

**CALHOUN PORT AUTHORITY
REGULAR MEETING
June 9, 2021**

A regular meeting of the Calhoun Port Authority was held on Wednesday, June 9, 2021 at 9:00 a.m. in the Calhoun Port Authority Board Room, Calhoun Port Authority Office, Point Comfort, Texas

Board Members attending in person or via telephone were:

Commissioner # 1 – Marty Strakos
Commissioner # 2 – Jay Cuellar
Commissioner # 3 – J.C. Melcher, Jr.
Commissioner # 4 – Luis De La Garza
Commissioner # 5 – Johnny Perez
Commissioner # 6 – Dan Krueger – via telephone

Staff Members attending were:

Charles R. Hausmann – Port Director
Forrest Hawes – Deputy Port Director
Alan Sanders – Moore Landrey Law Firm
Felicia Harral – Director of Engineering
Miranda Malek – Administrative Assistant

Others attending were:

Greg Salinas – McCall, Parkhurst & Horton
Scott Sheldon – Moore Landrey Law Firm – via telephone
Greg Macksood – Stalwart Strategies
Aaron Martin – NGL
Steve Svetlik – Max Midstream
Todd Edwards – Max Midstream
Mark Ellis – Hilltop Securities
Jack Wu – Formosa Plastics Corporation
Mark Rosenberg – *The Advocate*
DD Turner – *The Wave*

Agenda Item No. 1: Call to Order:

Board Chair Luis De La Garza called the Regular Meeting to order at approximately 9:00 a.m. He announced that the agenda of the meeting was posted in accordance with the provisions of the Texas Open Meetings Act.

The Pledge of Allegiance was led by Board Chair Luis De La Garza.

Agenda Item No. 2: Public Comment.

No action was taken on this agenda item.

Agenda Item No. 3: Approve the minutes of the Wednesday, May 12, 2021 Regular Meeting and the Wednesday, May 19, 2021 Special Meeting and the Tuesday, May 25, 2021 Special Meeting.

The Board Members reviewed the minutes from the Wednesday, May 12, 2021 Regular Meeting and the Wednesday, May 19, 2021 Special Meeting and the Tuesday, May 25, 2021 Special Meeting. Pursuant to further review and discussion, a motion was made by Board Member J. C. Melcher, Jr. to

approve the minutes as presented. The motion was seconded by Board Secretary Johnny Perez and the motion carried unanimously.

Agenda Item No. 4: Review of Financial Reports: All Funds.

Deputy Director Forrest Hawes presented the following financial information to the Board Members for Review:

Fund Balance Report as of May 31, 2021:

- 1.) Accounts Receivable Report as of May 31, 2021
- 2.) Mr. Hawes reported to the Board Members that the accounts receivable report specified that the accounts receivable was 84% current as of May 31, 2021.

Agenda Item No. 5: Approval of Disbursements and Transfers: All Funds

The Board Members reviewed the June 9, 2021 Port Operations Account disbursements. Pursuant to review, a motion was made by Board Secretary Johnny Perez to approve disbursements and the corresponding transfers for June 9, 2021. The motion was seconded by Board Member Jay Cuellar and the motion carried that the disbursements and the corresponding transfers be approved.

TRANSFER NO.	FUND ACCOUNT	AMOUNT
GROSS REVENUE FUND		
2021-037	To Port Operations Fund	\$78,914.02
2021-039	To Port Operations Fund	\$69,724.80
2021-041	To Port Operations Fund	\$211,427.49
	Total	\$360,066.31
BUSINESS DEVELOPMENT FUND		
2021-041	To Port Operations Fund	\$657.01
	Total	\$657.01
DEPRECIATION & MAJOR REPAIR FUND		
	To Port Operations Fund	\$
	Total	\$
AN/NH3 OPERATING FUND		
2021-041	To Port Operations Fund	\$630,514.72
	Total	\$630,514.72
TOTAL TRANSFERS TO PORT OPERATIONS ACCOUNT		\$991,238.04

INTERFUND TRANSFERS

DATE	FROM	TO	AMOUNT
6/9/21	AN/NH3 Operating	AN/NH3 Dep M/R	\$7,500.00
	Total		\$7,500.00

Agenda Item No. 6: Port Director's Report.

Charles R. Hausmann, Port Director, reported the following:

A. Harbor Traffic Statistics for the month of May:

That a total of 100 vessels had arrived at the public port facilities during the month of May; 23 deep draft arrivals and 77 inland barges and a total of 174 invoices were issued. Further, that 10 deep draft vessels were already on schedule for June arrival.

Total revenue tons for the month of May were 368,392.2 short tons. Total throughput for the first eleven months of FY2021 were 3,326,030.9.

B. NGL loaded out 6 crude oil barges totaling 17,340.8 short tons.

C. Harvest loaded out 4 crude oil barges totaling 14,822.1 short tons.

D. Seadrift Coke loaded out 6 barges totaling 9,131.7 short tons to 1 ship for export.

E. Max Midstream loaded out 6 crude oil barges totaling 13,530.1 short tons.

Agenda Item No. 7: Review and Consideration of Approval of Board Members

Committee/Conference Attendance.

Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the Committee/Conference attendance. The motion was seconded by Board Secretary Johnny Perez and the motion carried unanimously.

Agenda Item No. 10: Review and Consideration of Authorization to Advertise for Bids for the LD-1 Dredging Project.

The Board Members reviewed a copy of a memorandum from Port Engineer Felicia Harral requesting authorization to bid for the LD-1 Dredging Project along with a tentative schedule. Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the authorization to advertise for bids for the LD-1 Dredging Project. The motion was seconded by Board Secretary Johnny Perez and the motion carried 5-1 with Board Member J. C. Melcher, Jr casting an opposing vote.

The Regular Meeting was recessed for a meeting of the Calhoun County Navigation Industrial Development Authority at 9:15 am. The meeting reconvened at 9:26 am.

Agenda Item No. 8: Consideration and adoption of a Resolution Approving the Calhoun County Navigation Industrial Development Authority's Resolution Authorizing Calhoun County Navigation Industrial Development Authority Facility Senior Revenue Notes (Max Midstream Texas, LLC Project), Series 2021A (Tax-Exempt AMT) and Calhoun County Navigation Industrial Development Authority Facility Senior Revenue Notes (Max Midstream Texas, LLC Project).

Series 2021B (Taxable); Authorizing the Execution of an Indenture of Trust, a Load Agreement, and a Purchase Agreements; Approval of a Limited Offering Memorandum; and Other Matters in Connection Therewith.

Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the adoption of a Resolution Approving the Calhoun County Navigation Industrial Development Authority's Resolution Authorizing Calhoun County Navigation Industrial Development Authority Facility Senior Revenue Notes (Max Midstream Texas, LLC Project), Series 2021A (Tax-Exempt AMT) and Calhoun County Navigation Industrial Development Authority Facility Senior Revenue Notes (Max Midstream Texas, LLC Project), Series 2021B (Taxable); Authorizing the Execution of an Indenture of Trust, a Load Agreement, and a Purchase Agreements; Approval of a Limited Offering Memorandum; and Other Matters in Connection Therewith. The motion was seconded by Board Member J. C. Melcher, Jr. and the motion carried unanimously.

Agenda Item No. 9: Presentation and Discussion by Greg Macksood of Stalwart Strategies reviewing the State of Texas Legislative Session.

No action was taken on this agenda item.

Agenda Item No. 11: Review and Consideration of Ratifying Insurance Coverage Acquired for May 1, 2021 to April 30, 2022 and Approve Payment of Coverage and Fund Transfers.

No action was taken on this agenda item.

Agenda Item No. 12: Closed Session: As Authorized by Tex. Gov't Code §551.087(1); to discuss or deliberate regarding commercial information that the Port has received from a business prospect that the Port seek to have locate, stay, or expand in or near the territory of the Port and with which the Port is conducting economic development negotiations. Noa discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.072 for the purpose of discussion with respect to the purchase, exchange, lease or value of real property. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.071(2): to seek the advice of its attorney. No discussions or deliberations with legal counsel shall be conducted in the presence of any business prospect or any other third party that may result in waiver of the attorney-client privilege.

Board Chair Luis De La Garza announced that As Authorized by Tex. Gov't Code §551.087(1); to discuss or deliberate regarding commercial information that the Port has received from a business prospect that the Port seek to have locate, stay, or expand in or near the territory of the Port and with which the Port is conducting economic development negotiations. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.072 for the purpose of discussion with respect to the purchase, exchange, lease or value of real property. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.071(2): to seek the advice of its attorney. No discussions or deliberations with legal counsel shall be conducted in the presence of any business prospect or any other third party that may result in waiver of the attorney-client privilege.

“No action or consensus would be taken in closed session”. The Board convened in Closed Session at 9:57 a.m. after a 5-minute recess.

Agenda Item No. 13: Return to Open Session and take any action deemed necessary based on discussion in Closed Session.

The Board adjourned the Closed Session at 10:41 a.m. Board Chair Luis De La Garza announced that “No action or consensus had been taken in closed session”.

Agenda Item No. 14: Adjourn.

There being no further business to be brought before the Board, a motion was duly made that the meeting be declared adjourned at approximately 10:42 a.m. on Wednesday, June 9, 2021.



Luis De La Garza, Board Chair

ATTEST:



Johnny Perez, Board Secretary