



# Port of Palacios

MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE

## NOTICE OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF MATAGORDA COUNTY NAVIGATION DISTRICT #1

Notice is hereby given that on Wednesday, December 15, 2021, at 1:00 p.m., the Board of Commissioners of Matagorda County Navigation District #1 will hold a Regular Board Meeting in the Board Room of the Port Administration Building, located at 1602 Main Street, Palacios, Texas. Social distancing will be required for the meeting.

### AGENDA

#### I. OPENING.

1. Call to order by Chairman
2. Announce the presence of a quorum; affirm that the Notice of the Meeting was duly posted
3. Pledge of Allegiance
4. Recognize Visitors and guests of the Board

#### II. REGULAR BOARD MEETING – Items requiring Board discussion and possible action taken:

1. Consideration and approval of minutes of previous meetings (11/17/2021)
2. Consideration and approval of Lease Activity since last Regular Board Meeting
3. Consideration and possible action to renew the Agreement for Economic Development Services between MCND#1 and Matagorda County Economic Development Corporation
4. Consideration and possible action to accept Urban Engineering's recommendation of successful bidder for MCND #1 Turning Basin No. 4 Drainage Improvements FEMA Alternate Project DR-4332-TX (PA ID No. 321-UPU2Q-00)
5. Consideration and approval of the Request for Qualifications for above and underwater inspection to support a conditions assessment of the existing waterfront structures in accordance with the ASCE Underwater Investigations Standard Practice Manual (2001) and ASCE MOP 130 Waterfront Facilities Inspection and Assessment (2015)
6. Consideration and approval of the Request for Qualifications/Proposals for disaster recovery and other state and federal funding grants and program management and ports and economic development advisory services
7. Consideration and approval a Resolution of Matagorda County Navigation District #1 authorizing the sale of the Marine Education Center property of 118.439 Acres, together with any improvements thereon
8. Consideration and approval a Resolution of Matagorda County Navigation District #1 authorizing Chairman Jimmy E. Neeley to execute a Warranty Deed and any related documents to complete the sale of the Marine Education Property to the Ed Rachal Foundation
9. Consideration and possible action to approve amending the FY2021 Budget

#### III. INTERNAL & FINANCIAL REPORTS for Board discussion and appropriate action

##### Internal Reports

- a. Contractor's Port Maintenance Report
- b. Port Director's Operations, Promotion & Development Activity Report

Consideration and approval of Current Voucher Control Report

Consideration and approval of Current Register Reports

Consideration and approval of Current Investment Activity Report

#### IV. EXECUTIVE SESSION – Adjournment to Executive Session as authorized by the TEXAS GOVERNMENT CODE Sections 551.071, 551.072, 551.074, and 551.087 of the Open Meetings Act, permitting discussion and deliberation in an Executive Meeting for the following purpose:

1. Consultation with Attorney on legal matters as permitted under Section 551.071 including, but not limited to some of the other matters listed below to be discussed in Executive Session.
2. To conduct deliberations regarding personnel matters as pertained under Section 551.074.

- a. Personnel –Evaluation & 2021 Compensation
3. To conduct deliberations regarding real property and to conduct deliberations regarding economic development as permitted under Sections 551.072 and 551.087 including, but not limited to the following matters:
  - a. Discussion concerning future development of properties and leases
  - b. Discussion on economic development
  - c. Discussion concerning default leases
  - d. Discussion on repair of Port property

CLOSED MEETING DISCUSSION. If, during the course of the meeting covered by this Notice, the Board should determine that discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Tex. Govt. Code, Chapter 551, Sub-chapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the following section or sections of the Act authorizing the closed meeting:

Section 551.071 For the purpose of private consultation between the Board and its attorney when the Board seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of the Board's counsel to his client pursuant to the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

Section 551.072 For the purpose of discussion with respect to the purchase, exchange, lease or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the Board in negotiations with a third person.

Section 551.073 For the purpose of deliberation regarding prospective gifts or to deliberate a negotiated contract for a prospective gift or donation to the Board or the District, if deliberation in an open meeting would have a detrimental effect on the position of the Board in negotiations with a third person.

Section 551.074 For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee, unless such officer or employee requests a public hearing.

Section 551.076 To discuss the deployment of, or specific occasions for implementation of security personnel or devices.

Section 551.087 To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.

Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed meeting, then such final action, final decision, or final vote shall be at either:

- a) the open meeting covered by this notice upon the re-convening of this public meeting, or
- b) a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.

V. RETURN TO OPEN SESSION - Announcement by the Chairman that the Board has concluded its Executive Session discussions and appropriate action taken as a result of deliberations conducted during the Executive Session.

VI. SCHEDULE THE NEXT MEETING DATE, TIME, AND PLACE.

VII. ADJOURNMENT.

  
Jimmy E. Neeley, Chairman

Posted at Matagorda County Navigation District #1 Admin. Building on the 10<sup>th</sup> day of December 2021 at 11:00 a.m.

  
Verna H. Williams

Posted at Matagorda County Courthouse on the 10<sup>th</sup> day of December 2021 at \_\_\_\_\_

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Deputy