

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD MARCH 15, 2023 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 on **Wednesday, March 15, 2023 at 5:30 p.m.** The following individuals were present and absent:

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

**ABSENT:** None

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

**STAFF MEMBERS:** Ariel Chavez  
Michael Davis  
Chief William Dietrich  
Arturo Gomez  
Jose Herrera  
Jorge Montero  
Margie Recio  
Memo Rico  
Miguel Barajas  
Tony Rodriguez  
Melinda Rodriguez  
Janie Velasquez  
Zeus Yanez

**OTHERS PRESENT:** Rev. Andreas Lewis  
Jorge De La Colina  
Jim Chapman  
Bill Berg

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:32 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**

Jim Chapman addressed the Board regarding Item 6.

Bill Berg addressed the Board regarding Item 6.

### **3. Receive Director's Report**

#### **a. Receive Port Monthly Operations Summary Report**

The Board received the reports. 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 March 1, 2023.
- b. Approval to authorize payments over \$25,000.00:
  1. HDR Engineering Inc, the amount of \$78,021.50, for BND Cargo Dock 3 – Phase 1 project; and
  2. RLB Contracting, Inc., the amount of \$1,440,000.00, for 2022 Placement Areas 5B, 7 & 8 improvements.

Commissioner Reed moved to approve all consent agenda items, Commissioner Wood seconded, and the motion passed unanimously.

#### **5. Consideration and Action on Stevedore and Freight Handler's License Renewal Application for: Dix Industries, Inc.**

Commissioner Lopez moved to approve the renewal of the license as presented, Commissioner Cowen seconded, and the motion passed unanimously.

#### **6. Consideration and Action on resolution in support of conversation of Las Lomas.**

The District has worked on various efforts aimed at protecting ecologically and environmentally sensitive sites. These efforts have included working on projects with government agencies, non-profit organizations, community partners, and Port stakeholders. The District wishes to support conservation efforts to protect and preserve Las Lomas located on District property. Commissioner Wood moved to approve the resolution as presented, Commissioner Cowen seconded, and the motion passed unanimously.

#### **7. Consideration and Action on Assignments, Negotiations, Easements, Subleases, and Contracts in General.**

Mrs. Rodriguez addressed the Board regarding the following items:

##### **1. IOC Company, LLC (Authority to Negotiate)**

IOC Company, LLC is interested in leasing approximately 3.9 acres located at Fisherman's Place Road and Gator Court at the Fishing Harbor. Staff sought authority to negotiate a new lease for a term of 1 year with one renewal option of one year - Tract 1: 1.63 acres Tract 2: 2.27 acres. The purpose of the lease is for a water loading facility; offload and storage aggregates. Commissioner Lopez moved to authorize staff to negotiate a new lease with IOC Company, LLC, Commissioner Cowen seconded, and the motion passed unanimously.

##### **2. Robco Transport LLC (Authority to Negotiate)**

Chairman Guerra announced he would be abstaining from discussion and voting on this item, and left the board room. Commissioner Cowen assumed the role of Chairman.

Robco Transport LLC is interested in leasing approximately 2.04 acres located at 9000 Old S.H.

48. Staff sought authority to negotiate a new lease for a term of one year. The purpose of the lease is for office space and truck staging. Commissioner Lopez moved to approve the Authority to Negotiate for Robco Transport LLC, Commissioner Reed seconded, and the motion passed by a vote of 4-0 with Chairman Guerra abstaining.

3. Friends of the Rio Grande Valley Reef, Inc. (**Amendment to Lease**)

Chairman Guerra returned to the meeting and assumed the role of Chairman.

Friends of the Rio Grande Valley Reef, Inc. is seeking an amendment to their current lease BND Contract #4435 to extend the term of the lease effective as of January 20, 2023 for one (1) additional year, expiring on January 19, 2024. This site is located at 501 Express Dock Road. The purpose of the lease is for storing bricks, concrete blocks, and rip rap for offshore development of an artificial reef. Commissioner Reed moved to approve the Amendment to Lease for Friends of the Rio Grande Valley Reef, Inc., Commissioner Wood seconded, and the motion passed unanimously.

8. **Consideration and Action to authorize Staff to advertise and solicit for proposals for the District's property and liability insurance program.**

Mrs. Recio addressed the Board requesting authorization for Staff to advertise and solicit for proposals for the District's property and liability insurance program. Staff has been working with the District's Insurance consultant, Susan Gola of McGriff Insurance Services in putting together the Request for Proposals packet for the District's Property and Liability insurance program. The proposals are usually solicited by direct contact from the District's consultant to the market, however, the District is required to advertise in the local newspaper as well. The District's current coverages are due to expire on June 1<sup>st</sup>. Commissioner Lopez moved to authorize Staff to advertise and solicit for proposals for the District's property and liability insurance program, Commissioner Cowen seconded, and the motion passed unanimously.

9. **Consideration and Action for Professional Services with SCAN13, Inc. to include Risk Management Platform and Cyber Program Assessment and Annex (Cybersecurity Plan Maintenance).**

Commissioner Cowen moved to table this item, Commissioner Lopez 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 Cowen moved to adjourn into executive session, Commissioner Lopez seconded, and the motion passed unanimously. The Chairman then announced that the time was 5:56 p.m., and that the Board would adjourn into executive session.

Commissioner Lopez moved to reconvene in open session, Commissioner Wood seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:28 p.m., and

that the Board had reconvened in open session.

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

There was none.

Chairman then recalled item 9.

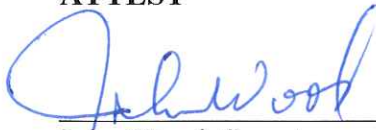
**Consideration and Action for Professional Services with SCAN13, Inc. to include Risk Management Platform and Cyber Program Assessment and Annex (Cybersecurity Plan Maintenance).**


Mr. Campirano addressed the Board requesting authorization for Professional Services with SCAN13, Inc. to include Risk Management Platform and Cyber Program Assessment and Annex (Cybersecurity Plan Maintenance). SCAN 13 has been providing professional information technology Risk Management Platform services and training at the port since 2019. In that capacity, SCAN 13 has provided the port with annual IT cyber risk assessments, audit trail collection and reporting, guidance on the implementation of critical IT-centric business practices, as well as employee training focused on reducing security risks by creating end-user awareness. Additionally, in 2022 they conducted a Cyber Program Assessment and Annex (Cybersecurity Plan Maintenance) of the Facility Security Plan (FSP). The Cyber Program Assessment and Annex (Cybersecurity Plan Maintenance) is a sensitive document that contains restricted information which is governed by the Maritime Security Act (MTSA) and overseen by the U.S Coast Guard. Navigation and Vessel Inspection Circular - (NVIC) 1-20 calls for increased cybersecurity and cyber risk management controls for which Scan-13 has been the primary source of expertise in the creation of the Annex for this FSP. Under the direction of Chief William Dietrich, BND Facility Security Officer (FSO), Scan-13 is the primary and sole Cybersecurity Plan Maintenance expert, due to their extensive and proprietary knowledge of the District's information systems and operation, for cyber security risk management under the port's FSP. Commissioner Cowen moved to approve Professional Services with SCAN 13, Inc. for the Risk Management Platform and Cybersecurity Plan Maintenance, Commissioner Wood seconded, and the motion passed unanimously.

**12. Adjournment.**

Commissioner Lopez moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:30 p.m.

ATTEST

  
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John Wood, Secretary

  
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Esteban Guerra  
Chairman of the Board