

1 EAST CHICAGO WATERWAY MANAGEMENT
2 DISTRICT BOARD OF DIRECTORS MEETING
CITY OF EAST CHICAGO, ENGINEERING/ANNEX BUILDING
3 4444 RAILROAD AVENUE
4 EAST CHICAGO, INDIANA
5 April 18, 2024
6 Thursday, 5:05 P.M.

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10 TRANSCRIPT OF PROCEEDINGS had in the
11 above-entitled matter on the 18th day of April,
12 2024 at 5:05 p.m. held at the City of East Chicago
13 Engineering/Annex Building, 4444 Railroad Avenue,
14 East Chicago, Indiana, and via Zoom.

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APPEARANCES :

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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. BOB SANTORE, BMO HARRIS BANK
MR. JIM WESCOTT, TETRA TECH
MR. MIKE NGUYEN, ARMY CORPS OF ENGINEERS

MS. VANESSA VARGAS, CLIFTONLARSENALLEN

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

2 MS. GREGORY: Okay. We have Ray
3 Lopez, we have John Fekete, we have Jalan
4 Robinson, we have John Bakote, and Henry --

5 MR. RODRIGUEZ: Rodriguez. I can
6 spell the last name.

7 MS. GREGORY: -- and Fernando and
8 Ellen are in the room. And on Zoom we have Jim
9 Wescott from Tetra Tech, we have Vanessa Vargas
10 from CliftonLarsonAllen, and I think -- Bob
11 Santore, is that you with the 312?

12 MR. SANTORE: Yes, it's me.

13 MS. GREGORY: Bob Santore, it's o r e,
14 or i, Bob?

15 MR. SANTORE: There's an e there.
16 Ellis Island got it wrong way a long time ago, but
17 it should have been -- it should have been an o.

18 MS. GREGORY: So, S a n t o r e;
19 right?

20 MR. SANTORE: Correct, yeah.

21 MS. GREGORY: The court reporter just
22 said to remember to identify yourself when you
23 speak.

24 MR. FEKETE: Oh, okay. Roll call. Do
25 we have all of the -- do we have everyone?

1 MS. GREGORY: Yeah, I just named
2 everybody.

3 MR. FEKETE: Okay.

4 MS. GREGORY: You weren't listening.

5 MR. FEKETE: Is everybody ready?

6 MR. TREVINO: Yes.

7 MS. GREGORY: Do you want me to list
8 them off for you, Fernando? It's Bob Santore, Jim
9 Wescott, Vanessa Vargas, and Lindy Meyer --

10 MR. TREVINO: Okay.

11 MS. GREGORY: -- is the court
12 reporter.

13 MR. FEKETE: I'd like to call to order
14 the East Chicago Waterway Management District
15 Board of Directors regular public Board meeting.
16 Today's date is April 18th, and the time is 5:05.

17 The first order or business is our role
18 call. Jalan Robinson?

19 MR. ROBINSON: Here.

20 MR. FEKETE: John Bakote?

21 MR. BAKOTE: Here.

22 MR. FEKETE: Henry Rodriguez?

23 MR. RODRIGUEZ: Here.

24 MR. FEKETE: Ray Lopez?

25 MR. LOPEZ: Here.

1 MR. FEKETE: John Fekete? Here. We
2 have a quorum.

3 The next item is the Executive Director's
4 Report. Mr. Trevino.

5 MR. TREVINO: Yes. I'd like to start
6 off by going over the contents of your Board
7 packet. You have today's agenda, you have a
8 public meeting posting for today's meeting, you
9 have the Board minutes for February 15th and
10 March 21st of 2024.

11 You have today's Claim docket dated
12 April 18th, 2024 with copies of the purchase
13 orders and check register, you have a copy of the
14 CliftonLarsonAllen Financial Report dated
15 March 31st, 2024 for the month of March, which was
16 e-mailed to you, hard copy provided.

17 You have the -- a copy of the State Board
18 of Accounts Report with a file date of April 15th,
19 2024. You have the Claim docket for -- I
20 mentioned that; I'm sorry. You have First
21 Merchants Bank statement for March for accounts
22 ending in 608 and 616, along with checks that
23 cleared in the month of March for funder account
24 608. You have First Merchants CDARS report and CD
25 reports for accounts ending in 063 and 321, and

1 those have run dates of April 16, 2024.

2 You have a copy of the Boyce Contract
3 Amendment, you have a copy of Letter of
4 Authorization to First Merchants Bank dated
5 April 18th, 2024 regarding transferring 2.25
6 million to the City of East Chicago, which is
7 affiliated with an MOU that we have with the City
8 of East Chicago, and that's also attached to the
9 Letter of Authorization.

10 You have a copy of the Grand Cal River
11 Remediation Proposal outline, you have an MOU with
12 the City of East Chicago dated April 18th, 2024.
13 I'm sorry; it's April 18th, and that was -- the
14 one that was in your packet was April 15th, and as
15 I mentioned, that -- there was a few amendments
16 made to that, so the MOU that we'll be considering
17 as part of the action items is dated April 18th.

18 You have a copy of Tetra Tech's Grand Cal
19 River Report dated April 4, 2024. We have a copy
20 of BMO Trust Report for the month of March 2024.
21 You have the Army Corps Report to the Board dated
22 April 18th, 2024, and you also have Attorney Ellen
23 Gregory's Report to the Board, with a revision
24 date of April 15th, 2024.

25 You have Jacob's Report on the Sheet Pile

1 Wall Project for the month of March 2024, and you
2 also have a city flier regarding "Team Up and
3 Clean Up" community outreach dated April 19th,
4 2024, which is tomorrow. And that concludes the
5 items in your -- in your packet.

6 I'll go over a couple of items. Regarding
7 the action items on today's agenda, we have the
8 Board minutes for February 15th and March 21st.
9 We have the Boyce Agreement Amendment. We have a
10 Letter of Authorization to transfer two and a
11 quarter million dollars to the City of East
12 Chicago related to an MOU we have with the City.
13 We have the Great Lakes Legacy Act, Grand Cal
14 River Marsh Sediment Remediation Project Proposal.
15 We have the MOU with the City of East Chicago
16 regarding the Canal Street Bridge Underwater
17 Obstruction.

18 A few updates to report on regarding the
19 Old Cline Avenue Bridge. Attorney Weiser and I
20 have had a few meetings with representatives from
21 Lake County to begin discussions on what it would
22 take to remove the bridge.

23 Regarding the District's finances, a check
24 from the Army Corps of Engineers related to the
25 PCA Amendment was received in the amount of 2.698

1 million and was deposited in early March.

2 We have gone through the State Board of
3 Account audit process for the period of 2019
4 through 2023, and I will provide the update on the
5 report when we get to that on the agenda.

6 Regarding user fees, work on 2024 user fees
7 is ongoing.

8 Regarding the PCA Amendment and tipping fee
9 agreement amendments, as I mentioned, we received
10 a check for 2.698 million from the Corps related
11 to the PCA amendment.

12 Regarding the tipping fee agreement
13 amendment, I mentioned in the past that we had
14 received a payment from Cleveland-Cliffs.
15 However, based on our calculations, it appears
16 they are short approximately 316,000 and some
17 change. We have sent Cleveland-Cliffs a letter
18 and a couple of e-mails informing them of the
19 shortfall. They have responded that they are
20 looking into the matter and should get back to us
21 within a week or so.

22 Regarding the Great Lakes Legacy Act
23 Project, the South Tank Farm Sheet Pile Wall
24 Project is ongoing. A copy of the Jacob's Monthly
25 Progress Report for the month of March is in your

1 Board packet. The Sheet Pile Wall construction is
2 forecasted to be done by early this year.

3 However, the groundwater management system will
4 continue to be fine tuned for some time.

5 Regarding the Lake George Canal East
6 Section, the Corps is managing the dredging
7 project on EPA's behalf. The Corps has received
8 and is reviewing the data for additional
9 environmental sediment samples collected last
10 year, and they are planning to collect additional
11 geotechnical samples in the spring of this year.
12 Phase 2 dredging of the Lake George Canal East and
13 orphanariums are scheduled to be done in 2025.

14 Regarding the Lake George Canal Project
15 Agreement modification, on occasion I had reported
16 to the Board on the progress of the Lake George
17 Canal Project Agreement modification. It is
18 further complicated as it impacts -- and is
19 impacted by a separate cost-share agreement
20 between the District and BP.

21 Over the last few months there has been
22 very little to no progress of the modification of
23 the Project Agreement; however, last week,
24 Thursday, I was informed that EPA and BP had been
25 working on modifying the Project Agreement without

1 the District's participation, without informing
2 the District, or providing any notice of this
3 ongoing effort.

4 During our project team conference call
5 last Friday, I made it clear to the Corps, BP and
6 EPA that I was very upset that this was going on
7 without our knowledge, for various reasons, and
8 some of those I'll explain. The first one is the
9 district is signatory to the Project Agreement,
10 and there should -- and therefore should be part
11 of any ongoing discussions or negotiations.

12 At minimum, we should be made aware of any
13 discussions or be copied on any correspondence and
14 proposed amendments to the Project Agreement. It
15 is our understanding that the waterways of our
16 city are within an environmental justice
17 community, which means there's supposed to be
18 meaningful and respectful engagement with the
19 community and not ignore the community.

20 I explained to everyone on the call that we
21 have a cost-share agreement with BP which
22 specifies how cost share generated on certain past
23 and ongoing projects will be used to help finance
24 future Great Lakes Legacy Act remediation
25 projects.

1 BP has recently expressed discontent with
2 this agreement in that they feel they are sharing
3 with the District too large a percentage of the
4 cost share generated by past BP work from various
5 BP projects. Basically they're unhappy with the
6 agreement they made with us in 2018.

7 So, as mentioned, the cost-share agreement
8 impacts and is impacted by the Project Agreement,
9 another reason why we should have been involved in
10 all discussions. Their decision not to involve us
11 just doesn't look good. I have asked for copies
12 of past e-mails and documents that have been
13 transmitted between the parties before we were
14 notified that the Project Agreement modification
15 discussions had already begun.

16 The Corps, BP and EPA apologized for not
17 including us in their meetings and correspondence
18 and assured us that the District would be involved
19 in future discussions. We are hoping that will be
20 the case and we can move forward towards a
21 productive and cooperative partnership.

22 Regarding the Lake George Canal Middle Cap
23 Project, the Army Corps of Engineers is managing
24 this project on behalf of EPA. The main part of
25 the Cap Project is now completed, and depot

1 construction activities were performed in March.

2 Regarding the Lake George Canal West
3 Remediation Project, that work is between BP and
4 EPA and that project is ongoing.

5 Regarding the Grand Cal River Junction
6 Reaches Remedial Design, Tetra Tech remedial
7 design work is ongoing. The project team
8 continues to have biweekly project meetings to
9 discuss the remediation design, coordination of
10 additional site investigation work, design
11 completion, property access coordination, permit
12 applications, junction marsh coordination,
13 coordination with the former city dump site, and
14 community engagement.

15 Regarding the schedule for the Grand Cal
16 River Junction Reaches Remediation, in 2024 we're
17 forecasting that EPA will complete their source
18 control memo, completion of the additional site
19 investigation work, finalizing the remedial
20 design. We have a project presentation to EPA's
21 Technical Review Committee scheduled for May 2nd,
22 finalizing the project agreement.

23 And today we have on the agenda the Grand
24 Cal River Junction Marsh Sediment Remediation
25 Proposal for the Board's approval consideration,

1 and if approved, we plan to submit the complete
2 and final proposal to EPA prior to the May 2nd
3 presentation to the Tech -- to their Technical
4 Review Committee, and then construction would
5 start in 2025.

6 Regarding work-in-kind reporting, I have
7 submitted our annual 2023 work-in-kind report, and
8 I'm working on scheduling a meeting with EPA to
9 review our accumulated cost share to make sure we
10 have upfront concurrence on how much cost share we
11 have accumulated for the Grand Cal River
12 Remediation Project. Jim Wescott of Tetra Tech is
13 present today to provide additional updates and
14 answer any questions.

15 Grand Cal River Stewardship Day planning is
16 scheduled for April 30th at 9:30 at the Seidner
17 Dune & Swale Nature Preserve.

18 Regarding the Canal Street Bridge Project,
19 as you are aware, the Canal Street Bridge Dawson
20 Project has been completed; however, there's been
21 an underwater obstruction identified near the
22 former bridge. There have been various meetings
23 with stakeholders on the matter, including a site
24 visit today with representative from the Corps
25 and BP.

1 The City has asked the District to manage
2 this situation on their behalf. Because the
3 bridge belongs to the City and the last MOU was
4 specific to the Canal Street Bridge Dolphins, we
5 will have to enter into a new MOU with the City.
6 The proposed MOU that's in your packet has a
7 revision date of 4-15, but has been modified
8 slightly, so the MOU that you're asked to approve
9 is the one that has been modified afterward and
10 provided to you with a revision date of
11 April 18th, 2024.

12 Regarding the Atlantic Richfield Settlement
13 Agreement, as I've mentioned in the past, we've
14 received and deposited the 4.5 million dollars
15 that was affiliated with the Settlement Agreement.
16 The property transfer was completed in January,
17 and the project team continues to work on
18 completing various ancillary action items that are
19 affiliated with the Settlement Agreement.

20 Regarding the Army Corps of Engineer
21 Dredging Project, the Corps' report is in your
22 Board packet. Project manager Mike Nguyen will be
23 providing an update to the Board. The last CDF
24 tour date that we had worked out did not work out,
25 so maybe Mike will now provide some additional

1 options.

2 And then Attorney Ellen Gregory will be
3 giving an update on various legal matters, and
4 that concludes my report.

5 MR. FEKETE: Any questions for
6 Mr. Trevino?

7 MS. GREGORY: I'm adding another 312
8 numbers. I'm guessing it might be Mike Nguyen.

9 MR. FEKETE: Okay.

10 MS. GREGORY: Can the person that just
11 joined announce themselves?

12 MR. NGUYEN: This is Mike Nguyen with
13 the Army Corps of Engineer.

14 MS. GREGORY: Thanks, Mike.

15 MR. FEKETE: Hi, Mike.

16 MR. NGUYEN: I'm having difficulty
17 with Zoom. I still can't log in.

18 MS. GREGORY: Oh.

19 MR. FEKETE: Okay. Thank you,
20 Mr. Trevino.

21 The next order of business is the
22 consideration of Board meeting notes for both
23 February and March. Let's take it in two separate
24 motions, and we can do it with a voice vote
25 because all members are present. I'll entertain a

1 motion to approve the February 15, 2024 Board
2 minutes.

3 MR. BAKOTE: Motion to approve,
4 Bakote.

5 MR. FEKETE: Do I have a second?

6 MR. RODRIGUEZ: Second, Rodriguez.

7 MR. FEKETE: All in favor signify by
8 saying aye.

9 (Board members responded, "Aye.")

10 MR. FEKETE: Any abstentions,
11 objections?

12 (No response.)

13 MR. FEKETE: Hearing none, the motion
14 is approved.

15 I entertain a motion to approve the
16 March 21st, 2024 Board minutes.

17 MR. RODRIGUEZ: Motion to approve,
18 Henry Rodriguez.

19 MR. FEKETE: Do I have a second?

20 MR. LOPEZ: Ray Lopez, second.

21 MR. FEKETE: All in favor signify by
22 saying aye.

23 (Board members responded, "Aye.")

24 MR. FEKETE: That motion is approved.

25 The next order of business is the State

1 Board of Account Audit Report Summary.

2 MR. TREVINO: Yeah. So, as I
3 mentioned, in your Board packet was the report --

4 THE REPORTER: Who's speaking?

5 MR. TREVINO: -- State Board of
6 Accounts with the -- what's that?

7 MS. GREGORY: Somebody was talking on
8 the computer.

9 THE REPORTER: I don't know who's
10 speaking.

11 MR. TREVINO: Fernando.

12 MS. GREGORY: Fernando.

13 MR. TREVINO: Have you got it?

14 MS. GREGORY: Did you get that?

15 THE REPORTER: Yes.

16 MS. GREGORY: Okay. Thank you.

17 MR. TREVINO: All right. The Indiana
18 State Board of Account has concluded their audit
19 for the East Chicago Waterway Management District
20 for the period of January 1st, 2020 -- 2019
21 through December 31st, 2023. The objective of the
22 audit was to determine compliance with applicable
23 Indiana law, regulations, and the uniform
24 compliance guidelines established by the Indiana
25 State Board of Accounts pursuant to Indiana

1 Code 5-11-1-24.

2 The Indiana State Board of Accounts audit
3 concluded without any reportable instances of
4 noncompliance. We plan to post the audit report
5 on our Web site, as we've done in the past, and
6 that should be done within a couple of weeks.

7 The fact that we had no reportable
8 noncompliance instances did not happen by
9 accident. It takes hard work and attention to
10 details, so I want to thank representatives from
11 the CliftonLarsonAllen team: Vanessa Vargas,
12 Monica Johnson, and even Tim Anderson, who is no
13 longer with them but managed our accounts during
14 the audit period. So, I want to thank them for
15 their hard work and services over the years.

16 I also want to thank Attorney Ellen Gregory
17 and Paul Dekozney for their work, and the Board of
18 Directors for keeping us on our toes. During the
19 audit process, there were various reports and
20 information requested from BMO and First
21 Merchants, so I'd like to thank them as well for
22 their cooperation. We've had various complicated
23 projects and agreements during the audit period,
24 so kudos to the District's entire team. And a
25 copy -- as I mentioned, a copy of the report is in

1 your Board packet.

2 MR. BAKOTE: You know, I'd like to say
3 congratulations on everybody involved. I have
4 been in front of the State Board of Accounts
5 before with the Water Department, and they always
6 find something wrong with this or that, and to see
7 that there was no -- no reported instance of
8 noncompliance, it's really a great thing there.

9 MR. FEKETE: That was John Bakote.
10 Thank you, John, for your comments.

11 Okay. The next item of business is the
12 Accounting Consultant Report. Vanessa?

13 MS. VARGAS: Good evening, everyone.
14 And before I start with the report, I just want to
15 say thank you to Fernando for all of his hard work
16 and help during the audit as well, just because I
17 know he will not give himself those kudos.

18 So, thank you, Fernando.

19 In front of you, you have a copy of the
20 financial statements -- oh, I'm sorry; this is
21 Vanessa Vargas with CLA. In front of you, you
22 have a copy of the financial statements on a cash
23 basis dated March 31st, 2024. If you turn to
24 page 2, we will begin with the statement of cash
25 receipts and cash disbursements for the three

1 months ended March 31st, 2024.

2 You've received interest income totaling
3 \$115,912.23. You've collected user fees totaling
4 \$3,760.85; had a trust transfer in the amount of
5 \$251,083.25; as well as other income relating to
6 the PCA and TFA amendments in the amount of
7 \$7,163,996.81; bringing your total receipts to
8 \$7,534,753.14.

9 You've had cash disbursements totaling
10 \$414,249.41. This brings you to an increase in
11 cash in the amount of \$7,120,503.73. Your cash
12 balance on January 1st, 2024 was \$8,709,684.13.
13 Your cash balance as of March 31st is
14 \$15,830,187.86.

15 If you turn to page 3, we will continue
16 with the schedule of cash account activity for the
17 three months ended March 31st, 2024. The
18 operating account began the year with a cash
19 balance on January 1st of \$1,121,983.80. You've
20 earned interest totaling \$10,828.35. You've had
21 cash disbursements totaling \$414,232.41. You
22 received a trust transfer in the amount of
23 \$251,083.25, as well as a budget transfer in the
24 amount of \$278,830.16, bringing your operating
25 cash balance as of March 31st to \$1,248,493.15.

1 The user fee account began the year with a
2 cash balance on January 1st totaling
3 \$5,224,499.34. You've earned interest totaling
4 \$84,259.71. You've had cash disbursements as well
5 as a budget transfer totaling \$1,778,847.16.
6 You've collected user fees totaling 3,760.85, as
7 well as other income in the amount of
8 \$7,163,996.81. This brings your user fee account
9 balance as of March 31st to \$10,697,669.55.

10 You began the year with a CD with a balance
11 of \$2,363,200.99. You've earned interest in the
12 amount of \$20,824.17, as well as purchased a CD in
13 the amount of one million, and CDARS in the amount
14 of 500,000, bringing your total CD and CDAR
15 balance as of March 31st to \$3,884,025.16.

16 If you turn to page 4, we will continue
17 with the schedule of 2024 available budget as of
18 April 18th, 2024. Your total 2024 budget
19 appropriation was 1,306,000. Adding back in your
20 12-31-2023 accounts payable in the amount of
21 \$345,897.21 brings your 2024 total appropriation
22 to \$1,651,897.21. You've had cash disbursements
23 for the three months ended March 2024 totaling
24 \$414,249.41.

25 In front of you, you have a Claims docket

1 dated April 18th, 2024 in the amount of
2 \$39,616.07, bringing your total unused budget for
3 2024 to \$1,198,031.73.

4 Are there any questions?

5 MR. FEKETE: Any questions for
6 Vanessa?

7 MR. BAKOTE: No.

8 MR. FEKETE: Hearing none, well, thank
9 you very much, Vanessa, and it was a pleasure
10 meeting you the other day.

11 MS. VARGAS: Yes, you as well.

12 MR. FEKETE: The next order of
13 business is the Approval Consideration for the
14 accounts payable voucher register dated today's
15 date, April 18th, 2024. I'll entertain a motion.

16 MR. BAKOTE: Motion to approve,
17 Bakote.

18 MR. FEKETE: Do I have a second?

19 MR. RODRIGUEZ: Second, Henry
20 Rodriguez.

21 MR. FEKETE: Okay. So, let's have a
22 roll-call vote. Jalan Robinson?

23 MR. ROBINSON: Yes.

24 MR. FEKETE: John Bakote?

25 MR. BAKOTE: Yes.

1 MR. FEKETE: Henry Rodriguez?

2 MR. RODRIGUEZ: Yes.

3 MR. FEKETE: Ray Lopez?

4 MR. LOPEZ: Yes.

5 MR. FEKETE: John Fekete? I vote yes.

6 That motion is approved.

7 The next order of business is the Boyce
8 Agreement Amendment. Mr. Trevino?

9 MR. TREVINO: Yes.

10 Ellen, do you want to give a quick summary
11 of that?

12 MS. GREGORY: Yeah.

13 So, Boyce is the company -- Ellen Gregory
14 with Ellen Gregory law, for the court reporter.
15 Boyce is the company that provides the software
16 that we use for the user fees. Until just this
17 year, we did an annual renewal of the terms, terms
18 for maintenance -- maintenance terms and
19 conditions, I think, is what's it's called.

20 This year, Boyce decided that they wanted
21 to make it an automatic renewal every year unless
22 either party cancels it, so what we did was we put
23 together the modification, and the modification
24 basically says that that's what's going to happen,
25 the renewal will happen automatically, and

1 attached to the modification are the original
2 license agreement and the original maintenance
3 agreement, so that we know what the amendment
4 relates to.

5 Any questions about that?

6 MR. FEKETE: Any questions from --

7 MR. LOPEZ: What's the amount?

8 MS. GREGORY: How much do we pay for
9 each year for renewal?

10 MR. TREVINO: What was the question?

11 MS. GREGORY: How much do we pay them
12 each year.

13 MR. LOPEZ: Yeah, what's your amount?

14 MR. TREVINO: I don't recall. It's --
15 we've already paid them for this -- for this year.
16 Usually around August, September is when the
17 renewal comes. It's usually a little less than
18 \$2,000, so when it comes, it -- when the renewal
19 comes, there's usually like -- it usually includes
20 like a ten-percent increase.

21 MR. BAKOTE: Yeah, another hundred --
22 okay. One thousand more.

23 MS. GREGORY: And that was Ray Lopez
24 who raised that issue.

25 MR. FEKETE: Any other questions,

1 comments?

2 (No response.)

3 MR. FEKETE: I'll entertain a motion
4 to approve the Boyce Agreement Amendment.

5 MR. LOPEZ: Motion to approve, Ray
6 Lopez.

7 MR. FEKETE: Do I have a second?

8 MR. RODRIGUEZ: Second, Henry
9 Rodriguez.

10 MR. FEKETE: We'll take a roll-call
11 vote. Jalan Robinson?

12 MR. ROBINSON: Yes.

13 MR. FEKETE: John Bakote?

14 MR. BAKOTE: Yes.

15 MR. FEKETE: Henry Rodriguez?

16 MR. RODRIGUEZ: Yes.

17 MR. FEKETE: Ray Lopez?

18 MR. LOPEZ: Yes.

19 MR. FEKETE: John Fekete? I vote yes.
20 That motion is approved.

21 The next order of business is the Letter of
22 Authorization to transfer 2.25 million dollars in
23 reference to our MOU dated March 28, 2024.
24 Mr. Trevino?

25 MR. TREVINO: Yes. So, you might

1 recall a few months ago we concluded our work with
2 a settlement agreement with Atlantic Richfield
3 that included a payment of 4.5 million and various
4 other provisions. The MOU that you mentioned
5 dated March 28th includes splitting that four and
6 a half million 50/50 with the City, and so, this
7 Letter of Authorization is the execution of what
8 we've already agreed in the MOU dated March 28th.

9 MR. FEKETE: Any questions?

10 (No response.)

11 MR. FEKETE: Hearing none, we'll have
12 a roll-call vote. Jalan Robinson?

13 MR. ROBINSON: Yes.

14 MR. FEKETE: John Bakote?

15 MR. BAKOTE: Yes.

16 MR. FEKETE: Henry Rodriguez?

17 MR. RODRIGUEZ: Yes.

18 MR. FEKETE: Ray Lopez?

19 MR. LOPEZ: Yes.

20 MR. FEKETE: John Fekete? I vote yes.
21 That motion is approved.

22 The next order of business is the approval
23 of the Great Lakes Legacy Act, Grand Cal River and
24 Junction Marsh Sediment Remediation Project
25 Proposal. It was a Power Line that was presented

1 to us, and are there any questions on this, or
2 comments?

3 (No response.)

4 MR. FEKETE: Hearing none, I'll
5 entertain a motion to approve.

6 MR. RODRIGUEZ: Motion to approve,
7 Henry Rodriguez.

8 MR. FEKETE: Do I have a second?

9 MR. LOPEZ: Second, Ray Lopez.

10 MR. FEKETE: We'll have a roll-call.
11 Jalan Robinson?

12 MR. ROBINSON: Yes.

13 MR. FEKETE: John Bakote?

14 MR. BAKOTE: Yes.

15 MR. FEKETE: Henry Rodriguez?

16 MR. RODRIGUEZ: Yes.

17 MR. FEKETE: Ray Lopez?

18 MR. LOPEZ: Yes.

19 MR. FEKETE: John Fekete? And I vote
20 yes. That motion is approved.

21 The next order of business is the Approval
22 Consideration of an MOU with the City of East
23 Chicago pertaining to a Canal Street Bridge
24 Underwater Obstruction. Are there any comments?

25 (No response.)

1 MR. FEKETE: Hearing none, I'll
2 entertain a motion to approve this recommendation.

3 MR. ROBINSON: Motion, Jalan Robinson.

4 MR. FEKETE: Jalan Robinson has made
5 the motion.

6 MR. RODRIGUEZ: I'll second.

7 MR. FEKETE: Do I have a second?

8 MR. RODRIGUEZ: Second by Henry
9 Rodriguez.

10 MR. FEKETE: Henry Rodriguez, second.

11 MR. RODRIGUEZ: Henry Rodriguez.

12 MR. FEKETE: Okay. Roll-call vote.
13 Jalan Robinson?

14 MR. ROBINSON: Yes.

15 MR. FEKETE: John Bakote?

16 MR. BAKOTE: 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 At this point in time, we'll entertain a
23 presentation on the Great Lakes Legacy Act Grand
24 Cal River Junction Reaches Remedial Design
25 Project.

1 MR. TREVINO: Yeah. Jim?

2 MR. WESCOTT: Hi. This is Jim Wescott
3 with Tetra Tech, T e t r a, T e c h.

4 So, in the last month we continued to work
5 with Fernando on the draft project proposal, which
6 you just approved and discussed, and then we're
7 working with EPA on trying to bring together the
8 original project, and then as we talked in the
9 past, the additional task that we have called
10 Phase 2, and we're trying to bring those two
11 projects together.

12 EPA is doing some work independently -- or
13 not really independently, but directly doing some
14 site investigation this summer, which Tetra Tech
15 is also involved in, so I'm trying to make sure
16 that the District effort doesn't get ahead of
17 itself, but it seems like it's all coming together
18 here in the next 30 days with the EPA-led effort.

19 So, there should be a lot of activity
20 between now and the end of summer. So far we've
21 just kind of been waiting for EPA to get rolling
22 on their part of it. But it looks good, and if
23 you looked at the project outline, there's, you
24 know, sufficient in-kind to pay for the combined
25 project once that gets approved.

1 Are there any questions from anyone?

2 MR. FEKETE: Any questions for
3 Mr. Wescott?

4 MR. BAKOTE: No.

5 MR. FEKETE: Thank you for the update,
6 Jim.

7 MR. WESCOTT: All right. Thanks.

8 MR. FEKETE: The next item is the BMO
9 Trust Report.

10 MR. SANTORE: Hi. Good evening. I'm
11 Bob Santore with BMO, and we'll go over briefly
12 the statement I sent over to you guys.

13 The first one, the money market and CD
14 holdings, this page shows the combined balance of
15 your money market account and your certificate of
16 deposit with BMO. The current value of these two
17 accounts is \$3,992,225.18. There was a total
18 increase in the money market account bearing
19 interest credit of \$406.25. So, that was for the
20 month of -- the month of March.

21 And then the second page shows the
22 historical data of the trust showing
23 distributions, and so far in the year 2024 there
24 have been distributions of \$251,083.25. That
25 covers the two accounts with BMO.

1 If there's any questions, I'd be answer to
2 answer those for you.

3 MR. FEKETE: Any questions?

4 (No response.)

5 MR. FEKETE: Hearing none, thank you
6 very much for your report.

7 MR. SANTORE: You're welcome.

8 MR. FEKETE: The next item of business
9 is the U.S. Army Corps Reports. Was --

10 MR. NGUYEN: Yes. This is Mike Nguyen
11 with the Army Corps of Engineer.

12 For the CDF construction facility
13 operation, we're still working on the wastewater
14 treatment plant contract, and once it's awarded,
15 treatment will begin, hopefully in the summertime,
16 or if not, in the fall. The dike construction is
17 ongoing. It's on schedule to be complete by June
18 of this year, and with the dredging contract, our
19 contractor is scheduled to mobilize in August and
20 start dredging after Labor Day.

21 And for the PCA, the Corps completed the
22 project closeout on 15 March of 2024, and I guess
23 for a future report, I'll remove the PCA update.
24 I think we don't have any more issues or
25 activities going with that activity, so -- and

1 then the parkway, the Corps is still inspecting
2 and removing debris as needed.

3 That's all I have.

4 MR. TREVINO: Hey, Mike, this is
5 Fernando speaking. You had worked out a date for
6 the Board to do a CDF tour a while back, and I
7 guess it didn't work out. Can you work on
8 providing another day for us?

9 MR. NGUYEN: Sure. I'll look at
10 the -- my schedule and send you some proposed
11 dates. If you could also sort of send, you know,
12 me some dates that won't work for the Board,
13 that'll help me out to try and --

14 MR. TREVINO: Okay. I'll --

15 MR. NGUYEN: -- figure out our
16 availability.

17 MR. TREVINO: I'll send you something.
18 I'll send you a couple of dates maybe that work
19 for the Board and see if they'll work for you.

20 MR. NGUYEN: Right. Sure.

21 MR. TREVINO: Okay. Thank you.

22 MR. NGUYEN: Okay.

23 MR. FEKETE: Any questions or comments
24 for Mr. Nguyen?

25 (No response.)

1 MR. FEKETE: Thank you, Mike. Hope to
2 see you next time.

3 MR. NGUYEN: Yeah, just make a good
4 date that has good weather.

5 MR. FEKETE: Thank you, Mike.

6 The next item is the Attorney Ellen Gregory
7 Report.

8 MS. GREGORY: Yes. Ellen Gregory with
9 Ellen Gregory Law. The legal items are mostly
10 items that Mr. Trevino had mentioned, one being
11 the Grand Cal River Underwater Obstruction. We
12 had worked on putting together an MOU with the
13 City, which was just approved.

14 Also, the fifth modification to the Great
15 Lakes Legacy Act Project Agreement, we're in the
16 process of reviewing the Statement of Work that
17 was sent over to us by BP, and then we'll start
18 working on the Project Agreement itself.

19 And then the last item was the Boyce
20 Software Amendment, which was also just described
21 and approved.

22 Any questions?

23 MR. FEKETE: Thank you.

24 Yeah, any questions?

25 (No response.)

1 MR. FEKETE: Thank you very much.

2 Any other business or -- nothing to come
3 before the Board?

4 (No response.)

5 MR. FEKETE: Any public comments?

6 MR. ROBINSON: Are we going to discuss
7 our cleanup tomorrow?

8 MR. TREVINO: Oh, that's right. We
9 have that cleanup that's scheduled --

10 MR. FEKETE: Oh.

11 MR. TREVINO: -- for tomorrow. So, I
12 did register us with Jalan.

13 So, what time should we show up, Jalan?

14 MR. ROBINSON: The revision starts
15 at 8:30 a.m. The cleanup actually will begin
16 around 9:45 to 10:00, and then the plan is to be
17 over by 12:30.

18 MR. TREVINO: Okay.

19 MR. ROBINSON: Just a quick cleanup.

20 MR. BAKOTE: What area is it? Is
21 it --

22 MR. ROBINSON: No, it's -- this is
23 Jalan Robinson talking. It's going to be from
24 Paris to Vernon, so just in that -- those ten
25 blocks --

1 MR. BAKOTE: Oh, okay.

2 MR. ROBINSON: -- that radius. So,
3 every -- all of the tasks we're going will be
4 within that area.

5 MR. BAKOTE: Paris to?

6 MR. ROBINSON: Vernon, to the water
7 tower, so Paris to the water tower.

8 MR. BAKOTE: Oh. So, that's all kind
9 of meadowy.

10 MR. ROBINSON: Right, that area.

11 MR. BAKOTE: That's my birth home.

12 MR. LOPEZ: It starts at what time?

13 MR. TREVINO: He'll be there around
14 9:30, it sounds like; right?

15 MR. ROBINSON: Yeah.

16 MR. LOPEZ: So, I've got to be in
17 Crown Point at 8:30, so I'll be back by then.

18 MR. BAKOTE: Okay.

19 MR. LOPEZ: Are you going to register
20 us, or --

21 MR. ROBINSON: Yeah, I've already --

22 MR. TREVINO: Even if you're
23 registered, you still have to go to registration
24 and sign a waver and get your shirts.

25 MR. ROBINSON: Yeah.

1 MR. LOPEZ: That's -- I wasn't quite
2 sure.

3 MR. FEKETE: That makes sense.

4 MR. LOPEZ: Okay. I'll try and make
5 it. I have a meeting before.

6 MR. FEKETE: I can't make it because
7 we're in Muncie. And my wife is right across the
8 street from Highland Park. I had a lovely growing
9 apartment. It's a next to the motel.

10 Just one question for Mr. Trevino before we
11 bring the meeting to a close. With regard to the
12 Project Agreement that you mentioned earlier, was
13 BP invited or asked to comment on that.

14 MR. TREVINO: Yeah, I -- at the
15 meeting on Friday, I did invite BP and anyone else
16 that, you know, would like to attend today's
17 meeting to provide additional information or an
18 explanation of what happened, and I don't -- has
19 anyone heard from BP or other fellows?

20 MR. FEKETE: No.

21 MR. TREVINO: Just --

22 MR. FEKETE: I support your concern.
23 It's just kind of unusual to not be included in
24 that discussion, so I would certainly encourage
25 them to -- put as much effort as you think

1 appropriate --

2 MR. TREVINO: Yeah. Thank you.

3 MR. FEKETE: -- both you and Ellen.

4 MR. TREVINO: Right.

5 MR. FEKETE: Okay. I thank you very
6 much.

7 I'll entertain a motion to --

8 MR. LOPEZ: And what we just
9 discussed --

10 MR. FEKETE: Oh, Ray?

11 MR. LOPEZ: -- I'll make a record that
12 we --

13 MR. FEKETE: Say your name, Ray.

14 MR. RODRIGUEZ: Ray Lopez.

15 MR. LOPEZ: Ray Lopez, yes. Now, it
16 was discussed, and we've had a good relationship
17 with these partners, but it's kind of
18 nerve-racking when they meet without us and we
19 have to have some say-so in it. I just hope it's
20 kind a slip on their part or something, but we'll
21 find out more about it. But I want to make a
22 record that we were disappointed in it.

23 MR. FEKETE: Well, as we all agree and
24 all know, that there's so many moving parts to all
25 of the things that we're working on, it's -- it's

1 incumbent that we try to maintain our involvement,
2 and I really appreciate all of the work that
3 Fernando and Ellen have done with keeping abreast
4 of all of these things as well as they have, and
5 keeping the Board informed as well. So, kudos to
6 them. I know it will continue.

7 I will entertain a motion to concluded this
8 meeting.

9 MR. BAKOTE: Motion to adjourn,
10 Bakote.

11 MR. FEKETE: Do I have a second?

12 MR. RODRIGUEZ: Second, Henry
13 Rodriguez.

14 MR. FEKETE: All in favor signify by
15 saying aye.

16 (Board members responded, "Aye.")

17 MR. FEKETE: This meeting is finished,
18 adjourned.

19
20 (WHEREUPON the meeting was
21 adjourned at 5:51 p.m.)
22
23
24
25

CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Thursday, April 18, 2024 in this matter and transcribed by me.

Lindy L. Meyer Jr.

Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires August 26, 2024.

Commission No. NP0690003