

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE  
MINUTES OF THE BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
OCTOBER 12, 2022**

I. Chairman Neeley called the meeting of October 12, 2022, to order at 1:00 p.m. Chairman Neeley announced the Notice of Meeting had been duly posted and there was a quorum present. The Pledge of Allegiance was recited. Chairman Neeley welcomed those in attendance and thanked them for coming.

**ATTENDEES:**

David Aparicio, Commissioner  
Victor Eggemeyer, Commissioner  
Jimmy Neeley, Chairman  
Greg Seaman, Commissioner  
Donny Tran, Commissioner  
Victor Martinez, Port Director  
Cynthia Bates

Verna H. Williams, Port Office Mgr.  
Isidro Castanon, Port Attorney  
Jose Ortiz, Maintenance Contractor  
Matt Glaze, Urban Engineering  
Ryan West, Palacios Beacon  
Ron Linton, Coldwell Banker Realty  
Mark Morgan, State Div. Emerg. Mang.

Mark Morgan with the State Division of Emergency Management is the County Liaison for Matagorda County, He introduced himself, and gave a brief report how he assists the County in case of an Emergency.

**II. 1. Consideration and approval of minutes of previous meetings (9/28/2022).** Minutes from the Regular Board Meeting of September 28, 2022 were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed. Motion carried by majority vote. Commissioner Aparicio abstained-not present at this meeting.

**II. 2. Consideration and approval of Lease Activity since last Regular Board Meeting.** Mr. Martinez reported on lease activity since the last regular Board meeting. There was one renewed Recreational Lease (T Ricco). There was no other lease activity for the month. A motion was made by Commissioner Aparicio to approve Port Lease Activity, as presented. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

**II. 3. Consideration and possible action to approve the Matagorda County 2022 Levy Tax Roll Report and the Matagorda County 2022 Grand Total Report.** Mr. Martinez stated, the County Tax Office has not sent us these documents to date. If available, we will present this Agenda Item at the next Regular Board Meeting.

**II. 4. Consideration and possible action to approve the Request for Qualifications (RFQ) for Real Estate Brokers to Provide Real Estate Services/Consulting.** A motion was made by Commissioner Seaman to move this Agenda Item to Executive Session. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

**II. 5. Consideration and possible action to approve a Letter of Agreement for KM&L, LLC to provide annual financial audit services to the Navigation District for FY2022.** Mr. Martinez stated, KM&L, LLC conducted a very thorough and objective FY2021 financial audit for the District at a reasonable rate. Because of some new Audit requirements that are now in place, our next audit will include looking through our commercial leases. This deeper dive into these leases has caused the rate to go up from our previous years. This Audit's rate will be \$13,000. Since this is a

a new requirement, our audits will be close to this amount from here on out. We have the option of not approving this letter of engagement and putting out an RFQ. But I don't think we're going to find much of a different price since this requirement would need to be fulfilled even with a new Auditor. Commissioner Eggemeyer made a motion to approve a Letter of Agreement for KM&L, LLC to provide annual financial audit services to the Navigation District for FY2022. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

**II. 6. Consideration and approval of Interlocal Contract between The General Land Office Matagorda County Navigation District #1 for continuous operation and maintenance of the Oily Bilge Wastewater Program – GLO Contract No. 22-180-005-D561.** Mr. Martinez has not been able to contact the appropriate GLO representative on this matter. It was a consensus to present this Agenda Item at a future meeting.

**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

**Consideration and approval of Current Voucher Control Report.** Commissioner Seaman made a motion to accept the Current Voucher Control Report. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

**Consideration and approval of Current Register Reports.** After review, Commissioner Aparicio made a motion to approve the current Register Reports. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

**Consideration and approval of Current Investment Activity Report.** Mrs. Gonzalez reported on the Current Investment Activity Report. Commissioner Eggemeyer made a motion to approve the Current Investment Activity Report. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

**IV. EXECUTIVE SESSION** – At 2:42 p.m., the Board went into an 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 purposes:

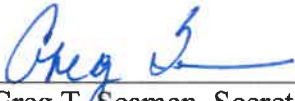
1. Consultation with Attorney on legal matters as permitted under Sections 551.071 including, but not limited to some of the other matters listed below to be discussed in Executive Session.
2. To conduct deliberations regarding real property and to conduct deliberations regarding economic development 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 on concerning default leases
  - d. Discussion on repair of Port property

**II. 4. Consideration and possible action to approve the Request for Qualifications (RFQ) for Real Estate Brokers to Provide Real Estate Services/Consulting.**

**V. RETURN TO OPEN SESSION** – The Commissioners returned to Open Session at 2:42 p.m. Chairman Neeley made a motion to approve, Ron Linton, Real Estate Broker for Coldwell Banker Realty to provide Real Estate Services/Consulting. Terms to be negotiated by the Port Attorney and Port Director. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed. It was noted this RFQ was ran for two weeks in the paper; only one RFQ was received, which was Coldwell Banker Realty. No other motions were offered for action from Executive Session.

**VI. SCHEDULE THE NEXT MEETING DATE, TIME, AND PLACE.** The next Regular Board Meeting was scheduled for Wednesday, November 16 , 2022, at 1:00 p.m. at the Port Administration Building.

**VII. ADJOURNMENT.** Commissioner Eggemeyer moved to adjourn and was seconded by Commissioner Tran the motion carried, and the meeting adjourned at 2:46 p.m.

  
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Greg T. Seaman, Secretary