

## **RESOLUTION AUTHORIZING PORT CEO TO ADVOCATE FOR PROPOSED LEGISLATIVE CHANGES**

At a regular meeting of the Commission of Port Freeport of Brazoria County, Texas (“Port”) held at the office of the Port at 1100 Cherry Street, Freeport, Texas, on the 23rd day of February, 2023, among other business, on motion duly made and seconded, the following resolution was passed and adopted:

### **FINDINGS**

1. Due and proper notice of the date, time, place and purpose of this meeting has been duly given in accordance with the provisions of the Texas Open Meetings Act, and such meeting has been conducted in accordance with said Open Meetings Act.

2. The Port is a member of the Texas Ports Association, which association seeks to advance the development of Texas ports, enabling them to compete with ports outside Texas and thereby strengthen the economy of Texas.

3. The Texas Ports Association is proposing legislative changes for the 88<sup>th</sup> Texas Legislature to further the mission and purpose of Texas ports.

4. The TPA legislative changes for the 88<sup>th</sup> Legislature’s regular session are currently addressed in ~~four~~three (43) navigation district related bills (collectively the “TPA Legislative Package), individually referred to as follows:

- Omnibus Bill (Chapters 60 & 62, Water Code)
- Easement Bill (Section 60.038, Water Code)
- Port Development and Infrastructure Projects Bill (Chapter 55, Transportation Code)
- ~~Open Meetings Bill (Chapter 551, Government Code)~~

4. The TPA legislative changes will be beneficial to Texas ports in the construction, financing, ownership, and operation of port facilities and facilities incidental to or useful in the operation or development of the ports and waterways or in aid of navigation and navigation-related commerce in the ports and on the waterways.

5. The Board desires to authorize the Port staff to advocate for the Legislative Package proposed by the Texas Ports Association.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission of the Port hereby authorizes the Port executive staff, to advocate for the Omnibus Bill with Senate revisions, Easement Bill, and Port Development and Infrastructure Projects Bill, ~~and Open Meetings Bill~~ containing legislative changes proposed by the Texas Ports Association for the 88<sup>th</sup> Texas Legislature.

**RESOLUTION AUTHORIZING ACTIONS ON  
PROPOSED LEGISLATIVE INITIATIVE**

At the regular meeting of the Port Commission of Port Freeport held at the Administration Building of Port Freeport at 1100 Cherry Street, Freeport, Texas, on February 22, 2023, among other business, on motion duly made and seconded, the following resolution was passed and adopted:

**FINDINGS**

1. Due and proper notice of the date, time, place and purpose of this meeting has been duly given in accordance with the provisions of the Texas Open Meetings Act, and such meeting has been conducted in accordance with said Open Meetings Act.

2. Port Freeport was created under Section 59, Article XVI, Texas Constitution, to make improvements for the navigation of inland and coastal waters, and for the preservation and conservation of inland and coastal waters for navigation and for control and distribution of storm and flood waters of rivers and streams in aid of navigation.

3. To carry out the purposes for which it was created, Port Freeport is authorized to acquire land or interests in land and may construct, among other improvements, wharves and docks, warehouses, grain elevators, storage facilities, and all other facilities incidental to or useful in the operation or development of Port Freeport's ports and waterways which may, in the judgment of the Port Commission, be necessary or useful in aid of navigation and navigation-related commerce in the ports and on the waterways.

4. The Texas Legislature has found that all property in Brazoria County situated in the district of Port Freeport benefits from the improvements constructed by Port Freeport.

5. The Port Commission has determined that certain legislative changes should be pursued for the benefit of Port Freeport and its constituents and to aid Port Freeport in carrying out the purposes and mission for which it was created.

**NOW, THEREFORE, BE IT RESOLVED**, that Port Freeport advocate for and pursue a legislative initiative in the 88<sup>th</sup> Legislative Session of the Texas Legislature; and

**BE IT FURTHER RESOLVED**, that the legislative initiatives hereby authorized include legislative changes relating to nonsubstantive additions to enacted codes, to limiting the authority of certain municipalities to regulate land use by a navigation district and the express preemption of such local regulation, and to requiring certain municipalities to disannex land owned by a navigation district; and

**BE IT FURTHER RESOLVED**, that the executive staff of Port Freeport be, and is hereby, authorized and directed to take such actions as may be necessary or appropriate to further the legislative initiative and the legislative changes approved hereby, including, without limitation, publication of any required notices and working with consultants and legislative officials; and

**BE IT FURTHER RESOLVED**, that the executive staff of Port Freeport is directed to request a meeting during the month of March 2023 with representatives of the City of Freeport, representatives of the Port Commission and one or more of the legislative sponsors in the presence of a mediator for purposes of mediation.