item VI – Approval Consideration – Accounts Payable Voucher Register, September 18, 2013**

Approval Consideration of the Accounts Payable Voucher Register dated September 18, 2013 – Motion was made by John Bakota to approve and seconded by Henry Rodriguez, all ayes, motion was approved.

**Agenda Item VII – Strategic Planning Status Report**

Brad McLeish of Praxis' Strategies and Solutions gave an update:

- Praxis submitted a draft report last month for the Boards review; met with Fernando Trevino to make any necessary revisions. Divided in two different documents: report and strategic statements (goals and objectives). It was written with various Mission Statements options. When approved – the final versions will be added.

Dennis Banis of Praxis reported:

- When looking at the Strategic Plan – you will notice activities are missing. They were left blank at the Board's request. This can be facilitated at another time.

Mission Statement for Approval Consideration:

The East Chicago Waterway Management District advances Economic and Recreational use of the Waterways.

Vision Statement for Approval Consideration:

The East Chicago Waterway Management District envisions clean and productive Waterways that serve the Economic and Recreational needs of Industry and the Community and are properly cared for and protected.

Approval Consideration of the Mission and Vision Statements – Motion was made by Ray Lopez to approve and seconded by John Bakota, all ayes, motion was approved.

**Agenda Item VIII – Web-site Presentation**

Fernando Trevino gave a presentation on the current off-line status of the website:

- Home Page – Overall canal and river embodied by the District; will be inserting Districts' Logo; list of Board members with contact information; monthly Board meetings dates; monthly meeting notes; and frequently asked questions.
  - Plan on inserting related project links
  - Plan on adding the Vision and Mission Statements

- The Board requested a few additional frequently asked questions, which will be added to the current list.

Fernando requested with the Boards' approval for the website to go on-line after all revisions have been made. The State is requesting an email authorizing them to go on-line.

Approval Consideration to authorize Web-site go on-line when complete – Motion was made by Mike Ebert to approve and seconded by Henry Rodriguez, ayes all, motion was approved.

### **Agenda Item IX – Harris BMO Trust Report**

David Alonzo of BMO Harris gave an update on the report submitted:

- Value of Trust, Interest, and Distributions
- CD due next month – Summary of discussion of finance meeting
- Money Market

There were no questions on the report presented by David Alonzo.

### **Agenda Item X – Army Corps of Engineers Report**

Mike Nguyen gave an update on various ongoing Corps projects:

- Dredging operations – Dredging operations were completed on August 5, 2013. Will be shutting down for the winter and will resume spring 2014.
- The Retrofitting Contract – The majority of the work has been completed on the entrance ramp. Currently has a layer of asphalt and concrete will be poured in November 2013.
- The Wellpoint Project – Negotiating with the contractor.
- Scope of Stabilizers and Parkway Improvements – Working with a Real Estate person to identify the access agreement with ECWMD. We may have to leave out portions of the parkway, due to real estate ownership issues there may be a segment of 25' or less that would be untouched until resolved. Moving forward with the stone purchase selection approved by the Board. When approval is received to access the parkway the project will move forward.
- Wind screen fence fabric – Corps is requesting the Board authorize to remove fabric from the north gate to the middle of the CDF.

- The Corps is still gathering information on the TSCA permit.
- No change on the oil boom configuration.
- PCA – ECWMD has submitted a draft for Corps review and will follow-up with Kim Sabo and new attorney.
- Federal and non-Federal expenditures – presented a report from fiscal year 1999 to 2013. When the books close this month; expenditure reports will be submitted.

Approval consideration to authorize removal of the fabric from the north gate to the middle point of the CDF – Motion was made by John Bakota to authorize and seconded by Henry Rodriguez, ayes all, motion was approved.

Approval consideration to have Mr. Trevino and Ms. Gregory work towards providing an access agreement for the Army Corps to work on the parkway adjacent to the CDF – Motion was made by Ray Lopez to approve and seconded by Mike Ebert, ayes all, motion was approved.

Mike Ebert questioned whether all intended dredging was completed for this calendar year. Mike Nguyen indicated the dredging quantity limit was 400,000 cubic yards and a few hundred cubic yards off the target was dredged. Mike Nguyen reported the target area was dredged.

John Fekete requested a map of the dredged areas: one copy marked with the work completed and a clean copy. Mike Nguyen reported a copy will be forwarded to Fernando Trevino.

#### **Agenda Item XI – Attorney Ellen Gregory Report**

Ellen Gregory presented the following updates:

- Consent Decree – The Department of Justice attorney has been busy on other matters. He has not been on the bi-weekly calls. Nothing has changed with the Consent Decree progress.
- PCA – Waiting for a call back from Kim Sabo and the other Corps attorney that will make revisions to the PCA. She has been working with Fernando Trevino in putting together the information on costs the District has incurred from 2009 forward, which will be provided within the next few weeks.
- Great Lakes Legacy Act – As Fernando Trevino mentioned; we have the project agreement and the statement of work in draft form and will be communicating with EPA in the next few weeks. BP and EPA are working on an agreement to move forward on investigation of the south parcel. The Waterway Management District will not be a party to that agreement but will receive updates and reports from BP as work is done.

- Real Estate issues – Murko Blesich, a Real Estate Advisor is assisting, trying to put together title information on all parcels owned by the Waterway Management District. Hoping to have compilation of all easements, right-of-ways, and other real estate information within the next few weeks. Working with the Army Corps Engineer attorney on the Feddler issues; to have ownership resolved on the parcel and move forward with the Parkway Improvement Project.
- User Fees – Fernando mentioned the Attorney General’s Office signed the MOU, which would be the Attorney General’s Office assisting in pursuing non-payers. Also working with the Attorney General’s Office to help determine how to pursue with interest assessments.

There were no questions on the report presented by Ellen Gregory.

#### **Agenda Item XII – New Business**

President Fekete called for new business. No new business.

#### **Agenda Item XIII – Other Business**

President Fekete called for other business. No other business.

#### **Agenda Item XIV – Public Comments**

Pat Rodriguez, Indiana Harbor East Chicago Lions Club – The club has a vested interest in Jeorse Park Beach. The club has been monitoring the beach for the past seven (7) years and conducted bi-annual clean up. The club has nearly hit the seven thousand lb. (7,000) mark, in respect to debris picked up. The Lions Club will be conducting a beach clean-up on September 28, 2013. The Board Members are invited. Students from Central High School will be working with the club as well as representatives from the City.

#### **Agenda Item XV – Next Board Meeting**

President Fekete announced that the next ECWMD Board meeting is scheduled for October 16, 2013 at 5:00 p.m. at the City Engineering/Annex Building.

#### **Agenda Item XVI – Adjournment**

John Bakota moved to adjourn the meeting and seconded by Henry Rodriguez, all ayes, motion was approved.

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These meeting notes for the September 18, 2013, Board Meeting were presented and approved by the ECWMD Board of Directors at the November 20, 2013 Board Meeting.

A handwritten signature in cursive script that reads "Raymond Lopez Sr".

Ray Lopez  
ECWMD, Secretary