

MINUTES OF THE ARANSAS COUNTY COMMISSIONERS' COURT

REGULAR MEETING - NOVEMBER 23, 2020

On the 23rd day of November, 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 1-1A; **Leslie Casterline**, Commissioner, Precinct 2; **Charles Smith**, Commissioner, Precinct 3; **Wendy Laubach**, Commissioner, Precinct 4; and **Carrie Arrington**, County Clerk.

Other County Officers present in person, via YouTube, or via Zoom, were: **Alma Cartwright**, Treasurer; **Pam Heard**, District Clerk; **Tracy Orr**, Administrative Assistant to County Judge; **Jaime Blackburn**, Executive Assistant to County Judge; **Jacky Cockerham**, County Auditor; **Tana Taylor**, First Assistant County Auditor; **Latisha Murphy**, Assistant Auditor; **Linda Doane**, HR Director; **Elizabeth Guerra**, HR Assistant; **Judge Richard Bianchi**, County Court at Law Judge; **Misty K.**, Collections Specialist; **Collin Jackson**, IT Director; **Judge Diane Dupnik**, Pct 1 Justice of the Peace; **Jerry Brundrett**, County Surveyor; **David Reid**, County Engineer; **Kat Comeaux**, Development Services Coordinator; **Valerie Gonzalez**, Environmental Health Director; **Kevin Stroud**, Elections Administrator; **Anna Marshall**, County Tax Assessor-Collector elect; **Mike Geer**, Airport Manager; **Rene Butler**, Facilities Director; **John Strothman**, Project Manager; **Lori Cesar**, Animal Control Director; **Kim Foutz**, Long-Term Recovery; and **William Whitson**, Long-Term Recovery.

Members of Local City Government, Community Groups and other Interested Parties present in person, via YouTube, or via Zoom, were: **Allen Lea**, Site Manager/Director, Fulton Mansion; **Robert**

Henderson, Equity Portfolio Manager, RBC Global Asset Management (U.S.) Inc.; **David Mendez**, Partner, Bickerstaff Heath Delgado Acosta LLP; **Randall Freeze**, Program Specialist & Legislative Liaison, Texas General Land Office; and **Mike Probst**, Editor and Publisher, The Rockport Pilot.

Aransas County Citizens present in person, via YouTube, or via Zoom, were: **Amanda Oster**, County Attorney-elect; **Pat Rousseau**, Commissioner-elect, Pct. 3; **Keith Allen**; **Joe Ingram**; **Katy Jackson**; **Mike Fields**; **Allan Smith**; **Rick Smith**; **Andrew Kane**; **Kathy Kane**; **John Jackson**; **Phil Salemi**; **Pamela Meyer**; **Elizabeth Hattman**; **Holly Francis**; **Jatin Bhakta**; and **Heather Brock**.

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 Salemi: (Generally) I encourage the Commissioners' Court to vote in favor of using tax notes to build the new courthouse. These mechanisms are at your disposal for a reason. We have an urgent need for a new courthouse - I believe we need one even larger than the one that was voted down or at least one that is expandable in order to serve us adequately into the future. It is not feasible for the County to keep the existing rental facility; not only is it inadequate but, in the long run, it will also cost taxpayers much more than a new courthouse since at some point in the future rent would equal cost yet there would be no asset. I believe that there were many misinformed voters who failed to do their homework, who only looked at a static present day view without considering future costs and benefits. There was also another group of people who are in favor of a new courthouse but preferred a smaller version or possibly a different version. Had the leadership of this county, specifically you, Judge Mills,

formed a large coalition of concerned citizens and sought the input of others and gotten the facts right, we may have avoided this mess altogether. The constant behind closed door meetings gives rise to those who believe they are clandestine and not on the up and up. Closed door government meetings should only be reserved only when they have to be and should not be used for day-to-day operations if the efforts are to be perceived with integrity and transparency. We need leadership that is much more charismatic and can coalesce the community into much greater majorities in the future. Although I thank each and every one of you for choosing to serve, we must seek and encourage more dynamic candidates in the future. There is no good reason in my mind to want any of your jobs and I have no political ambitions whatsoever; so, rest assured, I realize my own hypocrisy when I make these remarks.

Kristie Rutledge: (Generally) Just 20 days after the election, you will discuss circumventing the vote of 6,211 people who voted against Proposition A, basically erasing our votes and replacing them with tax notes. To even consider doing this is nothing less than un-American. We, the people of Aransas County, need to be heard. She spoke out strongly against county consultant, Bob Henderson. We believe in democracy and the power of the vote and it is your responsibility to honor our votes and follow the will of the people. If you don't, you will be held accountable for that long after Bob Henderson, William Whitson, and Kim Foutz bankrupt this community and drive many of us out of our homes with increased tax payments. No tax notes, Commissioners. No tax notes, Judge Mills. Let us vote again in May. Bring us back a reasonable proposal that we can afford.

Kathy Kane: (Generally) I am here to address two items being discussed today. First, I am in favor of Commissioner Laubach's proposal to require 30-day notice to the public before votes on

tax abatements and debt issuance proposals. We have the inherent right to govern ourselves and need to be able to observe our public officials as they conduct our business. We need at least two opportunities for the public to comment and be able to engage in an open and honest dialogue with you as our representatives. Second, I am opposed to the tax note. On November 3, Aransas County voters sent a clear message to local elected officials when 53% of the voters voted AGAINST the \$17.3 million bond for a Courthouse. Tax Notes are intended for emergency use; building a courthouse is NOT an emergency. The County is providing all services as expected in its current location. The County has time to do this right. Conduct public meetings to review space utilization and the financial picture and gain support for the vision. The Judge's Tax Note must be paid back in 7 r 10 years instead of 20 years for a band and this will result in a higher tax rate! The AGAINST voters on Proposition A gave a clear call to action to their elected representatives - Let Us Vote!

Andrew Kane: (Generally) The citizens have spoken and rejected the bond issue on the ballot. It is your job to come up with a new plan that the citizens will support in May. It is not your job to circumvent the citizens. So your job and represent the will and vote of the citizens. This Court has one major job to do - convince taxpayers to vote for this bond. You had the opportunity to answer questions but chose to remain silent. You had resources at your disposal: paid staff, a public relations officer, and so called experts in Long Term Recovery. Additionally, you had support from other organizations including the Chamber of Commerce, the EDC, a political action committee, and the local newspaper. A few citizens started a petition. You listened and put it on the ballot. Now more citizens have asked to be heard by voting against the courthouse. It is your turn to do the next step - listen to the citizens, sell your position, and ask for support.

Build a community team. We are getting very conflicting messages from your experts. Has our population increased or declined? What is our bond rating now? Have our cash reserves been reduced? What is our financial condition? Two weeks ago, I met with Judge Mills, Mr. Henderson, and Mr. Whitson. I questioned how the taxpayer share on the smaller two story courthouse changed from \$6.1 million on the grant application to \$13 million today. The response was, "These are the games we plan when trying to win grants." I said, "That's not honest." The Judge responded, "A lot of things are not honest." Let's stop going down this path with the Long Term Recovery saying what is necessary to win grants. Let's start being honest to ourselves and the citizens. Let us vote. Vote no on tax notes.

Katy Jackson: (Generally) We've heard a lot about communications. We've heard a lot about behind the scenes. We've heard a lot about hiding. And, that's what the people perceive. Why did we start a grant process in March and it finally gets finished in October and the cost of the courthouse go up \$11 million during that time? Magic. Government money is not free. You don't just wave your hand and government money shows up. Somebody pays that. For this tax note, who do you think gets to pay that money back? The taxpayers do. This money is not free. Communication is terrible around here. Lots and smoke and mirrors, people. Lots of smoke and mirrors. And, I, as a citizen of Aransas County, am quite sick of it. Either tell me the truth or I'll just leave. I don't have to stay here. I can take my taxes somewhere else, where I have a say in what happens. I don't want to leave but I can. I don't have to stay here and I don't have to take it. I want good information and good governance. The people are trying but I'm not seeing it from you.

A letter from Barbara Gurtner, read by Tracy Orr: (Generally) I am not able to attend court today but I want you to know that I wholeheartedly support you and the difficult decision you have made to fund the courthouse with tax notes for the following reasons. It is critical to build the courthouse and City Hall at the same time as originally planned and the grant monies were approved. Costs are reduced when the two are built at the same time. Using the same architect, construction manager, and contractors helped us obtain those grants - which may be at risk if these plans change. It is also critical to build the three-story courthouse as designed to allow us what we need now and have room for expansion in the future without having to build another structure later. If we build smaller, we saddle our grandchildren with debt. The building needs to be built for 50-75 years as planned. Interest rates are the lowest they've been since the 1950s, the effect of borrowing these funds is minimal to taxpayers. In fact, taxes were lowered with this debt included. Time passing risks higher interest rates and higher construction costs. Aransas County's sound fiscal policies are confirmed by the AA rating it has. Continued on again off again action can affect the rating and future bonds. Waiting is not a cost saving option. Those who have been hired to project our needs and who have this experience building government buildings, should be relied on. Taking the advice of the Attorney General of Texas to use tax notes for the betterment of our community is a wise decision that should not be delayed. Many people have invested money in this community because of the soundness of our local government and the fiscal responsibility of their good decisions has historically made this county a sound investment.

A message from Jeff Hutt to the Court, read by Commissioner Laubach: (Generally) Judge Mills, earlier this month, the citizens of Aransas County - despite the establishment lining up in favor

of a clearly coordinated misinformation campaign - clearly voted against increasing county debt by 121%, that is \$17 million to build a courthouse. Do not be confused, the against-vote outcome does not mean that citizens, instead, wanted you to increase county debt by 93%, which is \$13 million to build a courthouse. The citizens voted to make it clear to you: bring us - in the May election - a reasonable plan that has had citizen input for a reasonable price. Even though the state statutes allow you to pass tax notes to rebuild the courthouse, it does not mean you should. All true patriots hold that taxation without representation is tyranny. Honor the voice of the electorate. God bless Texas.

Pat Rousseau: (Generally) I was encouraged to run for Commissioner because people wanted something different in their local government, they want something I call the ABCs of county government: accountable to voters, building trust, and communicating openly. This still can be done by this Commissioners' Court by passing Commissioner Laubach's agenda items today. I would thank you to consider them.

Jatin Bhakta: (Generally) As the Commissioners' Court considers the option of using tax notes to fund the county courthouse, I urge you to use them. As a witness to these debates over the new courthouse that have unfolded over the past few months, I have concluded that this is a win for our community and our taxpayers. Without the benefit of grant and insurance proceeds, we will have to wait decades to see a new courthouse. I have no doubt that our county will grow significantly in the coming years. The signs of that growth are around us today. We, as citizens of Aransas County, need to insure that the county employees have the adequate space they need to carry out the business of the County. We cannot handicap the County employees by staying in this building. If I

was to do this in a business environment, this would not work. I would have all kinds of government entities on me for having employees working under these conditions. You don't need every citizen's opinion. You have in front of all of the employees that have advocated for a new courthouse that is adequate in size. Forget what we do. We come in this building for a day maybe two every now and again, a handful of days in a year. They come in every day, and they're the ones asking for this courthouse. And, this is within our means regardless of the numbers being pushed around and twisted, this is within our means. And, if I was making this decision today, I would go for it. Thank you.

Keith Allen: (Generally) I would like to see more information presented to the residents. I'd like to be educated with what's happening with the tax notes. I'd like to see the implications of how it affects us and our financials. I'd like some workshops to see what's going on. I'd like to be educated before I foot the note on this. Respectfully, I would hope you wouldn't vote on tax notes until we all can know more about them. I voted against it, but I do know we need a new courthouse but I would ask that you teach us - with educational processes - so that we, the residents, the majority, can see what's going on. I don't appreciate the fact that you might just take and tax us on something we don't understand. A few folks understand but the majority do not.

CONSENT ITEMS

1. Minutes from the November 9, 2020 Regular Meeting.
2. Minutes from the November 12, 2020 Special Meeting.

A motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve the consent items.

Question. Motion carried unanimously.

It is so ordered.

COUNTY REPORTS

3. Allen Lea, Site Manager/Director, Fulton Mansion State Historic Site, according to the agenda, was to give the organization's quarterly report, however, he was not prepared to do so. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to **table** the item until next meeting.

Question. Motion carried unanimously.

It is so ordered.

Although Mr. Lea did not have a report prepared (he's brand new), he did quickly introduce himself to the Court and talk about a drive by Santa event that Fulton Mansion is planning. He also mentioned that they received a \$200,000 grant to replace all the carpet since it was ruined in Hurricane Harvey. They will likely close down for two weeks during the month of September 2021 for this.

COUNTY ROADS & FLOODPLAIN

4. Kat Comeaux spoke briefly about a potential funding opportunity for Road & Bridge. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to allow Road & Bridge staff to apply to the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) program to pursue funds to purchase permitting software and carry out public outreach activities. This would be a \$30K competitive grant with a 25% match. The \$7,500 match (approximately) would come from the floodplain drainage fund. Pre-award funding would be in June 2021, so it would come back to the Court for approval at that time.

Question. Motion carried unanimously.

It is so ordered.

ENVIRONMENTAL HEALTH

5. A motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve authorizing Environmental Health to seek bids for 2021 mosquito control chemicals.
Question. Motion carried unanimously.
It is so ordered.

CONTRACTS, AGREEMENTS, GRANTS & LEASES

6. A motion was made by Commissioner Laubach and seconded by Commissioner Chaney to authorize County Judge signing an Equipment Request Form with Texas Department of Motor Vehicles (TxDMV) to add one additional Registration and Title System (RTS) workstation for County Tax Assessor-Collector. The County currently leases two such RTS workstations for the tax office at cost of \$361/unit/year.
Question. Motion carried unanimously.
It is so ordered.
7. A motion was made by Commissioner Smith and seconded by Commissioner Laubach to **table** authorizing County Judge to sign the Interlocal Agreement with Regional Public Defenders for Capital Cases, a collaborative effort between counties and state to ensure that competent and effective counsel are appointed to represent defendants charged with a capital case where the death penalty is sought at the trial level while also providing counties with budget predictability and stability.
Question. Motion carried unanimously.
It is so ordered.

Commissioner Smith expressed concern that there is no maximum payout and fears that only small counties will be on board with

this risk pool. Commissioners Laubach and Chaney expressed concern in not having the risk pool. We were exposed last year too but now it is papered. Either way, we would still have our insurance.

8. A motion was made by Commissioner Smith and seconded by Commissioner Chaney to authorize the County Judge to sign a professional services contract with prevailing bidder Cobb Fendley in an amount not to exceed \$372,009 to perform a comprehensive evaluation and study for a future fiber optic network.

Question. Motion carried unanimously.

It is so ordered.

Per John Strothman, this was part of the \$53.9 million grant we applied for last year and approved this summer (CBDG-DR 2nd bucket). It is approved and it is a 100% grant (no match).

PLANNING & BUDGET

8. Treasurer Alma Cartwright gave the Court totals from her recently submitted monthly report. A motion was made by Commissioner Laubach and seconded by Commissioner Smith to approve the October 2020 Treasurer's Report.

Question. Motion carried unanimously.

It is so ordered.

9. Judge Mills stated that the responsibility of providing the courthouse falls directly on Commissioners' Court. That's in the Local Government Code 291.001. In this case, it's after a disaster that destroyed the courthouse. In this endeavor, we have brought in experts to do the job who have built courthouses in the past and know what is needed. We discussed the needs with other elected officials and department heads

and we have done an exhaustive examination of what is necessary. So, with that, he gave Robert Henderson the floor. Before Mr. Henderson began, though, Commissioner Laubach added that the hurricane happened three years ago and we've had three years to make this information intelligible to the voters.

Robert Henderson, long-time financial advisor to the County and Managing Director of RBC Capital Markets, assisted by David Mendez of Bickerstaff, Heath, Delgado Acosta LLP, gave a presentation and then led a discussion on a plan for county tax notes.

This was an informational item.

10. Commissioner Laubach spoke on the importance of transparency and involving citizens in the decisions of how their tax dollars are spent. She then made a motion to require 30 days' written notice to the public of the terms of and the parties to any proposed bond issue, tax note, or any other borrowing before bringing such an agreement to a vote of the Commissioners Court at any regular or special meeting, without prejudice to the Court's right to discuss such a potential agreement in the meantime. Her motion died for lack of a second.
12. Commissioner Laubach made a motion to require 30 days' written notice to the public of the terms of and the parties to any proposed tax abatement or agreement under Section 381 of the Texas Local Government Code before bringing such an agreement to a vote of the Commissioners Court at any regular or special meeting, without prejudice to the Court's right to discuss such a potential agreement in the meantime. Her motion was seconded by Commissioner Casterline. However, after some discussion, Commissioners Chaney moved to table the motion until the first

meeting in February and Commissioner Smith seconded his motion. Commissioner Laubach stated that she could bring the motion up sooner and there would be nothing to prevent it from being heard.

Question. Motion to **table** carried on a three-two vote with Chaney, Smith, and Mills voting for and Laubach and Casterline voting against.

It is so ordered.

13. HR Director Linda Doane reported that the Aransas County Elections Commission met last Thursday, November 19, 2020, to interview the County's two candidates - LaVaca County Elections Administrator Gwen Holt and Aransas County Interim Elections Administrator Kevin Stroud - for the open Elections Administrator position vacated by Michele Carew on September 18, 2020. Following their interviews, the candidates were dismissed and the Commission again went into closed session and selected Kevin Stroud as the County's new Elections Administrator, effective November 19, 2020, at a Group/Step 17-4.

This was an informational item.

14. Kevin Stroud and Linda Doane discussed changing the status of a temporary full-time Elections Coordinator position to a full-time permanent position. This position is currently paid through a CARES Act Grant which expires at the end of this month; however, the position is still needed due to an increase in voter registration and mail-in ballots. A motion was made by Commissioner Laubach and seconded by Commissioner Casterline to **table** changing the temporary full-time grant-funded position to a permanent full-time regular county employee position at this time to allow for the collection of

additional information as to why an additional staff member is needed now, since there is not money in the budget for one, and, perhaps, why a temporary hire might be a better option to consider at this time.

Question. Motion carried unanimously.

It is so ordered.

15. Judge Dupnik talked with the Court about changing her part-time Court Clerk position to a full-time Civil Court Clerk position at pay group 11. A motion was made by Commissioner Chaney and seconded by Commissioner Smith to change the part-time position to a full-time position at this time since there is not money in the budget. However, discussion ensued then Commissioner Laubach moved to **table** the request at this time since the money for the position is not in the budget. That motion was seconded by Commissioner Casterline.
- Question. Motion to table carried unanimously.

It is so ordered.

16. Amanda Oster, County Attorney-elect, asked the Court to adjust previously-submitted and approved steps and grades between two of her attorney positions due to the qualifications of the applicants. Commissioner Smith moved to adjust her Senior Attorney position from Group 32 to Group 31 and her Civil Attorney position from Group 31 to Group 33 with no new monies. It was seconded by Commissioner Laubach.
- Question. Motion carried unanimously.

It is so ordered.

17. County Clerk Carrie Arrington asked for approval of her new office structure and redistribution of duties to ensure cross-training of staff and provide opportunities for advancement

within the department. A motion was made by Commissioner Laubach and seconded by Commissioner Chaney to approve the revised job descriptions and pay groups as requested: **Chief Deputy Clerk - Courts & Administration** from Group/ Step 16-4 to Group/Step 17-3; **Deputy County Clerk - Criminal & Civil Courts** from Group 12 to Group 14; **Deputy County Clerk - Probate & Guardianship Courts** from Group 12 to Group 14; **Chief Deputy County Clerk - Vital Statistics & Official Public Records** from Group/Step 16-6 to 17-4; **Senior Deputy County Clerk - Vital Statistics & Official Public Records** from Group/Step 12-2 to 15-1; and **Deputy County Clerk - Vital Statistics & Official Public Records** from Group 12 to Group 14 - no new monies.

Question. Motion carried unanimously.

It is so ordered.

18. County Auditor Jacky Cockerham reported no Budget Line Item transfers or amendments. A motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve (no) Budget Line Item Transfers and Amendments for this period.

Question. Motion carried unanimously.

It is so ordered.

19. Ms. Cockerham also stated that our Accounts Payable and Payroll/Payroll Liabilities were all normal for the period. A motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve Accounts Payable and Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

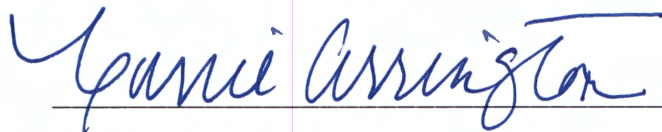
REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS & DEPARTMENT HEADS
WHEREIN NO ACTION WILL BE TAKEN

Judge Mills: I just would like to welcome Jacky back. Jacky, we missed you and we're glad you're back!

No further business presenting, the Court adjourned at 11:25 a.m. on a motion duly made by Commissioner Smith and seconded by Commissioner Chaney.



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



CARRIE ARRINGTON, EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT

