

MINUTES

Aransas County Commissioners Court



9:00 AM – Monday, October 9, 2023

The Aransas County Commissioners Court met on Monday, October 9, 2023, at 9:00 AM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas. Aransas County Commissioner's Court meeting video recordings are available by following this link: [Commissioners Court Minutes and Agendas \(aransascourttx.gov\)](https://www.aransascourttx.gov), then scroll to the bottom of the page and select the date you wish to view.

Present: **Ray A. Garza**, County Judge
Jack Chaney, Commissioner Precinct 1-1A
Leslie Casterline, Commissioner, Precinct 2
Pat Rousseau, Commissioner, Precinct 3
Robert Dupnik, Commissioner, Precinct 4

I. CALL TO ORDER & PLEDGES

The meeting convened at 9:00 AM

II. INVOCATION

III. ROLL CALL AND CONFIRMATION OF QUORUM

IV. CITIZENS TO BE HEARD

All choose to speak during the items: Debra Stephens, Deidra Ciriello, Misty Kimbrough, Kim Hesley, & Kristie Rutledge

V. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation #P-13-2023, recognizing October 2023 as "Volunteer Fire Department Appreciation Month" and Presentation by Rockport Volunteer Fire Department – Chief Aaron Guerrero/Emily Guerrero

Motion to accept proclamation: by Commissioner Rousseau, motion was seconded by Commissioner Chaney

Read by: Emily Guerrero, an approximately 3 minute video was shown

Discussion followed: Judge Garza - how many hours were they out there fighting this? Emily Guerrero – about 3 days.

Vote: Motion carried 5-0: it was so ordered

2. Proclamation #P-16-2023, recognizing "National 4-H Week" and Presentation AgriLife Extension Office and 4H Ambassadors - Ginger Easton Smith/Megan Glidden

Motion to accept proclamation: by Commissioner Rousseau, motion was seconded by Commissioner Casterline

Read by: Tracy Orr Smith

The 4-H member present introduced themselves and said thank you for the support of the Court.

Vote: Motion carried 5-0: it was so ordered

3. Proclamation #P-17-2023, recognizing October 2023 as Domestic Violence Awareness and Prevention Month – Amanda Oster/Judge Garza

Motion to accept proclamation: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Read by: Tracy Orr Smith
Vote: Motion carried 5-0: it was so ordered

4. Presentation by Historical Commission, including a Courthouse Display Proposal – Doreen Bronner

This item was struck, will be put on a later agenda.

5. Proclamation #P-14-2023, recognizing October as “Texas Archeology Month” – Doreen Bronner

Motion to accept proclamation: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Read by: Tracy Orr Smith
Discussion followed: Doreen Bronner – the History Center got the Armadillo Gang to do an Archaeological Presentation at the Library and kids were fascinated. They brought hands on projects for the kids and it engaged them in the presentation.
Vote: Motion carried 5-0: it was so ordered

6. Presentation on the efforts to date of the Animal Welfare Committee – Wendy Laubach

Presentation by: Melissa Esquivel, a board member of the Animal Welfare Committee. Started with a question to all: Do we go to the Doctor to treat the condition or the symptom? Point one: euthanasia is treating the symptom not the issue. Euthanasia will eliminate the overcrowding, but the following week it will be full again. So what is the problem? Some pet owners are: irresponsible, in need of education on how to care for a pet, financially disadvantaged, or physically impaired. In my profession I create policies and protocols, I do that through research, network and communication with people who work in the same industry to seek out their expertise. This situation is no different. I have spent time doing research and found 2 things. 1. The issue we are facing is not isolated, it is Nationwide. 2. A path to improving these circumstances has already been laid out. We don't have to reinvent the wheel. There are shelters and rescues all throughout the nation that have already done the thinking for us and have a plan of action. All we have to do is follow in those footsteps. There are some created programs that are great to try to resolve the overcrowding and pet issues in the community. These include: pet retention, dog behavior training, free spay and neutering, low-cost wellness clinics, and even food assistance for our low-income community. These take very little monetary resources from the agencies and very few changes within the shelter. They are funded through personal donations, non-profit organization, companies within the community, and is full collaboration with the whole community that makes them successful. There are people who are ready to help, but we have to let them know that we need it. One protocol that has been put in place by many shelters is owner and finder surrenders. When utilized correctly it can be a great program. When a surrender is brought in they offer assistance instead of taking the animal or telling them that the shelter is full.

That assistance can include: guidance and education, maybe keep it temporarily until a home can be found with the shelter providing the basic care such as vaccines, food, temporary kennel. We will scan for a microchip, post on social media, to try to find the owner or a new owner. The Houston website is clear that if you pick up a dog you need to be able to provide the care. With that message the public is alerted that their shelter is a kill facility. Some people are under the impression that if a dog is surrendered that it will find a new home. If you want the public to take this crisis seriously we have to educate them. They deserve to know that there may be a negative outcome when they bring a dog to the shelter. Awareness and education is how we get the public involved. I opened "The Empty Kennel" Facebook page about 2.5 months ago. It is an information hub, and pulls information together about resources. We don't take donations it is just for information. I do publish information about PAAC Street Program, a non-profit organization based out of Corpus Christi that does a low cost clinic and free spay and neuter programs, for 7 counties including Aransas County. This has been in effect in Aransas County for about a year, but only about 7 streets had been placed on that program, all we have to do is add more streets. So, every week I send a new grid of streets. This does not take any off the list it just adds the new ones and in the last 2 months I've added about 70 streets to the program. Anyone who resides on the added streets you can set an appointment with PAAC and can get heartworm checks, free spay and neuter and free rabies vaccinations for all of your cats and dogs. It's my goal that within 6 months to have the entire county covered for free spay and neutering. The Facebook page has also inspired a food drive, I was contacted by "Pet Wants" of Corpus Christi they have a 1000lb food drive that is being run for the Shelter and for the non-profits and the fosters. In 7 days they have collected 400 lbs. of food. They also donated a booth for us at Market Days so we can promote our cause and have an adoption event. The event coordinator for Market Days wants to spot light the event as well. PAAC is going to spotlight our shelter in their annual Ed Hicks Subaru adoption event. Taurus K9 a dog behavioral training school in Aransas Pass that specialize in military and police dogs, they want to help with pet retention by teaching basic commands to the in shelter dogs, to the fosters, and to the new adoptive parents. None of these are of any cost to the county. We do have a situation to deal with that is not the responsibility of just one agency or organization. It takes a community to solve this. We need to get the word out and educate the public about options that are available. We need to seek out alternatives, implement new policies and procedures. And, take the new approach to finding solutions that maintain public safety, but also protect the innocent which are the dogs. I'm an example of what can happen when the public becomes educated, I am able to act and contribute to the solution. Although we may feel as if we have very little options available us, we need to put the topic of Euthanasia to the side for a while and remember what I talked about today. Because in reality we haven't begun to start the process of resolving the overcrowding issues. In comparison to other shelters in Texas we are behind the game. Those agencies understand the need for Community involvement. They understand what causes the overcrowding issue to begin with and have put thought in their approach to solve it and we should strive to walk in their footsteps. They have found successful ways to bring in their community and services to the residents in need with minimal cost to the agency. Most of all they

understand that the dogs in the shelter are there by no fault of their own, but at the end of the day they will be the ones that suffer the consequences. It would be a shame to put down these dogs without first utilizing the same cost effective and successful solutions implemented by so many other counties throughout the State of Texas.

Thank you for your time.

Judge Garza – citizen to be heard by statement to be read by Commissioner Rousseau
Dear Commissioner Rousseau

This is Deidra Ciriello, 2615 Business Highway 35 North, Rockport, TX. Please accept and read my comment below as part of Wendy Laubach's agenda item. Pursuant to Aransas County Order Vol 40, Pages 76J and K providing for Aransas County Animal Control Animal Regulations, Section 2.2 states that all identified dangerous dogs must be registered by the owner. Dangerous dogs include those identified as dangerous by Aransas County.

In response to a question regarding how many dangerous dogs are currently registered in the County, Aransas County Animal Control Director Lori Cesar responded that, as of October 4, 2023, there were no dangerous dogs registered in Aransas County. Since there are no dangerous dogs registered in the County, by definition there are no dangerous dogs housed at the County Animal Control.

VI. CONSENT AGENDA

7. Discuss, approve or disapprove the Minutes from the September 25, 2023 Regular Meeting – Misty Kimbrough/Judge Garza

Donations

8. Acknowledge and record in the minutes of Commissioners Court, the breakdown and value of services donated from Another Chance RFT to Aransas County for August and September 2023 with the total two month total of \$11,172.00:
 - a. August 2023: Veterinary Care, Meds, Spay/Neuters, Heartworm Tests, and Vaccines - \$6,192 Cremations - \$135. With the total value of donated services in August of \$6,327; and
 - b. September 2023: Veterinary Care, Meds, Spay/Neuters, Heartworm Tests, and Vaccines - \$4,845. With the total value of donated services in September 2023 of \$4,845 – Commissioner Rousseau
9. Acknowledge and accept a donation from the Barbara Morris 2019 Trust in the amount of \$100.00 to the Aransas County Public Library – Iris Sanchez/Judge Garza
10. Acknowledge and accept a donation of \$100.00 from Roger & Pat Wight for Aransas Animal Care Service for Supplies – Lori Cesar/Judge Garza
11. Acknowledge and accept a donation of animal supplies valued at \$150.00 from Lisa Honeycutt for Aransas County Animal Care Services – Lori Cesar/Judge Garza
12. Acknowledge and accept a donation of \$50.00 from Diane Clark for Aransas County Animal Care Services – Lori Cesar/Judge Garza

Motion to accept the consent agenda: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau

Donations Noted by Judge Garza

Vote: Motion carried 5-0: it was so ordered

VII. COUNTY REPORTS, ORDERS, AND RESOLUTIONS

13. Discuss, acknowledge receipt of, and record in the minutes of Commissioners Court, a list of salaries for Aransas County's elected officials for 2024 – Commissioner Rousseau

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline

Citizen to be heard: Misty Kimbrough, Aransas County Clerk, see attachment

Discussion followed: Commissioner Rousseau – Thank you Misty for your comments. Part of the reason I wanted to do this is when the first notice was in the paper, it did not correctly reflect what had been selected by people. It showed what the potential was, there is a difference between the potential costs and the reality. I found out from Mike Probst that the cost was not \$1,000 - \$1,300 but just \$300-\$360 that is a lot less than \$1,000. I wanted an accurate posting that we received last Wednesday in the paper. Perhaps next year it will be correct and not show just the potential.

Jacky Cockerham – for the cost of the ad we did pay over \$600, almost \$700 for it. The second one was to prove that a couple of the Commissioners did not take the \$500 increase. It was asked to be put on the agenda and it was. It was altered as it did not have names on it as we do not publish the names. We only publish positions and it was changed after it was sent to the paper to put all elected officials names on it.

Jennifer O'Steen – the notice that is required by statute does not require that we put what has been accepted or not because at the time the notice is required to be posted it is a proposed budget and proposed possible increases. It was correct at the time that it was published. The election to accept it or not was not effective because the budget had not been approved. Clearing up that the notice that went in the first time was not incorrect. It just did not include information that one of the Commissioners wanted it to include.

Commissioner Rousseau – I want the public to know what the elected officials are really being paid for the year. Whether or not the Texas Government Code requires that we post or not I think that there's some way we can get that information out to the public. I appreciate that things have to be posted before the budget is finalized, but I still want the public to know what the actual salaries are for the elected officials.

Commissioner Casterline – I would like to question if a Commissioner has the authority to change the posting. I understand Commissioner Rousseau went to the paper herself and changed it. Not the Judge and not the Court.

Commissioner Rousseau – I was in conversation with the Judge. I am not a renegade, I had received the information that I requested from the Auditor's Office. It was the wrong spreadsheet. I asked for the correct spreadsheet.

Commissioner Casterline – Did the Judge authorize you to go change it? He's the only one with the power to do that.

Judge Garza – after I got a quote, but not to change the form. I thought it was the same form that we used.

Jacky Cockerham – the form that was sent to you did not have the information that was put in the paper. It did not have who did or did not take it and it did not have the

names on it, because we do not publish the names, we publish positions. There were never any of the names put on there. The second time it was published it had all the precinct and elected officials names, we do not do that. It was edited before the paper published it. We did not pay \$300, maybe the paper gave you that amount as a special price but we have always paid over \$600-\$800 for that ad. That is why we quoted that to you when you asked for it to be published the first time. That is when it was agreed to put it on the agenda instead of republishing it. But it got put back in the paper at a different price.

Commissioner Chaney – This seems like a relatively minor issue except that what the Court accepts is what should go in the paper. I don't think there was intent but what we agree too is what it should be. If we want to change it we will change it as a body not as an individual.

Jennifer O'Steen – the only thing we are required to publish is the proposed budget approval notice and that's what we've published in the past. No one here staff or otherwise is opposed to everyone knowing what the elected officials chooses to accept. There is no reason why we would object to that. The reason this conversation is taking place is because the notice we've always published does not include people's names ever. If someone would like to publish additional information none of us are opposed, but we were surprised to see the notice that was published and purported to be an Aransas County document, but is not the documents produced by Aransas County. The notice at the top did indicate that it was a revised version after the budget was approved and are the amounts that were actually accepted. The issue is that if the Court wants us to publish a notice after the budget every year that's something we can do. It needs to be budgeted as an expense for us to be able to pay.

NO vote as this was only a discussion.

14. Discuss, approve or disapprove Resolution #R-25-2023, a Resolution Designating the County Judge as the Program Director and contact person for the Indigent Defense Grant Program – *Jacky Cockerham/Judge Garza*

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik

Discussion followed: Jacky Cockerham – Commissioner Rousseau requested how much we have spent on our Indigent Defense. I wanted to get some clarification, and I have 2 numbers: Grant is Oct.-Sept. & 2. Annual

Commissioner Rousseau – what I was looking for is that it appears this grant if awarded would be for about \$15,000 and then might be eligible for additional funds. I just wondered what the cost is to Aransas County.

Jacky Cockerham – I have it for our calendar year. For 2022 we spent \$356,572.00 & 2023 through September \$278,954.00. Not all of these go into the grant that we normally get about \$30,000.00 reimbursed. A lot of the paid attorney's fees are not reimbursable by the grant.

Commissioner Rousseau – I thought it would be a large expense for the county.

Jacky Cockerham – it is a large expense for the county and a very large part of it is not reimbursed through the grant.

Vote: Motion carried 5-0: it was so ordered

15. Discuss, approve or disapprove Resolution #R-27-2023, a Resolution stating that Aransas County will not support any mandate that requires a person to wear a mask or face covering; that confines a person to their home; that requires business to modify operations; or requiring vaccinations without a person's informed consent – Commissioner Rousseau

Motion to approve: by Commissioner Rousseau, motion was seconded by Judge Garza

Discussion followed:

Kim Hesley – Citizen to be heard – We are all individuals and we all have unique health situation and know what our bodies will tolerate. I don't feel like anyone should have to choose between their health and earning a living. No one should be prohibited from obtaining goods and services because of medical intervention that's not of their choice. I saw that the City of Odessa passed a resolution like this, so I contacted Commissioner Rousseau, my Commissioner. I asked if Aransas County might be willing to do the same. I appreciate that she has run with my request to bring this forward. We have a special session starting today in the legislature, the 3rd special session and the Governor has put this issue on the call. I applaud him for listening to the grassroots and I think it is very important for our local bodies to take a stand on this. I thank the Court for being willing to take a look at this and to do what governments are supposed to do to protect the rights and liberties of our citizens. I am in full support of this resolution and I hope to see a unanimous yes vote.

Judge Garza – read a statement from Deborah Stevens: Covid tyranny totally obliterated every right granted in the First Amendment across the country and even in parts of Texas. Citizens were denied church services, speech was silenced, a media that did not follow government talking points were suppressed, peaceful protest was not permitted unless buildings were burned and business owners arrested for trying to make a living. The First Amendment does not have an asterisk that says there is an exception for an emergency. This was not first time that the government has fear and an emergency “to find ways to limit freedoms and privacy and it will not be the last.” Aransas County should stand for freedom.

Commissioner Dupnik – read a statement from – Brad Brumbach: The resolution stating the county will not support any mass mandate, lockdown, business operation modification or vaccination mandate. I urge you to vote against this resolution for two reasons: 1. there is no one in Aransas County qualified to make decisions as to whether these actions are justified from a medical standpoint. 2. State law will trump any local resolutions. So this item is simply political grandstanding and nothing more. Something I think we have too much of already. Thank you.

Commissioner Casterline – I have a legal question: The courthouse if we had an order to wear masks and the people that didn't want to wear masks and didn't have to. How about the people that worked here that were scared to come to work because people weren't wearing masks? What would our liabilities be?

Jennifer O'Steen – The state legislature did take some action in the last session in SB29. Provides that governmental entities cannot institute mask or vaccine mandates. Right now the Commissioner's Court would not be able to put a mask requirement into place at the courthouse. So the question of how that impacts our employees are

questions that should be directed to the state legislature. That has already happened and we have no control over that. The part of this resolution that has not been addressed by the state legislature is what happens in privately owned businesses. This resolution says that the county doesn't support those businesses instituting such mandates. As the statement read by Commissioner Dupnik, noted that any federal law that come into place would trump a local resolution. So, keep in mind that while Commissioner Court may vote today that it doesn't support those measures the Commissioner's Court does not that the authority to make that type of a decision whether those mandates would be legal.

Commissioner Chaney – as is now, the County Judge is ultimately responsible the health and safety of County offices. If the Judge thinks it necessary to close and lock the building, that is a function of the County Judge. If the Court doesn't want to do that they have the authority to recommend to the Judge to change that.

Jennifer O'Steen – the way it is written currently, and to clarify the statement regarding governmental entities. The courthouse cannot be the subject of a mandatory mass requirement for people visiting the courthouse. That doesn't mean that the Court or the Judge could require employees to wear masks. I'm not sure that has been clearly outlined for us at this time. As the state law currently sits governmental entities are not able to institute on their own any mask or vaccination mandate. If such mandate came from the federal government there would be a question which law would prevail. The general consensus is that the federal law would prevail.

Commissioner Chaney – this resolution as written says that we support letting the citizens choose, pending any changes from the federal government.

Jennifer O'Steen – No, the resolution as worded says you support Senate Bill 29, the state law that recently passed. But then you take it a step further and making the statement that you do no support private businesses instituting such mandates.

Commissioner Dupnik – I want to say, I'm against any mandates, personally. I don't want this to come across as a "court" telling a private business or a private individual that we don't think they should do something. That's not our duty as a court. As a court we've got a lot more important things going on than a resolution like this. That bothers me. I'm all in favor of not having the government telling us what to do but, we've got other issues in our county. We should be focused on those more than this.

Judge Garza – the resolution is not asking us to break the law or not enforce the law. It's just to not support any mandates.

Jennifer O'Steen – just because something is adopted does not mean it won't be challenged in a court of law. In my opinion there is no reason why we should try and make law, we should agree to enforce the law. This resolution does that.

Commissioner Dupnik – you are saying this resolution does say we will enforce the law?

Jennifer O'Steen – it says we would not support private businesses doing anything that would require a mandate.

Commissioner Rousseau – I did hear from Ms. Hesley and I looked into this. There is a group called "Texans for Vaccine Choice" formed in Feb. 2015 in response to HB 2006, that aimed to remove religious exemptions from vaccinations for students. A band of parents and legislators worked together diligently to fight this and 16 other

bills that were proposed that attempted to mandate vaccines, limit liberties due to personal medical choices, override parental guardian consent and increased tracking. With the help and guidance of liberty loving elected officials of Texans for Vaccine Choice is now a widely recognized organization across Texas. They are dedicated to protecting medical freedom and vaccine choice by ensuring that the issue remains at the forefront of political discourse, promoting incumbents and candidates who strongly support their values and drafting legislation to further solidify the rights. They are a 501 (c) 4 non-profit organization focused on advocacy. Going forward they hope to represent supporters and all others who share their ideals with dignity and empower people to become politically involved. Ms. Hesley's idea was to educate the public and ensure the vaccine choice remains a right free of consequence or interference from government or bureaucracy. We are a community powered by tourism. I ask you to think back four years when museums, hotels, restaurants, any public places including grocery stores were shut down or severely curtailed their business operations. This takes a stand and says we will not require businesses to follow those mandates. We will not mandate what they have to do, we're just not going to encourage them to follow mandates.

Commissioner Dupnik – we don't have the authority to mandate a Commissioner Court anyway.

Jennifer O'Steen – I don't think that is what the resolution says. It acknowledges that state law is that governmental entities cannot have mandatory mask or vaccination requirements. I don't think we are giving an opinion regarding what private business might choose. We are saying we don't think mask and vaccination mandates should be in place. As far as enforcing there is some language in there about not making businesses closing early and also informed consent of the type of vaccination they are receiving. That is the extent.

Vote: Motion carried 5-0: it was so ordered

16. Discuss, approve, or disapprove the Historical Commission Report for the 3rd Quarter of 2023 – Doreen Bronner

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau

Presented by: Doreen Bronner *see attachments for more information*

2025 is America's 250th Birthday, with that we will be doing Smithsonian Museum on Main St. starting January 2025, and will be a great kickoff.

Continuity within the Historical Commission – we are on two-year terms on the odd years. People that are coming off the board are there as advisers. So there is some continuity.

Vote: Motion carried 5-0: it was so ordered

17. Discuss, approve or, disapprove the Rockport Center for the Arts Report for the 3rd Quarter of 2023– Luis Purón

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau
Presented by: Luis Purón *see attachments for more information*
Vote: Motion carried 5-0: it was so ordered

18. Discuss, approve, or disapprove Order No. O-23 -2023, an Order of the County of Aransas, Texas, Prohibiting Outdoor Burning for a Period of Up to Thirty (30) Days – Judge Garza

This item was struck from the agenda.

Judge Garza called for a recess at 10:24 AM, reconvened into open session at 10:33 AM

VIII. CONTRACTS AND GRANTS

19. Discuss and consider taking action regarding to the County’s EDA Contract No. 08-01-05487 related to the Workforce Development Center Project located at 2000 HWY 35 N, Rockport, TX, 7838; to authorize the County Judge to send a letter to the Economic Development Administration (“EDA”) to request for the grant to be transferred to Del Mar College District (“DMC”); to execute a memorandum of understanding with DMC setting forth the terms and conditions of the agreement to transfer the grant, deed the property, and assign ancillary contracts; to assign the GrantWorks grant administration contract to DMC; to assign the DBR Engineering Consultants, Inc. MEP Engineering and Construction Administration Services contract to DMC; to approve entering into a Purchase and Sale Agreement for the Workforce Development Center property with DMC; and to authorize the County Judge to execute necessary documents to facilitate the transfer, sale, and assignments, including executing a Warranty Deed at Closing – John Strothman/ Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

Discussion followed:

Kristi Rutledge – I have followed this from the very beginning as I have followed all of the grants that came out of Long-term Recovery. From the beginning the questions were: can we get a copy of the grant, do we know what is going on in these transactions, what is the cost to the taxpayers? Those were my basic questions. Apparently we’ve had a problem with the Workforce Development grant in the EDA. Judge Garza you were elected and then decided this not a project the county should be in. I agree with you. I don’t agree that it should be passed off to Del Mar, given to them as a free gift. We then lose control of it, and then have a potential tax liability. I believe that needs to be fully disclosed to the residents of Aransas County before you take action. I’d like to ask after presenting to you that some changes be made. 1. I watched Del Mar’s meetings on 10-3-23 presentation with Lenora Keas to the Board of Regents. She presented an update budget regarding the Workforce Training Center that is drastically different than what is currently included in the EDA grant. In the EDA grant there is a prediction of 800 students per year, showing \$1.45 million in revenue per year and the same amount of expenses per year. The current proposal is \$988,000 in salaries has been reduced down to \$54,000. Only 1 part-time adjunct instructor is currently scheduled after the property is deeded over to them. The

student count is reduced down to 200 in the first year. State funding is also reduced to \$95,000 per year. The state funding was predicted to be over 2 million dollars in year five. My concern is what are we getting into? What are we passing off to Del Mar? At the meeting it was brought up about the completion of the grant, there was a Regent that was quite concerned before they went into Closed Session for about an hour to discuss this. He was concerned what the expected outcome of the grant to complete the construction of the building by 2026. Miss Keas presented a possibility of an extension, but the grant contradicts that. 2026 the construction must be complete and Ms. Keas stated that she felt it could be done for the \$750,000 that's available between the remaining county and grant funds. That's \$49 per square foot. Del Mar has a Workforce Training Center off of Old Brownsville Road. They purchased a big office building similar to this configuration, 48,000 square feet. Their cost to reconstruct that was \$277 per square foot. The Aransas County Partnership Economic Development Corporation, presentation from Lenora Keas is that they are committed to fundraising to make sure this property is completed and close out the grant. I believe it's about \$3 million to finish reconstruction of that building if you go off of what they spent at the other Workforce Center, for 16,000 square feet. The scope of work is also confusing in the grant says that Del Mar may already own the other building. I think we need all the information brought here in a presentation.

John Strothman – The Workforce Development Center, Del Mar has a better handle on the numbers and they have more flexibility in being able to raise money. So, I am not concerned about them being able to raise the money. We had an estimate of about \$1.5 million from a general contractor. Del Mar feels they can do it for less money. If they are interested in going forward, I guess it's a good idea.

Judge Garza – when I took office it was the elephant in the room. It's now been 10 months of what do we do with this building? We've been throwing money at it every month maintaining it and insuring it. I'm committed to not putting another dollar into it. Agreeing to this transfer doesn't mean we are getting into something, we are actually getting out of this building. Once it is transferred we have no liability whatsoever. I think it's a good deal. Hand it over to them and let them worry about their financials. Once it's out of our hands it's not our problem anymore.

John Strothman – Del Mar is aware of the dollars, there is nothing on the table that they do not know about. They provided the in kind on architecture, so they know what the building is going to cost. I've given everything I have, bids and things like that.

Commissioner Chaney – We've been in this so long that we need to do something. I agree with the Judge that we need to get out of this, even if we decide to do something on our own we are looking at 2-3 years before that happens. I don't know the time frame to transfer this over, but that does get us out of it. Maybe not on the tax rolls but gets us out of this situation. Ms. Rutledge is right on a lot of things, but indications show that this is not viable for us. If the County Attorney, Auditor, Judge is happy with this then I am happy with it. I would suggest we go ahead and do it.

Jennifer O'Steen – In reference to the grant: 1st there is a possibility that the EDA might give an extension to Del Mar, but after this transfer takes place that is no longer the County's concern. As long as the EDA agrees to this transfer everything should

move pretty quickly. If you approve this item with everything in it today, the next step is to send a letter along with Del Mar to the EDA official requesting permission to transfer. As soon as that transfer is officially blessed by the EDA then we will do the sale and deeding of the building. There's a requirement that this be used as a Workforce Development Center for 20 years, and that is a requirement that Del Mar will have to satisfy. Do any of you have questions about the terms of the deal?

Commissioner Rousseau – I have a couple of questions. My concern has been when talked about in the past, that oh, well there were those pledges and donations and I would like to confirm that we have no liability, we have no need to return those donations or pledges. That we are honoring the fact that people made those pledges for it to be a Workforce Development Center. We are saying Del Mar is going to make it a Workforce Development Center and the money is being used as intended. Del Mar will do it instead of Aransas County.

Jennifer O'Steen – Most of those funds have already been used in the furtherance of this project. It will remain to be a Workforce Development Center. I believe that those donations were given and used in good faith. That is and remains to be the scope moving forward, even after the transfer.

Commissioner Rousseau – the other is the wording saying “facilitate the transfer sale and assignments” are we selling this building?

Jennifer O'Steen – it doesn't require money, consideration can be a promise. In exchange for us taking this transfer on, Del Mar is going to be giving us a promise that is going to step into our shoes and take over the requirements under the grant. That is quite a bit of consideration taking on those responsibilities. We are going to put the terms and conditions in a purchase and sale agreement like we would any other agreement. There may be a nominal amount as is traditionally done, maybe \$10. Most of the consideration will be in promises.

Judge Garza – even closing costs, Del Mar is going to use their Counsel, and of course we will use Counsel.

Jennifer O'Steen – I've been working closely with Augie Rivera who's General Counsel for DMC (Del Mar College), most of the documents are already drafted and ready to go. The only two I have yet to draft are the assignments. The people we have contracts with are happy that the plan is for Del Mar to step into our shoes and keep those contracts in place.

Commissioner Dupnik – Initially with our partnership with Del Mar was that the County would be responsible for maintaining the building long-term. This will relieve us of any responsibility for the future and I think that is the most prudent thing we can do.

Judge Garza – absolutely.

Jennifer O'Steen – in reference to what Ms. Rutledge stated. I don't believe that anybody has purchase the southern half of the “Little Bay” building. I believe it is still in the hands of the owner that we purchased the north half from.

Mr. Sjostrom – my understanding it that is still owned by Kasey Jackson and has not been purchased by anyone.

Judge Garza – it does not matter who owns the other half.

Jennifer O'Steen – the only reason it might matter is that the southern half remains on the tax roll as far as we know.

Vote: Motion carried 5-0: it was so ordered

20. Discuss, approve or disapprove entering into a Real Estate Purchase and Sale Agreement between Rockport Property Entity, LLC, EVC-CC Land Holdings LLC, and Aransas County, Texas for the purchase of approximately 972.952 acres of land out of the A6 Joseph Fessenden Survey, J. Smith Survey, and A14 Anselmo Bergara Survey, near Cape Valero and 1751 FM in Aransas County, for Two Million Three Hundred and Fifty Thousand Dollars (\$2,350,000.00), with the purchase contingent upon the award and receipt of grant funds from the GOMESA Program, CMP Cycle 29 for Projects of Special Merit, and authorize the County Judge to execute necessary documents – Kat Comeaux/Jen O’Steen/Judge Garza

Motion to approve: Amended motion to read “1781 FM in Aransas County” not “1751 FM in Aransas County” by Commissioner Casterline, motion was seconded by Commissioner Rousseau

Discussion followed: Kat Comeaux – The County’s application for the Coastal Management program in cycle 29 project of special merit did get selected to move forward for further consideration for funding. Out of 37 applications only 8 were selected. So, we are very excited. The area that is hopefully subject to this grant is historically known as the Bailey Ranch. The approximately 972 acres would be for open space and conservation.

Vote: Motion carried 5-0: it was so ordered

21. Discuss, approve or disapprove Resolution #R-28-2023, a resolution to participate in a FY 2024 Airport Improvement Project (AIP) Statewide Lighting Project Grant, administered by the Texas Department of Transportation Aviation Division for airfield lighting and electrical repairs at the Aransas County Airport, at an estimated cost of \$2,570,000 to be paid with grant funds and a local funding match of \$257,000, paid with funds received under the American Rescue Plan Act (ARPA) – Mike Geer/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Chaney

Discussion followed: Mike Geer – the airport lights were heavily damaged by Hurricane Harvey. They have been programmed in the grants with TX DOT Aviation. They have come up for eligibility, pavement took priority and lights are the next priority on the list and we qualified for the grant. The \$257,000 match is not due until our fiscal year where the money is budgeted, which is January 1st, and the project won’t kick off until after that anyway.

Commissioner Rousseau – we have previously approved this match but that was on a slightly reduced total estimate.

Mike Geer – yes ma’am.

Commissioner Rousseau – we previously approved \$240,000 for our match and this is just to show that it came in a little higher.

Mike Geer – I believe it is still available from ARPA funds.

Jacky Cockerham – yes that is in the ARPA funds.

Vote: Motion carried 5-0: it was so ordered

22. Discuss, approve, or disapprove entering into a one-year Ground Lease, with up to four consecutive one-year renewal options, with Island Operating Company, Inc. for 7,200 sq.

ft. of land at the Aransas County Airport at the annual rate of \$7,200 for the first year with annual increases if the lease is renewed and authorize the County Judge to execute necessary documents – Mike Geer/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed: Commissioner Casterline – is there an annual increase rate?
Jennifer O’Steen – it’s about 3%.
Mike Geer – that’s about right.
Commissioner Rousseau – I thought it was about 2.5%
Mike Geer – it starts at about .5% and ends at just over 3% by the time you get to the final
Commissioner Rousseau – I was just taking it on a year by year increase not from the initial fee.
Mike Geer – it ends up more than 3%. On this one, paragraphs 6B and 8A the word hanger was used and I’m asking for this to be approved with me changing those to area.
Commissioner Casterline – I will amend my motion to include that change.
Mike Geer – thank you.
Commissioner Rousseau – this is just taking a monthly lease to an annual lease.
Vote on amended motion: Motion carried 5-0: it was so ordered

23. Discuss, approve, or disapprove entering into a one-year lease, with up to four consecutive one-year renewal options with Rotocraft Leasing Corporation, Inc. for space in Hangar Large Bravo, a community hangar, at the Aransas County Airport at the annual rate of \$6,600 for the first year with and annual increases if the lease is renewed and authorize the County Judge to execute necessary documents– Mike Geer/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Discussion followed: Mike Geer – again taking a monthly lease to an annual lease. Making this a permanent location for them with the terms of the lease. This is the helicopter that flies people offshore and our biggest fuel burner, they average about \$10,000 in jet fuel monthly.
Commissioner Rousseau – we are accepting these rental rates with increases each year which is fine but then it says Commissioners Court sets rental rates and that we could subject to our decision to change these. That seems rather contradictory that we are stating what the rates will be and then saying we can change the rates.
Jennifer O’Steen – because we don’t bind future Commissioner Courts to what we are going to do in future years we always put a disclaimer in the lease that points out that if the Commissioner’s Court later decides that we are behind the geographic area in our lease rates then you would have the opportunity to increase it more. We have not had to do that and we don’t plan to do that and building in an increase makes sense. It’s just a way to let them know that the Court sets those rates and has the prerogative to change those rates.
Vote: Motion carried 5-0: it was so ordered

24. Discuss, approve or disapprove Change Order #5 to the Construction Contract between Aransas County and KC Lease Service, Inc. d/b/a Matagorda Construction & Materials for the Copano Heights Drainage Project included in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270, in the amount of \$82,500 for safety end improvements (SET) and installing/watering erosion control grass to improve the project – David Reid/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney

Discussion followed: David Reid – this using extra money on good things for the project that the grant will pay for. The project is close to completion.

Commissioner Casterline - it did good in the rain

Commissioner Rousseau – how much has this project increased since approved.

David Reid – they won't allow an increase of more than 25% so we are under that.

We are trying to get up to 25% because we have that much money available.

Commissioner Dupnik – we are trying to use the allotted money.

Commissioner Casterline – you can't move it to another project but you can increase the existing up to 25%

Commissioner Rousseau – there was a budgeted amount and it's come in under, so what we are doing is adding improvements.

David Reid - correct

Vote: Motion carried 5-0: it was so ordered

25. Discuss, approve or disapprove an Interlocal Cooperation Agreement between Aransas County and Kleberg County for Jail Services to alleviate jail overcrowding at the Kleberg County Detention Center on an as needed basis, in exchange for the payments set forth therein, with the Agreement being in effect from the date of execution until December 31, 2024 and for up to Four (4) renewals of One (1) year – Sheriff Mills/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Chaney

Discussion followed: Sheriff Mills – this is cleaning up paper work a request brought before the court a few months ago to enter into an MOU that we have with others including Gonzales County and the Feds, this is the same rate. Just need to complete the paperwork, their Court has signed now we need your signatures.

Commissioner Rousseau – On page 2 – states fees will increase 3% per year, under 4A (2) then under 4B (1) states the fees described will go up automatically 3%. Is this what we do in our other contracts?

Sheriff Mills – Yes ma'am, it's a duplication of what we have but the Fed contract does requires that we renegotiate that every five years.

Commissioner Rousseau – Who is Rudy Madrid, it didn't give that persons designation.

Judge Garza – He is the Kleberg County Judge

Vote: Motion carried 5-0: it was so ordered

26. Discuss, approve or disapprove Change Order for \$10,300 from Gray & Pape for additional archeological survey work required by Texas Historical Commission at Lamar Beach Road Hazard Mitigation Grant Program (HMGP), site 4332-015 – John Strothman/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau
Discussion followed: John Strothman – There is an historic designation created in 1927 in the water that required by Texas Historic Commission and FEMA to provide an archaeological survey. This is for the hazardous mitigation Shoreline project. They decided that we needed to do additional survey work in the water, poking around with shovels looking for artifacts. None were found. The cost was \$10,300. This is funded by the GO MESA funds for now but we’ve gone back to TEDM and FEMA and going to apply these the additional costs that we weren’t prepared for against the match that we have. So we’re going to reduce the match cost because we’ve already spent the money.
Commissioner Rousseau – we approved that this work needed to be done. This is the bill for the work that was done.
John Strothman – this is the bill with the additional \$10,000.
Commissioner Rousseau – it’s likely that this project will be able to proceed?
John Strothman – it was the major hurdle left to proceed forward, after five years.
Vote: Motion carried 5-0: it was so ordered

IX. PLANNING AND BUDGET

27. Discuss, approve or disapprove the September 2023 Indigent Health Care Report – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Alma Cartwright – expenditures for Sept. \$27,166, this is 1st month in the fiscal year.
Vote: Motion carried 5-0: it was so ordered

28. Discuss, approve, or disapprove the Revised Job Description for the Chief Deputy Treasurer position, changing the position from a Group 17 to a Group 19, to effectively place the position closer to where it should be. There are no new monies added to the current budget with this change – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Alma Cartwright – the group and step system should reflect the skills and responsibilities of that position. I compared other Chief Deputies in other departments and they ranged from a 19-15. This position will sign on the bank account and have investment responsibilities. So, I believe it needs to be in group closer to what the First Assistant Auditor is. I’m not going as high as a 21 but I would like to put it in a 19.
Commissioner Rousseau – I’m curious what is the group number for the Chief Deputy County Clerk?
Misty Kimbrough – a 15
Commissioner Rousseau – if we go from a 17 to a 19 isn’t that about a 10% increase?
Jacky Cockerham – it is a 10% but if they take steps down then it will be no new revenue or expense.

Alma Cartwright – I do not intend to do beyond what’s in my budget.
Tana Taylor – we do need to keep in mind that when we go through budget workshops. We did take all higher budgeted positions to a step 1, per your instruction.
Commissioner Rousseau – all that weren’t filled?
Tana Taylor – So that would at that point be an increase.
Alma Cartwright – if I hired beyond a 1. I’m in a predicament now where the personnel policy says that I can hire up to a 3 without coming to Commissioner’s Court. I cannot have my Chief Deputy making less than the other employees in my office, because of the responsibilities on that position. But I can stay within my budget.
Commissioner Rousseau – I can amending this and changing it from 17 to an 18, you’ll be higher than the Chief Deputy Tax Assessor and Chief Deputy County Clerk, and equal to 1 of the Chief Deputy District Clerk. I don’t know if anyone wants to second that amendment.
Commissioner Dupnik – You stated you are staying in your budget regardless.
Alma Cartwright – yes I am. The kind of work that my Chief Deputy does is different responsibilities, including financial, than the Clerk’s offices. It is comparable to the Auditors and that First Assistant is a group 21.
Judge Garza – we have an amendment, it didn’t get a 2nd.
Commissioner Casterline – I don’t accept the amendment. I believe the rules are if I don’t accept the motion we have to vote on my motion. Is that correct?
Judge Garza – there is no new money to the budget.
Alma Cartwright – no new money, when I hire, I probably will be under what we pay now.
Judge Garza – I am going to get a salary study. We trying to get some quotes, the company used in the past no longer does salary studies. As long as there is no money I’m ok, it is your office.
Misty Kimbrough – for clarification we are call to question on the original motion.
Vote: Motion carried 5-0: it was so ordered

29. Discuss, approve or disapprove paying for immunizations at the Annual Aransas County Employee Health Fair for employees not covered by health insurance, at the budgeted cost of \$1,500 utilizing funds from the Health Care Sales Tax – Desiree Upton/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Discussion followed: Desiree Upton – The County does typically pay this every year. It is already budgeted in the Healthcare Sales Tax fund.
Commissioner Casterline – do we have a lot of people that aren’t covered by the County Healthcare?
Desiree Upton – not a lot but, could be part-timers or if they have coverage with somebody else or can’t afford covering their family with us.
Judge Garza – When’s the Health Fair?
Desiree Upton – next Friday, October 20th
Vote: Motion carried 5-0: it was so ordered

30. Discuss, approve or disapprove the September 2023 Auditor's Monthly Report – Jacky Cockerham/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline

Discussion followed: Jacky Cockerham – I did revise the budget to better reflect what we actually have. Prior to this all revenues were in one spot and then all expenditures were separate. I revised it where your revenues and expenditures for each fund show up and better reflects what we are doing. Some of the special revenues look like they are in the negative that means that revenues are not as high as expenditures. We did budget to use some fund balance on them.

Vote: Motion carried 5-0: it was so ordered

31. Discuss, approve, or disapprove the Budget Line Item - Transfers for the 2023 Budget – Jacky Cockerham/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Casterline

None at this time.

Vote: Motion carried 5-0: it was so ordered

32. Discuss, approve, or disapprove Accounts Payable and Payroll/Payroll Liabilities – Jacky Cockerham/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik

Discussion followed: Jacky Cockerham – this are all normal out of 430 & ARPA funds.

Vote: Motion carried 5-0: it was so ordered

X. REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS, AND DEPARTMENT HEADS – NO ACTION WILL BE TAKEN

- Mike Geer – this weekend starting on Friday and ending on Sunday, totaling 22 hours, the Aransas County Office of Emergency Management helped sponsor a CERT Class to be taught. That stands for “Community Emergency Response Team.” This was a basic training class. Texas Parks and Wildlife did the instruction, Richard Hilldrith out of Austin presented. This training is to take volunteers from zero knowledge to becoming a stop gap for an emergency situation or a disaster. They can perform basic lifesaving functions until a first responder can arrive on a scene. They can be used in conjunction with a disaster declaration or emergency situation by; help direct traffic, set up refreshments or rehab for the firefighters and other first responders. We don’t have a team in Aransas County, and didn’t have anybody that had been through the training. Now we have 13 individuals that have gone through the class and I want to recognize a few folks that are here today that went through the class. Judy Sutterfield from I.T., Lori Ceasar from Animal Care, Jerry Brown on the Airport Advisory Board. Sheriff Mills and Judge Garza came by and spoke to the members, Commissioner Dupnik came to the airport hangar for the final exercise. The next step for us is to create a team. There were a few out of the 13 that were at the top of the class that will be able to help lead us with creating a team. This was the

first step towards that goal. We need someone to get credentials to become a trainer and then we can start having sessions more often and build a strong team. I will report back to let you know how they are getting along and what their needs/requirements might be.

- Commissioner Dupnik – I have a few questions. 1. I would like to ask Ms. Butler what effect the rain had on County facilities? Ms. Butler – not a lot of damage, just 2 leaks. 2. Question for David Reid from the residents of Holiday Beach, do you have a timeline for the grant project to start? David Reid – The clock is ticking. It has been authorized to start. Commissioner Dupnik – I saw they did put some construction signs on the highway about a month ago and people are wanting to know.
- Commissioner Chaney – I want to thank David and his crew for removing the sign at Bahia Bay. Ya’ll got a lot of compliments. David Reid – the contractor actually did that. Did we get the roof and tank done at the Jail? Sheriff Mills – no sir, the architect is still working on it. Jennifer O’Steen – the roof is complete.
- Jacky Cockerham – I would like to let everyone know we are going to be hosting a TDEM training for the financial side of handling disasters. It will be at the Aquarium Education Center, November 1-3, 2023. We have invited the City, Navigation District, School District, as well as the Town of Fulton to join us. TEDM will be coming and doing an extensive training, then we will be certified as well.

XI. REPORTS ABOUT ITEMS OF COMMUNITY INTEREST – NO ACTION WILL BE TAKEN

- Judy Sutterfield – reporting for Keep Aransas County Beautiful. On September 23, 2023 we did a cleanup, it was a Dos Equis Waterway Cleanup. We won a grant from them. Envision with turn into the boat ramp at Copano Bay Bridge and to the other side of the bridge and turn down to go to the water. We picked up over 460 lbs. of trash in that very small area. There were a couple of tires so if we take those out and estimate 100 lbs. for them, that is still 360 lbs. of Styrofoam cups, ice bags, Chee-to bags, and lots of fishing line. We had approximately 30 signed in volunteers and a majority of those were from Gulf Coast Growth Ventures, the Exxon Mobile group. TX DOT picked up the 460 lbs. of trash for us, so we had no fee for dumping. We have a cleanup on October 21, 2023 partnered with CCA this will be a waterway and roadside cleanup around the Cove Harbor area. We are expecting a huge turn out because CCA is promoting this. I hope to come back with good numbers on that cleanup also.

XII. CLOSED SESSION

33. Convene into a Closed Session to consult with counsel and receive legal advice about insurance matters related to Aransas County’s projects and insurance claims from Hurricane Harvey, including the following pending litigation:

- Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021; and
- Northstar Recovery Service, Inc. v. Aransas County Independent School District and Aransas County*, Aransas County, District Court Cause No. 23-0066 consolidated with *Northstar Recovery Services, Inc. v. HR&R, LLC, et al*, Aransas County District Court Cause No. 20-0159; and

iii. *Aransas County v. Kathleen Hicks, in her official capacity as Director of the Regional Pool Alliance*, Aransas County District Court Cause No. 23-0069.

pursuant to Section 551.071 of the Texas Open Meetings Act, which authorizes closed sessions for a governmental body to consult with its attorney(s) regarding advice on legal matters pertaining to “Pending or Contemplated Litigation; or a Settlement Offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with” the Open Meetings Act –Jennifer O’Steen/Judge Garza

Motion to move into closed session: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Vote: Motion carried 5-0: it was so ordered
Convened into closed session at 11:26 AM

XIII. OPEN SESSION

35. Reconvene into Open Session

Motion to reconvene into open session: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Vote: Motion carried 5-0: it was so ordered
Convened into open session at 11:35 AM

36. Discuss and take action on matters discussed in closed session – Jennifer O’Steen/ Judge Garza

Motion to: approve the Supplement to Engagement Letter with Lloyd Gosselink to authorize the firm to contract with Engineered Construction Specialists to perform services related to pending litigation, including reviewing work performed and evaluating uncompleted work.
Motion by: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Vote: Motion carried 5-0: it was so ordered

XIV. ADJOURNMENT

Motion to adjourn: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Vote: Motion carried 5-0: it was so ordered
Meeting adjourned at 11:36 AM

ARANSAS COUNTY COMMISSIONERS’ COURT



Justin Kimbrough

Ray A. Garza

Ray A. Garza, County Judge



Regular Meeting Agenda for October 9, 2023
Aransas County Commissioners Court

Misty Kimbrough,
Ex-Officio Clerk of the Commissioners Court