

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD APRIL 21, 2021 AT 5:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a regular meeting via video conferencing on **Wednesday, April 21, 2021 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Sergio Tito Lopez, Chairman
Ralph Cowen
Esteban Guerra
John Wood
John Reed

ABSENT: None

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
William J. Irwin, District Counsel

STAFF MEMBERS: Ariel Chavez
Lorena Hernandez
Karina Franco
Jaime Martinez
Chief Carlos Garcia
Tony Rodriguez
Margie Recio
Janie Velasquez
Martha Gonzalez
Memo Rico
Jorge Montero
Rosie Hinojosa
Blanca Melguizo

OTHERS PRESENT: Rev. Andreas Lewis
Jorge De La Colina
Shannon Ostos

1. Meeting Called To Order

The Chairman called the meeting to order at 5:38 p.m. Reverend Lewis offered a prayer. The Chairman then led those present in the Pledge of Allegiance to the United States and Texas flags.

2. Public Audience

No person registered to address the Board.

3. Receive Director's Report

a. Receive Port Monthly Operations Summary Report

Ms. Hernandez made the report to the Board. Discussion followed.

CONSENT AGENDA

4. Consideration and Action on the Following Consent Agenda Items:

- a. Approval of the Minutes of the Regular Board Meeting of April 7, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Boggus Tipton, the amount of \$63,499.98, for ratification payment for the purchase of three (3) 2021 pickups;
 2. Foremost Paving, Inc., the amount of \$1,964,514.52, for BND South Port Connector Road Project;
 3. Pederson Construction Company, Inc., the amount of \$38,277.00, for 2020 BND Water Lines Replacement; and
 4. Valley Striping Corp., the amount of \$28,424.00, for BND Port Roads Striping & Signage.

Commissioner Cowen moved to approve Consent Agenda Item 4, Commissioner Reed seconded, and the motion passed unanimously.

5. Consideration and Action on the Steamship Agent License Renewal Applications submitted by:

- Admiral Steamship Agency/Biehl & Co.
- Dix Agency Brownsville, LP
- Christian Bay Shipping Co., dba Fillette Green Shipping Services (USA) Corp.
- General Steamship Agencies, Inc.
- Host Agency, LLC
- ISS Marine Services, Inc. dba Inchcape Shipping Services

Mrs. Recio addressed the Board requesting that the Board approve Item 5. Commissioner Cowen moved to approve the Steamship Agent License Renewal Applications as presented, Commissioner Wood seconded, and the motion passed unanimously.

6. Presentation of District's Investment Report for the quarter ended March 31, 2021.

Ms. Hernandez addressed the Board and presented the District's Investment Report for the quarter ending March 31, 2021. Discussion followed.

7. Consideration and Action to adopt the proposed amendments to the Port of Brownsville Employee Policy Handbook for sick leave, vacation leave and holiday policy.

Commissioner Reed moved to table this item, Commissioner Guerra seconded, and the motion passed unanimously.

8. Consideration and Action on Assignments, Negotiations, Easements, Subleases, and Contracts in General.

Ms. Gonzalez addressed the Board regarding the following items:

1. Brownsville Gulfside Warehouse, Inc. (Authority to negotiate)

Brownsville Gulfside Warehouse, Inc. is requesting an amendment to their lease to add additional land space of 5.51 acres adjacent to their current location at 3500 R. L. Ostos Rd. under BND #2571. The purpose of the lease is for materials handling and warehousing. Lessee is in need of additional land space and if approved, they will invest in dirt work to create a material handling patio and will build a future warehouse on site. Commissioner Reed moved to authorize staff to negotiate an amendment to the lease, Commissioner Wood seconded, and the motion passed unanimously.

2. Alejandra Shrimp Outlet, Inc. (Authority to negotiate)

Alejandra Shrimp Outlet, LLC is requesting a new lease for property at 2480 Fisherman's Place Rd (currently Burnell Marine & Supply, Inc. BND #3828). The purpose of the lease for be for shrimping operations. If approved, Alejandra Shrimp Outlet, LLC seeks to purchase improvements from Burnell Marine & Supply, Inc. Commissioner Guerra moved to authorize staff to negotiate a lease with Alejandra Shrimp Outlet, Inc., Commissioner Reed seconded, and the motion passed unanimously.

9. Consideration and Action on bids received for the purchase of seven 2021 pickups including possible trade-in of Unit 677, 679, and 680 toward this purchase and to authorize payment of the invoice when received.

Mrs. Recio addressed the Board requesting to award bid for the purchase of seven 2021 pickups including possible trade-in of Unit 677, 679, and 680 toward this purchase and to authorize payment of the invoice when received. The local dealers were provided with a copy of the Request for Bids and the Bid packet along with specifications. One bid was received from Boggus Tipton Motors. Their submittal included a response to the three different vehicle configurations: • (2) ½ -ton class, 4x2 regular cab, short bed • (3) ½ -ton class, 4x4, crew cab, short bed • (2) ¾ -ton class, 4x4, crew cab, short bed. They bid 2021 vehicles with a delivery time frame of 65 business days, Boggus Tipton Motors also made the following trade-in offers: • BND Unit 677 \$9,000 • BND Unit 679 - \$10,000 • BND Unit 680 - \$11,000. Commissioner Wood moved to award the bid to Boggus Tipton Motors for the purchase of two ½ -ton, 2WD regular cab pickups, three ½ -ton, 4WD crew cab pickups, and two ¾ -ton, 4WD crew cab pickups at a total bid price of \$211,300 and to accept the trade-in offers in the total amount of \$30,000 for Unit 677, 679, and 680, and to authorize payment of invoice when received, Commissioner Cowen seconded, and the motion passed unanimously.

10. Adjourn into Executive Session, as authorized by Subchapter D of Chapter 551 of the Government Code to discuss with attorneys pending or contemplated litigation and matters in which the duty of the attorneys under the Rules of Professional Conduct clearly conflict with Chapter 551; to conduct deliberations regarding real property (§551.072); to deliberate the deployment of security personnel or devices (§551.076); to deliberate the appointment, employment, evaluation, reassignment, duties,

discipline, or dismissal of a public officer or employee (§551.074); and to conduct deliberations regarding economic development negotiations (§551.087).

Commissioner Guerra moved to adjourn into executive session, Commissioner Reed seconded, and the motion passed unanimously. At 5:47 p.m. the Chairman announced that the Board would adjourn into executive session.

The Chairman then announced that the time was 6:31 p.m. and that the Board had reconvened in open session.

11. Possible action on matters or items discussed in Executive Session.

The Chairman recalled Item 7.

Consideration and Action to adopt the proposed amendments to the Port of Brownsville Employee Policy Handbook for sick leave, vacation leave and holiday policy.

Mr. Martinez addressed the Board requesting the adoption of the proposed amendments to the Port of Brownsville Employee Policy Handbook for sick leave, vacation leave and the holiday policy. According to the Port of Brownsville Employee Policy Handbook, the Human Resources Department shall undertake periodic reviews of the Handbook and make changes as needed. There have been recent inquiries by employees with regards to the sick leave policy. Under the current policy, employees get eight (8) sick leave days per year. An employee may accumulate up to 30 sick leave days. The District encourages employees to bank their sick leave days in case they need to use them. Employees have raised the question about being paid for unused sick days once they separate from employment with the port. Staff also reviewed how the other entities dealt with accumulated sick leave days and found that both the City of Brownsville and the BPUB pay employees upon leaving for accumulated sick leave days. The City capped accumulated sick leave days at 90/120/150, and the BPUB pays a maximum of 90 days for employees hired before May 1, 2002, and a maximum of 20 days for employees hired after May 1, 2002. Staff recommended amending the sick leave policy to pay for accumulated sick leave days up to the maximum allowed of 30 days. This also encourages and incentivizes employees to not use their sick leave days unless they really need to. The policy currently does allow for employees to be paid for unused vacation days up to 30 days upon separation from the port. Staff recommended the policy be amended to give an employee who resigns and gives and fulfills their two-week notice, their accrued vacation and sick leave days up to a maximum of 30 days each. Employees will not get paid their vacation or sick leave accrual balance if they are terminated for company policy violation or do not complete their two-week notice. Currently port employees are awarded 8 sick leave days on January 1 of every fiscal year and our sick leave policy includes that employees who end the fiscal year with days over the maximum of thirty get half of those days paid to them at full value in January of the next fiscal year. Staff proposed that the other half of those days be put in a sick leave bank where they can be accumulated. Employees who are experiencing a catastrophic illness and happen to be out of sick leave and vacation benefits, will be able to apply for sick days from that bank. The Human Resources Department will formulate an application process and introduce it to employees. It will take at least two years for the sick leave bank to accumulate a balance and at that time it will be made available to employees. The vacation and sick leave policy will also be amended to include that benefit accruals will be suspended for an employee on FMLA leave, disability leave, workman's comp leave, or any other unpaid leave. Vacation and sick leave benefits will be awarded retroactively only for employees on workman's comp leave when they return to active employment. Employees who return to active employment from any type of approved unpaid

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leave in the following fiscal year, will receive pro-rated sick leave benefits for the remainder of that year. Also proposed to amend the holiday policy to state that employees who are on workman's compensation leave, injury leave, disability leave, FMLA leave, or any kind of unpaid leave would not qualify for holiday pay. The Policy Committee met and discussed these items on Monday, March 8 and Monday, March 29, 2021. Commissioner Wood moved to approve and adopt the changes to the employee handbook effective April 22, 2021, Commissioner Cowen seconded, and the motion passed by a vote of 4-1, with Commissioner Reed voting Nay. Commissioner Reed noted that he was supportive of the policy amendments but voted Nay because he is opposed to the effective date of the policy amendments only.

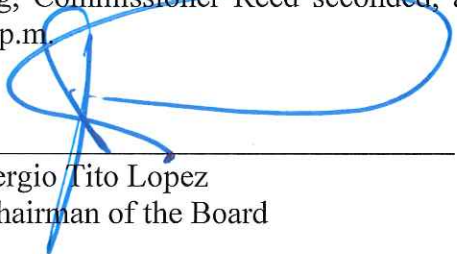
12. Adjournment.

Commissioner Cowen moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 6:42 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board