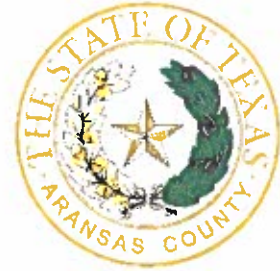


COMMISSIONERS COURT
Aransas County, Texas
Ray A. Garza, County Judge



MINUTES

Aransas County Commissioners Court

9:00 AM – Wednesday, December 27, 2023

The Aransas County Commissioners Court met on Monday, December 27, 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

II. INVOCATION

III. ROLL CALL AND CONFIRMATION OF QUORUM

IV. CITIZENS TO BE HEARD

- Judge Garza read a participation form emailed from Erkan Ozbent, it stated: I have purchased the property located on 1141 Lee Rd., Aransas Pass a year ago. There is a dirt road to my property however neighbor put a gate and lock on it and preventing me going to my property. According to the Rockport Abstract Title which we closed with when I purchased, there is a legal easement but it wasn't recorded at the county. I spoke to an attorney, their fees are huge which I can't afford.

V. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

VI. CONSENT AGENDA.

1. Discuss, approve or disapprove the Minutes from the November 27, 2023 Regular Meeting – Misty Kimbrough/Judge Garza
2. Discuss, approve or disapprove the Minutes from the December 11, 2023 Regular Meeting – Misty Kimbrough/Judge Garza
3. Acknowledge receipt of and record in the minutes of Commissioners Court the 2023 Continuing Education Transcript of Completion and Compliance with Texas Property Tax Code Section 6.23(d) for Anna Marshall, Tax Assessor-Collector – Anna Marshall/Judge Garza
4. Acknowledge receipt of and record in the minutes of Commissioners Court the District Judge's Salary Order for the County Auditor and Auditor staff for Fiscal Year 2024 – Jacky Cockerham/Judge Garza

5. Set Terms for Commissioners Court for 2024 [2nd and 4th Mondays (or Tuesday for Monday holiday) of each month, except for August when court will be held every Monday] – Judge Pro-Tem Casterline/Judge Garza
6. Set terms for Statutory County Court for 2024 (two terms - January to June and July to December) – Judge Bianchi/Judge Pro-Tem Casterline/Judge Garza
7. Set Terms for JP (Justice of the Peace) Courts for 2024 (one month terms beginning the fourth Monday of each month) – Judge Dupnik/Judge McGinnis/Judge Pro-Tem Casterline/Judge Garza

Donations

8. Acknowledge and accept a donation of seven (7) \$10.00 gift cards totaling \$70.00 from Rockport HEB to Aransas Pathways for the Aransas Steering Committee Strategic Meeting in January 2024 – Jennifer Heard/Judge Garza
9. Acknowledge and accept donations from the following:
 - a. Animal Rescue Team with Humane Society of the United States – 8 Purina One bags of food, 8 bags of Pedigree and 7 packs of Purina One wet food, all valued at an estimated amount of \$458.51.
 - b. Deborah Tedder - sweater, blankets, treats and toys estimated at \$150.00.
 - c. Blanche Dean - \$1,000
 - d. Fisher Family - \$500
 - e. Burgee Family - \$50

Caitlan Frazier/Judge Garza

Motion to accept the consent agenda: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
 Ms. Frazier, read the donations for Animal Care
 Judge Garza mentioned the donation from HEB for Aransas Pathways
Vote: Motion carried 5-0: it was so ordered

VII. COUNTY REPORTS, ORDERS, AND RESOLUTIONS

10. Discuss, approve or disapprove the motion to repeal/replace Resolution #R-24-2011 “Resolution to Establish an Aransas Pathways Steering Committee” with Resolution #R-30-2023, “Revised Resolution to Establish Aransas Pathways Steering Committee”; to amend definitions and procedures; to provide for severability; repealer, and to establish an effective date – Commissioner Pat Rousseau

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Rousseau
Discussion followed: Commissioner Casterline – I recommended that we have alternates, but this states that a voting member can name a temporary alternate. I believe whoever appoints should appoint an alternate to start with. It states that an employee of the County cannot vote, so if a Commissioner is on there they cannot vote. We are employees of the County. We might want to alter that a little bit.
 Commissioner Rousseau – that’s a good point. Amanda can we strike that?
 Judge Garza – any another changes?
 Commissioner Dupnik – what are we changing?
 Commissioner Rousseau – which County employees are not allowed to vote

Commissioner Dupnik – I noticed on the revised version we received. I was concerned that the committee handles County money and part of the taxpayer funds are used for the budget. They are subject to the open meetings act but whoever made this correction states that members will be subject to take an online training course for the Open Meetings Act. That’s great, thank you.

Commissioner Casterline – you might want to clarify what that is.

Commissioner Dupnik – it’s the Texas Open Meetings Act Law.

Commissioner Rousseau – what was the first one that was stated.

Commissioner Casterline – I recommended the alternates as it works well for the COG, but I would say if the Judge or whoever appoints the members they should appoint an alternate at the same time.

Commissioner Casterline – in the past committees have not had a quorum.

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

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

11. Discuss, approve or disapprove Resolution #R-31-2023, a Resolution approving an Intergovernmental Cooperative Purchasing Agreement between Aransas County and the Equalis Group enabling the County to participate in the Purchasing Cooperative; authorizing the County Judge to execute all necessary documents; providing for repealer and severability; confirming compliance with the Texas Open Meetings Act; and establishing an effective date – Jacky Cockerham/Judge Garza

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

Discussion followed: Commissioner Rousseau – Pg. 3 the primary contact information, who is the primary contact?

Jacky Cockerham – the Auditor’s office. This is another co-op, we are specifically joining because of the furniture for the courthouse. The company we will be using, uses this co-op.

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

VIII. COUNTY ROADS AND FLOODPLAIN - None

IX. CONTRACTS AND GRANTS

12. Discuss, approve or disapprove entering into a License and Services Agreement with Tyler Technologies, Inc., for Jury Management Software with implementation costs of \$60,690.00, annual SaaS (Software as a Service) fee for year 1 - \$41,655.00, year 2 - \$43,738.00, year 3 - \$45,925.00. To be included is \$2,500 for an initial term of Juror RapidPay Cards. The first year totaling \$102,345.00 will be funded by the American Rescue Act (ARPA) – Jacky Cockerham/Judge Garza

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

Discussion followed: Judge Garza – a correction for the agenda. The agenda states \$102,345.00 the correct amount should be \$104,845.00

Pam Heard – We had Tyler bid for software as a service. They bid it as a server-

based software. So we are here again. This year will be covered by the ARPA grant. The following years it will be \$40,000 to \$45,000 per year. We need the software because we need a more sophisticated system. It will make it easier on the public. The one thing that this Country, not just the State, expects of our citizens is to do jury duty. Whether they can serve or they are excused, or reset, they are required to participate. I think we need to make it as comfortable for them as we can while they are at our courthouse. With that said this program will help a great deal for the lower courts to lessen the number of people who will have to show up. On the day of court we will have the number of people we need. However, the court rooms in the new courthouse are smaller than what we expected. For District Court any of the aggravated offense felonies, we do not have enough room to pick a jury in the new courthouse. We will have to go somewhere else and that decision will have to be made by somebody other than me. We will be there and do the best that we can. In the meantime I didn't want you all to think that this program was going to solve all of the problems. It solves 80% of them.

Commissioner Chaney – what do you mean server based as opposed to what?

Pam Heard – as opposed to us owning the server and everything being through the County. Software as a service meaning it's on the cloud. That's what we asked for but they did not initially bid that. It was discovered during a get to know your representative that is going to get you through uploading and learning your new system. So this bid is more, but its good software. Tyler purchased this from another company and that tells me it is better than what they had.

Commissioner Chaney – do we know anybody using it?

Commissioner Rousseau – is this the same software that the ARPA committee looked at with Georgetown?

Pam Heard – Yes, it was.

Commissioner Rousseau – they were very pleased and gave numerous reasons how it had benefited the court.

Pam Heard – It will save time during court. Currently, people come in they sit in the courtroom and Judge talks about qualifications, disqualifications, and exemptions. Whoever stays after that process we pick up their forms, physically put them in numerical order, then back to the office to make copies, and then type them onto a seating chart. This takes time. The new program will do all of that automatically. As jurors come in they will get their chair, if someone is sick or is excused that is dealt with right then. We won't have that second round of seating. In this Courthouse people have to stand in the hall to get seated, this is horribly disrespectful, but we don't have any other choice here. I want to make it more convenient on the public and also easier on my deputies with a more sophisticated system.

Commissioner Rousseau – page 1, states the effective date is September 5th of 2023, is that date going to be revised?

Pam Heard – I don't know for sure but I'm sure that is just a minor change that can be taken care of.

Commissioner Rousseau – I don't want them thinking we've already received four months of service and the contract's expiring and needs to be renewed and paid.

Pam Heard – we'll make sure.

Alma Cartwright – We added to the agreement \$2,500 for the RapidPay program. When the jurors come in they will have a barcode on their summons, they'll scan that and that will put the card in their name, if they serve the court staff will give the list to the Auditor's office that list gets sent to RapidPay and they activate the cards for the jurors.

Commissioner Rousseau – so the person receives one of these plastic cards, like a credit card.

Alma Cartwright – RapidPay activates them with the amount determined by how many days served. This eliminates the process of the clerk giving my office the list, typing in all of the checks that are going to be written, the Auditors create and sign the checks, then I sign the check and mail it, with the cost of the postage and the envelope. I think it's a good deal. I have talked to several Treasurers over the last year about this program. They like it. I'm not real happy about the price that we ended up with. Originally the price quoted from Heath, he is online, was .95¢ per card. Now the amount is \$1.98 per card up to 1,260 cards and then it goes to \$2.99 per card for the year. It is probably still less than what it costs to write a check. Tyler purchased RapidPay and this is now the amount.

Heath Rosenstein with RapidPay (online) – Costs continue to rise, plastic and paper. We are providing all the resources. I understand, but it's still a very good cost and bundled in with jury system is an extremely efficient package that you are going to be implementing for your county and your jurors.

Commissioner Rousseau – how soon do you think this is coming online?

Pam Heard – I would think at least six months, Collin do you remember what Tyler said?

Collin Jackson – I don't recall the timeline but I think it can be done in six months.

Alma Cartwright – Heath did you tell me we could initiate the RapidPay before the jury program is started?

Heath Rosenstein with RapidPay (online) – Yes, if your office wants to implement the jury pay portion prior to the jury system, we can accommodate that. Some counties wait for the jury system to go live. We can go live I believe in about sixty days.

Within the time frame of the contract being executed we can go live with the payment solution for the jurors within sixty days. Then when the jury system goes live we will sync it together.

Alma Cartwright – if we after a year's time we decide that this is not working for us, can it be pulled from the contract without interrupting the jury system.

Heath Rosenstein with RapidPay (online) – yes, just give a 60-day written notice prior to the contract renewing.

Commissioner Casterline – I think legal should look at that, it will be Tyler we will be dealing with after we get started.

Heath Rosenstein with RapidPay (online) – I will tell you Commissioners, Alma, and Pam, the counties that have been using this solution throughout Texas, none of them have discontinued it. They really enjoy it, the jurors enjoy it, and it's efficient, so thankfully nobody has discontinued that service to pay the jurors through this payment solution.

Alma Cartwright – the only reason I asked that is if I get resistance from the jurors, if they didn't want those cards.

Commissioner Rousseau – I think this is a great idea.

Judge Garza – yes.

Commissioner Rousseau – I’m glad you found it. Because, I know those outstanding checks are also a real nuisance.

Commissioner Casterline – people are used to using “gift” cards, that’s essentially what you’ll have.

Alma Cartwright – Now that we are paying \$20 for the first day and \$58 for additional days, it’s better than having a card with \$6 on it. Heath guaranteed me that after three months if they do not activate the card then the money does come back to our account. If they activate the card and use a portion of it then they follow the Escheating to the State process. I’m not crazy about, am I saying that right?

Heath Rosenstein with RapidPay (online) – Yes that is correct. Texas Statute 61.00 F, states that any jury fund, payment whether check or debit card, if it is not activated/cashed or claimed within 90 days of issue then those funds go back to the county to the fund that Commissioner’s Court designates. We follow that statute.

Alma Cartwright – the donations will never be put on the card, I will process the donations as we normally do.

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

13. Discuss Contract with Public Power Pool (P3) for Electric Power County Judge signed on December 12, 2023 – Jacky Cockerham/Judge Garza

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

Discussion followed: Judge Garza – our current electric contract, they dropped us because we are not big enough. So we had to shop for electric company and got in touch with Public Power Pool, P3. This is a pool of many municipalities, counties, and other entities. We all get together to get a lower rate. We have been working towards this for several months now trying to find and wait for the best, most favorable rate. We got it a couple of weeks ago. Ya’ll gave me permission to sign with them, I went ahead and signed with P3.

Commissioner Chaney – How does the rate compare to what we are paying now?

Jacky Cockerham – it is slightly more but what Mid-America is saying, “ERCOT” (Electric Reliability Council of Texas) is charging more if you less usage the rate goes up. They are not holding with a steady rate. We will probably see a reduction. The rate right now with P3 is 5.7¢. I will have to verify but the main rate with Mid-America is 4.8¢, so it’s not a lot of difference. The Judge did reach back out to Stellar who came back with a 7¢ rate. So the decision was made to go with P3.

Commissioner Casterline – that rate does not include the AEP side

Jacky Cockerham – Yes, sir this includes everything.

Judge Garza – If you remember from our earlier meeting P3 is a non-profit entity.

Commissioner Rousseau – a gentleman came and gave a presentation

Jacky Cockerham – yes on September 25th

Commissioner Rousseau – one of the meters showing is for the Economic Development Workforce Center, Jacky is going to check on this to make sure when we switch over that we’re not paying

Jacky Cockerham – We will remove anything that we are no longer responsible for.

Commissioner Dupnik – This will take effect in June?

Jacky Cockerham - when we take the courthouse and the community building over they will immediately become the provider for those. The rest of them will be June.

Commissioner Chaney – we’ve done an audit on all of the listed meter locations to confirm, we did that a couple of years ago and found a couple that were not in use.

Jacky Cockerham – yes, we have some that are not in use, the airport had several that were not in use anymore, but a few have come back online. We make sure we keep those off or cancel anything that’s not in use.

Commissioner Chaney – about how much do we pay per month in total electric?

Jacky Cockerham – the average is about \$30,000 a month

Commissioner Rousseau- I spoke with Eric Smith this morning because one of the meters is at Tiger Field and he indicated that when we finish that RFP and make a selection that the new persons in charge of that will be taking care over that electric bill.

Jacky Cockerham – yes ma’am.

Judge Garza – there is no vote this was just for discussion

Commissioner Chaney – will we have to bring that back for a vote?

Judge Garza – no you had already given me authority to sign.

Commissioner Rousseau – last September

14. Discuss, approve or disapprove a request to Solicit a Request for Proposals (RFP) for a Disaster Recovery Company to coordinate with the County Sheriff to oversee the recovery efforts in the immediate aftermath of a catastrophic event – Mike Geer/Judge Garza

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

Discussion followed: Commissioner Chaney – this is after something occurs? Like after Harvey?

Commissioner Casterline – this is only for the Sheriff’s Department.

Commissioner Chaney – I understand that but it won’t go into effect until

Judge Garza – until there is a disaster. This is just for the RFP.

Jacky Cockerham – I believe this is the one that we did a couple of years ago, but we did not ever get a contract signed. This is someone who will come in not for immediately after the disaster. This is a contract for someone to come in and assessed building and see what needs to be done due to damages and to help us with FEMA reports and insurance claims.

Commissioner Chaney – is this dealing with the jail?

Jacky Cockerham – no sir, this would be all County facilities.

Commissioner Casterline – the way it is written is kind of confusing.

Jacky Cockerham – I’m not sure where it was written for the Sheriff?

Commissioner Casterline – it gives you that impression when you read the item.

Jacky Cockerham – we can table it or

Commissioner Casterline – I would be surprised if they didn’t need to with Mike Geer or the Judge.

Jacky Cockerham – Yes, that’s exactly who they should be coordinating with or with

the Auditor's office for insurance claims.

Judge Garza – Sheriff, do you have anything on this, were you involved in the first one?

Sheriff Mills – made a statement off mic that could not be understood

Judge Garza – maybe that's a typo?

Commissioner Dupnik – I think it is a typo

Jacky Cockerham – Amanda Oster is saying we need to table it.

Judge Garza – Let's go ahead and table it and get it cleared up.

Move to table: by Commissioner Casterline, motion was seconded by Commissioner Chaney

Judge Garza – got a motion to table

Commissioner Rousseau – the agenda language, said with County staff, not with the County Sheriff.

Commissioner Dupnik – it probably is the Emergency Manager

Judge Garza – it's a typo, will wait for Mike, let's go ahead and table it.

Misty Kimbrough – so we are voting on tabling the item.

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

15. Discuss, approve or disapprove renewing an Interlocal Agreement with San Patricio County for them to provide a Technical Supervisor to inspect and service the County's Intoxilyzer equipment and to be available to testify as a witness if necessary for the cost of \$14,000 for one year, beginning on January 1, 2024 – Sheriff Bill Mills/Judge Garza

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

Discussion followed: Sheriff Mills – this is an annual contract, to maintain that machine. It has to be calibrated and inspected, the log is kept with the machine and we share that cost with San Patricio County. The only thing that came up this year in the discussion was that the City of Fulton and the City of Rockport also uses the machine. So do we need to enter into an Interlocal agreement with the City of Fulton and the City of Rockport as well? Aransas County is funding the burden of the maintenance. DWIs are written by all the agencies.

Commissioner Casterline – how many times a year do you use it?

Sheriff Mills – I couldn't tell you that off the hand.

Commissioner Casterline – a large number?

Sheriff Mills – it's for every DWI that's not done with a blood draw. It's probably in the hundreds. I don't know by agency but all of them use this machine and right now we are splitting this cost with just San Patricio County. It may be with Interlocal agreements that we factor that in to help cover some of this.

Commissioner Rousseau – The exhibits attached were San Patricio's budget sheets. I'm curious because it shows that the share that they were looking to get from Aransas County in 2023 was \$11,885, we allocated \$13,000. So did we pay them \$13,000?

Jacky Cockerham – no ma'am, they bill us and we pay them. I believe we paid them \$11,500, and that is all that we budgeted this year. So we will have to do a budget amendment.

Commissioner Chaney – its probably based on volume isn't it?

Jacky Cockerham – it's based on their cost
 Sheriff Mills – It's a cost deal, because it's an outside individual that does this.
 Commissioner Chaney – do we do more testing than San Patricio?
 Sheriff Mills – I wouldn't think so. I don't know that we've ever called him to court to testify to the accuracy of the machine.
 Amanda Oster – We would only call them in misdemeanors, we don't try a lot of felony DWIs. But for misdemeanor DWIs anytime there's a breath sample used we would have to call the expert in to testify because it's required that we call them in to testify to the accuracy of the machine.
 Sheriff Mills – that drives the cost up more than anything else.
 Commissioner Rousseau – even though we budgeted \$13,000 for this current year, we've paid \$11,500, they (San Patricio County) says \$11,885. So we may not end up spending
 Jacky Cockerham – it's a onetime payment, we do not make payments to them. They bill us at the beginning of the year.
 Commissioner Rousseau – there may be a possibility that they won't bill us \$14,000?
 Commissioner Chaney – it doesn't say up to
 Amanda Oster – They don't just come and testify. They come to the machine in our County and they calibrate the machine on a regular basis to make sure that it still works properly and to maintain it. Even if they never come and testify they have to come on a regular basis.
 Sheriff Mills – it's kept on the log there as well. The officers self-test it before they use it. But they calibrate and validate everything.
 Jacky Cockerham – we will pay what they charge us, it may not be the full \$14,000, but I'm sure they will not bill us more than \$14,000 since that is what is in the contract.
Vote: Motion carried 5-0: it was so ordered

16. Discuss, approve or disapprove Change Order #12 for the Construction Contract between Aransas County and Teal Construction for construction of the new Aransas County Courthouse, resulting in an increase in the contract costs of \$15,660.70 with no changes in the length of the contract and further consisting of the following changes: 1) CPR 64 – Transfer Air Devices on the 2nd Floor – ADD \$1,690.70 with zero impact days 2) CPR 74 – Power over Ethernet (PoE) at Jury Boxes – ADD \$7,315.00 with zero impact days 3) CPR 78 – Water Testing of Windows – ADD \$6,655.00 with zero impact days – Elle Moralez/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Discussion followed: Elle Moralez – This came up during our bi-weekly Courthouse meeting on 12.6.23. 1st: transfer station for air devices on the second floor. We will cut an opening in an existing wall for the request boot transfer from room 207 to 251. Cost of \$1,690 more, no additional impact days. 2nd: The power over Ethernet. We're going to be returning some monitors that were previously purchased and replacing them with POE monitors in order for the power over Ethernet monitors to function properly we needed additional POE switches. They will be required in each

new monitors, 16 that we're going to purchase, for \$7,184. We need a new midspan injector cost of \$2,493.20, the additional labor to install and program the new switches is \$750.00. Shipping and return freight \$700. Subtotal is \$6,650.00 and then a 10% fee from Teal of \$665.00 that brings us to the total of \$7,315.00. We will have four extra monitors that we cannot return but we can use them in a different area of the courthouse.

Commissioner Chaney – We get these all the time. Something like the air transfer device is that a change or did they overlook it.

Elle Morales – it was an overlook.

Commissioner Chaney – We hired an architect to do this, and I realize that is very complicated system, but it's not their first rodeo. We hired a construction manager, not his first rodeo. Then hired someone in the County to overlook, who is no longer here. The \$1,600 alone is not much but when you add it up with everything else that they have missed, it's a sizable amount of money. What I don't understand is are we paying the architect any additional money? Are we having issues that we could get some of this stuff back? I know no project that size can be 100% at the beginning. But it seems like every Commissioner's Court we have \$1,000 here, \$1,500 there, or \$3 or \$5 thousand. They are nickel and dime-ing us to death. I'm getting tired of what they should have done in the beginning. I don't know but I'm sure somebody is keeping track of that but I bet there has been at least \$100,000 in changes. That's a lot of money. Compared to the cost of the total project it's not a lot, but the cost of us paying for it, it's a lot. I'm glad you have taken over that because you are very forward thinking and you understand what this is. I'm tired of paying other people that should have seen this coming. If they have redrawn a print or something that ought to be on them.

Elle Morales – I would agree with you and I have the same sentiment that you have that there's been things that I feel have been overlooked. Now we are finding those and adjusting. I do believe that we have a contingency to take care of some of those additional costs.

Commissioner Chaney – I understand we have a contingency and as far as I know we are still in that. But this is not the project that we thought we were going to get.

Commissioner Dupnik – why are they replacing the monitors?

Elle Morales – maybe Collin can help me out with that.

Collin Jackson – this was an oversight and a disconnect between the subcontractor hired to perform the work and the electrical engineer who laid out the circuits in the building. The subcontractor called for one set of specifications. The electrical contractor didn't include circuits to actually plug the equipment in that AV subcontractor had provided for. So when they go there to install there were not plugs. It would cost more now to try to run conduit and everything else to add those circuits than it would to pull additional low voltage cabling through the existing conduits that are there for the data lines to add power over the Ethernet cables. It was a little bit cheaper this way. By the time they came up with the solution it was too late to return part of the products they had already ordered.

Commissioner Dupnik – spoke but it was not clear

Commissioner Chaney- that brings up another issue. We are going to live or die with

courtroom. We are returning 12 of the 16 monitors, for a credit of \$4,477.20. The I.T. Technology, Wi-Fi, and Bluetooth, and all those other weird words. I'm upset as to why they didn't include our technical staff in everything in the beginning. Collin has time and time again said "they are not letting us get into conversations". It's like kicking a dead horse but I want to say that I'm not pleased with that. I have not been to the courthouse because I need an active elevator to see it. I have asked questions of Collin, the County Clerk, and everybody and they have all had comments that needed to go in but nobody's listening to them. I think that was a problem on our end to coordinate with the people that are actually going to be using the courthouse. I appreciate Judge Garza and his getting actively involved in this as much as he has. A lot of this should have been done before we even turned the first spade of dirt. Judge Garza – the monitors at the jury boxes, this is the less expensive route to go. Rather than adding new wire, that would require busting out sheetrock, paneling, and hardwiring it. We are moving forward. Elle did you hit the water testing?
Elle Moralez – no I haven't.

Commissioner Rousseau – Commissioner Chaney stated that "if staff had been included", staff was included. I know Collin has spoken several time about this. I've been attending these meetings since March or April of this year. I've been disappointed, flabbergasted, but this was a case of in spite of what was on the drawings it was not installed and that's the problem that we have seen time and time again. There were things we had asked for, there were things that were called for on the drawings, not all of them. Some weren't even on the drawings, but this in fact was and was not installed as we had asked for it to be. So now we are having to pay this additional cost of \$15,665.00 and that is significant.

Elle Moralez – yes I would agree. The water testing for the windows, that has always been something that the county was to pay, so this is not one that has been added. The cost is \$6,050.00, and Teal's cost of 10% is \$605.00. So a total of \$ 6,655.00. Once all of the windows and doors are in they will do that water pressure testing. They will test approximately three windows/doors. The front door will be one of those. This could be a few months before this takes place.

Commissioner Dupnik – every window and door will be tested.

Elle Moralez – No. Most likely it will be three. The front door, one arch windows, and a window on the second floor.

Commissioner Dupnik – this shows a completion date of January 31, 2024. Is this a good date or not.

Commissioner Casterline – no way.

Elle Moralez – that is not a good date.

Judge Garza – that's a point of for a different meeting and discussion.

Commissioner Rousseau – if they fail the water test, they will be tested again and it will not be at the cost of the County, we only pay for the initial test.

Elle Moralez – correct. We have zero impact days on this as well. Our proposed completion date is the end of January at this time.

Vote: Motion carried 4-1: Commissioner Dupnik voted Yes, with a comment that there was no choice. Commissioner Rousseau voted NO, it was so ordered

X. PLANNING AND BUDGET

17. Discuss, approve or disapprove November 2023 Treasurer’s Report - Alma Cartwright/Judge Garza

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

Discussion followed: Alma Cartwright – there are several “red” numbers on the sheet, but keep in mind that all of the tax collections that we were collecting are hitting fund 890 Advanced Tax Collections, \$1.7 million. A good portion of that is for the General Fund, Road & Bridge. Those need to be offset and the flood and mosquito. Also, this month we did in the 430 grant fund, it is always in arrears because we pay first then get reimbursed. We did get \$2.9 million this month. We will still be collecting several million in property taxes. So these will end well at the end of the year.

Commissioner Rousseau – the \$2.9 million in the 430 account, did you give any kind of a breakdown?

Alma Cartwright – Jacky do you know what those were for?

Jacky Cockerham – the majority of them are for street projects.

Alma Cartwright – that will offset the \$3.4 in that 430 fund.

Commissioner Dupnik – that explains the deficit from last month and this month?

Alma Cartwright – right, do keep in mind that the physical bank account itself is always covered in the general fund you see in the red, there are always sufficient funds in the bank account to cover everything.

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

18. Discuss, approve or disapprove Fee changes required by Legislative changes to Local Government Code 118 to be effective on January 1, 2024 – Misty Kimbrough/Judge Garza

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

Discussion followed: Misty Kimbrough – note: there are 18 different chapter codes, and 3 different rules that govern our fees for my office. This is complicated, that is my lead into I’m sorry this it was so late getting to you. Many of these fees were changed in the 88th Legislation Session and become effective on 1.1.24. I and my staff did extensive research, talked to other counties for clarity and we have updated our fees to meet those new rules and statutes. Like every other legislative change that has come down in the last few years we are going to be getting less money. For the Official Public Records side it’s going to be a noticeable amount. For the Court’s side I don’t think it will be a noticeable amount.

Commissioner Chaney – so the give us more business to do but they give us less money to do it with.

Misty Kimbrough – absolutely that’s been the standard lately.

Commissioner Dupnik – is that going to effect the budget?

Misty Kimbrough – it’s going to affect my records management and archive funds the most and that is where we pay that Kofile contract. So I’m a little concerned but we do have five years to pay and we are on a four year payoff so we could adjust that

without it hitting our budget. It will just take us an additional year to pay that off. It was built into the contract to give us that flexibility in case something like this happened.

Commissioner Rousseau – I appreciate this information. Even if we didn't get that packet. I appreciate the information you gave us because I went on line and looked up that bill and I'd like to thank Judith Zaffirini from Laredo and co-sponsor Orr and Moody for passing this through that hurt numerous counties.

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

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

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

Discussion followed: none at this time

Commissioner Rousseau – are we anticipating any?

Jacky Cockerham – we will have some probably in the next month and then in March

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

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

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

Discussion followed: Jacky Cockerham – all is normal for Accounts Payable and Payroll/Payroll Liabilities. I want to point out a few unusual different ones.

Our first installment for the Appraisal District 2024 budget \$103,866.30 last year our quarterly payments were \$69,455 that is almost a \$35,000 increase.

Mott McDonald \$22,381.73 HMGP projects for the generators

Engineers for those projects invoices totaled \$887.76

DLF contractor for the Community Building \$498,940.30

Teal for the Courthouse \$324,936.11

ARPA funds we paid TxDOT for our match of the airport lighting \$257,000

Commissioner Chaney – can we get a better copy that we can read. This is very hard to read it is so light.

Jacky Cockerham – we have to set the printer to do it. Incode will not print it any darker. So once we make the copies we may have to make it a little darker.

Commissioner Rousseau – I think he is talking about the payroll

Commissioner Chaney – the payroll, the semi-blank sheet.

Tracy Orr-Smith – I can try to darken that but not much.

Commissioner Chaney – this is a very important part of what we study, but it's worthless if you can't read it.

Jacky Cockerham – we are going to have to darken it up because with Incode that is what we get.

Commissioner Rousseau – DLF that's the contractor for Community Building?

Jacky Cockerham – yes ma'am.

Commissioner Rousseau – could you give us a short summary of how that's going.

There were some issues in the last few months, I'm just wondering if things are better over there?

Elle Moralez – as far as Community Building, I don't know of any real issues going on. The steel is here and is already erected, so we are on track with that project right now. I believe it will be ending at the end of March.

Commissioner Rousseau – it will be complete by the end of March

Elle Moralez – There was a little delay this week with the holidays, there were not a lot of workers out there. Everything else is on track. We are working with Rockport Center of the Arts for the fountain, getting that taken care of.

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

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

- Misty Kimbrough – on Friday, 12.29.23 my office will be closing to the public at noon so we can close out the end of year reports, change the dates on the stamps, and prep everything for 2024.
- Sheriff Mills spoke but I could not hear it clearly
- Jacky Cockerham – back in the summer the Court authorized us to do a survey with Clear Result for our efficiency for the electricity and HVAC. We got notice that we will be receiving an incentive check of \$6,095.00 based on the efficiency for the new Courthouse.
- Judge Garza – Before I took office a wise man told me that he would never want to do this job. It's the hardest job in the County. Jerry Brundrett. He's right. It's not easy but I'm very blessed that I have a great staff, everybody's done such a good job. I'm blessed to have Jacky to consult with her office is doing a great job. I'm blessed with Tracy Orr Smith and Emily Guerrero, they keep me straight and on schedule. The County is blessed to have Renee Butler you are doing such a great job too. Always watching the pennies, David Reid you are doing a great job, Caitlan Frazier with Animal Care, keep it up please. The Commissioners, thank you for the support. Sheriff Mills and Anna Marshall doing a great job. Of course Elle Moralez, she's doing 3 jobs, appreciate that, thank you. It's been a hard year for the County. Before I took office it was great as far as sales tax we had record-breaking year. Record-breaking in food and beverage tax, but it's slowing down. The company I worked for the last couple of years, we built several houses in Rockport. We had about 50-60 workers staying in Rockport, spending money in Rockport, eating out and spending at HEB but we are on a decline. Yesterday someone compared me taking office like a guy who opened a liquor store the day before prohibition began. Next year is going to be tough, really hard. I still want to challenge my directors and elected officials, please watch your budget. This lawsuit is not helping either, no insurance money. If we had that money in the bank right now these change orders would hurt a little less. We don't know if we are going to get anything, just pray and thank you. This is the last meeting of the year.
- Commissioner Rousseau – I worked for the County for several years and came back a Commissioner and I just want to say the message that you sent out on Thursday,

wishing everybody a Merry Christmas and your heartfelt greetings really touched me. I know it touched others. I really appreciate that, I've never received that sort of message before anywhere I worked and I just want to thank you. I think you're doing a great job.

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

- None

XIII. CLOSED SESSION

21. 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
- 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 – Judge Garza

Motion to move into closed session: by Commissioner Rousseau, motion was seconded by Commissioner Chaney
Judge Garza – take a five minute break starting at 10:12 AM
Vote: Motion carried 5-0: it was so ordered
Convened into closed session at 10:17 AM

XIV. OPEN SESSION

22. Reconvene into Open Session

Motion to reconvene into open session: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Vote: Motion carried 5-0: it was so ordered
Convened into open session at 10:39 AM

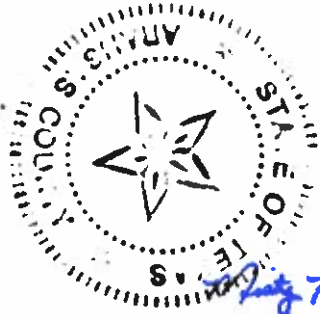
23. Discuss and take action on matters discussed in closed session – Judge Garza

Nothing to discuss

XV. ADJOURNMENT

Motion to adjourn: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Vote: Motion carried 5-0: it was so ordered
Meeting adjourned at 10:40 AM

ARANSAS COUNTY COMMISSIONERS' COURT



Misty Kimbrough

**Misty Kimbrough,
Ex-Officio Clerk of the Commissioners Court**

Ray A. Garza, County Judge

