

**MINUTES OF THE ARANSAS COUNTY COMMISSIONERS' COURT**

**REGULAR MEETING - DECEMBER 28, 2020**

On the 28th day of December, 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; **Kristen Barnebey**, County District Attorney; **Jacky Cockerham**, County Auditor; **Tana Taylor**, First Assistant County Auditor; **Elizabeth Guerra**, HR Assistant; **Judge Richard Bianchi**, County Court at Law Judge; **Gavin Harrison**, Sheriff's Department Lieutenant - Director of Training; **Rhonda Konieczny**, Executive Assistant to the Sheriff; **Collin Jackson**, IT Director; **Jerry Brundrett**, County Surveyor; **David Reid**, County Engineer; **Valerie Gonzalez**, Environmental Health Director; **Mike Geer**, Airport Manager; **Rene Butler**, Facilities Director; **John Strothman**, Project Manager; and **Lori Cesar**, Animal Control Director.

Members of Local City Government, Community Groups and other Interested Parties present in person, via YouTube, or via Zoom, were: **Dawn Ellzey**, Principal, TFP Properties III, LLC; 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; and **Pat Rousseau**, Commissioner-elect, Pct. 3.

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

CONSENT ITEMS

1. Minutes from the December 14, 2020 Regular Meeting.
2. Acknowledge receipt of and record in the minutes of Commissioners Court: 2020-2021 Continuing Education Transcript of Completion and Compliance with *Texas Property Code Section 6.231(d)* for Jeri Cox, Tax Assessor-Collector.
3. Appointment of Rick McLester as Emergency Management Director.
4. Official Bond, Oath, and Power of Attorney for Amanda Oster, County District Attorney.
5. Accept donation of an Aero-Tow "Get-Jet Model 1800" (battery operated aircraft tug valued at approximately \$6,000) from Mike Burris to the County Airport.
6. Terms (Meeting days) set for 2021 Commissioners' Court to be the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month (on Tuesday when Monday is a holiday), except for the month of August when court shall be held each Monday.
7. Two terms set for 2021 Statutory County Court: January to June and July to December.

8. Terms set for 2021 Justice of the Peace Courts: one month terms beginning the fourth Monday of each month.

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

Question. Motion carried unanimously.

It is so ordered.

**CONTRACTS, AGREEMENTS, GRANTS & LEASES**

9. A motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve paying TFP Properties III, LLC \$25,920 as a one-time additional rent payment to cover our pro rata share of the increased cost for 2020 of the building's taxes, insurance, and common area maintenance, and also to increase our 2021 courthouse rent from \$15,840/month to \$18,000/month.

Question. Motion carried unanimously.

It is so ordered.

(Renting an additional 11,222 square feet of space in the center--the old movie theatre space--at a cost of \$9,539/month for six months was also discussed but no action was taken.)

**PLANNING & BUDGET**

10. A motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve the November 2020 Treasurer's Report as submitted by Alma Cartwright.

Question. Motion carried unanimously.

It is so ordered.

11. A motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve authorizing a carryover maximum of 160 hours vacation from the current year 2020 into 2021 for

all county employees due to the March 13, 2020 Presidential declared emergency concerning COVID-19, per the Aransas County Employee Handbook 2B-13.

Question. Motion carried unanimously.

It is so ordered.

12. Carrie Arrington, County Clerk, projected a color-coded 2020 calendar for the court to view charting the lack of opportunity that Chief Deputy County Clerk Gayle Otto actually had to take vacation in 2020. She explained the chart and also talked about Ms. Otto's specific credentialing and department responsibilities. She stated that paying Ms. Otto out for her five (5) remaining "must take" vacation days was the right thing to do and that it would not set a precedent because it was an exceptional circumstance. Pat Rousseau, Commissioner-elect Pct. 3 and the county's former HR Director, then spoke on the item saying that she was initially opposed to it due to the precedent it might set, but that after viewing the chart and understanding why the request was made, she thought there was good rationale to pay Otto for the five days. After further discussion, a motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve paying out five (5) vacation days to Gayle Otto.

Question. Motion carried on a 4 to 1 vote with Commissioner Smith dissenting.

It is so ordered.

13. Acknowledge receipt of and record into the minutes of the Commissioners' Court the District Judge's Appointment Salary Order for the County Auditor and Auditor Staff for Fiscal Year 2021.

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

Question. Motion carried unanimously.

It is so ordered.

15. Ms. Cockerham also stated that our Accounts Payable and Payroll/Payroll Liabilities were all normal for the period. A motion was made by Commissioner Casterline 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:** We have two elected officials here (*referring to Charlie Smith and Kristen Barnebey*) and one that's not here who's retiring (*referring to Jeri Cox*). And for all of them, this is their last Commissioners' Court meeting and I would like to personally thank them for their years of service to Aransas County, and their time and efforts. I appreciate it very much. (*With their applause, the remainder of the court and those present then showed that they concurred with Judge Mills.*)

**Kristen Barnebey:** I know we're at the end so I will endeavor to be brief but I know every lawyer says that at the beginning...

I'm here to say thank you, and I'm here to say congratulations. And, why do I say congratulations? With one notable absence, of course, Betty Stiles--and hopefully she can hear on YouTube--this Court created, supported, and has maintained an AMAZING thing for Aransas County.

Putting me aside, before I even decided to come back to Aransas County, this Court decided that the felonies and the victims of those felonies needed a voice and that the money provided to Aransas County for that voice should be located in Aransas County. Through that, the County District Attorney's Office was born. And, you might say, oh, I'm sitting here and it's beyond that and, we've in the last 6 or 7 years, so many other things. So I wanted to take an opportunity—my mother would always say, Kristen Maree, you do not take the opportunity to enjoy your accomplishments—and so I wanted to say congratulations and mention some things to you.

On behalf of the Aransas County citizens, when there is domestic violence, there is a place for that victim to come. They know that; that is not going away. Lots of people have approached me about the transition and said gloom and doom. But in keeping with our County Surveyor Mr. Brundrett's thought process, the truth is through the Commissioners' Court's actions, this office is institutionalized. It's how it's always been done, right? And, boy, if I know it more than anybody, that's the hill, that's the mountain everybody wants to die on.

If you think about it, now victims have a place to come but also criminal defendants who believe they are wrongfully accused or that law enforcement may have missed something. There's a place for justice in Aransas County.

We also can remember if we go back a little bit that we all discussed that electronic transmission of information might be the wave of the future. Now, every single law enforcement department that sends information into the County District Attorney's Office does it electronically. That's HUGE!

So many amazing accomplishments. When a defendant is arrested and then does not show up for court, the County gets repaid now. That

was not happening before, to the tune of hundreds of thousands of dollars. When a contract comes through, there's a person or persons who sit down and look and save the County money because that employee cares. It's more of a team and that's what I think you're after. Justice and equality and a place for people to come when maybe something went wrong.

You also helped and, together, we addressed a bigger problem. Right? What is the quote in Burt's office? Who will pull the wagon if everybody rides? So, unlike most people, you decided to make change. And, you may not think that but, if you look back historically, after Hurricane Harvey—the worst of the worst—you came forward and provided monies for experts. The City wasn't doing what they were supposed to be doing. Everybody has their own opinions about that. But, you came forward and hired experts after experts just to show, hey guys, there really might be something here, and there was.

And then, of course, Greg Stevens came forward. He's present with us on Zoom. I don't know if he can hear. But, he is a voice for Aransas County. He has the expertise and the knowledge. He teaches other police chiefs all over the state. He knows how to get it done and he is.

So, I heard at one point during all of the painfulness that everybody was dragged through, for whatever reasons, I have my own opinions, that, gosh, Kristen, if you raise the bar, everybody's going to have to raise the bar. So if you start to follow the law—you have to understand there's been thirty years of oppression and misinformation and everything else—everybody's going to have to raise the bar. Currently, you are experiencing that.

I can tell you that the Sheriff's Office is in that turmoil. Not just the elected but the leadership. When I say that, what do I mean?

You currently sit here with an administrator of the jail who is under indictment. You also currently sit here with a Sheriff—and it's in your packet—who said to the world and everybody, after playing political games in February, that he was not wrong about an investigator carrying a gun. I'm here to tell you, ladies and gentlemen, the public information is that the Sheriff is wrong. And the Sheriff's Department. It's there in black and white from the Attorney General. It's also there from TCOLE, Texas Commission on Law Enforcement; which, by the way, is under Sunset Review, has not been granted that whole organization and I would guess that is probably going to have some changes for law enforcement as far as training. Not just all in-house training, right? But maybe some outside training so these types of things are not repeated.

I can tell you I've already been approached to address the Legislature on the good work this Commissioners' Court put together, helped support, maintained and did. So, what else do we have? We also have. You might say, what's the harm in that? And, if you can remember when we talked in the past about the Police Department. What's the harm, Kristen, really, this is really uncomfortable.

What's the harm? Well you also have in your packet, public information that the new District Attorney, County District Attorney, has already fallen prey. She's already said that the law was what the Sheriff said. It's there in black and white. It's public. And, that's just not the case. You also have in front of you, a public email from one of your commissioners who said, 'Hey, you don't have to listen to Kristen. I'll give you whatever you want and I can get it.'



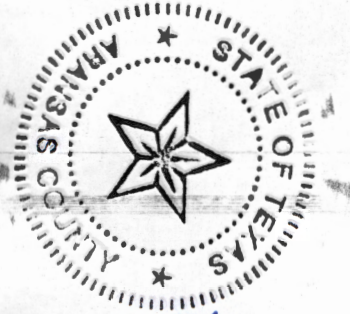
So you might think, oh gosh, well now everything's just, well, you started out positively and now everything's just-gosh-what's the good news? For me, the good news is: you know how to do it, so do it again. You already put your foot out there and said, 'Hey victims of crime, hey defendants, we aren't going to put up with this. And I know when you did it, it wasn't what you thought-but look at what it's turned into. Aransas County is ahead of the game when it comes to requesting law enforcement to have training and more training and follow the law.

If you talk to the Houston District Attorney, Kim Ogg, she says things like, 'Oh, yah, you're that D.A. who stuck her neck out. Everybody knows you're going to lose.' I never saw this as a federal appointment. And, I also never saw this as anything other than doing what the Commissioners' Court wanted-which is providing justice to Aransas County.

There are several opportunities available right now for free to Aransas County-notably the indictments. There are three indictments out there on law enforcement officers right now and the Attorney General's office has volunteered to pick those up for free. Those are the kind of things that can say, hey, we want Aransas County to be okay but we recognize that there are other issues that need to be addressed and we are going to use any and all resources that we can to take care of those.

Thank you. I've appreciated the opportunity.

**No further business presenting, the Court adjourned at 10:22 p.m.** on a motion duly made by Commissioner Casterline and seconded by Commissioner Smith.



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

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

