

THE STATE OF TEXAS §
 §
COUNTY OF CAMERON §

**PORT ISABEL-SAN BENITO NAVIGATION DISTRICT
NAVIGATION & CANAL COMMISSION ORDINANCE 2015-5
Requiring Specific Vessel Arrival Form and Information and Vessel Departure Form and
Information (Pursuant to Section 60.071, et seq., of the Texas Water Code)**

Be it Ordained by the Navigation and Canal Commission of the PORT ISABEL-SAN BENITO NAVIGATION DISTRICT (hereafter "PISBND") that, as a public (governmental) entity, PISBND, acting through its Navigation & Canal Commission, is required, by law, to insure that all such fees are paid, in a timely manner, and in the appropriate (accurate) amount. See Tex. Water Code Ann. § 60.105 (Vernon 2004) (Expenses To Be Paid From Current Revenues); Tex. Water Code Ann. § 60.118 (Vernon 2004) (Board Of Trustees Of Facility); Tex. Water Code Ann. § 60.119 (Vernon 2008) (Covenants For Management & Operation Of Improvements). Due to increased vessel traffic into and out of the Port owned properties the Navigation & Canal Commission desires to "control the operation of all types of vessels using harbors, turning basin, basins, or navigable channels of the district and prescribes the requirement of all vessels using district waterways to file with the district a Request for Berth form" (Tex. Water Code Ann. § 60.072 (3) Specific Powers of District).

Upon the enactment of this Ordinance, by the said Commission, in accordance with the said provisions of the Texas Water Code Ann. § 60.071 General Rule-making Authority, all vessels arriving in the waters under the district ownership or control for the purpose of docking, anchoring or in layberth will file with the district the "Official" district form, which is attached hereto and incorporated herein for all purposes.

Therefore, starting on December 1, 2015, all PISBND (Port) users and tenants (Public and Private docks) will be required to provide to PISBND a "Request For Berth Of Vessel" Form for any and all vessels, with the appropriate box at the top of the form checked stating "Arrival", at least 24 hours prior to the berthing of any vessel, vessels receiving for fuel only or short term layberth, at least 1 hour prior to berthing, in the PISBND Turning Basin; furthermore, all tenants will be required to provide an attachment (as applicable), as is set forth on the bottom of that form and in this document. The said Request for Berth of Vessel Form may be emailed (or hand-delivered) to the PISBND Port Director, at steve@pisbnd.com and/or Ana@pisbnd.com, Port Administrative Assistant.

Exemption: U.S. flag fishing vessels bound to the PISBND Shrimp Basin and Public and Private vessels bound for the Sea Ranch II @ South Point Marina shall be exempt from filing Notice of Arrival/Departure/Berth Application.

The required Request For Berth Of Vessel shall be set forth on the attached "Official" PISBND form for the Request For Berth Of Vessel, and forwarded to PISBND.

Cargo statements for all vessels, their owners, tenants and agents shall, within five days after date of sailing of any such vessel, report to PISBND all cargo, fuel, water and other stores loaded and unloaded at all locations within PISBND, regardless of pass thru fees due for that vessel or not. Such report must show units, packages, commodities, tonnage and origin and destination. These reports will be made on the same Vessel Arrival form, with the appropriate signed documentation as required, by checking the appropriate box at the top of the form stating "DEPARTURE".

Failure to file certified copies of manifests and other appropriate signed documentation as required within the time specified shall constitute cause for suspension of credit or other privileges of the vessel or tenant, until such failure is remedied. Failure to timely file the approved arrival or departure form shall constitute a material breach of any lease or sub-lease agreement within the Port.

Record access upon request by PISBND, of vessels, their owners, agents, masters, stevedores, tenants and all other users of the Port facilities shall produce manifests of cargo, delivery orders, dock receipts, interchanges, reports and other documents. The purpose of said requests shall be for the purpose of ascertaining the accuracy of the manifests in order to verify the proper charges are paid under the tenant lease agreements and other written agreements between the parties. Said documentation shall be provided to PISBND within the following forty-eight (48) hours after request.

Failure to provide accurate records (i.e. dimensions, weights, manifest, etc.) particularly those used for billing purposes by PISBND may be a violation of Chapter 37 of the Texas Penal Code and federal law and may be reported to the proper authorities by PISBND.

PISBND reserves the right at any time or times and without notice to deny any user of its facilities who or which is delinquent in payment of its account more than thirty (30) days; such denial may be continued until such accounts are fully paid up and in current status.

The application of these rules, rates and regulations contained herein shall apply equally to all users of the waterways and facilities of PISBND, including tenant Lease Agreements, and shall apply on the waterways and facilities from the effective date of this document and on all amendments thereto.

This Ordinance, under Section 60.075 of the Texas Water Code, will be effective, after being published in a newspaper published in the District, after the ten-day period following the adoption of this Order; a violation of this Ordinance is a misdemeanor, and the Commission has provided for the punishment of that misdemeanor by a fine of not more than \$500 for each offense or violation.

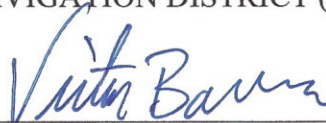
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PASSED and APPROVED THIS 4 day of November, 2015 at (or near) Port Isabel, Texas.

PORT ISABEL-SAN BENITO
NAVIGATION DISTRICT (PISBND)



Victor Barrera, Chairman of the PISBND
Navigation and Canal Commission

ATTEST:



M.R. Garcia, II, Secretary of the PISBND Navigation and Canal Commission