

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE
MINUTES OF THE BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
July 31, 2024**

I. Chairman Neeley called the meeting of July 31, 2024, 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 E. Neeley, Chairman
Greg T. Seaman, Commissioner
Alan Schulman, Commissioner
Victor Martinez, Jr., Port Director
Verna H. Williams, Port Office Mgr.
D. C. Dunham (1:10-2:36 pm)

Isidro Castanon, Port Attorney
Jose Ortiz, Maintenance Contractor
Ryan West, Palacios Beacon
Matt Glaze, Urban Engineering
Ron Linton, Coldwell Banker Realty
Erick Cooke, Collins Engineers (left 2:36 pm)
Alex Overeem, Collins Engineers (left 2:36 pm)

Mr. Cooke and Mr. Overeem, with Collins Engineers, gave their report on their findings for the rehabilitation on Turning Basins #1 & #2 project, during the Port Director's report.

II. 1. Consideration and approval of minutes of previous meetings (6/19/2024). Minutes from the Regular Board Meeting of June 19, 2024, were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Aparicio seconded the motion. Motion passed by majority vote. (Commissioner Seaman abstained due to not being 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 Leases (Alley). There was one renewed Commercial Leases (South Coast Sfd). Occupancy for TB#3 B Dock 67%, C Dock 0%, D & E Docks 100%, and G Dock 71%. 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 an Amended Resolution authorizing Matagorda County Navigation District #1 to enter into an Advance Funding Agreement for a Texas Mobility Fund Grant also known as Rider 38 for a Public Transportation Project with the Texas Department of Transportation for the Road and Drainage Improvement project to begin in Fiscal Year 2024. Mr. Martinez stated in 2021, the Board approved a Resolution outlining the understanding of our commitment to the grant requirements for the funding provided by the State of Texas for the Rider 38 Road and Drainage Improvement project on 12th Street and Hwy 35. As you remember TXDOT was going to bid on the project and manage it themselves. But when they went to bid the bids were double the budgeted costs. Since then, TXDOT has identified an additional \$671,770.61 of funds bringing the total amount funded by TXDOT to \$2,370,680.61. They have also authorized the project to be managed by our own Engineer which for this project has been Urban Engineering. We have already met our match. We will not be required to have any additional matching funds. However, we would be on the hook for any costs overruns of engineering fees or construction. I realize this isn't the most ideal situation for this Board. However, I believe if there are some cost overruns, they would be minimal and the benefit to our port users and the entire community would be worth the expenditure.

Commissioner Schulman made a motion to approve an Amended Resolution authorizing Matagorda County Navigation District #1 to enter in an Advance Funding Agreement for a Texas Mobility Fund Grant as known as Rider 38 for a Public Transportation Project with the Texas Department of Transportation for the Road and Drainage Improvement project to begin Fiscal Year 2024. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 4. Consideration and possible action to approve the Advance Funding Agreement for a Texas Mobility Fund Grant also known as Rider 38 for a Public Transportation Project with the Texas Department of Transportation for the Road and Drainage Improvement project to begin in Fiscal Year 2024. Mr. Martinez stated this agenda item is not available for this Board Meeting.

II. 5. Consideration and approval of an Order Calling for a Joint Election with Matagorda County. Mr. Martinez stated the term for MCND#1 Board of Commissioner Position No. 2 is expiring in November. An Order for Joint Election with Matagorda County must be approved by the Board which sets out the details of the election and appoints the Port Director as the Board Secretary's "Agent". The Port Director will perform duties related to conducting the election, including contracting with Matagorda County for joint election services. Commissioner Eggemeyer approved the Order for Joint Election with the County for November MCND Commissioners' election. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

II. 6. Consideration and approval of a Contract for General Election Services with the County Elections Officer of Matagorda County. Mr. Martinez stated upon approval of the Order for Joint Election with the County, the Board should approve a contract for general election services with the County. The County Election's Officer will provide certain equipment, supplies and labor for the Navigation District Commissioners elections. Commissioner Aparicio made a motion to approve the Contract for General Election Services with the Matagorda County Election's Officer and authorize the Port Director to execute the contract on behalf of MCND#1. Commissioner Schulman seconded the motion. All voted affirmatively and the motion passed.

II. 7. 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 FY2024. Mr. Martinez stated KM&L, LLC conducted a very thorough and objective FY2023 financial audit for the District at a reasonable rate. This Audit's rate will be \$14,000. 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 even with a new Auditor. Commissioner Eggemeyer made a motion to approve Letter of Agreement for KM&L, LLC to provide annual financial Audit services to the Navigation District for FY2024. 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 Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

Consideration and approval of Current Register Reports. After review, Commissioner Seaman 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 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 Aparicio seconded the motion. All voted affirmatively and the motion passed.

IV. EXECUTIVE SESSION – At 3:05 p.m., the Board went into an Executive Session, as authorized by the Texas Government Code Sections 551.071, 551.072, 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 to the purchase, exchange, lease or value of real property
 - c. Discussion on economic development
 - d. Discussion on concerning default leases
 - e. Discussion on repair of Port property

V. RETURN TO OPEN SESSION – The Commissioners returned to Open Session at 4:27 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 August 21, 2024, at 1:00 p.m. at the Port Administration Building.

VII. ADJOURNMENT. Commissioner Aparicio moved to adjourn and was seconded by Commissioner Eggemeyer the motion carried, and the meeting adjourned at 4:28 p.m.



Greg T. Seaman, Secretary