

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE
MINUTES OF THE BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
NOVEMBER 21, 2022**

I. Chairman Neeley called the meeting of November 21, 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 (*arrived 1:15*)

Jimmy Neeley, Chairman

Greg Seaman, Commissioner

Alan Schulman, Commissioner

Victor Martinez, Port Director

Verna H. Williams, Port Office Mgr.

Jose Ortiz, Maintenance Contractor

Matt Glaze, Urban Engineering

Brandi West, Palacios Beacon

Ron Linton, Coldwell Banker Realty

Chairman Neely presented Port Director, Victor Martinez a 5-Year Certificate of Service.

II. 1. Consideration and approval of the Order Canvassing the Election Returns for Commissioner Position Number One and Commissioner Position Number Five and Declaring the Results of the Election. Mr. Martinez read the "Order Canvassing the Election Returns for Commissioner Positions Numbers One and Five Declaring the Results of the Election". Commissioner Seaman moved to approve the Order Canvassing the Election Returns for Commissioner Positions Numbers One and Five Declaring the Results of the Election. Chairman Neeley seconded the motion. All voted affirmatively and the motion was approved.

II. 2. Swearing-in of Elected Commissioners – Positions Number One & Number Five. Mr. Martinez stated, on November 21, 2022, the Matagorda County Clerk certified to MCND#1 that positions of Commissioner Position No. One and Commissioner Position No. Five for a period of six years. Therefore, Commissioners David C. Aparicio and Alan C. Schulman are to be sworn in and each elected to serve a 6-year term.

II. 3. Elect Board officers for 2-year terms. Mr. Martinez stated, we need to take nominations and vote on Chairman, Vice Chairman and Secretary. Commissioner Seaman made a motion to elect Jimmy Neeley as Chairman. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion was approved. Commissioner Aparicio made a motion to elect Alan Schulman as Vice Chairman. Commissioner Seaman seconded the motion. All voted affirmatively and the motion was approved. Commissioner Aparicio made a motion to elect Seaman as Secretary. Commissioner Schulman seconded the motion. All voted affirmatively and the motion was approved.

II. 4. Action to amend bank signature and authorizations for Board officers. Mr. Martinez stated that, typically, the Chairman and the Secretary of the Board are signers on the District's depository accounts, including First Financial Bank and Prosperity Bank. Upon election of any new Board officers, this amendment to the bank signature authority should be voted on. Commissioner Aparicio made motion to remove the following person from all signature authority on all MCND#1 accounts including First Financial Bank and Prosperity Bank: Donny Lee Tran and add the following newly elected MCND#1 Board officers Jimmy E. Neeley and Alan C. Schulman as signers on all

MCND#1 accounts, including First Financial Bank and Prosperity Bank, with no limitation on the amount of checks and/or transfers. Commissioner Seaman seconded the motion. All voted affirmatively and the motion was approved.

II. 5. Elect Investment Committee Commissioners for 2-year terms. Mr. Martinez stated, Currently, the Investment Committee consists of 4 members: Port Director, County Investment Officer and 2 Commissioners-Chairman Neeley and Vice Chairman Tran. As per the Investment Committee Policy we must elect Investment Committee Commissioners every 2 years. There are no term limits for the Commissioners, meaning the current Commissioners can be re-elected and remain on the Committee. I will ask for nominations from the Board and then once nominations are completed, I recommend the Board vote to elect the nominees into the Investment Committee. Commissioner Seaman made a motion to elect Chairman Neeley and Commissioner Aparicio to the Investment Committee Commissioners for a 2-year term beginning this date. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 6. Consideration and approval of minutes of previous meetings (10/12/2022). Minutes from the Regular Board Meeting of October 12, 2022 were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Aparicio seconded the motion. Motion carried by majority vote. Commissioner Schulman became Commissioner today.

II. 7. Consideration and approval of Lease Activity since last Regular Board Meeting. Mr. Martinez reported on lease activity since the last regular Board meeting. There were two renewed Recreational Lease (Bari/Segal). There was one renewed Commercial Office Lease (Seawall). Occupancy for TB#3 B Dock 30%, C Dock 0%, D & E Docks 100%, and G Dock 86%. A motion was made by Commissioner Eggemeyer to approve Port Lease Activity, as presented. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

II. 8. 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, Property Tax Code Section 26.09 (e) requires us as the governing body to approve the Levy Tax Roll Report and the Grand Total Report as given by the Tax Assessor. I have looked over each of the reports and they match up with the estimated taxes we budgeted for in FY2023. Commissioner Eggemeyer made a motion to approve the Matagorda County 2022 Levy Tax Roll Report and the Matagorda County 2022 Grand Total Report. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed. Motion carried by majority vote.

II. 9. Consideration and possible approval of a Resolution in Support of the Texas Ports Association 2023 Proposed Legislation for the 88th Texas Legislative Session. Mr. Martinez read the Port Attorney's (Isidro Castanon) comments. "After reviewing the Resolution, I recommend our Board adopted this Resolution. Examples that will help assist in our operations; Section 3 amends Section 60.403(a) of the Water Code would allow routine purchases or contracts up to \$100,000 without bidding. The current maximum is \$50,000. By doubling this amount, it will make it easier and cheaper to purchase. Section 10 amends Section 62.122 of the water Code to say that the commission may authorize the sale of dredge material from a dredge material placement area on such terms and conditions as the commission considers appropriate or advantageous to the district. Amendments to Chapter 55, Transportation Code would expand the projects and infrastructure

projects in the amount of money received from TxDot.” Mr. Martinez stated the TxDot funding is no longer just for roads and bridges but infrastructure, and docks and wharfs inside the port. A motion was made by Commissioner Aparicio to approve a Resolution in Support of the Texas Ports Association 2023 Proposed Legislation for the 88th Texas Legislative Session. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 10. Consideration and possible approval of increasing rates and tariffs to include but not limited to recreational docks, land, buildings, and other rates as determined by the Board Commissioners. Chairman Neeley made a motion, since the Port Attorney is absent; I recommend this Agenda Item be moved to the next Board Meeting. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

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 Aparicio made a motion to accept the Current Voucher Control Report. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

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

Consideration and approval of 3rd Quarter Financials. After review, Commissioner Seaman made a motion to approve the 3rd Quarter Financials. 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 Aparicio made a motion to approve the Current Investment Activity Report. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

Consideration and approval of 3rd Quarter Investment Activity Reports. Mrs. Gonzalez reported on the 3rd Quarter Investment Activity Reports. Commissioner Eggemeyer made a motion to approve the 3rd Quarter Investment Activity Reports. Commissioner Seaman seconded the motion. All voted affirmatively and the motion passed.

IV. EXECUTIVE SESSION – At 2:45 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

V. RETURN TO OPEN SESSION – The Commissioners returned to Open Session at 4:12 p.m. 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, December 14, 2022, at 1:00 p.m. at the Port Administration Building.

VII. ADJOURNMENT. Commissioner Eggemeyer moved to adjourn and was seconded by Commissioner Aparicio the motion carried, and the meeting adjourned at 4:13 p.m.


Greg N. Seaman, Secretary