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

Transcript of the meeting of the East Chicago Waterway Management District had on the 16th day of January, 2013, at 5:00 p.m., at the East Chicago City Annex Building, 4444 Railroad Avenue, East Chicago, Indiana.

APPEARANCES :

- MR. ERNEST JONES, President
- MR. JOHN FEKETE, Vice-President
- MR. JOHN BAKOTA, Board Member
- MR. RAY LOPEZ, Board Member
- MR. HENRY RODRIGUEZ, Board Member
- MR. MIKE EBERT, Board Member
- MS. ELLEN GREGORY, Board Attorney
- MR. FERNANDO TREVINO, Executive Director
- MR. TIM ANDERSON, Clifton Larson Allen
- MR. MIKE NGUYEN, U.S. Army Corps of Engineers
- MR. DAVID ALONZO, BMO Harris Bank

TRANSCRIBED BY: Mary L. Slafindor

**SLAFINDOR COURT REPORTING
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1 **MR. JONES:** At this time I'd like to
2 call the East Chicago Waterway Management District Board
3 of Directors meeting to order please.

4 Roll call. Ernest Jones, here.
5 John Fekete?

6 **MR. FEKETE:** Here.

7 **MR. JONES:** Ray Lopez?

8 **MR. LOPEZ:** Here.

9 **MR. JONES:** John Bakota?

10 **MR. BAKOTA:** Here.

11 **MR. JONES:** Henry Rodriguez?

12 **MR. RODRIGUEZ:** Here.

13 **MR. JONES:** Rich Gomez? Mike Ebert?

14 **MR. EBERT:** Here.

15 **MR. JONES:** Consulting engineer
16 report, FMT Consulting, Inc.

17 **MR. TREVINO:** Yes. I'd like to
18 start off by going through the contents of your board
19 packet. You have in your packet a document entitled
20 Sustain Our Great Lakes 2013 Request for Proposal.

21 You have in your board packet
22 meeting notes for approval consideration for the
23 December 19, 2012 board meeting.

24 You have in your packet financial
25 statements dated December 31st, 2012. The claim docket

1 that's on the agenda for approval consideration dated
2 January 16th, 2013.

3 You have in your packet a letter
4 from myself, FMT Consulting, dated January 14th, 2013,
5 summarizing the results of my performance evaluation.
6 So want to thank everyone for getting me that. And I'll
7 be following up with the feedback I received on that.
8 So again, thank you. You have in your packet Exhibit A
9 -- document entitled Exhibit A, FMT, Inc. Performance
10 Evaluation. That's on the agenda for approval
11 consideration.

12 You have in your packet a 2013
13 proposed budget, and it includes a line item 17 as a
14 budget amendment to the 2013 budget.

15 You have in your packet a
16 resolution, 2013-1, that is in reference to amending the
17 bylaws. And if approved today, this will be on your
18 agenda for the next board meeting as well, because the
19 process to amend the budget is to adopt the amended
20 bylaws in 2 meetings.

21 The next item in your packet is a
22 Citizens Bank statement ending in 608, dated 12-31-2012.
23 And Citizens Bank statement ending in 616, also dated
24 12-31-2012.

25 You have in your packet the ECI

1 Facility Trust Report dated 1-14-2013. Harris brokerage
2 account statement for period 11-1 to 11-30-2012 for
3 account number ending in 534. BMO Harris Bank statement
4 for account ending in 761 for the month of November and
5 the month of December, 2012. And BMO Harris Bank for
6 account ending in 712, also for the month of November
7 and December, 2012.

8 You have in your packet a letter
9 dated January 14th, 2013 to myself, along with
10 transmitting a check for \$34,200. And that's affiliated
11 with the Section 10 permit that we signed in 2012 with
12 BP.

13 You have in your packet interim
14 decision of the appeals officer dated January 7, 2013.

15 You have Attorney Ellen Gregory's
16 report dated 1-14-2013 for today's meeting.

17 And last but not least, you have the
18 Army Corps board report dated January 16th, 2013.

19 That concludes the items in your
20 board packet.

21 Just before today's meeting, I met
22 with Scott Ireland, and we reviewed some reference
23 materials for applying for the Great Lakes Legacy Act.
24 And also, we reviewed Sustain Our Great Lakes Request
25 for Proposal document. So want to thank Scott for

1 providing me the guidance to try to be successful during
2 that process.

3 I mentioned that there was a check
4 in your packet for 34,200. And that's related to the
5 Section 10 permit. 22,000 was for reimbursement for
6 Waterway Management District work in 2012. And 12,200
7 for the work forecasted for 2013. So I'll be providing
8 that check to Mr. David Alonzo to deposit into the trust
9 account today.

10 I met with Mr. Tim Anderson from
11 Clifton Larson last week to discuss several financial
12 matters. For 2013, we're going to revise the monthly
13 budget reporting format so it directly reflects our
14 ECWMD annual budget report. So I asked if he could
15 modify that, and he was able to do that. So appreciate
16 that.

17 The 2013 user fee invoices will be
18 sent out by the end of this week. We've had 2 appeal
19 hearings in the month of December. One was with Central
20 States Marketing; that one was with the appeal officer
21 only, and that was held December 6th. That decision has
22 been finalized and has been sent to Central States
23 Marketing, and I mentioned a copy of that decision was
24 in your board packet.

25 The second hearing was with Arcelor

1 Mittal, and that was one was held with the appeals panel
2 on December 18th, 2012. I met yesterday with the
3 appeals panel, and they've reached a consensus and have
4 finalized their decision. That decision will be reduced
5 to writing and submitted to Arcelor Mittal either this
6 week or early next week.

7 Regarding the Waterway Management
8 District insurance. Ellen and I met with Randy Vale and
9 he was informed that the board approved him as our
10 insurance rep. There's additional information that's
11 necessary from IDEM, and Ellen and I will be following
12 up on that. We're hoping to start having proposals by
13 the next board meeting for consideration.

14 Ellen and I worked on revising the
15 bylaws that are in your board packet, and those are for
16 approval consideration today. I mentioned that amending
17 the bylaws requires the board to adopt them in 2
18 separate meetings. Some of the changes that are in the
19 bylaws includes the addition of a treasurer and fiscal
20 officer to the board. And also some changes on how to
21 fill board vacancies, and also meetings.

22 That concludes my report.

23 **MR. JONES:** Any board member have
24 any question for Mr. Trevino?

25 **(NO RESPONSE) .**

1 **MR. JONES:** Entertain a motion to
2 accept FMT Consulting, Inc.'s report.

3 **MR. LOPEZ:** So moved.

4 **MR. BAKOTA:** Second.

5 **MR. JONES:** All in favor signify by
6 saying aye.

7 **THE BOARD:** (Collective "aye")

8 **MR. JONES:** Opposed?

9 **(NO RESPONSE)** .

10 **MR. JONES:** Motion carries.

11 Approval consideration of board meeting notes for
12 December 19th, 2012.

13 **MR. LOPEZ:** Motion to accept.

14 **MR. EBERT:** Second.

15 **MR. JONES:** Discussion?

16 **(NO RESPONSE)**

17 **MR. JONES:** All in favor signify by
18 saying aye.

19 **THE BOARD:** (Collective "aye").

20 **MR. JONES:** Opposed?

21 **(NO RESPONSE)** .

22 **MR. JONES:** Motion carries.

23 Accounting consulting report. Financials through
24 December, 2012; accounts payable voucher register,
25 January 16, 2012; SBOA, General Form 100-R, Certified

1 Report of Board and Employee Information; SBOA, Debt
2 Reporting Requirements.

3 **MR. ANDERSON:** Hello, Tim Anderson
4 from Clifton, Larson, Allen. In your board packet,
5 Fernando gave you our financial statement through
6 December. Just go through that real quick. The first
7 page is sort of a summary of both of the accounts. The
8 operating account and the user fee account. And you can
9 see all the debits and credits that go into the
10 accounts. On the operating account, it's pretty much
11 the interest that we earn each month and the checks that
12 we write, and of course, the money from the trust fund
13 is a deposit. And the user fee account, it's the same
14 thing. We earn interest each month and then we collect
15 the user fees. So there's \$92,000 in the operating
16 checking account. And there's \$1,156,000 in the user
17 fee account as of December 31st.

18 The next page with numbers on it
19 just sort of summarizes all those entries. So we've
20 collected, in those 2 accounts, \$456,000 user fees. Had
21 the trust reimbursement of 217,000. There was a
22 property sale. So we've had cash collections of
23 745,000. And we've had these disbursements that are
24 sort of summarized in the bottom section, 294,000
25 through December 31st. So for the year, our cash has

1 increased 450, which is primarily the user fees.

2 The last page shows much the same
3 information, landscaped by month by category. And this
4 page is a little different. You have the budget
5 appropriation that you passed back in the end of 2011
6 for '12. Then you can see each month how we spend down
7 that appropriation. And then our available budget is
8 that very last chunk, \$97,000 at 12-31-12, with money
9 that was not spent.

10 **MR. FEKETE:** So that would be a
11 carry-over of information?

12 **MR. ANDERSON:** Correct. Questions?
13 I've actually got 4 items on my thing this month, which
14 is pretty exciting. The accounts payable voucher
15 register, I think that's just all the checks we need to
16 write for December.

17 Then the State Board of Accounts has
18 a new system for a couple different things. They call
19 it the Gateway; it's a software. So you go online, and
20 there was a couple of forms that we filed last year that
21 they did away with. The 100-R, which they have every
22 government entity go into this thing and put down all of
23 the employees and how much they make. And last year we
24 got the form and sent it in with all zeroes on it. And
25 this year they told us we want you to go online and do

1 this. We don't want you to mail in a piece of paper.

2 So I went online, I put in that we
3 don't have any employees, and Mike is going to go in
4 then and approve that. That will be done very soon.

5 **MR. EBERT:** I'm looking forward to
6 it.

7 **MR. ANDERSON:** It's a huge job,
8 Mike. If you need help, just call.

9 Then the other part of this is the
10 debt management. So they want again, every governmental
11 unit has to go into this Gateway system and record all
12 of the debt that they have, bonds that they've issued.
13 And again, they've asked us to do that, which I think we
14 might have an obligation under a lease that we have with
15 the City of East Chicago for this building. But other
16 than that, we don't have any debt. So again, I'll go in
17 and report that, and Mike will go in and approve it.
18 And we need to do both of those things by the 31st,
19 which we will do.

20 User fee invoices are going out
21 this week to all of the businesses. They're due
22 April 1st, so we want to get out an invoice this week,
23 and I think we're going to follow up with a second
24 reminder in February, end of February, to try to get as
25 many as we can to pay on time. And that's it. Thank

1 you.

2 **MR. JONES:** Question. What was the
3 collection rate for 2012?

4 **MR. ANDERSON:** I'll have to check
5 into that. We're not bad. There's a couple of
6 businesses that just have sort of ignored it since the
7 beginning. I want to say it's under 50,000. It's not a
8 lot. 2010 was the first year, so people were slow to
9 participate. '11 got a little better, and '12 it seemed
10 like sooner or later all of the businesses -- the linear
11 footage doesn't change. So sooner or later it will
12 become more of a routine thing. We're hoping this year
13 to get a good collection rate so we don't have to keep
14 sending reminders. But I'll report on that; I'll bring
15 a report.

16 **MR. JONES:** Entertain a motion to
17 approve accounts payable voucher register.

18 **MR. BAKOTA:** Motion to accept.

19 **MR. FEKETE:** Second.

20 **MR. JONES:** Discussion?

21 **(NO RESPONSE)** .

22 **MR. JONES:** Roll call. Ernest
23 Jones, yes. John Fekete?

24 **MR. FEKETE:** Yes.

25 **MR. JONES:** Ray Lopez?

1 MR. LOPEZ: Yes.
2 MR. JONES: John Bakota?
3 MR. BAKOTA: Yes.
4 MR. JONES: Henry Rodriguez?
5 MR. RODRIGUEZ: Yes.
6 MR. JONES: Rich Gomez? Mike Ebert?
7 MR. EBERT: Yes.
8 MR. JONES: Motion carries.
9 Approval consideration of FMT performance evaluation,
10 Exhibit A. In your package there's the final report of
11 the performance evaluation for Mr. Trevino that was
12 provided by all board members.
13 MR. LOPEZ: Are you looking for a
14 motion to accept this?
15 MR. JONES: Yes, to accept the
16 report into the record.
17 MR. LOPEZ: Make a motion to accept
18 for the record.
19 MR. EBERT: Second.
20 MR. JONES: All in favor signify by
21 saying aye.
22 THE BOARD: (Collective "aye").
23 MR. JONES: Opposed?
24 (NO RESPONSE).
25 MR. JONES: Motion carries. 2013

1 budget amendment, Jeorse Park beach study. Can somebody
2 elaborate on this item?

3 **MR. FEKETE:** Just to summarize, in
4 November Dr. Whitman from the USGS made a presentation
5 with regard to the problem at Jeorse Park Beach, and the
6 fact that it is among the highest, if not the highest,
7 in percentage of days closed during the beach season due
8 to e.Coli contaminations.

9 He subsequently presented his study,
10 and at our last meeting, upon further review of his
11 study and some other activities involving other agencies
12 and the federal government as well, we agreed that we
13 would support a study, basically a modeling study, of
14 the Jeorse Park and Buffington Harbor area, up to the
15 amount of \$40,000. And this is just the first step in
16 making it publicly known that we are going to continue
17 to support this.

18 And a lot of it is contingent upon a
19 lot of other pieces falling into place. In other words,
20 the other partners who are engaged in this activity are
21 going to have to come forward and do what they're
22 expected to do as well. But our component is limited to
23 just a one-time only modeling study that would then
24 enhance the report that Dr. Whitman had presented
25 before, with some possible solutions.

1 So that's where we are, and that's
2 why there's an amended line item on the budget.

3 **MR. JONES:** Discussion?

4 **MR. TREVINO:** Yeah. I just wanted
5 to clarify also, that if you look at the budget
6 amendment, it's in the category of all non-trust
7 dollars. So just wanted to make sure that that was
8 recognized.

9 **MR. LOPEZ:** You need a motion to
10 accept?

11 **MR. JONES:** Yeah. The question I
12 have, is this okay with our financial adviser and this
13 is all appropriate?

14 **MR. TREVINO:** I did consult with Mr.
15 Tim Anderson. I told him that the board may be
16 interested in providing funding for the study, and he
17 thought it would be best if that approval was recorded
18 within the 2013 budget.

19 **MR. JONES:** Entertain a motion.

20 **MR. LOPEZ:** Make a motion to accept
21 the budget amendment for Jeorse Park.

22 **MR. EBERT:** Second.

23 **MR. JONES:** Discussion?

24 **(NO RESPONSE)** .

25 **MR. JONES:** Roll call vote. Ernest

1 Jones, yes. John Fekete?
2 MR. FEKETE: Yes.
3 MR. JONES: Ray Lopez?
4 MR. LOPEZ: Yes.
5 MR. JONES: John Bakota?
6 MR. BAKOTA: Yes.
7 MR. JONES: Henry Rodriguez?
8 MR. RODRIGUEZ: Yes.
9 MR. JONES: Rich Gomez? Mike Ebert?
10 MR. EBERT: Motion carries. And
11 just for my clarity, this is coming out of the user
12 fees?
13 MR. FEKETE: Right.
14 MR. TREVINO: Correct. So
15 therefore, it doesn't have to be sent to IDEM for their
16 approval.
17 MR. JONES: Approval consideration,
18 Resolution to Amend Bylaws, first adoption.
19 MR. LOPEZ: Motion to accept.
20 MR. FEKETE: Second.
21 MR. JONES: Discussion?
22 (NO RESPONSE) .
23 MR. JONES: All those in favor
24 signify by saying aye.
25 THE BOARD: (Collective "aye").

1 **MR. JONES:** Opposed?
2 **(NO RESPONSE)** .
3 **MR. JONES:** Motion carries. Next
4 item on the agenda, election of officers. Let's start
5 from the bottom up. Treasurer and fiscal officer. Do
6 we have any nominations?
7 **MR. LOPEZ:** Mike?
8 **MR. EBERT:** I can't nominate myself.
9 **MR. JONES:** Is that a motion to
10 nominate Mike Ebert?
11 **MR. LOPEZ:** Yes.
12 **MR. BAKOTA:** Second.
13 **MR. JONES:** Roll call. Ernest
14 Jones, yes. John Fekete?
15 **MR. FEKETE:** Yes.
16 **MR. JONES:** Ray Lopez?
17 **MR. LOPEZ:** Yes.
18 **MR. JONES:** John Bakota?
19 **MR. BAKOTA:** Yes.
20 **MR. JONES:** Henry Rodriguez?
21 **MR. RODRIGUEZ:** Yes.
22 **MR. JONES:** Rich Gomez? Mike Ebert?
23 **MR. EBERT:** Abstain.
24 **MR. JONES:** Motion carries. Next
25 item is secretary.

1 **MR. FEKETE:** I nominate Ray Lopez.
2 **MR. EBERT:** Second.
3 **MR. JONES:** Discussion?
4 **(NO RESPONSE)** .
5 **MR. JONES:** Roll call vote. Ernest
6 Jones, yes. John Fekete?
7 **MR. FEKETE:** Yes.
8 **MR. JONES:** Ray Lopez?
9 **MR. LOPEZ:** Abstain.
10 **MR. JONES:** John Bakota?
11 **MR. BAKOTA:** Yes.
12 **MR. JONES:** Henry Rodriguez?
13 **MR. RODRIGUEZ:** Yes.
14 **MR. JONES:** Rich Gomez? Mike Ebert?
15 **MR. EBERT:** Yes.
16 **MR. JONES:** Motion carries. Vice-
17 president.
18 **MR. BAKOTA:** I nominate Ernest Jones
19 vice-president.
20 **MR. LOPEZ:** Second.
21 **MR. JONES:** Discussion?
22 **(NO RESPONSE)** .
23 **MR. JONES:** Roll call vote. Ernest
24 Jones, abstain. John Fekete?
25 **MR. FEKETE:** Yes.

1 MR. JONES: Ray Lopez?
2 MR. LOPEZ: Yes.
3 MR. JONES: John Bakota?
4 MR. BAKOTA: Yes.
5 MR. JONES: Henry Rodriguez?
6 MR. RODRIGUEZ: Yes.
7 MR. JONES: Rich Gomez? Mike Ebert?
8 MR. EBERT: Yes.
9 MR. JONES: Last is president.
10 MR. LOPEZ: I nominate John Fekete.
11 MR. EBERT: Second.
12 MR. JONES: Discussion?
13 (NO RESPONSE) .
14 MR. JONES: Roll call vote. Ernest
15 Jones, yes. John Fekete?
16 MR. FEKETE: Abstain.
17 MR. JONES: Ray Lopez?
18 MR. LOPEZ: Yes.
19 MR. JONES: John Bakota?
20 MR. BAKOTA: Yes.
21 MR. JONES: Henry Rodriguez?
22 MR. RODRIGUEZ: Yes.
23 MR. JONES: Rich Gomez? Mike Ebert?
24 MR. EBERT: Yes.
25 MR. JONES: All right, so we have

1 new officers for this year. And I'd like to just thank
2 everyone for giving me the opportunity to serve the
3 board for 4 or 5 years. It was a pleasure and I think
4 we made a lot of progress over the last 5 years. We
5 went from reports and studies to actual activity on the
6 canal. This is always a feel-good board for us because
7 we all volunteer our time for the betterment of the
8 environment. I wish Mr. Fekete all the luck in the
9 world.

10 **MR. LOPEZ:** He's going to need it.

11 **MR. JONES:** Change seats now.

12 **MR. FEKETE:** Actually, continue on
13 with this meeting, because it should really take effect
14 at the end of this meeting, because we still have some
15 business to sign off on.

16 **MR. JONES:** Finance committee
17 members and chairperson.

18 **MR. TREVINO:** Just as a recollection
19 for the board. The past year the finance committee
20 consisted of Mr. Ray Lopez, Mike Ebert and Mr. John
21 Fekete, just as a recollection.

22 **MR. EBERT:** And I served as
23 chairperson.

24 **MR. TREVINO:** And Mike was the
25 chair. Sorry.

1 **MR. JONES:** Should we stay status
2 quo? Is everybody comfortable in their roles with the
3 finance committee and chairperson? Entertain a motion.

4 **MR. BAKOTA:** Motion to remain the
5 same on the finance committee members.

6 **MR. RODRIGUEZ:** Second.

7 **MR. JONES:** Roll call vote. Ernest
8 Jones, yes. John Fekete?

9 **MR. FEKETE:** Yes.

10 **MR. JONES:** Ray Lopez?

11 **MR. LOPEZ:** Yes.

12 **MR. JONES:** John Bakota?

13 **MR. BAKOTA:** Yes.

14 **MR. JONES:** Henry Rodriguez?

15 **MR. RODRIGUEZ:** Yes.

16 **MR. JONES:** Rich Gomez? Mike Ebert?

17 **MR. EBERT:** Yes.

18 **MR. JONES:** BMO Harris Bank trust
19 report.

20 **MR. ALONZO:** David Alonzo, Harris
21 Bank. Just to run through our report here, relatively
22 short. Of course, first page always goes to our
23 historical values since 1997 of the trust, and
24 distributions year-to-date.

25 In all of last year, total

1 distributions out of the trust were \$217,533. And then
2 as of January 14th, 2013, the trust value was
3 \$6,325,037. And from our December 18th meeting, that
4 was a positive gain of \$2,583.

5 Moving on to that third page. The
6 interest credited was primarily from that 60-month CD.
7 Interest had gotten credited towards the end of
8 December, which was December 28th, 2012. And there was
9 some interest from that prime money market account. In
10 our February meeting, we'll probably see a jump in the
11 value a little bit, because we've got 3 CDs that will be
12 crediting interest for the month of January, which would
13 be the 1-year CD, the 1 1/2-year CD and then our 3-year
14 CD.

15 As I mentioned last time, we're
16 still carrying about \$255,000 more than we usually do in
17 that money market account. The yield on it's .2, so
18 rates again aren't too exciting right now. But if we
19 want to double that rate up, we do have some 1-year CDs
20 out there right now.

21 Going through the rate environment
22 right now. This is actually not in your packet. Right
23 now, the 1-year treasury note is at .14; the 2-year
24 treasury note is at .25; and then the 5-year is at .73.
25 So if we compare a 13-month bank CD, which is actually

1 considered our promotional rate, that rate actually is
2 down a little bit. It's .35 percent. So it's about
3 double the 1-year treasury note. And then the 45-
4 month CD is at .85. So we're pretty much at this point
5 looking at CDs as still the best option. We have one CD
6 that's going to be maturing in April of this year, and
7 we have one in October. So the April one will be
8 obviously one of the bigger ones; it's a 1.5 million
9 dollar CD. Maybe at that point in time, we can consider
10 maybe some of the agency bonds that we actually can
11 invest in that we were prior to going into CDs and see
12 how those rates look.

13 That's all I have. Are there any
14 questions?

15 **(NO RESPONSE)**.

16 **MR. JONES:** Make a motion to accept
17 BMO Harris Bank.

18 **MR. FEKETE:** So moved.

19 **MR. BAKOTA:** So moved.

20 **MR. JONES:** All in favor signify by
21 saying aye.

22 **THE BOARD:** (Collective "aye").

23 **MR. JONES:** USACE report.

24 **MR. NGUYEN:** Hi, Mike Nguyen with
25 the Army Corps of Engineers. It's going to be brief.

1 The groundwater gradient control.
2 We're still doing ongoing testing and repairs of the
3 gradient control system.

4 For the dredging operation, dredging
5 has shut down for the winter, and we'll resume, weather
6 dependent, in spring of 2013.

7 For permits, the Corps is still
8 gathering information for the TSCA permits. And
9 actually the oil boom, the board requested that BP re-
10 install the oil boom across the Lake George canal at the
11 Indianapolis Boulevard bridge, and they've completed
12 that activity as of yesterday.

13 And for the PCA revisions, the Corps
14 is actually down one attorney. So these activities are
15 still priority for us, and we'll try to provide you
16 information as soon as possible for the PCA amendments
17 and the work in-kind documentation.

18 That's all I have for the board's
19 report. Any questions?

20 **(NO RESPONSE)** .

21 **MR. NGUYEN:** I think, John, I owe
22 you a meeting soon and that's what's going to happen on
23 the parkway improvement.

24 **MR. BAKOTA:** I'm going to schedule
25 a meeting with the mayor on another issue, but I'm

1 going to mention to him, like I mentioned to you, that
2 I want the city to come in and maybe just to give
3 ideas.

4 **MR. NGUYEN:** Sure.

5 **MR. BAKOTA:** I appreciate that, as a
6 courtesy.

7 **MR. NGUYEN:** I'll coordinate with
8 Fernando, potentially maybe bringing the team down here
9 to sort of discuss what you want, or would expect for
10 these improvements. It will be occurring in the next
11 probably few weeks. I think people are slowly coming
12 back from the holidays.

13 **MR. JONES:** Motion to accept USACE
14 report.

15 **MR. EBERT:** So moved.

16 **MR. BAKOTA:** Second.

17 **MR. JONES:** All in favor signify by
18 saying aye.

19 **THE BOARD:** (Collective "aye").

20 **MR. JONES:** Opposed?

21 **(NO RESPONSE)** .

22 **MR. JONES:** Motion carries.

23 Attorney Ellen Gregory report.

24 **MS. GREGORY:** Ellen Gregory with
25 Ellen Gregory Law. I don't have a whole lot of new

1 information to share.

2 The one thing that hasn't been
3 mentioned by either Fernando or Mike Nguyen is the issue
4 of disposal of spent booms that are being generated by
5 BP. And we're moving forward with coordinating with
6 BP's attorneys to try and figure out how to have the
7 District coordinate, help out, with getting those spent
8 booms off-site.

9 Hopefully moving forward on the PCA
10 amendments and the credits, which will also tie in to
11 the amendments -- not amendments -- to the actual
12 Consent Decree negotiation, which hasn't ever been
13 finalized yet. So it's hoped that the first few months
14 of this year we will move forward in getting the Consent
15 Decree moving again.

16 As Fernando mentioned, we've worked
17 a little bit on amending the bylaws. And in the next
18 few months, we'll also try to move forward on the Great
19 Lakes Legacy Acts initiatives.

20 That's all I have.

21 **MR. JONES:** Any questions for Ms.
22 Gregory?

23 **(NO RESPONSE)** .

24 **MR. JONES:** Entertain a motion to
25 accept Ellen Gregory report.

1 **MR. BAKOTA:** Motion to accept.
2 **MR. EBERT:** Second.
3 **MR. JONES:** All those in favor
4 signify by saying aye.
5 **THE BOARD:** (Collective "aye").
6 **MR. JONES:** Opposed?
7 **(NO RESPONSE)** .
8 **MR. JONES:** Motion carries. New
9 business?
10 **(NO RESPONSE)** .
11 **MR. JONES:** Other business?
12 **(NO RESPONSE)** .
13 **MR. JONES:** Public comments?
14 **(NO RESPONSE)** .
15 **MR. JONES:** Next board meeting
16 will be held February 20th, 2012 at 5:00 p.m. here
17 at the same location. Entertain a motion to adjourn.
18 **MR. TREVINO:** 2013. Sorry about
19 that.
20 **MR. JONES:** 2013.
21 **MR. TREVINO:** That's my fault.
22 **MR. EBERT:** So moved.
23 **MR. LOPEZ:** Second.
24 **MR. JONES:** All those in favor
25 signify by saying aye.

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THE BOARD: (Collective "aye").

MR. JONES: Opposed?

(NO RESPONSE) .
