

MINUTES OF THE

COMMISSIONERS' COURT

REGULAR MEETING - FEBRUARY 26, 2018

On the 26th day of February, 2018, there was a Regular Meeting of the Commissioners' Court in the Commissioners' Courtroom in the County Courthouse, located at 2840 Highway 35 North, Rockport, Aransas County, Texas, with the following members present: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1; **Leslie "Bubba" Casterline**, Commissioner, Precinct 2; **Brian Olsen**, Commissioner, Precinct 3; **Betty Stiles**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present were **Jerry Brundrett**, County Surveyor; **Kristen Barnebey**, County Attorney; **Alma Cartwright**, Treasurer; **Suzy Wallace**, County Auditor; **Bill Mills**, Sheriff; **Latisha Murphy**, Administrative Assistant to the County Judge; **Sue Pash**, Chief Deputy Treasurer; **David Reid**, Road Administrator/Drainage Engineer/Stormwater Management Engineer; **Jacky Cockerham**, Assistant County Auditor; **Collin Jackson**, IT Director; **Linda Doane**, Human Resources Director; **Michael Geer**, Airport Manager; **John Strothman**, Pathways Project Manager; **Lora Rios**, Juvenile Case Manager; **Ronell Burke**, Chief Animal Control Officer; **Joy Dias**, Paralegal, County Attorney's Office; **Ginger Easton-Smith**, County Agricultural Extension Agent; **Kim Foust**, Long-Term Recovery Specialist;

Members of Local City Government, Community Groups and other Interested Parties present:

The Aquarium at Rockport Harbor, Inc.: **Christopher Mace**, President;

Russel Cole, Billy Burke, and Wendy Laubach; Primary Candidates for Commissioner, Pct. 4;

Robert J. Mitchell, Primary Candidate for Commissioner, Pct. 2;

Mike Probst, Editor and Publisher of the Rockport Pilot Newspaper;

The Meeting was convened at **9:00 a.m.** at which time a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done to wit:

CITIZENS TO BE HEARD

Phil McPherson, Rockport Resident: Signed up to speak, but stated he was going to discuss his concerns with Commissioner Stiles instead.

PRESENTATIONS

- 1. Kim Foutz,** Long Term Recovery on the Draft Economic Development Plan: I just wanted to give you a short briefing, this process started out several months ago in coordination with the Chamber of Commerce. We contacted the Economic Development Administration and they had a Grant available through the International Economic Development Council to provide facilitators on Economic Development and it was pretty open ended about "How do you want to use this Facilitator". "Do you have a specific project?" We told them, we don't have a plan, we need an overall plan, a pathway toward the future and that this was something that did not exist right now. So we were able to get a lady in by the name of Addison Larson and she's actually on the board of the Economic Development Council, so she's very qualified, she's a consultant and does

these activities all over the United States. We started our endeavor after giving her a lot of background information, she came in in December and spent a week understanding the community and having some initial workshops with the community about Economic Development. Then she came back in January and did some follow ups, both with the general public workshops, but also some stakeholder groups and there were a variety of them, anywhere from business, to government, to venues, it went across the board on different types of stakeholder groups. As they were going through different ideas, they formed short term teams to come up with some ideas for having some short term wins and getting that economic development engine roaring. There were five teams working on those short term initiatives, those are in this plan and you can see under "responsible party", it's a short term team, that's what it's talking about. During those two weeks that the consultant was here in town and doing that facilitation, myself and Diane Probst sat and watched and listened very carefully, because we knew yes a short term plan is very good and necessary, but we also need to have a long term plan. So we took those things that came out of those public meetings and incorporated them into this draft plan that you have before you, so we've got our short term goals and our long term goals. I'm a very simple person and I don't like big, thick, reports. In order to make a document living and breathing and moving forward, it's got to be really simple and so what this does is, I've put this in a very simple format. It's got what the goal is, who the responsible party is, and what kind of resources are needed, a guideline created to go by throughout the year to help us reach our goals. It has a toolkit for businesses because there is not a lot of assistance coming down from the

federal government to help with that, it's the biggest gap in the entire recovery process. Other initiatives, like Branding & Marketing, creating a sense of place, I've gotten confirmation from a consultant that I had done business with before that is in planning and development and they've agreed to come down and take the Marketing Plan and the Branding that's underway right now and turning that into a design manual, it's a very public process, so that we can see, "ok, now that we are rebuilding, why don't we all leverage our resources, all the governmental entities, businesses and other volunteer groups, all towards the same effort of branding the community, banners, coloration, style, things like that". There is also a section about rebuilding attractions in downtown Rockport and Fulton. One of the things that is new to this area is diversifying the economy, tourism is always going to be number one, but are there some other things that we can do, are there some other target businesses within the community that we need to look at? Those are pretty much the highlights of the different areas, so what I would like is for you to take a look at this, study it, please call me, I'm happy to meet anytime and answer questions. In about three weeks maybe we can come back and see if there is consideration of adopting the document.

Judge Mills: Our Long Term Recovery Team has done an excellent job working in the last few months, not only as a team, but getting organizers and volunteers across the county and they have been as much help as the team. Thank you for all you have done and thank your team for me.

2. **Joel Thomas**, Attorney on the Opioid Epidemic/Opioid Addiction Crisis and potential litigation thereof: I'd like to introduce

Simon Purnell with Phipps, Deacon, Purnell, PLLC out of San Antonio, he's actually the one who will be giving the presentation. **Simon Purnell:** Good morning and thank you for having us, Joel and I have got together trying to learn about the issue we are dealing with in the Coastal Bend Area and we hope that you will join us in this opioid litigation. I'll give you a brief overview, this started back in 1980 when opioids became a take home option and behind all of that was the movement by the pharmaceutical industry trying to get take home opioids. You had Oxycodone, which you would get in the hospital and you had OxyContin that was created so that you could take opioids when you went home. Initially, it was for end of life issues, people with cancer, Alzheimer's, things like that and it was great. The Pharmaceutical companies got it through and made a fair amount of money on it, but felt like they wanted to expand it into what I call orthopedic patients, back surgery, shoulder surgery and such and they would give you the opiates and you would be able to take them home. My personal experience was with back surgery and OxyContin, and I remember losing two days of my life because I don't remember any of it, but my wife is a physician and she kind of noted the issue and took me off of it immediately, but that's kind of what's been going on, you go to the doctor and they prescribe these drugs and it doesn't seem that nefarious on the surface, but once you start digging into it you see what's happened nationwide, you'll understand why there is this crisis and why this Litigation has started. My firm represents Bexar, Nueces, and San Patricio Counties among others, but those are the ones that I think are more related to us. There is what we call multi-district litigation already, it's where people file their lawsuits and it ends up

in Federal court and then it just gets shoved over to where it is now, in Ohio. The Judge up there is making decisions, pretrial, on what should happen, sort of the commonality of issues is being addressed and everybody has come to the table and essentially there is recognition on both sides that there is a problem, the Opioid industry is definitely impressive, there are about fifty defendants on the other side and then, as of this week, there are more than 200 different governmental entities that are involved in the litigation. That's generally what's going on, so why is it nefarious that people are blaming the Opioid manufacturers and distributors, why is it not a personal issue, you know, someone's just an addict that's their problem, why is there a litigation associated with that? And it's really because of the documentation that's out there, that shows how the Opioid industry misrepresented the addictive nature of these drugs and it started with a very short article in the New England Journal of Medicine in the mid 1980's. That article is now a group citation to thousands of articles that they are using in going out and training physicians that this is the wrong way to go instead of going to physical therapy. Part of the goal is to stop this and the other part of the goal is to pay back the communities for what they are out and it differs county to county. Our big pitch is that some Judge in Ohio is not going to know what the issues are here in this area, he can give us the general control over the case as far as what information needs to be revealed or exchanged but ultimately it has to be local because it's a local issue. We know in Aransas County, both Joel and I do criminal defense, so we are aware of the issue and it's bad. The problem is similar to the tobacco litigation, it got addressed at a national level, all of the

states got involved and there was a huge settlement that was associated with that. The tobacco companies had to stop doing some of the things they were doing up until that point, and so the advertising changed, they weren't targeting the teens anymore, and a substantial amount of money was put in these funds that, not too sure if Aransas County is still receiving any of that but that's kind of what we are talking about, it's similar to that except that tobacco didn't have the criminal component, tobacco was just sort of a personal issue, you smoke and then you have the problems associated with that, but you generally don't go out commit crimes. What we've seen with Opioids, you have a perfectly normal engineer, a police officer, I have a close friend who was with Homeland Security who ended up on Opioids and went from being what I would consider being a very good contributing member of society and eventually ending up as a bane on society, because once he ran out of doctors who would give him the medication he had to go the black market, and there is a fair amount of diversion associated with these drugs meaning it goes into the community and then disappears on the black market but even then they run out of that option and then they turn to heroin and Opioids are considered the gateway drug to heroin and we know what the heroin problem is, particularly around here. So that's the global picture of what we're talking about, the cost to the community, why the County has its own representation is trying to get back the amount of money spent on indigent healthcare and indigent criminal defense costs. Then there are the law enforcement issues, the calls that they and EMS are sent out on, an anti-opioid drug Narcan is administered to the overdose victim which used to cost about \$8.00 and is now about \$90.00 and surprisingly this drug is manufactured by the same people

who manufactures the Opioid. Our goal is for the litigation process to be budget neutral to the county, it will cost the county nothing because 1) we do it on a contingency basis and 2) we are financing the entire litigation which I think is important especially for counties like Aransas County because of the issues you've been going through lately and there will be a recovery just because of the fact that its an MDL, a Multi District Litigation. Conversations at the table are very candid from both sides, you normally don't hear Federal Judges speaking the way this Judge is speaking, he's got a few cases of his own in the district and I'm trying those cases next year, you guys are going to resolve these issues this year, the battle this week vs. with the DEA last week, we were talking to them about how they release certain information regarding the tracking of the drugs which is part of the problem with the whole diversion issue, they are trying to give us as much information as they can, but there's a fight as to when they should begin to release it, these little battles are happening right now, which is good because then we'll be able to track a lot of the information, particularly like in Aransas County, what drugs are coming in and where are they going. There are general statistics and in the packet you'll see we've got a section just for the Coastal Bend and the impact on the Coastal Bend and particular to Aransas County we know that you have one of the highest prescription rates for all of the counties, maybe Victoria exceeded us on a couple of the years. It's remarkable to think, why would some outfit from New England target us this way, well they did and it's happened, and its reflected in the prescription rate. A lot of stuff is underreported and that's what we're discovering as we go through this process. So our goal is

really trying to stay out of Federal Court, we don't think it is a federal issue, it's a local issue and the way we're doing that is the distributors, one of the bigger distributors has an entity that's a local defendant in a sense that they are from Texas or at least that entity is in Texas, so it disrupts what we call diversity jurisdiction which would allow this to end up in Federal Court and the only way that it would end up in Federal Court, but if you disrupt that diversity you can file the case as the county in a district court in this county having a Judge from this county and they understand our issues and you get a local jury to hear the case, so that's our goal, so in theory we should be able to get this resolved, but we can't do that without your approval. Ultimately the questions are these: 1) Does Aransas County want to get involved? And 2) Does Aransas County want to hire our firm? And that's what we will be asking you possibly on the next agenda but we just wanted to get this presentation in now to kind of get into your heads so you can think about it.

CONSENT ITEMS

Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve:

3. Minutes from the Regular Meeting of February 12, 2018, and Special Meeting of February 15, 2018.
4. Acknowledge receipt of and record in the minutes of Commissioners Court a Certificate of Education Training from the Texas Justice Court Training Center for Judge Diana McGinnis who completed the mandated 20 hours of Judicial Education, required of all Justices of the Peace, on February 11 - February 14, 2108 in Austin, TX.

Question. Motion carried unanimously.

It is so ordered.

COUNTY REPORTS

5. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve the 4th Quarter Report and December 2017 Financial Report for the Aquarium at Rockport Harbor.

Question. Motion carried unanimously.

It is so ordered.

6. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve accepting a donation made to Aransas County for Tiger Field improvements received from Linebarger, Goggan, Blair and Sampson, LLP Attorneys at Law in the amount of \$1000.

Question. Motion carried unanimously.

It is so ordered.

7. Motion was made by Commissioner Casterline and seconded by Commissioner Olsen to approve accepting a donation made to Aransas County for the Juvenile Case Manager Fund for clothing for the students of Aransas County I.S.D. & C.I.S., received from Ms. Eilene Markel and the Shady Oaks Ladies of Rockport in the amount of \$500.

Question. Motion carried unanimously.

It is so ordered.

8. Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to approve accepting a donation made to Aransas County for the Juvenile Case Manager Fund for clothing for the students of Aransas County I.S.D. & C.I.S., received from James L. Borcharding in the amount of \$100.

Question. Motion carried unanimously.

It is so ordered.

9. Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to approve accepting a donation made to Aransas County for the Juvenile Case Manager Fund for clothing for the students of Aransas County I.S.D. & C.I.S., received from Dawn A. Oler in the amount of \$100.

Question. Motion carried unanimously.

It is so ordered.

10. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve accepting a donation made to Aransas County for the Juvenile Case Manager Fund for clothing for the students of Aransas County I.S.D. & C.I.S., received from The Branson-Hollister Lions Club of Missouri/Rockport Lions Club in the amount of \$5,000.

Question. Motion carried unanimously.

It is so ordered.

11. Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to approve accepting a donation made to Aransas County for the Juvenile Case Manager Fund for clothing for the students of Aransas County I.S.D. & C.I.S., received from The Rockport Church of Christ in the amount of \$2,000.

Question. Motion carried unanimously.

It is so ordered.

12. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve recognizing Another Chance RFT (Tana Neel) for their continuing effort to rescue dogs from our animal control facility. They have rescued more than 500 dogs over the last 18 months and these animals have left the county.

Question. Motion carried unanimously.

It is so ordered.

COUNTY ROADS

13. Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve preliminary approval of an Alleyway closure in Block 334 of the Manning Addition. Question. Motion carried unanimously.

It is so ordered.

14. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve preliminary approval of an Alleyway closure in Block 319 of the Manning Addition. Question. Motion carried unanimously.

It is so ordered.

CONTRACTS, AGREEMENTS & GRANTS

15. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve authorizing the County Judge to sign an Agreement between Aransas County and Mott MacDonald Engineering for Engineering services related to Coastal Resiliency Initiative. Question. Motion carried unanimously.

It is so ordered.

PLANNING & BUDGET OFFICE

16. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the December 2017 and January 2018 Treasurer's Report. Question. Motion carried unanimously.

It is so ordered.

17. Motion was made by Commissioner Olsen and seconded by Commissioner Stiles to approve the 4th Quarterly Investments Report.
Question. Motion carried unanimously.
It is so ordered.
18. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve Resolution #R-02-2018 approving the Aransas County Investment Policy (yearly review).
Question. Motion carried unanimously.
It is so ordered.
19. Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve Resolution #R-03-2018 approving Investment Officers.
Question. Motion carried unanimously.
It is so ordered.
20. Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve Resolution #R-04-2018 approving the Broker/Dealer list.
Question. Motion carried unanimously.
It is so ordered.
21. Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve Budget Line Item Transfers.
Question. Motion carried unanimously.
It is so ordered.
22. Motion was made by Commissioner Casterline and seconded by Commissioner Olsen to approve Accounts Payable and Payroll/Payroll Liabilities.
Question. Motion carried unanimously.
It is so ordered.

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS &
DEPARTMENT HEADS WHEREIN NO ACTION WILL BE TAKEN

Linda Doane: From our Risk Management Pool we had a refund for our workers compensation insurance in the amount of \$2,520

Suzy Wallace: Our external auditors will be visiting us on Wednesday and Thursday for the preliminary reviews so if anyone has any questions for them, please have that submitted to us by Wednesday morning.

Judge Mills: Joy Dias is retiring this Friday with over 30 years with the County, so if you see her thank her for her service, she's been a very good and loyal employee.

Judge Mills: The Rockport Warriors United, Mr. & Mrs. Jones have bought the property at 1130 E. Linden here in Rockport (previously Jerry & Jan Wendell's home) have opened up their home to veterans, not only to Aransas County but across the state. They have a sanctuary for them to come and relax and have a good time. Mr. & Mrs. Jones, would you like to tell us about this?

Mr. Jones: We started this Retreat for the Veterans, it's just been a passion of ours over the last few years, and this opportunity opened up to us and it's just been growing and growing very fast and it's been a blessing. We are going to be bringing in about 20-24 veterans for an extended weekend once a month for some R&R, take them fishing, hunting, whatever it may be at no cost to the Veterans, completely funded by Rockport Warriors United through donations and sponsors and we are having a Kickoff Party on March 9, 2018 from 5:00 p.m. to 8:00 p.m. at the property so we are inviting everyone here and we want the

whole City to come out and support us. We are going to be working with local fisherman and guide services and we've got about 5 or 6 that have donated their time, it's just going to be a good thing and I thank you for all of your support.

Valerie Gonzales: Announced that the Airport Debris sight is finally clear.

No further business presenting, the Court adjourned at 9:50 a.m. on a motion made by Commissioner Stiles and seconded by Commissioner Casterline.

C. H. "BURT" MILLS, JR., COUNTY JUDGE

VALERIE K. AMASON,
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT