

MINUTES OF THE

COMMISSIONERS' COURT

REGULAR MEETING - SEPTEMBER 14, 2020

On the 14th day of September, 2020, there was a Regular Meeting of the Commissioners' Court in the Commissioners' Courtroom, 2840 Hwy 35 N, Rockport, Aransas County, Texas, with the following members present in person, via ZOOM, or via YouTube: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1; **Leslie "Bubba" Casterline**, Commissioner, Precinct 2; **Charles Smith**, Commissioner, Precinct 3; **Wendy Laubach**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present in person, via YouTube, or via Zoom, were **Jerry Brundrett**, County Surveyor; **Kristen Barnebey**, County District Attorney; **Jeri Cox**, Tax Assessor-Collector; **Alma Cartwright**, Treasurer; **Bill Mills**, Sheriff; **Anna Marshall**, Chief Deputy Tax Assessor-Collector, Tax Assessor-Collector Elect; **Tracy Orr**, Administrative Assistant to the County Judge; **Jacky Cockerham**, County Auditor; **Tana Taylor**, First Assistant County Auditor; **David Reid**, County Engineer; **Michael Geer**, Airport Manager; **Valerie Gonzalez**, Environmental Health Director; **Rene Butler**, Facilities Director; **Collin Jackson**, IT Director; **Linda Doane**, Human Resources Director; **Carrie Arrington**, Office & Contracts Manager, County District Attorney's Office; **Michele Carew**, Elections Administrator; **Kevin Stroud**, Elections Coordinator; **Misty Kimbrough**, Collections Specialist;

Long-Term Recovery Specialists: **William Whitson**; **Jennifer Heard**, **Administrative Assistant**;

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

Aransas County Citizens & Visitors: Amanda Oster, County/District Attorney, Elect; Pat Rousseau, Commissioner, Pct. 3, Elect; Mark Wagon; Randall Freeze; Carl R. Smith;

Aransas County Navigation District: Keith Barrett, Harbor Master; Malcolm Dieckow, Commissioner, Pct. 3; Gerald L. Benadum, Attorney;

Chamber of Commerce: Diane Probst, President/CEO

Texas General Land Office: Randall Lee Freeze, Program Specialist & Legislative Liaison;

Bickerstaff, Heath, Delgado & Acosta, LLP: David Mendez, Attorney - Public Finance;

The Bond Buyer: R. Dustin Traylor, Managing Director with RBC Capital Markets in San Antonio, TX;

Friends of the History Center: Pam Wheat Stranahan;

The Rockport Pilot Newspaper: Mike Probst, Editor and Publisher;

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

Carl R. Smith: I'm here to present a petition to extend North Walker Road to the City Limits. It's approximately 600' and it would serve eight residences that are not serviced right now. The road currently stops at 477 and this would serve as 495 North Walker to 505 North Walker and one resident that I do not know the address to, but belongs to Scott Hutchins. I have 19 signatures,

of those everyone on the list is North Walker which includes starting where the road begins on North Walker, going down various addresses including 477, it's about 600 feet to extend the road. Right now County maintenance ends at 477 and it would be very helpful to have that road finished out. Thank you.

Judge Mills: You'll want to give that petition to the County Attorney.

PRESENTATIONS

1. Presentation by William Whitson, with Long Term Recovery, on Coronavirus Relief Fund and COVID-19 CARES Act Update.

(See Power Point and other literature)

CONSENT ITEMS

2. Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve Minutes from the Regular Meeting of August 31, 2020.

Question. Motion carried unanimously.

It is so ordered.

COUNTY REPORTS

3. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve June - August 2020 Report for the Friends of the History Center for Aransas County.

Question. Motion carried unanimously.

It is so ordered.

COUNTY ELECTIONS

4. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve acceptance and approval of Michele Carew's resignation effective September 18, 2020. [Tabled 08/31/2020]

Question. Motion carried with Commissioner Laubach voting against the motion.

It is so ordered.

5. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to TABLE changing the current temporary Elections Coordinator position to permanent, full-time employee status, effective December 1, 2020, same step and grade. [Tabled 08/31/2020]

Question. Motion carried unanimously.

It is so ordered.

COUNTY ROADS

6. Discuss, and approve or disapprove authorizing negotiations for the acquisition of property and/or easement in the Copano Heights watershed consistent with the County's Regional Stormwater Management Master Plan went into closed session.

CONTRACTS, AGREEMENTS, GRANTS & LEASES

7. Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve County Judge to pay match funds to Texas Department of Transportation (TxDOT) for Aransas Pathways Southern Trail Project previously approved. Match amount is \$162,150 and funds come out of Pathways bonds funds.

Question. Motion carried unanimously.

It is so ordered.

8. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve and authorize the County Judge to sign the Texas Department of Transportation Grant for Routine Airport Maintenance Program (TxDOT RAMP Grant) for fiscal year 2021, through which the Aransas County Airport will receive a 50% reimbursement for up to \$100,000 spent of eligible airport maintenance, and designate Mike Geer as Authorized/Designation Representative.

Question. Motion carried unanimously.

It is so ordered.

9. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve authorizing County Judge to sign a Cooperative Services Agreement with Aransas County Medical Services Inc. (ACMSI), a 501(c)(3) non-profit corporation, for paving services at Enterprise Medical Complex.

Question. Motion carried unanimously.

It is so ordered.

10. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve and authorize the County Judge to sign Interlocal Cooperation Agreements for 2020-2021 Property Tax Assessment/Collection upon return of signed agreements by Local Taxing Entities.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

11. Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve Resolution #R-37-2020, a Resolution of Aransas County, Texas certifying that the County has made a grant to the Aransas County Council on Aging, an organization that provides home-delivered meals to homebound persons in the County who are elderly and/or have a disability, and certifying that the County has approved the organization's accounting system or fiscal agent.

Question. Motion carried unanimously.

It is so ordered.

12. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve authorizing County Judge to sign enrollment form from Texas Association of Counties of their Cyber Security Training course; this annual training is mandatory for all elected officials and employees who have access to county computers or applications under Texas Government Code § 2054.5191.

Question. Motion carried unanimously.

It is so ordered.

13. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve Order #O-18-2020 authorizing update of Bickerstaff Heath Delgado Acosta LLP's Bond Counsel Engagement Agreement.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

PLANNING & BUDGET OFFICE

14. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve August 2020 Indigent Health Care Report and the End of the Year (09/01/2019 - 08/31/2020) Indigent Health Care Report.

Question. Motion carried unanimously.

It is so ordered.

15. Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve adopting Elected Officials Salaries, Expenses and Other Allowance for 2021.

Question. Motion carried unanimously.

It is so ordered.

16. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve Aransas County Navigation District (ACND) No New Revenue Tax Rate Levy of \$0.049776/\$100 Valuation (\$0.036487/\$100 Valuation for M&O and \$0.013289/\$100 Valuation for I&S).

Question.

Pat Rousseau: I'm concerned about this issue being brought up and being contested. I know that Commissioner Smith did this 10 years ago, it's in the minutes of the County Clerk from August of 2010, and his objection to it was overruled at the time. Since that, it has been brought up on a regular basis and approved, I have heard from a gentleman who has great expertise in the Water Code and the application of it, and I am very concerned that at this time, with as much dissent and distrust as we have in this community and in the Elected Officials, with the questions of some of the decisions that

(Inserts)

this current Commissioners Court has made relative to the use of taxes or the increase of taxes for our community. But right now there appears to be great interest in the possibility of denying another entity in this community, which provides a valuable service to commercial, small industry, and the tourism communities, on which this community is based, and I would just ask for the Commissioners to be thoughtful about this and to look at what the Texas Water Code allows and to act accordingly. Thank you.

Commissioner Smith: Judge, after Mr. Dieckow was here in July, the question was raised as to how a particular project was going to be funded. It kind of peaked my interest when Mr. Dieckow indicated he was going to use maintenance tax reserves, that this county had to approve. So after that particular meeting I sat down with our County Attorney and I asked her to review the law in the Water Code. I'd like to hear from our County Attorney at this point in time.

Kristen Barnebey: So what do you want to hear?

Commissioner Smith: Is the use of maintenance tax reserves, maintenance tax monies, proper to build assets of the first instance?

Kristen Barnebey: No.

Malcolm Dieckow: And that's not what I said. You asked a question and I answered it. The first question you asked, and I stated, that we would use these funds for our reserves. It becomes obvious that the M&O Tax, there is not any M&O tax left over. Our maintenance is paid for by our other revenue sources and I see nothing in the Water Code that disallows this. I've already explained "why raise the tax rate when we have another way of paying it?" When you asked that question,

I said that we use maintenance funds, those maintenance funds comes from our other expenses, not the narrow interpretation that somehow it's coming from M&O Funds based upon tax, that have already been used up by our operations.

Commissioner Smith: Can we have our County Attorney weigh in on the Water Code, as well?

Kristen Barnebey: So, going back, 62.160 allows the Commissioners Court, of course, to levy a maintenance tax and that has been clear since 1971, and that is not to be used for capital, or potentially a deductible type situation, or a matching situation. However, in looking at the budget, and talking to you, and talking to everybody here, it is apparent that there is other money that could be used, potentially, for that matching amount, or for other things. I've had long discussion with Mr. Barrett and, of course Mr. Benadum, about how other monies could be used.

Commissioner Smith: You know, the water code, correct me if I'm wrong here, the users of the property, the way the water code phrases it, revenues from the users of the property do not exceed the maintenance costs of the district. Now the maintenance tax is warranted. Every year, from the year 2006, since I got involved in this, they have had gaps between the total revenues from the users of the property and the expenses. As a matter of fact, I think in the mid 2008-2009 it was approximately \$600,000 and now it's \$1,200,000. But the interesting thing that Mrs. Rousseau is referring to, is that the only time I've ever objected is when they are using monies to pay for new assets in the first instance, because the water code says that if you don't have an excess of revenue from users of the property, over the expenses of the

district. You know the only way to finance this is to go out for a bond issue, I have no problem with putting this out for a bond issue. The down side for not putting it out for a bond issue and letting these folks continue using these maintenance tax monies for new assets, is that you are depriving the public for a right to vote on it, that's all I'm concerned about at this point. The public has a right to vote.

Commissioner Laubach: We've heard on the water code, which is a very technical statute, from the Navigation District's counsel, who is a Water Code Expert, agreed to by our own counsel. I don't think Commissioners Court is the place to have a legal argument on how they should have interpreted the Water Code. I'd really just like to bring this to a vote.

Judge Mills: Ok.

Motion carried with Commissioner Smith voting against the motion.

It is so ordered.

17. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve consideration and action on Order #0-17-2020 authorizing the issuance of Aransas County, Texas Flood Control Tax Refunding Bonds, Series 2020; authorizing certain parameters for the bonds; authorizing the redemption prior to maturity of certain outstanding obligations; authorizing the County Judge or the County Auditor to approve the amount, the interest rate, price, and terms thereof, and certain other procedures and provisions related thereto; authorizing the refunding of certain outstanding obligations and the execution and delivery of an

escrow deposit agreement; and enacting other provisions relating to the purposes of this order.

Question. Motion carried unanimously.

It is so ordered.

18. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve adopting the 2021 Budget.

Question.

Pat Rousseau: Jacky, I didn't receive a copy of the budget, but would you say it is what we looked at about two weeks ago?

Jacky: Yes ma'am.

Motion carried unanimously.

It is so ordered.

19. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve adopting the proposed Tax Rate of \$0.433543 per \$100 Value as the 2020 Tax Rate. Commissioner Smith read in the itemization as:

0.314028 Ad Valorem M&O (Maintenance and Operations);

0.046757 Ad Valorem Debt I&S (Interest & Sinking);

0.061938 Road & Bridge/Flood Control M&O (Maintenance & Operations);

0.01082 Flood Control Debt I&S (Interest & Sinking); for

a Total of 0.433543.

Question. Motion carried unanimously.

It is so ordered.

20. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve adopting the 2020 Tax Roll and Levy.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

21. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve Resolution #R-36-2020 for the 2020 Tax Roll, Levy and Rate.

Question. Motion carried unanimously.

It is so ordered.

22. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve ratifying the Property Tax Increase reflected in the 2021 Budget. Commissioner Smith read into the record: Budget cover page, this budget will raise more revenue from property taxes than last year's budget by an amount of \$589,475, which is an 4.77 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$634,290.

Question. Motion carried unanimously.

It is so ordered.

23. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve Budget Line Item Transfers and Amendments **of which there were none.**

Question. Motion carried unanimously.

It is so ordered.

24. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve Accounts Payable and Payroll/Payroll Liabilities.

Question.

Jacky Cockerham: This does also include \$162,000 for TxDOT

Motion carried unanimously.

It is so ordered.

(Inserts)

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS &

DEPARTMENT HEADS WHEREIN NO ACTION WILL BE TAKEN

Michele Carew: I just wanted to introduce Kevin Stroud, he is your Interim Elections Administrator, so if you have any questions about the office or the Election you can talk to Kevin.

Judge Mills: Thank you, good luck to you Kevin.

Sheriff Mills: As your representative of the local LMHI, I wanted to inform you that Mark Duran, the Executive Director of Coastal Plains in Portland, TX has submitted a resignation effective January 1, 2021.

Commissioner Chaney: What is LMHI?

Sheriff Mills: Local Mental Health Organization, it serves 10 counties, of which we are a partner in, serving the needs of 3,500 people annually. Mark made a commitment, he said to the board and to the counties, 10 years ago, that he work with it and within the organization and elevate the experience of the people working for him with a younger set of employees so that when he stepped aside that there would be somebody that would be able to fill his shoes for years to come and not creating a cycle of replacing a CEO every two or three years with those that sought to retire. So they have posted the job and applications will be submitted and by the end of the year a decision will be made. He will stay on in a capacity as an assistant, even after the 1st for a transition of stuff that he has overseen, specifically until he can hand it off sometime in the future to a new CEO.

Commissioner Chaney: I've had additional problems with, well additional complaints from citizens, in the Murphy area. I had one as late as yesterday, where they have people walking up and down and doing drugs, evidently, in the site of other people and this is really getting to be an issue out there. I'd like for the court to consider sometime, in the very near future, to look to see if there is anything else that we can do to assist the Sheriff and the other law enforcement folks in handling that situation. It's really getting to be a real problem and I would like for the court to keep that in mind, so if someone's got some ideas of how we could do it I'd really appreciate knowing about it. Thank you.

The Court entered into closed session at 10:14 a.m. to discuss and review potential litigation issues and other matters covered by the attorney-client privilege pursuant to Texas Government Code Section 551.071(1)(a); and to discuss real estate negotiations, including Pathways Projects pursuant to Texas Government Code Section 551.072; and resumed Open Meeting at 10:32 a.m. with all members present, and further proceedings were had and done to wit:

COUNTY ROADS

6. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve and authorizing David Reid to enter into negotiations with the property owner to acquire the property for drainage, whether it be easement or us owning the property, in the Copano Heights watershed consistent with the County's Regional Stormwater Management Master Plan, and come

back to us with anything further. Commissioner Laubach added that the money is available in the budget already. Question. Motion carried unanimously. It is so ordered.

No further business presenting, the Court adjourned at 10:34 a.m. on a motion made by Commissioner Smith and seconded by Commissioner Casterline.



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



Valerie K. Amason

VALERIE K. AMASON,

EX-OFFICIO CLERK OF THE

COMMISSIONERS' COURT