	Page 1
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	August 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 August, 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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## 1 PROCEEDINGS

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MR. FEKETE: All right, I'd like to call to order the Chicago Waterway Management District Board of Directors regular meeting. Today's date is August 15th and the time is 5:03. The first order of business is roll call. Jalan Robinson?

MR. ROBINSON: Here.

MR. FEKETE: John Bakota?

MR. BAKOTA: Here.

MR. FEKETE: Henry Rodriguez?

MR. RODRIGUEZ: Here.

MR. FEKETE: Ray Lopez?

MR. LOPEZ: Here.

MR. FEKETE: John Fekete? Here. We have a quorum. Next order of business is the Executive Director's Report. Mr. Trevino.

MR. TREVINO: Yes. Fernando Trevino with FMT Consulting. I'd like to start off by going over the contents of your board packet. You have a copy of today's agenda. You have a copy of the public meeting posting for today's meeting. You have a copy of the Board Minutes for the June 20th and July 18th Board meetings. You have a copy of today's claim docket dated August 15, 2024 along with copies of the purchase orders and the check register.

I provided hard copies of the CliftonLarsenAllen Financial Report dated July 31, And that was also emailed to you a few minutes You have a copy of First Merchant Bank statements for the month of July 2024. And you also have copies of a couple of CD Reports. One of CD ending in 063. And the second ending in 321. And both with the run date of August 12, 2024. 

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You have a copy of the BMO Trust Report dated July 31, 2024. You have a copy of Tetra Tech progress report dated August 7, 2024 along with the invoice. You have a copy of the Corps Report dated August 15, 2024. You have a copy of the Corps Chicago District Organization chart and areas of responsibilities handouts that were provided by the Corps from a meeting last week.

You have a copy of Attorney Ellen Gregory's Report dated August 13, 2024. And you have copies of User Fee letters of transmittals to stakeholders transmitting the 2024 communicator. And then there's also a list of all the stakeholders that it was sent to.

Provide a couple updates on a few items regarding the action items on today's agenda. We have the Board Minutes for the month of June and July Board

meetings. You have today's Claim Docket and you have approval consideration to use Krieg Devault or Todd Relu for our ongoing negotiations and dispute with ARBP. The agenda only says BP, but it's actually for AR and/or BP regarding the Cost Share Agreement, Project Agreement and Settlement Agreement.

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Regarding finances, Vanessa Vargas with CLA will be reporting an update on the District's financial matters. Regarding User Fees, the 2024 User Fees were mailed out, were finalized and mailed out on July 20th. A copy of the 2024 Communicator pamphlet was also provided to all companies that were assessed User Fees this year. The Communicator was also mailed to various local, state and federal entities. A list of the stakeholders, as I mentioned, is in your packet.

The 2024 User Fee packet included the cover letter, the 2024 Communicator and changes in contact information which are all posted on the District's website. And the packet also included the individual invoices that were assessed to each entity.

I want to thank Olga Cosmi for her efforts on putting together the invoices and mailing out the packets and Communicator to stakeholders. She did a nice job.

We have started receiving User Fee payments.

I plan to have a payment update report at our September Board meeting. Regarding the PCA Amendment and Tipping Fee Agreement Amendment, I mentioned in the past that based on our calculations, it was the District's position that we were shorted approximately \$316,000 and some change after a couple meetings to discuss our position with Cleveland Cliff and the Corps. Cleveland Cliff agreed that we were shorted this amount. this shortfall will be paid by Cleveland Cliffs through excess funds that's held by the Corps that's related to the Cleveland Cliffs self-dredging. So all three parties agreed the District, Cleveland Cliffs and the Corps that outstanding balance will be paid by Cleveland Cliffs through the Corps. So payment from the Corps is pending.

Regarding the Lake George Canal East and Middle Project, the South Tank Farm Sheet Pile Wall construction is completed. So we won't have any additional monthly reports from Jacobs. However, the groundwater management system affiliated with the barrier wall will continue to be fine-tuned for some time and it's currently at 60% design completion.

Regarding the Lake George Canal East, the Corps is managing the project on EPA's behalf. Corps is reviewing environmental sediment sampling data

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collected last year as well as reviewing additional geotechnical sampling data that was collected this summer.

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Phase II of the Lake George Canal East and Cleveland-Cliff -- dredging is forecast to be done in 2025. The Project Team continues to have meetings to discuss amending the Lake George Canal Project Agreement fourth modification. We've had a few meetings between the District EPA and ARBP to discuss the scope of work, the forecasted project cost and cost share options and the modification of the PA.

We continue to look for opportunities to compromise regarding the existing Cost Share Agreement between the District and ARBP.

Regarding the Lake George Canal Middle Cap
Project, the Army Corps of Engineers is also managing
this project. The main part of the Cap Project is
completed and eco-construction activities are
periodically ongoing.

Remediation Project that project between BP and EPA and that project is ongoing. On a separate matter from the Lake George Canal area but related to Great Lakes Legacy Act, Board President Fekete and I attended a meeting with EPA's Environmental Justice

Representatives to discuss their environmental justice initiatives and ongoing efforts. So I appreciate them reaching out to us and sharing some of the resources that they have at their disposal.

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Regarding the Grand Cal River Junction

Reaches Remedial design, the Tetra Tech Remedial Design work is ongoing. They have started the additional site investigation work, which will continue through August.

I did provide some support. They were having some issues securing local access agreements. So I helped out with that, that coordination. EPA is having internal meetings with Glenco Management regarding the remediation proposal to assess giving approval for the project team to start negotiating the project agreement.

I had received an email awhile back that gave the impression that EPA had already gave that approval, but I guess there was a miscommunication misunderstanding. So we're hoping to get that approval by the end of this month. The Project Team continues to have biweekly Project Team meetings to review the remediation design coordination of the additional site investigation work, property access coordination, permit applications, junction marsh coordination, coordinating with the former City dump site, and

community engagement.

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Regarding the schedule for the Grand Cal River Junction Reaches, in 2024 we're forecasting completing the additional site investigation work, finalizing the remedial design, finalizing the project agreement, and remediation construction to start in 2025. It's forecasted to go through 2026.

Regarding the work in kind report for the first half of 2024, I started putting that together and plan to submit that within the next couple weeks. The task of work plan affiliated with the Grand Cal River remediation will be submitted by the District. I'll let Jim Wescott, the Project Manager from Tetra Tech elaborate on that, if needed. And as Jim Wescott is present today and can provide additional updates and answer any questions.

Regarding the Canal Street Bridge project, we have not heard any response to our May 28th letter regarding the underwater obstruction other than the Corps plans to remove the obstruction at the start of their dredging schedule and they plan to assess the source of the obstruction after it's removed.

Regarding the Old Cline Avenue Bridge, there are ongoing meetings and discussions with various stakeholders, including Lake County, EPA, NIPSCO and

District to assess whether the bridge removal is feasible, including researching the bridge ownership, utility conflicts and reroutes and right-of-way and easement issues.

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Regarding the Atlantic Richfield Agreement, as a reminder, the District did receive the \$4.5 million affiliated with it and the properties were transferred in January. The Project Team continues to work on completing various ancillary action items affiliated with the Settlement Agreement.

Regarding the Army Corps of Engineers Report, that report is in your packet and Project Manager, Vaughn Coolman, is present today to present the report to the Board. Board President, John Fekete, and I met with Corps leadership, Christine Meyer and Kevin Quasny on August 7th to review both of our operations and opportunities to work together with ongoing and future activities. So I want to thank both of them for reaching out to us. A copy of their Chicago District organization chart and areas of responsibilities that they shared is in your Board packet. Some of the local items of interest that we shared with them included the CDF perimeter and dredging, air monitoring, communication of drawbridge use with the City of East Chicago's emergency responders such as the East Chicago

Fire Department. Drawbridge preference not to be used during local rush hour timeframes and proper maintenance of the CDF perimeter wall and parkway.

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The Corps plans to conduct a public meeting to preserve the start of their dredging season after today's Board meeting at 6:00 p.m. They had previously held a presentation a couple months ago, but there was a misunderstanding regarding its advertising and the Corps graciously decided to represent their dredging project today. So I'd like to thank the Corps for their consideration.

Attorney Ellen Gregory will give an update on various legal matters. And that concludes my report.

MR. FEKETE: Any questions for Mr. Trevino? Hearing none, we thank you.

The next order of business is the approval consideration of Board Meeting notes for both June and July. I'll entertain a Motion to Approve the minutes for both meetings at this time.

MR. BAKOTA: Motion to approve.

MR. LOPEZ: Second.

MR. FEKETE: And a second. We'll have a voice vote. All in favor signify by saying "aye".

(A CHORUS OF AYES)

MR. FEKETE: Any extensions? Objections?

Page 1	12
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## 1 (NO RESPONSE)

- 2 Hearing none. That motion is MR. FEKETE: 3 approved. Accountant Consultant Report. Is Vanessa online? 4
- 5 MS. VARGAS: Good afternoon, everyone. Vanessa Vargas with CLA. Can you hear me okay?
- 7 MR. FEKETE: Yes.

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- Okay. In front of you, you have 8 MS. VARGAS: 9 a copy of the financial statements on a cash basis
- 10 dated July 31, 2024. If you turn to Page 2, we will
- 11 begin with the Statement of Cash Receipts and Cash
- 12 Disbursements for the seven months ended July 31, 2024.
- You've received interest income totaling \$312,503.98. 13
- 14 You've collected User Fees in the amount of \$3,760.85.
- 15 You received a trust transfer in the amount of
- 16 \$280,283.25 as well as other income of \$4,913,996.81.
- 17 This brings your total receipts to \$5,510,544.89.
- You've had total disbursements in the amount 18 19 of \$584,505.92. This brings you to an increase in cash
- 2.0 in the amount of \$4,926,038.97.
- 21 You began the year with a cash balance in the
- 22 amount of \$8,709,684.13. Your cash balance as of
- July 31st is \$13,635,723.10. 23
- 24 If you turn to Page 3, we will continue with
- 25 the schedule of cash account activity for the seven

- 1 | months ended July 31, 2024. Your operating account
- 2 began the year with a cash balance of \$1,121,983.80.
- 3 You earned interest in the amount of \$26,598.06.
- 4 Received a trust transfer in the amount of \$280,283.25
- 5 as well as a budget transfer in the amount of
- 6 \$281,130.16. You've had cash disbursements in the
- 7 amount of \$584,143.92. This brings your operating cash
- 8 balance as of July 31st to \$1,125,551.35.
- 9 Your User Fee account began the year with a
- 10 cash balance in the amount of \$5,224,499.34. You've
- earned interest in the amount of \$205,692.21. You
- retained CDARS in the amount of \$506,208.33. You've
- collected User Fees of \$3,760.85 as well as received a
- deposit for \$7,163,996.81. You've had disbursements in
- 15 the amount of \$4,031,192.16. This brings your User Fee
- 16 | account balance as of July 31st to \$9,072,965.38.
- 17 You began the year with a CD balance in the
- 18 amount of \$2,363,200.99. You've earned interest in the
- amount of \$80,213.71. You've purchased a CD in the
- 20 amount of \$1 million as well as CDARS in the amount of
- 21 \$500,000 and redeemed the CDARS for \$506,208.33. This
- 22 brings your CD balance as of July 31st to
- 23 \$3,437,206.37.
- If you turn to Page 4, we will continue with
- 25 the schedule of 2024 available budget as of August 15,

2024. Your 2024 Budget Appropriation totaled \$1,306,000. Adding back in accounts payable dated 12/31/2023 of \$345,897.21, as well as budget amendments totaling \$31,500 brings your 2024 total appropriation

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to \$1,683,397.21.

- You've had cash disbursements for the seven-month ended July 2024, totaling \$584,505.92. In front of you, you have a Claims Docket. It's dated August 15, 2024, totaling \$36,467.77. This brings your unused budget for 2024 to \$1,062,423.52. Are there any questions?
  - MR. FEKETE: Any questions for Vanessa?

    Thank you, Vanessa. Appreciate that. I do have a question, and I probably asked this in the past, but given my memory these days, Fernando, on the User Fees account --
    - MR. TREVINO: Yeah, what page?
- MR. FEKETE: Page 3. What are the User Fees disbursements for?
  - MS. VARGAS: Those are the reimbursements associated with the deposit of the \$7,000,153 to split with the City of East Chicago.
- MR. TREVINO: Yeah. Is there one in particular you're looking at, John?
- MR. FEKETE: Well, I just noted that there's,

- you know, a disbursement of, you know, \$1.5 million and \$2.25 million. So I was just curious.
- MR. TREVINO: I think -- are those affiliated with the CDs?
- 5 MS. VARGAS: No. So those are the -- oh, 6 wait. You know what, yes. One of them --
- 7 MR. TREVINO: I think one of them is the CD.
  - MS. VARGAS: One of them are the CDs and the other one is the split with the MOUs with the City.
- 10 MR. TREVINO: Yeah. Where we had agreed --
- MR. FEKETE: Oh, yes.

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- MR. TREVINO: -- half of the settlement agreement, half of the \$4.5 million.
- 14 MR. FEKETE: Right.
- MR. TREVINO: That's the two. That's the two
  and a quarter. Yeah, that's a two and a quarter one.
- And then if you look at the Certificate of Deposit and the CDARS, the combination of those 1.5.
- MR. FEKETE: Just thought I'd ask. No questions for Vanessa. Thank you very much.
- 21 The next order of business is the approval 22 for the account payable voucher before us. Entertain a 23 Motion to Approve.
- MR. RODRIGUEZ: Motion to approve.
- MR. LOPEZ: Second.

- 1 MR. FEKETE: I have a second. Okay. Have a
- 2 roll call vote. Jalan Robinson?
- 3 MR. ROBINSON: Yes.
- 4 MR. FEKETE: John Bakota?
- 5 MR. BAKOTA: Yes.
- 6 MR. FEKETE: Henry Rodriguez?
- 7 MR. RODRIGUEZ: Yes.
- 8 MR. FEKETE: Ray Lopez?
- 9 MR. LOPEZ: Yes.
- 10 MR. FEKETE: John Fekete? I vote yes. That
- 11 motion is approved.

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- 12 The next order of business is the use of
- 13 | Krieg Devault on our ongoing dispute with BP relative
- 14 to the site agreement. Fernando?
- 15 MR. TREVINO: Yes. So as I mentioned in the
- 16 past, the Project Team continues to have discussions,
- including negotiations related to the accumulated ARBP
- 18 cost share that's affiliated with the Great Lakes
- 19 Legacy Act Projects. We've been trying to negotiate a
- 20 compromise related to the Cost Share Agreement that we
- 21 have between the District and ARBP. But in the event
- 22 | we don't reach an agreement, we may have to initiate a
- 23 dispute resolution that's referenced in one or more of
- 24 the agreements that we have with ARBP.
  - So Attorney Ellen Gregory and I are

And he confirmed that there was no conflict of

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ARBP.

interest.

- MR. FEKETE: Okay. Very good. Next item is the Great Lakes Legacy at Grand Cal River Junction Reaches Remedial Design Project update.
  - MR. TREVINO: Jim, are you on?
- 5 MR. WESTCOTT: No, I am. Took me a minute to 6 get it off mute. Can you hear me?
- 7 MR. TREVINO: Yes.

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- MR. TREVINO: Yeah, we can hear you. Can you hear us?
- MR. FEKETE: Evidently not. Can you hear them?
- MR. WESTCOTT: Can you hear me now?
- MR. FEKETE: Yes.
  - MR. WESTCOTT: Okay. So most of the activity in the last month has been on the EPA, on the project that we've talked about, the investigation. I have been working on the permits, including the task of work plan, which Fernando mentioned. I should have it over to Fernando and EPA in the next week or so, along with several of the other permits in the next 30 days and kind of dovetails with the investigation. So we're still on track to have the design done by late fall, early winter. And then EPA takes it from there. Any questions for me?

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MR. FEKETE: Hearing none. Thank you, Jim.

1 | Thanks, Jim.

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- 2 MR. WESTCOTT: All right.
- 3 MR. FEKETE: Okay. BMO Trust Report.
- 4 MR. TREVINO: Bob, you're on?
- 5 MR. FEKETE: Hold it. Wait. Wait.
- 6 MR. TREVINO: Hang on, Bob.
- 7 MR. FEKETE: Bob, we're having a bit of a breakdown here.
- 9 MR. TREVINO: Bob, would you mind starting over?
- 11 MR. SANTORI: Sure. No problem. So you 12 know, the first report you have there is the Money 13 Market and CD holdings. And this page shows combined balance of your Money Market account and Certificate of 14 15 Deposit at BMO Bank. The current combined value of 16 those two accounts is \$50,994,682.43. And there was an 17 interest credit on that Money Market account in July 18 for \$373.50.
  - The second page is your ECI Facilities Trust Historical Distribution page. And this shows the value of trust accounts which started in 1997 with current distributions in the year 2024 of \$280,283.25. And that should cover it.
- If there's any questions, I'd be happy to entertain those.

MR. FEKETE: Any questions for Mr. Santori?

Hearing none. Thank you very much, Bob.

MR. TREVINO: You're welcome.

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MR. FEKETE: The next item is the Army Corps Board Report.

MR. COOLMAN: For the CDF, we're still waiting to award the contract for the water treatment with the Phase II Dike Raise, the complete construction. Still some ongoing items. But from our meeting this week they said they're about 99%. They'll be more complete with that.

For dredging, Roen Salvage will begin dredging after Labor Day at a public meeting after -- immediately after this meeting at 6:00 p.m. We have completed sediment sampling, pouring in various locations over the past few weeks. And the analysis of that will help us with determining the composition, the characterization of the sediment. And also our future dredging equipment needs for like the hard material.

And then we also have conducted some inspections and completed assessments of the CDF structure. That was also ongoing over the past month. And they compiled some reports and they're still working on others. And the Dam Safety Report was very positive. It moved into a higher safety category than

before, just one category.

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Did have a situation with the oil boom. In late July one of our representatives opened the oil boom and then we have this boulevard accidentally failed to close it after he entered the canal. This led to an increase in oil in the Lake George Reach. And ARBP had to employ some additional cleanup efforts due to that. And right now there's a concerted effort ongoing at the Corps to make sure that all of our personnel, all of our representatives and contractors securely close the boom at any point in their reach. That's something that we're looking into and making that a priority.

For the parkway there's the ongoing maintenance. And we continue to inspect it once a month or as needed and to clean and remove debris.

The tipping fees from Cleveland-Cliffs, our office counsel has reviewed both the letters received from Cleveland-Cliffs and a letter received from ECWMD and has approved the release of the funds as agreed upon by both parties. We're just waiting on a couple signatures and then we can complete the transfer of funds. And as mentioned the obstruction removal we will be having, most likely Roen Salvage will be removing the obstruction immediately prior to starting

Page 22 1 dry beam in early September and then we'll go from 2 there, see if we can figure out where it came from. 3 That's all I've got. Any questions? MR. FEKETE: Any questions? 4 5 MR. BAKOTA: Have you identified what the obstruction is? 6 7 MR. COOLMAN: Concrete. MR. TREVINO: Did you guys send a diver after 8 all? 9 10 MR. COOLMAN: No, but we did send our remote 11 operated vehicle and saw that. It doesn't look like 12 it's still connected. So that's good. 13 MR. BAKOTA: We thought it might be an 14 automobile. 15 That was one of the MR. TREVINO: Yeah. 16 theories. 17 MR. COOLMAN: Yeah. It could have been from 18 the side because, but it appears to be concrete. We've 19 got some video.

MS. GREGORY: Yes, Ellen Gregory. Ellen Gregory Law. There aren't a whole lot of legal issues going on. Primarily, I've been working with

MR. FEKETE: All right. Thank you, Vaughn.

25 Mr. Trevino, the BP discussion, discussions regarding

The attorney, Ellen Gregory Report.

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Page 23
     the division of cost share, which now will be primarily
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     handled by Todd Relue at Kreig Devault.
               MR. FEKETE: Okay. Thank you. Any other new
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     business? Any public comments? Our next Board meeting
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     is September 19, 2024 at 5:00 p.m. in this building.
     I'll entertain a Motion for Adjournment.
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               MR. BAKOTA: Motion to Adjourn.
               MR. RODRIGUEZ: Second.
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               MR. FEKETE: All those in favor signify by
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     saying "aye"
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                         (A CHORUS OF AYES)
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               MR. FEKETE: Any objections? Abstentions?
                          (NO RESPONSE)
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               MR. FEKETE: Hearing, none. This meeting is
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     concluded.
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                          (WHEREUPON the meeting was
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                          adjourned at 5:45 p.m.)
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     STATE OF INDIANA
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2	COUNTY OF LAKE )
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4	CERTIFICATE
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6	The within and foregoing meeting was taken
7	before GWENDOLYN BEDFORD, Certified Shorthand Reporter
8	in the City of Gary, County of Lake and State of
9	Indiana.
10	The undersigned is not interested in the within
11	meeting, nor of kin or counsel to any of the members.
12	IN TESTIMONY WHEREOF, I have hereunto set my
13	hand this 18th day of August, 2024.
14	Twendtlyn Bedfind
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	GWENDOLYN BEDFORD, C.S.R.
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[**063 - account**] Page 1

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24:16	3:24 4:3,5,8,10	31st 12:23 13:8	<b>5:03</b> 3:5
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<b>1</b> 13:20	5:9,11,16,17	<b>321</b> 4:7	6
1,062,423.52.	9:3,9 12:10,12	<b>345,897.21</b> 14:3	
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1,683,397.21.	205,692.21.	4,913,996.81.	13:14
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<b>1.5.</b> 15:18	<b>26,598.06.</b> 13:3	12:20	8,709,684.13.
12 4:8	280,283.25	<b>4.5</b> 10:7 15:13	12:22
12/31/2023	12:16 13:4	<b>444</b> 1:12	80,213.71.
14:3	280,283.25.	<b>4444</b> 1:4	13:19
<b>13</b> 4:18	19:22	5	9
13,635,723.10.	281,130.16.		9,072,965.38.
12:23	13:6	5,224,499.34.	13:16
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<b>18th</b> 3:22 24:13	13:23	<b>500,000</b> 13:21	abstentions
<b>19</b> 23:5	<b>3,760.85</b> 13:13	506,208.33.	23:12
<b>1997</b> 19:21	<b>3,760.85.</b> 12:14	13:12,21	access 8:10,23
2	<b>30</b> 18:20	584,143.92.	accidentally
	<b>31</b> 4:2,10 12:10	13:7	21:4
<b>2</b> 12:10	12:12 13:1	15.7	account 12:25
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14:16 15:22	<b>ago</b> 4:4 11:7	11:17 15:21	4:12,18 8:8
19:14,17	<b>agreed</b> 6:8,12	approve 11:18	10:16 13:25
accountant	15:10 21:20	11:20 15:23,24	14:9 24:13
12:3	agreement 5:5	17:6,7	automobile
accounts 14:2	5:6,6 6:3 7:8	approved 12:3	22:14
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