

MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE
MINUTES OF THE BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
September 27, 2023

I. Chairman Neeley called the meeting of September 27, 2023, 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
Alan Schulman, Commissioner
Victor Martinez Jr., Port Director
Verna H. Williams, Port Office Mgr.

Isidro Castanon, Port Attorney
Jose Ortiz, Maintenance Contractor
Ron Linton, Coldwell Banker Realty
Matt Glaze, Urban Engineering
John Huynh, Palacios Shrimp Co.
Minh Tran, Palacios Shrimp Co.
Thuy Vu, Capt. Tom's Enterprises
D. C. Dunham

I. 1. Public Comments on Budget and Proposed Tax Rate. There were no comments addressing this item.

II. 1. Consideration and approval of minutes of previous meetings (8/24/2023 & 9/13/2023). Minutes from the Regular Board Meeting of August 24, 2023, were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Schulman seconded the motion. All voted affirmatively and the motion passed.

Minutes from the Special Called Board Meeting of September 13, 2023, were reviewed. Commissioner Schulman moved to accept the minutes as presented. Commissioner Eggemeyer seconded the motion. Motion passed by majority vote. *(Commissioners Aparicio & Seaman abstained-not present.)*

II. 2. Consideration and approval of Lease Activity since last Regular Board Meeting. Mr. Martinez reported there has been no lease activity since the last regular Board meeting.

II. 3. Consideration and approval of FY2024 Maintenance & Operations Budget. Mr. Martinez stated we've met on the Proposed FY2024 M&O Budget several times beginning in August. After some discussion, two suggestions were made. Language to be the same on page 1 as on other pages and speak with the Auditor about bringing MARAD back in the 2024 Budget, since it is in the 2023 Budget. A motion was made by Commissioner Seaman to approve the FY2024 Maintenance & Operations Budget, with understanding there may be the suggested changes made. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

II. 4. Consideration and approval of FY2024 Committed Funds Budget. Mr. Martinez stated, MCND#1 has committed adequate funds for designated projects and contingency situations for FY2024. Generally, readily available cash is in our depository accounts throughout the year for projected expenses and other planned usage. I recommend approving the FY2024 Committed Funds Budget, as presented. A motion was made by Commissioner Aparicio to approve the FY2024 Committed Funds Budget, as presented. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 5. Consideration and approval of Order to Adopt 2023 Tax Rate. Mr. Martinez read the Order to Adopt 2023 Tax Rate. Commissioner Aparicio made a motion to approve the Maintenance & Operation Tax Rate for 2023 is Voter-Approval Tax Rate of \$0.00935 per \$100 of value. Total Adopted Tax Rate of \$0.00935 per \$100 of value. Commissioner Eggemeyer seconded the motion. David A. Aparicio: Yes; Victor L. Eggemeyer: Yes; Jimmy E. Neeley: Yes; Alan C. Schulman: Yes; Greg T. Seaman: Yes. All voted affirmatively and the motion passed.

II. 6. Consideration and approval of the Master Service Agreement between MCND#1 and Collins Engineers Inc., for Engineering Design Services - Energy and Resilience Improvement Project for the MARAD FY2022 PIDP Grant (RFQENGDSG2023). Mr. Martinez stated the Master Service Agreement is not available at this time. We plan to present it at the October Regular Board Meeting. No motion required.

II. 7. Consideration and approval of a Resolution supporting the Matagorda County Declaration of Disaster for Shrimp Dumping. Mr. Martinez read the Resolution In Support Of Matagorda County Declaration of Disaster – Shrimp Dumping. Commissioner Eggemeyer made a motion to approve the Resolution In Support Of Matagorda County Declaration of Disaster – Shrimp Dumping. Commissioner Schulman 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 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 Schulman seconded the motion. All voted affirmatively and the motion passed.

IV. EXECUTIVE SESSION – At 2:10 p.m., the Board went into an Executive Session, as authorized by the Texas Government Code Sections 551.071, 551.072, 551.073 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
- e. Discussion on real estate (Brookings Property)

V. RETURN TO OPEN SESSION – The Commissioners returned to Open Session at 4:05 p.m.

Chairman Neeley made a motion to defer half month's rent on all Commercial Leases for the rest of the year (October-December 2023). Tenants may voluntarily continue full rent payments as normal. Beginning January 2024 all Commercial Leases will go back to full monthly rent payments. In April the District will begin requiring monthly payments which would either be double or half, depending on what the Tenant owes, who voluntarily participated in this deferment process that began July 2023. Commissioner Eggemeyer seconded the motion. Motion passed by majority vote. *(Commissioners Aparicio & Seaman abstained)*

Commissioner Aparicio made a motion to approve the Site Certification Scope of Services for the Port Commercial Center property with CSRS. Task Order #8. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

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, October 18, 2023, at 1:00 p.m. at the Port Administration Building. Mr. Martinez reminded the Commissioners about the Palacios Educational Foundation Gala, this Saturday 6-11 p.m.

VII. ADJOURNMENT. Commissioner Eggemeyer moved to adjourn and was seconded by Commissioner Schulman the motion carried, and the meeting adjourned at 4:11 p.m.



Greg T. Seaman, Secretary