

**MINUTES OF VIDEOCONFERENCE MEETING NO. 2364
COMMISSIONERS OF
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7**

Place: 4749 Twin City Highway, Suite 300
Port Arthur, Texas

Date: January 18, 2022

Present: Commissioners
Richard Beaumont
Lester Champagne
Albert Moses, Jr.
James Gamble, Sr.
Matthew Vincent
Phil Kelley, Manager

Visitors: Allen Sims, DD7
Brady Girouard, DD7
Garrett Boudoin, DD7
Dean Depew, DD7
Kim Carroll, Texan Engineering & Consulting, LLC (Via Zoom)

The meeting was called to order at 2:00 p.m. by Chairman Beaumont after ascertaining that the Notice of Meeting had been posted in accordance with the law.

Commissioner Moses gave the invocation.

Minutes of Meeting No. 2363

The Minutes of Meeting No. 2363 was approved as read.

Consider Sale of Additional Surplus Property

Mr. Phil Kelley stated there were several items left off the surplus property list submitted at the first meeting in December 2021, and he requested the declaration of and approval to sell the additional surplus property. A listing of the miscellaneous items was submitted as follows:

1. Rhino CY72 Mower -Incomplete (Parts)
2. 3 Qty 16.9 X28 Rear Backhoe Tires

3. 5 Qty 7.50 X 16Tire & Wheel – Tractor
4. 2 Qty 9.00 X 20Tire & Wheel - Dump Truck
5. 1 Qty10.00 X16Tire & Wheel– Backhoe
6. 1 Qty 13.6 X28Tire & Wheel –Tractor
7. 1 Qty 16.9 X 28 Tire& Wheel 555E
8. 1 Qty 16.9 X 30 Tire & Wheel – Tractor
9. 2 Qty 18.4 X 30 Tire & Wheel – Tractor
10. 1 Qty 19.5 Tire & Wheel – GMC 5500
11. Set of Used Tracks for Bobcat T 595 Skid Steer

Commissioner Moses moved to declare the additional subject property as surplus and to be sold. Commissioner Champagne seconded the motion. The motion carried.

Consider Approval to Advertise for Bids for Improvements to Blocks Bayou Ditch Phase 1 Project

Mr. Phil Kelley stated that Kim Carroll and Garrett Boudoin have been working on this project for a while. The project will be done in two (2) phases with Phase 1 being the majority of the open channel and Phase 2 being the underground from where the District's channel starts back across Port Neches Avenue to the connecting channel in town. Mr. Boudoin stated they are approximately two (2) weeks out from being ready to advertise and the plans are about eighty to ninety-five percent (80-95%) complete. Contract documents are currently under final review. Mr. Kelley asked if the project involved removing and replacing the entire concrete channel, and Mr. Boudoin answered yes, it will be a wider section with softer side slopes. Mr. Kim Carroll stated it will increase the capacity a little, and Mr. Brady Girouard stated it will reduce the velocity on the connection to the earthen section where scouring problems have occurred in the past. Commissioner Vincent moved to approve to advertise for bids for

Improvements to Blocks Bayou Ditch Phase 1 Project. Commissioner Champagne seconded the motion. The motion carried.

Consider Resolution Authorizing Interlocal Agreement with Jefferson County, Texas

Resolution No. 483 Authorizing Interlocal Agreement with Jefferson County, Texas was submitted for consideration. Mr. Allen Sims has been working with Michelle Falgout, the County's Engineer, on the culvert crossing repair at Hebert Road and John's Gully located in Precinct No. 3. The County received funding from FEMA for the repairs due to damages from Hurricane Harvey. There are scouring issues along the culvert pipe at Hebert Road and John's Gully, and the County wants to change the culvert to make it a larger crossing to decrease the water from going over the road. The grant money will cover material costs but will not cover the expense for going out for bids. The County has requested the District to provide the labor and equipment for the repair and all work needed that would be performed by contract services. Once the culvert is removed and replaced by the District, the County will build the road. Commissioner Moses moved to approve the Resolution Authorizing Interlocal Agreement with Jefferson County, Texas. Commissioner Champagne seconded the motion. The motion carried. A copy of Resolution No. 483 is attached hereto and made a part of these minutes.

Consider Resolution Authorizing Signing of Checks, Etc.

Resolution No. 484 Authorizing Signing of Checks, Etc. was submitted to the Board for consideration. Mr. Phil Kelley stated with the staff changes due to Julie Ferguson's retirement, a Resolution needs to be approved replacing her with Diane

Smith as a signatory on the District's bank accounts, with the exception of the payroll account. Mr. Kelley further stated he wants to add Allen Sims as a signatory on all bank accounts, including the payroll account. Commissioner Champagne moved to approve Resolution No. 484 Authorizing Signing of Checks, Etc. Commissioner Moses seconded the motion. The motion carried. A copy of Resolution No. 484 is attached hereto and made a part of these minutes.

Sabine Pass to Galveston Bay Project Summary

Mr. Brady Girouard gave a brief update on the Sabine Pass to Galveston Bay Project Summary (SP2GB). Contract 1 is nearing the end of construction and coordination efforts are being made and going smoothly with Valero on Contract 3 to facilitate their needs with the Diamond Green Project. Contract 3 has the Valero East West Pipe Rack Project underway. A pre-construction meeting was held last week, and the project will be bid on February 25 with work anticipated to start on March 1. All of the other contracts remain the same. Next week, Phil Kelley, Allen Sims and Brady Girouard will be traveling to the USACE Research and Development Center, f/k/a Waterways Research Center, in Vicksburg, Mississippi to have discussions regarding Contracts 4 and 5. This is where a lot of evaluations are done. They have a hydraulic center that models rivers around the United States. In their hydraulic work, it was indicated that there were some slight levee raise in some areas that were not a part of the SP2GB Project at the start. This will be discussed at the meeting, and risk factors are also reviewed. The meeting is an opportunity for District staff to bring some common sense to the situation. Commissioner Moses asked with the new business

such as the new LNG Plant coming into Port Arthur and being in the same area as a lot of the SP2GB Project work, will everyone be able to coordinate all the traffic and work? There is a levee raise to be performed in the area out by Valero toward Sabine Pass that crosses Highway 87 within Contract 3A of the SP2GB Project. There is no specific date for this contract to be awarded, and it is hoped that this particular contract is far enough away that the LNG traffic and work will not continue this long. The District staff has already advised the Corps and TXDOT of this situation and all will be coordinated as best it can. District staff will stay aware of everything being coordinated although the Corps is the one who does the design and the contracting. District staff has previously met with TXDOT representatives on the Sabine to Galveston Project and other matters, and it was discussed to start meeting every quarter to make sure everything is coordinated. The District is beginning to get more and more active in working with TXDOT, which is a good thing.

Manager's Miscellaneous Reports/Financials

Since the date of the last Commissioner's meeting, the following work has been done:

HFPL Maintenance/Herbicide Crew

Herbicide Application:

- PS17 Pit, S. Port Acres B, Touch ups in Nederland, Port Neches & Port Arthur.
- North St. Ditch, KCS, DD7 Yard

Levee:

- Prepping for HFPL repair a Sta. 1479+00 to 1485+50
- Ordered stainless steel flap gate to replace damaged closure structure 50A.

Misc.:

- Completed Rodair Gully Lat. 4 repair
- Checked crossings and flap gates.
- Ordered material to replace gate and fence a Johns Gully & 3514.
- Repaired gate at HFPL & Hwy. 73.
- Repaired gate at Crane Bayou.
- Repaired washout/crossing on Rodair Gully.

Contractor:

- Duck's Dragline Service: Rodair Gully Lat. 4 Repair. Completed
- Moved Ducks Dragline to HFPL repair site.

Construction Notes - Alligator Bayou Pump Station Annex
December 27, 2021 – January 7, 2022

Monday, December 27:

Alligator Project; Allco did work on site today; however, DD7's site representative was off, so a daily report was not generated.

Tuesday, December 28:

Alligator Project; Allco did work on site today; however, DD7's site representative was off, so a daily report was not generated.

Wednesday, December 29:

Alligator Project; Allco did work on site today; however, DD7's site representative was off, so a daily report was not generated.

Thursday, December 30:

Alligator Project; Allco did work on site today; however, DD7's site representative was off, so a daily report was not generated.

Friday, December 31:

Alligator Project; DD7 and Allco are not working on site in observance of the New Year holiday break.

Monday, January 3:

Alligator Project; Allco worked on site today. Weather conditions were sunny. The site conditions were dry.

Allco's superintendents (2) on site (Terrell and Joe) with (6) operators/laborers reported.

Allco is laying articulated concrete flex mats on the North bank of the intake bay up to the bridge.

Tuesday, January 4:

Alligator Project; Allco worked on site today. Weather conditions were sunny. The site conditions were dry.

Allco superintendents (2) on site (Joe and Terrell) with (6) operators/laborers reported.

Allco is digging around the sides of the sheet pile and cutting the piling off below ground level, approximately 2 feet below grade. Allco's crew is also demobilizing the 110-ton crane off the job site.

Wednesday, January 5:

Alligator Project; Allco worked on site today. Weather conditions were sunny. The site conditions were dry.

Allco superintendents (2) on site (Joe and Terrell).

Allco is cutting the sheet piling off the cofferdam.

Thursday, January 6:

Alligator Project; Allco worked on site today. Weather conditions were sunny. The site conditions were dry.

Allco superintendents (2) on site (Joe and Terrell).

Allco is working on the cofferdam.

BLTI is on site (2) working on the computer system.

Friday, January 7:

Alligator Project; Allco did work on site today; however, DD7's site representative was off, so a daily report was not generated.

Mr. Phil Kelley presented the financial statements prepared by FMW, P.C. for the period ended December 31, 2021, and gave a collateral securities report as of December 31, 2021.

Mr. Dean Depew reported that the 60" pump that was being repaired for Foley Pump Station is due to be received back on Wednesday of this week. The gears for the four (4) new engines are held up in Belgium. The design and build for the new SCADA systems is still underway, and it is hoped to be complete by April.

Mr. Kelley reported that the Gulf Coast Protection District ("GCPD") meeting was held at the ISTC Building in Jefferson County last week. The District's Chairman and Vice-Chairman attended. The meeting went very well, and several attendees were taken on a tour and shown the work included in the SP2GB Project so they could get an understanding of why it is costing so much to relocate the pipe racks. The tour concluded a little after 3:00 p.m.

Checks & Purchase Orders
Maintenance Fund

Ck. No. 19567 – 4 Horn Industrial
\$5,294.80 – Dozer Rental 12/22/21-01/07/22

Ck. No. 19568 – Allterra Central, Inc.
\$250.00 – GPS Network-Annual Fee

Ck. No. 19569 – Duck's Dragline Service, Inc.
\$8,140.00 – Rental Cutter Head 01/5-091/13/22 and
Rental LS250X3 Trackhoe 01/05-01/13/22

Ck. No. 19570 – Funchess, Mills & White & Co., P.C.
\$2,300.00 – Accounting Services

Ck. No. 19571 – Groves Equipment Rental Co., Inc.
\$2,700.00 – Rental 15 Ton Crane 12/17/21-01/16/22

Ck. No. 19572 – Jeffrey S. Ward & Associates, Inc.
\$5,000.00 – HMGP Services

Ck. No. 19573 – LJA Engineering, Inc.
\$5,024.45 – Stormwater Management Plan and Develop Data
Collection System (2)

Ck. No. 19574 – LJA Environmental Services LLC
\$945.00 – A3A Detention HMGP Project

Ck. No. 19575 – M&S Unlimited Services, LLC
\$1,800.00 – 3 Transport Truck Rentals, Tractors from Yard to

Horn Auction, Miscellaneous Equipment at Fab Shop to
Horn Auction and Motors at Fab Shop to Horn Auction

Ck. No. 19576 – Mutual of Omaha Companies
\$1,155.00 – Health Insurance Payment

Ck. No. 19577 – National Networks
\$450.00 – Duplex Cable Drop

Ck. No. 19578 – Ron Lewis & Associates
\$3,500.00 – Legislative Consulting Fees

Ck. No. 19579 – Sigma Engineers, Inc.
\$1,749.20 – Main Office Upgrade

Ck. No. 19580 – TWCA Risk Management Fund
\$967.00 – FY 20/21 Insurance Final Audit

Ck. No. 19581 – Wastewater Specialties, LLC
\$14,955.24 – Sludge Removal at PS No. 7

Ck. No. 19582 - Waukesha-Pearce Industries, Inc.
\$3,559.00 - Rental of Bomag Compactor 12/08/21-01/05/22

Ck. No. 19583 – Duck’s Dragline Service, Inc.
\$2,880.00 – Contract Labor-Operator & Trackhoe Rental, Rodair Lat. 4

Ck. No. 19584 - FILMR, LLC
\$120.00 – Social Media Posts

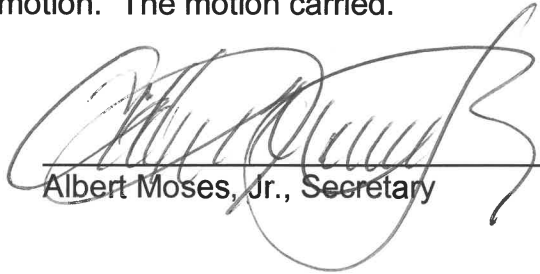
Ck. No. 19585 – National Networks
\$3,703.74 – February Monthly Computer Service

Ck. No. 5024 – LJA Surveying, Inc.
\$11,721.00 – Work-in-Kind Surveying (SP2GB Project)

Commissioner Vincent moved that the checks from the Maintenance Fund be approved for payment. Commissioner Champagne seconded the motion. The motion carried.

Chairman Beaumont asked if there was any other business to come before the Board. Commissioner Champagne asked if there was any news on the closing for the property at 3033 Oak West in Nederland. Mr. Pete Steele, the District's attorney, asked Mr. Kelley if he had heard from the realtor. Mr. Kelley stated he has not heard from anyone, and the closing is still set for January 27, 2022.

At 2:23 p.m., Commissioner Champagne moved that the meeting be adjourned. Commissioner Vincent seconded the motion. The motion carried.



Albert Moses, Jr., Secretary



Richard Beaumont, Chairman

Road and John's Gully located in Precinct No. 3 as shown in construction plans in Attachment A to the Interlocal Agreement.

That the General Manager be, and hereby is, authorized to take any and all action and is authorized to execute any and all instruments, documents, or filings in connection with the accomplishment of the transactions outlined in this resolution and to certify the adoption of such resolutions to such parties which such General Manager deems necessary or appropriate.

I, Albert Moses, Jr., Secretary of the Board of Commissioners of Jefferson County Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District No. 7, at their meeting No. 2364 held on the 18th day of January, 2022, upon motion made by Commissioner Moses and seconded by Commissioner Champagne and adopted unanimously by said Board, a quorum being present.

Given under my hand this 18th day of January, 2022.


Secretary
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7

STATE OF TEXAS

COUNTY OF JEFFERSON

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INTERLOCAL AGREEMENT

WHEREAS, Jefferson County, Texas, by and through its Commissioners' Court as authorized by Chapter 791 of the Government Code and Jefferson County Drainage District 7 (DD7), a body politic of the State of Texas, for the mutual benefit of the citizens they serve, desire to enter into a contract regarding the repair of the culvert crossing at Hebert Road and John's Gully located in Precinct #3 as shown in construction plans in Attachment A, pursuant to Chapter 791 Texas Government Code; and,

WHEREAS, Jefferson County has received funding from FEMA for the Hebert Road culvert crossing repairs due to damages from Hurricane Harvey in the amount of \$47,564.00; and

WHEREAS, Jefferson County does not have an adequate supply of labor or equipment suited for the described necessary work and all work would need to be performed by contract services; and

WHEREAS, through the performance of the project with construction labor and equipment being provided by DD7, the project will be performed more cost effectively and efficiently for the benefit of all parties and the citizens of Jefferson County; and

NOW, THEREFORE, KNOW ALL BY THESE PRESENT:

DD7 and Jefferson County hereby agree to the following as it relates to the repair and upgrade of the culvert crossing at Hebert Road and John's Gully:

1. Jefferson County to perform topographic surveying, identify utilities to the best of their ability through the 811 locate system, and develop plans and specifications for the project for use by DD7. See plans in Attachment A;
2. Jefferson County will purchase the concrete storm boxes and have them delivered to the site unless otherwise instructed by DD7;
3. Jefferson County will reimburse DD7 for rock bedding or other materials as needed for bedding under the boxes, cement stabilized sand for backfill around the boxes, concrete, rebar and form boards, for concrete liner and/or headwalls and wingwalls, limestone for placement over the boxes and other materials necessary for the project shown in the project plans and approved by Jefferson County;

4. DD7 shall provide all labor and construction equipment for completion of the project according to plans and specifications. Activities include but are not limited to; dewatering of the ditch for the duration of the crossing repair project, removal of the following: existing road surface, existing headwall and wingwalls, existing riprap, existing culvert pipe structures under the road, excavation of the area for the placement of new box culverts, placement and backfill of the new box culverts and placement of the proposed concrete liner and/or headwalls and wingwalls as indicated by FEMA;
5. Jefferson County shall provide construction surveying/staking as necessary, or provide a Temporary Bench Mark (TBM) for use by DD7 during construction.
6. Jefferson County and DD7 shall work in conjunction to notify adjacent property owners and the Federal Jail Office on Hebert road and assist with alternate access to properties using the gate north of the structure.
7. DD7 agrees to haul and dispose of materials not subject to environmental restrictions. If environmentally restricted materials are identified, Jefferson County and DD7 will reach a mutual agreement regarding disposal of restricted materials.
8. DD7 agrees to provide appropriate records of in-kind personnel and equipment utilized for the project as needed by Jefferson County for FEMA documentation.
9. DD7 agrees to allow Jefferson County representatives to inspect the project for documentation purposes as construction progresses.
10. Jefferson County will compile documentation provided by DD7 and other paperwork to FEMA for reimbursement of project work.
11. Jefferson County agrees to pay DD7 for project materials (minus the box culverts which will be paid for directly by Jefferson County). Payment to be made in one lump sum to DD7 after Jefferson County's acceptance of the work.
12. Once DD7 has completed their scope of work, Precinct #3 will further compact the limestone over the boxes, as necessary, to attain desired compaction and furnish and install primer and a double course chip seal surface.
13. Any changes in scope of work must be mutually agreed upon in writing by both parties.
14. This agreement shall be effective on the date of its execution and may be terminated at the will of either party.
15. This agreement shall be construed according to the laws of the State of Texas.
16. Nothing in this agreement shall be construed to create the existence of an agency relationship between the parties.

17. Any employee of a party performing services pursuant to this agreement shall not be deemed to be an agent or employee of the party receiving services under this agreement.
18. The parties further agree, pursuant to Sec. 791.015, Texas Government Code, that any dispute regarding the terms of this agreement will be submitted to an agreed upon mediator for resolution.

Executed on the _____ day of _____, 2022.

Jeff R. Branick
County Judge, Jefferson County

Phil Kelley
General Manager,
Drainage District #7

Attest: County Clerk

Attest:

RESOLUTION NO. 484
AUTHORIZING SIGNING OF CHECKS, ETC.

STATE OF TEXAS §
 §
COUNTY OF JEFFERSON §

WHEREAS, changes in personnel of Jefferson County Drainage District No. 7 require that revisions be made in those persons authorized to sign checks, drafts, orders, and other instruments for the payment of money deposited in Wells Fargo Bank, N.A. (the "Bank"), the designated depository for funds of Jefferson County Drainage District No. 7.

IT IS THEREFORE RESOLVED BY JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7:

That checks, drafts, orders or other instruments disbursing moneys of Jefferson County Drainage District No. 7 in its Maintenance and Operating Fund, Account No. 9568196602, its Insurance Administration Fund, Account No. 1404433466, its Debt Service Fund, Account No. 3296581279, its 2014 Maintenance Note Proceeds Fund, Account No. 5296386906, and its GLO Fund, Account No. 6189767103, be signed by the following authorized officers:

At least three (3) of the Commissioners of Jefferson County Drainage District No. 7 consisting of:

- Richard D. Beaumont
- Lester Champagne
- James Gamble, Sr.
- Albert Moses, Jr.
- Matthew E. Vincent

And one of the following:

Phil Kelley, the Manager or
Allen Sims, the Assistant Manager or
Diane Smith, the Office Supervisor

BE IT FURTHER RESOLVED, that the signatures required on checks drawn by Jefferson County Drainage District No. 7 on its Payroll Fund, Account No. 9568196610 shall contain the signature of Phil Kelley, the Manager, or Allen Sims, the Assistant Manager..

AND BE IT FURTHER RESOLVED that signature cards be furnished the Bank on said accounts by the authorized officials so designated herein and that the Bank be authorized to receive and make payment on such checks, drafts, orders or other instruments drawn on said accounts if drawn in accordance with the above directions, and if they contain the signatures of the duly authorized officials, whether manual or facsimile, or both.

This resolution shall continue in force until written notice to the contrary is duly served on the Bank.

AND BE IT FURTHER RESOLVED that all prior instructions for signing of checks, drafts, orders or other instruments drawn on said accounts be superseded by the instructions herein contained, to be effective on or after the date of receipt and filing of this Resolution by the Bank.

I, Albert Moses, Jr., Secretary of the Board of Commissioners of Jefferson County Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District No. 7, at their meeting No. 2364 held on the 18th day of January, 2022,

upon motion made by Commissioner Champagne and seconded by
Commissioner Moses and adopted unanimously by said Board, a
quorum being present.

Given under my hand this 18th day of January, 2022.


Secretary
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7