

RESOLUTION 2025-001

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT ISABEL-SAN BENITO NAVIGATION DISTRICT ESTABLISHING BOARD COMPENSATION AND AUTHORIZING REIMBURSEMENT OF EXPENSES PURSUANT TO THE TEXAS WATER CODE

WHEREAS, the Port Isabel-San Benito Navigation District (“District”) is governed by a Board of Commissioners (“Board”) with authority under the Texas Water Code; and

WHEREAS, Texas Water Code Chapter contains *PROVISIONS APPLICABLE TO ALL DISTRICTS*, including the District; and

WHEREAS, Texas Water Code § 49.060 authorizes the Board to establish fees of office and provide reimbursement for expenses incurred while performing official duties; and

WHEREAS, Texas Water Code § 49.060(a) authorizes the Board to set compensation for Commissioners at a rate not to exceed \$221 per day; and

WHEREAS, § 49.060(a-1) requires that the Board establish an annual cap on fees of office not to exceed \$7,200 for compensation under this section; and

WHEREAS, the Board finds it necessary and appropriate to authorize reimbursement for eligible activities related to Board meetings and other qualifying District activities conducted after the adoption of this resolution and continuing thereafter;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT ISABEL-SAN BENITO NAVIGATION DISTRICT THAT:

The fee of office for Commissioners is hereby set at \$221 per day, in accordance with the statutory limit established by Texas Water Code § 49.060.

The annual limit on compensation under this provision for each Commissioner is hereby set at \$7,200 per year, as required by law.

The Board hereby authorizes reimbursement of actual, reasonable, and necessary expenses incurred by Commissioners in connection with their official duties, including participation in Board meetings and other eligible District activities.

All reimbursements shall be subject to the filing of verified statements as required by Texas Water Code § 49.060(c).

PASSED AND ADOPTED this 24th day of February, 2025.

This resolution was approved unanimously by the Board during its February 24, 2025, Regular Board Meeting. Please review attached board meeting minutes.

Minutes of the Port Isabel-San Benito Navigation District
February 24, 2025
Regular Meeting

A regular meeting of the Port Isabel-San Benito Navigation and Canal Commission was held on Thursday, January 16, 2025, at 7:00 P.M., at the Port Isabel-San Benito Navigation District (PISBND) Office, located at 250 Industrial Drive, Port Isabel, Texas 78578.

Commissioners Present were:

Victor Barrera, Commissioner Chairman,
Joe Martinez, Commissioner Secretary,
Jose L Morales, Commissioner,

Others in Attendance were:

Julia Barrera, Administrative Assistant
Jose Caso, Caso Law Firm
Deborah A Morales, San Benito City Commissioner
Alejandro G Leal, Overture Praise Worship
Bobbie Jo Leal, Overture Praise Worship
Anna Llanes, SBEDC
Ricardo Guerra, Mayor of San Benito
Fred Sandoval, City of San Benito
Mario Palomo, Assistant Executive Director of San Benito EDA

The meeting was called to order by Chairman Commissioner Victor Barrera at 5:00 P.M.

Item #3 on the Agenda Public Comments: Alejandro Leal, spoke and he stated: "My whole life I lived in the San Benito area with exception of my service in the United States Air Force. I am a decorated war veteran. I fought for freedom, liberty, and the right to vote in the free democracy. I have heard that this Commission is considering allowing voting in the Port Isabel area that being would be this building. I feel that this would be unconstitutional voter suppression. I'm going to start with Los Fresnos The cities are being excluded are as follow: Los Fresnos, part 3, 65, 66, 94, San Benito, part 17, 18, 22, 79, San Benito part 19, 21, 29, 50, 57, 101, San Benito, 23, 43, Los Indios, part 23 and 23, San Benito part 24 and 25, San Benito part 40, San Benito part 40, 51, South Padre Island, part 52, Laguna Vista part 67. I feel that this needs to be taken into great consideration and to have plenty of voting polls that will represent where these elections have been taken place before in the past, thank you." Ricardo Guerra spoke as follows: "I am a Citizen of San Benito and I hope you consider having all the voting poles throughout Los Fresnos, San Benito, and Los Indios and there is a lot of people that won't be able make it all the way over here

Deborah Morales from San Benito stated: "I am here to speak on behalf of our City of San Benito, the Navigating district has over 34,000 voters in this district. To do just one location for either early voting or election day would be privacy to their surrounding communities not just San Benito, but you have the ones there were mentioned previously before that would hinder them from coming out to voting and I believe we should give all justice and making sure that everybody has the right to vote and everybody should have a voice whether its Port Isabel, San Benito but everybody should have the right to vote and hopefully you take that into consideration and you make an adjudgment today where you want the polling's to be allocated to."

Item #4. Discussion Only Items (No Action): Potential capital improvement plans, Potential maintenance and operation work, Potential training workshop Commissioners, Potential Budget, Discussion regarding staffing and General Manager, Potential interlocal agreements, Current and Future interlocal agreements, Potential Grant application and Grants, Update regarding emergency response plan, Potential travel regarding Port Business only, and Legislative agenda. Commissioner Mr. Morales shared his thoughts on the RGV Day he attended at Austin.

The Minutes for the Regular Meeting and Certified Agenda held on December 11, 2024, and December 16, 2024, were presented, and discussed and the January 16, 2025, were not presented, the following motion was made:

A motion was made by Commissioner Mr. Morales and seconded by Commissioner Mr. Martinez to table all meeting minutes. Motion carries unanimously.

Item #6. Discussion and possible action on selecting a proposal in response to the Request for Proposals (RFP) for Bank Depository. The following motion was made:

A motion was made by Commissioner Mr. Morales and seconded by Commissioner Mr. Martinez to table this item so they can review the proposals. Motion carries unanimously.

Item #7. Discussion and possible action on Tabled Item from January 16, 2025, regarding district e-mail addresses and phones to Board Commissioners. The following motion two (2) motions were made:

A motion was made by Commissioner Mr. Morales and seconded by Commissioner Mr. Barrera to approve the Metro PCS startup cost of \$239.00 and a monthly fee of \$100 for four (4) phones, while tabling the email. Motion carried with one (1) nay vote.

Commissioner Mr. Martinez made a motion to table all related items until complete information regarding the phones and emails is available. Motion failed.

Item #8. Discussion and possible action on approving a quote for employee uniform shirts. The following motion was made:

A motion was made by Commissioner Mr. Martinez and seconded by Commissioner Mr. Morales to approve the quote from Team Graphix & Awards for \$330.00. Motion carries unanimously.

Item #9. Discussion and possible action on approving a quote from Conroe Wood Products for treated wood dock 3"x8"x10 foot (120 boards at 45.95). The following motion was made:

A motion was made by Commissioner Mr. Morales and seconded by Commissioner Mr. Martinez to approve the purchase of materials for the boards and authorize the staff to repair the docks to meet the required standards. Motion carries unanimously.

Item #10. Discussion and possible action on approving Travel expenses for Commissioner Mr. Morales for attending RGV day at the Capitol in Austin, Texas. The following motion was made:

A motion was made by Commissioner Mr. Martinez and seconded by Commissioner Mr. Barrera to approve a per diem of \$150, a registration fee of \$150, and mileage reimbursement at a rate of \$0.70 per mile for a total of 664 miles, amounting to \$464.80, for a total reimbursement of \$764.80. Motion carries unanimously.

Item #11. Discussion and possible action to issue an order to create and define the voting precincts in the district, name convenient polling place(s), appoint judges and other necessary election officials, and make any other decisions as needed for the May of 2025 Election. The following two (2) motions were made.

Mr. Morales stated he completely agrees with that statement. I can believe that the betterment of the district, and not just one territory. Unfortunately, there's seven cities. They call it our juror striction, or our district your ID, I'm just going to say it, our candidate said the best thing they can say, and thank you for your service, because it's one thing to say you're going to do

everything for your country, nothing to do okay and to fight for the right for every individual here the United States, as one man, as a unit, as a department, is very important to our lifestyle here in the United States. So, the declared veteran, I think he said it best he fought for the right for us the vote and all that 10s of 1000s went before him and after him. I think if we do not open the vote to the 17, even if we just put one voting for in every city, that's fine, but to ask somebody to drive over 40 miles to come vote in one to and I don't know if that to be true, this is what I heard we're trying to make one poll and if I'm wrong, stop me now, because I don't even give this speech, okay? But I think what we do, we will just take that right by taking a gun out and just shooting this man out in the field, because that's what he wants to go through his life for that right to vote, that's our most valuable right, is the right to vote here in the United States, and we cheat any citizen out of it, then we've done them an injustice. We've done him and his military status and his department and our army and our Marine Corps an injustice we all set up a few minutes ago when we started this meeting, one of the first things we did, item two, would pledge allegiance to that flag, United States of America, and your strongest right here, sure, commissioners and everybody this room, is your right to vote for United States. That's your biggest right. And I hope this commission is a part of commission I'm a part of sees that as being the biggest right, because it is, as an American, and we don't pledge to that flag, and we vote any other way, again give every district and every city in our district a chance to vote? Then we give them an injustice we maybe not should be sitting in our seats. The following motions were made:

A motion was made by Commissioner Mr. Barrera and seconded by Commissioner Mr. Martinez to conduct an in-house election due to cost since we are not a tax entity and we have not taxed since 1975 we rely on tenants that pay to the port. Motion carried with one (1) nay vote.

Mr. Morales stated he is going to make another motion on the floor. What did we pay for the election and the purpose I'm sitting here right now because you had all the voting for but now your crying money and then before we've always paid it anyway at that time. What's the difference now? Right now, chair you asked to become director of this is that the director we're not.

Commissioner Mr. Morales made a motion to pay and open the polls at least one poll in every city in our district. The motion failed.

Mr. Morales stated that Mr. Martinez has a conflict of interest in voting since he is a Candidate in this election, so his vote does not count on the motion. Mr. Morales asked the Port attorney for guidance. Port Attorney, Mr. Caso, stated that Mr. Martinez does not have a conflict to vote.

Item #12. Discussion and possible action regarding publication of notice of solicitation for General Manager. Agenda Item was skipped and not discussed during the meeting.

No action.

Item #13. Discussion and possible action to adopt Resolution No. 2025-001 pursuant to Texas Water Code Chapter 60 and Section 49.060, setting the fees for compensation of Board Commissioners at \$221 per day and establishing an annual cap of \$7,200. The following motion was made:

**A motion was made by Commissioner Mr. Martinez
and second by Commissioner Mr. Morales to approve
\$221 per day/meeting/travel to cap at \$7,200 per year.
Motion Carries unanimously.**

Item 14. The Board of Directors may go into Closed Session pursuant to Subchapter D of Chapter 551 of the Texas Government Code to Discuss the following: Real Property (Tex. Gov't Code 551.072), Personnel Matters (Tex. Gov't. Code 551.074), and Consultation with Attorney Regarding: Discussion Topics:

- a) The sunk barge and crane belonging to Pilot that has been underwater for about two years and needs to be removed.
- b) The Don Miguel Escamilla Notice of Claim for Public Nuisance and related legal matters.
- c) Legal consultation regarding the eligibility and process for potential compensation for the Chairman Commissioner, Mr. Barrera, who is serving as Port Director in the interim.
- d) Legal consultation regarding the potential increase in commissioners' compensation for meeting attendance.
- e) Legal consultation regarding overtime compensation for administrative assistants attending meetings outside regular work hours.
- f) Port Employee Administrative Assistant, Julia Barrera's 90 days (3 months) probation and compensation.

A motion was made by Commissioner Mr. Martinez and seconded by Commissioner Mr. Morales to go into Closed Session at 6:14 PM. **Motion Carries unanimously.**

A motion was made to return from Closed Session at 7:17 PM by Commissioner Morales and seconded by Commissioner Mr. Martinez. **Motion Carries unanimously.**

Item #15. Discussion and possible action on matters arising from related to the said Executive Session. Possible Action on Real Property, Possible Action on Personnel Matters, and Possible Action on consultation with Attorney Regarding: pending, potential and/or contemplated legal

matters subject to the attorney-client privilege under the authority of the Open Meeting Act Section 551.071, Government Code.

- a) The sunk barge and crane belonging to Pilot that has been underwater for about two (2) years and needs to be removed. The following motion was made:

A motion was made by Commissioner Mr. Morales and second by Commissioner Mr. Martinez to proceed as directed in Executive Session. The motion passed unanimously.

- b. The Don Miguel Escamilla Notice of Claim for Public Nuisance and related legal matters.

A motion was made by Commissioner Mr. Morales and second by Commissioner Mr. Martinez to proceed as directed in Executive Session. Motion passed unanimously.

- c. Legal consultation regarding the eligibility and process for potential compensation for the Chairman Commissioner, Mr. Barrera, who is serving as Port Director in the interim. There are two (2) separate motions made

A motion was made by Commissioner Morales and second by Commissioner Mr. Martinez that Commissioner Mr. Barrera will be serving as General Manager for the remainder month of February and the entire month of April of 2025, and that compensation be allowed for the months of January, February, and April of 2025 as directed in Executive Session. Commissioner Barrera abstained from this item. Motion passed unanimously.

The second Motion was made by Commissioners Barrera and Martinez, with only their participation. Commissioner Mr. Morales did not participate.

A second motion was made by Commissioner Mr. Martinez and second by Commissioner Mr. Barrera that Commissioner Mr. Morales will be the acting General Manager for the months of March and May 2025 with the pay grade as directed in Executive

Session. Commissioner Morales abstained from this item. Motion passed unanimously.

- d. Legal consultation regarding the potential increase in commissioners' compensation for meeting attendance.

No Action.

- e. Legal consultation regarding overtime compensation for administrative assistants attending meetings outside regular work hours.

A motion was made by Commissioner Mr. Martinez and seconded by Commissioner Mr. Morales to proceed as directed in Executive Session. Motion passed unanimously.

- f. Port Employee Administrative Assistant, Julia Barrera's 90 days (3 months) probation and compensation.

A motion was made by Commissioner Mr. Martinez and seconded by Commissioner Mr. Morales to proceed as directed in Executive Session. Motion passed unanimously.

Item #16. Chairman Report. Mr. Barrera shared his report in regards the Port and other items.

A motion was made by Commissioner Mr. Martinez and seconded by Commissioner Mr. Morales to accept the report. Motion passed unanimously.

Item #17. Approve Payment Bills. No motion was made; the item was tabled due to an error in the document provided to the Commissioners.

A motion was made by Commissioner Mr. Martinez and seconded by Commissioner Mr. Morales to approve payment of bills. Motion passed unanimously.

There being no further business to come before the Commissioners, the following motion was made:

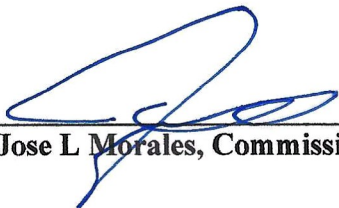
**A motion was made by Mr. Martinez and seconded by
Mr. Barrera to adjourn the meeting at 7:50 P.M.
Motion carried unanimously.**



Victor Barrera, Commissioner Chairman



Joe Martinez, Commissioner Secretary



Jose L. Morales, Commissioner