

**NOTICE OF MEETING  
THE PORT OF BEAUMONT NAVIGATION DISTRICT  
OF JEFFERSON COUNTY, TEXAS  
TELEPHONIC MEETING**

June 29, 2020  
10 a.m.

**NOTICE IS HEREBY GIVEN** in accordance with order of the Office of the Governor issued March 16, 2020. The Port of Beaumont Navigation District of Jefferson County, Texas, will conduct its Regular Meeting, scheduled for Monday, June 29, 2020, at 10 a.m., located at The Port District Building, 1225 Main Street, Beaumont, Texas, by telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the COVID-19. There will be no public access to the location above.

The public toll-free dial-in-number to participate in the telephonic meeting is hosted through Conference Calling. The Toll-Free Dial-In Number is: 1-832-917-1510 and the Access Code Number is: 541259.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act, upon written request.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPOINTMENT OF OFFICERS**

1. Consideration and possible appointment of officers for board positions of President, Vice President and Secretary-Treasurer:
  - a) Appointment of board President.
  - b) Appointment of board Vice President.
  - c) Appointment of board Secretary-Treasurer.

**PUBLIC COMMENTS**

2. General public comments will be taken from the audience on any subject matter, whether that item is on the agenda or not. While your comments are appreciated, all speakers are limited to a maximum three minutes. As the Texas Open Meetings Act does not allow the Board to respond to items not listed on the agenda, your comments will be noted by the Board and forwarded to the Port Director. A member of the audience who desires to address the Board is requested to make it known at the start of the meeting.

## **CONSENT AGENDA**

3. a) Approval of minutes of the May 18, 2020 regular meeting.
- b) Approval of accounts payable checks over \$25,000 for the month of May 2020.
- c) Approval of commissioner expense report for the month of May 2020.

## **REGULAR AGENDA**

4. Presentation by financial advisor and legal counsel as to the Port of Beaumont Navigation District of Jefferson County, Texas General Obligation Bonds, Series 2020 (the "Bonds") issued for the purpose of acquiring, purchasing, constructing, improving and developing wharves, docks, warehouses, other storage facilities, terminal facilities, rail facilities and other facilities or aids to navigation consistent with or necessary to the operation or development of the Port and waterways within the Port, including the acquisition of necessary lands, together with all expenses incident thereto.
5. Consideration and possible action in accordance with Chapter 1371, Texas Government Code, as amended, to delegate to a designated pricing officer (the "Pricing Officer") the authority to determine the principal amount of the Bonds to be issued and negotiate the terms of the sale thereof to be included in a pricing certificate (the "Pricing Certificate") to be executed by the duly authorized Port representative (the "Pricing Officer").
6. Consideration and possible approval of an ORDER AUTHORIZING THE ISSUANCE OF THE PORT OF BEAUMONT NAVIGATION DISTRICT OF JEFFERSON COUNTY, TEXAS GENERAL OBLIGATION BONDS, SERIES 2020; PROVIDING THE TERMS AND CONDITIONS OF THE BONDS AND RESOLVING OTHER MATTERS INSTANT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF THE BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING APPROVAL OF AN OFFICIAL STATEMENT; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED PORT REPRESENTATIVE
7. Consideration and possible action to authorize the Port Commission President or the Port Director and Chief Executive Officer to execute and deliver certificates, agreements, affidavits, notices and documents as necessary to proceed with the issuance and sale of the Bonds and authorizing said Port representatives to take such other actions as may be necessary for the issuance, sale and delivery of the Bonds.
8. Consideration and possible action to authorize the issuance and delivery of an Official Statement by the duly authorized representatives of the Port.
9. Consideration and possible action to approve engagement letter with Germer PLLC as Bond Counsel.
10. Consideration and possible approval of depository renewal agreement with BBVA.
11. Consideration and possible approval of interlocal agreement between the Port of Beaumont and the Sabine-Neches Navigation District.

12. Consideration and possible approval of Change Order No. 1 to the Carroll Street Bridge Project.
13. Executive Director's report to the Commission, including port financial matters and reports, port administrative and policy issues, port marketing and promotion & development efforts, port cargo and operations activity and/or port facilities and capital programs.
14. Board of Commissioners comments on matters of community interest.
15. Executive Session (Closed to the Public) – Board will convene in a closed session under Chapter 551 of the Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.082, 551.083, 551.084 and/or 551.087 to deliberate on the following:
  - a. Section 551.074 — Evaluation of the Port Director & CEO
  - b. Section 551.072—To deliberate the purchase, exchange, lease or value of real property.
    - i. *Louis Dreyfus Lease*
    - ii. *Orange County Terminal development*
    - iii. *Charlton-Pollard Transitional Area*
  - c. Section 551.071 Government Code—To discuss pending and potential litigation:
    - i. *James J. Flanagan Shipping Corporation and P.C. Pfeiffer Co. Inc. vs. Port of Beaumont Navigation District of Jefferson County, Texas and David C. Fisher in his Official Capacity as Port Director and Chief Executive Officer, Cause No. 1:20-cv-191, U.S. District Court for the Eastern District of Texas, Beaumont Division*
    - ii. *Kevin Andrus v. James J. Flanagan Shipping Corporation; Vestas-American Wind Technology, Inc.; Sea O.G., LLC; and Port of Beaumont Navigation District of Jefferson County, Texas, Cause No. D-202839, 136<sup>th</sup> District Court.*
    - iii. *David W. Mickles v. P.C. Pfeiffer Co. Inc.; Suzano Pulp and Paper America, Inc.; and Port of Beaumont Navigation District of Jefferson County, Texas, Cause No. D-202840, 136<sup>th</sup> District Court*
    - iv. *Gloria Broussard, as representative of the Estate of Pamela D. Thomas vs. James J. Flanagan Shipping Corporation; P.C. Pfeiffer Co., Inc.; Suzano Pulp and Paper America, Inc.; and Joseph Zeno, Cause No. E-204177, 172<sup>nd</sup> District Court*
16. Consideration and possible action on Louis Dreyfus Corporation Lease Termination Agreement and Mutual Release.
17. Consideration and possible approval of a temporary easement agreements with Jefferson Cross Channel Pipeline LLC.

18. Consideration and possible approval of a permanent easement agreements with Jefferson Cross Channel Pipeline LLC.

This Notice of Meeting is given and posted pursuant to the Texas Open Meetings Act, contained in Chapter 551 of the Texas Government Code. Capitalized words and phrases have the meaning given to them in the Act. The Meeting will be held at the Date, Time and Place stated above. The Board of Directors of the Governmental Body will Deliberate upon the items listed in the Agenda above. Any Agenda item is subject to discussion only, action only, or both discussion and action. All portions of the Meeting shall be Open, unless a Closed Meeting is held when permitted, and in the manner specified, by the Act. If the Act permits all or any portion of the Deliberation of an Agenda item to be Closed, the Governing Body may enter into a Closed Meeting whether or not the Agenda item below states that a Closed Meeting for such item is anticipated. Agenda items are not required to be considered in the same order as listed in the Agenda. Any Agenda item(s) may be tabled for Deliberation at a later Meeting, or removed from the Agenda. Any such tabled or removed Agenda item may be placed on an Agenda for a later Meeting for which Notice has been given and posted pursuant to the Act.

The Board of Commissioners of  
the Port of Beaumont Navigation  
District of Jefferson County, Texas

By: David C. Fisher  
Port Director & CEO

Dated: June 25, 2020